

SAN BENITO COUNTY PLANNING COMMISSION

Minutes of September 6, 2006

PRESENT: Bettencourt, DeVries, Machado, Smith, Tognazzini

ABSENT: None

STAFF: Principal Planner (PP) Byron Turner, Senior Planner (SP) Chuck Ortwein, Assistant Planner (AP) Chris Herrera, Assistant Planner (AP) Michael Kelly, Assistant Planner (AP) Lissette Knight, Deputy Director of Public Works (DDPW) Arman Nazemi, Deputy County Counsel (DCC) Shirley Murphy and Clerk Trish Maderis

Chair DeVries called the meeting to order at 6:06 P.M.; led the Pledge of Allegiance and summarized the standing rules of order.

STAFF REPORT:

Principal Planner Byron Turner reported the following:

- DoP Henriques was attending the annual State LAFCO Conference in San Diego
- A presentation on the Pulte/Del Webb proposal will be given to the Board of Supervisors on September 12, 2006 and the same presentation will be given to the Planning Commission on September 20, 2006. DCC Murphy suggested that only 2 Commissioners attend the Board of Supervisors meeting.

Clerk Maderis advised the Commission that the application period for Preliminary Allocation submissions had closed on September 1, 2006 and that 11 new applications had been received; 8 applications for minor subdivisions, 3 applications for major subdivisions for a total of 52 new lots requested in FY 2006-07. There were 54 allocation requests remaining from the previous year. Clerk Maderis also noted that available allocations would be computed based on the most recent figures from the Department of Finance.

PUBLIC COMMENT:

Chair DeVries opened the Public Comment period.

Grant Brians 6580 Fairview Road, Hollister stated he felt that the Dark Sky Ordinance was not being enforced in the County and that he has noticed illegal lighting violations throughout the County.

Mr. Brians also inquired if the County was aware of or has checked into the civil and criminal trespassing complaints against Pulte Homes.

With no other persons wishing to address the Commission, Chair DeVries closed the Public Comment period.

CONSENT AGENDA:

1. Acknowledge Public Hearing Notice
2. Acknowledge Certificate of Posting
3. Minutes of August 16, 2006

Chair DeVries noted Commissioner Machado's objections and basis for his objections on the San Juan Vista Estates project were clearly recorded in the August 16, 2006 Minutes. Commissioner Bettencourt moved to approve Consent Agenda Items 1, 2 & 3, Commissioner Tognazzini offered a second and the motion passed unanimously 5/0.

CONSENT AGENDA ITEM #4:

CERTIFICATE OF COMPLIANCE NO. 06-63 – APPLICANT: Ted Stephens

LOCATION: Stephens Drive, San Juan Bautista. REQUEST: Recognition of remainder lot (APN 12-16-27) as a legal parcel. ZONING: Agricultural Productive (AP). ENVIRONMENTAL EVALUATION: Categorical Exemption.

Chair DeVries requested this item be pulled from the Consent Agenda for discussion. Chair DeVries questioned the Conditions of Approval for this application and the original subdivision conditions noting he believed that the dwellings were to be pushed back and hidden from the ridgeline. Chair DeVries stated he wanted to know how this condition would be accomplished with future construction.

AP Knight advised that the houses should be back from the ridgeline and some areas on this lot are considered non-buildable due to landslide issues. AP Knight suggested that language could be included in the Conditions of Approval stating no construction on the ridgeline. PP Turner added that there are locations on the parcel that are not suitable for construction due to landslide issues and other geotechnical issues.

Chair DeVries confirmed with PP Turner and AP Knight that should the Certificate of Compliance be approved, the owner could apply for a building permit but must adhere to the Conditions of Approval of the original subdivision map and the additional conditions. After some discussion between staff and counsel, and no other questions for staff, Chair DeVries opened the Public Comment period.

