

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION
FROM: ED GALLAGHER, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: CONDITIONAL USE PERMIT 13-005 - 6 MONTH REVIEW (WILCOX RANCH)
DATE: OCTOBER 28, 2014

Needs: For the Planning Commission to open the public hearing continued from the October 14, 2014 Planning Commission hearing, for the 6 month review of Conditional Use Permit (CUP) 13-005.

- Facts:
1. This project is continued from the Planning Commission held on October 14, 2014. The continuance of the item was requested by the applicant.
 2. The applicant's attorney, Aaron Johnson spoke during the public hearing on October, 14th, indicating the request for continuance. No other people spoke during the public hearing; the Planning Commission continued the item to October 28th.
 3. Please refer to the October 14th Staff Report for information on this project, Attachment 1.
 4. The City received a letter from Betty Harrington on October 15th, outlining concerns with the CUP request, Attachment 2.

Policy
Reference: Zoning Code, General Plan Land Use Element

Fiscal
Impact: None identified at this time.

Options: After consideration of any public testimony, the Planning Commission should consider the following options:

- a). Make the determination that the existing conditions in Resolution 14-003, and CUP Implementation Plan are adequate and approve the continuation of Conditional Use Permit 13-005, subject to the conditions of approval within Resolution 14-003. Under this option, no further review would be scheduled.
- b). Amend, modify or reject the above noted options. Under this option, the Planning Commission could add conditions, including scheduling additional reviews.

Attachments:

1. October 14th Staff Report
2. Vicinity Map
3. Sami Jo Morisoli, Manager – email
4. Donley Letter

5. Betty Harrington Letter
6. Marcia Hixon Letter
7. Natalie McCall Letter
8. CUP Implementation Plan
9. Resolution 14-003
10. Newspaper notice and mail affidavits

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION

FROM: ED GALLAGHER, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: CONDITIONAL USE PERMIT 13-005 - 6 MONTH REVIEW (WILCOX RANCH)

DATE: OCTOBER 14, 2014

Needs: For the Planning Commission to hold a public hearing for the 6 month review of Conditional Use Permit (CUP) 13-005.

- 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 Planning Commission approved CUP 13-005 on April 22, 2014, allowing for the establishment of an equestrian facility that includes equestrian riding lessons and horse keeping, with the ability to board up to 40 horses.
 3. With the approval of CUP 13-005, the Planning Commission required that the CUP come back for review by the Planning Commission after 6 months from the date approval, to ensure compliance with the conditions of approval.
 4. On June 2, 2014 the DRC met with the applicants and the Quail Run neighborhood group to review the CUP Implementation Plan (see Implementation Plan, Attachment 4). The Implementation Plan outlined how each condition of approval of CUP 13-005 would be implemented. The DRC approved the Implementation Plan with a few minor changes. With the DRC approval of the Implementation Plan, the applicants were given direction to do the necessary work to satisfy the Implementation Plan.
 5. On August 25, 2014 the DRC met with the applicant and the Quail Run group to review a report on the work that has been completed as required by the Implementation Plan. The applicants indicated all conditions had been met, except for the planting of the landscaping and the manager information sign. It was discussed that the landscaping could be installed within 30 days after the 6 month review in October, in order for the applicants to update their landscape plan as suggested by the DRC, and to allow for the planting to occur the summer heat. The manager information sign would be installed prior to the hearing.

Analysis
and

Conclusion: At both meetings with the DRC, it was expressed by the Quail Run neighbors that dust, smell, and flies from the facility was still a problem. However, it was apparent that the dust, smell, and flies were related to the larger pasture areas (Pens 1, 2, and 3) and not the driveway, parking area, and arena which were the main problem areas discussed at the April 2014 CUP hearing.

It was pointed out by the DRC that the CUP Implementation Plan is working to reduce impacts of the facility, however it was indicated that more focus is needed to reduce dust, smell, and flies for the pasture areas. The following suggestions were made to improve those impacts:

Dust

It was determined that one of the main dust generators was the tractor being used to clean-up the manure in the pasture areas. In an effort to reduce dust it was suggested that manure pick-up in the pasture be reduced to once a week.

