



# Staff Report to the Weber County Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on an administrative application regarding an amendment to the 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, May 02, 2017

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

**File Number:** CUP# 2016-16

### 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

<b>North:</b> Forest Residential	<b>South:</b> Forest Residential
<b>East:</b> Agriculture	<b>West:</b> Forest Residential

### Staff Information

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

## Applicable Ordinances

- Title 108, Chapter 21 Agri-Tourism

## Development History

- On February 24, 2015, the applicant received unanimous approval from the Ogden Valley Planning Commission for a conditionally permitted use for an agri-tourism operation known as the Dancing Moose Farms Art & Ecology Center (CUP2015-03/CU INDX30-2015).
- On December 8, 2015, the Weber County Board of Commissioners entered into a Farm Stay and Development Agreement with the Dailey Family Limited Partnership on behalf of the Dancing Moose Farms Art & Ecology Center.
- On February 28, 2017, the applicant received unanimous approval from the Ogden Valley Planning Commission for an amendment to the Dancing Moose Farms Art & Ecology Center (CUP2016-16).

## Summary and Background

The applicant, in order to meet the requirements of the Weber Fire District, has had to modify the site plan which is made part of the Farm Stay and Development Agreement; therefore, an amendment to the agreement is necessary to ensure that the development that takes place is in compliance with the approved CUP2016-16. 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

- A. Weber County Farm Stay and Development Agreement

### Map 1



**WEBER COUNTY**  
**FARM STAY and DEVELOPMENT AGREEMENT AMENDMENT 1**

**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 \_\_\_\_\_ [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) and as amended CUP 2016-16.
- 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:



BOARD OF COUNTY COMMISSIONERS OF WEBER COUNTY

By \_\_\_\_\_

Kerry W. Gibson, Chair

Commissioner Ebert voted \_\_\_\_\_

Commissioner Harvey 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

### Weber County Planning Commission

2380 Washington Blvd. STE 240  
Ogden, UT 84401  
Phone: (801) 399-8791 FAX: (801) 399-8862  
webercountyutah.gov/planning

### Permit Number: 2016-16

Permit Type: Conditional Use  
Permit Date: 04/04/2017

### Purpose of Conditional Use:

CUP Amendment to the site plan for the agri-tourism operations known as the Dancing Moose Farms Art & Ecology Center.

### Applicant

**Name:**  
**Business:** Dailey Family Limited Partnership  
**Address:** 1546 East Sunnyside Ave  
Salt Lake City, UT 84105  
**Phone:** 801-633-7254

### Owner

**Name:**  
**Business:** Dailey Family Limited Partnership  
**Address:** 1546 East Sunnyside Ave  
Salt Lake City, UT 84105  
**Phone:** 801-633-7254

### Parcel

**Parcel:** 230210001  
**Zoning:** F-5    **Area:** 17.39    **Sq Ft:**    **Lot(s):** N/A    **Subdivision:** N/A  
**Address:** 13485 East Highway 39 Huntsville, UT 84310    **T - R - S - QS:** 7N - 3E - 32 - SE

### Site/Use Information

#### Adjacent Site Use:

**Eliminated Parking:**    **Existing Parking:** 92    **Proposed Parking:** 92

#### Other Parking Provisions:

**Existing Floor Space:**    **Proposed Floor Space:**

**Property Dimensions:**    **Hours:** 8am-10pm

**Construction Date:** 04-APR-17    **Residents-Workers:** 10

#### Short Description:

### Comments

File# CUP 2016-16, a conditional use permit amendment for an agri-tourism operation identified as the Dancing Moose Farms Art and Ecology Center located at 13485 East Hwy 39 Huntsville, UT for a water tank, 2 inch waterline, 10 foot x 20 foot farm stand, a 5 foot x 15 foot chicken coop, a 24 foot diameter dining yurt, three 20' yurts, art piece display areas, and an animal shelter. This approval is subject to all review agency requirements and with the following conditions:

1. An amendment to the 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.





## Conditional Use Permit

**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 Weber County Health Department prior to installation.

Ronda Kippen

04/04/2017

Planning Dept. Signature of Approval

Date

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.

D. C. Dent

4/4/2017

Contractor/Owner Signature of Approval

Date





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 Planning Commission  
**NOTICE OF DECISION**

February 28, 2017

Dailey Family Limited Partnership  
c/o Daniel Dailey

Case No.: Conditional Use Permit 2016-16

You are hereby notified that your CUP amendment 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 Planning Commission in a public meeting held on February 28, 2017, after due notice to the general public. The approval was granted subject to all review agency requirements and with the following conditions:

1. An amendment to the 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.

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 the condition outlined above is imposed, will not be detrimental to the public health, safety, or welfare.
4. The proposed use, if condition outlined above is 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](mailto:rkippen@co.weber.us.ut) or 801-399-8768.

Respectfully,

*Ronda Kippen*

Weber County Principal Planner

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.