

MENDOCINO COUNTY DEPARTMENT OF PLANNING AND BUILDING SERVICES

STAFF REPORT FOR MAJOR USE PERMIT RENEWAL/MODIFICATION

**UR 2014-0004
APRIL 16, 2015
PAGE PC-1**

OWNER: BLACK OAK RANCH LIMITED PARTNERSHIP
PO BOX 337
LAYTONVILLE, CA 95454

APPLICANT: BOB BARSOTTI
PO BOX 337
LAYTONVILLE, CA 95454

REQUEST: Use Permit Modification/Renewal for the temporary use of a property for multiple special events to include camping, music, provisions for food and alcohol and vending booths. A maximum of 4,500 attendees including staff, artists and vendors would be authorized for two (2) multiple-day events and three (3) single-day events each year. Smaller events to include between 100 and 999 attendees are also included in the request. Up to 59 total days a year, between May 15th and September 30th, will be used to support temporary events. The applicant is requesting a 20 year permit.

DATE DEEMED COMPLETE: 12/10/2014

LOCATION: 4.8± miles northwest of Laytonville town center, lying on the west side of Highway 101, 1.2± miles northwest of its intersection with Valley Drive (private), located at 50350 North Highway 101; APN's 013-560-46, -47 and -48.

TOTAL ACREAGE: 877± Acres (events occur within 160± Acre portion)

GENERAL PLAN: FL 160 and RL 160

ZONING: FL 160 and RL 160

SUPERVISORIAL DISTRICT: 3

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

RECOMMENDATION: Approve the request

BACKGROUND

PROJECT DESCRIPTION: The applicant is seeking approval to allow for the use of an approximate 877 acres property (events occur within a 100 acres portion) commonly known as "Black Oak Ranch" to support up to 59 days of various temporary events. All events would occur between May 15th and September 30th of each year to include the following:

- 3 multiple-day large events. Maximum attendance of 4,500 people.
- 3 single-day large events. Maximum attendance of 4,500 people.
- Numerous smaller events. Maximum attendance of 999 people.

Large events will include camping, music and provisions for the on-site consumption of food and alcohol, and vending booths. A total of 4,000 attendees including staff, artists and vendors would be authorized for three (3) multiple-day large events (typically occur Friday through Sunday) and three (3) single-day large events per year.

Amplified music is proposed between the hours of 10:00 a.m. and 2:00 a.m. on Fridays and Saturdays and between 10:00 a.m. and 12:00 midnight on Sundays, unless it's a 3-day holiday weekend on which the music curfew would be extended to 2:00 a.m. Amplified music would be permitted between the hours of 10:00 a.m. and 10:00 pm on Mondays through Thursdays.

On-site parking will be provided within designated areas as identified on the Event Site Plan. Water to support the events will be provided from Laytonville County Water District bulk sales division and is dispensed through a water distribution system that runs throughout the property. Portable toilets, hand washing stations and showers will be provided. The applicant has submitted a Plan of Operations (Appendix B) for the event which further describes event details.

The applicant is also requesting approval to use the property for smaller events, such as education workshops and private wedding events, which will not exceed 999 attendees. The applicant is requesting a 20 year permit.

RELATED APPLICATIONS:

