

EXHIBIT 21

CPC Resolution No. 13-2016

RESOLUTION NO. 13-2016

RESOLUTION OF THE COUNTY PLANNING COMMISSION OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, TO APPROVE COUNTY FILE #LP15-2040 TO MODIFY THE CONDITIONS OF APPROVAL OF A LAND USE PERMIT FOR AN EXISTING OFF-ROAD MOTORCYCLE RECREATION PARK.

WHEREAS, John and Lori Ramirez (Applicants) and James and Dorothy Schmidt (Owners) have submitted an application to modify the Conditions of Approval for an existing land use permit (County File #LP95-2020) for the operation of an off-road motorcycle recreation park. No expansions or modifications to the existing entitlement are proposed. The applicants also request a grading permit to 15,000 cubic yards of dirt for abatement of non-permitted motorcycle tracks constructed by the previous property owners, and to move the oval track to the approved location, and for overall general site maintenance and track grooming that is required in order to reopen the park to the public; and

WHEREAS, for the purpose of compliance with the provisions of the California Environmental Quality Act (CEQA), and State and County CEQA Guidelines, Staff has determined that County File #LP15-2040 is categorically exempt under a Class I exemption pursuant to Section 15301 for existing facilities; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled before the County Planning Commission on Tuesday, July 26, 2016, during which hearing the County Planning Commission fully reviewed, considered and evaluated all testimony and evidence submitted in this matter.

NOW, THEREFORE, BE IT RESOLVED, that the County Planning Commission takes the following actions:

1. FIND County File #LP15-2040 to be exempt from the California Environmental Quality Act (CEQA);
2. APPROVE the revised site plan received on October 8, 2015, and the proposed modifications to the Conditions of Approval for County File #LP95-2020, and approve County File #LP15-2040 subject to the attached findings and conditions of approval; and
3. DIRECT staff to file a CEQA Notice of Exemption with the County Clerk.

BE IT FURTHER RESOLVED that the reasons for these recommendations are as follows and as described in the July 26, 2016 staff report to the County Planning Commission:

PROJECT FINDINGS

A. Growth Management Performance Standards:

1. **Traffic** The Growth Management Element of the County General Plan requires consideration of permanent traffic increases related to population growth. Growth is influenced by development that increases population by attracting new residents to the county. New residential and commercial developments are the primary causes of growth that can increase traffic in an area on a permanent basis. No residential or commercial development is proposed as part of this project that would require implementation of the requirements of the Growth Management Element. The project is a modification to an existing entitlement for the continued operation of an existing off-road motorcycle recreational park. The subject motorcycle recreational park has been in operation since 1973. The project will continue the operation of the facility in a manner consistent with the existing entitlements. No expansion or intensification of the use is approved; therefore, no changes in existing traffic levels associated with the operation of the facility are proposed.
2. **Water** The subject property currently receives water from an existing onsite water well. No new residential or commercial construction is proposed that would require additional water service to the site.
3. **Sewage Disposal** The subject property is serviced by an existing septic system. No new residential or commercial development is proposed that would require additional sewage facilities; therefore, the project will not impact water-quality standards or waste-discharge requirements.
4. **Fire Protection** The site is currently served by the East Contra Costa Fire Protection District. The District has reviewed the project and provided their comments and conditions relating to the proposed project, and no new or increased fire protection services were required.
5. **Public Protection** The Growth Management Element, Section 4.4 of the County General Plan requires 155 square feet of Sheriff's station area and support facilities for every 1,000 members of the population. Since there is no residential or commercial development proposed, which could induce population growth, the project would not increase the population up to or

within this threshold, and therefore, the project would not increase the demand for police service facilities or require the construction of, or the need for new police substations within the area.

6. **Parks and Recreation** The County General Plan requires that three acres of neighborhood parks be available for every 1,000 members of the population. The proposed project will not result in an increase in the County population. There will not be an impact on the demand for parks within the County, nor will there be an associated increase in the population as a result of the project. The project proposes no residential or commercial development that could induce population growth in the area.
7. **Flood Control and Drainage** The project does not propose any drainage improvements or significant changes in existing grades or contours on the subject property that could affect existing drainage patterns. The subject site is not located within a 100-year flood hazard zone as determined by the Federal Emergency Management Agency. Therefore, the proposed project will not adversely impact or alter flood control or drainage patterns.

