



DATE: May 20, 2011

TO: Planning Commission

SUBJECT: OPTIONS FOR UPDATING EQUINE REGULATIONS IN THE ZONING ORDINANCE, POD 10-010 (District: All)

SUMMARY:

Overview

On March 2, 2011 the Board of Supervisors directed staff to work with the equine community and investigate options that would protect and promote equestrian operations in the County including exploring various permitting options. Some equestrian users have sought changes to existing County regulations pertaining to the permitting of Horse Stables – in particular the requirement to obtain a Major Use Permit for a commercial Horse Stable in certain areas of the unincorporated County regardless of size or operating characteristics. The purpose of this item is to present options for updating Equine Regulations in the Zoning Ordinance to the Planning Commission for consideration and to develop a recommendation for the Board.

Recommendation(s)

DEPARTMENT OF PLANNING & LAND USE

That the Planning Commission accept this report and recommend to the Board of Supervisors that they pursue Option B by taking the following action:

1. Direct the Chief Administrative Officer to prepare an ordinance reflecting Option B: Tiered Ordinance, updating the equine regulations and any associated environmental analysis and documentation for consideration by the Board.

Fiscal Impact

Amendments to the Zoning Ordinance pursuant to Options A, B or C discussed below would require funding for the preparation of applicable environmental documents. Necessary funding for preparing environmental documents could be as much as \$350,000. However, a funding source for allocation to the required funds has not been identified at this time. A funding source would be identified prior to the Board of Supervisors hearing for this item.

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Business Impact Statement

With the proposed changes in options A, B and C, the number of requests for horse stable permits in the County may increase. An ordinance pursuant to options A, B or C would provide additional opportunities for development of horse stables when compared to the existing process.

Advisory Board Statement

N/A

Involved Parties

N/A

BACKGROUND:

On March 2, 2011 (2), the Board of Supervisors gave direction for Department of Planning and Land Use staff to work with the equine community and investigate options that would protect and promote equestrian operations to simplify process and update the code.

The existing equine regulations in the zoning ordinance consist of two equine use classifications; Horsekeeping and Horse Stables. Horsekeeping is considered an agricultural use type and consists of the keeping of horses owned by the occupants of a property where there is no commercial use. A Horse Stable is the commercial use type in the Zoning Ordinance for all other types of horse uses, such as boarding, breeding, riding, racing and other commercial equestrian uses. These commercial uses may involve horses other than those owned by the occupants of the property.

Currently, Horsekeeping is allowed without a discretionary permit on most properties in the unincorporated County. Occupants of these properties may have an unlimited number of horses under their ownership for their own use. However, Horse Stables are regulated throughout much of the County. Horse Stables are further broken into two categories in the Animal Schedule: Boarding & Breeding Stable and Public Stables. These two types of stables are either not permitted, permitted (allowed “by-right”), permitted with a Minor Use Permit or permitted with a Major Use Permit depending on the Animal Designator applicable to a property. In most of the western half of the unincorporated County, Horse Stables are either not permitted or permitted with a use permit on a property. Most of the areas where a use permit (either Minor or Major) is required for a Horse Stable are the typical estate residential areas found throughout the unincorporated area. In most of the eastern half of the unincorporated County Horse Stables are permitted without the need for a use permit, however, typically these areas are located in remote and sparsely populated portions of the County. Please see Attachment A for maps of these areas. Horsekeeping and Horse Stable regulations have remained unchanged in the Zoning Ordinance for more than 30 years.

Over the past year, staff has been approached by various equine stakeholders from the County’s equine community regarding Horse Stables. Staff has met with various stakeholders in different

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meetings to discuss issues identified by the equine community. During these meetings, equestrian stakeholders have recommended changes to existing County regulations pertaining to the permitting of the Horse Stables commercial use type. The requirement to obtain a Major Use Permit for a Horse Stable in western portions of the unincorporated County regardless of size or operating characteristics has been difficult for equine stakeholders due to the cost and time associated with obtaining a Major Use Permit.

Following the direction from the Board of Supervisors to assess the equine industry and equine operations in the County, staff would propose changes to the existing commercial Horse Stable regulations. Staff does not propose any changes to agricultural Horsekeeping regulations. The following options for updating Equine Regulations are proposed:

Option A: Allow Horse Stables with ministerial permits

This first option proposes to eliminate the need for a discretionary permit for all types of Horse Stables in all zones where a use permit (Minor or Major) is currently required. It is important to note that if this option were put into effect, there would still be parts of the County where Horse Stables would not be allowed due to zoning, however, it is anticipated that this option would resolve most concerns the equine community currently has with the Zoning Ordinance. Although no discretionary permit would be required for a Horse Stable and therefore no conditions could be imposed on a project, the Zoning Ordinance could still be tailored under this option to require compliance with regulations and codes for all Horse Stables by use of a ministerial type permit.

This option would:

- Allow horse stable uses without the need for a discretionary permit
- Keep essential existing limitations and regulations; update where necessary
- Merge public stables and boarding/breeding stables into one use type, Horse Stable.
- Create a new Horse Stable section with all necessary limitations and regulations.
- Require substantial changes to the Animal Schedule which would affect the greatest number of Animal Designators.

Pros

- Likely be largely supported by the equine community.
- Streamline the process for Horse Stables and eliminate discretionary permits.

Cons

- Has the greatest potential to create significant impacts due to compatibility issues (traffic, air quality, water quality, odor, noise).
- Requires an EIR for proposed changes since a non-discretionary component is proposed.
- Removes the ability for community review and conditions as part of a discretionary permit.

Option B: Tiered Ordinance

The Tiered Ordinance option would eliminate the need for a discretionary permit for smaller types of horse stables in zones where a use permit is currently required. The ordinance would “ramp-up” based on the property size and number of horses. Therefore, the first tier could utilize

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a ministerial permit, the second tier could utilize an Administrative (AD) Permit and the third tier would continue to require a use permit.

This option would:

- Allow horse stables with tiers of regulation depending on property size and number of horses.
- Keep some existing limitations and regulations; update where necessary.
- Merge public stables and boarding/breeding stables into one use type, Horse Stable.
- Create a new Horse Stable section with all necessary limitations and regulations.
- Require substantial changes to the Animal Schedule.

Pros

- Streamline the process for Horse Stables and eliminate the need for a discretionary permit for smaller operations.
- Likely be supported by planning groups. In discussions with the equine community, this option would also appear to be acceptable to most equine stakeholders.

Cons

- Requires an EIR for proposed changes since a non-discretionary component is proposed.
- Has the potential to create significant impacts due to compatibility issues (traffic, air quality, water quality, odor, noise).
- Removes the ability for community review and conditions as part of a discretionary permit for small stables.

Option C: Minor Changes

The Minor Changes option would continue to require a discretionary permit for a Horse Stable. However, instead of a use permit the requirement could be changed to an Administrative (AD) Permit in some or all areas. Therefore, this could be a two tiered option with a lower AD Permit tier and an upper use permit tier. Or it could simply change the requirement from a use permit to an AD Permit in all zones where a use permit is currently required.

This option would:

- Keep the existing public stable and horse stable use types so as not to have major changes.
- Be similar to Option B, however with not as many changes or tiers.
- Keep most existing limitations and regulations with minor changes to the animal schedule.
- Maintain the requirement for a discretionary permit where currently required.
- Continue to require environmental review.

