

# VILLAGE OF BARRINGTON HILLS

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## **Equestrian Commission**

### **NOTICE OF MEETING**



Wednesday, September 2, 2015 ~ 7:00 pm  
112 Algonquin Road

## **AGENDA**

1. Call to Order & Roll Call
2. [Vote] Minutes August 1, 2014
3. Introduction of Members
4. Public Comments
5. Adjournment

Chairman: Jane Clement

## **NOTICE AS POSTED**

## Equestrian Commission Meeting Minutes 8/1/14

Bruce Pfaff, Sec'y

A special meeting of the EC was held this date from 7 pm to 8:40 pm. In attendance were chair McHugh, members Pappas, Fahey and Pfaff. Member Clement was unable to attend.

### I.

The commission discussed its 2010 recommendation that the Village enact no limit to the number of horses that can be boarded per acre of property. The commission by unanimous vote reaffirmed its past opposition to a limit on the number of horses allowed per acre. The bases were the great differences in properties and abilities of managers of properties in the village. What might be unmanageable for one owner on one property could be easily managed on another property by another person. Putting an arbitrary limit on the number of horses was felt to be unreasonable.

When our group last considered this issue in 2010 we concluded:

Horse owners are horse lovers and would never knowingly put their horses in a situation that creates an increased likelihood of injury such as overcrowding. This is particularly true of boarding. Boarders are very particular and demanding about how their horses are cared for and the environment in which they are living. The proof of this claim is clear when one considers that for 55 years the Village has not limited the number of horses allowed on properties and there has never been a complaint about over-crowding. The number of horses boarded or kept on a given property is not subject to a single formula. Consideration must be given to the property's location, configuration, neighborhood, wetlands, vehicular access, parking, available pastures, and manure disposal. Therefore, there should be no fixed number of horses per acre.

We concluded at this meeting again that our zoning rules should not place an arbitrary limit of horses per acre.

The commission heard public comment on this topic. Based on complaints from Pauline Boyle, 315 Ridge Road, that her property has been adversely affected for seven years by human fecal contamination and manure contamination from a property to her north, we inquired whether those complaints had been brought to the Village's attention. She affirmed they had been brought to Mr. Kosin's attention. The commission asked and Mr. Kosin

agreed to provide documentation concerning the complaint submitted and the Village's past report on the topic.

David Buckley testified that an arbitrary limit on the number of horses per acre was unreasonable and encouraged the commission to reject such a limit.

Jean Madrell of Ashbury Lane suggested it would be best to convene another committee to evaluate changes to the zoning rules regarding horse boarding.

## II.

The commission next addressed the proposed text amendment submitted by Barry LeCompte. There are aspects of that text amendment, dated 6/17/14, that the commission approves of and aspects which the commission does not approve, all by a 4-0 vote. Appended below is the original of the LeCompte proposal with redline changes that our commission approved at our meeting. To clarify, the redline version below is what we recommend the Village adopt.

### 5-2-1: DEFINITIONS: AGRICULTURE

The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry (including the boarding and training of horses, horse riding instruction, as well as the breeding and raising of horses as an occupation) and the necessary accessory uses for handling or storing the produce.; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

### 5-3-4: REGULATIONS FOR SPECIFIC USES:

#### A) Agriculture

- 1) Other than those regulations specifically provided for in section 5- 3-4(A)2(a) below, the provisions of this title shall not be exercised so as to impose regulations or require permits with respect to land used or to be used for agricultural purposes, or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or to be used for agricultural purposes upon such land, except that such buildings or structures for agricultural purposes. may be required to conform to building or setback lines. In

~~the event that the land ceases to be used solely for agricultural purposes, then, and only then, shall the provisions of the zoning title apply.~~

