

# The Equine CUP Streamlining Project

*Permitting a Future for Alameda County's Equine Industry*

October 2003



Alameda County Resource Conservation District

In collaboration with the Equine Subcommittee of the Alameda County Agricultural Advisory Committee, the Alameda County Planning Department, and the Natural Resources Conservation Service

Prepared for the Alameda County Agricultural Advisory Committee

## Foreword

The following recommendations for the streamlining of the permitting process for equine facilities in Alameda County have been prepared by the Conservation Partnership, under the direction of the Equine Subcommittee of the Alameda County Agricultural Advisory Committee (AAC) and the Alameda County Planning Department. This report and its recommendations will be sent to the Alameda County Board of Supervisors upon approval by the AAC.

The streamlining project called for assessing the current processes, developing draft recommendations to present to the equine community and to the county agencies, testing the new process, finalizing the process and writing a specific report to be presented to the AAC. Workshops were held for the equine community and County agencies.

This was a challenging task, and the development by the Conservation Partnership of the following recommendations represents more than simply streamlining recommendations; they represent an entirely new approach to permitting equine facilities. Instead of permits that expire every three years, the new process utilizes the Site Development Review (SDR) planning process. SDR is a County mechanism that permits approval of a proposed land use that meets County regulations and includes any site-specific conditions of approval. There is a procedure for revocation if the facility is non-compliant with conditions or ordinances.

However, the SDR does not expire. New conditions will not be added every three years. The SDR also will attach to the property and be transferable, adding potential value to the property. Expenses and worry that attend the current CUP process will be relieved. Equine facilities are long-term land uses requiring long-term investment, and the SDR process encourages the development of equine facilities that will continue to contribute economically and recreationally to Alameda County over the years to come.

As Chair of the Equine Subcommittee, I want to express my appreciation to everyone that participated in the development of these recommendations. Karen Sweet and the Conservation Partnership dedicated themselves to the successful culmination of this project. Pete Van Hoorn was the project manager responsible for the development of this report. He worked with the equine community and County agencies and we really appreciate his representing the interests of the equine community while addressing the needs of the agencies. I also want to thank the County agencies involved, for their willingness to develop new ideas and policies that will greatly enhance equine opportunities in Alameda County. The interest and support of Chris Bazar, Lisa Asche, and Alice Glasner was invaluable. Members of the equine community gave freely of their time, experience, and expertise, to enhance equine opportunities in Alameda County. Larry Gosselin, D.V.M., offered invaluable expertise in equine operations and existing policy and code. Without the support of everyone involved, the successful completion of the equine CUP streamlining project could not have been achieved.



*Millie Kimbro, Arriba Vista, Sunol, CA*

## Credits and Acknowledgements

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- ❖ Numerous Alameda County agencies' staff members, for their generous contributions of time and expertise and their willingness to address and resolve issues. Alameda County agency staff interviewed in this project, listed alphabetically:

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Planning Department: Chris Bazar, Lisa Asche, Ron Gee, Alice Glasner, Sonia Urzua

Fire Department: Ed Laudani, Bob Bohman

### Department Of Environmental Health

Landuse Program: Ronald Browder, Ron Torres

Vector Control Services: Joanne Ringot-Christianson, Jeff Hardman, Peggy Miranda, Ken Shaw

Public Works Agency

Building Inspection: Margret Elliot, Scott Owen  
Clean Water Program: Sharon Gosselin, Diamera Bach, Marc Fournier, Carla Schultheis  
Environmental Services: Cynthia Butler  
Grading Department: Gary Moore, Ted Froyland  
Land Development: Karen Borrman, Bill Lepere  
Real Estate: Erica La Fleur  
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Zone 7 Water Agency: Matt Katen, Mona Olmsted

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## Executive Summary

This report presents recommendations to improve the permitting process for horse boarding stables and riding academies (hereafter, "boarding or riding stables") in Alameda County. These types of stables currently require Conditional Use Permits, involving interdepartmental review of site safety, environmental health and compatibility with surrounding land uses. (Breeding and training stables are allowed by right in agricultural-zoned districts and do not require conditional use permits).

Stable owners have complained that the CUP application process is unnecessarily challenging and is a barrier to compliance and to the economic viability of the industry. Common complaints are that the process is too uncoordinated, unclear, lengthy, and costly, and that conditions of approval can be inconsistent, unreasonable, or reflect a lack of agricultural land management expertise. To compound these problems, the CUP expires after three years. This forces stable owners to repeat the application process and, unlike other existing land uses, to be subject to changing standards for fire and traffic safety.

Recognizing these challenges, and seeking to keep and attract equine facilities, the Alameda County Agricultural Advisory Committee (AAC) recommended that the County contract with the Alameda County Resource Conservation District (District)

*“to streamline the current permitting process, identify and remove unnecessary barriers, and minimize costs to the equine facility owner while assuring compliance with local, state and federal regulations and utilizing sound management practices.”*

The report that follows presents many recommendations to achieve these objectives. Recommendations were chiefly developed through conversations and several workshops and meetings with stable owners and agency personnel. This report reflects a strong collaboration between the District, the AAC's Equine Subcommittee, which has unanimously approved the recommendations, and County staff, who generally support the recommendations.

The specific recommendations presented in this report reflect several underlying principles that should guide the County's efforts to improve the permitting process for boarding or riding stables:

- ❖ Review boarding and riding stables as a permanent land use, and minimize the number of times each stable must go through the full application process.
- ❖ Streamline the process through increased coordination, consistency, and efficiency, and improved communication.

- ❖ Incorporate equine and other agricultural expertise in the decision-making process.
- ❖ Grant stable owners time, flexibility and support to reach compliance with County objectives, within legal bounds.
- ❖ Increase the level of knowledge regarding the proper management of horse stables, among stable operators and County departments.
- ❖ Encourage compliance by providing incentives and striving for a working relationship between the County and community.

The report includes the following major recommendations:

- ❖ Convert from Conditional Use Permits to Site Development Review, which remains with the land and does not expire.
- ❖ Assign a planner, at the Permit Center on Greenville Road, Livermore, to provide basic guidance to applicants, facilitate the completion of applications, coordinate interdepartmental review, and serve as liaison between the applicant and other County staff.
- ❖ Create a Technical Advisory Committee with the expertise needed to guide the transition to the new permitting program and to address concerns that may arise in processing individual applications.
- ❖ Create an application packet with all-inclusive application requirements, clear directions and process overview, and supplemental information.

These and the other recommendations are listed in brief in the following pages, and presented in depth following the Introduction in the full report.

Together, the Conservation Partnership, the Equine Subcommittee, and the Alameda County Planning Department submit this report and its recommendations to the Agricultural Advisory Committee for its consideration and recommendation to the Board of Supervisors for approval and expeditious implementation. In this way, Alameda County can make the permitting process as efficient, effective, and painless as possible, to encourage voluntary compliance and to foster the economic viability of the County's equine industry.

The Conservation Partnership wishes to commend Alameda County's Agricultural Advisory Committee and Planning Department for their work to support and enhance the opportunities for the equine industry in Alameda County.

## Recommendations in Brief

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### **Conversion to Site Development Review**

- Permit boarding or riding stables through Site Development Review rather than Conditional Use Permits.
- Review SDR-approved stables for compliance with SDR conditions and County ordinance every 5 years and as needed.
- Give noncompliant SDR-approved boarding or riding stables a timeline to reach compliance before zoning approval is revoked, as long as this timeline would not conflict with other County requirements, and with the time allowed for the implementation of each required measure to be based on the nature and urgency of each problem.
- At the discretion of the Planning Director on a case-by-case basis, re-approve stables with a revoked SDR to the previously approved plan and conditions, upon their reaching compliance.
- Limit the scope of SDR Modification review to the proposed modifications.

### **Streamlining the Application Process**

- Assign a planner, at the Permit Center on Greenville Road, Livermore, to be the Application Coordinator for each application. The Application Coordinator will provide basic guidance to applicants, facilitate the completion of applications, coordinate interdepartmental review, and serve as liaison between the applicant and other County staff.
- Create a Technical Advisory Committee (TAC) with the expertise needed to guide the transition to the new permitting program, to address concerns that may arise in individual applications, and upon request to provide guidance regarding any alternative measures or means to address legal requirements.
- Create a clear, comprehensive, instructional packet with the Boarding or Riding Stable SDR application form and related materials.
- Facilitate the production of site plans.
- Refer applications to all appropriate County departments promptly, concurrently and before any approval action, so that all necessary County oversight is incorporated.
- Include a copy of the complete application in referrals to other reviewing departments.
- For the processing of each SDR application, set a timeline that is sufficient but as brief as possible, and that complies with California Code regarding time limits for development permit processing and CEQA review.

