



EQUESTRIAN COMMITTEE GUIDELINES

Revised -- November 1, 2005

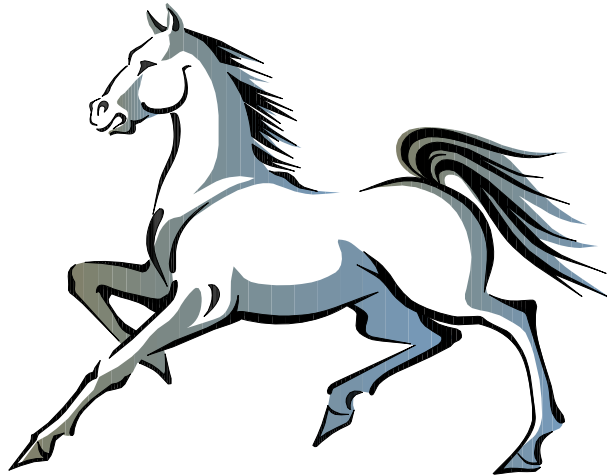


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- MUNICIPAL CODE SECTION 17.46 "EQUESTRIAN OVERLAY (Q) DISTRICT"
- MUNICIPAL CODE SECTION 17.76.115 "LARGE DOMESTIC ANIMAL PERMITS"

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I. PURPOSE OF THE EQUESTRIAN COMMITTEE

The Equestrian Committee was created in accordance with the provisions of Chapter 17.46 of the Rancho Palos Verdes Municipal Code. The nine (9) members of the Equestrian Committee are appointed by the City Council for 2-year terms of office. The purpose of the Equestrian Committee is stated in Municipal Code Section 17.46.070(A), to wit:

The purpose of the Equestrian Committee is to advise the Director, Planning Commission and City Council on technical matters pertaining to the implementation and enforcement of this chapter, to assist with the resolution of disputes regarding the keeping of large domestic animals, to discourage the boarding of more than four horses and other large domestic animals, and to consider Conditional Large Domestic Animal Permit applications in accordance with the terms and requirements of this chapter and the procedures described in Section 17.76.115 (Large Domestic Animal Permits) of this title.

In addition, the Rancho Palos Verdes City Council has adopted policies for the Equestrian Committee. These policies provide a broad framework within which the Committee may conduct its business. As an overall goal of the Committee in all matters before it, Equestrian Committee Policy No. 1 states that:

The Committee is established to preserve and maintain the high quality equestrian lifestyle and rustic environment found in the Equestrian Overlay Districts of the City for the enjoyment of all residents within these Districts.

Equestrian Committee Policy No. 2 reiterates the provisions of Municipal Code Section 17.46.070(A), stating that:

The purview of the Committee is governed by the Development Code, and therefore is limited to: 1) advising the Director, Planning Commission and City Council on technical matters pertaining to the implementation and enforcement of the Equestrian Overlay Chapter; 2) assisting with the resolution of disputes regarding the keeping of large domestic animals; 3) evaluating the appropriateness of boarding more than four large domestic animals; and 4) considering conditional large domestic animal permit applications in accordance with the terms and requirements of the Development Code.

II. AUTHORITY AND SCOPE OF THE EQUESTRIAN COMMITTEE

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In order to implement Municipal Code Section 17.46.070(A) and the Equestrian Committee policies contained within these guidelines, the City Council adopted the following charter on November 1, 2005:

It shall be within the authority of the Equestrian Committee to:

- 1. Advise the Director of Planning, Building, and Code Enforcement, the Planning Commission, and the City Council on technical matters pertaining to the implementation and enforcement of the Equestrian Overlay Districts in order to encourage the preservation of a semi-rural lifestyle in RPV,*
- 2. Assist with the resolution of disputes regarding the keeping of large domestic animals,*
- 3. In considering matters, balance the needs of equestrian and non-equestrian interests within the equestrian districts, and*
- 4. Consider conditional large domestic animal permit applications.*

Additionally, the City Council assigned the Equestrian Committee the following duties and responsibilities:

- 1. Advise on the preservation of the Equestrian Overlay Districts,*
- 2. Advise on the development and operation of the proposed Equestrian Park,*
- 3. Advise on equestrian trails, equestrian trail networks, and equestrian issues on multi-use trails within RPV,*
- 4. Advise on equestrian safety (especially road crossings),*
- 5. Advise on equestrian emergency and equestrian evacuation plans,*
- 6. Advise on equestrian open space issues,*
- 7. Conduct hearings to resolve disputes regarding the keeping of large domestic animals, and*
- 8. Conduct hearings for conditional large domestic animal permit applications.*

III. CONDITIONAL LARGE DOMESTIC ANIMAL PERMITS

The Development Code establishes two permits for the keeping of large domestic animals, which include horses, goats and sheep. Pursuant to Municipal Code Section 17.46.050, the Equestrian Committee has the authority to issue Conditional Large Domestic Animal Permits in compliance with the requirements of Municipal Code Section 17.76.115(B), which are discussed under Section A below. The only exception is for Conditional Large Domestic Animal Permits issued to non-profit 501(c)(3) corporations, for which the Equestrian Committee acts as an advisory body and the City Council is the decision-

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making body. Pursuant to Municipal Code Section 17.46.040, the Director has the authority to issue Large Domestic Animal Permits in compliance with the requirements of Municipal Code Section 17.76.115(A), which are discussed under Section B below and are appealable to the Equestrian Committee. Finally, the Equestrian Committee is empowered to suspend or revoke all permits for large domestic animals, as discussed under Section C below.

A. Conditional Large Domestic Animal Permits

Pursuant to Municipal Code Section 17.76.115(B)(1)(a), a Conditional Large Domestic Animal Permit is required for the keeping of large domestic animals on properties located within an Equestrian Overlay (Q) District under the following circumstances:

- i. The keeping of one to six large domestic animals on a vacant lot or parcel that is not contiguous to a developed lot or parcel that is under the same ownership or control as the vacant lot or parcel;**
- ii. The keeping or maintaining of more than six large domestic animals on any developed or vacant lot or parcel;**
- iii. The keeping of one or more cows on a vacant or developed lot or parcel;**
- iv. The operation of an equestrian facility or program by a registered non-profit 501(c)(3) corporation which provides a benefit to youth or the physically or mentally challenged or has a similar philanthropic purpose that is directly related to and advanced by the proposed equestrian program or facility; however the Equestrian Committee's action regarding such applications shall be advisory only, and the final action on such applications shall be taken by the City Council;**

Under this same Municipal Code Section, property owners may also request modifications to the physical structures and/or site configuration for the keeping of large domestic animals on properties located within an Equestrian Overlay (Q) District, to wit:

- v. Variations from the terms and requirements of Chapter 17.46 (Equestrian Overlay District) of this title by the keeper of the animals, including, but not limited to:**

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- (A) The minimum lot or parcel size required to maintain large domestic animals,**
- (B) The dimensions or locations of fences, enclosures, corrals, barns and other structures; except, that the thirty-five foot minimum setback to habitable structures set forth in Section 17.46.060(A)(1) of this title, cannot be reduced,**
- (C) The screening requirements, and**
- (D) The animal waste control requirements.**
- (E) For registered non-profit 501(c)(3) corporations only, the following additional variations may be requested:**
 - (1) An increase in the allowable number of animals to be kept or boarded on a lot or parcel, provided that the other requirements of this chapter are adhered to;**
 - (2) The operation of an active outdoor recreational facility or program which provides a benefit to youth or the physically or mentally challenged or has a similar philanthropic purpose, provided that it does not result in significant adverse effects upon other properties in the vicinity of the site; and,**
 - (3) Alternatives to the requirement for impermeable paving of off-street parking areas, provided they do not result in significant adverse effects upon drainage and/or soil stability.**

In addition, pursuant to Municipal Code Section 17.76.115(B)(1)(b), a Conditional Large Domestic Animal Permit is required for the keeping of one or more large domestic animals on properties which are not located within an Equestrian Overlay (Q) District.

