

County of Santa Cruz

PUNNING DEPARTMENT

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ALVIN D. JAMES, DIRECTOR

PLANNING COMMISSION AGENDA: 09/08/99

August 31, 1999

PLANNING COMMISSION
County of Santa Cruz
701 Ocean Street
Santa Cruz CA 95060

**SUBJECT: CONTINUED CONSIDERATION OF APPLICATION 97-0648
(STEPHENSON HORSE BARN, WATER TANKS AND WATER LINES
PROJECT)**

Members of the Planning Commission,

INTRODUCTION

As you recall, on June 23, 1999 your Commission continued consideration of this application to obtain more information regarding lighting and other visual impacts, the proposed master plan and the interior layout of the barn. More specifically, your Commission gave the following direction to the applicant and Planning staff:

1. The applicant was asked to provide a computer simulated photographic image of the project site, with the completed project as viewed from the designated hiking trail at the western edge of Wilder Ranch State Park;
2. The applicant was requested to provide a lighting plan in order for your Commission to evaluate impacts on area neighbors and adjoining Wilder Ranch State Park.
3. The applicant was asked to provide more information on the interior floor plan of the barn to allow your Commission to determine- if the proposed facility would adequately house horses: and
4. Planning staff was requested to provide more information on the pending application

for the proposed Master Plan for Biomedical Livestock Raising on this parcel so the Commission could consider cumulative impacts.

These issues are discussed below. Planning staff has also reevaluated the issue of proposed facilities to irrigate pasture for the combined grazing of horses and biomedical livestock. In addition, the Board of Supervisors has recently taken action regarding the tents currently used to shelter biomedical livestock northeast of the project site. Both of these issues were addressed in the previous staff report and during testimony at the June 23 public hearing. Finally, the applicant has recently withdrawn the proposed grain silo from the project. New information on these three issues is provided below as the first items of discussion.

A newly revised set of recommended findings (Exhibit A) and permit conditions (Exhibit B) are provided with this staff report. The Mitigated Negative Declaration and lengthy Initial Study (Exhibit C) were provided to your Commission at the previous meeting. Since there is no change to this document a new copy is not attached. It is recommended that Commissioners bring their copy of this **environmental** document to the September 8 meeting.

WITHDRAWAL OF THE GRAIN SILO FROM THE PROJECT

On August 16 the applicant submitted a letter to Planning staff withdrawing the grain silo proposed near goat barns #4 and #5 from the project (Exhibit D). The withdrawal of this element of the project application alleviates the need to discuss this issue in this staff report. The recommended findings have been revised from those last presented to your Commission to delete any language about the grain silo since it no longer part of the project.

This same letter states that it is the applicants' intent to raise a maximum of eight horses in the proposed barn. A condition specifying this number has been added to the recommended permit **conditions**.

TEMPORARY LIVESTOCK TENTS

As reported in the previous staff report, the applicant has erected several large tents northwest of the project site for temporary shelter for goats raised for biomedical purposes. Code enforcement action was taken regarding these tents since they were erected without benefit of Coastal Zone Permit. On August 24 the Board of Supervisors took action to postpone any further code enforcement action regarding these tents (Exhibit E). The retention of the tents has been endorsed by the Regional Water Quality Control Board as an interim measure to minimize manure laden runoff into on-site stream channels.

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WATER LINES PROPOSED FOR PASTURE IRRIGATION

The project before you includes a proposal to extend an agricultural water line by installing 2,000 lineal feet of new water line from the "Upper Reservoir vicinity (where the line now terminates) to the proposed 5 water storage tanks so approximately 44 acres of grazing land can be irrigated. The applicant has stated that the irrigated pasture will be used to graze horses to be sheltered in the proposed barn in combination with goats raised for biomedical purposes. A great deal of the previous staff report, staff presentation and public testimony focused on the issue of this water line and water use. To ensure that the "Upper Reservoir" would not experience large continuous withdrawals of water impacting aquatic wildlife, the proposed line was to be filled by the untreated water line supplied by the City of Santa Cruz Water Department. A separate auxiliary line for fire protection purposes would use "Upper Reservoir" water to supply the 5 water tanks when a locked valve was activated by the County Fire Department. While the previous staff report evaluated these mitigative measures, much of the discussion at the June 23 meeting focused on the fact that the new water line would serve biomedical livestock prior to adoption of a Master Plan for Biomedical Livestock Raising on the parcel.

Planning staff has reevaluated this component of the project in light of its relationship to biomedical livestock raising. The previous recommended permit conditions had been revised for your June 23 meeting deleting an earlier recommendation to require horses and biomedical livestock to graze in separate pastures. It is common practice to graze horses on non-irrigated pastures. It is not common, nor required, to irrigate 44 acres of pastureland to raise 8 horses. In addition, irrigation of the pasture in question would benefit biomedical livestock operation which is currently the subject of an application for Master Plan approval. These factors make it evident that the proposed agricultural water line would be a facility used, at least in part, for biomedical livestock; thus the approval of this element of the project would be premature at this time. Therefore, staff cannot recommend approval of the water line and has revised the recommended findings to deny this part of the project. The denial of the 2,000 lineal foot extension of the agricultural water line will not affect the approval of the emergency water line for fire protection nor the other water line proposed to supply domestic water from an existing well to the proposed horse barn.

VISUAL IMPACT OF THE PROJECT FACILITIES

As stated in the June 23 staff report, the design of the project included several factors to minimize visual impacts to neighboring properties. The barn will be located near the eastern edge of the property to maximize the distance between the project facilities and the nearby Mills dwelling. Except for the 12 foot wide access drive, the project site will be

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set back 390 feet from the common property line between the Mills and. Stephenson properties. The barn will shield the parking/circulation area and the water storage tanks from view from adjoining Wilder Ranch State Park. The barn's architecture will be that of a traditional rustic barn with exterior walls of wood board and batten construction. All exterior colors will be shades of brown, However, to better understand the visual impact of the 8,000 square foot barn on users of the Majors Creek Canyon area of the state park, your Commission requested a computer simulated photo montage of the project.

A computer simulation of the project (Exhibit F) has been provided by the applicant. This simulation shows how the project facilities would appear to persons using the designated. hiking trail at the eastern rim of Majors Creek Canyon after the landscape screening has matured. If the recommended tree planting was adequately cared for, one could anticipate the landscape screening to attain the heights represented by the simulation in 8-10 years. The simulation includes both existing and post-project construction views to depict how the view will change with construction of the project as seen from the state park. In staffs judgement, the simulation demonstrates that the project will have an insignificant impact on the visual environment.

THE IMPACT OF NIGHT-TIME LIGHTING

In response to your Commission's request, the applicant has submitted a lighting plan for the proposed barn (Sheet 2 of Exhibit G) with supplementary lighting specifications for the proposed lighting (Exhibit H). Three types of light fixtures are proposed:

1. Six dual-head flood lamps, with a power of 150 watts/lamp, to be mounted on the northerly and southerly exterior sides of the barn. All twelve lamps would be activated by a motion sensor. These are labeled "A1" on Exhibit G.
2. Four "RLM" incandescent lamps in a decorative dome and gooseneck bracket, with a wattage of 300 watts/lamp, to be mounted at the front and rear barn door openings and an additional five identical lamps to be mounted inside the barn's tack room. These are labeled "D1" on Exhibit G. The bracket style is labeled as "Style C" on the second to last sheet of Exhibit H.
3. Twelve flourescent interior lamps, each with 9 flourescent tubes radiating from a center point like spokes of a wheel to form a 22 inch diameter round globe. The tubes are contained in a clear acrylic reflective globe that would be suspended by a heavy duty chain from the barn's ceiling. Each lamp would have a wattage of 36 watts. These are labeled as "F1" on Exhibit G.

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The inclusion of the proposed interior lighting plan is important since light can shine through the various openings in the barn, including the rear barn doorway which faces Wilder Ranch State Park. (Refer to Sheet 1 of Exhibit G). The combined wattage of all lamps totals 4,932 watts. A subtotal of all lamps minus the motion detected flood lamps equals 3,132 watts. Preliminary review by Planning staff reveals that there are some measures that could be taken to reduce the total illumination, if the Commission finds it necessary to do so. The-motion detected flood lamps, proposed as security lighting, could be reduced from three dual headed lamps on each exterior side of the barn to one or two dual headed lamps. Additionally, each lamp could be shielded to direct the illumination downward towards the ground.

Additional review of these plans has been conducted by Planning's Building Plan Check staff who have concluded that they do not contain adequate information describing the amount of intensity of illumination that would be emanated by the lighting. According to Plan Check staff, what is needed is an evaluation by a qualified electrical or mechanical engineer and a diagram showing the intensity of illumination from the project site in footcandles. Planning staff has discussed this issue with the applicant and the applicant will be providing your Commission with additional information on or before the September 8 meeting. Absent the analysis specified by Plan Check staff, Planning staff could condition the project to require submittal of such a plan with the Building Permit application to comply with a prescribed maximum level of footcandle illumination when all lamps are activated together. Due to limited time since receiving the material from the applicant, staff has not been able to conduct this investigation by completion of this staff report, but will investigate this issue prior to the Commission's September 8 meeting. Assuming that this analysis can identify an adequate threshold for total footcandles at the project site, staff will provide a recommended permit condition to this effect, including a requirement that a plan to be prepared to conform to this threshold prior to issuance of a Building Permit.

INTERIOR FLOOR PLAN OF THE BARN

At the June 23 meeting, two members of the Commission with experience raising horses voiced concern about the proposed layout for the interior of the barn as being either uncommon or unsuitable for the raising of horses. At least one other Commissioner stated concern about the lack of detail shown on the floor plan for the barn. In response to these concerns, the applicant has provided a more detailed floor plan of the proposed barn for your review (sheet 1 of Exhibit G). This new plan provides significantly more information than the previous plan and is intended to replace sheet 7 of the project plans provided to your Commission with the previous staff report.

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Since an evaluation of this issue is beyond the-scope of our expertise, County Planning staff has discussed some of the interior facilities shown on the new floor plan with three experienced equestrians: Liz Maitoza, President of the Santa Cruz County Horsemen's Association, Ken Mabie, who with his wife, owns a public boarding stable near Aptos and Cathleen Carr, agricultural land use planner at the County Planning Department. The consensus of these individuals is that 5 foot high pipe corral railings to separate the interior stalls of the barns as proposed are not adequate to prevent horses in adjacent stalls from fighting with each other. All three equestrians said that the stalls should be separated by a solid interior wall. Two respondents stated that the separation should be at least 8 to 10 feet in height.

Two of the equestrians commented on the facility with which pipe corral railings can be disassembled and reassembled. This characteristic makes them preferable to use for exterior corral fencing, but this material should not used for interior stalls which provide significantly less space for horses than an out-of-doors corral. According to the applicant, the easy reassembly of the pipe railings will facilitate adjustment of the size of any stall, should a mare have a foal which needs to be temporarily housed in the same stall as the mother. If the Commission believes that more permanent and secure separations between stalls are needed, the permit could be conditioned to specify a different type of stall separation from those now proposed by the applicant. Recommended condition III.A.2 of Exhibit B provides this type of condition.

INFORMATION ON THE PENDING MASTER PLAN APPLICATION

The proposed Master-Plan for Biomedical Livestock Raising on the Stephenson Ranch (Application 99-0419) has now been deemed complete by County Planning staff but it has not yet commenced Environmental Review. The main components of the proposed Master Plan are shown on Exhibit I and a site plan of Master Plan facilities is provided by Exhibit J. The plan shows four barns, a support facility and a new manure bunker to be located in the vicinity of-the horse barn. The size of the four barns would be 10,000 square foot/each. Other master plan components would be retention of existing buildings along the "Farm Road cluster" and at the intersection of Back Ranch and Farm Roads with some modifications to those two existing building cluster areas.

Some members of your Commission were concerned that a cumulative impact analysis was not provided for this project. CEQA only requires a cumulative impacts analysis when an EIR is prepared for a project. Initial Studies substantiating Negative Declarations do not include such analyses. When analyzing the cumulative impacts of a project in an EIR, lead agencies are required to discuss other nearby or related projects approved and under construction as well as those projects undergoing Environmental Review during the time the main project is being analyzed. This latter guideline is the result of case law where the

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court saw the need to place a limit on the number of projects included in a cumulative impact analysis at a reasonable point in time since applications for projects are being constantly submitted (*San Franciscans for Reasonable Growth V. City and County of San Francisco*, 1984, 151 Cal. App. 3d 61). Since the proposed Master Plan has not yet commenced Environmental Review, it would be inappropriate to include it as part of a cumulative impact analysis even if an EIR had been prepared for the subject project.

CONCLUSION and RECOMMENDATION

The project has been revised substantially from that which your Commission originally reviewed in November 1998. Major changes since the Commission's June 23 meeting consist of the applicants' withdrawal of the grain silo from the project and Planning staffs recommendation for denial of the water line to irrigate pasture for goats and horses. These two changes clearly make the project one which stands alone and apart from the proposed Master Plan application to expand biomedical livestock raising facilities on the ranch. In addition, new information has been submitted as requested on June 23. Staff does not believe the information submitted to date changes any of the conclusions in the Initial Study and its Mitigated Negative Declaration. Staff does believe that additional information should be submitted on the intensity of illumination generated by proposed project lighting because such information will be useful in demonstrating that the project can meet the intent of the mitigation measure regarding lighting impacts. If the lighting plan meets the standard prescribed by Mitigation Measure H (condition III.A.4), the project would be in conformance with Mitigated Negative Declaration. Some of this information may be available at the September 8 meeting and all information showing a footcandle measurement of all project lighting would need to be submitted prior to issuance of any Building or related construction permits for the project,

New changes to the recommended permit conditions are shown in Exhibit B with strike-outs (deleted language) and shaded type (added language). The project plans cited as Exhibit A of the recommended permit conditions are the same plans that you reviewed for your June 23 meeting with previous sheet 7 being replaced with the two sheets provided in Exhibit G of this staff report. Planning staff **modifications** to certain plan sheets will be displayed at the September 8 meeting..

It is therefore **RECOMMENDED** that the Planning Commission take the following actions:

1. Make the findings included in Exhibit A to deny the proposal to install a 2,000 lineal foot extension to the agricultural water line;
2. Make the findings in Exhibit A to approve Application 97-0648 based on the

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conditions in Exhibit B; and

3. Approve the Mitigated Negative Declaration and Initial Study (Exhibit C) for Application 97-0648.

Sincerely,



Kim Tschantz, CEP
Senior Planner/Deputy Environmental Coordinator

EXHIBITS

- A - Findings
- B - Recommended Permit Conditions
- C - **Mitigated** Negative Declaration and Initial Study (*On file at the County Planning Department*)
- D - Letter from Santa **Cruz** Biotechnology dated August 16, 1999
- E - Board of Supervisors Minute Order for Item 49 for the Meeting of August 24, 1999
- F - Computer Aided Simulation of Project as Viewed from Wilder Ranch State Park
- G - Revised Project Plan Sheets 7 (Floor Plan and Elevations) and 8 (Lighting Plan) (*On File at the County Planning Department*)
- H - Supplementary Information on the Proposed Barn Lighting
- I - Listing of Proposed Master Plan Facilities
- J - Site Plan of the Proposed Master Plan

cc: John and Brenda Stephenson
Matt Mullin, SCB
Paul Bruno, attorney
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COASTAL ZONE PERMIT FINDINGS:

1. THAT THE PROJECT IS A USE ALLOWED IN ONE OF THE BASIC ZONE DISTRICTS, OTHER THAN THE SPECIAL USE (SU) DISTRICT, LISTED IN SECTION 13.10.170(d) AS CONSISTENT WITH THE GENERAL PLAN AND LOCAL COASTAL PROGRAM LUP DESIGNATION.

Livestock barns, water storage tanks and water lines to serve the tanks, all for private equestrian use, are uses that are allowed in the "CA" zone district where the project is located. New facilities to support biomedical livestock raising, such as the proposed extension of the water line to irrigate pasture land for the grazing of biomedical livestock, are allowed pursuant to a site specific Master Plan for biomedical livestock raising. No Master Plan has yet been approved for this property. "CA" zoning is an implementing zoning of the General Plan/LCP land use designation of "Agriculture" with an "Agricultural Resource" overlay. The property is so designated- by the General Plan/LCP.

The proposed extension of the water line would not only serve horses to be housed in the project barn but other livestock raised on this property, specifically livestock raised for biomedical purposes. Irrigated pasture is not necessary, nor is it common, to pasture horses. Irrigated pasture is, however, used by the applicants in their raising of biomedical livestock on other portion of the project property. The extension of the water line to irrigate pasture for goats raised for biomedical purposes prior to the adoption of a Master Plan for biomedical livestock raising on a parcel is not consistent with County Code 13.10.647 (Regulations for Biomedical Livestock Raising) because a Master Plan must be adopted before biomedical facilities are expanded. The proposed extension of the water line, as now proposed, is not presently permitted in the "CA" zone district without an approved Master Plan.

The provision of a separate locked line only to be used in a fire emergency (or for related periodic testing) as proposed would not be a line to serve biomedical livestock and could be installed without conflicting with County Code 13.10.647. Such a water line dedicated solely to fire protection is permitted in all zoning districts. Similarly, the installation of a domestic water line from an existing domestic well solely to serve the horses will not conflict with Section 13.10.647 because it will only be used to serve a project facility and the horses it shelters. Domestic water lines are permitted in all zoning districts.

2. THAT THE PROJECT DOES NOT CONFLICT WITH ANY EXISTING EASEMENT OR DEVELOPMENT RESTRICTIONS SUCH AS PUBLIC ACCESS, UTILITY, OR OPEN SPACE EASEMENTS.

The project does not conflict with any existing easement or development restriction such as public access, utility, or open space easements. All property owners on Back Ranch

Road have legal right-of-way to travel over that segment of Back Ranch Road that traverses the Stephenson parcel. This project will not affect these rights.

3. THAT THE PROJECT IS CONSISTENT WITH THE DESIGN CRITERIA AND SPECIAL USE STANDARDS AND CONDITIONS OF THIS CHAPTER PURSUANT TO SECTION 13.20.130 et seq.

Agricultural land will be conserved as discussed in finding #5 and the accompanying findings required by Section 13.10.314. The project structures have been sited so as to be least visible from surrounding properties inhabited with dwellings. These structures will also not be within view of the scenic corridors of the ocean beach or Highway 1. The project barn, however, will be in view of public land to be annexed to Wilder Ranch State Park and a hiking trail on that public land. A landscape screening plan will be implemented as part of the required project improvements to reduce the visual effect of the new barn on State Park users to levels of insignificance. Exterior materials of the barn will be natural earthen tone colors. The barn has been positioned on the project site to screen other project improvements from State Park views. The project has been conditioned to minimize the amount of illumination and glare that will be generated by project lighting so wildlife and nighttime uses (e.g. star gazing) on State Park land will not be significantly affected. All of these measures will make the project consistent with applicable regulations of Section 13.20.130.

4. THAT THE PROJECT CONFORMS WITH THE PUBLIC ACCESS, RECREATION, AND VISITOR-SERVING POLICIES, STANDARDS AND MAPS OF THE GENERAL PLAN AND LOCAL COASTAL PROGRAM LAND USE PLAN, SPECIFICALLY CHAPTER 2: FIGURE 2.5 AND CHAPTER 7, AND, AS TO ANY DEVELOPMENT BETWEEN AND NEAREST PUBLIC ROAD AND THE SEA OR THE SHORELINE OF ANY BODY OF WATER LOCATED WITHIN THE COASTAL ZONE, SUCH DEVELOPMENT IS IN CONFORMITY WITH THE PUBLIC ACCESS AND PUBLIC RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT COMMENCING WITH SECTION 30200.

The project site is not located between the shoreline and the first public road. Consequently, the project will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

5. THAT THE PROPOSED DEVELOPMENT IS IN CONFORMITY WITH THE CERTIFIED LOCAL COASTAL PROGRAM.

The proposed project has been conditioned so it will be in conformity with the County's certified Local Coastal Program in that productive pasture land within the northeast portion of the parcel will be conserved by requiring the existing stable to be demolished and the site converted to productive agricultural land within two years of approval of this project.

In addition, redesign of the paved parking and circulation area has been reduced from 20,200 square feet, as originally proposed, to 7,960 square feet adjacent to the project barns. (Together with the project roadway the total vehicle circulation area will now total 13,370 square feet). These two conditions will make the project consistent with General Plan/LCP policy 513.6 which requires all conditional uses on commercial agricultural land to minimize the removal of land from agricultural production.

DEVELOPMENT PERMIT FINDINGS:

1. THAT THE PROPOSED LOCATION OF THE PROJECT AND THE CONDITIONS UNDER WHICH IT WOULD BE OPERATED OR MAINTAINED WILL NOT BE DETRIMENTAL TO THE HEALTH, SAFETY, OR WELFARE OF PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD OR THE GENERAL PUBLIC, AND WILL NOT RESULT IN INEFFICIENT OR WASTEFUL USE OF ENERGY, AND WILL NOT BE MATERIALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE VICINITY.

The location of the horse facilities and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity in that the project is located in an area designated for agricultural uses and is designed to avoid physical constraints to development which occur on the parcel. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. A Mitigated Negative Declaration was issued for this project on May 11, 1999. All mitigation measures, to address environmental impacts, have been incorporated into the permit conditions for this project.

The-proposed extension of the agricultural water line to irrigate pasture is a facility that will be used to pasture goats raised as biomedical livestock prior to the approval of a Master Plan for biomedical livestock raising. Irrigated pasture is not necessary, nor is it common agricultural practice, to irrigate pasture for the raising of horses. The proposed extension of the water line would conflict with one of the purposes of the Master Plan, siting of facilities to ensure that land use conflicts with surrounding properties are avoided. For this reason, the proposed extension of the agricultural water line is not included in the approval of this project.

2. THAT THE PROPOSED LOCATION OF THE PROJECT AND THE CONDITIONS UNDER WHICH IT WOULD BE OPERATED OR MAINTAINED WILL BE CONSISTENT WITH ALL PERTINENT COUNTY ORDINANCES AND THE PURPOSE OF THE ZONE DISTRICT IN WHICH THE SITE IS LOCATED.

The project site is located in the "CA" zone district. The proposed location of the project (equestrian barns, associated paving, water storage tanks) and the conditions under which the project will be constructed and maintained will be consistent with all pertinent County ordinances and the purpose of the "CA" zone district in that the primary use of the project facilities will be horse raising for private use. This is an allowable use within the "CA" zone district.

The extension of the agricultural water line will be used to irrigate pasture for goats raised for biomedical purposes prior to the adoption of a Master Plan for biomedical livestock raising on a parcel. This is not consistent with County Code 13.10.647 (Regulations for Biomedical Livestock Raising) because a Master Plan must be adopted before biomedical facilities are expanded.

The installation of water lines dedicated solely for fire protection purposes and to convey domestic water to serve the project barn are allowed in all zoning districts. These two types of water lines do not conflict with Section 13.10.647 as explained in Development Permit finding #1 above.

3. THAT THE PROPOSED USE IS CONSISTENT WITH ALL ELEMENTS OF THE COUNTY GENERAL PLAN AND WITH ANY SPECIFIC PLAN WHICH HAS BEEN ADOPTED FOR THE AREA.

The project is located in the "Agriculture" land use designation. The use proposed by this project is consistent with all elements of the General Plan in that the raising of horses is an allowable use in that it consists of raising of livestock. The project is consistent with the General Plan in that the water lines and tanks dedicated to fire protection and domestic uses will provide the water needed to provide fire protection and basic sanitation (i.e., rest room, sewage disposal, horse washing, etc.). A specific plan has not been adopted for this portion of the County. The property owners have made an application for a proposed Master Plan to manage biomedical livestock raising on the parcel. Since the equestrian facilities do not include biomedical livestock, they are not subject to a future Master Plan.

However, as discussed in previous findings, the proposed extension of the agricultural water line to irrigate pasture is a component of the biomedical livestock raising use and thus is subject to review under the Master Plan. Approval of this water line extension at this time, prior to approval of the Master Plan, would not be consistent with the intent of the Master Plan process.

4. THAT THE PROPOSED USE WILL NOT OVERLOAD UTILITIES AND WILL NOT GENERATE MORE THAN THE ACCEPTABLE LEVEL OF TRAFFIC ON THE STREETS IN THE VICINITY.

The use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity in that the project is a private equestrian facility for the

owners of the property who will reside in the single-family dwelling presently under construction on the same parcel. Vehicular traffic will consist of either the owners or their farm employees traveling to the project site from other portions of the property in a single vehicle. Electricity will be used to operate a pump at the existing domestic well to provide domestic water to the barn and for lighting inside and outside of the barn. The project has been conditioned to disallow any extensive outdoor lighting of the site.

5. THAT THE PROPOSED PROJECT WILL COMPLEMENT AND HARMONIZE WITH THE EXISTING AND PROPOSED LAND USES IN THE VICINITY AND WILL BE COMPATIBLE WITH THE PHYSICAL DESIGN ASPECTS, LAND-USE INTENSITIES, AND DWELLING UNIT DENSITIES OF THE NEIGHBORHOOD.

The equestrian portion of the project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood in that the project consists of buildings and other structures to support the raising of livestock on an agricultural parcel. No dwelling units will be constructed by this project.

6. THE PROPOSED DEVELOPMENT PROJECT IS CONSISTENT WITH THE DESIGN STANDARDS AND GUIDELINES (SECTIONS 13.11.070 THROUGH 13.11.076), AND ANY OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER.

The proposed development is consistent with the Design Standards and Guidelines of the County Code in that project structures will be subordinate to the surrounding natural topography and site grading will not significantly alter the natural topography of the project site (Subsection 13.11.072b1). Development has been sited to minimize impacts on private views. (13.11.072b2) The project's impact on public views will be restricted to the western edge of Wilder Ranch State Park. Use of natural earthen tone exterior colors and materials for the project barn and implementation of a native landscape screening plan consisting of evergreen trees will minimize the visual effects of the project to levels of insignificance to users of the State Park. The barn structure is located to screen most other project facilities from views from the State Park,

Peauired Special Findinas for Level 5 (or Higher)
Development on "CA" and "AP" Zoned Properties
County Code Section 13.10.314 (a)

1. THAT THE ESTABLISHMENT OR MAINTENANCE OF THIS USE WILL ENHANCE OR SUPPORT THE CONTINUED OPERATION OF COMMERCIAL AGRICULTURE ON THE PARCEL AND WILL NOT REDUCE, RESTRICT OR ADVERSELY AFFECT AGRICULTURAL OPERATIONS ON THIS AREA.

The barn will support the raising of horses on an area of the property which is geographically separate from other portions of the property where other agricultural uses occur. The five main water storage tanks will be used to provide a reliable quick source of water for fire protection purposes. A sixth water storage tank of 86 gallons will be used, in part, to provide water to the horses. The approved water lines are necessary to convey water to these 6 water tanks. It is not known at this time what effect the proposed extension of the agricultural water line will have on agricultural operations on-site or within the area since a Master Plan to guide biomedical livestock raising has not yet been approved for this parcel, (See Development Permit findings #1 and #5).

2. THAT THE USE OR STRUCTURE IS ANCILLARY, INCIDENTAL OR ACCESSORY TO THE PRINCIPAL AGRICULTURAL USE OF THE PARCEL,
OR

NO OTHER AGRICULTURAL USE IS FEASIBLE FOR THE PARCEL.

The equestrian barn and the water tanks are accessory uses to the raising and pasturing of horses on the property. Besides open grassland to graze, horses need shelter from inclement weather and a sheltered area to store straw, hay and equestrian supplies. The barn will be for these purposes. The water tanks will provide a reliable source of water for fire emergencies in the vicinity of the project site.

3. THAT SINGLE-FAMILY RESIDENTIAL USES WILL BE SITED TO MINIMIZE CONFLICTS, AND THAT ALL OTHER USES WILL NOT CONFLICT WITH COMMERCIAL AGRICULTURAL ACTIVITIES ON SITE, WHERE APPLICABLE, OR IN THE AREA.

No single-family dwelling will be constructed as part of this project. The equestrian component of the project has been sited on a portion of the site that is geographically isolated from the remainder of the parcel which supports another form of livestock raising. The site is also distant from other agricultural uses in the area.

Refer to finding #1 regarding the proposed extension of the agricultural water line potential conflict with conservation of agricultural land on both the project parcel and surrounding properties.

4. THAT THE USE WILL BE SITED TO REMOVE NO LAND FROM PRODUCTION (OR POTENTIAL PRODUCTION) IF ANY NON-FARMABLE POTENTIAL BUILDING SITE IS AVAILABLE.

OR

IF THIS IS NOT POSSIBLE, TO REMOVE AS LITTLE LAND AS POSSIBLE FROM PRODUCTION.

The project has been conditioned to remove as little land as feasible from the production of crops and livestock by the following measures:

- a. The surfaced parking, circulation and roadway area has been reduced from 34,400 square feet (0.79 acre) to 21,720 square feet (0.50 acre); thereby reducing the total impervious developed area of this project to 29,720 square feet (0.68 acre); and
- b. The existing horse stables within the northeast portion of the parcel will be removed and converted to productive crop and/or pasture land within two years of the approval of this project since the project will replace the use of the existing stables.

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*NOTE: ARROWS POINT TO THE
LANGUAGE WHICH HAS
BEEN ADDED SINCE
PREPARATION OF THE
STAFF REPORT*
ATTACHMENT 4

CONDITIONS OF APPROVAL

Coastal Zone/Land Clearing Permit and Preliminary Grading Approval No. 97-0648

APPLICANT AND PROPERTY OWNER: John and Stephenson

ASSESSOR'S PARCEL No.: 59-021-03/62-151-03 (single parcel)

PROPERTY LOCATION AND ADDRESS: Both sides of Back Ranch Road
at it's with intersection Highway 1 four miles north of the Santa Cruz
City limits, Bonny Doon planning area

EXHIBITS:

Exhibit A: Project Plans prepared by Ifland Engineers, dated April 15, 1999 (with ~~one two~~ exception⁸ as noted below) consisting of 9 sheets:

- Sheet 1 - Map of Parcel
- Sheet 2 - Site Plan of the "Upper Reservoir" Area
- Sheet 3 - Site Plan of the Main Part of the Project Site
- Sheet 4 - Foundation Plan and Elevation for Storage Tank and Diagram for the Manure Storage Structure
- Sheet 5 -- Grading and Preliminary Drainage Plan
- Sheet 6 . - Erosion Control Plan
- Sheet 7 - Floor Plan and Elevation of Horse Barn, prepared by Michael Helm, architect, dated 9/2/98, with a revision date of 7/20/99
- Sheet PA - Lighting Plan, prepared by Michael Helm, architect undated**
- Sheet 8 - Landscape Screening Plan, dated 12/1/98 and Revised 4/16/99
- Sheet 9 - Water Distribution Plan, dated 9/2/97 with 4 revision dates

Exhibit B: Horse Barn Manure Management Plan, prepared by Biotic Resources Group, dated 1/15/9, consisting of 3 pages and its addendum, undated, consisting of 2 pages

Exhibit C: Native Grassland Restoration Plan, prepared by Biotic Resources Group, dated 3/11/99

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Any revisions to these plans by Planning staff are shown on the stamped set of plans and shall be followed in the preparation of more detailed plans submitted for grading or construction permits.

CONDITIONS:

- I. This permit authorizes the construction of a private equestrian facility consisting of:
 - A. An agricultural barn of 8,000 square feet and associated paved driveway and parking/circulation area as shown on sheet 3 of Exhibit A;
 - B. Five water storage tanks of 4,975 gallons/each as shown on sheets 3, 4 and 9 of Exhibit A;
 - C. Install a new water line of approximately 2,000 lineal feet from the "Upper Reservoir" to the proposed water storage tanks, **for emergency fire protection purposes only**;
 - D. Use of an existing well and 86 gallon water storage tank for horse barn purposes as shown on Sheets 1 and 9 of Exhibit A;
 - E. Buried water line from the existing well and tank to the new barn traversing approximately 2,200 lineal feet;
 - F. Grading of 840 cubic yards of earth to facilitate the construction of items A and B above and as shown on sheet 5 of Exhibit A.

Certain conditions below implement mitigation measures of the Mitigated Negative Declaration. They are identified with the lettering of the mitigation measure inside parentheses which corresponds to the measure in the Negative Declaration document.

- II. Prior to-exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/ owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit for the structures from the County of Santa Cruz Building Official by submitting construction drawings to County Planning's public building counter.
 - C. Obtain a Grading Permit for the earthwork shown on sheet 5 of Exhibit A by submitting grading plan view and cross-sections to County Planning's public zoning counter.
 - D. Pay a Negative Declaration filing fee of \$25.00 to the Clerk of the Board of the County of Santa Cruz as required by the California Department of Fish and Game mitigation fees program.

III. Prior to issuance of a Building Permit the applicant/owner shall:

A. Submit Final Building Plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit A of the permit. The final plans shall include, but not be limited to, the following:

1. Exterior elevations identifying finish materials and colors that **conform to** sheet 7 of Exhibit A, including the roof being an earth tone color and any glazing on the east side of the structure shall be non-reflective material (Mitigation Measure J.3)
2. Floor plans identifying each room and its dimensions. **The floor plans shall include permanent separations of the interior barn stalls made of 8 foot high (or higher) solid material capable of withstanding normal horse use,**
3. A site plan showing the location of all site improvements, including, but not limited to, points of ingress and egress, parking areas, and accessory structures (i.e manure storage facility).
4. Location and type of exterior lighting, designed as follows. In order to mitigate impact that may occur if outdoor lighting restricts wildlife use of open spaces adjacent to the project during nighttime, the owner/applicant shall submit an outdoor lighting plan. This plan shall show the minimum number of outdoor lights necessary for security purposes and shall demonstrate that the design of the outdoor lighting will not **create** significant illumination east of the project site. (Mitigation Measure H)
5. In order to mitigate impacts from accelerated erosion, sedimentation and pollution of creeks, the owner/applicant shall submit an engineered drainage plan with engineered calculations that conform to the preliminary drainage plan on sheet 5 of Exhibit A. (Mitigation Measure A). The plan will include the following:
 - a. The plan shall address the impervious area associated with the road and turnaround, the barns, and the drainage aspects of the manure management plan.
 - b. The plan shall show the specific location and dimensions of the features that are discussed in a general way in the manure management plan: system of grass lined swale to prevent storm water runoff, detention facilities, vegetated filter strips, etc. The plan

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water runoff, detention facilities, vegetated filter strips, etc. The plan must also show the location of all inlets and outlets, with appropriate dissipation and erosion control. All drainage shall be discharged through a dispersion device located at least 200 feet southwest of the project site, in order to avoid any dispersal into the severely eroded drainage channel located east of the project site.

- c. A plan for maintenance of the drainage systems shall be included.
 - d. In order to control impacts from erosion, an erosion control plan consistent with sheet 6 of Exhibit A shall be submitted for review and approval with the building permit application for the barn. This can be combined with the drainage plan. The plan shall provide for ground cover of all disturbed surfaces including the planting of native grass species as specified on sheet 6 of Exhibit A. A non-invasive annual grass shall be included in the seed mix to provide short-term ground cover. Seed areas shall be mulched and regularly watered until the onset of winter rains. (Mitigation Measure B)
 - e. **The drainage ditch at the southwest end of the parking area shall be constructed with an impervious surface and grated at the top to allow it to function adequately regardless of vehicles occasionally traveling over it.**
 - f. **The project roadway shall be banked to the southwest to promote dispersed sheetflow from the roadway runoff.**
- ~~6. Final plans shall note that the City of Santa Cruz Water Department will provide water service to all of the five tanks and shall meet all requirements of the District including payment of any connection and inspection fees. Final engineered plans for water connection shall be reviewed and accepted by the Department.~~
7. Meet all requirements and pay the appropriate plan check fee of the County Fire Protection Department.
8. In order to prevent impacts to the California red-legged frog (*Rana aurora draytonii*) in the "Upper Reservoir" and to the Steelhead trout (*Onchorynchus mykiss*) and red-legged frog and their habitat in Laguna Creek the plans shall show an owner/applicant installed valve on the emergency water line between the "Upper Reservoir" and the five water tanks. The valve will be a type that is approved by County Fire. The plans shall include information how the owner/applicant has arranged

a key that is kept in the possession of the County Fire Department. The purpose of the locked valve is to make water available only to the County Fire Department for emergencies and for occasional testing of the flow in the line. (Mitigation Measure D).

9. In order to minimize the potential interference between the use of the new well and the proximate Lanting/Eckstrom community well, the owner/applicant shall show the new well connecting solely to a 6th water storage tanks which is the 86 gallon tank located next to the well. This tank and well shall not be connected to any other water storage tank on the property. (Mitigation Measure F)

- B. Obtain a domestic sewage disposal permit from County Environmental Health Services.
- C. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district in which the project is located.

- IV. In addition to the submittal requirements listed in condition III above, no Building Permit or related construction permit shall be issued for this project until:

~~A. Any code violation has been resolved to the satisfaction of the Code Compliance staff of County Planning; and~~

- A, Final action is taken on the appeal of Application 97-0779. The applicant must submit all necessary information regarding modified proposals to continue processing the appeal of Application 97-0779 prior to the County scheduling a public hearing for consideration of the appeal.

- B. A detailed lighting plan is submitted and approved that provides an illumination diagram in footcandles and which clearly demonstrates that the combined illumination intensity of all lighting at the main front and rear openings of the barn will not exceed 6 footcandles at each opening and all other lighting at the project site will not exceed 1 footcandle. The measurement of footcandles shall be based on the intensity of illumination on the surface of the ground directly adjacent to the exterior wall on which the light fixture is mounted. The plan will explain how the electrical subpanel has been sized to maintain an aggregate maximum wattage that ensures these lighting thresholds will be met over the long-term.

- V. To protect the California red-legged frog (*Rana aurora draytonii*) and to comply with the Federal Endangered Species Act (ESA), prior to installing the emergency water

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line or bringing the water storage tanks **onsite**, the owner/applicant shall submit a letter from the U.S. Fish and Wildlife Service demonstrating the Service has determined the project will be consistent with all provisions of the ESA. During project construction the owner/applicant shall:

1. Construct the project during the summer months when the species is least likely to be far from water (i.e. no construction during October 15 to April 15);
2. Conduct preconstruction surveys by a qualified wildlife biologist to determine if frogs are present near the area proposed for development; and
3. Take appropriate action as determined by the surveying biologist to avoid any impacts to the species if they are found to be near the project area. (Mitigation Measure E)


VI. All construction shall be performed in accordance with the approved plans. Prior to final building inspection and building occupancy, the applicant/owner shall meet the following conditions:

- A. All site improvements shown on the final approved Building Permit plans, including drainage and sewage disposal facilities, shall be installed.
- B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- C. Pursuant to Sections 16.40.040 and **16.42.100** of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
- E. Submit a letter from the County Fire Department stating that the Fire Department has installed a lock on the water line valve described in condition III.C and that all keys to open the lock are in the sole possession of the Fire Department. (Mitigation Measure D)
- F. In order to eliminate any hazard from drinking water that does not meet State standards for potability, the owner/applicant shall bring the water from the new

well up to standards. Test results that verify that the bacterial content of the water has been reduced to the levels meeting the minimum State standard shall be submitted to the County Environmental Health Service. (Mitigation Measure C)

- G. To mitigate for loss of native grasses at the project site, the owner/applicant shall complete the planting of 0.05 acre of native grasses near the "Upper Reservoir" according to Exhibit C of this permit.
 - H. In order to mitigate visual impacts on the adjoining public land that is planned to be annexed to Wilder Ranch State Park, the owner/applicant shall install the trees as shown on sheet 8 of Exhibit A. These trees shall be planted at an elevation of 634 MSL or higher. (Mitigation Measure J.I)
- VII. To conserve the maximum amount of land for livestock pasturing and crop growing purposes, the property owner shall completely remove the existing stable facility (former caretaker's dwelling and paddocks) at the northeast end of the property within 2 years of the approval date of this permit or before use and occupancy of the first building approved under the future Master Plan for Biomedical Livestock Raising for this parcel (whichever occurs first). The existing stable area shall be converted into an area of open space suitable for livestock pasturing or crop production. No visible sign of the existing structures shall remain once the new equestrian facility is operational. A Demolition Permit shall be obtained for this work at County Planning's public building counter.
(Mitigation Measure I)
- VIII. Nothing in this approval shall bind the County to allow clustering of buildings in any specific locations on the property for any future or pending permit applications.
- IX. Operational Conditions.
- A. The use of the barn and adjoining corrals is for the private equestrian use of the property owners and therefore these facilities shall be restricted to ~~horses or other farm animals~~ **a maximum of 8 horses or other equine livestock** (e.g. **ponies, burros**) that are not raised for biomedical purposes. No public boarding of animals shall occur, without amendment to this permit following a noticed public hearing.
 - B. Outdoor lighting shall be limited to the minimum needed to comply with construction code requirements for illuminated building entrances and emergency nighttime maintenance of the water tanks. All outdoor lighting will be designed so it does not produce glares or excessive illumination to surrounding properties. In accordance with condition III.A.4 above, no significant illumination shall occur east of the barn. (Mitigation Measure H)

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- C. The sewage disposal and drainage facilities shall be permanently maintained in good working condition at all times.
- D. The valve on the emergency water shall be retained in good working order at all times by the owner/applicant. Any significant damage to the valve shall be reported within 24 hours to the County Planning Department and County Fire Department. Any replacement of the valve as deemed necessary by either County agency shall be done by the owner/applicant within **14 days** of being requested to do so by the agency. No water may be used for irrigation purposes during the time that a damaged valve is non-operational. This requirement and that of conditions **III.E** and **IV.E** above will sunset if and when a Master Plan for biomedical livestock raising is approved for this parcel and County Planning determines that the Master Plan approval includes conditions and mitigations governing the use of water that supersede the mitigation incorporated into this condition. (Mitigation Measure D)
-  E. The owner/applicant shall restrict the connection of the well and its 86 gallon storage tank directly to the barn and not connect this water system to any other water distribution system of storage tank on the property consistent with condition **III.D** above. This well shall continue to be a domestic well. Any replacement of the water storage tank shall be limited to a tank with the maximum capacity of 1,000 gallons. **The water from this well shall not be used for any pasture or crop irrigation.** (Mitigation Measure F)
- F. In order to avoid the decrease in water quality that will result in drainage contaminated with horse manure that reaches the tributary to Majors Creek, the owner/applicant shall continually carry out the approved manure management plan provided in Exhibit B and maintain all site improvement constructed for manure management in good condition (Mitigation Measure G)
- G. All landscape screening installed according to condition V.H above, shall be permanently maintained. Any fatalities shall be replaced within 60 days of a tree fatality occurring. (Mitigation Measure J.I)
- ~~H. The use of untreated water from the City's "irrigation" water line will not exceed the maximum use set by the City of 224,400 gallons/month.~~
- H. In the event that future County inspections of the subject property disclose non-compliance with any conditions of the approval of any violation of County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

- X. As a condition of this development approval; the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.
- E. Within 30 days of the issuance of this development approval, the Development Approval Holder shall record in the office of the Santa Cruz County Recorder an agreement which incorporates the provisions of this condition, or this development approval shall become null and void.

XI. Mitigation Monitoring Program

The mitigation measures listed under this heading have been incorporated into the conditions of approval for this project in order to mitigate or avoid significant effects.

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John and Brenda Stephenson
Application No. 97-0648
APN: 59-021-08/062-151-03 (a single parcel)

on the environment. As required by-Section 21081.6 of the California Public Resources Code, a monitoring and reporting program for the above mitigations is hereby adopted as a condition of approval for this project. This monitoring program is specifically described following each mitigation measure listed below. The purpose of this monitoring is to ensure compliance with the environmental mitigations during project implementation and operation. Failure to comply with the conditions of approval, including the terms of the adopted monitoring program, may result in permit revocation pursuant to Section 18.10.462 of the Santa Cruz County. Code.

A. Mitigation Measure: Conditions III.A.4 and IX.B (Outdoor Lighting Plan)

Monitoring Program: The owner/applicant shall submit an outdoor lighting plan with the construction drawings submitted for a Building Permit for the barn. The plan shall show the locations and types of lighting that will be located outside of the barn structure within the entire project site. The plan must be reviewed and approved by County Planning prior to issuance of the Building Permit. Prior to final sign-off of the Building Permit, site improvements shall be inspected by County Planning to determine that the lighting plan has been followed. Any complaints from the California Department of Parks and Recreation or others regarding excessive outdoor lighting in the direction of Majors Creek canyon shall be investigated by County Planning's Code Enforcement Unit so problems can be verified and/or resolved.

B. Mitigation Measure: Condition III.A.5 (Drainage and Erosion Control Plan)

Monitoring Program: The owner/applicant will submit an engineered drainage/erosion control plan with final construction drawings as part of the Building Permit application. The plans will be reviewed by the project planner and County Planning's civil engineer for compliance with this permit. A Building Permit will not be issued until the drainage plans have been approved. The building inspector will not issue a final sign-off for the Building Permit until all drainage facilities have been installed, inspected and approved by County Planning. An inspection of all permanent erosion control measures shall also occur at that time. If questions arise regarding installation of the system, the project engineer will be contacted to provide documentation. Any remedial action on either plan shall be remedied by the owner/applicant prior to the Building Permit being finalized and the barn cleared for occupancy.

C. Mitigation Measure: Conditions III.A.8, VI.E and IX.D (Water Valve on Emergency Fire Line)

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Monitoring Program: 1) The owner/applicant shall include information about the water valve on the site plan submitted for a Building Permit applicant for the barn as well as materials submitted to apply for a plumbing permit to extend the water line from the "Upper Reservoir". The information required in the permit condition shall be reviewed and approved by County Planning prior to issuance of any construction permits. 2) the owner/applicant shall submit the letter required in condition VI.E from County Fire prior to the Building Permit for the barn being **finalized** by County Planning, The Fire Department shall be contacted by Planning staff to verify that the valve lock is in acceptable working order. The letter from County Fire shall be permanently retained in the project file. 3) Any damage to the valve reported to County Planning shall be documented by written notes in the file. Planning staff will reinspect the site 14 days after the reported damage to determine if the valve has been replaced.

D. Mitigation Measure: Conditions III.A.9 and IX.E (Independent Potable Water System and Tank Size Limitation)

Monitoring Program: Materials submitted for a Plumbing Permit to County Planning and for an individual Water System Permit to County Environmental Health shall specify that the potable water system supplied by the on-site well will not be connected to any other water system on the property. Plans and materials shall be reviewed and approved by Planning Department staff prior to the Plumbing Permit and related construction permits being issued. The owner/applicant shall contact the area building inspector to determine how it can be demonstrated in the field that only the approved water sources are being connected to project facilities (e.g. when to leave the water line trenched exposed, etc). The area building inspector shall make a site inspection to determine that the water service for the project tanks and barn are being procured from the correct water sources. This will be verified prior to final inspection and occupancy of the buildings.

E. Mitigation Measure: Condition V (Protection of Red-legged Frog)

Monitoring Program: The owner/applicant shall submit written results of the biologist's survey to County Planning prior to any construction or grading activities occurring on the site and prior to any request for a building or grading inspection. Planning staff shall inform the area building inspector of any relevant information from the survey report. Any measures recommended by the biologist shall be communicated to the area building inspector who will determine compliance with these recommendations during each construction inspection. Any identified problems will be resolved within 24 hours or a Stop **REVISED**

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Work/Violation Notice will be issued. -Any follow-up written survey results shall also be forwarded to County Planning for permanent retention in the project file.

F. Mitigation Measure: Condition VI.F (Bacterial Levels in the Well Water)

Monitoring Program: The owner/applicant shall take actions required to lower the bacterial levels in the well water to State standards and re-test the water. Results of the testing shall be submitted to the County Environmental Health Service. Once that agency has accepted documentation that the bacterial levels in the well water meet State potable water standards, proof of agency acceptance (i.e. agency stamp and date on the testing results) shall be submitted to the County Planning Department for retention in the project file.

G. Mitigation Measure: Conditions VI.H and IX.G (Landscape Screening of Barn)

Monitoring Program: The project planner shall inspect the project site to determine if the trees have planted according to the approved landscape screening plan prior to final inspection and clearance of the Building Permit. No clearance will be issued until the tree planting is completed and approved. A photo will be taken of the planted trees, dated and retained in the project file. Subsequent inspections, such as that for the demolition of the existing stable (See Condition XI.I below) shall include reinspection of the trees to assess progress in their growth. Recommendations to the owner/applicant to enhance tree health, if needed, will be made at that time. Any complaints received in the future regarding removal or death of the planted trees will be referred to Planning's Code Enforcement Unit for rectification.

H. Mitigation Measure: Condition III.A.I (Earth Tone Roofing)

Monitoring Program: The construction drawings submitted for a Building Permit application-for the barn will be reviewed by Planning staff to ensure that the color of the roofing material is called out on the elevation sheet of the plans. A prohibition on reflective glazing on the east side of the barn shall also be verified on this plan sheet. The Building Permit will not be issued until these two visual mitigations are included in the plans. The project planner shall inspect the project site to determine if these mitigations have been included in the construction of the barn prior to final inspection and clearance of the Building Permit. A color photo shall be taken of the nearly completed barn to document the condition of the east exterior and the roof of the structure. This photo shall be dated and permanently retained in the project file. Any problems

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discovered with either visual item will be remedied prior to final sign-off and clearance of the Building Permit.

I. Mitigation Measure: Condition VII (Demolition of Existing Stable)

Monitoring Program: The project planner shall inspect the site within 2 years of the approval date of this project to determine if structures on the existing stable site have been adequately removed and the site converted to productive farmland. This inspection may occur earlier at the request of the owner/applicant. Photographic documentation of the condition of the site shall be taken at the time of this inspection. Photographs will be dated and permanently retained in the project file. Noncompliance with this permit condition will result in the issuance of a Violation Notice. Action to obtain compliance will be conducted by Planning's Code Enforcement Unit. Permits for other discretionary uses on the property will not be issued if a Violation Notice is issued and remains unresolved. If a Master Plan is approved for this property and implemented before the 2 year date specified above, the same monitoring activities shall be performed, but will require removal of the existing stable site prior to use and occupancy of the first building constructed under the Master Plan.

J. Mitigation Measure: Condition IX.D (Manure Management Plan)

Monitoring Program: The physical improvements related to the manure management plan (eat-them berm, drainage facilities, manure stockpile bunker) shall be inspected by the project planner prior to final building inspection and clearance of the Building Permit for the barn and final grading inspection. Any remedial action needed, as determined by the project planner, will be communicated immediately to the owner/applicant. These items will be addressed prior to final clearance and sign-off of the Building Permit and the Grading Permit. Once completed and approved, photographic documentation of the improvements shall be conducted by the project planner. Photos of relevant improvements at the project site will be dated and permanently retained in the project file.

John and Brenda Stephenson
Application No. 97.0648
APN: 59-021-08/062-151-03 (a single parcel)

ATTACHMENT 4

*Minor variations to this **permit** which do not affect the **overall** concept or density may be approved by the Planning Director at the request of the applicant or Planning staff in accordance with Chapter 18.10 of the County Code.*

PLEASE NOTE: THIS PERMIT EXPIRES TWO YEARS FROM DATE OF APPROVAL UNLESS YOU OBTAIN YOUR BUILDING PERMIT AND COMMENCE CONSTRUCTION.

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EXHIBIT

C

For the SEPTEMBER 8, 1999 PLANNING COMMISSION
STAFF REPORT FOR APPLICATION 97-0648

MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY FOR
APPLICATION 97-0648

EXHIBIT C



County of Santa Cruz

PLANNING DEPARTMENT

701 OCEAN STREET, SUITE 400, SANTA CRUZ, CA 95060-4073

(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

ALVIN D. JAMES, DIRECTOR

ATTACHMENT 4

NEGATIVE DECLARATION AND NOTICE OF DETERMINATION

97-0648

JOHNANDBRENDASTEPPHENSON

Proposal to implement the following agricultural improvements for private equestrian uses:

- a) Construct an 8,000 sq. ft. **agricultural** barn with a rest room;
- b) install five 4,975 gallon **water storage** tanks;
- c) **Install** a new water line of approximately 2,000 lineal feet **from** the 'Upper **Reservoir**' to the proposed water storage tanks;
- d) Install another water line of approximately 2,200 lineal feet from a new well **to one of the** proposed water tanks;
- e) Use **a** recently drilled domestic well for agricultural purposes;
- f) Grading of 840 cubic feet yards to facilitate the construction of the facilities listed above; and
- g) Install a livestock grain silo measuring 9 feet in diameter and 24 in height.

Requires a Coastal Zone **Permit** and a Grading Permit. (Application **97-0648**).

APN(s): **059-021-08/062-151-03**

Kim Tschantz, planner Zone District(s): **"CA"**

Findings:

This project, if conditioned to comply with required mitigation measures or conditions shown below, **will** not have significant effect on the environment. The expected environmental impacts of the Project are documented in **the Initial** Study on this project attached to the original of this notice on file with the Planning Department, County of **Santa Cruz**, 701 Ocean Street, Santa **Cruz**, California.

Required Mitigation Measures or Conditions:

 None

 X Are Attached

Review Period Ends APRIL 14, 1999

Date Approved By Environmental Coordinator MAY 11, 1999


KEN HART
Environmental Coordinator
(408) 454-3127

If this project is approved, complete and file this notice with the Clerk of the Board:

NOTICE OF DETERMINATION

The **Final** Approval of This Project was Granted by _____

on _____ No EIR was prepared under CEQA.

THE PROJECT WAS **DETERMINED** TO NOT HAVE **SIGNIFICANT** EFFECT ON THE ENVIRONMENT

Date completed notice filed with Clerk of the Board: _____

EXHIBIT C

De minimis Impact Finding

Project Title/Location (Santa Cruz County):

9 7 4 6 4 8

John & Brenda Stephenson
Santa Cruz Biotechnology .
2161 Delaware Avenue
Santa Cruz, CA 95060

Project Description:

Proposal to implement the following agricultural improvements for private equestrian uses:

- a) Construct an 8,000 sq. ft. agricultural barn with a rest room;
- b) install five 4,975 gallon water storage tanks;
- c) Install a new water line of approximately 2,000 lineal feet from the 'Upper Reservoir' to the proposed water storage tanks;
- d) Install another water line of approximately 2,200 lineal feet from a new well to one of the proposed water tanks;
- e) Use a recently drilled domestic well for agricultural purposes;
- f) Grading of 640 cubic feet yards to facilitate the construction of the facilities listed above; and
- g) Install a livestock grain silo measuring 9 feet in diameter and 24 in height.

Requires a Coastal Zone Permit and a Grading Permit. (Application 97-0648).

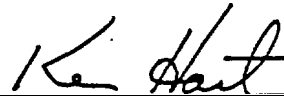
APN(s): 069-021-081062-I 51-03 Kim Tschantz, planner Zone District(s): "CA"

Findings of Exemption (attach as necessary):

An Initial Study has been prepared for this project by the County Planning Department according to the provisions of CEQA This analysis shows that the project will not create any potential for adverse environmental effects on wildlife resources.

Certification:

I hereby certify that the public agency has made the above finding and that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.



KEN HART
Environmental Coordinator
for Alvin D. James, Planning Director
County of Santa Cruz

Date: May 12, 1999

EXHIBIT C

NAME: John and Brenda Stephenson
APPLICATION: 97-0648
A.P.N.: 059-021-08, 062-151-03 (a single parcel)

ATTACHMENT 4

NEGATIVE DECLARATION MITIGATIONS

- A. In order to mitigate impacts from accelerated erosion,- sedimentation, and pollution of creeks, the owner/applicant shall:
1. Revise the engineered drainage plan and erosion control plan prepared by Ifland Engineers dated February 17, 1999, to add a construction **timeline** and a more site specific seed mix.
 2. Implement the revised plan (described above), which includes collecting site drainage and conveying it 200 feet to the south of the project site to redirect surface flows away from the eroded gully.

The revised engineered drainage and erosion control plan shall be approved by Environmental Planning staff prior to scheduling the public hearing.

- B. To mitigate the loss of native grasses along the water line routes, and to prevent erosion along those routes, the owner/applicant shall **have** the project biologist revise the drainage plan (Ifland Engineers, 2-V-99) to include reseeding any area disturbed by the placement of water lines. 'Reseeding shall be done with native grasses, including *Nassella pulchra* (purple needle grass), and native wildflowers. A non-invasive annual grass should be included in the seed mix to provide short term ground cover. Seeded areas shall be mulched and regularly watered until the onset of winter rains.
- C. In order to eliminate any hazard from drinking water that does not meet State standards for potability, the owner/applicant shall bring the water from the new well up to standard prior to final clearance of the barn building permit. Test results that verify that the bacteria content of the water has been reduced to the point that the water meets minimum State standards shall be submitted to the County Environmental Health Services ~~Officer~~ prior to final clearance.
- D. In order to prevent impacts to *Rana aurora draytonii* (California Red-legged frog) at "Upper Reservoir" and to *Onchorynchus mykiss* (Steelhead trout) and Red-legged frog and their habitat in Laguna Creek the owner/applicant shall install a valve on the emergency fire line between Upper Reservoir and the water tanks. The applicant shall arrange for the County Fire Department to place a lock on the valve, which will only be accessible by a key that is kept in possession of the Fire Department. The purpose of the locked valve is to make water available

EXHIBIT C

~~only to the County Fire Department for emergencies and for occasional testing of the flow in the line. do the following:~~

ATTACHMENT 4

- ~~1. Prior to scheduling the public hearing the plans shall be revised to show a flow meter installed on the water line between Upper Reservoir and the tanks. The meter, which will record the amount of outflow from the reservoir, shall be installed when the line is installed;~~
- ~~2. The owner/applicant shall enter into a legal agreement with the County of Santa Cruz that:~~
 - ~~i) allows County staff reasonable access to audit meter readings;~~
 - ~~ii) specifies a financial penalty adequate to discourage use of Upper Reservoir water for any purpose other than emergency fire suppression or testing of the fire suppression system that is specifically requested by the County Fire Department. The financial penalty shall exceed the cost of purchasing water from the City agricultural line. Any money collected for non-compliance shall be placed in a fund to finance salmonid habitat enhancement in Laguna Creek.~~
 - ~~iii) The owner/applicant shall send monthly meter readings to the County Planning Department on the first day of each quarter (January 1, April 1, July 1, and October 1) for audit by County staff.~~

Note: There is a pending application for the approval of a Master Plan (98-0647) that will cover a wider range of activities on the ranch, including water use.

Mitigation D. will sunset when the Master Plan is approved if the County determines that the Master Plan approval includes conditions and mitigations governing the use of water that supercede this mitigation.

E. To protect the Red-legged frog and to comply with the federal Endangered Species Act (ESA), the following shall apply to the construction of the water line leading from Upper Reservoir:

1. Construction shall be limited to the summer months when the species is least likely to be far from water;
2. Pre-construction surveys shall be conducted by a qualified biologist to determine if frogs are present in the disturbance area;
3. Take appropriate action as determined by the surveying biologist to avoid any impacts to the species if they are found to be near the construction area;

EXHIBIT C

4. Prior to installing the water line the owner/applicant shall **submit** a letter from the US Fish and Wildlife Service demonstrating that the Service has **determined** the construction of the line will be consistent with all provisions of the ESA
- F. In order to minimize potential interference between the new well and the Lanting community well, the owner/applicant shall revise the project plans to show the **new well** connecting **solely** to a **6th** storage tank that has a maximum capacity of 1,000 gallons. This tanks shall not be connected to any other water tank on the property. Prior to public hearing, the **6th** water tank and the water line to the **well** shall be shown on the project plans that must be approved by Pfanning Staff.
- G. In order to avoid the decrease in water quality that will result if drainage contaminated with horse manure reaches the tributary to Majors Creek, **prior to** scheduling the public hearing, the owner/applicant shall prepare a manure management plan for review and approval by the County Environmental Health Service. Applicable components of the plan shall be incorporated into the project drainage/erosion control plan. **Both** plans shall be implemented as approved by County staff.
- H. In order to mitigate impacts that may occur if outdoor lighting restricts wildlife use of open spaces adjacent to the project during nighttime, the **owner/applicant** shall submit an outdoor lighting plan to County Planning staff for review and approval. This plan, which shall be submitted as part of the construction drawings submitted for a building permit, shall show the minimum number of outdoor lights necessary for security purposes, and shall demonstrate that the design of the outdoor lighting will not create significant illumination east of the **project site**.
- I. In order to limit the loss of agricultural land available for pasture and crop production, the owner/applicant shall remove the existing stable area and associated infrastructure, and shall rehabilitate the area to open land suitable for livestock grazing and/or crop production. This shall occur within 2 years of the approval of any County land use **permit for** this project or before the first new structure constructed as part of the Master Plan is in use, whichever occurs first.
- J. In order to mitigate visual impacts on the adjoining public land that is planned to be annexed to Wilder Ranch State Park, the owner/applicant shall:
 1. Prepare a landscape plan that includes native trees planted along the eastern edge of that site in a configuration that visually screens the project improvements from the adjacent public parkland. To achieve this, the trees shall

be planted at an elevation of 634 feet M.S.L. or higher, and shall be a mixture of Douglas fir coast live oak and other native evergreen species appropriate to the site. Trees shall be planted in a mix of **5-and** 15 gallon sizes.

The landscape plan shall be approved by County Planning staff prior to scheduling the of the public hearing.

2 The exterior of the proposed grain silo shall be painted dark green or another non-reflective, earth- tone color; as approved by County Planning staff.

3. The roof of the **barn** shall be an earth tone color, and any glazing on the east side shall be non-reflective material. .

EXHIBIT C

ENVIRONMENTAL REVIEW INITIAL STUDY

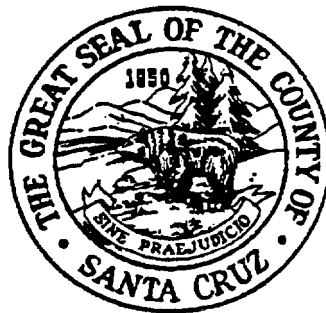
FOR

**The Private Equestrian Facility, Water
Line Extensions and New Grain Silo at the
Stephenson Ranch**

(Application 97-0648)

**Prepared by the
County of Santa Cruz Planning
Department**

March 8, 1999



EXHIBIT

ENVIRONMENTAL REVIEW INITIAL STUDY

ATTACHMENT 4

APPLICANT: John and Brenda Stephenson APN: 59-021-08/62-151-03
OWNER: John and Brenda Stephenson (A single parcel)
Application No: 97-0648 Supervisorial District: 3
Site Address: 345 Back Ranch Road, Santa Cruz, 95060
Location: Both sides of Back Ranch Road at its intersection with Highway 1, four miles northwest of the Santa Cruz city limits, Bonny Doon area.

EXISTING SITE CONDITIONS

Parcel Size: 207 208 acres
Existing Land Use: Agriculture and Residential
Vegetation: Grassland, scrub and riparian corridors dominated by either willows or coast live oak.
Slope: Less than 15%
Nearby Watercourse: Scaroni Creek
Distance To: On the project parcel
Rock/Soil Type: Dense fractured Santa Cruz mudstone overlain by various soil types. The dominant soil type at both project sites is Watsonville Loam

ENVIRONMENTAL CONCERNS

Groundwater Supply:	Good quality/Mod. quant.	Liquefaction:	Low potential
Water Supply Watershed:	No	Fault Zone:	No
Groundwater Recharge:	Not at site	Floodplain:	No
Timber and Mineral:	No	Riparian Corridor:	Yes
Biotic Resources:	Riparian Corridor	Solar Access:	Adequate
Fire Hazard:	Yes, near SFD site	Solar Orientation:	Adequate
Archaeology:	No	Scenic Corridor:	Yes
Noise Constraint:	No	Electric Power Lines:	No
Erosion:	No	Agricultural Resource:	Yes
Landslide:	No, not at project sites		

• Project site not w/in viewshed of scenic corridor

SERVICES

Fire Protection:	County Fire.	Drainage District:	None
School District:	Santa Cruz City	Project Access:	Back Ranch Rd., a private R/W.
Water Supply:	Well, reservoir (supplied by Laguna Creek, off-site well and natural precipitation) and S.C. City Water Dept.		
Sewage Disposal:	Septic tank system		

PLANNING POLICIES

Zone District:	"CA"	Within USL:	No
General Plan:	"Agriculture" with "Agricultural Resource"		
Special Designation:	No		
Coastal Zone:	Yes		

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PROJECT DESCRIPTION:

Proposal to implement the following agricultural improvements for private equestrian uses:

- a) Construct an 8,000 sq. ft. agricultural barn with a rest room;
- b) Install five 4,975 gallon water storage tanks;
- c) Install a new water line of approximately ~~3,000~~ **2,000** lineal feet from the "Upper Reservoir" to the proposed water storage tanks
- d) Install another water line of approximately 2,280 lineal feet from a new well to one of the proposed water tanks;
- e) Use a recently drilled domestic well for agricultural purposes;
- f) **Grading of 840 cubic yards to facilitate the construction of the facilities listed above; and**
- g) Install a livestock grain silo measuring 9 feet in diameter and 24 feet in height.

Requires a Coastal Zone Permit and a **Grading Permit**. (Application 97-0648)

ENVIRONMENTAL REVIEW PROCESS:

An Initial Study was prepared for this project on December 21, 1998. The Initial Study and a Draft Mitigated Negative Declaration were released for public review and comment during the period December 23, 1998 to January 27, 1999. Seven comment letters were received during the review period. These letters are on file in the County Planning Department. New information as well as new impacts and potential impacts that were not discussed in the Initial Study were identified for this project during the comment period. In addition, the applicant has made minor revisions to the project to address some of the issues discussed in the December Initial Study. This Initial Study has now been revised to address the new information received during the review period. New information is shown in shadowed text. Deletions are shown with strike-outs over the text. As required by CEQA Guidelines, Section 15073.5, this revised Initial Study with a new Draft Mitigated Negative Declaration will be recirculated for public review and comment beginning on March 15, 1999. Any changes made to the Initial Study as a result of comments received during the second review and comment period will also be shown with strike-outs and shadowed text but this text will also be underscored identical to this sentence.

PROJECT SETTING:

This ~~206~~ **208** acre parcel is located on the marine terrace directly north (inland) of Highway 1. The portion of the site bordering the highway is located 2,000 feet from the coast. (Refer to Attachment 1). The site is located in a rural area of the County primarily supporting agricultural and open space uses. The subject property has traditionally been used for row crop and **livestock grazing** agriculture. The current owners are using the property to raise goats for biomedical purposes. A new single-family dwelling for the property owners is currently being constructed 2,300 feet southwest of the project site.

The elevation of the property ranges from 120 feet MSL at Highway 1 to 600 feet MSL at the northern end of the parcel. Attachment 2 illustrates the major natural and human-made characteristics of the property. The property includes nearly level

land that has been used for row crop production and livestock grazing in the past and is currently used for the pasturing of goats. About 49% of the acreage consists of land with slopes of 1550% which supports grassland and scrub habitats. Four intermittent streams with associated riparian vegetation flow across the property. The largest of these riparian systems, Scaroni Creek, bisects the property; much of it flows in close proximity to a private right-of-way, Back Ranch Road. Due to an historical impoundment at a midway location of this riparian system, the middle reach of Scaroni Creek has been classified as an ephemeral stream. The impoundment has created a water body and wetland known as the "Lower Reservoir". A former rock quarry, which has been historically filled with water procured from a nearby stream, Laguna Creek, as well as by surface runoff is another water body with emergent vegetation known as the "Upper Reservoir". Both reservoirs have traditionally been used for agricultural irrigation purposes. The applicant is continuing this use to irrigate the livestock grazing areas. The property is located midway between Laguna Creek and Majors Creek at about 1,300 feet from each stream. The biotic habitats are shown on Attachment 3.

Two private right-of-ways are located on the parcel, which are best shown in Attachment 3. Back Ranch Road bisects the southerly half of the property into northwest and southeast halves before traversing the northwest edge of the property as it extends northward. The road provides access to other properties located north of the site and continues northward to Smith Grade. Farm Road is the other right-of-way on the parcel. It is perpendicular to Back Ranch Road and provides access to a cluster of buildings that have been located on the parcel for many years. This building cluster includes many of the facilities used to support goat raising on the site. The Initial Study prepared for Application 96-0837 provides more information on the project setting.

BACKGROUND AND DETAILED PROJECT DESCRIPTION

A new single-family dwelling is currently under construction 1.1 mile northeast of the Farm Road building cluster. This dwelling and certain other uses were the subject of Environmental Review under Application 96-0837. The Initial Study prepared by the County Planning Department dated April 21, 1997 is incorporated into this Initial Study by reference. Besides evaluating the new dwelling site, the Initial Study also evaluated a plan to rectify violations of the County's Riparian Corridor and Wetlands Ordinance that occurred on the property. A Coastal Zone/Grading/Land Clearing/Riparian Exception Permit was approved for Application 96-0837 on June 20, 1997. A Mitigated Negative Declaration was approved on that same date. The staff report prepared by County Planning dated June 20, 1997 is incorporated by reference. The permit included conditions for livestock fencing to protect riparian habitats. The fencing requirement for the ephemeral reach of Scaroni Creek was not resolved with that permit so a subsequent permit application was made to address this issue (Application 97-0779).

