



Request for Comments

Case Name:	DeShazer Horse Boarding Facility
Case Number:	RCU2019-00009

February 19, 2019

Adams County Planning Commission and Board of County Commissioners are requesting comments on the following:

Conditional Use Permit to allow a commercial equestrian boarding facility in the A-3 zone district.

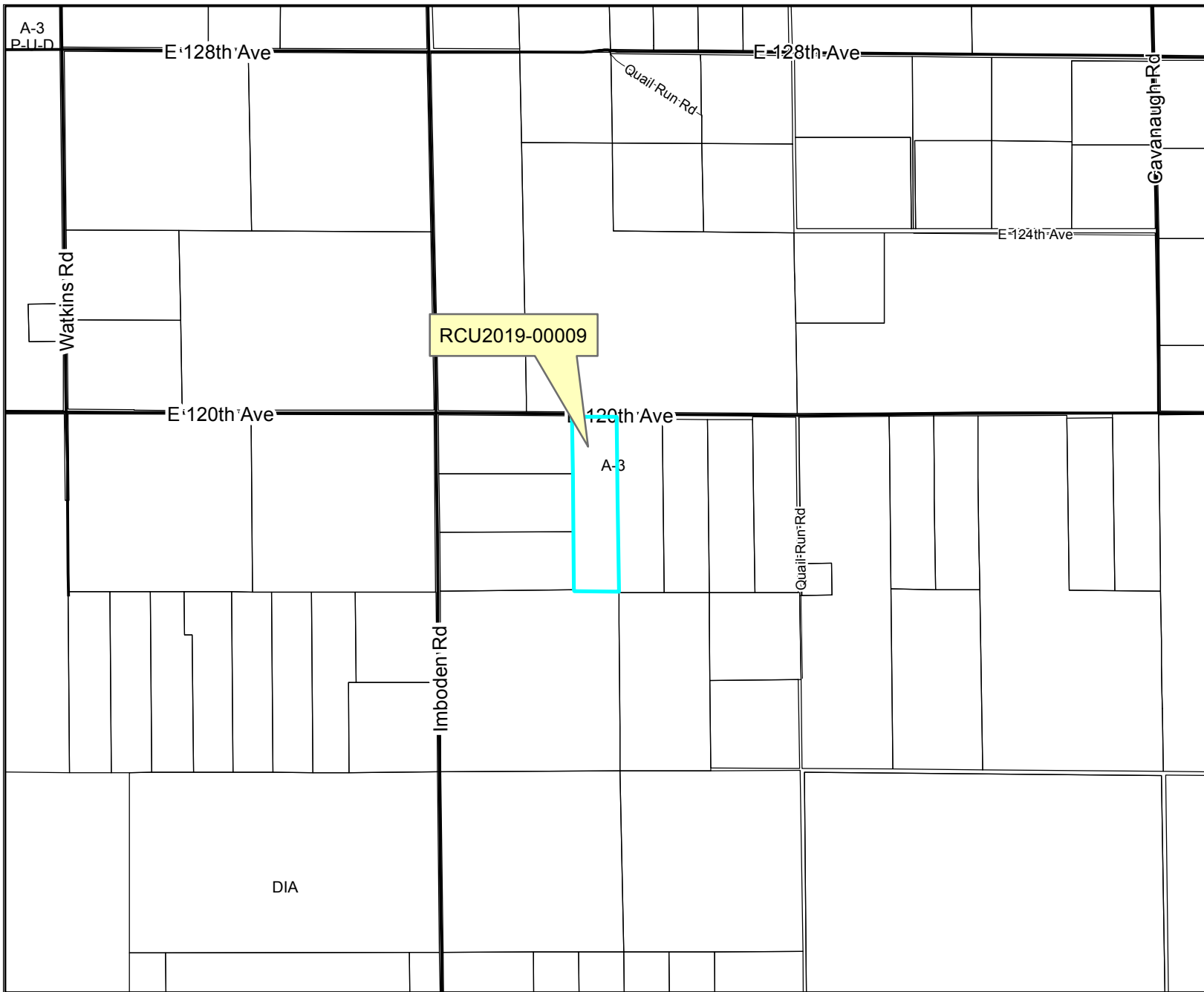
This request is located at **35100 E 120TH AVE**
The Assessor's Parcel Numbers is **0172700000203**
Applicant Information **CHARLES H DESHAZER**
35100 E 120TH AVE
HUDSON, CO 80642

