



# Loudoun County Equine Alliance

Serving The Loudoun County Equine Community

May 5, 2023

Department of Planning and Zoning

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Thank you for your difficult work on the zoning rewrite process. Loudoun County Equine Alliance (LCEA) has made several recommendations as an organization through REDC and directly since the Zoning Ordinance Rewrite committee was formed. Staff made some changes to parking as recommended by LCEA, but other concerns and recommendations remain.

Having listened to the April 25<sup>th</sup> Planning Commission meeting where the members discussed several of our concerns, it is apparent that there is significant confusion with regard to equestrian uses. In short, the 2016 ZOAM impacting equestrian uses placed detrimental constraints on equestrian businesses; requests for revision have been submitted, not understood, and therefore not included in ZOR.

LCEA realizes that the constraints to finish the rewrite in 2023 provide little time for the Planning Commission and Staff to fully digest and rewrite equestrian zoning that protects these businesses from onerous regulations. LCEA recommends some "quick fixes" to be included in ZOR now, with a ZOAM immediately after the rewrite to address the rural equine economy while protecting neighboring property owners/residents. LCEA has provided the attached matrix to further explain the primary issues and our recommendations in as concise a format as possible.

## **LCEA recommends the following for immediate changes in the Zoning Ordinance Rewrite:**

- **Stable Private:**
  - Remove the limit to the number of instructors allowed.
  - Remove the limit to the total number of horses allowed by the owner of the property for personal use or sale.
  - Limit the total number of boarded horses (i.e., housed for owners not living on the premises) to 8-10. This would allow for the original intent of the 2016 ZOAM to consider TRAFFIC as the primary **zoning** issue.
  
- **Stable Livery:**
  - Remove Stable Livery Standalone from Chapter 4 Use Standards. (A livery by definition IS the boarding of horses, therefore always Direct Animal Husbandry, not Standalone Ag Accessory).
  - A Stable Livery should be the progression for facilities boarding more than that allowed for Stable Private (8-10).



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- Reduce the required acreage from 25 acres to 10 acres.
  - Include the ability to hold small events (small shows and clinics with low traffic volume), integral to the business. Parking regulations recommended in the rewrite trigger sufficient acreage to account for vehicles coming for small clinics or shows as well as for daily use by boarders.
  - Increase the total square footage allowed for stables, arenas and run in sheds to 30,000 sf. (This should not include the residence).
  - Allow caretaking hours to extend beyond the limits of event times to both begin earlier and end later.
- Stable Event:
    - Within Chapter 4 Use Standards, increase the sf limitation to 36,000 sf for 25 acres.

## **LCEA recommends the following for consideration in a future Zoning Ordinance Amendment (ZOAM):**

- Equestrian Event Facility:
  - Review/revise the placement of Equestrian Event facility under Arts, Entertainment, Recreation Use Table category (is it here ONLY for Morven Park?)
  - Consider removing or further scaling the limit for larger acreage. Zoning already set equine livery and event apart from other ag support uses by requiring larger acreage, so refining equine specific changes within those standards does not set precedence.

In short, current zoning places more restrictive requirements on Stable Livery and Equestrian Event uses than other higher intensity publicly attended rural uses (Agri-Tourism). These requirements place financial burdens on equestrian businesses building new venues and will make a substantial number of existing businesses noncompliant with zoning. A ZOAM should consider the traffic, noise etc. of equestrian uses alongside Agri-Tourism uses for fair and balanced zoning across this spectrum.

