

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION
FROM: ED GALLAGHER, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: CONDITIONAL USE PERMIT 13-005 (WILCOX RANCH)
DATE: APRIL 22, 2014

Needs: For the Planning Commission to consider a request filed by Aaron P. Johnson, on behalf of Wilcox Ranch, LP, to establish an equestrian facility which would include the following activities:

Equestrian Riding Lessons: providing western horseback riding lessons to the youth;

Horse Keeping: the request to board up to 40 horses on site, some of which are the trainers' personal use and most of which are used for the equestrian riding lessons.

- Facts:**
1. The project is located on the 7.7 acre site at the northeast corner of Sherwood Road and Fontana Road, 1448 Fontana Road (see Vicinity Map, Attachment 1).
 2. The General Plan designation is Residential Suburban (RS). The current zoning designation is RA (Residential Agriculture) within the Chandler Ranch Specific Plan area (Specific Plan).
 3. Table 21.16.200 allows for Equestrian facilities and horse keeping uses in the RA zoning district, with the approval of a Conditional Use Permit (CUP).
 4. The structures on the property include the original house and barn for the Chandler Ranch. Some of the original corrals and water troughs still remain from the historic cattle ranch activities on the Chandler Ranch. No new construction is proposed with this CUP request. See project Site Plan (Attachment 2) and the applicant's project description (Attachment 3).
 5. The City received a letter from Natalie McCall on behalf of the Wurth properties (see Attachment 4), which makes up the majority of the property within the Chandler Ranch Area Specific Plan. The letter indicates concern that the project could have negative impacts on future residential uses of the CRASP, and liability of horse riders on to the adjacent 642 acre Wurth property.
 6. The City also received a letter from John Robertson on behalf of the Chandler Family properties (see Attachment 5), which makes up approximately 85 acres within the Chandler Ranch Area Specific Plan. The letter indicates concern that the project could have negative impacts on future residential uses of the CRASP, and that if the CUP is approved it should only be allowed for 3 years.

7. The Quail Run Mobile Home Park is located along the western boundary of the site. The City has received multiple letters from the Quail Run residents, attached to this staff report (see Attachment 6). The letters are common in nature, bringing up concerns with the impacts from the equestrian facility, mainly dust, odor, and flies.
8. The DRC reviewed the project on December 16, 2013, where the DRC, along with City Staff, met with the applicants on the project site. The main topic of discussion was how to control the dust, flies, and odor created from the facility from impacting the adjacent Quail Run neighborhood. The applicants indicated that they had already made improvements by spreading base material over the parking areas and moving the horse pens approximately 100 feet away from the wall. At that time, staff indicated that the CUP application was incomplete and requested that a detailed letter needed to be provided describing how they plan to address dust, flies, and odor.
9. In January 2014, the applicant arranged a meeting with the Quail Run group that was formed to review this project and staff. The meeting was generally positive in nature; most of Quail Run neighbors in attendance indicated that they were generally in favor of having the horses next door as long as the dust, flies, and odor could be controlled on a consistent basis.
10. On February 25, 2014, the City received a letter (Attachment 2) from the applicant that addressed the above mentioned issues. Staff reviewed the letter with the DRC on March 3, 2014, where the DRC acknowledged the applicants methods of handling the issues and agreed that the next step was for the project to be discussed at the Planning Commission level.
11. Pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA) and the City's Procedures for Implementing CEQA, an Initial Study and Mitigated Negative Declaration (MND) was prepared and circulated for public review and comment. The Study concluded that the impacts that will need to be mitigated as a result of this project are related to air quality. All mitigation is generally associated with the dust and odor generated by the project.

Analysis and Conclusion:

Dust Control:

The main topic of concern with this proposed CUP is the fugitive dust (dust leaving the site onto adjacent properties) that is created as a result of the equestrian business. The Quail Run mobile home park is located adjacent to the property and has experienced dust impacts from the existing horse activities on the site. It has been determined that the dust is not necessarily from the riding lessons, but mostly from the cars coming and going from the site and horses in the pen areas. As a result of current drought years, there has not been much vegetation on the ground so the land within the pen areas is very dry and minimal animal or vehicle activity creates dust.

The concern of Valley Fever has been raised by a few of the Quail Run residents. Since the Valley Fever virus is transported by airborne dust, it is more evident that dust control needs to be addressed and mitigated. The City contacted both the SLO County Health Department and the SLO County AG Commissioners office to determine if there are specific criteria that could be implemented with this project to prevent Valley Fever. Both indicated that dust control is the best way to control valley fever. The applicants have taken measures to help prevent dust on site such as:

- Paving driveway from Fontana Road approximately 500-feet into the site;
- Installing compacted base material in the parking and internal drive areas;
- Placing sand in the arena and horse stalls;
- Expanding the buffer area between the horse pens and the Quail Run boundary to 100-feet.

Even with the measures listed above, it is anticipated that the equestrian facility will generate dust, mainly from horses moving about the pens and vehicles entering and leaving the site. City staff consulted with San Luis Obispo County APCD staff to develop the following mitigation measures to reduce dust impacts to a level of insignificance. The specific mitigation measures are listed in the CUP Resolution attached to this staff report (Attachment 6). In addition to the measures listed above, the following measures have been added to the CUP:

- Keep the paved driveway clean at all times;
- Add sand to additional areas such as the pens where feeding occurs;
- Have a person designated as an onsite monitor to implement the dust control activities at all times, and be the first point of contact to address dust concerns;
- Use a soil binder to apply to the DG areas;
- Use water to control dust as a last resort;
- Require that the CUP be reviewed at a future public hearing with the Planning Commission, within 6 months of the issuance of a Business License by the City.

Odor / Flies:

The applicants have indicated that horse manure will be picked up on a daily basis. Increasing the buffer area between the west boundary and the pens to 100-feet should help with odor and flies. A condition of approval has been added that requires manure be picked up on a regular basis. The applicants have indicated that they will be using a product called “Fly Predator” which helps minimize flies without the use of sprays or pesticides. The on-site monitor will be responsible to administer the manure pick-up program along with administering the use of the Fly Predator product.

Hours of Operation:

The applicant’s letter indicates that the hours of operation for the lessons during the school year would be Monday through Thursday from 3:30pm to 5:30pm, and during the summer months, Monday through Friday from 8:30am to 11:00pm. When the 11:00pm time was questioned by the City, especially since there is no lighting in the area, Aaron Johnson indicated that the 11:00pm was a typo and that there is no intention of having riding lessons past dark, or 8:00pm in the summer.

Historic Uses:

As noted in the applicant’s project description (Attachment 3) there have been cattle ranching activities at this location for many years. The existing house, barn and some of the corrals and water troughs were originally part of the historic ranching activities. Animals, flies and odor have been associated with this property since before the Quail Run neighborhood was established. However, the request for this CUP to allow for the commercial business of providing equestrian lessons, and the boarding of horses gives the City the ability to evaluate the proposed project and address any impacts that the project may have.

Additional Conditions to consider:

Some additional conditions that the Planning Commission may want to consider are as follows:

- Paving parking lot areas and interior driveway areas;
- Moving the personal pen further away from the western boundary;
- Landscaping in buffer area;
- Limiting proposed hours of operation;

Chandler Ranch Area Specific Plan:

The letter that was sent from Ms. McCall indicates that the proposed equestrian uses beyond the personal use by the property owner, would be in conflict with the General Plan. Table 21.16.200, Permitted Land Uses outlines the uses that are permitted, conditionally permitted or not permitted in the various zoning districts. The Table allows for the proposed uses in the RA zoning district with the approval of a CUP. If the applicants were requesting a general plan amendment or rezone that would intensify the use, such as requesting a change to allow residential, commercial or industrial development beyond what could be provided for in the RA zone, approval of the Chandler Ranch Area Specific Plan would be required.

Conclusion:

When the applicants, staff, and the Quail Run group met on site in January, there seemed to be a consensus from the Quail Run group that they generally were not opposed to having the equestrian uses on the neighboring Wilcox property, as long as the dust, odor, and flies could be adequately controlled. Conditions of approval and mitigation measures have been placed on this CUP to help control those impacts. It will be up to the Planning Commission to discuss the project and the proposed conditions and mitigation measures, and determine if the proposed equestrian facility and horse keeping activities can be a compatible use.

Policy

Reference: Zoning Code, General Plan Land Use Element

Fiscal

Impact: There are no specific fiscal impacts associated with approval of this Planned Development.

Options: After consideration of all public testimony, that the Planning Commission may choose the following options:

- A.
 - 1. Adopt a Resolution approving a Mitigated Negative Declaration for the project;
 - 2. Adopt the attached Resolution approving CUP 13-005, including the establishment of an equestrian facility including horse keeping, subject to standard and site specific conditions of approval.
- B. Request that staff prepare a Resolution for denial and bring back before the Planning Commission on the next Planning Commission agenda.
- C. Amend, modify, or reject the above-listed action;

Attachments:

- 1. Vicinity Map
- 2. Site Plan
- 3. Project Description
- 4. Natalie McCoy Letter
- 5. John Robertson Letter
- 6. Quail Run letters
- 7. Draft Resolution to approve a Mitigated Negative Declaration
- 8. Draft Resolution to approve CUP 13-005
- 9. Mail and Newspaper Affidavits



SITE

Quail Run Mobile Home Park

North

Attachment 1
Vicinity Map
CUP 13-005
(Wilcox Ranch, LP)



Attachment 2
 Site Plan
 CUP 13-005
 (Wilcox Ranch, LP)

City of Paso Robles
 Community Development Dept.

UCI 17 2013

PASO ROBLES OFFICE

744 PINE STREET
PASO ROBLES, CA 93446
PH: (805) 226-0170
*PLEASE SUBMIT ALL
CORRESPONDENCE & FAXES
TO THE SALINAS OFFICE

JOHNSON, MONCRIEF & HART

A PROFESSIONAL CORPORATION

SALINAS OFFICE

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SALINAS, CALIFORNIA 93901
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J. KENNETH GORMAN
DAVID W. BALCH

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FEB 25 2014

City of Paso Robles
Community Development Dept.

February 3, 2014

VIA HAND DELIVERY

File No. 02071.001

Darren Nash
Community Development Department
City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446

Re: Project Description – 1448 Fontana Road, Paso Robles

Dear Mr. Nash:

I represent Wilcox Ranch, LP (“Applicant”) with respect to his property at 1448 Fontana Road in Paso Robles (APN 025-381-008) (“Property”).

