

APPENDIX C  
*NOP and Comment Letters*



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2/6/2012

Carl Stiehl  
Dept of Planning and Land Use  
5201 Ruffin Road  
San Diego, CA 92123

**RE: POD 11-011, Tiered Equine ordinance NOP**

Dear Mr. Stiehl,

[Carl.Stiehl@sdcounty.ca.gov](mailto:Carl.Stiehl@sdcounty.ca.gov)

The following comments are submitted in response to the county's NOP for project POD 11-011. I request you distribute this email to the people working on the EIR and to any other interested parties. I further request that it become part of the permanent record for this project and be made part of the EIR in the section titled responses to NOP.

The following comments reference specifically the county's NOP dated January 19, 2012.

Rural communities are a quickly vanishing resource in San Diego County. They deserve to be maintained as rural, rather than commercial entities, and their existing character must be respected and preserved. It appears that the writers of the NOP neither own horses nor live in one of the affected areas, as they have overlooked serious potential impacts in the attempt to appease a few equestrians who stand to profit greatly from the proposed horsekeeping changes at the expense of their neighbors' quality of life and property values.

It seems that the county has ignored many of the suggestions made by the Elfin Forest/Harmony Grove Town Council (letter to you dated May 11, 2011). Those comments were made after a great deal of consultation with the community and reflect our need to preserve community character along the lines of the documents the town council has filed with the county. Your proposal violates many aspects of our community plan.

Having lived in rural county-unincorporated Elfin Forest for more than 20 years, I have had LOTS of experience with neighbors owning horses for their own use, and others who were/are boarding horses, training, running horse camps, giving riding lessons, offering horse-themed parties, etc. all for a fee. Therefore, I have personally witnessed the environmental impact of equine presence.

The proposals contained in your NOP have the potential to dramatically change our quality of life and change the local zoning from rural/residential to commercial. After all, horse breeding/boarding/riding facilities are COMMERCIAL ENTERPRISES.

It boggles the mind that you would prepare the EIR **BEFORE** writing the ordinance. How can the effects of the ordinance be analyzed before it is written? It appears you are literally “putting the cart before the horse.”

In preparing your EIR, I invite you to investigate advice from professional sources such as Oregon State. “A minimum of 1 acre per horse is required to cycle nutrients from manure and urine and to provide adequate space for meeting the social and exercise needs of horses.”  
<http://extension.oregonstate.edu/catalog/pdf/ec/ec1558.pdf>

Your proposed density of ten horses per USABLE acre FOR THE LOWEST TIER is extreme. You do not account for horses’ need for space for pasture, exercise, or housing. An appropriate amount of space for exercise and housing needs to be included in the requirements.

Consider also, the fact that horses eat grass or hay. According to [www.acreageequines.com](http://www.acreageequines.com), “The most natural food for horses is good quality pasture.” That means either using LOTS of expensive water to irrigate pastures, or having hay brought in.

A horse needs 1 gallon of water per day per 100 lbs of weight. Refer to [vet.tufts.edu/sports/dehydration.html](http://vet.tufts.edu/sports/dehydration.html). At a time when we are concerned about adequate water supplies, it is impractical to expect horse operations to grow food for their horses, so hay must be brought in. The same site says that horses need 2 to 2.2 lbs of hay per 100 lbs of body weight. So that can be around 20 or more pounds of hay daily. You must consider the traffic impacts not just of hay delivery, but of horse owners visiting their boarded horses and people coming for lessons, trail rides, and parties.

A 1000 pound (lb) horse produces 31 lb of feces and 2.4 gallons of urine a day in addition to soiled bedding material. Multiply this by ten horses per acre and you have an unhealthy mess that generates flies and odors and has the potential to contaminate groundwater, creeks and streams.

As such, I disagree with the determination of "no significant impact" under water quality in the NOP. Elfin Forest is hilly terrain with the Escondido Creek and its tributaries receiving runoff from horse operations. Increasing the potential for horses through this proposal will increase risks of runoff and water contamination.

Because the NOP provides very little detail and discussion under "land use" in contrast with most other sections, I expressly request that the following be analyzed:

- Impact to community character from introducing commercial operation in an area previously zoned as residential only, including elements such as signage.
- Impact on existing approved community plan, especially as it relates to prohibition of boarding and public riding academies in Elfin Forest.
- Impact on individual communities within the county from eliminating the animal designators which were in place to recognize the innate differences in community character between all the various communities. The one size fits all nature of the project

by necessity will obliterate the specific needs of different communities in a bureaucratic effort to "simplify".

- Impact of combining horse breeding/boarding and horse stables: the latter (riding academies) have a considerably higher footprint of impact on a residential community than boarding and breeding does. The signage, public traffic, noise from lessons, odor, manure mismanagement, and unsightly premises has resulted in major conflicts between the operators of the two riding academies in Elfin Forest and their neighbors. This difference in impact needs to be thoroughly analyzed in the EIR.
- Impact to property values of the zoning change.
- Impact of public use of private roads which are maintained by private owners, yet would be used by members of the public patronizing these newly created commercial establishments
- It is essential that setbacks and fencing requirements be established to mitigate the impact of these operations on neighbors.

In addition, there must be a provision for regular county inspection of these facilities to ensure healthy conditions for horses and people. It has been my experience that the county is understaffed and under-responsive for most code enforcement. The personnel and administrative costs of code enforcement for increased equine density need to be addressed along with how this will be paid for.

**Fairness and equity of regulations:**

Individual types of businesses should not be singled out for concessions that make it easier for them to do business.

**Impacts to neighboring residential properties:**

Residential neighbors of horse-related businesses are often affected by the following: poor or inadequate manure management, flies, dogs and horses running loose, traffic, noise. They are also often affected by riders trespassing on private property and are exposed to related liabilities.

Please indicate in the EIR how such nuisances will be managed by the county.

Riders on private roads impact traffic and often cause conditions dangerous to horses, riders, pedestrians, and drivers. If the county intends to increase the horse population, it must create county-funded and maintained trails to prevent damage and dangerous conditions on Elfin Forest private roads.

**Zoning:**

There is no doubt that strict zoning must be made a priority. Properties zoned for horsekeeping should have setback requirements for the facilities. Setbacks should not be counted in the acreage used for horses. For example, where children are being trained to ride horses, shouldn't there be adequate setbacks so that road noise does not frighten the horses? Shouldn't there be

requirements for where and how manure is handled? Setbacks need to assure that visual, olfactory, and noise impact on neighbors is minimized and mitigated.

**Business:**

The county should carefully look at the business aspect and realize that these businesses are often cash-based and income is under-reported if reported at all. Many of these facilities do not have a business license. These businesses should be regulated in the same way as any other business. Many of them hire undocumented workers to clean up after the horses and maintain the properties. Often, they live illegally in substandard housing on the properties. This needs to be addressed and provisions made for periodic inspections.

Shouldn't horses be licensed as dogs are? Shouldn't the fee be set high enough to defray the cost of acquiring and maintaining the county trail network? Horse-related businesses benefit from the trails; they are high users of the trails and the horses, due to their weight, cause quite a lot of damage to trails. It appears that under the current system, county taxpayers are subsidizing these businesses because our taxes pay for creation and maintenance of trails that we use minimally, if at all. The county requires beehives to be registered even though bees are extremely beneficial to the environment. Horses need to be licensed just as dogs are, but at a higher rate since they do more damage to the environment (horses and their manure release methane into the atmosphere contributing to global climate change).

**Horse health:**

You may want to consult with animal experts to determine the optimum number of horses per acre for their health and well being. In addition, you need to specify the **maximum total number of animals of all kinds** on a property. Right now, I have a neighbor who has seven horses, two goats, two huge pigs, three dogs, and chickens on 3 acres. The county will have to generate guidelines for horsekeeping. For example, you must require a person to be present on the property to assure that the horses basic health and safety needs are being met. Inspections must include health checks and assurances that inoculations are being kept up to date.

**Consumer protection:**

How is the public protected from unethical horse businesses? Shouldn't there be a requirement for trainers to have CPR and first aid certifications? What about safety requirements such as no smoking in barns or around hay and straw? Fences, etc. The county should require these businesses to carry liability insurance.

**Environmental protection:**

A 1000 pound (lb) horse produces 31 lb of feces and 2.4 gallons of urine a day in addition to soiled bedding material. This must be disposed of properly. I have seen people pile the manure in stream beds where it can affect streams and rivers. Sometimes they pile it along a property line. Many horse properties draw a lot of flies. The county must ensure that these properties are being managed with proper sanitation in mind and assure that neighbors are not negatively affected by the businesses. There must be a plan for regular inspections and fines for noncompliance.

Stables and large scale boarding operations are commercial entities not compatible with a rural residential neighborhood.

Many acres in Elfin Forest are under conservation easements. Yet this is where the increased number of horses will probably ride, destroying habitat. You must provide for county-maintained trails on county land to prevent horses and their riders from trespassing into conservation lands and onto private property.

It is important to conduct baseline water quality monitoring in all local creeks and their tributaries and then to followup on a periodic basis with additional tests to assure water quality is not being degraded by the addition of more animals.

**Emergency response:**

During an emergency such as the 1996 Harmony Grove fire, evacuation of animals became an enormous problem. Horse trailers being brought in from other areas to evacuate animals caused traffic jams and slowed the response of emergency vehicles including fire engines. It is critically important that each horse property have sufficient trucks, trailers, etc. to efficiently evacuate their animals in event of an emergency.

**Enforcement:**

It is often difficult to get the county to enforce its own ordinances. When a problem is reported by phone or even in writing to the county, the response is often that they are short-staffed, enforcement is not a priority, etc.

**Items to consider:**

- Adopt strict zoning that specifies the number of animals that can be kept per acre and a calculation the total acreage required that includes setbacks, stables, manure management, etc.
- Establish a licensing scheme for horses that defrays the county's related costs; i.e. trail creation and maintenance; inspection and enforcement
- Establish a fee schedule for violations
- Define, publicize, and enforce best practices for manure management.
- Require business licenses of all horse-related businesses. It's easy to find out who they are – just do a google search.
- Define controls for outdoor lighting. Many areas have dark sky ordinances which must be considered and enforced.

It is not appropriate to allow ten horses per acre everywhere in the county for the sake of a convenient regulations. You MUST consider community character. Downzoning rural residential lots to commercial needs to be an amendment to the county's general plan and have the appropriate hearings, etc.

Standards must be set for equine housing and fencing.

In addition to the comments above, I include by reference the comments submitted by the Elfin Forest/Harmony Grove Town Council and support their comments and conclusions.

I would appreciate the opportunity to review and comment on the EIR when it becomes available.

Thank you for your consideration,

*Evelyn Alemanni*

<http://www.allea.com>

760-471-7224

I am writing this to voice my concern/opposition to the new set of regulations the Department of Planning and Land Use are proposing limiting commercial equestrian centers to ten horses per usable acre of space.

My daughter has been taking riding lessons at a nearby commercial equestrian center, Mt Miguel Equestrian Center for the last seven years. My daughter has a learning disability, and the benefits she has derived from this experience has not only helped her performance in school but made her life my enjoyable. She is not alone in this experience, many of the other children taking lessons at this facility also suffer from learning disabilities or personality disorders and the exposure to riding has helped in their development.

If the rule were to change allowing only ten horses per usable acre versus 15, the center my daughter attends would either close or raise their rates above what we and most other parents can afford. Conversely, if these facilities were located in distant rural areas, far from population centers, would make them inaccessible to me and most other people.

Given the unique location of the Mt Miguel Equestrian Center, near the large population area of Eastern Chula Vista, practicing superior animal husbandry, vector control, and manure management, ensures that not only children from this large population area in San Diego County have the opportunity to gain life-changing positive experiences from horses, but that the equestrian center is a good neighbor as well.

As a suggestion, instead of limiting such equestrian centers to ten horses per acre, why not set higher standards of accommodations as Mt. Miguel practices, ensuring that young people still have access to the great experience of horse back riding.

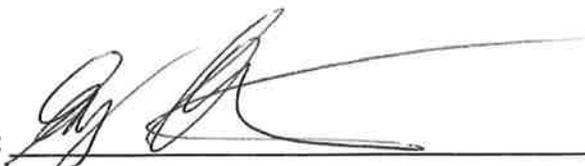
A handwritten signature in black ink, appearing to be 'E. A. ...', located at the bottom right of the page.



**MT. MIGUEL EQUESTRIAN CENTER  
6558 JONEL WAY, BONITA, CA 91902  
619-421-6283**

Date: 2/13/12 (must be rec'd by County not later than 2/17/2012)

TO: Carl Stiehl, Project Manager  
County of San Diego  
Department of Planning and Land Use  
5201 Ruffin Road, Suite B  
San Diego, CA 92123-1666

Signed:  \_\_\_\_\_

Printed Name: GREGORY L. ATCHISON



## Stiehl, Carl

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**From:** Martin Benowitz [Marty@lordpufferlaw.com]  
**Sent:** Thursday, February 09, 2012 11:19 AM  
**To:** Stiehl, Carl  
**Cc:** Bonita Baumgartner  
**Subject:** horse regs

Mr. Stiehl:

I support Bonita Baumgartner's efforts to keep reason in the management and regulation of horse owner's and their properties within Elfin Forest. Not living in Valley Center I will let those residents comment on how they wish to be regulated. In Elfin Forest, where we have lived for 28 years, we have had several horses on the three acres consistently, personal riding, my wife lending her many years of experience to teach other younger riders, and in some cases being paid to train and take horses to horse competitions. In other years we had draft horses that we trained and bred and took to public functions (like the opening of the Del Mar stadium that hosted the World Cup where they had our horse and queen's carriage bring in the dignitaries each night), or the school and charity functions when we brought our santa's sleigh on wheels to give poor children and their families rides. I doubt that our horse activities have ever caused any danger to others or the environment, that would justify a whole new level of county enforcement. Don't fix it if it ain't broke is the saying I believe. Regulating commercial activities on a grander scale however is justified. People in a residential area should not have the streets clogged with customers of the property on which the riding and training are being conducted. If these activities are going to be conducted they should be self contained on those properties. With that said, I am attaching the community input letter as follows:

1.Want to keep a distinction and disagree with lumping boarding,riding academy, breeding all together as one group.

2.Small equine horse owners establishments that board even 1 horse are now being lumped into the commercial tier with stables that board, etc.

impacts on all CEQA related items much less with a private horse owner , boarding a few horses to offset expenses.

1. Horses boarded by their owners on a ranch for personal use have very little impact on traffic, noise, dust, lighting, etc
2. For small property owner, the usable acreage concept is one more level of bureaucracy, paper work, government encroachment on property rights.

- 3.
3. Plot plans -" the devil is in the details" with county having a 'zero cost' concept in place this will end up possible costing money to draw plans, then submit.

- 4.
4. How is county going to pay for enforcement?- they are not enforcing existing blatant infractions.

- 5.
5. New ordinance as written opens up increased ability for commercial use which is not in keeping with our 'rural residential'. There should be some distinction between straight commercial and a horse owner giving a lesson, or a boarder taking a lesson on their own horse.

- 6.
6. Opening the EIR environmental concerns puts the 'toe in the door' for increased permitting process- more cost- more regulation- less property rights.

- 7.
7. What about the status quo on regulations with no distinguishing boarders vs horse owners and just enforce the obvious commercial violations?

- 8.
8. Consider a '0' tier that does not separate out owner, boarder distinctions, keeps generous number of horses( 8-10) per acre on the gross acreage, by right, does not require any permitting, nor submitting of plot plan, but all setbacks,BMP's etc are followed, no advertising, no signage. Agree that riding academies, public boarding stables etc are not in this tier as they are strictly commercial, and not in the intent nor spirit of this tier.

I'm sure these matters are never easy to please everyone, but there are a large number of people in Elfin Forest that would be negatively affected to a far greater extent than any new regulation would benefit the community.

Martin A. Benowitz  
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4229 Lomo del Sur

La Mesa, CA. 91941

February 13, 2012

Carl Stiehl, Project Manager

County of San Diego

Department of Planning and Land Use

5201 Ruffin Road, Suite B

San Diego, CA. 920123-1666

Good Morning!

I ride at Mt. Miguel Equestrian Center. I chose Mt. Miguel because it is nearby, the cost is reasonable and the horses are well trained. If the proposal to limit the number of horses to ten horses per acre is adopted, my instructor will have to limit the lessons available, which makes it harder for me to find a time to ride after work. I know my instructor will have to raise prices with only ten horses to cover overhead, or she may actually close her business. I can't afford those high priced lessons in Del Mar (\$55 for 30 minute lesson) or the gas to get there, so my riding days will be over.

It is very disappointing to think that an activity I've wanted to do since childhood and only just had the money to do can be stripped away Department of Planning and Land Use regulations. Therefore, I am asking you to maintain the current regulations for equestrian centers like Mt. Miguel Equestrian Center.