- 2) Boarding and Training of Horses: ~~For the purpose of clarification of existing law and not modifying its intent, and irrespective of the fact that boarding horses in a pasture or stable, training of horses, and horse riding instruction represent, by definition, commercial activities, such activities have never violated and do not presently violate the spirit and intent of the Village's Zoning code and are and have always been legally permitted uses.~~

a) Regulations: The following provisions listed in this subsection 5-3-4(A)2(a) shall apply prospectively to all boarding, training and riding of horses, including horse riding instruction from the date of this enactment forward:

I. No persons engaged to facilitate such boarding, riding or training, other than the immediate family residing on the premises and the individual horses owners shall be permitted to carry out their functions except between the hours of six o'clock (6:00) AM and ~~eight~~ nine o'clock (9:00) PM, and no vehicles or machinery, other than that belonging to the immediate family residing on the premises shall be permitted to be operated on the premises except during the hours of six o'clock (6:00) AM and nine o'clock (9:00) PM. These hourly restrictions shall not apply in the event of veterinary emergencies.

II. No outdoor riding, training, or riding lessons, other than by the immediate family residing on the premises shall take place before 8:00 AM or after 8:30 PM.

III. All barns shall have an animal waste management protocol consistent with published acceptable standards and in full compliance with 7-2-5 of the Village's Municipal Code.

IV. Lighting for barns and arenas shall only be directed onto the property on which such uses occur such that there is no direct illumination of any adjacent property from such lighting. In all respects, lighting for any activities or

structures used in agriculture shall comply with all other provisions of the Village Code.

~~V. While no one wants excessive traffic and noise that would infringe upon their neighbors' rights to the peaceful enjoyment of their properties, the term excessive is relative and ripe for abuse in interpretation by either the barn owner or the neighbor. Accordingly, any complaint about such shall be handled in an independent and objective manner, which is specifically set forth in section 5-3-4(A)2(c) below.~~

The Village reserves all rights to enjoin nuisances as set forth in the Village Code.

~~VI. There shall be a limit on the number of horses that any facility is allowed to board such that:~~

~~1. For all horses boarded in a pasture for which there is no indoor stall there shall not be in excess of one boarded horse per zoning lot acre.~~

~~2. For all horses boarded in a barn with supplemental ——— nutrition there shall not be in excess of 2 boarded horses per zoning lot acre, without regard to whether those acres also have pasture boarded horses.~~

~~3. These restrictions on number of boarded ——— horses shall only apply prospectively and, furthermore, shall not pertain to any barn that was in operation prior to June 16, 2014.~~

VI. Properties subject to the provisions of this Section 5-3-4(A)(2) shall ensure that traffic associated with the agricultural operations is reasonably minimized, particularly at properties where access is from private roads, and including at times of any events such as charity outings or clinics.

VII. Properties subject to the provisions of this Section 5-3-4(A)(2) shall provide indoor toilets for use by employees and boarders and shall not rely on outdoor portable toilets for ordinary operations.

~~b) Compliance: Should any resident be aggrieved by an alleged violation of any regulation in this section 5-3-4(A), said resident, before taking any other action, must report such alleged violations to the zoning enforcement officer, at which time said officer shall inspect the property, commission an independent study of the alleged violation, and perform any further due diligence such officer feels appropriate.~~

~~If at the conclusion of such due diligence the zoning officer finds the property to be in non compliance, based on the data collected and how such data compares with like facilities in the Village, the property owner shall be given 30 days to bring their facility into compliance. At the end of such period the zoning officer shall again inspect the property, and if, in the discretion of the officer, the property remains non compliant, the zoning officer shall issue a cease and desist of all non owner equestrian activity until such time that the property can be brought into compliance and accepted as such by the zoning officer.~~

~~If a cease and desist is issued the property owner shall have 45 days to appeal the zoning officer's decision to the ZBA for hearing. If within such period the property owner has not appealed to the ZBA the decision of the zoning officer shall become final and the cease and desist shall remain in effect until such time that the property is brought into compliance, as determine by the zoning officer. All other compliance regulations shall be subordinate to this section 5-3-4(A)2(b).~~