Applications for Conditional Large Domestic Animal Permits will be submitted to Staff and presented to the Committee with a recommendation to approve, conditionally approve or deny the permit. In the case of applications by non-profit 501(c)(3) corporations, the recommendation will be to review the applications and forward a recommendation to the City Council. In order to approve an application for a Conditional Large Domestic Animal Permit, the Equestrian Committee must make all four (4) mandatory findings listed in Municipal Code Section 17.76.115(B)(3), to wit:

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- a. That no more than four large domestic animals will be boarded on any vacant or developed lot, or on any combination of contiguous parcels which are owned or under the control of the same individual(s). For purposes of this finding, “boarding” shall mean the keeping or maintaining of large domestic animals that are not owned by the owners or lessees of the lot or parcel on which the animals are being kept or maintained;**
- b. That the permit, if issued, will not be detrimental to the public health, safety or general welfare;**
- c. That the proposed site is adequate in size and shape to accommodate the proposed use without material detriment to the use, enjoyment or valuation of properties in the vicinity of the site; and**
- d. That the requested use is an appropriate use of the site.**

In order to recommend approval of an application by a non-profit 501(c)(3) corporation to the City Council, the Equestrian Committee must make all four (4) mandatory findings listed in Municipal Code Section 17.76.115(B)(3)(e), to wit:

- e. For non-profit equestrian facilities or programs, only the following four findings are required for approval:**
 - i. That the project applicant is a registered non-profit 501(c)(3) corporation;**
 - ii. That the permit, if issued, will not be detrimental to the public health, safety or general welfare;**
 - iii. That any increase in the number of animals that would otherwise be allowed by the provisions of Chapter 17.46 of this title to be kept or boarded on the property and/or the operation of an active outdoor recreational facility or program which provides a benefit to youth or the physically or mentally challenged or has a similar philanthropic purpose will not have significant adverse effects upon other properties in the vicinity of the site: and,**
 - iv. That the cumulative impact, should the requested permit be issued, upon the properties in the vicinity of the site or**

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the community as a whole, shall not, in the aggregate, constitute a significant adverse impact upon the area.

In addition to these findings, the Equestrian Committee shall also consider the consistency of the requested permit with Equestrian Committee Policy No. 6, which states:

When considering the adequacy of an animal keeping facility, the Committee shall ensure that the size and layout of the facility, the location of barns or corrals, the location of composting bins or material storage, and the height and type of fencing is appropriate for the site and compatible with surrounding residences.

To approve (or deny) an application for a Conditional Large Domestic Animal Permit, the Equestrian Committee shall adopt a resolution which includes a detailed description of the Committee's ability (or lack thereof), based upon the evidence presented to it, to make each of the four (4) required findings described above, and to determine the application's consistency with all applicable Equestrian Committee Policies. In addition to Policy No. 6, the City Council adopted two additional policies, which may apply to some applications for Conditional Large Domestic Animal Permits. Equestrian Committee Policy No. 4 states:

If warranted, the Committee may allow certain permit and regulation exceptions for animal keeping by registered non-profit 501(c)(3) organizations. Exceptions may include: 1) Allowing more than the allowable number of animals to be kept on a lot, provided the other requirements of the Equestrian Chapter are adhered to; or 2) Allowing the boarding and care of injured/abused animals or donated animals.

Equestrian Committee Policy No. 7 states:

In situations where new animal keeping facilities are proposed and are to be reviewed by the Committee, the Committee shall ensure that any existing coastal sage scrub habitat is preserved in accordance with the policies and requirements of the Palos Verdes Peninsula Natural Communities Conservation Plan (NCCP), as well as any applicable State and/or Federal laws.

If either of these policies is applicable to a specific application, the resolution adopted by the Committee must also address the application's consistency (or lack thereof) with these policies.

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The Committee may also impose or recommend the imposition of conditions on Conditional Large Domestic Animal Permits to ensure that animals will be maintained in accordance with the provisions of the Development Code. These conditions shall include, but are not limited to, an increase in the setbacks between animal keeping areas and adjacent residential structures, additional parking requirements, additional screening requirements and additional waste control requirements.

