

APPLICANT: NORTHERN NIGHTS MUSIC GROUP
859 HARRISON STREET, SUITE B
SAN FRANCISCO, CA 94107

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

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

REQUEST: 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).

DATE DEEMED COMPLETE: 12/11/2014

LOCATION: Approximately 2.5 miles north of Piercy, just south of the Mendocino/Humboldt County line, lying on the east side of U.S. 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.

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 the request

BACKGROUND

PROJECT DESCRIPTION: The applicant is requesting a modification to their previous entitlements including Use Permit, #U 5-2013 and #UM 5-2013/2013 to increase attendance levels as well as extend permitted hours of amplified music for their 3-day festival that was previously approved to occur annually through 2017. The applicant is currently authorized to have up to 4,000 total attendees. The applicant is requesting that maximum allowed attendance levels be increased to 5,000 total attendees in 2015 and 6,000 total attendees in both 2016 and 2017. The applicant is also requesting that allowed hours of amplified music be increased from midnight to 2:00 a.m. on Friday and Saturday/early Sunday.

Minor Use Permit Modification #UM 5-2013/2013 also approved the use of an auxiliary stage, located near the Eel River, with a provision that amplified music be restricted between the hours of 10:00 a.m. and 6:00 p.m. The applicant is requesting that allowed hours of amplified music for this individual "river" stage be extended to 8:00 p.m. on Friday and Saturday.

On-site parking will 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 will be provided. The applicant has submitted a Plan of Operations (Attachment B) for the event which describes event details.

Potential project impacts were evaluated for the previous Use Permit Modification #UM 5-2013/2013 which permitted the temporary use of the property for an annual 3-day event to include up to 4,500 attendees in 2015 and 5,000 attendees in both 2016 and 2017 with an amplified music curfew of midnight. Staff's evaluation is limited to the proposed attendance level increase and extended amplified music curfew to 2:00 a.m.

RELATED APPLICATIONS:

Surrounding Area

- On the subject and neighboring property immediately to the east, Use Permit #U 12-88 (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 ticket-holders, 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 3-2005 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# 3-2005/2006) 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 5-2013 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.
- 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.

PROJECT SETTING

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	RR-5	1± - 2± acres	Residential
EAST	FL	FL-160 + FP	44.5± acres	Gravel extraction and processing
SOUTH	RC	RC-40K + FP	4± to 19.4± acres	Eel River/Residential
WEST	RC	RC-40K	5.39± acres	US Highway 101

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

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. Otherwise, most of the reviewing agencies had no comment regarding the proposed project. As noted by Fish and Wildlife Staff and described in key issue section below, special care will need to be taken when placing portable bathrooms near the river to protect water quality as well as to avoid impacts to nesting birds that may be present on the river bar including its riparian areas.

REFERRAL AGENCIES	NOT RETURNED	"NO COMMENT"	COMMENTS
Humboldt County Planning Dept.			X
Department of Transportation	X		
Environmental Health – Ukiah		X	
Building Inspection – Ukiah	X		
Emergency Services		X	
Forestry Advisor	X		
County Water Agency	X		
Department of Health Services	X		
Dept. of Alcohol & Bev. Control	X		
Dept. of Parks and Recreation	X		
U.S. Fish and Wildlife Services	X		
NOAA Fisheries	X		
Mendocino Co. Sheriff's Office		X	
Humboldt Co. Sheriff's Office	X		
MSWMA		X	
Public Health Department	X		
Air Quality Management District			X
CalFire		X	
Dept. of Fish and Wildlife			X
Leggett Fire District	X		
Caltrans	X		
North Coast RWQCB	X		
Army Corps of Engineers	X		
CHP Garberville			X
Piercy PFD/Volunteer FD	X		

KEY ISSUES:**Key Issue #1 General Plan and Zoning Consistency:**

The property has a General Plan designation of Rural Residential (RR) and 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. The code does not limit the attendance levels or hours of amplified music that an applicant may request. The project is consistent with its General Plan designation and the zoning restrictions for the property.

Key Issue #2 Environmental Protection:Water Quality

The project had 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 5-2013/2013 which permitted the temporary use of the property for an annual 3-day event to include up to 4,000 attendees through 2017. The applicant is requesting that allowed attendance levels be increased to 5,000 attendees this year and 6,000 attendees in both 2016 and 2017. This represents a 1,000 attendee increase above currently permitted attendance levels in 2015 and a 2,000 attendance level increase in 2016 and 2017. Staff's evaluation is limited to the proposed project modifications including increased attendance level and extended amplified music curfew from midnight to 2:00 a.m.

