



CALAVERAS COUNTY PLANNING DEPARTMENT
 891 Mountain Ranch Road,
 San Andreas, California 95249
 (209) 754-6394

Planning Commission Staff Report

Hearing Date	March 13, 2025
Project Number/Name	CUP 2024-013 Jeremy and Lynette Covey-Smith
Supervisory District Number	District 1, Gary Tofanelli
Assessor's Parcel Number(s)	048-009-052
Planner	Madeleine Flandreau, Senior Planner

APPLICANT/LANDOWNER Jeremy and Lynette Covey-Smith, 2911 Patriot Way, Burson, CA 95252

PROJECT DESCRIPTION The applicant is requesting approval of a Conditional Use Permit (CUP) to permit a previously existing unpermitted private equestrian facility for up to 40 horses on a Rural Residential (RR) parcel. The facility is a registered nonprofit for equine education and therapy sessions for at risk youth and will be operated by the landowners and 1-6 volunteers/employees and will only be available for their private invited clients or guests and not open to the general public on a drop-in basis. The facility proposes up to four lessons per day in husbandry, training, preparation for off-site riding, and roping clinics for at-risk youth. Approximately two to five teenaged clients will be on site daily, with adult volunteers/employees acting as chaperones. The applicant is also proposing to hold up to three birthday parties per year for up to 25 invited guests. The horses are kept in paddocks with moveable fencing for periodic rotations. No further development or expansion of the prior use is proposed at this time.

PROJECT LOCATION The subject property is a 20-acre parcel located at 2911 Patriot Way in Burson. APN 048-009-052 is in Section 21 of T04N, R10E, MDM.

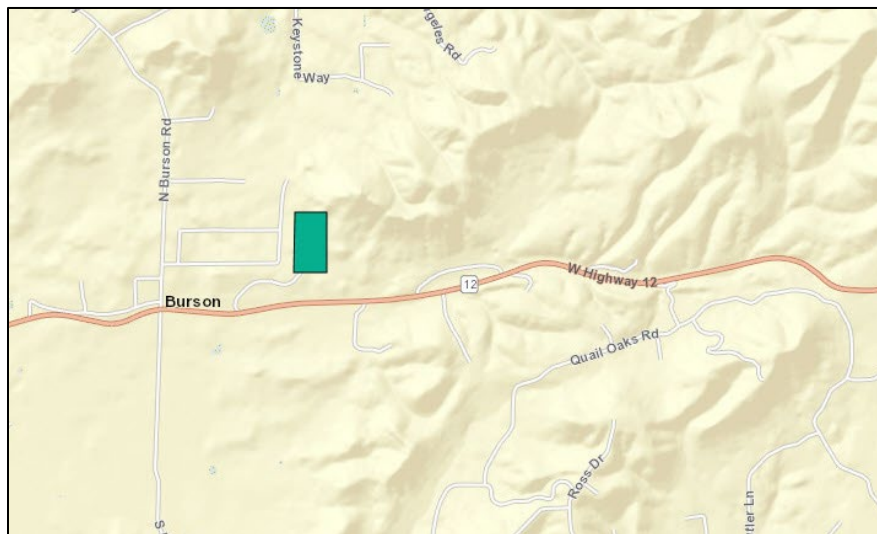


Figure 1 – Location Map

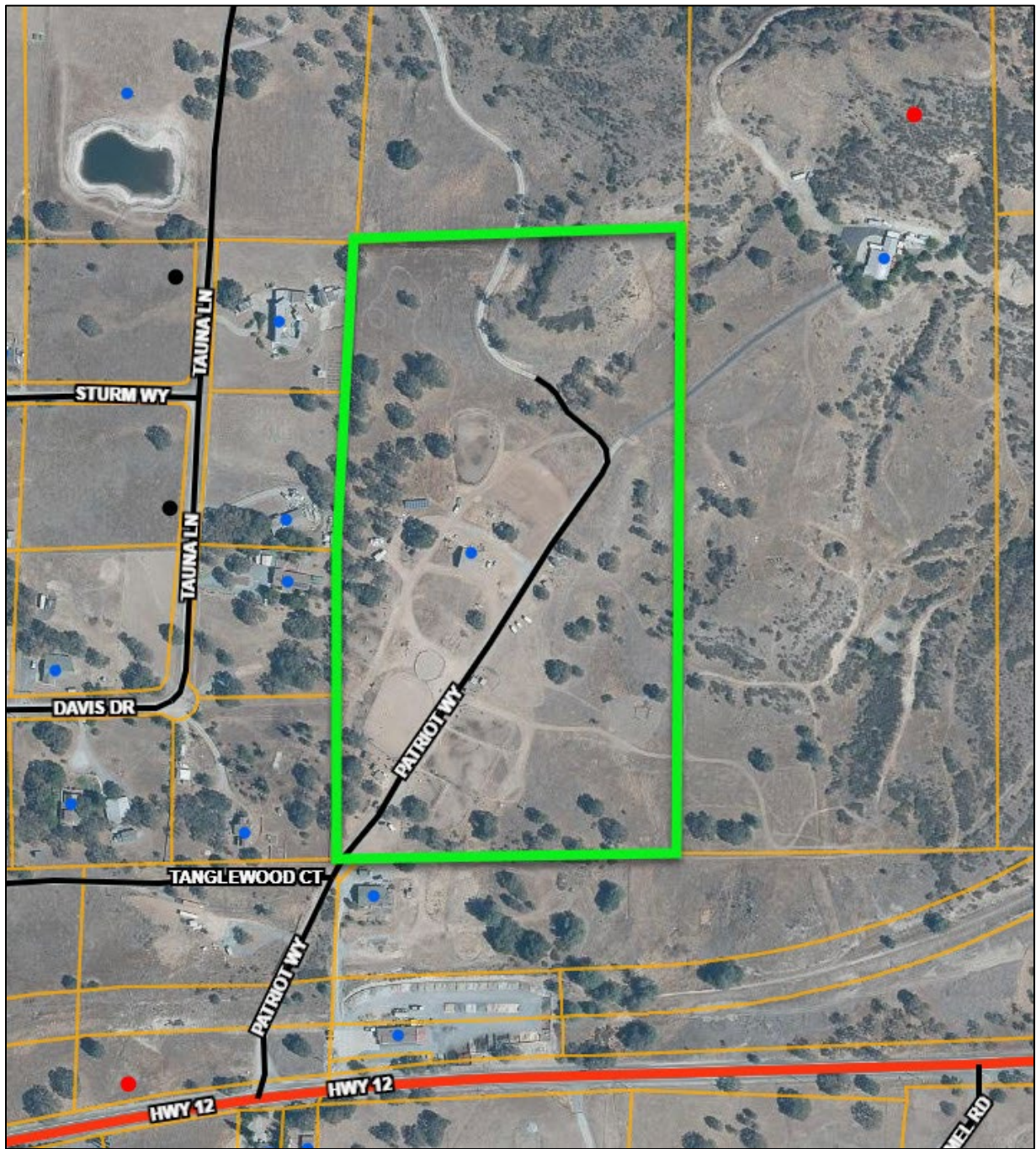


Figure 2 – County Aerial Image August 2022

BACKGROUND

The County Board of Supervisors made formal findings on August 13, 2024 (See Attachment 6) regarding the appeal of Code Compliance Case # CE23-0164 that applicants' uses on the subject parcel had exceeded the Zoning Code's definition of a "personal equestrian facility" and included business uses that required a conditional use

permit (CUP) because they constituted either an “equestrian facility, public or private” as defined in Section 17.06.0787 of County Code. The applicants are now seeking the required conditional use permit in order to operate a “private equestrian facility” in the RR zone.

ANALYSIS

This application was deemed complete when the previous zoning code was in effect and is therefore subject to it. Per the previous zoning code, only a “personal equestrian facility” is permitted by right in the RR zone (see Attachment 5 for Chapter 17.22). County Code section 17.06.0785 provides that a “personal equestrian facility” means a facility that is used by the residents (owner/occupant) of the property for the raising, quartering, pasturing, training in riding of personal equines. Types of facilities would include barns, corrals, arenas, and paddocks. Personal equestrian facilities are intended for the personal enjoyment of the owner/occupant of the property and guests and not as a business or income source. In the RR zone, the applicants are also allowed by right to breed their personal horses and sell the foal as part of an agricultural operation.

Section 17.06.0787 defines an “Equestrian facility, private” as an equine facility, barn or stable that is used in part for and by the residents (owner/occupant) of the property and their private invited clients or guests for the purpose of raising, boarding, breeding, training, and riding, including lessons, education, and clinics. These activities may be undertaken for equines not owned by the resident of the property and such services are limited to invited (i.e., with reservations) guests/clients as a business or income source. Section 17.06.0789 defines a “Public equestrian facility” means a facility that leases space for equines, and/or provides equestrian services to the general public/drop-in clients, such as trail rides and guided outfitter services. Types of public equestrian facilities may include, but are not limited to, public boarding stables, barns, public riding arenas, and may include facilities to accommodate events such as horse shows, expositions, and other exhibitions offered to the general public (see Attachment 5 for Zoning Code definitions).

Examples of the proposed uses requiring a CUP for a “private equestrian facility” include horse husbandry lessons, training, roping clinics for at-risk youth, breeding horses that belong to or are jointly owned with individuals other than applicants’, utilizing the subject parcel for guests to interact with horses before off-site trail rides, and hosting and charging for private birthday parties.

The purpose of a CUP is to provide the general public with an opportunity to review a proposed land use that is generally consistent with the purpose of a base zoning district but has the potential to cause conflicts with neighboring land uses and zoning. The CUP is a discretionary permit, reviewed by the Planning Commission, which can approve a CUP by making the findings in Section 17.82.020 in the Calaveras County Code. The CUP process would allow the public an opportunity to voice concerns about potential noise and other impacts and would allow the County to impose conditions of approval to reduce these impacts (see Attachment 5 for Chapter 17.82).

ENVIRONMENTAL SETTING

Project Site

The subject parcel is an approximately 20-acre lot which is accessed via Patriot Way, a private road accessed by State Route 12. Patriot Way is a 25-foot-wide private road and public utility easement which runs through the center of the lot to access two adjacent parcels to the north. It is an unpaved gravel road and no additional frontage improvements or offers of dedication are required as part of this application. There is also a 50-foot-wide roadway easement along the southern property boundary that is dedicated access to the two parcels to the east. An unpaved parking area is located near the entrance to the parcel adjacent to the easement. The subject parcel contains a single-family residence, several storage sheds, fenced horse pastures, and one arena. The subject property is not served by public water or by public sewer and instead relies on well water and an on-site wastewater system. A portable restroom unit is on-site to be used by clients.

Adjacent Land Uses and Zoning

	General Plan Designation	Zoning
North	Working Lands	Rural Residential (RR) General Agriculture (A1)
South	Rural Transition B, Commercial	General Commercial (C2), RR, A1
East	Working Lands	RR
West	Rural Residential	RR

The neighboring properties to the north and east consist of large 20+ acre parcels with single-family residences, with a commercial landscaping supply business on State Route 12 to the south, and a residential subdivision to the west.

General Plan Consistency

The parcel is designated in the County General Plan as Working Lands, which identifies lands suitable for agricultural and forestry practices on parcels smaller than those designated Resource Production to reflect existing development patterns and/or to recognize their location in or adjacent to existing communities. This category includes lands with a combination of residential and home-based businesses. The RR zone is consistent with the Working Lands designation.

The Project is consistent with General Plan Land Use Goals including: LU 5.4, which encourages attraction of new compatible business and industry to the county; LU 5.5 which aims to revitalize existing community centers by encouraging a mixed-use concentration of retail, entertainment, arts, housing and services to support job and economic growth; and LU 5.6, which is to provide for a business-friendly environment with clear and efficient planning, permitting, and building guidelines and regulations. There are no General Plan implementation measures that apply to the review of discretionary projects that are specifically applicable to this project. The property is

located within the Burson Community Plan area, but there are no adopted goals or policies for this area.

COMMENTS RECEIVED

The application was circulated to various county departments, local public agencies, and State departments requesting comments relative to the request for CUP.

Calaveras Consolidated Fire Protection District indicated that they would recommend conditioning the Project on the private road having a minimum 20-foot roadway width, with maintained all weather base, with a minimum 40,000 lb. base at 90% compaction, Knox access for all gates, a hammerhead/turnaround with an 80 ft. turning radius, access roads to surrounding residential neighbors remaining unobstructed with a 20' width fire lane at all times, and to provide fire flow data and Knox access for any structures used for the business.

Environmental Management Agency recommended requirements for compliance with regulations for a camp (which was previously part of the project description), potable water, food operations, and onsite wastewater. After discussions with the applicant regarding proposed operations, which will not include a camp or food operations, EMA followed up with an email stating that they had no further requests for conditions at this time.

Caltrans requested additional information regarding the size of the vehicles transporting horses in and out of the subject parcel, as well as an off-tracking analysis and trip generation of said vehicles. The applicant uses a 2500 HD Chevy pickup truck (19 feet long) with a three-horse trailer (23 feet long) once a week. The truck and trailer were determined to have the same tracking (the rear wheels of the trailer follow the same path as the front wheels of the truck while moving through a turn or a curve). The applicant also uses a five-horse trailer, which is 38-feet long, approximately twice per month. This trailer will track the same as the truck as long as the applicant turns slowly, meaning that the tracking is similar. Caltrans had no additional comments or concerns regarding trip generation and off-tracking vehicles; however, they are recommending installation of a limit line and stop sign at the existing encroachment of Patriot Way with SR 12. Staff is requesting that a condition of approval be included on the CUP requiring installation of the limit line and stop sign. The Public Works Department did not have concerns or comments relative to potential circulation impacts as a result of Project implementation.

Michael Vasquez with Animal Services sent over California's Minimum Standards of Horse Care which is what Animal Services references when determining proper care of equines, including space requirements, nutrition, and husbandry. Mr. Vasquez verbally discussed the proposed Project with Planning staff as the County Code does not put a specific limit on the number of horses for a private/public equestrian facility. Referencing the State's Standards, Mr. Vasquez stated that the subject 20-acre parcel could accommodate up to 40 horses under these guidelines.

Public Comments

Multiple comment letters were submitted from the surrounding landowners, but largely in response to the past code enforcement action. Comments were submitted both in opposition to and in favor of the Project. Of the 10 parcels surrounding the subject parcel, five of those landowners are in opposition, and five are in support (see Figure 3 below). Comments received in support included statements regarding the positive presence that 4 Horse Ranch has been in the community, as well as the impact on students' wellbeing. Neighbor complaints in opposition included concerns about flies, manure management, lack of appropriate care for horses, dust, vehicles frequently blocking the access easement due to lessons and events, and an inappropriate number of horses on-site.

In addition, six letters of support were submitted by the applicant, many of which came from parents whose children have taken lessons, as well as a petition of support with 37 signatures. All comment letters, emails and the petition can be found in Attachment 3.

The Notice of Public Hearing was sent to property owners within 300 feet of the subject property pursuant to Government Code § 65091.

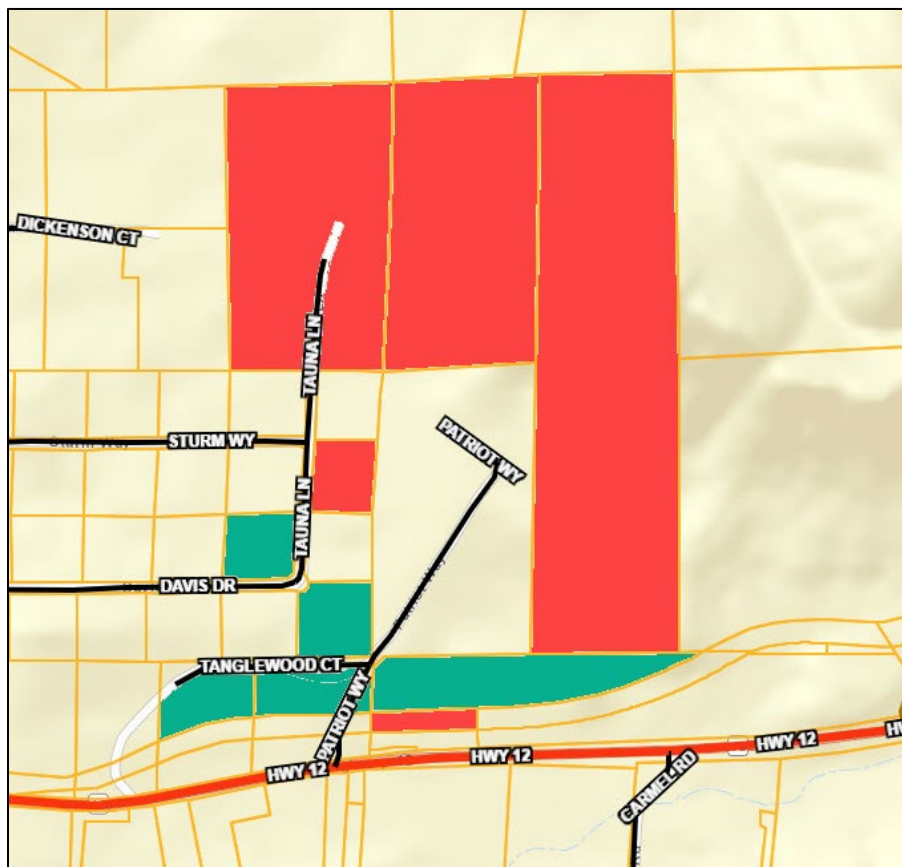


Figure 3- Comments received from surrounding parcels.

ENVIRONMENTAL REVIEW

Pursuant to California Environmental Quality Act (CEQA) guidelines, County staff prepared an Initial Study/ Negative Declaration, which was distributed for a 30-day review and comment period from September 11, 2024, to October 11, 2024. Two letters were received from staff from MyValleySprings.com, one from Colleen Platt and one from Joyce Techel. Comments included concerns regarding impacts to neighbors which were brought up during the appeal hearing with the Administrative Hearing Board, and the number of horses being kept on site.

Concerns were also raised regarding the baseline in the Neg Dec as being the existing business use of the property at the time the CUP permit was applied for. As the subject parcel was already developed with the equestrian facility, with fenced pastures and an arena at the time of evaluation, Project operation would not change the condition of the Project site with respect to biological resources or habitat types. As all structures are existing and the fact that the subject parcel is already disturbed, it is unlikely that special-status species could be occupying the site or that and/or federally- or State-protected birds would be disturbed by the continuation of the use. In addition, no ground-disturbing activities would occur with the potential to unearth deposits of cultural significance. As determined throughout this Initial Study, the proposed Project would not result in any potentially significant impacts that cannot be reduced to less than significant levels with compliance with the established regulatory framework and/or implementation of conditions of approval. The Project will be conditioned to reduce any off-site effects and will be required to obtain the necessary approvals from the appropriate agencies (i.e. Fire, Environmental Health, Public Works, etc.) Potential nuisance impacts that are not related to CEQA impact categories can be addressed through the conditional use permit hearing process.

Subsequently, the Negative Declaration was revised to a Mitigated Negative Declaration in order to require the implementation of the Manure Management Plan as a mitigation measure to mitigate potentially significant odor impacts. Staff recirculated the document from January 3, 2025, to February 3, 2025. Four comment letters were received during the comment period. Comments and responses can be found at the end of the Final ISMND in Attachment 4. One comment letter was received from Jason Freeman on January 29, 2025. This comment letter did not address the adequacy of the CEQA Initial Study/Negative Declaration, and therefore, no response is necessary. The second comment letter was from Colleen Platt with MyValleySprings.com and included concerns regarding the number of horses and obstruction of the access road. Two comment letters were received on February 3, 2025, one from Stacie Bosch and one from Stuart Bosch. Neither comment letters addressed the adequacy of the CEQA Initial Study/Negative Declaration, and therefore, no response is necessary.

Flies and Manure Management

There are four residential parcels located adjacent to and to the west of the proposed project site, the closest residence being located approximately 100 feet to the west from the nearest paddock area. The majority of the parcels in the vicinity (to the north, south,

and east) are large and allow for space between residential structures, which reduces the effects of odor emissions. In general, odor control is accomplished through good housekeeping. A preliminary Animal Waste Management Plan was prepared for the proposed project that identifies best management practices to address potential odor impacts, and specifies waste collection techniques, storage and pick-up procedures as well as pest control measures and equipment maintenance procedures to be followed as a part of regular operation. Compliance with this plan would result in pastures being scraped regularly and stalls mucked to pull manure for distribution into manure piles, which are managed to create natural fertilized soils for use around the ranch. In addition, the applicants use a combination of fly spray, diatomaceous earth, lime, and chickens to keep fly numbers down. While odors that some find objectionable may not disappear *entirely* given that this is a livestock-related use, implementation of the Animal Waste Management Plan is designed to result in odors from the proposed use being less than significant from both a CEQA and nuisance standpoint.

Traffic

Under the proposed Project conditions, the number of vehicles entering and existing the subject parcel would consist of a maximum of four vehicles trips, three days per week from the volunteers/employees and teenaged clients, as most of the teenaged clients arrive by school bus. The applicant uses a 2500 HD Chevy pickup truck (19 feet long) with a three-horse trailer (23 feet long) once a week. The applicant also uses a five-horse trailer, which is 38-feet long, approximately twice per month. Public Works and Caltrans did not require a traffic analysis for the Project, and based on the project description, impacts were found to be less than significant. The Project will be conditioned to restrict traffic based on the proposed vehicle trips.

CONCLUSION

Staff finds the proposed private equestrian facility consistent with Title 17 of the County's Code and the General Plan. Although opposition to the Project from neighbors have been received, many involve concerns about compliance with the conditions of approval and the Mitigation Monitoring and Reporting Program. When reviewing a conditional use permit application, Planning presumes compliance with conditions and looks only at whether the proposed use can operate in a manner that is compatible with surrounding land uses and zoning. The Project, as proposed, will not have a significant effect on the environment with implementation of mitigation and can be conditioned to address nuisance concerns. Failure to comply with conditions, if this becomes an issue, can be addressed through enforcement of the County Code.

RECOMMENDATION

Staff recommends the Planning Commission take the following actions:

1. Adopt the Mitigated Negative Declaration; and
2. Approve Planning Commission Resolution 2025-004 approving Conditional Use

Permit 2024-013 to permit the operation of a private equestrian facility for up to 40 horses on APN 48-009-052, and as shown in Exhibit A of said Resolution.

