



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

<b>Application Request:</b>	Consideration and action on a conditional use permit application for a public equestrian training and stable facility for Kent Winegar.
<b>Type of Decision:</b>	Administrative
<b>Agenda Date:</b>	Tuesday, April 25, 2017
<b>Applicant:</b>	Kent Winegar, Owner
<b>File Number:</b>	CUP# 2017-05

### Property Information

<b>Approximate Address:</b>	9510 E 200 S, Huntsville, UT
<b>Project Area:</b>	37.4 acres
<b>Zoning:</b>	Agricultural Valley (AV-3) Zone
<b>Existing Land Use:</b>	Agricultural/Residential
<b>Proposed Land Use:</b>	Agricultural/Residential/Equestrian training and stable facility
<b>Parcel ID:</b>	21-021-0073
<b>Township, Range, Section:</b>	Township 6 North, Range 2 East, Section 15 and 16

### Adjacent Land Use

<b>North:</b>	Agricultural	<b>South:</b>	Residential
<b>East:</b>	Agricultural	<b>West:</b>	Agricultural

### Staff Information

<b>Report Presenter:</b>	<b>Steve Burton</b> sburton@co.weber.ut.us 801-399-8766
<b>Report Reviewer:</b>	RK

## Applicable Ordinances

- Title 101, Chapter 1, General Provisions, Section 7, Definitions
- Title 104, Chapter 6 Agricultural Valley (AV-3) Zone
- Title 108, Chapter 1 Design Review
- Title 108, Chapter 4 Conditional Uses
- Title 110, Chapter 2 Ogden Valley Signs

## Summary and Background

The applicant is requesting approval of a conditional use permit application for a public equestrian training and stabling facility located at approximately 9510 E 200 S, Huntsville. The building associated with the operation is an existing 60' x 120' building, approximately 7,200 square feet. The applicant is also proposing to place a wall sign for the business on the south wall of the building that fronts 200 South. The request for a conditional use permit will also include the design review for the proposed sign.

The operation will consist of between 20 and 40 horses at any given time, an average of about 1 horse per acre. The application states that the operation will be for training, raising, and breeding. The visiting clientele will be two weekly customers which will be able to park next to the facility, as shown on the site plan (Exhibit B). There are 2 existing rental homes, owned by the applicant, on the property. The keeping area for the horses will be located approximately 75 feet from both rental homes, conforming to the animal keeping standards of the AV-3 zone.

Conditional use permits should be approved as long as any harmful impact is mitigated. The Uniform Land Use Code of Weber County, Utah (LUC) already specifies certain standards necessary for mitigation of harmful impact to which the proposal must adhere. The proposed application appears to meet these standards. The following is staff's evaluation of the request.

## Analysis

General Plan: This request is in conformance with the General Plan for Ogden Valley, as it is intended to preserve private property rights while also preserving the rural characteristics of the Valley.

Zoning: The subject property is located within the AV-3 Zone. The purpose and intent of the AV-3 zone can be further described per LUC §104-6-1 as follows:

*The purpose of the AV-3 Zone is to designate farm areas, which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low-density residential development in a continuing rural environment.*

The AV-3 Zone has specific standards identified in the LUC §104-6-6 that shall be met as part of the development process. The applicable standards are as follows:

- Minimum yard setbacks:
  - Front: 30'
  - Side: 20'
  - Rear: 30'
- Minimum lot area: 10 acres (for this specific use)
- Minimum lot width: 300'
- Main Building height:
  - Maximum: 35'

The proposed use is conditionally allowed in the AV-3 zone and has been reviewed as a "Public equestrian training and stable facility on a tract of land with a minimum of ten acres in area and at a density of not more than five horses per acre". The existing structure meets the site development standards of the AV-3 zone.

A parcel owned by the Middleton Waterworks Association appears to be located in the middle of the property, more specifically, through the middle of the existing horse barn. The research of ownership plats indicates that the parcel is actually located to the north and west, and the horse barn does not encroach on that parcel (Exhibit C).

Conditional Use Review: A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. Prior to receiving the conditional use permit, the applicant will need to receive approval from the applicable agencies for the proposal. A condition has been made part of the Planning Division's recommendations to ensure that this standard is met.