The proposed equestrian facilities (Application 97-0648) are located at the northern end of the parcel in an area dominated by non-native grassland. (Attachment 4). An Initial Study, dated February 10, 1998, was prepared for the original proposal of this project was prepared and circulated for public review and a public hearing by the Planning Commission was scheduled for November 12, 1998. The applicant presented proposed revisions to the project at the November 12 hearing. The Planning Commission responded by continuing the project so additional Environmental Review could be done on the revised project, if determined to be

EXHIBIT C

10. The **February** 10 Initial Study, which included seven comment letters and Planning staff's responses to those letters, are incorporated into this document.

The revised project would result in the construction of a single horse barn consisting of 8,000 square feet with a height of 32 feet. The barn would include separated areas for a tack room and a rest room. A septic tank system would be constructed down slope of the barn. A 450 foot long road would be constructed to access the horse barn from Back Ranch Road. The access road would terminate at a ~~17,400~~ **7,600** square foot parking and turn-around area adjoining the barn structure. The road and parking area would be surfaced with base rock overlain with oil and screenings. Five water storage tanks with capacities of 4,975 gallons/each are proposed to be installed adjacent to the proposed access road for a total storage capacity of 24,875 gallons. The tanks would be filled from water procured from various sources. Four tanks would be filled by the City of Santa Cruz agricultural water line, which provides untreated water to the property for irrigation purposes. Water to the fifth tank will be provided by an on-site well located in the northeast corner of the parcel. **This well was originally permitted for domestic purposes in 1997 but is now proposed for domestic and agricultural uses. A new water line would be installed from the well to the fifth tank.** It is proposed that the tanks would also be connected to the "Upper Reservoir" to provide emergency backup fire protection. A new water line would have to be installed from this reservoir to connect with the tanks for this purpose. A water pump would be located adjacent to the tanks so their water could have adequate pressure for fire fighting purposes. The California Department of Forestry and Fire Protection has required the installation of a fire hydrant adjacent to the parking and turn-around area as well as equipping the barn with a fire extinguishing sprinkler system.

Site preparation work for the horse barn, parking area and adjoining paddock areas would include the grading the 840 cubic yards of earth. The volume of cut and fill would be balanced so no excess material would need to be imported or exported to or from the site. The grading would occur over an area of approximately 1.4 acres to reduce the slope from the existing 4% gradient to a slope of 2% or less,

This project application also includes a proposal to install a new grain silo for the storage of livestock feed. The silo would be a manufacturer's constructed steel silo measuring 9 feet in diameter and 24 feet in height. The silo would not be located near the horse barn and water tanks described above, but rather at two existing barns used to shelter goats raised for biomedical purposes. These barns are located 0.75 mile southwest of the proposed horse barn site. This silo would serve goats housed in the two barns known as barns #4 and #5 which are located at the intersection of Back Ranch and Farm Roads. (Refer to Attachment 2). The silo would be nearly identical to one that is located near other goat barns (located on Farm Road) on the property. This grain storage facility constitutes a structural expansion of the biomedical livestock raising improvements on the property rather than being associated with private horse raising. As such, this portion of the project is not consistent with the Minute Order adopted by the County Board of Supervisors on September 23, 1997 which restricts growth of the biomedical livestock raising facilities on the property until a Master Plan for biomedical livestock raising is approved by the County. The application originally proposed to place this silo adjacent to the horse barns, but the applicant revised the project plans on September 29, 1997 to relocate the silo to its current proposed location.

EXHIBIT C

SUMMARY OF IMPACTS AND MITIGATION MEASURES

ATTACHMENT 4

The following listing presents the project generated environmental Impacts that have been identified in the Initial Study Checklist and the corresponding mitigation measures that are recommended by Planning staff to address each Impact. A more detailed discussion of each impact identified below can be found under the checklist item shown in parentheses directly after the statement of each impact. The listing below provides a summary of impact and mitigations. A more complete statement of impact and statement of mitigation measure can be found in both the Initial Study checklist or the Mitigated Negative Declaration document. The initial Study checklist begins on the following page.

1. **IMPACT:** Increased surface runoff from the new 0.5 acre of impervious surfaces could exacerbate the erosion problems in the eroded gully located downslope from the project site. (Checklist items A.2 and B.9)
MITIGATION: The owner/applicant shall implement the engineered drainage plan prepared by Ifland Engineers for this project dated February 17, 1999, which includes collecting site drainage and conveying it 200 feet to the south of the project site to redirect surface flows away from the eroded gully.
2. **IMPACT:** Grading of the 1.4 acre site, which is located adjacent to a 43% slope, will generate potential erosion impacts to that slope due to the loss of vegetative cover and uncontrolled surface drainage flowing towards that slope. (A.3)
MITIGATION: The owner/applicant shall incorporate erosion control measures into the engineered drainage plan described above. Implementation of a combined drainage/erosion control plan as approved by Planning staff, will mitigate this impact.
3. **IMPACT:** Installation of the two new water line routes, which span a combined total of 4,200 linear feet, have the potential to generate erosion, cause a loss of native grasses and stimulate the colonization by exotic invasive plant species due to the loss of vegetative ground cover along the new routes. (A.8 and C.2)
MITIGATION: The owner/applicant shall revise the project's erosion control plan prepared by Ifland Engineers dated February 17, 1999 to be based on reseeding disturbed areas with native grasses, including purple needle grass and native wildflowers. An annual grass to provide a fast ground cover should be included in the seed mix. Seeded areas shall be mulched and regularly watered until the onset of winter rains. This seeding, mulching and irrigation shall be extended to all areas that will be disturbed by the placement of new water lines. This will mitigate all three identified impacts.
4. **IMPACT:** Water quality of the new well, which has been constructed to in part serve the barn's rest room, does not meet State standards for bacterial levels. This will place ranch workers and other people using the barn in contact with water which does not meet potable requirements. (B.2)
MITIGATION: The owner/applicant shall take measures to lower the bacterial levels in the well to meet State drinking water standards and submit new testing results which verify the improved water quality to the County Environmental Health Service prior to use of the barn's rest room.
5. **IMPACT:** Unrestricted use of the 'Upper Reservoir' water to fill 4-5 water storage tanks has the potential to limit water availability to Swanton Berry

EXHIBIT C

Farms, which shares the Laguna Creek diversion with the applicants, as well as potentially degrade the habitat for the federally listed red-legged frog (*Rana aurora draytonii*) and steelhead trout. (*Oncorhynchus mykiss*) (B.12 and C.1) MITIGATION: The owner/applicant shall install a flow meter in the water line from the "Upper Reservoir" to measure the volume of water that flows from the reservoir to the storage tanks. The owner/applicant shall send monthly meter readings to the County Planning Department on the first day of each quarter (January 1, April 1, July 1, and October 1) with County staff auditing the readings on an as-needed basis. To ensure that this mitigation provides more than a measurement technique, the property owners shall enter into a legal agreement with the County that allows County staff reasonable access to audit meter readings and specifies a financial penalty if meter readings document use of reservoir water for uses other than that for emergency fire suppression and required testing. The amount of the financial penalty should be substantial enough to discourage non-emergency use of "Upper Reservoir" water. However, if any money is collected for non-compliance, it should be placed in a fund to finance salmonid habitat enhancement in Laguna Creek. The legal agreement should be prepared and agreed to prior to public hearing on the project. To acknowledge the pending master plan application will result in more information on water use, this mitigation would be limited to the period between permit approval and approval of a master plan.

6. IMPACT: Construction of the water line from the "Upper Reservoir" could harm red-legged frogs that use the 'Upper Reservoir' area as habitat.

MITIGATION: The owner/applicant shall follow the measures stated in the U.S. Fish and Wildlife Service letter dated April 22, 1998 during the construction of the project to minimize any potential impacts to the red-legged frog.

7. IMPACT: Use of the new well for agricultural purposes could generate excessive drawdowns of the Lanting community well which is located 170 feet from the new Stephenson well. (B.2)

MITIGATION: The owner/applicant shall revise the project plans to show the well being connected solely to a 6th storage tank with a maximum capacity of 1,000 gallons. This tanks shall not be connected to any other water tank on the property. Installation of the water line and tank shall comply with the plans approved by Planning staff.

8. IMPACT: Uncontrolled release of horse manure will flow from the project site downslope into a tributary of Majors Creek. This will potentially degrade the downstream water quality of the creek. (8.6)

MITIGATION: The owner/applicant shall prepare a manure management plan for the review and approved by the County Environmental Health Service. Applicable components of the plan shall be incorporated into the project drainage/erosion control plan. Both plans shall be implemented as approved by County staff.

9. IMPACT: Outdoor lighting will restrict wildlife use of the adjoining open space areas during nighttime. (C.4)

MITIGATION: The owner/applicant shall submit an outdoor lighting plan to County Planning for review and approval as part of the construction drawings submitted for a Building Permit. This plan shall show a minimum number of outdoor lights for security purposes and shall demonstrate that the design of all outdoor lighting will not create significant illumination east of the project site,

10. **IMPACT:** Development of the project site will remove a 0.5 acre area from open agricultural land which could be used for livestock grazing and/or the cultivation of crops. In addition, the project will create a 5th development cluster on the property which will further restrict land dedicated to crop and livestock production. (F.2)
MITIGATION: The owner/applicant shall remove the existing stable area and associated infrastructure and rehabilitate the area to open land suitable for livestock grazing and/or crop production within 2 years of the approval of any County land use permit for this project.
11. **IMPACT:** The project will affect open space and wilderness views from the adjoining public land planned to be annexed to Wilder Ranch State Park in spring 1999. The project site is in clear view of an existing trail planned for public recreation by the California Department of Parks and Recreation. (G.3)
MITIGATION: a) The owner/applicant shall prepare and implement a Planning Department approved landscape plan for the horse barn site that uses native trees along the eastern edge of that site to visually screen project improvements from views on the adjacent public park land. To achieve this, trees shall be planted at an elevation of 634 feet MSL or higher and shall contain a mixture of Douglas fir, coast live oak and other native evergreen species appropriate to the site.
b) The owner/applicant shall paint the exterior of the proposed grain silo dark green or another acceptable non-reflective earthen tone color as approved by County Planning.

ENVIRONMENTAL REVIEW CHECKLIST ATTACHMENT 4

A. GEOLOGIC FACTORS

Significant: No or Unknown <u>Mitigation</u>	Potentially Significant Unless <u>Mitigated</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>
----------------------------------------------------	----------------------------------------------------------	-------------------------------------------	---------------------

Could the project, or its related activities affect, or be affected by, the following:

1. Geologic Hazards: earth-
quakes (particularly surface
ground rupture, liquefaction,
seismic shaking), landslides,
mud slides or other slope
instability, or similar
hazards?

— — X —

The property is not within a fault zone. The project does not contain improvements that significantly affect steep slopes or unstable areas.

2. Soil Hazards: soil creep,
shrink swell (expansiveness),
high erosion potential?

— X — —

The project site is relatively flat area with a 4% slope. The NRCS Soil Survey maps this site as being composed of Watsonville loam. While this soil is characterized with high shrink/swell properties, the type of construction proposed can occur on this type of soil without difficulty. A seasonal drainage tributary to Majors Creek is located 100 feet southeast of the project site. This drainage becomes is a severely eroded incised ravine 280 feet from the project site and it that appears to have experienced erosion problems for several years. Project site drainage naturally flows into this eroded swale. increased drainage from project improvements, if not controlled, will exacerbate the erosion problem at the swale. The applicant has submitted site grading/drainage/erosion control plans that show how drainage will be conveyed away from the proximity of the eroded swale and a 43% steer slope located between the swale and the project site area. Implementation of this plan will avoid erosion problems on the steep slope east of the site as well as avoid exacerbating the current eroded condition of the drainage swale. This issue is further discussed under item B. 9 below.

3. Change in topography or ground
surface relief features?

— X — X

~~Due to the 4% slope and type of facilities that are proposed at the equestrian project site, minimal grading will be needed for this project. The project can be constructed with excavating less than 100 cubic yards of earth and using less than 2 feet of fill.~~

Grading plans submitted on February 19, 1999 show the project includes the excavation of 840 cubic yards of earth to facilitate the construction and use of the barn and its adjoining parking area and to control surface drainage. This grading will reduce the native slope of a 7.4 acre area to gradients ranging from 2.5-1.3%. Grading will be limited to an area of 4% slope and will not extend into the more steeply (43%) sloping area located 60 feet east of

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ATTACHMENT 4

the proposed barn. Therefore, this grading will not result in a significant topographical change. However, excavating such an area adjoining a steep slope will generate potential erosion impacts as discussed in item A.2 above. Implementing the project drainage and erosion control plan will mitigate this impact.

- | | | | | |
|------------------------------------------------------------------------------------------|---|---|---|---|
| 4. The destruction, covering or modification of any unique geologic or physical feature? | — | — | — | X |
| 5. Steep slopes (over 30%)? | — | — | — | X |
| 6. Coastal cliff erosion? | — | — | — | X |
| 7. Beach sand distribution? | — | — | — | X |
| 8. Any increase in wind or water erosion of soils, either on or off site? | — | X | — | — |

Erosion control **measures** can be implemented at areas of new construction and ground disturbance at the project site, including the **entire length of the two new water line routes**. Exposed soil **should** be seeded and mulched prior to the commencement of the next season (October 15, 1998) to prevent erosion from occurring. **An erosion control plan prepared by Ifland Engineers dated 2/17/99** has been **submitted** to address **potential erosion impacts** of the **project**. The plan has been **reviewed** and **accepted** by **Planning staff**. The applicant should include **a this detailed** erosion control plan with the construction drawings submitted for a Building Permit application for the project structures and implement the **measures specified by the approved plan**.

B. HYDROLOGIC FACTORS

Could the project affect, or be affected by, the following:

- | | | | | |
|-----------------------------------------------------------|---|---|---|---|
| 1. Water related hazards such as flooding or tidal waves? | — | — | — | X |
| 2. Private or public water supply? | — | X | — | — |

The City of Santa Cruz provides water service to the parcel through two connections. One connection provides untreated **water** for irrigation purposes to supplement **water procured** from the **two reservoirs located** on the site. The second connection provides treated **water** to **serve** the two dwellings for domestic purposes. The two reservoirs are filled from **water** that is procured from Laguna Creek and a well (named **Majors Well**) located near the water diversion on Laguna Creek. The applicant shares the water from this diversion and the **Majors Well** with the grower on the adjoining parcel, **Swanton Beny Farms**. A **private well** spring, located northeast of the project site, provides limited water to an o/d caretakers dwelling that is presently used as a stabling area. **A new well has been constructed** in the **northeast** corner of the **parcel** to **serve** the **project**. It is not yet operational.

The domestic line conveys City treated wafer and serves the existing dwelling located on Farm Road and will also serve the larger dwelling now under construction. According to the

EXHIBIT C

ATTACHMENT

4

applicant, the irrigation line, which conveys untreated City water, provides spray irrigation for the field north of Farm Road and is also used for animal needs at the goat keeping facilities along Fann Road. The irrigation line continues to a location adjacent to the "Upper Reservoir" where it is presently capped off. The City Water Department limits the amount of the water that can be used in the irrigation line parcel-wide to 224,400 gallons/month (300 billing units). A third water line, referred to as the agricultural line, is used to convey water from the Laguna Creek diversion and the off-site well to the "Lower Reservoir" and to convey water between the two reservoirs. This line is not connected to either the domestic line or the irrigation line.

The project would extend the City's irrigation line from where it is presently capped off to the project site to fill four of the five tanks. A 7.5 horsepower pump located at Farm Road presently pumps the water in this line upslope to the "Upper Reservoir". This same pump would continue to pump the water in the irrigation line to the project site. The fifth tank would be served by an on-site well located at the northeast corner of the parcel. Serving this fifth tank requires ~~extending the water line from its present terminus at the old caretakers dwelling (existing stable facility) activating this recently constructed well and installing a water line to the project site to serve this single tank.~~ The use of this well is discussed in more detail below. In addition, the existing agricultural line would be extended from the "Upper Reservoir" to provide water to all 5 proposed water storage tanks to provide an additional water source for emergency fire protection. The combined storage capacity of the 4 tanks is 79,900 gallons. The capacity of the 5th tank is 4,975 gallons. Water in the 4 "agricultural" tanks will be used to irrigate the area of the site between the "Upper Reservoir" and the northeast property line. This is an area of 87 acres. Irrigation of this amount of space will require the refilling of the 4 tanks several times/year. It appears that the maximum monthly use of the irrigation line set by the City of 224,400 gallons/month will not create constraints for pasture irrigation proximate to the project site. Water in the 5th tank will be used to water the animals kept at the facility. The private on-site well will also provide water for the restroom. The quality of this well water does not meet State standards for potable water (Attachment 6). The applicants will need to take steps to lower the bacterial levels in the well water and submit new testing results to the Environmental Health Service before this water can be used to serve the barn's rest room.

The original project proposed to use "Upper Reservoir" water to fill four of the water tanks. Since most much of the "Upper Reservoir" water is provided by the Laguna Creek diversion and the off-site well (located on the Mills parcel), the original project could have resulted in an additional amount of the off site water being used for the project. The previous Initial Study identified this as a significant impact because there was a potential for this additional water use to reduce the amount of water available to Swanton Berry Farms as well as to reduce the amount of water available for stream habitat. These impacts are discussed in more detail under items C.1, C.2 and F.2. The subject adjoining Mills property has been legally allocated riparian rights to Laguna Creek by the State Division of Water Rights and water from the diversion is shared equally with the subject Stephenson parcel, but the diversion is limited to 26 acre/feet of maximum allowable storage and use/year. (Attachment 7). The amount of water now being diverted from the creek and/or procured from the off-site well is not metered. Even if that had occurred it would measure the total amount of water used by both the applicant and the Mills' agricultural operation known as Swanton Berry Farms. At present, it is not known if water being diverted for both properties is within that maximum allowable standards set by the Division of Water Rights. The applicant is addressing these earlier identified impacts by changing the primary water source to the four tanks so they are filled by the City's irrigation water line rather than the Laguna Creek diversion and off-site well. However, since the project continues to propose connecting these tanks to the "Upper Reservoir" for a supplemental water source, the potential for

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these impacts to occur remains. The applicants have stated that the supplemental water source ("Upper Reservoir") is needed for emergency fire protection purposes. The County Fire Department has required a water storage capacity of 24,875 gallons for this project (Attachment 12). This relatively large amount of storage will be used for fire fighting needs at the project site as well as wildfire suppression in the surrounding area. Since the water in the tanks will also be used for pasture irrigation, and in order to ensure that a full complement of water is available for an emergency, County Fire has also required that the tanks be served by a water source which can quickly refill of all tanks at any time. Due to variable pressure in the City's irrigation water line, this type of refill cannot be guaranteed by the City water line which is now proposed as the primary water source for the tank. A supplemental line from the "Upper Reservoir" is therefore required to meet County Fire Department's fire flow standards in meeting fire suppression needs. These standards are discussed under item H.3.a below. According to County Fire, any fire trucks fighting area fires, must be refilled by a source that does not exceed 15 feet vertical lift (i.e. the vertical distance between the water source and the truck cannot exceed 15 feet). This standard cannot be met by a truck procuring water directly from the reservoir during much of the year. As a result, water storage tanks have been required. However, as stated above, the connection to the "Upper Reservoir" would still allow reservoir water to be used for various non-emergency purposes unless a mitigation measure was incorporated into the project restricting its use.

"Upper Reservoir": Impacts and Mitigation Measures

Unrestricted use of "Upper Reservoir" water has the potential to degrade the habitat of two federally listed species which is discussed in more detail under item C. 1 below. In addition, such water use could limit the amount of water available to Swanton Berry Farms if diversion withdraws exceed that allocated by the State. Planning staff has investigated several methods to mitigate these impacts. The technique of removing the connection between the reservoir and the tanks would avoid any impact, but would not meet the fire fighting requirements of the County Fire Department. (See item H.3.a below), County Fire will not accept the City water line as the only water source for fire emergencies because there is not always constant pressure in this line to always guarantee fast refill of partially (or entirely) empty water tanks. However, potential impacts resulting from connecting to the "Upper Reservoir" can be avoided by ensuring that the "Upper Reservoir" water is only used for fire fighting emergencies (or any periodic testing required by County Fire). This can be accomplished by metering the new line that would be installed between the reservoir and the tanks, auditing meter readings for compliance and implementing a legal agreement setting a financial penalty in the event the meter readings show the reservoir water is being used for non-emergency purposes. The amount of the penalty should be substantial enough to guarantee compliance; but in the case a penalty is imposed, any money collected for non-compliance should be deposited in a fund to finance salmonid habitat enhancement in Laguna Creek. The first two components of such a three part measure provide data to determine if the measure is being followed. The third component of the measure is an enforcement mechanism that is necessary to provide the actual mitigation. Implementation of this measure would be done through the following actions: 1. Include a water meter as part of the new water line installation 2. Regular readings (e.g. monthly, quarterly) of the meter with readings submitted to County Planning 3. Formulation of a County prepared legal agreement which acknowledges the purpose of the mitigation measure, permits meter reading audits to occur by County staff or other appropriate personnel, specification of a financial penalty for non-compliance with the mitigation and use of any collected penalty fees for enhancement of salmonid habitat in northern Santa Cruz County.

New Agricultural Well: Impacts and Mitigation Measures

The new well, constructed in 1997, is located near the northeast property line of the

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Stephenson parcel and approximately 120 feet south of a community well located on the adjoining Lanting/Eckstrom parcel. The Lanting/Eckstrom well provides domestic water to 4 rural residential properties on Back Ranch Road. The new Stephenson well was issued a permit from the County Environmental Health Service for domestic use (Attachment 6B). Since drilling the well, the Stephenson's have decided to use the well for domestic (restroom in proposed &am) and agricultural (stock watering,) purposes as well as provide 1/5 of the water storage needed (4,815 gallons) to meet emergency fire fighting requirements. This section of the Initial Study evaluates the impact of using this well for uses other than domestic use. As proposed, the well would fill a 4,975 gallon storage tank to provide water for the horses which is of better quality than the untreated water provided in the City's irrigation water line. However, since this subject water tank is connected to the other 4 storage tanks for fire fighting purposes, there is a potential for the well to be used to fill all 5 tanks which have a combined capacity of 24,875 gallons. Use of the well to fill one tank or all five tanks for agricultural purposes could affect the water level of the Lanting community well, which is located 50 feet from the common property line of the two parcels. According to the North Santa Cruz County Water Master Plan, the upper coastal terraces of this portion of the county experiences limited water production. This fact, coupled with 170 foot distance between the two wells will result in a potential impact to the Lanting community well by using the new Stephenson well for agricultural purposes. A standard pump test would have to be performed on the Stephenson well while measuring water levels in the Lanting well to verify the occurrence of this potential impact. Alternatively, the owner/applicant could connect the well to a 6" water tank of about 100 gallons (or smaller) in size that is not connected to any of the other 5 storage tanks to avoid any possibility of significantly affecting the production of the Lanting well. The latter stated technique is recommended to mitigate the potential impacts on the Lanting community well and water system.

3. Septic system functioning (inadequate percolation, high watertable, proximity to water courses)?

— — — X

The project has been reviewed by the County Environmental Health Service. Soil testing indicated that the sewage disposal capacity of the site is adequate for the proposed project. (Attachment 15)

4. Increased siltation rates?

— — X —

See item A.8

5. Surface or ground water quality (contaminants including silt-urban runoff, nutrient enrichment, pesticides, etc.)?

— X — —

The "Upper Reservoir", which is the most proximate water body, is located 7,650 feet to the southwest. The nearest riparian environment is the upper reach of Scaroni Creek, which is

located 750 feet to the north. Majors Creek, while being located 1,330 feet to the east, is the only one of the three water bodies that could be effected by the project. The creek has a high potential to be impacted by the project due to one of its tributaries being located directly downslope the project site. (Refer to Attachment 4). This tributary is the severely eroded drainage swale described in item A.2 above. Storm water runoff naturally flows across the project site into this drainage swale. If the runoff contains horse manure, contamination of Majors Creek could occur. A manure management plan (Attachments 8A and 8B) to accommodate 8 horses has been submitted to County Environmental Health for review. The plan prevents manure Men runoff from reaching the swale, which is located east and down slope of the proposed equestrian facility. The main facility proposed is a 98 square foot concrete manure bunker where manure can be stockpiled and composted while being protected from winter rains. According to the plan, the 1,372 cubic foot volume of the bunker would accommodate manure and bedding straw generated by 8 horses over a 6 month period. (Refer to calculations in Attachment 8A). A 3 month period is typically considered adequate for the temporary stockpiling of manure; and therefore even if the barn was used to shelter 16 horses, the bunker would be adequate. The p/an has been accepted as conceptually adequate by Environmental Health. A more detailed p/an should be has now been incorporated into the engineered drainage plan for this project. Together, implementation of the manure management plan and the Ifland engineered drainage/erosion control plan will adequately mitigate potential impacts of manure accumulation. Erosion from water line trenching to the reservoir can be easily prevented by incorporating erosion control measures at completion of trenching as discussed in item A.8 above.

6. Quantity of ground water supply, or alteration in the direction or rate of flow of ground waters?

— — X —

Use of the on-site well will increase the use of the aquifer and may effect the production of the nearby Lanting community well. This impact is discussed under item 8.2 above. to fill one of the storage tanks. However, this increased use will be to serve animal watering needs and to serve the barn's restroom. Neither use will generate excessive withdraws from the well.

7. Groundwater recharge?

— — — X

The project site is not located in a mapped Groundwater Recharge area. However, the project drainage plan will enhance recharge by allowing project site runoff to be discharged southwest of the site in a manner that percolates captured runoff into the soil.

8. Watercourse configuration capacity or hydraulics?

— — — X

9. Changes in drainage patterns or the rate and amount of runoff?

— X — —

The topography of the northeast end of the parcel results in surface drainage flowing into

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two separate sub-watersheds. Runoff west of the "topographic" rise flows into Scatvni Creek and runoff east of the rise flows into tributaries of Majors Creek. Except for the project access driveway, all equestrian project improvements will add runoff to the Majors Creek sub-watershed. Most runoff flows into a seasonal drainage tributary of Majors Creek southeast of the project site. (See Attachment 4). This seasonal drainage is severely eroded. Drainage improvements should be designed to avoid exacerbation the current erosion problem. The equestrian project has been recently modified to will result in the impervious surfacing of ~~34,400~~ 21,720 square feet (0.79 0.5 acre). These impervious surfaces are as follows:

a. Barn:	8,000 sq. ft.
b. Parking and circulation area:	7,600
c. Turn-around extension to parking area:	360
d. Access road:	5,760
e. TOTAL:	27,720 sq. ft.

Conceptual The recently submitted engineered drainage plans (Attachment 5) show all drainage being conveyed west away from the seasonal drainage. This conceptual drainage plan is consistent with earlier recommendations of staff to capture all site drainage in an enclosed pipe and discharge it at least 200 feet west of the project site to a gently sloping area located southwest of the proposed barns to avoid any runoff being discharged into the eroded tributary. The drainage should be discharged through a dispersion device that separates discharge flows to result in sheet flow across this gentle slope of grassland. Alternatively, discharging into an adequately sized rock lined trench, as shown in the drainage plan, would be an acceptable discharge method. Attachment 4 shows the recommended area for drainage discharge. An engineered plan showing details of the drainage system ~~should be~~ has now been submitted for Planning staff review and approval. The approved plan shall be included along with construction drawings submitted for a Building Permit. Also see discussion under 8.5. above.

10. Cumulative saltwater intrusion?	—	—	—	<u>X</u>
11. Inefficient or unnecessary water consumption?	—	—	—	<u>X</u>
12. Change in the amount of surface water in any water body?	—	<u>X</u>	—	—

Connecting the proposed storage tanks to the "Upper Reservoir", as proposed, could generate impacts to Laguna Creek if Reservoir water was used on a frequent basis. ~~especially in late summer and early fall when stream flows are the lowest.~~ The impact would be a decrease in the amount of water flowing in Laguna Creek because the creek is one of the primary sources of water for both on-site reservoirs. (The two reservoirs are also filled by an off-site well located near the Laguna Creek diversion and by natural rainfall). If "Upper Reservoir" water is only used when fires occur in the area, then the impact on instream flows in Laguna Creek would be negligible. However, filling the tanks from the "Upper Reservoir" on a regular basis can not be prevented as long water pipes connect the tanks to that reservoir. Therefore, the following discussion is provided to describe impacts resulting from frequent use of the reservoir water, Similarly, use of reservoir water to fill the

tanks could **lower** water levels in one or both reservoirs especially if **reservoir** water was taken during the latter period when the Laguna Creek diversion is not operational (e.g. August and September). -A discussion regarding how excessive lowering of reservoir levels could impact aquatic wildlife is provided under item **C.1 below**.

The 4 tanks have an combined volume of 19,900 gallons and would have to be refilled regularly to irrigate 87 acres of pasture land. Assuming existing use of Laguna Creek water remains the same to serve other pasture areas on the parcel, the filling of 4 tanks from the "Upper Reservoir" will increase water use and water procurement from Laguna Creek. This additional use of stream water could impact the stream flow in the creek. This potential impact can be avoided by removing the proposed water line connection between the reservoir and the 4 tanks. Alternatively, the impact can be reduced to an insignificant level by taking steps to ensure that the "Upper Reservoir" connection is only used for emergency fire fighting purposes. These two mitigative techniques are discussed under item 8.2 above. Emergency water for fire protection could still not be provided by solely connecting the fire hydrant and the barn's fire extinguishing system to the "Upper Reservoir" without providing the requisite 24,875 gallons of storage. if this level of auxiliary water service is determined to be necessary in the future. (Please refer to related discussion under item H. 1.a below).

In 1960 the State Department of Water Resources Division of Wafer Rights granted the adjoining property owner an appropriate water use permit to divert up to 26 acre feet/year of Laguna Creek water (Attachment 7). This allotment is shared equally with the Stephenson property. Under an agreement with the adjoining property owner (Mills), the Stephensons can legally use 13 acre feet/year for pasture irrigation, and this diversion is an important water source for irrigation on the Stephenson Ranch. The remaining 13 acre feet is used by Swanton Berry Farms located on the Mills parcel.. However, the State agency has never required metering or any other form of measurement to determine if the property owners **is are** complying with the limitation on the diversion. This issue is discussed in more detail under items C. 1 and C.2

C. BIOTIC FACTORS

Could the project affect, or be affected by, the following:

1. Known habitat of any unique, rare or endangered plants or animals (designate species if known)?

_____ X _____

The California **red-legged** frog (*Rana aurora draytonii*) has been observed on the project parcel. This species is listed as a threatened animal species by the U.S. Fish and wildlife Service (USFWS). The species is not expected to inhabit the area of the parcel proposed for the equestrian facilities. However, the frog has been sighted in both the "Upper and Lower Reservoirs" on the property and both water bodies contain suitable habitat for breeding purposes for the species. In addition, Scaroni Creek, which is hydrologically associated with the "Lower Reservoir", is expected to be both a refuge and migration habitat

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for the species. As a result of a previous/y approved project, the applicant has made an application for an Endangered Species Act Section 10a take permit with the USFWS to authorize incidental take of the animal during construction and regular livestock raising activities. The application includes the preparation of a Habitat Conservation Plan for the species. The permit application and the HCP are currently under review by the USFWS. The USFWS has reviewed the equestrian project and have determined that an HCP would not be required to implement this particular project on the parcel but that certain measures should be taken to avoid the potential for take of the Red-legged frog or its habitat. The review comment letter from USFWS is provided in Attachment 14. The measures specified in that letter should be included as mitigation measures for this project.

Connection of the four water tanks to the "Upper Reservoir have the potential to generate excessive withdraws from the reservoir resulting in artificially low water levels in one or both reservoirs. This could effect the viability of Red-legged frog populations that depend upon the reservoirs for refuge, food source and breeding. This potential impact can be avoided by revising the project to remove this proposed water line connection and providing the four tanks with a single connection to the City's irrigation wafer line. However, as discussed in items 8.2 and 8.12 above, this type of mitigation would no? guarantee there would always be adequate fire flow for fire fighting emergencies. The alternative triple component mitigation that included metering the line between the reservoirs and the water storage tanks will protect the red-legged frog habitat while providing sufficient water to meet fire flow requirements.

According to the California Department of Fish and Game (CDFG), nearby Laguna Creek provides spawning habitat for the Steelhead trout (*Oncorhynchus mykiss*) from the river mouth to 3.6 miles upstream. This fish species is listed as a threatened animal species by the National Marine Fisheries Service.. it is also named by the CDFG as a "Species of Special Concern: Laguna Creek is one of the primary sources of water for the "Lower and Upper Reservoirs" on the project site and therefore will also be a primary water source for the 4 proposed water storage tanks if reservoir water is used to fill the tanks on a regular basis. While project materials state that reservoir water would only be used to fill the tanks during a fire emergency, the design of the project does not prevent more frequent use of reservoir water to fill the tanks. The following discussion is therefore provided to acknowledge that regular use of reservoir water is possible under the proposed project design.

Reduction of the instream flow by increased stream diversion could jeopardize the Steelhead. Discussions with CDFG indicate that there have not been any instream studies on Laguna Creek to determine the minimum instream flow required to sustain the species. Since the species continues to occur in the stream with use of the diversion under the appropriate water use permit since 1960, it can be assumed that the limits specified by the appropriate permit allow sustenance of the species in Laguna Creek. Water diversion should be limited to that discussed in item B. f 2 above to mitigate any potential impacts to the fish species. Unless meter readings show that existing diversion volumes are well below the 26 acre feet/year, no additional use of Laguna Creek diversion water should occur from this project (except during an emergency situation) to protect the instream habitat. As discussed under item B. 72 above, the proposed water line connection between the "Upper Reservoir" and the storage tanks would need to be deleted from the project to avoid the potential impact to the steelhead; or alternatively a mitigation that ensures use of

the water line from the "Upper Reservoir" solely for emergency purposes should be implemented. The triple component mitigation measure discussed in item 8.12 will ensure that the use proposed waterline would be limited to emergency purposes and reduce impacts to fishery habitat to insignificant levels.

2. Unique or fragile biotic community (riparian corridor, wetland, coastal grasslands, special forests, intertidal zone, etc)?

— — — X —

Three biotic surveys (Attachments 9, 70 and 77) were conducted at the north end of the property by the Habitat Restoration Group to determine if native grass/and species would be effected by the proposed equestrian facilities, access road, and water line. A small amount of native grasses were observed mixed with non-native grasses in the northern end of the parcel. At the project site native grasses only comprise 1-2% of the cover and therefore a significant loss of native prairie species will not occur with the project. **Revegetation Of disturbed areas after construction with native erosion control seed mix that includes purple needle grass (Nassella pulchra) has been recommended in one report (Attachment 10) to further reduce the impact. The seed mixture provided in the proposed erosion control plan should be revised to include a native seed mix.**

3. Fire hazard from flammable brush, grass, or trees?

— — — X —

A minor portion of the property southwest of the "Upper Reservoir" is designated as a critical fire hazard area; Neither project site is proximate to this area. Neither project includes uses or facilities that generate a moderate or high need for fire protection. On the contrary, the equestrian project includes water storage tanks and/or a fire hydrant that will increase fire protection capabilities on the site.

4. Change in the diversity of species, or number of species of plants or animals?

— — X — —

Any outdoor lighting at the project site will restrict wildlife use of the proximate area during nighttime. The proximate area is expected to be a significant wildlife use area due to the existence of Majors Creek, its tributary located 300 feet from the project site and the large adjacent public parcel planned to be annexed to undeveloped Wilder Ranch State Park. This impact can be mitigated by limiting the number of outdoor lights to the minimum required for security purposes and directing all illumination away from land east of the site. A lighting plan should be included with construction drawings submitted for a Building Permit to illustrate this measure. Also, see item C. 1 above.

D. NOISE

Will the project:

1. Increase the ambient noise level for adjoining areas? X

*Some noise will be generated during construction but it will be of a **short-term** nature. In addition, the project site is located a substantial distance from any dwelling.*

2. Violate Title 25 noise insulation standards, or General Plan noise standards, as applicable? X
3. Be substantially affected by existing noise levels? X

E. AIR

Will the project:

1. Violate any ambient air quality standard or contribute substantially to an existing or projected air quality violation? X
2. Expose sensitive receptors to substantial pollutant concentrations? X

*Some amount of dust generation will occur during project construction and grading activities at the **equestrian** site. However, construction and land clearing is limited to a ~~21,360 square foot~~ **7.4 acre area of** land surface and the site is located approximately 600 feet from the nearest dwelling and 450 feet from the private right-of-way. Any dust generated during construction should not **effect** dwellings or properties off-site; nor should it create a substantial **driving** hazard for users of the private right-of-way. To ensure that dust emissions will not be problematic, **normal** construction site dust minimization measures should be taken by the **property** owner.*

3. Release bioengineered organisms or chemicals to the air outside of project buildings? X
4. Create objectionable odors? X

The 8,000 square foot barn has the potential to h&e a large number of livestock which will generate manure and flies. The applicant has prepared a manure management plan for review and approval by the County Environmental Health Service. According to Environmental Health staff, with some revisions, the plan would be acceptable. The applicant should made the required revisions and resubmit the plan to the County prior to keeping horses or other livestock on the site.

5. Alter wind, moisture or temperature (including sun shading effects) so as to substantially affect areas, or change the climate either in the community in the community or region?

— — — X

F. ENERGY AND NATURAL RESOURCES

Will the project:

1. Affect or be affected by timber resources?
2. Affect or be affected by lands currently utilized for agriculture or designated for agricultural use?

— — — X

— X — —

The water storage tanks will allow pasture land to be irrigated within an area that is currently not irrigated. This will increase the capability for this area to be used for livestock grazing. On the other hand, the project remove- 21,720 square feet (~~0.48~~ 0.5 acre) of pasture from grazing use or other forms of soil dependant agriculture. The applicant has recently revised the project by reducing the amount of hardscape surfacing for vehicle use so that the amount open land converted to hardscape or building has been changed from 0.79 acre to the current ~~0.48~~ 0.5 acre. This revision minimizes the impact of loss of arable/grazing land but does not entirely totally mitigate the impact. The following discussion addresses this issue.

Clustering the equestrian facilities, together with existing support facilities on Fann Road, would conserve this neatly ½ half acre area for soil dependant agriculture, but locating an agricultural use different from that which occurs on Farm Road in a more isolated portion on the property is a normal farming practice as long as steps are taken to conserve farmland in the more isolated portion of the parcel for the production of crops and livestock. The northeast portion of the parcel currently contains a small building (former caretaker's dwelling) and paddocks which are now used as horse stables. The project has not been located to be clustered near this existing development. The project, therefore results in two separate areas within the northeast portion of the parcel that would remove land from grazing and crop production uses. To maximize conservation of agricultural land the project should either:

1. be revised to locate the proposed facility directly adjacent to the existing stable, or

2. be conditioned to require demolition of **the existing stable** and conversion of the site into **productive grazing land or crop land**.

Either **method** would comply with the **agricultural** land conservation policy of the General Plan. (See item LI.).

By **itself**, the project site area does not represent a significant amount of land area on this ~~206~~ 208 acre parcel; but, in addition to the existing stable area, the project would **result** in two areas of development in one area of the parcel which could be **consider a cumulatively** significant reduction of **farmland** when driveway access and buffering setbacks **from** structures are also taken into account. Existing building area on **farmland** typically become nodes for **future** expansion when **agricultural** uses changes or intensify on a parcel. This would add **to the** cumulative impact. If the existing stable was removed, this cumulative impact would **be avoided** and the loss of ~~21,360~~ 27,720 square feet of pasture would not be a substantial reduction of land used for grazing or future **crop** production,

3. Encourage activities which result in the use of large amounts of fuel, water, or energy, or use of these in a wasteful manner?

— — — X

4. Have a substantial effect on the potential use, extraction, or depletion of a natural resource (i.e., minerals or energy resources)?

— — — X

G. CULTURAL/AESTHETIC FACTORS

Will the project result in:

1. Alteration or destruction of historical buildings or unique cultural features?

— — — X

2. Disturbance of archaeological or paleontological resources?

— — — X

3. Obstruction or alteration of views from areas having important visual/scenic values?

— — X —

The project parcel is within the **viewshed** of the Highway 1 scenic **corridor** and one publicly used beach, Laguna Creek Beach. However, due to the-rolling topography of the property the **main project site** and the proposed grain **silo site** are not within view of the beach or Highway 1. Therefore, these projects will not impact **significant visual resources** in the area.

The **project** will be visible from the western edge of **State Lands Commission** property which

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is planned to be added to Wilder Ranch State Park in the spring of 1999. An existing unimproved road, planned as a public equestrian/hiking/biking trail, is located along this edge of the park with views to the west across Majors Canyon to the project parcel. The visual impact generated by the project building will be less than significant due to the size of the single structure, its location near the common property line with the public land and the lack of evergreen trees at this location which screen other portions of the Stephenson Ranch from this same public property. This impact is exacerbated by the fact that the new dwelling under construction is already visible from the public property. The visibility of a second new structure from the future state park land would be a cumulative effect on the visual resource of the park. —distance from the State Park and The natural wood exterior of the building will help minimize the visual impact, but evergreen trees should be planted along the east edge of the project site at an elevation of at least 634 ft. MSL in a manner that screens the barn from the future state park addition. The finished grade for the barn would be 637 ft. MSL. A landscape plan should be prepared which provides for the planting of Douglas fir and coast live oaks or other native evergreens to screen the barn site from users of the expanded Wilder Ranch State Park. The plan should provide for the planting of native evergreen trees in a manner that replicates the natural occurrence of the existing trees along nearby portions of the eastern edge of the Stephenson property. A mixture of species as well as a combination of 3 gallon and 15 gallon (or larger) container sizes will promote structural variation, greater natural appearance at maturity and may result in fewer plant fatalities. These items should be addressed in the landscape plan.

Other proposed facilities will not generate the same visual impacts to the public property as that of the barn primarily because the building barn will block views of the asphalt parking and circulation area as viewed from the future State Park land. In addition, the black color and relatively small size of the water storage tanks (12 ft. in diameter and under 8 feet in height) will not generate significant visual impacts to users of the State Park. The grain silo may be visible from the State Park. Its 24 foot height and silver colored exterior could be considered a visual impact to some users of the park. Maintaining the exterior of the tank with a dark green paint' (or other acceptable earthen tone color) could would effectively mitigate this potential impact.

4. Being visible from any adopted scenic highway or scenic corridor?

— — — X

See discussion under G.3. above.

5. Interference with established recreational, educational, religious or scientific uses of the area?

— — — X

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H. SERVICES AND UTILITIES

Will the project or its related activities result in:

- | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|----------|
| 1. A breach of national, state, or local standards relating to solid waste or litter management? | — | — | — | <u>X</u> |
| 2. Expansion of or creation of new utility facilities (e.g., sewage plants, water storage, mutual water systems, storm drainage, etc.) including expansion of service area boundaries? | — | — | — | <u>X</u> |
| 3. A need for expanded governmental services in any of the following areas: | | | | |
| a. Fire protection? | — | — | — | <u>X</u> |

The proposed fire hydrant and water storage tanks will assist in fire suppression capabilities of the County Fire Department if a fire ever occurred in the immediate area. This is a beneficial impact. In order to meet fire protection standards, the County Fire Department has required a storage volume of 24,875 gallons (Attachment 72) as well as fire extinguishing sprinklering the two proposed buildings and a fire hydrant at the site. According to County Fire staff, water for the extinguishing system will be provided by the storage tanks. A fire flow of 7,800 gallons/minute (gpm) at a pressure of 60 psi is required for a minimum of 720 minutes to meet fire extinguishing standards. The volume of water in the 5 storage tanks will provide a fire flow of 7,500 gpm. County Fire approved a the reduction in fire flow based on project including a fire hydrant and sprinklering system. Water for the hydrant and sprinkler system will be provided by the storage tanks. According to County Fire, a single water connection to fill the tanks will create adequate fire flow as long the tanks are kept filled. (John Salsi, telephone call on December 22, 1998). The project includes a second connection to the tanks so they could also be filled by the "Upper Reservoir". This auxiliary connection would not be necessary for fire protection purposes. (Please refer to related discussion under item B.12 above).

- | | | | | |
|------------------------------------------------------|---|---|---|----------|
| b. Police protection? | — | — | — | <u>X</u> |
| c. Schools? | — | — | — | <u>X</u> |
| d. Parks or other recreational facilities? | — | — | — | <u>X</u> |
| e. Maintenance of public facilities including roads? | — | — | — | <u>X</u> |
| f. Other governmental services? | — | — | — | <u>X</u> |

ATTACHMENT 4

4. Inadequate water supply for fire protection? X

See *discussion* under H.3.a above.

5. Inadequate access for fire protection? X

The project has been revised to reduce the width of the **access** road from 20 feet to 12 feet. This reduced width has been determined to be adequate as long as it terminates in an appropriate fire truck turn-around area at the terminus of the access road. A County Fire approved ~~hammer-head style~~ turn-around area is now proposed as part of the project redesign.

I. TRAFFIC AND TRANSPORTATION

Will the project result in:

- | | | | | |
|----------------------------------------------------------------------------------------------------------------------------|-------------|-------------|-------------|----------|
| 1. An increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system? | <u> </u> | <u> </u> | <u> </u> | <u>X</u> |
| 2. Cause substantial increase in transit demand which cannot be accommodated by existing or proposed transit capacity? | <u> </u> | <u> </u> | <u> </u> | <u>X</u> |
| 3. Cause a substantial increase in parking demand which cannot be accommodated by existing parking facilities? | <u> </u> | <u> </u> | <u> </u> | <u>X</u> |
| 4. Alterations to present patterns of circulation or movement of people and/or goods? | <u> </u> | <u> </u> | <u> </u> | <u>X</u> |
| 5. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians? | <u> </u> | <u> </u> | <u> </u> | <u>X</u> |
| 6. Cause preemption of public mass-transportation modes? | <u> </u> | <u> </u> | <u> </u> | <u>X</u> |

EXHIBIT C

ATTACHMENT 4

J. LAND USE/HOUSING

Will the project result in:

- | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|----------|
| 1. Reduction of low/moderate income housing? | — | — | — | <u>X</u> |
| 2. Demand for additional housing? | — | — | — | <u>X</u> |
| 3. A substantial alteration of the present or planned land use of an area? | — | — | — | <u>X</u> |
| 4. Change in the character of the community in terms of terms of distribution or concentration of income, income, ethnic, housing, or age group? | — | — | — | <u>X</u> |
| 5. Land use not in conformance with the character of the surrounding neighborhood? | — | — | — | <u>X</u> |

K. HAZARDS

Will the project:

- | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------|---|---|---|----------|
| 1. Involve the use, production or disposal of materials which pose hazard to people, animal or plant populations in the area affected? | — | — | — | <u>X</u> |
| 2. Result in transportation of significant amounts of hazardous materials, other than motor fuel? | — | — | — | <u>X</u> |
| 3. Involve release of any bioengineered organisms outside of controlled laboratories? | — | — | — | <u>X</u> |
| 4. Involve the use of any pathogenic organisms on site? | — | — | — | <u>X</u> |
| 5. Require major expansion or special training of police, fire, hospital and/or ambulance services to deal with possible accidents? | — | — | — | <u>X</u> |

EXHIBIT C

- ATTACHMENT 4

Environmental Review Initial Study

Page 26

- | | | | | |
|--------------------------------------------------------------------------------------------|---------------|---------------|---------------|--------------|
| 6. Create a potential substantial fire hazard? | <u> </u> | <u> </u> | <u> </u> | <u> X </u> |
| 7. Expose people to electro-magnetic fields associated with electrical transmission lines? | <u> </u> | <u> </u> | <u> </u> | <u> X </u> |

L. GENERAL PLANS AND PLANNING POLICY

- | | | | | |
|---------------------------------------------------------------------------------------------------------------------|---------------|--------------|---------------|---------------|
| 1. Does the project conflict with any policies in the adopted General Plan or Local Coastal Program?
If so, how? | <u> </u> | <u> X </u> | <u> </u> | <u> </u> |
|---------------------------------------------------------------------------------------------------------------------|---------------|--------------|---------------|---------------|

Section 5.73 of the County General Plan/Local Coastal Program contains several policies to protect agricultural land for **crop** and livestock production. The **policy** that the equestrian **project** MAY conflict with is provided below.

- ~ Policy 513.6 requires all conditional uses on Commercial Agricultural land to minimize the removal of land from agricultural production.

As discussed in item F.2 above, the project **will** remove 0.48 acre of open land **from** grazing use (or other future agricultural uses). Locating the facility adjacent to existing support facilities on the site would better **conserve** land for agricultural production purposes; however the amount of /and that would be removed from production is not significant **as** long as it is the **only** cluster (node) for developed uses within the northeast end of the parcel.

Constructing the barns and associated uses in a location separate **from** the existing stable area on **this** portion of the parcel would not meet the policy of conserving farmland for pasturing or **crop** growing purposes **as** discussed in item F.2 above. The decision-maker **will** need to make a policy interpretation regarding the project's consistency with this policy.

County Code Section 13.10.314(a) implements General Plan policy 5.73.6 by requiring the approval of all projects on "CA" zoned land that are processed as level 5-7 projects **to** be based on making 5 special findings. These findings are provided as Attachment 73. The 5th finding can only be **made** if one of the two measures specified above are incorporated **into** the project.

- | | | | | |
|------------------------------------------------------------------------------------------|---------------|---------------|---------------|--------------|
| 2. Does the project conflict with any local, state or federal ordinances?
If so, how? | <u> </u> | <u> </u> | <u> </u> | <u> X </u> |
|------------------------------------------------------------------------------------------|---------------|---------------|---------------|--------------|

See discussion under item L. 1 above regarding County Code Chapters 13.70 and 16.30.

- | | | | | |
|--------------------------------------------------------------|---------------|---------------|---------------|--------------|
| 3. Does the project have potentially growth inducing effect? | <u> </u> | <u> </u> | <u> </u> | <u> X </u> |
|--------------------------------------------------------------|---------------|---------------|---------------|--------------|

EXHIBIT c

4. Does the project require approval of regional, state, or federal agencies? Which agencies?

Without mitigation to address impacts to Laguna Creek and on-site habitat for the Red-legged frog, approvals may be required from the following agencies:

National Marine Fisheries Service - Administers the federal Endangered Species Act regulations protecting the steelhead trout

United States Fish and Wildlife Service - Administers Endangered Species Act regulations protecting the Red-legged frog

California Department of Fish and Game - Administers State Endanger Species. Act regulations protecting the steelhead trout.

Department of Water Resources, Division of Water Rights - Administers granted riparian rights throughout the State. This agency may require a review of the existing appropriate fights permit.

The mitigation measures recommended in this Initial Study alleviate the need for the agency approvals listed above.

ATTACHMENT 4

MANDATORY FINDINGS OF SIGNIFICANCE

YES

NO

1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or pre-history? — X
2. **Does** the project have the potential to achieve short term, to the disadvantage of long term environmental goals? (A short **term** impact on the environment is one which occurs in a relatively brief, definitive period of time while long term impacts will endure well into the future.) — X
3. Does the project have impacts which are individually limited but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is **significant**. Analyze in the light of past projects, other current projects, and probable future projects.) — X
4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? — X

EXHIBIT C

ATTACHMENT 4

[illegible]

List any other technical reports or information sources used in preparation of this initial study: -

7. General **Plan** land use and resource and constraints maps on file with the County Planning Department.
2. **Initial Study** prepared for Application 96-0837 by County Planning, dated April 21, 1997
3. **Zoning Administrator staff report** prepared for Application 96-0837 by County Planning dated June 20, 1997
4. Initial Study prepared for the pre-revised design of Application 97-0648 dated February 10, 1998

EXHIBIT C

TECHNICAL REVIEW CHECKLIST (CONT.)

ATTACHMENT 4

12. Letters from the following people submitted as comments on the previous Initial Study:
- a. Robert and Carol Adams, ET AL. undated
 - b. Robert Bosso, Attorney for Lanting, Eckstrom, Adams, Kaufman and Zucker, dated January 26, 1999; including attachment letter from Joseph Hayes, geohydrologist
 - c. Paul Bruno, Attorney for the applicants, dated January 27, 1999; including attachment letter from Ifland Engineers and Dana Bland, biologist
 - d. Brian Hunter, California Department of Fish and Game, dated January 27, 1999
 - e. Nicolas Papadakis, AMBAG, dated January 14, 1999
 - f. David Vicent, California Department of Parks and Recreation, dated January 21, 1999
 - g. Julianne Ward, Save Our Agricultural Land, January 26, 1999

All letters are on file and available for public review at the County Planning Department.

EXHIBIT C

ENVIRONMENTAL REVIEW ACTION


On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described below have been added to the project. A NEGATIVE DECLARATION will be prepared.

☐ I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Mar 10, 1999
Date


Signature

For:
Environmental Coordinator

Attachments:

1. Location Map
2. Natural Characteristics and Primary Land Uses on the Parcel
3. Biotic Habitat Map of the Parcel
4. **Grading and Drainage Plan prepared by Ifland Engineers dated February 17, 1999**
5. Site Plan of the Equestrian Facility/Water Storage Project
- 6A. Well Water Certification for Private Well
- 6B. **Application for Well Permit, including mapped location of well location**
Documentation of Maximum Water Use Rights to Laguna Creek
- LA- **Project Manure Management Plan**
- SS: **Addendum to Project Manure Management Plan**
9. Biotic Survey for Proposed Equestrian Facilities, dated August 4, 1997
10. Biotic Survey for Proposed Water Line Extension, dated August 4, 1997
11. Biotic Survey for Proposed Leach Field Area, dated January 13, 1998
12. Memo from County Fire, dated December 24, 1997, Regarding Water Storage
13. County Code Section 13.10.314(a)
14. Letter from the USFWS dated April 22, 1998
15. Preliminary Sewage Disposal System Approval by Environmental Health

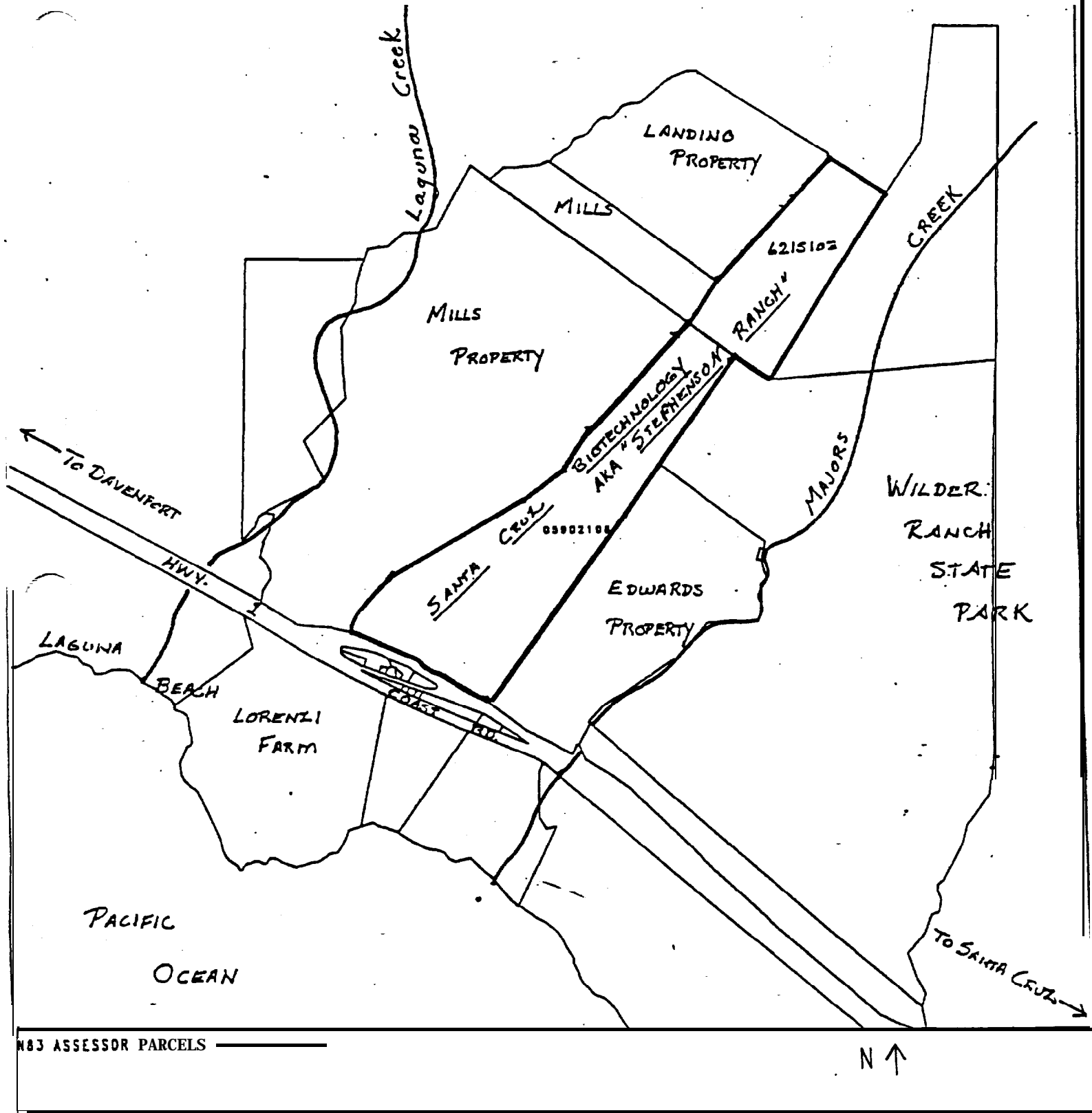
Note: The full size drawings on 24"X 36" sheets of Attachments 4 and 5 and related project plans are on file in the County Planning Department.

EXHIBIT 

SCALE (FT/INCH) = 1,632
 WIDTH IN FEET = 12, aso. 91
 DEPTH IN FEET = 12,599.28

APN 59-021-08/62-151-03 (a single parcel)

ATTACHMENT 4

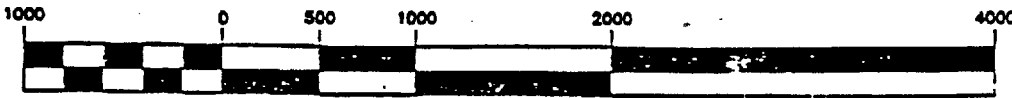


Environmental Review Initial Study

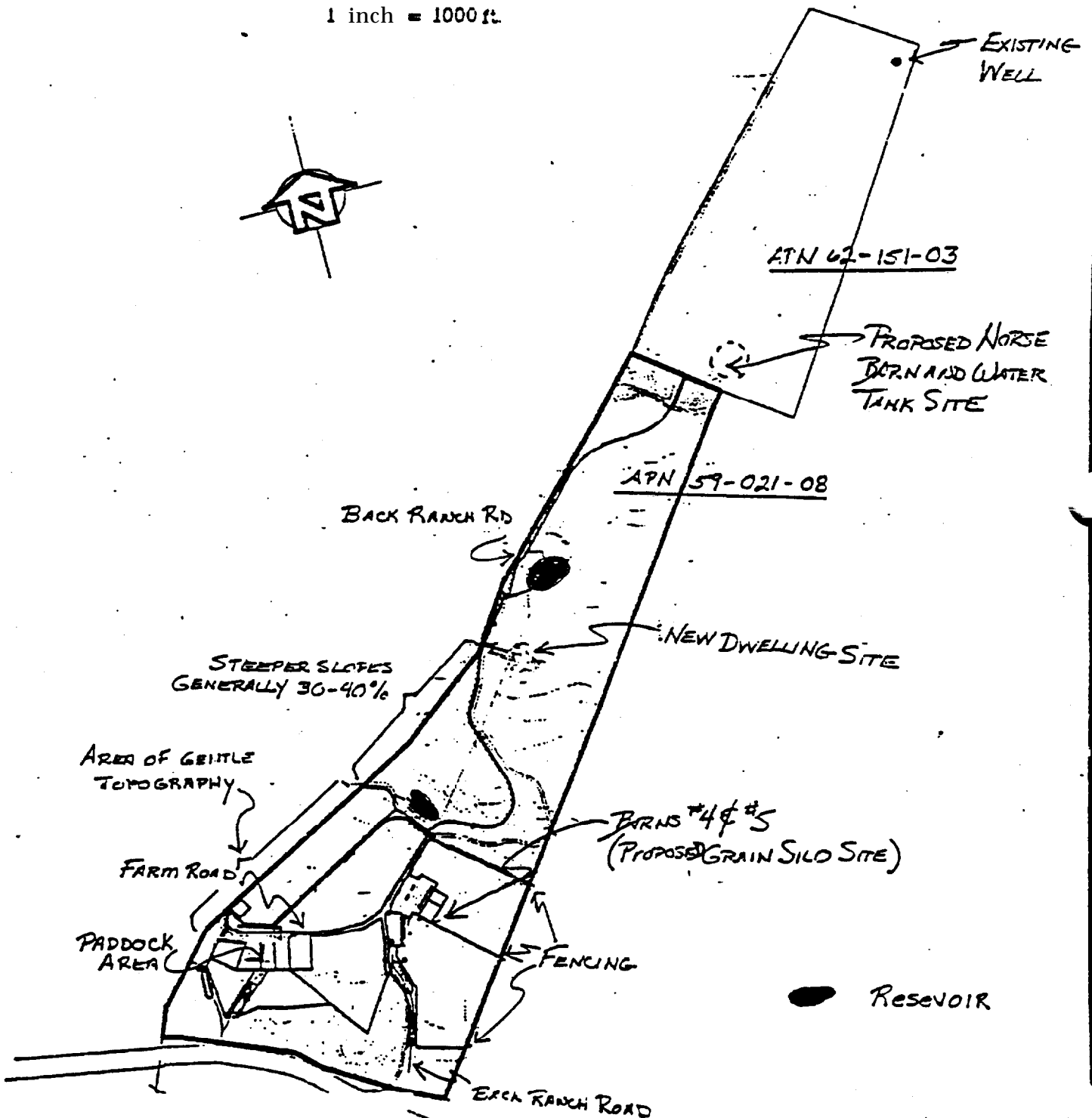
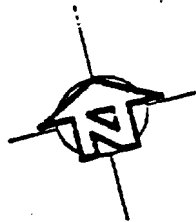
ATTACHMENT
 APPLICATION 97-06048

EXHIBIT C

GRAPHIC SCALE



(IN FEET)
1 inch = 1000 ft.