ATTACHMENTS

1. Draft Planning Commission Resolution 2025-004
2. Site Development Plan
3. Agency and Public Comments to the Application
4. Final Initial Study and Mitigated Negative Declaration with Comments and Responses
5. Previous Title 17 Zoning Code Chapters 17.22 and 17.82
6. Administrative Hearing Board Resolution No. 2024-01 and Board of Supervisors Action Item Denying Appeal of Code Compliance Case CE23-0164

Attachment 1 –
Draft Planning Commission Resolution
No. 2025-004

**COUNTY OF CALAVERAS, STATE OF CALIFORNIA
PLANNING COMMISSION**

RESOLUTION NO. 2025-004

**>>A RESOLUTION APPROVING CONDITIONAL USE PERMIT 2024-013 FOR
LYNETTE AND JEREMY COVEY-SMITH DBA 4 HORSE RANCH TO OPERATE A
PRIVATE EQUESTRIAN FACILITY IN THE RURAL RESIDENTIAL ZONE**

WHEREAS, the Planning Department of the County of Calaveras received an application from Jeremy and Lynette Covey-Smith requesting approval of a Conditional Use Permit to permit an existing private equestrian facility for up to 40 horses on a 20-acre Rural Residential parcel; and

WHEREAS, the Covey-Smith's complete application was received prior to the enactment of the current version of the Calaveras County Zoning Code (Title 17) enacted on August 15, 2024; and

WHEREAS, the Planning Commission considered the project request pursuant to the 2019 Calaveras County General Plan, the former version of the Zoning Code, and the procedures of the Planning Commission; and

WHEREAS, the proposed project is located on real property in the unincorporated portions of the County of Calaveras, more particularly described as APN 048-009-052 and located at 2911 Patriot Way in Burson, in Section 21, T04N, R10E, MDM; and

WHEREAS, an Initial Study and Negative Declaration was prepared and available for public review for 30 days, pursuant to the requirements of the California Environmental Quality Act, which adequately addressed the potentially significant impacts associated with the proposed project but inadvertently omitted one mitigation measure; and

WHEREAS, a revised Initial Study and Mitigated Negative Declaration was prepared and made available for public review for 30 days, pursuant to the requirements of the California Environmental Quality Act, which described the same potentially significant impacts but added the missing mitigation measure; and

WHEREAS, these CEQA documents were sent to applicable California Native American tribes as required by AB 52, and no requests to consult with the County were received; and

WHEREAS, during a noticed public hearing on March 13th, 2025, the Planning Commission considered all of the information presented to it, including its staff report, CEQA documentation, information presented by the project proponent and public testimony presented at the meeting.

BE IT THEREFORE RESOLVED, that the Planning Commission approves Conditional Use Permit 2024-013, based on the following findings:

CEQA Findings

1. Based on the whole record, there is no substantial evidence that the project as designed and conditioned will have a significant effect on the environment. A Mitigated Negative Declaration has been prepared in accordance with the California Environmental Quality Act (CEQA). The Mitigated Negative Declaration reflects the independent judgment and analysis of the preparer.

Evidence: Pursuant to CEQA guidelines, County staff prepared an Initial Study and Negative Declaration (ISND), which was distributed for a 30-day review and comment period from September 11, 2024, to October 11, 2024. Two letters were received by staff from MyValleySprings.com, one from Colleen Platt and one from Joyce Techel. Comments included concerns regarding impacts to neighbors which were brought up during an enforcement-related appeal hearing with the Administrative Hearing Board, specifically the number of horses being kept on site. Concerns were also raised regarding the baseline in the ISND as being the existing business use of the property at the time the CUP permit was applied for.

As the subject parcel was already developed with the equestrian facility at the time the CUP application arose, with fenced pastures and an arena, the CEQA baseline is the conditions in place when the environmental analysis commenced—which included a developed parcel with fenced pastures and an arena. The applicant is not proposing to expand the use or develop more structures on the property. The project's operation would not change the condition of the Project site with respect to biological resources or habitat types. As all structures are already existing and the subject parcel is already disturbed, it is unlikely that special-status species would be present on the site and/or that habitat for federally- or State-protected that could be occupying the site birds would be further disturbed. In addition, no ground-disturbing activities are proposed that would have the potential to unearth cultural or historical resources.

Subsequently, the ISND was revised to a Mitigated Negative Declaration (ISMND) in order to change the condition of approval to implement the Manure Management Plan to a mitigation measure to mitigate potentially significant odor impacts. This was done after realizing that the proposed Manure Management Plan was not an existing legal requirement—just a proposed condition of project approval. The Mitigation Measure is incorporated into the conditions of approval for the Project which reduces the potential impact to less than significant. Staff recirculated the document from January 3, 2025, to February 3, 2025. Four comment letters were received during the comment period. Comment letters were received from three neighbors including Jason Freeman, Stacie Bosch, and Stuart Bosch. All three comment letters did not address the adequacy of the CEQA Initial Study/Negative Declaration, and therefore, no response is necessary. A comment letter was from

Colleen Platt with MyValleySprings.com and included concerns regarding the number of horses and obstruction of the access road. Comments and responses can be found at the end of the Final ISMND in Attachment 4.

2. The proposed use is consistent with the county's general plan, any applicable community or special plan, and the provisions of the applicable version of Title 17.

Evidence: The applicant is requesting approval of a CUP under Chapter 17.82 of the former Calaveras County Zoning Code for the operation of a private equestrian facility as defined in Section 17.06.0787 of that Code, for up to 40 horses on a Rural Residential (RR) parcel. The facility will conduct equine education and therapy sessions for at risk youth and will be operated by the landowners and 1-6 volunteers/employees and will only be available for their private invited clients or guests and not open to the general public. The facility proposes up to four lessons per day in husbandry, training, on-site preparation for off-site riding, and roping clinics for at-risk youth. Approximately two to five teenaged clients will be on-site daily, with adult volunteers/employees acting as chaperones. The applicant is also proposing to hold up to three birthday parties per year for up to 25 people.

The parcel is designated by the County General Plan as Working Lands (WL), and although it is located within the Burson Community Plan area, there are no adopted goals or policies for this area. The RR zoning of the subject parcel is consistent with the WL land use designation. As proposed, the project is consistent with applicable goals and policies of the County General Plan including Goal LU 5.4, which encourages attraction of new compatible business and industry to the county; LU 5.5 which aims to revitalize existing community centers by encouraging a mixed-use concentration of retail, entertainment, arts, housing and services to support job and economic growth; and LU 5.6, which is to provide for a business-friendly environment with clear and efficient planning, permitting, and building guidelines and regulations. There are no General Plan implementation measures that apply to the review of discretionary projects that are specifically applicable to this project.

3. The subject property is adequate in land area to accommodate the proposed project, its required parking area, access, landscaping, and site improvements.

Evidence: The subject parcel is 20 acres in size and is accessed by an existing private road- Patriot Way- via State Route 12. A parking area designated for clients is located in the southern portion of the parcel, and no site improvements are required or proposed. Calaveras County Animal Services, citing California's Minimum Standards of Horse Care, which it uses in its own evaluation of alleged cruelty to horses, states that a 20-acre parcel can adequately support up to 40 horses. Landscaping and site improvement requirements are not triggered by this application.

4. The proposed land use is compatible with neighboring land use and zoning.

Evidence: The Planning Department has received multiple complaints regarding the proposed use from several of the adjacent landowners and understands that the proposed use has had nuisance impacts when operating as an unpermitted facility with no mandatory conditions in place. With approval of this CUP, the Project will be conditioned to restrict operations in order to reduce those impacts. Conditions include: restrictions on the number of vehicle trips, establishing a designated parking area for clients to park to ensure that the easement needed to access surrounding parcels remains safe and unimpeded, restrictions to allow only 5 clients and up to 6 employees/volunteers on-site per day, and up to 3 birthday parties (for a maximum of 25 invitees) per year, as well as requiring a manure management plan. Although the applicant is requesting to board up to 40 horses, Mitigation Measure AQ-1 states that “odor complaints received by the County will result in an inspection of the site to ensure compliance with the Final Waste Management Plan. If the County determines that the site is in “non-compliance” with the Final Waste Management Plan, the County can revoke CUP 2024-013.

5. The public and private roads providing access to the subject property meet necessary standards to provide safe and adequate access or have been amended by conditions of project approval to satisfy the access requirements.

Evidence: The site is accessed by Patriot Way, a gravel road accessed via State Route 12. A condition of approval recommended by Caltrans will be included on the CUP, requiring installation of the limit line and stop sign at the intersection of Patriot Way and State Route 12. The Public Works Department did not have concerns or comments relative to access, roads standards, or potential circulation impacts as a result of Project implementation. Conditions recommended by Calaveras Consolidated Fire Protection District will require that the easement must remain unobstructed with a 20' width fire lane at all times.

6. Conditions of project approval are necessary for protection of the public health, safety and welfare, and to reduce or eliminate potential environmental effects.

Evidence: Imposed conditions are based on review of public comments and comments made by local and state agencies and departments responsible for access, water, wastewater, public health, safety and general welfare. A review of these comments and recommendations suggested that conditions of approval are necessary to protect the health, safety, and welfare of the general public. The project does not create any hazardous roadways, reduce response times, or impact existing emergency services provided in the area.

BE IT FURTHER RESOLVED, that the Planning Commission approves Conditional Use Permit 2024-013 based on the following conditions:

I GENERAL CONDITIONS

- I-1 This Conditional Use Permit will expire if not validated or extended on December 31, 2026.

II PLANNING CONDITIONS/MITIGATION MEASURES

- II-1 Within five (5) calendar days from the date of approval, the applicant shall pay all applicable County Administrative fees (\$50) and State Department of Fish and Wildlife fees (\$2,968.75) to the County Recorder's Office to facilitate the filing of the Notice of Determination.
- II-2 This approval is for a Conditional Use Permit (CUP) to operate a private equestrian facility for up to 40 horses at 2911 Patriot Way in Burson. The Project shall be in conformance with the approved Project Description with regard to number of vehicle trips, number of clients and employees/volunteers on-site, and number of client birthday parties per year.
- II-3 The Project shall be in conformance with the project plans in Attachment A, which is incorporated by reference herein, and the conditions of approval contained herein.
- II-4 The applicant shall comply with the Mitigation Monitoring and Reporting Program for Project No. 2024-013 and attached hereto.
- II-5 This Conditional Use Permit is subject to all applicable county ordinances, regulations or plans whether or not such requirements are specified as a condition of project.

III CALAVERAS CONSOLIDATED FIRE PROTECTION DISTRICT

- III-1 Roadways must be a minimum 20' in width, must maintain an all-weather base with a minimum 40,000 lb. base at 90% compaction.
- III-2 A hammerhead or turnaround is required with a minimum turning radius of 80 feet.
- III-3 All gates must be a minimum of 20' in width and Knox access is required.
- III-4 A final fire inspection is required prior to validation of the permit.

IV CALTRANS

- IV-1 A limit line (stop bar) and stop sign must be installed on the Patriot Way (private driveway) for southbound traffic before entering State Route (SR) 12. A layout of the existing driveway indicating where the limit line and stop sign are going to be located must be provided to Caltrans. In addition to the limit line and stop sign location, the layout must include the State Right-of-Way (ROW) line in order to determine if the limit line and stop sign going to be install within the State ROW or within the adjacent parcel. If the limit line and stop sign is going to be installed within the State ROW, then an encroachment permit is required. If the limit line and

stop sign is going to be installed within the adjacent privately owned parcel, then the County will coordinate with Caltrans for implementation of this condition. The applicant will be required to receive written permission from the landowner to install limit line and stop sign on their parcel.

Approved by the Planning Commission of the County of Calaveras, at a regular meeting of the Planning Commission held on March 13th, 2025, on a motion by Commissioner _____ and seconded by Commissioner _____.

AYES:
NOES:
ABSTAIN:
ABSENT:
VACANT:

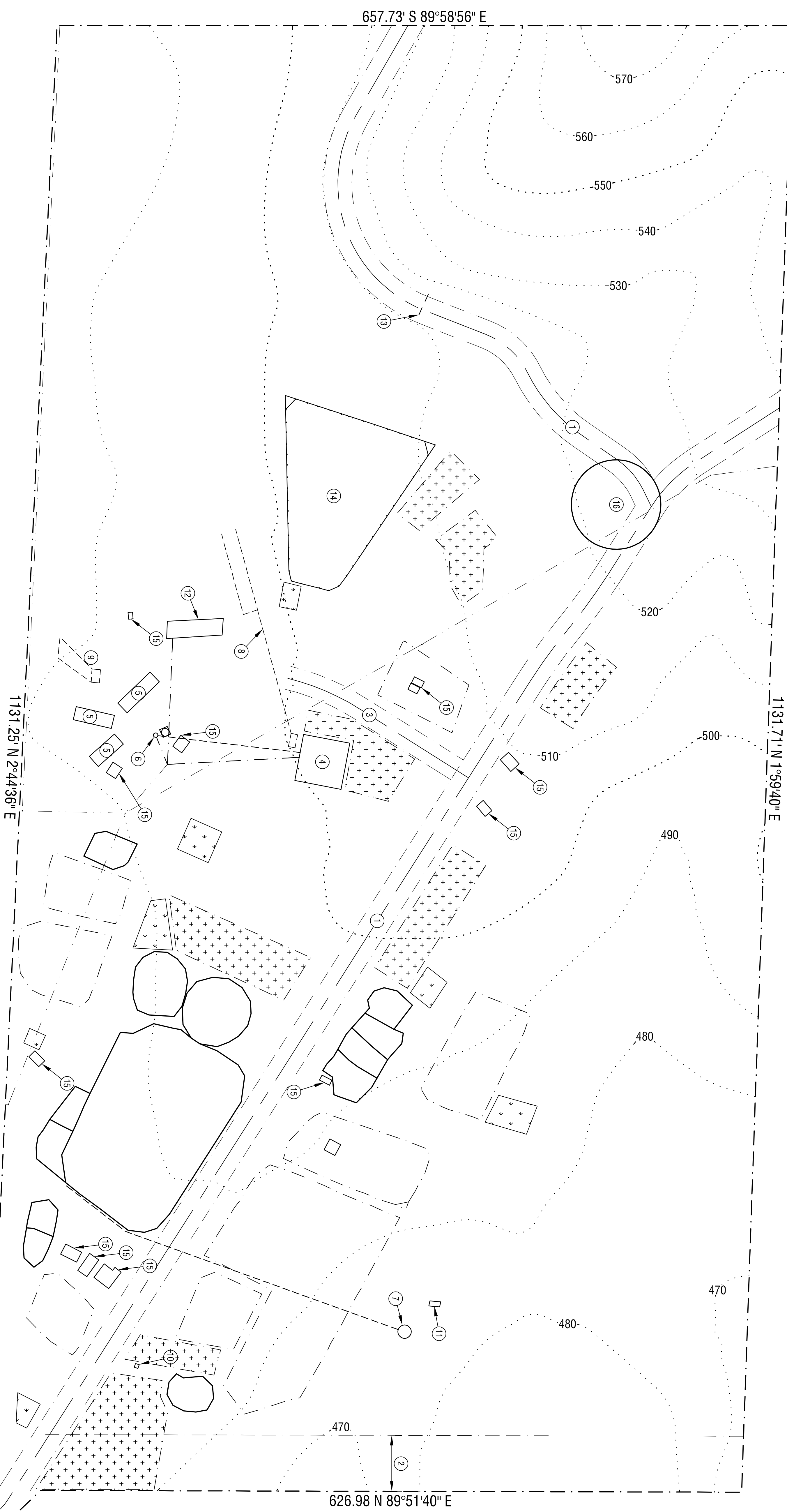
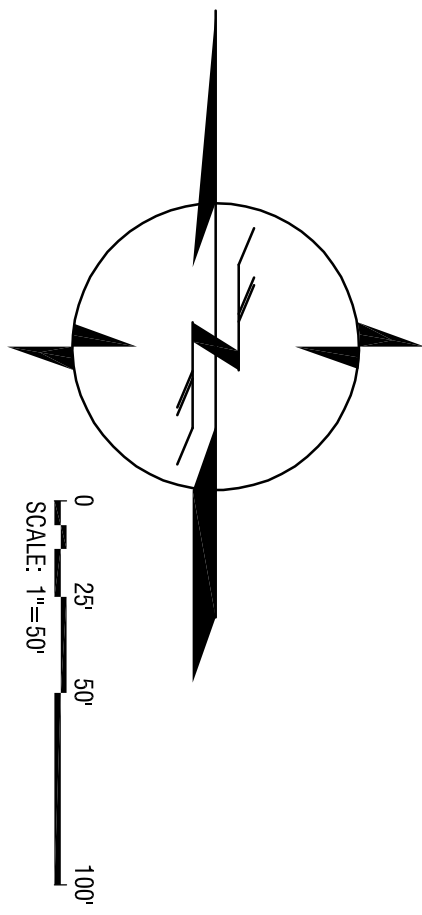
Chair, Planning Commission

ATTEST:

Madeleine Flandreau
Senior Planner

The project files are available for public review in the Planning Department, County of Calaveras, Government Center, 891 Mountain Ranch Road, San Andreas, CA. 95249, between the hours of 8:00 a.m. and 4:00 p.m.

Attachment 2-
Site Development Plan



EXISTING FACILITIES AND INFRASTRUCTURE

1. 29 ROAD AND PUBLIC UTILITY EASEMENT (P.U.E.)
2. GRAVELLED DRIVE
3. RESIDENTIAL DWELLING
4. RV DRY STORAGE (3X)
5. PRIMARY PORTABLE WATER WELL (SERVING RESIDENCE)
6. SECONDARY PORTABLE WATER WELL (PRIMARY FOR ANIMAL USE)
7. IN-USE RESIDENTIAL SEPTIC SYSTEM
8. PORTABLE SEWAGE TREATMENT UNIT (ABANDONED IN SITU)
9. FORMER RESIDENTIAL SEPTIC SYSTEM (ABANDONED IN SITU)
10. PORTABLE SEWAGE TREATMENT UNIT FOR GUEST USE
11. SMALL SOLAR ARRAY (SECONDARY WELL PUMP POWER)
12. LARGE SOLAR ARRAY (AUXILIARY RESIDENTIAL POWER)
13. HEAVY POST AND RAIL FENCED CORRAL
14. MISCELLANEOUS TEMPORARY SHEDS
15. MISCELLANEOUS TEMPORARY SHEDS

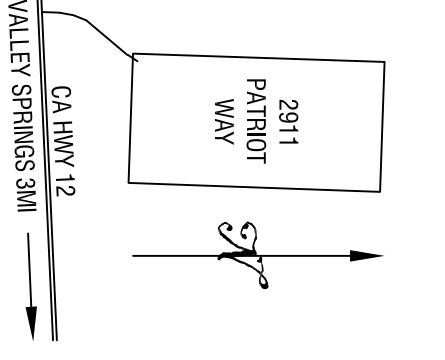
LEGEND

- OVERHEAD ELECTRICAL UTILITY
- BURIED ELECTRICAL LINES
- BURIED ELECTRICAL LINES
- UNDERGROUND WATER LINES
- 1-POST MOVABLE FENCING
- SOLID WASTE COMPOSTING AREA
- AVAILABLE/ACCESSIBLE PARKING AREA

NOTES

- ALL STRUCTURES ARE EXISTING, NO NEW CONSTRUCTION IS HEREBY PROPOSED.
- PARKING IS NOT TO BE UNDER OPEN SKY OR IN A TYPICAL LOT.
- OTHER FENCING IS OF A NON-PERMANENT NATURE AND SUBJECT TO RECONSTRUCTION AS NEEDED.
- EXCEPTING THE SURFACE CULTIVATED ITEM 13 NOTED, ALL DRAINAGE IS NATURAL.
- NO ALTERATION TO THE NATURAL COURSE OF DRAINAGE IS HEREBY PROPOSED.
- THERE ARE NO PERSISTENT RESERVOIRS, BODS, STREAMS OR WETLANDS, RIMHOPE IS UNIMPEDED.
- ALL EXISTING VEGETATION ARE INDIGENOUS, DROUGHT-TOLERANT, AND NATURALLY OCCURRING.
- NO LANDSCAPE ALTERATIONS ARE HEREBY PROPOSED.
- THERE IS NO IRRIGATION SYSTEM AND NO ADDITION OF SUCH IS HEREBY PROPOSED.
- NO NEW OFF-OR ON-STRUCTURE SIGNAGE IS HEREBY PROPOSED.
- NEW FIRE APPARATUS TURNAROUND (ITEM 16) IS 88FT DIA PER HFC2018FC.

SITE VICINITY



<p>DATE: 2/28/24</p> <p>JOB NO.: 24024HR</p> <p>DRAWN BY: DLR</p> <p>REV. 3: 10/13/2024</p> <p>DWG. NO.: S1</p> <p>4HR SITE</p>	<p>SITE DATA</p> <p>TOWNSHIP 4 N., RANGE 10 E.</p> <p>EAST 1/2 SECTION 21</p> <p>APN 048 009 052, 20.069 ACRES</p>	<p>PROPOSED SITE DEVELOPMENT PLAN</p> <p>4 HORSE RANCH</p> <p>JEREMY & LYNETTE SMITH-COVEY</p> <p>2911 PATRIOT WAY, VALLEY SPRINGS, CA 95252</p>	<p>PREPARED BY</p> <p>DARRIN RICE</p> <p>1367 KEYWOOD COURT</p> <p>CONCORD, CA 94521</p> <p>(925) 216-8636</p>
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Attachment 3-
Agency and Public Comments to the
Application

From: [Ryan Hamre](#)
To: [Madeleine Flandreau](#)
Subject: 2024-013 Conditional Use Permit for Jeremy and Lynette Smith-Covey dba 4 Horse Ranch
Date: Thursday, June 6, 2024 7:34:11 AM

CAUTION: This email comes from outside the County. Do not click on links or open attachments unless you recognize the sender and know the content is safe. If you are unsure, use the Phish Alert button.

Good Morning Madeleine,

The Calaveras Consolidated Fire Protection District has reviewed this proposed conditional use permit for Jeremy and Lynette Smith-Covey dba 4 Horse Ranch and has the following comments that will need to be addressed:

1. Roadways - Roadways must be a minimum 20' in width, must maintain an all weather base with a minimum 40,000 lb. base at 90% compaction.
2. A hammerhead, or turnaround is required with a 80' turning radius.
3. Any / all gates must be a minimum of 20' in width and Knox access is required.
4. Access roads to surrounding residential neighbors must remain unstructured with a 20' width fire lane at all times.
5. A site plan of the entire facility will be required.
6. Provide fire flow data for any structures used for this business.
7. Provide Knox access to any structure used for this business.

The Calaveras Consolidated Fire Protection District reserves the right to require additional comments / information.

