



Staff Report to the Weber County Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on an administrative application regarding a Farm Stay and Development Agreement as part of an approved conditional use permit for an Agri-Tourism operation identified as the Dancing Moose Farms Art & Ecology Center.

Agenda Date: Tuesday, December 08, 2015

Applicant: Dailey Family Limited Partnership/Dancing Moose Farms Art & Ecology Center

File Number: CUP# 2015-03

Property Information

Approximate Address: 13485 East Hwy 39 Huntsville, UT

Project Area: 17.39 Acres

Zoning: Forest Zone (F-5)

Existing Land Use: Agriculture

Proposed Land Use: Agri-Tourism

Parcel ID: 23-021-0001

Township, Range, Section: Township 7 North, Range 3 East, Section 32

Adjacent Land Use

North: Forest Residential	South: Forest Residential
East: Agriculture	West: Forest Residential

Staff Information

Report Presenter: Ronda Kippen
rkippen@co.weber.ut.us
801-399-8768

Report Reviewer: SM

Applicable Ordinances

- Title 108, Chapter 21 Agri-Tourism

Summary and Background

On February 24, 2015, the applicant received approval from the Ogden Valley Planning Commission for a conditionally permitted use for an agri-tourism operation to be located at 13485 East Hwy 39 Huntsville, UT. The farm, known as Dancing Moose Farms Art & Ecology Center, consists of approximately 17.38 acres and lies in the Forest 5 Zone (F-5) which allows "Agri-tourism" only when authorized by a conditional use permit.

The Uniform Land Use Code of Weber County, Utah (LUC) §108-21-3(10) requires that "prior to any construction of any structure intended for the purpose of accommodating non-agricultural uses, record a farm stay and commercial development agreement, provided by Weber County, on all parcels utilized as part of an approved agri-tourism operation." The applicant would now like to move forward with the construction of the structures that will facilitate the "non-agricultural uses" that were reviewed and approved as part of the original conditional use permit; however, before doing so a "Farm Stay and Commercial Development Agreement" (see Exhibit "A") must be entered into and recorded against the property. The agreement includes a copy of the original conditional use permit, the approved site plan and the notice of decision that outlines the findings and conditions of the Ogden Valley Planning Commission.

