

Comment Letter F

March 18, 2013

County of San Diego: Planning and Development Services
 5510 Overland Avenue
 San Diego, CA 92123
 and
 Supervisor Dianne Jacob and Adam Wilson
 County Administration Center
 1600 Pacific Highway
 San Diego, CA 92101

Subject: Tiered Equine Ordinance

Dear Supervisor and Commissioners,

I oppose the Tiered Equine Ordinance as it is currently drafted. While I agree that most businesses should have tiered levels of compliancy, this draft does not go far enough to protect the adjacent property owners. Zoning should be very clear on how many horses one property may OWN and board, so that there is a way for County to make sure health issues do not arise. Horses are part of an outdoor participatory and spectator sport, not unlike dirt-bike riding, with their devastation to the land when kept in too dense a population. This is a major deviation from County's requirements for a major use permit (MUP) for activities such as roping, penning and rodeo-type events. The regulations for boarding horses are not nearly as restrictive as those for keeping a caged chicken. Horses are not considered to be an agricultural animal in this country. And unlike USDA animals raised for food sources, horses have an expected lifespan of 28 years, and they require more grazing land than cows to maintain a healthy, sustainable balance with the land. Supplemental feeding does not address the density issues.

DENSITY PER ACRE

At the density levels outlined in the draft, the horses will not be able to simply graze, because they would consume the entire amount of grazing feed naturally available within months, if not weeks. The horses will then reside on barren dirt, increasing the amount of dust, runoff, and significant environmental impacts to the land and all neighbors around them. While horses have their place on farms, just like dogs, they do not belong in large numbers within agricultural zones because of the long-term impacts.

According to a study conducted by the Univ. of Arizona Cooperative Extension to determine how many animals can be maintained on small land tracts, one horse requires much more land than one cow for grazing at a ratio of approximately 1.3 to 1.

"To ensure that the animals have sufficient forage to remain healthy and to ensure that grazing does not permanently damage soil and vegetation resources, animal numbers and/or grazing time must be controlled. If either too many animals are allowed to graze or animals are allowed to graze too long, forage will be adversely affected. Repeated removal of forage by grazing animals will weaken plants and allow less palatable plants to replace them. Eventually all forage plants will be eliminated from a pasture if heavy grazing is left unchecked. In the extreme, uncontrolled grazing can change a pasture with grasses and other forage into a dirt lot with a few weeds.

F-1

F-2

F-3

F-4

Response to Comment Letter F

Elizabeth Edwards

March 18, 2013

F-1 This comment does not raise any specific environmental issues for which a response is required.

F-2 The draft ordinance is clear for the private and commercial uses of horses. All horses owned and boarded that are part of a commercial horse stable are limited by the 10 horses per acre threshold. Additional numbers of horses beyond 50 horses on 5 acres of usable area in the project area continues to require a discretionary permit. Horses for private use in the County, known as horsekeeping is considered an agricultural use under Animal Raising in the Zoning Ordinance. The commercial use of horses, known as a horse stable is not considered a participant sport use under zoning, it is an Animal Sales and Services use in Zoning Ordinance section 1425. Chickens are not required to be caged in the County, the only requirement under zoning is for chickens to meet the animal enclosure setbacks. As outlined above, horses for private use are considered agricultural and horses for public use is a service and considered commercial under zoning. Almost all commercial stables import feed for horses, in addition, in staff's experience most known facilities with cows or cattle in the same areas where these horse stables are located, also import feed

