



Charlene Tim <charlene.tim@edcgov.us>

5 pages

FW: Horse boarding on Chatee Lane, Rescue.

David Defanti <david.defanti@edcgov.us>
To: Charlene Tim <charlene.tim@edcgov.us>
Cc: shawna.purvines@edcgov.us

Mon, Aug 31, 2015 at 11:25 AM

See below/attached – comment received on TGPA-ZOU.

From: Cynthia Diez [mailto:cdiez95672@sbcglobal.net]
Sent: Sunday, August 30, 2015 5:27 PM
To: david.defanti@edcgov.us
Subject: Horse boarding on Chatee Lane, Rescue.

Dave,

Thank you so much for taking the time to review the information regarding the road issue/horse boarding on private roads.

I know that most boarding facilities are located on county maintained roads. A few however, are located on private roads (paved/unpaved).


I hope that the Community Development Agency can persuade the Board of Supervisors to make changes that will protect homeowners from damage to their properties created by business owners that are not responsible.

I have attached a copy of changes I've recommended. Please let me know if you need clarification.

Thank You again for your time and support.

Regards,

Cynthia Diez

 county letter.docx
24K

The people choose to live in El Dorado County because they like its rural characteristics and they want to be able to come home and escape the noise and congestion of nearby urban communities.

We want to protect and preserve our rural lifestyle. However, non-county maintained roads, like Chatee Lane, in Rescue, cannot withstand the additional traffic that is incurred by a home-based business whereby patrons from nearby urban communities use the unpaved, private/utility roads, right-a-ways, daily. The maintenance of the right-away creates undue burden to the home owners. At the expense, of the other property owners, the business owner, with the boarding business, profits from the use of road.

We agree that an Special Use Permit/**Administrative Permit Required.**

1. For horse boarding or riding lessons, Up to five to eight boarded horses or students in a group lesson may be allowed under this permit. Six ~~Nine~~ or more is considered a commercial stable as defined in Article 8 and subject to Subsection G,
2. Additional, whereby a Special Use Permit/An Administrative Permit shall be required when a home occupation exceeds the standards under Paragraphs C.11 or C.12; and Section 17:14.200 that is already in place for wineries and accessories industries

In addition to all other standards under Subsection C, a permit approval shall be subject to compliance with the following standards:

1. The site of the home occupation either has direct access to a public or private road that conforms to Standard Plan 101C, or the property owner participates in 12-0267 3C 260 of 427.

Specific Use Regulations Article 4

An Administrative Permit for a home occupation under this Subsection shall only be approved when the Director finds that the standards being exceeded will not change the residential character or cause damage to properties, including but not limited to public or private easements/right-a-ways, within the neighborhood based on the attendance numbers, frequency or duration of the event, and **so long as that purpose is not result in “a physical change that permanently and materially prevented [the easement holder] from using the easement or making the use of the easement severely burdensome (ex. Difficult to enter of exit the road).**

Where a proposed or newly existing horse boarding facility ~~ranch marketing facility~~ is located on a private road and is outside general plan designated agricultural district boundaries a special use permit shall be required.

17.14.200

B. Horse Boarding Facilities ~~Wineries and Accessory Uses~~. Those uses identified as “by right” are subject to compliance with all applicable provisions of the Zoning Ordinance. Uses may also require grading permits, building permits or other permits as required by the County code. Those uses identified as permitted by Conditional Use Permit (CUP)

or a Special Use Permit (17.22.500) as determined by the Director of Development Services.

D. Special Provisions

1. Access Limitations. Uses listed in Subsection B.2 identified as “by right” must meet the access provisions of Subsection E.5 or a CUP is required.

2. Land Use Compatibility Limitations. Proposed or newly existing Horse boarding ~~winery~~ facilities that are not located within an Agricultural District shown on the adopted General Plan Land Use Map and have property lines adjoining a lot with compatible and non-compatible land use designation shall require approval of CUP. For purposes of this section, compatible and non-compatible land use designations for Multifamily Residential (MFR), High Density Residential (HDR), Medium Density Residential (MDR), and Low Density residential (LDR). The compatibility determination **will be made prior to issuance of a building permit for a horse boarding facility.winery building**. Subsequent expansion of the facility building or it’s uses will require additional compatibility determinations, road access, burden to neighboring property owners, nuisance standards.

