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

September 21, 1999

Planning Commissioner
 Planning Department
 County of Santa Cruz
 701 Ocean Street
 Santa Cruz, CA 95060

Re: Horse Barn Application No. 97-0648

Dear Commissioner:

This will be the fourth hearing before your Commission for the Stephenson's private Horse Barn on a 206-acre ranch. All of the changes requested by Commissioners have been submitted by the Stephensons. The private horse barn is separate and distinct from any future consideration of a "biomedical livestock operation." A memorandum by the Assistant County Counsel confirms that the "cumulative effects" and "segmentation" issues are unnecessary (and may be inappropriate) to withhold an affirmative decision on the horse barn. As indicated in the case analysis and the recommended Negative Declaration dated March 10, 1999, the issues were considered by staff. The recommendation by staff for approval **this month** is the result.

The applicants, John and Brenda **Stephenson**, have concurred with the staff report except for two suggested minor changes to the Coastal Zone Permit Findings, Development Permit Findings and Required Special CA Zone Findings. In addition, John and Brenda Stephenson request that certain conditions of the permit be modified consistent with the two issues in the suggested **changes**. (**The suggested changes are contained in the attached Exhibit One.**) The current recommended Negative Declaration with Mitigations covering the water lines and structures remain unchanged. (I refer to the Negative Declaration with Mitigations dated March 10, 1999.)

The Stephensons again request that the water line, initially approved by Planning staff, be included with a condition that goats be excluded from irrigated pasture pending approval of the master plan. A small amount of irrigated pasture (reserved for horses and fenced from goats) will be beneficial for the horses and help preserve water quality through slowing water flow through a vegetative area. (The assumption present in the Planning staffs August 31, 1999

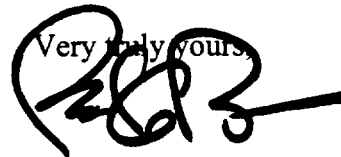
THELEN REID & PRIEST LLP

Planning Commissioner
September 21, 1999
Page 2

memorandum that goats would feast on the horse pasture is unfair and does not explain the reversal from staffs initial report to you.)

The attached changes also deletes the unusual inclusion of unrelated permit Application No. 97-0779 concerning moving fencing that enclosed biomedical livestock near Back Ranch Road over ½ mile from the project site in Application No. 97-0648. There is no nexus between the biomedical livestock fencing on Back Ranch Road on the lower pasture and the private horse barn on the upper pasture. If the stated intention by Planning staff is to separate the issues, why is Application No. 97-0779 concerning biomedical livestock fencing on the lower pasture even mentioned in the horse barn conditions of approval?

The Stephensons have otherwise agreed to the interior horse barn modifications and lighting issues. As we approach the third year of this effort to build a horse barn, we appreciate your motion to approve as indicated on the attached Exhibit One.

Very truly yours,


Paul A. Bruno

PAB/law
Enclosure

cc: Ken Hart, Environmental Coordinator
Kim Tschantz, Dep. Environmental Coordinator
Rahn Garcia, Esq.

SJ #73323 v1

Motion to adopt and certify the Negative Declaration for **Application 97-0648**, make 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. First Paragraph -- Delete the words, “. . . to serve the tanks . . .” in the first sentence.
Second Paragraph -- Delete the second paragraph in its entirety. ***[Allows ag water use for horses only.]***

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. ***[Allows ag water use for horses only.]***

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. ***[Allows ag water use for horses only.]***

Finding 3. Second Paragraph -- Delete the second paragraph in its entirety. ***[Allows ag water use for horses only.]***

Required Special CA Findings --

Finding 1. First Paragraph -- Delete the last sentence in its entirety. ***[Allows ag water use for horses only.]***

Finding 3. Second Paragraph -- Delete the second paragraph in its entirety. ***[Allows ag water use for horses only.]***

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. ***[Allows ag wafer use for horses only.]***

Condition **III.A.** IO(new). -- Add a new condition addressing the area for irrigation by adding condition III.A.IO. which shall read, “Final plans shall show the location and fencing for irrigated pasture areas to be used by private livestock.” ***[Allows ag water use for horses only.]***

Condition **IV.A.** -- Delete this condition in its entirety.
[Removes unrelated Riparian Exception ½ mile from project.]

Condition **1X.1.** (new) -- Add a new condition 1X.1. 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.” ***[Allows ag water use for horses only.]***

ATTACHMENT 7

September 20, 1999

Santa Cruz County Planning Commission
701 Ocean st
Santa Cruz, CA

Commissioners:

We are unable to attend the continuation session reviewing the proposal for a "horse barn" on the SBC/ Stephenson property. Given the Stephenson representatives' proclivity over the past four years to interpret our absence as disinterest and to misrepresent our views, we writing to make our position clear lo you. Our home touches the Stephenson property a I its northeast corner

We were and still are very concerned about our water situation. As you know the Stephensons placed their new domestic well as close to our well as is legally possible. Their use of this well for other than domestic purposes -such as irrigating the upper meadows or watering large goat herds could deplete our water supply and endanger our homes and lives. Morcover, we are concemed that the possible sprcading of goat manure in the upper meadow will contaminate our well. Santa Cruz Biotech need not concern itself over the purity of the water in their well. They already get clean water from the City of Santa Cruz. We will be vigilant until this water matter is fully settled and we sincerely urge you Jo disallow the conversion of the SCR well to agricultural use.

We are sure that you can understand that the water has to be our top priority. However, this does not mean that we are not concerned about other aspects of the Stephenson's proposal. We are opposed to the approval of the proposed "horse barn" separately from and before the review of the entire development plan in the pipeline.

As is becoming quite evident, this structure may not be a horse barn. Yes, the Stephensons may house a few horses in this structure, hut they are 'Trojan horses'. Their use of this building functionally by horses is a minor aspect of the intended use. Primarily, the ruse of a horse barn is

4

ATTACHMENT 7

designed to allow the building of a major structure in their development plan. Once approved and built, the "horse barn" will prejudice the review process for the whole project while it is providing feed storage for the large number of biomedical goats to be housed in the adjacent goat barns.

The fact that the "horse barn" is located on a separate road at a long distance from the Stephenson house in the middle of a group of goat barns leads to doubt that the stated purpose is the true purpose for the structure -just as we know now that water for domestic purposes was not the true purpose of the well drilled near ours. A barn intended solely for horses would be located closer to the residence and on the same road as the residence as is the case on the Mills property.

We ask that you deny the proposal for this structure now and suggest that it to be included in the over all SBC/Stephenson proposal where it belongs. Due process and the public interest can only be served if the full development is considered in a unified process. The significant comments about night lighting, over structure size, over visual impact and siting we believe to be valid and important, but they become one of the critical elements when considered in the context of the whole project. How can one consider mitigation to a building in a complex without considering the whole? Would you consider the approval of a supposed "family" Olympic swimming pool ignoring the fact that the same developer was surrounding the pool with a large condominium development already in the approval pipeline? I think not.

The approval of this project will prejudice the issues to be raised in the over all development plan. A major structure will have been located and built in an open area. You can see the argument coming. Consolidation of buildings requires that the rest of the barns be built adjacent to the "horse barn." If we allow some night-lights, why not more? If there is already a big building , why not more?

Most of us are now familiar with the SBC/Stephenson *modus operandi* -which is: do what you want even if it entails misrepresentations, red tags or sanctions by zoning administrators and then use influence and politically visible lawyers and political consultants to ram *post hoc* approval of your actions through. This separate action on the "horse barn" is only more of the same tactics.

Sincerely,

Robert F and Carol S Adams
5380 Coast Rd
Santa Cruz, CA 95060

ATTACHMENT 7

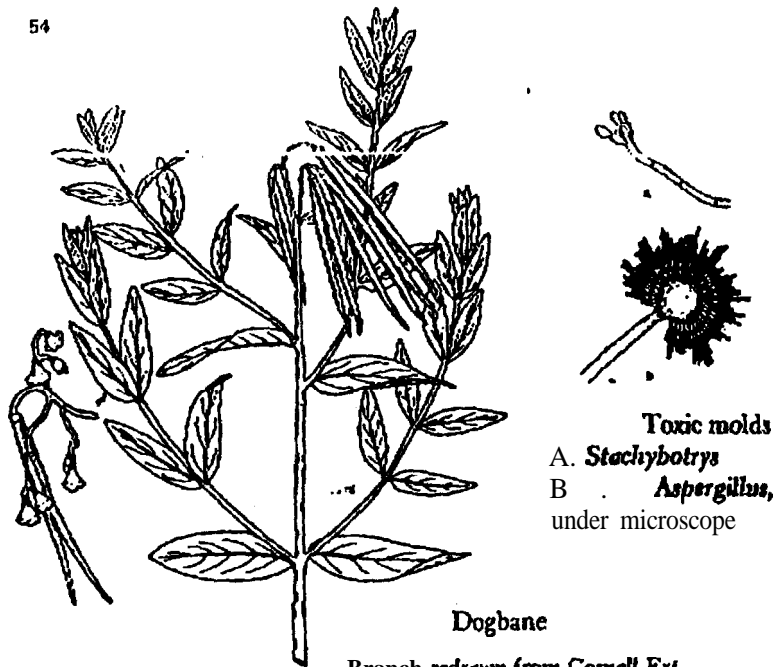
DEADLY WEEDS

A Guide to Common Poisonous Plants

John M. Kingsbury



Soft paperback \$1.95



Toxic molds
A. *Stachybotrys*
B. *Aspergillus*,
under microscope

Dogbane

Branch redrawn from Cornell Ext.
Bull. 538, 1963

Toxicity is sometimes expressed even at the level of the individual isolate. Poisoning of livestock by molded corn has been a problem in some areas. Research to discover the identity of the fungus involved showed that the molds *Stachybotrys atra* and *Aspergillus flavus* were responsible, but in each case, only certain individual isolates had capacity to produce toxicity. Other isolates of the same species were nontoxic even though grown under identical conditions.

Often a plant species is separable into several varieties, which rarely differ in toxicity. An exception is jimmy fern of the Southwest. One variety of this fern (*cochisensis*) produces a nervous disease, called jimmys, in sheep. Another variety (*sinuata*) of the same species, tested carefully under equivalent circumstances, does not produce toxicity at all.

Plant breeders have developed many strains of cultivated plants in which certain desirable characteristics have been emphasized by breeding and selection. Among them are strains of sudan grass in which the capacity to form cyanide has been significantly reduced. Use of these strains has nearly eliminated the possibility of live-



Jimmy fern
(Left), portion variety *cochisensis*
(Right), Variety *sinuata*

stock poisoning which occurred occasionally when animals were pastured on immature or drought-stunted sudan grass.

