



Hearing Date: May 19, 2022

To: Humboldt County Planning Commission

From: John H. Ford, Director of Planning and Building Department

Subject: **Humboldt County Fair Association**
Conditional Use Permit Modification
Record Number: PLN-2021-17561
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
1250 5th Street, Ferndale Area

Please contact Steven Lazar, Senior Planner, at (707)268-3741 or by email at slazar@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
May 19, 2022	Modification of Conditional Use Permit	Steven Lazar

Project Description: Humboldt County Fair Association (HCFA) is seeking to modify a Conditional Use Permit which authorizes 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). Analysis of the proposal's effect on composite noise levels has been performed by Whitchurch Engineering and has determined that composite noise will remain at or below the 63-decibel limit, even with the requested increase. To help 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 special materials designed to decrease reverberation. 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. As Lead Agency, the Humboldt County Planning and Building Department has prepared and circulated for public review a draft Supplemental Mitigated Negative Declaration for the project.

Project Location: The project site is located in Ferndale, on the east side of 5th street between Van Ness and Arlington Ave., on the property known as 1250 5th Street. The majority of the Fairgrounds is within Ferndale city limits and outside of the Coastal Zone, including the dirt racetrack, grandstands, and primary parking areas used during events.

Present Plan Land Use Designation: P-F (Public Facility) – City of Ferndale

Present Zoning: P-F (Public Facility) – City of Ferndale

Record Number: PLN-2021-17561

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

Applicant

Humboldt County Fair Association
Rich Scilacci
1250 5th Street
Ferndale, CA 95536

Owner

County of Humboldt

Agent

Whitchurch Engineering
Jeff Laikam
610 9th Street
Fortuna, CA 95540

Environmental Review: Project requires Environmental Review. A Supplemental Mitigated Negative Declaration (SCH# 2022040045) has been prepared for the proposed permit modification. An earlier Initial Study and Mitigated Negative Declaration was adopted by the Board of Supervisors on November 10, 2020 (SCH #20200070478).

State Appeal Status: The project is not located within the Coastal Zone

Major Issues: Noise

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

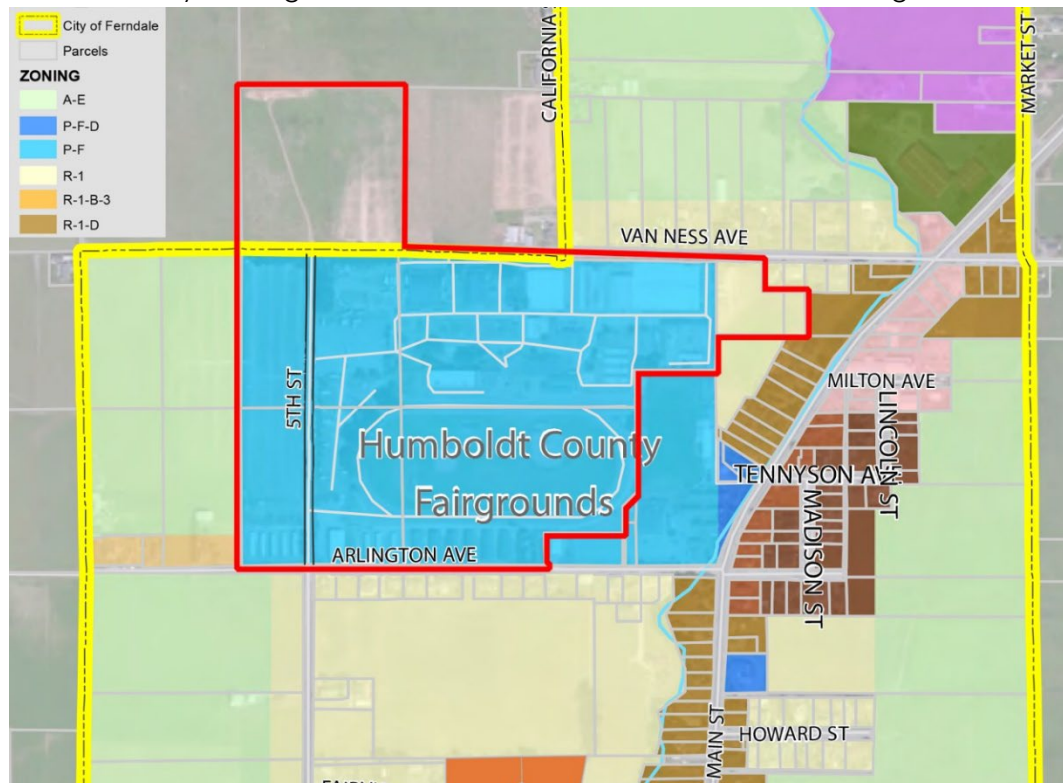
Recommended Planning Commission Action

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".



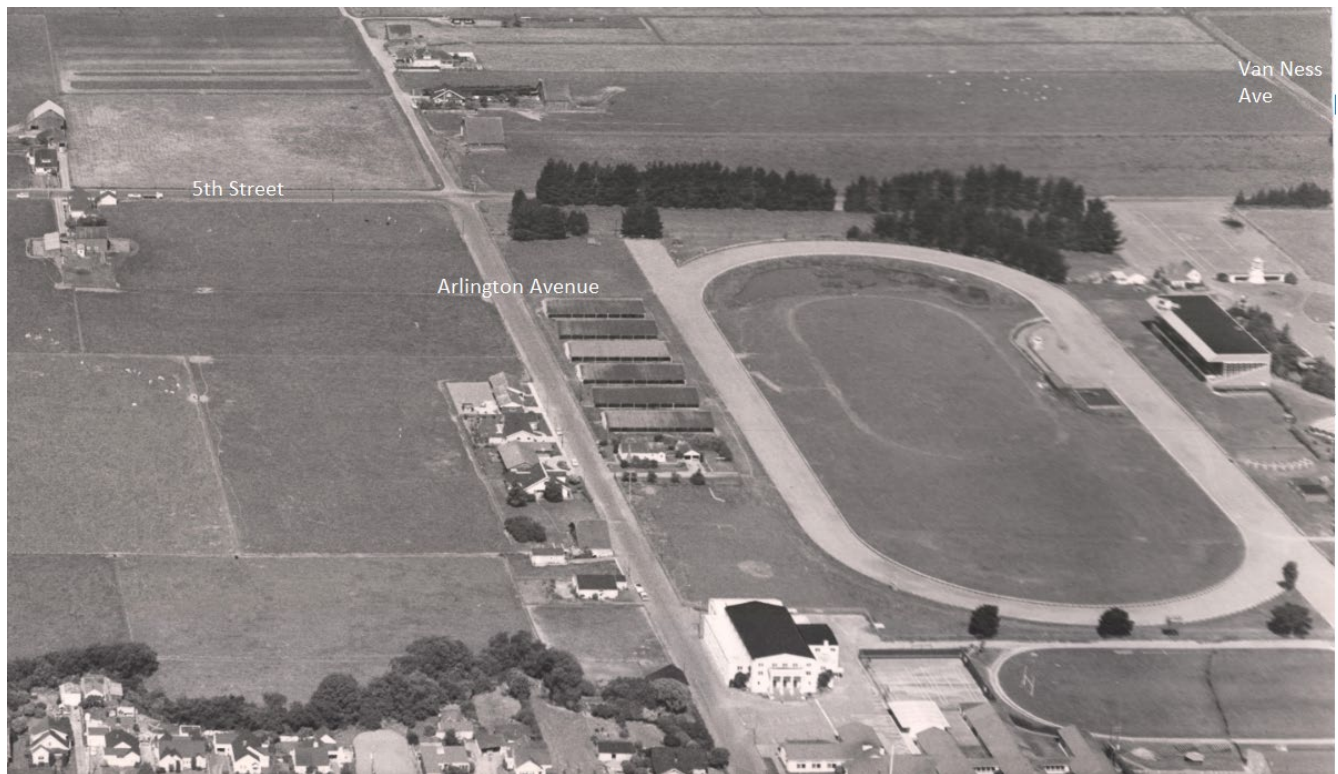
Ferndale Zoning
Map excerpt
(Fairgrounds
outlined in red)

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.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 22-**

Record Number PLN-2021-17561

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

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally authorizes the modifications to the approved Use Permit requested by Humboldt County Fair Association.

WHEREAS, the Humboldt County Fair Association, sought to amend their lease with provisions for additional events at the Fairgrounds including concerts and motorsports events outside of the annual Humboldt County Fair.

WHEREAS, on April 8, 2019 an application for a Conditional Use Permit (PLN-2019-15519) was filed by the Humboldt County Fair Association (HCFA) with the Humboldt County Planning and Building Department, requesting authorization to hold ten (10) concerts and four (4) motorcycle racing events annually at the Humboldt County Fairgrounds; located on APN's 100-181-003, 030-071- 001, 030-011-003, 030-021-003, 030-112-017,030-112-020, 030-081-006; and

WHEREAS, it is customary that use of 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 on these lands. A Conditional Use Permit was processed to provide a forum for public review and discussion of the new concert and motorsports activities proposed and apply local land use standards during consideration of the proposal; and

WHEREAS, the application and supporting materials were referred to reviewing agencies including the Coastal Commission, Public Works Land Use Division, Environmental Health, City of Ferndale, and others 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, on March 17, 2020 the Governor signed Executive Order N-29-20 waiving certain provisions of the Brown Act, and authorizing local legislative bodies to hold public meetings via teleconference or otherwise electronically; and

WHEREAS, the Conditional Use Permit (PLN-2019-15519) was scheduled to be considered by the Planning Commission on September 3, 2020 at a duly-noticed public hearing held online via Zoom; and

WHEREAS, in a letter dated September 1, 2020 signed by the President of the Humboldt County Fair Association, the project applicant amended the permit application to address concerns raised by members of the public, as follows:

- limiting motorsports events to motorcycle racing only
- a 50% reduction in the requested number of annual events
 - Five (5) concerts
 - Two (2) motorcycle racing events
- confining each event to a single day of activities
- committing to perform noise monitoring and reporting for five (5) years, agreeing to use a third-party for event-related noise monitoring and data collection and agreeing to submit all monitoring data to the County within 30 days of each event; and

WHEREAS, during the Planning Commission meeting of September 3, 2020, other items on the Agenda precluded consideration of the project (PLN-2019-15519) and the matter was continued to the meeting of September 17, 2020; and

WHEREAS, on September 17, 2020, a public hearing was held during which time public comments were received both in support of and opposed to the proposed project; and

WHEREAS, during the public hearing on September 17, 2020, the applicant committed to the revisions to the project scope and enhanced monitoring described in the letter dated September 1, 2020; and

WHEREAS, during their meeting on September 17, 2020, the Commission acknowledged and accepted the revisions to the project and commitments agreed to by the applicant and chose to approve the project as revised and adopt the Mitigated Negative Declaration by unanimous vote; and

WHEREAS, on September 30, 2020, the applicant, *Friends of Ferndale for a Livable Community* ("Appellant") filed a timely appeal in accordance with the Appeal Procedures specified in Humboldt County Code Section 312-13 et seq.; and

WHEREAS, Humboldt County Code section 312-13.5 requires the first hearing on the appeal be held within 30 working days of the appeal filing; and

WHEREAS, the Board of Supervisors held a duly-noticed public hearing, *de-novo*, on November 10, 2020, and reviewed, considered, and discussed the application and appeal of the Conditional Use Permit; and received and considered all public testimony and evidence presented at the hearing; and

WHEREAS, during their hearing on November 10, 2020, the Board of Supervisors considered substituting mitigation measures incorporated in the draft mitigated negative declaration and Mitigation, Monitoring, and Reporting Program (MMRP) as well as revised conditions of approval for the project; and

WHEREAS, during their hearing on November 10, 2020, after consideration of all of the evidence and public testimony, the Board chose to deny the appeal and approve the project subject to the revised conditions of approval and substitute mitigation measures; and

WHEREAS, on November 18, 2020 a Notice of Determination (12-2020-259) was filed with the Clerk of Humboldt County and was posted for public inspection for at least 30 days; and

WHEREAS, as required under the terms of the permit, prior to February 14th of each year, the permittee has submitted a schedule of all events planned to occur during that year; and

WHEREAS, in the 18 months that have occurred since the permit was approved, no concerts or motorsports events have yet been held; and

WHEREAS, during significant portions of the last 18 months, concerts and other large public assembly events have been prohibited or heavily restricted under public health orders issued by state and local officials in response to the COVID-19 pandemic, and

WHEREAS, although the Humboldt County Fair Association have reached out and been contacted by a number of local and regional motorcycle racing promoters and organizers, all have lost interest after learning of the 90-decibel noise limit applied under the conditions of the permit; and

WHEREAS, Humboldt County Code section 312-11.2 describes the process by which any permittee may request a modification of an approved permit or variance, including the terms of the permit or the waiver or alteration of conditions imposed, and

WHEREAS, Humboldt County Code section 312-17 specifies the required findings which must be made during approval or conditional approval of all permits and variances, and these findings remain applicable to requests to modify a Use Permit such as is being proposed by the permittee; and

WHEREAS, on December 29, 2021, the Humboldt County Fair Association submitted an application and evidence in support of approving a modification to the approved Conditional Use Permit to allow changing the instantaneous motorcycle noise limit of the permit and raising it from 90 decibels to 99 decibels; 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 project is subject to environmental review pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, the Humboldt County Planning Division, as Lead Agency under CEQA, prepared and circulated a Supplemental Mitigated Negative Declaration (SCH #2022040045) for public comment from April 1, 2022 to May 2, 2022; and

WHEREAS, the County Planning Division caused a public notice to be published in the Tuesday April 5th edition of the Times Standard Newspaper describing the proposed project, advising of the availability of the Draft Supplemental Mitigated Negative Declaration, department contact and window for written comments, as well as the forthcoming public hearing on the matter scheduled to occur before the Planning Commission at their meeting on May 5, 2022; and

WHEREAS, a similar public notice was sent via mail to all owners and occupants of property within 300 feet of the boundaries of the fairgrounds properties and notice was also sent electronically to all parties who had provided a valid email address; and

WHEREAS, though duly noticed and scheduled to appear before the Planning Commission during one of their regularly scheduled meetings held on May 5, 2022, at the request of the applicant the matter was continued to the meeting of May 19, 2022; and

WHEREAS, on May 19, 2022 a public hearing on the continued matter was held before the Humboldt County Planning Commission during which the Planning Commission reviewed, considered, and discussed the application for the Use Permit modification and reviewed and considered all evidence and testimony presented at the hearing.

