



**ZONING ADMINISTRATOR
STAFF REPORT- USE PERMIT RENEWAL**

**JUNE 14, 2018
UR_2017-0002**

SUMMARY

OWNER: CONRAD K BOWMAN
83950 ROAD 442E
PIERCY, CA 95587

APPLICANT: NORTHERN NIGHTS MUSIC GROUP
859 HARRISON ST STE B
SAN FRANCISCO, CA 94107

AGENT: PETER HUSON
859 HARRISON STREET STE B
SAN FRANCISCO, CA 94107

REQUEST: Use Permit Modification and Renewal for an annual event known as the "Northern Nights Music Festival". The modification proposal is to increase the event from 3 days to 4 days beginning the Thursday before the third full weekend in July and increase attendance from 6,000 to 8,000 persons. Camping space would be provided for a total of 6,000 attendees and parking for 2,000 vehicles. The project also involves supplemental parking and camping for 2,000 attendees and 2,000 vehicles located in adjacent Humboldt County. Amplified music is proposed from 6 PM to 10 PM on Thursday, 10 AM to 2 AM on Friday, 10 AM to 2 AM on Saturday and 8 AM to 12 AM on Sunday. The event would include newly designated camping areas on the point bars along the western bank of the South Fork Eel River.

LOCATION: 2.5± miles north of Piercy, just south of the Mendocino/Humboldt County line, lying on the east side of Highway 101, south of the Cook's Valley exit, located at 83950 County Road 442E, Piercy (APNs: 053-020-10, -11, -12, -13, -14, & -16).

TOTAL ACREAGE: 32± acres

GENERAL PLAN: Rural Residential (RR)

ZONING: Rural Residential – 5 acre minimum: Flood Plain District (RR 5: FP)

SUPERVISORIAL DISTRICT: 4

ENVIRONMENTAL DETERMINATION: Subsequent Mitigated Negative Declaration

RECOMMENDATION: Approve with Conditions

STAFF PLANNER: Robert Dostalek

BACKGROUND

PROJECT DESCRIPTION: The applicant is requesting a modification and renewal to their previous entitlements including Use Permits U_2013-0005, UM_2013-0005 and UM_2014-0011 for an annual

event held over the third weekend in July known as the “Northern Nights Music Festival.” Specifically, the applicant proposes to: 1) Increase the maximum attendance level; 2) increase the duration of the event by one (1) additional day, and; 3) provide additional camping and parking areas. The event was previously approved to occur annually from 2015 through 2017 with up to 6,000 total attendees for the years 2016 and 2017. The applicant is requesting the maximum allowed attendance levels be increased to 8,000 persons and the Use Permit be renewed for a five (5) year term to include the years 2018 through 2022. The applicant is also requesting the duration of the event be increased from three (3) consecutive days to four (4) consecutive days to include the Thursday prior to the annual weekend event. Camping space would be provided for a total of 6,000 attendees and parking for 2,000 vehicles in Mendocino County. The event also involves supplemental parking and camping for 2,000 attendees and 2,000 vehicles located in adjacent Humboldt County. Amplified music for the main stage is proposed from 6 PM to 10 PM on Thursday, 10 AM to 2 AM on Friday, 10 AM to 2 AM on Saturday and 8 AM to 12 AM on Sunday. Amplified music for the auxiliary stage located near the Eel River would be restricted to 10 AM to 8 PM, Friday through Sunday. On-site parking would be provided within designated areas as identified on the event Site Plan including areas on neighboring lands within Humboldt County. Water is provided from an on-site well and water distribution system that runs throughout the property. Portable toilets, hand washing stations and showers would be provided. The applicant has submitted a Plan of Operations (Attachment A) for the event which describes event details.

STRUCTURE OF THIS STAFF REPORT AND RESOLUTION: Potential project impacts were evaluated for the parent Use Permit U_2013-0005 and previous Use Permit Modifications UM_2013-0005 and UM_2014-0011 which permitted the temporary use of the property for an annual 3 day event to include up to 5,000 attendees in 2015 and 6,000 attendees in both 2016 and 2017 with an amplified music curfew of 2 AM. Staff’s evaluation for this modification and renewal UR_2017-0002 is limited to the proposed attendance level increase, the increase of the duration of the event by one (1) additional day, new camping and parking areas, and the proposed renewal term period of five (5) years.

The conditions from the original Use Permit U_2013-0005 and subsequent modifications are included in the attached Resolution. Strikethrough and new condition references have been included where conditions for this modification have been superseded or modified.

STAFF RECOMMENDATION: Following staff’s analysis in this report and agency referral responses, there is concern regarding the proposed renewal term of five (5) years. Standard County procedure for renewal requests is to renew a permit for its original term, in this case, three (3) years. Additionally, concerns were expressed by the California Department of Fish and Wildlife as it pertains to protection of the foothill yellow-legged frog habitat (a newly identified candidate species) and the hydrologic connection of the event’s water source to the South Fork Eel River. In addition, the Mendocino County Sheriff’s Office has not received payment for services rendered in a timely manner for the past three events. For these reasons and to provide an opportunity for County and responsible agency staff to conduct a site inspection during the event to ensure compliance for the new effective term of the permit, staff recommends a renewal term of three (3) years to permit the event from 2018 through 2020.

RELATED APPLICATIONS:

Surrounding Area:

- On the subject and neighboring property immediately to the east, Use Permit U_1988-0012 (Mercer, Fraser Co./Cooks Valley Bars), and its renewals UR 12-88/93 and UR 12-88/2000 were permitted for extraction and on-site processing (crushing and screening) of up to 20,000 cubic yards of gravel per year. To the northeast of the subject property in Humboldt County, Mercer Fraser Company operates an asphalt plant in addition to its extraction and aggregate processing facilities in Mendocino County. The gravel extraction operation will not occur during the event.
- The Mateel Community Center received a Conditional Use Permit CUP-12-017 and Special Permit SP-12-030 from Humboldt County authorizing the “Reggae on the River” music festival to be held from Thursday through Sunday over the first weekend of August 2013 – 2017. This event is located approximately one half mile north of the of the Northern Nights event location within Humboldt County. Attendance for the 2013 event is limited to 6,000 ticketholders, and 2,000 staff, volunteers, performers, and guests, for a peak total of 8,000 persons. Attendance for the 2014 - 2017 events is

limited to 8,000 ticket holders, and 2,500 staff, volunteers, performers, and guests for a peak total of 10,500 persons. Up to 4,000 persons may be camping on the site.

On-Site:

- Use Permit U_2005-0003 was approved by the Zoning Administrator (ZA) on May 12, 2005, authorizing the temporary use of the subject property, from August 4-7, 2005, as a campground to accommodate attendees of a neighboring music festival, "Reggae on the River" (name subsequently changed to "Reggae Rising"). This Permit authorized a total of 1,000 vehicles to park and 2,500 individuals to camp on the subject property. The Permit was renewed in 2006 (UR_2005-0003) through 2010.
- Use Permit Modification UM 3-2005/2008 was approved by the ZA at the July 10, 2009, meeting allowing for the temporary use of the property through 2010 as a camping area for one day (last Sunday in August) for attendees of another neighboring county music concert located in Humboldt County. A total of 2,500 individual campers were authorized.
- Use Permit Modification UM 3-2005/2011 was approved by the ZA at the May 18, 2011 meeting authorizing the temporary use of the property for the gathering of up to 3,500 people for 3 day music/camping event June 10, 11, and 12, 2011 known as the "Redwood Run". Permit also included same use of the property on July 16 and 17, 2011 in conjunction with an off-site event located in Humboldt County known as "Reggae on the River," and a separate one day music event to be held on-site the last weekend in August.
- Use Permit Modification UM 3-2005/2012 was approved by the ZA at the July 9, 2012 meeting authorizing the temporary use of the property for the gathering of up to 3,500 people for a 3 day music event July 20-22, 2012 known as the "Late Night Dancehall Dome After Party" to include camping, music, provision for food and alcohol, and vending booths.
- Use Permit U_2013-0005 was approved by the ZA on May 17, 2013 authorizing Northern Nights Music Group, the temporary use of a property for a 3-day event starting July 19, 2013, known as the "Northern Nights Music Festival", to include camping, music, provisions for food and alcohol and vending booths as well as a temporary on-site general store. Approval allowed for a maximum total of 3,500 attendees including staff, artists and vendors. Amplified music was permitted between the hours of 10 a.m. and midnight. The ZA decision was appealed to the Board of Supervisors (BOS) by the Mateel Community Center as well as a neighboring property owner whose house is located approximately 1,200 feet south of the event site. The BOS, at the June 18, 2013 meeting, ultimately upheld the determination of the ZA, and approved the Use Permit with condition modifications.
- Use Permit Modification UM 5-2013/2013 was approved by the ZA on May 8, 2014 authorizing Northern Nights Music Festival to occur starting the Friday before the third full weekend in July for the years 2014 through 2017. A total of 4,000 attendees including staff, artists and vendors were authorized. Amplified music was limited between the hours of 10:00 a.m. and midnight.
- Use Permit Modification UM 2014-0011 was approved by the ZA on June 11, 2015 authorizing a total of 5,000 attendees for 2015 and 6,000 attendees for 2016 and 2017. The modification also extended amplified music until 2 AM on Friday and Saturday nights for the Main Stage and until 8 PM for the River Stage.

SITE CHARACTERISTICS: The property, commonly known as "Cooks Valley", is approximately 32 acres and is bordered by the Eel River to the south and east, Dimmick Ranch to the north, and U.S. Highway 101 to the west. The property is relatively flat and includes a gravel river bar, open fields and a redwood tree grove. Multiple single family residences and accessory structures exist on the property. The property has historically been used to support multiple temporary events.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RR (Rural Residential)	RR-5	1± - 2± acres	Residential
EAST	FL (Forest Lands)	FL-160 + FP	44.5± acres	Gravel extraction and processing
SOUTH	RC (Rural Community)	RC-40K + FP	4± to 19.4± acres	Eel River/Residential
WEST	RC (Rural Community)	RC-40K	5.39± acres	US Highway 101

PUBLIC SERVICES:

Access: County Road 442E off U.S. Highway 101
 Fire District: CalFire/Piercy Fire District
 Water District: None
 Sewer District: None
 School District: Southern Humboldt Unified School District

AGENCY COMMENTS: On April 2, 2018, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. Any comment that would trigger a project modification or denial are discussed in full as key issues in the following section.

REFERRAL AGENCIES	COMMENT
Department of Transportation	Comments
Environmental Health-Ukiah	No Response
Building Services-Ukiah PBS	No Response
Office of Emergency Services	Comments
U.S. Fish and Wildlife Service	No Response
Air Quality Management District	Comments
Department of Health Services	No Response
Department of Parks and Recreation	No Response
Department of Alcoholic Beverage Control (ABC)	No Response
CHP	Comments
Regional Water Quality Control Board	No Response
California Dept. of Fish & Wildlife	Comments
Army Corp. of Engineers	No Response
Assessor	No Response
Forest Advisor	No Comments
County Water Agency	No Response
Sherwood Valley Band of Pomo Indians	No Response
Redwood Valley Rancheria	No Comment
Cloverdale Rancheria	No Response
CalTrans	Comments
CalFire	No Comment
NOAA Fisheries	No Response
Humboldt County Planning	No Response
Humboldt County Sheriff	Comments
MSWMA	No Response
Mendocino County Sheriff	Comments
Public Health Department	Comments
Leggett Fire District	No Response
Piercy Fire District	No Response

KEY ISSUES

The Northern Nights Music Festival event has occurred, as approved, on the property for the past three (3) years with the effective term ending in 2017. The applicant seeks to renew the use permit, and in addition, proposes modifications to the event. The analyses and discussion of Key Issues from previous staff reports (Use Permit U_2013-0005 and Use Permit Modifications UM_2013-0005/2013 & UM_2014-0011) remain valid for the proposed modification and renewal. Therefore, the discussion of new or modified Key Issues in this report supplements those from the previous Use Permit modifications. New or modified conditions are also identified and discussed below.

Accordingly, the project analysis will be specifically focused on the following proposed modifications and renewal request:

- A. The increase of the maximum attendance level from the previously approved 6,000 persons to 8,000 persons;
- B. Increase of the previously approved duration of the event from three (3) days to four (4) days;
- C. The provision of additional camping and parking areas (2,000 parking spaces); and
- D. A renewal request from the previously approved three (3) year term to a five (5) year term.

1. General Plan and Zoning Consistency: The property has a General Plan designation of Rural Residential (RR) and is zoned Rural Residential 5 acre minimum (RR-5). The applicant previously obtained an entitlement via Use Permit Modification UM 2014/0011 to hold the annual 3 day "Northern Nights" music festival through 2017 with a maximum attendance level of 6,000 persons. This permit was processed under the Temporary Use provisions of Chapter 20.168 of the Mendocino County Code (MCC). The MCC limits the use of land for a temporary event to 5 days in any 6 month period. The MCC does not limit the attendance levels, hours of amplified music or camping that an applicant may request. Therefore, the proposed project modification would be consistent with its General Plan designation, applicable zoning regulations, and the Temporary Use provisions of the MCC.

2. Environmental Protection:

Biology and Water Quality: The project setting is immediately adjacent to the South Fork Eel River. Previous entitlements analyzed potential impacts to water quality and biological habitats which are included as conditions of approval. The project was referred to responsible and trustee agencies on April 2, 2018. The California Department of Fish and Wildlife (CDFW) responded with comments reflective of current environmental conditions and updated statuses for specific species.

Comments were received from CDFW by Planning and Building Services (PBS) on April 25, 2018. The following excerpt is pertinent to the proposed modification and renewal request:

...I would also like to assert the comments provided by Jennifer Olson in 2016 [these were received by PBS for an associated Administrative Permit on the event site – AP_2016-0006]:

- 1. The applicants should provide specific details of the vehicle screening/inspection process to prevent the release of petrochemicals associated with vehicles in areas where these chemicals may pass into the South Fork Eel River. This screening process should, at a minimum:*
- 2. Dedicate staff to pollution prevention, both at the entry point and for follow up within the venue for the duration of the event*
- 3. Identify "problem" vehicles (i.e. leaking) before they enter the venue*
- 4. Intercept and quarantine "problem" vehicles that are leaking and direct to parking areas away from the river bar*
- 5. Create a contingency plan for leaking vehicles discovered within the venue, such as absorbent pads effective to contain leaks until proper disposal after the event*
- 6. Dedicate staff for clean-up and remediation of spots/spills during and after the event*
- 7. Report post clean-up findings to CDFW and other interested agencies after the event*

*Since the inception of this music festival, our region continues to be stressed by drought and water-usage concerns, and the foothill yellow-legged frog (*Rana boylei*) was named a candidate species for listing under the California Endangered Species Act. This particular section of the South Fork Eel River is heavily used by the foothill yellow-legged frog (FYLF) as a breeding area. Surveys in 2012 found egg mass densities to be some of the highest in the region. This is a species sensitive to disturbance and pollutants in the water, and is therefore of concern regarding this festival. During this festival (late July) CDFW expects that both tadpoles and recently-metamorphosed frogs will be present in high numbers.*

*One of the most important factors in reducing the impact to FYLF is the buffers provided to the wetted section of the river – a 30' buffer for project activities (including camping), and a 100' buffer for all vehicles. The project plans submitted with this use modification show encroachments on these buffers. **The River Stage appears to be within 30' of the wetted edge, and Parking Area 2 is within 100' of the wetted edge.** If the River Stage is built within this buffer, then the applicant should notify CDFW for a Streambed Alteration (1602) Agreement. Parking area 2 should be moved to respect the 100' buffer for vehicles.*

Another point of concern is the two wells shown on the Project Plan. As noted in previous environmental documents, these wells appear (by proximity and substrate) to be hydrologically connected to the South Fork Eel River, and would therefore constitute a diversion from the river. The applicant has stated that they will reduce other water demand on these wells during the festival period so that there is no net change to water drawn on these wells. With the attendance proposed to expand to 8000 people, there should be an explicit documentation that this will be feasible. Furthermore, the applicant should notify CDFW for these diversions of the South Fork Eel River by notifying for a Streambed Alteration (1602) Agreement. It should also be clear that any drafting directly from the river (i.e. water trucks) is a violation of Fish and Game Code 1602 without a prior agreement.

Because of these and other concerns, CDFW recommends the following as conditions of approval, in addition to those already recommended in 2015 and 2016:

- 1. That the applicant complies with the 30' and 100' buffers from the wetted edge. Parking area 2 is within this buffer, as is the River Stage.*
- 2. That the applicant provide survey results for nesting birds, post-clean up findings, and detailed and explicit water use reports (for both wells) from previous events.*
- 3. That the applicant provides detailed and explicit water use data to show that an expansion to 8,000 attendees is possible without a net gain in water use during the festival period. This analysis should include dust-abatement activities and preclude any water drafting from the river.*
- 4. That the applicant notify CDFW for Streambed Alteration (1602) Agreements for the River Stage (if it remains at the wetted edge) and for the two water diversions (wells).*
- 5. That the applicant plans and implements outreach, announcements, and signage to educate attendees about foothill yellow-legged frogs at the festival site, including ways for attendees to avoid impacting frogs during the festival.*

The event has the potential to significantly impact water quality in the Eel River and its fish habitat from the unintended discharges of automobile fluids from parked vehicles, event water usage as well as from large numbers of people accessing a short stretch of the river in a concentrated timeframe for recreational purposes. Potential impacts to water quality were evaluated for the previous Use Permit Modification UM_2013-0005/2013 and UM_2014-0011 which permitted the temporary use of the property for an annual 3 day event to include up to 6,000 attendees through 2017. The applicant is requesting that allowed attendance levels be increased to 8,000 attendees for the years 2018 through 2022. This represents a 2,000 attendee increase above the previously permitted attendance levels for 2016 and 2017. Staff's evaluation is limited to the proposed project modifications including increased attendance level, new parking and camping areas, and an additional day for the event duration.

The parking of vehicles for an event of this size could impact water quality through the unpermitted and/or unintended discharge of automotive fluids. Staff previously evaluated these potential impacts from UM 5-

2013/2013 and UM_2014-0011 which included parking to accommodate up to 6,000 attendees including artists, vendors and staff both paid and unpaid. Newly designated parking areas to accommodate a total of 2,000 vehicles in Mendocino County are proposed to accompany the proposed attendance increase of 2,000 persons. Pre-designated parking areas are identified on the event Site Plan. The applicant has identified additional parking areas located on adjacent lands in Humboldt County for which they are obtaining a permit (Case #CUP-04-38MMMMM and #MON-17-001) from Humboldt County. This permit would allow the applicant to use a portion of the neighboring property as a temporary auxiliary parking lot in conjunction with the Northern Nights event.

As with the previous permits, UM_2013-0005/2013 and UM_2014-0011, no parking is proposed on the gravel bars. However, as noted by CDFW staff, the parking areas should be situated at least 100 feet from the wetted edge of the river to buffer potential petrochemical or automotive fluid release which could jeopardize foothill yellow-legged frog (FYLF) breeding habitat. As also noted by CDFW staff, it appears the River Stage is within 30 feet and Parking Area 2 is within 100 feet of the wetted river edge. As such, a condition is recommended to require the applicant to submit a revised site plan to demonstrate the River stage will adhere to a minimum 30 foot setback and proposed Parking Area 2 will adhere to a minimum 100 foot setback from the wetted edge of the river. A condition is recommended to require the applicant to implement educational outreach to attendees and event staff about the potential presence and impacts to the foothill yellow-legged frog.

Previous conditions required event staff to inspect vehicles at arrival for leaking fluids, take appropriate steps for dealing with problem vehicles, monitor the parking areas during the event, and provide any required clean up during and after the event. However, a condition is recommended to expand upon and replace the former condition to provide a more detailed protocol for the vehicle inspection process and how to manage problem vehicles. Otherwise, no additional mitigation measures related to parking are required.

As with past events held at this site, the applicant will be using an on-site well to service the event. Based on information provided for the previous permit requests, the property owner noted the well may be hydrologically connected to the river but was not sure. The well currently serves multiple single-family homes on the property and is used to irrigate a significant portion of the 32 acre property. Irrigation for the owner's lawns, redwood grove and other landscaping are the largest uses of water for the property. To off-set increased water usage during the previous 3 day events, the property owner had agreed to minimize property water usage during and after the event. The duration of the event is now proposed to be four (4) days. The property owner has installed a flow meter on his well to determine typical usage prior to the event as well as during the event. The previous use permit modifications were conditioned to require the property owner to measure water usage from the on-site well and off-set increased water usage during the event so as to ensure no overall net loss of water to the river system and protection of fish habitat. Although the proposed modification from a three (3) day event to a four (4) day event will result in additional water usage from increased attendance levels, previous conditions still require that total event water usage be off-set. However, the comments from CDFW for the proposed modification note the wells appear (by proximity and substrate) to be hydrologically connected to the South Fork Eel River, and would therefore constitute a diversion from the river. Additionally, with the proposed increase in attendance to 8,000 persons, the applicant should provide explicit documentation that this will be feasible. Furthermore, the applicant should notify CDFW for these diversions by notifying for a Streambed Alteration (1602) Agreement. Lastly, drafting water directly from the river (i.e. water trucks) is a violation of Fish and Game Code 1602 without prior agreement. A condition is recommended to require adherence to recommendations from CDFW.

3. Noise: Although no modification to the hours of amplified music is proposed, an additional day to the overall event is proposed. The applicant has indicated that approximately 25% of the event population will have arrived by Thursday evening. However, the applicant did not propose hours of amplified music for this additional day (Thursday prior to the weekend of the event). Due to the nature of the event and its potential to create noise nuisances, it is important to reiterate the previously approved hours of amplified music. The project has the potential to generate noise levels in excess of standards established in the County General Plan. The nearest off-site residences are located approximately 500 feet away on the west side of U.S. Highway 101 and 1,200 feet to the south, on the opposite side of the river. Upon reviewing aerial photos, there are approximately ten single family homes located within a half mile of the property, primarily in Humboldt County.

The event is permitted to operate two primary music stages during the event including the main stage and a river stage. Amplification for music or speakers during the event is currently permitted as follows with the exception of a 30 minute sound test on the day before the event:

MAIN STAGE:

Friday: Noon to midnight

Saturday: Midnight to 2:00 a.m. and 10:00 a.m. to midnight

Sunday: Midnight to 2:00 a.m. and 10:00 a.m. to midnight

RIVER STAGE:

Friday: 10:00 a.m. to 8:00 p.m.

Saturday: 10:00 a.m. to 8:00 p.m.

Sunday: 10:00 a.m. to 8:00 p.m.

As no hours were proposed for the additional day proposed for the event (Thursday), staff recommends the following hours of amplified music schedule:

MAIN STAGE:

Thursday: Noon to midnight

Friday: Midnight to 2:00 a.m. and 10:00 a.m. to midnight

Saturday: Midnight to 2:00 a.m. and 10:00 a.m. to midnight

Sunday: Midnight to 2:00 a.m. and 10:00 a.m. to midnight

RIVER STAGE:

Thursday: Noon to 8:00 p.m.

Friday: 10:00 a.m. to 8:00 p.m.

Saturday: 10:00 a.m. to 8:00 p.m.

Sunday: 10:00 a.m. to 8:00 p.m.

A condition is recommended to modify the previously approved amplified music hours to include the additional day for the event.

4. Police Protection/Public Safety: A referral response from the Mendocino County Sheriff's Office (MCSO) was received by PBS on April 30, 2018. The comments noted the event promoters have been amenable to requests by the MCSO over the years to implement enhanced security or safety suggestions. However, their post event interactions with the promoters have been less than satisfactory. Namely, over the past three years, the event promoters have failed to pay their contractual monetary obligations to the MCSO in a timely or professional manner. Each year's post event interaction is detailed in the MCSO's comments (see file). Accordingly, a condition is recommended to require the applicant to make a prepayment to the MCSO prior to each year's event for anticipated services.

Additionally, a referral response was received by the Humboldt County Sheriff's Office (HCSO) recommending the event organizer enter into a contract with the HCSO and agree to provide funding for at least one (1) additional Deputy, for a minimum of sixteen (16) hours per day, for patrol coverage in the Garberville area during the dates of the event. A condition is recommended to fulfill this recommendation from the HCSO.

5. Traffic/Parking: As discussed under Key Issue 2 above, the proposed modification includes a parking component to accommodate a total of 2,000 vehicles. Pre-designated parking areas are identified on the event Site Plan. The applicant has identified additional parking areas located on adjacent lands in Humboldt County for which they are obtaining a permit (Case #CUP-04-38MMMMM and #MON-17-001) from Humboldt County. This permit would allow the applicant to use a portion of the neighboring property as a temporary auxiliary parking lot for an additional 2,000 vehicles in conjunction with the Northern Nights event. Designated parking for the event is proposed to accommodate 4,000 vehicles. Staff has determined that adequate parking areas have been identified in both Mendocino and Humboldt counties to accommodate increased parking needs resulting from increased attendance levels.

However, a referral response from the California Department of Transportation (CalTrans) dated April 19, 2018 states:

"The new Use Permit application refers to parking of 202 vehicles in parking lot labeled "P8", as well as a recycle station and portable toilet. That parking lies within the state highway right of way. Caltrans will not allow anything other than parking of a temporary nature in this area for this event, and any permit written for this event will include similar to last year's permit special provision 16. Additionally, no overnight parking is authorized within Caltrans right of way."

We request the applicant submit a revised parking plan that shows no parking or temporary facilities within the state right of way."

A condition is recommended to require the applicant to submit a revised site plan per the Caltrans referral response above. Further discussion of traffic related impacts and mitigation measures is found in the Initial Study, Item XVI Transportation/Traffic.

6. Permit Condition Compliance: Previous modifications included conditioning for pre-event and post event inspections. However, given the new site circumstances (e.g., foothill yellow-legged frog status), an increase in attendance, and a new 3 year term for the proposed Use Permit Modification (UR_2017-0002), staff recommends a condition to require submission of a pre-payment for Planning and Building Services staff to conduct an event compliance inspection during event operation.

RECOMMENDATION

By resolution, the Planning Commission adopt a Subsequent Mitigated Negative Declaration and grant Use Permit UR_2017-0002 for the Project, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval.

