



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item # 6, 7, & 8
9/18/03

DATE: September 10, 2003
TO: Montgomery County Planning Board
VIA: John A. Carter, Chief
Community-Based Planning Division
and
Joe Davis, Chief
Development Review Division
FROM: Judy Daniel, AICP, Team Leader-Rural Area Team 7
Community-Based Planning Division (301-495-4559)

REVIEW TYPE: Zoning Text Amendment: ZTA 03-21
Subdivision Regulations Amendment: SRA 03-01
Forest Conservation Regulations Amendment: FCRA 29-03

REVIEW BASIS: Advisory to the County Council sitting as the District Council,
Chapter 59 of the Zoning Ordinance
INTRODUCED BY: Councilmember Silverman
DATE INTRODUCED: July 29, 2003

PLANNING BOARD REVIEW: September 18, 2003
PUBLIC HEARING: September 23, 2003

STAFF RECOMMENDATION

DEFERRAL/DENIAL of the Text Amendment, the Subdivision Regulations Amendment and the Forest Conservation Law Amendment

ISSUES TO BE RESOLVED BY TEXT AMENDMENT

On July 29, 2003 Councilmember Steve Silverman introduced amendments to the zoning ordinance, the subdivision regulations, and the forest conservation regulations addressing riding stables and equestrian facilities, particularly in the agricultural zones. These proposals are, cumulatively, very complex and extensive changes to these regulations. They are proposed as a solution to a very complex situation surrounding the riding stable use. The situation needs to be resolved as it is causing uncertainty for the equestrian community in the County. However, the staff believes that the changes proposed in these three introduced amendments will not resolve this situation in the best interests of all concerned parties. This report reviews the background issues that resulted in the proposed amendments, evaluates the provisions of the amendments, and recommends an alternative approach.

BACKGROUND:

Summer 2002: In July of 2002 the Planning Board reviewed a special exception case for a proposed riding stable on Partnership Road. This was a very complicated case for a very large proposed facility. The Board recommended approval of the use with a number of limiting conditions.

Fall 2002: When this case was heard before the Board of Appeals, the Board received testimony from the People's Counsel and the attorney representing opposition to this case that revolved around an interpretation of the footnote (#17) for this use category in agricultural zones. On consideration of this memorandum regarding the footnote, the Board of Appeals dismissed the petition. This decision had the effect of throwing the entire issue of allowable size for riding stables in the Agricultural Zones into confusion.

Acknowledging the hardship and uncertainty this decision placed upon the equestrian industry in Montgomery County, the M-NCPPC staff worked with the People's Counsel, the Agricultural Services Division of the County, and a "focus group" of stable owners, to draft a proposal for a text amendment to clear up the longstanding concerns with this footnote, and better address the issues that are of concern when large equestrian facilities are proposed. The Riding Stable Focus Group work had begun before this immediate situation, because of problems they believed already existed with the Riding Stable regulatory framework, and this decision by the Board of Appeals speeded up their deliberations.

Winter 2003: The staff believed that swift action was warranted to address the uncertainty created by the Board of Appeal's decision. Following the work with the Riding Stable Focus Group, the staff drafted a proposal for a zoning text amendment for presentation to the Planning Board in January. That proposal was withdrawn from the Planning Board agenda at the request of members of the County Council and concerned residents of the rural community who wished to evaluate the situation further. That staff proposal took a more conservative approach to the situation than what has now been introduced, and had a broader range of criteria that would trigger special exception review.

Summer 2003: In late July Councilmember Silverman introduced these alternate proposals for amendments to the zoning ordinance, subdivision regulations, and the forest conservation law regulations. The staff sees merit in the proposed general approach, and in elements of the proposals, but overall the staff believes these modifications to be too subjective, too open to interpretation, and too permissive in what is allowed by right. The staff believes that these proposals need refinement and modifications that would be the product of negotiations not viable to resolve in a month, particularly during August.

A primary goal of any text amendment ultimately adopted should be to allow the large majority of small riding stables with little potential to have negative impact on their surrounding community to be approved by right. But an equally important goal should be to regulate large operations, with considerable potential for extensive impact on their surrounding neighborhood. The introduced text amendment achieves the first goal, but

not the second goal. The staff believes more time is required to resolve these problems with the text amendment and modifications to the subdivision regulations. The major areas of agreement and problems we see with the introduced text amendment are outlined below:

ANALYSIS

TEXT AMENDMENT

Summary Changes 59-A-2.1 Definitions

The proposal to add equestrian activities to Agriculture definition, changes the name of the use to Equestrian Facility from Riding Stable, and proposes to add definitions for three types equestrian events: Informal (26-75), Minor (76-150), and Major (151-300).