This application is for a Conditional Use Permit to operate an equestrian facility at the Property. The Applicant and neighbors have identified issues with dust and flies at times as a result of the operation. As such, the Applicant met with the Quail Run Mobilehome Estates, Inc. property owners association in an effort to identify major issues and address neighbors’ concerns. The following will provide you with a list of activities, hours, and several mitigation measures that the Applicant has either implemented or proposes in an effort to foster a healthy co-existence between the proposed use and nearby property owners.

Uses: The Applicant will board up to forty (40) horses on site, some of which are used for the trainer’s personal use (Sami Jo Morisoli), and most of which are used for training youth on western horseback riding (the main purpose of the Use Permit). Equestrian activities will be conducted outdoors in an arena area located at the southeastern portion of the property, as identified on the attached map. No other events are requested as part of the permit.

Hours: The Applicant’s hours of operation throughout the traditional school year for the main purpose of training youth will be Mondays through Thursdays from 3:30 p.m. to 5:30 p.m. and in the summer Mondays through Fridays from 8:00 a.m. to 11:00 p.m.

Number of People and Cars: We estimate that there will be anywhere up to a total of twenty (20) people on site at one time, including students and approximately eight (8) visitor vehicles on the property during its busiest hours. (Many clients have more than one child in the program.)

Attachment 3
Project Description
CUP 13-005



Access to the Property: The Property is served by a general easement (available upon request) provided in the property's legal description. The easement is for ingress and egress to and from the Property and has no limitations. California law provides that unless an easement is specifically limited, the easement may be used generally for intended purpose, so long as it does not create an undue burden on the servient tenement (the property granting the easement). The proposed use is consistent with past agricultural activity, it would not place an undue burden on the Chandler Ranch parcel and it is therefore available for this purpose.

Horse Pen Location: The Applicant, after talking with the adjacent property owners and homeowners association, has agreed to provide a greater buffer than anticipated and is at least 100 feet from the western boundary line of the Property.

Dust Mitigation: The Applicant has provided decomposed granite ("DG") on roads serving the Property for the primary use to reduce dust from clients. The Applicant will also provide sand in horse stalls and in the arena to reduce dust from the horses. (While it can be placed in portions of the larger pens, it would not be feasible to sand entire pens on the north section of the Property.)

Fly Mitigation: The Applicant has implemented the removal of horse manure from stalls daily and from larger horse pens at least weekly and will continue to do so. The Applicant will also use the product "Fly Predators", sold by Spalding Labs, which minimizes fly problems without the use of sprays or pesticides. More information can be found about this method at: www.spalding-labs.com/products/fly_control_for_horses/p/what_are_fly_predators.aspx

It is important to note that the water troughs, located within the 100 foot buffer, serving the Chandler Ranch were located on this property and have served cattle for at least the last 49 years, with no mitigation measures in place as those discussed above. According to a study by Gerrish, J. and M. Davis. 1999 (Water availability and distribution), beef cattle travel to water sources 3 – 5 times a day (and travel less often, but stay longer, if they travel a great distance for the water). Additionally, the pens located near the homes were utilized to ship cattle during those times. We believe the impacts of the horse operation will be less than those from the grazing cattle after our mitigation measures are in place and they assure that the cattle are removed from the Property during the term of this Use Permit.

Sincerely,

Johnson, Moncrief & Hart, PC

Aaron P. Johnson
APJ/lt

Jonatkim Enterprises

April 9, 2014

Community Development Department
1000 Spring Street
Paso Robles, CA 93446

Re: Application for a proposal to establish an equestrian riding facility,
including horse keeping on the 8 acre site located at 1448 Fontana Road

To Whom It May Concern,

I am writing on behalf of the owners of the Wurth portion of the Chandler Ranch Area Specific Plan (CRASP) that surrounds the applicant's property. As you all know, both properties are part of the CRASP. Over the past thirteen years it has been our understanding that prior to allowing for any type of use other than what the current zoning allows for, completion a specific plan would be required. This was spelled out in the General Plan that was completed in 2003.

We realize it has been thirteen years in the making and we certainly don't want to limit the owner's intermediary personal use as the property is currently zoned Residential Agriculture. Yet, the applicant's Conditional Use Permit would allow for up to 40 horses to be boarded and kept on the property. This goes beyond personal use and would be a private boarding and equestrian facility. Short term we are concerned from a liability standpoint that boarders may venture out and trail ride onto the adjacent 642 acres known as the Wurth portion of the CRASP. Long term the proposed use would be incompatible with the CRASP and the residential development.

We ask that the planning commission carefully evaluates this application and how it will impact the CRASP project. In the event the commission decides to allow this use, we ask that there be a reasonable time limit on the permit and that it would be reevaluated for compatibility with the timing of the proposed CRASP project.

Thank you for your time and consideration.

Sincerely,



Natalie L. McCall

Attachment 4
Natalie McCall Letter
CUP 13-005
(Wilcox Ranch, LP)



Chandler's
 Sand & Gravel LLC
 Landfill & Construction Materials
 ESTABLISHED SINCE 1934



April 10, 2014

Community Development Department
 1000 Spring Street
 Paso Robles, CA 93446

Re: Application A proposal to establish an equestrian riding facility,
 Including horse keeping on the 8 acre site located at 1448 Fontana Road

To Whom It May Concern,

This letter is being written on behalf of the Chandler Family who are the owners of sub areas 12, 13, & 14 of the Chandler Ranch Area Specific Plan (CRASP) that surrounds the applicant's property. Chandler's property consists of approximately 85 acres and is referenced on the CRASP for land uses that would allow for in excess of 350 residential homes.

It has been our understanding that for over the past ten years, completion of the CRASP would be required before any new or alternate land use on any of the CRASP properties would be allowed by the City of Paso Robles This is spelled out in the General Plan that was completed in 2003.

The applicant's permit request would for commercial private horse boarding and equestrian facility. We ask that the City Council carefully evaluate this application and how it will impact the CRASP project. The land use permit should limited to significantly less than 40 horses and the permit should be limited to a three (3) year term. The City at the end of that term could review the status of the CRASP and then determine whether an annual extension of the applicant's permit is appropriate.

Sincerely,

John Robertson

President

Attachment 5
 John Robertson Letter
 CUP 13-005
 (Wilcox Ranch, LP)

P.O. Box 295 • Lomita • CA • 90717-0295



Attachment 6

Quail Run Resident Letters

CUP 13-005

Agenda Item (Wilcox Ranch, LP)

Page 12 of 75



Dawren Nash

First of all thank you for your concern on this issue.

We do notice the smell and brown dust quite often especially if there is any breeze.

We live in a senior (quail Run) home & take pride with our area. We are 2 streets over from the farm in question.

Shirley McKee

RECEIVED

APR 07 2014

City of Paso Robles
Community Development Dept.

3/25/14

Att: Damon Nash
Dear Sir:

To The City
Community Development Dept -
Paso Robles, Ca. 93446

I would like to register my complaint about
the amount of dust & flies that come into my
property from the horse ranch that borders my
residence at Quail Run, Paso Robles,

There should be better control by the agencies
that are responsible for these conditions.
Your help in resolving this matter would be
appreciated.

Thank you -
Margaret Bronenberger
382 Lark Dr.
Paso Robles, Ca. 93446

RECEIVED

APR 02 2014

City of Paso Robles
Community Development Dept.

RECEIVED

MAR 28 2014

City of Paso Robles
Community Development Dept.

March 22, 2014

Attention: Darren Nash

I understand the property at 1448 Fontana Rd., Paso Robles is finally applying for a condition license to operate an equestrian center.

I have a large concern regarding the amount of dust that is released by the traffic supporting the property. The traffic includes large horse trailers, heavy earth moving equipment, flat bed trailers, hay delivery trucks, water trucks and Andy Gump waste disposal trucks. This does not include the regular traffic of parents delivering their children to and from riding lessons. To have the facility open until 11:00 PM is extremely unreasonable.

The owners have removed all vegetation that would help support the suppression of dust. I have pictures showing the dust that is raised while leveling the horse areas, creating pens, stalls and new roads. The owners did this throughout the spring and summer of last year before there was a drought condition. A road base of rock was finally put down the last week of November, which has helped alleviate some of the dust.

The other issues are the flies and odor, both of which can be alleviated with proper maintenance of the property and become less of a nuisance.

All of these are hazards to health, and the environment not to mention the immediate residents that neighbor the property. Any help reducing these issues would be greatly appreciated.

Thank You,

Nancy Langjahr

Nancy Langjahr

234-1509

I reside on the other side of the east wall adjacent to the drive way & parking area of the house.

- 1. Summer hours. I don't agree with the letter written to you on March 17, 2014 agreeing to 8:00 P.M. My kitchen, living room & patio are on the east side of my home. I hear, see and smell all functions of the equestrian center. 5:00 PM is acceptable over.*

Number of horses should be per PRcity.com
Animal Raising & Keeping 21.16J.190.E.1 &
N.1.b - site less than 8 acres.

Dust/Dirt P.Rcity.com Private driveways
should comply with Sect. 21.22.060(C)

The owners of the property will & do as they
please. The permit should put restriction
on the property to help create a reasonable
existence between property owners.

Thank you again
NE

March 27, 2014

Darren Nash
Community Development Department
City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446

Sir,

I am writing this letter regarding the equestrian facility neighboring Quail Run Mobile Home Park. My mother lives next door to this facility. When I visit her I notice the strong odor of horse urine and the flies. We are unable to enjoy the outside due to these conditions. She has no choice other than to stay indoors or leave.

Teresa Engelbach

RECEIVED

MAR 31 2014

City of Paso Robles
Community Development Dept.

March 25, 2014

RECEIVED
MAR 26 2014
City of Paso Robles
Community Development Dept.

Darren Nash
Community Development Department
City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446

Re: Wilcox Ranch Equestrian Facility
Paso Robles, CA

We live in Quail Run Mobile Estates situated next to the Wilcox Ranch Equestrian Facility. Our home is at 3 Pheasant near the Facility.

As much as we enjoy living in our rural surroundings, we have concerns with a few situations at the Facility. When the wind is blowing "just right", we sense a odor of manure. We like to entertain outside on our patio when the weather permits, and this odor is offensive to us and our guests. We have also noticed an increase of flies.