Please let me know if you have any questions,

Ryan

--

Ryan L. Hamre, CFI
Fire Marshal
Calaveras Consolidated FPD
6501 Jenny Lind Road
Valley Springs, CA 95252
Office Phone (209) 786-2227
<http://calcofire.org/>

California Department of Transportation

N OFFICE OF THE DISTRICT 10 Planning
P.O. BOX 2048 | STOCKTON, CA 95201
(209) 948-7325 | FAX (209) 948-7164 TTY 711
www.dot.ca.gov



August 15, 2024

Ms. Madeleine Flandreau
Planner III
Calaveras County Planning Department
891 Mountain Ranch Road
San Andreas, CA 95249

**CAL-12-PM 6.903 Conditional
Use Permit - 2024-013 Horse
Ranch - Smith-Covey**

Dear Ms. Flandreau,

The California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on the application for Conditional Use Permit (CUP) to allow a private/commercial equestrian facility on a Rural Residential parcel. The equine facility is used in part for and by the owner of the property and their private invited clients or guests. A percentage of every horse living full-time on the subject parcel is owned by the landowner. The facility proposes boarding, training, riding, lessons, clinics with at-risk youth, and birthday parties for up to 75 people. The facility will be run by the landowners, volunteers, and employees. Approximately 2-5 teenaged volunteers will be on site daily, with 1-6 adult volunteers/employees acting as chaperones. The horses will be kept in paddocks with moveable fencing for periodic rotations. The application indicates that no construction or grading will occur.

The project parcel is located at 2911 Patriot Way in the community of Valley Springs, within Assessor Parcel Number (APN) 048-009-052.

Caltrans has the following comments:

Environmental

The project appears to be outside of Caltrans Right of Way (ROW). However, if there are any physical construction activities that will encroach into Caltrans ROW, the project proponent must apply for an Encroachment Permit with the Caltrans District 10 Encroachment Permit Office. All California Environmental Quality Act (CEQA) documentation, with supporting technical studies, must be submitted with the Encroachment Permit Application. These studies will include an analysis of potential impacts to any cultural sites, historic properties, biological resources, hazardous waste locations, scenic highways, and/or other environmental resources within Caltrans ROW, at the project site(s). Evidence of consultation with local Native American tribes and interested parties will need to be presented within the technical documents for approval of encroachment in the Caltrans ROW. If work will occur in Caltrans ROW

between February 1 and September 30 of any year, a pre-construction bird survey must be conducted by a qualified biologist prior to the start of any construction related activities in Caltrans ROW. If an active nest is observed, a protective buffer must be established around the nest per California Department of Fish and Wildlife (CDFW) guidelines. No work is allowed within the protective buffer limits until the young have fledged and until authorized by the Caltrans District 10 Environmental Office. Results of the pre-construction bird survey(s) must be provided to the Caltrans District 10 Environmental Office prior to the start of construction.

Traffic Operations

1. Page 2 of the 2024-013 Conditional Use Permit for Jeremy and Lynette Smith-Covey dba 4 Horse Ranch states that "the facility proposes boarding, training, riding, lessons, clinics with at-risk youth, and birthday parties up to 75 people" and on page 5 of the Application for Land Use Development shows that this project is proposing at least 50 parking spaces for commercial uses.

- What is the proposed project's trip generations for this project and where are these trips coming from?
- How often do these events such as boarding, training, riding, lessons, clinic with at-risk youth, and birthday party occur per year?
- What is the hour of operations for this business?

2. What is the proposed largest vehicle for transporting the horses in and out of the facility? Please provide an off-tracking analysis of the largest proposed vehicle going in and out of the facility for our review and comment.

3. A limit line (stop bar) and stop sign needs to be installed on the Patriot Way (private driveway) for southbound (SB) traffic before entering State Route (SR) 12.

Encroachment Permits

If any project activities encroach into Caltrans ROW, the project proponent must submit an application for an Encroachment Permit to the Caltrans District 10 Encroachment Permit Office. Appropriate environmental studies must be submitted with this application. For more information, please visit the Caltrans Website at:

<https://dot.ca.gov/programs/traffic-operations/ep/applications>

Ms. Madeleine Flandreau
August 15, 2024
Page 3

The Department may have additional questions, comments or requirements based on the responses to the requests for additional information above. The increase in vehicle traffic to and from the site may warrant additional improvements to Patriot Way and the connection to SR 12.

If you have any questions or concerns, please contact Shiferaw Jemberie (209) 986-9635 (email: Shiferaw.jemberie@dot.ca.gov) or me at (209) 483-7234 (email: Gregoria.Ponce@dot.ca.gov).

Sincerely,



For
Gregoria Ponce'
Deputy District Director
Planning, Local Assistance, and Environmental


cc: Peter Maurer - Planning Director, Calaveras County Planning Department



COUNTY OF CALAVERAS

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

Date: June 27, 2024
To: Madeleine Flandreau, Planner III
From: Monica Remus, Analyst 
Subject: 2024-013 - CUP for 4 Horse Ranch

Background:

The applicant is requesting approval of a Conditional Use Permit (CUP) to allow a private/commercial equestrian facility on a Rural Residential parcel in Burson. The subject property, APN 048-009-052, is located at 2911 Patriot Way, in a portion of Section 21, T4N, R10E, M.D.M.

The application proposes to allow a facility, that is used in part for and by the owner of the property and their private invited clients or guests. The facility will be run by the landowners, and volunteers. The horses will be kept in paddocks with moveable fencing. No construction or grading is proposed. The property is located off Patriot Way, a privately maintained road.

Requirements:

Applicant will be required to meet the provisions of all applicable codes in effect at the time. These include the Road Impact Mitigation (RIM) fee, County Road Ordinance (Chapter 12.02), the Encroachment Ordinance (Chapter 12.08), the Storm Water Quality Ordinance (Chapter 13.01), the Grading and Drainage Ordinance (Chapter 15.05), and the requirements of other agencies having jurisdiction.

Public Works has no comment.

To whom it may concern:

9/23/2024

I am writing this letter as a neighbor and concerned citizen regarding The Four Horse Ranch in Burson. My property is directly behind the ranch in question and the many issues I have I will discuss briefly. The property has a road easement that my family uses to access my property and my neighbor to the east. We are the two properties greatly impacted by this illegal business. For years myself and others have worked with the county and complained about this illegal horse ranch. The county has been out to the property many times and agreed the property is not zoned for this kind of activity. I did not want to get involved with them applying and appealing for the Conditional use Permit. There are many neighbors that are strongly against them trying to turn our quiet neighborhood into a business such as this. The property itself is not commercial property set up for a horse ranch and the zoning I believe is Rural Residential.

One of the major issues is Patriot way which is a gravel road designed for residential traffic not the constant day and night traffic that the road cannot handle. We as neighbors try our best to keep the road graveled and rut free so we can use and not damage our personal vehicles. My neighbor and I do 99% of the maintenance and financing of the Patriot way. The dust is constantly so bad from the traffic that they produce. We have spoken with Jeremy and Lynette many times about helping, but they refuse to help. Many times, they totally block Patriot way so myself or my family can't get thru to my property. They have horse events daily, they have tack sales, summer camps, training lessons every day. There are times where I have counted 20 cars in the road blocking Patriot way.

The next issue is the number of horses they have at one time. I have counted as many as 48 horses on this piece of property. I counted today on my way out they had 39 horses in makeshift pins. On a twenty acre parcel I doubt this is legal it causes many issues. Probably the biggest would be the flies. I never had an issue with flies in the past but the last couple years they are so thick it's disgusting, and I have talked to neighbors it's a huge issue around the property in question. I was told by the county that they issued a citation for the number of horses, but they never took care of this issue.

I know the County has worked with all the surrounding neighbors trying to immediate this illegal activity on the property. We realize that it takes time to go through the process, but I hope that this will end soon. It is zoned rural residential for a reason and the property, and the neighbors can't take the abuse. There are neighbors that are afraid to come forward because there have been threats made by people associated with the property owner. I for one had to file a complaint with the Sheriff's department for threats made by these folks. They said quote" I started a war and that I better watch out". I am quite a person who does not want to get involved with this problem, but I can't sit back and allow this illegal business to go unchecked. We have laws and ordinances for a reason.

Best Regards,

Jason Freeman



September 26, 2024

To whom it may concern,

Any the last hearing I was verbally attacked by friends and/or family of Lynnette and Jeremy making false accusations about myself and my business. Lashing out at me was absolutely the wrong thing to do at their hearing and now they want me to approve their C.U.P. I say nay nay!! Unfortunately neither Lynnette nor Jeremy made any effort to reach out and meet with their neighbors to address our concerns and their proposal. Therefore, no fences have been mended. I have no doubt they will continue to do as they want regardless of any restrictions the county imposes.

I object to the Conditional Use Permit under the current terms. I also object to the 40+ horses they want to keep on 20 acres. This many horses is undoubtedly going to continue the fly infestation we are experiencing.

If the county is inclined to issue the C.U.P. regardless of all of the neighbors objections I would propose 1 horse per acre therefore a total of 20 horses.

It's obvious to all that Lynnette and Jeremy don't care for or about their neighbors.

However, I have been a self employed, small business for nearly 40 years. I encourage hard working people trying to build a business and a better future for themselves and their families. I suggest they change their ways in respect of their neighbors.

Reach out, be real, mend fences where possible and try again.

Randy Craig

North State Landscape

The owners of the property at 2911 Patriot Way in Valley Springs have operated an illegal business named "4 Horse Ranch" for several years. During this time, they have blatantly circumvented the zoning laws of Calaveras County while claiming that they are simply victims of angry neighbors. The truth of the matter is they are simply not zoned to operate a for-profit horse boarding facility and have clearly demonstrated they are not operating as responsible citizens. They show a blithe disregard for Calaveras County and their neighbors. The County has a process for attempting to comply with the county's regulations via a conditional use permit. However, they have repeatedly failed to perform the duties they are required to obtain this permit.

As a business owner, they are not interested in operating a responsible, clean, and humane facility. The amount of flies that swarm the horses and anyone who drives down Patriot Way is a massive health concern. There is literally no shade for the horses. In scorching heat, these animals are left to endure temperatures of 100+ degrees, with no shade! Even the arrangement of the horse stalls is inconsistent with someone trying to do their best to meet the minimum expectation of someone trying to be considerate of others. They own approximately 20 acres of land, yet they installed makeshift and permanent stalls right down the middle of the easement road that splits their property. They have plenty of land to setup their operation away from the road, but they continue to demonstrate choices that are poor, at best. This means that anyone who travels down Patriot Way must drive between the stalls, deal with flies and worry about hitting a horse or, even worse, a pedestrian. The dust that the horses and riders make means you cannot drive or walk on Patriot Way with your windows down. The constant day and night traffic that they produce is not conducive to a Rural Residential neighborhood. As a neighbor, they have tried to paint a picture of themselves as victims.

In reality, it is the neighbors and the horses who are victims. Citizens should not have to worry about their health and safety, simply because 4 Horse Ranch does not want to comply with the Counties repeated request for compliance. There is a pattern here. They continually show utter disregard for the county and their neighbors while blatantly operating an illegal business. Since the last hearing in July, they were ordered by the County Board to not conduct any business on site. From that day until today they have not listened to a word that was said by Calaveras County officials. They tell the County that they will abide by the rules but continue the break them daily. The same thing happened when code enforcement came out to the site.

Another concern of adjoining neighbors is the horse manure that is piled up right in the entrance to the property. We have sat in our back yard and witnessed Jeremy unloading manure at the front gate. If they have 40 horses, is it legal just disposing it in this fashion. The business they want to operate has already been established illegal in the RR zone. Please do not grant them this CUP its only a disaster waiting to happen.

As a citizen, we each have rights and responsibilities that we must live by. They have made it clear they want all the benefits, without responsibilities. I ask that you put an end to this once and for all. Please deny the application for a permit that would allow them to continue to run this unsafe and unsanitary operation any longer.

Thank You, Robert Jackson Address: 3986 Tauna Lane, PO Box 523 Burson, Ca

From: [stacie torre](#)
To: [Madeleine Flandreau](#)
Subject: CUP 2024-013 Negative Declaration Opposition Lefter
Date: Friday, October 11, 2024 3:19:35 PM

CAUTION: This email comes from outside the County. Do not click on links or open attachments unless you recognize the sender and know the content is safe. If you are unsure, use the Phish Alert button.

My name is Stacie Bosch, I currently reside at 3828 Tauna Lane, Burson CA 95225 and write this letter in strong opposition to the Negative Declaration for CUP 2024-013 for Jeremy & Lynette Smith-Covey. Over the past 5 years my husband and I have continued to suffer consequences directly related to &/or caused by Jeremy & Lynette Smith-Covey dba 4 Horse Ranch.

The actions brought forth by these negligent ‘business owners’ not only affect ALL of us as neighbors but affect the innocent animals AND clients, including underprivileged kids associated with this establishment, which include:

1. Loss of homeowners insurance (previously AAA, now Farmers) due in part to being cited for illegal camping/living, washers, dryers, tires and continuous activity from the Smith-Covey Property dba 4 Horse Ranch.
2. Neglectful and deplorable conditions for ALL animals, including upwards of 45-48 horses kept on property at any given time AND cats. Please not minimal to no shelter/coverings available in summer OR winter weather.
3. Significant increase of winter rain runoff due to change in landscape caused by owners of 4 Horse Ranch resulting in our property flooding every year.
4. Horrific fly problem.
5. Constant traffic coming down our dirt road AND personal driveway who when asked inform us they are new clients looking for 4 Horse Ranch.
6. Neighboring property owners being forced to assume liability in the event an accident occurs, someone gets hurt &/or piles up on our property.
7. Neighbors are now fearful to speak up in fear that Lynette &/or those in her crew will make heinous, false accusations which have already been made about my husband and others.

After years of suffering, we are asking that the county please put a stop to this illegal business which is not appropriate, suitable or fitting for the current zoning of Lynette & Jeremy Smith-Covey’s property. Simply put, it’s not OUR fault that the Smith-Coveys didn’t do their research prior to purchasing this land for this pipe dream. For those who have written letters in favor of this business, if you think everything is SOOOO great you are more than welcome to invite the Smith-Coveys AND their 48 horses over to your house that way you and your neighbors can enjoy everything mentioned above firsthand.

Sincerely,
Stacie Bosch

Sent from my iPhone

From: [Stuart Bosch](#)
To: [Madeleine Flandreau](#)
Subject: Opposition of CUP 2024-013
Date: Thursday, October 10, 2024 6:10:44 PM

CAUTION: This email comes from outside the County. Do not click on links or open attachments unless you recognize the sender and know the content is safe. If you are unsure, use the Phish Alert button.

My name is Stuart Bosch and I currently reside at 3828 Tauna Lane, Burson C, 95225. I am writing this letter as a concerned neighbor who is directly affected & strong opposed to proposed CUP for Jeremy & Lynette Smith-Covey dba 4 Horse Ranch.

For the past 4-5 years, as a neighboring property owner next to 2911 Patriot Way, Burson CA 95225, my wife and I have continued to face consequences directly caused/related to these irresponsible, illegal “business owners” claiming to help community, including underprivileged children. A list of these issues include:

- 1) Loss of homeowners insurance (AAA) which was luckily picked up my Farmers.**
- 2) Continued illegal camping in trailer houses AND tents (up to 5 at a time; photos available) in which ‘tenants/renters’ were dumping sewage into a county health condemned septic system.**
- 3) Defaced & changed landscape which now significantly impacts winter rain drainage that now flood our property.**
- 4) Garbage & debris continuously found in our yard.**
- 5) In 15 years of homeownership at this location the fly issues has increasing gotten worse each year, which is a direct result of the continually increasing number of horses and offspring kept by the Smith-Coveys, Alex Ramos and large following.**
- 6) The conditions for these horses at 4 Horse Ranch are deplorable as they live in the open year round with no shade or shelter, even on the hottest or rainiest of days.**
- 7) In addition to the horses, the Smith-Coveys also irresponsibly own dogs & cats, two of which we have personally rescued & taken ownership of. Please note one of these fur babies has a terminal, complicated health history and currently costs us roughly \$5K a year which we currently pay as we are huge animal lovers ourselves who couldn’t watch this poor baby suffer because of there pure ignorance and care.**
- 8) The negligence we have seen and lived first hand also makes us concerned about the long term health care of their horses, as they are innocent victims in this entire situation much as all neighbors are. (Annual cost roughly \$3800 per horse, which would be roughly \$150K a year for property maintenance and care).**
- 9) In addition to being concerned about these animals, we are extremely concerned about the overall welfare & safety of these underprivileged children &/or clients period. Over the course of the past 5 years, up until recently very few were seen w/safety helmets**

and/or equipment.

10) As a neighboring property owner we are VERY concerned about any/all future liabilities we might incur IF the county were to approve this CUP. When speaking to a County Senior Planner about this specific issue, it was casually mentioned that this would be a civil matter “we would have to deal with.”

In an attempt to keep this letter (relatively) short and to the point, I think this is a perfect place to stop as it PERFECTLY sums up this entire proposals. We ask that the county please put a stop to this madness once and for all, so we go back to living the peaceful, quiet, enjoyable County life we once enjoyed prior to this illegal operation coning in and disrupting our lives.

Sent from my iPhone

September 27, 2024

To whom it may concern,

This has been going on for too many years. They block the roads which makes it impossible to get in or out of my property. The horses cause too much horse pop that they do not clean up!! We have to drive thru this. Not to mention all the flies that 40+ horses cause. There's no reason to have that many horses on 20 acres.

Also the water that they waste with 3-4 wells on their property, they will run the sprinklers ALL DAY LONG!!! 24/7.

All they are doing is producing more weeds. If they continue to waste as much water as they are, it's going to effect all the neighbors because we're all on wells here.

Are there not regulations forbidding this senseless waste of water??

I'm voting to NOT grant the C.U.P.

Thank you

Vern Hall

A handwritten signature in cursive script that reads "Vern Hall". The signature is written in dark ink and is positioned to the right of the printed name "Vern Hall".

To Whom It May Concern,

I have known Lanette, since I join the community of Calaveras County 3 years ago. I have watched the positive impact that she and 4-Horse Ranch does to all that become part of its community. A place brings children of all ages and walks of path together; embrace each other while enjoying the loves of animals.

I have also witness to how her ranch helps children gather useful life skills and get educated in caring and tending to horses. I have heard stories of many of how they have establish their community through 4-Horse ranch and impact that community has made in their lives in a positive manner. I have seen the environment and the change that it causes in behavior in all children from allowing them to understand responsibility to being able to express themselves in a different level. In addition to allowing, they heal through those connections they gather with the horse they attract too.

I have focus most of my adult life in working with children and know firsthand the importance of having a safe environment where children can just be. In a community, like ours 4-Horse ranch is one of the few close areas where my children can go. They meet new people and work with animals and projects that may occur at the ranch.

The only thing that I would change is safe driving through the ranch. Currently there is a signs in attempts that all driver remember that there are little ones around. One constant neighbor continuously drives in a dangers manner for the safety of the children.

4-Horse ranch should be recognize for all its hard work it has done for the youth.



Alejandra Garcia

510-457-5206

Jeannine Pagnotta
3175 Yolo Court
Ione, CA 95640

March 13, 2024

To whom it may concern,

I have heard that there are concerns with 4 Horse Ranch in Valley Springs, California and I'm writing to share my experiences with you to help alleviate some concerns.

I'll share some background information first. My daughter, Kyran who is now 15 years old suffers from severe anxiety. She has missed many days of school and struggles with her grades. She has been going to therapy since she was about 7 years old. She even attended a two-month intense outpatient program at Yale University when we were living in Connecticut. Therapy has helped her learn skills to manage her anxiety.

Kyran began horseback riding when she was about 8 years old. We were living in Connecticut, and she rode every week until we moved to California when she was 13. Being around horses and learning to ride has been the best therapy for my daughter. Horses are calming to her, and riding gives her a challenge that she pushes through and feels successful after every lesson.

Kyran started riding at 4 Horse Ranch when she was 13. Jeremy Smith-Covey is a co-worker of mine and when I learned that he has a horse ranch, I signed my daughter up. Kyran was riding weekly, and we became close with Jeremy and his wife, Lynette. They are both so caring and considerate. When I learned that they've had many foster children, I was not surprised. They love helping others and taking teenage kids into their home is something they enjoy.

The access to 4 Horse Ranch is a little tricky. The first time I brought Kyran there I was confused about where to go. The dirt road looks like a driveway and so I took it slow. There is plenty of room to park on either side of the road. 4 Horse Ranch has horses on both sides and people often must cross the road with horses. I have seen cars speeding up the road and beeping their horn at the students crossing with their horse. As I mentioned, this is a dirt road and cars should be driving more slowly than on a paved road.

The actions of these drivers as they pass 4 Horse Ranch is frustrating and disappointing. Kids are there to learn how to treat horses and how to care for them and ride them. This behavior scares both the students and the horses which causes a dangerous situation for both.

Jeremy and Lynette work non-stop to take care of their ranch. Jeremy does much of the maintenance while Lynette works closely with the horses. The horses are well fed, have grass to graze, and water in every pen. Jeremy and Lynette have created a community with their riders. They do events frequently such as Gincana, summer camp at the lake, movie night on the lawn, the Valley Springs parade, Halloween activities, and so many more.

Jeremy and Lynette have dedicated their lives to taking care of these horses and the kids that love to ride them. I would see it as a great privilege to be one of their neighbors and was disheartened to hear of the concerns.

I would be glad to discuss this further if you have any questions.

Sincerely,

Ted or Todd

Jeannine Pagnotta
203-460-2988

To Whom It May Concern,

I am a neighbor of 4Horse Ranch. This Ranch is a great place. I would like to show my support of 4Horse Ranch as a prevention program and Equine facility in our county.

We love this program and support their efforts to get a Conditional Use Permit.

Navy Phal . Navy Phal

(209) 715-9916.

New neighbor immediatly off highway,
Very sweet people.

To Whom It May Concern,

I am a neighbor of 4Horse Ranch. Located at 2911 Patriot way. This Ranch is a great place. I would like to show my support of 4Horse Ranch as a prevention program and Equine facility in our county.

We love this program and support their efforts to get a Conditional Use Permit.

K Federico Lopez Lagre

4472 Fawn Lane Wilson

209-256-65-60

To whom it may concern,

We have been neighbors with 4 Horse ranch since we moved to Burson in 2020. A beautiful, peaceful, animal loving neighborhood in which we plan to raise our children here for several years.

It's become aware to us about the facility needing a conditional use permit. And we are writing this letter in hopes to enlighten the county about all the incredible things 4Horse Ranch stands for.

Nothing but kind, loving people who care tremendously for their animals and the people who visit the ranch. It's clear as day, from the view off our porch that laughter and love circulates the air at their ranch.

We love living here and being surrounded by people who share the same love for animals and outdoors like us.

Thank you for your time. We hope to have happy neighbors for many years to come.

