

**FALLBROOK COMMUNITY PLANNING GROUP**  
**And**  
**DESIGN REVIEW BOARD**

Regular Meeting

Monday 19 August 2019, 7:00 P.M., Live Oak School, 1978 Reche Road, Fallbrook

Approved Minutes

The August meeting of the Fallbrook Community Planning Group was called to order at 7:00 PM by Vice Chairman Jack Wood.

Eleven (11) members were present: Vice-Chairs Jack Wood and Roy Moosa, Jerry Kalman, Eileen Delaney, Lee DeMeo, Steve Brown, Mark Mervich, William O'Connor, Guy Howard, Victoria Stover and Jim Loge. Chairman Jim Russell, Karel Hanson and Kim Murphy were excused.

**NOTE. Due to the resignation of Donna Gebhart, seat #5 is open on the Fallbrook Community Planning Group. Interested individuals please contact the chair, (see below) to receive an application.**

1. Open Forum. Opportunity for members of the public to speak to the Planning Group on any subject matter within the Group's jurisdiction but not on today's agenda. Three-minute limitation. Non-discussion & Non-voting item.

**Victoria Stover reported that the I-15 Design Review Board met and approved the Ocean Breezes (Vessels Ranch) development project.**

**Jack Wood reported on the passing of former Planning Group member Anne Burdick.**

2. Approval of the minutes for the meeting of 15 July 2019. Voting item.

**Bill O'Connor moved to approve and the motion carried with ten members voting affirmative and Jim Loge abstaining.**

3. Presentation by San Diego County Department of Public Works on a proposed new Special Events Ordinance. Kenton Jones, [Kenton.jones@sdcounty.ca.gov](mailto:Kenton.jones@sdcounty.ca.gov), and Jennifer Talana, [Jennifer.talana@sdcounty.ca.gov](mailto:Jennifer.talana@sdcounty.ca.gov). The Planning Group voted unanimously to recommend denial of support for the proposed new ordinance at the 15 July 2019 meeting. Community input. Voting item, (6/19).

**Kenton Jones appeared on behalf of the County to explain where the proposed rewrite of the Special Events Ordinance (originally written in 1965 and updated in the 1990s) for application in unincorporated parts of the County is being considered. He stated that this is still the a phase when public opinions and input by stakeholders for the draft are being received from Planning and Sponsor groups as well as from the public at large, and this phase will run through the end of August with final decisions to be rendered in mid-September. He noted that the special events are, for the first time, being defined by size (small, medium and large). He said this is the 10<sup>th</sup> Planning/Sponsor Group to meet with**

and receive input within the county along with one workshop. Most differences of opinion centers around four categories: A. Fees; B. Deadlines to submit; C. Impacts to organizers by type of event; and D. The need for signed, stamped, approved, etc. traffic control plan by a Traffic Engineer.

- A. Fees – presently the permit is a zero cost; and the draft as now written calls for some cost recovery – none, he said, for a small event and \$300 and \$600 for medium and large events.  
However, the actual fees proposed are:
  - \$272.80 for small events
  - \$344.10 for medium events
  - \$646.35 for large eventsRenting cones and barricades, are in addition.  
This, he said, will be reconsidered by management.
- B. Deadlines – There was concern at the County about receiving permit requests at the last minute. Some timeframes, according to event organizers (30-60-90 days out), were unrealistic so the County is reconsidering that. Also they are going to recalculate on the issue of non-advertising until permits granted.
- C. Categorizing by type versus size of event – Type being categorized as a non-profit, homegrown event versus a for-profit, pass-through type of event. Currently the distinction is not written into the ordinance.
- D. Traffic Control Plan -- Many communities have long-standing and approved traffic control plans that have been developed and implemented repeatedly so where is it that that can be grandfathered?
- E. Revise Advertising restrictions.

Mr. Jones said he expects positive responses to the above issues reported back in September.

Questions/statements from the community ensued:

Lila MacDonald, Fallbrook Chamber of Commerce asked if a second draft is being submitted in September or if that is what is final?