We are concerned with the excessive amount of dust which could possibly expose us to Valley Fever, not a disease we want at any age, let alone as senior citizens.

This facility is just too close to residents living in Quail Run.

Francis G. and Carolyn Clinite
3 Pheasant
Paso Robles, CA 93446

(805) 238-7506

March 24, 2014

Darren Nash,

Regarding the Wilcox Ranch at 1448 Fontana Rd. Paso Robles, Ca.

My Wife and I live at 370 Lark Drive @ Quail Run. In the past year (mostly in the Summer) we have seen as many 100 horse flies

on our back porch. We use to have to dust the porch once a week, since the horse ranch has moved in we have to dust almost every day, the dust is getting into our house and on the cars in the garage. This means that we are breathing this dust. We will need to replace the porch furniture a lot sooner than we expected. The Smell is really bad. The noise from the ranch hours and cars & trucks coming & going are keeping us up well past 10 & 11 o'clock at night.

I do hope that something can be done about this Soon !

Thank you.



Dominic De Falco

RECEIVED

MAR 28 2014

City of Paso Robles
Community Development Dept.

RECEIVED

April 6, 2014

APR 09 2014

Darren Nash
Community Development Department
City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446

City of Paso Robles
Community Development Dept.

Dear Mr. Nash:

I have emailed you on a couple occasions regarding the Wilcox Ranch Equestrian Facility of which a copy is enclosed. I would like to bring up a few important points.

First of all my complaints/concerns:

Personally, I had quintuple heart bypass surgery with complications. The main complication is I have breathing/lung problems. I have lived in Quail Run for five years and even with the cattle on the adjacent property have never had the fugitive dust and awful smell and flies the whole time they were there unlike now. I am really fearful of valley fever. Tonya Stickland of The Tribune did a report on this subject, October 26, 2013- "Valley fever is on the rise and in San Luis Obispo County. The report states that valley fever ballooned predominantly in the north county. "San Luis Obispo County is among eight California counties with the highest rates of valley fever, state health officials say". It is in neighboring counties also. Thousands of prisoners have been moved from the central valley prisons (Avenal and Coalinga) because of valley fever. Are prisoners valued more highly than seniors? It goes on to say that health officials say valley fever is clearly well established in the area. And that 28 workers at the Topaz Solar Farm and California Valley Solar Ranch projects have been diagnosed with valley fever. We are considered sensitive receptors. Remember folks I am not the only one with health problems. This is a 300 plus unit senior community. We have many residents with bad health with caregivers. For those living further away that may not think they are feeling any effects, they are. The dust is still coming their way whether they know it or not. There are many more with health problems like myself trying to take care of themselves and ENJOY their home , patios and yards. Some have their patios backed right up to the Equestrian Facility.

There is much more additional possible fugitive dust coming from all the cars, trucks, horse trailers, dump trucks, etc going up Fontana Rd right next to the Quail Run wall with no concern of what time it is day or night with booming music at times.

In addition to the fugitive dust the smell and flies are horrendous. At times standing outside talking to a neighbor we have had to cut our conversation short due to the horrible odor. On Thanksgiving Day with a houseful of guests I opened the windows because the house was hot due to cooking,etc. They starting asking, "what is that smell?", Well it was the stink from the horses. We had to close the windows and put the A/C on in November. Great energy conservation. I can No Longer open my windows to get air. I live one house away from Fontana Rd.

I can no longer enjoy my patio nor take guests out to bbq or enjoy the patio because of the smell, flies(when one or several flies sit on you, you know where they have been-next door on the manure pile- and the threat of fugitive dust. I no longer use my spa which is therapy for my arthritis pain. It is so offensive at times that I feel I do no longer have free use of nor comfortable enjoyment of life or my property.

I feel that there are two codes being violated here: Section 41700 of the Health & Safety Code aka "The State Nuisance Law" and Section 3479 of the Civil Code.

They say on paper what they are doing and what they will do to alleviate these matters. Perhaps they will for the time being to get this through. However, it didn't seem to matter to them to get a Conditional Use Permit BEFORE starting their business about one year ago. What makes anyone think they will do what is asked? The problems still persist now. And how did the city of Paso Robles allow them to start this business a year ago without a permit?????

Lastly, their hours will be 8:00 a.m. til 11:00 p.m. The lateness does not seem appropriate with seniors asleep and horse trailers and noise down Fontana.

When I bought my home on a quiet cul de sac in a senior community I never anticipated that my life would turn in this direction. Please do not make light of my concerns.

Oh, and by the way your Environmental Initial Study Checklist form, pg 1, #8, paragraph 3, states "The site is located adjacent to the western boundary of the Quail Run Mobile Home Park." It is NOT. It is on the eastern boundary of Quail Run. Food 4 Less is on the western boundary.

Sincerely,



Marcia Hixon
6 Blue Jay Ct
Paso Robles, CA 93446

Copy to:

Andrew Mutzinger
Air Pollution Control District
San Luis Obispo County

Enc

Subject: RE: Wilcox Ranch-Equine Facility (Fontana Rd)-Conditional Use Permit.
From: Darren Nash (DNash@prcity.com)
To: bunny_calif@yahoo.com;
Date: Thursday, February 27, 2014 5:02 PM

Ms. Hixon,

I anticipate that the Use Permit for the equestrian business will be going to the Planning Commission in April. You are on the mailing list for receiving notice for this meeting. I will be sending out letters to all neighbors within 300 feet of the Wilcox property, 10-days prior to the Planning Commission meeting.

Darren

From: Marcia H [mailto:bunny_calif@yahoo.com]
Sent: Friday, February 21, 2014 2:28 PM
To: Darren Nash
Subject: Re: Wilcox Ranch-Equine Facility (Fontana Rd)-Conditional Use Permit.

Correction to the email I just sent: I wrote that the Wilcox Equine Ranch has a permit. As far as I know they DO NOT.
Thank you
Marcia Hixon
6 Blue Jay Ct
Pas Robles,CA 93446

On Friday, February 21, 2014 2:23 PM, Marcia H <bunny_calif@yahoo.com> wrote:

I wrote you two and a half months ago regarding the problems with a non-permitted business being run right adjacent to the Quail Run Senior Community. Email should be attached.]

What I would like to know is when the hearing will be held on this permit being

accepted and how in the world this is allowed in our city that this can continue with a permit.

I was trying to talk to my neighbor outside this morning and the stench is horrible. As the weather gets warmer and hot it will be really unbearable.

Can you tell me what the status is? I am considering going further with my complaint.,

Thank you
Marcia Hixon
6 Blue Jay Ct
Paso Robles, CA
93446

On Monday, December 2, 2013 8:21 AM, Darren Nash <DNash@prcity.com> wrote:
Maria, thank you for your letter. I will forward your letter to the Planning Commission when this project moves forward. I did verify that you are on the list of neighbors to be notified of upcoming meetings. The Planning Commission will be discussing the issues that you raise related to the facility.

Darren

From: Marcia H [mailto:bunny_calif@yahoo.com]
Sent: Saturday, November 30, 2013 10:29 AM
To: Darren Nash
Subject: Wilcox Ranch-Equine Facility (Fontana Rd)-Conditional Use Permit.

To: Darren Nash

Hello! My name is Marcia Hixon. I live at 6 Blue Jay Ct which is adjacent to the Wilcox Ranch-Equine Facility. I am puzzled why they are just now asking for a conditional use permit when they have been operating for the past 6-8 months and how this can be permitted adjacent to Quail Run-a senior community. I am one home away from the easement road they use to get to the ranch. Out my front window I can see the house and two barns. Also, there is a locked gate on the wall that is immediately adjacent to this property. It is to be used in case of emergency in case our front entrance is not accessible for some unknown reason. It is the same easement road which this emergency gate would access and the ranch uses to access it's property..

The reason for this email is I wish to complain that the use of this property right now is infringing on my use of my property and my peace and quiet.

Since they have been operating the smell from the horses is so horrible that I can no longer use my patio which faces east toward the ranch. And if the wind is blowing south or west it is even worse. There is also a major fly problem. I can no longer use my patio for bbq's or even invite guests outside. I do not use my spa any longer which is therapy for my arthritis. Thanksgiving Day with guests here for dinner, we opened windows to cool the house from all the cooking going on and had to close them and turn the air conditioning on because everyone was commenting on what is that smell even with all the nice smells of the cooking. My guests park out front and they ask "where is that smell coming from?".

In addition, there is much noise from trucks, horse trailers, etc going up and down the easement. Last week dump trucks and other large trucks went up and down rumbling for several days. Also, sometimes there are vehicles going up the easement road late at night with booming music.

I know others here on this side of the park are very unhappy. I understand there will be a meeting with regards to this permit. I wish to be notified of this meeting so i can attend.

This is no place for large numbers of horses to be right next to a senior community of 300 plus homes. It has caused many many people to go outside and enjoy the outdoors of their properties. The odor from the excretions (to put it mildly) is truly horrendous.

Your attention to this matter is appreciated.

Marcia Hixon
6 Blue Jay Ct
(Quail Run)
Paso Robles, CA

March 17, 2014

Darren Nash
Community Development Department
City of Paso Robles
1000 Spring Street
Paso Robles CA 93446

RECEIVED
MAR 17 2014
City of Paso Robles
Community Development Dept.

RE: Proposed Project Plan – 1448 Fontana Road – Paso Robles CA 93446
aka Wilcox Ranch, LP

Dear Mr. Nash:

With regards to the “Project Description” submitted in a letter dated February 3, 2014 from applicants’ attorney, Aaron P. Johnson, of Johnson, Moncrief & Hart, we submit to you, our questions, concerns and objections on the use of the property as proposed in said letter.

- **Uses:** It is assumed as stated, that the property will be used exclusively for training on horseback riding, and any other use/events would require an additional and separate permit. It should be stated in the CUP, that no more than 40 horses will reside on site.
- **Hours:** The summer hours of operation stated (8:00 a.m. to 11:00 p.m.) are not acceptable. Reasonable hours for a commercial enterprise so closely adjoining a residential community of mostly retired senior citizens, would be to end operations no later than 8:00 p.m.
- **Number of people and cars:** There are no objections.
- **Access to the property:** The attorney’s statement that “the proposed use is consistent with past agricultural activity”, is not correct. The property has never been used for a commercial enterprise involving the boarding and training of horses or the associated coming and going of multitudes of vehicles throughout the day and night.
- **Horse pen location:** There are no objections.
- **Dust mitigation:** While the sand might work in the horse stalls and in the arena, the area of bigger concern is the larger pens and the north section of the property, as those areas are the greatest creators of the largest amount of dust. We would like to see those areas watered down on a regular basis. However, given the water crisis in Paso Robles and in California as a whole, some alternative suggestions would be welcomed.