Respectfully

Kelly S. Foltman, DVM  
President, LCEA

	LCEA Equine Uses Concerns	LCEA Equine Uses Recommendations
SECTION	ISSUE	RECOMMENDATION
<p><b>4.08.03</b>  <b>ORIGINAL REDC ZOR</b>  <b>ADHOC INPUT - AG</b>  <b>SUPPORT USES</b></p> <p><b>SEE</b>  <b>INFORMATION</b>  <b>BREAKDOWN</b>  <b>BELOW</b></p>	<p><i>Agriculture Support Uses. Equine Event Facility and Stable livery should both be under Agriculture / animal husbandry rather than Ag. Support Uses.</i></p> <p><i>There are too many restrictions for this agricultural activity under Agricultural support, especially in relation to more intense uses that have less restrictions. What problems have been cited for this use that zoning trying to solve with these regulations?</i></p>	<p><i>Recommendations for further Staff review:</i></p> <ul style="list-style-type: none"> <li><i>&gt; 25 acres is excessive for an equine livery. 10 acres should be a minimum. Pasture stocking rates will dictate how many animals can be housed and many existing operations are on 15 acres doing best practices.</i></li> <li><i>&gt;Traffic and noise impacts of liveries are much less than for other rural uses allowed on less land.</i></li> <li><i>&gt;For hours of operation on equestrian events (6am to 9pm and 6am to 10pm), this should not include deliveries or preparation and care of animals during an event outside of those times.</i></li> <li><i>&gt;Size of structure. Stable Livery and Stable Event uses as well as many Stable Private uses require indoor riding arenas to be viable businesses or to simply keep animals in work. Indoor training facilities allow for daily training and instruction. Common size is 100' x 200' which is a larger footprint than allowed for all combined structures on less than 25 acres and within 4,000 sq.ft. for all parcels 25-50 acres, leaving little area left for other necessary structures. REDC and LCEA members can assist Staff understand the requirements. The best solution is to move equestrian uses out of Ag support and to specify that all related buildings are agricultural buildings without SF limitations.</i></li> <li><i>&gt;without these changes, most existing equestrian facilities will need to be grandfathered in and future businesses will need to meet unrealistic zoning requirements.</i></li> </ul>
	<p><b>EQUINE USES -- EXPANDED EXPLANATION</b></p>	

<p><b>4.08.03 - Ag Support - (Direct Assoc. with on-site Ag Activity) VERSUS 4.08.04 Ag support Use (Standalone)</b></p> <p><i>Point of Information: Both Stable Livery and Eq Event Facility are subject to these standards</i></p>	<p><b>FUNDAMENTAL ISSUES:</b></p> <p><b>1. Use Specific Standards do not recognize that ALL EQUINE USES that involve direct association with horses ARE ANIMAL HUSBANDRY.</b>                  Since the Equestrian Uses standards were modified via ZOAM circa 2016, there has been ongoing confusion and misunderstanding of actual equestrian use businesses and regulation requirements. This should be CORRECTED during the Zoning Ordinance Rewrite.</p> <p><b>2. Equestrian Event Facility is located in Arts, Entertainment &amp; Recreation in Ch. 3 USE TABLES, however Equine USE STANDARDS are mixed with Agriculture uses in Ch. 4 Use Specific Standards 4.08.03 &amp; .04)</b>                  Mixing the uses in the Use standards do not provide clear regulations for the three Equestrian-related uses: Stable Private, Stable Livery vs. Equestrian Event Facility.</p> <p><b>3. The intent is to regulate these uses based on the traffic generated, however the traffic generation assumptions do not accurately reflect how the uses are implemented for livery or event.</b></p>	<p><b>To best and most expedient way to address these issues is to</b></p> <p><b>1. Revise Ag Support Uses-DIRECT AG Support 4.08.03:</b>                  -- Equestrian Event Facility minimum 15 acres</p> <p><b>2. Remove Stable Livery from ag. support DIRECT with on-site activity OR CHANGE STABLE LIVERY REGS</b>                  -- Stable Livery, minimum 10 acres (to better accommodate actual equestrian operations)                  -- Increase the SF allowance                  -- Decrease the setback requirement</p> <p><b>3. Remove Stable, Livery from Ag Support Uses-STANDALONE AG 4.08.04.</b>                  By definition, a livery keeps horses on site.                  Retain these Use Standards for Equestrian Event Facility along with other large, standalone uses (Ag education or research, Farm distribution hub).</p>
<p><b>Definition: Stable Livery 4.08.06</b></p>	<p><b>Cumbersome definition for Stable Livery 4.08.06</b></p> <p><b>1. More than 10 horses owned by non-owners and/or non-residents of the lot for their private use; and/or</b>  <b>2. Any horses for public use; and/or</b>  <b>3. May include the keeping of horses for the private use of the owners and/or residents of the lot in addition to the commercial boarding activities listed above.</b></p>	<p>Keep it simple!!!</p> <p>A livery is an equestrian stable that boards more than 10 horses, or has 10 or more horses for hire.</p> <p><i>Information point:</i>                  Stable Livery has more activities than a Stable Private.                  -- May have rings ( indoor and outdoor), stable horses and do lessons/training.                  -- May have small shows or small clinics (bring horses for the small event, not boarded)</p>