On-Site

- Administrative Permits: #AP 1992-0031, #AP 1993-0013, #AP 1994-0010, and #AP 1995-0014, allowing for a two-day outdoor entertainment event over the Labor Day weekend for each year from 1992 through 1997, for less than 1,000 participants were approved by the Zoning Administrator in 1992, 1993, 1994, and 1995.
- In 1996, a requested renewal of the permit to authorize the Labor Day Weekend event, commonly known as the "Pignic," was processed as a use permit due to the increase in attendance at the event from 1,000 to 5,000 attendees and staff. Use Permit #U 1996-0015 was originally heard by the Zoning Administrator, however, due to strong public concern regarding project impacts, the Zoning Administrator referred the project to the Board of Supervisors for review. The project was ultimately approved, with the adoption of a Negative Declaration and numerous mitigating conditions addressing a wide variety of concerns. The Board heard a report following the 1997 event at which time no significant concerns were raised regarding the operation.
- The Use Permit was renewed and modified (#UM 2001/1996-0015) by the Zoning Administrator on April 12, 2001, to continue the "Pignic" event on Labor Day weekend and add two more events, of up to 3,000 attendees each, for a total of five event days per year for a period of five years.
- Use Permit #U 2004-0013 was approved by the Planning Commission at the November 4, 2004 meeting allowing for up to 12 outdoor event days per year, to include camping, live music, provisions for food and alcohol and vending booth for a maximum of 4,000 to 5,000 attendees and staff per event. The Permit was issued for a period of ten years and expired in 2014.

PROJECT SETTINGS

SITE CHARACTERISTICS: The project site has been developed over the last 20 years to accommodate large temporary music events. The majority of the property used to support the event is relatively flat, open pasture land. Tenmile Creek and Streeter Creek travel through the property and include riparian vegetation. An aerial photo of the property is attached. The property is currently used between the months of March and May to support hay production and cattle grazing and is in an Agricultural Preserve

under the Williamson Act. Cattle are rotated to other parts of the 877± acres property during event season (May 15th through September 30th).

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RL 160	RL 160	190± acres	Ag Preserve
EAST	RL 160	RL 160	260± acres	Residential
SOUTH	RL 160 and FL 160	RL 160 and FL 160	40± - 160± acres	Ag Preserve/Residential
WEST	FL 160	FL 160	120± acres	Residential

SERVICES:

Access: Private driveway off Highway 101
 Fire District: CalFire, Long Valley FPD
 Water District: Laytonville County Water District
 Sewer District: None
 School District: Laytonville Unified School District

REFERRAL AGENCY COMMENTS

Agency comments relevant to this application are listed within the Issues Section of this report and are noted within the Conditions of Approval and Initial Study. Otherwise, half of the reviewing agencies had no comment regarding the proposed project.

REFERRAL AGENCIES	NOT RETURNED	"NO COMMENT"	COMMENTS
Department of Transportation		X	
Environmental Health – Ukiah			X
Emergency Services	X		
Building Services – Ukiah PBS	X		
Agricultural Commissioner		X	
Air Quality Management District			X
County Water Agency	X		
Mendocino Solid Waste Management			X
ABC	X		
Caltrans			X
CalFire			X
Department of Fish and Wildlife			X
RWQCB	X		
Department of Health Services			X
CHP			X
MCSO	X		
Public Health Department			X
Laytonville County Water District		X	
Long Valley Fire Protection District			X

KEY ISSUES

Key Issue #1 General Plan and Zoning Consistency:

The property, commonly known as “Black Oak Ranch”, is 877± acres (events occur within approximately 100 acres portion) and is currently used for cattle and hay production. The property is split zoned and includes Forestland (FL 160) and Rangeland (RL 160) with adjacent properties sharing the same land use classifications.

Typically temporary music events in the County are processed under the Temporary Use provisions of Chapter 20.168 of the County Code which limit the period of temporary events to no more than five days in any six-month period. As the applicant is proposing to utilize the property to hold a variety of events for up to 59 days a year, the Use Permit Modification/Renewal is being processed under the Commercial Recreation–Outdoor Entertainment use type which does not have a limitation on the number of days a property can be used to support events such as music festivals. The Commercial Recreation–Outdoor Entertainment use type is allowed in the FL 160 and RL 160 zonings subject to obtaining a Major Use Permit, therefore the project is consistent with the property zonings.

Key Issue #2 Neighborhood Compatibility:

The project has the potential to cause nuisance to the community of Laytonville with the most sensitive receptors being the closest off-site residences. Potential impacts include noise, traffic and trespassing.

