

Appendix H Summary of Changes to the Draft EIR

SUMMARY OF CHANGES TO THE DRAFT EIR

Introduction

This section includes a summary of changes to the Draft Environmental Impact Report (EIR) for the Equine Ordinance Project, dated February 2013, which can be accessed here: <http://www.sdcounty.ca.gov/pds/advance/Equine.html>

The changes were made in response to public comments received during the public review period from February 4, 2013 to March 20, 2013, as well as public testimony during Planning Commission hearings. No “significant new information”, per CEQA Guidelines Section 15088.5, has been added to the Draft EIR. The changes do not alter the conclusions of the environmental analysis such that new significant environmental impacts have been identified, nor do they constitute significant new information. Changes are provided in tracking mode (underline for new text and strike out for deleted text) and reference the applicable sections and page numbers from the Draft EIR. Minor text changes, such as typographical errors, were made to the Final EIR as necessary. However, these minor text changes are not included in this summary document.

Text Changes and Edits to the Draft EIR

General

The following is an example of language that was deleted throughout the EIR, where applicable. This change is a clarification to the permit process and does not affect environmental impacts or analysis.

The following example is from Chapter S.0, Summary, Page S-2:

- Zoning Verification Permit: Where a Tier Two horse stable is proposed in Animal Designators D–F, J, L–N, U, and V, a Zoning Verification Permit will be required. A Zoning Verification Permit is ministerial (not discretionary) and requires the applicant to go through a checklist of clearances for permit approval ~~at the zoning counter~~. The applicant will be required to provide information such as project location, usable area, and a site plan illustrating the proposed location of and access to the horse stables.

Chapter S.0, Summary

The following change was made to Section S.2.1: Project Description, Page S-1:

The project proposes an amendment to the County of San Diego Zoning Ordinance for equine uses. The amendment consists of clarifications, deletions, and revisions to provide an updated set of definitions, procedures, and standards for review and permitting of equine uses. The updated set of definitions helps to clarify the difference between horsekeeping and horse stables. The

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definition of horsekeeping is limited to the private use of horses by the owner or occupants of a premises and does not include horses kept for commercial use. Horse stables include, but are not limited to, animal enclosures, riding arenas, corrals, paddocks, pens and/or other structures used for the boarding, breeding, raising, rehabilitation, riding training and/or performing of horses, by persons other than the owners or the occupants of the premises, for commercial purposes. The amendment will implement a new tiered system of permitting for commercial horse stables with both ministerial and discretionary tiers of permitting.

The following change was made to Section S.2.1: Project Description, Page S-2:

The Horse Stable and Horsekeeping use types are permitted in areas with certain animal designators as indicated in the Animal Schedule. Animal designators are regulations pertaining to the keeping of animals by means of a letter designator. A description of the permits associated with the proposed project's tiered permitting process for horse stables is as follows:

The following change was made to Section S.2.1: Project Description, Page S-2:

- Administrative Permit: Tier Three horse stables located in Animal Designators D–F, J, L–N, U, and V will be required to obtain an Administrative Permit. The processing requirements for an Administrative Permit are similar to those for a Major Use Permit (MUP) and will require evaluation on a case-by-case basis under the California Environmental Quality Act (CEQA) during the MUP application process. Each application will be evaluated for consistency with neighborhood compatibility General Plan policies and environmental impacts as required in the Zoning Ordinance for an MUP; and conditions could be added to an Administrative Permit to address any site-specific concerns, just as conditions are added to an MUP. An Administrative Permit requires public notice, as well as an opportunity for the local Community Planning Group to review and provide a recommendation for the project. The permit also requires public notice to property owners within 300 feet and to a minimum of 20 different property owners. The final decision on an Administrative Permit is made by the Director of Planning and Development Services and may be appealed to the Planning Commission.

The following text was added to Section S.2.1: Project Description, Page S-3:

As reflected in the amended ordinance, additional regulations on Horsekeeping and Horse Stable uses include, but are not limited to, restrictions on use and a requirement for manure management, a fire protection plan, and a vector control plan.

The following change was made to Section S.5: Issues to be Resolved by the Decision-Making Body, Page S-5:

As part of the proposed Zoning Ordinance Amendment, equine uses that meet the zoning verification requirements would be developed without discretionary review and boarding of up to

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three horses would be allowed without ministerial or discretionary review. Thus, there would be no means to ensure mitigation of significant effects since no discretionary permits would be required. However, it should be noted that both Tier One and Tier Two equine uses will be subject to several regulations, Zoning Ordinance provisions and statutes that will mitigate some of the negative effects of these facilities. Larger equine uses that fall under Tier Three and Tier Four, as previously defined, will continue to be subject to Administrative Permit and Major Use Permit procedures, respectively, and will require separate project-specific environmental review.