Recommendation: The staff supports this element of the proposal. While there is a need to control larger, more active equestrian facilities, there is also a need to acknowledge that equine uses are agricultural in nature. This is similar to “pick your own” operations that seasonally bring traffic and activity to their farms.

Also, the staff agrees that it is very useful to define differing sizes of events and to govern them differently based on their size and frequency of activity.

Summary Changes 59-C-1.31. Land Uses (in residential zones)

The proposal changes the term “riding stable” to “equestrian facility” and makes it an agricultural use instead of an entertainment or recreational use.

Recommendation: The staff supports this element of the proposal for the previously noted reasons.

Summary Changes 59-C-9.3. Land uses (in agricultural zones)

The proposal makes an “equestrian facility” an agricultural use instead of a recreational or entertainment use, and makes it a P/SE use.

Recommendation: The staff supports the name change, but a footnote is needed to refer to the new section 59-C-9.31 that is to contain the guidelines for the use in agricultural zones.

Summary Changes 59-C-9.31 Criteria for Equestrian Facility As A Permitted Use in the Agricultural Zones.

The ZTA proposes seven areas of requirements for this use in the agricultural zones related to events, number of horses kept/boarded, soil/water conservation and nutrient management plans, setbacks, noise, lighting, hours of operation, and criteria for requiring special exception review. The special exception requirement is triggered by any events on smaller properties, number of events, and frequency of events. A summary of these criteria is given below:

EVENTS	P	SE
Any event	1-25 riders & spectators 25+ acres	1-25 riders/spectators < 25 acres
Informal event (25-75 r&s)	25+ acres Saturday, Sunday, Holiday	< 25 acres
Minor event (76-150 r&s)	Any 2 weekdays Up to 8 per year 50+ acres	3+ weekdays 9+ per year < 50 acres
Major events (150-300 r&s)	Up to 4 per year 75+ acres	5+ per year <75 acres

Recommendation: The staff sees two problems with this approach. First, the requirements for approval are only when the stable is a permitted use – not established as baseline requirements for all riding stables. Second, the staff believes that the number and timing of events should not be the primary criteria for requiring special exception review. Concerns with the specific elements of this section are given below:

Event Limits as a Permitted Use - The proposal does not limit events on properties of more than 25 acres if they bring no more than 25 riders and spectators; and limits Informal Events to no more than two weekdays each week as these events may have less traffic impact on weekdays.

Recommendation: The staff believes that allowing “Informal Events” (26-75 r/s) on any weekend without special exception review would have the potential to be too disruptive to the surrounding neighborhood regardless of the size of the property. The impact relates to the traffic, not the acres. There is a need to study appropriate frequency, and check with riding stable owners; but perhaps allowing up to 12 weekends (1 per month on average) as a permitted use, and special exception if more frequent should be considered.

Similarly, the staff believes that allowing up to 8 Minor Events (76 – 150 p/s) each year on properties of at least 50 acres without special exception review could be too disruptive. The concept needs more evaluation, but perhaps permitting these for up to 6 on weekends only, and no more than 1 per month unless permitted via special exception can be considered.

Also, the staff believes that allowing up to 4 Major Events (150-300) by right, regardless of the size of the property could be very disruptive to the surrounding area, especially if there is no cumulative curb on total events held without a special exception requirement. This also needs more evaluation, but perhaps up to 2 Major Events might be held by right if a cumulative total of Major and Minor Events is set. Otherwise, the surrounding community might be overwhelmed with external traffic on many weekends. A cumulative total allowed by right should be set, with a provision for allowing more through special exception approval.

Number Of Horses That May Be Kept - The proposal does not change the existing language in the zoning ordinance (requiring a minimum of 2 acres for 1-2 horses, 5 acres for 3-10 horses, and ½ acre more per additional horse) to specify whether this is total acres or “open pasture” acres.

Recommendation: The staff believes the standard should clarify that this should be for pasture acres, not gross acres. If the intent of the “horses per acre” is to protect the quality of the pasture and to provide adequate nutrition for the horse, then pasture acres should be required. This is the intent in establishing these minimums for farm animals in general.

However, the proposal should establish that these requirements can be exceeded via special exception, as there are some stabling methods for show horses that require pasture acres only for exercise, not nutritional needs.

