

# SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

## Agenda Number:

**Prepared on:** June 26, 2006  
**Department Name:** Planning & Development  
**Department No.:** 053  
**Agenda Date:** July 18, 2006  
**Placement:** Departmental  
**Estimate Time:** 1 hour  
**Continued Item:** NO  
**If Yes, date from:**  
**Document File Name:** G:\GROUP\Permitting\Case Files\APL\2000s\05 cases\05APL-00000-00039\Board Letter Danza.doc

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**TO:** Board of Supervisors

**FROM:** Dianne Meester, Assistant Director  
Planning & Development

**STAFF CONTACT:** Steve Chase, Deputy Director  
568-2520

**SUBJECT:** Nunez Appeal of the Rancho Danza del Sol Commercial Horse Facility

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### Recommendation:

That the Board of Supervisors deny the appeal by Mr. and Mrs. Oscar Nunez [BOS Appeal Case No. 05APL-00000-00039] and uphold the Planning Commission's September 28, 2005 approval of the Rancho Danza del Sol Commercial Horse Facility, [99-CP-059], located at 1140 Via Regina, APN 059-010-079, Goleta area, Second Supervisorial District.

The Board of Supervisors' action should include the following:

1. Adopt the required findings for the project, as specified in the Planning Commission action letter dated October 3, 2005, including CEQA findings;
2. Approve the Negative Declaration (05NGD-00000-00001) and adopt the mitigation monitoring program contained in the conditions of approval;
3. Deny the appeal, upholding the Planning Commission's approval of Conditional Use Permit 99-CP-059;
4. Grant *de novo* approval of the project subject to the conditions included in the Planning Commission's action letter.

### Alignment with Board Strategic Plan:

The recommendation is primarily aligned with actions required by law or by routine business necessity.

## **Executive Summary and Discussion:**

### ***Background***

On September 28, 2005, the Planning Commission approved by a 4-0 vote the Rancho Danza del Sol lot split and, by a 3-0-1 vote, a commercial horse facility. The project as approved consists of the division of 11.95 acres into three parcels and the conditional use of Parcel 2 as a commercial horse boarding facility. The conditional use permit would allow the boarding of a maximum of 15 horses and construction of a new covered riding arena, barn, caretaker's residence and septic system. The Planning Commission approved the projects (TPM 14,447 and 99-CP-059) at the September 28, 2005 hearing. The Planning Commission also voted at the September 28, 2005 hearing to approve the Negative Declaration (05NGD-00000-00001) prepared for the project.

The Planning Commission's approval of the project was based on the findings and conditions set forth in the Planning Commission Action Letter dated October 3, 2005 (included as Attachment A).

The Planning Commission's approval of 99-CP-059 was appealed on October 7, 2005 by Mr. and Mrs. Oscar Nunez.

### ***Facilitation***

Consistent with Board direction, the parties were offered facilitation but declined in an effort to settle the appeal without County involvement. Accordingly, the parties were provided sufficient time to engage in dialogue and reach agreement on the appeal issues without involvement by the County. These private negotiations failed and a Facilitation meeting with County Counsel was scheduled and held on May 22, 2006. At this meeting the appellants were unwavering in their opposition to the Conditional Use Permit (99-CP-059) for a commercial horse facility. The County facilitation failed and the appellants and applicant expressed their desire to move forward with the appeal process.

### ***Appellant Issues***

The primary concerns of the appellants are that the proposed project would not adequately protect the surface water in Maria Ygnacio Creek and the area ground water, and that the number of horses allowed on Parcel 2 would violate County ordinance. These concerns are discussed in the sections below.

#### ***Inadequate Protection of Water Resources***

The appellants claim that the concentration of horses on Parcel 2 would lead to the production of contaminated runoff, and that the project was not designed or conditioned to control such potential pollution. As discussed in Section 6.2 of the Staff Report (Attachment B) and Section 4.16 of the Negative Declaration, the project has been designed to incorporate elements aimed at preventing and/or ameliorating contaminated runoff (bio-basins/bio-swales, covered horse arena, Animal Waste Management Plan). Restoration of the creek bank and restriction of horses from this area would further reduce the potential contamination of creek waters by animal wastes. The project has been conditioned to require approval of an Animal Waste Management Plan, specifying the measures and methods of waste management, by Santa Barbara County Environmental Health Services. In

addition, the Planning Commission added language to require sampling and reporting of the water quality of Maria Ygnacio Creek. In response, the applicant has drafted a Surface Water Monitoring Plan that would establish a baseline and a control point and would require sampling, sample analysis by a licensed laboratory, and provision of semi-annual reports. The Santa Barbara County Water Agency would review the results on a semi-annual basis to determine if water quality was within acceptable limits. The failure to perform water quality sampling or the exceedance of defined water quality limits would constitute grounds for revocation of the Conditional Use Permit for horse boarding.

#### Number of Animals

The appellants indicate that the maximum number of horses to be allowed on Parcel 2 (15 horses) would violate County ordinance with respect to the allowable density of animals. The appellants put forth an estimate, based on “a rough eyeball of useable open area on which horses will be concentrated”, that there would be one horse per 5,700 square feet and that this would be in violation of a “rule of thumb” of one horse per 20,000 square feet. Section 35-219.12 of Article III of Chapter 35 of the County Zoning Code states that “one horse ...shall be permitted for each 20,000 square feet of gross area on each lot...” The appellants did not rely upon the gross area of proposed Parcel 2 (5.8 acres) in calculation of the amount of open space per horse, and instead used a “rough eyeball of useable area”. There would be one horse per 16,843 square feet when the gross area is used in the calculation of animal density. In addition, Section 35-315.4.7 of Article III permits under a Conditional Use Permit “animals, use of property for animals different in kind or greater in number than otherwise permitted”. A Conditional Use Permit for the number of animals and commercial use of the property was conditionally approved by the Planning Commission.

#### **Mandates and Service Levels:**

Pursuant to Section 35-327.3 of Article III of Chapter 35 of the County Zoning Ordinances, the decisions of the Planning Commission may be appealed to the Board of Supervisors by the applicant or any interested person adversely affected by such decision.

Pursuant to Sections 65355 and 65090 of the California Government Code, a notice shall be published in at least one newspaper of general circulation within the County, at least 10 calendar days prior to the hearing.

Pursuant to Sections 65091 of the California Government Code, notice shall be mailed to the real owners of property within 300 feet of the project, and shall be mailed to the project applicant and local agencies expected to provide essential services, at least 10 calendar days prior to the hearing.

#### **Fiscal and Facilities Impacts:**

The costs for processing appeals are typically provided through a fixed appeal fee and funds in P&D’s adopted budget. In regards to this appeal, the appellant paid an appeal fee of \$435. P&D will

absorb the costs beyond that fee. These funds are budgeted in the Permitting and Compliance Program of the Development Review South Division, as shown on page D-294 of the adopted 2005/2006 fiscal year budget.

**Special Instructions:**

Clerk of the Board shall complete noticing in the Santa Barbara News-Press and shall complete the mailed noticing for the project at least 10 calendar days prior to the July 18, 2006 hearing (mailing labels attached).

Clerk of the Board shall forward a copy of the Minute Order to Planning & Development, Hearing Support Section, Attention: Cintia Mendoza.

**Concurrence:** None

**Prepared by:** Mark Walter, Ph.D., Planner

**Attachments:**

- A. Planning Commission Action letter, October 3, 2005
- B. Original Staff Report for the Rancho Danza del Sol Lot Split and Commercial Horse Facility
- C. Appellant Appeal Letter
- D. Negative Declaration