

County of Santa Clara  
Department of Planning and Development  
County Government Center, East Wing, 7th Floor  
70 West Hedding Street  
San Jose, CA 95110  
Phone: (408) 299-5700  
[www.sccplandev.org](http://www.sccplandev.org)



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April 4, 2022

Ofelia Pena McCain  
7640 Filice Drive  
Gilroy, CA 95020

[ofiemccain@gmail.com](mailto:ofiemccain@gmail.com)

\*\*\*BY EMAIL ONLY\*\*\*

**FILE NUMBER:** PLN22-048  
**SUBJECT:** Renewal of a Use Permit (File 1877-07U) for an Existing Charro Rodeo Facility  
**SITE LOCATION:** 17555 Condit Road, Morgan Hill, CA (APN: 728-21-009)

Dear Ms. Pena McCain,

The application for renewal of a use permit (File 1877-07U) for an existing Charro Rodeo facility at 17555 Condit Road, Morgan Hill (APN: 728-21-009) is **incomplete**. For the application processing to resume, please resolve the following issues and submit the information listed below.

Resubmittals are made electronically with the project manager/planner and must include all requested information along with a completed application form (which is used to track the resubmittal). Once the information is resubmitted, the Planning Office will distribute the plans, reports and/or information to the appropriate staff or agency for review.

If there are any questions about the information requested, please contact the specific staff for that item.

A VIRTUAL APPOINTMENT IS REQUIRED FOR A RESUBMITTAL. PLEASE EMAIL TO SCHEDULE AN APPOINTMENT.

Please submit all electronic copy of the revised plans /resubmittal documents (PDF) with a *written response* addressing the following items.

**PLANNING OFFICE**

Contact Lara Tran at (408) 299-5759 or [lara.tran@pln.sccgov.org](mailto:lara.tran@pln.sccgov.org) regarding the following comments:

1. Provide a current Grant Deed as part of the resubmittal for staff to confirm current ownership of the parcel.

2. Provide evidence the owner had submitted Post-Approval Monitoring (PAM) on compliance with the conditions of approval from the approved renewal of the User Permit (File 1877-06P) from April 21, 2007.
3. Provide a detailed project description on the continuing use that includes the following:
  - A. Hours of operation and events
  - B. Number of patrons and employees expected on the property for all events
  - C. Security plan for events
  - D. Lighting compliance plan
  - E. Noise compliance plan
  - F. Signage compliance plan
4. Provide a detailed description on *how* the owner/applicant will be complying to all the conditions within the Use Permit (Exhibit A, items 1 to 12) and ASA (Exhibit B, items 1-27) that was approved on April 21, 2007.

#### **LAND DEVELOPMENT ENGINEERING**

Contact Ed Duazo at (408) 299-57 or [darrell.wong@pln.sccgov.org](mailto:darrell.wong@pln.sccgov.org) regarding the following comments:

5. Per the current Use Permit Conditions of Approval, grassy swales and grassy areas serving as treatment areas to reduce storm water pollution from the bull pasture area and barn area are to be maintained (Condition No 19). In the site plan, clarify where these items (barn area, bull pasture area, grassy swales, and grassy areas) are located.

#### **FIRE MARSHAL OFFICE (FMO)**

Contact Alex Goff at (408) 299-5763 or [alex.goff@sccfd.org](mailto:alex.goff@sccfd.org) regarding the following comments:

6. Previous 2007 Use Permit item #6 stated a dedicated 12 ft. wide emergency access made of an "all weather" material would be installed. It's not clear on the plans where this access is located.
7. Previous 2007 Use Permit item #27 states to contact Deputy Fire Marshal to inspect the site to comply with upgrades or improvements necessary for public safety. Provide documentation regarding this inspection.

#### **VALLEY WATER**

Comments from Valley Water is pending and will be sent once received by staff.

#### **COUNTY OF SANTA CLARA PARKS DEPARTMENT**

Comments from County Parks is pending and will be sent once received by staff.

**ADDITIONAL INFORMATION/ISSUES OF CONCERN** (The information in below are not incomplete items and are not required to deem the application complete for processing. The section is informational only and can be discussed further if desired with County Staff.)

8. Please note that the renewal of the Use Permit may require an Environmental Assessment (Initial Study) based on additional information.

