

Humboldt County Fair Association Use Permit Modification

Record Number: PLN-2021-17651

Assessor's Parcel Numbers: 100-181-003, 030-071-001, 030-011-003,
030-021-003, 030-112-017, 030-112-020, 030-081-006

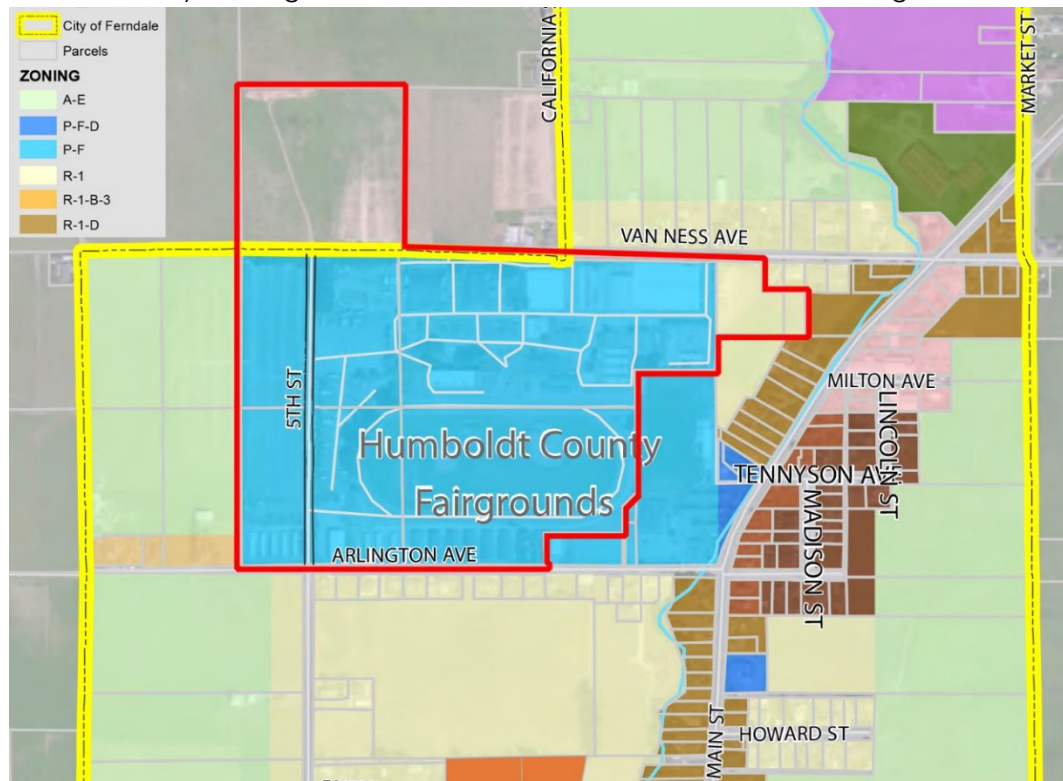
Recommended Planning Commission Action

1. Describe the application as a public hearing;
2. Request that staff present the project;
3. Open the public hearing and receive testimony; and
4. Close the hearing and take the following action:

*Find that the Planning Commission has considered the Supplemental Mitigated Negative Declaration to the previously adopted Initial Study and Mitigated Negative Declaration prepared for the project, as described by Section § 15164 of the State CEQA Guidelines, make all of the required findings for approval of the modification of the Conditional Use Permit and adopt the Resolution approving the **Humboldt County Fair Association** Conditional Use Permit Modification as recommended by staff and subject to the recommended changes and additions to the conditions of approval, mitigation measures, and Mitigation Monitoring and Reporting Program..*

Executive Summary: The Humboldt County Fair Association (HCFA) are seeking to modify an approved Conditional Use Permit which allows five (5) concerts and two (2) motorcycle racing events to be held each year at the Humboldt County Fairgrounds. The approved permit places limitations on event-related noise levels, including a 63-decibel limit on composite noise measured by averaging noise readings collected during a 24-hour period surrounding each event, as well as a 90-decibel instantaneous noise limit applied to all motorcycles participating in racing events. In their modification request, HCFA is seeking authorization to raise the 90-decibel motorcycle noise limit to 99 decibels to be consistent with common national testing standards for competition established by the American Motorcyclist Association (AMA).