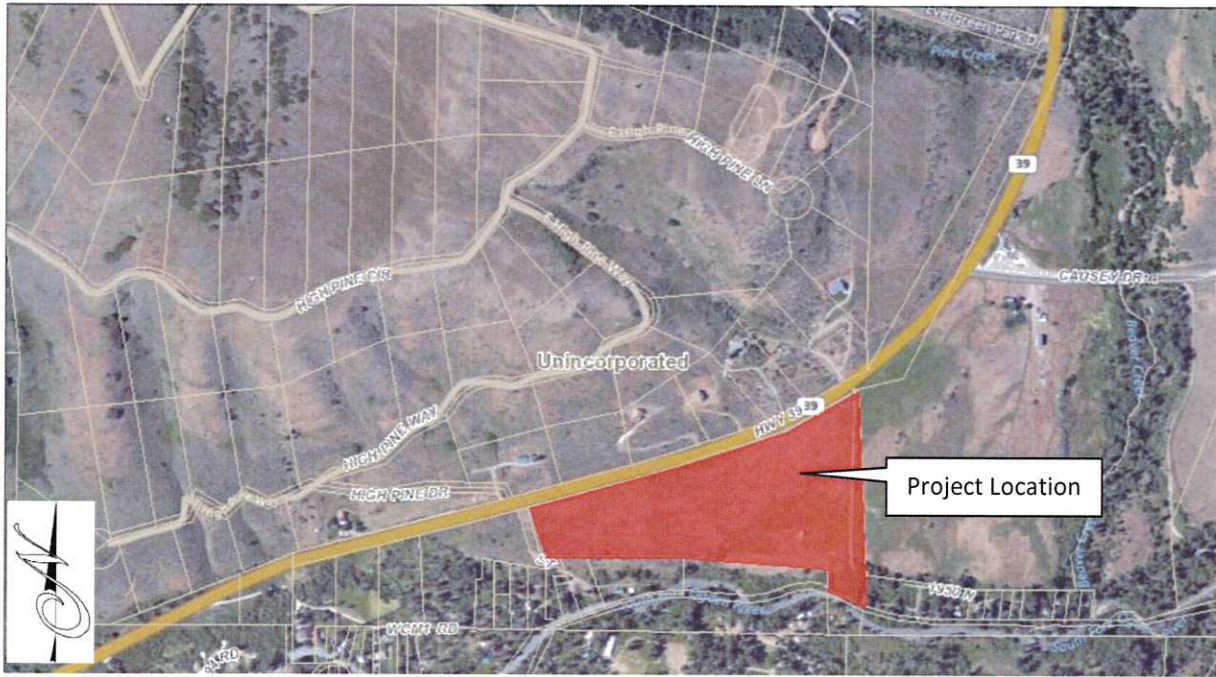
Staff Recommendation

Staff recommends approval of the proposed Farm Stay and Development Agreement for the agri-tourism operation at Dancing Moose Farms Art & Ecology Center.

Exhibits

- Weber County Farm Stay and Development Agreement

Map 1



WEBER COUNTY
FARM STAY and DEVELOPMENT AGREEMENT

AGREEMENT: The following Agreement is hereby made by the undersigned owner(s) of real property located within unincorporated Weber County, Utah (hereinafter referred to as the "Owner"). This Agreement is a standard form offered by the County to allow owners to comply with section 108-21-3(10) of the Weber County Code. Other than filling in the blanks in the form, any modification of the form, without the express written consent of the planning commission that has jurisdiction, renders the Agreement void.

EFFECTIVE DATE: The effective date of this Agreement shall be Nov 4, 2015 [Date].

RECITALS

WHEREAS, the Owner seeks to continue his/her agricultural pursuits while developing an agri-tourism operation upon certain property that consists of approximately 17.39 acres and which is more particularly described in Exhibit A attached hereto and referred to as the "Property"; and

WHEREAS, the County seeks to promote the health, safety, welfare, convenience, and economic prosperity of its residents through the establishment and administration of certain zoning regulations which are intended to promote agriculture and guide the use and development of land as a means of implementing the County's General Plan; and

WHEREAS, the Owner has requested that his/her application be reviewed and the above referenced Property receive a Conditional Use Permit for the purpose of allowing him/her or his/her designees to develop the Property in the specific manner that has been presented to and approved by the County;

NOW THEREFORE, the Owner hereby agrees and covenants as follows:

1. General

- 1.1. The Owner acknowledges his/her responsibilities, as outlined in Conditional Use Permit file number: CUP 2015-03 (CU INDX 30-2015).
- 1.2. The Owner agrees and acknowledges that his/her obligations, as outlined by this Agreement, shall coincide with and/or be in addition to any other applicable ordinances, codes, conditions, and/or regulations.
- 1.3. The commitments of the Owner, as detailed in this Agreement, shall constitute a covenant and restriction that shall run with the land and be binding upon the Owner, his/her assigns and/or his/her successors in interest.
- 1.4. This Agreement constitutes the entire Agreement; however, the Owner acknowledges that he/she may be bound by additional obligations as detailed in his/her Conditional Use Permit approval. The Owner may amend or modify the provisions of this Agreement and/or the approved agri-tourism operation only by written request and after a review and approval by the appropriate planning commission, which may hold a public hearing to obtain public input on the proposed amendment or modification.
- 1.5. This Agreement and the approvals granted through the subject Conditional Use Permit shall be in full force and effect until the Property, covered herein, has been reverted back to its former use(s) as a result of an Owner decision/action to do so or revocation by the County.

2. Development

- 2.1. The Owner shall operate the subject agri-tourism operation in a manner that is based upon the approvals granted and develop the subject Property in a manner that is consistent with the approved Site Plan. See Exhibit B for approval information.

3. Division of Land

- 3.1. The Owner shall maintain the subject property's current acreage and maintain its current boundary configuration, without subdividing by deed or any other means, until such time that he/she either:

- 3.1.1. Gains County approval(s) for amendments/modifications to the originally approved agri-tourism operation boundary and Site Plan; or
- 3.1.2. Ceases all agri-tourism operations and reverts all structures and facilities, utilized for agri-tourism purposes, to structures and facilities that comply with all current and applicable Weber County Zoning, Subdivision, and Building Codes.

4. Farm Stays

- 4.1. Except for those housing opportunities provided by an Agro-Ecology Research and Education Center, the Owner agrees and further warrants that all structures and facilities utilized for agri-tourism farm stay purposes shall be operated and maintained as only temporary nightly accommodations that do not exceed fourteen (14) calendar days per month.

