



COUNTY OF HUMBOLDT

AGENDA ITEM NO.
L-1

For the meeting of May 13, 2014

Date: April 22, 2014

To: Board of Supervisors

From: Kevin Hamblin, Planning and Building Department Director *KH*

Subject: **Appeal of the Planning Commission Approval of the Mateel Community Center Conditional Use Permit and Special Permit Modification and Annual Report Application**
 Case Number CUP 12-017MA and SP-12-020MA
 Assessor's Parcel Number 033-271-005
 Cooks Valley Area

Recommendations

That the Board of Supervisors:

1. Open the public hearing and receive the staff report and public testimony.
2. Based on the findings in the staff report and public testimony, approve the part of the appeal authorizing an increase in attendance levels for the 2014 event, and deny the part of the appeal relating to condition #14 by adopting the Resolution in Attachment A.
3. Direct the Clerk of the Board to give notice of the decision to the project applicant, the applicant's agent, and any other interested party.
4. Direct the Planning and Building Department Planning Division to file a Notice of Determination with the Humboldt County Recorder's Office, pursuant to the California Environmental Quality Act.

Source of Funding: Planning and Building Department, Current Planning Revenue Account Number 1100-277-608000.

Prepared by: _____
Michael Richardson, Senior Planner

CAO Approval *Amy Dase*

REVIEW: Auditor _____ County Counsel *DS* Personnel _____ Risk Manager _____ Other _____

TYPE OF ITEM:

_____ Consent

_____ Departmental

Public Hearing

_____ Other _____

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: _____

BOARD ORDER

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
Upon motion of Supervisor
Seconded by Supervisor

Ayes
Nays
Abstain
Absent

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: _____
By: _____
Kathy Hayes, Clerk of the Board

Discussion

Project Summary

The matter before the Board of Supervisors is an appeal of the Planning Commission's April 3, 2014 conditional approval of the Mateel Conditional Use Permit (CUP) Modification and Special Permit Modification application and of the 2013 Annual Report review.

The project consists of a Conditional Use Permit Modification and Special Permit Modification for the Reggae on the River music festival. The permits allow the festival to be held from Thursday through Sunday during the first weekend of August, 2013 through the first weekend of August, 2017. Amplified music will be provided each night of the event. The applicant proposes to increase the 2014 attendance numbers to 6,500 ticket holders, and 2,500 staff, volunteers, performers, guests, etc. for a total of 9,000 persons. This is an increase of 1,000 persons from the 2013 event. Attendance for the 2014 - 2017 events may allow up to 8,000 ticket holders, and 2,500 staff, volunteers, performers, guests, etc. for a total of 10,500 persons. Up to 4,000 persons may be camping on site during events. Food booths and vendors will be on site during the events.

In addition to the approved off-site parking area on Assessor's Parcel Number (APN) 033-160-013, the Benbow Golf Course parking area (230 cars), off-site parking will be provided at new site #1: the Richardson Grove Family Campground at 750 State Highway 101 (APN 033-271-015) directly west of the event site (200 cars and 42 Recreational Vehicles), new site #2: the Allard property (APN 033-271-014) at 140 Milky Way directly west of the event site (300 cars), and new site #3: the County Line Ranch at 240 Cooks Valley Road APN (033-271-007) directly south of the event site (1,500 vehicles).

Also subject to appeal is the review and approval of the 2013 Annual Report.

Planning Commission Decision

The Humboldt County Planning Commission (Planning Commission) conducted a public hearing on the project and the Annual Report from the 2013 event on April 3, 2014. At that public hearing, the Planning Commission approved staff's recommendation for approval of the modification to the CUP for additional off-site parking; maintained the 2014 attendance level at 8,000; approved the 2013 Annual Report; and added clarifying conditions by adopting Resolution Numbers 14-10 and 14-11 (Attachment C) on a 5/2 vote after review of the staff report, supplemental information, and public comment (Attachment D). The clarifying conditions include river water quality testing, traffic analysis, bridge design and construction, and the completion of a sanitary layout by a licensed professional engineer. The decision to hold attendance levels to 8,000 persons was determined appropriate by the Planning Commission in response to testimony concerning trespass and security concerns of property owners and residents living adjacent to the event site. While largely related to the use of CalTrans right of way as a parking lot to handle an unanticipated overflow parking demand not addressed in the operations plan – a condition that the applicants argue will not re-occur – the Planning Commission chose to take a cautious "wait and see" approach to any increase in attendance numbers for the 2014 event, deferring any increase to the next review cycle when evidence can be presented that parking and security concerns have been satisfactorily addressed.