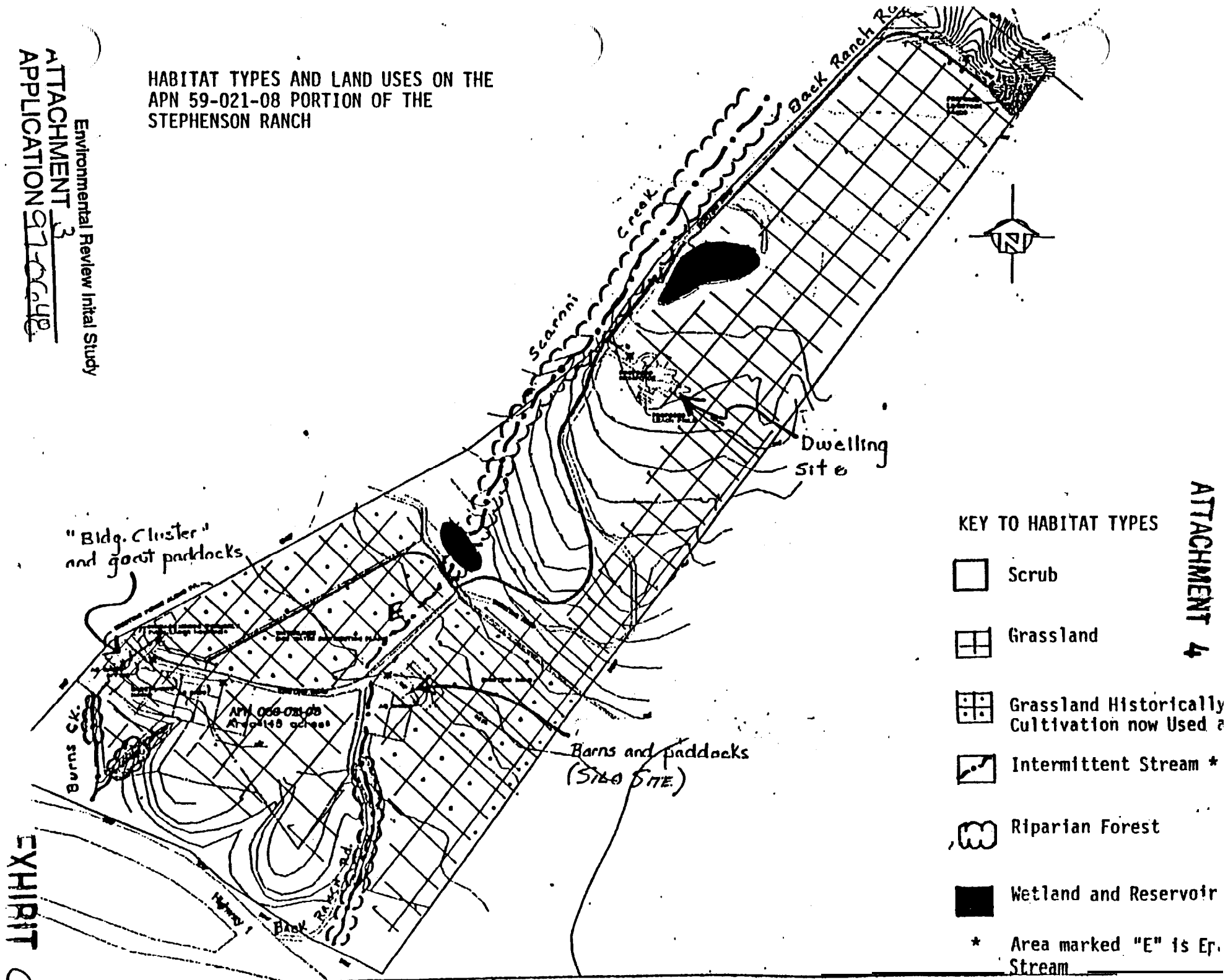


Environmental Review Initial Study
ATTACHMENT 2
APPLICATION 97-0648

A

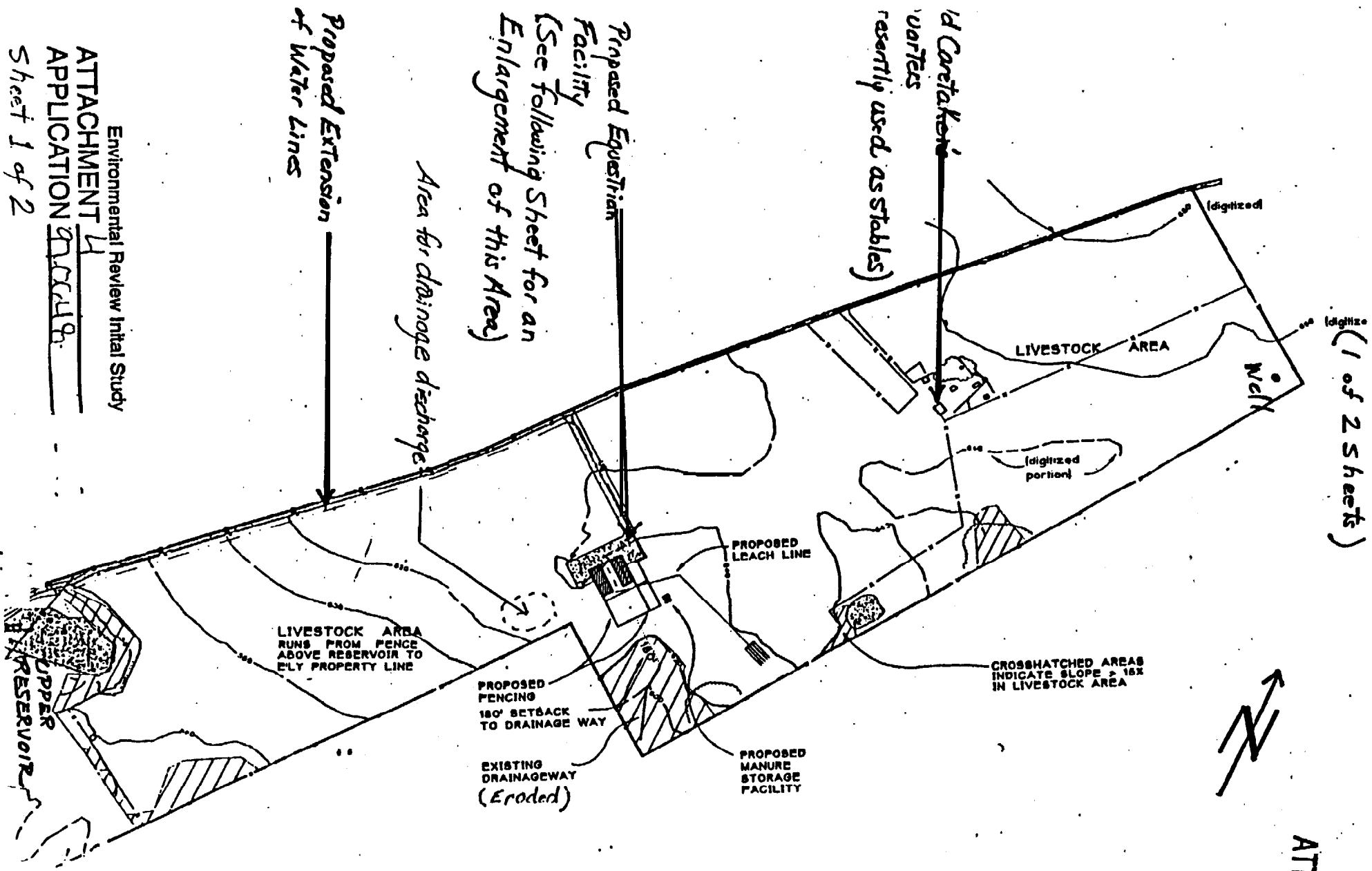
EXHIBIT C

HABITAT TYPES AND LAND USES ON THE
 APN 59-021-08 PORTION OF THE
 STEPHENSON RANCH



(1 of 2 sheets)

ATTACHMENT 4



Environmental Review Initial Study

ATTACHMENT 4

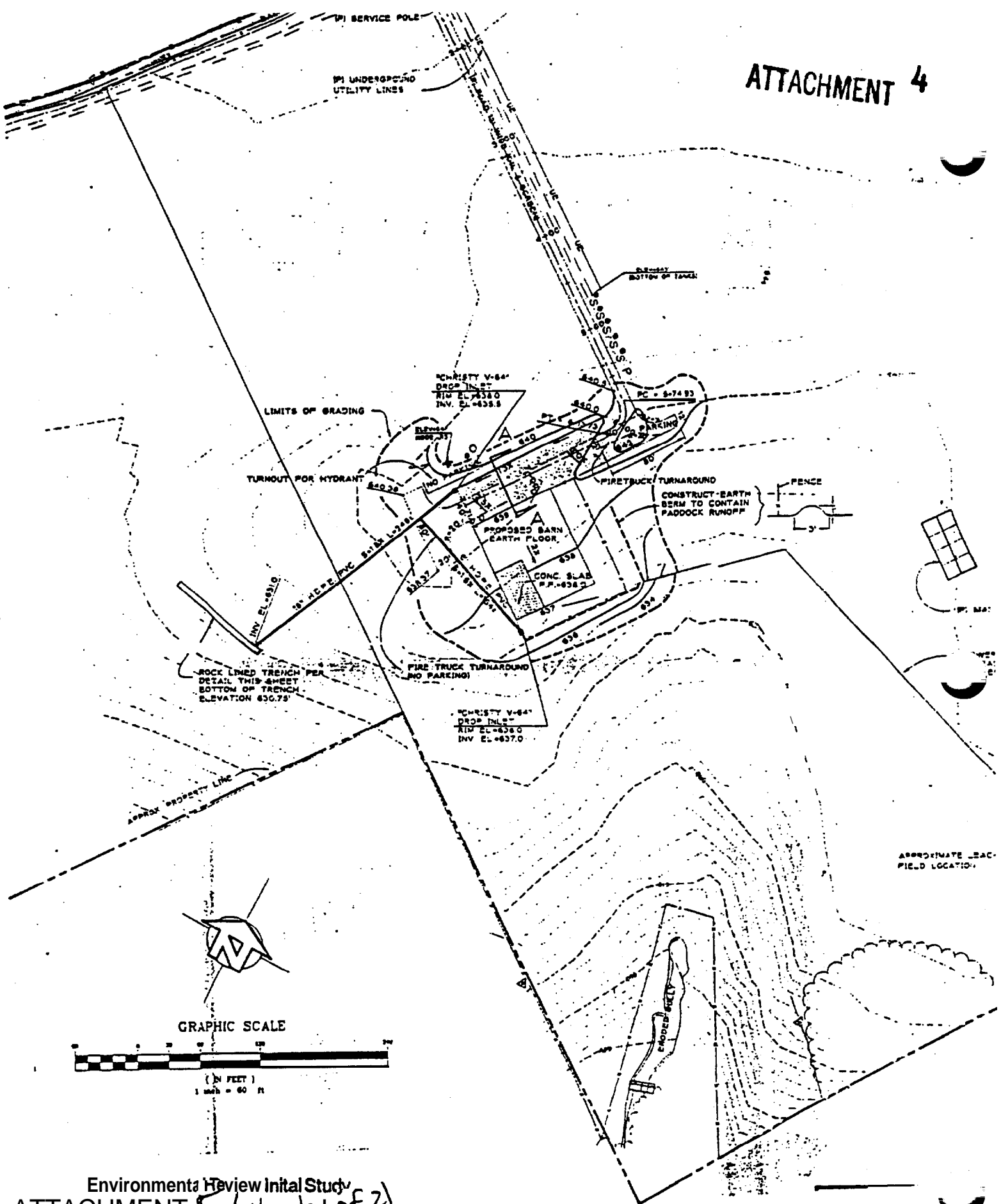
APPLICATION 20000000

Sheet 1 of 2

EXHIBIT C

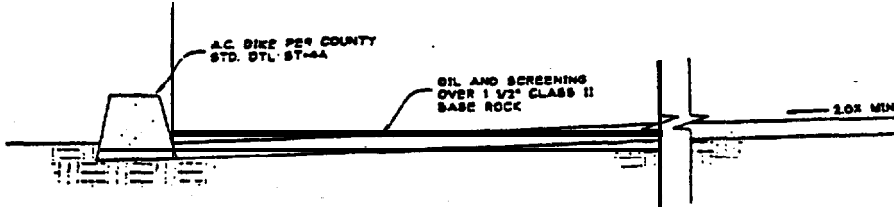
NEED
FVIRIT C

ATTACHMENT 4



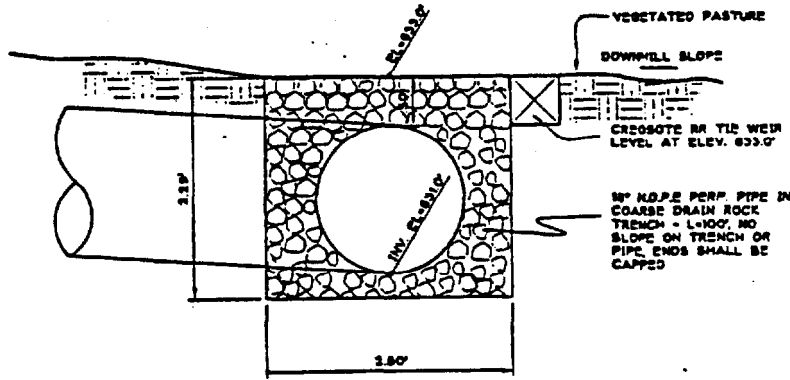
Environmental Review Initial Study
ATTACHMENT 5 (sheet 1 of 2)
APPLICATION 97-0648

EXHIBIT C



Section A

SCALE: 1\"/>



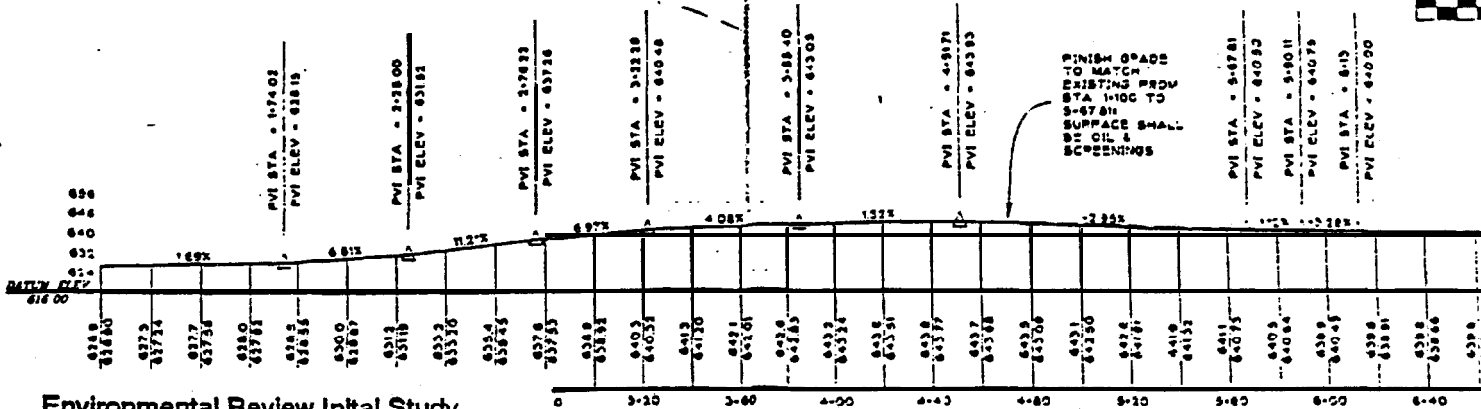
Detail A

General Notes

1. NO LAND CLEARING, GRADING OR EXCAVATING SHALL TAKE PLACE BETWEEN OCTOBER 15 AND APRIL 15 UNLESS A SEPARATE WINTER EROSION CONTROL PLAN IS APPROVED BY THE PLANNING DIRECTOR.
2. BETWEEN OCTOBER 15 AND APRIL 15, EXPOSED SOIL SHALL BE PROTECTED FROM EROSION AT ALL TIMES. DURING CONSTRUCTION SUCH PROTECTION MAY CONSIST OF MULCHING AND/OR PLANTING OF NATIVE VEGETATION OF ADEQUATE DENSITY. BEFORE COMPLETION OF THE PROJECT, ANY EXPOSED SOIL ON DISTURBED SLOPES SHALL BE PERMANENTLY PROTECTED FROM EROSION.
3. NO LAND DISTURBANCE SHALL TAKE PLACE PRIOR TO THE ISSUANCE OF BUILDING PERMITS, EXCEPT THE MINIMUM REQUIRED TO INSTALL STREET IMPROVEMENTS. PROVIDE ACCESS FOR COUNTY REQUIRED TESTS OR TO CARRY OUT OTHER WORK SPECIFICALLY REQUIRED BY ANOTHER OF THESE CONDITIONS. IN ADDITION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING A NPDES PERMIT FROM THE REGIONAL WATER QUALITY CONTROL BOARD PRIOR TO GRADING.
4. THE CONTRACTOR SHALL APPLY WATER TO ALL EXPOSED EARTH SURFACES AT INTERVALS SUFFICIENT TO PREVENT AIRBORNE DUST FROM LEAVING THE PROJECT SITE. ALL EXPOSED EARTH SHALL BE WATERED DOWN AT THE END OF THE WORK DAY.
5. WHILE IN TRANSIT TO AND FROM THE PROJECT SITE, ALL TRUCKS TRANSPORTING FILL SHALL BE EQUIPPED WITH TANKS.
6. ALL GRADING WORK AND CONSTRUCTION OF IMPROVEMENTS SHALL BE DONE IN ACCORDANCE WITH RECOMMENDATIONS PROVIDED BY THE GEOTECHNICAL ENGINEER. THE GEOTECHNICAL ENGINEER SHALL INSPECT THE COMPLETED PROJECT AND CERTIFY IN WRITING THAT THE IMPROVEMENTS HAVE BEEN CONSTRUCTED IN CONFORMANCE WITH THEIR RECOMMENDATIONS.
7. PURSUANT TO SECTIONS 16.40.040 AND 16.42.100 OF THE COUNTY CODE, IF AT ANY TIME DURING SITE PREPARATION, EXCAVATION, OR OTHER GROUND DISTURBANCE ASSOCIATED WITH THIS DEVELOPMENT, ANY ARTIFACT OR OTHER EVIDENCE OF AN HISTORIC ARCHEOLOGICAL RESOURCE OR A NATIVE AMERICAN CULTURAL SITE IS DISCOVERED, THE RESPONSIBLE PERSONS SHALL IMMEDIATELY CEASE AND DESIST FROM ALL FURTHER SITE EXCAVATION AND NOTIFY THE SHERIFF-CORONER IF THE DISCOVERY CONTAINS HUMAN REMAINS, OR THE PLANNING DIRECTOR IF THE DISCOVERY CONTAINS NO HUMAN REMAINS. THE PROCEDURES ESTABLISHED IN SECTIONS 16.40.010 AND 16.42.100, SHALL BE OBSERVED.

Legend

- (S) WATER STORAGE TANK
- (V) VALVE
- (H) FIRE HYDRANT
- (P) PUMP
- (E) EXISTING
- (R) PROPOSED
- (F) FUTURE CONNECTION WITH BLOWOFF VALVE ASSEMBLY
- PIRE LINE
- AGRICULTURAL LINE
- OVERHEAD ELECTRICAL LINE
- IRRIGATION LINE



Environmental Review Initial Study

ATTACHMENT 5 (Sheet 2 of 2)
APPLICATION 97-0648

Driveway Profile

SCALE: 1\"/>

EVIDIT C

APPLICATION FOR INDIVIDUAL WATER SYSTEM PERMIT

PERMIT NO. 97-039ATTACHMENT 4

(SITE LOCATION)

Back Ranch Road

ASSESSOR'S PARCEL NUMBER

62-151-03
059-021-02OWNER Santa Cruz BiologicalPHONE 457-3800

MAILING ADDRESS

2461 Delaware Avenue, Santa Cruz, CA 95060

SYSTEM TO BE:



INDIVIDUAL

SHARED (IF SHARED, COPY OF RECORDED
DEEDED EASEMENT MUST BE ATTACHED)

TYPE:



WELL



SPRING



HORIZONTAL



WELL



STREAM

LOCATION OF WATER SOURCE (APN) 62-151-03

APN'S TO BE SERVED:

1.

62-151-03

3.

2.

62-151-03

4.

I HEREBY AGREE TO COMPLY WITH ALL LAWS AND REGULATIONS OF THE COUNTY OF
SANTA CRUZ PERTAINING TO INDIVIDUAL WATER SYSTEMS.Michael Steiner
(SIGNATURE OF PROPERTY OWNER)11/17/97
(DATE)

WELL PUMPING TEST

DATE(S) OF PUMPING TEST 11/5-11/6/97PUMPING RATE 10.33 GPMDURATION OF CONTINUOUS PUMPING 24 HOURSTOTAL YIELD 14950 GALLONSDRAW DOWN DURING PUMPING TEST N/A FT.STATIC WATER LEVEL N/A FT.I CERTIFY THAT I PERFORMED THE PUMP TEST
AND THE INFORMATION IS TRUE AND CORR
TO THE BEST OF MY KNOWLEDGECharles V. Habel III

(SIGNATURE)

11-13-97

(DATE)

602890

(LICENSE NUMBER)

☒ WELL DRILLING
CONTRACTOR☐ REGISTERED
ENGINEER☐ REGISTERED
GEOLOGIST☐ REGISTERED ENVIRONMENTAL
HEALTH SPECIALIST

ENVIRONMENTAL HEALTH SERVICE EVALUATION

1. PUMP TEST:



MEETS REQUIREMENTS



DOES NOT MEET REQUIREMENTS

2. BACTERIOLOGICAL QUALITY



MEETS STANDARDS

DOES NOT MEET STANDARDS
(RESAMPLE)

3. CHEMICAL QUALITY



MEETS STANDARDS

DOES NOT MEET STANDARDS
(SEE REMARKS)

(Analysis From A State-Certified Laboratory for Bacteriologic & Chemical Quality Must Be Attached)

REMARKS: Resample or provide treatment to satisfy bacteriologicPERMIT APPROVED ☒PERMIT DENIED ☐

R.E.H.S.

DATE: 11/20/97

Environmental Review Initial Study

ATTACHMENT 2 (Sheet 1 of 4) TAKEN BY AN EHS APPROVED THIRD PARTY.APPLICATION 67-048

ER/PINK-FIS

OL/GOLDENROD

CYHIRT

62-151-03
(ASSESSOR'S PARCEL NUMBER)
ADDRESS 5322 COAST ROAD
OWNER JOHN & BRENDA STEPHANSON ADDRESS 2161 DELAWARE AVE, SANTA CRUZ, CA 95062
BILLING CONTRACTOR MAGGORA BROS. DRILLING, INC LICENSE # 249957 PHONE (408) 724-1338
IP TNS TO SITE Hwy 1 TO 5322 COAST ROAD

(PERMIT NUMBER)

ATTACHMENT 4

CONSTRUCTION ☒

REPAIR ☐

DESTRUCTION ☐

DESIGN SPECIFICATIONS:

INTENDED USE

DOMESTIC: ☒

#Homes Served 1

WATERSYSTEMWELL:

Name of Water System

IRRIGATION ☐

COMMERCIAL/INDUSTRIAL ☐

MONITORING: ☐

GRDWTR ☐ VADOSE ☐

OTHER: ☐ (SPECIFY)

WITHIN WATER DISTRICT SERVICE AREA ☒ NO ☐ YES NAME: (FORM HSA-579-REQUIRED)

CONSTRUCTION DEPTH (FT.) 15.50 (IN) 5 DEPTH OF SEAL (FT.) 50 WIDTH OF SEAL (IN.) 2

EXISTING WELLS ON PROPERTY:

1. OTHER WELLS ON PROPERTY: NUMBER: TYPES: DOMESTIC ☐ IRRIGATION ☐ COMMERCIAL USE ☐ OTHER ☐
2. CONDITION OF OTHER WELLS ON PROPERTY: IN USE ☐ TO BE DESTROYED ☐
3. IF NEW WELL REPLACES AN EXISTING WELL, INDICATE INTENTIONS FOR USE OF REPLACED WELL:
☐ TO SUPPLEMENT NEW WELL ☐ TO BE DESTROYED ☐ OTHER ☐

WELL DESTRUCTION: DEPTH OF WELL DEPTH OF SEAL: NUMBER OF WATER FORMATIONS PENETRATED
CLEANING OF WELL REWIRED YES: NO: SEALING MATERIAL

PLOT PLAN: ATTACH 2 COPIES OF PLOT PLAN (SEE REVERSE FOR REQUIREMENTS)

I HERESY AGREE TO COMPLY WITH ALL LAWS AND REGULATIONS OF THE COUNTY OF SANTA CRUZ AND STATE OF CALIFORNIA PERTAINING TO WELL CONSTRUCTION, AND DECLARE UNDER PENALTY OF PERJURY THE INFORMATION SUBMITTED ON THIS APPLICATION IS TRUE AND CORRECT. I WILL CONTACT THE ENVIRONMENTAL HEALTH SERVICE WHEN I COMMENCE ME WORK. WITHIN 15 DAYS AFTER COMPLETION OF WORK I WILL FURNISH THE ENVIRONMENTAL HEALTH SERVICE A REPORT OF THE WORK PERFORMED AND NOTIFY THEM BEFORE PUTTING THE WELL INTO USE. I UNDERSTAND THAT THIS PERMIT EXPIRES ONE YEAR FROM DATE OF ISSUANCE. I UNDERSTAND APPROVAL OF THE WELL PERMIT DOES NOT INDICATE WHETHER THIS PROPERTY IS SUITABLE FOR AN INDIVIDUAL SEWAGE DISPOSAL SYSTEM OR THAT A PERMIT TO INSTALL SUCH SYSTEM WILL BE GRANTED

WORKER'S COMPENSATION CERTIFICATE

☒ A CURRENTLY EFFECTIVE CERTIFICATION OF WORKERS COMPENSATION INSURANCE IS ON FILE WITH THIS OFFICE.
INSURANCE CARRIER STATE FUND COMP POLICY # 97-059
I CERTIFY THAT IN THE PERFORMANCE OF THE WORK FOR WHICH THIS PERMIT IS ISSUED I SHALL NOT EMPLOY ANY PERSON IN ANY MANNER SO AS TO BECOME SUBJECT TO THE WORKER'S COMPENSATION LAWS OF CALIFORNIA

PROPERTY OWNER Brenda Stephen DRILLING CONTRACTOR Michael A. Grogan 6.14.97

FOR OFFICE USE ONLY:

ENVIRONMENTAL ASSESSMENT REQUIRED YES ☐ NO ☒

SITE INSPECTION

APPLICATION APPROVAL

PAD INSPECTION

RECEIPT OF WELL LOG

FINAL

DATE 6/12/97 EHS SPECIALIST (RS)
8/28/97 (RS)
12/1/97 (RS)
12/2/97 (RS)
12/2/97 (RS)

ANNULAR WELL SEAL WITNESSED:

YES DATE 6/12/97

NO DEPTH 50'
SEAL MATERIAL cement
SACKS CEMENT/YARD

COMMENTS: See conditions on Attached Addendum.

Environmental Review Initial Study

ATTACHMENT 6B (sheet 2 of 4)
APPLICATION 97-0648

FISCAL CONTROL

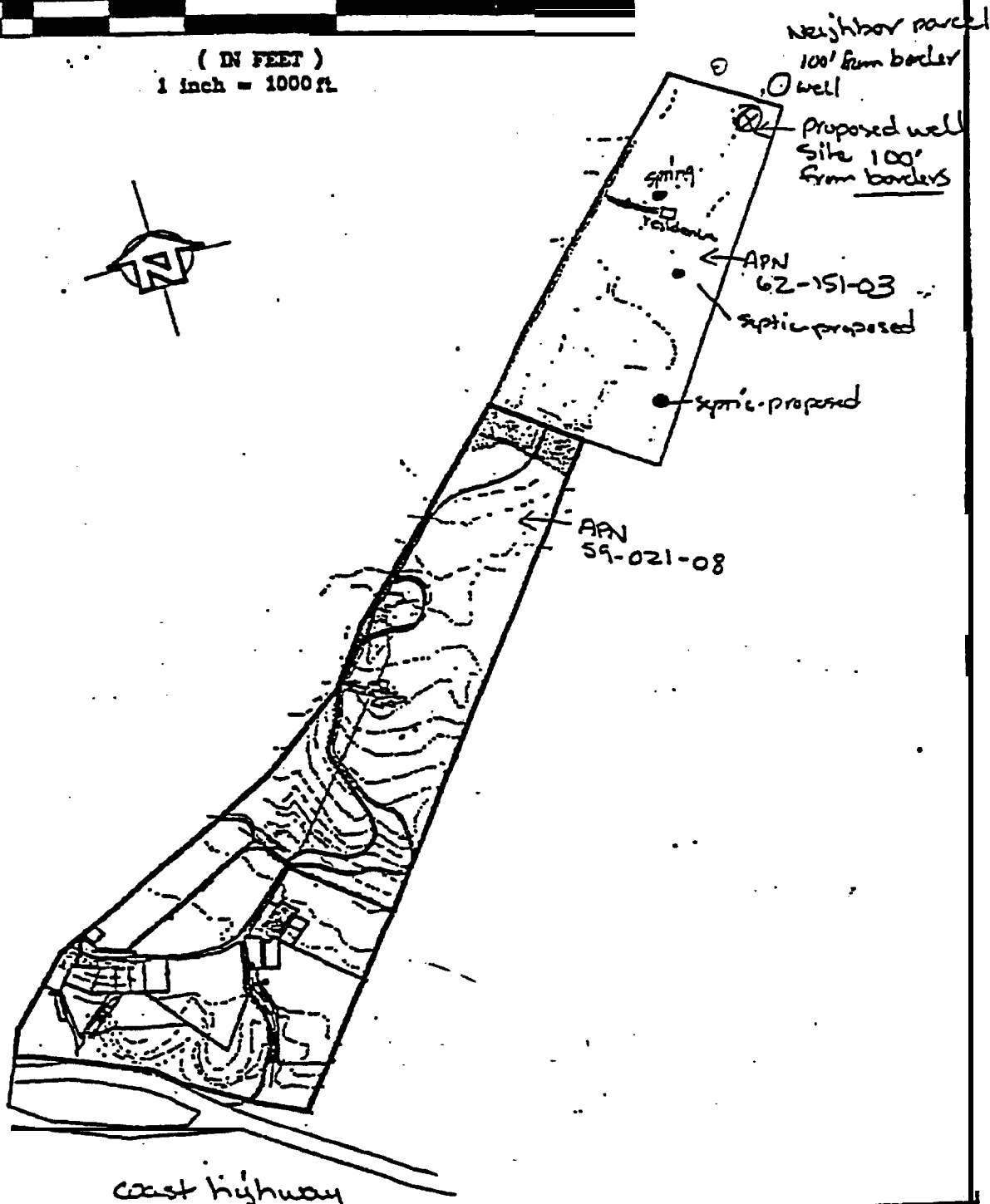
EXHIBIT C

GRAPHIC SCALE



(IN FEET)
1 inch = 1000 ft.

ATTACHMENT 4



Environmental Review Initial Study

ATTACHMENT 6^B (Sheet 3 of 4)
APPLICATION 97-0648

EXHIBIT

04/01/97 13:18 FAX 4084573801

SCBIOTECH
\$5150.

ATTACHMENT 4 10003

QUARRY/LAKE
AREA 41800'

APN:
(59-021-08)

(62-151-03)

Santa Cruz County
ENVIRONMENTAL SERVICE
APPROVED BY

Rafael Sanchez

DATE

8/28/97

PERMIT NO

97-081

POND

Leachfield &
Pre-Tech site #1

Former caretaker's
bedroom residence

pantry

WELL

WELL

WELL

WELL

WELL

WELL

WELL

WELL

WELL

WELL

WELL

WELL

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WELL

property
boundaries

existing
residence
site

neighbor parcel

Existing
residence
+ garage

- Vicinity Soil found
(FLVS) T-1-Series-Soils with con
subsoils at depths.
(T-2) M-1-Watsonville Loam-as o
(T-3) SMS-Santa Lucia clay loa
shallow phase.

Proposed well
site 100' from
each border

BACK RANCH RD.

slope direction (Most of site)

LEGEND

Environmental Review Initial Study

ATTACHMENT 4 (Sheet 4 of 4) at 4/1/97
APPLICATION 97-081

SEWAGE DISPOSAL SITE

EXHIBIT C

ATTACHMENT 7
Environmental Review Initial Study
APPLICATION 91-0618

State rights included prior to 1911, and claims included in this list, units of water described as of those rights are on by Water Code Section

Of
STATE OF CALIFORNIA
RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
MEMORANDUM CONCERNING APPLICATIONS TO APPROPRIATE WATER
SANTA CRUZ COUNTY

PAGE 5

DATE PREPARED OCTOBER 9,

APP No.	DATE FILED	APPLICANT	SOURCE	POINT OF DIVERSION			AMOUNT		USE
				SECTION	TWP & RANGE	SEC	CCFS OR CFS	ACRE-FEET	
10226	0722%	MARTIN C & MARTHA K BROWN	UNNAMED STREAM	NESE24	10s1E	M 0.1c			DR
10335	092450	STATE WATER RESOURCES CONTROL BOARD	SCOTT CREEK	SE18	10s3W	M		20000	RZ
10336	092450	STATE WATER RESOURCES CONTROL BOARD	APTOS CREEK	NW07	11s1E	M		8300	KH
18337	092450	STATE WATER RESOURCES CONTROL BOARD	ZAYANTE CREEK	SE36	9s2W	M		7500	KM
10338	092450	STATE WATER RESOURCES CONTROL BOARD	W DR SOQUEL CREEK	NE10	10s1W	M		7250	KH
18339	092450	STATE WATER RESOURCES CONTROL BOARD	SOQUEL CREEK	SW12	10s1W	M		6800	KV
10330	102150	MAE E PRINGLE	SPRINGVALE CREEK	SESE24	10s2W	M 61000			IS
10667	050159	ANASTACIO & VIRGINIA SANCHEZ	HARKINS SLOUGH	SWSE22	11s1E	M		48	SI
10816	062259	HARRY W & V. PEARL DARRICK	UNNAMED STREAM	SWNW14	11s1E	M		7	KI
10833	062659	LAUREL COMMUNITY LEAGUE INCORPORATED	UNNAMED SPRING	SESE28	9s1W	M 0.031c			D
10940	082759	JOHN E HACKAMACK ET AL	UNNAMED STREAM	NWNE16	11s2E	M		35	I
10986	091559	HOWARD W & PAULINE H BATHOUN	DEAN CREEK	NENW05	10s1W	M 43000			I
19004	111659	MT DIABLO COUNCIL D S A	KI NOS CREEK	NWSE06	9s2W	M 60000			D
19137	121759	DALE MATTHIJSSEN	UNNAMED SPRING	SESW19	9s2W	M 0000			I
19233	021660	ELIO & MARIO RODONI	LAGUNA CREEK	SWNW12	11s3W	M		26	
19261	030460	L B, V H & G D FULTON	HOPKINS GULCH	SENE20	9s2W	M 38000			
19376	042160	LOCKHEED AIRCRAFT CORPORATION	MILL CREEK	SWSE29	9s3W	M 0.04c		15	
19421	050660	SUMMIT MUTUAL WATER COMPANY	UNNAMED STREAM	NWSW27	9s1W	M 0.031c			

SEE REVERSE SIDE OF FORM FOR EXPLANATION OF ENTRIES

ATTACHMENT 4

NAME OF PREVIOUS OWNER

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EXPLANATION OF ENTRIES

DATE FILED: First two digits are month: next two digits are day of month: last two digits are year,

POINT OF DIVERSION:

SECTION: Forty acre subdivision of the section in which the point of diversion is located:

NW1/4	NE1/4	NW1/4	NE1/4
SW1/4	SE1/4	SW1/4	SE1/4
NW1/4	NE1/4	NW1/4	NE1/4
SW1/4	SE1/4	SW1/4	SE1/4

TWP & RANGE: Numbers preceding N or S are township number north or south of base line. Numbers preceding E or W are range numbers east or west of meridian.

B & M: H is Humboldt Base and Meridian
M is Mt. Diablo Base and Meridian
S is San Bernardino Base and Meridian

AMOUNT: A symbol (*, #, %, c, =, ", etc.) preceding an amount entry indicates that there are alternate points of diversion under this application and the amount listed may be diverted from this or other point or points of diversion identified by the same symbol under this application number. cfs and gpd are abbreviations for cubic feet per second and gallons per day, respectively. Following an amount entry they are further abbreviated c for cubic feet per second and g for gallons per day.

USE: A Agricultural
B Mining
C Milling
D Domestic
E Fire protection
F Flood control
G Dust control
H Fish culture
I Irrigation
J Industrial
K Irrigation, domestic
L Frost Protection, Heat Control
M Municipal
N Frost Protection
O Stockwatering, fish culture
P Power
Q Recreational, fire protection
R Recreational
S Stockwatering
T Recreational, fire protection, fish culture
U Stockwatering, fire protection
V Recreational, fish culture
W Wildlife propagation
X Recreational, stockwatering
Y Recreational, stockwatering, fish culture
Z Uses too numerous to list or not included in code

STATUS: No entry—Application
P —Permit
L —License

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STEPHENSON RANCH ATTACHMENT 4

HORSE BARN MANURE MANAGEMENT PLAN

Introduction

The Stephens&s propose to house 6 to 8 horses on the upper pasture lands of the Stephenson Ranch in the northern portion of Santa Cruz County. The parcel is located on the marine terrace directly **north** (inland) on Highway 1 (Site Map). The portion of the site bordering the **highway** is located approximately 2,000 feet from the coast. The property is located midway between **Laguna** Creek and Majors Creek at approximately 1,330 feet from each stream. The property encompasses 208 acres; most of the site is nearly level land that is currently being used for livestock grazing and has been used for crop cultivation and grazing in the past. About 5% of the acreage consists of **lands** with slopes of **15-50%** which supports either grassland or scrub vegetation. Four intermittent streams with associated riparian vegetation flow **through** the property. One intermittent drainage bisects the property; much of it flows in close proximity to a private right-of-way, Back Ranch Road. An old impoundment at one location along the drainage **has created** a reservoir, referred to as the Lower Reservoir. A former rock quarry has been historically **filled** with water and is known as the Upper **Reservoir**. Both reservoirs have historically been used to irrigate the livestock grazing areas. All of the intermittent **riparian** areas are fenced to preclude grazing by livestock, including horses. The fencing is 10 outward from the **dripline** of the riparian vegetation, 30 feet from the **bankfull** flow line or whichever is greater.

Proposed Horse Barn

The ranch operation **is** currently comprised of two **barn** complexes in the lower portion of the parcel, these are depicted as the West Field Barn Site and the East Field Barn Site on the Site Map. These barns are utilized for the company's goat operation. The Stephenson's propose to construct a horse barn **in** the upper pasture area. (North Field Barn Site). The horse barns include a fenced outside pen around the barn and fenced pasture. The area **will** also include a **concrete-lined** bunker for manure storage. Up to eight horses are proposed to be housed at **the barn**. The horses would be contained in the barn and fenced pen during rainy periods and would periodically graze in the adjacent fenced pasture during the dry season.

During the **dry months**, horse manure and rice hulls would be removed from the barn and spread on the pasture. The pasture would be irrigated and the horses would graze in the pastures during **this** time. During the wet months, generally December - **March**, the horse manure would be stored in the concrete-lined bunker and kept dry. This manure would be spread on the **pastures** during appropriate dry periods. The ranch proposes to implement a manure management program that is intended to promote the health of the grazing land and prevent adverse impacts to water quality in the area. This **program** is **described** in more detail, below.

Management of Horse Manure and Urine

The eight horses on the ranch will graze in a fenced pasture as well as being fed and housed in the horse barn. Manure and other soiled **barn** material (i.e., rice hulls), will be periodically removed from the barn. During the dry months this manure will be spread onto approximately 100 acres of pasture in the vicinity of the North Field barn. Manure is not spread in or near **riparian** corridors, as these areas are fenced from all agricultural and grazing activities.

Environmental Review Initial Study

ATTACHMENT 8A (sheet of 3)
APPLICATION 97-0678

Santa Cruz, California 95063 ♦ (408) 476-4803

EXHIBIT C

During the wet months, generally October 1 through May 31, the horse manure ~~will be stored in~~ a concrete-lined bunker (25' by 25') until weather conditions are suitable for spreading. The location of the bunker is depicted on the Site Map. The concrete bunker will be covered with a waterproof tarp to keep the manure dry and minimize any contact with rainwater or surface water flows. The tarp will be secured with ropes and cinder blocks and will be periodically checked during the winter by ranch personnel. With proper checking of the tarps and replacement of tarps as needed, the potential for discharge of manure runoff into area watercourses is considered low.

Nitrates and ammonia from horse manure and urine are a potential source of pollutants to the ranch's watercourses if not properly applied to pasture lands or improperly handled and stored during wet months. As the riparian corridors and ephemeral drainages are fenced to preclude access by grazing animals and ranch operations, deposition of manure directly into watercourses is not a potential pollutant source.

The manure is periodically spread onto the pasture using a tractor with a manure spreader. The goal of manure composting and management is to improve pastures. Manure placement quantities are optimized to maximize pasture quality but not cause the transmission of nutrients and organic matter to receiving waters or deep groundwater. This same practice will be utilized for the manure from the eight horses.

Irrigation of the pastures by overhead sprinklers is regulated to provide adequate moisture to the pastures but not in quantities to cause deep percolation or runoff. Since the amount of available pasture is greater than the available manure, very little manure is stored in these facilities during the dry months. If there is excessive composted manure, it will be sold and used off site.

Best Management Practices

Best Management Practices to be implemented by Santa Cruz Biotechnology to prevent or reduce pollutants from activities relating to the horse barn are described below. The goals of the specific best management practices (BMPs) are as follows:

- Prevent the exposure of composting manure situated in bunkers from rainfall and stormwater runoff;
- Prevent direct stormwater runoff from the horse pen to receiving waters;
- Control soil erosion from the horse pastures and prevent transmission of particulate-borne nutrients to receiving waters through sustainable grazing management, retention of 2-4.0" of grass cover at all times, and use of vegetated filter strips, grass-lined swales and storm water detention facilities.

Non-Structural BMP's

- For winter 1997/1998, manure will be stored in upland areas. Beginning in winter 1998/99, manure will be stored in a concrete-lined bunker. During the winter months, manure storage areas will be covered with waterproof tarps. The tarps will be inspected prior to and after each major storm event to ensure that the tarps are secure and there are no leaks. Areas around the manure storage areas shall be periodically checked during the winter to ensure that water is draining away from the storage area and the manure is kept dry. If holes or other defects in the waterproof tarps are detected, new tarps will be installed within 24 hours if rain is occurring or within 48 hours if rain has stopped. Temporary drainage catchment swales will be constructed around the storage areas to collect runoff if the manure piles were exposed to direct rainfall.

- The horse pasture lands **will** be managed to improve overall productivity and to increase the amounts of desirable plants that are optimum for livestock. Additionally, pasture management will control the growth of brush and minimize erosion.
- **Pasture** will be grazed with the goal of maintaining a minimum of **2-4"** of **herbage** year: round. The level of **herbage** will be controlled through the management of the duration of grazing, irrigation and use of selected pasture grasses. Electric fencing will be used to divide the fenced pastures into smaller units where needed to allow the pasture to rest and/or to irrigate fields.
- Re-planting of **pasture**, if necessary, will be conducted in the fall or spring months. Timing **will be** based on rainfall and general condition of the pastures.

ATTACHMENT 4

Structural BMP's

- One concrete-lined bunker will be installed near the Horse Barn for the storage of manure. The location and size of the bunker is depicted on the Site Map. The location has been selected to have the least possibility of receiving runoff from adjacent areas. The storage facilities will be covered during the winter, as described above.
- Riparian fencing will be periodically inspected to ensure that horse animals are excluded from the **riparian** corridors. If holes in the fencing are detected, the applicable field will not be used for grazing until the fence is repaired or temporary electric fencing is used
- The roof runoff systems will be inspected prior to and periodically throughout the winter season to measure that downspouts are clear and runoff is not flowing through the barns or pens.

Environmental Review Initial Study
ATTACHMENT 8A (sheet 3 of 3)
APPLICATION 97-0678

1/15/98

EXHIBIT C

ATTACHMENT (T. 4



February 9, 1999

John Ricker
J i m Safranek
Environmental Health Services
701 Ocean Street, Room 312
Santa Cruz, CA 95060

Via hand delivery

RE: Winter Fertilization Plan, Stephenson Ranch
Application 97-0648

Dear Mr. Ricker and Mr. Safranek:

Please find enclosed standard operating procedures and the corresponding winter fertilization plan for storing and utilizing horse manure generated at the Stephenson Ranch. As previously discussed, it is the intent of the applicants to fertilize the pastures at the Stephenson Ranch throughout the year, including the winter months, in a manner that will improve pasture production while protecting water quality,

Upon review of this information, if you have any questions, or if I may provide you with any additional information, please don't hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Mullin".

Matt Mullin

cc: Kim Tschantz, Planning Department

encl: Standard Operating Procedures with reduced winter fertilizing plan
(1) 24" x 36" winter fertilizing plan

2001 Delmonico Avenue
Environmental Review Initial Study
ATTACHMENT 2 (Sheet 1 of 8)
APPLICATION 97-0648

EXHIBIT C

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STEPHENSON RANCH
HORSE MANURE FERTILIZING
STANDARD OPERATING PROCEDURES

ATTACHMENT 4

OBJECTIVE: To use horse manure generated on-site as fertilizer to improve pasture quality and in a manner that maintains water **quality**. The purpose of this SOP is to identify Best Management Practices (**BMPs**) at the Stephenson Ranch to fertilize pasture lands during October 15 to April 15.

BACKGROUND: The Horse Barn project includes a manure bunker storage facility to store manure and soiled bedding materials during the rainy season. The bunker facility **will** provide sheltered storage for manure (i.e. fertilizer) and prevent storm water from transporting manure off-site. Like all agricultural properties in the County, fertilizer **will** be applied to the land at appropriate times throughout the year, and this **will** be done at the Stephenson Ranch. The bunkers are intended to provide enough storage space to stockpile and compost manure during the winter until it may be spread as **fertilizer** at appropriate times during October 15 to April 15.

It is anticipated that each horse will produce approximately 8.5 cubic feet of manure and soiled bedding per month. Thus, 8 horses will produce approximately 68 cubic feet of manure each month, or 408 cubic feet over six months. The **horse** manure bunker is 1,372 cubic feet in size (interior dimensions 14'x14'x7'). The size of the bunker will **allow multiple** stockpiles to be generated with sufficient area for stockpiles to be aerated by the tractor. Thus, the manure bunker has been adequately sized to store and compost six months of manure.

Nevertheless, it is the desire of the applicant to **fertilize** the pastures throughout the year to optimize crop production. The applicants further desire to fertilize its pastures in a manner that does not impair water quality in and around the property. The Best Management Practices described herein are intended to accomplish these two goals.

STOCKPILING: As noted, the **manure** bunker **will** provide a protected area to store manure during the rainy season to prevent **storm** water and manure from interacting with one another. "Composting" is an effective means to eliminate pathogens that may contaminate surface water. The key elements to effectively eliminate pathogens through composting are temperature and time. In other words, the compost pile must heat to a certain temperature for a certain duration to sufficiently "cook" disease organisms. "Microbial activity will rapidly heat a pile to 130' to 150 °F within the first few days" (Van Horn, Mark, 1995. 'Compost Production and Utilization, University of California and California Department of Food and Agriculture, Publication 21514). According to EPA 503 Sludge Regulations, when the temperature of a **sewage** sludge compost pile is raised to 40 °C (104 °F) or higher and remains at 40 °C or higher for five days, pathogens are significantly reduced and the compost may be **safely** applied to the land. For four hours during that five day period the **temperature** in the compost pile must exceed 55 °C (131 °F) (EPA's 503 Sludge Regulations, Appendix B - Pathogen Treatment Processes, A. Processes to Significantly Reduce Pathogens, 4. Composting, pg. 751). It should be noted these EPA standards apply to sewage sludge, which contains significantly more pathogens that are harmful to humans than what is found in animal manure. Therefore, the EPA 503 Sludge Regulations provide a conservatively high performance standard for **significantly** reducing pathogens from animal waste so that it may be used as **fertilizer** in a safe manner.

Environmental Review Initial Study
ATTACHMENT 8 (Sheet 2 of 8)
APPLICATION 97-0648

EXHIBIT C

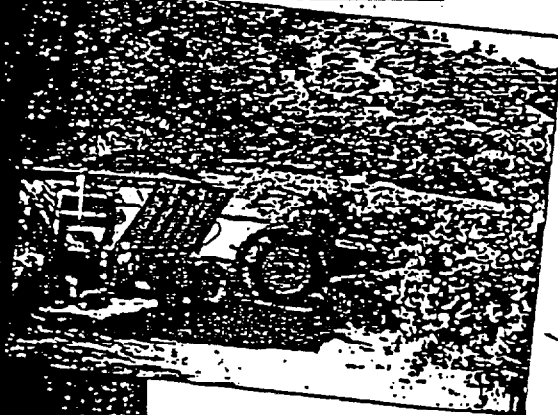
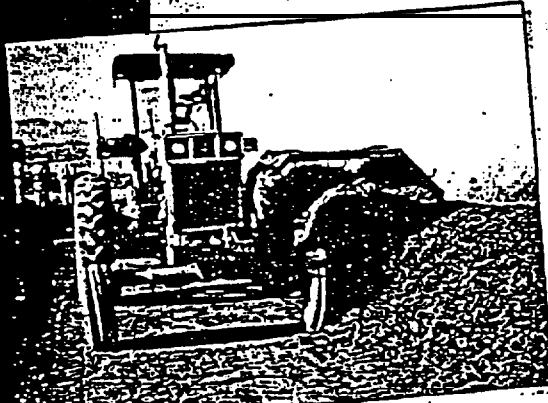
BEST MANAGEMENT PRACTICES:

1. The barn and holding pens will be cleaned 1-3 times per week, depending on conditions. The manure and bedding will be immediately placed in the manure bunker,
2. The bunker will be kept closed when not in use to prevent storm water from penetrating the bunker.
3. Manure will be stockpiled in separate piles, on an as needed basis. It is anticipated 2 to 4 stockpiles will be utilized at any given **time over** the rainy season. When a stockpile is of sufficient size (mature) no further material will be added to it, and new material will be placed within developing stockpile(s).
4. A mature stockpile **will** be left in the bunker to "compost" for a minimum of 5 days. During this time, the stockpile will heat sufficiently to **significantly** kill disease pathogens. The material will then be available for use as fertilizer.
5. Following completion of the "**composting**" cycle, during the months of October to April fertilizer will be applied as follows:
 - Fertilizer will be applied to flat to gently sloping pastures (see attached Winter Fertilizing Plan by **Ifland** Engineers). Fertilizer will not be applied to within 10 meters of any drainage course or drainage swale, per EPA 503 Regulations.
 - Fertilizer will **only** be spread when the pastures are sufficiently dry. This **will** be determined on a case by case basis, due to the variability of soil conditions (i.e. time of year, daily temperatures, relative humidity, winds, etc.). This practice will minimize the potential transport of fertilizer by storm water. Moreover, **spreading** fertilizer when the ground is unsaturated is advantageous because it **minimizes soil** compaction by the heavy **fertilizing** spreading machinery.
 - Fertilizer will be spread if rain is forecasted to occur within 72 hours from the time of application.

PRODUCTION AND UTILIZATION

ATTACHMENT 4

A GROWERS' GUIDE



Publication 21514

A joint publication of the
California Department of Food and Agriculture and the
University of California Division of Agriculture and Natural Resources

Environmental Review Initial Study
ATTACHMENT B (Sheet 4 of 8)
APPLICATION 97-0647

EXHIBIT

microbes will immediately begin to decompose and their populations will increase rapidly. Some compost managers inoculate new compost piles with a small amount of material from an existing pile or with commercially available compost inoculants, preparations, or starters. Such products may be beneficial in some situations. However, because virtually all unsterilized organic materials naturally contain large numbers of decomposing microbes, successful composting does not require inoculation of new piles. As microbial activity in a compost pile accelerates, the metabolic energy of the microbes will heat the pile rapidly.

Compost windrows vary in size, depending primarily upon starting materials and turning equipment. A compost windrow can be of any length. Windrows range in height from 3 to 4 feet for dense materials with poor structure (e.g., manures) to 10 to 12 feet for very light and structured materials (e.g., leaves, straw). Most windrows, especially those blended from diverse materials, are of intermediate height. Turned windrows are typically between 6 and 20 feet wide at the base; with sloping sides. The width and height of a windrow may be limited by the size of the turning equipment.

MANAGING THE COMPOSTING PROCESS

Because composting is a biological process, it depends upon water. In managing the moisture content of a compost pile, the microbes' need for water must be balanced with their need for oxygen. The moisture content should be maintained at approximately 50 to 60 percent water on a weight/weight basis. The moisture percentage can be determined by subtracting the oven-dried weight of a sample from its fresh weight, and then dividing this difference by the fresh weight. Most experienced compost managers can estimate the moisture content of compost by feel. As a rule, the interior of the pile should be quite moist, but not so moist that one could squeeze water from a handful of the compost.

Even if the moisture content is not excessive, oxygen concentrations in the pile may be insufficient because of inadequate gas exchange between the interior of the pile and the atmosphere. In a turned windrow system, this situation is remedied through the turning process. While the actual turning process does re-aerate the pile, the oxygen introduced in this way is consumed by the microbes quite rapidly. More importantly, however, the turning process increases the porosity of the pile, thus allowing more efficient gas exchange. Turning not only enhances aeration but also re-mixes the materials. Repeated turning of the windrow ensures that all the material in the windrow is exposed to the high levels of microbial activity and high temperatures in the interior of the pile during the composting process.

In a properly constructed compost pile, microbial activity will rapidly

properly managed; temperatures ~~will remain~~ **weeks** (with the **possible** exception of brief periods after **turning**) **during** the **thermophilic phase** of composting. Thus, the **most** commonly used diagnostic feature of a compost **pile is its** temperature. Compost temperature **should** be monitored frequently (at **least weekly** during most **of the composting** process and as often as daily during the initial **period** following pile construction) and at several places **within** the **pile**. A specially designed compost **thermometer** with a long, **sturdy** probe **is necessary to measure** the **temperature** in the middle of **the pile** without damaging the thermometer.

Decreasing compost temperatures, which indicate a **slowing** of microbial activity, most commonly result from a lack of oxygen, moisture, or adequately decomposable material. When **compost** temperatures drop, the cause **should be** determined. If it appears to be insufficient oxygen or moisture, the pile can be turned and/or water **can** be added. If these actions do not result in increased temperatures in a relatively old pile, the compost may no longer contain **any** easily decomposed material and may be ready for curing, which is the final stage **of** the composting process.

During curing, microbial activity, and thus pile temperatures, are reduced. In addition, different microbial populations dominate the pile and somewhat different **chemicals** are produced. As the compost pile cures, the humus content, cation-exchange capacity, and disease-suppressiveness of the compost may all increase. Properly curing the pile for several weeks also helps ensure the aerobic decomposition of particularly resistant particles or potentially harmful **compounds** that may be present if anaerobic conditions have existed in any portions of the pile. Curing can be very important in many situations, such as when using compost in container mixes or applying it to a field immediately prior to planting. Because even an excellent compost can be spoiled if it becomes anaerobic before being used, it is important to continue to manage compost piles, particularly in regard to their oxygen content, during the curing phase and until they are used.

BEHAVIOR OF NITROGEN DURING COMPOSTING

Nitrogen transformations in active and finished composts are complex, but they can be managed. For both economic and environmental reasons, minimizing N losses from composting systems is important. When excess water is added to a compost pile, either through irrigation or precipitation, the surplus water leaches through the system. This water can carry significant amounts of N as soluble organic-N, ammonia (NH₃), and nitrate (NO₃), especially early in the composting process. These nitrogen losses can be avoided by preventing the addition of excess **water to the** compost pile or by recycling **leachate** back into the pile. This will require some management, but it is certainly an achievable objective.

ATTACHMENT 4

Environmental Review Initial Study
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APPLICATION 97-0647

EXHIBIT C

A. PROCESSES TO SIGNIFICANTLY REDUCE PATHOGENS (PSRP)

1. Aerobic digestion

Sewage sludge is agitated with air or oxygen to maintain aerobic conditions for a specific mean cell residence time at a specific temperature. Values for the mean cell residence time and temperature shall be between 40 days at 20 degrees Celsius and 60 days at 15 degrees Celsius.

2. Air drying

Sewage sludge is dried on sand beds or on paved or unpaved basins. The sewage sludge dries for a minimum of three months. During two of the three months, the ambient average daily temperature is above zero degrees Celsius.

3. Anaerobic digestion*

Sewage sludge is treated in the absence of air for a specific mean cell residence time at a specific temperature. Values for the mean cell residence time and temperature shall be between 15 days at 35 to 55 degrees Celsius and 60 days at 20 degrees Celsius.

4. Composting

~~Using either the within-vessel, static aerated pile, or windrow composting methods, the temperature of the sewage sludge is raised to 40 degrees Celsius or higher and remain at 40 degrees Celsius or higher for five days. For four during the five days, the temperature in the compost pile exceeds 55 degrees Celsius.~~

5. Lime stabilization

Sufficient lime is added to the sewage sludge to raise the pH of the sewage sludge to 12 after two hours of contact.

B PROCESSES TO FURTHER REDUCE PATHOGENS (PFRP)

1. Composting

Using either the within-vessel composting method or the static aerated pile composting method, the temperature of the sewage sludge is maintained at 55 degrees Celsius or higher for three days.

Using the windrow composting method, the temperature of the sewage sludge is maintained at 55 degrees or higher for

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August 4, 1997

Mr. Kim Tschantz
County of Santa Cruz Planning Department
701 Ocean street
Santa Cruz, CA 95060

RE: Biotic Review of Proposed Horse Barn (Application #21860G), Stephenson Ranch

Dear Kim,

This letter presents the findings of the biotic review conducted by the Biotic Resources Group for the proposed North Field horse barn on the Stephenson Ranch.

Methods and Results of Biotic Review

The area of the proposed horse barn on the Stephenson Ranch was field checked on July 2, 1997. The purpose of the field survey was to ascertain the known or potential presence of sensitive biotic resources in the area, in particular the occurrence of native coastal terrace grassland.

Proposed North Field Horse Barn: The proposed horse barn site is located within the North Field area of the Stephenson Ranch. An area approximately 60,000 square feet within the north field area was field checked. This area is depicted on the location map in the Stephenson's application packet as the "barn location and the surrounding area".

The proposed horse barn area consists of flat to gently sloping grassland. The grassland has been grazed, historically by cattle and horses. The vegetation is dominated by non-native grass species. Dominant species include foxtail barley (*Hordeum jubatum*), perennial ryegrass (*Lolium perenne*) and wild oat (*Avena barbata*). Also occurring within the grassland are scattered occurrences of California oatgrass (*Danthonia californica*) and purple needlegrass (*Nasella pulchra*), two native perennial bunchgrasses. The percent cover by native grass is approximately 1-2%. Other plant species observed during the July site visit include filaree (*Erodium* sp.), English plantain (*Plantago lanceolata*), cat's ear (*Hypochaeris* sp.), curly dock (*Rumex crispus*) and scattered young shrubs of coyotebrush (*Baccharis pilularis*). Other annual plant species may occur within the grassland but were not observable during the July field visit.

Special Status Plant Species. Special status plant species were not observed within the proposed horse barn area during the July field visit. Two plant species of concern that may occur in coastal grasslands, the Santa Cruz tarplant (*Holocarpha macradenia*), a species State-listed as endangered and Gairdner's yampah (*Perideridia gairdneri* ssp. *gairdneri*), a locally unique species, were not observed in the area. As these two species flower in June and July, identification of these species is possible during the summer months. These species were not observed in the area.

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Environmental Review Initial Study
ATTACHMENT 9 (sheet 1 of 2)
APPLICATION 97-0678

EXHIBIT C

Environmental Review Initial Study
 ATTACHMENT 8 (Sheet 8 of 8)
 APPLICATION 970648

Legend

existing perimeter fencing above reservoir. Fencing is to be replaced along the southerly site perimeter thereby fence of the Assault pasture by fence of the Cigar pasture.

survey was performed for much above the upper reservoir. All s were digitized or scanned from ra. The survey is on an assumed

atures in unsurveyed areas are on information supplied by the re by others.

acks are 20' from property lines.

boundary survey. Property lines r reference only.

(P) Proposed

(E) Existing

Existing Fence

Proposed Fence

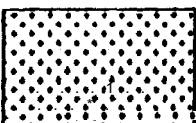
Approximate Property Line

Digitized Contours

Contours from Topo Survey



Hatching indicates non-pasture areas.



Hatching indicates winter fertilizing areas.

(E) WATER TANK PAD
 (E) BLDG TO REMOVE
 (E) BARN #1
 (E) VET OFFICE
 (E) CARETAKER HOUSE
 (E) DRAINAGE SHALE 'A'

Assault

Twilight

Ruffian

(E) DRAINAGE SHALE 'B'

Ruthless

Montrose

Cigar

Whiskery

Citation

Majors Creek

APPROXIMATE LOCATION

TO DAVENPORT

Highway 1

Back Ranch Road

TO SANTA CRUZ - 5 MILES TO WESTERN DRIVE

GRAPHIC SCALE

(IN FEET)
 1 inch = 300 ft.

ATTACHMENT 4

AP N 058-021-08
 AP N. 062-151-03

Winter Fertilizing Plan for

Stephenson Ranch

5322 Coast Highway 1, Santa Cruz, CA

Willand
 ENGINEERS, INC.

CIVIL ENGINEERING • LAND SURVEYING • STRUCTURAL DESIGN

1100 WATER STREET
 SANTA CRUZ, CA 95062
 TEL (408) 426-5313
 FAX (408) 426-1783

APPROVED

REGISTERED CIVIL ENGINEER NO. 18118



125

EXHIBIT 1

The placement of the proposed horse barn has the potential to impact very scattered occurrences of native grasses, including purple needlegrass and California oatgrass. As the distribution of these species is somewhat limited within Santa Cruz County, impacts to these stands should be avoided to the greatest extent feasible. During the site visit with the landowner, the horse barn was sited in an area having the least amount of native grass cover in order to reduce impacts to these scattered native plants to the greatest extent feasible. Despite these measures, however, it is expected that the construction of the barn facilities will remove scattered occurrences of native grasses. Due to the low coverage by such species and the dominance by non-native grasses, however, this removal is not deemed a significant impact to botanical resources.

Please give me a call if you have any questions on this review.

Sincerely,



Kathleen Lyons
Principal / Plant Ecologist

cc: John and Brenda Stephenson, Santa Cruz Biotechnology

101-01

8/4/97

Environmental Review Initial Study
ATTACHMENT 9 - (Sheet 2 of 2)
APPLICATION 97-0678, . . .

EXHIBIT C

Biotic Resources Group

Biotic Assessments • Resource Management • Permitting

ATTACHMENT 4

August 8, 1997

Mr. Kim Tschantz

County of Santa Cruz Planning Department

701 ocean street

Santa Cruz, CA 95060

RE: Biotic Review of Proposed. Water Line (Application # 97-0430); Stephenson Ranch

Dear Kim,

This letter presents the findings of the biotic review conducted by the Biotic Resources Group for the proposed water line to the North Field horse barn on the Stephenson Ranch

Methods and Results of Biotic Review

The area of the proposed w&r line on the Stephenson Ranch was field checked on July 2, 1997. The purpose of the field survey was to ascertain the known or potential presence of sensitive biotic resources in the area, in particular the occurrence of native coastal terrace grassland.

Proposed Water Line. A water line is proposed to be constructed adjacent to Back Ranch Road from the Upper Reservoir to the North Field Horse Barn. The water line would be constructed with a backhoe, digging a trench approximately 2 feet wide. Equipment will work in an area approximately 10 feet wide. Upon completion of the trenching and placement of the water line, the soil will be replaced. The landowner proposes to revegetate the disturbed area with a native erosion control seed mix, that includes native grass species, such as purple needlegrass.

The proposed water line is located immediately adjacent to Back Ranch Road. The vegetation is consists of grassland vegetation. Dominant species include non-native grass species, such as foxtail barley (*Hordeum jubatum*), perennial ryegrass (*Lolium perenne*) and wild oat (*Avena barbata*). Also occurring within the grassland along the roadway are scattered occurrences of California patgrass (*Danthonia californica*) and purple needlegrass (*Nasella pulchra*), two native perennial bunchgrasses. The percent cover by native grasses is estimated at 5 percent. Other plant species observed during the July site visit include filaree (*Erodium* sp.), English plantain (*Plantago lanceolata*), cat's ear (*Hypochaeris* sp.), curly dock (*Rumex crispus*) and scattered young shrubs of coyote brush (*Baccharis pilularis*). Other annual plant species may occur along the roadway area but were not observable during the July field visit.

Special Status Plant Species. Special status plant species were not observed within the proposed water line area during the July field visit. Two plant species of concern that may occur in coastal grasslands; the Santa Cruz tarplant (*Holocarpha macradenia*), a species State-listed as endangered and Gairdner's yampah (*Perideridia gairdneri* ssp. *gairdneri*), a locally unique species, were not observed

Environmental Review Initial Study

ATTACHMENT 10
APPLICATION 97-0678

Santa Cruz, California 95063 • Phone/Fax (408) 476-4803

EXHIBIT

C

in the area. AS these two species flower in June and July, identification of these species is possible during the summer months. These species were not observed in the area

Recommendations

ATTACHMENT

4

The water line placement has the potential to impact scattered occurrences of native grasses, however the, majority of the water line area is comprised of non-native species. Due to the low coverage Of native plant species along the water line route and the dominance by n&-native species, the removal of grassland for the water line is not deemed a significant impact to botanical resources.

As proposed by the landowner, revegetation of the water line area following construction activities is recommended. The use of a native erosion control seed mix, that includes purple needlegrass (as proposed by the landowner) is an acceptable measure to restore the disturbed area.

Please give me a call if you have any questions on this review.

Sincerely,



Kathleen Lyons
Principal /Plant Ecologist

cc: John-and Brenda Stephenson, Santa Cruz Biotechnology

101-01

8/8/97

Environmental Review Initial Study
ATTACHMENT 11 (sheet 7 of 7)
APPLICATION 97-0678

EXHIBIT C

January 13, 1998

Mr. Kim Tschantz
County of Santa Cruz Planning Department
701 Ocean Street
Santa Cruz, CA 95060

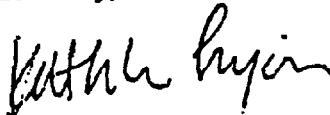
RE: Biotic Review of Septic Leach Field Area at Horse Barn Site (Application #21860G),
Stephenson Ranch

Dear Kim,

The Biotic Resources Group submitted a letter to you on the findings of a biotic review for the proposed North Field horse barn on the Stephenson Ranch (letter dated August 4, 1997). In that letter the review of the septic leach field area was not specifically mentioned, however, the leach was in the area surveyed. As stated in the August 4, 1997 biotic review, the grassland area is dominated by annual, non-native grasses, yet there are very scattered occurrences of native grasses, including purple needlegrass and California oatgrass. The septic leach line is sited in an area having the least amount of native grass cover. This siting will reduce impacts to these scattered native plants to the greatest extent feasible. Despite these measures, however, it is expected that the construction of the leach field line will remove scattered occurrences of native grasses. Due to the low coverage by such species and the dominance by non-native grasses, however, this removal is not deemed a significant impact to botanical resources.

Please give me a call if you have any questions on this review.

Sincerely,



Kathleen Lyons
Principal / Plant Ecologist

cc: John and Brenda Stephenson, Santa Cruz Biotechnology

Post Office Box 14 • Santa Cruz, California 95063 • Phone/Fax (408) 476-4803

Environmental Review Initial Study
ATTACHMENT 11 (sheet 1 of 2)
APPLICATION 97-06018

Santa Cruz, California 95063 • Phone/Fax (408) 476-4803

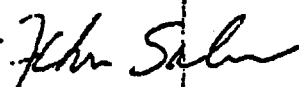
EXHIBIT C

12/24/97

To: Ken Hart
Planning Department
County of Santa Cruz

Re: Stephenson Ranch
Environmental Review of Applications No. 974648 and 97-0779
Assessor's Parcel No.: 59-021-08/62-151-03
Water Use

The five 4975 gallon water tanks shown on the Stephenson Ranch plans are required by CDF / County Fire for fire protection water storage.


John Salas, CDF / County Fire

Environmental Review Initial Study
ATTACHMENT 12
APPLICATION 97-0678

TOTAL P. 82

TOTAL P. 81

EXHIBIT C

13.10.314 REQUIRED SPECIAL FINDINGS FOR "CA" AND "AP" USES.

(a) All Uses. For parcels within the "CA" Commercial Agri-

culture and "AP" Agricultural Preserve Zone Districts, the following special findings-must be made in addition to the findings required by Chapter 18.10 in order to approve any **discretionary use** listed under Section 13. **10.312** which requires a Level **V** or higher Approval **except** Agricultural Buffer Determinations:

i. That the establishment or **maintenance** of this use will enhance or support the continued **operation of** commercial agricul-
ture on the parcel and will not reduce, restrict or adversely affect agricultural resources, or **the** economic viability of commercial agricultural operations, of the area.

2. **That** the use or structure is ancillary, incidental or accessory **to the** principal agricultural use of **the parcel** or that no other agricultural use is feasible for the parcel or

3. That the use consists **of** an interim public use which does not impair long-term agricultural viability; and

4. That single-family residential **USES** will be sited to minimize conflicts, and that all other uses Will not conflict with commercial agricultural activities on **site**, where applicable, or in the area.

5. That the use **will** be sited to **remove** no land from production (or potential production) if any nonfarmable potential building site is available, or if this is not **possible**; **to remove** as little land as possible **from** production. (Ord. 4094, 12/11/90)

(b) Residential **Uses** in the Coastal Zone. For parcels within,
-----i-----

the "CA"-Commercial Agricultural and "AP" Agricultural Preserve Zone. Districts in the Coastal Zone, the following special findings shall be made in addition to those **required** by Chapter **18.10** and paragraph (a)

Page 13A-72



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

ATTACHMENT 4

April 22, 1998

Kim Tschantz
Planning Department
county of Santa Cruz
701 Ocean Street, Room 400
Santa Cruz, California 95060

Subject: Proposed Negative Declaration for Application Numbers 97-0648 and 97-0779 at the Stephenson Ranch, Santa Cruz County, California

Dear Mr. Tschantz:

This letter responds to a request from the County of Santa Cruz (County), dated February 17, 1998 and received by the U.S. Fish and Wildlife Service (Service) on March 10, 1998, for comments on the negative declaration for the proposed equestrian facility and fencing project at the 207-acre Stephenson Ranch., Santa Cruz County, California (application numbers 97-0648 and 97-0779). Santa Cruz Biotechnology (applicant) proposes to implement agricultural improvements for equestrian uses including the construction of two 4,000 square foot agricultural barns, the installation of five 4,975 gallon water storage tanks, the installation of a water line from the upper reservoir to the proposed water storage tanks, and the installation of one grain silo (application number 97-0648). The applicant also proposes to install seasonal -fencing to keep livestock from entering a riparian corridor between December 1 to April 1 of each year. Based on our review of the negative declaration and of the proposed project site, we have the following comments and recommendations.

The federally threatened California red-legged frog (*Rana aurora draytonii*) is known to occur on the Stephenson Ranch in the vicinity of the lower reservoir. California red-legged frogs likely also occur at the upper reservoir, along the riparian corridor between the upper and lower reservoirs, and along Scaroni Creek.

Section 9 of the Endangered Species Act of 1973, as amended (Act), prohibits the taking of any federally listed endangered or threatened species. The Act defines "take" to mean "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Service regulations (50 CFR 17.3) define "harm" to include "significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering." The Act provides for

Environmental Review Initial Study

ATTACHMENT 14 (Sheet 1 of 3)
APPLICATION 97-0648

EXHIBIT C

civil and **criminal** penalties for the **unlawful** taking of listed species. Such taking may be authorized by the Service in two ways: through interagency consultation for projects **with** Federal involvement pursuant to section 7 or through the issuance of an incidental take permit under section 10(a)(1)(B) of the Act.

The applicant would **need to** apply for a 10(a)(1)(B) permit from the Service if the proposed activities would result in incidental take of the **California** red-legged frog. **As** mitigation, the County is requiring the applicant to protect the California red-legged frog and to comply with the Act. In addition, the County is requiring the applicant to submit a copy of a valid section **10(a)(1)(B)** permit prior to installing the water line or bringing the water storage tanks **onsite**.

Based on inspection of the proposed project site during a site visit on March 10, 1998 by David Pereksta of my **staff**, we have determined that the construction of the equestrian barns **and** the installation of the water storage tanks **onsite** are not likely to result in take of the California red-legged frog. The site for the proposed equestrian barns and water storage tanks is **within** a **pasture** on top of a ridge that provides little or no habitat for California red-legged **frogs**. Dispersing **California** red-legged **frog** could traverse across this area, but regular use of this area by **California** red-legged frogs is doubtful due to the lack of any riparian corridor or vegetation. To minimize the potential of take, **the** construction of the barns and installation of the water tanks should occur during the summer months when California red-legged frogs are not likely to be far from water.

The installation and operation of the new water line does have the potential to result in take of California red-legged frogs **if it** was installed through an area occupied by California red-legged **frogs**. Take could also occur **if the** draw of water from the upper reservoir, lower reservoir, and **Laguna** Creek affected water levels within these water bodies to an extent that it interfered with breeding activities of the California red-legged **frog**, or rendered the habitat unsuitable for California red-legged frogs, including adults and tadpoles. During the March 10, 1998 site visit, the applicant indicated that the water level within the upper and lower reservoirs would not be **affected** by the proposed projects due to the water circulation system **onsite** and that water levels suitable to support breeding would be maintained. The applicant also stated that the pumps would be screened to avoid entrapment of individual California red-legged frogs. The **proposed** location of the new water **line** is expected to have minimal effects on California red-legged **frogs** and their habitat. To further avoid impacts, we suggest installing the line during the summer **months** when frogs are not likely to be **encountered far** from water, reducing impacts to **riparian** vegetation to the greatest extent practicable, and conducting pre-construction surveys for California red-legged frogs to ensure that none are affected by the installation of the water line.

The **Service** concurs with the County that **the** fencing of Scaroni Creek during the rainy season should reduce the potential for take occurring as a result of livestock grazing. The applicant should still ensure that proposed activities such as fence placement **and** removal and any other ground-disturbing activities within or adjacent to riparian corridors do not result in take of California red-legged frogs because the riparian corridors may provide habitat. We suggest

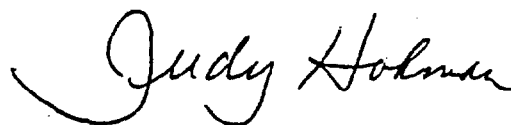
locating the fence outside of the **dripline** of the corridor to avoid impacts to California red-legged **frogs**. The suggestions provided above for the water line installation also apply to the proposed fencing activities.

The Service has provided input to the County and the applicant in previous letters for proposed **projects** on the Stephenson Ranch, including a reservoir management plan, and has been **working** with the applicant to ensure that management and maintenance of the reservoirs on the property will not result in the incidental take of California red-legged **frogs**. The applicant is currently **preparing** a habitat conservation plan (**HCP**) as part of an application package for a 10(a)(1)(B) permit for the incidental take of California red-legged frogs resulting **from** the management **and** maintenance of the lower reservoir and may expand the HCP to cover other activities on the Stephenson Ranch property. Currently, the Service does not believe that the applicant intends to cover the proposed activities covered by this negative declaration under this HCP. We agree with this approach and will continue to coordinate with the applicant regarding what activities would be appropriate for inclusion in their HCP.

