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CEQA Memo



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Planning, Building, & Environmental Services

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

David Morrison
Director

To: Planning Commission	From: Wyntress Balcher, Planner II
Date: August 17, 2016	Re: Oakville Farms Use Permit #P14-00042 7810 Silverado Trail, Napa 94558 APN: 031-050-047

Pursuant to Section 303 of Napa County’s Local Procedures for Implementing the California Quality Act (CEQA), the Planning Building and Environmental Services Department has prepared this environmental evaluation for the Oakville Farms Use Permit application (#P14-00042) located at 7810 Silverado Trail, Napa, California.

A Notice of Violation was issued by the County Enforcement Division on August 1, 2013, for the commercial horse boarding and/or training stables in the Agricultural Watershed (AW) zoning district without approval of a use permit. The property owners met with Code Enforcement division on September 12, 2013 and discussed submission of a use permit. The property is located in the AW Zoning District. Napa County Code Section 18.20.030 provides that “horse boarding and/or training stables” may be permitted within the AW district, but only upon grant of a use permit. On February 21, 2014, the use permit application was filed. The application narrative states that the family has owned the property since 1984, when they established their small horse facility for their own horses and for their friends. The barn area has been used for horse boarding and training since 1984. According to the applicant, the maximum number of horses that have been boarded on the property has been 50 horses. There are currently 15 horses on the site. The application requests approval for 30 horses, the maximum number they are comfortable with. There are no employees and the residents do all of the labor.

Project Description

The project proposes approval of a use permit to recognize an existing horse boarding and training stables to include:

- a. the boarding of a maximum of 30 horses;
- b. the use of an existing, ±4,752 sq. ft., 14-stall horse barn;
- c. the use of two (2) existing sand arenas (24,200 sq. ft. and 10,500 sq. ft. in area) for riding/training;
- d. the use of 12 existing fenced pasture/paddock areas;
- e. the use of one (1) regularly maintained “port-a-potty” for sanitation purposes;
- f. the use of seven (7) parking spaces; and
- g. to allow two (2) contract horse trainers to use the facilities to train the resident boarded horses.

The applicant is requesting a permit to allow a horse boarding and training stables for a maximum of 30 horses, however, since 2013 when the application was submitted, there have been only 15 horses boarded at the facility. The project proposes that the applicant will be the on-site operator of the facility. Horse/rider training for the boarded horses will be conducted by independent contractors. Existing physical facilities include: a ±4,752 sq. ft., 14-stall barn; two sand arenas (±24,200 sq. ft. and ±10,500 sq. ft.) for riding/training; 12 fenced pasture/paddock areas, and one, regularly maintained port-a-potty for sanitation purposes. There is an area for parking cars adjacent to the barn, which can accommodate approximately seven (7) cars. Approximately 30 open acres are available to the horses.

Existing Setting

The project is located on a ±40.96 acre parcel fronting on the north side of Silverado Trail, between Oakville Cross Road and Skellenger Lane.

Access from Silverado Trail is provided via a shared 60' right of way easement and then by a 16 to 30 feet wide access driveway, consisting of ¾" to 1½" aggregate, to a 16' wide utility farm gate. Beyond the gate, the access road is a circular loop driveway fronting the barn, varying 12-60' wide. There is a main residence with associated landscaping, a pool and a second residence located adjacent to the facilities' access driveway; the applicant lives on-site. The driveway to the main residence branches from the shared 60' right-of-way easement; the two residences generate up to vehicle 20 trips per day. It appears the shared 60' right-of-way serves five (5) other residential lots. The land is moderately sloping to steeply sloping, covered in scattered groups of oak trees. The existing barn, residence and horse arenas are located on the flat areas of the parcel. There are large shrubs and trees along the Silverado Trail Property line screening the facilities from the road.

Recent case law generally affirms the use of existing conditions as baseline. For example, in *Communities for a Better Environment v. S. Coast Air Quality Management District*, the Supreme Court of California held that a baseline must reflect "existing physical conditions in the affected areas...rather than the level of development of activity that could or should have been present according to a plan or regulation." ((2010) 48 Cal.4th 210, 320-321 [internal citations, quotations, and emphasis omitted].) Likewise, courts of appeal have affirmed that the proper baseline for CEQA analysis must reflect current, operative conditions. (see, e.g. *Citizens for East Shore Parks v. Cal State Lands Comm'n.* (2001) 202 Cal.App.4th 549.)