Please forward any written comments on this application to the Department of Community and Economic Development at 4430 South Adams County Parkway, Suite W2000A Brighton, CO 80601-8216 by **March 12, 2019** in order that your comments may be taken into consideration in the review of this case. If you would like your comments included verbatim please send your response by way of e-mail to ltart-schoenfelder@adcogov.org. you may also call the case manager at (720) 523-6858.

Once comments have been received and the staff report written, the staff report and notice of public hearing dates will be forwarded to you for your information. The full text of the proposed request and additional colored maps can be obtained by contacting this office or by accessing the Adams County web site at www.adcogov.org/planning/currentcases.

Thank you for your review of this case.

Libby Tart, AICP
Case Manager



Legend

- Railroad
 - Major Water
 - Zoning Line
 - Sections
- Zoning Districts**
- A-1
 - A-2
 - A-3
 - R-E
 - R-1-A
 - R-1-C
 - R-2
 - R-3
 - R-4
 - M-H
 - C-0
 - C-1
 - C-2
 - C-3
 - C-4
 - C-5
 - I-1
 - I-2
 - I-3
 - CO
 - PL
 - AV
 - DIA
 - P-U-D
 - P-U-D(P)

RCU2019-00009

DeShazer Horse Boarding Facility



For display purposes only.



This map is made possible by the Adams County GIS group, which assumes no responsibility for its accuracy

Written Explanation of the Project
DeShazer Boarding Facility

I. Background

Charles DeShazer (the “Applicant”) owns and lives on a 39-acre lot at 35100 E. 120th Ave, Hudson, Colorado, 80642 (the “Property”). The Property, which is east of the corner of 120th and Tower Road, is zoned A-3 and is surrounded by A-3-zoned properties. To help him with certain agricultural uses on the property, Mr. DeShazer took on a farm laborer tenant, and this tenant is living in a detached house on the Property. This second dwelling unit on the same lot is not permissible without a Conditional Use Permit (“CUP”), and Mr. DeShazer has applied for such a permit to allow the second dwelling (RCU2018-00031, Farm House) and to bring it into compliance with the Adams County Development Standards and Regulations (the “ACDSR”).

In discussions with County staff about the agricultural plan for the Property, Mr. DeShazer offered that part of such plan would involve the boarding of horses owned by third parties in exchange for a fee. Staff determined that horse boarding is most closely described in the ACDSR as “riding stable or academy,” which is defined as “any establishment where horses are kept for riding, driving, or stabling for compensation, or as an accessory use in the operation of a club, association, ranch, or similar establishment” (ACDSR Chapter 11, “Definitions,” 11-02-460). Per the Use Chart in Chapter 3 of the ACDSR (page 3-12), a “riding stable or academy” is a Conditional Use in the A-3 zone district. Therefore, for Mr. DeShazer to be permitted to board horses as part of the agricultural operations on the Property, he would have to be approved for a separate CUP to allow the “riding stable or academy” use.

II. Condition Use Permit Requirements, Summary of the Application, and Approval Criteria

This is an application for a conditional use permit to allow Mr. DeShazer to establish a “riding stable or academy” use, so that he can board horses as part of the agricultural operations on the Property (the “Application”). **A CUP is required** for any use identified as a conditional use within a zone district (ACDSR 2-02(2)(a)). The proposed use is so identified in the applicable A-3 district.

