

Comment Letter J

From: kenneth L [kcj]@msn.com
 Sent: Wednesday, February 06, 2013 10:34 AM
 To: Stiehl, Carl
 Cc: Horn, Bill; Dan Hecko - Detwiler Rd; Cynthia & Ned; Detwiler Neighbors; eric dohl neighbor; Mark Detwiler; Mike Renwick - neighbor Mt. Israel
 Subject: RE: County of San Diego Tiered Equine Ordinance Draft EIR on Public Review

To: Carl Stiehl
 County of San Diego
 Advance Planning Dept.

Subject: Comments on Equine Draft Ordinance

1. It is a colossal mistake NOT to include a community review process prior to the issuance of an equine permit. Issues that are unknown to the county but known to neighboring property owners could be aired if adjoining neighbors were involved in the permit process. Example: There has been an illegal equine operation on my private road for the last 7 years. The Rancho Santa Fe fire department declared the private road the facility is located on - Detwiler road - substandard and will not issue any new building permits until such time the road is brought up to current standards. The RSF Fire Dept. states it is unsafe to increase traffic on the road. At this point in time, a property owner can not build a one-car garage / the RSF fire dept. will not sign off on any permits; however, under the proposed ordinance an equine facility can obtain a permit that could triple the vehicle traffic on this substandard road without any review by the fire department or the community. J-1
2. San Diego County is exceeding its authority by allowing a use over a private road / easement in excess of its intended use. Property owners on my road have the right to use the easement for access / egress for residential purposes. A equine facility is a seven day a week - sunrise to sunset business that creates a tremendous amount of traffic, noise, and wear and tear on the roadways with the constant vehicular, horse trailer, and commercial vehicles used. J-2
3. The County Code Enforcement hasn't enforced the existing ordinance - which clearly states, at this time, equine facilities need a major use permit. The equine facility on my road has been operating for the last 7 years in violation. Even in their most recent communication with me, Code Enforcement sites 6 violations of the code related to the illegal equine facility on my road but never does anything to enforce the law or rectify the violation. These violations have been ongoing for more than 7 years. Under the proposed ordinance, there is little doubt Code Enforcement will not get involved at all. J-3
4. Allowing a 7 day a week - Sunrise to Sunset business to operate in a residential area is uncharacteristic with the nature of the community. It will have a negative impact on the value and use of homes in my community. J-4
5. Allowing additional vehicular traffic - autos, trucks with trailers, commercial delivery vehicles, etc - creates a life threatening situation for home owners on my road. Detwiler road is a dead-end road in a high fire risk area. One way in and one way out with no other way to escape in the event of a fire. Most insurance companies will not write coverage for homes in this area due to the high fire risk. In summary, it is difficult enough to evacuate in the event of an emergency without having our road obstructed by horse owners trying to enter and exit with their vehicles and horse trailer. J-5
6. San Diego County is put on notice - without proper and prior review of equine permits, the county is creating a hazardous and life threatening situation for home owners. J-6

Sincerely,
 Kenneth Lanzer
 8952 Detwiler road
 Escondido, CA 92029

Response to Comment Letter J

Resident San Dieguito, Mt Israel Area

Ken Lanzer

February 6, 2013

J-1

There will be community review under the proposed ordinance, when a project proposes more than 50 horses or densities of more than 10 horses per acre. The draft ordinance provides many design considerations that account for concerns of neighboring residents of smaller facilities, including setbacks, fire, manure and vector control requirements. There has been a stay of enforcement on properties over the past two years as the ordinance has been drafted. When the new ordinance passes, there is potential for many existing properties to come into compliance with the ordinance. Those operations which were not previously permitted will need to meet all of the requirements of the ordinance, including, setbacks, fire, manure and vector control requirements. Compliance with the ordinance is complaint driven, existing facilities without permits which need permits are being asked to voluntarily comply with the ordinance (some may not have received complaints). Those that have received documented complaints through enforcement will be required to comply and obtain permits through enforcement.

Reponses to Comments

	<p>J-2 The local Fire Districts in each area have broad authority over building permits for structures. Staff is familiar with facility you are referring to as it was interviewed as part of the Stable Interviews (Appendix B). It is an existing stable, which whether private or public was previously in existence at that location, however the public use was not permitted and therefore currently requires a permit and will require a permit under the new ordinance. Structures requiring Fire District review were reviewed and permitted with Fire District approval. New structures that are not permitted may require Fire District review as part of the permit process. All structures over 300 square feet require Fire District review as part of the permit process. Assuming the Fire District is applying the same standards to all properties on Detwiler Road, the property in question when coming into compliance with the ordinance may also need to account for road improvements. However, ultimately private road improvements are a civil matter amongst affected property owners, the County does not maintain the road.</p> <p>J-3 Private horse uses and commercial Horse Stables are typically found on private roads in the unincorporated County. Establishing a Horse Stable does not limit access or egress provided the permitted Horse Stable properly parks all vehicles on the property as required by the ordinance, thereby not blocking the road. See</p>
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Reponses to Comments

	<p>response to J-2, the road being improved or not is a civil matter amongst property owners.</p> <p>J-4 There has been a stay of enforcement on Horse Stable cases for the past two years. See Department of Planning and Land Use PLU-CE-3 (http://www.sdcounty.ca.gov/pds/advance/Interim_Policy_PLU_CE_3.pdf) Once the new ordinance is in effect County staff will follow up on all previous cases to determine permitting needs to resolve previous citations and violations.</p> <p>J-5 See response to J-3. Horse uses and the commercial Horse Stable use type are typically found in residential and agricultural areas such as San Dieguito. Staff is not aware of documented evidence that such uses have an impact negatively or positively on home values. In addition, home or property value is not an impact under CEQA.</p> <p>J-6 See response to J-2. It could be hypothesized that this would be the reason why the Fire District has informed the residents to improve the private road. The situation is a civil matter between property owners with access to the road and the Fire District. The County will not be improving the road, the private residents will. It would be beneficial for all the property owners with access to the road to work together to improve the road and resolve this situation.</p>
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Reponses to Comments

	<p>J-7 Comment noted. This comment does not raise an environmental issue for which a response is required.</p>
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