

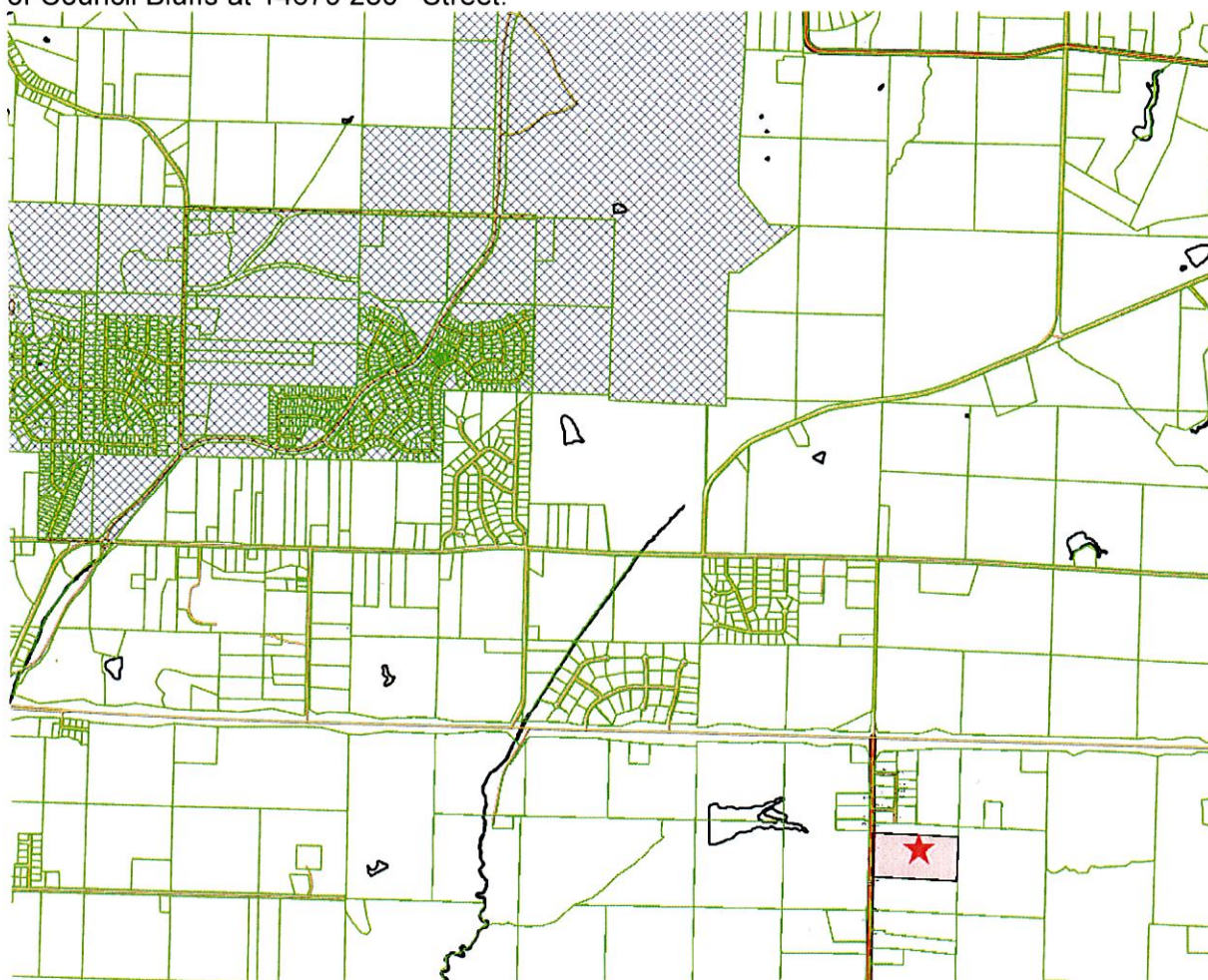
TO: Zoning Board of Adjustment
FROM: Matt Wyant, County Planning Director
DATE: August 19, 2022

RE: Case #CU-2022-04

REQUEST: Conditional use approval to permit the operation of a commercial stable, riding academy and club (Equine Therapy Horse Farm) in a Class R-2 (Urban Transitional) District.

