



STAFF REPORT- USE PERMIT

AUGUST 13, 2015
U_2015-0011

OWNER/APPLICANT: JOHN AND BOBBI TILLEY
9001 WEST ROAD
REDWOOD VALLEY, CA 95470

PROJECT COORDINATOR: JOHN SPEKA

REQUEST: Commercial horse riding training facility including an arena, trails and obstacles.

DATE DEEMED COMPLETE: MAY 8, 2015

RECOMMENDATION: APPROVE

LOCATION: 0.75 mile east of Redwood Valley, lying on West Road (CR 237), 0.5± mile from its intersection with School Way (CR 236); 9001 West Road; APN 162-090-18.

TOTAL ACREAGE: 3.9± acres

GENERAL PLAN: RR:1

ZONING: RR:1

SUPERVISORIAL DISTRICT: 1

ENVIRONMENTAL DETERMINATION: Categorical Exemption (Class I- Existing Facilities)

BACKGROUND: The applicant applied for a Business License on March 26, 2015, to provide horse riding lessons at an existing horse stable facility currently used for personal equine activities. Review of the zoning requirements at that time showed the need for the subject minor use permit.

PROJECT DESCRIPTION: The applicant is seeking approval of a commercial horse riding training facility including an arena, trails and obstacles. As noted, the facility is existing and, according to application materials, will be used to provide riding instruction by appointment only. The facility consists of two horse riding arenas and trails over an area approximately 3.9 acres in size with the eastern two thirds of the site lying across a seasonal drainage remaining undeveloped and dominated by oak woodland.

RELATED APPLICATIONS:**On-Site**

- Business License #BL 2015-0100 was applied for on March 26, 2015, for "trail obstacle training and lessons." The license application was placed on hold until an approval of the subject permit has been obtained.
- On August 7, 2008, a Completion Certificate was issued for Boundary Line Adjustment #B 2006-0084 reconfiguring portions of the subject property.
- On August 16, 2007, Minor Subdivision #MS 30-2006 was approved by the Planning Commission. To date, the parcel map has yet to be recorded, although extensions have been obtained to meet the final conditions to at least 2016.

PROJECT SETTING: The property consists of mainly of gentle slopes ranging from 3 to 5 degrees with steeper grades of close to 30 degrees near a seasonal drainage running south to north. Residential development (single family residence, cabin, outbuildings and horse arena) comprises the western third of the site. The seasonal drainage separates the eastern two thirds of the property which remains undeveloped except for trails and oak woodlands. Surrounding parcels are mainly rural residential in nature ranging from approximately a quarter to 20 acres in size.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RR:1	RR:5/RR:1	1 – 6.5 acres	Residential
EAST	AG:40	AG:40	20 acres	Residential
SOUTH	RR:1	RR:1	0.25 – 0.75 acre	Residential
WEST	RR:5	RR:5	1 – 5 acres	Residential

SERVICES:

Access: West Road
 Fire District: REDWOOD VALLEY-CALPELLA
 Water District: REDWOOD VALLEY
 Sewer District: NONE
 School District: UKIAH UNIFIED

REFERRAL AGENCY COMMENTS: Agency comments relevant to this application are listed within the Issues Section of this report and are noted within the Conditions of Approval. Otherwise, most of the reviewing agencies had no comment regarding the proposed project.

REFERRAL AGENCIES	NOT RETURNED	"NO COMMENT"	COMMENTS
Department of Transportation	X		
Environmental Health- Ukiah		X	
Building Services-Ukiah PBS		X	
Air Quality Management District		X	
Archaeological Commission	X		
CalFire		X	
Dept. of Fish & Wildlife	X		
Redwood Valley/Calpella FD	X		
Military Airspace	X		

KEY ISSUES:

Key Issue #1 General Plan and Zoning Consistency: The subject property is zoned Rural Residential (1 acre minimum lot sizes). County Code Section 20.024.020 requires a minor use permit within the zoning district for “Animal Sales and Services- Horse Stables” which includes “riding of horses by other than the occupants of the premises or their non-paying guests.” General Plan Policy DE-14 discusses the Rural Residential land use category and lists under “General Uses” agricultural and cottage industries. The request falls somewhere in between providing small scale on site instructional services for agricultural related activities.

