



County of Santa, Cruz .

PLANNING DEPARTMENT

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ALVIN D. JAMES, DIRECTOR

BOARD OF SUPERVISORS AGENDA: October 26, 1999

October 14, 1999

BOARD OF SUPERVISORS

County of Santa Cruz

701 Ocean Street

Santa Cruz CA 95060

SUBJECT: Special Consideration of Application 97-0648 (Stephenson Horse Barn and Water Tanks)

Members of the Board,

INTRODUCTION

On October 5, 1999 your Board, acting on a request for Special Consideration of this application by Supervisor Wormhoudt, set a public hearing for October 26 to reconsider the action of the Planning Commission on the Stephenson horse barn and water tank project proposed for the Stephenson Ranch on Back Ranch Road (Attachment 1). Accordingly, this matter is now before your Board for your consideration.

After several public hearings, the Planning Commission approved Application 97-0648 on September 22, 1999 based on certain findings (Attachment 2) and permit conditions (Attachment 3). In accordance with Section 18.10.350 of the County Code, the Planning Commission's approval is held in abeyance pending the outcome of your Board's consideration of this project.

As you know, goats are raised for biomedical purposes on much of the 207 acre Stephenson Ranch site. Pursuant to your Board's Minute Order of September 23, 1997, the Stephenson's are permitted to continue limited biomedical livestock raising pending consideration of a master plan for this use. The property owners, John and Brenda Stephenson, made a separate permit application for a master plan for biomedical livestock raising on their property (Application 98-0647) in September 1998. The master plan project is currently being processed by the Planning Department. The application was deemed complete in July and it commenced the Environmental Review process on September 27, 1999. The permit application for the project now before you was made on September 9, 1997. Your Board's September 23, 1997 Minute Order restricted further

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permit applications on the subject property until a master plan was approved but allowed the processing of permit applications that were made prior to date of the Minute Order. The horse barn/water tank project was one of the two discretionary permit applications that were allowed to proceed prior to consideration of the proposed master plan. The other application allowed to go forward was for a new single family dwelling on the parcel, which was approved and which has been built and is now occupied by the Stephenson's.

DESCRIPTION OF THE PROJECT

The project, as approved by the Planning Commission, includes several uses which are listed on the second page of Attachment 3. More detailed descriptions of the project are provided in Attachments 4 and 5. In summary, the project involves the construction of an 8,000 square foot barn for private horse keeping by the owners, five water storage tanks and related uses, all for private equestrian use. As conditioned by the Planning Commission, the barn would have a maximum height of 30 feet. The interior of the barn would include stalls for the keeping of up to 8 horses (or other equine livestock) not used for biomedical purposes. (See condition **IX.A** of Attachment 3). A 480 foot long access drive and a 7,960 square foot base rock parking and circulation area would serve the barn. Grading of 840 cubic yards of earth would occur to construct the barn and these related improvements.

Five identical 4,975 gallon water storage tanks would be located along one side of the access road near the barn to provide emergency fire protection. Each tank would have a diameter of 12 feet and a height of 7-3/4 feet. The County Fire Department has required this volume of water storage as well as other fire suppression requirements for this project (Refer to Attachment 12 of the Initial Study, which is Exhibit C of Attachment 4 to this letter). A 2,000 lineal foot subsurface water line would be installed from a reservoir on the property, known as the "Upper Reservoir" to provide water to the five tanks. This reservoir receives much of its water from the "Lower Reservoir" on the parcel and Laguna Creek, which is located about 1,300 feet west of the property. Both the "Lower Reservoir" and Laguna Creek support federally listed aquatic species and the "Upper Reservoir" contains habitat conducive to one of these species. To protect against significant impacts to these species, the water supply line from the "Upper Reservoir" would have a locked valve that could only be unlocked by County Fire Department personnel in response to a fire emergency or to routinely test the system. (See condition III.A.7 of Attachment 3). Therefore the water contained in the storage tanks would not be available for pasture irrigation.

A second subsurface water line about 2,200 feet in length would be installed from an existing domestic well on the Stephenson parcel to provide water to the barn for the rest room and for animal watering needs. The well is located proximate to the parcel's common property with **the Lanting/Ekstrom** parcel and about 120 feet south of a community well on that parcel that serves four residential properties. To ensure that the Stephenson well would not create a **drawdown** problem on the nearby community well, the availability of water from **this** well to **be** used for irrigation purposes was restricted. The original proposal was to connect the well with the five water storage tanks. This configuration would have allowed this well water to be used for irrigation purposes. As conditioned, this well will be connected to a sixth tank with a capacity of 86 gallons to serve only the domestic needs of the barn.

CEQA EVALUATION

The applicant's have repeatedly stated that the project is not connected with their proposal for biomedical livestock raising, but rather is to allow facilities for the raising of six to eight horses for the owners' private use. The findings and conditions that were adopted by the Planning Commission are based on this project being separate and distinct from biomedical livestock raising on the parcel. Some members of the Commission questioned whether consideration of the project separate from the biomedical master plan was artificially segmenting the project contrary to CEQA and, further, whether CEQA evaluation of this project should include a cumulative impact analysis that evaluated the combined effects of this project's impacts together with the future potential impacts generated by the master plan. County Counsel has responded to these concerns in a memo dated September 20 (Attachment 6). The memo states that the test regarding the segmentation issue in this case would be to determine if the proposed biomedical livestock master plan is a reasonably foreseeable consequence of the horse barn/water tank project. The project has been substantially revised from that originally proposed in 1997. These revisions have included several requirements that make it independent from existing and proposed biomedical livestock raising. For example, the five water tanks were originally proposed to irrigate pasture for use by goats, raised for biomedical purposes, as well as for the horses housed in the barn. The Planning Commission conditioned the project to restrict use of the tanks for emergency fire protection purposes as discussed above.

