



## Development Team Review Comments

The following comments have been provided by reviewers of your land use application. At this time, a resubmittal of your application is required before this case is ready to be scheduled for public hearing.

To prepare your resubmittal, you will be expected to provide:

- A response to each comment with a description of the revisions and the page of the response on the site plan;
- Any revised plans or renderings; and
- A list identifying any additional changes made to the original submission other than those required by staff.

Resubmittal documents must be provided in person to the One-Stop Customer Service Center of the Community and Economic Development Department. The following items will be expected by our One-Stop Customer Service Center:

- One paper copy of all new materials
  - Paper copies shall not exceed 11"x17" (exception shall be made only for construction drawings or engineering plan review)
  - All paper copies shall be accompanied by the attached Resubmittal Form
- One digital copy of all new materials
  - All digital materials shall be in a single PDF document
  - The single PDF document shall be bookmarked
  - If a Subdivision Improvements Agreement, Legal Description, or Development Agreement is required, then an additional Microsoft Word version of these documents shall also be provided



## **Re-submittal Form**

**Case Name/ Number:** \_\_\_\_\_

**Case Manager:** \_\_\_\_\_

### **Re-submitted Items:**

- Development Plan/ Site Plan
- Plat
- Parking/ Landscape Plan
- Engineering Documents
- Subdivision Improvements Agreement
- Other: \_\_\_\_\_

**\* All re-submittals must have this cover sheet and a cover letter addressing review comments.**

**Please note the re-submittal review period is 21 days.**

The cover letter must include the following information:

- Restate each comment that requires a response
- Provide a response below the comment with a description of the revisions
- Identify any additional changes made to the original document

For County Use Only:

Date Accepted:

Staff (accepting intake):

Resubmittal Active: ~~Addressing, Building Safety, Neighborhood Services,~~

~~Engineering, Environmental, Parks, Planner, ROW, SIA - Finance, SIA - Attorney~~

**Commenting Division:** Development Services, Planning

**Resubmittal Required**

**Name of Reviewer:** Holden Pederson

**Email and Phone Number:** [HPederson@adcogov.org](mailto:HPederson@adcogov.org) / 720-523-6847

PLN1: REQUEST - Please correct staff if any details of the applicant's request are misrepresented.

#### Special Events

- 8 special events per year.
- No more than one per month from April – October and one in December.
- Hours of 8 AM to 10 PM, not including the unloading of horses and staging of the event activities. Events will end no later than 9 PM in order to allow guests approximately an hour to exit the property.
- No more than 290 invited guests not related to the family per event, with an additional 70 volunteers, security, livestock handlers, vendors, emergency personnel, and other event managers for a total not to exceed 360 people.
- Invitations sent for special events that will be confirmed at the gate with signage that no admittance allowed without an invitation and security.
- No ticket sales to the events, nor monetary compensation or rewards for rodeo events and competitions. The arena would not be for hire or rent.
- Rodeo and equestrian participants will bring additional livestock (horses and more) to the site limited in number to those animals that can be accommodated by the size of the site and arena.
- Special events will include personal food and alcohol brought to the arena and grounds by the invited guests, food trucks limited to 4 vendors per event, catering food service that may include on-site food preparation and serving by volunteers or catering service, and alcoholic beverage and bar service monitored and controlled by qualified volunteers or paid servers.

#### Weekly Training Events

- Weekly training events on Fridays and Saturdays, limited to family and friends, 20 – 25 people not related to the family with a maximum of 50 people including parents, siblings, and friends per training session.
- Allow for a limited number of personal horses to be brought to the site (maximum of 6) for training and practicing.
- Invitation only, will not include a fee.
- No food services.

#### PLN2: COMPREHENSIVE PLAN

- a. Site is designated with a future land use of Agriculture. Per Imagine Adams County, "The areas that have been identified as agricultural are those that are not expected to develop, except for limited areas of very low density residential at densities of 1 dwelling per 35 acres, for the foreseeable future. These areas are typically characterized by a lack of urban services."
  - a. Primary uses include agricultural production. Secondary uses include open space, and other nonurban uses incidental to agriculture.
  - b. The purpose of this land use category is to preserve agricultural areas for long term farming, conserve environmentally sensitive areas, separate and define urban areas, prevent urban nuisance complaints, and limit the extension of services where they are costly and difficult to provide.

- c. The Criteria for Designation of this future land use category includes the following: Minimum lot size is 35 acres, urban services do not exist and are not planned and funded, suitable for agriculture or environmentally sensitive, and contributes to separating and defining urban areas.
- b. Policy 10.1.c *Compatible Uses* - Maintain the integrity of sensitive agricultural lands by keeping non-rural commercial, estate residential, or other potentially disruptive uses separate from agricultural activities where necessary in order to preserve the County's agricultural economic base.
- c. Policy 17.2.c *Agricultural Uses* - Encourage the continuation of existing agricultural uses in this area until sufficient infrastructure and market demand exist to support mixed-use employment.

PLN3: SITE LOCATION / ZONING

- a. 14747 Harvest Road / 0156718400001.
- b. Property is currently designated Agricultural-3 (A-3) zoning.

PLN4: COMMENTS

1. Respond to external referral agency and public comment letters:
  - a. Provide a response to Tri-County Health Department's letter, which will be forwarded directly to the reviewer. A second round of comments will be requested from TCHD.
  - b. Provide individual responses to each commenting member of the public, which will be forwarded directly to each individual member of the public. A second round of comments may be requested from the commenting members of the public.
  