9. The renewal of the Use Permit will require a public hearing at the Planning Commission meeting. If a community meeting for the renewal of the Use Permit is needed prior to deeming the application complete, staff will work with the applicant on scheduling for a possible community meeting.

**Prior to a resubmittal, please schedule an appointment to discuss any comments regarding the project if needed.**

Please make sure the requested changes are made for the revised plan sets and documents that are needed for the resubmittal. **Resubmittals are only accepted by appointment with the assigned project manager.** If the requested information is not submitted within **180 days**, you are required to pay a fee of 10% of the application fee at the time the information is submitted. All requested information must be submitted no later than **one (1) year** from the date of the incomplete letter. **PARTIAL RESUBMITTALS WILL NOT BE PROCESSED.** Fees required at the time of resubmittal will be those in effect at that time.

Note the renewal of the Use Permit application has been charged a minimum fee and will be charged additional fees to continue processing when the initial payment is exhausted.

In submitting the land use application, the owner/applicant included an initial application fee. Application fees are categorized as "fixed fees" and "billable fees", based on the specific application types. "Fixed fee" applications do not require any additional fees to continue processing. However, when funds associated with a "billable fee" application have been spent, an additional deposit will be required to continue processing the application.

If you have questions regarding the application, please call (408) 299-5759 or email [lara.tran@pln.sccgov.org](mailto:lara.tran@pln.sccgov.org).

Warm regards,



Lara Tran  
Senior Planner

cc:  
Ed Duazo, LDE  
Alex Goff, FMO  
Valley Water  
James Stephens, Code Enforcement

Enclosed: File 1877-07P COA Exhibit A and Exhibit B

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Dear Ms. Pena McCain,

The information in below are not incomplete items and are not required to deem the application complete for processing. The section is informational only and can be discussed further if desired with County Staff.

1. Please note that the renewal of the Use Permit may require an Environmental Assessment (Initial Study) based on additional information.
2. The renewal of the Use Permit will require a public hearing at the Planning Commission meeting. If a community meeting for the renewal of the Use Permit is needed prior to deeming the application complete, staff will work with the applicant on scheduling for a possible community meeting.

If you have questions regarding the application, please call (408) 299-5759 or email [lara.tran@pln.sccgov.org](mailto:lara.tran@pln.sccgov.org).

Warm regards,

Lara Tran  
Senior Planner

cc:  
Ed Duazo, LDE

Alex Goff, FMO  
Valley Water  
James Stephens, Code Enforcement

Planning Commission  
County Government Center, East Wing  
70 West Hedding Street  
San Jose, California 95110  
(408)299-5770

**COUNTY OF SANTA CLARA**

**CALIFORNIA**

**USE PERMIT**

File No: 1877-68-39-06P

Permittee: Mary Pena  
25 Pebbles Avenue  
Morgan Hill, 95037

**Mary Peña**  
**17555 Condit Road**  
**Morgan Hill CA 95037**  
**(address change: May 22, 2007)**

Applicant: MH Engineering  
P.O. Box 1029  
Morgan Hill, CA 95038

For: Public hearing to consider renewal of a Use Permit for an existing Charro Rodeo facility for Charro Rodeo events

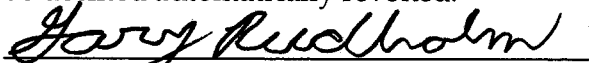
Location: West side of Condit Avenue at/between E. Main Street and E. Dunne Avenue.  
Address: 17555 Condit Road, Morgan Hill

Having made the findings required by Article 5.65 of the Revised Zoning Ordinance of the County of Santa Clara, the Planning Commission hereby grants a permit for the specified use subject to the following conditions and the specific findings required:

Comply with Use Permit conditions of approval - SEE ATTACHED "EXHIBIT A"

**Note:** Cost of any monitoring required to assure project compliance with conditions of approval and environmental mitigations will be borne by the permittee. Failure to comply may result in revocation, modification or reaffirmation hearing. Granting of entitlement will be contingent upon payment of outstanding fees owed to the Santa Clara County Planning Office.

