

**MINUTES**  
**RIDGWAY AREA JOINT PLANNING BOARD &**  
**OURAY COUNTY PLANNING COMMISSION**  
**REGULAR MEETING & WORKSHOP**

June 21, 2016 5:00 – 8:00 p.m. (appx)

Meeting held at the Land Use/Road & Bridge Offices, Conference Room  
111 Mall Road, Ridgway, Colorado

**Attending:**

**PC:** Jackman, Parker, Williams, Orgren, Carr, Miller  
**RAJPB:** Fitzhugh, Weaver  
**Staff:** Castrodale, Sampson, Whitmore  
**Absent:** OCPC: Baskfield & Peters, RAJPB: Hunter & Patterson

**Note:** These minutes are not intended to be a *transcription* of the hearing. Comments are abbreviated and paraphrased. Every intention is made to capture the intent and meaning of the comments made during the hearing.

**I. Call to Order – Regular Meeting of the Ridgway Area Joint Planning Board (5:00 P.M.)**

**1. Public Hearing (5:04 PM):** The purpose of the hearing is to review and make a recommendation to the Board of County Commissioners on a request by Mark Shambaugh, authorized agent for Emagene Calvert, for approval of a Special Use Permit for a Commercial Equestrian Center to be located at 5040 County Road 24.

• **Staff Presentation**

- Castrodale introduced the topic:
  - Special use permit for a Commercial Equestrian Activity
  - 5040 County Road 24
  - Valley Zone and within the Ridgway Area of Influence
  - Displayed vicinity map on the overhead screen
  - Calvert Exemption
  - Showed the photograph of the property and showed location of proposed structures.
  - Seems to be confusion with county zoning, based on public comments.
  - Castrodale explained the pertinent portions of the Ouray County Land Use Code, and the Ouray County Master Plan

- i. Read Economic Development (section C of the Master Plan
  - ii. Explained Section 3 of the Land Use Code
    - 1. Read list of commercial uses of the Valley Zone.
  - iii. Read the definition for “Commercial Equestrian Activities”.
- Castrodale explained the process of the application review that occurs prior to public hearing.
    - i. Reviewed by County Attorney, Building Inspector, Weed Department, Road and Bridge.
  - No issues with access, not in the flood plain, will need to pass visual impact and don't anticipate a problem with that.
  - Explained site plan that is proposed.
    - i. No other structures to support the proposed use may be built without first getting approval of the change through the county.
  - Showed the distances to the proposed use on an overhead map.
  - Castrodale concluded with the Staff recommendation.

It is Staff's opinion that the proposed Commercial Equestrian Activity (Facility) meets the regulations and requirements as detailed in Section 5 of the Ouray County Land Use Code. Therefore, Staff recommends the Ridgway Area Joint Planning Board forward the application to the Board of County Commissioners, with a recommendation of approval, with the following conditions:

1. If complaints regarding unreasonable amounts of dust beyond the boundaries of the property are investigated and confirmed by Staff, the operator of the Commercial Equestrian Facility must implement effective mitigation methods to significantly and effectively reduce the amount of dust generated by the use.
2. If it is determined by the Road & Bridge Department that damage to County Road 24 is occurring due to the proposed use, and, the damage is deemed to be beyond what would be expected from a use-by-right operation, the operator of the Commercial Equestrian Facility may be required to enter into a cooperative maintenance agreement with the County, including a possible financial contribution to cover a portion of the required upkeep to the road.
3. The Applicant shall obtain required building permits prior to construction of proposed structures.
4. One parking space shall be a “van accessible” space per the 2006 IBC requirements.

