



Minutes

Horse Business Facilities Regulations Study Working Group

Tuesday, October 6, 2009 6:00-9:00 p.m.

Carter Lake Conference Room, 200 W Oak, 1st Floor

Refer to the attached attendance sheets for Working Group members and observers.

I. Housekeeping Items

a. Introduction of Observers

A sign-in sheet was circulated for observers.

b. Correspondence from Public

The Working Group reviewed the final tally of comments received from the two public meetings held in September (including mail-in comments received later.)

Several unresolved issues were identified in light of correspondence received from the public. These items should be resolved by the Working Group.

- Once approved, does that approval last indefinitely? Perhaps approvals should have an automatic renewal or re-review timeframe such that the County would verify that the business is still operating according to the parameters of their approval. Simpler review processes with more restrictive size limitations would have a shorter interval between verification visits (perhaps every 2-3 years), more rigorous reviews (like Special Review) would have longer intervals between verification visits or perhaps none at all.
- What does “existing business” mean? Is it the size the business is today, or the size it’s been historically, or the future size to which the business intends to grow?
- Do the restrictions on hours of operation apply to equestrian events?

c. Minutes from September 22 Meeting

No additions or corrections to the draft minutes were identified.

II. Finalize Recommended Definitions

- a. Equestrian Operation – lot versus parcel
- b. Horse Boarding or Boarded Horse
- c. Others

III. Finalize Formula Factors, Acreage Points & Point Ranges for Processes

IV. Finalize Use Descriptions Language, Section 4.3

The Working Group discussed the draft language and made changes as depicted in Attachment A. Some issues were resolved and some will require further dialogue. All language will have to be

finalized at the next meeting of the Working Group in order for the public meetings and hearings to occur as scheduled.

V. Finalize Transition Program Recommendations

No discussion of this item occurred due to time constraints.

VI. Review Recommendations Review and Hearing Process/Schedule

A copy of the Summary Schedule for completion of the study is included herein as Attachment B.

Next Meeting: Wednesday, October 21, 2009, 6:00-9:00 p.m., Lake Estes Conference Room, 3rd Floor

Topics: Review input received from Environmental Advisory Board

Review input received from County Commissioners/Planning Commissioners

Work Session

Prepare for Public Meetings

Attachment A

Consolidated Draft – Code Changes to Implement Working Group Recommendations (Red text signifies unresolved language)

0.0. GENERAL PROVISIONS

0.1. Definitions

[0.1.1. Words and terms defined.]

Words in this section have the following meanings when used in this code:

~~*Boarding stable.* A facility for the care and feeding of more than four horses for a fee.~~

Boarded Horse. A horse that for remuneration or a fee is kept and/or cared for by a party or entity other than its owner or leasee. A horse owned by the equestrian operation that is leased to another party but kept and/or cared for by the equestrian operation is considered to be a boarded horse.

Equestrian Operation. A facility or place used for boarding (including equestrian pasture boarding), equestrian events and/or activities for remuneration and/or fee. ~~Activities of an equestrian operation~~ **may include:** horse boarding, riding lessons, horse training, competitions and exhibition events.

Equestrian event. A gathering of horses and people for predetermined activities that are outside of the routine activities of the equestrian operation where the total number of people attending exceed 3 per acre.

Equestrian trainee visit. Each visit of an individual trainee to an equestrian operation for a training session such as a riding lesson or educational class that is offered for remuneration or a fee. If the trainee boards their horse at the equestrian operation, their visits for lessons do not constitute an equestrian trainee visit.

Equestrian pasture boarding. Leasing of pasture for the purposes of horse grazing, recreation, and turn-out where the same pasture area is made available to 2 or more horse owners. Equestrian pasture boarding is characterized by shared responsibility between the horse owner and the pasture owner for care of the horses; or the horse owner receives access to the pasture and other facilities for the riding and grooming of their horse(s) and/or storage of equestrian equipment and supplies.

Farm. Any parcel of land containing at least three acres used primarily for the commercial, soil-dependent cultivation of an agricultural crop, the facilities and storage necessary for the management of a commercial custom farming operation or the hauling of farm products, the

raising of fish, bees, plants or animals or the raising of livestock, including a horse breeding farm. This does not include feedyards, poultry farms, exotic animal farms or fur farms.

Horse Boarding. The activity of keeping and/or caring for horses that are owned by or leased to another party or entity.

Lesson horse. A horse that is owned by the equestrian operation and used for riding lessons and/or training.

~~Livery stable.~~ A stable where the general public may hire horses for riding.

