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Agenda Date: 8/17/2016

Agenda Placement: 9D

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission

FROM: John McDowell for David Morrison - Director
Planning, Building and Environmental Services

REPORT BY: Wyntriss Balcher, Planner II - 707 299-1351

SUBJECT: Oakville Farms Equestrian Center Use Permit #P14-00042

RECOMMENDATION

OAKVILLE FARMS HORSE BOARDING FACILITY / CAROLYNN STEIL - USE PERMIT #P14-00042

CEQA Status: Consideration and possible adoption of a Categorical Exemption Class 1. It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. [See Section 15301 Class 1 (Existing Facilities), which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §1530; and, also, Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B]. This project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

Request: 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 project is located on a ±40.96 acre site, between Oakville Cross Road and Skellenger Lane approximately .46 miles north of Oakville Cross Road. The General Plan land use designation is Agriculture, Watershed, and Open Space (AWOS) and it is within the Agricultural Watershed (AW) zoning district; APN: 031-050-047; 7810 Silverado Trail.

Staff Recommendation: Find the project Categorically Exempt from CEQA and approve the Use Permit, as conditioned.

Staff Contact: Wyntriss Balcher, Planner II, (707) 299-1351; wyntriss.balcher@countyofnapa.org

Applicant Contact: Carolyn Steil; (415) 810-5211; oakvillefarms@gmail.com

EXECUTIVE SUMMARY**Proposed Actions:**

That the Planning Commission:

1. Find the project Categorically Exempt, as set forth in Findings 1-3 of Attachment A;
2. Approve the Use Permit (P14-00042) based on Findings 4-8 of Attachment A and subject to the recommended Conditions of Approval (Attachment B).

Discussion:

The applicant states that the barn area has been used for horse training and boarding since 1984 (32 years) for up to 50 horses; operated with no employees; allowed two independent contract horse trainers to provide training for the resident horses and their owners. Existing physical facilities on the 40.98 acre parcel include: a 14-stall barn, two sand arenas; fenced pasture/paddock areas, and one portable toilet, and a parking area for approximately seven cars. A Notice of Violation was issued on August 1, 2013, advising that the commercial boarding and/or training stables are not allowed without the granting of a use permit in the Agricultural Watershed (AW) zoning district (NCC Section 18.20.020.). The applicant complied with the notice by filing this use permit application.

The use permit request seeks approval to establish and recognize the existing owner-operated horse boarding and training stables for a maximum of 30 horses and the use of the existing barn, paddocks, and arenas. No horse rental or employees are proposed. The application proposes to allow two independent contractors to use the facility to train the owner's horses residing at the facility. The facility will operate seven days a week during daylight hours, and expect about three (3) visitors per day.

Staff finds the proposed project consistent with the Napa County Zoning Ordinance and applicable General Plan Policies, but, staff recommends approval of a reduced project, limiting the facility to a maximum of 15 horses for boarding and training based upon the following reasons: 1) At the time of the application was filed, 15 horses were present at the facility, thereby establishing the facility baseline for the consideration of an environmental exemption; 2) no additional documentation to support the history of a larger number of horses boarded at the facility has been submitted with the application; 3) the large parcel size is adequate to support the documented number of horses; 4) the project will be conducted wholly within existing structures/facilities, and no new construction will be required, 5) there are no viewshed issues; 6) the level of visitors is very small; and 7) the proposed use is predominantly agriculture in nature.

The Commission has four general decision making options as follows and detailed in the main body of this report: 1) approve Applicant's proposal subject to provision of additional information by the applicant; 2) a reduced number of animals permitted (Staff Recommendation); 3) deny the request; or 4) continue the project.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: Consideration and possible adoption of a Categorical Exemption Class 1. It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. [See Section 15301 Class 1 Existing Facilities, which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §1530; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B.]. This project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5. Attachment "D" is a CEQA memo that provides justification for the use of a Categorical Exemption.

BACKGROUND AND DISCUSSION

Owner/Applicant: Joseph E. Steil Trust/Carolyn Steil, 7810 Silverado Trail, Napa, CA 94558 (415) 810-5211, oakvillefarms@gmail.com.

Applicant: Carolyn Steil, 7810 Silverado Trail, Napa, CA 94558 (415) 810-5211, oakvillefarms@gmail.com.

