



Item:

4

Date:

11/18/2021

Applicant:

Scott & Sydney Liggett

Location:

466 W Birch Cir

Prepared By:

Sean Conroy, Community
Development Director

Public Hearing:

No

Zone:

A-2, TDR-R

Attachments

1. Application information.
2. Findings.

REQUEST

Consideration of a request to operate a horse lesson and training business as a Home Occupation in an outdoor arena at 466 West Birch Circle in the A-2 (TDR-R) Zone.

BACKGROUND & DESCRIPTION

The subject property is 1.39 acres in size located in a cul-de-sac at 466 W Birch Circle and is developed with a single family dwelling. The rear .8 acres more or less is used as a horse riding area. The applicants are requesting approval for a home occupation to offer horse riding lessons. The home business would include the following (see attachment "1" for more information:

- Lessons would typically be an hour and would occur Monday through Thursday roughly from 3:00 p.m. to 7:00 or 7:30 p.m.
- Lessons would be taught in groups of 3 to 6 students.
- Some students bring their own horses, others use the applicant's horses.

EVALUATION

A-2 Zone & Animal Rights: The A-2 zone encourages animal rights and agricultural endeavours. Certainly having horse property is part of the rural character of the City. The A-2 zone specifically identifies "equestrian riding arenas" as a conditional use, which requires two acres of property, in addition to several other requirements. The term equestrian riding arena is not specifically defined, but it is assumed that it is a use that likely would include horse riding lessons.

The Commission should first determine whether the applicant's request to provide horse riding lessons would qualify as an equestrian riding arena. If the answer is yes, the request should be denied because the site does not meet the minimum standards. If the answer is no, then the Commission should proceed with the review based on the home occupation standards discussed below.

Based on the size of the property, the applicant is limited to no more than six horses at any time on the property. If the Commission approves the request, it should include a condition limiting the number of horses to no more than six.

Home Occupations: Mapleton City Code (MCC) section 18.84.380 outlines the requirements for home occupations. The purpose of the ordinance is to allow for a "modest level of business activity" that "will not adversely affect, undermine, injure or otherwise significantly depreciate the residential character of the area." As the Commission reviews this application it must determine whether the proposed business is consistent with this purpose.

Staff has included only those requirements from the municipal code below where there may be a conflict or topic for discussion, followed by a brief response:

7. Not more than six (6) cars (including those owned by the resident family) may be parked at the residence at any one time and such vehicles shall be parked within the driveway or in front of the residence. Clients of the home occupation shall not park or store vehicles at the premises overnight.

Response: The applicant has indicated that their typical groups would include three to six students. If each student came in a car and was not dropped off, the applicant could not comply with this requirement. The applicant would need to ensure that no more than six vehicles were parked on site at any given time. Staff is also concerned that during transitions from one group lesson to another, there could be as many as twelve vehicles pulling in and out of the site, and several could include horse trailers. This could certainly cause a disturbance to the neighborhood and seems to conflict with the intent of only having a modest amount of business activity.

Staff recommends that only one group lesson be allowed per day. If the Commission is supportive of allowing for multiple group lessons, staff would recommend staggering the lessons so that there isn't overlap.

8. The home occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not have the effect of changing the character of the building or the attendant yard area from that of a dwelling.

Response: For the reasons stated above, it appears that the proposed use would be more than incidental in nature.

14. The physical appearance, traffic, and other activities in connection with the home occupation will not be contrary to the intent of the zone in which the home occupation is located and will not depreciate surrounding property values or the quality of the area for residential purposes.

Response: For reasons stated above, staff is concerned that the proposed use could impact traffic and have a negative impact on neighboring properties.