The majority of the Fairgrounds complex is located within the city limits of Ferndale, including the dirt racetrack, grandstands, and primary parking areas used during events. Zoning and Land Use information for the City of Ferndale reveal that the site is planned and zoned "Public Facility". Principally permitted uses within the "Public Facility" zoning district include "Auditoriums" and "Public Fairgrounds and related uses".



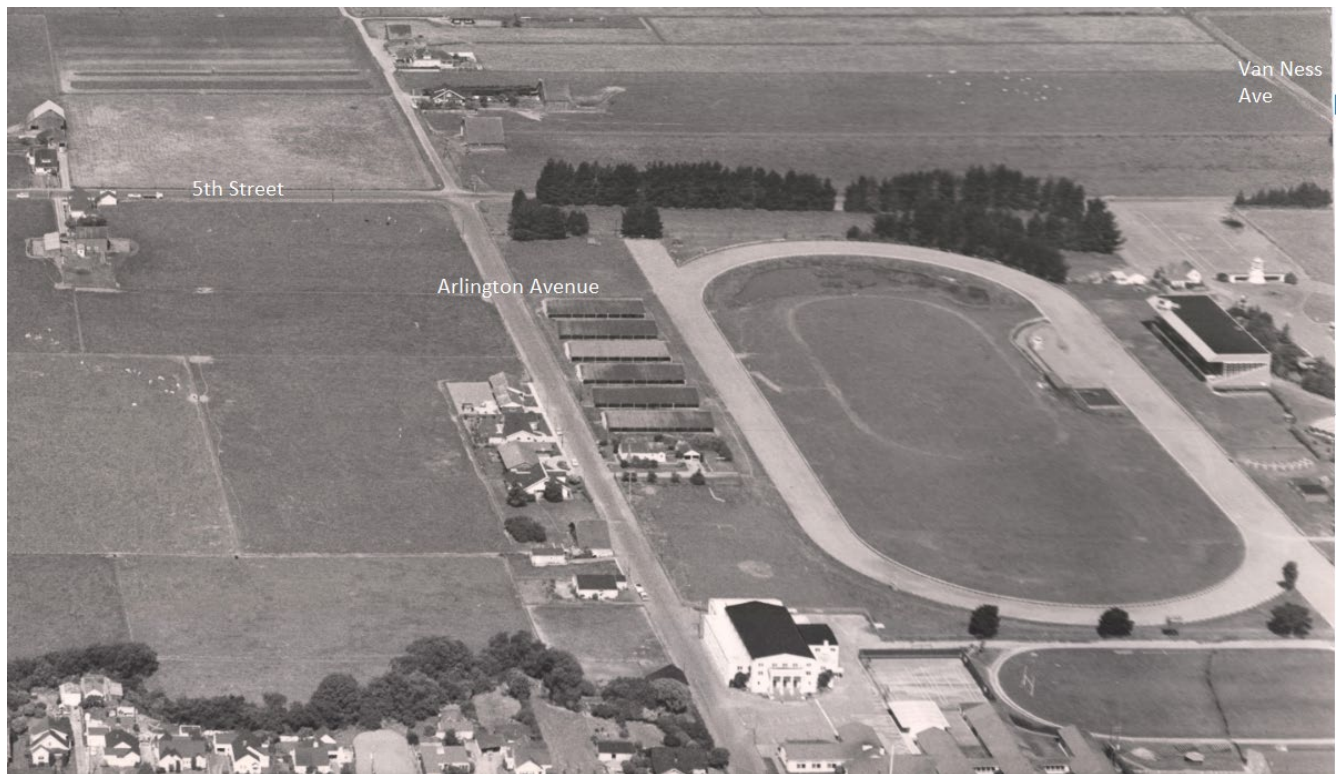
Ferndale Zoning
Map excerpt
(Fairgrounds
outlined in red)

Though it is customary that city and county-owned properties need not comply with local land use regulations, counties and cities are free to apply and enforce their own rules to these lands. For these reasons, a Conditional Use Permit was previously processed to provide a forum for public review and discussion of the new concert and motorsports activities proposed. The requested permit modification is being handled in the same fashion. The Humboldt County General Plan and Zoning Regulations are being used as the basis for review of the project. Under Humboldt County Code, to approve a Conditional Use Permit or permit modification, a project must conform with the General Plan and be consistent with the purposes of the zone in which it is located. It must also be determined that the use proposed conforms with applicable standards and can be operated in a way that it *"will not be detrimental to the public health, safety, and welfare or materially injurious to properties or improvements in the vicinity"*.