Amber Amerson & Wyatt Pesonen



Thursday, February 22, 2024
3715 Davis Dr, Burson CA

RECEIVED

FEB 28 2024

Calaveras County
Planning Department

To Whom It May Concern,

I am a neighbor of 4Horse Ranch. Located at 2911 Patriot way. This Ranch is a great place. I would like to show my support of 4Horse Ranch as a prevention program and Equine facility in our county.

We love this program and support their efforts to get a Conditional Use Permit.

Jesús Corona - (209) 486-1373
Jordy Corona - (209) 640-3656

* We own the land on patriot way

RECEIVED

FEB 28 2024

Calaveras County
Planning Department

To Whom it may concern,

My name is Sarah Petty. You may know me as Sarah Davis. That recently changed. I have been a Valley Springs resident half my life.

I was in the foster system. I was adopted by two men that did not deserve to adopt kids. My brother and I ran away and eventually was taken in by my best friend at the time and her family. This turned into foster placement. The family lived next door to 4 Horse Ranch at 2720 W Hwy 12. I became good friends with Troy Smith Covey and quickly saw him as a brother. I got to know Lynette and Jeremy through volunteering on the Ranch.

The Ranch quickly became where I would go to get away. I was prohibited from riding the horses by my adoptive parents. But Lynette found things I could do anyway. I would help Jeremy or Troy on projects around the ranch. I learned how to quick repair fence. I learned basic tools. I learned how to start a horses ground work and how to do basic rehab work.

I now earn a nice little side income doing ranch sitting all over calaveras. I also am employed in a business in San Andreas due to my connections with the Smith Covey family. I might have made these same connections without them. But, it wouldn't have come as easy.

The Smith Coveys loved me. They loved me unconditionally. My involvement in the ranch did not come with any financial benefit to them. I was the one who benefitted in every way. Not just the skills I learned and the time spent that kept me out of trouble but also when my son was born they sold the horse I had helped train. They handed me an envelope full of \$20 bills it totaled \$600 and they said it was to help me with my baby. When I needed housing and almost went homeless it was their connections that finally landed me my own place.

This program prevented me from becoming a statistic. If they need a CUP to help more people the way they helped me then you need to give it to them.

Sincerely,

Sarah Petty



02-15-2024

To Whom it may concern,

My name is Xia. I am a resident of Calaveras County. I am married and have 3 beautiful girls. I am a dog groomer in Valley Springs and I run a business of my own grooming dogs in the bay area. I go to the bay for 2-3 days and return to my house and family. I also work part time as a volunteer at 4 Horse ranch.

There was a time that nobody would have believed I would ever be able to be all the things that I mentioned above. I was a teen when I met Lynette and Jeremy Smith-Covey. They were not 4 Horse Ranch yet. They were some new friends of my Dad and Step Moms.

My Dad gave me a horse because he heard it would be good for a teen to have a horse. He did no research. No shopping. No training and no lessons. Just literally gave me a free horse and said. "It's the only one you get."

I was determined to ride that horse! It would not have gone well if God did not send Lynette and Jeremy and Troy across our path. They spent a year with me and my family. They trained me to train my own horse. I went from a horse that only had 2 rides on her and neither were successful in October to our first Gymkana in April to the show of Champions at the one year mark in October. I was the only one that rode my horse and I did not ride any other horse to learn before I rode that horse. That's crazy to me knowing all I know now, But, Back then I was determined! It's a testimony to the horsemanship of the Smith-Coveys I'm still alive!

When you know Lynette and want to describe her to someone else we often call her a pitbull. After a while I understood that was because of the places and situations she was often sent into to pull someone out. We warn the younger kids that she will sniff you out like a blue nose pit.

That year made a huge difference in the course of my life, my sisters life, and my brothers life. During the year Jeremy and Lynette endured undeserved rumors, gossip, and exclusion. But, it never bothered them. At least not that us kids could tell. Mud could be slung at them but they remained calm and clean. I loved watching that. I was drawn to it. After awhile I felt that Lynette was not just some nice sweet crazy lady. But I started to see her as a warrior.

The Smith-Covey family moved here to Valley Springs in 2015 and I ran away and followed them!!!

Boy was my Dad pissed! But, a miracle happened and he allowed me to stay. I felt like a great weight was lifted. The next year was one of the hardest of my life. I learned so much

and did so much work on myself. The 3 biggest things though were 1 I spent the year and got clean and sober. Not because anyone told me I had to but, because I chose to.

2 I graduated High school! Special thanks to Mr Banos at Gold strike high school for that one! Going into my senior year I had 30 Credits. I needed 220 to graduate but thanks to the program at gold strike I only needed 180. Mr Banos helped me accomplish this and I graduated on time! Calavares is extra special because the teachers here actually care about the students. This was part of what made me successful in my life journey.

3 I gave my life to Jesus. I am still figuring this part out. But again. Noone said I had to. I came to this life changing decision on my own.

The Xia that my kids know and love and this community knows is not the same person I was in the bay area.

I learned the skills I use now to be a good wife to be a good Mom and to run my own business by being included in the Smith-Covey family and helping found 4Horse Ranch!!

The office at my kids school and my boss in Valley Springs describe me as a pitbull. Partly I was already that way but, partly, I learned that from Lynette and I love it! I learned customer service helping with the ranch. I learned a work ethic helping work the ranch.

When they say they have been doing Foster care outside the system I am proof. When they say they are a prevention program I am also the proof.

I urge you give them the CUP permit so they can pursue the things they do best. You want to know if their program works? Well, I guess I am the proof!

The fact you know me as a wife, Mother, employee, Business owner, and Volunteer instead of the things I was headed for are proof.

There are currently girls in their care that need to learn the things I learned. Without the CUP they will still be on the property. They will still have a home but, what makes this program really work are also the things that you will be permitting.

Thank You for reading.

Sincerely Xia Duffy,



RECEIVED

FEB 28 2024

Calaveras County
Planning Department

January 24, 2024

To whom it may concern:

I am writing this in support of Lynette and Jeremy Covey-Smith of 4horse Ranch. Presently, I am a CASA, Court Appointed Special Advocate, for San Joaquin County. I work with a Foster Child that is living with the Covey-Smith family. I was asked, before this placement, what my perfect placement would be for her, and it was to be with animals. Especially horses.

I have had the opportunity to volunteer at a therapeutic riding facility in San Diego. REINS Therapeutic of Fallbrook CA. Our clients ranged in age from 6 months to Soldiers returning from deployment. Emotional, illness jury and the loss of limbs. Our younger clients had various physical needs with a strong need for emotional support. Emotional needs because of abuse, sexual, physical and emotional trauma. Watching a child heal because of the gentleness and total acceptance of a horse.

I have shared with special needs children and adults the simple act of "being" with animals. Listened to conversations happening with a horse when it's difficult having this interaction with a human. The responsibility of caring for the needs of their horses after time spent is also an additional bonus and a win win.

There are so few non-medical outlets available for people with special needs. This is a special and non-pharmaceutical treatment plan that instills confidence, apathy, hope and calm to children and adults.

Please feel free to contact me if you have any questions or concerns.

Kelly Graboyes Hughes

6853 Atlanta Circle

Stockton, Ca 95219

209-518-2157

kellykabeary@gmail.com



RECEIVED

FEB 28 2024

Calaveras County
Planning Department

From: [Luis Rosales](#)
To: [Madeleine Flandreau](#)
Cc: Coveynotes@yahoo.com
Subject: Cup
Date: Sunday, November 3, 2024 2:31:46 PM

CAUTION: This email comes from outside the County. Do not click on links or open attachments unless you recognize the sender and know the content is safe. If you are unsure, use the Phish Alert button.

Hi my name is Luis and Myrna Rosales we share a fence line with the owners of Four Horse ranch and we vote yes on cup and have no issues or complaints on our behalf thank you for questions you can call us at (208) 298-5405 please leave a message and we'll contact you.
Sent from my iPhone

From: [pirusk4](#)
To: [Madeleine Flandreau](#)
Cc: [Lynette Smith-Covey](#)
Subject: 4 Horse Ranch
Date: Thursday, September 26, 2024 8:23:46 PM

CAUTION: This email comes from outside the County. Do not click on links or open attachments unless you recognize the sender and know the content is safe. If you are unsure, use the Phish Alert button.

My name is Paula Rusk and I am in charge of the Awana Carnival that takes place at Good Samaritan Church in Valley Springs every year. Our carnival attracts close to 2,000 people from our community with the opportunity to spend the day as a family enjoying free foods, games, inflatables, prizes, and more.

I'm asking for you to please grant 4 Horse Ranch the necessary conditional use permit to continue what they do for us as well as the community. They are very generous and have brought horses to give horse rides to the kids in our community free of charge. They involve their students teaching them the importance of volunteering in the community for the 4 hours of the carnival plus setup and cleanup. They have done this every year for many, many years. The community loves it so much that the first question always get asked is if we will have horse rides. The people who run it are all so kind and loving that everyone is drawn to that part of the carnival it just would never be the same without them. They do this without charging us anything.



So I ask please grant this permit to them.
The community needs them!!

Thank you
Paula Rusk
209-600-1384 .

Sent from my Verizon, Samsung Galaxy smartphone

Our goal is to bring to the board of supervisors attention that 4Horse Ranch is a huge asset to our small town. We represent Agriculture Tourism, which means seeing what a working horse ranch is and what it's like to breed/train/care for animals, especially horses.

4Horse Ranch must obtain a permit to grow our program into its full potential. Sign to show your support!

Name	Address	Phone #
Valerie Suter	1330 Calaveritas Rd S #37 Andrews, CA	
DAVID WOODRUFF	238 5 th ANDREWS RD V.S 95252	559 760-1247
Mike Bellini	8267 Hospital Rd Valley Springs	925-759-1790
Henry K Hurlburt	7505 Baldwin St V.S 95252	
Brenda Alosino	3690 Farris Dr. V.S. 95252	(209) 482-4611
Denege Rasmussen	5481 Baldwin St V.S 95252	(408) 240-6487
Robert Anderson	9131 Montero Rd Valley Springs, CA 95252	(409) 625-7650
	228 Cedar St Valley Springs 916-477-5355	
	588 Siegel St Valley St 95252	
Julie Hall	2889 Dunn Rd Valley Springs Ca 9525	

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4Horse Ranch must obtain a permit to grow our program into its full potential. Sign to show your support!

Name	Address	phone number
Katie Fernandez	7175 Baldwin St	209 855 1420
Jim Faust	3634 Pardee Ct VS, CA 95252	408 836-9113
Elizabeth Faust	3634 PARDEE CT VS, CA 95252	408-836-9114
Robyn Madrid	6464 Bergsma VS.	209 607-9776
Tim WADE	3565 Silver Rapid	205 772-1210
Kim Roney	39 Calbani VS CA 95252	951-536- 9210
Rodney Goodin	8311 McAtce	925 408 5143
Melissa Cochran	6410 Da Lee Rd Valley Springs	209 418 5866

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4Horse Ranch must obtain a permit to grow our program into its full potential. Sign to show your support!

Keene Kuepp 188 Gold Creek Dr.
Valley Springs, CA 209.568.9474
95252

Teresa J. Farrell 7488 Westhill
James H. Farrell Valley Springs, CA (209)603-
95252 5519

Tatum Tapia 5639 Silver Saddle Drive, Hathaway Pines, CA 4713 209-770-

Kelly Powers 8694 Warren Rd
Valley Springs 209 589 1400
95252

Masyn Vaughn 5799 Amos Ln. 209-992-0422
Valley Springs, CA, 95252

Risa Broley 5799 Amos Ln
Valley Springs CA 95252 209-992-
9923

Debra Curry Valley Springs 209-327-4690
95252

Gene Curry 4088 Pacific Rd 916-712-8161

Rebekah Arlt 4131 Torenno Way
Valley Springs CA
95252

Our goal is to bring to the board of supervisors attention that 4Horse Ranch is a huge asset to our small town. We represent Agriculture Tourism, which means seeing what a working horse ranch is and what it's like to breed/train/care for animals, especially horses.

4Horse Ranch must obtain a permit to grow our program into its full potential. Sign to show your support!

<u>Name</u>	<u>Address</u>	<u>Phone #</u>
Joy Burns	2056 Palma Rd V.S.	209-254-9721
Magdalena Stanton	6135 Barryhill Ln VS	209 217 6459
Nancy Jackson	7008 Petross St Wallace Ca	PO-Box 472 (209) 663-8887

To Whom it may concern,

I am providing my name, Address, and phone number to show my support of 4Horse Ranch as a prevention program and Equine facility in our county. We love this program and support their efforts to get a Conditional Use Permit.

~~Dustin~~ Dustin Wertz 13020 HWY 26

gencede CA 95232 209-268-6024

Deb Taylor

209-419-3322

8577 Pardini Pl
Valley Springs,

the Dairy.

DAN MIRANDA

510-932-4424
~~209~~

Christine Lewkowicz (650) 290-4067 4186
Brooks Rd
95252

Paul King

(209) 584-4166

39 California St.
Valley Springs CA

To Whom it may concern,

I am providing my name, Address, and phone number to show my support of 4Horse Ranch as a prevention program and Equine facility in our county. We love this program and support their efforts to get a Conditional Use Permit.

Britjo 9795 indian creek rd, Valley Springs
(408) 648-5713 95252

Ernt L Haul 272 CEDER VALLEY
209-822-8984 SPRING
95252

Attachment 4-

Final Initial Study and Mitigated Negative
Declaration with Comments and Responses



County of Calaveras Department of Planning

Bret Sampson ~ Planning Director
Phone (209) 754-6394 Fax (209) 754-6540
www.planning.calaverasgov.us

Initial Study / Mitigated Negative Declaration
Review Period: January 3, 2025, through February 3, 2025

Initial Study ENVIRONMENTAL CHECKLIST

For: Jeremy and Lynette Smith-Covey dba 4 Horse Ranch
Conditional Use Permit 2024-013
Assessor's Parcel Nos. 048-009-052

1. Project Title: 2024-013 – Conditional Use Permit for Jeremy and Lynette Smith-Covey dba 4 Horse Ranch
2. Lead Agency Name and Address: Calaveras County Planning Department
891 Mountain Ranch Road
San Andreas, CA 95249
3. Contact Person and Phone Number: Madeleine Flandreau, Planner III, (209) 754-6394
4. Project Location: 2911 Patriot Way, Burson, CA, APN 048-009-052 in a portion of Section 21, T04N, R10E, MDM
5. Project Sponsor's Name and Address: Jeremy and Lynette Smith-Covey dba 4 Horse Ranch
2911 Patriot Way
Burson, CA 95252
6. General Plan Designation: Working Lands
7. Zoning: Rural Residential (RR)
8. Project Description: The applicant is requesting approval of a Conditional Use Permit (CUP) to permit a previously existing unpermitted private equestrian facility for up to 40 horses on a Rural Residential parcel. The facility is a registered nonprofit for equine education and therapy sessions for at risk youth and will be operated by the landowners and 1-6 volunteers/employees and will only be available for their private invited clients or guests, and not open to the general public. The facility proposes up to four lessons per day in husbandry, training, preparation for off-site riding, and roping clinics for at-risk youth. Approximately two to five teenaged clients will be on site daily, with adult volunteers/employees acting as chaperones. The applicant is also proposing to hold up to three birthday parties per year for up to 25 people. The horses are kept in paddocks with moveable fencing for periodic rotations. No development is proposed at this time.
9. Project Background: Multiple comment letters were submitted from the surrounding landowners, but largely in response to an appeal of an enforcement action in front of the Planning Commission (sitting as the Administrative Hearing Board) instead of in response to the request for the CUP. Comments were submitted both in opposition to and in favor of the operation. Neighbor complaints in opposition included concerns about flies, lack of appropriate care for horses, dust, vehicles frequently blocking the access easement due to lessons and events, and an inappropriate number of horses on-site. Several comment letters were also received in support of the operation, stating that 4 Horse Ranch provided a beneficial use to the community, providing trail riding and horse husbandry lessons for at-risk youth. The comments are mentioned here because several neighbors expressed confusion about comments made in response to the enforcement action not being treated as comments for purposes of the CUP application.

10. Surrounding land uses and setting:

The subject parcel is an approximately 20-acre lot which is accessed via Patriot Way, a private road accessed by State Route 12. The subject parcel contains a single-family residence and several storage sheds. There are also several fenced horse pastures, and one larger arena. Patriot Way is a 25-foot-wide private road and public utility easement which runs through the center of the lot to access two adjacent parcels to the north. Patriot Way is an unpaved gravel road and no additional frontage improvements or offers of dedication are required as part of this application. There is also a 50-foot-wide roadway easement along the southern property boundary that is dedicated access to the two parcels to the east. An unpaved parking area is located near the entrance to the parcel adjacent to the easement.

Location	General Plan Designation	Zoning	Land Use
North	Working Lands	Rural Residential (RR) General Agriculture (A1)	Residential
South	Rural Transition B, Commercial	General Agriculture (A1) Rural Residential (RR) General Commercial (C2)	Residential, Commercial
East	Working Lands	Rural Residential (RR)	Residential
West	Rural Residential	Rural Residential (RR)	Residential

11. Other public agencies whose approval is required: Calaveras Consolidated Fire Protection District; Calaveras County Environmental Management Agency; Calaveras County Public Works Department; Caltrans.

12. Have California Native American Tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code §21080.3.1? **NO**

If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.? **NO**

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION (To be completed by Lead Agency):

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment and a **NEGATIVE DECLARATION** will be prepared.
- I find that, although the original scope of the proposed project **COULD** have had a potentially significant effect on the environment, there **WILL NOT** be a significant effect because revisions/mitigations to the project have been made by or agreed to by the applicant. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a potentially significant effect on the environment and an **ENVIRONMENTAL IMPACT REPORT** or its functional equivalent will be prepared.
- I find that the proposed project **MAY** have a potentially significant impact on the environment. However, at least one impact has been adequately analyzed in an earlier document, pursuant to applicable legal standards, and has been addressed by mitigation measures based on the earlier analysis, as described in the report's attachments. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the impacts not sufficiently addressed in previous documents.
- I find that, although the proposed project could have had a significant effect on the environment, because all potentially significant effects have been adequately analyzed in an earlier EIR or Negative Declaration, pursuant to applicable standards, and have been avoided or mitigated, pursuant to an earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, all impacts have been avoided or mitigated to a less-than-significant level and no further action is required.

Madeleine Flandreau

Madeleine Flandreau
Project Planner

12/23/2024

Date

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance

Environmental Impact Analysis:

The applicants, Jeremy and Lynette Smith-Covey, own and operate 4 Horse Ranch on their approximately 20-acre residential property at 2911 Patriot Way, Burson (subject parcel). The applicants are requesting approval of a Conditional Use Permit (CUP) to permit a previously existing unpermitted private equestrian facility for up to 40 horses. No expansion of the pre-existing use is being proposed. The subject parcel has a General Plan land use designation of Working Lands and is zoned Rural Residential (RR). The RR zone is intended to provide lands for personal ranches in which residential use is the primary land use. The RR zone is established to permit small-scale farming primarily for personal use and not as the primary use for the property.

Only a “personal equestrian facility” is permitted by right in the RR zone*. County Code section 17.06.0785 provides that a “personal equestrian facility” means a facility that is used by the residents (owner/occupant) of the property for the raising, quartering, pasturing, training in riding of personal equines. Types of facilities would include barns, corrals, arenas, and paddocks. Personal equestrian facilities are intended for the personal enjoyment of the owner/occupant of the property and guests and not as a business or income source.” In the RR zone, the applicants are also allowed to breed their personal horses and sell the foal as an “agricultural operation.”

The applicants’ business uses on the subject parcel exceed a “personal equestrian facility” and include business uses that require a CUP because they constitute either an “equestrian facility, public or private” as defined in County Code. A "Private equestrian facility" means an equine facility, barn or stable that is used in part for and by the residents (owner/occupant) of the property and their private invited clients or guests for the purpose of raising, boarding, breeding, training, and riding, including lessons, education, and clinics. These activities may be undertaken for equines not owned by the resident of the property and such services are limited to invited (i.e., with reservations) guests/clients as a business or income source.” A "Public equestrian facility" means a facility that leases space for equines, and/or provides equestrian services to the general public/drop-in clients, such as trail rides and guided outfitter services. Types of public equestrian facilities may include, but are not limited to, public boarding stables, barns, public riding arenas, and may include facilities to accommodate events such as horse shows, expositions, and other exhibitions offered to the general public.”

The proposed uses requiring a CUP include horse husbandry lessons, training, roping clinics for at-risk youth, utilizing the subject parcel for guests to interact with horses before off-site trail rides, and hosting and charging for private birthday parties. Birthday parties constitute a special event and also require a CUP. The purpose of a CUP is to provide the general public with an opportunity to review a proposed land use that is generally consistent with the purpose of a base zoning district but has the potential to cause conflicts with neighboring land uses and zoning. The CUP is a discretionary permit, reviewed by the Planning Commission, which can approve a CUP by making the findings in Section 17.82.020 in the Calaveras County Code.

California’s Minimum Standards of Horse Care (February 2023) is referenced by Calaveras County Animal Services when determining proper care of equines including space requirements, nutrition, and husbandry. The County Code does not put a specific limit on the number of horses for a private/public

equestrian facility. Referencing the State’s Standards, Animal Services stated that the subject 20-acre parcel could accommodate up to 40 horses.

*This application was deemed complete under the previous Zoning Code and is being processed according to those standards.