B. Appeals of Large Domestic Animal Permits

Pursuant to Municipal Code Section 17.76.115(A)(1), a Large Domestic Animal Permit is required for the keeping of large domestic animals on properties located within an Equestrian Overlay (Q) District under the following circumstances:

- a. The keeping of five to six large domestic animals on a developed lot or parcel;**
- b. The keeping of one to six large domestic animals on a vacant lot or parcel, which is contiguous to a developed lot, that is under the same ownership or control as the vacant lot, not to exceed a total of six large domestic animals per lot.**

Large Domestic Animal Permits are subject to review and approval by the Director. If appealed to the Equestrian Committee, the Committee shall conduct a public hearing to consider the appeal. The Committee shall render a decision, based upon the evidence in the record and the findings of fact specified in Municipal Code Section 17.76.115(A)(3) as drawn from that evidence, to approve, conditionally approve or deny the permit as appropriate.

C. Revocation of Permits for Large Domestic Animals

Pursuant to Municipal Code Section 17.86.060, all permits for the keeping of large domestic animals, whether issued by the Director or the Equestrian Committee, may be suspended or revoked if:

- A. The permit was issued erroneously; or**
- B. The permit was issued on the basis of incorrect or fraudulent information supplied by the applicant; or**

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- C. The permit was issued contrary to the provisions of the Municipal Code; or**
- D. The permit is being, or recently has been, exercised contrary to the terms or conditions of such permit.**

If a Large Domestic Animal Permit or Conditional Large Domestic Animal Permit is to be suspended or revoked by the Equestrian Committee, the Committee shall provide notice to the applicant and conduct a public hearing in compliance with the provisions of Chapters 17.80 "Hearing Notice and Appeal Procedures" and 17.86 "Enforcement" of the Development Code. To suspend or revoke a Large Domestic Animal Permit or a Conditional Large Domestic Animal Permit, the Equestrian Committee shall adopt a resolution, which includes a detailed description of the Committee's grounds for suspension or revocation of the permit, based upon the evidence in the record and the requirements of Municipal Code Section 17.86.080.

IV. CODE ENFORCEMENT

Both the Development Code and the Equestrian Committee Policies identify assistance in the resolution of equestrian-related code enforcement complaints and disputes as a primary responsibility of the Equestrian Committee. Municipal Code Sections 17.46.020, 17.46.030 and 17.46.060 describe (respectively) the number of large domestic animals permitted to be kept in Equestrian Overlay (Q) districts "by right," the maximum number of large domestic animals allowed to be boarded on a given property, and the development standards (i.e., setbacks, fencing requirements, etc.) for the keeping of large domestic animals.

Any violation of the provisions of the Development Code may be determined to be a public nuisance, which must be corrected through code enforcement. As a matter of policy, the City's code enforcement function is reactive rather than proactive; in other words, no action is taken to correct a possible violation unless the City receives a complaint. In most cases, a code enforcement complaint initiates a site inspection by Staff, followed by a series of steps (described in Municipal Code Section 8.24.080) which begins with a written notice to the alleged violator, and may culminate in the City taking legal action against a property owner who has failed to respond adequately in order to abate a demonstrated public nuisance.

In assigning a code enforcement role to the Equestrian Committee, the City Council intended for the Committee to assist in the resolution of disputes regarding the keeping of large domestic animals, and if necessary, to recommend the initiation of formal proceedings

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for the abatement of public nuisances related to the keeping of large domestic animals. The City Council envisioned that the Equestrian Committee would use the expertise of its members to help the residents of the City's Equestrian Overlay (Q) districts --both horse owners and non-horse owners-- resolve code enforcement issues and other disputes at a point prior to more formal code enforcement proceedings by Staff. To that end, code enforcement complaints regarding equestrian issues shall be addressed as follows:

A. Submittal of Complaint

1. Equestrian-related code enforcement complaints shall be handled anonymously as is done with all other code enforcement complaints.

