

ATTACHMENT 3A

CONDITIONS OF APPROVAL

Approval of the Conditional Use Permit Modification and acceptance of the Post Event Report is conditioned on the following terms and requirements.

A. Conditions of Approval

1. The project shall be conducted in accordance with the approved 2023-27 Operations Plan and event mapping (found under Attachments 4A and 2B).
2. The applicant shall obtain approval of a special events permit from the County Department of Public Works, if required by that Department. The applicant shall submit a letter from the Department of Public Works stating they have no objections to the event being held that year.
3. By May 1st of each year, the applicant shall provide written factual evidence demonstrating that Fire Protection Services for each event has been secured through Garberville, Redway, Briceland Fire Protection District, or Piercy or Sprowel Creek Volunteer Fire Department or a similarly capable outfit, and that the proposed fire prevention equipment and personnel to be provided on-site throughout the event are sufficient for fire protection according to CalFire.
4. For each year of the event, vehicle parking throughout the event, including off-site parking, shall adhere to the approved mitigation plan and the minimum requirements of CDFW provided below, which involves screening vehicles for leaking oil, parking suspect vehicles off the river bar and placing oil absorbing pads under the vehicles. CDFW shall be allowed to inspect all the parking areas after the event, and additional mitigation measures may be required pending the findings of the post event report. Additional mitigation may include relocating all parking from the active gravel bars for all future events. Other alternatives may be approved by the Planning Commission if the finding can be made that the alternative mitigation will have the same efficacy toward protecting the river from petrochemical contaminants from vehicles.

Minimum requirements of CDFW to allow parking on active gravel bars during each event:

- A. Dedicate staff to pollution prevention, both at the access point and follow-up within the venue for the duration of each event
- B. Identify "problem" vehicles (i.e. leaking, etc.) before they enter the venue
- C. Intercept "problem" vehicles that are leaking through either visual inspection, odor and/or by asking the driver about the working condition of their vehicle.
- D. Quarantine vehicles that are known to be leaking by providing parking off the river bar.
- E. Create a Best Management Plan/Contingency Plan for leaking vehicles discovered within the venue, such as providing absorbent pads effective to contain leaks until proper disposal after the event.
- F. Dedicate staff for clean-up and remediation of spots/spills during and after the event.
- G. Report the post clean-up findings to CDFW after each event.

Lastly, CDFW requests the opportunity to evaluate river bar condition after each festival, at their discretion. Access will be coordinated with the designated Project Point of Contact.

5. A trash management strategy shall be implemented within all on and off-site parking areas. The food and trash management strategy shall be operated to the satisfaction of the California Department of Fish & Wildlife and describe how all garbage from the event will be kept in covered containers that prevent access by corvids, or contained in predator-proof trash receptacles that prevent access by corvids; and that the entire site is cleaned of garbage and food immediately after the event. Any approved food and trash management strategy shall become part of the required Plan of Operation for the event each year.
6. Whenever the applicant requests an increase in attendance levels as part of their annual report, the report submitted by the applicant must include additional focused analysis of the efficacy of the parking plan for the previous year and include factual documentation that supports a finding that the requested increase in attendance levels will not lead to insufficient on-site parking.
7. **Within five (5) working days of the effective date of this permit approval**, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,764.00. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Game (DFG) fee plus a \$50 document handling fee. This fee is effective through December 31, 2023 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact DFG by phone at (916) 651-0603 or through the CDFW website at www.dfg.ca.gov for a determination stating the project will have *no effect* on fish and wildlife. If CDFW concurs, a form will be provided exempting the project from the \$2,764.00 fee payment requirement. In this instance, only a copy of the DFG form and the \$50.00 handling fee is required.

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

8. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. Within three days of the effective date of permit approval the Planning and Building Department will file the NOD and will charge this cost to the project.
9. Pursuant to Public Resources Code §21089, the applicant is subject to cost reimbursement to the lead agency for expenses associated with the preparation of environmental review documentation, mitigation assessment, and monitoring program reports.
10. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

11. Each year of the event, the applicant shall include in the annual report an analysis of the performance of each off-site parking area (if used), describing the number of vehicles using the site, shuttle service, and movement of people between the off-site parking areas and the event site. The Planning Commission may disallow the use of any of the off-site parking areas based on the recommendations of the California Highway Patrol (CHP).
12. The applicant shall coordinate with law enforcement personnel from the Humboldt County or Mendocino County Sheriff's office. This includes providing financial compensation for services rendered during any oversight and management of the event.
13. All executed contracts ensuring public health and safety shall be provided to the Planning Department at least two weeks prior to each event, including contracts for portable toilets, fire suppression equipment and personnel and law enforcement. Failure to present these executed contracts shall be grounds for the County to cancel the events.
14. All equipment necessary for public health and safety shall be on-site at least one day prior to each event. This equipment includes all the required portable toilets, fire suppression equipment and traffic safety assets.
15. Where required, on or before May 1 of each year of the event, the applicant shall obtain a Special Event Permit from the California Department of Parks and Recreation (CDPR). The applicant shall coordinate with visitor services staff from the North Coast Redwoods District. This requirement includes providing financial compensation for services rendered, facilities or land rented, and/or personnel overtime required during oversight and management of the event. A section regarding the CDPR Special Event Permit shall be included in all future post event reports, to document compliance with the conditions of the permit and identify any refinements needed to the event's operations plan to resolve issues with permit conditions that were noted the prior event year.
16. Post Event Reports and Operations Plans shall include a section in the report with a comprehensive list of all other permits required by various agencies, and their status. Agencies include but are not limited to: The Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish & Wildlife, CalTrans, Cal-FIRE, California Highway Patrol, Humboldt County Public Works, Humboldt County Environmental Health, and California Department of Parks and Recreation.
17. On or before May 1 of each year of the event, the applicant shall provide evidence that all of the the following agencies have been notified of events for that year and shall provide feedback from these agencies where received:
 - Humboldt County Division of Environmental Health
 - Humboldt County or Mendocino County Sheriff
 - CalTrans
 - California Highway Patrol
 - Cal-FIRE
 - Department of Fish and Game (CDFW), and
 - Regional Water Quality Control Board
 - California Department of Parks and Recreation – North Coast Redwoods District

This information shall also be included in the annual report.

