



Item:

5

Date:

1/13/2022

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. Correspondence.

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 "*commercial equestrian riding arenas*" as a conditional use, which requires two acres of property, in addition to several other requirements. The term "*commercial equestrian riding arena*" is not specifically defined in the code. It is assumed that horse riding lessons could certainly be part of a commercial equestrian riding arena use, although the use could be more expansive than just 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.

The animal rights ordinance allows the property owner to have up to six horses on the property. The applicant is requesting to be allowed more than six during riding lessons and argues that since not more than six horses would reside there permanently, allowing more than six during lesson times should be acceptable. Staff's recommendation is to limit the number of horses to six, as allowed by the animal rights ordinance.

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, but would also like to go up to eight students if possible. The applicant has also indicated that they rarely have more than three vehicles on site. However, staff is concerned that if each student came in a car and was not dropped off, the applicant could not comply with the parking 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. 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. To address this concern, the applicant is proposing to stagger the group lessons so there isn't overlapping times.

Staff is also concerned that if there is more than one group lesson per day, that the activities would result in more than just a “*modest*” level of business. The Commission should discuss whether it could support more than one group lesson per day.

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

Discuss the following main questions and determine whether the proposed use should be allowed:

Questions:

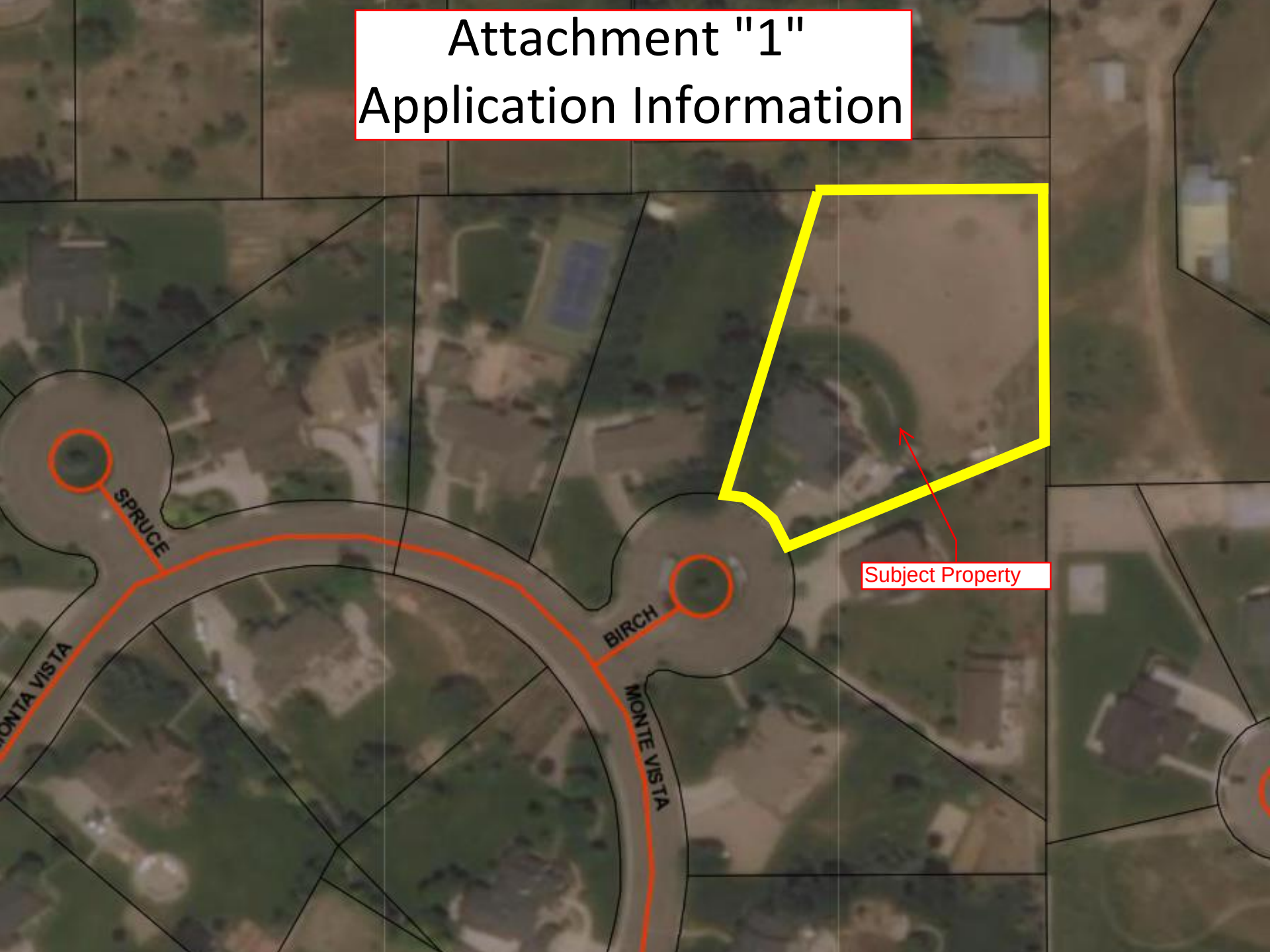
1. Should the use be considered a “commercial equestrian riding arena”? If the answer is yes, the application should be denied as the property does not have sufficient acreage.
2. If the use is allowed, should more than six horses be allowed on the site?
3. If the use is allowed, how many group lessons may be allowed per day and with how many students?

