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A Commitment to Service

Agenda Date: 7/19/2017

Agenda Placement: 8B

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission

**FROM:** Charlene Gallina for David Morrison - Director  
Planning, Building and Environmental Services

**REPORT BY:** Emily Hedge, Planner II - 259-8226

**SUBJECT:** Gardiner Horse Facility Use Permit P15-00394

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### **RECOMMENDATION**

#### **GARDINER HORSE FACILITY / WILLIAM AND DEBORAH GARDINER / USE PERMIT #P15-00394**

**CEQA Status:** Consideration and possible adoption of a Revised Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP). According to the proposed Revised Mitigated Negative Declaration, the proposed project would not have any potentially significant environmental impacts after implementation of mitigation measures. Mitigation measures are proposed for the areas of biological resources and hydrology and water quality. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

**Request:** Approval of a use permit to operate a commercial facility for the board and care of horses and fostering of retired and rescued horses to include: 1) The boarding of a maximum of 30 horses (property owner's horses, rescued horses, and horses boarded by outside owners); 2) Horse training and lessons for horse owners and visitors; 3) Use of the existing barn, mare hotel, stalls, loafing sheds, pavilion, round pen, and corral; 4) Trail riding on the property; 5) On-site composting, use, storage, and sale or give away manure, at a quantity under 1,000 cubic yards; 6) Installation of a fodder production unit (approximately 10'x20' storage container); 7) Construction of an accessible restroom in the existing hay barn or other existing building; 8) Installation of a new gravel driveway to the hay barn; 9) Use of 20 parking stalls; 10) Daily hours of operation: boarding 24 hours a day; employees 8:00 a.m.- sunset; non-residence boarder access 8:00 a.m.- sunset; training 9:00 a.m. - sunset; 11) Allow two full time workers and one trainer; and 12) Use of an existing well. The project is located on an approximately 46-acre parcel, within the AW: Agricultural Watershed zoning district on the northern intersection of James Creek Road and Butts Canyon Road, approximately 3.5 miles north of the town of Pope Valley at 2002 James Creek Road, Pope Valley; APN: 016-090-021.

**Staff Recommendation:** Adopt the Revised Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) and approve the Use Permit Major Modification, as conditioned.

**Staff Contact:** Emily Hedge, Planner II; (707) 259-8226; [emily.hedge@countyofnapa.org](mailto:emily.hedge@countyofnapa.org)

**Applicant Contact:** William and Deborah Gardiner, 1300 Industrial Road #21, San Carlos, CA, 94070; (707) 965-9896; [debbie@pencomsf.com](mailto:debbie@pencomsf.com)

**Applicant Representative:** John Stitt, Engineer, 1822 Blossom Drive, Antioch, CA, 94509, (707) 235-8193, [john@stittengineering.com](mailto:john@stittengineering.com)

## **EXECUTIVE SUMMARY**

### **Proposed Actions:**

That the Planning Commission:

1. Adopt the Revised Mitigated Negative Declaration and MMRP based on recommended Findings 1-7 in Attachment A; and
2. Approve Use Permit No. P15-00394 based on recommended Findings 8-12 in Attachment A, and subject to the recommended conditions of approval in Attachment B.

### **Discussion:**

The project consists of approval of a commercial facility for the board and care of horses along with the fostering of retired and rescued horses. The facility would accommodate the property owner's horses, rescued horses, and horses boarded by outside owners. Training and lessons for horse owners and visitors would be permitted. Staff has reviewed the proposal and found it to be consistent with the Zoning Ordinance and applicable General Plan policies. With the implementation of the mitigation measures, the proposed project would result in less than significant potential environmental impacts. The facilities are existing and currently used by the property owner for their personal horses and retired and rescued horses that they foster. Necessary site improvements and construction are limited. Approval of the project would allow the expansion of an existing agricultural use. Based on these reasons, staff recommends approval of the project subject to the recommended conditions of approval.

## **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

## **ENVIRONMENTAL IMPACT**

Consideration and possible adoption of a Revised Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP). According to the proposed Revised Mitigated Negative Declaration, the proposed project would not have any potentially significant environmental impacts after implementation of mitigation measures. Mitigation measures are proposed for the areas of biological resources and hydrology and water quality. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

## **BACKGROUND AND DISCUSSION**

**Owner/Applicant:** William and Deborah Gardiner, 1300 Industrial Road #21, San Carlos, CA, 94070; (707) 965-9896; debbie@pencomsf.com

**Applicant Representative:** John Stitt, Engineer, 1822 Blossom Drive, Antioch, CA, 94509, (707) 235-8193, john@stittengineering.com

**Zoning District:** Agricultural Watershed (AW)

**General Plan Designation:** Agriculture, Watershed, and Open Space (AWOS)

**Filed:** November 20, 2015; **Revised:** March 23, 2016; **Complete:** February 10, 2017

**Parcel Size:** 46 acres

**Existing Development:** The parcel is currently developed with a residence (recently converted barn), storage building (old blacksmith shop), tack barn (storage building), hay barn, mare hotel, four horse stalls, three loafing sheds, pavilion, round pen, and a corral. The existing development is concentrated on the lower, flat areas of the site; covering approximately eight acres of the property. The areas around the structures are grazed by horses, while the undeveloped and un-grazed hillside supports blue oaks and non-native grasses.