The following change was made to Table S-1: Environmental Issue Areas Analyzed in Chapter 2.0, Page S-10:

M-AE-1: During the environmental review process for future Administrative Permits and Major Use Permits for equine facilities developed under Tier Three and Tier Four, the County Guidelines for Determining Significance for Visual Resources and Dark Skies and Glare shall be applied. When aesthetic impacts are determined to be significant, feasible and appropriate project-specific mitigation measures shall be incorporated. Examples of standard mitigation measures within the County Guidelines include siting/location considerations, minimizing development and grading of steep slopes, natural screening and landscaping, undergrounding utilities, inclusion of buffers, and lighting restrictions.

The following change was made to Section S.6.5: Environmentally Superior Alternative, Page S-8:

~~Therefore,~~ As indicated in Table 4-1, the Reduced Project Area Alternative would lessen more impacts as compared to the Four Horses per Acre (such as those related to agriculture and forestry resources and wildland fires); therefore, this is the environmentally preferred alternative.

Chapter 1.0 Project Description, Location, and Environmental Setting

The following change was made to Section 1.4.1: Project's Components, Page 1-9:

Administrative Permit: Tier Three horse stables located in Animal Designators D–F, J, L–N, U, and V will be required to obtain an Administrative Permit. The processing requirements for an Administrative Permit are similar to those for a Major Use Permit and will require evaluation on a case-by-case basis under the California Environmental Quality Act (CEQA) during the MUP application process. Each application will be evaluated for consistency with neighborhood compatibility General Plan policies and environmental impacts as required in the Zoning Ordinance for an MUP; and conditions could be added to an Administrative Permit to address any site-specific concerns, just as conditions are added to an MUP. An Administrative Permit requires public notice, as well as an opportunity for the local Community Planning Group to review and provide a recommendation for the project. The permit also requires public notice to property owners within 300 feet and to a minimum of 20 different property owners. The final

decision on an Administrative Permit is made by the Director of Planning and Development Services and may be appealed to the Planning Commission.

The following change was made to Section 1.4.3: Technical, Economic and Environmental Characteristics, Page 1-14:

Economic Considerations: The proposed project would help facilitate the development of equine uses within the County. The proposed project would streamline the permitting process and provide more cost effective alternatives to uses that do not require a Major Use Permit under Tier Four criteria. The equine industry is an important component of the County's economy and helps to preserve the rural character and historical heritage. The industry encompasses a variety of activities, from breeding, training, and boarding to recreational pursuits such as racing, showing, and other competitions. The intensity, scale, and scope of these activities have expanded. Horse ownership has become increasingly popular, and opportunities for racing, showing, and trail riding are spread throughout the County. The equine industry plays a visible role not only in agriculture, but in recreation as well. One of the most popular categories of horse use is recreational riding, including trail riding. The County offers one of the most diverse trail systems in the nation, including 400 miles of dedicated equestrian trails.

The following change was made to Section 1.5.1: Project Approvals/Permits, Page 1-17:

Administrative Permits. Some equine uses, including but not limited to Tier Three horse stables, will require an Administrative Permit. For example, other tiers may require an Administrative Permit for activities such as clearing.

Chapter 2.0 Environmental Effects of the Proposed Project

The following correction was made to Section 2.0: Environmental Effects of the Proposed Project, Page 2.1-1:

This chapter also includes a section that discusses significant irreversible environmental changes resulting from project implementation (Section 2.409).

The ~~nine~~eight environmental issue areas addressed in Chapter 2.0 are as follows:

- Aesthetics (Section 2.1)
- Agricultural and Forestry Resources (Section 2.2)
- Air Quality and Greenhouse Gas Emissions (Section 2.3)
- Biological Resources (Section 2.4)
- Cultural and Paleontological Resources (Section 2.5)

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- Hazards and Hazardous Materials (Section 2.6)
- ~~Land Use (Section 2.7)~~
- Noise (Section 2.87)
- Transportation and Traffic (Section 2.98).

2.1 Aesthetics

The following change was made to Section 2.1.3.1: Scenic Vistas, Page 2.1-9:

Outdoor lighting would be allowed, but shall not be illuminated between ~~4~~10 p.m. and dawn, unless it is security lighting.