Possible Conditions to consider:

1. Only one group less shall be allowed per day, or require group lessons to be staggered.
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



Letter from Applicant 1

November 16, 2021

Dear Planning Commission,

We are grateful for the opportunity to be considered for a home occupation business license. I am unable to attend the meeting on November 18, 2021 because I am out of town. I would appreciate if my thoughts could be considered in written form via this letter along with our application.

Under Section 18.84.380: Home Occupations, I believe we meet all of the qualifications and have completed all of the steps required to allow the Planning Commission to make a decision in our favor. In making this decision, I wish to emphasize three key points that I hope will positively influence your decision.

First, in section 18.84.380.C.17 there is a provision to allow business activity to be conducted outdoors if an outdoor facility has been built for purpose of the activity. In our case, we have an outdoor riding arena which has been built for the purpose of riding horses. Our business activity would be to give horse lessons to riders in this area. This activity is the same fit as a swimming pool is for holding swim lessons or a tennis court for giving tennis lessons. In addition to meeting this criterion, the area is also the appropriate size for this activity. Photos of this area were submitted with our business license application.

Second, the business activity being conducted happens in the back yard of the residence and out of site from the street and hidden from view to all but a few neighbors' back yards which adjoin ours. This location ensures that the business activity does "not adversely affect, undermine, injure or otherwise significantly depreciate the residential character of the area" (18.84.380.A.1). Also, there are no signs associated with the advertising of the business, no commercial vehicles used, and business activity is low which further ensures that the residential character of the neighborhood is preserved.

Third, the business activity we are engaged in builds the community by giving youth a positive activity to engage in which has proven to help youth stay out of trouble. Additionally, there are many youth taking riding lessons which use the activity as effective therapy to help them deal with many mental and social challenges they are currently experiencing. Additionally, many families schedule group riding activities that help them draw closer as a family. There are also many youth who just love riding and derive lots of satisfaction and self-confidence from learning how to ride better. We have attached a few testimonials of the students who are benefiting from this activity. (Please see attached statements)

In closing, I sincerely hope that the Planning Commission will see the great benefit that granting this license will be to the community and to our family. We also commit to follow all of the Conditions and Criteria for having a Home Occupation Business. Thank you for your consideration.

Sincerely,



Scott Liggett

Testimonials of the benefits of our business activity:

We absolutely love Sydney and the amazing things she's doing with her business to bless the lives of so many people! My 11 year daughter has been riding with Sydney for over a year and she has learned so much. Yes, she's learned the basics of caring for, saddling, and proper horse riding techniques but it goes beyond that. My daughter has learned that she can do hard things. Not every horse is going to be easy to ride and connect with. My daughter is learning that patience and persistent effort brings results such as rounding the barrels or going over a jump for the first time. That has also crossed over to her personal life as she occasionally faces challenges in her Spanish dual immersion program at school and competes on a competitive swim team. She is gaining confidence and is finding mental clarity as she continues to work with Sydney, who teaches with expertise and safety but also with love. Sydney genuinely cares about each student and makes sure they leave her lessons better than when they arrived.

Natalie Diaz

Sydney has a gift of making each of her students feel important and confident in their abilities. My daughter looks forward to her horse lessons each week and we as parents have enjoyed seeing her appreciation and knowledge of horsemanship improve. We appreciate Sydney being a wonderful teacher and mentor and helping our daughter feel confident in herself in all aspects.

Kaylyn Hickman

"My daughter has been riding with Sydney since early this year. She had been begging to ride but was nervous. Her first day there, Sydney spent the whole lesson with her, making her feel comfortable and explaining everything so she wasn't so nervous. Riding lessons have built her confidence and helped her to advocate for herself. She is a stronger girl because of Sydney. She always feels safe and cared for and looks forward to weekly lessons. It has been a game changer for my daughter. Sydney is always kind to all of her students and makes them feel special. It's truly amazing to watch her teach and share her knowledge with her students. She has a rare talent and we have loved our time with her."