5. Access Standards The access to ~~winery and tasting~~ horse boarding facilities open to the public shall connect directly to a County maintained road, except as provided below. Access via non-county maintained road for purposes of this subsection includes access to a boarding facility ~~winery~~ that utilizes any portion of a non-County maintained road whether or not the road utilized is located on-site or off-site.

d.Road Maintenance. As a condition of approval for a Site Plan Review or CUP the boarding facility will be required participate in any private road maintenance entity, annex into a road ZOB, or otherwise pay a fair share for road maintenance (proportionally to number of patrons) and determined by the approving authority.

For horse boarding or riding lessons, ~~Five to eight~~ boarded horses or students in a group lesson may be allowed under this permit. ~~Six Nine~~ or more is considered a commercial stable as defined in Article 8 and subject to Subsection G, below. In addition to all other standards under Subsection C, permit approval shall be subject to compliance with the following standards:

1. The site of the home occupation either has direct access to a public or private road that conforms to Standard Plan 101C, or the property owner participates in 12-0267 3C 260 of 427

Specific Use Regulations Article 4

A business owner and patrons ~~person~~ shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of person(s), Public or Private ~~or to the public~~, or which endanger the comfort, repose, health or safety of any ~~such~~

persons, private owners and their guests ~~or the public~~, or which cause to have a natural tendency to cause injury or damage to any private property, including but not limited to Contiguous Property (Two or more parcels of land with a common boundary or separated by a private or public roadway or right-of-way).

RULE 205 - NUISANCE

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons, Public or Private, or to the public, including nearby home owners, or which endanger the comfort, repose, health or safety of any such persons, or the public, or which cause to have a natural tendency to cause injury or damage to business or private property.

205.1 Exception: The provisions of Rule 205 do not apply to odors emanating from agriculture operations necessary for the growing of crops or raising of fowl or animals.

RULE 202 - VISIBLE EMISSIONS

A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one (1) hour which is:

- ~~A. As dark or darker in shade as that designated as No. 1 on the Ringlemann chart, as published by the United States Bureau of Mines, or~~
- ~~B. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (A) of this section.~~
- C. Unpaved Roads
- ~~D. G1 Water all roads used for any vehicular traffic at least once per every two hours~~
- ~~E. of active operations or as often as necessary; or~~
- ~~F. G2 Apply a chemical stabilizer to all unpaved road surfaces in sufficient quantity~~
- ~~G. and frequency to maintain a stabilized surface; and~~
- H. G3 Restrict vehicle speeds to 15 miles per hour on a paved road and 10 miles per hour on an unpaved road.
- ~~I. Open storage~~

4) Private Nuisance

Nuisances are divided into "private" and "public" nuisances. In either case, the touchstone of liability is whether the defendant has "unreasonably interfered" with the private home owner's enjoyment of a public or private property right. Irrigation districts will usually employ the private nuisance theory but should not rule out the public nuisance approach since irrigation district activities typically serve a substantial portion

of the public. Under ORS 105.505, any person whose property or personal enjoyment of his or her property is affected by a private nuisance due to high volume of traffic and vehicles speeding on road (15MPH for paved roads) and (10MPH for rock roads).

If you operate a business including an animal boarding facility which emits enough dust, smoke or odor into the air to cause people in your neighborhood to complain, you will be subject to Section 41700 of the Health & Safety Code (H&SC), the "State Nuisance Law" of California, which prohibits the "discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public..."

Your Local Air District has Primary Authority to regulate your operation. Many districts have Fugitive Dust Rules, which prohibits the transport of dust off your property and requires you to "take every reasonable precaution to minimize emissions." Other districts may use the State Nuisance law (above) or the Visible Emissions/Opacity rule (see following page) to regulate fugitive dust emissions. Some districts may attach dust control measures to your Permit to Operate.