Plan Approval Requirements - The proposal requires equestrian facilities to meet all nutrient management, water quality and soil conservation standards of County and State, and to submit a nutrient management plan, and a soil conservation and water quality plan to DPS within one year of operations. These must be re-approved and resubmitted to DPS every 5 years.

Recommendation: The staff believes this proposal should require all equestrian facilities to submit a plan to meet all animal waste disposal standards, via state nutrient management requirements – whether a permitted or special exception use.

Setbacks - The proposal establishes setbacks for buildings and outdoor arenas.

Recommendation: The staff believes this proposal should indicate whether or not smaller setbacks may be proposed via special exception. Also, further discussion is needed to evaluate the proposed setback distances.

Noise - The text amendment proposes that a equestrian facility must not exceed 65 dBA during daytime or 55 dBA at receiving area immediately adjacent to property line of record lot during night after 9pm Sunday – Thursday and after 11pm Friday and Saturday. And it proposes that noise regulations not apply to agricultural field machinery or noise, not electronically amplified, between 7am and 11pm by usual activities of equestrian facility including shows, events, or “other gatherings”.

Recommendation: The staff believes this proposal needs to indicate if or how the proposed dBA standards differ from county noise standards. Also, the proposal must establish whether this is a base standard for all facilities, or can be exceeded via a special exception.

Also, the staff believes the proposal is unclear as “shows” and “other gatherings” are noted but not defined or regulated – only “events”. Also, the text amendment indicates that sound should be regulated “in accord with DPS standards”; but that statement seems to make the rest of this section redundant.

Lighting - The criteria govern outdoor lighting, lighting fixture types, and lighting intensity. It requires outdoor lighting to be “appropriate” for the activity, include glare and spill control devices, and designed to be aimed downward toward the activity area, and not cause “nuisance glare” beyond the property line.

The criteria require the use of full cutoff type fixtures unless a waiver to use a different fixture is approved by the Department of Permitting Services.

Finally, the text amendment states that any lighting “must not obscure astronomical observation from off-site locations.”

Recommendation: This language does not define whether these are base standards for all facilities, or minimum standards that may be exceeded by special exception approval. This is subjective language that would be very difficult to define or enforce, as neither “appropriate” or “nuisance glare” are defined. Further, the staff is concerned that there is no basis is given to guide DPS on when and why alternative lighting fixtures might be permitted. Finally, the staff considers the “astronomical observation” criteria to be overly subjective as there are no guidelines for determining “obscureness”.

Hours of Operation - The text amendment proposes to allow riding instruction and Informal Events from 6am to 10 pm Sunday-TH, and 6am to 11pm Friday and Saturday; Minor Events and Major Events 6am to 11 pm Friday and Saturday, and 6am to 10 pm on Sunday and Holidays.

Recommendation: The staff is concerned that the text amendment does not clarify whether these are absolute times for any equestrian facility, or hours that can be proposed for modification through a special exception approval.

When Special Exception Required - The text amendment requires special exception only when the defined “events” are proposed on properties of less than 25 acres, or when other types of “events” are proposed beyond those defined and authorized, or when the number of events proposed exceed those authorized and defined.

Recommendation: The staff believes the criteria for requiring special exception are too limited. Other issues that should trigger special exception include a proposed facility that wishes to exceed the other elements of this sections and number of horses on the property – especially in relation to the size of the property. And if any of those elements are to be absolute standards with no modification allowed via a special exception, the text should clearly state that.

Summary Modifications to 59-G-2.49. Special Exception Criteria

The name of the use is changed to “equestrian facility. The standards are separated for equestrian facilities in residential vs. agricultural zones.

Equestrian Facility Special Exception in Residential Zones.

The residential criteria differ little from the current G-2.49 standards. The specific ability to govern hours of operation and outdoor lighting are added, and additional criteria for pasture maintenance, animal waste disposal, and nutrient management, water quality, and soil conservation standards are added. However, these criteria are not in the special exception standards for the use in agricultural zones.

The regulation of outdoor lighting is limited to lighting that “results in *demonstrated adverse impact* on adjoining residentially developed property that is not considered agricultural land for state property tax assessment purposes.”

Recommendation: The staff believes that the language limiting lighting is inadequate because no test or guideline for demonstrating adverse impact is given. And there is no similar language for the Agricultural Zone special exceptions. Also, there is no language related to the impact on the surrounding road network, as is required in the agricultural zones.

