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Agenda Date: 7/19/2017

Agenda Placement: 8C

## 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:** Rockridge Ranch Horse Facility Use Permit P15-00393

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### **RECOMMENDATION**

#### **ROCKRIDGE RANCH HORSE FACILITY / WILLIAM AND DEBORAH GARDINER / USE PERMIT #P15-00393**

**CEQA Status:** Consideration and possible adoption of a Revised Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP). According to the revised, proposed 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 20 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 barns, corrals, loafing sheds, arena, and round pen; 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) Installation of a 3,000 gallon water tank for the water supply to the new restroom (will also serve second residential unit); 8) Installation of a new engineered septic system for treatment of sanitary wastewater; 9) Construction of a three foot wide swale along the western property line for treatment of stormwater runoff from horse corrals and surrounding areas; 10) Construction of an accessible restroom; 11) Use of 16 parking stalls; 12) 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. – 10:00 p.m.; 13) Allow two full time workers and one trainer; and 13) Use of the existing well and natural spring. The project is located on an approximately 25.59-acre parcel, within the AW: Agricultural Watershed zoning district off of a private driveway on the eastern intersection of James Creek Road and Butts Canyon Road, approximately 3.5 miles north of the town of Pope Valley at 7630 Butts Canyon Road, Pope Valley; APN: 016-090-015.

**Staff Recommendation:** Adopt the Revised Mitigated Negative Declaration and Mitigation Monitoring and Reporting

Program (MMRP) and approve the Use Permit, 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 P15-00393 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](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)

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

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

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

**Parcel Size:** 25.59 acres

**Existing Development:** The parcel is currently developed with a main house, a smaller house (second dwelling), two barns with multiple stalls, three garages, a shed, a riding arena, a round pen, four square pastures with shelters, three smaller pastures, two large pastures, a man-made pond with a dock, and a manmade drainage that exits the pond.

**Proposed Development:** Proposed site improvements include installation of one fodder container, a new restroom meeting California Building Code Title 24 Accessibility requirements, a 3,000 gallon water tank, 16 parking stalls, a new septic system, and a stormwater swale along the western property line.

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

**Proposed Uses:** Permit 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):** 8 owned or fostered by the property owner.

**Horses boarded on site (proposed):** 20 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. - 10 p.m.

**Parking (Proposed):** 16 spaces.

**Setbacks (Required):** 28 feet from the centerline of the access road plus 20-foot front yard setback, for a total of 48 feet from the centerline; 20 feet from other property lines.

**Setbacks (Existing):** All existing structures meet the required setbacks. The closest structure to the access road is a barn, set back approximately 300 from the centerline of the road.

**Setbacks (Proposed structures):** The accessible restroom is proposed to be located located more than 50 feet from the eastern property line. The fodder production unit is proposed to be located adjacent to the existing tractor

barn near the arena. The proposed parking spaces are generally located on the interior of the property and are on already paved or graded areas adjacent to existing structures.

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

The properties surrounding the site have an Agriculture, Watershed, and Open Space (AWOS) General Plan Designation and an Agricultural Watershed (AW) Zoning Designation. The properties include rural residences, agricultural uses, and undeveloped properties.

**Code Compliance History:**

In June 2014, Code Enforcement case CE14-00126 was opened for a number of structures constructed without building permits. Unpermitted structures include a second dwelling, carport, wood deck at the pond, electrical lighting for the horse arena, 4 loafing sheds, and 5 barns. The applicant demolished the unpermitted second dwelling and was issued a building permit B16-00814, for a new second dwelling. The applicant is working with Code Enforcement and Building Division staff to submit and get approval of the necessary building permits for the agricultural structures. The case will be resolved when all necessary permits have been issued and passed their final inspections.

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 path to resolve the code case.

In November 2015, the applicant submitted the current Use Permit application.