A particular area of concern, and a substantial contributor to the unmitigated, hazardous amounts of dust, is the easement for ingress and egress to and from the property. Multitudes of vehicles, including horse trailers, semi-trucks and earth-moving equipment, come and go so often, that the rock road-base has broken down, and is once again, mostly dirt and dust. These vehicles do not come and go slowly; they travel at a substantial speed. On January 22, 2014, our committee met with John Orradre and Sami Jo Morisoli at the property. We expressed our concerns, including the issue of the dust from the easement roadway. Ms. Morisoli agreed to erect a sprinkler system for that area to keep the dust down, as it has such a negative impact on those homes within just a few feet. To date, no sprinkler system has been initiated.

- **Fly mitigation:** Per the manufacturers' recommendation; Fly mitigation should begin when temperatures reach 60 degrees. At that time, the proper treatment to insure success in eradicating the flies, is to not only "treat" the piles of manure, but to "treat" the horses as well. No time frame has been stated for the implementation of this program and there has been no mention of treating the horses. ● How are they going to "treat" the accumulation of manure in the pens, and how often are they going to remove the large piles of manure they have collected out on the south-east area of the property? Because they allow the manure to accumulate in such large amounts, the odor can be overwhelming and very irritating on the fragile senses of some of our residents.

In Mr. Johnson's final statement, he claims that there were no mitigation measures in place when there were cattle grazing on the property.

He is absolutely correct. Nor were there any issues or complaints, as the cattle, and the ranch as it was being used, had no negative impact on our residents or their properties.

Residents of Quail Run paid premium prices for the privilege of buying a property that backed up to, and overlooked with unobstructed views, the ranch and its rolling hills with grazing cattle.

The cattle grazed over the entire Chandler ranch. They were not contained in just these 8 acres.

There was no problem with dust, as there was an abundance of vegetation. That vegetation has now been plowed under. All that remains is raw dirt and the dust as a result.

For more than 12 years, residents took pleasure in that rural and peaceful neighbor.

On the following pages, we have listed our concerns for the future enterprise of the ranch and its relationship with the community of Quail Run Senior Estates.

Thank you for your time and consideration.

Residents of Quail Run Senior Estates

Our major concern is the lack of dust control and the threat of Valley Fever

In San Luis Obispo County, reported cases of the disease are on the rise. The county Department of Public Health has updated the number of reported cases. The new data shows that reported cases of valley fever ballooned from 35 cases in 2000 to 175 cases in 2011 and 100 cases in 2012, **predominantly in the North County**. Initial data summaries for this 2013 year, show 46 cases reported through Sept. 30. No data is available past September 2013.

At highest risk for valley fever are farmers, construction workers, military personnel, archaeologists, and others who engage in activities that disturb the soil. **Those most prone to serious illness include the elderly, pregnant women and people with weak immune systems. The disease can only be contracted through the air, not from person-to-person contact.**

DUSTY CLUSTERS: Breathing dust can increase the risk of contracting Valley Fever, a potentially fatal disease. **Paso Robles and Atascadero have seen the most cases among more than 617 reported countywide since 2002.**

FUGITIVE DUST

The particulate matter in Fugitive Dust is of great concern to our senior community. Per the **California Environmental Protection Agency Air Resources Board and our local pollution control district**, the "Health effects may be major if Fugitive Dust is inhaled in large amounts, or if the dust contains crystalline silica, asbestos fibers, heavy metals or **disease spores**".

FUGITIVE DUST IS A PROBLEM IN THE RURAL COUNTRY

Areas of Exposed Ground and Unpaved Roads are common, both public and private, and can extend for miles. With little or no traffic, vehicles may travel at excessive speeds, throwing large amounts of dust up into the air. Numerous trips produce numerous dust plumes. Repeated disturbances caused by human activities expose more dust to wind action.

If you operate a business which emits enough dust, smoke or odor into the air to cause people in your neighborhood to complain, you will be subject to Section 41700 of the Health & Safety Code (H&SC), the "State Nuisance Law" of California, which prohibits the "discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public..."

THE LOCAL AIR DISTRICT HAS PRIMARY AUTHORITY to regulate your operation.

Many districts have Fugitive Dust Rules, which prohibits the transport of dust off your property and requires you to "take every reasonable precaution to minimize emissions." Other districts may use the State Nuisance law (above) or the Visible Emissions/Opacity rule (see following page) to regulate fugitive dust emissions. Some districts may attach dust control measures to your Permit to Operate.

THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
AIR POLLUTION CONTROL DISTRICT, San Luis Obispo County

From The Guide For Assessing The Air Quality Impacts For Projects Subject To CEQA Review

“Fugitive dust can come from many sources, such as unpaved roads, equestrian facilities and confined animal feeding operations. Dust emissions from the operational phase of a project should be managed to ensure they do not impact offsite areas and do not exceed the 20% opacity limit identified in SLO County APCD Rule 401 *Visible Emissions*. A list of approved dust control suppressants is available in Technical Appendix 4.3.

The approved suppressants must be reapplied at a frequency that ensures dust emissions will not exceed the limits stated above. Any chemical or organic material used for stabilizing solids shall not violate the California State Water Quality Control Board standards for use as a soil stabilizer. Any dust suppressant must not be prohibited for use by the US Environmental Protection Agency, the California Air Resources Board, or other applicable law, rule, or regulation”.

There are very specific guidelines for the operation of an Equestrian Facility

“Another potential source of fugitive dust can come from equestrian facilities, which may be a nuisance to local residents. To minimize nuisance impacts and to reduce fugitive dust emissions from equestrian facilities the following mitigation measures should be incorporated into the project:

- Reduce the amount of the disturbed area where possible;
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency whenever wind speeds exceed 15 mph.
- Reclaimed (non-potable) water shall be used whenever possible;
- Permanent dust control measures shall be implemented as soon as possible following completion of any soil disturbing activities;
- All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the Air District;
- All access roads and parking areas associated with the facility shall be paved to reduce fugitive dust; and,
- A person or persons shall be designated to monitor for dust and implement additional control measures as necessary to prevent transport of dust offsite. The monitor's duties shall include holidays and weekend. The name and telephone number of such persons shall be provided to the Air District prior to operation of the arena”.

Dirt Roads and Unpaved Areas

“When a project is accessed by unpaved roads and or has unpaved driveways or parking areas, a PM10 emission estimate needs to be conducted using the CALEEMOD model. When the model’s emission estimate demonstrates an exceedance of the 25 lbs of PM10/day or 25 tons of PM10/year APCD thresholds, the following mitigation is required:

- For the unpaved road leading to the project location, implement one of the following:
 - a. For the life of the project, pave and maintain the driveway; or,
 - b. For the life of the project, maintain the private unpaved driveway with a dust suppressant (See Technical Appendix 4.3 for a list of APCD-approved suppressants) such that fugitive dust

emissions do not impact off-site areas and do not exceed the APCD 20% opacity limit.

- To improve the dust suppressant's long-term efficacy, the applicant shall also implement and maintain design standards to ensure vehicles that use the on-site unpaved road are physically limited (e.g., speed bumps) to a posted speed limit of 15 mph or less".

WHEN ARE DUSTY CONDITIONS A VIOLATION?

- **When Airborne PM Crosses the Property Line** and enough neighbors complain, the owner is subject to H&SC Section 41700 (the Nuisance Law).
- **When You're Not Complying with the Permit Conditions** for your facility's operation, conditions such as watering dusty areas sufficiently to prevent blowing dust, limiting vehicle speeds, sweeping up spills, etc.
- **Some Dusty Operations Are Exempt** from some local fugitive dust rules, such as agricultural operations and unpaved public roads, **but none are exempt from the State Nuisance Law.**

There are aspects of the current and proposed use of the property that fall into the category of being a "PRIVATE NUISANCE".

A private nuisance is a civil wrong; it is the unreasonable, unwarranted, or unlawful use of one's property in a manner that substantially interferes with the enjoyment or use of another individual's property, without an actual Trespass or physical invasion to the land.

CALIFORNIA CIVIL CODE OF PROCEDURE - SECTION 3479 states in part:

"Anything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property".

Examples of nuisances interfering with the comfort, convenience, or health of an occupant are **foul odors**, noxious gases, smoke, **dust, loud noises, excessive light**, or high temperatures.

Moreover, a nuisance may also disturb an occupant's mental tranquility. If a nuisance interferes with another person's quiet or peaceful or pleasant use of his/her property, it may be the basis for a lawsuit for damages and/or an injunction ordering the person or entity causing the nuisance to desist (stop) or limit the activity (**such as closing down an activity in the evening**).

Request for amendments to the application for a Conditional Use Permit

- Hours of operation to be no earlier than 8:00 a.m. to no later than 8:00 p.m.
- Applicant to "treat" the horses for flies as well as the piles of manure, and to institute the fly mitigation program each year when temperatures reach 60 degrees.
- Applicant to institute a regular program for the removal of the accumulated piles of manure.
- Applicant to keep easement roadway watered to alleviate the majority of vehicle dust.
- Applicant to post signs to limit vehicle speed coming in to, and leaving the property.
- Applicant is to comply with the above guidelines set forth by the San Luis Obispo County Air Pollution Control District for the operation of an Equestrian Facility.

In closing.....

We love the horse ranch, and want very much to have a peaceful, harmonious relationship with them and their endeavors. But it can not be at the expense of our homeowners' health and wellbeing.

The city of Paso Robles has allowed this applicant to operate as an unlicensed Equestrian Facility without meeting county Air Quality Standards and without regard to their residential neighbors.

We therefore request that the City of Paso Robles Community Development Department, issue a Cease and Desist order on the applicant(s) and their operations, until they incorporate the required mitigation measures and comply with the mandates set forth by the San Luis Obispo County APCD.

Thank you for the opportunity to express our concerns.