Further, the language exempts equestrian facilities on more than 5 acres from pasture maintenance planning. The staff believes that the need for a pasture maintenance plan should relate to the number of horses stables per acre residing on the property, not the size of the property. And again, this requirement is only for special exceptions in residential zones, although the issue is pertinent in Agricultural and Residential zones.

Finally, the ZTA adds a requirement for animal waste to be handled in accordance with state requirements for nutrient management – but the staff believes this should be a requirement for all equestrian facilities, not just the special exceptions in residential zones.

New 59-G-2.49.1. Equestrian Facility Special Exception in Agricultural Zones

The text amendment proposes two criteria for special exception review in agricultural zones. First, language to prevent “*adverse impact*” on adjoining uses, by “*limiting or regulating*” the number of “*equestrian events*” that “*exceed the number permitted for the property based on its acreage, and upon a finding that the additional shows will adversely affect the surrounding road network*”. The applicant has the burden of producing “*substantial evidence that the property has adequate access to accommodate the additional traffic and the road from which the property has access and the nearest intersections operation at an acceptable level of service utilizing the Local Area Transportation Review Guidelines adopted by the Planning Board.*”

Second, language that asserts that the required evaluation of the surrounding road network is not as stringent for agriculturally related uses in agricultural zones.

Recommendation: The staff believes this text amendment language is insufficient and inadequate:

First, as previously stated, the staff believes that the number of “shows” or “events”, or their absolute “size” or frequency are not the only criteria that should govern whether an equestrian facility should face special exception review; or that should be governed under special exception criteria.

Second, there are no guidelines or criteria given to determine what would constitute an “adverse impact” upon the surrounding road network or “adequate access” to the site.

Third, there are no standards given for nutrient management, pasture management, water quality, and soil conservation standards – as are in the requirements in residential zones.

Finally, neither of the special exception review criteria address setbacks, lighting, noise, number of horses “living” on the property, or environmental regulations – all of which have be central to the review of previous riding stables.

Transportation Issues

The Transportation Planning staff reviewed two recent Special Exception cases, (S-2482, Montgomery County Career Fire Fighters Association, and S-2486, Green Acres LLC. The two cases cited above are similar to the type of facilities described in the proposed zoning text and subdivision regulation amendments, in that all are concerned with large events to be held on property in the Agricultural Reserve area. Public testimony in both these cases focused on the following issues:

1. Use intensity and the impact that it has on adjoining properties,
2. The concern over the maximum number of people who would be on the site at one time during the largest event,
3. How numbers of participants translated into the number of vehicles on the road network at the beginning and end of the largest events,
4. The relationship of the volume of traffic generated by the largest event and its relation ship to characteristics of the roads used by event patrons, and
5. Noise and headlight glare caused by cars leaving an event after dark.

Recommendation: The staff has considered these traffic and transportation issues and recommends consideration of the following modifications to ZTA 03-21.

1. Clarify whether the various types of events may be cumulative. For example, on a 75 acre tract may both eight minor equestrian events and four major events take place in one year? Staff believes it would be inadvisable to allow cumulative events that, when combined together, create intense activities on a site more than once a month.
2. Require the amount of parking required for each type of event to be defined.

3. Reduce the number of major equestrian events a year on 75 acres, perhaps to two a year, or reducing the number of participants to 150 to minimize intrusive traffic noise and headlight glare.
4. Prohibit major events on sites that rely on access to roads that are narrow, with limited or no shoulder or other criteria that indicate a roadway inadequate to serve the traffic demands of major events.
5. Add language to Section 59-G-2.49.1 to require evaluation of the adequacy of traffic operational considerations, such on and off site queuing, similar to the language included under Section 59-G-2.19, dealing with private educational institutions: *“Adequacy of drop-off and pick-up areas for all programs and events, including on-site stacking space and traffic control to effectively deter queues of waiting vehicles from spilling over onto adjacent streets”*.
6. Require any equestrian facility that abuts or is across a street, either public or private, from residentially zoned property to meet the setback and open space requirements of the residential zone along the abutting frontage to reduce the impacts to the residential area from traffic noise and headlight glare. This provision should apply to both special exceptions and uses permitted by right.
7. Require a Traffic Statement for any facility conducting events, including a statement of operations describing the maximum number of events to be permitted in one year, and a calculation of trip generation rates for the largest event to be held.