The noise impacts from the large events are expected to be similar to previous large events that have occurred on the property over the last decade. Amplified music is proposed between the hours of 10:00 a.m. and 2:00 a.m. on Friday and Saturday and between 10:00 a.m. and 12:00 midnight Sundays with the exception of extending Sunday curfew to 2:00 a.m. provided the following Monday is a nationally recognized holiday. Amplified music would be limited to the hours of 10:00 a.m. and 10:00 p.m. Monday through Thursday. Upon reviewing aerial photos, staff is aware of four off-site homes located within 1 mile of the event site. Staff is not aware of any noise complaints addressed to the Department of Planning and Building Services regarding previous events that have occurred at this site.

As the proposed use is temporary, and considering the relatively limited population in the project area, staff would not anticipate any significant adverse environmental impacts due to noise generated from the project site, so long as the applicant adheres to the noise limitations placed on the project. Adherence to Condition Numbers 19 and 20 will 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. Additional measures may be placed on the applicant to ensure that the project is consistent with applicable County noise standards, should the department receive verified noise complaints regarding the project.

There is a long standing history of temporary events being held on Black Oak Ranch whereby locals have shown a tolerance for the temporary inconveniences, including noise, which can sometimes arise from these types of events. Staff will continue to work with the applicant, community and other agencies to "fine tune" the conditions of this entitlement to provide a quality event for all concerned. See Condition Numbers 45 and 47

Further discussion of potential noise impacts and recommended mitigation measures is found in the Initial Study, Item XII Noise.

Key Issue #3 Water Quality:

Tenmile Creek and Streeter Creek travel through the property as shown on the attached Aerial photo. According to the California Department of Fish and Wildlife (CDFW), both creeks provide habitat for protected salmonids including Coho salmon, Chinook salmon and steelhead which are federally-listed as "threatened" pursuant to the Endangered Species Act. The project has the potential to significantly impact water quality in the creeks and its fish habitat from the unintended discharges of automobile fluids from parked vehicles as well as from a large number of people accessing a short stretch of the creeks in a concentrated timeframe for recreational purposes.

CDFW reviewed the project and recommended the following condition for the project.

In order to avoid impacts to sensitive aquatic and terrestrial resources, a buffer of no less than 150 feet should be maintained between project activities and Tenmile Creek and/or Streeter Creek.

CDFW further recommend that signage be placed within the buffer areas where they will effectively deter attendees from disturbing wildlife, damaging native vegetation or negatively affecting water quality. Staff spoke with CDFW staff and understands that temporary improvements, as well as parking and camping areas should be set back at least 150 feet from the creeks. However, the creeks can be used for recreational purposes, including swimming, during the events provided recreation activities do not further disturb riparian vegetation or significantly impact water quality. See Condition Numbers 12, 13 and 14.

Staff further recommends Condition Number 11 which prohibits the use of soap or any other material that would be deleterious to water quality. Condition Number 15 requires vehicles to be inspected for leaking fluids and appropriate measures be taken to deal with problem vehicles. Condition Number 16 reminds the applicant of the need to contact CDFW and obtain proper permits for any stream crossings or other creek modifications.

Staff recommends adherence to Condition Numbers 11 through 16 to ensure protection of the waterways and its fish habitat.

Key Issue #4 Protection Services:

Security/Police Protection: The temporary gathering of a large number of people may result in increased calls to public safety departments including the Mendocino County Sherriff's Office (MCSO) and California Highway Patrol (CHP). Project referrals were sent to both law enforcement agencies to gather comments, concerns, and any recommended conditions. CHP responded to the project referral and did not find issue with the project. The applicant's will need to submit proposed security plans to the Mendocino County Sherriff's Office (MSCO) for review and approval. See Condition Number 26.

Condition Number 24 requires the applicant to reimburse the law enforcement and responsible fire agencies for all reasonable costs incurred as a result of the project.