The following change was made to Section 2.1.3.1: Scenic Vistas, Page 2.1-10:

Future equine facilities may introduce new vertical elements within the viewshed of a scenic vista that would not be subject to environmental or design review. The existing height limits of the zone would apply, limiting the height of any proposed structure. Some of the environmental design considerations included in the zoning verification process under Tier Two, such as setbacks and lighting restrictions, would minimize potential impacts to scenic vistas. Additionally, the County currently contains numerous equine facilities within the project area. Therefore, the development of equine facilities under both Tier One and Tier Two would result in **a less-than-significant impact**.

The following change was made to Section 2.1.3.2: Scenic Resources, Page 2.1-11:

The development of future equine uses could block public views of these resources, or could result in the detracting of the resource. However, as stated in Section 2.1.3.1, it is important to note that the County currently contains a number of equine facilities as these facilities are allowed under the current zoning. As such, these equine facilities co-exist near scenic resources, ~~and~~ The horse industry was prominent in the County's early economy as indicated in Chapter 1.0, Project Description, and today horse stables and other equine uses continue this heritage. They are an established part of the visual setting. Therefore, they do not detract from these scenic resources.

The following change was made to Section 2.1.3.3: Visual Character or Quality, Page 2.1-13:

The most common zoning designations in the proposed project study area are Limited Agricultural (A70), General Agriculture (A72), and Rural Residential (RR). Equine uses are commonly found in these areas and are generally compatible with the visual environment. Equine facilities may introduce a new vertical element, such as a barn or horse stable, that would not be subject to environmental or design review. However, equine facilities are an

established part of the visual setting. As indicated in Chapter 1.0, Project Description, the horse industry was prominent in the County's early economy and today horse stables and other equine uses continue this heritage. ¶Due to the nature of the existing community character and the fact that many equine facilities currently exist within the County, these structures are anticipated be consistent with existing uses and will not result in visual impacts. Therefore, equine facilities developed under Tier One and Tier Two would result in **less-than-significant impacts** to visual character and quality.

2.2 Agriculture

The following change was made to Section 2.2.3.2: Agricultural Zoning and Williamson Act Contracts, Page 2.2-11:

Equine uses currently in operation in the County are usually accessory to active agricultural uses and can be important for agricultural uses, for example as a means of transportation around a property. Underlying agricultural zones and animal designators for equine uses tend to be in the same areas due to rural character and large lot size.

The following change was made to Section 2.2.3.3: Forest and Timberland Conflicts, Page 2.2-12 and 2.2-13:

The County does not have zoning for forest land, timberland, or Timberland Production Zones and there is no other means of quantifying the location of forest lands within the County.

2.3 Air Quality

The following change was made to Section 2.3.3.1: Conformance to the SDRAQS and SIP, Page 2.3-19:

The proposed project consists of amendments to the Zoning Ordinance related to equine uses in unincorporated portions of the County over which the County has land use jurisdictions. The proposed project would merge the two previous stable use types (Boarding/Breeding or Public) into one simplified use type (Horse Stable). Although the proposed project would amend the existing Zoning Ordinance, no change in land uses would occur, and the proposed project would remain consistent with the existing land use designation as delineated in the County General Plan. Additionally, no residential, commercial retail or growth-inducing development is proposed that would substantially increase vehicle miles traveled (VMT) throughout the County. Moreover, the proposed project is not anticipated to increase local equine-related employment in the region. The proposed project would not result in a substantial increase in the numbers of horses or equine facilities in the County. Rather, the proposed project is intended to update equine regulations and would allow many unpermitted facilities in the County to come into compliance with the ordinance.

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The following change was made to Section 2.3.3.1: Conformance to the SDRAQS and SIP, Page 2.3-19:

The proposed project consists of amendments to the Zoning Ordinance related to equine uses in unincorporated portions of the County over which the County has land use jurisdictions. The proposed project would merge the two previous stable use types (Boarding/Breeding or Public) into one simplified use type (Horse Stable). Although the proposed project would amend the existing Zoning Ordinance, no change in land uses would occur, and the proposed project would remain consistent with the existing land use designation as delineated in the County General Plan. Additionally, no residential, commercial retail or growth-inducing development is proposed that would substantially increase vehicle miles traveled (VMT) throughout the County. Moreover, the proposed project is not anticipated to increase local equine-related employment in the region. The proposed project would not result in a substantial increase in the numbers of horses or equine facilities in the County. Rather, the proposed project is intended to update equine regulations and would allow many unpermitted facilities in the County to come into compliance with the ordinance.