Natural hybrids sometimes occur when a plant of one species crosses with a closely related species. Usually the characteristics of the hybrid are intermediate between those of the parents. In 1936 a plant, apparently a hybrid, was discovered in Argentina. It has some of the characteristics of sudan grass and some of Johnson grass, and has been named *Sorghum alnum*. Johnson grass is a common, aggressive, perennial weed of Southern states, capable of producing cyanide poisoning in livestock which graze on it. It has been declared a noxious weed by law in many states and it must not be present in agricultural seed offered for sale.

The Argentine plant has some of the desirable characteristics of sudan grass and ease of culture of Johnson grass, but it also has a high cyanide potential. Furthermore, the seed of *Sorghum alnum* cannot be distinguished from that of Johnson grass. For this reason many agricultural specialists have resisted the introduction of *Sorghum alnum* (under commercial names such as Columbus grass) for agricultural use in the Southern states. Other artificially produced hybrids between Johnson grass and sudan grass which have been selected for low cyanide potential and other desirable characteristics offer greater promise. These selections have been given names such as perennial sweet sudan grass and sorgrass.

Individual plants may differ in the accumulation of selenium. Some species avidly accumulate this element from soils where it is found, concentrating it in their tissues a thousandfold or more. Plants which have such a capacity become highly toxic to animals which graze them. Furthermore, they may change the form of the

2801 Smith Grade
Santa Cruz, CA 95060
September 22, 1999

Denise Holbert
Planning Commission
701 Ocean, Fourth Floor, Room 400
Santa Cruz, CA 95060

Dear Ms. Holbert:

I am writing to you regarding your consideration of the equestrian facility to be built on the upper terrace along Back Ranch Road.

I am a neighbor, on the other side of Laguna Creek. My husband and I have lived there since 1976 (me since 1981.) While I am happy that the Stephenson family have moved into the neighborhood, and bear them no ill will, I am concerned about the proposed scope of their current building project. One of the things about this part of Bonny Doon is that it still presumes to be in the country -- we can still see the Milky Way at night when the moon is new. We all enjoy the feeling of being truly in nature (even though we are 25 minutes from a growing city.)

As it is, we are dealing the growing night lights from the biomedical goat farm down below the ridge. But this current proposal will, I'm afraid, change the nature of life here on the coastal range of Bonny Doon. We can see the Stephenson's house when we go hiking, and it has not been that obtrusive to us. However, the current proposal of five 32' high, 8,000 sq. foot barns to be located on the upper terrace is really too much. Actually it would be impossible to block out the light from that kind of development, as it goes straight up and outward -- the night sky would simply be illuminated as it is from city lights. Additionally, for us to block it out on the horizon would mean blocking out our view of the ocean. It simply wouldn't work.

This seems like an inappropriately large plan which would alter the quality of life for many of the folks like us who have lived here for many years. While I do appreciate other folks' desires for large scale developments, I do not think that the community will be able to maintain the life and rural feel of the North Coast that we all so cherish.

Please take all of this into consideration as you are planning today.

Thank you very much.

Sincerely,



Eve Eden

September 20, 1999

Santa Cruz County Planning Commission
701 Ocean St
Santa Cruz, CA

Commissioners:

We are unable to attend the continuation session reviewing the proposal for a "horse barn" on the SBC/ Stephenson property. Given the Stephenson representatives' proclivity over the past four years to interpret our absence as disinterest and to misrepresent our views, we writing to make our position clear to you. Our home touches the Stephenson property at its northeast comer

We were and still are very concerned about our water situation. As you know the Stephensons placed their new domestic well as close to our well as is legally possible. Their use of this well for other than domestic purposes -such as irrigating the upper meadows or watering large goat herds could deplete our water supply and endanger our homes and lives. Moreover, we are concerned that the possible spreading of goat manure in the upper meadow will contaminate our well. Santa Cruz Biotech need not concern itself over the purity of the water in their well. They already get clean water from the City of Santa Cruz. We will be vigilant until this water matter is fully settled and we sincerely urge you do disallow the conversion of the SCB well to agricultural use.

We are sure that you can understand that the water has to be our top priority. However, this does not mean that we are not concerned about other aspects of the Stephenson's proposal. We are opposed to the approval of the proposed "horse barn" separately from and before the review of the entire development plan in the pipeline.

As is becoming quite evident, this structure may not be a horse barn. Yes, the Stephensons may house a few horses in this structure, but they are 'Trojan horses'. Their use of this building

functionally by horses is a minor aspect of the intended use. Primarily, the **ruse** of a horse barn is designed to allow the building of a major structure in their development plan. Once approved and built, the "horse barn" will prejudice the review process for the whole project while it is providing feed storage for the large number of biomedical goats to be housed in the adjacent goat barns.

The fact that the "horse barn" is located on a separate road at a long distance from the Stephenson house in the middle of a group of goat barns leads to doubt that the stated purpose is the true purpose for the structure -**just** as we know now that water for domestic purposes was not the true purpose of the well drilled near ours. A barn intended solely for horses would be located closer to the residence and on the same road as the residence as is the case on the Mills property.

We ask that you deny the proposal for this structure now and suggest that it to be included in the over all **SBC/Stephenson** proposal where it belongs. Due process and the public interest can only be served if the full development is considered in a unified process. The significant comments about night lighting, over structure size, over visual impact and siting we believe to be valid and important, but they become one of the critical elements when considered in the context of the whole project. How can one consider mitigation to a building in a complex without considering the whole? Would you consider the approval of a supposed "family" Olympic swimming pool ignoring the fact that the same developer was surrounding the pool with a large condominium development already in the approval pipeline? I think not.

The approval of this project will prejudice the issues to be raised in the over all development plan. A major structure will have been located and built in an open area. You can see the argument coming. Consolidation of buildings requires that the rest of the barns be built adjacent to the "horse barn." If we allow some night-lights, why not more? If there is already a big building , why not more?

Most of us are now familiar with the **SBC/Stephenson *modus operandi*** -which is: do what you want even if it entails misrepresentations, red tags or sanctions by zoning administrators and then use influence and politically visible lawyers and political consultants to ram **post hoc** approval of your actions through. This separate action on the "horse barn" is only more of the same tactics.

Sincerely,



Robert F and Carol S Adams

5380 Coast Rd
Santa Cruz, CA 95060

September 20, 1999

All Members
Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz, California 95060

Dear Planning Commission Members:

I am writing to urge you to disapprove the application for the construction of a "horse barn" on the property of John and Brenda Stephenson (Santa Cruz Biotechnology) on Back Ranch Road.

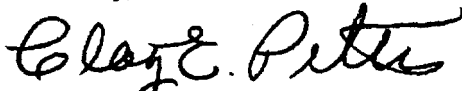
I am a native of Santa Cruz and have owned property on Back Ranch Road for decades. I spend time there and at my other home near Washington, D. C. It is difficult to keep up with the antics of the Stephensons, as every time I return to Santa Cruz I find that they have expanded their goat operation in yet another direction or intensity, continuing the now well-established pattern of construction and violations without curtailment or any control by Santa Cruz County. Rules and regulations just don't seem to apply to them like they do to the rest of us.

To think that they want to construct a monstrous sized horse barn so far away from their residence is ludicrous. It is but another expansion of facilities to accommodate the goat feedlot. Once approved, the conversion for goats would be immediate.

The entire burgeoning goat operation is a scourge on the North Coast, and could easily be establishing a horrible precedent for more outdoor industrial operations to come. It doesn't seem the least bit logical, for the welfare of neighbors, county governmental decision makers, or the planning of the future welfare of the North Coast, to permit such piecemeal expansion of a business operation, with all of its attendant adverse impact. Every planned and intended element of this feedlot operation should be incorporated into one consolidated master plan, so that its total impact can be properly judged, with decisions made on the whole. A piecemeal additions approach abandons all potential control, and unintended tragedies can result—as are well on the way to occurring here. This is no way to plan and guide the future of the North Coast!

Please reject this application and require that no further expansion of this operation can occur until a comprehensive master plan is developed and approved for this entire feedlot operation.

Sincerely,



Clay E. Peters
2285 Back Ranch Road
Santa Cruz, California 95060

and
8900 Old Dominion Drive
McLean, Virginia 22102

MICHAEL & LAURA ZUCKER
MICHAEL & MADELINE KAUFFMAN
5382 COAST RD.
SANTA CRUZ CA, 95060

September 16, 1999

Leo Ruth
Planning Commission
701 Ocean
Fourth floor, Room 400
Santa Cruz CA 95061

Dear Mr. Ruth,

In regards to the proposed horse barn by John and Brenda Stephen, we would like to express our concerns. As neighbors on Back Ranch Road we are troubled by the precedent that would be set if the horse barn is approved independent of the master plan. We believe that the horse barn should be considered as part of the total project because it has the potential, as recognized by your staff, to house goats.

As part of the general public we object to the lightening of the night sky and cluttering of the public view. Our families have lived and hiked in the area for over 20 years, and we know that the expansion of the upper meadow will impact the public view from Wilder Ranch State Park and the future development of the Coast Dairy Land.

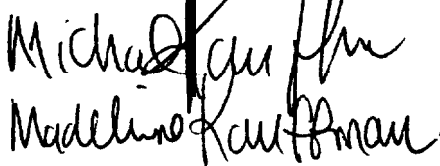
Because the people of the county have always supported limited growth on the North Coast, we feel that horse barn should be considered as part of the master plan, so the public has a chance to comment on the project as a whole.

Respectfully,

Michael & Laura Zucker



Michael & Madeline Kauffman



1/3

ATTACHMENT 7



To:

September 21, 1999

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

Attention: Planning Commissioners

Rob Bremner
Denise **Holbert**
Leo Ruth
Renee Shepherd
Dale Skillicorn

Re: Santa Cruz Biotechnology/Stephenson application no. 97-0648

Dear Commissioners,

We are writing to you to request that the Planning Commission not approve the application by Santa Cruz Biotechnology for construction of a horse barn until the Master Plan for their biomedical livestock operation is processed and reviewed.