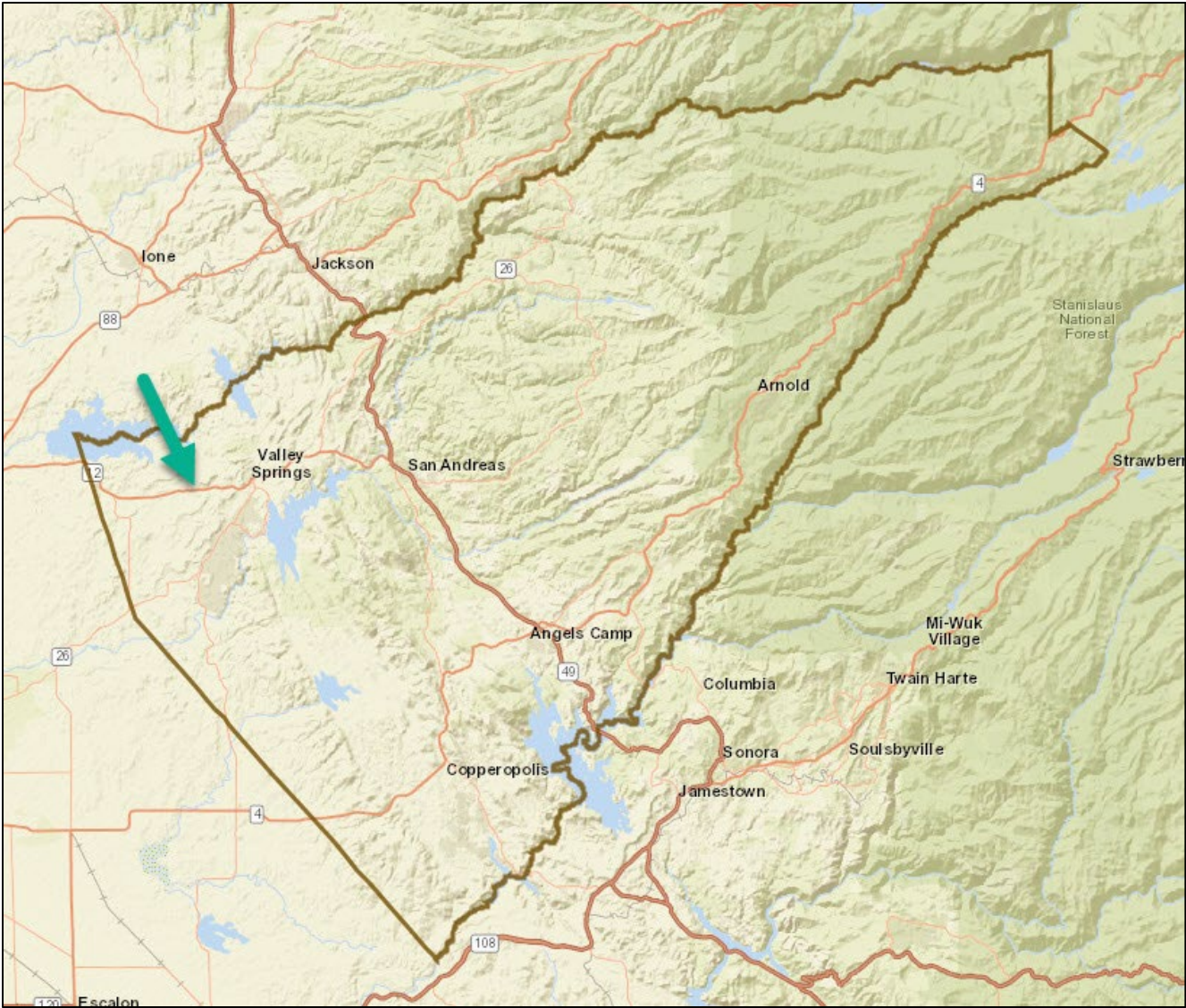


Figure 1- Location Map

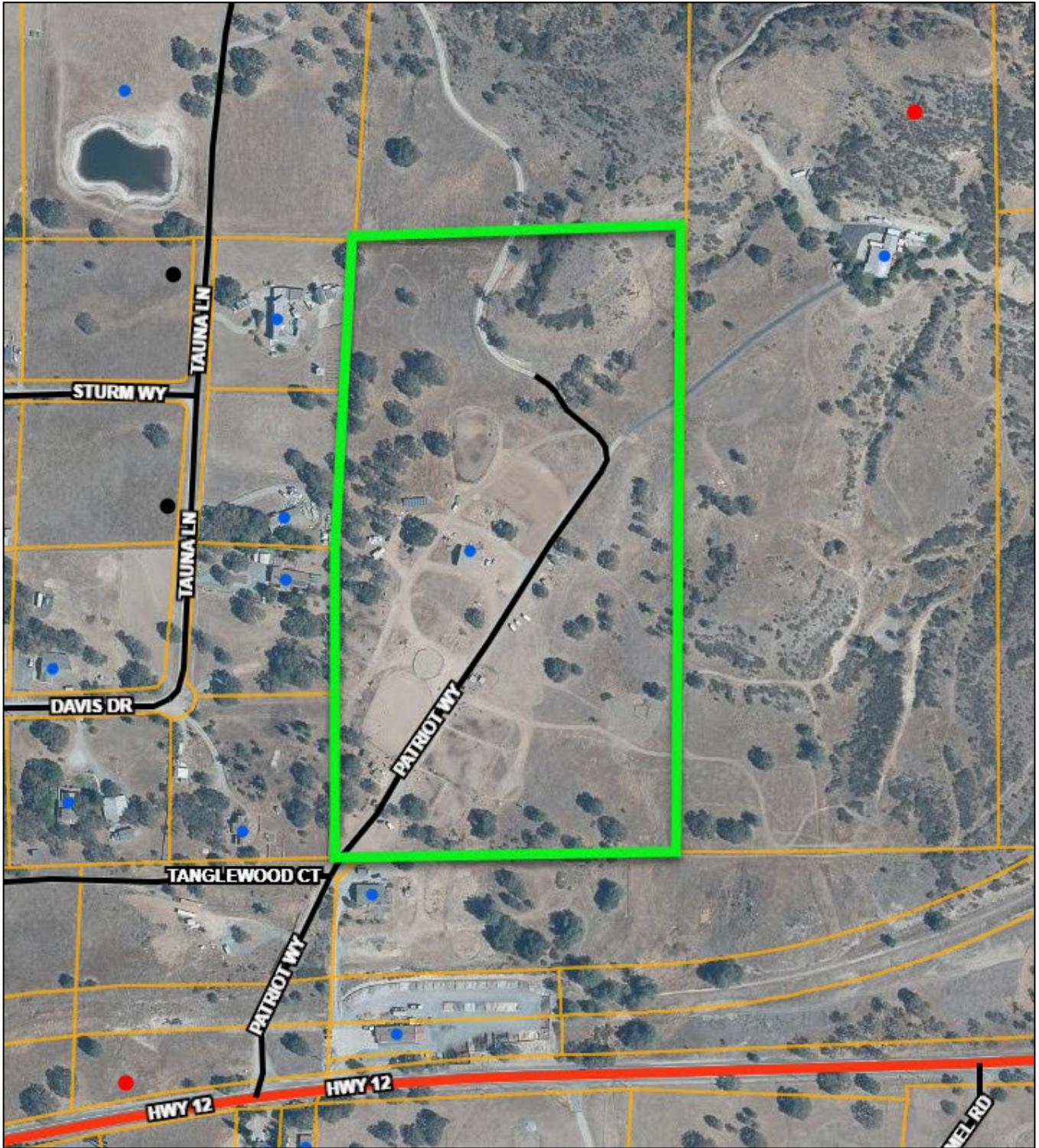


Figure 2- Aerial Photo (Parcel boundary lines shown in green do not reflect the actual location)



Figure 4- View of arena looking north toward the residence



Figure 5- View looking northeast at horse paddocks



Figure 6- View looking north along easement



Figure 7- view looking south at the parking area with trailer

I. AESTHETICS

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Except as provided in Public Resources Code §21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) **No Impact** – A scenic vista is an area that is designated, signed, and accessible to the public for the express purposes of viewing and sightseeing. The County General Plan’s Conservation and Open Space Element notes that the County’s scenic resources are some of its most valued assets and include forests, rolling hills, ranches, agricultural land, historic landscapes, oak woodlands, rock formations and other unique topographical features, river corridors, lakes, and streams. The Project site is located in a rural residential area within the community of Burson, near the intersection of State Route 12 and Burson Road which contains commercial businesses. The Project site is approximately 20 acres in size and developed with a single-family residence, a few small sheds, fenced paddocks, and a small arena. The surrounding parcels are also developed with residences. The parcel contains sparse oak trees and shrubs and is primarily pasture. This area of the county is not designated as a scenic vista by the County General Plan, nor does it contain any unique or distinguishing features that would qualify the site for designation as a scenic vista. As the Project would not include any physical changes to the Project site or the surrounding area, no impact to scenic vistas would occur.

b) **No Impact** – The Project site is not located within view of a state scenic highway. The nearest officially designated State Scenic Highway is the portion of State Route 4 (SR 4) known as Ebbetts Pass National Scenic Byway, located approximately 30 miles east of the Project site (Caltrans, 2022). The nearest Eligible State Scenic Highway is State Route 49 (SR 49), located approximately 10 miles east of the Project site (Caltrans, 2022). As the Project site is not visible from any state scenic highways, no impact would occur to scenic resources within a State Scenic Highway.

- c) **No Impact** – As described under response (a), above, the proposed Project would permit a previously existing unpermitted private equestrian facility and would not include any development or physical changes to the subject parcel or the surrounding area. The subject parcel is located in a non-urbanized area, and is primarily rural-residential, with larger agricultural parcels adjacent to a small subdivision. Moreover, because the interior of the property is largely screened from public view, and the fact that the parcel is already developed as an equestrian facility and no further development is proposed, any impact of scenic resources would be minimal. In addition, the site does not contain any unique visual features that would be adversely affected by the Project. Therefore, there would be no impact on the existing visual character of the subject parcel and the surrounding area.
- d) **No Impact** – All new lighting will adhere to Calaveras County Code 17.36.060(C) which states that exterior lighting shall be shielded and directed in such a manner that it does not shine directly into adjoining residences. No development is proposed with this application, however; with the adherence to outdoor lighting regulations at the time of future development, the proposed Project would not create new sources of substantial lighting or glare that would generate a significant impact.

II. AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?
- d) Result in the loss of forest land or conversion of forest land to non-forest use?
- e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

a-e) **No Impact** – The California Department of Conservation Farmland Mapping and Monitoring Program has published map data for Calaveras as of 2020. The California Important Farmland Finder tool was used to identify land surrounding the subject parcel. This land is categorized as “Grazing Land”, defined as “Land on which the existing vegetation is suited to the grazing of livestock. This category is used only in California and was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities”. This indicates this area including the subject parcel, is not a prime farmland, unique farmland, or farmland of Statewide importance.

According to the County General Plan, the proposed Project is not located on land classified as high capability agriculture. The applicants have a small-scale agricultural operation on-site which includes bee-keeping, goats, and sale of a few foals per year. No prime farmland will be converted as a result of this Project. The subject parcel is not restricted by a Williamson Act contract. Grazing The County’s General Plan and Zoning Ordinance does not consider the project site to be high capability timberland or a timber production zone, therefore, the proposed project would not result in loss or conversion of forest land to a non-forest use. The proposed Project is consistent with the County’s Zoning Ordinance, and the use defined under Chapter 17.22 of the Zoning Ordinance (2013). Thus, the proposed Project will not result in a conversion of farmland or forest land. In addition, no trees are proposed to be removed as part of this project. Therefore, no impact will occur.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:

- | | <u>POTENTIALLY
SIGNIFICANT
IMPACT</u> | <u>LESS THAN
SIGNIFICANT
IMPACT WITH
MITIGATION</u> | <u>LESS THAN
SIGNIFICANT
IMPACT</u> | <u>NO IMPACT</u> |
|---|---|---|---|--------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

- b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?
- c) Expose sensitive receptors to substantial pollutant concentrations?
- d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

a-b) **Less Than Significant Impact** – The proposed Project is located in the Mountain Counties Air Basin (MCAB) and is under the jurisdiction of the Calaveras County Air Pollution Control District (CCAPCD). CCAPCD manages the County’s air quality through education and enforcement of CCAPCD rules and California Air Resources Board (CARB) measures and regulations. Although the County has experienced relatively good air quality, it has been classified as a non-attainment area for the State and Federal ozone standards (1-hour and 8-hour) and particulate matter standards (PM₁₀). The primary source of ozone precursors (i.e., ROG and NOx) is mobile sources, including cars, trucks, buses, construction equipment, and agricultural equipment. Common sources of particulate matter pollution in the County include residential, development, and land management related activities such as woodstoves, windblown dust and/or diesel from construction activities, and forestry management burning. According to the County’s General Plan EIR, the nonattainment status of the County is predominantly attributable to the migration of pollutants from the Central Valley and the Bay Area into the County.

The Project proposes to operate a private equestrian facility which will hold lessons in husbandry 4 days per week. No physical changes or ground-disturbing activities are proposed so there would not be any temporary construction emissions. Project operations would however result in new sources of air pollutant emissions from vehicles as clients attend lessons, etc. Daily vehicle trips are expected to be from approximately 2-5 teenaged volunteers who will be on site, with 1-6 adult volunteers/employees acting as chaperones. However, this number of daily trips for the Project operations is not substantial enough to create emissions that would violate applicable air quality standards or substantially contribute to an existing or projected air quality violation.

The Project is consistent with the General Plan land use designation for the site and would not result in increased impacts associated with air quality. The Project would be subject to the applicable CCAPCD rules and regulations in addition to the General Plan policies and actions that aim to improve air quality and minimize pollutant concentrations. Therefore, the Project would have a less than significant impact related to the potential to conflict with or obstruct implementation of the applicable air quality plan, or to result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard.

- c) **Less Than Significant Impact** – Sensitive receptors are those individuals within the population that have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptors include children, the elderly, and those with pre-existing serious health problems affected by air

quality, and sensitive receptor locations include schools, parks and playgrounds, day care center, nursing homes, hospitals, and residences. The applicant shall be required to comply with Section 6.10.110 (Nuisance) of the County Code, which considers excessive dust a nuisance. The proposed project does not entail the use of environmental contaminants that would expose sensitive receptors to substantial pollutant concentrations and therefore a less than significant impact is expected.

- d) **Less than Significant with Mitigation** - There are four residential parcels located adjacent and to the west of the proposed project, the closest residence being located approximately 100 feet to the west from the nearest paddock area. The majority of the parcels in the vicinity (to the north, south, and east) are significant in size and allow for space between residential structures which reduces the effects of odor emissions. Equestrian-related odors (e.g.: manure) and other agricultural uses are anticipated to originate from the site that some find objectionable, including surrounding residences

Subsequently, a preliminary Animal Waste Management Plan was prepared for the proposed project that identifies best management practices to address potential odor impacts. The preliminary Waste Management Plan specifies waste collection techniques, storage and pick-up procedures as well as pest control measures and equipment maintenance procedures to be followed as a part of regular operation. Compliance with this plan would result in pastures being scraped regularly and stalls mucked to pull manure for distribution into manure piles, which are managed to create natural fertilized soils for use around the ranch. In addition, the applicants use a combination of fly spray, diatomaceous earth, lime, and chickens to keep fly numbers down. With implementation of the Animal Waste Management Plan, odors from the proposed use will be less than significant.

AQ-1
The applicants shall prepare and submit for review and approval a Final Waste Management Plan to the County’s Environmental Management Department prior to implementation of CUP 2024-013. Odor complaints received by the County will result in an inspection of the site to ensure compliance with the Final Waste Management Plan. If the County determines that the site is in “non-compliance” with the Final Waste Management Plan, the County could revoke CUP 2024-013.

IV. BIOLOGICAL RESOURCES

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a) **Less Than Significant Impact** – A Biological Resources Assessment was conducted in 2008 by Moore Biological Consultants for a previously withdrawn project which included the subject parcel. The Assessment concluded that the potential for sensitive wildlife and plant species to occur on-site is very low, that there are no vernal pools or ponds to provide habitat for the California tiger salamander (CTS), the western spadefoot, or the California red-legged frog (CRLF). In addition, the parcel is over 1.5 miles to the north of critical habitat for CTS and 4 miles west of critical habitat for CRLF. It is unlikely that the proposed project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status, due to the location of the project site (parcel that has been historically used as agricultural uses within an agricultural zoning district) and lack of suitable habitat (there are no, creeks, wetlands, or riparian habitats located on the subject parcel, and a large percentage of the parcel has been disturbed). Furthermore, the project will not modify any habitat than what is currently existing as there is no ground disturbing construction proposed. Therefore, there is a less than significant impact on any habitat identified by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service.

b-c) **No Impact** – As the proposed Project would not include any physical changes to the environment. Project operations would not change the condition of the Project site with respect to biological resources or habitat types. The adjacent parcels are developed with residences and with commercial structures along State Route 12. The Project site is developed, and the proposed Project does not

involve any physical changes; therefore, implementation of the proposed Project will not impact any special-status species or their habitat. No riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service is known to exist on the Project site. According to the U.S. Fish and Wildlife Service National Wetlands Inventory map, no wetlands are located at or adjacent to the project site; therefore, no impacts will occur.

d-f) **No Impact** – There are no creeks, wetlands, or riparian habitats located on the subject parcel. As previously mentioned, the project site is disturbed by the existing horse facilities, and all improvements are existing. In addition, surrounding parcels have been developed with single-family homes, agricultural buildings, and agricultural uses, and commercial uses along State Route 12. Therefore, implementation of the proposed Project would not impact any migratory corridors or interfere with the movement of any fish or wildlife species. Furthermore, there are no native or protected trees on the Project site that would be removed as part of project operations. The Project site is not located within the boundaries of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. Therefore, the Project would not conflict with any local policies, ordinances or plans protecting biological resources, and no impact will occur.

V. CULTURAL RESOURCES

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-c) **No Impact** – A Cultural Resources Investigation was completed in 2005 by ASI for a previously withdrawn project. The report found no cultural resources that were eligible for the California Register, and the records search did not indicate any resources within a ¼ mile of the subject parcel. As described above, the Project site has been previously disturbed, and the proposed Project does not include any physical changes or ground disturbing activities. Therefore, no impact to historical, cultural, or archaeological resources would occur.

VI. ENERGY

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-b) **No Impact** – The proposed Project does not include any construction or physical changes which would result in an increased consumption of energy resources. Calaveras County has not adopted a local renewable energy or energy efficient plan. Therefore, Project operations would have no impacts.

VII. GEOLOGY AND SOILS

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(1994), creating substantial direct or indirect risks to life or property?

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a-f) **No Impact** –There is no new development proposed with this application. Therefore, the Project would not expose people or structures to potential substantial adverse effects related to landslides or liquefaction and there is no new risk of harm to life or property sited on expansive soils. There are no known unique paleontological resources or sites or unique geologic features on or near the Project site. Therefore, no impact would occur.

VIII. GREENHOUSE GAS EMISSIONS

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a-b) **Less than Significant Impact** – Auto emissions are the primary source of greenhouse gas (GHG) emissions in Calaveras County; however, the County has not adopted a plan or program to reduce GHG’s so the proposed Project would not be in conflict with any such plan or program. Although the private equestrian facility would generate vehicular trips, the project’s emissions would fall below the CCAPCD thresholds, and the impact is considered less than significant.

IX. HAZARDS AND HAZARDOUS MATERIALS

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

upset and accident conditions involving the release of hazardous materials into the environment?

- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?
- f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

a-d) **No Impact** – According to the project application, the project is not expected to use or store hazardous materials on site. All applicable Federal, State, and County regulations will apply to all hazardous materials that may be used or stored on the Project site in the future. There are no existing or proposed schools within one quarter mile of the subject parcel. The project site is not listed as a hazardous materials site on the California Department of Toxic Substances Control EnviroStor database map, compiled pursuant to Government Code 65962.5 and as noted above, does not include the use or storage of hazardous materials on-site. Therefore, the project is anticipated to have no impact on creating a significant hazard to the public or the environment.

e) **No Impact** – The subject parcel is not within an airport land use plan or within 2 miles of a public airport or public use airport; therefore, no impact will occur.

f) **No Impact** – There is no adopted emergency response plan or emergency evacuation plan specifically involving the parcel in question. The proposed project does not impede any traffic or alter any roads. The proposed project has been reviewed by the Public Works Department. The existing private road and driveway will continue to serve the project and meets County Road Standards. There will be no impact to any adopted emergency response plan or emergency evacuation plan.

g) **Less than Significant Impact** – According to The California Department of Forestry and Fire Protection's Fire and Resource Assessment Program (FRAP), this area of the county has a

moderate fire risk. The parcel is well maintained from a wildfire standpoint, with little vegetation due to previous disturbance. The Calaveras Consolidated Fire Protection District has reviewed the proposed Project, visited the site, and found the project appropriate as conditioned. The project will no expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. No impacts will occur.

X. HYDROLOGY AND WATER QUALITY

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-e) **No Impact** – No construction is proposed with this application. Project operations would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. The Project does not propose any physical changes that would

introduce new impervious surfaces to a previously undeveloped area. Therefore, the Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin. As the Project does not propose any physical changes, it would not result in any changes to existing topography or drainage patterns of the Project site or the surrounding areas. The Project site is not in a flood hazard, tsunami, or seiche zone. There is no water quality control plan or sustainable groundwater management plan for the area of the County in which the Project site is located. No impacts will occur.

XI. LAND USE AND PLANNING

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-b) **No Impact** – The Project site is currently developed and is located in a residential area within the community of Burson, near the intersection of State Route 12 and Burson Road which contains a few commercial businesses. The General Plan land use designation of the parcel is Working Lands and is zoned Rural Residential. The proposed uses would be consistent with the approval of the CUP. Permitting a previously existing private equestrian facility will not create a barrier that would physically divide a community. Following approval of the use permit, the Project would have no impact related to conflicting with applicable land use plans, policies, regulations, or surrounding uses.

XII. MINERAL RESOURCES

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-b) **No Impact** – The Project site is not located within the County’s Mineral Resource Overlay, nor is the Project site designated as Resource Production (RP) or Working Lands (WL), which are land use designations for areas within the County known to contain mineral resources. The Project site is not

within or adjacent to any active mining operations. The Project would not result in any physical changes. Thus, the Project would not result in the loss of availability of any known mineral resources of value to the region or result in the loss of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. No impact would occur.

XIII. NOISE

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project result in:				
a) Generation of a substantial, temporary, or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) **Less than Significant Impact** – Certain land uses are particularly sensitive to noise and vibration. In general, these uses include residences, schools, hospital facilities, houses of worship, and open space/recreation areas where quiet environments are necessary for the enjoyment, public health, and safety of the community. As the Project would not result in any physical changes, no construction related noise impacts will occur.

Pursuant to Chapter 9.02 Noise Control in County Code, the normally acceptable standards of outdoor noise levels for residential land use types are 60 dB and 70 dB for commercial land use types. The project site has historically been used as a horse boarding and riding facility (although it is currently unpermitted). The project will not increase the noise levels from what currently is existing. The proposed project will include occasional events throughout the year such as birthday parties. Therefore, the daily operation of the horse boarding facility is not expected to generate ambient noise levels inconsistent with the surrounding agricultural and residential area. No outdoor amplified music is being proposed as part of the project. A condition of approval will be made part of the CUP prohibiting amplified outdoor music.

The parcel is approximately 500 feet to the north of State Route 12, which according to the Noise Element of the County’s General Plan, has a noise contour of 66-70 Community Noise Equivalent Level (nearly the same as Ldn day-night average sound level). The parcel also has some agricultural activities occurring on-site, which can also be a source of noise. The County recognizes that noise

may be produced from normal agricultural operations but establishes, through its right to farm ordinance, that adjacent land uses should be prepared to accept such noise as a natural result of living in or near agricultural lands. The Project would be required to comply with the County’s noise standards enumerated in the County Noise Ordinance, which provides exterior noise level standards which may not be exceeded. The CUP process would allow the public an opportunity to voice concerns about potential noise impacts and would allow the County to impose conditions of approval to reduce potential noise impacts.