LOCATION: Lewis Township
12-74-43 N20 AC S35 AC SW NW

The subject parcel is located approximately 1 ¼ miles southeast of the city limits of Council Bluffs at 14679 230th Street.



PROPERTY OWNER: Ya Ya Properties LLC

GENERAL INFORMATION: The applicant has made this request in order to allow them to operate an equine therapy horse farm on the above-described property. The previous owners had begun, but never finished, the Conditional Use application process for a Commercial Stable. Attachment #1 shows the applicant's proposal.

SITE REVIEW:

The subject property consists of approximately 19.5 acres. The property contains a single family dwelling, several outbuildings, a septic system and a well. Attachment #2 shows the applicants' proposed improvements and additions to the property.



AREA REVIEW:

The majority of the properties in the area are utilized for agricultural and residential purposes.



ZONING:

The applicant's property is located in a Class R-2 (Urban Transitional) District.

Section 8.020.030 of the County Code states: **CONDITIONAL USES**: The following *conditional uses* shall be permitted in a Class R-2 District, when authorized in accordance with the requirements of Chapter 8.096:

.12 Commercial activities, similar in scope to the following, provided the property shall be located along and have direct access to a hard surfaced road or an official bituminous road.: (*Ordinance #2018-04/05-10-18*)

- A. Antique/Used Furniture Shops.
- B. Art shops and galleries.
- C. Bakery.
- D. Bicycle Stores, sales, rental and repair.

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- E. Indoor recreational activities.
 - F. Book, flower and gift shops.
 - G. Health Clubs, Gymnasiums.
 - H. Miniature golf and small recreational establishments.
 - I. Museums.
 - J. Offices, business and professional.
 - K. Restaurants, with a bar, lounge or tavern attached thereto provided that the tavern shall occupy no more than 25% of the total floor area of the total building dedicated to both uses.
 - L. Outdoor recreational complexes, excluding off-highway vehicle parks.(*Ordinance#2016-03/05-20-2016*)
 - M. Commercial stables, riding academies and clubs.**

Section 8.096.030.03 of the County Code recites the following criteria for the reviewing conditional use permits:

- .03 The Board shall have the power to hear and decide only such appeals for conditional uses as the Board is specifically authorized to pass on by the term of this Ordinance; to decide such questions as are involved in determining whether conditional uses should be granted; and to grant conditional uses with such conditions and safeguards as are appropriate under this Ordinance; or to deny conditional uses when not in harmony with the purpose and intent of this Ordinance. In reviewing an application for a conditional use permit, findings based on the following criteria shall be made and serve as the basis for approval or denial of the request:
- A. Does the proposed use conform to the Land Use Policy Plan?
 - B. Is the site suitable for the proposed use? Such factors as size and shape of the property, topographic conditions, soil conditions to support water and septic systems, accessibility to transportation facilities, and soil erosion problems shall be considered.

- C. Is the proposed use compatible with surrounding property use? Such factors as the activities and function of the proposed use should be considered to determine if the proposed use conflicts with or reduces the usefulness or value or creates other negative impacts on adjoining property or properties in the general area, including public health, safety and welfare.
- D. Is the adjoining road system adequate to accommodate the proposed use in terms of the present traffic volume vs. road capacity and the general condition of the road system?
- E. Can adequate measures be taken to minimize any potential adverse impacts on adjoining property? If so, stipulate such measures as required by the ordinance or special conditions that would be required.
- F. Does the conditional use comply with all conditions imposed on it by the provisions of the district in which such conditional use may be authorized?

ROADS & TRAFFIC: Access to the subject property is gained from 230th Street, an Official Bituminous County Road. The 2016 Iowa Department of Transportation Traffic Flow Map indicated an average traffic flow of 230 vehicles per day.

FLOOD HAZARD: The Flood Insurance Study prepared by the Federal Emergency Management Agency for the County designates the property as being in a Zone X, Areas of minimal flooding and a Zone A, Areas with a 1% annual chance of flooding.