Livestock. Cattle, horses, mules, burros, sheep, swine, llamas and goats, regardless of use, and any animals, except dogs and cats, that are used for working purposes on a farm or ranch and any other animal designated by the state agricultural commissioner, which animal is raised for food or fiber production. **No change**

Livestock animal veterinary clinic/hospital. A facility for the diagnosis, treatment and/or hospitalization of livestock. **No change**

~~Riding academy.~~ A facility for the care and/or boarding of horses where instruction in riding, jumping and showing is offered.

Riding stable. A facility where horses are harbored and the general public may, for a fee, hire horses for riding.

~~Stable.~~ A facility where horses are kept.

4.1. ZONING DISTRICTS

- A. The purpose of zoning districts is to implement the Larimer County Master Plan, promote compatible land use patterns and establish standards appropriate for each zoning district.
- B. Uses followed by an (R) are allowed by right but they may be subject to Section 6 (site plan review) and all other requirements of this code.
- C. Uses followed by an (AR) are permitted by administrative review as outlined in section 4.3 (use descriptions).
- D. Uses followed by an (MS) require approval through the minor special review process.
- E. Uses followed by an (S) require approval through the special review process described in section 4.5.
- F. Uses followed by a combination of (R/AR/MS/S) may be allowed by right or require approval based on thresholds in section 4.3 (use descriptions).
- G. Uses followed by an (L) require review through the location and extent review process described in section 13.0.
- H. Use descriptions in section 4.3 contain conditions that apply to certain uses.
- I. The number of dwelling units allowed on a site is based on the presumption that all other applicable standards will be met. The maximum density established for a zoning district is not a guarantee that such densities may be obtained, nor a valid justification for varying other dimensional or development standards.

4.1.1. FA-Farming. (Zoning example, no change to zoning districts that allow “horse facilities” is proposed.)

A. Principal uses:

Agricultural.

1. Farm (R)
2. Sod farm, nursery (R)
3. Tree farm (R)
4. Greenhouse (R)
5. Garden supply center (S)
6. Commercial poultry farm (S)
7. Feedyard (S)
- ~~8. Boarding stable (S)~~
8. Equestrian Operation (R/AR/MS/S)
9. Pet animal facility (MS/S)--See section 4.3
10. Fur farm (S)
11. Agricultural labor housing (S)
12. Packing facility (R)
13. Pet animal veterinary clinic/hospital (MS/S)--See section 4.3
14. Livestock veterinary clinic/hospital (MS/S)--See section 4.3
15. Apiary (R)

Residential (use list not shown here)

Institutional (use list not shown here)

Recreational

32. Golf course (S)
33. Country club (S)
- ~~34. Riding academy (S)~~

35. Public park, playground (L)

36. Trail/trail head (L)

Accommodation (use list not shown here)

Industrial (use list not shown here)

Utilities (use list not shown here)

B. Lot, building and structure requirements:

1. Minimum lot size:

a. 100,000 square feet (2.3 acres) if a well or septic system is used.

b. 21,780 square feet (0.5 acre) if both public water and sewer are used.

c. Maximum density in a conservation development is calculated by dividing the total developable area by the required minimum lot size. Maximum density in a rural land plan is determined by subsection 5.8.6.A. Lots in a conservation development or rural land plan that use a well or an individual septic system must contain at least two acres (87,120 square feet). Lots in a conservation development or rural land plan connected to public water and either a public sewer or community sewer system are not required to meet minimum lot size requirements (except for the purpose of calculating density).

2. Minimum required setbacks: (If more than one setback applies, the greater setback is required.)

a. Street and road setback (Refer to section 4.9.1 setbacks from highways, county roads, and all other streets and roads.) The setback from a street or road must be 25 feet from the lot line, nearest edge of the road easement, nearest edge of right-of-way, or nearest edge of traveled way, whichever is greater.

b. Side yards--Five feet.

c. Rear yards--Ten feet.

d. Refer to section 4.9.2 for additional setback requirements (including but not limited to streams, creeks and rivers).

3. Maximum structure height--40 feet.

4. No parcel can be used for more than one principal building; additional buildings on a parcel are allowed if they meet the accessory use criteria in subsection 4.3.10.

4.3. USE DESCRIPTIONS AND CONDITIONS

4.3.1. Agricultural uses.

A. *Farm.* Any parcel of land containing at least three acres used primarily for the commercial, soil-dependent cultivation of an agricultural crop, the facilities and storage necessary for the management of a commercial custom farming operation or the hauling of farm products, the raising of fish, bees, plants or animals or the raising of livestock including horses for breeding. This does not include feedyards, poultry farms, exotic animal farms or fur farms.

~~G. *Boarding stable.* A facility for the care and feeding of more than four horses for a fee.~~

G. Equestrian Operation. A facility or place used for boarding (including equestrian pasture boarding), equestrian events and/or activities for remuneration and/or fee. Activities of an equestrian operation may include: horse boarding, riding lessons, horse training, competitions and exhibition events.