Nickie Carter

My two daughters take horseback riding lessons from Sydney. My 6 year old wanted to do it cause her older sister was doing it, and she thinks it's a blast. She comes home each week bursting to share her progress and tell us about each horse. It's an even bigger deal for my 17 year old, Kendall.

I wish I would have thought to put Kendall in horseback riding lessons YEARS ago. Kendall is autistic and has severe social anxiety, life can be really difficult for her. But when she's riding horses? She comes alive! She's free and joyful and confident and brave. She loves it with her whole self. She absolutely loves the horses, but Sydney is definitely the one who helps my kids thrive.

Sydney is just the most wonderful teacher. Both of my children respond really well to Sydney's kind and positive nature. Sydney is her students' biggest cheerleader and they feel that. She is knowledgeable and talented and her students thoroughly trust her, which allows for so much learning and progress.

Kristen Obert

We put my young daughter in riding lessons a few years ago to help her with confidence and assertiveness. When we moved here last year and found Sydney (or insert your business name here), we couldn't have been more pleased with how Sydney teaches and supports her students. My daughter and I take lessons together, and the group lessons Sydney has developed have been more beneficial than private lessons we have had in the past. Having to work on skills with multiple other riders/horses in the same arena help create multifaceted problem solving skills with sometimes unpredictable situations. We are loving it! Sydney is kind, attentive, and focused. She

plays to each riders strengths to help them develop skills in areas they are interested in and also pushes each student to their ability levels. I highly recommend her riding lessons.

Kristi Hoffman

We had recently moved into the area and were looking for a place for our son to take riding lessons. The day he met Sydney and Hero was amazing! Our son has a few special needs but Sydney has never treated him different than anyone else. She took him right under her wing and he hasn't looked back. She allows him time to learn at his pace while pushing him out of his comfort zone in the best of ways. Riding horses with Sydney has given Jake more confidence, helped him with his coordination and even pulled him out of his shell talking to people. We love Sydney and her positive can do attitude!

Andrea Grieve

I have 3 boys that take horse riding lessons from Sydney. Who would have thought that riding horses an hour each week could make such positive changes in our family and homeschool life? This hour is the highlight of their week! They look forward to it and ask everyday when the next lesson is. My 9 year old son struggles with anxiety and I have watched how these lessons somehow take a load off his childhood stresses and simply make him happy. Sydney is positive and encouraging and a role model I'm grateful my boys have in their life. The benefits of being outdoors, learning how to care for an animal, responsibly taking directions, and then controlling an animal while you ride it, are more than I could ask for for my boys and worth every penny. So grateful for Sydney and this service she provides our family!

Kelsey Oldroyd

Caz - As an autistic child, Caz struggles with emotions, motor skills, and communication. Through riding lessons with Sydney, she has taught him confidence, understanding, communication, regulation, motor skills, etc. After less than a year, he is riding on his own, controlling his horse, and learning how to communicate with others, as well as the horse under him. He has found joy and compassion, patience and kindness, and it is all thanks to Sydney and her lesson program.

Caz Lundgren

Sky - Sydney has been able to instill confidence, responsibility, empathy, and effective communication all through riding lessons. At just 9 years old, Sky has found a passion in riding that comes from the opportunity to be around horses and the lessons she learns from them under Sydney's supervision. Sydney not only teaches technical skills of riding horses, but also provides valuable life lessons and experiences. The confidence, perseverance and resilience that Sky has experienced in the last year thanks to Sydney is astounding and one-of-a-kind.

Sky Lundgren

Oh my goodness where to even start, horse riding lessons for me is the best day of my week. I have learned so much. Riding horses is my therapy. It helps me with my thoughts and feelings. I have also made so many friends who have gotten me out of my bubble. I have met so many great people and love the environment. Thanks for helping me through thick and thin. <3

Kate Parkins

Here are a couple of things that you and your business has done for me 

1. your business has helped bring people together and help make people happy
2. your business has helped me get to where i want to with my dreams
3. your business has helped people with mental problems get over those things
4. your business helps people come out of their shell and become more socially active

5. your business has helped people be active!

Brooke Trapnell

I had my son at 24 weeks & completely lost not only who I was, but lost all trust in me as a person.