2. Operations Plan:
  - a. Provide an Operations Plan that expands on the letter provided by the applicant as part of their initial submittal titled "Equestrian Arena – Personal Conditional Use Permit" and is broken into sections such as hours of operation, number of attendees, wastewater and sanitary services, roadway and traffic maintenance, etc.
  - b. In addition to the information already included in the letter and additional steps taken to mitigate external impacts, the Operations Plan should address the following topics and provide responses confirming compliance with each requirement listed in those sections:
    - i. Tri-County Health Department requirements and comments.
    - ii. Personal Equestrian Arena performance standards (Section 4-06-02-01-05).
    - iii. Operational standards for lighting, vibration, noise, dust and debris control, glare, and odor control (Section 4-13).
    - iv. Non-commercial animal feeding operation and concentrated animal feeding operation, livestock performance standards (Section 4-22-06).
    - v. Stables performance standards (Section 4-03-02-02-04).
    - vi. Plan detailing traffic circulation and management, roadway maintenance, parking stall delineation, and designated parking areas for both residents and guests.

While staff has concern that the current application for the expanded use of a Personal Equestrian Arena does not meet the Criteria of Approval for a Conditional Use Permit, the application would be strengthened by incorporating the following recommendations in order to further demonstrate that all off-site impacts have been mitigated:

3. Parking areas:
  - a. Section 4-12-02-05 states that off-road parking areas must be surfaced and maintained with suitable surfaces as determined by the Director of Community and Economic Development.
    - i. Staff recommends that the applicant proposes a crushed gravel or recycled asphalt surface, which is suitable for agricultural or rural areas of unincorporated Adams County, for both the event guest parking area and the loading zone for livestock.
    - ii. Permanent parking areas should be surfaced and maintained with a Portland or asphalt concrete surface.
  - b. The event guest parking area near Harvest Road will be visually impactful and will create additional off-site impacts. These impacts should be addressed by providing additional landscaping and screening in order to mitigate the impacts on neighbors and the public right-of-way.
4. Landscaping:
  - a. Section 4-16-06-01 lists landscaped bufferyard requirements between uses. Type C bufferyards between new commercial uses and existing residential/agricultural uses should be included along the south and north property lines that are shared with neighboring properties.
  - b. Section 4-16-07-01 lists Street Frontage Landscaping options. Street Frontage Landscaping will be required to screen the event guest parking area from Harvest Road, as well as to screen the entire site from Harvest Road.
  - c. Section 4-16-07-02 lists Off-Road Parking Lot Landscaping requirements. Conformance with the off-road parking lot landscaping requirements will be required to reduce the impacts of the event guest parking area on Harvest Road and from neighboring properties.
5. Alcohol sales would not be supported by staff for the expanded use of a Personal Equestrian Arena in a rural/agricultural area due to the impacts on public safety. Staff recommends that the applicant revise their application to request a Conditional Use Permit for a Commercial Equestrian Arena if alcohol sales are desired.
6. Recommended additional submittal requirements:
  - a. Building Elevations for all existing and proposed structures.
  - b. Photometric Lighting Plan to demonstrate that there will not be glare or off-site impacts from lighting during special events.
  - c. Landscape Plan to demonstrate conformance with all applicable regulations and requirements of Section 4-16.

This application is better suited as a request for a Conditional Use Permit for a Commercial Equestrian Arena due to the following performance standards and definitions:

- a. Performance standard #1 for Personal Equestrian Arenas states that, "*Accessory Status*: The arena shall be accessory and incidental to the ranch, farm, or home site on which it is located."
- b. Performance standard #3 for Personal Equestrian Arenas states that, "*Number of Guests Permitted*: The use of the arena is limited to the family and invited guests of the

- farmer/rancher/home occupant but shall not exceed twenty (20) people in addition to the inhabitants of the farm/ranch/home on the property.”
- c. Performance standard #5 for Personal Equestrian Arenas states that, “*No Commercial Activities*: No commercial competition or commercial entertainment, user fees, dues or other compensation are permitted.”
  - d. Performance standard #6 for Personal Equestrian Arenas states that, “*No Offensive Impacts*: The arena shall be operated in such a manner so that there is no adverse impact on surrounding properties relating to dust, erosion, odor, noise, glare, off-site illumination (more than one foot candle of illumination measured at the property line), waste disposal, traffic or parking congestion. Neither a nuisance nor noxious activity shall be conducted on the property, which is caused by the use of the property as a personal equestrian arena.”
  - e. Definition of a Personal Equestrian Arena (Section 11-02-182): “An area where activities including, but not limited to, horseback riding, a rodeo, a charreada, calf roping and/or riding, bulldogging and barrel racing are conducted for practice, competition or entertainment for the private, non-commercial enjoyment of the owner. No more than twenty persons in addition to those residing on the property are permitted at any given time. Activities exceeding twenty persons in addition to those residing on the property are considered commercial equestrian arenas. User fees, dues, admission fees, or other compensation are not permitted.”
  - f. Definition of a Commercial Equestrian Arena (Section 11-02-181): “An area where activities including, but not limited to, horseback riding, a rodeo, a charreada, calf roping and/or riding, bulldogging and barrel racing, excluding horse racing, practice and/or training are conducted on a premises. User fees, dues, admission fees, or other compensation may be paid. Food and/or alcohol may be bought or sold on the premises.”

The request does not conform with the Imagine Adams County Comprehensive Plan future land use designation of Agricultural or the current zone district of A-3.

- a. The Agricultural future land use designation states that primary uses should include agricultural production and that secondary uses should include open space, and other nonurban uses incidental to agriculture. In addition, one of the stated purposes of the land use category is to prevent urban nuisance complaints.
- b. The purpose of the A-3 zone district is to provide land for “dryland or irrigated farming, pasturage, or other related food production uses.”