Sincerely,

A handwritten signature in cursive script, appearing to read "Elizabeth Bomgardner".

Elizabeth Bomgardner





February 29, 2012

Mr. Carl Stiehl  
San Diego County  
Department of Planning and Land Use  
5201 Ruffin Road, Suite B  
San Diego, CA 92123

**Subject: Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Tiered Equine Ordinance (SCH # 2012011052)**

Dear Mr. Stiehl:

The Department of Fish and Game (Department) has reviewed the above-referenced Notice of Preparation (NOP), dated January 24, 2012. The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act [CEQA] Guidelines, §15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines, section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (CESA; Fish and Game Code §2050 et seq.) and Fish and Game Code section 1600 et seq. The Department also administers the Natural Community Conservation Planning (NCCP) program. The County of San Diego (County) participates in the NCCP program by implementing the County's Multiple Species Conservation Program (MSCP). The proposed project is located within the boundaries of the County. Therefore, equine uses proposed within the unincorporated areas of the County's MSCP boundaries will be required to comply with the appropriate MSCPs. This includes the approved South County MSCP (SCMSCP) Subarea Plan, the draft North County MSCP (NCMSCP) Subarea Plan and East County MSCP (ECMSCP) Subarea Plan. Additionally, compliance with the Southern California Coastal Sage Scrub NCCP Process Guidelines will be required for any project outside of the MSCP that requires a grading or clearing permit that will impact more than one acre of coastal sage scrub habitat.

The proposed project will be located within the County of San Diego. The proposed project is bordered to the west by the Pacific Ocean, to the east by Imperial County, to the north by Orange and Riverside Counties, and to the south by Mexico. The project covers the unincorporated portions of the County over which the County has land use jurisdiction. The project proposes amendments to the County's Zoning Ordinance for equine uses. These amendments consist of clarifications, deletions, and revisions to provide an updated set of definitions, procedures and standards for review and permitting of equine uses, specifically for commercial horse stables. These amendments will implement a new tiered system of permitting for a horse stable with both ministerial and discretionary tiers of permitting.

Vegetation located throughout unincorporated areas of San Diego county include but is not limited to: grazing lands, northern mixed chaparral, granitic northern mixed chaparral, open coast live oak woodland, southern riparian scrub, and flat-topped buckwheat communities. Sensitive wildlife species known to occur in proximity to the proposed project include least Bell's

vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*), California gnatcatcher (*Polioptila californica*), golden eagle (*Aquila chrysaetos*), southwestern arroyo toad (*Bufo californicus*), and two-striped garter snake (*Thamnophis hammondi*). Other species that may occur based on suitable habitat include the quino checkerspot butterfly (*Euphydryas editha quino*), hermes copper butterfly (*Lycaena hermes*), San Diego horned lizard (*Phrynosoma coronatum blainvillii*), and southwestern pond turtle (*Clemmys marmorata*). A number of rare plants also inhabit the area, including Tecate cypress (*Hesperocyparis forbesii*), which can provide habitat for the Thorne's hairstreak butterfly (*Callophrys [Mitoura] gryneus thornei*), Robinson's pepperweed (*Lepidium virginicum var. robinsonii*), southern jewel flower (*Streptanthus campestris*), sticky geraea (*Geraea viscida*), and San Diego sunflower (*Hulsea californica*). While many areas of the proposed project area are outside of an approved NCCP area, mitigation under the draft ECMSCP and NCMSCP allows for consistency of environmental planning for this and future county projects.

The Department offers the following comments and recommendations to assist the County in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources, and to ensure that the project is consistent with ongoing regional habitat conservation planning efforts.

**Specific Comments:**

1. The draft Environmental Impact Report (EIR) should discuss plans for corral and structure placement which would not adversely effect wildlife movement. Fences that are not wildlife friendly around streams, wetlands and water bodies will cause large game to be at risk of injury on a daily basis. Fences located close to avian species with poor visibility can kill or maim avian species. Additionally, fences and structures should not restrict wildlife movement over the entire property. Fences should not be built across slopes and should provide for movement of wildlife close to important water, cover and food areas. Stream and creeks are crucial parts of the ecosystems and flow of water should remain uninhibited. Therefore, the Department recommends that the draft EIR should discuss the importance of not permitting fences or structures to enclose part of a creek or stream. Additionally, the draft EIR should discuss plans for corral and structure placement which would not effect wildlife movement.
2. The type of fence and structures being built is just as important as the placement of fences and structures. Boundary fences tend to allow free movement for wildlife including gaps and lay-down sections along known migration corridors when livestock are not present. The Department is not clear as to what type of animal enclosure will be used to enclose horses. Therefore, the Department recommends that the draft EIR describe enclosures, including fence type and materials to be used.
3. The draft EIR should discuss a project design that would provide for large, contiguous blocks of open space and clustered development (County of San Diego Guidelines for Determining Significance of Biological Resources, §5.2, 2010). This would maintain connectivity between on-site and off-site habitats, and would be consistent with the general conservation goals of the County, as well as the more specific goals associated with the NCMSCP and the ECMSCP. Due to the proximity of the proposed project to MHCP Biological Core and Linkage Areas, discussions regarding impacts on, and maintenance of wildlife corridor/movement areas should be provided in the draft EIR. Maps denoting locations of MHCP Biological Core and Linkage Areas should be visually expressed using appropriate

graphics and text. Additionally, access to undisturbed habitats in adjacent areas, and avoidance should be fully evaluated in the draft EIR using a map.

4. The Department is not sure if zoning designations will change due to the newly revised ordinances. Therefore, the Department requests that the draft EIR discuss any zoning changes that may occur using a map to designate such changes.
5. Floodplains are areas which are flat or nearly flat and adjacent to streams or rivers that are known to flood during periods of high discharge. Therefore, the Department strongly recommends that facilities for horses should not be built in floodplains or areas where there is a frequent occurrence of flooding (e.g. Tijuana River Valley). Structures (including corals) should be placed out of any know floodways.
6. One of the greatest health concerns associated with equine waste is pathogens. Many pathogens found in animal waste can infect wildlife if ingested or contacted. Additionally, proper management of equine waste includes preventing animals and their waste from coming into contact with runoff and water sources. Therefore, the Department recommends that an adequate waste removal plan should be discussed in the draft EIR.
7. If a Lake and Streambed Alteration notification is required then the action should not be considered a ministerial action. This type of action should be considered a discretionary action. Therefore, the draft EIR should discuss Lake and Streambed Alteration notifications as it relates to ministerial actions and discretionary actions.
8. Since the NCMSCP and the ECMSCP have not been approved, the County currently has no take for listed species in those planning areas except the California gnatcatcher through the interim 4(d) Habitat Loss Permit established with the County. The draft EIR should discuss the project's consistency with the Interim Project Processing Guidelines and the Natural Community Conservation Program/4(d) Findings, as described in the draft NCMSCP Planning Agreement. As required under the County's ECMSCP Planning Agreement, impacts to coastal sage scrub would require obtaining a habitat loss permit (HLP) from the County, with approval by the Department and the U.S. Fish and Wildlife Service. We recommend that the project applicant start discussions with the County as soon as possible to explore these issues.
9. Due to the nature of the project, this project may have a cumulative effect on sensitive species and habitats known to occur on and adjacent to the project site, as well as affect the preserve design of the approved SCMSCP, draft NCMSCP, and draft ECMSCP. Therefore, the draft EIR should address the cumulative effects to sensitive species and habitats resulting from the proposed project and known proposed developments on adjacent properties, as well as potential effects to regional conservation planning.
10. Equine grazing is proposed to be retained on-site as part of the proposed project. Grazing can have both negative and positive effects on wildlife. For instance, grazing can be used as an important management tools for grassland species (e.g., Stephens' kangaroo rat, burrowing owl) but can have detrimental impacts on native habitats and species when not properly controlled (e.g., riparian areas, vernal pools). Not only can grazing impact vegetative community structure and soil quality, but wildlife populations such as that of southern mule deer (*Odocoileus hemionus fuliginatus*) can be affected. Therefore, the draft EIR should discuss the impacts of grazing and propose mitigation measures that emphasize avoidance and reduction of project impacts.

11. The NOP described California sage scrub habitats as being located on the project site. The draft EIR should provide a complete assessment of the flora and fauna within and adjacent to the project areas, with particular emphasis upon identifying endangered, threatened, sensitive, and locally unique species and sensitive habitats using maps. The following information should be included:
  - a) Per CEQA Guidelines, section 15125(c), information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis placed on resources that are rare or unique to the region.
  - b) A thorough assessment of rare plants and rare natural communities, following the Department's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see: <http://www.dfg.ca.gov/habcon/plant/>). A hard copy is available upon request.
  - c) A current inventory of the biological resources associated with each habitat type on-site and within the area of potential effect. The Department's California Natural Diversity Data Base in Sacramento should be contacted at (916) 322-2493 or [www.dfg.ca.gov/biogeodata/](http://www.dfg.ca.gov/biogeodata/) to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code.
  - d) An inventory of rare, threatened, and endangered, and other sensitive species on-site and within the area of potential effect. Species to be addressed should include all those which meet the CEQA definition (see CEQA Guidelines, §15380). This should include sensitive fish, avian, reptile, and amphibian species. Seasonal variations in use of the project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with the Department and the U.S. Fish and Wildlife Service.
12. If impacts to golden eagle nesting or foraging habitat may occur from the project, we recommend that the applicant consult with the U.S. Fish and Wildlife Service on the need to obtain a Golden Eagle permit pursuant to the Bald and Golden Eagle Protection Act and related new regulations (74 FR 46835-4687, "Eagle Act Regulations") that were effective on November 10, 2009.
13. The development of multi-use trails and parks should be discussed as it relates to potential impacts to proposed biological open space. Trails and parks and the corresponding increase in human activities could result in detrimental effects and reduce the biological value of the open space. Emphasis should be directed at locating public use trails along the edges of residential land uses and avoiding encroachment into sensitive habitats or identified wildlife movement areas. Placement of trails should be explored within the context of the County's Community Trails Master Plan. Therefore, the draft EIR should also describe the proximity of trails to horse management areas of the project site and any potential conflicts in long-term management activities (County Trails Program; Community Trails Master Plan §6).

14. The draft EIR should specifically identify the source of water that would support the proposed project. Concern exists relative to the potential use of groundwater pumping to support large scale developments, which may have direct or indirect impact on flora and fauna in the surrounding area.
15. The draft EIR should discuss the growth-inducing impacts of the proposed project on biological resources within the project footprint that may result from the development of project infrastructure and road improvements which are not currently present in the area.
16. The proposed project may result in increased traffic volume on highways and roads adjacent to the proposed project area. The draft EIR should discuss the need for any road improvements that would be necessary to off-set increased traffic volumes resulting from the proposed project. Furthermore, the draft EIR should identify any on-site or off-site impacts to sensitive species or habitats that would result from any proposed road improvements associated with the project.
17. All construction and post-construction best management practices (BMPs) should be located within the development footprint (i.e., included in the impact analysis as loss of habitat). The draft EIR should include a figure depicting the location of BMPs in relation to the development footprint, as well as a description of anticipated long-term maintenance required for BMPs.
18. Appropriate native non-invasive plants should be used to the greatest extent feasible in landscaped areas adjacent to and/or near mitigation/open space areas and/or wetland/riparian area. The applicant should not plant, seed, or otherwise introduce invasive exotic plant species into landscaped areas adjacent and/or near native habitat areas. Exotic plant species that should not be used include those species listed on the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory. This list includes (but is not limited to) the following: pepper trees, pampas grass, fountain grass, ice plant, myoporum, black locust, capeweed, tree of heaven, periwinkle, sweet alyssum, English ivy, French broom, Scotch broom, and Spanish broom. In addition, landscaping adjacent to native habitat areas should not use plants that require extensive irrigation, fertilizers, or pesticides. Water runoff from landscaped areas should be directed away from mitigation land, open space, wetlands and riparian areas. Additionally, water runoff should be treated and contained within the development footprint.
19. Projects often have the ability to attract certain species for various reasons. Therefore the draft EIR should discuss the possible impact of other species (e.g. cowbirds) which may be attracted to the project area. Likewise, the draft EIR should discuss impacts to the ecosystem if fence posts serve as raptor perches.

**General Comments:**

1. The Department has responsibility for wetland and riparian habitats. It is the policy of the Department to strongly discourage development in wetlands or conversion of wetlands to uplands. We oppose any development or conversion which would result in a reduction of wetland acreage or wetland habitat values, unless, at a minimum, project mitigation assures there will be "no net loss" of either wetland habitat values or acreage. Development and conversion include but are not limited to conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether intermittent or perennial, should be

retained and provided with substantial setbacks which preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife populations. Mitigation measures to compensate for impacts to mature riparian corridors must be included in the draft EIR and must compensate for the loss of function and value of a wildlife corridor.

- a) The project area supports riparian and wetland habitats; therefore, a jurisdictional delineation of the creeks and their associated riparian habitats should be included in the draft EIR. The delineation should be conducted pursuant to the U. S. Fish and Wildlife Service wetland definition adopted by the Department.<sup>1</sup> Please note that some wetland and riparian habitats subject to the Department's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers.
  - b) The Department also has regulatory authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed. For any such activities, the project applicant (or "entity") must provide written notification to the Department pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, the Department determines whether a Lake and Streambed Alteration Agreement (LSA) with the applicant is required prior to conducting the proposed activities. The Department's issuance of a LSA for a project that is subject to CEQA will require CEQA compliance actions by the Department as a Responsible Agency. The Department as a Responsible Agency under CEQA may consider the local jurisdiction's (lead agency) Negative Declaration or Environmental Impact Report for the project. To minimize additional requirements by the Department pursuant to section 1600 et seq. and/or under CEQA, the document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA.<sup>2</sup>
2. The Department considers adverse impacts to a species protected by CESA, for the purposes of CEQA, to be significant without mitigation. As to CESA, take of any endangered, threatened, or candidate species that results from the project is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085.) Consequently, if the project, project construction, or any project-related activity during the life of the project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, the Department recommends that the project proponent seek appropriate take authorization under CESA prior to implementing the project. Appropriate authorization from the Department may include an incidental take permit (ITP) or a consistency determination in certain circumstances, among other options (Fish and Game Code §§ 2080.1, 2081, subs. (b), (c)). Early consultation is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that the Department issue a separate CEQA document for the issuance of an ITP unless the project CEQA document addresses all project impacts to CESA-listed species and specifies a

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<sup>1</sup> Cowardin, Lewis M., et al. 1979. Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service.

<sup>2</sup> A notification package for a LSA may be obtained by accessing the Department's web site at [www.dfg.ca.gov/1600](http://www.dfg.ca.gov/1600).

mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

3. To enable the Department to adequately review and comment on the proposed project from the standpoint of the protection of plants, fish and wildlife, we recommend the following information be included in the draft EIR:
  - a) A complete discussion of the purpose and need for, and description of, the proposed project, including all staging areas and access routes to the construction and staging areas.
  - b) A range of feasible alternatives to ensure that alternatives to the proposed project are fully considered and evaluated; the alternatives should avoid or otherwise minimize impacts to sensitive biological resources, with particular attention to wetlands and wildlife corridors. Specific alternative locations within the existing property should be evaluated in areas with lower resource sensitivity where appropriate.
4. To provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, the following should be addressed in the draft EIR:
  - a) A discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage should also be included. The latter subject should address: project-related changes on drainage patterns on and downstream of the project site; the volume, velocity, and frequency of existing and post-project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-project fate of runoff from the project site. The discussions should also address the proximity of the extraction activities to the water table, whether dewatering would be necessary, and the potential resulting impacts on the habitat, if any, supported by the groundwater. Mitigation measures proposed to alleviate such impacts should be included.
  - b) Discussions regarding indirect project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a NCCP). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the draft EIR.
  - c) The zoning of areas for development projects or other uses that are nearby or adjacent to natural areas may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the environmental document.
5. The draft EIR should include measures to fully avoid and otherwise protect Rare Natural Communities (Attachment) from project-related impacts. The Department considers these communities as threatened habitats having both regional and local significance.

6. The draft EIR should include mitigation measures for adverse project-related impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed.
7. For proposed preservation and/or restoration, the draft EIR should include measures to perpetually protect the targeted habitat values from direct and indirect negative impacts. The objective should be to offset the project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.
8. In order to avoid impacts to nesting birds (listed or otherwise), the draft EIR should require that clearing of vegetation, and when biologically warranted construction, occur outside of the peak avian breeding season which generally runs from February 1 through September 1 (as early as January for some raptors). If project construction is necessary during the bird breeding season a qualified biologist with experience in conducting bird breeding surveys should conduct weekly bird surveys for nesting birds, within three days prior to the work in the area, and ensure no nesting birds in the project area would be impacted by the project. If an active nest is identified, a buffer shall be established between the construction activities and the nest so that nesting activities are not interrupted. The buffer shall be a minimum width of 300 feet (500 feet for raptors), shall be delineated by temporary fencing, and shall remain in effect as long as construction is occurring or until the nest is no longer active. No project construction shall occur within the fenced nest zone until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the project.
9. The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Studies have shown that these efforts are experimental in nature and largely unsuccessful.
10. Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. Each plan should include, at a minimum: (a) the location of the mitigation site; (b) the plant species to be used, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on-site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity.