This permit shall be effective on April 21, 2007 provided that: 1.) **No appeal has been filed** before that date and; 2.) Permittee has signed the **ACCEPTANCE STATEMENT** and has **filed it with the Secretary of the Planning Commission**. If any use for which a use permit has been granted is not established within two years of the date of delivery of the permit, the permit shall be deemed automatically revoked.



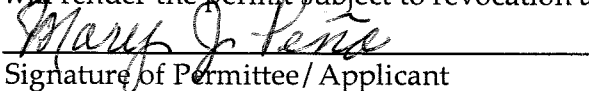
Gary Rudholm, Planning Commission Secretary

4-23-07

Date

**ACCEPTANCE STATEMENT**

The undersigned understands and accepts this permit and the conditions therein set forth, agrees to comply with all conditions of the permit, understands that failure to comply therewith will render the permit subject to revocation and acknowledges receipt of the copy of this permit.

  
Signature of Permittee/Applicant

5/14/2007

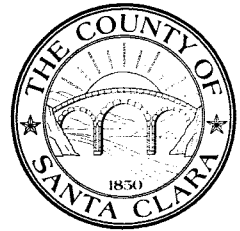
Date

Within fifteen (15) calendar days after the date of decision of the Planning Commission, any person dissatisfied with such decision may file with the Board of Supervisors, an appeal from such decision. At the time of filing of an appeal, the appellant shall pay a filing fee of one thousand, one hundred, and thirty-one dollars (\$1,131) at the County Planning Office.

# County of Santa Clara

Department of Planning and Development  
Planning Office

County Government Center, East Wing, 7th Floor  
70 West Hedding Street  
San Jose, California 95110-1705  
(408) 299-5770 FAX (408) 288-9198  
www.sccplanning.org



Mary Pena  
25 Pebbles Avenue  
Morgan Hill, CA 95037

17555 Condit Rd  
M.H. CA 95037

April 6, 2007

1877-68-39-06P MARY PENA (MH Engineering)

Public hearing to consider renewal of a Use Permit for an existing Charro Rodeo facility for Charro Rodeo events. Location: West side of Condit Avenue at/between E. Main Street and E. Dunne Avenue. Address: 17555 Condit Road, Morgan Hill; Zoning: A-20Ac-sr; Parcel Size: 8.82 acres; Supervisorial District 1; APN: 728-21-009

At its regular meeting of April 6, 2007, the County of Santa Clara Planning Commission voted favorably to approve the renewal of the Use Permit for an existing Charro Rodeo facility for Charro Rodeo events for a period of 15 years.

Within fifteen (15) calendar days after the date of decision of the Planning Commission, any person dissatisfied with such decision may file with the Board of Supervisors, an appeal from such decision. At the time of filing of an appeal, the appellant shall pay a filing fee of one thousand, one hundred, thirty-one dollars (\$1,131) at the County Planning Office.

If you have any further questions regarding this matter, feel free to contact me at (408) 299-5747.

Sincerely,

Gary Rudholm  
Secretary, Planning Commission

GR:mn

cc: MH Engineering  
PO Box 1029  
Morgan Hill, CA 95037

Planning Commission  
County Government Center, East Wing  
70 West Hedding Street  
San Jose, California 95110  
(408)299-5770

**COUNTY OF SANTA CLARA  
CALIFORNIA**

**USE PERMIT**

File No: 1877-68-39-06P

Permittee: Mary Peña  
25 Pebbles Avenue  
Morgan Hill, 95037

Mary Peña  
17555 Condit Road  
Morgan Hill CA 95037  
(address change: May 22, 2007)

Applicant: MH Engineering  
P.O. Box 1029  
Morgan Hill, CA 95038

For: Public hearing to consider renewal of a Use Permit for an existing Charro Rodeo facility for Charro Rodeo events

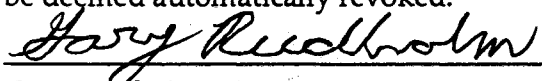
Location: West side of Condit Avenue at/between E. Main Street and E. Dunne Avenue.  
Address: 17555 Condit Road, Morgan Hill

Having made the findings required by Article 5.65 of the Revised Zoning Ordinance of the County of Santa Clara, the Planning Commission hereby grants a permit for the specified use subject to the following conditions and the specific findings required:

Comply with Use Permit conditions of approval - SEE ATTACHED "EXHIBIT A"

**Note:** Cost of any monitoring required to assure project compliance with conditions of approval and environmental mitigations will be borne by the permittee. Failure to comply may result in revocation, modification or reaffirmation hearing. Granting of entitlement will be contingent upon payment of outstanding fees owed to the Santa Clara County Planning Office.