5. Default and Enforcement

- 5.1. Certain circumstances and/or actions, including but not limited to the following, shall constitute a default by the Owner, his assigns, or his successors in interest:
 - 5.1.1. Failure to remain in compliance with the terms of this Agreement, specifically:
 - 5.1.1.1. Subdividing the Property outside of compliance with Section 3 (Division of Land) above.
 - 5.1.1.2. Providing accommodations outside of compliance with Section 4 (Farm Stays) above.
 - 5.1.2. Failure to remain in compliance with the conditions attached to the Owner's Conditional Use Permit.
 - 5.1.3. A written request made by the Owner or his/her assigns or successors in interest, filed with the County, seeking to void or materially alter any of the provisions of this Agreement.
- 5.2. In the event that any of the above listed circumstances occur, constituting default by the Owner (including his/her assigns or successors in interest), the County may, at its discretion, modify the terms of this Agreement, make adjustments to original approvals, or initiate steps to revoke the subject Conditional Use Permit.

6. Exhibits

- A. Property Description.
- B. Approval Information.

IN WITNESS WHEREOF, the Owner(s), being duly authorized, has executed this Agreement to be effective.

Agreed to this 4th day of November, 2015.

Daniel Dale

 "Owner"

 "Owner"

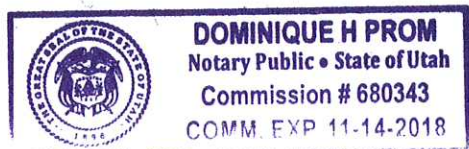
State of Utah)
)ss.
 County of Weber)

On this 4 day of November, in the year 2015, before me, Dominique H. Prom, a Notary Public in and for the State, personally appeared, Daniel Daley proved, on the basis of satisfactory evidence, to be the owner of Daley Family Partnership corporation which executed the foregoing instrument and that said instrument was signed on behalf of said corporation by authority of a Resolution of its Board of Directors that said corporation executed the same.

Witness my hand and official seal.

Dominique H. Prom

 Notary Public



BOARD OF COUNTY COMMISSIONERS OF WEBER COUNTY

By _____
Kerry W. Gibson, Chair

Commissioner Bell voted _____
Commissioner Ebert voted _____
Commissioner Gibson voted _____

ATTEST:

Ricky Hatch, CPA
Weber County Clerk/Auditor

Exhibit A-Legal Description

PART OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 7 NORTH, RANGE 3 EAST, SALT LAKE MERIDIAN, U.S. SURVEY: BEGINNING 132 FEET WEST AND NORTH 280 FEET FROM THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 32, AND RUNNING THENCE NORTH 85° 10' WEST 676 FEET, THENCE WEST TO THE EAST LINE OF THE ROAD RUNNING SOUTH TO OGDEN RIVER, THENCE NORTHERLY ALONG SAID ROAD TO THE SOUTHERLY LINE OF THE MAIN ROAD, THENCE NORTHEASTERLY ALONG SOUTHERLY LINE OF SAID MAIN COUNTY ROAD TO THE EAST LINE OF THE SAID SOUTHEASTQUARTER, THENCE SOUTH ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER TO A POINT 100 FEET NORTH OF THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER, THENCE NORTHWESTERLY ALONG THE CENTER LINE OF THE RIVER TO A POINT 120 FEET SOUTH OF THE POINT OF BEGINNING, THENCE NORTH 120 FEET TO THE POINT OF BEGINNING.

Exhibit B

Attached Conditional Use Permit, Site Plan and Notice of Decision of the Ogden Valley Planning Commission



Conditional Use Permit

Index No: CU INDX30-2015 Conditional Use approved on: 2/24/2015 CUP Permit No.: 2015-03

Purpose of Conditional Use: Agri-Tourism

Applicant

Name: DAILY FAMILY LIMITED PTNRSHIP
Address: 1546 EAST SUNNYSIDE AVE
SALT LAKE CITY, UT 84105
Phone: 801-633-7254

Owner

Name: DAILEY FAMILY LIMITED PTNRSHF
Address: 1546 EAST SUNNYSIDE AVE
SALT LAKE CITY, UT 84105
Phone: 801-633-7254

Parcel

Zoning: F-5

Parcel Number: 230210001

Total Area: 17.39 ACRES

Address: 13485 EAST HIGHWAY 39
HUNTSVILLE

Section: 32 Township: 7N Range: 3E

Subdivision: N/A Lot(s): N/A

Site/Use Information:

Adjacent Site Use: Open / Residential

Eliminated Parking: 0 Existing Parking: 92 Proposed Parking: 0

Other Parking Provisions: The compact gravel parking lot has been approved as part of the CUP.