B. Initial Site Investigation and First Notice

1. The City's Code Enforcement Officers shall conduct an initial site investigation, accompanied by a member of the Equestrian Committee. The purpose of this investigation is to verify the conditions at the site of the alleged violation (based upon the complainant's statement) and to make a preliminary assessment whether an actual code violation exists or not, utilizing both the Code Enforcement Officers' knowledge of City codes and the Equestrian Committee Members' familiarity with horse-keeping practices and issues.
 - a. When a complaint is received, Staff will contact the Committee Chair, who will assign him-/herself or another Committee Member to assist the Code Enforcement Officer on the initial site investigation.
 - i. In the event that the nature or location of the site of the complaint creates a conflict of interest for the Committee Chair, the Committee Vice Chair shall assume the duties described above.
 - b. Only one Committee Member will assist on the initial site investigation on each individual complaint or site.
 - c. Prior to arranging and during the initial site investigation, the Code Enforcement Officer and the Equestrian Committee Member shall make a reasonable effort to contact the property

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4. Code Enforcement Staff and the Committee Member who conducted the initial site investigation will re-inspect the property at the end of the specified compliance period, either with the permission of the property owner or subject to an inspection warrant as described above in Section IV.B.1.c.i.
 - a. If the violation has been corrected within the specified time period, the case will be closed.
 - b. If the violation has not been corrected within the specified time period, the case will be referred to the Equestrian Committee.
5. At all times while the code enforcement case is open, the confidentiality of the complainant shall be protected (if the complainant so desires).

C. Referral to the Equestrian Committee

1. The results of the initial site investigation and re-inspection will be presented to the Equestrian Committee on the first available agenda.
2. The Equestrian Committee will review the report of the initial site investigation and re-inspection, and may:
 - a. Provide specific direction for the correction of the violation(s) to the property owner at the Committee meeting;
 - b. Set a time limit for correction of the violation(s);
 - c. If desired, establish an *ad hoc* subcommittee to consult with the property owner and suggest additional methods to correct the violation(s). The subcommittee should consist of:
 - i. No more than two Committee members, one of whom is also the Committee Member who conducted the initial site investigation; and
 - ii. Committee members who do not live in the vicinity or the same 'Q' district as the subject property (if possible).

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3. The Code Enforcement Officers and/or the *ad hoc* subcommittee shall report the compliance of the violator (or lack thereof) to the Equestrian Committee Staff Liaison for presentation to the full Committee at the next Committee meeting (or a later date chosen by the Committee).
4. A follow-up report on the property owner's compliance with Equestrian Committee direction will be prepared and presented to the full Committee at a subsequent Committee meeting.
5. The Equestrian Committee will review the follow-up report, and will either:
 - a. Determine that the code violation has been corrected;
 - b. Grant a time extension to the property owner to correct the violation and report back to the Committee; or
 - c. Recommend the initiation of nuisance abatement through the Code Enforcement Division and the City Attorney's office.

D. Formal Nuisance Abatement Proceedings

1. To recommend the initiation of nuisance abatement proceedings through the Code Enforcement Division and the City Attorney's office, the Equestrian Committee shall adopt a resolution recommending this action to the City Council. The resolution shall include the required findings that:
 - a. The uses and/or structures on the subject property are not in compliance with the applicable Development Code provisions regarding the keeping of large domestic animals;
 - b. Violations of the Development Code are public nuisances, pursuant to Municipal Code Section 8.24.070; and
 - c. The Equestrian Committee recommends initiation of the procedures for the abatement of the public nuisance on the subject property, pursuant to Municipal Code Section 8.24.080.

E. Appeals

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1. Decisions of the Equestrian Committee are appealable to the City Council.

