



COUNTY OF HUMBOLDT

For the meeting of: 5/18/2023

File #: 23-675

To: Planning Commission
From: Planning and Building Department
Agenda Section: Public Hearing

SUBJECT:

Cooks Valley Events (2023-2027)

Conditional Use Permit & Special Permit Modifications

Northern Nights Music Group, LLC - Application Number PLN-2023-18107

Mateel Community Center, Inc. - Application Number PLN-2023-18108

Cooks Valley area

Assessor's Parcel Number(s): (APN's): (Humboldt County): 033-271-007, 033-271-009, 033-271-008, 033-271-004, 033-271-005, and 033-271-015

Modification and renewal of two Conditional Use Permits by two different applicants for events to occur annually at the County Line Ranch.

PLN-2023-18107 Northern Nights Music Group

Renewal and modification of a Conditional Use Permit to allow for two music festivals to be held annually. Both events feature live music, camping and various vendors, including cannabis-related concessions and consumption within discrete areas on the properties. The County Line Ranch and Cooks Valley Campground span both Humboldt and Mendocino Counties and will serve as the principal venue for all events. One event includes camping and parking at the County Line Ranch during a three or four-day, 8,000-person event, ordinarily held on the third weekend of July, known as the Northern Nights Music Festival. The applicant is seeking to expand this event to 10,000 persons. The second event includes entertainment, camping and parking for a day, 3,000-person event ordinarily held on a weekend in either July or September. The applicant is seeking to expand this event to two (2) days and 5,000 persons.

PLN-2023-18107 Mateel Community Center

Renewal and modification of a Conditional Use Permit to allow for two music festivals to be held annually. Both events feature live music, camping and various vendors, including cannabis-related concessions and consumption within discrete areas on the properties. The County Line Ranch and Cooks Valley Campground span both Humboldt and Mendocino Counties and will serve as the principal venue for all events. One event is the Summer Arts and Music Festival which occurs over two days and is ordinarily held during the third weekend in June. The event was first held at the County Line Ranch in 2022 and the applicant is seeking to increase attendance from 4,000 to 5,000

persons under the modification request. The second event is Reggae on the River, which ordinarily occurs over three days and is held during the first weekend in August. The Reggae on the River event has not occurred since 2018 and is planned to be held annually beginning in 2024. The event will not be held in 2023. The applicant is seeking to expand attendance at this event to 8,000 persons.

RECOMMENDATION(S):

That the Planning Commission:

1. Adopt the resolution (Resolution 23-__). (Attachment 2 - CEQA) which does the following:
 - a. Finds that the Planning Commission has considered the previous environmental documents that have been prepared during past permitting; and
 - b. Finds that the Planning Commission has considered the draft Mitigated Negative Declaration that has been prepared for the projects; and
 - c. Adopts the Subsequent Mitigated Negative Declaration
 - d. Adopts the Mitigation, Monitoring and Reporting Program
2. Adopt the resolution (Resolution 23-__). (Attachment 3 - Northern Nights Music Group) which does the following:
 - a. Accepts the Post Event Report
 - b. Finds that the requested modification complies with the General Plan and Zoning Ordinance; and
 - c. Renews the permit term thru 2027
 - d. Approves the modification to the Conditional Use Permit subject to the recommended conditions of approval (Attachment 3A)
3. Adopt the resolution (Resolution 23-__). (Attachment 4 - Mateel Community Center) which does the following:
 - a. Accepts the Post Event Report
 - b. Finds that the requested modification complies with the General Plan and Zoning Ordinance; and
 - c. Renews the permit term thru 2027
 - d. Approves the modification to the Conditional Use Permit subject to the recommended conditions of approval (Attachment 4A)

LOCATION:

The project involves events occurring on several parcels spanning the Humboldt/Mendocino county line in the Cooks Valley area, on the properties known as 83950 Road 442E and 240 Cooks Valley Road. Both are located on the east side of State Highway 101 at its intersection with State Highway 271 and Cooks Valley Road. Auxiliary parking and support facilities are found on several parcels adjacent to the event site (located at 325 US Highway 101 and 101 Cook Lane), as well as several parcels to the north located near the southern boundary of Richardson Grove State Park, on properties known as 705 US Highway 101, 750 US Highway 101, and 657 Old Highway 101. The northern auxiliary parcels are host to the One Log House and Dispensary, Richardson Grove RV park, and portions of the French's Camp property located on the west side of the South Fork of the Eel River.