Zoning District: Agricultural Watershed (AW)

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

Filed: February 20, 2014; **Revised:** November 3, 2014; **Complete:** November 3, 2014

Parcel Size: 40.98 acres

Existing Development: Commercial equestrian boarding and training facilities consisting of a ±4,752 sq. ft., 14-stall horse barn; two sand arenas (24,200 sq. ft. and 10,500 sq.ft. in area) for riding/training; 12 fenced pasture/paddock areas, and one, regularly maintained port-a-potty for sanitation purposes. There is an area designated for parking cars adjacent to the barn, which can accommodate approximately seven (7) cars. 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. The applicant lives in the main residence on the property and there is a second unit adjacent to the driveway entrance. No physical changes are proposed. The application indicates that currently there are 15 horses boarded at the facility.

Maximum number of horses: 30 requested.

Number of Employees (Existing and Proposed): Owner operated (no proposed changes).

Training (Existing and Proposed): Two (2) independent contractors, providing horse/rider training to the resident horses and their owners, approximately 10 hours /week, 3 to 4 days per week each. Lessons are approximate 45 minutes to one hour. 1-4 lessons weekdays. Saturday lessons usually consist of 4-6 lessons in the morning and Sunday lessons usually consist of 2-3 lessons in the morning. Instruction includes grooming and tacking of the horse, safety, and riding.

Days and Hours of Operation (Proposed): Sunday through Saturday; daylight to sunset.

Parking (Proposed): 7 spaces; 1 loading area.

Setbacks (Required): 70 feet from centerline of Silverado Trail plus 20' front yard; 20' side yard; 20' rear yard.

Setbacks (Proposed): Horse Barn, ±400' from Silverado Trail; 480' /450'; side yard; ±1200 rear yard.

Adjacent General Plan Designation/Zoning District/Land Use:

North: Agriculture, Watershed, and Open Space (AWOS) General Plan Designation, Agricultural Watershed (AW) Zoning – Rural Residential use on 40 acres.

South: Agricultural Resource (AR) General Plan Designation, (AR), Agricultural Preserve (AP) Zoning – Agriculture (vineyards) and single family residence on 58.87 acres.

West: Agriculture, Watershed, and Open Space (AWOS) General Plan Designation, Agricultural Watershed (AW) Zoning – Miner Family Winery on 13.5 acres.

East: Agriculture, Watershed, and Open Space (AWOS) General Plan Designation, Agricultural Watershed (AW) Zoning – Rural residential use on 41.47 acres and rural residential use on 639 acres.

Code Compliance History:

A Notice of Violation was mailed to the owner on August 1, 2013, stating that the existing commercial horse boarding and/or training stables without the granting of a use permit is not allowed within the AW zoning district. The property owners met with Code Enforcement staff on September 12, 2013, advising that the family was out of town at the time the letter was sent and were unable to respond earlier. The property owners have been willing to take all measures in order to comply with Napa County Code. A use permit application was filed with Planning, Building and Environmental Services on February 21, 2014 and found complete November 3, 2014.

There is a history of other code compliance violations regarding building permits and sewage disposal system, which have been resolved.

Property History:

Building permits were issued for the construction of the main residence in 1937. A smaller barn was converted to a second unit in 1965 and the construction of a stall barn occurred in 1985. The horse facility has been in operation for over 30 years. In 1986, the County issued a sign permit for an Arabian horse farm and in 1996, issued a building permit for a new stall barn. The property has been used for a horse boarding and training facility since 1984 utilizing the existing barns, paddocks and arenas.

Discussion Points:

Setting - The project site is located on a 40.96 acre sloping parcel on the east side of Silverado Trail, approximately 0.44 miles north of its intersection with Oakville Cross Road. Access to the farm site is off a private access road serving five other parcels and three other residences. The second unit on the parcel shares access with the stables and a second driveway serves the applicant's residence. The property is moderately sloping, with the residences and stables located on the flat portions of the terrain. Beyond the residence and stables, the majority of the parcel is vacant hillside which is used on a limited basis for grazing of horses. The owner has indicated that historically they have had a maximum of 50 horses on the parcel at one time but have requested approval of a maximum of 30 horses which they feel is a comfortable number. At the time the application was submitted and currently, there were 15 horses on-site.

Proposed Request - The applicant is requesting approval to recognize the existing horse boarding and training stables. The facility is owner-operated and maintained. There are no proposals for any employees or any changes to the facilities. The applicant is requesting that two independent contractors be allowed to use the facility to train the resident horses and their owners. Each trainer provides services 10 hours per week over 3 to 4 days per week. Each lesson is approximately 45 minutes to one hour. Weekdays usually consist of 1 to 4 lessons after school; Saturday lessons consist of 4 to 6 lessons in the morning; and Sunday lessons usually consist of 2 to 3 lessons in the morning. Instruction includes grooming and tacking of the horse, safety and riding. Training will only occur during daylight hours. No public rental of horses is proposed and the only visitors to the site will be the horse

owners, usually about 3 per day. No events are proposed at the facility.