The following are the Criteria of Approval for a Conditional Use Permit (Section 2-02-08-06):

1. The conditional use is permitted in the applicable zone district.
2. The conditional use is consistent with the purposes of these standards and regulations.
3. The conditional use will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.
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.
5. The conditional use permit has addressed all off-site impacts.

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

**Commenting Division:** Development Services, Engineering

**Resubmittal Required**

**Name of Reviewer:** Matt Emmens

**Email and Phone Number:** [MEmmens@adcogov.org](mailto:MEmmens@adcogov.org) / 720-523-6826

ENG1: Flood Insurance Rate Map – FIRM Panel # (08001C0355H), Federal Emergency Management Agency, January 20, 2016. According to the above reference, the project site is NOT located within a delineated 100-year flood hazard zone; a floodplain use permit will not be required.

ENG2: The applicant shall be responsible to ensure compliance with all Federal, State, and Local water quality construction requirements. The project site is not within the County's MS4 Stormwater Permit area; an Adams County Stormwater Quality Permit (SWQ) is NOT required. The installation of erosion and sediment control BMPs are expected.

ENG3: Applicant has installed over 3,000 square feet of impervious area on the project site. A drainage report and drainage plans in accordance to Chapter 9 of the Adams County Development Review Manual, are required to be completed by a registered professional engineer and submitted to Adams County for review and final approval.

ENG4: The applicant is proposing to have 8 private events on the property with as many as 290 guests. The applicant will need to prepare a Traffic Impact Study (TIS) is to be submitted to Adams County for review and approval. At this time, the applicant is required to submit a Trip Generation Analysis, showing the number of vehicle trips per day that will be generated by the proposed conditional use. The Trip Generation Analysis will be used by County staff will determine if a TIS is needed and, if so, the level of TIS required. The Trip Generation Analysis must be prepared by an engineer licensed in the state of Colorado. The applicant will be responsible for constructing any roadway improvements required by the TIS.

ENG5: Per comment ENG4 above, the applicant should be aware that, depending on the results of the TIS, paving of Harvest Rd may be required and, possible widening of the bridge over the Denver Hudson Canal could be required, as well. These improvements may be required to mitigate for the increase wear on the County's roadway.

ENG7: Per comments ENG3, ENG4, ENG5 above, the developer is required to submit for review and receive approval of all construction documents (construction plans and reports).

Prior to the Conditional Use Permit hearing, the applicant shall submit and receive approval of the Drainage report, Traffic Impact Study and, all construction drawings for drainage improvements (to mitigate for the increase in impervious area).

If the increase in vehicle trips from the site requires roadway improvements (such as paving) and, the

Condition- Use permit is approved, the applicant will be required to submit for review and obtain approval of roadway improvement plans. All roadway improvements must be constructed and accepted by the Public Works Dept prior to commencement of any events on the site.

The developer shall submit to the Adams County Development Review Engineering division the following: Engineering Review Application, Engineering Review Fee, two (2) copies of all construction documents. The development review fee for an Engineering Review is dependent on the type of project and/or the size of the project. The Development Review fee can be found in the Development Services Fee Schedule, located on the following web page: <http://www.adcogov.org/one-stop-customer-center>.

**Commenting Division:** Development Services, Right-of-Way **Complete**  
**Name of Reviewer:** Marissa Hillje  
**Email and Phone Number:** [mhillje@adcogov.org](mailto:mhillje@adcogov.org) / 720-523-6837

ROW1: Harvest Road is classified as a minor rural arterial per the 2012 Adams County Master Transportation Plan. As such it should have a half right-of-way width of 60 feet. The current 1/2 street width is 40ft. If there is a rational nexus to acquire additional right of way it needs to be equal to the impact of the special events. This can be determined by a traffic impact study and/or public improvement requirements for the special events at the equestrian arena.

**Commenting Division:** Development Services, Addressing **Complete**  
**Name of Reviewer:** Marissa Hillje  
**Email and Phone Number:** [mhillje@adcogov.org](mailto:mhillje@adcogov.org) / 720-523-6837

No comment.

**Commenting Division:** Development Services, Environmental Analyst **Complete**  
**Name of Reviewer:** Katie Keefe  
**Email and Phone Number:** [KKeefe@adcogov.org](mailto:KKeefe@adcogov.org) / 720-523-6986

No comment.

**Commenting Division:** Development Services, Building and Safety **Complete**  
**Name of Reviewer:** Justin Blair  
**Email and Phone Number:** [jblair@adcogov.org](mailto:jblair@adcogov.org) / 720-523-6843

BSD1: If approved and the use is other than personal use of the existing barn, a change of use\change of occupancy from a Group U to an Group A assembly occupancy will be required.

## External Referral Agency Comments:

RE: Request for Comments: RCU2019-00043 Chavez Equestrian Arena CUP



BFR Plan Reviews <planreviews@brightonfire.org>  
To: Holden Pederson

Reply Reply All Forward

Mon 8/26/2019 4:13 PM

Please be cautious. This email was sent from outside Adams County

Good afternoon,

The Fire District has the following comments and concerns:

1. The proposed use of this structure must comply with all 2018 International Fire Codes.
2. A complete access plan for the site must be provided and approved by the Fire District. Such plan will demonstrate all weather road surfaces, 75,000 weight capacity, required fire apparatus turning radius, fire district Knox system at gates, and roadway access within 150 feet of all portions of the building.

Thank you!

