

STAFF REPORT

PROJECT DATA:

Application: PLN20007 Temporary Use Permit request to conduct a two-day 600-800 rider, Hare Scramble Motorcycle event at the Lazy Bumb Ranch, East of Paicines, March 7 and March 8, 2019.

Public Hearing: February 19, 2020

Applicant: Operator/Applicant Brian Garrahan

Location: Lazy Bumb Ranch, 21119 Panoche Road, Paicines

APN: 027-200-011, 027-200-015

General Plan: Rangeland (R)

Zoning: Agricultural Rangeland (AR)

Planners: Taven M. Kinison Brown, Principal County Planner
Michael Kelly, Associate Planner

PROJECT DESCRIPTION:

This Temporary Use Permit request item is before the Planning Commission, as RMA Planning staff is in need of direction. While staff generally reviews and approves Temporary Use Permits for carnivals, fairs, seasonal tree farms, charity fundraisers and community events, such as Aromas Days, the actions that staff should take regarding off road recreational motor vehicles would benefit by a discussion with the Planning Commission. The County General Plan Policy HS-8.4 Off-Road Recreational Vehicle Use does not explicitly address temporary activities. Staff has prepared two resolutions for the Planning Commission to take action on one; one to approve a temporary use permit, and the other to deny a temporary use permit.

The issue at hand is that last year in March of 2019, the off-road motorcycle event sponsor informed County Planning staff that he had advertised an off road motorcycle event and that, “folks were coming” in just a matter of weeks. With a spirit of cooperation and thoughts of how to assure public notice and public safety for such an event, planning staff realized that the event was basically underway and unstoppable. Staff jumped to capture as much information as possible on the location, amount of participants, and to inform the County’s public safety officials quickly.



Information packets were distributed to the Sheriff, Fire Department, ambulance service and Environmental Health Department (for sanitation and food safety issues). The event sponsor directly engaged with these public safety officials. Meanwhile, County planning staff assembled conditions of approval so that public safety would be maintained and that liability and County indemnification would be assured. Last year, the two-day Lazy Bumb Hare Scramble occurred on March 30 and 31, 2019 at the Lazy Bumb Ranch on 21119 Panoche Road in Paicines. There

were approximately 690 motorcycle-riding participants who were accompanied by their supporting vehicles, campers, staff, family members, and fans. The present marketing brochure for the events states that “Our events draw an estimated 1,000-3,000 racers, family members and spectators per day.” http://garrahanoffroadtraining.com/event/gilroy-motorcycle-center-lazy-bumb-hare-scramble/?instance_id=5470.

In the year that has passed since the March 2019 Hare Scramble, and with more time to appropriately consider the event, Planning Staff has become aware of General Plan Policy HS-8.4 Off-Road Vehicle Use.

A direct and literal read of this Policy from the Health and Safety Element of the General Plan would restrict off-road recreational motor vehicles to only those areas specifically designated for that purpose; Clear Creek and Hollister Hills State Vehicle Recreational Area.

While last year’s event has come and gone, staff is not aware of any egregious complaints, or safety concerns raised by public safety officials or neighbors. Reportedly there were a few noise complaints from neighboring properties for the two day event, yet the event is a temporary event, and all such organized activities cease once the event is over. (See discussion ahead that addresses Noise Exemptions)

Staff has further learned of additional off-road motorcycle events that occur regularly in the County approximately 50 miles south of Hollister on 320 acres of private property owned by a motorcycle club founded in 1934. According to publicly available internet resources, “The club is a family oriented organization with a roster of 60 active members and about 20 life members. The Club owns 320 acres of property adjacent to the Bureau of Land Management's [Clear Creek](#) OHV recreation management area, which is used as a campground and where the Picacho Creek Challenge National Hare Scramble is staged.”

No permits have been requested nor issued for these events occurring in the Clear Creek Region, with the next event to occur in February of 2020. (Image From 2019 event)

HS-8.4 Off-Road Recreational Vehicle Use

The County shall limit the use of off road recreational motor vehicles to those areas specifically designated for that purpose, (i.e. Clear Creek and Hollister Hills State Vehicular Recreational Area) and shall maintain lands surrounding those areas in open space and agricultural use as a means of providing a noise buffer zone. (RDR)

2019 PICACHO CREEK HARE SCRAMBLES
FEBRUARY 16-17, 2019
GPS: W. 36.325809 - N. 120.722669
SRMC RANCH - 22201 COALINGA RD, PAICINES, CA 95043