Condition Numbers 25 and 28 require the applicant to enter into a service agreement with MCSO to allow for additional patrols to be in the area during large events.

Condition Number 27 requires that 24 hour security be provided during the events. Staff understands that smaller event such as wedding and educational classes will not require security measures. Security requirements are reviewed for each individual event.

Condition Number 29 reminds the applicant of the need to obtain an Outdoor Festival Permit for each event planned for over 1,000 attendees. This Permit provides the MCSO with an additional opportunity to identify security measures for individual events.

Condition Number 30 requires that the perimeter of the event be identified to alert attendees of the need to stay within the event area.

Condition Number 31 requires the applicant to coordinate law enforcement agencies and event security staff efforts prior to each event.

Condition Number 32 requires the applicant to prepare a short notice cancelation protocol should an event, for which tickets have been sold, be cancelled.

Medical Services: The applicant will need to provide a medical plan prior to each large event to be reviewed and approved by the Coastal Valleys Emergency Medical Services Agency with Sonoma County by way of contract for Mendocino County Public Health Department. See Condition Number 33.

Fire Safety: The subject property is located within a "very high" fire hazard area and is within the response jurisdiction of the California Department of Forestry and Fire Protection (CalFire) as well as the local response jurisdiction of the Long Valley Fire Protection District (LVFPD). According to the

applicant's Plan of Operation, local Fire Departments will staff the event and will have a Type 3 fire engine on-site for the event duration. CalFire and the LVFPD Fire Department's recommended fire safety and protection measures are identified in Condition Numbers 21 and 22.

Condition Number 23 requires the applicant to provide the Department of Planning and Building Services with evidence prior to each large event, that adequate fire prevention equipment and personnel are available to serve the event. Further discussion can be found in the Initial Study, Item XIV Public Services.

Key Issue #5 Traffic:

The subject property will be accessed from a private driveway off U.S. Highway 101. A large number of people potentially accessing or exiting the event at the same time can interrupt regular Highway traffic flow and cause significant traffic and pedestrian safety issues. To mitigate potential impacts related to increased traffic, the applicant has submitted a Traffic Plan prepared for one of the proposed large events, Kate Wolf Festival, identifying measures to mitigate potential traffic related impacts (Appendix C). Condition Number 34 requires a traffic plan be prepared for all events to be approved by the Department of Planning and Building Services with consultation with the California Department of Transportation (Caltrans) and CHP.

The applicant has been advised of past events in the County where attendees, attempting to get their place in line, arrive well ahead of the time the event is scheduled to open to the public. Having a long line of cars parked along the Highway shoulder, with people essentially camping overnight in their vehicles, has the potential to interrupt regular highway through-traffic and create a public health hazard as there are no bathrooms. In addition some early arrivals have shown bad judgment in attempting to start campfires along the Highway. The applicant has been alerted of the need to assign event personal to effectively prohibit early arrivals from lining up prior to the event. Early arrivals may be accommodated within the campground as early as 24 hours prior to any event but otherwise will not be accommodated. The campground shall close no later than 3:00 p.m. on the day following each event. The applicant shall advertise this information on their website. Staff recognizes that the applicant may need to open the gates slightly earlier if appropriate for traffic safety considerations. See Condition Number 35.

Condition Numbers 36 and 37 remind the applicant of the need to obtain encroachment permits from Caltrans and DOT when working within the County or State right of ways.

Condition Number 38 limits parking areas to the west side of U.S. Highway 101 and outside of the State right of way.

Condition Number 39 prohibits "in and out" privileges for public vehicle traffic except for emergency purposes.

Further discussion of traffic related impacts and mitigation measures is found in the Initial Study, Item XVI Transportation/Traffic.