- Avoid conflicting comments from the departments that oversee stormwater quality, manure management and erosion and sediment control.
- Stress performance objectives over prescription when legally permissible, granting stable owners the flexibility when multiple means of compliance exist.
- Give each applicant a timeline to implement required measures, with the time allowed for the implementation of each specific, required measure to be compatible with other County law and based on the nature and urgency of each problem.

### **The Transition Period**

- Allow boarding or riding stables with current CUPs to remain legal and, to the extent possible, retain their approved plans and conditions.
- Conduct an outreach campaign to inform the equine industry of Alameda County, and County staff, of the new permitting process.
- Encourage the use of SDR approval as a marketing feature for stables by providing an SDR Approval certificate suitable for posting.
- Continue and expand County support of voluntary education programs and conservation planning assistance for horse stables, especially as the new program is implemented.
- Provide opportunities to County staff for education on horse stable/rangeland water quality and other topics regarding agricultural operations management, and maintain a contact list of staff who have received such education.
- Seek input from the TAC, Equine Subcommittee, and applicants as the new permitting program is implemented.
- Institute a Grace Period for zoning noncompliance.

### **Recommendations from the Equine Subcommittee and Conservation Partnership: Other Proposals to Minimize Costs of Compliance and Resolve Remaining Issues**

- Develop a voluntary, low-cost manure pick-up program by the Alameda County Waste Management Authority, for waste reduction and water quality purposes and for the convenience of horse facilities in the County.
- Grant the Alameda County Fire Department discretion to waive the requirement of sprinkler installation in metal riding arenas of wholly non-combustible construction and not used for storage of combustible materials, on a case-by-case basis.
- Advocate to the Federal Natural Resource Conservation Service (NRCS) and to the California Senate that the NRCS' voluntary cost-sharing programs be made available to horse stables.

- Develop and implement specific policies and programs supporting the equine industry in the General Plan.
- Resolve whether all horse stables are "agricultural operations" in the General Plan and County Code.
- Provide definitions for the types of equine facilities which are not defined in the Zoning Ordinance, and provide criteria for distinguishing between types.
- Clarify the criteria for classification of buildings as "agricultural buildings".
- Clarify which types of roads qualify as "impervious surfaces" under Measure D and Clean Water Act regulations (e.g. the NPDES permit and related plans).
- Develop policies regarding traffic safety on rural roads impacted by commuter traffic.

## Introduction

The County of Alameda's General Plan goal for agriculture is  
*"to maximize long-term productivity of East County's agricultural resources".*

Passage of Measure D reasserted the public's priority and commitment  
*"to preserve and enhance agriculture and agricultural lands, and to protect the natural qualities, the wildlife habitats, the watersheds and the beautiful open space of Alameda County from excessive, badly located and harmful development."*  
-- General Plan, East County Area Plan

Beginning with the Spanish rancheros, the equine industry in Alameda County has a long and important heritage. With draft, saddle and race horses, the horse industry was prominent in the County's early economy. Horses were bred and trained for the draft horse industry of a rapidly growing Bay Area and California. The Amador-Livermore Valley became nationally known for exceptional horse hay, grown for draft horses in California and for export by rail to cities in the East. The County has long supported two prominent race tracks, at Bay Meadows and the Alameda County Fair (the oldest track in the West), and two rodeo grounds, in Hayward and in Livermore.

Today's horse stables continue this heritage. The industry consists of facilities that specialize in breeding, training, boarding, riding and competition, often in combination, as well as recreational and draft horse services. Agricultural and recreational users in Alameda County have access to the products and services of these facilities as well as a large multi-use trail system. The industry supports local feed, clothing, equipment and tack retailers, veterinarians, farriers, hay growers and others. It also supports the community at large by helping to preserve rural, western character, by providing recreational opportunities in the open space, and, so long as stables remain economically viable, by reducing the pressure for more intense development.

The equine industry has been increasingly challenged over the years to accommodate the business and regulatory changes in the County. Although there is no definitive horse or facility census for a trend analysis, it is apparent that many facilities have closed. Facilities close for many reasons, including retirement, lack of profitability, displacement by development, competition with other outdoor activities, and the costs of meeting new regulatory demands. Currently operating facilities find it challenging to

comply with new requirements while maintaining a positive business cash flow. New investors find it extremely difficult to establish or upgrade operations, given the costs of land, construction and permitting requirements. The number of facilities and the related infrastructure have thus decreased. At the same time, it appears that the demand for equine industry products and services continues to grow, evidenced by the growing miles of equine and multi-use trails and trail plans in the Bay Area. Horse owners relate the need to travel outside the County to find boarding vacancies.

Alameda County's land use permitting process particularly discourages boarding stables and riding academies. Breeding and training stables are allowed by right in agriculture-zoned districts; boarding stables and riding academies (hereafter, "boarding or riding stables") require Conditional Use Permits (CUPs). Stable owners have complained that the CUP application process is unnecessarily challenging, creating a barrier to compliance and to the economic viability of the industry. Common complaints are that the process is too uncoordinated, unclear, lengthy, and costly, and that conditions of approval are inconsistent, unreasonable, or reflect a lack of agricultural land management expertise.

To compound these problems, CUPs expire after three years. Boarding or riding stables must then submit new application materials, repeat the review process, and potentially face new requirements. These stables are in many ways treated as new every three years. For instance, existing stables re-applying for a CUP can be "brought to code" with fire and traffic safety standards even if no changes in the use of the land have been made since the previous CUP approval. This is not true of other permanent uses. If a vineyard, residence, breeding stable, and boarding stable were constructed on four neighboring parcels and none did further construction or otherwise changed use, only the boarding stable could be required to meet new fire code standards every three years. If street traffic increased over time, only the boarding stable could be required to pay for site-specific road improvements. Until recently, the CUP process was also the chief means of regulating water quality management on stables, so breeding and training stables did not face the same degree of scrutiny. These differences have left boarding and riding stable owners feeling singled out.

Recognizing these challenges, and seeking to keep and attract equine facilities, the Alameda County Agricultural Advisory Committee (AAC) recommended that the County contract with the Alameda County Resource Conservation District (District)

*“to streamline the current permitting process, identify and remove unnecessary barriers, and minimize costs to the equine facility owner while assuring compliance with local, state and federal regulations and utilizing sound management practices.”*

The report that follows presents many recommendations to achieve these objectives

and foster this industry. By making the process more user-friendly, the County can increase efficiency, reduce conflict, and above all, encourage voluntary compliance. The industry, County agencies, and the public would all benefit.

This report reflects a strong collaboration between the District, the AAC's Equine Subcommittee, which has unanimously approved the recommendations, and County agency staff, who generally support the recommendations. Recommendations were chiefly developed through several workshops and meetings, and other discussion, with stable owners and agency personnel. Owners asked for a new process that is clearly and completely communicated from start to finish, where processing is efficient and rules are consistently applied, where agricultural expertise is available, and where the frequency of re-application is reduced. County staff members agreed that these goals were desirable and achievable.

The District's working philosophy for this project was that the process should be as straight-forward as possible for the applicant and County staff, should encourage the consideration of practicality and agricultural viability in the decision-making process, and should treat boarding or riding stables more like permanent, agricultural land uses.

The chief recommendation is to replace CUPs with a preferable permitting mechanism, Site Development Review (SDR), which addresses many of the concerns of landowners and County staff. SDR approval remains with the land – no re-application is needed unless the owner proposes a change in land use. SDR also allows for phased development, in which planned future expansion is considered in the original application, further reducing the need to re-apply. There are also specific recommendations to streamline the application process, for instance by increasing coordination by the planner, by providing an all-inclusive application form, and by clarifying the interpretations of key definitions. These recommendations should help the new, one-time process run more smoothly, efficiently, and uniformly, with improved communication and less confusion and cost. Other recommendations that aim to support stable owners include: help in completing the application; the establishment of a Technical Advisory Committee; outreach and support of education; and County assistance for horse manure disposal. These and other recommendations are presented in depth in the next section.