DATE

ROBERT DOSTALEK
PLANNER III

Appeal Period: 10 Days
Appeal Fee: \$1,616.00

ATTACHMENTS:

- A. Plan of Operations
- B. Location Map
- C. Topographical Map
- D. Aerial Map
- E. Site Map
- F. Adjacent Owner Map
- G. Zoning Map
- H. General Plan/LCP Map
- I. Fire Hazards Map
- J. Flood Zone
- K. Timber Production Map
- L. Wetlands

RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):

Initial Study available online at:

www.mendocinocounty.org/government/planning-building-services/meeting-agendas/planning-commission

Plan of Operations – Northern Nights

The Applicants are proposing to use Cook's Valley Campground during Northern Nights Music Festival to accommodate 6,000 attendees and 2,000 vehicles in Mendocino County, in conjunction with and in addition to entitlements granted under Humboldt County CUP 04-28MMMMM. The event is proposed to take place the third weekend of July in 2018-2022. The event will include camping, local and international entertainment, as well as provisions for the on-site consumption of food and alcohol.

Location and Environmental Setting

The Project Site known as Cook's Valley Campground is approximately 100 acres in size and is located adjacent to and east of Highway 101 approximately 2 miles north of Piercy. The South Fork Eel River runs through the entire site, which extends east of the river. Proposed uses include music, camping and vending as well as music and camping along approximately 3,000 linear feet of gravel bar. The project extends onto over 160 acres into Humboldt County. The total use area is shown in Figure 1.

Attendance

The Applicants are requesting a renewal to UP 2014-011 for the use of Cook's Valley Campground in Mendocino County for 6,000 attendees and 2,000 vehicles, in addition to County Line Ranch in Humboldt County that will provide additional space for supplemental parking and camping for 2,000 attendees and 2,000 vehicles during Northern Nights Music Festival.

A population of approximately 5% of the total attendance capacity will be on-site two weeks before and two weeks after the event as build and strike crews. Event vendors and staff will start arriving Wednesday before the event. It is estimated that a population of approximately 25% of the total event capacity will be on-site by Thursday evening and a population of another 50% of total event capacity will have arrived by Friday evening. The remaining 25% of the total event capacity will arrive Saturday resulting in peak capacities Saturday night.

It is expected that a minimum of 25% and maximum of 50% of the population will leave Sunday by 4 pm. It is estimated that 75% of attendees will stay on-site and that 25% will stay off site either at hotels or at their home.

The Applicants are event management professionals and ensure that the number of individuals on-site will not exceed the capacity for which infrastructure can reasonably and safely support. Total attendance of the festival in both Humboldt and Mendocino Counties at any one time will be verified through wristband counts, box office cross-verification, and on-site security.

Schedule and Hours of Operation

May 1st – Water system preparation

June 15th – Fencing, electrical, signage and general infrastructure setup

Wednesday prior to event – vendors arrive for setup mid-day

Thursday prior to event - gates open in AM for up to 25% of total event capacity, amplified music from 6 PM to 10 PM

Friday of the event – gates open 8 AM, amplified music from 10 AM to 2 AM

Saturday of the event – gates open 8 AM, amplified music from 10 AM to 2 AM

Sunday of the event – gates open 8 AM, amplified music from 10 AM to 12 AM

Monday following the event – attendees depart, strike and cleanup begins

July 31st – strike and cleanup complete

Dec 31st – Post Event Report Submitted to County

Concert and Infrastructure

Temporary stages will be built and oriented away from Highway 101 and developed residences in the Piercy area, keeping them shielded from the main source of light and sound. The stages will be separated from the highway by a number of mature trees and is

at least 40 feet lower in elevation than the highway, further mitigating any paths of direct light to properties across the highway. Any lighting other than performance displays (such as light towers) will be downcast and shielded from adjacent properties.

Several permanent structures and systems were built across the properties between 2000 and 2017. These include an electrical system, water system, viewing platforms, fencing, shade support beams, and various other structures.

Camping and Parking

Camping and parking for the participants and staff will be provided on both Cook's Valley Camoground and adjacent Humboldt County properties. The on-site camping capacity of the event is approximately 8,410 attendees in eight designated camping areas spread over more than 25 acres. The on-site parking capacity is approximately 3,144 vehicles and 170 RVs and trailers in eight designated parking areas. Campers will be required to maintain a 30 ft. setback from the water's edge and vehicles will be required to maintain a 100 ft. setback. These setbacks will allow for pedestrian traffic as well as emergency access. Total camping and parking capacities are shown in Table 1 and are identified in Figure 2.

Table 1. On-Site Parking and Camping Capacities

<u>PARKING</u>	<u>CARS AND TRUCKS</u>	<u>RVS AND TRAILERS</u>	<u>CAMPING</u>	<u>ATTENDEES</u>
P1	514		C1	2080
P2	784	50	C2	884
P3	792	75	C3	1071
P4	193	25	C4	818
P5	91	10	C5	1029
P6	111	10	C6	1250
P7	458		C7	915
P8	202		C8	363
TOTAL PARKING	3,144	170	TOTAL CAMPING	8,410

Traffic Flow and Parking

The festival traffic flow, parking, and encroachment plans will be the same as previous years and can be found in Appendix A. The plan has been designed by the Applicant and

Stop N Go Traffic and reviewed by Caltrans, Garberville CHP, and stamped by a licensed traffic engineer. The plan includes measures for required signage, CMS Boards, cones, light towers, in-and-out regulations, and cancellation procedures. Estimated total number of vehicles parked on-site is 3,100 vehicles and are based on an average of 2.6 people per vehicle. Parking areas are shown in Figure 2 and will be filled in sequential order – beginning with P1.

Wednesday (2 days prior to the event)

The only traffic allowed on-site two days prior to the event will be vendors and staff, resulting in approximately 10% of the total vehicle capacity on-site.

Thursday (day prior to the event)

The only traffic allowed on-site the day before the event includes 4 day ticket buyers and staff resulting in approximately 25% of the total vehicle capacity on-site.

Friday– Sunday (during the event)

Most of the traffic to the event will be paying ticket holders. The gates will open at 8:00 AM on Friday. If there is a need to open the gates early for safety concerns, the Applicants will have staff in place to handle this, following any commands of on-site Garberville Highway Patrol. Northbound traffic will use the right turn lane at the intersection of Highway 101 and State Route 271. Southbound traffic will use the left turn lane at the intersection of Highway 101 and State Route 271. The Applicants utilize a thorough traffic plan implemented by an experienced traffic crew that has proven very successful during past events at the same location. All vehicles will be directed to traffic lanes away from Highway 101 for processing.

There will be two main access points – one into Humboldt for staff, volunteers and performers, and one into Mendocino for ticket holders. Upon arrival to Mendocino, the entry will be divided into four lanes for wristband retrieval and impact checks.

Monday (day after the event)

The campground will close no later than noon on the Monday following the event and it is estimated that 5% of the total vehicle capacity will remain on-site for clean up over the following two weeks.

Re-entry

During the event, patrons will be allowed to leave the event only as necessary and only by vehicle. Patrons will be prohibited from leaving the premises as pedestrians, and this will be enforced by highway security staff and/or CHP. We will work to have reasonable prices in the general store to discourage attendees from leaving the property for additional supplies.

Shuttle Services

We intend to offer a shuttle service by a licensed transportation company to and from the Garberville area to provide safe means of transportation for the local community and encourage out-of-town attendees to utilize local travel hospitality options.

The traffic plan will be reviewed by Garberville CHP and Caltrans and written correspondence with these agencies will be submitted at least one month prior to the event.

Public Safety

Contact with local law enforcement, fire agencies, and emergency response personnel will be made more than two (2) months prior to the event. Any warranted walkthroughs will be made during the week of the event. A briefing sheet will be supplied during the walkthrough with contact and schedule information for all on-site emergency personnel.

A detailed emergency plan will be finalized in conjunction with emergency providers to include fire, medical, law enforcement and evacuation procedures. The final plan will contain detailed checklists and direct contact information for use by security and safety personnel. The plan will be submitted to the Humboldt County Planning Division and Sheriff's Office at least two months before the commencement of the event. The Applicant has and will continue to coordinate with Humboldt and Mendocino County

Sherriff's Offices, Piercy, Leggett and Garberville Fire Departments, Howard Fire, City Ambulance and Garberville CHP to ensure cross-county safety and clear emergency service provider communication.

Communications will be conducted through the use of radios, cell phones, and a land line in the event that cell phone reception is poor.

Emergency Medical Plan

An experienced medical service team will be contracted as the on-site medical care provider for the duration of the event. The ALS-staffed medical team will be available around the clock at an established medical tent accessible to anyone on-site. The team will consist of licensed E.M.T.'s, paramedics, M.D.'s, and nurses. Highly visible signage will identify the medical tent. All medical and security staff will communicate via radio with the command center. The Applicants will provide the identity and on-site contact information for medical team members at least 14 days prior to the event. Communication and transportation equivalent to Cal Fire dispatch will be on-site and available for any life-threatening emergencies. A helicopter landing area is available for emergency evacuation. Jerold Phelps Community Hospital in Garberville and City Ambulance will be notified of the event dates.

An evacuation plan satisfying emergency service agencies will be available prior to the event and the contracted medical team documentation will be submitted to the Planning Commission at least one month before the event.

Emergency Fire Plan

A Cal Fire Safety Regulations Package will be submitted to the California Department of Forestry and Fire Protection (Cal Fire). On-site fire safety support at the event will be supervised by Piercy Volunteer Fire Department who will be available for the duration of the event around the clock with a minimum of two (2) personnel and supported with a minimum of one (1) Type 3 fire engine and one (1) water tender for standby emergency water and dust abatement, and radio communication equivalent to Cal Fire dispatch. An all-weather surfaced 20-ft fire lane existing around the perimeter of the campground will

be designated for fire and emergency use. Visible signage will indicate designated locations for fire, medical, and security personnel. Fire extinguishers will be mounted accessibly around the event site.

The Applicants employ a team to specifically target prohibited burning and open flames, including fireworks, in addition to posting signage and informing patrons and staff of fire danger and the strict no burn and no fireworks policies. The Applicants will advertise this information on the event website, email, social media, and local radio.

The emergency fire plan will be reviewed by Cal Fire and Piercy Volunteer Fire Department and written correspondence with these agencies will be submitted to the Planning Division at least one month before the event.

Emergency Response Plan

Prior to the event, members of the medical, security and fire teams will meet and plan responses to emergency scenarios as well as identify and correct potential safety risks. A Communications Leader will be designated. Contact information will be organized and shared to facilitate emergency communication during the event.

If there is an emergency situation during the event, the Communications Leader will coordinate response efforts involving the event producers, security, medical, and fire team leads, and on-site law enforcement. In the case of a medical evacuation, the Communications Leader will also communicate with City Ambulance dispatch, Jerold Phelps Community Hospital and coordinate with on-site law enforcement and traffic crew to ensure a clear path for emergency vehicles. A helicopter landing area is available for emergency evacuation.

The various emergency response teams will communicate using handheld radios and cell phones. The Communications Leader will be able to contact Cal Fire dispatch, as will fire, medical and security personnel.

As necessary, event producers will communicate information to event attendees using main stage amplification and provide instructions to ensure emergency service providers can safely and quickly access necessary locations.

If a fire occurs, the Communications Leader will coordinate with Piercy Volunteer Fire Department, Cal Fire dispatch, on-site law enforcement, event security, medical, and traffic teams to ensure a clear path for emergency vehicles and to implement the Emergency Fire Plan as follows:

- 1) Notify off-site responders
- 2) Secure and clear the affected area
- 3) Shelter in place along the river bar; in the case of approaching wild land fire dismantle tents and campsites.
- 4) Responding agencies will determine extent of evacuation area.
- 5) Clear the evacuation area on foot to the predetermined evacuation zones
- 6) Use on-site communications resources such as the stage PA, on-site FM radio broadcasting, and event staff to inform and direct the public.

The emergency response plan will be reviewed by Garberville CHP, Mendocino County Sheriff's Office, and Piercy Volunteer Fire Department and written correspondence with these agencies will be submitted to the Planning Commission at least one month before the event.

Security

Professional on-site security services shall be secured for the event and will consume the largest percentage of our on-site staff budget. We will use an experienced security service provider as our lead supervising company to organize and lay out the complete final plan, which will emphasize strictly enforcing responsibility to the property and policing attendee activity, with particular emphasis on the control of alcohol and prevention of drug consumption, as well as the noise curfew enforcement. The contracted team will be given distinctive colored clothing as approved by the Sheriff's Office.

Temporary fencing around the perimeter of the site will be installed to mitigate trespassing onto adjacent properties. Twenty-four hour per day security will be provided on-site for the protection and service to attendees and neighboring property owners. Every attempt will be made to limit encroachment/trespassing onto neighboring properties. The perimeter of the site shall be clearly identified and fenced, and shall be posted to limit access beyond the approved event, camping, and parking area sites.

Security will be on site beginning Wednesday prior to the event until Tuesday following the event and operating 24 hours a day reaching close to 75 staff members at peak times.

There will be (2) security positions assigned to the River Stage swimming area during the operating hours of 12 PM – 8 PM, in addition to the (3) medical staff composed of (2) lifeguards and (1) staff. During all other times at the River Stage swimming area, signs will be posted advising “NO LIFEGUARD ON DUTY”.

There will be (2) security roamers throughout the festival, with emphasis on the campgrounds, specifically assigned to monitoring those attendees under 21.

An additional security team will be set in place 24 hours a day to monitor the Proposition 215 Area. This will include a minimum of three dedicated security staff from 12 PM – 12 AM and two from 12 AM – 12 PM. Focus shall be compliance with Proposition 215 and theft deterrents.

Northern Nights Music Group will remain in consistent contact with the Sheriff's Office, CHP, and contracted security as the event approaches and we are committed to maintaining these relationships through responsible management practices and an open communication with all local law enforcement. A post-event meeting to address public safety concerns will be held following the event, to improve the event each year.

Our security plan will be reviewed by Garberville CHP and the Mendocino Sheriff's Office and written correspondence with these agencies will be submitted to the Planning Commission at least a month before the event.

Water Supply and Distribution

The water supply will be sourced from an on-site well and we project estimated water use of 100,000-200,000 gallons throughout the month of the festival including showers, drinking water, irrigation, domestic and vendor water use.

The on-site water system will be tested before and after the event and the water sample result will be included with the Community Event Permit Application. Water quality sampling and testing (bacteriological tests) will continue to be conducted by the event coordinators. The large water on-site distribution system runs throughout the site. There is a 3 inch line for irrigation and fire suppression, and a 2 inch line for drinking, showers, and for vendor use. Fire hydrants are available for quick use. For extreme use, there is ready access to a fill up spot at the river or in a 1,000,000 gallon pond.

Potable water is treated in four steps: (1) at the point of service via a sediment filter, (2) a 5-micron carbon block filter, (3) a UV filter and (4) a 1 micron carbon filter, as directed by Mendocino DEH.

Sanitary Facilities

There will be up to 300 portable toilets (including ADA) placed around the venue by a licensed service provider, maintaining a 40-50 people per facility. Hand wash stations are provided wherever toilets are located with a minimum of one wash station for every 10 toilets. Sewage will be disposed off-site at an approved disposal facility by the service provider. Locations of sanitary facilities can be seen in Figure 4.

Solid Waste Disposal and Recycling

A “Green Crew” will roam the event area and periodically empty the barrels at each station and take materials to the recycling area to sort and store them for disposal. Forty yard dumpsters will be used for trash and large totes for recyclables and transferred to a permitted waste disposal facility or recycling center by a commercial hauler. Waste stations and recycling containers will be placed in strategic locations to discourage littering. The location of the waste stations can be found in Figure 5.

The “Green Crew” remains on-site for up to two weeks following the event, sorting recyclables from solid waste, picking up “microtrash” from the entire site, including the full length of the river bar and swimming areas.

In 2013 Northern Nights generated diverted approximately 2,000 lbs of recyclables for a diversion rate of 10%. In 2014, the festival diverted approximately 6,000 lbs for a diversion rate of 18%. In 2015, Northern Nights diverted approximately 15,000 lbs of recyclables for a diversion rate of 25%. In 2016 & 2017, Northern Nights diverted approximately 20,000 lbs of recycling for a diversion rate of 30%.

Northern Nights goals are to increase the diversion rate from 2017-2021 to 50%.

Waste Water Disposal

Liquid waste is collected and stored on-site before being hauled off-site to an approved waste water facility.

Craft Booths

There will be approximately 20-30 craft booths located around the perimeter of performance and other high traffic areas.

Food Service

Food vendors will be provided with hot and cold water by existing water systems. Cooking will be done with propane gas supplied by each vendor. Solid waste will be disposed in general waste receptacles, until a full analysis of composting regulations is completed. Liquid waste is planned to be collected and stored on-site before being hauled off-site until the system has been approved by County and State agencies.

Alcohol

Alcohol will be served at specific booths and managed by a professional concessions team. All ABC rules and regulations will apply and will be enforced. Attendees will not be allowed to bring their own alcoholic beverages into the concert area. As per Northern Nights Music Group procedure, all attendees who wish to purchase or consume alcohol

will be required to show ID at an “ID Check” Booth to demonstrate age over 21. The ID check book will be separate from general ticketing and be located near the music/stage area. Consumers will then need to purchase “drink tickets” at an adjacent booth, where 21+ wristbands will be checked again in order to receive drink tickets. Only then, with a drink ticket and wristband, will alcohol be served to festival participants.

Environmental Monitoring

The proposed project incorporates mitigation measures in the project design to minimize environmental impacts. Aspects of the Environmental Monitoring program will continue to include:

- Vehicles will be subjected to an “Impact Check” when arriving to look for leaking fluids, fireworks, and other prohibited items.
- Water quality (potable and river) will be monitored before, during and after the event.
- Noise levels will be monitored throughout the event.
- Dust will be controlled through the use of a water truck as necessary.
- No significant vegetation removal is required or proposed, other than for fire safety.
- No camping will be permitted within 30 ft of the river and no parking permitted within 100 ft of the river.

Event Cancellation Protocol

This is in case of a cancellation of event for any reasons such as fire, earthquake, or any other occurrence that may harm the public. In case of event cancellation, there will be several methods used for notifying the public that the event is cancelled and not to arrive at the festival grounds.

Notification techniques include:

- Posting on event website and social media outlets notifying public of cancellation.

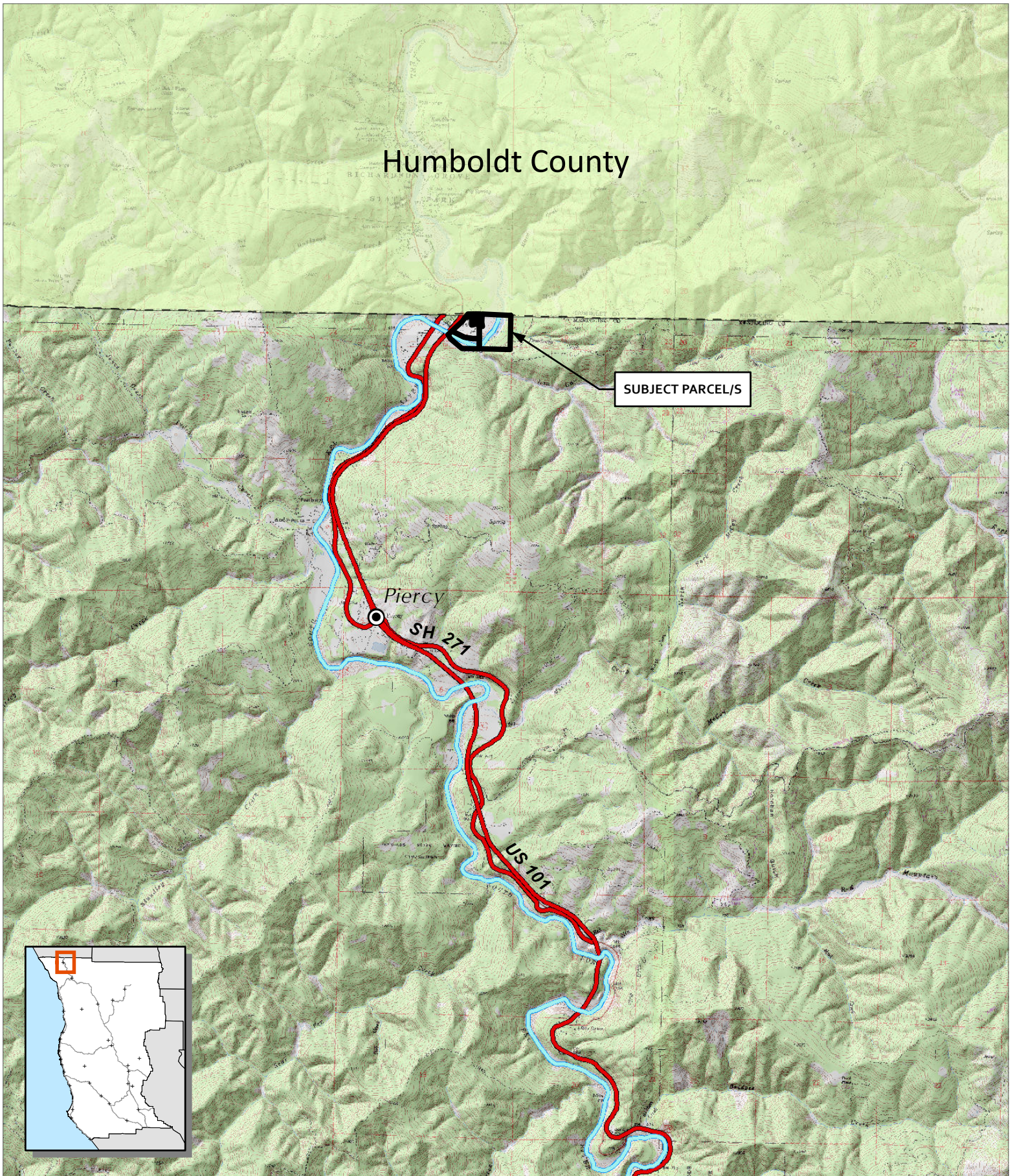
- Computerized message boards on Highway 101 notifying regional travelers of cancellation
- Targeted emails to all ticketholders with notification of cancelled event.
- Local newspaper and radio advertisements.

Commitment to Local Schools, Non-Profit Organizations and Economic Boost

Non-profit and community organizations that benefit directly from Northern Nights Music Festival include Piercy Volunteer Fire Department, Southern Humboldt and Northern Mendocino school districts, The Eel River Recovery Project, Salmonid Restoration Federation, EPIC, The Eel River Clean-up Project, Friends of the Eel River, KMUD Community Radio, Southern Humboldt Community Park, the Surfrider Foundation and Healthy Planet US. In 2015, a detailed Economic Impact Analysis was conducted and demonstrated that Northern Nights increased local economic impact of over \$2,000,000 in Mendocino and Humboldt Counties.

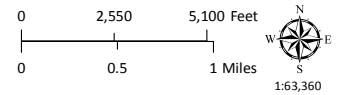
Conclusion

The Applicants have proven over the past four years that they can successfully manage large events in the Cook's Valley area. Positive feedback has been received from both Mendocino and Humboldt County officials, law enforcement agencies, local fire departments, service providers, press outlets, and the local community. The Applicants continue to review, improve, and refine event management practices in order to produce a safe event, abide by permit regulations, and continue dialogue with the local community on how to best stimulate local business and promote tourism into the area.



