

MINUTES

EASTERN SUMMIT COUNTY PLANNING COMMISSION

REGULAR MEETING
THURSDAY, MAY 5, 2016
KAMAS CITY OFFICE
170 NORTH MAIN
KAMAS, UTAH

COMMISSIONERS PRESENT:

Tonja Hanson, *Chair*
Douglas Clyde
Ken Henrie

Rich Sonntag
Louise Willoughby

Regrets: Chris Ure, Sean Wharton

STAFF PRESENT:

Peter Barnes– *Planning and Zoning Administrator*
Amir Caus– *County Planner*

Helen Strachan– *County Attorney*
Kathy Lewis– *Secretary*

The regular meeting of the Eastern Summit County Planning Commission was called to order at 6:00 PM.

REGULAR ITEMS

1. Pledge of Allegiance
2. General Public Input

The general public input session was opened. There were no comments made and the public input session was closed.

Chair Hanson said due to a small car accident Staff had on the way to the meeting, the items on the agenda would be heard in a different order. Until Planner Lewis can arrive, Planner Caus and Administrator Barnes will fill in for him.

3. Public hearing and possible action regarding a Conditional Use permit for a Commercial Dog Kennel; 4733 West Brown's Canyon road, Peoa; Parcel CD-36-7; Fernando Ramirez, applicant - Amir Caus, County Planner

Planner Caus said the property is located approximately 1.5 miles up Brown's Canyon Road. It is 56 acres in size. A home was constructed on the property in 2014. Soon after, the applicant applied for and received a private kennel license for 30 dogs that are used for mushing competitions and sled tours off the property.

Planner Caus said the application is for an additional 20 dogs for a total of 50 dogs. The additional dogs will be housed in four sheds less than 200 square feet in size. The sheds will be insulated and will have 6-foot high fences around the perimeter of each one. A warming teepee will be used by the mushing customers during the winter months.

Planner Caus said there will be two sets of operation hours. One is 8:00 a.m. to 11:00 a.m. and then 6:00 p.m. to 8:00 p.m. All of the applicable service providers were consulted, including Animal Control and the Engineering Department. The Health Department was contacted about the animal waste. Based on the positive recommendations received, Staff suggests the Commission forward a positive recommendation as outlined in the Staff Report.

COMMISSION DISCUSSION

Chair Hanson asked if Animal Control gave any kind of input. Planner Caus said the applicants will be required to have a commercial kennel license and the current private kennel license must be updated. He explained the conditional use permit (CUP) is for the land use itself. There is another process to receive a kennel license. Commissioner Hanson asked if the license is reissued annually. The applicant said it is.

Commissioner Henrie said the Staff Report recommends limiting the maximum visitors to ten people and three cars per session. He asked how that number will be

controlled. Mr. Ramirez said in order to keep their group sizes down, time slots are scheduled. There is a rest time in between the tours to give the dogs a chance to rest and recover.

Commissioner Henrie said he is concerned if they have three cars as a condition and someone brings four, the CUP would be violated. Mr. Ramirez said they have never had more than three cars. People either take a taxi or a van. Planner Caus said one purpose for the condition is to avoid the access being blocked. This would be especially important for emergencies.

Commissioner Clyde said he would hate to see the applicants be in violation if a fourth car turned up one day. **Commissioner Sonntag** asked who it was that wanted to limit the number of cars. Planner Caus said it was proposed by the applicant and confirmed by the Sheriff's Office. He added the parking area can be widened. If that were done, this condition could be amended. It would be a minor amendment that would probably be an administrative review.

Commissioner Clyde asked that because the teepee is a fabric structure, will the building department be involved. Planner Caus answered in the affirmative. The applicants are required to meet the building code. **Commissioner Clyde** said he would like to see a condition of approval that the structure is located at least 100 feet from the stream.

The public hearing was opened.

Ernest Beacham said he purchased some neighboring land almost 40 years ago. He believes in allowing people their property rights as long as it doesn't interfere with other's property rights. When he visited the property on the previous day, it was quite noisy. Mr. Beacham said he fears the value of his property will decrease dramatically. He doesn't think anybody would want to live with the sound that he

heard. He didn't fight when the Friends of Animals wanted to build their shelter. The location of the property was pointed out. Mr. Beacham owns 41½ acres across from the dog kennel. Part of his property is located in Oakley, part in Summit County.