~~c) Retroactivity: Subject to the severability clause in section 1-2-4, with the exception of the above subsection 5-3-4(A)2(a), which specifically states otherwise, the entirety of the additions in 5-2-1 and 5-3-4(A) and the deletion of 5-3-4(D)3(g) shall be primarily and secondarily retroactive and are in full force and effective as of June 26, 2006, *nunc pro tunc*.~~

On the topics raised by this text amendment and the EC's discussion, we heard public comment from Kim Van Fossen who had questions concerning tax assessments as agriculture property and whether FAR rules apply to property used for agriculture. Mr. Kosin indicated that FAR rules do apply to property used for agriculture. Mr. Kosin indicated he would provide a recent state issued publication on tax assessments for agriculture properties for our commission to pass on to the ZBA.

### III.

The commission reviewed the Elder/Riding Club text amendment. In view of the similarities with the LeCompte proposal and our action to recommend with significant amendments the LeCompte proposal, we voted unanimously to table consideration of the Elder/Riding Club text amendment. As with the other motions, Mr. Pappas brought the motion and in each case, Ms. Fahey seconded the motions.

In public comment, Jim Hammond noted that there is an Illinois Livestock Management Act that regulates properties with livestock including horses. He kindly offered to provide a copy of the legislation and a primer discussing it. The Act may be a good resource for Village enforcement officers to use to assess boarding operations in the Village. If Mr. Hammond provides it, we will forward it to the ZBA for consideration.

#### IV.

At 8:40, on motion made and properly seconded, the commission adjourned its meeting.

# Village of Barrington Hills

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## EQUESTRIAN COMMISSION

### 2-8-1: CREATION AND PURPOSE:

### 2-8-2: MEMBERSHIP; TERMS; ORGANIZATION:

### 2-8-3: COMPENSATION:

### 2-8-4: POWERS AND DUTIES:

### 2-8-1: CREATION AND PURPOSE:

In order to protect the public health and welfare of the residents of the village and to provide expertise in the area of equestrian activities within the village to the village board, various village committees and village staff, the equestrian commission is hereby created pursuant to the authority of section 11-16-1 of the Illinois municipal code. (Ord. 05-01, 6-17-2005)

### 2-8-2: MEMBERSHIP; TERMS; ORGANIZATION:

The equestrian commission shall consist of five (5) members, all of whom shall be village residents appointed by the village president on the basis of their ability or experience, by and with the advice and consent of the board of trustees and at least one of whom shall be a member of the Riding Club Of Barrington Hills or such similar body existing at the time of appointment.

Members shall serve for a period of one year beginning on May 1. Vacancies shall be filled by appointments, as provided in the previous paragraph for unexpired terms only.

The village president, with the approval of the board of trustees, shall appoint a chairman from among the members to serve a term of one year and until a successor shall be appointed and qualified. (Ord. 06-13, 7-24-2006)

Every commissioner who shall be present when a question is stated from the chair shall vote thereon, including the chairman unless excused by a majority of the commissioners present or unless such member has recused himself. (Ord. 11-05, 3-28-2011)

### 2-8-3: COMPENSATION:

Members of the equestrian commission shall serve without compensation but shall be reimbursed for their actual and necessary expenses. (Ord. 05-01, 6-17-2005)



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## 2-8-4: POWERS AND DUTIES:

The equestrian commission shall have the following powers and duties:

- (A) Provide the official repository for equestrian issues and expertise for the village;
- (B) Provide trail design and routing information for planning and plat design;
- (C) Provide expertise on equestrian activity management;
- (D) Disseminate information regarding equestrian legislation in Illinois;
- (E) Monitor equestrian activity in other communities as it may relate to the village; and
- (F) Assist and make recommendations to the plan commission regarding the location of equestrian trails within new subdivisions. (Ord. 05-01, 6-17-2005)