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

FINDINGS FOR CEQA

FINDING:

Project Description: Humboldt County Fair Association (HCFA) is seeking to modify a Conditional Use Permit which authorizes 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). Analysis of the proposal's effect on composite noise levels has been performed by Whitchurch Engineering and has determined that composite noise will remain at or below the 63-decibel limit, even with the requested increase. To help 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 special materials designed to decrease reverberation. 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. As Lead Agency, the Humboldt County Planning and Building Department has prepared and circulated for public review a draft Supplemental Mitigated Negative Declaration for the project.

EVIDENCE:

a) Project File: PLN-2022-17561

2. FINDING:

CEQA. The Conditional Use Permit and modification request are discretionary in nature and constitute 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. A Mitigated Negative Declaration and Supplemental Mitigated Negative Declaration have been prepared and processed in compliance with CEQA. Both the Initial Study/Mitigated Negative Declaration and Supplemental Mitigated Negative Declaration have both found that there would be a Less than Significant Impact with the incorporation of mitigation to aesthetics, air quality, and noise. 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 reflects the county's independent judgement and analysis.

EVIDENCE:

- a) The project has the potential to result in significant environmental impacts unless provisions are made to reduce the impacts. Project refinements and Mitigation Measures have been identified which reduce the impacts to a less than significant level. A Mitigated Negative Declaration (MND) was prepared for the project.
- b) Both the Humboldt County Planning Commission and Board of Supervisors previously considered the Mitigated Negative Declaration (SCH #2020070478) prepared during approval of the Conditional Use Permit. The Humboldt County Planning Commission has also considered the Supplemental Mitigated Negative Declaration (SCH #2022040045) prepared in concert with the current permit modification request.
- c) Pursuant to Section 21091(b) of the Public Resources Code, the mitigated negative declaration was released for a 30-day public review period (State Clearinghouse Number 2020070478) beginning on July 27, 2020 and ending August 27, 2020.
- d) Pursuant to Section 15072(b)(1) of the CEQA Guidelines, on Sunday July 26, 2020 a public notice appeared in the Times Standard, a newspaper of general circulation for the area affected by the proposed project. The published notice included a description of the project and notification that during their meeting of September 3, 2020, the Humboldt County Planning Commission would consider adopting a Mitigated Negative Declaration prepared for the project. The published notice included a deadline to provide comments ending on August 27, 2020.
- e) The Humboldt County Planning Division, as Lead Agency under CEQA, prepared and circulated a Supplemental Mitigated Negative Declaration (SCH #2022040045) for public comment from April 1, 2022 to May 2, 2022. A public notice of the availability of the new environmental document was published in the April 5th edition of the Times Standard Newspaper. Similar notification was sent via mail to all owners and occupants of property within 300 feet of the boundaries of the fairgrounds properties and notice was also sent electronically to all parties who had previously provided the agency with a valid email address.
- f) Tribal Historic Preservation Officers from the Wiyot Tribe and Bear River Band of the Rohnerville Rancheria declined the opportunity to request consultation pursuant to AB 52 and maintain that the project site has a

low potential for hosting tribal cultural resources. Standard conditions concerning inadvertent discovery have been included in the Conditions of Approval for the project.

- g) The MND includes mitigation measures for potential impacts relating to Aesthetics, Noise, and Air Quality in the project vicinity. A total of twelve (12) mitigation measures are detailed within the Mitigation, Monitoring, and Reporting Program (MMRP) and include: installation of a dense straw bale sound wall and use of a sound engineer during all concerts, requiring motorcycle racers utilize specialized exhaust systems that reduce noise and submit to noise testing prior to being cleared to compete, use of dust suppressants during windy conditions, control and monitoring of event-related nighttime lighting to prevent light spillage on neighboring properties, establishing CNEL noise limits of 63 decibels for racing and 73 decibels for concerts, agreeing to monitor and record noise levels during events and report to County staff within 30 days of each event as well as annually for 5 years. The MMRP also includes provisions for adaptive management and refinement of standard operating procedures to ensure operation of events conforms with established conditions of the permit and lease agreement.

3. FINDING:

MITIGATION FEASIBILITY. Two of the mitigation measures originally applied to the project have been determined to be infeasible (NOI-2 and NOI-3) as currently applied. To ensure feasibility, the applicant is seeking to modify these measures as well as the associated permit conditions. "Feasible" is defined in section 21061.1 of CEQA and "means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. To be feasible, a Mitigation Measure or Alternative must still preserve the possibility of satisfying most of the project objectives.

EVIDENCE:

- a) As part of the permit modification request and related Supplemental Mitigated Negative Declaration, changes to two of the noise mitigation measures (NOI-2 and NOI-3) are being sought by the permittee. The changes have been requested due to feasibility issues that arose following approval of the project and adoption of the original MND. Mitigation Measures NOI-2 and NOI-3 limit motorcycle noise to 90 decibels (through use of specialized exhaust systems designed to reduce noise) and require pre-race testing of all motorcycles to ensure compliance before being cleared to race.

Following approval of the permit, the Humboldt County Fair Association reached out to and were contacted by a number of local and regional motorcycle racing promoters and organizers. However, all of these parties lost interest in using the site for racing events after learning of the 90-decibel noise limit applied under the conditions of the permit.

- b) HCFA have provided a letter of interest from promoter "Big Time Speedway", in which it is noted that they are accustomed to operating events at the Sonoma County Fairgrounds with a limit of 99 decibels.

- c) Given the difficulty experienced by HCFA in attracting promoters interested in holding events at the track, it is reasonable to conclude that the 90 dB instantaneous noise limit (included in mitigation measures NOI-2 and NOI-3) is infeasible. The 90-decibel limit has had a chilling effect on interest amongst motorcycle racing promoters and operators. These outfits play a critical role in attracting and conducting the activity targeted under the permit. For these reasons, it is appropriate to consider raising the limit 99 dB as is being requested. This is consistent with limits applied in the American Motorcycle Association Rulebook, which includes a 98 dB/A post-race limit for 2-stroke engines and a 101 pre and post-race limit for vintage classes. The proposed 99 decibel limit is also consistent with other noise restrictions applied at other tracks hosting similar AMA-sponsored events.

4. FINDING:

THRESHOLDS OF SIGNIFICANCE. Changes to the noise mitigation measures NOI-2 and NOI-3 being requested will not cause noise-related impacts from the project to exceed the applicable threshold of significance. Section 21083(b) of CEQA and section 15064.7 of the CEQA Guidelines establish the principles by which environmental impacts are analyzed for potential significance, and the standards and principles by which this analysis occurs. Each public agency is encouraged to develop and publish thresholds of significance that are used to determine the significance of environmental effect. In evaluating the potential impacts from project-related noise, it is appropriate to consult the Noise Element found in Chapter 13 of the Humboldt County General Plan. The Noise Element contains compatibility standards for both long-term and short-term noise sources, as well as exceptions in circumstances where noise is generated on a temporary and infrequent basis. An exception is explicitly provided for *"temporary events in conformance with an approved Conditional Use Permit"*.

EVIDENCE:

- a) While raising the 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 noise study prepared by Whitchurch Engineering estimates that receptors on Arlington Avenue and Highway 211 will experience peak noise levels of 85.6 decibels and 85.9 decibels, respectively. These projected noise levels exceed the standards for short-term noise included in the Noise Element of the Humboldt County General Plan. However, the noise standards of the plan provide exceptions for a number of scenarios, including circumstances where noise exceedances occur on a temporary/infrequent basis. Noise Standard N-S7 explicitly cites *"Temporary events (operated) in conformance with an approved Conditional Use Permit"* as an example of the type of land use activity where the short-term noise limits should not be applied.
- b) Consistent with the adaptive management provisions of the permit, HCFA have continued to investigate ways of attenuating noise from events and are offering to incorporate two additional mitigation measures designed to help reduce noise from motorcycle racing events. They include 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; as well as acoustic treatment of the internal wall of the grandstands using special materials designed to decrease reverberation. Though not exceeding an explicit local threshold of significance, the additional mitigation measures proposed present a practical means for helping soften event-related noise and demonstrate a commitment and ongoing interest in working to address community concerns. These additional mitigation measures are included as NOI-9 and NOI-10. Application of the acoustic treatment must be completed before any concert or motorcycle racing events may be hosted at the site.

5. FINDING:

BASELINE. The environmental setting (baseline) evaluated in the Initial Study considers the use of the Fairgrounds facility in the context of its historical and ongoing use as a fair and event center. The Fairgrounds has a well-established tenure for hosting large gatherings of people and the site is used throughout the year by a wide assortment of activities and events including the events requested in the Conditional Use Permit. The proposed uses represent a minor change from the current environmental baseline for the site, in terms of the number of events held annually, timing of events, and types of events.

EVIDENCE:

- a) Section 15125(a)(1) of the CEQA Guidelines states: *"Where existing conditions change or fluctuate over time, and where necessary to provide the most accurate picture practically possible of the project's impacts, a lead agency may define existing conditions by referencing historic conditions, or conditions expected when the project becomes operational, or both, that are supported with substantial evidence."*
- b) A book titled "A History of the Humboldt County Fair – An Exhibition For All Times" includes detailed information about the county fair and fairgrounds history, compiled from transcriptions of local newspaper articles covering the fairgrounds site since its earliest days. Information in the book reveals that the first "fair" held in Ferndale occurred on October 11, 1870. The Ferndale Fairgrounds has hosted the Humboldt County Fair since 1896 and exclusively since 1922. Closer review of historical records reveals that the annual County Fair has been held across a wide assortment of dates, ranging from late July (1954, 1971) through the last week of September (1897, 1898, 1925), and most dates in between. Concerts and Motorsports events at the Fairgrounds have 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.
- c) The Operations Plan provided by the applicant details that the facility operates year-round and hosts events that can range in duration from a few hours such as dinners and school events to multiple day events like the Humboldt County Fair, Dog Show, and Holiday Craft Events. Some of the other types of events include Fourth of July Fireworks displays, Circuses, Carnivals, Rodeos, Equestrian Events, Graduation,

Concert/Dance Events, Cycling Events, Bingo, Weddings, Expos, Auctions, Logging Conferences, and Theatrical performances. The fairgrounds also have a history of use as a staging area, shelter, and headquarters for emergency services during flood and fire events such as the 1964 flood and recent wildfires.

- d) The MND includes a description and information of historical prior use of the fairgrounds for concerts and motorsports events. Inclusion of this information is necessary to provide the most accurate picture practicably possible of the project's impacts. This history also demonstrates that conditions at the site do change and fluctuate over time and that there are events which attract large numbers of people and generate significant noise for a limited time.

FINDINGS FOR THE USE PERMIT MODIFICATION

6. FINDING: **Jurisdictional Immunity.** The County is not required to comply with city land use regulations.

- EVIDENCE:**
- a) Government Code sections 53090 and 53091 exclude cities and counties from requirements to comply with other cities' and counties' building and zoning ordinances. The Third District Court of Appeal held in *Lawler v. City of Redding*, 7 Cal. App. 4th 778 (1992), found that cities and counties enjoy intergovernmental immunity with respect to building and zoning regulations, including their respective general plans.
 - b) In 1985, the Attorney General clarified that intergovernmental immunity may be conferred to a lessee if the lessee's endeavors further the powers and duties of government entity. (68 Cal. Op. Att'y Gen. 114).
 - c) Humboldt County may confer its immunity from City zoning regulations via a lease to the Humboldt County Fair Association, a non-profit public benefit corporation organized for the specific purposes of conducting the Humboldt County Fair and making use of the fairground facilities in the best interests of the residents of Humboldt County and the State of California, when the Humboldt County Fair Association is conducting activities related to the purpose of holding a county fair, which is within the powers and duties of Humboldt County.

The project includes events conducted on the county fairgrounds to enable the Humboldt County Fair Association to fulfill its enumerated purposes of conducting the Humboldt County Fair and making use of the fairground facilities in the best interests of the residents of Humboldt County and the State of California by generating revenue dedicated to putting on the fair.

- d) As described in the Operations Plan provided by the applicant, the site is already host to a diverse assortment of uses and each of these uses are consistent with the ultimate public-serving purpose of the facility. It is inappropriate to single out the proposed concert and motorsports uses as somehow unique from the diverse assemblage of

other public-serving uses that already occur at the site. Events of this sort are targeted to a broad segment of the local public and are therefore indistinguishable from other public events conducted at the site.

- e) The existing City of Ferndale General Plan Noise Element is included with the Public Safety and Scenic Highway Elements from 1975. Analysis of project-related noise utilizes standards from the Noise Element found in Chapter 13 of the General Plan. The General Plan explicitly recognizes that it is appropriate to allow exceptions to the short term noise levels under certain circumstances, including scenarios involving the permitting of temporary events with a Conditional Use Permit.

7. **FINDING:** The proposed permit modification remains in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.

Land Use

- EVIDENCE:**
- a) General Plan and Zoning maps for the City of Ferndale show that the county-owned lands of the fairgrounds complex are all planned and zoned "Public Facilities". The Public Facility designation is intended to be applied to lands owned by public agencies or to lands upon which such agencies operate public facilities.
 - b) Primary and Compatible for this land use designation reference those listed in the corresponding "PF" zoning district which lists "public fairgrounds and related uses" as a principally permitted use, likely in recognition of the long history and use of the site for this purpose.
 - c) A "Public Facility" land use designation can be found within the Humboldt County General Plan, and is intended to be applied in instances where land is appropriate for use by a governmental agency or public agency serving the public health, safety, convenience, or welfare.

Chpt 13 - Noise

- EVIDENCE:**
- d) 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. The short-term noise standards establish a series of limits for daytime and nighttime noise based on zoning, with exceptions provided for certain land use scenarios where noise limit exceedances are expectable. Excepted activities include "*temporary events in conformance with an approved Conditional Use Permit*". Given the temporary and periodic nature of the events proposed, use of the exception is appropriate. The exception language is similar to provisions for short-term noise found in the 2016 Final Draft of the City of Ferndale Noise Element. Given the limited number of motorsports events and particular venue characteristics that are needed to host events of this sort, the project is a good candidate for granting an exception to the general plan short

term noise standards.

- e) The Conditions of Approval include a number of mitigation measures designed to minimize impacts from event-related noise experienced on neighboring properties in the vicinity. The Noise Impact Study prepared by Whitchurch Engineering provides calculations and analysis of potential event-related noise levels as well as the benefit of implementing various noise mitigation measures. With the incorporation of mitigation selected, CNEL noise estimates for motorcycle racing events fall below the 65-decibel short-term noise threshold and CNEL noise estimates for concert events are 73 decibels. Feasible mitigation measures have been incorporated which will significantly reduce event-related noise levels in accordance with local objectives in the General Plan.