Design Review: The AV-3 zone and the proposed conditional use, mandate a design review as outlined in LUC §108-1 to ensure that the general design, layout and appearance of the building remains orderly and harmonious with the surrounding neighborhood. As part of this review, the Planning Commission shall consider the applicable matters based on the proposed conditional use and impose conditions to mitigate deficiencies where the plan is found deficient. The matters for consideration are as follows:

- *Considerations relating to traffic safety and traffic congestion.* As part of this consideration, the applicant has provided a site plan (see Exhibit B). There are no new buildings being proposed with this application, as such, there will be no construction related traffic concerns with this proposal. The applicant has also provided a parking area for the 2 customers that will visit the operation weekly. The parking area will mitigate any traffic concerns on the property and on Highway 39.
- *Considerations relating to landscaping.* The property currently maintains the twenty percent landscaping requirement outlined in LUC §108-1-4 (3). The existing landscaping is made up of deciduous trees towards the north end of the property, which are irrigated by shares of the Ogden Valley Canal.
- *Considerations relating to buildings and site layout.* A riding area surrounds the existing building and there are two rental homes located on the property. Both homes are outside of the animal setback regulation outlined in LUC §108-7-8 which states, "No animals or fowl shall be kept or maintained closer than 40 feet from any dwelling and not closer than 75 feet from any dwelling on an adjacent lot. Any barn, stable, coop, pen, corral, or enclosure for the housing or keeping of animals or fowl shall be kept, constructed, or maintained not less than 100 feet from a property line adjacent to a street and not less than 25 feet from any lot line." The existing building that will be used to keep horses is located approximately 75 feet from both rental homes on the property and is located approximately 175 feet from Highway 39.

As part of the conditional use application, the applicant is requesting approval of a wall sign advertising the operation. The applicant has provided a sign plan as part of the application (Exhibit D). LUC §110-2-5 (b)(1)(a) outlines nonresidential wall sign regulations in the AV-3 zone as follows:

*Each freestanding building or complex of buildings is allowed one wall sign per street frontage which shall not exceed five percent of the square footage of the front of the building (linear footage of the front of the building, multiplied by the height of the building; multiplied by five percent) not including false fronts. If multiple units, each unit to be allowed five percent of width of the unit multiplied by the height.*

The square footage of the front of the building is approximately 1800 square feet, allowing for a wall sign that is 90 square feet. The proposed sign is approximately 87 square feet, meeting the above wall sign requirement.

- *Considerations relating to utility easements, drainage, and other engineering questions.* The applicant will need to adhere to all conditions of the Engineering Division including but not limited to storm water and surface water drainage, retention facilities. A condition has been made part of the Planning Division's recommendations to ensure that this standard is met.
- *Considerations relating to prior development concept plan approval associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval.* The proposed site does not have any type of development agreement associated with the property; therefore considerations pertaining to this portion of the code are not applicable at this time.

Review Agencies: Prior to the commencement of work, the applicant will need to receive the approval from all applicable agencies for the proposed equestrian center. A condition has been made part of the Planning Division's recommendations to ensure that all conditions of the review agencies will be met.

Public Notice: Public notice is not required for conditional use applications, however a courtesy notice has been mailed to all property owners of record within 500 feet of the subject property regarding the proposal.

### Summary of Planning Commission Considerations

In order for a conditional use to be approved it must meet the requirements of applicable ordinances listed in this staff report, which include the requirements listed in LUC §108-4-4, under "Decision Requirements", which states:

*a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to substantially mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the standards of this chapter, or relevant standards or requirements of any other chapter of this Land Use Code. When considering any of the standards, the land use authority shall consider the reasonably anticipated detrimental effects of the proposed use in the context of current conditions and, to the extent supported by law, the policy recommendations of the applicable general plan.*

*b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.*

The Planning Commission will need to determine if the request for a public equestrian training and stabling facility has met the requirements of the applicable Uniform Land Use Code of Weber County. The Planning Commission may impose additional conditions in order to ensure full compliance with the required standards. In making a decision, the Planning Commission should consider the following questions:

- Does the submittal meet the Uniform Land Use Code of Weber County? If no, then what conditions could be added in order to comply?
- Have the "Decision Requirements" and other applicable ordinances been met?