Commissioner Henrie verified there were 30 dogs on the premises when he visited, not 50. Mr. Beacham said the incessant barking of the dogs was annoying.

Brandon Richins said currently he doesn't hear the existing dogs. It appears they plan on putting the additional dogs more out in the open, not up the canyon. This could become more of an issue with sound for everybody down the road. He believes as they move the dogs out of the side canyon and closer to Brown's Canyon the sound will become an issue.

The public hearing was closed.

COMMISSION DISCUSSION

Chair Hanson asked what the process would be if they issue a CUP and then it becomes a nuisance. Planner Caus said enforcement would come through the Animal Control Department. The Planning Department would be informed and the CUP would be reviewed. The sheds are mobile. They could be relocated.

Commissioner Sonntag asked if the dogs will be outside. Planner Caus said there would be five dogs per kennel with both inside and outside access during the day. Mrs. Ramirez said the location of the sled dogs won't change. They get excited at feeding time and will make noise. At night, there is a short time when they make noise.

Mrs. Ramirez said they will put the boarding kennels on a different side of the ranch. The dogs will not be intermingling. The sheds will be sound proofed and insulated. They will work with the dogs to keep everything quiet. The mush dogs are trained to keep quiet with a whistle.

Commissioner Willoughby said there is a concern expressed in the Staff Report about the improper disposal of dog waste. The spring is located near the kennel. Mr. Ramirez said this is their fulltime job. They are out with the dogs eight hours a day. When they feed the dogs, they are also cleaning after them. The waste is kept in heavy duty plastic containers. During the visits made by Animal Control they were told they are handling the dog waste properly.

Chair Hanson asked what the purpose was of Animal Control's visits. Mr. Ramirez said because they have a kennel license, Animal Control will arrive unannounced to inspect their property. The officer has always been happy with how they keep things. Planner Caus added the Health Department has accepted the waste cleanup plan.

Commissioner Henrie asked if the new kennels will be closer to Brown's Canyon Road. Planner Caus said the setback is similar to the existing kennel, but on the opposite side of the house. Mr. Ramirez said they are a little further back than the existing kennels. They will be about 120 feet from the stream.

Commissioner Henrie noted they are getting a grading permit. He asked for further details. Mr. Ramirez said the area where they will put the boarding kennels is a little less hilly, but still will require some grading. He said they get a high volume of calls from people asking if they can board their dogs.

Commissioner Henrie said dog kennel applications are usually controversial. He asked if the location chosen for the new kennels will help to mitigate the noise. Mr. Ramirez said cost is one factor in choosing this location. He added the boarding dogs will typically be house dogs. They applied for up to 20 dogs to give them leeway, but they will most likely only accept around ten dogs. During the day they will be with the dogs. During the night, they will be kept in the soundproof kennels.

Commissioner Clyde said because this is a conditional use, the question is how the noise will be mitigated. Attorney Strachan said if it becomes a nuisance, that would be the grounds to revoke the kennel license. They can't operate without a license. She said it is already built in through the Animal Code license. In terms of barking dogs, there is a separate noise ordinance. She explained the ordinance. A log is kept and perhaps video footage.

Commissioner Willoughby said if they are accepting dogs for boarding, they have the right to not accept them. If a certain dog is causing a problem, it doesn't need to be there. Mr. Ramirez said they don't want to take problem dogs. They have checked with the neighbors to see if there are any problems they can correct. Most neighbors say they can't hear their dogs. The neighbor next door said he can hear them, but not often.

Commissioner Clyde said it seems there are enforceable mitigation tools in place. Even though keeping a noise log may be a burden on the neighbor, he believes this is something the Commission is obliged to allow. Attorney Strachan said the kennel permit has to be renewed annually. If the noise did rise to the level of a nuisance, she believes Animal Control would not renew the license.

Commissioner Henrie said right now, this is a sparsely populated area, but that could change in the future. As they get more neighbors, a dog kennel may become a nuisance. Mrs. Ramirez said they are willing to work with people and do what it takes to keep the noise level down. **Commissioner Sonntag** said if the kennels were located further up the canyon, it may make a difference in muffling the sound.