- b-c) **No Impact** – Given that the Project would not introduce new sources of on- or off-site noise or vibration and would comply with all noise requirements, the Project would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the County General Plan or Noise Ordinance. Furthermore, the Project would not generate excessive groundborne vibration or groundborne noise levels. The Project site is not located within the vicinity of a private airstrip or an airport land use plan or within two miles of a public airport or public use airport.

XIV. POPULATION AND HOUSING

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a-b) No Impact** – The project site includes an existing residence that is occupied by the property owners. The establishment of a private equestrian facility is not expected to induce permanent population growth directly or indirectly through extension of roads or other infrastructure since the improvements are existing and most people who utilize or would utilize the business (e.g.: husbandry and riding lessons) reside locally. Moreover, the project does not propose any new services that would induce substantial population growth or displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. No impacts would occur.

XV. PUBLIC SERVICES

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project result in substantial adverse physical impacts associated with the provision of				

new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Less than Significant Impact – Fire protection and emergency medical response services for the project vicinity are provided by the Calaveras Consolidated Fire Protection District (CCFPD). The project was referred to the CCFPD for comments regarding compliance with applicable provisions of the California Fire Code pertaining to emergency access, fire suppression systems, and fire detection/warning systems. The project will be required to comply with all of the requirements set forth by the CCFPD.

The Project was also circulated to the Sheriff’s Department and no comments were provided either in writing or verbally regarding the proposed Project significantly altering response times or other performance objectives. The Project does not propose new residential, or employment-generating uses that would induce substantial population growth and would not result in impacts to fire or police protection services resulting in the need for new or physically altered facilities. Thus, the Project would not require the need for new or physically altered fire or police station facilities in order to maintain acceptable service ratios, response times or other performance objectives. These entities currently provide services to the Burson area without difficulty.

The Project does not propose any physical changes and would not induce population growth within the County that would potentially result in a significant increase in the use of existing schools, parks, or other public facilities within the area. The Project would not involve the construction of new schools, parks, or other public facilities, nor would it result in the need for new or physically altered schools, parks, or other public facilities.

XVI. RECREATION

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

a-b) **No Impact** –The project would not warrant the need for a new park, or substantially accelerate the deterioration of any existing parks or other recreational facilities because the project would not increase the housing stock (population) in the County. No impact would occur.

XVII. TRANSPORTATION

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines §15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) **Less than Significant Impact** – The proposed Project would not generate additional bicycle or pedestrian traffic, and there are no bicycle or pedestrian facilities adjacent to the Project site. The Project would not conflict with any plans, ordinances, or policies addressing the circulation system. Under the proposed Project conditions, the number of vehicles entering and existing the subject parcel would consist of a maximum of 4 vehicles trips, 3 days per week from the volunteers/employees and teenaged clients, as most of the teenaged clients arrive by school bus. The Public Works Department did not have concerns or comments relative to potential circulation impacts as a result of Project implementation.

b) **Less than Significant Impact** – Although the Calaveras County Council of Governments (CCOG) previously prepared SB 743 vehicle miles traveled (VMT) implementation guidelines, no CEQA thresholds have been adopted at this time. The Governor’s Office of Planning and Research and the California Natural Resources Agency has certified and adopted changes to the CEQA Guidelines that identify Vehicle Miles Traveled (VMT) as the most appropriate metric to evaluate a project’s transportation impacts. The Technical Advisory on Evaluating Transportation Impacts in CEQA, states that “absent substantial evidence indicating that a project would generate a potentially significant level of VMT, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less than significant transportation impact.” As this Project would entail the operation of

a similar commercial use, it would not result in a significant change to the current vehicle miles traveled attributable to the current use, and therefore, would have a less than significant impact to transportation.

c) **Less than Significant Impact** – The subject parcel takes access via Patriot Way from State Route 12. Patriot Way is an unpaved, private gravel road, which is a dedicated easement for access to the two residential parcels to the north. Caltrans requested additional information regarding the size of the vehicle transporting horses in and out of the subject parcel, as well as an off-tracking analysis and trip generation of said vehicles. The applicant uses a 2500 HD Chevy pickup truck (19 feet long) with a 3-horse trailer (23 feet long) once a week. The truck and trailer were determined to have the same tracking (the rear wheels of the trailer follow the same path as the front wheels of the truck while moving through a turn or a curve). The applicant also uses a 5-horse trailer, which is 38-feet long, approximately twice per month. This trailer will track the same as the truck as long as the applicant turns slowly, meaning that the tracking is similar. Caltrans had no additional comments or concerns regarding trip generation and off-tracking vehicles; however, they are requiring installation of a limit line and stop sign at the existing encroachment of Patriot Way with SR 12 which will be made a condition of approval.

d) **Less than Significant Impact** – As stated in Section XV, Public Services, the project will be required to comply with all of the requirements set forth by the CCFPD, and therefore, the project’s potential impacts on the Fire District’s ability to provide fire protection services would be less than significant. Thus, the Project would not result in inadequate emergency access. No objection was provided either written or verbal from the Sheriff’s Office regarding the proposed Project significantly altering response times or other performance objectives.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
- b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall

<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

consider the significance of the resource to a California Native American tribe.

a-b) **No Impact** – As discussed in Section V, Cultural Resources, there are no known cultural or archaeological resources or dedicated cemeteries on the Project site. The Project site has been developed with a single-family residence, several storage sheds, multiple fenced horse pastures, and one larger arena. The Project does not include any physical changes or ground disturbing activities. Therefore, no impact to tribal cultural resources would occur. As part of the processing of the project application, County staff-initiated consultation with tribes that have requested formal notification of proposed projects within their geographic area of traditional and cultural affiliation per AB 52 Notification Request, Public Resources Code Section 21080.3(b). The Calaveras Band of Miwok Indians, California Valley Miwok Tribe, Lone Band of Miwok Indians, Buena Vista Rancheria, and Washoe Tribe of Nevada and California, have been notified of this project. The California Valley Miwok Tribe responded to the notification and had no comments or concerns with the Project. No responses were received from any of the other tribes, and the time to respond has expired.

XIX. UTILITIES AND SERVICE SYSTEMS

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-e) **No Impact** – The subject property is not served by public water or by public sewer and instead relies on well water and an on-site wastewater system. A portable restroom unit is on-site and used by clients. Since well water and septic service is already available, and based on the project’s size and scope, the project would not require or result in the relocation or construction of new or expanded water or wastewater treatment facilities. In addition, the project will not require construction of new off-site electric power, natural gas, or telecommunication facilities. Nor would it generate demand for utilities requiring the relocation or construction of new or expanded facilities. Thus, no impact to water supplies or wastewater treatment capacity would occur as a result of the proposed Project.

Project operation would involve the routine disposal of horse manure. The applicant will be required to implement Mitigation Measure AQ-1 which requires a Final Waste Management Plan. Pursuant to the project applicant, the horse pastures are cleaned 7 days a week and the manure is subsequently stored on the north side of the property, away from the locations of visiting people. Weekly, the manure is turned to initiate and maintain the natural composting process and is subsequently used as an all-natural soil amendment on the subject property. The applicant plans to store all manure on-site as there is adequate space for composting of the manure. The project is not expected to be a source of significant additional solid-waste generation that would impact any landfills that serve the area.

XX. WILDFIRE

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-d) **No Impact** – The Calaveras County Emergency Operations Plan (EOP) outlines the functions, responsibilities, and regional risk assessments of Calaveras County for large scale emergencies such as wildland fires, hazardous materials incidents, flooding, and dam failure. The EOP addresses the planned response to extraordinary emergency situations and establishes a flexible, all hazards, emergency management organization required to facilitate the response to, and provide for short term recovery activities related to any significant emergency or disaster affecting Calaveras County. The EOP tasks the Calaveras County Sheriff’s Department with authority and responsibility for evacuation and movement of citizens in times of crisis, including the identification of evacuation routes (Calaveras County, 2019).

The Project does not propose activities that would substantially impair an adopted emergency response plan or emergency evacuation plan. All roads in the area would remain open. The project site is located on private property with adequate access to county roads. The project will not interfere with adjacent roadways that may be used for emergency response or evacuation. The project will not prohibit subsequent plans from being established or prevent the goals and objectives of existing plans from being carried out. The Project would not require the installation or maintenance of new infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. The Project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. No impact would occur in this regard.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
a) Does the project have the potential to Substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

a) **Less than Significant Impact** – As the subject parcel is already developed with the equestrian facility, with fenced pastures and an arena; therefore, Project operation would not change the condition of the Project site with respect to biological resources or habitat types. As all structures are existing and the fact that the subject parcel is already disturbed, it is unlikely that special-status species and/or federally- or State-protected birds could be occupying the site. In addition, no ground-disturbing activities would occur with the potential to unearth deposits of cultural significance. As discussed throughout this Initial Study, the Project does not have the potential to substantially degrade the quality of the environmental or result in significant environmental impacts that cannot be reduced to a less than significant level with compliance with the established regulatory framework and/or implementation of standard conditions. Therefore, the Project would have less than significant impacts related to degradation of the quality of the environment, reduction of habitat, threatened species, and/or California’s history or prehistory.

b) **No Impact** – Based on the analysis contained in this Initial Study, the proposed Project would not have cumulatively considerable impacts with compliance with the established regulatory framework and/or implementation of standard conditions. Implementation of standard conditions at the Project-level would reduce the potential for the incremental effects of the proposed Project to be considerable when viewed in connection with the effects of past projects, current projects, or probable future projects. As such, the Project’s incremental contribution towards cumulative impacts would not be considered significant.

c) **Less than Significant Impact with Mitigation** –Previous sections of this Initial Study reviewed the proposed Project’s potential impacts to human beings related to several environmental significance criteria. As determined throughout this Initial Study, the proposed Project would not result in any potentially significant impacts that cannot be reduced to less than significant levels with compliance with the Mitigation Measures, established regulatory framework and/or implementation of standard conditions. The Project is subject to a land use permit that includes a public hearing process that ensures that any concerns regarding a project are vetted and addressed, prior to approval or denial of a project. The Project will be conditioned to reduce any off-site effects on humans and will be required to obtain the necessary approvals from the appropriate agencies (i.e. Fire, Environmental Health, Public Works, etc.)

REFERENCES

1. Calaveras County General Plan, November 12, 2019.
2. Calaveras County Municipal Code (previous not current).
3. Calaveras County Air Quality Management District, *Best Management Practices*, 2004.
4. Calaveras County, Office of Emergency Services, *Emergency Operations Plan*, September 2019.
5. Calaveras County Planning Department. Land Use Application completed by Lynette and Jeremy Smith-Covey, dated February 29, 2024.
6. California Department of Transportation. California Scenic Highway Mapping System.
<https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>
7. California Department of Forestry. *Fire Hazard Severity Zones in State Responsibility Areas*. Adopted by CAL FIRE on November 7, 2007.
8. California Geological Survey (CGS), *Earthquake Zones of Required Investigation*,
<https://maps.conservation.ca.gov/cgs/EQZApp/app/>
9. California Department of Toxic Substances Control (DTSC), *EnviroStor Hazardous Waste and Substances Site List (Cortese)*,
https://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=CORTESE&site_type=CITES,FUDS&status=ACT,BKLG,COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+%28CORTESE%29

Attachment 1 –
Mitigated Negative Declaration

CALAVERAS COUNTY PLANNING DEPARTMENT
891 Mountain Ranch Road, San Andreas, CA 95249
(209) 754-6394

MITIGATED NEGATIVE DECLARATION

PROJECT NUMBER: 2024-013

PROJECT TITLE: Conditional Use Permit for Lynette and Jeremy Smith-Covey
dba 4 Horse Ranch

APPLICANT/LANDOWNER: Lynette and Jeremy Smith-Covey
2911 Patriot Way
Burson, CA 95252

PROJECT DESCRIPTION: The applicant is requesting approval of a Conditional Use Permit (CUP) to permit a previously existing unpermitted private equestrian facility for up to 40 horses on a Rural Residential parcel. The facility is a registered nonprofit for equine education and therapy sessions for at risk youth and will be operated by the landowners and 1-6 volunteers/employees and will only be available for their private invited clients or guests and not open to the general public. The facility proposes up to four lessons per day in husbandry, training, preparation for off-site riding, and roping clinics for at-risk youth. Approximately two to five teenaged clients will be on site daily, with adult volunteers/employees acting as chaperones. The applicant is also proposing to hold up to three birthday parties per year for up to 25 people. The horses are kept in paddocks with moveable fencing for periodic rotations. No development is proposed at this time.

PROJECT LOCATION: The parcel is located at 2911 Patriot Way, Burson, CA, APN 048-009-052 in a portion of Section 21, T04N, R10E, MDB&M

GENERAL PLAN LAND USE DESIGNATION: Working Lands

ZONING DESIGNATION: Rural Residential (RR)

FINDING FOR MITIGATED NEGATIVE DECLARATION:

1. Revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed Mitigated Negative Declaration and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur.
2. On the basis of the whole record including the Initial Study and comments received, there is not substantial evidence in the public record that the project may cause a significant effect upon the environment and the Mitigated Negative Declaration reflects the Lead Agency's independent judgment and analysis.

EVIDENCE:

Pursuant to California Environmental Quality Act (CEQA) guidelines, County staff provided review and concurrence with the Initial Study evaluating the potential

environmental effects of the project. The Initial Study identified potentially significant adverse effects under Air Quality. A mitigation measure was incorporated into the Initial Study, which mitigated the potentially significant impacts to less than significant and a Mitigated Negative Declaration was prepared. The Initial Study/Mitigated Negative Declaration (ISMND) was distributed for a 30-day review and comment period between January 4, 2025, and February 3, 2025. Three comment letters were received from neighbors in opposition to the project, and did not address the adequacy of the CEQA Initial Study and Mitigated Negative Declaration. One comment letter was received from Colleen Platt with MyValleySprings.com with concerns regarding the potential for obstruction of the easement, as well as proper care of equines. The County's responses can be found attached to the ISMND. A Mitigation Monitoring and Reporting Program (MMRP) has been prepared to ensure compliance during project implementation. A condition of approval has been imposed on the project that requires conformance with the MMRP.

MITIGATION MEASURES FROM ENVIRONMENTAL DOCUMENT:

MITIGATION MEASURE AQ-1
The applicants shall prepare and submit for review and approval a Final Waste Management Plan to the County's Environmental Management Department prior to implementation of CUP 2024-013. Odor complaints received by the County will result in an inspection of the site to ensure compliance with the Final Waste Management Plan. If the County determines that the site is in "non-compliance" with the Final Waste Management Plan, the County could revoke CUP 2024-013.



PREPARED BY: _____
Madeleine Flandreau, Senior Planner

APPROVED BY PLANNING COMMISSION

Chairperson _____
Date

Attachment 2-
Comments and Responses to the Draft
ISMND

To whom it may concern,

1/29/2025

Once again, we as neighbors are complaining about the illegal activity conducted at the Four Horse Ranch in Burson California. The letter that I submitted and read at the last meeting in July of last year are still my main thoughts and concerns. At that meeting the county instructed the owners of the ranch that there was to be no activity conducted on the 20 acres. From that meeting in July until today they have not complied with the wishes of the planning board. They for some reason think that it's ok to break the law and intentionally disregard the laws and ordinances of the County. Unfortunately, the burden has been on the evil neighbors as they like to call us. I and other concerned neighbors have had to monitor and inform the County daily with text, emails and pictures of the illegal business that is being conducted at this property.

One would think that the Smith-Coveys would be on their best behavior while trying to obtain a CUP permit. Regrettably, things got much worse for myself and the other joining neighbors. They built more stables and now have more horses. The riders and vehicles doubled in size. The manure is piled for some reason right at the entrance of the property which is a huge health concern. When you have 40 to 50 horses you should have a plan of what to do with the manure. Basically, the problem is that they purchased a property that is not zoned for the business they want to conduct.

Finally, I need to address the smear campaign that Lynette unleashed on myself and other neighbors. I as a neighbor understand that this is a side issue but wanted to open the Counties' eyes regarding the overall Character of the Smith-Coveys. They want the County and the public to think that they are the victims but the unfortunate reality is that the community is the victim. After the last meeting in July, she went on the attack through social media and Facebook making false accusations trying to deflect the attention from her illegal ranch. On three occasions 10/08,10/15,10/18 the Sherriff was called to my residence trying to intimidate me and my family. She was finally told to stop by the sheriff's department for filing false reports. Lynette told another neighbor that my family sells drugs and that I'm being investigated by the sheriff's department. There are other great neighbors that want to voice their opinion but frankly they don't want to get involved for fear of retaliation from these people. I for one am willing to take the arrows because what they are doing is wrong.

I am sure that most families that come out to ride at the Four Horse Ranch are good people, but they are not neighbors. What they say holds no weight when it comes to laws and county ordinances, the property is zoned Rural Residential for a reason. They do not deal with the Flies, dust, constant day and night traffic, stench of manure, illegal camping, blocking of Patriot way and frankly of their arrogance. They have said quote" We don't care what the county says we will do what we want". We as neighbors request that you deny this CUP permit and finally put a stop to this illegal activity.

Best Regards,

Jason Freeman

February 2, 2025

To: Madelaine Flandreau, Planner, Calaveras County Planning Department

Re: MVS.com Comments on 4 Horse Ranch MND for CUP 2024-013

Via email

Hi Planner Madeline,

Thank you for revising and sending the MND for the 4 Horse Ranch application for a CUP 2024-013. You have addressed some of our previous MVS.com issues in the initial NegDec, but not all. The deadline for response to your MND is tomorrow, so I am sending our comments today.

MVS is still concerned there may be unaddressed negative impacts from approval of this CUP horse ranch application in Burson. The 4 Horse Ranch is an existing unpermitted business use in RR. Just because it has been going on for years does not reduce its negative impacts. We do not see the following concerns addressed in the MND:

--Documented comments from neighbors about access problems who have an easement through the 4 Horse Ranch does not seem to be acknowledged and addressed in the MND. Their access has been a problem due to intensive business horse ranch activity and traffic, impeding access and leading to impediments to access. Shouldn't this access problem be addressed? Shouldn't there be conditions to keep road access open? Especially because lack of access could cause emergency access and evacuation problems.

--40 horses is too much to permit on a 20 acre property. The County should not be permitting this existing unpermitted overuse of an RR property, with excess animals. 40 horses on 20 acres is too much. The Calaveras County Planning Commission recently agreed, and restricted RR use to 1 animal unit per acre. This was because of negative environmental impacts on neighbors and the animals. See below evidence to disapprove this CUP application.

--7/11/24 PC Administrative Hearing re 4 Horse Ranch: Building Department, Mr. Oliver re 4 Horse Ranch, "It cannot be a nuisance. The 20 horses standard would minimize dust. Our Animal Keeping code is not standard. How much can the property handle varies." Planning Commission Chair, Michelle Plotnik, "The new code is adopted. Limitations would impact existing property, but no enforcement unless complaints. We will have an objective criteria."

--One animal unit per acre is now the standard in Calaveras County. Any neighbor complaint would require Code Enforcement to respond, and enforce the 1 animal unit per acre code. Why would the County want to give a permit to 4 Horse Ranch to allow way more than one horse per acre—up to 40 horses on 20 acres, when they know that any one neighbor complaint could cause the County to enforce the one animal per acre code?

--If this 4 Horse Ranch CUP is approved, more intensive horse ranch and business uses will be allowed in a Rural Residential zone. This impacts many residents in RR, and could set a precedent.

We do not agree there are no negative impacts from approving the 4 Horse Ranch CUP.

Thank you for your time and consideration.

Regards,

Colleen Platt

MyValleySprings.com

Stacie Bosch
3828 Tauna Lane
Burson, CA, 95225
annabell209@yahoo.com
(209) 482 – 3610
January30, 2025

ATTENTION:
Madeleine Flandreau
Senior Planner
MFlandreau@calaverascounty.gov
Calaveras County Planning Department
891 Mountain Ranch Road
San Andreas, CA 95249

Bret Sampson
Planning Director
Calaveras County Planning Department
BSampson@calaverascounty.gov
891 Mountain Ranch Road
San Andreas, CA 95249

Cody Anderson
Code Enforcement Officer
ceanderson@calaverascounty.gov
891 Mountain Ranch Road
San Andreas, CA 95249

Dear Calaveras County Planning Commission,

My name is Stacie Bosch, I am once again writing to formally express strong opposition to Conditional Use Permit (CUP) 2024-013 application for Lynette & Jeremy Smith-Covey dba 4 Horse Ranch, located at 2911 Patriot Way, Valley Spring, CA 95252.

This letter is not only written from concerned citizen, but bordering neighbor directly impacted by the continued negligence, selfishness and blatant disregard displayed by Lynette & Jeremy Smith-Covey. This letter includes concerns from my first letter AND new concerns which surfaced over the past few months, including:

- 1) Applicants are trying to rezone so they can benefit financially which is clearly a violation of CUP requirements.
- 2) Concerns regarding overall safety of clients, especially child &/or disabled children.

- 3) Concerns regarding my family's overall safety, especially considering the recent smear campaign against my husband.
- 4) Unsure about whether applicants' carry's liability insurance AND coverage amount.
- 5) Neglectful and deplorable conditions for ALL involved, including upwards of 40-50 horses kept on the property at any given time.
- 6) Extreme concern regarding recent social media post stating "welding internship" would be offered in near future.
- 7) Significant increase of winter rain runoff causing flooding on our property which wasn't an issue PRIOR to the owners of 4 Horse Ranch.
- 8) Increased traffic which is especially an issue for us due to Google maps send people directly through our property to get to 4 Horse Ranch. We routinely and frequently have cars on our dirt road AND in our driveway asking for directions for a business applicants claim they aren't operating.
- 9) Continuous issues with flies, especially in summer and warm weather.
- 10) Dust is often an issue, especially on windy days.
- 11) Concern regarding property values of surrounding neighbors.
- 12) Concerns regarding how applicants manage waste and manure in the past, present, and future.
- 13) Concerns regarding the overall visual aesthetic for neighbors.
- 14) Concerns regarding Lynete continuing to beg for support from neighbors not currently involved. This includes driving down a private road, repeatedly asking to speak with them, and leaving notes begging for support after being asked not to.
- 15) Applicants clearly believe they are above the law/ordinances/rules and have yet to follow ANYTHING the county has asked of them. The applicants believe they are invincible as they continue having clients at the property for riding, roping, etc. daily, which is often posted on social media sites. The Smith-Coveys have repeated and continuously shown us who they REALLY are, including their inability to follow rules OR do the right thing.
- 16) Concerns regarding applicants' ability to manage waste and manure.