Some agencies have already begun updating their application and information materials and are planning for better inter-departmental coordination. The Community Development Agency has hired a Resource Planner who will work with rural permitting in the new Agriculture Permit Center in Livermore. In a significant development independent of this project, the Alameda Countywide Clean Water Program recently

initiated a program to annually inspect all stables (breeding, boarding, riding, and training) for stormwater quality management. The Clean Water Program, Equine Subcommittee, and Resource Conservation District are working together to develop a stormwater quality guidelines worksheet that is complete, accurate and instructive. These efforts demonstrate that collaborative problem-solving can manage potentially onerous regulations with practical and mutually agreeable standards and objectives.

Further, as a result of this project the Equine Subcommittee has expressed interest in establishing a professional industry association and in developing its own best management practices and standards. In this way, the County's equine industry could address regulatory concerns with proactive, industry-driven measures that highlight quality management to potential customers and regulators.

Together, the Conservation Partnership, the Equine Subcommittee, and the Alameda County Planning Department submit this report and its recommendations to the Agricultural Advisory Committee for its consideration and recommendation to the Board of Supervisors for approval and expeditious implementation. In this way, Alameda County can make the permitting process as efficient, effective, and painless as possible, to encourage voluntary compliance and to foster the economic viability of the County's equine industry.

The Conservation Partnership wishes to commend Alameda County's Agricultural Advisory Committee and Planning Department for their work to support and enhance the opportunities for the equine industry in Alameda County.

# Recommendations and Discussion

Recommendations for a new permitting process for boarding or riding stables are presented and discussed below, in the following sections:

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## Fundamental Recommendations

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These recommendations should serve as guiding principles in the County's efforts to improve the permitting process for boarding or riding stables:

- ❖ Review boarding and riding stables as a permanent land use, and minimize the number of times each stable must go through the full application process.
- ❖ Streamline the process through increased coordination, consistency, and efficiency, and improved communication.
- ❖ Incorporate equine and other agricultural expertise in the decision-making process.
- ❖ Grant stable owners time, flexibility and support to reach compliance with County objectives, within legal bounds.
- ❖ Increase the level of knowledge regarding the proper management of horse stables among stable operators and County departments.
- ❖ Encourage compliance by providing incentives and striving for a working relationship between the County and community.

## **Conversion to Site Development Review**

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In this section are recommendations relating to the conversion from Conditional Use Permit approval for boarding or riding stables to Site Development Review approval.

- ❑ **Site Development Review**
- ❑ **Compliance Review**
- ❑ **SDR Modification**

## Site Development Review

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### **1. Permit boarding or riding stables through Site Development Review rather than Conditional Use Permits.**

Like the Conditional Use Permit (CUP) process, Site Development Review (SDR) is a County mechanism to permit a proposed land use, and to attach any site-specific conditions of approval needed to make the use compatible with surrounding uses, with environmental and traffic conditions, and with any other County regulations. However, unlike CUPs, SDR approval does not necessarily expire.<sup>1</sup> SDR would have several advantages over CUPs for approving boarding or riding stables:

- ❑ SDR would eliminate the need to re-apply "from scratch" every three years. Landowners would not need to go through the application process more than once, unless they wished to modify the use or conditions of approval of their operations.
- ❑ If an SDR-approved facility continues to follow the original conditions of approval, the County would not add more conditions to the SDR (although the specific requirements of the Clean Water Program are subject to change, and continued compliance with these changing requirements is required of all stables).
- ❑ Costs of time and money involved in application would become limited to the initial application and any subsequent modification applications, rather than automatically occurring every three years.
- ❑ SDR allows for phased development planning, so that landowners may plan for future expansion in the original application.
- ❑ The SDR approval would be attached to the property and would remain with the land if sold (the new owner would be required to comply with the existing SDR and attached conditions). SDR would therefore be an asset to the landowner. CUP approval is not an asset because of its short-lived nature.
- ❑ Boarding or riding stable facilities are long-term uses, not temporary, and would be reviewed and permitted as such by the County.

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<sup>1</sup> No time period or expiration is mentioned in the general description of SDR ( Ch. 17.54.210), or in specific references to SDR requirements for other uses (including SDR for new dwellings and additions to new dwellings in A districts, Ch. 17.06.090 A). The exception is SDR for agricultural caretaker dwellings in A districts, for which "approval shall normally be issued for a period of five years" (Ch. 17.06.090 B2).

SDR for boarding or riding stables would have several similarities with the current CUP process<sup>2</sup>:

- ❑ The application review process would involve the same County departments and address the same issues (site safety, water quality, et cetera).
- ❑ SDR approval decisions would be made by a Board of Zoning Adjustments, with appeals to the Board of Supervisors.
- ❑ Approval may have conditions attached.
- ❑ Compliance with conditions and with County ordinances is required.
- ❑ Approved stables may apply to modify their approved plan or conditions.
- ❑ Approval is revocable if a stable is noncompliant with conditions or ordinances, and remains noncompliant following investigation and a hearing.

Conversion to SDR holds great potential to increase compliance. Compliance would be less of a barrier to economic viability and much more user-friendly. Stable owner feedback was uniformly enthusiastic regarding this proposed recommendation. County staff feedback regarding conversion to SDR ranged from enthusiastic to neutral, with no standing objections. Several County personnel expressed concern that the loss of the reapplication process could mean the loss of enforcement power. In every instance, this concern was allayed by one or more of the following:

- ❑ Proposed SDR Compliance Review every five years (see next section).
- ❑ The revocable nature of SDR approval in cases of noncompliance with conditions or with County ordinance.
- ❑ The duty of all stables to remain compliant with Clean Water Act requirements, even if these requirements change and exceed those existing at the time of SDR approval (mandated by the Stormwater Quality and Discharge Control Ordinance).
- ❑ Regular inspections by the Clean Water Program and Vector Control, independent of SDR Compliance Review (but triggering SDR Compliance Review if possible SDR noncompliance is indicated).

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<sup>2</sup> County Code, Zoning Ordinance (Ch. 17).

## Compliance Review

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### **2. Review SDR-approved stables for compliance with SDR conditions and County ordinance every 5 years and as needed.**

- ▶ Compliance Review should occur on a regular basis.
- ▶ Compliance Review should also occur as needed if other County inspections, or complaints, indicate possible noncompliance.
- ▶ No new conditions would be attached to the SDR in Compliance Review.

As previously mentioned, this proposed Compliance Review is a key component of converting to a non-expiring SDR from the temporary CUP. Compliance Review would replace the 3 year re-application as the monitoring mechanism. Commercial stables are also subject to annual inspections by Vector Control for compliance with the Fly Control ordinance. These inspections may become semi-annual. In addition, stables are now subject to annual inspections by the Clean Water Program for compliance with stormwater quality requirements. SDR Compliance Review could be triggered if these or other inspections indicate noncompliance.

Stable owners strongly favored a compliance review, limited to compliance with already-established conditions and with ordinance, and requiring no substantial new materials, over the current "from scratch" renewal process. County staff were satisfied that a regular 5 year review and the other inspections would provide the necessary oversight.

### **3. Conduct Boarding or Riding Stable SDR Compliance Review as follows:**

1. The Planning Department will require the stable owner to declare compliance with conditions and ordinance, and to submit to any required inspection, every five years following SDR approval.
  - 1.1 The notification will include a report form for the owner/operator to fill out and return to the Planning Department before a specified date. The form will ask for the name of the owner and stable, the location of the stable, whether the owner/operator has made any land use changes, and whether all SDR conditions have been met.
  - 1.2 No other new materials will be required, except as specifically requested to demonstrate the implementation of a required measure.

2. The Planning Department will forward the returned report form to the other departments involved in the original SDR application, and will supply copies of the original application file upon request.
3. Site inspections will be conducted as requested by any reviewing department.
4. **Give noncompliant SDR-approved boarding or riding stables a timeline to reach compliance before zoning approval is revoked, as long as this timeline would not conflict with other County requirements, and with the time allowed for the implementation of each required measure to be based on the nature and urgency of each problem.**

This was requested by stable owners. A time frame would help to give stable owners time, knowledge, and cash flow to make corrections. Staff have accepted this approach for two reasons. First, the time frame would be set by County staff and would be as brief as deemed necessary by staff in emergency cases. Second, this approach is compatible with many departments' existing approach of working with landowners to resolve compliance issues before resorting to code enforcement procedures. The Fire Department often allows existing stables to phase in measures required to come up to code. A time frame is also common for meeting stormwater quality requirements, with key measures to be taken before the rainy season and more time granted for lower-priority measures. Stables are often asked to take further steps after one or two rainy seasons, when the owner and County can evaluate the success of initial measures.