Mrs. Ramirez said the mush dogs don't go inside at night because of the heat. **Chair Hanson** asked if they get noisy when they are working. Mrs. Ramirez said for about two seconds before they take off there will be noise and then they are silent. Mr. Ramirez said the winter hours are 10:00 a.m. to 3:00 p.m.

Attorney Strachan explained the noise ordinance is excessive dog barking for 30 minutes or more during a 24-hour period or intermittent barking for 60 minutes or more during a 24 hour period. If a complaint is filed, Animal Control will give a 10-day period to correct the situation. If it hasn't been corrected, a citation will be given.

Commissioner Henrie asked how a license would be revoked. Attorney Strachan said upon verification of nuisance, the kennel license could be revoked. She said they currently have 30 dogs with no violations. **Commissioner Sonntag** said unlike the currently licensed sled dogs, the boarding dogs will go in at night. **Commissioner Clyde** asked if going in at night could be made a condition of approval. Planner Caus said it could be. Mrs. Ramirez said they would want to do that anyway. **Chair Hanson** remarked that a dog that barks all day is also annoying.

Commissioner Clyde made a motion, which was seconded by Commissioner Willoughby, to approve the dog kennel with the following:

FINDINGS OF FACT:

1. *The proposed Commercial Dog Kennel is located at 4733 Brown's Canyon Road in the Agricultural protection (AP) zone.*
2. *Commercial dog kennels are a conditional use in the AP zone.*
3. *The kennel is located on a large (51.79 acre) lot.*
4. *Access to the property is from Brown's Canyon Road.*
5. *The applicant will use thirty (30) personal dogs for sled tours.*
6. *The applicant is proposing to board up to twenty (20) non-personal dogs.*
7. *Sled dogs are trained on the property.*
8. *Sled dogs are mostly used for sledding activity off site.*
9. *Sled dogs are to be used for tours within the property.*
10. *The total number of dogs housed on the site would be 50.*
11. *Sled dogs are to live in a separate kennel section from the boarding dogs.*
12. *There is a seasonal stream running along the front of the property.*

13. *Because the stream does not run year round, it is not required to meet the 100-foot setback from the high water mark of a naturally occurring stream as required in Section 11-3-2 of the Development Code.*

CONCLUSIONS OF LAW:

1. *The proposed use is appropriate in the particular location, taking into account the nature of the use, its relationship to surrounding land uses and its impact on the natural environment. The use is appropriately located with respect to public facilities, it is adjacent to an existing county road, and has adequate water and septic.*
2. *The proposed use is in general compliance with the Development Evaluations Standards in Chapter 2 of the Eastern Summit County Development Code.*
3. *The proposed use will not be in violation of any county, state, or federal laws.*
4. *The applicant has presented evidence of ownership.*
5. *The applicant has demonstrated that it possesses the requisite skills and experience to ensure that the particular use will be conducted in a safe and orderly manner.*
6. *The use will not adversely affect, in a significant manner, the public health, safety, and welfare.*
7. *The length and size of the proposed structures are compatible with the residential uses in the area and meets the setback requirements for the AP Zone.*

CONDITIONS OF APPROVAL:

1. *The maximum number of dogs on the property shall not exceed fifty (50).*
2. *The maximum number of guests shall be limited to 10 per session.*
3. *The maximum number of guest cars shall be three per session.*
4. *The boarding dogs shall be brought inside at night.*
5. *The location of their containment area shall be 100 feet from the seasonal stream.*

• **MOTION CARRIED (5 - 0)**

4. **Public hearing and possible action regarding a Final Subdivision Plat to divide parcel CD-2140 into two (2) developable lots; near 3177 East State Road 35;**

Parcel CD-2140; Jan Lefler, representing the property owner – Sean Lewis, County Planner

Administrator Barnes said he will be filling in for Planner Lewis. The Eastern Summit County Development Code allows a property owner with more than 10 acres to divide the parcel into two. The property in question is on the bench above Woodland. Currently, the total lot size is 23.14 acres. One lot would be 6.23 acres in size and the other would be 16.96 acres. There is a private road that accesses both of the lots.

The public hearing was opened.

DeLoy Bisel said a prior owner donated property to Woodland Water. This serves the community. He has no objections.