Pros

- Streamline the process for Horse Stables.
- Ordinance amendment can likely be processed with a Negative Declaration and therefore would be less difficult to process than Option A or B.
- Keep community review and conditions as part of discretionary permits in all situations.

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Cons

- Could be perceived as not enough changes for equine stakeholders, but could be a fallback option if Options A or B encounter major issues.

Option D: Status Quo

The Status Quo option would maintain regulations as they are with no changes. Zoning Animal Regulations may be further addressed as part of a comprehensive zoning update to follow the General Plan Update.

Other Ordinance Changes

There are other ordinance changes being considered as part of the project. In the zoning ordinance in either options A, B, or C a clarification should be made to the occupant definition pertaining to Horsekeeping. It could be clarified in the definition that the occupant may or may not be the property owner. Also, in either options A, B or C the accessory structure section with barn square footage is recommended to be amended to state that horse shade structures are not counted towards the barn square footage on a property. Horse shade structures under 300 square feet that do not require a building permit are not necessary to count towards barn square footage on a property. Additionally, other County departments have been in discussions with staff regarding other possible changes to policies and ordinances depending on the direction staff receives on the ordinance. Other changes to County policies and code may be brought forward as part of the project in the future, should staff be directed to proceed with options A, B or C.

Stakeholder Meetings

Substantial input has been received from the equine community in drafting these options and beginning the discussion on a possible draft ordinance. Various community groups have been active in recent years gathering support from the equine community and interested stakeholders to approach the County to change the Zoning Ordinance. These groups include the San Diego County Horseman’s Association, Valley Center Planning Group Equine Subcommittee and the San Diego County Equestrian Foundation. These groups have been in contact with staff in the past year and have provided input regarding their areas of concern in the Horse Stable planning process. Stakeholders in contact with staff attended meetings to work directly with staff to voice their concerns.

PROJECT ISSUES:

N/A

WAIVERS AND EXCEPTIONS:

N/A

ENVIRONMENTAL STATUS:

This action is for the Planning Commission to accept staff’s report and to provide a recommendation for an equine ordinance option for a future Zoning Ordinance Amendment, therefore the action is not subject to the California Environmental Quality Act because it is not a “project” as defined in the California Environmental Quality Act Guidelines Section 15378. No

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environmental determination is required for this action. A comprehensive environmental review will be conducted in conjunction with the future Zoning Ordinance Amendment process.

PREVIOUS ACTIONS:

On March 2, 2011 (2), the Board of Supervisors gave direction for Department of Planning and Land Use staff to work with the equine community and investigate options that would protect and promote equestrian operations to simplify process and update the code.

ACTIVITIES UNDERTAKEN WITHOUT APPROPRIATE PERMITS:

N/A

PUBLIC INPUT:

In recent months staff has formed various stakeholder groups to gather input on possible ordinance options. Various stakeholders submitted comment letters. Meetings were held with equine stakeholders, members of community planning and sponsor groups and County staff from other departments who provided substantial input and feedback on possible options. See stakeholder minutes Attachment C. Input on the options was wide ranging. Stakeholders commented on:

- The overriding concern that this ordinance should make it easier for the public to obtain permits for Horse Stables and the ordinance should not make the situation more difficult.
- The merging of Public Stable and Boarding & Breeding Stable into one new use type. Some equine stakeholders consider an important distinction between boarding a small number of horses and a public stable riding academy type use.
- The current enforcement situation with equine violations and how they are administered
- The need for a limit on the number of horses allowed with a commercial Horse Stable, particularly on smaller properties, such as under 2 acres or under 1 acre property size.

DEPARTMENT REASONS FOR RECOMMENDATION:

1. Option B would meet department goals to provide updated methods of permitting, faster less onerous efficient permit processing and simplified codes. In any situation, the basic revisions to the Zoning Ordinance proposed as part of the project and process improvements would meet department goals.
2. Updating Equine Regulations would recognize community and stakeholder interests while striving for a balanced Zoning Ordinance.
3. Updating Equine Regulations would provide an incentive for the numerous currently illegal or non-conforming Horse Stables to be brought into compliance by property owners. Properties not currently in compliance with the Zoning Ordinance will have ample opportunity, once the new regulations are in effect, to discuss with staff and learn what would be necessary to come into compliance.
4. Revised Equine Regulations would help the equine industry support the agricultural industry. On many properties in the County both equine and agricultural operations are

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blended together and complement each other. Revised regulations would support economic diversification on properties from farm income to horse business income.

5. Ordinance amendments pursuant to Option B for Horse Stables would continue to promote public health, safety and general welfare by allowing for public input when siting large Horse Stables and would retain a process which assures that the stables are located in the most appropriate locations.
6. Ordinance amendments pursuant to Option B would allow for a faster less onerous process by allowing smaller Horse Stables to be processed with an Administrative Permit rather than a Major Use Permit. Administrative Permits typically take less time to process and consequently processing costs are reduced.
7. Ordinance amendments pursuant to Option B would continue to promote passive recreational uses such as horse trail riding throughout the county as Horse Stables would continue to be allowed with safe access to County trails.

cc: All Community Planning and Sponsor Groups
Joseph Farace, Planning Manager, Department of Planning and Land Use, M.S. O650

email cc:
Dag Bunnemeyer, Zoning, DPLU
Pam Elias, DPLU
Steve Murray, DPLU
Tim Kirkland, DPLU
Maryanne Vancio, Parks
Dawn Nielson, AWM
Colleen Carr, AWM
Greg Slawson, DEH Vector Control
Andy Hamilton, APCD
Robert Reider, APCD
Nael Areigat, DPW
Marsha Cook, DPW
Michael Wonsidler, DPW
Mark Mead, County Counsel
Equine Stakeholders

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ATTACHMENTS:

- Attachment A – Planning Documentation Equine Maps
- Attachment B – Public Documentation
- Attachment C – Stakeholder Meeting Minutes
- Attachment D – March 2, 2011 Board of Supervisors Meeting Minutes

CONTACT PERSON:

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E-mail	_____

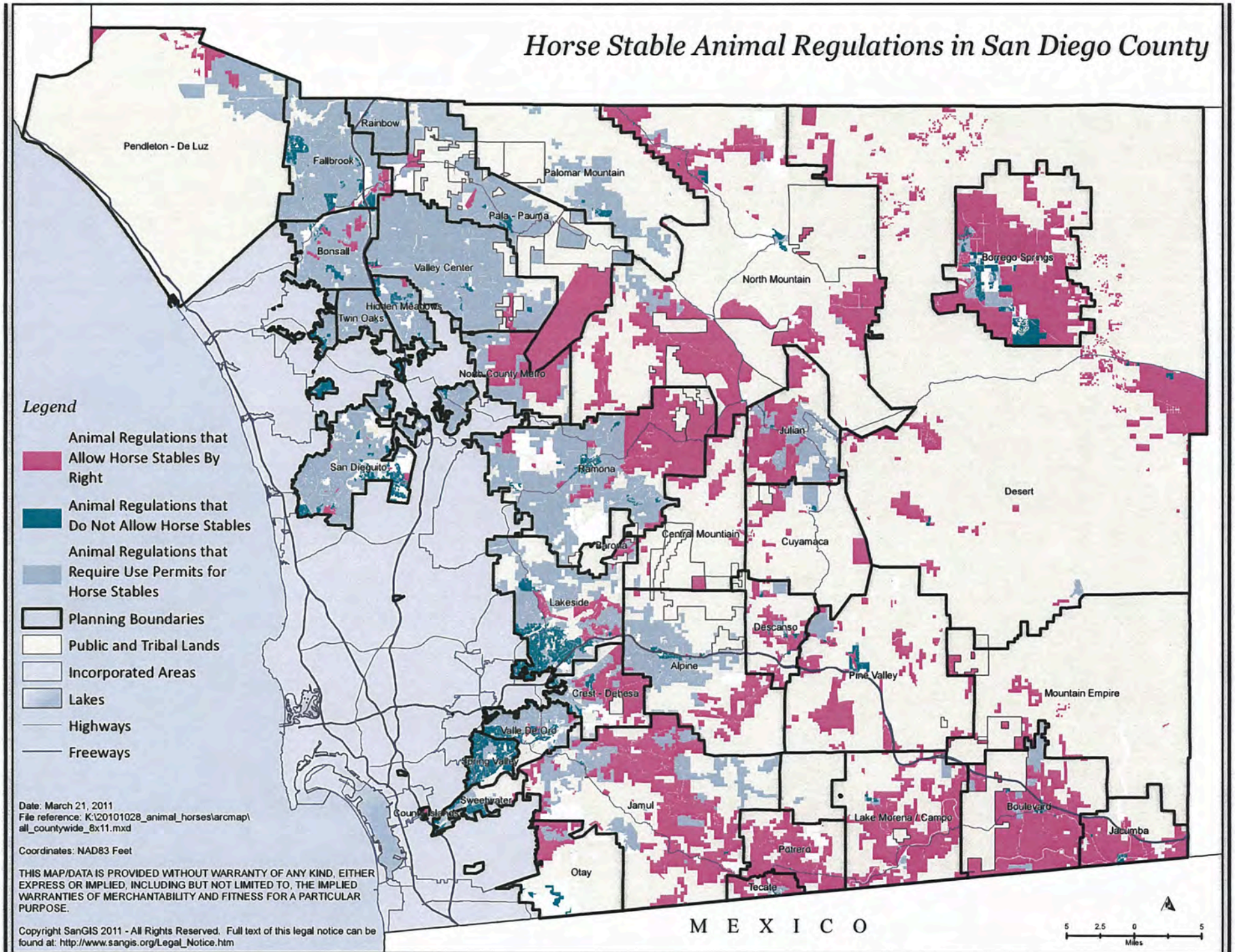
AUTHORIZED REPRESENTATIVE:



 ERIC GIBSON, DIRECTOR

Attachment A
Planning Documentation
Equine Maps

Horse Stable Animal Regulations in San Diego County



Legend

- Animal Regulations that Allow Horse Stables By Right
- Animal Regulations that Do Not Allow Horse Stables
- Animal Regulations that Require Use Permits for Horse Stables
- Planning Boundaries
- Public and Tribal Lands
- Incorporated Areas
- Lakes
- Highways
- Freeways

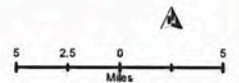
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Coordinates: NAD83 Feet

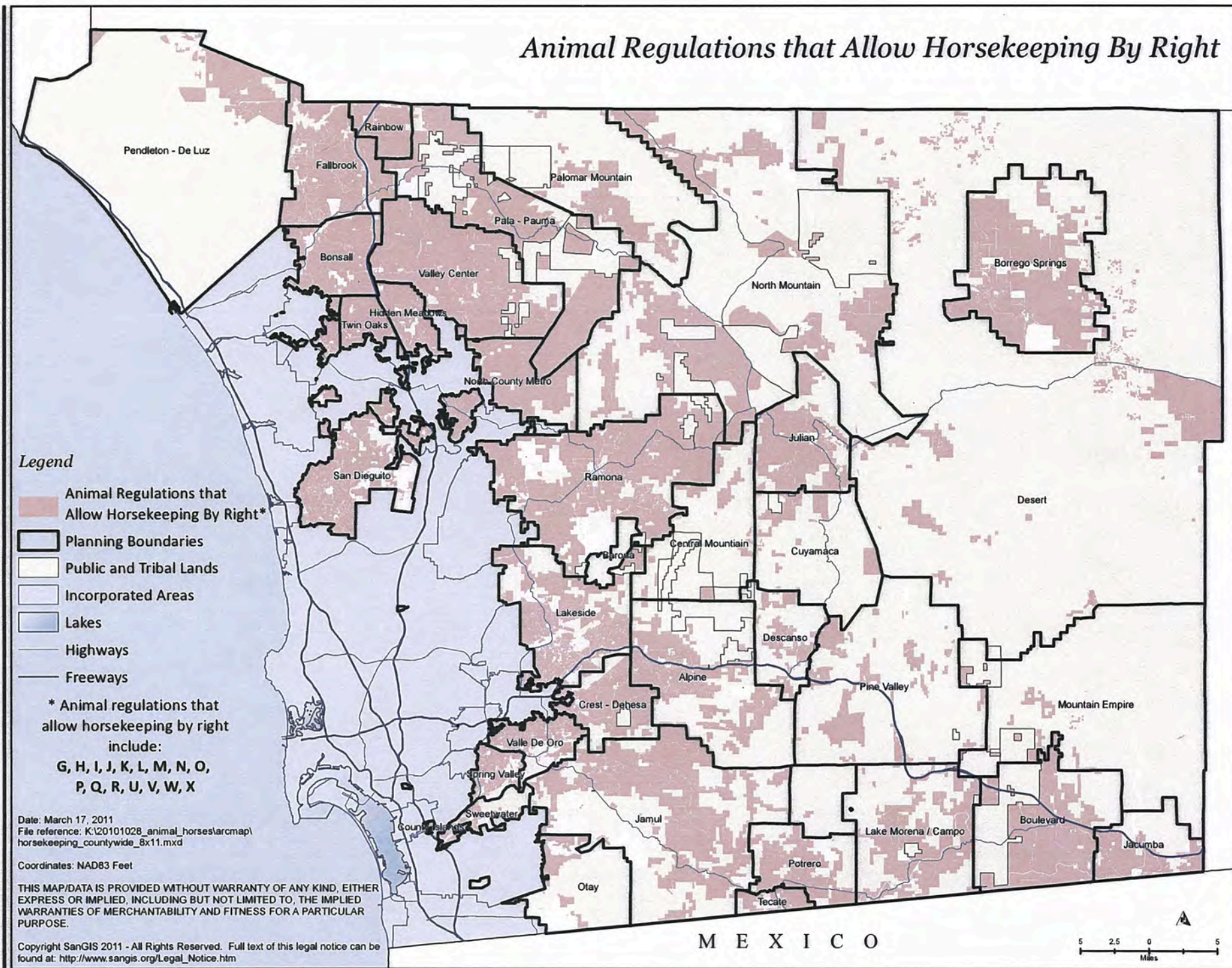
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Animal Regulations that Allow Horsekeeping By Right



Legend

- Animal Regulations that Allow Horsekeeping By Right*
- Planning Boundaries
- Public and Tribal Lands
- Incorporated Areas
- Lakes
- Highways
- Freeways

* Animal regulations that allow horsekeeping by right include:

**G, H, I, J, K, L, M, N, O,
P, Q, R, U, V, W, X**

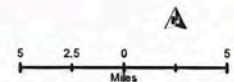
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Coordinates: NAD83 Feet

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1-11

Attachment B

Public Documentation



Project Management  Development Processing  Land Use Planning
 Environmental Analysis  Project Representation

March 7, 2011

The Honorable Bill Horn
 County Supervisor, District 5
 County Administration Building
 1600 Pacific Highway
 San Diego 92101

Re: Updating Equine Regulations (Board Meeting of 3-2-11, Agenda Item 2)

Dear Supervisor Horn:

I was encouraged to see that Supervisor Jacob and you have directed staff to work with stakeholders to bring forward ideas for updating the horse keeping regulations of the County. We want to contribute to that effort.

