

Board continues Van Eck project hearing

Contributed by Elizabeth Larson
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LAKEPORT ‐ A project that has given rise to a dispute in the Steelhead Drive neighborhood had an initial hearing before the Board of Supervisors on Tuesday.

The nearly two-hour hearing on the riding academy and clubhouse John and Joanne Van Eck propose to build on their 76-acre property included testimony from both the Van Ecks' representative on the project as well as the neighbors appealing the Planning Commission's approval.

The complexities of the case and time constraints at the Tuesday board meeting ultimately resulted in the board continuing the matter to the afternoon of June 17.

Because he lives in the neighborhood and owns two lots adjacent to the Van Eck property, Supervisor Anthony Farrington recused himself from the discussion.

Planner Kevin Ingram told the board that the Van Ecks, who originally applied for a use permit in December 2006, wanted to do more special events ‐ of 500 or more people ‐ than just the three per year allowed under their current minor use.

The plan calls for a nine-stall commercial riding stable, an academy to serve up to 15 students and a 2,276-square foot clubhouse facility with a large commercial kitchen, as Lake County News has reported.

When they found they would need to seek a major use permit to upgrade, Ingram said the Van Ecks scaled back to stay at the three events per year, indicating they may want to pursue the major use permit later. Only the number of events changed in order to meet the minor use permit criteria, said Ingram, not the project size.

The Planning Commission approved the project on Feb. 28, including the proposed clubhouse, which Ingram said the Community Development Department had concerns about because they felt it needed a major use permit. On March 5, neighbor Jim Clement filed the appeal.

Ingram said the project has been controversial, but he added that a great effort has been made to come up with a project that is mutually beneficial.

Clement and another Steelhead Drive resident, Debbie Majestic, presented the board with a detailed PowerPoint presentation that looked at a broad range of concerns, including their belief that the project violates the minor use permit code and has unresolved environmental problems.

“The issue here is our perception that this permit is allowing a full-blown events center under the umbrella of agricultural use,” said Clement.

The property, he said, is located down a narrow, dead-end street in close proximity to Cole and Kelsey creeks. Twenty-seven acres of the Van Eck property is designated as a vernal pool by US Fish and Wildlife, and the native hitch fish come up through Cole Creek and spawn in the pasture when it's flooded.

The neighborhood also is prone to flooding, and Clement suggested too many buildings have been clustered toward the property's north end due to drainage concerns. That leaves little room for the animals ‐ which Clement said have included an average of 20 cows and two horses.

The animals' close proximity to the creek also gave rise to questions about manure runoff into the creek; Clement cited a letter from Clear Lake State Park Superintendent Jay Sherman on that very issue.

The Van Ecks submitted a conservation plan in 2002 to deal with land use, air and water quality, which became mandatory under the minor use permit. Clement said since the plan was submitted the Van Ecks have split off some parcels and sold them, and he alleged that the plan hasn't been followed.

Clement said the neighbors didn't have a problem with agricultural use, but they questioned the need for the clubhouse. He said concerns about how the clubhouse fit with the minor use permit were raised by Community Development and Planning Commissioners Monica Rosenthal and Clelia Baur.

While the property can only host special events with 500 or more participants three times a year, Clement said they can now host an unlimited number of events with less than 500 visitors.

“The whole neighborhood, from beginning to end, is adversely affected by this project,” he said.

Clement asked the board to prevent the plan including the clubhouse, place limits on event frequency and the number of people who could attend, and require traffic to use two specific entrances to the property. He further asked them to explore how a hardship guest house for Joanne Van Eck's elderly mother was permitted as a farm labor unit.

Supervisor Rob Brown said if the conservation plan was part of the Planning Commission's decision to grant a minor use permit, then modifications to it should have been spelled out at the same time.

Supervisor Jeff Smith asked about the issue of special events. Community Development Director Rick Coel said his staff had proposed adding qualifiers limiting guest numbers at such events, although they didn't want to tread on peoples' right to have large parties at their homes.

“There's a lot of gray area in the zoning ordinance right now,” said Coel. “It's not as clearly defined as it needs to be.”

Former Community Development Director Mary Jane Fagalde, representing the Van Ecks' project, offered the board her own PowerPoint on the facility proposal.

The minor use permit was only required for the boarding stalls and riding academy, she said. The barn, arena and accessory agricultural buildings don't require a use permit.

The facility will provide therapeutic driving and riding facilities for disabled children at no charge, said Fagalde. The commercial kitchen, which is required by the Health Department for special events, will be used by students and clients

of the Van Ecks' agricultural business.

The clubhouse, said Fagalde, "is typical of a premier equestrian facility," with room to store carriages to protect them from damage.

Fagalde mentioned that the entrance to Clear Lake State Park's Visitor Center is 20 feet from the nearest house, and that draws thousands of visitors a year but hasn't had complaints from the neighborhood.

Supervisor Denise Rushing questioned Fagalde's comparison between the park and the Van Eck project. Rushing pointed out that they didn't have the data to show the usages were the same. Fagalde responded that she wasn't trying to say they were the same uses.

Fagalde said the carriage house is more than 200 feet from Cole Creek, five times the distance of the houses on Steelhead from Kelsey Creek.

The project exemplifies green construction, said Fagalde, with the arena brought from its former location in Middletown and set up to be powered by solar energy.

The Van Ecks also are in compliance with the conservation plan, and recently received an incentive payment for following the rules, said Fagalde. "They are in compliance. They've been in compliance since 2003."

Rushing asked Coel if a premiere equestrian facility fit the strict definition of agriculture. "We don't have a definition of what that is in the zoning ordinance," Coel responded. However, the project is considered agricultural, he added.

During public comment, representatives from Hospice Services of Lake County and People Services praised the Van Ecks for offering to create another place for special events — which also would be fully compliant with Americans with Disabilities Act rules — as well as their generosity at a time when state support for such groups is affected by budget cuts.

Steelhead Drive neighbor Glen Claypool put in a good word for the Van Ecks, saying their project has improved the neighborhood.

The board will meet at the Van Eck property at 1:30 p.m. Tuesday, June 17, for a site visit. They will then continue the public hearing at 2:30 p.m. in the board chambers at the courthouse.

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