Horse lessons has helped me learn to re- trust myself, as well as help me manage my anxiety & PTSD. It's helped me realize I still have control with not only Ace, but my feelings as well. Ace is very aware & can sense my anxiety & fear I notice that in the way he responds to my commands. Whenever I'm riding Ace I feel like my mind is so clear, I forget about my stress, my anxiety & whatever else is bugging me at the moment.

There's something really powerful about Sydney & her horses & I look forward to horse lessons every week ❤️

Teya Monroe

In 2017, at age nine, my daughter, Liv, started taking horse lessons from Sydney Liggett. Liv has some special needs that have prevented her from excelling in physical activities. Social interactions are also challenging for her. Sydney has given Liv the knowledge and courage to progress from hardly being able to get on or off a horse, to becoming a confident, good rider. Liv is constantly excited to tell me about things she has accomplished like loping bareback, jumping the mustang, and even participating in barrel racing at a rodeo! More importantly, Liv has really made strides socially by interacting with Sydney and the other students. I have mentioned to my friends that I would pay Sydney just to spend time with my daughter even if lessons were not involved. Sydney's mentorship, on many levels, is priceless! I am extremely grateful that Liv has been able to have the opportunity of learning from Sydney. Horse lessons have been (and continue to be) the greatest blessing in Liv's life!

Sarah Larson

Sydney's horse lessons are the best! I look forward to them every week! There's nothing better than being on top of a horse. Its definitely my happy place.

Sydney is also a great teacher! She's very knowledgeable and has an energy to her! She gives you the support you need and pushes you when you need it! Because of her I'm learning how to do the barrels so I can do a rodeo!

I have my 6 and 8 year old girls riding as well! Sydney takes her time with them. She makes sure they are comfortable with one task and pushes them to the next! Sydney really is the best! We love her! Her business is a life saver in so many ways! For us, it gives us confidence, strength, and discipline. We build relationships with our horses making sure we trust them and they trust us! All of Sydney's horses are well behaved and trained perfectly! I recommend Sydney's business to everyone, no matter your age or riding experience!

Sheigh

Sydney is amazing with all her students. She is truly unique in a way that is hard to come by these days. She takes the time to really get to know the students as individuals and helps them build their confidence by teaching them skills that are catered to their own needs, likes and abilities. I have seen tremendous growth in Lilys confidence since she started with Sydney 2 years ago not only on the horse but in life in general.

Shelly Salisbury

Letter from Applicant #2

Hi Sean,

I want to thank you for your kindness in moving our discussion to December's meeting. I think it is emblematic of the considerate service and help we have received during this process of applying for a home occupation business license. Prior to his departure, Brian was also extremely helpful and supportive.

As we discussed on the phone, I put together a few thoughts of why we feel it is best to not limit the number of group lessons that can be held during a day. I have them listed below, in no particular order. If possible, I would appreciate an opportunity to discuss this with you further before the meeting next week. Do you have time to visit this week? I assume it wouldn't take more than 20 minutes.

Considerations in favor of group lessons NOT being limited to one group lesson per day:

Group lessons were designed to minimize the impact on the neighborhood by reducing the overall time of clients coming and going at our residence—Group lessons allow the property to be used for less total time than individual lessons, because up to 6 students can ride in one hour instead of the same number of individual students coming and going over the course of six hours. This reduces the duration of potential impact on the community. (As a further consideration, Brian told us that we were limited to 6 horses being “kept” on the property but that he didn't see a problem of having more than six horses being ridden if it did not violate the parking restriction). Allowing 8 riders per lesson would further reduce the potential duration of business activity on the community. More than 8 riders per lesson is not practical from a teaching standpoint.

Starting a new lesson 15 minutes after the previous lesson has ended will solve any parking problems—Staggering lessons will positively ensure that no more than 6 vehicles are parked at the property at one time. Most students are dropped off and a car is only out in front of the residence in a “drop off zone” type of situation. Also, many students car pool and/or are part of the same family. We rarely have more than two or three client vehicles at one time during a lesson.

Group lessons provide many benefits over individual lessons for both the client and business owner:

- Because clients are offered group lessons, they are able to ride at a much more affordable price.
- Group lessons allow the business to have greater income with less hours of property use, thus maximizing resources such as time, land, and horses.
- Participating in a group lesson provides many secondary benefits to the riders as they learn to work around others, practice courtesy and common respect, see what others are doing and how it can help them, and build a positive support system that helps them work through their challenges, they make new friends.
- Restricting group lessons to one per day (as was suggested in the previous meeting documentation) would significantly reduce the benefit of lessons to both the client and the business. Lessons are not offered all day, as most clients are children who also attend school. Also, offering lessons all day would not meet the goal to maintain a moderate level of business activity. Allowing only one group lesson per day would mean that a maximum of 6 group lessons per week could be held, which would cut the business earnings by more than half, if many more individual lessons were not offered. Time a logistical restrictions would not allow for this since students are only available in the afternoon and early evening hours.