Smell

There will be an on-going balance between the schedule for picking up manure related to smell and dust. It will be the responsibility of the on-site manager to keep the manure picked up on a regular basis, at a time that will not create significant dust.

Flies

The Fly Predator product has been applied and will continue to be used on a seasonal basis, as long as weather permits.

It is anticipated that the main topic of discussion at the 6 month review will remain to be dust, smell, and flies. It will be up to the Planning Commission to determine if the existing conditions of approval and CUP Implementation Plan (with changes suggested by the DRC) are adequate, or if additional conditions need to be added. The Commission may also consider requiring additional review at the Planning Commission or the DRC to help monitor impacts of the facility and compatibility with the neighbors.

Policy

Reference: Zoning Code, General Plan Land Use Element

Fiscal

Impact: None identified at this time.

Options: After consideration of any public testimony, the Planning Commission should consider the following options:

- a). Make the determination that the existing conditions in Resolution 14-003, and CUP Implementation Plan are adequate and approve the continuation of Conditional Use Permit 13-005, subject to the conditions of approval within Resolution 14-003. Under this option, no further review would be scheduled.
- b). Amend, modify or reject the above noted options. Under this option, the Planning Commission could add conditions, including scheduling additional reviews.

Attachments:

1. Vicinity Map
2. Sami Jo Morisoli, Manager - email
3. Donley Letter
4. CUP Implementation Plan
5. Resolution 14-003
6. Newspaper notice and mail affidavits



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

Darren Nash

From: Sami Jo Morisoli <smorisoli@gmail.com>
Sent: Sunday, October 05, 2014 6:23 PM
To: Darren Nash
Subject: Re: October PC Meeting

Hi Darren,

I will be at the meeting on the 14th. The soil binding agent in Pen 1 is seeming to work. I'm not sure that now would be the time to add it to the other pens, as we are too close to rainfall, and it will wash off. However, I do think that is an excellent option for after the rainy season to keep dust down in the remaining pens. The original areas that were done in June will be reapplied as well. There have been very few days that the wind has blown towards the subdivision since the meeting with the DRC. Manure pick up has been off, as our tractor broke down and was in the shop for a while. It's finally back up and running and weekly manure pickup will resume this week. Fly counts are down, likely due to it being the end of the season. I look forward to the meeting on the 14th and hope I have covered all of your questions.

Sent from my iPhone

On Oct 2, 2014, at 9:59 AM, Darren Nash <DNash@prcity.com> wrote:

I have scheduled the meeting with the Planning Commission for October 14th.

I plan on preparing a brief staff report describing the discussions we had at the last DRC meeting, which generally focused on dust and manure pick up for the pasture areas.

Has there been any changes since the last meeting with the DRC? How has the soil binder worked on pen 1 and will it be beneficial to apply it to the other pens? How is the new manure scheduled working? Please provide an update letter that I can include in the staff report. I would need the letter by Monday.

Thanks, Darren

From: Darren Nash
Sent: Friday, September 26, 2014 8:20 AM
To: jocattle@gmail.com
Cc: Aaron@JohnsonMoncrief.com; Sami Jo Morisoli
Subject: October PC Meeting

John, are you guys available to go to the Planning Commission the night of October 14th?

I see the meeting similar to the last DRC meeting, main discussion being dust, manure pick up.....etc.

I don't think I need anything from you, except for a landscape plan.