Kenton Jones responded that he has been with County for 28 years and “we don’t really shut the door like that.” The County wants a consolidated set of answers while in this stage. “We’re not delivering anything and we’re not on any deadline.”

Ray Beatificato, Volunteer Sheriff’s Patrol, questioned the intent of paragraph eight under definitions about the use of certified resources to direct traffic at events: non-profits in this area have received no-cost assistance from his group and the Sheriff’s Volunteers have submitted detailed operational plans to the County that include direct response in emergencies and medical assistance. He asked if the paragraph has any direct impact on the Volunteer Patrol to continue to provide a service to non-profits in town.

Mr. Jones said: “No.”

Mr. Beatificato said that he hoped fees and restrictions that come out of this don’t negate the fact that these are supplied services.

**Bill O'Connor noted that event organizers here do not provide requests the day before the event. Events like the Avocado Festival work well in advance. He asked if there is an effort at the County to be able to respond to these events in an effective and efficient way to give organizers the time to plan and if not will the County waive fees in instances of those delays.**

**Mr. Jones said he is aware of instances when the government didn't meet its responsibility. The current ordinance is written to submit application 30 days in advance. That's all it says. It doesn't say anything about what the County will do. "We understand that we are the stewards of everyone's money."**

**Eileen Delaney asked if they are considering multi-year permits.**

**Mr. Jones said the County needs to know feedback from the prior event so that it can be considered as input going forward. "I can't say that we are thinking of multi-year going right now. We're still thinking of annual, but if it works annually it should continue to work annually."**

**Ms. Delaney added that it is important for long range planning.**

**Mark Mervich asked about the need for different permits from different agencies, to which Mr. Jones replied that food and traffic are dealt with by separate agencies but they refer to each other when dual permits are required. He also noted that the environmental review is reduced to a checklist to be filled out by event organizers, and if they can certify no environmental damage then they are approved. Mr. Mervich also asked about where traffic devices are to be picked up, to which Mr. Jones indicated the nearest County facility where stored when the County supplies them.**

**Lee DeMeo noted there are many non-profits here and they know what to do in planning events. "We're pretty self-sustaining here in this community when we put an event on. Everyone knows what to do, how to do it. We've been doing it for years. Why are we rewriting this at all? Are we fixing something that's not broke? Why are we doing this?"**

**Mr. Jones replied that all parties involved (County officials, event operators, traffic services, etc.) "deserve a fresh look at this application, at this ordinance. We didn't ask them to draft it, we didn't ask them to accept it as is. We said 'well let's look at how we've been operating for 30 years and let's see if this meets the community's needs in the middle.'" He said it doesn't.**

**Mr. DeMeo asked: "Why not."**

**Mr. Jones replied: "For some of the reasons we're getting today." He clarified that the draft is in question, it doesn't meet those needs.**

**Mr. DeMeo added that "our folks in this town pay plenty of taxes. We don't need any fees for these ... we shouldn't be charged any fees for any of these recurring events." He said there shouldn't be a charge to non-profits for the permits.**

**Roy Moosa noted that he reviewed the whole document and he said he also puts together special community events, "and the way it is written it will kill those events, definitely." The County's approach is "one-size fits all". The County needs to differentiate between for-profit and non-profit. "\$300 for a profit event is not a big deal, but \$300 plus the rental fee and the permit fee and all that will kill I would say 85% of the events we see in this town." He advocated splitting the proposal into two proposals: for-profit and non-profit. Mr. Moosa quoted someone at the hearing earlier in the month that the purpose of government is to encourage community not discourage community. Mr. Moosa also requested leaving the non-profits alone because it worked well for them in the past.**

Victoria Stover asked if non-profits can share approved event plans, noting that there are two events in town that use identical plans and maps.

Mr. Jones clarified restated the question: “Can we grandfather in good product?” He said the County will consider that.