<p>Definition: Stable Private 4.08.0</p>	<p><b>Cumbersome definition for Stable Private 4.08.07</b></p> <p><b>1. Horses for the private use of the owners and/or residents of the lot; and/or</b></p> <p><b>2. No more than 10 horses owned by non-owners and/or non-residents of the lot for their private use.</b></p> <p><b>C. Instructors. No more than 1 employed instructor other than individuals residing on the premises engaged for the purpose of educating and training students in equitation is permitted.</b></p>	<p>Only restrict the number of <b>total horses boarded (renting out of stalls)</b>.</p> <p>-- The quantity of horses owned by the property owner should NOT included in the maximum of 10 horses if they are NOT hired out, as they do not add to traffic.</p> <p>-- AGREE with PC Uses subcommittee recommendation to remove the condition of number of instructors or allow up to three full time instructors who do not live on property, as there may be different instructors for different equine disciplines.</p> <p><i>Information point:</i></p> <p>-- Only <b>boarded horses or horses for hire</b> would be a source of additional traffic from owners or patrons tending or riding their horses.</p> <p>-- Private Stables may have an instructor for lessons, but volume does not cause high traffic.</p>
<p>Definition: Stable Private 4.08.0 Employed instructors</p>	<p><b>Restriction on employees:</b></p> <p>-- This does not accurately account for all employees (stall cleaner, barn manager/groom), that have minimal to no impact on traffic or noise.</p>	<p><b>AGREE with PC Uses Subcommittee request to REMOVE the regulation related to quantity of instructors.</b></p>
<p>Definition: Equestrian Event Facility A. Direct association B. Standalone Agriculture Support Use</p>	<p><b>ASK STAFF: What is the reason for the separation between Direct Association and Standalone Equestrian Event Facility?</b></p> <p><b>A. Direct Association with On-Site Agricultural Activity. An equestrian event facility that <u>includes the keeping and breeding of horses</u> is subject to Section 4.08.03.</b></p> <p><b>B. Standalone Agriculture Support Use. An equestrian event facility that <u>does not include the keeping and breeding of horses</u> is subject to Section 4.08.04.</b></p>	<p><b>Equine-related Uses are located in TWO areas of the USE TABLES and are MIXED in the Use specific standards.</b></p> <p><b>1. Under USE TABLES: Arts, Entertainment and Recreation - Equestrian Event Facility</b></p> <p>Examples: Morven Park is an example of an Equestrian Event Facility</p> <p><b>Standalone (no boarding)</b>-- with events and summer polo</p> <p>Does Loudoun even currently have an Equestrian Event Center -- Direct Association example?</p> <p><b>2. Under USE TABLES: Agriculture -- Stable Livery</b></p> <p><b>Stable Livery -- Consider min acres of 10, not 25 acres.</b></p> <p>This is a commercial business that has 10+ horses boarding there with some clinics, lessons or small shows.</p> <p>Should not have same use stds as Equestrian Event Facilities, as it is a much smaller operation and impact.</p> <p><u>This use should always be direct association with horse boarding</u> (not a "standalone" application)</p> <p><i>Information point:</i></p> <p>Stable Private -- boarding and training horses (10 horses or less). No use standards required for small private stables.</p>