Thanks, Darren

Darren Nash

From: ORLAN DONLEY <sdonley59@yahoo.com>
Sent: Saturday, October 04, 2014 4:46 PM
To: Darren Nash
Subject: RE: 6 MONTH REVIEW OF CUP 13-005

APPLICANT: WILCOX RANCH LP
LOCATION: 1448 FONTANA ROAD
FROM: ORLAN AND SANDRA DONLEY

MY WIFE, SANDRA, AND I LIVE IN QUAIL RUN AT 384 LARK DR.. OUR PROPERTY IS CONTIGUOUS TO THE APPLICANT'S PROPERTY. AFTER YOUR INITIAL HEARING IN THIS MATTER THE APPLICANT FENCED OFF A PORTION OF HIS PROPERTY WHICH CREATED A BUFFER ZONE BETWEEN HIS PROPERTY AND QUAIL RUN PROPERTY. DOING SO HAS ELIMINATED ANY PROBLEMS WITH FLYS AND SMELL. THAT BEING THE CASE, WE DO NOT OBJECT TO THE CITY GRANTING A USE PERMIT.

ORLAN AND SANDRA DONLEY

Attachment 3
Donley Letter
CUP 13-005
(Wilcox Ranch)

Oct 15, 2014

Dear Sirs,

The notes should help you in your quest for reliable information on the Wilcox ranch issue from a senior homeowner here at Quail Run and within the affected range of the Wilcox Ranch. If you stand with your back to the QR perimeter wall and look at the Ranch it would appear to be a perfect site for a horse facility but, turn around and look at how many are affected by the odors. Then it looks like a foolish idea.

Please don't ask us to rollover and pretend there is no problem.

Really, no one should have to get up mornings and smell Manure, or go to bed at night smelling Manure.

You surely can't ask us to never open our windows since that would be the only way we would be able to not smell the manure.

It is true that the odors dissipate during the day when there is a good breeze But.....

I went for a walk Monday morning early. The odors were obvious but I was surprised that I could still smell them walking around our clubhouse. That is a good three blocks away. The only difference is it gets stronger as you walk back toward the horse ranch.

I am just asking the city to look realistically at this issue. Surely the folks here at Quail Run have more value than 40 horses.

Thank you for your consideration, I hope the brief notes help in your understanding of how this issue affects our daily lives and the peaceful enjoyment of our homes.

Sincerely,

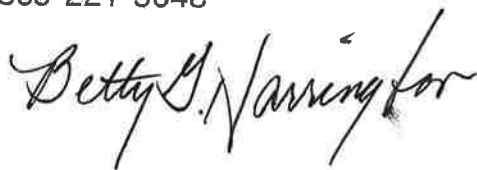
Betty Harrington

371 Quail Summit

Paso Robles 93446

bgharrington35@icloud.com

805-221-5048



RECEIVED

OCT 15 2014

City of Paso Robles
Community Development Dept.

A	B	C	D	E	F	G	H
1							
2	WILCOX RANCH CUP REVIEW OCTOBER 28, 2014						
3							
4	<u>DATE</u>	<u>TIME</u>	<u>AM/PM</u>	<u>Temp</u>	<u>Weather</u>	<u>Wind</u>	<u>Cloudy</u>
5	4/29	5:30 AM	8:30 PM	HOT	still Air	—	Clear
6	4/30	5:30 AM		HOT	still Air	—	Clear
7	5/1	6:30 AM	9:00 PM		" "	—	Clear
8	5/2	6:30 AM		Cooler	" "	—	Clear
9	5/3	6:30 AM		" "	" "	—	Cloudy
10	5/4	6:30 AM		" "	" "	—	" "
11	5/10	6:30 AM	Evening	" "	High Winds	High Winds	" "
12	5/12	5:30 AM		Cool	still Air	—	Clear
13	5/13	5:30 AM		Cool	" "	—	Cloudy
14	5/15	6:00 AM		Cool	" "	—	" "
15	5/24	6:00 AM		Cool	" "	—	" "
16	5/26	5:30 AM		Cool	" "	—	" "
17	5/26	5:30 AM	Evening	Cool	" "	—	" "
18	5/27	—	Evening	100°	→	Windy Eve.	Clear
19	6/20	6:30 AM	—	50°	→	Windy Eve.	Clear
20	6/21	6:30 AM	—	60°	→	Windy Day	Cloudy
21	Not R						
22	6/27	—	11:30 PM	—	still Air	—	—
23	7/7	6:40 AM	—	Cool	Humid	—	—
24	7/14	7:00 AM	—	Cool	Humid	—	—
25	7/23	7:00 AM	—	Cool	—	—	—
26	7/25	6:45 AM	—	Cool	—	—	—
27	7/26	7:00 AM	—	Cool	still Air	—	—
28	7/28	7 AM	—	Humid	still Air	—	Cloudy
29	8/5	2:45 AM	—	Cool	Humid	Breezy	Cloudy
30	8/6	6:00 AM	—	Cool	still Air	—	Cloudy
31	Betty Harrington 371 Quail Summit, Paso Robles CA 93446						