18. At least two weeks prior to each event, submit a water quality testing plan for sampling the South Fork Eel River at the site before, during and after the event. The report shall be prepared by a registered professional. Water quality sampling and testing shall be conducted by a qualified professional.
19. If the Northern Nights Music Group, LLC ceases to be the organization with primary responsibility for the event, the conditional use permit shall expire automatically, unless the new partner or party is operating in conjunction with and under the express written consent of the Northern Nights Music Group, LLC, the entity that holds the festival permit and is party to the site lease. The Planning Director shall have the authority to determine if the use permit has expired by operation of this paragraph. The Planning Director's determination shall be appealable to the Board of Supervisors.
20. To provide for adaptive management of the event, including control of unique issues which arise or are observed, the applicant shall perform and implement the following actions and protocols, which are designed to help ensure the event is conducted in a way that avoids becoming a nuisance to neighboring land uses and residents.
 - A. The following measures shall be completed **at least two weeks prior** to the event:
 - i. The applicant shall establish a number of channels for soliciting community feedback **before** and **during** operation of the festival, including but not limited to:
 - a. a dedicated local landline with voicemail, answering machine, or equivalent messaging service for receiving feedback, concerns, suggestions, and complaints.
 - b. a dedicated email address for receiving feedback, concerns, suggestions, and complaints.
 - c. A dedicated staff person or team shall be designated and tasked with regularly monitoring communication received through these channels including:
 1. responding to / contacting reporting parties to acknowledge receipt of communication as well as discussion and development of ways to effectively address the issue; and
 2. coordinating implementation of adaptive measures to reduce, minimize, or resolve the issue(s) identified.
 - ii. Notification shall be provided to community members (including neighboring property owners/residents, and others). The notice shall include the festival dates and daily hours of operation and list the phone/email hotline where community members may ask questions, express concerns, or provide feedback related to the event. Notice shall be provided at minimum through the following means:
 - a. Flyers shall be posted and handbills left at community message boards and similarly appropriate locations in the Piercy, Cooks Valley, Benbow, and Garberville areas. Flyers should explain that the hotline will be monitored and used to respond to event-related questions and concerns from local residents.
 - b. Hotline information shall be included within event-related PSA's or paid announcements on local radio stations
 - iii. The email account and phone number shall be monitored during the festival as well as the 2-week period leading up to the event. At a minimum, monitoring of these channels shall be performed hourly during the festival and on a daily basis during the period preceding the first day of the event.

- B. The following measures shall be implemented **during** the event:
- i. To characterize and better understand noise levels from the event, a noise meter shall be used to measure and monitor noise levels at the boundaries of the event properties during each night of an event (between 7pm and 2am). Noise measurements shall be collected at the property lines nearest each of the cardinal directions (north, south, east, and west) from the center of the event.
 - ii. The applicant agrees to adaptively manage concert noise throughout the course of each event, striving to incorporate measures which reduce, minimize, or resolve noise-related issues or similar concerns should complaints or other constructive feedback be received from community members during the festival. This includes but is not limited to: speaker or stage positioning, amplification levels, or other measures to limit or control noise.

C. The following measures shall be implemented **following** the event:

- i. Each post-event report shall include information discussing compliance with the requirements of this condition, including public outreach and input received, noise level measurements, and adaptive management measures taken.
21. Fire Department personnel shall patrol the Piercy Community immediately prior to and following the event, as well as during the event, as needed. Patrols shall inspect for evidence of hazardous activities, fires, or potential sources of ignition.

B. Operational Restrictions/Ongoing Requirements Which Must Be Satisfied For The Life Of The Project:

1. The project is subject to the following annual reporting and review requirements:
 - a. By December 31st of each year, the applicant shall prepare and submit a post-event annual report discussing that year's events. The annual report shall be reviewed by the Director or their Designee, and shall include comment letters from the CHP, CalTrans, California State Parks, and other relevant agencies commenting or reporting on the efficacy of the mitigation measures, identifying any refinements to the mitigation needed for the event the following year, and setting the attendance levels approved under the permit. All costs to the County for the review of the annual report shall be paid by the applicant prior to May 1st of each year.
 - b. Within 120 days of its receipt, the Planning Division shall complete review of the annual report. Requests for increases to the attendance levels from the previous year shall require explicit Planning Commission approval.
 - c. To address area concerns that may arise, the applicant shall hold a minimum of one (1) community meeting in the Garberville, Redway, Cooks Valley, or Piercy area within 90 days of the last event. This meeting may be waived by the Planning Director if no significant community issues have been reported.

C. Information Notes:

1. All storage, handling, and disposal of hazardous materials, solid waste, and recyclable materials must conform to applicable laws and regulations. Contact the Humboldt County Department of Public Health - Division of Environmental for additional information.

2. The project involves site access and occupation along and across a public right-of-way and subject to regulatory authority by various state agencies including: the California Department of Transportation (state highways), California Department of Fish and Game (streambed alterations). The applicant is responsible for obtaining and securing all required permits and authorizations from these agencies prior to conducting each event.
3. Though the project site is not located near or within an area where known cultural resources have been located, there remains the possibility that undiscovered cultural resources may be encountered during ground disturbing activities, the following mitigation measures are required under state and federal law:

If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code Section 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.