The project proposal involves permission to conduct land uses that are ultimately consistent with the planned purpose and historic use of the site. The first "fair" held in Ferndale occurred on October 12, 1870 and the fairgrounds site has been host to the annual Humboldt County Fair since 1922. Concerts and Motorsports events at the Fairgrounds are not without historic precedent—live outdoor concert events have occurred on at least nine (9) separate occasions during the last twenty-five (25) years. Newspaper information from both the Ferndale Enterprise and Humboldt Standard reveals the racetrack at the County Fairgrounds has been used for automotive racing events as far back as 1947 and 1954. The concert and motorsports uses represent a modest change in the current environmental baseline for the site, both in terms of the number of events held annually, timing of events, and types of events.

Surrounding Land Uses

A mixture of residential and agricultural uses is found within the vicinity of the Fairgrounds complex. Lands immediately west and northwest of the fairgrounds are primarily agriculturally zoned parcels between 5 and 40 acres in size. The closest residential uses are situated along the south side of Arlington Avenue and the north side of Van Ness Avenue. Along Arlington Avenue, most homes are of a more recent vintage (only 2 homes appear in an aerial photograph from 1948). On Main Street, 5th Street, and Van Ness one finds more of a mixture of older homes along with newer post-war development.



Swanlund oblique aerial photo taken between May-June 1972

Prior Permitting

The Conditional Use Permit was previously approved by the Planning Commission on September 17, 2020. However, a timely appeal was filed by the group "Friends of Ferndale for a Livable Community" and the matter was presented to the Humboldt County Board of Supervisors at their meeting held on November 10, 2020. During the meeting the Board voted to deny the appeal and uphold the Planning Commission's approval of the permit. Under the approved permit, each "event" occurs within the course of a single day, and concerts cannot last longer than 2 consecutive days. An additional day of racing can be allowed if all the racing on that day is by electrical motorcycles, but in no case can the total amount of motorcycle racing exceed 4 days per year. Other types of motorsports events are prohibited, including (but not limited to): Tractor Pulls, 4x4 Trucks, Go Carts, and Monster Trucks.

CEQA

The requested modification to the permit is subject to review for compliance with the California Environmental Quality Act ("CEQA"). A Mitigated Negative Declaration was previously prepared and circulated in conjunction with processing of the Conditional Use Permit request. The principle environmental impacts from the project surround the potential noise generated during these temporary events. The Initial Study and Mitigated Negative Declaration was adopted by the Board of Supervisors during approval of the project (SCH #20200070478). Because the modification involves changes to mitigation measures included in the adopted MND, a Supplemental Mitigated Negative Declaration (SCH# 2022040045) has been prepared.

While raising the individual motorcycle noise limit from 90 to 99 decibels will result in a considerable increase in event-related noise, the increase is necessary to enable the project objectives to be achieved while ensuring the related mitigation measures are feasible. The increase in event-related noise will not cause the project to exceed the applicable local threshold of significance, as the compatibility standards of the Noise Element include explicit exceptions for scenarios where noise is generated on a temporary and infrequent basis, such as temporary events.

Local Noise Standards

The Noise Element of the 2017 Humboldt County General Plan has been utilized for evaluating potential noise impacts from the project. The Noise Element includes an inventory of prominent noise sources and identifies the County Fairgrounds as a stationary noise source for the Ferndale Community. The Noise Element contains compatibility standards for both long-term and short-term noise sources, as well as exceptions. The short-term noise standards establish a series of limits for daytime and nighttime noise based on zoning, with exceptions provided for certain land uses where noise limit exceedances are expectable. Excepted activities include: operation of portable generators during emergencies, use of chainsaws, landscaping equipment, power tools, heavy equipment, emergency vehicles, and **"temporary events in conformance with an approved Conditional Use Permit"**.

The language of the exception to short-term noise limits is similar to provisions found in the 2016 Final Draft of the City of Ferndale Noise Element which call for application of "appropriate average and short-term noise level standards during the permit review process and during subsequent monitoring to minimize stationary noise sources and noise emanating from temporary activities."