Obvious Smell
 " "
 Opened Garage door & lahevill
 Pesty Flies
 " "
 " "
 Flies
 Opened windows & STINK !!
 Strong MANURE Smell
 " "
 " "
 " "
 " "
 Wild Smell AM/Obvious Py
 Oh By - HOT Manure !!
 Obvious Smell
 Strong Smell
 From Edge - 6/19 Strong winds & odor
 Obbe Obvious - Justin time for Bed
 Opened Windows & Obvious Smell
 " "
 " "
 " "
 " "
 Obvious +
 " "
 " "
 Slight Smell
 " "
 Obvious ++ from garage openings

	A	B	C	D	E	F	G	H
1								
2	WILCOX RANCH CUP REVIEW OCTOBER 28, 2014							
3								
4	DATE	TIME	AM/PM	Temp	Weather	Wind	Cloudy Clear	COMMENTS
5	8/17	5:45 AM		Cool	etc	still Air	cloud cover	obvious smell
6	8/18	6:45 AM		Cool AM	Humid-Am	windy PM		"
7	8/19	6:00 AM		51°	Humid	still Air	lots of cloud cover	Light odor
8	8/20	6:00 AM		Cool	"	"	"	"
9	8/27	7:45 AM		60°	—	still Air	Clear	obvious smell
10	8/28	6:00 AM		60°	foggy	still Air	—	light odor
11	8/30	5:30 AM		60°	bone dry	"	Clear	obvious + +
12	★							No records for Sept
13								
14	10/7	6:30 AM		—	—	—	cloud cover	light smell
15	10/8	5:30 AM + Evenings		—	—	—	cloud cover	obvious odor both morn & eve.
16	10/9	4:30 AM 6:30 PM		—	—	breezy	b	stock yard strong - yuk!!
17	10/10	2:00 4:00 AM		—	—	—	—	light smell
18	10/11	Evenings		80°	—	—	—	"
19	10/12	8:30 AM 6:00		75° PM	—	still Air	—	Morning & Nodtime - Smell
20	10/13	7:30		Cool	Sunny	—	Sunny	Light smell
21								
22								
23								
24								
25								
26								
27								
28								
29								
30								
31	Betty Harrington 371 Quail Summit, Paso Robles CA 93446							

6 month Review of CUP 13-005 - Wilcox Horse Ranch
Subject: Re: DRC Meeting of June 2, 2014 - Wilcox Ranch
From: Marcia H (bunny_calif@yahoo.com)
To: dnash@prcity.com;
Date: Thursday, October 9, 2014 2:52 PM

RECEIVED

OCT 14 2014

City of Paso Robles
Community Development Dept.

Dear Mr. Nash:

This is in response to your letter of October 2nd with regards to the Wilcox Ranch, CUP 13-005 6 month review.