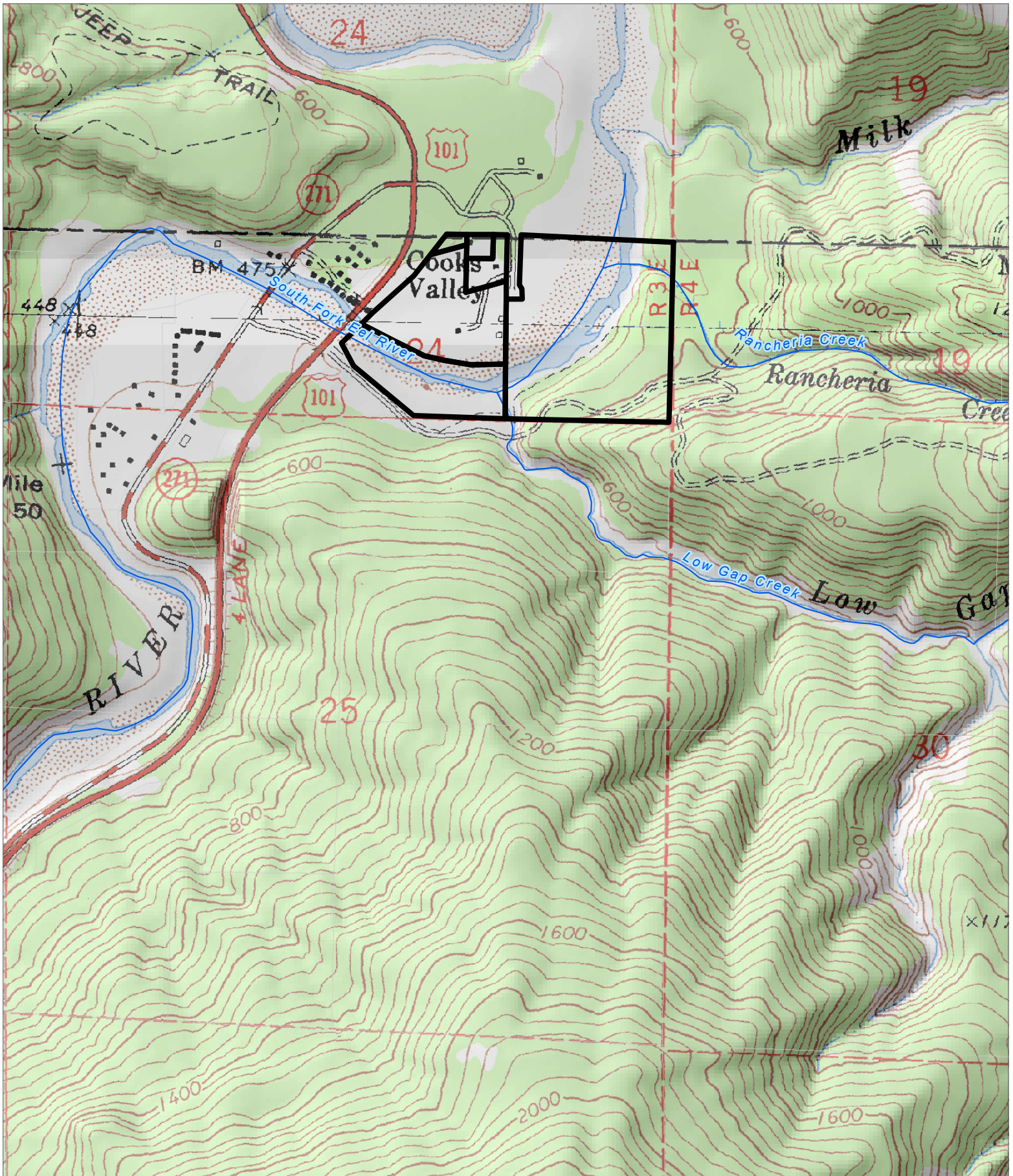
CASE: UR 2017-0002
OWNER: BOWMAN, Conrad & Trudy
APN: 053-020-10
APLCT: Northern Nights Music Group, LLC
AGENT: Peter Huson
ADDRESS: 83950 Road 442-E, Piercy

- Major Towns & Places
- Highways
- California Counties
- Major Rivers




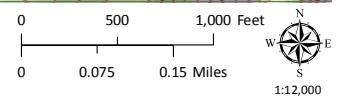
LOCATION MAP

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 Named Rivers



TOPOGRAPHIC MAP
CONTOUR INTERVAL IS 40 FEET

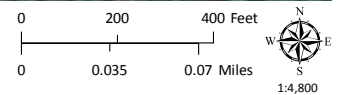
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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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Named Rivers
Public Roads



AERIAL IMAGERY

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FIGURE 2

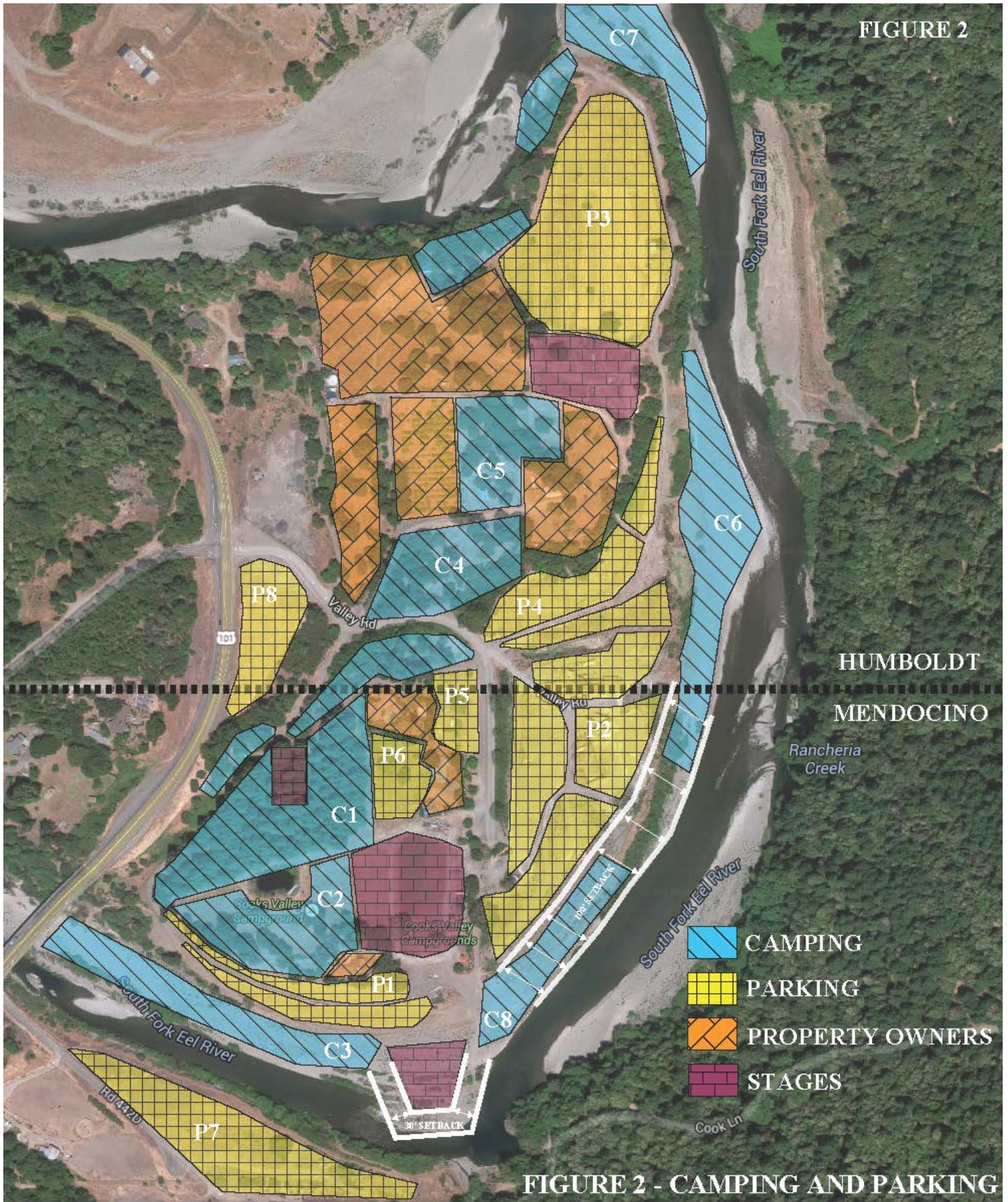


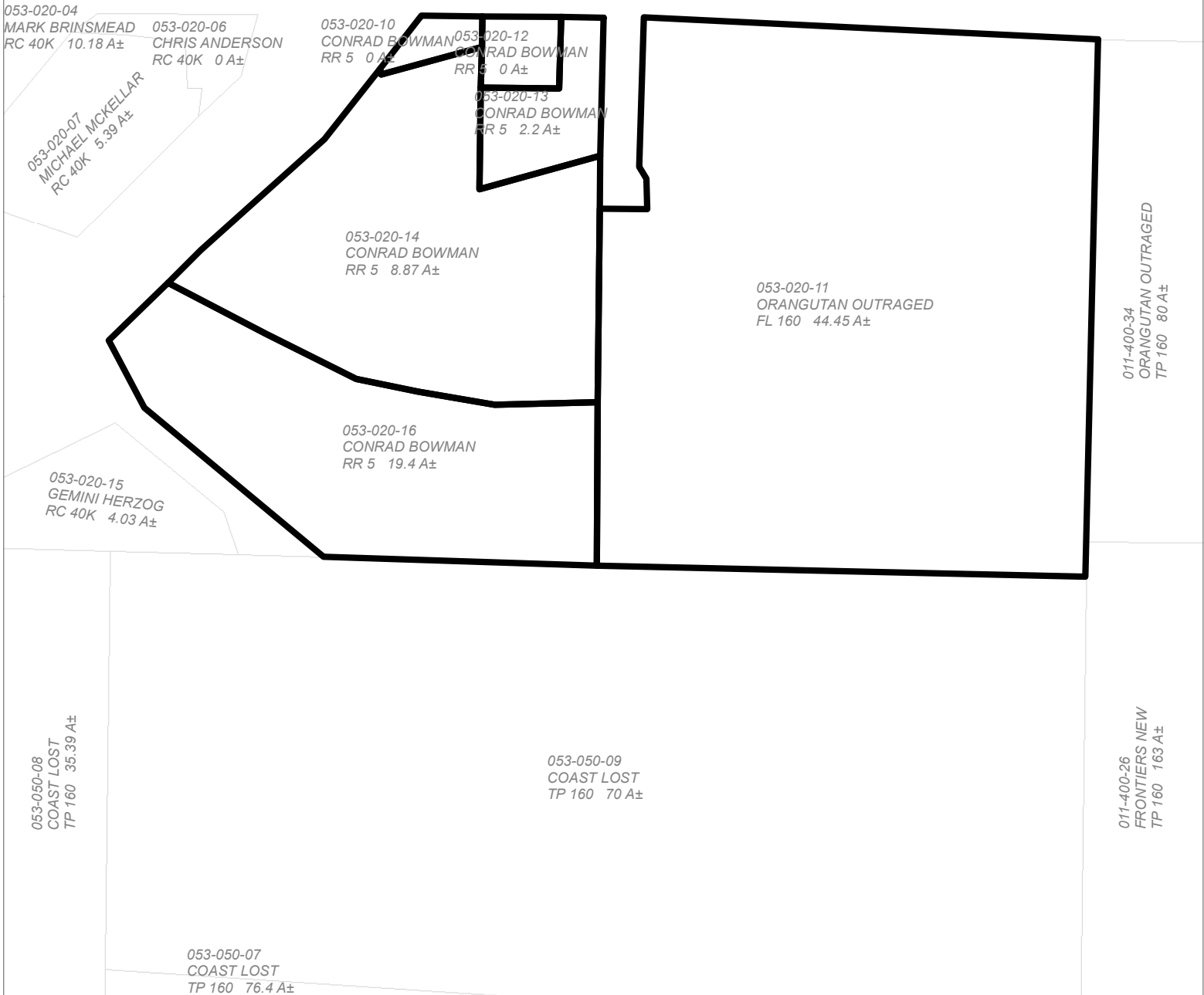
FIGURE 2 - CAMPING AND PARKING

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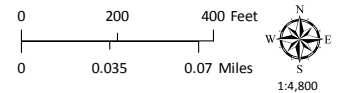
NO SCALE

CAMPING & PARKING PLAN

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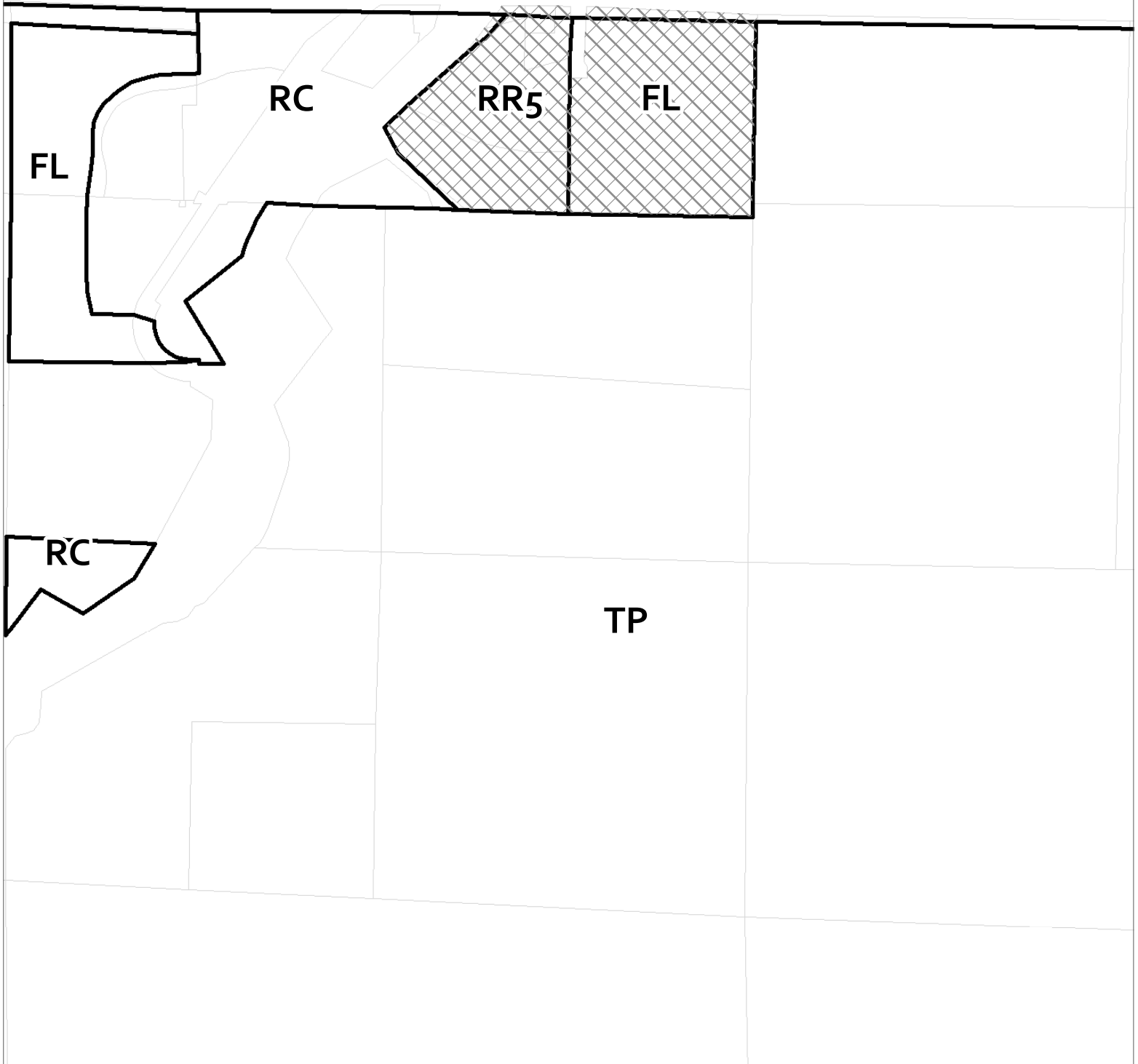


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ADJACENT PARCELS

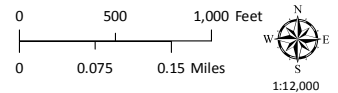
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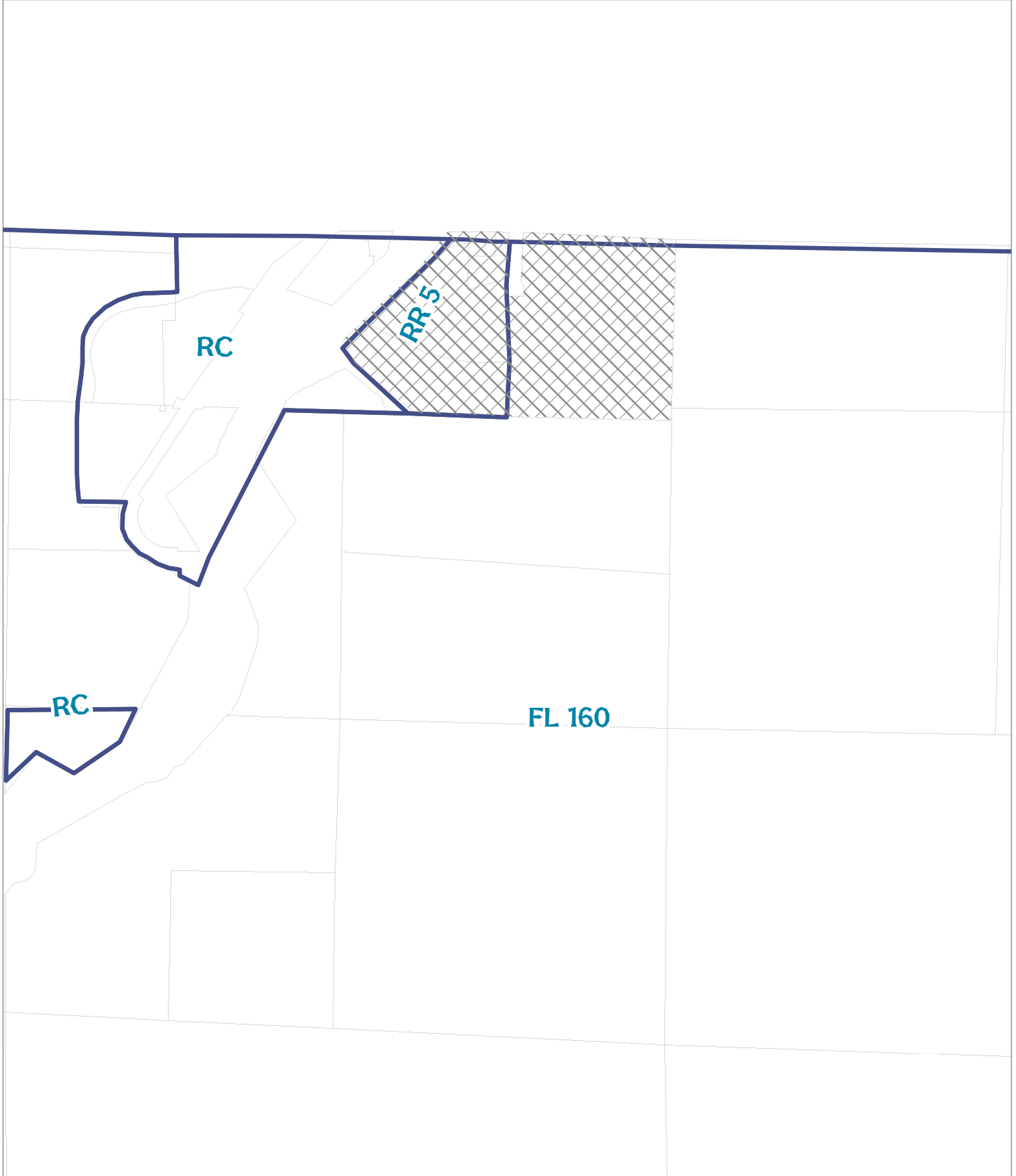
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 Zoning Districts




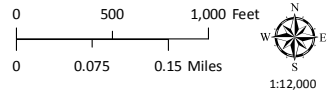
ZONING DISPLAY MAP

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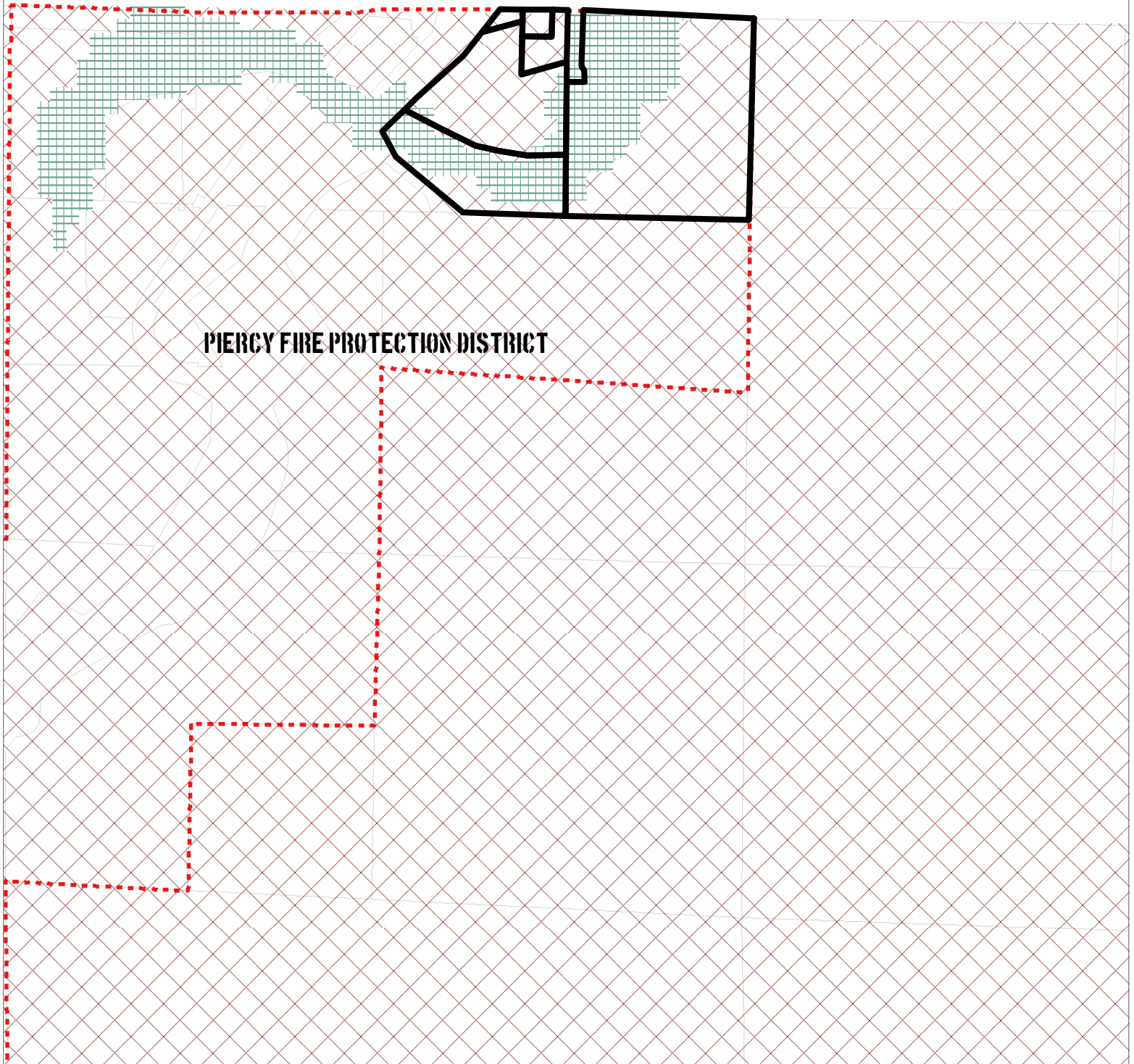
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 General Plan Classes



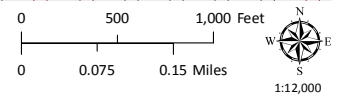
GENERAL PLAN CLASSIFICATIONS

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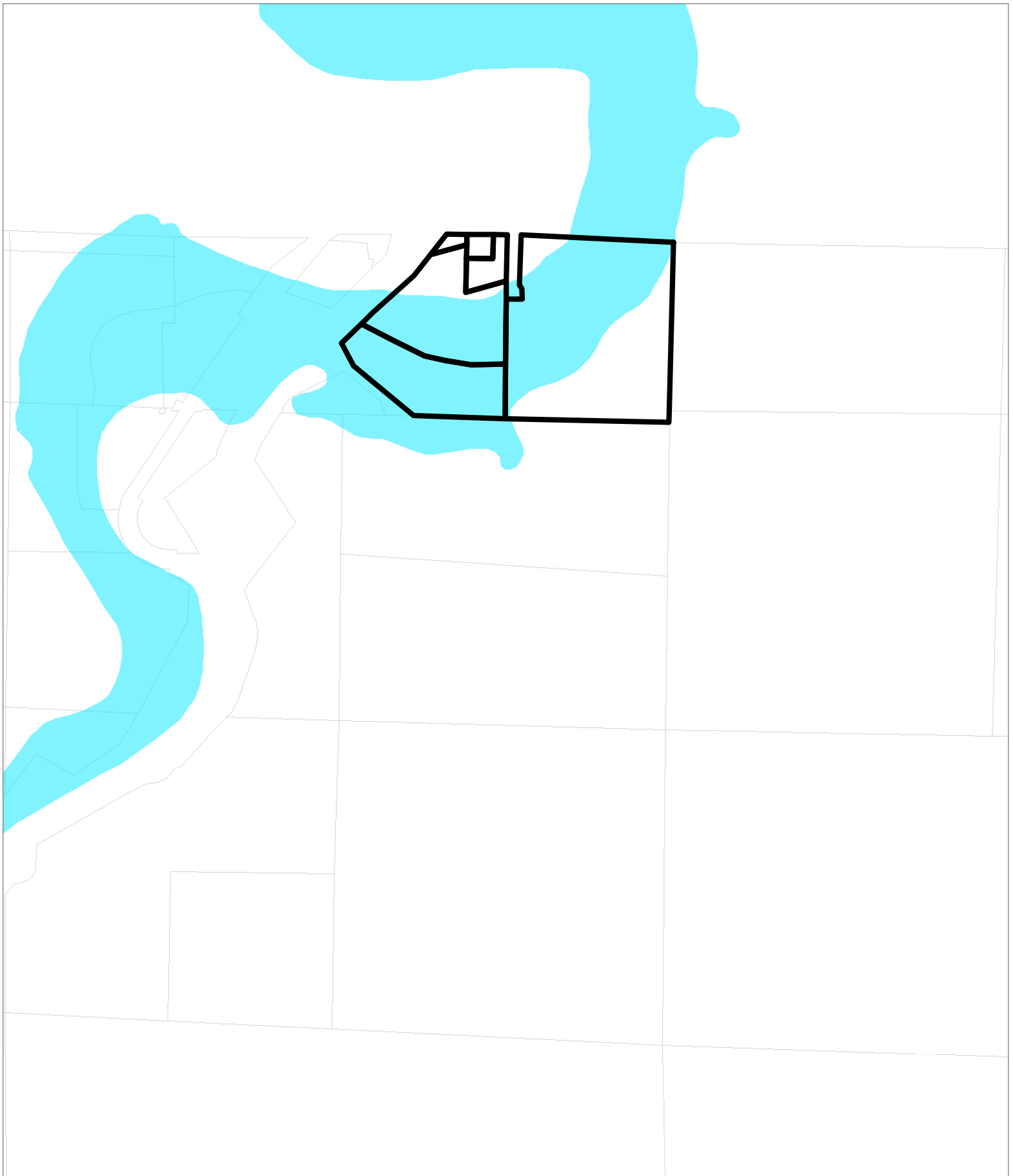
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-  County Fire Districts
-  High Fire Hazard
-  Moderate Fire Hazard



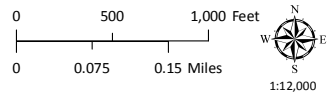
FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA

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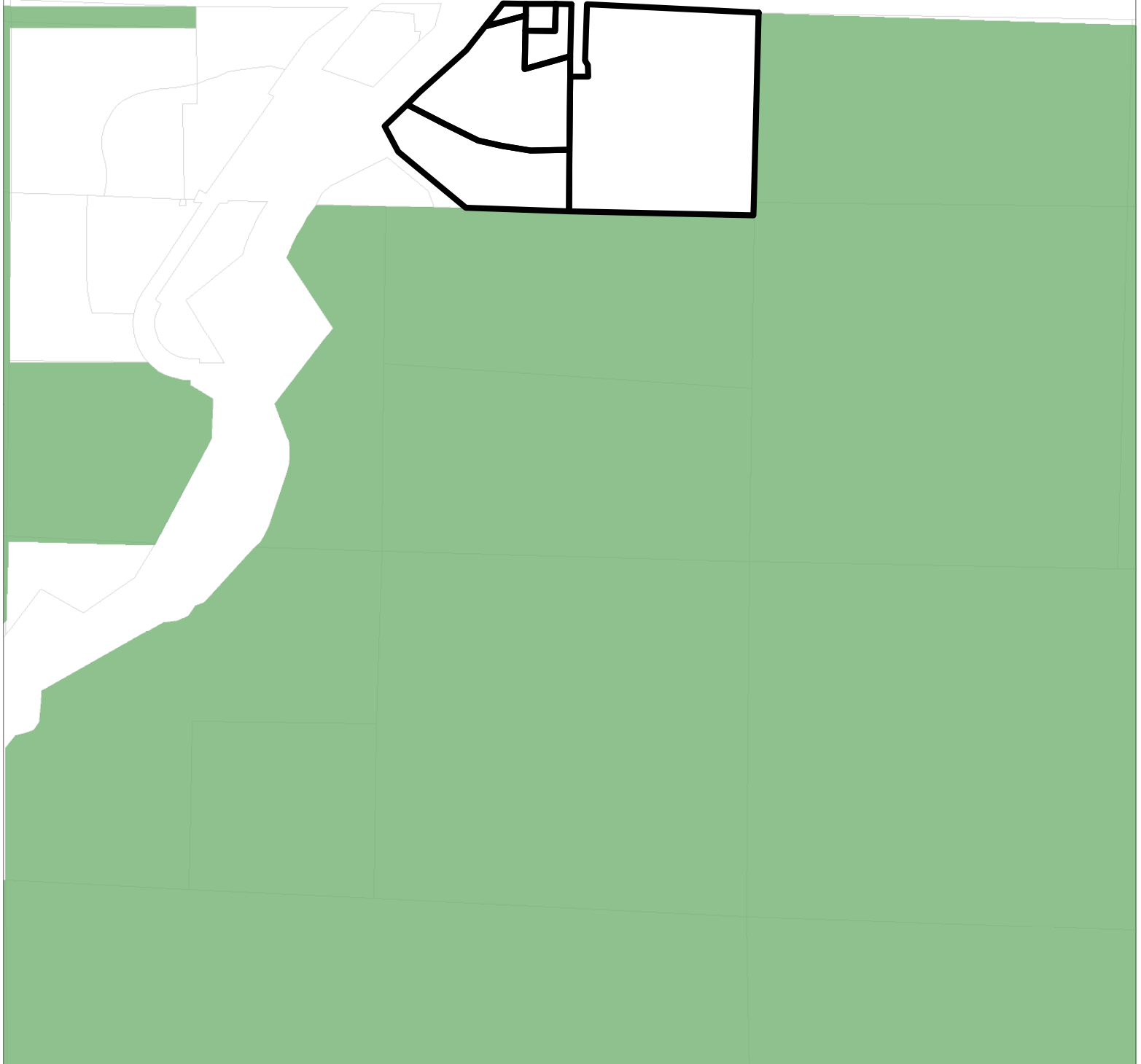
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 1% Annual Chance Flood Hazard



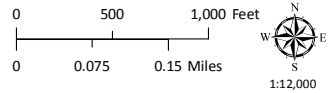
SPECIAL FLOOD HAZARD AREAS

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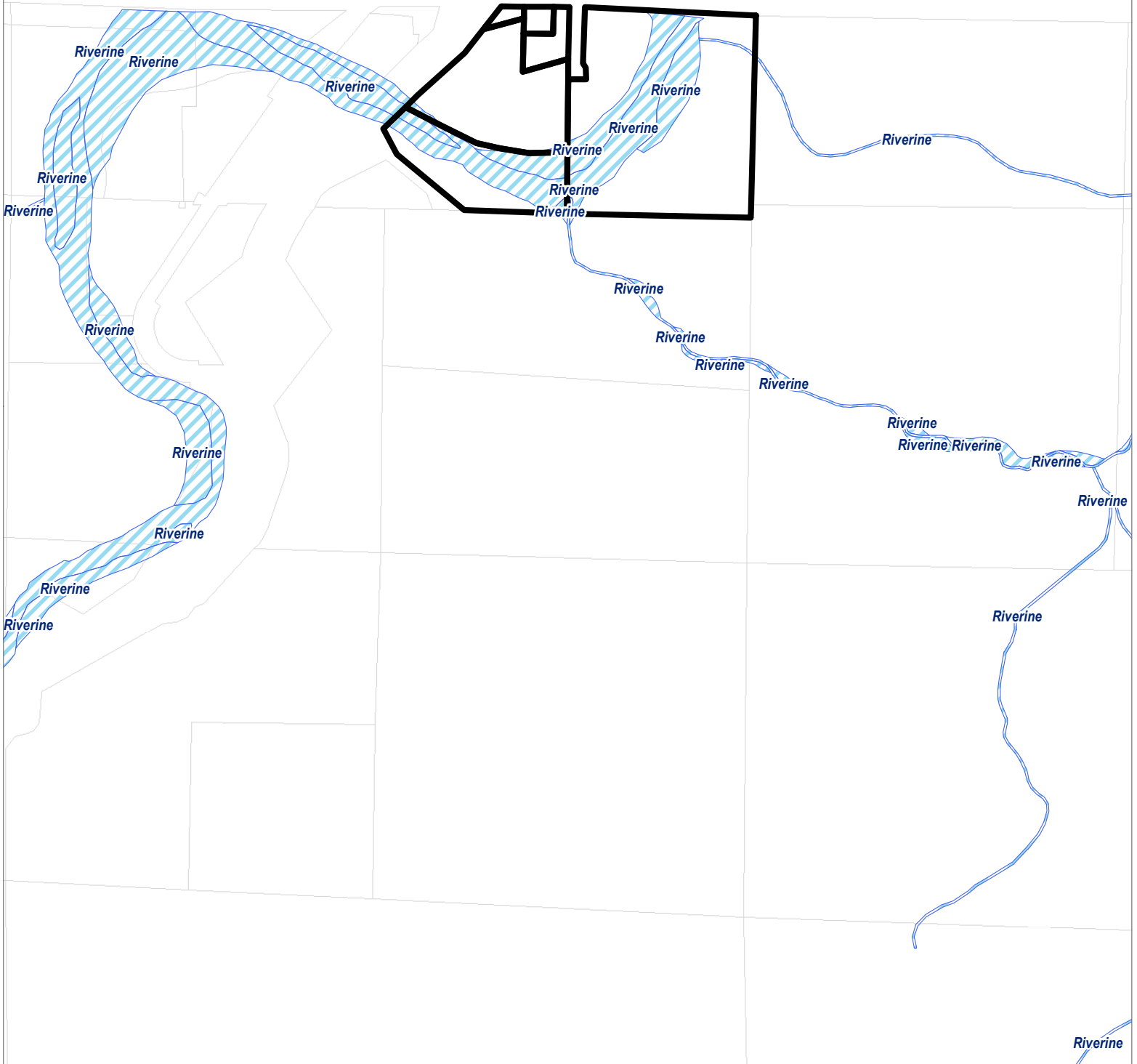
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TPZ 2015



TIMBER PRODUCTION ZONES

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 National Wetlands Inventory

WETLANDS

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DATE: June 14, 2018**CASE#:** UR 2017-0002**DATE FILED:** 11/6/2017**OWNER:** CONRAD KEITH BOWMAN**APPLICANT:** NORTHERN NIGHTS MUSIC GROUP**AGENT:** PETER HUSON

REQUEST: Use Permit Modification and Renewal for an annual event known as the "Northern Nights Music Festival". The modification proposal is to increase the event from 3 days to 4 days beginning the Thursday before the third full weekend in July and increase attendance from 6,000 to 8,000 persons. Camping space would be provided for a total of 6,000 attendees and parking for 2,000 vehicles. The project also involves supplemental parking and camping for 2,000 attendees and 2,000 vehicles located in adjacent Humboldt County*. Amplified music is proposed from 6 PM to 10 PM on Thursday, 10 AM to 2 AM on Friday, 10 AM to 2 AM on Saturday and 8 AM to 12 AM on Sunday. The event would include newly designated camping areas on the point bars along the western bank of the South Fork Eel River.

LOCATION: 2.5± miles north of Piercy, just south of the Mendocino/Humboldt County line, lying on the east side of Highway 101, south of the Cook's Valley exit, located at 83950 County Road 442E, Piercy (APNs: 053-020-10, -11, -12, -13, -14, & -16).

STAFF PLANNER: Robert Dostalek**Environmental Checklist.**

"Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change, may be considered in determining whether the physical change is significant (CEQA Guidelines, Section 15382).

Accompanying this form is a list of discussion statements for all questions, or categories of questions, on the Environmental Checklist (See Section III). This includes explanations of "no" responses.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture and Forestry Resources	<input type="checkbox"/>	Air Quality
<input checked="" type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Geology /Soils
<input type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Hazards & Hazardous Materials	<input checked="" type="checkbox"/>	Hydrology / Water Quality
<input type="checkbox"/>	Land Use / Planning	<input type="checkbox"/>	Mineral Resources	<input type="checkbox"/>	Noise
<input type="checkbox"/>	Population / Housing	<input type="checkbox"/>	Public Services	<input type="checkbox"/>	Recreation
<input type="checkbox"/>	Transportation/Traffic	<input type="checkbox"/>	Utilities / Service Systems	<input type="checkbox"/>	Mandatory Findings of Significance

DETERMINATION:

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A SUBSEQUENT MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

 DATE

 ROBERT DOSTALEK
 PLANNER III

INITIAL STUDY/ENVIRONMENTAL REVIEW: This section assesses the potential environmental impacts which may result from the project. Questions in the Initial Study Checklist are stated and answers are provided based on analysis undertaken.

<u>I. AESTHETICS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic Highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I. Aesthetics a) through d) **Less than Significant or No Impact:** The initial studies, completed for Use Permit U_2013-0005 along with Use Permit Modifications UM_2013-0005 and UM_2014-0011 permitting the Northern Nights event through 2017, evaluated potential impacts related to aesthetics. Conditions were identified to mitigate potentially significant aesthetic impacts and bring the project into conformance with applicable County Code and General Plan Policy. Further discussion found in U_2013-0005, UM_2013-0005 and UM_2014-0011 Initial Studies Section I (Aesthetics). No additional mitigation required.

II. AGRICULTURE AND FORESTRY RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

II. Agriculture and Forestry Resources a) through e) **No Impact:** The initial studies, completed for Use Permit U_2013-0005 along with Use Permit Modifications UM_2013-0005 and UM_2014-0011 permitting the Northern Nights event through 2017, evaluated potential impacts related to agriculture and forestry resources. Staff determined that the project would not result in any significant impacts. Further discussion found in U_2013-0005, UM_2013-0005 and UM_2014-0011 Initial Studies Section II (Agriculture and Forestry Resources). No mitigation required.

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of any applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

III. Air Quality a) through e) Less than Significant or No Impact: The initial studies, completed for Use Permit U_2013-0005 along with Use Permit Modifications UM_2013-0005 and UM_2014-0011 which permitted the Northern Nights event through 2017, evaluated potential impacts related to air quality. Conditions were identified to bring the project into conformance with applicable County Code. Further discussion found in U_2013-0005, UM_2013-0005 and UM_2014-0011 Initial Studies Section III (Air Quality). No mitigation required.

IV. BIOLOGICAL RESOURCES: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IV. BIOLOGICAL RESOURCES: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
or other means?				
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IV. Biological Resources b), c), e) and f) **No Impact:** The initial study, completed for Use Permit U_2013-0005 along with Use Permit Modifications UM_2013-0005 and UM_2014-0011, which permitted the Northern Nights event through 2017, evaluated potential impacts related to biological resources. Conditions were identified to mitigate potentially significant biological and water quality impacts and bring the project into conformance with applicable County Code and agency regulations. Further discussion found in U_2013-0005 and UM_2013-0005 Initial Studies Section IV Biological Resources.

- a) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

Less than Significant with Mitigation Incorporated

A referral response from the California Department of Fish and Wildlife (CDFW) was received on April 25, 2018. The response reiterated recommended conditions for the previous Use Permit Modifications and also included new information related to the attendance increase and a newly listed candidate species. The following is an excerpt from the CDFW referral response:

...I would also like to assert the comments provided by Jennifer Olson in 2016 [these were received by PBS for an associated Administrative Permit on the event site – AP_2016-0006]:

- 1. The applicants should provide specific details of the vehicle screening/inspection process to prevent the release of petrochemicals associated with vehicles in areas where these chemicals may pass into the South Fork Eel River. This screening process should, at a minimum:*
- 2. Dedicate staff to pollution prevention, both at the entry point and for follow up within the venue for the duration of the event*
- 3. Identify "problem" vehicles (i.e. leaking) before they enter the venue*
- 4. Intercept and quarantine "problem" vehicles that are leaking and direct to parking areas away from the river bar*
- 5. Create a contingency plan for leaking vehicles discovered within the venue, such as absorbent pads effective to contain leaks until proper disposal after the event*
- 6. Dedicate staff for clean-up and remediation of spots/spills during and after the event*
- 7. Report post clean-up findings to CDFW and other interested agencies after the event*

*"Since the inception of this music festival, our region continues to be stressed by drought and water-usage concerns, and the foothill yellow-legged frog (*Rana boylei*) was named a candidate species for listing under the California Endangered Species Act. This particular section of the South Fork Eel River is heavily used by the foothill yellow-legged frog (FYLF) as a breeding area. Surveys in 2012 found egg mass densities to be some of the highest in the region. This is a species sensitive to disturbance and pollutants in the water, and is therefore of concern regarding this festival. During this festival (late July) CDFW expects that both tadpoles and recently-metamorphosed frogs will be present in high numbers.*

One of the most important factors in reducing the impact to FYLF is the buffers provided to the wetted section of the river – a 30' buffer for project activities (including camping), and a 100' buffer for all vehicles. The project plans submitted with this use modification show encroachments on these buffers. **The River Stage appears to be within 30' of the wetted edge, and Parking Area 2 is within 100' of the wetted edge.** If the River Stage is built within this buffer, then the applicant should notify CDFW for a Streambed Alteration (1602) Agreement. Parking area 2 should be moved to respect the 100' buffer for vehicles.

Another point of concern is the two wells shown on the Project Plan. As noted in previous environmental documents, these wells appear (by proximity and substrate) to be hydrologically connected to the South Fork Eel River, and would therefore constitute a diversion from the river. The applicant has stated that they will reduce other water demand on these wells during the festival period so that there is no net change to water drawn on these wells. With the attendance proposed to expand to 8000 people, there should be an explicit documentation that this will be feasible. Furthermore, the applicant should notify CDFW for these diversions of the South Fork Eel River by notifying for a Streambed Alteration (1602) Agreement. It should also be clear that any drafting directly from the river (i.e. water trucks) is a violation of Fish and Game Code 1602 without a prior agreement.

Because of these and other concerns, CDFW recommends the following as conditions of approval, in addition to those already recommended in 2015 and 2016:

1. That the applicant complies with the 30' and 100' buffers from the wetted edge. Parking area 2 is within this buffer, as is the River Stage.
2. That the applicant provide survey results for nesting birds, post-clean up findings, and detailed and explicit water use reports (for both wells) from previous events.
3. That the applicant provides detailed and explicit water use data to show that an expansion to 8,000 attendees is possible without a net gain in water use during the festival period. This analysis should include dust-abatement activities and preclude any water drafting from the river.
4. That the applicant notify CDFW for Streambed Alteration (1602) Agreements for the River Stage (if it remains at the wetted edge) and for the two water diversions (wells).
5. That the applicant plans and implements outreach, announcements, and signage to educate attendees about foothill yellow-legged frogs at the festival site, including ways for attendees to avoid impacting frogs during the festival.

The above comments have been incorporated as Conditions are recommended to ensure potentially significant impacts to Biological Resources are reduced to a less than significant level.

<u>V. CULTURAL RESOURCES.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<u>V. CULTURAL RESOURCES.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

V. Cultural Resources a) through d) **No Impact:** The initial studies, completed for Use Permit U_2013-0005 along with Use Permit Modifications UM_2013-0005 and UM_2014-0011 permitting the Northern Nights event through 2017, evaluated potential impacts related to cultural resources. Conditions were identified to bring the project into conformance with applicable County Code. Further discussion found in U_2013-0005, UM_2013-0005 and UM_2014-0011 Initial Studies Section V (Cultural Resources). No mitigation required.

<u>VI. GEOLOGY AND SOILS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<u>VI. GEOLOGY AND SOILS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
substantial risks to life or property?				
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VI. Geology and Soils a) through e) **No Impact:** The initial studies, completed for previous Use Permit U_2013-0005 along with Use Permit Modifications UM_2013-0005 and UM_2014-0011 permitting the Northern Nights event through 2017, evaluated potential impacts related to geology and soils. Staff determined that the project would not result in any significant impacts. Further discussion found in U_2013-0005, UM_2013-0005, and UM_2014-0011 Initial Studies Section VI (Geology and Soils). No mitigation required.

<u>VII. GREENHOUSE GAS EMISSIONS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VII. Greenhouse Gas Emissions a) and b) **No Impact:** The initial studies, completed for Use Permit U_2013-0005 along with Use Permit Modifications UM_2013-0005 and UM_2014-0011 permitting the Northern Nights event through 2017, evaluated potential impacts related to Greenhouse Gas Emissions. Staff determined that the project would not result in any significant impacts. Further discussion found in U_2013-0005 and UM_2013-0005 and UM_2014-0011 Initial Studies Section VII (Greenhouse Gas Emissions). No mitigation required.

<u>VIII. HAZARDS AND HAZARDOUS MATERIALS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<u>VIII. HAZARDS AND HAZARDOUS MATERIALS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
proposed school?				
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VIII. Hazards and Hazardous Materials a) through h) **No Impact:** The initial studies, completed for Use Permit U_2013-0005 along with Use Permit Modifications UM_2013-0005 and UM_2014-0011 permitting the Northern Nights event through 2017, evaluated potential impacts related to hazards and hazardous materials. Conditions were identified to mitigate potentially significant hazard related impacts. Further discussion found in U_2013-0005 and UM_2013-0005 and UM_2014-0011 Initial Studies Section VIII (Hazards and Hazardous Materials). No mitigation required.

<u>IX. HYDROLOGY AND WATER QUALITY.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<u>IX. HYDROLOGY AND WATER QUALITY.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a level which would not support existing land uses or planned uses for which permits have been granted)?				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100 year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100 year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k) Result in an increase in pollutant discharges to receiving waters considering water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g. heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<u>IX. HYDROLOGY AND WATER QUALITY.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
l) Have a potentially significant impact on groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
m) Impact aquatic, wetland or riparian habitat?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IX. Hydrology and Water Quality a) through e) and g) through m) **No Impact:**

- f) Otherwise substantially degrade water quality? **Less than Significant Impact with Mitigation Incorporated**

The initial studies, completed for Use Permit U_2013-0005 along with Use Permit Modifications UM_2013-0005 and UM_2014-0011, which permitted the Northern Nights event through 2017, evaluated potential impacts related to hydrology and water quality. A condition is included to mitigate potentially significant biological and water quality impacts and bring the project into conformance with applicable County Code and General Plan Policies (see Biology discussion Section above). Further discussion found in U_2013-000, UM_2013-0005, and UM_2014-0011 Initial Studies Section IX Hydrology and Water Quality.

<u>X. LAND USE AND PLANNING.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

X. Land Use Planning a) through c) **No Impact**

The initial studies, completed for Use Permit U_2013-0005 along with Use Permit Modification UM_2013-0005 and UM_2014-0011 permitting the Northern Nights event through 2017, evaluated potential impacts related to land use. Staff determined that the project would not result in any significant impacts. Further discussion found in UM_2013-0005 and UM_2014-0011 Initial Studies Section X (Land Use Planning). No mitigation required.

<u>XI. MINERAL RESOURCES.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<u>XI. MINERAL RESOURCES.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XI. Mineral Resources a) and b) No Impact: The initial studies, completed for previous Use Permit U_2013-0005 along with Use Permit Modifications UM_2013-0005 and UM_2014-0011 permitting the Northern Nights event through 2017, evaluated potential impacts related to mineral resources. Staff determined that the project would not result in any significant impacts. Further discussion found in U_2013-0005, UM_2013-0005 and UM_2014-0011 Initial Studies Section XI (Mineral Resources). No mitigation required.

<u>XII. NOISE</u> -- Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XII. Noise a) through f) Less than Significant Impact or No Impact: The initial study, completed for Use Permit U_2013-0005 along with Use Permit Modifications UM_2013-0005 and UM_2014-0011 permitting the Northern Nights event through 2017, evaluated potential impacts related to noise. Conditions were identified to mitigate potentially significant noise impacts and bring the project into conformance with applicable County

Code. Further discussion found in U_2013-0005, UM_2013-0005 and UM_2014-0011 Initial Studies Section XII (Noise). No additional mitigation required.

<u>XIII. POPULATION AND HOUSING.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIII Population and Housing a) thru c) No Impact: The initial studies, completed for Use Permit U_2013-0005 along with Use Permit Modifications UM_2013-0005 and U_2014-0011 permitting the Northern Nights event through 2017, evaluated potential impacts related to population and housing. Staff determined that the project would not result in any significant impacts. Further discussion found in U_2013-0005, UM_2013-0005 and U_2014-0011 Initial Studies Section XII (Population and Housing). No mitigation required.

<u>XIV. PUBLIC SERVICES.</u>	Potentiall y Significan t Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Medical Services?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIV. Public Services a) Less than Significant Impact or No Impact: The initial studies, completed for previous Use Permit U_2013-0005 along with Use Permit Modifications U_2013-0005 permitting the Northern Nights event through 2017, evaluated potential impacts related to public services. Conditions were identified to

mitigate potentially significant public service related impacts. Further discussion found U_2013-0005 and UM_2013-0005 Initial Studies Section XIV (Public Services). No additional new mitigation required.

<u>XV. RECREATION.</u>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XV. Recreation a) and b) No Impact: The initial studies, completed for Use Permit U_2013-0005 along with Use Permit Modifications UM_2013-0005 and UM_2014-0011 permitting the Northern Nights event through 2017, evaluated potential impacts related to recreation. Staff determined that the project would not result in any significant impacts. Further discussion found in U_2013-0005 and UM_2013-0005 Initial Studies Section XV (Recreation). No mitigation required.

<u>XVI. TRANSPORTATION/TRAFFIC.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially increase hazards due to	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

XVI. Transportation/Traffic a) through f) **Less than Significant Impact:** The initial studies, completed for previous Use Permit U_2013-0005 along with Use Permit Modifications UM_2013-0005 and UM_2014-0011 which permitted the Northern Nights event through 2017, evaluated potential impacts related to transportation and traffic. Conditions were identified to mitigate potentially significant transportation and traffic impacts. Further discussion found in U_2013-0005, UM_2013-0005 and UM_2014-0011 Initial Studies Section XVI Transportation/Traffic. No additional mitigation required.

<u>XVII. TRIBAL CULTURAL RESOURCES.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a-b) **No Impact:** On April 2, 2018, the Sherwood Valley Band of Pomo Indians, Redwood Valley Rancheria, and Cloverdale Rancheria were solicited for comments regarding the project. A response was received by the Redwood Valley Rancheria indicating they had no comment at time of project referral. No responses were received from the other solicited tribes. No mitigation required.

<u>XVII. UTILITIES AND SERVICE SYSTEMS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVII. Utilities and Service Systems a) through g) **No Impact:** The initial studies, completed for Use Permit U_2013-0005 along with Use Permit Modifications UM_2013-0005 and UM_2014-0011 permitting the Northern Nights event through 2017, evaluated potential impacts related to utilities. Conditions were identified to ensure the project would be in conformance with applicable County Code. Further discussion found in U_2013-0005 and UM_2013-0005 Initial Studies Section XVII (Utilities and Service Systems). No mitigation required.

<u>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.</u>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<u>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.</u>	Potentially Significant Impact	Less Significant Than with Mitigation Incorporated	Less Significant Than	No Impact
habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVIII. Mandatory Findings of Significance a) through c) **Less than Significant Impact or No Impact:** The initial studies completed for Use Permit U_2013-0005 along with Use Permit Modifications UM_2013-0005 and UM_2014-0011 permitting the Northern Nights event through 2017, evaluated potential cumulative impacts. Further discussion found in U_2013-0005, UM_2013-0005 and UM_2014-0011 Initial Study Section XVIII (Mandatory Findings of Significance). No mitigation required.

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Mendocino County Clerk-Recorder

FILING REQUESTED BY
County of Mendocino
Planning & Building Services Dept
860 North Bush Street
Ukiah, CA 95482

AND WHEN FILED MAIL TO
County of Mendocino
Planning & Building Services Dept
860 North Bush Street
Ukiah, CA 95482

NOTICE OF DETERMINATION

To: ☐ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

☒ Mendocino County Clerk
501 Low Gap Road, Room 1020
Ukiah, CA 95482

Subject: Filing of Notice of Determination in compliance with Section 21108 and 21152 of the Public Resources code.

Project Title:

CASE#: U 5-2013

DATE FILED: 3/7/2013

OWNER: CONRAD K& TRUDY BOWMAN

APPLICANT/ AGENT: CONRAD KEITH BOWMAN

State clearing House Number
(If Submitted to Clearing House)**Contact Person**
DUSTY DULEY**Area Code/Number/Extension**
707-463-4281

Project Location:

2.5+/- miles north of Piercy, just south of the Mendocino/Humboldt County line, lying on the east side of Highway 101, just south of the Cook's Valley exit, located at 83950 County Road 442E; AP#'s 053-020-10, 12, 13, 14 & 16.

Project Description:

Use Permit for the temporary use of an approximately 32+/- acre property for a 3 day event (July 19-21) known as the "Northern Nights Music Festival", to include camping, music, provisions for food and alcohol and vending booths. A total of 3,500 attendees, including staff and vendors would be authorized.