Chpt 7 - Circulation

- EVIDENCE:**
- f) HCFA has a proven track record of successfully managing large traffic flows at the site and it is highly unlikely that traffic volumes from concert and motorsports events will exceed concentrations historically encountered during peak periods of the annual County Fair.
 - g) One of the most popular attractions during the fair is the live horse racing. Racing events are time-sensitive, as all races are pre-scheduled, and each day begins at a set time. On popular weekend days, horseracing attendance often exceeds 5,000 people, occurring simultaneously with other fair activities and attractions. Neither motorcycle racing nor concert events will include attendance in excess of 5,000 persons. Therefore it is unlikely that traffic volumes will exceed peak levels already encountered during annual operation of the Humboldt County Fair.

Chpt 10 – Conservation & Open Space – Cultural Resources

- EVIDENCE:**
- h) Referrals and offers to consult were circulated to Tribal Historic Preservation Officers of both the Wiyot tribe and the Bear River Band of the Rohnerville Rancheria. A referral was also sent to the Northwest Information Center. Neither Tribe has expressed any cultural resource concerns or requested an opportunity to further consult pursuant to AB52.

Chpt 11 – Water Resources – Stormwater Drainage

- EVIDENCE:**
- i) The project involves use of an existing public facility for additional public events. No new facilities need be developed, or significant ground disturbance undertaken. Grading associated with preparation of the racetrack should not exceed amounts needed during preparation and maintenance of the track during horseracing. Impacts on stormwater are therefore unlikely.

Chpt 14 – Safety Element – Geologic & Seismic

- EVIDENCE:**
- j) The racetrack and grandstands have a long history of use during the annual county fair and have weathered several large seismic events during their tenure. These include large events in 1955 as well as the

more recent 1992 earthquake which wrought havoc on many buildings in the greater Ferndale area.

Chpt 14 – Safety Element – Flooding

- EVIDENCE:** k) The racetrack and grandstands are both located outside of any of the mapped flood zones in the vicinity.

Chpt 14 – Safety Element – Fire Hazards

- EVIDENCE:** l) The Fairgrounds is located within the City limits of the City of Ferndale and over ½ a mile from the nearest State Responsibility Area for Fire Protection.

Chpt 15 – Air Quality

- EVIDENCE:** m) To control the potential creation of fugitive dust, Condition of Approval # 2 requires water or chemical dust suppressants be used during windy conditions.

- 8. FINDING:** The proposed permit modification remains consistent with the purposes of the existing zone in which the site is located.

- EVIDENCE:** a) The Humboldt County Fairgrounds is primarily located on lands within the City of Ferndale, which are zoned Public Facility (PF). The Public Facility “PF” zoning district lists “public fairgrounds and related uses” as a principally permitted use, likely in recognition of the long history and use of the site for this purpose.

Pasture used for overflow parking in association with fairgrounds use on APN 100-181-003 is Zoned Agricultural Exclusive with Flood Hazard and Stream and Riparian Protection Combining Zones (AE-60/F,R). The use of the adjacent pasture for temporary overflow parking in association with Fairgrounds use is an existing legal non-conforming use.

- 9. FINDING:** The proposed permit modification remains in conformance with all applicable standards and requirements of the County Zoning Regulations.

314-109 - Off-street parking requirements

- EVIDENCE:** a) The Humboldt County Zoning Regulations include prescriptive requirements for the number, size and location of off-street parking spaces which are based upon building site footage and/or occupation/land use activity.

- b) Parking for the event attendees will be accommodated with the paved parking lot at the grounds entrance which has 126 parking spaces; the adjacent fields to the west (APN: 030-011-003 and 030-021-003)) which holds 984 vehicles can be filled from north to south. If additional parking is required, an additional 1,172 spaces are available in the next lot over to the west (APN: 030-011-002) bringing the total parking to 2,282 vehicles. With a maximum attendance of 5,000 persons at the largest events, there is sufficient spaces to accommodate nearly 1 vehicle for every two attendees. Additionally, the field immediately north of the fairgrounds (100-181-003) has been

historically used for overflow parking in conjunction with fairgrounds use. This field could provide parking for 1,370 vehicles.

10. FINDING:

The proposed permit modification and conditions under which 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) All reviewing referral agencies have approved or conditionally approved the proposed project design.
- b) The project involves a request to modify a permit which authorizes use of a public facility (the Humboldt County Fairgrounds) for land uses that are ultimately consistent with the original purpose of the site. 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. Given the nature of the facility, it is likely that use of the Fairgrounds for live concerts has occurred further back in time, especially during operation of the annual Humboldt County Fair each August. Newspaper information from both the Ferndale Enterprise and Humboldt Standard reveals the racetrack at the County Fairgrounds was used for automotive racing events as far back as 1947 and 1954. Nevertheless, the proposed uses do represent a modest change in the current environmental baseline for the site, both in terms of number of events held annually, timing of events, and types of events.
- c) Noise from the types of events proposed is the principal component of the project that could be viewed as a potential nuisance to neighboring land uses. The Fairgrounds is bordered by residential single-family homes to the south along Arlington Avenue and to the east along Highway 211 (Main Street). For this reason, the project has been conditioned to require an assortment of mitigation measures designed to address the potential for nuisance. Short-term noise from temporary uses is naturally given consideration under the County General Plan and Draft Noise Element revisions to the City of Ferndale General Plan, which provide permitting pathways for temporary land uses exceeding thresholds for short-term noise. Mitigation measures have been applied through operational restrictions and requirements included with the Recommended Conditions of Approval for the project. Requirements for adaptive management and reporting are also included and allow for monitoring of mitigation performance and collection of community feedback.
- d) Considering the balance of the proposed activities, historical use of the site, local noise thresholds, mitigation measures included, and project monitoring requirements, findings can be made that the project can be implemented without creating a potential long-term nuisance to surrounding land uses of the environmental setting.

11. FINDING:

The proposed permit modification would still 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 property was not included in the 2019 Housing Inventory and is not in a Housing Opportunity Zone. The parcel has a history of use as a public facility and is not targeted for future residential development. The project is in conformance with the standards in the Housing Element.

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
- Adopts the proposed Supplemental Mitigated Negative Declaration in Attachment 2 as required by Section 15074(b) of the CEQA Guidelines, including the proposed revisions to the Mitigation Monitoring & Reporting Program, finding that there is no substantial evidence that the proposed project will have a significant effect on the environment;
- Conditionally approves the Use Permit Modification for the Humboldt County Fair Association, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on **May 19, 2022**.

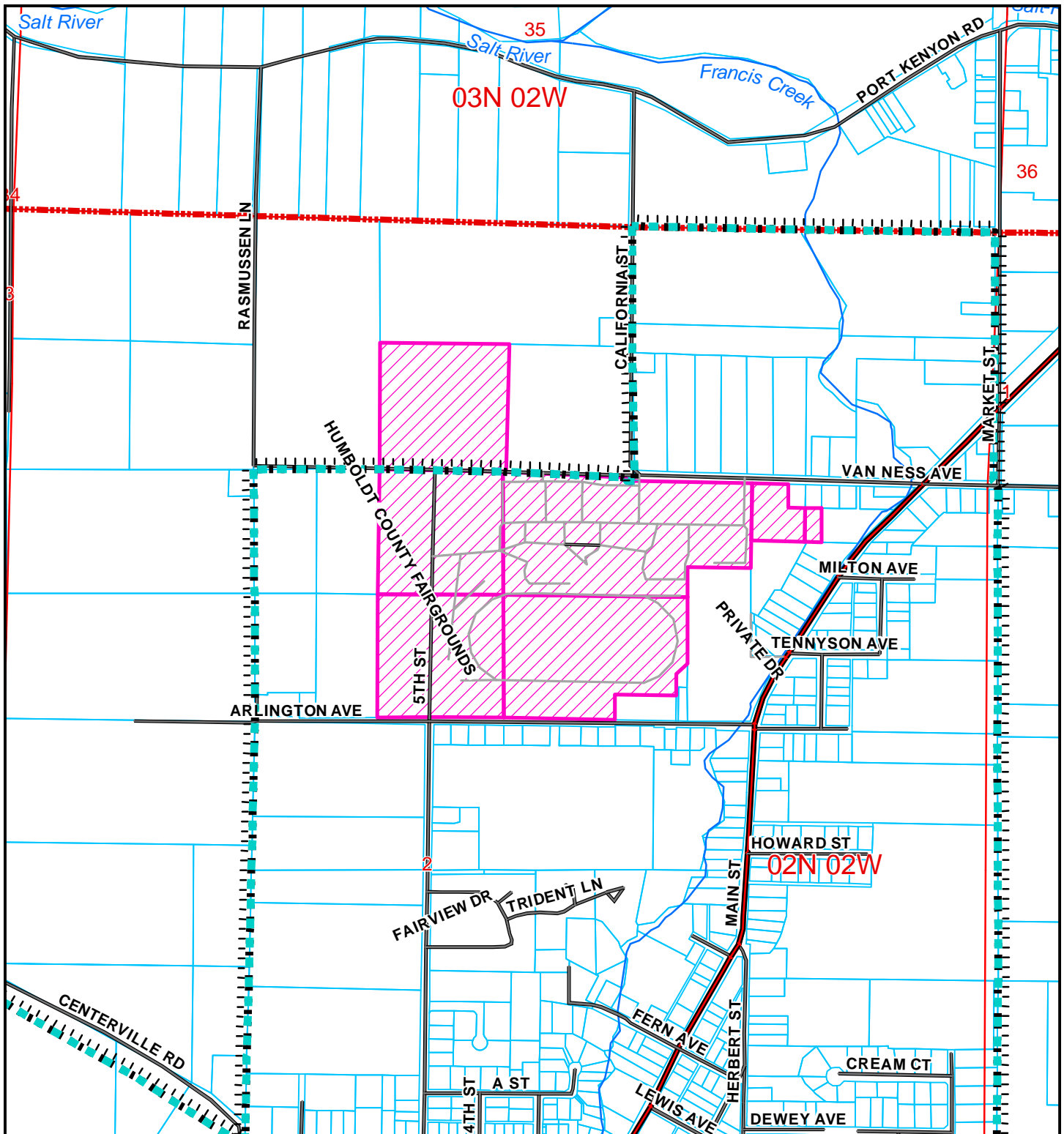
The motion was made by COMMISSIONER _____ and seconded by COMMISSIONER _____ and the following ROLL CALL vote:

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

LOCATION MAP



PROPOSED HUMBOLDT COUNTY FAIRGROUNDS MODIFICATION OF CONDITIONAL USE PERMIT

original permit PLN-2019-15519

FERNDALE AREA

application# PLN-2021-17651

APN: 030-071-001 et al

T02N R02E S02 HB&M (Ferndale)