**Proposed Development:** Proposed site improvements include installation of one fodder container near the tack barn, a new restroom meeting California Building Code Title 24 Accessibility requirements in the existing hay barn, a new gravel driveway to the hay barn, and a new handicapped-accessible parking space outside the hay barn.

**Existing Uses:** The residence is used and the property owner boards their own horses and retired and rescued horses that they foster.

**Proposed Uses:** The addition of a commercial facility to allow for the board and care of horses by outside owners. The project proposes individual and group training sessions which may include general horsemanship, horse behavior, and lessons in Western or English horse riding styles.

**Horses Boarded On Site (Current Estimate):** 12 owned or fostered by the property owner.

**Horses Boarded On Site (Proposed):** 30 maximum.

**Number of Employees:** Three - two full time workers and one trainer.

**Daily Hours of Operation:** Boarding 24 hours a day; employees 8:00 a.m. - sunset; non-residence boarder access 8:00 a.m. - sunset; training 9:00 a.m. - sunset.

**Parking (Proposed):** 20 spaces.

**Setbacks (Required):** 28 feet from the centerline of James Creek Road plus 20-foot front yard setback, for a total of 48 feet from the centerline; 42 feet from the centerline of Butts Canyon Road plus 20-foot side yard setback, for a total of 62; and 20-foot setback from the rear property line and other side property line (not adjacent to Butts Canyon Road).

**Setbacks (Existing):** All existing structures meet the required setbacks. The storage building (old blacksmith shop), the closest structure to James Creek Road, is located approximately 75 feet from the centerline of the road. The loafing sheds, the closest structures to Butts Canyon Road, range in distance from 120 feet to 200 feet from the centerline of the road. The closest development to the side and rear property lines is more than 500 feet from the property lines.

**Setbacks (Proposed Structures):** The accessible restroom is proposed to be located within the existing hay barn which is located approximately 350 feet from the centerline of Butts Canyon Road. The fodder production unit is proposed to be located adjacent to the existing tack barn, and would be approximately 100 feet from James Creek Road. The parking lot is proposed on an already paved area adjacent to the existing tack barn.

**Adjacent General Plan Designation/Zoning District/Land Use:**

North, East, and West: Agriculture, Watershed, and Open Space (AWOS) General Plan Designation; Agricultural Watershed (AW) Zoning; Rural residential, agricultural uses, and undeveloped properties.

South: Mix of Agricultural Resource (AR) and AWOS General Plan Designations; AW Zoning; Rural residential, agricultural uses, and undeveloped properties.

**Code Compliance History:**

In 2013, Code Enforcement case CE13-00037 was opened for a number of structures constructed without building permits. Structures included a shed, stalls and corrals, hay barn, installation of a bathroom and electrical in the tool shed, an addition to the hay barn, and conversion of a barn to a main dwelling. The applicant has worked with Code Enforcement and Building Division staff and received building permits for the work. Final inspections are pending; completion of inspections will resolve the case.

In July 2014, Code Enforcement staff received a complaint of horse boarding and training facility activities on two properties owned by the applicant, 2002 James Creek Road and 7630 Butts Canyon Road, being conducted without benefit of a use permit. Code Enforcement case CE14-00191 addresses the unpermitted boarding and training facility uses on both properties. The case is assigned to the property on Butts Canyon Road (APN: 016-090-015). Following issuance of the Notice of Violation (Attachment D), the property owner stopped the unpermitted commercial boarding and training. Grant of this Use Permit would resolve the code case.

In December 2014, the applicant attended a pre-application meeting with Planning and Code Enforcement staff to discuss the Use Permit process and a path to resolve the code case.

In November 2015, the applicant submitted the current Use Permit application P15-00394 and Use Permit application P15-00393 for the property on Butts Canyon Road.

**Property History:**

The property has been developed with agricultural structures including multiple barns. As discussed in the Code Compliance History section above, one of the barns was converted to a residence; Finalization of that permit is pending final inspections. The property owner has been working with the County since 2013 to correct the code enforcement case and obtain all the required building permits.

In 1993, the property entered into an agricultural contract, which remains in effect.