Basis of Appeal

The basis of the appeal submitted by the Mateel Community Center on April 18, 2014 (Attachment B) is interpreted by staff to be that the Planning Commission erred in their decision in three ways:

- Not allowing an increase in attendance levels is an error because an additional 500 volunteers is necessary for security to cover the new parking areas and campground and the proposed new crosswalk that crosses Highway 101.
- Not allowing an increase in attendance levels is an error because an additional 500 paying visitors are needed for funding of the parking lots, rental/ operation of a new campground at Richardson Grove Family Camp, installation and management of the signalized crosswalk on Hwy 101 and other major infrastructure, such as new leach fields for gray water, additional water storage tanks, and the construction of a rainwater catchment pond.

- Not deleting condition #14 is an error because the condition is no longer necessary based on recent statements from the property owner of County Line Ranch. Condition #14 reads, "If the existing conditional use permit for the Reggae Rising event is activated in 2013 or 2014 on the adjacent property to the south (the Dimmick property – APN 033-271-09), and the Reggae Rising organizers meet all the conditions of approval for holding an event consistent with the approved Conditional Use Permit for that event, this Conditional Use Permit shall be suspended to ensure both events do not occur in the same area at the same time."

The appellant requests that the Planning Commission's action be modified to approve the requested 1,000 person increase in attendance levels (for a total of 9,000 persons in 2014), and that condition #14 be removed. Finally, the appellant requests no changes to the Planning Commission's approval of additional parking sites and approval of the 2013 Annual Report.

Background Information: Planning Commission Staff Report and Deliberations

During the Planning Commission hearings, there was considerable discussion regarding event security, neighborhood relations, trespassing, and the effects of parking during the 2013 event. Three public speakers who own or reside on properties immediately to the south of the project site were unsatisfied with how the event security was organized, with the trespassing that occurred on their properties, and with their inability to communicate with representatives of the Mateel Community Center to address their concerns during the 2013 event.

The applicant responded that much of that distress was the result of the Caltrans right of way immediately south of the project site being unexpectedly used for parking and a lack of cell phone service due to recent fires in the area. To avoid those impacts for the 2014 event, the applicant has included additional parking locations which do not include the Caltrans lot. The applicant expressed that the security and trespassing issues were a result of the use of the Caltrans lot for parking and that these issues will not occur if that location is not used.

In addition, a cell phone tower will be installed, temporarily, in the Piercy area for improved reception which will aid in communication and support immediate response to problems that arise. The applicant stated that fencing will be installed on neighboring lots if requested. Memorandums of Understanding between the applicant and neighbors are currently being drafted in order to reach agreeable terms. In order to offset the costs associated with providing additional parking locations, and in order to provide for additional event security and volunteers, the applicant proposes to increase attendance by 500 paying guests and 500 volunteers and staff, which results in a total increase of 1,000 persons during 2014.

The Commission approved the proposed modification to allow additional off-site parking areas, and approved the Annual Report, while holding attendance levels at 8,000 persons total. Some commissioners commented they would consider an increase in attendance for the 2015 event provided the applicant's mitigation measures to remedy the issues addressed by the Planning Commission and public speakers proved successful during the 2014 event. The Planning Commission did not deliberate or take action on the applicant's request to delete condition #14.

Staff Response to the Concerns Raised in the Appeal

Section 312-13.2 of the County's Zoning Ordinance identifies the appropriate grounds for an appeal:

"...the appellant shall state specifically why the decision of the Hearing Officer is not in accord with the standards and regulations of the zoning ordinances, or why it is believed that there was an error or an abuse of discretion by the Hearing Officer."

The letter of appeal from the applicant indirectly makes the argument that the Planning Commission was in error in not allowing an increase in attendance levels because such an increase will enhance the security at the event. Increased attendance will also help fund capital improvements that are needed to make the event water-neutral in the future, which will reduce the project's impacts to the South Fork Eel River.

The Planning Commission heard public testimony from the three neighbors to the south of the project site who were adversely impacted by the unexpected and unplanned use of the CalTrans lot for parking beginning mid-day Saturday. The use of that area for parking and inadequate security staff levels led to trespass across the Parsons property, which lies directly between the CalTrans lot and the project site. Another neighbor, Keith Bowman, also complained his property to the south of the project site was impacted by trespassers, and there was not sufficient security to mitigate those impacts.

The Planning Commission's decision to hold to the 8,000 person attendance level was largely in response to concerns over inadequacies in the parking plan for the prior year event. The Commission was not convinced that moving the proposed off-site parking to other properties closer to the entrance would fully eliminate all trespass, security and nuisance issues. The Commission relied upon Condition #12 of the permit which states "*when the applicant requests an increase in attendance levels as part of their annual report, the annual report... must include additional focused analysis of the efficacy of the parking plan for the previous year...*" While holding fast to the prior attendance level, the Commission acknowledged the importance of the event to the community and indicated that future increases in event attendance could be supported provided parking and security concerns are satisfactorily addressed.

