



COUNTY OF PLACER
Community Development Resource Agency

PLANNING

John Marin, Agency Director

Michael J. Johnson, AICP
Planning Director

MEMORANDUM

DATE: November 4, 2008
TO: Honorable Board of Supervisors
FROM: Michael Johnson, Director of Planning
SUBJECT: **THIRD-PARTY APPEAL OF THE PLANNING COMMISSION APPROVAL OF A MINOR USE PERMIT AND VARIANCE – FOLSOM LAKE EQUESTRIAN CENTER (PMPCT20060321)**

REQUESTED ACTION

The Board of Supervisors is being asked to consider a third-party appeal of the Planning Commission's decision to grant an appeal, in part, to approve a Minor Use Permit and Variance for the revised Folsom Lake Equestrian Center project for the boarding of up to 50 horses, and to reduce the front setback requirement of 75 feet from the centerline of Prospector Road to 42 feet from the centerline for a barn.

BACKGROUND

Applicant's Original Request

The applicant originally requested approval of a Minor Use Permit to increase the number of horses boarded at an existing equestrian facility from 30 to 60 horses. Variances were also requested to reduce the front setback requirement of 75 feet from the centerline of Prospector Road to 42 feet from the centerline for a barn (two, eight-stall barns connected by a common breezeway), reduce the side setback requirement (near the southeast corner of the property) from 30 feet to 10 feet for horse stalls and to also locate these stalls closer to an adjoining residence than to the main residence, and to eliminate the paved parking lot requirement for nonresidential uses. As a result of issues identified through the public hearing process, the original request has been reduced in scale consistent with the application considered by the Planning Commission.

Project Site

The project site is located at the northeast corner of Lomida Lane and Prospector Road (4491 Prospector Road) in the Horseshoe Bar area (APN: 036-085-003). The subject parcel is approximately 8.4 acres in area. The equestrian center is located on approximately 3.77 acres on the southern portion of the lot, south of the existing intermittent drainage. Parking for the equestrian facility is accessed from Prospector Road, and the main horse stall complex is spread across the south-central portion of the 3.77 acre site. A single-family residence and outbuildings are located in the southwestern portion of the property.

Project History

The horse boarding facility has been in operation since 1977. In 1992, the former Planning Director determined that the horse boarding facility was a legal, nonconforming use since the boarding facility was in operation before the Zoning Ordinance was amended to require Minor Use Permits for horse boarding

facilities in the Residential-Agricultural zone district. Since this facility was boarding 12 horses at the time the Zoning Ordinance was amended, the former Planning Director determined that the maximum number of horses that could be boarded, without a Minor Use Permit, would be 12. In 2004, the Code Enforcement Division was notified of an expansion of the equestrian facility and a grading violation. At that time, the facility was boarding approximately 30 horses. The property owner was notified that the expansion of the equestrian facility beyond 12 horses would require the approval of a Minor Use Permit. The grading violation was subsequently resolved. In April 2005, the applicant submitted an Environmental Questionnaire for the equestrian expansion. A Mitigated Negative Declaration was issued on August 31, 2007. On February 7, 2008, the Zoning Administrator approved the Minor Use Permit for the boarding of 60 horses and the setback variances. As part of the same action, the Zoning Administrator denied the Variance to eliminate the paved parking lot requirement. An appeal was subsequently filed on the Zoning Administrator's decision to approve the project.

PLANNING COMMISSION HEARING

On August 14, 2008, the Planning Commission considered the third party appeal of the Zoning Administrator's approval of the Minor Use Permit for the Folsom Lake Equestrian Center. At that meeting, there was a significant amount of discussion amongst the Planning Commissioners about the appropriateness of having up to 50 horses boarded on 3.77 acres. The Planning Commission also discussed the form of monitoring needed to ensure compliance with the conditions of approval. One Commissioner stated that, based upon a site visit, he was very impressed with how the business operated. Particularly, since it had been a very hot day and he did not notice any odors, it was concluded that up to 50 horses could be boarded on the site without impacting nearby residents.

After receiving public testimony, the Planning Commission granted the appeal, in part, and approved (5:0, Stafford, Brentnall absent) the Minor Use Permit and Variance for the revised Folsom Lake Equestrian Center project and adopted the Revised Mitigated Negative Declaration. New conditions were added which included:

- 1) Installing a vegetation buffer along the east side of the arena and along the south east property line, and
- 2) Clarifying that one horse is permitted per stall, and
- 3) Requiring that an annual report be prepared by the Placer County Agricultural Commissioner for years 2009 and 2010 which evaluates whether there is compliance with the conditions of approval. Staff will submit a memorandum to the Planning Commission on the findings of the site inspection. Should it be determined that the conditions of approval are not complied with, staff shall return the project to the Planning Commission for reconsideration of its previous approval and possible revocation of the permit.

LETTER OF APPEAL

On August 25, 2008, Lori and Bob Vance, et al, filed a third-party appeal challenging the Planning Commission's decision to grant the appeal, in part, and the approval of the Minor Use Permit and Variance for the revised Folsom Lake Equestrian Center project. (A copy of the appeal, with a list of other appellants, is attached as Exhibit C). The appeal raises the following issues:

- 1) The project raises significant environmental/nuisance impacts on adjoining neighbors due to the increase in the number of horses boarded at Folsom Lake Equestrian Center. The impacts include: dust, odors, vectors (flies and mosquitoes), and noise from traffic, maintenance equipment and horses
- 2) The project raises significant health issues associated with the increase in the generation of animal waste on the project site, the adjoining stream, and adjoining domestic water wells.

- 3) The Planning Department recommendation and the subsequent approval were based upon seriously deficient environmental assessments, public notices and staff reports. The Planning Department failed to obtain an adequate and objective evaluation of the project issues.
- 4) The project approval deprives the adjoining neighbors and communities of quiet, privacy, and the expectation that the existing zoning regulations would be consistently enforced. The appellants state that the Folsom Lake Equestrian Center should be limited to the boarding of 12 horses, which was the number of horses being boarded at the facility when the former Planning Director determined that the horse boarding operation was a "legal, nonconforming use" in 1992. The appellants also state that the permitted number of boarded horses should not be increased since the Clos Du Lac, Monte Sereno, and Sterling Point subdivisions were approved when the legal, nonconforming status limited the number of boarded horses to 12.
- 5) An expanded boarding facility for 50 horses is not consistent with the number of horses permitted under the legal, nonconforming status. The heir of the owners, who originally started the Folsom Lake Equestrian Center, and who now resides on an adjacent property and has the expectation that the Equestrian Facility should be limited to the boarding of 12 horses.
- 6) An expanded horse boarding facility will increase the need for maintenance and enforcement, as well as increasing the potential for continuing disputes and for future abuses of the zoning system.
- 7) The appeal contains several supporting documents, including the Planning Commission's appeal letter. A response to each of the issues raised by the Planning Commission appeal are discussed, in detail, in the Planning Commission staff report (Exhibit H).

RESPONSE TO APPEAL LETTER

The following are specific response to each issue raised by the appellant:

Issue 1- The project raises significant environmental/nuisance impacts on adjoining neighbors

In taking action to approve the Minor Use Permit for the Folsom Lake Equestrian Center, the Planning Commission concluded that the Revised Mitigated Negative Declaration did in fact adequately address the environmental/nuisance impacts identified by the appellants. Specifically, Mitigation Measures MM VI.1 through MM VI.4 (see Conditions 13 through 16) and Mitigation Measures MM VIII.1 through MM VIII.3 (see Condition 17, 18, and 20). With regards to dust, the Agricultural Commissioner testified that dust can easily be suppressed with increased watering. While nearby residents perceive there to be noise impacts, the Planning Commission determined that activities at the project site did not exceed County noise standards. As these same issues were raised in the appeal to the Planning Commission, the Planning Commission concluded that the Revised Mitigated Negative Declaration and the associated conditions of approval adequately addressed these issues and, on this basis, the Planning Commission concluded it was appropriate to approve the project.

Issue 2 -The appellants contest that the proposed project raises significant health issues associated with the increase in generation of animal waste, especially given the proximity of a stream and nearby wells.

Vectors/West Nile Virus/Odors

In order to reduce the impact of fly propagation, the Folsom Lake Equestrian Center is required to follow a Manure Management Plan as defined in Mitigation Measure XVI.1 (Condition 30). Staff conducted numerous announced and unannounced site visits to observe the potential for fly breeding at the Folsom Lake Equestrian Center. Site visits confirmed manure management, and vector control procedures were found to be well managed and not found to create a nuisance nor were objectionable odors observed. Stalls are lined with a deep layer of decomposed granite, so as to prevent urine from puddling. According to the Folsom Lake Equestrian Center Manure Management Plan, manure is removed from stalls twice a day and is removed from the property two times per week. During the site visits, no fly larvae (which

would indicate manure not being removed frequently enough) were observed in the manure storage area. Automatic fly spray units are located in the barn and the use of fly larvae predators are used on the ground.

The current location of the manure storage area is closer to the neighboring property lines than it is to the onsite residence. It was recommended that the manure enclosure area be moved away from the neighbors' property lines so as to reduce the risk of causing a nuisance. The applicant has agreed to do this and has proposed a new location near the onsite manager's home.

There has been concern expressed that the operation would attract mosquitoes and promote mosquito breeding and also increase the possible risk of exposure to West Nile Virus. Mosquito populations are not increased by horses, but rather by allowing breeding areas in stagnate water, such as ponds and irrigation ditches. The operation of the Folsom Lake Equestrian Center has not shown to maintain or create mosquito breeding habitat.

Domestic Water Wells

State of California Bulletin 74-81 and its supplement, Bulletin 74-90, address setbacks of proposed wells to "animal enclosures" (which includes "barnyard and stable areas"). The recommended setback is 100 feet, but this distance may be increased or decreased by the enforcing agency on a case-by-case basis (depending on site conditions and well construction methods). These setbacks are meant to be applied at the time of well construction to protect the well from sources of potential contamination based on site specific conditions. Setbacks to animal enclosures exist because the concentration of waste in animal enclosures has a potential to affect the well.

Recently installed and proposed structures on the Folsom Lake Equestrian Center property were required to be moved at least 100 feet from the well on the neighboring parcel. Existing structures that have been in place for many years, such as the barn and paddock near the neighbor's well, were not required to be removed. This is because these structures house few horses within the 100-foot setback, there is adequate drainage away from the neighbor's well head, and it has not been demonstrated that the neighbor's well is impacted (contaminated) by the animal enclosures. Since the barn has been in place for many years, and there is no evidence the well is impacted, it can be determined that the barn is unlikely to impact the well in the future.

According to the records from the Environmental Health Services Division, the neighbor's well appears to be properly constructed. The well is elevated and records indicate the required annular seal was installed. The purpose of the annular seal is to prevent surface drainage or poor quality subsurface water from entering the well. There does not appear to be any drainage from the equestrian facility towards the well. Therefore, it is unlikely that the neighbor's well will be affected by current site conditions.

Concerns have also been raised that the installation of new animal enclosures, within 100 feet from the well on the Folsom Lake Equestrian Center property, could contaminate the aquifer that serves the neighboring wells. To prevent this from occurring, no new animal enclosures are allowed within 100 feet of the well. An animal enclosure can only be installed in this area once the Folsom Lake Equestrian Center property connects to public water service and the well is properly destroyed.

In reviewing the project, the Planning Commission concluded that the Revised Mitigated Negative Declaration and the associated conditions of approval did in fact address health issues associated with the proposed project. On this basis, the Planning Commission saw no merit in the issues raised by the appellants, and the Planning Commission took action to approve the project

Issue 3 -The Planning Department recommendation and the subsequent approval were based upon seriously deficient environmental assessments, public notices and staff reports.

The appellant does not provide specific examples of what is deficient in the environmental reports, nor does the appellant explain how the Planning Department failed to obtain adequate and/or objective evaluation of the project issues. In response to the appeal submitted after the Zoning Administrator hearing, the Placer County Agricultural Commissioner, the Placer County Supervising Environmental Health Specialist (Land Use and Water Resources Section) and Roger Ingram, a Livestock Farm Advisor with the University of California Cooperative Extension, met at the project site with the manager of the Folsom Lake Equestrian Center to inspect the site, review current property and horse management practices, and discuss the proposal to increase the number of boarded horses on the site from 30 to 60. The following are the Agricultural Commissioner's recommendations (Exhibit E) based on that meeting:

1. The expansion of the facility should be limited to the additional 16 stalls associated with the installation of the two (eight-horse) barns in the flat area adjacent to Prospector Road. This would limit the number of horse stalls (and horses) to 50 rather than the originally requested 60 horses.
2. The existing manure storage should be changed to a self-contained dumpster trailer that could also be more easily covered during the rainy season, and moved to a location adjacent to the existing hay barn. This relocation of the manure storage would result in the stored manure being closer to Ms. Jordan's residence (the manager of the Folsom Lake Equestrian Center) than to any of her neighbors. In addition, the frequency of manure removal from the site should be increased from twice a week to a minimum of three times per week.
3. Maintain a minimum 50-foot buffer between the adjacent waterway and the nearest horse housing which would result in a greater buffer than the neighbors maintain with their horses.
4. The applicant shall continue efforts of using a combination of misters, fly traps, and fly predators to minimize fly populations.

The appellants have also raised concerns about insufficient noticing of the Mitigated Negative Declaration and that, in particular, the proposed project was noticed in the *Auburn Journal* and not a more local paper. The County posted the Notice of Availability for the Mitigated Negative Declaration in the *Auburn Journal* newspaper, the Loomis Public Library, and the Community Development Resource Agency public counter. Readership of the *Auburn Journal* newspaper is greater than other smaller newspapers, and it is the County's practice to notice a hearing in a newspaper that will have the greatest number of local readers. County Counsel has reviewed this issue, and County Counsel has concluded the notification for the project was consistent with the requirements of State law.

When the appellants had previously stated that the staff report was deficient, it was concerning how the reference to the parcel size and the project size was not clearly represented. Staff agreed that this information could have been presented more clearly in the Zoning Administrator report, and all subsequent reports and notices since then have specifically stated that the subject parcel is approximately 8.4 acres and that the equestrian center is located on approximately 3.77 acres and occupies the area south of the existing intermittent drainage. The recommended conditions have been revised to reflect this clarification and additional language has been added that the pasture area, located north of the intermittent stream, is not to be used as part of the equestrian center.

Issue 4 and 5 -The project approval deprives the adjoining neighbors and communities of quiet, privacy, and the expectation that that the existing zoning regulations would be consistently enforced.

The appellants contend that the equestrian center should be limited to 12 horses since that was the number of horses permitted under their legal nonconforming status. The appellants argue that the Clos du Lac, Monte Sereno, and Sterling Point subdivisions were approved when 12 horses had been the limit, and to increase the number at this time would be a disregard of the property rights of the people who bought or built homes based upon this limit.

While the appellants want the Equestrian Center to be limited to boarding no more than 12 horses based on the nonconforming status, the Zoning Ordinance was previously amended to require the approval of a Minor Use Permit for horse boarding facilities within the Residential-Agriculture zone district. The purpose of this amendment was not to discourage or prohibit horse boarding facilities, but to allow the County the opportunity to review the commercial nature of horse boarding facilities and regulate any associated impacts with the commercial activity, such as traffic, noise and land use compatibility. It should be noted that the Residential Agricultural zone district does not restrict the number of horses for personal use, such as traditional agriculture breeding and animal husbandry operations. The intent of the Residential-Agricultural Zone district is to “stabilize and protect the rural residential characteristics of the area to which it is applied and ensure a suitable environment for family life, including agricultural uses”. Although the appellants have expressed an expectation that the number of horses be limited to 12, the Zoning Ordinance contains a provision which allows the Folsom Lake Equestrian Center to request a Minor Use Permit to increase the number of horses boarded at the property.

The appellants have raised concerns that the project is in violation with the Zoning Ordinance since the applicant is boarding more than 12 horses, yet the business is still operating. County policy allows a zoning violation to be held in abeyance as long as a development application has been filed to resolve the violation. In this case, the Minor Use Permit is intended to resolve the code violation. County Code Enforcement staff has been in contact with the property owner during the County review process. Condition 12 requires the payment of Code Enforcement fees to reimburse the costs incurred by the County to process the code violations.

The equestrian center is adjacent to the Monte Sereno Open Space lot to the west and the Clos du Loc Open Space lot to the east. These open space lots provide a significant buffer between the Folsom Lake Equestrian Center and the residences in both subdivisions. In order to provide additional screening for the two properties located southeast of the site (currently owned by appellants, Robert and Lori Vance) from the equestrian center, the Planning Commission added a condition requiring landscape screening be provided between the Vance property and Folsom Lake Equestrian Center.

In reviewing the appeal, the Planning Commission did not agree that the presence of the equestrian facility would deprive the adjoining neighbors of the enjoyment of their properties. The Planning Commission concluded the Revised Mitigated Negative Declaration and the associated conditions of approval adequately addressed issues associated with reducing impacts on the equestrian site so that adjoining neighbors could continue to enjoy their properties.

Issue 6- Increased need for Maintenance and Enforcement

The appellants contest that an expanded horse boarding facility will increase the need for maintenance and enforcement, as well as increasing the potential for continuing disputes and for future abuses of the zoning system. While the appellants are correct that the expanded horse boarding facility will increase the need for maintenance, conditions of approval are included to ensure this maintenance is kept up. A manure management plan has been prepared for the project, as well as other mitigation measures

identified in the Revised Mitigated Negative Declaration. The Planning Commission approved these conditions to effectively address environmental and land use compatibility issues.

The Planning Commission was also concerned about ensuring compliance with these conditions and added another condition requiring the Agricultural Commissioner to provide an annual review for the years 2009 and 2010 as previously discussed under the Planning Commission hearing section of the staff report, and should the property owner not adequately maintain the equestrian facility, the Planning Commission also added a Condition of approval requiring that, should it be determined that the conditions are not being met, the project is to be returned for reconsideration and possible revocation of this approval.

ENVIRONMENTAL CLEARANCE

A Revised Mitigated Negative Declaration (PMPC T20060321) has been prepared for this project and has been finalized pursuant to the California Environmental Quality Act (CEQA). On August 14, 2008, the Planning Commission found that the project had satisfied the requirements of CEQA, and approved the Revised Mitigated Negative Declaration in conjunction with the project approval. The Revised Mitigated Negative Declaration must be found to be adequate by the Board of Supervisors to satisfy the requirements of CEQA.

RECOMMENDATION

Consistent with the action taken by the Planning Commission, staff recommends that the Board of Supervisors approved the appeal, in part, and approve the Minor Use Permit and Variance for the revised Folsom Lake Equestrian Center project.

FINDINGS:

CEQA:

The Board of Supervisors has considered the proposed Revised Mitigated Negative declaration, the proposed mitigation measures, the staff report and all comments thereto and hereby adopts the Revised Mitigated Negative Declaration for the project based upon the following findings:

1. The Revised Mitigated Negative Declaration for the Folsom Lake Equestrian Facility has been prepared as required by law. With the incorporation of all mitigation measures, the project is not expected to cause any significant adverse impacts. Mitigation measures include, but are not limited to, payment into the Placer County Tree Preservation Fund, preparation of Improvement plans, incorporation of Best Management Practices, and a Manure Management Plan.
2. There is no substantial evidence in the record as a whole that the project as revised and mitigated may have a significant effect on the environment.
3. The Revised Mitigated Negative Declaration as adopted for the project reflects the independent judgment and analysis of Placer County, which has exercised overall control and direction of its preparation.
4. The mitigation plan/mitigation monitoring program prepared for the project is approved and adopted.
5. The custodian of records for the project is the Placer County Planning Director, 3091 County Center Drive, Suite 140, Auburn CA, 95603.

MINOR USE PERMIT:

1. The proposed use is consistent with applicable policies and requirements of the Horseshoe Bar/Penury Community Plan and the Placer County General Plan in that a horse boarding facility is consistent with the agricultural nature of the Rural Estate land use designation and Residential Agricultural zone district.
2. The establishment, maintenance or operation of the proposed use will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of people residing in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the County in that Best Management Practices will be implemented to address on-site run-off, a plan has been developed to manage the potential odor and vector problems associated with the boarding of horses, and that improvements will be made to Prospector Road to significantly reduce any dust that may be generated from the project expansion.
3. The proposed use as an equestrian facility will not generate a volume of traffic beyond the capacity of roads providing access to the use, consistent with the applicable requirements of the Placer County General Plan and the Horseshoe Bar/Penryn Community Plan.

VARIANCE:

1. The granting of a Variance to reduce the front setback requirement from 75 feet from the centerline of Prospector Road to 42 feet from the centerline for a barn will not constitute the granting of special privilege inconsistent with other uses in the area. There are special circumstances associated with the site's current tree coverage since the placement of the barn at this location will preserve a greater number of mature trees than if the barn was proposed at a different location on the site. The 50-foot electric transmission easement also limits the area in which structures can be located on the site. The proposed barn is consistent with the existing rural equestrian environment that is predominant along the eastern side of Prospector Road and as there are also several agricultural structures, located within the front setback, along the eastern side of this Road.

Respectfully submitted,



MICHAEL J. JOHNSON, AICP
Planning Director

ATTACHMENTS:

- Exhibit A - Vicinity Map
- Exhibit B - Approved Conditions of Approval
- Exhibit C - Appeal letter
- Exhibit D - Site Plan
- Exhibit E - Agricultural Commissioner's recommendation
- Exhibit F - Revised Mitigated Negative Declaration (PMPCT 20060321)
- Exhibit G - Mitigation Monitoring Program
- Exhibit H - Planning Commission staff report
- Exhibit I - Correspondence

cc: Lori and Bob Vance, et ali – Appellants

Copies Sent by Planning:

Janelle Fortner - Engineering and Surveying Division

Leslie Lindbo - Environmental Health Services

Air Pollution Control District

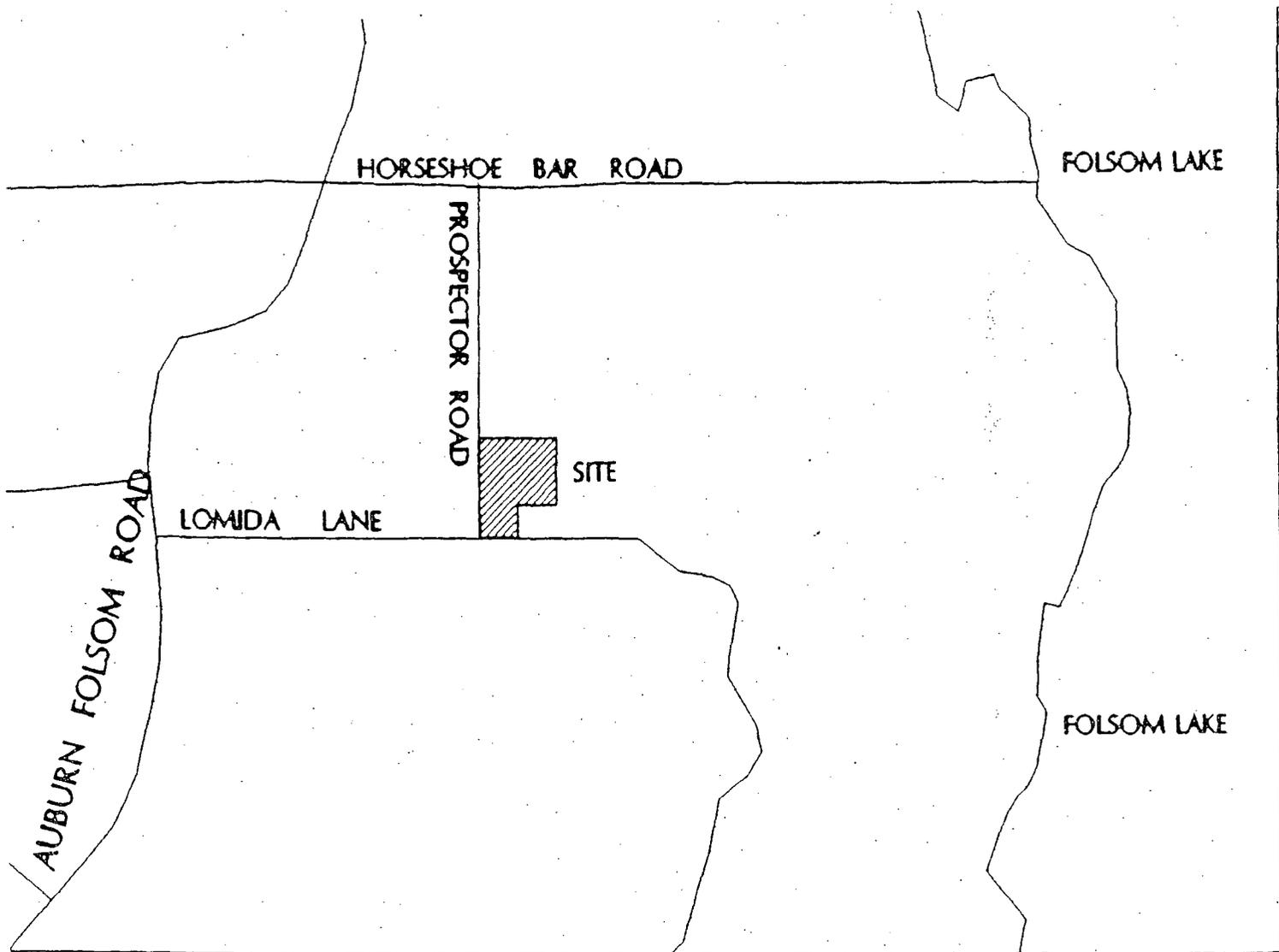
Vance Kimbrell - Parks Department

Karen Schwab - County Counsel

Michael Johnson - Planning Director

John Marin – CDRA Director

Subject/chrono files



VICINITY MAP



RECOMMENDED CONDITIONS OF APPROVAL – MINOR USE PERMIT - "FOLSOM LAKE EQUESTRIAN CENTER" (PMPCT20060321)

THE FOLLOWING CONDITIONS SHALL BE SATISFIED BY THE APPLICANT, OR AN AUTHORIZED AGENT. THE SATISFACTORY COMPLETION OF THESE REQUIREMENTS SHALL BE DETERMINED BY THE DEVELOPMENT REVIEW COMMITTEE (DRC), COUNTY SURVEYOR, AND/OR THE PLANNING COMMISSION.