**Discussion Points:**

Setting - The 46-acre parcel is located on the northern side of the intersection of James Creek Road and Butts Canyon Road, approximately 3.5 miles north of the town of Pope Valley. The property is accessed from a private gravel driveway at James Creek Road. The parcel is surrounded by rural lands with a few residences and vineyards. The nearest offsite residence is located approximately 150 feet to the south, across James Creek Road.

Project Proposal - The project consists of approval of a commercial facility for the board and care of horses along

with the fostering of retired and rescued horses. The facility would accommodate the property owner's horses, rescued horses, and horses boarded by outside owners. Training and lessons for horse owners and visitors would be permitted.

Water Use - The project is located in an area denoted as "All Other Areas" as described in the Napa County Water Availability Analysis, requiring a Tier 1 and Tier 2 analysis. In order to determine the estimated water use of the existing development, proposed project, and the water availability, Stitt Engineering prepared three documents: Water Use Analysis – Revised May 11, 2017; Hydrology Analysis – September 16, 2015; and Water Availability Analysis – March 22, 2017.

Current water uses on the property include the residence, landscaping and residential garden, existing residential horse boarding and ranch operations. Additional proposed uses include fodder production, increased number of horses, and domestic water use for employees, trainers, horse owner visitation, and students. The analysis estimates a 2.3 acre-feet per year increase, including water use associated with horse owner visitation, workers, trainers, and students (0.09 acre-feet), the fodder production container (0.38 acre-feet), and the additional horses to total the 30 maximum (1.8 acre-feet). The project would increase groundwater use from 3.2 acre feet per year to 5.5 acre feet per year. The Hydrology section of the MND includes a table with a breakdown of the existing and proposed water uses.

The Water Use Analysis prepared a groundwater recharge calculation based on the local precipitation, local evaporation transpiration, change in soil water storage, and run-off. The calculation totaled 7.4 inches per year. Over the 46-acre parcel, the calculation results in 28 acre-feet per year. The estimated total water usage (5.5 acre-feet per year) is less than the calculated parcel recharge rate; (28 acre-feet per year); therefore the project complies with the Napa County Water Availability Analysis requirements. There are no wells located within 500 feet of the project well; therefore a Tier 3 analysis is not required.

Biological Resources - A biological resource analysis was prepared by Monk & Associates, Inc. (September 14, 2015, Monk & Associates), to identify potentially significant impacts that could occur to sensitive biological resources from the proposed project. The proposed project would continue to only use the existing disturbed and already heavily impacted areas. Although construction and site development will be limited, the analysis concluded that ground disturbance may result in potentially significant impacts to nesting birds and bats, and therefore included mitigation measures that, when implemented, would reduce impacts to less than significant. Mitigation measures include a preconstruction nesting bird survey for passerine birds and raptors and surveys for bats (Condition of Approval No. 7.4).

CEQA - Revised Mitigated Negative Declaration - The Mitigated Negative Declaration was received by the State Clearinghouse on June 16, 2017. The Department of Fish and Wildlife (CDFW) provided comments to staff on June 26, 2017. The comments included recommendations for a modification to the proposed mitigation measures regarding bats. The revised measure includes detail on a two-step tree removal method. Although the project does not propose to remove any trees, CDFW recommended inclusion of a mitigation measure regarding tree replacement, in the event trees need to be removed. These changes have been incorporated into the Revised Mitigated Negative Declaration and are shown in track changes. Staff finds that the new measure is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effects on the environment (CEQA Guidelines Section 15074.1(b)(2)). The Mitigation, Monitoring, and Reporting Plan (MMRP), the Project Revision Statement, and the Conditions of Approval include the updated mitigation measure. Staff recommends adoption of the CEQA document and MMRP as revised.

Water Quality - While there are no blue-line streams on the property, there is a drainage that runs through seasonal wetlands and drainage ponds. Based on staff observation the drainages do not meet the County definition of a "stream" due to lack of a well-defined channel (County Code Section 18.108.030). Therefore a development setback from the drainages is not required.

The project includes continued composting of manure for use on-site. According to the Hydrology Analysis, horse manure in a pasture or pen is a potential problem if the waste is not properly managed and recycled or disposed of safely. The current annual quantity is less than the State threshold of 1,000 cubic yards, and therefore no State inspection is required. The proposed project would allow an increase in the number of horses boarded on site and could therefore result in additional manure composting. The proposed manure composting management area would be located on the hillside approximately 500 feet north of the hay barn and approximately 75 feet from the closest portion of the drainage. The composted manure would continue to be spread on the flat area northwest of the barn, on the eastern pasture, and in the loafing sheds. The biological resource analysis recommends that the manure composting area, proposed development, and the dispersal of the manure maintain a distance of 50 feet from the drainages to protect water quality. The addition of an earthen berm around the compost area will define the area and maintain the recommended setback from the on-site drainage swale and seasonal wetlands. The owner shall continue with existing manure composting methods that incorporate the key elements described in the Hydrology Analysis (Stitt Engineering, September 16, 2015). Consistent with the recommendations of the project biologist, composted manure would not be spread within 50 feet of any identified water course on the property in order to prevent contamination. See Mitigation Measure HWQ-1 (Condition of Approval No. 6.13.a.). The recommended avoidance measure will prevent impacts to water quality and accordingly, impacts will be less than significant.