Key Issue #2- Environmental Protection: The project meets the definition of an “existing facility” as provided for under CEQA Guidelines Section 15301 (Class 1- Existing Facilities) and is therefore considered to be Categorical Exempt. As noted within the Guidelines, “[t]he key consideration is whether the project involves negligible or no expansion of an existing use.” Horse stables and trail riding facilities already exist onsite and are now being requested to be used for commercial purposes. As a result, the project can meet the threshold as described.

Key Issue #3-Transportation/Circulation: According to the application materials, clients would only be on site by appointment. As a result, the parking needs generated by the project would be “self-regulating” in that the size of the facility would limit the number of vehicles on site. Given the small scale nature of the request, there would be ample space to meet parking needs. With respect to traffic, increases attributed to the requested use would be negligible. Comments were not received from the County Department of Transportation.

GENERAL PLAN CONSISTENCY RECOMMENDATION: The proposed project qualifies as an “Animal Sales and Services- Horse Stables” use type according to Mendocino County Code Section 20.024.020(C), which is allowed with a Minor Use Permit on parcels zoned Rural Residential per County Code Section Sec. 20.048.015. This project is consistent with County Land Use practices.

STAFF RECOMMENDATION: That the Zoning Administrator approves Minor Use Permit #U 2015-0011 subject to conditions.

FINDINGS:

Environmental Findings: The project meets the definition of an “existing facility” as provided for under CEQA Guidelines Section 15301 (Class 1- Existing Facilities) and is therefore considered to be Categorically Exempt. As noted within the Guidelines, “[t]he key consideration is whether the project involves negligible or no expansion of an existing use.” Horse stables and trail riding facilities already exist onsite and are now being requested to be used for commercial purposes. As a result, the project can meet the threshold as described.

General Plan Consistency Finding: As discussed under pertinent sections of this report, the proposed project is consistent with applicable goals and policies of the General Plan as subject to the conditions being recommended by staff.

Project Findings:

1. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Access to the site is provided from an existing driveway off West Road that solely serves the subject property. The project will generate a minor amount of additional traffic in conjunction with the proposed project. This will not result in a significant increase in traffic along local roads or traffic hazards to motor vehicles, bicyclist or pedestrians.

2. That the proposed use will not constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.

The project has the potential to temporarily affect the surrounding environments with noise and odors from the horses, although given the existing private horse riding activities onsite any potential increase would be negligible. The increase in traffic that would be expected to result from this project is also negligible. None of these impacts have the potential to be considered significantly detrimental to any persons in the surrounding areas.

3. That such use preserves the integrity of the zoning district.

The land use classification for the parcel is Rural Residential 1 Acre minimum (RR1). Within the RR1 classification, commercial equine activities are a conditional use, subject to approval of a use permit. The Mendocino County General Plan defines the intent of the RR classification as follows:

The RR classification is intended to encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, etc. The Rural Residential classification is not intended to be a growth area, and residences should be located as to create minimal impact on agricultural viability.

There does not appear to be any agricultural uses on the parcel to the south, leading staff to conclude that it is either non-existent or non-intensive; the proposed use would not significantly impact this agricultural use.

RECOMMENDED CONDITIONS:

1. That the application along with supplemental exhibits and related material are considered elements of this entitlement and that compliance be mandatory, unless a modification has been approved by the Zoning Administrator.
2. That this permit is subject to the securing of all necessary permits from County, State and Federal agencies having jurisdiction for the proposed development and eventual use. Any requirement imposed by an agency having jurisdiction shall be considered a condition of this permit. Evidence of compliance with all permits shall be submitted to the Mendocino County Department of Planning and Building Services.
4. Noise levels created by the operation as measured at the nearest residence other than that of the business operator shall not exceed 50 dB/Ldn.
5. This permit shall be subject to revocation or modification by the Zoning Administrator upon a finding of any one (1) or more of the following grounds:
 - a. That such permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which such permit was granted have been violated.
 - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.

Any such revocation shall proceed as specified in Title 20 of the Mendocino County Code.

6. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
7. In the event that archaeological resources are encountered during construction on the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
8. This permit shall become effective after all applicable appeal periods have been expired or appeal processes exhausted. Failure of the applicant to make use of this permit within one year of Zoning Administrator approval shall result in the automatic expiration of this permit. In the event that the use of the facility should cease operation for a period exceeding one year or more, the use shall be deemed invalid and a new permit will be required for the operation as approved by #U 2015-0011.

Appeal Period: 10 Days
Appeal Fee: \$910.00

ATTACHMENTS:

- A. Location Map
- B. Aerial Map
- C. Site Plan
- D. Zoning
- E. General Plan