If the Service is able to concur that the proposed projects will not result in the incidental take of **California** red-legged frogs, a section 10(a)(1)(B) permit would not be required. **If** the take of California red-legged frogs is unavoidable as a result of any project impacts, including but not limited to the grading of land, clearing of **riparian** vegetation, changes in water levels in the reservoirs, or entrapment of individuals in the reservoirs' pumps, the applicant should consider applying for a section 10(a)(1)(B) permit to ensure that any take that may occur as a result of the proposed project **does not** violate section 9 of the Act. For the applicant to demonstrate compliance with the Act, the applicant should provide the County with written concurrence **from** the Service that the development and implementation of the proposed projects will not result in incidental take of the California red-legged frog. The applicant should address the concerns presented in this letter and describe in writing to the Service **what** measures or management practices will be incorporated into its proposed projects to avoid take of the California red-legged **frog**.

The Service appreciates the opportunity to comment on the proposed negative declaration and **looks** forward to additional coordination with the County and the applicant. If you should have any questions, please contact David Pereksta of my staff at (805) 6441766.

Sincerely,



Diane K. Noda
Field Supervisor

Environmental Review Initial Study
ATTACHMENT 14 (Sheet 3 of 3)
APPLICATION 97-0648

EXHIBIT C

ENVIRONMENTAL HEALTH SERVICE HEALTH SERVICES AGENCY - COUNTY OF SANTA CRUZ
701 OCEAN ST., ROOM 312, SANTA CRUZ, CA 95060 (408) 454-2022

APPLICATION FOR SEWAGE DISPOSAL PERMIT

Applicant: John + Brenda Stephenson Assessor's Parcel Number 62-151-03
2161 Delaware Ave. City Santa Cruz State CA Zip 95060
Different Than Above Consult Phone: (H) 684-1446 (W) 457-3800
Location to Site 5 miles past western Dr. on Hwy 1, Right on Back Ranch Rd - 1 mi. up. off.
Correspondence to: OWNER

The Proposed Sewage Disposal System Will Serve:

Validation

☐ Single Residence Total Number of Bedroom (including guest): _____☐ Multiple Residences - Total Number of Units: _____ Total Number of Bedrooms: _____☒ Commercial/Institutional Facility - Describe: Horse barn restroom

05/16/97 10:33AM 000842523 0006

Peak daily wastewater flow: 100 GPD (Attach meter records and calculations)F43150 \$1070.00
CHECK \$1070.00

This Application Is For:

☒ New sewage disposal system to serve new development - Parcel Size: 60 Acres Date Recorded: _____☐ Repair/Replacement of system that serves existing development☐ Upgrade of system that serves existing development for addition/remodel purposes☐ Septic Tank Only ☐ Greywater Sump Only ☐ Curtain Drain Only ☐ Grease Trap *CONTRACTOR: by bid.SEWAGE DISPOSAL CONSULTANT: Chris Rummel

Contractor's License Law Certificate (Complete A or B)

Worker's Compensation Certificate (Complete A or B)

☐ A The applicant is licensed under the provisions of the Calif. Contractors License Law under license number _____ which is in full force and effect.☐ A A currently effective certificate of Worker's Compensation Insurance coverage is on file with Santa Cruz County Environmental Health Service☒ B. The applicant is exempt from the provisions of the Calif. Contractors License Law for the following reason: ☐ Owner/Builder ☐ Other☒ B. I certify that in the performance of the work for which this permit is issued I shall not employ any person in any manner so as to become subject to the worker's comp. laws of Calif.Date: 5/12/97 Applicant Signature: Brenda StephensonDate: 5/12/97 Applicant Signature: Brenda Stephenson

I understand that issuance of a permit by Santa Cruz Environmental Health Service implies no guarantee that the proposed septic system will function indefinitely. Any subsequent septic system failure will require the owner to have the septic tank pumped and make repairs as necessary to confine sewage below ground surface.

I hereby acknowledge that I have read this application and the instructions on the reverse side, and state that the information on this page and the following page is correct, and agree to comply with all County Ordinances and State laws regulating construction of private sewage disposal systems.

Incomplete application for sewage disposal permits will become null and void if ☐ required information is not submitted within one year of date of application.

I understand that this permit shall expire: for new systems, in 24 months after approval. If a building permit is not applied for in that time period; or, for repairs and upgrades, in 6 months after approval.

I agree to comply with additional conditions which may be imposed by Staff as listed on the following page to ensure that the system meets standards.

I agree to provide 24-hour notice directly to the Inspector during office hours the morning before an inspection is requested.

Date: 5/12/97 Applicant Signature: Brenda StephensonPERMIT NUMBER 97-241

EHS USE ONLY

The design for the sewage disposal system presented herein meets the standards for. ☐ Not Applicable ☒ Standard System☐ Nonstandard System: Fee Level: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 Type: _____Application Approved by: Renee Janusz Date: 2/17/98 Supervisor: Renee Date: 2/18/98THIS PERMIT EXPIRES ON 2/17/00 OR WILL BE VALID AS LONG AS THE BUILDING APPLICATION IS VALID. ☒

PHD-19A [page 1 of 2 pages] [REV. 9/94]

Environmental Review Initial Study
ATTACHMENT 15 (Sheet 10 of 2)
APPLICATION 97-0648

EXHIBIT C

Revised 6-2-91

APPLICATION FOR SEWAGE DISPOSAL PERMIT
PROPOSED DESIGN FOR SEWAGE DISPOSAL SYSTEM

System is To Be Completed By The Applicant: Assessor Parcel Number 62-151-03
System # 1 Permit # 97-246
(If multiple systems on property)
Water Supply
Public Future Well: Private X Shared
Name of Water Company Source (APN) 62-151-03

My Proposal is For (check one):

- ☒ 1. A new **septic system** for new **development** (standard **septic system requirements** and water supply requirements).
 - ☐ 2. A **repair or upgrade** of a system that **serves** existing development (must meet standard system requirements including expansion area). **Future expansion trenches must** be shown on plot plan.
 - ☐ 3. A **nonconforming** system to serve **existing development** (cannot meet standard system requirements).
 - ☐ 4. A **haulaway system** (parcel can only accommodate less than 30% of leachfield requirements).
 - ☐ 5. A **specific alternative system design**: (attach diagram and specifications)
- For system types 3, 4, 5, owner or agent must sign an Acknowledgement of **Nonstandard System**, and must comply with the **Requirements specified in the Acknowledgement, which is made a part of this permit**.

(EHS Staff: If necessary, change category above to match completed permit).

My Proposed System Design is:

Septic Tank ☒ New ☐ Existing
Septic Tank Size (gallons): 2000 Material: concrete Brand: Tom's (watertight)
If Pump Chamber Size (gallons): not proposed Material: Brand:
If Grease Trap: Size (gallons): now Materials: Brand:
Conventional Leaching Device Specifications: ☒ Leachfield ☐ Greywater Sump
Design soil percolation rate range (minutes per inch) (circle choice): <1 1-5 6-30 31-60 61-120
Number lines 8 Total linear feet 696 width (ft) 3 Depth (ft) 2 1/2 Proposed Area (sq.ft) 5568 (include 100% exp.)
Existing functional leachfield that meets standards (sq.ft.) 5568
(2) Distribution box type 4-outlets - Tom's or Eadsberg Leachfield grand total 5568

Seepage Pit(s): (allowed only for certain Repair/Upgrade)

Number: Diameter: Flow depth: Total square feet:
Permit conditions to be satisfied prior to final inspection approval:

(Note: Failure to comply with conditions may result in recordation of Notice of Violation.)

Draw & Attach Two Copies of a Plot Plan That Clearly Describes the Design (turn page over for plot plan requirements).

(FOR EHS USE ONLY)

INSPECTIONS:	INSPECTOR	DATE	INSTALLER	INSPECTOR	DATE
TANK:	_____	_____	SEWAGE PUMP TEST:	_____	_____
LEACHING:	_____	_____	WATER CONSERVATION:	_____	_____
DIST. BOX:	_____	_____	IWS CONDITIONS: <u>64 ft</u>	_____	_____
INSP. RISERS:	_____	_____	OTHER:	_____	_____
GW SUMP:	_____	_____	FINAL:	_____	_____
NOTES: <u>Hold septic final until IWS conditions are satisfied</u>					

SHOULD THIS SYSTEM BE RECHECKED? IF YES, WHEN? DESCRIBE WHAT TO CHECK FOR:



August 16, 1999

Kim Tschantz
County Planning
701 Ocean Street
Santa Cruz, CA 95060

Via hand delivery

RE: Revised Horse Barn Plans, Photosimulation, and Withdrawal of Grain Silo
Application No. 97-0648

Dear Mr. Tschantz:

Pursuant to the directive given by the Planning Commission at its June 23, 1999 hearing, please find enclosed a revised floor plan, lighting plan, and photosimulation for the Stephensons' horse barn application. Three (3) copies of each item are provided herein.

With respect to a new permit condition regarding a maximum number of horses, the Stephensons have consistently stated their intent to have up to eight (8) horses in association with the barn. However, before we agree to add such a condition, we would like to discuss the impetus of this condition in more detail when you return from vacation.

Finally, the Stephensons respectfully withdraw the proposed grain silo from Application No. 97-064.8 (all other elements of said application remain intact). While differences of opinion may exist as to the interpretation of the Board of Supervisors' Resolution No. 390-97, we have decided to withdraw the grain silo from this application to avoid any suggestion of connection between the Stephensons' horse barn application and Santa Cruz Biotechnology, Inc.'s Master Plan application.

If you require any additional information, please let me know at your earliest convenience.

Sincerely,

M a t t Mullin

cc: Martin Jacobson, Principal Planner (w/o encls)

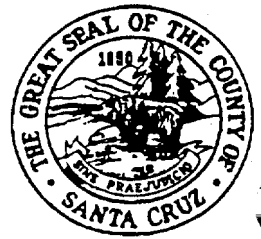
encls: Three sets of revised plans (floor plan and lighting plan)
Three copies of photosimulation (view from Wilder Ranch State Park)

EXHIBIT D

COUNTY OF SANTA CRUZ

STATE OF CALIFORNIA

ATTACHMENT 4



AT THE BOARD OF SUPERVISORS MEETING

On the Date of August 24, 1999

REGULAR AGENDA Item No. 049

(Continued consideration of options to reduce water quality impacts associated with Santa Cruz Biotechnology Biomedical Livestock Operations through the implementation of interim non-structural measures; and review of proposed issuance with conditions of emergency approval for existing tents; with additional directions...

Continued consideration of options to reduce water quality impacts associated with Santa Cruz Biotechnology Biomedical Livestock Operations through the implementation of interim non-structural measures; and review of proposed issuance with conditions of emergency approval for existing tents;

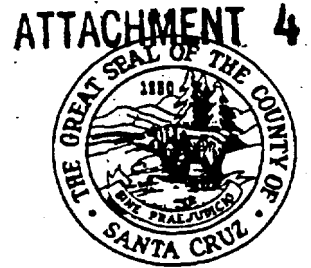
Upon the motion of Supervisor Wormhoudt, duly seconded by Supervisor Beautz, the Board, with Supervisors Symons and Campos voting "no", authorized the Planning Director to issue an emergency coastal-zone approval for relocation of fencing and small structures associated with pen areas, including the existing tent in the vicinity of the western barn complex referenced in the August 17, 1999 motion, and relocation of a drainage pipe in the vicinity of the eastern barn complex-including a condition pertaining to the timing for submission of an application for a regular Coastal Zone permit and a condition that the goats be kept out of the riparian area until there is an approved master plan which might better inform the Board on appropriate conditions for the use of that area; authorized the Planning Director to process an application for a regular Coastal Zone approval, requiring a noticed public hearing before the Zoning Administrator, for construction of a secondary containment facility associated with the existing above-ground fuel storage tank and restoration of the eroding gully on the property; a manure management program be instigated as soon as possible including a manure haul-away program that would be in place by October 1st and that this manure management program would include conditions for the storage of the manure that was to be hauled away that were environmentally appropriate and located in close proximity of the roads so that no new roads would be developed as a result of that; amended motion regarding manure only to read: if the manure can be managed on site, that is fine, if not, the manure haul-away program would be immediately put in place to remove the manure from the property;

State of California, County of Santa Cruz-ss.

I, Susan A. Mauriello, k-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California, do hereby certify that the foregoing is a true and correct copy of the order made and entered in the minutes of said Board of Supervisors. In witness thereof I have hereunto set my hand and affixed the seal of said Board of Supervisors.

EXHIBIT E

COUNTY OF SANTA CRUZ
STATE OF CALIFORNIA



OF THE BOARD OF SUPERVISORS MEETING
On the Date of August 24, 1999
REGULAR AGENDA Item No. 049

that the Planning Department include as a condition of each of these approvals, execution of a Waiver and Indemnification Agreement, and a Statement of acknowledgment by the applicant that the work completed pursuant to these approvals is being undertaken at their own risk, and that subsequent approval of the Master Plan may require relocation or removal of the improvements; and that instead of getting into the issue of processing a new permit for tents which are arguably structures in the coastal zone, that the Board simply agree that enforcement will not be a priority on that issue and that matter will be left in abeyance until after consideration of the Master Plan

cc:

CAO
Planning
Ken Hart, Planning
David Lee, Planning
Santa Cruz Biotechnology, Inc.
Regional Water Quality Control Board
County Counsel
Environmental Health Services
California Coastal Commission

State of California, County of Santa Cruz-ss.

I, Susan A. Mauriello, Ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California, do hereby certify that the foregoing is a true and correct copy of the order made and entered in the minutes of said Board of Supervisors. In witness thereof I have hereunto set my hand and affixed the seal of said Board of Supervisors.

EXHIBIT E

by _____, Deputy Clerk, on August 27, 1999.



ATTACHMENT 4

EXHIBIT F

Stephenson Ranch - Barns

Preliminary lighting Specifications

LIGHTING SPECIFICATION

GENERAL

- 1 The lighting drawings and specifications illustrate design intent only. Critical dimensions are shown. Contractor shall verify adequate clearance between lighting products and architectural, structural and mechanical conditions. Notify Architect if discrepancies or conflicts occur, for resolution prior to release of product order.
- 2 Product quantities, if any, indicated on plan are for convenience only. The contractor shall be responsible for final product counts for ordering. Contractor shall field measure for lengths required to complete the ordering of linear lighting equipment.
- 3 The mounting height for wall fixtures and stem length for pendant fixtures is to be determined by owner unless otherwise noted.
- 4 The contractor shall verify lighting fixture clearance in all interior and exterior mounting conditions and compatibility with ceiling systems. Report any discrepancy to the Architect prior to ordering fixtures.
- 5 In the State of California the contractor shall use IC type fixture housings, where required, to comply with Title 24 regulations.

PRODUCTS

- 1 Contractor shall not substitute specified products without prior written approval by the Architect. Failure to place order in a timely fashion will not be considered grounds for substitution.
- 2 Contractor shall verify that decorative fixtures supplied by others are listed by an independent test laboratory, appropriate to the mounting condition.

EXECUTION

- 1 All work shall be performed by qualified persons, in compliance with all applicable codes and regulations.

- 2 The circuit drawings and controls specifications illustrate design intent only. Contractor shall incorporate the design intent in the electrical drawings in drawings submitted for permit.
- 3 Contractor shall verify circuit loads for sizing and specifications of controls.
- 4 Receptacles controlled by dimmers shall be of a type to prevent connection with standard plugs for motor loads, or shall be permanently labeled to discourage such connection.
- 5 Contractor shall size and specify low voltage transformers for remote location. Transformers shall be secured in ventilated and accessible location on vibration and sound absorbent material. Wiring shall be sized to minimize voltage drop and shall include overcurrent protection device for the secondary side of transformer.
- 6 Materials and workmanship for patching and finishing openings made in existing surfaces for lighting installation shall be first-class and shall match existing finishes. Contractor shall prevent painting or caulking of removable fixture trims to wall or ceiling surface.
- 7 Contractor shall replace any defective products prior to adjustment and demonstration of operation of the lighting system for the owner. Work will be subject to punchlisting and final approval by the Architect.
- 8 Contractor shall provide tools, clean ladders and a crew of two for final adjustment of lighting fixtures as directed by the Architect.
- 9 Contractor shall leave completed installation in clean condition.

LIGHTING FIXTURE SPECIFICATION**JNCANDFSCEM LIGHTING FIXTURES****Tag Description**

A1 Wall mounted, dual head adjustable die-cast PAR 30 security lampholders with passive infrared motion sensor.

Manufacturer: Grainger/ Intelectron #6W957
Lamp & Mfg: 150 Watt, PAR 30, flood
Remarks: Bronze

FLUORESCENT LIGHTING FIXTURES**T a a Description**

F1 Chain Mounted High/Low Bay with clear acrylic reflexor and bottom lens for 9-36 wa compact fluorescent lamps.

Manufacturer: Intrepid Lighting Manufacturing Inc.,
DMD 229P1136 R ERS-H-LBL 830
Lamp & Mfg: 9-PL-L-36
Ballast: Rapid start electronic
Accessories: Clear acrylic reflexor and bottom lens
Remarks: Fixture with hook suspended by heavy-duty chain at 16' above finish floor
Contact: David Stypula at 16500. Tel: (510) 208-5005

DECORATIVE LIGHTING FIXTURES**Taa Description**

D1 Wall mounted decorative RLM with 18" standard dome and gooseneck bracket for 300 watt A-lamp.

Manufacturer: Abolite, RD 300-INC-120-BRZ-WL
Lamp & Mfg: 300W A-23 med. base
Accessories: 18" standard dome
29.75" gooseneck bracket GB-C-3 WHT
Remarks: textured bronze

PASSIVE INFRARED MOTION SENSORS

LIGHTING



OUTDOOR MOTION SENSORS

Detects motion of people or vehicles around homes, apartments, entryways, porches, docks, storage areas and alleys. Small animals will not activate system.

Features:

• Passive infrared sensor detects combination of heat and movement

- Adjustable sensitivity detects motion from 15 to 75 ft.
- Selectable time delay determines how long light stays on after motion is no longer detected
- Photocell plug for dusk to dawn or both day and night operation

- Manual override turns lights on and off with existing switch
- Adjustable arm rotates 100' sensor views around a 200' arc
- Protective hood shields lens from sun, rain and snow
- UL Listed • Intelectron brand

MOTION SENSOR REFLECTOR LIGHT KITS

Features twin adjustable die-cast PAR lampholders with decorative floodlight reflectors and specially designed cover plate that positions sensor heads away from lamps. Motion sensitivity, timing, and detection area are adjustable. Opaque ScanGuard lens filters out ultraviolet and visible light to reduce false triggering. Reflectors shield sockets from dirt, rain and snow.

Construction: Weatherproof lampholders, reflectors and coverplate. Housing constructed of high impact ABS plastic.

Lamps not included; uses maximum 150W PAR type lamps. See Index under Lamps,

Incandescent.

Switching Capacity: Maximum sensor head rating 400W incandescent, 250W fluorescent. 120VAC, 60 Hz.

Finish: Bronze or white.

Installation: Universal round cover adapts to weatherproof or recessed outlet boxes. Can be wall, soffit or eave mounted. Test switch setting allows aiming day or night.

Intelectron brand.

Color	Intelectron Model	Stock No.	List	Each	Shpg. Wt.
Bronze	BC8920R	6W957	\$61.10	\$34.95	3.3
White	BC8920W	6W958	61.10	34.95	3.3

INTELECTRON.



ECONOMY MOTION SENSOR LIGHT KITS

Twin adjustable non-metallic lampholders with passive infrared motion sensor. Motion sensitivity, timing and detection area are adjustable.

Specially designed coverplate positions sensor head away from lamps for reliable operation.

Construction: Weatherproof high impact ABS plastic housing and cover plate. Lampholders are polycarbonated.

Lamps not included; uses maximum 150W PAR type lamps. See Index under Lamps, incandescent.

Switching Capacity: Maximum sensor head

rating 300W incandescent, 250W fluorescent. 120VAC, 60 Hz.

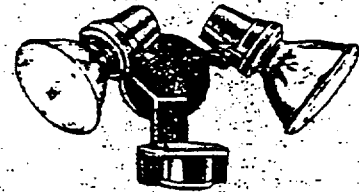
Finish: Bronze or white.

Installation: Universal round cover adapts to weatherproof or recessed outlet boxes. Can be wall, soffit or eave mounted. Units are pre-assembled and pre-wired. Test switch setting allows aiming day or night.

Intelectron brand.

Color	Intelectron Model	Stock No.	List	Each	Shpg. Wt.
Bronze	BC8700K	6W955	\$47.80	\$19.99	1.3
White	BC8700KW	6W956	47.80	19.99	1.3

INTELECTRON.



MOTION SENSOR QUARTZ LIGHT KIT

Quartz floodlight with passive infrared motion sensor. Motion sensitivity, timing and detection area are adjustable. Opaque ScanGuard lens filters out ultraviolet and visible light to reduce false triggering. Sensor head located below light fixture for reliable operation.

Construction: Die cast aluminum housing with adjustable mounting arm. Housing constructed of high impact ABS plastic.

Lamp included: uses 300W type T3 quartz. Each

halogen lamp. For replacement, recommend No. 2V529.

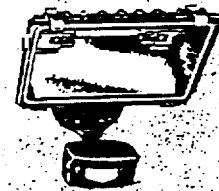
Finish: Bronze.

Installation: Universal round coverplate adapts to weatherproof or recessed outlet boxes. For wall mount applications. Test switch setting allows aiming day or night.

Intelectron brand (BCS970K-3).

No. 6W959. Shpg. wt. 2.6 lbs. List \$69.90. Each \$39.95

INTELECTRON.



MOTION SENSOR CONVERSION KIT

Passive infrared sensor head converts existing fixtures to automatic motion detector operation.

Construction: Weatherproof-high impact ABS plastic housing.

Switching Capacity: Maximum 400W incandescent, quartz-halogen. 250W fluorescent. 120VAC, 60 Hz.

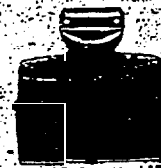
Finish: Bronze.

Installation: Powerpack and gasket install in existing junction box behind light fixture. Detector head mounts on wall, soffit or eave and is connected by cable up to 4 ft. from fixture. Test switch setting allows for aiming day or night.

Intelectron brand (BCS950).

No. 6W970. Shpg. wt. 0.9 lbs. List \$40.40. Each \$23.99

INTELECTRON.



SEE WARRANTY INFORMATION ON PAGE OPPOSITE INSIDE BACK COVER

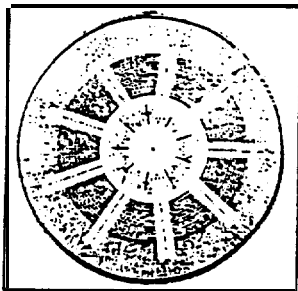
1091

GENERAL DESCRIPTION

- The PMD Series "Maxi-9" is a fluorescent H.I.D. alternative. Utilizing nine F39BX compact fluorescent lamps and three rapid start electronic ballasts, the Maxi-9 achieves a fixture efficiency of 86.1% operating at only 302 watts.
- The Maxi-9 is architecturally pleasing for many applications including atriums, lobbies, warehouses, auditoriums, and gymnasiums.
- Unlike similar HID fixtures, the Maxi-9 is instant on with no restrike period.

CONSTRUCTION

- Ballast housing is brake formed of heavy gauge cold rolled steel, assembled with a combination of steel rivets and fastening screws.
- Hook, surface or pendant are mounting options.
- Standard finish on cylinder is grey, consult our factory for optional custom colors.
- Standard lens/reflector is clear acrylic, options include polycarbonate and custom colors.



ELECTRICAL SPECIFICATIONS

- PMD units are available with rapid start class P electronic ballasts.
- The Maxi-9 can be operated at 33%, 66%, or 100%.
- A variety of lamp colors are available with a C.R.I of 85.
- Voltage options for the U.S. are 120v or 277v.
- Emergency battery backup is optional.
- All components are U.L. approved, all PMD series fixtures are U.L listed.

WARRANTY

- 5 Year warranty on all components except lamps and non-electronic ballasts.

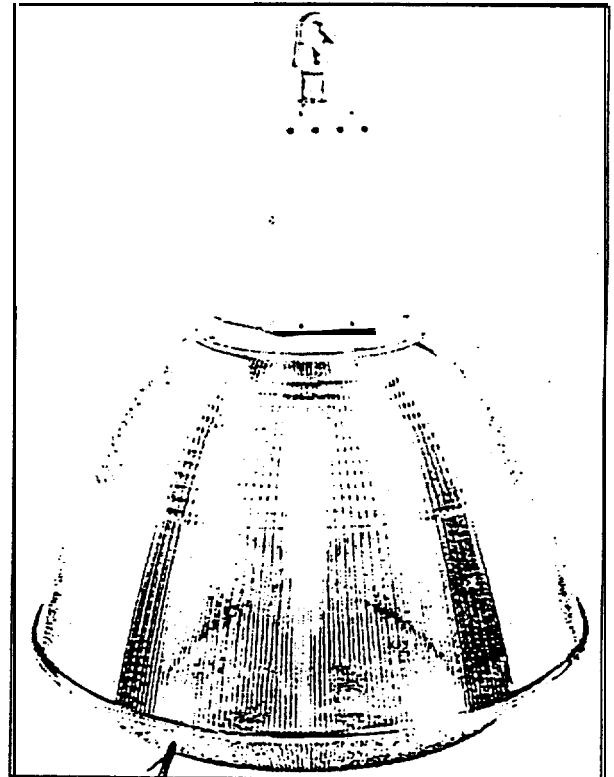


EXHIBIT H

INTREPID LIGHTING MANUFACTURING, INC.

Ronkonkoma, New York

1-888-MAX-LI

Fax 1-516-467-

ORDERING GUIDE

ATTACHMENT 4

SERIES	Fixt. Size	No. Lamps	Lamp Type	Voltage	Ballast	Mounting	Diffuser	Lamp Color	Options
PMD	22	6	PL-L36	R	EIS	H	LBL	830	
				V	ERS	P	LNL	835	
							PBL	841	
							AZRL		
							AZRN		
PMD	22	9	PL-L 36	R	EIS	H	LBL	830	
				V	ERS	P	LNL	835	
							PBL	841	
							AZRL		
							AZRN		
PMD	22	12	PL-L 36	R	EIS	H	LBL	830	
				V	ERS	P	LNL	835	
							PBL	841	
							AZRL		
							AZNL		

LAMPS:

PL-L 36

VOLTAGE

R = 120v

V = 277v

Ballasts:

EIS - instant start electronic

ERS - Rapid start electronic

Diffuser:

LBL - Clear acrylic reflexor w/ bottom lens

LNL - Clear acrylic reflexor w/o bottom lens

PBL - Polycarbonate reflexor

AZRL - Alzak reflector w/ acrylic bottom lens

AZRN - Alzak reflector w/ 0 acrylic bottom lens

options:

SC - Safety cable

CI - S-cord

C3 - S-cord wired for t-way switching

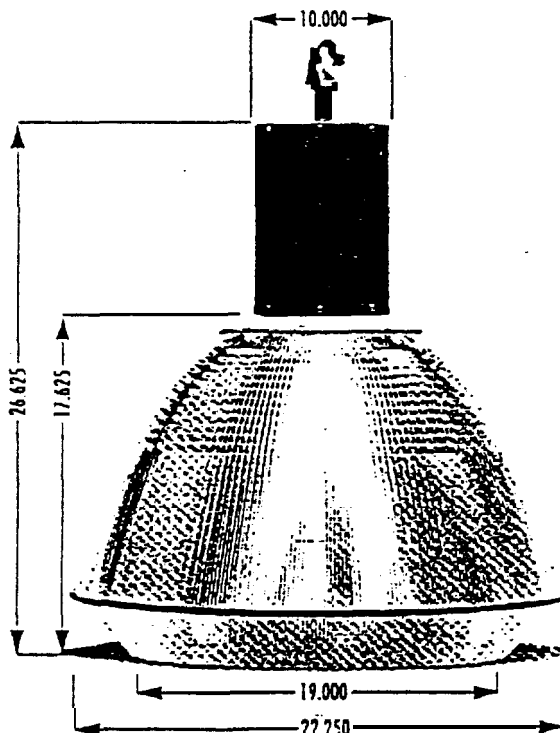
EM1 - Emergency power pack for one lamp

EM2 - Emergency power pack for two lamps

IF - Inline fuse

EXAMPLE: PMD229PLL36RERS-H-LBL-841-SC-C3

GENERAL DIMENSIONS



PMD fixtures are designed for hook, surface mounting or to be suspended from the ceiling on pendants. Measurements subject to change.

INTREPID LIGHTING MANUFACTURING, INC.

EXHIBIT H

LTL

LUMINAIRE TESTING LABORATORY

905 Harrison Street Allentown, Pa 18103 Ph. #215- 7701044

LTL NUMBER: .01481

DATE: 2-24-1994

PREPARED FOR: INTREPID LIGHTING MANUFACTURING

CATALOG NUMBER: MAXI-9

LUMINAIRE: FORMED STEEL BALLAST HOUSING, WHITE ENAMEL REFLECTOR,
CLEAR PRISMATIC PLASTIC LENS.

BALLAST: THREE ADVANCE RIC-3S40-TP

LAMPS: NINE F39BX/SPX35 RATED 2900 LUMENS EACH.

MOUNTING: SURFACE

TOTAL INPUT WATTS =305.0 AT 120.0 VOLTS

DEG	CANDELA	LUMENS
0	2456	
5	2380	225
15	2203	623
25	2065	957
35	2089	1312
45	2072	1599
55	1973	1774
65	1995	1978
75	1966	2077
85	1891	2070
90	1923	
95	1967	2141
105	1941	2048
115	1805	1790
125	1619	1453
135	1390	1077
145	1156	725
155	886	412
165	5 5 3	164
175	492	46
180	508	

ZONAL ZONE	LUMEN SUMMARY LUMENS	%LAMP	%FIXT
0- 30	1805	6.9	8.0
0- 40	3117	11.9	13.9
0- 60	6490	24.9	28.9
0- 90	12615	48.3	56.1
90-120	5979	22.9	26.6
90-130	7431	28.5	33.1
90-150	9234	35.4	41.1
90-180	9856	37.8	43.9
0-180	22472	86.1	100.0

TOTAL LUMINAIRE EFFICIENCY: 86.1%

CIE TYPE: GENERAL DIFFUSE

LUMINAIRE SPACING CRITERION = 1.3

180-DEG

150-DEG

120-

90-DE

60-DE

30-DEG

0-DEG

TESTED BY JOHN HAYES

CHECKED BY JAM LANGTHORN

LTL**LUMINAIRE TESTING LABORATORY**

905 Harrison Street Allentown, Pa 18103 Ph. #215-770-1044

LTL NUMBER: 01481
PREPARED FOR: INTREPID LIGHTING MANUFACTURING

DATE: 2-24-1994

CANDELA DISTRIBUTION

	0.0	
0	2456	
5	2380	
10	2295	
15	2203	
20	2122	
25	2 0 6 5	
30	2052	
35	2089	
40	2107	
45	2072	
50	2006	
55	1973	
60	1974	
65	1995	
70	2000	
75	1966	
80	1916	
85	1891	
90	1923	
95	1967	
100	1970	
105	1941	
110	1880	
115	1805	
120	1 7 1 5	
125	1619	
130	1510	
135	1390	
140	1261	
145	1156	
150	1032	
155	886	
160	721	
165	553	
170	478	
175	492	
180	508	

ZONAL LUMEN SUMMARY

0- 5	58.
5- 10	167.
10- 15	267.
15- 20	356.
20- 25	438.
25- 30	519.
30- 35	609.
35- 40	703.
40- 45	776.
45- 50	824.
50- 55	863.
55- 60	911.
60- 65	965.
65- 70	1014.
70- 75	1039.
75- 80	1038.
80- 85	1031.
85- 90	1 0 3 8
90- 95	1067.
95-100	1074.
100-105	1048.
105-110	1000.
110-115	934.
115-120	856.
120-125	772.
125-130	681.
130-135	586.
135-140	491.
140-145	402.
145-150	324.
150-155	243.
155-160	169.
160-165	105.
165-170	59.
170-175	34.
175-180	12.

LUMINOUS DIAMETER: 10.000
HEIGHT OF SIDE: 17.000

LUMINANCE IN CANDELA PER SQUARE METER

ANGLE AVERAGE
IN DEG

0	14339.
45	8191.
55	7861.
65	8265.
75	8759.
85	9 4 2 3

148

EXHIBIT H

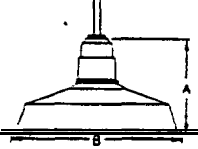
THE RLM SERIES

ATTACHMENT 4

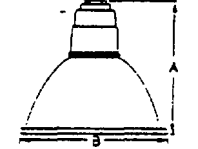
SPECIFICATION INFORMATION

Designed for 3/4" Rigid Stem Mounting (Catalog Number Does Not Include Stem, Bracket, or Cord & Canopy Set. Specify these items separately from Options/Accessories).

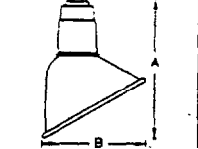
STANDARD DOME-Nostalgic elegance and simplicity of design.

	RD100	8	12	2.5
	RD150	9-3/8	14'	3.0
	RD200	10-1/2	16	3.5
	AD300	10-3/4"	18"	4.0
	AD500	12-3/8	18	4.3

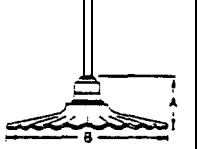
DEEP BOWL - Provides lamp shielding and compact size.

	BD200	10-3/4	10	2.5
	80300	11-7/8	13	3.2
	BD500	13-3/8	13	3.5

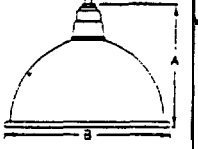
ANGLE REFLECTOR - Perfect for highlighting signs and product displays.

	AD100	9-1/2"	7	2.0
	AD150	11"	9	2.0
	AD200	12-1/2"	11'	2.5
	AD1000	19-5/8"	16	4.5

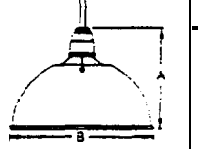
RADIAL WAVE - Signature fixture of the RLM Series.

	RWD200	6-7/8	20	3.8

20 INCH DOWNLIGHT- for use in larger space planning.

	HMDM400	17-3/4"	20	7.0

20 INCH UPLIGHT - Imparts an upward light component with High-Tech detail.

	HMDMU400	17-3/4	20	7.5

BLK - TEXTURED BLACK

WHT - TEXTURED WHITE

RED - TEXTURED RED

BRZ - TEXTURED BRONZE

COA - TEXTURED COCA

GRN - TEXTURED GREEN

VAN - TEXTURED VANILLA

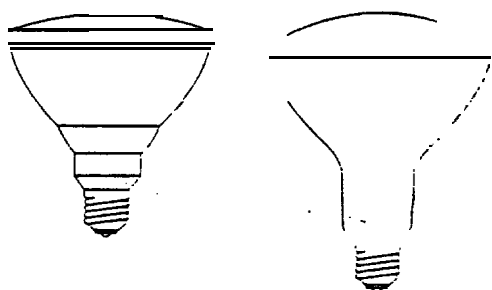
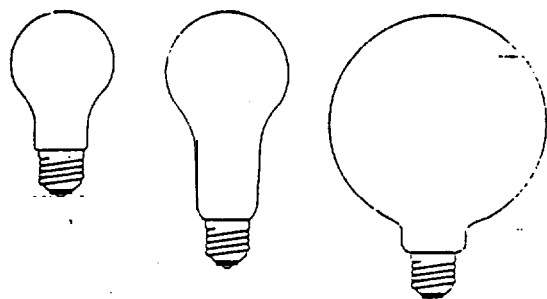
PLT - TEXTURED PLATINUM

VGN - TEXTURED VERDIGRIS

GAL - GALVANIZED STEEL

EXHIBIT H

THE INCANDESCENT RLM



• **APPLICATION:** The 'quintessential' fixture for nostalgic restaurant, commercial, and residential interior or exterior applications. Designed originally for incandescent light sources, the RLM allows for a variety of finishes from the traditional white to the leading edge hot dipped galvanized. And stems/brackets may be color coordinated using the standard RLM finishes.

By combining the basic reflector with finishes, accessories, and mounting brackets, a uniquely Abolite look may be imparted to a variety of projects. And with the "damp" or "wet location" U.L. label you are assured of years of trouble free service.

• **LAMP TYPES:** A, G, PS, R, and PAR Incandescent lamp styles may be used with RLM Reflectors if wattage doesn't exceed rating of reflector (i.e. RD100 rated for 100 Watt). Heat Lamps used in food warming applications may also be used, but use of "cool beam" lamps should be avoided as redirected heat may cause wiring to fail. Incandescent lamps not included.

• **MOUNTING:** Reflector hubs tapped for 3/4" NPT fitting.

• **REFLECTOR:** Spun Paint Grip steel with textured polyester powder finish. Reflector interior is finished textured white (Galvanized reflectors are galvanized inside and out).

• **SOCKET:** All sockets are Porcelain; Medium Base sockets rated 300 Watt/600 Volts. Mogul Base sockets rated 1500 Watt/600 Volts. Hub assembly is provided with Green Grounding Screw. Sockets are not factory pre-wired unless specified or "wet location" - consult factory.

• **WARRANTY:** 2 FULL YEARS

UL listed for damp locations. UL Wet locations available upon specification.

CSA Certified

INCANDESCENT VERSIONS - Select appropriate choice from each column.

RD100	12	100	Medium Base	INC-Incandescent	120	BLK - Black Textured	CA72WHT - 6 Ft. White Cord and White Canopy
RD150	14	150	Medium Base			WHT - White Textured	CA144WHT - 12 Ft. White Cord and White Canopy
RD200	16	200	Medium Base			RED - Red Textured	CA72BLK - 6 Ft. Black Cord and Black Canopy
RD300	18	300	Medium Base			BRZ - Bronze Textured	CA144BLK - 12 Ft. Black Cord and Black Canopy
RD500	18	500	Mogul Base			COA - Cocoa Textured	RC72BLK - 6 Ft. Black Coiled Cord and Black Canopy
BD200	10	200	Medium Base			GRN - Green Textured	G6 - 6' White Glass Globe for use in interior applications only.
BD300	13	300	Medium Base			VAN - Vanilla Textured	PG3 - 3' Clear Prismatic Glass Globe assembly for use in either interior or exterior applications.
BD500	13	500	Mogul Base			PLT - Platinum Textured	PG3W-WHT - 3' Clear Prismatic Glass Globe assembly with White Wire Guard attached.
AD100	7	100	Medium Base			VGN - Verdigris	WL - U.L. Wet Location Label (Requires rigid Stem or Gooseneck be shipped with RLM - or a separate label).
AD150	9	150	Medium Base			GAL - Galvanized Steel	HMDMU400 not available with this option.
AD200	11	200	Medium Base				LOS - 96' Factory pre-wired leads
AD1000	16	1000	Mogul Base				
RWD200	20	200	Medium Base				
HMDM400	20	500	Mogul Base				
HMDMU400	20	500	Mogul Base				

EXAMPLE OF A TYPICAL ORDER

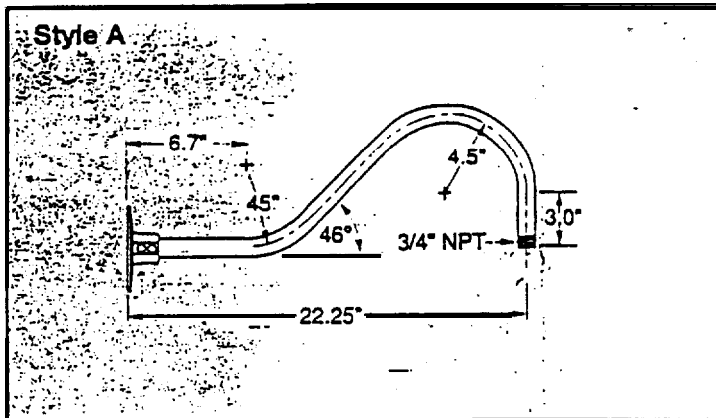
For wattage restrictions, see RLM G1 option page.

EXHIBIT H

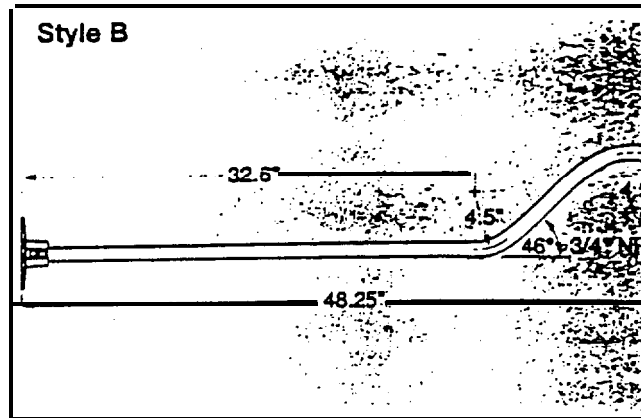
150

GOOSENECK BRACKETS

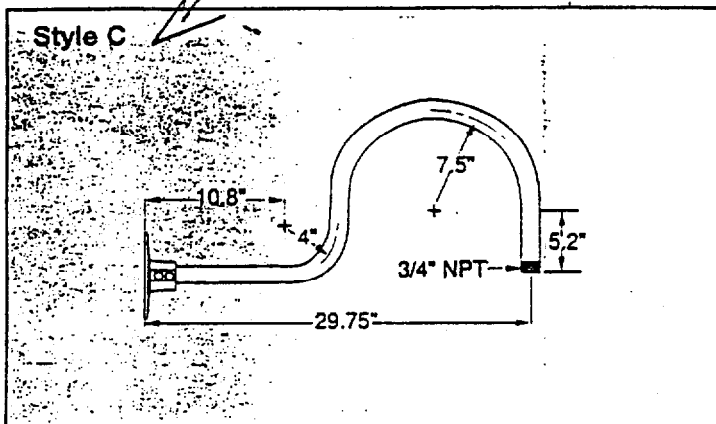
To order, specify catalog number indicated. Note: Brackets feature unthreaded 3/4" siems which slip fit into wall plate. Conduit may be cut down (by other) to shorten bracket length.



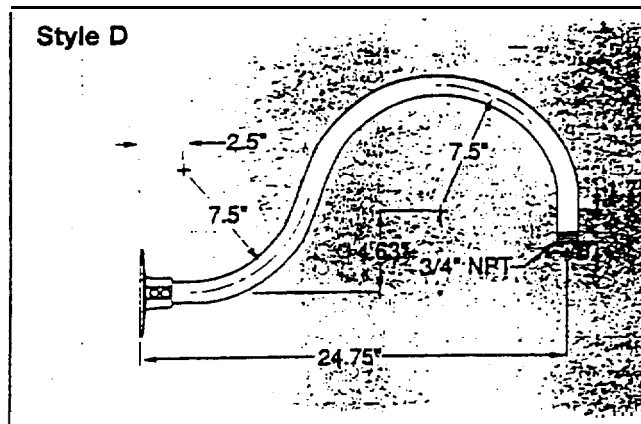
GB-A-3-BRZ: 3/4" Single Reflector Gooseneck Wall Bracket. Features rigid conduit and cast wall plate which fits 4" octagonal box (By other). The bracket features a bronze powder finish.



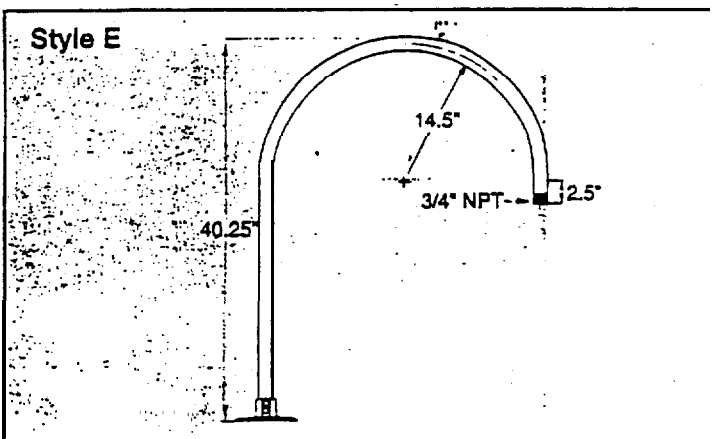
GB-B-3-BRZ: 3/4" Single Reflector Gooseneck Wall Bracket. Features rigid conduit and cast wall plate which fits 4" octagonal box (by other). The bracket features a bronze powder finish.



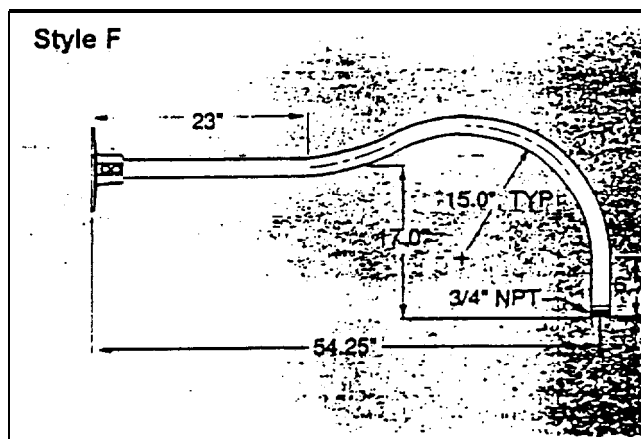
GB-C-3-BRZ: 3/4" Single Reflector Gooseneck Wall Bracket. Features rigid conduit and cast wall plate which fits 4" octagonal box (by Other). The bracket features a bronze powder finish.



GB-D-3-BRZ: 3/4" Single Reflector Gooseneck Wall Bracket. Features rigid conduit and cast wall plate which fits 4" octagonal box (by other). The bracket features a bronze powder finish.



GB-E-3-BRZ: 3/4" Single Reflector Gooseneck Wall Bracket. Features rigid conduit and cast wall plate which fits 4" octagonal box (by other). This bracket is designed to be mounted to a horizontal surface, but could also be mounted to a wall. The bracket features a bronze powder finish.



GB-F-3-BRZ: 3/4" Single Reflector Gooseneck Wall Bracket. Features rigid conduit and cast wall plate which fits 4" octagonal box (by other). The bracket features a bronze powder finish.

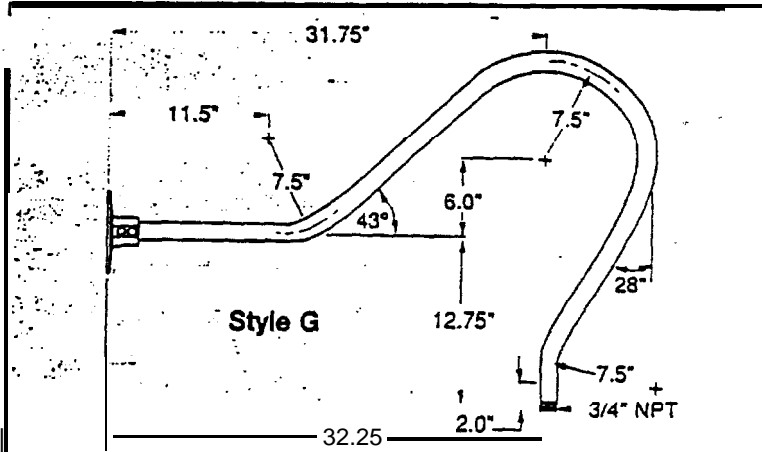
EXHIBIT H



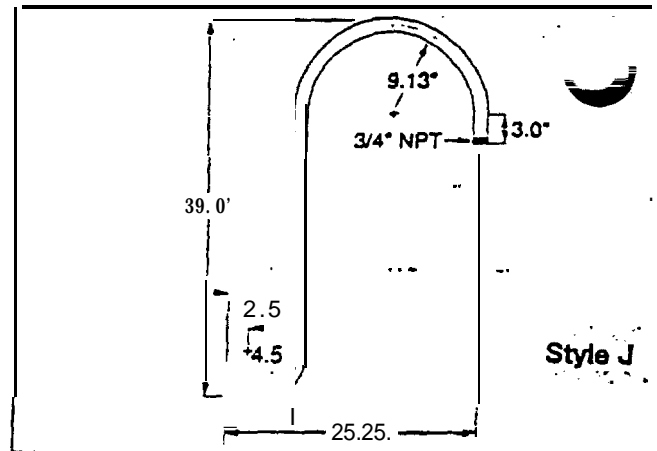
GOOSENECK BRACKETS

To order, specify catalog number indicated. Note: Brackets feature unthreaded 3/4" stems which slip into wall plate. Conduit may be cut down (by other) to shorten bracket length.

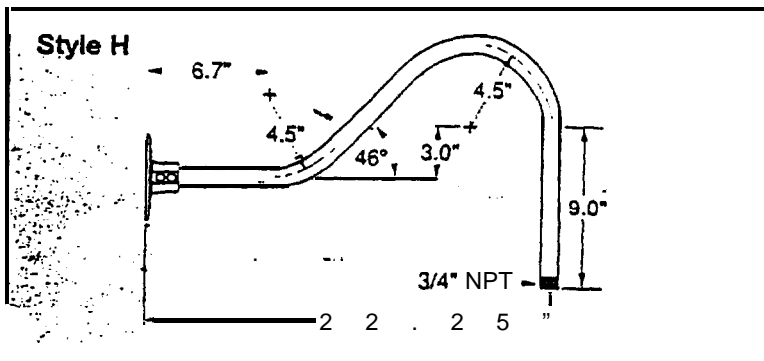
ATTACHMENT 4



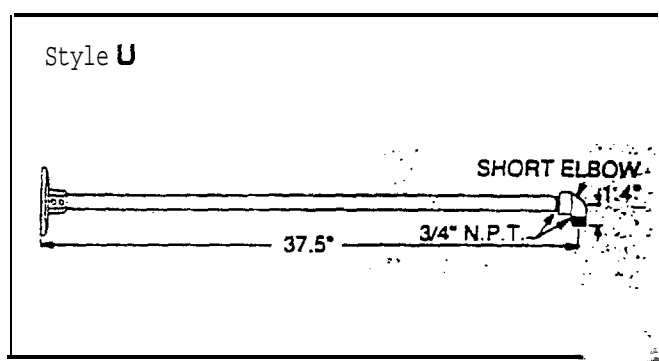
GB-G-3-BRZ: 3/4" Single Reflector Gooseneck Wall Bracket. Features rigid conduit and cast wall plate which fits 4" octagonal box (by other). The bracket features a bronze powder finish.



GB-J-3-BRZ: 3/4" Single Reflector Gooseneck Wall Bracket. Features rigid conduit and cast wall plate which fits 4" octagonal box (by other). The bracket features a bronze powder finish.



GB-H-3-BRZ: 3/4" Single Reflector Gooseneck Wall Bracket. Features rigid conduit and cast wall plate which fits 4" octagonal box (by other). The bracket features a bronze powder finish.



GB-U-3-BRZ: 3/4" Single Reflector Utility Wall Bracket. Features rigid conduit and cast wall plate which fits 4" octagonal box (by other). The bracket features a bronze powder finish.

ORDERING DATA

GOOSENECK BRACKET	STYLE NUMBER	CONDUIT SIZE	COLOR
GB	A	3 3/4" Aluminum Conduit	BRZ-Bronze
	B	3 3/4" Aluminum Conduit	
	C	3 3/4" Aluminum Conduit	
	D	3 3/4" Aluminum Conduit Only	
	E	3 3/4" Aluminum Conduit	
	F	3 3/4" Aluminum Conduit Only	
	G	3 3/4" Aluminum Conduit Only	
	H	3 3/4" Aluminum Conduit Only	
	J	3 3/4" Aluminum Conduit Only	
	U	3 3/4" Aluminum Conduit Only	

GB-A-3-BRZ



A division of Abolite Lighting

10000 Alliance Rd.
Cincinnati, Ohio 45242
(800) 436-7600 • FAX (513) 793-0295

ABC-BKT-REV 5/93

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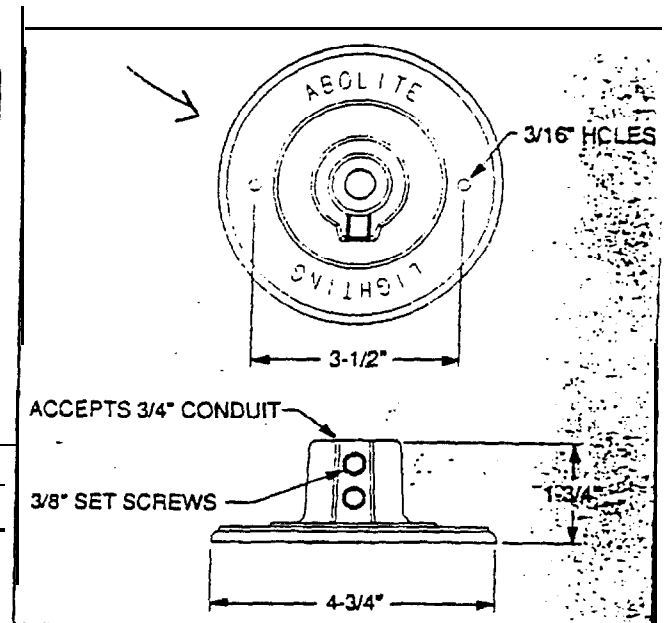


EXHIBIT H

152

SUMMARY OF THE MAIN FACILITIES PROPOSED BY THE MASTER
PLAN FOR BIOMEDICAL LIVESTOCK RAISING ON THE
STEPHENSON RANCH

Maior Master Plan Components

FARMROADCLUSTER

Bam # 1: 1,240 sq. ft. roof extension
to connect two existing barns
Barn #2: No change to the existing structure
Manure Bunker #1: new 717 sq. ft. structure

BACK RANCH ROAD/FARM ROAD INTERSECTION

Barn #3*: 4,000 sq. ft. roof extension
to connect two existing barns
Bam #4*: No change to the existing 10,000 sq. ft. structure
Manure Bunker #2: new 1,275 sq. ft. structure

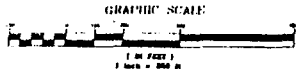
HORSE BARN VICINITY

Barn #5: No change to the existing 10,000 sq. ft. structure
Barn #6: new 10,000 sq. ft. structure
Barn #7: new 10,000 sq. ft. structure
Barn #8: new 10,000 sq. ft. structure
Manure Bunker #3: new 1,860 sq. ft. structure

All these facilities are shown on the proposed site plan labeled as E-xhibit J

* Named barns #4 and #5 in all previous staff reports

SITE PLAN OF PROPOSED MASTER PLAN FACILITIES UNDER APPLICATION 99-0419



Notes

There is full existing perimeter fencing above the upper reservoir.

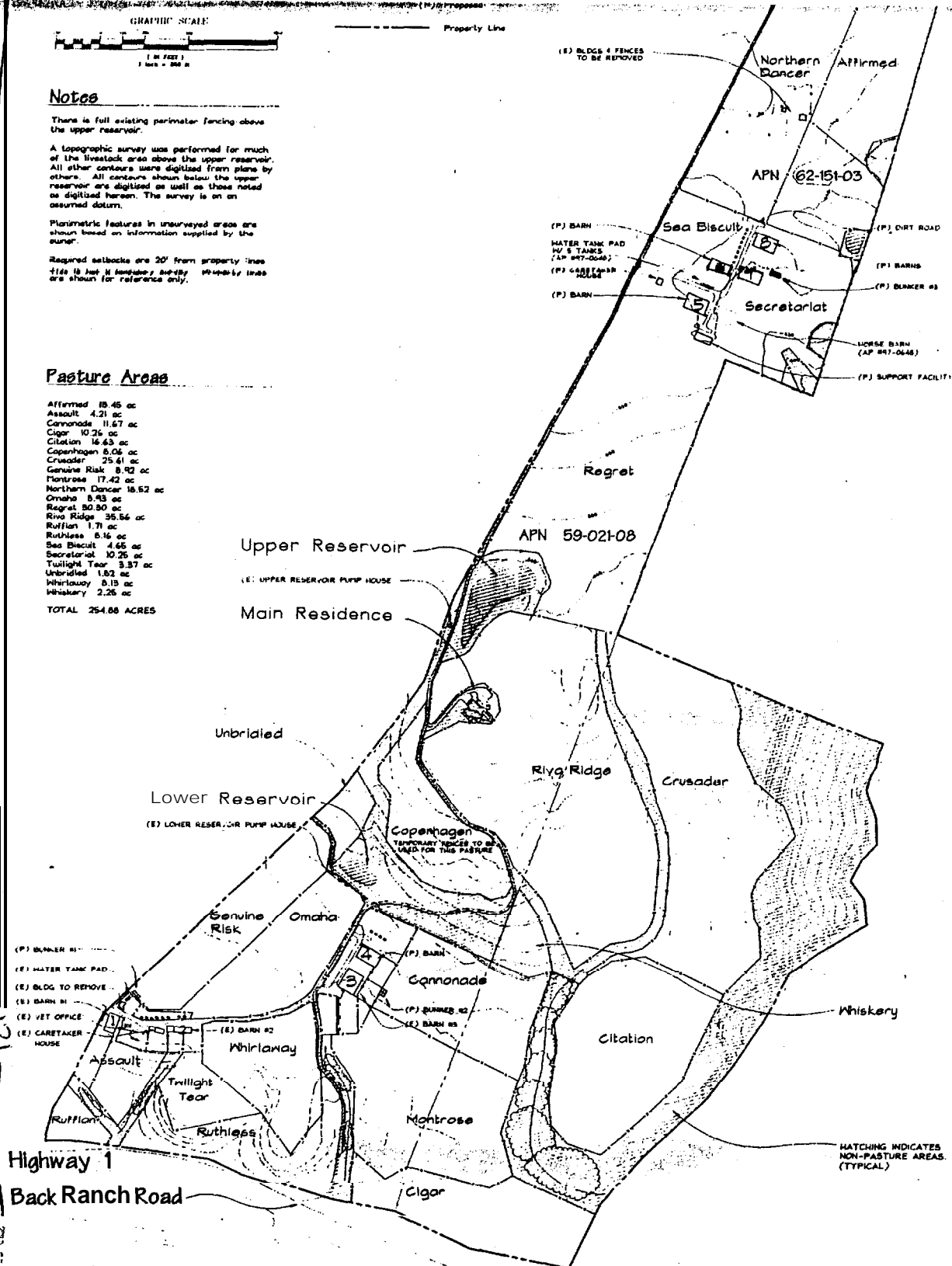
A topographic survey was performed for much of the livestock area above the upper reservoir. All other contours were digitized from plans by others. All contours shown below the upper reservoir are digitized as well as those noted as digitized herein. The survey is on an assumed datum.

Planimetric features in unsurveyed areas are shown based on information supplied by the owner.

Required setbacks are 20' from property lines. 10' is not a mandatory setback. Setback lines are shown for reference only.

Pasture Areas

Affirmed 18.46 ac
Assault 4.21 ac
Cannonade 11.67 ac
Cigar 10.26 ac
Citation 16.63 ac
Copenhagen 8.06 ac
Crusader 25.61 ac
Genuine Risk 8.92 ac
Montrose 17.42 ac
Northern Dancer 16.52 ac
Omaha 8.93 ac
Regret 30.30 ac
Riva Ridge 35.56 ac
Ruffian 1.71 ac
Ruthless 8.16 ac
Sea Biscuit 4.65 ac
Secretariat 10.26 ac
Twilight Tear 3.37 ac
Unbridled 1.82 ac
Whirlaway 8.13 ac
Whiskery 2.26 ac
TOTAL 254.88 ACRES



Highway 1
Back Ranch Road

154

APH 058-021-08
APH 062-151-03

Base Map for
Stephenson Ranch

Island

1100 WATER STREET
SANTA CRUZ, CA 95062
TEL (408) 428-5313

REVISED

LETTERS SUBMITTED AT THE SEPTEMBER 8, 1999
PLANNING COMMISSION HEARING

Contaminated water suspected in death of 3-year-old, poisoning of 118 at fair

JUSTINA C. BREEN
The Associated Press

ALBANY, N.Y. — High levels of E. coli bacteria found at a county water supply could be the link that connects the death of a 3-year-old girl and the sickening of 118 others, officials said. The water runoff from a barn near hundreds of cattle apparently seeped into an aquifer used to supply the Washington County Fairgrounds, state Health Department spokeswoman Kristine A. Smith said Sunday.

Water samples taken over the weekend showed high levels of E. coli bacteria. Smith said scientists tested the bacteria to verify whether it is the potentially deadly strain that sent scores of doubled-up patients to area hospitals. What could have happened is unclear. The storm event brought cattle manure material to the ground surface where it leaked into the soil close to the aquifer," Smith said.

Those who became ill — mostly children — have been treated at hospitals in New York, Vermont, Massachusetts since Friday. At least 41 remained hospitalized by evening, Smith said.

Smith visited the Washington County Fair in the town of Greenburgh, about 35 miles north of Albany, on either Aug. 28 or 29 — the last days of the weeklong fair, she said.

3-year-old El Aldrich, 3, of Clifton Park died Saturday at Albany Medical Center Hospital. She had a critical condition with E. coli contamination since Friday, according to hospital spokesman David Puff.

The girl died after developing hemolytic uremic syndrome, or HUS, as a result of the E. coli contamination, Smith said. HUS attacks the blood cells and can result in kidney failure.

By Sunday evening, a 4-year-old boy also had developed HUS and was being treated at Albany Medical Center Hospital, Smith said. The boy was listed in serious condition today.

State and county health officials interviewed the steady stream of patients over the weekend, but couldn't uncover any common foods or activities that could have caused the illness.

The possibility of water contamination "would explain why people who had different foods and drinks from different booths got sick," Smith said.

"Water went into the booths there, and could have been used for things like making lemonade, fruit juice, ice, rinsing lettuce for sandwiches and washing people's hands," Smith said.

Some 27,000 people attended the fair on its last day, officials said.

E. coli bacteria normally live in the intestines of humans and other warm-blooded animals. Most strains are harmless but some, including O157:H7, can be deadly. Symptoms of the infection include abdominal cramps, diarrhea and fever.

E. coli bacteria must be ingested to cause infection. Illness can be caused by exposure to an infected person, or by ingesting tainted food or liquids.



The Associated Press

Wayne and Lori Aldrich of Clifton Park, N.Y., pose with their two daughters, Rachel, lower left, and Kaylea. Rachel died Saturday of E. coli poisoning picked up at a county fair, while Kaylea remained hospitalized Monday.

September 7, 1999

Planning Commissioners
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

RE: Stephenson Horse Barn Project

Dear Planning Commissioners:

I am the Stephensons' Veterinarian and provide veterinary care to their horses. They have asked me to provide your Commission with my opinion as to the size and internal configuration of their proposed horse barn.

First, let me advise you of my qualifications. I am a licensed Doctor of Veterinary Medicine and have been practicing for almost 30 years. I have limited my practice to large animals, and in fact, equine care comprises the largest percentage of my practice. Prior to becoming a Veterinarian, I grew up with horses. In New Jersey, my family owned horses which I helped care for. Later, my family moved to Wyoming where we owned and operated a working Dude Ranch. With my family background, I have learned a great deal about horses. Thus, from both my personal and professional experiences, I am quite familiar with equine care.

I have reviewed the Stephensons' horse barn plans and find the barn design to be acceptable. The size of the barn is appropriate for the intended use of housing horses, storing feed and equipment, and providing a tack room. Further, the internal configuration of the stalls and use of pipe coral panels is fine. Minimum stall standards call for a 10' x 10' stall, but it is commonly evoked that a 12' x 12' *minimum* should be met. It's perfectly acceptable, and in fact should be encouraged, to create larger stalls for the benefit of the animals. The Stephensons' plan show 12' x 28' stalls that will provide the animals with space to move about freely within the stalls, but not be so large as to be problematic. The configuration of the proposed stall layout is consistent with equine care standards.

With regard to the pipe panels to separate the stalls, this too is acceptable. Pipe coral fencing is used throughout the county in pens and paddocks. If this type of fence produced high rates of injuries it would not be used as prevalently as it is. Rather, pipe panels are very regularly used in paddocks and within some barns, such as mare barns.

THELEN REID & PRIEST LLP

ATTORNEYS AT LAW

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SAN JOSE, CALIFORNIA 95110-2701
TEL (408) 292-5800 FAX (408) 287-8040
www.thelenreid.com

ATTACHMENT 4

NEW YORK
SAN FRANCISCO
WASHINGTON, D.C.
LOS ANGELES
SAN JOSE

PAUL A. BRUNO
(408) 282-1817

September 7, 1999

Planning Commissioners
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

RE: Application No. 97-0648
Stephenson Horse Barn

Dear Planning Commissioners:

On behalf of the applicants, John and Brenda Stephenson, I request that your Commission make **the** following modifications to the recommended findings and conditions for the above referenced application:

1. Allow the installation and limited use of the City of Santa Cruz Agricultural Water line.
2. Remove the association of Application 97-0779, which is completely unrelated to this project and instead relates to biomedical livestock, by deleting the corresponding condition.
3. Allow the applicants the ability to configure the stalls for their horses, on an as needed basis, such as for breeding, by approving the proposed pipe panels.
4. Condition the permit to have all lighting appropriately shielded, and not require an exhaustive illumination study for a project using residential lighting fixtures (not commercial or industrial fixtures or intensities).

For reference, I have attached recommended amendments to the findings and conditions to address each of these four elements (Exhibit 1), and request that you approve this project with those changes.

Thank you for your consideration.

Sincerely-yours,

Paul A. Bruno

September 7, 1999

Planning Commissioners
county of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060



RE: Stephenson Horse **Barn** Project

Dear Planning Commissioners:

I am writing to express my support for the Stephensons' horse barn project and urge you to approve their application. This project has been processed long enough and, for the sake of these horses, please allow them to build a barn.

I am familiar with the proposed barn and I have also reviewed the staff report. I noted staffs concern regarding the use of pipe coral railing to separate the stalls. While using pipe coral railing in a barn may not seem customary to an average horse rider, its use within a barn is by no means uncommon. For example, mare barns very often use pipe coral railing within those barns to provide flexibility in the layout of stalls. The Stephensons have always stated their intent to breed one or two of their mares **with** the hope of developing a top quality show horse. Flexibility in the stall configurations is important in this regard.

Secondly, I disagree with staff's discussion regarding the height of the stall walls and I disagree with the proposed condition to have an **8-foot** solid wall between the stalls. Horses are herd animals and it is very important for them to maintain visual contact with one another, even while in a barn. Unlike a commercial boarding facility (which was cited as a reference in the staff report) whose inventory may vary from year to year, the horses on the Stephenson Ranch have been with one another for years, and will continue to be together in the future. They have developed very strong bonds amongst one another and have created a herd. By putting them into stalls with solid **8-foot** walls and eliminating any visual contact between the animals would be cruel and contrary to their normal herding instincts. I strongly disagree with the condition to do so and urge you not to accept that recommendation.

I say these things from experience. I have over thirty eight years of first hand experience, in riding, training and breeding horses. I have worked **with Frank** McCoy, one of the top Arabian breeders in the world. I have trained and competed in the National Class A Circuit for Arabians. I've also **successfully** trained, shown and bred Paints and Quarter Horses. I have worked in and been exposed to hundreds of barns in my career. The Stephensons' barn is not uncommon. Please approve this project.

Thank you for your consideration.

Sincerely yours,

A handwritten signature in cursive script, reading "Felicia Early".

Felicia Early
2161 Delaware Avenue
Santa Cruz, California 95060
408.457.3800
800.457.3801
Fax 408.457.3801

Motion to adopt the Negative Declaration for Application 97-0648, m&e all necessary findings for approval, and approve Application No. 97-0648 subject to conditions with the following amendments to the recommended findings and conditions:

FINDINGS –

Coastal Permit Findings –

Finding 1. Second Paragraph – Delete the second paragraph in its entirety.

Development Permit Findings –

Finding 1. Second Paragraph – Change the first sentence of the second paragraph to read as follows: “The proposed extension of the agricultural water line will be used to irrigate pastures for the private livestock.” Delete the remaining portion of the **second** paragraph.

Finding 2. Second Paragraph – Delete the second paragraph in its entirety.

Third Paragraph – First sentence, insert the word “irrigation” between “for” and “fire” so it read, “The installation of water lines dedicated solely for irrigation, fire protection purposes, and to convey domestic water to serve the project barn are allowed in all zoning districts.” Delete the word “two” in the second sentence.

Finding 3. Second Paragraph – Delete the second paragraph in its entirety.

Required Special CA Findings –

Finding 1. First Paragraph – Delete the last **sentence** in its entirety.

Finding 3. Second Paragraph – Delete the second paragraph in its entirety.

CONDITIONS –

Condition 1 .C – Retain this condition in its entirety so that the water service from the City of Santa Cruz is approved as part of this application.