Carla Saltesez  
Fire Inspector  
Brighton Fire Rescue District  
500 S. 4<sup>th</sup> Ave. 3<sup>rd</sup> Floor  
Brighton, CO 80601  
303-654-8042  
[www.brightonfire.org](http://www.brightonfire.org)



August 29, 2019

Holden Pederson  
Adams County Community and Economic Development  
4430 South Adams County Parkway, Suite W2000A  
Brighton, CO 80601

RE: Chavez Equestrian Arena, RCU2019-00043  
TCHD Case No. 5792

Dear Mr. Pederson,

Thank you for the opportunity to review and comment on the Conditional Use Permit application for the expanded use of a personal equestrian arena. The request is for 8 Special Events per year, once per month, April-October, and December, with 360 people including guests and volunteers; and weekly training sessions for 20-25 people, plus additional spectators, for a total of 50 people on Fridays and Saturdays. The arena is located at 14747 Harvest Rd. Tri-County Health Department (TCHD) staff has reviewed the application for compliance with applicable environmental and public health regulations and principles of healthy community design. After reviewing the application, TCHD has the following comments.

**General Comments:**

**On-Site Wastewater Treatment System (OWTS) – Use Permit Required**

Proper wastewater management promotes effective and responsible water use, protects potable water from contaminants, and provides appropriate collection, treatment, and disposal of waste, which protects public health and the environment. Tri-County Health Department Regulation Number O-17, Section 4.2 requires a Use Permit be obtained as TCHD deems appropriate. Although TCHD has record of an OWTS at the subject address, a final inspection was not conducted, and an as-built drawing is not available.

To obtain a Use Permit, the OWTS will need to be inspected by a National Association of Wastewater Technicians (NAWT) Certified Use Permit Inspector. A list of Certified Inspectors is available here <http://www.nawt.org/search.html>. If it is determined by the inspector that the system has deficiencies that require repair, these repairs must be completed prior to TCHD issuing a Use Permit.

In order to obtain a Use Permit, the applicant may contact the TCHD Commerce City Office, 4201 E. 72nd Ave. Suite D, 303-288-6816. More information is available at <http://www.tchd.org/269/Septic-Systems> under the Use Permit tab.

**Disturbance of Onsite Wastewater Treatment System (OWTS)**

Parking, driving, or heavy foot traffic on a soil treatment area will compact the ground, shortening the life of the OWTS, and may collapse the system leading to costly damage. Based on the site plan provided by the applicant, it does not appear that vehicle, horse, or human traffic will impact the soil treatment area. In order to protect the property's OWTS from destruction, TCHD encourages the applicant to be mindful of the location of the OWTS, and not allow for parking or heavy foot or animal traffic on the soil absorption area of the OWTS.

**Horse Boarding Facilities**

Horse and steer washdown water shall be managed to avoid nuisance conditions and contamination of surface and groundwater. Nuisance conditions may include soil erosion, fly, odor, and mosquito problems associated with stagnant water. Also, to prevent human exposures to West Nile Virus and other mosquito-borne diseases, the applicant should not allow water to pond or stagnate on the site, as these conditions support mosquito breeding. The applicant should eliminate mosquito breeding areas from livestock pens by keeping water in troughs or by using dunks, pellets of bacteria that are non-toxic to animals, but that kill mosquito and fly larvae that are developing in water.

TCHD recommends that the applicant develop a Waste Management Plan indicating how animal waste will be managed in daily operations. The applicant should make arrangements with a manure hauling company for disposal of animal wastes. This is the recommended method for management of animal feces and other solid wastes associated with boarding facilities, such as hair, excess food, urine-soaked bedding, etc. These materials should be disposed in an on-site dumpster with a fly-tight cover that is regularly serviced by the waste-hauling contractor.

Liquid wastes (urine or washdown water) shall not be discharged into any on-site drainages, irrigation ditches or ponds. Washdown waters must be discharged in a way that does not create nuisance conditions or impact water quality. We recommend that "dry" methods, such as sweeping and shoveling, be used as much as possible to clean stalls.

**Sun Safety**

Skin cancer is the most common cancer in the United States. Colorado has the 5<sup>th</sup> highest death rate from melanoma, the most deadly form of skin cancer. A leading risk factor for skin cancer is exposure to ultraviolet rays (UV) from the sun. Seeking shade when outside is one of the best ways to prevent overexposure to UV rays. TCHD recommends shade be provided through trees or physical shade structures, allowing event attendees to shield themselves from the sun and reduce their risk of skin cancer. TCHD recommends the applicant provide shade in areas where attendees will gather.

**Fugitive Dust on Unpaved Parking Lots and Roads**

Unpaved roads and parking lots in traffic and parking areas may contribute to increased fugitive dust emissions which can have negative impacts on health. The applicant should develop a plan for fugitive dust control including the application of water on unpaved areas when needed based on dry conditions. Control measures or procedures that may be employed include, but are not limited to, watering, chemical stabilization, carpeting roads with aggregate, paving, suggested speed restrictions or other techniques. Non-potable water used for dust suppression or any other non-potable uses should be labeled appropriately

**Weekly Training Events Comments:**

**Water Supply and Wastewater (Toilets) for Guests – Additional Information Required**

In order to evaluate water supply and wastewater solutions for the project, more information is required. The applicant proposes "weekly Equestrian and Charra training events primarily, held on Fridays and Saturdays." The project narrative indicates that typically no more than 20-25 people not related to the Chavez family would participate, with a maximum of 50 people including parents, siblings, and friends.