This permit shall be effective on April 21, 2007 provided that: 1.) No appeal has been filed before that date and; 2.) Permittee has signed the **ACCEPTANCE STATEMENT** and has filed it with the Secretary of the Planning Commission. If any use for which a use permit has been granted is not established within two years of the date of delivery of the permit, the permit shall be deemed automatically revoked.




Gary Rudholm, Planning Commission Secretary

4-23-07

Date

**ACCEPTANCE STATEMENT**

The undersigned understands and accepts this permit, agrees to comply with all conditions of the permit, and acknowledges receipt of the copy of this permit. 

Signature of Permittee/Applicant

Date

Within fifteen (15) calendar days after the date of decision of the Planning Commission, any person dissatisfied with such decision may file with the Board of Supervisors, an appeal from such decision. At the time of filing of an appeal, the appellant shall pay a filing fee of one thousand, one hundred, and thirty-one dollars (\$1,131) at the County Planning Office.



# Use Permit Conditions of Approval Exhibit A

**File Number:** 1877-68-39-06P  
**Property Owner:** Mary Pena  
**Meeting Date:** April 5, 2007  
**Project Description:** Use Permit for an existing Charro Rodeo Facility

## General Conditions

1. Use Permit is renewed for an additional 15 years. The Use Permit will expire on April 20, 2022.
2. Submit information regarding condition compliance to the Secretary of ASA with accompanying Post-Approval Monitoring (PAM) fee, (equivalent of 4 hrs of staff consultation time subject to current fee schedule established by the Board of Supervisors) by first week of November of each year. The submitted information shall include the following:
  - Dates of each event that occurred;
  - Number of events that occurred each year;
  - Number of maximum patrons and employees attended during each event;
  - Duration of each event;
  - Number of parking attendants contracted;
  - Name of security company contracted and number of security officer;
  - Two copies of a noise report (One for the Secretary of ASA and another one for the Noise compliance officer with the Department of Environmental Health) prepared by a County approved noise consultant with the following:
    - a. Measurements taken at a representative number of nearby homes.
    - b. Measure sites are to include those residences that have filed noise complaints during the previous season.
    - c. Determine a volume setting on the amplifying equipment that correlates to legally acceptable sound level readings. State the volume setting and corresponding reading.
  - Current food permits through Department of Environmental Health;
  - Current Alcoholic Beverage Control license demonstrating clearance from ABC and provide statement indicating that the sale of alcoholic beverages is ceased at least one hour prior to the end of the event;
  - Compliance report and/or inspection from Fire Marshal's Office;
  - Any incident registered with County Sheriff's Office, if any.

The above information shall be submitted to Secretary of ASA and be presented in a status report to the Planning Commission. At its discretion, the Planning Commission may schedule a public hearing following receipt of the staff report.

3. The applicant shall comply with all the Architecture and Site Approval conditions stipulated in the attached Exhibit B.

#### **Operating Conditions**

4. The period of operation shall be limited to Saturdays, Sundays, and Federal Legal Holidays, between May 1<sup>st</sup> and October 31<sup>st</sup> of each year until 2022. Any other event that is scheduled outside of the limited days is subject to either an Administrative Permit or modification of the Use Permit.
5. The hours of operation shall be limited to 12:00 noon to 7:00 pm. No night time activities are approved at this time.
6. The maximum number of vehicles for patrons and employees shall not exceed 406. The maximum number of persons on the site at any one time, including patrons and employee, shall not exceed 1,200.
7. Amplified sound shall be controlled and shall be subject to the requirements of the County Noise Ordinance.
8. All drinks, including alcoholic beverages, shall be sold at prescribed booths and sold only in plastic or paper cups.
9. In order to limit off site parking, the applicant is to provide incentives for patrons to park on the site, whereby patrons would pay a lower admission fee if they park onsite.
10. The applicant is required to hire security services to provide adequate crowd control and parking control.
11. Security shall be prearranged between the applicant and the Sheriffs Department as early as possible before each event, no less than seven days. Communication between the Sheriff's Department and the applicant must take place before each event.
12. All food service facilities are to be under permit by the Department of Environmental Health Services.

