
STARS Equine Therapy Center

Conditional Use Permit

ACTIVITY #: PL20220007

HEARING DATES: Planning Commission (PC): April 7, 2022 at 6:00pm

PETITIONER: Gardner Flanigan, representative for Steamboat Adaptive Recreational Sports (STARS)

PETITION: Conditional Use Permit for

LEGAL: TR IN S2SW4 29-5-84 TOTAL: 35AC

LOCATION: 30100 COUNTY ROAD 14E

ZONE DISTRICT: Agriculture/Forestry (A/F)

AREA: 35 acres

STAFF CONTACT: Tegan Ebbert tebbert@co.routt.co.us

ATTACHMENTS:

- Applicant narrative
- Site plan
- Public comment correspondence
- Site photos

History:

Steamboat Adaptive Recreational Sports (STARS), a non-profit 501(c)3, has offered equine therapy at a handful of locations throughout the community as part of their program for individuals with cognitive and physical disabilities since 2012. The subject property was purchased by the V Gail Jensen Living Trust in October 2021 in order to provide a long term home for the STARS Equine Therapy program. STARS has entered into a five-year use agreement with the owner of the subject property, with a provision allowing for renewal.

STARS used the subject property to conduct equine therapy in the summer of 2021 when the property was under different ownership. At that time STARS was unaware of the requirement for a Conditional Use Permit (CUP) for this type of operation. Once notified of the permit requirement, STARS promptly worked with the Planning Department to submit an application.

Site Description:

The subject property is a 35-acre property located at the intersection of CR 14E and CR 14C. The property is accessed off of CR 14E and has generally flat topography. The property contains one large structure that was constructed in 2006. The structure contains a dwelling unit, horse stables, indoor riding arena, garage, agricultural storage, a personal office, and viewing area adjacent to the riding arena. The riding arena contains approximately 14,400

square feet with an additional area of approximately 3,350 square feet that includes the stables, tack, viewing area, and office that the STARS program would have access to.

The property has an outdoor riding arena area of approximately 18,000 square feet. The property has a number of corrals and three lean-to style livestock shelters. Grouse Creek bisects the far east side of the parcel, but this section of the parcel is not being proposed for use by the STARS Equine Therapy program. The majority of the property is used for horse pasture and hay production.

Project Description:

STARS is proposing to use the subject property for an equine therapy program that consists of riding horses in the indoor and outdoor riding arenas, equine ground work, horse care, feeding, and cleaning. No trail riding or pasture riding is being proposed as part of this program. Participants will not bring their own horses or ponies onsite. The program will provide the animals for use and they will remain onsite through the duration of the program season.

The program will operate on a seasonal basis May through September annually. The structure contains seven horse stalls and STARS is proposing to use six horses and one pony for their programming. It is anticipated that 40-60 clients will participate in the program annually.

Both private and group lessons are being proposed. Individuals participating in private lessons will arrive in private automobiles, whereas group lesson participants will be shuttled by STARS in a passenger van. It is anticipated that 2-7 staff and volunteers will be onsite daily during the program season and will arrive in private vehicles. It is anticipated that there will be a maximum of 10 participant vehicles a day arriving at to the subject parcel. Vehicle traffic associated with the program is anticipated to occur between the hours of 7:00 am to 5:00 PM on a Monday through Friday during the May through September program season.

The dwelling unit contained within the large structure is currently occupied by a resident caretaker who happens to be employed by STARS. The property owners reside in Routt County but they do not live on the subject parcel.

Staff Comments:

There is a 5 business day appeal period before any permits may get issued.