Several articles in the local paper have highlighted your concerns regarding the difficulty and cost in obtaining permits for public stables. TRS Consultants' experience working in the unincorporated area over the years confirms that your concerns are well founded. Clients who desired to simply establish stables and keep a few horses tell us the cost of permits and the complexity of the process caused them to give up on their plans. Additionally, these road blocks may dissuade many from obtaining legal permits.

There are two situations we think it would be worth considering: first, the owner who keeps horses on a property where he or she does not live; and second, the commercial boarding or breeding stable open to the general public or private club.

Owners Who Keep Horses on Property They Do Not Own : By the current definition, any stable where the horses are not owned by the residents of the property, is a *boarding or breeding stable*. This type of stable is almost always subject to a Major Use Permit (MUP). The MUP, as you know, plunges the applicant into a cycle of intense planning and environmental review that can add years and tens of thousands of dollars to the process.

This can be addressed by changing the definition of *horsekeeping* to include the horses of a land owner who does not reside on the property. For the purpose of this definition, clubs or organizations would not qualify as a *property owner*. Horsekeeping is allowed by right in much of the unincorporated area, so this change would provide a broad benefit to County residents. Details are provided in Attachment 1.

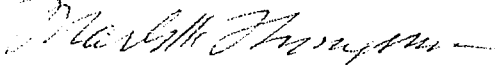
Updating Equine Regulations
Page 2

Commercial Boarding or Breeding Stable: The case of commercial boarding or breeding stables can be addressed through the Administrative Permit (AD) process. Presently the owner can apply for a MUP or can attempt a Rezone to change the animal designator to allow a boarding or breeding stable by right. Rezones are theoretically less complex than MUPs, but in practice often raise complex issues. A better approach would be to allow commercial boarding or breeding stables by AD, allowing a certain number of horses based on the lot size in appropriate use regulation areas. Where the proposed number of horses exceeds the limits that are set for an AD, the MUP process would still be available. Details are provided in Attachment 2.

We hope this is useful and we welcome assisting in any way to help streamline and simplify equine regulations.

Thank you for your focus on this important issue.

Sincerely,



Mark H. Thompson, AICP
Acting Principal

Attachment 1: Owners Who Keep Horses on Property They Do Not Own

By the current definition, any stable where the horses are not owned by the residents of the property, is a *boarding or breeding stable* (Zoning Ordinance definitions "H") . This type of stable is almost always subject to a Major Use Permit (MUP). The MUP, as you know, plunges the applicant into a cycle of intense planning and environmental review that can add years and tens of thousands of dollars to the process.

This can be fixed by changing the definition of *horsekeeping* to include the horses of a land owner who does not reside on the property. Horsekeeping is allowed by right in much of the unincorporated area of the county as shown in Section 3100 Animal Raising (d) of the ZO so this change would provide a broad benefit to County residents.

We recommend the following definition, with changes underlined:

Horsekeeping: The keeping of horses in an accessory building or on premises where the horses are owned by the occupants of the premises or the property owners, and where no horses are kept for hire. In residential use regulations only incidental sale of personal horses is permitted; no sale of horses as a business is allowed. For the purpose of this definition, clubs or organizations do not qualify as a *property owner*.

The definition of Boarding or Breeding Stable would also be modified to make this change consistent.

Boarding or Breeding Stable: A stable used for the boarding or raising of horses, ~~including horses not owned by the occupants of the premises, except for horses~~ owned by the occupants of the premises or the property owner. For the purpose of this definition, clubs or organizations do not qualify as a *property owner*.

The number of horses that a non-resident owner could keep on a parcel could be included in both definitions.

Attachment 2: Commercial Boarding or Breeding Stable

The case of commercial boarding or breeding stables can be addressed through the Administrative Permit (AD) process. Presently the owner can apply for a MUP or can attempt a Rezone to change the animal designator to allow a boarding or breeding stable by right. Rezones are theoretically less complicated than MUPs, but often the range of issues raised approaches those of the MUP, so there has been little or no gain in efficiency. Rezones carry an additional burden of implying to the public that major changes are being requested, when often the change is minor.

A better approach would be to allow commercial boarding or breeding stables by AD, allowing a certain number of horses based on lot size in appropriate use regulations. Where the proposed number of horses exceeds the limits that are set for an AD, the MUP process would still be available.

This would require that *Small Boarding and Breeding Stable* be written into the definitions section of the ZO. It would also require changes to the Animal Schedule under Section 3100 of the ZO to include a new category; *small boarding and breeding stable* for operations where a specified number of number of horses may be kept. The standards for these small operations would be included in the ZO under Section 6156 (Accessory Uses). It will be important that the standards for review under the AD be limited or applications for small boarding or breeding stables will be handled just like MUPs for larger projects.

Bonita Baumgartner
20049 Elfin Forest Lane
Escondido, CA 92029

March 15, 2011

San Diego County Board of Supervisors
1600 Pacific HWY
San Diego, CA 92101

Dear Carl Stiehl:

I recently attended the Board of Supervisors meeting on March 2 , 2011 where the staff was directed to review and revise the zoning ordinance for San Diego County, that applies to equestrian uses and their regulations

I am a long time horse owner (35 years plus) in this county. I lived for 30 years in the east county, and I presently reside in Elfin Forest, a rural area in west Escondido. I presently own horses and compete.

I am also a licensed judge and official for the United States Equestrian Federation (USEF) in the Dressage and Eventing disciplines with 25 years of experience. I believe that horse ownership is an enriching experience, and has a important place in this county, which both enriches the county and is an attractive asset. I am in support of streamlining regulation and making it less onerous while preserving quality of life and best management practices to maintain watershed, trails etc.

I would like to be involved in the planning revision process for the county Equestrian ordinance. I believe I can bring some unique insight into the process as a horse owner, and as a licensed official.

I am also a member of the Elfin Forest/ Harmony Grove Town Council and the Chair of the Equine Ordinance Review Committee. I would like to participate in the DPLU meetings regarding this important aspect of San Diego life.

I am planning on attending the March 30, 2011 DPLU meeting at 9AM.