Environmental Issues

According to the 2001 Horse Study for Montgomery County, the condition of pastures for most stable owners are fair or poor and many have no prescribed method for dealing with animal waste. Although as yet not quantified, this poses a significant cumulative environmental impact, especially as the number of small and large horse operations continues to increase. The Soil and Water Conservation District has education and staff resources that are helpful in this regard, and many management plans have been implemented on various agricultural uses with their assistance.

Recommendation: The staff recommends that any modifications to the regulations for equestrian uses require that all intensive horse operations, both commercial and private, be required to develop a nutrient management plan with the assistance of the Soil and Water Conservation District. Further, as a broader goal, the staff recommends that the Riding Stable Focus Group and/or other appropriate agencies continue to study this issue and explore long-term solutions for the environmental impacts of intensive equestrian uses to facilitate the anticipated transition from traditional agriculture to alternative uses of this type that is occurring in the county.

SUBDIVISION REGULATIONS AMENDMENT

Summary of Proposal: The proposed changes to the subdivision regulations would:

1. Amend the definition of agriculture in several ways including specifically adding equestrian activities to the definition,
2. Add a definition for “agricultural land”, and
3. Specifically exempt all “agricultural land” (as defined) from subdivision review.

Recommendation: The staff supports the modifications to the definition of agriculture for the reasons noted in the review of the proposed Zoning Text Amendment. And the staff supports the inclusion of a definition for agricultural land.

The staff does not support the language to exempt all structures that require a building permit on “agricultural land” (as defined) from the subdivision requirements of Section 50-9.

The intent of these modifications is to exempt commercial equestrian facilities whose barns and stables require a building permit; but the language would exempt any structure on any so defined “agricultural land” in all the agricultural zones. The staff believes this is too permissive, and that any structure that requires a building permit should be subject to the review under Chapter 50.

The Subdivision Regulations provide a coordinated and comprehensive review of some of the critical criteria associated with new construction. The scale and intensity that may be proposed from buildings associated with some equestrian facilities may have a profound cumulative impact on the environment in the agricultural wedge. Eliminating the subdivision review process would eliminate the means to review the impact of significant clearing that could result in forest removal, or the reduction of best management practices that affect soil and water quality conservation, stormwater management and sewage disposal.

The subdivision process administrative procedures require an applicant to demonstrate how their proposal addresses issues that protect adjoining properties from erosion and sedimentation. They must also demonstrate how the proposed site development will preserve important trees or tree-stands, and provide adequate soil conservation methods. All these issues are potentially as important for an equestrian facility, particularly a large facility, as they are for a dwelling or commercial use. And these uses – unlike most agricultural uses – generate considerable traffic and impact on the surrounding neighborhood. For these reasons, the staff does not support this element of the proposed amendment to the subdivision regulations.

FOREST CONSERVATION AMENDMENT

Summary of Proposal: The proposed amendment adds a definition for an equestrian facility and a specific exemption from the Forest Conservation Legislation (FCL) for these facilities when they are located in agricultural zones. The proposed exemption would apply to equestrian facilities in agricultural zones that are exempt from platting requirements under Section 50-9, whether or not a sediment control permit is obtained under Section 19-2(d). But Section 22A-6(b) applies if any specimen or champion tree would be cleared. The proposed amendment to Section 50-9 exempts equestrian facilities from platting requirements.

Recommendation: The staff believes a blanket exemption from forest conservation requirements should not be provided for equestrian facilities.

The existing agricultural exemption in the FCL permits land and forest clearing associated with the creation of pastures, or fields for crop production. It also permits the associated support buildings for these activities. Under typical circumstances anticipated for most equestrian facilities, these activities usually involve little or no grading or re-shaping of the land and do not include the addition of large areas of impervious surface to the site. However, a large equestrian facility can have significantly greater development impacts.

The existing FCL language refers to platting and sediment and erosion control requirements because of the need for them reflect the differences in the levels of disturbance and impact noted above. The staff thinks that forest conservation should be required when significant impacts are being proposed to protect any environmentally sensitive area and to mitigate their impacts, particularly any significant proposed increase in impervious surfaces (parking lots, impervious trails, large roof areas, hard packed arenas or playing fields).

Further, if equestrian facilities become a permitted use in agricultural zones, there will be no mechanism for protecting stream buffers and any associated high priority forest areas. If a decision is made to provide a forest conservation exemption, the staff recommends that the proposed language be amended as follows. The suggested change provides for protection of these areas in the absence of the special exception review process.

