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MINUTES

**JOINT REGULAR PLANNING COMMISSION MEETING
& SPECIAL EQUESTRIAN COMMITTEE MEETING**

JUNE 15, 2009

1. **CALL MEETING TO ORDER**

A joint meeting of the Planning Commission & Equestrian Committee of the City of Rolling Hills Estates was called to order at 7:38 p.m. in the City Hall Council Chambers, 4045 Palos Verdes Drive North, by EQUESTRIAN COMMITTEE CHAIRMAN ZUCKERMAN.

2. **PLEDGE OF ALLEGIANCE**

CHAIRMAN ZUCKERMAN led the assembly in the Pledge of Allegiance to the Flag.

3. **ROLL CALL**

Commissioners Present:	O'Day, Southwell, Rein, Scott, Huff, Bayer
Commissioners Absent:	Conway
Committee Members Present:	Amin, Colbert, Gardner, Moore, Rein, Shinn, Chairman Zuckerman
Committee Members Absent:	Allen, Britis, Regur, Porter
Staff Present:	Planning Director Wahba, Community Services Director Clark, Equestrian Services Supervisor Fitton

4. **APPROVAL OF MINUTES**

COMMISSIONER BAYER moved, seconded by COMMISSIONER O'DAY,

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING OF JUNE 1, 2009.

There being no objection, CHAIRMAN ZUCKERMAN so ordered.

5. **AUDIENCE ITEMS**

None.

7. **BUSINESS ITEMS**

A. PLANNING APPLICATION NO. 35-08; A PROPOSED ZONE TEXT AMENDMENT, ON A CITY-WIDE BASIS, TO AMEND THE HORSE (H) OVERLAY DISTRICT AND OTHER PORTIONS OF THE MUNICIPAL CODE TO ALLOW COMMERCIAL HORSE USES IN RESIDENTIAL DISTRICTS VIA A SPECIAL USE PERMIT (SUP).

Planning Director Wahba gave a brief Staff Report, as per written material, and gave a background of the issues.

At CHAIRMAN ZUCKERMAN'S invitation, Lionel Perera (15 Moccasin Lane) came forward and expressed his disappointment with this issue dragging on for 2½ years with no solutions. Mr. Perera stated that a commercial business is being run at 9 Moccasin Lane. The property is permitted for 4 horses, but the business is staging 8 to 12 horses on weekends, holidays and vacations, in addition to birthday parties being held on the property by the business. Mr. Perera would like a clear understanding of the guidelines for commercial use. Mr. Perera outlined the issues with gathering 12 horses on the

property, such as parking, urine, flies and dust. Mr. Perera clarified that he likes animals and appreciates the City's equestrian element, but Mr. Murnane comes outside of the City. Mr. Perera pays a significant amount for his home and does not want to live in a filthy situation, and his next step would be to go to the Health Department, but he prefers to resolve the issues here. Mr. Perera also requests that Code Enforcement be available during the hours when City Hall is closed.

COMMISSIONER SCOTT asked for clarification on the direction given by City Council for this meeting, and CHAIRMAN ZUCKERMAN responded that the members of the Planning Commission and Equestrian Committee would not make recommendations as to whether the Code should be changed but give their input as to what had been articulated and outlined as proposed changes.

Patrick Murnane of Wagon Wheel Ranch (Manhattan Beach) came forward and commented that all the properties on Moccasin Lane are horse properties. Mr. Murnane listed the steps he has taken to address each complaint received, including dust reduction, which is Mr. Perera's main concern. Mr. Murnane stated that the dust is coming from the trail, not the horse properties. Mr. Murnane added that the resident at 21 Moccasin Lane regularly complains about many issues in the neighborhood, in addition to this subject. Roy Beall and Animal Control have come by several times and approved of the cleanliness, and there is an employee performing full-time cleaning duties. Mr. Murnane stated that he is just barely paying for the upkeep of the horses with the income but providing a service to the community and bringing visitors and money to the hill. The property owners need the income from leasing out their stalls, and if they were rented to separate individuals, there would be even more parking, sanitation, noise and other nuisance issues.

