



PLANNING COMMISSION STAFF REPORT

PLANNING COMMISSION HEARING AUGUST 18, 2004
Agenda Item #12

Project # 04-012

Request: A Use Permit to allow a commercial boarding facility for up to 50 horses and up to 10 events per year on an 18.85 acre parcel (Assessors Parcel No. 10-153-001)

Location: 2760 Encinal Road, Live Oak

Planner: Lisa Wilson, Senior Planner

Zoning Code Designation: AG (General Agricultural) Distinct

General Plan Designation: AG-20 (General Agriculture - 20 acre minimum)

Applicant: Mike Dean

Property Owner: Gavriilo & Betty Spaich

Staff Recommendation

Approve the request for a use permit, subject to a successful one year review.

Project Description

The applicant is requesting a use permit to allow the conversion of a private horse stable to a commercial boarding facility for up to 50 horses and 10 riding events per year. The boarding facility is proposed to house up to 25 lay-up horses (recuperating) and the applicant's personal horses (up to 25).

Setting

The facility was constructed in 1996 as a private use riding stable on an 18.85 acre parcel. There is a 1,800 square foot single family residence on this parcel, but is not a part of this application. Surrounding parcels are typically 3-7 acres each, with a residence and orchard or pasture. The construction materials and style of the stable buildings blend very well with the mix of agricultural and residential uses observed in the area.

	Land Use	Zoning Designation	General Plan Designation
Site	Existing stable facility	AG	AG-20
North	Residence and open fields	AG	AG-20
South	Residence and orchard	AG	AG-20
East	Residences and orchard	AG	AG-20
West	Residences and open fields	AG	AG-20

Previous Actions

Building permits were issued in 1996 for all of the structures as a private facility. A variance (VR #95-11) was approved to allow an increase in the fence height.

A previous application (UP #01-19) for a commercial equestrian facility was filed in August 2001 for this site. The application was incomplete and later withdrawn.

Analysis

The applicant is requesting to change the private use only stable to a limited commercial stable operation. As a private facility, there is no limit to the number of horses that could be stabled on the premises; however, a use permit is required for the boarding of other person's horses and for the proposed events. The applicant owns and trades up to 25 horses at any given time. He has requested a use permit to board up to 25 horses for customers, in addition to his horses. The events consist of day-long riding camps and horsemanship or riding clinics for up to 20 persons per event. The clinics will be single day events, concluding by dark (limited to 9:00 p.m.). The events and/or clinics may operate independently from the stable operations, i.e., a boarder could visit the facility at the same time an event is occurring and not be a part of the event.

Zoning and General Plan Consistency

Commercial stables and riding academies are allowed, subject to securing a use permit, in the AG (General Agricultural) zone district. This application is within the AG district and is therefore consistent with the Zoning Code. The AG zoning district is consistent with the General Plan land use designation of AG-20.

Facility

The existing structures consist of a 28,806 square foot indoor arena (including multiple bathrooms and a commercial grade kitchen), 10,900 square foot stable and 5,625 square foot barn on an 18.85 acre parcel. The site is fully fenced with minor landscaping at the entrances. The facility includes paved access through the site and to indoor and outdoor arenas, multiple fenced paddocks and open pasture that provides double use as overflow parking. A fire hydrant and an 8,000 gallon water storage tank with a turbine pump are on the premises. The closest residence to the facility is approximately 150 feet to the east.

Because the facility was constructed in 1996 as a private use stable, the applicant must demonstrate the site and buildings comply with the California Building Code and the California Fire Code, for public use. Several conditions have been included to address the facility as it converts from private to commercial. The Environmental Health Division will also need additional information regarding the sewage disposal system, restrooms and the kitchen facilities.

The number of horses may create effects such as dust, flies and waste by-products. The arena is watered for dust control three times per week. Drainage from the site is directed to the onsite fields. The stable contains a fly control system that sprays every hour. The manure management program consists of every other day collection of manure and straw and spreading into the orchard with monthly disking into the walnut orchard. The Environmental Health Division has stated that this method of disposal is one of the best ways to utilize the nutritive value of the manure and reduces the concentration of nitrogen and fly propagation.

Community comments/concerns

There have been a number of letters received from neighbors in the vicinity regarding the proposal, both for and against. All are attached as comment letters. Some comments were submitted on a County "Complaint Form" but were not filed as complaints and are public record information. The concerns primarily relate to three areas: Code Requirements, Noise, and Traffic. Each of these concerns is addressed below.

Code Requirements - The facility was built with all required building permits and within regulations as a private facility. The applicant began commercially boarding horses without realizing a use permit was required, then promptly submitted an application. If the use permit is approved, the facilities will be required to meet the proper code requirements for the approved use.