Staff understands the Planning Commission's reluctance to increase attendance levels after a less than perfect performance during the 2013 event, as well as the appellant's counter arguments that the highlighted deficiencies in parking and security were extra-ordinary and unanticipated and will be rectified by added off-street parking accommodations and better site control as to the efficiency of parking on established sites. If there is merit to the appellant's argument for the bump in attendance in light of the recent parking and security concerns it might be that increased staffing by volunteers, at both the existing and new off-street parking areas and in the form of additional security, is beneficial, and perhaps even necessary. In a similar vein, allowing an increase in ticket sales to offset the cost of securing added off-site parking to ensure the success of the parking plan may be warranted. Of less immediate effect is the increase in ticket sales to facilitate future planned water and sewage infrastructure upgrades. While beneficial, they by themselves do not address the sufficiency of the parking plan or security issues. All factors considered, staff believes a modest increase in event attendance levels may be supported, the extent to be determined by the Board after full consideration of the public testimony.

Staff does not support the applicant's request to delete condition #14. The SEIR for the Reggae on the River event identified potentially significant cumulative impacts if both the Reggae on the River event and Reggae Rising event occurred the same weekend; the Reggae Rising event is allowed on the parcel directly to the south (County Line Ranch) by an approved conditional use permit (CUP-04-38M). Statements from the owners of County Line Ranch that they do not intend to hold the event in 2014 is not sufficient mitigation to reduce the potential cumulative impacts to less than significant levels.

Financial Impact: There will be no effect on the General Fund from this project. The appellant has paid the appeal fee amount, which is annually evaluated by the Department and the Board to ensure it adequately covers the full cost of appeals.

Other Agency Involvement: The Department has referred the project to numerous agencies for comments and recommendations including the CHP and CalTrans. These referrals are included in the Planning Commission staff report in Attachment D.

Alternatives to Staff Recommendations

The Board of Supervisors can choose to deny the entire appeal and uphold the Planning Commission's decision, or the Board could approve an increase in attendance levels that is less than that requested by the applicant (e.g. an 800 person increase). Staff believes all the required findings can be made to approve the project so we do not recommend further consideration of these alternatives. However, if preferred by the Board, staff recommends continuing the matter to a later date to consider a revised resolution and/or revised conditions of approval.

Attachments

Attachment A: Draft Board Resolution
Attachment B: Appeal filed by Mateel Community Center
Attachment C: Resolutions of the Planning Commission, Resolution No. 14-10 & 14-11
Attachment D: Planning Commission Staff Report and Supplemental Information

Attachment A

Board of Supervisors Resolution of Approval

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting on May 13, 2014

RESOLUTION NO. ____-____
RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF HUMBOLDT
CERTIFYING COMPLIANCE WITH THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT
AND APPROVING WITH CONDITIONS THE
MATEEL COMMUNITY CENTER ANNUAL REPORT FOR THE 2013 EVENT, AND THE CONDITIONAL USE PERMIT
AND SPECIAL PERMIT MODIFICATIONS CASE NO.: CUP-12-017M & SP-12-030M; FILE NO.: APN 033-271-005

WHEREAS, the Mateel Community Center submitted an application and evidence in support of approving a Conditional Use Permit and Special Permit for a music festival event in the Cooks Valley area; and

WHEREAS, the Planning and Building Department 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 Division, the lead agency, has prepared an addendum to the Supplemental Environmental Impact Report for the subject proposal in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission staff report in Attachment D includes evidence in support of making all of the required findings for approving CUP-12-017M & SP-12-030M and the Annual Report for the 2013 Event; and

WHEREAS, the Planning Commission held a public hearing on April 3, 2014 during which they considered the addendum to the Final Supplemental Environmental Impact Report and received staff reports, accepted public comment, and deliberated on the proposed Conditional Use Permit and Special Permit Modifications;

WHEREAS, The Planning Commission made the findings in Attachment 2 of the Planning Division staff report for Case Nos.: CUP-12-017M & SP-12-030M based on the submitted evidence;

WHEREAS, The Planning Commission conditionally approved the Conditional Use Permit and Special Permit Modifications as recommended in the Planning Division staff report for Case Nos.: CUP-12-017M & SP-12-030M and the Annual Report, and denied the applicant's request to increase attendance levels by 1,000 persons and denied the request to remove condition #14 regarding the Reggae Rising event;

WHEREAS, On April 4, 2014, the Planning Commission approval was appealed by the applicant;

WHEREAS, Board of Supervisors held a public hearing de novo on May 13, 2014 to consider the project application; and

WHEREAS, Board of Supervisors has considered the issues raised in the appeal, the submitted evidence and testimony, and staff recommendations;

NOW, THEREFORE, be it resolved, determined, and ordered by the Board of Supervisors that:

1. The Board of Supervisors, in conformance with State CEQA Guidelines, considered the addendum in the Planning Commission's staff report (Attachment D of the Board's staff report) which concludes the proposed project, as conditioned, will not have any significant effect on the environment beyond those considered in the certified SEIR (SCH #2012082108).
2. The Board of Supervisors adopts the findings in the Planning Commission staff report for the Mateel Community Center Conditional Use Permit and Special Permit Modifications; Case No. CUP-12-017M & SP-12-030M; (Attachment D).
3. The Board of Supervisors accepts the part of the appeal authorizing an increase in attendance levels by [1,000 persons or number determined appropriate by the Board] for the 2014 event (a total attendance of [9,000 or lower number as determined by the Board] persons, including all guests, staff, and performers).
4. The Board of Supervisors denies the part of the appeal regarding condition #14 related to the Reggae Rising event and leaves condition #14 in place.