Residents of Quail Run Senior Estates

cc: Andrew Mutziger, A.Q. Specialist – Air Pollution Control District
San Luis Obispo County

March 22, 2014

Darren Nash
Community Development Department
City of Paso Robles

Mr. Nash

I live in Quailrun next to the Wilcox Ranch Equestrian Facility. I thought it would be very nice to live next to a horse ranch and be able to look out my window and see beautiful horses. But I found that there is a bad smell from manure much of the time. Also the flies are very bad in the summer and the dust is very bad at times. I understand these problems can be alleviated with the proper vigilance by the ranch owners.

If you have the authority to help with these issues it certainly would be appreciated by me and the other residents of Quailrun Estates.

Sincerely,



Kathryn Baird
8 Blujay
Paso Robles, CA 93446

RECEIVED

MAR 25 2014

City of Paso Robles
Community Development Dept.

3/23/2014

To:Darren Nash
Paso Robles Planning Department

From: Darvel Newby
378 Lark Dr.
Paso Robles Ca.

Wilcox Ranch horse business.

Last year a horse pasture was installed next to our back yard fence. Manure piles grew each day. 1000's of flies, from the horse manure, swarmed over our home. Our air was polluted by the stench of horse urine and manure. Every move the horses made caused dust to fill the air, feeding time a giant dust cloud obliterated the horizon.

Only after a complaint to the health department, which mandated a cleanup, where any measures taken.

After neighborhood complaints became louder the pasture next our fence is not being used. Will this help? Time will tell.

More cleanup should be required!!



RECEIVED

MAR 25 2014

City of Paso Robles
Community Development Dept.

April 10, 2014

RECEIVED
APR 15 2014
City of Paso Robles
Community Development Dept.

Mr. Darren Nash
Community Development Dept.
City of Paso Robles
1000 Spring St.
Paso Robles, CA 93446

Dear Mr. Nash:

Thank you for your letter dated April 1, 2014. I reside at 387 Lark Dr. in Quail Run directly across the street from the Wilcox Ranch. I have resided here since August, 2002.

I am extremely concerned with the high levels of dust generated by the Wilcox Ranch with no apparent effort to sprinkle the areas where the horses are most active. It is impossible to keep my windows clean or leave my garage door open for any length of time because of the dust. The dust, odor and flies have prohibited the use of my patio in the warm weather! Surely the residents of Quail Run are entitled to the quiet, dust-free enjoyment of our property.

I highly object to the proposed hours of operation of the ranch – 8:00AM to 11:00PM. The use of flood lights on the riding arena until 11:00PM are not reasonable to Senior Citizens who retire long before 11:00PM. I would suggest hours of operation be limited to 8:00AM to 6:00PM.

There will be large trailers and trucks going in and out on the “dirt” access road which are already creating large amounts of dust. As their business grows so will the dust. I would ask that this road be paved or graveled to keep the dust down. Many of us “Senior Citizens” have compromised immune systems and this dust can create havoc with our health. Many of us are walkers. I walk the perimeter of the park in the early evening. After half a block I start coughing from the dust. This is not reasonable enjoyment of our premises.

Another area of concern is the population of cats accessing Quail Run from the Wilcox Ranch. We are named Quail Run because of our Quail population which is rapidly diminishing. We use to see three to four cats coming over from the ranch. In the last thirty days there are twelve to fifteen cats coming in day and night killing the Quail. The residents of Quail Run are allowed to have an indoor cat only. What is the reason for the explosion of cats from the Wilcox Ranch in the last thirty days?? And, why have they been allowed to operate for over a year without a Conditional Use Permit?

Sincerely



Jean L. Thiebaud
387 Lark Dr. (Quail Run)
Paso Robles, CA 93446
(805) 238-3897

RESOLUTION NO:

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
APPROVING A MITIGATED NEGATIVE DECLARATION FOR
PLANNED DEVELOPMENT 13-005
(WILCOX RANCH, LP)**

WHEREAS, PD 13-005 has been submitted by Aaron Johnson, on behalf of Wilcox Ranch, LP to establish an equestrian facility and horse keeping on the 7.7 acre site located at the northeast corner of Sherwood Road and Fontana Road (1448 Fontana Road); and

WHEREAS, an Initial Study was prepared for this project (attached as Exhibit A) which concludes that a Mitigated Negative Declaration may be approved; and

WHEREAS, Public Notice of the proposed Mitigated Negative Declaration was distributed as required by Section 21092 of the Public Resources Code and no written comments have been submitted; and

WHEREAS, a public hearing was conducted by the Planning Commission on April 22, 2014, to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this proposed Development Plan, and associated Mitigated Negative Declaration; and

WHEREAS, the applicant has entered into a signed Mitigation Agreement (Exhibit B) with the City of Paso Robles (prior to Planning Commission action on the Mitigated Negative Declaration) that establishes obligation on the part of the property owner to mitigate potential future impacts as identified in the environmental document; and

WHEREAS, the Mitigation Monitoring Program, attached as Exhibit C to this resolution, has been reviewed by the Planning Commission in conjunction with its review of this project and shall be carried out by the responsible parties by the identified deadlines; and

WHEREAS, based on the information contained in the Initial Study prepared for this project and testimony received as a result of the public notice, the Planning Commission finds no substantial evidence that there would be a significant impact on the environment based on the attached Mitigation Agreement and mitigation measures described in the Initial Study and contained in the resolution approving Planned Development 13-003 (Section 3) as site specific conditions summarized below.

<u>Topic of Mitigation</u>	<u>Condition #</u>
Air Quality	AQ 1- AQ 4

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of El Paso de Robles, based on its independent judgment, approves a Mitigated Negative Declaration for CUP 13-005, in accordance with the California Environmental Quality Act; and

PASSED AND ADOPTED by the Planning Commission of the City of Paso Robles this 22nd day of April, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DOUG BARTH, CHARIMAN

ATTEST:

ED GALLAGHER, PLANNING COMMISSION SECRETARY

ENVIRONMENTAL INITIAL STUDY CHECKLIST FORM
CITY OF PASO ROBLES

- 1. PROJECT TITLE:** Conditional Use Permit 13-005
- Concurrent Entitlements:**
- 2. LEAD AGENCY:** City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446
- Contact:** Darren Nash
Phone: (805) 237-3970
- 3. PROJECT LOCATION:** 1448 Fontana Road, Paso Robles, CA (APN: 025-381-008)
- 4. PROJECT PROPONENT:** Wilcox Ranch, LP
- Contact Person:** Aaron P. Johnson - Johnson, Moncrief & Hart
- Phone:** (831) 759-0900
Email: Aaron@JohnsonMoncrief.com
- 5. GENERAL PLAN DESIGNATION:** RA (Residential Agriculture)
- 6. ZONING:** RS (Residential Suburban)
- 7. PROJECT DESCRIPTION:** Request for the approval of a Conditional Use Permit (CUP) to establish an equestrian facility and horse keeping. The applicant would board up to forty (40) horses on site, some of which are used for the trainers' personal use and most of which are used for training youth on western horseback riding (the main reason for the CUP). Equestrian activities will be conducted outdoors in an arena area located at the southeastern portion of the property. No other events are requested as part of the CUP.
- 8. ENVIRONMENTAL SETTING:** The 7.7 acre site is located at the northeast corner of Sherwood Road and Fontana Road. The structures on the property include the original house and barn for the Chandler Ranch. Some of the original corrals and water troughs still remain from the historic cattle ranch activities on the Chandler Ranch.
- The property is relatively flat, and besides the areas where the house, barn and driveways are located, the property consists of the native dirt (soils).
- The site is located adjacent to the western boundary of the Quail Run Mobile Home Park. The impacts of the activities from the proposed equestrian facility, mainly dust, odor, and flies resulting from the horses, is the main discussion within this environmental review.
- 9. OTHER AGENCIES WHOSE APPROVAL IS REQUIRED (AND PERMITS NEEDED):** Air Pollution Control District.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: _____

Date _____

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved. Answers should address 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.
3. “Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “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.
4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The 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,” as described in (5) below, may be cross-referenced).
5. 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. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. 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, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," 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.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. The explanation of each issue should identify:
 - a. the significance criteria or threshold, if any, used to evaluate each question; and
 - b. the mitigation measure identified, if any, to reduce the impact to less than significance

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
--	---	---	---	----------------------

I. AESTHETICS: Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The site is relatively flat and is located at a similar elevation as the neighboring properties. The site is not considered a scenic vista; therefore there will not be an impact.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: There is no development or removal of structures related to this project, there are no significant trees or rock outcroppings and the site is not located in the proximity of a scenic highway, therefore there will not be an impact to scenic resources.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c. Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion in sections a & b above.

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?
(Sources: 1, 2, 10) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: All exterior lighting includes wall mounted light fixtures mounted to the barn. A standard condition of approval requires that exterior light fixtures be shielded so that they do not produce off-site glare. The condition requires that the City review the fixtures prior to installation.

II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest, land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 5114(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion (a-e): This project consists of a Conditional Use Permit to allow horse riding lessons and horse keeping on the 7.7 -acre site that has historically been used for cattle grazing and ranching activities. There is no construction or grading activities associated with this CUP request.

The project is zoned residential agricultural and while there has been grazing and ranching activities on this site in the past, it has not been used for farming of row crops. The site is also not considered forest land. There will be no impact from the project on this environmental factor.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

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|--|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a. Conflict with or obstruct implementation of the applicable air quality plan?
(Source: 11) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Source: 11) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Result in a cumulatively considerable net increase of any criteria pollutant 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)? (Source: 11) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Expose sensitive receptors to substantial pollutant concentrations?
(Source: 11 & Attachment 2 & 3) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Discussion (a-d): This project consists of a Conditional Use Permit to allow horse riding lessons and horse keeping on a 7.7- acre site that has historically been used for cattle grazing and ranching activities. There is no construction or grading activities associated with this CUP request.

The main topic of concern with this proposed CUP is the fugitive dust (dust leaving the site onto adjacent properties) that is created as a result of the equestrian business. The Quail Run mobile home park is located adjacent to the property and has experienced dust impacts from the existing horse activities on the site. It has been determined that the dust is not necessarily from the riding lessons, but mostly from the cars coming and going from the site and horses in the pen areas. As a result of current drought years, there has not been much vegetation on the ground so the land within the pen areas is very dry and minimal animal or vehicle activity creates dust.