~~Condition III.A.2 – Delete the second sentence pertaining to the wall height for the stalls.~~

Condition III.A. 1 O(new). -- Add a new condition addressing the area for irrigation by adding condition III.A. 10. which shall read, “Final plans shall show the location and fencing for irrigated pasture areas to be used by private livestock.”

Condition IV.A. – Delete this condition in its entirety. *No Ref first sentence.*

~~Condition IV.B. (now paragraph IV.A) – Delete this language and replace with, “A detailed lighting plan is submitted and approved showing all exterior illumination to be directly downwards and shall be adequately shielded.”~~

Condition IX.I. (new) – Add a new condition IX.I. to address the operational requirements for the irrigated pastures to read, “The irrigated pasture areas associated with Application 97-0648 shall be used exclusively by private livestock until such time this condition is superseded by some other **future** permit provision.”

Celia Scott, A.I.C.P.
ATTORNEY AT LAW
1520 Escalona Drive
Santa Cruz, California 95060
Telephone and FAX: (831) 429-6166

ATTACHMENT 4

September 8, 1999

Santa Cruz County Planning Commission
701 Ocean Street
Santa Cruz, CA 95060

RE: Application No. 97-0648
John and Brenda Stephenson

Dear Commissioners:

On behalf of Friends of the North Coast, I am writing once again to request the Planning Commission not to approve the proposed construction of a "private equestrian facility" by Santa Cruz Biotechnology on the north coast prior to processing and consideration of the Master Plan application for the expansion of the biomedical livestock operation on the same property.

-- Since the Planning Commission hearing of June 22 on this project, the Master Plan application was deemed complete on July 1, 1999. According to the staff report prepared for the Board of Supervisors' consideration of the Emergency Coastal Zone Permit to correct serious water quality problems from contaminated runoff from the goat operation, "The Initial Study, which is now being prepared, will be considered by the Environmental Coordinator in late September." In fact, the County's Environmental Review guidelines provide that once an application has been deemed complete, environmental review "shall" commence.

Despite the massaging of the "equestrian" project which has occurred since June 22, it remains **obvious that** action on this project prior to the Master Plan, and without consideration of the cumulative impacts of this project in conjunction with the expansion proposed in the Master Plan is a violation of the clear requirements of the California Environmental Quality Act that projects be considered as a whole, and not segmented.

The staff report claims that CEQA does not require a cumulative impacts analysis unless an EIR is prepared for a project. In fact, consideration of cumulative impacts is required as part of the Initial Study which precedes the determination of whether a Negative Declaration or EIR is required, and a finding of "cumulatively considerable" impacts **MANDATES** the preparation of an EIR rather than a Negative Declaration (see p. 75, staff report of 6/22/99). Such a finding must be based **on** consideration of "past projects, other current projects, and probable future projects".

There is no question that the Master Plan application is a "probable future project": it has been accepted as complete by the County and is undergoing environmental review. Therefore, the Negative Declaration

proposed for this project is in itself a CEQA violation, since a finding of "cumulatively considerable" impacts, as stated above, **MANDATES** the preparation of an EIR. Given the impacts that have already occurred on the subject property, there can be little doubt that the existing biomedical livestock operation, plus the proposed "equestrian" facility, plus the Master Plan expansion will create significant cumulative impacts.

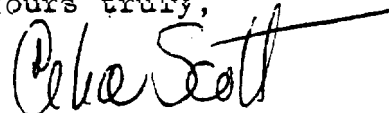
CEQA **also prohibits** splitting a project into two or more segments (CEQA Guidelines, §15378(a)). The courts have held repeatedly that a project must be defined broadly enough to ensure complete analysis of impacts resulting from future expansion or continuation of the initial aspects or phases of a project. See Laurel Heights Improvement Assn. V. Regents of the University of California (1988) 47 **Cal.3d** 376.

The staff report itself contains evidence that the "equestrian facility" is part of the larger project which includes all the facilities proposed for the Master Plan as described on p. 45, with the accompanying site plan map. (There are curious **discrepancies** between the map and the list of major Master Plan components regarding whether certain barns are existing or proposed.) Furthermore, the proposed location of the "equestrian" barn on the upper terrace of the property prejudices and prejudices a critical Master Plan issue: should there be any new cluster of buildings on the upper terrace, or should any new buildings be located on the lower terraces where visual impacts on adjoining Wilder Ranch State Park would be minimized or eliminated? In fact, the staff report of 6/22/99 (p. 10) prejudices this critical Master Plan issue by arguing for four building clusters, thereby demonstrating how this "equestrian" project is in fact intertwined with the Master Plan. In fact, the 6/22/99 staff report states that "action on the project before you will set the stage for the number and locations of building clusters to occur on the ranch in the near future when the master plan is considered."

In short, it, is blindingly obvious that the Negative Declaration itself is improper under CEQA, and the project before the Commission is part of a larger project: and should therefore not be acted on separately. The Board of Supervisors action of 9/23/97 did not authorize a CEQA violation, and circumstances have changed, in any case, since that date, with the multiple environmental impacts and code violations that have already occurred on the applicant's property. We urge the Planning Commission, once again, to take an objective view of this application and process it properly in conjunction with the Master Plan. To go forward on the current application will only reinforce the strong perception that this particular project is being given special treatment.

We urge you to deny this application, or continue it for consideration within the context of the Master Plan.

Yours truly,



Celia Scott

cc: Board of Supervisors

ROBERT HIRTH
 Attorney at Law
 2100 Tulare St., Suite 412
 Fresno, CA 93721
 (209) 498 0424

September 7, 1999

Planning Commission
 County of Santa Cruz
 701 Ocean St., Room 400
 Santa Cruz, CA 95060

VIA FACSIMILE : ORIGINAL TO FOLLOW BY USPS

Re: Application # 97-0648, Stephenson Equestrian Facility Permit

Dear Commissioners,

This letter is to comment on the latest Staff Report to the Commission. My client, David Landino, has again asked me to write and again state his opposition to a piecemeal granting of permits on this project.

In the past we have laid out our concerns about water and the loss of prime agricultural land because of the lack of clustering of buildings. We renew these concerns by this letter and once again bring to the Commission our concerns about the non-unitary approach to this project.

The area which the applicant has proposed for his horse facility is presently being used for the biomedical goat operations. We have previously pointed out that if this "equestrian facility" is for the use of the applicants, it should be clustered with the residence and not at the present site which requires additional roadways, parking and other paved areas. CEQA requires a careful examination of the cumulative effects of any project. By granting permits for small portions of the project, fences here, tents there, a horse barn here and who knows what will be next, the Commission has violated the spirit, if not the letter of CEQA. How can cumulative effects be studied if the project is allowed to be built in small portions, without the preparation and review of the Master Plan, Environmental Impact Report and any other studies which might be needed for a project of this size and scope?

We would ask the Commission to not approve any further development, of any kind, without a complete Master Plan and associated studies being reviewed, opened for public comment and approved by both this Commission and the Board of Supervisors.

We thank you for your attention to this extremely important matter. We ask that we be notified of any further action by this Commission on any further applications of this

applicant for this or any related project. We would ask also that we be, notified of any further applications for any biomedical livestock operations anywhere in the County.

Sincerely,



Robert Hirth

Attorney for David Landino, Sr.

Save Our Agricultural Land
"SOAL"

147 S. River Street, Suite 227
Santa Cruz, CA 95060

831.429.4055

Fax: 831.429-4057

E-Mail: jwardjd@aol.com

Web Site: <http://we.got.net/~SOAL>

September 7, 1999

Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

**Re: Staff Report to the Planning Commission for the Private Equestrian Facility,
and Water Line Extensions at Santa Cruz Biotechnology
Application No. 97-0648
APN: 062-151-03**

Dear Commissioners:

The following comments are made on behalf of Save Our Agricultural Land (SOAL) with regard to the Staff Report to the Planning Commission for the above referenced application. SOAL incorporates by reference all prior correspondence regarding this application, including but not limited to SOAL's comment letters dated March 11, 1999 and June 21, 1999.

1. Current Proposed Project Differs Significantly from Original Application

At the September 23, 1997 hearing on the Biomedical Research Ordinance, the Board of Supervisors directed Staff to process the pending applications for this parcel which were not related to the Biomedical Use of the land. The applications on file at the time were the application for a single family dwelling and an application for an equestrian barn. The application for the equestrian barn has become this project. There are now 3 significant changes to the original application. (1) The original application did not include the recently drilled well near the Lanting/Eckstrom property line as a water source. (2) The original application did not include any grading, (3) The barn has been changed from two 4,000 sq. ft. barns to one 8,000 sq. ft. barn, with a new height of 32 feet. The current proposal is not the same project as that originally proposed by this application. These significant changes to the application create a new project which was not considered by the Board of Supervisors when they directed the processing of the

Santa Cruz Biotechnology Horse Barn Application
September 7, 1999

application. Furthermore, the Board of Supervisors has recently denied Santa Cruz Biotechnology's application for emergency permits for structural improvements thereby reaffirming its opposition to piecemeal decisionmaking prior to any approval of the Master Plan.

2. Splitting the Project

The lead agency should not split a project into two or more segments. This approach ensures "that environmental considerations do not become submerged by chopping a large project into many little ones, each with a potential impact on the environment." *Burbank-Glendale-Pasadena Airport Authority v. Hensler* (2d Dist. 1991) 233 Cal.App.3d 577. In *Santiago County Water District v. County of Orange* (4th Dist. 1981) 118 Cal.App.3d 818, the Court held an EIR for a mining operation inadequate because, among other reasons, the project description omitted mention of the construction of water delivery facilities that were an integral part of the project. "Because of this omission, some important ramifications of the proposed project remained hidden from view at the time the project was being discussed and approved. This frustrates one of the core goals of CEQA.." 118 Cal.App.3d at 830.

This application is similar to the situation in *Santiago* because it is part of the larger Master Plan project. Reviewing this application separate from the Master Plan segments the project by reviewing the impacts associated with this application in a vacuum and violates CEQA. Since the Master Plan has been submitted and is currently under review, this application should rightfully be reviewed as part of the Master Plan.

The Staff Report states that CEQA requires a cumulative impacts analysis only when an EIR is prepared for a project. This horsebarn "project" is part of the larger Master Plan project. Maintaining this horsebarn as a separate "project" circumvents the purpose of the Master Plan and the environmental review associated with it. The Master Plan will likely require an EIR and therefore, a cumulative impacts analysis. If approved, this horsebarn, which is part of the greater Master Plan, will be existing by the time the EIR is prepared and therefore, the cumulative impacts analysis will be moot. Yet a prior Staff Report stated that locating the barn on the upper terrace would "set the stage" for future biomedical development at this location. Therefore, approval of this horsebarn in the location proposed will establish an additional "cluster" on the upper terrace before the Master Plan is approved. For this reason, the horsebarn application must be processed with the Master Plan so that appropriate CEQA review can occur for all development on this property.

The case cited in the Staff Report (*San Franciscans for Reasonable Growth v. City and County of San Francisco*, 1984, 151 Cal.App.3d 61) involved EIRs being prepared for four different office buildings and to what extent the EIR must address the cumulative impacts associated with other projects undergoing environmental review. The court discussed the necessity of including other projects undergoing environmental review in the cumulative impacts

analysis but noted that the extent of this review must be reasonable, but not necessarily perfect. The constant submittal of applications in a city would make complete cumulative analysis of every application overly burdensome. This **is not** the situation in this case. Here, applications to be included in the cumulative impacts analysis are known. The application for the horsebarn, which is clearly a part of or at least affects the larger Master Plan, should **rightfully** be reviewed all together rather than in a piecemeal fashion. There is no threat of additional applications which may be submitted and become a part of the cumulative impacts analysis, thus dragging on the environmental review process. Furthermore, the Staff Report states that environmental review has not started for the Master Plan. This is not legally correct in that the "County of Santa Cruz Environmental Review Guidelines" provide at section 500 (b) that, "...the lead agency shall begin the formal environmental evaluation of the project after accepting the application as complete and determining that the project is subject to CEQA." The Master Plan application was accepted as complete on July 1, 1999 and County Code section 13.10.647 (e) (1) expressly provides that the adoption of a Master Plan for a Biomedical Livestock Operation is "subject to environmental review." Therefore, environmental review began at the time the Master Plan was deemed complete and the Master Plan is subject to such review because it is a Biomedical Livestock Operation.

SOAL commends the Staff for recommending denial of the proposed irrigation lines for pasture irrigation on the upper terrace noting the prematurity of such approval because of its relationship to the Master Plan. **SOAL** requests that the same treatment be given to this barn.

3. **Mixing Uses on the Upper Terrace**

The Coastal Commission submitted a letter regarding this proposed application on March 17, 1998. This letter was not submitted as an attachment to the Staff Report. This letter is attached for ease of reference. In this letter from Rick Hyman to Paia Levine and Kim Tschantz, Mr. Hyman states that in either case, whether the equestrian facility will be part of or separate from the biomedical livestock operation, it is premature to act separately on the proposed equestrian facility. Mr. Hyman also highlights the integral relationship of biomedical and equestrian uses combined under this application. This is clearly in contravention of the minute order of the Board of Supervisors in directing that this application be processed, as their intention was to process applications unrelated to the Biomedical Operation.

The Staff Report notes that the proposed horsebarn would screen the 4 other proposed goat barns and the support building from view from Wilder Ranch State Park. This evaluation again shows the interconnectedness of the horsebarn with the Master Plan. Additionally, in approving the horsebarn, another cluster has begun for **further** expansion of the biomedical use of the property without proper environmental review. The increased number of clusters on the property has the effect of increasing the removal of agricultural land from production.

4. Existing Violations

Old Condition of Approval IV. A. has been removed. This condition stated that no building permit shall be issued until, "Any code violation has been resolved to the satisfaction of the Code Compliance **staff** of County Planning." While the Board of Supervisors directed that further enforcement of the red tag for the military tents shall not be pursued, they did not direct that this abatement of enforcement shall apply to any other violations on this property. Therefore, this condition should be included with a provision exempting the red tag on the tents from resolution prior to permit issuance for the horse barn, however, the red tag on the tents must be resolved in connection with the processing of the Master Plan.

5. Old Caretaker's Facility and Stables

The Old Caretaker's facility which is currently being used for housing horses and goats is proposed to be removed within 2 years of permit issuance for this horsebarn. The Applicant has previously stated that this new horsebarn is a replacement for the Old Caretaker's Facility. Therefore, upon the completed construction of this new barn, the structures at the Old Caretaker's Facility would be unnecessary. Allowing the continued use of the Old Caretaker's Facility **after** the construction and habitability of the horsebarn effectively allows continued use by biomedical goats and establishes yet another cluster on the upper terrace. Additionally, over a period of 2 years, the housing of goats at the Old Caretaker's Facility will render the soil unreclaimable for agriculture both economically and practically due to the amount of hoof compaction and pollution caused by excrement. The proposed horsebarn is a replacement for the stables at the Old Caretaker's Facility. Therefore, the Old Caretaker's Facility should be vacant once the new horsebarn is complete.

There are new structures, such as shelters built over the paddocks and pens, at the Old Caretaker's Facility. All structures aside from the Old Caretaker's building have been constructed illegally and must be removed prior to the issuance of any permit for this property.

6. Well

According to the Conditions of Approval proposed for the 86 gallon water storage tank holding water from this well for domestic and horse watering needs only may be replaced by a tank not exceeding 1,000 gallons. This Condition removes the assurance that the impact of this well on nearby wells will not be significant. The Master Plan notes that this well will produce 16 acre feet per year. Should this water source be used later as part of the Master Plan, the impact on this well will be significant.

7. Manure Management

The concrete manure bunker is not advertised or noticed as part of this project. Yet manure bunker is a required part of this project as a mitigation measure for the negative declaration which referenced the implementation of the manure management plan (which included the concrete manure bunker). Furthermore, the manure bunker shown on the upper terrace is in the Master Plan and is approximately 30 ft by 60 ft by 8 ft tall (or 14,400 cubic feet) There is no evaluation or discussion of the manure bunker nor the sufficiency of the manure management plan in the Staff Report. If there is to be no concrete manure bunker constructed, the manure management plan and mitigation measures for the Negative Declaration must be modified to address this change. This would require recirculation of the Negative Declaration for comments.

The prior condition of approval for cleaning the barns and corrals 1 to 3 times a week has been removed, and not replaced. As discussed SOAL's letter dated June 21, 1999, this infrequency of cleaning is insufficient and will result in a massive insect problem as well as unhealthy environment for the horses. At a minimum, the manure must be removed from the barn daily. The failure to include such a condition of approval will result in an unhealthy condition for both the horses and humans if the applicant's intention is to clean the barns with the infrequency previously indicated.

8. Visual Impacts from Wilder Ranch State Park

The proposed barn and related structures will be visible from Wilder Ranch State Park. The proposed planting of evergreen trees to screen the building from visibility is inadequate. This is due to the size of the building (32 feet high), the fact that the proposed species of trees are particularly slow growing and the size of the trees to be planted will take years (8 to 10 years according to the Staff Report) before they will significantly reduce the visibility of the barn. Large adult trees must be required to screen the barn from view from visitors to Wilder Ranch State Park.

The visual impact caused by the outdoor lighting of the barn will impact not only the nocturnal species in Majors Canyon but those animals living on land surrounding the project site, in addition to impacting nearby residents. The letter from David Vincent, District Superintendent for the State of California, Department of Parks and Recreation dated January 21, 1999, states that mitigation measures to reduce the lighting impacts caused by the proposed project are not sufficient. This is particularly due to the use of Wilder Ranch State Parks for stargazing. The lighting plan including the necessary information regarding the footcandles and illumination intensity has not been made available for public review prior to the public hearing, in violation of CEQA as the public has not had an opportunity to understand and meaningfully comment on this lighting plan. It is unknown whether the mitigation measures proposed will be adequate because there is insufficient information upon which to base such evaluation. Additionally, the impact of the lighting was not analyzed in the Initial Study or Negative Declaration in violation of CEQA.

All visual impacts resulting from this project can be mitigated by relocating this personal horse barn closer to the primary residence on the property. This relocation would also solve the problem of beginning a new cluster on the property discussed above.

9. Consistency with Surrounding Uses

Although the purpose of the proposed barn is the housing of horses, the barn is designed to be 32 feet in height. Standard horse barns and stables are designed to accommodate horses and range in height from 10 feet to 20 feet depending on whether the barn includes a second story for storage of feed and equipment. The size and height of this barn far exceed the square footage and height needs of a barn for 8 horses, even by luxurious standards. The excessive height and size of the barn render it inconsistent and incompatible with the physical design aspects and land use intensities of the surrounding neighborhood now including a State Park.

Due to the excessive height of this barn for no apparent purpose, a condition should be included to prevent further expansion of the use of this barn into a second or third floor.

10. Health and Safety of the Horses

At the Planning Commission hearing on this project on June 23, 1999, Mr. Mullin, representing Santa Cruz Biotechnology spoke about the applicants desire to ensure the well being of their horses by providing them with such luxurious accommodations. There are significant problems with the design and operation of this barn which a knowledgeable horse owner would certainly choose to avoid. Any book on horse care would address these issues and direct an owner to avoid such problems whenever possible.

The location of the barn is too far removed from the residence. When horses become ill or injured, they will make quite a bit of noise. Upon hearing these sounds of distress, a horse owner or caretaker is able to provide care to the horse in a timely manner. With the barn situated so far from the applicant's home, it would be impossible for them to hear these signs of distress should one of their "prized show horses" become ill or injured. Relocating the barn closer to the main residence or to the planned caretakers house on the lower terrace would reduce this problem.

As Staff noted, the partitions between the stalls, as designed, are insufficient. These partitions must be at least 8 foot high of a solid material to prevent horses fighting thru and/or across the partitions. The other option would be to run hot wires along the top, middle and lower rails of the partitions. However, leaving the gates between the stalls as they are would result in the problems discussed below.

The gates between the stalls must be of a solid material and a similar height to the stall walls. Otherwise, the horses will choose the gate location to socialize and fight. Also, the gates

Planning Commission

Santa Cruz Biotechnology Horse Barn Application

September 7, 1999

must be solid to prevent a horse getting a foot stuck between rails. A more appropriate design would be for each stall to have a door to the outside which would open onto a paddock or pasture. This would prevent the necessity of removing horses from the stalls to let other horses outside.

Staff notes that the applicant intends to make the partitions between the stalls easily removable in the event that a mare and foal should need to share a stall. While mares with foals do require a larger stall than a single horse (14 ft. By 14 ft. is recommended), the stalls in this barn are 12.5 ft by 30 ft. This size is more than adequate for any foaling stall. This information is easily retrievable from any book on horse care. Therefore, the reasoning for making the stall partitions removable, and therefore less durable, ceases to exist.

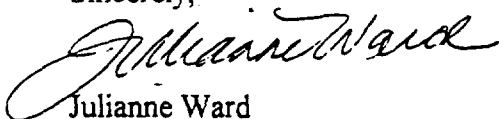
Rice hulls is not a standard bedding material for horses. Similarly, bedding is commonly delivered in bulk rather than in bags. Baled feed generally arrives by truck as well. This manner of delivery requires that a truck have access to the storage area for the bedding. The design of this barn requires that such delivery truck drive thru the barn to deliver the bedding. Horses and trucks do not get along, therefore, it does not make sense to locate the bedding and food area across the barn aisle from the stalls. A more appropriate design would be to make the feed and bedding storage areas easily accessible from the exterior of the barn.

The floor plan of the barn shows three large storage areas for Sudan Grass, the majority of feed stored in the barn. Sudan Grass is not an appropriate horse feed. In fact, Sudan Grass is listed in the U.C. Davis Book of Horses as a Common Plant Poisonous to Horses (see attached). Therefore, it is unwise for the applicant to feed Sudan Grass to their "prized show horses."

State of California, Department of Parks and Recreation (Letter from David Vincent, District Superintendent dated January 21, 1999), Department of Fish and Game (Letter from Brian Hunter, Regional Manager, Central Coast Region dated January 27, 1999) and Coastal Commission have noted that there are significant problems with this proposed project.

Thank you for your attention to these matters.

Sincerely,



Julianne Ward
Executive Director

Table 2 (cont.)
Some Common Plants Poisonous for Horses

Common Name	Scientific Name	signs of Poisoning	Trouble Spots	Plant Characteristics
St. John's-wort	<i>Hypericum perforatum</i>	Photosensitization	Perennial herb in pastures, roadsides, dry soil	Yellow flowers with many stamens. Leaves opposite, dotted
Rattlebox	<i>Crotalaria</i> spp.	Incoordination, walking in circles, jaundice	Roadsides, fields	Annual or perennial legume with yellow flowers
Sudan grass, sorghum	<i>Sorghum vulgare</i>	Incoordination of the hind end, incontinence , bladder infection	Planted for pasture, hay, or silage	Tall, robust grass

Table 3
Some Ornamental Plants, Shrubs, and Trees Potentially Poisonous for Horses

Common Name	Scientific Name	Clinical Signs	Plant Characteristics
Black locust	<i>Robinia pseudoacacia</i>	Colic, depression, convulsions	Shrub to a large tree. Leaves compound and flower pea-like. Fruit a long pod
Oleander	<i>Nerium oleander</i>	Colic, diarrhea, sweating, irregular heartbeat	Leaves long and linear. Flowers in spring, summer, fall
Foxglove	<i>Digitalis</i> spp.	Same	Large, bell-shaped, multi-colored flowers. Grows in moist, cool gardens and in the wild
Yew	<i>Taxus</i> spp.	Sudden collapse and death	Needles dark green above, light green below. Seed in red, fleshy cup
Red maple	<i>Acer rubrum</i>	Loss of appetite, depression, anemia, jaundice	Wilted maple leaves are the source of poison
Black walnut	<i>Juglans nigra</i>	Laminitis (founder)	Shavings and sawdust bedding are the source of poison
Lantana	<i>Lantana camara</i>	Jaundice, liver failure	Yellow-to-lavender flowers

[Home](#)

AMERI STALL

ATTACHMENT 4

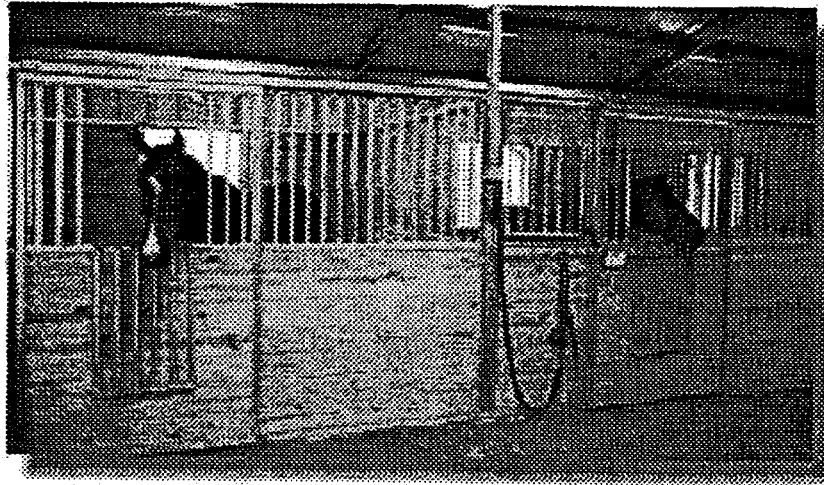
[Contact Us](#)

[Barns](#)

[Quote ?](#)

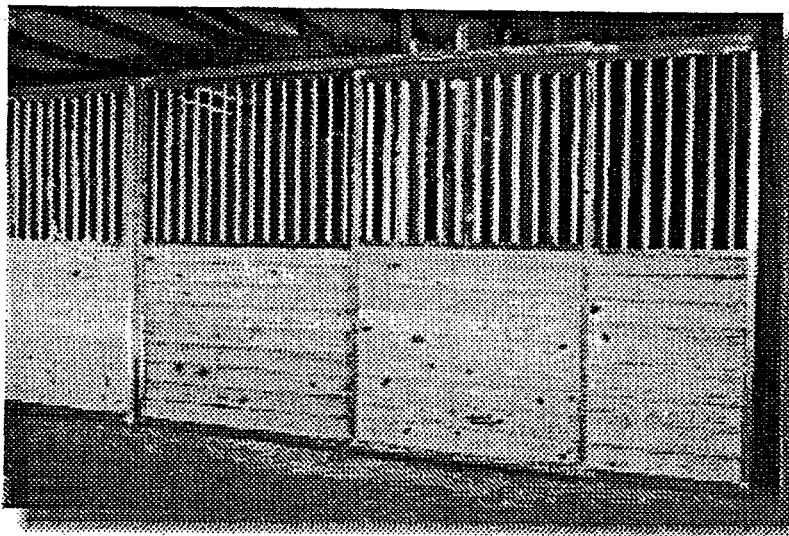
[Amari Stall](#)

Horse Stall Components



Drop Door - Allows the horse the freedom of visibility of alley and other stalls, reducing stall tension and creating a more relaxed horse.

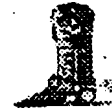
Feed Door - Allows Access to hay, grain and water without entering, stall.



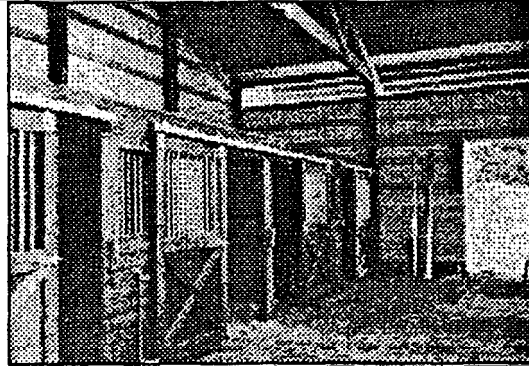
Ameri Stalls galvanized construction will give you longer life and better appearance than painted stalls.



HORSE BARNS & ARENA



B & V Enterprise is licensed as General Contractors in California (CL # 553969) and Oregon (OCL # 72541). We build Horse Facilities, Pole Barns, Indoor Riding Arenas and Pipe Corrals. From small pole barns and pipe corrals, to large pole barns and pipe corrals..we've got you covered!

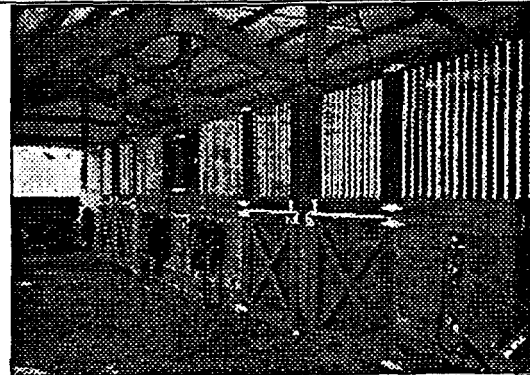


Constructed Stalls

Featuring sliding doors for easy access, with attractive grill fronts. In your barn, the first thing someone looks at are your stall fronts,

Quality Workmanship

If you desire, your stalls can be stained or painted to your specifications - for the most discriminating horse owner.

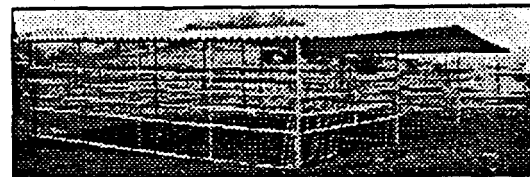


Open Air Barns & Pipe Corrals

These are constructed of 1 5/8" or 1 7/8" heavy-wall galvanized steel tubing. All risers are notched and completely welded between rails on 6' centers.

Call B & V For An Estimate!

Design your facility using standard lengths of 12', 16', 20', or 24', ranging in heights from 4' three-rail to 6' seven-rail. Custom lengths and heights are also available. 6' wide **entry** gates are standard for the safety of you and your horse.



Advantages

FAQ

HCA Barns

Gable Barns

Gambrel Barns

Shedrow Barns

Free Span Buildings

Garages

Round Pens

Hay Barns

Corrals

Accessories

Specifications

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Distributors

Video

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Opportunities

BARNMASTER

The Choice of Horse Owners Worldwide
Designed For Horsemen By Horsemen
1-800-500-BARN (2276)



Official Barn of the



A.Q.H.A.

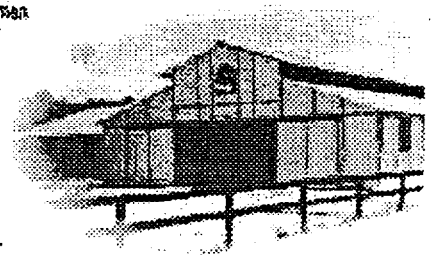
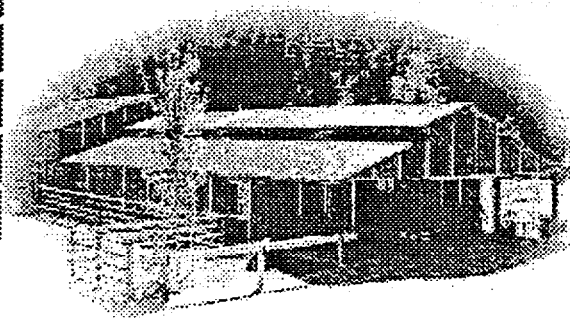
Official Barn of the



WESTERN HORSE SHOW



BARNMASTER, INC.
 Designed for Horsemen
 by Horsemen



Welcome to Barnmaster's Website. Please take a tour through our site. Be sure to move pointer over each picture throughout the site to **get** even more specific information al products.

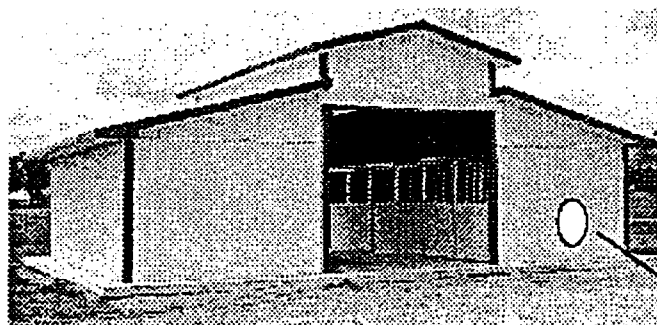
*10124 Channel Road
 Lakeside, CA 92040*

**Barnmaster has two factory
 locations to serve you. Our
 factories are open to the public.
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 Midland, TX*

California

Texa



Standard Galvanized Stall Grills Shown
4, 6, 8, 10 or as many stalls as you need!

"STATE-OF-THE-ART" ALL STEEL RAISED BREEZEWAY HORSE BARN

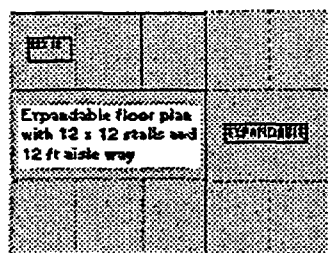
Insulated or Non-Insulated

26 GA PREFINISHED
OUTER PANEL

2" HIGH DENSITY POLYURETHANE
BONDING INSULATION

ATTRACTIVE PREFINISHED
SHALLOW CONTOUR
INNER LINER

INTER-LOCKING TONGUE
& GROOVE WALL PANELS



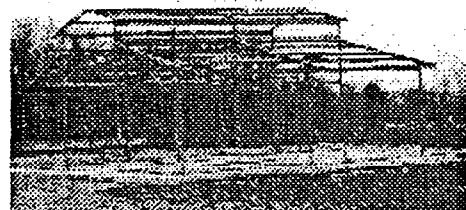
STANDARD FEATURES

- Continuous ridge cap ventilation
- Continuous skylight on both sides of the raised breezeway
- 3½" High x 12" wide breezeway sliding end doors
- 12" wide aiseways
- Independent 100% galvanized steel frame
- Insulated or non-insulated roof and side panels
- Embossed white or tan 20 year finishes
- Four popular contrasting trim colors (Evergreen, Twilight Blue, Colonial Red, Dark Bronze)
- Four popular contrasting trim colors
- Raised rib roof panel with reversed rib side panels
- 12" x 12" stalls

- Galvanized gridded stall fronts with 4" x 7" sliding doors
- Attractive white shadowline interior walls (insulated panels only)
- Attractive 3:12 pitch slope roof
- 40 lb snow load roof
- 80 mph wind loads
- 16" overhang on all roof sides of insulated barn

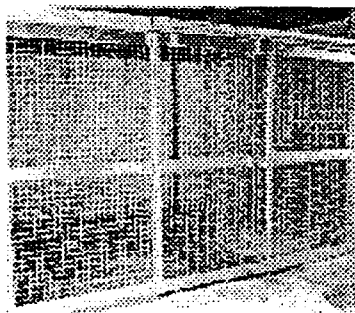
GALVANIZED FRAME ONLY.
PROVIDE YOUR CHOICE OF
ROOFING, SIDING, AND
INTERIOR MATERIALS.

Insulated Roof and Wall Panels are constructed with a conventional look and extraordinary structural capability. The panels incorporate new technology with outer and inner skins bonded using polyurethane foam insulation. The finished panels are 2" thick with an "R" value equivalent to most homes, strength and fire rating is beyond panels constructed of plywood. Low maintenance is achieved using these panels in conjunction with 14 gauge galvanized rectangular tube framing without any welds; therefore minimizing corrosion.



Optional Galvanized Mesh
Stall Panels or Mesh Grills
provide excellent ventilation
and visibility.

Add optional swing out feed-
ers and waterers for conven-
ience and
savings (not shown)



OPTIONAL MESH PANELS

OPTIONAL FEATURES

- External hinged dutch paddock doors (\$350 each)
- External sliding solid or dutch paddock doors (\$450 each)
- 16" wide aiseways (\$500 per each 2 additional stalls)
- Breezeway and stall windows (\$100 each)
- Galvanized swing out grills (\$50 each)
- Galvanized swing out hay and grain feeders (\$155 each)
- Galvanized swing out water doors (\$79 each)
- Galvanized insulated thermo buckets (\$69 each)
- 2" mesh galvanized stall panels and doors (no extra charge)
- 2" mesh galvanized grills and doors (no extra charge)
- Rubber stall mats (\$4.14 per stall)
- Tack room instead of stall (\$1000 each)



Barn Description	2 STALL	4 STALL	6 STALL	8 STALL	10 STALL	12 STALL
FULL INSULATION	\$17,000	\$25,000	\$33,000	\$41,000	\$48,000	\$57,000
NO INSULATION	9,000	15,000	21,000	27,000	33,000	39,000
FRAME ONLY	5,000	8,000	11,000	14,000	17,000	20,000

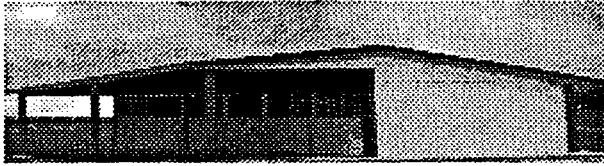
PRICES: F.O.B. COLUMBUS, OH

• SITE READY BY CUSTOMER

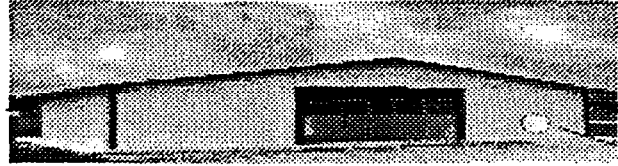
OPTIONAL MEAN WALLS

• SITE READY REQUIREMENTS:

4" Thick concrete slab floor for 10-12" concrete footer with foot line depth as recommended



Shed Row Design



Cable Barn Design



ROBERT HIRTH
Attorney at Law
2100 Tulare St. Suite 412
Fresno, CA 93721
(209) 498 9424

September 7, 1999

Planning Commission
County of Santa Cruz
701 Ocean St, Room 400
Santa Cruz, CA 95060

VIA FACSIMILE : ORIGINAL TO FOLLOW BY USPS

Re: Application # 97-0848, Stephenson Equestrian Facility Permit

Dear Commissioners,

This letter is to comment on the latest Staff Report to the Commission. My client, David Landino, has again asked me to write and again state his opposition to a piecemeal granting of permits on this project.

In the past we have laid out our concerns about water and the loss of prime agricultural land because of the lack of clustering of buildings. We renew these concerns by this letter and once again bring to the Commission our concerns about the non-unitary approach to this project.

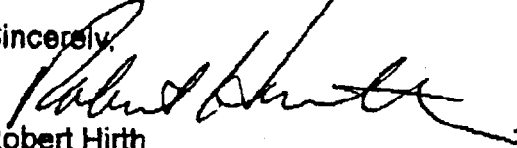
The area which the applicant has proposed for his horse facility is presently being used for the biomedical goat operations. We have previously pointed out that if this "equestrian facility" is for the use of the applicants, it should be clustered with the residence and not at the present site which requires additional roadways, parking and other paved areas. CEQA requires a careful examination of the cumulative effects of any project. By granting permits for small portions of the project, fences here, tents there, a horse barn here and who knows what will be next, the Commission has violated the spirit, if not the letter of CEQA. How can cumulative effects be studied if the project is allowed to be built in small portions, without the preparation and review of the Master Plan, Environmental Impact Report and any other studies which might be needed for a project of this size and scope?

We would ask the Commission to not approve any further development, of any kind, without a complete Master Plan and associated studies being reviewed, opened for public comment and approved by both this Commission and the Board of Supervisors.

We thank you for your attention to this extremely important matter. We ask that we be notified of any further action by this Commission on any further applications of this

applicant for this or any related project. We would ask also that we be notified of any further applications for any biomedical livestock operations anywhere in the County.

Sincerely,



Robert Hirth
Attorney for David Landino, Sr.

BOARD OF SUPERVISORS MINUTE ORDER OF
SEPTEMBER 23, 1997

AND

PROCESSING CONTRACT FOR APPLICATION 97-0648
SHOWING WHEN THE APPLICATION WAS MADE

MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY FOR
APPLICATION 97-0648

Job No. 12809
Application No. 97-0648
Assessor's Parcel No. 59-021-08/02-151-03

CONTRACT FOR PROCESSING OF PROJECTS AT COST

THIS AGREEMENT is entered into this 8TH day of SEPTEMBER 1997, by and between JOHN R. BRIDA STEPHENSON, hereinafter referred to as Applicant, and the County of Santa Cruz Planning Department, hereinafter referred to as Department.

RECITALS

WHEREAS Applicant has filed with the Department an application for A COASTAL ZONE PERMIT FOR BARN, STORAGE TANKS AND WATER LINE EXT. (hereinafter referred to as "Project"), and;

WHEREAS the scope of said Project requires processing as follows: review of relevant policies and issues; analysis of the application thereof to Applicant's proposal; preparation of recommendations thereon; presentation before the Planning Commission and Board of Supervisors; and issuance of findings, decisions, and permits if approved, and;

WHEREAS County resolution requires that the Applicant bear the actual cost of all work necessary for the processing of said Project as set forth in this Agreement.

AGREEMENT

NOW, THEREFORE, the parties hereto mutually agree as set forth the following. Upon execution of this Agreement, pursuant to applicable statutes and ordinances, the Department shall initiate all necessary action for processing of said Project.

1. Estimated Cost

It is estimated that processing of this Project will require 13.7 hours of Planning Department staff time. The estimated cost of such work necessary for the processing of said Project is \$1,000.00 exclusive of costs for building permits and service and capital improvement fees which are to be paid separately. This is an estimate only and may change due to variations in the application, scope of review or other now unforeseen reasons. In any event, Applicant shall be liable for reimbursement of all Department costs incurred if these estimated times and amounts are exceeded. Similarly, if the above estimate exceeds the actual costs incurred by the Department to process the Project the remainder will be refunded to Applicant.

2. Payment for Costs

Applicant shall pay a deposit in the amount of \$1,000.00 concurrent with filing of the application for such Project. Thereafter Department shall mail to the Applicant at the address given below, a monthly statement of actual costs incurred by Department in the processing of said Project (through completion as determined by the Planning Director) based on staff, contract, material and indirect costs. The deposit will be used to offset the cost of processing said application. When the deposit is 75% exhausted, a review will be made by Department staff to determine if a further deposit amount is needed and will so notify Applicant. Department will suspend work on any application if there are no funds on deposit to cover the costs of the work and Applicant will be deemed to waive any processing deadlines under the California Permit Reform Act of 1981 codified under Government Code Section 15374 et seq. In the event that any additional amounts that may be required are not paid by Applicant within 90 days of the first mailing of the notice for additional deposit the Department shall initiate abandonment proceedings under the provision of County Code Section 18.10.430 (a). Should costs not exceed the amount of the deposit, Department shall refund Applicant the remaining balance of the deposit after all Department charges due are paid.

3. Termination of Agreement

Either the Department or Applicant may terminate this Agreement by presentation of written notice to the other party hereto at least ten regular County working days prior to the effective date of said termination. Such termination shall constitute withdrawal of said Project application and shall cause Department to cease all work on said application. In the event of termination, Department shall be entitled to payment for all costs incurred by it prior to and including the effective date of termination. Department shall, in accordance with County procedures, refund Applicant for any portion of deposit paid by Applicant which is in excess of such costs.

4. Amendment of Agreement

No amendment to the terms of this agreement shall be valid unless in writing and signed by all parties hereto.

IN WITNESS WHEREOF, the Department and the Applicant have executed this Agreement effective the date first above written.

XXXXXXXXXXXX TOM BURNS, INTERIM DIRECTOR

By KIM TSCHANTZ Date 9/8/97
Name: KIM TSCHANTZ
Title: DEPUTY ENVIRONMENTAL COORDINATOR

By JOHN R. STEPHENSON Date 9/9/97
Name: JOHN R. STEPHENSON
Title: PRESIDENT + CEO, SANTA CRUZ BIOTECHNOLOGY

APPROVED AS TO FORM:

By Dwight H. Kier
County Counsel

Lead Planner KIM TSCHANTZ
Phone 454-3170

Billed to: SANTA CRUZ BIOTECHNOLOGY, INC
2161 DELAWARE AVE
SANTA CRUZ, CA 95061

On the Date of September 23, 1997

REGULAR AGENDA Item No. 063


ATTACHMENT 4

(Public hearing held to consider the planning
(Commission's recommendation regarding proposed
(amendments to the Santa Cruz County General Plan/Local
[Coastal Program and to the Santa Cruz County code to
(include the raising of livestock for biomedical
(purposes as a conditionally allowed use in the
(agricultural zones;
(adopted RESOLUTION NO. 390-97 adopting amendments to
(the County General Plan/Local Coastal Program Land Use
(Plan and implementing ordinances regarding the raising
(of livestock for biomedical purposes in the
(agricultural zone districts; adopted ORDINANCE NO.
(4474, as amended, amending County code section
(13.10.312 relating to agricultural uses, section
(13.10-700-L relating to definitions, and adding
(section 13.10.647 relating to biomedical livestock
(operations; certified the conditional negative
(declaration; directed Planning to submit the
(amendments to the County General Plan/Local Coastal
(Program and implementing ordinances to the California
(Coastal Commission in the next available round of
(amendments; and
(approved interim use at Santa Cruz Biotechnology,
(Inc.'s operation on the north coast, pending approval
(of its master plan, to the development of structures
(for which Planning has current applications and to
(limit the goat population to a 10% increase over the
(current number...

Public hearing held to consider the Planning Commission's recommendation regarding proposed amendments to the Santa Cruz County General Plan/Local Coastal Program and to the Santa Cruz County Code to include the raising of livestock for biomedical purposes as a conditionally allowed use in the agricultural zones;

Upon the motion of Supervisor Almquist, duly seconded by Supervisor Beautz, the Board unanimously adopted Resolution No. 390-97 adopting amendments to the County General Plan/Local Coastal Program Land Use Plan and implementing ordinances regarding the raising of livestock for biomedical purposes in the agricultural zone districts; adopted Ordinance No. 4474, as amended, amending County code section 13.10.312 relating to agricultural uses, section 13.10.700-L

State of California, County of Santa Cruz-ss.

I, Susan A. Mauriello, Ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California, do hereby certify that the foregoing is a true and correct copy of the order made and entered in the Minutes of said Board of Supervisors. In witness thereof I have hereunto set my hand and affixed the seal of said Board of Supervisors.

Page 1 of 4

On the Date of September 23, 1997,

REGULAR AGENDA Item No. 063



ATTACHMENT 4

relating to definitions, and adding section 13.10.647 relating to biomedical livestock operations; certified the mitigated negative declaration; and directed Planning to submit the amendments to the county General Plan/Local Coastal Program and implementing ordinances to the California Coastal Commission in the next available round of amendments;

Motions made by Supervisor Almquist, seconded by Supervisor Wormhoudt, to amend Section 13.10.647(c) Application Requirements to add a sentence at the end of the paragraph that would add a requirement to prepare an environmental impact report if the applicant proposes to manage more than 1,000 livestock in the operation for which approval is being sought; and to amend Section 13.10.647(e)(2) last paragraph to read: With respect to the foregoing, APAC shall make its recommendation based on the number of animals which could be feasibly and economically grazed on that part of the site that is capable of being farmed as grazing land, assuming a minimum 40% of feed will be from grazing on-site."; motions failed with Supervisors Beautz, Symons and Belgard voting "no";

Upon the motions of Supervisor Almquist, duly seconded by Supervisor Beautz, the Board unanimously approved an amendment to Section 13.10.647(g)(2) changing sentence to read, in part, "The Public Health Officer, the Director of Animal Control and/or Planning Staff shall have the right to make random, unannounced inspections and/or investigations of any Biomedical Livestock Operation including access to all databases containing information on the livestock which is part of the biomedical livestock operation, as necessary to determine..."; and to amend Section 13.10.647(c)(2)(i) adding a sentence to read: "Structures for housing livestock shall be open to permit free air flow through the structure.";

Motion made by Supervisor Symons, seconded by Supervisor Belgard, to amend Section 13.10.647(c)(2)(ii) second line, to change the reference to 2% from 1%, and change the last line to read: "...shall not count towards the coverage maximum"; motion failed with Supervisors Beautz, Almquist and Wormhoudt voting "no";

County of California, County of Santa Cruz-ss.

Susan A. Mauriello, Ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California, do hereby certify that the foregoing is a true and correct copy of the order made and entered in the Minutes of said Board of Supervisors. In witness thereof I have hereunto set my hand and affixed the seal of said Board of Supervisors.

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BOARD OF SUPERVISORS MEETING

On the Date of **September 23, 1997**

REGULAR AGENDA . Item No. 063



ATTACHMENT 4

Motion made by Supervisor Belgard, seconded by Supervisor Symons, to amend Section 13.10.647(e)(2) last sentence to read: "With respect to the foregoing, APAC shall make its recommendation based on a formula that requires 35 square feet of structure per goat or sheep, and 40 square feet of structure for swine to establish the maximum number of animals possible under consideration by APAC."; motion failed with Supervisors Beautz, Almquist and Wormhoudt voting "no";

By consensus, the Board directed staff to include reference to the Animal Control Ordinance in Ordinance No. 4474 and directed the County Administrative Officer to include the issues raised regarding the humane treatment of animals as a part of the Animal Control Ordinance which is currently being modified;

Upon the motion of Supervisor Almquist, and duly seconded by Supervisor Beautz, motion was made to restrict growth at Santa Cruz Biotechnology, Inc.'s north coast facility, pending approval of a master plan, to the additional proposed structures for which the Planning Department has current applications;

Motion made by Supervisor Belgard, seconded by Supervisor Symons, to amend the main motion to allow 10% growth in the number of goats at the north coast facility; motion failed with Supervisors Beautz, Almquist and Wormhoudt voting "no";

Upon the motion of Supervisor Almquist, duly seconded by Supervisor Belgard, the Board, with Supervisor Wormhoudt voting "no", reconsidered motion to allow 10% growth in the number of goats at the north coast facility;

Upon the motion of Supervisor Belgard, duly seconded by Supervisor Symons, the Board, with Supervisors Beautz and Wormhoudt voting "no", approved allowing a 10% increase to the existing number of 1,525 goats at Santa Cruz Biotechnology, Inc.'s facility on the north coast prior to approval of its master plan;

-Approved main motion, as amended, by unanimous vote, to restrict growth at Santa Cruz Biotechnology, Inc.'s north coast facility, pending approval of its master plan, to the development of

County of California, County of Santa Cruz-ss.

Susan A. Mauriello, Ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State California, do hereby certify that the foregoing is a true and correct copy of the order made and entered in the Minutes of said Board of Supervisors. In witness thereof I have hereunto set my hand and affixed the seal of said Board of Supervisors.

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EXHIBIT C

AT THE BOARD OF SUPERVISORS MEETING
On the Date of September 23, 1997

REGULAR AGENDA Item No. 063



ATTACHMENT 4

structures for which Planning has current applications and to limit the goat population to a 10% increase over the current number

cc:

CAO
County Counsel
Lloyd Williams
Paul Bruno
Back Ranch Road Association
Santa Cruz Biotechnology, Inc.
Save Our Agricultural Land
Environmental Health Services
County Health Officer
Agricultural Commissioner
UC Extension Services
Agricultural Policy Advisory Commission
Rich Casale, NRCS
Planning Commission

~~State of California, County of Santa Cruz, ss.~~

~~I, Susan A. Mauriello, Ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California, do hereby certify that the foregoing is a true and correct copy of the order made and entered in the Minutes of said Board of Supervisors. In witness thereof I have hereunto set my hand and affixed the seal Of said Board of Supervisors, on October 1, 1997.~~

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by Vandy Hauen, Deputy Clerk

COUNTY OF SANTA CRUZ
PLANNING DEPARTMENT

Date: June 23, 1999
Agenda item: No.: 2
Time: After 9:00 a.m.

STAFF REPORT TO THE PLANNING COMMISSION

APPLICATION NO.: 97-0648

APN: 59-021-08/62-151-03
(A single parcel)

APPLICANT: John and Brenda Stephenson

OWNER: John and Brenda Stephenson

PROJECT DESCRIPTION: Proposal to implement the following agricultural improvements:

- a) Construct an 8,000 square foot agricultural barn with a rest room;
- b) Install five 4,975 gallon water storage tanks;
- c) Install two parallel water lines of approximately 2,000 lineal feet from the "Upper Reservoir" to the proposed storage tanks;
- d) Install another water line of approximately 2,200 lineal feet from a new well and 86 gallon water storage tank to the proposed barn;
- e) Use a recently drilled well for agricultural purposes;
- f) Grading of 840 cubic yards of earth to facilitate the construction of the facilities listed above, all for private equestrian use; and
- g) Install a livestock grain silo measuring 9 feet in diameter and 24 feet in height near goat barns #4 and #5 on the parcel.

This project is a modification of an earlier project that was originally scheduled to be heard by the Planning Commission on November 12, 1998 but was continued.

LOCATION: The parcel is located on both sides of Back Ranch Road at its intersection with Highway 1, four miles northwest of the Santa Cruz city limits, Bonny Doon area. The project site is located at the northeast portion of the parcel 1.05 miles up Back Ranch Road from its intersection with Highway 1.

PERMITS REQUIRED: Coastal Zone Permit and a Grading Permit

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration issued on May 11, 1999

COASTAL ZONE: X yes ___no APPEALABLE TO CCC: X yes ___no

PARCEL INFORMATION

PARCEL SIZE: 208 acres

EXISTING LAND USE: PARCEL: Agriculture

SURROUNDING: Agriculture and rural residential

PROJECT ACCESS: Back Ranch Road, a private right-of-way serving several parcels

PLANNING AREA: Bonny Doon

LAND USE DESIGNATION: "Agriculture" land use with an "Agricultural Resource" overlay

ZONING DISTRICT: "CA" (Commercial Agriculture)

SUPERVISORIAL DISTRICT: 3

ENVIRONMENTAL INFORMATION

<u>Item</u>	<u>Comments</u>
a. Geologic Hazards	a. None
b. Soils	b. A severely eroded seasonal drainage is located 100 feet east and down slope of the project site; however, no erosion problems have occurred at the project site. This issue is discussed under items A. 2 and A.8 of the Initial Study.
c. Fire Hazard	c. The project site is not located within a critical fire hazard area, but the County Fire Department has required extensive fire protection measures. This issue is discussed under item H.3.a of the Initial Study.
e. Env. Sensitive Habitat	e. The two reservoirs and Scaroni Creek have been identified as habitat for the federally listed threatened animal species, California red-legged frog. Three biotic surveys have been conducted in the vicinity of the project site and have determined that occurrences of native grasses and forbs, indicative of coastal terrace prairie, are limited to about 1-2% of vegetative cover on the site. No listed-plant species are located at the project site. These issues are discussed under items C.1 and C.2 of the Initial Study. Attachments 9-11 of the Initial Study provide the results of the biotic surveys .**
f. Grading	f. The ground disturbance that will occur is the excavation of 840 cubic yards to provide a flatter area for the building site. Cut and fill grading would be balanced. This issue is discussed under item A.3 of the Initial Study checklist. Grading plans are provided in Exhibit I.
g. Tree Removal	g. No trees will be removed with this project.
h. Scenic	h. Portions of the-parcel are within view of scenic corridor Highway 1 and ocean beaches. The project 'site, however,

is not within the **viewshed** of either scenic resource. The project will create a significant change to views from the western edge of Wilder Ranch State Park but this impact can be mitigated by landscape screening. This issue is discussed in more detail under checklist item G.3 of the Initial Study.

l. Drainage

l. Runoff from the project site naturally flows towards a severely eroded seasonal drainage channel. The Negative Declaration includes a mitigation measure requiring a revised engineered drainage plan to be prepared and submitted to Planning staff for review and approval prior to public hearing on the project. The applicants have submitted a satisfactory plan to Planning which is included in Exhibit 1. Item B.9 of the Initial Study discusses this issue in more detail.

j. Traffic

j. This project is for a grain silo and the private boarding of horses by the property owners who are constructing a dwelling on the same parcel. No significant traffic increase will result from the project.

k. Roads

k. A **450-foot** long driveway from the Back Roach Road to the project site will be constructed to provide site access. The road has been proposed for this length to allow the project buildings and water tanks to be located far enough east of Back Ranch Road to minimize their visibility from other nearby residential properties.

l. Parks

l. NIA

m. Sewer Availability

m. The rest room in one of the barns will be served by a septic tank and leach line system. The system has been conceptually approved by the County Environmental Health Service.

n. Water Availability

n. The project has been redesigned since preparation of the Initial Study to have all five water storage tanks filled by the City of Santa Cruz water system via the "agricultural water line" on the parcel. The City Water Department provided a "will serve" letter for this service. A parallel line from the "Upper Reservoir" will provide water to the tanks for fire protection emergencies. This line will have a locked water.

valve which can only be accessed by the County Fire Department for fire emergencies and testing of the line.

- o. Archeology o. An archaeological reconnaissance was conducted in February 1997 and determined that there are no archaeological resources in areas disturbed by this project.

** Report was required.

SERVICES INFORMATION

W/in Urban Services Line: yes X no

Water Supply: City of Santa Cruz and an on-site well

Sewage Disposal: On-site septic tank system

Fire District: County Fire

Drainage District: Zone 5 of the Santa Cruz County Flood Control and Water Conservation District

EXECUTIVE SUMMARY

This project proposes to construct facilities associated with a private equestrian facility and a silo to store livestock feed on the Stephenson Ranch in the Bonny Doon area. The primary use now occurring on the ranch is the raising of goats for biomedical purposes. With one exception, all the uses proposed by this project would be for the raising of horses for the private use of the property owners. The project does not include any form of public boarding or stabling of horses. The private equestrian facility includes an 8,000 square foot barn, five water storage tanks with a combined capacity of 24,875 gallons and an extension of water lines on the ranch to serve the water tanks. An additional water line would be installed from an existing new well and 86 gallon storage tank to the proposed barn to provide potable water for restroom and animal watering purposes. Balanced grading in the amount of 840 cubic yards would occur to reduce the slope of the 1.4 acre building site from 4% to a range of 2.5-1.3%. Project facilities would all be clustered in the northern portion of the property on an area of grassland that does not presently contain any structures or development. In addition, the project includes a proposal to install a 25 foot high silo with a 9 foot diameter to store livestock feed for goats. This silo would not be located proximate to the other facilities proposed by the project, but rather would be located adjacent to the two most recently built livestock barns used to house goats. These are known as barns #4 and #5 and are located 0.75 mile south of the proposed equestrian facility.

This project would normally be approved as a Level 5 project (public hearing by the Zoning Administrator) but due to some complex issues regarding the project, it has

been referred to the Planning Commission. The original project was scheduled to be heard by the Planning Commission on November 12, 1998. Due to inconsistencies with the noticing of the hearing and a request by the applicants to make modifications to the project, the Commission continued this item. The project now before the Commission is a modification of the original project which has been evaluated by a subsequent Environmental Review since the original project went through the Environmental Review process in 1998. Staff has made findings to approve the project (Exhibit A) according to certain permit conditions (Exhibit B).

ANALYSIS & DISCUSSION

I. BACKGROUND

A. PROJECT BACKGROUND

The applicants, John and Brenda Stephenson, submitted the subject application for the original project (two horse barns) to County Planning on September 9, 1997 and the project was deemed complete on December 9 of that same year. Several public hearings had already been held by both the Planning Commission and Board of Supervisors regarding the use of this 208 acre property for biomedical livestock raising by Santa Cruz Biotechnology. The Stephensons are the owners of this laboratory firm that supplies pharmaceutical research companies with products that are used towards obtaining cures for AIDS and certain types of cancer. While the laboratory is located in Santa Cruz, the raw materials used at the lab are derived from the antibodies in the blood of goats that are raised at the Stephenson's ranch.

On September 23, 1997 the Board of Supervisors took action, in the form of a Minute Order, regarding the biomedical livestock raising use of the property (Exhibit C). In summary, the Board's action restricts the growth of biomedical livestock facilities at the ranch to the development of those structures for which County Planning currently had applications and to limit the increase in goats to 10% over the number that were kept at the ranch on the Minute Order date until a master plan has been adopted for the site. The applications that were on file at County Planning when the Board adopted this resolution were Building Permit applications for two goat barns (now known as barns #4 and #5) and the project now before your Commission. The Commission will be considering a master plan for biomedical livestock raising in this property in the future. An application for a master plan was made by the Stephensons on September 17, 1998.

An Initial Study was prepared for the original project in the early part of 1998 and a Mitigated Negative Declaration was issued by the Environmental Coordinator on May 6, 1998. The original project was considered in public hearing by the Zoning Administrator on June 19, 1998. The original Staff recommendation included in the staff

report to the Zoning Administrator was for approval of the project. However, in the weeks between June 5 and June 19 new information was submitted which created uncertainty about the project's effects on Laguna Creek which Planning staff was unable to resolve by the June 19 hearing date. Therefore, the staff recommendation was changed orally at the hearing to recommend a continuance of the project until the matter could be resolved. The applicant had also made a formal request to continue the item on the day prededing the hearing. In making that request, the applicant's attorney specified those items of the staff recommendation his clients had concerns about. Several members of the public attending the June 19 hearing also voiced their concerns about the project. The Zoning Administrator's action was to refer this project to the Planning Commission with a direction to staff to provide more analysis of four specific items (Exhibit D). The following section of this report discusses these items.

The project was scheduled to be heard by the Planning Commission on November 12, 1998; however, at the meeting just prior to the hearing, two issues were brought forward which resulted in your Commission continuing the item to a future date. First, due to an incorrect description of the meeting location on the hearing notice, County Counsel recommended that the hearing be re-noticed. Second, the applicants presented a modification of the project that would replace the two 4,000 square foot 15 foot high horse barns with a single 8,000 square foot 32 foot high barn. Since that time, additional information has been submitted or other changes made to the project which were not considered in the evaluation of the project in 1998. The project now includes the grading of 840 cubic yards of earth. A well drilled in 1998 for domestic purposes will now be used for agricultural -purposes to serve this project, The primary water source for the 5 water storage tanks has been changed from the on-site "Upper Reservoir" to the water supply provided by the City of Santa Cruz Water Department; thereby alleviating concerns about impacts to Laguna Creek. These changes required a subsequent Environmental Review. The new Initial Study, prepared in March 1999, (Exhibit E) includes a more detailed discussion of the project background as well as more detailed explanations of environmental issues of the modified project.

B. STATUS OF OTHER PROJECTS ON THE SITE

The first discretionary permit to be approved on the parcel since the property was acquired by the Stephensons was Coastal **Zone/Riparian** Exception/Land Clearing Permit 96-0837 for a new **single-family** dwelling, habitable accessory structure and a biotic restoration plan to rectify riparian corridor violations. The Zoning Administrator approved this permit on June 20, 1997. The dwelling and semi-attached game room/guest house have been constructed in the location and according to the design specifications of the permit. Implementation of the restoration plan began in the winter following approval of the permit. Agricultural fencing has been relocated out of the riparian corridor and a majority of new willow plantings have survived in restoration locations along two stream corridors. However, additional work will need to occur to

John and Brenda Stephenson
Application No. 97-0648
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achieve the success criteria for the plan. The Stephensons have hired a botanical consultant to assist them in improving the success of the planting in the following winters.

One issue that was not resolved through Permit 96-0837 was appropriate rectification of the **discing** of an ephemeral stream corridor and where livestock fencing should be located proximate to the ephemeral stream. The applicants made an application for a Riparian Exception to address this issue (Application 97-0779) which requests seasonal livestock fencing to be placed closer than 30 feet from the stream channel. The Zoning Administrator's action on this application has been appealed to your **Commission** and was scheduled for hearing last November 12, but this item, like the subject project, was continued. Since that time, the applicants have discussed several restoration and fencing options with Planning staff and are presently in the process of formulating new plans for the restoration of the ephemeral stream. As these plans have not yet been submitted to staff, this project will need to return to the Planning Commission at a later date. To ensure that this issue is resolved in a timely fashion, the recommended permit conditions for the subject project includes a requirement that final action should be taken on Application 97-0779 prior to issuance of Building and related construction permits for the subject project.

In March County **Planning received** a citizen complaint that several large tents had been erected in the northern portion of the Stephenson parcel to house goats. Code Compliance staff investigated this complaint and determined the tents constituted a violation of County Code because they were erected without benefit of a Coastal Zone Permit and constituted an expansion of biomedical **livestock** raising without an approved master plan. A Violation Notice was issued to the Stephensons on April 8, 1999. Planning staff is presently working to resolve this violation. In the meantime, staff has been directed to continue the processing of the subject application; however, the recommended permit conditions include a requirement that the owner/applicant must have this violation completely resolved before any Building Permit or other related construction permit can be issued for the barn, water tanks or water lines. -(Refer to condition IV. A of Exhibit B).

Finally, there is the application for the master plan which made last September. At this time the application has not yet been deemed complete. The applicants are in the process of submitting additional information requested by Planning staff. Once all requested materials have been submitted and reviewed, the master plan project will be ready for Environmental Review.

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II. ANALYSIS OF FOUR SPECIFIC ISSUES AT THE REQUEST OF THE ZONING ADMINISTRATOR

A. GRAIN SILO

When this application was first submitted, it included a proposal to install a grain silo of a 9 foot diameter and a height of 25 feet near the proposed horse barns. Within a few days of submitting the proposed plans, the applicant revised the plans to relocate the silo to goat barns #4 and #5 located 0.75 mile south of the proposed horse barns. During preparation of the Initial Study for the original project (February 1998 and Revised May 1998) staff deleted the relocated grain silo from the project **description** because, in staffs judgement, the new location of the grain silo no longer made it part of the private horse raising facility for which the application had been made. The applicants objected to the removal of this component of their proposal from the project description and the Zoning Administrator has directed staff to include the silo in the project description now before the Commission. The applicant's have provided a letter from their attorney (Exhibit F) that explains their position regarding the grain silo. In staffs view, however, findings cannot be made to approve the relocated grain silo as part of the current private equestrian facility project. This view is explained below.

A large part of the subject property is engaged in goat raising for biomedical purposes. This type of agricultural use commenced before the County Zoning Ordinance recognized biomedical livestock raising as a use within the County's agricultural zone districts. The County Board of Supervisors took final action on an ordinance permitting biomedical livestock raising subject to certain regulations, on May 19, 1998. Of primary importance is the approval of a master plan for biomedical livestock facilities on parcels where biomedical livestock raising occurs. The project, which is the subject of this report, is not connected with biomedical livestock raising, but rather is a private equestrian facility that would be located on a portion of the property not dedicated to the pasturing or keeping of livestock for biomedical purposes. At the time the **Board of Supervisors** acted to allow the processing of applications on file-at County Planning (prior to September 23, 1997) this application included a grain silo adjacent to the proposed horse barns. The subject application clearly states that all of the facilities proposed under Application 97-0648 are for equestrian use (Exhibit G). Clearly, the relocation of the silo adjacent to the goat barns where **biomedical** livestock raising occurs removes the silo from any association with horse raising for private use. **The** attached findings include statements discussing why the silo portion of the project should be denied.

John and Brenda Stephenson
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APN: 59-02108/062-I 51-03 (a single parcel)

**B. ALTERNATIVES TO PROHIBITING BIOMEDICAL LIVESTOCK
GRAZING WITHIN THE PROJECT AREA**

A second issue the Zoning Administrator requested to be evaluated for this staff report is alternatives to the complete separation of pasturing for the horses to be housed in project facilities and other animals engaged in biomedical livestock raising. The project plans (Exhibit H) submitted as part of the application included an area delineated as the "Permit Area" which staff had understood was the area of the site associated with this project. The area encompasses 44 acres of grassland surrounding the area proposed for horse barns, water tanks and the roadway to these uses. The Zoning Administrator staff report, prepared in June 1998 for the original project, was done with the understanding that the 44 acre area would be needed for horse pasturing and the area would be managed separately from the activities carried out under a future master plan for biomedical livestock raising. The permit conditions recommended to the Zoning Administrator in June included a prohibition of biomedical livestock raising within this 44 acre area. Since that time, the applicants have stated their intention to pasture biomedical livestock with the horses associated with this project and therefore object to the prohibition of pasturing their goats within the 44 acre area surrounding the horse barns.

Planning staff has reevaluated this issue and now believes that the prohibition on biomedical livestock should be restricted to the equestrian facilities themselves and not to the surrounding grazing land. Staffs view has changed, in part, due to the realization that the prohibition, as originally recommended, would isolate the most northeasterly grassland area (about 40 acres) from the remainder of the parcel used for biomedical livestock grazing.

**C. ALTERNATIVE TO DEMOLITION OF THE FORMER CARETAKERS
QUARTERS TO ACHIEVE CLUSTERING OF STRUCTURES**

Presently, there are four separate clusters of buildings on the project parcel (Exhibit I). The project represents a fifth location on the parcel where buildings would be located. As discussed in the Initial Study, both the General Plan and the Zoning Ordinance require minimizing the removal of land that can be used for crop or livestock production on agriculturally zoned properties as a means of conserving agricultural land for farming purposes. The two most commonly used techniques to achieve this objective when siting dwellings or agricultural support facilities are:

1. Locating development on the least productive farmland; and
2. Clustering buildings together in the same location.

At times, more than one single building cluster is needed for security purposes or when there are various forms of agricultural production on the same parcel. The large size

and elongated shape of the Stephenson parcel is one reason why placing buildings in more than one geographical location on the site would be warranted for operational and security needs. However, Planning staff believes that placing buildings in as many as five separate locations is excessive in regards to providing adequate security or to support agricultural activities on various parts of the ranch. Rather, staff recommends locating buildings within a maximum of four locations throughout the ranch. This issue is important because the proposed future master plan contains several new buildings and action on the project before you will set the stage for the number and locations of building clusters to occur on the ranch in the near future when the master plan is considered.