We are residents of **Back** Ranch Road and we share a property boundary with Santa Cruz Biotechnology. We have lived here for 10 years, and have been residents of Santa Cruz for more than 20 years. Our land, like the Santa Cruz Biotechnology property, borders on Wilder Ranch State Park, and one **reason** we cherish where we live is the outstanding natural setting and abundance of wildlife in our unique region of the north coast. ~

The proposed horse barn would be built on the highest point on Santa Cruz Biotechnology's property, in a location that would actually rob us of much of our ocean view. As you well know, the horse barn is not planned to stand alone. Surrounding it, according to their Master Plan, would be four **other** barns, a caretaker's house, a "support facilities" building, bunker, and water tanks, totaling some 60,000 square feet. The horse barn would sit in the middle of a planned cluster of biomedical goat barns, all located on the highest point on the property, and standing 32 feet tall. The effect for us would be like a high-rise complex in the middle of the pasture between our home and ocean beyond. The lights they have already installed at their cluster of goat tents on the upper terrace shine into our bedroom at night. The lighting planned for the horse barn and **other** buildings would truly alter the quality of life in our neighborhood, and would disturb public views from both Wilder Ranch State Park and the new Coast Dairies and Land parkland, as well as for residents of the Laguna Meadow, the next



terrace to our north. The proposal to plant trees as a screen seems **silly**, as this part of the property has extremely thin soils and trees have extreme difficulty growing there.

We should stress that the Santa Cruz Biotechnology property is situated on two marine terraces. The lower terrace is where they currently have the bulk of their goats and all of their facilities. The upper terrace is where all the residents of Back Ranch Road live. It has a substantially different character from the lower terrace, where in the past, row crops were grown. The upper terrace where all the residents live is an extremely quiet, rural neighborhood, and the proposed development here would have a profoundly negative impact on us all.

We should add that we have personally asked every neighbor on Back Ranch Road, and not one was ever consulted by anyone representing Santa Cruz Biotechnology about their very extensive development plans for the upper terrace, and how that might impact the neighborhood. We personally attempted to make contact with Santa Cruz Biotechnology to discuss their plans, but our request was refused.

Perhaps most important to us is that the proposed horse barn is not isolated. If it is genuinely considered alone, as a structure independent of any other, it makes no sense to place it where it is. Logically, such a barn would be clustered next to the personal residence, as all other residences on Back Ranch Road with horses and other animals have clustered their barns and homes.

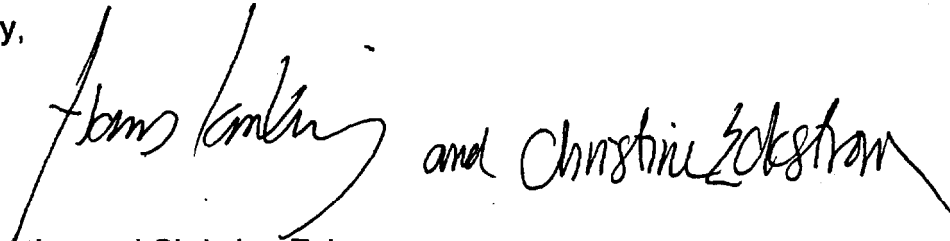
The Santa Cruz Biotechnology horse barn, as currently proposed, is part of a complex of structures that will be reviewed with the Master Plan. If this barn is approved separately from the Master Plan, then it prejudices any review of that Plan. How can you approve one building in a cluster and say that it is not part of that cluster?

Such a premature decision would seriously limit the opportunity to fairly review the overall biomedical commercial development proposed in the Master Plan, which the applicants propose for the exact same spot as the horse barn. The infrastructure for the horse barn would set up the infrastructure for the rest of the Master Plan proposal, which has only been deemed complete as of July 1, 1999, and which has yet to be subjected to the review required by law.

We have just read the recent opinion of County Counsel about this project, dated September 20, 1999. It is clear to us from County Counsel's opinion that the horse barn should be considered with the Master Plan. The horse barn is clustered with and connected to all the other buildings proposed in the Master Plan. They all stand **side-by-side**. Its infrastructure is inseparable from other proposed Master Plan structures. In his concluding paragraph, County Counsel directs that if the Planning Commission determines that the horse barn "is a part of the Master Plan development project, then the Commission should not approve the Negative Declaration, and should direct that the project be incorporated into the EIR for the Master Plan."

These are the final words of County Counsel's opinion, and we wholeheartedly agree with this as the final word. We urge the Commission to include this application with the Master Plan. They are all part of a single project and should be reviewed as one.

Sincerely,

Handwritten signature of Frans Lahting and Christine Eckstrom in cursive script.

Frans Lahting and Christine Eckstrom
1800 Back Ranch Road

Mail: 1985 Smith Grade
Santa Cruz, CA 95060
Phone: 429-9490
Fax: 423-8324

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 # 97-0648, 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 piece meal 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.

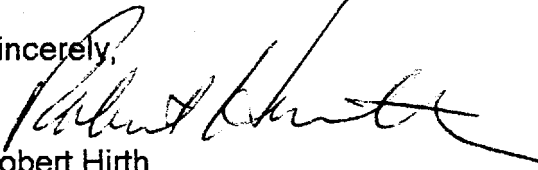
The area which the applicant has proposed for his horse facility is presently being used for the biomedical goat operations. We have previously pointed out that if this "equestrian facility" is for the use of the applicants, it should be clustered with the residence and not at the present site which 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 build 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

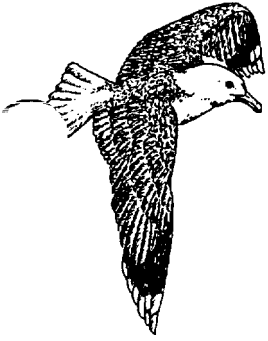
applicant for this or any related project. We would ask also that **we** be notified of any further applications for any biomedical livestock operations anywhere in the County.

Sincerely,



Robert Hirth
Attorney for David Landino, Sr.

Friends of the North Coast
 BOX 604 Santa Cruz, California 95061 (831) 475-0724



22 September, 1999

To the Santa Cruz County Planning Commission

RE: Santa Cruz Biotechnology Application #97-0648, APN: 062-15 I-03

Dear Commissioners:

The spirit of CEQA's intent makes it clear to us that the current segmentation of the projects intended for the SCBI property is ill-advised. We feel it is a violation of the letter of CEQA as well. If, as County Counsel suggests, the horse barn can be considered a part of the Master Plan, then the application before you should be denied.

The purported equestrian barn constitutes a foot in the door for the rest of the Master Plan barn complex on the upper terrace. If the other structures on the map in your ^{staff} report (which is simply borrowed from the Master Plan) are ever approved, they will be required to be clustered alongside the already-existing structure you may put in place today. This proposed barn site is the wrong place for any structures, and certainly for a private horse facility that is far more appropriate near the owner's home.

- We are especially concerned about night lighting, which is already an acknowledged problem, **both** on the upper and lower terraces. A letter to the Planning Department from Dave Vincent, District Superintendent of State Parks, dated January 22, 1999, which unfortunately is no longer included in the packets of comment letters distributed to the Planning Commissioners, details their concerns about lighting mitigations:

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 western edge of the Scaroni/Wilder Ranch State Park lands are ideally suited for astronomical viewing by the recreating public owing to the sweeping uninterrupted 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.

This issue is addressed in cond. term

III. A. 4 (18)

IX. B (22)

Page 2

SCBI Horse Barn application

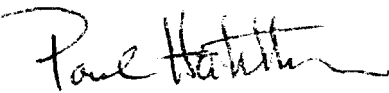
22 September 1999

Mr. Vincent's comment was limited to only this particular barn, and it was substantive, and in our opinion it has remained largely unaddressed. Yet the real barn complex that is planned contains not only this first 8000 square-foot "equestrian" barn, but four other 10,000 square foot barns, a "support facility" approximately half that size, manure bunker, ancillary corrals, plus a caretaker's house, all of which will be lit as well. Allowing this "foot in the door" now prejudices the future existence of the further structures, and promises an enormous amount of light pollution no matter how much mitigation is assigned to that larger project.

- The disruption to the neighbors from the promised round-the-clock security patrols must be considered as well. This has, for decades, been a very quiet rural neighborhood. This project, if approved, will change it forever.
- One suggested mitigation for light and **viewshed** problems has been plantings, yet the site has almost no soil to support trees. The area is open meadow for a reason.
- Moreover, any manure and urine on the thin soil in that area promises to simply wash downhill into Majors Creek, and onto the **Landino** property and down into the **Laguna** Creek drainage during the rainy season. We have heard of no plans for urine bunkers, yet urine is a major consideration in animal pasturing and containment in corrals, and has also not been addressed, as it would be if there was substantial environmental review. The lack of comprehensive environmental review is the essential reason this project should be properly evaluated in terms of the Master Plan, for this plan ultimately entails not only eight horses, but 2200 goats and all the infrastructure the applicants say they want in that part of the property.

These are but a few of the abundant **reasons** to consider this rigorously as part of **SCBI's** stated larger plan. For the sake of the neighbors on the upper terrace, on Laguna meadow across the creek to the north, in the coastside neighborhood just below the **SCBI** property, not to mention the wildlife and the eventual users of both Wilder Ranch, and the Coast Dairies property which has never even been considered, in fact for the sake of any living thing within miles of this place that will surely be impacted by the project, we ask you, please, to say "no" today to make sure the cumulative impacts are given due consideration as part of the Master Plan.

Sincerely,



Paul Hostetter

2801 Smith Grade
 Santa Cruz, CA 95060
 September 22, 1999

Denise Holbert
 Planning Commission
 701 Ocean, Fourth Floor, Room 400
 Santa Cruz, CA 95060

Dear Ms. Holbert:

I am writing to you regarding your consideration of the equestrian facility to be built on the upper terrace along Rack Ranch Road.

I am a neighbor, on the other side of Laguna Creek. My husband and I have lived there since 1976 (me since 1981.) While I am happy that the Stephenson family have moved into the neighborhood, and bear them no ill will, I am concerned about the proposed scope of their current building project. One of the things about this part of Bonny Doon is that it still presumes to be in the country -- we can still see the Milky Way at night when the moon is new. We all enjoy the feeling of being truly in nature (even though WC are 25 minutes from a growing city.)

As it is, we are dealing the growing night lights from the biomedical goat farm down below the ridge. But this current proposal will, I'm afraid, change the nature of life here on the coastal range of Bonny Doon. We can see the Stephenson's house when we go hiking, and it has not been that obtrusive to us. However, the current proposal of Ave 32' high, 8,000 sq. foot barns to be located on the upper terrace is really too much. Actually it would be impossible to block out the light from that kind of development, as it goes straight up and outward -- the night sky would simply be illuminated as it is from city lights. Additionally, for us to block it out on the horizon would mean blocking out our view of the ocean. It simply wouldn't work.

This seems like an inappropriately large plan which would alter the quality of life for many of the folks like us who have lived here for many years. While I do appreciate other folks' desires for large scale developments, I do not think that the community will be able to maintain the life and rural feel of the North Coast that we all so cherish.