- 16 hours per week under the current lesson structure allows for more students to benefit while having the least amount of impact on the neighborhood.
- We live in a circle, which greatly cuts down on any potential negative impact of traffic to the neighborhood. There are only 3 other residences in the circle. The conflict of coming and going on the road is greatly reduced by the size and shape of the circle which allows for easy coming and going while minimizing the chances of getting in each other's way or creating unsafe conditions.

We ask that the previously proposed condition of limiting group lessons to one per day be changed to allow 16 group lessons per week. If 8 riders were allowed for lessons instead of 6, this would also reduce the number of hours lessons would need to be offered. The impact on the community of 8 horses riding in the area instead of 6 makes no material difference if the parking restrictions are met. This also allows for greater flexibility in managing the coming and going of students. We liked the suggestion to stagger lessons with a buffer of 15 minutes. This would ensure vehicles dropping off and picking up does not exceed the allowed amount. This allows us to conduct the instruction in a window of 16 hours per week which would definitely fit under the definition of a moderate level of business. The one group lesson per day requirement would greatly harm our business and the good work we are doing. We provide a solution to a very important need in the community and at a price people can afford. The most important lessons being taught have less to do with horses and more to do with helping kids work and function in a supportive social environment.

Something else to consider: Currently there are other businesses in the neighborhood which are not trying to comply with the city statutes. For example, there are tennis, swimming, and basketball lessons which have more than 6 students at a time and have more than 6 cars parked on the main road. Granting a license to us and accepting our proposed revision, or something close to it, will encourage others to comply with the city requirements and show that the city is willing to work with residents to help them comply with the statutes without it negatively affecting what they have already built. This spirit of cooperation would encourage the community to willingly comply rather than drive their businesses further underground.

The prevailing attitude in the community is a don't ask don't tell mentality. We hope that by our coming forward and seeking to comply without compulsion will help to curb this attitude.

Thanks for taking the time to review my thoughts. Please let me know if there is a time we can visit in the next day or two. I sincerely appreciate your kindness and consideration.

Sincerely,

Scott Liggett

Letter from Applicant #3

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-

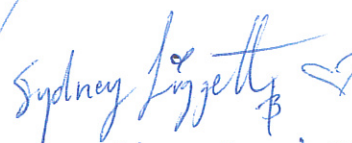
The kids show up at their scheduled time and usually get dropped off. Occasionally parents will stay and watch their child ride. They ride for an hour and then leave. Some students have their own horse and bring it with them to ride, but most students use one of the horses I provide.