### Staff Recommendation

The Planning Division recommends approval of file# CUP 2017-05, a conditional use permit for a public equestrian training and stabling facility located at approximately 9510 E 200 S, Huntsville. This recommendation for approval is subject to all review agency requirements and with the following conditions:

1. The proposed wall sign must be installed in compliance with the submitted sign plan and LUC §110-2, which requires that the applicant obtain a land use permit before installing the sign.

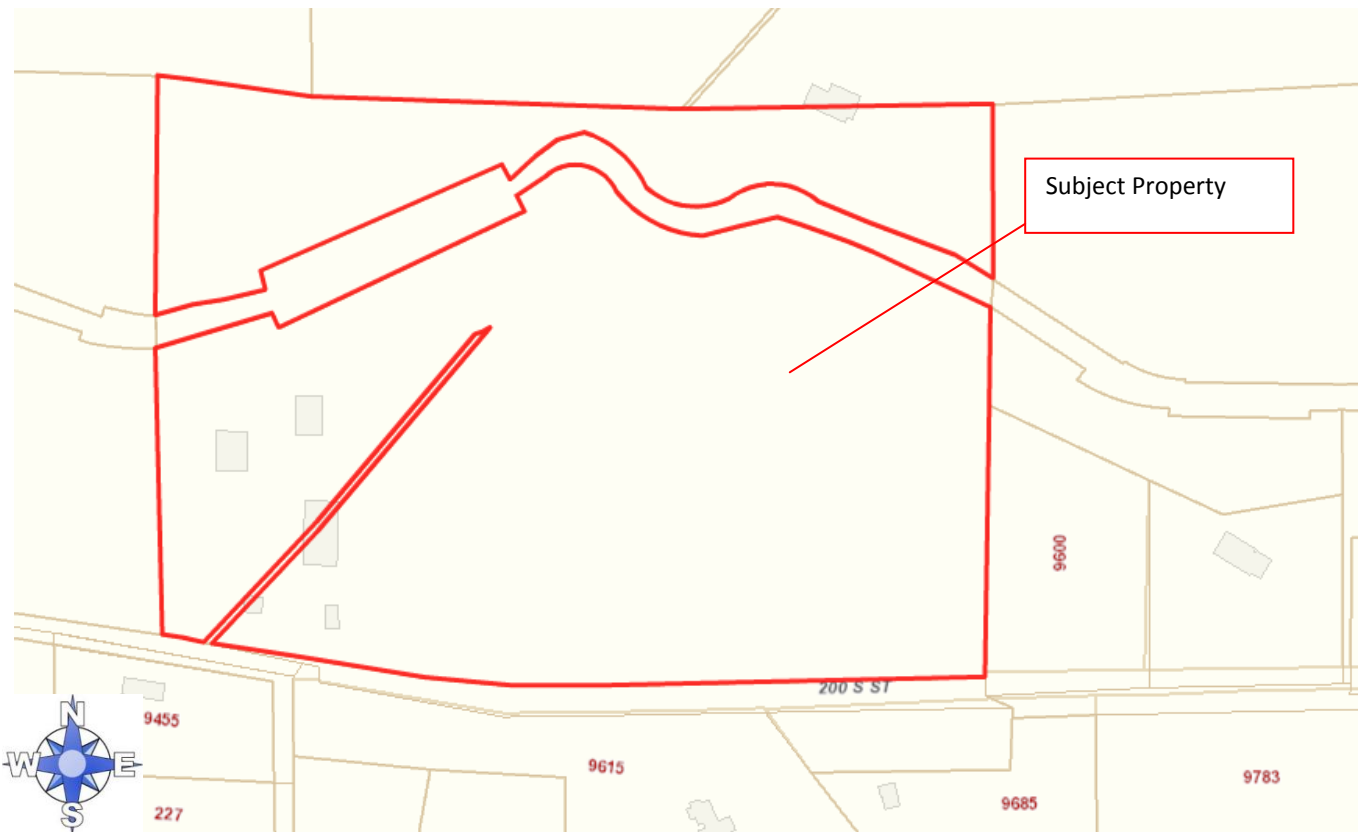
This recommendation is based on the following findings:

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

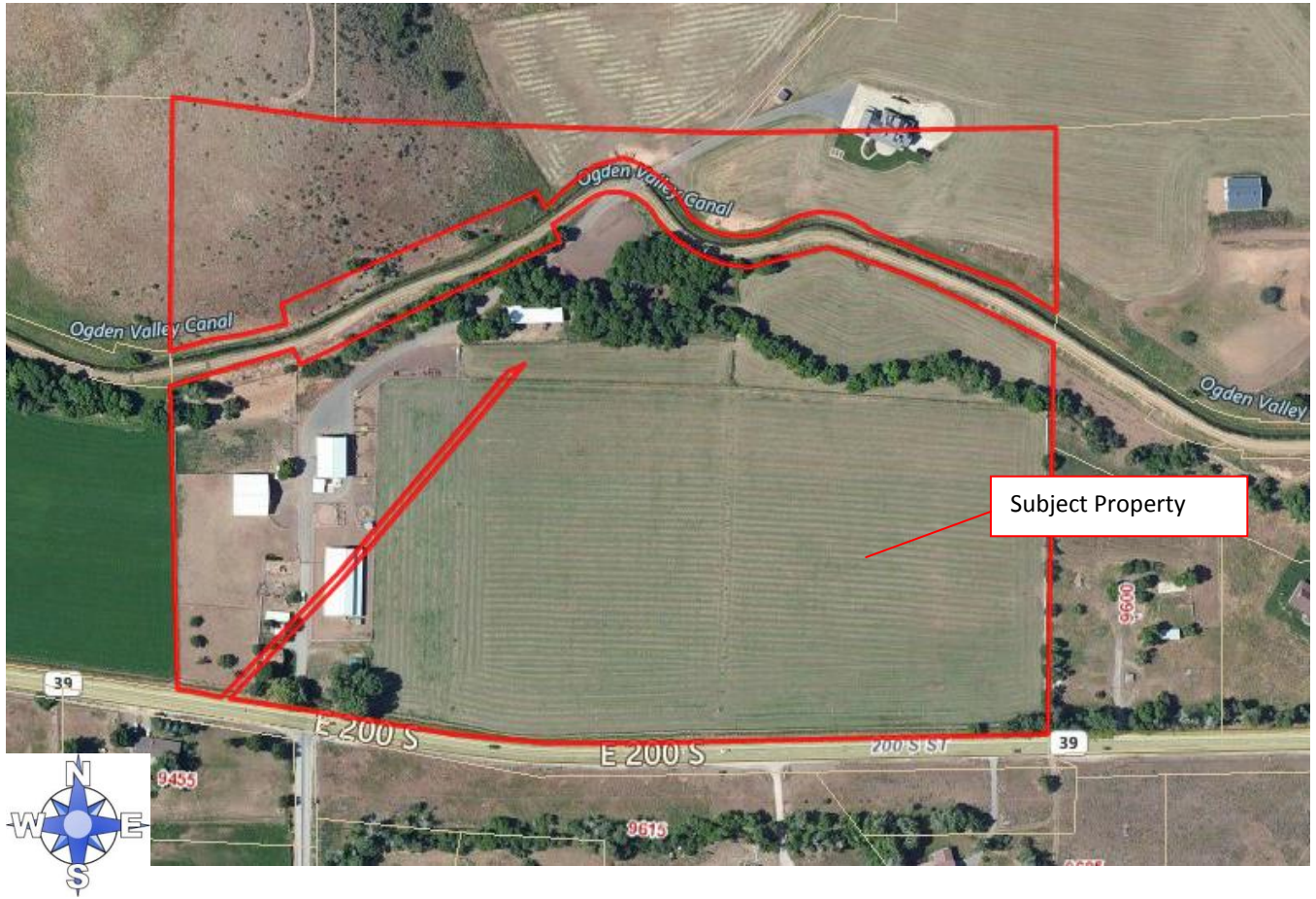
## Exhibits

- A. Application
- B. Site plan
- C. 2017 Ownership plat
- D. Sign plan

## Map 1



Map 2



## Weber County Conditional Use Permit Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted / Completed	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
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### Property Owner Contact Information