Please take all of this into consideration as you are planning today.

Thank you very much.

Sincerely,



Eve Eden

September 20, 1999

Santa Cruz County Planning Commission
701 Ocean St
Santa Cruz, CA

Commissioners:

We are unable to attend the continuation session reviewing the proposal for a "horse barn" on the SBC/ Stephenson property. Given the Stephenson representatives' proclivity over the past four years to interpret our absence as disinterest and to misrepresent our views, we writing to make our position clear to you. Our home touches the Stephenson property at its northeast comer

We were and still are very concerned about our water situation. As you know the Stephensons placed their new domestic well as close to our well as is legally possible. Their use of this well for other than domestic purposes -such as irrigating the upper meadows or watering large goat herds could deplete our water supply and endanger our homes and lives. Moreover, we are concerned that the possible spreading of goat manure in the upper meadow will contaminate our well. Santa Cruz Biotech need not concern itself over the purity of the water in their well. They already get clean water from the City of Santa Cruz. We will be vigilant until this water matter is fully settled and wesincerely urge you do disallow the conversion of the SCB well to agricultural use.

We are sure that you can understand that the water has to be our top priority. However, this does not mean that we are not concerned about other aspects of the Stephenson's proposal. We are opposed **to** the approval of the proposed "horse barn" separately from and before the review of the entire development plan in the pipeline.

As is becoming quite evident, this structure may not be a horse barn. Yes, the Stephensons may house a few horses in this structure, but they are 'Trojan horses'. Their use of this building

functionally by horses is a minor aspect of the intended use. Primarily, the ruse of a horse barn is designed to allow the building of a major structure in their development plan. Once approved and built, the "horse barn" will prejudice the review process for the whole project while it is providing feed storage for the large number of biomedical goats to be housed in the adjacent goat barns.

The fact that the "horse barn" is located on a separate road at a long distance from the Stephenson house in the middle of a group of goat barns leads to doubt that the stated purpose is the true purpose for the structure -just as we know now that water for domestic purposes was not the true purpose of the well drilled near ours. A barn intended solely for horses would be located closer to the residence and on the same road as the residence as is the case on the Mills property.

We ask that you deny the proposal for this structure now and suggest that it to be included in the over all **SBC/Stephenson** proposal where it belongs. Due process and the public interest can only be served if the full development is considered in a unified process. The **significant** comments about night lighting, over structure size, over visual impact and siting we believe to be valid and important, but they become one of the critical elements when considered in the context of the whole project. How can one consider mitigation to a building in a complex without considering the whole? Would you consider the approval of a supposed "family" Olympic swimming pool ignoring the fact that the same developer was surrounding the pool with a large condominium development already in the approval pipeline? I think not.

The approval of this project will prejudice the issues to be raised in the over all development plan. A major structure will have been located and built in an open area. You can see the argument coming. Consolidation of buildings requires that the rest of the barns be built adjacent to the "horse barn." If we allow some night-lights, why not more? If there is already a big building , why not more?

Most of us are now familiar with the **SBC/Stephenson *modus operandi*** -which is: do what you want even if it entails misrepresentations, red tags or sanctions by zoning administrators and then use influence and politically visible lawyers and political consultants to ram *post hoc* approval of your actions through. This separate action on the "horse barn" is only more of the same tactics.

Sincerely,



Robert F and Carol S Adams

5380 Coast Rd

Santa Cruz, CA 95060

ATTACHMENT 7

September 20, 1999

All Members
Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz, California 95060

Dear Planning Commission Members:

I am writing to urge you to disapprove the application for the construction of a "horse barn" on the property of John and Brenda Stephenson (Santa Cruz Biotechnology) on Back Ranch Road.

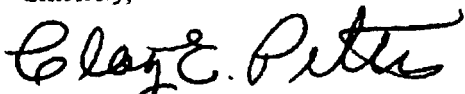
I am a native of Santa Cruz and have owned property on Back Ranch Road for decades. I spend time there and at my other home near Washington, D. C. It is difficult to keep up with the antics of the Stephensons, as every time I return to Santa Cruz I find that they have expanded their goat operation in yet another direction or intensity, continuing the now well-established pattern of construction and violations without curtailment or any control by Santa Cruz County. Rules and regulations just don't seem to apply to them like they do to the rest of us.

To think that they want to construct a monstrous sized horse barn so far away from their residence is ludicrous. It is but another expansion of facilities to accommodate the goat feedlot. Once approved, the conversion for goats would be immediate.

The entire burgeoning goat operation is a scourge on the North Coast, and could easily be establishing a horrible precedent for more outdoor industrial operations to come. It doesn't seem the least bit logical, for the welfare of neighbors, county governmental decision makers, or the planning of the future welfare of the North Coast, to permit such piecemeal expansion of a business operation, with all of its attendant adverse impact. Every planned and intended element of this feedlot operation should be incorporated into one consolidated master plan, so that its total impact can be properly judged, with decisions made on the whole. A piecemeal additions approach abandons all potential control, and unintended tragedies can result—as are well on the way to occurring here. This is no way to plan and guide the future of the North Coast!

Please reject this application and require that no further expansion of this operation can occur until a comprehensive master plan is developed and approved for this entire feedlot operation.

Sincerely, -



Clay E. Peters
2285 Back Ranch Road
Santa Cruz, California 95060

and
8900 Old Dominion Drive
McLean, Virginia 22102

MICHAEL & LAURA ZUCKER
MICHAEL & MADELINE KAUFFMAN
5382 COAST RD.
SANTA CRUZ CA, 95060

September 16, 1999

Leo Ruth
Planning Commission
701 Ocean
Fourth floor, Room 400
Santa Cruz CA 95061

Dear Mr. Ruth,

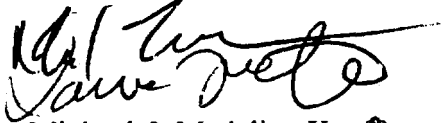
In regards to the proposed horse barn by John and Brenda Stephen, we would like to express our concerns. As neighbors on Back Ranch Road we are troubled by the precedent that would be set if the horse barn is approved independent of the master plan. We believe that the horse barn should be considered as part of the total project because it has the potential, as recognized by your staff, to house goats.

As part of the general public we object to the lightening of the night sky and cluttering of the public view. Our families have lived and hiked in the area for over 20 years, and we know that the expansion of the upper meadow will impact the public view from Wilder Ranch State Park and the future development of the Coast Dairy Land.

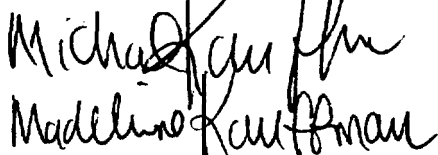
Because the people of the county have always supported limited growth on the North Coast, we feel that horse barn should be considered as part of the master plan, so the public has a chance to comment on the project as a whole.

Respectfully,

Michael & Laura Zucker



Michael & Madeline Kauffman



ATTACHMENT 7

To:

September 21, 1999

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

Attention: Planning Commissioners

Rob Bremner
Denise Holbert
Leo Ruth
Renee Shepherd
Dale Skillicorn

Re: Santa Cruz Biotechnology/Stephenson application no. 97-0648

Dear Commissioners,

We are writing to you to request that the Planning Commission not approve the application by Santa Cruz Biotechnology for construction of a horse barn until the Master Plan for their biomedical livestock operation is processed and reviewed.

We are residents of Back Ranch Road and we share a property boundary with Santa Cruz Biotechnology. We have lived here for 10 years, and have been residents of Santa Cruz for more than 20 years. Our land, like the Santa Cruz Biotechnology property, borders on Wilder Ranch State Park, and one reason we cherish where we live is the outstanding natural setting and abundance of wildlife in our unique region of the north coast.

The proposed horse barn would be built on the highest point on Santa Cruz Biotechnology's property, in a location that would actually rob us of much of our ocean view. As you well know, the horse barn is not planned to stand alone. Surrounding it, according to their Master Plan, would be four other barns, a caretaker's house, a "support facilities" building, bunker, and water tanks, totaling some 60,000 square feet. The horse barn would sit in the middle of a planned cluster of biomedical goat barns, all located on the highest point on the property, and standing 32 feet tall. The effect for us would be like a high-rise complex in the middle of the pasture between our home and ocean beyond. The lights they have already installed at their cluster of goat tents on the upper terrace shine into our bedroom at night. The lighting planned for the horse barn and other buildings would truly alter the quality of life in our neighborhood, and would disturb public views from both Wilder Ranch State Park and the new Coast Dairies and Land parkland, as well as for residents of the Laguna Meadow, the next

terrace to our north. The proposal to plant trees as a screen seems silly, as this part of the property has extremely thin soils and trees have extreme difficulty growing there.

We should stress that the Santa Cruz Biotechnology property is situated on two marine terraces. The lower terrace is where they currently have the bulk of their goats and all of their facilities. The upper terrace is where all the residents of Back Ranch Road live. It has a substantially different character from the lower terrace, where in the past, row crops were grown. The upper terrace where 'all the residents live is an extremely quiet, rural neighborhood, and the proposed development here would have a profoundly negative impact on us all.

We should add that we have personally asked every neighbor on Back Ranch Road, and not one was ever consulted by anyone representing Santa Cruz Biotechnology about their very extensive development plans for the upper terrace, and how that might impact the neighborhood. We personally attempted to make contact with Santa Cruz Biotechnology to discuss their plans, but our request was refused.

Perhaps most important to us is that the proposed horse barn is not isolated. If it is genuinely considered alone, as a structure independent of any other, it makes no sense to place it where it is. Logically, such a barn would be clustered next to the personal residence, as all other residences on Back Ranch Road with horses and other animals have clustered their barns and homes.

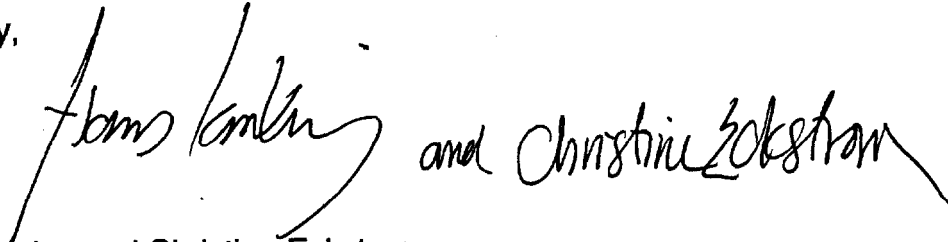
The Santa Cruz Biotechnology horse barn, as currently proposed, is part of a complex of structures that will be reviewed with the Master Plan. If this barn is approved separately from the Master Plan, then it prejudices any review of that Plan. How can you approve one building in a cluster and say that it is not part of that cluster?