5. Prior to issuance of the Special Use Permit, Applicant shall enter into a Noxious Weed Management Plan, approved and signed by the County Weed Manager.
  6. The Applicant shall maintain the subject property and all associated structures.
- Parker noted that it is a small town, and was aware of interest in this hearing. Hearing will run late if needed, and workshop will be extended if needed.
  - Williams disclosed that she had seen an email come in about the proposed use, but did not read it.
  - **Applicant Presentation**
    - Mark Shambaugh; daughter recently graduated from Purdue.
      - Understands concerns of neighbors
      - We're not developers.
      - For training wild mustangs, colt starting, and handling, will be some horse training with the owners, max of 10 clients.
      - Estimates 10-12 clinics per year.
      - Newly remodeled fairgrounds would be used for any large exhibitions.
      - 40' drop in elevation, so visual impact should not be a problem.
      - Old time timber structure
      - Lighting down-cast, and will comply with lighting regulations.
      - No other exhibitors, music to her routines.
      - Showed a video of Madison training horses.
      - No boarding, no daily traffic.
      - Not a Dalwhinnie type operation.
  - **RJAB questions for Staff/Applicant**
    - Williams; how many parking spots? 10 or 11 spaces shown, but where will the trailers be parked?
      - Shambaugh; backside of the indoor arena. 40' diagonal spaces.
    - Williams; music for demo; is this indoor or outdoor and from what source?
      - Shambaugh; portable mic system, would be soft music and 90% would be at the indoor areana.
    - Williams; maximum clients of 10, but would not be staying on site?
      - Shambaugh; would likely stay in their trailers.

- Whitmore; if not paying, it would not be considered an accommodation or short-term rental.
- Williams; what is seasonal for the events?
  - Shambaugh; May - October
- Williams; asked for clarification on design of structures?
  - Shambaugh; showed photo
- Miller; what surface on the arena?
  - Shambaugh; sand mixed with carpet waste to reduce dust.
- Carr; County Road 24 is in bad shape, what additional impact to you anticipate?
  - Shambaugh; has agreed to the condition that would put him on the hook if there is negative impact to the road as a result of the operation. Will be a low traffic count.
- Carr; mostly concerned with the dust. Asked for clarification on site, and lighting.
  - Shambaugh; 1000' off road and 40' below road grade, and lighting would comply to the dark sky regulations.
  - Not a large night show outfit.
- Carr; could we require all lighting to face north?
  - Castrodale; would get tricky to add further conditions than what is already required by regulation. Read regulations from Land Use Code.
- Carr; can we limit times?
  - Whitmore; the night lighting regulations doesn't provide that limitation on anyone else, so it might be hard to sustain, but if the applicant was willing to limit time, we could probably add a condition.
- Carr; are the additional buildings required, and what expansion opportunities are there?
  - Castrodale; Ag use is not limited on number of structures, nor is accessory structures.
  - Because this is a SUP, it is specifically limited to the structures shown in the application. If they want to add more, they will need to get approval from the county.
- Miller; are the future storage buildings included?
  - Castrodale; storage buildings may be built in the future. (note: Applicant labeled future because they will not be the first structures built, but does plan to after the arenas are constructed.)
- Fitzhugh; how many daily trips from the proposed use?
  - Shambaugh; 4-5 cars could go out once a day
- Fitzhugh; no daily clinics?

- Shambaugh; no, 10-12/year
- Fitzhugh; visual impact reviewed at time of building permit application?
  - Castrodale; that is correct
- Weaver; where is the home?
  - Castrodale; pointed out the existing home on the property.
- Weaver; is the video available for the public?
  - Shambaugh; they're on our website.
- Jackman; asked for clarification on where the area of influence is?
  - Castrodale; the proposed facility is on the western edge of the area of influence.
- Jackman; asked for clarification about number of structures for ag use?
  - Castrodale; no limit on number of structures.
- Jackman; if these activities were taking place and was just a ranch, it would not be commercial?
  - Castrodale; yes, without commercial component, the use would be allowed by right.
- Jackman; asked for clarification about property ownership?
  - Shambaugh; clarified.
- Jackman; would you be doing outdoor activities after sun set?
  - Shambaugh; Daughter will be training, but clients will not likely be riding in the dark.
- Jackman; training horses has been a pretty historical use, and hasn't been outlawed. But clearly the neighbors aren't wanting.
  - Shambaugh; Daughter will be training, but clients will not likely be riding in the dark.
- Jackman; discussed nuances between ranching and commercial equestrian.
- Parker; under section 5 it lists additional things that Staff can regulate. It does not specially give staff ability to limit hours.
  - Whitmore; because there is a LUC section pertinent to outdoor lighting, and it does not limit hours for anyone else. Is there a reasonable governmental interests, and equal treatment. Doesn't mean that it couldn't be a limitation if the applicant is agreeable to such hours.
- **Public Comments**
  - Open at 5:58
  - John Hollrah; president of Pleasant Point home owners association. People in the houses are most likely to be affected. Mark noted masterplan, but seemed like staff was acting like an advocate. Values in Master Plan also note rural character.