Staff recommends that a total of four building clusters be maintained throughout the parcel to conserve useable rangeland and arable land on the site. This can be achieved by relocating the project facilities to the existing fourth building cluster located northeast of the project site or by moving the facilities within the fourth building cluster to the project site (or one of the other 3 locations of building clusters). The existing fourth building area is limited to an old caretakers dwelling in need of significant repair and adjoining paddocks and stable now used for horses. Moving or demolishing this building would be the least problematic way to maintain a total of four building locations on the parcel while allowing the project to be built in a new area where no cluster of buildings now exist. Mitigation measure I (see Negative Declaration/Exhibit E) addresses this concern by requiring the old caretakers dwelling and stable to be demolished within 2 years of approval of a permit for this project (or prior to construction of any new structure approved as part of a future approved master plan, whichever occurs first). The area now encompassed by the old caretakers dwelling/stable would be converted to open space suitable for livestock pasturing or crop production. This requirement is less stringent than that previously recommended by staff in preparation of the November 1998 Planning Commission meeting. The lengthening of the time period in which to demolish the existing stable facilities from 30 days to 2 years following project approval essentially allow the continuation of the existing use of the buildings (which the applicant asserts are used for agricultural purposes) until the master plan is acted upon. In addition, staff believes the increased time period is more reasonable for agricultural management of the property.

D. WATER USE

The ranch has a rather complex water system that procures water from several different sources. Two main sources of water are the City of Santa Cruz Water Department and a private water diversion on Laguna Creek, which is located on the adjoining Mills property. Water is also obtained from a well located near the Laguna Creek diversion, another water well located on the parcel, and to a lesser extent, from rainfall into two on-site reservoirs. The City Water Department provides limited water service to some north coast properties located near the city's north coast water line which runs parallel

and near to Highway 1. The Water Department provides two separate water lines to the ranch. One is a domestic line of treated water for domestic use. Up to **two** dwellings on the parcel can be **served** by this line. The other line is an agricultural irrigation line that provides untreated **water** for **agricultural** uses. The owners are billed for the amount of water used in both water lines.

The agricultural water line is used to supplement water derived from other sources, such as Laguna Creek, which do **not** have monthly billing charges from the City. A diversion has been placed on Laguna Creek to benefit agricultural operations on both the Mills and Stephenson properties. This **diversion** is authorized under Diversion and Use License 12529 issued by the State Division of Water Rights (DWR). To protect **instream** resources, the license limits the diversion of water to the period from "about January 1 to May 1 of each year" and limits the amount of the water to be diverted to 26 acre feet/year for both properties. The Stephensons and Mills divide the annual allocation as 13 acre feet/parcel. Water diverted to the Stephenson Ranch is piped to the "Lower Reservoir" located on the lower terrace where most goat raising now occurs. When water in the "Lower Reservoir" reaches a certain level, it is transferred to the "Upper Reservoir" located on the upper terrace where the project site is located. Both reservoirs are used to supply pasture irrigation. Items B.2 and C.I of the Initial Study checklist discuss this issue in more detail.

Sensitive wildlife resources occur in Laguna Creek and the ranch reservoirs that can be affected by high water use. Laguna Creek is an anadromous stream which is habitat to the federally listed steelhead trout. Both reservoirs are habitat to the California **Red-**legged frog, another federally listed species. When the project was before the Zoning Administrator, four of the five proposed water tanks were supplied with water from the "Upper Reservoir". The combined volume of these tanks is 19,900 gallons. Area residents presented information alleging that the volume of water diverted exceeded that which was intended under the license and that steelhead habitat could be jeopardized. One of the primary argumerits presented was that the water procured from the well proximate to the diversion should be counted as part of the overall 26 acre feet/year limit since it draws from the alluvial aquifer associated with the creek. Planning staff made a formal inquiry to the **DWR** on July 17 to determine if the area residents' position is accurate. In addition, the California Department of Fish and Game made a formal complaint to the DWR regarding overuse at the Laguna diversion. Staff of the DWR are now researching both matters but have not yet concluded their investigation.

To address this concern in a way that would not require resolution of the Laguna diversion issue, the applicants have contacted the City Water Department to determine if the city's agricultural water line service to the ranch could be used to fill **the** four water tanks rather than using water from Laguna Creek. City Water Department responded that the existing agricultural water service may be used to fill all five tanks as long as

the total volume of untreated water does not exceed 224,400 gallons/month. Therefore the project has been revised to change the regular water supply from the "Upper Reservoir" to the City's untreated water line; This modification will avoid any potential impacts to federally listed species. However, the pressure in the City's untreated water line is variable and neither the minimum fire flow nor the quantity of water required by the County Fire Department to fight an area fire can be guaranteed by relying on the City's water line alone. A supplemental water supply that meets Fire Department standards can solve this dilemma.

In the review of this application, the County Fire Department staff has required that the project include a fire fighting capacity to respond to fires on-site and within the immediate vicinity. As now modified, the project provides an auxiliary water source to meet County Fire emergency fire fighting standards without jeopardizing biological resources. An auxiliary water line will connect the five tanks to the "Upper Reservoir", but the water line will have a locked valve that can only be unlocked by County Fire for emergency fire fighting and testing purposes. Mitigation measure **D** (Exhibit E) addresses this issue. By limiting new use of the "Upper Reservoir" to that needed by County Fire for emergency fire fighting purposes, earlier considered mitigative strategies that employed metering the water line from the "Upper Reservoir" or from the Laguna Creek diversion are not needed. This alleviates compliance monitoring record keeping by County Planning staff as well as reduces the cost of installing a meter to the applicant.

II. ANALYSIS OF OTHER PROJECT ISSUES

A. CONVERSION OF DOMESTIC WELL TO AGRICULTURAL WELL

In 1997 the Stephensons constructed a new well about 100 feet from the northeast property line of their parcel under a permit issued by the County Environmental Health Service for a domestic well. More recent analysis of this project revealed that this well was actually constructed to provide domestic and animal watering needs for the subject project and therefore would be an agricultural, rather than a domestic well. This presented a potentially significant impact due to this well being connected to all five water storage tanks and being located about 120 feet from a community domestic well on the adjoining Lanting/Eckstrom parcel. Through negotiations with Planning staff, the project has now been redesigned to disconnect the well from all five water storage tanks. Rather, the well will connect to a sixth tank which has a volume of 86 gallons. A new water line will connect the tank directly to the barn to provide on-site treated water for the restroom and for animal watering needs. This water system will be totally independent of the system connected to the five larger water tanks. This fact and the limited capacity of the tank connected to this well will avoid any impacts to the water supply of the nearby community well which provides domestic water to 4 residential parcels. This issue is discussed in more detail under item B.2 of the Initial Study.

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B. GRADING, DRAINAGE AND EROSION CONTROL

Another project modification has been a decision by the applicants to grade more than 100 cubic yards of earth associated with the project. Grading in the amount of 840 cubic yards, will be balanced on-site, and restricted to the 1.4 acre project area which contains an average slope of 4%. The purpose of the grading is to reduce the slope to a range of 2.5-1.3%, thereby facilitating construction and use of the barn, parking area and adjoining horse corrals. Grading will include the construction of a small 3 foot high earthen berm to redirect surface drainage from the corral areas away from a steep slope located east of the project site. This is an important feature of the project's manure management plan.

The topography of most of project site provides a natural drainage flow in an easterly direction towards the steep slope mentioned above and severely eroded seasonal channel that ultimately flows into Majors Creek. (Refer to Attachment 4 of Exhibit E or sheet 1,3 and 5 of Exhibit H). The project facilities will result in 21,720 square feet (0.5 acre) of impervious area, most of which is within the Majors Creek watershed. Channeling this drainage away from the steep slope and the eroded seasonal channel to avoid erosion problems and downstream water quality impacts has been an important focus of Planning staffs work with the applicant. A preliminary drainage plan has been prepared which shows project drainage being conveyed into an enclosed pipe and being discharged in a rock lined trench 200 feet south of the proposed barn and previously described steep slope. The discharge area will be within a grassland area with an 8% slope. The combined grading/drainage plan is provided on sheet 5 of Exhibit H.

An erosion control plan has also been prepared in concert with the grading/drainage plan and is provided on sheet 6 of Exhibit H. The plan provides for a straw bale barrier at the side of the site bordering the steep slope to contain earth during grading and building construction activities as well as revegetating all disturbed surfaces not dedicated to building or parking area. Revegetation will include seeding with two species of native grass to partially mitigate for removal of a small amount of native grasses by project construction.

C. MANURE MANAGEMENT

A manure management plan has been submitted consistent with mitigation measure G of the Negative Declaration. The plan consists of a physical and an operational component. The physical improvements of the project grading and drainage plan will prevent surface runoff from corral areas flowing down the steep slope and entering the seasonal drainage channel. A concrete manure storage bunker (sheet 4 of Exhibit E) will temporarily stockpile and compost the manure before it is **disced** in grazing areas as pasture fertilizer. The operational component (Attachments 8A and 8B of Exhibit D)

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has been reviewed and accepted by Environmental Health. It includes cleaning the barn floor and corrals 1-3 times/week, stockpiling collected manure in the bunker for a minimum of 5 days of composting to kill any harmful pathogens and **discing** composted manure into the soil in non-rainy periods. According to calculations in the accepted plan, the 1,372 cubic feet capacity of the bunker will contain the typical volume of manure generated by 8 horses over a six month period (or by 16 horses over a 3 month period).

D. VISUAL IMPACTS AFFECTING HUMAN RECREATION AND WILDLIFE

Since preparation of the report for the Commission's meeting last November, Planning staff has been contacted by the California Department of Parks and Recreation regarding the visual change the project would generate to users of public land on the opposite side of Major Creek canyon from the project site. (See letter from DPR in Exhibit L). The public land, which spans both sides of Majors Creek and adjoins a portion of the Stephenson parcel, is planned to be annexed to Wilder Ranch State Park. The 32 foot high barn will be in clear view of an existing hiking trail on the east side of Majors Canyon for several yards. **Otherwise** views from the trail are wilderness open space views characteristic of the State Park. To mitigate this impact, the applicants have prepared a staff required landscape plan that will install native evergreen trees at the same elevation as the proposed barn. This plan is shown on sheet L of Exhibit H. Additional mitigation requires the roof of the barn to be an earthen tone color and disallows the use of reflective glazing on the side of the barn facing the State Park. The walls of the barns are proposed to natural wood board and batten. Other project facilities, such as the surfaced parking area, will be **blocked** from views from hikers on the future State Park land by the mass of the proposed horse barn.

Outdoor lighting will result in another visual change of this project but with a different impact. California Department of Parks and Recreation also voiced concern about the effects of outdoor lighting on nocturnal wildlife. The project is proximate to a large wilderness open space area that includes the Majors Creek riparian corridor and therefore is important habitat for several species of wildlife. Outdoor lighting shining into the direction of Majors Creek will restrict many wildlife species from using the habitat. Mitigation measure H requires the applicant to submit an outdoor lighting plan as part of the construction drawings submitted for a Building Permit application. The plan must demonstrate that no significant illumination will occur east of the project site. This plan will be reviewed and approved by Planning staff prior to issuance of a Building Permit.

CONCLUSION AND RECOMMENDATION

This project has been revised from that which was ready for the Commission to consider last November. A new Initial Study has been prepared and circulated for

public review to address the recent project modifications. A new set of mitigation measures, including some project redesign features, has been incorporated into the project to mitigate impacts generated by the modified project. This project's effects on sensitive biological habitat in the two on-site reservoirs and Laguna Creek have been crucial issues to solve during the evaluation of the project. The use of water supplied from the City Water Department rather than from Laguna Creek will avoid the instream-biological impact identified in the Initial Study and provides far more protection to sensitive habitats than that which would have occurred with earlier considered mitigative strategies addressing this issue. This project will support an agricultural activity that is separate and distinct from the primary agricultural activity on the site and therefore can be approved prior to the approval of a biomedical livestock master plan for this property. This is not true, however, for the proposed silo. The silo is clearly for the use of goats raised as biomedical livestock. The first revision made to this project by the applicants was to relocate it to a goat barn location 0.75 mile away from the project site. This does not make the silo associated with the purpose or objective of the project to provide facilities for private horse raising. Findings can be made for a revised project that does not regularly use water from Laguna Creek or the "Upper Reservoir" and does not include a distant silo for the feeding of goats.

It is therefore RECOMMENDED that the Planning Commission take the following actions:

1. Make the findings included in Exhibit A to deny the proposal to construct the silo;
2. Make the findings in Exhibit A to approve Application 97-0648 based on the conditions in Exhibit B; and
3. Approve the Negative Declaration (Exhibit D) for Application 97-0648.

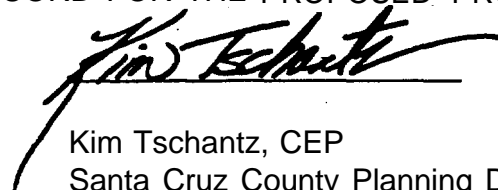
EXHIBITS

- A. Findings (includes Exhibit A-a, findings to substitute mitigation measures)
- B. Conditions
- C. Board of Supervisors Minute Order of 9/23/97
- D. Referral Letter of the Zoning Administrator dated 7/13/98
- E. Mitigated Negative Declaration and Initial Study (includes location and site maps)
[Comment letters on the Initial Study are provided as Exhibit L]
- F. Letter from Paul Bruno, Attorney for the Applicants, dated 8/24/98
- G. Permit Application Intake Form for Application 97-0648
- H. Project Plans (On file at County Planning)
[Reduced version of some sheets is Attachment 4 of the Initial Study]

- I. Site Plan Showing Building Clusters
- J. Memo from City of Santa Cruz Water Department dated 10/8/1998
- K. Other Letters submitted Since the Zoning Administrator Meeting of 6/19/98
 - Letter of Paul Bruno, dated 7/16/99
 - ~ Letter of **SOAL**, dated 7/8/98
 - Letter of Paul Bruno dated 7/9/98
- L. Letters Submitted to Comment on the Initial Study
 - Letter of California Department of Parks and Recreation dated 11/21/99
 - ~ Letter of California Department of Fish and Game dated 1/27/99
 - Letter of the Association of Monterey Bay Area Governments dated 1/14/99
 - Letter of Paul Bruno, representing the applicant, dated 1/27/99
 - Letter of **SOAL** dated 1/26/99
 - Letter of Robert Bosso, representing 8 neighbors, dated 11/26/99
 - Letter of Frans Lanting and 7 other neighbors, undated
- M. Letters Submitted after the close of the Public Comment Period on the Initial Study
 - ~ Letter of Robert Bosso to Paul Bruno, regarding use of well, dated 2/8/99
 - Letter of **Ilfand** Engineers to Planning, regarding runoff calculations, dated 2/13/99
 - Letter of Paul Bruno to Robert Bosso, regarding use of the well, dated 2/11/99
 - Letter of Robert Bosso to Paul Bruno, regarding use of the well, dated 2/22/99
 - ~ Letter of Paul Bruno to Robert Bosso, regarding use of the well, dated 2/26/99
 - Letter of Biotic Resources Group to **Matt Mullin**, regarding grassland restoration, dated 3/11/99
 - Letter of California Department of Fish and Game, regarding a correction to their Initial Study **comment** letter, dated 5/25/99

SUPPLEMENTARY REPORTS AND INFORMATION REFERRED TO IN THIS REPORT ARE ON FILE AND AVAILABLE FOR VIEWING AT THE SANTA CRUZ COUNTY PLANNING DEPARTMENT, AND ARE HEREBY MADE A PART OF THE ADMINISTRATIVE RECORD FOR THE PROPOSED PROJECT.

Report Prepared by:



Kim Tschantz, CEP
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3189

COASTAL ZONE PERMIT FINDINGS:

1. THAT THE PROJECT IS A USE ALLOWED IN ONE OF THE BASIC ZONE DISTRICTS, OTHER THAN THE SPECIAL USE (SU) DISTRICT, LISTED IN SECTION 13.10.170(d) AS CONSISTENT WITH THE GENERAL PLAN AND LOCAL COASTAL PROGRAM LUP DESIGNATION.

Livestock barns, water storage tanks and water lines to ~~serve~~ the tanks all for private equestrian use are uses that are allowed in the "CA" zone district where the project is located. New facilities to support biomedical ~~livestock~~ raising, such as the proposed silo, are allowed pursuant to a site specific Master Plan for biomedical livestock raising. No Master Plan has yet been approved for this property. "CA" zoning is an implementing zoning of the General ~~Plan/LCP~~ land use designation of "Agriculture" with an "Agricultural Resource" overlay. The property is so designated by the General ~~Plan/LCP~~.

The installation of a grain silo to feed goats raised for biomedical purposes prior to the adoption of a Master Plan for biomedical livestock raising on a parcel is not consistent with County Code 13.10.647 (Regulations for Biomedical Livestock Raising) because a Master Plan must be adopted before biomedical facilities are expanded. The silo, as now proposed, is not presently permitted in the "CA" zone district without an approved Master Plan.

2. THAT THE PROJECT **DOES** NOT CONFLICT WITH ANY EXISTING EASEMENT OR DEVELOPMENT RESTRICTIONS SUCH AS PUBLIC ACCESS, UTILITY, OR OPEN SPACE EASEMENTS.

The project does not conflict with any existing easement or development restriction such as public access, utility, or open space easements. All property owners on Back Ranch Road have legal right-of-way to travel over that segment of Back Ranch Road that traverses the Stephenson parcel. This project will not affect these rights.

3. THAT THE PROJECT IS CONSISTENT WITH THE DESIGN CRITERIA AND SPECIAL USE STANDARDS AND CONDITIONS OF THIS CHAPTER PURSUANT TO SECTION 13.20.130 et seq.

With the use of the City of Santa Cruz untreated water line as the regular source of water for this project, the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to Section-13.20.130 et seq., in that the project does not involve excessive grading, is not located on a prominent ridge, and is visually compatible with the character of the surrounding rural neighborhood. In addition, agricultural land will be conserved as discussed in finding #5 and the

accompanying findings required by Section 1310.314. The project structures have been sited so as to be least visible from surrounding properties inhabited with dwellings. These structures will also not be within view of the scenic corridors of the ocean beach or Highway 1. The project barn, however, will be in view of public land to be annexed to Wilder Ranch State Park and a hiking trail on that public land. A landscape screening plan will be implemented as part of the required project improvements to reduce the visual effect of the new barn on State Park users to levels of insignificance. Exterior materials of the barn will be natural earthen tone colors. The barn has been positioned on the project site to screen other project improvements from State Park views. All of these measures will make the project consistent with applicable regulations of Section 13.20.130.

4. THAT THE PROJECT CONFORMS WITH THE PUBLIC ACCESS, RECREATION, AND VISITOR-SERVING POLICIES, STANDARDS AND **MAPS** OF THE GENERAL PLAN AND LOCAL COASTAL PROGRAM LAND USE PLAN, SPECIFICALLY CHAPTER 2: FIGURE 2.5 AND CHAPTER 7, AND, AS TO ANY DEVELOPMENT BETWEEN AND NEAREST PUBLIC ROAD AND THE SEA OR THE SHORELINE OF ANY BODY OF WATER LOCATED WITHIN THE COASTAL ZONE, SUCH DEVELOPMENT IS IN CONFORMITY WITH THE PUBLIC ACCESS AND PUBLIC RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT COMMENCING WITH SECTION 30200.

The project site is not located between the shoreline and the first public road. Consequently, the project will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

5. THAT THE PROPOSED DEVELOPMENT IS IN CONFORMITY WITH THE CERTIFIED LOCAL COASTAL PROGRAM.

The proposed project has been conditioned so it will be in conformity with the County's certified Local Coastal Program in that productive pasture land within the northeast portion of the parcel will be conserved by requiring the existing stable to be demolished and the site converted to productive agricultural land within two years of approval of this project. In addition, redesign of the paved parking and-circulation area has been reduced from 20,200 square feet, as originally proposed, to 7,960 square feet adjacent to the project barns. (Together with the project roadway the total vehicle circulation area will now total 13,370 square feet). These two conditions will make the project consistent with General **Plan/LCP** policy 5.13.6 which requires all conditional uses on commercial agricultural land to minimize the removal of land from agricultural production.

DEVELOPMENT PERMIT FINDINGS:

1. THAT THE PROPOSED LOCATION OF THE PROJECT AND THE CONDITIONS UNDER WHICH IT WOULD BE OPERATED **OR MAINTAINED** WILL NOT BE DETRIMENTAL TO THE HEALTH, SAFETY, OR WELFARE OF PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD OR THE GENERAL PUBLIC, AND WILL NOT RESULT IN INEFFICIENT OR WASTEFUL USE OF ENERGY, AND WILL NOT BE MATERIALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE VICINITY.

The location of the horse facilities and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity in that the project is located in an area designated for agricultural uses and is designed to avoid physical constraints to development which occur on the parcel. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. A Mitigated Negative Declaration was issued for this project on May 11, 1999. All mitigation measures, to address environmental impacts, have been incorporated into the permit conditions for this project.

The installation of a grain silo to feed goats raised as biomedical livestock prior to the approval of a Master Plan for biomedical livestock raising would conflict with one of the purposes of the Master Plan, siting of facilities to ensure that land use conflicts with surrounding properties are avoided. For this reason the grain silo is not included in the approval of this project.

2. THAT THE PROPOSED LOCATION OF THE PROJECT AND THE CONDITIONS UNDER WHICH IT WOULD BE OPERATED OR MAINTAINED WILL BE CONSISTENT WITH ALL PERTINENT COUNTY ORDINANCES AND THE PURPOSE OF THE ZONE DISTRICT IN WHICH THE SITE IS LOCATED.

The project site is located in the "CA" zone district. The proposed location of the project (equestrian barns, associated paving, water storage tanks) and the conditions under which the project will be constructed and maintained will be consistent with all pertinent County ordinances and the purpose of the "CA" zone district in that the primary use of the project facilities will be horse raising for private use. This is an allowable use within the "CA" zone district.

The installation of a grain silo to feed goats raised for biomedical purposes prior to the adoption of a Master Plan for biomedical livestock raising on a parcel is not consistent

with County Code 13.10.647 (Regulations for Biomedical Livestock Raising) because a Master Plan must be adopted before biomedical facilities are expanded.

3. THAT THE PROPOSED USE IS CONSISTENT WITH ALL ELEMENTS OF THE COUNTY GENERAL PLAN AND WITH ANY SPECIFIC PLAN WHICH HAS BEEN ADOPTED FOR THE AREA.

The project is located in the "Agriculture" land use designation. The use proposed by this project is consistent with all elements of the **General** Plan in that the raising of horses is an allowable use in that it consists of raising of livestock. The project is consistent with the General Plan in that the water lines and tanks will provide the water needed to provide fire protection and basic sanitation (i.e., rest room, sewage disposal, horse washing, etc.). A specific plan has not been adopted for this portion of the County. The property owners have made an application for a proposed Master Plan to manage biomedical livestock raising on the parcel. Since the equestrian facilities do not include biomedical livestock, they are subject to a future Master Plan.

However, as discussed in previous findings, the proposed silo is a component of the biomedical livestock raising use and thus is subject to review under the Master Plan and approval of the silo at this time, prior to approval of the Master Plan would not be consistent with the intent of the Master Plan process.

4. THAT THE PROPOSED USE WILL NOT OVERLOAD UTILITIES AND WILL NOT GENERATE MORE THAN THE ACCEPTABLE LEVEL OF TRAFFIC ON THE STREETS IN THE VICINITY.

The use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity in that the project is a private equestrian facility for the owners of the property who will reside in the single-family dwelling presently under construction on the same parcel. Vehicular traffic will consist of either the owners or their farm employees traveling to the project site ~~from other~~ portions of the property in a single vehicle. Electricity will be used to operate the existing pump house to pump water **upslope** to the project site and for lighting inside the barns. The project has been conditioned to disallow any extensive outdoor lighting of the site.

5. THAT THE PROPOSED PROJECT WILL COMPLEMENT AND HARMONIZE WITH THE EXISTING AND PROPOSED LAND USES IN THE VICINITY AND WILL BE **COMPATIBLE** WITH THE PHYSICAL DESIGN ASPECTS, LAND USE INTENSITIES, AND DWELLING UNIT DENSITIES OF THE NEIGHBORHOOD.

The equestrian portion of the project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood in that the

project consists of buildings and other structures-to support the raising of livestock on an agricultural parcel. Without an approved Master Plan for biomedical livestock raising, it cannot be **known** at this time if the grain silo portion of the project will harmonize with existing- land uses as discussed in finding #1 above. No dwelling units will be constructed by **this** project.

6. THE PROPOSED DEVELOPMENT PROJECT IS CONSISTENT WITH THE DESIGN STANDARDS AND GUIDELINES (SECTIONS 13.11.070 THROUGH 13.11.076), AND ANY OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER.

The proposed development is consistent with the Design Standards and Guidelines of the County Code in that project structures will be subordinate to the surrounding natural topography and site grading will not significantly alter the natural topography of the project site (Subsection 13.11.072b1). Development has been sited to minimize impacts on private views. (13.11.072b2) The project's impact on public views will be restricted to the western edge of Wilder Ranch State Park. Use of natural earthen tone exterior colors and materials for the project barn and implementation of a native landscape screening plan consisting of **evergreen trees** will minimize the visual effects of the project to levels of insignificance to users of the State Park. The barn structure is located to screen most other project facilities from **views** from the State Park.

Required Special Findings for Level 5 (or Higher)
Development On "CA" and "AP" Zoned Properties
County Code Section 13.10.314 (a)

1. THAT THE ESTABLISHMENT OR MAINTENANCE OF THIS USE WILL ENHANCE OR SUPPORT THE CONTINUED OPERATION OF COMMERCIAL AGRICULTURE ON THE PARCEL AND WILL NOT REDUCE, RESTRICT OR ADVERSELY AFFECT AGRICULTURAL OPERATIONS ON THIS AREA.

The barn will support the raising of horses on an area of the property which is geographically **separate** from other portions of the property where other agricultural uses occur. The five main water storage tanks will be used to irrigate the area to be used for horse pasturing. A sixth water storage tank of 86 gallons will be used, in part, to provide water to the horses. The water lines are, necessary to convey water from the City of Santa Cruz water lines to the 5 water tanks. It is not known at this time what effect the proposed grain silo will have on agricultural operations on-site or within the area since a Master Plan to guide biomedical livestock raising has not yet been approved for this parcel, (See Development Permit findings #1 and #5).

2. THAT THE USE OR STRUCTURE IS ANCILLARY, INCIDENTAL OR ACCESSORY TO THE PRINCIPAL AGRICULTURAL USE OF THE PARCEL,
OR

"NO OTHER AGRICULTURAL USE IS FEASIBLE FOR THE PARCEL.

-The equestrian **barn** and-the water tanks are accessory uses to the raising and pasturing of horses on the property. Besides open grassland to graze, horses need shelter from inclement weather and a sheltered area to store **straw**, hay **and** equestrian supplies. The **barn** will be for these purposes.

3. **THAT SINGLE-FAMILY RESIDENTIAL USES WILL BE SITED TO MINIMIZE CONFLICTS, AND THAT ALL OTHER USES WILL NOT CONFLICT WITH COMMERCIAL AGRICULTURAL ACTIVITIES ON SITE, WHERE APPLICABLE, OR IN THE AREA.'**

No single-family dwelling will be constructed as part of this project. The equestrian component of the project has been sited on a portion of the site that is geographically isolated from the remainder of the parcel which supports another form of livestock raising. The site is also distant from other agricultural uses in **the** area.

Refer to finding #1 regarding the proposed grain silo's potential conflict with **conservation** of agricultural land on both the project parcel and surrounding properties.

4. THAT THE **USE** WILL BE SITED TO REMOVE NO LAND FROM PRODUCTION (OR POTENTIAL PRODUCTION) IF ANY NON-FARMABLE POTENTIAL BUILDING SITE IS AVAILABLE.

OR

IF THIS IS NOT POSSIBLE, TO REMOVE AS **LITTLE** LAND AS POSSIBLE FROM PRODUCTION.

The project has been conditioned to remove as little land as feasible from the production of crops and livestock by the following measures:

- a. The surfaced parking, circulation and roadway area has been reduced from 34,400 square feet (0.79 acre) to 21,720 square feet (0.50 acre); thereby reducing the total impervious developed area of this project to 29,720 square feet (0.68 acre); and
- b. The existing horse stables within the northeast portion of the parcel will be removed and converted to productive crop and/or pasture land within two years of the approval of this project since the project will replace the use of the existing stables.

CONDITIONS OF APPROVAL

Coastal Zone/Land Clearing Permit and Preliminary Grading Approval No. 97-0648

APPLICANT AND PROPERTY OWNER: John and Stephenson

ASSESSOR'S PARCEL No.: 59-021-03/62-1 51-03 (single
parcel)

PROPERTY LOCATION AND ADDRESS: Both sides of Back
Ranch Road at it's with intersection Highway 1 four miles
north of the Santa Cruz City limits, Bonny Doon planning
area

EXHIBITS:

Exhibit A: Project Plans prepared by Ifland Engineers, dated April 15, 1999
(with one exception as noted below) consisting of 9 sheets:

- Sheet 1 - Map of Parcel
- Sheet 2 - Site Plan of the "Upper Reservoir" Area
- Sheet 3 - Site Plan of the Main Part of the Project Site
- Sheet 4 - Foundation Plan and Elevation for Storage Tank and
Diagram for the Manure Storage Structure
- Sheet 5 - Grading and Preliminary Drainage Plan
- Sheet 6 - Erosion Control Plan
- Sheet 7 - Floor Plan and Elevation of Horse Barn, prepared by
Michael Helm, architect, dated 9/2/98
- Sheet 8 - Landscape Screening Plan, dated 12/1/98 and Revised
4/16/99
- Sheet 9 - Water Distribution- Plan, dated 9/2/97 with 4 revision dates

Exhibit B: Horse **Barn** Manure Management Plan, prepared by Biotic
Resources Group, dated 1/15/99, consisting of 3 pages and its
addendum, undated, consisting of 2 pages

Exhibit C: Native Grassland Restoration Plan, prepared by Biotic Resources
Group, dated 3/11/99

CONDITIONS:

- I. This permit authorizes the construction of a private equestrian facility consisting of:
 - A. An agricultural **barn** of 8,000 square feet and associated paved driveway and parking/circulation area as shown on sheet 3 of Exhibit A;
 - B. Five water storage tanks of 4,975 gallons/each as shown on sheets 3, 4 and 9 of Exhibit A;
 - C. Buried water lines in the same trench traversing approximately 2,000 lineal feet as shown on sheets 2 and 3 of Exhibit A;
 - D. Use an existing well and 86 gallon water storage tank for horse **barn** purposes as shown on Sheets 1 and 9 of Exhibit A;
 - E. Buried water line from the existing well and tank to the new **barn** traversing approximately 2,200 lineal feet;
 - F. Grading of 840 cubic yards of earth to facilitate the construction of items -A-C above and as shown on sheet 5 of Exhibit A.

Certain conditions below implement mitigation measures of the Mitigated Negative Declaration. They are identified with the lettering of the mitigation measure inside parentheses which corresponds to the measure in the Negative Declaration document.

- II. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/ owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit for the structures from the County of Santa Cruz Building Official by submitting construction drawings to County Planning's public building counter.
 - C. Obtain a Grading Permit for the earthwork shown on sheet 5 of Exhibit A by submitting grading plan view and cross-sections to County Planning's public zoning counter.
 - D. Pay a Negative Declaration filing fee of \$25.00 to the Clerk of the Board of the County of Santa Cruz as required by the California Department of Fish **and** Game mitigation fees program.

EXHIBIT B

III. Prior to issuance of a Building Permit the applicant/owner shall:

A. Submit Final Building Plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit A of the permit. The final plans shall include, but not be limited to, the following:

1. Exterior elevations identifying finish materials and colors that conform to sheet 7 of Exhibit A, including the roof being an earth tone color and any glazing on the east side of the structure shall be non-reflective material (Mitigation Measure J.3)
2. Floor plans identifying each room and its dimensions.
3. A site plan showing the location of all site improvements, including, but not limited to, points of ingress and egress, parking areas, and accessory structures (i.e manure storage facility).
4. Location and type of exterior lighting, designed as follows. In order to mitigate impact that may occur if outdoor lighting restricts wildlife use of open spaces adjacent to the project during nighttime, the owner/applicant shall submit an outdoor lighting plan. This plan shall show the minimum number of outdoor **lights necessary** for security purposes and shall demonstrate that the design of the outdoor lighting will not create significant illumination east of the project site. (Mitigation Measure H)
5. In order to mitigate impacts from accelerated erosion, sedimentation and pollution of creeks, the owner/applicant shall submit an engineered drainage plan with engineered calculations that conform to the preliminary drainage plan on sheet 5 of Exhibit A. (Mitigation Measure A). The plan will include the following:
 - a. The plan shall address the impervious area associated with the road and turnaround, the barns, and the drainage aspects of the manure management plan.
 - b. The plan shall show the specific location and dimensions of the features that are discussed in a general way in the manure management plan: system of grass lined swale to prevent storm water runoff, detention facilities, vegetated filter strips, etc. The plan must also show the location of all inlets and outlets, with appropriate dissipation and erosion

control. All drainage shall be discharged through a dispersion device located at least 200 feet southwest of the project site, in order to avoid any dispersal into the severely eroded drainage channel located east of the project site.

- c. A plan for maintenance of the drainage systems shall be included.
 - d. In order to control impacts from erosion, an erosion control plan consistent with sheet 6 of Exhibit A shall be submitted for review and approval with the building permit application for the barn. This can be combined with the drainage plan. The plan shall provide for ground cover of all disturbed surfaces including the planting of native grass species as specified on sheet 6 of Exhibit A. A non-invasive annual grass shall be included in the seed mix to provide short-term ground cover. Seed areas shall be mulched and regularly watered until the onset of winter rains. (Mitigation Measure B)
- 6. Final plans shall note that the City of Santa Cruz Water Department will provide water service to all of the five tanks and shall meet all requirements of the District including payment of any connection and inspection fees. Final engineered plans for water connection shall be reviewed and accepted by the Department.
 - 7. Meet all requirements and pay the appropriate plan check fee of the County Fire Protection Department.
 - 8. In order to prevent impacts to the California red-legged frog (*Rana aurora draytonii*) in the "Upper Reservoir" and to the Steelhead trout (*Onchorynchus mykiss*) and red-legged frog and their habitat in Laguna Creek the plans shall show an owner/applicant installed valve on the emergency water line between the "Upper Reservoir" and the five water tanks. The valve will be a type that is approved by County Fire. The plans shall include information how the owner/applicant has arranged with County Fire to place a lock on the valve, which is only accessible by a key that is kept in the possession of the County Fire Department. The purpose of the locked valve is to make water available only to the County Fire Department for emergencies and for occasional testing of the flow in the line. (Mitigation Measure D).

9. In order to minimize the potential interference between the use of the new well and the proximate Lanting/Eckstrom community well, the owner/applicant shall show the new well connecting solely to a 6th water storage tanks which is the 66 gallon tank located next to the well. This tank and well shall not be connected to any other water storage tank on the property. (Mitigation Measure F)
 - B. Obtain a domestic sewage disposal permit from County Environmental Health Services.
 - C. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district in which the project is located.
- IV. In addition to the submittal requirements listed in condition III above, no Building Permit or related construction permit shall be issued for this project until:
- A. Any code violation, including the non-permitted installation of tents for biomedical livestock keeping, has been resolved to the satisfaction of the Code Compliance staff of County Planning; and
 - B. Final action is taken on the appeal of Application **97-0779**. The applicant must submit all-necessary information regarding modified proposals to continue processing the appeal of Application 97-0779 prior to the County scheduling a public hearing for consideration of the appeal.
- V. To protect the California red-legged frog (*Rana aurora draytonii*) and to comply with the Federal Endangered Species Act (**ESA**), prior to installing the water line or bringing the water storage tanks **onsite**, the owner/applicant shall submit a letter from the U.S. Fish and Wildlife Service demonstrating the Service has determined the project will be consistent with all provisions of the ESA. During project construction the owner/applicant shall:
1. Construct the project during the summer months when the **species** is least likely to be far from water (i.e. no construction during October **15** to April 15);
 2. Conduct preconstruction surveys by a qualified wildlife biologist to determine if frogs are present near the area proposed for development; and

3. Take appropriate action as determined by the surveying biologist to avoid any impacts to the species if they are found to be near the project area. (Mitigation Measure E)
- VI. All construction shall be performed in accordance with the approved plans. Prior to final building inspection and building occupancy, the applicant/owner shall meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans, including drainage and sewage disposal facilities, shall be installed:
 - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building **Official**.
 - C. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American **cultural** site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
 - E. Submit a letter from the County Fire Department stating that the Fire Department has installed a lock on the water line valve described in condition III.C and that all keys to open the lock are in the sole possession of the Fire Department. (Mitigation Measure D)
 - F. In order to eliminate any haiard from-drinking water that does not meet State standards for potability, the owner/applicant shall bring the water from the new well up to standards. Test results that verify that the bacterial content of the water has been reduced to the levels meeting the minimum State standard shall be submitted to the County Environmental Health Service. (Mitigation Measure C)
 - G. To mitigate for loss of native grasses at the project site, the owner/applicant shall complete the planting of 0.05 acre of native grasses near the "Upper Reservoir" according to Exhibit C of this permit.
 - H. In order to mitigate visual impacts on the adjoining public land that is planned to be annexed to Wilder Ranch State Park, the owner/applicant

shall install the trees as shown on sheet 8 of Exhibit A. These trees shall be planted at an elevation of 634 MSL or higher. (Mitigation Measure J.1)

- VII. To conserve the maximum amount of land for livestock pasturing and crop growing purposes, the property owner shall completely remove the existing stable facility (former caretaker's dwelling and paddocks) at the northeast end of the property within 2 years of the approval date of this permit or before use and occupancy of the first building approved under the future Master Plan for Biomedical Livestock Raising for this parcel (whichever occurs first). The existing stable area shall be converted into an area of open space suitable for livestock pasturing or crop production. No visible sign of the existing structures shall remain once the new equestrian facility is operational. A Demolition Permit shall be obtained for this work at County Planning's public building counter. (Mitigation Measure I)
- VIII. Nothing in this approval shall bind the County to allow clustering of buildings in any specific locations on the property for any future or pending permit applications.
- IX. Operational Conditions.
- A. The use of the barn and adjoining corrals is for the private equestrian use of the property owners and therefore these facilities shall be restricted to horses or other farm animals that are not raised for biomedical purposes. No public boarding of animals shall occur, without amendment to this permit following a noticed public hearing.
- B. Outdoor lighting shall be limited to the minimum needed to comply with construction code requirements for illuminated building entrances and emergency nighttime maintenance of the water tanks. All outdoor lighting will be designed so it does not produce glares or excessive illumination to surrounding properties. In accordance with condition III.A.4 above, no significant illumination shall occur east of the barn. (Mitigation Measure H)
- C. The sewage disposal and drainage facilities shall be permanently maintained in good working condition at all times.
- D. The valve on the emergency water shall be retained in good working order at all times by the owner/applicant. Any significant damage to the valve shall be reported within 24 hours to the County Planning Department and County Fire Department. Any replacement of the valve as deemed necessary by either County agency shall be done by the owner/applicant within 14 days of being requested to do so by the agency. No water may

be used for irrigation purposes during the time that a damaged valve is non-operational. This requirement and that of conditions III.E and IV.E above will sunset if and when a Master Plan for biomedical livestock raising is approved for this parcel and County Planning determines that the Master Plan approval includes conditions and mitigations governing the use of water that supersede the mitigation incorporated into this condition. (Mitigation Measure D)

- E. The owner/applicant shall restrict the connection of the well and its 86 gallon storage tank directly to the barn and not connect this water system to any other water distribution system of storage tank on the property consistent with condition III.D above. Any replacement of the water storage tank shall be limited to a tank with the maximum capacity of 1,000 gallons. (Mitigation Measure F)
- F. In order to avoid the decrease in water quality that will result in drainage contaminated with horse manure that reaches the tributary to Majors Creek, the owner/applicant shall continually carry out the approved manure management plan provided in Exhibit B and maintain all site improvement constructed for manure management in good condition (Mitigation Measure G)
- G. All landscape screening installed according to condition V.H above, shall be permanently maintained. Any fatalities shall be replaced within 60 days of a tree fatality occurring. (Mitigation Measure J.I)
- H. The use of untreated water from the City's "irrigation" water line will not exceed the maximum use set by the City of 224,400 gallons/month.-
- I. In the event that future County inspections of the subject property disclose non-compliance with any conditions of the approval of any violation of County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- X. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any **such** claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, **or hold** harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney's fees and costs; and
 - 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.
- E. Within 30 days of the issuance of this development approval, the Development Approval Holder shall record in the office of the Santa Cruz **County** Recorder an agreement which incorporates the provisions of this condition, or this development approval shall become null and void.

XI. Mitigation Monitoring Program

The mitigation measures listed under this heading have been incorporated into the conditions of approval for this project in order to mitigate or avoid significant effects on the environment. As required by Section 21081.6 of the California Public Resources Code, a monitoring and reporting program for the above mitigations is hereby adopted as a condition of approval for this project. This monitoring program is specifically described following each mitigation measure

John and Brenda Stephenson
Application No. 97-0648
APN: 59-02108/062-151-03 (a single parcel)

listed below. The purpose of this monitoring is to ensure compliance with the environmental mitigations during project implementation and operation. Failure to comply with the conditions of approval, including the terms of the adopted monitoring program, may result in permit revocation pursuant to Section 18.10.462 of the Santa Cruz County Code.

A. Mitigation-Measure: Conditions III.A.4 and IX.B (Outdoor Lighting Plan)

Monitoring Program: The owner/applicant shall submit an outdoor lighting plan with the construction drawings submitted for a Building Permit for the barn. The plan shall show the locations and types of lighting that will be located outside of the barn structure within the entire project site. The plan must be reviewed and approved by County Planning prior to issuance of the Building Permit. Prior to final sign-off of the Building Permit, site improvements shall be inspected by County Planning to determine that the lighting plan has been followed. Any complaints from the California Department of Parks and Recreation or others regarding excessive outdoor lighting in the direction of Majors Creek canyon shall be investigated by County Planning's Code Enforcement Unit so problems can be verified and/or resolved.

B. Mitigation Measure: Condition III.A.5 (Drainage and Erosion Control Plan)

Monitoring Program: The owner/applicant will submit an engineered drainage/erosion control plan with final construction drawings as part of the Building Permit application. The plans will be reviewed by the project planner and County Planning's civil engineer for compliance with this permit. A Building Permit will not be issued until the drainage plans have been approved. The building inspector will not issue a final sign-off for the Building Permit until all drainage facilities have been installed, inspected and approved by County Planning. An inspection of all permanent erosion control measures shall also occur at that time. If questions arise regarding installation of the system, the project engineer will be contacted to provide documentation. Any remedial action on either plan shall be remedied by the owner/applicant prior to the Building Permit being finalized and the barn cleared for occupancy.

C. Mitigation Measure: Conditions III.A.8, VI.E and IX.D (Water Valve on Emergency Fire Line)

John and Brenda Stephenson
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Monitoring Program: 1) The owner/applicant shall include information about the water valve on the site plan submitted for a Building Permit applicant for the barn as well as materials submitted to apply for a plumbing permit to extend the water line from the "Upper Reservoir". The information required in the permit condition shall be reviewed and approved by County Planning prior to issuance of any construction permits. 2) the owner/applicant shall submit the letter required in condition VI.E from County Fire prior to the Building Permit for the barn being **finaled** by County Planning. The Fire Department shall be contacted by Planning staff to verify that the valve lock is in acceptable working order. The letter from County Fire shall be permanently retained in the project file. 3) Any damage to the valve reported to County Planning shall be documented by written notes in the file. Planning staff will reinspect the site 14 days after the reported damage to determine if the valve has been replaced.

- D. Mitigation Measure: Conditions III.A.9 and IX.E (Independent Potable Water System and Tank Size Limitation)

Monitoring Program: Materials submitted for a Plumbing Permit to County Planning and for an Individual Water System Permit to County Environmental Health shall specify that the potable water system supplied by the on-site well **will** not be connected to any other water system on the property. Plans and materials shall be reviewed and approved by Planning Department staff prior to the Plumbing Permit and related construction permits being issued. The owner/applicant shall contact the area building inspector to determine how it can be demonstrated in the field that only the approved water sources are being connected to project facilities (e.g. when to leave the water line trenched exposed, etc). The area building inspector shall make a site inspection to determine that the water service for the project tanks and barn are being procured from the correct water sources. This will be verified prior to final inspection and occupancy of the buildings.

- E. Mitigation Measure: Condition V (Protection of Red-legged Frog)

Monitoring Program: The owner/applicant shall submit written results of the biologist's survey to County Planning prior to any construction or grading activities occurring on the site and prior to any request for a building or grading inspection. Planning staff shall inform the area building inspector of any relevant information from the survey report. Any

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John and Brenda Stephenson
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measures recommended by the-biologist shall be communicated to the area building inspector who will determine compliance with these recommendations during each construction inspection. Any identified problems will be resolved within 24 hours or a Stop Work/Violation Notice will be issued. Any follow-up written survey results shall also be forwarded to County Planning for permanent retention in the project file.

F. Mitigation Measure: Condition VI.F (Bacterial Levels in the Well Water)

Monitoring Program: The owner/applicant shall take actions required to lower the bacterial levels in the well water to State standards and re-test the water. Results of the testing shall be submitted to the County Environmental Health Service. Once that agency has accepted documentation that the bacterial levels in the well water meet State potable water standards, proof of agency acceptance (i.e. agency stamp and date on the testing results) shall be submitted to the County Planning Department for retention in the project file.

G. Mitigation Measure: Conditions VI.H and IX.G (Landscape Screening of Barn)

Monitoring Program: The project planner shall inspect the project site to determine if the trees have planted according to the approved landscape screening plan prior to final inspection and clearance of the Building Permit. No clearance will be issued until the tree planting is completed and approved. A photo will be taken of the planted trees, dated and retained in the project file. Subsequent inspections, such as that for the demolition of the existing stable (See Condition XI.I below) shall include reinspection of the trees to assess progress in their growth.

Recommendations to the owner/applicant to enhance tree health, if needed, will be made at that time. Any complaints received in the future regarding removal or death of the planted trees will be referred to Planning's Code Enforcement Unit for *rectification*.

H. Mitigation Measure: Condition III.A.1 (Earth Tone Roofing)

Monitoring Program: The construction drawings submitted for a Building Permit application for the barn will be reviewed by Planning staff to ensure that the color of the roofing material is called out on the elevation sheet of the plans. A prohibition on reflective glazing on the east side of the barn

shall also be verified on this plan sheet. The Building Permit will not be issued until these two visual mitigations are included in the plans. The project planner shall inspect the project site to determine if these mitigations have been included in the construction of the barn prior to final inspection and clearance of the Building Permit. A color photo shall be taken of the nearly completed barn to document the condition of the east exterior and the roof of the structure. This photo shall be dated and permanently retained in the project file. Any problems discovered with either visual item will be remedied prior to final sign-off and clearance of the Building Permit.

I. Mitigation Measure; Condition VII (Demolition of Existing Stable)

Monitoring Program: The project planner shall inspect the site within 2 years of the approval date of this project to determine if structures on the existing stable site have been adequately removed and the site converted to productive farmland. This inspection may occur earlier at the request of the owner/applicant. Photographic documentation of the condition of the site shall be taken at the time of this inspection. Photographs will be dated and permanently retained in the project file. Noncompliance with this permit condition will result in the issuance of a Violation Notice. Action to obtain compliance will be conducted by Planning's Code Enforcement Unit. Permits for other discretionary uses on the property will not be issued if a Violation Notice is issued and remains unresolved. If a Master Plan is approved for this property and implemented before the 2 year date specified above, the same monitoring activities shall be performed, but will require removal of the existing stable site prior to use and occupancy of the first building constructed under the Master Plan.

J. Mitigation Measure: **Condition IX.F** (Manure Management Plan)

Monitoring Program: The physical improvements related to the manure management plan (earthen berm, drainage facilities, manure stockpile bunker) shall be inspected by the project planner prior to final building inspection and clearance of the Building Permit for the barn and final grading inspection. Any remedial action needed, as determined by the project planner, will be communicated immediately to the owner/applicant. These items will be addressed prior to final clearance and sign-off of the Building Permit and the Grading Permit. Once completed and approved, photographic documentation of the improvements shall be conducted by

the project planner. Photos of relevant improvements at the project site will be dated and permanently retained in the project file.

*Minor variations to this **permit** which do not **affect** the overall concept or **density** may be approved by the Planning Director at the request of the applicant or Planning staff in accordance with Chapter 18.10 of the County Code.*

-PLEASE NOTE: THIS PERMIT EXPIRES TWO YEARS FROM DATE OF APPROVAL UNLESS YOU OBTAIN YOUR BUILDING PERMIT AND COMMENCE CONSTRUCTION.

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AT THE BOARD OF SUPERVISORS MEETING

On the Date of September 23, 1997

REGULAR AGENDA Item No. 063

ATTACHMENT 5

(Public hearing held to consider the Planning Commission's recommendation regarding proposed amendments to the Santa Cruz County General Plan/Local Coastal Program and to the Santa Cruz County Code to include the raising of livestock for biomedical purposes as a conditionally allowed use in the agricultural zones; adopted RESOLUTION NO. 390-97 adopting amendments to the County General Plan/Local Coastal Program Land Use Plan and implementing ordinances regarding the raising of livestock for biomedical purposes in the agricultural zone districts; adopted ORDINANCE NO. 4474, as amended, amending County code section 13.10.312 relating to agricultural uses, section 13.10.700-L relating to definitions, and adding section 13.10.647 relating to biomedical livestock operations; certified the conditional negative declaration; directed Planning to submit the amendments to the County General Plan/Local Coastal Program and implementing ordinances to the California Coastal Commission in the next available round of amendments; and approved interim use at Santa Cruz Biotechnology, Inc.'s operation on the north coast, pending approval of its master plan, to the development of structures for which Planning has current applications and to limit the goat population to a 10% increase over the current number...

Public hearing held to consider the Planning Commission's recommendation regarding proposed amendments to the Santa Cruz County General Plan/Local Coastal Program and to the Santa Cruz County Code to include the raising of livestock for biomedical purposes as a conditionally allowed use in the agricultural zones;

Upon the motion of Supervisor Almquist, duly seconded by Supervisor Beautz, the Board unanimously adopted Resolution No. 390-97 adopting amendments to the County General Plan/Local Coastal Program Land Use Plan and implementing ordinances regarding the raising of livestock for biomedical purposes in the agricultural zone districts; adopted Ordinance No. 4474, as amended, amending County code section 13.10.312 relating to agricultural uses, section 13.10.700-L

State of California, County of Santa Cruz-ss.

I, Susan A. Mauriello, Ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California, do hereby certify that the foregoing is a true and correct copy of the order made and entered in the Minutes of said Board of Supervisors, in witness thereof I have hereunto set my hand and affixed the seal of said Board of Supervisors.

Page 1 of 4

EXHIBIT C

AT THE BOARD OF SUPERVISORS MEETING

On the Date of September 23, 1997

ATTACHMENT 5



REGULAR AGENDA Item No. 053

relating to definitions, and adding section 13.10.647 relating to biomedical livestock operations; certified the mitigated negative declaration; and directed Planning to submit the amendments to the County General Plan/Local Coastal Program and implementing ordinances to the California Coastal Commission in the next available round of amendments;

Motions made by Supervisor Almquist, seconded by Supervisor Wormhoudt, to amend Section 13.10.647(c) Application Requirements to add a sentence at the end of the paragraph that would add a requirement to prepare an environmental impact report if the applicant proposes to manage more than 1,000 livestock in the operation for which approval is being sought; and to amend Section 13.10.647(e)(2) last paragraph to read: "With respect to the foregoing, APAC shall make its recommendation based on the number of animals which could be feasibly and economically grazed on that part of the site that is capable of being farmed as grazing land, assuming a minimum 40% of feed will be from grazing on-site"; motions failed with Supervisors Beautz, Symons and Belgard voting "no";

Upon the motions of Supervisor Almquist; duly seconded by Supervisor Beautz, the Board unanimously approved an amendment to Section 13.10.647(g)(2) changing sentence to read, in part, "The Public Health Officer, the Director of Animal Control and/or Planning Staff shall have the right to make random, unannounced inspections and/or investigations of any Biomedical Livestock Operation including access to all databases containing information on the livestock which is part of the biomedical livestock operation, as necessary to determine..."; and to amend Section 13.10.647(c)(2)(i) adding a sentence to read: "Structures for housing livestock shall be open to permit free air flow through the structure.";

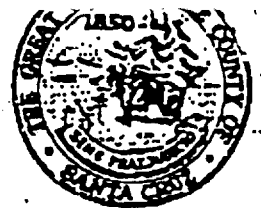
Motion made by Supervisor Symons, seconded by supervisor Belgard, to amend Section 13.10.647(c)(2)(ii) second line, to change the reference to 2% from 1%, and change the last line to read: "...shall not count towards the coverage maximum"; motion failed with Supervisor Beautz, Almquist and Wormhoudt voting "no":

State of California, County of Santa Cruz-ss.

I, Susan A. Mauriello, Ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California, do hereby certify that the foregoing is a true and correct copy of the order made and entered in the Minutes of said Board of Supervisors. In witness thereof I have hereunto set my hand and affixed the seal of said Board of Supervisors.

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EXHIBIT C



ATTACHMENT 5

THE BOARD OF SUPERVISORS MEETING

on the Date of September 23, 1997

REGULAR AGENDA . Item No. 063

Motion made by Supervisor Belgard, seconded by Supervisor Symons, to amend Section 13.10.647(e)(2) last sentence to read: "With respect to the foregoing, APAC shall make its recommendation based on a formula that requires 35 square feet of structure per goat or sheep, and 40 square feet of structure for swine to establish the maximum number of animals possible under consideration by APAC."; motion failed with Supervisors Beautz, Almquist and Wormhoudt voting "no";

By consensus, the Board directed staff to include reference to the Animal Control Ordinance in Ordinance No. 4474 and directed the County Administrative Officer to include the issues raised regarding the humane treatment of animals as a part of the Animal Control Ordinance which is currently being modified;

Upon the motion of Supervisor Almquist, and duly seconded by Supervisor Beautz, motion was made to restrict growth at Santa Cruz Biotechnology, Inc.'s north coast facility, pending approval of a master plan, to the additional proposed structures for which the Planning Department has current applications;

Motion made by Supervisor Belgard, seconded by Supervisor Symons, to amend the main motion to allow 10% growth in the number of goats at the north coast facility; motion failed with Supervisors Beautz, Almquist and Wormhoudt voting "no";

Upon the motion of Supervisor Almquist, duly seconded by Supervisor Belgard, the Board, with Supervisor Wormhoudt voting "no", reconsidered motion to allow 10% growth in the number of goats at the north coast facility;

Upon the motion of Supervisor Belgard, duly seconded by Supervisor Symons, the Board, with Supervisors Beautz and Wormhoudt voting "no", approved allowing a 10% increase to the existing number of 1,525 goats at Santa Cruz Biotechnology, Inc.'s facility on the north coast prior to approval of its master plan:

Approved main motion, as amended, by unanimous vote, to restrict growth at Santa Cruz Biotechnology, Inc.'s north coast facility, pending approval of its master plan, to the development of

State of California, County of Santa Cruz--ss.

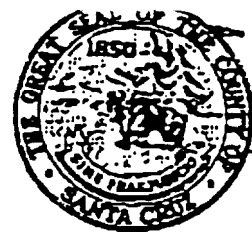
I, Susan A. Mauriello, Ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California, do hereby certify that the foregoing is a true and correct copy of the order made and entered in the Minutes of said Board of Supervisors. In witness thereof I have hereunto set my hand and affixed the seal of said Board of Supervisors.

Page 3 of 4

EXHIBIT

AT THE BOARD OF SUPERVISORS MEETING
On the Date of September 23, 1997

ATTACHMENT 5.



REGULAR AGENDA Item No. 063

structures for which Planning has current applications and to limit the goat population to a 10% increase over the current number

cc:

CAO

county Counsel

Lloyd Williams

Paul Bruno

~~Back~~ Ranch Road Association

~~Santa Cruz~~ Biotechnology, Inc.

Save Our Agricultural Land

Environmental Health Services

County Health Officer

Agricultural Commissioner

UC Extension Services

Agricultural Policy Advisory Commission

Rich Casale, NRCS

Planning Commission

State of California, County of Santa Cruz-ss.

I, Susan A. Mauriello, Ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California, do hereby certify that the foregoing is a true and correct copy of the order made and entered in the Minutes of said Board of Supervisors. In witness thereof I have hereunto set my hand and affixed the seal of said Board of Supervisors, on October 1, 1997.

Page 4 of 4

Sander Hansen

, Deputy Clerk

EXHIBIT C

225

PLANNING DEPARTMENT

GOVERNMENTAL CENTER

Don Bussey
Deputy Zoning Administrator



COUNTY OF SANTA CRUZ

701 OCEAN STREET SANTA CRUZ, CALIFORNIA 95060
FAX (831) 454-2131 TDD (831) 454-2123 PHONE (831) 454-2580

ATTACHMENT 5 1,

Planning Commission
701 Ocean Street
Santa Cruz, CA 95060

July 13, 1998

SUBJECT: Application No.: 97-0648
APN: 059-021-08 and 062-151-03
Land of Stephenson
- 345 Back Ranch Road, Santa Cruz

Members of the Commission:

In accordance with Section 13.10.124(b) of the County Code, I hereby refer this application to your Commission for consideration. It is my opinion that this proposal merits the more extensive review that your commission can provide. In addition, I am directing the project planner to make the following correction and to provide more extensive analysis to your Commission regarding the following:

1. Include within the project description and the legal advertisement the proposed grain silo. This item was not included in the project description.
2. Consider alternatives to the 44 acre prohibition on the grazing of biomedical livestock in the area of the horse barns.
3. Provide an alternative to the demolition of the former caretakers quarters. A possibility would be to relocate the structure to the vicinity of the proposed horse barns. This would appear to comply with the clustering provisions of the County Code and the General Plan.
4. Review all of the information on the use of water from Laguna Creek (license #7800; License for the Diversion and Use of Water) and determine that an adequate amount of water is available for fire protection and irrigation purposes. This would include an analysis of all water sources that fill the reservoirs and what the water is used for.

Sincerely,

Don Bussey

Don Bussey
Deputy Zoning Administrator
County of Santa Cruz

cc: Kim Tschantz, Project Planner
John and Brenda Stephenson
Paul Bruno
SOAL
Robert Hirth

EXHIBIT D

226

*Please refer to Exhibit C of the 9/8/99
Planning Commission staff report for this identical Exhibit*

**ENVIRONMENTAL REVIEW INITIAL STUDY
FOR**

**The Private Equestrian Facility, Water
Line Extensions and New Grain Silo at the
Stephenson Ranch
(Application 97-0648)**

**Prepared by the
County of Santa Cruz Planning
Department**

M a r c h 8, 1999



THELEN REID & PRIEST LLP

ATTORNEYS AT LAW

SEVENTEENTH FLOOR

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SAN FRANCISCO
WASHINGTON, D.C.
LOS ANGELES
SAN JOSE

ATTACHMENT 5

PAUL A. BRUNO

August 24, 1998

Mr. Kim Tschantz
Deputy Environmental Coordinator
Santa Cruz County Planning Department
701 Ocean Street
Santa Cruz, California 95060

Re: Stephenson Ranch Horse Barn
Application No.: 97-0648

Dear Kim:

This letter has two purposes: first, the letter is to assist your further work pursuant to the Zoning Administrator's reference of this matter to the Planning Commission. The second purpose of this letter is to clear misunderstandings that were made obvious to me at our meeting some weeks ago -- in short, I investigated a few areas that you called to my attention, and you were correct. Please take this letter as a resolution of some of the ambiguities and consider this letter as the position of the Stephensons.

In any event, the Zoning Administrator's referral included a directive that staff provide more analysis on certain specific points. The four items **included** in the Zoning Administrator's action are discussed **individually** below. In addition, I will clarify several other items that may have been misinterpreted. Again, this information is intended to focus on certain aspects of the application and to assist you in completing the analysis. I understand you may still be on vacation (I just got back), so I copy this letter to David, Martin and Don for their review.

1. PROJECT REFERENCE

The Negative Declaration and the **staff report** continue to refer to this project as a "equestrian center." The application actually includes three different components, a water line and water tanks, a grain silo, and an agricultural barn. The barn has been the most discussed component of the application. While the primary use of the barn **will** be to house horses, the **barn** will also be used by the Stephensons to house other private livestock and materials *not associated with the*

Mr. Kim Tschantz

August 24, 1998

Page 2

biomedical operation. This point is raised only to clarify that this is a private barn for personal use and should be treated as such. The reference of this as an "equestrian center" can be troublesome because this reference is typically associated with a much larger facility. Again, this **is** a personal barn and not an "equestrian center*".

The staff report, under the conditions of approval, indicates that the permit, in addition to the water lines, water tanks, and **bam**, authorizes "livestock fencing around **44-acre** portion of the parcel, including fencing within 100 feet of a water body (the "Upper Reservoir"). To be perfectly clear, the application did not include any request to fence off the **44-acre** project area, and it **is** not the intent of the Stephensons to fence this area. The area was indicated solely to give both location and reference to the project given the large size of the Stephenson Ranch. As everyone knows (and no person disputes) all animals on the upper pasture may congregate or pasture together without any problem.

2. GRAIN SILO

As we discussed, this portion of the application was not included in the project description, or discussed in the **staff report**. The issue here seems to be that the grain silo is associated with the Biomedical Livestock Operation. This is true, and has been the intent **from** the time that the application was submitted. The silo has been needed for barn 4 & 5 ever since these barns were constructed. At the time, the Stephensons approached the County about installing the silo, it was stated that approval was needed from the Zoning Administrator. **Staff** recommended that this be included in the application for the barn. The application was submitted with the silo shown in association **with** the barn (the water lines were similarly included within the application). Based upon input from staff, the location was changed to move the grain silo to barn 4 & 5 because this is the location where it would be installed, and to clearly disassociate any "biomedical livestock" use from the barn. The other existing barns (which house goats) all have grain silos, and it has always been the intent to install a grain silo at barn 4 & 5.

The grain silo is important for both environmental and aesthetic reasons. Without the grain silo, the supplemental feed for the livestock must be purchased in bags. These bags are then stored in stacks on pallets. This provides a food source and nesting environment for rats and mice, which encourages their proliferation on the ranch and especially around the barn areas. Since these bags of feed cannot be efficiently stored inside the barns, they are stored outside, under tarps, which is unsightly. The grain silo will allow the grain to be purchased and stored in bulk (and not in bags) which will minimize the rodent proliferation, and **eliminate** the unsightly storage of feed outside, under tarps.

Finally, the Application, including the silo, was filed on September 11, 1997, with the County of Santa Cruz. The Board of Supervisors' action of September 23, 1997 allowed the continued processing of all applications on file as of the date of the Resolution for the Stephensons property. No policy decision was made related to whether the applications are related to the biomedical livestock operation. This portion of the application should receive a positive recommendation, based upon the needs and benefits as stated in the paragraph above. Again, this is a standard agricultural feed silo, not a nuclear missile silo.

3. 44 ACRE BIOMEDICAL PROHIBITION

As related above, the condition prohibiting Biomedical Livestock **grazing** on the 44 acre "Project Area" should not be imposed because it is an arbitrary boundary, the requirement is excessive in relation to any legitimate concern, and the requirement has the potential to inappropriately prejudice future land use decisions, and no such grazing limitation was ever requested by the Stephensons. This requirement (which has no precedent **from** my research) **will** be used by a few neighbors associated with **SOAL** to limit the grazing area for goats under the anticipated Master Plan. That is simply unfair and unrealistic.

The original plans submitted with the application identified a "project **area**." The purpose of defining the project area was simply to identify the project *location*. *This area* shows the location of the horse barn in relation to **property** lines and *also delineates the location* of the water line extension. There is no relationship between the **size** and configuration of the "project area" and the horse barn.

Grazing is an allowed agricultural use in the "project area," for both Biomedical Livestock Operations and for private livestock. The current limitations on the Biomedical Livestock operation are related solely to the number of animals, and to the processing of new permits. There is no limitation on where the animals may graze on the property. As I have stated repeatedly to both the Board of Supervisors and the Planning Commission, the animals can congregate and graze together. Accordingly, there is no rational reason for a prohibition on where the horses may walk on **all** of the upper pasture.

It has always been the intent, and is the **long term** plan of the **Stephensons** to continue their current practice of grazing Biomedical Livestock and private livestock together consistent with both the Ordinance and all Board Directories.'

This condition is also contrary to at least **one** of the findings required for project approval in the CA zone. **The** first required finding for approval of an application in a CA zone is that the **project will not adversely affect agricultural operations in this area.** **The** restriction on the 44 acres does directly and adversely affect one of the existing agricultural uses. This 44 acre project area is in the center of the property, and placing a prohibition on Biomedical Livestock grazing on this portion of the property would place an artificial barrier in the center of the property. This would potentially remove approximately 20 percent of the available pastureland from agricultural production. In addition, reserving 44 acres for the small number of personal livestock to be housed in the barn would be a significant under utilization of this CA zoned property. The "project area" is clearly not needed to support the horses in the proposed barn.

The application is to allow a **barn** that is not associated with the Biomedical Livestock operation. Therefore, **the barn** should be conditioned to restrict the housing or feeding of Biomedical Livestock within the structure. The Stephensons are agreeable to accepting this type of a condition, but the condition must be written to achieve the stated objective only and not to prejudice future decisions about the use of the property or what they can do with a **barn** that is intended for their private use.

SOAL in their letters have indicated a desire to see very restrictive conditions placed on the use of this barn. The barn is for private use, and it will not be used as a commercial equestrian facility. These are not permitted in the CA zone without approval of the Zoning Administrator. Since the Zoning Ordinance already addresses this point, additional conditions which are more restrictive than the rights enjoyed by other property -owners with private barns are inappropriate.

In light of this, the following changes should be made to the following conditions:

Condition I: delete the following:

- the reference to the project as a "private equestrian facility,"
- the statement that the 44 acre area will be used solely for private equestrian use, and
- the limitation restricting biomedical livestock **raising** within this portion of the parcel.

Condition VI. A: change the reference from the 44 acre area to a private livestock barn.

4. DEMOLITION OF CARETAKERS QUARTERS

Mitigation measures and conditions are included in the staff recommendation to remove the existing caretakers dwelling and support facilities located north of the proposed barn site. The existing caretakers dwelling and associated structures are currently being used as part of the Biomedical Livestock operation. These buildings are completely separate **from** the barn application. We do recognize the need to **minimize** the number of building clusters on the site. Therefore, as part of the Master **Plan**, the Stephensons will propose **the removal** and replacement of these facilities at a different location. Since the Stephensons are not able to construct new facilities at this time, we would ask that some consideration be given to the fact that new facilities cannot be constructed until the Master Plan is approved. The **Stephensons would** like to use **these existing** facilities until that time, and then remove them when replacement facilities are approved and constructed.

Since there is no other place to provide supplemental feed to the animals, or to house employees and materials associated with the Biomedical Livestock use, this condition and mitigation measure **adversely** affects an existing agricultural operation. As discussed above, a condition which inhibits commercial agricultural uses is inconsistent with the required findings for projects within the CA zone.

In order to address this issue, we would request that changes be made to the conditions **as** follows:

- delete condition **II.C.**
- Modify condition V and condition **VIII.D** to require **that** the existing caretakers dwelling be removed prior to obtaining an occupancy permit for any new building approved as part of the master plan for the biomedical livestock operation associated with Stephenson Ranch.

5. WATER

A large amount of attention has been paid to the diversion from Laguna Creek, but this is actually a very small portion of the water for the property. Equally **important**, the water from **the** diversion cannot be used on the upper terrace. The real question is whether there is **sufficient** water to the upper terrace to support the personal barn. Instead, questions have been raised about the amount of water used on the lower terrace and on **the** Edward's property. I understand **from** reading various documents that there is controversy associated with the use of water from the Majors Well. The Water Rights Complaint filed on behalf of the County with the California Department of Water Resources will take some time to sort out. (I noticed and appreciate the

fact that you struck the word "complaint" out in your request for information -- I see **from** the file that outside pressure **on you has** been extensive.)

We would like to proceed with the barn on the basis that there is sufficient water for the proposed barn without using any water **from** the diversion on Laguna Creek. The primary source of water for the horse barn will be **from** the City Agricultural water line. According to the **City, the** Stephenson Ranch has a 1.5" meter coming **from** the City Agricultural water line. This 1.5" meter will provide 225,000 gallons of water per month. This water can **be** used for irrigation and watering animals and is more than **sufficient** to provide water for the horses, to **fill** the water tanks for irrigation and fire flow purposes. (Ironically, this water will also protect some of the same neighbors that oppose the barn.)