V. AMORTIZATION AND MONITORING OF NONCONFORMING BOARDING USES

The Development Code allowed for the submittal of nonconformity statements in order to "grandfather" equestrian uses and structures which existed as of February 1, 1997, but which were rendered nonconforming by the adoption of the revisions to the Equestrian Overlay (Q) District standards in May 1997. Pursuant to Municipal Code Section 17.46.080(C):

Except as provided below, the acceptance and verification of a written nonconformity statement by the Director shall permit the nonconforming condition to continue in perpetuity:

- 1. The boarding of five to eight large domestic animals on a lot or parcel or on any combination of contiguous lots or parcels which are owned or under the control of the same individual(s), shall be permitted to continue until the lot(s) or parcel(s) is/are sold or transferred, or until February 1, 2007, whichever time period is longer. For purposes of this section, change of ownership shall not include inter-spousal transfers in cases of divorce, transfers of property to the transferor's children or inheritance by a spouse or child.**
- 2. Nonconforming conditions involving the boarding of more than eight large domestic animals shall be discontinued within twelve months after the effective date of the ordinance codified in this title.**
- 3. The provisions of subparagraphs (1) and (2) of this subsection C shall not apply to any lot or parcel or combination of contiguous lots or parcels which are owned or under the control of the same individual where the boarding of five or more large domestic animals was being conducted lawfully on July 1, 1975. In such cases, the acceptance and verification of the written nonconformity statement by the director shall permit the nonconforming condition to continue in perpetuity.**

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In addition, Equestrian Committee Policy No. 5 states:

The Committee shall ensure that all legally grandfathered animal boarding uses, including the Portuguese Bend Pony Club and the Portuguese Bend Riding Club, are operated and maintained in a manner that is consistent with the City's animal keeping regulations, as well as any other applicable State and/or Federal regulations.

The nonconformity statements will be recorded against the subject properties so as to notify any future owner(s) of the restrictions placed upon the nonconforming equestrian uses and structures on these properties. Otherwise, amortization and monitoring of these nonconforming uses and structures shall be handled by the Equestrian Committee through the code enforcement procedures described above.

VI. TECHNICAL ASSISTANCE ON EQUESTRIAN MATTERS

The Development Code and Equestrian Committee Policies identify two major areas where the Equestrian Committee may be called upon to provide technical assistance on equestrian matters. The first of these is covered in Municipal Code Section 17.46.090, which describes the process for the expansion of existing or creation of new Equestrian Overlay (Q) Districts. Although the Planning Commission and City Council have primary authority over zone changes, the Equestrian Committee may review any request for new or modified 'Q' district boundaries in advisory capacity to the Planning Commission and City Council.

Second, Equestrian Committee Policy No. 3 states:

The Committee shall ensure that sanitation and drainage conditions on all animal keeping properties shall be in compliance with the Best Management Practices (BMP's) established by the City's National Pollutant Discharge Elimination System (NPDES) Guidelines. After getting the opportunity to review animal keeping situations, the Committee shall advise the Council as to what specific sanitation or drainage standards are needed for the City.

The Equestrian Committee may wish to consider recommending modifications to existing sanitation and drainage regulations to the City Council, in compliance with this policy.

Finally, the Equestrian Committee has the ability to initiate changes in the Development Code and/or the Equestrian Committee Policies. However, any such changes would be subject to the final approval of the City Council, and in the case of substantive changes to

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the Development Code (as defined in the State Government Code), review by the Planning Commission may also be required.

VII. COMMITTEE MEETINGS AND ATTENDANCE POLICY

The Equestrian Committee's regular meetings shall be held on the second Thursday of each calendar month at 7:00 PM. However, if the regular meeting falls upon a holiday, the meeting shall be held on the next succeeding day, which is not a holiday.

If a Committee Member is unable to attend a regular Committee meeting, he/she shall contact the Committee Chair and/or the Staff Liaison as far in advance of the meeting as possible to be excused from attendance at the upcoming meeting. An absence from a regular meeting without prior notification of the Committee Chair and/or Staff Liaison shall be deemed an unexcused absence, except in cases of emergency or other extenuating circumstances. The Equestrian Committee Staff Liaison can be reached at (310) 544-5228. Any Committee Member with three consecutive, unexcused absences may be subject to removal from the Committee by the City Council.