Adopted on motion by Supervisor _____, seconded by Supervisor _____ and the following vote:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

STATE OF CALIFORNIA)
) SS.
 County of Humboldt)

I, Kathy Hayes, Clerk of the Board of Supervisors of the County of Humboldt, State of California do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-titled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

In Witness Whereof, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

KATHY HAYES Clerk of the Board of Supervisors of the County of Humboldt, State of California

By: _____
KATHY HAYES

Date: _____, 2014

By _____
Deputy

Attachment B

Appeal filed by the Mateel Community Center



April 18, 2014

Michael Richardson
Humboldt Co. Planning and Building Dept.
3015 H Street
Eureka CA 95501

RE: Appeal of Planning Commission's April 3 Decision Regarding Reggae on the River 2014

Dear Michael,

The Mateel Community Center appreciates the Planning Commission making the required findings for us to hold Reggae On The River 2014, however we are appealing certain elements of their decision to the Board of Supervisors. We would like to request that the Board of Supervisors consider each of the following items:

- 1) Increasing the number of festival volunteers by 500 to a total of 2500 non-paid attendees
- 2) Increasing the number of paid ticket holders by 500 to a total of 6500 paid attendees- and combined total attendance of 9000
- 3) Eliminating Condition No. 14 from the original Conditions of Approval

A summary of information and our reasoning for the request follows.

1. Increasing volunteer attendance by 500: We respectfully request that the Board of Supervisors increase the festival's allowable volunteer numbers by 500 for a total of 2500 non-paid attendees. We feel it is imperative to adequately cover and secure the three new parking areas, camping operation at Richardson Grove Family Camp, and the signalized crosswalk on Hwy 101 that we have added to our plan of operations this year. Extra volunteers will also be used for increased security on neighboring properties and on Hwy 271 in Cook's Valley/ Piercy. It should also be noted that the original volunteer numbers were calculated before compliance with CHP's requirement of adding a day to the event to better stagger the arrival of attendees over two days- which worked very well from a traffic perspective. We feel we demonstrated our ability to safely and successfully produce an event of this magnitude, and now request an additional 500 volunteers to cover the new parking areas, campground, and increased security detail.

2. Increasing the number of paid attendees by 500: Though 2013 presented some challenges- particularly in regards to parking- great effort has been expended to ensure that available parking for the event is sufficient not only to accommodate the requested increase, but also the potential future cap of 10,500 attendees. The addition of these parking lots, rental/ operation of a new campground at Richardson Grove Family Camp, installation and management of the signalized crosswalk on Hwy 101, and other major infrastructure- such as new leach fields for gray water, additional water storage tanks, and the construction of a rainwater catchment pond (part of an unprecedented water-neutrality/ forbearance program)- have added considerably to our production expenses this year. As per our CUP, we based our

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business plan on an anticipated increase to the full allowable numbers of 10,500 this year. Feeling, however, the need to be conservative in our growth, we ask that our request be granted for an additional 500 ticket holders for a total of 6500 paid attendees. These extra paid attendees will not only help offset the considerable increase in event expenses, but will also help keep the festival vital so that it may continue its longstanding role as a major- and much needed- economic boon to Humboldt County.

3. Removal of Condition No.14 from ROTR CUP: We respectfully request that the Board of Supervisors permanently delete Condition Number 14 from the Reggae on The River CUP. This condition currently requires that ROTR be cancelled should the CUP for the long-defunct Reggae Rising (on the former Dimmick Ranch site- now called County Line) be reactivated for an event held on the first week of August. The intent of the condition was to avoid the cumulative impacts potentially caused by two large events occurring simultaneously on adjoining parcels. Thanks to testimony given at the Planning Commission's April 3rd hearing by County Line Ranch spokesperson, Duncan Ley- of Outraged Orangutan LLC, we feel this condition is no longer required. In this testimony, he states that County Line Ranch is "hoping to move their CUP dates away so as not to directly compete with Reggae On The River and to support the Northern Nights Music Festival"- which is slated to occur on the third weekend in July. From this statement and other correspondence, it is clear they have no intention to directly compete or interfere with Reggae On The River or its' traditional first weekend in August dates, and thus no reason to maintain the Condition in our permit. Condition No. 14 creates uncertainty in our future planning efforts, especially in light of the long-term investments we are making. We also begin contracting performers and subcontractors a year in advance and any condition placed on us that could potentially lead to the unforeseen cancelation of ROTR due to the activation of another event on our weekend would create disastrous effects for the festival, Mateel Community Center, local non-profits, and the business community that benefits from it.