1. The Minor Use Permit is approved to allow a maximum of, up to 50 horses (one horse per stall) to be boarded at the Folsom Lake Equestrian Center located on a 3.77 acre section of APN 036-085-003, south of the existing drainage swale. A Variance is approved to reduce the front setback from 75 feet from the centerline of Prospector Road to 42 feet from the centerline for a barn (two, eight stall barns with a connecting breezeway). The Variance shall be considered exercised when a Building Permit has been issued, and construction of a building foundation has been started (see also Article 17.58.160, formerly Chapter 30, Section 20.160 B.2. of the Placer County Code). The pastures located north of the intermittent stream shall not be utilized as part of the equestrian center and any equestrian related activities associated with the horse boarding facility shall cease no later than October 21, 2008. The Variance to eliminate the paved parking lot requirement for nonresidential uses to utilize at a minimum, asphalted concrete or Portland cement concrete is not approved.
2. Prior to the issuance of a Building Permit, the applicant shall submit to the Development Review Committee, for review and approval, a parking lot plan, providing a minimum of 15 parking spaces, and a landscape plan. The Parking lot plan shall be designed to conform with the parking lot standards as established in Section 15.54.070 of the Zoning Ordinance. The landscape plan shall be designed with the intent of providing a visual buffer between the barn/portable stalls and Prospector Road, the east side of the arena and along the southeast property line and include drought tolerant plants as approved by the South Placer Fire District. The landscape plan should enhance the screening provided by the existing vegetation. The parking plan and the landscaping plan shall be installed prior to the issuance of a Certificate of Occupancy for the barn/portable stalls.
3. Storage of hay shall not be permitted between the structures/stalls and the property lines. The applicant shall provide a "letter of intent" regarding the amounts of feed to be placed in and around the Barn/stalls. This letter shall be submitted and approved by the South Placer Fire district prior to the issuance of a Certificate of Occupancy.
4. The shed located on the south side of the stream, adjacent to the parking area, shall be relocated to satisfy County setback requirements no later than November 7, 2008.

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EXHIBIT B 45

5. Prior to the approval of Improvement Plans, a special status preconstruction survey will be required for the Valley Elderberry Longhorn Beetle (VELB). If the VELB is discovered on-site, a Mitigation Monitoring Implementation program for the replacement of the VELB habitat will be prepared by a qualified biologist and submitted in conjunction with the project's Improvement Plans. Construction and monitoring of the compensation areas will comply with the U.S. Fish and Wildlife Service General Compensation Guidelines for the Valley Elderberry Longhorn Beetle.

6. Prior to approval of Improvement Plans, a qualified biologist will conduct preconstruction avian surveys to determine the presence or absence of nesting raptors and/or nesting songbirds on-site during the appropriate activity period for each potentially occurring species. The survey periods for the following species are: White-tailed kite (March-June), Sharp-shinned hawk (April-August), and Lark Sparrow (April-May).

7. Prior to the approval of Improvement Plans, an initial habitat assessment of the site will be conducted by a qualified biologist to identify any features that may be considered potential habitat for maternity bat roosts (e.g. man-made structures, large diameter trees, snags, etc). If potential roosting habitat is identified on-site, the initiation of consultation with California Department of Fish and Game will ensue. Removal of potential bat roost habitat identified during the assessment will be avoided during the maternity season (typically May-August). If removal of potential habitat occurs outside of the maternity season, no further mitigation is required. If removal of potential roost habitat must be conducted during the maternity season, preconstruction inspections for bats will be conducted via the appropriate methods (i.e. camera inspections, exit survey with night optics, acoustic survey). If bats are found during inspections, removal of that roost feature will be delayed until the end of the maternity season, or until a qualified bat biologist has determined that the young are viable.

8. Prior to the approval of Improvement Plans, any project activities adversely affecting waters of the United States will require a permit from the U.S. Army Corps of Engineers and a water quality certification from the Regional Water Quality Control Board.

9. Prior to the approval of Improvement Plans, activities affecting ephemeral streams or wetlands located on the site may need a permit from the California Department of Fish and Game. A streambed alteration agreement application will be submitted to the Department before ground disturbance in these areas, and the Department of Fish and Game will determine whether a permit is needed.

10. Pursuant to Section 21089 (b) of the California Public Resources Code and Section 711.4 et. seq. of the Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified fees are paid. The fees required are \$2,626.75 for projects with Environmental Impact Reports and \$1,926.75 for projects with Negative Declarations. Without the appropriate fee, the Notice of Determination is not operative, vested or final and shall not be accepted by the County Clerk. NOTE: The above fee shall be submitted to the Planning Department within 5 days of final project approval. (PD)

11. Prior to the approval of improvement plans, the applicant shall either pay a fee of \$4,110 into the Placer County Tree Preservation Fund or, other mitigation measures developed by the County may

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be used to mitigate trees as approved by the Development Review Committee. If additional trees are removed as a result of the parking and driveway improvements, the fee shall be adjusted to accommodate the additional tree removal.

12. In accordance with Placer County Code, Section 17.62.100, applicant shall pay additional permit processing fees established by Department fee schedule. Code Enforcement fees will continue to accrue within this case file until the conclusion of all issues at the property. Currently at this time, Code Enforcement fees are \$ 712.50 and will continue to accrue.

13. The applicant shall prepare and submit Improvement Plans, specifications and cost estimates (per the requirements of Section II of the Land Development Manual [LDM] that are in effect at the time of submittal) to the ESD for review and approval. The plans shall show all conditions for the project as well as pertinent topographical features both on- and off-site. All existing and proposed utilities and easements, on-site and adjacent to the project, which may be affected by planned construction, shall be shown on the plans. All landscaping and irrigation facilities within the public right-of-way (or public easements), or landscaping within sight distance areas at intersections, shall be included in the Improvement Plans. The applicant shall pay plan check and inspection fees. (NOTE: Prior to plan approval, all applicable recording and reproduction cost shall be paid). It is the applicant's responsibility to obtain all required signatures on the plans and to secure department approvals. If the Design/Site Review process and/or DRC review is required as a condition of approval for the project, said review process shall be completed prior to submittal of Improvement Plans. Record Drawings shall be prepared and signed by a California Registered Civil Engineer at the applicant's expense and shall be submitted to the ESD in both hard copy and electronic versions in a format to be approved by the ESD prior to acceptance by the County of site improvements. (MM) (ESD)

14. All proposed grading, drainage improvements, vegetation, tree impacts and tree removal shall be shown on the Improvement Plans and all work shall conform to provisions of the County Grading Ordinance (Section 15.48, Placer County Code) and the Placer County Flood Control District's Stormwater Management Manual. The applicant shall pay plan check fees and inspection fees. No grading, clearing, or tree disturbance shall occur until the Improvement Plans are approved and any required temporary construction fencing has been installed and inspected by a member of the DRC. All cut/fill slopes shall be at 2:1 (horizontal:vertical) unless a soils report supports a steeper slope and the Engineering and Surveying Department (ESD) concurs with said recommendation.

All facilities and/or easements dedicated or offered for dedication to Placer County or to other public agencies which encroach on the project site or within any area to be disturbed by the project construction shall be accurately located on the Improvement Plans. The intent of this requirement is to allow review by concerned agencies of any work that may affect their facilities.

The applicant shall revegetate all disturbed areas. Revegetation undertaken from April 1 to October 1 shall include regular watering to ensure adequate growth. A winterization plan shall be provided with project Improvement Plans. It is the applicant's responsibility to assure proper installation and maintenance of erosion control/winterization during project construction. Provide for erosion control where roadside drainage is off of the pavement, to the satisfaction of the ESD.

Submit to the ESD a letter of credit or cash deposit in the amount of 110% of an approved engineer's estimate for winterization and permanent erosion control work prior to Improvement Plan

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approval to guarantee protection against erosion and improper grading practices. Upon the County's acceptance of improvements, and satisfactory completion of a one-year maintenance period, unused portions of said deposit shall be refunded to the project applicant or authorized agent.

If, at any time during construction, a field review by County personnel indicates a significant deviation from the proposed grading shown on the Improvement Plans, specifically with regard to slope heights, slope ratios, erosion control, winterization, tree disturbance, and/or pad elevations and configurations, the plans shall be reviewed by the DRC/ESD for a determination of substantial conformance to the project approvals prior to any further work proceeding. Failure of the DRC/ESD to make a determination of substantial conformance may serve as grounds for the revocation/modification of the project approval by the appropriate hearing body.

Any work affecting facilities maintained by, or easements dedicated or offered for dedication, to Placer County or other public agency may require the submittal and review of appropriate Improvement Plans by ESD or the other agency. (MM) (ESD)

15. Prior to the approval of Improvement Plans, submit to ESD, for review and approval, a geotechnical engineering report produced by a California Registered Civil Engineer or Geotechnical Engineer. The report shall address and make recommendations on the following:

- A) Road, pavement, and parking area design
- B) Structural foundations, including retaining wall design (if applicable)
- C) Grading practices
- D) Erosion/winterization
- E) Special problems discovered on-site, (*i.e.*, groundwater, expansive/unstable soils, etc.)
- F) Slope stability

Once approved by the ESD, two copies of the final report shall be provided to the ESD and one copy to the Building Department for their use. If the soils report indicates the presence of critically expansive or other soils problems which, if not corrected, could lead to structural defects, a certification of completion of the requirements of the soils report will be required for subdivisions, prior to issuance of Building Permits. It is the responsibility of the developer to provide for engineering inspection and certification that earthwork has been performed in conformity with recommendations contained in the report. (MM) (ESD)

16. Prior to the approval of Improvement Plans, water quality Best Management Practices (BMPs), shall be designed according to the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction, for New Development / Redevelopment, and/or for Industrial and Commercial, (and/or other similar source as approved by the Engineering and Surveying Department.

Construction (temporary) BMPs for the project include, but are not limited to:

- a) Straw wattles.
- b) Inlet protection
- c) Gravel bag energy dissipaters
- d) Silt fencing

AUGUST, 2008

- e) Stabilized construction site access
- f) Hydroseeding and revegetation of disturbed areas.
- g) Broadcast straw with tack coat

Storm drainage from on- and off-site impervious surfaces (including roads) shall be collected and routed through specially designed catch basins, vegetated swales, vaults, infiltration basins, water quality basins, filters, etc. for entrapment of sediment, debris and oils/greases or other identified pollutants, as approved by the ESD. BMPs shall be designed at a minimum in accordance with the Placer County Guidance Document for Volume and Flow-Based Sizing of Permanent Post-Construction Best Management Practices for Stormwater Quality Protection. Post-development (permanent) BMPs for the project include, but are not limited to: vegetated swales. No water quality facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals.

All BMPs shall be maintained as required to insure effectiveness. The applicant shall provide for the establishment of vegetation, where specified, by means of proper irrigation. Proof of on-going maintenance, such as contractual evidence, shall be provided to ESD upon request. Maintenance of these facilities shall be provided by the project owners/permittees unless, and until, a County Service Area is created and said facilities are accepted by the County for maintenance. Contractual evidence of a monthly parking lot sweeping and vacuuming, and catch basin cleaning program shall be provided to the ESD upon request. Failure to do so will be grounds for discretionary permit revocation. Prior to Improvement Plan or Final Map approval, easements shall be created and offered for dedication to the County for maintenance and access to these facilities in anticipation of possible County maintenance. **(MM)** (ESD)

17. All stormwater runoff shall be diverted around trash storage areas to minimize contact with pollutants as shown on the Improvement Plans. Trash container areas shall be screened or walled to prevent off-site transport of trash by the forces of water or wind. Trash containers shall not be allowed to leak and must remain covered when not in use. **(MM)** (ESD)

18. Materials with the potential to contaminate stormwater that are to be stored outdoors shall be placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that prevents contact with runoff or spillage to the stormwater conveyance system, or protected by secondary containment structures such as berms, dikes, or curbs as shown on the Improvement Plans. The storage area shall be paved to contain leaks and spills and shall have a roof or awning to minimize collection of stormwater within the secondary containment area. **(MM)** (ESD)

19. This project is located within the area covered by Placer County's municipal stormwater quality permit, pursuant to the National Pollutant Discharge Elimination System (NPDES) Phase II program. Project-related stormwater discharges are subject to all applicable requirements of said permit. BMPs, as shown on Improvement Plans, shall be designed to mitigate (minimize, infiltrate, filter, or treat) stormwater runoff in accordance with "Attachment 4" of Placer County's NPDES Municipal Stormwater Permit (State Water Resources Control Board NPDES General Permit No. CAS000004). (ESD)

AUGUST, 2008

20. Prepare and submit with the project Improvement Plans, a drainage report in conformance with the requirements of Section 5 of the LDM and the Placer County Storm Water Management Manual that are in effect at the time of submittal, to the Engineering and Surveying Department for review and approval. The report shall be prepared by a Registered Civil Engineer and shall, at a minimum, include:

A written text addressing existing conditions, the effects of the improvements, all appropriate calculations, a watershed map, increases in downstream flows, proposed on- and off-site improvements and drainage easements to accommodate flows from this project. The report shall identify water quality protection features and methods to be used both during construction and for long-term post-construction water quality protection. "Best Management Practice" (BMP) measures shall be provided to reduce erosion, water quality degradation, and prevent the discharge of pollutants to stormwater to the maximum extent practicable. (MM) (ESD)

21. This project will be subject to the payment of traffic impact fees that are in effect in this area (Newcastle/Horseshoe Bar/Penryn), pursuant to applicable Ordinances and Resolutions. The applicant is notified that the following traffic mitigation fee(s) will be required and shall be paid to Placer County DPW prior to issuance of any Building Permits for the project:

- A) County Wide Traffic Limitation Zone: Article 15.28.010, Placer County Code
- B) South Placer Regional Transportation Authority (SPRTA).
- C) Placer County/City of Roseville Joint Fee

$$1.77 \text{ DUEs} \times \$6,174 \text{ (Newcastle/Horseshoe Bar/Penryn)} = \$10,927.98$$

The fees were calculated using the information supplied. If the use or the square footage changes, then the fees will change. The fees to be paid shall be based on the fee program in effect at the time that application is deemed complete. (MM) (ESD)

22. Provide the ESD with a letter from the appropriate fire protection district describing conditions under which service will be provided to this project. Said letter shall be provided prior to the approval of the Improvement Plans, and a fire protection district representative's signature shall be provided on the Improvement Plans. (ESD)

23. Prior to building permit issuance, construct/reconstruct the private road (Prospector Road) to a Plate R-1 Minor, LDM standard, to the point immediately north of the Prospector Road entrance. The design speed of Prospector Road shall be 25 mph, unless an alternate design speed is approved by the DPW. The roadway structural section shall be designed for anticipated vehicle loadings, but said section shall not be less than 3" AC/8" Class 2 AB unless otherwise approved by DPW.

24. Prior to building permit issuance, at a minimum repair (aggregate base) Prospector Road from north of the Prospector Road entrance to immediately south of the existing intermittent drainage. (ESD)

25. Prior to building permit issuance, construct/reconstruct the private road entrance/driveway onto Prospector Road to a Plate R-17, LDM standard, including site distance. The design speed of Prospector

AUGUST, 2008

Road shall be 25 mph, unless an alternate design speed is approved by the DPW. The improvements shall begin at the outside edge of any future lane(s) as directed by the DPW and the ESD. Said section shall not be less than 3" AC/8" Class 2 AB unless otherwise approved by the ESD. An Encroachment Permit shall be obtained by the applicant or authorized agent from DPW. (ESD)

26. Prior to building permit issuance, construct/reconstruct public road entrances/driveways onto Lomida Lane and the connection of Prospector Road onto Lomida Lane to a Plate R-17, LDM standard, including site distance. The design speed of Lomida Lane shall be 35 mph, unless an alternate design speed is approved by the DPW. The improvements shall begin at the outside edge of any future lane(s) as directed by the DPW and the ESD. Said section shall not be less than 3" AC/8" Class 2 AB unless otherwise approved by the ESD. An Encroachment Permit shall be obtained by the applicant or authorized agent from DPW. (ESD)

27. Prior to building permit issuance, construct a hammerhead (per Standard Plate U-22) and access road for fire access purposes capable of supporting a 40,000-pound vehicle. The hammerhead (per Standard Plate R-2) and drive aisles for fire access shall be improved with a minimum recommended surfacing of 12" aggregate base on 90% compacted soil. The applicant will install collapsible bollards to restrict public use from using the 16' AB aisle. (ESD)

28. Prior to building permit issuance, construct the public on-site parking, circulation areas, and cul-de-sac/ hammerhead turnaround to Placer County standards. All public on-site parking and circulation areas shall be improved with a minimum asphaltic concrete or Portland cement surface capable of supporting anticipated vehicle loadings. (ESD)

29. Prior to Improvement Plan approval, provide evidence of the realignment of the 40-foot private road easement. Documentation should include the relinquishment of the existing easement and the recordation of the newly created road easement and shall be appurtenant to all parties who currently have an interest in the existing road easement. (ESD)

30. In order to control odors and fly propagation, the following Manure Management Plan shall be implemented no later than October 8, 2008 with the exception of the manure storage area as noted below:

Manure Management Plan:

- A) To control odors and vectors from manure and urine, clean and remove manure from the paddocks, corrals, portable stall areas, and common areas on the premises daily (7 days per week).
- B) The manure shall be stored in a self contained, leak proof dumpster trailer that has a permanent cover or is stored in a roofed area to inhibit the propagation of flies and to protect the waste from rain water, which may contribute to waste run-off. The manure shall be removed from the site at least three times per week by an independent contractor to a County approved facility. The onsite manure storage capacity shall be at least 15 cubic feet per horse per week.
- C) The paddocks and portable stalls shall be lined with a deep layer of decomposed granite to reduce waste runoff and to control odors from urine. The horse wash stations shall be lined with a deep layer of gravel to reduce waste water runoff.

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D) The manure storage area shall be relocated to an area that is closer to the onsite residence than a neighbor's residence as approved by the Development Review Committee. The manure storage area shall be relocated no later than November 14, 2008.

E) Manure storage shall be managed so as to prevent leaching or runoff of pollutants into the creek.

F) Manure storage areas, paddocks, portable stalls, temporary equestrian activity areas (located on the eastern portion of the site, south of the creek), and horse wash stations shall be kept at least 50 feet away from the intermittent waterway so that floods or runoff will not wash waste into the waterway.

G) Horse waste shall not be dumped or stored on the edge of, or directly into waterways.

31. Compliance with the Manure Management Plan, horse urine measure, and fly control measures shall be determined by the Development Review Committee and the Placer County Agricultural Commissioner.

32. Horse urine is to be controlled in the paddock areas to prevent runoff offsite.

33. Flies shall be controlled on the premises by implementation of effective pest management techniques which include, but are not limited to, misters, fly traps, fly predators, and effective manure management as described in the Manure Management Plan.

34. Prior to Improvement Plan approval, submit to Environmental Health Services, for review and approval, a water quality analysis report on water from the existing well. The report must be prepared by a State Certified laboratory and include at minimum bacteriology of: Total coliform, fecal coliform and chlorine residual.

35. Prior to Improvement Plan approval submit to Environmental Health Services, for review and approval, 4-hour well yield report for the well serving the project. Additional domestic water storage or connection to PCWA may be required, depending upon the results of the report. **(COMPLETED)**

36. Should project usage exceed 20 persons a day, an average of 60 days or more in a year, then the project shall connect to the PCWA treated water.

37. The discharge of fuels, oils, or other petroleum products, chemicals, detergents, cleaners, or similar chemicals to the surface of the ground or to drainage ways on or adjacent to the site is prohibited.

38. Any horse stalls located within the 100-foot setback from the existing well on the subject property, shall not be installed until the project is able to connect the property to public water and the site's existing well is properly destroyed.

39. The applicant shall have 24 months to exercise the Minor Use Permit and the Variance. These approvals shall expire on August 25, 2010, unless exercised before that date.

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40. On or before August 14, 2009 and August 14, 2010, County staff including the County Agricultural Commissioner shall inspect the project site to determine whether or not the Conditions of Approval are being complied with, and staff shall submit a memorandum to the Planning Commission on the findings of the site inspection. Should it be determined that the conditions of approval are not being complied with, staff shall return the project to the Planning Commission for re-consideration of its previous approval and possible revocation of the approval.

AUGUST, 2008

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O:\PLUS\PLN\COND\TENT5-22-08 PMPC20060321 FOLSOM LAKE EQUESTRIAN CENTER

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PLACER COUNTY PLANNING DEPARTMENT

AUBURN OFFICE
3091 County Center Dr
Auburn, CA 95603
530-886-3000/FAX 530-886-3080

TAHOE OFFICE
565 W. Lake Blvd./P. O. Box 1909
Tahoe City CA 96145
530-581-6280/FAX 530-581-6282
E-Mail: planning@placer.ca.gov

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CDRA

PLANNING APPEALS

The specific regulations regarding appeal procedures may be found in the Placer County Code, Chapters 16 (Subdivision), 17 (Planning and Zoning), and 18 (Environmental Review Ordinance).