Jack Wood cited several events held recently that did not need the presence or involvement of a licensed traffic engineer because of local resources knowing what to do and how to do it. He added that every person has a specific activity and they are well documented each and every time. “We don’t leave anything to chance.” He added, “It appeared that we wouldn’t gain anything other than to ... take the liability off of the County and put it on a licensed traffic engineer.” He added that he didn’t think the community would gain anything as far as Fallbrook is concerned with the ordinance update, saying there are about 150 non-profits in the community. “We can take care of our own and we are proud of being able to do that. We have people who have a passion for doing those things. They do it for nothing. So when we get charged for something we would like to do for nothing it kind of rubs us a little bit the wrong way.”

Bill O’Connor moved to deny support for the measure, reiterating the fact that the Planning Group denied support in the July meeting. The motion was approved by ten members present with Jim Loge abstaining.

4. ZAP 19-002 Request for a Minor Use Permit for a herpetoculture for the rearing and housing of live harmless reptiles for the pet industry and small animal rearing as food for the reptiles. Live harmless reptiles are turtles, tortoises, lizards, snakes and amphibians. No animals are venomous or poisonous. The project is located on the 2.06 acres at 3210 Sage Road, APN 125-030-21-00, Owner and contact person Rommie Huntington, 760-695-7535, [sandfirereptiles@gmail.com](mailto:sandfirereptiles@gmail.com) and Charles Heincy, 760-644-4833, Charles@cchdesigngroup.com. County planner Sean Oberbauer, 857-495-5747, sean.oberbauer@sdcounty.ca.gov. **Land Use and Design Review Committees.** Community input. Voting item. (5/30).

**At the outset of consideration of this request for a Minor Use Permit (which was continued from July to clear up an address issue on the application), three individuals made presentations on behalf of the applicant, including Mr. Rommy Huntington, the applicant. There were several neighbors, friends of the applicant and others who spoke pro and con about the reasons behind the proposed request for the Multi Use Permit.**

Jack Wood, interim chair for the Fallbrook Community Planning Group, stated for the record and for those in attendance that the County’s scope of consideration for the Planning Group is limited to reviewing the:

“location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:

1. Harmony in scale, bulk, coverage and density;
2. The availability of public facilities, services and utilities;
3. The harmful effect, if any, upon desirable neighborhood character;
4. The generation of traffic and the capacity and physical character of surrounding streets;

5. The suitability of the site for the type and intensity of use or development which is proposed; and to
6. Any other relevant impact if the proposed use;

All of which is to be considered in determining whether the Planning Group recommends for or against granting a Minor Use Permit to the applicant. Mr. Wood further noted that the Planning Group is not a code enforcement agency and cannot consider code enforcement issues, only issues and decision that pertain to Land Use.

**NOTE:** Where public testimony varied from these guidelines for consideration, even when deemed by many for and against the proposed Multi Use Permit application to be germane and pertinent, those comments and precis' of comments are omitted from these minutes.

Phillip Schwartze, a land planning consultant hired by the applicant, stated that the property is zoned A70, which means it is zoned for agriculture, and that the applicant does not want to change the zoning. He indicated that he and the applicant, in response to a notice of a code violation, went to the County to get any appropriate forms to file for a Multiple Use Permit and pay any required fees. He noted Mr. Huntington has consolidated herpetoculture operations on one of the four parcels he owns further away from the neighbors and wants to apply the Minor Use Permit on that one parcel. Mr. Schwartze stated there are not multiple zoning offenses filed against the applicant, and that once the first notice was received, the applicant filed for the Multiple Use Permit, before receiving the second notice. Thus there is one violation at question, not more than the one. He went on to note that there are conditional uses associated with A70 zoning if conditions can be applied to mitigate any significant impact to neighbors, and, he said, that is the case for a Minor Use Permit in this instance to raise animals in a greater number than 25 of any one species on the parcel.

Mr. Schwartze commented on some objections made by neighbors, saying:

noise is not an issue,

the scale of operation is limited to a small volume,

rodents fed to the snakes are frozen,

there have only been two documented escapes of reptiles from the property (traffic to and from the property is mainly FedEx/UPS delivery trucks which deliver supplies, etc. and pick animals up on the same trip and that is far less than the average over four parcels),

and the trash is not smelly (he said that no smell was noted by the code enforcement officer). Toward the end of public testimony he noted that Mr. Huntington made a timely response when the first violation was received. He also said there was a concern on the part of some to the number of animals on the property and a limit can be set. If you want to set a limit at 10,000. He refuted the allegation of diminished property value.