Coastal Zone Boundary

Project Area =

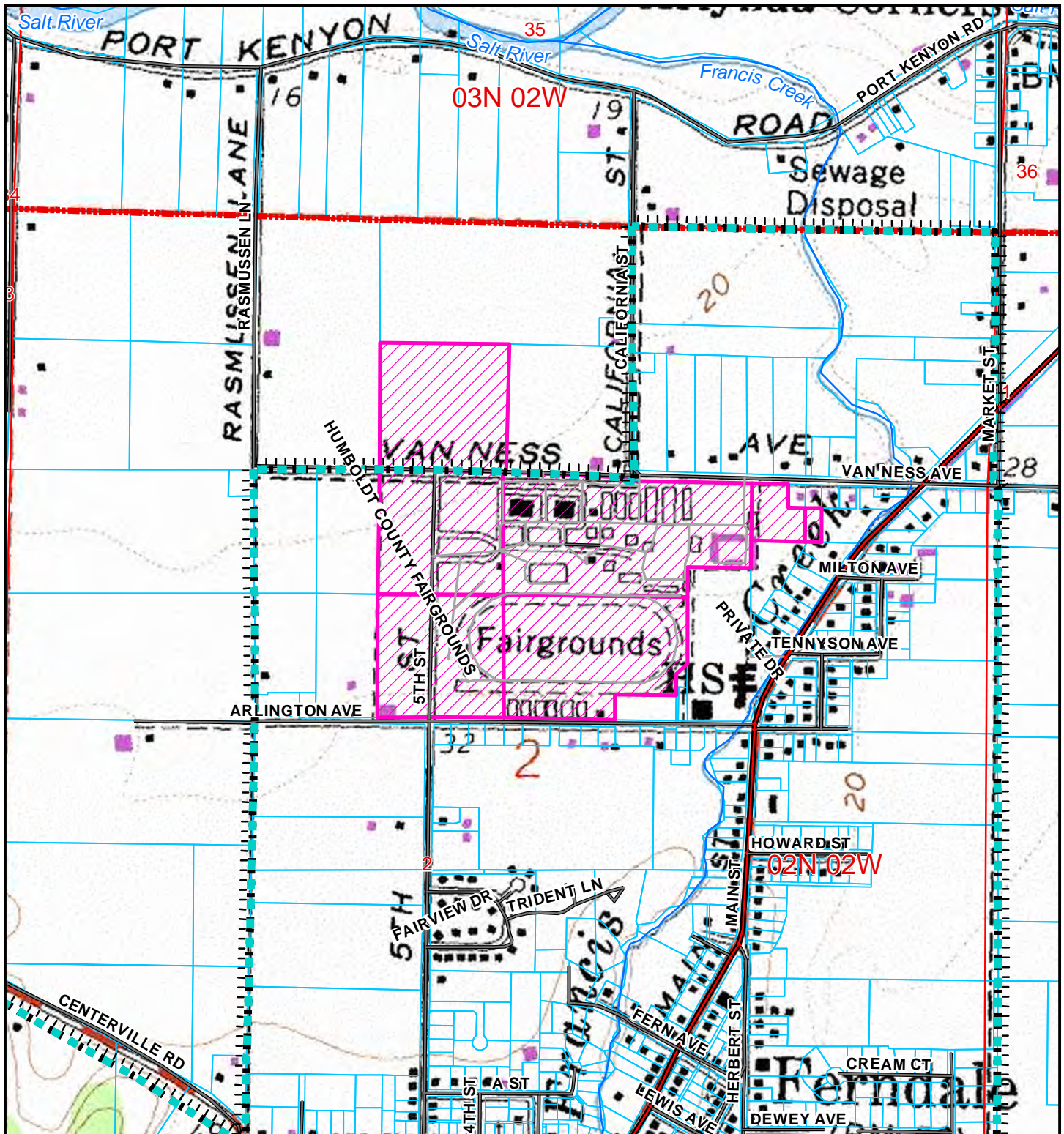


This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 250 500 750 1,000 Feet

TOPO MAP



PROPOSED HUMBOLDT COUNTY FAIRGROUNDS MODIFICATION OF CONDITIONAL USE PERMIT original permit PLN-2019-15519 FERNDALE AREA

Coastal Zone Boundary 

Project Area = 

application# PLN-2021-17561
APN: 030-071-001 et al

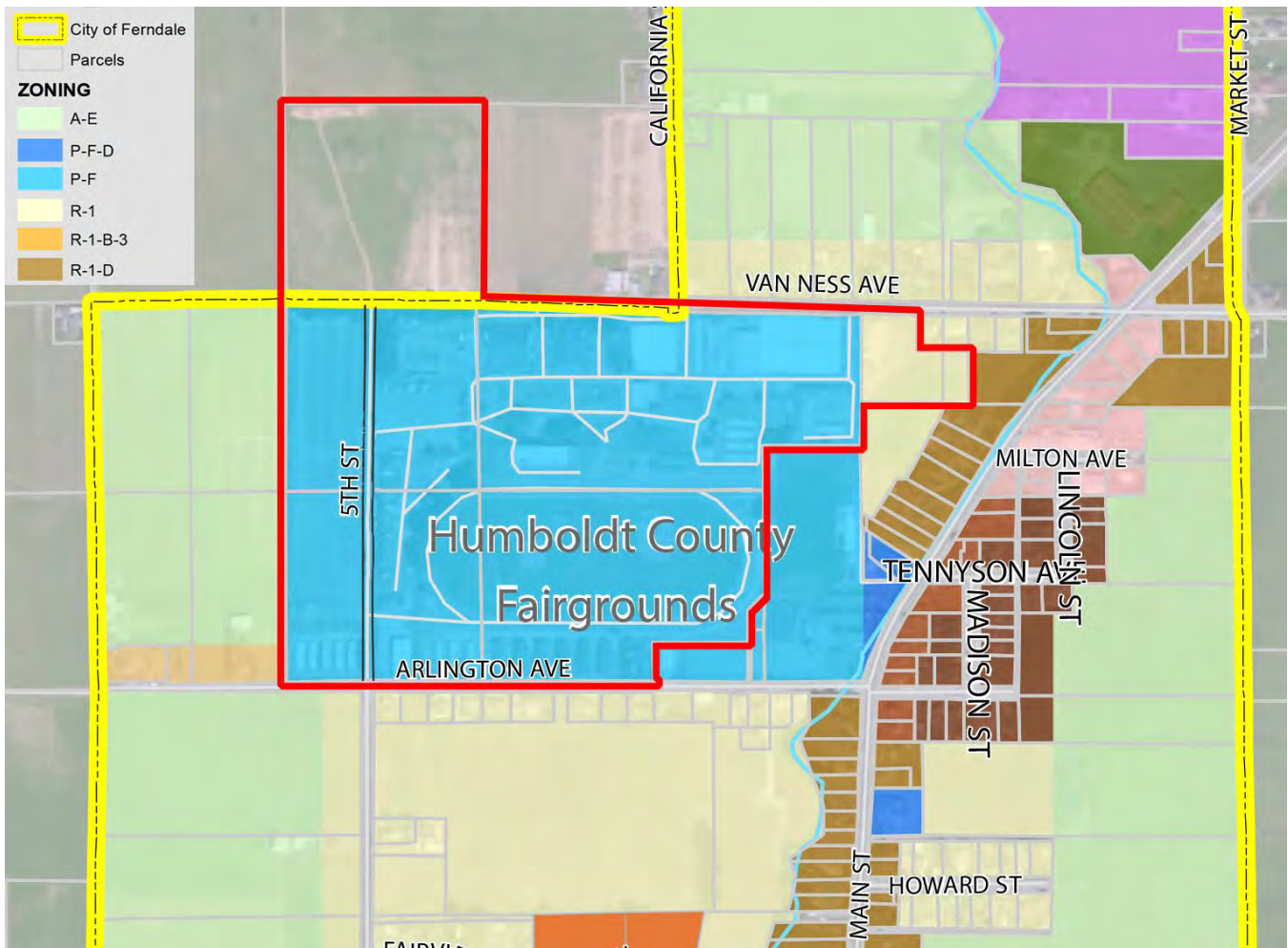
T02N R02E S02 HB&M (Ferndale)

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



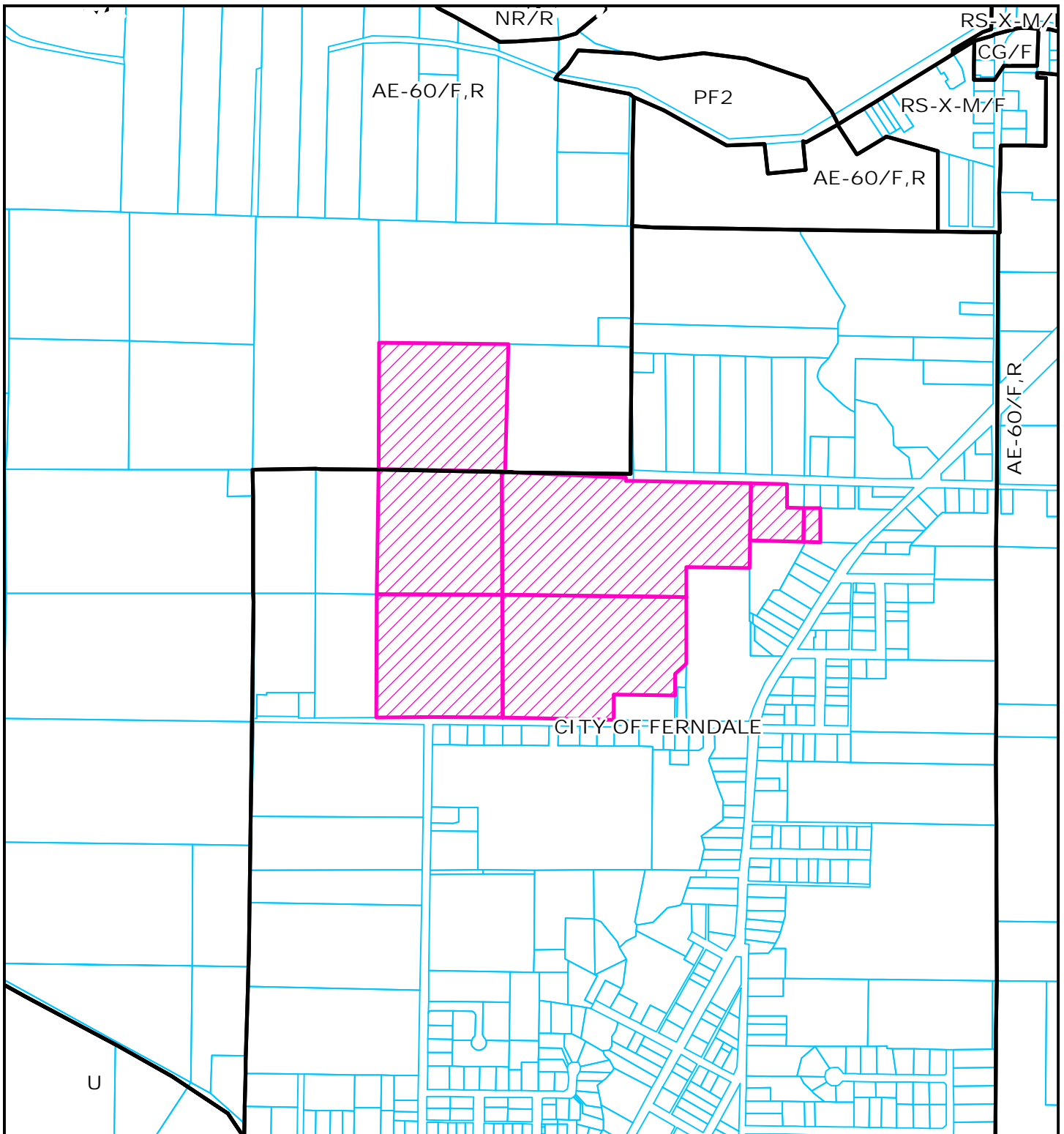
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CITY OF FERNDALE ZONING MAP



Ferndale Zoning Map excerpt (Fairgrounds outlined in red)

ZONING MAP



PROPOSED HUMBOLDT COUNTY FAIRGROUNDS MODIFICATION OF CONDITIONAL USE PERMIT

original permit PLN-2019-15519

FERNDALE AREA

application# PLN-2021-17561

APN: 030-071-001 et al

T02N R02E S02 HB&M (Ferndale)

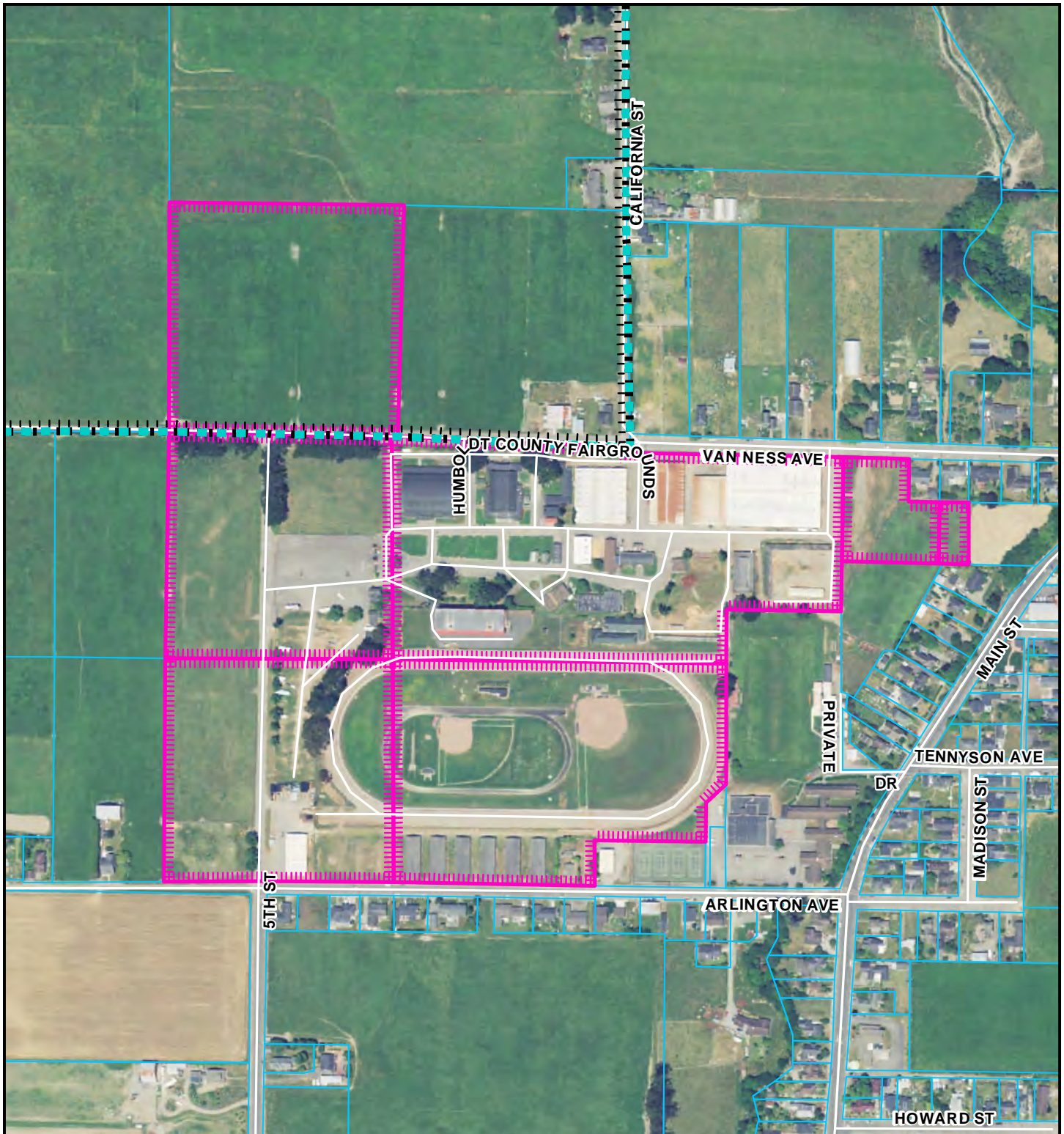
Project Area = 

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Feet

AERIAL MAP



PROPOSED HUMBOLDT COUNTY FAIRGROUNDS MODIFICATION OF CONDITIONAL USE PERMIT

original permit PLN-2019-15519

FERNDALDE AREA

application# PLN-2021-17561

APN: 030-071-001 et al

T02N R02E S02 HB&M (Ferndale)

Coastal Zone Boundary

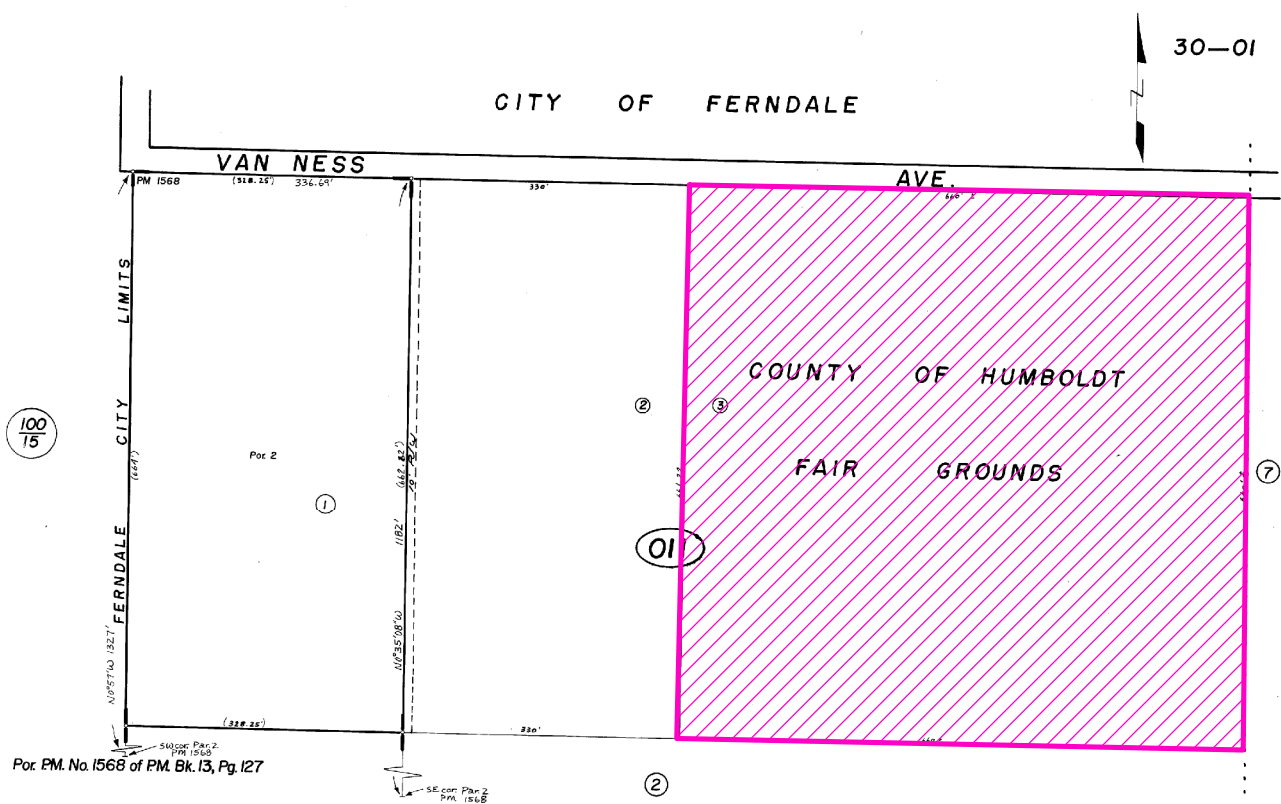
Project Area =

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ASSESSOR PARCEL MAP



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FERNDAL AREA

application# PLN-2021-17561

APN: 030-071-001 et al

T02N R02E S02 HB&M (Ferndale)