DISCUSSION:

Modification and renewal of two conditional use permits is being sought by two different applicants. Both permits authorize events to occur annually at the County Line Ranch (formerly Dim-mick) in the Cooks Valley area and the term of both permits ended in 2022. Both applicants are seeking to extend their permit by 5 years (thru 2027).

One permit (PLN-2023-18107/CUP-04-38) is held by the Northern Night Music Group (NNMG) and has historically allowed operation of a three or four-day 8,000-person event and a one-day 3,000-person event. The three or four-day event requires a separate Use Permit from Mendocino County because live music and camping occur within Mendocino portions of the ranch as well as the neighboring Bowman property. The other permit (PLN-2023-18108/CUP-12-017) is held by the Mateel Community Center (MCC) and has historically allowed operation of a three-day event and two-day event featuring similar attendance levels.

In addition to permit renewal, both applicants (MCC & NNMG) are requesting authorization to increase attendance levels above the current limits. NNMG are also requesting permission to expand the one-day event into a two-day event.

If extensions and modifications are approved as requested, a total of four (4) events could be held annually in the Cooks Valley area. Both applicants seek flexibility to conduct events at any time during the event season (May thru October) with no two events occurring simultaneously. The table below summarizes the full range of entitlements currently being sought between the two permit applications.

#	*EVENT	PERMITTEE / OPERATOR	TOTAL # (MAX)			
			DAYS	CAMPING	ATTENDANCE	VEHICLES
1	Northern Nights	NNMG	4	9000	10,000	4500
2		NNMG	2	4000	5000	2500
3	Summer Arts & Music Fest.	MCC	2	4500	5000	2500
4	Reggae on the River	MCC	3	7000	8000	4000
<p>* <i>event name omitted where uncertain</i> MCC – <u>Mateel</u> Community Center NNMG – Northern Nights Music Group, LLC</p>						

Permit Renewal & Modification - Northern Nights Music Group

The Northern Nights Group has been permitting and managing events on the County Line Ranch and Cooks Valley Campground properties for close to 10 years, beginning around the time that the former Dimmick Ranch was sold to the current owners (Outraged Orangutan, LLC) in 2013. In the intervening years they have secured numerous land use permits and permit modifications from both Mendocino and Humboldt County, after consistently demonstrating they are capable of successfully conducting music festivals of this magnitude without major issues arising. Events have been allowed to gradually scale up to their currently permitted size and duration following progressive increases in

event attendance limits. The increases have periodically been granted by both Counties in recognition of successful performance and compliance with operating commitments and conditions of the permits.

One event includes camping and parking at the County Line Ranch during a three or four-day, 8,000-person event, ordinarily held on the third weekend of July, known as the Northern Nights Music Festival. The applicant is seeking to expand this event to 10,000 persons. The second event includes entertainment, camping and parking provisions for an additional one-day, 3,000-person event ordinarily held on a weekend in either July or September. One-day events at the County Line Ranch in Cook's Valley have occurred sporadically over the last 15 years, beginning with Willie Nelson in 2008. The last one-day event to occur was the "Lumberstruck" Country Music Festival held on July 3, 2016. Under the modification request, the applicant is seeking to expand this event to two (2) days and 5,000 persons.

Permit Renewal & Modification - Mateel Community Center, Inc.