- (r) an **equestrian facility** in an agricultural zone that is exempt from platting requirements under Section 50-9, [[whether or not a sediment control permit is obtained under Section 19-2(d)]] if development does not result in the cutting, clearing, or grading of any forest in a stream buffer, or an y specimen or champion trees. [[but]] Section 22-1-6(b) applies if any specimen or champion trees would be cleared.

COMMUNITY COMMENTS

The staff has received one letter at this time. It does not support these amendments and is attached to the report. This is a very controversial set of amendments, and there

will probably be additional letters supporting and protesting these amendments. There will also probably be several speakers on both sides of this issue.

CONCLUSION

For all of the above stated reasons, the staff believes that additional discussions, evaluation and modifications are necessary to the various elements of this text amendment, the subdivision regulations amendment, and the forest conservation amendment, and that a recommendation to the County Council of deferral or denial is warranted. Too many areas need extensive revision to recommend conditions for approval at this time.

The Planning Board may also wish to consider proposing an alternate concept for amending the Zoning Ordinance. As noted at the beginning of this report, the staff prepared a proposal for a text amendment in January of this year that was withdrawn from the Board's agenda before being reviewed. We believe that proposal is more moderate in its approach to the issue, and it addresses most of the issues of concern raised in this report. A summary of the elements of that alternative approach is given below, and that ZTA proposal is attached to this report.

The Board may wish to consider supporting that proposal instead of the proposed ZTA, or to recommend that the Council defer action on the proposed ZTA to allow the County and the M-NCPPC staff time to evaluate both proposals and recommend one, the other, or a hybrid approach.

Summary of Planning Staff Proposed ZTA

1. Also changes name of the use to equestrian facility from riding stable throughout the zoning ordinance.
2. Sets up a new section in Division 59-A-6 (Uses Permitted in More than One Class of Zone) to create basic standards and operating criteria for all Equestrian Facilities and a table to determine when they are permitted by right and when permitted by special exception (not just in agricultural zones).

The basic standards include acres of pasture per horse, nutrient management plans, water quality plans, and soil conservation plans for all facilities for more than 10 horses.

The thresholds for requiring special exception relate to:

For commercial facilities: the number of horses boarded, number of horses available to rent for riding or instruction, and the total number of horses on the property.

For all facilities: the number of shows/events per year, the number of horses per acre of pasture, the number of lighted outdoor arenas or rings, and whether any sport field (usually polo) has lights for evening play.

3. Amends Section 59-C-1.31 (Land Uses in the One-Family Residential Zones) to change the name of the use, and to modify the use footnote to reference the new standards in Section 59-A-6.

4. Like the proposed ZTA, it amends Section 59-C-9.3 (Land Uses in the Agricultural Zones) to move the "Equestrian Facility" use from the "Cultural, Entertainment, Recreational" category to the "Agricultural" category. Unlike the proposed ZTA, within that category, it separates private facilities from commercial facilities to ensure that the commercial facilities are required to meet subdivision regulations.

Provides that the use is a P/SE use (depending on the threshold criteria in the new Section 59-A-6 provisions – referenced in the footnote), except in the RNC Zone, where it is always to be a Special Exception use.

Replaces the extensive footnote (#17) that caused the problems with the use at the Board of Appeals, with a reference to the Section 59-A-6 provisions for all Equestrian Facilities.

5. Revises the Special Exception requirements in Section 59-G-2.49 to:

- Change the name of the use to Equestrian Facility
- Remove the acreage requirements, which are to be placed in the Section 59-A-6 provisions for all facilities, not just special exceptions.
- Add a provision for the Board to limit hours of operation for commercial facilities
- Add a provision for the Board to limit the number of lighted elements
- Add a provision to require facilities with less than one acre of pasture per horse to submit pasture maintenance, animal feeding, and other evaluation methods to determine that there will be proper care for the horses and proper maintenance of the pastures.
- Delete the requirement to coordinate a soil and water conservation plan as that element is to be placed in the Section 59-A-6 provisions.
- Replaces the containment of animal waste provision with a more extensive requirement for meeting nutrient management, water quality, and soil conservation standards.

The staff believes that the elements of these two proposals contain the nucleus of a solution to this thorny issue facing the equestrian community. Allowing a few more months for reflection and refinement of approach will be the best means of ensuring revised regulations that are fair (with limited regulatory intrusion) to the large majority of smaller riding stables who cause little disruption in their communities; and fair to the residents of communities where the few large equestrian facilities need some level of regulation to ensure protection of their neighborhoods from overly intrusive levels of activity.