Equestrian operations are allowed by administrative review, by minor special review and by special review as detailed in the formula and chart below:

Criteria	Number		Factor		Sub-total
Number of Horses Boarded or Kept for Training		X	1.0	=	
Number of Lesson Horses		X	0.5	=	
Number of Weekly Equestrian Trainee Visits		X	0.5	=	
Number of Equestrian Events Annually		X	1.0	=	
Points associated with the size of the property the business occupies*		X	1.0	=	
**Total Points					
*Size of the Property			*Points		
Less than 5 acres			10		
At least 5 acres but less than 10 acres			8		
At least 10 acres but less than 35 acres			5		
35 acres or more			0		
For Each additional 35 acres subtract 2 points					
**Total Points	Use allowed as follows:				
14.0 or less	By Right See item b. below.				
14.5 - 35.0	Administrative Review and approval required. See item c. below.				
35.5 - 50.0	Minor Special Review and approval required. See item d. below.				
50.5 or more	Special Review and approval required. See item e. below.				

- a. A single-family dwelling is allowed as an accessory building.
- b. An equestrian operation with 14.0 points or less as determined from the above formula is allowed by right with the following operation criteria and requirements:
 1. Larimer County has a Right to Farm and Ranch policy which states, in part, that Colorado is a "Right-to-Farm" State pursuant to C.R.S 35-3.5-101, et seq. Landowners, residents and visitors must be prepared to accept the activities, sights, sounds, and smells of Larimer County's agricultural operations as a normal and necessary aspect of living in a County with a strong rural character and a healthy agricultural sector. Those with an urban sensitivity may perceive such activities, sights, sounds, and smells only as inconvenience, eyesore, noise, and odor. However, State law and County policy provide that ranching, farming, or other agricultural activities and operations within Larimer County shall not be considered to be nuisances so long as operated in conformance with the law and in a non-negligent manner.
 2. Noise, fumes, dust, odors, vibration or light generated as a result of the equestrian operation will, at the property line, be below the volume, frequency, or intensity such that they do not unreasonably interfere with the enjoyment of life, quiet, comfort or outdoor recreation of an individual of ordinary sensitivity and habits.
 3. If the number of horses on the property exceeds 2 per acre, Minor Special Review is required.
 4. All applicable land use, health, and building codes must be met. Includes legal rights to water and access for equestrian operation use.
 5. The owner of the equestrian operation **must** complete and sign an Equestrian Operation Registration Certificate prior to operation.
- c. The planning director is hereby authorized to approve administrative review of an equestrian operation with 35.0 points or less as determined from the above formula, provided the following criteria are met. The administrative review will follow procedures as outlined in Section 12.2.2.
 1. Larimer County has a Right to Farm and Ranch policy which states, in part, that Colorado is a "Right-to-Farm" State pursuant to C.R.S 35-3.5-101, et seq. Landowners, residents and visitors must be prepared to accept the activities, sights, sounds, and smells of Larimer County's agricultural operations as a normal and necessary aspect of living in a County with a strong rural character and a healthy agricultural sector. Those with an urban sensitivity may perceive such activities, sights, sounds, and smells only as inconvenience, eyesore, noise, and odor. However, State law and County policy provide that ranching, farming, or other agricultural activities and operations within Larimer County shall not be considered to be nuisances so long as operated in conformance with the law and in a non-negligent manner.
 2. Noise, fumes, dust, odors, vibration or light generated as a result of the equestrian operation will, at the property line, be below the volume, frequency, or intensity such that they do not unreasonably interfere with the enjoyment of life, quiet, comfort or outdoor recreation of an individual of ordinary sensitivity and habits.

3. If the number of horses on the property exceeds 2 per acre, Minor Special Review is required.
 4. All applicable land use, health, and building codes must be met. **Includes legal rights to water and access for equestrian operation use.**
 5. The routine hours of operation open to the public are limited to the hours between 6:00 am and 10:00 pm.
 6. Safe and adequate access and adequate on-site parking have been approved by the county engineer.
 7. Adequate sanitation facilities have been approved by the county health department.
 8. Lighting for the operation must comply with the requirements of Section 8.15.4. Development lighting design standards.
 9. A Resource Stewardship Plan, including chapters on air quality, water quality, soil erosion, plants, manure and dust management, storm water management, wetlands protection, pest and noxious weed management, is recommended but not required.
- d. Minor special review is required for any equestrian operation with between 35.5-50.0 points as determined from the above formula. The following criteria and requirements shall apply:
1. Resource Stewardship Plan is required and shall include chapters on air quality, water quality, soil erosion, plants, manure and dust management, storm water management, wetlands protection, pest and noxious weed management.
 2. Routine hours of operation open to the public shall be defined as part of the review process.
 3. All ancillary buildings must be used consistently with the permitted use specified in the building permit application; and