OFFICE USE ONLY

Last Day to Appeal 8/25/09 (5 pm)
Letter
Oral Testimony
Zoning MAP 440 PD 0044
Maps: 7-full size and 1 reduced for Planning Commission items

Appeal Fee \$ 495
Date Appeal Filed 8/25/09
Receipt # 00-00015146
Received by
Geographic Area

TO BE COMPLETED BY THE APPLICANT

1. Project name Folsom Lake Equestrian Center

2. Appellant(s) Lori + Bob Vance, et al (see attached)

Address 9421 Lomida Lane Loomis CA 95650 (see Attached)
City State Zip Code
Telephone Number Fax Number

3. Assessor's Parcel Number(s): 036-085-003

4. Application being appealed (check all those that apply):

- Administrative Approval (AA-)
Use Permit (CUP/MUP-)
Parcel Map (P-)
General Plan Amendment (GPA-)
Specific Plan (SPA-)
Planning Director Interpretation (date)
Minor Boundary Line Adj. (MBR-)
Tentative Map (SUB-)
Variance (VAA-)
Design Review (DSA-)
Rezoning (REA-)
Rafting Permit (RPA-)
Env. Review (EIAQ-)
Other: Partial Appeal Approval 8/14/09

5. Whose decision is being appealed: Placer County Planning Commission

6. Appeal to be heard by: Placer County Board of Supervisors

7. Reason for appeal (attach additional sheet if necessary and be specific):
Significant negative impacts, health risks, failure to obtain adequate evaluation reports (see attached)
(If you are appealing a project condition only, please state the condition number)

Note: Applicants may be required to submit additional project plans/maps

Signature of Appellant(s) [Signatures]

Placer County Planning Department - Planning Appeal

Date: August 25, 2008

Form Number Reference:

1. **Project Name:** Folsom Lake Equestrian Center
2. **Appellant(s):**

| | | |
|---|---------------------------|----------------------|
| Lori & Bob Vance | 9421 Lomida Lane | Loomis, CA 95650 |
| Mark & Susan Roberts | 4325 Cognac Court | Loomis, CA 95650 |
| Mark & Tina Breunig | 4344 Cognac Court | Loomis, CA 95650 |
| Mike & Kathy Metzger | 9631 Clos du Lac Cr. | Loomis, CA 95650 |
| Clos du Lac Conseil des Proprietaires, Larry Boss, President, c/o Riverside Mgmt. | 4811 Chippendale Dr. #602 | Sacramento, CA 95841 |
| Monte Sereno, HOA, John Awalt, Vice President | 4535 Monte Sereno Drive | Loomis, CA 95650 |
| James & Marie Allen | 4304 Cognac Court | Loomis, CA 95650 |
| John Awalt | 4535 Monte Sereno Drive | Loomis, CA 95650 |
| Larry & Pam Boss | 9729 Clos du Lac Cr. | Loomis, CA 95650 |
| Debbie Arnold & Linda Dutra | 9704 Clos du Lac Circle | Loomis, CA 95650 |
| Doug Jeffries/Patricia Burgess | 9623 Clos du Lac Circle | Loomis, CA 95650 |
| Rick & Deanne Cheney | 4249 Burgundy Court | Loomis, CA 95650 |
| Taylor & Marilyn Clayton | 9684 Clos du Lac Circle | Loomis, CA 95650 |
| Dave & Alaina Divine | 9636 Clos du Lac Circle | Loomis, CA 95650 |
| Arman & Natalie Gharib | 9712 Clos du Lac Circle | Loomis, CA 95650 |
| David Johnson | 4530 Monte Sereno Drive | Loomis, CA 95650 |
| Kermit & Florine Jorgensen | 4340 Cognac Court | Loomis, CA 95650 |
| Grant & Yoka Koch | 9728 Clos du Lac Circle | Loomis, CA 95650 |
| Don & Lucy Ledoux | 9627 Clos du Lac Circle | Loomis, CA 95650 |
| Dennis & Joan McKenna | 4315 Cognac Court | Loomis, CA 95650 |
| Brad & Amy Mandarich | 4328 Cognac Court | Loomis, CA 95650 |
| Larry & Laura Neuman | 9627 Clos du Lac Circle | Loomis, CA 95650 |
| Roger & Priscilla Richter | 4341 Cognac Court | Loomis, CA 95650 |
| Denny & Fran Samuel | 9696 Clos du Lac Circle | Loomis, CA 95650 |

| | | |
|-----------------------|-------------------------|------------------|
| Kevin & Ann Stevenson | 9744 Clos du Lac Circle | Loomis, CA 95650 |
| Mike & Jamie Susslin | 4331 Cognac Court | Loomis, CA 95650 |
| Jim & Joanne Veeck | 9752 Clos du Lac Circle | Loomis, CA 95650 |

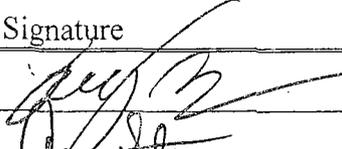
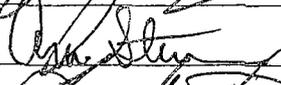
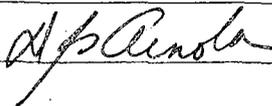
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- 7) by the Planning Commission on August 14, 2008 of a MUP for the expansion of the Folsom Lake Equestrian Center from the previously allowed maximum of boarding of 12 horses under a "Non-conforming Use, Continuing Right to Board" to an increased number of 50 horses. The Appellants believe that:
- a) There are significant negative impacts on adjoining neighbors due to increased horse boarding which impacts create a public nuisance. Some of the impacts noted in attached and prior correspondence and presentations included noise (traffic, maintenance equipment, & horse), vectors (including flies and mosquitoes), dust and odors.
 - b) There are significant health risks associated with the expansion of the allowed number of horses due to the increase in vectors and the animal waste on the on-site and adjoining property domestic water wells and the on-site stream.
 - c) The Planning Department recommendations and the subsequent approval were based upon seriously deficient environmental assessments, public notices and staff reports and failed to obtain adequate and objective evaluations of the above issues.
 - d) The approval is in direct conflict with the reasonable rights of the adjoining neighbors and communities for quiet enjoyment, privacy and expectation of consistency in the application of existing zoning regulations and enforcement. In this regard the adjoining developments of Clos du Lac, Monte Sereno, and Sterling Point were all approved based upon the existing grandfathered "Non-Conforming, Right to Board" 12 horses granted by the Planning Director in 1992. To now change that usage by a dramatic increase in the allowed usage constitutes a flagrant disregard for the property rights of the owners who bought or built based upon the allowed usage.
 - e) The increased usage is not consistent with the prior actual usage (see the attached horse boarding report provided upon sale to the current owners) or the expectations of the seller's or their heirs who now occupy the remainder of the adjoining property.
 - f) The increased usage creates ongoing requirements for increased maintenance, enforcement, and the potential of continuing disputes and sets a precedent for future abuses of the zoning system.

Addendum Attached:

1. Boarding Statement as of March 26, 2003
2. Statement of Appeal dated March 17, 2008
3. FLEC MUP Appeal dated July 30, 2008

Appellant Signatures:

| Signature | Printed Name/ Appellant Name | Address |
|---|---------------------------------|------------------------------------|
|  | Larry Neuman | 9757 Clos du Lac, Loomis CA 95650 |
|  | Ann Stevenson | 9744 Clos du Lac Circle, Loomis 95 |
|  | LINDA Durnea | 9704 Clos du Lac Ct. |
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|  | D. ARNOLD | 9704 Clos du Lac Circle |
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Last month's Board

As of March 26, 03

Nemise Narvaga

Duke

Bandit

Kasha

Carol Stanaway

Al

For

Loyd White

Tricia

Keith Kataoka

Ike

Lucy Kataoka

Dream

Christine Wisbart

Maate

Susan Reed

Lous

Rocky

Sue Johns

Red

Jose Sanchez

Celebrity

Richard Humphrey

Laci

Sorhab Norabi

Zeig

Shida Fitzpatrick Legend

At up till July 2003



Richard G. Holt

rgholt@rmlawllp.com

March 17, 2008

Mr. Michael Johnson
Planning Director
County of Placer
3091 County Center Drive
Auburn, CA 95603

Statement of Appeal -- Placer County Code of Ordinances § 17.60.110
Hearing Date: March 27, 2008 – Planning Commission
Project: PMPC-T20060321 -- Folsom Lake Equestrian Center MUP and Variances
Project Location: 4491 Prospector Road (at Lomida Lane), Loomis, CA
APN: 036-085-003 (and 036-085-004?)

Appeal of Zoning Administrator’s Approval of Project, MUP, Variances and Adoption of a Mitigated Negative Declaration based upon the Inadequacy of the Initial Study, Inadequacy of the proposed Mitigated Negative Declaration and upon Inadequate Notice, Findings, Mitigation Measures and Conditions of Approval.

Dear Mr. Johnson:

This letter shall serve as a Statement of Appeal by an unincorporated association of concerned Lomida Lane neighborhood residents (“Appellants”). On February 7, 2008, the Placer County Zoning Administrator (the “ZA”) certified the Negative Declaration and approved the above referenced project (the “Project”). On or about February 14 and 15, “Mark Roberts, et al.” and “Mark Breunig et al.” separately filed and paid fees to appeal the Project on behalf of themselves and their concerned neighbors who are collectively the Appellants herein. These two filings make up a single appeal, and we respectfully request that one of the two \$465.00 appeal fees be returned as redundant.

I. FACTUAL AND PROCEDURAL BACKGROUND

A. Ownership of the Property, Variable Project Area Acreage Figures, and the Millers’ Unmentioned Application for a Lot Split and Rezone.

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Folsom Lake Equestrian Center ("FLEC") is situated between the Monte Sereno and Clos du Lac residential subdivisions in Loomis, and is owned by Kenneth and Linda Miller ("the Millers"). Mr. Miller is a senior partner in Granite Bay Ventures, LLC, a sophisticated commercial and residential developer with numerous projects in Placer County, including the 2002 Monte Sereno residential development immediately adjacent to FLEC. (See <http://www.gbventures.com/contact-1.html> and <http://www.gbventures.com/project-1.html>.) In March, 2003, the Millers took title to two parcels (APNs 036-085-003-000 and 036-085-004-000) from the Truebloods, upon which properties FLEC is operated (the "Property") as a commercial enterprise. No current business license is in effect for the business, having lapsed on July 12, 2006 according to the tax collector's office.

Current parcel maps show the Millers' two parcels to be 7.8424 acres and 0.296 acres, respectively, for a total of 8.1384 acres. Though unmentioned in the current project description, the Millers applied on October 1, 2007 (PMLD-T20070691) for a lot split and rezone on the Property to create 3 parcels of 3.77 acres, 2.35 acres and 2.3 acres (which totals 8.42 acres).

Throughout the Planning file and the Code Enforcement file, the property to which the instant MUP application is to apply is variously and confusingly referred to as 7.9, 8.0, 8.14, 8.4 and 8.5 acres. Moreover, following submittal of the lot split application, Mr. Miller's November 8, 2007 Project Application for the MUP and for the variances specifically states, in two places, that the size of the property is "8.4 ± Acres". Nearly every comment and response in the files that address acreage for the project lists 8+ acres as the project or site area. The only indication of the true intended size (and thus, the intensity of use) is found in the Initial Study, which lists the "Site Area" as 8 acres, but then notes under "Project Description" that the proposal to increase the use to 60 horses is to apply "on approximately four acres of land." Following the ZA's approval, Appellants were informed by staff that if the parcel split and rezone is approved, it will be the 3.77 acre parcel upon which the equestrian boarding facility will be operated as the subject of this MUP and variance request. Nowhere in the Planning or Code Enforcement files, nor in the Initial Study, nor in the Mitigated Negative Declaration is this disclosed, however. Moreover, the actual location and boundaries of the intended MUP application are not disclosed, nor apparently can it be until the lot split application is processed.

B. The History of Code Violations for Unpermitted Expansion of Commercial Boarding Operations and Unabated Increases in the Number of Horses on the Property.

This project originated from Code Enforcement efforts to address a variety of violations including boarding horses without a Conditional Use Permit ("CUP"), originating in or about January 1991 against the Truebloods. The issue of boarding without a CUP appears to have been resolved in 1992 by a determination that the Truebloods had a non-conforming use entitling them to board up to 12 horses in a barn on their 7.9 acre parcel. The applicable zoning (currently Residential Agricultural combining Building Site Size of 4.6 acres minimum combining Planned Unit Development 0.44 units per acre) has permitted the owners to keep up to 2 horses per gross acre without a MUP. (Placer County Code of Ordinances § 17.56.050.F.5.b.) In addition to that base limitation, the Millers succeeded to the Truebloods' non-conforming use right to continue boarding up to 12 horses, at least insofar as it was on the same 7.9 acre parcel.

By letters dated June 29, 2004 (copy attached as Exhibit 1) and July 21, 2004 (copy attached as Exhibit 2), the Millers were notified by Code Enforcement staff of new alleged violations of the grading ordinance (excess grading without permit) and zoning ordinance (excess number of horses) for an unpermitted expansion of the equestrian facility on the FLEC property. Pursuant to staff's notes in the Code Enforcement file (not attached hereto for purposes of brevity, but incorporated herein as a part of the Planning Department's files), Mr. Miller was contacted by phone on August 2, 2004, and Mr. Miller advised that he had "added one barn" and was "currently adding another 16 horse ('Mare Hotel')." *He was informed at that time that a maximum of 12 horses could be boarded in the barns, that expansion would require an EIAQ/MUP and that building permits would be required for the barns if more than 5 people use the barns.*

In an on-site inspection on *August 3, 2004* as further reflected in staff's notes, it was determined that there were then *22 horses* on the property, and that the graded out pad was for the "new Mare Hotel." At that time, Mr. Miller was again advised that a MUP, variances and building permit would be required, and that a Notice of Code Violation would follow. On August 4, 2004, a Notice of Code Violation was issued to the Millers (copy attached as Exhibit 3).

On *October 5, 2004*, in the next on-site inspection with Jenny Jordan (one of the nominal applicants for the currently pending project), Code Enforcement staff observed that there were a total of *28 horses* on the property, of which, 11 were in the barn and 8 in the new "Mare Hotel." The Code Enforcement staff notes indicate that the EIAQ was finally completed on September 13, 2007, nearly 3 years and more horses later.

In a letter dated *May 6, 2005* to Fred Yeager from Christine Turner (copy attached as Exhibit 4), the stated expansion is *from 30 to 60 horses*, on what is contemplated to be an 8.5 acre parcel. Similarly, when the "Initial Study and Checklist" completed by Gina Langford was signed on *August 31, 2007*, its Project Description stated: "Proposal includes a Minor Use Permit to increase the number of horses boarded at the existing equestrian facility *from 30 to 60 horses on approximately four acres of land.*" It is unknown whether this is an accurate number of horses then on the property in either May 2005 or September 2007, but at the ZA hearing on *February 7, 2008*, the FLEC manager stated that there were 34 horses on the property, but there may be more with "guest horses", whatever that latter term may mean beyond the fact that *more than 34 horses are on approximately 4 acres* of property. Under current zoning and nonconforming use allowances, that number should be between 7 horses (2 per gross acre at 3.77 acres) and 12 horses (nonconforming boarding limits for 7.9 acre parcel), and certainly no more than 16 horses (2 per gross acre at 8 to 8.5 acres).

In summary, the Millers took title to the Property in 2003 with a nonconforming use right to board up to 12 horses on a 7.9 acre parcel, and a right under the zoning ordinance to keep up to 2 horses per gross acre (16 horses total on their two parcels). Mr. Miller was personally advised of those requirements in July and August 2004 when he had 22 horses on the property, was cited for code violations, and given until November 9, 2004 to correct all the violations. (See Exhibit 3.) Instead, he continued to increase the total number of horses on the property and the number boarded, and continued to build structures to expand the commercial use. He completed the EIAQ for his expansion approximately 37 months after having been cited, while allowing FLEC's business license to lapse. At the time of the ZA hearing on February 7, more than 34 horses were on the Property.

C. The MUP/Variance and Subdivision/Rezoning Applications.

In response to the Code Enforcement violations, the Millers initiated at least three separate project applications to obtain an EIAQ and MUP, each time under different numbers than the current application. These were not found in the planning file for this project, making it difficult to gather all information that may have been generated in this matter. Each has had the effect of suspending the Code Enforcement complaints, though the previous applications have all either lapsed or been withdrawn. The last application, believed to be the second submittal and apparently continued from PMPC-T20050345, was scheduled to be heard by the ZA in April 2006, but was withdrawn by the applicants three weeks prior.

It was to this second application that Agricultural Commissioner Christine Turner's letter (Exhibit 4) was submitted as a part of that application process. It was also to this second application that the July 6, 2005 comment letters of Sterling Point Estates Owners Association (Exhibit 5) and Clos du Lac Conceil des Proprietaires (Exhibit 6) were directed. Notably, the last sentence of each of those letters specifically requested "notice of all future proposed actions regarding this matter to all the appropriate parties with Lomida Road access to their property."

II. LEGAL ARGUMENT

A. Notice of Availability of the Mitigated Negative Declaration was Inadequate, and Deprived the Impacted Neighbors of an Opportunity to Review and Comment Upon the Project's Impacts and Necessary Mitigation Measures.

Placer County Ordinance § 18.16.030.A requires that "the lead department shall provide the public with *reasonable notice* of availability (NOA) of a proposed negative declaration." (Emphasis added.) Subdivision C.8 of that section further requires that it be mailed to "all organizations and individuals who have previously requested notice." Despite the express request for notice made by two homeowners associations on letterhead bearing their addresses (see Exhibits 5 and 6), on behalf of themselves and their members, neither was on the mailing list to receive the NOA. Insofar as is apparent from the planning file, the NOA was published only in the Auburn Journal.

The publication of the NOA was the minimum that could have been undertaken, but in a newspaper other than the one that is most likely to serve the area in which the Project's neighbors live, and was hardly "reasonable" or reasonably calculated to inform the neighbors in Loomis of the fact that a Negative Declaration had been prepared for the expanding commercial operation already impacting their residential properties. Moreover, failing to mail the NOA to the two homeowners associations who had commented on the earlier application for the same project violates Placer County Ordinance § 18.16.030.C.8, Public Resources Code § 21092(b)(3), and CEQA Guidelines § 15072(b).

Notice is further defective because the County did not make the documents referenced in the Negative Declaration available, quite probably because they did not exist. Though the problem also exists for claimed BMP Plans, in at least one place in the Negative Declaration (see Discussion-Items IX-2,4 on p. 15 of 23), the analysis and recommended mitigation depends upon a "maintenance plan" that was allegedly reviewed to provide measures necessary to mitigate incompatible use issues. Not

only was there no address where such "maintenance plan" might be "available for review" as required by Public Resources Code § 21092(b)(1), and CEQA Guidelines § 15072(f)(4), but it apparently never existed. (See fax transmittal from Grant Miller dated February 28, 2008, a copy of which is attached as Exhibit 7.) Grant Miller states that there is no "management plan per say", and attaches comments that are claimed to be a "plan". However, the attached compilation of comments is a memo dated January 22, 2008 – exactly 3 months AFTER the period for circulation of the Negative Declaration expired. In no way does this comport with CEQA's informational purposes or in allowing public participation. Indeed, instead of dismissing impacts on neighbors by virtue of a non-existent maintenance plan, the process would have been far better served by allowing the neighbors impacted by the existing scope of use to provide information that the County could use to fulfill its planning function of avoiding conflicting land uses.

B. The Project Description in the Mitigated Negative Declaration Fails to Apprise the Public or the Decision-makers of the Nature, Boundaries, Scope and Intensity of Land Use of the Project.

As noted above, the size of the Property that is to be benefited by the Project is a shifting target. Each Application has stated that the project site is 8.4± acres. The Initial Study lists the Site Area as 8 acres, but for the first time, Project Description, it states that it will be on "approximately four acres of land." Unfortunately, due to the inadequacy of notice, that change was unknown to Appellants until the February 7 hearing.

There is no information in the Negative Declaration which appries anyone reviewing it of where on the larger parcel the boundaries will be, and no mention of a pending parcel split to even smaller lots. As the parcel size shrinks and the intensity of use increases, will greater impacts result? The Negative Declaration and the Initial Study it was founded upon provide neither a discussion of that issue, nor any mention of the intended uses of the split parcels or of the possibility that each could be subject to similarly intense commercial uses. Is this really an application for 60 horses or the precursor to 120 on 8 acres?

C. Fragmenting the Related MUP/Variance and Lot Split/Rezone Into Multiple Projects Violates CEQA's Prohibition Against Piecemealing to Avoid the Disclosure Purposes of CEQA.

The term "project" is given a broad interpretation in order to maximize protection of the environment. (*McQueen v. Board of Directors of the Midpeninsula Regional Open Space District* (1988) 202 Cal.App.3d 1136, 1143.) In general, the

lead agency must fully analyze each "project" in a single environmental review document and should not split the project into multiple segments, because it is essential "that environmental considerations do not become submerged by chopping a large project into many little ones, each with a potential impact on the environment, which cumulatively may have disastrous consequences." (*Burbank-Glendale-Pasadena Airport Authority v. Hensler* (1991) 233 Cal.App.3d 577, 592; *Bozung v. Local Agency Formation Commission* (1975) 13 Cal.3d 263, 283-284.) A project is "the whole of an action" which has the potential to result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. (CEQA Guidelines, § 15378(a).)

In *Citizens Association for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, two separate negative declarations were prepared for what the court held to be a single project. In overturning the County's issuance of the two negative declarations, the court found that even when read together, the two documents failed to adequately address the project's overall long-term impacts. (*Id.* at 165-166.) An unduly narrow definition of the project (such as limiting the instant project to the expansion of the FLEC operation without considering the related parcel split project) is an example of the "fallacy of division," which can cause an agency to overlook the project's cumulative impacts by separately focusing on isolated parts of the whole. (See, *McQueen, supra* 202 Cal.App.3d at 1144.)

The two projects are integrally related, with the lot split potentially affecting the FLEC operation and the intensity of use of the resultant parcel. Until the parcel split and rezone application is processed, it is impossible to ascertain whether this Project is consistent with the resulting zoning or uses, whether cumulative impacts of the multiple lots and uses result, or what additional conditions might be prudently imposed upon the expansion of FLEC in light of the lot split project. Until now, even the size of the parcel subject to the MUP has been difficult to fix, confusing even staff (see, e.g. Exhibit 4). The interrelationship between the proposed parcels and their uses and impacts is wholly unknown.

D. The Mitigated Negative Declaration's Conclusions about Impacts are Meaningless in Light of its Impermissible Use of an Improper Baseline.

Throughout the Negative Declaration, the conclusory findings of no significant impacts repeatedly rely upon some variant of implausibly claimed benign existing conditions. For example, the discussion of pollution concentrations and objectionable odors (Initial Study Discussion- Items 4, 5 at p. 5 of 23) states, as follows: "Based upon the project description, current management practices, and the fact it is an existing operation, the project will not expose sensitive receptors to substantial

pollutant concentrations, or create significant objectionable odors. No mitigation measures are required." Amazingly, this approach has served as the basis for groundless conclusions, no doubt aided by the lack of notice to neighbors who would otherwise have been able to provide considerably more reliable data and observations. (See, e.g., Exhibits 4, 5, 6 and 8 hereto.)

Consistent with the reference on the first page of the staff report, on March 12, 2008, Charlene Daniels clarified that a baseline of 30 horses was used for comparison of impacts in the determination of whether there would be significant effects from an expansion to 60 horses. This error infects every analysis of impacts in the Negative Declaration, effectively making it useless as an informational document upon which to found conclusions and forge effective conditions that might have resulted from understating the increased intensity of use. Inherent in the flawed methodology is the apparent assumption that that the Millers' continually expanding operation, sans permits, was not already generating impacts beyond what existed when they took title to the property in 2003.

The existing zoning allows for 2 horses per gross acre. Since the Project is to be on 4.0 acres (3.7 per the pending subdivision application), the baseline should be either 7 or 8 horses. The allowed non-conforming commercial use for boarding is 12 horses on a 7.9 acre parcel. Therefore, the proper baseline against which to compare the increased 60 horse intensity of use should be no more than 12 boarded horses or 2 horses per gross acre.

At the time of the 2004 Code Enforcement citations, the Millers had 22 horses on the Property and have continued to add to that number, without permit or business license, until the number stood at something greater than 34 at the time of the ZA hearing. Placer County Ordinance § 7.62.160A defines a nuisance to include a violation of the zoning ordinances. The July 21, 2004 letter from Code Enforcement to the Millers (Exhibit 2) notes the excess number of horses and grading violations, requests "voluntary compliance to correct or abate the violation", and notes that if it "goes uncorrected for an unreasonable amount of time," among other remedies, the County may charge the owner with costs associated with "abatement of nuisance conditions."

Allowing the Millers to weigh the impacts of further expansion against a baseline founded upon an excess and unpermitted use even greater than that for which they were cited defies common sense. (See, CEQA Guidelines § 15125; *Environmental Planning & Information Council v. County of El Dorado* (1982) 131 Cal.App.3d 350, 352; Remy, et al., *Guide to CEQA*, 11th ed., 2007, Solano Press, p.199.)

E. Substantial Evidence in the Record Demonstrates that Significant Effects on the Environment May Result from the Project.

Despite the analysis in Christine Turner's May 6, 2005 letter (Exhibit 4) that "[k]eeping 60 horses on 8.5 acres will require intensive onsite management to minimize dust, flies, and odors from impacting the surrounding neighbors", and despite references to a "maintenance plan" purportedly reviewed as a part of the analysis in the Initial Study, no such "maintenance plan" exists, much less the comprehensive plan that should have been necessary to conclusions that significant impacts will not result, that specific mitigation measures will be effective, and that incorporated conditions ensuring that such maintenance measures will be enforced are adequate.

Substantial evidence is defined as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. . . . Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts." (Public Resources Code §§ 21080(e)(1) and 21082.2(c); CEQA Guidelines §§ 15064(f)(5) and 15384(b).) Observations from non-experts may provide substantial evidence where those observations are credible and do not purport to embody analysis that would require special training. (*Citizens Association for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 173; *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1605; *Friends of the Old Trees v. Department of Forestry and Fire Protection* (1997) 52 Cal.App.4th 1383, 1399, fn.10.)

Ms. Turner's letter provides substantial evidence that significant effects on the environment may result from the Project. Substantial evidence must be "of ponderable legal significance . . . reasonable in nature, credible, and of solid value." (*Fair Employment Practice Commission v. California State Personnel Board* (1981) 117 Cal.App.3d 322, 332; See also *Muffett v. Royster* (1983) 147 Cal.App.3d 289, 307.) As the Agricultural Commissioner, her conclusions that the Project "will require intensive onsite management", and a "workable management plan" to mitigate dust, insect, odor, erosion and water runoff impacts clearly constitute substantial evidence and cannot be summarily dismissed. (Note that in reaching those conclusions, she was even assuming the far more generous but erroneous baseline of 30 horses instead of 12, boarding on 8.5 acres instead of 3.77.)

On or about March 10 or 11, 2008, Mark Roberts took photographs of the watercourse that flows through the Project site just upstream of the culvert under

Prospector Road. (Copies are attached hereto as Exhibit 8.) As is clearly shown in those photos, Ms. Turner's May 2005 concerns about water runoff impacts were accurate, since the frothy scum on the water surface below the denuded "pasture" areas is the result of the Millers' unpermitted commercial operation with only 34 + horses. When that many horses are on that little acreage, it can be expected that little but dirt will remain under hooves, denuded of vegetation that might have kept hold with fewer animals. That bare dirt will erode (with whatever constituents are added) and dust will become airborne is not unanticipated. Nevertheless, the dust, erosion and water quality impacts (and any associated mitigation measures) addressed in the Negative Declaration focus upon construction impacts and barn/stall circumstances while avoiding analysis of the most obvious impacts of the dramatically increased intensity of use on a parcel half the size originally anticipated.

Clearly, FLEC is not following practices that effectively mitigate water quality impacts, and adding another 25 horses will only add to the degradation shown in the photos in Exhibit 8. Moreover, though this impacted water course flows into Miners Ravine and Dry Creek, which is posted as Salmon habitat, there is no discussion of that indirect impact in the Negative Declaration. Discharge of pollution into storm drain systems and waters of the state is prohibited by Placer County Ordinance § 8.28.080 and declared a public nuisance pursuant to Placer County Ordinance § 8.28.030. Placer County Ordinance § 8.28.100 requires proof of compliance with any applicable NPDES storm water discharge permit, yet a plan effecting and demonstrating compliance is apparently neither provided nor yet designed, nor is there any analysis demonstrating that the water quality and erosion impacts of even more intense use (boarding 60 horses on less than 4 acres) on this specific site can be mitigated.