Until last year, the French's Camp (Arthur) property served as the principal area for concerts, camping, concessions, parking, and related activities. The County Line Ranch was primarily used as an auxiliary parking area. In 2022, the permit was modified to allow two smaller 2-day events instead of a large 3-day event and to allow MCC to forgo use of the use of the French's Camp property and operate all events exclusively from the County Line Ranch.

One event is the Summer Arts and Music Festival (SAMF) which occurs over two days and is ordinarily held during the third weekend in June. The second event is Reggae on the River (ROTR), which ordinarily occurs over three days and is held during the first weekend in August. Both events feature live music, camping and various vendors, including discrete areas for cannabis-related concessions and consumption. In 2018 the permit term was extended by the Planning Commission through 2022.

A modification of the permit is also being requested to authorize increasing attendance from 4,000 to 5,000 persons during the 2-day SAMF event. The modification also seeks to expand attendance to a maximum of 8,000 persons during the 3-day ROTR event, by incorporating greater use of the neighboring Cooks Valley Campground (Bowman) property for auxiliary parking and camping. The 3-day ROTR event has not occurred since 2018 and will not be held this year. The applicant anticipates resuming the event in 2024. Only the 2-day SAMF event is planned to occur in 2023.

Permit Conditions and Monitoring - NNMG & MCC

Both permits include a variety of Conditions of Approval designed to address potential impacts from the festivals. Key among the permit conditions is the requirement that the permittee(s) hold a post event community meeting and submit an annual monitoring report for review and consideration by the Planning Commission or Director. Under the terms of the permit(s), the Commission has the authority to set the attendance levels for each year's festival(s), and ordinarily does so during review of the report for the preceding year's event.

Monitoring of 2022 events - Northern Nights Music Festival

The 2022 Northern Nights Music Festival took place from July 15th thru July 17th. Planning staff performed monitoring for two of the three days (7/16 & 7/17) during the event and did not observe any violations of the permit conditions. Operation of the cannabis concessions and consumption area was

done in a smooth and compliant manner, consistent with prior years. Vehicle parking and camping on the riverbar was found to comply with the required setbacks of the permits. No leaking vehicles were observed. A post event community meeting was held at the Piercy Community Center on August 5th, 2022.

The applicant reports that total event attendance was 6,587 persons and total parking of 2,815 vehicles occurred. 1,721 attendees camped and 1,573 vehicles were parked within Humboldt County portions of the event. Total potable water use during the event was 213,800 gallons. To offset event-related water use, irrigation water use was reduced by over 250,000 gallons during September & October of 2022, below ordinary levels. A post event report provided by the applicant is included as part of Attachment 5B.

Monitoring of 2023 events - Summer Arts & Music Festival

The 2022 Summer Arts and Music Festival took place on June 18th and June 19th. Planning staff performed monitoring on June 18th and did not observe any violations of the permit conditions. Traffic controls appeared to be working effectively and stage, assembly, camping, and concessions areas all appeared to be sited consistent with the approved event map.

The applicant reports that total event attendance was 4,000 persons, parking of 1,600 vehicles occurred, and 500 volunteers, vendors and staff camped during the event. A total of 12,040 gallons of water were used during the month of June (including domestic non-event-related water use). A post event wrap up report provided by the applicant is included as part of Attachment 6B.

CEQA

An Environmental Impact Report (EIR) was certified for the original project in 1992 (SCH 92-033305). Two Supplemental EIRs were certified for revisions to the project in 2005 and 2008 (SCH 92-033305). A third Supplemental EIR was certified for the project on January 3, 2013 (SCH #2012082108). Numerous Addendums have been prepared in concert with prior modifications to the permit. Links to online locations where these documents are available can be found under Attachment 2B. An Initial Study was conducted for the current projects and resulted in preparation of a Mitigated Negative Declaration, which has been circulated to the State Clearinghouse and is provided under Attachment 2A. The document includes a raft of mitigation measures designed to address potential impacts related to the following checklist categories: Biological Resources, Greenhouse Gas Emissions, Hydrology/Water Quality, Noise, Transportation, and Wildfire. To date no comments or concerns have been received from the public or local agencies.