Roger Grimsley spoke on behalf of the applicant and provided the history of the original subdivision. Mr. Grimsley agreed that the buildings need to be on the south side of the ridgeline and the current application is a request to recognize a legal lot and allow an additional dwelling. Mr. Grimsley stated the applicant would be agreeable to only constructing on the south or north side away from the ridgeline and not visible from the valley floor. Mr. Grimsley also suggested that the item be continued for clarification with the planner.

Commissioner Machado asked for clarification. DCC Murphy explained that that a remainder parcel is not counted as a lot for the purposes of deciding minor/major subdivisions but later that remainder lot can be legalized with a Certificate of Compliance and the original Conditions of Approval would apply to the remainder parcel.

Grant Brians, 6580 Fairview Road, Hollister stated he did not agree with remainder parcels being allowed as he believes that additional buildings are being constructed without the planning process being considered. Mr. Brians stated he believed this application should be considered as a new project.

With no one else wishing to address the Commission, the Public Hearing was closed. Chair DeVries stated he wished further clarification from staff on the compliance questions. Chair DeVries then moved to continue this item to the September 20, 2006 meeting, the motion was seconded by Commissioner Machado and passed unanimously 5/0.

ZONE CHANGE NO. 05-143 ~ GENERAL PLAN AMENDMENT NO. 06-29

Re-zone of 68.23 acres of Agricultural Productive land located in the General Plan Rural/Urban Designation near Enterprise Rd to Single Family Residential & the rezoning of two areas: 1) located off of Southside Road, 36.60 acres; 2) located off of North Street, 58.01 acres from Agricultural Productive to Residential Multiple, both located in the Rural/Urban General Plan designation. Project also involves a General Plan Amendment for the area located off of North Street from Agricultural Productive to Rural/Urban. APPLICANT: San Benito County LOCATION: Enterprise Rd/Airline Hwy and North Street. ZONING: AP, R1, RM

AP Herrera presented a brief staff report noting the Agenda Item has been properly noticed in local newspapers and had been continued from the August 2, 2006 meeting. AP Herrera noted Resolution No. 2006-12 described as Option No. 1 had been amended and has been provided to the Commission and Counsel for consideration.

Commissioner Smith confirmed that the proper noticing had occurred. PP Turner advised to the affirmative and Clerk Maderis advised that 175 notices had been mailed in addition to the corrected language in the newspaper.

Chair DeVries opened the Public Comment period.

Roger Grimsley addressed the Commission stating the lands would bring compliance to the Housing Element and asked for adoption of the Resolution and recommendation to the Board of Supervisors.

Kenneth Bixby, 218 Enterprise Road, Hollister stated that he had reviewed a map at the Planning Department explaining his concerns with flooding and traffic.

Grant Brians, 6580 Fairview Road, Hollister stated he was against the re-zone in the Enterprise, Southside Road areas as he felt the area is not supportive for this type of development due to increased traffic and loss of agricultural land.

Scott Fuller, 3825 Union Road, Hollister representing the Hart and Brigantino families asked the Commission to adopt the Resolution for Option No. 1 reminding them the need for higher density housing in the County.

Commissioner Smith asked Mr. Fuller if there was any interest from Gavilan College to build on the Hart property. Mr. Fuller stated that the site was not a preference but the landowners would be open to future discussions.

With no one else wishing to address the Commission, the Public Hearing was closed. After a brief discussion among the Commissioners, Commissioner Smith moved based on the staff report and public testimony to adopt Resolution No. 2006-12, for recommendation to the Board of Supervisors, and adoption of the finding in the staff report for Option No. 1, Zone Change No. 05-143 and General Plan Amendment No. 06-29 for Areas A, C and the Hart property, a second was offered by Commissioner Bettencourt and passed unanimously 5/0.

PRELIMINARY ALLOCATION EXEMPTION NO. 06-01

APPLICANT: Lainy Bettencourt-Watkins. LOCATION: 4894 Panoche Rd., Paicines. REQUEST: To obtain a one-time, one-lot family member exemption from the County Growth Management System in order to obtain preliminary approval for subdividing a 350-acre property into two parcels.