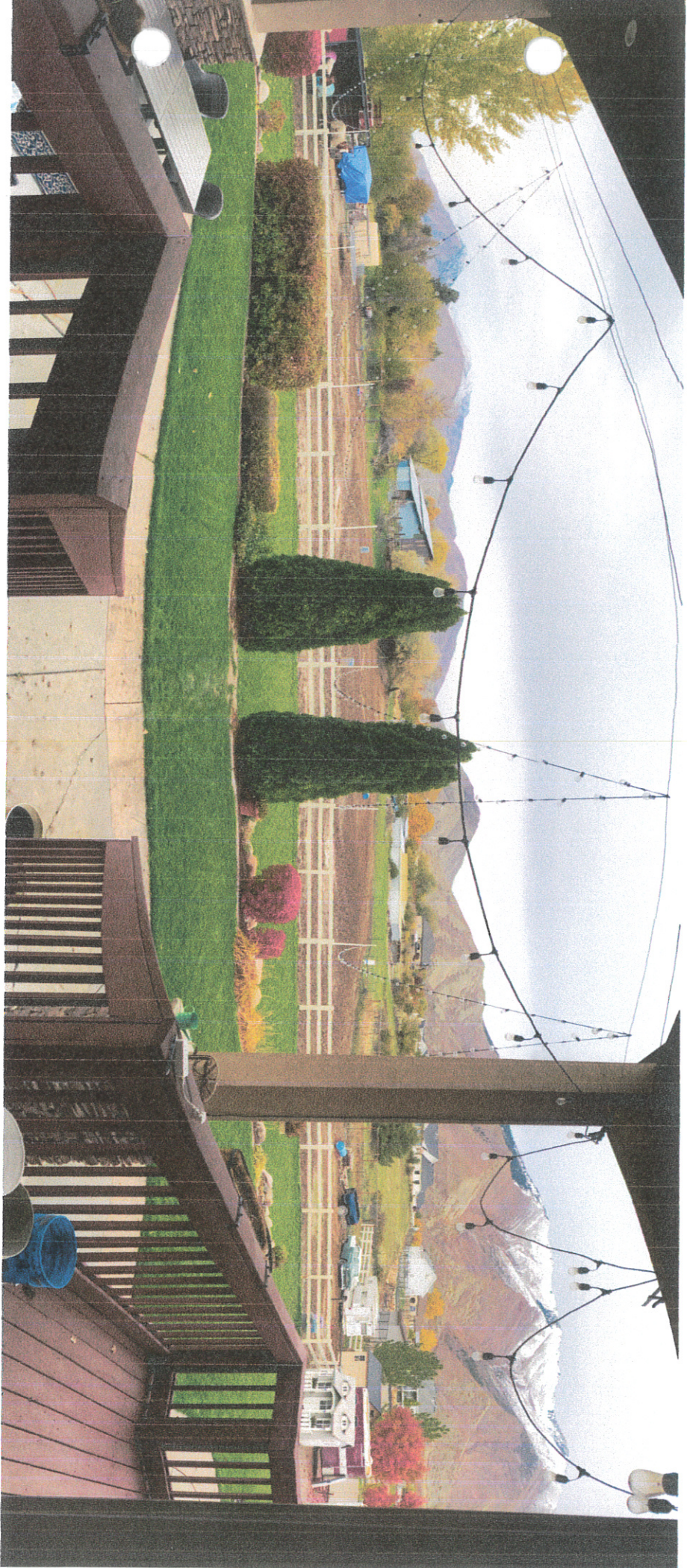
4) Nature of the lessons

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



Correspondence from Neighbors

From: Kim Gardner
Sent: Monday, December 06, 2021 4:07 PM
To: Sean Conroy <sconroy@mapleton.org>
Subject: Horse related business at the Liggett property.

Presented by Kim Gardner
502 W. Birch Circle
Mapleton, Utah
(801)652-7617

Dear Sean,

We met at the city building on 18 November, the original date of the meeting to discuss the horse-related business at the Liggett property. At that time you invited me to list my concerns. I will do so at this time, relating to the Mapleton City Ordinance: 18.84.380 "Home Occupations". The Liggetts are great friends, and in most circumstances, good neighbors as well. I have addressed my concerns with them, as the horse training/rider training business is continuing to grow. I am pro-family and pro-business, but do not believe that anyone's hobbies or home business should adversely affect the health and happiness of others without remedy. Several aspects of this business are adversely affecting my home and quality of life. So I feel that it is time for a careful evaluation and appropriate intervention by the Planning Commission. These are my primary concerns:

1. Section D7: Parking- At times I have counted up to 10 vehicles parked on and in front of the property. I have several trailers for personal use, and at times I need to drive around our common road-circle (Birch Circle) in order to back my trailers onto my driveway. Several times, in the interest of safety, I have made the decision to park away from my home on Monte Vista Drive, until the customer cars have left our road-circle and it was again safe for me to drive my truck and trailer around the circle.

2. Section D13: Dust-The dust that is produced by several horses riding in circles and patterns on dry, powder-fine clay soil can be considerable. This fine dust infiltrates my home, and is known to be harmful to our health, damaging to appliances and to electronic equipment, and is detrimental to keeping a clean house. I suffer with respiratory allergies, and this dust certainly has not been beneficial to my health. The business owners have made some improvements in this area of concern, through the occasional use of water sprinklers.

Noise-The business owners have a small "mascot" dog that is allowed to chase the horses around the arena during lessons, barking at the horses and riders. This is a noise nuisance, as the barking can persist for several hours per day, and can be heard for up to half a mile away. This may also be a persistent annoyance to some or all of the riders and horses, and definitely represents an unnecessary and avoidable liability for the business owners.

3. Section D14: "...depreciate surrounding property values or the quality of the area..."

About two months ago, our roads were blocked off, and a professional crew did a beautiful job of applying black slurry material to protect the asphalt. Shortly after the road was re-opened, it became obvious to all observers, the enormous amount of mud and horse manure that was being tracked onto the road by vehicles being pulled into the muddy arena and then back onto the road. Horses being led from the arena to trailers parked in the street also contributed to this problem. This trail of mud and manure extends west from our road-circle to 800 South street and beyond, but the quantity of mud and manure is most prominent on our Birch Circle. As the mud and manure continues to be deposited, the desirability of all properties along that corridor decreases, and eventually those property values will be adversely affected.