We appreciate the Board's time and consideration on all of these items and we look forward to presenting our arguments in greater depth at the appeal hearing on May 13th. Please contact us if questions arise or further information is required.

Respectfully submitted by:

Justin Crellin, Mateel Community Center General Manager

Garth Epling, Mateel Community Center Board President

Katz Boose, Festival Operations Manager

John Jennings, Festival Site Manager

Steve Salzman, P.E., Greenway Partners- Civil Engineering/ Project Management Firm

Attachment C

Resolutions of the Planning Commission
Resolution Numbers 14-10 and 14-11
Minutes of the April 3, 2014 Meeting

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 14-10**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Mateel Community Center, Inc. Reggae on the River Conditional Use Permit and Special Permit modification.

WHEREAS, on January 3, 2013 the Planning Commission approved a Conditional Use Permit and Special Permit to allow the annual Reggae on the River concert events for each year from 2013 – 2017; and

WHEREAS, on January 31, 2013 the applicant submitted a Conditional Use Permit and Special Permit Modification to add three off-site parking areas;

1. The Richardson Grove Family Campground at 750 State Highway 101, APN 033-271-017, directly west of the event site (200 cars and 42 Recreational Vehicles),
2. The Allard property, APN 033-271-014, at 140 Milky Way directly west of the event site (300 cars), and
3. The County Line Ranch at 240 Cooks Valley Road, APN 033-271-007, directly south of the event site (1,500 vehicles); and

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

WHEREAS, the County Planning Commission certified a Final Environmental Impact Report for an earlier version of the project in 1992 (SCH 92-033035); and

WHEREAS, the County Planning Commission certified Final Supplemental Environmental Impact Reports for earlier versions of the project in 2005 and 2008 (SCH 92-033035); and

WHEREAS, the Planning Commission certified a second Final Supplemental Environmental Impact Report (FSEIR) for the project on January 3, 2013 (SCH #2012082108); and

WHEREAS, the project is subject to environmental review pursuant to of the California Environmental Quality Act (CEQA) and an Addendum to the second FSEIR (SCH #2012082108) has been prepared; and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the Conditional Use Permit and Special Permit Modification for the proposed project, Case Numbers CUP-12-017M, SP-12-030M;

NOW, THEREFORE, be it resolved, determined, and ordered by the Planning Commission that:

1. The Planning Commission approves the proposed Addendum to the second FEIR in Attachment 4 as required by Section 15074(b) of the CEQA Guidelines and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment.

2. The Planning Commission further makes the findings in Attachment 2 of the Planning Division staff report for Case Number CUP-12-017M and SP-12-030M based on the submitted evidence and public testimony.
3. The Planning Commission approves the Conditional Use Permit and Special Permit Modification applied for as recommended and conditioned in Attachment 1 for Case Numbers CUP-12-017M, SP-12-030M.

Adopted after review and consideration of all the evidence on April 3, 2014.

The motion was made by Commissioner Edmonds and seconded by Commissioner McKenny.

AYES: Commissioners: Levy, McKenny, Edmonds, Masten, Bongio
NOES: Commissioners: Ulansey, Morris
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION: Motion carried 5/2.



Robert E. Morris, Chair

I, Karynn Merkel, Clerk 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.



Karynn Merkel, Clerk

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 14-11**

Makes the required findings for accepting the 2013 ANNUAL REPORT and sets attendance levels for the 2014 REGGAE ON THE RIVER event.

WHEREAS, on January 3, 2013 the Planning Commission approved a Conditional Use Permit and Special Permit to allow the annual *Reggae on the River* concert events for each year from 2013 – 2017; and

WHEREAS, conditions of approval for the CUP require submittal of a report by December 31st of each year discussing that year's concert; and

WHEREAS, conditions of approval for the CUP require the report include comment letters from the California Highway Patrol, CalTrans and the other agencies commenting on the EIR and reporting on the efficacy of the mitigation measures, identifying any refinements to the mitigation needed for the event the following year, and setting the attendance levels within the range set by the approved Conditional Use Permit, and

WHEREAS, conditions of approval also require explicit Planning Commission approval for requests to increase attendance levels from the previous year; and

WHEREAS, conditions of approval allow the attendance to range from a low of 6,000 ticket sales plus 2,000 personnel (8,000 persons total) to a maximum of 8,000 ticket sales plus 2,500 personnel (10,500 persons total); and

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

WHEREAS, the review of the annual report is not subject to environmental review pursuant to the California Environmental Quality Act (CEQA); environmental review for the project was completed on January 3, 2013 with the certification of a Supplemental Environmental Impact Report (SCH 2012082108); and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the annual report for the Conditional Use Permit and Special Permit;

NOW, THEREFORE, be it resolved, determined, and ordered by the Planning Commission that:

1. The Planning Commission makes the finding in Attachment 2 of the Planning Division staff report for the 2013 Annual Report for CUP-12-017 based on the submitted evidence, and subject to the conditions of approval for the 2013 event with the addition of a condition to require water quality testing of the river, the traffic analysis, bridge design and construction, and layout of sanitary facilities to be done by licensed professional engineer.
2. The Planning Commission sets the maximum attendance level for the 2014 event for Case Number CUP-12-017M at 8,000 total persons. This limit includes all attendees: ticket holders, performers, staff and volunteers.