I have not actually gone there to see what has been done but I have three comments:

- 1) There is still plenty of late night noise of diesels and horse trailers. The most recent that I noticed on October 2,3,4 between the hours of 9:30-10:00 p.m. It is very disturbing when trying to go to sleep. It is not to say these were the only days only the most recent.
- 2) The stink is still bad. Residents taking walks in the evening have noticed it and I have noticed it regularly day and evening. I had my family visiting from Ohio for several days and on September 24 they decided to sit out front to enjoy the day. They came in after the stink got to them. Totally embarrassing!
- 3) The flies...Seems like more flies rather than less. I am not going to reiterate over again how disgusting it is even though the guy who headed the DRC meeting of June 2nd(See my attached previous email) seems to think we should put up with them.

I still believe they are violating Section 3479 of the California Civil Code ie." substances that are offensive to the senses" and they are "interfering with the comfortable enjoyment of life or property".

I know several people have kept logs. I hope they submit them to you.

Thank you for your attention in this matter.

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

On Friday, June 6, 2014 12:39 PM, Marcia H <bunny_calif@yahoo.com> wrote:

Dear Mr. Nash:

I was present at the DRC meeting of June 2, 2014-Wilcox Ranch.

I thought everything went along very well until the closing comments by whoever the guy was who was running the meeting. I did not get his name or I would have sent him this email also. He should have stopped right before his closing comments.

I thought he got very flippant and condescending about Nancy Langjhar's comments about the fly situation. To assume we should just put up with the flies is downright outrageous. I don't think I have to pull up articles about how unhealthy and disgusting they are. We are not talking about a fly or two. Fifteen flies on a screen door is not normal. And to be sitting in your dining room drinking a glass of orange juice and have one fly into your glass which now makes it undrinkable or open up your refrigerator and find a dead one amongst your food is not normal. Flies eat and sit on garbage, dead carcasses and suck the fluid from horse manure and then come and invade our property due to the operation next door. This is just one of the infringements that has interfered with the comfortable enjoyment of our life and property as we knew it before this place came in. (California Civil Code Section 3479) I hope the "Fly Predators" work over time and do not just move all the

Jonatkim Enterprises

October 7, 2014

Community Development Department
1000 Spring Street
Paso Robles, CA 93446

Re: 6-Month review of CUP 13-005 equestrian riding facility,
Including horse keeping on the 8 acre site located at 1448 Fontana Road

To Whom It May Concern,

I am again writing on behalf of the owners of the Wurth portion of the Chandler Ranch Area Specific Plan (CRASP) that surrounds the applicant's property. Also enclosed is a copy of my April 9, 2014 letter for review.

It has been brought to our attention that the applicant or their boarders have been dumping horse manure onto our private property and taking trail rides on our property. Neither of these uses has been approved by the property owners and we ask that these actions cease immediately.

On April 9, 2014 we expressed our concerns via the enclosed letter on issues such as this that might arise from the approval of the operation and unfortunately it has. We continue to be concerned about the liability of a boarder becoming injured as they venture onto the property if the city allows this continued use.

We ask that the city carefully evaluates this review and the possible liability that the city may also assume by approving the extension when the applicant is in violation at this time.

Thank you for your time and consideration.

Sincerely,



Natalie L. McCall

RECEIVED

OCT 09 2014

City of Paso Robles
Community Development Dept.

IMPLEMENTATION PLAN (October 2014)
FOR
CONDITIONAL USE PERMIT 13-005
(WILCOX RANCH, LP)

CONTACTS			
Name	Role	Contact Number	Email
John Orradre	Manger	831-750-4040	jocattle@gmail.com
Sami Jo Morisoli	On-Site Manager	805-610-3623	smorisoli@gmail.com
Aaron P. Johnson, Esq.	Attorney	831-759-0900	Aaron@JohnsonMoncrief.com

IMPLEMENTATION PLAN			
Activity	Progress Reporting	Time Frame	Responsible Person
<p>1. Construction</p> <p>The project shall be constructed so as to substantially conform with the Site Plan approved by the Planning Commission, which is contained in CUP 13-005.</p>	<p>Most of the pens, fencing and corrals are in place according to the site plan.</p>	<p>Done</p>	<p>John Orradre</p>
<p>2. Hours of Operation</p> <p>The hours of operation of the equestrian riding lessons business shall be 3:30 p.m. to 5:30 p.m. during the months of September through May, and 8:30 a.m. to 8:00 p.m. for the months of June, July, and August.</p>	<p>Hours are in place. Clients understand the hours.</p>	<p>Done</p>	<p>Sami Jo</p>