It is unclear how long the training sessions last, and how many people would attend each one; or if a training session lasts for several hours with all 20-50 people in attendance for the entire time. The applicant shall provide clarification so TCHD may evaluate the proposal. The applicant shall also provide a total number of participants both related and not related to the Chavez family.

The case referral materials did not indicate a proposed source of drinking water for attendees. The applicant shall provide a proposal for provision of drinking water.

**Special Events:**

**Food Service**

Illness-causing organisms are spread easily to the public through food and beverages. The application indicated that food will be provided at the events by mobile units, and caterers. The event coordinator shall contact the TCHD Commerce City Office, 4201 E. 72nd Ave. Suite D, Commerce City, CO 80022, 303-288-6816 at least two weeks prior to each event to discuss food service. All food vendors planning to attend the event must provide their Colorado Retail Food Establishment license as well as a Colorado Sales Tax License. More information is available here <https://www.tchd.org/755/Applications> and here <https://www.tchd.org/445/Food-Trucks-Push-Carts>.

**Solid Waste**

In order to avoid nuisance, odors, and pest attraction, TCHD recommends the applicant provide solid waste collection receptacles at the event. Trash receptacles should have lids and be placed in areas that are accessible to attendees but placed in a manner to ensure food safety. Trash receptacles and dumpsters shall be emptied frequently in order to prevent trash from overflowing. We encourage recycling of materials where possible.

**Portable Toilets**

Proper wastewater management promotes effective and responsible water use, protects potable water from contaminants, and provides appropriate collection, treatment, and disposal of waste, which protects public health and the environment. The proposed number of chemically-controlled portable toilets should be adequate to serve the anticipated number of attendees. The applicant should provide more toilets at peak attendance times. Portable toilets should be placed so that they are accessible to attendees, but away from the food vendor area. Arrangements shall be made for the contractor to empty/replace these during the event. Hand washing units should be provided at each bank of portable toilets.

**Wastewater**

All wastewater from hand sinks, mobile units or other sources must be disposed of in a utility sink or any other sink that drains into the municipal sewer system. Wastewater must not be allowed in the storm drains located on site or disposed of directly on the ground.

**Water Supply – Bottled water**

Contaminated water is a potential source of illness for event patrons and employees. Therefore, drinking water must be obtained from an approved source and provided in a manner that is protective of water quality. In this case, monthly weekend events for up to 360 people, providing bottled water would be acceptable.

Please feel free to contact me at 720-200-1575 or [kboyer@tchd.org](mailto:kboyer@tchd.org) if you have any questions about TCHD's comments.

Sincerely,



Kathy Boyer, REHS  
Land Use and Built Environment Specialist III

cc: Sheila Lynch, Monte Deatrich, TCHD



Right of Way & Permits  
1123 West 3<sup>rd</sup> Avenue  
Denver, Colorado 80223  
Telephone: 303.571.3306  
Facsimile: 303. 571.3284  
donna.l.george@xcelenergy.com

September 3, 2019

Adams County Community and Economic Development Department  
4430 South Adams County Parkway, 3<sup>rd</sup> Floor, Suite W3000  
Brighton, CO 80601

Attn: Holden Pederson

**Re: Chavez Equestrian Arena, Case # RCU2019-00043**

Public Service Company of Colorado's Right of Way & Permits Referral Desk has reviewed the plans for **Chavez Equestrian Arena** and has no apparent conflict.

Donna George  
Right of Way and Permits  
Public Service Company of Colorado dba Xcel Energy  
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com



Community & Economic Development Department

4430 South Adams County Parkway,  
1st Floor, Suite W2000  
Brighton, CO 80601-8205  
PHONE 720.523.6800 FAX 720.523.6998

MEMORANDUM

To: Holden Peterson  
From: Gail Moon, Code Compliance Officer II  
RE: RCU2019-00043 Request For Comments  
Address: 14747 Harvest Rd.

I have concerns about the Chavez application for a Conditional Use Permit application to expand their use of their arena for a limited number of special events per year. The reason for my concerns are due to the fact that I have been in contact with the Chavez family since early 2017. I have spoken to them in person, over the phone, sent regulations to them in an email, issued a violation notice in writing, and attended meeting with them at this office also. Throughout this timeline, the Chavez family have continued to violate the regulations regarding the USE of their arena. Below is a list of complaints I have received about events at their arena, and contacts I have had with the Chavez family:

Complaints and contacts with the Chavez family:

- 1) 01-26-2017 Complaint about a large structure being built at this location. Case was CLOSED because there was a valid building permit for the structure. However, I spoke to Ana on the phone and explained the complaint, and also the regulations to her for the USE of the arena. I emailed the regulations to her at this time.
- 2) 04-03-2018 Complaint about rodeo events, a live band, 150 cars, and lots of trash. On inspection date, 04-13-2018, there were no violations observed and the case was closed.
- 3) 06-27-2018 Text message with photos and a statement that said "about 3 trailers"
- 4) 06-28-2018 Text message with photos and a statement that said "probably this Saturday, I will let you know"
- 5) 06-29-2018 I made contact with Ana at her property to discuss the complaints and regulations.
- 6) 06-30-2018 Text message with photos and a statement that said "for your information"
- 7) 07-01-2018 Text message with photos and a statement that said "I thought it was only going to be a one day event, it is now Sunday – on Saturday there were 60-75 horse trailers and 150 to 225 cars.....on Sunday there were 25-35 trailers and they were parking cars on the neighboring property to the north of them, because there were so many, without permission"
- 8) 07-02-2018 Text message with photos and a statement that said "Monday 9 trailers and that the dirt and dust was terrible – about 300 cars and 100 horse trailers ended up being here this weekend"
- 9) 07-05-2018 Notice of Violation issued for regulations about the use of the personal equestrian arena.
- 10) 07-11-2018 Ana called me because she was concerned about the compliance date on the violation notice. I explained that since she had applied for a Conceptual Review Meeting to