Name of Property Owner(s) <b>KENT WINEGAR</b>		Mailing Address of Property Owner(s) <b>PO BOX 34 9510 E 200 S. HUNTSVILLE 84317</b>	
Phone <b>801-791-9938</b>	Fax	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Email Address (required) <b>Sandra Winegar</b>			

### Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) <b>SAME AS ABOVE</b>		Mailing Address of Authorized Person <b>SAME AS ABOVE</b>	
Phone	Fax	Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Email Address <b>CALLS AT ROCKY MOUNTAIN SIGN .COM</b>			

### Property Information

Project Name <b>M+W STABLES</b>	Total Acreage <b>200+</b>	Current Zoning <b>AGRICULTURE GREEN BELT (AV-3)</b>
Approximate Address <b>9510 E 200 S HUNTSVILLE 84317</b>	Land Serial Number(s) <b>210210073</b>	

Proposed Use  
**SIGN INSTALLED ON EXISTING BARN 150' SET BACK FROM STREET**

Project Narrative  
**WE HAVE BETWEEN 20-40 HORSES ANY GIVEN TIME  
WE HAVE 37 ACRES. AVERAGE OF 1 HORSE/PER ACRE  
BREEDING, RAISING, TRAINING IS OUR PURPOSE  
BUSINESS IS MOSTLY WORD OF MOUTH  
TRAFFIC IS A ONE OR TWO WEEKLY OF CUSTOMERS  
RENTAL HOUSE WHICH I OWN 100 FT AWAY FROM BAR**

**Basis for Issuance of Conditional Use Permit**

Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke, or noise.

NONE : AN ACTIVE HORSE AND LIVESTOCK  
PROPERTY FOR 150 YEARS

That the proposed use will comply with the regulations and conditions specified in the Zoning Ordinance and other applicable agency standards for such use.