Such a premature decision would seriously limit the opportunity to fairly review the overall biomedical commercial development proposed in the Master Plan, which the applicants propose for the exact same spot as the horse barn. The infrastructure for the horse barn would set up the infrastructure for the rest of the Master Plan proposal, which has only been deemed complete as of July 1, 1999, and which has yet to be subjected to the review required by law.

We have just read the recent opinion of County Counsel about this project, dated September 20, 1999. It is clear to us from County Counsel's opinion that the horse barn should be considered with the Master Plan. The horse barn is clustered with and connected to all the other buildings proposed in the Master Plan. They all stand side-by-side. Its infrastructure is inseparable from other proposed Master Plan structures. In his concluding paragraph, County Counsel directs that if the Planning Commission determines that the horse barn "is a part of the Master Plan development project, then the Commission should not approve the Negative Declaration, and should direct that the project be incorporated into the EIR for the Master Plan."

These are the final words of County Counsel's opinion, and we wholeheartedly agree with this as the final word. We urge the Commission to include this application with the Master Plan. They are all part of a single project and should be reviewed as one.

Sincerely,

Handwritten signature in black ink that reads "Frans Lanting and Christine Eckstrom". The signature is written in a cursive, flowing style.

Frans Lanting and Christine Eckstrom
1800 Back Ranch Road

Mail: 1985 Smith Grade
Santa Cruz, CA 95060
Phone: 429-9490
Fax: 423-8324

ATTACHMENT 7

SCOTTS CREEK WATERSHED COUNCIL
482 Swanton Road Davenport CA 95017

September 21st 1999

SC Planning Dept.
County of Santa Cruz
701 Ocean Street, Suite 500
Santa Cruz, CA 95060

Dear Ladies and Gentlemen of the Planning Commission:

This letter is a response to the County Planning Department's issue regarding the construction of the first in a series of barns proposed by the Santa Cruz Biotechnology Biomedical Livestock Operation (SCBI).

The mission of the Scotts Creek Watershed Council is to protect and enhance the natural, social and economic resources of the Scotts Creek Watershed, including its anadromous fishery, riparian habitat, forest and grasslands, croplands and estuary. The Council is comprised of north coast residents, resource specialists and other regional stakeholders.

As our volunteer-driven efforts to support our watershed proceed, we have noted with mounting concern that just a little way down the coast, unchecked overproduction of fecal coliform and other bacteria have coursed into the sensitive Laguna creek and Majors creek watersheds due to the biomedical livestock operation. Sedimentation in the creeks, due to erosion caused by intensive grazing activities on the loose marine terrace soils, is also a critical issue.


The watersheds affected by SCBI's operation impact several listed species:

- In the winter months, during the period of peak runoff, Federally Endangered Coho Salmon, as well as steelhead, cluster in the nearshore environment of this region of the Monterey Bay National Marine Sanctuary. It is well established scientifically that our valuable salmonid fish are highly sensitive to and adversely affected by fecal coliform and bacteria.

- The outlet of Laguna creek flows past one of the few successful nesting colonies of Federally Threatened Snowy Plovers. The many years of excellent effort by the County's Snowy Plover Protection Program appear to be undermined by the potential for "incidental take" due to habitat degradation.

The construction of a single large horse barn for private use would constitute a visual disturbance, but our cause for writing lies in that no where, in *any* plans currently on record for SCBI, is there such a thing as a **single** structure. Review of the plans demonstrates an intent to construct more very similar barns intended for housing goats. Viewed in this context, the additional property development prior to approval of the project's master plan clearly reflects segmentation of the development project under CEQA. Until your criteria are met for the issuance or denial of a permit for the SCBI master plan, no further construction should be approved.

Sincerely,

A handwritten signature in black ink, consisting of the initials 'MR' followed by a long horizontal line extending to the right.

J. Mathers Rowley

North coast resident,
Steering Committee Chair, Scott's Creek Watershed Council

Save Our Agricultural Land
"SOAL"

147 S. River Street, Suite 221
Santa Cruz, CA 95060
831.429.4055

Fax: 831.429-4057

E-Mail: jwardjd@aol.com

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

September 21, 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, June 21, 1999 and September 7, 1999.

1. Barn Design Issues

At the Planning Commission hearing on September 8, 1999, Commissioner Shepherd requested that the Applicant submit revised plans for the barn which more closely resembled a barn for housing horses. The "revised plans" which were submitted included two design changes. The first is the partitions between the stalls, which had been agreed upon at the September 8, 1999 hearing. The second is a stall redesign which **moves** the rear stall wall back **from** the rear wall of the barn. This configuration makes 4 of the stalls smaller and allows the side doors on the other 4 stalls to remain. It seems that the Applicant is unwilling to make modifications to the barn design to ensure its appropriateness for housing horses. As there remains a significant question regarding the **future** use of this barn, a more traditional barn layout should be required. This

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 Santa Cruz Biotechnology Horse Barn Application
 September 21, 1999

would involve only slight modifications to the barn design, for example, placing rear doors on each stall so that each horse can exit independently.

Additionally, changes were made in the barn plans making specific items more vague, such as the change from "3 squeezes of sudan grass" to "3 squeezes of baled feed", "2 squeezes of oat hay" to "2 squeezes of baled feed" and "rice hulls bedding storage" to "bedding storage bin." Making these descriptions more vague only raises more questions of how this barn will be used for horses.

Similarly, as a practical matter, the tack room is designed poorly. The bridles and halters are hung above a workbench. As Commissioner Bremner pointed out at the September 8, 1999 meeting, this configuration makes it difficult to reach the bridles and halters. There is an inordinate amount of saddle storage space for a personal horse barn. There is also a tremendous amount of storage space for vet supplies. We are aware that the veterinary needs of the biomedical goats are significant. However, the veterinary needs of 8 personal horses are likely to be minimal drawing into question the need for such extensive veterinary supply storage. This may be another example of project splitting, which is discussed below.

2. CEQA Issues

A. Cumulative Impacts Analysis

The failure to include an evaluation of the cumulative impacts in light of the backdrop of the Master Plan violates CEQA. No cumulative impacts analysis was done for this project. However, one of the Mandatory Findings of Significance in the Initial Study is whether the project has impacts which are individually limited but cumulatively considerable. This question cannot be answered in the negative, or at all, without evaluation whether there are cumulative impacts in the first place. How can the cumulative impact not be considerable when the Staff Report states that this project (1) "sets the stage" for future development on the upper terrace, (2) the Master Plan has been accepted as final, (3) the Initial Study for the Master Plan has begun, (4) an unpermitted operation already exists without environmental review, and (5) demonstrated environmental impacts are already occurring on this parcel.

B. What Projects Must Be Included in Cumulative Impacts Analysis

The Master Plan had already been filed at the time the Initial Study was prepared for this project. Additionally, the operation was already running and in place without environmental review, and already has demonstrated environmental impacts. This is not a situation where an application for a possible future project on vacant property should be considered in the Cumulative Impacts Analysis. The other project on this property already existed. How can you not analyze the cumulative impacts of a project when you already have an ongoing unpermitted

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Santa Cruz Biotechnology Horse Barn Application
September 7, 1999

project in operation without environmental review. Failure to consider it in the Cumulative Impacts Analysis is like ignoring an elephant in the living room. According to the opinion, of County Counsel (page 6 Opinion of Mr. Garcia, September 20, 1999), the Planning Commission has a "duty to 'provide public agencies and the general public with adequate and relevant information' about cumulative impacts." The time for triggering inclusion of a project in the Cumulative Impacts Analysis is a determination which should be made by the Planning Commission.

C. Project Segmentation

In order to determine whether a project is being unlawfully split under CEQA, one must evaluate the project under a two part test, as set out in **Laurel Heights Improvement Association v. Regents of the University of California**, 47 Cal.3d 376. A project is part of a larger project if (1) it is a reasonably foreseeable consequence of the initial project, and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.

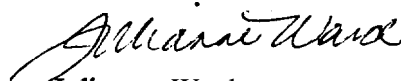
The Master Plan is a reasonably foreseeable consequence of the horse barn project because the horsebarn sets the stage for a future cluster in the location of the horse barn, installs water and water lines for fire suppression and **future** water supply, driveways, parking areas, electrical infrastructure, and a manure bunker which will be used for biomedical goat manure according to the Master Plan. This meets the first part of the test.

The Master Plan is the future expansion or action which will likely change the scope or nature of the initial project or its environmental effects. The Master Plan involves the expansion of the horsebarn site to include 4 more 10,000 sq.ft. barns to house biomedical goats along with a support building and caretaker's house. The environmental effects of such expansion are almost certainly going to change the environmental impact of this horsebarn. Similarly, the scope of this horsebarn project will be dramatically expanded with the requisite electrical and water needs, increases of lighting and manure management for the Master Plan.

Therefore, under the two part test, this horsebarn project is part of the larger Master Plan project and should be processed as such.

Thank you for your attention to these matters.

Sincerely,



Julianne Ward
Executive Director

ATTACHMENT 7

1996 [Ninth] Edition

Guide to the California Environmental Quality Act (CEQA)

Michael H. Remy
Tina A. Thomas
James G. Moose
Whitman F. Manley

Solano Press Books
Point Arena, California

declaration in connection with its approval of a use permit authorizing a gravel company to extract sand and gravel from a 20-acre area located near the Tuolumne River. The petitioner alleged that evidence in the administrative record supported a fair argument that significant environmental impacts might occur, requiring preparation of an EIR, particularly with respect to cumulative on- and off-site impacts. The petitioner cited CEQA Guidelines section 15065, subdivision (c), which provides that an agency must find that a project may have a significant effect on the environment, and thus requires an EIR, if “[t]he project has possible environmental effects which are individually limited but *cumulatively considerable*.” (Emphasis added; *see also Gentry, supra*, 36 Cal.App.4th at 1381 [43 Cal.Rptr.2d 170].)

In construing this requirement, the Court distinguished between the analysis of “cumulative impacts” in an EIR, and the analysis, in an initial study, of whether impacts are “cumulatively considerable.” (42 Cal.App.4th at 622-623 [49 Cal.Rptr.2d 494].) The Court stated that an initial study should focus on whether the project’s incremental impacts are “cumulatively considerable” when viewed against the backdrop of the effects of other projects. The administrative record demonstrated that the respondent’s planning department properly concluded that, despite the existence of other ongoing mining operations in the affected region, the project at hand would *nor* cause impacts that were “individually limited but cumulatively considerable.” (42 Cal.App.4th at 623-624 [49 Cal.Rptr.2d 494].) The Court further concluded that the county was not required to prepare a comprehensive “statistical analysis of the combined purported environmental impacts, if any, of all other sand and gravel projects, past present and future, along the Tuolumne River.” Instead, the county was justified in relying on the “wealth of evidence of no significant environmental impact.” (42 Cal.App.4th at 625 [49 Cal.Rptr.2d 494].)