The **Summary of the Application** as follows: Mr. DeShazer is proposing to board up to eight horses at a time on the Property. To support the use, he proposes to construct two horse shelters that would each be 12’ wide by 6’ deep, open on one side and 8’ high at the peak of the roofline. These would each contain four stalls. He proposes to construct a hay shed that would be 24’ wide by 9’ deep, open on one side and 12’ high at the peak of the roofline. And Mr. DeShazer would construct three fences to support four 20’ x 80’ horse runs, as well as a fenced 20’ diameter round pen, and a fenced 100’ by 200’ oval arena area, all of which would be open to the sky.

As part of this Application, there is included a site plan that indicates where all proposed horse facilities are planned to be located. There are drawings showing the elevations/heights of proposed horse facilities. The bathroom plan for horse owners is to allow them to use the facilities in the primary dwelling unit on an as-needed basis; it is not anticipated that the demand for bathrooms will be great. The hours of operation (when horse owners would be allowed on Property) would be from 7AM to 7PM. The manure management plan is to use a manure spreader

Checklist No. 3

and distribute the manure evenly across the fields on the Property, thus providing natural fertilizer for the grasses growing thereon.

The types of activities proposed do not involve riding lessons, horse camps, outside trainers, rodeos, or horse shows. Rather, horse owners will be allowed to board their horses and to use the runs, round pen, and outdoor arena while on the Property. No organized activities are planned.

The parking and traffic plan involved the creation of a flat, unpaved parking area as shown on the site plan adjacent to the hay shed. Horse owners will enter and exit in their vehicles via the same driveway that serves the existing structures on the Property. This driveway, as well as the extension that would serve the parking area, will be constructed to meet the requirements of the Bennett-Watkins Fire Rescue district.

The farm laborer tenant's role in the horse boarding operation would be to take care of feeding the horses each morning and three evening per week; daily horse pen clean-up; manure spreading; and maintenance of the arena and round pen, including inspection of railings and tilling of the ground. These duties are in addition to those for which he is already responsible, which include mowing, caring for animals, fencing and repairing fencing, equipment upkeep and repair, planting, watering, harvesting, and maintenance of equipment and fencing.

Section 2-02-08-06 of the ACDSR provides the **Criteria for CUP approval**. Mr. DeShazer believes that this application meets the approval criteria. The criteria and his responses to each are below:

1. The conditional use is permitted in the applicable zone district.

Applicant's Response: The use "riding stable or academy," a definition which encompasses the Applicant's proposed horse boarding use, is allowed as a Conditional Use in the A-3 zone district.

2. The conditional use is consistent with the purposes of these standards and regulations.

Applicant's Response: "Conditional uses are those uses which are presumptively compatible with other land uses authorized or permitted in a zone district, but, if approved, which require more discretionary review than those uses which are authorized" (ACDSR 2-02-08-01, "Purpose"). A horse boarding use is compatible with the A-3 zone district. "The purpose of the Agricultural-3 District is to provide land primarily in holdings of at least thirty-five (35) acres for dryland or irrigated farming, pasturage, or other related food production uses" (ACDSR 3-10-01). The Oxford English Dictionary defines "pasturage" as "[t]he occupation or process of pasturing cattle, sheep, or other grazing animals" (<https://en.oxforddictionaries.com/definition/pasturage>). Keeping horses is a farming and pasturage use, and it is therefore consistent with the purposes of the ADCSR.

3. The conditional use will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.

Checklist No. 3

Applicant's Response: There is no Performance Standard for the maximum number of horses that can be kept on a lot 35 acres or greater in the A-3 district (ACDSR Table 4-22-01-1, "Animal Densities and Uses"). The ACDSR provides that "[t]he numbers of animals on property over 35 acres in size shall not be regulated, unless the definition of a Livestock and/or Poultry Confinement Operation is met" (footnote 1 to ACDSR Table 4-22-01-1). Even if the horse boarding use is considered to meet the definition of "livestock" (ACDSR 11-02-305 LIVESTOCK AND POULTRY "Domestic animals of types customarily raised or kept on farms or ranches for profit or other productive purposes"), horse density on lots greater than 35 acres is not regulated. In fact, horse density in the more closely regulated RE (Residential Estate) zone district for lots greater than 35 acres is two horses per acre (ACDSR Table 4-22-01-1), which would allow the applicant to keep 78 horses on his 39 acres. He is only proposing to board eight horses at the maximum.