Insofar as water quality is addressed in the Negative Declaration, Discussion-Items VIII-5, 6, 7 and 12 on p.14 of 23 recognize the potential to impact water quality with runoff, even noting that as intensity of land use increases, the constituent concentrations typically increase. However, the proposed water quality mitigation measures are the missing maintenance plan, the missing BMP plan, and unwarranted reliance upon the existing management practices shown to be ineffective in Exhibit 8. The only other recited mitigation measures are references back to the geology and soils mitigation measures for construction impacts, which speak of as yet unprepared future plans for grading, construction and drainage improvements, and nothing of water *quality* mitigation measures for the operation of an intensive horse boarding use. Even then, of course, a lead agency cannot base a negative declaration on the presumed success of mitigation measures that have not yet been formulated. (See, Remy, et al., Guide to CEQA, 11th ed., 2007, Solano Press, p.324.)

F. CEQA's "Fair Argument" Standard Requires Preparation of an EIR on This Record.

If the initial study produces no substantial evidence or reasonable inferences that the project "may result in a significant effect on the environment", then a negative declaration may be prepared. If it is possible to add mitigation measures to the project to avoid such significant effects, then a mitigated negative declaration may be prepared instead. (Public Resources Code § 21080 (c).) In this case, however, the change in use is from 12 to 60 horses, not from 30 to 60, and it is on less than 4 acres with other uses apparently planned for the remainder of the 8 acres in separate parcels. In the face of evidence about impacts on residential neighbors from flies, dust, odors, early morning noise from diesel tractors moving manure daily and of adverse water quality impacts, any premise in the Negative Declaration upon which to conclude that significant effects do not exist or mitigation is not necessary evaporates. Moreover, since there is no maintenance or management plan disclosed to provide effective mitigation, any conclusions that might be made about mitigation of these impacts are without foundation, except to say that the current operational regime is not effectively mitigating the impacts of 34+ boarded horses.

On the other hand, where the administrative record contains substantial evidence that the project may result in a significant effect, as here, then the lead agency must cause an EIR to be prepared, analyzing those effects and suggesting feasible means to mitigate or avoid those effects. (Public Resources Code § 21080 (d); CEQA Guidelines § 15070; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311.) The purpose of an initial study is to document reasons to support the finding that the project under review will not have a significant effect on the environment. (CEQA Guidelines § 15071(d).) The inadequate initial study in this case cannot fulfill that function. Of course, the alternative is to change the project to reduce its impacts, and/or to adequately mitigate impacts that are susceptible to effective mitigation and recirculate a revised proposed negative declaration. (Public Resources Code §§ 21064.5, 21080(c); CEQA Guidelines § 15073.5.)

"CEQA requires the preparation of an EIR whenever it can be fairly argued, on the basis of substantial evidence, that the project may have a significant environmental impact." (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75.) The question is one of law, which simply asks whether the evidence is sufficient to support a fair argument. (*Friends of "B" Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1001.) Even if other contrary evidence supports the opposite conclusion, the agency must nevertheless prepare an EIR. (*No Oil, supra* 13 Cal.3d at 75.) The "fair argument" standard creates a low threshold for requiring the preparation of an EIR, based upon the principle that adopting a negative declaration has a

"terminal affect on the environmental review process," and because an EIR is necessary to resolve "uncertainty created by conflicting assertions" and to "substitute some degree of factual certainty for tentative opinion and speculation." (*Citizens Action to Serve All Students v. Thornley* (1990) 222 Cal.App.3d 748, 754; *Citizens of Lake Murray Association v. City Council* (1982) 129 Cal.App.3d 436, 440; *No Oil, supra* 13 Cal.3d at 85.)

"The ultimate issue is not the validity of the initial study, but rather the validity of the lead agency's adoption of a negative declaration. Even if the initial study fails to cite evidentiary support for its findings, it remains the Appellant's burden to demonstrate by citation to the record the existence of substantial evidence supporting a fair argument of significant environmental impact." (*Gentry v. City of Murietta* (1995) 36 Cal.App.4th 1359, 1379.) As discussed above, the existence of such substantial evidence is demonstrated by Exhibits 4 and 8. Had adequate notice been given to the impacted neighbors, numerous additional observations of the impacts of the unpermitted 34+ horse boarding operation at FLEC would likely have already been submitted in support of the comments submitted in Exhibits 5 and 6. (See, CEQA Guidelines § 15070(c).) Note also that where an agency has failed to produce evidence on important points, the scope of fair argument may be enlarged by lending a logical plausibility to a wider range of inferences. (*Sundstrom, supra* 202 Cal.App3d at 311.)

In this case, there simply is no maintenance plan, much less a comprehensive, enforceable and effective plan, upon which to found a claim that the significant effects of this project will be mitigated to a level of less than significance. As a further result of the inadequate environmental document, essential mitigation measures have neither been recommended nor analyzed, and the resulting conditions of approval for the MUP/variances are so inadequate as to cause land use conflicts that require resort to the courts to undo what unsound land use planning will have wrought.

G. The Findings Adopted by the ZA are Not Based Upon Substantial Evidence in the Record, and Must be Rejected.

The two variances granted by the ZA to Placer County Ordinance § 17.56.020C.1.a to reduce the setback requirements are not supported by any evidence in the record. The variances are apparently for the sole purpose of accommodating construction of enclosures that have either already been constructed, have been constrained in their location by past construction on the site by the applicant, and/or are intended to maximize the intensity of use for a facility for which expansion has proceeded unfettered by the known limitations of the Zoning Ordinance. As noted

above, the Millers received a Notice of Code Violation (Exhibit 3) in August 2004, and have ever since continued to increase the number of horses boarded on the Property without benefit of the required MUP or a business license.

It is manifestly unjust and constitutes a special privilege to be granted variances as forgiveness for nearly 44 months of unpermitted commercial expansion subsequent to having been specifically informed of the use limitations and issued a Code Enforcement citation. So far as is apparent, other properties in the vicinity and zone comply with the Zoning Ordinance and refrain from systematic violations once cited. So far as is apparent, there is no need for a variance for the Millers to enjoy intensity of use privileges that no one else in the vicinity and zone enjoys. So far as is apparent, the requested variances facilitate further minimization of the parcel size while maximizing intensity of boarding use while also accommodating the subdivision of two other parcels (and maximization of returns) as a part of the pending lot split/rezone application that was until recently unknown to the neighbors. Contrary to the ZA's conclusory findings, these variances confer special privileges upon the applicants such as are not enjoyed by others. They are not the subject of special circumstances applicable to the property unless the maximized expansion of FLEC is an entitlement no matter the parcel size and past circumstances.

As to the CEQA findings, the Mitigated Negative Declaration has not been prepared as required by law. In the first instance, Notice of its Availability was unreasonably limited and fatally flawed by its failure to include any information about documents relied upon in it for analysis, or even of the persons relied upon for such information, thus depriving the public of information and an opportunity to participate, and depriving the decision-makers of relevant evidence and analysis. In the second instance, its project description is hardly the stable and finite description required, with project site areas varying dramatically and a related lot split/rezone project springing from the instant Project. In the third instance, use of an improper baseline infected all analysis of significant impacts within it, such that none of its conclusions are reliable. Moreover, as demonstrated in Exhibit 7, there is no maintenance or management plan, despite alleged reliance on such plan in the Mitigated Negative Declaration.

Finally, as demonstrated in Exhibits 4 and 8, substantial evidence exists in light of the whole record to support a fair argument that an adverse significant effect on the environment may result from the Project. In light of that evidence, evidence provided at the ZA hearing, and zoning ordinance violations, all of which may constitute a nuisance pursuant to Placer County Ordinances, it is impossible to conclude that the proposed use will not be detrimental to the health, safety and general welfare of the

people residing in the neighborhood or of the citizens of Placer County. Indeed, Placer County Ordinance § 8.28.030 requires a contrary result.

III. CONCLUSION

Based upon substantial evidence in the record of significant impacts, based upon the Placer County Ordinance sections prescribing that such impacts may be a nuisance, and contrasted with the flawed baseline analysis in the Initial Study, certification and adoption of the Mitigated Negative Declaration for this project would constitute a prejudicial abuse of discretion. Moreover, improper reliance upon that fatally flawed environmental document has led to inadequate consideration of mitigation measures that should have become conditions of approval for the project if it is possible to adequately mitigate the effects of this expanded commercial operation.

An adequate mitigated negative declaration or EIR provides reliable analysis of potentially significant adverse impacts and effective mitigation measures that become conditions of approval facilitating the orderly development and use of properties whose uses do not conflict. Deprived of that analysis and of essential recommendations regarding feasible mitigation measures to address such impacts, however, the conditions of approval for the instant project are necessarily inadequate.

For the further reason that no evidence is apparent to support the Findings of no significant effects, or to support the Findings necessary to the requested variances, Appellants respectfully request that the Mitigated Negative Declaration not be certified, that the MUP be denied, and that the requested Variances be denied.

Respectfully submitted,



Richard G. Holt

Attachments

cc: Kenneth and Linda Miller
Mark Roberts
Mark Breunig
Clos du Lac Conseil des Proprietaires
Sterling Pointe Estates Owners Association
Monte Sereno Homeowners Association
Horseshoe Bar Area Advisory Council

AJA042



PLACER COUNTY
DEPARTMENT OF PUBLIC WORKS

Mike Hossie

Tim Hackworth, Director
Ken Grehm, Assistant Director
Rick Dondro, Deputy Director
Wes Zicker, Deputy Director

June 29, 2004

Mr. Kenneth Miller
2998 Douglas Blvd.
Roseville, CA 95661

**SUBJECT: GRADING VIOLATION ON A.P.N. 036-085-003
(4491 PROSPECTOR ROAD, LOOMIS)**

Dear Mr. Miller:

On June 24, 2004 I investigated an allegation of a grading violation on the subject parcel. Based on that investigation, it has been determined that a violation of the Placer County Grading Ordinance does exist. The specific nature of the violation is the importation and excavation of material. A combination of more than 250 cubic yards of material has been moved.

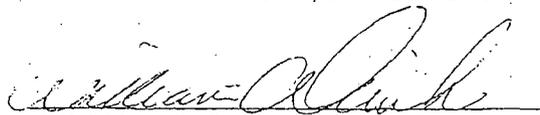
The imported material is being placed against the trunks of oak trees and will have a negative impact on the health of the impacted trees. This could be a violation of the Placer County Tree Ordinance.

All grading activity of any nature is to cease on this site until a Grading Permit is obtained, except that immediate steps should be taken to remove all dirt from the trunks of effected trees.

If you have any questions, you may contact me at (530) 889-7542.

Very truly yours,

COUNTY OF PLACER
DEPARTMENT OF PUBLIC WORKS
T. D. HACKWORTH, DIRECTOR


WILLIAM A. DAVIDSON
ENGINEERING TECHNICIAN II

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cc: Code Enforcement



PLACER COUNTY CODE ENFORCEMENT

11414 B Avenue/Auburn, California 95603/Telephone (530) 886-3050/FAX (530) 886-3492
Fred Yeager-Planning Director, Mike Harris-Senior Code Enforcement Officer, Kathy Wisted-Code Enforcement Officer

July 21, 2004

Kenneth & Linda Miller
C/O Granite Bay Properties
2998 Douglas Blvd
Roseville, CA 95661

APN: 036-085-003-000 FILE NO: 04-0000207
LOCATION: 4491 PROSPECTOR ROAD, LOOMIS
REGARDING: POSSIBLE CODE VIOLATION

Dear Mr. Mrs. Miller,

This letter is being sent to you regarding a possible zoning violation on the above referenced property. We have received a complaint concerning possible violations of the Placer County Code, specifically an excess number of horses. Your Zone District, Residential Agriculture (RA-BX-4.6), allows no more than two horses per acre. The maximum number of horses allowed on your parcel is fifteen without the prior approval of a Minor Use Permit (see section 17.56.050) for a minor equestrian facility. Note also the excessive amount of grading which is being address by the Department of Public Works.

Please be advised that if a violation is identified to exist on your property, Placer County seeks your voluntary compliance to correct or abate the violation. **Should the violation go uncorrected for an unreasonable amount of time; 1) the County may charge the property owner for all administrative costs associated with abatement of the nuisance conditions; 2) a Citation may be issued to you which may result in a mandatory Court appearance or fines and court costs of up to \$500; 3) other available enforcement action as prescribed by law may be initiated.**

You are entitled to a meeting with a Code Enforcement Officer to discuss possible methods and time limits for the correction of identified violations.

It is important that we discuss this matter with you to determine what, if any, violations may exist on your property. Please telephone our office at (530) 886-3050 on or before 10 days from the date of this letter. Your cooperation is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Eichman", is written over a horizontal line.

JIM EICHMAN
CODE ENFORCEMENT TECHNICIAN
PLACER COUNTY PLANNING DEPARTMENT

cc:
enclosure:

Exhibit **2** 77



PLACER COUNTY PLANNING DEPARTMENT
CODE ENFORCEMENT DIVISION

AUBURN OFFICE

11414 B Avenue
Auburn, CA 95603
530-886-3050 /FAX 530-886-3059

TAHOE OFFICE

565 W. Lake Blvd./P. O. Box 1909
Tahoe City CA 96145
530-581-6280 /FAX 530-581-6282

Web page: www.placer.ca.gov/planning Email : planning@placer.ca.gov

NOTICE OF CODE VIOLATION

The property at 4491 Prospector Road APN: 036-085-003

was inspected at 12:00 PM a.m./p.m. on 8-03-04 by Scott Sparks

and found to be in violation of the Placer County Code, Section 17.44.010 Residential Agricultural
(Zone District)

Violations:

Section 17.02.030A - Unlawful Land Use

Section 17.56.050F. 5. - Equestrian Facilities: A total of no more than Two Horses per gross acre; number exceeds allowable

Section limit, Minor Use Permit Required.

Section 15.04.050B. Building Permit Required for Six Stall/Paddock "Mare Hotel", and existing 12 Stall Barn: exceeds limits

Section of Legal Non-conforming Use (E78019)

Section 17.56.020 C. - Animal Enclosures: Animal enclosures less than 5000 sq. ft. must meet Building Setback requirements.

On or after 10-05-04, your property will be re-inspected and if any violation still exists, enforcement action will follow. You are hereby directed to correct all listed violations by 11-09-04. The property owner may request and be provided a meeting with the Code Enforcement Officer to discuss possible methods and time limits for the correction of identified violations. Please call the Code Enforcement Division at (530)886-3050 (Auburn Office) or (530)581-6280 (Tahoe Office).

Comments: Number of horses need to be reduced, or apply for Minor Use Permit. Apply for building permit for 6 stall "Mare Hotel" and 12 Stall Barn. Advisory Note: Prior to construction of new planned facility building permit required - must meet setback requirements.

Move Animal enclosures to meet required setbacks: 30' side and rear, 75 feet from center of travel: Prospector Way, 50" from of Easement Lomida Lane, or apply for Variance

Authorized Signature, County of Placer

8-4-04 Date

PENALTY FOR FAILURE TO COMPLY

The County may charge the property owner for all administrative costs associated with abatement of conditions defined as a Nuisance by Section 17.62.160(A), pursuant to Section 17.62.090 (Recovery of Costs). Failure to correct the above listed violations may result in the issuance of a Citation or other legal action. If an Infraction Citation is issued, conviction of code violations maybe punishable by a fine, not to exceed \$500 per violation. The penalty imposed for a conviction under this Section may include probation and/or condition of sentence. The Court is authorized, as a condition of sentence, to impose fines, and/or to order that the property be brought into compliance. Under the Code, each day any violation continues constitutes a separate offense and you can be cited for multiple day violations.

cc: [X] Assessor [] Other

Owner: Kenneth L. & Linda R. Miller
C/O Granite Bay Properties
Address: 2998 Douglas Blvd.
Roseville Ca 95661

Lessee:

Exhibit 3

78



PLACER COUNTY DEPARTMENT OF
AGRICULTURE
WEIGHTS AND MEASURES

11477 E Avenue, Auburn, CA 95603-2799 (530) 889-7372 FAX (530) 823-1698

CHRISTINE E. TURNER
Agricultural Commissioner/
Sealer of Weights and Measures

May 6, 2005

TO: Fred Yeager, Director
Placer County Planning Department

FROM: Christine Turner, Agricultural Commissioner

SUBJECT: Folsom Lake Equestrian Center Horse Boarding (PMPC 2005 0345)

The proposed Folsom Lake Equestrian Center Horse Boarding project proposes to increase the number of horses boarded on the property from approximately 30 to a maximum of 60. The property is located at 4491 Prospector Road, Loomis, CA, and is 8.5 acres.

Keeping 60 horses on 8.5 acres will require intensive onsite management to minimize dust, flies, and odors from impacting the surrounding neighbors. Issues of water runoff from the site as it relates to manure/urine management, soil erosion, irrigation and storm water runoff need to be thoroughly addressed through the Minor Use Permit process. I recommend the property owners, and managers of the facility, work with the Natural Resources and Conservation District, USDA, and the local UC Cooperative Extension Farm Advisor to develop a workable management plan.

cc Jennifer Dzakowic
Lori Lawrence

Exhibit 4

79

RECEIVED
JUL 11 2005

Sterling Pointe Estates Owners Association

1220 Melody Lane, Suite 180 ♦ Roseville, CA 95678 ♦ (916) 786-6000 Ext. 324

PLANNING DEPT.

July 6, 2005

Placer County Planning Department
11414 B Avenue
Auburn, CA 95603

ATTN: Jennifer Dzakowic, Associate Planner

RE: Folsom Lake Equestrian Center Horse Boarding (PMPC 20050345)

Dear Ms. Dzakowic:

This letter is to object to the approval of a permit to board up to sixty (60) horses at the subject property. The basis for this objection is that the application seeks to expand the RA (Residential Agriculture) zoning to encompass a purely commercial enterprise to the detriment of surrounding residents.

The Board of Directors, on behalf of the owners of the 60 lots within Sterling Pointe Estates, respectfully request that the County consider that the proposed boarding request is inconsistent with the intent of the zoning and substantially expands the commercial use of the property with all of the attendant issues. We understand that the proposed project is to be subject to a full EIR and we would request that it include a traffic study as well as air quality and sound study, which will specifically consider the adjoining residential lots. Further, consideration should be given to the impact of the substantial increase in horse traffic on Lomida Road, Lake Forest Drive, and Sterling Pointe Court.

We also request that the County consider that the prior purchase of the portion of land now owned by the applicants effectively increases the number of horse boarding facilities in this location in that the parcel Seller (Trueblood) continues to operate a horse boarding facility. Any permit for boarding at the subject property (including the existing permit) should be considered in light of the fact that there are now two separate boarding facilities rather than the original single facility referred to in the application. Any "grandfathering" should be reexamined for validity as to each of the parcels.

The Sterling Pointe Estates Board, on behalf of the residents that it represents, asks that the following factors be considered:

- 1) The applicant does not propose to establish a residence on the property but rather states that the existing two bedroom home is to be used for a "manager's house" indicating the purely commercial intent for the site.
- 2) The property is within 500 feet of Sterling Pointe Estates. The obvious increase in activity, noise and smells produced by the proposed horses would be a substantial detriment to the quality of life and property values for the adjacent neighbors. No attempt has been made by the applicant to contact these neighbors to discuss this proposal or to consider the impact on neighboring communities.
- 3) An increase in vehicular traffic will negatively impact residents due to required deliveries of feed and supplies, additional maintenance and care personnel and an increased number of visitors/customers.
- 4) An increase in horse and rider traffic up Lomida and through the Sterling Pointe neighborhood to the equestrian center increases the potential for horse/car incidents (including something as simple as a spooked horse) and, therefore, poses increased safety concerns.

Exhibit 5
80

We appreciate the applicant's contributions to cleaning up the property of the accumulation of past debris from the prior operation over the past 20 years. However, the fact is that there is no assurance, despite the intentions of the current owners, that an expanded operation will not lead to future accumulations of similar debris generated by this greatly expanded operation. Further, the stated intention of the applicant to make money by expanding the operations concerns the community that the area quality of life issues will be secondary now and in the future.

We ask that the County deny the current application and review the validity and conditions of the current permit to determine if the existing operation is consistent with the current zoning and adjacent uses. We also request that staff insure timely notice of all future proposed actions regarding this matter to all the appropriate parties with Lomida Road access to their property.

Thank you for your consideration.

Sincerely,

STERLING POINTE ESTATES BOARD OF DIRECTORS:

Paul Tupin
David Gravlin
Jan Killingsworth

cc: CEO, Inc.

LANDON



RECEIVED
JUL 08 2005

PLANNING DEPT.

CLOS DU LAC CONSEIL DES PROPRIETAIRES

July 6, 2005

Placer County Planning Department
11414 B Avenue
Auburn, CA 95603

ATTN: Jennifer Dzakowic, Associate Planner

RE: Folsom Lake Equestrian Center Horse Boarding (PMPC 20050345)

Dear Ms/ Dzakowic:

This letter is to object to the approval of a permit to board up to sixty (60) horses at the subject property. The basis for this objection is that the application seeks to expand the RA (Residential Agriculture) zoning to encompass a purely commercial enterprise to the detriment of surrounding residents.

The Board of Directors, on behalf of the owners of the 88 lots within Clos du Lac respectfully request that the County consider that the proposed boarding request is inconsistent with the intent of the zoning and substantially expands the commercial use of the property with all of the attendant issues. We understand that the proposed project is to be subject to a full EIR and we would request that it include a traffic study as well as air quality and sound study, which will specifically consider the adjoining residential lots. Further, consideration should be given to the impact of the substantial increase in horse traffic on Lomida Road and across intersecting streets such as Chateaux Drive.

We also request that the County consider that the prior purchase of the portion of land now owned by the applicants effectively increases the number of horse boarding facilities in this location in that the parcel Seller (Trueblood) continues to operate a horse boarding facility. Any permit for boarding at the subject property (including the existing permit) should be considered in light of the fact that there are now two separate boarding facilities rather than the original single facility referred to in the application. Any "grandfathering" should be reexamined for validity as to each of the parcels.

The Clos du Lac Board, on behalf of the residents that it represents, asks that the following factors be considered:

c/o Riverside Management, P.O. Box 41099, Sacramento, CA 95841, 916-349-3160

Exhibit 6
SD

Folsom Lake Equestrian Center Horse Boarding
July 6, 2005

- 1) The applicant does not propose to establish a residence on the property but rather states that the existing two bedroom home is to be used for a "manager's house" indicating the purely commercial intent for the site.
- 2) The property abuts the Clos du Lac subdivision including two existing homes. The obvious increase in activity, noise and smells produced by the proposed horses would be a substantial detriment to the quality of life and property values for the adjacent neighbors. No attempt has been made by the applicant to contact these neighbors to discuss this proposal or to consider the impact on neighboring communities.
- 3) An increase in vehicular traffic will negatively impact residents due to required deliveries of feed and supplies, additional maintenance and care personnel and an increased number of visitors/customers.
- 4) An increase in horse and rider traffic up Lomida and through the Sterling Point neighborhood to the equestrian center increases the potential for horse/car incidents (including something as simple as a spooked horse) and, therefore, poses increased safety concerns.

We appreciate the applicant's contributions to cleaning up the property of the accumulation of past debris from the prior operation over the past 20 years. However, the fact is that there is no assurance, despite the intentions of the current owners, that an expanded operation will not lead to future accumulations of similar debris generated by this greatly expanded operation. Further, the stated intention of the applicant to make money by expanding the operations concerns the community that the area quality of life issues will be secondary now and in the future.

We ask that the County deny the current application and review the validity and conditions of the current permit to determine if the existing operation is consistent with the current zoning and adjacent uses. We also request that staff insure timely notice of all future proposed actions regarding this matter to all the appropriate parties with Lomida Road access to their property.

Thank you for your consideration.