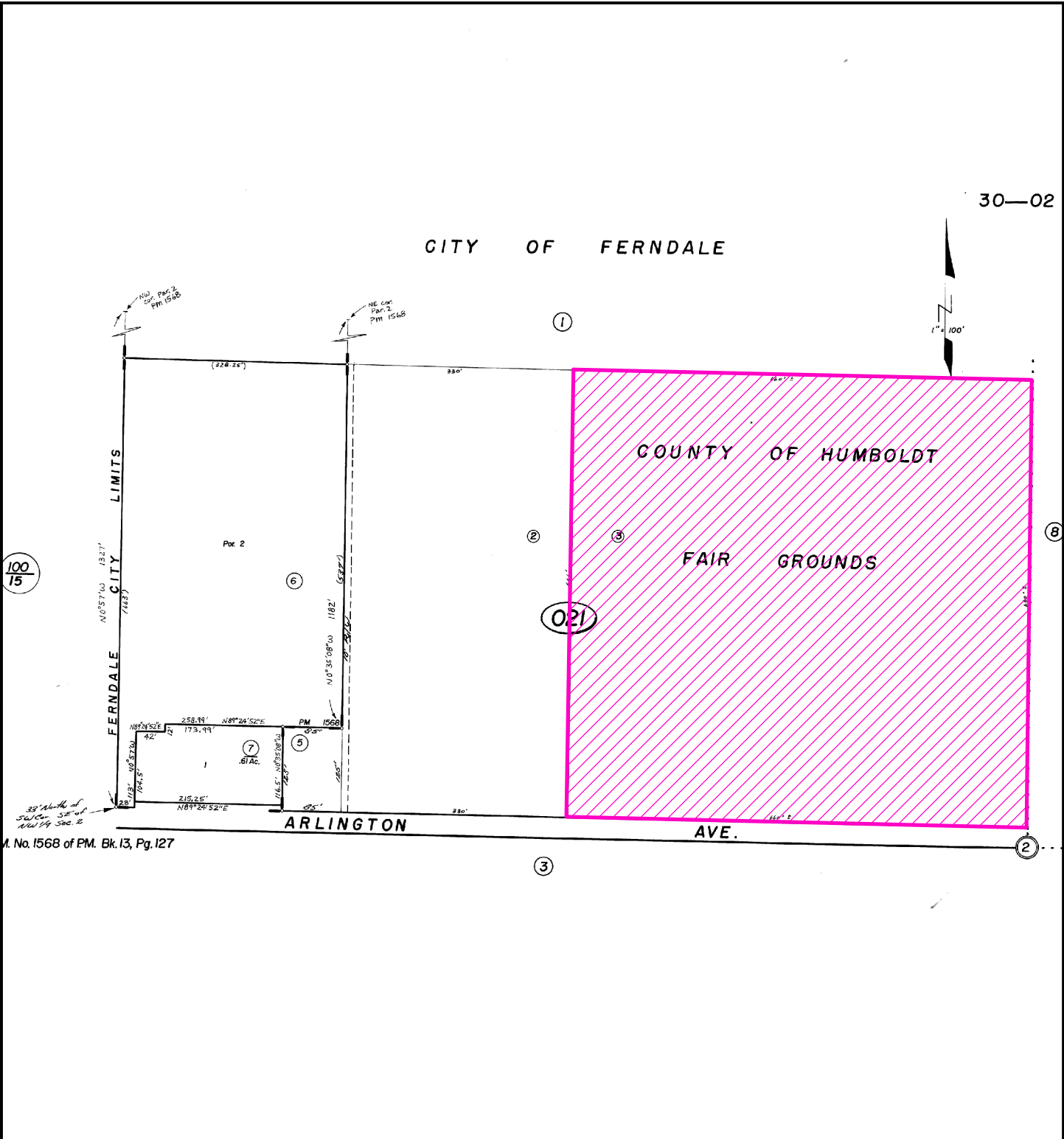
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MAP NOT TO SCALE

ASSESSOR PARCEL MAP




PROPOSED HUMBOLDT COUNTY FAIRGROUNDS
MODIFICATION OF CONDITIONAL USE PERMIT
original permit PLN-2019-15519
FERNDALE AREA
application# PLN-2021-17561
APN: 030-071-001 et al

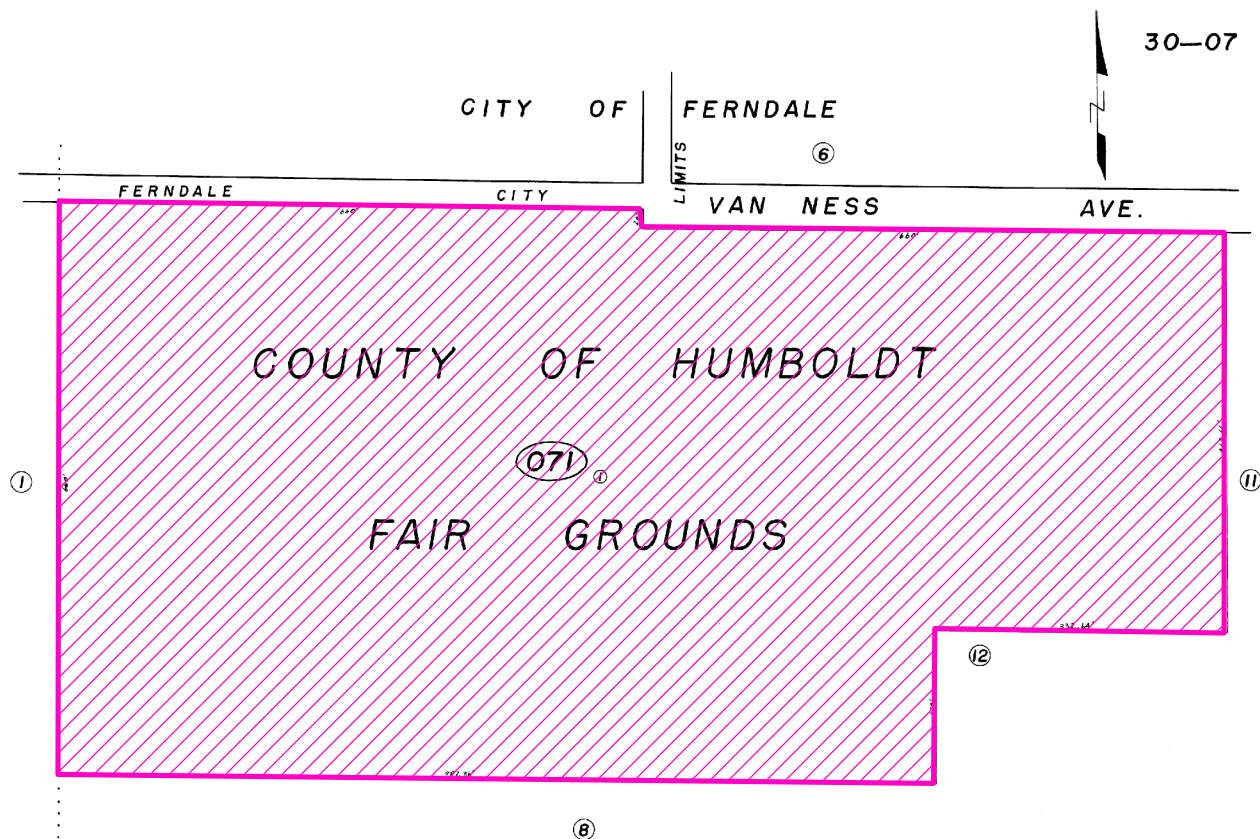
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T02N R02E S02 HB&M (Ferndale)


MAP NOT TO SCALE

ASSESSOR PARCEL MAP



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APN: 030-071-001 et al

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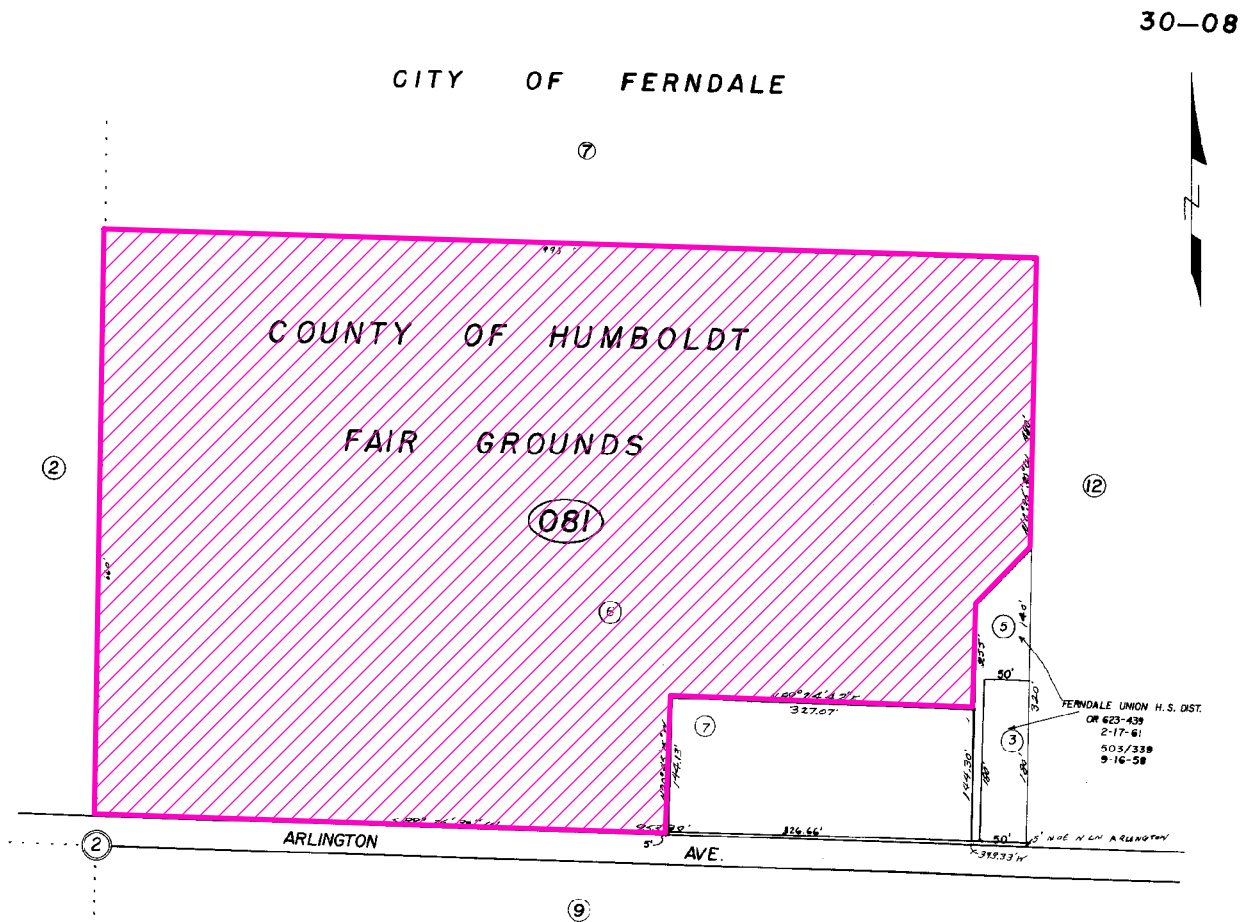


Project Area = 

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ASSESSOR PARCEL MAP



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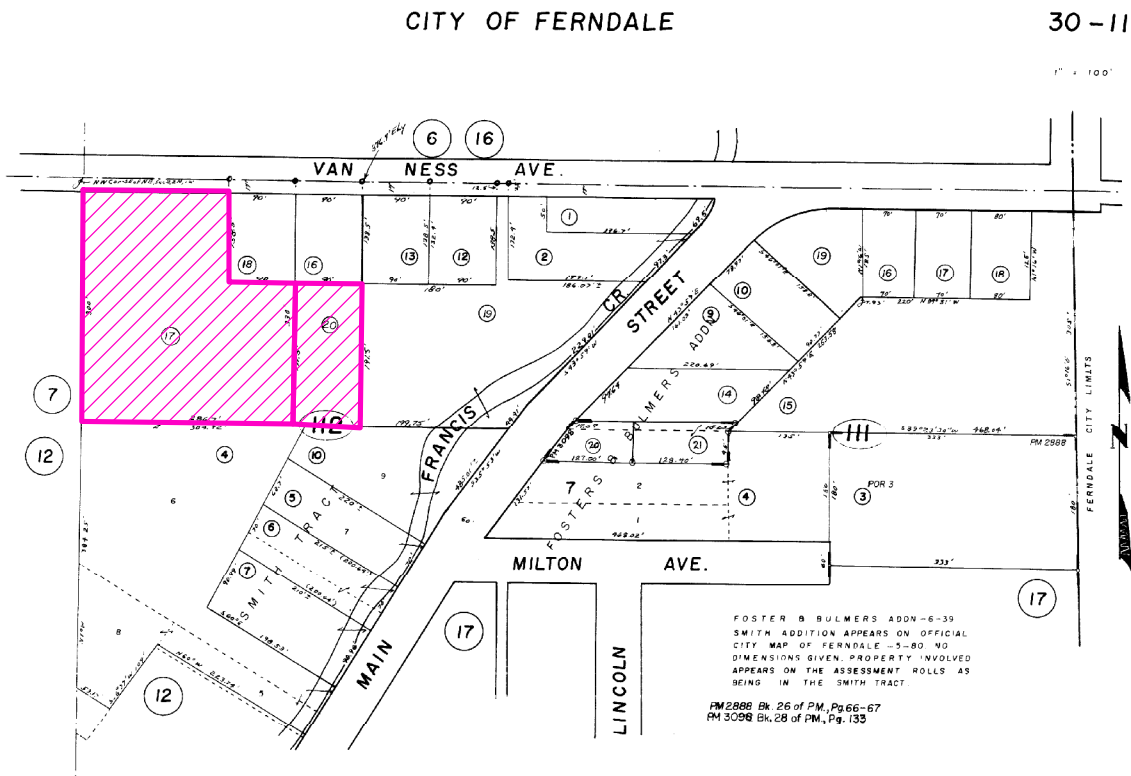
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Project Area = 

