

# Staff Report to the Zoning Administrator

Application Number: 05-0496

Applicant: Steven Travis Owner: Robert and Teresa Locatelli APN: 073-091-01 Agenda Date: April 21,2006 Agenda Item #: 4 Time: After 10:00 a.m

**Project Description:** This is a proposal to remove two sheds and to construct a 4,171 square foot non-habitable accessory structure consisting of horse stalls, tack rooms, and an office. The proposed structure will expand an existing commercial equestrian center. The project requires an Amendment to Commercial Development Permit No. 2840-U.

**Location:** Property located on the east side of East Zayante Road, (7940 East Zayante Road), about 1.5 miles north from Graham Hill Road in Felton.

Supervisoral District: 5th District (District Supervisor: Mark Stone)

Permits Required: Amendment to Commercial Development Permit 2840-U.

### Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application OS-0496, based on the attached findings and conditions.

## Exhibits

- A. Project plans
- B. Findings
- C. Conditions
- D. Categorical Exemption (CEQA determination)
- E. Assessor's parcel map
- F. Site Location Map
- G. Zoning & General Plan Maps
- H. Comments & Correspondence
- I. Manure Management Plan

- J. Commercial Development Permit 2840-U
- K. Letter from Dr. Richard Arnold, dated October 20.2005

County of Santa Cruz Planning Department 701 Ocean Street, 4<sup>th</sup> Floor, Santa Cruz CA 95060 Application #: 05-0496 APN 073-091-01 Owner: Steven & Teresa Locatelli

#### **Parcel Information**

Parcel Size:	7.17 acres
Existing Land Use - Parcel:	Residential
Existing Land Use - Surrounding:	Residential
Project Access:	East Zayante Road
Planning Area:	San Lorenzo Valley
Land Use Designation:	R-R (Rural Residential)
Zone District:	RA (Residential Agriculture)
Coastal Zone:	Inside <u>X</u> Outside

#### **Environmental Information**

Geologic Hazards:	None Mapped
Soils:	N/A
Fire Hazard:	Not a mapped constraint
Slopes:	5-15 % slopes
Env. Sen. Habitat:	Mapped biotic resource, no disturbance proposed in proximity to
	habitat
Grading:	No grading proposed
Tree Removal:	No trees proposed to be removed
Scenic:	N/A
Drainage:	Existing drainage adequate; no proposed changes
Traffic:	No significantimpact
Roads:	Existing roads adequate; no proposed changes
Parks:	Existing park facilities adequate; proposal will not intensify use.
Archeology:	Mapped archeological resources, however no ground disturbance
	proposed.

#### **Services Information**

#### **Project Description and Background**

In 1967 a Use Permit (2840-U) was issued to allow boarding stables for a maximum of 35 horses. The site contains a number of outbuildings, paddocks, and an arena in addition to the single-family residence on the site.

In 1992a code violation was issued for the unpermitted construction of a **40'** x 60' modular barn, an occupied travel trailer and a paint spray booth located within a barn. The travel trailer and spray

# EXHIBIT C

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booth have been removed. The proposed amendment would remove two dilapidated sheds and add an additional 4,171 square foot structure to include horse stalls, tack rooms and an office. A condition of approval to this Amendment would require the removal of all unpermitted structures, including the modular barn. All conditions of approval of Use Permit **2840-U** are incorporated as conditions of approval for this permit.

Staff Reports and supporting documentation for all prior approvals are on file and available for viewing at the Santa Cruz County Planning Department.

#### Zoning & General Plan Consistency

The subject lot is 7.17 acres. The property carries an Rural Residential (R-R) General Plan designation, which provides low densityresidential development (2.5 to 20 units per net developable acre) on lands suitable for rural development which have access from roads maintained to **rural** road standards and adequate fire protection, and where limited public services and facilities, physical hazards and development constraints including water availability and septic capability. The implementing zoning is residential agriculture (RA). The project complies with all pertinent site standards and development regulations for the zone district and with the General Plan designation. Construction of the proposed barn will not increase the intensity of the existing boarding operation.

#### **Environmental Constraints**

The property is located within the Sandhills habitat area of Scotts Valley and is mapped on the California Natural Diversity Database maintained by the Department of Fish & Game as possible habitat for two protected species, Mount Hermon June beetle and Zayante band wing grasshopper. Dr. Richard Arnold, with Entomological Consulting Services, Inc., performed a field visit on October 7,2005 and determined that due to the absence of indigenous sand parkland vegetation and undisturbed sunlit Zayante soils, habitat conditions were not suitable for either the Mount Hermon June Beetle or the Zayante band wing grasshopper. Therefore no impact to either of the listed species is anticipated as a result of this proposal. A recommendation that was made in the letter regarding future grading activities has been incorporated into the Conditions of Approval for this permit. Dr. Arnold's letter has been included as Exhibit L.

The site is located within a mapped archeological resource area. A site survey was performed by the County archeological *survey* team, which determined that resources were not evident at the site.

### Code Compliance

One or more of the existing structures located on the site are unpermitted. A Condition of Approval has been included, which will require all structures to be either permitted or demolished.

#### Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

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#### Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- APPROVAL of Application Number **05-0496**, based on the attached findings and conditions.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: <u>www.co.santa-cruz.ca.us</u>

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Report **Prepared** By: Robin Bolster-Grant Santa Cmz County Planning Department 701 Ocean Street, 4th Floor Santa *Cruz* **CA** 95060 Phone Number: (**83**1) 454-5357 E-mail: robin.bolster@co.santa-cruz.ca.us

## **Development Permit Findings**

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the project is located in an area designated for rural residential uses, such as horse keeping, and the site is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed barn will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks for the zone district. Additionally, the property closest to the proposed structure is a Southern Pacific Railroad right-of-way developed with a railroad track. The structure will not be visible from East Zayante Road.

# 2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

**This** finding can he made, in that the proposed location of the ham and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the RA (Residential Agriculture) zone district in that the primary use of the property will be one that meets all current site standards for the zone district. The proposed barn conforms to all standards regarding accessory structures. The County Code states that the RA zone district allows for "small-scale commercial agriculture, such as animal keeping, truck farming and specialty crops, can take place in conjunction with the primary use of the property as residential." The proposed barn will support the existing, permitted horse boarding occurring on the property.

# **3.** That the proposed use is consistent with all elements of the County General Plan and with any specific plan, which has been adopted for the area.

**This** finding can he made, in that the proposed barn is consistent with the use and density requirements specified for the R-R (Rural Residential) land use designation in the County General Plan, which provides low-density residential development as well as the desire to maintain rural character. The proposed barn will support the existing, permitted horse boarding operation on the property, in keeping with the rural character of the surrounding neighborhood.

The proposed barn will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the structure will not adversely shade adjacent properties, and will meet current setbacks for the zone district that ensure access to light, air, and open space in the neighborhood. The barn **is** located in the portion of the lot closest to the Southern Pacific right-of-way to the rear and

## EXHIBIT C

will not impact any structures in the vicinity.

The proposed barn will not be improperly proportioned to the parcel size or the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the barn will comply with the site standards for the RA zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

A specific plan has not been adopted for this portion of the County.

# 4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed barn will have no habitable features and will not require any additional trip generation. No additional commercial/special events will be associated with the construction of the proposed barn, nor will it facilitate any intensification of existing permitted uses on the subject parcel.

# 5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that the proposed structure is located in **a** rural residential neighborhood, with many other horse properties in the vicinity. There is no proposed increase in the number of horses allowed on the property. The proposed ham is consistent with the land use intensity and density of the neighborhood and its location at the rear of the parcel will screen the structure from the roadway and the majority of nearby residences.

# 6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding can be made, in that the proposed barn will be of an appropriate scale and **type of** design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area. The barn is proposed to be **less** than 20 feet in height and utilizes a standard rural barn style. Additionally, the barn will not be visible from the road or nearby properties, other than the Pacific Railroad right-of-way to the east, which contains no structures.



## **Conditions of Approval**

**Exhibit A:** Project Plans (3 sheets) prepared by Steven Travis, Architect, dated 01/18/06

- I. This permit authorizes the construction of a 4,171 square foot nonhabitable accessory structure to include 11 horse stalls, two tack rooms and an office. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
  - **A.** Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
  - B. Obtain a Building Permit from the Santa Cruz County Building Official.
  - C. Obtain a Demolition Permit from the Santa Cruz County Building Official.
  - D. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
  - E. Obtain an Encroachment Permit from the Department of Public **Works** for all offsite work performed in the County right-of-way.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
  - A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
  - B. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A"on file with the Planning Department. Any changes from the approved Exhibit "A"for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
    - 1. Identify finish of exterior material and color of roofing for Planning Department approval. Any color boards must be in 8 <sup>1</sup>/<sub>2</sub>" x 11" format.
    - 2. Grading, drainage, and erosion control plans. Grading plan must include calculations for all grading associated with construction of the barn and improvements.

- 3. A site plan clearly showing all structures that are existing, proposed to be demolished, and proposed to be constructed. All unpermitted existing structures are required to either be demolished or permitted
- 4. For any structure proposed to be within 2 feet of the maximum height limit for the zone district, the building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site, which clearly depict the total height of the proposed structure.
- 5. A detailed erosion control plan, which includes the location and construction details for all proposed erosion/sediment control devices.
- 6. Land clearing, demolition and/or excavations, including pier excavations are prohibited between October 15 and April 15. All erosion/sediment control devices shall be in place and maintained at all times during construction.
- 7. Details showing compliance with fire department requirements, including all requirements of the Urban Wildland Intermix Code, if applicable.
- C. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
- D. Meet all requirements of and pay Zone 8 drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.
- E. Meet all requirements and pay the appropriate plans check fee of the Zayante Fire Protection District.
- F. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
- G. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.

- H. Complete and record a Declaration of Restriction to construct a nonhabitable accessory structure. You may not alter the wording of this declaration.
  Follow the instructions to record and return the form to the Planning Department.
- III. All construction shall be performed in accordance with the approved plans. Prior to final building inspection and building occupancy, the applicant/owner shall meet the following conditions:
  - A. All site improvements shown on the final approved Building Permit plans shall be installed.
  - B. All inspections required by the building permit shall be completed to the satisfaction of **the** County Building Official.
- IV. Operational Conditions
  - A. All landscaping shall be permanently maintained.
  - B. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of **the** County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, it officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
  - A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY **seeks** to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify *the* Development Approval Holder within sixty (*60*) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
  - B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:

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- 1. COUNTY bears its own attorney's fees and costs; and
- 2. COUNTY defends the action in good faith.
- C. <u>Settlement</u>. The Development Approval Holder shall not be required to pay or **perform** any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. <u>Successors Bound</u>. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

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

# Please note: This permit expires two years from the effective date unless you obtain the required permits and commence construction.

Approval Date:	
Effective Date:	
Expiration Date:	
Don Bussey	Robin Bolster-Grant
Deputy Zoning Administrator	Project Planner
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Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.



I.

# CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 05-0496 Assessor Parcel Number: 073-091-01 Project Location: 7940 E. Zayante Road, Felton,

Project Description: Proposal to remove two sheds and to construct a **4,171** square foot nonhabitable accessory structure consisting of horse stalls, tack rooms, and an office to expand an existing commercial equestrian center. Requires an Amendment to Commercial Development Permit No. 2840-U.

Person or Agency Proposing Project: Devlin Jones

Contact Phone Number: (831) 476-4654

- **A.** The proposed activity is not a project under CEQA Guidelines Section 15378.
- **B.** \_\_\_\_\_ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
- C. <u>Ministerial Project</u> involving only the use of fixed standards or objective measurements without personal judgment.
- D. <u>Statutory Exemption</u> other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

E. X <u>Categorical Exemption</u>

Specify type: Class 3 – New construction **or** Conversion of Small Structures (Section 15303)

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**F.** Reasons why the project is exempt:

The minor addition (235 square feet) to an existing single-family dwelling.

Robin Bolster-Grant, Project Planner

Date:\_\_\_\_\_

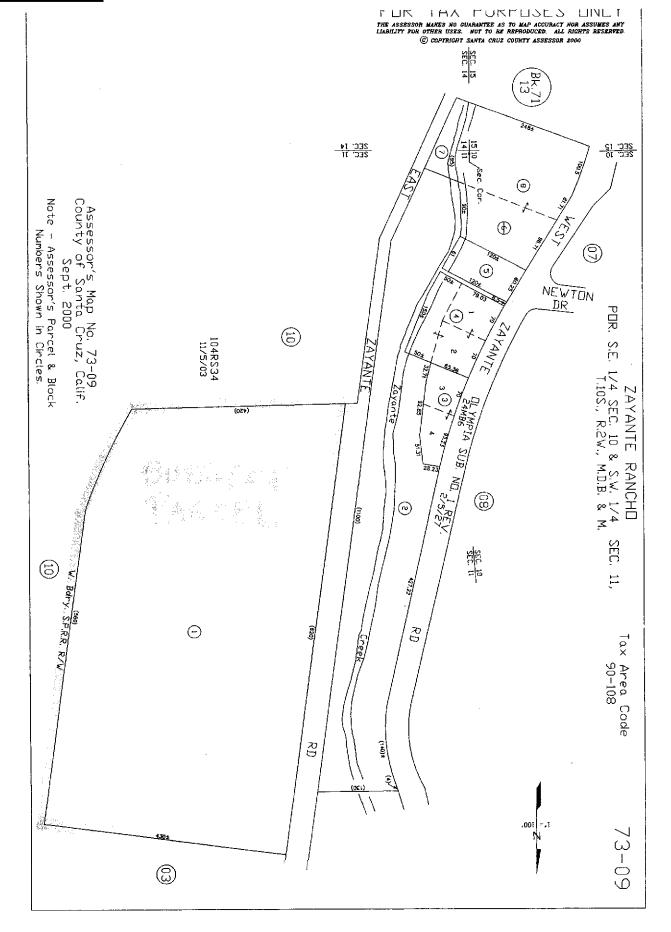
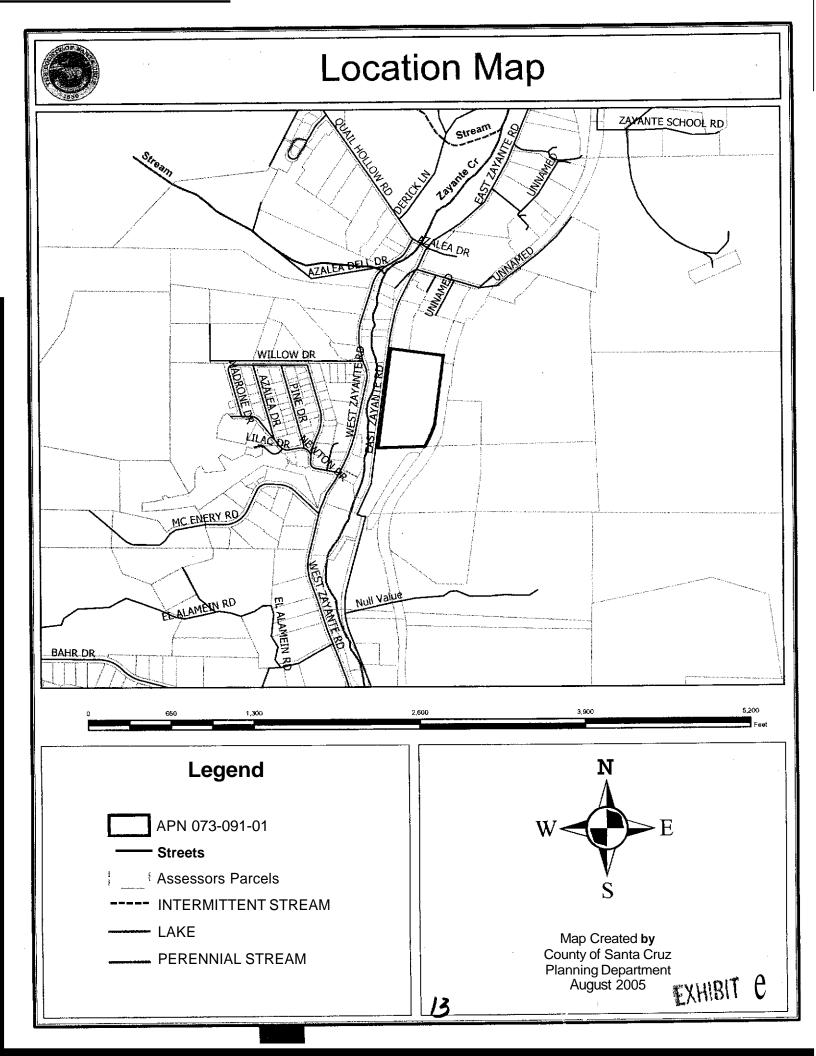
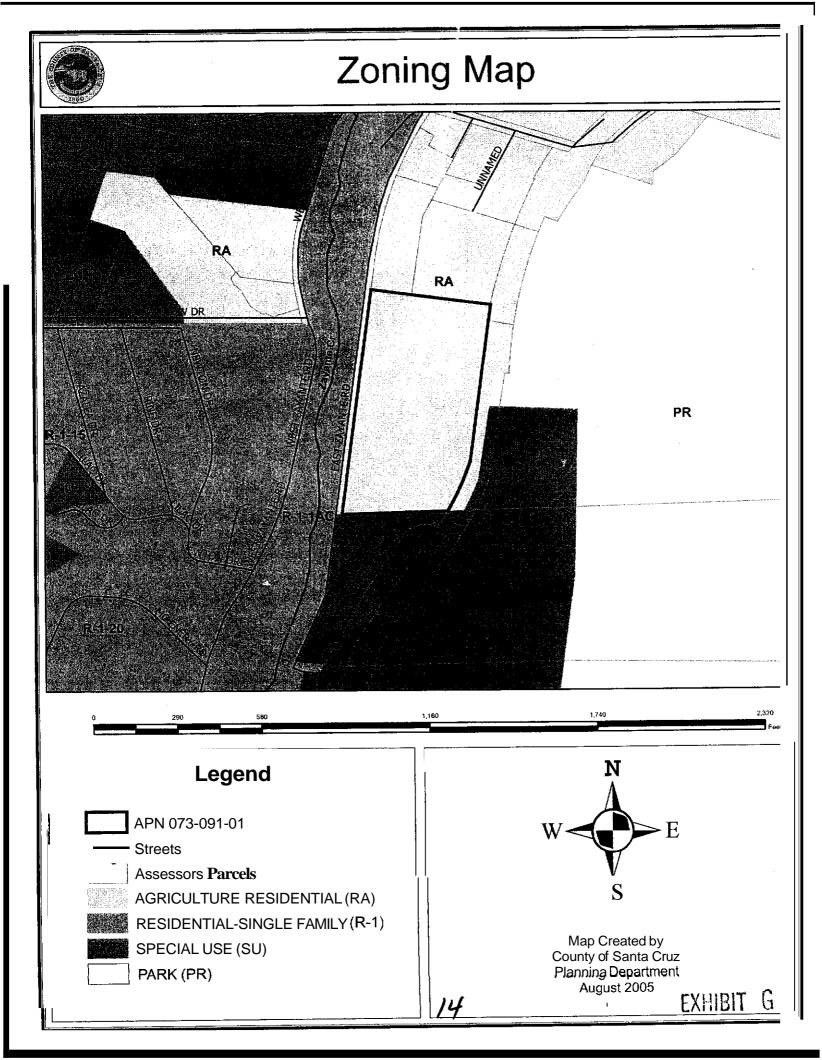
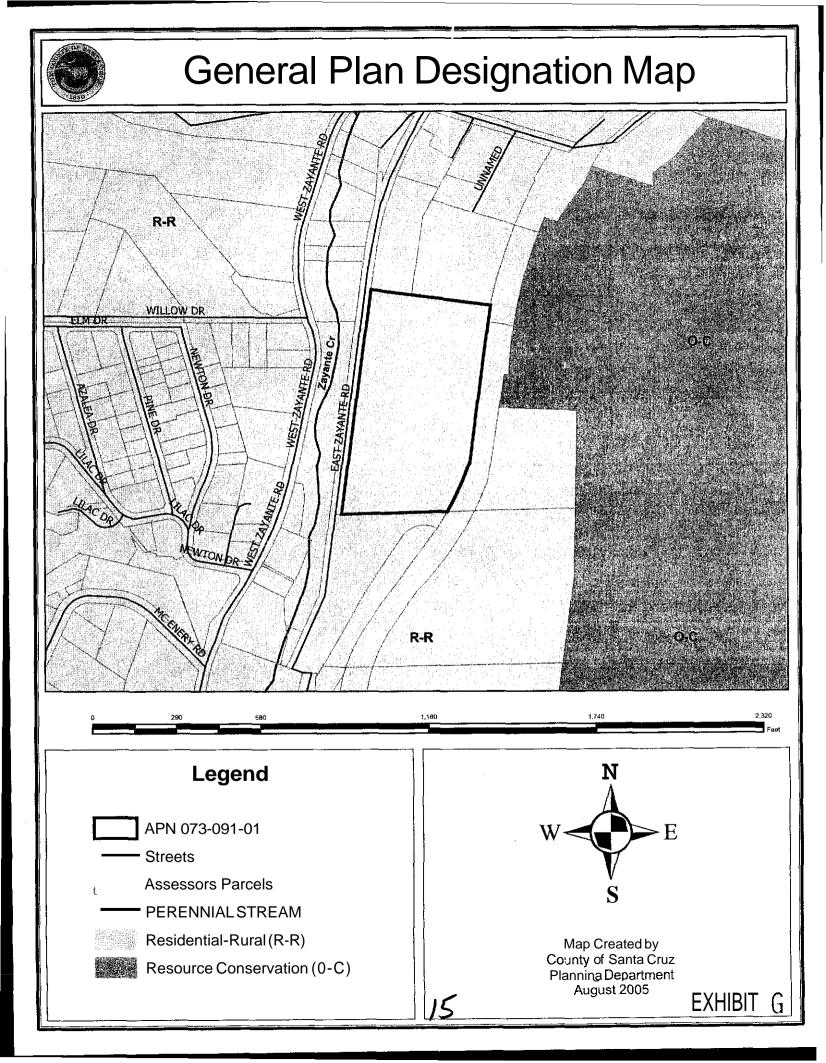


EXHIBIT E







#### COUNTY OF SANTA CRUZ DESCRETEONARY APPLICATION COMMENTS

Project Planner: Robin Bolster Application No.: 05-0496 APN: 073-091-01 Date: March 21, 2006 Time: 18:00:14 Page: 1

EXHIBIT H

#### Environmental Planning Completeness Comments

Application complete

the property.

#### Environmental Planning Miscellaneous Comments

Please submit more detailed grading and erosion control plans for building permit application. Current plans show only 18 yards of grading for the 4.000 square foot barn. Please include calculations for the total grading required for this project.

#### Code Compliance Completeness Conments

LATEST COMMENTS HAVE NOT YET BEEN SENT TO PLANNER FOR THIS AGENCY

======= REVIEW ON AUGUST 17, 2005 BY RICHARD W NIEUWSTAD ==

The plot plan is accurate but some of the structures shown as "existing" have been built w/o permits

----- UPDATED ON JANUARY 23. 2006 BY RICHARD W NIEUWSTAD -----

#### Code Compliance Miscellaneous Comments

LATEST COMMENTS HAVE NOT YET BEEN SENT TO PLANNER FOR THIS AGENCY

#### Dpw Drainage Completeness Comments

dated 7/26/05 has been recieved. Please address the following:

1) Please clearly label all existing impervious areas as permitted or unpermitted. Provide documentation demonstrating the legality of all of the permitted impervious coverage.

2) This site is located in a groundwater recharge and water supply watershed

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Project Planner:	Robin Bolster		March 21,	2006
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Accordingly, all runoff from proposed and unpermitted impervious areas should be retained on site and allowed to percolate back into the ground so that the proposed/permitted runoff rate is limited to pre project levels. Per the USDA soils survey, the soils on this site are highly permeable (6-20 in/hr for the first 5 feet). If this is actually the case please consider a drainage plan that spreads runoff from impervious areas over gently sloping open areas on the site.

4) While sheet P-I inlcudes notes referring to a retention system, the only drainage scheme indicated on the plans is to pipe all proposedrunoff directly off-site (which will not be allowed without easements from adjacent property owner) or directly to a downstream channel and existing pond. Why can't proposed runoff be spread over existing pasture area? If the existing pond will be used for retention please provide details on how it will be upgraded to provide the additional retention required.Calculations and approval from the geotechnical engineer will be required to approve of the detailed design.

3) Zone 8 fees will be assessed on the net increase in permitted impervious area due to this project.

For questions regarding this review Public Works storm water management staff is available from 8-12 Monday through Friday. All submittals for this project should be made through the Planning-Department.

----- UPDATED ON FEBRUARY 6. 2006 BY ALYSON B TOM ----- Application with plans revised on 1/18/06 has been received and is complete with regards to drainage for the discretionary stage. Please see miscellaneous comments for issues to be addressed prior to building permit issuance.

#### Dpw Drainage Miscellaneous Conments

ments.

----- UPDATED ON FEBRUARY 6, 2006 BY ALYSON B TOM ----- Prior to building permit issuance please address the following:

1) Please update drainage plan to include silt traps above the proposed retention facilities to accommodate maintenance of the facilities.

2) Provide a geotechnical review letter approving of thefinal dated drainage plan.

3) Zone 8 fees will be assessed on the net increase in impervious area due to the project. Please update the calculations for the new paved area (on sheet P-1) to include the new construction entrance and concrete manure handling areas

#### Dpw Road Engineering Completeness Comments

LATEST COMMENTS HAVE NOT YET BEEN SENT TO PLANNER FOR THIS AGENCY

\_\_\_\_\_ REVIEW ON SEPTEMBER 6. 2005 BY GREG J MARTIN \_\_\_\_\_

It is recommended that the driveways be consolidated into one driveway access. The main driveway should be brought up to county standards. This requires a 24 foot wide driveway with 15 foot returns at the intersection of the driveway and East Zayante

Project Planner: Robin Bolster Application No.: 05-0496 APN: 073-091-01 Date: March 21. 2006 Time: 18:00:14 Page: 3

Road, The minimum width if there are constraints is 18 feet. The composition of the driveway should be 2 inches of asphalt concrete over 6 inches of aggregate base.

The second driveway is recommended to be abandoned. The pavement is recommended to be removed for fifty feet at a minimum and a landscaping plan provided.

**If**you have any questions please call Greg Martin at 831-454-2811.

#### Dpw Road Engineering Miscellaneous Comments

LATEST COMMENTS HAVE NOT YET BEEN SENT TO PLANNER FOR THIS AGENCY

----- REVIEW ON SEPTEMBER 6, 2005 BY GREG J MARTIN ------

Environmental Health Completeness Comments

Manure Management Plan will be required. For review reqs contact Rick Jones of EHS at 454-2746.

Rick Jones approved the manure man. plan. submitted. EH regs now satisfied.

Environmental Health Miscellaneous Comments

NO COMMENT NO COMMENT UPDATED ON DECEMBER 5. 2005 BY JIM G SAFRANEK NO COMMENT

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# COUNTY OF SANTA CRUZ

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PLANNING DEPARTMENT 701 OCEAN STREET. 4<sup>™</sup> FLOOR, SANTA CRUZ. CA 95060 (831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123 TOM BURNS, PLANNING DIRECTOR

October 19, 2005

Steven Travis 20180 Old Big Basin Road Boulder Creek, CA 95006

## SUBJECT: Archaeological Reconnaissance Survey for APN 073-091-01

To Whom It May Concern,

The County's archaeological survey team has completed the Phase 1 archaeological reconnaissance for the parcels referenced above. The research has concluded that pre-historical cultural resources were not evident at the site. A copy of the review documentation is attached for your records. No further archaeological review will be required for the proposed development.

Please contact me at 831-454-3372 if you have any questions regarding this review.

Sincerely,

Elizabeth Hayward Planning Technician

Enclosure

# **Manure Management Plan**

November 9,2005

**Robert and Terry Locatelli** 

7940 East Zayante Rd. Felton, Ca 95018

APN 073-091-01

EXHIBIT 1 1

Zayante Creek Equestrian Center is a full care boarding and training facility. It is the goal of Zayante Creek Equestrian Center to maintain the health and safety of the horses boarded here. In doing so, it is our intentions to maintain the facilities and manage the land to sustain a balance to care for the horses. Our objectives in implementing a Manure Management Plan are to manage erosion, prevent sediment build up, keep "clean" storm water away from any potential pollutants and contaminants, and manage "polluted" water from high risk areas. Most operations of the facility are performed year-round. Any seasonal changes in operations are described in each location where it might occur. All manure management practices are established per National Resource Conservation Service.

#### **Common Management Practices**

Horses are fed twice a day and stalls are cleaned daily. All stalls and paddocks have small, automatic water troughs and enclosed feeders to help minimize the amount of wasted feed. Wood shavings are used for bedding in all stalls and paddocks. The amount of shavings used is limited to manage the volume of waste. A "mini-flake" shavings product is used to also minimize waste and make cleaning more efficient. A Kubota RTV 900 tractor is used to clean stalls in the lower barn. This expedites the cleaning process and allows easy delivery to the manure storage site. A wheel barrel is used to transport waste from the remainder of the stalls and paddocks on the ranch to the manure storage site.

#### **Horse Areas**

#### Lower Barn

The Lower Barn is an inline barn that is approximately 20 ft wide (including a 4 ft over hang) x 132ft long. It stables eleven (11) horses in 12ft x 16fl stalls with 12 ft x 16 ft paddocks off the back. The stalls have wood floors that are set off the ground, fully matted and bedded with wood shavings. There are stall mat "bumpers" that minimize the amount of shavings drug outside by the horses going in and out of their stalls. The paddocks slope away from the barn where any run-off can be dispersed through out a filter strip on the back side of the paddocks. The paddocks are packed with base rock and fully matted, limiting the amount of urine that is absorbed. A filter strip is used to transport a thin "sheet" of run-off slowly through vegetation to trap and filter sediment and manure to prevent it from polluting "clean" storm water. The filter strip is approximately 12ft wide and 130ft long. The gradual drainage of the strip will allow vegetation to utilize the nutrients available in the urine and manure. The filter strip is maintained year round, including mowing to encourage dense, upright vegetation growth, seeding and mulching, and excluding horses and traffic on it. A berm is in place at the end of the *filter* strip to prevent any pollutants to reach "clean" storm water drains. The berm is composed of a combination of sand bags and base rock. The barn has gutters on both sides, each side running to a down spout at both ends. The down spouts are then attached to under ground drainage pipes. The clean roof run-off does not flow through areas where it can pick up pollutants or create any type of mud.

#### **Upper Barn**

The Upper Barn is an inline barn that is approximately 20 ft wide (including a 4  $\pm$  over hang) x 132 ft long. It stables twelve (12) horses in 10 fl x 16 ft stalls with 10 ft x 16 ft paddocks off the back. The **stalls** have wood floors that are set off the ground, fully matted and bedded with wood shavings. There are stall mat "bumpers" that minimize the amount of shavings drug outside by the horses going in and out of their stalls. The paddocks slope away from the barn to help

prevent run-off towards the foundation. The paddocks are also packed with base rock. The barn has gutters on both sides, each side running to a down spout at both ends. The down spouts are then attached to under ground drainage pipes. The clean roof run-off does not flow through areas where it can pick up pollutants or create any type of mud. All areas around the barn are covered with vegetation to minimize any erosion and potential pollutants.

#### Paddocks

All of the paddocks are fully covered, measuring at 12 fl x 24 fl in size. There are paddocks available in two locations, one row of eight horses, one row of four horses and one row of three horses. The paddock row of eight horses runs parallel to the upper barn. The three and four-horse paddock rows are grouped together, facing each other on the south-east corner of the property. Each row contains gutters and down spouts that attach to the under ground drainage pipes. The paddocks are packed with base rock and partially covered with stall mats. They are also bedded with wood shavings to help absorb urine.

#### **Turn Out and Pastures**

Adjacent to the eastern facing pasture fence line is a gradually sloped diversion (drainage ditch), running north to south. It runs along the entire length of the pasture fence to catch any run-off from adjacent properties. This is to prevent any water from going through the turn out and pastures. The "clean" storm water is drained to an established, year-round pond at the north end of the property. The pond is abundantly surrounded with willows to protect the integrity of the banks of the pond. Additionally, the pond is fenced off from any access by horses. The horses do not come in contact with the diversion or the pond at any time. The turn out and pastures are fenced and cross-fenced with welded pipe and 2 in x 4 in non-climb wire. It is such that the horses are kept out of problematic areas that are susceptible to severe erosion.

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#### Turn Out

There is one turn out that is approximately 80 ft x 200 ft in size. The native soil in the turn out is primarily sand, minimizing the amount of mud in the wet months and permitting year-round use. The water trough is placed securely on a rail road tie stand to keep it level and prevent any erosion that might occur from spillage. Automatic floats are used to conserve water.

#### **Middle Pasture**

The native **soil** is primarily sand in this approximately 200 ft x 200 ft pasture. There is a gradual slope to the pasture allowing easy drainage and limiting standing water and mud. The drainage is managed by stabilizing small gullies with rock and inserting water bars to divert water out of the pasture and into a large filter strip. Water bars are dispersed along the fence to slow down water movement and minimize erosion. The water bars are constructed of rail road ties. Manure is spread periodically to prevent excess manure accumulation and promote plant growth. The pasture is also reseeded annually. The pasture is limited to three horses, kept year round. Horses are fed in a large feeder off the ground to minimize feed waste. The water trough is placed securely on a rail road tie stand to keep it level and prevent any erosion that might occur from spillage, Automatic floats are used to conserve water. An open pasture shelter is also available for the horses, on a sloped, sandy area to minimize mud.

#### **Lower Pasture**

The native soil is primarily sand in this approximately 200 ft x 200 ft pasture. There is a gradual slope to the pasture allowing easy drainage and limiting standing water and mud. The drainage is managed by stabilizing small gullies with rock and inserting water bars to divert water out of the pasture and into a large filter strip. Water bars are dispersed along the fence to slow down water movement and minimize erosion. The water bars are constructed of rail road ties. Horses are fed in a large feeder off the ground to minimize feed waste. The water trough is placed securely on a *rail* road tie stand to keep it level and prevent any

erosion that might occur from spillage. Automatic floats are used to conserve water. An open pasture shelter is also available for the horses, on a sloped, sandy area to minimize mud. This pasture is reseeded annually for optimum vegetation. Mulch **is** spread in the fall after seeding to optimize vegetative growth. Horses are kept off the pasture during the winter months to minimize erosion and maximize vegetation growth. Horses are then only allowed on the pasture in the spring, when the footing is dry, as to not excessively churn the turf The amount of time the horses are on the pasture during the spring is limited to optimize grass growth, increase the duration of use and to reduce soil compaction.

#### **High Use Areas**

The main driveway is paved with asphalt from Zayante Road to the parking lot, but the remainder of the parking lot and high traffic areas are packed with base rock. To keep storm water clean, a diversion is placed in front of the Upper Barn, along the road parallel to the Eight-Horse Paddocks. This diversion is to route "clean" storm water run-off to a storm drain and into the under ground drainage pipe. There are two additional storm drains that catch run-off of "clean" surface water, one at the end of Lower Barn and another at the end of the arena. All three drains are attached to the same under ground drainage pipe that daylights on the south west corner of the property into a catch basin that then distributes the "clean" storm water into the storm drain. Also sloped areas around the barns, paddocks and arena are seeded, maintained and limited to access of horses to minimize erosion.

#### Arena

The arena is 134ft x 216 ft in size. It contains sand footing that is maintained daily. During the summer and fall, the arena is watered and disked to limit dust and optimize footing. In the winter and spring the arena is floated prior to rain to prevent puddles from forming. During the wet months, arena use is limited to prevent damage to the footing. To prevent "footing" material from washing off

# EXHIBIT. I

site, kickboards are in place around the perimeter of the arena, as needed. On the western slope of the arena, measures are in place to minimize erosion. Sand bags and straw bale water bars are in place to divert water run-offfrom the arena. Large rocks and straw bales are strategically placed in gullies and the entire slope is reseeded annually and mulch is spread to maintain dense vegetation. Access by horses to this potentially problematic area is denied.

### **Round Pen**

The round pen is 52 ft in diameter. It contains sand footing that is maintained daily, as needed. During the summer and fall, the arena is watered and raked to limit dust and optimize footing. The round pen is constructed of solid wall fences that prevent "footing" material from washing off site.

### Hay Barn

The hay barn is a fully enclosed 2365 sq ft structure. The footing is a combination of base rock and a concrete slab. Hay and shavings are stored in the structure, as well as equipment. There are gutters and down spouts along both sides of the barn. The down spouts are then attached to under ground drainage pipes. The clean roof run-off does not flow through areas where it can pick up pollutants or create any type of mud.

## Horse Wash Areas

## Lower Wash Rack

The lower wash rack has room for two horses. It is set on a concrete slab that slopes back towards a drain, which runs the width of the wash rack. The drain is covered with a metal grate to prevent debris from getting in, as well as, a screen that is placed at the end of the drain pipe, inside the drain, to prevent smaller debris from going down the drainage pipe. The drain daylights into a dense vegetative filter strip. The wash rack is fully covered with diverted, clean storm water gathered into the gutter and down spout that outlets into the wash rack drain. It is cleaned after every use and completely swept every evening to

minimize the amount of debris that goes into the drain. The hose on the wash rack has a shut-off spray nozzle to conserve water.

#### **Upper Wash Rack**

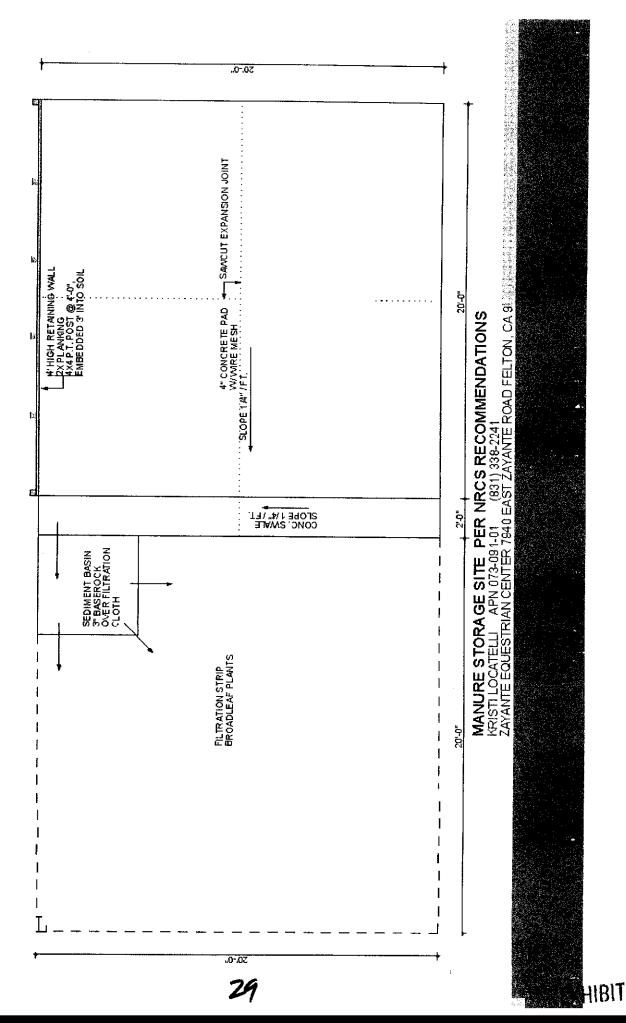
This wash rack is also on a sloped, concrete slab that is sloped towards a dense, vegetative filter strip with trees. The wash rack is cleaned after every use and the hose has a shut-off spray nozzle to conserve water, as well. This wash rack is not used as frequently as the lower one is.

#### Manure Storage

The site of the manure storage is constructed of a concrete base with a timber wall back stop. The pad is 20 ft x 20 ft with a 5 ft high wall. There is a 2 ft x 20 ft concrete swale to catch any contaminated run-off from manure site. The swale runs into a 5 ft x 5 ft sediment basin that over flows into a 20 ft X 20 ft filtration strip. This impermeable base will prevent percolation of urine, ammonia and nitrates into the soil and groundwater. To maintain proper storm water management, drainage measures are in place to route storm water away from the storage area from adjacent properties. To divert any run-off of "polluted" water from the manure storage area, a shallow concrete drainage ditch is installed around the slab to catch any water. The drainage ditch leads to a small sediment basin and subsequent filter strip to dispose of the "pollutants" properly. When stored on the property, the manure storage pile is securely covered with a tarp to prevent any moisture from seeping through the pile.

All manure and bare soil areas are more than 100 ft from the nearest creek, Zayante Creek. The manure storage site is approximately 75 ft from the nearest storm water drain and any run-off from site is diverted to the filter strip. All of the stalls are cleaned daily and all waste is stored on the manure storage site. The manure is hauled off the property at least every other week. During winter months, the manure is hauled off more frequently to eliminate stock piling and minimize any chance for pollution. Manure is loaded by tractor into a flat bed

dump truck or other type of dump vehicle and hauled off the property to be disposed of accordingly.



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compirious: Eatire perimiter of property shall be feaced to control horses. 300 ft. sight distance in each direction. Benks shall be removed at driveway entrence to Zayante Awal to provide turning lanes with b May building or excovating which might result from the issuance of this use Permit should No waste products, organic or inorganic, resulting from this operation shall be allowed to enter adjoining properties, Zayante Boad or Zayante Creek or its tributaries. be done in such a menner as to climinate any crosien or slit runoff from this site. Promisos shall be sprayed with insocticides at least once a week to control flys and denor at least once a week. No horsebock riding shall be allowed on Zayante Road. Premises shall be kept clean at all times and all offal shall be removed from the premises insects. EXHIBIT

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SANTA CRUZ COUNTY BOARD OF ZONING ADJUSTMENT  $1543\frac{1}{2}$  Pacific Avenue Santa Cruz, California

APPLICATION FOR USE PERMIT	Number 2840-4
Name BILL + STAN AVILLA	Phone 335-5431
Address 102 BETH DK FELTON	<i>,</i>
Application is made for a use permit to erect —, alter –	— , ora
structure and/or conduct the following business or use: $\underline{Bog}$	HUNG STABLE
FOR HORSES (maximum 35	horses 3
which will be located and erected, as shown on attached plot	plan and elevations, at:
(address) 1750 EAST ZAYANTE ROAD	, FELTON
between(street or landmark) and	
as shown by attached Assessor's Parcel Map, Number <u>73 - 091</u>	- 01, and is legally
described as Lot, Tract, Unit, or by attach	ed legal description as
recorded in Volume Page Property was acquired (If lessee, attach owners agreement to file this application)	on19
Water source Well & Apring	
Water source Well & Apring Drainage Diagona into drainage Litzh. (	<u>Almost "&amp; &amp;;;;;</u>
Sewerage facility Friend SEPTIC TRAC	
Access by: State — or County X maintained street; oth	er public street — ; private
road —; which is paved $\chi$ , oiled —, rock or gravel —,	graded dirt
REMARKS :	
Signed Bel Gielle	- 7
Signed <u>Signed</u>	Date
OFFICE USE	
Fee receired by Dmm Subject to Variance.	Zone District_24.
Are the following shown: 32	EXHIBIT J I

# Entomological Consulting Services, Ltd.

104 Mountain View Court, Pleasant Hill, CA 94523-2188 • (925) 825-3784 • FAX (925) 827-1809 bugdctr@comcast.net • w knvccsird.com

20 October 2005

Mr. & Mrs. Robert Locatelli P.O. Box 73 Ben Lomond, CA 95005

RE: APN 073-091-01 at 7940 E. Zayante Road in Felton, CA Habitat Assessment Report for the Endangered Mount Hermon June Beetle & Zayante Band Winged Grasshopper

Dear Mr. & Mrs. Locatelli:

This letter reports on the findings of my habitat assessment survey for the endangered Mount Hermon June beetle (MHJB) and Zayante Band Wing grasshopper (ZBWG) at the above-noted parcel. I can briefly summarize the findings of my habitat assessment by stating that the neither the MHJB nor the ZBWG is likely to occur at this property because habitat conditions are unsuitable to support either insect. The remainder of this letter provides pertinent background information on the MHJB and ZBWG, describes my survey methods and findings in greater detail, and offers recommendations for project planning.

#### **Background Information.**

The MHJB is known scientifically as *Polyphylla barbata* (Coleoptera: Scarabaeidae) and was described in 1938 from specimens collected on Mount Hermon in Santa Cruz County Of the 28 species of *Polyphylla* that occur in North America, the MHJB has one of the most restricted geographic ranges. It is found in association with Zayante sandy soils in the Felton-Scotts Valley-Mt. Hermon-Ben Lomond area of Santa Cruz County, CA, and is known only from these Zayante sandhills. Due to the beetle's limited geographic range, plus the historical and anticipated loss of habitat within its limited range, the U.S. Fish & Wildlife Service (USFWS) recognized the MHJB as an endangered species in 1997, pursuant to provisions of the federal Endangered Species Act of 1973 (FESA).

The Zayante sandhills support several indigenous plants communities that are preferred by the MHJB, including Silverleaf Manzanita Chaparral with Ponderosa pine, Sand Chaparral, mixed Silverleaf Manzanita Chaparral, Ponderosa Pine Forest, dense sand parkland, and open sand parkland. These plant communities often intergrade to become a mosaic mixture of Ponderosa pine, chaparral, and sparsely-vegetated areas of grasses, forbs and subshrubs.

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APN 073-091-01 in Felton: Habitat Assessment for MHJB & ZBWG



Within the Zayante sandhills MHJB has been found at about 70 locations. A common feature of all known MHJB locations is the presence of Ponderosa pine, which is an indicator of potentially suitable habitat. MHJB larvae are subterranean and recent research results indicate that they feed on roots of various angiosperm plants. Additional information on the MHJB can he found in the final ruling to recognize it as an endangered species (USFWS 1997) and its recovery plan (USFWS 1998).

The ZBWG is known scientifically as *Trimerotropis infantilis* (Orthoptera: Acrididae: Oedopodinae) and was described in 1984 from specimens collected at the Olympia Quarry in Felton. It is found in association with Zayante sandy soils in the Mount Hermon-Felton-Scotts Valley-Ben Lomond area of Santa Cruz County, CA. Historically it has been found at about 20 locations in the Zayante sandhills. Due to the grasshopper's limited geographic range, plus the historical and anticipated loss of habitat within its limited range, the USFWS recognized the ZBWG as an endangered species in 1997, pursuant to provisions of FESA.

Within the sand parkland plant community that is indigenous to the Zayante sand hills, the ZBWG is restricted to areas of barren or sparsely-vegetated loose sands that are sunlit. These areas are referred to **as** open sand parkland. Adults are usually active from about late-July through late October. There is a single generation per year. Additional information on the ZBWG can he found in the final ruling to recognize it as an endangered species (USFWS 1997) and its recovery plan (USFWS 1998).

#### **Project Site Description.**

Your property is operated as a horse stable and measures approximately 7.17 acres in size. Topography at the property is fairly flat, with a gentle overall slope from the railroad tracks to East Zayante Road. Bowman and Estrada (1980) indicate that the soils at this property are Zayante sands.

No native plant communities occur at the property. Much of the property has been cleared to accommodate the various horse-related activities, including stables, corrals, riding areas, barn, and other structures. A single family residence is also present.

The proposed project is the demolition of an existing decrepit ham and former paddock area and replacing them with a new barn. According to the site place prepared by your architect, Steven Travis, and dated July 26, 2005, the new ham will measure about  $110.5 \times 36.5$  feet. It will be built at the location of the existing barn and paddock. The existing ham is structurally unsafe for continued use. Figures 1 and 2 are photographs that illustrates existing conditions at your property where the partially demolished barn is located that would be replaced by the new barn.

#### Survey Methods and Results.

I visited the property on October 7<sup>th</sup>. I walked throughout your property to view existing conditions. Although Zayante soils are present in some portions of the property, at the proposed construction site these soils also included substantia! gravel and base rock from the structure and prior paddock uses. No indigenous plant communities of the

APN 073-091-01 in Felton: Habitat Assessment for MHJB & ZBWG

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Zayante sandhills were evident. Rather the resident vegetation at the proposed construction site consisted primarily of annual grasses and herbs typical of disturbed sites. No Ponderosa pine trees were noted growing your property, but they were observed at nearby off-site locations in the neighborhood.

#### **Conclusions and Recommendations.**

Due to the absence of indigenous sand parkland vegetation and undisturbed, sunlit, barren Zayante sandy soils, habitat conditions are not suitable for the ZBWG and I would not expect this endangered grasshopper to occur at your property. The activities associated with operation of your horse stable would prevent the grasshopper from utilizing your property. Since no impacts to the ZBWG or its habitat are anticipated, you should not need to mitigate for the ZBWG. I have previously performed several presence-absence surveys for the MHJB and ZBWG at various properties located in the greater Felton area. The closest known locations for the ZBWG are at the former Ferrari Quarry and at Quail Hollow Quarry.

Similarly, the absence of indigenous sand parkland and other native plant communities inhabited by the MHJB indicate that this endangered beetle is not likely to occur at your property. The gravel and other base rock at the site of the new barn would make it difficult for MHJBs to burrow into the soil there. For these reasons, your proposed project should not adversely impact the MHJB or its habitat, and you should not need to mitigate for the MHJB.

The beetle is known to occur at the nearby Olympia Well Field of the San Lorenzo Valley Water District. Dispersing males may occasionally traverse your property and even burrow in loose sand outside of your proposed construction zone. To insure avoidance of any adverse impacts to the MHJB during grading and construction of the new barn, I recommend that you cover any exposed sand with tarps on a nightly basis (if grading occurs between mid-May and mid-August) to prevent MHJBs from utilizing the construction site. Adult beetles may be attracted to exposed loose sand. By following this procedure you should avoid impacts to the MHJB and should not need an incidental take permit for compliance with the Endangered Species Act; however, I suggest that you contact Mr. Roger Root of the USFWS's Ventura office (805-644-1766) to confirm this. Mr. Root may ask you to submit a written request for a "no take concurrence letter" to document that USFWS agrees with my findings and so the County knows that your project will not affect either of these endangered insects. You can use the information provided in my report to prepare your request. I suggest that you attach a copy of this report to your written request.

#### **References Cited.**

Bowman, R.H. and D.C. Estrada. 1980. Soil survey of Santa Cruz County, California. U.S. Dept. of Agriculture and Soil Conservation Service in cooperation with the University of California, Agricultural Experiment Station Publications. 148 pp. & maps.

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U.S. Fish & Wildlife Service. 1997. Endangered and threatened wildlife and plants: determination of endangered status for two insects from the Santa Cruz Mountains of California. Federal Register 62:3616-3628.

U.S. Fish & Wildlife Service. 1998. Recovery plant for two insects and four plants from the Santa Cruz Mountains. Portland, OR. 63 pp.

Please feel free to contact me if you have questions about my survey findings or need any further assistance.

Sincerely,

Richard a. amold

Richard A. Arnold, Ph.D. President

Attachment: figures

APN 073-091-01 in Felton: Habitat Assessment for MHJB & ZBWG



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Fig. 1 (above) Existing habitat conditions at site of proposed new barn on the Locatelli's property **at** 7940 E. Zayante Road.

Fig. 2 (below) Building to be replaced by new barn.