This compliance timeline will be repeated throughout these recommendations.

5. **At the discretion of the Planning Director on a case-by-case basis, re-approve stables with a revoked SDR to the previously approved plan and conditions, upon their reaching compliance.**
  - ▶ Approval would not be granted until after successful Compliance Review.
  - ▶ Re-approved stables may be scheduled for Compliance Review more frequently than the normal five-year period.

## SDR Modification

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### **6. Limit the scope of SDR Modification review to the proposed modifications.**

The Zoning Ordinance allows SDR-approved landowners to apply to modify their plans or the attached approved conditions, in the same process as the original application.<sup>3</sup> SDR Modification would be required of any approved boarding or riding stable before further development. Application for SDR Modification should not affect the zoning-approved status of existing buildings, uses, and levels of activity that were approved under the original SDR. These existing buildings, uses, and levels of activity should not be re-reviewed or require re-approval.

### **7. Review Boarding or Riding Stable SDR Modification applications as follows:**

1. The SDR application form (see **The Application Packet** section below) will be marked "Modification". The applicant will include a separate sheet highlighting the proposed modifications.
2. Site plans may be prepared by modifying copies of the original approved plans.
3. When determining which other departments will be involved in review, the Planning Department will base the scope of review on the aspects potentially affected by the proposed modification.
4. Referrals to other reviewing departments will include copies of the new Modification application, including the list of proposed modifications. Copies of the original approved application will be distributed upon request.
5. Before approval, the Planning Department will inform the applicant of proposed new conditions. The applicant may then choose to retract the application, and the original SDR and its conditions would remain in effect.
6. If the County rejects an SDR Modification application, the conditions of the original SDR would remain in effect.
7. Rejection or retraction of an SDR Modification application would not result in the refunding of any fees required to fund the application review.
8. The SDR Modification application materials, review, and decision procedure will be otherwise similar to those of the original application (see next section, **Streamlining the Application Process**).

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<sup>3</sup> County Code, Zoning Ordinance, Ch. 17.54.290.

## **Streamlining the Application Process**

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In this section are recommendations relating to the elements involved in the processing of Site Development Review applications for boarding or riding stables:

- ❑ **Application Coordinator**
- ❑ **Technical Advisory Committee**
- ❑ **The Application Packet**
- ❑ **Site Plan Facilitation**
- ❑ **Application Review**

## Application Coordinator

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- 8. Assign a planner, at the Permit Center on Greenville Road, Livermore, to be the Application Coordinator for each application. The Application Coordinator will provide basic guidance to applicants, facilitate the completion of applications, coordinate interdepartmental review, and serve as liaison between the applicant and other County staff.**

Stable owners have complained of communication problems during CUP application processing, such as receiving conflicting messages from different staff, or not knowing who in the County to speak with or when. This problem would be addressed in part by strengthening the coordinating role of the assigned planner, who would act as Application Coordinator in the review process described below. Applicants could still communicate directly with other departments, but the default would be for communication to be funneled through the Application Coordinator. This should streamline communication and improve the planner's ability to facilitate each application. Benefits would include the following:

- ❑ The County would "speak with one voice" to a greater degree.
- ❑ There would be a constant point of contact dedicated to helping the applicant navigate the application process.
- ❑ The Application Coordinator would always be informed of any review problems needing to be resolved, and would be positioned to address them.
- ❑ The role would increase the planner's direct involvement with the full range of potential SDR processing issues, problems, and solutions.

This recommendation has been received favorably by stable owners and, generally, by County staff. No staff opposed this recommendation, but some raised the issue of possible time delays caused by the Application Coordinator's middleman role. However, the advantages described above are all vital for streamlining, and outweigh any time delays.

A Permit Center with Planning staff, located on Greenville Road in Livermore, as requested by the rural community, will facilitate the processing of applications.

## Technical Advisory Committee

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- 9. Create a Technical Advisory Committee (TAC) with the expertise needed to guide the transition to the new permitting program, to address concerns that may arise in individual applications, and upon request to provide guidance regarding any alternative measures or means to address legal requirements.**
- ▶ TAC membership should be approved by the Planning Department and Agricultural Advisory Committee, and include five members with the following qualifications:
    - Two members with equine operations management experience.
    - A member with expertise in other agricultural operations management.
    - A member with expertise in soil resources.
    - A member with expertise in rangeland water quality.
  - ▶ The TAC would have the ability in call in additional public or private sector expertise, such as representatives from other agencies, as needed.
  - ▶ The TAC should be consulted for the following tasks in the transition period:
    - Review of new guidelines and materials developed by the County for review of boarding or riding stables, including but not limited to: the SDR Application Packet; the Clean Water Program's requirements and forms for stables; the Fire Department's revised Rural Handout.
    - Evaluation of the new process after the first 5 applicants and after the first two years of the new process.
  - ▶ The TAC should be consulted in whole or individually for the following tasks in application processing, upon request by the applicant or County:
    - Consultation regarding individual applicants' plans before the application is officially submitted to the County.
    - Consultation with the Application Coordinator and other County staff to suggest any alternatives to proposed SDR conditions that may be more practicable for the applicant and would still meet legal requirements and objectives.

A TAC would help to address the stable owner complaint that there has not always been enough agricultural expertise involved in CUP application reviews, and that standards have subsequently been applied in an inconsistent and/or overly stringent manner, or that practical alternate routes to compliance were neglected. The

continuing availability of technical agriculture expertise is a necessary component of the County's efforts to make permitting more landowner-friendly.

Stable owners were positive to enthusiastic regarding the creation of a TAC, and staff were neutral to positive. The non-binding nature of TAC advice was an important feature to many County staff.

## The Application Packet

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### **10. Create a clear, comprehensive, instructional packet with the Boarding or Riding Stable SDR application form and related materials.**

- ▶ Integrate the information needs of all reviewing departments.
- ▶ Request all information and materials that are routinely required, and revise as needed to remain current with review needs.<sup>4</sup>
- ▶ Include clear, complete directions to guide applicants through the application process.
- ▶ Include additional resources and references to support the lawful management of boarding or riding stables.

There is currently no comprehensive Equine CUP application form. Different County staff, sometimes from the same department, request different details. This is due to the different review needs of each department, and possibly to different perceptions among staff regarding what is required. Stable owners also make errors in completing applications, and have requested more instructions with the application form. Regardless of the cause, applicants have often needed to revise and re-revise their applications during the review process. Detailed instructions and integrated applications will improve the efficiency of the application process and may save both the applicant and the County time and money. An all-inclusive application form will also give all County staff the opportunity to see the range and limits of County responsibilities and requirements. This in turn will provide a standardized process for all applicants.

A clear, comprehensive, informative application packet is very important to stable owners. County staff members were generally positive, with no objections, regarding the recommendations above. The recommendations also follow California's Permit Streamlining Act requirements for local agencies to provide complete lists of information required to process development permits and to provide criteria to determine the completeness of submitted applications.

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<sup>4</sup> All as required by California Government Code, Sections 65940 - 65941.

## Site Plan Facilitation

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### **11. Facilitate the production of site plans. Site plan production should not universally require professional assistance.**

- ▶ Offer base maps at cost (e.g. topographical maps, copies of aerial photos).
- ▶ Set site plan scales to conform to the requirements of involved County departments but still be appropriate to parcel size.
- ▶ Allow for one site plan for the entire site and one for the building envelope, when needed to allow appropriate scales for each.
- ▶ Include directions and example site plans in the application packet. The directions should include a list integrating the site plan attributes required by all reviewing departments.
- ▶ Make every effort to reduce the cost and effort involved in submitting duplicates of site plans.

There is currently no comprehensive list or set of directions presenting the features and other information that must be included in the site plan(s) submitted by Equine CUP applicants. Different departments need and request different scales and details to be included in site plans. The scale required is particularly unclear when the entire site is much larger than the building envelope. Overall, site plan standards have increased in recent years. Reviewing staff have requested more complex and precise plans, and this has been a growing challenge for applicants. Applicants have complained of processing delays when County staff requested site plan revisions or additional copies of the site plan.

