

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION

FROM: SUSAN DECARLI, ACTING COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: CONDITIONAL USE PERMIT 13-005 - 6 MONTH REVIEW (WILCOX RANCH), APN: 025-381-008

DATE: JANUARY 27, 2015

Needs: For the Planning Commission to open the continued public hearing from October 28, 2014, related to the 6 month review of Conditional Use Permit (CUP) 13-005.

- Facts:
1. CUP 13-005 allows for the establishment of an equestrian facility that includes equestrian riding lessons and horse keeping, with the ability to board up to 40 horses, on the 7.7 acre site located at the northeast corner of Sherwood Road and Fontana Road, at 1448 Fontana Road.
 2. With the approval of CUP 13-005, the Planning Commission required that the CUP be reviewed by the Planning Commission after 6-months from the date it was approved, to ensure compliance with the conditions of approval.
 3. The 6-month review hearing was held on October 28, 2014, where the Planning Commission continued the public hearing to January 27, 2015, in order to allow the applicants additional time to complete the conditions of approval required with CUP 13-005.
 4. On January 10th, City Staff received an email letter from Sami-Jo Morrisoli, indicating that she does not intend to proceed with CUP 13-005, and requests that the Planning Commission revoke the CUP, see Attachment 1.
 5. Along with the request to revoke the CUP, Ms. Morrisoli requests the ability to keep as many of her personal horses as current zoning allows on site.
 6. Section 21.20.100 of the Zoning Code addresses horse-keeping regulations for Residential Districts, See Attachment 3. The Wilcox Ranch property is zoned Residential Agriculture (RA), and based on the animal-to-acreage ratio listed in Section 21.20.100, the approximately 8-acre property could have up to 16 horses on the site without the requirement for a CUP. The only caveat to this is a statement in the regulations that indicates that more than 4 horses on any *one parcel* would require a CUP. Since the 8-acre property is one parcel, the regulations would suggest that a CUP is required to keep over 4 horses.

Analysis
and

Conclusion: There are very few residentially zoned lots in the City limits that are over two acres in size. Section 21.20.100 of the Zoning Code is intended to address animal-keeping in residential districts, for lots which are one to two acres in size, such as those in the Orchard Bungalow or Union Road area. The code section allows up to two horses per acre without the requirement of a CUP, with a requirement that no more than four horses be allowed on any one parcel. As noted above, a copy of the full text is provided in Attachment 3.

Furthermore, it indicates that given that the Wilcox Ranch property is approximately 8-acres and has had a long history of animal keeping activities, it would seem possible for the Commission to interpret that the further requirement for a CUP would not be necessary based on two horses per acre with a maximum of 16 horses on the site. Additionally, Section 21.20.100 includes specific requirements that address the control of dust, smell and flies.

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 may consider the following options:

- a. Revoke Conditional Use Permit 13-005, as requested by the applicant and interpret that 16 horses would be appropriate based on the site historically having animal-keeping activities, and that it is sufficiently large enough to accommodate 16 horses without requiring a CUP.
- b. Revoke Conditional Use Permit 13-005 as requested by the applicant and allow a maximum of 4 horses without requiring a CUP.
- c. Amend, modify or reject the above noted options. Under this option, the Planning Commission could add conditions, including scheduling additional reviews.

Attachments:

1. Applicant letter
2. Chapter 21.20.100
3. Resolution to Revoke CUP and allow 16 horses
4. Resolution to Revoke CUP and allow 4 horses

Amanda Ross

From: Darren Nash
Sent: Tuesday, January 13, 2015 11:17 AM
To: Amanda Ross
Subject: FW: Wilcox Ranch CUP - request to revoke CUP

From: Sami Jo Morisoli [<mailto:smorisoli@gmail.com>]
Sent: Saturday, January 10, 2015 8:07 AM
To: Darren Nash
Subject: Re: Wilcox Ranch CUP - request to revoke CUP

Good Morning Darren,
I would like to attach this letter to include in the staff report.

To Whom it may Concern,

I would like to ask that you revoke the conditional use permit for the equestrian facility at 1448 Fontana Road. The property will be utilized as a residence with the correct animal density according to the current zoning.

Regards,
Sami Jo Morisoli

Sent from my iPhone

On Jan 7, 2015, at 3:31 PM, Darren Nash <DNash@prcity.com> wrote:

Sami-Jo,

If it is your intent to not go forward with the CUP for the Equestrian facility, please provide me a letter as soon as possible indicating that request. I would like to refer to the letter and attach it to the staff report. I am trying to finish my report by Monday, so the sooner the better to get me the letter.

In the letter you can request the ability to have up to 16 horses for your private use without the requirement for a conditional use permit.

Thanks, Darren

21.20.100 - Animals in R districts.