- 17) Concerns regarding applicants' ability to afford and maintain "ranch operation" based on them asking for financial assistance.
- 18) Concerns they are now trying to hide behind their non-profit status.
- 19) Concerns about applicants' ability to decide on a plan and STICK with it. This is EXTREMELY self-evident anytime Lynette attempts to explain &/or define their operations which still appears to be an issue for her. Just recently they announced their non-profit status which I assume was done to better align with CUP requirements. Applicants are constantly looking for a new way to justify using this piece of land for financial gain which is ultimately their goal.
- 20) Concern regarding confidentiality and neutral stance from certain individuals at the county working on this case.

After years of suffering, we are asking the county to PLEASE puts stop to this illegal operation, which is simply not appropriate, suitable, or fitting for the current zoning for Lynette & Jeremy. We are sick and tired of not only watching but monitoring the activity at 4 Horse Ranch in hopes of getting this stopped. Instead of making all the neighbors out to be bad guys, perhaps Lynette & Jeremy should take s accountability and responsibility by taking ownership of their repeated piss poor decisions making skills. Simply put, these applicants didn't do proper research prior to purchasing the land despite knowing damn well their plan was to own & operate a horse ranch and this is the result. This entire situation has disrupted our lives for far too long. We are sick and tired of monitoring, babysitting and dealing with issues created by Lynette & Jeremy Smith-Covey and we ask you to PLEASE put a stop to this now.

PS: To those supporting this sham business, you are contributing to the problem and fighting a fight you know NOTHING about. I am quite confident you aren't getting the full story OR truth, get your head out of the horse manure and started looking at the facts. You have all been quick to bash the neighbors, perhaps you should pack these operations up and take into YOUR neighborhood or backyard.

Sincerely,
Stacie Bosch

Stuart Bosch
3828 Tauna Lane
Burson, CA, 95225
Stuart.bosch@yahoo.com
(209) 482 – 3610
January30, 2025

ATTENTION:
Madeleine Flandreau
Mflandreau@calavercounty.gov
Senior Planner
Calaveras County Planning Department
891 Mountain Ranch Road
San Andreas, CA 95249

Bret Sampson
Planning Director
Calaveras County Planning Department
bsampson@calaverascounty.org
891 Mountain Ranch Road
San Andreas, CA 95249

Cody Anderson
Code Enforcement Officer
Calaveras Code Enforcement Department
ceanderson@calaverascounty.gov
891 Mountain Ranch Road
San Andreas, CA 95249

Dear Calaveras County Planning Commission,

My name is Stuart Bosch, I am once again writing to formally express strong opposition to Conditional Use Permit (CUP) 2024-013 application for Lynette & Jeremy Smith-Covey dba 4 Horse Ranch, located at 2911 Patriot Way, Valley Spring, CA 95252.

I write this letter not only as concerned citizen, but bordering neighbor directly impacted by the continued negligence, selfishness and blatant disregard displayed by Lynette & Jeremy Smith-Covey. This letter includes ALL concerns from my first letter AND new concerns that have surfaced over the past few months.

Firstly, I would like to express our biggest concern at this time which is safety. This initially became a concern because of continuous lies, bashing and finger pointing done on social media by Lynette and her “follower” to make the neighbors look bad AND gain community support for the Smith-Covey’s piss-poor decision to operate an (illegal) business on a piece of land not zoned accordingly.

Over time Lynette’s behavior escalated, eventually leading to Sheriffs being called to our house on 3 separate occasions (October 8, October 15 and October 18th) because Lynette claimed “I was pedophile who she caught red handed masturbating at our fence line while watching little girls” AND stated she could provide proof. On all 3 occasions Lynette was unable to provide law enforcement ANY proof (due to one lie or another) and every

reporting officer deemed these allegations not true and unfounded. After the 3rd bogus call, the Sheriff finally warned Lynette she could be charged with falsely reporting a crime &/or misuse of 911 if this continued and advised her to STOP.

Safety truly became an issue AND concern when Lynette made the decision to spread these heinous to family, friends, clients and on social media. After consulting with our lawyer, Randy Thomas it was decided that we would send Lynette & Jeremy Smith-Covey a cease a desist letter, effective immediately. These actions alone should be reason enough for the county to stop entertaining this ridiculous request and deny applicants CUP.

Included below are additional concerns I have regarding proposed CUP for Lynette & Jeremy Smith-Covey dba 4 Horse Ranch:

- 1) Loss of homeowners insurance for surrounding neighbors. This is something we personally experienced in June of 2023, as we were wrongfully cited by AAA for illegal camping (tents/trailers/vans/etc.), continuous activity on the property and miscellaneous items captured on their property, includes tires, washers, dryers, abandoned vehicles, horse trailers, etc. Our loss of homeowners insurance was financially taxing, stressful and ultimately led to us making our first formal complaint with the county.
- 2) Neglectful and deplorable conditions for ALL involved, including upwards of 40-50 horses kept on the property at any given time.
- 3) Concern regarding the overall health, wellness, and care of all animals on the property.
- 4) Extreme concern about on recent social media post that applicants would be offering “welding internship” soon.
- 5) Increased traffic which is especially an issue for us due to Google maps send people directly through our property to get to 4 Horse Ranch. We routinely and frequently have cars on our dirt road AND in our driveway asking for directions for a business applicants claim they aren’t operating.
- 6) Significant increase of winter rain runoff causing flooding on our property which wasn’t an issue PRIOR to the owners of 4 Horse Ranch.
- 7) Continuous issues with flies, especially in summer and warm weather.
- 8) Dust is often an issue, especially on windy days.
- 9) Concerns regarding how applicants manage waste and manure.
- 10) Neighboring property owners being forced to assume liability in the event an accident on any type occurs.
- 11) Lynete continues to beg for support from neighbors not currently involved. This includes driving down a private road, repeatedly asking to speak with them, and leaving notes begging for support.
- 12) Applicants clearly believe they are above the law/ordinances/rules and have yet to follow ANYTHING the county has asked of them. The applicants believe they are invincible as they continue having clients at the property for riding, roping, etc. and is often posted on various social media sites

13) Concerned about decrease in surrounding property values.

14) Applicants' ability to decide on a plan and STICK with it. This was EXTREMELY self-evident at their last hearing when Lynette was unable to define their situation which still appears to be an issue. Just recently it they made the announcement they were now a non-profit which I assume was done to better align with CUP requirements. Applicants are constantly looking for a way to justify using this piece of land for financial gain which is ultimately their goal.

After years of suffering, we are asking the county to PLEASE puts stop to this illegal operation, which is simply not appropriate, suitable, or fitting for the current zoning for Lynette & Jeremy. It not ANY of the neighbors' fault that applicants didn't do proper research before purchasing the land despite knowing damn well their plan was to own &/or operate a horse ranch. Additionally, the Smith-Coveys are routinely posting fundraisers asking the community for donations to fund their lifestyle and dream. This entire situation has disrupted our lives for far too long, we are sick and tired of monitoring, babysitting and dealing with issues created by Lynette & Jeremy Smith-Covey. The neighbors are done suffering because Lynete & Jeremy Smooth-Covey simply bought a piece of land that not suitable for what they were wanting to do. Please put a stop to this once and for wall, thank you.

Sincerely,

Stuart Bosch

Randy E. Thomas
Saveel Khan

LAW OFFICES OF
RANDY E. THOMAS
18826 N. Lower Sacramento Rd., Suite G
P.O. Box 717
Woodbridge, CA 95258-0717

Telephone: (209) 369-9255
Facsimile: (209) 369-9288
woodbridgelaw77@yahoo.com

October 31, 2024

Sent Via First Class Mail:

Lynette and Jeremy Smith-Covey
2911 Patriot Way
Valley Springs, CA 95252

RE: Stuart and Stacie Bosch

Dear Mr. and Mrs. Smith-Covey,

Please be advised that I represent Stuart and Stacie Bosch of Burson, CA. It is my understanding that you have been making false allegations regarding my client the nature of which are defamatory and actionable in a court of law. You have been contacted by law enforcement to cease but you have continued to go on Facebook as recently as a couple days ago discussing your neighbors and alleging that they are pedophiles etc. Please be advised that if you continue on with this conduct, Mr. and Mrs. Bosch will hire me to file suit against you which could be very expensive for you. I suggest you stop at once. I will be monitoring this situation closely.

Sincerely,



RANDY E. THOMAS, Attorney

RET: ejb
CC: Client

Response to Comments

Comment Letter 1 Received from Jason Freeman on January 29, 2024

This comment letter was in opposition to the Project, and did not address the adequacy of the CEQA Initial Study and Mitigated Negative Declaration (ISMND), and therefore, no response is necessary.

Comment Letter 2 Received from Colleen Platt with MyValleySprings.com on February 2, 2025

County response to comments:

Conditions from the Calaveras Consolidated Fire Protection District include the requirement to keep all access roads to surrounding residential neighbors remain unobstructed with a 20-foot-wide fire lane at all times. Any neighbor complaints that the road is obstructed will result in the applicant being in violation of conditions of approval.

As stated in the ISMND, the application was deemed complete under the previous Zoning Code and is being processed according to those standards. The definition for a “equestrian facility, public or private” in said Code does not put a specific limit on the number of horses for a private/public equestrian facility. California’s Minimum Standards of Horse Care (February 2023) is referenced by Calaveras County Animal Services when determining proper care of equines including space requirements, nutrition, and husbandry. Referencing the State’s Standards, Animal Services stated that the subject 20-acre parcel could accommodate up to 40 horses. Although the definition of an “Equestrian Facility” in the current Zoning Code does include a specific limit on the number of horses, Section 17.25.060.F.2.a *Animal Keeping* states that “livestock, including horses... may be kept as an accessory use to a primary residential use in the RR Zone in accordance with the following...” and under *Maximum Number* states that “a maximum of one animal equivalent unit is allowed per acre of land available for use by the animals”. For horses, each individual animal is equal to one animal equivalent unit. Section 17.06.0560 Conditional use permit in the previous Zoning Code states: "Conditional use permit" means a land use permit issued in a zone for uses which have the potential to be incompatible with neighboring land uses and zoning and are to be permitted following a public hearing in which interested parties have the opportunity to comment. Restrictions to the number of horses for the proposed equestrian facility can be imposed during the public hearing with the Planning Commission.

Comment Letter 3 Received from Stacie Bosch on February 3, 2025

This comment letter was in opposition to the Project, and did not address the adequacy of the CEQA Initial Study and Mitigated Negative Declaration (ISMND), and therefore, no response is necessary.

Comment Letter 4 Received from Stuart Bosch on February 3, 2025

This comment letter was in opposition to the Project, and did not address the adequacy of the CEQA Initial Study and Mitigated Negative Declaration (ISMND), and therefore, no response is necessary.

Attachment 3-
Mitigation Monitoring and Reporting Program

EXHIBIT A

2024-013 CONDITIONAL USE PERMIT FOR JEREMY AND LYNETTE COVEY-SMITH DBA 4 HORSE RANCH
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Timing	Responsibility	Verification
AQ-1: The applicants shall prepare and submit for review and approval a Final Waste Management Plan to the County's Environmental Management Department prior to implementation of CUP 2024-013. Odor complaints received by the County will result in an inspection of the site to ensure compliance with the Final Waste Management Plan. If the County determines that the site is in "non-compliance" with the Final Waste Management Plan, the County could revoke CUP 2024-013.	At approval and to be implemented continuously during operations throughout the life of the project.	Owner	Planning

Attachment 5-

Previous Title 17 Zoning Code Chapters 17.22
and 17.82 and Relevant Definitions

-
- f. ~~Vision clearance: thirty five feet;~~
 - 2. ~~In addition to the setbacks specified in subsection (G)(1) of this section, minimum building setbacks shall meet the requirements of Section 8.10.120 in order to achieve defensible space, which requires a thirty foot setback from all property lines and/or center of the road for parcels one acre or larger, and the same practical effect shall be provided for parcels less than one acre. Procedures for exceptions to these standards shall comply with Sections 8.10.150 and 8.10.190.~~

(Ord. 2345 § 3 Exh. A(part), 1993; Ord. 1782 § 1(part), 1986).

ARTICLE 3. RESIDENTIAL ZONES

Chapters:

Chapter 17.22 RURAL RESIDENTIAL (RR) ZONE¹³

Sections:

17.22.010 Purpose.

The RR zone is intended to provide lands for personal ranches in which residential use is the primary land use. The RR zone is established to permit small-scale farming primarily for personal use and not as the primary use for the property.

(Ord. 1782 § 1(part), 1986).

17.22.020 Permitted uses.

Uses marked with a superscript (#) are subject to additional requirements as set forth in Section 17.22.060 of this chapter.

- A. The following uses are permitted in the RR zone⁸:
 - 1. Agricultural operations;
 - 2. Incidental and accessory structures;
 - 3. Processing and manufacturing:
 - a. Winery (small), oil press or cider mill^{3, 10};
 - 4. Residential uses:
 - a. Residential accessory use or structure,
 - b. Residential care facility, six or fewer clients,
 - c. Rural home business,
 - d. Single-family dwelling (one per legal parcel),

¹³Prior ordinance history: Chapter 17.22 was renumbered by Ord. 1810. Provisions of Chapter 17.22 were formerly codified at Chapter 17.20 deriving from Ords. 945, 1349, 1373, 1603 and 1624.

-
- e. Yard or garage sales, maximum six events per year,
 - f. Accessory dwelling pursuant to Chapter 17.66 of this title.
5. Retail trade:
- a. Agricultural product sales,
 - b. Tasting room^{3, 10};
6. Recreational and educational:
- a. Agritourism activities not otherwise specified (less than seventy-five persons on-site at one time)^{3, 10},
 - b. Educational and interpretive seminars, clinic, walks,
 - c. Equestrian facility, personal,
 - d. Special events, subject to the provisions of Chapter 17.87.
7. General services, business:
- a. Child day care, twelve or fewer children.

(Ord. 2859 § 7(part), 2005; Ord. 2614 § 3 Exh. A(part), 2000; Ord. 1872 § 1(part), 1987; Ord. 1782 § 1(part), 1986).

(Ord. No. 3020, § I, 2-12-2013; Ord. No. 3021, 3-12-2013)

17.22.030 Conditional uses.

Uses marked with a superscript (#) are subject to additional requirements as set forth in Section 17.22.060 of this chapter.

- A. The following uses are permitted in the RR zone upon the approval and validation of a temporary use permit:
 - 1. Temporary outdoor sales, other than agricultural product sales already permitted.
- B. The following uses are permitted in the RR zone upon the approval and validation of an administrative use permit:
 - 1. Processing and manufacturing:
 - a. Agricultural accessory structures⁶;
 - 2. Retail trade:
 - a. Flea market;
 - 3. Recreational and educational:
 - a. Agritourism activities not otherwise specified (more than seventy-five persons on-site at one time)^{7, 10},
 - 4. General services, business:
 - a. Lodging, bed and breakfast;
 - 5. Transportation, communications, infrastructure:
 - a. Power generation (on-site residential or agricultural use)^{5, 6},

-
- b. Public utility buildings, structures, facilities,
 - c. Telecommunications facility.
- C. The following uses are permitted in the RR zone upon the approval and validation of a conditional use permit:
- 1. Processing and manufacturing:
 - a. Wood yard⁶;
 - 2. Residential uses:
 - a. Residential care facility, seven or more clients;
 - 3. Recreational and educational:
 - a. Equestrian facility, public or private⁶,
 - b. Picnic area, park, playground,
 - c. Recreation center;
 - 4. Agricultural services, business:
 - a. Rural veterinary clinic⁶,
 - b. Incidental agricultural support uses^{2,3}
 - c. Greenhouse and wholesale nursery⁶;
 - 5. General services, business:
 - a. Child day care, more than twelve children,
 - b. Church⁶,
 - c. School, public or private (K-12);
 - 6. Transportation, communications, infrastructure:
 - a. Heliport⁶,
 - b. Public safety facility,
 - c. Small wind energy system on parcels of ten acres or more,
 - d. Personal landing field.

(Ord. 2859 § 7(part), 2005; Ord. 2818 § 5(part), 2004; Ord. 2691 § 3 Exh. A(part), 2002; Ord. 2614 § 3 Exh. A(part), 2000; Ord. 2017 § 3 Exh. A(part), 1989; Ord. 1872 § 1(part), 1987; Ord. 1782 § 1(part), 1986).

(Ord. No. 3020, § I, 2-12-2013; Ord. No. 3021, 3-12-2013)

17.22.040 Temporary uses.

The following uses are permitted in the RR zone on a temporary basis not to exceed twelve months, the duration of a building permit, or the provisions of this title, whichever is shortest:

- A. Continued use of an existing building during construction of a new building on the subject property;
- B. Temporary use of a mobile home in conformance with Section 17.04.130 of this code;
- C. Temporary storage of contractor's equipment during construction of new structures on-site.

(Ord. 1782 § 1(part), 1986).

17.22.050 Accessory uses.

The following accessory uses consistent with the definition of Section 17.06.0080 of this code are permitted in the RR zone:

- A. Residential garages and/or carports;
- B. Swimming pool, located not closer than ten feet to any property line or within the front setback;
- C. Fences, walls;
- D. Business in the home, in conformance with Chapter 17.68 of this code:
 - 1. Residential occupation,
 - 2. Rural home business,
 - 3. Rural home medical clinic on parcels of five acres or more,
 - 4. Rural veterinarian clinic on parcels of five acres or more;
- E. Signs in conformance with Chapter 17.72 of this code;
- F. Usual and customary accessory structures and uses associated with a residence;
- G. Private kennel.

(Ord. 2576 § 2(part), 1999; Ord. 1872 § 3(part), 1987; Ord. 1782 § 1(part), 1986).

17.22.060 Performance standards.

The RR zone, the following performance standards shall apply in addition to any other standards in this title:

- A. The parking standards of Section 17.70.030(C) of this title shall apply.
- B. The following standards shall be imposed for small wind energy systems:
 - 1. "Tower height" means the height above grade of the fixed portion of the tower, excluding the wind turbine.
 - 2. Tower height shall be restricted to no more than eighty feet, provided that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system.
 - 3. The tower shall be set back from the property line at a distance equal to the height of the tower.
 - 4. The system's turbine must have been approved by the California Energy Commission as qualifying under the Emerging Renewables Fund of the commission's Renewables Investment Plan or certified by a national program recognized and approved by the energy commission.
 - 5. The system shall comply with all applicable Federal Aviation Administration requirements, including Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports, and State Aeronautics Act (Part 1 (commencing with Section 21001) of Division 9 of the Public Utilities Code).
 - 6. The system shall be used primarily to reduce on-site consumption of energy.
 - 7. A bond shall be posted to cover the cost of removing the system in the event the system has not been operational for a period of time exceeding three years.

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- C. Agriculture uses shall comply with federal, state and local regulations in relation to the storage, handling, application and disposal of toxic and hazardous materials.
- D. Uses listed in Sections 17.22.020 and 17.22.030 of this chapter identified with a numeric superscript are subject to the following:
1. The use is allowed as a primary commercial use.
 2. The use is permitted subject to the following limitations:
 - a. When carried on as clearly secondary use/occupation in conjunction with a bona fide agricultural operation;
 - b. Where no more than three percent of the total land or ten acres, whichever is less, is used;
 - c. Where no more than three persons other than the owner are employed in such activities, and which are owned and operated by the owner or occupant of the premises.
 3. The use is allowed only on a parcel of twenty acres or contiguous parcels totaling twenty acres or more.
 4. The use is allowed only on a parcel of one hundred acres or contiguous parcels totaling one hundred acres or more.
 5. Although the use is primarily intended for on-site consumption, the facility is permitted to tie into the main power grid.
 6. The use is allowed only on a parcel of five acres or larger.
 7. The use requires an administrative permit only on parcels of less than twenty acres, the use is a permitted use on parcels of twenty acres or more, but is not allowed on parcels of less than five acres.
 8. Road Maintenance.
 - a. Any permitted use, beyond that legally existing at the time of adoption of the ordinance codified in this chapter, having legal access on or over roads maintained by a county service area, a community service district, a recorded road maintenance agreement or pursuant to Civil Code Section 845, may, to the extent allowed by the grant of access, generate additional traffic on those roads. Prior to commencing any nonresidential permitted use, the proponent of the nonresidential permitted use shall secure an administrative use permit to address the permitted use's road impacts only, unless the proponent can demonstrate that the proposed use will not generate traffic in excess of permitted residential uses. To demonstrate the absence of any additional traffic, the proponent shall estimate the average daily traffic (ADT) averaged over a one-month time period that will be generated by the permitted use. If this estimate indicates that traffic generated by such use is less than the ADT generated by a single-family residence (currently seven and one-half ADT), then an administrative use permit will be not required.
 - b. As a condition of approval of the administrative use permit, the proponent of the use shall be required to pay a road maintenance fee to mitigate the impacts caused by the use. This condition of approval is intended to protect the public health, safety and welfare, as required by Chapter 17.83 of this code. Such fees shall be paid as follows:
 - i. The fee shall be calculated based on the ADT of the use divided by the ADT generated by a single-family residence (seven and one-half ADT) and multiplying the annual fee paid by a single-family residence in the area by this proportional factor. Determination of the ADT generated by the use shall be

supported by substantial evidence, as approved by the public works department.

- ii. Road maintenance fees for uses having legal access on roads maintained by a county service area shall be paid to the county auditor's office and deposited in the appropriate account, as specified in the condition of approval in the administrative use permit. Evidence of such deposit shall be provided to the planning department prior to the commencement of the use.
 - iii. Road maintenance fees for uses having legal access on roads maintained by a community service district shall be paid to the community service district, as specified in the condition of approval in the administrative use permit. Evidence of such deposit shall be provided to the planning department prior to the commencement of the use.
- c. Proponents of uses having legal access over private roads not maintained by the county, or a local agency, shall do one of the following:
- i. Enter into any existing road maintenance agreement for the road(s) providing access to the use;
 - ii. Amend any existing road maintenance agreement to which the proponent of the use is already a party to in order to provide for an additional road maintenance fee for the use;
 - iii. If there is no existing road maintenance agreement, record a road maintenance agreement for that portion of the road located on the real property where the use is located;
 - iv. Evidence of compliance with any of the above-stated options shall be provided to the planning department prior to the commencement of the use.
- d. Failure to obtain an administrative use permit under this section may result in initiation of code compliance proceedings or other remedies, including, but not limited to, the remedies specified in Chapter 17.100 of this code, and may require the proponent of the permitted use to pay a road impact fee for the impact caused by the use that was conducted in violation of this section.
- e. The procedures set forth in Section 17.98.070 of this code are applicable to this section.
9. Reserved.
10. When utilizing lands within this zone, this permitted use shall be an incidental or accessory use to a bona fide agricultural operation.