There is no set of Performance Standards specifically applicable to the "riding stable or academy" use. The Application shall nonetheless meet the Design Requirements and Performance Standards prescribed in Chapter 4 of the ACDSR. The Application shall be in compliance with standards involving Fencing and Walls; Parking; Signage; Landscaping; Weeds and Offending Vegetation; Site Design Considerations; Operational Standards; Off-Road Utility, Dumpster, Recycling, and Trash Handling Facilities; and Off-Premise Signs (as required in ACDSR 4-06, "Agricultural Uses Performance Standards"), to the extent that such standards are applicable.

4. The conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. In making this determination, the Planning Commission and the Board of County Commissioners shall find, at a minimum, that the conditional use will not result in excessive traffic generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, or inappropriate hours of operation.

Applicant's Response: The proposed use would involve the boarding of a maximum of eight horses at a time. The number of horse owners served by the boarding facility, considering the unlikelihood of a single horse having multiple owners and the likelihood of a single owner having multiple horses, ought to be small. Horse boarding and pasturing is very much within the agricultural character of the neighborhood and will not create unseemly noise, dust, odor, or other impacts that will be an undue burden on the welfare of area inhabitants. The use will not result in excessive traffic generation, and the hours of operation, which are from 7AM to 7PM, are not inappropriate.

The Adams County Comprehensive Plan provides that "[a]gricultural activities are the single largest land use throughout the County, accounting for more than three quarters of the land area" (p. 2). The Plan aims to protect the County's natural resources by preserving agricultural lands (see p. 12) and contains numerous statements, Policies, and Strategies that support the approval of the requested CUP, including but not limited to:

Checklist No. 3

- Strategy 9.3.c. Rural Character Preservation
- Policy 9.5: Provide a Variety of Recreation Opportunities
- Policy 10.1: Conserve High Quality Agricultural Lands
- Strategy 10.1.c. Compatible Uses
- Strategies 17.2.c. and 17.4.c. Agricultural Uses
- Strategy 17.3.a. Densities

5. The conditional use permit has addressed all off-site impacts.

Applicant's Response: The Applicant does not believe that the proposed horse boarding use creates enough vehicular trips, noise, odor, or other impact to trigger the need to mitigate off-site impacts.

6. The site is suitable for the conditional use including adequate usable space, adequate access, and absence of environmental constraints.

Applicant's Response: The site is open, traditionally agricultural, and surrounded by other agriculturally-zoned land and agricultural uses. At 39 acres in size, it is large enough to provide all the usable space needed to board eight horses. The primary dwelling is over 550 feet from the road, and it is only about a quarter of the way to the rear property line. The horse facilities are planned to be located behind the existing buildings on the Property and will be somewhat screened from the public right-of-way. There are no geological hazards, steep slopes, springs, or other environmental constraints that would make the Property unsuitable for the proposed conditional use.

7. The site plan for the proposed conditional use will provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting.

Applicant's Response: The site plan allows for the shared use of the driveway for the residences and the horse facility, and it clusters the residential and horse boarding uses so as to preserve the majority of the Property in open space, available for grazing and crop production. The parking and circulation are functional, compact, adequate, and will be constructed to the requirements of the fire district. Due to the limited intensity of the proposed use, the Applicant is not proposing additional fencing, screening, landscaping, signage, or lighting.