Robert Chase (9 Moccasin Lane) came forward and stated that he has lived in his home for 35 years. When he previously rented his stalls to teenagers in the area, the problems were ten times worse than when renting to Mr. Murnane. The stalls have never been as clean as they are now, and Mr. Murnane has made every effort to shield Mr. Perera's property, but Mr. Perera has objections no matter what.

CHAIRMAN ZUCKERMAN commented that he is troubled that Mr. Murnane is doing everything he can, but there is still a problem.

The Commissioners and Members discussed dust as the main issue and possible solutions for the dust coming from the trail.

COMMISSIONER BAYER asked about the Fitzpatrick property and how it could be applied here. Planning Director Wahba described the state-of-the art riding club that would be coming before the Commission in the next few months that would be regulated by a CUP, but realistically it's a couple of years out, and City Council is trying to allow these types of business to continue, rather than delay the business while waiting for a better location. Planning Director Wahba suggested consideration of allowing the business on an annual basis or temporary SUP to be reassessed annually, and that idea was discussed among the Commissioners and Members.

CHAIRMAN ZUCKERMAN pointed out that there is no Code Enforcement available outside of City Hall's operating hours, and COMMISSIONER O'DAY suggested having existing staff on call and instituting a \$600 business license fee that could go into an escrow account to pay for staff hours spent investigating complaints.

The Commissioners and Members discussed issues with such a fee, including random inspections, responding to complaints, who to regulate (trainers, pony camps, trail rides), penalties for violations, methods for enforcement, malicious calls and complaints and businesses operating without proper licenses and SUPs. A possible neighborhood volunteer watch group, such as the Equestrian Committee, was also suggested by Member Gardner.

COMMISSIONERS SCOTT, O'DAY AND REIN discussed possible exemptions for groups falling below a certain number of horses in order to avoid overly regulating businesses that have minimal impacts. This is a planning/land use clash. These horses are in an overlay zone that would have horses no matter what, and the business is the easy target. The quantity of horses, cleanliness and dust are issues, but intensity is also an issue. Most renters would not take several horses out three times a day and have employees, large quantities of cars, visitors, birthday parties, etc.

The Commissioners and Members agreed that the SUP should be more flexible, with an application and checklist of items, making the individual SUP specific to include but not be limited by certain regulations, so that the Code does not need to be amended each time.

The proposed \$600 license fee was then discussed, and it was generally felt that the small operating margins could not allow for the \$1,900 SUP fee, in addition to this fee and the \$300 Business License fee. The Commissioners and Members agreed that only one SUP fee should include all properties involved with the application to offset the administrative burden in reviewing and processing the applications.

Member Moore commented that the City would be limiting the amount of income that a business can generate but yet still charging sizable SUP fees, and that it should not make a code without considering the economic impact on the equestrian business. There are many expenses involved with horse upkeep, including expensive bales, fly spray, etc.

COMMISSIONER O'DAY stated that the businesses need to cover the City's cost. These businesses have already imposed a huge cost for the City, and there is a disproportionate cost imposed on the City to address this issue, including drafting new regulations and changing laws, all for two or three businesses and all because a couple of citizens complained.

Member Gardner stated that other cities feel that equestrian riding is so important to their city that they have imposed on their concessionaires that they must offer tail riding, etc. to the community. They are required to maintain and have available public riding horses and lesson horses.

(Note: Votes were done through a show of hands)

COMMISSIONER O'DAY moved, seconded by CHAIRMAN ZUCKERMAN,

TO RECOMMEND TO CITY COUNCIL THAT THE SUP HAVE A \$300 DEPOSIT ASSOCIATED WITH IT FOR ENFORCEMENT OF COMPLAINTS OF CITIZENS DURING OFF-BUSINESS HOURS FOR THE CITY AND THAT THE CITY COME UP WITH A GENERAL EQUESTRIAN CODE ENFORCEMENT MECHANISM, WHICH MAY OR MAY NOT INVOLVE VOLUNTEERS.

AYES: 4
NOES: 5

CHAIRMAN ZUCKERMAN suggested that the Commissioners and Members move on to drafting reasonable rules to regulate these businesses, and each item listed on page 2 of the Staff Report was discussed and voted on.

The following 8 items (also listed in the staff report) were discussed by the Commission and the committee. Please note that the votes were not unanimous but the proposed changes reflect the majority opinion.