RECOMMENDATION

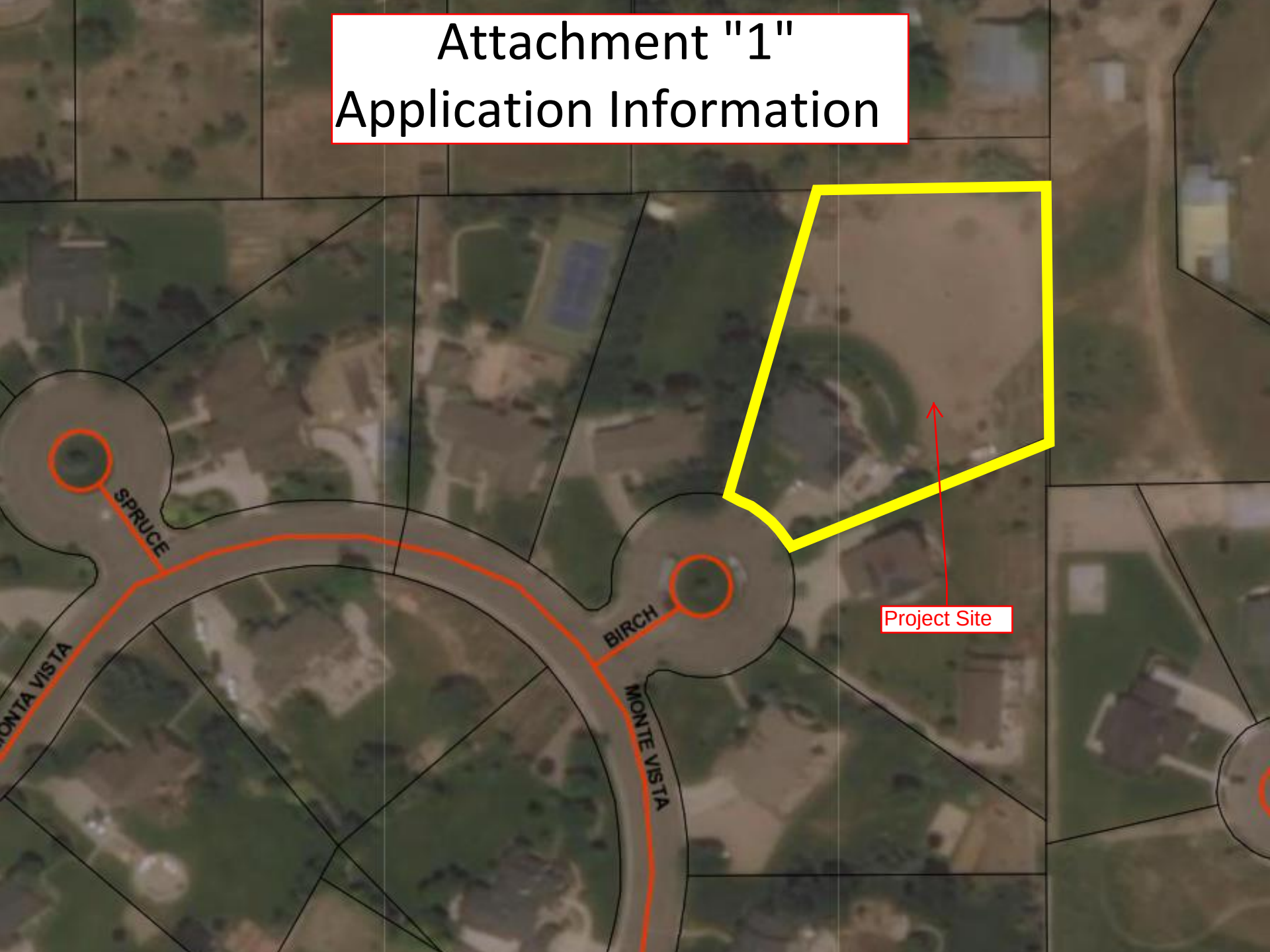
Approve the application with the attached conditions.

Conditions:

1. Only one group less shall be allowed per day.
2. The lessons shall be organized so that no more than six vehicles are parked on-site at any given time.
3. No more than six horses shall be allowed onsite at any given time.
4. To avoid nuisance conditions, manure shall not be allowed to accumulate. Dust shall also be controlled by watering or sprinkling.
5. Outdoor lighting of any riding arena shall be designed with minimum light trespass off-site by using cut off luminaires that are fully shielded with no light distributed above the luminaire's horizontal plane.
6. All other requirements of MCC Section 18.84.380 shall apply.

Attachment "1"

Application Information



Information for consideration in evaluating possibility of a home business at:
466 W. Birch Cir

Thank you so much for your time in looking over what we are trying to do and helping us make it work! Below is the information that you asked us to provide.