Mr. Carl Stiehl  
February 29, 2012  
Page 9 of 9

We appreciate the opportunity to comment on the referenced NOP. Questions regarding this letter and further coordination on these issues should be directed to Bryand Duke at (858) 637-5511.

Sincerely,



Stephen M. Juarez  
Environmental Program Manager  
South Coast Region

Enclosure

Sensitivity of Top Priority Rare Natural Communities in Southern California

cc: Janet Stuckrath (U.S. Fish and Wildlife Service)  
Scott Morgan (State Clearinghouse)



## Sensitivity of Top Priority Rare Natural Communities in Southern California

Sensitivity rankings are determined by the Department of Fish and Game, California Natural Diversity Data Base and based on either number of known occurrences (locations) and/or amount of habitat remaining (acreage). The three rankings used for these top priority rare natural communities are as follows:

- S1.# Fewer than 6 known locations and/or on fewer than 2,000 acres of habitat remaining.
- S2.# Occurs in 6-20 known locations and/or 2,000-10,000 acres of habitat remaining.
- S3.# Occurs in 21-100-known locations and/or 10,000-50,000 acres of habitat remaining.

The number to the right of the decimal point after the ranking refers to the degree of threat posed to that natural community regardless of the ranking. For example:

- S1.1 = very threatened
- S2.2 = threatened
- S3.3 = no current threats known

### Sensitivity Rankings (February 1992)

<u>Rank</u>	<u>Community Name</u>
S1.1	Mojave Riparian Forest Sonoran Cottonwood Willow Riparian Mesquite Bosque Elephant Tree Woodland Crucifixion Thorn Woodland Allthorn Woodland Arizonan Woodland Southern California Walnut Forest Mainland Cherry Forest Southern Bishop Pine Forest Torrey Pine Forest Desert Mountain White Fir Forest Southern Dune Scrub Southern Coastal Bluff Scrub Maritime Succulent Scrub Riversidean Alluvial Fan Sage Scrub Southern Maritime Chaparral Valley Needlegrass Grassland Great Basin Grassland Mojave Desert Grassland Pebble Plains Southern Sedge Bog Cismontane Alkali Marsh

- S1.2 Southern Foredunes  
Mono Pumice Flat  
Southern Interior Basalt Flow Vernal Pool
- S2.1 Venturan Coastal Sage Scrub  
Diegan Coastal Sage Scrub  
Riversidean Upland Coastal Sage Scrub  
Riversidean Desert Sage Scrub  
Sagebrush Steppe  
Desert Sink Scrub  
Mafic Southern Mixed Chaparral  
San Diego Mesa Hardpan Vernal Pool  
San Diego Mesa Claypan Vernal Pool  
Alkali Meadow  
Southern Coastal Salt Marsh  
Coastal Brackish Marsh  
Transmontane Alkali Marsh  
Coastal and Valley Freshwater Marsh  
Southern Arroyo Willow Riparian Forest  
Southern Willow Scrub  
Modoc-Great Basin Cottonwood Willow Riparian  
Modoc-Great Basin Riparian Scrub  
Mojave Desert Wash Scrub  
Engelmann Oak Woodland  
Open Engelmann Oak Woodland  
Closed Engelmann Oak Woodland  
Island Oak Woodland  
California Walnut Woodland  
Island Ironwood Forest  
Island Cherry Forest  
Southern Interior Cypress Forest  
Bigcone Spruce-Canyon Oak Forest
- S2.2 Active Coastal Dunes  
Active Desert Dunes  
Stabilized and Partially Stabilized Desert Dunes  
Stabilized and Partially Stabilized Desert Sandfield  
Mojave Mixed Steppe  
Transmontane Freshwater Marsh  
Coulter Pine Forest  
Southern California Fellfield  
White Mountains Fellfield
- S2.3 Bristlecone Pine Forest  
Limber Pine Forest



## THE CITY OF SAN DIEGO

February 17, 2012

Carl Stiehl, Project Manager  
County of San Diego  
Department of Planning and Land Use  
5201 Ruffin Road, Suite B  
San Diego, CA 92123-1666

Dear Mr. Stiehl,

Subject: Notice of Preparation for POD 11-011, Tiered Equine Ordinance

### Summary

The City of San Diego owns and operates nine drinking source water reservoirs. Seven of these reservoirs are located in or downstream of unincorporated areas of San Diego County and will be affected by the proposed Tiered Equine Ordinance amendment.

The attached map shows the City's reservoirs, the reservoir catchments, and the parcels within the catchments affected by the proposed ordinance.

It is important to understand how the distribution and density of horses resulting from implementation of this Ordinance would affect water quality in the City's drinking source water reservoirs. Managing salt and nutrient loading from the catchments into the reservoirs is key to protecting water quality in the reservoirs. The presence of horses on the landscape, the importation of animal feed, the manure produced by horses, and the denuding of stables and grazing areas all will contribute to downstream salt and nutrient loading and will, thus, degrade water quality in the reservoirs. Regional stormwater regulations do not address salt and nutrient loading at the level needed to fully protect drinking source water reservoirs. These are issues that should be addressed in the Draft Environmental Impact Report.

### Background

We have reviewed the Notice of Preparation for an Environmental Impact Report dated January 19, 2012, and appreciate the opportunity to comment. We identified several issues of concern that may occur in the reservoir catchments because of the implementation of the proposed ordinance. The Draft Environmental Impact Report (DEIR) should show the region's reservoirs on the project map and present a thorough analysis of the identified issues as well as reasonable alternatives, a cumulative analysis, and mitigation measures.

Local rain runoff captured in the City's reservoirs contributes about 15% of the water supply for 1.3 million people in the City of San Diego and neighboring communities. The reservoirs also store water imported from the Colorado River and northern California.



### Public Utilities Department

600 B Street, Suite 600, MS 906 • San Diego, CA 92101  
Tel (619) 533-7595 Fax (619) 533-5325

Taking these together, roughly 30% of the water delivered to homes and businesses in the City of San Diego is water that has been impounded in the reservoirs.

The proposed ordinance will affect zoning in the entire reservoir catchments (see attached map). New stables and associated uses (horse trails, riding events, etc.) will likely be located in all of these catchments as a result. Land uses within a catchment directly affect water quality as water drains over and under the landscape. Water quality degradation resulting from this ordinance is of particular concern for San Vicente and Hodges Reservoirs because so much of the catchment area will be affected by this ordinance. In the San Vicente catchment, the tiered zoning amendment will apply to nearly two thirds of the landscape.

### Specific Comments

#### **Description of Project**

##### **Definitions (1110s):**

- Zoning Verification Permit – new permit type that is ministerial (not discretionary) with a checklist of clearances for permit approval at the zoning counter.

#### **COMMENT:**

The DEIR should define items included on the 'checklist of clearances for permit approval' with the Zoning Verification Permit.

#### **Description of Project**

##### **Animal Regulations (3000s):**

##### **Animal Schedule**

- First tier - 10 horses per acre up to a maximum of 50 horses on 5 acres of usable area allowed with a Zoning Verification Permit.
- Second tier - 10 horses per acre from more than 50 horses on 5 acres of usable area up to a maximum of 100 horses on 10 acres of usable area allowed with an Administrative (AD) Permit.
- Third tier - more than 100 horses or more than 10 acres of usable area allowed with a Major Use Permit (MUP).

#### **COMMENT:**

Animal density can have a significant and direct effect on water quality by contributing to salt and nutrient loading, as well as sedimentation. A single 1,000 pound horse can generate over 30 pounds of manure and nearly 2.5 gallons of urine per day.<sup>1</sup> When soiled bedding is included, the total weight of waste can equal 70 lbs/day. This equates to approximately 12 tons of material annually, per horse. Estimates of the current equine population in San Diego suggest 300,000 to 400,000 horses in the County.<sup>2</sup> If the lower number is used, horses in the County of San Diego generate 3.6 million tons of manure and bedding waste annually.

<sup>1</sup> Wheeler, Eileen (Assistant Professor), Smith Zajackowski, Jennifer (Senior Research Technologist). *Horse Stable Manure Management G-9*. College of Agricultural Sciences, U.S. Department of Agriculture, and Pennsylvania Counties Cooperating

<sup>2</sup> Bennett, Kelly. *In the Backcountry, a No-Guff Horseshoer Guards Hordes of Hooves*. Voice of San Diego, posted: Monday, July 5, 2010. [http://www.voiceofsandiego.org/people\\_at\\_work/article\\_b7ebb6ea-88bf-11df-a566-001cc4c002e0.html](http://www.voiceofsandiego.org/people_at_work/article_b7ebb6ea-88bf-11df-a566-001cc4c002e0.html)

Horse density limits should directly relate to the existing landscape, including, topography, soil type(s), and hydrology, and not generalized on a county scale. The DEIR should identify and analyze how many additional horses could result from this zoning amendment, how the County will regulate manure management, where manure waste will go, and the potential catchment-wide effect on water resources.

**Initial Study Checklist, II Agriculture and Forestry Resources,**

d) Would the project:

Result in the loss of forest land, conversion of forest land to non-forest use, or involve other changes in the existing environment, which, due to their location or nature, could result in conversion of forest land to non-forest use? *Potentially Significant Impact*

COMMENT:

Forest land in San Diego County serves an extremely important role in source water protection. In the 1890s, the federal government created the San Jacinto Forest Reserve, now called the Cleveland National Forest (CNF), to specifically to protect municipal water supplies by assuring that headwater streams would be as pure as possible. Today the CNF still harbors hundreds of thousands of acres of intact watershed lands upstream of the City's reservoirs. All intact native landscapes in the backcountry intrinsically assume the role of source water protection.

Anthropogenic pressure in the backcountry is accelerating and increased use parallels increased invasive weeds. The USDA suggests in *Appendix M - National Forests of Southern California Weed Management Strategy*, "Current inventories indicate that weeds are spreading at an increasing rate within the southern California national forests, especially along roads, trails, and stream corridors."<sup>3</sup> Invasive weeds are opportunistic and colonize disturbed areas. Invasive species disrupt riparian habitat, alter stream morphology, and increase fire threat. This can lead to displacement of native species and alter stream function, particularly related to pollution mediation and habitat.

The DEIR should provide a detailed analysis of the possible effects of the introduction of exotic invasive floral species and the impacts to riparian corridors in forestland adjacent to horse-keeping facilities and along riding trails created because of new facilities. Analysis should include loss of phytoremediation and bioremediation of potentially degraded habitat, reduced carbon sequestration, and potential erosion.

**Initial Study Checklist, III Air Quality**

b) Would the project:

Violate any air quality standard or contribute substantially to an existing or projected air quality violation? *Potentially Significant Impact*

COMMENT:

Petrochemical combustion engine exhaust contains Nitrogen Dioxide (NO<sub>2</sub>) and nitrogen is of particular concern at a watershed scale. Nitrogen enters the water supply as non-point source pollution, including deposition. It is a primary contributor to eutrophication and drives algae blooms. Atmospheric nitrogen deposition can increase soil nitrogen content over time and may

<sup>3</sup> [http://www.fs.usda.gov/detail/cleveland/landmanagement/planning/?cid=fsbdev7\\_016501](http://www.fs.usda.gov/detail/cleveland/landmanagement/planning/?cid=fsbdev7_016501)

shift habitat type in favor of weedy non-native grasses.<sup>4</sup> This cumulative effect may affect local water resources region-wide by increasing nutrient loads.

The DEIR should include the cumulative effect of the ADT for equestrian owners and others not living on site but traveling to the facilities to ride, groom, or exercise their horses.

**Initial Study Checklist, IV Biological Resources**

b) Would the project:

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 Game or US Fish and Wildlife Service? *Potentially Significant Impact*

COMMENT:

An intact native landscape has a great influence on, and is a prime indicator of stream health. Cumulative disruption of terrestrial biological systems can degrade water quality. Nutrient and salt loading are of particular concern on a landscape scale because the zoning amendment will affect over 200,000 acres in the reservoir catchments.

The DEIR should identify the link between the cumulative effect on biological resources resulting from the potential upland and riparian habitat degradation or destruction, salt and nutrient loading over time, and water quality degradation resulting from the zoning amendment.

**Initial Study Checklist, VI Geology and Soils,**

b) Would the project:

Result in substantial soil erosion or the loss of topsoil? *Less than Significant Impact*

COMMENT:

We disagree that this issue is "less than significant." Erosion, typically occurring slowly over time where stabilizing vegetation is absent, will result in sediment deposition which can alter hydrology, transport invasive seeds, and obstruct drainage systems. The majority of the Public Utilities reservoirs and buffer lands are in unincorporated portions of the County. Erosion from sites in the catchments can degrade water quality, disturb habitat, and disrupt access directly. Acceleration of off-site influences catchment-wide is expected to increase under the proposed amendment. Potential for significant cumulative effect of erosion is great. Code violations happen and often the damage occurs before compliance staff notice the violation, such as the recent case of grading in Ranch Guejito along and over Guejito Creek Canyon.<sup>5</sup>

How will County code compliance staff assure that "the project will not contribute to a cumulatively considerable impact because all past, present, and future projects in the County's jurisdiction that involve grading or land disturbance are required to follow the requirements of

<sup>4</sup> Allen, Edith B., Rao, L., Steers, R.J., Bytnerowics, A., Fenn, M.E. 2009 *Impacts of Atmospheric Nitrogen Deposition on Vegetation and Soils at Joshua Tree National Park*

<sup>5</sup> Nichols, Chris. *Road into vast ranch could ease development, draw sanctions*. North County Times, February 5, 2012 [http://www.nctimes.com/news/local/sdcounty/exclusive-road-into-vast-ranch-could-ease-development-draw-sanctions/article\\_d53603db-7177-5733-af96-cd36f0bd3adf.html#ixzz1lyWmkyyI](http://www.nctimes.com/news/local/sdcounty/exclusive-road-into-vast-ranch-could-ease-development-draw-sanctions/article_d53603db-7177-5733-af96-cd36f0bd3adf.html#ixzz1lyWmkyyI)

the San Diego County Code of Regulations, Title 8, Zoning and Land Use Regulations, Division 7, Sections 87.414...”?

c) Would the project:

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 an on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? *Less than Significant Impact*

COMMENT:

We disagree that this is “less than significant.” Increases in equestrian recreation in the reservoir catchments will possibly lead to the increased erosion of existing trails and the creation of new or unauthorized trails. The DEIR should identify and analyze how trails may lead to erosive conditions and the potential impacts from equestrian access in the backcountry.

**Initial Study Checklist, IX Hydrology and Water Quality**

a) Would the project:

Violate any waste discharge requirements? *Less than Significant Impact*

COMMENT:

We disagree that this issue is “less than significant” because non-point source pollution adds nutrients that negatively affect drinking water. Private land ownership potentially affected by the proposed zoning amendment in the reservoir catchments is nearly 220,000 acres. Nonpoint Source pollution is more difficult to regulate since the sources spread out over large areas and discharge rates and quantities are unpredictable. Pollutants of particular concern are nitrogen, phosphorus, total organic carbon, total dissolved solids, and microbial organisms; all present in equine facilities.

The DEIR should define what setbacks are necessary for horse-keeping facilities adjacent to swales, streams, or other waterways to protect water quality.

c) Would the project:

Could the proposed project cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses? *Less than Significant Impact*

COMMENT:

The initial study checklist indicates “...it is expected that site design measures and/or source control BMPs and/or treatment control BMPs will be employed to reduce potential pollutants to the maximum extent practicable, such that the proposed project will not cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses.”

We disagree that this issue is “less than significant” because increased nutrient loading could potentially degrade surface or groundwater quality objectives and therefore, The DEIR should analyze the salt and nutrient loading potential in the City’s reservoirs because of the zoning amendment, by catchment.

**Initial Study Checklist, XV. Recreation,**

a) Would the project:

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?

*No Impact*

COMMENT:

We disagree that this issue will not have an impact because pressure for recreational access to the backcountry is increasing. Land use patterns and erosion can create negative impacts to reservoir water quality. Over 44% of Public Utilities source water protection lands share a boundary with County, State, or Federal lands. Much of these public lands are open for recreation. Increased equestrian use may impact upland & riparian habitat and water quality.