Attachment 4
 CUP Implementation Plan
 CUP 13-005
 (Wilcox Ranch)

IMPLEMENTATION PLAN			
Activity	Progress Reporting	Time Frame	Responsible Person
<p>3. Business License</p> <p>Submit the Dust Control Plan to the City for review and approval.</p>	<p>We can submit for the business license as soon as the red tag is lifted.</p>	<p>On-going use of soil binder.</p>	<p>Sami Jo</p>
<p>4. Signs</p> <p>A. Signs shall be placed at the entrance to the driveway at Fontana Road indicating 10-15 mph speed limit to reduce noise and dust.</p> <p><i>Signs will read:</i> REDUCE NOISE AND DUST 15 MPH</p>	<p>Prior to installation, signage to be reviewed and approved by DRC.</p>	<p>Done</p>	<p>Sami Jo</p>
<p>B. Signage shall also be posted that provides the name and phone number of the on-site manager.</p> <p><i>Signs will also read:</i> FOR DUST/NOISE CONCERNS PLEASE CALL SAMI JO MORISOLI – 805-610-3623</p>	<p>Prior to installation, signage to be reviewed and approved by DRC.</p>	<p>Done</p>	<p>Sami Jo</p>
<p>Dust</p> <p>A. Plants and/or trees for the purpose of filtering dust shall be planted along western edge of Pen No. 1 at the 100-foot setback distance from the project westerly boundary and “jog” to include the westerly edge of the</p>	<p><i>A row of _____ trees will be planted approximately 5 to 10 feet from the fence line of the first pen. The trees will be planted approximately four feet apart. Trees</i></p>	<p>Trees will be planted within 30 days of PC 6-month review.</p>	<p>John</p>

IMPLEMENTATION PLAN				
Activity	Progress Reporting	Time Frame	Responsible Person	
trailer parking area.	<i>will be 10 feet tall when planted and typically grow 2 feet per year.</i>			
B. Landscaping shall be provided to create a vegetative filtration to reduce fugitive dust concentrations to adjacent receptors.	See above	See above	John	
C. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increase watering frequency whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water will be used whenever possible.	A sprinkler system has been installed at the entrance of the property and will be running prior to high traffic hours.	Done	Sami Jo	
D. Permanent dust control measures will be implemented as soon as possible following completion of any soil disturbing activities.	See 4(F) below	Ongoing	Sami Jo	
E. 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 Air District.	See 4(F) below		John	

IMPLEMENTATION PLAN			
Activity	Progress Reporting	Time Frame	Responsible Person
F. All access roads and parking areas associated with facility should be paved to reduce fugitive dust. As an alternative, an all-weather surface such as decomposed granite can be used subject to conditions and mitigation measure below.	Applicants will use Dust-Off (magnesium chloride; see attached for more information, or see: http://www.cargill.com/salt/products/industrial/dust-off/index.jsp)	Soil binder has been installed and will continue to be used as needed.	John
G. A person(s) 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 that arena.	Sami Jo will be the primary contact on-site with responsibility to manage dust. Her number will be posted according to the sign requirement above.	Ongoing	Sami Jo
5. Animals 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.	The pens will be cleaned daily at a minimum of once a week in the pasture areas, and daily in the smaller pens, manure will be hauled off-site weekly-monthly or as needed to control odor and flies. Additionally, the applicant will use Fly Predators (Spalding Labs; info in staff report) to control flies.	Fly Predators will be used on a seasonal basis per manufactures specs.	Sami Jo