1. Business patrons shall not be allowed to park their vehicles on the streets within the neighborhood in which the business' boarding on residential property is taking place. Rather, parking shall be required to occur at a public or private institution parking lot, such as a school, public park, or church with permission of the institution, which shall be determined and regulated through the Special Use Permit (SUP).

It was agreed that item #1 would be reworded to include private parking, as well as public or private institution parking lots.

2. Commercial manure dumpster services must be provided on a regular basis. Dumpsters shall be located on private property at all times and not stored in or allowed to block a public bridle/hiking trail. The dumpster(s) shall be adequately screened from both public and private review, as determined during review and approval of the Special Use Permit (SUP).

It was agreed that the last sentence would be removed from item #2 regarding dumpsters.

3. All equestrian business clients age 16 and under shall wear a helmet, unless the business owner's insurance requirements state otherwise. All rider clients, regardless of age must wear closed-toe shoes or boots.

Item # 3 was agreed to.

4. Trail rides shall be limited to a maximum of six (6) riders and there shall be a minimum of one (1) mounted guide on all trail rides. In no instance, shall there be more than two (2) guides for a total of eight (8) riders and eight (8) horses. Riding double, such as a parent and child on the same horse, shall not be allowed on commercially-operated trail rides.

After lengthy discussion on item # 4 regarding how to regulate spacing of multiple rides (either separating groups by time or by distance), it was agreed to leave the item as it is because it cannot be regulated. It was agreed that only the permitted number of horses for the property may originate from that property. This limits the number of horses only, not the number of parties on the ride (e.g., parent walking alongside a child). No horses may congregate on one property for saddling, feeding, bathing, etc., but may congregate on the trail.

5. All riders shall be instructed in and required to practice proper arena and/or trail safety and etiquette by the equestrian trainer or commercial trail ride operator.

Item #5 was agreed to.

6. The minimum age of trail ride and equestrian training clients shall be determined by the business' insurance requirements.

It was agreed that item #6 would be deleted.

7. Health certificates and proof of vaccinations for each equestrian business' horses shall be submitted upon application or renewal of a business license.

Item #7 was agreed to as written.

8. All licensed trail ride operators and equestrian trainers shall be required to display a current color photo identification card issued by the City at all times when using the public trails or horse arenas.

Item #8 was agreed to as written.

The Commissioners and Committee Members reviewed each bullet item, as outlined below.

- Hours of operation, including hours for maintenance activities;
- Whether the business be exempt from a Home Occupation Permit, but subject to a business license and SUP;
- Whether additional horses than what code allows, per zoning (lot size) be permitted through a SUP;
- Use of trail by vehicles;
- Dust, fly and odor control measures;
- Use of signs;
- Noise/profanity/music by patrons and/or business operator;
- Number of horses permitted on a single property at any given time;

- Concentration of lots owned/operated by a business -- no staging of horses, in excess of the maximum permitted on the lot (in instances where a business boards on multiple lots in a neighborhood) for horse shoers, veterinarian services, bathing, feeding, manure dumpster pick up, etc. should be permitted at any time;
- Regulations for parties;
- Employee regulations, including restrictions on profanity, shouting and disorderly conduct;
- Restrictions on the consumption of alcohol;
- Resident versus non-resident operator of a business; and
- Inspection fee, particularly for city staff to conduct weekend code enforcement.

It was agreed that, except for the second bullet point regarding Home Occupation, each bullet point would be handled on a case-by-case basis.

Regarding the bullet addressing concentration of lots, it was agreed that all SUPs would be prohibited from increasing horse concentrations to support riding businesses, that this item would include business patrons, and that the definition of property does not include the trail.

It was further agreed that parties (e.g., birthday parties) also be covered on a case-by-case basis under the SUP.

CHAIRMAN ZUCKERMAN stated that City Council will have what they need to proceed with this matter.

11. MATTERS OF INFORMATION

A. CITY COUNCIL ACTIONS (JUNE 9, 2009).

COMMISSIONER BAYER moved, and COMMISSIONER O'DAY seconded,
TO RECEIVE AND FILE ITEM 11A.

There being no objection, CHAIRMAN ZUCKERMAN so ordered.

12. ADJOURNMENT

The meeting adjourned at 10:25 p.m.

Julie Cremeans
Minutes Secretary

Douglas R. Prichard
City Clerk