As you know, in order to meet the **fire** flow requirements of the Fire Department a second water line will connect the water tanks to the upper reservoir. This will provide the fire flow that **is** necessary for prolonged fire-fighting. Water to the domestic service in the barn will be provided by an existing well on the property. The limited demand for domestic water associated with the barn also makes approximately 10 acre feet of water available **from** this well for irrigation. This well can also be used to **fill** the water tanks. The combination of the City Agricultural Water Line, domestic well and water **from** the upper reservoir provide more than **sufficient** water for the barn.

The amount of water used on the lower terrace will not be affected by the construction of the proposed barn. The existing sources of water provide sufficient water for the pasture irrigation on the lower terrace. As discussed above, there is sufficient water for the proposed barn without placing any **additional** demand on the water sources supplying water to the lower pastures.

There was concern expressed **with** placing water from the Laguna Creek diversion in the upper reservoir. The concern was that once this water is placed in the upper reservoir, how can it be demonstrated that the water is being used in the appropriate geographic location for an allowed use: According to our conversations with the Department of Water Resources, the water from the diversion can be mixed with water **from** other sources and intended for other uses, provided that the end result is that an amount of water equivalent to **that** taken from the diversion is applied to any allowed area for irrigation. As demonstrated, more **than** 13 acre feet of water is used for irrigation on the lower terrace, in locations approved as part **of the** water diversion license. The water is only diverted between January and the first of May, and the water is used for irrigation only. Thus, the terms of the water diversion are being complied with in full.

The Stephenson Ranch has **sufficient water** for both the irrigation on the lower terrace, and the proposed barn. This water is available without drawing additional water from Laguna Creek. The water used for the new barn will not, and cannot come **from** the diversion in Laguna Creek. Alternative sources of water are **sufficient** for the new **barn**. The water **from** the diversion is being used on the lower terrace **in** accordance with the diversion. Therefore, there is no reason to surmise that the new barn has the potential to draw additional water from Laguna Creek and adversely **affect** the steel head trout. The mitigation contained in condition **VIII.B** requiring the water meter is unnecessary and should be removed and the project should proceed forward based upon that fact that there is **sufficient** water for the **proposed barn**.

All this has been said, and all of this is true fact. I **realize** that there may be a water controversy associated with the Master Plan, but that is outside this request for the personal barn, a water line and tanks.

6. IMPERVIOUS SURFACES

When this application was originally submitted (originally **20** months ago with resubmission on September **11, 1997**), there was no limitation on the amount of impervious surfaces associated with the Biomedical livestock operation. We are currently working with the Fire **Department** to develop a solution which will provide them **with** access, which does not result in the creation of impervious surfaces. For purposes of the Master Plan, the limitation on impervious surfaces is **related** to the Biomedical Livestock-operation. The horse **barn** is not related to the Biomedical Livestock Operation, and so does not count against the impervious surface limitation. The ordinance states that: "Residential structures, driveways and accessory uses; structures associated with other principally allowed agricultural uses **...shall** not count toward the 1% coverage maximum." The private raising of horses and non-biomedical livestock is an allowed use, and the horse barn is a conditionally allowed use. The impervious **surfaces** associated **with** the proposed facilities should not be included within the impervious surface calculations of the Biomedical Livestock operation in any **event**.

At the Zoning Administrator hearing, it was **discussed** that the amount of impervious surface should be reduced. However, for the above reasons, the discussion of impervious surfaces should not be a point of discussion for the horse **barn**.

7. RIPARIAN EXCEPTION FOR EPHEMERAL DRAINAGE

There is a **reference** to the Riparian Exception Permit (97-0779) in the Negative Declaration which includes a mitigation measure requiring that **permanent** fencing **be** installed to prevent grazing in the ephemeral drainage. The temporary fence that was requested as part of application 97-0779 will address this potential impact. This application is being processed separately. The Stephensons are not in agreement with this requirement and have appealed the requirement to move the existing fences. The reference to this mitigation measure should be removed from this Negative Declaration.

Summary:

As you prepare your analysis for the Planning Commission, **we** would request that the following items be addressed:

1. The project is a private horse barn and not an "equestrian facility,"
2. The grain silo is a use which is needed and normally an allowed use and should be approved consistent with the Board's September 23, 1997 resolution,
3. The barn should be conditioned to not allow the Biomedical Livestock operation, and not the 44 acres,
4. The caretakers quarters should be allowed to remain **until** the master plan is approved, and new facilities are constructed,
5. There is **sufficient** water to allow the barn, and the barn will not require additional water **from** Laguna Creek,
6. This application should not be subject to discussions of impervious surfaces, and
7. The reference to the Riparian Exception Permit should be removed.

THELEN REID & PRIEST LLP

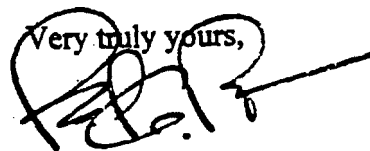
Mr. Kim Tschantz

August 24, 1998

Page 9

ATTACHMENT 5

I hope that this clears any misunderstanding surrounding the underlying facts on this Application. The facts are simple. The discussion above has indicated the areas of the **staff** recommendation that should be modified, If you should have any questions, please contact me.

Very truly yours,


Paul A. Bruno

PAB/r

sj #60868

cc: John and Brenda Stephenson
David Lee, Assistant Planning Director
Martin Jacobson, Principal Planner
Don **Bussey**, Zoning Administrator

PLANNING DEPARTMENT

GOVERNMENTAL CENTER



COUNTY OF SANTA CRUZ

701 OCEAN STREET SANTA CRUZ, CALIFORNIA 95060

FAX (408) 454-2131

TDD (408) 454-2123

ATTACHMENT 5

DEVELOPMENT PERMIT APPLICATION

PHONE: (408) 454-2130

PRINT DATE: 09/11/1997

APPLICATION DATE: 09/11/1997

APPLICATION NO.: **97-0648**

PARCEL NO.
059-021-08
062-151-03

SITUS ADDRESS
345 BACK RANCH RD SANTA CRUZ 95060
NOT AVAILABLE

PROJECT DESCRIPTION:

Proposal to: 1) Construct two 4,000 square foot agricultural barns with a rest room in one of the barns 2) Install five 4,975 gallon water storage tanks 3) One silo 9 ft. diameter X 25 feet in height; and install a new water line of approximately 3,000 linear feet from the "Upper Reservoir" to the proposed water storage tanks. All for equestrian use. Requires a Coastal Zone Permit.

DIRECTIONS TO PROPERTY: HIGHWAY 1 TO BACK RANCH ROAD.

OWNER: STEPHENSON JOHN R & BRENDA H/W CP
APPLICANT: STEPHENSON JOHN R & BRENDA H/W CP

2161 DELAWARE AVE. SANTA CRUZ CA 95060
2161 DELAWARE AVE SANTA CRUZ CA 95060

APPLICATION FEES: RECEIPT: 00023582
COASTAL ZONE PERMIT - MAJOR - ACP
APPLICATION INTAKE B
FLAT FEE CONVERTED TO AT COST
*** TOTAL ***

DATE PAID: 09/11/1997
500.00 #12809
81:00
500.00 #12809
1081.00 ***

PARCEL CHARACTERISTICS FOR: 05902108
ZONE DISTRICT(S): COMMERCIAL AGRICULTURE
GENERAL PLAN LAND USE DESIGNATION(S): AGRICULTURE
PLANNING AREA: BONNY DOON
COASTAL ZONE: WITHIN COASTAL ZONE
GENERAL PLAN RESOURCES & CONSTRAINTS: GW
GENERAL PLAN RESOURCES & CONSTRAINTS: LDW
GENERAL PLAN RESOURCES & CONSTRAINTS: C-FIRE
GENERAL PLAN RESOURCES & CONSTRAINTS: AG-3
GENERAL PLAN RESOURCES & CONSTRAINTS: SCENIC
GENERAL PLAN RESOURCES & CONSTRAINTS: ARCRES
GENERAL PLAN RESOURCES & CONSTRAINTS: BIOTIC
GENERAL PLAN RESOURCES & CONSTRAINTS: GEO-PALEO
ASSESSOR LAND USE CODE: DIVERSIFIED FARM
DISTRICT SUPERVISOR: Mardi Wormhoudt
PARCEL SIZE: 144.559 ACRES (EMIS ESTIMATE)

THIS PARCEL SIZE HAS BEEN CALCULATED BY EMIS, THE COUNTY'S GEOGRAPHIC INFORMATION SYSTEM, AND IS AN ESTIMATE ONLY. IF A MINIMUM PARCEL SIZE IS REQUIRED TO MEET COUNTY STANDARDS, YOU MAY NEED TO OBTAIN A SURVEY TO DEMONSTRATE THAT YOU HAVE SUFFICIENT LAND AREA.

GENERALIZED. THE APPLICATION OF SPECIFIC RESOURCE AND CONSTRAINT POLICIES IS DEPENDENT ON THE ACTUAL CONDITIONS ON THE PROPERTY AND IN THE AREA OF DEVELOPMENT.

PARCEL CHARACTERISTICS FOR: 06215103
ZONE DISTRICT(S): COMMERCIAL AGRICULTURE
GENERAL PLAN LAND USE DESIGNATION(S): AGRICULTURE
PLANNING AREA: BONNY DOON
COASTAL ZONE: WITHIN COASTAL ZONE

ATTACHMENT 5

GENERAL PLAN RESOURCES & CONSTRAINTS: GW
GENERAL PLAN RESOURCES & CONSTRAINTS: LDW
GENERAL PLAN RESOURCES & CONSTRAINTS: AG-3
GENERAL PLAN RESOURCES & CONSTRAINTS: ARCRES
GENERAL PLAN RESOURCES & CONSTRAINTS: - BIOTIC

ASSESSOR LAND USE CODE: VEGIE FARJVRRESIDENCE

DISTRICT SUPERVISOR: Mardi Wormhoudt

PARCEL SIZE: 62.128 ACRES (EMIS ESTIMATE)

THIS PARCEL SIZE HAS BEEN CALCULATED BY EMIS, THE COUNTY'S GEOGRAPHIC INFORMATION SYSTEM, AND IS AN ESTIMATE ONLY. IF A MINIMUM PARCEL SIZE IS REQUIRED TO MEET COUNTY STANDARDS, YOU MAY NEED TO OBTAIN A SURVEY TO DEMONSTRATE THAT YOU HAVE SUFFICIENT LAND AREA.

ACTUAL CONDITIONS ON THIS PROPERTY MAY NOT COINCIDE WITH THE MAPPED RESOURCE/CONSTRAINT INFORMATION, WHICH IS SOMEWHAT GENERALIZED. THE APPLICATION OF SPECIFIC RESOURCE AND CONSTRAINT POLICIES IS DEPENDENT ON THE ACTUAL CONDITIONS ON THE PROPERTY AND IN THE AREA OF DEVELOPMENT.

THE DECISION ON YOUR PROJECT WILL BE MADE BY THE PLANNING COMMISSION AT A NOTICED PUBLIC HEARING.

THE UNDERSIGNED PROPERTY OWNER(S) HEREBY AUTHORIZES THE FILING OF THIS APPLICATION, AND AUTHORIZES ON-SITE REVIEW BY AUTHORIZED STAFF. I CERTIFY TO THE BEST OF MY ABILITY THAT THE ABOVE AND ATTACHED INFORMATION IS TRUE AND CORRECT, AND THAT I HAVE READ AND UNDERSTOOD THE ABOVE INFORMATION.

SIGNATURE OF PROPERTY OWNER/OWNER'S AGENT

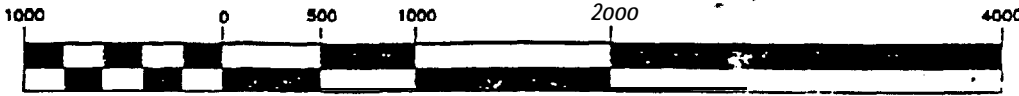
APPLICATION TAKEN BY
DARCY L HOUGHTON, PLANNING DEPARTMENT
SUBMITTED AT 701 OCEAN STREET

SIGNATURE OF PROPERTY OWNER/OWNER'S AGENT

* NOTICE TO DEVELOPMENT PERMIT APPLICANT:

- You will be notified within five (5) working days of the name and phone number of your project planner.
- If your project is found to be extraordinarily complex, reviews normally charged a fixed development permit or technical review fee may be charged on an actual cost basis. This determination may be made either at application acceptance or during application review. Authority for these charges is found in the Planning Department Fee Schedule.
- Your application fees are not refundable, except as specified in the Planning Department Fee Schedule.
- If you have begun an activity or work requiring county review or approval without first obtaining a permit, you will be charged fees equal to the cost of investigation and resolution of the violation. Authority for these charges is found in Chapter 1.12 of the Santa Cruz County Code.
- You need to advise residents of property that Planning Department staff may be visiting the site. Site should be clearly marked/staked for staff inspection. Incomplete directions or marking will delay review of the project.

GRAPHIC SCALE



(IN FEET)

1 inch = 1000 ft.

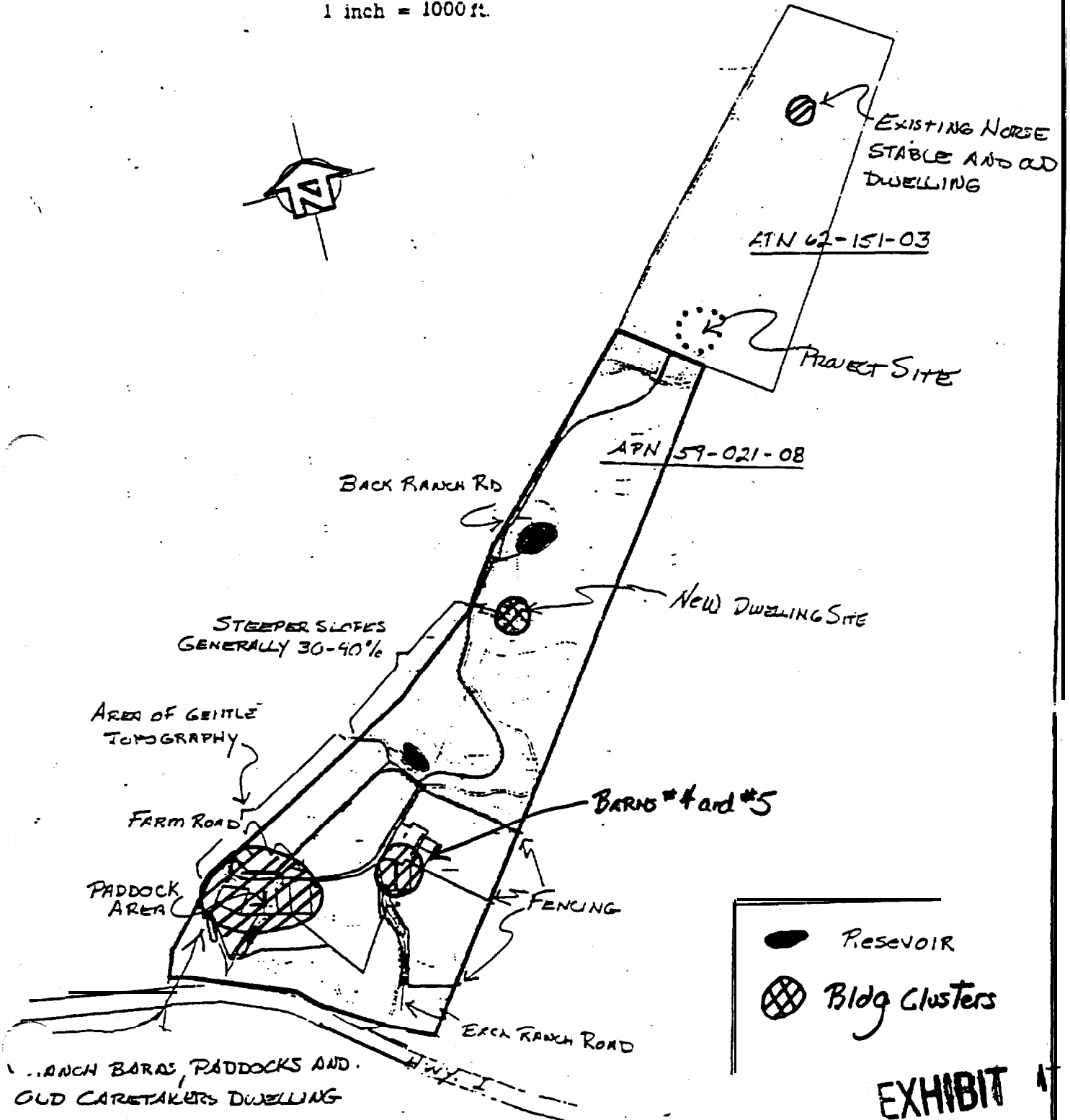


EXHIBIT 1

CITY OF SANTA CRUZ
WATER DEPARTMENT
CALIFORNIA

ATTACHMENT 5

October 8, 1998

TO Matt Mullin, Santa Cruz Biotechnology
FROM *MD* Mary Duke, SCWD Engineering Technician
SUBJECT County Development Permit Application #97-0648

Information for your file per our conversation this morning:

The existing 1½" irrigation meter currently serving 5322 Coast Road is connected to the City's raw water main and is for non-potable use only. This service may be used to fill the storage tanks reserved for irrigation/agricultural use and private fire protection, **as** proposed in Permit Application **#97-0648**, within the maximum meter size capacity of 600 billing units per **2** month billing period.

cc: Kim Tchantz

EXHIBIT

THELEN REID & PRIEST LLP
ATTORNEYS AT LAW

ATTACHMENT 5

NEW YORK
SAN FRANCISCO
WASHINGTON, D.C.
LOS ANGELES
SAN JOSE

SEVENTEENTH FLOOR
333 WEST SAN CARLOS STREET
SAN JOSE, CALIFORNIA 95110-2701
TEL (408) 292-5800 FAX (408) 287-8040
www.thelenreid.com

July 6, 1998

VIA FACSIMILE AND U.S. MAIL

Don Bussey
Zoning Administrator
Planning Department
county of Santa **Cruz**
701 Ocean Street, Room 400
Santa Cruz, CA 95060

Re: Horse Barn Application No. 97-0648

Dear Mr. Bussey:

This letter sets forth the response of the applicants, John and Brenda Stephenson, to the June 16, 1998 letter from Save Our Agricultural Land ("SOAL"), a group comprised primarily of neighbors who oppose the County's biomedical livestock operations ordinance and Santa **Cruz** Biotechnology's operations on the Stephenson Ranch. Most of the issues discussed in **SOAL's** letter have been addressed in our previous letters to the County regarding the Stephensons' horse barn application. Accordingly, this letter focuses on only the newest issues raised by **SOAL**.

Use of Water from Laguna Creek Diversion: The Stephensons have a right to divert 13 acre feet of water per year **from** a diversion point on **Laguna** Creek pursuant to a license issued by the State Water Rights Board. As explained in our previous letters to the County, the water from the diversion is commingled in the Hammer Reservoir with water from other sources, and part of the water from the Hammer Reservoir is pumped into the Lower Reservoir on the Stephenson **Ranch**.^{1/} Obviously, part of the water from the Lower Reservoir is then pumped into the Upper Reservoir on the Stephenson Ranch (which also receives water **from** other sources).

^{1/} This commingling of water **from** various sources would make it impossible for the Stephensons to comply with the County's proposed metering requirement because any such meter would have to be located on land that is not owned by **the** Stephensons.

EXHIBIT K

SOAL argues that the license for the diversion right requires **all** 13 acre feet of water to be used to irrigate the lower pasture on the Stephenson Ranch, and thus that none of the commingled water in the Upper Reservoir can be used-for any other purpose. **SOAL's** interpretation of the license is both incorrect, and illogical. A representative of the Stephensons spoke to a State Board staff member over a year ago about this issue and was advised that the water **from** the diversion could be commingled with water from other sources so long as the water **from** other sources is sufficient to cover the place of use that is not mentioned in the permit. In other words, so long as at least 13 acre feet (i.e., the Stephensons' full share of the diversion right) of the water **from** the **commingled** sources is used on the lower pasture area mentioned in the license, the license condition is satisfied.

The Stephensons **have** complied with this **requirement**. The lower pasture area **on** the Stephenson Ranch is over 40 acres. Assuming that this **irrigated** pasture requires 1 acre foot of water per year (the figure cited by **SOAL**), over 40 acre feet of water is used on the lower pasture. Thus, the condition of the permit is satisfied because more than 13 acre feet of water is used on the lower pasture.

SOAL is apparently arguing that each molecule of water from the diversion point must be tracked directly to the lower pasture. This proposal is nonsensical and contrary to the traditional use of the diversion water on the Stephenson Ranch and other agricultural properties. Accordingly, **SOAL's** arguments on this issue should be rejected.

Removal of Grain Silo from Project Description: The above-referenced application, which includes a proposal for one grain silo 9 feet in diameter and 25 feet in height, was pending when the Board of Supervisors issued a directive on September 23, 1997 that the Planning Department was to process all permits that were pending at that time. Despite this directive, following the comment period on the initial study, the Planning Department **unilaterally** changed the project description to remove any reference to the grain silo. The removal of the grain silo from the project description is contrary to the express directive of the Board of Supervisors. Accordingly, the grain silo should be restored to the project description and the hearing should be readvertised.

Prohibition of Biomedical Livestock Operations on 44-acre Portion of the Stephenson Ranch: The staff report proposes (without explanation) imposition of a condition that the "44-acre area associated with the items listed above and as shown on Sheets 1-3 of Exhibit A will be solely for private equestrian use" and that "[n]o biomedical livestock raising shall occur within this portion of the parcel." Our previous letters to the County have pointed out numerous problems with this proposed condition. Because Santa Cruz Biotechnology soon will submit its master plan for biomedical livestock operations on the Stephenson Ranch, this

EXHIBIT

THELEN REID & PRIEST UP
Don Bussey
July 6, 1998
Page 3

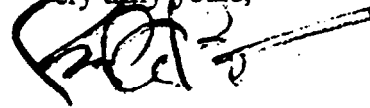
ATTACHMENT 5 1.

proposed condition should be deleted and the issue of potential restrictions on the use of portions of the Stephenson Ranch should be considered in connection with the consideration of the master plan.

Removal of Caretaker's Dwelling and Paddocks (Condition V and Mitigation

C): After the initial study was circulated, the County added a requirement that the "existing stable facility (former caretaker's dwelling and paddocks)" be completely removed within 30 days of final inspection of the building permit for the new barns and the commencement of their use to house livestock. Again, our previous letters to the County discuss the **many** problems with this proposal. As the Stephensons have informed the County, the existing structure will be relocated once the master plan for the site is approved. The County should postpone imposing any requirement to eliminate these structures until approval of the master plan, or, in the alternative, allow the existing housing to be moved to a cluster associated with the proposed livestock barns that will be outlined in the master plan.

Very truly yours,



Paul A. Bruno

PAB/SDR/π

cc: David Lee, Assistant Planning Director
Jonathan Wittwer, Esq.

EXHIBIT 1

Save Our Agricultural Land

"SOAL"

-365 Lake Avenue

Santa Cruz, CA 95062

(408) 475-0724

Fax: (408) 475-0775

E-Mail: jwardjd@aol.com

Web Site: <http://www.scruz.net/~stefan/SOALSisters.html>

July 8, 1998

Zoning Administrator
county of Santa Cruz
County Governmental Center
701 Ocean Street,
Santa Cruz, CA 95060

Re: **7/10/98 ZA Agenda- 345 Back Ranch Road**
Application for Barns (8000 Square Feet) and Water Lines and Tanks
Application No. 97-0648
APN: 059-021-03/062-151-03 (A Single Parcel)

Dear Zoning Administrator:

This letter is in response to the July 6, 1998 letter submitted to you by Paul Bruno, attorney for Santa Cruz Biotechnology ("SCB") and John and Brenda Stephenson. In that letter, Mr. Bruno referenced issues brought up in SOAL's prior comments on the application for "horse barns." SOAL believes it is necessary to clarify its position regarding these issues. For ease of reference, I have listed the following items to correlate with Mr. Bruno's headings.

Use of Water from Laguna Creek Diversion: Mr. Bruno asserts that the SCB property has access to enough water to irrigate their lower 40 acres and the 44 acres on the upper terrace. Mr. Bruno does not include the water necessary to irrigate the Edwards property which is leased and irrigated by SCB. Mr. Bruno asserts that water is available from "other sources." However, the details of where this water comes from is not mentioned or explained. In determining whether enough water is available for this project, the source and amount of water available for irrigation should be established. Additionally, the Majors well cannot be considered as an additional water supply because it pulls the underflow from Laguna Creek, so must be considered part of the Laguna Creek diversion.

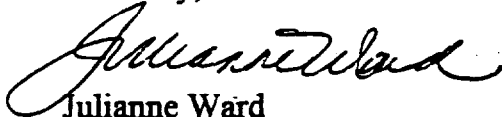
EXHIBIT K

Removal of Grain Silo from Project Description: Mr. Bruno requested that the Grain Silo, which would be located on the lower terrace near the biomedical goat **barns**, be restored to the project description for the Equestrian Barns. The Grain Silo is not related to the equine use of the "horse barns." The Grain Silo is part of the Biomedical Goat Facility and as such should be included in the **Master** Plan for the Biomedical Research Facility. The permit processing of the "horse **barns**" is for a use unrelated to the Biomedical Research Facility. These two developments must be kept separate and any expansion of the Biomedical Research Facility must be evaluated in the Master Plan process.

Prohibition of Biomedical Livestock Operations on 44-acre Portion of the Stephenson Ranch: The entire premise for the processing of the Permit Application for the "horse **barns**" is that this use is separate and distinct **from** the Biomedical Use of the property. In objecting to the use of this facility for future Biomedical Livestock housing, Mr. Bruno reveals **SCB's** plan to include these **barns** in the Biomedical Livestock Operation. As these barns are identical **in** size and structure to the Biomedical Goat barns on the lower **terrace** and do not resemble any traditional style of horse barn, it is more than probable that SCB plans to house Biomedical Goats in these barns. As such, the "horse barns" must be included and evaluated in the Master Plan as was requested by the Coastal Commission. **Failure to** include these barns in the Master Plan process allows Santa **Cruz** Biotechnology to build their Biomedical Research Facility in a piecemeal fashion, avoiding proper review

SOAL agrees with Mr. **Bruno's** recommendation that this application be reviewed as part of the Master Plan. In denying this application and revisiting these proposed "horse **barns**" as part of the Master Plan, **all** aspects of this development can be evaluated and any inconsistencies avoided.

Sincerely,



Julianne Ward
Executive Director

cc: Kim **Tchantz**, Deputy Environmental Coordinator
Paul Bnmo, Esq.

EXHIBIT K

THELEN REID & PRIEST LLP

ATTORNEYS AT LAW

SEVENTEENTH FLOOR
333 WEST SAN CARLOS STREET
SAN JOSE, CALIFORNIA 95110-2701
TEL (408) 292-5800 FAX (408) 287-8040
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ATTACHMENT

5

NEW YORK
SAN FRANCISCO
WASHINGTON, D.C.
LOS ANGELES
SAN JOSE

July 9, 1998

VIA FACSIMILE

Don Bussey
Zoning Administrator
Planning Department
County of Santa Cruz
701 Ocean Street, Room 400
Santa Cruz, CA 95060

Re: Horse Barn Application No. 97-0648

Dear Mr. Bussey:

We have received and reviewed the July 8 letter from Save Our Agricultural Land ("SOAL"). This letter is to insure that there are no misunderstandings. Apparently the SOAL executive director misread my letter of July 6 to the Zoning Administrator. Neither the Stephensons nor I recommend that the application should be reviewed as part of the Master Plan process. We do not recommend denial of the application, but rather have noted that certain inconsistent recommendations in the Staff Report could be remedied when this matter comes for hearing before the Planning Commission. Specifically, there should be no restriction regarding use of any portion of the Ranch and that the existing housing (caretaker's dwelling) should be allowed to be moved at a later date.

Thank you for your attention.

Very truly yours,



Paul A. Bruno

PAB/cle

cc: David Lee, Assistant Planning Director
Jonathan Wittwer, Esq.

EXHIBIT

DEPARTMENT OF PARKS AND RECREATION



ATTACHMENT 5

Santa Cruz District
600 Ocean Street
Santa Cruz, CA. 95060

January 21, 1999

Ken Hart, Environmental Coordinator
Planning Department
county of Santa Cruz
7 0 1 Ocean Street
Santa Cruz, CA, 95060

Re: Stephenson Ranch: Equestrian
County of Santa Cruz
Mitigated Negative Declaration

Dear Mr. Hart:

Santa Cruz district staff
opportunity to review the environmental
Stephenson Ranch and have reviewed
project on views from State Park
recommended.

It is clear that the proposed
lands located adjacent to an
currently managed by the Santa
Department of Parks and Recreation

Department of Parks and Recreation have had the
review the proposed equestrian facility on the
assess the potential impact of the proposed
results of our analysis, additional mitigation is

sible from the state-owned Scaroni Ranch
subject property. The Scaroni Ranch property,
which is scheduled to be transferred to the California
for incorporation into Wilder Ranch State Park.

Owing to the distance of the proposed project from an anticipated recreational corridor on
the Scaroni property (approximately 1/2 mile), the level of significance of the visual impact is a
subjective matter on which reasonable people can disagree. The proposed mitigation requirements
in the Negative Declaration will lessen the visual impact of the project. It is suggested however
that additional mitigation be considered including a requirement to develop a landscaping plan
designed to further soften the visual impact of the proposal as viewed from the Scaroni/Wilder
Ranch State Park property.

The Department is also concerned about potential adverse impacts from outdoor area night
lighting at the proposed equestrian facility site. Excessive outdoor area lighting could have
adverse impacts upon nocturnal wildlife on adjacent state lands. In addition, it is noted that the
western edge of Scaroni/Wilder Ranch park lands are ideally situated for astronomical viewing by
the recreating public owing to the sweeping un-interrupted panoramic vistas of the southern sky,
the relative distance from the lights of the City of Santa Cruz, and near absence of surrounding
development within viewshed of the park. Accordingly, it is suggested that the County consider
the issue of outdoor area night lighting and require mitigation for this potential impact.

Thank you for the opportunity to comment on this proposal.

David Vincent
District Superintendent

EXHIBIT L



DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>

POST OFFICE BOX 47
YOUNTVILLE, CALIFORNIA 94599
(707) 944-5500

ATTACHMENT 5



January 27, 1999

Ms. Paia Levine
Department Environmental Coordinator
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, California 95060

Dear Ms. Levine:

Negative Declaration for Stephenson Ranch
Equestrian Facility and Water Line Extension
Davenport, Santa Cruz County

Department of Fish and Game personnel have reviewed the above-named proposed project. The new project description includes the addition of a large equestrian facility and water lines to an existing biotechnical research facility. Three main areas of concern regarding this project are the following:

1. Project definition. Proposed project has been defined as an agricultural project. This project, combined with the associated goat biotechnical research, is not an agricultural project. This project should be evaluated with the same scrutiny that Santa Cruz County Planning Department requires of large developments. Proper definition and environmental review becomes more important when the proposed project is evaluated in perspective with coastal zone habitat sensitivity and the close proximity of Wilder Ranch State Park.
2. Cumulative Impacts. The site needs to be assessed with a full disclosure of all environmental impacts. There are many present and potential impacts that have not been properly identified. These include, but are not limited to, a) pollution of an aquifer and adjacent watersheds by animal by-products, b) degradation of fish and wildlife habitat through night lights, animal grazing, and exclusionary fencing. The fencing interferes with wildlife migration due to a large section of an important portion of the coastal habitat now being inaccessible, c) degradation of coastal habitat through development of the equestrian center

Conserving California's Wildlife Since 1870.

EXHIBIT L

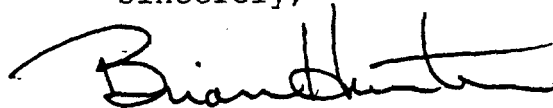
Ms. Paia Levine
January 27, 1999
Page Two

combined with the biotechnical development and all of the associated infrastructure and, d) potential contamination of soil and groundwater from prior oil and gas exploration and unidentified petroleum products on the property. What are all of the impacts of the project and the cumulative impacts of this project?

3. Water Availability. Lastly, yet most importantly, the availability of water for this project has not yet been determined. The Department filed a complaint with State Water Resources Control Board (SWRCB) on July 24, 1998. A field investigation will occur on January 29th. Any additional water diversions from Laguna Creek may jeopardize steelhead, a State species of special concern (Federally threatened) and red-legged frog (Federally threatened). The ability of the City of Santa Cruz Water Department to supply water to this project is also questionable. The SWRCB is now investigating the legality of the City transferring riparian water rights out of-basin from Laguna Creek and Majors Creek.
-

Water availability, cumulative impacts, and improper definition of this project are serious concerns. We recommend that this negative declaration not be certified until all of the impacts of the entire project are fully disclosed, addressed, and adequately mitigated, especially water availability. If you have any questions or require further clarification, please contact John Waithman, Environmental Services Specialist, at (707) 944-5570; or Patricia Anderson, Associate Fishery Biologist, at (831) 724-7130.

Sincerely,



Brian Hunter
Regional Manager
Central Coast Region

cc: See next page

EXHIBIT L

Ms. Paia Levine
January 27, 1999
Page Three

cc: Mr. Steve Herrera
State Water Resources Control Board
P. O. Box 2000
Sacramento, CA 95812-2000

Mr. Howard Kolb
Regional Water Quality Control Board
81 Higuera Street, #200
San Luis Obispo, CA 93401-5427

Ms. Joyce Ambrosius
National Marine Fisheries Service
777 Sonoma Avenue, Room 325
Santa Rosa, CA 95404

(831) 883-3750 FAX (831) 883-3755

Office Location: 445 Reservation Road, Suite G, Marina
P.O. Box 809, Marina, CA 93933-0809

January 14, 1999

Paia Levine
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

RE: MCH # 019911 – Notice of Completion for Stephenson Ranch

Dear Ms. Levine:

AMBAG's Regional Clearinghouse circulated a summary notice of your environmental document to our member agencies and interested parties for review and comment.

The **AMBAG** Board of Directors considered the project on January **13, 1999** and has no comments at this time.

Thank you for complying with the Clearinghouse process.

Sincerely,

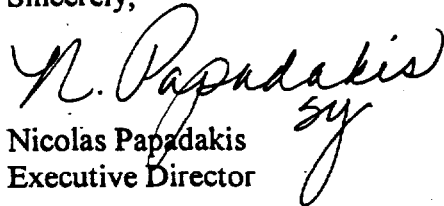

Nicolas Papadakis
Executive Director

EXHIBIT L

THELEN REID & PRIEST LLP

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www.thelenreid.com

NEW YORK
 SAN FRANCISCO
 WASHINGTON, D.C.
 LOS ANGELES
 SAN JOSE

January 27, 1999

VIA FACSIMILE**Confirmation Via Mail**

Mr. Ken Hart
 Environmental Coordinator
 county Planning
 701 Ocean Street, Room 400
 Santa Cruz, CA 95060

Re: Comments to Negative Declaration with Mitigations
 Application No. 97-0648
 APN's 059-021-08 & 062-151-03

Dear Mr. Hart:

This letter sets forth the comments of John and Brenda Stephenson, applicants, on the above-referenced Mitigated Negative Declaration. While some of our comments below may seem insignificant, we have found during the **pendency** of this application that accuracy is critical. Based upon past experience, correctly identifying and accurately reflecting relevant facts has been problematical because several people have urged a different reality. The sequence of the comments in this letter corresponds to information contained within the Initial Study and proposed mitigation measures.

ENVIRONMENTAL REVIEW INITIAL STUDY**EXISTING SITE CONDITIONS**

Parcel Size -The parcel size of the Stephenson Ranch is 208 acres, not 207 as noted.

SERVICES

Water Supply -The reservoirs are filled with water **from** Laguna Creek, an off-site well, and surface water runoff. The City of Santa Cruz Water Department provides both domestic and agricultural services to the property.

PROJECT SETTING

First Paragraph - The parcel size is 208 acres, not 206 acres. **Historically**, the entire property has been used for grazing livestock. Row crop production was initiated on the property 50 years or so ago, and occurred solely on the flat bench on the lower terrace. Nevertheless, the vast

Mr. Ken Hart

January 27, 1999

Page 2

majority of acreage on the property, including the southwest portion of the lower terrace sloping towards Highway 1, the middle portion of the property, and the upper terrace, have all historically been (and continue to be) used for livestock grazing. Currently, the property is being used to raise biomedical livestock as well as private livestock.

Second Paragraph - The drainage swale below the Lower Reservoir has been classified by staff (i.e., an Environmental Planner, not the county's geologist or hydrologist) as an "ephemeral stream." Thus, this area has been "classified" by a lay-person and as such, this "classification" should be used only as reference for the area's location, not its hydrologic attributes.

ENVIRONMENTAL REVIEW CHECKLIST

A. GEOLOGIC FACTORS

2. Soil Hazards - The overall drainage swale is located approximately 100 feet to the southeast of the project site; however, the eroded gully is approximately 300 feet to the southeast of the project site. The current wording of this section seems to suggest ~~that~~ the eroded gully is 100 feet from the project site. A substantially greater setback to the ravine, 300 feet, is correct. This 300 foot setback provides a greater area for sheet flow to disperse and increased percolation of storm water.

B. HYDROLOGIC FACTORS

2. Private or public water supply -

First Paragraph - The **Initial Study** **consistently** fails to identify one of the **primary** sources of water on the Stephenson Ranch: natural runoff flowing into **each** of the on-site reservoirs. The Upper Reservoir has a storage capacity of 35 acre feet of water. In average rainfall years, the Upper Reservoir is filled with runoff that easily fills the reservoir to capacity (over 50 acre feet of water), even during irrigation. Thus, **50-plus** acre feet of water is collected in the Upper Reservoir alone by natural runoff and is available for use in this project. Even in drought years, an abundance of water, relative to the water requirements of this project, is collected in the Upper Reservoir. In drought years approximately 29 acre feet of water flows into the Upper Reservoir **from** runoff. To verify and quantify this obvious source of water, **Ifland Engineers** has prepared a hydrologic evaluation of the Upper Reservoir and its watershed. Please see attached letter by **Ifland Engineers** dated January 27, 1999. The Initial Study repeatedly fails to identify and ignores this significant source of water and its relevance in providing substantially more water than needed for this project.

Second Paragraph - The Ranch may use up to 600 billing units of City of Santa Cruz **Agricultural** water in any two month period. Equal amounts may be used in each two month cycle, all of the allotment used in a single month, or may be used in any combination so long as no more than 600 billing units are used in a two month span.

Mr. Ken Hart
January 27, 1999
Page 3

Fourth Paragraph - Use of off-site water for this project is identified as a potential significant impact to **Swanton Berry** Farms and to stream habitat (i.e. Laguna Creek) by reducing water **available** to each. This statement incorrectly assumes two items: 1) that the Upper Reservoir is the source of water for the project; and, 2) the water in the Upper Reservoir comes solely **from** the diversion of **Laguna** Creek. However, use of off-site water is not necessary for this project, nor is it proposed in this project. *Instead*, the project proposes using water **from** the Upper Reservoir only as a back-up water supply for emergency fire purposes. It is only if, and only if, the water storage tanks are **not** completely filled with water **from** the City of Santa **Cruz** Agricultural Line (hereinafter referred to "City Ag Line") during a fire emergency, and insufficient water pressure is available **from** the City Ag Line to refill the tanks, that water would be pumped **from** the Upper Reservoir to the storage tanks. The necessity of the Upper Reservoir water line is due to the fact that the City Ag Line is not consistently pressurized to refill the tanks quickly enough to meet the sustained fire flow required by CDF. If a fire **were** to occur while the water storage tanks were full, it would not be necessary to pump water **from** the Upper Reservoir; adequate water would already be available in the tanks. Potential use of such a small amount of water **from** the Upper Reservoir is less than significant impact, as identified in section B.9 of this initial study. **As** previously noted, the Upper **Reservoir** receives and retains a substantial amount of water **from** runoff that provides more than enough to meet the water requirements (emergency back up supply) of this project without relying on any other source. Thus, no impacts will result to **Swanton Berry** Farms or Laguna Creek **from** this project.

5. Surface or ground water **quality-**

To suggest this project has -a high potential to impact water quality in Majors Creek is pure speculation without **any** basis in fact. Given the size of the property, the distance to Majors Creek (over 1,330 feet as measured in a straight line on a USGS topo map), and the number of horses, *some* potential impact *may*. occur. However, any potential impact is mitigated by the manure management plan and drainage plan.

9. Changes in drainage patterns **or** the rate and amount of **runoff-**

The equestrian project will result in the impervious surfacing of 21,360 square feet, not 34,400 square feet.

12. Change in the amount of **surface** water in any water **body-**

First Paragraph - The reasoning used in the Initial Study is flawed in this section. The project is stated to potentially generate impacts to Laguna Creek if (Upper) Reservoir water was used on a **frequent** basis especially in late summer **and early** fall when stream flows are the lowest. The identified impact would be a potential decrease in the amount of water flowing in Laguna Creek because the creek is one of the primary sources of water for both on-site reservoirs. This text shows a general lack of understanding of requirements of the water diversion license. The diversion license allows water to be diverted **from** Laguna Creek between January 1 through May 1 each year; it prohibits diverting water during the late summer and early fall as suggested in the

Mr. Ken Hart
January 27, 1999
Page 4

Initial Study. Thus, there is no impact. If the Initial Study's intent is to suggest that water may be diverted at any time during the year (albeit illegally) and therefore a potential impact may exist, an improper (and insulting) standard is utilized. There is no basis to assume illegal activity in a CEQA analysis and there is no authority for that proposition. Diverting **stream** water is labor intensive and requires infrastructure to be placed in the stream channel each year. It is not possible to divert water at any time during the year by "flipping a switch." Rather, the effort requires labor and oversight throughout the diversion process. To imply or assume that the diversion is operational year-round is false and the source of any such statement should be investigated (note: the water rights complaint filed with the Department of Water Resources does not include any such allegation). In fact, there is no evidence to suggest that the requirements of the water diversion license have ever been violated. To the contrary, there is a written statement from the license holder's attorney stating the diversion has not been exceeded. The purpose of CEQA is identify and mitigate environmental impacts caused by reasonable circumstances, instead of potential "impacts" based on pure speculation.

The Initial Study states that using Upper Reservoir water **only** when fires occurs in this area would have a negligible impact on Laguna Creek. We agree. Using water from the Upper Reservoir for fire suppression purposes is exactly what the applicants' have proposed. Thus, there is no impact to Laguna Creek. The Initial Study goes on to state that **filling the tanks** from the Upper Reservoir on a regular basis cannot be prevented as long as water pipes connect the tanks to Upper Reservoir. That is a false statement. The water distribution infrastructure **has** valves to control the source of water that fills each tank. The valve controlling the water line from the Upper Reservoir will remain closed, except if needed for emergency fire purposes, or to periodically test the system to ensure its readiness. Again, this water supply is only needed in the event that a fire breaks out and the tanks are not completely filled with City Ag Line water. Fires are typically rare events, and the likelihood of a fire coincidentally occurring at the same time the water storage tanks are not completely filled is even more remote. Nevertheless, **hypothetically** speaking, even if a major fire were to occur every year (which is extremely unlikely), and even if the tanks were completely empty (again very unlikely), the total use of reservoir water for fire suppression purposes would be 24,875 gallons assuming all five tanks were empty. That equals 0.08 acre feet of water per year in this hypothetical example. With **50-plus** acre feet of water obtained each year by runoff, the assertion that this project will cause additional water to be diverted from Laguna Creek is flat wrong. If the concern is that "excessive" water could be drawn from the Upper Reservoir for other purposes than fire safety, the engineered design of the water distribution infrastructure combined with metering the water line from the Upper Reservoir to the storage tanks will ensure that reservoir water is used only as proposed in this application.

Second Paragraph - The Initial Study states that assuming existing use of Laguna Creek water remains the same to serve other pasture areas on the parcel, the filling of the 4 tanks from the "upper reservoir" will increase water use and water procurement from Laguna Creek. Again, this statement suggests a lack of understanding of the relevant diversion license and use of the

Mr. Ken Hart
January 27, 1999
Page 5

diverted water on the property. (This issue was discussed and resolved with Planning many months ago). Water diverted from Laguna Creek is required to be used in particular geographic areas on the applicants' property and for certain uses. More specifically, diverted water must be used exclusively on the lower terrace and solely for agricultural purposes. The entire amount of the diversion allotment is used annually on the Stephenson Ranch on the lower terrace. Thus, the existing use of the Laguna Creek diversion will remain the same irrespective of the development of this project. To **state** that using water **from** the upper reservoir (a body of water filled by a several different sources) will cause additional use of Laguna Creek water has no basis **in** fact. At no point in time have the applicants ever proposed using water diverted for Laguna Creek for any other purpose than that allowed by the water diversion license (i.e. agricultural irrigation on the lower terrace). Again, the amount of water diverted from Laguna Creek and where that water is ^{used} on the property will not change and has no relevance to this project. Thus there is no impact.

*The applicants **are prohibited from using water procured from** Laguna Creek on the upper terrace, per the terms of **DWR** diversion license, and have never proposed using the diverted water in this manner. As stated in previous written correspondence by Rich **Casale**, Natural Resources Conservation **Service**, **irrigated** pastures require approximately 1 acre foot of water per acre of irrigated land. **The Stephenson Ranch irrigates** its lower ten-acre pastures, which comprise a significantly larger area than 13 acres. **Thus**, the entire diversion allotment available to the Stephenson Ranch is used solely on the lower terrace and is consistent with diversion license requirements. The owners of the diversion license have exercised **their riparian** rights by diverting Laguna Creek water each year, except when **stream flows** were too low or during extremely wet years when surface water **runoff provided** enough irrigation water. To suggest this project will have a potential significant impact on Laguna Creek stream habitat is mere conjecture by the author, and such a statement is in direct contradiction to the requirements **of** the DWR water diversion license and the diversion practices **of** the license holder. There is no evidence to indicate that any requirement **of** the diversion license has been violated. In comments made under the previous Negative Declaration by Robert Bosso dated **March 10, 1998**, who represents the adjoining property owner that owns the diversion license, the diversion allotment has not been exceeded and every reasonable measure has and will be taken to insure that the water diversion limit is not exceeded. Further, he states the past agricultural uses on the Stephenson Ranch and Mills property of growing Brussels sprouts require significantly more water than this project every could require. Thus, there are no impacts to **Swanton Berry Farms** or Laguna Creek **instream habitat from** this project.*

C. BIOTIC FACTORS

1. Affect known habitat of any unique, rare or endangered plants or animals - **First Paragraph** - The presence of predatory fish and the lack of emergent vegetation in the Upper Reservoir make it unlikely to provide suitable breeding habitat for red-legged **frogs**. However, it is possible that the Upper Reservoir provides migratory refuge as frogs disperse

Mr. Ken Hart
January 27, 1999
Page 6

from their breeding grounds during the winter months. Using small amounts of Upper Reservoir water for back-up fire suppression is not likely to adversely affect red-legged **frogs**. The intake pipe for the water line will extend out into the middle of the reservoir approximately 30 feet below the high water level. It is very unlikely that **frogs**, either adults or juveniles, would be **present** at this depth. As previously noted, the small amount of water needed for this project and the abundance of runoff filling the Upper Reservoir, water **from** the Lower Reservoir is not needed for this project. Thus, no impacts to red-legged frogs will result. Please see attached letter by Dana Bland dated January 26, 1999.

Second Paragraph - As previously noted, less than an acre foot of water per year is required for this project. "Excessive" withdrawals could easily be mitigated by metering the water line from the Upper Reservoir to the storage tanks.

Third Paragraph - The Initial Study states Laguna Creek is one of the primary sources of water for the reservoirs and therefore will also be a primary water source for the 4 water tanks. This, as explained above, has no basis in fact. The proposal is to use the City Ag Line water as the primary water supply, and reservoir water as a back-up supply. Although not proposed, more frequent use of reservoir water is easily prevented by metering the Upper Reservoir line and monitoring **annual** usage. Thus, no impacts to red-legged frogs or steelhead will result from this project.

Fourth Paragraph - Again, the reasoning reflected in this section is flawed. This project will not result in an increase of stream diversion, nor has an increase in the stream diversion allotment ever been proposed. The Initial Study's failure to identify the available water supply for the project via natural runoff, the negligible amount of water necessary for this project, and monitoring of water use from the Upper Reservoir via metering, has lead to a significant overestimation of potential impacts based upon erroneous assumptions. **Instream** habitat is protected by the existing requirements of the water diversion license which limits the amount of water that may be diverted (26 acre feet per year), the time water may be diverted (January 1 to May 1 each year), and **instream** by-pass requirement (2.5 cfs). Laguna Creek water is not associated with this project in any manner and therefore no impacts to **instream** habitat apply.

G. CULTURAL/AESTHETIC FACTORS

3. Obstruction or alteration of views **from** areas having important visual/scenic values -

Second Paragraph - The project is not visible from Wilder Ranch State Park. The existing western-most boundary of the state park extends to Baldwin Creek. The property between Baldwin Creek and Majors Creek, the parcel immediately adjacent to the east of the Stephenson Ranch is owned by the State Lands Commission. That property is closed to public use. Thus no visual impacts will result.

Mr. Ken Hart
January 27, 1999
P a g e 7

H. SERVICES AND UTILITIES -

3.a. Fire Protection - Only 1 building is proposed, not two. It is true that adequate fire flow for the hydrant and sprinkling system may be generated from the water storage tanks when the tanks are completely filled. However, there will be times when the tanks are not completely filled as water from the storage tanks is used to care for the livestock and for limited irrigation purposes. It is only in the unusual event that when the tanks are not completely full and a fire emergency were to occur that back-up water from the upper reservoir would be used to fill the tanks. The water pressure from the City Ag Line is not pressurized sufficiently at all times to refill the tanks at an acceptable rate. Consequently, water may be potentially drawn **from** the Upper Reservoir to provide supplemental water to the storage tanks if the tanks are not filled and a fire breaks out. The amount of water needed **from** the Upper Reservoir is negligible due to the infrequency of fires. The auxiliary connection is necessary for fire protection purposes.

F. ENERGY AND NATURAL RESOURCES

2. **Affect** or be affected by lands currently utilized for agriculture or designated for agricultural use - The discussion between Planning and the applicants, and staffs' recommendations as reflected in the revised *measures* contained in the Planning Commission **staff** report dated November 12, 1998 is an acceptable mitigation.

ATTACHMENTS

Attachment 3 - The area marked as "Ephemeral" is based on the judgment of staff, but not substantiated by any qualified professional. This designation should be for reference purposes, not to define the area's hydrologic attributes.

Attachment 5 - This is unrelated to the project and should be excluded.

NEGATIVE DECLARATION MITIGATIONS

A. As noted in the initial study, a conceptual drainage plan to direct project related runoff towards the west has been identified by the applicants and is included in the project design. Further, the initial study recommends a final drainage plan be submitted to Planning prior to Building Permit issuance. The applicants' agree to submit an engineered drainage plan for review and approval by Planning prior to the issuance of a Building Permit.

B. As noted in the initial **study**, an erosion control plan **should** be submitted to Planning prior to Building Permit issuance. The applicants' agree to submit an engineered drainage plan for *review* and approval by Planning prior to the issuance of a Building Permit.

C. The applicants have never proposed 16 horses to be boarded in this barn. It is unknown how or where this number came **from** or what relevance these figures have to this project. The applicants object to the wording of this mitigation to prohibit the spreading manure (fertilizer) during the months of October 15 to April 15. There is no known regulatory

Mr. Ken Hart
January 27, 1999
Page 8

requirement, local, state, or federal, that prohibits agricultural operators **from** fertilizing crops during the rainy season (October 15 to April 15). The intent of this mitigation is to eliminate potential water quality impacts, which are governed primarily by Environmental Health Services and the Regional Water Quality Control Board. Neither of these agencies have required an outright prohibition of winter fertilizing applications. There are a number of ways to manage manure and its application to crop lands in a manner that will not impact water quality. This mitigation should be modified to allow for a manure management plan and winter fertilizing plan, subject to review and approval by Environmental Health Services prior to the issuance of a Building Permit.

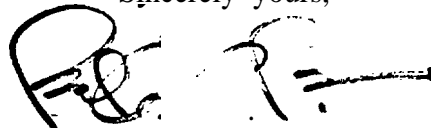
D. Neither of the two mitigations in this section are acceptable to the applicants. As explained above, they are based on false assumptions. Water availability from the Upper Reservoir is required by CDF for fire safety purposes. Without the water line from the Upper Reservoir, adequate fire flow **from** the tanks could not be assured. Moreover, as previously commented in the previous Initial Study, the applicants do not have a legal right to install improvements (i.e. meters) on the adjoining property. Such a mitigation would require the **applicants** to perform acts they have no legal right, or ability, to perform. This would violate CEQA.

Although the project will not result in any impact to Laguna Creek (for the reasons described earlier in this letter), the applicants' are agreeable to a mitigation requiring a meter to be installed on the Upper Reservoir water line to the storage tanks and to provide annual reports to Planning showing "excessive" draws **from** the Upper Reservoir have not occurred.

F. For reasons described as part of the previous initial study process, this mitigation should be modified to reflect the revised mitigation contained in the Planning Commission staff report dated November 12, 1998.

Thank you for your consideration of these comments.

Sincerely yours,



Paul A. Bruno

PAB:cle
Enclosures

cc: Alvin James, Planning Director (w/encls.)
David Lee, Assistant Planning Director (w/encls.)
John and Brenda Stephenson (w/o)



January 27, 1998

Matt Mullin
Santa Cruz Biotech
2181 Delaware
Santa Cruz, Ca 95060

RE: Stephenson Ranch
Upper Reservoir Capacity

Dear Matt:

At your request we have researched drought year rainfall data and applied that information to adjusting the annual inflow into the Upper Reservoir. Our calculation, adjusted for a drought year rainfall of 15", is provided below. Since the bottom of the pond is sealed, there will be little percolation loss. Evaporation losses can be expected to be approximately 3 Ac.-Ft.

Upper Reservoir - Drainage Area = 23.2 Acres, Pond volume = 35 +/- Ac.-Ft., annually.
(See attached Exhibit D)

8 hour storm

2 yr.	Vol. = (1.73")(23.2 Ac.)/12 =	3.3 Ac.-Ft.
10 yr.	(2.50")(23.2 Ac.)/12 =	4.8 Ac.-Ft.
100 yr.	(3.18")(23.2 Ac.)/12 =	6.2 Ac.-Ft.

24 hour storm

2 yr.	Vol. = (3.20")(23.2 Ac.)/12 =	6.2 Ac.-Ft.
10 yr.	(4.90")(23.2 Ac.)/12 =	9.5 Ac.-Ft.
100 yr.	(6.95")(23.2 Ac.)/12 =	13.4 Ac.-Ft.

Annual - Average 30" Rainfall

$$\text{Vol.} = (30")(23.2 \text{ Ac.})/12 = 59.0 \text{ Ac.-Ft.}$$

Annual Drought Year - 15"

$$\text{Vol.} = (15")(23.2 \text{ Ac.})/12 = 29.0 \text{ Ac.-Ft.}$$

1100 Water Street

Santa Cruz, CA 95060

Tel (408) 436-8313

Fax (408) 436-1763

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EXHIBIT L

ATTACHMENT 5

Civil Engineering •
Structural Design •
Land Surveying •
Development Planning •

#88157

ATTACHMENT 5

Hotz Mulsin

112186

Page 2 of 2

Refall data obtained from the City of Santa Cruz is attached for your information. If you have questions regarding the information provided, please call me.

Very truly yours,

PLAND ENGINEER, INC.

H. Dean Swift

H. Duane Smith, Senior Engineer

HDSP

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

TOTAL P.53

261

EXHIBIT

PHASE 4 APPROX
BOUNDARY. SEE
SHEET CX FOR CON-
STRUCTION PHASES

(E) POWER POLE

(E) GATE

CLIPPING
BEYOND DAM
RISC 40

GATE VALVE
12" APPROX
1" 6" INCHES
APPROX. 12
SEE OTHER

AIR RELIEF
VALVES AT
DOWNHILL
APPROX. 12
SEE OTHER

JMP HOUSE AREA
SEE SHEETS C3 &
I FOR DETAILS.

CABLE
RISC LINE

CLIPPING
RISC 40

TOP OF EARTH DAM RISC 40

PHASE 4
TYPICAL
DETAIL

EXHIBIT D
UPPER RESERVOIR

(E) POWER POLE (TYP)

ATTACHMENT 5

EXHIBIT L

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1997 Yearbook
 Bureau: Criminals Dept, Annual Summary, California
 National Criminals Administration
 Location: Bureau 12, CA

Month	Avg Month	Trendline		Disparity from normal	Total (month)	Trendline	
		Average Month	Average (month)			Disparity from normal	
JAN	88	38.4	44.5	-4.9	1.47	-4.94	
FEB	88	41.8	52.0	-1.5	1.29	0.47	
MAR	84	42.7	52.5	0.89	1.48	0.89	
APR	71	44.4	52.5	-1.57	0.94	-1.57	
MAY	72	50.2	51.9	-4.48	0.80	-4.18	
JUN	72	51.2	52.0	-4.18	0.80	-4.18	
JUL	72	51.7	52.5	-1.14	0.80	-1.14	
AUG	71	54.7	54.1	-1.26	0.80	-1.26	
SEP	71	52.5	54.1	-4.31	0.80	-4.31	
OCT	74	52.5	54.5	-4.84	0.80	-4.84	
NOV	81	43.3	54.5	-1.88	2.08	-1.88	
DEC	81	43.3	49.7	-1.88	2.08	-1.88	
ANNUAL	8	41.2	52.1	-4.70	2.28	-4.70	

1978 Weather Data
 Source: Climatological Data, Annual Summary, California
 National Oceanic and Atmospheric Administration
 Location: Santa Cruz, CA

Month	Temperature				Precipitation	
	Average Maximum	Average Minimum	Average (degrees F)	Departure from normal	Total (inches)	Departure from normal
Jan	81.8	49.4	65.6	1.9	4.44	-2.57
Feb	80.6	49.0	64.8	2.4	0.74	-4.57
Mar	71.8	41.7	56.8	4.2	0.08	-2.74
Apr	70.8	46.9	58.8	2.7	1.74	-2.78
May	73.8	48.8	60.8	1.4	0.88	0.19
Jun	73.2	52.4	61.8	0.7	0.08	-2.17
Jul	72.8	54.0	64.8	2.0	0.08	-2.18
Aug	76.2	56.8	64.4	1.8	0.58	-2.14
Sep	74.8	51.4	63.1	-1.2	0.08	-2.38
Oct	80.2	50.2	65.2	-0.2	0.20	-2.88
Nov	84.0	48.2	64.7	0.7	4.48	0.88
Dec	82.7	38.2	60.5	-2.8	7.72	2.57
ANNUAL	68.2	42.4	55.2	1.2	22.12	-2.88

1988 Weather Data
 Source: Climatological Data, Annual Summary, California
 National Oceanic and Atmospheric Administration,
 Location: Santa Cruz, CA

Month	Temperature				Precipitation	
	Average Maximum	Average Minimum	Average (degrees F)	Departure from normal	Total (inches)	Departure from normal
Jan	62.8	39.2	49.8	-4.4	1.38	-4.15
Feb	63.8	37.7	49.8	-3.6	1.52	-3.28
Mar	64.8	40.0	52.4	2.0	7.00	2.91
Apr	70.2	47.7	58.0	4.5	2.72	-1.75
May	71.2	49.8	60.5	0.5	0.19	-4.89
Jun	74.8	52.1	63.5	2.3	0.62	-3.17
Jul	78.7	50.8	63.5	1.9	0.30	-3.15
Aug	70.8	52.1	62.6	-1.2	0.07	-4.07
Sep	71.0	52.1	61.6	-1.8	0.87	2.49
Oct	70.8	47.2	59.4	-3.7	2.19	0.44
Nov	68.8	46.2	56.8	1.5	1.12	-2.48
Dec	57.2	38.8	48.1	2.5	0.05	-5.15
ANNUAL	68.8	48.5	57.4	0.7	18.02	-13.98

ATTACHMENT 5

1988 Weather Data
 Source: Climatological Data, Annual Summary, California
 National Climatic and Atmospheric Administration
 Location: Santa Cruz, CA

Month	Temperature				Precipitation	
	Average Maximum	Average Minimum	Average (degrees F)	Departure from normal	Total (inches)	Departure from normal
Jan	61.8	38.6	50.4	1.8	3.84	-0.87
Feb	60.8	38.8	49.4	-0.8	3.38	-1.48
Mar	62.8	43.8	53.8	0.8	2.88	-1.14
Apr	70.8	47.8	59.4	4.8	0.48	-2.54
May	80.7	48.0	64.4	1.8	4.11	2.82
Jun	77.8	52.8	64.1	2.8	0.88	-0.78
Jul			65.8	2.8	0.88	-0.18
Aug	76.4	58.8	65.1	1.8	0.88	-0.14
Sep	77.7	51.8	64.8	1.4	0.21	-0.18
Oct	74.8	48.8	61.1	1.8	0.87	-0.88
Nov	67.8	41.8	54.8	0.8	0.47	-0.11
Dec	62.4	38.7	48.8	-4.8	1.88	-0.88
ANNUAL	68.7	48.2	57.7	1.8	16.78	-0.78

1991 Weather Data
 Source: Climatological Data, Annual Summary, California
 National Oceanic and Atmospheric Administration
 Longmont, Colorado, CO

Month	Temperature				Precipitation	
	Average Maximum	Average Minimum	Average (degrees F)	Departure from normal	Total (inches)	Departure from normal
Jan	52.8	35.4	45.8	0.8	0.81	-4.78
Feb	59.4	43.4	54.9	5.5	4.83	0.1
Mar	66.4	41.5	59.0	-3.4	10.80	8.58
Apr	67.5	42.4	54.9	0.6	0.80	-1.87
May	67.5	46.9	57.1	-1.0	2.05	-5.48
Jun	89.0	53.1	69.8	-1.8	0.36	0.07
Jul	70.3	54.9	62.6	-4.2	0.02	-4.58
Aug	75.7	55.9	65.8	2.3	0.04	-2.58
Sep	71.8	52.9	62.7	-3.7	0.09	-3.28
Oct	72.9	50.9	61.8	1.4	2.59	1.01
Nov	67.5	44.9	56.9	2.0	1.81	-2.07
Dec	62.2	38.2	50.7	1.1	4.35	-3.88
ANNUAL	67.5	43.0	57.1	0.5	35.80	-2.59

ATTACHMENT 5

1932 Weather Data
Source: Climatological Data, Annual Summary, California
United Counties and Agricultural Administration
Location: Santa Cruz, CA

Month	Temperatures			Precipitation
	Average Maximum	Average Minimum	Average (Range)	
Jan	62.7	32.6	60.9	1.8
Feb	64.1	46.0	55.0	4.3
Mar	64.9	47.3	56.2	3.5
Apr	72.0	48.4	61.1	4.9
May	71.2	52.3	61.8	3.9
Jun	71.6	54.1	62.9	1.7
Jul	76.1	58.0	67.0	2.1
Aug	76.6	60.0	68.3	1.4
Sep	74.2	62.1	68.2	1.1
Oct	67.8	44.1	56.0	2.9
Nov	66.9	38.9	52.4	1.8
Dec	62.8	40.1	51.4	2.7
ANNUAL				

Month	Average Maximum	Average Minimum	Average (degrees F)	Days with Frost	Total Precip. (inches)	Days with Rain
Jan.	32.0	40.0	46.0	4.9	14.46	4.14
Feb.	32.5	42.5	51.0	4.1	8.28	4.20
Mar.	46.7	47.8	57.1	3.9	2.44	4.51
Apr.	64.3	48.1	57.8	1.8	1.57	4.88
May	74.5	61.5	61.1	2.5	0.84	4.85
June	77.1	62.1	64.5	2.7	0.90	4.61
July	74.9	62.7	68.5	4.7	0.49	4.14
Aug.	70.9	61.4	66.5	1.5	0.69	4.19
Sept.	76.7	61.8	68.7	1.8	0.59	4.42
Oct.	78.0	61.5	69.5	1.5	0.51	4.77
Nov.	61.5	48.8	54.6	0.5	2.70	4.89
Dec.	61.9	48.7	55.8	1.4	4.09	4.98
Annual	61.7	47.9	61.5	1.9	56.82	58.84

ATTACHMENT 5

1986 Weather Data
Source: Climatological Data, Annual Summary, California
National Oceanic and Atmospheric Administration
Location: Santa Cruz, CA

Month	Temperature				Precipitation	
	Average Maximum	Average Minimum	Average (degrees F)	Departure from normal	Total (inches)	Departure from normal
Jan	64.8	40.1	52.5	2.5	2.88	-0.57
Feb	63.3	40.8	52.0	-1.0	5.16	2.24
Mar	66.1	44.4	55.3	2.7	0.74	-0.91
Apr	67.6	46.0	56.8	1.1	1.86	-0.97
May	67.5	46.9	57.2	0.0	1.86	1.45
Jun	74.7	48.3	61.5	0.1	0.00	-0.15
Jul	85.0	59.7	72.3	-0.8	0.00	-0.16
Aug	78.9	56.5	67.7	-0.9	0.00	-0.12
Sep	72.4	52.5	62.5	-0.4	0.00	-0.26
Oct	71.8	48.0	59.9	-0.7	0.30	-1.05
Nov	66.0	38.6	52.3	-1.7	4.86	0.49
Dec	66.4	38.0	52.2	-0.8	2.24	-1.51
ANNUAL	67.4	46.3	56.8	-0.4	22.26	-0.14

1995 Weather Data
 Source: Climatological Data, Annual Summary, California
 National Oceanic and Atmospheric Administration
 Location: Santa Cruz, CA

Month	Temperature				Precipitation	
	Average Maximum	Average Minimum	Average (degrees F)	Departure from normal	Total (inches)	Departure from normal
Jan	66.8	47.3	55.1	2.2	17.28	11.50
Feb	68.4	48.8	55.2	4.1	0.47	-4.47
Mar	68.7	48.8	54.1	5.6	8.48	3.48
Apr	65.8	48.1	55.8	0.2	8.13	2.84
May	66.2	49.8	57.4	-1.2	1.84	0.58
Jun	73.8	51.3	62.6	0.7	1.84	1.35
Jul	78.8	54.8	65.9	2.4	0.00	-0.15
Aug	78.3	53.3	64.8	0.8	0.00	-0.12
Sep	79.7	52.8	64.2	0.8	0.00	-0.42
Oct	73.5	50.1	61.8	1.3	0.00	-1.18
Nov	68.7	47.1	55.4	4.1	0.19	-4.30
Dec	62.3	44.8	53.8	4.8	0.84	1.08
ANNUAL	66.7	49.1	55.8	1.7	41.28	12.37

1988 Weather Data
 Source: Climatological Data, Annual Summary, California
 National Centers and Atmospheric Administration
 Location: Santa Cruz, CA

Month	Temperature				Precipitation	
	Average Maximum	Average Minimum	Average (degrees F)	Departure from normal	Total (inches)	Departure from normal
Jan	65.5	45.0	55.3	2.3	0.40	2.74
Feb	65.0	47.0	56.0	2.9	0.20	4.20
Mar	68.4	44.7	56.5	2.4	2.10	-1.20
Apr	71.3	48.5	59.9	2.2	1.80	-0.90
May	71.2	49.4	60.3	1.7	2.40	2.04
Jun	75.5	52.5	64.0	0.3	0.00	-0.10
Jul	78.5	54.3	66.4	0.4	0.00	-0.10
Aug	78.2	55.2	66.7	0.5	0.00	-0.10
Sep	75.5	51.5	63.5	-1.5	0.00	-0.20
Oct	72.5	48.1	60.3	-0.3	2.44	1.20
Nov	64.7	45.5	55.1	0.9	7.20	2.50
Dec	60.2	42.4	51.3	2.3	12.74	0.10
ANNUAL	68.7	48.4	58.5	1.5	40.57	0.50

1997 Weather Data
 Source: Climatological Data, Annual Summary, California
 National Centers and Environmental Administration
 Location: Santa Cruz, CA

Month	Temperature				Precipitation	
	Average Maximum	Average Minimum	Average (degree F)	Departure from normal	Total (inches)	Departure from normal
Jan	55.7	44.0	51.8	2.0	12.02	4.40
Feb	64.8	49.4	53.5	1.4	2.30	-4.80
Mar	68.1	43.4	55.0	1.8	1.38	-8.30
Apr	70.8	46.8	58.5	2.8	0.70	-1.40
May	77.2	51.2	64.2	5.8	0.07	-2.30
Jun	78.7	51.4	65.1	0.2	0.70	0.00
Jul	71.4	54.5	63.0	-0.8	0.00	-4.10
Aug	77.0	55.1	66.5	3.8	0.46	0.30
Sep	80.2	61.8	71.0	7.7	0.01	-2.40
Oct	72.7	48.1	60.9	0.4	0.47	-0.80
Nov	68.9	48.9	57.4	2.1	0.60	0.20
Dec	61.8	41.8	51.7	2.1	2.87	-0.80
ANNUAL	70.0	48.7	58.4	2.1	28.82	-1.70

TOTAL P.14 .