**Property History:**

The property has been developed with residential and agricultural structures, associated site improvements, and a manmade pond. As discussed in the Code Compliance History section above, not all structures are currently permitted. The property owner has been working with the County since 2014 to correct the code enforcement case and obtain all the required building permits.

**Discussion Points:**

Setting - The 25.59-acre parcel is located on a private driveway off of Butts Canyon Road, approximately 3.5 miles north of the town of Pope Valley. The private driveway is accessed across from the intersection of Butts Canyon Road and James Creek Road. The parcel is surrounded by rural lands with a few residences and vineyards. The nearest offsite residence is located approximately 250 feet to the east of the property.

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 – September 16, 2015; Hydrology Analysis – September 16, 2015; and Water Availability Analysis – Revised May 22, 2017.

Current water uses on the property include the residences, landscaping, 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. Based on wastewater design flow estimates, water usage associated with horse owner visitation, workers, trainers, and students is approximately 80 gallons a day, totaling 0.09 acre-feet a year. Estimated water use for the fodder production container is approximately 0.38 acre-feet per year. Existing water usage for the horses was estimated at 8 horses based on the property manager's count of the number of horses the property owner currently has on-site. Estimated water use for additional horses to total the 20 maximum that would be permitted was estimated at 1.21 acre-feet per year. The additional water use is estimated at approximately 1.68 acre-feet per year, totaling estimated water use for the existing uses and proposed boarding operation at 4.1 acre-feet per year. The Hydrology section of the MND includes a table with a breakdown of the existing and proposed water uses.

The WAA prepared a groundwater recharge calculation based on the local precipitation, local evaporation transpiration, change in soil water storage, and run-off. The calculation totaled 5.4 inches per year. Over the 25-acre parcel, the calculation results in an annual recharge of approximately 10.35 acre-feet per year. The estimated total water usage (4.1 acre-feet per year) is less than the calculated parcel recharge rate (10.35 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 16, 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 Number 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 condition of approval 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 The Mitigation, Monitoring, and Reporting Plan (MMRP), Project Revision Statement, and 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, the project biologist identified a seasonally wet drainage channel that begins at a natural underground spring and drains southwest to the edge of the project site and into the neighboring property. 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 pasture north of the loafing sheds, approximately 600 feet from the on-site pond, 850 feet from the on-site residence, and 900 feet from the nearest off-site residence, 100 feet from the seasonal wetlands, and 50 feet from the drainage swale. 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).

The stormwater drainage plan proposes the creation of a three foot swale adjacent to the drainage along the western property line. The swale would capture sheet flow drainage from the pens and any flows that may escape from the berms around the manure composting pile and divert the flows from entering the drainage. Consistent with the recommendations of the project biologist, composted manure should not be spread within 50 feet of any identified water course on the property in order to prevent contamination. See Mitigation Measure HWQ-1 (Conditions of Approval 4.12.b. and 6.13.a). The recommended avoidance measure will prevent impacts to water quality and accordingly, impacts will be less than significant and ensure that this area is maintained for the life of the property's commercial use.

Traffic and Parking - The applicant estimates approximately 20 weekly trips for the full time employees, 6 weekly trips for boarding horse owner visits, and 50 daily trips for the horse trainer and students. 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 frequency normalized daily trip generation for all non-resident trips totaled approximately 11 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 proposed parking spaces are generally located on the interior of the property and are on already paved or graded areas adjacent to existing structures.

Lighting - The existing residence and barns have external lighting that is designed to be shielded downward. 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. Similarly on occasion the owner utilizes the arena at night. Night training would be permitted until 10 p.m. The existing lighting at the arena will be upgraded to current California Building Code standards, including installation of a timer switch and a glare screen shade. The glare screen will shield the lights downward and the arena lights will be turned off when not in use, complying with General Plan Goal CC-6 to protect the night environment of rural areas and prevent excessive light and glare. Additionally the trees around the arena shall be maintained to assist in shielding light from adjacent properties.

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 parking spaces are generally located on the interior of the property.

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 P15-00393

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