

Farm History

Approximately 100 years ago, Kelley Creek Farm was settled by a family raising dairy and beef cows. In the 1940's the land was sold and the farm began to raise sheep. During the 1960's the large (10,000 square feet) existing barn was built as a shelter for the farm's sheep herd.

Diamond T Ranch acquired the farm during the 1970's and began boarding and raising quarter horses for competition in Wyoming. The horse farm continued to operate for a number of years but later in the 1970's a majority of the land was sold to a developer. This sale resulted in the Green Hills County Estates (119 lot) Subdivision.

In 2003, the current owner purchased the remaining, un-subdivided, acreage operating it as a hay and livestock farm. See Exhibit "A" for the land owner's application, detailed history, project narrative, and written information regarding the Criteria for Issuance of a Conditional Use Permit.

Agri-tourism Offerings (Activities/Products)

The proposed activities/uses, that Kelley Creek Farm will provide, consist of the following:

1. Special Occasion Agri-tourism (e.g., Weddings, Family Reunion, corporate picnic, Fund Raiser etc.)
2. Special Events (e.g., Barn Dance, Sheep Dog Trial, etc.)
3. Motor Coach/Caravan Area (Nine Sites)
4. Educational Classes (e.g., Fly Casting, Sheep Herding, Wool Growing Demonstrations, Farm Hand Experience, etc.)
5. Farm Tours

No products, other than those supplied by a hired caterer, florist, or event planner, will be provided to agri-tourists; however, the farm will continue to market lamb, livestock pasture, grass hay, and alfalfa. See Exhibit "C" for activity/use areas.

Facilities and Equipment

Kelley Creek Farm activities will take place primarily on the farm grounds; however, an occasional "Special Event" (e.g., barn dance) may be held in the existing barn. Special Events will comply with the requirements of the Weber County Special Event Ordinance as well as the requirements of the agencies that review the event at the time of application. See Exhibit "E" for photos of the existing barn.

Operational Characteristics

Agri-tourism activities will be available all days of the week but most activities are anticipated to take place Friday through Sunday, between the hours of 9am and 10:30pm. The Weber County Agri-tourism Ordinance requires that activities end by 10pm; however, *"the Planning Commission may consider a variation to this standard if it can be found that a particular use/activity is reliant on and/or based on making observations that can only occur during hours otherwise not permitted."* This is further discussed under the Zoning Ordinance Compliance Section below.

The number of employees will be determined by each event but it is anticipated that the number will range from 1 to 5. This number may increase due to outside labor (employees) provided by caterers, florists, and event planners.

A compacted gravel parking area, consisting of approximately 110 spaces, will be provided near the existing barn. See Exhibit "D" for parking areas.

One monument sign and one freestanding sculpture exist on the property. Both meet the standards of the Ogden Valley Sign Ordinance. See Exhibit "E" for sign and sculpture photos demonstrating compliant materials and colors.

No outdoor lighting has been proposed.

Review Agency Comments

Review agencies have responded with the following comments:

- Weber County Engineer's Office: The Engineer's Office has responded with no concerns. See Exhibit "F" for comment.
- Weber County Building Official: Building Inspection will require a Building Permit for the barn if there is a change in occupancy. A Building Permit will also be required if power, water, and/or plumbing work is conducted. The applicant has discussed the barn's occupancy with the Building Official and has decided to limit public access to only those events approved through the Weber County Special Events Ordinance. Special Events are reviewed on a case-by-case basis by the Building Inspection Office and other review agencies. See Exhibit "F" for comment.
- Weber Fire District: The Fire District will require barn upgrades if there is change in occupancy. The applicant has discussed the barn's occupancy and upgrades with the Fire Marshal and has decided to limit public access to only

those events approved through the Weber County Special Events Ordinance. Special Events are reviewed on a case-by-case basis by the Fire District and other review agencies. See Exhibit "F" for comment.

- Weber-Morgan Health Department: The Health Department has approved the proposed agri-tourism operation; however, the existing septic system's capacity is limited to 25 guests per day. If the number of guests exceeds 25, portable toilet facilities and approvals are required. The farm has a second existing drainfield and if utilized, the number of guests can increase to 100 before portable toilet facilities are required. See Exhibit "F" for comment.