Adopted after review and consideration of all the evidence on April 3, 2014.

The motion was made by Commissioner Edmonds and seconded by Commissioner McKenny.

AYES: Commissioners: Levy, McKenny, Edmonds, Masten, Bongio
NOES: Commissioners: Ulansey, Morris
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION: Motion carried 5/2.



Robert E. Morris, Chair

I, Karynn Merkel, Clerk 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.



Karynn Merkel, Clerk

HUMBOLDT COUNTY PLANNING COMMISSION

Board of Supervisors' Chamber
County Courthouse, Eureka

Draft Minutes

April 3, 2014

CALL TO ORDER / SALUTE TO FLAG Chair Morris called the meeting to order at 6:02 pm.

COMMISSIONERS PRESENT Ulansey, Levy (arrived late), McKenny, Morris, Edmonds, Masten, Bongio

COMMISSIONERS ABSENT

STAFF PRESENT Kevin Hamblin, Director of Planning and Building Department; Steve Werner, Supervising Planner; Michael Wheeler, Senior Planner; Trevor Estlow, Senior Planner; Steve Lazar, Senior Planner; Davina Smith, Deputy County Counsel; Karynn Merkel, Clerk.

APPROVAL OF MINUTES

PUBLIC COMMENTS

Chair Morris reminded the public of the three-minute time limit for public speakers.

Paul Hagen, Arcata Planning Commission. Announced upcoming event, "Your Voice, Your Future: Climate Change on the North Coast"; sponsored by the State Bar of California; Friday, May 2, 2014; Wharfinger Building. Your Voice series of conferences; unique to environmental section of bar. Calbar.ca.gov/enviro/. Brochure provided to the Commission.

Chuck Ciancio, Cutten resident, submitted two handouts. Concerned that meetings have lost their significance. Looking for funding to get high school kids involved in local environmental projects with farmers, ranchers, and fisheries.

AGENDA MODIFICATIONS

CONSENT AGENDA

1. **MARY HADLEY**, Eureka area; Case Nos. PMS-11-001, SP-11-001; Assessor Parcel Number (APN) 300-201-039. A Parcel Map Subdivision of an approximately 1.3 acre parcel into two parcels of approximately 21,761 square feet and 35,014 square feet. A Special Permit is required for work done to the secondary dwelling unit without the benefit of County review. Pursuant to Section 325-5 of Humboldt County Code, the applicant has requested an exception to the lot frontage requirements to utilize an existing 30 foot right of way.

Action: Accept the Mitigated Negative Declaration, make all of the required findings, based on evidence in the staff report, and approve the Consent Agenda subject to the recommended conditions.

Motion: Commissioner Edmonds

Second: Commissioner Ulansey

Ayes: Commissioners Ulansey, Levy, McKenny, Morris, Edmonds, Masten, Bongio

Nays: Commissioners

Abstain: Commissioners

Absent: Commissioners

Decision: Motion carried 7/0.

CONTINUED PUBLIC HEARINGS

Comments taken first for this (before Hadley).

- 2. **MEDICAL MARIJUANA LAND USE ORDINANCE PHASE II.** Amendments to the Zoning Ordinance and Local Coastal Program (LCP) to regulate the lawful outdoor cultivation of medical marijuana for personal use, on parcels ranging from ½-acre to 5 acres in size. For parcels within this size range, the ordinance would authorize cultivation by qualified patients of up to 5 mature plants with canopy size not exceeding 50 square feet. Outdoor cultivation of medical marijuana on parcels less than 1/2 acre in size would be prohibited. If adopted, this amendment to the Zoning Regulations will create new Humboldt County Code Sections in the Coastal and Inland Zoning Regulations. Because the Coastal Zoning Regulations are an implementation of the Local Coastal Program (LCP), changes to the Coastal Zoning Regulations constitute an amendment to the LCP requiring certification by the California Coastal Commission before they become effective.

Public Comment

Fred Fletcher, lawyer, representing concerned property owners. Concerns regarding denial of due process and equal protection under the law; difficult for law enforcement to control. CBD doesn't get you high; it's an anti-inflammatory for arthritis. Will force individuals who rely on cannabis to bring it indoors. Marijuana photosynthesizes with sun; indoors, lose that benefit; increases carbon footprint.