The DEIR should address this potential impact to regional parks with equestrian trails, such as San Dieguito Regional Park, because of the proposed zoning amendment.

**Initial Study Checklist, XVIII Mandatory Findings of Significance,**

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)? *Potentially Significant Impact*

COMMENT:

The proposed density of 10 horses per acre throughout the county is greater than other comparable counties in Southern California and may have a detrimental cumulative impact on water quality. The City of San Diego derives 10 – 15% of its potable water from local sources. Impacts to these waters or the source water landscape that the waters flow over or under carry ramifications over time for the City's water supply portfolio and 1.3 million people.

The DEIR should analyze the cumulative impact of salt and nutrient loading from equestrian establishments and trails on land draining the reservoirs.

The City requests that you address the above comments in the forthcoming Draft EIR. Please send a copy of the Draft EIR to our office for review and comment.

If you have questions, please contact me at [jpasek@sanidiego.gov](mailto:jpasek@sanidiego.gov) or at (619)533-7599.

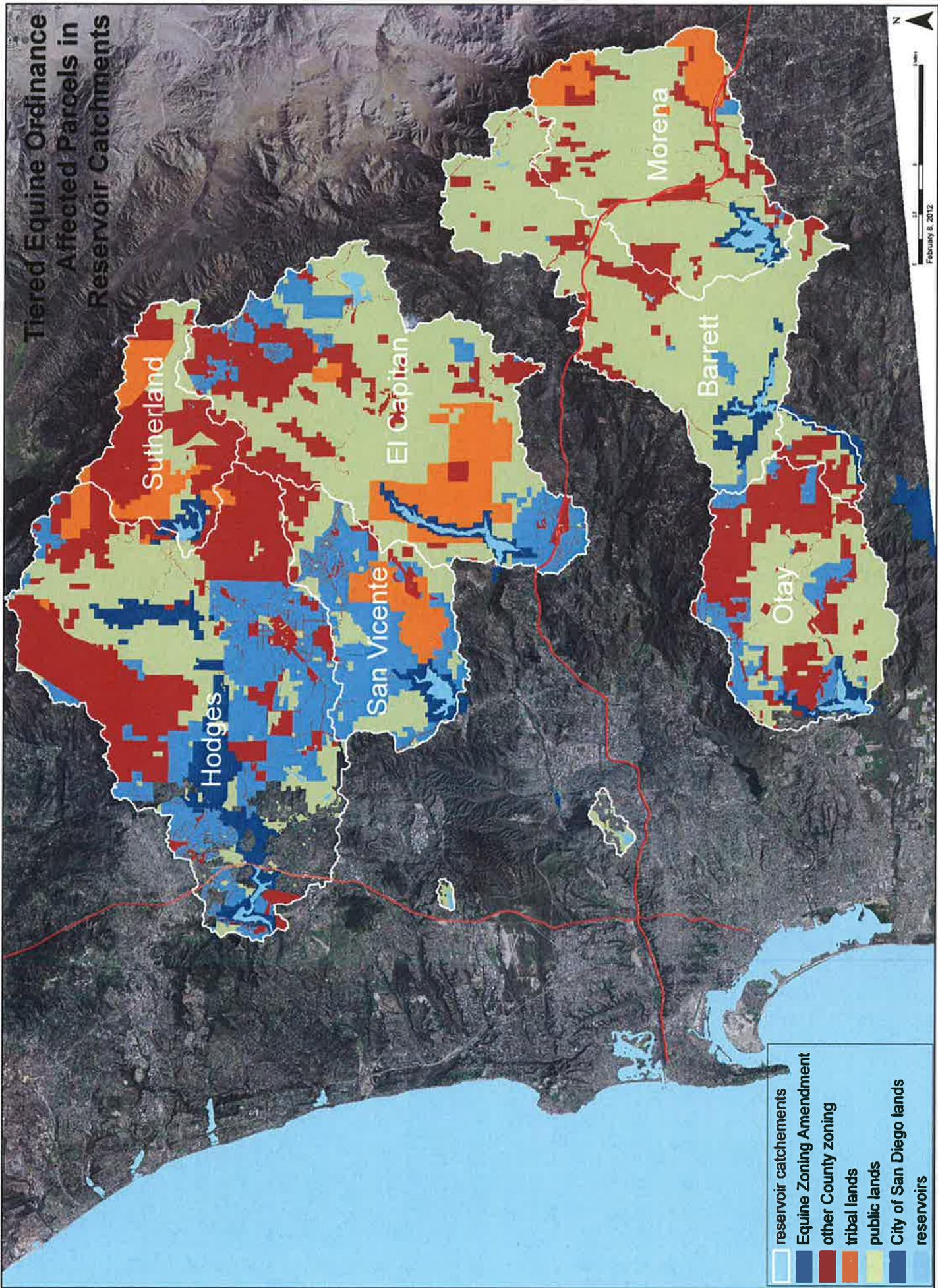
Sincerely,



Jeffery Pasek  
Watershed Manager

JP/tm

# Tiered Equine Ordinance Affected Parcels in Reservoir Catchments



- reservoir catchments
- Equine Zoning Amendment
- other County zoning
- tribal lands
- public lands
- City of San Diego lands
- reservoirs

February 8, 2012

Scale: 1 inch = 1 mile

The City of San Diego Public Utilities Department, Watershed and Resource Protection  
 This map is for discussion and illustration only purposes only.

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20223 Elfin Forest Road  
Elfin Forest, CA 92029

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Minoo Schaey  
Gordon Taggart  
Sandra Bartsch, At-Large Member  
Mid Hoppenrath, At-Large Member

Carl Stiehl  
Dept of Planning and Land Use  
5201 Ruffin Road  
San Diego, CA 92123

February 17, 2012

**RE: POD 11-011, Tiered Equine ordinance NOP**

Dear Carl,

Thank you for the opportunity to comment on the NOP dated January 19, 2012. As you know our community is very engaged in this project as we try to balance competing interests.

We, the Elfin Forest/Harmony Grove Town Council Board, believe that the proposed ordinance conflicts with our stated Community Plan and would have a devastating impact on our quality of life for the following reasons:

- a) the potential for large businesses operating in a largely residential area
- b) traffic generated by such
- c) pollution generated by such
- d) disruption and significantly changing our community character
- e) impacts on private property rights, roads, private trails
- f) serious emergency evacuation implications
- g) the impact of horse events, lighting, signage on our residential community
- h) liability issues for private trails owners

What we propose instead is a tier 0 or lower tier for communities like ours that are mainly rural residential. This would continue to allow for private horsekeeping without adding commercial operations into the mix, which would be devastating to a community such as ours. We would consider modifying current regulations to allow for small scale horse boarding, no more than 6 to 8 total horses per gross acreage, by right. The horsekeeping communities of San Diego County should not need additional bureaucratic hurdles to do something we have been doing for nearly 60 years and they should not be forced to allow large scale operations where there previously were none.

The following are our specific comments to the CEQA Initial Study.

- Page 2, Definitions:  
As we have discussed extensively, we disagree with the proposal to "merge the two previous stable use types (Boarding/Breeding or Public) into one simplified use type". There is a good reason why these two use types are differentiated in the current ordinance: the impact on community character, traffic, noise and air quality are substantially different

for boarding and breeding stables on the one hand, where the boarding public only visits occasionally for relatively short time period, even if they take lessons from the property owner, and Public Stables or public riding academies on the other hand with signage, horse events, all day horse camps, and noise amplification. More details are provided under each impact. There is no corresponding overwhelming benefit to “simplify” the use types.

- Page 2, Definitions:  
Could you please clarify whether the new Zoning Verification Permit means that the new uses under that ministerial permit will be considered “by right”?
- Page 3, Animal Regulations, Animal Schedule:
  - Could you also confirm whether the V designator currently in use in Elfin Forest is one of the six designators where the proposed activities are not currently “by right”? What is the situation in that regard with the L designator in Harmony Grove?
  - In the areas of the county currently listed under the V designator, we suggest adding a lower tier (a “0 Tier”) to the Tier proposal which allows 'by right' horse ownership and boarding without distinction, with a limit on horses per acre (6-8) based on the gross acreage, (as opposed to usable acreage) which would not allow any signage, any public horse events, any noise amplification, any riding stables (currently called “Public Stables”) and would not require any permits, ministerial or otherwise. This would allow communities with a primarily residential community character to allow for horse boarding but not bear the impact of commercial public riding businesses in their midst.
- Page 3, Animal Regulations, Create New Horse Stable Section:  
We strongly object to the new structure of allowing certain activities everywhere in the county regardless of existing approved community plans. The activities listed that are absolutely incompatible with our community character, as described in our community plan, include “allowance of horse events”, “outdoor lighting”, and “signs”. We are a residential dark skies area with no signage permitted anywhere in our community.
- Page 7, Aesthetics:  
“The proposed project will include language that will require equine uses to implement measures for visual impacts such as minimizing the removal of existing vegetation, ensuring grading of parking and roads is minimized, and painting or otherwise visually treating accessory buildings to blend with the surroundings.”  
As brought up by others at the steering group meeting, the visual impact of smaller “mare motels” under the permitting threshold requirement, which are not considered accessory buildings, but could proliferate under this new ordinance, could be significant and should be evaluated. The issue is that with a threshold of 300 sq ft triggering permitting, it will encourage unsightly smaller structures; an alternative would be for the County to make the threshold higher or remove the permitting requirement for structures comprised only of a roof components but no side walls.
- Page 9, “Create a new source of substantial light or glare”  
We disagree this is a “less than significant impact”. Our community plan states we are a dark skies area, which is not taken into account in this analysis, and the cumulative effect of potentially new facilities as proposed could create a source of light pollution in our community and “adversely affect day or nighttime views in the area”. We request again the need for a “0” tier that distinguishes small horsekeeping / boarding establishments that have basically little or no impact. Further the analysis that “Compliance with the code is required prior to issuance of any building permit for any project” ignores the fact that building permits may not be required for the new uses allowed here, for example public stables

operating past nightfall with illumination in the arenas.

- Page 10, "Conflict with existing zoning for agricultural use"  
Again we disagree this is a "less than significant impact". The future equine uses allowed, especially the Public Stables, could displace the little agricultural uses we have and value in our community, should they prove more economically feasible. Horsekeeping is compatible with agricultural even at commercial Public stable level but again we propose the need for a '0' tier that gives credence to the distinction between primarily 'rural residential' land uses vs. primarily agricultural. We would also like to clarify whether "a primary commercial land use allowed in agricultural zones in the County" is also allowed in the residential zones of the County? Running a Public Stable should in no way be considered an accessory use to residential because the impact of the use is incompatible with a residential neighborhood.
- Page 12, "The project proposes development that was anticipated in SANDAG growth projections"  
Could you please clarify whether the SANDAG growth projections dealt with human or equine populations? How could the SANDAG projections have taken into account a proposed use that was not contemplated until now? The additional traffic created to the newly created equine business could cumulatively be significant indeed. . Again- we see a need to distinguish between a rural residential lower level use that distinguishes between major commercial use, versus small time boarding of a few horses.
- Page 13, "Air Quality"  
How will the "air quality impacts from the ongoing use of equines on a project site" be measured and analyzed? Are there standards to measure methane and other emissions from equines should the project lead to a surge in equine population throughout the county? "Operational Emissions" need to include hay delivery, manure removal, customer traffic, horse event traffic. Here again you cannot lump together the small horse owner/ boarder with the larger commercial establishments.
- Page 14, "Create objectionable odors affecting a substantial number of people"  
This could be one of the greatest impact of the project if not designed correctly, because should equine businesses proliferate under the new ordinance, and be run primarily for profit in residential areas where they were previously prohibited without a MUP, without regards to the impact on their residential neighbors, this could severely impact the quality of life of surrounding property owners.  
Simply offering as mitigation that there will be a request for a plan for BMPs at the issuance of the ZVP is not sufficient, because the county does not have the resources to police and enforce the plans attached to the permit, nor is there an inspection component, like for building permits. The Town Council has proposed that a licensing fee per boarded horse be levied such that there is a revenue stream to fund the enforcement actions that the new ordinance might cause. We continue to believe that a portion of the permit fee should be earmarked for enforcement to provide real mitigation for the impact of odors due to poor manure management. Again there is a need to distinguish between small establishments and the larger commercial only establishments.
- Page 18, "Conflict with the provisions of any adopted Habitat Conservation Plan", and "Ministerial or discretionary permits within the boundaries of the MSCP must avoid preserve lands and make minimum findings of conformance with the MSCP Subarea Plan"  
Since the North County MSCP is not adopted yet, will a Zoning Verification Permit in North County include an MSCP check? If not proposed equine uses could be in conflict.

- Page 19, “A County staff review of the potential for archaeological resources will be a requirement of any discretionary application”  
 However the vast majority of permits contemplated for issuance under the proposed ordinance would be ministerial, not discretionary in nature. As such the potential impact of ground disturbing activities should be analyzed with that understanding.
- Page 20, “If any future equine use did not involve significant landform modification or did not require a grading or clearing permit and subsequently did not require a discretionary grading permit, then any unique paleontological resources would remain in place and would not be disturbed”.  
 The finding here should be the same as for archaeological resources for the same reason stated under archaeological resources: not all grading or clearing will require a discretionary permit. So the impact should be classified as “potentially significant” on the same basis: “However, these Zoning Ordinance amendments could result in a significant impact on archaeological resources as some projects will not require a discretionary permit, and could contribute to a cumulatively considerable impact. This potential impact will be further analyzed in the EIR.
- Page 23, “Result in substantial soil erosion”  
 The impact here should be noted as “potentially significant”, because grading for corrals and arenas for example would not require a grading permit, since the amount of soil moved typically does not meet the threshold. “Clearing” for example to create pasture or arenas can also result in loss of topsoil without extensive grading being involved. The same rationale should be used as for the impact under II(d) “However, the project may result in a potentially significant impact due to the conversion of forest land to non-forest uses on a cumulatively considerable level”. If land is being converted and cleared, there will be impact to topsoil erosion.
- Page 24, “Be located on expansive soil”  
 Please note that if “Future structures built for an equine use may be located on expansive soils”, then it does not follow that the provisions for “Design Standard for Design of Slab-On Ground Foundations to Resist the Effects of Expansive Soils and Compressible Soils” would mitigate the impact, since the vast majority of equine accessory buildings may not in fact be built on slab.
- Page 33, “Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan”  
 This impact should definitely be noted as potentially significant, because the Operational Area Emergency Plan most likely did not contemplate situations where potentially large equine businesses would be nestled in the middle of residential areas, potentially interfering with or impairing the ability of residents to escape in case of emergency, since those uses are currently prohibited by current ordinances. Large horse trailers will definitely “physically interfere” with emergency evacuation plans.
- Page 35, “Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands”  
 The community of Elfin Forest, and to a lesser degree of Harmony Grove, are in fact located in the wildland/urban interface, and is rated as “extreme fire hazard”. In the 1996 fire where our community was not only evacuated but we lost a neighbor and many homes, we did have situations where large horse trailers impaired the ability of residents to escape because the majority of roads are private and not built to county width standards. In addition if boarding of horses is to be encouraged through weakening of the current ordinance, the project could increase the risk to residents due to *incoming* trailers coming to

evacuate boarded horses, in addition to trailers from residents evacuating their own animals.

Mitigation measures suggesting widening the private roads are infeasible because they would be neither in keeping with community character, nor likely to be implemented by the other property owners who would have to agree to lose part of their property to the road bed, and incur significant expense relocating fences, gates and landscaping.