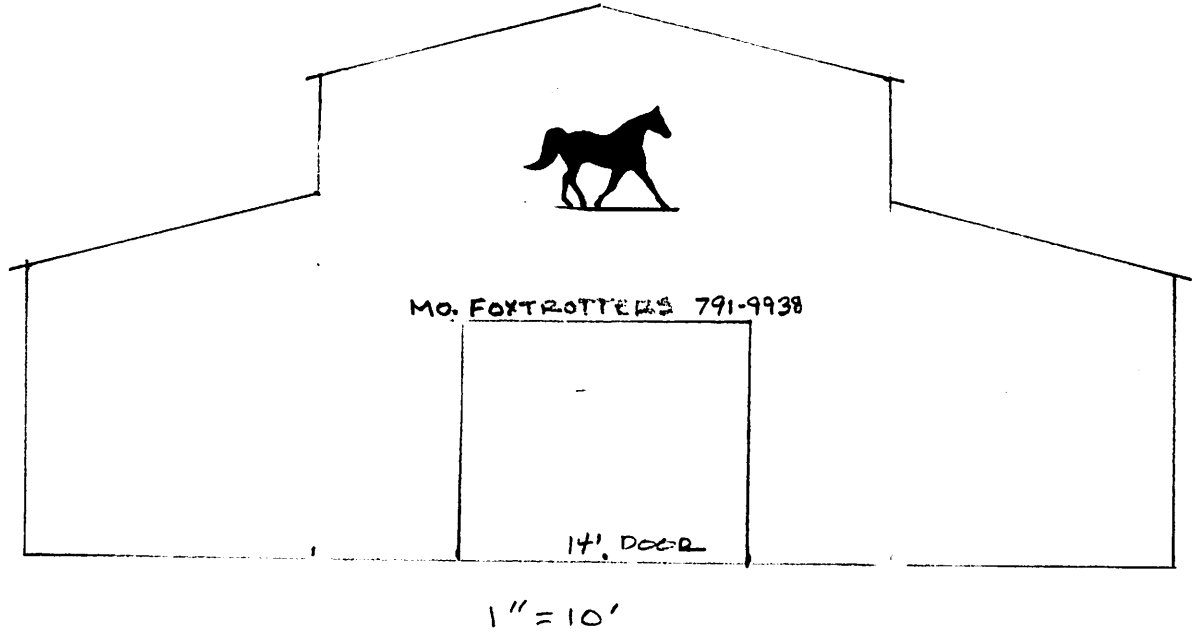
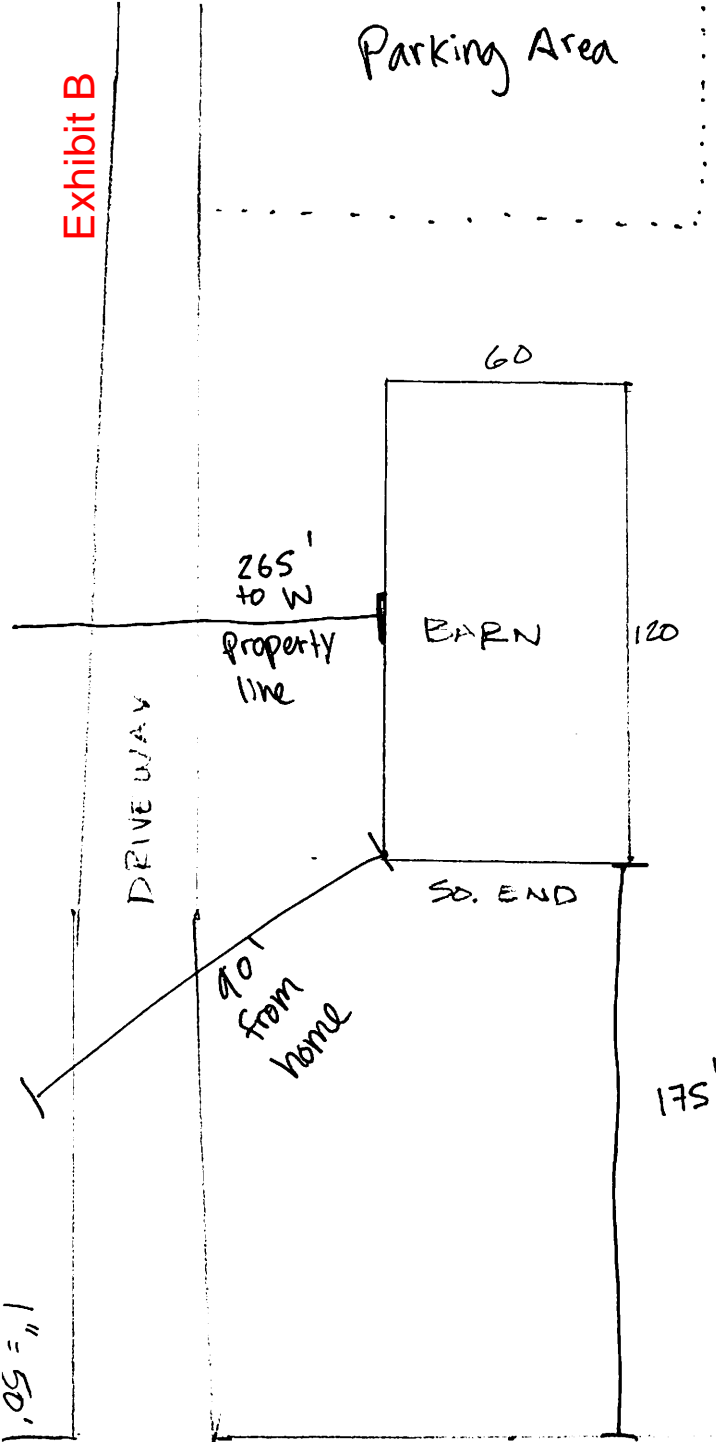
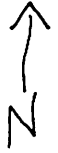
WE RAISE AND TRAIN COWS AND HORSES  
FOR RESALE. LOGO AND INFORMATION  
WOULD ASSIST IN THAT PURSUIT