This is to advise that the County of Mendocino has approved the above-described project on May 17, 2013 and has made the following determinations regarding the above described project:


1. The project will not have a significant effect on the environment.
2. A Mitigated Negative Declaration was prepared pursuant to the provisions of CEQA.
3. Mitigation measures were a condition of the project approval.
4. A Statement of Overriding Considerations was not adopted.

This is to certify that the Mitigated Negative Declaration and record of project approval is available to the general public at 860 North Bush Street, Ukiah.

Date of Filing

6/19/13

Signature

 Chief Planner



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
 860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482
 120 WEST FIR STREET • FT. BRAGG • CALIFORNIA • 95437

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 pbs@co.mendocino.ca.us
 www.co.mendocino.ca.us/planning

May 20, 2013

FINAL FINDINGS AND CONDITIONS OF APPROVAL
CASE # U 5-2013 – NORTHERN NIGHTS
MAY 17, 2013

The Zoning Administrator approves Use Permit # U 5-2013 per the findings and conditions of approval contained in the staff report and as modified during the public hearing to add new conditions as follows:

Environmental Findings: The Zoning Administrator finds that no significant environmental impacts would result from the proposed projects which are not adequately mitigated through the conditions of approval; therefore, a Mitigated Negative Declaration is adopted.

General Plan Consistency Finding: The proposed project is consistent with applicable goals and policies of the General Plan as subject to the conditions of approval recommended by staff.

Project Findings: The Zoning Administrator approves #U 5-2013 subject to the conditions of approval recommended by staff and as modified by the Zoning Administrator, and further finding:

1. That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided
2. That the proposed use will not constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.
3. That such use preserves the integrity of the zoning district.
4. Unlike former festivals on the property which may have had adverse impact on the surrounding area, the approved festival includes event management and noise management that will help to ensure it is compatible with surrounding residential uses.

RECOMMENDED CONDITIONS:

Conditions that must be met prior to use and/or occupancy and for the duration of this permit:

1. The term of the entitlement shall be limited to July 19 through 22, 2013.
2. Total campground attendance shall be limited to no more than 1,800 vehicles and 3,500 campers/attendees, including staff both paid and unpaid. The applicant/producer shall use appropriate management techniques to ensure that the total number of individuals attending, including staff, artists, vendors and guests, is limited to a number of vehicles and individuals that will not exceed that for which infrastructure can reasonably support in a safe manner. Should the area reach capacity, as determined by the operator or any qualified emergency personnel, the applicant/producer shall provide advance signage at locations approved under an encroachment permit issued by Caltrans and/or the County Department of Transportation, to advise traveling motorists of this status (e.g., "Campground Full" sign) at appropriate locations as determined through the encroachment permit process.
3. The applicant/producer shall provide the Department of Planning and Building Services with a count of attendees/campers for the event no later than August 10, 2013.
4. Outdoor lighting shall be directed and shielded to prohibit light from being cast beyond the property boundaries. Lighting shall be turned off or focused on very specific areas (e.g., bathrooms, medical station, and stage) between sunset and sunrise so as to avoid any impact to off-site residences.

5. Event staff will inspect vehicles at arrival for leaking fluids, take appropriate steps for dealing with problem vehicles, monitor the parking areas during the event, and provide any required clean up during and after the event.
6. No material shall be placed into or where it may pass into any stream or watercourse in quantities that would be deleterious to fish, wildlife, or other beneficial uses. Attendees are prohibited from using soap in the river. Applicants shall make effort to discourage direct human impacts to water quality.
7. Parking shall be permitted only in designated parking areas, as shown on the applicant's Event Site Plan. Signs shall be posted stating that parking of vehicles including motorcycles is prohibited on gravel bars.
8. The project site shall be cleaned of all litter within two weeks following the event and the site shall be restored to pre-event conditions.
9. The applicant shall demonstrate to the Division of Environmental Health (DEH) that adequate water, sanitation and solid waste facilities will be provided as determined by the Division of Environmental Health, including, but not limited to:
 - Provide for at least 1 (one) portable toilet for every 100 people. Provide at least one (1) hand wash pedestal for every ten (10) portable toilets. Hand wash pedestals shall be located adjacent to the portable toilets. Toilets shall be placed throughout the campground site at convenient locations to discourage guests from using the river as a human waste receptacle.
 - Provide for a minimum of 1 (one) 32-gallon trashcan for every 50 people. Trashcans shall be placed throughout the campground site at convenient locations to discourage guests from littering and shall be emptied as necessary to ensure trash doesn't overflow.
 - All portable toilets, hand wash pedestals and trash containers shall be serviced and/or collected frequently so as to not create a health hazard. All liquid waste and trash/garbage shall be removed from the event site and taken to approved disposal sites.
 - Event coordinator shall obtain a Community Event packet and submit, to Environmental Health, a Community Event Permit Application at least forty five (45) days before the event. This will allow the Statement of Adequacy from Environmental Health to be forwarded to the Tax Collector office in a timely manner.
 - Take water sample from the on-site private water system and test it for coliform presence/absence. Include water sample result with the Community Event Permit Application.
 - Self-contained vehicles are to remain self-contained until able to dump at an approved dump station.
10. Daily water samples should be collected during the event by a qualified independent entity to assess water quality impacts from this event. Samples shall be collected both upstream and downstream from the event and shall be tested for total coliforms, fecal coliforms and enterococci. All monitoring data shall be provided to the County Division of Environmental Health (DEH) after the event. This condition may be deleted in the future depending on the result of water tests.
11. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2,206.25 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to June 3, 2013 (within 5 days of the end of any appeal period). Any waiver of the fee shall be on a form issued by the Department of Fish and Game upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the

specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition**

12. The campground areas shall be posted, and information shall be provided on the event website that a "Quiet Time" shall exist from 11:00 p.m. to 10:00 a.m. each day. No amplified music is permitted in the campground during "Quiet Time." Event security shall monitor the camping areas to ensure compliance with this condition. No personal amplified sound systems are allowed at the event.
13. Amplification for music or speakers shall not be permitted between the hours of 2:00 a.m. midnight to 10:00 a.m. with the exception of a ½ hour sound test during the day of July 18th. The applicant shall enter into a service agreement to allow for Mendocino County Sheriff Office law enforcement personnel to be on-site during the event and to authorize them to enforce the time limit to ensure compliance with this condition.
14. The applicant shall comply with the recommendations of the California Department of Forestry and Fire Protection (CalFire) in their letter received on April 5, 2005, for the previous Use Permit entitlement (UR 3-05/06) or other alternatives found to be acceptable by CalFire along with those measures identified by staff. These recommendations include:
 - Minimum 1 (one) Type 3 fire engine and 1 (one) water tender for standby emergency water and dust abatement, with radio communication equivalent to CalFire dispatch and staffed with a minimum of 2 (two) personnel, staged at the campground 24 hours a day throughout the duration of the event.
 - On-site water source to be approved by CalFire.
 - A minimum of 1 (one) paramedic and 1 (one) EMT with ACLS capabilities, and transportation and radio communication equivalent to CalFire dispatch for any life-threatening emergencies.
 - Security on-site to ensure no open burning of any kind.
 - A 20-foot fire lane around the perimeter of the compound must be designated for all fire and emergency personnel only. No unauthorized vehicles shall have access.
 - The roadway shall be an all-weather surface, rocked and accessible for all types of vehicles.
 - Designated locations for fire, medical, and security personnel and parking shall be identified with signs visible to all campers.
 - Fire extinguishers shall be available and mounted in and around campsites.
 - Signs shall be posted in and around the campground indicating, "No Open Burning" and "No Fireworks."
 - A meeting with all safety personnel and/or representative from each department shall meet a minimum of 30 days prior to the event to establish an action plan that will be utilized by all service providers and coordinated through the Mendocino CalFire Unit Battalion Chief 1114.
 - All items listed shall be in place and approved to the satisfaction of all appropriate agencies prior to each event.
 - ALS-staffed medical crew must be present on-site for the entire event duration.
 - Piercy byways and exits 627, 625, and 271/101 junction shall be limited to local traffic.
 - No camping shall be allowed on the opposite side of the South Fork Eel River from the event.
 - Signage shall be placed throughout the event and advertised on the event website nothing that fire and fireworks are prohibited.

- Road from U.S. Highway 101 to Mercer Fraser and Loop Road shall be kept open and clear for emergency vehicle access.
15. All grass areas shall be irrigated in order to maintain a green vegetative cover at the site.
 16. The perimeter of the site shall be clearly identified, and shall be posted to limit access beyond the approved event, camping, and parking area sites.
 17. The applicant shall enter into a service agreement to allow for Mendocino County Sheriff Office law enforcement personnel to be on-site during the event as well as additional personnel to be available to respond to any calls stemming from the event.
 18. The applicant/producer shall pay all reasonable costs incurred by the uniformed officers of the Mendocino County Sheriff's Office, Humboldt County Sheriff's Office, California Highway Patrol, any responsible fire agency or other designated emergency service personnel for responding to any service call stemming directly from the events. This shall not include normal patrol duties otherwise warranted in the area. Financial responsibilities shall be based on costs directly related to services provided WITHIN THEIR SERVICE AREA and shall be proportional to services rendered, provided the applicant and any emergency service agency negotiate in good faith.
 19. The applicant shall submit to the Mendocino County Sheriff's Office proof of adequate security personnel. This proof shall be a contract or agreement with a licensed security agency to provide enough security for protection of the participants of this event. The Sheriff's Office and California Highway Patrol shall be furnished with the identity of security personnel in case law enforcement services are needed within the perimeter of the events.
 20. The applicant is reminded of the need to obtain an Outdoor Festival Permit from the Treasurer-Tax Collector's Office prior to the event. Said permit shall be reviewed and approved by the Mendocino County Sheriff's Department. Any terms or conditions of the Outdoor Festival Permit shall become a condition of this permit.
 21. Twenty-four hour per day security shall be provided on-site for the protection and service to attendees and neighboring property owners. Every attempt shall be made to limit encroachment/ trespassing onto neighboring properties. Adequate security shall be in place the Thursday before the event and Monday after event.
 22. The applicant shall develop an acceptable emergency plan in conjunction with emergency providers to include fire, medical, law enforcement, and evacuation procedures. The plan shall contain checklists and telephone numbers for use by security and safety personnel. The plan shall be submitted for review and approval to the Mendocino Emergency Services Authority at least 14 days prior to the event. A copy of the emergency plan shall be provided to the Department of Planning and Building Services.
 23. The event producers shall provide to emergency response personnel, at least 14 days prior to the event, the identity of the on-site person(s) primarily responsible for the gathering, in the event of an emergency. Security staff shall be clearly identified by distinctive clothing (e.g., T-shirts) as approved by the Sheriff's Office.
 24. The applicant shall discourage early arrivals by prohibiting the line up of cars along the Highway before gates open Friday at noon. PUBLIC CAMPING IS PROHIBITED BEFORE THE EVENT ON FRIDAY JULY 19TH. The above information shall be posted on the event website to discourage early arrivals. Adequate security shall remain on-site the Monday following the event to ensure that attendees vacate the site in a timely and orderly manner by noon on Monday.
 25. The applicant shall comply with the traffic plan prepared for the event or other alternatives as approved by the California Highway Patrol.
 26. Prior to commencing the event, the applicant shall secure an encroachment permit from the California Department of Transportation for any encroachments onto U.S. Highway 101 right-of-way and State Route 271.

27. No facilities shall be placed, or work performed, within the Humboldt or Mendocino County road right-of-way without specific approval and issuance of an encroachment permit prior to commencing the event, from the Mendocino County Department of Transportation or Humboldt County Public Works Department, prior to commencing the event.
28. The temporary campground shall close by noon on the Monday following the event. Every effort shall be made to ensure attendees leave the site in a timely fashion.
29. The unpaved access roads and interior circulation routes shall be maintained in such a manner as to ensure minimum dust generation and shall be subject to pertinent Air Quality Management District regulations.
30. Any stationary on-site internal combustion engines over 50 horsepower (i.e. larger power generators or pumps) may require a permit from the Air Quality Management District, depending on fuel source and level of operation. Rental equipment may require notification to District. The applicant/owner shall contact the District to determine whether it's necessary to obtain a permit.
31. No permanent improvements shall be installed to accommodate the event.
32. In the event that archaeological resources are encountered during normal operation activities at the site, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
33. No permanent signs advertising the site or event are authorized by this permit.
34. The applicant shall develop and submit an acceptable short notice cancellation protocol for the event to the Department of Planning and Building Services.
35. Vehicles shall not drive over or park on an existing or replacement leach field.
- ~~36. The applicant and owner are advised to apply for any renewal or modification of this event well in advance of any event date (greater than 6 months).—No future event shall be allowed on the subject property unless a complete application is submitted to the County nine (9) months prior to any subsequent event. Failure to comply with this condition will be a violation of this permit and may be grounds for denial of any future event proposed by the property owner or agent.~~
37. Any responsible public agency personnel may contact the applicant and arrange a pre-event inspection of the project site to assess compliance with the terms and conditions of required permits.
 - a) Each year, prior to an event, the applicant shall be responsible for contacting, and if warranted, organizing a "walk through" inspection of the site by law enforcement, fire agencies, other emergency response personnel, to assess compliance with the terms and conditions of required permits and provisions for emergency response. Such contacts shall be at a minimum of 30 days prior to the event and the walk through, if warranted, shall be within one week of the event.
 - b) Within 30 days following the event, the Department of Planning and Building Services shall inspect the project site to assess immediate impacts (e.g., litter, erosion, and other impacts to the subject and surrounding properties) that the event may have directly caused. An inspection fee shall be collected from the applicant/operator for each inspection performed by the Department of Planning and Building Services.
 - c) Each year, following the event, any agency outlined in "a" above may contact the Department of Planning and Building Services to request a meeting to assess the previous event and to make any adjustment to the terms or conditions of the permit, or the project, as may be necessary to provide for a safer operation. If in the opinion of the Director of Planning and Building Services an issue arises that would significantly modify any term or condition of this Permit, or if in the opinion of any of the reviewing agencies a significant issue has developed that causes any un-resolvable concern, a new public hearing shall be scheduled at the applicant's expense under the revocation/ modification procedures of the zoning ordinance. The applicants shall pay any extraordinary costs related to these agencies for these inspections. A report of the result of these inspections shall be prepared as may be determined by the Director of Planning and Building Services.

- d) It is the intent of this condition to provide some reasonable flexibility and that the applicant and the responsible agencies be authorized to work together to "fine tune" the conditions of this entitlement to provide a quality event for all concerned. Any significant issue that may arise, that can not be resolved through mutual agreement, or any issue that may cause significant public concern in the opinion of the Director of Planning and Building Services, will cause a revocation/modification hearing, at the applicant's expense, in order to provide public input.
38. Event promoters shall coordinate a post-event inspection and meeting with all emergency service providers to consider future modification to emergency response plans, event logistics, and other issues related to inter-agency coordination and event design
39. A qualified professional acoustical engineer shall continuously monitor noise levels during the event at the property line closest to the adjoining residential property located at 101 Cook Lane (also know as the Dowd Residence). A report of noise monitoring data collected during the event shall be presented to the Department of Planning and Building Services within 30 days after the event. This report shall include a summary of the noise monitoring data and a comparison of this data with the applicable exterior noise limit standards found in Appendix C of the Inland Zoning Code (Title 20 – Division 1 of the Mendocino County Code).
40. The applicants shall submit to the Department of Planning and Building Services, 21 days prior to each event, a copy of a fully executed agreement for the use of any overflow parking areas beyond the subject owner's property. Failure to provide such agreement prior to the event shall result in this permit limiting parking for the event to no greater than 1,500 vehicles.
41. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the use permit.
42. The application along with supplemental exhibits and related materials shall be considered elements of this entitlement and compliance therewith shall be mandatory, unless a modification has been approved.
43. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size, or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
44. This permit shall be subject to revocation or modification by the Zoning Administrator upon a finding of any one (1) or more of the following grounds:
- a. That such permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which such permit was granted have been violated.
 - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare, or safety, or as to be a nuisance.
 - d. Any such revocation shall proceed as specified in Title 20 of the Mendocino County Code.
45. This permit shall be subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
46. Prior to commencing the event, the County shall verify the festival music stage includes a solid acoustical barrier or wall that directs sound northeast, away from nearby residential properties.
47. Air horns are prohibited.

**COUNTY OF MENDOCINO
ENVIRONMENTAL REVIEW GUIDELINES
MITIGATED NEGATIVE DECLARATION**

I. DESCRIPTION OF PROJECT.

DATE: May 21, 2013

CASE#: U 5-2013

DATE FILED: 3/7/2013

OWNER: CONRAD KEITH BOWMAN

APPLICANT: NORTHERN NIGHTS MUSIC GROUP, LLC./ PETER HUSON & ANDREW BORGELT

AGENT: PETER HUSON & ANDREW BORGELT

REQUEST: Use Permit for the temporary use of a property for a 3 day event starting the Friday before the third full weekend in July, known as the "Northern Nights Music Festival", to include camping, music, provisions for food and alcohol and vending booths as well as a temporary on-site general store. A total of 3,500 attendees including staff artists and vendors would be authorized.

LOCATION: 2.5+/- miles north of Piercy, just south of the Mendocino/Humboldt County line, lying on the east side of Highway 101, just south of the Cook's Valley exit, located at 83950 County Road 442E; AP#'s 053-020-10, 12, 13, 14 & 16.

PROJECT COORDINATOR: DUSTY DULEY

II. DETERMINATION.

In accordance with Mendocino County's procedures for compliance with the California Environmental Quality Act (CEQA), the County has conducted an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. On the basis of that study, it has been determined that:

Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures required for the project will reduce potentially significant effects to a less than significant level, therefore, a MITIGATED NEGATIVE DECLARATION is adopted.

The attached Initial Study and staff report incorporates all relevant information regarding the potential environmental effects of the project and confirms the determination that an EIR is not required for the project.

FILING REQUESTED BY
County of Mendocino
Planning & Building Services Dept
860 North Bush Street
Ukiah, CA 95482

CONFORMED COPY

Copy of Document Recorded on
05/16/2014 09:02:06 AM
as 2014-E0031
Mendocino County Clerk-Recorder

AND WHEN FILED MAIL TO
County of Mendocino
Planning & Building Services Dept
860 North Bush Street
Ukiah, CA 95482

NOTICE OF DETERMINATION

To: ☐ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

☒ Mendocino County Clerk
501 Low Gap Road, Room 1020
Ukiah, CA 95482

Subject: Filing of Notice of Determination in compliance with Section 21108 and 21152 of the Public Resources code.

Project Title:

CASE#: UM 5-2013/13
DATE FILED: 11/19/2013
OWNER: CONRAD KEITH BOWMAN
APPLICANT: NORTHERN NIGHTS MUSIC GROUP

State clearing House Number
(If Submitted to Clearing House)

Contact Person
DUSTY DULEY

Area Code/Number/Extension
707-234-6650

Project Location:

2.5+/- miles north Piercy, just south of the Mendocino/Humboldt County line, lying on the east side of Highway 101, just south of Cook's Valley exit; located at 83950 County Road 442E; APN's 053-020-10,-11,-12,-13,-14,-16.

Project Description:

Use Permit Modification for the temporary use of a property for a 3 day event, starting the Friday before the third full weekend in July for the years 2014 through 2017, known as the "Northern Nights Music Festival", to include camping, music, provisions for food and alcohol and vending booths as well as a temporary on-site general store. A total of 4,000 attendees including staff, artists and vendors would be authorized in 2014, ~~4,000 total attendees in 2015 and 5,000 total attendees in 2016 and through 2017.~~ Amplified music would be authorized between the hours of 10 a.m. to ~~2 a.m.~~ Midnight, Friday through Sunday.

This is to advise that the County of Mendocino has approved the above-described project on May 8, 2014 and has made the following determinations regarding the above described project:

1. The project will not have a significant effect on the environment.
2. A Mitigated Negative Declaration was prepared pursuant to the provisions of CEQA.
3. Mitigation measures were a condition of the project approval.
4. A Statement of Overriding Considerations was not adopted.

This is to certify that the Mitigated Negative Declaration and record of project approval is available to the general public at 860 North Bush Street, Ukiah.

Date of Filing 5/15/14

Signature 



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUST STREET • UKIAH • CALIFORNIA • 95482

120 WEST FIR STREET • FORT BRAGG • CALIFORNIA • 95437

STEVE DUNNICLIFF

TELEPHONE 707-234-6650

FAX 707-463-5709

FB PHONE 707-964-5379

FB FAX 707-961-2427

pbs@co.mendocino.ca.us

www.co.mendocino.ca.us/planning

May 15, 2014

**FINAL FINDINGS AND CONDITIONS OF APPROVAL
CASE # UM 5-2013/13 – CONRAD KEITH BOWMAN
MAY 8, 2014**

The Zoning Administrator approves UM 5-2013/13, per the findings and conditions of approval contained in the staff and as modified during the public hearing, as follows:

Environmental Findings: The Zoning Administrator finds that no significant environmental impacts would result from the proposed projects which are not adequately mitigated through the conditions of approval; therefore, a Mitigated Negative Declaration is adopted.

General Plan Consistency Finding: The proposed project is consistent with applicable goals and policies of the General Plan as subject to the conditions of approval recommended by staff.

Project Findings: The Zoning Administrator approves #UM 5-2013/13 subject to the conditions of approval recommended by staff, and further finding:

1. That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided
2. That the proposed use will not constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county provided that attendance is limited to 4,000 attendees (including 500 event workers), and no amplified music is permitted after midnight.
3. That such use preserves the integrity of the zoning district.
4. Unlike former festivals on the property which may have had adverse impact on the surrounding area, the approved festival includes event management and noise management that will help to ensure it is compatible with surrounding residential uses.

RECOMMENDED CONDITIONS OF APPROVAL:**Conditions that must be met prior to use and/or occupancy and for the duration of this permit:**

1. This permit shall authorize a 3 day event per year to include the third full weekend in July and shall expire on July 30, 2017. Limitation does not include day following event.
2. Total attendance for the 2014 event shall be limited to no more than 4,000 campers/attendees, including staff both paid and unpaid, artists and vendors. ~~Upon demonstrating compliance with Permit conditions and any measures identified by applicable emergency service providers, event attendance may increase in future years not to exceed a total attendance of 4,500 attendees in 2015 and 5,000 total attendees in 2016 and 2017.~~

FINAL FINDINGS AND CONDITIONS OF APPROVAL
PAGE 2

Applicant shall submit a post event report within 45 days following each event providing evidence of compliance with each condition of approval. Failure to comply with conditions of approval may result in decreased attendance cap or amplified music hours, or revocation of permit.

3. The applicant/producer shall use appropriate management techniques to ensure that the total number of individuals attending, including staff, artists, vendors and guests, is limited to a number of vehicles and individuals that will not exceed that for which infrastructure can reasonably support in a safe manner. Should the area reach capacity, as determined by the operator or any qualified emergency personnel, the applicant/producer shall provide advance signage at locations approved under an encroachment permit issued by Caltrans and/or the County Department of Transportation, to advise traveling motorists of this status (e.g., "Campground Full" sign) at appropriate locations as determined through the encroachment permit process.
4. The applicant/producer shall provide the Department of Planning and Building Services with a count of attendees/campers for each event no later than 20 days after the conclusion of each event.
5. The temporary campground shall close by noon on the Monday following each event. Applicant shall make every effort shall be made to ensure attendees leave the property in a timely fashion.

Aesthetics

6. Outdoor lighting shall be directed and shielded to prohibit light from being cast beyond the property boundaries. Lighting shall be turned off or focused on very specific areas (e.g., bathrooms, medical station, and stage) between sunset and sunrise so as to avoid any impact to off-site residences.
7. No permanent improvements shall be installed to accommodate the events.
8. No permanent signs advertising the site or events are authorized by this permit.
9. The project site shall be cleaned of all litter within two weeks following each event and the site shall be restored to pre-event conditions.

Air Quality

10. The unpaved access roads and interior circulation routes shall be maintained in such a manner as to ensure minimum dust generation and shall be subject to pertinent Air Quality Management District regulations.
11. Any stationary on-site internal combustion engines over 50 horsepower (i.e. larger power generators or pumps) may require a permit from the Air Quality Management District, depending on fuel source and level of operation. Rental equipment may require notification to District. The applicant/owner shall contact the District to determine whether it's necessary to obtain a permit.

FINAL FINDINGS AND CONDITIONS OF APPROVAL
PAGE 3Biological Resources/Water Quality

12. Daily water samples should be collected during the event by a qualified independent entity to assess water quality impacts from the project. Samples shall be collected both upstream and downstream from the event and shall be tested for total coliforms, fecal coliforms and enterococci. All monitoring data shall be provided to the County Division of Environmental Health (DEH) after the event. This condition may be deleted in the future depending on the result of water tests.
13. Water sample shall be collected 6 days prior to the event by a qualified independent entity to assess whether water quality of Eel River is safe for public recreational use. Sample shall be taken upstream from the event and shall be tested for total coliforms, fecal coliforms and enterococci. Data shall be provided to the County Division of Environmental Health at least 3 day prior to each event. This condition may be waived in the future depending on the result of water tests and streamflow conditions. If determined to be unsafe, applicant shall take appropriate actions to keep event attendees from accessing the river.
14. No material shall be placed into or where it may pass into any stream or watercourse in quantities that would be deleterious to fish, wildlife, or other beneficial uses. Attendees are prohibited from using soap in the river. Applicants shall make effort to discourage direct human impacts to water quality.
15. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2,231.25 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any appeal period. Any waiver of the fee shall be on a form issued by the Department of Fish and Game upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**
16. Event staff will inspect vehicles at arrival for leaking fluids, take appropriate steps for dealing with problem vehicles, monitor the parking areas during the event, and provide any required clean up during and after the events.
17. Parking shall be permitted only in designated parking areas, as shown on the applicant's Event Site Plan. Signs shall be posted stating that parking of vehicles including motorcycles is prohibited on gravel bars.
18. The applicant shall demonstrate to the Division of Environmental Health (DEH) that adequate water, sanitation and solid waste facilities will be provided as determined by the Division of Environmental Health, including, but not limited to:
 - Provide for at least 1 (one) portable toilet for every 100 people. Provide at least one (1) hand wash pedestal for every ten (10) portable toilets. Hand wash pedestals shall be located adjacent to the portable toilets. Toilets shall be placed throughout the campground site at convenient locations to discourage guests from using the river as a human waste receptacle.