Noise Concerns - The applicant proposes the use of a small public address system only if needed during an event and will be limited to operate from 7 a.m. to 9 p.m. in its use and the events will be restricted to 7:00 a.m. to 9:00 p.m. No alcohol will be provided at the events.

Traffic Concerns - The project is on Encinal Road, a 2-lane roadway that currently operated at a Level of Service "A". The number of vehicle trips (each direction of travel counts as one trip) generated by normal facility use will average around 20 per day. The operator (applicant) has stated the visitors vary from 10 vehicles (20 trips) on a weekday to 15 (30 trips) on a nice weather Saturday. In the worst-case evaluation, there could be 25 vehicles (50 trips) visiting every day.

A clinic will typically be a full day event and is limited to 20 students, creating 40 trips. Catering and/or supply vehicles may also provide deliveries, bringing the total event traffic to 60 trips per day. Combining worst-case facility traffic (50), with event traffic (60) and the current Encinal Road traffic count (554) the total vehicle trips would be

approximately 664 trips per day on Encinal Road. The traffic increase from the project does not lower the current LOS "A" designation. Sutter County has adopted a standard minimum Level Of Service of (LOS) "D". To achieve an LOS "D" from the current LOS "A" would require an increase in traffic to more than 7,200 trips per day for a rural 2-lane roadway in Sutter County.

Summary

As the facility was previously constructed with necessary permits and the use as a private stable is allowed, staff is recommending approval of the commercial request for a trial one-year period. This will allow the applicant to demonstrate compliance with the conditions imposed and the County to evaluate the operation after one year.

Environmental Analysis

An Initial Study was prepared for this project in accordance with the California Environmental Quality Act and the Guidelines. The study determined that the project, as proposed, would not have a significant impact on the environment. Therefore, if the Planning Commission wishes to approve the project, staff recommends the Commission adopt the attached Negative Declaration.

Recommended Findings

CEQA

Based upon information contained in this staff report and/or testimony received at the public hearing, staff recommends the following findings:

1. In accordance with the California Environmental Quality Act and the Guidelines, an Initial Study was prepared to analyze the potential impacts of the proposed project for the subject property. The study determined that the project, as proposed, would not create a significant impact on the environment. No written comments have been provided which present evidence that the project will have a significant impact on the environment. Therefore, the proposed Negative Declaration attached to this staff report is appropriate.
2. The Planning Commission has independently reviewed, analyzed, and considered the Initial Study and Negative Declaration prior to making its recommendation on the project and finds that the Negative Declaration reflects the independent judgment of the County of Sutter.

General Plan

The proposed project has been reviewed and is consistent with the General Plan. The land use being proposed is agriculturally related and will be located on an AG zoned parcel, consistent with the General Plan.

Use Permit

Approval of the use permit, subject to the recommended conditions, will not be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

Recommended Action

Should the Planning Commission agree with staff's recommendation, the following motions would be appropriate:

1. "I move that the Planning Commission adopt the proposed negative declaration prepared in accordance with the California Environmental Quality Act and the Guidelines."
2. "I move that the Planning Commission approve Project #04-012 to allow a commercial horse stable for up to 50 horses and 10 events per year, based on the recommended findings and conditions contained in this staff report."

Attachments

- A. Study Sketch
- B. Plot Plan
- C. Negative Declaration and Initial Study
- D. Comment letters

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Conditions of Approval

Application #04-012

Mike Dean, 2760 Encinal Road, Live Oak

A commercial boarding facility for up to 50 horses and up to 10 events per year with a maximum of 20 persons per event.

The use permit shall be valid for one year. The Planning Commission shall review the operation no later than **August 18, 2005** for consideration of extension. If the operator demonstrates compliance with the conditions, staff may recommend a period longer than one year for the use permit extension.

Prior to Issuance of the Use Permit

1. A Notice of Determination shall be filed in the Office of the County Clerk within five (5) days of the approval of the project becoming final. (P)
2. The site, buildings and all areas within the buildings shall be accessible as required by the California Building code. (BI)
3. Plans of sufficient clarity shall be provided that show current access conditions to and within buildings. Plans shall also show room sizes with dimensions within the buildings with details of the restroom facilities, commercial kitchen and area served by the kitchen. Plans shall also label each room or area for its intended use. (BI)
4. If the facility does not meet required accessibility standards, those areas not in compliance shall be made to meet the requirements with building permits, prior to change from private use to public use. (BI)
5. The project shall comply with the driveway access requirements of the 2001 California Fire Code Section 902. (FS)
6. The project shall comply with water supply requirements of the 2001 California Fire Code Section 903. (FS)
7. The project may require a sprinkler system for the indoor arena and hood system for the commercial kitchen. Applicant must arrange a "walk-through" with the Fire Services and Building Inspection Divisions to determine the requirements for a commercial kitchen. (FS) (BI)
8. Applicant shall install and obtain a permit to operate a public water system from the California State Department of Health Services, Division of Drinking Water and Environmental Management. (EH)