The concern of Valley Fever has been raised by residents in Quail Run mobile home park. Since the Valley Fever virus is transported by airborne dust, it is more evident that dust control needs to be addressed and mitigated. The City contacted both the SLO County Health Department and the SLO County AG Commissioners office to determine if there are specific criteria that could be implemented with this project to prevent Valley Fever. Both indicated that dust control is the best

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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way to control valley fever.

The applicants have taken measures to help prevent dust on site such as: having a paved driveway from Fontana Road extending approximately 500-feet into the site; installing compacted base material in the parking and internal drive areas; and placing sand in the arena and horse stalls. Even with the measures listed above, it is anticipated that the equestrian facility will generate dust, mainly from horses moving about the pens and vehicles entering and leaving the site.

City staff consulted with San Luis Obispo County APCD staff to develop the following mitigation measures to reduce dust impacts to a level of insignificance:

AQ-1 Section 3.6.3 Fugitive Dust, of the 2012 APCD CEQA Handbook and more specifically describes that a potential source of fugitive dust can come from equestrian facilities, which may be a nuisance to local residents. To minimize nuisance impacts and to reduce fugitive dust emissions from equestrian facilities the following mitigation measures should be incorporated into the project:

- a. Reduce the amount of the disturbed area where possible;
- b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible;
- c. Permanent dust control measures shall be implemented as soon as possible following completion of any soil disturbing activities;
- d. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the Air District;
- e. All access roads and parking areas associated with the facility should be paved to reduce fugitive dust. As an alternative, an all-weather surface such as decomposed granite can be used, subject to the conditions outlined within mitigation measure AQ-2; and,
- f. A person or persons shall be designated to monitor for dust and implement additional control measures as necessary to prevent transport of dust offsite. The monitor's duties shall include holidays and weekend. The name and telephone number of such persons shall be provided to the Air District prior to operation of the arena.

AQ-2 An alternative to paving the parking and internal driveway areas is to utilize an all-weather surface such as decomposed granite, along with the addition of a soil binding agent, the installation of rumble strips, and the use of water to reduce dust.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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AQ-3 Prior to the issuance of a business license, a dust control plan shall be provided for Planning Staff review and approval that incorporates the dust control measures listed above and indicates the program in which they will be implemented.

e. Create objectionable odors affecting a substantial number of people? (Source: 11)

Discussion: The manure associated with the keeping of horses on this site is the main source of the odors leaving the site. The nearest pen where horses are located is an existing pen that is over 80 feet away from the western property boundary. The new pens would be located over 100-feet from the boundary.

That being said, it will be important that manure is picked up and disposed of on a regular basis. The applicant has indicated that the manure is picked up from the horse stalls on a daily basis, and from the horse pen areas on a weekly basis.

AQ-4 All animal enclosures, including but not limited to pens, stalls and feed areas shall be maintained free from litter, garbage and the accumulation of manure, so as to discourage the proliferation of flies, other disease vectors and offensive odors. Site shall be maintained in a neat and sanitary manner.



IV. BIOLOGICAL RESOURCES: Would the project:

a. 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, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion (a-f): This project consists of a Conditional Use Permit to allow horse riding lessons and horse keeping on a 7.7-acre site that has historically been used for cattle grazing and ranching activities. There is no construction or grading activities associated with this CUP request.

This site has perimeter fencing that has been in place for many years that will remain in place in its current location. Internal fencing will change to create the horse pens and riding arena areas. All fencing and corals would contain large animals (horses and cattle) but allow for smaller animals to pass through.

This CUP application is to study impacts related to the operation of the equestrian facility and horse keeping activities with no significant ground disturbing activities or relocation of perimeter fencing when compared to the historic cattle operations therefore, the addition of this land use to the existing property will not be an impact to biological resources.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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V. CULTURAL RESOURCES: Would the project:

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|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion (a-d): This project consists of a Conditional Use Permit to allow horse riding lessons on a 7.7 acre site that has historically been used for cattle grazing and ranching activities. There is no construction or grading activities associated with this CUP request, therefore there is no impact from the project on this environmental factor.

VI. GEOLOGY AND SOILS: Would the project:

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. (Sources: 1, 2, & 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Discussion: There are no structures be constructed for this proposed CUP, so there is no impact.

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|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| ii. Strong seismic ground shaking?
(Sources: 1, 2, & 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The General Plan EIR identified impacts resulting from ground shaking as less than significant and provided mitigation measures that will be incorporated into the design of this project including adequate structural design and not constructing over active or potentially active faults. Therefore, impacts that may result from seismic ground shaking are considered less than significant.

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|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| iii. Seismic-related ground failure,
including liquefaction? (Sources: 1,
2 & 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: Per the General Plan EIR, the project site is located in an area with soil conditions that have a low potential for liquefaction or other type of ground failure due to seismic events and soil conditions. To implement the EIR’s mitigation measures to reduce this potential impact, the City has a standard condition to require submittal of soils and geotechnical reports, which include site-specific analysis of liquefaction potential for all building permits for new construction, and incorporation of the recommendations of said reports into the design of the project.

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|-----------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| iv. Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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Discussion: Per the General Plan Safety Element, the project site is in an area that is designated a low-risk area for landslides. Therefore, potential impacts due to landslides is less than significant.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b. Result in substantial soil erosion or the
loss of topsoil? (Sources: 1, 2, & 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: there is no grading necessary as part of this CUP, so there will not be an impact.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c. Be located on a geologic 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Discussion: See response to item a.iii, above.

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d. Be located on expansive soil, as defined in Table 18-1-B of the California Building Code, creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See response to item a.iii, above.

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| e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion (a-d): There is no development included in this CUP request, therefore there will be no impact to existing septic systems related to this property.

VII. GREENHOUSE GAS EMISSIONS: Would the project:

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|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gasses? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion (a-b): This project consists of a Conditional Use Permit to allow horse riding lessons and horse keeping on a 7.7 acre site that has historically been used for cattle grazing and ranching activities. There is no construction or grading activities associated with this CUP request.

The addition of the horse riding lessons and horse keeping activities will increase daily vehicle trips coming and going from the site, however the greenhouse gas emissions resulting from 8 to 12 trips from the equestrian lessons and horse keeping activities would not be considered a significant impact.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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VIII. HAZARDS AND HAZARDOUS MATERIALS: Would the project:

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
h. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion (a-h): This project consists of a Conditional Use Permit to allow horse riding lessons on a 7.7 acre site that has historically been used for cattle grazing and ranching activities. There is no construction or grading activities associated with this CUP request, therefore there is no impact from the project on this environmental factor.

IX. HYDROLOGY AND WATER QUALITY: Would the project:

a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., Would the production rate of pre-existing nearby wells drop to a level which would not support existing land uses or planned uses for which permits have been granted)? Would decreased rainfall infiltration or groundwater recharge reduce stream baseflow? (Source: 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (Source: 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
on- or off-site? (Source: 10)				
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source: 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Inundation by mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k. Conflict with any Best Management Practices found within the City's Storm Water Management Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
l. Substantially decrease or degrade watershed storage of runoff, wetlands, riparian areas, aquatic habitat, or associated buffer zones?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Discussion (a-1): This project consists of a Conditional Use Permit to allow horse riding lessons on a 7.7 acre site that has historically been used for cattle grazing and ranching activities. There is no construction or grading activities associated with this CUP request, therefore there is no impact from the project on this environmental factor.

X. LAND USE AND PLANNING: Would the project:

- a. Physically divide an established community?

Discussion: This project consists of a Conditional Use Permit to allow horse riding lessons on a 7.7 acre site that has historically been used for cattle grazing and ranching activities. There is no construction or grading activities associated with this CUP request, therefore there is no impact from the project on this environmental factor.

- b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Discussion: The project site has a zoning designation of Residential Agriculture (RA). Equestrian facilities are allowed in the RA zone with the approval of a Conditional Use Permit (CUP). The reason for the CUP is to determine if the proposed land use is compatible with the neighboring land uses. Conditions of approval can be added to make a project more compatible.

The project site is adjacent to an existing mobile home park (Quail Run) along the western property line. Concerns have been raised from the Quail Run residents related to dust, odor and flies that would be generated from the proposed equestrian facility.

The 7.7 acre site has historically been used for cattle grazing and ranching activities. Mitigation measures have been identified as being necessary to reduce impacts from the project related to dust, odor and flies. Those mitigation measures have been identified in the Air Quality (Section III) of this environmental initial study.

The applicants have met with the neighbors to discuss ways to minimize and control dust, flies and odor. Regarding land use and planning, if the Planning Commission approves the CUP with the identified mitigation measures and conditions of approval, impacts to land use and planning would be less than significant.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion (c): There is no conservation plan associated with this property.				

XI. MINERAL RESOURCES: Would the project:

a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: There are no known mineral resources at this project site.

b. Result in 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? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: There are no known mineral resources at this project site.

XII. NOISE: Would the project result in:

a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion (a-d): This project consists of a Conditional Use Permit to allow horse riding lessons on a 7.7 acre site that has historically been used for cattle grazing and ranching activities. There is no construction or grading activities associated with this CUP request. The riding lessons would include up to 20 people including students and parents. The training area would be in the arena area that is located on the east side of the barn. While there will be increased noise from general conversation amongst the 20 people, it is not anticipated to be significant.

e. 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? (Sources: 1, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project site is not located within an airport safety zone.

XIII. POPULATION AND HOUSING: Would the project:

a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion (a-c): This project consists of a Conditional Use Permit to allow horse riding lessons on a 7.7 acre site that has historically been used for cattle grazing and ranching activities. There is no construction or grading activities associated with this CUP request, therefore there is no impact from the project on this environmental factor.

XIV. PUBLIC SERVICES: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental 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:

a. Fire protection? (Sources: 1,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Police protection? (Sources: 1,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Other public facilities? (Sources: 1,10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion (a-e): This project consists of a Conditional Use Permit to allow horse riding lessons on a 7.7 acre site that has historically been used for cattle grazing and ranching activities. There is no construction or grading activities associated with this CUP request, therefore there is no impact from the project on this environmental factor.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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XV. RECREATION

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion (a&b):

The equestrian lessons use would not encourage new housing demands and use of recreational facilities, it will not result in impacts to recreational facilities.