ZONING: Agricultural Rangeland (AR).

Commissioner Bettencourt noted for the record that he was not related to the applicant or owner of this project and would not have to excuse himself. AP Kelly presented the staff report noting all conditions for the exemption have been met and staff recommends approval. After AP Kelly's presentation, there were no questions from the Commission and Chair DeVries opened the public comment period.

With no speakers wishing to address the Commission, the public comment period was closed. Commissioner Smith moved to approve the project as presented, based on the staff report; a second to the motion was offered by Commissioner Machado and passed unanimously 5/0.

TENTATIVE SUBDIVISION MAP NO. 99-63: REQUEST FOR EXTENSION

REQUEST: To extend the time of the Vesting Tentative Map. APPLICANT/OWNERS: San Juan Vista Estates/Gregory Weiler & Mark Johnson. LOCATION: Hwy 129 & Hwy 101, San Juan Bautista.

PP Turner presented his staff report noting the extension request for a period of 12 months of the original map. Chair DeVries stated this was 'housekeeping' due to the appeal of the amended map which was denied by the Board of Supervisors on September 5, 2006 and the extension of the original map would allow for those issues to be resolved and completed.

Chair DeVries opened and closed the public comment period as there was no one wishing to address the Commission on this item.

Commissioner Bettencourt moved to approve the time extension based on the staff report a second to the motion was made by Commissioner Smith and passed with a vote of 4/1 with Commissioner Machado opposing.

USE PERMIT NO. UP 936-05 – APPLICANT: Josh Watt. LOCATION: 9644 Betabel Rd., San Juan Bautista REQUEST: To obtain a Use Permit to operate an off-road, motocross race track and riding facility on a 30 acre site. The project will include two racing tracks, viewing stands, and parking facilities. ZONING: Agricultural Rangeland (AR) ENVIRONMENTAL EVALUATION: Mitigated Negative Declaration recommended.

SP Ortwein presented his staff report describing the project submitted and noting the agencies providing comments for the project. SP Ortwein advised the Commission that staff recommends certification of the Mitigated Negative Declaration and approval of the project.

Chair DeVries asked why a Mitigated Negative Declaration was prepared instead of an Environmental Impact Report. SP Ortwein advised that the studies conducted revealed that an EIR would not be required with mitigation measures conditions could be met. Chair DeVries asked about possible concerns with the Pajaro Water Shed. SP Ortwein advised that conversations were held with the Pajaro Regional Water Quality Board and it was determined that this project would not affect the flooding downstream as it was out of the Soap Lake area.

Commissioner Bettencourt asked about the air quality on the Mitigated Negative Declaration and clarification on some abbreviations referred to in the report. SP Ortwein advised this referred to dust issues. Commissioner Smith asked about the noise pollution with this project. SP Ortwein referred the questions to the noise engineer for the project who was available for questions.

Jeff Pack, President of Edward Pack Associates, San Jose addressed the Commission advising he conducted the noise study for the proposed project. Mr. Pack stated he had measured the ambient noise at 2 locations on the property and explained the process he used. Mr. Pack also noted that the RV Park next to the property did not grant access to conduct any noise studies from within the park, but he was able to get close enough to measure accurate noise levels. Mr. Pack stated he gathered motorcycle noise from the Livermore, CA motocross track for maximum and average sound levels and those noise levels were applied to this project. Mr. Pack stated his belief that the noise exposure (24-hour average) from his studies complied with the County Noise Ordinance and Noise Element of the General Plan, however when compared with the ambient conditions a substantial increase would occur in the noise environment. Mr. Pack recommended a 10-foot berm be placed along the western property boundary to reduce the increase in noise down to a less than significant level. Mr. Pack further explained that his studies at the Livermore track were only of motorcycle noise data, not background noise and noise reflection.