Hollrah read his written comments that were submitted (see comments in record).

- Sue Stern; lives in Pleasant Point. Agrees with what John had to say. Having been involved with horses, understands what an equestrian facility entails. Will change the character of the neighborhood. The applicants seem to have the best interests at heart, but what about future property owners? There are other properties in the County that may be more suitable – noted several other properties that may be suitable. Recommends that the Planning Commission not approve.
- John Etsy; came to the area and saw beautiful valley. Wanted to live here and it was what we valued. Do need to pay attention to section 5. Number of buildings, eludes to a large operation, and may be a slippery slope. Other places that it may be appropriate
- Rosemary Etsy; noise issue; because of the location, next to the steep cliff, sends all the sound to us. We heard people when they had a fire in April. Can hear them all the way across the valley. Our concerns are the amphitheater affect. Highly recommend to not approve.
- Steve Hilbert; Pleasant Point, about ½ way up. Bought in 1996, experience in Chicago, route home took him by an equestrian center. Dust was bad. Visibility issue. Looks like the facility is off road which is good. Still concerned with dust and noise. Never imagined that they would have an equestrian center. Mechanics of SUP; it is a temporary permit. What about the next owners of the property?
- Dawn Burgess; lives in Pleasant Hills. Facility will be in her line of sight. Agrees with everyone else. Not interested in traffic, and do not want to see increased traffic. Projections are estimates, and may vary from reality.
- Beverly; agrees with everyone so far. Concerned with road; no money to repair. Not sure how impacts can be measured, or enforced.
- Can we ask questions?
- Phylis Stevens; live in Pleasant Point. Asked how long an event lasts, and what is the number of participants.
- John Etsy; would like clarification on size of structures. Why so many buildings and so much space
- Burt Stern; said they might have 10-12 clients at a time and stay overnight. Doesn't seem practical.
- Dawn Burgess; Area of influence; what is it?
  - Parker explained the IGA
- Dawn Burgess; Hearing with the BOCC too?
  - Parker; yes, that is correct.
- Closed at 6:20

- **RJAB Deliberation & Recommendation**
  - Castrodale provided the following;
    - State Statute limits noise, and staff has dealt with noise issues in the past.
    - Future expansion could not happen without approval by the BOCC.
    - Castrodale noted that in other applications the ADT count (Average Daily Traffic) had been limited to 14/day (that which is allowed as a use by right for a dwelling and accessory dwelling)
  - Parker; how will you measure dust?
    - Castrodale; will be tough to enforce.
    - Fitzhugh; complaint driven and when they're received the Staff will investigate and mitigate the situation.
    - Castrodale; that is correct.
    - Parker; how long are the shows (to applicant)
    - Applicant offered to respond to several questions posed by the public
      - i. 60-90 minutes for show length.
      - ii. Number of people to go to the fairgrounds – will have to get input from his daughter. Doesn't k now at the moment
      - iii. Why so much space? She has more than 3 animals, will need that space.
      - iv. Daughter stays overnight in horse trailer when going to events. Same concept for our clients, and some may stay in the local motels.
      - v. Limitation in perpetuity to what has been applied for. No one can take this permit over and do more than what is proposed here.
      - vi. The storage structures are labeled future, but would like them to be considered in this application so that they could construct them when needed. For farm equipment and implements.
  - Williams; what is the plan for the current horses, trucks, and equipment on the property?
    - i. Shambaugh; they're going away when purchase is complete and the lease expires.
  - Fitzhugh; how do we get a traffic count
    - i. Castrodale; traffic counters from road and bridge.
  - Weaver; can we add a condition regarding noise?
    - i. Castrodale; Yes.
  - Carr; any concerns with limiting hours of night lighting?4