Exhibit B

Parking Area

BUILDING SQ FT SOUTH WALL 1380  
SQ FT PROPOSED SIGN 50

LOGO HORSE 5'x6' = 30  
LETTERS 1'x20' = 20  
50



60
x 23
<u>180</u>
120
<u>1380</u>

200 SOUTH

95x  
EAST

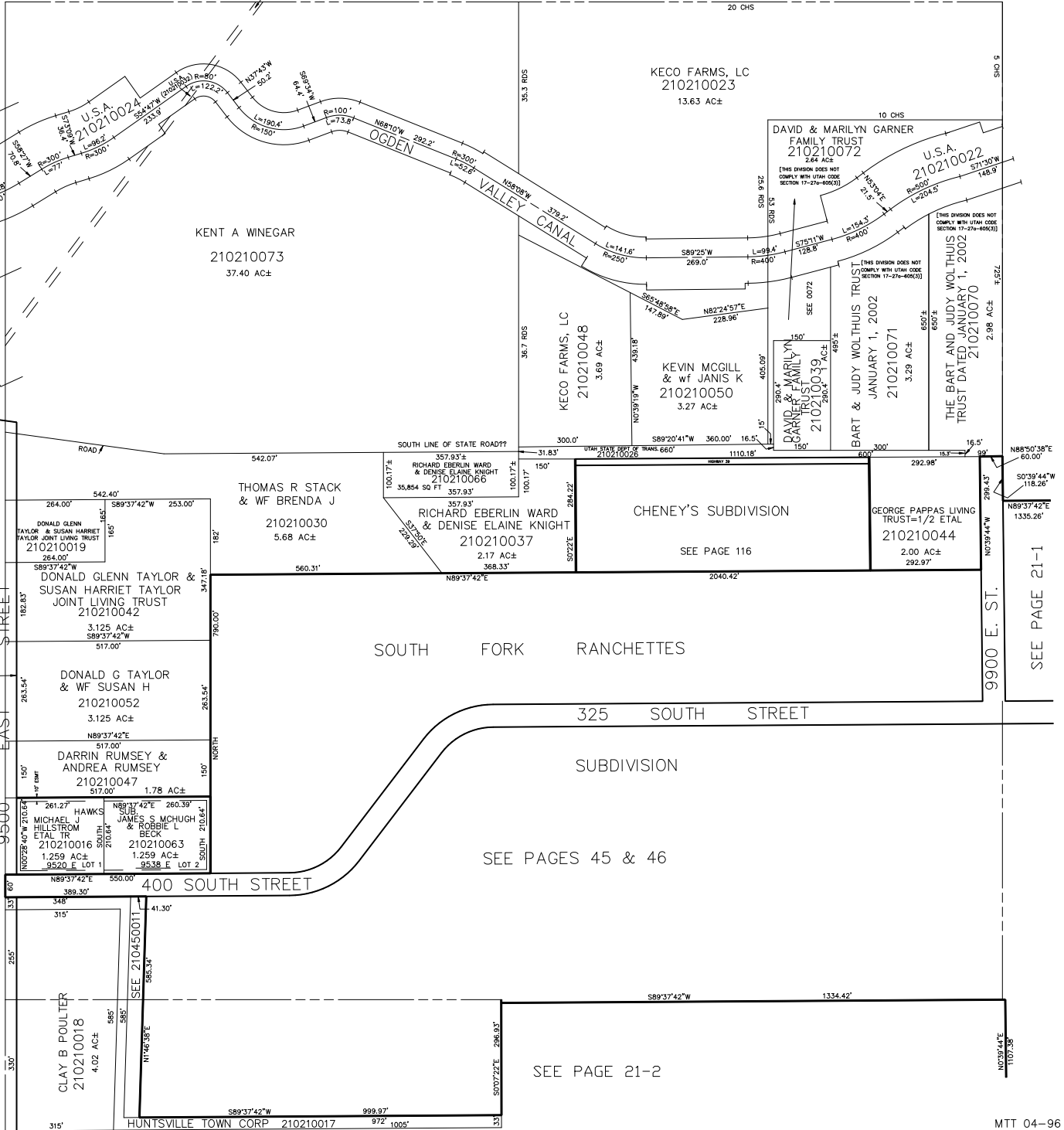


N.W. 1/4  
SECTION 15, T.6N., R.2E., S.L.B. & M.  
IN WEBER COUNTY  
SCALE 1" = 200'

TAXING UNIT: 58

MIDDLETON WATER  
WORKS ASSOC  
210210031

SEE PAGE 12



STATE  
HIGHWAY  
U-39

SEE PAGE 22

WEBER COUNTY  
(210210045)

9500 EAST STREET

SOUTH FORK RANCHETTES

SUBDIVISION

SEE PAGES 45 & 46

SEE PAGE 21-2

SEE PAGE 21-1

9900 E. ST.

Exhibit D