The parking of multiple vehicles for an event of this size could impact water quality through the unpermitted and/or unintended discharge of automotive fluids. Staff previously evaluated the potential impacts from #UM 5-2013/2013 which included parking to accommodate up to 4,000 attendees including artists, vendors and staff both paid and unpaid. The proposed attendance increase of 2,000 attendees, 6,000 total, is expected to result in the need to accommodate approximately 870 additional vehicles. Pre-designated parking areas are identified on the event Site Plan (Attachment E). The applicant has identified additional parking areas located on adjacent lands in Humboldt County for which they are obtaining a permit (Case #MON-15-022) 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. All camping and entertainment activities would continue to exclusively occur in Mendocino County.

As with previous permit, #UM 5-2013/2013, no parking is proposed on gravel bars, with the closest parking area being approximately 130 feet from and 10 feet higher in elevation than the river. In addition to providing a buffer between the river and parking areas, event staff will continue 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. Signage shall be posted noting vehicle access to the gravel bars is prohibited. Department staff will inspect the site after the event to ensure the site has been cleaned and restored to pre-event conditions. These measures were identified in Condition Number 9 of previous Use Permit Modification #UM 5-2013/2013. 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. The property owner noted that the well may be hydrologically connected to the river but was not sure. Staff notes that there is no evidence to suggest that the well is connected to river underflow however proximity of the well to the river does suggest that it is possible. The well currently serves multiple single-family homes on the property and is used to irrigate a significant portion of the 32 acres property. Irrigation for the owner's lawns, redwood grove and other landscaping is the largest use of water for the property. To off-set increased water usage during the 3-day event, the property owner has agreed to minimize property water usage during and after the event. The property owner installed a flow meter on his well prior to commencement of last year's event to determine typical usage prior to the event as well as during the event. Results are included in the applicant's Plan of Operations (Attachment B) and are discussed further in the Initial Study Item IX Hydrology and Water Quality prepared for previous Use Permit Modification #UM 5-2013/2013. Condition Number 19 of Use Permit Modification #UM 5-2013/2013 requires the property owner to again 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 project will result in additional water usage from increased attendance levels, previous Condition Number 19 still requires that total event water usage be off-set. No additional mitigation measures related to water usage are required.

As the event is taking place during summer months, staff anticipates event attendees will choose to use the river for recreational purposes. Large numbers of people accessing a short stretch of river in a concentrated timeframe can significantly impact water quality. To minimize potential impacts, river users will be reminded to utilize showers and restrooms provided and refrain from using soap or urinating in the river. Restrooms and wash stations shall not be located within 50 feet of the river but otherwise will be strategically located to discourage human impacts to water quality. With the proposed increase attendance levels, staff anticipates an increase in the number of attendees using the river for recreational purposes. Staff has requested that the applicant locate some portable toilet facilities closer to the river and river stage where attendees congregate. Staff along with personnel from the California Department of Fish and Wildlife (CDFW) visited the property with the applicant and identified appropriate locations on the river bar to install temporary bathrooms that will be more convenient to attendees using the river as well as those choosing to camp near the river. Condition Number 4 identifies the parameters under which work on the river bar shall occur as recommended by CDFW. Condition Number 5 identifies appropriate locations on the river bar to locate the portable toilets and provides direction on cleaning up any spills that may occur.

Based on potential impacts to water quality as well as to ensure river user safety, staff developed Condition Number 12 for previous Use Permit Modification #UM 5-2013/2013 which requires the applicant to collect water samples before, during and after the event at river locations above and below the event.

Collected water samples were analyzed at a qualified water testing lab and results are found in the Post Event Report included with the applicant's Plan of Operations (Attachment B). The County Division of Environmental Health (DEH) reviewed the results and determined that the previous "Northern Night" events did not have a significant impact on river water quality.

Water quality samples will again be collected from the river before, during and after the 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 DEH after the event. As the County is currently in a drought, and river flows may be exceptionally low during the event dates, staff identified Condition Number 13 for #UM 5-2013/2013 which requires additional water testing prior to the event to determine if the river is safe for public recreational use. No additional mitigation measures related to water quality testing are required.

CDFW reviewed the project and is recommending that a buffer of no less than 30 feet be maintained between all project activities, including camping, and the river. See Condition Number 7.

Nesting Birds

CDFW, upon conducting a site view, is concerned that the event may impact birds that may choose to nest on the gravel bar and within the riparian areas along the river. CDFW is recommending that qualified biologist conduct a nest survey within 14 days prior to the event and submit to CDFW for review. Appropriate actions will be identified by CDFW should any nesting birds be discovered. See Condition Number 6.

Expanded Polystyrene Foam Ban

Since the completion of Use Permit Modification UM 5-2013/2013, the Mendocino County Board of Supervisors adopted a ban on use of food and beverage packaging made from expanded polystyrene foam (more commonly known as Styrofoam, a trademarked name) by Retail Food Establishments or Food Providers (definition found in Mendocino County Code Chapter 9.42) which include special events. See Condition Number 8.

Key Issue #3 Noise:

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: 10:00 a.m. to midnight
Sunday: 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 is requesting that amplified music curfew be extended for the main stage from midnight to 2:00 a.m. on Friday night (early Saturday) and Saturday night (early Sunday). The applicant is also requesting that the permitted hours of amplified music on the river stage be extended from 6:00 p.m. to 8:00 p.m. each night. If request is approved, hours of amplified music would be permitted as follows:

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.

Impact to off-site residences from noise was a topic of concern involving significant discussion during public hearings for previous Use Permit #U 5-2013 and its subsequent modification #UM 5-2013/2013. Ultimately, numerous measures were identified to minimize potential neighborhood conflicts including a condition that noise levels be monitored continuously during the event. Noise monitoring data from the 2014 Northern Nights event is found in the Post Event Report included in the applicant's Plan of Operations (Attachment B). Staff reviewed the data and determined that the event was consistent with applicable County noise standards. Staff has not received any noise complaints regarding the 2013 and 2014 Northern Nights event; however with the increase hours of amplified music, staff is again recommending that noise monitoring data be collected during the event to determine compliance with County noise standards.

The County denied applicant's previous request (#UM 5-2013/2013) to allow amplified music till 2:00 a.m. Denial was in part due to lack of compliance with past noise curfews for previous events on this property. Staff notes that the project applicants were not involved with past events at this site prior to the 2013 Northern Nights event. As this applicant has successfully demonstrated that the 2013 and 2014 Northern Nights event noise levels were consistent with County noise standards, has complied with mitigation measures, and further, as staff has not received any complaints by public or other governing agencies regarding Northern Night events, and recognizing that the County has granted a 2:00 a.m. curfew for other similar events (i.e. Redwood Run, Kate Wolf Festival), staff is recommending that the requested amplified music hours be approved.

Noise impacts from the proposed increase in amplified music hours are expected to be similar to the 2014 Northern Nights event. 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. Further discussion of potential noise impacts and mitigation measures is found in the Initial Study, Item XII Noise prepared for previous Use Permit Modification #UM 5-2013/2013.

Key Issue #4 Public Safety

Staff has additional public safety concerns regarding the request to extend the hours of amplified music at the river stage from 6:00 p.m. to 8:00 p.m. During the review of #UM 5-2013/2013 which included the request to establish the river stage, staff was concerned about cumulative noise impacts from having 2 stages running simultaneously as well as public safety due to the likelihood that the river stage would attract additional river users that, as the day goes on, may not be of proper physical/mental state to safely recreate in the river. It was for these reasons that staff recommended that amplified music at the river stage be restricted between the hours of 10:00 a.m. and 6:00 p.m. Based on the 2014 event, the applicant was able to demonstrate that the addition of the river stage did not cause significant noise impacts. Staff is still concerned about attracting attendees to drink and recreate in the river after 6:00 p.m. To support this request staff recommends Condition Number 9 requiring that a lifeguard station be setup between the river stage and the river and that a certified lifeguard be present when 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...)

Key Issue #5 Traffic/Parking:

The subject property is accessed from U.S. Highway 101 via County Road #442E. Staff and vendors arrive Thursday, the day before the event. General public is allowed to enter the site with gates opening around 8:00 a.m. on Friday. Vehicle in/out privileges are allowed during the event.

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. The applicant submitted a Traffic Plan prepared by Stop N Go Traffic for the 2014 event which identified measures to mitigate potential traffic related impact. An increase in attendance levels will result in additional vehicle traffic and increase potential for traffic related impacts. Staff reviewed the previously approved Traffic Plan and determined that it was adequate to mitigate increased traffic levels resulting from this project. The California Highway Patrol reviewed the project and did not find issue with the request.

As discussed under Key Issue #2 above, the proposed attendance increase of 2,000 attendees, 6,000 total, is expected to result in the need to accommodate approximately 870 additional vehicles. Pre-designated parking areas are identified on the event Site Plan (Attachment E). The applicant has identified additional parking areas located on adjacent lands in Humboldt County for which they are obtaining a permit (Case #MON-15-022) 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. All camping and entertainment activities would continue to exclusively occur in Mendocino County. Staff determined that adequate parking areas have been identified to accommodate increased parking needs resulting from increased attendance levels

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

RECOMMENDATION

Adopt a Subsequent Mitigated Negative Declaration and approve the request for Use Permit Modification #UM 2014-0011 based on the following findings, and subject to the recommended conditions of approval.

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.

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 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

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

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.**

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

DATE

DUSTY DULEY
PLANNER

DD/at
Subsequent Mitigated Negative Declaration
Appeal Fee - \$910.00
Appeal Period - 10 days

LIST OF ATTACHMENTS:

- A – Initial Study
- B – Plan of Operations including 2014 Post Event Report
- C – Location Map
- D – Aerial Map
- E – Site Plan
- F – Adjacent Parcels
- G – Zoning Map
- H – Flood Zones
- I – Final Findings and Conditions of Approval for Use Permit Modification #UM 5-2013/2013