It is difficult to discern from the text of *San Joaquin Raptor II* precisely what general legal principle the Court intended to announce with respect to agencies’ obligation to consider cumulative effects in an initial study supporting a negative declaration. The Court’s decision includes an extended quotation from a scholarly treatise on CEQA, but does not expressly state whether the Court endorses all aspects of the quoted material. (42 Cal.App.4th at 623-624 [49

Cal.Rptr.2d 494], quoting Kostka & Zischke, *Practice Under the California Environmental Quality Act*, Vol. 1, § 6.55, pp. 298-299 (CEB 1995).

The quotation begins by criticizing the common view that “*any* contribution by a project, however small, to environmental conditions that are cumulatively adverse requires a finding that the project may have a significant cumulative impact. The problem with this view is that it would make the need for an EIR turn on the impacts of other projects, not on the impacts of the project under review.” (42 Cal.App.4th at 623 [49 Cal.Rptr.2d 494] (emphasis added).) The Court apparently endorsed the notion that CEQA does not support the criticized *viewpoint*.¹⁸

The quotation continues by stating that “[t]here appears to be a difference between the “cumulative impacts” analysis required in an EIR and the question of whether a project’s impacts are “cumulatively considerable” for purposes of *determining* an EIR must be prepared at all.” (42 Cal.App.4th at 623 [49 Cal.Rptr.2d 494].) In support of this view, the authors of the quotation suggest that the definition of “cumulative impacts,” as found in CEQA Guidelines section 15355, relates only to the cumulative impact analysis required in an *EIR*. The basis for this assertion appears to be the fact that, although the words “cumulative impacts” appear in CEQA Guidelines section 15130, which sets forth the rules governing cumulative impact *analysis* in *EIRs*, those same two words do not appear in CEQA Guidelines section 15065, which lists “mandatory findings of significance.” Even so, however, the definition *does* appear to be relevant to a lead agency’s obligation to consider cumulative impacts in connection with a negative declaration. The Resources Agency’s “Discussion” following section 15355 states that the term “cumulative impacts” is “related to one of the mandatory findings of significant effect” required by Public Resources Code section 21083, the language of which mirrors that of CEQA Guidelines section 15065. Thus, in the view of the authors of *this* book, the extent of an agency’s obligation to assess cumulative impacts in an initial study can be gleaned not only from the lan-

¹⁸ The authors of this book agree that an EIR should not necessarily be *triggered* by any incremental contribution to a cumulatively significant impact. (See section IX(C)(14), *infra*.)

guage of section 15065, but also from the definition found in section 15355.

As noted above, section 15065 requires a mandatory **finding** of significance where a "project has possible environmental effects which are individually limited but cumulatively considerable." (CEQA Guidelines, § 15065, subd. (c).) Section 15355 uses somewhat different terminology. It states that "Cumulative impacts" are "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." The definition then explains that "[t]he cumulative impact from several projects is the change in the environment which results from the **incremental** effect of the project when added to other closely related past, present, and reasonably foreseeable future projects. Cumulative impacts can result from **individually minor** but collectively significant projects taking place over a period of time." (CEQA Guidelines, § 15355 (emphasis added).)

Read together, sections 15065 and 15355 indicate that an individual project must contribute some level of impact to a cumulative impact before the project can require an EIR based on such an impact. Section 15355 suggests that such an "incremental" contribution may be "individually minor" when viewed in isolation, but "considerable" when viewed together with the impacts of "other closely related past, present, and reasonably foreseeable future projects." Section 15065 provides that the project-specific impact must be "cumulatively considerable*" when viewed in light of such other projects.

The CEQA Guidelines and case law decided before *San Joaquin Raptor II* indicate that the determination as to whether a project-specific impact contribution is "considerable" will generally be a function of the extent to which the existing and projected future environment is already, or will likely be, degraded. (See CEQA Guidelines, § 15064, subd. (b) ("[a]n ironclad definition of significant effect is not possible because the significance of an activity may vary with the setting"); *Kings County Farm Bureau v. City of Hanford* (5th Dist. 1990) 221 Cal.App.3d 692, 718-721 [270 Cal.Rptr. 650] (in case involving the adequacy of an EIR, the Court explains that the threshold for finding air quality impacts to be cumulatively significant will generally be lower in polluted **airsheds** than in cleaner areas).)

The most confusing aspect of the extended quotation found in *San Joaquin Raptor II* is citation within the quotation to *Newberry Springs Water Association v. County of San Bernardino* (4th Dist. 1984) 150 Cal.App.3d 740, 750 [198 Cal.Rptr. 100] for the proposition that a "county need not consider cumulative effects of other dairies when it determined that dairy in question would have no significant effect." It is unclear whether *the San Joaquin Raptor II court* intended to embrace such an assertion. It is true that *Newberry Springs*, decided in 1984, can be read to suggest that, where an individual project will not, **by itself**, cause significant cumulative effects, a lead agency need not even assess whether the project's impacts, viewed in connection with those of other projects, will be cumulatively significant. This implication, however, is wholly unsupported by any citation to statutory or other authority, and appears to contradict the notions, derived from section 15065, that (i) an assessment of cumulative impacts requires an agency to view a proposed project **in light of other projects** and (ii) that a "mandatory finding of significance" is required where, viewed in such a context, the project's impacts are "individually limited but cumulatively considerable." (See also CEQA Guidelines, Appendix I, "Environmental Checklist Form," § XVI(c).)

The authors of this book believe that the *San Joaquin Raptor II* court must not have intended to endorse the flawed reasoning of *Newberry Springs*, since such endorsement would be inconsistent with the Court's recognition that section 15065 governs the issue at hand. Rather, the Court probably meant to emphasize that an EIR cannot be required for a project that makes no incremental contribution whatever to a significant cumulative effect. Rather, **some** project-specific, incremental contribution to such an impact is necessary. Depending on the context, such an incremental contribution to a cumulative impact may be "considerable" even though the incremental, project-specific impact, viewed in isolation, appears "individually minor." Perhaps the *San Joaquin Raptor II* court intended to recognize a "de minimis" level of incremental impact that, by itself, is not sufficient to require an agency or applicant to bear the expense in time and money of preparing an EIR. Such an approach would eliminate the need for **EIRs** for very small projects whose only arguably "significant" im-

pacts are very small contributions to unavoidable significant cumulative impacts resulting primarily from other projects.

Assuming that *San Joaquin Raptor II* is intended to recognize a "de minimis" level of contribution to cumulative impacts that does not trigger an EIR, the authors of this book believe that the question of whether a particular level of impact is de minimis should be determined on a case-by-case basis. Where a lead agency concludes that a particular project's contribution to cumulative impacts is de minimis, the agency would be prudent to explain or document the basis for its reasoning. Such an explanation will help a reviewing court to understand the basis for the agency's conclusion.

In *Leonoff v. Monterey County Board of Supervisors* (6th Dist. 1990) 222 Cal.App.3d 1337 [272 Cal.Rptr. 372], the Court rejected the claim that the lead agency erred by failing to adequately consider the cumulative effects of approving a small commercial center. The petitioners had emphasized that, just two weeks after approving the use permit for the center, the agency had granted entitlements allowing for development of a mini-storage facility next-door, which would share a driveway and drainage easement with the project. The petitioners urged that a proper cumulative impact analysis would have taken the adjacent development into account. Although the Court faulted the agency's analysis for not providing details supporting its conclusion that no significant cumulative effects would occur, the Court could find no substantial evidence in the record supporting a contrary view. Moreover, by approving the two projects separately, the agency had not "artificially divided one project into environmentally insignificant pieces." The two projects were clearly separate, and the agency had already subjected both to environmental review. (222 Cal.App.3d at 1357-1358 [272 Cal.Rptr. 372].)

For other cases requiring EIRs rather than negative declarations, see *Brenhwood Association for No Drilling v. City of Los Angeles* (2d Dist. 1982) 134 Cal.App.3d 491, 503 [184 Cal.Rptr. 664] (EIR required for conditional use permit for exploratory drilling) and *Pistorosi v. City of Madera* (5th Dist. 1982) 138 Cal.App.3d 284, 288 [188 Cal.Rptr. 136] (EIR required for proposed annexation).

B. Mitigated Negative Declarations

Sometimes an initial study will reveal substantial evidence that significant environmental effects might occur, but the project proponent can modify the project so as to eliminate all such possible significant impacts or reduce them to a level of insignificance. In it, 1993 session, the Legislature officially sanctioned the long-established practice that allows the lead agency in such instances to satisfy its CEQA obligations by preparing and circulating a so-called "mitigated negative declaration." Public Resources Code section 21064.5 now provides:

"'Mitigated negative declaration' means a negative declaration prepared for a project when the initial study has identified potentially significant effects on the environment, but (1) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment."

(Pub. Resources Code, § 21064.5; see also Pub. Resources Code, § 21080, subd. (c); CEQA Guidelines, §§ 15006, subd. (h), 15070, subd. (b); *Perley v. County of Calaveras* (3d Dist. 1982) 137 Cal.App.3d 424 [187 Cal.Rptr. 53] (upholds mitigated negative declaration for conditional use permit for surface mine); *Schaeffer Land Trust v. San Jose City Council* (6th Dist. 1989) 215 Cal.App.3d 612, 625 [260 Cal.Rptr. 813] (upholds mitigated negative declaration for general plan amendment).)

The initial study must be circulated for public review as part of a proposed mitigated negative declaration. (Pub. Resources Code, § 21064.5; see also Pub. Resources Code, § 21080, subd. (c)(2) (describing process by which mitigated negative declarations are prepared); CEQA Guidelines, § 15071, subd. (d) (defines the initial study as part of a proposed negative declaration, as circulated for public review).)

Typically, the project modification occurs after the lead agency has prepared an initial study.

¹⁹ Public Resources Code section 21080.1, subdivision (c) provides that, before an application is even filed, the lead agency, upon a request from a potential applicant, shall

ATTACHMENT 7
Save Our Agricultural Land

"SOAL"

147 S. River Street, Suite 221
Santa Cruz, CA 95060
831.429.4055
Fax: 831.429-4057
E-Mail: jwardjd@aol.com
Web Site: <http://we.got.net/~SOAL>

September 21, 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, June 21, 1999 and September 7, 1999.