This is one of the key reasons large scale equine operations should not be allowed without an MUP: the danger they would pose to the rest of the property owners and residents in case of emergency evacuation. This issue is so important to us that it is salient in our newly adopted Community Plan

([http://www.sdcountry.ca.gov/dplu/docs/CP/ELFIN\\_FOR\\_HARM\\_GROVE\\_CP.pdf](http://www.sdcountry.ca.gov/dplu/docs/CP/ELFIN_FOR_HARM_GROVE_CP.pdf)):

- Issue CM-3.2 Many existing private roads in Elfin Forest are not wide enough to accommodate trailers and evacuate traffic in case of an emergency, and cannot be widened.
  - Goal CM-3.2 Fire access roads that provide for emergency evacuation without interference from trailers and incoming traffic.
    - Policy CM-3.2.1 Require appropriately designed access be provided with the approval of large animal boarding.
- Page 36, “ Hydrology - violate any waste discharge requirements”

First, please note a typo on line 5 : “Some future equine uses will are obtain building permits for equine-related structures”. There is a false assumption underlying the analysis which is that “Future equine uses will be required to implement site design measures and/or source control best management practices (BMPs) and/or treatment control BMPs to reduce potential pollutants to the maximum extent practicable from entering storm water runoff”. Since there will be no site inspection nor monitoring after issuance of the ministerial permit, the accuracy of which will not be controlled, and since the vast majority of new equine uses will *not* require a discretionary permit, the potential for an increased equine population to create more runoff is significant. There are already existing equine facilities which do not meet water discharge requirements, and encouraging more facilities can only result in more cumulative impact compared to the “no project” alternative. This is one of the benefits of the current system of requiring a discretionary permit of some type: BMPs can be inspected and monitored. To do away with the inspection and monitoring regime and at the same time claim no impact is illogical.
- Page 36, IX b) “could the project result in an increase in any pollutant to an impaired water body”

This impact should be noted as potentially significant for the same rationale as above. The Escondido Creek and its tributaries for example is located near existing equine uses, a few of which possibly contributing to increased pollutants. Our community plan states the following:  
“Issue COS-1.6 The Escondido Creek along with smaller and seasonal creeks in Elfin Forest are at risk for surface pollution from residential chemicals, *animal keeping activities*, and broken septic systems.” (emphasis added) To allow for a wholesale increase of equine commercial facilities, most of them not subject to a discretionary permit, without at the same time making provisions for increased water quality monitoring, and claim “the project will not contribute to a direct or cumulative impact to an already impaired water body”, is illogical.
- Page 43, “Land Use and Planning”

While we expect the project to create most of its impacts in this area, the analysis here in the CEQA Initial Study is considerably and inexplicably shorter than for any other potential impact categories. The following are some of the impacts under this heading the EIR must fully analyze:

- Impact to community character from introducing commercial operations in an area previously zoned as residential only. The adopted community plan ([http://www.sdcounty.ca.gov/dplu/docs/CP/ELFIN FOR HARM GROVE CP.pdf](http://www.sdcounty.ca.gov/dplu/docs/CP/ELFIN_FOR_HARM_GROVE_CP.pdf)) states: "Policy LU-1.1.4 Prohibit commercial and industrial uses with the exception that existing agricultural uses may conduct commercial activity, if it is ancillary to and supportive of the primary agricultural use on the property." Clearly allowing commercial uses NOT ancillary to an existing agricultural use, such as Public Stables, would be in violation of our community plan.
  - Impact on existing approved community plan, which is very specific about restricting equine activities to those currently allowed:
    - Issue LU-1.3 Even though Elfin Forest is a rural community with large lots, some of which are used to keep large animals, the majority of residents do not have horses or other large animals. Therefore, it is important that large animal regulations are respected.
      - Goal LU-1.3 Responsible animal-keeping.
        - Policy LU-1.3.1 Allow for the responsible husbandry of equestrian and other large animals.
        - Policy LU-1.3.2 Strictly enforce County regulations pertaining to large animal keeping.
        - Policy LU-1.3.3 Strictly enforce boarding regulations.
  - Impact to existing property values of the zoning change. The vast majority of residents moved to our community because they understood it to be a residential area, albeit one where horse keeping is a defining community characteristic. The project would "implement a new tiered system of permitting for *commercial* horse stable equine uses". Again we urge county to preserve the distinction of this community area by considering a '0 tier' in the currently zoned V animal designated areas.
  - Impact on individual communities within the county from eliminating the animal designators, which were in place to recognize and honor the innate differences in community character between all the various communities.
  - Impact of combining horse breeding/boarding and Public Stables: The latter (riding academies) has a considerably larger footprint of impact on a residential community than boarding and breeding establishments do. The commercial signage, public traffic, noise from group lessons and horse camps, has resulted in major conflicts between the operators of the two Public Stables in Elfin Forest and their neighbors. This difference in impact between the two uses types needs to be thoroughly analyzed in the EIR, before the decision is made to combine both uses.
  - Impact of public use of private roads, which are maintained by private owners, yet would be used by members of the public patronizing these newly created commercial establishments.
  - Impact of public use of privately constructed and maintained trails on private property. Our Community Plan states: "The Elfin Forest community has over 23 miles of private equestrian and pedestrian Trails. Issues pertaining to these unique trails include future maintenance and linkage to the County trail system." Encouraging Public Stables and large scale boarding businesses in our community would put an unfair amount of wear and tear on a privately financed and maintained community amenity. It would also raise issues of liability for any injuries sustained for the private property owners whose property may be used by patrons of nearby commercial stables.
- Page 47, "Population and Housing" - We disagree with the finding that the impact is less than significant. Clearly the project does

“propose new businesses”, in fact it creates the possibility of new businesses everywhere in the county where they are currently restricted by residential zoning. The project *does* in fact “propose a regulatory change that would remove a restriction” and potentially a “zone reclassification” by removing the restriction of commercial uses in a residential area. In terms of looking at worse case impacts this change could trigger population growth in areas where newcomers seek to establish Public Stables type uses for example where they were previously prohibited. These amendments *do* in fact “increase intensity of land use” when residential lots are used for commercial Public Stable uses for example; these denser land uses are in fact “inconsistent with the General Plan” since our Community plan was adopted as part of the General Plan Update and specifically contemplates residential land use intensities exclusively. Again we urge county to preserve the distinction of this community area by considering a '0 tier' in the currently zoned V animal designated areas

- Page 49, “Recreation”

The project, as proposed, could in our community “increase the use of existing neighborhood facilities” or create more public stables thereby bringing the paying public to ride our network of private trails. As such the finding should be that the impact is potentially significant. This is another crucial reason our community opposes the very concept of allowing Public Stables and large boarding facilities in our neighborhood; dozens of volunteers have expended time and effort but also money over the years to build the trail system, and continue to do so to expand and maintain the existing network. Several altercations with the existing illegal Public Stables in Elfin Forest had to do with their riders using the neighbors’ private trails. Encouraging more Public Stables will only worsen the impact on this neighborhood recreational facility.

- Page 51, XVI d) Transportation – “increase hazards”

Impact should be “potentially significant” because large animal trailers would create “incompatible use such as farm equipment”, especially in communities like ours where private roads prevail. Because of the private roads, and small 'lane' size -no large transport can access our community- at this time-nor do we want to change the private small country roads to meet the large thoroughfare idea of densely populated master planned communities.

It is not factual to state: “Roads used to access a project site would be up to County standards”, because the vast majority of private roads in our community do not meet the private county road standards. Therefore, text should be modified to read: “Future equine projects would ~~not~~ place incompatible uses (e.g., farm equipment) on existing roadways. Therefore, the proposed project will ~~not~~ significantly increase hazards due to design features or incompatible uses.”

- Page 51, XVI e) “result in inadequate emergency access”

Here again impact should be noted as “potentially significant”. For the vast majority of ministerial and even discretionary permits associated with the project that do not include a new structure, there would be no fire department review: ~~“The fire department for the proposed project area would review proposed projects as necessary to determine whether there is adequate emergency fire access proposed.”~~ Additionally, roads used will be required to be improved to County standards, which is not in keeping with the character and aesthetics of the Elfin Forest/Harmony Grove community, not with our community plan.

- Page 51, XVI f) “Conflict with adopted plans re: transit”

Again here impact should be noted as “potentially significant”. Our private trail network for example, which is a pedestrian, equine and bicyclist facility, and an element of the adopted community plan, will be impacted. As noted before it is incorrect to state: ~~“Any roads used relative to the project will be required to be improved to County standards, including any~~

~~associated bicycle or pedestrian pathways.~~ Private property owners with trails on their properties cannot be made to improve a private trail to bring it to county standard because the county chooses to modify its animal ordinance. Existing trails do not meet the width and other requirements of the county standards, and are currently shared by pedestrians, equine users, and the occasional bicyclist. Increasing equine usage by bringing the general public to Public Stables for example would “decrease the performance or safety” of these community facilities.

- Page 54, XVII g) “solid waste”

The discussion states that “The project will deposit all solid waste at a permitted solid waste facility and therefore, will comply with Federal, State, and local statutes and regulations related to solid waste.” In fact equine facilities, which do generate a considerable amount of solid waste ( per day per horse), do not all choose to deposit the solid waste in a dumpster. Some (most?) choose to leave it on site, others compost it, and others spread it on trails and pastures. This is a key impact of the project and should be noted as potentially significant, should the horse population skyrocket following the change in ordinance, and BMPs actually be followed, which might lead to an increased use of waste disposal. It should be noted that if composting techniques are followed and encouraged, this could be bonus for land owners and the county in increased quality of topsoil, and growth medium for agriculture and plant industry; as well as place San Diego County as a leader in the 'green effort' .

Thanks again for the opportunity to comment and we look forward to continuing to work with staff and decision makers to ensure all stakeholders are represented in this process.

Sincerely,



Jacqueline Arsivaud-Benjamin, Chair  
Elfin Forest/Harmony Grove Town Council Board

cc:

MT. MIGUEL EQUESTRIAN CENTER  
6558 JONEL WAY, BONITA, CA 91902  
619-421-6283

Date: 2-12-12 (must be rec'd by County not later than 2/17/2012)

TO: Carl Stiehl, Project Manager  
County of San Diego  
Department of Planning and Land Use  
5201 Ruffin Road, Suite B  
San Diego, CA 92123-1666

I am writing to request the Department of Planning and Land Use reconsider the zoning changes in the Bonita, CA area that will negatively impact Mt. Miguel Equestrian Center at 6558 Jonel Way, Bonita, CA 91902. I am specifically requesting that the Planning Department allow up to 15 horses per acre at commercial equestrian centers that can demonstrate the ability to take care of them. My daughter Kayla has been taking horse-back riding lessons at Mt. Miguel since she was 6 years old, and she is now 16 years old. Mt. Miguel has given my daughter a wholesome and positive environment in our neighborhood. She is a hard-working, responsible, and healthy teenager due to growing up at Mt. Miguel. In addition, Mt. Miguel is a family-run business that is able to offer reasonable boarding and horse back riding lessons in our neighborhood. Your new proposal will put a small family business out of business and negatively impact the community.

Signed: M. Flood

Printed Name: Malva Flood



**Barry & Shelley Fontaine**  
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2/17/2012

Carl Stiehl  
Dept of Planning and Land Use  
5201 Ruffin Road  
San Diego, CA 92123

**RE: POD 11-011, Tiered Equine ordinance NOP**

Dear Mr. Stiehl,

[Carl.Stiehl@sdcounty.ca.gov](mailto:Carl.Stiehl@sdcounty.ca.gov)

The following comments are submitted in response to the county's NOP for project POD 11-011. We request that this becomes part of the permanent record for this project and be made part of the EIR in the section titled responses to NOP.

The following comments reference specifically the county's NOP dated January 19, 2012.

When the county initially informed our community about the pending Equine Ordinance, the County communicated that the Board of Supervisors would like to make it easier for residents to board 1 or 2 horses without the need for an expensive MUP - to offset the costs associated with owning horses. It now appears the County wants to combine and allow both commercial horse riding stables and large scale boarding without a MUP. We, along with other neighbors in Elfin Forest have previously communicated the impacts any size public (commercial) riding stable can have on our neighborhood. There have already been multiple complaints filed by several neighbors with the two illegal public riding stables that exist today in EF. The County and the Board of Supervisors have decided to ignore all the complaints. We were fine with 1-2 horses being boarded, but once you start allowing public riding stables, signs, advertising, this turns our neighborhood into a commercially zoned area and it does impact air quality, dust, traffic, noise, etc. An EIR needs to be done and you can definitely use our neighborhood as a good example to show how the traffic from these businesses would affect traffic, noise, etc. We would like to maintain our rural environment. Allowing more than 1-2 boarded horses without a MUP would definitely turn us into commercial entity. Our existing character must be respected and preserved.

The NOP in our opinion overlooks the impacts of these commercial stables and large scale boarding. We understand the Board of Supervisors is being influenced by the equine community who stand to profit greatly from the proposed horsekeeping changes, but we ask that the NOP

carefully and fairly evaluate the impact it will have on the neighbors' quality of life and property values.

The County has ignored all the suggestions made by our community. The Elfin Forest TC sent a letter in May 11, 2011 that notified the County that the proposal violated our community plans.

They ignored that letter. The County has solicited input primarily from Equine stakeholders (horse owners). Of course many Equine stakeholders want to profit from these changes and, but the vast majority of Elfin Forest residents oppose it, even many horse owners, and the County continues to ignore this input.

Below are the points we will urge the County & the Board to consider as this will likely have legal ramifications and negative press if they continue to pursue trying to change the ordinance to allow "commercial public stables" without a MUP. We understand the Board of Supervisors has "forced" the County to pursue these changes, and is ONLY looking after the interests of the equine stakeholders, and is not concerned how it is violates the rights of others in the County. Below are the concerns we would like documented and addressed in the EIR:

- 1) **The proposals change our quality of life and change the local zoning from rural/residential to commercial.** Horse breeding/boarding/riding facilities are COMMERCIAL ENTERPRISES.
- 2) **It changes our community character** by allowing commercial elements such as signage, large parking lots of cars, traffic, etc.
- 3) **The changes to the ordinance were written before the EIR was completed.** Also an EIR should have been done before the County decided NOT to enforce current ordinances, since 2 facilities in EF have already picked-up the pace on their businesses because they know the County is not enforcing and it's having a negative impact on the environments and community already. The Megan Arte facility in Elfin Forest just posted 5'x7' banners at our local grocery store...giving away free riding lessons in an effort to drum up even more business. Her neighbors have been calling the County and the County has been ignoring their calls. What would the Press think about that??
- 4) It **violates our existing community plan** that does not allow commercial use without a MUP. The county is trying to lump us with larger parcels in the east to make it easier for them to manage, but it will be at the cost to other residents (Elfin Forest).
- 5) **The proposed ordinance will likely encourage horse owners to board and make a profit,** vs. the original intent which was to help offset costs...it will impact the # of horses. The proposed density for horses per usable acre is extreme and unhealthy. You are inviting abuse and then the county will not reinforce the ordinances as we've seen today. And there are NO plans to increase enforcement as far as we've seen in the plan.
- 6) **We disagree with the "no significant impact" in the water quality.** Of course this will impact the water...we have a neighbor today whose terrain is sloped and she stacks her manure right next to the natural drain at bottom of her property, which flows into the Escondido Creek. This contamination will increase as the revised ordinance will encourage more horses, more

manure and with no site inspection required or MUP, it increase contamination to these waterways.

**7) Our Community Communicated that we are opposed to the idea of combining boarding, breeding and horse stables into one,** given horse stables (riding academies) have a much bigger impact on the residential community. The signage, traffic, dust, odors, noise. The EIR should evaluate whether it makes sense to combine these as same impact.

**8) Impact to property values** – we can just envision pipe corrals going up all over Elfin Forest to board 50 horses per acre so they can maximize their profit and we can guarantee the air quality, dust, noise will drive buyers away, who once would have loved to buy in a quiet, residential neighborhood we thought we purchased.

**9) Impact of private road maintained by private owners.**

**10) Setbacks and fencing (all fencing – even arenas), need to be established to mitigate the impact of operations.** We currently have a neighbor who gives lessons in her arena right next to another neighbor's driveway and the horses get spooked every time a car drives by and she has already had students fall off the horse and get injured. Shouldn't there be adequate setbacks so that road noise does not frighten the horses? Setbacks need to assure that visual, noise impact on neighbors is minimized and mitigated.

**11) Fairness and equity of regulations** - Individual types of businesses should not be singled out for concessions that make it easier for them to do business.

**12) Impacts to neighboring residential properties** – neighbors of these businesses are often affected by poor or inadequate manure management, flies, dogs and horses running loose, traffic, noise. They are also often affected by riders trespassing on private property and are exposed to related liabilities.

Please indicate in the EIR how such nuisances will be managed by the county.

Riders on private roads impact traffic and often cause conditions dangerous to horses, riders, pedestrians, and drivers. If the county intends to increase the horse population, it must create county-funded and maintained trails to prevent damage and dangerous conditions on Elfin Forest private roads.

**13) Business:** Many of these businesses are cash-based and do not report income. The county should carefully look at the business aspect and realize that these businesses are often cash-based and income is under-reported. . Many of these facilities do not have a business license. These businesses should be regulated in the same way as any other business. Many of them hire undocumented workers to clean up after the horses and maintain the properties. Often, they live illegally in substandard housing on the properties. This needs to be addressed and provisions made for periodic inspections. There are also unsafe structures. Our neighbor has a porch roof that is about to collapse and children stand under that roof all the time. I reported this to the County and they have done nothing about it. Shouldn't these businesses be required to maintain a safe environment? Why does a daycare require a site inspection, but a horse riding facility, which is more much dangerous, is allowed to operate without a license and without any site

inspections and the facilities are much more dangerous? Can the County really look the other way on that?

14) **Horse health:** Currently we have a neighbor who has 7 horses, two goats, two huge pigs, three dogs, and chickens on 3 acres. Her roof is falling down, but she can continue to take on more animals and give more lessons, but never fixes her structural hazards, but the County has not required a "SAFE environment for the animals or the children taking lessons there. Is the County prepared to staff up to enforce these facilities?