An adjacent property owner has requested that the applicant provide legal indemnification of liability to them as a precaution for program participants trespassing on their parcel. Although the property is adjacent, the property boundary is located approximately 0.3 miles from the indoor riding arena, outdoor riding arena, and participant parking area. The application is not proposing trail riding or free riding of horses on the parcel as part of this program. The adjacent property is also separated by a waterbody, Grouse Creek, from the activities proposed on the subject property. If approved, the Conditional Use Permit boundary will be the property boundary of the subject parcel, meaning no activities associated with this operation are approved outside of that area. It is staff's opinion that trespassing, whether intentional or accidental, from the STARS Equine Therapy Program onto the adjacent property is unlikely and therefore have not included a recommended condition of approval to address this request. The correspondence with the neighbor is included in this staff packet.

Compliance with the Routt County Master Plan, Sub Area Plans and Zoning Resolution

The Routt County Master Plan, Sub Area plans and Zoning Resolution contain dozens of policies and regulations regarding land use. Section 5 of the regulations are designed to limit or eliminate conditions that could negatively impact the environment and/or use of surrounding properties, and shall apply in all Zone Districts and to all land uses unless otherwise noted. Section 6 Regulations apply to all Minor, Administrative, Conditional or Special uses allowed by permit only, PUD plans, Site plans, and Subdivisions.

The following checklist was developed by Planning Staff to highlight the policies and regulations most directly applicable to this petition. The checklist is divided into five (5) major categories:

1. Health, Safety and Nuisances
2. Regulations and Standards
3. Community Character and Visual Impacts
4. Roads, Transportation and Site Design
5. Natural Environment
6. Mitigation

Interested parties are encouraged to review the Master Plan, Sub Area plans and Zoning Regulations to determine if there are other policies and regulations that may be applicable to the review of this petition.

Staff Comments are included at the end of each section, highlighting items where the public, referral agencies, or planning staff have expressed questions and/or comments regarding the proposal. **Staff comments regarding compliance with regulations and policies are noted in bold below.**

Public Health, Safety and Nuisances

Applicable Regulations – Routt County Zoning Resolution

- 5.1.1 Every use shall be operated so that it does not pose a danger to public health, safety or welfare.
- 5.1.2 Every use shall be operated in conformance with all applicable federal, state and local regulations and standards. Failure to comply with any and all applicable federal, state and local regulations and standards may be cause for review and/or revocation of any Land Use Approval granted pursuant to these regulations.
- 6.1.7.C Natural Hazards
- 6.1.7.H Wildland Fire
- 6.1.7.I Noise
- 6.1.7.L Odors
- 6.1.7.M Vibration

Staff comments: Staff do not anticipate any adverse impacts to public health, safety, or the creation of nuisance conditions if this application is approved. The majority of the programming will be conducted in the indoor riding arena thus reducing noise or nuisance impacts to adjacent property owners. Group lessons will use shuttling to reduce traffic impacts to the area. This parcel is located in a low wildfire risk area.

***Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

Regulations and Standards

Applicable Regulations – Routt County Zoning Resolution

- 5.2 Dimensional Standards.
- 6.1.2 The proposal shall be consistent with applicable Master Plans and sub-area plans.
- 6.1.5 The proposal shall meet or exceed accepted industry standards and Best Management Practices (BMP's).

Applicable Policies – Routt County Master Plan

- 5.3.A The County encourages the use of “green” building techniques that lead to the conservation of energy and overall reduction of pollution in our environment.
- 5.3.D Require Best Management Practices and grading plans and strongly discourage overlot grading.

Staff comments: The existing structures on the parcel meet the dimensional standards and received building permits as required when they were constructed. No new structures or additional developments are proposed as part of this application. The subject property is not located in a sub-area plan boundary.

***Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

Community Character and Visual Impacts

Applicable Regulations – Routt County Zoning Resolution

- 5.1.4 Outdoor storage of materials which might cause fumes, odors, dust, fire hazard, or health hazards is prohibited unless such storage is within enclosed containers or unless a determination is made that such use will not have a detrimental impact on the environment
- 5.9 Sign Standards
- 6.1.6 Outdoor Lighting: The proposal shall comply with the Outdoor Lighting Standards in Section 6.3 of these Regulations.
- 6.1.7.G Visual Amenities and Scenic Qualities.
- 6.1.7.K Land Use Compatibility.
- 6.1.7.O Historical Significance.