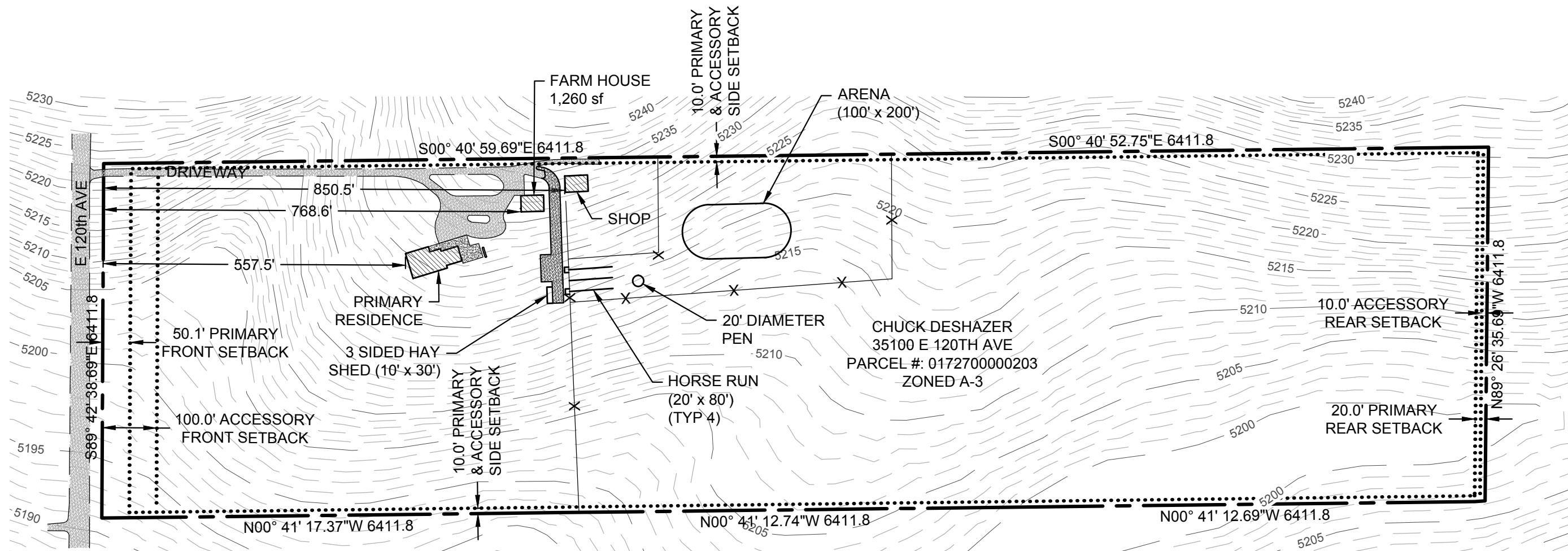
8. Sewer, water, storm water drainage, fire protection, police protection, and roads are to be available and adequate to serve the needs of the conditional use as designed and proposed.

Applicant's Response: The Property is served by well and septic, which provide adequate water and sanitation service for the current and proposed uses. Storm water drainage, fire protection, police protection, and roads are to be available and adequate to serve the needs of the conditional use as designed and proposed.

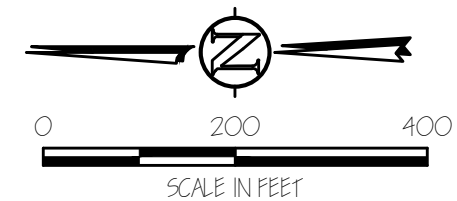
III. Conclusion

As the foregoing criteria analysis demonstrates below, the Application meets or can be conditioned and constructed to meet the Criteria for CUP approval found in ACDSR 2-02-08-06. The proposed additional horse boarding use represents a significant supplement to the agricultural activities described in this proposal's sister application (RCU2018-00031, Farm House). Horse boarding is complementary to the character of the neighborhood and will allow Mr. DeShazer to continue to pursue traditional agricultural uses on his lot, benefiting the County by helping to realize the goals of its Comprehensive Plan related to agricultural preservation. By providing additional tasks for the farm laborer tenant, the proposed use also supports the goals related to employment and affordable housing. The Applicant therefore requests that the County approve this CUP application.