The county will have to generate guidelines for horsekeeping. For example, you must require a person to be present on the property to assure that the horse's basic health and safety needs are being met. Inspections must include health checks and assurances that inoculations are being kept up to date.

15) **Consumer protection:** How is the public protected from unethical horse businesses? Shouldn't there be a requirement for trainers to have CPR and first aid certifications? What about safety requirements such as no smoking in barns or around hay and straw? Fences, etc. The county should require these businesses to carry liability insurance. A home childcare facility requires this, but a horse business doesn't. Which is more dangerous??

16) **Environmental protection:** We have a neighbor that piles the manure in stream beds where it can affect streams and rivers along the property line. These manure piles draw a lot of flies. . The county must ensure that these properties are being managed with proper sanitation in mind and assure that neighbors are not negatively affected by the businesses. There must be a plan for regular inspections and fines for noncompliance. Stables and large scale boarding operations are commercial entities not compatible with a rural residential neighborhood.

Many acres in Elfin Forest are under conservation easements. Yet this is where the increased number of horses will probably ride, destroying habitat. You must provide for county-maintained trails on county land to prevent horses and their riders from trespassing into conservation lands and onto private property.

It is important to conduct baseline water quality monitoring in all local creeks and their tributaries and then to followup on a periodic basis with additional tests to assure water quality is not being degraded by the addition of more animals.

#### 17) **Emergency response:**

During an emergency, evacuation of animals will be a huge problem. Horse trailers being brought in from other areas to evacuate animals caused traffic jams and slowed the response of emergency vehicles including fire engines. It is critically important that each horse property have sufficient trucks, trailers, etc. to efficiently evacuate their animals in event of an emergency.

18) **Enforcement:** Again, many neighbors have been affected negatively already by these illegal horse businesses and it has been difficult to get the county to enforce its own ordinances. When a problem is reported by phone or even in writing to the county, the response is often that they are short-staffed, enforcement is not a priority, or NO response at all.

\

We would really appreciate the opportunity to review and comment on the EIR when it becomes available.

We hope you will seriously consider separating the small scale boarding (1-2 horses) from Public Riding Academies, which are truly “commercial use” and the later should still require a MUP. We also hope you will consider requiring a business license, as any business should have to ensure proper safety of animals and students, revenue is being reports, no impact on neighbors, etc. And lastly, we would really like to see the County address the staffing – how will you increase staffing and resources to enforce these businesses?

Thank you for your consideration,

Barry and Shelley Fontaine



MT. MIGUEL EQUESTRIAN CENTER  
6558 JONEL WAY, BONITA, CA 91902  
619-421-6283

Date: 2/13/2012 (must be rec'd by County not later than 2/17/2012)

TO: Carl Stiehl, Project Manager  
County of San Diego  
Department of Planning and Land Use  
5201 Ruffin Road, Suite B  
San Diego, CA 92123-1666

*Save my equestrian recreational opportunity.  
Maintain the 15 horse per acre allocation.  
Save a job & a company. Maintain or reduce  
if possible any fees associated with  
equestrian centers.  
Not to do so makes my continued equestrian  
activities cost prohibitive.*

*Thank you for considering my request.*

Signed: *E. Harrison*

Printed Name: ED Harrison



**MT. MIGUEL EQUESTRIAN CENTER  
6558 JONEL WAY, BONITA, CA 91902  
619-421-6283**

Date: February 12, 2012 (must be rec'd by County not later than 2/17/2012)

TO: Carl Stiehl, Project Manager  
County of San Diego  
Department of Planning and Land Use  
5201 Ruffin Road, Suite B  
San Diego, CA 92123-1666

Re: Plan to limit equestrian centers to 10 horses per acre.

Setting the equestrian establishments to 1979 levels of 10 horses per acre will have far-reaching and onerous consequences. Some of the ramifications would be:

1. Owners of stables, seeing their clientele reduced by some 30%, would have to increase all fees commensurately in order to remain in business.
2. Many horse owners would be forced from their current stables and forced to find other accommodations due to these restrictions, assuming such facilities could be found locally with these severe constraints.
3. Some stables may be forced to close their doors as they find themselves unable to survive the economic impact of these new regulations, causing a ripple effect on all supporting businesses such as feed and tack stores, farriers, veterinarians, and show ground events, all of whom would suffer from these regulations.
4. In these difficult economic times some horse owners may find themselves unable to keep their horses at all, resulting in a sudden glut of horses without any homes.
5. Stable hands who care for horses and keep up the grounds at the facilities would also find themselves losing their jobs.
6. San Diego has a gigantic recreational equestrian community, and these regulations would diminish it greatly, harming the entire community and those who wish to ride recreationally.

Signed: 

Printed Name: Ella Hobson



## Stiehl, Carl

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**From:** Mid Hoppenrath [midhop@gmail.com]  
**Sent:** Tuesday, February 14, 2012 8:04 AM  
**To:** Stiehl, Carl; Muto, Devon  
**Cc:** Horn, Bill; Jacob, Dianne; Cox, Greg; Slater, Pam; Roberts, Ron  
**Subject:** "friendship" boarding - comments on tiered equine ordinance

Dear Carl,

First, I would like to thank you and County staff for your help throughout this process of updating the County's equine ordinances. I feel the multi-tier approach is a good one, but I have some concerns.

I was hoping that the ordinance could be modified to accommodate small "friendship" boarding of only 1 or 2 horses that allows friends to ride together and share stable chores and also helps them share costs of keeping a few horses. While the proposed Tier One makes this possible, it is still very difficult and expensive. First, there is an entry barrier of a large potential cost for the Tier One permit (estimated at several hundred to one thousand dollars). Then there is the cost and technical knowledge needed to submit a site plan. Then there are the requirements for trailers and parking and so forth, that will be imposed on the total number of horses on the property instead of just the additional 1 or 2 boarded horses. These expenses, along with the costs of modifying the property to meet the additional requirements, can quickly exceed the income from boarding just 1 or 2 horses, and create an economic hardship for the residential (not commercial) horse-keeper. I believe that the impact to neighbors of this "friendship boarding" is negligible; there is no actual commercial use, that is, no "public" access, no signage, no lessons, no clinics or shows, etc. In short, the "friendship" boarder could not do anything on their property that is not already allowed with their private horses.

To make things easier for the "friendship" boarder, I feel that the boarding of 1 or 2 horses should be allowed by right on any horse-keeping property. I recommend a strict limit of only 1 or 2 horses per property, NOT 1 or 2 per acre. If more horses are desired, then the owner would apply for a Tier One permit. To qualify for this "by right" boarding, the owner would register all the horses on their property, to prove ownership and verify that only 1 or 2 are indeed boarded. If they do not want to register the horses, they can follow the tiered approach. This allows a reasonable economic path for the "friendship" boarder.

Registration would entail proof of ownership of all horses on the property, to be kept on file with the County. Ownership would be proven by breed registries, legal titles (notarized), sworn statements (notarized) with photos or detailed descriptions (such as are currently required by breed registries for identification), or microchip IDs. These things are very inexpensive for the owners to provide, and in fact, many already have one or more of these. There would be a small yearly registration fee to cover the County's costs of keeping the records.

These records could also be very useful in the event of an emergency evacuation, whereby County Animal Service personnel could access the database and quickly determine how many horses should be on the property, and also recover any medical/ veterinary information that the owners chose to list. In addition, evacuated horses could be quickly identified and their owners notified. This safety feature would make registration more attractive to all County horse-keepers, and therefore, this registration should be available to all horse owners on a voluntary basis.

Again, to repeat, this registration would not be mandatory, the owner could follow the tiered approach and apply for a permit. But if the tiered approach was too expensive, they could opt for this alternative by registering all their horses and boarding only 1 or 2 per property, if this was allowed by right for any horse-keeping property (as long as the total number of horses did not exceed any existing limit on the property).

I think the rest of the ordinance tiers are acceptable, especially with the tweaking that I am sure will happen as this process moves through public input.

Thank you for your consideration of these recommendations.

Sincerely,

Mid Hoppenrath  
2640 Harmony Heights Road  
Harmony Grove, CA 92029

Mrs. Janith Kohner  
3205 Bonita Woods Dr.  
Bonita, CA 91902

Mr. Carl Stiehl, Project Manager  
County of San Diego  
Dept. of Planning and Land Use  
5201 Ruffin Road, Suite B.  
San Diego, CA 92123

February 14, 2012

Dear Mr. Stiehl,

I want to express my concern about the proposal to limit the number of horses per acre for equestrian centers.

I am one of many who moved to this area specifically because of the easy access to equestrian centers. My concern is that, if imposed, new regulations would place centers in a situation where they can no longer operate at all, or would have to charge rates so high as to not be affordable to the general public. Fifteen horses per acre seems quite reasonable and will allow centers to keep rates for boarding and lessons affordable.

Mt. Miguel Equestrian Center (MMEC) has been a "home away from home" for myself, my two sons, now public school teachers, and lately my two granddaughters, budding equestrians each. MMEC has always proved to be a healthy and fun environment. Many of the young people who rode with my sons are now bringing their children to expose them to this same environment and to become acquainted with our most noble beasts.

A priority for all those in responsible and influential positions should be to help provide a place for active sports endeavors in a fun and safe environment. Keeping equestrian centers open and affordable meets the need of the community for a recreational outlet for adults and children alike.

I thank you for your time in reading this.

Sincerely,

Jarvis B. Bohner



February 15, 2012

Carl Stiehl, Project Mgr/Advanced Planning  
County of San Diego  
Department of Planning & Land Use  
5201 Ruffin Road, Suite B  
San Diego, CA 92123-1666

Dear Carl,

I'm writing to you on behalf of Mt. Miguel Equestrian Center in response to your new regulations on Commercial equestrian centers.

I'm not sure as to why these regulations are being implemented. MMEC has been serving the community 1980 with sport and recreational opportunities to adults, children and handicap individuals and families.

Allowing at least 15 horses per acre, as it always has been, allows the equestrians centers to meet overhead, pay bills and to keep costs at reasonable levels. In turn, this allows us to accommodate our many diverse clientele who work extremely hard towards their professional goals and overcome many obstacles to better achieve high levels of sportsmanship.

As most people don't realize, horsemanship is not simply limited to "sports", it is also a form of therapy for the handicap, a learning tool for troubled youth and physical therapy for the injured.

I ask you humbly to please reconsider your decision and allow the current regulations to remain in place allowing 15 horses per acre for MMEC so we can continue serving our community with quality service.

Yours truly,

Elizabeth Lozada

Student/MMEC



**MT. MIGUEL EQUESTRIAN CENTER  
6558 JONEL WAY, BONITA, CA 91902**

February 10, 2012

Dear Mt. Miguel Lesson Clients:

The County of San Diego Land Use and Planning is putting together a new and comprehensive set of regulations for commercial equestrian centers such as Mt. Miguel Equestrian Center (MMEC). One area of concern for us is the plan to limit equestrian centers to have (up to) only ten horses per usable acre of space. This is no different from the number of allowed horses in regulations established in 1979. In 1980, the population of San Diego County was approximately 1,861,846. In 2010, the County population was 3,095,313. This is 1.233 million more people in our County compared to 1980. With this 66% higher population seeking out and expecting recreational opportunities convenient to where they live, it makes no sense to limit the few remaining equestrian centers to only 10 horses per usable acre of space.

**Ten horses per acre does not meet the needs of the current population.**

With better animal husbandry, vector control, manure management, etc. most commercial facilities could easily accommodate up to 15 horses per usable acre. **By being able to spread operational and overhead costs over 15 horses per acre, equestrian centers can pay the bills and keep costs for you, our clients, at reasonable levels.**

**That means equestrian centers can be:**

- **Good neighbors**
- **Conveniently located near you, our customer base**
- **Reasonably priced for recreational riding lessons**

**We request that you take just a few minutes to write a note to the County Land Use and Planning Dept. and tell them to allow up to 15 horses/acre at commercial equestrian centers that can demonstrate the ability to take care of them.** This is the best way to ensure that stables stay in business and charge reasonable rates for their services like riding lessons. Please use the enclosed sheet of paper and the stamped, addressed envelope to let the County know how you feel about this. **Deadline for submitting comments is February 17, 2012.**

Thank you for helping us preserve our equestrian recreational opportunities in San Diego County.

The Owners and Trainers  
Mt. Miguel Equestrian Center

MT. MIGUEL EQUESTRIAN CENTER  
6558 JONEL WAY, BONITA, CA 91902  
619-421-6283

Date: 2/14/12 (must be rec'd by County not later than 2/17/2012)

TO: Carl Stiehl, Project Manager  
County of San Diego  
Department of Planning and Land Use  
5201 Ruffin Road, Suite B  
San Diego, CA 92123-1666

Signed: \_\_\_\_\_

Printed Name: \_\_\_\_\_

*Sue A. McCormick*  
SUE A. MCCORMICK

## Stiehl, Carl

---

**From:** Michelle Mead [soberbarista@yahoo.com]  
**Sent:** Saturday, February 04, 2012 2:55 PM  
**To:** Stiehl, Carl  
**Subject:** Feedback on Tiered Equine Ordinance, POD 11-011

To Whom It May Concern:

My name is Michelle Mead, my mailing address is PO Box 91451 San Diego, CA 92169 and my street address is 5049 Cass St. #14 San Diego, CA 92109. My phone number is 619-549-6456 and my e-mail is soberbarista@yahoo.com

I board my horse at the Mount Miguel Equestrian Center at 6558 Jonel Way Bonita, CA 91902-2909, (619) 733-9662. I have been a boarder there since September 2011 and am very happy with the way things are run there. My horse is in a 24 by 24 foot pipe stall with a quarter covering. Her stall is cleaned out daily and the manure is removed every two weeks. There is a great community among all of the boarders and I have no experiences or complaints about over crowding, too much smell due to too many horses or manure or space issues. I read that one of the items you are proposing is to reduce the number of horses per acre on boarding facilities. If this was enacted, there would be far fewer horses and boarders to interact with as well as much higher board rates due to less available stalls. Depending on board rate increases, I would need to find another property, perhaps much further away (since other boarding properties would be regulated by the same reduced number of horses per acre). This would require more time on the road for me, thus increasing any environmental costs including vehicle emissions, use of gasoline in my car, as well as personal time lost. I live in Pacific Beach, San Diego and it takes me twenty-five minutes to get to the Mount Miguel Equestrian Center. It serves my area effectively.

Please do not reduce the number of horses permitted per acre of land on boarding facilities.

I am also aware of a discrepancy in the regulations regarding manure build up and removal on boarding properties. As stated above, the Mount Miguel Equestrian Center cleans the stalls daily and removes all manure every two weeks. This eliminates any excess flies and smell that may occur if manure removal was less frequent, or not at all. A next door neighboring private residence with three horses on property has not once cleaned or removed the manure. There does not seem to be any ordinance or proposal to address private properties and manure removal regulations. I would like to see a proposal created to address this discrepancy.

If you have any questions or comments, you are welcome to get in touch with me through mail, e-mail or by phone.

Thank you,

Michelle Mead



**NATIVE AMERICAN HERITAGE COMMISSION**

915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-6251  
Fax (916) 657-5390  
Web Site [www.nahc.ca.gov](http://www.nahc.ca.gov)  
ds\_nahc@pacbell.net



January 30, 2012

Mr. Carl Stiehl, Project Planner

**San Diego County Department of Planning & Land Use**

5201 Ruffin Road, Suite B  
San Diego, CA 92123-1666

Re: SCH#2012011052 CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the "Tiered Equine Ordinance," located County-wide; San Diego County, California

Dear Mr. Stiehl:

The Native American Heritage Commission (NAHC) is the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3<sup>rd</sup> 604). The court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources, impacted by proposed projects including archaeological, places of religious significance to Native Americans and burial sites. The NAHC wishes to comment on the proposed project.

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect.

The NAHC Sacred Lands File (SLF) search resulted as follows: **Native American cultural resources were identified** within the project area identified. Also, the absence of archaeological resources does not preclude their existence. . California Public Resources Code §§5097.94 (a) and 5097.96 authorize the NAHC to establish a Sacred Land Inventory to record Native American sacred sites and burial sites. These records are exempt from the provisions of the California Public Records Act pursuant to California Government Code §6254 (r). The purpose of this code is to protect such sites from vandalism, theft and destruction. The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC

Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Special reference is made to the *Tribal Consultation* requirements of the California 2006 Senate Bill 1059: enabling legislation to the federal Energy Policy Act of 2005 (P.L. 109-58), mandates consultation with Native American tribes (both federally recognized and non federally recognized) where electrically transmission lines are proposed. This is codified in the California Public Resources Code, Chapter 4.3 and §25330 to Division 15.