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Project Area =

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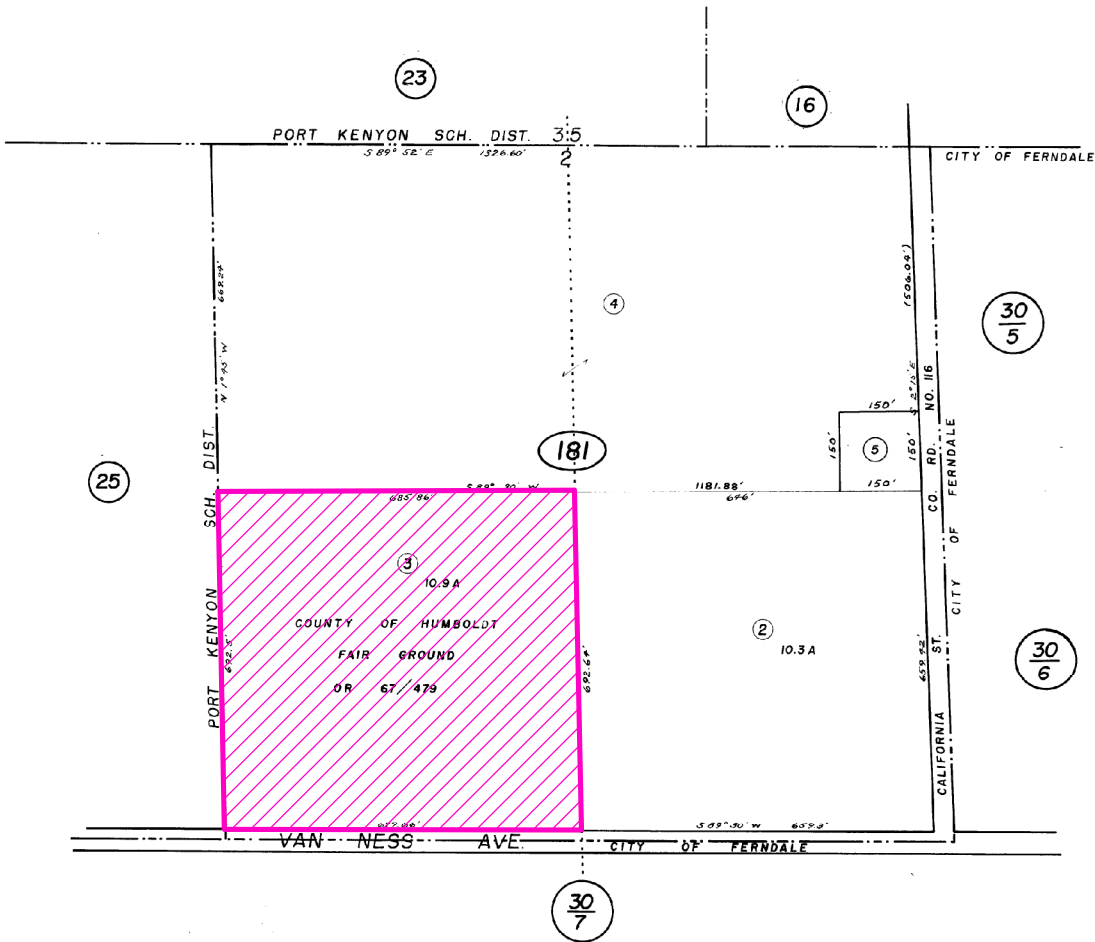
MAP NOT TO SCALE

ASSESSOR PARCEL MAP

PTN SEC 2, 2N 2W

100-18

1" = 200'



PROPOSED HUMBOLDT COUNTY FAIRGROUNDS
MODIFICATION OF CONDITIONAL USE PERMIT

original permit PLN-2019-15519

FERNDAL AREA

application# PLN-2021-17561

APN: 030-071-001 et al

T02N R02E S02 HB&M (Ferndale)

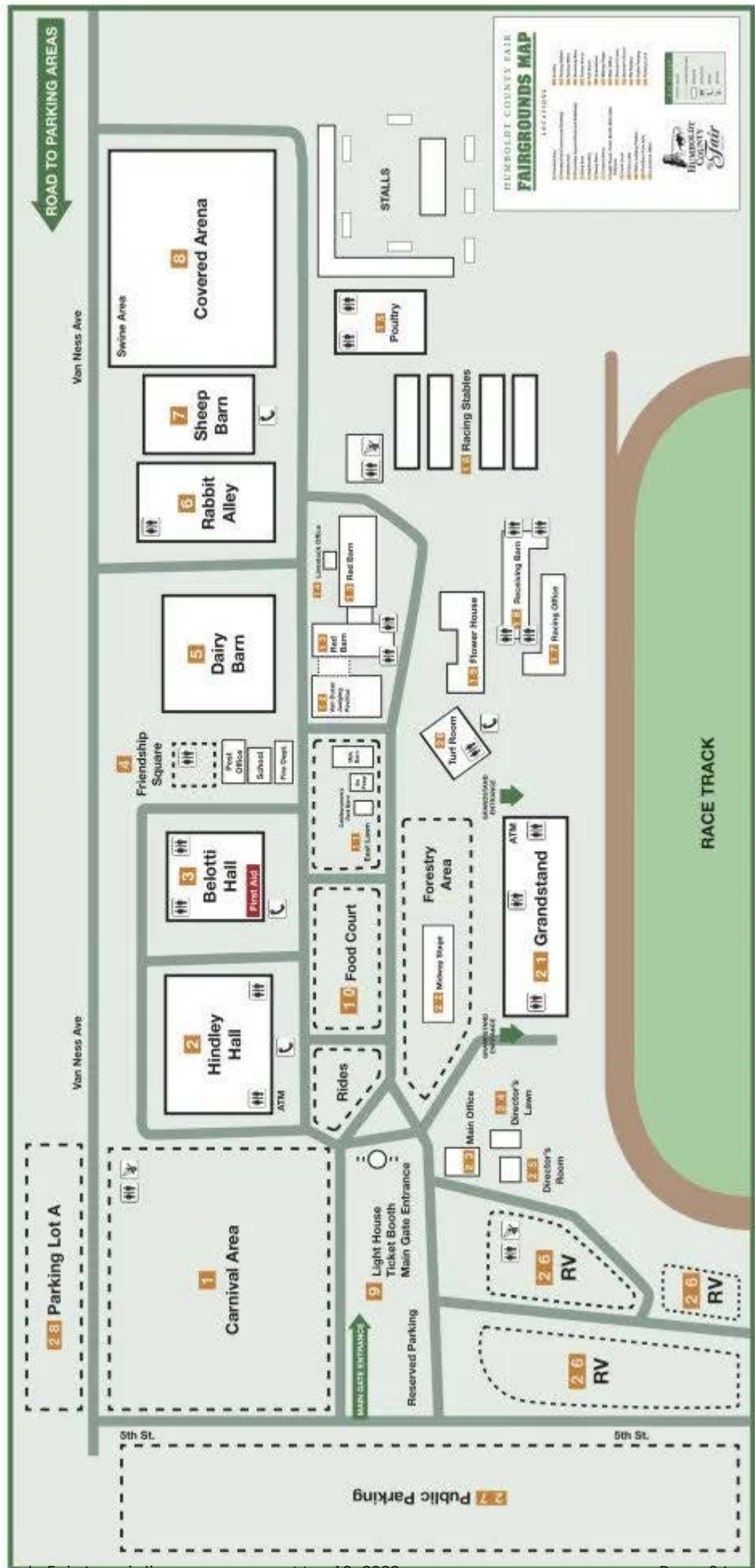
Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

MAP NOT TO SCALE



FAIRGROUNDS



REVISIONS	BY

RECEIVED
APR 8 2019
Humboldt County
Planning Division

VICINITY MAP

NO SCALE

APPLICANT:

RICHARD CONWAY
1250 5TH STREET
FERNDALE, CA 95536
(707) 786-5515

ENGINEER:

JEFF LAIKAM
WHITCHURCH ENGINEERING, INC.
610 9th STREET
FORTUNA, CA. 95540
(707) 725-6926

SCOPE:

THIS SITE PLAN WILL BE UTILIZED TO APPLY FOR A CONDITIONAL USE PERMIT FOR THE HUMBOLDT COUNTY FAIRGROUNDS TO HOST CONCERTS AND FIAT-TRACK RACING IN THE GRANDSTAND AND TRACK AREA OF THE FAIRGROUNDS. PARKING WILL BE PROVIDED ON THE FOLLOWING PARCELS:

ANS: 030-011-003

•SEE SHEET 2 FOR MORE INFORMATION

NOTES:

1. NO IMPROVEMENTS ARE PROPOSED FOR THIS CUP.
2. NO URNAGE PATTERNS WILL BE ALTERED.
3. NO ALTERNATIVES ARE LOCATED ON SITES LISTED BY THE EPA (CFC 65982.5).
4. NO SENSITIVE HABITAT AREAS WITHIN 400' OF THE PROJECT

SHEET INDEX:

1. SITE PLAN
2. PARKING PLAN

LOCATION KEY

1. RESTROOM
2. WHOLE HALL
3. POST OFFICE
4. SCHOOL
5. FIRE DEPARTMENT
6. DAIRY BARN
7. PAINT BARN
8. PAINT ALLEY
9. SHEEP BARN
10. COVERED ARENA
11. CATTLE MIX/MEN
12. LAIR BARN
13. JUDGING EARN
14. RED BARN
15. RESTROOM
16. POLTRY
17. STALLS
18. TICKET BOOTH
19. MAIN OFFICE
20. GRANDSTAND
21. TURNHOUSE
22. RECEIVING BARN
23. RACING OFFICE
24. STALLS

SITE PLAN

SCALE: 1"=100'

THESE PLANS ARE ORIGINALLY
PRINTED ON 24" x 36" PAPER.

This drawing or drawing set shall not be used for construction unless a jurisdictional stamp (County, City, State, Federal) has been issued on the drawing, a wet signed professional engineer's stamp, and permit documents have been issued for the project.

HUMBOLDT COUNTY FAIRGROUNDS
Fairgrounds 1250 5th Street Ferndale, CA. 95536

SITE PLAN

For: Richard Conway 1250 5th Street Ferndale, CA. 95536 (707) 786-5515

Date MAR 15 '97

Scale AS NOTED

Design JM..

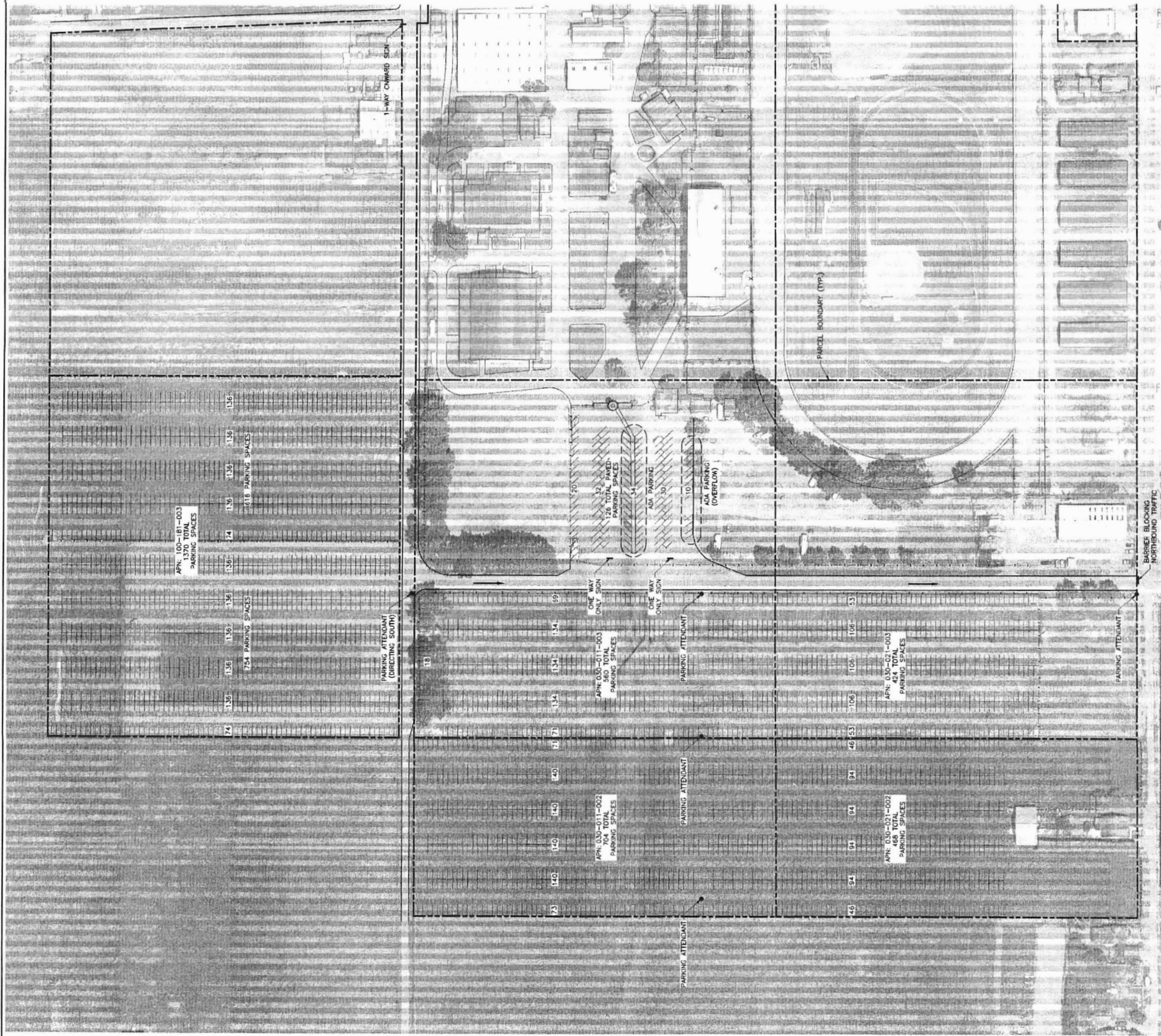
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97	97
98	98
99	99
100	100

Job HCF1802

Sheet

I

61551



PARCEL	AVAILABLE PARKING
030-011-002	704
030-021-002	422
TOTAL	1172 SPACES
030-011-003	560
030-021-003	422
TOTAL	984 SPACES
100-181-003	1370 SPACES
PAVED PARKING	126 SPACES
TOTAL	3652 SPACES TO

PER SECTION 109.1.4.3.4, OF THE HUMBOLDT COUNTY CODE FOR THEATERS OR STADIUMS, ONE (1) PARKING SPACE FOR EVERY FOUR (4) SEATS, PLUS ONE (1) SPACE FOR EVERY TWO (2) EMPLOYEES.