Rommy Huntington followed and provided additional descriptions of his operations on the one parcel in question. He reported he has been in the business of raising small scale reptiles commonly used as household pets (all legal, harmless and non-venomous) for two decades; at the current location (zoned A70) since 2007. In 2015, he acquired an adjacent property and used the opportunity to discuss his business with three of the four adjacent property owners. The fourth neighbor was sent several letters but did not reply to any of

them. Three years later, he received the visit from the County's Code Enforcement Officer who notified Mr. Huntington of the limit on the number of animals allowed (25 of a species) without a Multiple Use Permit. He noted that he wants to be a good neighbor and "at the end of all this we're still going to be neighbors so if we can work this out I would very much like that."

The applicant's complete package describing his operations, refuting claims leveled against his business on the parcel and a series of statements by those applauding his business and educational efforts is an attachment to these minutes.

Charles Heincy, a building designer, followed Mr. Huntington and amplified on the uses of A70 zoning. He noted that Mr. Huntington is not trying to change from A70 zoning but asking for a modification of the animal regulation regarding the quantity of animals, animals that are confined in structures and not free range. He described the structures on the parcel as a main residence; detached garage; and five detached structures, three of which are less than 120 square feet, one is shade unit over tortoises and the final one is over 120 feet and was not permitted (but on the property when Mr. Huntington acquired the property). He said that permits for the buildings have been requested but the permits are on hold pending a finding on the Minor Use Permit.

Friends of the applicant and neighbors testified either for or against the applicant and his business in the area as follows:

Tim Tortelaino praised the entrepreneurial quality of Mr. Huntington, noting the applicant also spends time teaching reptile awareness at local schools. He noted that a petition circulated by neighbors against the reptile farm cites noise and odors as nuisances and he cited refutations of those claims.

Cathy Johnson, a neighbor at 3110 Sumac, reviewed the parcel layout in the area and cited the application for a Multiple Use Permit is inconsistency with Land Use regulations for the area. She said there are improper cleaning practices impacting the environment and neighboring properties, cleaning tubs and dumping the waste into the soil. She also complained about foul odors. She noted the possibility of diseases. Animals are escaping, she said. She also said there is a possibility of invasion into the environment by non-native species. She also noted the area is in a severe fire area, wondering how they evacuate 7000 animals safely. Ms. Johnson noted that there is no regulation on the industry. She said that the proposed Multiple Use Permit is not compatible with existing land uses.

David Ota wrote a letter of recommendation for Mr. Huntington and read it, praising his contribution to the community and school system. On various visits to the property Mr. Ota noticed no odors or stray animals. He noted that his children were exposed in a positive way to harmless reptiles. Only indication Sandfire has a presence is the openness and honesty of Mr. Huntington to the neighbors.

James Perry, 3258 Sumac Ct., said he could not get a Minor Use Permit to park his equipment on his property. The neighborhood is not the right place for this business.

Jim Johnson (husband of Cathy Johnson), 3110 Sumac Rd., the operations started out as a small-scale lizard operation and has morphed into something else. He said the

movement of operations from one parcel to another is an attempt to deceive the neighbors and County government. They got caught the second time, he said. He said there are half a dozen structures on the properties with no building permits, total disregard for County ordinances.

Judy Justin (mother of Mr. Huntington), 3208 Sage Rd., said there are two fears expressed here by neighbors: fear of a zoning change and a fear of reptiles. There are no zoning changes proposed, leaving a fear of reptiles. She noted that there are good and safe reptiles and those not safe; and Mr. Huntington demonstrates ways to appreciate harmless reptiles. She said that these pets are safe ways to appreciate nature with a pet that doesn't require much space.