Zoning Ordinance Compliance

The above described application has been reviewed and found to be in compliance with all applicable Weber County Zoning Ordinance standards with the exception sub-section 46-3-9 (General Development Standards) and 46-6-i(ii) of the Weber County Agri-tourism Ordinance (Chapter 46). The Ordinance requires that activities end by 10pm; however, the applicant is proposing a 10:30 closing time. The proposal for a 10:30 closing time is because some occasional activities, such as a barn dance or dinner event, may take place in the later evening hours.

The Agri-tourism Ordinance states the following:

"The Planning Commission may consider a variation to this standard if it can be found that a particular use/activity is reliant on and/or based on making observations that can only occur during hours otherwise not permitted."

The Ordinance also requires that a Motor Coach/Caravan Area be located at least 150 feet away from a farm boundary when a landscaped screen is utilized. Four of the nine proposed sites will be adjusted to meet this requirement.

Summary of Planning Commission Considerations

- Does the proposed use meet the requirements of applicable County Ordinances?
- The applicant has requested that the Planning Commission grant a variation to the required 10pm closing time. Do the proposed uses and the typical times that they operate warrant a variation to a 10:30 closing time?
- Are there any potentially detrimental effects that need to be mitigated by imposing conditions of approval; and if so, what are the appropriate conditions?
- In order for a Conditional Use Permit to be approved it must meet the requirements of Chapter 22C (Conditional Uses), specifically, Section 22C-4 (Criteria for Issuance of Conditional Use Permit). Has the applicant demonstrated compliance with the Section listed below:

22C-4. Criteria for Issuance of Conditional Use Permit

Conditional uses shall be approved on a case-by-case basis. The Planning Commission shall not authorize a Conditional Use Permit unless evidence is presented to establish:

1. *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.*
2. *That the proposed use will comply with the regulations and conditions specified in the Zoning Ordinance and other applicable agency standards for such use.*

Conformance to the General Plan

The above described application conforms to the Ogden Valley General Plan due to its ability to preserve agricultural open space and promote the following Plan statements:

- The Ogden Valley General Plan states and affirms that residents of the Ogden Valley are proud of the Valley's agricultural lands which are a "unique characteristic" that should be promoted.
- The General Plan specifically refers to promoting working farms as an integral part of the Valley's cultural heritage.
- The General Plan directs the County to enhance quality recreation opportunities and expand recreational assets in the Valley so as to meet increased demand for facilities such as parks, campgrounds, and trails.

- The Recreation Element of the Ogden Valley General Plan states that Weber County should encourage private business and entrepreneurs to meet the growing demand for recreational facilities (e.g., camping and boating) by developing additional recreation opportunities on private land.
- The Recreation Element directs Weber County to adopt an open space program that includes the use of various policies and tools so as to protect as much open space as possible while maintaining the right for every property owner to receive a fair return on their real estate investment.

Conditions of Approval

- Compliance with the Weber County Zoning Ordinance.
- Requirements of the Weber County Engineering Division.
- Requirements of the Weber-Morgan Health Department.
- Requirements of the Weber Fire District.
- Requirements of the Weber County Building Official.

Staff Recommendation

Staff recommends approval of the proposed agri-tourism operation at Kelley Creek Farm. This recommendation includes a variation to the required 10pm closing time. The variation allows for a 10:30pm closing time, due to the fact that some of the proposed activities typically take place in the later evening hours.

Exhibits

- A. Land owner's application, project narrative, and written information regarding the Criteria for Issuance of a Conditional Use Permit.
- B. Site Plan (property boundary).
- C. Site Plan (Activity areas).
- D. Site Plan (Parking and Caravan Areas).
- E. Photo of existing barn, sign, and sculpture.
- F. Agency Comments.