Checklist No. 4








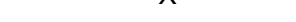

OVERALL SITE PLAN




GENERAL NOTES:

1. SHOWN PROPERTY LINES FROM ADAM COUNTY GIS DATA DOWNLOAD.
2. SHOWN CONTOURS FROM THE NATIONAL MAP 10m DEM DOWNLOAD.

LEGEND

-  GRAVEL
-  CONCRETE
-  PROPERTY LINE
-  BUILDING SETBACK
-  EXISTING FENCE LINE
-  MAJOR CONTOUR (5')
-  MINOR CONTOUR (1')

 <p>M² CAD SERVICES P.O. BOX 144 MERINO, CO 80741</p>	<p>OVERALL SITE PLAN DESHAZER FARM HOUSE 35100 E 120th AVE ADAMS COUNTY, COLORADO</p>	
	<p>PREPARED FOR: CHARLES DESHAZER 35100 E 120th AVE HUDSON, CO 80642 (303) 655-9276</p>	<p>DATE: 11/15/18 DRAWN BY: MFK CK'D BY: MFK</p>
<p>811 Know what's below. Call before you dig.</p>		<p>SHEET 1 of 4</p>

FORM NC
CVS-32
11/90

PUMP INSTALLATION AND TEST REPORT
STATE OF COLORADO, OFFICE OF THE STATE ENGINEER

For Office Use only

RECEIVED

AUG 03 1998

WATER RESOURCES
STATE ENGINEER
COLO.

1. WELL PERMIT NUMBER 210963

2. OWNER NAME(S) Margaret J. DeShazer
Mailing Address 35100 E. 120th. Ave.
City, St. Zip Hudson, CO. 80642
Phone (303) 599-6324

3. WELL LOCATION AS DRILLED: SE 1/4 NW 1/4, Sec. 5 Twp. 2 S, Range 64 W
DISTANCES FROM SEC. LINES:
700 ft. from North Sec. line. and 2550 ft. from West Sec. line.
(north or south) (east or west)
SUBDIVISION: LOT 1 BLOCK FILING(UNIT)
STREET ADDRESS AT WELL LOCATION: 35100 E. 120th. Ave., Hudson, CO. 80642

4. PUMP DATA: Type Submersible Installation Completed 7/22/98
Pump Manufacturer Gould Pump Model No. 10GS15412
Design GPM 10 at RPM 3450, HP 1 1/2, Volts 230, Full Load Amps 11.2
Pump Intake Depth 368 Feet, Drop/Column Pipe Size 1 1/2 Inches, Kind PVC w/brass

ADDITIONAL INFORMATION FOR PUMPS GREATER THAT 50 GPM:
TURBINE DRIVER TYPE: Electric Engine Other
Design Head feet, Number of Stages , Shaft size inches.

5. OTHER EQUIPMENT:
Airline Installed Yes No, Orifice Depth ft. . Monitor Tube Installed Yes No, Depth ft.
Flow Meter Mfg. Meter Serial No.
Meter Readout Gallons, Thousand Gallons, Acre feet, Beginning Reading

6. TEST DATA: Check box if Test data is submitted on Supplemental Form.

	Date	7/22/98	7/22/98	7/22/98	7/22/98
Total Well Depth	460'	10:00am	11:00am	12:00N	1:00pm
Static Level	97'	Rate (GPM)	15.0	14.5	14.3
Date Measured	7/22/98	Pumping Lvl.	97'	207'	247'
					260'

7. DISINFECTION: Type HTH Granular Amt. Used 20 oz.

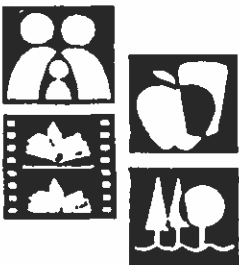
8. Water Quality analysis available. Yes No

9. Remarks

10. I have read the statements made herein and know the contents thereof, and that they are true to my knowledge [Pursuant to Section 24-4-104 (13)(a) C.R.S., the making of false statements herein constitutes perjury in the second degree and is punishable as a class 1 misdemeanor.]