Susan O'Gorman, Eureka. Supports ordinance. Applied for special use permit for weddings on farm; father's business limited to six weddings on property. Concerned others allowed to grow large amounts of marijuana without taxation. Should be required to get permits, as any other business in county does.

E.B. Duggan, Willow Creek, overcome by residential grows of more than five plants in last 5-10 years. Supports ordinance; wants Commission to take action immediately. Supportive of medical marijuana but not commercial grows.

The Commission discussed with staff when the ordinance would next be on the agenda and a budget for special meetings.

By order of the Chair, Director Hamblin will submit a request for supplemental funds to the Board of Supervisors.

- Action: Motion to continue the Medical Marijuana Land Use Ordinance Phase II to the May 1, 2014 meeting.
- Motion: Commissioner Edmonds
- Second: Commissioner Levy
- Ayes: Commissioners Ulansey, Levy, McKenny, Morris, Edmonds, Masten, Bongio
- Nays: Commissioners
- Abstain: Commissioners
- Absent: Commissioners
- Decision: Motion carried 7/0.

PUBLIC HEARINGS

- 3. **OUTRAGED ORANGUTAN/BLAP PRODUCTIONS - NORTHERN NIGHTS MUSIC FESTIVAL,** Cooks Valley area; Case No. MON-14-002; Assessor Parcel Numbers (APNs) 033-271-007, 033-271-005, 033-271-009. This project is a substantial conformance review of CUP-04-38MMM solely for use of a portion of the site for auxiliary parking for a three-day outdoor music and art

event known as "Northern Nights Music Festival" (NNMF) to be held in Mendocino County from Thursday, July 17, 2014 through Monday, July 21, 2014.

Emily Benvie, Planner, provided the staff report and Emily Benvie and Steve Werner, Supervising Planner, responded to questions from the Commission.

Public Comment

Duncan Ley, one of Outraged Orangutan partners in Garberville. This year they are requesting use for parking only; more in-depth process for permit to have people camp and live music.

Dr. Peter Huson, co-director of Northern Nights Music Festival. Working closely with Mendocino and Humboldt County officials and worked closely with Mendocino County officials last year. Loop parking lot will smooth traffic flow; use that parking lot last. Will use port-a-potties if needed for that parking.

Chuck Ciancio, concerned about blitzing a half mile of watershed and whether they provided an EIR.

Charles Kirk, Captain with Piercy Fire, worked on Redwood Run, Reggae on the River, Northern Nights. Extremely impressed with how Northern Nights ran event last year; minimal impact on the river bar.

Jesse Parsons, local resident. Totally satisfied with the event last year.

Commission Deliberation

The Commission discussed with staff and counsel and the applicant: traffic analysis by a registered traffic engineer; provision of adequate sanitation facilities on the Humboldt County line, particularly near the river; at least one fire extinguisher at the sanitation facilities.

Action: Make all of the required findings, based on evidence in the staff report and public testimony, and find that the project proposed by Outraged Orangutan LLC/Blap Productions can be considered to Substantially Conform to the use permit, subject to the clarifying conditions: traffic analysis by a registered engineer to ensure the auxiliary parking is in conformance; provision of adequate sanitation facilities; at least one fire extinguisher at the sanitation facilities.

Motion: Commissioner McKenny
 Second: Commissioner Ulansey
 Ayes: Commissioners Ulansey, Levy, McKenny, Morris, Edmonds, Masten, Bongio
 Nays: Commissioners
 Abstain: Commissioners
 Absent: Commissioners
 Decision: Motion carried 7/0.

4. **MATEEL COMMUNITY CENTER - REGGAE ON THE RIVER**, Cooks Valley area; Case Nos. CUP-12-017M, SP-12-030M (filed 03/27/2012); Assessor Parcel Numbers (APNS) 033-271-005, 033-160-013, 033-271-007, 033-271-014, 033-271-015. Review the Annual Report for the 2013 event and consider a modification to the approved Conditional Use Permit for the "Reggae on the River" music festival to add three off-site parking areas. The applicant is proposing an increase in attendance by a total of 1,000 persons above the 8,000 persons allowed at last year's event. The event will be held from Thursday through Sunday over the first weekend of August, 2014.

Michael Richardson, Senior Planner, provided the staff report and Michael Richardson and Steve Werner, Supervising Planner, responded to questions from the Commission.

Steve Salzman, Greenway Partners, (consultant for the applicant), handles permits and a lot of the engineering. 2013 event encountered no major traffic problems except for parking; have identified five lots that can be used. Only asking for 1,000 attendee increase; 500 will be staff volunteers. Number of improvements include new leach fields, since now provide showers at site. Mateel Community Center is modifying 1600 permit for grading, and 401 permit (regional board when working on river bed); and working with all regulatory agencies that have jurisdiction over this project.