Key Issue #6 Williamson Act Contract Compliance:

The property, commonly known as "Black Oak Ranch", is approximately 877 acres and is currently in an Agricultural Preserve under the Williamson Act based on its use for cattle and hay production. Event will occur within a 100 acres portion of the property which is used between the months of March and May to support the agricultural endeavor. Events are proposed to occur between May 15th and September 30th of each year. Additional lands outside of the event areas are used to support cattle grazing between May 15th and September 30th. No permanent improvements are proposed or required to support the project. The County Agricultural Commissioner reviewed the project and did not find issue with the request. As the project will not require the conversion of land used to support hay production and cattle raising operations, staff determined that the project will not conflict with the agricultural use on the

property or the Williamson Act contract. The project is consistent with Mendocino County Code Section 22.08.060.

RECOMMENDATION

Adopt a Mitigated Negative Declaration and approve the request for Use Permit Renewal/Modification #UR 2014-0004 based on the following findings, and subject to the recommended conditions of approval.

Findings

Environmental Findings: The Planning Commission finds that the environmental impacts identified for the project can be adequately addressed through the conditions of approval or features of the project design so that no significant adverse environmental impacts will result from this project; therefore, a Mitigated Negative Declaration is adopted.

General Plan Consistency Finding: As discussed under pertinent sections of the staff report and Initial Study, the proposed project is consistent with applicable goals and policies of the General Plan as subject to the conditions of approval.

Project Findings: The Planning Commission approves #UR 2014-0004 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.

Access into the property is provided by an existing driveway off U.S. Highway 101. As described in the staff report and initial study, temporary bathrooms and wash stations will be provided to support the event. Potable water will be provided by Laytonville Water District, which will connect to power needed for distribution to sinks and drinking fountain stations that will be located throughout the event area. Food vendors will be provided with hot and cold water. Gray water will be treated by an on-site septic system.

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.

As discussed in the staff report and initial study, the project has the potential to create a nuisance to off-site residences from noise. Condition Numbers 19 will 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 mitigation measures placed on this permit, 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 split zoned and includes Forestland (FL 160) and Rangeland (RL 160) zoning. The Use Permit Modification/Renewal is being processed under the Commercial Recreation – Outdoor Entertainment use type. The Commercial Recreation – Outdoor Entertainment use type is allowed in the FL 160 and RL 160 zonings subject to obtaining a Major Use Permit, therefore the project is consistent with the property zonings.

The property is currently in an Agricultural Preserve under the Williamson Act based on its use for cattle and hay production. The approximate 100 acres of land used to support the project is also used between the months of March and May to support the agricultural endeavor. Events are proposed to occur between May 15th and September 30th of each year. No permanent improvements are proposed or required to support the project. The project will not require the conversion of land used to support hay production and cattle raising operations. Staff determined that the project will not conflict with the agricultural use on the property or the Williamson Act contract. Therefore the project is consistent with the Williamson Act and Mendocino County Code Section 22.08.060.

Conditions of Approval:

Event Duration/Attendance

- 1.** This permit shall authorize up to fifty-nine (59) days of events per year, which shall occur between May 15th to September 30th of each year, to include:
 - a. Two (2) multiple-day large events, not to exceed 5 consecutive days. These events shall have a maximum attendance of 4,500 attendees/campers including staff both paid and unpaid, artists and vendors.
 - b. Three individual one (1) day large events planned to accommodate more than 1,000 attendees. These events shall have a maximum attendance of 4,500 attendees/campers including staff both paid and unpaid, artists and vendors.
 - c. Seven days of smaller events, such as wedding and retreats, not to exceed 999 attendees/campers including staff both paid and unpaid.
 - d. Multiple days of smaller events, such as wedding and retreats, not to exceed 500 attendees/campers including staff both paid and unpaid.

Combination of all events shall not exceed 59 total days in any given year.

An event shall not include the day following an event when attendees are required to vacate the property. Early arrivals may be accommodated within the campground as early as 24 hours prior to any event.