Stable owners and County staff agreed that a site plan or set of plans integrating the various required features will help to reduce the need for revisions, and make the application process more user-friendly and efficient. In particular, the provision of base maps and the setting of scales by the County were especially well-received by stable owners. The Planning Department will also be re-assessing the number of duplicates of site plans that will be required with application submittal.

## Application Review

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**12. Refer applications to all appropriate County departments promptly, concurrently and before any approval action, so that all necessary County oversight is incorporated.**

This is chiefly an issue for review by the Fire Department, and also for the Zone 7 Water Agency.

It has often been up to the applicant to apply directly to the Fire Department for review. Some stable owners have failed to apply, or waited months to years. Until recently, there was a chronic staffing shortage at the Fire Department that further stalled processing. However, this has not typically stalled CUP applications – "conditional CUPs" have often been granted with the condition that the landowner apply for and receive Fire Department approval. A landowner may begin development with a conditionally approved plan, without knowing what will be required by the Fire Department. The landowner has committed financially to an enterprise that may be made unaffordable by fire safety requirements. The landowner may also have lost the opportunity for optimal site layout design, where site safety and environmental health concerns are addressed in the most economical way. For instance, the conditionally approved plan may site the fire access road on a slope steep enough to necessitate paving. Alternate siting may have allowed the landowner to avoid paving the fire access road. The siting and design of fire safety features, such as fire access roads and water storage tanks, also interacts with how the plan addresses traffic safety (e.g. sight distance), water quality (e.g. erosion), and other issues.

**13. Include a copy of the complete application in referrals to other reviewing departments.**

This will ensure that each department receives sufficient information regarding the project. Some staff have complained of receiving referrals with insufficient project description.

**14. For the processing of each SDR application, set a timeline that is sufficient but as brief as possible, and that complies with California Code regarding time limits for development permit processing and CEQA review.**

Staff from other departments have complained that referrals from the Planning Department are sometimes received with insufficient time to review and respond. Most reviewing departments are generally given approximately two weeks to review applications, but have been given as little as two days. At the other extreme is the turnaround time for the Fire Department. Due to a staffing shortage, the Fire Department had required at least three months to process applications. However, new staffing has quickly reduced this backlog to two months, and the Fire Department expects to reach its goal of a generally two-week turnaround.

**15. Avoid conflicting comments from the departments that oversee stormwater quality, manure management and erosion and sediment control.**

There is overlap in the oversight of these aspects of management. For instance, both the Clean Water Program and Grading Division are tasked with overlapping roles in protecting surface waters. Surface water management measures such as infiltration trenches may in turn affect groundwater quality, which is overseen by Zone 7.

Stable owners have complained of receiving conflicting comments regarding these issues. The Equine Subcommittee is working with the Clean Water Program to develop comprehensive guidelines for the Clean Water Program's new horse stable stormwater quality review program. County staff have proposed two complementary approaches to minimizing conflicts. The Clean Water Program, Grading, Land Development, and Zone 7 will be working together to develop mutually agreeable guidelines. Land Development will also filter the comments of the Clean Water Program and Grading, to prevent conflicts on a case-by-case basis (this is one of Land Development's traditional roles). The Application Coordinator would also continue the Planning Department's role of resolving conflicting comments, and the TAC would be available for assistance (see the preceding sections on these parties).

**16. Stress performance objectives over prescription when legally permissible, granting stable owners the flexibility when multiple means of compliance exist.**

There is sometimes more than one sufficient route to compliance with legal requirements and objectives. Suggesting practical, legally sufficient alternatives to proposed conditions of approval, upon request by applicants or the County, is a chief role of the proposed TAC. If an applicant disagrees with one or more conditions, the applicant would have the option of requesting the TAC to review the issues and to investigate whether there are equally effective alternative solutions to the problem(s). When legally sufficient alternatives do exist, allowing applicants to choose between them can increase the ease, affordability and likelihood of successful and continued compliance. There is of course no guarantee that multiple means, or low-cost means, will be available in a particular situation.

**17. Give each applicant a timeline to implement required measures, with the time allowed for the implementation of each specific, required measure to be compatible with other County law and based on the nature and urgency of each problem.**

This is similar to recommendation 4, but applying to applicants who have not yet received SDR approval, rather than to stables with SDR approval who are not in compliance with all conditions. (Please refer to recommendation 4, page 11, for the rationale for this recommendation.)

## 18. Process applications as follows:

### Pre-application

1. The Application Coordinator will:
  - 1.1 Offer base maps for site map production (see **Site Plan Facilitation** section).
  - 1.2 Inform applicants of the availability and roles of the TAC, Boards of Zoning Adjustments (BZA), and other resources.
  - 1.3 Inform applicants of the phased development option and its benefits.
  - 1.4 Remind applicants to wait for written approval before beginning any construction requiring a permit.
  - 1.5 Notify applicants of the time limits for the review and approval of applications presented in Chapter 4.5 of the California Government Code, and of any public distribution requirements.
  - 1.6 Strongly encourage applicants to consult with the Application Coordinator regarding the completeness and adequacy of application materials before submittal.
  - 1.7 Coordinate any additional meetings needed if phased development is proposed.

### Application review

2. Upon submission of the application, the Application Coordinator will determine which other departments will be involved in review, and promptly refer the application to these departments. Referrals will include:
  - 2.1 *A copy of all relevant applicant submittals* including site plans, a complete description of activities, management, safety considerations (see **The Application Packet** section).
  - 2.2 *A reasonable timeframe to make an initial response* to the Application Coordinator regarding the completeness of the application and the need for further review.
    - 2.2.1 The timeframe will be set to allow the Planning Department to determine the overall completeness of the application within 30 days.
    - 2.2.2 If the stable is existing and satisfies the criteria for a given reviewing department to approve without comment, this department will do so within this timeframe. (For instance, if there is no proposed new septic system or well, and no complaints on file with the Environmental Health Department Landuse division, then Landuse may approve without comment within this timeframe.)

- 2.3 *A reasonable timeframe to further review and respond* with comments regarding approval and conditions.
  - 2.3.1 The timeframe may vary by application and department, and should generally range from two to four weeks from submission except under unusual circumstances. The Planning Department may work with other departments to determine each timeframe. [Some departments may need four weeks initially, but less time once interdepartmental guidelines (such as those concerning water quality) are finalized.]
  - 2.3.2 The Clean Water Program and Grading Department will be asked to submit their comments to Land Development to review for conflicting comments. Land Development will have up to two additional weeks to review these comments for consistency, and to work to resolve any conflicts, before submitting the comments to the Application Coordinator. Conflicts unresolved after two weeks should be referred to the Application Coordinator.
  - 2.3.3 All other departments and divisions will be asked to submit their comments directly to the Application Coordinator.
3. The Application Coordinator will schedule a discussion of the application at the regular interagency County meeting (Fire/Works), when appropriate.
4. The Planning Department will determine the completeness of the application within 30 days of submission, and then begin the CEQA process.
  - 4.1 Incomplete applications:
    - 4.1.1 The relevant department will notify the Application Coordinator and applicant of the specific information that is lacking.
    - 4.1.2 The Application Coordinator will facilitate completion of the application.
    - 4.1.3 Upon resubmission of the application, the Planning Department and other departments will take no more than 30 additional days to determine completeness.
  - 4.2 Complete applications:
    - 4.2.1 The Planning Department will evaluate whether the application represents a "project" as defined by CEQA, and if so, if the project is eligible for a CEQA exemption.
    - 4.2.2 If the project is not exempt from CEQA, the Planning Department will conduct CEQA review.

5. Review by other County departments:
  - 5.1 To the extent possible, one person will oversee a particular issue for a particular application to minimize conflicting information, recommendations, or requirements.
  - 5.2 Site visits:
    - 5.2.1 Departments should inform applicant by letter prior to any visit and include a time window and a phone number for the applicant to schedule an appointment within that window, unless the visit is also a compliance inspection of an existing facility (such visits may be unannounced).
    - 5.2.2 Joint site visits by multiple departments will be conducted to the extent possible.
  - 5.3 Comments regarding approval and conditions:
    - 5.3.1 Comments will be sent to the Application Coordinator (or, for Clean Water Program and Grading Department, to Land Development) within the timeframe.
    - 5.3.2 Comments may also be sent to applicant but must (a) provide contact information and (b) note that the Application Coordinator is the recommended point of contact.
    - 5.3.3 Comments will specify in writing the nature and location of any problem, so that applicants can know exactly what needs to be fixed, with reference to supporting Code.