B. Land Use Permit Findings:

1. ***The proposed project will not be detrimental to health, safety, and the general welfare of the County.***

Project Finding The proposed Land Use Permit modification for the existing off-road motocross recreation park as conditioned will not pose a threat to the health, safety, or welfare of the County. All of the requirements of the Community Development Division, the Building Inspection Division, the Health Services Department, and the Fire District must be adhered to at all times. The continued operation of an existing motorcycle recreational facility will not impact the health, welfare, and safety of the County.

2. ***The proposed project will not adversely affect the orderly development of property within the County.***

Project Finding The project does not propose any development, but rather to continue the operation of an existing off-road motocross recreation park. The land use is consistent with both the General Plan and Zoning designations for the subject agricultural property, and thus it will not adversely affect the orderly development of property within the County.

3. ***The project as conditioned will not adversely affect the preservation of property values and the protection of the tax base within the County.***

Project Finding Typically, illegal land uses that are established in a manner inconsistent with the General Plan and the zoning code have the potential to degrade property values. Also, homes, properties, and buildings that are allowed to decline into a condition of disrepair can contribute to negative property values. The proposed Land Use Permit modification for the existing off-road motocross recreation park is consistent with both the General Plan and Zoning designations for the subject agricultural property, and the facility and property has been maintained in good condition by the current property owners. Once the facility is open to the public, its operation will contribute to the tax base of the County with taxes generated from revenue received by operation of the park. Therefore, it will not have a detrimental effect on property values or the County tax base.

4. ***The project as conditioned will not adversely affect the policy and goals as set by the General Plan.***

Project Finding The subject property has a General Plan designation of "Agricultural Lands" (AL), which states that extensive recreational facilities may be allowed in agricultural areas that are designated AL by issuance of a land use permit. The continued operation of the existing off-road motocross recreation park is consistent with the goals and policies of the General Plan.

5. ***The project as conditioned will not create a nuisance and/or enforcement problem within the neighborhood or community.***

Project Finding The primary potential nuisance that could be associated with this land use would be posed by loud noise generated from running motorcycles. The sound study prepared for the project predicted that noise levels at all the modeled property line locations is below the Noise Element guideline of 75 decibels, which is considered "normally acceptable" for areas with a General Plan designation of Agricultural Lands. As conditioned, and with the reduced hours of operation and by reducing the days open from 7 days to 5 days per week, the project will not create a nuisance and/or enforcement problem within the neighborhood or community.

6. ***The proposed project will not encourage marginal development within the community.***

Project Finding Development is controlled by zoning, the General Plan, and physical constraints. The existing motorcycle recreation park has been in operation since 1973 and has not contributed to marginal development in the surrounding community. In fact, the project proposes no new development, and therefore will not encourage or set precedence for marginal development within the community.

7. ***That special conditions or unique characteristics of the subject property and its location or surroundings are established.***

Project Finding The subject property is unique in that it has been the location of the only permitted off-road motorcycle recreational facility in the county since 1973. The property has unique and varied topography that makes it ideal for motorcycle sports. These characteristics, along with the proper zoning and General Plan designations, and the isolated location, make the subject property ideal for this kind of land use.

WHEREAS, at the July 26, 2016 hearing, the County Planning Commission found the project to be exempt from CEQA and approved County File #LP15-2040; and

WHEREAS, in a letter dated August 1, 2016, the law offices of David W. Trotter representing project opponents filed an appeal of the County Planning Commission's decision to approve County File #LP15-2040, citing primarily objections to the project's exemption from CEQA, the project's noise compatibility with the General Plan, and the validity of the existing use permit; and

NOW BE IT RESOLVED that the secretary of this Commission will sign and attest the certified copy of this resolution and deliver the same to the Board of Supervisors, all in accordance with the Government Code of the State of California.

This Resolution was approved upon motion of the County Planning Commission on Tuesday, July 26, 2016 by the following vote:

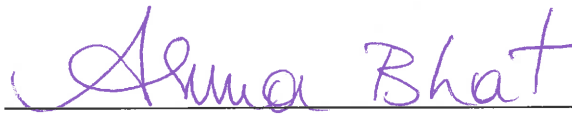
AYES: Wright, Terrell, Swenson, Snyder, Steele

NOES: None

ABSENT: Clark

ABSTAIN: None

Duane Steele, Chair
County Planning Commission
County of Contra Costa, State of California



ATTEST:

ARUNA BHAT, Secretary
County of Contra Costa,
State of California