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PLANNING DEPARTMENT

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GOVERNMENTAL CENTER



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COUNTY OF SANTA CRUZ

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Agenda Date: February 1, 2000

Date: January 26, 2000

Board of Supervisors  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

**Subject: Continued Public Hearing on Special Consideration of Application 97-0648  
(Stephenson Equestrian Facility)**

Members of the Board:

On October 26, 1999, your Board held a public hearing for special consideration of the Planning Commission's decision regarding application No. 97-0648, a proposal by John and Brenda Stephenson to construct a private equestrian facility and related infrastructure. At issue was the adequacy of the cumulative impacts analysis contained in the Initial Study used by the Planning Commission to support adoption of a Negative Declaration for the project. Following the receipt of public testimony, your Board directed the Environmental Coordinator to reconsider the project, in light of the fact that the application for approval of a Master Plan covering biomedical livestock operations on the same property had been deemed complete for purposes of permit processing and was undergoing environmental review. Your Board further directed that the public hearing on this matter be continued to February 1, 2000 and that the Planning Department provide you with a report on the outcome of this reconsideration by the Environmental Coordinator.

The California Environmental Quality Act (CEQA) requires that the evaluation of a project must include a cumulative impacts analysis. A cumulative impacts analysis is an evaluation of possible environmental effects which may be individually limited but cumulatively considerable due to past, present, or reasonably foreseeable projects. The courts have determined that a "reasonably foreseeable" project is one which has entered the environmental review process. The courts have left the question of when a project would be considered to have entered the environmental review process to the local jurisdiction to determine, based on a standardized cutoff date. It has been the practice of the Planning Department to use the release of the Environmental Coordinator's meeting agenda as that cutoff date.

As you may recall, at the time that the Planning Commission took action on application No. 97-0648, the application for approval of a Master Plan on the same property had not yet entered the environmental review process. However, by the time your Board considered this matter on October 26th, environmental review of the Master Plan proposal had commenced. The Notice of Environmental Determination for that project, requiring the preparation of an Environmental Impact Report (EIR), was published on October 25, 1999.

As directed by your Board, the Initial Study for application 97-0648 was revised to evaluate the

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potential for cumulative effects which could occur as a result of constructing the equestrian facility and the improvements associated with the biomedical livestock Master Plan. The revised Initial Study has been included for your review and consideration as Attachment 1. Changes to the Environmental Review Checklist which are related to the consideration of potential cumulative effects are provided in **boldface type** to facilitate your review of this issue.

As you may know, the Environmental Review Checklist contains a list of questions grouped into impact specific categories. In completing the checklist, the preparer must respond to these questions and indicate the level of impact which is anticipated to occur as a result of project implementation. Impact levels which may be selected on the checklist form range from “no impact” to “significant: no or unknown mitigation.” If this latter impact level is selected in response to any of the Environmental Review Checklist questions, an EIR is required to be prepared for the project.

In preparing the revised Environmental Review Checklist, the criteria for selecting the appropriate level of impact was whether construction of the equestrian facility would have more than a de **minimus** contribution to impacts related to implementation of the proposed Master Plan and, when combined with the environmental effects of that project, whether the impact would be significant. An additional test which was applied to the selection of impact levels was the “fair argument standard” developed as a result of a number of CEQA-related court decisions. The courts have determined that CEQA requires the preparation of an EIR whenever it can be **fairly** argued on the basis of substantial evidence that a project may have a **significant** environmental impact.

Application 97-0648 was reconsidered by the Environmental Coordinator on December 27, 1999. As can be seen on the revised Environmental Review Checklist, the “significant: no or unknown mitigation” column was selected for the following impact areas: Geologic Factors, Hydrologic Factors, Biotic Factors, Air, Energy and Natural Resources, Cultural/Aesthetic Factors, and General Plans and Planning Policy. In all of these impact areas, the Environmental Coordinator determined that impacts associated with construction of the equestrian facility could contribute to significant Master Plan-related impacts at a greater than de **minimus** level. As such, the contribution by the equestrian facility in these impact areas is cumulatively significant. In addition, the Environmental Coordinator believes that a fair argument can be made, based on substantial evidence in the record, that the equestrian facility will contribute substantially to potentially significant cumulative impacts when viewed in light of the Master Plan proposal.

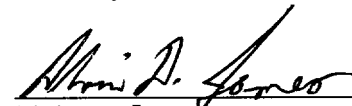
Included, for your information (Attachment 2), is a copy of the action agenda from the December 27, 1999 Environmental Coordinator’s meeting. As indicated in this document, the review period ended on January 11, 2000. For determinations resulting in a requirement to prepare an EIR, this review period is synonymous with the period within which the applicant may appeal the decision of the Environmental Coordinator to the Planning Commission. The applicant has not submitted an appeal of the determination to require an EIR. Also included for your consideration, as directed, are copies of letters of Paul Bruno and Celia Scott dated October 25, 1999 and October 26, 1999, respectively (Attachment 3).

Based upon reconsideration of this matter by the Environmental Coordinator, we are recommending that the proposal to construct a private equestrian facility contained in application 97-0648 be evaluated in the EIR prepared as part of the biomedical livestock Master Plan on the same property (application 980647). As a result, we are requesting that your Board set aside the approval of application 97-0648 for the private equestrian facility by the Planning Commission and remand it back to that body for reconsideration, following completion of the EIR. That action is consistent with the authority provided under County Code Section 1810.350 (Special Consideration by the Board of Supervisors).


It is therefore RECOMMENDED that your Board take the following actions:

1. Conclude the public hearing on this matter;
2. Direct the Planning Department to expand the scope of work for the EIR covering the proposed biomedical livestock operations Master Plan (application 98-0647) to include the equestrian facility proposed under application 97-0648); and
3. Set aside the approval of application 97-0648 by the Planning Commission and remand it back to that body for reconsideration, following completion of the EIR.

Sincerely,

  
Alvin D. James  
Planning Director

RECOMMENDED:

  
Susan A. Mauriello  
County Administrative Officer

Attachments: 1. Project Initial Study and Environmental Checklist  
2. Environmental Coordinator's Action Agenda  
3. Letters of Paul Bruno and Celia Scott

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