The following change was made to Section 2.3.3.6: Generation of Greenhouse Gas Emissions, Page 2.3-33:

Construction of Tier One and Tier Two projects would involve erection of structures that would be associated with equine facilities including horse stables, animal enclosures, and pastures, as well as related infrastructure including parking lots, driveways, fences, and buildings. Construction activities would result in minimal GHG emissions from the use of construction equipment (if required), trucks hauling construction material, and worker trips. Construction emissions can vary substantially from day to day, depending on the level of activity and the specific type of operation; however, based on County staff's interviews and observations of existing equine facilities, typical construction of Tier One and Tier Two facilities would not require the extensive use of heavy construction equipment. ~~would not be required for most Tier One and Tier Two facilities.~~

The following change was made to Section 2.3.3.7: Conformance to Applicable Plan, Policy or Regulation, Page 2.3-37:

Vehicular traffic from construction and operation of Tier One and Tier Two facilities is one source of GHG emissions. However, traffic generated by the construction of these facilities would be relatively minor (and may not require construction vehicles) based on County staff's interviews and observations of existing equine facilities in the County.

2.4 Biological Resources

The following change was made to Section 2.4.3.1: Candidate, Sensitive, or Special-Status Species, Page 2.4.-22:

The environmental design ~~considerations~~criteria included in the zoning verification process under Tier Two would minimize potential impacts to sensitive species. For example, as part of the zoning verification process, a plot plan would be reviewed by County staff. The plot plan review would include checking legal lot documentation, which would indicate if the site has open space for biologically sensitive areas. If so, these areas would be required to be avoided and additional setbacks may be required. However, there is still potential for the removal of sensitive habitat areas under both Tier One and Tier Two, which would potentially result in significant impacts to candidate, sensitive, or special-status species as no ministerial or discretionary review would be required for Tier One and no discretionary review would be required for Tier Two in certain instances; therefore, the adoption of the proposed Zoning Ordinance Amendment would have a significant impact (BI-1).

The following change was made to Section 2.4.3.2: Riparian Habitat or Sensitive Natural Community, Page 2.4.-25:

The environmental design criteria included in the zoning verification process under Tier Two would minimize potential impacts to riparian habitat or sensitive natural communities. For example, as part of the zoning verification process, a plot plan would be reviewed by County staff. The plot plan review would include checking legal lot documentation, which would indicate if the site has open space for biologically sensitive areas. If so, these areas would be required to be avoided and additional setbacks may be required. However, there is still potential for the removal of riparian habitat or sensitive natural communities under both Tier One and Tier Two, which would potentially result in significant impacts to riparian habitat or sensitive natural communities as no ministerial or discretionary review would be required for Tier One or for Tier Two in certain instances; therefore, the adoption of the proposed Zoning Ordinance Amendment would have a significant impact (BI-3).

2.5 Cultural and Paleontological Resources

The following change was made to Section 2.5.3.1: Historical Resources, Page 2.5-13:

Future Tier Three and Tier Four equine uses will be subject to discretionary review and required to obtain an Administrative Permit or a Major Use Permit, respectively. As part of the County's discretionary review process, all future projects would be evaluated under CEQA and would be required to implement measures to minimize impacts to historical resources, as necessary. Examples of mitigation measures include avoidance, preservation, replacement of resources, data recovery and project design changes.

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The following change was made to Section 2.5.3.2: Archeological Resources, Page 2.5-17:

The Administrative Permit necessary for Tier Three equine uses and the MUP required for Tier Four equine uses is subject to the County's RPO. The RPO also requires that cultural resources be evaluated as part of the County's discretionary environmental review process and that projects apply the maximum feasible mitigation, as necessary. Examples of mitigation measures include avoidance, preservation, replacement of resources, data recovery and project design changes. However, there is ultimately no guarantee on a project-specific level that mitigation measures would reduce impacts to a level below significant. Therefore, Tier Three and Tier Four equine uses may result in **significant impacts** to archaeological resources (**CR-4**).

The following change was made to Section 2.5.3.3: Human Remains, Page 2.5-17:

The proposed project would allow equine uses that fall under Tier Three with an Administrative Permit, and equine uses that fall under Tier Four would continue to require an MUP. Under these tiers, discretionary review would still be required, and projects would be evaluated as part of the County's discretionary environmental review process (CEQA). The County's discretionary environmental review process involves environmental review pursuant to CEQA, which requires proposed projects to provide detailed information on the potentially significant environmental effects they are likely to have, list ways in which the significant environmental effects would be minimized, and identify alternatives that would reduce or avoid the significant impacts identified for the project. Examples of mitigation measures include avoidance, preservation, replacement of resources, data recovery and project design changes.