Sincerely,

Bonita (Bonnie) Baumgartner
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619-277-7105 (C)
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cc.Supervisor Ron Roberts
Supervisor Bill Horn
Supervisor Dianne Jacobs
Supervisor Pam Slater-Price

Valley Center Community Planning Group Recommendation

Equine Ordinance Revision Process:

The Valley Center Community Planning Group has reviewed the four equine ordinance update options recommended by the County consultants and recommends that the Tiered Ordinance process be considered for use. The recommendation is based on the following rationale:

- 1) It has been estimated that 80%+ of the horse properties in Valley Center are, in one way or another, technically noncompliant with the current ordinance.
- 2) In the 30+ years since the current set of ordinances was approved, significant changes have occurred in the region with regards to urban/rural limits and regulatory requirements (i.e. CEQA).
- 3) There is much more validated information available now on the keeping and maintenance of horses than there was 30 years ago.

The update of the equine ordinance is needed to assure the rights of the following specific groups:

From the perspective of property owners with horses on the property, reducing the county permitting and zoning requirements, particularly the cost and time involved, is needed to allow reasonable foreseeable use of their properties. The issue of an otherwise angered neighbor generating a complaint hangs over their heads like the sword of Damocles. Addressing practical horse keeping aspects such as boarding of a limited number of horses along with personally owned horses should not cost tens to hundreds of thousands of dollars. This would go a long way to resolving these concerns.

From the perspective of the neighboring properties, implementation of reasonable and effective management practices will protect their property use. These include animal care, vector control, waste management, and runoff control; tempered with recognition that Valley Center is a rural area where the odors and other effects of nature are expected, and in some cases, prevalent.

To address the needs of recreational horse organizations and clubs, the ordinance needs to provide a practical and simplified means for these groups to exercise their benefits of education and of teaching responsibility, sportsmanship, and horsemanship for their members. These are an inherent element in culturally rich equine communities such as Valley Center.

Therefore the Valley Center Planning Group would like the equine ordinance revised to reflect the following:

1. A tiered approach to horse zoning and designators.
2. The new ordinance should be clear and concise and applied in a thoughtful and logical way to all properties. The animal designators as applied to particular parcels should not be an accident of history. The current rules and regulations by all County Departments are too convoluted and confusing to small business owners who know horses not bureaucracy.
3. There shall be no conflict between the ordinance and animal health regulations. If there should arise a conflict, any applicable animal health regulations would preferentially apply.
4. Equestrian businesses should be considered agricultural businesses, not commercial. Many of the requirements for a commercial ZAP or MUP either do not apply or are detrimental to the horses (see #3).
5. Livestock and horse shelters should not be considered the same as human dwelling facilities when being reviewed for appropriateness.
6. Any and all permit fees should be reasonable and customary.
7. A voluntary equine technical advisory committee should be formed as a liaison group, serving as a bridge between the County and the stable operator. People should be able to operate a business with a clear conscience and confident that they are in compliance with the law.

In summary, the Valley Center Planning Group would like to see the process of updating the ordinance accomplished in a reasonable time frame that limits the resources and funding requirements placed on the County. However, the current ordinance is antiquated and must be changed. The adversarial and hostile environment between the equestrian community and the County should not continue. The County is more built up and these issues are arising more frequently. This will require a revamping of the ordinance at a basic level, most likely resulting in an EIR. If we want to resolve the problems and issues that we currently have, an EIR cannot be helped and, if done correctly, will take us forward for the next 40 years.

Attachment C

Stakeholder Meeting Minutes



County of San Diego

ERIC GIBSON
DIRECTOR

DEPARTMENT OF PLANNING AND LAND USE

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EQUINE STAKEHOLDERS MEETING

Wednesday, March 23, 2011

Minutes

Mr. Carl Stiehl, County Planner, welcomed attendees. Present at the meeting were Mr. Joe Farace, County DPLU, Ms. Michell Anne Kimball, SDCEF, Mr. Jim Whalen, SDCEF, Ms. Judy Duncan, VC Subcommittee, Ms. Sally Cobb, VC Subcommittee, Mr. Eric Kallen, TRS Consultant, Ms. Nancy Preston, Rancho Santa Fe Art Jury, Mr. Bill Schwartz, Schwartz Heidel Sullivan, and Ms. Claudia Loeber, County DPLU.

Mr. Stiehl provided an overview of the background history of current equine regulations. At the recent March 2 Board of Supervisors Hearing, the Board directed staff to work with the equine community, to develop ordinance options and to present options and staff recommendations.

Mr. Stiehl explained that current zoning shows, under Animal Regulations, two types of horse uses: "commercial horse stables" and "owned by property owner." Boarding, breeding and public stable uses are in the commercial horse stable category and horses that are owned by property owner are in the other category called horsekeeping.

Looking at an equine land use map, Mr. Stiehl identified areas where stables are not allowed by zoning. These areas represent most of the commercial land use and/or areas of high density in the county. For a commercial horse stable to be permitted in these areas, a property would need to be rezoned.

Mr. Stiehl described four ordinance options. The first one, *Horse Keeping By Right*, would allow stables by right in most of the County's unincorporated land. Next, the *Tiered Ordinance* option allows some horses use by right, some with Administrative Permit (AD), some Minor Use Permit, and a MUP for large projects. This option would require the preparation of an EIR.

Third, *Conservative* option maintains some existing regulations with minor changes. The option would change from a MUP to AD permits in some areas, however there

would be no by right tier. It may be able to be processed without an EIR. The last option would be a *Status Quo Option* where regulations stay as they are.

There was some discussion of key issues to consider for an Ordinance option, such as traffic, grading, community character, etc. It is important to look at adequate ratios of lot size to number of animals, agricultural and MSCP areas in approved plan. The current situation with the Williamson Act is something to consider. It was discussed that the Williamson Act applies to agricultural land and agricultural preserved land where any horse use should be compatible.

Mr. Whalen asked about the role of code enforcement in the selection of an ordinance option. Mr. Stiehl said that if, for example, a Tiered option were put into effect, then many active code cases could be eliminated, some might still need permits, or some could be scaled back to meet compliance.

Related to code enforcement, Mr. Kallen asked what happens when a property owner wants to have horses but he/she does not live in the property. He was concerned about the existing "horsekeeping" definition.

Ms. Kimball was concerned about the "occupant" definition. She explained that many years ago, establishment of ranches occurred without having to have an occupant on a horse property. As an example, she said that renter can own a dog, leave the dog alone, and come back to feed and take care of it. She added that having an "occupant" definition would facilitate resolutions.

Mr. Stiehl stated that revisions to the definition for "horsekeeping" related to this occupant situation has already been considered and should be part of a draft ordinance. Mr. Farace offered to propose it to the Board.

Ms. Cobb expressed her concern over the concept of "boarding occupants." She indicated that while a farm owner can have Farm Employee Housing as a caretaker, a horse boarding owner cannot. She mentioned that defining standards of "care" depends on who's taking care of the horses. Commercial horse use cannot have a caretaker. And Ms. Cobb wanted to know more about caretaker quarters, dwellings.

Mr. Kallen asked if it was possible to have a structure in addition to the owner's principal home. Mr. Stiehl answered affirmatively that a 2nd Dwelling unit is currently allowed.

Ms. Duncan provided her experience of living in housing for workers in a horse ranch in Scottsdale.

Mr. Stiehl explained that it is possible to have a single family manufactured house and a primary residential dwelling on the horse property but that there would be other areas to consider such as room for septic tanks and wells. The group briefly talked about possible new types of septic being discussed as part of the General Plan Update.