1. Horses. The maintenance of horses (including mules, burros and ponies) for private use in residential zones shall be permitted subject to the following procedures, regulations and requirements, the general requirements of this chapter, and only after first obtaining a horse keeping permit from the planning division.
 - a. Minimum Lot Area. The minimum lot area upon which a horse may be kept shall be one acre without the need for a conditional use permit. To keep a horse on a lot less than one acre (but no smaller than twenty thousand square feet) a conditional use permit must first be obtained.
 - b. Maximum Animal or Acreage Ratio. A maximum of two adult horses and their immature offspring may be kept on a one acre parcel. An additional one adult animal and their immature offspring may be kept for each additional half acre (Note: immature offspring shall be defined as a colt or a foal which has not yet been weaned—typically up to one year of age).
 - c. Density Cap. No more than four horses may be kept on any given parcel unless a conditional use permit is first obtained.
 - d. Structures and Setbacks. Stables, corrals and similar buildings incidental to the keeping of such animals are permitted, provided that none shall be located nearer than one hundred feet from the front property line or fifty feet from any existing dwelling.
 - e. Drainage. Every parcel of land upon which such animals are maintained shall be well drained. The surface of corrals or enclosures shall be graded to prevent the accumulation of storm or nuisance water. In no case shall surface runoff with manure or associated debris be diverted onto or across surrounding properties.
 - f. Maintenance. It is unlawful to keep such animals or the premises in an offensive, obnoxious or unsanitary condition. It is the intention that no nuisance, private or public, be maintained.
 - g. Nonpermitted Activities. The operation of commercial animal-related activities shall be prohibited within residential districts. Such prohibited activities shall include, but may not be limited to: boarding of a horse(s) other than those owned by the resident of the property, public riding stables, rental of animals, breeding services, and arenas.
 - h. Visiting Horses. Transient visits by horses to a property (e.g. for joint riding ventures or loading and unloading in trailers) shall not exceed twelve hours in any one calendar month. Cumulative visits exceeding this time frame shall be cause for revocation of horse keeping permit.
 - i. Horse Keeping Permit. A "horse keeping permit" (permit) shall be required to be obtained by the owners/keeper of said animal(s) prior to commencing with the keeping of horses on a parcel. Application for the permit shall include pertinent information related to compliance with this code section, in addition to a cost recovery fee for the processing of the application.
 - j. Conformity Required. No horse shall be kept within the city for any periods of time unless the requirements of this section are met. Noncompliance with these regulations shall be deemed a public nuisance and shall be handled within the authority and scope of this chapter. Consistent with provisions for dealing with public nuisance abatement, the cost for the abatement of such nuisance shall be the responsibility of the property owner.
 - k.

When a Conditional Use Permit is Required. When a conditional use permit is required by this section, the standards applied to such conditional use permit shall be, at a minimum, subject to the same standards noted within this section, but may also include additional standards and/or controls in order to maintain neighborhood compatibility. Such controls may include, but may not be limited to, increased setbacks of structures from dwellings, improved structural integrity of fencing, specialized schedules or techniques for site maintenance and/or development.

2. Other Animals. The maintenance of other large animals other than horses (including cows, sheep, and goats, but specifically excluding swine which are prohibited) may be permitted only after first obtaining a conditional use permit. The keeping of such animals shall, at a minimum, be subject to the same standards as applicable to horse keeping, but additional standards and/or controls may be applied through the conditional use permit process in order to maintain neighborhood compatibility. Such additional standards may include, but may not be limited to, increased setbacks of structures from dwellings, improved structural integrity of fencing, specialized schedules or techniques for site maintenance and/or development.

(Ord. 675 N.S., 1994; Ord. 405 N.S. § 2 (part), 1977)

RESOLUTION NO: _____

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

WHEREAS, Conditional Use Permit (CUP) 13-005 was approved by the Planning Commission on April 22, 2014; and

WHEREAS, CUP 13-005 was approved to establish and operate an equestrian facility and horse-keeping on the 7.7 acre site located at 1448 Fontana Road; and

WHEREAS, Resolution 14-013 established specific Conditions of Approval that apply to CUP 13-005; and

WHEREAS, the applicant has requested CUP 13-005 be revoked and for the ability to keep as many of her personal horses as the current zoning allows on the site; and

WHEREAS, the Planning Commission has determined an interpretation of the Municipal Code Section 21.20.100 to allow a maximum 16 horses for personal use only, as appropriate based on the site having historic animal and horse-keeping activities and that the site is of a sufficient size to accommodate the keeping of 16 horses; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby revoke Conditional Use Permit 13-005.

BE IT FURTHER RESOLVED, that a maximum of 16 horses is allowed on the site without requiring a Conditional Use Permit.

PASSED AND ADOPTED THIS 27th day of January, 2015 by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DOUG BARTH, CHAIRMAN

ATTEST:

SUSAN DECARLI, SECRETARY OF THE PLANNING COMMISSION

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WHEREAS, the applicant has requested CUP 13-005 be revoked and for the ability to keep as many of her personal horses as the current zoning allows on the site; and

WHEREAS, the Planning Commission has determined an interpretation of the Municipal Code Section 21.20.100 to allow a maximum 4 horses as appropriate based on the current density cap for horse keeping regulations for residential districts; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby revoke Conditional Use Permit 13-005.

BE IT FURTHER RESOLVED, that a maximum of 4 horses is allowed on the site without requiring a Conditional Use Permit.

PASSED AND ADOPTED THIS 27th day of January, 2015 by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DOUG BARTH, CHAIRMAN

ATTEST:

SUSAN DECARLI, SECRETARY OF THE PLANNING COMMISSION