Other unscheduled large events planned to accommodate over 1,000 attendees shall not be scheduled to coincide with other larger events held within the County, (e.g. the Laytonville Rodeo, the Redwood Run, Sierra Nevada World Music Festival, Northern Nights) unless the applicant has received written approval from local public emergency service providers. The applicant shall notify the Mendocino County Sheriff's Office, California Highway Patrol, Long Valley Fire Protection District and the Department of Planning & Building Services a minimum of 60 days in advance of any such event. The County shall reserve the right to deny any specific date requested should the County be able to document some significant conflict with other permitted planned events in the County.

2. This permit is issued for a ten year duration and shall expire on October 1, 2025.
3. The applicant 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.
- 4.** The applicant 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.

Aesthetics

- 5.** Outdoor lighting for events shall be directed and shielded to prohibit light from being cast beyond the property boundaries. Lighting shall be 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.
- 6.** No permanent improvements shall be installed to accommodate the events.
- 7.** No permanent signs advertising the site or events are authorized by this permit.
- 8.** The project site shall be cleaned of all litter within one week following each event and the site shall be restored to pre-event conditions.

Air Quality

9. 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.
10. 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

11. ** 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.
12. ** Parking shall be permitted only in designated parking areas, as shown on the applicant's Large Event Site Plan and Small Event Site Plan.
13. ** A buffer of no less than 150 feet shall be maintained between project activities (e.g. parking and camping areas) and Tenmile Creek and Streeter Creek to avoid impacts to sensitive aquatic and terrestrial resources.
14. ** The areas around Tenmile Creek and Streeter Creek shall be posted with signs to effectively deter attendees from disturbing wildlife, damaging native vegetation and significantly impacting water quality.
 - a. The applicant shall post signs along the creeks advising attendees to utilize existing trails and not to disturb the sensitive habitat.
 - b. The applicant shall post signs along the creeks advising attendees of the prohibition of using soap in the creek.
 - c. Creek access and crossings shall be identified and limited to existing trails to limit disturbance to riparian vegetation and minimize creek bank erosion.

15. ** For events with over 1,000 attendees, 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.
16. Prior to the installation of any stream crossing or any other substantial modification to the bed, channel or bank of any watercourse, the applicant shall contact the California Department of Fish and Wildlife and obtain any necessary permits, pursuant to Fish and Game Code Section 1602.

Cultural Resources

17. 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

18. ** 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

19. ** 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 each event:

Friday and Saturday:	10:00 a.m. to 2:00 a.m.
Sunday:	10:00 a.m. to 12:00 midnight (2:00 a.m. if 3 day holiday weekend)
Monday thru Thursday:	10:00 a.m. to 10:00 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 any large events with over 1,000 attendees to enforce the amplified music noise curfew and ensure compliance with this condition.

This project is subject to Exterior Noise Level Standards found in General Plan Policy DE-100. Additional measures may be placed on this permit and required of the applicant to ensure that the project is consistent with applicable County noise standards.

20. ** 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.

Fire Protection

21. ** The applicant shall comply with the fire safe measures identified by the California Department of Forestry and Fire Protection (CalFire) in letter of November 3, 2014 (CalFire # 299-14) or other alternatives as acceptable to CalFire. Fire safe measures include:
 - a. Prepare and maintain a 20-foot wide fire break around the perimeter of the camping areas (both the public and the employee camping areas), the event area and the cooking areas.
 - b. All internal combustion engines (i.e. generators, pumps, etc.) shall have an approved and operational spark arrestor. There shall be a minimum of 10-foot clearance around these pieces of equipment.

- c. No campfires other than in designated fire rings. Fire rings will have at least 10-foot clearance down to bare mineral soil around them.
- d. The main access road to the camping areas and concert area shall be a minimum of 18-feet wide and all weather surface.
- e. Mow all grass in the parking areas prior to an event.
- f. Allow for a minimum of 10-foot wide access in all parking areas.
- g. Allow for and maintain access to [creek] and pond for use as an emergency water source.
- h. Each cooking facility at the event shall have an approved fire extinguisher, minimum 5BC.
- i. Maintain 100' defensible space around all structures as required by law.
- j. Event staff shall maintain control of all fires within the jurisdictional use area for the duration of the event and see that the above conditions are met.