#### Post-review

6. The Application Coordinator will compile all recommended conditions for approval and work to eliminate any conflicts between proposed requirements.
7. The Application Coordinator will work with the applicant and other relevant County staff to develop a timeline for the applicant to implement any required measures.
  - 7.1 The timeline would be a condition of the SDR (approval is revocable for noncompliance if the timeline is not followed).
  - 7.2 The time granted to implement each measure will vary depending on the nature and urgency of the issue.
  - 7.3 SDR approval would therefore precede the timeline, to move the applicant from the application phase into a compliance phase.

8. The Application Coordinator will present the proposed conditions to the applicant, and notify the applicant of the timeframe to request or decline TAC involvement:
  - 8.1 The applicant will have 30 days to either request TAC involvement, decline TAC involvement, or request an additional 30 days, for a maximum of 60 days to request TAC involvement.
  - 8.2 The application will not advance to the decision stage [consideration by a Board of Zoning Adjustments (BZA)] until this time has expired or the applicant has declined TAC involvement.
9. Planning Department staff will report to the appropriate BZA (East or West County BZA, depending on the location of the facility) regarding the application.
10. Decision and appeal:<sup>5</sup>
  - 10.1 The BZA will serve as the decision-making body for Boarding or Riding Stable SDRs.
  - 10.2 Appeals of BZA decisions may be made to the Board of Supervisors.

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<sup>5</sup> No change from current process.

Figure 1. Flowchart of proposed SDR process for boarding or riding stables.

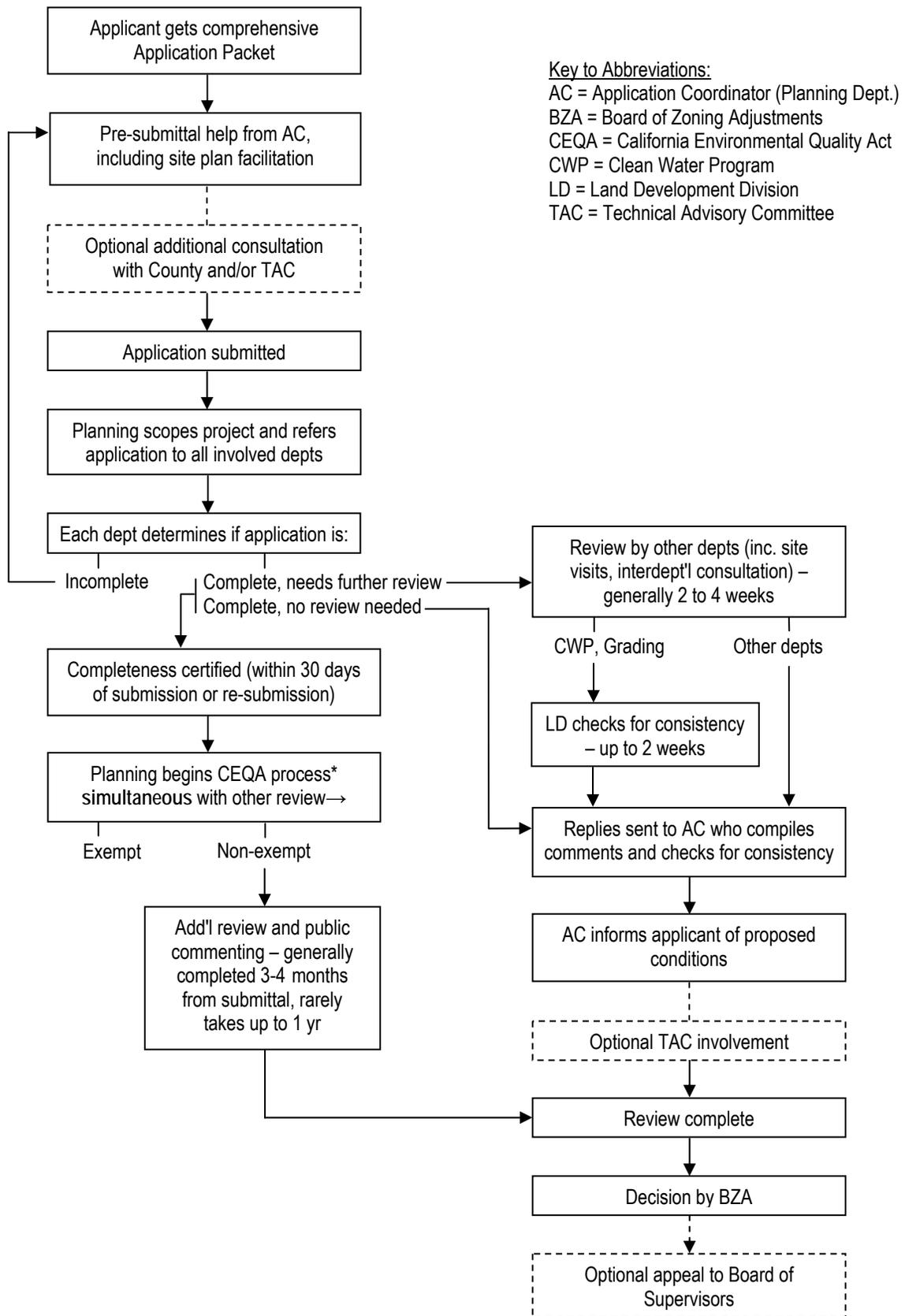
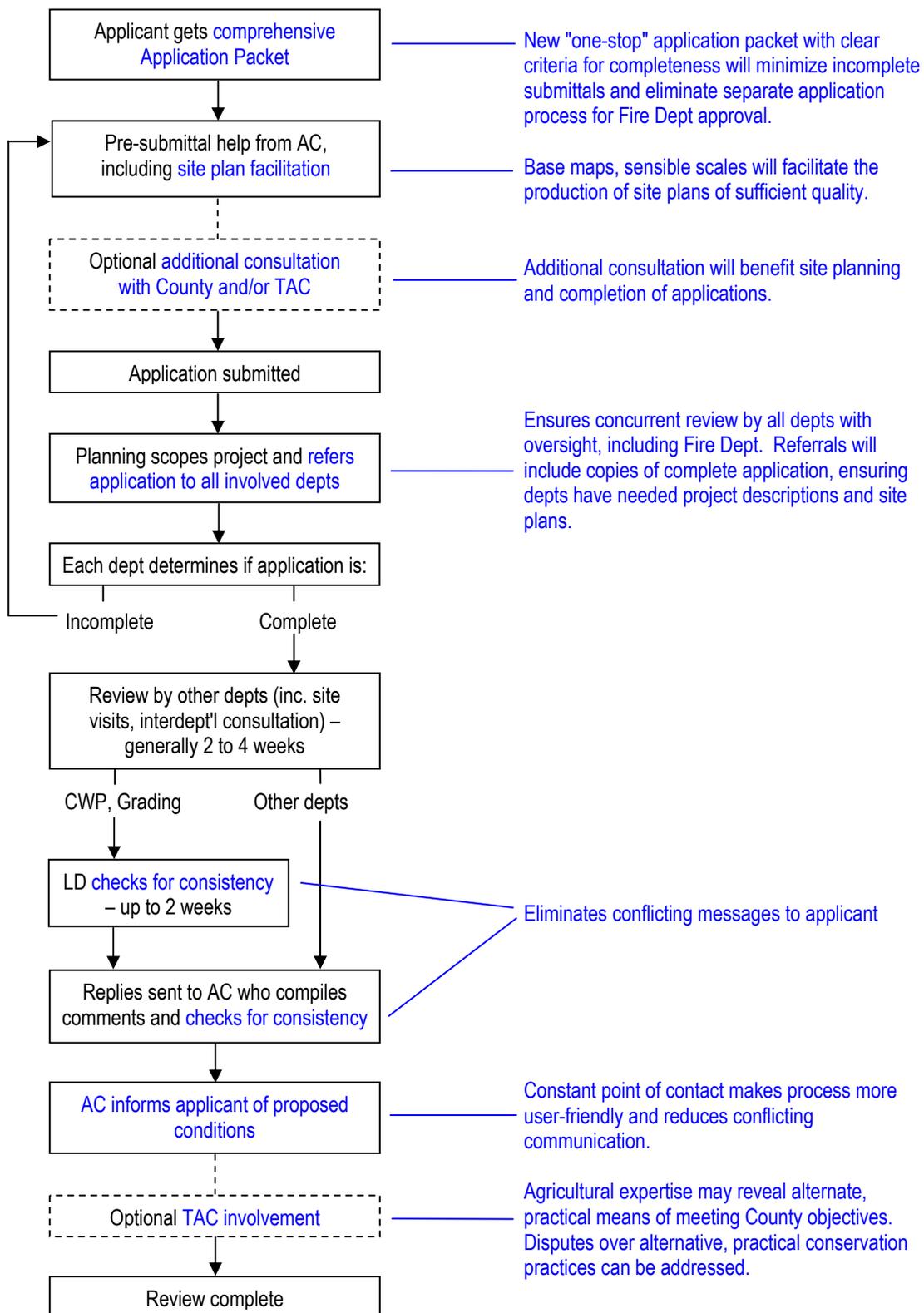


Figure 2. Benefits of the streamlined process.