Existing Floor Space: 558 Proposed Floor Space:

Property Dimesions: 17.39 acres Hours: 8 am-10 pm

Construction Date: Residents-Workers: 10

Short Description: Agri-Tourism operations: Refer to approved site plan for development details.

Comments/Conditions:

Conditional Use Permit Case# 2015-03-Conditions of approval:

1. The UDOT right of way access permit expires on 7/29/16. Prior to the expiration date, proof of a final approved right of way access permit issued by UDOT will be provided to the Planning Division.
2. A seperate land use and building permit is required for the proposed "Gate or Arch Sign".
3. A farm stay and a commercial development agreement will be executed and recorded prior to any construction of any structure intended for the purpose of accommodating non-agricultural uses, with the exception of a single family dwelling or farm house and/or any number of structures that qualify for an agricultural exemption.
4. Requirements of the Weber County Building Inspection Division.
5. Requirements and recommendations of the Weber Fire District.
6. Requirements of the Weber County Engineering Division.
7. Requirements of the Weber County Health Department.

Purpose of Conditional Use:

NOTICE FOR APPLICANT:

(Please Read Before Signing)

Proposals for the installation of an individual water supply and for a sanitary waste disposal system (septic tank) for any structure designed for human occupation must be approved by the Weber County Health Department prior to installation.

[Signature] 8-28-2015
Planning Dept. Signature of Approval Date

This permit becomes null and void if use or construction authorized has not commenced within one year, if the use is discontinued for one year, or if there is a zone change affecting this property. Any change to the permit or approved site plan must be submitted to the Planning Commission for approval.

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this land use will be complied with whether specified herein or not. I make this statement under penalty of perjury. I hereby agree to make the requirements as specified on this permit issued to the owner of land as signed below.

[Signature] 9/1/2015
Contractor/Owner Signature of Approval Date



Exhibit B

Weber County Planning Division
www.co.weber.ut.us/planning_commission
2380 Washington Blvd., Suite 240
Ogden, Utah 84401-1473
Voice: (801) 399-8791
Fax: (801) 399-8862

Ogden Valley Township Planning Commission **NOTICE OF DECISION**

February 25, 2015

Dailey Family Limited Partnership
c/o Daniel Dailey

Case No.: Conditional Use Permit 2015-03

You are hereby notified that your CUP application for an agri-tourism operation identified as the Dancing Moose Farms Art & Ecology Center located at 13485 East Hwy 39 Huntsville, UT, was heard and approved by the Ogden Valley Township Planning Commission in a public meeting held on February 24, 2015, after due notice to the general public. The approval was granted subject to the following conditions:

1. Proof of an approved right of way access permit is issued by UDOT will be provided to the Planning Division prior to the issuance of the conditional use permit.
2. A farm stay and a commercial development agreement will be executed and recorded prior to any construction of any structure intended for the purpose of accommodating non-agricultural uses, with the exception of a single family dwelling or farm house and/or any number of structures that qualify for an agricultural exemption as defined in the Weber County Land Use Code.
3. Actual dimensions for the entrance ground sign will be provided for review and approval prior to the issuance of the conditional use permit to ensure that the proposed signs do not exceed the allowed height and width.
4. Requirements of the Weber County Building Inspection Division.
5. Requirements and recommendations of the Weber Fire District.
6. Requirements of the Weber County Engineering Division.
7. Requirements of the Weber County Health Department.

This recommendation is based on the following findings:

1. The proposed use conforms to the Ogden Valley General Plan.
2. The proposed use will protect and preserve agricultural property in the Ogden Valley.
3. The proposed use, if conditions are imposed, will not be detrimental to the public health, safety, or welfare.
4. The proposed use, if conditions are imposed, will comply with applicable County ordinances.
5. The proposed use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

The next step in the process is to ensure complete compliance with the above listed conditions of approval. This letter is intended as a courtesy to document the status of your project. If you have further questions, please contact me at rkippen@co.weber.us.ut or 801-399-8768.

Respectfully,

Ronda Kippen

Weber County Planner II

The decision of the Planning Commission may be appealed to the County Commission by filing such appeal within 15 days after the date of the meeting.