Pulled back on request for 700,000 gallons of water. CUP approved in 2013 encouraged not to use well after May 15, 2013 but no restriction until 2014; asked that a water meter be installed to monitor use. No violation; no one knew how much water would be needed. Will not draw water from the well this year; will use 96,000 gallons from storage. Plan to construct a pond to collect and store rainwater to supply water in the future.

Biggest issue at this point is 2013 Condition of Approval number 14. Hard for Mateel to plan an event of this magnitude if someone else, e.g., County Line Ranch, starts permit back up and kills their event. Mateel's general manager working with Outraged Orangutan so they don't encroach on first weekend in August; Northern Nights/Outraged Orangutan not planning to push their event or parking for other events into that weekend. Requested the Commission to cancel that condition.

Kathryn (Kats) Boose, event organizer. To solve problem with residents receiving event tickets, they're now on a guest list and will receive a wristband. Problems in communication and security partially caused because blow out of cell towers (fire in Oregon last summer). Working closely with Radio Shack to make sure there are cellphone tower onsite this year. Last year there were 6 phone lines; confident that they will have cellphone reception this year. There will be three phone numbers Piercy residents can use to contact staff this year.

Fire crews will be provided with t-shirts so they are recognizable as part of fire crew; meals will be provided; toilet facilities will be available. All locations will have fire extinguishers.

John Jennings, site manager. agreeable to putting toilets in all parking lots and on river bar. Site hadn't been used in five years when they went in there last year. They used a lot of water last year because had to keep flushing the water system to get rid of algae; most of water went back into ground. Will inspect cars for visible fluid leaks when enter loop parking lot. Those vehicles will exit lot at a different place and be sent to outside parking lot.

Charles Kirk, Captain with Piercy Fire. Piercy Fire not in overall charge for Mateel. Tim Olson, Briceland Fire, handled fire security last year. Multiple agencies onsite; very well handled. Piercy Fire will be involved in meetings to prepare for the event. CDF will provide backup, if needed.

Public Comment

Keith Bowman, Grandfather Tree business owner. Submitted letter. Is in support of the event but has simple issues that need to be solved. Traffic problem is main issue; new plan has relieved that somewhat. Second, asking again to have port-a-potties next to his business moved; impacted with flies because not cleaned for two weeks after the event. Third, no security on County Line Ranch or on his property; he provided his own security on that site so people couldn't come south onto his property.

Jesse Parsons, property owner. Security was a factor last year; his property overrun. Security poor at best; fencing not put up till Saturday. Need trash sanitation; toilets; water station with drinkable water; disposal of waste from horses and port-a-potties. Wants event to go on but with concerns addressed.

Season George, Jesse Parson's tenant, worked as staff member for Mateel. Issues with security and property damage. Security allowed to drink on their shift; made to feel unsafe in her own home. Belittled by Kats when asked for a parking pass. Better communication needed.

Commission Deliberation

The Commission discussed with staff, counsel, and the applicant: water sources and water usage; dust suppression; security changes from last year to this year, including training for security; parking lot security; protecting residents' property, including fencing; and monitoring drinking by security volunteers; sanitation facilities, including trash disposal; communication; fire security; requested increase in attendance. Various components need to be reviewed and approved by licensed engineers: ticketing design that analyses how many people will be there; inspection of bridge design and construction; garbage and other sanitation.

Steve Salzman noted that Public health thought the sanitary facilities and trash receptacles below the Grandfather Tree were well positioned and maintained; there were no fly problems.

Justin Cohen, General Manager of Mateel Community Center. Increase in attendance would be for 500 volunteers and crew and 500 paid attendees. Didn't have enough crew last year or enough offsite parking lots. Had scaled back from previous incarnations of the event. Discovered a need for additional offsite parking lots. 500 additional attendees meant to offset the cost of acquiring additional lots.

Action: Approve staff's recommendation as to approval of the modification to the CUP for additional off-site parking and acceptance of the 2013 monitoring report; maintain the 2014 attendance level at 8,000; clarifying conditions regarding testing water quality of the river, traffic analysis, bridge design and construction, and sanitary layout to be done by licensed professional engineer.

- Motion: Commissioner Edmonds
- Second: Commissioner McKenny
- Ayes: Commissioners Levy, McKenny, Edmonds, Masten, Bongio
- Nays: Commissioners Ulansey, Morris
- Abstain: Commissioners
- Absent: Commissioners
- Decision: Motion carried 5/2.

CORRESPONDENCE None
OLD BUSINESS None
NEW BUSINESS None

ADJOURNMENT Chair Morris adjourned the meeting at 9:24 pm.

NEXT MEETINGS

May 1, 2014	6:00 pm	Regular Permits Meeting
June 5, 2014	6:00 pm	Regular Permits Meeting
July 3 <u>or</u> July 10, 2014	6:00 pm	Regular Permits Meeting