XVI. TRANSPORTATION/TRAFFIC: Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Conflict with an applicable plan, ordinance or policy establishing measures or effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

(Source: Attachment 8)

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
--	---	---	---	----------------------

Discussion (a,b): It is anticipated that this project would have at the most 20 people visiting the site for lessons at any one time, which would include 12 students and 8 parents. Assuming there would be 8-12 visiting vehicles, there would be no impact associated with transportation or traffic.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c. 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The project site is not located within an airport land use planning area.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: There are no hazardous design features associated with, planned for or will result from this project.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e. Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The project will not impede emergency access, and is designed in compliance with all emergency access safety features and to City emergency access standards.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion in section a & b above.

XVII. UTILITIES AND SERVICE SYSTEMS: Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the projects projected demand in addition to the providers existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion (a-g): This project consists of a Conditional Use Permit to allow horse riding lessons on a 7.7 acre site that has historically been used for cattle grazing and ranching activities. There is no construction or grading activities associated with this CUP request, therefore there is no impact from the project on utilities and service systems.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- a. Does the project have the potential to degrade the quality of the environment, 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, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Discussion: This project consists of a Conditional Use Permit to allow horse riding lessons on a 7.7 acre site that has historically been used for cattle grazing and ranching activities. There is no construction or grading activities associated with this CUP request, therefore there is no impact to fish, wildlife, of plant habitat.

- b. 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)?

Discussion: The project will not have impacts that are individually limited, but cumulatively considerable.

- c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Discussion: As determined in this document, the project will be required to apply mitigation measures to control dust, flies and odor that results from the keeping of horses on this site. While dust, flies and odors can be an annoyance, with the mitigation measures it is anticipated that substantial adverse effects either directly or indirectly, will be less than significant.

EARLIER ANALYSIS AND BACKGROUND MATERIALS.

Earlier analyses may be used where, pursuant to tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D).

Earlier Documents Prepared and Utilized in this Analysis and Background / Explanatory Materials

<u>Reference #</u>	<u>Document Title</u>	<u>Available for Review at:</u>
1	City of Paso Robles General Plan	City of Paso Robles Community Development Department 1000 Spring Street Paso Robles, CA 93446
2	City of Paso Robles Zoning Code	Same as above
3	City of Paso Robles Environmental Impact Report for General Plan Update	Same as above
4	2005 Airport Land Use Plan	Same as above
5	City of Paso Robles Municipal Code	Same as above
6	City of Paso Robles Water Master Plan	Same as above
7	City of Paso Robles Urban Water Management Plan 2005	Same as above
8	City of Paso Robles Sewer Master Plan	Same as above
9	City of Paso Robles Housing Element	Same as above
10	City of Paso Robles Standard Conditions of Approval for New Development	Same as above
11	San Luis Obispo County Air Pollution Control District Guidelines for Impact Thresholds	APCD 3433 Roberto Court San Luis Obispo, CA 93401
12	San Luis Obispo County – Land Use Element	San Luis Obispo County Department of Planning County Government Center San Luis Obispo, CA 93408
13	USDA, Soils Conservation Service, Soil Survey of San Luis Obispo County, Paso Robles Area, 1983	Soil Conservation Offices Paso Robles, Ca 93446

Attachments:

- 1. Vicinity Map/Site Plan**
- 2. Mitigation Measure Summary**



Exhibit A
Site Plan
CUP 13-005
(Wilcox Ranch, LP)

City of Paso Robles
Community Development Dept.

UCI 172013

Mitigation Measures Summary**Air Quality:**

- AQ-1 Section 3.6.3 Fugitive Dust, of the 2012 APCD CEQA Handbook and more specifically describes that a potential source of fugitive dust can come from equestrian facilities, which may be a nuisance to local residents. To minimize nuisance impacts and to reduce fugitive dust emissions from equestrian facilities the following mitigation measures should be incorporated into the project:
- a. Reduce the amount of the disturbed area where possible;
 - b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible;
 - c. Permanent dust control measures shall be implemented as soon as possible following completion of any soil disturbing activities;
 - d. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the Air District;
 - e. All access roads and parking areas associated with the facility should be paved to reduce fugitive dust. As an alternative, an all-weather surface such as decomposed granite can be used, subject to the conditions outlined within mitigation measure AQ-2; and,
 - f. A person or persons shall be designated to monitor for dust and implement additional control measures as necessary to prevent transport of dust offsite. The monitor's duties shall include holidays and weekend. The name and telephone number of such persons shall be provided to the Air District prior to operation of the arena.
- AQ-2 An alternative to paving the parking and internal driveway areas is to utilize an all-weather surface such as decomposed granite, along with the addition of a soil binding agent, the installation of rumble strips, and the use of water to reduce dust.
- AQ-3 Prior to the issuance of a business license, a dust control plan shall be provided for Planning Staff review and approval that incorporates the dust control measures listed above and indicates the program in which they will be implemented.
- AQ-4 All animal enclosures, including but not limited to pens, stalls and feed areas shall be maintained free from litter, garbage and the accumulation of manure, so as to discourage the proliferation of flies, other disease vectors and offensive odors. Site shall be maintained in a neat and sanitary manner.



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

CITY OF EL PASO DE ROBLES
MITIGATION AND REIMBURSEMENT AGREEMENT FOR PROPOSED
NEGATIVE DECLARATION

Lead Agency: City of El Paso de Robles ("City")
Director of Community Development
1000 Spring Street
Paso Robles, CA 93446

City Contact Person: Darren Nash Phone: (805) 237-3970
Project Title: Associate Planner
Discretionary Application(s) File No.(s): CUP 13-005
Project Applicant: Wilcox Ranch, LP – Aaron Johnson (representative)
Owner: Wilcox Ranch, LP
Project Description/Location: Equestrian facility with riding lessons and horse keeping.

MITIGATION AGREEMENT:

As the Applicant/Owner:

- A) I/we hereby agree to incorporate all mitigation measures into future development plans, to the satisfaction of the City, as identified in the related Project Initial Study and Project development conditions (collectively "mitigation measures").
- B) I/we hereby agree to comply with the Project Mitigation Monitoring Program adopted or approved by the City.
- C) I/we also understand that additional mitigation measures may be required following the review of the Proposed Mitigated Negative Declaration by the public and by the applicable advisory and final decision-making bodies. I/we hereby agree to incorporate all additional mitigation measures into future development plans, to the satisfaction of the City.
- D) I/we acknowledge and agree that, notwithstanding the Applicant's mitigation obligations under this Agreement, the City is not obligated to approve any or all of the proposed uses or permits for the Property, to approve a Mitigated Negative Declaration for the Project, or General Plan or Municipal Code amendments or other entitlements which may be required for any of the uses contemplated for the Project/Property.

FUTURE INDEPENDENT CEQA REVIEW:

As the Applicant/Owner, I/we understand and hereby agree that in addition to the mitigation measures, the City reserves the right to monitor compliance with the Mitigation Measures and may utilize Environmental Consultants to assist in monitoring Project construction to ensure compliance. City costs for monitoring compliance shall be reimbursed by Applicant prior to City issuing a Certificate of Occupancy.

LEGAL CHALLENGES:

Nothing herein shall be construed to require City to defend any third party claims and suits challenging any action taken by the City with regard to any procedure or substantive aspect of the City's approval of development of the Property, the environmental process, or the proposed uses of the Property. The Applicant may, however, in its sole and absolute discretion appear as real party in interest in any such third party and action or proceeding. If the City defends such action or proceeding, the Applicant shall be responsible and reimburse the City for whatever legal fees and costs, in their entirety may be incurred by the City in defense of such action or proceeding. The City shall have the absolute right to retain such legal counsel as the City deems necessary and appropriate. Applicant may, at any time, notify City in writing of its decision to terminate such reimbursement obligation and, thereafter, in the event that the City decides to continue the defense of such third party action or proceeding, Applicant shall have no further obligation to reimburse City for City's attorneys' fees and costs. Applicant shall reimburse City in the event of any award of Court Costs or attorney fees is made against City in favor of any third party challenging either the sufficiency of a negative declaration or EIR or the validity of the City's approval of the Application.

MISCELLANEOUS:

This Agreement shall be binding on the Applicant/Owner and on any assigns or successors in interest.

This Agreement is in addition to, and does not supersede other Project related Agreements between the City and the Project Applicant/Owner.

IN WITNESS WHEREOF, the Community Development Director or his assign, representing the City of El Paso de Robles, and the applicant/owner have executed this agreement on this _____ day of _____, 20__.

CITY OF EL PASO DE ROBLES
COMMUNITY DEVELOPMENT DEPT.

_____, [Title]_____

By: _____
SIGNATURE OF APPLICANT/OWNER

APPLICANT

APPLICANT(S) NAME AND ADDRESS:

SIGNATURE OF APPLICANT/OWNER

APPLICANT

APPLICANT(S) NAME AND ADDRESS:

OWNER

OWNER(S) NAME AND ADDRESS:

OWNER

OWNER(S) NAME AND ADDRESS:

Mitigation Monitoring and Reporting Plan

Project File No./Name: CUP 13-005 – Wilcox Ranch Equestrian Facility

Approving Resolution No.:

Date: April 22, 2014

The following environmental Mitigation Measures were either incorporated into the approved plans or were incorporated into the Conditions of Approval. Each and every Mitigation Measure listed below has been found by the approving body to lessen the level of environmental impact of the project to a less than significant level. A completed and signed checklist for each mitigation measure indicates that it has been completed.

See attached Mitigation Summary Table for Mitigation Measure Descriptions.