CONTRACTOR K.K. Pump Systems, Inc. Phone (303) 637-9977 Lic. No. 1194
Mailing Address P.O. Box 430, Henderson, Co. 80640

Name/Title (Please type or print) <u>Kirk Kirby, Pres.</u>	Signature <u>Kirk Kirby</u>	Date <u>7/31/98</u>
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Tri-County Health Department

Serving Adams, Arapahoe and Douglas Counties

Chris J. Want, M.P.H., Ph.D.
Executive Director

ENVIRONMENTAL HEALTH DIVISION

PERMIT NO. 00027916-1

PERMIT TO CONSTRUCT AN INDIVIDUAL SEWAGE DISPOSAL SYSTEM

OWNER: MARGARET DESHAZER

LOCATION: 35100 EAST 120TH AVENUE, NE $\frac{1}{4}$ of E $\frac{1}{2}$ OF E $\frac{1}{2}$ OF NW $\frac{1}{4}$,
SECTION 5, T2S, R64W, ADAMS COUNTY, COLORADO

COMPOSED OF MINIMUM 1,000 GALLON SEPTIC TANK AND MINIMUM
ABSORPTION DISPOSAL AREA OF 975 SQUARE FOOT BED OR 750 SQUARE FOOT
TRENCH. *INSTALL AT A DEPTH OF 36" OR AS CLOSE AS POSSIBLE.

A PERMIT TO CONSTRUCT SHALL EXPIRE ONE YEAR FROM THE DATE
OF ISSUANCE UNLESS EXTENDED TO A FIXED DATE UPON REQUEST BY THE
APPLICANT AND APPROVAL BY TRI-COUNTY HEALTH DEPARTMENT. A
PERMIT TO REMODEL EXPIRES TWO WEEKS FROM THE DATE OF
ISSUANCE.

THIS PERMIT EXPIRES ON JUNE 12, 1999.

NOTE: Construction requirements and special conditions
relative to this permit are presented on the accompanying
application. This permit shall not be valid unless a copy of
the application is attached to it.

ISSUED BY  OF TRI-COUNTY HEALTH
DEPARTMENT ON JUNE 12, 1998.

OWNER MUST MAKE SURE THAT THIS ENTIRE WASTE DISPOSAL SYSTEM
REMAINS OPEN FOR INSPECTION UNTIL IT HAS RECEIVED APPROVAL BY
TRI-COUNTY HEALTH DEPARTMENT. TRI-COUNTY HEALTH DEPARTMENT
CANNOT ASSUME RESPONSIBILITY IN CASE OF FAILURE OR INADEQUACY
OF A WASTE DISPOSAL SYSTEM BEYOND CONSULTING IN GOOD FAITH WITH
THE PROPERTY OWNER.

PERMIT FEE OF \$300.00

RECEIVED BY BETTY HERMAN ON JUNE 9, 1998

() Owner Copy () Bldg. Dept. Copy () Installer Copy () H.D.

W
6/25

CERTIFICATION OF INDIVIDUAL SEWAGE DISPOSAL SYSTEM

This certifies that Individual Sewage Disposal System (ISDS) at
35100 E 120th Avenue Hudson CO 80642
County: Adams
has been permitted and installed in compliance with Tri-County Health
Department Regulation Number I-02. A file for the ISDS will be kept in
our Aurora office.

SUMMARY OF INFORMATION

The permit number for the system was: 2002-06-025324

The soils and percolation test was performed by: High Plains Engineering

The design engineer for the system was: No Design Engineer Used

The system was installed by: Fehr's Excavating, Inc

The system consists of:

- 1,250 gallon septic tank
- 36 chambers
- 0 square foot absorption area.

The system is sized for 4 bedrooms. If additional bedrooms are added, an expansion may be necessary.

Maintenance Requirements:

The septic tank must be pumped and inspected every 4 years

If the septic or dosing tank is equipped with an effluent filter, the filter must be cleaned annually

If the system has alternating beds or is a drip irrigation system, beds or zones must be rotated annually

Additional maintenance requirements may apply. Refer to the operations manual or engineer's report for specific requirements.

Signature: _____
 CHIOLA, CHRIS

Date: _____