Regarding the Conservative option, Ms. Kimball was concerned about small properties that can still be considered horse use by-right and these in turn have more animals the land can handle. Mr. Stiehl explained there would not be a by right tier in the Conservative option.

On a related note, Ms. Cobb wanted to know if the standard change of 1 horse per acre for boarding would require the preparation of an EIR. Mr. Farace answered that it would be required to be reviewed under CEQA and that it would probably require an EIR as part of the ordinance.

Ms. Kimball mentioned that it would be beneficial to have a provision for boarding and riding horses for neighbors without the requirement for a MUP. As an example, Ms. Kimball said that her friend owns four horses and one pony. She wanted to give horse lessons to her daughter's friend but couldn't do it because she was required to apply for a MUP. She would like to not have to apply for a MUP.

Mr. Kallen brought up the issue of "contiguous" properties being in compliance. Ms. Kimball provided an example of an owner living in a forest where not every property owner has horses on his land.

Mr. Farace said that it seemed the group was leaning toward the Tiered Option. Looking at a small boarding stable by-right could mean the property should be of a certain size. Mr. Kallen doubted the Board would support a small stable by-right.

Ms. Kimball explained that a facility small in size by-right could be used by people teaching horse lessons or taking part in small horse shows. She added that it'd be similar to having a swimming pool in a backyard and inviting the kid next door to come over for a swim.

Group members asked about the financing of the Equine Ordinance option project. Mr. Farace explained that the Planning Department needs to look at both the County's Fiscal Impact and Business Impact. Ms. Kimball added that permitting fees would provide revenues for the County.

As the group talked about standards, Mr. Stiehl made note that many other jurisdictions currently do not go into as much detail as the County of San Diego. Mr. Farace reminded the group that the original goal is to simplify the ordinance because currently, it is confusing. Mr. Stiehl added that horsekeeping is unlimited and that most other counties have a limit to the number of horses allowed on a property. However, the County Zoning Ordinance could be considered conservative with the use permit requirement for horse stables.

Ms. Kimball commented that the average stable according to her research, is on 5 acres with 50 horses and a riding arena; approximately 10 horses per acre.

Ms. Cobbs asked to define what a “usable” acre is as there are some areas with steep slopes that cannot be used.

The group talked about threshold numbers and commented that they can vary throughout the communities in the County.

Ms. Kimball wanted the group to note that there is a difference between “use” of stable and “activity” in the stable. Mr. Stiehl mentioned that, for example, the community of Boulevard has the horse stable use allowed on almost every property and that owners need only to apply for a building permit even on very small properties.

Mr. Kallen explained that it might be a long process to determine what is and what is not “usable” and warned the group against being “too specific.” He recommended having the clause: “Shall be limited to public input” as a way to avoid specificity.

Ms. Duncan talked about the beautiful horse facility she worked for but the group warned about a facility being “fancy” versus a facility being “clean.”

The group asked about fire codes and it was noted that each fire agency could have different regulations and requirements for horse stables.

The group continued talking about a by-right tier for an ordinance. It was noted if an owner had a boutique winery or a horse stable that a situation where the business could have opportunities to continue growing would be beneficial. For example, if there are six horses by-right and the owner wants to ramp up his business, then an AD could allow for an additional number of horses. Ms. Kimball wants the ramp up process to be easy. The AD process would be a checklist showing ordinance requirements. After these have been met, a building permit could be issued.

The group questioned if there was any anticipated opposition to adopting the Tiered Ordinance option. Staff commented that there anticipated county residents who may be in opposition due to private road issues. In addition, there could be a few Planning Group Members who worked on the creation of the Zoning Ordinance in the 1970s who might not feel there’s a need for an update.

The group asked about the building permit requirements for horse shade covers and small covered stalls. Staff responded that Building Code requirements will need to be reviewed to determine what changes could be possible. Staff suggested to the group that the draft ordinance may include an accessory structure section for horses.

In summary, the group favored the Tiered Ordinance option. Carl and Joe will be meeting with other planning group stakeholders and county staff from APCD, Parks, Code Enforcement, DPW and others in the coming weeks. Ordinance options will then move forward to the Planning Commission for a recommendation on options only. Staff suggested the group may invite those interested in the project to attend the Planning

Commission and then Board to voice their opinion or show their support. A Board of Supervisors Hearing could take place as early as May or the latest date to present to the Board would be June 29. The process of the drafting an ordinance with an EIR may take about eighteen months to two years.



ERIC GIBSON
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

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PLANNING GROUP STAKEHOLDERS MEETING

Wednesday, March 30, 2011

Minutes

Mr. Carl Stiehl, County Planner, welcomed attendees. Present at the meeting were Mr. Joe Farace, County DPLU, Mr. George Barnard, Lakeside Community Planning Group (CPG); Ms. Jean Strouf, Jamul/Dulzura CPG; Ms. Lory Walls, Crest/Dehesa CPG; Mr. Wally Riggs, Crest/Dehesa CPG; Mr. John Degenfelder, Ramona CPG; Mr. Ben Morris, Twin Oaks Valley CPG; Mr. Oliver Smith, Valley Center CPG; Ms. Jacqueline Arsivaud, San Dieguito CPG; Ms. Bonita Baumgartner, Elfin Forest Town Council; Ms. Shelly Fontaine, Elfin Forest Equine Committee; Ms. Susan Brownlee, Valle De Oro CPG; Mr. Jack Wood, Fallbrook CPG; Mr. Len Coultas, Hidden Meadows CSG; and Ms. Claudia Loeber, County DPLU.

Mr. Stiehl provided an overview of the background history of the current equine ordinance. He explained that the initial input to the equine ordinance came from the San Diego County Equestrian Foundation, Valley Center Planning Group Subcommittee, DCAO's office and District 5/District 2 Board letter.

At the recent March 2 Board of Supervisors Hearing, The Board directed staff to work with the equine community, develop ordinance options and present options with a staff recommendation later this year.

Mr. Stiehl explained that current Animal Regulations in zoning have two types of horse uses: "commercial horse stables" which are boarding, breeding and public stables and "horsekeeping" which is the private use of horses by the property owner. When applying for a commercial horse stable, the applicant might encounter three situations: 1) requirement to file for a use permit, 2) horse stables are not allowed, or 3) horse stable is allowed-by-right. In either situation 1 or 3 a building permit could also be required for new or unpermitted structures.

Looking at an equine land use map, Mr. Stiehl identified the areas where stables are not allowed by zoning. These areas tend to be commercial land use and/or areas of high

density in the county. For a commercial horse stable to be permitted in such an area, a property would need to be rezoned. Large areas in a blue color represent most of the county where typical lot sizes are 1, 2 and up to 4 acres. Possible changes that may be included in an ordinance will probably affect these large blue areas.

Looking at a different equine land use map, Mr. Stiehl identified areas where horse keeping is allowed by right which covers most of the county.

Mr. Stiehl described four ordinance options for revisions to the commercial horse stable use types. The first one, *By-Right Horse Stables*, would allow stables by right on most of the County's unincorporated land. It would be controversial and difficult to process and it would require an ordinance level EIR. Next, a *Tiered Ordinance* Option would allow some horse uses by right, some with an Administrative Permit (AD), some Minor Use Permit, and a Major Use Permit for large projects. It would be a 'middle of the road' option and it would require the preparation of an ordinance level EIR.