Community & Economic Development Department

4430 South Adams County Parkway,  
1st Floor, Suite W2000  
Brighton, CO 80601-8205  
PHONE 720.523.6800 FAX 720.523.6998

MEMORANDUM

- discuss the use of her arena, that I would grant time to allow her to attend this meeting and work with the County.
- 11) 07-16-2018 Text message with a statement that said "6 horse trailers at 7: a.m."
  - 12) 07-17-2018 PRE2018-00092 Conceptual Review Meeting was held. I attended and spoke to the Chavez family about the new complaint I received.
  - 13) 07-20-2018 Text message with a statement that said "some trailers at 14747 Harvest Rd. How come you can't stop them?"
  - 14) 07-22-2018 Text message with a statement that said "9 trailers"
  - 15) 01-25-2019 Text message with a statement that said "Info on 14747 Harvest Rd ...10-02-2018 4 trailers...11-17-2018 and 11-23-2018 8 trailers...12-15-2018 4 trailers...01-19-2019 and 01-20-2019 and 01-23-2019 7 extra trailers.....NO LARGE EVENTS"
  - 16) 03-16-2019 Text message with photos and a statement that said "7 trailers"
  - 17) 05-05-2019 Text message with a statement that said "trailers with horses are starting to come in"
  - 18) 07-31-2019 RCU2019-00043 Conditional Use Permit application was submitted.
  - 19) 09-09-2019 Text message with photos and a statement that said "lots of cars and trailers"
  - 20) 09-09-2019 I also received a call from someone stating that there were two large events over the last weekend. One was a bunch of trailers on Saturday, and the other was over 500 people having a party and live music.
  - 21) 09-09-2019 I called and spoke to Ana on the phone. I asked her about the events from the weekend, and she confirmed that they had used the arena for the horse riding group training. She stated she thought she had an email that said she could continue to allow this if there were only 20 people using the arena. I again explained that until the Conditional Use Permit was APPROVED, that the arena could not be used for this training. She said she was going to look for the email she was talking about.

My concerns about this application are, that they have demonstrated over and over again, that they are not following the County regulations, in regards to the USE of their arena. I do not believe that they will follow any conditions that may be approved for this permit.

## Public Comments:

### #1

Re: RCU2019-00043

 ricco71997@aol.com  
To: Holden Pederson

 You replied to this message on 8/20/2019 10:06 AM.

 Reply  Reply All  Forward 

Fri 8/16/2019 7:38 PM

**Please be cautious: This email was sent from outside Adams County**

We received the letter for comments regarding the expanded usage of the arena at 14747 Harvest Road.

We do have some questions, as the letter from Plan West is rather vague.

- 1) How many events will there be per month/year? Will there be a not to exceed number.
- 2) What days of the week will these be held on?
- 3) What are the allowed hours?
- 4) Will there be a limit on noise, music, PA systems and other devices.
- 5) Is there a provision to pick up trash along the road ways to and from the property? Currently there are other areas that have gatherings, and then we find trash, bottles, cans tossed out alongside the roadway after the participants leave.
- 6) What is the average and maximum number of people allowed to attend and the number of vehicles?
- 7) Have there been any issues with code violations, law enforcement, fire or medical services to date, and will the expansion impact those services?

While it is intended to be a private family facility, it appears rather commercial in the documents.

We are not necessary opposed to the expansion, we do have questions that might impact our family's serenity and comfort.

Sincerely,

Rich & Juanita Randall  
Sent from AOL Mobile Mail  
Get the new AOL app: [mail.mobile.aol.com](mailto:mail.mobile.aol.com)

### #2

Case # RCU2019-00043

 T\_Von Ah <timvonah@gmail.com>  
To: Holden Pederson

 You replied to this message on 8/22/2019 11:56 AM.

 Reply  Reply All  Forward 

Wed 8/21/2019 7:18 PM

**Please be cautious: This email was sent from outside Adams County**

I have a few questions/comments concerning the application for the Chavez Equestrian Arena CUP.

1. What is the EXACT maximum number of events that will occur each year?
2. If it is for family and friends, why is it proposed to have over 150 parking spaces? Additionally, how do you assure us that there will be no off site parking, eg street parking, that would affect the surrounding neighborhood?
3. What would be the hours of operation for the events and how does the county noise ordinance work? Are they allowed to have live bands or loud music?
4. Would they have to plant additional trees/bushes in order to block the view of the proposed parking lot?

Our main concern is how this will affect our property value and the peace and quiet that we moved out here for.

--  
Tim Von Ah  
24727 E 154th Cir, Brighton, CO 80603  
720 339 5813

### #3

Chavez Equestrian Arena

 Stephanie Johnson <jnsshark@hotmail.com>  
To: Holden Pederson

 You replied to this message on 8/27/2019 9:13 AM.

 Reply  Reply All  Forward 

Thu 8/22/2019 12:39 PM

**Please be cautious: This email was sent from outside Adams County**

My name is Stephanie Johnson and my family and I live in Green Estates right off of 152nd and Harvest. I am writing because I do have a concern for the arena. It states more than 20 people.....so what would be max capacity? That would bring a lot of traffic to an already busy 2 lane 55 miler per hour road. That being said I am highly concerned regarding alcohol sales as well. They would be bringing in a large unknown number of people that would be drinking and driving through a couple of residential areas. We are against this arena.