STAFF RECOMMENDATION

The proposed modifications to the permits being requested can be supported for a number of reasons. As detailed above, both the County Line Ranch and Cooks Valley Campground properties are equipped with adequate infrastructure (water systems, access roads, parking, and camping facilities) and have a history of successfully hosting comparable events.

Approval of the changes requested is consistent with past approved modifications to the permit. The Conditions of Approval which remain relevant will continue to effectively prevent or minimize

potential environmental impacts. Both the Mateel and the Northern Nights Group have extensive experience holding successful events at these locations and have submitted operations plan which establish protocols and procedures customary to holding events at the County Line Ranch and Cooks Valley Campground properties.

Based on the successful operation of events in past years, on-site inspection and monitoring provisions, required mitigation measures, as well as a review of Planning Division reference sources and comments from referral agencies, the Department believes that both applicants have submitted evidence in support of making all of the required findings for approving the requested extensions and modifications to the previously approved Conditional Use Permits, including changes to the maximum attendance levels and duration detailed in the table above. Therefore, staff recommends that the Commission approve the requested modification and extension and adopt the Resolutions included in Attachment 3 and Attachment 4 of this report, pursuant to findings included, and subject to the recommended conditions of approval herein. Staff further recommend that the Commission also adopt the Resolution found in Attachment 2, adopting the Draft Mitigated Negative Declaration and Mitigation, Monitoring, and Reporting Program that has been prepared in consideration of both projects.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and most responding agencies have either responded with no comment or recommended approval or conditional approval. A summary of their responses can be found in Attachment 7.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission could choose to deny the extension and/or modification request(s) or continue the item further into the future to provide the applicant and staff time to address potential questions or concerns. This alternative should be implemented if your Commission is unable to make one or more of the required findings. Planning Division staff is confident that the required findings can be made. Consequently, staff does not recommend further consideration of this alternative.
2. The Planning Commission could elect to require the applicant to submit further evidence, or modify the project. If modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning staff believe that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of any alternative.
3. The Planning Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As the lead agency, the Department has determined that the project would not have any potentially significant adverse environmental impacts. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to conduct further environmental review.

ATTACHMENTS:

1. Project Area Mapping
2. Draft Resolution - CEQA
Considering the previous environmental documents and adopting a Subsequent Mitigated Negative Declaration
 - A. Initial Study & Mitigated Negative Declaration (SCH #2023040570)
 - B. Original EIR (SCH 1992-033035) and Supplemental EIRs (SCH #2012082108)
[links to documents provided]
 - C. Conditions of Approval
 - D. Mitigation Monitoring and Reporting
3. Draft Resolution - Conditional Use Permit Extension & Modification
Mateel Community Center, Inc. - Accepting the Annual Report, Renewing the Permit thru 2027, Approving the permit modification and setting event attendance levels for 2023-27
 - A. Conditions of Approval
 - B. Event Mapping
 - C. Mitigation, Monitoring and Reporting Program
4. Draft Resolution - Conditional Use Permit Extension & Modification
Northern Nights Group, LLC - Accepting the Annual Report, Renewing the Permit thru 2027, Approving the permit modification and setting event attendance levels for 2023-27
 - A. Conditions of Approval
 - B. Event Mapping
 - C. Mitigation, Monitoring and Reporting Program
5. Applicant's Evidence in Support of the Required Findings - **Northern Nights Group**
 - A. Operations Plan (2023-27)
 - B. Post Event Report
6. Applicant's Evidence in Support of the Required Findings - **Mateel Community Center**
 - A. Operations Plan (2023-27)
 - B. Post Event Wrap up Report
7. Referral Agency Comments and Recommendations

PLN-2023-18107 Northern Nights Music Group, LLC

Applicant

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PLN-2023-18108 Mateel Community Center, Inc.

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