Furthermore, pursuant to CA Public Resources Code § 5097.95, the NAHC requests that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties pursuant to CA Public Resources Code §5097.95. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

Consultation with tribes and interested Native American consulting parties, on the NAHC list, if the project is under federal jurisdiction, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be

followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,



Dave Singleton  
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

## California Native American Contacts

San Diego County

January 30, 2012

Barona Group of the Capitan Grande  
Edwin Romero, Chairperson  
1095 Barona Road Diegueno  
Lakeside , CA 92040  
sue@barona-nsn.gov  
(619) 443-6612  
619-443-0681

La Posta Band of Mission Indians  
Gwendolyn Parada, Chairperson  
PO Box 1120 Diegueno/Kumeyaay  
Boulevard , CA 91905  
gparada@lapostacasino.  
(619) 478-2113  
619-478-2125

Manzanita Band of Kumeyaay Nation  
Leroy J. Elliott, Chairperson  
PO Box 1302 Kumeyaay  
Boulevard , CA 91905  
ljbirdsinger@aol.com  
(619) 766-4930  
(619) 766-4957 Fax

San Pasqual Band of Mission Indians  
Allen E. Lawson, Chairperson  
PO Box 365 Diegueno  
Valley Center, CA 92082  
allenl@sanpasqualband.com  
(760) 749-3200  
(760) 749-3876 Fax

Sycuan Band of the Kumeyaay Nation  
Danny Tucker, Chairperson  
5459 Sycuan Road Diegueno/Kumeyaay  
El Cajon , CA 92021  
ssilva@sycuan-nsn.gov  
619 445-2613  
619 445-1927 Fax

Viejas Band of Kumeyaay Indians  
Anthony R. Pico, Chairperson  
PO Box 908 Diegueno/Kumeyaay  
Alpine , CA 91903  
jrothauff@viejas-nsn.gov  
(619) 445-3810  
(619) 445-5337 Fax

Kumeyaay Cultural Historic Committee  
Ron Christman  
56 Viejas Grade Road Diegueno/Kumeyaay  
Alpine , CA 92001  
(619) 445-0385

Campo Band of Mission Indians  
Monique LaChappa, Chairwoman  
36190 Church Road, Suite 1 Diegueno/Kumeyaay  
Campo , CA 91906  
miachappa@campo-nsn.gov  
(619) 478-9046  
(619) 478-5818 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed ISCH#2012011052; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Tiered Equine Ordinance; located countwide; San Diego County, California.

## California Native American Contacts

San Diego County

January 30, 2012

Jamul Indian Village  
Kenneth Meza, Chairperson  
P.O. Box 612 Diegueno/Kumeyaay  
Jamul, CA 91935  
jamulrez@sctdv.net  
(619) 669-4785  
(619) 669-48178 - Fax

Pauma & Yuima Reservation  
Randall Majel, Chairperson  
P.O. Box 369 Luiseno  
Pauma Valley CA 92061  
paumareservation@aol.com  
(760) 742-1289  
(760) 742-3422 Fax

Los Coyotes Band of Mission Indians  
Shane Chapparosa, Spokesperson  
P.O. Box 189 Cahuilla  
Warner, CA 92086  
loscoyotes@earthlink.net  
(760) 782-0711  
(760) 782-2701 - FAX

Pechanga Band of Mission Indians  
Paul Macarro, Cultural Resources Manager  
P.O. Box 1477 Luiseno  
Temecula, CA 92593  
**(951) 770-8100**  
pmacarro@pechanga-nsn.  
gov  
(951) 506-9491 Fax

Mesa Grande Band of Mission Indians  
Mark Romero, Chairperson  
P.O. Box 270 Diegueno  
Santa Ysabel, CA 92070  
mesagrandeband@msn.com  
(760) 782-3818  
(760) 782-9092 Fax

Rincon Band of Mission Indians  
Tiffany Wolfe, Cultural & Environmental  
P.O. Box 68 Luiseno  
Valley Center, CA 92082  
twolfe@rincontribe.org  
(760) 297-2632  
(760) 297-2639 Fax

Pala Band of Mission Indians  
Tribal Historic Preservation Office/Shasta Gaugher  
35008 PalaTemecula Road, PMB Luiseno  
445, Cupeno  
Pala, CA 92059  
(760) 891-3515  
sgaugher@palatribe.com  
(760) 742-3189 Fax

Kwaaymii Laguna Band of Mission Indians  
Carmen Lucas  
P.O. Box 775 Diegueno -  
Pine Valley, CA 91962  
(619) 709-4207

This list is current only as of the date of this document.

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## California Native American Contacts

San Diego County

January 30, 2012

Inaja Band of Mission Indians  
Rebecca Osuna, Spokesperson  
2005 S. Escondido Blvd. Diegueno  
Escondido , CA 92025  
(760) 737-7628  
(760) 747-8568 Fax

Ewiiapaayp Tribal Office  
Will Micklin, Executive Director  
4054 Willows Road Diegueno/Kumeyaay  
Alpine , CA 91901  
wmicklin@leaningrock.net  
(619) 445-6315 - voice  
(619) 445-9126 - fax

Kumeyaay Cultural Repatriation Committee  
Steve Banegas, Spokesperson  
1095 Barona Road Diegueno/Kumeyaay  
Lakeside , CA 92040  
(619) 742-5587 - cell  
(619) 742-5587  
(619) 443-0681 FAX

Ewiiapaayp Tribal Office  
Michael Garcia, Vice Chairperson  
4054 Willows Road Diegueno/Kumeyaay  
Alpine , CA 91901  
michaelg@leaningrock.net  
(619) 445-6315 - voice  
(619) 445-9126 - fax

Rincon Band of Mission Indians  
Bo Mazzetti, Chairperson  
P.O. Box 68 Luiseno  
Valley Center, CA 92082  
bomazzetti@aol.com  
(760) 749-1051  
(760) 749-8901 Fax

San Luis Rey Band of Mission Indians  
Cultural Department  
1889 Sunset Drive Luiseno  
Vista , CA 92081 Cupeno  
760-724-8505  
760-724-2172 - fax

San Pasqual Band of Indians  
Kristie Orosco, Environmental Coordinator  
P.O. Box 365 Luiseno  
Valley Center, CA 92082 Diegueno  
**(760) 749-3200**  
council@sanpasqualtribe.org  
(760) 749-3876 Fax

La Jolla Band of Mission Indians  
James Trujillo, Vice Chair  
22000 Highway 76 Luiseno  
Pauma Valley CA 92061  
rob.roy@lajolla-nsn.gov  
(760) 742-3796  
(760) 742-1704 Fax

This list is current only as of the date of this document.

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**California Native American Contacts**

San Diego County

January 30, 2012

Ipai Nation of Santa Ysabel  
Clint Linton, Director of Cultural Resources  
P.O. Box 507 Diegueno/Kumeyaay  
Santa Ysabel, CA 92070  
cjlinton73@aol.com  
(760) 803-5694  
cjlinton73@aol.com

Kumeyaay Cultural Repatriation Committee  
Bernice Paipa, Vice Spokesperson  
P.O. Box 1120 Diegueno/Kumeyaay  
Boulevard , CA 91905  
(619) 478-2113

Manzanita Band of the Kumeyaay Nation  
Leroy J. Elliott, Chairperson  
P.O. Box 1302 Diegueno/Kumeyaay  
Boulevard , CA 91905  
(619) 766-4930  
(619) 766-4957 - FAX

Kumeyaay Diegueno Land Conservancy  
M. Louis Guassac  
P.O. Box 1992 Diegueno/Kumeyaay  
Alpine , CA 91903  
guassacl@onebox.com  
(619) 952-8430

Inter-Tribal Cultural Resource Protection Council  
Frank Brown, Coordinator  
240 Brown Road Diegueno/Kumeyaay  
Alpine , CA 91901  
FIREFIGHTER69TFF@AOL.  
(619) 884-6437

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed ISCH#2012011052; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Tiered Equine Ordinance; located countwide; San Diego County, California.



## Stiehl, Carl

---

**From:** lorettanielsen@cox.net  
**Sent:** Tuesday, February 14, 2012 6:39 PM  
**To:** Stiehl, Carl  
**Subject:** POD 11-011 public comments

To: Mr. Carl Stiehl  
County of San Diego, Dept. of Planning and Land Use  
5201 Ruffin Rd, Suite B, San Diego CA 92123-1666

From: Dr. Loretta L. Nielsen  
516 Alice St., Ramona CA 92065

Date: February 14, 2012

Topic: Public comment on POD 11-011, Tiered equine ordinance

Dear Mr. Stiehl,

First, I would like to commend the County of San Diego for undertaking this much-needed updating of the equine land use regulations.

Second, I have comments on the specific wording in the 'Animal Regulations (3000s) section on page 3. As a professional writer and scientist, I am perhaps more sensitive to sentence construction than most. The wording describing all three tiers is ambiguous, with the most ambiguity under the 'Third Tier'.

For example, a strict interpretation of the 'Third Tier' description suggests that someone who bred their mare to their stallion and then sold the resulting foal (3 horses total) would need a major use permit if the horses were housed on a usable equine area more than 10 acres in size. The 'or' in the sentence basically says that anyone receiving payment for stabling or breeding horses on more than 10 acres needs a major use permit, no matter how few horses they have. I don't think this is the actual intent of the ordinance? Common sense suggests the 3-horse example given above should be covered by a First Tier permit.

Concerning the descriptions of the First and Second Tiers: What would happen if someone has 50 horses on 6 acres? Common sense says their situation should be covered under a First Tier permit. The current wording doesn't actually cover this situation under any of the Tiers. Similar comments could be made about the Second Tier language.

I hope the final wording on this ordinance will be clarified to avoid future confusion and potential lawsuits. Thank you.



MT. MIGUEL EQUESTRIAN CENTER  
6558 JONEL WAY, BONITA, CA 91902  
619-421-6283

Date: 2/11/12 (must be rec'd by County not later than 2/17/2012)

TO: Carl Stiehl, Project Manager  
County of San Diego  
Department of Planning and Land Use  
5201 Ruffin Road, Suite B  
San Diego, CA 92123-1666

We are concerned about the County of San Diego's proposed change regarding new limits to equestrian centers specifically changing the usable acres of space per number of horses.

The current 15 horses per acre can be done and we, as residents of Rolling Hills Ranch, do not want the County to change the limit and therefore potentially resulting in closures of these equestrian centers.

Signed:   
Printed Name: Jeffrey A. Page



MT. MIGUEL EQUESTRIAN CENTER  
6558 JONEL WAY, BONITA, CA 91902  
619-421-6283

Date: 02/13/2012 (must be rec'd by County not later than 2/17/2012)

TO: Carl Stiehl, Project Manager  
County of San Diego  
Department of Planning and Land Use  
5201 Ruffin Road, Suite B  
San Diego, CA 92123-1666

DEAR MR. STIEHL:

1) First and foremost I would like to ask for an Extension of the deadline.

2) As a horse lover and San Diego Resident, I feel that it is very unfair to set such a tight regulations on such a wonderful facility as Mount Miguel.

They provide a great ride to the County and Hundreds of children use their time to learn how to ride and love animal vs other alternative such as drugs.

I would like to remind you that most of the borders will not be able to afford the change.  
I am hoping that this is not a tactic to sell the land to developers.

Signed: \_\_\_\_\_

Printed Name: \_\_\_\_\_

  
Silvana Roberti (619) 757-3445



MT. MIGUEL EQUESTRIAN CENTER  
6558 JONEL WAY, BONITA, CA 91902  
619-421-6283

Date: 2/15/2012 (must be rec'd by County not later than 2/17/2012)

TO: Carl Stiehl, Project Manager  
County of San Diego  
Department of Planning and Land Use  
5201 Ruffin Road, Suite B  
San Diego, CA 92123-1666

Dear Mr. Stiehl,

I am writing this letter to express my concern over the proposed regulation to limit equestrian centers to have only up to 10 horses per usable acre. If these regulations were enacted it would force Mt. Miguel Equestrian Center to raise their overhead rates to an amount that I could no longer afford. Please consider allowing up to 15 horses per acre at commercial equestrian facilities that can demonstrate the ability to care for them. I would like to continue to enjoy my equestrian recreation.

Signed: 

Printed Name: Sarah Perez



# RINCON BAND OF LUISEÑO INDIANS

## Culture Committee



Post Office Box 68 Valley Center, California 92082  
(760) 297-2621 or (760) 297 2622 - Fax (760) 297-2629

February 10, 2012

Carl Stiehl  
County of San Diego-planning and land use  
5201 Ruffin Road, Suite B  
San Diego, Ca 92123

Dear Mr. Stiehl,

My name is Rose Duro and I am writing in behalf of the Rincon Culture Committee. The Rincon Tribe is working to develop an organized plan for a more thoughtful and accurate preservation of our historic landmarks. We thank you for notification of your EIR for the Equine Tiered Ordinance.

The Rincon Band has concerns for impacts to historic and cultural resources and findings of significant cultural value that could be disturbed or destroyed and are considered culturally significant to the Luiseño people. This is to inform you: the identified project location is within the Aboriginal Territory of the Luiseno people. Our goal is to help preserve sites of cultural significance and protect any unanticipated discovery. We are willing to work with you at all stages of your project to help identify and avoid any culturally significant resource that might inadvertently become disturbed.

The project area you describe in your letter has cultural significance and we request you consult with the Rincon Band to review the territories that are considered aboriginal cultural sites. We also request that you confer with the Native American Heritage Commission as soon as possible to identify the historic cultural site areas within San Diego that might be affected by this change in the General Plan. We also request that you send notice to all San Diego Tribal Governments and verify the cultural sites of significance these plans will affect.

This is to inform you that Rincon has a Monitor program in place, so if your project is in need of assistance, we are happy to help. Please contact us at Rincon Cultural Resource Dept and we can arrange for a site visit and scheduling of a Native American Monitor to attend your projects needs. Our contact info is Rincon Cultural Resources Dept at 760 297 2621 Monday to Friday 9:30 to 4:30. Thank you for this opportunity to help us protect and preserve our cultural heritage.

Sincerely,

Rose Duro

Rincon Culture Committee Chair

---

Bo Mazzetti  
Tribal Chairman

Stephanie Spencer  
Vice Chairwoman

Charlie Kolb  
Council Member

Steve Stallings  
Council Member

Laurie Gonzalez  
Council Member



10318 Loma Rancho Drive  
Spring Valley, CA 91978

February 12, 2012

Carl Stiehl, Project Manager  
County of San Diego  
Department of Planning and Land Use  
5201 Ruffin Road, Suite B  
San Diego, CA 92123-1666

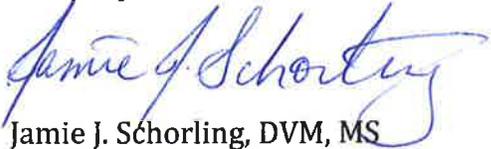
Dear Mr. Stiehl,

I am writing this letter to request that the County of San Diego Department of Planning and Land Use allow up to 15 horses per acre at commercial equestrian centers that demonstrate the ability to take proper care of the animals. Limiting these commercial facilities to 10 horses per acre does not allow them to continue meeting the demands of the growing San Diego population to participate in equestrian activities. By allowing 15 horses per acre at well-run facilities, there will be less risk of dishonest facilities trying to hide horses in unclean or inappropriate conditions. It is also allow equestrian activities to continue to be affordable and accessible in the limited spaces that are still remaining in San Diego County.

As a veterinarian and horsewoman in San Diego County, I am truly hopeful that you will support this increase in numbers of horses at well-run commercial facilities, as this will encourage the people of San Diego to expand their knowledge and understanding of proper equine care while continuing to appreciate and respect the environment.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink that reads "Jamie J. Schorling". The signature is fluid and cursive, with the first name "Jamie" being the most prominent.

Jamie J. Schorling, DVM, MS  
Diplomate, American College of Veterinary Ophthalmologists





# San Diego County Archaeological Society, Inc.

Environmental Review Committee

12 February 2012

RECEIVED  
FEB 14 2012

San Diego County  
DEPT. OF PLANNING & LAND USE

To: Mr. Carl Stiehl  
Department of Planning and Land Use  
County of San Diego  
5201 Ruffin Road, Suite B  
San Diego, California 92123-1666

Subject: Notice of Preparation of a Draft Environmental Impact Report  
Tiered Equine Ordinance  
POD 11-011

Dear Mr. Stiehl:

Thank you for the Notice of Preparation for the subject project, received by this Society last month.

We are pleased to note the inclusion of cultural resources in the list of subject areas to be addressed in the DEIR, and look forward to reviewing it during the upcoming public comment period. To that end, please include us in the distribution of the DEIR, and also provide us with a copy of the cultural resources technical report(s).

SDCAS appreciates being included in the County's environmental review process for this project.