Map 1



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 <i>1/11/13</i>	Fees (Office Use) <i>\$275</i>	Receipt Number (Office Use) <i>1501</i>	File Number (Office Use) <i>CUP2013-01</i>
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Property Owner Contact Information

Name of Property Owner(s) Patricia Dickens		Mailing Address of Property Owner(s) P. O. Box 100 Huntsville, UT 84317	
Phone 801-745-2535	Fax		
Email Address auntpats@msn.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) Same		Mailing Address of Authorized Person	
Phone	Fax		
Email Address		Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Property Information

Project Name Kelley Creek Farm	Total Acreage 80	Current Zoning AV3
Approximate Address 465 N. 9000 E. Huntsville, Utah	Land Serial Number(s) 21-010-0037, 21-011-0021, 21-011-0031, 21-010-0008, 21-011-0013	

Proposed Use
Special Events Venue and Farm Stay Accommodations

Project Narrative

HISTORY: The earliest recorded occupants of what is now referred to as Kelley Creek Farm were members of the Grow Family, German immigrants who had come to Utah via Germantown, Pennsylvania during the early days of the first Mormon migration. Henry Grow, 1817-1891, was the principal architect, builder of the Mormon Tabernacle commissioned by Brigham Young. Henry's offspring, John Wood Grow, grandfather of Moyer Grow (still residing in the neighborhood) and Sylvester Grow, settled on this property raising dairy and beef cows. Wayne Grow, Sylvester's son, eventually sold the property to John Law in the late 40's, who a few years later sold to the "Greeks". The existing, nearly 10,000 sq. ft. barn was built in the 1960's, by the Greeks, to house their sheep after a brutal winter storm killed off 200 of the 500 livestock being pastured on the property.

In the 70's, when Mr. Nass owned and operated the farm, this facility was used to board and train race horses, calling the operation the Diamond T Ranch. This activity prospered for a short time with some success, racing quarter horses in nearby Wyoming. Remnants of the horse raising ventures can still be seen in the stalls of the barn where heavily nibbled (cribbing) wood boards and hoof prints from kicking are all around.

Nass and his partners sold out to Jim Aland, the initial developer of the Green Hills residential subdivision, up the hill to the north. The original farm property was cut up and committed for development, easements, drainage fields, well sites, etc. Only a very small portion of the original Grow property remains for the Kelley Creek Farm (proposed Agri-tourism lands.)

In 2003 when the property was purchased by the Dickens (current owner Patricia Dickens, applicant), other parcels were also obtained from various adjacent owners (Wallace, Gauchat, Pike and Bruncker), to complete the farm now known as Kelley Creek Farm. The "Wallace" and "Gauchat" lands were producing grass hay and grass/alfalfa mix which we have continued to harvest. The "Pike" piece was irrigated for grazing pastures and the "Bruncker" piece currently accommodates the Bruncker's cows for grazing. The remaining 26 acres were developed and used to graze our sheep, conduct annual sheepdog trials and serve as a venue for dog training (previous CUP, now abandoned.) These lands were enhanced by the Dickens with trout ponds, lawns, trees and other landscape as well as the installment of a septic system, three wells and several additional electrical meters. The barn, though mostly in it's original state, was treated to architecturally designed bathrooms, windows and a spectacular entry sentinel. In honor of the Diamond T Race Horse Training facility, a more than life sized horse sculpture was designed and erected by Mr. Dickens, using materials found on site during the initial clean up of the property. (continued...see attached)

Weber County Conditional Use Permit Application
Patricia Dickens, applicant
1/12/2013

Narrative Continued:

It was the original intent of the Dickens to maintain much of the agricultural land as farm land while introducing a unique small scale residential development of six homes on 40 of the 80 acres, homeowner's sharing the 40 acre farmland as common area and continue to work and maintain the land as agriculture. This plan was aborted upon the passing of Mr. Dickens in 2008.

In order to continue to farm these lands and avoid selling the property, it has become necessary for the current owner, Patricia Dickens, to seek additional opportunities to produce income and therefore the ability to keep the farm. The property, with its beautiful "park like" landscape, lends itself to providing venues to brides, families, corporate groups, etc. Special Events would include but not limited to: weddings, family reunions, class reunions, birthdays, fund raisers, corporate retreats, seminars and educational events such as fly fishing clinics, farm field trips, sheep herding, wool growers demonstrations, etc.