Commissioner Bettencourt asked if the 10-ft berm was for sound wall purposes. Mr. Pack explained it was. Commissioner Tognazzini asked about the topography similarities between the project location and the Livermore location. Mr. Pack explained that the sites were different, but his studies were only on the motorcycle noises, not the background or surrounding area noises. Mr. Pack added the noises would be audible but not excessive based on his studies and would still be in compliance with the County Noise Ordinance and Noise Element currently in effect.

Commissioner Bettencourt asked about the difference in red stick and green sticker motorcycles. Mr. Pack stated he believed both sticker designations were active at the Livermore track during their study and whatever sticker the motorcycles held was included in his noise study. Commissioner Bettencourt stated he believed the difference between red and green sticker designation was that of emissions and that the red designation gave off more emissions and were louder.

Commissioner Machado and noise engineer Pack discussed various noise levels and levels specified in the Noise Ordinance and Noise Element. Mr. Pack pointed out the various noise levels on different days of the week when noise from a State highway and railroad tracks are present. Mr. Pack reiterated to the Commission that the noise taken at the Livermore track was only for the motorcycle noise data and the background noise at that park had no bearing on the project site because that background noise stays at the study site.

Commissioner Machado also asked if the noise measurements were taken inside or outside the park. Mr. Pack stated the measurement points were 180 feet from Highway 101 and in the middle of the orchard and from the inside of the project site adding that the RV Park did not allow him access to conduct sound measurements from inside the park.

Commissioner Machado asked what the noise increase would be inside the park. Mr. Pack stated that there were no substantial noise reduction features as part of the park. Commissioner Machado also asked if vegetation would decrease the noise level. Mr. Pack stated that a solid air tight structure was needed to provide a barrier effect.

With no other questions for the noise engineer, Chair DeVries asked the applicant to address the Commission.

Josh Watt, applicant, addressed the Commission stating that he is proposing an organized, legal, family oriented sport facility. He stated that legal riding places are very hard to find and his application would not only benefit San Benito County but also County's businesses. Mr. Watt proposes three motocross tracks for different levels of ability. Mr. Watt further described that parking would be adjacent to the RV Park not the tracks. The tracks would support motocross for local events, not national level events. The project would also benefit surrounding counties, local hotels, and the RV Park. Mr. Watt stated he would cater to riders for practice riding and some local races on weekends.

Commissioner Smith asked if Mr. Watt had considered any other locations for his project. Mr. Watt stated that he approached the County some time back and discussed various locations and scenarios with Planning staff. Mr. Watt added that this location is seemed to be the best as it didn't bring traffic through town, was in the middle of a noise corridor with Hwy 101 and the railroad tracks.

Commissioner Machado asked what the estimated capacity would be. Mr. Watt stated that no more than a couple hundred on a daily basis and maybe up to 1,000 on weekends and that he was still waiting on an occupancy figure from the County Fire Department.

With no other questions for the applicant, Chair DeVries called for a brief break at 7:38 PM.

Chair DeVries reconvened at 7:55 PM, opening Public Comment period. Clerk Maderis called the speakers to the podium based on the speaker cards submitted during the break.

The following persons spoke on this item and their support or opposition is summarized:

- Audra McCorkle, 1110 Limekiln Rd, Hollister ~ spoke in support ~ family sport, good for County and community believes will generate revenue for the County and something that is much needed.
- Larry LaBas, 9664 Betabel Road, SJB ~ spoke against ~ stating will cost the County more money in services, create pollution, create noise and violate Dark Sky regulations
- Elma Burke, 1494 Searle Rd., SJB ~ spoke against ~ concerned with hours of operation, dust and traffic studies conducted
- James Cottle, 3065 Market Street, San Francisco ~ spoke against ~ needed more studies on noise within the RV Park. Enjoys the dark quiet environment and is a frequent resident of RV Park.
- Dee Dee Frankhouser, 9664 Betabel, SJB ~ spoke against ~ RV park employee and resident ~ believes will loose business at RV Park.
- Travis Wilbun, 817 St. Francis Ave., Capitola ~ spoke in support ~ stated that red & green sticker bikes designate riding times and believes revenues will increase at RV Park from those visiting and using the motocross track. Would be a high value to San Benito County
- Morgan Burdette, 1672 Calypso Drive, Aptos ~ spoke in support ~ no legal places to ride in San Benito County or general area, motocross and motorcycle riding is popular sport throughout country. Maybe setting of limits to not interfere with RV Park activities and both can co-exist.
- Pat Machler, 9664 Betabel Rd, SJB ~ spoke against ~ lives in 5th wheel at park is not against project, just location. Feels needs further traffic studies
- Dave Brigantino, 2257 Union Road, Hollister ~ spoke against ~ also representing Sobrato family, a neighbor to the South who are against project. Site too small, will be noisy & dusty project is good, location is wrong – suggested to seek out sponsors.
- John Griego, 388 Calle Cerro, Morgan Hill ~ spoke in support ~ approval will benefit the community in revenue and a place for people to go. Suggests trying it.
- Richard Place, 89 Knight Lane, Hollister ~ spoke against ~ believes project needs EIR, will disrupt people who live full time at park.
- Eric Watt, 305 Bonnie Lane, Hollister ~ not related to applicant ~ spoke in support ~ member of motorcycle club, spend money in our County, no place left to ride in San Benito County, will generate revenue, good for community, give applicant a chance.

Chair DeVries then took a straw poll from fellow Commissioners on the general idea of a new motorcycle park in San Benito County. Commissioner Smith is in favor for economic development, job creation and tourism, Commissioners Bettencourt and Tognazzini concurred with Commissioner Smith, Commissioner Machado supports the economics but at what cost to neighbors. Chair DeVries related that the Commission is in full support of a motorcycle park in San Benito County and would like to hear continued testimony focusing on the site proposed for a track. With that, public testimony continued.

- William Gil, 9664 Betabel Rd, SJB ~ Co-owner of RV Park ~ spoke against ~ stated had over 100 guests staying at park, liked project but not next to Park. Believes 2 businesses are incompatible. Too much noise, dust and air pollution and park caters to older crowd.
- Grant Brians, 6580 Fairview Road, Hollister ~ spoke against ~ asks if conversion of prime ag land is legal and feels EIR is necessary
- Keith Kanady, 412 Airport Blvd, Watsonville ~ spoke in support ~ riding areas are disappearing. Family oriented sport, very little or no crime associated with this sport.
- Sharon Woods, 9664 Betabel Rd, SJB ~ spoke against ~ RV'r at Park between March and November and has been staying at park since 2003. Track will ruin quiet, create dust and noise.
- Mel Hand, 9664 Betabel Rd, SJB ~ has resided at RV Park for past 3 years and works/commutes to San Jose ~ speaks against ~ would not live there if track next door due to noise & dust.
- Frank Paura, 570 Tuscany Place, Hollister ~ spoke against ~ original developer for RV Park. Believes there are significant impacts and an EIR should be done. Good project, not a good location.
- Don Larsen, 9664 Betabel Rd., SJB ~ spoke against ~ living at RV Park for past 3 years – believes will change atmosphere and complexion of park, will lose quiet.
- Barbara Warner, 9664 Betabel Rd., SJB ~ spoke against ~ retired in April, selected this park to live at during retirement. Concerned with wind, dust and loss of quiet.
- Dennis Siller, 9664 Betabel Rd., SJB ~ Betabel Park Manager ~ speaks against ~ good idea, bad location, plays a recording of noise he taped from highway, railroad and motorcycles.
- Colleen Eglund, Anzar Hills, SJB ~ speaks against ~ believes will disrupt environment and quiet, park is a good idea but not a good location and is not big enough site.
- John Kennedy, 300 Payne Rd., SJB ~ speaks against ~ noise, site, pollution, and quiet. Against location for track, but believes the project is good.
- Jennifer Burton, 1423 Burgundy Way, Gonzales ~ spoke in support ~ has rules to live by at home such as good grades and behavior in order to ride motocross and is a family sport. Ms. Burton asks for approval
- Sean Sinnott, 701 38th Ave, Santa Cruz ~ spoke in support ~ asks for approval ~ no place to ride, feels negativity is drawn from fear, need to come together.
- Brad Sullivan, Attorney for William Gil, Lombardo & Gilles, 225 Sixth St., Hollister ~ speaks against ~ feels an EIR is required.
- Jim Chamberlain, 2951 Buena Vista Rd., Hollister ~ speaks in support ~ growing family oriented sport, pollution not coming from motorcycles coming from vehicles on streets and highways, requests approval and feels applicant has met criteria for the use permit.
- Jesse Wilbur, 3400 Glen Canyon Rd, Scotts Valley ~ speaks in support ~ advises the Commission that he and several others who are not San Benito County residents were the parties responsible for the clean up of the project site, river and riverbank and requests the Commission approve the application.
- Roger Grimsley speaks on behalf of the owners of Betabel RV Park ~ believes an EIR is required before the project proceeds, but suggests the applicant find another site for his project.