Sincerely,

  
James W. Royle, Jr., Chairperson  
Environmental Review Committee

cc: SDCAS President  
File



MT. MIGUEL EQUESTRIAN CENTER  
6558 JONEL WAY, BONITA, CA 91902  
619-421-6283

Date: 2-14-2012 (must be rec'd by County not later than 2/17/2012)

TO: Carl Stiehl, Project Manager  
County of San Diego  
Department of Planning and Land Use  
5201 Ruffin Road, Suite B  
San Diego, CA 92123-1666

Dear Mr. Stiehl, and the Planning Committee:

I am very glad to hear the County is working on a comprehensive plan for commercial equestrian centers, and look forward to some equalization and standardization in this area.

I would like to express that, for properly and quality managed facilities, the # of horses/usable acre can and should be higher than it appears is being proposed. I personally have 3 horses at one facility and, as with any horse owner, can attest that the most important aspects are cleanliness, regular and monitored facilities and safety oversight, and sufficient space/facilities for the horses to be properly cared for, used, and trained on the property sight. Having multiple horses means I am only "one car - one visitor" for

Signed: Beverly Sumwalt

Printed Name: Beverly Sumwalt

619-981-7098

3 horses - and it would not be cost effective if the size of the facility OR the restriction to smaller numbers/acre were to be changed.

Thank You!





## SWEETWATER AUTHORITY

505 GARRETT AVENUE  
POST OFFICE BOX 2328  
CHULA VISTA, CALIFORNIA 91912-2328  
(619) 420-1413  
FAX (619) 425-7469  
<http://www.sweetwater.org>

GOVERNING BOARD  
RON MORRISON, CHAIR  
MARGARET COOK WELSH, VICE CHAIR  
W.D. "BUD" POCKLINGTON  
JOSE PRECIADO  
MARIA RUBALCABA  
TERRY THOMAS  
JESS VAN DEVENTER  
  
JAMES L. SMYTH  
GENERAL MANAGER

February 15, 2012

Mr. Carl Stiehl  
County of San Diego  
Department of Planning and Land Use  
5201 Ruffin Road, Suite B  
San Diego, CA 92123

Subject: COMMENTS ON NOP OF AN EIR FOR POD 11-011  
TIERED EQUINE ORDINANCE  
SWEETWATER RIVER WATERSHED PROTECTION

Dear Mr. Stiehl:

Thank you for providing Sweetwater Authority with the NOP for POD 11-011, the Tiered Equine Ordinance. Sweetwater Authority is a public water agency in the South Bay area of San Diego County serving more than 186,900 people residing in National City, the western and central portions of Chula Vista, and the unincorporated community of Bonita. Sweetwater operates Sweetwater Reservoir and Loveland Reservoir to store local and imported water for its customers and utilizes the Sweetwater River to transfer water from Loveland Reservoir to Sweetwater Reservoir. The proposed amendments would potentially affect commercial equine uses in unincorporated portions of the County, including areas of the Sweetwater River watershed within the County's jurisdiction (Figure 1).

We have reviewed the Notice of Preparation and the Initial Study for the proposed Tiered Equine Ordinance and have the following comments:

### IX. Hydrology and Water Quality

- The Initial Study (IX.h) states that potential increases in animal waste resulting from proposed equine uses can contribute to surface water pollution, and that the proposed project's potential to result in a substantial adverse impact will be further addressed in the EIR. We agree that animal waste can impact surface water quality when improperly stored or left uncovered near water courses and storm drains. *Cryptosporidium parvum* is a waterborne pathogenic organism of concern that is known to cause health effects in humans and should be discussed in the EIR. In addition, even small increases of *Cryptosporidium* in waterways have significant impacts on the operational cost to treat water to State drinking water standards. Since Horse Stable uses would include boarding/breeding, equines under the age of 12 months would potentially be present. Very young mammals, including equines, are the predominant carriers and shedders of *Cryptosporidium* oocysts.

*A Public Water Agency  
Serving National City, Chula Vista and Surrounding Areas*

Mr. Carl Stiehl

Re: Comments on NOP of an EIR for POD 11-011, Tiered Equine Ordinance  
Sweetwater River Watershed Protection

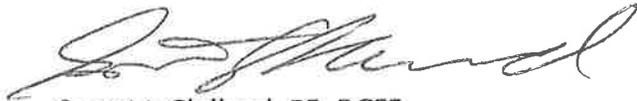
February 15, 2012

Page 2

*Cryptosporidium* can cause intestinal disorders in healthy humans, but can also cause fatal intestinal disorders in immune suppressed people. Potential restrictions on the number of equines under the age of 12 months for Horse Stables should also be considered in the analysis.

We appreciate the opportunity to comment on the NOP for the Tiered Equine Ordinance and look forward to reviewing the EIR and supporting documents. Please include Sweetwater Authority on the County's distribution list for POD 11-011. If you have any questions, please contact Jane Davies at [jdavies@sweetwater.org](mailto:jdavies@sweetwater.org) or (619) 409-6816.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott McClelland". The signature is fluid and cursive, with a large initial "S" and "M".

Scott McClelland, PE, BCEE  
Director of Water Quality

Enclosure: Figure 1

# PROJECT LOCATION WITHIN HYDROLOGIC UNIT POD 11-011

- Legend**
-  Sweetwater Authority Service Area
  -  Lower Sweetwater River Watershed Boundary
  -  Sweetwater River Watershed Boundary Subject to Resolution 84-8 As Amended
  -  Middle Sweetwater River Watershed Boundary
  -  Loveland Reservoir Watershed Boundary
  -  County of San Diego Jurisdiction
  -  Reservoirs
  -  Sweetwater River
  -  Tributaries
  -  Freeways

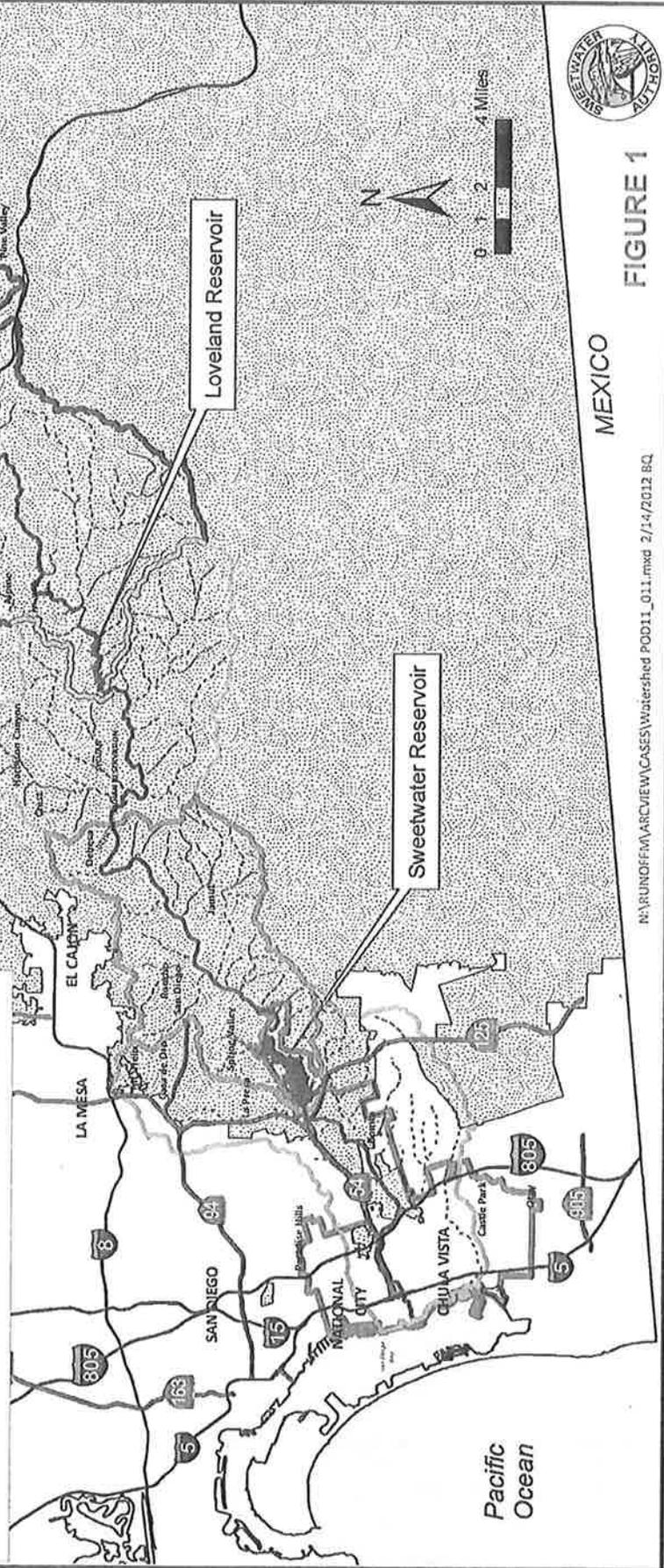


FIGURE 1

MEXICO

N:\RUNOFF\MARVIEW\CASES\Watershed POD11\_011.mxd 2/14/2012 BQ



MT. MIGUEL EQUESTRIAN CENTER  
6558 JONEL WAY, BONITA, CA 91902  
619-421-6283

Date: \_\_\_\_\_ (must be rec'd by County not later than 2/17/2012)

TO: Carl Stiehl, Project Manager  
County of San Diego  
Department of Planning and Land Use  
5201 Ruffin Road, Suite B  
San Diego, CA 92123-1666

Dear Mr. Stiehl,

My daughter and myself enjoy recreational horseback riding at the Mt. Miguel Equestrian Center in Bonita for about 9 months. We also take riding lessons and my daughter also enjoys the camps for children.

The owners and trainers are very experienced and helpful. The horses are in great shape and well taken care of.

Based on my observation the owners and trainers of Mt. Miguel Equestrian Training should be allowed up to 15 horses/acre.

I'm also ~~now~~ very glad, that the Center is close very we live, otherwise we would not have the opportunity to take riding lessons. Thank you very much.

Sincerely  
Signed: W. Tappan Weber

Printed Name: Wain Tappan Weber



Mt. Miguel Equestrian Center  
6558 Jonel Way, Bonita, CA 91902  
619-559-7552

January 31, 2012

Carl Stiehl  
Project Manager County of San Diego  
Department of Planning and Land Use  
5201 Ruffin Road, Suite B  
San Diego, CA 92123-1666

Dear Carl:

I have read through the proposed Tiered Equine Ordinance, POD 11-011 and am hereby submitting my comments to you during this open comment timeframe. I will also be attending the public scoping meeting on Monday February 6, 2012.

Definitions (1110s):

I agree with the concept of a new permit type: Zoning Verification Permit as long as the cost is not prohibitive and it applies to ALL horse boarding facilities in SD County including the "Non-declared Mom and Pop" operations.

I disagree with the number of horses allowed per acre in this proposal. With the significant improvements made in manure management, vector control, erosion control etc. established in the County Stormwater Management Program, commercial boarding facilities should be allowed up to 13 – 14 horses/acre of usable space.

This would be more consistent with the intent of the new County General Plan to concentrate population and density growth in the current metropolitan areas. With this increase in population density, we have a commensurate increase in the need to provide adequate housing and care for privately owned horses that cannot be accommodated in small back yards. Large tracts of land that can be devoted to horse keeping are not available in the closer-in population areas.

This increase in number of horses/acre would also support the County's requirement to reduce greenhouse gas emissions. If you keep the horses closer to where people actually live, there is considerably less traffic and less pollution.

The County of San Diego has an excellent Animal Control Department and an active SPCA-Humane Society. I suggest that the County make full use of their expertise by having annual inspections of those horse boarding facilities allowed an excess of 10 horses/acre. This way

you would have animal control experts certifying to County Zoning that these stables were providing adequate space for both horses and their owners/riders.

Finally, if a commercial equestrian center is run as a business, with the high overhead rates associated with:

- mortgage payments,
- property and liability insurance,
- payroll,
- federal and state payroll taxes,
- our ridiculously high workers' compensation insurance,
- property taxes that increase 2% every year regardless of property values,
- manure management expense,
- facility upkeep,
- ever increasing utility expenses, etc.

we need a larger base over which to spread our expenses. My board rates (which are already fairly high for South County) would increase by about 35% if I could only accept 50 horses on my 5 acre boarding facility. Since I cater to families with young children, and many older people on fixed incomes, money outlays for board each and every month are a significant concern.

Page 3, Animal Regulations. Animal Enclosures (Matrix)

I think you have set-backs backwards. If corrals are setback 6-7 feet from property lines, it is not a problem, especially when property abuts a dedicated roadway. On the other hand, for safety reasons, riding arenas should have a set-back of at least 15 feet to minimize equestrian accidents due to horses' fear of loud noises from motor cycles, trash trucks, etc. No equestrian center owner in his/her right mind would build an arena directly adjacent to their property line because they lack of control for what happens on the street.

On page 4, under #9 last paragraph:

Please add that South County is also serviced by State highways 125, 54 and 905.

III. Air Quality p. 13 section:

Again, I want to reiterate my previous point, the closer the horses are to where people live, the less traffic you have. Less traffic means better air quality. The closer horses are boarded to the County Trail System, the less traffic you have to transport them to trail heads. Please consider changing the impact from Potentially Significant to Less than Significant.

XII. Noise:

I believe the impact of noise should be Less than Significant Impact for the following reasons:

- Horse people tend to have newer cars and trucks with better pollution/noise levels.

- Delivery trucks such as hay trucks are less noisy than trash trucks, parcel post delivery trucks such as Fed Ex or UPS, and are certainly more infrequent than trash trucks which now visit our neighborhood 3 x week.
- The vast majority of boarding stable trainers do not use load speaker systems for lessons. Occasionally, yes, we may have a special event for our boarders, but no more than 2-3 days a year and for no more than a few hours at a time.
- Horse shoeing is not a noisy profession.
- And few of us can afford large tractors. We go with whatever is the smallest tractor that will get the job done.
- Our neighbor's off-road motorcycles are many times noisier than any vehicle that comes to our equestrian center.

#### XVI. Traffic:

I believe you should downgrade your impact level to either Less Than Significant with Mitigation Incorporated or Less than Significant Impact. As long as stables stay in the metropolitan areas where traffic is already concentrated, it does not have any significant effect because the traffic pattern is spread out by time of day, and day of the week. This is not like traffic going to a shopping center or the grocery store. Some boarders come once/day, some once/week. People coming for riding lessons come just once or twice/week for half an hour.

Also, under Traffic, I take great exception to the statement on page 51, section e) that the County could consider "Additionally, roads used will be required to be improved to County standards" to be a "Less than Significant Impact! As previously stated, we and our neighbors on Jonel Way, keep the potholes and roughness in place as a way to slow down the traffic. Our road is also used by riders heading down the street to access the County Trail System. The last thing we need is to improve the road so cars could go 60 mph past equestrians and walkers. If County allows pastures a zero setback, we have no effective way to get the horses off the road and away from traffic.

Of course this whole "improve the access road" discussion would be academic because there is not enough profit margin in this business to even begin to improve private roads. I would be out of business if this requirement stands.

Thank you for accepting my comments. I look forward to seeing you next Monday eve.

Sincerely yours,

Judith Tieber  
 General Partner  
 Mt. Miguel Equestrian Center



---

**ADDRESS MAILINGS TO:**

8690 AERO DRIVE, SUITE 115, #307  
SAN DIEGO, CALIFORNIA 92123

TELEPHONE: (858)278-7862  
FACSIMILE: (858)278-7862

February 16, 2012

Department of Planning and Land Use (DPLU)  
Attn: Carl Stiehl, Project Processing Counter  
5201 Ruffin Road, Suite B  
San Diego, CA 92123

Re: Response to Proposed Tiered Equine Ordinance EIR

Dear Mr. Stiehl,

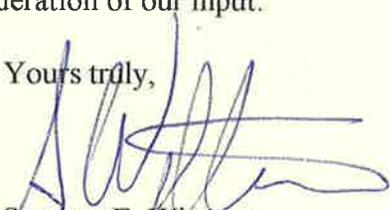
The undersigned is pleased to respond to the DPLU's request for citizen input regarding the above-referenced proposed Ordinance.

This office represents a California non-profit equine sanctuary for abandoned and neglected horses that may be impacted by the proposed ordinance and EIR. The equines that reside at this sanctuary are, if suitable, used to work with special needs children. The equines also assist in programs along with other non-profit organizations, educational institutions and county-supported programs to provide assistance to those in need.

On behalf of this non-profit organization, we would respectfully request that the County consider appropriate provisions and terms relating to such equine sanctuaries in its proposed Tiered Equine Ordinance. We would be happy to answer any questions or provide additional information as you may require.

Thank you in advance for your consideration of our input.

Yours truly,

  
Stephen E. Wittman

SEW:js