January 26, 1999

Matt Mullin
Santa Cruz Biotechnology, Inc.
2161 Delaware Avenue
Santa Cruz, CA 95060

Subject: Pumping of Water from Upper Reservoir for Emergency Fire
Suppression at the Stephenson Ranch

Dear Matt,

This is in response to your request for comments regarding California red-legged frogs and the proposed pumping of water from the Upper Reservoir to storage tanks for emergency fire suppression, with regard to the Stephenson's application for horse barn, water line extension and grain silo at the Stephenson Ranch (application no. 97-0648). In the Environmental Review Initial Study prepared by County of Santa Cruz Planning Department (December 21, 1998), it states on page 11, Section C.1., first paragraph: "However, the frog has been sighted in both the 'Upper and Lower Reservoirs' on the property and both water bodies contain suitable habitat for breeding purposes for the species." This letter is explain the current status of California red-legged frog in the Upper and Lower Reservoirs on the Stephenson Ranch.

The Lower Reservoir (also called the Lower Pond) contains breeding and summer habitat for California red-legged frog, and adults have been observed in the Lower Pond on numerous occasions (personal observations 1996, 1997, 1998). There are no verified observations of California red-legged frog at the Upper Reservoir (David Pereksta, USFWS, personal communication). Furthermore, the Upper Reservoir does not contain suitable breeding habitat for this frog due to presence of predatory fish and lack of emergent vegetation for attachment of eggs. The Upper Reservoir may be used occasionally by red-legged frogs as temporary refuge during movements between other breeding areas. Because the capacity of the Upper Reservoir is far greater than the capacity of the five new water storage tanks proposed under this application, the proposed use of water from the Upper Reservoir to fill the five water tanks, if needed, for emergency fire suppression would result in only a minor lowering of the level of the Upper Reservoir. This minor change in water level is not expected to adversely affect the California red-legged frog. The U.S. Fish and Wildlife Service also states in their April 22, 1998 that this project is only expected to have minimal effects on the California red-legged frog, with the avoidance and minimization measures recommended.

If you have any questions, please feel free to call me.

Sincerely,



Dana Bland
Wildlife Biologist

EXHIBIT L

*Save**Our Agricultural Land*
"SOAL"365 Lake Avenue
Santa Cruz, CA 95062
(408) 475-0724

Fax: (408) 475-1220

E-Mail: jwardjd@aol.com

Web Site: <http://we.got.net/~soal>

January 26, 1998

Kim Tschantz
Santa Cruz County Planning Department
701 Ocean Street
Santa Cruz, California 95060

**Re: Negative Declaration and Initial Study for the Private Equestrian Facility,
Water Line Extensions and New Grain Silo at Santa Cruz Biotechnology
(SCB)
Application No. 97-0648**

Dear Mr. Tschantz:

The following comments are made on behalf of Save Our Agricultural Land (SOAL) with regard to the Negative Declaration and Initial Study on the above application. SOAL hereby incorporates by reference all previous comments made by any party on prior Initial Studies and Negative Declarations regarding Application No. 97-0648.

1. Splitting the Project:

Review of this application unlawfully splits the project in violation of the California Environmental Quality Act (CEQA). A Master Plan Application has been submitted for the entire property and is currently under review. This application **should rightfully** be reviewed in conjunction with the Master Plan. There are clearly environmental impacts from the Master Plan which will affect (or be cumulative to) the Equestrian Facility, and vice versa. Overlapping impacts include water supply and quality; drainage and erosion; scenic views from Wilder Ranch State Park, traffic (**employees** and feed deliveries); manure management and agricultural soil preparation; wildlife habitat and corridors, and fire safety. An issue also exists in this case because the proposed barn is oversized for the number of horses it is planned to house, for the number of horses on the property, and for the number of horses which may reasonably be considered to be a "Private" Equestrian Facility for the residents of the single family dwelling on the property. An issue exists as to the future purpose of this barn. The Master Plan application expressly states (at p.3 of **SCB's 12/15/98** submittal) that "Livestock operations are dynamic and

SCB is no exception...It may be more efficient to store feed, supplies and machinery in specific barns or portions of barns rather than devoting smaller areas of storage space within every **barn** structure." This admission, together with SCB's prior submittal to the RWQCB showing this barn as housing goats, makes it clear that the Equestrian Facility and the Biomedical Operation have the potential to overlap. The Minute Order adopted by the Board of Supervisors on September 23, 1997 prevents any expansion of the Biomedical Facility until the Master Plan process is complete.

2. Design Issues:

The barn is designed with 4 large stalls, each 20 ft. by 30 ft. However, it is proposed to hold a capacity of 16 horses (ND Cl). Additionally, there are references in the Initial Study that 5 horses will be housed in this barn. Generally accepted equine practices dictate that horse **stalls** should not house more than one horse per stall. It is dangerous to the animals to house more. Additionally, horse stalls are usually 12 **ft** by 12 **ft**, large ones 14 **ft** by 14 **ft**. Therefore, this barn is designed to house 4 horses in rather luxurious accommodations, or it is designed to be easily converted to goat or other animal housing, as numerous goats may be housed in pens or stalls of any reasonable size.

The manure **bunker** is described as being designed for the waste of 16 horses. The Equestrian Facility does not include an application for construction of the manure bunker. The only manure bunker applied for on the upper terrace is part of the Master Plan for the Biomedical Operation. Thus, the horse manure must be placed in the Biomedical Operation's manure bunker, but that bunker cannot be built until the Master Plan is approved, which will not occur prior to or concurrent with the Equestrian Facility unless the Equestrian Facility is processed concurrently with the Master Plan. Therefore, this application should be processed in conjunction with the Master Plan application. It will not be possible to know whether the capacity of the manure bunker is adequate for both the horses and the biomedical animals until the Master Plan is approved. The Initial Study and Negative Declaration fail to address this issue. **SCB's** Master Plan application is based on each goat producing 12 cubic feet of manure and litter per year. Treatise cited by **SOAL** states that each goat, produces 10 lbs. of such waste per day. The manure bunker is likely to be insufficient for the waste of the 5 horses and **2000+** goats shown for the upper terrace on the Master Plan.

The Master Plan represents that this barn will be used to board private livestock not associated with the biomedical livestock operation. Since this horsebarn is for the boarding of horses privately owned the Stephensons, it would seem logical to locate the barn closer to their residence. This would eliminate the clustering issues which will be discussed below.

3. Hydrologic Factors:

The adequacy of the water supply for this project is a significant issue. This project is only a small portion of the greater biomedical use of this property. The water availability for this project cannot be viewed in a vacuum. The Biomedical facility will require water for animal care and consumption as well as for irrigation of the fields as described in the Master Plan. The Master Plan proposes 4 additional goat barns on the upper terrace and plans to irrigate the 87 acres of pasture on the upper terrace as well as an undetermined number of acres on the lower terrace. Therefore, the water available for this project must not only serve the water needs of this barn but of the entire property and should be evaluated with the Master Plan.

A. Laguna Creek Diversiop

The Laguna Creek Diversion Permit issued by the Division of Water Rights in 1960 is owned by David and Stephanie Mills who own the property adjacent to SCB. The Negative Declaration incorrectly states that this Diversion Permit is owned by SCB. SCB has an agreement with the Mills whereby SCB may use up to 13 acre feet of water per year from this diversion. The Negative Declaration incorrectly states that SCB has a right to 26 acre feet per year. This erroneous statement is so significant and substantial that it would require revision and recirculation of the proposed Negative Declaration.

Given the fact that the Mills Diversion from Laguna Creek cannot be used on the SCB upper terrace property as acknowledged by Applicant's attorney and that the current size of the **barns** requires fire protection water storage **from** the upper reservoir containing water from such Diversion, a reduction in square footage of the proposed barns is appropriate so that no water from Mills' Diversion of Laguna Creek will be required to meet fire protection water storage standards. This is consistent with letter from Coastal Staff included in the Staff Report for the November 12, 1998 Planning Commission hearing on this application. This must be done by at least reducing the size of the proposed barns to the square footage which the Fire Marshal determines can be served by the water tanks alone.

B. Upper Reservoir

According to the original Staff Report, four of the five water storage tanks "will be used to provide water for pasture irrigation" on the upper terrace and "will receive water **from** the upper reservoir" (p.6). The water in the upper reservoir is also necessary to meet fire protection requirements for the 8000 square feet of barns proposed for construction on the upper terrace (p.6 and Neg. Dec. Section H.3). In addition, the upper reservoir is required to be kept full of water in order to comply with the Federal Endangered Species Act. However, the License for Diversion and Use of Water referenced in the Staff Report and in the Negative Declaration restricts the use of the diverted water stored in the upper reservoir to 115 acres not located on the upper terrace of

the Applicants' property. Hence, it cannot be used to irrigate the 87 acres of pasture on the upper terrace or to meet fire protection requirements for barns on the upper terrace (the northeast portion) of the Applicants' property.

The upper reservoir is supplied **from** the Laguna Creek Diversion and the off-site well which is also a part of the Laguna Creek Diversion. The License for Diversion and Use of Water also prohibits diversion of water before January 1 and after May 1 each year. Hence the upper reservoir cannot be refilled during the months when the most water is needed for pasture irrigation and when the upper reservoir must be kept full for fire protection and Endangered Species Act compliance. Furthermore, no diversion whatsoever may take place, even during the period from January 1 to May 1 whenever the natural flow of **Laguna** Creek is less than 2.5 cubic feet per second(cfs). The current flow is less than 2.5 cfs even though we are in the January 1 to May 1 period and have just had significant rain. The flow was measured on January 9, 1999 and was flowing at a rate of 1.2 cfs. The Initial Study does not analyze the what current flow is or has been at any point in time.

A new water line is proposed to connect the upper reservoir to the water storage tanks for back up tire protection. However, the water in the storage tanks is to be used for irrigation and are connected to the City's Agricultural Water Line. There is nothing to prevent the use of water **from** the upper reservoir to refill the tanks and be used for irrigation. As the upper reservoir is Red Legged Frog habitat and the Laguna Creek Diversion water is pumped into the upper reservoir, the use of upper reservoir water **on the** upper terrace is problematic. The Staff recommendation to connect the Upper Reservoir to the hydrant and barn sprinkler system **only** would prevent the use of water from the Upper Reservoir for irrigation purposes. Under this recommendation, the water tanks would be connected to the City's Agricultural Water Line only. The City Water Department limits the absolute maximum amount of water that can be used by this irrigation line parcelwide to 224,400 gallons per month (This assumes water availability in the City's Agricultural Line at all times and in a sufficient amount to pump at **full** capacity 24 hours per day). Since one acre foot is 348,480 gallons (43,560 square feet multiplied by 8 gallons per cubic foot approximately), the water supplied by the City's Agricultural line equates to less than 0.7 acre feet per month and 8.4 acre feet per year. **SCB's** Master Plan states that the irrigated pastures will require 17 inches of water per year (close to 1.42 acre **feet**)(**Report** by Ray Budzinski) which means that the City Water Line will only supply enough water to **irrigate 5.9 acres at the very most.**

C. New Meter

The Negative Declaration requires the installation of a new meter to measure the amount of water being diverted **from** Laguna Creek, This meter is to be monitored by SCB only. There is no recommendation or requirement that any governmental body have access to the meter. Therefore, the County, the Department of Fish and Game, the Department of Water Resources

and the Division of Water Rights will have no way of monitoring the amount of water diverted from **Laguna** Creek other than the owner's logs supplied to them by SCB. Given the inadequate and misleading information provided by SCB to the RWQCB on water quality, this is not an acceptable mitigation measure.

D. Water Storage Tanks

Four of the five proposed water storage tanks will be used for irrigation of the 87 acres between the Upper Reservoir and the northeast property line. As the pastures require 17 inches of water per year for irrigation (Ray Budzinski Report-SCB Master Plan) it is unclear how many times per year these tanks will need to be refilled and how much water is required to irrigate these 87 acres and where this water will come from.

Four additional goat barns are planned for the upper terrace according to the Master Plan. The goats housed in these barns will utilize the pasture irrigated by these water storage tanks. Thus, approval of this project would provide irrigated pasture for a use not yet permitted, which effectively splits the project.

Currently, **160+** goats are being housed in military style tents on the upper terrace in violation of the requirement for a permit. This has been acknowledged by the County in a recent letter to SCB. The approval of these water tanks for irrigation of the upper terrace acreage will perpetuate this illegal use by allowing expansion of the biomedical use in contravention of the Minute Order adopted by the Board of Supervisors September 23, 1997.

E. The Well

The well located at the northeastern property line is the proposed water supply for the barn's restroom and animal watering needs. The Initial Study and Negative Declaration fail to limit the use of this well to this purpose, nor do such documents limit the use of the well to the watering needs of "a "Private" Equestrian Facility for the personal use of the residents of the single family dwelling on the upper terrace. The use of the well should be limited to the "One Residence" for which the well permit was issued. This is particularly true given that no environmental review was conducted for the well permit and any non residential use would adversely affect the adjacent well which has **long** served three residential-properties.

The water sources do not provide enough water to irrigate the pasture on the upper terrace, let alone the pasture on the lower terrace. If SCB plans to use the well water to provide the balance of the irrigation water required for irrigation, the groundwater supply in the area serving three residential properties will be dramatically impacted. Therefore, the well should only be connected to the residence and a restroom for a suitably sized "Private Equestrian Facility." In no event should the water storage tank proposed to be filled by the well water be

connected to the other four tanks containing agricultural irrigation water. The well water should not be available to be used for extensive irrigation or animal watering.

If the County is not *willing to condition the permit so that this well is not connected to the other storage tanks, the County should require that the wells on adjacent properties on the upper terrace be monitored at the Applicant's expense. If the monitoring shows any adverse impacts, the Applicant must cease using any well on the upper terrace.

F. Inadequate Water Supply

The County General Plan (Objective 7.18b) and the County Zoning Ordinance (Section 18.10.230(a)4) require a finding of adequate water availability for approval of any development permit application. According to the Master Plan application filed by SCB, the irrigated pastures require 17 inches (1.42 acre feet) of water per acre per year. The County has a general standard for small pastures of requiring at least one-half acre of land per horse. (See, e.g. County Code Section 13.10.643) For a ten- horse barn, an irrigated pasture of five acres would require at least 7.1 acre feet of water per year. The City water supply proposed by the Applicant would be **unlikely** to provide more than about 4.0 acre feet of water per year. That is because the nonpotable water supply is often interrupted and there is inadequate storage for the **8+ acre** feet available **from** the City assuming constant supply and adequate storage. As a result, there is insufficient evidence of adequate water availability.

4. Silo:

The silo is in no way connected with the horse barn facility. It is properly described in the Initial Study as part of the Biomedical Research Facility and must be excluded from this application in accordance with the Minute Order adopted by the Board of Supervisors on September 23, 1997.

5. Height/Size of Barn and Traffic:

The proposed barn is 32 feet high and **8000-square** feet. This height and size is unnecessary for the planned housing of personal horses of the two owners of SCB. A normal horsebarn is approximately 12 to 15 feet high, unless there is a hay loft on the second floor, in which case the barn may rise in height to **20-24** feet. Thus, the **32** foot height is out of character with the planned use. The 32 foot height may accommodate 3 stories. The building plans show only one floor, therefore, there is no need for the additional height.

The designed horse stalls are **20** feet by 30 feet which allows-for the housing of only **4** horses. This barn is supposed to have a capacity of 16 horses. A 16 horse facility is not sized for the private recreational use of two people. Additionally, some analysis in the Initial Study

Comments on Negative Declaration and Initial Study
Application No. 97-0648
SCB Equestrian Facility

appears to be based on the fact that there are currently 5 horses on the property which would be housed in this barn. If this is the case, the Initial Study and Negative Declaration fail to analyze (or even discuss) why such a huge facility is necessary or how this barn will actually be utilized. The actual use of the barn must be ascertained and defined before there is an adequate project description. Without an adequate project description, the Initial Study and Negative Declaration are invalid.

The similarity in design and location of the so-called "horse **barn**" and the goat barns, all shown on the Master Plan map demonstrates that there is no distinction between this barn and the other goat barns planned for SCB's Biomedical Operation. The design of this barn lends itself to a use other than the housing of horses, but there is no required mitigation condition limiting the "Private Equestrian Facility" to a height, size and location commensurate with a barn for the personal use of the residents of the single family dwelling on the upper terrace.

The project must not "generate more than the acceptable level of traffic." The **traffic** evaluation is based upon the statement that "the project is a private equestrian facility for the owners of the property who will reside in the single-family dwelling presently under construction on the same parcel." In order for this statement to support the finding, the equestrian facility must be limited to a number of horses reasonably related to personal use by the property owners and not for "the raising of livestock." The raising of livestock may only be for food, fiber or animal production. Since it is unlikely that the horses are being raised for food or fiber, the only possible "raising livestock" use is animal production, which does not necessarily involve limited traffic. Furthermore, the "Private Equestrian Facility" must be analyzed in the context of the Master Plan application which admits to 33 employees per day and up to six double trailer loads per month of feed and bedding on a road not sufficient for any additional traffic. The "Private Equestrian Facility" with 16 horses would add additional double trailer loads of feed and bedding, as well as vehicular trips by employees, horseshoers, vets, etc... SCB's estimates of the traffic are probably low and in any event the traffic impacts the "Private Equestrian Facility" have not been adequately analyzed on either a project specific or a cumulative basis.

If the 8000 square foot barn was truly to be for personal use, it would have to qualify as accessory structure under County Code Section 13.10.611 (see Agricultural Uses Chart -- Nonhabitable Accessory structures). They are required to be built and located so as to be incidental to the residential structures. Here the barns would be located so far away **from** the residence that it would be more efficient and in fact the Master Plan is designed to encourage one to get in a vehicle and drive north on one-lane Back Ranch Road for more than ½ mile, and then turn right onto a **450-foot** long access road to the barns. In order to be a permitted accessory use to a personal residence, the barns need to be reduced in size and moved to within incidental use distance of the residence. This would also locate the barns nearer to their water source. This land use issue was not discussed in the Initial Study or the Negative Declaration.

6. Impervious Surfacing:

The Initial Study describes the impervious surfacing related to the "Private Equestrian Facility" as .79 acres in some places and .48 acres in others. It is unclear how much impervious surfacing is actually associated with this portion of the project. Additionally, it is unclear how the impervious surfacing for this portion of the project will be evaluated in the Master Plan. Will the impervious surface be removed **from** the total acreage of the Master Plan project, or will it be included and count toward the impervious coverage of the Biomedical Facility? In order to determine the answer to these questions, the future purpose of this project must be clarified. As this **barn** is located in an area targeted to become a cluster of biomedical goat barns, this **barn** may at some future time be associated with the Biomedical use of this property. Therefore, it is all the more essential that this project be evaluated with the Master Plan or reduced to a size reasonable for the housing of personal horses and moved closer to the main residence on the parcel and away **from** the proposed future Biomedical cluster.

7. "Previously Approved Project"

The Initial Study states that "As a result of a previously approved project, the applicant has made an application for an Endangered Species Act Section 1 Oa take **permit...**" It is unclear what previously approved project is being referenced by this statement. The Initial Study and Negative Declaration should be revised to **clarify** this issue and recirculated thereafter.

8. Air: .

This Initial Study-states "The 8,000 square foot barn has the potential to house a large number of livestock which will generate manure and flies." This is **SOAL's** point. There is no required mitigation condition which limits the barn to use as a personal horsebarn for the residents of the single family dwelling being built on the upper terrace. The barn is being proposed and evaluated as a personal **horsebarn** with a maximum capacity of 16 horses. If this barn is to house other animals than those described in the application, that should have been the basis of the Initial Study and Negative Declaration. It is also an additional reason why the barn should be evaluated as part of the Master Plan.

9. Clustering:

The Initial Study describes alternatives to achieve the requirement of taking as little land out of production as possible. There is no discussion in the Initial Study of moving the barns closer to the Stephenson's home. As this is described as a horsebarn to house the personal recreational horses of the owners, it would seem reasonable to locate the barn closer to the home rather than more than half a mile away in what is planned to be a cluster of goat barns.

The location of the horse barn where it is proposed starts a new cluster on the upper terrace without Master Plan evaluation. This has the potential to effectively bootstrap the upper terrace into becoming a cluster for future biomedical structures. It potentially establishes a precedent on the property regarding clusters on the upper terrace and would be premature according to Coastal Commission Staff.

Furthermore, the only basis for declining to locate the proposed equestrian facility on Farm Road is that it is for a use **“different from that which occurs on Farm Road”** (namely biomedical goats). According to the Original Initial Study, these barns would have to be located in the cluster of buildings near Farm Road unless they are used for a nonbiomedical related purpose and are the only cluster or node on the upper terrace. Under this approach previously contained in an approved Staff Report, no biomedical operation should be located on the upper terrace in this cluster because it is different **from** the equestrian facilities. See Master Plan showing an upper terrace cluster of 5 barns and one accessory structure; 4 of these barns are biomedical.

In addition, although not mentioned in the Negative Declaration or the revised Initial Study, County Code Section 13.20.130(c)4 requires that large agricultural buildings be located in or nearby existing groups of buildings. Thus in order to even arguably comply with County Code Sections 13.10.314(a) and 13.20.130(c)4 under the theory of the Initial Study, the required mitigation conditions need to assure that all large agricultural structures are located near the existing groups of buildings on the lower terrace.

As the Initial Study acknowledges, **“[l]ocating the [equestrian] facility adjacent to existing support facilities on the site would better conserve land for agricultural production purposes.”** The Initial Study then confirms that those “existing support facilities” are on Farm Road, not on the upper terrace. If biomedical use were sought, it must be adjacent to the **existing** facilities on the lower terrace. It is clear under any circumstances that in order to comply with Section 13.20.130 (c)4, the establishment of the equestrian facility must not be used in the future to justify additional clusters or conversion of the use to biomedical livestock.

Furthermore, the required finding at County Code Section 13.10.314(a)5 that:

“the use will be sited to remove no land from production (or potential production) if any nonfarmable potential building site is available, or if this is not possible, to remove as little land as possible **from** production”

cannot be made. The Initial Study does not address how this will remove as little land **from** production as possible. This land was previously in production as a cattle grazing operation utilizing no structures whatsoever. The Initial Study fails to address the increase in the amount of land removed from production by the “Private Equestrian Facility.” The amount removed would

clearly be minimized by a small personal horse barn close to the already disturbed area where the new single family residence is being constructed.

10. Cumulative Impacts

The "Santa Cruz Biotechnology Ranch Master Plan" for a biomedical laboratory animal facility is submitted and under review. This Master Plan clearly creates cumulative impacts (water, manure and urine, grazing capacity, traffic, **viewshed from** Wilder Ranch State Park, etc.) which were not evaluated in the Initial Study and now must be evaluated.

11. Private Equestrian Use


The Initial Study and Negative Declaration also continue to be flawed for failure to **define** "private" equestrian use or to limit that use **in any** way. **In** the absence of such definition or limitation, the Negative Declaration is inadequate because it does not limit the number of horses which may be kept for "private" equestrian use. Is it the number on which the manure management plan is based? Is it the 5 horses to 16 horses each referenced in the revised Initial Study? Does it include "private **boarding** of horses by the property owners? What is to prevent the boarding of **80** horses in 10' x 10' stalls? Even if there **are only** eight **boarded** horses, the owners of those boarded horses, together with the feed trucks, horse shoers, veterinarians, stall cleaners and other support personnel will generate substantial traffic on a road easement which is essentially one lane.

1 2 . Drainage:

The Initial Study and Negative Declaration has been revised to require a drainage plan. This plan is to ensure that all drainage to be discharged at least 200 feet southwest of the barns. Given the importance of proper drainage to the maintenance of Back Ranch Road as an adequate access for Applicants' residence and other residences on Back Ranch Road and the potential for pollution in the upper reservoir and the various riparian corridors, the failure to provide a drainage plan and an erosion control plan and allow public comment on those plans in conjunction with the Initial Study renders it inadequate.

Thank you for your consideration of these matters.

Sincerely,


Julianne Ward, Executive Director
Save Our Agricultural Land

LAW OFFICES

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January 26, 1999

VIA HAND-DELIVERY

Mr. Ken Hart
Environmental Coordinator
Planning Department
County of Santa Cruz
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

Re: Application No. 97-0648 John and Brenda Stephenson Applicants
Comments on Preliminary Determination of Mitigated Negative
Declaration

Dear Mr. Hart:

This office represents Frans Lanting, Christine Eckstrom, Robert and Carol Adams, Michael and Madeline Kauffman and Michael and Laura Zucker. We submit the following comments on their behalf with respect to the above referenced matter.

Our clients share a well, located on the **Lanting-Eckstrom** parcel which is immediately adjacent to the property involved above. Sometime in 1997, the Stephensons obtained a permit for a "domestic well" which was to serve a bathroom in a proposed horse barn. Our clients made no objection to that well (even though it was just **outside** the 100' radius from their well) because of the proposed uses on the Application and because the Applicants specifically represented to our clients that the well would only be used for a bathroom in the horse barn. That well was drilled and tested, but neither power nor water lines have been connected to it.

In reviewing the Environmental Review Initial Study for the Private Equestrian Facility, Water Line Extensions, and New Grain Silo dated December 21, 1998 in connection with the above project, however, our clients noted some concerning statements:

Letter to Ken Hart
January 26, 1999
P a g e 2

Item B (page 7) states at the end of the first full paragraph: "A private well, located northeast of the project site, provides limited water to an old caretakers dwelling that is presently used as a stabling area." This statement is not true. The water to the old caretakers dwelling comes from a spring on that site and has nothing to do with the well **that** was recently drilled. The problem is exacerbated by the third paragraph (page 7-8), which provides: "The fifth tank would served by an on-site well located at the northeast comer of the parcel. Serving the **fifth** tanks [sic] requires extending the water **line from** its present terminus at the old caretakers dwelling (existing stable facility) to the project site to serve this single tank. In addition, the existing agricultural line would be extended from the 'Upper Reservoir' to provided [sic] water to all 5 proposed water storage tanks to provide an additional water source for emergency fire protection." Later in that paragraph it states: "Water in the **5th** tank will be used to water animals kept at the facility. The private on-site well will also provide water for the restroom. The quality of this well water meets State standards for potable water. (Attachment 6)."

Attachment 6 makes it clear that the well referenced in the Application is the well that was approved in 1997 for "domestic purposes" (i.e. serving the restroom). Thus, the Application is proposing to-convert a well that was obtained for a limited domestic purpose (without environmental review) into a well which "fills the **5th** tank" and is "used to water animals at the facility." The quoted language from the Application also indicates that the intent is to "interconnect" the five tanks so that water from the well could be filling the other four tanks as well.

Similarly, Item 6 (page 9) provides: "Use of the on-site well will increase to fill one of the storage tanks. However, this increased use will be to serve animal watering needs and to serve the barn's restroom. Neither use will generate excessive withdrawals **from** the well." No analysis is furnished for that statement. How many animals will it be watering? **What** about the interconnection with the other five tanks? What will be the impact on adjacent wells? None of these significant environmental concerns are even mentioned.

Section H (page 16) indicates that the County Fire Department has required a storage volume of 24,875 gallons and that water for that purpose will be furnished by "the tanks." Again, this implies an interconnection among the five tanks.

The proposed transformation of the well is of great concern to my clients because of the impact on their domestic well. They have obtained the services of a respected,

Mr. Ken Hart
January 25, 1999
Page 3

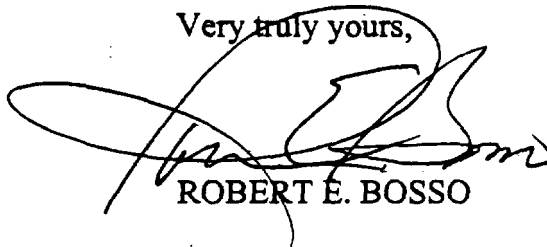
independent consultant, Joseph Hayes of Weber-Hayes & Associates to review this matter for them. A copy of **Mr. Hayes** report is attached. As you can see from Mr. Hayes' report, he is concerned that if the well in question is expanded **from** its approved use (i.e. to service bathroom in the horse barn) to filling tanks and watering animals, it could easily de-water the aquifer serving our clients' well, resulting in our clients' losing their domestic water source.

Our clients do not object to the Applicants' use of the well for the domestic purposes originally intended, and they are willing to consider the filling of the fifth tank for fire flow purposes to the extent necessitated by the domestic use. Our clients' concerns are essentially three-fold:

1. That the fifth tank be prohibited **from** being interconnected to the remaining four tanks except for the provision of water for fire flow purposes. A back-flow prevention device should be installed with an emergency-only valve for fire flow.
2. That water from the well be limited to the domestic purposes for which the permit was obtained (including fire supply storage), and that stock watering or agricultural irrigation of any type be prohibited.
3. That prior to any other use being approved, the Applicants conduct thorough testing of the aquifer to insure that it will not impair the existing domestic well of our clients.

If any of these comments require further clarification, please let us know.

Very truly yours,



ROBERT E. BOSSO

REB/kb

cc: clients

Paul A. Bruno, Esq.

HART.LTR

-VUIRIT 1



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ATTACHMENT 5

January 26, 1999

Job H9003

Bob. Adams
5380 coast Road
Santa Cruz, CA 95060

Subject: Evaluation of potential interaction of **Adams/Lanting-Eckstrom/Kaufman-Zucker well** and **adjacent** Domestic Well on Stephenson parcel.

Dear Mr. Adams,

This letter presents **the** results of my **site** visit and my analysis **of the** potential for pumping **interaction** between the domestic well on the **Lanting/Eckstrom** property (referred **to** as the **Adams/Lanting-Eckstrom/Kaufman-Zucker** well) and a new domestic well on the adjacent Stephenson **property**. This analysis indicates that there **clearly** is the potential **for** pumping interaction between the wells, and that both wells should be **carefully** limited to domestic use, to avoid **excessive drawdown and** loss of well yield.

My **scope** of **work** included a site visit to **establish** well locations and measure **water level in the Adams/Lanting-Eckstrom/Kaufman-Zucker well** (your well), a review of the Well Completion Report **and Geologic** Log (attached), well installation and operational **records**, and pumping **information** for your well, and a **review** of the site's **hydrogeologic** setting in local geologic **references**. I have reviewed **information** on loss-of-yield problems **in** wells completed in **fractured** bedrock in a similar setting in **North** Monterey County. I have estimated reasonable aquifer **parameters (transmissivity and storativity)** for your **well** based on this information, and made estimates of **potential** pumping **drawdown** influence at the **adjacent** Stephenson well under sustained pumping at your **well**. These **estimates** should not be considered accurate **predictions** of **water level** change, but are to test the reasonableness of the **concern** that pumping in one well could impact water levels in the other well. I do not have any information on the well yield or construction of **the** adjacent Stephenson **well**, other than information **that** it is constructed approximately **115-120 feet** away, at the same **surface** elevation, in the same regional geologic setting as your well.

- These estimates of well **interaction from** pumping are made **with** assumed **aquifer** properties based on the regional geologic setting and standard values for **fractured** sandstone **aquifers**. These estimates also assume that both wells are completed in the **Lompico** Sandstone, a **thick** sandstone unit underlying both properties to a depth of up to 700 feet (**Brabb**, 1989) and that interconnected bedrock fractures in this aquifer form an important source of the **permeability** and well yield.

SITE DESCRIPTION

The **Adams/Lanting-Eckstrom/Kaufman-Zucker** well is located on a coastal marine **terrace** north of

EXHIBIT L

Adams/Lanting-Eckstrom/Kaufman-Zucker Well Analysis
Back Ranch Road, Santa Cruz
January 26, 1999

Majors Creek, on Santa Cruz County parcel 062-13 1-26. This is a 5-inch diameter domestic well with a **total** depth of 240 **feet**. It is my **understanding** that this well provides domestic water supply **for** 3 residences along Back Ranch Road. The Back Ranch Road area is notorious among local residents for dry wells, and low well yields in domestic wells (**Dave Landino, Landino Well Drilling**, personal **communication**). The well was installed in 1992, **as** a **replacement** for a **pre-existing** well in the same location. Static water level was at 75 feet deep in 1992, and was measured at **approximately 102 feet deep** on **January 12, 1999**. The **Well Completion Report**, with geologic log and well **construction** details, is attached to this letter. The geologic log is relatively detailed and complete for a well **driller's** log, and it records a zone of **fractured** bedrock in **the** hard sandstone bedrock between 140-192 feet (see geologic log). The well was capable **of** a yield of 30 gallons per minute during a four **hour pumping** test **after** completion (no **drawdown** measured, see Well Completion report). This fractured bedrock setting is significant, both for the good yield of your well., and for the potential it has for **overpumping** (see Summary).

This is a relatively high yield **for** this area, and indicates **that** the **fracture** zone **identified** in the geologic log is **a** source of increased **permeability** and water **yield** for this well. **The** Stephenson well is located across the **property** line on the adjacent parcel, approximately 115 -120 feet away. The Stephenson well was reportedly drilled here **recently, after** several previous drilling attempts in other areas of the Stephenson property were **unsuccessful**.

Based on the depth and location, the **Adams/Lanting-Eckstrom/Kaufman-Zucker** well is drilled in **the Lompico** Sandstone, a thick-bedded, **yellowish-grey** medium to **fine-grained** cemented **sandstone**, with a maximum **thickness** of 720 feet **along** Majors Creek (**Earl Brabb, 1989, Geologic Map of Santa Cruz county, USGS Misc.. Investigation Map I-1905**). This sandstone **aquifer** ranges from tightly to weakly **cemented**, and has not been identified as **a** significant source of water for more **than** limited domestic supply anywhere in **northern Santa Cruz** County.

Evaluation of Potential Pumping Interaction Between Wells

To evaluate **the** potential **for** pumping interaction between the **Adams/Lanting-Eckstrom/Kaufman-Zucker** well and the Stephenson well, **estimates of** pumping **drawdown** were calculated using estimated aquifer parameters and standard **groundwater** well hydraulics equations. The modified Cooper-Jacob equation shown below is **based** on the **Theis Nonequilibrium** well equation, and has been used **since** 1946 to estimate pumping **drawdown** at a given distance **and** time **from** the pumping well.

$$s = \frac{264 Q}{T} \log \frac{0.3 T t}{r^2 S} \quad (\text{Groundwater and Wells, Driscoll, 1986, page 219})$$

s = estimated **drawdown** at adjacent well, feet.

ATTACHMENT 5

Adams/Lanting-Eckstrom/Kaufman-Zucker Well Analysis
Back Ranch Road, Santa Cruz
January 26, 1999

T = transmissivity, *estimated as 165 g/day/ft* (based on $K = 1 \text{ g/day/ft}^2 \times 165 \text{ ft thickness}$)
 t = pumping time, (45 days)
 r = radial distance from pumping well (115 feet)
 S = 10^{-4} (confined aquifer)

So, for 45 days of pumping at 5 **gpm**, estimated **drawdown** is 25.8 feet at a well **115 feet** away.
 For 45 days of pumping at 15 **gpm**, estimated **drawdown** is 77.43 **feet** at a well **115 feet** away.

It is important to realize **that** these projections are based on estimated **aquifer** properties, and it is not known that this **sustained** pumping rate would even be possible at the pumping well. The pumping scenarios presented herein are for 45 days of **continuous** around-the-clock pumping, at 15 **gallons** per minute, (**gpm**), and at a lower rate of 5 **gpm**. I realize that these **continuous** and **high-flow** pumping scenarios greatly exceed the actual pumping you normally conduct. The purpose of these pumping scenarios and **drawdown** estimates are not to predict **specific water** level changes, but to evaluate whether it is reasonable to expect sustained pumping in one well to **significantly** influence, and to cause a water level decline, in the other well.

SUMMARY

This information indicates that there is reason for concern that an increase in pumping from an adjacent well could reduce water levels and well yields at the Adams/Lanting well. Sustained pumping in the **Adams/Lanting** well is predicted to cause **significant drawdown** in the adjacent well, at a **distance** of 115 **feet** away, based on reasonable estimates of **aquifer** parameters. **If the Stephenson well has a similar or greater depth, and is screened across fractured bedrock which interconnects with the Adams/Lanting-Eckstrom/Kaufman-Zucker well, pumping there could cause drawdown in the Adams/Lanting-Eckstrom/Kaufman-Zucker well.** It is not possible to predict the actual water level changes or **sustainable** flow rate without more **detailed information**, and **specifically**, without aquifer pumping tests. However, **this evaluation indicates** that there is clearly the potential for **well interaction**, and that pumping in both wells should be **carefully limited** to domestic needs, to prevent excessive **drawdown** and loss of **well** yield.

Furthermore, the fractured bedrock setting makes both the Stephenson well and the Adams/Lanting-Eckstrom/Kaufman-Zucker well vulnerable to overpumping, because fractures can be pumped, for a limited time, at rates higher than they recharge: Wells completed in bedrock/hard rock aquifers where fractures are the primary source of permeability are especially susceptible to loss of well yield from overpumping (N. Monterey County Groundwater Study, 1981, for Monterey County Water Conservation District, by Anderson-Nichols, and Co.). The Adams/Lanting-Eckstrom/Kaufman-Zucker well is completed in a cemented sandstone aquifer (Lompico Sandstone) with generally low to very low well yields in unfractured sections. Bedrock fractures are crucial to obtaining adequate water production for small domestic wells. Bedrock fractures in a low permeability formation can

ATTACHMENT 5

Adams/Lanting-Eckstrom/Kaufman-Zucker Well Analysis
Back Ranch Road, Santa Cruz
January 26, 1999

transmit water fairly readily, but may be slow to recharge. Well yields or maximum pumping rate, as established in short-term pumping tests, may be several times greater than the long-term sustainable yield of the bedrock fractures which supply the water to the well. If these fractures go dry from overpumping, water must slowly recharge through overlying unfractured zones, and from distant fractures which may be partially connected to the fracture zone which supplies the well. This is why wells which rely on hard rock/ bedrock fractures may experience well yield decline, water level drops, and loss of saturated section if pumping exceeds their long-term flow rates.

RECOMMENDATIONS

- Limit pumping in both wells to domestic use.
- Practice good water conservation behavior, including low-flow bathroom fixtures.
- Limit use of groundwater pumping for irrigation or landscaping,
- Record depth to water levels regularly (monthly at a minimum) to maintain awareness of well water levels and potential for dewatering.

This concludes my letter report. Thank you for the opportunity to conduct these technical services. Please call my office if you have any questions.

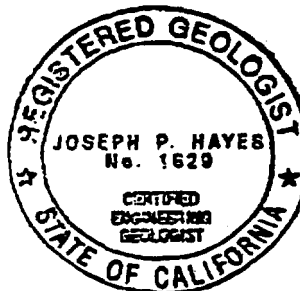
LIMITATIONS

Our service consists of professional opinions and recommendations made in accordance with generally accepted geologic principles and practices. This warranty is in lieu of all others, either expressed or implied. The analysis and conclusions in this report are based on an investigation which was necessarily limited. Additional data from future work may lead to modification of the opinions expressed herein.

Sincerely
Weber, Hayes and Associates

by:

Joseph Hayes
Certified Hydrogeologist #373



Attachment: Well Completion Report

C:\AJOB\H9003\adams\well.let.wpd

Weber, Hayes and Associates

PIPLICATE
Owner's Copy

Page of

Owner's Well No.

Date Work Began 8/24/92, Ended 9/1/92

Local Permit Agency Santa Cruz County

Permit No. 92-116

Permit Date 8/5/92

STATE OF CALIFORNIA
WELL COMPLETION REPORT
Refer to Instruction Pamphlet

No. 489571

— DWR USE ONLY — DO NOT FILL IN

STATE WELL NO./STATION NO.

LATITUDE

LONGITUDE

APN/TRS/OTHER

GEOLOGIC LOG

ORIENTATION (Z) ☒ VERTICAL ☐ HORIZONTAL ☐ ANGLE (SPECIFY)

DEPTH TO FIRST WATER (FL) BELOW SURFACE

DESCRIPTION

Describe material, grain size, color, etc.

DEPTH FROM SURFACE	FL	to	FL	DESCRIPTION
0	0			black topsoil
2	4			yellow topsoil
4	20			yellow clay
20	28			coarse sand
28	32			yellow clay
32	38			white sand-fine
38	40			coarse sand
40	43			cemented sandstone, yellow
43	53			gray sandstone, tightly cemented
53	93			fine gray sand
93	92			hard tight gray sandstone
92	120			blue-gray shale/sand layers
120	130			hard tight sandstone
130	140			sandstone with gray sand
140	165			fractured gray sandstone with sand
165	192			hard fractured gray sandstone with sand
192	208			tight sandstone/shale
208	218			hard tight sandstone
218	242			sand gray-fine and friable medium sandstone
242	252			tight hard sandstone

TOTAL DEPTH OF BORING 252 (Feet)

TOTAL DEPTH OF COMPLETED WELL 240 (Feet)

WELL OWNER Name Frans Tanding

Mailing Address 1085 Smith Grade

CITY Santa Cruz, Ca. 95060 STATE ZIP

WELL LOCATION

Address Back Ranch Rd. (pvt. rd.)

CITY Santa Cruz

County Santa Cruz

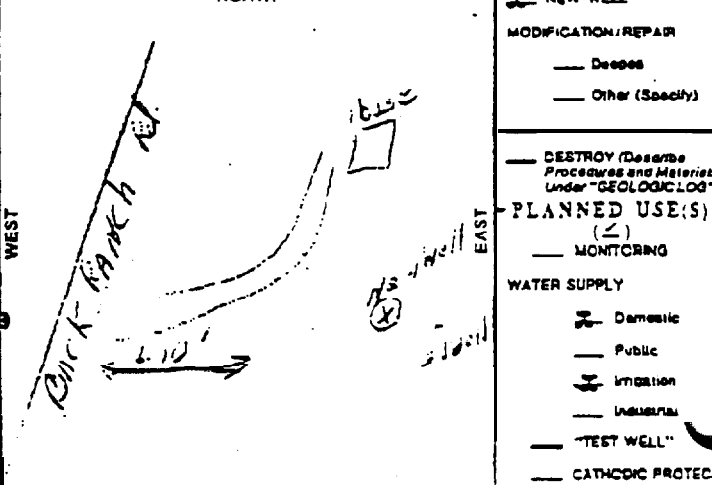
APN Book 062 Page 131 Parcel 28

Township Range Section

Latitude Longitude

LOCATION SKETCH

NORTH



Illustrate or Describe Distance of Well from Landmarks such as Roads, Buildings, Fences, Rivers, etc. PLEASE BE ACCURATE & COMPLETE.

DRILLING METHOD mid rotary FLUID bar/polymer

WATER LEVEL & YIELD OF COMPLETED WELL

DEPTH OF STATIC WATER LEVEL 75 (FL) & DATE MEASURED 9/1/92

ESTIMATED YIELD 30 (GPM) & TEST TYPE air lift

TEST LENGTH 4 (Hrs.) TOTAL DRAWDOWN 2 (FL)

* May not be representative of a well's long-term yield.

ACTIVITY (Z)

☒ NEW WELL

MODIFICATION/REPAIR

Deepen

Other (Specify)

DESTROY (Describe Procedures and Materials Under "GEOLOGIC LOG")

PLANNED USE(S)

(Z)

MONITORING

WATER SUPPLY

☒ Domestic

Public

☒ Irrigation

Industrial

"TEST WELL"

CATHODIC PROTECTION

OTHER (Specify)

DEPTH FROM SURFACE		BORE-HOLE DIA. (Inches)	CASING(S)					DEPTH FROM SURFACE		ANNULAR MATERIAL							
			TYPE ()				MATERIAL/ GRADE			INTERNAL DIAMETER (Inches)	GAUGE OR WALL THICKNESS	SLOT SIZE IF ANY (Inches)	TYPE				
FL	to	FL	BLANK	SCREEN	CON- DUCTOR	ELL PIPE								FL	to	FL	CE- MENT ()
0	70	9 7/8	X				pvc	5	SDR21			0	50	X			
70	90			X			pvc	5	SDR21	.040		50	250				3 x 16
90	100			X			pvc	5	SDR21	.040							Montersy
100	230			X			pvc	5	SDR21	.040							
230	240		X				pvc	5	SDR21								

ATTACHMENTS (Z)

- Geologic Log
- Well Construction Diagram
- Geophysical Log(s)
- Soil/Water Chemical Analyses
- Other

ATTACH ADDITIONAL INFORMATION, IF IT EXISTS.

CERTIFICATION STATEMENT

I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief.

NAME Tanding Construction and Well Drilling

(PERSON, FIRM OR CORPORATION, TYPE OR PARTIES)

ADDRESS 5360 Coast Rd. Santa Cruz, Ca. 95060

CITY STATE

Signed [Signature] 9/14/92 201380

WELL DRILLER/AUTHORIZED REPRESENTATIVE DATE SIGNED CEST LICENSE NUMBER

Ken Hart
County of Santa Cruz Planning Department
701 Ocean Street
Santa Cruz CA 95060

RE: Environmental Review - Stephenson Ranch
Comments on the Initial Study and Negative Declaration

We are writing to draw your attention to a serious issue that is not addressed in the environmental review initial study for **The** Private Equestrian Facility, Water Line Extensions and New Grain Silo at the Stephenson Ranch (also called the Santa Cruz Biotechnology Ranch in the Master Plan which has been submitted). We note that the proposed use of the northeast corner well is not consistent with its permitted use as a domestic well for a single residence. We disagree with the finding that the proposed increased, "agricultural" use of the on-site northeast corner well, drilled last year as a domestic well, will have less than a significant impact. We feel that our well will be seriously impacted by increased use of northeast corner well.

The description of the Stephenson water source in the plan is not accurate. This new well is not presently in operation. Indeed no power is currently extended to it. At present, to the best of our knowledge, there is also no line between this well and the caretaker's house. The water for the caretaker's house comes from a nearby spring. This spring should also be analyzed in the Initial Study.

The plan submitted by the Stephensons states that water to fill the fifth water tank would be provided from a recently drilled "on-site well located in the northeast corner of the parcel" using a line to be extended from the present terminus at the old caretakers dwelling and that the use of this water will be "to water the **animals** at the facility" and will "provide water for the rest room."

First, we do not believe that "watering the animals" in the Stephenson Ranch case is a domestic use but an "agricultural" use. Their present **permit** does not allow for agricultural use of this well.

Second, the proposed tie with the holding tank system and the Upper Reservoir and other possible connections to the overall water system allows for a commingling of different sources of water. This allows for the possibility of the use of the water from the northeast corner well for other non permitted agricultural activities such as irrigation related to the biomedical operation, the equestrian facility, or both.

Third, the plan also states that the tanks and thus water from this new well will be connected to the Upper Reservoir and will provide "emergency water" for the whole Ranch. Such a use is unnecessary. On page 16 of your report, you note "According to County Fire, a single water connection to **fill** the tanks will create adequate fire flow as long as the tanks are kept **filled**" and that the major connection would be to the city untreated irrigation water line. Therefore there is no need (from a fire protection standpoint) for using the northeast corner on-site well to fill any of the tanks.

This new northeast corner well, which was drilled last year, is permitted as a **domestic** well for use by ONE residence so no environmental impact report was prepared as required for an agricultural well. The well was drilled exactly the minimum 100 feet minimum distance from our existing well, which has served three families for the last twenty-plus years. Agricultural use of this new well can have nothing but a negative impact on our existing well.

Before the northeast well was drilled, we expressed our concern to John Stephenson about the propinquity of the two wells. He brushed aside our concerns, stating that the water would only be used for the restroom

EXHIBIT L

in the proposed stables. With that assurance, we had no grounds for objection to the **residential** well. "Watering the animals" and "providing emergency water" for a **200-acre** agricultural facility is an entirely different matter. It is obvious to us that Stephenson plans to connect this northeast corner well to his entire water system thereby converting a residential well into **an** agricultural well (**without** benefit of an environmental impact report that takes into account the effect of its use on nearby existing wells). Why else do they propose to lay a water line over half a mile to a site that already has water available?

Limits have been placed on the Stephensons' withdrawal of water from Laguna Creek and from the City, but no limits are currently placed on the water they can take from the northeast corner well. Such expanded water use is more than likely to have a seriously deleterious effect upon our water supply, our property values and our quality of life.

Ground water is very scarce in North Coast. Our families depend on the water **from** our well. (I repeat, the new Stephenson well was drilled just within the legal distance from our well) In fact, in the development of our three parcels, Landino **Welldrilling** Co drilled three different dry holes in an area of about 30 acres before water was found at our present well site. Other neighbors have had similar problems finding water. Clearly the Stephensons drilled as close as legally permitted to our well because they knew that they had the highest chance of finding water by tapping into our aquifer. We have no doubt that taking large amounts of water for agricultural purposes from a well so close to ours raises the strong possibility of dewatering us.

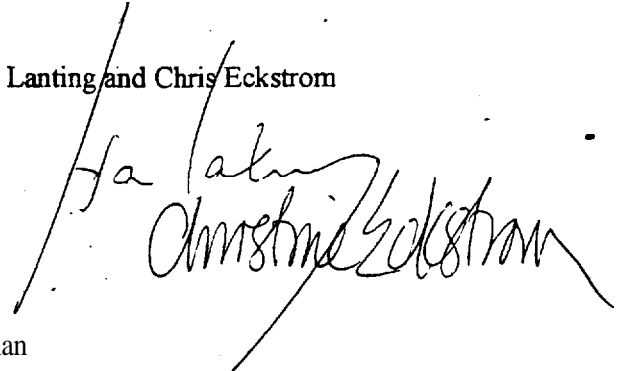
Under these circumstances we ask that the water from this well not be used in accounting for the sufficiency of water for the whole plan or the so-called Private Equestrian Facility, except for the stated "restroom in the stables" and that the permit for any development require enforceable means for insuring that this water **will** never be used for **agricultural** purposes at some later date. If the Environmental Coordinator or the Planning Commission chooses to approve the Negative Declaration for the Stephenson plan, we ask that it include conditions that forbid the use of that northeast well for agricultural purposes and require abandonment of the proposed connection of that well to **the** entire water system, specifically the fifth water tank which will be integrated into the whole system. We ask that the use of that well be limited to that for which it is permitted – which excludes watering livestock and irrigation.

Sincerely,

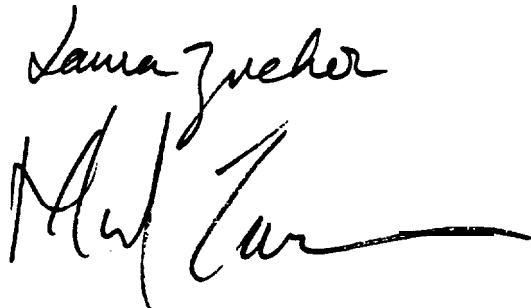
Robert F and Carol S Adams

Frans Lanting and Chris Eckstrom

k g - + -



Michael and Laura Zucker/ Michael and Madeline Kauffman



LAW OFFICES

**BOSSO, WILLIAMS, SACHS
BOOK, ATACK & GALLAGHER**

A PROFESSIONAL CORPORATION

ROBERT E. BOSSO
LLOYD R. WILLIAMS
FRANK T. SACHS
JAMES R. BOOK
CHARLENE S. ATACK
JOHN M. GALLAGHER
CATHERINE A. RODONI
JASON R. BOOK
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* CERTIFIED SPECIALIST IN ESTATE PLANNING,
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E-MAIL
ADMIN@SCLAWFIRM.COM

February 8, 1999

Mr. Paul A. Bruno, Esq.
Attorney at Law
Thelen, Reid & Priest, LLP
333 W. San Carlos 17th Fl
San Jose, CA 95110-2701

Re: Applica

son Applicants

Dear Mr. Bruno:

This will confirm our response to my letter of
January 26, 1999 addressed to you in the above referenced matter.

You advised that your clients have agreed that the well drilled in the Northeast corner of the property which was drilled as a "domestic well" will be restricted to serving the bathroom of the proposed horse barn and for no other purpose. We have agreed that the well may be used to fill the fifth water tank as a reserve for fire protection services only, on condition that your clients will insure that said fifth tank is not interconnected in any manner with the remaining four tanks (except for emergency fire purposes) and that the water from the well is not used for any purpose other than those two set forth above.

With that understanding, my clients have agreed that their concerns, as expressed in my letter of January 26, 1999, have been addressed satisfactorily.

Very truly yours,

ROBERT E. BOSSO

REB/kb

cc: Ken Hart

cc: clients



February 13, 1999

#96187

Rachel &her, P.E.
County of Santa Cruz Planning Department
701 Ocean Street
Santa Cruz, CA 95060

RE: **Stephenson Ranch
Reservoir Analysis**

Dear Rachel:

As to your question regarding the accuracy of the 23.2 acres used for the drainage area for the Upper Reservoir, we used the USGS map attached as a part of our November report. At that time, it was believed that was the best information available. For drainage calculations and site planning, Ifland Engineers, Inc. had used the USGS mapping integrated with isolated areas where specific topo work had been done. This was not the case for the area in question.

However, subsequently we were able to obtain an aerial topographic map from Bowman & Williams civil engineers that covered large portions of the Stephenson Ranch. Based on this new information, we have recalculated the drainage are for the Upper Reservoir to be approximately 19.3 acres. This includes collection of a small drainage area west of Ranch Road and directing it into the reservoir. A copy of the specific drainage area is attached for your use. With this new information the annual runoff to the reservoir is estimated to be 48.3 Ac.-Ft. rather than the 58.0 Ac.-Ft. shown in the report.

Please feel free to contact me if you have additional questions,

Very truly yours,

IFLAND ENGINEERS, INC.

A handwritten signature in black ink that reads 'H. Duane Smith'.

H. Duane Smith, Senior Engineer

HDS/jh

c. Matt Mullin, Santa Cruz Biotechnology

\\ALLI\DOCS\1999\96187\CORRESP\athR021399.doc

Upper Reservoir — Drainage Area = 19.3 Acres (Exhibit D), Pond volume = 35+/- Acre-Fee!

6 hour storm

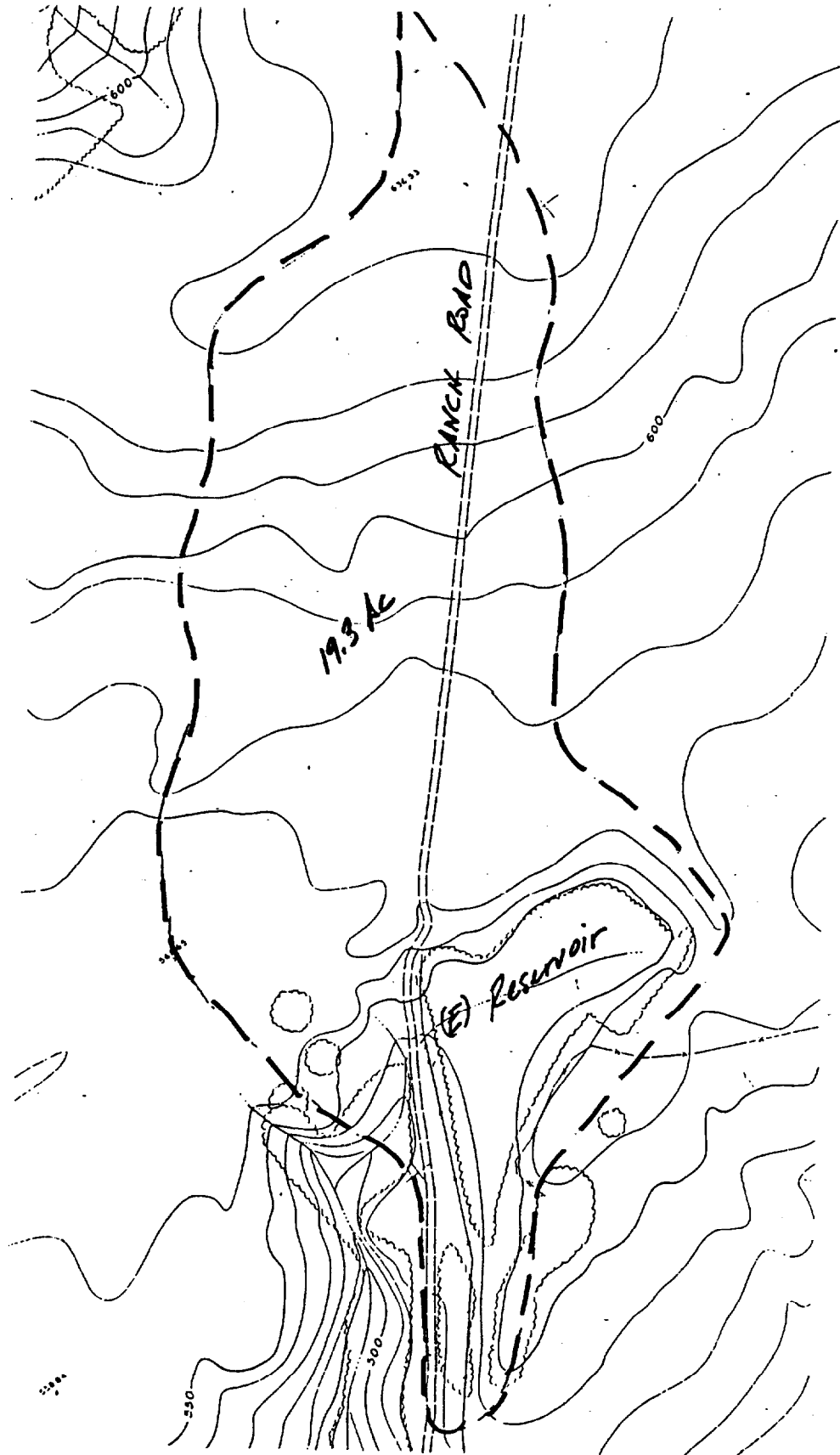
2 yr.	Vol. = (1.73")(19.3 Ac.)/12 =	2.6 Ac.-Ft.
10 yr.	(2.50")(19.3 Ac.)/12 =	4.0 Ac.-Ft.
100 yr.	(3.19")(19.3 Ac.)/12 =	5.1 Ac.-Ft.

24 hour storm

2 yr.	Vol. = (3.20")(19.3 Ac.)/12 =	5.1 Ac.-Ft.
10 yr.	(4.90")(19.3 Ac.)/12 =	7.9 Ac.-Ft.
100 yr.	(6.95")(19.3 Ac.)/12 =	11.2 Ac.-Ft.

Annual

Vol. = (30")(19.3 Ac.)/12 =	48.3 Ac.-Ft.
-----------------------------	---------------------



1" = 200'
on enlarged
original

THELEN REID & PRIEST LLP

ATTACHMENT 5

ATTORNEYS AT LAW

SEVENTEENTH FLOOR

333 WEST SAN CARLOS STREET

SAN JOSE, CALIFORNIA 95110-2701

TEL (408) 292-5800 FAX (408) 287-8040

www.thelenreid.com

NEW YORK
SAN FRANCISCO
WASHINGTON, D.C.
LOS ANGELES
SAN JOSE

February 11, 1999

Robert E. Bosso, Esq.
Bosso, Williams, Sachs
Post Office Box 1822
Santa Cruz, CA 95061-1822

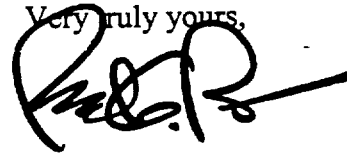
Re: *Application No. 97-0648*
John and Brenda Stephenson Applicants

Dear Mr. Bosso:

This letter confirms that the well will be connected to fill the fifth water tank as a reserve for fire protection services. I also indicated (and I have confirmed) that there is a "backflow valve" so that the water **from** the **fifth** tank will not be intermingled directly with the other four water tanks. Thus, the potable water is not mixed with the agriculture water, and the tank is used as a reserve for fire protection services only.

I can confirm that the well water will not be used for the **irrigation** of pastures or any other intense agricultural purpose. However, our clients are unaware of any restriction on other "domestic wells" in the area that restrict the use of water only to humans. Several domestic wells off Back Ranch Road are used to water animals, including horses. Thus, the Stephensons cannot agree to a restriction that the water be used solely for the bathroom of the proposed horse barn and for no other purpose.

Very truly yours,



Paul A. Bruno

PAB/cle

cc: Mr. Ken Hart
Mr. Matt Mullin

EXHIBIT M

BOSSO, WILLIAMS, SACHS
BOOK, ATACK & GALLAGHER
A PROFESSIONAL CORPORATION

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JOSEPH P. HARRIS

* CERTIFIED SPECIALIST IN ESTATE PLANNING,
TRUST & PROBATE, STATE BAR OF CALIFORNIA,
BOARD OF LEGAL SPECIALIZATION

February 22, 1999

Mr. Paul A. Bruno, Esq.
Attorney at Law
Thelen, Reid & Priest, LLP
333 W. San Carlos, 17th Floor
San Jose, CA 951 10-2701

Re: Application No. 97-0648 John & Brenda Stephenson Applicants

Dear Mr. Bruno:

In reply to your recent letter on the above matter, Chapter 7.70 of the Santa Cruz County Code defines a "domestic well" as one for domestic needs. Certainly, the watering of domestic pets including horses, dogs and cats would be included in that definition. On the other hand, the Code defines an Agricultural Well as one used to supply water for "irrigation or other. agricultural purposes, including so-called 'livestock wells'." Similarly, Section 13.20.078 has a similar exclusion for a ~~domestic~~ residential well, but not a well for a commercial agricultural livestock watering operation.

Unless your clients can agree that the water from the well in question will not be used to water their substantial commercial goat herd operation, then we continue to have a problem with the expansion of the uses of that well without environmental studies being done to **demonstrate** the effect on the neighboring domestic well.

Very truly yours,

ROBERT E. BOSSO

REB/kb

cc: Clients (w/enc)
Ken Hart

THELEN REID & PRIEST LLJ?

ATTACHMENT 5

ATTORNEYS AT LAW

SEVENTEENTH FLOOR

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PAUL A. BRUNO

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NEW YORK
SAN FRANCISCO
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LOS ANGELES
SAN JOSE

February 26, 1999

Robert E. Bosso, Esq.
Bosso, Williams, Sachs
Post Office Box 1822
Santa Cruz, CA 95061-1822

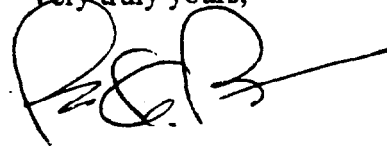
Re: **Application No. 97-0648**
John and Brenda Stephenson Horse Barn Application

Dear Mr. Bosso:

I have your letter of February 22, 1999. Under this application for construction of the horse barn, we agree that the water from the well in question will not be used as drinking water for the goat herd or to irrigate their pastures. Frankly, the Stephensons are **mindful** that any problem with the well would jeopardize the domestic uses for the Stephensons as well as your clients. Thus, the Stephensons assure you that they are not going to cause any problems with respect to available water in the well.

Thank you for your attention and consideration. We believe that this lays the matter to rest so that **any** further environmental study or mitigation is unnecessary; the restrictions reflected in this letter can be conditions of the horse barn permit.

Very truly yours,



Paul A. Bruno

PAB/cle

cc: Mr. Ken Hart
John and Brenda Stephenson
Mr. Matt Mullin

Biotic Resources Group · ATTACHMENT 5

Biotic Assessments ♦ Resource Management • Permitting

March 11, 1999

Mr. Matt Mullin
Santa Cruz Biotechnology
2161 Delaware Avenue
Santa Cruz, CA 95060

RE: Review of Erosion Control Plan, Horse Barn, Stephenson Ranch

Dear Mr. Mullin,

As per your request, the Biotic Resources Group has reviewed the grading and drainage plan for the proposed horse barn and water line on the Stephenson Ranch. This review was conducted to determine appropriate erosion control seed **mixes** for areas disturbed by site construction.

Background

Biotic Resources Group conducted a biotic review of the horse barn area and the water line in July 1997. As stated in the previous biotic reports, the horse barn area consists of flat to gently sloping grassland. Non-native grasses, such as foxtail barley, **ryegrass** and wild oat dominate the vegetation. Native grasses (i.e., purple needlegrass and California oatgrass) contribute approximately 2% of total **plant** cover. The water line is proposed adjacent to Back Ranch Road. While most of the trenching-area is comprised of non-native grasses and herbs, a few locations have scattered occurrences of California **oatgrass** and purple needlegrass (approximately 5% plant cover). No special status plant species occur within these areas.

The proposed horse barn and septic leach field have been sited in areas having the least amount of native grass cover, however, some native grasses will be removed by site construction. Similarly, some native grasses will be removed by the water line construction work. A total of approximately 62,013 square feet (1.42 acre) of grassland will be **affected** in the barn area; assuming 2% cover by native grasses, approximately 1,240 (0.03 acre) of native grasses will be affected. A total of 2,000 square feet (0.05 acre) of grassland will be affected by the water line work. Assuming 5% cover by native grasses, approximately 100 square feet (0.002 acre) of native grasses will be affected in this area.

It is recommended that native grasses be included in the erosion control seed mix for the water line area. Re-seeding of this area with native grasses will provide equal (or better) native grass cover. The recommended seed mix is depicted on Table 1.

Due to moderate level of activity in and around the horse barn, it is recommended that a compensatory area of native grasses be established near the upper reservoir. As 0.03 acre of native grasses will be **affected**, it is recommended that a **0.05-acre** of native grassland be established (1.5: 1 ratio). The **0.05-acre** area is located adjacent to the water line near the upper reservoir (depicted on the enclosed figure). Seeding of this area should be accomplished using the seed mix depicted on Table 1.

The remainder of the horse barn area should be seeded with an erosion control mix that can withstand horse activity, as presented on Table 1.

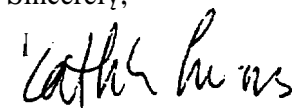
Table 1. Recommended Seed Mix for Horse Barn and Water Line, Stephenson Ranch

Seed Mix	Water Line (0.05 acre)	Native Grass Revegetation Area near Upper Reservoir (0.05 acre)	Horse Barn Area (1.39 acre)
Purple Needlegrass <i>Nassella pulchra</i>	7 lbs./acre	7 lbs./acre	-
Western Ryegrass <i>Elymus glaucus</i>	7 lbs./acre	7 lbs./acre	-
Zorro Fescue * <i>Vulpia myuros</i>	15 lbs./acre		15 lbs./acre
Rose Clover * <i>Trifolium hirtum</i>	5 lbs./acre	-	12 lbs./acre
Red Fescue <i>Festuca rubra</i>	-	-	5 lbs./acre

* non-native species

Please give me a call if you have any questions on this information.

Sincerely,

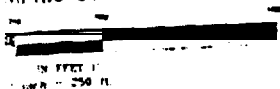


Kathleen Lyons
Principal/Plant Ecologist

CC: Kim Tschantz, County of Santa Cruz



GRAPHIC SCALE



string perimeter fencing above
air

Survey was performed for much
area above the upper reservoir
as were digitized from plans by
plans shown below the upper
digitized as well as those noted
on. The survey is on an

Structures in unsurveyed areas are
information supplied by the

Structures are 20' from property lines.

boundary survey. Property lines
reference only.

(E) Existing
(P) Proposed
Property Line

ATTACHMENT 5

Areas

3.15 ac
11.57 a
1 ac
63 ac
8.06 ac
25.61 a
16.92 ac
17.12 a
16.52 ac
43 ac
30 ac
35.56 ac
71 a
0.16 ac
4.65 a
10.25 ac
3.37 a
1.82 a
5.13 a
2.25 ac

354.88 ACRES

Approximate Location of
Native Grassland Revegetation
Area (0.05 acre)

Regre:

APN 59-021-08

Upper Reservoir

(E) UPPER RESERVOIR PUMP HOUSE

Main Residence

Unbridled

Lower Reservoir

(E) LOWER RESERVOIR PUMP HOUSE

Copenhagen

TEMPORARY FENCE TO BE
USED FOR THIS MASTER

Genuine
Risk

Omara

Riva Ridge

Crusader

EXHIBIT M



DEPARTMENT OF FISH AND GAME

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ATTACHMENT 5

May 25, 1999

Ms. Paia Levine
Department Environmental Coordinator
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa- Cruz, California 95060

Dear Ms. Levine:

Stephenson Ranch Equestrian Facility
Santa Cruz County

This letter serves to clarify a statement made in our letter of January 27, 1999 sent to you regarding the Negative Declaration for the Stephenson Ranch-Equestrian Facility and Water Line Extension.

On the second page, I refer to a State Water Resources Control Board (SWRCB) investigation of the legality of the City of Santa Cruz transferring riparian water rights from Laguna Creek to Majors Creek. I have been informed that the basis of the City's water rights claim on Laguna Creek is a pre-1914 water right. I regret any confusion this statement in my January 27, 1999 letter might have caused you.

Sincerely,

Brian Hunter
Regional Manager
Central Coast Region

cc: See Next Page

Conserving California's Wildlife Since 1870

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MS. Paia Levine
May 25, 1999
Page Two

cc: Ms. Martha H. Lennihan, Esq.
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Sacramento, California 95814

Mr. Steve **Herrera**
State Water Resources Control Board
Sacramento

Mr. Howard Kolb
Regional Water Quality Control Board
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Mr. John **Waithman**