At the conclusion of public testimony, Chair DeVries requested the applicant again address the Commission regarding his application.

Mr. Watt stated that he has paid professionals to conduct studies that revealed negative impacts or impacts that could be mitigated. Mr. Watt stated that he may have 600 riders present but only 40 at maximum would actually be riding at any one time. Mr. Watt rebutted the previous testimony stating the train passes the area 11 to 18 times per day; the dust would be controlled with constant watering and would be at a minimum and also acknowledged that the soils on his project are on prime ag, but noted the RV Park is also prime ag which has been paved over. Mr. Watt stated he had hired a civil engineer to design a drainage plan in the event of a flood and ended his rebuttal with thanking everyone for their time, support and testimony and requesting approval.

Dennis Siller stated he would like to place a petition into the record that he had obtained 223 signatures of those using the park and neighbors who oppose the application.

Mr. Watt added he also had a petition with signatures of support totaling 2,000 for the record.

Chair DeVries then closed the public comment period. Chair DeVries called for a break at 9:33 PM.

Chair DeVries reconvened at 9:40 PM. Chair DeVries asked SP Ortwein if a traffic study had been conducted. SP Ortwein stated that Higgins & Associates had conducted a traffic study for this project. PP Turner called attention to the traffic study discussion in the Initial Study and what issues were visited during the study.

DDPW Nazemi stated that Public Works had reviewed the traffic study which anticipated 300 attendees on weekends and 200 on weekdays. DDPW Nazemi noted that the study determined that the project would operate at Level Service A or B. Noting that the applicant specified different numbers, DDPW suggested the Commission limit the numbers based on the traffic study.

Chair DeVries asked about the hours of operation and a lighting plan, DDPW Nazemi and SP Ortwein re-read the hours proposed. PP Turner offered that a lighting plan was not prepared but mitigations were included for lighting that would be in compliance with the Dark Sky Ordinance.

Chair DeVries asked about the Pajaro River Authority involvement. SP Ortwein stated that this Commission reviews the environmental impacts on the Pajaro River. PP Turner stated that this group asked for and would be provided a copy of the application however; they did not have any jurisdiction over this section of river. SP Ortwein added that Jeff Cattaneo of the Commission stated it was determined there would be no impact on the Pajaro River from this site causing flooding downstream. Chair DeVries stated he believed that more clarity is needed from this Commission. PP Turner reiterated it was determined that this site was out of their jurisdictional boundary.

Chair DeVries asked DCC Murphy about the conversion of Grade 1 soils. DCC Murphy stated that this would not be a permanent conversion and could be reverted back. The General Plan policy is to give prime ag land the highest priority and there was difficulty in making findings for any exceptions provided.