1) Schedule-

Lessons occur Monday-Thursday (start time - finish time)

Monday — 3pm - 7pm

Tuesday — 3pm - 5pm

Wednesday — 3pm - 6pm

Thursday — 3:30pm - 7:30pm

2) Scale -

We teach group lessons of about 3-6 students. Some classes are best with 5-6 students. For example, we teach an autistic class of 5 for equine therapy. We hold a bigger class for them because it's good for them to be around kids who think like they do. Other class sizes vary depending on other factors, but the average class size is 4-5 riders at a time. In total, we teach about 60 lessons per week including some of my friends coming 7 hours a week instead of going to a therapist as they have recommended it as an alternative for them. Each lesson is an hour. With the current schedule above we are providing 13 lessons per week or 13 hours of instruction per week, but have taught as many as 14 classes (14 hours) per week. In the summer, the scheduled times may change, since there is no school and some students prefer lessons held earlier in the day. All lessons are taught in our backyard, which is entirely concealed from the street, lessening the impact on the community.

3) Information on how it works-

The kids show up at their scheduled time and usually get dropped off. Occasionally parents will stay and watch their child ride. They ride for an hour and then leave. Some students have their own horse and bring it with them to ride, but most students use one of the horses I provide.

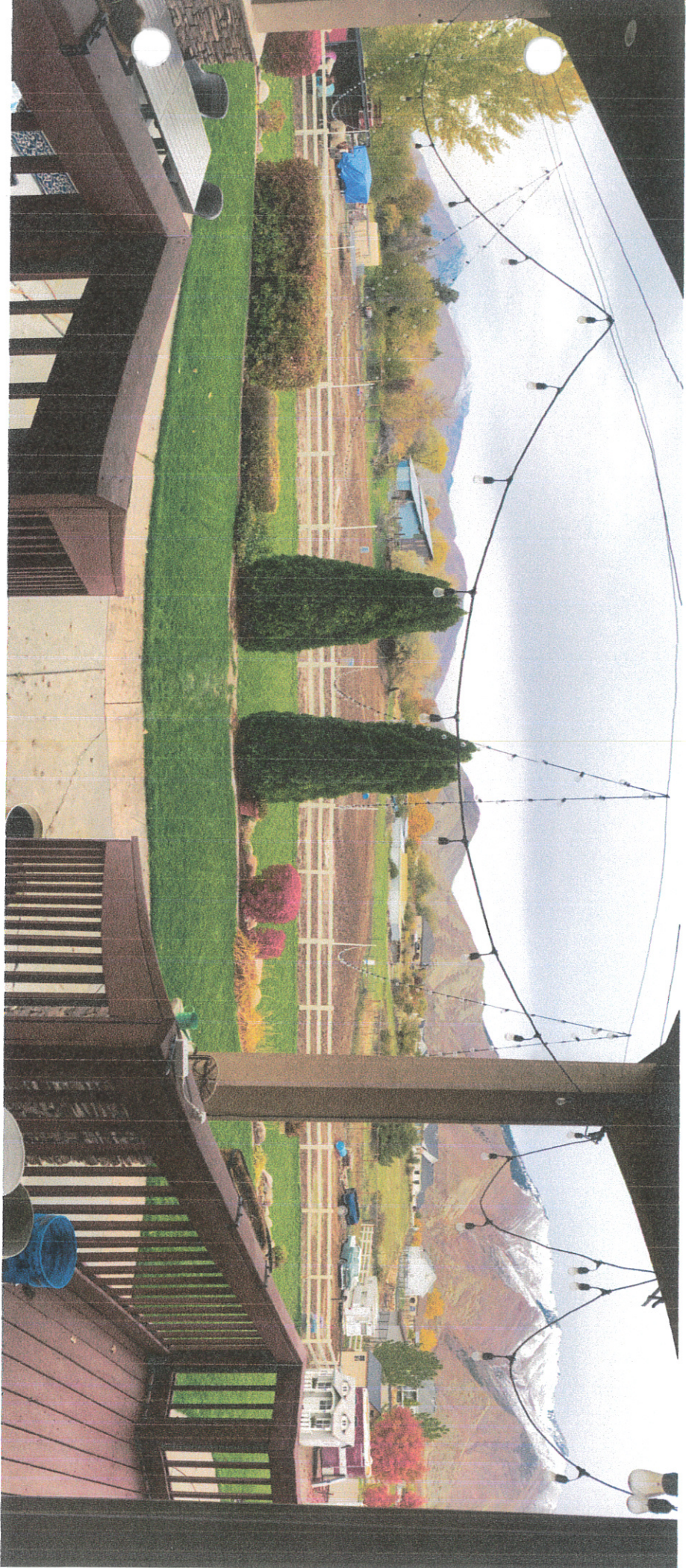
4) Nature of the lessons

When they are here they learn how to saddle up the horse, take care of the animals, and learn how to be around and interact courteously toward other people. We used to only allow a couple students for each lesson. Since Covid hit, a lot of kids we're struggling with depression due to not seeing their friends or experiencing much human interaction and that's why we made group lessons so they could ride with their friends while remaining 6 feet apart. We also reasoned that group lessons would limit the amount of traffic coming and going to a shorter period of time. We thought this would be seen as a positive by our neighbors.