1. Barn Design Issues

At the Planning Commission hearing on September 8, 1999, Commissioner Shepherd requested that the Applicant submit revised plans for the barn which more closely resembled a barn for housing horses. The "revised plans" which were submitted included two design changes. The first is the partitions between the stalls, which had been agreed upon at the September 8, 1999 hearing. The second is a stall redesign which moves the rear stall wall back from the rear wall of the barn. This configuration makes 4 of the stalls smaller and allows the side doors on the other 4 stalls to remain. It seems that the Applicant is unwilling to make modifications to the barn design to ensure its appropriateness for housing horses. As there remains a significant question regarding the future use of this barn, a more traditional barn layout should be required. This

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Planning Commission
Santa Cruz Biotechnology Horse Barn Application
September 21, 1999

would involve only slight modifications to the barn design, for example, placing rear doors on each stall so that each horse can exit independently.

Additionally, changes were made in the barn plans making specific items more vague, such as the change from "3 squeezes of sudan grass" to "3 squeezes of baled feed", "2 squeezes of oat hay" to "2 squeezes of baled feed" and "rice hulls bedding storage" to "bedding storage bin." Making these descriptions more vague only raises more questions of how this barn will be used for horses.

Similarly, as a practical matter, the tack room is designed poorly. The bridles and halters are hung above a workbench. As Commissioner Bremner pointed out at the September 8, 1999 meeting, this configuration makes it difficult to reach the bridles and halters. There is an inordinate amount of saddle storage space for a personal horsebarn. There is also a tremendous amount of storage space for vet supplies. We are aware that the veterinary needs of the biomedical goats are significant. However, the veterinary needs of 8 personal horses are likely to be minimal drawing into question the need for such extensive veterinary supply storage. This may be another example of project splitting, which is discussed below.

2. CEQA Issues

A. Cumulative Impacts Analysis

The failure to include an evaluation of the cumulative impacts in light of the backdrop of the Master Plan violates CEQA. No cumulative impacts analysis was done for this project. However, one of the Mandatory Findings of Significance in the Initial Study is whether the project has impacts which are individually limited but cumulatively considerable. This question cannot be answered in the negative, or at all, without evaluation whether there are cumulative impacts in the first place. How can the cumulative impact not be considerable when the Staff Report states that this project (1) "sets the stage" for future development on the upper terrace, (2) the Master Plan has been accepted as final, (3) the Initial Study for the Master Plan has begun, (4) an unpermitted operation already exists without environmental review, and (5) demonstrated environmental impacts are already occurring on this parcel.

B. What Projects Must Be Included in Cumulative Impacts Analysis

The Master Plan had already been filed at the time the Initial Study was prepared for this project. Additionally, the operation was already running and in place without environmental review, and already has demonstrated environmental impacts. This is not a situation where an application for a possible future project on vacant property should be considered in the Cumulative Impacts Analysis. The other project on this property already existed. How can you not analyze the cumulative impacts of a project when you already have an ongoing unpermitted

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Santa Cruz Biotechnology Horse Barn Application
September 7, 1999

project in operation without environmental review. Failure to consider it in the Cumulative Impacts Analysis is like ignoring an elephant in the living room. According to the opinion of County Counsel (page 6 Opinion of Mr. Garcia, September 20, 1999), the Planning Commission has a "duty to 'provide public agencies and the general public with adequate and relevant information' about cumulative impacts." The time for triggering inclusion of a project in the Cumulative Impacts Analysis is a determination which should be made by the Planning Commission.

C. Project Segmentation

In order to determine whether a project is being unlawfully split under CEQA, one must evaluate the project under a two part test, as set out in *Laurel Heights Improvement Association v. Regents Of the University of California*, 47 Cal.3d 376. A project is part of a larger project if (1) it is a reasonably foreseeable consequence of the initial project, and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.

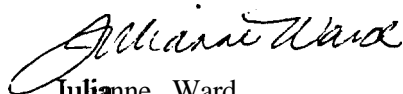
The Master Plan is a reasonably foreseeable consequence of the horse barn project because the horsebarn sets the stage for a future cluster in the location of the horse barn, installs water and water lines for fire suppression and **future** water supply, driveways, parking areas, electrical infrastructure, and a manure bunker which will be used for biomedical goat manure according to the Master Plan. This meets the first part of the test.

The Master Plan is the future expansion or action which will likely change the scope or nature of the initial project or its environmental effects. The Master Plan involves the expansion of the horsebarn site to include 4 more 10,000 sq. ft. barns to house biomedical goats along with a support building and caretaker's house. The environmental effects of such expansion are almost certainly going to change the environmental impact of this horsebarn. Similarly, the scope of this horsebarn project will be dramatically expanded with the requisite electrical and water needs, increases of lighting and manure management for the Master Plan.

Therefore, under the two part test, this horsebarn project is part of the larger Master Plan project and should be processed as such.

Thank you for your attention to these matters.

Sincerely,



Julianne Ward
Executive Director

1996 [Ninth] Edition

**Guide to the
California
Environmental
Quality Act
(CEQA)**

Michael H. Remy

Tina A. Thomas

James G. Moose

Whitman F. Manley

Solano Press Books
Point Arena, California

declaration in connection with its approval of a use permit authorizing a gravel company to extract sand and gravel from a 20-acre area located near the Tuolumne River. The petitioner alleged that evidence in the administrative record supported a fair argument that significant environmental impacts might occur, requiring preparation of an EIR, particularly with respect to cumulative on- and off-site impacts. The petitioner cited CEQA Guidelines section 15065, subdivision (c), which provides that an agency *must* find that a project may have a significant effect on the environment, and thus requires an EIR, if “[t]he project has possible environmental effects which are individually limited but *cumulatively considerable*.” (Emphasis added; see *also Gentry, supra*, 36 Cal.App.4th at 1381 [43 Cal.Rptr.2d 170].)

In construing this requirement, the Court distinguished between the analysis of “cumulative impacts” in an EIR, and the analysis, in an initial study, of whether impacts are “cumulatively considerable.” (42 Cal.App.4th at 622-623 [49 Cal.Rptr.2d 494].) The Court stated that an initial study should focus on whether the project’s incremental impacts are “cumulatively considerable” when viewed against the backdrop of the effects of other projects. The administrative record demonstrated that the respondent’s planning department properly concluded that, despite the existence of other ongoing mining operations in the affected region, the project at hand would not cause impacts that were “individually limited but cumulatively considerable.” (42 Cal.App.4th at 623-624 [49 Cal.Rptr.2d 494].) The Court further concluded that the county was not required to prepare a comprehensive “statistical analysis of the combined purported environmental impacts, if any, of all other sand and gravel projects, past present and future, along the Tuolumne River.” Instead, the county was justified in relying on the “wealth of evidence of no significant environmental impact.” (42 Cal.App.4th at 625 [49 Cal.Rptr.2d 494].)

It is difficult to discern from the text of *San Joaquin Raptor II* precisely what general legal principle the Court intended to announce with respect to agencies’ obligation to consider cumulative effects in an initial study supporting a negative declaration. The Court’s decision includes an extended quotation from a scholarly treatise on CEQA, but does not expressly state whether the Court endorses all aspects of the quoted material. (42 Cal.App.4th at 623-624 [49

Cal.Rptr.2d 494], quoting Kostka & Zischke, *Practic. Under the California Environmental Quality Act*, Vol. 1, § 6.55, pp. 298-299 (CEB 1995).

The quotation begins by criticizing the common view that “*any* contribution by a project, however small, *to* environmental conditions that are cumulatively adverse requires a finding that the project may have a significant cumulative impact. The problem with this view is that it would make the need for an EIR turn on the impacts of other projects, not on the impacts of the project under review..” (42 Cal.App.4th at 623 [49 Cal.Rptr.2d 494] (emphasis added).) The Court apparently endorsed the notion that CEQA does not support the criticized *viewpoint*.¹⁸

The quotation continues by stating that “[t]here appears to be a difference between the “cumulative impacts” analysis required in an EIR and the question of whether a project’s impacts are “cumulatively considerable” for purposes of determining an EIR must be prepared at all.” (42 Cal.App.4th at 623 [49 Cal.Rptr.2d 494].) In support of this view, the authors of the quotation suggest that the definition of “cumulative impacts,” as found in CEQA Guidelines section 15355, relates only to the cumulative impact analysis required in an *EIR*. The basis for this assertion appears to be the fact that, although the words “cumulative impacts” appear in CEQA Guidelines section 15130, which sets forth the rules governing cumulative impact analysis in *EIRs*, those same two words do not appear in CEQA Guidelines section 15065, which lists “mandatory findings of significance.” Even so, however, the definition *does* appear to be relevant to a lead agency’s obligation to consider cumulative impacts in connection with a negative declaration. The Resources Agency’s “Discussion” following section 15355 states that the term “cumulative impacts” is “related to one of the mandatory findings of significant effect” required by Public Resources Code section 21083, the language of which mirrors that of CEQA Guidelines section 15065. Thus, in the view of the authors of *this* book, the extent of an agency’s obligation to assess cumulative impacts in an initial study can be gleaned not only from the lan-

¹⁸ The authors of this book agree that an EIR should not necessarily be triggered by *any* incremental contribution to cumulatively significant impact. (See section IX(C)(*infra*.)

guage of section 15065, but also from the definition found in section 15355.

As noted above, section 15065 requires a mandatory **finding** of significance where a "project has possible environmental effects which are individually limited but cumulatively considerable." (CEQA Guidelines, § 15065, **subd.** (c).) Section 15355 uses somewhat different terminology. It states that "Cumulative impacts" are "two or more individual effects which, when considered together, are considerable or which compound or **increase** other environmental impacts." The definition then explains that "[t]he cumulative impact from several projects is the change in the environment which results from the **incremental** effect of the project when added to other closely related past, present, and reasonably foreseeable future projects. Cumulative impacts can result from individually **minor** but collectively significant projects taking place over a period of time." (CEQA Guidelines, § 15355 (emphasis added).)

Read together, sections 15065 and 15355 indicate that an individual project must contribute **some** level of impact to a cumulative impact before the project can require an EIR based on such an impact. Section 15355 suggests that such an "incremental" contribution may be "individually minor" when viewed in isolation, but "considerable" when viewed together with the impacts of "other closely related past, present, and reasonably foreseeable future projects." Section 15065 provides that the project-specific impact must be "cumulatively considerable" when viewed in light of such other projects.