Sincerely,



Michael J. Metzger
President

cc: Riverside Management & Services, Inc., Attn. Celeste Comings
Jennifer M. Jacobson, Esq., Stein & Baydaline, LLP

| | |
|---------|-------------------------------|
| DATE | 11/11/88 |
| SCALE | AS SHOWN |
| PROJECT | FOLSOM LAKE EQUESTRIAN CENTER |
| NO. | 1 |

FOLSOM LAKE EQUESTRIAN CENTER SITE PLAN

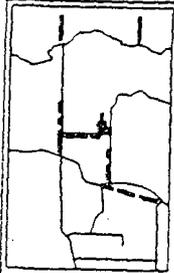
MORTON & PITALO, INC.
 ARCHITECTS
 11500 WILSON BLVD., SUITE 100
 FOLSOM, CALIF. 95630
 (916) 932-1100



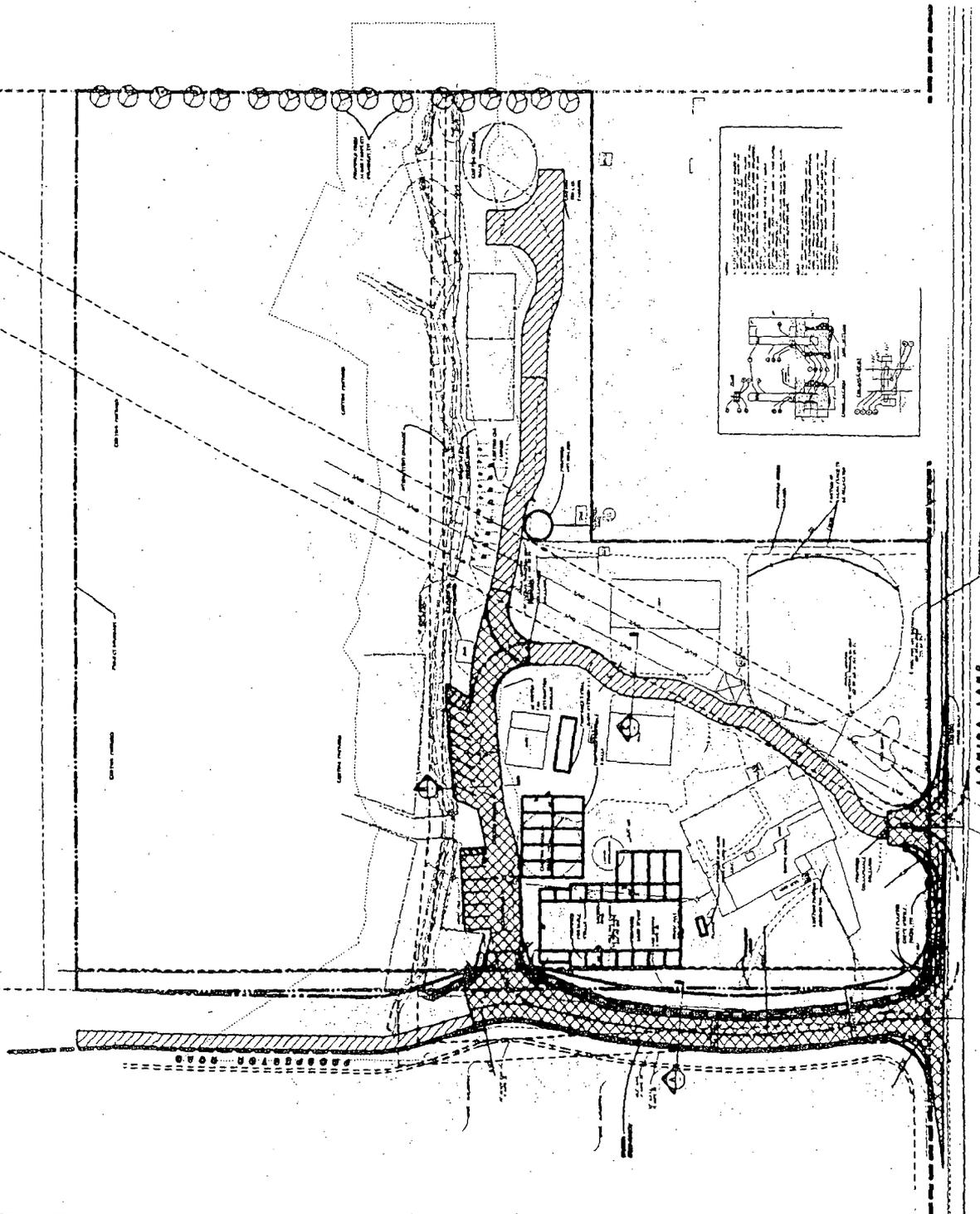
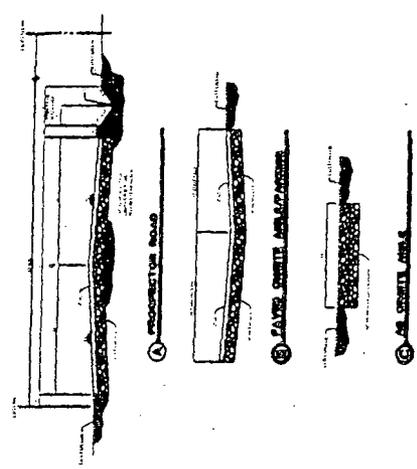
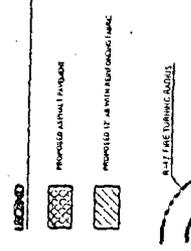
CONTRACT NO. 88-001
 SHEET NO. 1A
 PROJECT NO. 88-001

SCALE: 1/4" = 1'-0"
 DATE: 11/11/88
 SHEET: 1A

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EXHIBIT D



- OWNER:** FOLSOM LAKE EQUESTRIAN CENTER, INC. 11500 WILSON BLVD., SUITE 100, FOLSOM, CA 95630
- ARCHITECT:** MORTON & PITALO, INC. 11500 WILSON BLVD., SUITE 100, FOLSOM, CA 95630
- ENGINEER:** G. W. HARRIS, INC. 11500 WILSON BLVD., SUITE 100, FOLSOM, CA 95630
- LANDSCAPE ARCHITECT:** G. W. HARRIS, INC. 11500 WILSON BLVD., SUITE 100, FOLSOM, CA 95630
- PLANNING:** G. W. HARRIS, INC. 11500 WILSON BLVD., SUITE 100, FOLSOM, CA 95630



LOUISIANA LANE



**PLACER COUNTY DEPARTMENT OF
AGRICULTURE
WEIGHTS AND MEASURES**

11477 E Avenue, Auburn, CA 95603-2799 (530) 889-7372 FAX (530) 823-1698

CHRISTINE E. TURNER
Agricultural Commissioner/
Sealer of Weights and Measures

April 8, 2008

TO: Charlene Daniels, Planning Department
FROM: Christine Turner, Agricultural Commissioner
SUBJECT: Folsom Lake Equestrian Center

On April 8, 2008, Roger Ingram, University of California Cooperative Extension, Livestock Farm Advisor; Leslie Lindbo, Placer County Supervising Environmental Health Specialist, Land Use and Water Resources Section, and I met at the Folsom Lake Equestrian Center (FLEC) site, 4491 Prospector Road, Loomis, CA. We met with Jenny Jordan, FLEC Manager, to inspect the site, review current property and horse management practices, and discuss their proposal to increase the number of horses allowed on the site from 30 to 60. Ms. Jordan gave us a tour of the entire facility, explained their current management practices and pointed out the areas of proposed expansion on the property. Ms. Jordan confirmed that the FLEC site is limited to 3.77 acres total and includes a total of 34 stalls. They propose to install an additional 16 horse stalls (two adjacent 8 stall barns) with open paddock areas similar to the rest of the horse stalls and paddock areas in a flat area adjacent to Prospector Road. They would also like to extend the existing row of partially covered paddocks by installing an additional 7 paddocks.

The entire property was very well maintained, the barns and paddock areas were in good repair, and it was evident that the horse manure was regularly removed from the stalls and paddocks. Ms. Jordan demonstrated the water sprinklers used to manage dust in the riding arena. The sprinklers are on a timer during the dry season to ensure automatic watering of the riding arena. The barns are equipped with automatic fly spray systems that are routinely inspected and serviced as needed. In addition, Ms. Jordan incorporates the use of parasitic wasps for biological fly control. Currently, manure is removed from the property twice a week.

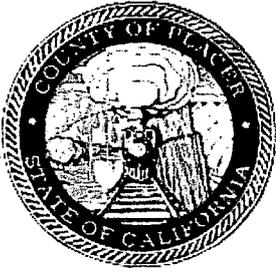
Based upon our observations and discussions with Ms. Jordan, I am making the following recommendations:

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EXHIBIT E

1. The expansion of the facility be limited to the additional 16 stalls associated with the installation of the two 8 horse barns in the flat area adjacent to Prospector Road. I support the requested variance for the required setback to accommodate the barn(s) at this specific location. This would limit the number of horse stalls (and horses) to 50 rather than the requested 60 horses on site.
2. The existing manure storage be changed to a self-contained dumpster trailer that could also be more easily covered during the rainy season, and moved to a location adjacent to the existing hay barn. This relocation of the manure storage would result in the stored manure being closer to Ms. Jordan's resident than to any of her neighbors. In addition, the frequency of manure removal from the site be increased from twice a week to a minimum of three times per week.
3. Maintain a minimum 50 foot buffer between the adjacent water way and the nearest horse housing which would result in a greater buffer than the neighbors maintain with their horses.
4. Continued efforts of using a combination of misters, fly traps, and fly predators to minimize fly populations.

If the FLEC is willing to incorporate the above recommendations, I support this proposed project and believe the site can be effectively managed with an onsite horse population that is limited to 50.



COUNTY OF PLACER
Community Development Resource Agency

**ENVIRONMENTAL
COORDINATION
SERVICES**

John Marin, Agency Director

Gina Langford, Coordinator

3091 County Center Drive, Suite 190 • Auburn • California 95603 • 530-745-3132 • fax 530-745-3003 • www.placer.ca.gov/planning

Revised INITIAL STUDY & CHECKLIST

This Initial Study has been prepared to identify and assess the anticipated environmental impacts of the following described project application. The document may rely on previous environmental documents (see Section C) and site-specific studies (see Section I) prepared to address in detail the effects or impacts associated with the project.

This document has been prepared to satisfy the California Environmental Quality Act (CEQA) (Public Resources Code, Section 21000 et seq.) and the State CEQA Guidelines (14 CCR 15000 et seq.) CEQA requires that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority before acting on those projects.

The Initial Study is a public document used by the decision-making lead agency to determine whether a project may have a significant effect on the environment. If the lead agency finds substantial evidence that any aspect of the project, either individually or cumulatively, may have a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial, the lead agency is required to prepare an EIR, use a previously-prepared EIR and supplement that EIR, or prepare a Subsequent EIR to analyze the project at hand. If the agency finds no substantial evidence that the project or any of its aspects may cause a significant effect on the environment, a Negative Declaration will be prepared. If in the course of analysis, the agency recognizes that the project may have a significant impact on the environment, but that by incorporating specific mitigation measures the impact will be reduced to a less than significant effect, a Mitigated Negative Declaration will be prepared.

A. BACKGROUND:

| | |
|---|----------------------|
| Project Title: Folsom Lake Equestrian Center | Plus# PMPC T20060321 |
| Entitlements: Minor Use Permit, Variance | |
| Site Area: 3.77 acres south of intermittent stream, parcel size approximately 8.4 acres | APN: 036-085-003,004 |
| Location: 4491 Prospector Road, at the northeast corner of Lomida Lane and Prospector Road, Loomis | |
| Project Description: Proposal includes a Minor Use Permit to increase the number of horses boarded at the existing equestrian facility from 30 to 60 horses on approximately four acres of land. Variances are also requested to reduce the required setbacks for the proposed barn and portable stalls and to eliminate the parking lot paving requirement that nonresidential uses utilize at a minimum, asphalted concrete or Portland cement concrete. | |

B. ENVIRONMENTAL SETTING:

| Location | Zoning | General Plan/Community Plan | Existing Conditions & Improvements |
|----------|---|------------------------------|--|
| Site | Residential Agriculture, Building size 4.6 acre minimum, Planned Development .44 acre | Rural Residential, 1-10 acre | Single family dwelling/Horse boarding facility |
| North | Same as project site | Same as project site | Outbuildings |
| South | Same as project site | Same as project site | Large lot/Single family dwelling |
| East | Same as project site | Same as project site | Clos du Lac's/Open space lot |
| West | Same as project site | Same as project site | Large lot/Single family dwelling |

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C. PREVIOUS ENVIRONMENTAL DOCUMENT:

The County has determined that an Initial Study will be prepared in order to determine whether the potential exists for unmitigatable impacts resulting from the proposed project. Relevant analysis from the County-wide General Plan and Community Plan Certified EIRs, and other project-specific studies and reports that have been generated to date, were used as the database for the Initial Study. The decision to prepare the Initial Study utilizing the analysis contained in the General Plan and Specific Plan Certified EIRs, and project-specific analysis summarized herein, is sustained by Sections 15168 and 15183 of the CEQA Guidelines.

Section 15183 states that "projects which are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified will not require additional environmental review, except as may be necessary to examine whether there are project-specific significant effects which are peculiar to the project or site." Thus, if an impact is not peculiar to the project or site, and it has been addressed as a significant effect in the prior EIR, or will be substantially mitigated by the imposition of uniformly applied development policies or standards, then additional environmental documentation need not be prepared for the project solely on the basis of that impact.

Section 15168 relating to Program EIRs indicates that where subsequent activities involve site-specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity, to determine whether the environmental effects of the operation were covered in the earlier Program EIR. A Program EIR is intended to provide the basis in an Initial Study for determining whether the later activity may have any significant effects. It will also be incorporated by reference to address regional influences, secondary effects, cumulative impacts, broad alternatives, and other factors that apply to the program as a whole.

The following documents serve as Program-level EIRs from which incorporation by reference will occur:

- ➔ County-wide General Plan EIR
- ➔ Horseshoe Bar/Penryn Community Plan EIR

The above stated documents are available for review Monday through Friday, 8am to 5pm, at the Placer County Community Development Resource Agency, 3091 County Center Drive, Auburn, CA 95603. For Tahoe projects, the document will also be available in our Tahoe Division office, 565 West Lake Blvd, Tahoe City, CA 96145.

D. EVALUATION OF ENVIRONMENTAL IMPACTS:

The Initial Study checklist recommended by the State of California Environmental Quality Act (CEQA) Guidelines is used to determine potential impacts of the proposed project on the physical environment. The checklist provides a list of questions concerning a comprehensive array of environmental issue areas potentially affected by the project (see CEQA Guidelines, Appendix G). Explanations to answers are provided in a discussion for each section of questions as follows:

- a) A brief explanation is required for all answers including "No Impact" answers.
- b) "Less Than Significant Impact" applies where the project's impacts are insubstantial and do not require any mitigation to reduce impacts.
- c) "Less Than Significant with Mitigation Measures" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The County, as lead agency, must describe the mitigation measures, and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from earlier analyses may be cross-referenced).
- d) "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- e) All answers must take account of the entire action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts [CEQA Guidelines, Section 15063(a)(1)].
- f) Earlier analyses may be used where, pursuant to the tiering, Program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration [CEQA Guidelines, Section 15063(c)(3)(D)]. A brief discussion should be attached addressing the following:
 - ➔ **Earlier analyses used** – Identify earlier analyses and state where they are available for review.

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- ➔ **Impacts adequately addressed** – Identify which effects from the above checklist were within the scope of, and adequately analyzed in, an earlier document pursuant to applicable legal standards. Also, state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - ➔ **Mitigation measures** – For effects that are checked as “Less Than Significant with Mitigation Measures,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- g) References to information sources for potential impacts (i.e. General Plans/Community Plans, zoning ordinances) should be incorporated into the checklist. Reference to a previously-prepared or outside document should include a reference to the pages or chapters where the statement is substantiated. A source list should be attached and other sources used, or individuals contacted, should be cited in the discussion.

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I. AESTHETICS – Would the project:

| Environmental Issue | Potentially Significant Impact | Less Than Significant with Mitigation Measures | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| 1. Have a substantial adverse effect on a scenic vista? (PLN) | | | X | |
| 2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, within a state scenic highway? (PLN) | | | X | |
| 3. Substantially degrade the existing visual character or quality of the site and its surroundings? (PLN) | | | X | |
| 4. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (PLN) | | | X | |

Discussion- All Items:

The proposed equestrian expansion will add a new barn (3,888 square feet) and approximately 36 portable stalls. The construction of the barn, installation of the portable stalls, and the road widening will result in additional tree removal. In addition, the barn is proposed to be located closer to Prospector Road where the front setback is typically 75 feet from centerline. The barn is proposed at 42 feet from centerline and the portable stalls will be 35 feet from centerline. Although the proposed project will alter the existing setting, the proposed changes are in keeping with the existing setting. This impact is considered less than significant and no mitigation measures are required.

II. AGRICULTURAL RESOURCE – Would the project:

| Environmental Issue | Potentially Significant Impact | Less Than Significant with Mitigation Measures | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| 1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide or Local Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (PLN) | | | | X |
| 2. Conflict with General Plan or other policies regarding land use buffers for agricultural operations? (PLN) | | | X | |
| 3. Conflict with existing zoning for agricultural use, or a Williamson Act contract? (PLN) | | | | X |
| 4. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland (including livestock grazing) to non-agricultural use? (PLN) | | | | X |

Discussion- Items II-1,3,4:

An equestrian boarding facility is considered an agricultural use. Therefore an expansion of this facility will result in no impact to agricultural uses.

Discussion- Item II-2:

The applicant is requesting a variance to section 17.56.020(C)(1)(a) of the Zoning Ordinance which states that "No animal enclosure will be closer to an existing residence on an adjoining site than to the main residence on the site whereon the enclosure is located, and in no case will an enclosure be located closer to any property line that is common with an adjacent parcel than the minimum setback distance required by the zone district for a main

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dwelling". The portable stall, proposed on the eastern portion of the property, will be located closer to the adjoining residence than the onsite residence. This provision is intended to reduce potential problems between adjoining animal enclosures and adjoining residences. If the Variance is approved to allow the portable stalls to be located at the proposed location, the Environmental Health Services Division has reviewed the maintenance plan for the equestrian center and has determined that the measures proposed for manure removal and to control potential odor and vector issues are satisfactory to minimize impacts to adjacent neighbors. No mitigation measures are required.

III. AIR QUALITY – Would the project:

| Environmental Issue | Potentially Significant Impact | Less Than Significant with Mitigation Measures | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| 1. Conflict with or obstruct implementation of the applicable air quality plan? (APCD) | | | | X |
| 2. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (APCD) | | | X | |
| 3. Result in a cumulatively considerable net increase of any criteria for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (APCD) | | | X | |
| 4. Expose sensitive receptors to substantial pollutant concentrations? (APCD) | | | X | |
| 5. Create objectionable odors affecting a substantial number of people? (APCD) | | | X | |

Discussion- Item III-1:

Based upon the project description the project will not conflict with the Air Quality Plan.

Discussion- Items III-2,3:

The project is located in the Sacramento Valley Air Basin portion of Placer County. This area is non-attainment for the federal and state ozone standard and non-attainment for the state particulate matter standard.

According to the preliminary analysis, the project related NOx, ROG, and PM emissions are below the Districts thresholds. However, the project applicant will still need to be in compliance with District Rule 228 on fugitive dust control during operation. No mitigation measures are required.

Discussion- Item III-4:

Based upon the project analysis, the project will not result in significant air pollutant emissions to the adjacent areas. No mitigation measures are required.

Discussion- Item III-5:

The project is located in a rural area and is located on a relatively large piece of property so there is not a substantial amount of people who will be exposed to objectionable odors. No mitigation measures are required.

IV. BIOLOGICAL RESOURCES – Would the project:

| Environmental Issue | Potentially Significant Impact | Less Than Significant with Mitigation Measures | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| 1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, | | X | | |

| | | | | |
|--|--|---|---|---|
| policies or regulations, or by the California Department of Fish & Game or U.S. Fish & Wildlife Service? (PLN) | | | | |
| 2. Substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number of restrict the range of an endangered, rare, or threatened species? (PLN) | | X | | |
| 3. Have a substantial adverse effect on the environment by converting oak woodlands? (PLN) | | X | | |
| 4. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations or by the California Department of Fish & Game or U.S. Fish & Wildlife Service? (PLN) | | X | | |
| 5. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (PLN) | | X | | |
| 6. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (PLN) | | | X | |
| 7. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (PLN) | | X | | |
| 8. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (PLN) | | | | X |

General Discussion

The site is composed of leveled to gently rolling terrain and is situated at elevations that range from approximately 550 feet to 570 feet. Portions of the site have been historically leveled and are currently utilized for equestrian boarding and training purposes. The predominant vegetation community is mixed Valley Foothill Woodland.

Discussion- Items IV-1,2:

A Special-Status Species Assessment was prepared for this site (May 21, 2007) and reviewed by the Placer County Natural Resource Division. The results of this review indicates that the following special status species have the potential to exist on-site: Valley Elderberry Longhorn Beetle, White-tail kite, Sharp-shinned hawk, Lark Sparrow, Little brown bat, Yuma Myotis, Hoary Bat, Western red bat, Townsend big-eared bat and Pallid bat. By incorporating the following mitigation measures, these impacts will be reduced to a less than significant level.

Mitigation Measures- Items IV-1,2:

MM IV.1 Prior to the approval of Improvement Plans, a special status preconstruction survey will be required for the Valley Elderberry Longhorn Beetle (VELB). If the VELB is discovered on-site, a Mitigation Monitoring Implementation program for the replacement of the VELB habitat will be prepared by a qualified biologist and submitted in conjunction with the project's Improvement Plans. Construction and monitoring of the compensation areas will comply with the U.S. Fish and Wildlife Service General Compensation Guidelines for the Valley Elderberry Longhorn Beetle.

MM IV.2 Prior to approval of Improvement Plans, a qualified biologist will conduct preconstruction avian surveys to determine the presence or absence of nesting raptors and/or nesting songbirds on-site during the appropriate activity period for each potentially occurring species. The survey periods for the following species are: White-tailed kite (March-June), Sharp-shinned hawk (April-August), and Lake Sparrow (April-May).

MM IV.3 Prior to the approval of Improvement Plans, an initial habitat assessment of the site will be conducted by a qualified biologist to identify any features that may be considered potential habitat for maternity bat roosts (e.g. man-made structures, large diameter trees, snags, etc). If potential roosting habitat is identified on-site, the initiation

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of consultation with California Department of Fish and Game will ensue. Removal of potential bat roost habitat identified during the assessment will be avoided during the maternity season (typically May-August). If removal of potential habitat occurs outside of the maternity season, no further mitigation is required. If removal of potential roost habitat must be conducted during the maternity season, preconstruction inspections for bats will be conducted via the appropriate methods (i.e. camera inspections, exit survey with night optics, acoustic survey). If bats are found during inspections, removal of that roost feature will be delayed until the end of the maternity season, or until a qualified bat biologist has determined that the young are volant.

Discussion- Items IV-3,7:

The project expansion will result in approximately nine native trees either being removed or impacted. The applicant will be required to mitigate the impact to these trees.

Mitigation Measures- Items IV-3,7:

MM IV.4 Prior to the approval of Improvement Plans, the applicant will pay into the Placer County Tree Preservation fund the amount of \$4,110. This is the amount a certified arborist has determined to be the market value of the trees that will be impacted as a result of the expansion. Alternatively, other mitigation measures developed by the County may be used to mitigate the impacts to native trees.

Discussion- Items IV-4,5:

A wetlands delineation conducted on the property indicates that there is approximately .485 acres of seasonal wetland, .372 acres of seep and .196 acres of intermittent drainage on the site. The seep and wetland areas are located on the northern portion of the site and will not be impacted by the proposed expansion. An intermittent drainage is located on the north side of the existing drainage. It appears that this drainage will not be disturbed by the proposed expansion with the exception of the road improvements that will be required along Prospector Road. Approximately .07 acres of wetlands will be impacted as a result of road widening and realignment. By incorporating the following mitigation measures, these impacts will be reduced to a less than significant level.

Mitigation Measures- Item IV-4,5:

MM IV.5 Prior to the approval of Improvement Plans, project activities adversely affecting waters of the United States will require a permit from the U.S. Army Corps of Engineers and a water quality certification from the Regional Water Quality Control Board.

MM IV.6 Prior to the approval of Improvement Plans, activities affecting ephemeral streams or wetlands located on the site may need a permit from the California Department of Fish and Game. A streambed alteration agreement application will be submitted to the Department before ground disturbance in these areas, and the Department of Fish and Game will determine whether a permit is needed.

Discussion- Item IV-6:

The project will not interfere with movement of any native resident or wildlife species or with established native resident or migratory wildlife corridors. No mitigation measures are required.

Discussion- Item IV-8:

The site is not located within any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other approved Habitat Plan Area.

V. CULTURAL RESOURCES – Would the project:

| Environmental Issue | Potentially Significant Impact | Less Than Significant with Mitigation Measures | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| 1. Substantially cause adverse change in the significance of a historical resource as defined in CEQA Guidelines, Section 15064.5? (PLN) | | | X | |
| 2. Substantially cause adverse change in the significance of a unique archaeological resource pursuant to CEQA Guidelines, Section 15064.5? (PLN) | | | X | |

| | | | | |
|---|--|--|---|--|
| 3. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (PLN) | | | X | |
| 4. Have the potential to cause a physical change, which would affect unique ethnic cultural values? (PLN) | | | X | |
| 5. Restrict existing religious or sacred uses within the potential impact area? (PLN) | | | X | |
| 6. Disturb any human remains, including those interred outside of formal cemeteries? (PLN) | | | X | |

Discussion- Items V-1,2,4,5,6:

A preliminary cultural resource search for the site indicates that there are no known potentially significant resources on the site and therefore the impact is considered less than significant. No mitigation measures are required.

Discussion- Item V-3:

The project site is located in the Penryn Quartz Diorite rock unit. The paleontological sensitivity for this rock unit is low. Consequently the impact to paleontological resource is considered to be less than significant. No mitigation measures are required.