Thank You,  
Stephanie Johnson

 Virus-free. [www.avg.com](http://www.avg.com)

## #4

(no subject)



Steven Miller <sdmiller1959@gmail.com>  
To: Holden Pederson

You replied to this message on 8/27/2019 9:18 AM.

Reply Reply All Forward ...

Sun 8/25/2019 9:12 AM

Please be cautious: This email was sent from outside Adams County

To Whom it may concern:

This is in response to the Request For Comments (Chavez Equestrian CUP)

1. Limited amount of special events per year:  
How many ? 2? 100? (Need more information).
2. Limited number of guests.  
2 ? or 1500 ? (Need more information)
3. Alcohol permit.  
Definitely NO !!!!!
4. Limited number of livestock.  
How many trailers will that include?

Traffic will increase substantially on an already busy road making it more difficult for residents to get out onto Bromley Lane to take care of normal everyday tasks and travel.

The intersection of Harvest Road and Bromley Lane is already a compromised intersection due to the hill on the East side of the intersection.

Who will be liable for any accidents that happen due to this? The County???

In regards alcohol , Who will monitor that? Who is liable for any accidents or issues that come from that????

What time of day are the events? What days of the week ? How late will there be noise?

What will be done about all of the increased dust caused on the dirt road when entering and exiting?

With this limited amount of information, it is hard to think that this would be a good idea.

Steven D. Miller

## #5

Case Number RCU2019-00043 Chavez Arena



Mr Toad <yourreplytoad@gmail.com>  
To: Holden Pederson

You replied to this message on 9/3/2019 11:07 AM.

Reply Reply All Forward ...

Thu 8/29/2019 8:02 PM

Please be cautious: This email was sent from outside Adams County

No... bad idea!!!

First, who gets to decide on what "limited number of events" is?

Second, parking for 150 vehicles? That is NOT family and close friends, that is bordering on a business. And sale and distribution of alcohol?. You don't sell drinks to your family. The host supplies it or it is BYOB.

Next, what about noise control and how late into the wee hours of the morning can these "events" last? Because with parking for 150 vehicles, that equates to between 300 and 500 people minimum, based on simple math. That is NOT going to be a quiet gathering!!

And then the safety to the public factor, after all those people leave the "event" and associated alcohol consumption and start down Bromley.

Not thinking that this will enhance the quality of life in the surrounding area.

Thank you for considering our concerns.

To Whom It May Concern:

We are replying to a "Request for Comments" we received in the mail as it relates to the Conditional Use Permit application for Chavez Equestrian Arena CUP/ Case #RCU2019-00043.

We recently moved into our house on Harvest Road near the Chavez residence. Prior to moving to our new home on Harvest a few months ago, we owned a small acreage property in a Brighton community and lived there for 18 years. After 18 years, we decided we wanted to be in a more rural part of town with more land for our horses, dogs and outdoor hobbies. We enjoy the Brighton community and have many friends in the area and we decided we didn't want to move far. The Harvest Rd property was exactly what we were looking for. It has always been our dream to live in the country where it is calm and quiet.

Our comments/questions as they relate to the Chavez Request for Comments/Request for Conditional Use Permit are as follows:

- o There is already a fair amount of traffic on this minimally maintained gravel road. The traffic we experience on this road goes much faster than we believe is safe for a low maintenance gravel road. There are also trucks drag racing on this road. Will Harvest Rd be maintained more frequently to keep up with the increased traffic? Is it possible to post and enforce a speed limit?
- o Will there be a new entrance built to enter the proposed new parking lot? If so, where will it be located?
- o If this application is approved, is it possible to put the parking lot in the back of their property so it's not right next to/visible from Harvest Rd?
- o Will there be noise limits set and enforced?
- o How will mandatory end times for their special events be enforced?
- o Will there be required security for these large events...especially if they are serving alcohol?
  - We are also concerned with the idea of serving alcohol at these events. This will add to the speed and unsafe conditions on Harvest Rd and surrounding area.
- o How will a 150-space parking lot on their property affect the overall value of the homes in the area? How will the parking lot be used when there are no events? How will it be regulated? We would like to request that they cannot store their work vehicles there (dump trucks, flat beds, semi-trucks). This would be an eye sore and also affect the value of our properties in the area.
- o Where will the portable toilets be located? Is it possible to request they are not visible from Harvest Rd?



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Thornton, Colorado 80233  
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www.molendassociates.com

August 30, 2019

Mr. Holden Pederson  
Adams County Community & Economic Development  
4430 South Adams County Parkway  
1<sup>st</sup> Floor, Suite W2000B  
Brighton, CO 80601

Re: Case Name Chavez Equestrian Arena CUP #RCU2019-00043

This response to the application request is submitted on behalf of Patrick Broda who resides at 14677 Harvest Lane, Brighton, Colorado.

The application for an expanded personal use equestrian arena is ill-suited for the location. Harvest Lane outside Brighton, CO is a rural residential community where the residents have chosen to separate themselves from the noise, traffic, litter, and hustle bustle of the nearby cities.

The description of a Personal Equestrian Arena for a limited number of special events per year is not specific. The number of events, invited guests and family members is unknown. Based upon the Charro experiences described in the CUP application, a rodeo, roping, and bull riding are part of the event experience. Although it is stated that the activities are not offering monetary compensation, the purpose is the same. Although the celebration of the Charro heritage is one that we can appreciate, the impact of having this event center in a residential setting is inappropriate.