Noise Study

In 2020, A Noise Impact Study and Addendum were prepared for the project by Whitchurch Engineering. Together they provide an investigation and analysis of anticipated noise from motorcycle racing events and open-air concerts. Project-related noise was assessed using the Community Noise Equivalent Level (CNEL) standard which considers average sound levels during a 24-hour period, applying weighting to noise occurring after 7pm. The results were then used as the basis for evaluating the potential noise-related impacts of the project. In a letter dated July 13, 2021, Whitchurch Engineering assert that if a 100-decibel limit is applied to motorcycle noise measured at the tailpipe, noise from racing events would remain below the 63-decibel limit set within the Conditional Use Permit. The Whitchurch Noise Impact Study, Addendum, and July 13th letter and calculations are all included in the Appendices to the IS/MND and Supplemental MND.

Noise Mitigation Measures

To help reduce noise levels experienced in neighboring areas, staff is recommending project approval be made conditional upon implementing a number of mitigation measures. Principal measures include: constructing a dense straw bale sound wall near the rear of the stage during concerts, applying an noise limit to participating racers, and establishing a maximum CNEL of 63 decibels for motorcycle racing and 73 decibels for concerts. The CNEL limits were established using calculations provided in the Noise Study.

Other measures include use of a sound engineer during all concert events, requiring each motorcycle be tested for noise before being authorized to participate in a race, continuous monitoring/recording of actual noise levels during events, use of dust suppressants during windy conditions, and annual submittal of a report detailing event specific noise measurements and adaptive management measures performed to ensure noise from motorcycle racing and concert events did not exceed permit-specific CNEL noise thresholds (63 and 73 decibels, respectively).

To help further reduce event-related noise, HCFA is now proposing: 1. creation of two (2) sound barriers during racing events, fashioned by temporarily placing tractor trailers or strawbales (or some combination thereof) adjacent to motorcycle acceleration zones; and 2. acoustic treatment of the internal wall of the grandstands using specialized materials designed to decrease reverberation. Implementation of these measures have been included in the recommended Conditions of Approval (COA #17 & COA #18).

Noise Analysis & Discussion

Given the limited number of events proposed and particular venue characteristics that are needed to host events of this sort, the project is a good candidate for use of the exception to the general plan short-term noise standards. The fairgrounds have a well-established record of hosting various types of public events, including but not limited to the Humboldt County Fair. Feasible mitigation measures have been incorporated within the recommended conditions of approval and will significantly reduce event-related noise levels. Monitoring and reporting requirements included will enable evaluation and verification of mitigation effectiveness and provide for adaptive management to ensure long-term compliance with CNEL noise limits established by the Use Permit.

Public Comments Received

A number of public comments have already been received in response to public notice provided. Comments thus far received are compiled and included as part of Attachment 7. While many comments are in support of the project, comments have also been received from a number of Ferndale residents expressing concern or opposition to raising the noise limit for motorcycle racing. Many also express general concern about event-related noise being disruptive to neighboring residential uses and suggest that an EIR should be prepared.

With respect to whether an EIR should be prepared for the project, the principal environmental impacts all surround event-related noise. As outlined above, local noise thresholds in the County General Plan allow exceptions for noise sources associated with temporary events in conformance with an approved Conditional Use Permit. While event-related noise may not be considered a significant environmental impact given the exception provided within the local threshold, the Commission may still find that potential noise from events could be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the area. If so, the Commission has the latitude to add, delete, or modify conditions to help further lessen potential noise impacts.

Summary

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been addressed within the Supplemental Mitigated Negative Declaration prepared for consideration by the Planning Commission. Staff recommends that the Commission describe the application as a public hearing, request that staff present the project, open the public hearing and receive testimony, make all the required findings for approval of the Conditional Use Permit modification, and adopt the Resolution adopting the Supplemental Mitigated Negative Declaration prepared for the project and approving the modification subject to the recommended conditions, revised mitigation measures, and updated Mitigation Monitoring & Reporting Program.

ALTERNATIVES: Several alternatives may be considered: 1) The Planning Commission could elect to add or delete conditions of approval; 2) The Planning Commission could deny approval of the requested permits if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.