The public hearing was closed.

COMMISSION DISCUSSION

Commissioner Henrie asked for further details on the access road. The applicant, Jan Lefler, explained the property is owned by her sister and her husband Mark. The property has been in the family for many years. The different easements associated with the property were explained by Ms. Lefler.

Commissioner Henrie asked if there is an existing road. Does the road have to meet any driveway criteria? Ms. Lefler said there is a road. She has met with the Engineering Department, but has not yet obtained a building permit. UDOT has approved an access onto Highway 32. Administrator Barnes said the access comes from a court ordered easement. The County Engineer has reviewed the driveway and he is satisfied.

Commissioner Clyde said there seems to be a requirement in the analysis of Standard 1 that requires clustering with the adjacent Woodland Hills subdivision. Administrator

Barnes said the requirement is for the lots to be clustered to each other, not the adjacent subdivision. This has been done. **Commissioner Clyde** said the language needs to be cleaned up to avoid confusion. He doesn't want someone in the future to think that being close to an existing subdivision would qualify as clustering.

Commissioner Henrie said this parcel is in the AP-40 zone. The current Development Code states if there are ten acres or more, a landowner is allowed to have an additional lot. It would be a legally created lot of record. This means the landowner has one density right. The split would give them two. Attorney Strachan said because it is an odd sentence, perhaps they should consider striking it. There was general consensus.

Commissioner Willoughby asked if there is any legal access through the Woodland Hills subdivision. Ms. Lefler said that would have been their preference, but they have not been successful in being able to obtain it.

Commissioner Henrie made the motion, which was seconded by Commissioner Sonntag, to approve the minor subdivision of the Elk View two-lot subdivision with the following: as per the Staff Report and striking the following sentence from Standard 1: "Lot 1 is clustered with the adjacent Woodland Hills subdivision" from the Staff Report.

FINDINGS OF FACT

1. *Mark and Jean Brady are listed as the fee title owner of record for Parcel CD-2140.*
2. *Parcel CD-2140 is 23.14 acres in size.*
3. *Parcel CD-2140 is located near 3177 East State Road 35.*
4. *Determinations from Summit County dated April 16, 1997 and January 6, 2009 state that the 25 acre parcel is considered to be a "lot of record."*
5. *Parcel CD-2140 is currently zoned Agricultural Protection (AP).*
6. *Section 11-4-8 B.3 of the Eastern Summit County Development code states: "In the Agricultural Preservation (AP) zone, a lawfully created lot of record that is not*

- within a previously approved subdivision plat and is ten (10) acres or larger will be considered for one additional lot under the minor subdivision of property review process.”*
- 7. Parcel CD-2140 is not located within a previously approved subdivision plat.*
 - 8. The name of the proposed subdivision is: Elkview Subdivision.*
 - 9. Elkview is not a duplicate name of any previously approved subdivision plat.*
 - 10. The applicant took ownership of Parcel CD-2140 on February 9, 2007 via deed recorded as book; 1847, page 0698.*
 - 11. The applicant’s contact information was included on the application submitted to Summit County on September 11, 2015.*
 - 12. Legal descriptions of the property including easements and rights-of-way are shown on the proposed plat submitted on September 11, 2015.*
 - 13. The proposed plat does not indicate that any slopes greater than 30% or wetland areas exist on the property.*
 - 14. The applicant has submitted a letter of commitment from Woodland Mutual Water Company to provide culinary water service to the proposed subdivision.*
 - 15. Rocky Mountain Power has informed Staff that there are no conflicts with service with the proposed subdivision.*
 - 16. The Summit County Health Department will review the septic tank at the time of Building Permit application.*
 - 17. The South Summit Fire District did not have any concerns regarding the proposed subdivision.*
 - 18. Access to the subdivision will be via a private driveway.*
 - 19. The Eastern Summit County Sewer Advisory Committee has recommended to the Summit County Manager that traditional septic systems will be utilized within the Elkview Subdivision.*
 - 20. The Summit County Sheriff has no issues with the proposed subdivision.*
 - 21. A detailed plat has been submitted for review and contains all information as required by 11-4-8D.2.g.*