Written verification shall be submitted from CalFire to the Department of Planning and Building Services that this condition has been met to the satisfaction of CalFire.

- 22. ** The applicant shall enter into a service agreement with the Long Valley Fire Protection District to provide fire protection and ambulance services during all large events with over 1,000 attendees
- 23. ** The applicant shall provide acceptable evidence to the Department of Planning and Building Services; at least 30 days prior to each large event planned for over 1,000 attendees, identifying adequate fire prevention equipment and personnel will be on-site throughout the event.

Police Protection/Security

- 24. ** The applicant/producer shall pay all reasonable costs incurred by the uniformed officers of the Mendocino County Sheriff's Office, California Highway Patrol and any responsible fire agency or other designated public 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.
- 25. ** The applicant shall enter into a service agreement to allow for extra Mendocino County Sheriff Office law enforcement personnel to be available in the area to respond to any calls for service stemming from the events. This requirement is only for large events with over 1,000 attendees.
- 26. ** 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. Security personnel shall be responsible for the reporting of all illegal activities within the events to the appropriate law enforcement agency/official.
- 27. ** 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 for the duration of each event.
- 28. ** During each large event planned for over 1,000 attendees, the applicant shall provide a minimum of three (3) patrols per day to inspect the surrounding areas, one (1) of which will be between the hours of 11:00 p.m. and 2:00 a.m., (e.g. Valley Drive, Woodruff Drive, Ten Mile Creek Drive) with the intent of deterring any trespassing onto surrounding private properties. These patrols shall

advise appropriate law enforcement agencies to assist in removing any trespassers when warranted.

29. The applicant is reminded of the need to obtain an Outdoor Festival Permit from the Treasurer-Tax Collector's Office prior to each event planned for over 1,000 attendees, including staff, artists and vendors. Said permit shall be reviewed and approved by the Mendocino County Sheriff's Office. Any terms or conditions of the Outdoor Festival Permit shall become a condition of this permit.
30. ** The perimeter of the site shall be clearly identified, and shall be posted to limit access beyond the approved event, camping, and parking areas.
31. ** The applicant 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 Mendocino County Sheriff's Office.
32. ** The applicant shall develop and submit an acceptable short notice cancellation protocol for events to the Department of Planning and Building Services.

Medical Services

33. ** The applicant shall provide acceptable Emergency Medical Services Plan to the Coastal Valleys Emergency Medical Services Agency (CVEMSA) at least 30 days prior to each large event planned for over 1,000 attendees, identifying adequate medical personnel are on-site and/or in the area to support the event. The applicant shall provide the Department of Planning and Building Services with a letter from CVEMSA stating that adequate medical services can be provided to support the event.

Transportation/Traffic

34. ** The applicant shall comply with the traffic plan prepared for events 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.
35. ** The applicant shall discourage early arrivals by prohibiting the line-up of cars along the Highway before gates open. 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 day following each event to ensure that attendees vacate the site in a timely and orderly manner by 3:00 pm that day.
36. Prior to commencing each event, the applicant shall secure an encroachment permit from the California Department of Transportation (Caltrans) for any encroachments onto Highway 101 right-of-way as required by Caltrans. The applicant shall comply with all condition of the Encroachment Permit issued by Caltrans. The applicant shall have their identified traffic control measures reviewed by Caltrans and the California Highway Patrol before traffic control measures are installed in the right-of-way.
37. No facilities shall be placed, or work performed, within the Mendocino County road right-of-ways without specific approval and issuance of an encroachment permit from the Mendocino County Department of Transportation prior to commencing the event.
38. ** Parking shall be limited to the west side of Highway 101, where the event will take place and shall be located outside of the State Highway right of way. "No Parking" signs shall be provided at all locations as may be determined by the Sheriff's office, the California Department of Forestry and Fire Protection, the Long Valley Fire Protection District Department, and/or the California

Highway Patrol. The applicant shall be responsible for insuring that all such areas will be appropriately established as such prior to each event.