VI. GEOLOGY & SOILS – Would the project:

| Environmental Issue | Potentially Significant Impact | Less Than Significant with Mitigation Measures | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| 1. Expose people or structures to unstable earth conditions or changes in geologic substructures? (ESD) | | | | X |
| 2. Result in significant disruptions, displacements, compaction or overcrowding of the soil? (ESD) | | X | | |
| 3. Result in substantial change in topography or ground surface relief features? (ESD) | | | X | |
| 4. Result in the destruction, covering or modification of any unique geologic or physical features? (ESD) | | | | X |
| 5. Result in any significant increase in wind or water erosion of soils, either on or off the site? (ESD) | | X | | |
| 6. Result in changes in deposition or erosion or changes in siltation which may modify the channel of a river, stream, or lake? (ESD) | | X | | |
| 7. Result in exposure of people or property to geologic and geomorphological (i.e. Avalanches) hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards? (ESD) | | | | X |
| 8. Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? (ESD) | | | | X |
| 9. Be located on expansive soils, as defined in Table 18, 1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (ESD) | | | | X |

Discussion- Item VI-1:

This project does not propose any features that would expose people or structures to unstable earth conditions or changes in geologic substructures.

Discussion- Item VI-2:

The project proposes to increase the number of horses boarded on the property from approximately 30 to a maximum of 60 horses. The boarding facilities are located on the southern 3.77 acres of the property. Soils on site have been previously disturbed due to the existing use of approximately 30 horses. Based on preliminary plans submitted by the applicant, the applicant proposes to implement Best Management Practices (BMPs) and develop a workable management plan. BMPs proposed include fiber wattle barriers, silt fencing, hydroseeding and broadcast straw, vegetated swales, and French drains. The applicant will be constructing improvements along the property boundary to Prospector Road including paving and widening the road to a Placer County Standard Plate R-1 which requires 20' pavement plus 2' shoulders. The applicant will be improving the projects two encroachments (one onto Lomida Lane and one onto Prospector Road) to a standard Plate R-17 including sight distance. Minor grading will take place as part of this project for improving Prospector Road and constructing the two encroachments. The existing Prospector Road alignment does not follow the existing road easement; however the landowner is proposing to revise the easement and dedicate the required right-of-way to the location of the existing and realigned portions of Prospector Road. The applicant will provide a geotechnical engineering report produced by a California Registered Civil Engineer or Geotechnical Engineer. Grading operations will create disruptions, displacements, and compaction of native soils. These grading impacts are considered to be potentially significant. However, by incorporating the following mitigations measures, these impacts will be reduced to a less than significant level.

Mitigation Measures- Item VI-2:

MM VI.1 The applicant will prepare and submit Improvement Plans, specifications and cost estimates (per the requirements of Section II of the Land Development Manual [LDM] that are in effect at the time of submittal) to the ESD for review and approval. The plans will show all conditions for the project as well as pertinent topographical features both on- and off-site. All existing and proposed utilities and easements, on-site and adjacent to the project, which may be affected by planned construction, will be shown on the plans. All landscaping and irrigation facilities within the public right-of-way (or public easements), or landscaping within sight distance areas at intersections, will be included in the Improvement Plans. The applicant will pay plan check and inspection fees. Prior to plan approval, all applicable recording and reproduction cost will be paid. It is the applicant's responsibility to obtain all required signatures on the plans and to secure department approvals. If the Design/Site Review process and/or DRC review is required as a condition of approval for the project, said review process will be completed prior to submittal of Improvement Plans. Record Drawings will be prepared and signed by a California Registered Civil Engineer at the applicant's expense and will be submitted to the ESD in both hard copy and electronic versions in a format to be approved by the ESD prior to acceptance by the County of site improvements.

MM VI.2 All proposed grading, drainage improvements, vegetation, tree impacts and tree removal will be shown on the Improvement Plans and all work will conform to provisions of the County Grading Ordinance (Section 15.48, Placer County Code) and the Placer County Flood Control District's Stormwater Management Manual. The applicant will pay plan check fees and inspection fees. No grading, clearing, or tree disturbance will occur until the Improvement Plans are approved and any required temporary construction fencing has been installed and inspected by a member of the DRC. All cut/fill slopes will be at 2:1 (horizontal:vertical) unless a soils report supports a steeper slope and the Engineering and Surveying Department (ESD) concurs with said recommendation.

All facilities and/or easements dedicated or offered for dedication to Placer County or to other public agencies which encroach on the project site or within any area to be disturbed by the project construction will be accurately located on the Improvement Plans. The intent of this requirement is to allow review by concerned agencies of any work that may affect their facilities.

The applicant will revegetate all disturbed areas. Revegetation undertaken from April 1 to October 1 will include regular watering to ensure adequate growth. A winterization plan will be provided with project Improvement Plans. It is the applicant's responsibility to assure proper installation and maintenance of erosion control/winterization during project construction. Provide for erosion control where roadside drainage is off of the pavement, to the satisfaction of the ESD.

Submit to the ESD a letter of credit or cash deposit in the amount of 110% of an approved engineer's estimate for winterization and permanent erosion control work prior to Improvement Plan approval to guarantee protection against erosion and improper grading practices. Upon the County's acceptance of improvements, and satisfactory completion of a one-year maintenance period, unused portions of said deposit will be refunded to the project applicant or authorized agent.

If, at any time during construction, a field review by County personnel indicates a significant deviation from the proposed grading shown on the Improvement Plans, specifically with regard to slope heights, slope ratios, erosion control, winterization, tree disturbance, and/or pad elevations and configurations, the plans will be reviewed by the DRC/ESD for a determination of substantial conformance to the project approvals prior to any further work proceeding.

Failure of the DRC/ESD to make a determination of substantial conformance may serve as grounds for the revocation/modification of the project approval by the appropriate hearing body.

Any work affecting facilities maintained by, or easements dedicated or offered for dedication, to Placer County or other public agency may require the submittal and review of appropriate Improvement Plans by ESD or the other agency.

MM VI.3 Submit to ESD, for review and approval, a geotechnical engineering report produced by a California Registered Civil Engineer or Geotechnical Engineer. The report will address and make recommendations on the following:

- Road, pavement, and parking area design
- Structural foundations, including retaining wall design (if applicable)
- Grading practices
- Erosion/winterization
- Special problems discovered on-site, (i.e., groundwater, expansive/unstable soils, etc.)
- Slope stability

Once approved by the ESD, two copies of the final report will be provided to the ESD and one copy to the Building Department for their use. If the soils report indicates the presence of critically expansive or other soils problems which, if not corrected, may lead to structural defects, a certification of completion of the requirements of the soils report will be required for subdivisions, prior to issuance of Building Permits. It is the responsibility of the developer to provide for engineering inspection and certification that earthwork has been performed in conformity with the recommendations contained in the report.

Discussion- Item VI-3:

The project proposes excavations and grading in order to improve the existing Prospector Road and the encroachment onto Prospector Road and Lomida Lane, as shown on the preliminary site plan. The proposed changes to topography are consistent with typical development of this type and with the Placer County General Plan and the Grading Ordinance. Therefore, the projects impacts to topography are considered less than significant. No mitigation measures are required.

Discussion- Item VI-4:

The subject project is for expansion of an existing horse boarding facility. There are no known unique geologic or physical features at this site that could be destroyed, covered or modified.

Discussion- Items VI-5,6:

The disruption of soils has occurred on site due to the current use of approximately 30 horses. The site is currently gravel based in the area of the barns and residence, on driveways and on existing parking areas to reduce dust and runoff into the drainage channel. New parking areas and circulation aisles for public use will be paved. The facility has an existing sprinkler system on the two arenas and two round pens to control dust. These are on timers to run in the morning, afternoon and evening to control dust. Based on preliminary plans submitted by the applicant, the applicant proposes to implement Best Management Practices (BMPs) and develop a workable management plan. BMPs proposed include fiber wattle barriers, silt fencing, hydroseeding and broadcast straw, vegetated swales, dust control methods such as sprinklers, and French drains. The disruption of soils to construct the improvements to Prospector Road has the potential to result in significant increases in erosion of soils. To construct the improvements proposed, significant disruption of the soils will occur, creating a potential for contamination of storm runoff with sediment or other pollutants introduced through typical grading practices. Discharge of concentrated runoff after project expansion could also contribute to these impacts in the long-term. Discharge from the site will be conveyed via an existing storm drain system and vegetated swale water quality treatment on-site and along Prospector Road prior to discharge to the off-site storm drain system. Soil disruption has the potential to increase siltation of storm runoff. To ensure no direct or indirect discharge of sediments, temporary and permanent water quality best management practices will be incorporated into construction activities and project design. The project's impacts to the watershed and associated with erosion of soils from the site will be mitigated to a less than significant level by implementing the following mitigation measures:

Mitigation Measures- Items VI-5,6:

Refer to text in MM VI.1

Refer to text in MM VI.2

MM VI.4 Water quality Best Management Practices (BMPs), will be designed according to the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction, for New

Development/Redevelopment, and/or for Industrial and Commercial, (and/or other similar source as approved by the Engineering and Surveying Department. Construction (temporary) BMPs for the project include, but are not limited to:

- Straw wattles
- Inlet protection
- Gravel bag energy dissipaters
- Silt fencing
- Stabilized construction site access
- Hydroseeding and revegetation of disturbed areas
- Broadcast straw with tack coat

Storm drainage from on- and off-site impervious surfaces (including roads) will be collected and routed through specially designed vegetated swales, filters, etc. for entrapment of sediment, debris and oils/greases or other identified pollutants, as approved by the ESD. BMPs will be designed at a minimum in accordance with the Placer County Guidance Document for Volume and Flow-Based Sizing of Permanent Post-Construction Best Management Practices for Stormwater Quality Protection. Post-development (permanent) BMPs for the project include, but are not limited to: vegetated swales. No water quality facility construction will be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals.

All BMPs will be maintained as required to ensure effectiveness. The applicant will provide for the establishment of vegetation, where specified, by means of proper irrigation. Proof of on-going maintenance, such as contractual evidence, will be provided to ESD upon request. Maintenance of these facilities will be provided by the project owners/permittees unless, and until, a County Service Area is created and said facilities are accepted by the County for maintenance. Contractual evidence of a monthly parking lot sweeping and vacuuming, and catch basin cleaning program will be provided to the ESD upon request. Failure to do so will be grounds for discretionary permit revocation. Prior to Improvement Plan or Final Map approval, easements will be created and offered for dedication to the County for maintenance and access to these facilities in anticipation of possible County maintenance.

Discussion- Items VI-7,8:

The site is located within Seismic Zone 3. If structures are constructed according to the current edition of the California Building Code, the likelihood of severe damage due to ground shaking should be minimal. There is no landsliding or slope instability related to the project site.

Discussion- Item VI-9:

According to limited information in the Soil Survey of Placer County (United States Department of Agriculture Soil Conservation Service in cooperation with University of California Agriculture Experiment Station) it appears that expansive soils are not present at this location.

VII. HAZARDS & HAZARDOUS MATERIALS – Would the project:

| Environmental Issue | Potentially Significant Impact | Less Than Significant with Mitigation Measures | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| 1. Create a significant hazard to the public or the environment through the routine handling, transport, use, or disposal of hazardous or acutely hazardous materials? (EHS) | | | X | |
| 2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (EHS) | | | X | |
| 3. Emit hazardous emissions, substances, or waste within one-quarter mile of an existing or proposed school? (APCD) | | | | X |
| 4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (EHS) | | | | X |

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|--|--|---|---|---|
| 5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (PLN) | | | | X |
| 6. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing in the project area? (PLN) | | | | X |
| 7. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (PLN) | | | | X |
| 8. Create any health hazard or potential health hazard? (EHS) | | X | | |
| 9. Expose people to existing sources of potential health hazards? (EHS) | | | X | |

Discussion- Items VII-1,2:

The use of hazardous substances during normal residential activities is expected to be limited in nature, and will be subject to standard handling and storage requirements. Accordingly, impacts related to the release of hazardous substances are considered less than significant. No mitigation measures are required.

Discussion- Item VII-3:

Based upon the project description the project will not emit hazardous emissions.

Discussion- Item VII-4:

The project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and will not create a significant hazard to the public or the environment.

Discussion- Items VII-5,6:

The project is not located within the vicinity of an airport.

Discussion- Item VII-7:

The site is located in a rural area that has been developed as a residence and equestrian facility. The under story has primarily been removed and the proposed expansion should not pose a significant risk of loss, injury or death involving wildland fire.

Discussion- Item VII-8:

This project has the potential to create a significant hazard to the public by the propagation of flies and other flying insects. This is a significant event which will be reduced to a less than significant level by implementing the following mitigation measures:

Mitigation Measures- Item VII-8:

MM VII.1 In order to reduce the impact of fly propagation, the project proponent will implement the Manure Management Plan as described in Mitigation Measure XVI 7. The project proponent currently uses and will continue to use a combination of misters, fly traps and fly predators to minimize fly propagation. Urine is controlled in the paddock and portable stall area by a nine-inch deep layer of decomposed granite to prevent runoff of urine offsite.

Discussion- Item VII-9:

Mosquito breeding is not expected to significantly impact this project. Common problems associated with overwatering of landscaping and residential irrigation have the potential to breed mosquitoes. As a condition of this project, it is recommended that drip irrigation be used for landscaping areas. No mitigation measures are required.

VIII. HYDROLOGY & WATER QUALITY – Would the project:

| Environmental Issue | Potentially Significant Impact | Less Than Significant with Mitigation Measures | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| 1. Violate any potable water quality standards? (EHS) | | | X | |
| 2. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lessening of local groundwater supplies (i.e. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (EHS) | | | X | |
| 3. Substantially alter the existing drainage pattern of the site or area? (ESD) | | | X | |
| 4. Increase the rate or amount of surface runoff? (ESD) | | X | | |
| 5. Create or contribute runoff water which would include substantial additional sources of polluted water? (ESD) | | X | | |
| 6. Otherwise substantially degrade surface water quality?(ESD) | | X | | |
| 7. Otherwise substantially degrade ground water quality? (EHS) | | | | X |
| 8. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard boundary or Flood Insurance Rate Map or other flood hazard delineation map? (ESD) | | | | X |
| 9. Place within a 100-year flood hazard area improvements which would impede or redirect flood flows? (ESD) | | | | X |
| 10. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (ESD) | | | | X |
| 11. Alter the direction or rate of flow of groundwater? (EHS) | | | X | |
| 12. Impact the watershed of important surface water resources, including but not limited to Lake Tahoe, Folsom Lake, Hell Hole Reservoir, Rock Creek Reservoir, Sugar Pine Reservoir, French Meadows Reservoir, Combie Lake, and Rollins Lake? (EHS, ESD) | | | | X |

Discussion- Item VIII-1:

This project is served by individual water well built to Placer County Environmental Health Standards. The water well meets the County standard for water quality. Thus, the potential for this project to violate any potable water quality standards is considered to be less than significant. No mitigation measures are required.

Discussion- Items VIII-2,11:

The project proposes the use of individual water well and there will be direct impacts to groundwater quantity or direction. As this water well is for domestic use and is not a high volume agricultural well or public water well system, the likelihood of direct impacts to groundwater quantity and direction is less than significant. Additionally, the soil types in the project area are not conducive to recharge, except perhaps along major drainage ways. As this project does not involve disturbance of major drainage ways, impacts related to groundwater recharge are considered less than significant. No mitigation measures are required.

Discussion- Item VIII-3:

The preliminary site plan, shows that the project will collect storm water runoff onsite, and discharge it into a vegetated swale along the east side of Prospector Road connected to the existing storm drain south of the project site location. The proposed changes will not significantly alter the existing drainage pattern, as the receiving storm drain system will remain the same. Therefore, the project's impacts due to substantial alteration in drainage patterns are considered to be less than significant. No mitigation measures are required.

Discussion- Item VIII-4:

A drainage report will be required with submittal of the Improvement Plans for County review and approval to substantiate the sizing of the vegetated swale along Prospector Road and the proposed 24" culvert on Prospector Road. The proposed project's impacts associated with increase in rate or amount of surface runoff will be mitigated to a less than significant level by implementing the following mitigation measures:

Mitigation Measures- Item VIII-4:

MM VIII.1 Prepare and submit with the project Improvement Plans, a drainage report in conformance with the requirements of Section 5 of the LDM and the Placer County Storm Water Management Manual that are in effect at the time of submittal, to the Engineering and Surveying Department (ESD) for review and approval. The report will be prepared by a Registered Civil Engineer and will, at a minimum, include: A written text addressing existing conditions, the effects of the improvements, all appropriate calculations, a watershed map, increases in downstream flows, proposed on- and off-site improvements and drainage easements to accommodate flows from this project. The report will identify water quality protection features and methods to be used both during construction and for long-term post-construction water quality protection. "Best Management Practice" (BMP) measures will be provided to reduce erosion, water quality degradation, and prevent the discharge of pollutants to stormwater to the maximum extent practicable.

Discussion- Items VIII-5,6:

The construction of the proposed improvements including the widening and paving of Prospector Road to north of the entrance, paving the parking and circulation areas for public use, and the expansion of boarding from 30 horses to 60 horses. The proposed improvements have the potential to degrade water quality. Stormwater runoff naturally contains numerous constituents. However, as the intensity of land use increases, the constituent concentrations typically increase to levels that potentially impact water quality. Pollutants associated with stormwater include (but are not limited to) suspended solids, nutrients, oils/greases, construction waste, metals, pesticides, herbicides, fertilizers, etc. The proposed project has the potential to result in the generation of new dry-weather runoff containing said pollutants and also has the potential to increase the concentration and/or total load of said pollutants in wet weather stormwater runoff. Erosion potential and water quality impacts are always present during construction and occur when protective vegetative cover is removed and soils are disturbed. In this case, it is primarily the grading associated with the road improvements and expansion of the boarding facility from 30 to 60 horses that could contribute to erosion and water quality degradation. The project proposes the use of standard Best Management Practices (BMPs) including the use of fiber wattle barriers, silt fencing, hydroseeding and broadcast straw, vegetated swales, dust control methods such as sprinklers, and french drains. With the proposed BMPs, and the proposed urine and manure management practices, erosion and stormwater runoff will be minimized, The project's potential impacts associated with water quality will be mitigated to a less than significant level by implementing the following mitigation measures:

Mitigation Measures- Items VIII-5,6:

- Refer to text in MM VI.1
- Refer to text in MM VI.2
- Refer to text in MM VI.3
- Refer to text in MM VI.4
- Refer to text in MM VIII.1

MM VIII.2 All stormwater runoff shall be diverted around trash storage areas to minimize contact with pollutants. Trash container areas shall be screened or walled to prevent off-site transport of trash by the forces of water or wind. Trash containers shall not be allowed to leak and must remain covered when not in use.

MM VIII.3 Materials with the potential to contaminate stormwater that are to be stored outdoors shall be placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that prevents contact with runoff or spillage to the stormwater conveyance system, or protected by secondary containment structures such as berms, dikes, or

curbs. The storage area shall be paved to contain leaks and spills and shall have a roof or awning to minimize collection of stormwater within the secondary containment area.

Discussion- Item VIII-7:

The horse boarding facilities will not impact groundwater quality as no direct conduit is created into the existing water well or ground water aquifer.

Discussion- Items VIII-8,9,10:

The project site is not within a 100-year flood hazard area as defined and mapped by the Federal Emergency Management Agency (FEMA). No improvements are proposed within a 100-year flood hazard area and no flood flows would be impeded or redirected. The project location is elevated well above areas that are subject to flooding. Therefore, there are no impacts due to exposing people or structures to a significant risk of loss, injury, or death, including flooding as a result of failure of a levee or dam.

Discussion- Item VIII-12:

The project is located within the Dry Creek watershed, with drainage from the site flowing towards the Miners Ravine, a tributary to Dry Creek. The proposed project has the potential to degrade the water quality of this watershed. Project impacts will be mitigated to a less than significant level by implementing the following mitigation measures:

Mitigation Measures- Item VIII-12:

- Refer to text in MM VI.1
- Refer to text in MM VI.2
- Refer to text in MM VI.3
- Refer to text in MM VI.4
- Refer to text in MM VIII.1

IX. LAND USE & PLANNING – Would the project:

| Environmental Issue | Potentially Significant Impact | Less Than Significant with Mitigation Measures | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| 1. Physically divide an established community? (PLN) | | | | X |
| 2. Conflict with General Plan/Community Plan/Specific Plan designations or zoning, or Plan policies? (EHS, ESD, PLN) | | | X | |
| 3. Conflict with any applicable habitat conservation plan or natural community conservation plan or other County policies, plans, or regulations adopted for purposes of avoiding or mitigating environmental effects? (PLN) | | | | X |
| 4. Result in the development of incompatible uses and/or the creation of land use conflicts? (PLN) | | | X | |
| 5. Affect agricultural and timber resources or operations (i.e. impacts to soils or farmlands and timber harvest plans, or impacts from incompatible land uses)? (PLN) | | | | X |
| 6. Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)? (PLN) | | | | X |
| 7. Result in a substantial alteration of the present or planned land use of an area? (PLN) | | | | X |
| 8. Cause economic or social changes that would result in significant adverse physical changes to the environment such as urban decay or deterioration? (PLN) | | | | X |

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Discussion- Item IX-1:

The proposed expansion will not divide an established community.

Discussion- Items IX-2,4:

The applicant is requesting a Variance to section 17.56.020(C)(1)(a) of the Zoning Ordinance which states that “No animal enclosure will be closer to an existing residence on an adjoining site than to the main residence on the site whereon the enclosure is located, and in no case will an enclosure be located closer to any property line that is common with an adjacent parcel than the minimum setback distance required by the zone district for a main dwelling”. The proposed portable stall, proposed on the eastern portion of the property will be located closer to the adjoining residence than the onsite residence. This provision is intended to reduce potential problems between adjoining animal enclosures and adjoining residences. If the Variance is approved to allow the portable stalls to be located at the proposed location, the Environmental Health Services Division has reviewed the maintenance plan for the equestrian center and has determined that the measures proposed for manure removal and to control potential odor and vector issues are satisfactory to minimize impacts to adjacent neighbors. No mitigation measures are required.

Discussion- Item IX-3:

The project site is within Area 1 of the Placer County Tree Preservation Ordinance and is subject to the requirements indicated in this tree preservation zone. The applicant will be required to implement this ordinance as applicable to prevent significant impacts prior to project approval. In addition, the site is not within any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other approved Habitat Plan area.

Discussion- Item IX-5:

An equestrian boarding facility is an agricultural use and will not adversely affect agricultural or timber resources or operations.

Discussion- Items IX-6,7:

The expansion of an existing equestrian boarding facility, within the Residential Agricultural Zone District, will not disrupt or divide the physical arrangement of an established community or result in a substantial alteration of the present or planned land use of an area

Discussion- Item IX-8:

The project will not result in economic or social changes that will result in significant adverse physical changes to the environment.

X. MINERAL RESOURCES – Would the project result in:

| Environmental Issue | Potentially Significant Impact | Less Than Significant with Mitigation Measures | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| 1. The loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (PLN) | | | | X |
| 2. The loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (PLN) | | | | X |

Discussion- All Items:

No valuable, locally important mineral resources have been identified on the project site. Implementation of the proposed project will not result in impacts to mineral resources.

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XI. NOISE – Would the project result in:

| Environmental Issue | Potentially Significant Impact | Less Than Significant with Mitigation Measures | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| 1. Exposure of persons to or generation of noise levels in excess of standards established in the local General Plan, Community Plan or noise ordinance, or applicable standards of other agencies? (EHS) | | | | X |
| 2. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (EHS) | | | | X |
| 3. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (EHS) | | | | X |
| 4. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (EHS) | | | | X |
| 5. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (EHS) | | | | X |

Discussion- Item XI-1:

This project will not expose people to the generation of noise levels in excess of standards established in the Horseshoe Bar Community Plan.

Discussion- Item XI-2:

This project will not produce a substantial permanent increase in ambient noise levels in the project vicinity above existing levels.

Discussion- Item XI-3:

This project will not produce a substantial temporary increase in ambient noise levels in the project vicinity above existing levels.

Discussion- Item XI-4:

This project is not located within an airport land use plan.

Discussion- Item XI-5:

This project is not located within the vicinity of a private airstrip.

XII. POPULATION & HOUSING – Would the project:

| Environmental Issue | Potentially Significant Impact | Less Than Significant with Mitigation Measures | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| 1. Induce substantial population growth in an area, either directly (i.e. by proposing new homes and businesses) or indirectly (i.e. through extension of roads or other infrastructure)? (PLN) | | | | X |
| 2. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (PLN) | | | | X |

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Discussion- All Items:

The expansion of an existing equestrian boarding facility should not induce substantial population growth in an area or displace substantial numbers of existing housing.

XIII. PUBLIC SERVICES – Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental services and/or facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?

| Environmental Issue | Potentially Significant Impact | Less Than Significant with Mitigation Measures | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| 1. Fire protection? (EHS, ESD, PLN) | | | X | |
| 2. Sheriff protection? (EHS, ESD, PLN) | | | X | |
| 3. Schools? (EHS, ESD, PLN) | | | | X |
| 4. Maintenance of public facilities, including roads? (EHS, ESD, PLN) | | | X | |
| 5. Other governmental services? (EHS, ESD, PLN) | | | X | |

Discussion- Items XIII-1,2,4,5:

As the proposed project is consistent with the underlying land use designations, with the approval of a Minor Use Permit, the project development will result in a negligible additional demand on the need for public services and therefore, will result in less than significant impacts. "Will Serve" letters may be required from these public service providers as a condition of approval for the project. No mitigation measures are required.