**Traffic and Parking** - The applicant estimates approximately 20 weekly trips for the full time employees, six (6) weekly trips for boarding horse owner visits, and 10 daily trips for the horse trainer and students. The trip estimate initially counted a round trip as one trip, so the calculations have been modified to count a round trip as two trips. The applicant prepared a frequency normalized daily count for the mentioned weekly trips with the addition of monthly, quarterly, and annual trips associated with the delivery of feed supplies, hay, and farrier and veterinarian supplies and visits. The trip generation for all non-resident trips totaled approximately 14 daily trips. The forecasted daily trip calculation is slightly greater than the number of trips generally associated with a single family residence (10 daily trips).

The parking lot is proposed on an already paved area adjacent to the existing tack barn. Additional spaces are proposed along the internal driveway with one located adjacent to the new restroom. The total of 20 parking spaces has been found to be sufficient for this proposed use.

**Lighting** - The existing residence and tack barn have external lighting that is designed to be shielded downward. No lights are installed or proposed to be installed at the round pen. The barn lighting is controlled manually and is not on throughout the night. The property owner currently boards their horses on the property, and on occasion, lights have been used at night for the emergency care of horses. Occasional use of lighting at night for emergencies is expected to continue.

**Noise** - The primary on-site activity of the board and care of horses would continue with any increases in noise levels generally limited to people visiting their horses and attending training sessions. The main parking lot would be located to the northeast of the existing tack barn, approximately 250 feet from the closest off-site residence with additional parking approximately 500 feet from the closest off-site residence.

**Public Comments** - At the time of staff report preparation, staff did not received any comments on the project.

### **Decision Making Options:**

As noted in the Executive Summary Section above, staff is recommending approval of the project with conditions of approval as described in Option 1 below.

#### **Option 1 - Approve Applicant's Proposal (Staff Recommendation)**

Discussion – This would result in the approval of a commercial facility to allow for the board and care of horses by outside owners and permit training sessions. The property owner would make minor site improvements to improve access and meet California Building Code accessibility requirements. Installation of the fodder production unit would provide an additional source of food for the horses. Staff has reviewed the proposal and found it to be consistent with the Zoning Ordinance and applicable General Plan policies. With the implementation of the mitigation measures, the proposed project would result in less than significant potential environmental impacts. The facilities are existing and currently used by the property owner. Necessary site improvements and construction are limited. Approval of the project would allow the expansion of an existing agricultural use. Based on these reasons, staff recommends approval of the project subject to the recommended conditions of approval.

Action Required - Follow the proposed action listed in Executive Summary. If conditions of approval are to be amended, specify conditions to be amended at time motion is made. This option has been analyzed for its environmental impacts, which were found to be less than significant. Staff recommends this option based upon the reasons discussed above.

#### Option 2 - Reduced Number of Horses Boarded or Training Activities

Discussion – Based on review of the application and preparation of the CEQA document, which did not identify any potential impacts that could not be adequately mitigated, staff is not recommending a reduction of the scope of the project as proposed.

Action Required – Follow proposed actions listed in the Executive Summary and amend the scope and conditions of approval to place limits on use. If major revisions of conditions of approval are required, the item will need to be continued to a future date.

#### Option 3 - Deny Proposed Project

Discussion - In the event the Commission determines that the project does not, or cannot meet the required findings for the granting of a Use Permit. Commissioners should identify what aspect or aspects of the project are in conflict with the required findings. State Law requires the Commission to adopt findings, based on the General Plan and County Code, setting forth why the proposed Use Permit is not being approved. Based on the administrative record as of the issuance of this staff report, there does not appear to be any evidence supporting denial of the project.

Action Required - Commission would take tentative motion to deny the project and remand the matter to staff for preparation of required findings to return to the Commission on a specific date.

#### Option 4 - Continuance Option

The Commission may continue an item to a future hearing date at its own discretion.

### **SUPPORTING DOCUMENTS**

- A . Recommended Findings
- B . Recommended Conditions of Approval and Final Agency Approval Memos
- C . Revised Mitigated Negative Declaration and MMRP
- D . Notice of Violation
- E . Use Permit Application P15-00394
- F . Hydrology Analysis

G . Biological Resource Analysis

H . Graphics

I . Correspondence Received After Mail-Out (Added after initial agenda posting)

J . Proposed Revised COAs (Added after meeting)

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina