



COMMUNITY RESOURCES AGENCY

BEV SHANE, AICP
Director

Administration - Building - County Surveyor - Engineering - Environmental Health - Fleet Services - GIS - Housing - Planning - Roads - Solid Waste

TUOLUMNE COUNTY PLANNING COMMISSION DECISION FOR CONDITIONAL USE PERMIT CUP16-007

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DATE: July 21, 2016

SURFACE/MINERAL

RIGHTS OWNER: Tuolumne Band of Me-Wuk Indians

APPLICANT: Tuolumne Economic Development Authority

PROJECT AND LOCATION

PROJECT

DESCRIPTION: Conditional Use Permit CUP16-007 to allow outdoor music festivals and similar outdoor events at the Tuolumne "Westside" properties with up to 6,000 participants with onsite camping. The event grounds would occupy approximately 100 acres of a 191 +/- acre site comprised of three parcels: Assessor's Parcel Numbers 62-630-22 and 62-630-24 are zoned C-K (Commercial Recreational) and O (Open Space) and 62-630-20 is zoned C-K, O and C-K:H:MX (Commercial Recreational:Historic Combining: Mobilehome Exclusion Combining) under Title 17 of the Tuolumne County Ordinance Code.

LOCATION:

The project site is located at 17807 Tuolumne Road, on the south side of Tuolumne Road approximately 2,900 feet west of the intersection of Cherry Valley Boulevard and Tuolumne Road; between Summerville High School and the Tuolumne townsite. A portion of the southern 1/2 of Section 5 and the northern 1/2 of Section 8, Township 1 North, Range 16 East, Mount Diablo Baseline and Meridian. Assessor's Parcel Numbers 62-630-20, -22 and -24. Supervisorial District No. 3.

ENVIRONMENTAL EVALUATION

After reviewing the project and its setting, the Environmental Coordinator for the County of Tuolumne has determined that no additional environmental review under the California Environmental Quality Act (CEQA) is required for the project pursuant to Section 15162 of the *State CEQA Guidelines* because the impacts associated with the proposed development are addressed in the Mitigated Negative Declaration (SCH# 2006102107) adopted December 19, 2006 for General Plan Amendment 05GPA-14, Zone Change 05RZ-226, Site Development Permit 05SDP-05 and Design Review Permit DR06-072. Therefore, pursuant to Section 15162 of the State CEQA Guidelines no further environmental review is required for Conditional Use Permit CUP16-007.

DECISION

On July 20, 2016, a decision was rendered by the Tuolumne County Planning Commission, approving Conditional Use Permit CUP16-007 based upon the following Findings and subject to the attached list of Conditions.

BJS:LB:kw

cc: Assessor
Building and Safety Division
Engineering
Fire Protection
Caltrans – District 10

NOTE: THIS IS NOT A BUILDING PERMIT

**CONDITIONS OF CONDITIONAL USE PERMIT CUP16-007
FOR TUOLUMNE BAND OF ME-WUK INDIANS/TEDA**

General Conditions:

1. PD As a condition of the grant of approval of this Permit, and as a continuing condition of approval of the Permit, developer/permittee/applicant/property owner/subdivider, and the successor in interest shall defend, indemnify, save and hold harmless the County of Tuolumne, its elected and appointed officials, officers, agents, employees and volunteers from any and all claims, actions, proceedings, or liability of any nature whatsoever (including attorney's fees and costs awards) arising out of, or in connection with the County's review or approval of the application or project on which this condition is imposed, or arising out of or in connection with the acts or omissions of the above described person, and his/her/its agents, employees, or contractors, during any work performed in connection with the application or project. With respect to review or approval, this obligation shall also extend to any effort to attack, set aside, void, or annul the approval of the project including any contention the project approval is defective because a county ordinance, resolution, policy, standard, or plan is not in compliance with local, state or federal law. With respect to acts or omissions of the above described person and his/her/its agents, employees, or contractors, the obligation hereunder shall apply regardless of whether the County prepared, supplied, or approved plans, specifications or both. If the defense right is exercised, the County Counsel shall have the absolute right to approve any and all counsel employed to defend the County. To the extent the County uses any of its resources to respond to such claim, action or proceeding, or to assist the defense, the above described person will reimburse County upon demand. Such resources include, but are not limited to, staff time, court costs, County Counsel's time at its regular rate for non-County agencies, or any other direct or indirect cost associated with responding to, or assisting in defense of, the claim, action, or proceedings. For any breach of this obligation the County may, without notice, rescind its approval of the application or project to which this covenant/condition is attached. (TCOC Section 17.68.150)

2. PD The project shall meet all requirements mandated by federal, state or local law. Federal or state law may require additional obligations beyond that required by these conditions or local requirements, including additional analysis of environmental or other issues, over which the County has no control. (TCOC, Section 17.68.150)

3. PD For all events, amplified music or other amplified sound at the Main Stage Area, as shown on the approved site plan, shall be limited to the hours of 11:00 AM to 11:00 PM for all events. Amplified music or other amplified sound at any other stage or part of any event shall be limited to the hours of 9:00 AM to 10:00 PM, with the exception of music or other entertainment held within a commercial tent or similar structure, and when the volume is kept at a sound level that is not audible at a distance of 1,000 feet or more or on private lands outside of the boundaries of the site. Any other exceptions to the 11:00 PM limit to amplified music shall be by request, and subject to

11. FPD No campfires or charcoal burning by campers or other attendees shall be permitted at an event, and cooking has to occur using stoves or gas-fired grills set up above ground level. This condition shall not apply to food vendors who have a valid temporary food facility permit issued by the Tuolumne County Environmental Health Division. An exception to this prohibition of campfires shall be granted should an event have campfires as part of the planned event, and only after prior permission to have campfires has been granted by the Tuolumne Fire Protection District. (TCOC, Section 17.68.150)
12. PD A Security Plan shall be submitted to the Community Resources Agency, Tuolumne County Sheriff's Department, and County Administrator at least forty-five (45) days prior to the commencement of any event on the site, and the event shall be held in complete compliance with the approved plan. That plan shall address basic security needs for safe and orderly conduct of all events, as well as means to be used to enforce perimeter security to prevent trespassing by non-ticketed persons. The plan shall address the use of Sheriff's Deputies as part of the security force during events that the Sheriff's Office has indicated that their presence is necessary after review of the schedule of events for the site, including any events added during the season. In cases where the Sheriff's Office has indicated that their presence is necessary, the Security Plan shall address the number of Deputies per shift, hours for the shifts, and method of providing compensation for the Deputies' time. The names of the other personnel on the security plan shall be submitted to the Sheriff's Department and the Community Resources Agency a minimum of fourteen (14) days prior to the festival. Persons not approved by the Sheriff's Department shall not be on the security team. The approving authority for the proposed Security Plans shall be the County Administrator. (TCOC, Section 17.68.150)
13. EMS An Emergency Medical Plan shall be submitted to the Community Resources Agency and the Tuolumne County Emergency Medical Services Coordinator for review and approval at least forty-five (45) days prior to commencement of any large event with 1,000 or more participants, and the event shall be held in complete compliance with the approved plan. The plan shall address at a minimum the personnel and level of service to be provided including the use or non-use of ambulance service. (TCOC, Section 17.68.150)
14. EMS For any event where the total number of participants could exceed 1,000 persons or more, the applicant shall be held responsible to provide on-site basic medical services consisting of qualified currently licensed and/or certified medical personnel to render primary care and first aid. Medical personnel may consist of a team of two or more available doctors, nurses, (LVN or RN), nurse practitioners, physician assistants, or EMT's (1A, II or P's). Doctors or medical personnel on site shall be responsible for ordering and maintaining on site necessary medical supplies. (TCOC, Section 17.68.150)

19. ED An application for an Encroachment Permit, if required as determined by the Engineering Division, shall be submitted and approved prior to any traffic control or placing signs or message boards on Tuolumne Road. (TCOC, Section 17.68.150)