STAFF

RECOMMENDATION: Based on the above information, the preliminary recommendation by the Planning Department is to approve the application, subject to the following conditions:

1. The maximum number of animals shall be 8 horses and 6 miniature ponies.
2. Each standard size horse shall have an indoor stable area of at least 12 foot by 12 foot. Each miniature horse shall have an indoor stable area of at least 8 foot by 8 foot.
3. The applicant shall provide adequate off-street parking for all patrons.
4. The applicant shall provide restroom facilities, either through approved portable toilets or restroom facilities/septic system on the premises.
5. Signage, if proposed, shall be required to comply with Chapter 8.090.030.06.
6. The applicant shall secure permits through the County Building Code Division for any new structures and/or any modifications to existing structures (including the single family dwelling) to ensure that the structures comply with the Pottawattamie County, Iowa, Building Codes.
7. The applicant shall secure a grading permit approval through the County Building Code Division
8. The applicant shall agree to allow the Pottawattamie Animal Control Division to inspect the facility at least once per year.
9. The applicant shall secure a flood plain development permit approval through the County Planning Division.
10. The applicant shall provide an official manure management plan which complies with the IDNR regulations.
11. The applicant shall secure any applicable State of Iowa permits.
12. The area devoted to the use shall be in a clean and sanitary condition and shall be maintained so as drainage will not affect the health and safety of adjacent property owners.

based on the following findings of fact:

1. The commercial stable is a listed permitted conditional use in the R-2 District, which conforms to the Land Use Policy Plan.
2. The subject property is located in an area primarily comprised of large agricultural tracts and large rural acreages. The stable is not foreseen to have any negative impact on area properties.
3. The commercial stable is compatible with the surrounding area.
4. The aforementioned conditions will minimize any potential adverse impact on adjoining properties.
5. The existing road system is adequate to accommodate this activity.

This recommendation is subject to change, based on evidence and information presented by the applicant and interested parties at the public hearing.

Case # CU-2022-04
Attachment #1

HORSES HELP SWI

Narrative

Horses Help SWI is a nonprofit therapeutic and recreational equestrian center that serves the special needs population through a unique collaboration of horses and people.

Horses help with therapy in many ways. They have a natural walking motion that helps build better core strength, balance, and confidence. They also help with emotional trauma. Because they are honest and accepting, horses form strong bonds to humans and become a partnership that helps the rider feel safe.

We offer programs such as adaptive riding, carriage driving, and on the ground therapy. All of these programs will be by appointment only.

Horses Help SWI plans to serve the community in many ways. We have six adorable miniature horses who will be our ambassadors. They can be taken to senior living and rest home facilities, hospitals, schools, events, parades – anywhere they can put smiles on people's faces.

We will provide a venue for events – graduation parties, birthday parties, reunions, weddings, and myriad other occasions. There will be a parking lot for at least forty cars and space for more if necessary.

There will be an opportunity for the public to visit the farm at least once a month during the season. Ranch Days will entail grooming and petting the horses, pony rides, and riding in a carriage. The horses and the property will be decorated on Halloween, Christmas, Easter, and the Fourth of July – plenty of photo ops.

I grew up in Council Bluffs, and even though my husband and I retired to Scottsdale, I still consider this area to be my home. I founded and managed an equine therapy program on my ranch in Cave Creek, AZ for ten years, so I do have experience in this area. When I was back in Council Bluffs eighteen months ago to visit my family, I realized that my brother with Down syndrome would benefit from these types of programs. I searched but couldn't find such a thing in Southwest Iowa. So I decided to start one myself to give back to my hometown.

Kori Nelson is the Executive Director. She has longtime experience in serving the community both at the Dodge House and Midlands Humane Society, and I have confidence she will continue to do so through Horses Help.

Our website is horseshelpswi.org

Please call me if you have any questions. 480-678-4401

Thank you for your consideration.

Linda Borman

BORMAN HORSE FARM PROJECT – For Pottawattamie County Planning and Development

1. **Number of horses on property:** There are currently 16 horses on the property, to include 6 miniature horses and 10 standard size horses. Right now, 5 of these standard size horses are owned by outside entities (a.k.a. boarders). All currently boarded horses will vacate the property by the end of November 2022, which will then leave us with 11 horses. We do plan to acquire another 2-3 horses for Horses Help SWI (HHSWI) program use. We remain open to the idea of boarding horses as a revenue source in the future, but that would most likely entail the acquisition of additional land and would require additional staff to maintain.
2. **Manure plan:** Currently, the manure in existing horse stalls is collected and re-located to a back piece of the property. 2 neighbors come on-site to pick up the manure on a regular basis which they use in their gardens. We plan to contact other garden clubs/organizations to inquire if they have any interest in collecting manure as well. We will keep some manure on the property to use as an organic fertilizer wherever needed.
3. **Number of employees/volunteers:** We currently have 3 employees (1 salaried as the executive director and 2 contracted employees – the horse trainer and the barn manager). We are considering hiring a part-time maintenance/yard person. As we grow, we will add additional staff to possibly include a program manager/volunteer coordinator and possibly part-time assistance with clients/special events/rentals.