Saturday - February 16th		Sunday - February 17th	
Motion Pro 036 Youth Championship Cross Country Series Hosted by Modesto Honda/Kawasaki/KTM Race #1 (8am -8:30am) - A/B 50cc Youth Clutchless Race #2 (8:45am-9:15am) - C 50 (4-6 yrs) - C 50 (7-8 yrs)		SRT 036 Championship Cross Country Series Hosted By SPECBOLT Race #5 (12:45pm -2:15pm) - AA, A&B Youth (12-15 yrs) Race #6 (2:45pm -4:15pm) - Vintage Blue Plate AB&C - C SR - C SR Plus	
		Race #1 (8:00am -9:30am) - C Sportsmen - C Vet & Vet Plus - B/C Women - B/C Vet Women Race #2 (10:30am-12:00pm)	
		Race #3 (1:00pm -3:00pm) - AA & A Sportsmen - A Vet - A SR - AA Women Race Entry	

Why was General Plan Policy HS-8.4 written that way?

Policy HS-8.4 is derived from HS Goal 8. “To protect the health, safety and welfare of County residents through the elimination of annoying or harmful noise levels.” Policies in this section address reducing unwanted noise through building project design, acoustical analyses in “noisy” environments, construction noise, and aircraft noise among others.

Notably though, Policy HS-8.8 addresses Noise Exemptions. “The County shall support the exemption of the following noise sources from the standards in this element: Item c: Activities associated with County-permitted *temporary events* and festivals.”

What Are the Policy Ramifications?

Should the Planning Commission determine that HS-8.4 does not apply to temporary, one to three day events:

- Then the County can process a Temporary Use Permit such as the RMA Planning staff did last year that includes notices to adjacent property owners within 300 feet of the subject property, full review and conditions of approval from public safety officers and indemnification against incurring public liability.
- Temporary Uses of property are governed by County Code §25.29.015 C, subject to a specific time limit not to exceed 30 days/year.
 - For seasonal pumpkin and holiday tree sales, these temporary events have been approved for consecutive 30 day periods;
 - Another interpretation would consider dividing 30 days a year by 12 months, allowing approximately 2.5 days per month for recurring temporary special events. (Would the Planning Commission Agree here?)
- Additional groups both large and small would be allowed to request Temporary Use Permits for Off-Road Recreational Vehicle Use.
 - Potentially, numerous events could be proposed on a given property as long as 30 days on a given property are not exceeded in a given year.
 - These events could be requested in almost any region of the County – until such time as the general plan was updated and clarified.
- The County could request that other motorcycle clubs that have not obtained permits in the past step forward to formalize their off road activities.
 - This may face opposition.
- Problems in processing requests will arise when “a great track” is known at a given location and multiple temporary events are proposed.
 - In this situation, it may be better for the County to insist on a Conditional Use Permit –
 - Yet this would not be allowed with the direct reading of Policy HS-8.4.
 - Additional environment review and associated expenses may be necessary.

If the County interprets HS-8.4 to apply to **ALL** off road vehicle use, *temporary* and semi-permanent facilities ...

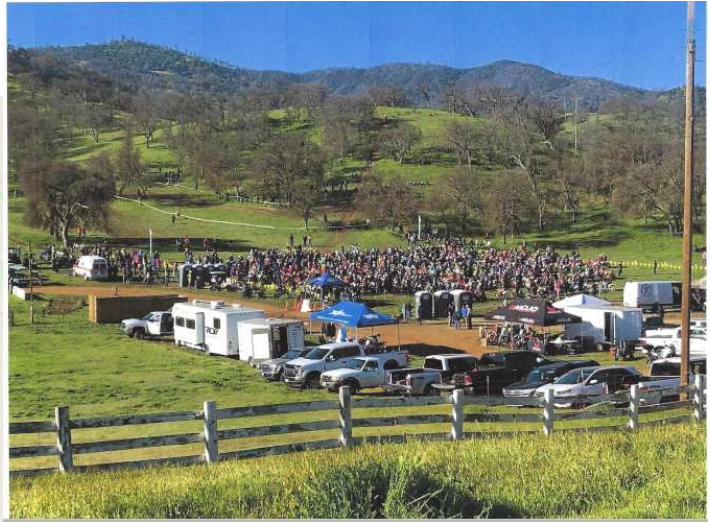
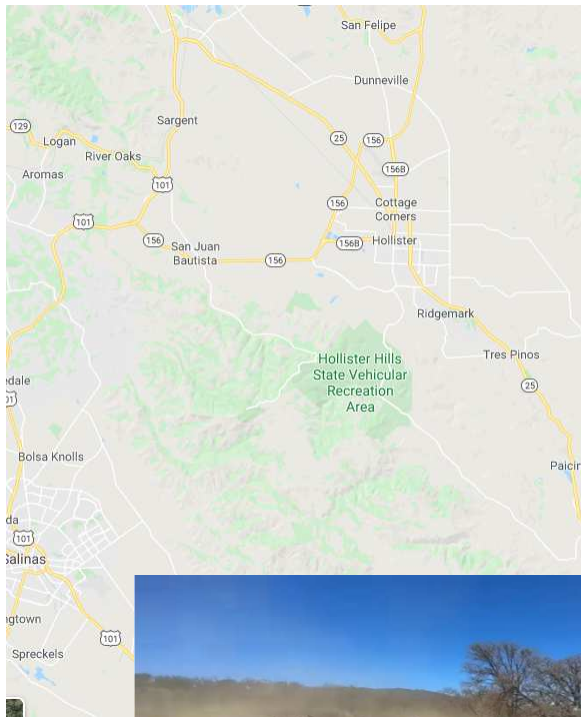
- Then the County of San Benito will have an enforcement issue of which the County may or may not have the public resources to police such matters.