Moreover, the County has the discretion to use current conditions, including current levels of visitors, as the appropriate baseline for any environmental determination under CEQA. (14 Cal. Code Regs. §15125(a); see also *Envtl. Planning & Info. Council v. Cnty of El Dorado* (1982) 131 Cal.App.3d 350 [an environmental impact report must focus on impacts to the existing condition]; *Save Our Peninsula Comm. v. Monterey Cnty Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 121 [[T]he impacts of the project must be measured against the 'real conditions on the ground']).

Based on the CEQA Guidelines and the aforementioned case law, existing conditions are the appropriate baseline under normal circumstances.

CEQA Exemption Criteria and Analysis

Because the project is for the approval of horse boarding and training stables and will utilize existing facilities with only minor improvements to an existing access driveway, Planning Division staff has determined this application to be exempt from the provisions of CEQA, under Section 15301 Class 1 (Existing Facilities). Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves negligible or no expansion of an existing use.

Here, the applicant is requesting approval for the boarding of 30 horses, stating that historically, there have been 40-50 horses boarded at the facility; however the applicant has not submitted documentation to support the historical number of horses boarded at the existing facilities. Department policy is to establish the baseline for the project based upon the existing operations and facilities at the time the application is filed, unless other substantial evidence is submitted which demonstrates historic conditions/levels of activity. The 15 horses boarded is the appropriate baseline as it represents existing conditions. Approval for boarding of 30 horses would constitute a significant expansion of the existing use and be beyond the scope of a categorical exemption.

In addition, staff has determined the proposed project is categorically exempt from CEQA pursuant to Napa County's Local Procedures for Implementing CEQA Appendix B of under Class 1, Existing Facilities (1): "Existing roads, streets, highways, bicycles and pedestrian paths, and appurtenant facilities. Repair, maintenance, reconstruction, replacement and minor expansion including, but not limited to: (a), reconstruction, resurfacing and/or seal coating of the pavement..."

Analysis: The project is a use permit application for the operation of an existing horse boarding and training stables facility, which will be operated solely within existing barn, paddocks, and arenas; utilizing an existing access road; and utilizing unimproved open land. Improvements to the existing on-site driveway will not require any land disturbance and will involve resurfacing to create an all-weather surface. There will be no expansion of use beyond that existing at the time of the Code Enforcement Action, Notice of Violation. The proposed operation of the boarding facility will be conducted by the on-site residents, and no additional employees are proposed for care of the horses. Two contract trainers who will utilize the arenas for riding and training will be employed by the owners who board their horses at the facility. Daily visitation to the facility would be minimal, approximately 3 visitors per day, by the horse owners. No public horse riding activities or events are proposed, further minimizing any visitation demand to the facility. Animal husbandry is a permitted use and activities associated with it (feed deliveries, veterinary visits, etc.) are not included as a part of the use permit.

The project was reviewed for compliance with the Napa County Road and Street Standards. Although there are commercial activities associated with this project, it is not a public stable and is not open to the general public for horse rental. The arenas and stables will only be used by the resident applicants and by the horse boarding customers. Care of the horses will be handled by the resident applicants and there will be no employees.

Because the existing use and the majority of the activities involved are agricultural, the access drive is classified as an "Agricultural Special Purpose Road," defined as a road that "serves agricultural related single use facilities and light traffic facilities which generate up to 100 vehicle trips per day. This classification applies to lightly traveled, low speed roads connecting two activity areas with no significant side traffic. Turnouts must be inter-visible." Conditions placed on the project require the access road be improved to an all-weather surface.

All exemptions for the classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant. There are few boarding and training stables located in the Agricultural Watershed zoning district. The majority of such facilities are located in the Residential Country (RC) zoning district where they are a principally permitted use. The closest RC zoning district is roughly 18 miles away and approval of this project would not be expected to have an adverse cumulative impact because of the lack of other facilities nearby and the distance to other such facilities.

This project site is not included on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.