Building Permit and Inspections

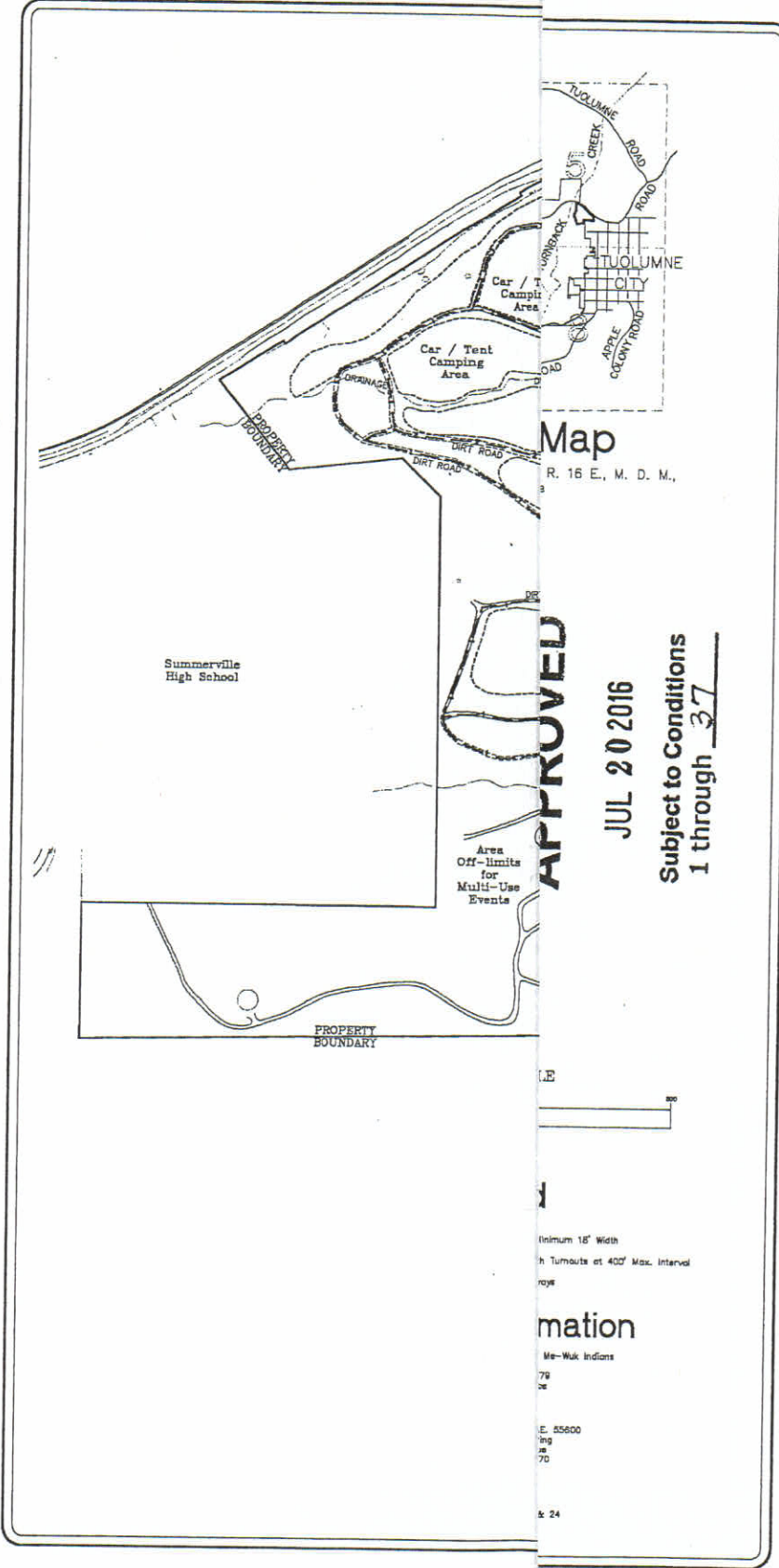
20. BD For any calendar year during which events will be conducted on the site, a Building Permit application shall be submitted for review by County agencies and approval by the Building and Safety Division of the Community Resources Agency at least 45 days prior to the first event each year. The Building Permit application shall include details of structures and infrastructure associated with the proposed events, including erection of the stage and any related roof or other structures over or associated with the stage, tents or other structures that exceed 120 square feet in size, and permanent or temporary service connections to plumbing or electricity. The Building Permit shall cover all of the events to be conducted on the site for the calendar year unless significant changes, as determined by the Chief Building Official are made to the event-related structures or infrastructure on the site. If significant changes are made, additional Building Permits shall be required as determined by the Chief Building Official. (California Building Code; TCOC, Section 17.68.150)
21. BD/PD Prior to issuance of the Building Permit to cover all events referenced in Condition 20, the applicant shall submit payment to the Building and Safety Division to fully compensate the County for the costs incurred by staff to process the application, conduct inspections, attend meetings, respond to complaints, and perform any other functions related to the events on the site. The amount of the payment shall be based upon the hourly billing rate of the County employees performing the functions, the actual time that has been expended at the time of issuance of the Building Permit, and a specified number of inspections that will be conducted. The applicant shall be required to pay for any inspections that are in addition to the specified number or for any other costs incurred by the County for each event. The Community Resources Agency shall send a detailed invoice to the applicant for any costs incurred by the County for a specific event that were not covered by the payment for the Building Permit. The invoice shall be paid to the Community Resources Agency within thirty (30) days. County departments that will be involved in this Building Permit and inspection process include, but are not limited to, the Community Resources Agency (Building and Safety, Planning, Engineering, Roads, Solid Waste, and Environmental Health Divisions), Fire Prevention Division of the Fire Department, County Counsel, and County Administration. Alternatively, the applicant may enter into an agreement with the County to pay an annual fee to compensate the County for all costs associated with the administration and enforcement of Conditional Use Permit CUP16-007. (TCOC, Section 17.68.150)
22. BD A request for inspections under the Building Permit referenced in Condition 20 shall be submitted to the Building and Safety Division of the Community Resources Agency at least one day prior to erection of any temporary tents

Food and Beverage Service

- 32. EH All persons selling, preparing, delivering, or serving food or beverages shall comply with the California Retail Food Code, Chapters 10 and 11. (TCOC, Section 5.12.350, California Retail Food Code, Chapters 10 and 11)
- 33. EH At least fourteen (14) days prior to any event at which food will be sold or distributed, the applicant or event promoter shall prepare and submit a Special Event Coordinator Application to the Environmental Health Division, and each vendor to be used at the Festival shall also prepare and submit an application for a temporary food facility permit. (TCOC, Section 5.12.210, California Retail Food Code, Chapters 10 and 11)
- 34. EH Bottled water shall be provided for sale at the festival along with water fountains located throughout the festival site. The number of potable water fountains necessary for the Festival shall be based on the actual number of attendees: there shall be a minimum of six (6) plus one (1) additional for each 500 tickets sold up to a maximum required number of thirteen (13). Those fountains shall be scattered around various places on the site where people camp and congregate. (TCOC, Section 17.68.150)
- 35. EH Water served to the vendors shall be protected against potential cross connections. Distribution lines shall meet California Waterworks Standards. (TCOC, Section 5.12.120, California Retail Food Code, Chapters 10 and 11)
- 36. EH Sanitary facilities shall be provided for food vendors that include adequate provisions for potable water supply and storage, refrigeration, and washing and utensil clean-up and that meet the requirements of all applicable California Retail Food Code requirements, as determined by the Environmental Health Division. (TCOC, Section 5.12.120, California Retail Food Code, Chapters 10 and 11)
- 37. PD If alcoholic beverages are to be sold on site for any event, a copy of the Alcoholic Beverage Control (ABC) license for the sale and distribution of such beverages shall be submitted to the Planning Division of the Community Resources Agency no later than fourteen (14) days prior to the opening of the event. (TCOC, Section 5.12.120)

A Notice of Action shall be recorded for Conditions 1 through 37 to notify all owners of this parcel of the conditions of this entitlement and these responsibilities. Any violations observed by the Community Resources Agency during regular site inspections or in response to complaints shall be referred to the agency having jurisdiction over the condition for resolution or referred to the Code Compliance Officer for enforcement. (TCOC, Section 17.68.150)

COMMUNITY RESOURCES AGENCY CONTACT PERSON: Larry Beil



APPROVED

JUL 20 2016

Subject to Conditions 1 through 37

JOB NUMBER: 05-003.30
 These drawings and specifications are the property of the engineer and shall not be used for any other project without the written consent of the engineer. The engineer shall not be responsible for any errors or omissions in these drawings and specifications or for any consequences arising therefrom.

No.	Date	By	Revision

Multi-Use Event Permit Site Exhibit

West Side Cherry Valley Golf Club

G L Gritz Engineering
 (209) 770 - 2853; 120 Summit Avenue, Sonoma, California 95370

DRAWN BY: WS
 CHECKED BY: DS
 APPROVED BY: DS
 DRAWING: 05-003-WESTSIDE-EVENT-PERMIT.dwg
 SCALE AS NOTED
 DRAWING FILED: 05-003-3-IMP
 DATE CURRENT AS OF: 07/06/2018

SHEET 1 of 1

S1

Conditions Supplied by Community Development

CRA – Community Resource Agency

TEDA – Tuolumne Development Authority, Inc

ABC -Alcoholic Beverage Control

CUP-Conditional Use Permit

1. Hours of Amplified Music – 11:00 am to 11:00 pm
 - Secondary Stage – 9:00 am and 10:00 pm except within a closed commercial tent with the sound not available at 1,000 feet on private lands.
 - Any other exception will be communicated to CRA 45 days prior to the event to provide opportunity for sound level testing.
 - Event hours generally from 6:00 am to 11:00 pm for Tier One, and Two, and from 7:00 am to Sunset for Tier Three events
2. Attendance shall not exceed 6,000 on site at any time for ticketed or non-ticketed event
3. Public Liability Insurance of \$1,000,000 with Tuolumne County (proof to be submitted to CRA 14 days prior) and (Tuolumne Economic Development Authority, Inc.) named as Co-insured
4. Submit proposed schedule of events in the first quarter for the year. Any new events added need to notify 45 days in advance of the proposed event.
5. Public Officials to have access any time it is needed for compliance or inspection.
6. CUP will be revoked in the case of emergencies i.e. wild fire or any event that would adversely affect public safety
7. No campfires or charcoal burning unless Tuolumne Fire District approves camp fire proposal.
 - This condition does not apply to food vendors with an Environmental Health permit and need to utilize open flame for food cooking
8. Security Plan 45 days in advance of Tier 1 and Tier 2 events that will require security. Tuolumne County Sheriff's office will supply officers at a set overtime rate for assistance based on determined level of need.
9. Emergency Medical Plan 45 days in advance of events that need medical services over 1,000 attendees. Minimal level of services needed will be determined including the use/non-use of onsite ambulance service and primary first-aid services.
10. Life threatening serious conditions shall implement the local EMS system by calling 9-1-1
11. Out of County Ambulance services are not permitted to provide transport of patients on County roads without a county ambulance permit.

12. Parking plan shall include parking for 1500 cars designating traffic control points without security access roads being blocked.
 - No parking signs will be placed where necessary to keep roads open and moving.
 - For events over 1000 attendees parking control people will need to be used to direct traffic for parking to assure best use of parking spaces
13. Traffic plan 45 days in advance delivered to Engineering Dept. of the CRA to include queuing, traffic entering and exiting site, and necessary signage on Tuolumne Rd.
 - Encroachment permit for placement of signs on Tuolumne Rd.
14. Annual building permit for stage and any other structures proposed for any event. All portable tents over 10 X 12 need a building permit and inspections under current County guidelines. Engineering standards per California Building Code for portable stage, tents once filed will just need an inspection prior to additional events. Permit and inspection fees are based on current County schedule.
15. Health and Safety requirements
 - One water closet for every 200 males and ever 100 females.
 - Water closet disposal at an approved site.
 - All toilets to be maintained regularly during an event
 - Environmental Health shall be allowed to place any necessary restrictions on toilets and showers deemed necessary to protect the public health.
 - All dirt and or gravel roads shall be treated or watered to control fugitive dust
16. Garbage and co-mingled recycling
 - Garbage bins located at or near camp sites and high foot traffic areas
 - Garbage disposed of in durable plastic bags
 - Evidence of an agreement with a solid waste hauler to be presented 14 days prior to any event to the CRA
 - Recycling program that follows current guidelines for co-mingled recycling
 - Event needs to be cleaned and returned to pristine state within 3 days from the conclusion of an event
17. Food and Beverage Service
 - All persons handling and or selling food or beverage items shall comply with California Retail Food Codes
 - Special event coordinator application to be submitted to Environmental Health a minimum of 14 days in advance to include all vendor applications, site map, hand-washing locations, toilet locations, and menus from proposed food and beverage suppliers.
 - Bottled water shall be provided for sale along with potable water for drinking throughout the festival/event grounds

- Six water fountains plus one for every 500 attendees up to a maximum of 13 water stations
- Potable non cross contaminated water shall be available to food vendors
- Grey water disposal will be available for all concessions and removed and disposed by porta-pottie supplier to authorized disposal site.

18. Alcoholic Beverage Sales

- Alcoholic Beverage sales shall be provided by duly licensed, trained and authorized non-profits identified with signage naming the organization. Copies of the license to be provided to the beverage distributor and as part of the permit package to the CRA.