Mitigation Measure	Type	Monitoring Dept or Agency	Shown on Plans	Verified Implementation	Remarks
AQ-1 Section 3.6.3 Fugitive Dust, of the 2012 APCD CEQA Handbook and more specifically describes that a potential source of fugitive dust can come from equestrian facilities, which may be a nuisance to local residents. To minimize nuisance impacts and to reduce fugitive dust emissions from equestrian facilities the following mitigation measures should be incorporated into the project:	Project	Planning Division, Building Division			
a. Reduce the amount of the disturbed area where possible;	Project	Planning Division, Building Division			

Mitigation Measure	Type	Monitoring Dept or Agency	Shown on Plans	Verified Implementation	Remarks
<p>b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible;</p>	Project	Planning Division, Building Division			
<p>c. Permanent dust control measures shall be implemented as soon as possible following completion of any soil disturbing activities;</p>	Project	Planning Division			
<p>d. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the Air District;</p>	Project	Planning Division			
<p>e. All access roads and parking areas associated with the facility should be paved to reduce fugitive dust. As an alternative, an all-weather surface such as decomposed granite can be used, subject to the conditions outlined within mitigation measure AQ-2; and,</p>	Project	Planning Division			

Mitigation Measure	Type	Monitoring Dept or Agency	Shown on Plans	Verified Implementation	Remarks
<p>f. A person or persons shall be designated to monitor for dust and implement additional control measures as necessary to prevent transport of dust offsite. The monitor's duties shall include holidays and weekend. The name and telephone number of such persons shall be provided to the Air District prior to operation of the arena.</p>	Project	Planning Division, Building Division			
<p>AQ-2 An alternative to paving the parking and internal driveway areas is to utilize an all-weather surface such as decomposed granite, along with the addition of a soil binding agent, the installation of rumble strips, and the use of water to reduce dust.</p>	Project	Planning Division, Building Division			
<p>AQ-3 Prior to the issuance of a business license, a dust control plan shall be provided for Planning Staff review and approval that incorporates the dust control measures listed above and indicates the program in which they will be implemented.</p>	Project	Planning Dept.			

Mitigation Measure	Type	Monitoring Dept or Agency	Shown on Plans	Verified Implementation	Remarks
AQ-4 All animal enclosures, including but not limited to pens, stalls and feed areas shall be maintained free from litter, garbage and the accumulation of manure, so as to discourage the proliferation of flies, other disease vectors and offensive odors. Site shall be maintained in a neat and sanitary manner.	Ongoing	Planning/Code Enforcement			

Explanation of Headings:

- Type Project, ongoing, cumulative
- Monitoring Dept. or Agency Dept or Agency responsible for monitoring a particular MM
- Shown on Plans When a MM is shown on the plans, this column will be initialed & dated
- Verified Implementation When a MM has been implemented, this column will be initial & dated
- Remarks Area for describing status of ongoing MM, or other information

RESOLUTION NO: _____

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE CONDITIONAL USE PERMIT 13-005
(WILCOX RANCH, LP)
APN: 025-381-008

WHEREAS, Table 21.16.200 Permitted Land Uses, requires approval of a Conditional Use Permit for equestrian facilities and horse keeping in the RA (Residential Agricultural) zoning district; and

WHEREAS, the applicant, Wilcox Ranch LP has filed a Conditional Use Permit (CUP) application to establish and operate an equestrian facility and horse keeping on the 7.7 acre site located at 1448 Fontana Road; and

WHEREAS, a public hearing was conducted by the Planning Commission on April 22, 2014, to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this proposed Conditional Use Permit, and associated Mitigated Negative Declaration; and

WHEREAS, a resolution was adopted by the Planning Commission approving a Mitigated Negative Declaration status for this project, and a Mitigated Negative Declaration was prepared for the proposed Conditional Use Permit application in accordance with the California Environmental Quality Act; and

WHEREAS, based upon the facts and analysis presented in the staff report and public testimony received and subject to the conditions of approval listed below, the Planning Commission finds that the establishment, maintenance and operation for the requested use and building would be consistent with the General Plan and not be detrimental to the health, safety, morals, comfort, convenience and general welfare of the persons residing or working in the neighborhood of such proposed use, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Conditional Use Permit 13-005, subject to the following conditions:

1. The project shall be constructed so as to substantially conform with the following listed exhibits and conditions established by this resolution:

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
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A	Site Plan
---	-----------

2. This Conditional Use Permit (CUP) authorizes the establishment of an equestrian facility that includes equestrian riding lessons and horse keeping with the ability to board up to 40 horses. The hours of operation of the equestrian riding lessons business shall be 3:30pm to 5:30pm during the months of September through May, and 8:30am to 8:00pm for the months of June, July, and August.

3. Prior to the issuance of a business license for the equestrian riding lessons business, the Dust Control Plan shall be submitted to the City for review and approval, and all dust, fly, and odor control conditions/mitigations shall be completed to the satisfaction of the Community Development Director or his designee within 60 days from Planning Commissions approval of CUP 13-005.
4. This CUP shall be reviewed before the Planning Commission via a public hearing 6 months from the approval of the CUP.
5. All signage shall be reviewed and approved by the Development Review Committee (DRC) as necessary, prior to installation.
6. The site shall be developed and maintained in accordance with the approved plans and unless specifically provided for through the Conditional Use Permit process shall not waive compliance with any sections of the Zoning Code, all other applicable City Ordinances, and applicable Specific Plans.
7. To the extent allowable by law, Owner agrees to hold City harmless from costs and expenses, including attorney's fees, incurred by City or held to be the liability of City in connection with City's defense of its actions in any proceeding brought in any State or Federal court challenging the City's actions with respect to the project. Owner understands and acknowledges that City is under no obligation to defend any legal actions challenging the City's actions with respect to the project.
8. Any site specific condition imposed by the Planning Commission in approving this project may be modified or eliminated, or new conditions may be added, provided that the Planning Commission shall first conduct a public hearing in the same manner as required for the approval of this project. No such modification shall be made unless the Commission finds that such modification is necessary to protect the public interest and/or neighboring properties, or, in the case of deletion of an existing condition, that such action is necessary to permit reasonable operation and use for this approval.
9. ENVIRONMENTAL MITIGATION MEASURES:
 - AQ-1 Section 3.6.3 Fugitive Dust, of the 2012 APCD CEQA Handbook and more specifically describes that a potential source of fugitive dust can come from equestrian facilities, which may be a nuisance to local residents. To minimize nuisance impacts and to reduce fugitive dust emissions from equestrian facilities the following mitigation measures should be incorporated into the project:
 - a. Reduce the amount of the disturbed area where possible;
 - b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible;
 - c. Permanent dust control measures shall be implemented as soon as possible following completion of any soil disturbing activities;

- d. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the Air District;
- e. All access roads and parking areas associated with the facility should be paved to reduce fugitive dust. As an alternative, an all-weather surface such as decomposed granite can be used, subject to the conditions outlined within mitigation measure AQ-2; and,
- f. A person or persons shall be designated to monitor for dust and implement additional control measures as necessary to prevent transport of dust offsite. The monitor's duties shall include holidays and weekend. The name and telephone number of such persons shall be provided to the Air District prior to operation of the arena.

AQ-2 An alternative to paving the parking and internal driveway areas is to utilize an all-weather surface such as decomposed granite, along with the addition of a soil binding agent, the installation of rumble strips, and the use of water to reduce dust.

AQ-3 Prior to the issuance of a business license, a dust control plan shall be provided for Planning Staff review and approval that incorporates the dust control measures listed above and indicates the program in which they will be implemented.

AQ-4 All animal enclosures, including but not limited to pens, stalls and feed areas shall be maintained free from litter, garbage and the accumulation of manure, so as to discourage the proliferation of flies, other disease vectors and offensive odors. Site shall be maintained in a neat and sanitary manner.

PASSED AND ADOPTED THIS 22nd day of April, 2014 by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DOUG BARTH, CHAIRMAN

ATTEST:

ED GALLAGHER, SECRETARY OF THE PLANNING COMMISSION



Exhibit A
Site Plan
CUP 13-005
(Wilcox Ranch, LP)

City of Paso Robles
Community Development Dept.

UCI 172013



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

AFFIDAVIT OF MAIL NOTICES PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Kristen Buxkemper, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for Conditional Use Permit 13-005 located at 1448 Fontana Road, on this 1st day of April, 2014.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: 
Kristen Buxkemper

THE Newspaper of the Central Coast
TRIBUNE

3825 South Higuera • Post Office Box 112 • San Luis Obispo, California 93406-0112 • (805) 781-7800

In The Superior Court of The State of California
In and for the County of San Luis Obispo
AFFIDAVIT OF PUBLICATION

AD # 7047054
CITY OF PASO ROBLES

STATE OF CALIFORNIA

ss.

County of San Luis Obispo

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen and not interested in the above entitled matter; I am now, and at all times embraced in the publication herein mentioned was, the principal clerk of the printers and publishers of THE TRIBUNE, a newspaper of general Circulation, printed and published daily at the City of San Luis Obispo in the above named county and state; that notice at which the annexed clippings is a true copy, was published in the above-named newspaper and not in any supplement thereof – on the following dates to wit; APRIL 1, 2014, that said newspaper was duly and regularly ascertained and established a newspaper of general circulation by Decree entered in the Superior Court of San Luis Obispo County, State of California, on June 9, 1952, Case #19139 under the Government Code of the State of California.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.



(Signature of Principal Clerk)

DATED: APRIL 1, 2014

AD COST: \$125.63

CITY OF EL PASO DE ROBLES

NOTICE OF PUBLIC HEARING AND NOTICE OF INTENT TO CONSIDER AND APPROVE A MITIGATED NEGATIVE DECLARATION AND CONDITIONAL USE PERMIT 13-005

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of El Paso de Robles will hold a Public Hearing on Tuesday, April 22, 2014 at 7:30 p.m. at the City of El Paso de Robles, 1000 Spring Street, Paso Robles, California, in the City Council Chambers, to consider approval of a Conditional Use Permit for an equestrian facility, and a Mitigated Negative Declaration for the project in accordance with the provisions of the California Environmental Quality Act (CEQA) for the following project:

- **Conditional Use Permit 13-005:** request to establish an equestrian riding facility, including horse keeping on the 8-acre site located at 1448 Fontana Road (APN: 025-381-008).

The public review period for the Mitigated Negative Declaration (MND) is April 2, 2014 through April 22, 2014. The proposed MND may be reviewed at the Community Development Department, 1000 Spring Street, Paso Robles, California. Copies may be purchased for the cost of reproduction. A copy of the MND is also available on the City website at: <http://www.prcity.com/government/departments/commdev/index.asp>.

Written comments on the proposed project and corresponding MND may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 or emailed to dnash@prcity.com, provided that the comments are received prior to the time of the public hearing. Oral comments may be made at the hearing. Should you have any questions regarding this application, please call Darren Nash at (805) 237-3970 or email at dnash@prcity.com.

If you challenge this application in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at or prior to the public hearing.

Darren Nash
Associate Planner
April 1, 2014

7047054

RECEIVED

APR 07 2014

City of Paso Robles
Community Development Dept.