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<p>Without vegetation to stabilize the soil, wind and water erosion will remove the soil. Wind erodes unprotected soil resulting in dust and poor air quality. Water also erodes unprotected soil and increases sediment load in watersheds and decreases water quality. Poor grazing management can adversely affect neighboring landowners.</p> <p>Even if horses or other livestock are supplemented with hay, they will continue to graze if given an opportunity. Livestock will graze forage to utilization levels approaching 80 to 100% if they are kept in a small pasture and fed hay. At such heavy utilization levels, forage plants will weaken and eventually die. Only weeds, unpalatable plants and/or bare ground will remain.”</p> <p>(http://cals.arizona.edu/pubs/animal/az1352.pdf)</p> <p>The dietary needs of a horse, as outline by The Humane Society of the United States:</p> <p>“Horses need a regular supply of food and water</p> <p>In most cases, they need to have hay or pasture throughout the day, with additional grain feedings twice a day. An average-size horse will eat about 20 lbs. of food a day and drink at least eight gallons of water. Because their stomachs are relatively small and their digestive systems surprisingly delicate, horses need to nibble or graze throughout the day, rather than have one or two meals a day.”</p> <p>(http://www.humanesociety.org/animals/horses/tips/horse_care_guidelines.html)</p> <p>RUNOFF AND THE CLEAN WATER ACT</p> <p>Agricultural activities are monitored by the EPA, and commercial agriculture within San Diego County requires membership in a water monitoring group such as the San Diego Region Irrigated Lands Group (SDRILG) for anyone earning \$1,000 or more, per year. Where is the monitoring and required “Water School” education for commercial equine facilities?</p> <p>How will the inevitable runoff — created by the ordinance’s high-density — be monitored?</p> <p>If these type of commercial activities are allowed without monitoring within the same areas where commercial agricultural activities are required by law to monitor their runoff, doesn’t this open up a potential for lawsuits?</p> <p>“Regulations adopted by the Regional Water Quality Control Board require all agricultural and nursery operations in the San Diego region to sample and test wet and dry weather runoff for pollutants and report the findings. The regulations allow for two options: 1) Conduct the testing and reporting as a group, OR, 2) Act individually to submit plans and testing results directly to the Regional Board.”</p> <p>(http://sd.farmlifeusa.org/SDRILG/Irrigated-Lands-Group.pdf)</p> <p>GOOD NEIGHBOR POLICIES</p> <p>1) Access and road areas should require dust abatement with either chip seal or gravel.</p> <p>According to the EPA, unpaved roads create huge amounts of dust which is harmful to crops.</p> <p>“Unpaved roads are considered the largest source of particulate air pollution in the country. According to the Environmental Protection Agency, unpaved roads produce almost five times as much particulate matter as construction activities and wind erosion, which are the next two largest sources, combined.</p> <p>Dust on plants can hamper their growth and development. When the farmer calls and wants something done about the dust because it is affecting his crops, that is a valid complaint.</p> <p>Dust shades necessary light from plants, hindering photosynthesis (plants producing their own food), resulting in stunted plant growth.</p> <p>(http://www.epa.gov/croww/NPS/sensitive/chap7.pdf)</p>	<p>F-4 Cont.</p> <p>F-5</p> <p>F-6</p> <p>F-7</p>	<p>for the cattle. The large tracks of land where animals graze in the County are located outside the project area in the eastern half of the County.</p> <p>F-3 See response to F-2. Almost all commercial stables import feed for horses. The ordinance does not require space for horses to graze. The current regulations in County Code require compliance with dust control measures and best management practices to control dust and runoff. These regulations are referenced in the draft ordinance and will continue to be required.</p> <p>F-4 See responses to F-2 and F-3. The ordinance does not require space for a horse to graze. Documented sensitive biological resources and open space areas will continue to be protected under County Code and the draft ordinance. The Zoning Ordinance already allows animals to be established on properties and they are allowed to graze on existing properties. As discussed in the previous responses, dust and best management practices are required to address wind and water erosion issues.</p> <p>F-5 The County has existing best management practices related to the stormwater and watershed protection ordinance requirements, for example under project clean water. The ongoing monitoring and education for horse stables will continue and enforcement will ensure that facilities are in compliance with codes and regulations. Commercial horse stables</p>
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<p>2) Horse urine odors need to be addressed, in addition to the manure.</p> <p>3) Amplified music (along with amplified PA systems) should not be allowed by night.</p> <p>4) Hours for public access to the horses should be limited from 10 am to sunset to mitigate needs for lighting.</p> <p>5) No "horse-trailer camping" or overnight customer camping of any kind should be allowed by night.</p> <p>6) ADA compliance issues need to be addressed.</p> <p>7) Rodeo-type activities should not be permitted by night. Such activities should require a MUP.</p> <p>8) Horses tend to eat wooden fences — neighboring property owners need protection against such destruction. Hedges on neighboring properties, such as oleanders (which are poisonous to horses) would put neighbors at risk of huge liability issues, if horses are not double-fenced.</p> <p>9) Is there a limit to how many horse trailers can be brought onto the property at one time — or how many 'visiting' horses can be assembled in arena/rodeo type participatory sporting events at one time.</p> <p>Thank you for considering these issues with the ordinance draft, Elizabeth Edwards</p>	<p style="text-align: right;">F-8</p> <p>F-6 are not considered an agricultural use, under zoning it is a commercial service use under Animal Sales and Services.</p> <p>See response to F-5. Commercial Horse Stables are required to comply with Regional Water Quality Control Board regulations, stormwater and runoff regulations, and County monitoring and compliance programs. Stables found not in compliance are subject to enforcement from the County and the RWQCB.</p> <p>F-7 Parking areas, private and public access roads are required to comply with minimum road standards in the County for commercial uses, such as horse stables. A minimum of gravel (DG) is required. Unpaved roads without approved surfacing are not allowed.</p> <p>F-8 Odors are addressed in the ordinance through compliance with County Code. Amplified music, PA systems and any other noise is regulated by the Noise Abatement and Control portions of County Code whether part of a horse stable or not. This will continue to be the case. The ordinance does not propose to limit access to horses, however lighting associated with a horse stable is not allowed between 10pm and dawn. This is more restrictive than the currently allowed lighting up to 11pm (with lighting prohibited between 11pm and dawn) for public recreation facilities under the Zoning Ordinance Section 6300. Camping is not allowed as part of a</p> <p style="text-align: right;">F-9</p>
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Reponses to Comments

	<p>horse stable, it is a transient habitation use type that must be permitted separately. ADA is a federal law that requires compliance for all subject projects, therefore ADA compliance issues will be addressed. Rodeo-type activities may be allowed as part of a permitted horse stable provided all requirements of the ordinance are in compliance. A horse eating neighboring fences is a civil matter between property owners, however the animal enclosure setbacks require that horses be kept a minimum of 10 feet from property lines; therefore, a double-fence requirement is already in place in the ordinance when there is an existing fence at the property line. The number of horse trailers and visiting horses is limited by the ordinance at the 10 horses per acre and usable area thresholds. Additional numbers of horses beyond the 10 horses per acre and usable area allowed on a regular basis would continue to require a discretionary permit.</p> <p>F-9 This comment is a concluding statement and does not raise an environmental issue for which a response is required.</p>
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