CONCLUSIONS OF LAW

1. *The lots within the proposed Elkview Subdivision have been clustered to the maximum extent possible.*
2. *Access to the lots is granted through an easement on file with the Summit County Recorder's office.*
3. *The project is in compliance with the development evaluation standards found in Chapter 2 of the Code.*
4. *The project is in compliance with applicable sections of Chapter 6 of the Code.*
5. *The lots within the proposed subdivision measure greater than or equal to 1.0 acres in size.*
6. *The owner of Parcel CD-2140 does not own any other adjacent properties.*

• **MOTION CARRIED (5-0)**

5. **Public hearing and possible action regarding a Conditional Use permit to construct several accessory buildings in excess of 2,000 square feet; 5971 N State Road 32; Parcel CD-14; Michael Keim, representing the property owner – Sean Lewis, County Planner**

Planner Amir Caus said he will be filling in for Planner Lewis. He said this is a 250-acre property located in the Highway Corridor and the Agricultural Protection zone. It spans SR 32 near Browns Canyon Road. There are several structures proposed on the property. The first one is a 6,500 square-foot stable. The others are a 20,000 square-foot riding arena, and two 6,000 square-foot service buildings.

Planner Caus said the height and setbacks are being met. The barn height is 28.5 feet. The arena building is 29 feet. The service buildings are 21.5 feet in height. Staff has reviewed the application and all seven criteria are being met. For this reason, Staff has recommended approval as outlined in the Staff Report.

COMMISSION DISCUSSION

Commissioner Sonntag asked for clarification of what “commercial use” means in connection to this application. The property owner, Jeff Edison, said that stalls will not be rented. Horses will not be boarded or trained. This property will be used for their own horses and their own personal use.

Chair Hanson said across the road, there is a large barn. How would that barn compared to this one in size? She was told the barn across the road would be about half the size. Mrs. Winter clarified the lot size is 360 acres spread across both sides of the road. The portion of the lot that the barn is being built on is about 250 acres.

Chair Hanson asked to be shown where the different buildings would be placed on the parcel. These locations were pointed out. The riding arena will be covered. The artist’s renderings of the barn and arena were reviewed. Mrs. Winter said the access road may be paved in the future, but currently it is gravel.

Commissioner Willoughby referred to a slide that indicates there is a wetland on the property. Mrs. Winters said there is a bridge that crosses that area. It has been approved by the Army Corp of Engineers.

Mrs. Winters explained they moved the entrance to increase visibility for the access. They were concerned with the gravel trucks on the road and pulling out with horse trailers. This was approved by UDOT. She showed where the entrance will be located.

Commissioner Clyde asked what the potential negative impacts are. Administrator Barnes said if it turned commercial, there would be an increased number of visitors, but there are no significant issues with a private use.

The public hearing was opened.

McKenzie Coleman said there are sand hill cranes that have been there for years.

During the past two years, as work has begun, the cranes have been pushed out. They may come back when the construction is completed.

Ms. Coleman said that Standard 7 states the length and size must be compatible with the residential uses in the area. All four of the buildings are in excess of 2,000 square feet. These buildings will be huge. It will be what she sees as she looks out her front window. Even the large red barn in Brown's Canyon isn't that big. The size of the proposed structures is a big issue.

Ms. Coleman said the property owner, Jeff Edison, is also the co-owner of Blue Sky Ranch in Wanship. She is concerned there will be commercial activities that take place here; that it could become an extension of Blue Sky Ranch. She has been told if it begins to be used for that, it would up to the neighbors to complain. They would have to be caught in the act. If they sell the property, the future owners might turn it into a commercial enterprise. The size would lend itself to do so.

Ms. Coleman asked if they are willing to have restrictions placed so that it must stay for private use only. She asked if they will have private events. How many a year would take place? Would they be willing to put deed restrictions on it for future owners of the property?

Ms. Coleman said there are some neighboring parcels under contract. She wonders if they are the purchasers of these parcels or if they have any kind of agreement with the owners. She said she likes that they have changed the access to a much safer location. The current access is a blind corner.

Mr. Edison said the sand hill cranes are still there. He said he and his wife love this land. They are the ones who are doing the work on the land. The riding arena is large to accommodate English-style riding, which his wife enjoys. It has been made as small

as possible but still be appropriate for that style of riding. The roof of the arena has been lowered and the roof of the building in front has been raised to help make it seem not quite so large.