IMPLEMENTATION PLAN			
Activity	Progress Reporting	Time Frame	Responsible Person
<p>No Paving Alternative</p> <p>If applicant chooses not to pave internal roads and parking areas for this project, the following mitigations measures are recommended:</p>			
<p>Actively maintain the internal unpaved roads, driveways and/or parking areas with a dust suppressant such that the on-site fugitive dust emissions do not exceed the APCD 20% opacity limit for greater than 3 minutes in any 60 minute period or prompt nuisance violations.</p>	<p>See 4(F) for Dust-Off binding agent.</p>	<p>Ongoing</p>	<p>John</p>
<p>Implement and maintain design standards to ensure vehicles that use the on-site unpaved road are physically limited (i.e. speed bumps) to a posted speed limit of 5 mph or less.</p>	<p>See sign measures above in 4(A and B).</p>		<p>Sami Jo</p>
<p>Install a rumble strip at the northern edge of existing pavement in the driveway that leads to Fontana Road for the purpose of knocking dust/dirt off tires if it is apparent that additional dust control measures are warranted upon review of the CUP by the Planning Commission.</p>	<p>Other measures have been introduced and applied to maintain APCD standards.</p>	<p>TBD</p>	<p>John</p>

IMPLEMENTATION PLAN			
Activity	Progress Reporting	Time Frame	Responsible Person
<p>An alternative dust control method to implement for site parking area is to plan and maintain fast germinating non-invasive grass or low cut dense vegetation that can withstand this site's vehicle and vehicle-trailer combination parking activities. Irrigate these areas as needed to minimize dust emissions.</p>	<p><i>We will evaluate the need to use further measures such as this in the event the Dust-Off binding agent does not reduce dust enough.</i></p>	<p>TBD</p>	<p>John</p>
<p>Sweep the paved driveway that leads to Fontana Road weekly if visible soil material is carried onto it from the project's unpaved internal roads/parking areas. In addition, this pave driveway shall need to be maintained in good condition over the life of the project.</p>	<p><i>Applicants are monitoring driveway and have been in contact with a street sweeping company regarding availability. The applicant wants to be sensitive to neighbors on utilizing this measure for purposes of unnecessary noise and/or dust.</i></p>	<p>Ongoing</p>	<p>Sami Jo</p>

RESOLUTION NO: 14-013

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>
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.

Attachment 5
Reso. 14-013
CUP 13-005
(Wilcox Ranch)

3. This CUP shall expire on April 22, 2019, but may be extended following a public hearing by the Planning Commission and provided the time extension request is filed with the City prior to the expiration date. Please note the Planning Commission has the ability to review this CUP and modify, add or delete conditions as described in Condition No. 11 of this Resolution.
4. Prior to the issuance of a business license for the equestrian riding lessons business, the CUP Implementation 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 Development Review Committee (DRC) within 30 days from Planning Commission approval of CUP 13-005.
5. This CUP shall be reviewed before the Planning Commission via a public hearing 6 months from the approval of the CUP.
6. Signs shall be placed at the entrance to the driveway at Fontana Road indicating a 10-15 mph speed limit to reduce noise and dust in order to respect the adjacent neighbors. Signage shall also be posted that provides the name and phone number of the on-site manager. The details of the sign shall be provided for in the CUP Implementation Plan.
7. Plants and/or trees for the purpose of filtering dust shall be planted along western edge of Pen No. 1 at the 100-foot setback distance from the project westerly boundary and “jog” to include the westerly edge of the trailer parking area. The details of the size, spacing and species of plants/trees shall be presented to the DRC with the CUP Implementation Plan.
8. All signage shall be reviewed and approved by the Development Review Committee (DRC) as necessary, prior to installation.
9. 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.
10. 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.
11. 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.

12. 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.
- g. The project shall provide a 100 foot buffer area between Pen No. 1 and the western property boundary as shown in Exhibit A. Landscaping shall be provided to create a vegetative filtration to reduce fugitive dust concentrations to adjacent receptors. Details of the required landscaping will be determined with the CUP Implementation Plan (refer to Condition No. 7 of this Resolution).