Because we have just started this non-profit, we only have a handful of volunteers as no programs have begun. Once the programs take flight (anticipated Spring 2023) we will seek and train more volunteers. On any given program day, we plan to only use up to 4 horses at a time with up to 3 volunteers needed per horse/rider. Other volunteers may be onsite assisting with barn chores or other projects. Our goal is to have between 75 and 100 regular volunteers throughout the year assisting with assorted programs, horse grooming, special events, chores, rentals, gardening, or for educational/marketing needs.

4. **Hours of operation:** HHSWI will operate on an appointment only basis. Once open, our hours will fluctuate depending on clients and volunteers and will adjust as we grow. We foresee an initial schedule of 10am to 5pm at least 4 days per week to start and then adding Saturdays on a case-by-case basis to start. Evening options will be discussed as we get further into operation. Days will be organized based on programming. For example, we plan to have 2 days per week dedicated to adaptive riding and cart driving for those with physical disabilities, 1 day per week dedicated for off-site visits to assisted living facilities, hospitals, schools, etc. with a miniature horse, and 1 day per week dedicated to ground work with horses for individuals who may struggle with grief, anxiety, addiction, or PTSD. This day includes work with an equine specialist and licensed mental health professional for potential counseling sessions after spending time with one of our horses. We foresee adding in special days/time frames where we may offer special programs such as “Horse Powered Reading” for school age children or “Horsemanship 101” for anyone interested in gaining a greater understanding on horses. All programs at HHSWI are subject to change and adaptation.

BORMAN HORSE FARM PROJECT – For Pottawattamie County Planning and Development

5. ***Events:** We want HHWSI to hold a special place in the hearts and minds of our community. Because of this, we will hold a special initial Open House and Ribbon Cutting as we unveil the site to the public (date to be determined). We do plan to host events/tours for the public to gain a greater understanding of what equine assisted therapy is and its benefits. This will be done either free of charge or will have a nominal fee for families to get up close to horses.

We also plan for rentals of certain buildings/structures along with the grounds for things like graduation parties, class reunions, weddings, photo shoots, and overnight rentals. These will all generate a revenue source which is then used to further projects at HHSWI. We do not foresee many concurrent events on the property at one time. For example, we would host one special event or rental per day or evening due to space and parking constraints along with staffing ability. Private events will typically not begin earlier than 10am nor last past 11pm.

Alcohol use: In the event that HHSWI is hosting a private event, any liquor offered would be given to the attendees. We are currently researching the legal requirements we must follow should a renting party wants alcohol served at their event.