# Architecture and Site Approval

## Conditions of Approval

### Exhibit B

**File Number:** 1877-68-39-06P  
**Property Owner:** Mary Pena  
**Meeting Date:** April 5, 2007  
**Project Description:** Use Permit for an existing Charro Rodeo Facility

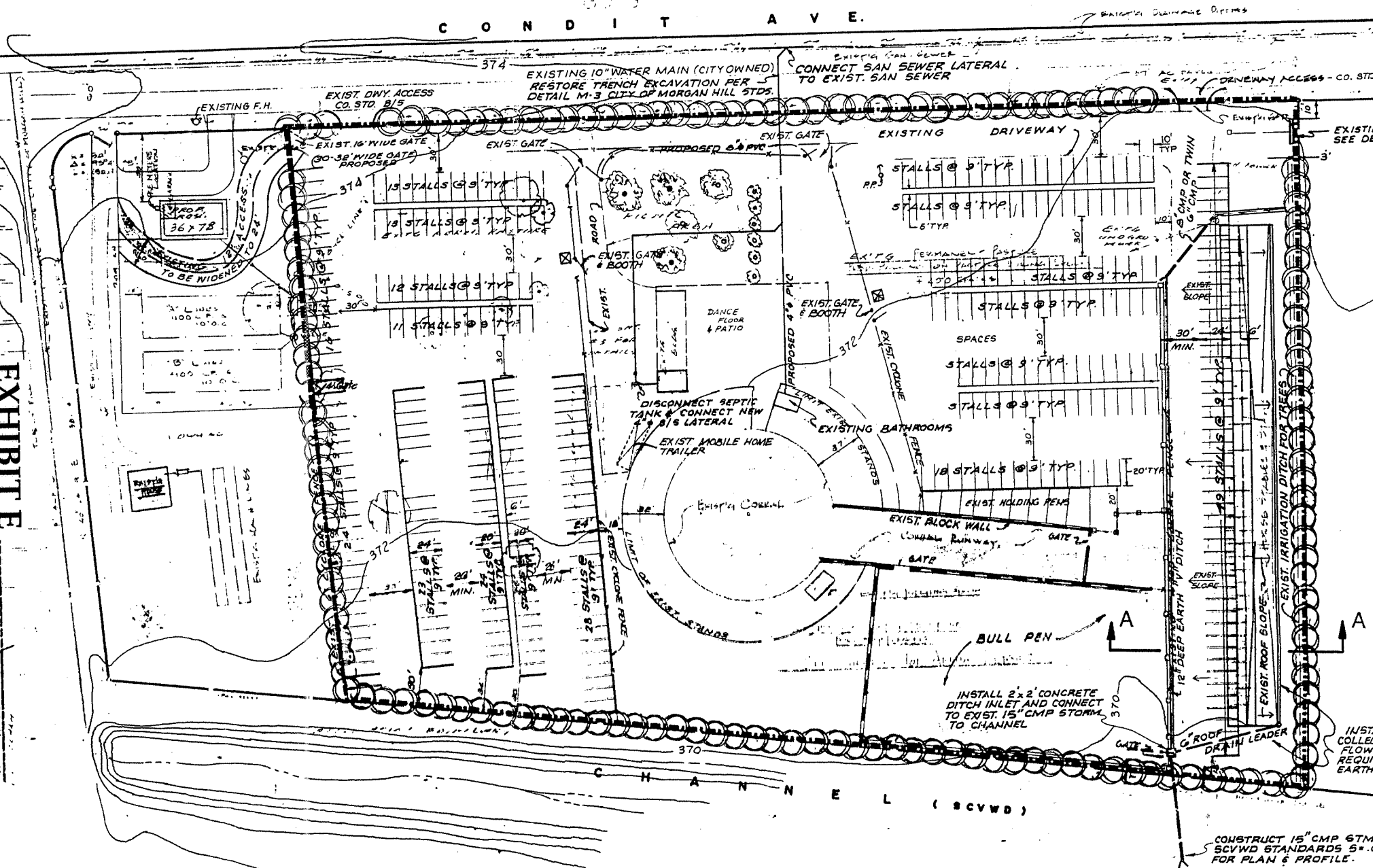
1. The site shall be maintained consistent with the approved plans on file with the County Planning Office.
2. Provide a total number of 406 off-street parking spaces within the parking areas shown on the approved plans.
3. Parking areas are to be surfaced with grass and maintained in good condition. Provide temporary aisle and space markings, along with parking attendants, such that vehicles will be parking in accordance with the approved plans.
4. Parking areas, driveways, show arena, and stall area are to be kept in a dust free condition. Provide adequate dust control by having watering and sprinkling devices or other suitable dust suppressant techniques available at all times.
5. Maintain two (2) driveways along Condit Avenue; one at the south end, and one at the north end of the property. Driveways shall be between 24 feet and 30 feet in width. Driveways are to be paved with an asphalt surface.
6. Provide a 12-foot wide separate access at the most north end of the property for emergency use only. The surface of this access shall consist of all weather materials.
7. Ticket booths are to be located in such a manner that facilitates vehicles being able to queue up on site while awaiting payment for entry.
8. Provide six foot high fencing, with adequate gates, between the off-street parking areas and the picnic grounds and arena areas.
9. Temporary signs shall be posted at entrances and at the ticket booths outlining the limitations of alcoholic beverages (not to be brought on site).
10. One mobile home is approved for a caretaker's residence, subject to the following:
  - Maintain the unit on a permanent pad at the location shown on the plan and provide skirts around the base.