Mr. Edison said they have renovated the existing house. They have been told it looks nicer than it ever has. He said he is a limited partner in Blue Sky Ranch. He has been approached to allow fishing, but he told them no. They are trying to make this property a beautiful piece of land that is agricultural in use. If anyone were to buy it they would have to come back to the Commission and apply to change it to commercial.

Commissioner Sonntag said he would like to ask a list of questions for the sake of clarification.

- Will they be holding events paid for by third parties? (No)
- Will they be giving public riding lessons? (No)
- Will they be boarding horses for hire? (No)
- Will they rent out stable stalls? (No)

Commissioner Willoughby asked how many horses they will have. Mrs. Winters said they will have five horses and a pony. Ms. Coleman asked if they would be willing to place a deed restriction on the property prohibiting commercial use. Ms. Coleman was told that the first condition prohibits commercial use. Attorney Strachan commented that a conditional use is allowed in this zone. **Commissioner Clyde** said it would require another application to change it to commercial.

Gregory White is a long-time Peoa resident. He said he will bemoan the loss of the meadow, but he realizes that property rights come with the purchase of the land. They have the right to do with it what they want. He wants to support Mrs. Coleman by saying this will take some getting used to. On the other hand, he wants to welcome the Edison's to the community. They have done a wonderful job with the house.

Leslie Edison said she is the other property owner. She and her husband love this property. They are the ones with the shovels. Around 90% of this will be pastures with only a few horses. It will be idyllic to look at. They want to have something that is spectacular.

Wes Siddoway said his family owns property about 1½ miles north of this. He is in support. The County wants to have as much open space and agriculture as possible. The previous owners wanted to sell it. This is what the buyers want. As growth occurs in the County, people will develop their property how they see fit.

Cliff Reed said that Jeff Edison has been a friend for a long time. He will be a good neighbor. The area is zoned agricultural and the designs of the buildings are agricultural. Technically, he didn't have to go through the development process. He would be allowed to build a large barn and run 400 head of cattle if he wanted.

Brandon Richins agreed there couldn't be a better use for this property. He warned they need to be careful with the agricultural designation. Mr. Richins said he has horses. He has been given grief about the barn he built. He was told that horses don't qualify as agricultural. He was threatened that his land would be taken out of greenbelt. He said there is a large motorcycle track in Wanship that was built in the name of agriculture. There is no agricultural reason to be riding motorcycles.

Mr. Richins said there are two options, a subdivision or a barn. **Commissioner Clyde** asked what the grief was he received about the barn. Mr. Richins said it was about the size of the barn. There were some concerns about possible commercial operation, but this has not happened. He added that he would hate to see ranchers lose the right to bail hay at 2:00 a.m.

Commissioner Willoughby asked Staff if horses qualify as agriculture. Planner Caus said the Planning Department considers horses as agriculture, but they can't speak for the Assessor's Department. Attorney Strachan said the Planning Department's definition of agriculture doesn't specifically speak to horses but animals.

Commissioner Willoughby said there seems to be a disconnect with the Assessor's Department.

Justin Harding said he owns a fly fishing company. He has reason to believe that Blue Sky has intentions to fish on this property commercially. If this became commercial, the septic tank would be problematic because this is a wetlands area. Mr. Edison said Blue Sky has acquired some property in Wanship that they want to fish.

The public hearing was closed.

COMMISSION DISCUSSION

Commissioner Henrie said a conditional use runs with the land no matter who owns it. Any changes made by either a future or current owner would have to come to the Planning Commission for approval. **Commissioner Clyde** said it wouldn't be appropriate to place a deed restriction because there isn't an impact to mitigate.

Commissioner Henrie said that beauty is in the eye of the beholder. Some people see old buildings as beautiful, others do not. They can't regulate how people perceive beauty. To him, this looks like a beautiful, well-planned operation. He doesn't see anything that needs to be mitigated or anything that is in violation.

Commissioner Henrie said what he is hearing is the request to add more verbiage to make sure this is not used as an event center. Planner Caus said that condition #1 addresses that. Attorney Strachan added that the Use Chart allows commercial activity in this zone. To restrict this would require changing the Code.