From: randall c graves

Sent: Monday, December 06, 2021 11:34 AM

To: Sean Conroy <sconroy@mapleton.org>

Subject: Comments and concerns about the Liggett family business 466 West Birch Circle (for the Dec 9 meeting)

Hello Sean and Mapleton City Planning Commission,

(From Randy Graves and Carolyn Baird, 6 Dec 2021)

We received notice of a Planning Commission meeting on December 9 regarding 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.

We live at 474 West Birch Circle, next door to this location. We have the following concerns about having this business operate so close to us. All section numbers below refer to Mapleton City document 18.84.380: Home Occupations.

1. Dust.

Section D.13 says:

13. 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 structure the use is conducted in.

The property at the address is a 1.5 acre lot which allows for up to 6 animals "For personal use". Over the years as their children have participated in 4H the property has had multiple animals (horses, pigs, goats, dogs) and none of these animals have presented sufficient problems to bother us. However, they currently have 6 horses permanently stabled at the location, plus additional horses are brought over from a neighboring property on some days when lessons are taught. With so many large animals, the back part of the property, (about an acre or a bit more) is constantly a dirt or mud field. The field is dragged periodically to flatten the surface before students arrive for lessons. We have worked out that during the summer months when we have our windows open the Liggetts will notify us before they drag the field, so we get less dust in our house. However, we have solar panels on our roof, and the dust still does accumulate on those solar panels. With this heavy dust on the panels, they produce 10% to 15% less electricity, costing us about \$300 per year. We need to frequently spray water on the solar panels to clean them off. This spraying must be done from the top of a 12 foot stepladder, which is somewhat dangerous. Sometimes when we are busy we don't have time to spray these panels as frequently as needed.

2. Parking.

section D.7

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.

During student drop off and pick up times, the circle we live on has multiple vehicles parked on it. On multiple occasions our driveway has been partially or fully blocked by cars parked in front of it. We have placed cones, which sometimes were ignored. We have now added a friendly sign that says "No parking.

Please don't block drive way" in anticipation of the coming snow when we will need to remove the cones.

3. Dirt/horse manure on the road.

Section D.14

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 as determined by the City.

Several times the circle and the road in front of all of the neighbors has had extensive mud and horse manure tracks coming from the trucks used for some of the back property maintenance operations. We have observed little to no effort to clean these deposits.

Summary:

We have been quite friendly with the family that owns this property, so this has been a difficult time for us as we have not agreed on how to handle this business. We have had insomnia over it. We don't want to cause grief for the family but we believe this business is too large and therefore inappropriate for the current location.

We wonder if the Liggetts might be granted a short-term license to give them time to downsize their operation and/or move it to a new location?

Regards,

Carolyn Baird
Randy Graves

-----Original Message-----

From: Julie Edwards

Sent: Friday, December 03, 2021 10:48 PM

To: Sean Conroy <sconroy@mapleton.org>

Subject: Monta Vista Neighborhood Horse Lesson & Training Business

Mr. Conroy,

We live near the horse business being proposed at 466 West Birch Circle. We know the Liggett family well and are not opposed to the business. The Liggett's are a great family. They are good neighbors and their kids are hard working, good kids.

Our only concern is the amount of dust that can kick up at times from the horse arena during the dry summer months. The dust spreads throughout the neighborhood and can at times be so thick it actually reduces visibility and air quality when we are out playing in our yard. I think this could be remedied by the use of sprinklers in the pasture on a regular basis during dry periods of time and especially when smoothing the dirt surface of the field.

Thanks for your consideration.

Julie Edwards

Applicant's Response

From: Scott Liggett

Sent: Wednesday, December 08, 2021 2:32 PM

To: Sean Conroy <sconroy@mapleton.org>

Subject: RE: Horse related business at the Liggett property.

Hi Sean,

Below is my response to the concerns expressed. Thank you for your willingness to distribute this to commission members before the meeting tomorrow.

+++++

December 7, 2021

Dear Planning Commission,

I am grateful for the opportunity to address some of the neighbor's concerns which were shared via emails with the Planning Commission. I am pleased to learn that we have neighbors who are supportive of each other even when there are potential and real concerns. In an effort to address all of these concerns concisely, I have grouped and summarized all the concerns from the three neighbor letters. I also offer what I believe is a viable solution to resolve each concern. There were only 4 types of concerns expressed.