- “Equal treatment” may not be politically palatable to the County as long-standing regular events occurring away from the designated off-road recreation areas at Clear Creek and Hollister Hills would be considered *not allowed*.
- Potential loss of temporary / seasonal economic development opportunities to capture the retail, lodging and food needs of the event goers: potentially lost fuel sales, occupancy taxes at hotels and motels, restaurant food sales, camping supplies, propane tank refills, ice cream, breakfast houses, etc.
- Would this apply to the several annual non-profit fundraising, Truck Pulls?”

More about the Hare Scramble Race

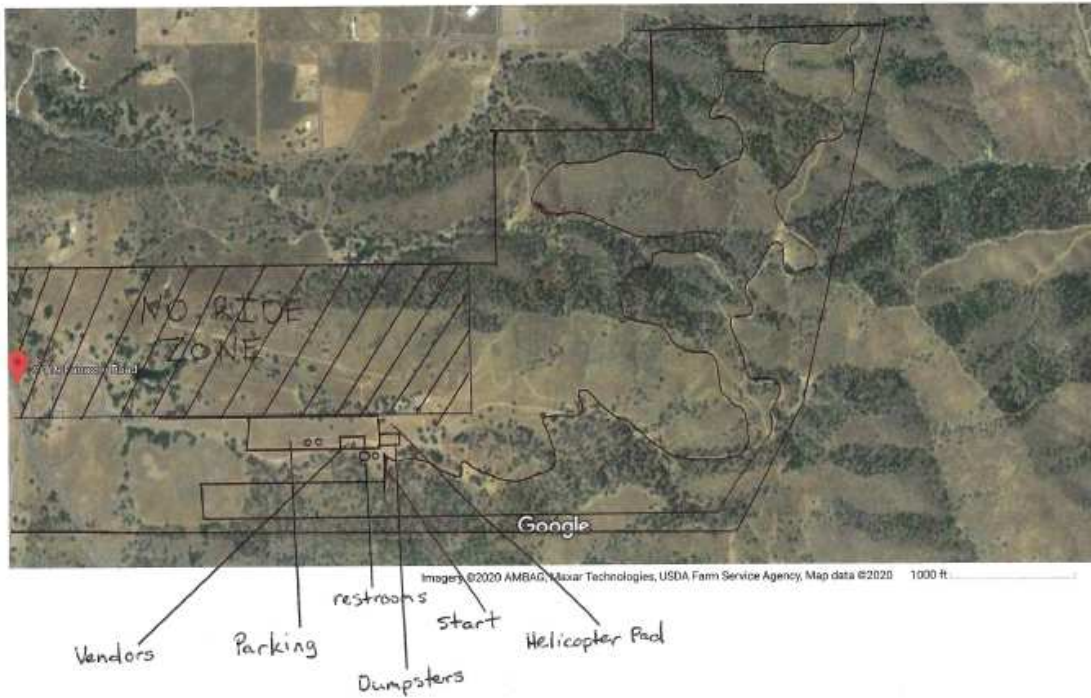
Please see the attached County application materials and supporting documentation from the applicant in **Exhibit D**. Live action video can be viewed at the following YouTube Website <https://www.youtube.com/watch?v=jZDLxJtDJJI>.

Where: Approximately 31 miles south and east of the City of Hollister. 21119 Panoche Road, Paicines.