NO. SEATS IS APPROXIMATELY 5030
NUMBER OF EMPLOYEES IS APPROXIMATELY 12
REQUIRED NUMBER OF SPACES = $\frac{5000}{12} + \frac{1}{2} = 1256$

TYPICAL PARKING SPACE: 9'x19'

REQUIRED HANDICAPPED PARKING FOR EVENTS PER SECTION 109.1.3.8 OF THE HUMBOLDT COUNTY CODE:

1 HANDICAPPED PARKING SPACE FOR EVERY 40 SPACES OF PARKING FACILITY

REQUIRED HANDICAPPED PARKING = $\frac{1248}{40} = 32$ PARKING SPACES

REQUIRED DIMENSIONS = 14' X 18'

Sound Measurement Locations used for Noise Study



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE USE PERMIT MODIFICATION IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE PROJECT MAY BEGIN OPERATING

Approval of the Conditional Use Permit is conditioned on the following terms and requirements which must be satisfied before the uses may be initiated, or during ongoing operation of the use.

Conditions of Approval:

1. All temporary nighttime event lighting shall be directed towards the ground and shielded to ensure no light spillage onto adjacent parcels. This restriction applies to both stage lighting used during concerts or track lighting used during motorcycle racing. To achieve compliance with this requirement, prior to installation of any temporary lighting, a lighting plan shall be reviewed and approved by the Planning & Building Department. Failure to receive approval of a lighting plan or adhere to the plan is a violation of this permit. HCFA shall notify all event promoters ahead of each event and HCFA shall inspect all temporary lighting during setup as well as monitor compliance during operation of each event. During event season, HCFA shall document all lighting locations used and provide a report to the County Planning & Building Department detailing compliance with the lighting restrictions within 30 days of each event. The report shall include photographs of all lighting locations utilized and shall include any complaints received or feedback from neighboring property owners.

Timing for Implementation/Compliance: prior to and during each event
Person/Agency Responsible for Monitoring: Applicant / Humboldt County Planning & Building Department (HCP&BD)
Monitoring Frequency: To be confirmed during review of annual report submitted to HCP&BD.
Evidence of Compliance: Documentation, evidence, and discussion of Lighting will be included as part of Monitoring Reports required to be provided within 30 days of each event as well as annually as described under Condition of Approval #10.

2. Where a racing event occurs during a period with dry and windy conditions, the operator will periodically apply water or other dust suppressants to minimize the potential for dust to escape from the racetrack and fairgrounds properties.

Timing for Implementation/Compliance: on-going
Person/Agency Responsible for Monitoring: Applicant / Humboldt County Planning & Building Department (HCP&BD)
Monitoring Frequency: Each motorsports event
Evidence of Compliance: Documentation, evidence, and discussion of Dust Control will be included as part of the Monitoring Report required under Condition of Approval #10.

3. Concerts and Motorsports events shall end no later than 10pm.

Timing for Implementation/Compliance: on-going
Person/Agency Responsible for Monitoring: Applicant / Humboldt County Planning & Building Department (HCP&BD)
Monitoring Frequency: Each event
Evidence of Compliance: Documentation, evidence, and discussion of Event Cutoff will be included as part of the Monitoring Report required under Condition of Approval #10.

4. During flat track racing events, racers may only use motorcycles which produce no more than 99 decibels of noise when measured 20 inches from the end of the exhaust pipe. To accomplish this, motorcycles shall be equipped with exhaust systems featuring sound reduction components, including resonators/mufflers, fiberglass insulation, and baffles.

Timing for Implementation/Compliance: prior to start of race/on-going
Person/Agency Responsible for Monitoring: Applicant / Humboldt County Planning & Building Department (HCP&BD)
Monitoring Frequency: Each event
Evidence of Compliance: Documentation, evidence, and discussion of Exhaust Noise Reduction will be included as part of the Monitoring Report required under Condition of Approval #10.

5. During flat track racing events, noise from all participating motorcycles will be tested and measured prior to allowing riders to use the track. Noise shall be measured using the current testing procedure found in the 2020 American Flat Track Association Rulebook (Appendix D). Noise from each motorcycle must be at or below 99 decibels. To best insure all riders are able to comply with this requirement to compete, event promoters and participants shall be notified of the noise standard as early as possible in advance of the event.

Timing for Implementation/Compliance: prior to each event
Person/Agency Responsible for Monitoring: Applicant & all flat track event operators
Monitoring Frequency: Each event.
Evidence of Compliance: Documentation, evidence, and discussion of Pre-event Noise Testing will be included as part of the Monitoring Report required under Condition of Approval #10.

6. During all concert events, a dense strawbale sound wall will be installed near the rear of the stage between the concert and Arlington Avenue. The sound wall shall be of sufficient thickness and height to insure it provides at least 20 decibels of noise attenuation.

Timing for Implementation/Compliance: prior to each event
Person/Agency Responsible for Monitoring: Applicant / Humboldt County Planning & Building Department (HCP&BD)
Monitoring Frequency: Each event.
Evidence of Compliance: Documentation, evidence, and discussion of Sound wall Noise Attenuation will be included as part of the Monitoring Report required under Condition of Approval #10.

7. A sound engineer will be used during all concert events. The engineer will work with event staff to ensure that amplified music does not exceed CNEL values and associated maximum noise levels identified as follows:

EVENT TYPE	TIME WHEN MEASUREMENT IS TAKEN	MAX. CNEL VALUE (DB)	MEASUREMENT LOCATION
Concerts	during main performance (headlining act)	73	Arlington Ave.
			FHS admin lot

Timing for Implementation/Compliance: prior to each event/on-going
Person/Agency Responsible for Monitoring: Applicant / Humboldt County Planning & Building Department (HCP&BD)
Monitoring Frequency: Annually
Evidence of Compliance: Documentation, evidence, and discussion of Concert Noise Reduction will be included as part of the Monitoring Report required under Condition of Approval #10.

8. A maximum of five (5) concerts and two (2) motorcycle racing events may be held each year. Each "event" shall occur within the course of a single day. 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 shall 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.

Timing for Implementation/Compliance: prior to each event/on-going
Person/Agency Responsible for Monitoring: Applicant / Humboldt County Planning & Building Department (HCP&BD)
Monitoring Frequency: Each event.
Evidence of Compliance: Documentation, evidence, and discussion of Event Type Limitations will be included as part of the Monitoring Report required under Condition of Approval #10.

9. The calculated CNEL noise value shall not exceed 63 decibels during flat track motorcycle racing events. During concerts, the calculated CNEL noise value shall not exceed 73 decibels. HCFA will monitor noise levels during concerts and racing events to ensure that event-related noise levels remain at or below these limits. Noise will be measured from the locations used in the Noise Impact Study prepared by Whitchurch Engineering (shown below).

EVENT TYPE	TIME WHEN MEASUREMENT IS TAKEN	MAX. CNEL VALUE (DB)	MEASUREMENT LOCATION
Motorcycle Racing	during largest race group / heat of the day	63	Arlington Ave.
			FHS admin lot
Concerts	during main performance (headlining act)	73	Arlington Ave.
			FHS admin lot

Timing for Implementation/Compliance: during events/on-going
Person/Agency Responsible for Monitoring: Applicant / Humboldt County Planning & Building Department (HCP&BD)
Monitoring Frequency: Each event.
Evidence of Compliance: Documentation, evidence, and discussion of Compliance with Max CNEL will be included as part of the Monitoring Report required under Condition of Approval 10.

10. By December 31st of each year, the Humboldt County Fair Association (HCFA) shall prepare and submit an annual report to the Director of the Planning & Building Department. The report shall detail all Concert and Motorsports events held during that year and include the following information:
- *Listing and summary of all concerts and motorsports events held.* Including the scheduled date of each event, beginning and ending times for each event, number of tickets sold and number of attendees/spectators, parking areas utilized, and event-specific noise measurements.
 - *Noise measurements.* Noise levels shall be measured during all concerts and motorsports events, and readings shall be taken from the Arlington Avenue and "City of Ferndale" locations used in the Noise Impact Study prepared by Whitchurch Engineering. A noise meter similar to the type used in the Noise Study (PCE Instruments PCE-322A) shall be used. If measurements reveal noise levels exceeding the following thresholds, HCFA staff shall document the exceedance and coordinate with event staff to implement measures which consistently reduce event-related noise to levels at or below the limits in the following table:

EVENT TYPE	TIME WHEN MEASUREMENT IS TAKEN	MAX. CNEL VALUE (DB)	MEASUREMENT LOCATION
Motorcycle Racing	during largest race group / heat of the day	63	Arlington Ave.
			FHS admin lot
Concerts	during main performance (headlining act)	73	Arlington Ave.
			FHS admin lot

- *Adaptive management.* The report shall document wherever refinement or addition of a mitigation measure or operational restriction was needed to ensure events are held in conformance with the established conditions of the permit and lease agreement. These changes shall be memorialized in standard operating procedures and thereby remain a requirement of the Conditional Use Permit.
- *Lighting.* Photographs shall be taken showing the stage and track configuration used during each event. Photographs shall be provided for events which occurred in the evening, documenting compliance with the restrictions on temporary stage lighting to prevent light spillage onto neighboring residential properties.

The report may also include correspondence from agencies affected by the events (i.e., Humboldt County Public Works, Division of Environmental Health, Sheriff's Office, California Highway Patrol, City of Ferndale Police Department, California Department of Transportation).

Note: HCFA shall submit documentation showing that events have been successfully operated in conformance with all mitigation measures, operational restrictions, and conditions of project approval for five (5) years.

The Director of Planning & Building Department may request further documentation where HCFA has not sufficiently demonstrated conformance with the terms of the permit and required mitigation measures. The Director may waive the need for submittal of future reports during subsequent years if review of the information submitted reveals strong compliance with the terms of the permit and mitigation measures.

Timing for Implementation/Compliance: prior to December 31 st of each year events are held.
Person/Agency Responsible for Monitoring: Applicant / Humboldt County Planning & Building Department (HCP&BD)
Monitoring Frequency: Annually for five (5) years or until waived by the Director of Planning & Building.
Evidence of Compliance: To be confirmed during review of the report submitted to Planning & Building Department.

11. The Humboldt County Fair Association shall execute a revised lease agreement with the County of Humboldt amended to reflect and authorize future motorsports and concert uses operated consistent with the all terms of this permit. Terms include all conditions of approval and mitigation measures applied or committed to during project approval.

Timing for Implementation/Compliance: prior to holding or scheduling any events.
Person/Agency Responsible for Monitoring: Applicant / Humboldt County Planning & Building Department (HCP&BD)
Monitoring Frequency: Lease should be provided periodically to the Humboldt County Planning Building Department, as amended.
Evidence of Compliance: receipt of executed lease agreement

12. All motorsports and concert events shall be conducted in accordance with the *Plan of Operations* submitted by the applicant, received May 15, 2019.

13. By no later than February 14th of each year, the Humboldt County Fair Association shall provide the Humboldt County Planning & Building Department a schedule of all events planned to occur that year.

Timing for Implementation/Compliance: prior to February 14 th of each year.
Person/Agency Responsible for Monitoring: Applicant / Humboldt County Planning & Building Department (HCP&BD)
Monitoring Frequency: Annually
Evidence of Compliance: receipt of events schedule

14. **Within five (5) days of the effective date of the approval of this permit**, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,456.75. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Wildlife (DFW) fee plus a \$50 document handling fee. This fee is effective through December 31, 2020 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact DFW by phone at (916) 651-0603 or through the DFW website at www.wildlife.ca.gov for a determination stating the project will have *no effect* on fish and wildlife. If DFW concurs, a form will be provided exempting the project from the \$2,406.75 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required.

Note: If a required filing fee is not paid for the project, the project will not be operative, vested or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the State Fish and Game Code).

15. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant upon file close out after the Planning Commission decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 H Street, Eureka.

16. A comprehensive Traffic Management Plan shall be submitted to the Land Use Division of Public Works for review and approval by the Department. The applicant shall coordinate with the Department, the City of Ferndale, and CalTrans to develop the comprehensive Traffic Management Plan. The comprehensive Traffic Management Plan shall consist of multiple event-specific plans that are included as chapters. The event specific plans are to address the various sized events that the applicant intends to hold. It is intended that the event specific plans are living documents that are to be updated and refined over time based upon lessons learned from hosting events as well as in response to changed conditions. Updates to the event specific plans shall be coordinate with the City of Ferndale, Caltrans and the Land Use Division of Public Works. Any traffic control operations that will occur on a County maintained road shall be done under a Special Event Permit issued through the Land Use Division of Public Works. The Department may issue an Annual Special Event Permit to allow the applicant to conduct traffic control operations on a county-maintained road without the need for obtaining a separate permit for each event.

Timing for Implementation/Compliance: prior to holding or scheduling any events. Approval of a Comprehensive Traffic Management Plan (CTMP) required.
Person/Agency Responsible for Monitoring: Applicant / Humboldt County Public Works Land Use Division (DPW) / Humboldt County Planning & Building Department (HCP&BD)
Monitoring Frequency: annually or whenever CTMP subject to change or reapproval.
Evidence of Compliance: submittal of CTMP approved by the Public Works Land Use Division

17. Two (2) sound barriers will be created during all motorcycle racing events, fashioned by temporarily placing tractor trailers or strawbales (or some combination thereof) adjacent to motorcycle acceleration zones.

Timing for Implementation/Compliance: prior to each event.
Person/Agency Responsible for Monitoring: Applicant / Humboldt County Planning & Building Department (HCP&BD)
Monitoring Frequency: each event
Evidence of Compliance: Documentation, evidence, and discussion will be included as part of the Monitoring Report required under Mitigation Measure 10.

18. Acoustic treatment of the internal wall of the grandstands shall be performed using Acoustiblok viscoelastic polymer sound mitigation material or similar materials designed to decrease reverberation and noise.

Timing for Implementation/Compliance: prior to holding the first motorcycle racing event.
Person/Agency Responsible for Monitoring: Applicant / Humboldt County Planning & Building Department (HCP&BD)
Monitoring Frequency: Annually for first 5 years during review of Annual Report or during event inspections.
Evidence of Compliance: Documentation, evidence, and discussion will be included as part of the Monitoring Report required under Mitigation Measure 10.

Informational Notes:

1. Applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
2. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

The applicant is ultimately responsible for ensuring compliance with this condition.