- i. Shambaugh; no problem coming up with some limitation of hours in the outdoor arena. Will need to consult with his daughter before committing.
- Parker; clients will not be in the outdoor arena
  - i. Parker; confirmed.
- Parker; can we use the same language from the dust condition to address lighting and noise.
  - i. Castrodale; lighting and noise already addressed by regulation.
  - ii. Whitmore; if the current regulations are not stringent enough, then the PC should be looking to strengthen the regulation to apply to everyone.
- Parker; referenced section 5 and noted that section 3 lists other commercial uses that could be allowed. Zoning was set up and listed these uses as things that may be allowed in the zone.
- Fitzhugh; public comments indicate that commercial uses are not there now, and is therefore not consistent with community character. But the zoning does allow commercial uses. If we applied those criteria, we could never approve any of the allowed uses unless they already existed.
- Miller; valley is farming and ranching, and horse business seems to be compatible with the character.
- Orgren; could end up with a hog or chicken farm as a use by right. Would be more objectionable than this horse business.
- Fitzhugh; application seems to meet this code. Any additional conditions can be discussed, but important to consider whether they further the purposes and intent of the code.
- Williams; would like to see additional conditions. Limit events to 12/ year. Would like to see a trigger to send the clinic to the Event Center.
- Miller; existing rules seem to address the issues of noise, dust and traffic.
- Jackman, seems like there is plenty of room to park on 35 acres. Does not feel an urge to limit them to 12 events. If facility is 40' below and 1000' away from road, would the applicant be willing to berm in order to screen and limit sound?
- Miller; solid wood fences do well to mitigating sound too.
- Parker; any opposition to adding a condition that the applicant will comply with the outdoor lighting regulations and noise regulations.
- Could limit traffic to 14 ADT's

- Clarified that it was an average traffic count.
- Limiting use of outdoor lighting will need to wait.
  - i. Whitmore; can include as a recommendation.
- Planning commission discussed the idea of berming, and decided not to include a recommendation.
- Planning commission discussed a potential condition to limit events to 12. Staff noted that the applicant would not be restricted based solely on an estimate listed in the narrative.
  
- **MOTION:** Fitzhugh moved that the Joint Planning Board forward the application to the Board of County Commissioners with a recommendation for approval of the application, with the conditions recommended by the staff and the additional conditions discussed tonight:
  - i. Applicant be held to existing noise and lighting regulations
  - ii. Applicant be limited to 14 Average Daily Vehicle Trips per day.
  - iii. Recommends that the Board consider further discussions and possible limitations for the use of the outdoor arena after dark.
- **SECOND:** Carr seconded motion
- **DISCUSSION:**
  - i. Jackman motion made based on what the code is today; not what the zoning could be changed to.
- **VOTE:** A vote was taken and the motion passed unanimously

## 7. Adjourn Regular Meeting

- **MOTION:** Orgren moved to adjourn
- **SECOND:** Williams seconded motion
- **DISCUSSION:** None
- **VOTE:** A vote was taken and the motion passed unanimously

## II. Call to Order – Workshop of the Ouray County Planning Commission

- A. The Planning Commission held a workshop to continue their review of a potentially new land use code section pertaining to high country development regulations.

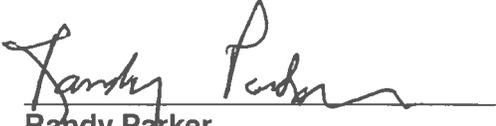
Submitted By:



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Bryan Sampson  
Associate Planner

Approved By:



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Randy Parker  
Chair