## **The Transition Period**

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In this section are recommendations relating to other steps and procedures involved in transitioning to a new permitting process for boarding or riding stables:

- ❑ **Existing Permitted Boarding or Riding Stables**
- ❑ **Outreach and Education**
- ❑ **Review of the New Program**
- ❑ **Grace Period**

## Existing Permitted Boarding or Riding Stables

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### **19. Allow boarding or riding stables with current CUPs to remain legal and, to the extent possible, retain their approved plans and conditions.**

- ▶ Existing permitted facilities should be inspected for compliance with their current CUP (now SDR) conditions and with County ordinances, in a Compliance Review as described above.
- ▶ Facilities that are in compliance with a current CUP should receive SDR approval with no new requirements other than possible new requirements in the areas of traffic safety and water quality (discussed below; also refer to recommendation 34).
- ▶ Any new requirements regarding water quality should stem from or be consistent with the Clean Water Program's guidelines and policies for horse stables.
- ▶ Noncompliant stables would be required to come into compliance within a County-approved time period, or face revocation of their SDR approval.

This "grandfathering" of existing legal uses would be very well-received by the equine community, and of course particularly by current CUP holders. These CUP holders can be expected to constitute a majority of the first facilities to go through the new SDR process, as they (1) have voluntarily applied for zoning approval in the past, and (2) are on record with the Planning Department as boarding or riding stables, and would be notified before their CUPs expire. Minimizing new demands for existing stables with current CUPs would be a key factor in creating positive word of mouth from these "early adopters" and in increasing the proportion of boarding or riding stables that apply for zoning approval.

Several County staff were concerned that grandfathering with no new conditions attached could allow uses that are unsafe or otherwise unlawful. There were three areas where this concern was raised: fire safety; traffic safety; and water quality.

**Fire safety** All CUPS require the facility to satisfy the requirements of, and to receive approval from, the Alameda County Fire Department. Because re-approval is required every three years, all facilities that have current CUPs and approval from the Fire Department have been held to modern fire safety standards. In some cases, the CUP was conditionally approved before approval from the Fire Department, with the condition that the permit-holder apply for inspection and satisfy any requirements of the Fire Department. Some of these facilities have never applied for inspection, and

other have not satisfied all requirements. These stables are not in compliance with the terms of their CUPs. This would therefore be addressed in Compliance Review. On the other hand, stables with current Fire Department approval have been approved as meeting department requirements. (This may not hold if state and County fire safety standards are updated before the transition to SDR, though this is not expected.)

**Traffic safety** County staff overseeing the traffic safety aspects of boarding or riding stable review may not wish to grandfather existing stables, for several reasons. Some stables may have been reviewed as temporary rather than permanent uses, or may have been allowed to phase in requirements over time, with further phasing still expected by staff. Also, traffic conditions may have changed in the (up to) three years since a stable's current CUP was approved, such that the approved traffic safety measures would no longer be deemed sufficient. This is especially a possibility for stables on Crow Canyon Road, which is increasingly subject to high-speed commuter traffic. The Planning Department will continue to work with the Public Works Agency (Traffic Section) to address both County safety and equine community concerns in an equitable fashion. See recommendation 34 for further discussion of this and broader traffic issues.

**Water quality** The Stormwater Management and Discharge Control Ordinance requires compliance with the regulations and requirements of the Clean Water Program. Because zoning approval is revocable if the landowner is noncompliant with any County ordinance, boarding or riding stables must at any time present any materials or implement any measures required by the Clean Water Program, or face SDR revocation. The Clean Water Program's stormwater quality program applies to all stables, and is independent of the CUP (or SDR) process. Its regulations and requirements may change on an annual basis. Continued compliance with changing stormwater quality requirements is required of all stables.

## Outreach and Education

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**20. Conduct an outreach campaign to inform the equine industry of Alameda County, and County staff, of the new permitting process.** This could accompany information about the Clean Water Program's new inspection program for horse stables.

**21. Encourage the use of SDR approval as a marketing feature for stables by providing an SDR Approval certificate suitable for posting.**

This would provide an incentive and reward for SDR application and compliance, and assist boarders and riders in locating and choosing SDR-approved stables.

**22. Continue and expand County support of voluntary education programs and conservation planning assistance for horse stables, especially as the new program is implemented.**

Currently, the Clean Water Program funds voluntary education and planning assistance for horse stables. The Public Works Agency has also participated in the funding. Since stables will be inspected for compliance to new clean water standards, stable owners should have the opportunity to learn about the new requirements and how to meet them.

**23. Provide opportunities to County staff for education on horse stable/rangeland water quality and other topics regarding agricultural operations management, and maintain a contact list of staff who have received such education.**

Many agency staff expressed interest in learning more about agricultural enterprise issues. They discussed having interdepartmental meetings where industry issues and information are shared, acknowledging that decision-making could be enhanced. A related suggestion was made for the agencies to develop an inter-departmental, rural specialist team to address permit applications in the rural areas of the County.

## Review of the New Program

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### **24. Seek input from the TAC, Equine Subcommittee, and applicants as the new permitting program is implemented.**

- ▶ Submit new materials associated with the new permitting program, including application forms and any management guidelines, to the TAC and Equine Subcommittee for comment (see **TAC** section).
- ▶ Request the TAC and Equine Subcommittee to evaluate the new permitting program after the first five applicants and after two years.
- ▶ Request the Equine Subcommittee to prepare feedback forms for SDR applicants, to gather information for the evaluation of the new program.

The continued involvement of these parties will help address the details involved with implementation. Agricultural expertise and the perspective of stable owners should fortify the County's efforts to design more user-friendly materials and to evaluate the new program. This recommendation was very important to stable owners. County staff expressed a willingness to receive comments from the community.

## Grace Period

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### **25. Institute a Grace Period for zoning noncompliance.**

- ▶ Stables with no current CUP must apply for SDR within 2 years of the County's implementation of the new process.
- ▶ Stables with a current CUP must apply for SDR within 2 years of the County's implementation of the new process or within 2 years of CUP expiration, whichever is greater.
- ▶ Stables must reach compliance with SDR conditions and County ordinance within a timeline to be set by the County.
  - The timeline for compliance should have deadlines for the implementation of each specific required measure, based on the nature and urgency of each problem.
  - The time allowed to reach compliance would not be limited to the 2 years given to apply for SDR.
- ▶ The Grace Period for zoning noncompliance would not preclude fines for noncompliance with other (non-zoning) county, state, and federal laws, such as those regarding the protection of water quality.

A grace period is very important to stable owners. Recommending a grace period was specified in the scope of work for this project. County staff from departments other than Planning had no objections to a grace period for noncompliance with the Zoning Ordinance, but would not offer a grace period for noncompliance with other County ordinances. The grace period would therefore protect stable owners from possible fines assessed by Zoning Enforcement, but other County departments could still assess noncompliance fines.

## **Recommendations from the Equine Subcommittee and Conservation Partnership: Other Proposals to Minimize Costs of Compliance and Resolve Remaining Issues**

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In addition to the above recommendations which can readily be integrated into a new permitting process, the Equine Subcommittee and Conservation Partnership have identified other unresolved issues that should be brought to the attention of the Agricultural Advisory Committee:

**26. Develop a voluntary, low-cost manure pick-up program by the Alameda County Waste Management Authority, for waste reduction and water quality purposes and for the convenience of horse facilities in the County.**

Horse manure disposal can be a significant, costly problem for stables and private horse owners. Some operations compost and spread manure, but many rely on haulers who may not be affordable or reliable. A voluntary, reasonably priced program for manure pick-up by the County would be helpful to many stables. Such a program would simplify manure management and ensure reliability of service, and these in turn would consistently benefit water quality. The benefit would extend to backyard horses, which are not closely regulated. The program would also reduce the amount of manure taken to landfills and increase the amount available for County composting programs. Funding may be available through the Clean Water State Revolving Funds and the Waste Management Authority's program funds.