3. Under state planning and zoning law (CGC §66000 *et seq.*), a development project applicant who believes that a fee or other exaction imposed as a condition of project approval is excessive or inappropriately assessed may, within 90 days of the applicable date of the project's approval, file a written statement with the local agency stating the factual basis of their payment dispute. The applicant may then, within 180 days of the effective date of the fee's imposition, file an action against the local agency to set aside or adjust the challenged fee or exaction.
4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

ATTACHMENT 2

DRAFT SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION (SCH #2022040045)

(attached separately)

ATTACHMENT 3

**ORIGINAL INITIAL STUDY / MITIGATED NEGATIVE DECLARATION (SCH #2020070478)
adopted by the Humboldt County Board of Supervisors on November 10, 2020
(attached separately)**

ATTACHMENT 4

Substitute Mitigation Measures (SCH # 2020070478)

adopted by the Humboldt County Board of Supervisors on November 10, 2020

SUBSTITUTE MITIGATION MEASURES

#	ORIGINAL MITIGATION MEASURE	SUBSTITUTE MITIGATION MEASURE
MITIGATION MEASURE #1	AES-1: Temporary stage lighting used during events will be directed towards the ground and north of the stage at intensities low enough to prevent light spillage (illumination of adjacent parcels). To insure that all lighting conforms to this standard, Humboldt County Fair Association staff shall reviewing the temporary lighting design for each music event.	AES-1: All temporary nighttime event lighting shall be directed towards the ground and shielded to ensure no light spillage onto adjacent parcels. This restriction applies to both stage lighting used during concerts or track lighting used during motorcycle racing. To achieve compliance with this requirement, prior to installation of any temporary lighting, a lighting plan shall be reviewed and approved by the Planning & Building Department. Failure to receive approval of a lighting plan or adhere to the plan is a violation of this permit. HCFA shall notify all event promoters ahead of each event and HCFA shall inspect all temporary lighting during setup as well as monitor compliance during operation of each event. During event season, HCFA shall document all lighting locations used and provide a report to the County Planning & Building Department detailing compliance with the lighting restrictions within 30 days of each event. The report shall include photographs of all lighting locations utilized and shall include any complaints received or feedback from neighboring property owners.
MITIGATION MEASURE #8	NOI-6: A maximum of four (4) motorsports events will be held each year. Only one (1) motorsport event will occur featuring Monster Trucks.	NOI-6: A maximum of two (2) motorcycle racing events may be held each year. Each "event" shall occur within the course of a single day.

#	ORIGINAL MITIGATION MEASURE	SUBSTITUTE MITIGATION MEASURE
MITIGATION MEASURE #10	<p>NOI-8: Annual Reporting Requirement/Adaptive Management Program.</p> <p><i>Note: HCFA need only submit documentation showing that events have been successfully operated in conformance with all mitigation measures, operational restrictions, and conditions of project approval during two (2) successive instances for each of the following event types:</i></p> <ul style="list-style-type: none"> • <i>Concerts</i> • <i>Motorcycle Racing</i> • <i>Monster Trucks/Tractor Pulling</i> <p><i>The Director of Planning & Building Department may request further documentation where HCFA has not sufficiently demonstrated conformance with the terms of the permit and required mitigation measures. The Director may waive the need for submittal of future reports during subsequent years if review of the information submitted reveals strong compliance with the terms of the permit and mitigation measures.</i></p>	<p>NOI-8: Annual Reporting Requirement/Adaptive Management Program.</p> <p><i>Note: HCFA shall submit documentation showing that events have been successfully operated in conformance with all mitigation measures, operational restrictions, and conditions of project approval for five (5) years.</i></p> <p><i>The Director of Planning & Building Department may request further documentation where HCFA has not sufficiently demonstrated conformance with the terms of the permit and required mitigation measures. The Director may waive the need for submittal of future reports during subsequent years if review of the information submitted reveals strong compliance with the terms of the permit and mitigation measures.</i></p>

ATTACHMENT 5

Applicant's Evidence in Support of the Required Findings

Attachment 3 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

1. The name, contact address, and phone number(s) of the applicant.
(Application form on file)
2. Site Plan
(Attached with Maps, included in Attachments 2 & 3)
3. Letter from Humboldt County Fair Association requesting permit modification (dated 1-6-22)
(Attached with Letters from Applicant)
4. Letter from Humboldt County Fair Association proposing additional noise mitigation measures (dated 3-22-22)
(Attached with Letters from Applicant)
5. Noise Impact Study – Flat Track Racing at Humboldt County Fairgrounds [prepared by Whitchurch Engineering]
(Included in Attachments 2 & 3)
6. Noise Study Addendum – Open Air Concerts (Rev. 2 – February 11, 2020) [prepared by Whitchurch Engineering]
(Included in Attachments 2 & 3)
7. Plan Of Operations [prepared by Whitchurch Engineering]
(included in Attachments 2 & 3)
8. Letter from Whitchurch Engineering supporting noise limit increase (dated July 13, 2021)
(included in Attachment 2)
9. Letter of Interest – Big Time Speedway Presents, LLC
(included in Attachment 2)



Humboldt County Fair Association
1250 Fifth Street
Ferndale, California 95536

March 22, 2022

RE: Regarding PLN-2021-17651 Permit Modification

Dear Mr. Lazar,

In response to your correspondence dated March 9, 2022, the HFCA has discussed additional noise mitigation measures to be integrated into the MND prior to finalizing and recirculating this document. In addition to our request for modification to Conditional Use Permit (2019-15519), the HCFA is committed to including the following noise mitigation measures:

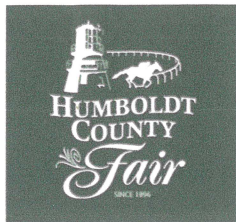
1. Installation of two 120' long X 14' high temporary sounds walls to be placed strategically adjacent to motorcycle acceleration zones.
2. Installation of **Acoustiblok** viscoelastic polymer sound mitigation material on internal wall of grandstand facility. This product has been successfully installed in similar facilities and is proven to be effective in decreasing reverberated grandstand noise (i.e. Redwood Acres Fairgrounds).

By our submission to these mitigation measures prior to March 28th, we look forward to being included on the May 5, 2022 Humboldt County Planning Commission agenda.

Thank you for your continued efforts supporting the Humboldt County fair.

Sincerely,

Rich Silacci
CEO Humboldt County Fair



**Humboldt County Fair Association
1250 Fifth Street
Ferndale, California 95536**



December 29, 2021

*RE: Request for modification of Humboldt County Fair Association Conditional Use Permit
PLN-2019-15519*

Dear Humboldt County Planning Director John Ford,

In the fall of 2020, the Humboldt County Board of Supervisors approved a Conditional Use Permit on behalf of the Humboldt County Fair Association. The CUP (2019-15519) allowed the Association to conduct a limited number of Concert events and two days of motorcycle racing each year. The CUP included three conditions of approval (#4, #5, and #9) that dealt with the noise produced by the motorcycle racing event. Conditions #4 and #5 addressed the noise produced by each individual motorcycle, while condition #9 addressed the noise impact on the community via setting a limit on the Community Noise Equivalent Level (CNEL), a measurement standard that calculates the average noise experienced in a location over a 24-hour period.

Humboldt County Fair Association retained Whitchurch Engineering of Fortuna to complete a noise analysis, and this material was provided to the County and documented that the racing events could meet community noise standards as measured by the CNEL.

After the issuance of the CUP, Fair Staff met with a promoter of motorcycle racing events and reviewed the conditions of approval of the CUP. During these discussions, we were made aware of the fact that while the CUP (2019-15519) includes a 90 dB limit on individual motorcycle noise emission, the American Motorcyclist Association (AMA) and National standard is 96 dB for newly manufactured motorcycles and 98 dB for pre 2011 motorcycles. ***(See attached excerpt from AMA 2021 Rulebook)***

We began research and discovered that no manufacturer produces an exhaust system that meets the 90 dB requirement. In discussions with the planning staff seeking to identify where the 90 dB originated, Mr. Lazar stated that it was an “estimation” of the staff of the required level to meet the CNEL. The sound study materials produced by Whitchurch do

not suggest the 90 dB limit, and discussion with the engineering staff in 2021 indicated that they were not aware that the 90 dB limit was included in the CUP requirements.

We find ourselves in a situation where the conditions of the CUP make it impossible to stage any motorcycle racing events, and are therefore requesting a modification to the CUP to substitute 99 dB as a limit in conditions #4 and #5 as a replacement for the existing 90 dB limit.

We feel that this substitution is appropriate for the following reasons:

- 1) The original 90 dB limit was an “estimation” of the level required to meet the CNEL by planning staff, not a determination of the engineering sound study.
- 2) 96 dB is the national standard for newer individual motorcycle noise testing and 99 dB is the standard for pre 2011 motorcycles and exhaust systems exist to meet these standards.
- 3) The Humboldt County Fair Association has submitted additional engineering work by Whitchurch Engineering to the Planning department (submission of July 13th, 2021) that supports the conclusion that the CNEL requirements of condition # 9 can be met at the 99 dB level.
- 4) We are **NOT** requesting any change in the condition (#9) that reflects the events impact on the community.
- 5) The 99 dB limit will provide the broadest opportunity for participation and still qualify for acceptable noise limits

We therefore request that the Humboldt County Planning Commission approve a modification of Condition Use Permit PLN-2019-15519 to replace the 90 dB limit in approval conditions #4 and #5 with a limit of 99 dB.

Sincerely.



Johanna Rodoni
Humboldt County Fair Association

HUMBOLT COUNTY FAIR
1250 Fifth Street
Ferndale, CA 95536

Website: www.humboldtcountryfair.org

Phone: (707) 786-9511
Fax: (707) 786-9540
Email: humcofair@frontiernet.net

APPENDIX 5.2

SOUND LIMITS AND TESTING PROCEDURES

A. Sound Requirements

1. The maximum sound limit is set at:

Pre-race inspection		Post-race Inspection	
Maximum dB/A	Engine Type	Maximum dB/A	Engine Type
96 dB/A	2-stroke	98 dB/A	2-stroke
94 dB/A	4-stroke	96 dB/A	4-stroke
101 dB/A	*Vintage	101 dB/A	*Vintage

2. The test will be conducted at a fixed RPM as follows:

Race Motorcycles/ATV		Trail bikes/Utility ATV	
Engine size	RPM	Engine size	RPM
0cc – 85cc	6,000 RPM	0cc – 85cc	4,000 RPM
86cc – 125cc	6,000 RPM	86cc – 125cc	4,500 RPM
126cc – 250cc	5,000 RPM	126cc – 250cc	4,000 RPM
251cc – 500cc	4,500 RPM	251cc – 500cc	3,000 RPM
501cc - Open	4,000 RPM	501cc - Open	3,000 RPM

3. Machines entered in all meets (except Drag Racing, **Hillclimb**, and Land 'Speed Trials) shall have mufflers/silencers that don't exceed the maximum dB/A required by the state where the meet is being held or the prescribed dB/A above, whichever is less.
4. Applicable sound test limits may not be exceeded at any time during an event.
5. Testing by a club or organizer is required. The testing may be conducted at any time. Any motorcycle not complying with applicable sound rules may be penalized.

B. Sound Testing Procedures

1. Sound Test Equipment

- a. The sound level meter must meet international standard IEC 651 or American National Standards Institute (ANSI) S1.4-1983 specifications, or newer meeting ANSI Type 1, Type S1A, Type 2 or Type S2A. The sound level meter must include a compatible calibrator, which must be used immediately before mass testing begins and always just prior to a re-test if a disciplinary sanction may be imposed.
- b. For convenience, a 20-inch string may be attached to the front of the sound level meter for the stationary sound test.
- c. It is recommended that the sound meter be attached to a tripod and then placed into position for the test. Allow the sound meter to come to the same

ATTACHMENT 6

ORIGINAL REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following referral agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	Attached	On File
County Building Inspection	X	Conditional Approval		X
County Public Works, the Land Use Division	X		X	
County Division of Environmental Health	X	Approval		X
Humboldt County Sheriff's Office	X	Approval		X
City of Ferndale – Public Works				
City of Ferndale – Fire Department				
City of Ferndale – Police Department				
City of Ferndale – City Manager				
Regional Water Quality Control Board				
North Coast Unified Air Quality Management District				
California Coastal Commission				
California Department of Fish & Wildlife				
Northwest Information Center	X	Comments		X
THPO - Bear River Band of the Rohnerville Rancheria	X	No Concerns		X
THPO - Wiyot Tribe	X			X



DEPARTMENT OF PUBLIC WORKS
C O U N T Y O F H U M B O L D T

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

PUBLIC WORKS BUILDING
SECOND & L ST., EUREKA
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WEB: CO.HUMBOLDT.CA.US

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MANAGEMENT	445-7493	ROADS	445-7421

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Steve Lazar, Senior Planner, Planning & Building Department

FROM: Kenneth Freed, Assistant Engineering 

DATE: 08/26/2020

RE: **HUMBOLDT COUNTY FAIR ASSOCIATION**
APN 030-071-001, APPS# PLN-2020-15519-CUP

Van Ness Avenue is a paved road. The majority of Van Ness Avenue is within the City limits of Ferndale and a portion lying west of California Street is within unincorporated Humboldt County and maintained by the Department.

The proposed events will occur within the fairgrounds and not within the right of way of Van Ness Avenue. However, event traffic is directed down Van Ness Avenue to the off-street parking areas. When a fee for parking is charged, a temporary pay station has been historically setup on the County maintained portion of Van Ness Avenue (County Road No. 2G060) and a portion of Van Ness Avenue turned into a one-way road.

A comprehensive Traffic Management Plan is required to address event traffic. Coordination with the City of Ferndale, Caltrans, and the Department on the traffic management plan will ensure that the plan is effective. Conducting traffic control operations of any type on the County maintained road shall require a Special Event Permit to be issued by the Department.

The following conditions are recommended:

1. A comprehensive Traffic Management Plan shall be submitted for review and approval by the Department. The applicant shall coordinate with the Department, the City of Ferndale, and Caltrans to develop the comprehensive Traffic Management Plan. The comprehensive Traffic Management Plan shall consist of multiple event-specific plans that are included as chapters. The event specific plans are to address the various sized events that the applicant intends to hold. It is intended that the event specific plans are living documents that are to be updated and refined over time based upon lessons learned from hosting events as well as in response to changed conditions. Updates to the event specific plans shall be coordinated with the City of Ferndale, Caltrans and the Department; and approved by the Department.
2. Any traffic control operations that will occur on a County maintained road shall be done under a Special Event Permit issued by the Department. The Department may issue an Annual Special Event Permit to allow the applicant to conduct traffic control operations on a County maintained road without the need for obtaining a separate permit for each event.

// END //

ATTACHMENT 7
PUBLIC COMMENTS RECEIVED
(attached separately)