Commissioner Henrie asked if a non-profit charitable event could be held. Planner Caus said that would require a special event permit. **Chair Hanson** said that permit is easy to get. It wouldn't come back in front of the Commission. Planner Caus said if that is done on a regular basis it would become an event center and would require a different type of permit.

Attorney Strachan said the Code is being revamped to limit the number of days and duration of special events. There is no evidence in this record that suggests they would be using the property for those purposes. **Chair Hanson** said they need to be careful not to go down a slippery slope. If they put restrictions on how someone can use their property, would that mean they couldn't have a family reunion with 200 people in attendance? Attorney Strachan said she believes this is out of the Commission's purview. **Commissioner Willoughby** said there are enough laws. They don't need to micromanage what people do.

Commissioner Henrie said he is impressed that they have permits for everything. They have tried to follow the letter of the law. There are provisions for agriculture that would have allowed them to go around the Code, but they have chosen not to do that.

Chair Hanson said that Peoa has been known for mink ranches for a number of years. She would rather see this proposal than another mink ranch or to have 20 homes built in that meadow. This is a great use for the land. They have done a fabulous job.

Commissioner Clyde made a motion, which was seconded by Commissioner Sonntag, to approve the conditional use permit as outlined as follows:

FINDINGS OF FACT:

1. Winter Farms LLC is the listed fee title owner of Parcel DC-14.
2. Parcel DC-14 is 253.91 acres in size.
3. Parcel DC-14 is located at 5971 North State Road 32.

4. Parcel DC-14 is located in both the Highway Corridor and the Agriculture Protection zoning district.
5. The applicant proposes to construct 1~6,500 square foot stable; 1~20,000 square foot riding arena, 2 ~6,000 square foot service buildings.
6. Accessory buildings and uses to the principal residential dwelling unit or subdivision, exceeding 2,000 square feet are listed as a Conditional Use in the Agriculture Protection zoning district.
7. The proposed structures are located more than 100 feet from the northern property line, which is the closest property line to the proposed structures.
8. There are wetland areas shown on the site plan. The proposed structures are more than 40 feet away from the wetland.

CONCLUSIONS OF LAW:

1. The proposed buildings are consistent in scope to other accessory building within the zone.
2. The addition of a structure of this size will not cause impact to the existing agriculture operations, will not significantly increase the culinary water needs or the ability of the wastewater system to function in an efficient manner, nor will the structures require upgrades of improvements to existing County infrastructure.

CONDITIONS OF APPROVAL:

1. The use of the structures for any commercial purpose is not permitted as part of this approval. Any proposed change in use shall require an amendment to this CUP.
2. All service provider requirements shall be met prior to issuance of this CUP.

- **MOTION CARRIED (5-0)**

6. Approval of Minutes

March 17, 2016:

Commissioner Willoughby made a motion, which was seconded by Commissioner Henrie, to approve the minutes as corrected. All voted in favor.

- **MOTION CARRIED (5 - 0) Commissioner Hanson abstained as she was absent.**

COMMISSION ITEMS

Commissioner Clyde said that he, along with **Commissioner Henrie** and **Commissioner Sonntag**, attended the County Council meeting. The Council asked Staff to come back with some kind of an analysis of what it would look like if the density in the AG-1 and AG-6 zones were built out. What would be the impact to roads, water, and other infrastructure items? They questioned how approvals would take place on complex projects.

Commissioner Sonntag said what he took away from the meeting is they won't proceed forward until the MPD and the RC process is completed. **Commissioner Henrie** said they seem to have a lot of interest in the impact, such as if this is built out as proposed, what will be the cost the County.

Commissioner Clyde said he raised the issue of the Weber River Water Quality at this meeting. This is an impaired stream and is in violation of Federal standards. The negative impacts to the river are being caused by the septic and sewer systems, agriculture, and urban runoff. **Commissioner Henrie** said he thinks Chalk Creek is also impaired.

DIRECTOR ITEMS

Administrator Barnes said Staff continues to work on the MPD process. They hope to have a draft copy available for the next meeting.

The agenda for the May 19th meeting was discussed.

ADJOURN

At 7:50 p.m. Commissioner Willoughby made the motion which was seconded by Commissioner Henrie to adjourn. All voted in favor.

• **MOTION CARRIED**



Approval Signature