Regarding the cumulative impacts issue, the memo explains that a difference exists between considering cumulative impacts, which was done during the Environmental Review of this project, and conducting a formal cumulative impact analysis which is a requirement of an Environmental Impact Report. In either case, court decisions have directed local -and State agencies to include projects which **have** entered the Environmental Review process as those to be considered when assessing cumulative impacts. In this case, the Initial Study for the horse barn/water tank project was prepared on March 8, 1999 and a Mitigated Negative Declaration was issued on May 6, two months prior to the master plan application being deemed complete. The Planning Commission acted on the project one week prior to the master plan application commencing Environmental Review. The Planning Commission and staff did not believe the Initial Study should be revised to discuss the cumulative impacts generated by the project in combination with the future master plan because to do so would not be consistent with case law on this issue.

MAIN PROJECT ISSUES

According to Supervisor Wormhoudt's letter, Special Consideration of this project is warranted because there is significant neighborhood concern about this project, the barn would be located on one of the highest elevations on the property, and the barn would be visible to Wilder Ranch State Park. This letter also states "there are **also** serious **questions** regarding runoff of coliform and other bacteria into Laguna and Majors Creeks".

There is indeed a great amount of public concern about this project as evidenced by the several letters received on this matter. (See Exhibit K and L of Attachment 5 and all of Attachment 7). Both Planning staff and the Commission attempted to address the concerns of the public and public agencies by having the applicant make revisions to the project or by placing permit conditions on the approval of the project. For example, State Parks concern about the project facilities being visible from the western edge of Wilder Ranch State Park was addressed by requiring a landscape screening plan to shield much of the barn's visibility from views from the State Park. The landscape plan was approved after it was reviewed and accepted by State Parks district **office** and after Planning staff conducted a thorough site inspection with County Parks personnel. Coliform and bacteria problems associated with nearby streams have been caused by the existing biomedical livestock operation on the ranch. Your Board approved an Emergency Coastal Zone Permit last month to permit the property owners to construct temporary measures to rectify this problem. The horse barn is not within the watershed of Laguna Creek and the engineered drainage plan approved with the project has been designed to discharge project runoff as **sheetflow** in the pasture rather than into a tributary of Majors Creek. The project's manure management plan was reviewed and accepted by the County Environmental Health Service and approved by the Commission with additional requirements.

Other significant issues to neighbors and agencies were water use, impacts to listed animal species, night lighting and visual impacts to neighbors. The first two issues have been discussed previously in this letter. In regards-to night lighting, after extensive review of- materials and presentations at hearing, the Commission conditioned the project to submit a detailed lighting plan with plans to be submitted for a Building Permit application which show the maximum illumination at the two main openings of the barn to be 5 footcandles and that all other lighting be designed for a combined illumination of 1 footcandle. (See condition **IV.A** of Attachment 3). The exterior of the barn was designed and conditioned to reduce visual impacts to nearby residential properties. The exterior of the barn will be traditional board and batten walls. The walls and roof will be a shade of tan or brown. The barn would be located 540 feet east from the Mills property, the closest neighboring parcel with a dwelling and 0.45 mile south of the **Lanting/Eckstrom** property which is the next closest parcel with a dwelling.

CONCLUSION AND RECOMMENDATION

This project has been revised substantially from that originally proposed to meet concerns of the public, public agencies and environmental issues identified by Planning staff. The Planning Commission conducted four public hearings on the project. The Commission reviewed the Initial Study, staff reports and several letters submitted by the applicant and members of the public. The Commission acted in accordance with CEQA and the permit processing requirements of County Code chapter 18.10 in approving this project. The only action that has occurred since the Commission's action which is related to the project or the property is that the master plan application has moved forward to the Environmental Review stage of processing. Staff does not believe this occurrence substantially effects the project to the degree that the Commission's action should be altered.

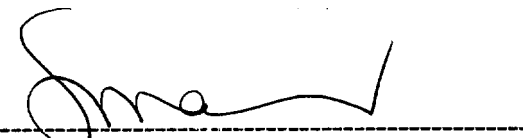
It is therefore RECOMMENDED that the Board of Supervisors take the following actions:

1. Approve Application 97-0648 based on the attached findings(Attachment 2) and subject to the attached conditions(Attachment 3); and
2. Approve the Initial Study and Mitigated Negative Declaration (Exhibit C of Attachment 4) for Application 97-0648.

Sincerely,


ALVIN D. JAMES
Planning Director

RECOMMENDED-:



SUSAN MAURIELLO
County Administrative Officer

Attachments:

- 1 - Letter Requesting Special consideration of the Project, dated 9/20/99
- 2 - Findings for the Approval of Application 97-0648
- 3 - Permit Conditions as Approved by the Planning Commission

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- 4 - Planning Commission Staff Report for the **9/8/99** hearing
- 5 - Planning Commission Staff Report for the **6/23/99** hearing
- 6 - Memo of County Counsel, dated **9/20/99**
- 7 - Letters Submitted at the **9/22/99** Planning Commission Hearing

cc: John and Brenda Stephenson
Paul Bruno, Attorney
Julianne Ward, **SOAL**
Frans Lanting and Christine Eckstrom

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