In addition to the information above, we have provided a few photographs so you can see the area we are using for the lessons. Please reach out and let us know if there is more information you need in making this determination. In closing, we just want to say that we believe that the service we are providing is helping to contribute to the betterment of the youth in our neighborhood by giving them a positive, constructive, and uplifting alternative to other less worthy endeavors. Caring for animals and learning to work around other people promotes selflessness and social responsibility.

Thanks for your time and looking this over! We appreciate all you do!


Sydney Liggett
Haden Norman



Attachment "2"

Standard Home Occupation Permit Findings		
No.	Finding	
1.	The proposed use will not be in conflict with the City's General Plan.	✓
2.	The proposed use or combination of uses are listed as permitted or conditional uses in the applicable zoning district in which the project is located.	✓
3.	The proposed use will provide adequate ingress and egress to and from the proposed location	✓
4.	The home occupation will be conducted entirely within a completely enclosed structure on the property. Detached structures where a home occupation is being conducted must be located within fifteen feet (15') of the residential dwelling.	✓
5.	The home occupation shall occupy not more than the equivalent of twenty five percent (25%) of the living area of the dwelling or five hundred (500) square feet, whichever is less. This shall also apply to detached structures.	✓
6.	The activities of the home occupation shall be conducted by members of the residing family. Provided that not more than one person, not a member of the residing family, may be engaged in the home occupation.	✓
7.	Any sale of goods not produced as part of the home occupation shall constitute a clearly incidental part of the operation of the home occupation. There shall be no display of goods produced by the home occupation observable from outside the dwelling.	✓
8.	No commercial vehicles shall be stored at the premises except one delivery truck which shall not exceed ten thousand (10,000) GVW rated capacity.	✓
9.	Not more than six (6) cars (including those owned by the resident family) may be parked at the residence at any one time and such vehicles shall be parked within the driveway or in front of the residence. Clients of the home occupation shall not park or store vehicles at the premises overnight.	✓
10.	The home occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not have the effect of changing the character of the building or the attendant yard area from that of a dwelling.	✓
11.	Signs shall be limited to one nonilluminated identification nameplate not larger in area than four (4) square feet. Electric or electronic signs shall not be permitted. No on site advertising signs shall be permitted. The sign must be attached to the building where the home occupation is to take place.	✓
12.	The home occupation shall be registered with the license agency of the city and shall maintain a current business license in accordance with city regulations.	✓
13.	Entrance to the home occupation from outside shall be through the same entrance normally used by the residing family except when a separate entrance may be required by regulation of the state health department or other public agency. The garage door shall not be used to satisfy this requirement.	✓

14.	The activities of the home occupation shall not involve the use of hazardous materials or chemicals in amounts that will increase the hazard of fire, explosion or safety to the structure or occupants of the dwelling or adjacent dwellings.	✓
15.	The operation of the home occupation shall not produce any noise, smoke, glare, light, fumes, dust, electronic interference or similar condition which is readily discernible outside the dwelling.	✓
16.	The physical appearance, traffic, and other activities in connection with the home occupation will not be contrary to the intent of the zone in which the home occupation is located and will not depreciate surrounding property values or the quality of the area for residential purposes as determined by the city.	✓
17.	The home occupation shall be operated in compliance with any applicable city or state requirements.	✓
18.	The home occupation applicant must either be the bona fide owner of the home (as shown on the current Utah County tax assessment rolls) or if the applicant is renting or leasing the home, the homeowner must provide written permission allowing the applicant to conduct a business in the home. Said letter of permission must be signed and notarized by the homeowner.	✓
19.	The proposed use will not make excessive demands on the provision of public services, including water supply, sewer capacity, energy supply, communication facilities, police protection, and fire protection.	✓
20.	The proposed use will not be injurious to public health, safety or welfare.	✓
21.	Any special conditions included in the permit are consistent with MCC Chapter 18.84.380.	✓