The most common concern was dust being created from dragging the field and riding horses during lessons. In the past, dust had been a bit of a problem, especially when dragging the field to level out the arena surface. However, this last summer we made some significant improvements in our efforts to sprinkle the field. Our closest neighbors have both commented to us that the dust levels have been lower than ever. This was accomplished when we had an extremely dry summer and more riders than in the past. Recently, we have researched the best ways to deal with dust problems. Consequently, next summer we have solid plans to enhance the sprinkling further. This will virtually illuminate problems with dust. Additionally, the business only operates for about 8 months of the year, since we do not hold lessons during the winter when it is too cold and muddy.

Parking was the second most common concern. There were two facets to this concern. The first part of the concern with parking has been when cars have occasionally blocked one of two entrances of our neighbor's circular driveway. The layout of the driveway (having two entrances) being not typical and the neighbor's overgrown trees and vegetation next to the driveway have made it difficult for non-residents to realize they were blocking a second entrance to the driveway. Visitors not associated with the business as well as customers have made this mistake. Since riding lessons take place in the back of our property, we were not always aware of when customer vehicles would partially block this one end of the drive. This caused our neighbor some irritation and took a long time to get everyone to understand the layout. Anytime we are aware of this happening among guests or clients, we have asked them to relocate their vehicle immediately and they have done so. Through continually educating clients and the addition of a "Don't block our driveway sign," I believe this problem has been remedied. The other facet of the parking concern was that there have been more than 6 vehicles parked in our circle which caused another neighbor some concern with safely moving his many trailers. (We were not aware of his concern before his letter). In the past, this may have occasionally been a problem, but not all the vehicles associated with this problem were associated with our residence or business. The staggering of lessons with a 15-minute buffer in-between lessons makes it extremely unlikely that this parking requirement will be a challenge in the future. In reality, most riders get dropped off for lessons and don't have a vehicle to park.

The third concern was that mud and dirt get tracked onto the road when trucks and horse trailers pull out of the arena area when it is muddy. This usually happens when my daughter takes

horses to compete at rodeos or when we are working to make improvements to the yard; it really has nothing to do with the business or the scale of it. Frankly, we did not do a good job of managing this in the past and have relied on the rain to naturally remedy this problem. Last year, we didn't have much rain. Nevertheless, near the end of last summer we purchased a power washer which will be used to wash all vehicles off before pulling out of the back driveway ensuring that mud will no longer be tracked onto the street from our property.

The last concern also has little to do with the business. My daughter got a new puppy last summer and it liked to bark at the horses. There have been significant efforts to curb this barking through training; it is still not perfect and is ongoing. When it was expressed to us that the barking was bothering our neighbors, we started to put the dog in the house when it could not be controlled through our training efforts. One of our neighbors also has a home music recording business (which he does not have a home occupation license for) and when he lets us know that he is recording, we bring the dog inside and have done so for as long as 8 hours at a time. This affects our quality of life, since we don't have any "inside" dogs. However, we always try to do our part to be good neighbors. Also, our neighbors to the north of us have two dogs which bark a lot. This contributes to the problem and we often get blamed for their barking. For example, one morning around 3am, my neighbor sent an angry text to me to bring our dog inside because it was barking or ship it to Siberia. When I went out to investigate, our dogs were sound asleep and the neighbor's dogs were barking uncontrollably. I let him know it was not our dogs, but I am unclear if any attempt to contact them was made by the neighbor. Additionally, our dog only barks when there is some sort of activity around the yard; they don't bark during quiet hours.

In sum, as we have become aware of concerns with our neighbors, we have attempted to find solutions that restore peace and good feelings in the neighborhood. Granting us a home occupation license will further help us to remedy these concerns, as it gives us a clear set of rules that clients and neighbors will understand not simply as requests of us but as conditions that we have agreed to comply with for the continuance of our business activity. I believe that we have demonstrated through our actions with our neighbors that we are willing to do what is necessary to make our circle a pleasant and beautiful place to live. For example, in the 8 years we have lived in our home, every week we have single handedly mowed the common city owned circle area all but one time, even though it is supposed to be a group effort by all of the residences of the circle. We always try to do more than our share. This is the reason we have responded positively to neighbor concerns. However, at some point we need to simultaneously protect my daughter's right to provide for her own family support, as this is her sole source of income. For this reason, we politely ask that the planning commission grant our license request so that we can continue to operate what is now, by definition, below what would be considered a moderate amount of activity (we hold lessons 12-14 hours during a 40-hour work week or 35%). I hope some will not interpret moderate to be minimal, as the city standard clearly allows for a moderate level of activity. I hope this helps in making recommendations and understanding the issues involved.

Respectively,