<p><b>Ag support uses 4.08.03</b>  <b>Direct assoc with On-Site Agricultural Activity</b></p>	<p><b>Stable Livery -- Number of acres is higher than that of other ag uses with higher intensity.</b></p>	<p><b>Equestrian Event Facility: Agree with PC Uses Subcommittee to REDUCE min. acreage from 25 acres to 15 acres</b></p> <p><b>Stable Livery: Reduce the acreage to 10 acres to be in line with other agricultural uses. The traffic produced at a Stable Livery is significantly less than that at other Ag uses with "tasting" rooms on 10 acres.</b></p>
<p>4.08.03 and 4.08.04                  Size of Structures (Maximum Square Footage)</p>	<p><b>Square foot of all buildings is too restrictive for actual current equestrian operations.</b>                  The square footage allowed for ALL structures on 5-25 acres is 12,000 SF.                  -- This is smaller than that of a single indoor area of 100x 200sf and                  -- does not account for horse stables, run in sheds and other necessary structures.</p> <p><b><u>Information point:</u></b>  <i>One STALL is typically 12x12 or 144 sq ft, NOT including aisles, tack room, feed room, or wash stall.                  A 10 stall facility would already be over the allowable total sqft.</i></p>	<p><b>AGREE with PC Uses Subcommittee to raise max. sq ft. 30,000 for small and medium scale operations not including a primary residence</b></p> <p><b>Question to STAFF: For Equestrian Livery has square footage of stables, run in sheds, and indoor arena operating in Loudoun been reviewed to be sure Loudoun is not limiting these businesses even at 30,000 sf. (Be sure that the home is not considered in the total sf.)</b></p> <p><b>Equestrian Event Facility - Standalone (e.g., Morvan Park, excluding the non-equestrian acreage).</b>                  -- Stables and indoor rings should not be included in overall square foot maximum to manage traffic.</p> <p><b>Information Point</b>  <i>A property currently for sale on Route 9 is on 21 acres. It has a 12-13 stall stable but the owner wanted to add an indoor riding arena to allow for training horses 360 days of the year. Property was considered a Stable Livery and was required to go through a SPEX.</i></p>
<p>4.08.03 and 4.08.04                  Setbacks</p>	<p><b>Setbacks for Stable Livery are very restrictive.</b>                  Landscaping/buffering/screening in support use are more onerous than necessary for an equestrian farm.</p>	<p><b>Remove Stable Livery from Ag Support Use Standards - Standalone (4.08.04) and Direct Association(4.08.03)</b>  <b>OR</b>  <b>Reduce setbacks for small scale agricultural accessory uses to that of an agricultural building.</b></p>
	<p>For <b>vehicles/equipment</b> does that include horse trailers?</p>	
<p>4.08.03 and 4.08.04                  Hours of Operation</p>	<p><b>Hours of operation 6a -9pm.</b> Many workers begin before 6am and end after 10pm.</p> <p><b>Information point:</b>  <i>Horses at an event may require tending after hours and most event facilities have night watch to check on animals.</i></p>	<p><b>AGREE with PC Uses Subcommittee to allow "caretaking" hours starting at 4am. Evening caretaking should also be extended. It is the active event that should end by 9pm just as other more intensive uses should end the events they hold.</b></p>

<p>Summary point</p>	<p>In many situations, equestrian entrepreneurs rent or lease existing private facilities and would be out of code if they were required to fit into ag support.</p> <p>Equestrian Event Facility was envisioned as a business relying mainly on hosting shows etc and the ag support may be a reasonable fit. LCEA recommends a deeper look into reasonable use standards for Stable livery.</p>	<p>In short, <b>equestrian private and livery uses</b> should not be more heavily regulated than other agricultural uses.</p> <p>-- Equestrian Event Facilities should not be more heavily regulated than other more intense rural farm uses that involve higher volumes of vehicular traffic, late hours, and large numbers of patrons but are not considered ag support.</p> <p>-- The difference between Stables Private and Stable Livery is that it is a clearer business venture with small clinics and shows allowed, but should not require agricultural support status as large as Equestrian Event Facility to function.</p>
	<p>Have there been a significant number of complaints against <b>equestrian businesses</b>?</p>	<p>Public complaints against all rural uses could be used to help structure reasonable zoning standards, especially if the number of complaints are large and have a commonality.</p>
	<p><b><i>Points of (public) Information</i></b></p> <p><b><i>Current equine businesses that are in current code violation include:</i></b></p> <p><b><i>Cavallo 20 acres, 23 stalls in two barns plus indoor, 22,300sf;</i></b></p> <p><b><i>Ohana 25 acres 26,300sf including 20 stall main barn with attached indoor and 10 stall additional barn;</i></b></p> <p><b><i>Dancing Horse Farm 26 acres made of two 6 acre lots plus a 10 acre lot. EACH 6 acre lot has an equine facility one of 15,960sf and the other of 13,050sf;</i></b></p> <p><b><i>Equimar 6 acres 8 horses for lessons 15,000sf (includes house, barn and indoor);</i></b></p> <p><b><i>Woodhall Farm 20 acres 5100 sf 18 stalls;</i></b></p> <p><b><i>NoVa Equine 36 acres using 42,294sf.</i></b></p> <p><b><i>Red Gate Farm was on 10 acres and had close to 20 horses. They have since sold and purchased 50 acres in Bluemont. They were likely the source of most complaints at the old facility.</i></b></p>	<p><b>Review for zoning ordinance grandfathering requirements/compliance with proposed ZOR.</b></p> <p>There are many more equestrian businesses than these listed and many small private stables are leased to instructors that would not be in compliance for livery. Many of these have been in business prior to the 2016 changes and may have been grandfathered. However, they likely have had few if any complaints and if grandfathered, could they be sold as a continuing business?</p> <p>The added cost burdens to purchase sufficient land to build out a new facility that meets current standards and provides suitable infrastructure will be prohibitive. Livery use standards should not be more restrictive than those for farm wineries or limited breweries/distilleries (neither of which were considered during the 2016 ZOAM).</p>