Third, the *Conservative Ordinance Option* maintains some existing regulations with minor changes. The option would change from a MUP to AD permits in some areas, however, there would be no by right tier. Such an ordinance may be able to be processed without an EIR. The last option would be, a *Status Quo Option*, where regulations stay as they are.

Some key issues to consider were discussed:

1. Lot size versus number of animals
2. Traffic on private roads
3. Community character: intensity of development
4. Best management practices: manure management and vector control regulations
5. Grading and storm water: new biological impacts could occur

Regarding the first option, *By-Right Horse Stables*, Stakeholders voiced the following concerns (underlined) followed by county staff discussion:

1. Cost of an ordinance level EIR's preparation-- staff would roughly estimate \$500,000 along with ordinance changes.
2. Changes to current zoning on specific properties, such as changing an Animal Regulation on a property by property basis-- staff explained that rezoning any properties would be very difficult to do. Staff would need to look at current animal regulations and carefully consider changes. Rezoning individual properties would probably not be recommended by staff with any option.
 - a. There was some discussion regarding the 'Blue areas' on the countywide map-- Most blue areas represent 1, 2, 3 or 4 acres lot sizes. The average

size lot in many of these areas is 2 acres, for example that is the typical lot size in these areas in Valley Center and Ramona.

3. Establishing objectives for the group-- County Staff explained that the equine land use is a significant component of the County's culture, it's out dated, and it's important to work with the equine industry per direction from the Board.
4. Nonconforming land use and Grandfathering-- On a property where an equine land use has not been in use or implemented for more than one year, the nonconforming section of the zoning ordinance would not allow the use to be reestablished. Grandfathered uses would be those already legally established under the current ordinance, therefore prior to 1978.
5. Shade protection requirements for livestock-- Current code allows for some structures under 300 sq. ft. to not require a building permit, such as horse shade covers. Requirements are set forth by Building Code. Stakeholders commented that some equine properties would benefit from not being required building permits for some structures over 300 sq ft. Staff is currently researching this issue.

Regarding the second option, a *Tiered Ordinance* Option, Stakeholders voiced the following concerns followed by County staff answers:

1. Lot size, number of horses and business use-- Staff indicated specifics for numbers of horses and lot size at different tiers have not been developed yet. However, staff provided the group with an example of a 2 acre, small horse stable with less than 6 horses and a riding lesson business component for additional discussion of a lower tier.
2. Business owner practices in conflict when clientele on owner's property-- Staff suggested to look at existing options such as the cottage industry. A cottage industry requires a use permit and it undergoes discretionary review. For example a business person can meet with their clients and have employees on the property in a legally permitted cottage industry.
3. Traffic volume intensity and private road usage-- Staff suggested looking at the combination of horse uses. Staff commented on the recent boutique winery position on private road issues, which is that private road issues are a civil issue outside county prevue.
4. Signage limitations on horse stables -- Staff indicated that projects have to meet zoning ordinance requirements for signs. For example, a sign that reads: "Carl's Ranch" does not necessarily mean that the property has a business or even a

stable and could just indicate a home. However, if the sign reads: "Carl's Ranch Horse Riding, \$10 per hour" then it might be a commercial horse stable business and require a site plan permit for the sign (and maybe a use permit for the use).

5. Permit fees, difficult to afford by typical property owners-- The group provided staff with an example where a property owner cannot afford the \$15,000 fee for a minor use permit. An example of an owner with five horses, limited social security income, hopes to increase standard of living by boarding a few horses, but cannot afford the minor use permit fees was discussed. Staff indicated that a Tiered Ordinance Option should address this issue.
6. 'Non-pollutant' manure disposal is costly and storm water issues arise-- Staff indicated that the Department of Public Works is supporting manure composting.
7. Manure production limitation-- It was discussed a limitation on pounds of manure produced per day could be necessary.
8. Code Enforcement-- Staff explained that properties that have been cited by code enforcement are still subject to code enforcement action, although some cases may be on hold while the new ordinance is in process.
9. Best Business Management Practices-- The group explained that an owner should go through a certification process for BMPs and if in violation, the license may be revoked.

Regarding the third option, *Conservative Ordinance Option*, Stakeholders voiced the following concerns followed by County staff answers:

1. Need specifications on what would be in the ordinance for animals in residential vs. commercial horse stable areas-- Staff indicated that any by-right changes would only apply to those properties within the commercial horse stable land use areas. Staff does not anticipate making any changes to the horsekeeping, private use of horses on private property use type.
2. How do you define commercial? Staff answered that a stable is commercial if a horse on the property is not owned by the property owner whether or not the stable operator is making a profit. This is and has been the policy of the county and how the zoning ordinance has been applied for more than 30 years.
3. Reversible land use-- Some property owners expect to live in a residential zone with the ability to own horses. Not every owner wants to own horses. Changes to the zoning ordinance may affect these horse owners and non-horse people

both positively and negatively. However, staff indicated the intention of the meeting was to address these kinds of issues and begin that discussion.

County staff researched other counties in southern California that are similar to San Diego County's rural and urban structure to understand other equine regulations. The other counties all have acreage limits on the number of horses allowed, for example:

- 1 horse per 1/8 acre (5,000 sq. ft) Orange, County; Los Angeles County
- 1 horse per ¼ acre (8,000 – 10,000 sq. ft) Riverside County, San Bernardino County.
- Up to 1 horse per ½ acre (20,000 sq. ft) depending in zone. Santa Barbara County.

Some other counties overlay their zones, such as equine districts in certain areas. These acreage examples are generalizations of certain residential zones in these counties. In some areas of these counties, no horses are allowed at all, however, very few such areas exist in our county.

In general, some stakeholders commented that they thought the ordinance should not only be limited to commercial horse stables, but should also include the horsekeeping use type. Stakeholders commented that the ordinance may not be able to avoid this issue. Some stakeholders indicated that a limit to the number of horses, possibly by acreage, allowed under horsekeeping might need to be considered.

A member of the group said that after doing research, she found that in San Mateo there is a standard of 1 horse per ½ acre in less than 2 or 3 acres. She then researched how much space is required for one horse. She found two figures: 1 acre per 1 horse and 2 horses per 1 acre.

Staff suggested the group to look carefully at standards as some equine stakeholders may call for 10 horses per acre on the other end of the argument.

Another issue discussed by stakeholders was the impact of changing an animal designator in zoning which would allow a new commercial use and that effect on the surrounding property owners. Some stakeholders were unsure if it would be appropriate allow for the commercial horse stable use as some communities are primarily composed of non horse owners. For example a stakeholder commented that the Elfin Forest community survey showed only 27% of residents own horses. Stakeholders commented that residential might object to the changes in community character and possibly life style that could accompany commercial operations sprouting up around them without any input from affected property owners.

Stakeholders commented on whether the current code enforcement mechanism, specifically staffing level and fees are adequate to encourage current horse operations to abide by existing BMPs, and the concept of increasing fees for non compliance so there is an incentive to comply. It was commented that increased freedom should come

increased responsibility. Stakeholders discussed that BMPs seem poorly enforced today, if that side of the equation is not changed and boarding is allowed "by right" anywhere, there could be greater issues with impact of poor manure management and stormwater pollution throughout the county.