Karen Koppenhaver, 3863 Sumac Rd., said the area is primarily a residential area with homes and groves and cited several problems associated with the Sandfire operation, including non-permitted structures, odors, traffic impact, non-evacuation plan, housing non-indigenous species and non-compliance with zoning. She supplied a map with noted instances of escaping animals, alleged from Mr. Huntington's property. It is attached for reference. She noted the operation does change the characteristics of the neighborhood. Steve Vanni, nearby neighbor and friend of the applicant, noted that Sandfire reflects the diversity of the businesses in the community. Brings jobs and revenue to the community. Mr. Huntington's character was lauded. Mr. Vanni never noticed odors, never noticed loose animals. He wanted to give Mr. Huntington the opportunity to do the right thing. Jim Ramsey, 4412 Brodea Lane, was concerned that the Minor Use Permit would grant an unlimited number of animals on the property. He was also concerned about traffic on the roads in the area.

Michelle Perry, 3258 Sumac Ct., was concerned about possible diminished property values resulting from the Sandfire operations. She wanted to keep the area rural. Residents of the area are used to horses and snakes because they are part of the area being rural. Doesn't want this business in area.

Michel Anderson (land use consultant), wanted to know why locate the operation where it is. It's the wrong place for it and inappropriate for the location. He concurred with the list of problems associated with the operation. He also said the Minor Use Permit is discretionary, it requires the applicant to meet with the neighbors to try to satisfy their concerns and to ensure a compatibility with the proposed use that would be granted with the Minor Use Permit. He reviewed the litany of issues associated with upwards of 7000 reptiles on the property (odors, trash containers and trash disposal, security, licenses, diseases, evacuation plan, etc.). What would prevent the applicant from coming back in a few years to ask for more?

Resident (name not legible) 3344 Sage Rd., asked the applicant to relocate to another area.

Heather Pack, Pala Mesa Dr., trusts the character of the Huntington family. She didn't know about the facility and has no problem to let her children go to their home.

Beth Vanni (wife of Steve Vanni), noted Sandfire is a small business and their goal is to be a part of the community. She said the scope fits in the community.

Marilyn Higgins, small business owner in Fallbrook and friends of the Johnsons, said that neighbors are concerned citizens for their neighborhood, citing also that codes are for benefit of community.

**Members of the Fallbrook Community Planning Group then weighed in with questions and comments:**

**Eileen Delaney, chair of Design Review, dealt with aesthetics. Business is not compatible with surrounding area. She noted, however, that it is trying to be compatible. She asked the neighbors if there is anything the applicant could do to make it acceptable and they said no. She suggested Rommy Huntington try to work with the neighbors to make it acceptable.**

**Jack Wood, chair of the Land Use Committee, noted there was a site tour by many members. Issues that came up were that the land use was inconsistent with the neighborhood, business operations were moved among the parcels, the number of animals exceeds that allowed, some reptiles have escaped, odor, conforming to EPA regulations, inspections by vets and also the area resident's question the evacuation plans. He questioned how you move 7000 reptiles. Motion made to deny the Minor Use Permit at the committee, but not unanimously.**

**Victoria Stover made a separate trip to see the property. She noted several basic issues and concerns derived from her 90-minute visit and commented: the CDC reported human mishandling of food accounts for more salmonella than from animal waste; vets regularly test the operation for diseases (per Mr. Huntington); per the EPA, reptile waste is beneficial downstream from their habitat; no evidence of any downstream wells in operation that might be affected; zero smell; re the fire plan -- Mr. Huntington follows the San Diego Zoo/Wild Animal Park protocols, but he could use the fire retardant recommended by the organization, which if used by him on his hill it would benefit all the neighbors; and she also recommended the parties find a way to reach a good neighbor agreement to make this work. She was concerned there are some state-level loopholes he could use to avoid the permit issue.**

**Lee DeMeo clarified we cannot deal with code violations. He asked if this type of operation would be permitted under A70 zoning and at the scale requested by the applicant?**