(Ord. 2859 § 7(part), 2005; Ord. 2691 § 3 Exh. A(part), 2002; Ord. 1872 § 3(part), 1987; Ord. 1782 § 1(part), 1986).

(Ord. No. 3020, § I, 2-12-2013)

17.22.070 Site development standards.

In the RR zone, the following site development standards apply:

- A. Minimum parcel size for new parcels:
 1. With individual well and on-site sewage disposal system: five acres,
 2. With public water and on-site sewage disposal system: one acre,

-
3. With public water and public sewage disposal: one acre, unless a one-half-acre parcel size is permitted under the provisions of an applicable community or special plan;
- B. Maximum density:
 1. With individual well and on-site sewage disposal system: one dwelling per five acres,
 2. With public water and on-site sewage disposal system: one dwelling per one acre,
 3. With public water and public sewage disposal: one dwelling per one acre, unless a one-half-acre parcel size is permitted under the provisions of a community or special plan;
 - C. Maximum lot coverage: twenty-five percent;
 - D. Maximum building height: thirty-five feet;
 - E. Lot width:
 1. Average: one hundred feet,
 2. At the road: twenty feet, or fifteen feet when access is shared with the adjacent parcel;
 - F. Lot depth:
 1. Average: one hundred feet,
 2. Minimum: one hundred feet;
 - G. Minimum building setbacks:
 1. For purposes of this chapter the following shall apply:
 - a. Front, twenty feet from the property line, or fifty feet from the centerline of the road right-of-way or easement, whichever distance is greater,
 - b. Corner, or lots with multiple lot lines fronting roads, same distance as front for all property lines fronting road rights-of-way or easements,
 - c. Side, ten feet,
 - d. Rear, twenty feet,
 - e. Between buildings, ten feet, or the requirements of the responsible fire agency, whichever is greater,
 - f. Vision clearance, thirty-five feet,
 2. In addition to the setbacks specified in subsection (G)(1) of this section, minimum building setbacks shall meet the requirements of Section 8.10.120 of this code in order to achieve defensible space, which requires a thirty-foot setback from all property lines and/or center of the road for parcels one acre or larger, and same practical effect shall be provided for parcels less than one acre. Procedures for exceptions to these standards shall comply with Sections 8.10.150 and 8.10.190 of this code.

(Ord. 2345 § 3 Exh. A(part), 1993; Ord. 1782 § 1(part), 1986).

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- B. ~~The owner of an existing or proposed dwelling may make application for a reasonable accommodation for the benefit of the occupant of said dwelling on a form prescribed by the planning director and submitted to the planning department accompanied by such plans, elevations, and other information as required for evaluation of the applicant's request, and written statements and evidence identifying:~~
- ~~1. The zoning code provision from which accommodation is being requested; and~~
 - ~~2. The basis for the claim that the individual, who is or will be the occupant of the dwelling for which the accommodation is requested, is considered disabled under the Fair Housing Act and why the accommodation is necessary to make the specific housing available to the individual.~~
- C. ~~Within thirty days of receipt of a complete application for a reasonable accommodation, the planning Director shall render a decision. Notice shall be provided to the property owner, the applicant, and all abutting property owners. The notice shall state the action taken and identify the appeal process as provided in subsection D. The action shall not become effective until after the appeal period.~~
- D. ~~The decision of the planning director may be appealed to the planning commission within fifteen days of the date of the planning director's action in accordance with the process detailed in Section 17.88.060 and Chapter 17.98.~~

(Ord. No. 3050, § II, 1-13-2015)

Chapter 17.82 CONDITIONAL USE PERMITS³⁷

Sections:

17.82.010 Purpose.

The purpose of a conditional use permit is to provide the general public with an opportunity to review a proposed land use that is generally consistent with the purpose of a base zoning district, but has the potential to cause conflicts with neighboring land use and zoning. The conditional use permit is a discretionary permit and shall be reviewed consistent with this chapter. This chapter shall also apply to mineral excavation permits and reclamation plan.

(Ord. 1808 § 1(part), 1986).

17.82.020 Findings.

In order to approve a conditional use permit, the planning commission, or on appeal the board of supervisors, shall make the following findings:

- A. The proposed use is consistent with the county's general plan, any applicable community or special plan, and the provisions of this title;
- B. The subject property is adequate in land area to accommodate the proposed project, its required parking area, access, landscaping, and site improvements;
- C. The proposed land use is compatible with neighboring land use and zoning;

³⁷Prior ordinance history: Chapter 17.82 was renumbered by Ord. 1810. Provisions of Chapter 17.82 were formerly codified at Ch. 17.68 deriving from Ord. 945.

-
- D. The public and private roads providing access to the subject property meet necessary standards to provide safe and adequate access, or have been amended by conditions of project approval to satisfy the access requirements;
 - E. Conditions of project approval are necessary for protection of the public health, safety and welfare, and to reduce or eliminate potential environmental effects.

(Ord. 1808 § 1(part), 1986).

17.82.030 Conditions.

Conditions of project approval are limited to those measures or requirements that are necessary to reduce or eliminate potential environmental effects or protect the public health, safety and welfare. No conditions shall be imposed for which there is not a reasonable relationship between the condition and the direct effects of the project. Conditions of project approval may include and are not limited to the following:

- A. Setbacks, buffers;
- B. Fences and walls;
- C. Improvement of parking areas in conformance with Chapter 17.70, including stacking distance, turn lanes, acceleration lanes, and other requirements pursuant to the road ordinance;
- D. On-site dedications of easements, rights-of-way;
- E. Designation of ingress and egress locations;
- F. Landscaping design, including types of vegetation, size, maturity, or retention of existing vegetation, including landscaping in excess of base zone requirements when it is found that the proposed project warrants additional screening;
- G. Maintenance of buildings and grounds;
- H. On-site and off-site road improvements and access improvements;
- I. Limitations on the hours of operations;
- J. Duration of the use permit;
- K. Limitations or levels of noise, dust, odor, vibration or similar environmental effects;
- L. Design and size of signs, in conformance with Chapter 17.72;
- M. Requirements of other public agencies or departments, including but not limited to requirements of the sheriff's office and any other emergency responders that may be impacted by the proposed use;
- N. Such other conditions as will make possible the development and use of property in the county in an orderly and efficient manner;
- O. Other such conditions as may be agreed upon by the project proponent at a public hearing on the project.

(Ord. 1808 § 1(part), 1986).

(Ord. No. 3020, § I, 2-12-2013)

17.82.040 Conformance to county regulations and plans.

All conditional use permits issued by the planning commission or board of supervisors are subject to all applicable county regulations or plans whether or not such requirements are specified as a condition of project. (Ord. 1808 § 1(part), 1986).

17.82.050 Conformance to this title.

All conditional use permits shall be in conformance with the performance standards and the site development standards of this title, except when a condition of the permit provides for other standards. (Ord. 1808 § 1(part), 1986).

17.82.060 Special event permits.

Special events subject to the provisions of Chapter 17.87 of this code shall also be subject to the provisions of this chapter.

(Ord. No. 3020, § I, 2-12-2013)

Chapter 17.83 ADMINISTRATIVE USE PERMITS³⁸

~~17.83.010 Purpose.~~

~~The purpose of an administrative use permit is to allow uses that are generally low impact to the community and environment. The planning director may impose requirements and conditions with respect to location, siting, construction, maintenance, operation, duration and overall development as deemed reasonable and necessary for the protection of the public health, safety and general welfare.~~

~~(Ord. No. 3020, § I, 2-12-2013)~~

~~17.83.020 Findings.~~

~~In order to approve an administrative use permit, the planning director or his/her designee shall make the following findings:~~

- ~~A. The proposed activity or use is consistent with the General Plan and Zoning Ordinance.~~
- ~~B. The subject property is adequate in land area to accommodate proposed activity or use.~~
- ~~C. The proposed activity or use for which the permit is sought will not potentially affect the public health, safety and general welfare.~~

³⁸Editor's note(s)—Prior ordinance history: Chapter 17.83 was renumbered by Ord. No. 3020, adopted Feb. 12, 2013. Provisions of Chapter 17.83 were formerly codified at Section 17.04.110 deriving from Ords. 1812 and 945.

17.06.0770 Electronic component assembly.

"Electronic component assembly" means an industrial use in which the manufactured goods are assembled from components manufactured elsewhere.

(Ord. 1812 § 1(part), 1986).

17.06.0780 Electronic component manufacturing.

"Electronic component manufacturing" means an industrial use in which components for use in electronic equipment are manufactured from raw materials.

(Ord. 1812 § 1(part), 1986).

17.06.0783 Emergency shelter.

"Emergency shelter" means housing with minimal supportive services that is limited to occupancy of six months or less by a homeless person, a person fleeing domestic violence, or person needing emergency housing due to disaster or other similar situation.

(Ord. No. 3050, § II, 1-13-2015)

17.06.0785 Equestrian facility, personal.

"Personal equestrian facility" means a facility that is used by the residents (owner/occupant) of the property for the raising, quartering, pasturing, training in riding of personal equines. Types of facilities would include barns, corrals, arenas and paddocks. Personal equestrian facilities are intended for the personal enjoyment of the owner/occupant of the property and guests and not as a business or income source.

(Ord. 2859 § 2(part), 2005).

17.06.0787 Equestrian facility, private.

"Private equestrian facility" means an equine facility, barn or stable that is used in part for and by the residents (owner/occupant) of the property and their private invited clients or guests for the purpose of raising, boarding, breeding, training and riding, including lessons, education and clinics.

These activities may be undertaken for equines not owned by the resident of the property and such services are limited to invited (i.e., with reservations) guests/clients as a business or income source.

(Ord. 2859 § 2(part), 2005).

17.06.0789 Equestrian facility, public.

"Public equestrian facility" means a facility that leases space for equines, and/or provides equestrian services to the general public/drop-in clients, such as trail rides and guided outfitter services. Types of public equestrian facilities may include, but are not limited to, public boarding stables, barns, public riding arenas, and may include facilities to accommodate events such as horse shows, expositions, and other exhibitions offered to the general public.

Attachment 6-

Administrative Hearing Board Resolution No.
2024-01 and Board of Supervisors Action Item
Denying Appeal of Code Compliance Case
CE23-0164

COUNTY OF CALAVERAS, STATE OF CALIFORNIA
ADMINISTRATIVE HEARING BOARD (CC 8.06.600)

RESOLUTION NO. 2024-01

>>A RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS DECLARE THAT A PUBLIC NUISANCE EXISTS AND AFFIRM THE ORDER TO ABATE, ADMINISTRATIVE CITATION, AND FINES ISSUED IN CODE COMPLIANCE CASE NO. CE23-0164 WITH RESPECT TO JEREMY AND LYNETTE SMITH-COVEY DBA 4 HORSE RANCH FOR UNLAWFUL EQUESTRIAN FACILITY ON APN 048-009-052, 2911 PATRIOT WAY, IN BURSON, CA.

WHEREAS, the Calaveras County Board of Supervisors, through County Code § 8.06.600(A), designated the Calaveras County Planning Commission to sit as the administrative hearing board ("AHB") described in Government Code § 25845(h), convening when an administrative citation and order issued by the Calaveras County Code Compliance Division ("Code Compliance") is challenged pursuant to Chapter 8.06 of the County Code; and

WHEREAS, Jeremy and Lynette Smith-Covey own a parcel known as APN 048-009-052 in Burson and do business as 4 Horse Ranch; and

WHEREAS, APN 048-009-052 is zoned Rural Residential (RR); and

WHEREAS, on September 21, 2023, the Smith-Coveys were issued a Notice of Violation based in relevant part on their use of the parcel for activities that were either prohibited in the RR zone or require a conditional use permit; and

WHEREAS, on March 29, 2024, the Smith-Coveys were issued an Order to Abate, Administrative Citation, and Fine for violations of the Zoning Code based in relevant part on their continuing use of the parcel for activities that were either prohibited in the RR zone or require a conditional use permit, at which point a fine of \$100.00 per day, per violation began to accrue; and

WHEREAS, on April 26, 2024, the Smith-Coveys filed an appeal of the Administrative Citation and Order issued on March 29, 2024, such appeal having been late filed with the permission of the Division of Code Compliance; and

WHEREAS, pursuant to Calaveras County Code 8.06.600(C), upon a timely filed appeal of an administrative citation and/or fines unrelated to cannabis cultivation, the AHB must hold an administrative hearing to determine whether the conditions existing on the properties at issue constitute a nuisance under County Code or whether there is any other good cause why those conditions should not be abated or why the fines levied should be reduced; and

WHEREAS, pursuant to Calaveras County Code 8.06.600.D, the AHB has the power to make recommendations to the Board of Supervisors regarding fines and abatement orders and that the cost of the abatement be specially assessed against the offending parcel; and

WHEREAS, on July 11, 2024, a noticed public hearing was conducted by the AHB with respect to Code Compliance Case CE23-0164, during which it took written and oral evidence from the Division of Code Compliance, Appellants, County staff, and members of the public; and

WHEREAS, to date, the nuisance(s) remains unabated and the violation(s) unremedied; and

WHEREAS, Government Code § 25845(h) requires the AHB to make a written recommendation to the Board of Supervisors after conducting the appeal to assist the Board in determining whether or not the administrative citation should be upheld and abatement commenced at the violators' expense;

BE IT THEREFORE RESOLVED, that the AHB recommends the Board of Supervisors affirm the Order to Abate, Administrative Citation, and Fine issued on March 29, 2024 in Code Compliance Case No. CE-21-0063, find that the violations constitute a public nuisance, and authorize the County to commence abatement if the Smith-Coveys do not do so voluntarily prior to the matter being brought before the Board; and, if the County must abate the conditions itself, authorize the cost of the abatement to be specially assessed against parcel APN 048-009-052, based on the following findings:

1. Having considered all of the evidence presented to the AHB both prior to and during the hearing on this matter, the aforementioned recitals are incorporated by reference herein as factual findings.
2. Jeremy and Lynette Smith-Covey, dba 4 Horse Ranch, violated the Calaveras County Zoning Code and thereby created a public nuisance as defined by Calaveras County Code 8.06.050 (Subsection 2 of the "public nuisance" definition) when, after receiving a Notice of Violation, Order to Abate, and Administrative Citation, they continued to operate a "private equestrian facility" and/or a "public equestrian facility" on their RR-zoned parcel, APN 048-009-052 without having first applied for and received a conditional use permit.

EVIDENCE: Per Chapter 17.22 of the Zoning Code, the only equestrian facility permitted by right in the RR zone is a "personal equestrian facility", which is defined in County Code Section 17.06.0785 as being limited to structures and uses related to the raising, quartering, pasturing, and training in riding of personal horses "for the personal enjoyment of the owner/occupant of the property and guests and not as a business or income source." The other two types of "equestrian facilities" defined in the Zoning Code—a "private equestrian facility"

(which allows for income-producing equestrian activities on an advance reservation basis), and a “public equestrian facility” (which allows for drop-in equestrian activities without need for advance reservations as well as horse shows and exhibitions)—both require a conditional use permit before they can commence on an RR-zoned parcel.

Based on the evidence in the staff report and the oral and written statements of the appellants, staff, and members of the public, the Smith-Coveys dba 4 Horse Ranch have, despite having been provided notice and an opportunity to correct, been conducting the following activities on their parcel without first applying for and receiving a conditional use permit through the Planning Department:

- On-site riding lessons to members of the public
- On-site boarding of horses for members of the public
- On-site training of horses for members of the public
- On-site trail rides for members of the public with current sales advertised through October 2024
- On-site use of the property as an equestrian-related event venue and/or educational venue for members of the public (including birthday parties)
- On-site use of the property for stud services involving horses brought in by members of the public
- On-site operation of a “Horse Ranch Summer Camp”
- Generating income from the aforementioned activities

The AHB has not made a determination whether a camp can be allowed as a “private equestrian facility” or “public equestrian facility.”

3. It is recommended that Jeremy and Lynette Smith-Covey, dba 4 Horse Ranch, be charged fines of \$10,400 through July 11, 2024, with an additional \$100 per day accruing for each subsequent day that they advertise or conduct one or more unlawful use of their property as a private or public equestrian facility until such time as the permits and/or zoning amendments that would allow such activities go into effect.

EVIDENCE: Based on the evidence in the staff report and the oral and written statements of the appellants, staff, and members of the public, the Smith-Coveys dba 4 Horse Ranch have been using their property as a private or public equestrian facility for 104 days between the date they received the administrative citation and notice to abate on March 29, 2024 and the date of this hearing on July 11, 2024. Social media advertising states that the Ranch is open seven days a week, and all of the unlawful activities giving rise to the citation continue to be advertised.

The Division of Code Enforcement, in its Notice of Violation and Administrative Citation, appears to treat all of the defined but unlawful uses the Smith-Coveys engaged in on their property (private equestrian facility and public equestrian facility) as a single violation; therefore, the AHB recommends affirming the

Division's recommendation that fines accrue at only \$100 per day. The Building Official retains discretion to modify or eliminate fines after successful resolution.

Because there is a discrepancy between the Notice of Violation and Administrative Citation with respect to the amount of the "case management fee", the AHB recommends that the Board of Supervisors charge the case management fee cited in the Notice of Violation (\$665), which is the lower of the two.

4. Having reviewed all the evidence presented in this matter and made the aforementioned findings, there is no other good cause why the conditions resulting in a nuisance should not be abated or why the fines levied should be reduced. There is also no reason why the Board of Supervisors should not 1) authorize the Division of Code Compliance to abate the nuisance resulting from these violations of County Code should the Smith-Coveys not immediately cease all unlawful activities in the wake of this hearing, and 2) authorize a special assessment and lien to recover the County's costs of abating the nuisance.

PASSED AND ADOPTED by the Administrative Hearing Board on July 11, 2024, a date that coincides with a regular meeting of the Planning Commission on a motion by Commissioner Parker and seconded by Commissioner Lozano.

AYES: Plotnik, Laddish, Parker, Lozano, Robie

NOES

ABSTAIN:

ABSENT:



Chair, Administrative Hearing Board

ATTEST:

Annette Huse

Annette Huse, Clerk of the
Administrative Hearing Board



CALAVERAS COUNTY BOARD OF SUPERVISORS AGENDA SUBMITTAL

Short Name/Subject Adopt Recommendation of AHB denying appeal of citation in Code Compliance case CE23-0164	Board Meeting Date August 13, 2024	Agenda Number
Dept: Building Contact: Doug Oliver Preparer: Doug Oliver Phone: (209) 754-6390	Supervisory District Number District 5	Consent Agenda
Published Notice Required? Yes Public Hearing Required? No		Estimated Time: 0 Minutes
Type of Document? PowerPoint Presentation Included? No		

RECOMMENDATION:

Adopt the recommendation of the Administrative Hearing Board (AHB) provided in AHB Resolution 2024-01 to deny the appeal of the Administrative Citation and Fine issued to Jeremy and Lynette Smith-Covey in Code Compliance Case CE23-0164 regarding the operation of 4 Horse Ranch at 2911 Patriot Way, Burson; declare that a public nuisance exists based on the use of the parcel for activities that are either prohibited in the Rural Residential zone or require a conditional use permit; and authorize the Division of Code Compliance to abate the nuisance resulting from the violations of County Code and authorize a special assessment and lien to recover the County’s costs of abating the nuisance against parcel APN 048-009-052.

DISCUSSION:

On July 11, 2024, the AHB duly heard the appeal of the Administrative Citation and Fine issued to Jeremy and Lynette Smith-Covey regarding their operation of 4 Horse Ranch at their property located at 2911 Patriot Way, Burson, APN 048-009-052. The contents of the appeal packet are attached hereto as Attachment ‘A’.

The AHB considered all evidence presented and, after discussion and deliberation, unanimously recommended that the Board of Supervisors deny the appeal and uphold the Administrative Citation and Fine. The AHB’s findings of fact and conclusions of law and recommendations are provided to the Board of Supervisors in Resolution 2024-01, which is attached hereto as Attachment ‘B.’ Under County Code § 8.06.600(G), an AHB resolution operates as a recommendation to the Board of Supervisors. The Board of Supervisors then has two options: 1) It can adopt the AHB recommendations in Resolution 2024-001 by a majority vote, or 2) it can hold a “de novo” hearing, which means the Board of Supervisors can pull the item from the consent agenda and commence a new hearing on the matter during the August 13, 2024 meeting to consider the evidence anew. The Department recommends that the Board of Supervisors adopt the AHB recommendations in AHB Resolution 2024-01 as part of the consent agenda.

County Code § 8.06.520(E) states that all administrative and actual costs incurred by the County in abating the violations up to and including the date the building official confirms abatement may be assessed and recovered through an assessment lien. Because these costs have not yet been recovered, the Code Compliance Division is

requesting the Board adopt the recommendations of the AHB in Resolution 2024-01 requiring abatement and authorize it to record a lien to recover fees and costs as described in County Code § 8.06.530, § 8.06.550, and § 8.06.600(C).

FINANCING:

Costs relating to enforcement actions are initially funded through the Code Compliance budget. Once a citation is issued and it becomes necessary for abatement and cost recovery, the citation is sent to the Board of Supervisors for authorization to abate all violations on the property and to impose a lien for costs of abatement. All administrative abatement costs are reimbursed from the designated Nuisance Abatement fund and in turn become a lien on the property and are applied to the property tax roll.

ALTERNATIVES:

The Board of Supervisors could choose not to adopt the recommendations of the AHB in Resolution 2024-01 and, after pulling the item from the consent agenda, commence a de novo hearing on the appeal of the Administrative Citation and Fine.

OTHER AGENCY INVOLVEMENT:

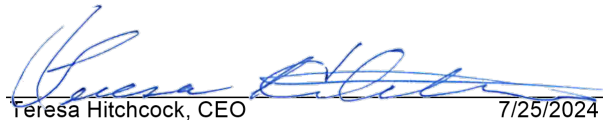
Calaveras County Auditor/Controller; Calaveras County Treasurer/Tax Collector

APPROVED BY:




Doug Oliver, Chief Building Official

7/24/2024



Teresa Hitchcock, CEO

7/25/2024



Stacy Simpson, Deputy Clerk to the Board

8/2/2024



Sarah Edwards, County Counsel

8/8/2024

BOARD OF SUPERVISORS, COUNTY OF CALAVERAS
STATE OF CALIFORNIA
August 13, 2024

**Action Item
No. (ID # 8106)**

AYES: Folendorf, Stopper, Tofanelli, Garamendi, Huberty



Martin Huberty, Vice-Chair

8/13/2024

ATTEST



Rebecca Turner, Clerk to the Board 8/13/2024