Race Course

Google Maps 21119 Panoche Rd



21119 Panoche Rd - Google Maps

Pit Map

<https://www.google.com/maps/place/21119+Panoche+Rd,+Paicines,+CA+95043...>

Google Maps 21119 Panoche Rd





When: For this particular event March 7, and March 8, 2020. Please see the 2020 AMA District 36 Race Schedule below.

- Jan 19-20 Rnd 1 Prairie City
- Feb 15-16 Rnd 2 Picacho Creek HS
- Feb 22-23 Rnd 3 MMX HS
- Mar 7-8 Rnd 4 Lazy Bumb HS
- Mar 20-21 Rnd 5 Phantom HS
- Mar 28-29 Rnd 6 Old Crow HS
- Apr 11-12 Rnd 7 Shasta Dam GP
- Apr 18-19 Rnd 8 Fort Sage HS
- Apr 25-26 Rnd 9 Burrows Ranch HS
- June 6-7 Rnd 10 Donner HS
- Oct 3-4 Rnd 11 Bigfoot Blitz
- Nov 7-8 Rnd 12 Lillputian HS
- Nov 14-15 Rnd 13 Blue Mountain
- Nov 21-22 Rnd 14 Willseyville HS

What Direction would the Planning Commission like to take?

As introduced above, staff has prepared two resolutions; one to approve a temporary use permit, and the other to deny a temporary use permit.

The case to deny would rely on the strict literal reading of Policy HS8.4. “The County shall limit the use of off-road recreational motor vehicles to those areas specifically designated for that purpose, (i.e. Clear Creek and Hollister Hills State Vehicular Recreational Area) and shall maintain lands surrounding those areas in open space and agricultural use as a means of providing a noise buffer zone.” The attached draft resolution for denial includes the following potential evidence.

The proposed activity invites use of off-road recreational motor vehicles that would be significant in terms of the intended volume of visiting motor vehicle users and the long and broad distance to be traveled on the site by these motor vehicles. This significant use represents the level of activity that Policy HS-8.4 intends to be limited to the listed facilities specifically designated for such a high volume and extensive use of motor vehicles. The project is proposed for a location other than one of those listed facilities and therefore is not properly located with regard to the General Plan and its Policy HS-8.4.

The Planning Commission recognizes that projects that are disapproved are exempt from review under the California Environmental Quality Act (CEQA) per a Statutory Exemption as provided in State CEQA Guidelines §15270.

The case to approve, could be made if the Planning Commission determines that Policy HS-8.8 which accommodates a Noise Exemption for, “Activities associated with County-permitted **temporary events** and festivals,” is a moderator to Policy HS-8.4 and is the General Plan’s “voice” in this case for allowing occasional races and events outside of the Clear Creek and

Hollister Hills State Vehicular Recreational Area. The attached draft resolution for approval includes the following recitals and potential evidence.

- *The subject parcel is located at 21119 Panoche Road, near Panoche Pass 7½ miles west-northwest of the Panoche Road–Little Panoche Road intersection, unincorporated San Benito County, California (Assessor’s Parcel 027-200-011 and 027-200-015) and is approximately 800 acres in area; and*
- *Brian Garrahan has filed an application to obtain a temporary use permit for a motorcycle race/event on said property with attendance by approximately 700 visitors and a riding course approximately seven miles in length, scheduled for March 7 and 8, 2020; and*
- *The temporary activity has direct access to a public road (Panoche Road, or County Route J1) and proposes measures to manage cleanliness and safety; and*
- *The said property currently has a General Plan land use designation of Rangeland (RG) and a zoning designation of Agricultural Rangeland/Open Space (AR/OS); and*
- *Temporary uses of property are governed by County Code §25.29.015, which allows short-term activities subject to County temporary use permit approval and enforcement under County Code Chapter 25.51; and*
- *The area of the proposed activity would comprise approximately two thirds of the subject property; and*
- *A similar event took place on the subject property on March 30 and March 31, 2019, and resulted in no formal complaints submitted to County Code Enforcement personnel; and*
- *The Planning Commission finds that the proposed event, as a single occasion of use by riders of off-road vehicles rather than an ongoing activity, does not constitute the intensive level of off-road recreational vehicle use addressed by County General Plan Policy HS-8.4, listing public park facilities where significantly greater use of these vehicles than that currently proposed on the subject property would be found; and*
- *The proposed temporary use offers a recreational opportunity to the public and may promote the local economy and scenic qualities of the area; and*
- *The Planning Commission finds the project exempt from the California Environmental Quality Act (CEQA) under State CEQA Guidelines §15301 and §15304 for the project’s temporary nature, its site restoration requirement, the presence of existing roads on the site, and other factors indicating negligible environmental effects.*

Additionally, The Resolution to approve the project includes specific and measured Conditions of Approval to assure that public safety is assured for this temporary event. These conditions in the attached Resolution include:

- Indemnification (Against public liability)
- Conformity To Submitted And Reviewed Plans And Operations
- Waste Disposal And Event Cleanup
- Fire Safety
- Security
- Emergency Medical Response
- Traffic Coordination
- Parking
- Cultural Resources Protections
- Hazardous Materials Protections

- Sewage Disposal / Portable Toilets
- Drinking Water
- Food Preparation And Requirements For Mobile Food Facilities

The application is silent in regards to alcohol sales.