**Jack Wood said the Minor Use Permit would allow him to increase the number of animals and still be compliant with A70 zoning. And it would be allowed if conditions Mr. Wood cited earlier were observed on appropriate land uses. He also noted that the number of animals is beyond the scope of the Planning Group's consideration, and he restated the scope of the Group's purview as noted above.**

**Mark Mervich noted there is a limitation on the number of outbuildings allowed on a parcel, and that there are also limitations on the number of animals per acre in the codes. Steve Brown echoed a hope expressed earlier (and later) by other Planning Group members that the applicant and neighbors could work out a solution to their differences. He also wondered why it has taken so long for this issue to be raised (last couple of years when Mr. Huntington has been in operation there for 12 years).**

**Jim Loge asked if there are other businesses in that area that generate any kind of traffic, and the response was there are some groves that do once a year. He also asked if there was something that could be done to make the operation compatible from a design review standpoint.**

**Eileen Delaney responded it could be redesigned. She asked the same question Steve Brown did about what incident two years ago sparked the concern.**



**Guy Howard noted that he could see how it happened in the stark differences in the way the properties in the map are presented. There's an obvious difference in the way the property looked two years ago versus nine years ago.**

**Bill O'Connor also noted that the parties should get together and resolve the issue, but also that the request for a Minor Use Permit should have been filed a while ago.**

**Lee DeMeo, while acknowledging the applicant's property rights, also advocated the parties work offline to resolve their differences.**

**Roy Moosa said that the applicant is at the meeting/filing for the permit to correct problems. So far he has heard no facts that support a negative impact on the neighborhood, only emotions and conjecture, therefore he would support approval of the Minor Use permit.**

**Steve Brown observed that the issue has become emotional and suggested the parties get a mediator to help resolve the differences.**

**Lee DeMeo moved to continue consideration for a month to allow Mr. Huntington and his neighbors an opportunity to work on a resolution of their differences. The motion was passed with Roy Moosa and Guy Howard voting against.**

5. Request for a B-designator waiver of a site plan for a remodel and signage for The Kentucky Fried Chicken at 1077 South Mission Road, APN 104-390-11. Contact Tim Currier, [tim.currier@davacoinc.com](mailto:tim.currier@davacoinc.com), 401-474-9144, and Joseph Honn [joe.honn@davacoinc.com](mailto:joe.honn@davacoinc.com) 630-441-0963. County planner Chloe Hird [Chloe.hird@sdcounty.ca.gov](mailto:Chloe.hird@sdcounty.ca.gov) 858-495-5201. **Design Review Committee.** Community input. Voting item. (8/1)

**Design Review Chair Eileen Delaney reported there was a request by the applicant to delay consideration to address some signage issues, and she moved to continue the item. The motion was approved unanimously.**

6. Presentation by Lila MacDonald, CEO, Fallbrook Chamber of Commerce, [lila.macdonald@fallbrookchamberofcommerce.org](mailto:lila.macdonald@fallbrookchamberofcommerce.org), on traffic calming proposals for the Village. Community input. Non-voting item. (8/1)

**Lila MacDonald presented an artist's rendering and sample pictures of what the use of "bulb-outs" along Main Ave. in the heart of the Fallbrook Village might look like if adopted by the County as a traffic calming measure. Though this was not a voting item, the Planning Group was generally supportive of the idea, suggesting it was applicable along many sections of Main Ave. As currently envisioned the "bulb-outs" would be placed at the intersections of Ivy and Main and Elder and Main. The initiative is a result of a project initiated under Supervisor Jim Desmond's Revitalization program, and specifically derived from the Infrastructure and Public Safety efforts. Ms. MacDonald noted that the Fallbrook Beautification Alliance would maintain the plants within the concrete planters.**

7. Appoint Mick Kubota, 760-728-9005, [mick.kubota@gmail.com](mailto:mick.kubota@gmail.com), as an unelected member of the **Land Use Committee.** Community input. Voting item.

**Roy Moosa moved to approve the appointment of Mick Kubota as a non-elected member of the Land Use Committee and the motion passed unanimously.**

**The meeting was adjourned at 10:18PM**

**Respectfully Submitted, Jerry Kalman, Secretary**