FINAL FINDINGS AND CONDITIONS OF APPROVAL
PAGE 4

- Provide for a minimum of 1 (one) 32-gallon trashcan for every 50 people. Trashcans shall be placed throughout the campground site at convenient locations to discourage guests from littering and shall be emptied as necessary to ensure trash doesn't overflow.
 - All portable toilets, hand wash pedestals and trash containers shall be serviced and/or collected frequently so as to not create a health hazard. All liquid waste and trash/garbage shall be removed from the event site and taken to approved disposal sites.
 - Event coordinator shall obtain a Community Event packet and submit, to Environmental Health, a Community Event Permit Application at least forty five (45) days before the event. This will allow the Statement of Adequacy from Environmental Health to be forwarded to the Tax Collector office in a timely manner.
 - Take water sample from the on-site private water system and test it for coliform presence/absence. Include water sample result with the Community Event Permit Application.
 - Self-contained vehicles are to remain self-contained until able to dump at an approved dump station.
19. Property water use shall be monitored during the 4 weeks leading up to the event to establish baseline data on typical property water usage. Water usage shall be measured during the event. Any increase in water usage above typical property usage as a result of the event shall be offset by decreasing property water usage over the month following the event. Collected data shall be submitted with the post event report to show compliance with this Condition.

Cultural Resources

20. In the event that archaeological resources are encountered during normal operation activities at the site, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.

Hazards

21. The applicant shall develop an acceptable emergency plan in conjunction with emergency providers to include fire, medical, law enforcement, and evacuation procedures. The plan shall contain checklists and telephone numbers for use by security and safety personnel. The plan shall be submitted for review and approval to the Mendocino Emergency Services Authority at least 14 days prior to each event. A copy of the emergency plan shall be provided to the Department of Planning and Building Services.

Noise

22. The campground areas shall be posted, and information shall be provided on the event website that a "Quiet Time" shall exist from 11:00 p.m. to 10:00 a.m. each day. No amplified music is permitted in the campground. Event security shall monitor the camping areas to ensure compliance with this condition. No personal amplified sound systems are allowed at the event.
23. Amplification for music or speakers shall be permitted for each event for the hours as follows with the exception of a 30 minute sound test on the day before event:

FINAL FINDINGS AND CONDITIONS OF APPROVAL
PAGE 5MAIN STAGE

Friday: Noon to midnight
 Saturday: ~~Midnight to 2:00 a.m.~~ and 10:00 a.m. to midnight
 Sunday: ~~Midnight to 2:00 a.m.~~ and 10:00 a.m. to midnight

RIVER STAGE

Friday 10:00 a.m. to 6:00 p.m.
 Saturday 10:00 a.m. to 6:00 p.m.
 Sunday 10:00 a.m. to 6:00 p.m.

The applicant shall enter into a service agreement to allow for Mendocino County Sheriff Office law enforcement personnel to be on-site during the event and to authorize them to enforce the amplified music noise curfew to ensure compliance with this condition.

24. Air horns are prohibited.
25. Prior to commencing of each event, the County shall verify the festival music stage includes a solid acoustical barrier or wall that directs sound northeast, away from closest off-site residents.
26. A qualified professional shall continuously monitor noise levels during each event at the property line closest to the adjoining residential property located at 101 Cook Lane (also known as the Dowd Residence). A report of noise monitoring data collected during the event shall be presented to the Department of Planning and Building Services within 30 days after the event. This report shall include a summary of the noise monitoring data and a comparison of this data with the applicable exterior noise limit standards found in Appendix C of the Inland Zoning Code (Title 20 – Division 1 of the Mendocino County Code).

Fire Protection

27. The applicant shall comply with the recommendations of the California Department of Forestry and Fire Protection (CalFire) in their letter received on April 5, 2005, for the previous Use Permit entitlement (UR 3-05/06) or other alternatives found to be acceptable by CalFire along with those measures identified by staff. These recommendations include:
 - Minimum 1 (one) Type 3 fire engine and 1 (one) water tender for standby emergency water and dust abatement, with radio communication equivalent to CalFire dispatch and staffed with a minimum of 2 (two) personnel, staged at the campground 24 hours a day throughout the duration of the event.
 - On-site water source to be approved by CalFire.
 - A minimum of 1 (one) paramedic and 1 (one) EMT with ACLS capabilities, and transportation and radio communication equivalent to CalFire dispatch for any life-threatening emergencies.
 - Security on-site to ensure no open burning of any kind.
 - A 20-foot fire lane around the perimeter of the compound must be designated for all fire and emergency personnel only. No unauthorized vehicles shall have access.
 - The roadway shall be an all-weather surface, rocked and accessible for all types of vehicles.

FINAL FINDINGS AND CONDITIONS OF APPROVAL
PAGE 6

- Designated locations for fire, medical, and security personnel and parking shall be identified with signs visible to all campers.
 - Fire extinguishers shall be available and mounted in and around campsites.
 - Signs shall be posted in and around the campground indicating, "No Open Burning" and "No Fireworks."
 - A meeting with all safety personnel and/or representative from each department shall meet a minimum of 30 days prior to each event to establish an action plan that will be utilized by all service providers and coordinated through the Mendocino CalFire Unit Battalion Chief 1114, or other alternative as acceptable to CalFire.
 - All items listed shall be in place and approved to the satisfaction of all appropriate agencies prior to each event.
 - ALS-staffed medical crew must be present on-site for the entire event duration.
 - Piercy byways and exits 627, 625, and 271/101 junction shall be limited to local traffic.
 - No camping shall be allowed on the opposite side of the South Fork Eel River from the event.
 - Signage shall be placed throughout the event and advertised on the event website nothing that fire and fireworks are prohibited.
 - Road from U.S. Highway 101 to Mercer Fraser and Loop Road shall be kept open and clear for emergency vehicle access.
 - All grass areas shall be irrigated in order to maintain a green vegetative cover at the site.
28. By May 1 of each year, the applicant shall provide evidence demonstrating that the Piercy Volunteer Fire District (or alternative as approved by Planning staff) will provide fire protection services for the event, and that the proposed fire prevention equipment and personnel to be provided on-site throughout the event is sufficient for fire protection according to the California Department of Forestry and Fire Protection.

Police Protection/Security

29. The applicant shall enter into a service agreement to allow for Mendocino County Sheriff Office law enforcement personnel to be on-site during the event as well as additional personnel to be available to respond to any calls stemming from the event.
30. The applicant/producer shall pay all reasonable costs incurred by the uniformed officers of the Mendocino County Sheriff's Office, Humboldt County Sheriff's Office, California Highway Patrol, any responsible fire agency or other designated emergency service personnel for responding to any service call stemming directly from the events. This shall not include normal patrol duties otherwise warranted in the area. Financial responsibilities shall be based on costs directly related to services provided WITHIN THEIR SERVICE AREA and shall be proportional to services rendered, provided the applicant and any emergency service agency negotiate in good faith.

FINAL FINDINGS AND CONDITIONS OF APPROVAL
PAGE 7

31. The applicant shall submit to the Mendocino County Sheriff's Office proof of adequate security personnel. This proof shall be a contract or agreement with a licensed security agency to provide enough security for protection of the participants of each event. The Sheriff's Office and California Highway Patrol shall be furnished with the identity of security personnel in case law enforcement services are needed within the perimeter of the events.
32. Twenty-four hour per day security shall be provided on-site for the protection and service to attendees and neighboring property owners. Every attempt shall be made to limit encroachment/ trespassing onto neighboring properties. Adequate security shall be in place the Thursday before each event and Monday after each event.
33. The applicant is reminded of the need to obtain an Outdoor Festival Permit from the Treasurer-Tax Collector's Office prior to each event. Said permit shall be reviewed and approved by the Mendocino County Sheriff's Department. Any terms or conditions of the Outdoor Festival Permit shall become a condition of this permit.
34. The perimeter of the site shall be clearly identified, and shall be posted to limit access beyond the approved event, camping, and parking areas.
35. The event producers shall provide to emergency response personnel, at least 14 days prior to each event, the identity of the on-site person(s) primarily responsible for the gathering, in the event of an emergency. Security staff shall be clearly identified by distinctive clothing (e.g., T-shirts) as approved by the Sheriff's Office.
36. The applicant shall develop and submit an acceptable short notice cancellation protocol for the event to the Department of Planning and Building Services.

Transportation/Traffic

37. The applicant shall comply with the traffic plan prepared for the event or other alternatives as approved by the Department of Planning and Building Services with consultation from the California Highway Patrol and California Department of Transportation.
38. The applicant shall discourage early arrivals by prohibiting the line-up of cars along the Highway before gates open Friday at 8:00 a.m. PUBLIC CAMPING IS PROHIBITED BEFORE THE EVENT. The above information shall be posted on the event website to discourage early arrivals. Adequate security shall remain on-site the Monday following the event to ensure that attendees vacate the site in a timely and orderly manner by noon on Monday.
39. Prior to commencing each event, the applicant shall secure an encroachment permit from the California Department of Transportation for any encroachments onto U.S. Highway 101 right-of-way and State Route 271.
40. No facilities shall be placed, or work performed, within the Humboldt or Mendocino County road right-of-way without specific approval and issuance of an encroachment permit prior to commencing the event, from the Mendocino County Department of Transportation or Humboldt County Public Works Department, prior to commencing the event.
41. The applicants shall submit to the Department of Planning and Building Services, 30 days prior to each event, a copy of a fully executed agreement for the use of any overflow parking areas beyond the subject owner's property. Failure to provide such agreement prior to each event shall result in this permit limiting parking for each event to no greater than 1,500 vehicles.

FINAL FINDINGS AND CONDITIONS OF APPROVAL
PAGE 8

42. Applicant shall provide evidence that adequate parking was available to support the event attendance levels. Information shall be included in annual post event report.

Utilities

43. Vehicles shall not drive over or park on an existing or replacement leach field.

Other

44. Applicants shall facilitate and attend an annual community meeting within 30 days following each event. Meeting location shall be within close proximity to the Piercy/Cooks Valley community. Effort shall be made to ensure community members are aware of the meeting. Outreach may include local newspaper ads, radio ads and posting flyers. Purpose of the meeting is to gather and address any concerns the community may have regarding the event. List of attendees and minutes of meeting shall be provided to the Department of Planning and Building Services.
45. Applicant shall contact all emergency service providers and if requested, shall coordinate a post-event inspection and meeting to consider future modification to emergency response plans, event logistics, and other issues related to inter-agency coordination and event design.
46. Any responsible public agency personnel may contact the applicant and arrange a pre-event inspection of the project site to assess compliance with the terms and conditions of required permits.
- a) Each year, prior to an event, the applicant shall be responsible for contacting, and if warranted, organizing a "walk through" inspection of the site by law enforcement, fire agencies, other emergency response personnel, to assess compliance with the terms and conditions of required permits and provisions for emergency response. Such contacts shall be at a minimum of 30 days prior to the event and the walk through, if warranted, shall be within one week of the event.
 - b) Within 30 days following the event, the Department of Planning and Building Services shall inspect the project site to assess immediate impacts (e.g., litter, erosion, and other impacts to the subject and surrounding properties) that the event may have directly caused. An inspection fee shall be collected from the applicant/operator for each inspection performed by the Department of Planning and Building Services.
 - c) Each year, following the event, any agency outlined in "a" above may contact the Department of Planning and Building Services to request a meeting to assess the previous event and to make any adjustment to the terms or conditions of the permit, or the project, as may be necessary to provide for a safer operation. If in the opinion of the Director of Planning and Building Services an issue arises that would significantly modify any term or condition of this Permit, or if in the opinion of any of the reviewing agencies a significant issue has developed that causes any un-resolvable concern, a new public hearing shall be scheduled at the applicant's expense under the revocation/ modification procedures of the zoning ordinance. The applicants shall pay any extraordinary costs related to these agencies for these inspections. A report of the result of these inspections shall be prepared as may be determined by the Director of Planning and Building Services.
 - d) It is the intent of this condition to provide some reasonable flexibility and that the applicant and the responsible agencies be authorized to work together to "fine tune" the conditions of this entitlement to provide a quality event for all concerned. Any significant issue that may arise, that cannot be resolved through mutual agreement,

FINAL FINDINGS AND CONDITIONS OF APPROVAL
PAGE 9

or any issue that may cause significant public concern in the opinion of the Director of Planning and Building Services, will cause a revocation/modification hearing, at the applicant's expense, in order to provide public input.

47. No future event shall be allowed on the subject property unless a complete application is submitted to the County nine (9) months prior to any subsequent event. Failure to comply with this condition will be a violation of this permit and may be grounds for denial of any future event proposed by the applicant or property owner.
48. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the Use Permit.
49. The application along with supplemental exhibits and related materials shall be considered elements of this entitlement and compliance therewith shall be mandatory, unless a modification has been approved.
50. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size, or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
51. This permit shall be subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
52. This permit shall be subject to revocation or modification by the Zoning Administrator upon a finding of any one (1) or more of the following grounds:
 - That such permit was obtained or extended by fraud.
 - That one or more of the conditions upon which such permit was granted have been violated.
 - That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare, or safety, or as to be a nuisance.
 - Any such revocation shall proceed as specified in Title 20 of the Mendocino County Code.

**COUNTY OF MENDOCINO
ENVIRONMENTAL REVIEW GUIDELINES
MITIGATED NEGATIVE DECLARATION**

I. DESCRIPTION OF PROJECT.

DATE: MAY 9, 2014

CASE#: UM 5-2013/13

DATE FILED: 11/19/2013

OWNER: CONRAD KEITH BOWMAN

APPLICANT: NORTHERN NIGHTS MUSIC GROUP

REQUEST: Use Permit Modification for the temporary use of a property for a 3 day event, starting the Friday before the third full weekend in July for the years 2014 through 2017, known as the "Northern Nights Music Festival", to include camping, music, provisions for food and alcohol and vending booths as well as a temporary on-site general store. A total of 4,000 attendees including staff, artists and vendors would be authorized in 2014, 4,000 total attendees in 2015 and 5,000 total attendees in 2016 and through 2017. Amplified music would be authorized between the hours of 10 a.m. to 2 a.m. Midnight, Friday through Sunday.

LOCATION: 2.5+/- miles north Piercy, just south of the Mendocino/Humboldt County line, lying on the east side of Highway 101, just south of Cook's Valley exit; located at 83950 County Road 442E; APN's 053-020-10,-11,-12,-13,-14,-16.

PROJECT COORDINATOR: DUSTY DULEY

II. DETERMINATION.

In accordance with Mendocino County's procedures for compliance with the California Environmental Quality Act (CEQA), the County has conducted an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. On the basis of that study, it has been determined that:

Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures required for the project will reduce potentially significant effects to a less than significant level, therefore, a MITIGATED NEGATIVE DECLARATION is adopted.

The attached Initial Study and staff report incorporates all relevant information regarding the potential environmental effects of the project and confirms the determination that an EIR is not required for the project.

RECEIVED
JUL 30 2015BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

2015-E0043

Recd at the request of:
PLAN. & BUILDING
06/22/15 11:42 AM
Fee: \$2260.00 Pgs: 1 of 1OFFICIAL RECORDS
Susan M. Ranochak - Clerk-Recorder
Mendocino County, CA**Notice of Determination****To:**

☒ Office of Planning and Research
U.S. Mail: Street Address:
PO Box 3044 1400 Tenth St., Rm 113
Sacramento, CA 95812-3044 Sacramento, CA 95812

☒ County Clerk:
County of Mendocino
501 Low Gap Road
Ukiah, CA 95482

From:

Mendocino County Planning & Building
860 North Bush Street
Ukiah, CA 95482
Contact: Andy Gustavson
Phone: 707-234-6650

Lead Agency (if different from above):

Address: _____

Contact: _____

Phone: _____

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resource Code.

State Clearinghouse Number (if submitted to State Clearinghouse): N/A

Project Title: UM_2014-0011

Project Applicant: CONRAD K BOWMAN/ NORTHERN NIGHTS MUSIC GROUP

Project Location (include county): Approximately 2.5 miles north of Piercy, just south of the Mendocino/Humboldt County line, lying on the east side of Highway 101, just south of the Cook's Valley exit, located at 83950 County Road 442E; APN 053-020-10, -11, -12, -13, -14 and -16.

Project Description: Use Permit Modification to increase attendance and hours of amplified music for a previously permitted 3 day music event, which starts the Friday before the third full weekend in July, known as the "Northern Nights Music Festival". A total of 5,000 attendees including staff artists and vendors would be authorized in 2015 and 6,000 total attendees in 2016 and 2017. Amplified music curfew would be extended from midnight to 2:00 a.m. on Friday (early Saturday) and Saturday (early Sunday).

This is to advise that the County of Mendocino (Lead Agency) has approved the above described project on June 11, 2015 and has made the following determinations regarding the above described project.

1. The project [☐ will ☒ will not] have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☒ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☒ was ☐ was not] adopted for this project.
5. A statement of Overriding Considerations [☐ was ☒ was not] adopted for this project.
6. Findings [☒ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative declaration is available to the General Public at: www.co.mendocino.ca.us/planning, 860 N. Bush Street, Ukiah CA 95482, and 120 W. Fir Street Ft. Bragg, CA 95437.

Signature (Public Agency):  Title: Chief Planner

Date: June 19, 2015

POSTED FROM 6/22/15 TO 7/21/15 Date Received for filing at OPR: _____



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482

120 WEST FIR STREET • FORT BRAGG • CALIFORNIA • 95437

STEVE DUNNICLIFF

PHONE: 707-234-6650

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pbs@co.mendocino.ca.us

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June 22, 2015

FINAL FINDINGS AND CONDITIONS OF APPROVAL
CASE# UM_2014-0011 - CONRAD KEITH BOWMAN/NORTHERN NIGHTS
JUNE 11, 2015

The Zoning Administrator approves Use Permit Modification # UM 2014-0011 based on the following findings, and subject to the recommended conditions of approval and adopts a Subsequent Mitigated Negative Declaration.

APPROVED PROJECT DESCRIPTION: Use Permit Modification to increase attendance and hours of amplified music for a previously permitted 3 day music event, which starts the Friday before the third full weekend in July, known as the "Northern Nights Music Festival". A total of 5,000 attendees including staff artists and vendors would be authorized in 2015 and 6,000 total attendees in 2016 and 2017. Amplified music curfew would be extended from midnight to 2:00 a.m. on Friday (early Saturday) and Saturday (early Sunday).

FINDINGS:

Environmental Findings: The Zoning Administrator finds that no significant environmental impacts would result from the proposed projects which are not adequately mitigated through the conditions of approval; therefore, a Subsequent Mitigated Negative Declaration is adopted. The California Department of Fish and Wildlife (CDFW), upon reviewing the project and conducting a site view, identified mitigation measures related to protecting biological resources and water quality. This was an additional impact that was not analyzed in the previous Mitigated Negative Declaration adopted for the Use Permit Modification #UM 5-13/2013 therefore staff has prepared a Subsequent Mitigated Negative Declaration for the project. As discussed in the Initial Study and staff report, staff along with CDFW has identified condition numbers 4, 5, 6, and 7 to minimize potential impacts to biological resources and water quality to a less than significant level. Staff determined that previous Conditions of Approval for #UM 5-13/2013 were adequate to mitigate all other potential impacts resulting from the proposed project.

Project Findings: The Zoning Administrator, making the above finding, approves Use Permit Modification #UM 2014-0011 subject to the following conditions of approval, further finding,

1. That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided

Access into the properties used to support the event will continue to be provided from U.S. Highway 101 via County Road #442E and private driveways. As described in the staff report and initial study, additional temporary bathrooms and wash stations will be provided to support the increased attendance levels, consistent with the Division of Environmental Health standards. Water to support the event will continue to be provided by a private on-site well. Food vendors will be provided with hot and cold water.

2. That the proposed use will not constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in or passing through the

FINAL FINDINGS AND CONDITIONS OF APPROVAL
PAGE 2

neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.

As discussed in the staff report and initial study, the project has the potential to create a nuisance to off-site residences from noise. Existing mitigation measures identified for previous Use Permit Modification #UM 5-2013/2013 were determined to be adequate to ensure noise compatibility with surrounding land uses. The project is subject to applicable noise standards identified in Policy DE-100 of the County General Plan and Attachment C of the Inland Zoning Code (Title 20 – Division 1 of the Mendocino County Code).

Provided the applicant adheres to the mitigation measures placed on this permit and previous Use Permit Modification #UM 5-2013/2013, staff did not find any impacts from the project that would constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county

3. That such use preserves the integrity of the zoning district.

The property is zoned Rural Residential 5-acre minimums (RR-5). The applicant previously obtained an entitlement via Minor Use Permit Modification #UM 5-2013/2013 to hold the annual 3-day "Northern Nights" music festival through 2017. This permit was processed under the Temporary Use provisions of Chapter 20.168 of the County Code. The Code limits the use of the land for a temporary event to 5 days in any 6 month period but does not limit the attendance levels or hours of amplified music that an applicant may request. The project is consistent with the zoning restrictions for the property.

4. Unlike former festivals on the property which may have had adverse impact on the surrounding area, the approved festival includes event management and noise management that will help to ensure it is compatible with surrounding residential uses.

CONDITIONS OF APPROVAL:

1. This permit is subject to the conditions of approval set forth in previous governing Use Permit Modification #UM 5-2013/2013 except as modified below.
2. Total attendance for the 2015 event shall be limited to no more than 5,000 campers/attendees, including staff both paid and unpaid, artists and vendors. Upon demonstrating compliance with Permit conditions and any measures identified by applicable emergency service providers, event attendance may increase in future years not to exceed a total attendance of 6,000 total attendees in 2016 and 2017. Applicant shall submit a post event report within 45 days following each event providing evidence of compliance with each condition of approval. Failure to comply with conditions of approval may result in decreased attendance cap or amplified music hours, or revocation of permit. **This condition supersedes previous condition number 2 of Use Permit Modification #UM 5-2013/2013.**
3. Amplification for music or speakers shall be permitted for each event for the hours as follows with the exception of a 30 minute sound test on the day before event:

MAIN STAGE

Friday:	Noon to midnight
Saturday	Midnight to 2:00 a.m. and 10:00 a.m. to midnight
Sunday	Midnight to 2:00 a.m. and 10:00 a.m. to midnight

FINAL FINDINGS AND CONDITIONS OF APPROVAL
PAGE 3

RIVER STAGE

Friday: 10:00 a.m. to 8:00 p.m.
Saturday: 10:00 a.m. to 8:00 p.m.
Sunday: 10:00 a.m. to 8:00 p.m.

The applicant shall enter into a service agreement to allow for Mendocino County Sheriff Office law enforcement personnel to be on-site during the event and to authorize them to enforce the amplified music noise curfew to ensure compliance with this condition. **This condition supersedes previous condition number 23 of Use Permit Modification #UM 5-2013/2013.**

Biological Resources/Water Quality

4. ** Work on the gravel bar shall be kept to the minimum necessary to stabilize sites identified on project maps for placement of, and access to, portable toilets and associated facilities (hand wash stations, etc.). Care shall be taken to avoid excessive compaction of the gravel bar. Work outside of these parameters, including any amount of grading, may require a Lake or Streambed Alteration Agreement (LSAA) from CDFW. The need for an LSAA shall be determined through consultation with CDFW. Notification forms and additional information are available at <https://www.wildlife.ca.gov/Conservation/LSA/Forms>.
5. ** Portable toilets shall be placed only as indicated on project maps and discussed during the site visit. If any spillage or leakage from portable toilets occurs, applicant (or designated representative) shall proceed with clean-up of spilled materials, including contaminated gravel. In the case of such an incident, applicant (or designated representative) shall follow the emergency response plan as prescribed by the County. CDFW shall be notified using forms and instructions available at <https://www.wildlife.ca.gov/Conservation/LSA/Forms>.
6. ** Nesting birds or occupied nests shall not be disturbed or disrupted by project activities. Some bird species such as killdeer (*Charadrius vociferous*) are cryptic ground nesters known to utilize gravel bars for nesting activities. Riparian vegetation provides suitable habitat for a variety of nesting birds. In order to avoid potential take of the nest or eggs of any bird (prohibited pursuant to Fish and Game Code Sections 3503 and 3503.5), nest surveys shall be conducted by a qualified biologist within 14 days prior to the start of project-related activities, and within 14 days prior to the start of the Northern Nights Music Festival. (If all activities will take place within a two-week period, a single survey is acceptable.) The detailed survey results shall be submitted to the County and CDFW for review prior to commencement of site preparation activities and/or the Northern Nights Music Festival. CDFW will provide review and comment within five (5) business days of report submittal. Depending on site-specific conditions, CDFW may recommend buffers of 50 or more feet between identified nests and project activities, and/or other measures to avoid disturbance or take of nests.
7. ** A buffer of no less than 30 feet shall be maintained between all project activities and the wetted channel of South Fork Eel River.

Expanded Polystyrene Foam Ban

8. The use of food and beverage packaging made from expanded polystyrene foam (more commonly known as Styrofoam, a trademarked name) shall be prohibited by Retail Food Establishments or Food Providers (definition found in Mendocino County Code Chapter 9.42). No establishment or provider may sell, hand out, give away, distribute or otherwise make available for public or customer use, prepared food in disposable food service ware that contains polystyrene foam.

Public Safety

FINAL FINDINGS AND CONDITIONS OF APPROVAL
PAGE 4

9. A lifeguard station shall be setup between the river stage and the river and a certified professional lifeguard shall be on-duty whenever the river stage is being operated. This person(s) would be responsible for ensuring that attendees are recreating in a safe manner (i.e. not climbing on unsafe rocks, not too inebriated to be swimming, etc...)

Fish and Wildlife Fee

10. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2260.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any appeal period. Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**
11. No less than 30 days prior to the commencement of the use on the Friday of the third full weekend in July, the applicant shall provide PBS with a copy of the approved Humboldt County permit #MON-15-022 that demonstrates additional parking located on the adjacent land in Humboldt County will be provided for the temporary camping use in Mendocino County.