The CEQA Guidelines and case law decided before *San Joaquin Raptor II* indicate that the determination as to whether a project-specific impact contribution is "considerable" will generally be a function of the extent to which the existing and projected future environment is already, or will likely be, degraded. (See CEQA Guidelines, § 15064, **subd.** (b) ("[a]n ironclad definition of significant effect is not possible because the significance of an activity may vary with the setting"); *Kings County Farm Bureau v. City of Hanford* (5th Dist. 1990) 221 Cal.App.3d 692, 718-721 [270 Cal.Rptr. 650] (in case involving the adequacy of an EIR, the Court explains that the threshold for finding air quality impacts to be cumulatively significant will generally be lower in polluted **airsheds** than in cleaner areas).)

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In *Leonoff v. Monterey County Board of Supervisors* (6th Dist. 1990) 222 Cal.App.3d 1337 [272 Cal.Rptr. 372], the Court rejected the claim that the lead agency erred by failing to adequately consider the cumulative effects of approving a small commercial center. The petitioners had emphasized that, just two weeks after approving the use permit for the center, the agency had granted entitlements allowing for development 'of a mini-storage facility next-door, which would share a driveway and drainage easement with the project. The petitioners urged that a proper cumulative impact analysis would have taken the adjacent development into account. Although the Court faulted the agency's analysis for not providing details supporting its conclusion that no significant cumulative effects would occur, the Court could find no substantial evidence in the record supporting a contrary view. Moreover, by approving the two projects separately, the agency had not "artificially divided one project into environmentally insignificant pieces." The two projects were clearly separate, and the agency had already subjected both to environmental review. (222 Cal.App.3d at 1357-1 358 [272 Cal.Rptr. 372].)

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(Pub. Resources Code, § 21064.5; see also Public Resources Code, § 21080, subd. (c); CEQA Guidelines, §§ 15006, subd. (h), 15070, subd. (b); *Perley v. County of Calaveras* (3d Dist. 1982) 137 Cal.App.3d 424 [187 Cal.Rptr. 53] (upholds mitigated negative declaration for conditional use permit for surface mine); *Schaeffer Lund Trust v. San Jose City Council* (6th Dist. 1989) 215 Cal.App.3d 612, 625 [272 Cal.Rptr. 813] (upholds mitigated negative declaration for general plan amendment).)

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Typically, the project modification occurs after the lead agency has prepared an initial study.¹⁹

¹⁹ Public Resources Code section 21080.1, subdivision (a) provides that, before an application is even filed, the lead agency, upon a request from a potential applicant, shall



Friends of the North Coast

Box 604 Santa Cruz, California 95061 (831) 427-0343

20 October 1999

5th District Supervisor Jeff Almquist
Board of Supervisors, Santa Cruz County
70 1 Ocean Street, Santa Cruz, CA 95060

RE: SCBI Equestrian Barn application

Dear Supervisor Almquist:

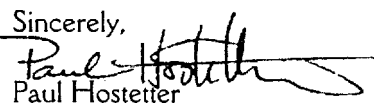
SCBI's proposed "equestrian facility" is clearly intended to establish a location for the entire barn cluster which appears in their Master Plan, before that Master Plan is even reviewed. We feel that allowing any new structure there on the SCBI property now will unquestionably and prematurely prejudice the siting of the rest of their proposed biotech animal facilities cluster on the upper terrace. We therefore urge you to reject this application and, in accordance with CEQA guidelines, place this proposal within the Master Plan where it belongs.

- Santa Cruz Biotechnology, Inc. has been operating their business without permits and without environmental review for several years. They continue to do so despite having been cited for numerous violations. Their Master Plan has just been submitted, yet damage from their operation is already quite serious.
- Nearly 1700 goats now ravage the land, which cannot sustain such a density of animals . yet the owners want to at least triple that number. The manure and urine runoff from the property is polluting neighborhoods downstream, along the coast, including surfing and swimming beaches that are part of the Monterey Bay National Marine Sanctuary. SCBI has erected miles of tall, wildlife-proof fencing that block wildlife movement between two ecologically diverse wildlife areas, Wilder Ranch State Park and the new Coast Dairies and Land parklands.
- The SCBI facilities are an eyesore from public viewsheds in Wilder Ranch State Park, Coast Dairies and Lands, and from a number of beaches along the North Coast. Yet the company wants to expand to more than 100,000 square feet of buildings, including tall barns, manure bunkers, grain silos, and security lights that can be seen for miles around.
- Like many concerned citizens, we do not believe that such biomedical livestock operations should be considered agriculture, and that this operation, and others that may follow, threaten the ability of traditional agriculture to compete for leases and land to practice traditional farming and animal husbandry.

We feel it is common sense to place this proposal within the Master Plan, to ensure a coherent overview of the development of this property.

Thank you very much.

Sincerely,


Paul Hostetter

Corresponding Secretary

41

H A E L & L A U R A Z U C K E R
E L & M A D E L I N E K A U F F M A N
5382 COAST RD.
SANTA CRUZ CA, 95060

horse barn by John and Brenda Stephenson, we would like to
neighbors on Back Ranch Road we are **troubled** by the
. the horse barn is approved independent of the master plan.
n should be considered as part of the total project because it
d by your staff, to house goats.

we object to the lightening of the night sky and cluttering of
have lived and hiked in the area for over 20 years, and we
e upper meadow will impact the public view from Wilder
re development of the Coast Dairy Land.

nty have always supported limited growth on the North
barn should be considered as part of the master plan, so the
nt on the project as a whole.

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me
man

4 6 4 8 CHERRYDALE AVENUE
SOQUEL, CA 95873
(831)476-8225

10/18/99

Ms. Jan Beautz, Supervisor
Santa Cruz County
701 Ocean St.
Santa Cruz, CA 95060

Dear Jan :

I have been following the imbroglio at the goat ranch of Santa Cruz Technology, Inc. since first recognizing that they were covertly injecting oncogenes, described as only peptides. We spoke about that, and it was news to you.

Since then the issue has been more about building without permits, callous disregard of riparian corridors, and the lack of a final plan which ordinarily precedes issuing of permits. A conspicuous horse (sic) barn on the crest is now a center of attention.

The huge coliform counts on the effluent should disturb you. The claim that they cannot be evaluated because of a lack of a baseline is disingenuous. Surely prior counts at the Red, White, and Blue beach are available.

A coliform count recognizes contamination by feces. High counts warn of more serious contaminants, including the new virulent E. coli variants. In addition we do not know the fate of the injected antigens which may well be present in the feces. An immunologist whom I consulted said that they were taken care of in the spleen, but the spleen empties into the liver, the bile from which empties into the feces, etc.

From the start you have been beset with problems. Calling this manufacturing plant agriculture started it; calling this barn a horse barn is merely the latest in a string of shaky premises. I urge you to proceed with caution , but the yellow light has turned red if I may use that analogy. Thank you.

Sincerely yours,



David H. Walworth, MD

#41

THE UNIVERSITY OF MICHIGAN

1000 SOUTH ZEEB ROAD

ANN ARBOR, MICHIGAN 48106

1000 SOUTH ZEEB ROAD

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FROM : Wild Solutions/BeyondThe Trees PHONE NO. : 488 426 EI686

OCT. 21 1999 11: 16AM P1

Thursday, October 21, 1999

To:
Santa **Cruz** County 'Board of Supervisors
701 Ocean Street
Santa **Cruz** 95061

Attention:
Jan Beautz
Walt **Symons**
Mardi Wonnhoudt
Tony **Campos**
Jeff Altnquist

Regarding:
Stephenson Horse Barn and Santa **Cruz** Biotechnology development on Back Ranch Road

Dear Supervisor,

I'm writing to **express** concern, as a resident of Back Ranch Road and a neighbor of John and Brenda Stephenson and their Santa **Cruz** Biotechnology biomedical animal ranching facility, 'My partner, Susan Norris and I have lived on Susan's family's property, owned by Phyllis Norris and the late Dr. Kenneth Norris, for the last ten years. Since about 1995 we have been constructing a **residence** and home workshop on another parcel of land owned by the Norris family, very near the Stephenson Property- This parcel contains several acres of the uppermost part of the open meadowland that constitutes much of the "upper terrace" area along the south or east side of Back Ranch Road and is separated **from** the Stephenson property by the **Frans Lanting/Chris Eckstrom** residence.

The proposed site for the large Stephenson horse barn, as well as the cluster of other very large goat barns, and assorted buildings, is on the most prominent point in the central area of the upper terrace meadows. The buildings will be pretty well centered directly on the horizon of the **viewshed from** our **new** house, and considering the proposed size and quantity of structures, will most **certainly** become a dominant feature of that view. I'm sure this will also be true for the **Lanting** residence; the cluster will undoubtedly be in the **viewshed** of other neighbors as well. **Beyond** that, it seems **likely** that the buildings **will be visible from** parts of neighboring **public** land: Wilder Ranch State Park to the south, Coast Dairies and Land to the north.

It seems to me that there is a real **difference** in the character of the neighborhood between the lower area of Back Ranch Road and the upper terrace area. The lower area has a recent **history** of row crop cultivation and **farm** related structures; there is not a residential **character** to that section of the road. The upper terrace area, on **the other** hand, borders on or includes a residential neighborhood that has been there for some time. The proposed Stephenson development seems to me inappropriate for the character of the

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4 6 4 8 **CHERRYDALE AVENUE**
SOQUEL, CA 95873
(831)476-8225

10/18/99

Ms. Jan Beautz, Supervisor
Santa Cruz County
701 Ocean St.
Santa Cruz, CA 95060

Dear Jan :

I have been following the imbroglio at the goat ranch of Santa Cruz Technology, Inc. since first recognizing that they were covertly injecting oncogenes, described as only peptides. We spoke about that, and it was news to you.

Since then the issue has been more about building without permits, callous disregard of riparian corridors, and the lack of a final plan which ordinarily precedes issuing of permits. A conspicuous horse (sic) barn on the crest is now a center of attention.

The huge coliform counts on the effluent should disturb you. The claim that they cannot be evaluated because of a lack of a baseline is disingenuous. Surely prior counts at the Red, White, and Blue beach are available.

A coliform count recognizes contamination by feces. High counts warn of more serious contaminants, including the new virulent E. coli variants. In addition we do not know the fate of the injected antigens which may well be present in the feces. An immunologist whom I consulted said that they were taken care of in the spleen, but the spleen empties into the liver, the bile from which empties into the feces, etc.

From the start you have been beset with problems. Calling this manufacturing plant agriculture started it; calling this barn a horse barn is merely the latest in a string of shaky premises. I urge you to proceed with caution, but the yellow light has turned red if I may use that analogy. Thank you.

Sincerely yours,

Dave

David H. Walworth, MD

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