The possibility of a low-end ministerial permit was floated by staff with the stakeholders. The idea would be that a nominal permit fee, such as \$100, could be required along with a checklist for the lowest tier horse stable under the second or possibly the third ordinance option. Such a ministerial permit could still be revoked if the property were not in compliance with all regulations. Stakeholders commented that this could be an interesting idea to pursue in the event the Tiered Ordinance option is supported by the Board.

Staff indicated in early April there will be an internal equine stakeholder meeting with Public Works, Parks, Environmental Health, Animal Services, Code Enforcement, etc. that will also discuss these possible ordinance options.

In summary, staff suggested planning group stakeholders discuss possible options with their planning group members. This policy and ordinance development project to update equine regulations will move forward to the Planning Commission, possibly in May, for a recommendation followed by a public hearing at the Board of Supervisors most likely in June.



County of San Diego

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INTERNAL COUNTY STAFF STAKEHOLDERS MEETING

Monday, April 4, 2011

Minutes

Mr. Carl Stiehl, Advance Planning, welcomed attendees. Present at the meeting were Mr. Joe Farace, Advance Planning, Mr. Tim Kirkland, Code Enforcement, Mr. Steven Murray, Code Enforcement, Michael Wonsidler, DPW Solid Waste & Recycling, Maryanne Vancio, Parks and Rec, Colleen Carr, Ag Weights and Measures, John Carlson, Animal Services, Nael Areigat, DPW Land Development, Andy Hamilton, DEH APCD.

An overview of the background history of current equine regulations was discussed. At the recent March 2 Board of Supervisors Hearing, the Board directed staff to work with the equine community, to develop ordinance options and to present options and staff recommendations.

Mr. Stiehl explained that current zoning shows, under Animal Regulations, two types of horse uses: "commercial horse stables" and "owned by property owner." Boarding, breeding and public stable uses are in the commercial horse stable category and horses that are owned by property owner are in the other category called horsekeeping.

Mr. Stiehl described the four possible ordinance options. The first one, *Horse Keeping By Right*, would allow stables by right in most of the County's unincorporated land. Next, the *Tiered Ordinance* option allows some horses use by right, some with Administrative Permit (AD), some Minor Use Permit, and a MUP for large projects. This option would require the preparation of an EIR. Third, *Conservative or Minor Changes* option maintains some existing regulations with minor changes. The option would change from a MUP to AD permits in some areas, however there would be no by right tier. It may be able to be processed without an EIR. The last option would be a *Status Quo Option* where regulations stay as they are.

There was some discussion of key issues to consider for an Ordinance option, such as traffic, grading, community character, etc.

The group discussed various topics brought up at the recent Equine Stakeholder Meetings in March. The licensing issue was discussed at length. It was previously attempted to license horses in the 1980s. The program didn't work and it was discontinued. It amounted to a trail tax with tags and did not go over well with many residents of the county. The types of requirements that would be under each option were discussed. The Air Pollution Control codes were recently updated and staff is confident they are in line with any ordinance options as a tool to monitor excessive dust measures. Animal Services have been contemplating updating some portions of the codes they use and that updating could be included as part of this process.

Towards the end of the meeting, it was discussed that the group favored the Tiered Ordinance option. Ordinance options will soon move forward to the Planning Commission for a recommendation on these options. A Board of Supervisors Hearing should take place on June 29. The process of the drafting an ordinance with an EIR may take about eighteen months to two years. Other county departments will be part of the process to ensure all codes are updated as necessary as part of this process.

Attachment D
March 2, 2011 Board of Supervisors
Meeting Minutes



BOARD OF SUPERVISORS
LAND USE AGENDA ITEM

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
2011 FEB 17 AM 11 55
THOMAS J. JACOB
CLERK OF THE BOARD
OF SUPERVISORS

DATE: March 2, 2011
TO: Board of Supervisors
SUBJECT: Exploring Options for Updating Equine Regulations (Districts: All)

SUMMARY:

Overview:

Equestrian facilities and activities have long been a significant component of our backcountry's culture. Recently, the equine community has approached the County of San Diego expressing frustration over costly and burdensome regulations in our zoning ordinance for equine operations.

Our existing equine regulations appear to be out-of-date for the unincorporated areas of the County. It is important that the County of San Diego makes certain that the equine industry continues to have a vital role in our rural communities and operates under regulations that are appropriate and fair.

Today's board letter directs staff to work with the equine community and any other interested parties to investigate options that would protect and promote equestrian operations while ensuring that we have reasonable permit fees and regulations.

Recommendation

CHAIRMAN HORN and SUPERVISOR JACOB:

Direct the Chief Administrative Officer (CAO) to work with the equine community and any other interested parties to investigate options that would protect and promote equine operations throughout the unincorporated areas of San Diego County, including the potential development of a tiered equine ordinance, assessing the costly and burdensome equine regulations and exploring any other appropriate changes, and report back to the board within 120 days.

Fiscal Impact:

There is no fiscal impact associated with this action.

SUBJECT: Exploring Options for Updating Equine Regulations (Districts: All)

BACKGROUND:

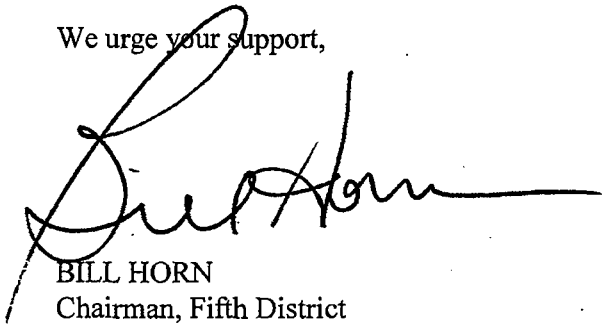
Equestrian facilities and activities have long been a significant component of our backcountry's culture. Recently, the equine community has approached the County of San Diego expressing frustration over costly and burdensome regulations in our zoning ordinance for equine operations.

Our existing equine regulations appear to be out-of-date for the unincorporated areas of the County. It is important that the County of San Diego makes certain that the equine industry continues to have a vital role in our rural communities and operates under regulations that are appropriate and fair.


In an effort to achieve this goal, the County should assess the costly and burdensome regulations in the permit process for equine operations and explore the development of a tiered approach similar to the boutique winery ordinance. County staff should also research state law and other jurisdictions to determine if appropriate changes and different approaches are needed. In addition to the Department of Planning and Land Use, other departments such as Agriculture, Weights and Measures, Parks and Recreation and Public Works should also be included in this effort.

Today's board letter directs staff to work with the equine community and any other interested parties to investigate options that would protect and promote equestrian operations while ensuring that we have reasonable permit fees and regulations.

We urge your support,



BILL HORN
Chairman, Fifth District



DIANNE JACOB
Supervisor, Second District

SUBJECT: Exploring Options for Updating Equine Regulations (Districts: All)

AGENDA ITEM INFORMATION SHEET
(continued)

PREVIOUS RELEVANT BOARD ACTIONS:

BOARD POLICIES APPLICABLE:

BOARD POLICY STATEMENTS:

CONTRACT NUMBER(S):