39. ** No "in and out" privileges for vehicle traffic may be permitted for attendees at large events planned for over 1,000 attendees except for emergency purposes as may be determined by on-duty security. This language shall be included on the event website(s) and on all event advertising.

Utilities

40. ** 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 DEH including, but not limited to:
- a. A minimum of one toilet shall be provided for each 100 patrons and one hand wash station shall be provided for each 200 patrons. Toilets and hand wash stations will be regularly checked and a septage pumper truck will be available on call to service toilets as needed.
 - b. A minimum of one hand wash station and one toilet facility shall be provided for each 15 food service employees within 200 feet of the designated food vending area.
 - c. Copies of monthly water monitoring results taken to meet State operating requirements shall be submitted monthly from May through the end of October to the Division of Environmental Health.
 - d. A minimum of one water fountain shall be provided for each 500 patrons.
 - e. Two utensil wash areas shall be provided for temporary food vendors and each shall be equipped with a three-compartment sink providing hot and cold running water.
 - f. A minimum of one 50-gallon garbage can shall be provided for each 100 patrons. A garbage hauler shall be available on call to remove and replace dumpsters as needed.
 - g. A map precisely locating all wastewater systems servicing the event site, including septic tanks with leach fields, gray water lines, and temporary holding tanks, shall be submitted to the Division of Environmental Health within 30 days of permit approval.
 - h. Event coordinator shall obtain a Community Event packet and submit, to Environmental Health, a Community Event Permit Application at least forty five (45) days prior to any event that will include food service. This will allow the Statement of Adequacy from Environmental Health to be forwarded to the Tax Collector office in a timely manner as required for their Outdoor Festival Permit.
 - i. Self-contained vehicles are to remain self-contained until able to dump at an approved dump station.
41. All food preparation facilities shall meet the requirements of the California Uniform Retail Food Facilities Law (CURFFL). Plans must be submitted to and approved by the Division of Environmental Health prior to construction or use.
42. ** The applicant shall provide temporary portable toilets as requested by any business located in the community of Laytonville.
43. 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.

Fish and Wildlife Fee

44. 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 \$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 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.**

Other

45. Applicants shall facilitate and attend an annual community meeting within 30 days after the final large event planned for over 1,000 attendees. Meeting location shall be within close proximity to the Laytonville 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 events. List of attendees and minutes of meeting shall be provided to the Department of Planning and Building Services.
46. 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.
47. 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. Any agency outlined in "a" above may contact the Department of Planning and Building Services to request a meeting to assess the previous event(s) 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.

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.

48. 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.
49. Applicant shall submit a post event report by October 15th of each year, 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.
50. 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.
51. 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.
52. 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.
53. 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.
54. This permit shall be subject to revocation or modification by the Planning Commission 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.

Any such revocation shall proceed as specified in Title 20 of the Mendocino County Code.

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

DATE

DUSTY DULEY
PLANNER

DD/at
March 10, 2015

Mitigated Negative Declaration
Appeal Fee - \$910.00
Appeal Period - 10 days

APPENDICES:

Appendix A – Initial Study
Appendix B – Plan of Operations
Appendix C – Traffic Plan
Appendix D – Security Plan

ATTACHMENTS:

- A. Location Map
- B. Topo Map
- C. Aerial Photo
- D. Site Plan- small event
- E. Site Plan- large event
- F. Adjacent Property Owner Map
- G. Zoning Map
- H. Fire Hazard Map
- I. FEMA Flood Map
- J. Soils
- K. Williamson Act Map
- L. Wildland Urban Interface Map