Chair DeVries asked for clarification on 'riding clubs' and if that included motorcycles. SP Ortwein stated that the language in the Ordinance was broad and only provided for 'Riding Clubs' for recreational use, not specifying what could be ridden. PP Turner added the only other similar use would be Hollister Hills. Chair DeVries suggested that this language be visited during the General Plan Update process.

Commissioner Machado asked if the dust plan was for construction only. SP Ortwein stated that the applicant had a daily watering plan proposed and that soil stabilizers are a requirement. SP Ortwein also noted that Monterey Bay Unified Air Quality Control has also requested periodic site inspections to monitor dust control and mitigations (Mitigation Measure No. 23; Condition #9) were included per their request for the period of the Use Permit.

Commissioner Machado asked why both chemical toilets and a septic system were required. SP Ortwein stated this would provide enough facilities based on crowd size after consultation with Environmental Health.

Mr. Watt, applicant, clarified for Commissioner Machado that red sticker motorcycles are not allowed to be ridden June through October in any California State Park and green sticker motorcycles are allowed year round and riding is not allowed in a state park without either sticker. Commissioner Machado stated he believed that funds from those stickers can only be used for expansion of an existing park or the creation of a new park.

Commissioner Bettencourt added that Hollister Hills allows off-season red sticker riding when an event is leased to a promoter as long as the noise levels are not exceeded. Chair DeVries stated he felt clarity was needed for the red/green sticker issue for this application.

Commissioner Machado stated he felt there were contradictions to the flood plain questions and the compatibility of placing this type of use next to a residential area. Commissioner Machado added he felt that this is something that is needed in the community but that the location is not good. Commissioner Machado stated he had concerns with a Use Permit on prime ag soils.

Commissioner Bettencourt commended the applicant for the project but stated he felt this was not the right location for this type of use.

Commissioner Smith concurred with his fellow Commissioners that this is a good project, would greatly benefit the economy but felt it was a bad location. Commissioner Smith encouraged the applicant to think 'bigger' at a different location.

Commissioner Tognazzini also agreed with his fellow Commissioners stating that he had concerns with the use of prime ag land, impacts in the area and that the project needed an EIR before a decision could be made.

Chair DeVries concluded that the Commission was not ready to vote on the project at this time, that there were too many unanswered questions and additional studies should be done including an EIR.

DCC Murphy added that based on testimony provided that it appears that an EIR would be required.

Chair DeVries advised the applicant Mr. Watt, that the project is indeed supported; the location is not and suggested he possibly seek out another location and move forward.

Commissioner Bettencourt stated that he was impressed that the project site had been cleaned up by the applicant and his friends who were primarily from out of the County.

PP Turner stated that the location was picked by Mr. Watt after a meeting with several County departments in 2005 where it was the general consensus this would be a site where noise could be mitigated, traffic would not be an issue and it was a location that had historical code enforcement issues which would be eliminated. This site was a code enforcement nightmare which no longer exists since the clean up by the applicant. PP Turner added the RV Park has time limits for its patrons and it was not felt there would be an issue.

Commissioner Machado said he would not like to see the applicant move forward and spend more time and money without mitigation with the RV Park.

Commissioners Bettencourt, Tognazzini, Smith and Chair DeVries concurred with Commissioner Machado all encouraging that the applicant move forward with his project but at a different location.

DCC Murphy added that an EIR does open doors, however there is still no guarantee in approval of the project.

After some additional discussion, Commissioner Machado moved to continue the project to a date uncertain, directing staff to prepare an EIR and to allow the applicant to meet with Planning staff and decide what steps he wished to pursue. The motion was seconded by Commissioner Smith and passed unanimously 5/0.

The current time was then 10:25 PM with a 9:30 PM rule of no new business, Commissioner Machado moved to adjourn the meeting, the motion was seconded by Commissioner Bettencourt and passed unanimously 5/0. The meeting was adjourned at 10:26 PM.

*Minutes prepared by:
Clerk Trish Maderis*

*Attest:
Principal Planner Byron Turner*

Attest: Art Henriques, Director of Planning & Building Inspection Services