The following standards will need to be addressed with an amendment to Section 8 (to be completed at a later date):

1. Must have legal rights to water supply (Section 8.15.4)
2. Must not allow light trespass onto neighboring properties (Section 8.15.4)
3. Road capacity of roadways providing access to property is adequate (Section 8.1.5)
4. Business has legal rights to property access for business purposes
5. Off-road parking standards (Section 8.6, edited to make it more appropriate for horse businesses and specifically dealing with provisions for adequate parking but not requiring parking areas to be paved)
6. Emergency services access and fire protection (Section 8.1.4)

- e. Special review is required for any equestrian operation with 50.5 or more points as determined from the above formula. The following criteria and requirements shall apply:
1. Resource Stewardship Plan is required and shall include chapters on air quality, water quality, soil erosion, plants, manure and dust management, storm water management, wetlands protection, pest and noxious weed management; and
 2. Routine hours of operation open to the public shall be defined as part of the review process.
 3. All ancillary buildings must be used consistently with the permitted use specified in the building permit application; and

The following standards will need to be addressed with an amendment to Section 8 (to be completed at a later date):

1. Must have legal rights to water supply (Section 8.15.4)
2. Must not allow light trespass onto neighboring properties (Section 8.15.4)
3. Road capacity of roadways providing access to property is adequate (Section 8.1.5)
4. Business has legal rights to property access for business purposes
5. Off-road parking standards (Section 8.6, edited to make it more appropriate for horse businesses and specifically dealing with provisions for adequate parking but not requiring parking areas to be paved)
6. Emergency services access and fire protection (Section 8.1.4)

4.3.5. Recreational uses.

C. *Riding stable.* **(No change)** A facility where horses are harbored and the general public may, for a fee, hire horses for riding.

1. A riding stable in the T-Tourist zoning district must locate all buildings, corrals, and storage areas for odor and dust-producing substances at least 250 feet from the centerline of all rights-of-way and at least 200 feet from all property lines.

~~E. *Riding academy.* A facility for the care and/or boarding of horses where instruction in riding, jumping and showing is offered.~~

12.0. COMMON PROCEDURES FOR DEVELOPMENT REVIEW

Add a new Section 12.2.2. Administrative Review as follows:

12.2.2. Administrative review.

Applications for uses requiring administrative review must comply with the applicable sections of the Code as outlined in Section 4.3 and Section 16. The planning director will make a decision to approve or deny within 45 days of submittal and inform the applicant of said decision. Any decision to deny a request for administrative review approval must be in writing and include specific reasons for the action. The planning director's decision can be appealed by the applicant within 30 days to the board of county commissioners. The fee for administrative review will be collected when the application is submitted. All applications for administrative review require a pre-application conference as described in subsection 12.2.2, development review procedures (still needs to be developed).

Renumber the remainder of the section

Other issues raised during study process but not addressed in these potential code amendments:

Equestrian Rehabilitation facility

Equestrian Research facility

Site Plan Review – exception so that it does not apply to Equestrian Operations.

Attachment B

Larimer County Horse Business Facilities Regulations Study

Summary of Schedule to End of Year

Date	Event	Purpose/Agenda
September 22	Working Group Meeting	<ul style="list-style-type: none"> • Analyze public input received • Agree on all four parts of recommendation: definitions, scalable system, standards, transition program
October 6	Working Group Meeting	<ul style="list-style-type: none"> • Review draft code language (as prepared by staff) • Agree on as much as possible
October 13	Environmental Advisory Board (EAB)	Seek input/feedback from EAB. Will become part of the staff report for the formal hearing process.
October 14	County Commissioners and Planning Commissioners (BCC/PC) work session	<ul style="list-style-type: none"> • Present the draft language • Seek input/feedback
October 21	Working Group Meeting	<ul style="list-style-type: none"> • Consider input/feedback from BCC/PC • Finalize all language and recommendations
October 27	Agricultural Advisory Board	Seek input/feedback from AAB. Will become part of the staff report for the formal hearing process.
Oct 29 & Nov 3	Public meetings	<ul style="list-style-type: none"> • Describe the transition program recommendations • Present recommendation and explain reasoning behind it
Oct 30	Final code language must be available for publishing	Satisfaction of legal noticing requirements for proposed code revisions
November 4	Staff report due	Documentation of study process, public input and Working Group recommendation for consideration at Planning Commission Hearing
November 4	County Commissioners and Planning Commissioners (BCC/PC) work session	<ul style="list-style-type: none"> • Report on public meetings • Verify comfort in beginning formal hearings and discuss conduct of hearings
November 18	Hearing at Planning Commission	Take public input and form Planning Commission recommendation to Board of County Commissioners
December 14	Hearing at Board of County Commissioners	Take public input, consider all recommendations and take action on proposed changes