Applicable Policies – Routt County Master Plan

- 5.3.E Routt County requires that all new developments do not contribute to light pollution.
- 5.3.F Routt County will continue to consider the impacts of development and uses on view corridors, water, wetland, and air.

Staff comments: The subject property currently contains all the infrastructure required to facilitate the proposed equine therapy program. No new structures or areas of disturbance are being proposed. The property was previously designed to accommodate equine activities through the construction of an indoor riding arena, indoor stables, outdoor riding arena, and horse corrals. The parcel will continue to remain fenced and used agriculturally through hay production and horse grazing.

***Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

Roads, Transportation and Site Design**Applicable Regulations – Routt County Zoning Resolution**

- 5.4 Parking Standards
- 5.5 Addressing Standards
- 5.6 Access to Buildable Lot Standards
- 5.7 Right of Way Access Standards: A Right of Way Access Permit is required prior to construction of any new access point onto a County Road or other Local Public Road or Right of Way.
- 5.8 Road Construction Standards
- 6.1.4 Public Road Use Performance Standards: The proposal shall comply with the Public Road Use Performance Standards in Section 6.2 of these Regulations.
- 6.1.7.A Public Roads, Services and Infrastructure
- 6.1.7.B Road Capacity, traffic, and traffic safety

Staff comments: The subject property is located approximately one mile south from State Highway 131 on County Road 14E. Routt County Public Works provided comments regarding the proposal that have been included as recommended conditions of approval (COA#19-22) . The subject property contains adequate parking for the proposed operation. No new roadways, access points, or infrastructure are being proposed as part of this application. Due to the seasonal nature of the program, snow storage has not been identified on the site plan, however the parcel contains adequate area to accommodate snow storage if necessary.

The applicant has proposed to shuttle participants for group therapy sessions and will encourage carpooling for volunteers and staff in order to reduce traffic impacts on CR 14E.

***Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

Natural Environment

Applicable Regulations – Routt County Zoning Resolution

- 5.11 Waterbody Setback Standards
- 6.1.7.D Wildlife and Wildlife Habitat.
- 6.1.7.E Water Quality and Quantity.
- 6.1.7.F Air Quality.
- 6.1.7.J Wetlands.
- 6.1.7.P Reclamation and Restoration.
- 6.1.7.Q Noxious Weeds.

Applicable Policies – Routt County Master Plan

- 5.3.B While respecting private property rights, the County will not approve development applications or special use permits that would lead to the degradation of the environment without proper mitigation that would bring the proposal into compliance with the Master Plan, appropriate sub-area plans, Zoning Resolution, and Subdivision Regulations.

Staff comments: The proposed operation utilizes existing structures and developed areas on the parcel, no new development is proposed, therefore environmental disturbance on the parcel is not anticipated.

***Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

PLANNING COMMISSION OPTIONS:

1. **Approve the Conditional Use Permit request without conditions** if it is determined that the petition will not adversely affect the public health, safety, and welfare and the proposed use is compatible with the immediately adjacent and nearby neighborhood properties and uses and the proposal is in compliance with the Routt County Zoning Regulations and complies with the guidelines of the Routt County Master Plan.
2. **Deny the Conditional Use Permit request** if it is determined that the petition will adversely affect the public health, safety, and welfare and/or the proposed use is not compatible with the immediately adjacent and nearby neighborhood properties and uses and/or the proposed use is not in compliance with the Routt County Zoning Regulations and/or the Routt County Master Plan. Make specific findings of fact citing specific regulations or policies by number from the Routt County Master Plan and the Routt County Zoning Regulations.
3. **Table the Conditional Use Permit request** if additional information is required to fully evaluate the petition. Give specific direction to the petitioner and staff.
4. **Approve the Conditional Use Permit request with conditions and/or performance standards** if it is determined that certain conditions and/or performance standards are necessary to ensure public, health, safety, and welfare and/or make the use compatible with

immediately adjacent and neighborhood properties and uses and/or bring the proposal into compliance with the Routt County Zoning Regulations and Routt County Master Plan.