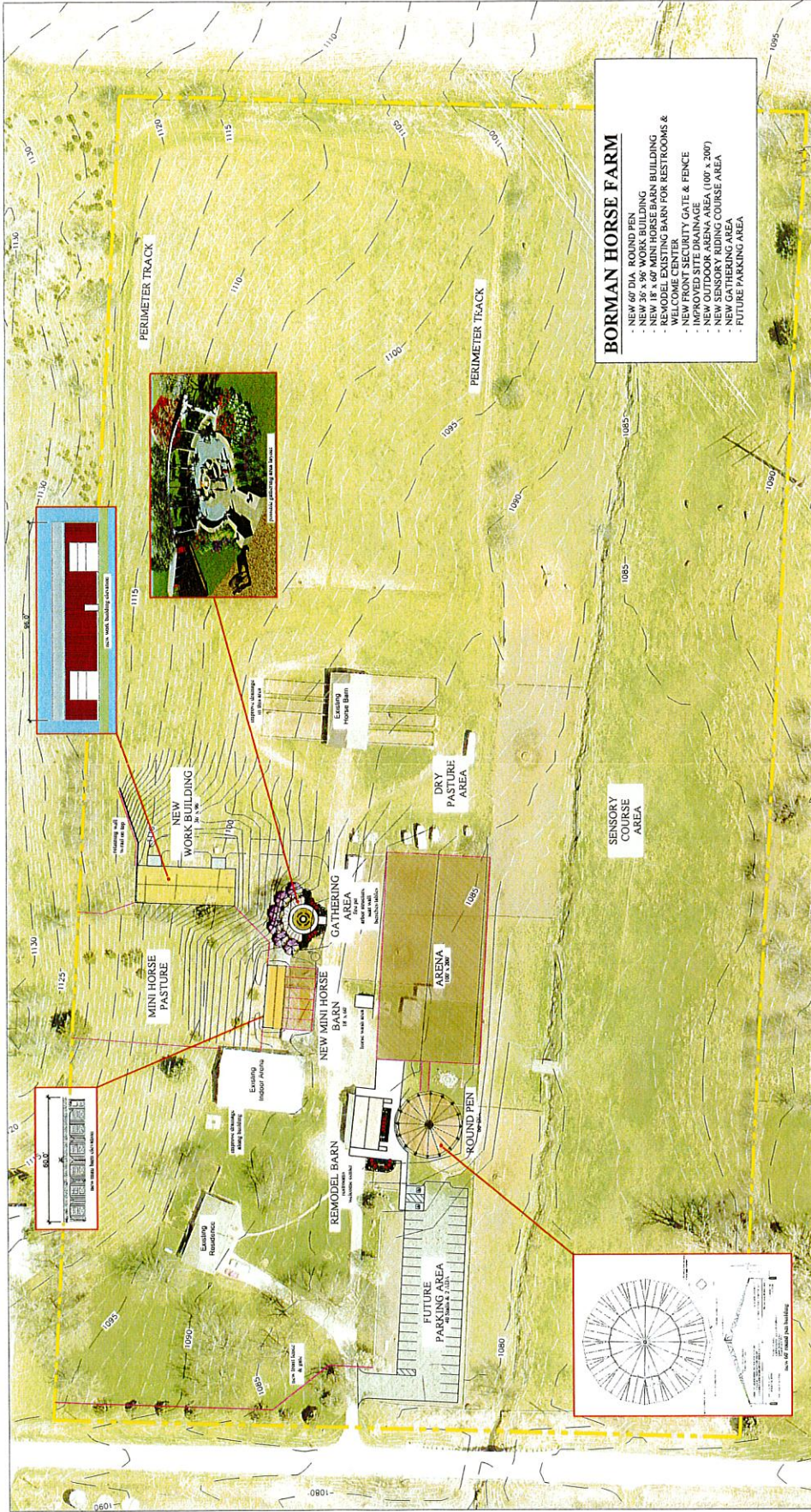
Food for events: Events featuring food will need to be catered/brought in or served via a food truck, for example.

Parking: A large 40 car parking area is already laid out on site. Assuming each vehicle brings 1, 2 or more people, we can plan for anywhere from 40 people to more than 100. We are working on additional parking spaces in the front and side yard for more cars should the need arise.

6. **Ranch Days:** We plan for 2 to 4 “Ranch Days” per year. The size and scope of these will vary depending on the season and other potential activities/programs.
7. **Season** – The HHSWI operating season will most likely occur from late spring to late fall. On days of extreme heat or cold, our operation/programs will be limited. As an initial estimate, our general operating season will run from March to the beginning of December. We plan to schedule intervals of time that we will be closed for staff, board and volunteer development, planning and evaluation as well as time where the horses can rest.

- Applicant will need to secure a separate Conditional Use Permit for Events

Case# CU-2022-04 Attachment#2



- BORMAN HORSE FARM**
- NEW 60' DIA. ROUND PEN
 - NEW 36' x 54' WORK BUILDING
 - NEW 18' x 60' MINI HORSE BARN BUILDING
 - REMODEL EXISTING BARN FOR RESTROOMS & OFFICE
 - NEW FRONT SECURITY GATE & FENCE
 - IMPROVED SITE DRAINAGE
 - NEW OUTDOOR ARENA AREA (100' x 200')
 - NEW SENSORY COURSE AREA
 - NEW SENSORY COURSE AREA
 - FUTURE PARKING AREA

OVERALL SITE PLAN
SCALE: 1" = 80'-0"