Discussion- Item XIII-3:

The proposed project will not result in any impacts to the school system since the project does not directly or indirectly affect schools.

XIV. RECREATION – Would the project result in:

| Environmental Issue | Potentially Significant Impact | Less Than Significant with Mitigation Measures | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| 1. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (PLN) | | | X | |
| 2. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (PLN) | | | | X |

Discussion- All Items:

The proposed project could result in a slight increase in the use of the regional or state park facilities and the approval of this project could increase the equestrian use of these parks by boarding horses within closer proximity to these parks. The project does not include recreational facilities or will require the construction or expansion of recreational facilities which might have an adverse physical impact on the environment. No mitigation measures are required.

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XV. TRANSPORTATION & TRAFFIC – Would the project result in:

| Environmental Issue | Potentially Significant Impact | Less Than Significant with Mitigation Measures | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| 1. An increase in traffic which may be substantial in relation to the existing and/or planned future year traffic load and capacity of the roadway system (i.e. result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? (ESD) | | X | | |
| 2. Exceeding, either individually or cumulatively, a level of service standard established by the County General Plan and/or Community Plan for roads affected by project traffic? (ESD) | | | | X |
| 3. Increased impacts to vehicle safety due to roadway design features (i.e. sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (ESD) | | | | X |
| 4. Inadequate emergency access or access to nearby uses? (ESD) | | | | X |
| 5. Insufficient parking capacity on-site or off-site? (ESD, PLN) | | | | X |
| 6. Hazards or barriers for pedestrians or bicyclists? (ESD) | | | | X |
| 7. Conflicts with adopted policies supporting alternative transportation (i.e. bus turnouts, bicycle racks)? (ESD) | | | | X |
| 8. Change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (ESD) | | | | X |

Discussion- Item XV-1:

This project site has frontage on Prospector Road and Lomida Lane, a county road. Development of this project will increase traffic volumes on area roadways, contributing towards a cumulative impact on the transportation system. The proposed project creates site-specific impacts on local transportation systems that are considered less than significant when analyzed against the existing baseline traffic conditions and roadway segment/intersection existing LOS, however, the cumulative effect of an increase in traffic has the potential to create significant impacts to the area's transportation system. Article 15.28.010 of the Placer County Code establishes a road network Capital Improvement Program (CIP). This project is subject to this code and, therefore, required to pay traffic impact fees to fund the CIP for area roadway improvements. The fee program includes roadway and intersection improvements necessary to mitigate the impacts of the increased traffic volumes. Payment of Traffic Fees ensures that the development pays for its fair share of necessary improvements. With the payment of traffic mitigation fees for the ultimate construction of the CIP improvements, the traffic impacts are considered a less than significant level by implementing the following mitigation measures:

Mitigation Measures- Item XV-1

MM XV.1: This project will be subject to the payment of traffic impact fees that are in effect in this area (Granite Bay District), pursuant to applicable Ordinances and Resolutions. The applicant is notified that the following traffic mitigation fee(s) will be required and will be paid to Placer County DPW prior to issuance of any Building Permits for the project:

- County Wide Traffic Limitation Zone: Article 15.28.010, Placer County Code
- South Placer Regional Transportation Authority (SPRTA).
- Placer County/City of Roseville Joint Fee

1.77 DUES x \$6,174 (Newcastle/Horseshoe Bar/Penryn Traffic Fee) = \$10,927.98

The fees were calculated using the information supplied. If the use or the square footage changes, then the fees will change. The fees to be paid will be based on the fee program in effect at the time that application is deemed complete.

Discussion- Item XV-2:

The level of service standard established by the County General Plan and/or the Horseshoe Bar/Penryn Community Plan will not be exceeded.

Discussion- Item XV-3:

The design of Prospector Road will be designed to meet County design standards and constructed to a County Standard Plate R-1. The project will have no impacts on vehicle safety due to roadway design features.

Discussion- Item XV-4:

The project will not create insufficient emergency access or access to nearby uses. The applicant will provide the ESD with a letter from the appropriate fire protection district (South Placer Fire District) describing conditions under which service will be provided to this project. Said letter will be provided prior to the approval of Improvement Plans, and a fire protection district representative's signature will be provided on the plans.

Discussion- Item XV-5:

The parking requirement established in the Zoning Ordinance for equestrian facilities is one parking space per four stalls. If the facility is proposed to board a maximum of 60 horses, 15 parking stalls will be required. The existing facility has room for more than 15 spaces within the existing parking area located on the south side of the creek. The proposed expansion will not impact the existing parking area.

Discussion- Item XV-6:

The proposed project will not cause hazards or barriers to pedestrians or bicyclists.

Discussion- Item XV-7:

The project will not conflict with any existing, or preclude anticipated future policies, plans, or programs supporting alternative transportation.

Discussion- Item XV-8:

This project will not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.

XVI. UTILITIES & SERVICE SYSTEMS – Would the project:

| Environmental Issue | Potentially Significant Impact | Less Than Significant with Mitigation Measures | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| 1. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (ESD) | | | | X |
| 2. Require or result in the construction of new water or wastewater delivery, collection or treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (EHS, ESD) | | | | X |
| 3. Require or result in the construction of new on-site sewage systems? (EHS) | | | | X |
| 4. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (ESD) | | | X | |
| 5. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (EHS) | | | X | |

| | | | | |
|---|--|---|---|--|
| 6. Require sewer service that may not be available by the area's waste water treatment provider? (EHS, ESD) | | | X | |
| 7. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs in compliance with all applicable laws? (EHS) | | X | | |

Discussion- Item XVI-1:

The project will not result in an increase to the sanitary sewer system.

Discussion- Item XVI-2:

This project will not result in the construction of new water or wastewater delivery, collection or treatment facilities.

Discussion- Item XVI-3:

The project will not require or result in the construction of new on-site sewage disposal systems as it is connected to a public sewer system.

Discussion- Item XVI-4:

The preliminary site plan, shows that the project will collect storm water runoff onsite, and discharge it into a vegetated swale along the east side of Prospector Road connected to the existing storm drain south of the project site location. A drainage report will be required with submittal of the Improvement Plans for County review and approval to substantiate the sizing of the vegetated swale along Prospector Road and the proposed 24" culvert on Prospector Road. The proposed changes will not significantly alter the existing drainage pattern, as the receiving storm drain system will remain the same. Therefore, the project's impacts due to substantial alteration in drainage patterns are considered to be less than significant. No mitigation measures are required.

Discussion- Item XVI-5:

This project utilizes individual water well which meets the County standard. This well is used to water the horses and provides water for the single family dwelling on site. The impact of whether there are sufficient water supplies available is considered to be less than significant. No mitigation measures are required.

Discussion- Item XVI-6:

The project will not result in an increase to the sanitary sewer system. No mitigation measures are required.

Discussion- Item XVI-7:

This project will increase the number of horses boarded at the facility from 30 horses to 60 horses. The amount of manure will double in quantity with the increase in the number of horses. This is a potentially significant event that will be reduced to a less than significant by incorporating the following mitigation measures:

Mitigation Measures- Item XVI-7:

MM XVI.1 The project proponent shall follow the Manure Management Plan listed below:

Manure Management Plan:

1. To control odors and vectors from manure and urine, the project proponent shall clean and remove manure from the paddocks, corrals, portable stall areas, and common areas on the premises daily (7 days per week).
2. The manure shall be stored in a self contained, leak proof dumpster trailer (or other method approved by EHS) that has a permanent cover or is stored in a roofed area to inhibit the propagation of flies and to protect the waste from rain water, which may contribute to waste run-off. The manure shall be removed from the site three times per week by an independent contractor to a County approved facility. The onsite manure storage capacity shall be at least 15 cubic feet per horse per week.
3. The paddocks and portable stalls shall be lined with a deep layer of decomposed granite to reduce waste runoff and to control odors from urine. The horse wash stations shall be lined with a deep layer of gravel to reduce waste water runoff.
4. The manure storage area shall be relocated to create a greater distance to the nearest neighbor.
5. Manure storage shall be managed so as to prevent leaching or runoff of pollutants into the creek.
6. Manure storage areas, paddocks, portable stalls, and horse wash stations shall be kept at least 50 feet away from waterways so that floods or runoff will not wash waste into the waterway.
7. Horse waste shall not be dumped or stored on the edge of, or directly into waterways.

E. MANDATORY FINDINGS OF SIGNIFICANCE:

| Environmental Issue | Yes | No |
|--|-----|----|
| 1. Does the project have the potential to degrade the quality of the environment or eliminate important examples of the major periods of California history or prehistory? | | X |
| 2. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) | | X |
| 3. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? | | X |

F. OTHER RESPONSIBLE AND TRUSTEE AGENCIES whose approval is required:

| | |
|---|--|
| <input checked="" type="checkbox"/> California Department of Fish and Game | <input type="checkbox"/> Local Agency Formation Commission (LAFCO) |
| <input type="checkbox"/> California Department of Forestry | <input type="checkbox"/> National Marine Fisheries Service |
| <input type="checkbox"/> California Department of Health Services | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input type="checkbox"/> California Department of Toxic Substances | <input checked="" type="checkbox"/> U.S. Army Corps of Engineers |
| <input type="checkbox"/> California Department of Transportation (CALTRANS) | <input checked="" type="checkbox"/> U.S. Fish and Wildlife Service |
| <input type="checkbox"/> California Integrated Waste Management Board | <input type="checkbox"/> _____ |
| <input type="checkbox"/> California Regional Water Quality Control Board | <input type="checkbox"/> _____ |

G. DETERMINATION – The Environmental Review Committee finds that:

Although the proposed project **COULD** have a significant effect on the environment, there **WILL NOT** be a significant effect in this case because the mitigation measures described herein have been added to the project. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

H. ENVIRONMENTAL REVIEW COMMITTEE (Persons/Departments consulted):

Planning Department, Charlene Daniels, Chairperson
 Engineering and Surveying Department, Janelle Fortner
 Engineering and Surveying Department, Wastewater, Ed Wydra
 Department of Public Works, Transportation
 Environmental Health Services, Grant Miller
 Air Pollution Control District, Brent Backus
 Flood Control Districts, Andrew Darrow
 Facility Services, Parks, Vance Kimbrell
 Placer County Fire/CDF, Bob Eicholtz

Signature  Date April 15, 2008
 Gina Langford, Environmental Coordinator

I. SUPPORTING INFORMATION SOURCES: The following public documents were utilized and site-specific studies prepared to evaluate in detail the effects or impacts associated with the project. This information is available for public review, Monday through Friday, 8am to 5pm, at the Placer County Community Development Resource Agency, Environmental Coordination Services, 3091 County Center Drive, Suite 190, Auburn, CA 95603. For Tahoe projects, the document will also be available in our Tahoe Division office, 565 West Lake Blvd, Tahoe City, CA 96145.

| | | |
|---------------------------------|---|---|
| County Documents | <input checked="" type="checkbox"/> Community Plan | |
| | <input checked="" type="checkbox"/> Environmental Review Ordinance | |
| | <input checked="" type="checkbox"/> General Plan | |
| | <input checked="" type="checkbox"/> Grading Ordinance | |
| | <input checked="" type="checkbox"/> Land Development Manual | |
| | <input type="checkbox"/> Land Division Ordinance | |
| | <input checked="" type="checkbox"/> Stormwater Management Manual | |
| | <input checked="" type="checkbox"/> Tree Ordinance | |
| <input type="checkbox"/> _____ | | |
| Trustee Agency Documents | <input type="checkbox"/> Department of Toxic Substances Control | |
| | <input type="checkbox"/> _____ | |
| | <input type="checkbox"/> _____ | |
| Site-Specific Studies | Planning Department | <input checked="" type="checkbox"/> Biological Study |
| | | <input checked="" type="checkbox"/> Cultural Resources Pedestrian Survey |
| | | <input type="checkbox"/> Cultural Resources Records Search |
| | | <input type="checkbox"/> Lighting & Photometric Plan |
| | | <input type="checkbox"/> Paleontological Survey |
| | | <input checked="" type="checkbox"/> Tree Survey & Arborist Report |
| | | <input type="checkbox"/> Visual Impact Analysis |
| | | <input checked="" type="checkbox"/> Wetland Delineation |
| | | <input type="checkbox"/> _____ |
| | <input type="checkbox"/> _____ | |
| | Engineering & Surveying Department, Flood Control District | <input type="checkbox"/> Phasing Plan |
| | | <input checked="" type="checkbox"/> Preliminary Grading Plan |
| | | <input type="checkbox"/> Preliminary Geotechnical Report |
| | | <input type="checkbox"/> Preliminary Drainage Report |
| | | <input checked="" type="checkbox"/> Stormwater & Surface Water Quality BMP Plan |
| | | <input type="checkbox"/> Traffic Study |
| | | <input type="checkbox"/> Sewer Pipeline Capacity Analysis |
| | | <input type="checkbox"/> Placer County Commercial/Industrial Waste Survey (where public sewer is available) |
| | | <input type="checkbox"/> Sewer Master Plan |
| | | <input type="checkbox"/> Utility Plan |
| | | <input type="checkbox"/> _____ |
| | <input type="checkbox"/> _____ | |
| | Environmental Health Services | <input type="checkbox"/> Groundwater Contamination Report |
| | | <input type="checkbox"/> Hydro-Geological Study |
| | | <input type="checkbox"/> Acoustical Analysis |
| | | <input type="checkbox"/> Phase I Environmental Site Assessment |
| | | <input type="checkbox"/> Soils Screening |

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Initial Study & Checklist continued

| | | |
|--|--------------------------------|--|
| | | <input type="checkbox"/> Preliminary Endangerment Assessment |
| | | <input type="checkbox"/> _____ |
| | | <input type="checkbox"/> _____ |
| | Air Pollution Control District | <input type="checkbox"/> CALINE4 Carbon Monoxide Analysis |
| | | <input type="checkbox"/> Construction emission & Dust Control Plan |
| | | <input type="checkbox"/> Geotechnical Report (for naturally occurring asbestos) |
| | | <input type="checkbox"/> Health Risk Assessment |
| | | <input type="checkbox"/> URBEMIS Model Output |
| | | <input type="checkbox"/> _____ |
| | | <input type="checkbox"/> _____ |
| | Fire Department | <input type="checkbox"/> Emergency Response and/or Evacuation Plan |
| | | <input type="checkbox"/> Traffic & Circulation Plan |
| | | <input type="checkbox"/> _____ |
| | Mosquito Abatement District | <input type="checkbox"/> Guidelines and Standards for Vector Prevention in Proposed Developments |
| | | <input type="checkbox"/> _____ |

**Revised Mitigation Monitoring Program –
Mitigated Negative Declaration PLUS # PMPCT20060321 for Folsom Lake
Equestrian Center**

Section 21081.6 of the Public Resources Code requires all public agencies to establish monitoring or reporting procedures for mitigation measures adopted as a condition of project approval in order to mitigate or avoid significant effects on the environment. Monitoring of such mitigation measures may extend through project permitting, construction, and project operations, as necessary.

Said monitoring shall be accomplished by the county's standard mitigation monitoring program and/or a project specific mitigation reporting program as defined in Placer County Code Chapter 18.28, Mitigation Monitoring and Reporting Program.

Standard Mitigation Monitoring Program (pre project implementation):

The following mitigation monitoring program (and following project specific reporting plan, when required) shall be utilized by Placer County to implement Public Resources Code Section 21081.6. Mitigation measures adopted for discretionary projects must be included as conditions of approval for that project. Compliance with conditions of approval is monitored by the county through a variety of permit processes as described below. The issuance of any of these permits or county actions which must be preceded by a verification that certain conditions of approval/mitigation measures have been met, shall serve as the required monitoring of those condition of approval/mitigation measures. These actions include design review approval, improvement plan approval, improvement construction inspection, encroachment permit, implementation of the manure management plan, building permit approval, and/or certification of occupancy.

The following mitigation measures, identified in the Mitigated Negative Declaration, have been adopted as conditions of approval on the project's discretionary permit and will be monitored according to the above Standard Mitigation Monitoring Program verification process:

Mitigation Measures #'s IV.1, IV.2, IV.3, IV.4, IV.5, IV.6, VI.1, VI.2, VI.3, VI.4, VII.1, VIII.1, VIII.2, VIII.3, XV.1, XVI.1.



COUNTY OF PLACER
Community Development Resource Agency

John Marin, Agency Director

PLANNING

Michael J. Johnson, AICP
Planning Director

HEARING DATE: August 14, 2008
ITEM NO.: 5
TIME: 11:10 am

TO: Placer County Planning Commission

FROM: Development Review Committee

DATE: August 14, 2008

**SUBJECT: THIRD PARTY APPEAL – ZONING ADMINISTRATOR’S APPROVAL OF A
MINOR USE PERMIT – “FOLSOM LAKE EQUESTRIAN CENTER”
(PMPCT20060321)**

COMMUNITY PLAN AREA: Horseshoe Bar/Penryn Community Plan

GENERAL PLAN DESIGNATION: Rural Residential (2.3 to 4.6 acre minimum lot size)

ZONING: RA-B-X 4.6 acre minimum (Residential Agriculture with a minimum lot size of 4.6 acres and a Planned Development designation of .44 units per acre)

STAFF PLANNER: Charlene Daniels, Senior Planner

LOCATION: The project site is located at the northeast corner of Lomida Lane and Prospector Road (4491 Prospector Road) in the Horseshoe Bar area.

APPELLANTS: Mark Breuing, et al and Mark Roberts, et al

BASIS OF APPEAL: The appellants are appealing the February 7, 2008 Zoning Administrator’s decision to approve a Minor Use Permit to increase the number of horses boarded at an existing equestrian facility site from 30 to 60 horses (the number of horses has been subsequently reduced to 50 by the applicant in order to be consistent with the Placer County Agricultural Commissioner’s recommendation). Variances were also approved to reduce the front setback requirement of 75 feet from the centerline of Prospector Road to 42 feet from the centerline for a barn (two, eight-stall barns connected by a common breezeway), reduce the side setback requirement (near the southeast corner of the property) of 30 feet to 10 feet for horse stalls and to also locate these stalls closer to an adjoining residence than to the main residence. The Zoning Administrator denied a Variance to eliminate the paved parking lot requirement for nonresidential uses to utilize at a minimum, asphalted concrete or Portland cement concrete.

EXHIBIT H (11)

PROJECT SUMMARY:

At the February 7, 2008 hearing, the Zoning Administrator approved a Minor Use Permit to increase the number of horses boarded at an existing equestrian facility site from 12 allowed through a non-conforming use determination to 60 horses (30 horses are currently boarded) and setback Variances as described above. The Zoning Administrator denied a Variance request to eliminate the paved parking lot requirement.

Two separate appeals were filed by Mark Breunig, et al and Mark Roberts, et al, appealing the Zoning Administrator's approval of a Minor Use Permit and Variances for the Folsom Lake Equestrian Center. A revised appeal was subsequently submitted on March 17, 2008 by Reynolds Maddux, LLP, a legal firm, on behalf of Mark Breunig and Mark Roberts.

In response to the appeals, the Placer County Agricultural Commissioner, the Placer County Supervising Environmental Health Specialist (Land Use and Water Resources Section) and Roger Ingram, a Livestock Farm Advisor with the University of California Cooperative Extension, met at the project site with the manager of the Folsom Lake Equestrian Center to inspect the site, review current property and horse management practices and discuss the proposal to increase the number of boarded horses on the site from 30 to 60. The following are the Agricultural Commissioner's recommendations (Attachment F) based on that meeting:

1. The expansion of the facility should be limited to the additional 16 stalls associated with the installation of the two (eight-horse) barns in the flat area adjacent to Prospector Road. This would limit the number of horse stalls (and horses) to 50 rather than the originally requested 60 horses.
2. The existing manure storage should be changed to a self-contained dumpster trailer that could also be more easily covered during the rainy season, and moved to a location adjacent to the existing hay barn. This relocation of the manure storage would result in the stored manure being closer to Ms. Jordan's residence (the manager of the Folsom Lake Equestrian Center) than to any of her neighbors. In addition, the frequency of manure removal from the site should be increased from twice a week to a minimum of three times per week.
3. Maintain a minimum 50-foot buffer between the adjacent waterway and the nearest horse housing which would result in a greater buffer than the neighbors maintain with their horses.
4. The applicant shall continue efforts of using a combination of misters, fly traps, and fly predators to minimize fly populations.

Based on the new information presented to County staff, the recommendation to the Planning Commission has been modified to reflect the above recommendations.

UPDATE FROM MAY 22, 2008 PLANNING COMMISSION HEARING:

This item was continued from the May 22, 2008 Planning Commission hearing when new information was provided by the public about the location of an adjacent well located next to

existing horse stalls. The continuance allowed staff time to verify the location of the neighboring well. County Code requires a 100-foot setback for wells and approximately seven horse stalls were located within this setback, near the southeast corner of the subject site. In order to resolve this violation, the applicant removed all horse stalls and a horse washing station within the setback. The applicant revised the site plan to relocate approximately 14 stalls that were existing or proposed from the southeast corner towards the center of the site, on the east side of the proposed barn. These modifications have resulted in the elimination of two out of three setback Variance requests.

With the relocation of the proposed horse stalls towards the center of the property, two horse stalls would be located within the 100-foot setback from the existing well on the subject property. The applicant proposes to construct the barn, without these two horse stalls, until the project is able to connect the property to public water and the site's existing well is properly destroyed.

The revised plan relocates the manure storage area from the east property line to a new location approximately 15 feet from the manager's residence. The manure will be stored in a self-contained, leak-proof dumpster trailer with a permanent cover. At this new location, the manager will be in a good position to resolve any potential odor or vector problems.

The applicant has also reduced the number of proposed horses boarded at this facility from 60 to 50 to comply with the recommendations of the Placer County Agricultural Commissioner. The applicant has withdrawn the Variance request to eliminate the paved parking lot requirement for non-residential uses to utilize at a minimum, asphalted concrete or Portland cement concrete.

The Environmental Review Committee has reviewed the revised site plan and has determined that the revisions do not raise any new environmental issues that were not already addressed in the Revised Mitigated Negative Declaration. The Agricultural Commissioner has also reviewed the revised site plan, and her recommendations (Attachment I) for the project have not changed.

CEQA COMPLIANCE:

A Revised Mitigated Negative Declaration has been prepared for this project and has been finalized pursuant to CEQA. The Revised Mitigated Negative Declaration must be found to be adequate by the decision-making body to satisfy the requirements of CEQA, and a recommended finding for this purpose can be found at the end of this staff report.

PUBLIC NOTICES AND REFERRAL FOR COMMENTS:

Public notices were mailed on July 30th for this meeting to property owners of record within 300 feet of the project site. The Notice of Availability for the Mitigated Negative Declaration legal notice was published in the *Auburn Journal* newspaper. Other appropriate public interest groups and citizens were sent copies of the public hearing notice, including the Horseshoe Bar Area Municipal Advisory Council. Copies of the project plans and application were transmitted to the Community Development Resource Agency Staff and the Departments of Public Works and Environmental Health Services, the Air Pollution Control District and Special Districts for their review and comment. Public comments have been received and are addressed in the staff

report. All County comments have been addressed and conditions have been incorporated into the staff report (see Attachment F).

PROJECT DESCRIPTION:

The project includes a request to approve a Minor Use Permit to increase the number of horses boarded at an existing equestrian facility site from 30 to 60 horses. A Variance is also requested to reduce the front setback of 75 feet from the centerline of Prospector Road to 42 feet from the centerline for a barn. The project will provide 15 parking spaces. The project is served by an individual water well and is on a public sewer system.

BACKGROUND:

A Minor Use Permit is required for equestrian facilities located within the Residential Agricultural (RA) zone per section 17.56.050(F)(5)(c) of the Zoning Ordinance due to the commercial nature of these facilities. Equestrian facilities are defined by the Zoning Ordinance as *“commercial horse, donkey, and mule facilities including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events) pack stations, and barns, stables, corrals and paddocks accessory and incidental to such uses. Equestrian facilities and the keeping of horses at such facilities are subject to the provisions of 17.56.050 (Animal Raising and keeping).”* The Residential Agricultural zone district does not restrict the number of horses for personal uses such as traditional agriculture breeding and animal husbandry operations. Noncommercial horse activities are subject to the operation and maintenance standards of the “Animal Raising and Keeping” section of the Zoning Ordinance which addresses odor and vector control, erosion and sedimentation control, and nuisance animals.

The horse boarding facility has been in operation since about 1977. In 1992, the former Planning Director determined that the horse boarding facility was a legal, nonconforming use since the boarding facility was in operation before the Zoning Ordinance was amended to require Use Permits for horse boarding facilities in the Residential Agricultural zone district. Since this facility was boarding 12 horses at the time the Zoning Ordinance was amended, the former Planning Director determined that the maximum number of horses that could be boarded, without a Use Permit, would be 12. In 2004, the Code Enforcement Division was notified of an expansion of the equestrian facility and a grading violation. This facility is currently boarding approximately 30 horses. The property owner was notified that the expansion of the equestrian facility would require approval of a Minor Use Permit. The grading violation was subsequently resolved. In April 2005, the applicant submitted an Environmental Questionnaire for the equestrian expansion. A Mitigated Negative Declaration was issued on August 31, 2007.