FINDINGS OF FACT that may be appropriate if the Conditional Use Permit is approved:

1. The proposal, with the following conditions, meets the applicable guidelines of the Routt County Master Plan and is in compliance with Sections 4, 5, and 6 of the Routt County Zoning Regulations.

CONDITIONS that may be appropriate may include the following:

General Conditions:

1. The CUP is contingent upon compliance with the applicable provisions of the Routt County Zoning Regulations including but not limited to Sections 5 and 6.
2. Any complaints or concerns that may arise from this operation may be cause for review of the CUP, at any time, and amendment or addition of conditions, or revocation of the permit if necessary.
3. In the event that Routt County commences an action to enforce or interpret this CUP, the substantially prevailing party shall be entitled to recover its costs in such action including, without limitation, attorney fees.
4. Permits will be assessed an Annual Fee in accordance with the Fee Schedule in Appendix B of the Routt County Zoning Regulations.
5. No junk, trash, or inoperative vehicles shall be stored on the property.
6. The operation shall comply with all federal, state and local laws. Copies of permits or letters of approval shall be submitted to the Routt County Planning Department prior to commencement of operations.
7. Fuel, flammable materials, or hazardous materials shall be kept in a safe area and shall be stored in accordance with state and local environmental requirements.
8. All exterior lighting shall be downcast and opaquely shielded.
9. All trash shall be stored either inside a garage or inside Interagency Grizzly Bear Committee (IGBC) certified receptacles
10. Prior to the issuance of the permit, the permittee shall provide evidence of liability insurance in compliance with the County's Insurance and Surety Requirements policy then in effect. The certificate of insurance shall include all permit numbers associated with the activity and Routt County shall be named as an additional insured. Permittee shall notify the Routt County Planning Department of any claims made against the policy.
11. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director, without notice.
12. Permit shall not be transferable.
13. The Permittee shall prevent the spread of weeds to surrounding lands, and comply with the Colorado Noxious Weed Act as amended in 2013 and Routt County noxious weed management plan.

Specific Conditions:

14. The CUP is limited to uses and facilities presented in the approved project plan. Any additional uses or facilities must be applied for in a new or amended application.
15. The CUP is valid for the life of the use provided it is acted upon within one year of approval. The CUP shall be deemed to have automatically lapsed if the uses permitted herein are discontinued for a period of one (1) year.
16. Hours of operations shall be 7:00 a.m. to 5:00 p.m., 5 days per week, May – September.
17. All employees shall be first aid certified and be trained on emergency procedures.
18. Any accidents shall be reported to the Planning Department.
19. All parking associated with the permitted activities must be onsite. No parking or staging on the county road.
20. Routt County roads affected by this CUP will be inspected by the Routt County Road and Bridge Department at intervals determined by same. Any road damage repair or maintenance needs above and beyond typical maintenance, attributable to this use, shall be made by the County, or a third-party contractor as selected by the Routt County Road and Bridge Department and on a schedule determined by same. Road and Bridge shall inform permittee of such maintenance or repair activities prior to work being performed. Permittee shall solely bear the costs of repairs.
21. Routt County roads shall not be completely blocked at any time. If traffic regulation is deemed necessary, the Permittee shall notify the Routt County Road and Bridge Director, or designee thereof, in advance (if possible), who may then require:
 - a. A method of handling traffic in accordance with the Manual on Uniform Traffic Control Devices and approved by the Road and Bridge Director.
22. Permittee shall use and maintain the existing accesses to the properties to minimize impacts to the County road system during the life of the Operations. No additional accesses will be granted. If another access is desired, an amendment to the permit shall be required.