The following change was made to Section 2.5.3.4: Paleontological Resources, Page 2.5-19:

The proposed project would allow equine uses that fall under Tier Three with an Administrative Permit and equine uses that fall under Tier Four would continue to require an MUP. Under these tiers, discretionary review would still be required, and projects would be evaluated as part of the County's discretionary environmental review process (CEQA) and would be required to implement measures to minimize impacts to paleontological resources, as necessary. ~~As part of the County's discretionary review process, all future projects would be evaluated under CEQA and would be required to implement measures to minimize impacts to historical resources, as necessary.~~ Examples of mitigation measures include avoidance, preservation, replacement of resources, data recovery and project design changes.

The following mitigation measure was added to Section 2.5.6.1, Historical Resources, Page 2.5-27 and referenced in Section 2.5.6.2, Archeological Resources and Section 2.5.6.3, Human Remains:

M-CR-2: During the environmental review process for future Administrative Permits and Major Use Permits for equine uses, any proposed Horse Stable of more than 50 horses shall complete a full records search with the South Central Information

Center (SCIC). The SCIC shall provide a recommendation regarding potential cultural resources and may recommend consultation with appropriate tribe(s).

2.6 Hazards and Hazardous Materials

The following changes were made to Section 2.6.3.6: Emergency Response and Evacuation Plans, Page 2.6-41:

The Tier One and Tier Two commercial horse stable uses could result in an increase of equine facilities including horse stables, animal enclosures, and pastures, as well as increase the amount of related infrastructure, including parking lots, driveways, fences, and buildings. However, the proposed project would not result in a substantial increase in the numbers of horses or equine facilities in the County. Rather, the proposed project is intended to update equine regulations and would allow many unpermitted facilities in the County to come into compliance with the ordinance. Therefore, ~~Implementation of equine facilities~~ future equine uses would not result in an increase in population that is unaccounted for or an increase in population that an emergency response team is unable to service.

As part of the County's discretionary review process, all future Tier Three and Four projects would be evaluated under CEQA. The proposed project would not result in a substantial increase in the numbers of horses or equine facilities in the County. Rather, the proposed project is intended to update equine regulations and would allow many unpermitted facilities in the County to come into compliance with the ordinance. Therefore, ~~F~~future equine uses would not result in an increase in population that an emergency response team is unable to service. Future equine facilities would not result in the obstruction of roads that are used as emergency or evacuation access, since the equine facilities would be accessory structures located within each site, and horses would be evacuated in a similar manner as people.

2.10 Hydrology

The following changes were made to Section 3.1.2.3.1: Water Quality Standards and Requirements, Page 3.1.2-13:

If ~~Some~~ a future Tier One or Tier Two equine facilities ~~would~~ requires the building or removal of a structure, a building permit would be required and development of the equine facility would be subject to preparation of a SWMP, which includes requirements for the use of construction BMPs, LID, and post-construction BMPs.

The following changes were made to Section 3.1.2.3.1: Water Quality Standards and Requirements, Page 3.1.2-16:

Tier One and Two facilities that do not require discretionary review ~~would~~may still require a building permit if any structures are proposed to be constructed or demolished and therefore

would be subject to preparation of a Minor SWMP, which includes requirements for construction BMPs, LID, and post-construction BMPs.

The following changes were made to Section 3.1.2.3.4: Flooding, Page 3.1.2-18; Section 3.1.2.3.5: Exceed Capacity of Stormwater Systems, Page 3.1.2-20; Section 3.1.2.3.7: Impeding or Redirecting Flood Flows, Page 3.1.2-22; and Section 3.1.2.3.8: Dam Inundation and Flood Hazards, Page 3.1.2-24:

If a future Tier One and/or Tier Two equine facility requires the building or removal of any structure, would require a building permit would be required and development of the equine facility and therefore would be subject to the preparation of a Minor SWMP and site-specific BMPs and LID techniques to maintain existing drainage patterns and runoff levels to the greatest extent possible.

4.0 Project Alternatives

The following change was made to Section 4.5: Environmentally Superior Project, Page 4-16:

Therefore, As indicated in Table 4-1, the Reduced Project Area Alternative would lessen more impacts as compared to the Four Horses per Acre (such as those related to agriculture and forestry resources and wildland fires); therefore, this is the environmentally preferred alternative.

6.0 List of EIR Preparers and Persons and Organizations Contacted

This chapter was added.

7.0 List of Mitigation Measures and Environmental Design Considerations

This chapter was added.

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