**27. Grant the Alameda County Fire Department discretion to waive the requirement of sprinkler installation in metal riding arenas of wholly non-combustible construction and not used for storage of combustible materials, on a case-by-case basis.**

Fire sprinkler installation is currently required in metal riding arenas by the Alameda County Fire Department. California's Uniform Fire Code allows the Fire Department to waive this requirement for buildings of wholly noncombustible construction and not used for storage of combustible materials, on a case-by-case basis, subject to the approval of the Building Official and Fire Chief.<sup>6</sup>

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<sup>6</sup> California Uniform Fire Code, Section 1003.4(1).

**28. Advocate to the Federal Natural Resource Conservation Service (NRCS) and to the California Senate that the NRCS' voluntary cost-sharing programs be made available to horse stables.**

California's equine facilities are not currently eligible for federal cost-share funds to implement water and soil management practices that would improve clean water management. At the present time, horse facilities are not considered agricultural operations by the US Department of Agriculture for the purposes of funding and insurance payments. This distinction can be made at the state level of the NRCS and has been made in several cases. The Environmental Quality Incentives Program (EQIP) provides 50% of the cost to implement best management practices such as roof gutters and drains, grassed filter strips, revegetation, proper manure storage, riparian fencing and road improvements – all practices that could be used on equine facilities. Access to NRCS programs would be a significant incentive for implementation of clean water management plans. The California Legislature and the state office of the NRCS are both considering making horses eligible. The State Assembly recently passed a bill supporting this; the bill is now in committee in the State Senate.<sup>7</sup>

**29. Develop and implement specific policies and programs supporting the equine industry in the General Plan.**

Alameda County is currently developing background materials to guide General Plan revision and to develop its first Agricultural Element (as part of the "R.O.S.A." process). This is an appropriate time to specifically support the equine industry and address its unique needs.

The Resource Conservation District believes that a study of the demographics and economic value of the County's equine industry would help the County to better plan for the industry (e.g. land use and business policies) and its related services and products (e.g. open space, trails, horse camps). Cities would benefit from the information as they plan their open space, agriculture and trails plans. Two such studies have been conducted in recent years for the Counties of Sonoma and Marin by the

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<sup>7</sup> A.B. 815 (Wiggins).

CSU Sonoma Economics Department.<sup>8</sup> In both studies, the economic impacts were much larger than anticipated.

### **30. Resolve whether all horse stables are "agricultural operations" in the General Plan and County Code.**

The Alameda County Ordinance Code includes the following definitions:

"Agricultural operation" means and includes, but is not limited to, the cultivation and tillage of the soil, dairying, the production, irrigation, frost protection, cultivation, growing, harvesting and processing of any agricultural commodity, including viticulture, horticulture, floriculture, timber or apiculture, the raising of livestock, fur bearing animals, fish or poultry, and any commercial agricultural practices performed as incidental to or in conjunction with such operations, including carriers for transportation to market, consistent with all county regulations.<sup>9</sup>

"Livestock" means any domesticated farm animal, including but not limited to, horse, cow, sheep, goat, rabbit, poultry and any commercial fur bearing animals, ... but does not mean or include household pets.<sup>10</sup>

The definition of "agricultural operations" is variously interpreted as including all horse facilities, as excluding boarding or riding stables, or as excluding horses generally. The issue should be resolved as it affects, among other things, whether these stables are granted the rights afforded to agricultural operations in the Farming Rights (a.k.a. "Right to Farm") Ordinance, and how these stables are treated in General Plan policy.

The Planning Department needs to further consider this issue and any potential ramifications. The Equine Subcommittee and the District would support specifically including all equine facilities in the definition of agricultural operations, as follows:

"Agricultural operation" means and includes, but is not limited to, the cultivation and tillage of the soil, dairying, the production, irrigation, frost protection, cultivation, growing, harvesting and processing of any agricultural commodity, including viticulture, horticulture, floriculture, timber or apiculture, the raising of livestock, fur bearing animals, fish or poultry, horse facility

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<sup>8</sup> C.A. Benito, A. Camaraota, and K.R. Sundin, *The Economic Value of Sonoma Equestrian Activities*, Sonoma State University, 1999; C.A. Benito and K.R. Sundin, *The Economic Value of Marin County Equestrian Activities*, Sonoma State University, 2001.

<sup>9</sup> E.g. the Farming Rights Ordinance, Section 6.28.010.

<sup>10</sup> General Ordinance Code, Section 5.04.010.

operations (including breeding, boarding, training, and riding academies), and any commercial agricultural practices performed as incidental to or in conjunction with such operations, including carriers for transportation to market, consistent with all county regulations.

**31. Provide definitions for the types of equine facilities which are not defined in the Zoning Ordinance, and provide criteria for distinguishing between types.**

As noted previously, the breeding and training of horses are uses allowed by right in Agricultural Districts, while boarding or riding stables require zoning approval. With the exception of "boarding stables", the uses are not defined in County Code. The criteria for distinguishing between the facilities allowed by right and the facilities requiring zoning approval are unclear.

The Equine Subcommittee and the District recommend that these definitions and clarifications be consistent with current code regarding which uses are allowed by right in agricultural districts and which are not. The Equine Subcommittee further suggests that training stables be defined as "horse stables in which equestrian activity is directed toward enhancement of horse and equestrian performance or work".

**32. Clarify the criteria for classification of buildings as "agricultural buildings".**

This recommendation regards the clarification of a definition and its interpretation, and does not direct the County to change the definition itself. Agricultural buildings are defined as follows in the Uniform Building Code (emphasis added):

"Any structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a **place of employment where agricultural products are processed, treated or packaged**; nor shall it be a **place used by the public.**"<sup>11</sup>

Current County policy is that the last sentence eliminates boarding stable horse barns from eligibility.

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<sup>11</sup> California Uniform Building Code, definitions section.

The Equine Subcommittee and the District hold that any clarification of the clause concerning employment should be consistent with the statement that all structures housing livestock require the periodic presence of employees to care for these livestock. The Equine Subcommittee further suggests that in this context, "used by the public" be interpreted as "used by the general public or the community at large."

**33. Clarify which types of roads qualify as "impervious surfaces" under Measure D and Clean Water Act regulations (e.g. the NPDES permit and related plans).**

**34. Develop policies regarding traffic safety on rural roads impacted by commuter traffic.**

The Agricultural Advisory Committee should work with the County examine possible solutions, including possible safety measures and possible funding mechanisms, that address traffic safety in a way that shows consideration for the viability of permitted uses in agricultural districts.

The Planning Department is continuing a dialogue with the Public Works Agency regarding traffic requirements for stables with current CUPs. The Equine Subcommittee and the District would support policies that would not impose undue or disproportionate burdens on permitted agricultural uses in agricultural districts, particularly in County review of stables with current CUPs.

## References

C.A. Benito, A. Camaraota, and K.R. Sundin, *The Economic Value of Sonoma Equestrian Activities*, Sonoma State University, 1999.

C.A. Benito and K.R. Sundin, *The Economic Value of Marin County Equestrian Activities*, Sonoma State University, 2001.

County of Alameda, *County Ordinances*, as updated August 12, 2003 and published online at [www.co.alameda.ca.us/admin/admincode/index.htm](http://www.co.alameda.ca.us/admin/admincode/index.htm).

State of California, *Code of Regulations*, Title 24 (California Building Standards Code), parts 3 (California Building Code) and 9 (California Fire Code), 2001.

\_\_\_\_\_, *Government Code*, published online at [www.leginfo.ca.gov/calaw.html](http://www.leginfo.ca.gov/calaw.html).

State of California Office of Legislative Counsel, *Assembly Bill No. 815 (Wiggins) as Amended* May 12, 2003.

\_\_\_\_\_, *Assembly Bill No. 815 (Wiggins) Assembly Floor Vote*, May 15, 2003.

\_\_\_\_\_, *Assembly Bill No. 815 (Wiggins) Status*, 06/13/2003.