9. The existing onsite sewage system must be evaluated by a qualified consultant to ensure that the quantity and quality of wastewater proposed can be adequately treated and disposed of onsite. (EH)
10. An authorized professional shall design a non-residential onsite sewage system and shall certify that the proposed non-residential onsite sewage system meets Sutter County regulations and will adequately serve the proposed facility. The applicant shall have an authorized professional submit to the Environmental Health Division: (EH)
 - A. Information which shows that the sewage is not industrial wastewater;
 - B. Information that establishes the sewage waste strength and identifies chemicals present in the sewage that are not found in residential sewage:
 - C. A design that provides treatment equal to that required for residential sewage; and
 - D. An approved operation and maintenance contract between the system owner and qualified operation and maintenance provider (certified by the proprietor of the treatment unit), if applicable.
11. Prior to any use of the commercial kitchen facilities, submit to Sutter County Environmental Health three complete sets of construction plans and specifications for the commercial kitchen pursuant to the requirements of the California Uniform Retail Food Facilities Law and Sutter County Regulations. (EH)
12. Obtain from Sutter County Environmental Health a permit to operate a food facility. All food operations shall comply with the requirements of Sutter County Code and applicable State laws and regulations. (EH)
13. All wastewater shall be disposed of into an approved onsite sewage system designed to service the kitchen and restroom facilities. (EH)
14. The permitted use must be consistent with the design flow and waste strength established for the onsite sewage system. Any change of use or failure to comply with the terms of approval will result in revocation of said permitted use. (EH)
15. The discharge of fuels, oils, other petroleum products, chemicals, or hazardous materials, into the onsite sewage disposal system is prohibited. Plans shall be submitted for the sewage disposal system including the FOG (Fats, Oils and Greases) interceptor tank that shall be included in the design of said system. (EH)

16. Water supply shall be from a community well approved by the State of California and comply with all Sutter County Environmental Health requirements for the use intended. (EH)
17. A deferred improvement agreement, secured by a bond or other security approved by the Director of Public Works shall be entered into with Sutter County. This agreement shall run with the land and shall be binding on all successors in interest. The agreement shall provide for the following: Street paving along the entire property frontage of Encinal Road. (PW)

Ongoing

18. Any use of a public address/sound system shall be limited to the hours of 7:00 in the morning to 9:00 in the evening. (P)
19. The day long events and/or clinics shall be limited to 10 per year. These events shall be limited to the hours of 7:00 a.m. to 9:00 p.m.
20. No parking of trailers or vehicles shall be allowed in the public right-of-way along Encinal Road. (PL)
20. All structures producing wastewater shall connect to the public sewer system when it is available, per the Uniform Plumbing Code (UPC). (EH)
21. The septic tank serving the project shall be pumped by a registered septic tank pumper at a minimum frequency of at least once every five (5) years. A copy of the pump report must be submitted to Sutter County Environmental Health. (EH)
22. The discharge of fuels, oils, other petroleum products, detergents, cleaners or chemicals to the surface of the ground or to drainage ways on or adjacent to the site is prohibited. (EH)
23. All activities and use must comply with State and County laws and regulations pertaining to the handling and disposal of all hazardous or acutely hazardous materials. (EH)
24. No grading or alteration of the existing terrain that would direct additional waters to the County road shall be done without the approval of the Department of Public Works. (PW)
25. Encroachment permits are to be obtained from the Public Works Department for any new driveway or road connections to be made to existing County roads. Construct new driveway(s) to current County standards. (PW)
26. Building and equipment pads shall be at elevations in conformance with Section 1300-022(F) of the Sutter County Ordinance Code, as defined by Resolution No. 92-124. (PW)

27. If sufficient rights of way do not already exist, additional rights of way and/or public utility easements shall be deeded to Sutter County to provide the specified one-half widths of the following indicated roads: (PW)

Encinal Road	30.0' R/W + 10.0' P.U.E.
Madden Avenue	25.0' R/W + 10.0' P.U.E.

28. Future paving or other impervious surfaces may require storm water detention. A site development plan shall be submitted to the Reclamation District if future expansion is to occur. (RD 777)
29. Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developers/applicants expense. There shall be no building of structures, or the storage of any materials allowed under or over any of our facilities or inside and PG&E easements that exist within the subject project. (PG&E)