The Broda home is the south adjoining property. The Broda's have lived there for more than 7 years and has enjoyed a friendly neighbor relationship with the Chavez's in the quiet rural neighborhood. The Broda's are opposed to Adams County approval of a Conditional Use Permit (CUP) for the property for the purposes described in the application. The applied for conditional use allows for unlimited events and will have a huge impact on Harvest Lane, the land, litter, traffic, noise and fire and safety concerns.

There are several reasons to deny the CUP:

- Traffic – Over 300 vehicles at previous event and a planned parking area of 150 vehicles it will increase traffic on Harvest Lane dramatically. Harvest Lane is an unimproved dirt road that experiences a washboard

effect often. Increasing the traffic by at least 150 vehicles is too much for the road to handle. Adding that number of vehicles on the road is going to increase traffic problems for all the neighbors that use the road. Turning from Harvest Lane to Bromley Lane will create an undue hardship on the residents that have moved there to get away from city traffic conditions.

- Nuisance dust conditions – The dust from traffic on the dirt road is significant and an added nuisance to the neighbors. Paving the road from one intersection to the next should be requirement, if the CUP moves forward.
- Congestion of the property – This property is listed as approximately 46 acres, however, only a small portion, approximately 5 acres is accessible for use. A large ditch divides the property into a smaller 5 acre front area along Harvest Lane and the over 40 acre portion that is not planned for use according to the CUP application. The parcel should be considered as a 5 acre parcel requesting this Equestrian Arena use, not a 45 acre parcel. Parking of horse trailers and vehicles will nearly completely occupy the front five acres even with the 150 parking places and numerous trailers.
- Noise pollution – The homes in this rural residential community are already in the air traffic noise zone, a condition that is managed extensively by Denver International Airport (DIA) and airplane pilots. However, the noise from DIA air traffic is dwarfed by the noise from music and party like activities at the equestrian arena. Noise travels far in a flat land rural area, and the noise of 150 vehicles starting, warming up, idling and entering and exiting the arena property will be heard by all the neighbors. This is a significant nuisance condition.
- Limited number of events – The CUP application does not specify the number of events each year. Based upon previous activity at the Chavez's property the events will occur 8 to 10 times a month or possibly more. That was the number of previous events without a CUP approval. Considering that the Chavez's will do that without approvals, what will be the number of events with approval? Who will monitor the number of events? The Adams County code enforcement agents are extended with the amount of complaint responses they have to make.
- Hours of operation – There are no listed hours of operation for the arena events. If this CUP process moves forward, hours should be limited to 8

hours a day from 9 to 6, or 8 to 5. Nights should be prohibited largely because it becomes a party like atmosphere.

- Food and alcohol – If there is food and alcohol available for purchase the CUP should be denied. The availability of food and alcohol is more like a commercial equestrian event center than a private one.
- Water – Currently there is one well on site. Does the one well have sufficient adjudicated water rights to supply over 300 people a minimum of two days each weekend? Is the ISDW designed to handle that many man hours of water use? Where is the source of water for the animals? The water supply well on file with the State Engineers office indicates that the maximum pumping rate is 15 gpm and used for residential purposes. A commercial well should be required to have the number of people and events in the application.
- Fire & Safety concerns – Fire department access for an emergency are minimal and should be a major consideration with this event arena. The types of activities should be considered to be a high incident rate. A responding fire district should comment on the application after they have the opportunity to read concerns like this one. If a grass fire started based upon a vehicle parking or careless smokers, the direction the fire will travel is directly toward Broda's. The prevailing wind direction is from the northwest to the southeast. A grass fire is a significant concern and endangers Broda's property.
- Stormwater – The layout map provided with the CUP application includes an infiltration pond and yet the pond does not seem to be built. It appears that this area will be utilized as trailer parking increasing the size of guest parking from the 150 in the parking lot to many more. A stormwater detention structure should be required for this activity to mitigate off-site migration of potential pollutants. Additionally the roadways should be paved or tracking controls placed on the entrances and exits.
- As mentioned in the CUP application, the Chavez's were cited for improper use of the arena. The citations were for what were general parties, very large parties with loud music, alcohol consumption, and wild behavior. At times the activities were extended to an entire weekend, Friday, Saturday and Sunday. The music was loud enough to be heard in the Broda's house even in locations more than 1000 feet from the party and rattles windows. At one event over 300 vehicles were on the Chavez

property including up the 75 horse trailers. At least 100 vehicles were counted at the previous event party. Considering that each vehicle would carry at least two persons on average, there were more than 200 people in attendance.

Please take into account the significant impact the approval of this CUP would make. This rural residential community would be transformed into a smaller National Western Stock Show and Rodeo. While the Broda's appreciate horsemanship traditions, they are opposed to the large scale use of the arena and the significant impacts to traffic, litter, pollution, noise and fire and safety. The concerns are too great of a sacrifice for the neighbors and community.

Contact Pat Broda or myself with comments or concerns. We will be attending neighborhood meetings and Adams County hearings to voice our opinions.

Yours truly,



Mark A Molen

cc. Patrick Broda

Dear Sirs,

I oppose the applicants request for large events. The traffic in this area is bad enough without ~~a parking lot~~ the extra traffic ~~from~~ these special events would bring. Seeing that the applicant was cited for improper use of the arena in 2018 shows they have little regard for county rules & regulations. I don't see what the sale of alcohol has to do with ~~her~~ heritage, athletic ability, character etc etc. The sale of alcohol with large numbers of people would just lead to headaches for neighbors, ~~commuters~~ commuters and law enforcement. The applicants being able to have twenty guests is adequate and fair considering the location.

John Rock  
21900 E 152<sup>nd</sup> Ave  
Brighton, Colo  
80603