Planning Commission  
Item #2 April 5, 2007

- Maintain municipal water and sewer system connections.
  - Maintain landscaping around the mobile home.
11. Onsite lighting shall be designed, controlled, and maintained so that no direct light source is visible from off the property.
  12. Maintain existing landscaping around the site, as shown on the plans of file with the County Planning Office.
  13. No commercial boarding and/or stabling of horses are allowed.
  14. Maintain the signs as previously approved.  
One pole sign at the southern end of the property, 17'-3" to the top of the structure, 12' x 17' x 3.5', double faced. No other signs are approved at this time.
  15. Signs shall be stationary and have no flashing or moving lights. There shall be no additional unapproved signs, banners, pennants, flags, spinners, or any other such similar attracting device displayed at any time. No portion of any sign shall protrude beyond the property line or right-of-way line. At the intersection of street right of way, no portion of any sign shall protrude beyond the 4-foot triangle measured along the curb face from the nearest street corner.
  16. Provide an adequate number of trash receptables on the site.
  17. The parking area is to remain grass.
  18. Maintain the grassy swales and grassy areas for treatment measures to reduce storm water pollution from bull pasture area and barn area.
  19. During the rainy season, from October 15 to April 15 of each fiscal year, cover any manure pile accumulation with tarps, or remove the pile if animals are not present.
  20. For information and reference:  
The Santa Clara County Non-point Source Pollution Control Ordinance prohibits the discharged of all materials which may be deleterious to aquatic life. Manure laden and urine laden storm water are deleterious to aquatic life. Treatment Devices and/or BMPs are therefore necessary to reduce the pollution to the maximum extent practicable, under provisions of the Federal Clean Water Act and State Water Quality Act.
  21. As required by District Ordinance 90-1, file an application with the Santa Clara Valley Water District for a permit to construct or destroy any well or to drill any exploratory holes deeper than 45 feet.
  22. The proposed manure stockpile shall be located at the northwesterly corner of the property. Runoff from said stockpile shall be prevented from running into the Madrone Channel.

23. Contact Santa Clara Valley Water District at (408) 265-2600 for information regarding well permits and the registration or abandonment of any wells. There are two (2) existing wells on site.
24. Any drainage permitted into Madrone Channel shall be approved by the Santa Clara Valley Water District. Contact the District at (408) 265-2600 for further information.
25. Maintain the existing connection to City of Morgan Hill Water Company and City of Morgan Hill sewer service.
26. Provide adequate vector control on the property.
27. Contact Deputy Fire Marshal to arrange for an inspection of the site. Comply with the requirements of the County Fire Marshal as they relate to any upgrades or improvements necessary for public safety.

# EXHIBIT E



# SITE PLAN

SCALE: 1" = 50'