The Planning Commission hearing for this project was continued at the March 27, 2008 hearing to allow County staff sufficient time to process a revised appeal that was submitted too late in the process to incorporate into the staff report. This item was continued again at the April 24, 2008 Planning Commission hearing to allow additional time for the applicant and appellants to reach a mutually agreeable solution. An agreement was never reached, and this item was presented at the May 22, 2008 Planning Commission hearing. After taking public testimony, the item was continued again to allow staff additional time to respond to new information about a well on the neighboring property.

SITE CHARACTERISTICS:

The site is composed of level to gently rolling terrain. Portions of the site have been historically leveled and are currently utilized for equestrian boarding (30 horses) and training purposes. As such, horse corrals, barns, stalls, and pasture occupy most of the site. The predominant vegetative community on-site is mixed valley foothill woodland. A 50-foot-wide electrical transmission easement crosses the center of the property from north to south. The canopy consists of mature valley oak, blue oak, and gray pine. Other mature tree species such as the Fremont's cottonwood and black willow line the main drainages. The intermittent drainage located on the north side of the project site comprises approximately 0.196 acres. The proposed project site comprises 3.77 acres of the 8.4-acre parcel.

The site is located on the northeast corner of Lomida Lane and Prospector Road. Lomida Lane is a paved County road and Prospector Road is a private, unpaved road, with numerous potholes. Parking for the equestrian facility is accessed from Prospector Road, and the main horse stall complex is spread across the south-central portion of the 3.77 acre site. A single-family residence and outbuildings are located in the southwestern portion of the property.

EXISTING LAND USE AND ZONING (Based on the 3.77 acre parcel):

| | <u>LAND USE</u> | <u>ZONING</u> |
|-------|-------------------------------|--------------------------|
| SITE | Residential/Equestrian Center | RA-BX 4.6 ac min PD=0.44 |
| NORTH | Pasture | " " " " |
| SOUTH | Residential | " " " " |
| EAST | Residential/ Open space lot | " " " " |
| WEST | Residential/Open space lot | " " " " |

ZONING ADMINISTRATOR HEARING:

The proposed project was considered by the Zoning Administrator at its February 7, 2008 meeting. Several people spoke at the public hearing, and many letters were submitted opposing and supporting the proposed project. The issues raised in objection to the project were as follows: 1) increased traffic on Prospector Road; 2) the potential impacts (odors and vectors) of 60 horses on 3.77 acres; 3) concerns that if the equestrian center is in violation for boarding too many horses, they will not abide by the new conditions of approval; 4) approval of the Variances would allow for an unpaved parking area and a barn that is too close to the road.

The issue of whether it is appropriate to board 60 horses at this site was discussed in depth. There were numerous comments about the potential odor and vector issues. The applicant has prepared a manure management plan to effectively address these issues as determined by the County Agricultural Commissioner. As amended, the manure management plan includes storing the manure in covered containers to prevent the propagation of flies, removing the manure from the site three times weekly by an independent contractor to a County-approved facility; controlling the urine by having a nine-inch deep layer of decomposed granite in the paddock area to prevent runoff of urine offsite, and installing automatic fly spray devices in the barn area to keep fly propagation to a minimum. According to the Placer County

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Agricultural Commissioner, the primary concern is not necessarily the number of horses boarded at an equestrian facility, but whether good management techniques are implemented to keep the facility clean. Based on this information, the Zoning Administrator approved the Minor Use Permit to allow the boarding of 60 horses.

There were also numerous comments about the increased traffic on Prospector Road since it is an unpaved, rough road that generates dust by vehicular use. The project applicant stated that the directions provided by "Map Quest" to the Equestrian facility directs vehicles from Auburn-Folsom Road to use the Horseshoe Bar Road to Prospector Road route instead of the Lomida Lane to Prospector Road route. The applicant's attempts to correct this situation with "Map Quest" have been unsuccessful. However, the applicant also stated that since Prospector Road is such a poorly maintained road, almost all her clients use Lomida Lane since it is a more convenient route. There was also testimony that Prospector Road is used more by the residents along Prospector Road and the construction workers involved in the Monte Serreno Subdivision. A recommended condition of approval requires that Prospector Road be reconstructed to a Plate R-1 Minor Land Development Manual standard from the Prospector Road/Lomida Lane intersection to the northern edge of the driveway entrance. This standard would require paving and minor widening of Prospector Road. At the public hearing, the Zoning Administrator also required that the applicant fix the potholes and add gravel from the northern edge of the driveway entrance to south of the intermittent drainage to further limit any dust that is generated by this project.

There were also comments on why the County allowed the applicant to continue to operate the horse boarding facility when the existing business has been in violation of the County code for several years. The Zoning Administrator explained that there is an existing policy which allows the County to process a development application on a property, with an existing violation, if the application is intended to resolve the violation. Otherwise, the County cannot accept a development application until the zoning violation has been resolved. In this case, the Minor Use Permit and Variance applications were intended to resolve the code violations. County Code Enforcement staff has been in contact with the property owner during the County review process. Condition 12 requires the payment of Code Enforcement fees to reimburse the costs incurred by the County to process the code violations.

Comments were also made about the Variance request to located the barn 42 feet from the centerline of Prospector Road instead of the required 75 feet from the centerline and how this would impact the Monte Sereno property values and affect their privacy. The Zoning Administrator approved the Variance since the proposed barn location will replace an existing corral and is in keeping with the existing equestrian setting along the east side of Prospector Road. The proposed barn location will preserve more native oak trees than if it were required to be located elsewhere on-site. The open design of the proposed horse stalls, to be located between Prospector Road and the barn, will maintain a visually open feel to this area. The Zoning Administrator also determined that the proposed landscaping in this area was appropriate to minimize the visual impacts of the barn at this location. Although this item was not discussed at the public hearing, the site is bisected by a 50-foot wide electric transmission easement that further restricts the options for locating a barn. In order to reduce the visibility of the barn, the project is conditioned to require the existing vegetation along Prospector Road to be enhanced with drought tolerant vegetation, as approved by the fire district, to provide a visual buffer from the road.

The Zoning Administrator denied the Variance request to eliminate the parking lot paving requirement which requires that nonresidential uses utilize at a minimum, asphalted concrete or Portland cement concrete. The Zoning Administrator based this decision on the fact that the County has consistently applied this standard to nonresidential development and that approving the Variance would constitute a granting of special privileges. The Zoning Administrator specified in the conditions of approval that the parking lot area be paved from Prospector Road to the 15th parking stall, the minimum number required by the Zoning Ordinance, and shall include a turning area as required by the local Fire District. The site plan has been revised to incorporate the turning area (Attachment C).

There were also individuals who spoke in favor of the project and expressed the desire for the area to remain a horse community and that the problems with Prospector Road became much worse after the development of the Monte Sereno subdivision. There were several statements that when the current owners of the Folsom Lake Equestrian Center acquired the property, they significantly cleaned-up the property and have continued to maintain the facility. The Loomis Basin Horsemen's Association stated in its correspondence that there should not be any problem with increasing the number of horses boarded at this facility to 60.

It should be noted that the original proposal included a request for a front setback Variance along Prospector Road to allow for horse stalls to be located 35 feet from the centerline for portable horse stalls where 75 feet from the centerline is typically required. However, a Variance is not required because the stalls proposed along Prospector do not exceed a height of six feet, are not considered to be a structure, and therefore are not subject to setbacks.

LETTERS OF APPEAL:

Two separate appeals were filed by Mark Breunig, et al and Mark Roberts, et al, appealing the Zoning Administrator's approval of a Minor Use Permit and Variances for the Folsom Lake Equestrian Center. A revised appeal was subsequently submitted on March 17, 2008 by Reynolds Maddox LLP, on behalf of Mark Breunig and Mark Roberts. The issues cited in these appeals are addressed below:

Appeal filed by Mark Roberts, et al – The reasons cited for this appeal include:

ISSUE #1:

Deficient public hearing notice – The appellant stated in a telephone conversation with staff his concerns about insufficient noticing of the Mitigated Negative Declaration and in particular, that it was noticed in the *Auburn Journal* newspaper and not a more local newspaper.

RESPONSE :

The public hearing notice for the Zoning Administrator hearing included a statement that the "Zoning Administrator will consider adoption of a Negative Declaration". This is an adequate reference to the proposed environmental document. The County posted the Notice of Availability (Attachment E) for the Mitigated Negative Declaration in the *Auburn Journal* newspaper, the Loomis Public Library, and the Community Development Resource Agency public counter. Since the Loomis area is located between the Auburn area and the Roseville area, it is appropriate to utilize the *Auburn Journal* Newspaper for notification purposes.

ISSUE #2:

Incomplete and deficient staff report – The appellant noted that the staff report did not clearly define the difference between the size of the property and the land area devoted to the equestrian center.

RESPONSE :

Staff agrees that this information was not clearly reflected in the staff report. The subject parcel is approximately 8.4 acres. The equestrian center is located on approximately 3.77 acres on the southern portion of the lot, south of the existing intermittent drainage. The recommended conditions have been revised to reflect this clarification, and additional language has been added that the pasture area, located north of the intermittent stream, is not to be used as part of the equestrian center. The 50-foot-wide electrical transmission easement was not included in the discussion of the site. This reference has been added to the Planning Commission report and is included in the Variance findings.

ISSUE #3:

The appellant states that there was a lack of and availability of public information/reports.

RESPONSE :

The Folsom Lake Equestrian File has been available to the public at the Community Development Resource Agency public counter. One of the items that the appellant could not locate was the manure management plan to control odors and vectors. The plan to manage odors and vectors is not contained in a separate, stand alone document, but this information is contained in a correspondence letter from the applicant dated, 4/19/2006, in response to the Environmental Review Committee's comments on the project. The manure management plan has been expanded as specified in the Revised Mitigated Negative Declaration.

ISSUE #4:

The appellant states that there was a lack of exhibits at the public hearing (zoning administrator).

RESPONSE :

As with any discretionary application considered by the County, site plans and any other information needed to make an informed decision are provided to the decision-making body (in this case, the Zoning Administrator). If the Zoning Administrator concluded the exhibits provided for the proposed project were inadequate, the Zoning Administrator would have continued action on the project to allow the applicant to provide additional information. However, the Zoning Administrator concluded the exhibits provided for the proposed project provided sufficient detail to allow the Zoning Administrator to render a decision. Accordingly, while the appellant believes the exhibits provided at the Zoning Administrator hearing were inadequate, this belief was not shared by the Zoning Administrator.

ISSUE #5:

The appellant states that the overall quality of the Negative Declaration was flawed. The Roberts appeal does not provide specific comments on the Mitigated Negative Declaration.

RESPONSE:

The Mitigated Negative Declaration has been revised to provide further clarification by providing more detail to the manure management plan and water quality measures. Staff, in consultation with County Counsel, have concluded the document is not flawed.

ISSUE #6: The appellant does not agree with the grounds on which the Zoning Administrator based his approval.

RESPONSE:

The appellant has not provided any details other than the grounds used by the Zoning Administrator were not sufficient to justify the approval of the Variances. Staff has concluded the attached findings adequately justify granting the Variances. As previously noted, changes have been incorporated into the project that have eliminated two of the three variances.

ISSUE #7:

The appellant is concerned about the suitability of the private road (prospector lane) for use and improvements.

RESPONSE :

Based upon County review of Prospector Road, there is no known restriction against using this road for commercial purposes. The Zoning Administrator has imposed conditions of approval which require improvements (paving and minor road widening) from Lomida Lane to the project's driveway and dust control measures from the driveway north to the intermittent drainage to address the public's concerns about the use of this road.

ISSUE #8:

The appellant states that the applicant has a history of zoning violations, including the lack of obtaining use permits, grading violations, and building permit violations.

RESPONSE :

This project has been processed in conformance with the County's policy for reviewing applications on properties with existing code violations. Please refer to the "Zoning Administrator Hearing" discussion for a detailed explanation of this policy. Condition 4 requires that the applicant apply for a building permit no later than June 27, 2008 for horse stalls that were erected without a building permit.

In addition, an appeal filed by Mark Breunig, et al - The reasons cited for this appeal include improper due process, errors in report, and that the property is not currently in compliance. A follow-up letter to this appeal was received and the new issues raised in this letter, not already addressed in the above discussion, are addressed below:

ISSUE #1:

The appellant states that the business owner, ken miller, does not reside at the equestrian center.

RESPONSE :

The County does not require the owner of a business to reside at the business site. The only exception is the County's Home Occupation provision, which requires the business owner to

live on-site. The Equestrian Center is not considered a Home Occupation. The manager of the Folsom Lake Equestrian Center resides on the property.

ISSUE #2:

The appellant notes that the applicant commented at the planning commission (zoning administrator) meeting that he could not make enough money with the current number of horses.

RESPONSE :

The prosperity of a business is not an issue within the realm of this appeal.

ISSUE #3:

The appellant states that the property was previously cited for violations by the county and the California department of fish and game for unpermitted grading, pollution of a stream that runs through the property. The increase in horses in such a small area will create additional pressure on the surrounding environment. (it does not appear that California fish and game was notified of the hearing or the application.)

RESPONSE:

As previously noted in the "Background" section of this report, in 2004, the Code Enforcement Division received a complaint regarding the expansion of the equestrian facility and also of a grading violation. The grading violation was resolved within a relatively short time period. County staff recently contacted the California Department of Fish and Game regarding any complaints received on this property. A complaint was submitted to the California Department of Fish and Game in March 2008. The Fish and Game warden that inspected the complaint did not find anything unusual in the stream environment zone and determined that a violation did not exist. In addition, the California Department of Fish and Game was notified of this project during the environmental review process. The County did not receive any response from this agency. Condition 10 has been recommended to address the Department of Fish and Game fee requirements.

ISSUE #4:

The appellant expresses concern about the existing manure pile, located near the southeast corner of the property, next to the Clos du Loc open space area, and how the noise (early morning), smell, dust and the amount of manure stocked at this location would only increase for the adjacent residents.

RESPONSE:

The amount of manure will increase as part of the expansion. Staff has included conditions that require the use of Best Management Practices to control run-off and a plan to manage the odor and vector issues associated with a horse boarding facility. Recommended conditions include limiting the number of horses to 50, moving and upgrading the manure storage area, and increasing removal from the site to three times a week.

ISSUE #5:

The appellant states that the flies, smell, dust, and noise is much worse than if the operation were in compliance with current law and the proposed expansion would disrupt the lifestyles of the two communities adjacent to the horse boarding facility.

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RESPONSE:

The Minor Use Permit required for the expansion of the boarding facility is designed to minimize these concerns as discussed in Issue 4 above. As previously discussed, the applicant proposes to relocate the manure storage area from the east property line to a new location approximately 15 feet from the manager's residence. The manure will be stored in a self-contained, leak-proof dumpster trailer with a permanent cover. The attached Minor Use Permit findings and conditions address the land use compatibility concerns.

ISSUE #6:

The expanded commercial use of this property will negatively affect the property values already under pressure in a softening economy.

RESPONSE :

As previously noted, the proposed use is permitted on this project site, subject to the approval of a Minor Use Permit.

ISSUE #7:

Any expansion of the current zoning and/or conditional use permit may result in immediate legal action.

RESPONSE:

No response required.

Appeal filed by Reynolds Maddox LLP on behalf of Mark Breuning and Mark Roberts:

ISSUE #1:

Notice of availability of the negative declaration was faulty.

RESPONSE :

As noted in a previous response, staff has concluded all legal requirements have been properly followed in noticing and circulating the environmental document for this project. The homeowners associations have been noticed of this hearing, and have an opportunity to review the project and associated documentation.

ISSUE #2:

The appellant claims that the Mitigated Negative Declaration is inadequate because of the estimations in exact acreage within the document.

RESPONSE:

While the property is 8.4 acres in size, the equestrian boarding facility will be limited to 3.77 acres. When staff analyzed the impacts of this project, the 3.77-acre limitation was understood. In order to further clarify this understanding, some language has been added to discussion sections of the Revised Mitigated Negative Declaration.

ISSUE #3

The project is being 'piece-mealed' in violation of CEQA:

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RESPONSE :

The appellant also claims that the pending parcel split and re-zone application should be analyzed in this Mitigated Negative Declaration since the project applicant is also currently requesting a Minor Land Division and Rezone for this property. On January 15, 2008, the County received a complete Environmental Questionnaire on this property to process a Rezoning to change the current zoning from Residential Agriculture with a minimum lot size of 4.6 acres and a Planned development designation of .44 units per acre (RA-B-X- PD .44) to Residential Agriculture with a minimum lot size of 100,000 square feet (RA-B-100) and a Minor Land Division to split the 8.4 acre parcel into three parcels consisting of 3.77 acres, 2.35 acres, and 2.30 acres. The applicant is intending the 2.35 and 2.30 acre parcels for single family residential uses. The Environmental Review Committee is currently processing these requests. These two requests have not been combined into one project since the applicant did not want to further delay the processing of the Minor Use Permit for the expanded equestrian facility. Since the proposed Rezoning and Minor Land Division do not affect the Minor Use Permit application for the 3.77-acre area, the County agreed that the applicant could process these applications separately. It should be noted that this Minor Use Permit is conditioned so that it applies to the 3.77-acre parcel and is not applicable to the other parts of the property. County Counsel has concluded it is not necessary to process these applications concurrently.

ISSUE #4:

The appellant states that the baseline under CEQA law for this project should be "seven or eight horses" and claims that, based on Guidelines Section 15125 (Environmental Settings) and case law, the document should analyze the requested use against a baseline that reflects what is currently allowed on the property under the County Code.

RESPONSE :

Staff has concluded this assertion is contrary to well-established law. To begin, CEQA Guidelines Section 15125 (Environmental Settings) states that the environmental setting should be "based on the physical condition" at the "time environmental review is commenced." A multitude of cases further elaborates on this concept and clarifies that, regardless of the legality of activity on a property, a project should be analyzed against the existing condition on the property. [See Environmental Planning and Information Council v. County of El Dorado (3d Dist. 1982) 131 Cal.App. 3d 350; Christward Ministry v. Superior Court (4th Dist. 1986) 184 Cal. App. 3d 180; Fairview Neighbors v. County of Ventura (2nd Dist. 1999) 70 Cal. App. 4th 238; County of Amador v. El Dorado County Water Agency (3rd Dist. 1999) 76 Cal. App. 4th 931; Riverwatch v County of San Diego (4th Dist 1999) 76 Cal. App. 4th 1428; Save our Peninsula Committee v. Monterey County Board of Supervisors (6th Dist. 2001) 87 Cal. App. 4th 89; Fat v. County of Sacramento (3rd Dist. 2002) 97 Cal. App. 4th 1270).] As stated in Riverwatch on Pages 1452-1453, "an EIR is not the appropriate document forum for determining the consequences of the prior conduct of a project applicant".

Staff analyzed the change in land use from the current activities on the property against what changes will occur from the approval of this permit, consistent with basic, long-standing principles of CEQA jurisprudence. Utilizing existing conditions as baseline, staff determined that a Mitigated Negative Declaration is the proper environmental document for this project.

ISSUE #5

The primary concerns of the appellant are soil erosion and water quality, as well as "the lack of a well defined maintenance plan."

RESPONSE :

In staff's professional judgment, water quality impacts and soil erosion are addressed within the Mitigated Negative Declaration by the implementation of Mitigation Measures MM VI.1 through MM VI.4 (see Conditions 13 through 16) and Mitigation Measures MM VIII.1 through MM VIII.3 (see Condition 20). The requirements prevent degradation of the waterway because these mitigation measures require the use of Best Management Practices designed to prevent untreated site runoff from entering the adjacent stream and/or site through a variety of water quality protection features, including but not limited to: fiber water barriers, silt fencing, hydroseeding and broadcast straw, vegetated swales, dust control measures such as sprinklers and gravel/paved parking and circulation areas, and French drains. The salmon habitat should not be impacted with the implementation of these protective measures to ensure water quality protection.

Also, soil erosion is addressed within the Mitigated Negative Declaration by the implementation of Mitigation Measures MM VI.1 through MM VI.4. These requirements prevent degradation of the waterway because these provisions require compliance with the Placer County Land Development Manual, Placer County Grading Ordinance, and the Placer County Flood Control Manual. These measures also require the preparation of a Geotechnical Engineering report and development of Water Quality Best Management Practices designed according to the California Stormwater Quality Association Stormwater Best Management Practice Handbook.

Language has been added to clarify the Manure Management Plan which includes:

- To control odors and vectors from manure and urine, clean and remove manure from the paddocks, corrals, portable stall areas, and common areas on the premises daily (7 days per week).
- The manure shall be stored in a self contained, leak proof dumpster trailer that has a permanent cover or is stored in a roofed area to inhibit the propagation of flies and to protect the waste from rain water, which may contribute to waste run-off. The manure shall be removed from the site at least three times per week by an independent contractor to a County-approved facility. The onsite manure storage capacity shall be at least 15 cubic feet per horse per week. (Note: The manure is currently removed by "Road Apples Express" and is transported directly to an organic farmer in the West Roseville area.)
- The paddocks and portable stalls shall be lined with a deep layer of decomposed granite to reduce waste runoff and to control odors from urine. The horse wash stations shall be lined with a deep layer of gravel to reduce waste water runoff.
- The manure storage area shall be relocated to an area that is closer to the onsite residence than a neighbor's residence.
- Manure storage shall be managed so as to prevent leaching or runoff of pollutants into the creek.

- Manure storage areas, paddocks, portable stalls, and horse wash stations shall be kept at least 50 feet away from waterways so that floods or runoff will not wash waste into the waterway.
- Horse waste shall not be dumped or stored on the edge of, or directly into waterways.

CONCLUSION

In summary, the applicant has revised the project in which the number of proposed horses has been reduced from 60 to 50, the Variances to reduce the side setback requirement (near the southeast corner of the property) of 30 feet to 10 feet for horse stalls and to also locate these stalls closer to an adjoining residence than to the main residence have been eliminated, and the manure storage area is proposed to be relocated from the east property line to approximately 15 feet from the manager's residence. The proposed horse stalls have been located outside the 100-foot setback from an adjacent well. The applicant has worked diligently with staff to incorporate the recommendations from the Agricultural Commissioner and to resolve the horse stall encroachment into the setback of an adjacent well. Staff finds that the revised project will adequately address neighborhood compatibility issues.

RECOMMENDATION:

Because there have been changes to the Conditions of Approval subsequent to the Zoning Administrator's the Development Review Committee recommends that the Planning Commission deny the appeal and approve the Minor Use Permit and Variance for the revised Folsom Lake Equestrian Center project for the boarding of 50 horses and reduce the front setback requirement of 75 feet from the centerline of Prospector Road to 42 feet from the centerline for a barn, based upon the findings listed below and subject to the attached conditions.

FINDINGS:

CEQA:

The Planning Commission has considered the proposed Revised Mitigated Negative Declaration, the proposed mitigation measures, the staff report and all comments thereto and hereby adopts the Revised Mitigated Negative Declaration for the project based upon the following findings:

1. The Revised Mitigated Negative Declaration for the Folsom Lake Equestrian Facility has been prepared as required by law. With the incorporation of all mitigation measures, the project is not expected to cause any significant adverse impacts. Mitigation measures include, but are not limited to, payment into the Placer County Tree Preservation Fund, preparation of Improvement plans, incorporation of Best Management Practices, and an odor and vector control program.
2. There is no substantial evidence in the record as a whole that the project as revised and mitigated may have a significant effect on the environment.
3. The Revised Mitigated Negative Declaration as adopted for the project reflects the independent judgment and analysis of Placer County, which has exercised overall control and direction of its preparation.

4. The mitigation plan/mitigation monitoring program prepared for the project is approved and adopted.
5. The custodian of records for the project is the Placer County Planning Director, 3091 County Center Drive, Suite 140, Auburn CA, 95603.

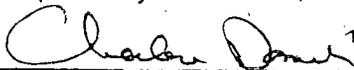
MINOR USE PERMIT:

1. The proposed use is consistent with applicable policies and requirements of the Horseshoe Bar/Penryn Community Plan and the Placer County General Plan in that a horse boarding facility is consistent with the agricultural nature of the Rural Estate land use designation and Residential Agricultural zone district.
2. The establishment, maintenance or operation of the proposed use will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of people residing in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the County in that Best Management Practices will be implemented to address on-site run-off, a plan has been developed to manage the potential odor and vector problems associated with the boarding of horses, and that improvements will be made to Prospector Road to significantly reduce any dust that may be generated from the project expansion.
3. The proposed use as an equestrian facility will not generate a volume of traffic beyond the capacity of roads providing access to the use, consistent with the applicable requirements of the Placer County General Plan and the Horseshoe Bar/Penryn Community Plan.

VARIANCE:

1. The granting of a Variance to reduce the front setback requirement from 75 feet from the centerline of Prospector Road to 42 feet from the centerline for a barn will not constitute the granting of special privilege inconsistent with other uses in the area. There are special circumstances associated with the site's current tree coverage since the placement of the barn at this location will preserve a greater number of mature trees than if the barn was proposed at a different location on the site. The 50-foot electric transmission easement also limits the area in which structures can be located on the site. The proposed barn is consistent with the existing rural equestrian environment that is predominant along the eastern side of Prospector Road and as there are also several agricultural structures, located within the front setback, along the eastern side of this Road.

Respectfully submitted,



Charlene Daniels
Senior Planner