STAFF ANALYSIS:

Initially, when planning staff first interpreted Policy HS-8.4 restricting off road recreational activity to the designated public off road recreational vehicle parks in San Benito County, Clear Creek and Hollister Hills SRVA, staff assumed these “protections” were put in place for classic land use issues such as protection of natural and streambed resources, tree protection, hillside and view-shed protection, biology and habitat qualities, and protection of air quality (dust and exhaust) etc. But upon the closer contextual read of the Health and Safety provisions of the General Plan – it is all about noise, not these other issues. And, the General Plan designates a “Noise Exemption” for “County-permitted *temporary events* and festivals.”

While there will be future “sticking points” that will arise for County RMA staff and Planning Commissioners, such as “*how many*” temporary events can be “County-permitted” at a given fixed address in a given period of time, and the equal treatment issue of *what to do with long tradition off road motorcycle events* such as those sponsored by the motorcycle club mentioned earlier, staff believes it appropriate to welcome and accommodate the Lazy Bumb Hare Scramble, at this location and at this time.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission review the staff report, take public testimony from all those who wish to be heard in the matter and make the findings to **Adopt The Resolution To Approve** PLN200007 for the Lazy Bumb Hare Scramble (temporary off road motorcycle event), subject to the conditions of approval found in the resolution.

Furthermore, planning staff recommends that “the County” enhance its efforts at attracting economic development opportunities and join with this operator, other operators and the Chamber of Commerce in findings ways to maximize such events for the public good and welfare.

Exhibits and Attachments

- Exhibit A. Project Data Sheet PLN20007
- Exhibit B. Resolution for Approval, with conditions of approval, and with attachments:
 - Attachment 1 Project Site Plan
 - Attachment 2 Operations Plan
- Exhibit C. Resolution for Denial
- Exhibit D. Additional Materials from the Applicant

Exhibit A: Project Data Sheet PLN200007
Garrahan/Lazy Bumb Ranch Hare Scramble – Motorcycle Race

Project proposal: To hold a motorcycle race/event with attendance by approximately 700 visitors and a riding course approximately seven miles in length, scheduled for March 7 and 8, 2020.

Assessor Parcel Number: 027-200-011 and 027-200-015

Legal Lot of Record: This parcel was established as a legal lot of record by a deed in Volume 328 of San Benito County Official Records Page 222.

Permit Requirement: Temporary Use Permit

Zoning: Agricultural Rangeland/Open Space (AR/OS)

General Plan: Rangeland (RG)

Land Use: Currently grazing land with residence, agricultural buildings, and historical landing strip.

Minimum Building Site Allowed: 40 acres

Lot Sizes: 807 acres (as regarded by the County Assessor)

Sewage Disposal: The applicant is required to comply with County Division of Environmental Health requirements on the use of portable toilets and handwashing stations.

Water: The applicant is required to comply with County Division of Environmental Health requirements on drinking water supply for the scale of event.

CEQA Determination: Exempt per Categorical Exemption under State CEQA Guidelines §15301 (Class 1, Existing Facilities) and §15304 (Class 4, Minor Alterations to Land) or per Statutory Exemption under §15270 (Projects which are Disapproved).

FEMA Flood Zone: All site within Flood Zone X (not within a 100-year floodplain) with exception of approximately 500 feet of Panoche Road frontage in Flood Zone A (within a 100-year floodplain), according to FEMA FIRM panels 06069C0400D and 06069C0425D, effective April 15, 2009.

Fire Severity: Moderate Fire Hazard Severity Zone on southwestern half, High Fire Hazard Severity Zone on northeastern half

Within earthquake fault zone: Not mapped within an Alquist-Priolo Earthquake Fault Zone

Williamson Act Contract Area: No

Is the proposal consistent with the General Plan Designation and Zoning? Staff recommends a finding of consistency with the General Plan by adoption of the resolution of approval. The staff report contains further discussion of this topic. Provided this consistency, the County Zoning Ordinance permits the proposed temporary use under County Code §25.29.015 (Temporary Uses).