AQ-2 If paving is not required for the internal roads and parking areas for this project and the applicant chooses not to pave these areas on their own accord, the APCD recommends inclusion of the following mitigation measures:

- a. For the life of the project, actively maintain the internal unpaved roads, driveways, and/or parking areas with a dust suppressant (See Technical Appendix 4.3 of the APCDs CEQA Handbook for a list of APCD-approved suppressants) such that on-site fugitive dust emissions do not exceed the APCD 20% opacity limit for greater than 3 minutes in any 60 minute period (APCD Rule 401) or prompt nuisance violations (APCD Rule 402);

- b. To improve the dust suppressants 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 5 mph or less;
- c. If upon review of the Conditional Use Permit by the Planning Commission, it is apparent that additional dust control measures are warranted, install a rumble strip at the northern edge of existing pavement in the driveway that leads to Fontana Road for the purpose of knocking dust/dirt off tires;
- d. An alternative dust control method to implement for the site's parking area(s) is to plant and maintain fast germinating non-invasive grass or low cut dense vegetation that can withstand this site's vehicle and vehicle-trailer combination parking activities. The applicant would need to irrigate this area as needed to minimize dust emissions;
- e. Sweep the paved driveway that leads to Fontana Road weekly if visible soil material is carried onto it from the project's unpaved internal roads/parking areas. In addition, this paved driveway shall need to be maintained in good condition over the life of the project; and
- f. If the applicant cannot effectively use the above measures to adequately address fugitive dust impacts that are caused by on-site vehicle and trailer activity, the APCD recommends a requirement for the applicant to pave the site's parking areas and internal roads to ensure the site is actively managed to minimize dust emissions from entrained road and parking dust for the life of the project.

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: Gregory, Rollins, Vanderlip, Garcia, Donaldson, Cooper, Barth
 NOES: None
 ABSENT: None
 ABSTAIN: None



 DOUG BARTH, CHAIRMAN

ATTEST: 

 ED GALLAGHER, SECRETARY OF THE PLANNING COMMISSION



Google earth

35°37'03.59" N 120°28'56.07" W elev 847 ft eye alt 1002 ft O
 UCI 172013

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

City of Paso Robles
 Community Development Dept

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION
PROJECT NOTICING

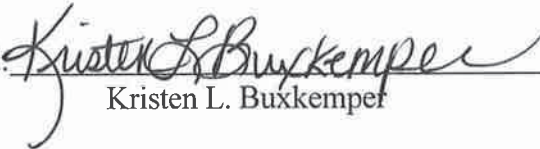
Newspaper: The Tribune

Date of Publication: 10/03/2014

Meeting Date: 10/14/2014
Planning Commission

Project: Conditional Use Permit 13-005 –
Wilcox Ranch

I, Kristen L. Buxkemper, employee of the Community Development Department, Engineering Division, of the City of El Paso de Robles, do hereby certify that this notice is a true copy of a published legal newspaper notice for the above named project.

Signed: 
Kristen L. Buxkemper

CITY OF EL PASO DE ROBLES

NOTICE OF PUBLIC HEARING
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, October 14, 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, for the 6-month review of Conditional Use Permit 13-005:

- **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).

Written comments on the proposed project 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.

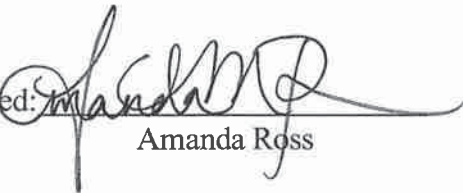
Darren Nash
Associate Planner
October 3, 2014

1318678

AFFIDAVIT
OF MAIL NOTICES
PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Amanda Ross, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for the 6 month review of CUP 13-005 which authorizes the establishment of an equestrian facility that includes equestrian riding lessons and horse keeping with the ability to board up to 40 horses located at 1448 Fontana Road on this the 2nd day of October, 2014.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: 
Amanda Ross