Environmental Determination - The project has been submitted in response to an enforcement action concerning a horse boarding and training facility which has existed since 1984. Upon initial review of the application, it was determined that the project would be exempt from CEQA, since the facilities for the horse boarding and training are existing and that there are no substantial physical changes proposed by the project. The applicant had indicated that the historical level of use at the facility was the boarding of up to 50 horses. The application stated that currently 15 horses are currently boarded at the facility. The notes from a 1989 inspection conducted by the Environmental Health Division indicate that the property owner indicated that at times there have been about 40 horses. However, a written statement (dated November 28, 1989) from the property owner stated there were approximately 14 horses in training at the facility. As stated in the Categorical Exemption dated July 6, 2016, the County has the discretion to use current conditions, as the appropriate baseline for any environmental determination under CEQA, to measure the 'real conditions on the ground'.

Water Use - A Water Availability Analysis was prepared for the project indicating that for the 40.98 acre parcel, the allowable water allotment was 40.98 acre-feet/year (af/yr). The document prepared by the applicant utilizing the water availability guideline estimates show that the total water demand is 1.46 af/yr (.75 af/yr -residence; .14 af/yr - landscaping;.30 af/yr second residence and .41 af/yr - livestock). The project was reviewed by the Department of Public Works and in their Groundwater Memorandum of May 13, 2014 confirm the allowable water allotment is 40.98 af/yr, and that the 1.46 af/yr is below the established threshold for the property, and equal to the existing use. This is less than 4% of the allotted water for the site. Again, with no changes proposed at the site, no additional water use is requested.

Water Quality - The applicants indicate that they are operating in accordance with the Council of Bay Area Resource Conservation Districts "Horse Owners Guide to Water Quality Protection" included with the application (Attachment E).The application states that the storm-water runoff management plan has been in place since 1985-1986 when the barn was built. Ditches behind the barn, on the upside of the roads and by the large area capture water runoff and deliver it to the culverts located on Silverado Trail. The rinsing of animals is kept to a minimum and they are an organic barn and do not use soap products on the horses as it can be irritating. The rinsing area is over 400 feet from the well. Paddocks are maintained, regularly cleaned of manure and urine is absorbed in the ground. The composting of manure is not near any of the drainage ditches.

Consistency with Standards:

Zoning - Horse boarding and/or training stables is permitted within the AW (Agricultural Watershed) District upon grant of a use permit pursuant to Section 18.124.010. Based upon the discussion provided above, staff is recommending approval of the use permit. The project as conditioned complies with the applicable Napa County Ordinances other requirements of the Zoning Code.

Environmental Health Division – Recommends approval with standard conditions in the attached Memorandum dated March 21, 2014.

Engineering Services Division – Recommends approval with standard conditions in attached Memorandum dated May 24, 2016.

Cal Fire Department – Recommends approval with standard conditions in attached Memorandum dated March 14, 2014.

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 2 below. Decision making options also include approval of the proposed project as requested, and a no project alternative.

Option 1 - Approve Applicant's Proposal

Disposition - This option would result in approval of the use permit to recognize and approve an existing horse boarding and training facility for 30 horses. The applicant had not submitted documentation to support the existing baseline at the historical boarding and training of 30-50 horses. The applicant stated in the submitted application that 15 horses were currently boarded on the property. If the applicant submits additional documentation to support the higher baseline for the facility, the Commission may consider approval for the boarding and training of 30 horses as requested.

Action Required - Follow proposed action listed in Executive Summary and to: a) direct Staff to revise the environmental document to amend the environmental analysis to incorporate the new "existing facility" baseline; and, b) direct staff to amend the conditions of approval to reflect approval of 30 horses when the motion is made.

Option 2 - Reduced Number of Horses Boarded (Staff Recommendation)

Disposition - This option would result in a potential decrease in the proposed boarding and training commercial operation from 30 horses to 15 horses. As discussed above, the recommendation is made based upon the existing facility baseline that was presented by the use permit application.

Action Required - Follow the proposed actions listed in the Executive Summary and amend scope and project specific conditions of approval to reduce the permitted number of commercially boarded horses at the facility to 15.

Option 3 - Deny Proposed Project

Disposition - 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 . Findings
- B . Conditions of Approval
- C . Agency Comments
- D . CEQA Memorandum
- E . Application Documents
- F . Water Availability
- G . Graphics

Napa County Planning Commission: Approve

Reviewed By: John McDowell