*** Indicates conditions relating to Environmental Considerations - deletion of these conditions may affect the issuance of a Subsequent Mitigated Negative Declaration.*

Resolution Number _____

County of Mendocino
Ukiah, California
June 14, 2018

UR_2017-0002 - CONRAD K BOWMAN

RESOLUTION OF THE ZONING ADMINISTRATOR, COUNTY OF
MENDOCINO, STATE OF CALIFORNIA, ADOPTING A SUBSEQUENT
MITIGATED NEGATIVE DECLARATION AND GRANTING A USE
PERMIT MODIFICATION AND RENEWAL.

WHEREAS, the applicant, CONRAD K BOWMAN AND NORTHERN NIGHTS MUSIC GROUP, filed an application for use permit with the Mendocino County Department of Planning and Building Services to authorize a 4 day music and camping event with up to 8,000 attendees, 2.5± miles north of Piercy, just south of the Mendocino/Humboldt County line, lying on the east side of Highway 101, south of the Cook's Valley exit, located at 83950 County Road 442E in the Piercy area; APNs: 053-020-10, -11, -12, -13, -14, and -16; General Plan RR5; Zoning RR:5/NONE; Supervisorial District 4; (the "Project"); and

WHEREAS, a SUBSEQUENT MITIGATED NEGATIVE DECLARATION was prepared for the Project and noticed and made available for agency and public review on May 17, 2018 in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Zoning Administrator held a public hearing on June 14, 2018, at which time the Zoning Administrator heard and received all relevant testimony and evidence presented orally or in writing regarding the Subsequent Mitigated Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the SUBSEQUENT MITIGATED NEGATIVE DECLARATION and the Project; and

WHEREAS, the Zoning Administrator has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Zoning Administrator regarding the Subsequent Mitigated Negative Declaration and the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Administrator makes the following findings;

1. General Plan Findings: The subject properties are classified Rural Residential (RR) under the General Plan. The proposed temporary event is consistent with the General Plan designation for the parcel and does not conflict with the intent of the RR designation.
2. Zoning Findings: The subject property is zoned Rural Residential, 5 Acre Minimum (RR:5) and the project is consistent with the Temporary Use provisions of Chapter 20.168 of the County Code.
3. Use Permit Findings: The Zoning Administrator approves UR_2017-0002 subject to the conditions of approval recommended by staff, and further finding:
 - A) That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.

Access into the properties used to support the event will continue to be provided from U.S. Highway 101 via County Road 442E and private driveways. As described in the staff report and initial study, additional temporary bathrooms and wash stations will be provided to support the increased attendance levels, consistent with the Division of Environmental Health standards. Water to support the event will continue to be provided by a private on-site well. Food vendors will be provided with hot and cold water.

- B) That the proposed use will not constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in or passing

through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.

As discussed in the staff report, the project has the potential to create a nuisance to off-site residences from noise. The project has been conditioned to minimize potential noise impacts and will help ensure noise compatibility with surrounding land uses. The project is subject to applicable noise standards identified in Policy DE-100 of the County General Plan.

Provided the applicant adheres to the conditions placed on this permit, staff does not anticipate any issues from the project that would constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.

C) That such use preserves the integrity of the zoning district.

The property is zoned Rural Residential 5-acre minimum (RR-5) The applicant previously obtained an entitlement via Minor Use Permit Modification UM_2014-0011 to hold the annual 3-day "Northern Nights" music festival through 2017. This permit was processed under the Temporary Use provisions of Chapter 20.168 of the County Code. The Code limits the use of the land for a temporary event to 5 days in any 6 month period but does not limit the attendance levels or hours of amplified music that an applicant may request. The project is consistent with the zoning restrictions for the property.

BE IT FURTHER RESOLVED that the Zoning Administrator hereby adopts the Subsequent Mitigated Negative Declaration and certifies that the Subsequent Mitigated Negative Declaration has been completed, reviewed, and considered, together with the comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the Subsequent Mitigated Negative Declaration reflects the independent judgment and analysis of the Zoning Administrator.

BE IT FURTHER RESOLVED that the Zoning Administrator hereby grants the requested Use Permit modification and renewal subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Zoning Administrator designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Zoning Administrator action shall be final on the 11th day after the date of the Resolution unless an appeal is taken.

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST: VICTORIA DAVIS
Secretary to the Planning Commission

By: _____

BY: IGNACIO GONZALEZ
Interim Director/Zoning Administrator

EXHIBIT A

CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM UR_2017-0002 - CONRAD K BOWMAN (NORTHERN NIGHTS MUSIC FESTIVAL)

APPROVED PROJECT DESCRIPTION: The applicant is requesting a modification and renewal to their previous entitlements including Use Permits U_2013-0005, UM_2013-0005 and UM_2014-0011 for an annual event held over the third weekend in July known as the "Northern Nights Music Festival." Specifically, the applicant proposes to: 1) Increase the maximum attendance level; 2) increase the duration of the event by one (1) additional day, and; 3) provide additional camping and parking areas. The event was previously approved to occur annually from 2015 through 2017 with up to 6,000 total attendees for the years 2016 and 2017. The applicant is requesting the maximum allowed attendance levels be increased to 8,000 persons and the Use Permit be renewed for a five (5) year term to include the years 2018 through 2022. The applicant is also requesting the duration of the event be increased from three (3) consecutive days to four (4) consecutive days to include the Thursday prior to the annual weekend event. Camping space would be provided for a total of 6,000 attendees and parking for 2,000 vehicles in Mendocino County. The event also involves supplemental parking and camping for 2,000 attendees and 2,000 vehicles located in adjacent Humboldt County. Amplified music for the main stage is proposed from 6 PM to 10 PM on Thursday, 10 AM to 2 AM on Friday, 10 AM to 2 AM on Saturday and 8 AM to 12 AM on Sunday. Amplified music for the auxiliary stage located near the Eel River would be restricted to 10 AM to 8 PM, Friday through Sunday. On-site parking would be provided within designated areas as identified on the event Site Plan including areas on neighboring lands within Humboldt County. Water is provided from an on-site well and water distribution system that runs throughout the property. Portable toilets, hand washing stations and showers would be provided. The applicant has submitted a Plan of Operations (Attachment A) for the event which describes event details.

CONDITIONS OF APPROVAL AND MITIGATION MEASURES (as indicated by "*"):**

CONDITIONS OF APPROVAL FOR MINOR USE PERMIT U_2013-0005:

Conditions that must be met prior to use and/or occupancy and for the duration of this permit:

1. ~~The term of the entitlement shall be limited to July 19 through 22, 2013.~~ **(See new Condition #2 of UR 2017-0002)**
2. ~~Total campground attendance shall be limited to no more than 1,800 vehicles and 3,500 campers/attendees, including staff both paid and unpaid. The applicant/producer shall use appropriate management techniques to ensure that the total number of individuals attending, including staff, artists, vendors and guests, is limited to a number of vehicles and individuals that will not exceed that for which infrastructure can reasonably support in a safe manner. Should the area reach capacity, as determined by the operator or any qualified emergency personnel, the applicant/producer shall provide advance signage at locations approved under an encroachment permit issued by Caltrans and/or the County Department of Transportation, to advise traveling motorists of this status (e.g., "Campground Full" sign) at appropriate locations as determined through the encroachment permit process.~~ **(See new Condition #3 for UR 2017-0002)**
3. The applicant/producer shall provide the Department of Planning and Building Services with a count of attendees/campers for the event no later than August 10, 2013.
4. Outdoor lighting shall be directed and shielded to prohibit light from being cast beyond the property boundaries. Lighting shall be turned off or focused on very specific areas (e.g., bathrooms, medical station, and stage) between sunset and sunrise so as to avoid any impact to off-site residences.

5. Event staff will inspect vehicles at arrival for leaking fluids, take appropriate steps for dealing with problem vehicles, monitor the parking areas during the event, and provide any required clean up during and after the event.
6. No material shall be placed into or where it may pass into any stream or watercourse in quantities that would be deleterious to fish, wildlife, or other beneficial uses. Attendees are prohibited from using soap in the river. Applicants shall make effort to discourage direct human impacts to water quality.
7. Parking shall be permitted only in designated parking areas, as shown on the applicant's Event Site Plan. Signs shall be posted stating that parking of vehicles including motorcycles is prohibited on gravel bars.
8. The project site shall be cleaned of all litter within two weeks following the event and the site shall be restored to pre-event conditions.
9. The applicant shall demonstrate to the Division of Environmental Health (DEH) that adequate water, sanitation and solid waste facilities will be provided as determined by the Division of Environmental Health, including, but not limited to:
 - a. Provide for at least 1 (one) portable toilet for every 100 people. Provide at least one (1) hand wash pedestal for every ten (10) portable toilets. Hand wash pedestals shall be located adjacent to the portable toilets. Toilets shall be placed throughout the campground site at convenient locations to discourage guests from using the river as a human waste receptacle.
 - b. Provide for a minimum of 1 (one) 32-gallon trashcan for every 50 people. Trashcans shall be placed throughout the campground site at convenient locations to discourage guests from littering and shall be emptied as necessary to ensure trash doesn't overflow.
 - c. All portable toilets, hand wash pedestals and trash containers shall be serviced and/or collected frequently so as to not create a health hazard. All liquid waste and trash/garbage shall be removed from the event site and taken to approved disposal sites.
 - d. Event coordinator shall obtain a Community Event packet and submit, to Environmental Health, a Community Event Permit Application at least forty five (45) days before the event. This will allow the Statement of Adequacy from Environmental Health to be forwarded to the Tax Collector office in a timely manner.
 - e. Take water sample from the on-site private water system and test it for coliform presence/absence. Include water sample result with the Community Event Permit Application.
 - f. Self-contained vehicles are to remain self-contained until able to dump at an approved dump station.
10. Daily water samples should be collected during the event by a qualified independent entity to assess water quality impacts from this event. Samples shall be collected both upstream and downstream from the event and shall be tested for total coliforms, fecal coliforms and enterococci. All monitoring data shall be provided to the County Division of Environmental Health (DEH) after the event. This condition may be deleted in the future depending on the result of water tests.
- ~~11. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2,206.25 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to June 3,~~

~~2013 (within 5 days of the end of any appeal period). Any waiver of the fee shall be on a form issued by the Department of Fish and Game upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition (See new Condition #5 for UR 2017-0002)**~~

12. The campground areas shall be posted, and information shall be provided on the event website **that a "Quiet Time" shall exist from 11:00 p.m. to 10:00 a.m. each day. No amplified music is permitted in the campground during "Quiet Time."** Event security shall monitor the camping areas to ensure compliance with this condition.
13. ~~Amplification for music or speakers shall not be permitted between the hours of 2:00 a.m. to 10:00 a.m. The applicant shall enter into a service agreement to allow for Mendocino County Sheriff Office law enforcement personnel to be on-site during the event and to authorize them to enforce the time limit to ensure compliance with this condition. **(See new Condition 10 for UR 2017-0002)**~~
14. The applicant shall comply with the recommendations of the California Department of Forestry and Fire Protection (CalFire) in their letter received on April 5, 2005, for the previous Use Permit entitlement (UR 3-05/06) or other alternatives found to be acceptable by CalFire along with those measures identified by staff. These recommendations include:
 - a. Minimum 1 (one) Type 3 fire engine and 1 (one) water tender for standby emergency water and dust abatement, with radio communication equivalent to CalFire dispatch and staffed with a minimum of 2 (two) personnel, staged at the campground 24 hours a day throughout the duration of the event.
 - b. On-site water source to be approved by CalFire.
 - c. A minimum of 1 (one) paramedic and 1 (one) EMT with ACLS capabilities, and transportation and radio communication equivalent to CalFire dispatch for any life-threatening emergencies.
 - d. Security on-site to ensure no open burning of any kind.
 - e. A 20-foot fire lane around the perimeter of the compound must be designated for all fire and emergency personnel only. No unauthorized vehicles shall have access.
 - f. The roadway shall be an all-weather surface, rocked and accessible for all types of vehicles.
 - g. Designated locations for fire, medical, and security personnel and parking shall be identified with signs visible to all campers.
 - h. Fire extinguishers shall be available and mounted in and around campsites.
 - i. Signs shall be posted in and around the campground indicating, "No Open Burning" and "No Fireworks."
 - j. A meeting with all safety personnel and/or representative from each department shall meet a minimum of 30 days prior to the event to establish an action plan that will be utilized by all service providers and coordinated through the Mendocino CalFire Unit Battalion Chief 1114.
 - k. All items listed shall be in place and approved to the satisfaction of all appropriate agencies prior to each event.

- l. ALS-staffed medical crew must be present on-site for the entire event duration.
 - m. Piercy byways and exits 627, 625, and 271/101 junction shall be limited to local traffic.
 - n. No camping shall be allowed on the opposite side of the South Fork Eel River from the event.
 - o. Signage shall be placed throughout the event and advertised on the event website nothing that fire and fireworks are prohibited.
 - p. Road from U.S. Highway 101 to Mercer Fraser and Loop Road shall be kept open and clear for emergency vehicle access.
15. All grass areas shall be irrigated in order to maintain a green vegetative cover at the site.
 16. The perimeter of the site shall be clearly identified, and shall be posted to limit access beyond the approved event, camping, and parking area sites.
 17. ~~The applicant shall enter into a service agreement to allow for Mendocino County Sheriff Office law enforcement personnel to be on-site during the event as well as additional personnel to be available to respond to any calls stemming from the event.~~ **(See new Condition #11 of UR 2017-0002)**
 18. The applicant/producer shall pay all reasonable costs incurred by the uniformed officers of the Mendocino County Sheriff's Office, Humboldt County Sheriff's Office, California Highway Patrol, any responsible fire agency or other designated emergency service personnel for responding to any service call stemming directly from the events. This shall not include normal patrol duties otherwise warranted in the area. Financial responsibilities shall be based on costs directly related to services provided WITHIN THEIR SERVICE AREA and shall be proportional to services rendered, provided the applicant and any emergency service agency negotiate in good faith.
 19. The applicant shall submit to the Mendocino County Sheriff's Office proof of adequate security personnel. This proof shall be a contract or agreement with a licensed security agency to provide enough security for protection of the participants of this event. The Sheriff's Office and California Highway Patrol shall be furnished with the identity of security personnel in case law enforcement services are needed within the perimeter of the events.
 20. The applicant is reminded of the need to obtain an Outdoor Festival Permit from the Treasurer-Tax Collector's Office prior to the event. Said permit shall be reviewed and approved by the Mendocino County Sheriff's Department. Any terms or conditions of the Outdoor Festival Permit shall become a condition of this permit.
 21. Twenty-four hour per day security shall be provided on-site for the protection and service to attendees and neighboring property owners. Every attempt shall be made to limit encroachment/ trespassing onto neighboring properties. Adequate security shall be in place the Thursday before the event and Monday after event.
 22. The applicant shall develop an acceptable emergency plan in conjunction with emergency providers to include fire, medical, law enforcement, and evacuation procedures. The plan shall contain checklists and telephone numbers for use by security and safety personnel. The plan shall be submitted for review and approval to the Mendocino Emergency Services Authority at least 14 days prior to the event. A copy of the emergency plan shall be provided to the Department of Planning and Building Services.
 23. The event producers shall provide to emergency response personnel, at least 14 days prior to the event, the identity of the on-site person(s) primarily responsible for the gathering, in the event of an emergency. Security staff shall be clearly identified by distinctive clothing (e.g., T-shirts) as approved by the Sheriff's Office.

24. The applicant shall discourage early arrivals by prohibiting the line-up of cars along the Highway before gates open Friday at noon. PUBLIC CAMPING IS PROHIBITED BEFORE THE EVENT ON FRIDAY JULY 19TH. The above information shall be posted on the event website to discourage early arrivals. Adequate security shall remain on-site the Monday following the event to ensure that attendees vacate the site in a timely and orderly manner by noon on Monday.
25. The applicant shall comply with the traffic plan prepared for the event or other alternatives as approved by the California Highway Patrol.
26. Prior to commencing the event, the applicant shall secure an encroachment permit from the California Department of Transportation for any encroachments onto U.S. Highway 101 right-of-way and State Route 271.
27. No facilities shall be placed, or work performed, within the Humboldt or Mendocino County road right-of-way without specific approval and issuance of an encroachment permit prior to commencing the event, from the Mendocino County Department of Transportation or Humboldt County Public Works Department, prior to commencing the event.
28. The temporary campground shall close by noon on the Monday following the event. Every effort shall be made to ensure attendees leave the site in a timely fashion.
29. The unpaved access roads and interior circulation routes shall be maintained in such a manner as to ensure minimum dust generation and shall be subject to pertinent Air Quality Management District regulations.
30. Any stationary on-site internal combustion engines over 50 horsepower (i.e. larger power generators or pumps) may require a permit from the Air Quality Management District, depending on fuel source and level of operation. Rental equipment may require notification to District. The applicant/owner shall contact the District to determine whether it's necessary to obtain a permit.
31. No permanent improvements shall be installed to accommodate the event.
32. In the event that archaeological resources are encountered during normal operation activities at the site, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
33. No permanent signs advertising the site or event are authorized by this permit.
34. The applicant shall develop and submit an acceptable short notice cancellation protocol for the event to the Department of Planning and Building Services.
35. Vehicles shall not drive over or park on an existing or replacement leach field.
36. ~~The applicant and owner are advised to apply for any renewal or modification of this event well in advance of any event date (greater than 6 months).~~ **(Superseded by Condition #56 of #UM 2013/13)**
37. Any responsible public agency personnel may contact the applicant and arrange a pre-event inspection of the project site to assess compliance with the terms and conditions of required permits.
 - a. Each year, prior to an event, the applicant shall be responsible for contacting, and if warranted, organizing a "walk through" inspection of the site by law enforcement, fire agencies, other emergency response personnel, to assess compliance with the terms and conditions of required permits and provisions for emergency response. Such contacts shall be at a minimum

of 30 days prior to the event and the walk through, if warranted, shall be within one week of the event.

- b. Within 30 days following the event, the Department of Planning and Building Services shall inspect the project site to assess immediate impacts (e.g., litter, erosion, and other impacts to the subject and surrounding properties) that the event may have directly caused. An inspection fee shall be collected from the applicant/operator for each inspection performed by the Department of Planning and Building Services.
 - c. A post-event inspection and meeting coordinated by the event promoters with all emergency service providers to consider future modification to emergency response plans, event logistics, and other issues related to inter-agency coordination and event design
38. Each year, following the event, any agency outlined in "a" above may contact the Department of Planning and Building Services to request a meeting to assess the previous event and to make any adjustment to the terms or conditions of the permit, or the project, as may be necessary to provide for a safer operation. If in the opinion of the Director of Planning and Building Services an issue arises that would significantly modify any term or condition of this Permit, or if in the opinion of any of the reviewing agencies a significant issue has developed that causes any un-resolvable concern, a new public hearing shall be scheduled at the applicant's expense under the revocation/modification procedures of the zoning ordinance. The applicants shall pay any extraordinary costs related to these agencies for these inspections. A report of the result of these inspections shall be prepared as may be determined by the Director of Planning and Building Services.
39. It is the intent of this condition to provide some reasonable flexibility and that the applicant and the responsible agencies be authorized to work together to "fine tune" the conditions of this entitlement to provide a quality event for all concerned. Any significant issue that may arise, that cannot be resolved through mutual agreement, or any issue that may cause significant public concern in the opinion of the Director of Planning and Building Services, will cause a revocation/modification hearing, at the applicant's expense, in order to provide public input.
40. The applicants shall submit to the Department of Planning and Building Services, 21 days prior to each event, a copy of a fully executed agreement for the use of any overflow parking areas beyond the subject owner's property. Failure to provide such agreement prior to the event shall result in this permit limiting parking for the event to no greater than 1,500 vehicles.
41. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the use permit.
42. The application along with supplemental exhibits and related materials shall be considered elements of this entitlement and compliance therewith shall be mandatory, unless a modification has been approved.
43. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size, or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
44. This permit shall be subject to revocation or modification by the Zoning Administrator upon a finding of any one (1) or more of the following grounds:
- a. That such permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which such permit was granted have been violated.

- c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare, or safety, or as to be a nuisance.
 - d. Any such revocation shall proceed as specified in Title 20 of the Mendocino County Code.
45. This permit shall be subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.

CONDITIONS FROM USE PERMIT MODIFICATION UM_2013-0005:

Conditions that must be met prior to use and/or occupancy and for the duration of this permit:

- ~~10. This permit shall authorize a 3 day event per year to include the third full weekend in July and shall expire on July 30, 2017. Limitation does not include day following event. **(See new Condition #2 for UR 2017-0002)**~~
- ~~11. Total attendance for the 2014 event shall be limited to no more than 4,000 campers/attendees, including staff both paid and unpaid, artists and vendors. Upon demonstrating compliance with Permit conditions and any measures identified by applicable emergency service providers, event attendance may increase in future years not to exceed a total attendance of 4,500 attendees in 2015 and 5,000 total attendees in 2016 and 2017. Applicant shall submit a post event report within 45 days following each event providing evidence of compliance with each condition of approval. Failure to comply with conditions of approval may result in decreased attendance cap or amplified music hours, or revocation of permit. **(See new Condition #3 for UR 2017-0002)**~~
- 12. The applicant/producer shall use appropriate management techniques to ensure that the total number of individuals attending, including staff, artists, vendors and guests, is limited to a number of vehicles and individuals that will not exceed that for which infrastructure can reasonably support in a safe manner. Should the area reach capacity, as determined by the operator or any qualified emergency personnel, the applicant/producer shall provide advance signage at locations approved under an encroachment permit issued by Caltrans and/or the County Department of Transportation, to advise traveling motorists of this status (e.g., "Campground Full" sign) at appropriate locations as determined through the encroachment permit process.
- 13. The applicant/producer shall provide the Department of Planning and Building Services with a count of attendees/campers for each event no later than 20 days after the conclusion of each event.
- 14. The temporary campground shall close by noon on the Monday following each event. Applicant shall make every effort shall be made to ensure attendees leave the property in a timely fashion.

Aesthetics

- 15. Outdoor lighting shall be directed and shielded to prohibit light from being cast beyond the property boundaries. Lighting shall be turned off or focused on very specific areas (e.g., bathrooms, medical station, and stage) between sunset and sunrise so as to avoid any impact to off-site residences.
- 16. No permanent improvements shall be installed to accommodate the events.
- 17. No permanent signs advertising the site or events are authorized by this permit.
- 18. The project site shall be cleaned of all litter within two weeks following each event and the site shall be restored to pre-event conditions.

Air Quality

19. The unpaved access roads and interior circulation routes shall be maintained in such a manner as to ensure minimum dust generation and shall be subject to pertinent Air Quality Management District regulations.
20. Any stationary on-site internal combustion engines over 50 horsepower (i.e. larger power generators or pumps) may require a permit from the Air Quality Management District, depending on fuel source and level of operation. Rental equipment may require notification to District. The applicant/owner shall contact the District to determine whether it's necessary to obtain a permit.

Biological Resources/Water Quality

21. Daily water samples should be collected during the event by a qualified independent entity to assess water quality impacts from the project. Samples shall be collected both upstream and downstream from the event and shall be tested for total coliforms, fecal coliforms and enterococci. All monitoring data shall be provided to the County Division of Environmental Health (DEH) after the event. This condition may be deleted in the future depending on the result of water tests.
22. Water sample shall be collected 6 days prior to the event by a qualified independent entity to assess whether water quality of Eel River is safe for public recreational use. Sample shall be taken upstream from the event and shall be tested for total coliforms, fecal coliforms and enterococci. Data shall be provided to the County Division of Environmental Health at least 3 day prior to each event. This condition may be waived in the future depending on the result of water tests and streamflow conditions. If determined to be unsafe, applicant shall take appropriate actions to keep event attendees from accessing the river.
23. No material shall be placed into or where it may pass into any stream or watercourse in quantities that would be deleterious to fish, wildlife, or other beneficial uses. Attendees are prohibited from using soap in the river. Applicants shall make effort to discourage direct human impacts to water quality.
- ~~24. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2,231.25 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any appeal period. Any waiver of the fee shall be on a form issued by the Department of Fish and Game upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition. (See new Condition #5 for UR 2017-0002)**~~
- ~~25. Event staff will inspect vehicles at arrival for leaking fluids, take appropriate steps for dealing with problem vehicles, monitor the parking areas during the event, and provide any required clean up during and after the events. **(See new Condition 6 for UR 2017-0002).**~~
26. Parking shall be permitted only in designated parking areas, as shown on the applicant's Event Site Plan. Signs shall be posted stating that parking of vehicles including motorcycles is prohibited on gravel bars.

27. The applicant shall demonstrate to the Division of Environmental Health (DEH) that adequate water, sanitation and solid waste facilities will be provided as determined by the Division of Environmental Health, including, but not limited to:
- a. Provide for at least 1 (one) portable toilet for every 100 people. Provide at least one (1) hand wash pedestal for every ten (10) portable toilets. Hand wash pedestals shall be located adjacent to the portable toilets. Toilets shall be placed throughout the campground site at convenient locations to discourage guests from using the river as a human waste receptacle.
 - b. Provide for a minimum of 1 (one) 32-gallon trashcan for every 50 people. Trashcans shall be placed throughout the campground site at convenient locations to discourage guests from littering and shall be emptied as necessary to ensure trash doesn't overflow.
 - c. All portable toilets, hand wash pedestals and trash containers shall be serviced and/or collected frequently so as to not create a health hazard. All liquid waste and trash/garbage shall be removed from the event site and taken to approved disposal sites.
 - d. Event coordinator shall obtain a Community Event packet and submit, to Environmental Health, a Community Event Permit Application at least forty five (45) days before the event. This will allow the Statement of Adequacy from Environmental Health to be forwarded to the Tax Collector office in a timely manner.
 - e. Take water sample from the on-site private water system and test it for coliform presence/absence. Include water sample result with the Community Event Permit Application.
 - f. Self-contained vehicles are to remain self-contained until able to dump at an approved dump station.
28. Property water use shall be monitored during the 4 weeks leading up to the event to establish baseline data on typical property water usage. Water usage shall be measured during the event. Any increase in water usage above typical property usage as a result of the event shall be offset by decreasing property water usage over the month following the event. Collected data shall be submitted with the post event report to show compliance with this Condition.

Cultural Resources

29. In the event that archaeological resources are encountered during normal operation activities at the site, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.

Hazards

30. The applicant shall develop an acceptable emergency plan in conjunction with emergency providers to include fire, medical, law enforcement, and evacuation procedures. The plan shall contain checklists and telephone numbers for use by security and safety personnel. The plan shall be submitted for review and approval to the Mendocino Emergency Services Authority at least 14 days prior to each event. A copy of the emergency plan shall be provided to the Department of Planning and Building Services.

Noise

31. The campground areas shall be posted, and information shall be provided on the event website that a "Quiet Time" shall exist from 11:00 p.m. to 10:00 a.m. each day. No amplified music is permitted in the campground. Event security shall monitor the camping areas to ensure compliance with this condition. No personal amplified sound systems are allowed at the event.

32. ~~Amplification for music or speakers shall be permitted for each event for the hours as follows with the exception of a 30 minute sound test on the day before event:~~

MAIN STAGE

Friday: ~~Noon to midnight~~
Saturday: ~~Midnight to 2:00 a.m. and 10:00 a.m. to midnight~~
Sunday: ~~Midnight to 2:00 a.m. and 10:00 a.m. to midnight~~

RIVER STAGE

Friday: ~~10:00 a.m. to 6:00 p.m.~~
Saturday: ~~10:00 a.m. to 6:00 p.m.~~
Sunday: ~~10:00 a.m. to 6:00 p.m.~~

~~The applicant shall enter into a service agreement to allow for Mendocino County Sheriff Office law enforcement personnel to be on-site during the event and to authorize them to enforce the amplified music noise curfew to ensure compliance with this condition. **(See new Condition 10 for UR 2017-0002)**~~

33. Air horns are prohibited.
34. Prior to commencing of each event, the County shall verify the festival music stage includes a solid acoustical barrier or wall that directs sound northeast, away from closest off-site residents.
35. A qualified professional shall continuously monitor noise levels during each event at the property line closest to the adjoining residential property located at 101 Cook Lane (also known as the Dowd Residence). A report of noise monitoring data collected during the event shall be presented to the Department of Planning and Building Services within 30 days after the event. This report shall include a summary of the noise monitoring data and a comparison of this data with the applicable exterior noise limit standards found in Appendix C of the Inland Zoning Code (Title 20 – Division 1 of the Mendocino County Code).

Fire Protection

36. The applicant shall comply with the recommendations of the California Department of Forestry and Fire Protection (CalFire) in their letter received on April 5, 2005, for the previous Use Permit entitlement (UR 3-05/06) or other alternatives found to be acceptable by CalFire along with those measures identified by staff. These recommendations include:
- a. Minimum 1 (one) Type 3 fire engine and 1 (one) water tender for standby emergency water and dust abatement, with radio communication equivalent to CalFire dispatch and staffed with a minimum of 2 (two) personnel, staged at the campground 24 hours a day throughout the duration of the event.
 - b. On-site water source to be approved by CalFire.
 - c. A minimum of 1 (one) paramedic and 1 (one) EMT with ACLS capabilities, and transportation and radio communication equivalent to CalFire dispatch for any life threatening emergencies.
 - d. Security on-site to ensure no open burning of any kind.
 - e. A 20 foot fire lane around the perimeter of the compound must be designated for all fire and emergency personnel only. No unauthorized vehicles shall have access.
 - f. The roadway shall be an all-weather surface, rocked and accessible for all types of vehicles.

- g. Designated locations for fire, medical, and security personnel and parking shall be identified with signs visible to all campers.
 - h. Fire extinguishers shall be available and mounted in and around campsites.
 - i. Signs shall be posted in and around the campground indicating, "No Open Burning" and "No Fireworks."
 - j. A meeting with all safety personnel and/or representative from each department shall meet a minimum of 30 days prior to each event to establish an action plan that will be utilized by all service providers and coordinated through the Mendocino CalFire Unit Battalion Chief 1114, or other alternative as acceptable to CalFire.
 - k. All items listed shall be in place and approved to the satisfaction of all appropriate agencies prior to each event.
 - l. ALS-staffed medical crew must be present on-site for the entire event duration.
 - m. Piercy byways and exits 627, 625, and 271/101 junction shall be limited to local traffic.
 - n. No camping shall be allowed on the opposite side of the South Fork Eel River from the event.
 - o. Signage shall be placed throughout the event and advertised on the event website nothing that fire and fireworks are prohibited.
 - p. Road from U.S. Highway 101 to Mercer Fraser and Loop Road shall be kept open and clear for emergency vehicle access.
 - q. All grass areas shall be irrigated in order to maintain a green vegetative cover at the site.
37. By May 1 of each year, the applicant shall provide evidence demonstrating that the Piercy Volunteer Fire District (or alternative as approved by Planning staff) will provide fire protection services for the event, and that the proposed fire prevention equipment and personnel to be provided on-site throughout the event is sufficient for fire protection according to the California Department of Forestry and Fire Protection.

Police Protection/Security

38. ~~The applicant shall enter into a service agreement to allow for Mendocino County Sheriff Office law enforcement personnel to be on-site during the event as well as additional personnel to be available to respond to any calls stemming from the event. **(See new Condition 11 of UR 2017-0002)**~~
39. The applicant/producer shall pay all reasonable costs incurred by the uniformed officers of the Mendocino County Sheriff's Office, Humboldt County Sheriff's Office, California Highway Patrol, any responsible fire agency or other designated emergency service personnel for responding to any service call stemming directly from the events. This shall not include normal patrol duties otherwise warranted in the area. Financial responsibilities shall be based on costs directly related to services provided WITHIN THEIR SERVICE AREA and shall be proportional to services rendered, provided the applicant and any emergency service agency negotiate in good faith.
40. The applicant shall submit to the Mendocino County Sheriff's Office proof of adequate security personnel. This proof shall be a contract or agreement with a licensed security agency to provide enough security for protection of the participants of each event. The Sheriff's Office and California Highway Patrol shall be furnished with the identity of security personnel in case law enforcement services are needed within the perimeter of the events.

41. Twenty four hour per day security shall be provided on-site for the protection and service to attendees and neighboring property owners. Every attempt shall be made to limit encroachment/trespassing onto neighboring properties. Adequate security shall be in place the Thursday before each event and Monday after each event.
42. The applicant is reminded of the need to obtain an Outdoor Festival Permit from the Treasurer-Tax Collector's Office prior to each event. Said permit shall be reviewed and approved by the Mendocino County Sheriff's Department. Any terms or conditions of the Outdoor Festival Permit shall become a condition of this permit.
43. The perimeter of the site shall be clearly identified, and shall be posted to limit access beyond the approved event, camping, and parking areas.
44. The event producers shall provide to emergency response personnel, at least 14 days prior to each event, the identity of the on-site person(s) primarily responsible for the gathering, in the event of an emergency. Security staff shall be clearly identified by distinctive clothing (e.g., T-shirts) as approved by the Sheriff's Office.
45. The applicant shall develop and submit an acceptable short notice cancellation protocol for the event to the Department of Planning and Building Services.

Transportation/Traffic

46. The applicant shall comply with the traffic plan prepared for the event or other alternatives as approved by the Department of Planning and Building Services with consultation from the California Highway Patrol and California Department of Transportation.
47. The applicant shall discourage early arrivals by prohibiting the line-up of cars along the Highway before gates open Friday at 8:00 a.m. PUBLIC CAMPING IS PROHIBITED BEFORE THE EVENT. The above information shall be posted on the event website to discourage early arrivals. Adequate security shall remain on-site the Monday following the event to ensure that attendees vacate the site in a timely and orderly manner by noon on Monday.
48. Prior to commencing each event, the applicant shall secure an encroachment permit from the California Department of Transportation for any encroachments onto U.S. Highway 101 right-of-way and State Route 271.
49. No facilities shall be placed, or work performed, within the Humboldt or Mendocino County road right-of-way without specific approval and issuance of an encroachment permit prior to commencing the event, from the Mendocino County Department of Transportation or Humboldt County Public Works Department, prior to commencing the event.
50. The applicants shall submit to the Department of Planning and Building Services, 30 days prior to each event, a copy of a fully executed agreement for the use of any overflow parking areas beyond the subject owner's property. Failure to provide such agreement prior to each event shall result in this permit limiting parking for each event to no greater than 1,500 vehicles.
51. Applicant shall provide evidence that adequate parking was available to support the event attendance levels. Information shall be included in annual post event report.

Utilities

52. Vehicles shall not drive over or park on an existing or replacement leach field.

Other

53. Applicants shall facilitate and attend an annual community meeting within 30 days following each event. Meeting location shall be within close proximity to the Piercy/Cooks Valley community. Effort shall be made to ensure community members are aware of the meeting. Outreach may include local newspaper ads, radio ads and posting flyers. Purpose of the meeting is to gather and address any concerns the community may have regarding the event. List of attendees and minutes of meeting shall be provided to the Department of Planning and Building Services.
54. Applicant shall contact all emergency service providers and if requested, shall coordinate a post-event inspection and meeting to consider future modification to emergency response plans, event logistics, and other issues related to inter-agency coordination and event design.
- ~~55. Any responsible public agency personnel may contact the applicant and arrange a pre-event inspection of the project site to assess compliance with the terms and conditions of required permits.~~
 - ~~a) Each year, prior to an event, the applicant shall be responsible for contacting, and if warranted, organizing a "walk through" inspection of the site by law enforcement, fire agencies, other emergency response personnel, to assess compliance with the terms and conditions of required permits and provisions for emergency response. Such contacts shall be at a minimum of 30 days prior to the event and the walk through, if warranted, shall be within one week of the event.~~
 - ~~b) Within 30 days following the event, the Department of Planning and Building Services shall inspect the project site to assess immediate impacts (e.g., litter, erosion, and other impacts to the subject and surrounding properties) that the event may have directly caused. An inspection fee shall be collected from the applicant/operator for each inspection performed by the Department of Planning and Building Services.~~
 - ~~c) Each year, following the event, any agency outlined in "a" above may contact the Department of Planning and Building Services to request a meeting to assess the previous event and to make any adjustment to the terms or conditions of the permit, or the project, as may be necessary to provide for a safer operation. If in the opinion of the Director of Planning and Building Services an issue arises that would significantly modify any term or condition of this Permit, or if in the opinion of any of the reviewing agencies a significant issue has developed that causes any un-resolvable concern, a new public hearing shall be scheduled at the applicant's expense under the revocation/ modification procedures of the zoning ordinance. The applicants shall pay any extraordinary costs related to these agencies for these inspections. A report of the result of these inspections shall be prepared as may be determined by the Director of Planning and Building Services.~~
 - ~~d) It is the intent of this condition to provide some reasonable flexibility and that the applicant and the responsible agencies be authorized to work together to "fine tune" the conditions of this entitlement to provide a quality event for all concerned. Any significant issue that may arise, that cannot be resolved through mutual agreement, or any issue that may cause significant public concern in the opinion of the Director of Planning and Building Services, will cause a revocation/modification hearing, at the applicant's expense, in order to provide public input.~~
(See new Condition 14 for UR 2017-0002)
56. No future event shall be allowed on the subject property unless a complete application is submitted to the County nine (9) months prior to any subsequent event. Failure to comply with this condition will be a violation of this permit and may be grounds for denial of any future event proposed by the applicant or property owner.

57. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the Use Permit.
58. The application along with supplemental exhibits and related materials shall be considered elements of this entitlement and compliance therewith shall be mandatory, unless a modification has been approved.
59. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size, or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
60. This permit shall be subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
61. This permit shall be subject to revocation or modification by the Zoning Administrator upon a finding of any one (1) or more of the following grounds:
 - a. That such permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which such permit was granted have been violated.
 - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare, or safety, or as to be a nuisance.
 - d. Any such revocation shall proceed as specified in Title 20 of the Mendocino County Code.

CONDITIONS FROM USE PERMIT MODIFICATION UM_2014-0011:

- ~~1. This permit is subject to the conditions of approval set forth in previous governing Use Permit Modification #UM 5-2013/2013 except as modified below. **(See new Condition 1 for UR 2017-0002)**~~
- ~~2. Total attendance for the 2015 event shall be limited to no more than 5,000 campers/attendees, including staff both paid and unpaid, artists and vendors. Upon demonstrating compliance with Permit conditions and any measures identified by applicable emergency service providers, event attendance may increase in future years not to exceed a total attendance of 6,000 total attendees in 2016 and 2017. Applicant shall submit a post event report within 45 days following each event providing evidence of compliance with each condition of approval. Failure to comply with conditions of approval may result in decreased attendance cap or amplified music hours, or revocation of permit. **This condition supersedes previous condition number 2 of Use Permit Modification #UM 5-2013/2013. (See new Condition 3 for UR 2017-0002)**~~
- ~~3. Amplification for music or speakers shall be permitted for each event for the hours as follows with the exception of a 30 minute sound test on the day before event:~~

MAIN STAGE

Friday: _____ Noon to midnight
Saturday _____ Midnight to 2:00 a.m. and 10:00 a.m. to midnight
Sunday _____ Midnight to 2:00 a.m. and 10:00 a.m. to midnight

RIVER STAGE

Friday: _____ 10:00 a.m. to 8:00 p.m.
Saturday: _____ 10:00 a.m. to 8:00 p.m.

Sunday: ~~10:00 a.m. to 8:00 p.m.~~

~~The applicant shall enter into a service agreement to allow for Mendocino County Sheriff Office law enforcement personnel to be on-site during the event and to authorize them to enforce the amplified music noise curfew to ensure compliance with this condition. **This condition supersedes previous condition number 23 of Use Permit Modification #UM 5-2013/2013. (See new Condition #10 for UR 2017-0002)**~~

Biological Resources/Water Quality

4. **Work on the gravel bar shall be kept to the minimum necessary to stabilize sites identified on project maps for placement of, and access to, portable toilets and associated facilities (hand wash stations, etc.). Care shall be taken to avoid excessive compaction of the gravel bar. Work outside of these parameters, including any amount of grading, may require a Lake or Streambed Alteration Agreement (LSAA) from CDFW. The need for an LSAA shall be determined through consultation with CDFW. Notification forms and additional information are available at <https://www.wildlife.ca.gov/Conservation/LSA/Forms>.
5. **Portable toilets shall be placed only as indicated on project maps and discussed during the site visit. If any spillage or leakage from portable toilets occurs, applicant (or designated representative) shall proceed with clean-up of spilled materials, including contaminated gravel. In the case of such an incident, applicant (or designated representative) shall follow the emergency response plan as prescribed by the County. CDFW shall be notified using forms and instructions available at <https://www.wildlife.ca.gov/Conservation/LSA/Forms>.
6. ** Nesting birds or occupied nests shall not be disturbed or disrupted by project activities. Some bird species such as killdeer (*Charadrius vociferous*) are cryptic ground nesters known to utilize gravel bars for nesting activities. Riparian vegetation provides suitable habitat for a variety of nesting birds. In order to avoid potential take of the nest or eggs of any bird (prohibited pursuant to Fish and Game Code Sections 3503 and 3503.5), nest surveys shall be conducted by a qualified biologist within 14 days prior to the start of project-related activities, and within 14 days prior to the start of the Northern Nights Music Festival. (If all activities will take place within a two-week period, a single survey is acceptable.) The detailed survey results shall be submitted to the County and CDFW for review prior to commencement of site preparation activities and/or the Northern Nights Music Festival. CDFW will provide review and comment within five (5) business days of report submittal. Depending on site-specific conditions, CDFW may recommend buffers of 50 or more feet between identified nests and project activities, and/or other measures to avoid disturbance or take of nests.
7. ** A buffer of no less than 30 feet shall be maintained between all project activities and the wetted channel of South Fork Eel River.

Expanded Polystyrene Foam Ban

8. The use of food and beverage packaging made from expanded polystyrene foam (more commonly known as Styrofoam, a trademarked name) shall be prohibited by Retail Food Establishments or Food Providers (definition found in Mendocino County Code Chapter 9.42). No establishment or provider may sell, hand out, give away, distribute or otherwise make available for public or customer use, prepared food in disposable food service ware that contains polystyrene foam.

Public Safety

9. A lifeguard station shall be setup between the river stage and the river and a certified professional lifeguard shall be on-duty whenever the river stage is being operated. This person(s) would be responsible for ensuring that attendees are recreating in a safe manner (i.e. not climbing on unsafe rocks, not too inebriated to be swimming, etc...)

Fish and Wildlife Fee

10. ~~This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2260.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any appeal period. Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition. (See new Condition 5 for UR 2017-0002)**~~
11. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the Use Permit.
12. The application along with supplemental exhibits and related materials shall be considered elements of this entitlement and compliance therewith shall be mandatory, unless a modification has been approved.
13. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size, or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
14. This permit shall be subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
15. This permit shall be subject to revocation or modification by the Zoning Administrator upon a finding of any one (1) or more of the following grounds:
- a. That such permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which such permit was granted have been violated.
 - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare, or safety, or as to be a nuisance.
 - d. Any such revocation shall proceed as specified in Title 20 of the Mendocino County Code.

CONDITIONS FOR USE PERMIT RENEWAL AND MODIFICATION UR_2017-0002

General

1. This permit is subject to the conditions of approval set forth in previous governing Use Permit U_2013-0005 and subsequent modifications UM_2013-0005 and UM_2014-0011 except as modified and referenced herein.

2. This permit shall authorize a 4 day event (Thursday through Sunday) per year to include the third full weekend in July and shall expire on July 31, 2020. Limitation does not include day following the event.
3. Total attendance for the 2018 through 2020 event shall be limited to no more than 8,000 campers/attendees, including staff both paid and unpaid, artists and vendors. Applicant shall submit a post event report within thirty (30) days following each event providing evidence of compliance with each condition of approval. Failure to comply with conditions of approval may result in decreased attendance cap or amplified music hours, or modification/revocation of permit.

Biological Resources/Water Quality

4. **The applicant shall provide California Department of Fish and Wildlife (CDFW) survey results for nesting birds, post-clean up findings, and detailed and explicit water use reports (for both wells) from previous events. **TIMING:** Within thirty (30) days following the last day of each annual event, the applicant shall provide the Department of Planning and Building Services and the California Department of Fish and Wildlife with said reports.
5. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2,230.75 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any appeal period. Any waiver of the fee shall be on a form issued by the Department of Fish and Game upon their finding that the project has “no effect” on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**
6. **Event staff shall inspect vehicles at arrival for leaking fluids, take appropriate steps for dealing with problem vehicles, monitor the parking areas during the event, and provide any required clean up during and after the events.

The applicants/event staff shall provide specific details of the vehicle screening/inspection process to prevent the release of petrochemicals associated with vehicles in areas where these chemicals may pass into the South Fork Eel River. This screening process shall, at a minimum:

- a) Dedicate staff to pollution prevention, both at the entry point and for follow up within the venue for the duration of the event
- b) Identify “problem” vehicles (i.e. leaking) before they enter the venue
- c) Intercept and quarantine “problem” vehicles that are leaking and direct to parking areas away from the river bar
- d) Create a contingency plan for leaking vehicles discovered within the venue, such as absorbent pads effective to contain leaks until proper disposal after the event
- e) Dedicate staff for clean-up and remediation of spots/spills during and after the event
- f) Report post clean-up findings to CDFW and other interested agencies after the event

The applicants shall provide the Department of Planning and Building Services and the Department of Fish and Wildlife with post clean-up findings within thirty (30) days following the last day of the annual event.

7. ** The applicant shall provide detailed and explicit water use data to show that an expansion to 8,000 attendees is possible without a net gain in water use during the festival period. This analysis

shall include dust-abatement activities and preclude any water drafting from the river. The applicant shall notify CDFW for diversions of the South Fork Eel River created by the on-site wells by notifying for a Streambed Alteration (1602) Agreement. **TIMING:** No later than four (4) weeks prior to event commencement, the applicant shall notify CDFW staff to determine whether a Streambed Alteration (1602) Agreement will be required for the event. Property water use shall be monitored during the four (4) weeks leading up to the event to establish baseline data on typical property water usage. Water usage shall be measured during the event. Any increase in water usage above typical property usage as a result of the event shall be offset by decreasing property water usage over the month following the event. Any drafting directly from the river (i.e. water trucks) is a violation of Fish and Game Code 1602 without a prior agreement. Collected data shall be submitted with the post event report (within thirty [30] days following the last day of the annual event) to the Department of Planning and Building Services and CDFW to demonstrate compliance with this condition.

8. ****A buffer of no less than thirty (30) feet shall be maintained between all project activities and the wetted channel of the South Fork Eel River (including the River Stage and camping). A one hundred (100) foot buffer shall be maintained between all vehicles and the wetted channel of the South Fork Eel River. **SITE PLAN REVISION REQUIREMENTS:** The applicant shall submit revised site plans to demonstrate camping areas, the river stage and Parking Area 2 will adhere to the 30 and 100-foot buffer requirements. **TIMING:** The applicant shall submit said revised site plans to the Department of Planning and Building Services and Department of Fish and Wildlife by no later than July 5, 2018.**
9. ****The applicant shall plan and implement outreach, announcements, and signage to educate attendees and event staff about foothill yellow-legged frogs (FYLF) at the festival site, including ways for attendees to avoid impacting frogs during the festival. At minimum, these efforts shall include:**
 - a. Conspicuously posted signage at each vehicle entry point and at 50-foot intervals along the 30-foot setback from the river banks and 100-foot setback for vehicle parking areas. At minimum, the signage shall be 11" x 17", be posted between 4-5 feet above the ground, include an image of the FYLF and shall indicate "No Camping Beyond This Point" and "No Parking Beyond This Point," respectively. The sign shall also include additional pertinent information to educate attendees on ways to avoid impacts to the FYLF for the duration of the event.
 - b. Education of event staff and security to ensure attendees are not camping or parking in prohibited areas where impacts to the FYLF are most likely to occur.
 - c. Announcements from the Main Stage and River Stage once each morning, afternoon and evening on each day of the event to inform attendees on ways to avoid impacts to the FYLF for the duration of the event.

County and CDFW staff may conduct inspections during the event to ensure compliance with this and all Biological Resource conditions.

Noise

10. Amplification for music or speakers shall be permitted for each event for the hours as follows with the exception of a 30 minute sound test on the day before event:

MAIN STAGE

Thursday:	Noon to midnight
Friday:	Midnight to 2:00 a.m. and 10:00 a.m. to midnight
Saturday:	Midnight to 2:00 a.m. and 10:00 a.m. to midnight
Sunday:	Midnight to 2:00 a.m. and 10:00 a.m. to midnight

RIVER STAGE

Thursday:	Noon to 8:00 p.m.
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Friday: 10:00 a.m. to 8:00 p.m.
Saturday: 10:00 a.m. to 8:00 p.m.
Sunday: 10:00 a.m. to 8:00 p.m.

The applicant shall enter into a service agreement to allow for Mendocino County Sheriff Office law enforcement personnel to be on-site during the event and to authorize them to enforce the amplified music noise curfew to ensure compliance with this condition.

Police Protection/Security/Safety

11. The applicant shall enter into a prepaid service agreement to allow for Mendocino County Sheriff Office law enforcement personnel to be on-site during the event as well as additional personnel to be available to respond to any calls stemming from the event. A copy of said agreement shall be provided to Mendocino County Department of Planning and Building Services and shall be kept in the project file.
12. The applicant shall enter into a contract with the Humboldt County Sheriff's Office and agree to provide funding for at least one (1) additional Deputy, for a minimum of sixteen (16) hours per day, for patrol coverage in the Garberville area during the dates of the event.

Transportation/Traffic

13. The applicant submit a revised parking plan to illustrate no parking or temporary facilities will be located within the state right-of-way (Parking Area 8). **TIMING:** Within two (2) weeks prior to the commencement of the event, applicant shall submit a revised site/parking plan for review and approval by the California Department of Transportation and the Department of Planning and Building Services.

Condition Compliance

14. ****Any responsible public agency personnel may contact the applicant and arrange a pre-event inspection of the project site to assess compliance with the terms and conditions of required permits.**
 - a) Each year, prior to an event, the applicant shall be responsible for contacting, and if warranted, organizing a "walk through" inspection of the site by law enforcement, fire agencies, other emergency response personnel, to assess compliance with the terms and conditions of required permits and provisions for emergency response. Such contacts shall be at a minimum of 30 days prior to the event and the walk through, if warranted, shall be within one week of the event.
 - b) The applicant shall submit a prepayment fee to the Department of Planning and Building Services (PBS) in the amount \$436 to cover the cost of PBS staff to conduct an event/permit walk-through compliance inspection. Any interested responsible agency (e.g., CDFW, fire agency, etc.) to the project may accompany PBS for said walk-through compliance inspection. PBS and agency staff shall prepare a correction notice, where necessary, to inform the applicant of non-compliance issues identified during the inspection. **TIMING:** A prepayment in the amount of \$436 shall be made to PBS no later than two (2) weeks prior to the first day of the annual event.
 - c) Within 30 days following the event, the Department of Planning and Building Services shall inspect the project site to assess immediate impacts (e.g., litter, erosion, and other impacts to the subject and surrounding properties) that the event may have directly caused. An inspection fee shall be collected from the applicant/operator for each inspection performed by the Department of Planning and Building Services.

- d) Each year, following the event, any agency outlined in "a" above may contact the Department of Planning and Building Services to request a meeting to assess the previous event and to make any adjustment to the terms or conditions of the permit, or the project, as may be necessary to provide for a safer operation. If in the opinion of the Director of Planning and Building Services an issue arises that would significantly modify any term or condition of this Permit, or if in the opinion of any of the reviewing agencies a significant issue has developed that causes any un-resolvable concern, a new public hearing shall be scheduled at the applicant's expense under the revocation/ modification procedures of the zoning ordinance. The applicants shall pay any extraordinary costs related to these agencies for these inspections. A report of the result of these inspections shall be prepared as may be determined by the Director of Planning and Building Services.
- e) It is the intent of this condition to provide some reasonable flexibility and that the applicant and the responsible agencies be authorized to work together to "fine tune" the conditions of this entitlement to provide a quality event for all concerned. Any significant issue that may arise, that cannot be resolved through mutual agreement, or any issue that may cause significant public concern in the opinion of the Director of Planning and Building Services, will cause a revocation/modification hearing, at the applicant's expense, in order to provide public input.