In addition, to better allow folks to experience "life on the farm", learn about the importance of farming for sustainable living and take part in day to day farm activities, it is Kelley Creek Farm's intent to offer Farm Stay Accommodations to small groups. Currently several Recreational Vehicle parking spaces exist (groomed for our sheepdog trial handlers) and offer an exclusive opportunity in a picturesque and private setting for guests. Future development in this area may include small cabins, small Inn or Bed and Breakfast structure (additional approvals for these structures to be requested at that time.)

Kelley Creek Farm consists of a total of 80 acres. The Special Events Venue and Farm Stay Accommodation activity is expected to be conducted on approximately 10 of the 80 acres (12.5%). These 10 acres can easily offer onsite parking for all events (see attached exhibit), accommodating more than 110 cars.

It is anticipated most activities will take place Friday through Sunday with operation hours of 9am to 10:30pm. Number of employees will be determined by each event ranging from 1 to 5, however it is anticipated that other outside labor (caterers, florists, wedding planners, etc.) will be secured and could have as many as ten or more employees total.

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Basis for Issuance of Conditional Use Permit

That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the community:

Giving access to the community to the farm through these events will enhance the vision of farm life and it's operations. By visiting the farm during these events, people will have the opportunity to learn about farming and perhaps pursue farming endeavors of their own. In addition, continuing to maintain the farm and preserve its lands as agricultural land will better enhance the community and avoid urban sprawl and abuse of the land.

That such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community, but will be compatible with and complimentary to the existing surrounding uses, buildings and structures when considering traffic generation, parking, building design and location, landscaping and signs:

Heavily landscaped screening between the existing barn and parking area and nearest residence (more than 200 feet from barn activity) currently exists. The nearest residence to the RV Parking area is more than 600 feet and is also heavily screened with landscape. Sensitivity to any negative impact these activities may have to neighboring communities will be Kelly Creek Farms priority. All parking will be on site (approximately 110 parking spaces) and proper signage directing traffic to the farm has been implemented. The Weber County Noise Ordinance will be observed, ceasing all audible activities by 10PM. It is anticipated most of the activities will occur Friday through Sunday and between June and October. Most activities, except those in the fall, will occur during natural daylight hours, minimizing the need for extended outdoor lighting. However, during those darker evenings, some outdoor lighting does exist for the safety of the guests. Anticipated operation hours will be from 9am to 10:30pm.

Class II road base currently exists on the driveways and care will be taken to "dampen" high traffic areas before events to minimize dust. Trash will be removed from each event within 48 hours.

A fully executed septic system, designed for the barn use and one residence, exists. However, it is a requirement of Kelley Creek Farm to insure events with more than 75 guests obtain additional portable toilets. Two culinary wells are currently in operation and are contracted for 4 acre feet (see attached approvals.)

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That the proposed use will comply with the regulations and conditions specified in this Ordinance for such use.

Kelley Creek Farm and its owner and representatives will abide by all regulations as specified in the Weber County Agri-tourism Ordinance.

That the proposed use conforms to the goals, policies and governing principles and land use of the General Plan for Weber County:

Kelley Creek Farm will continue to raise hay and alfalfa, raise and graze their sheep and offer it's pasture for grazing cattle and/or horses as its primary resource. The portion of the lands used to implement its Agri-tourism activities will consist of only 12.5% of those lands, as required by the Ordinance.

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That the proposed use will not lead to the deterioration of the environment or ecology of the general area, nor will it produce conditions or emit pollutants of such a type or of such a quantity so as to detrimentally effect, to any appreciable degree, public and private properties including the operation of existing uses thereon, in the immediate vicinity of the community or area as a whole:

The intent of this applied use is to preserve agricultural lands and not encourage land development for urban sprawl.

Property Owner Affidavit

I (We), PATRICIA DICKEN, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.



(Property Owner)

(Property Owner)

Subscribed and sworn to me this 11 day of Jan., 20 13.

(Notary)

Authorized Representative Affidavit

I (We), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20 _____, personally appeared before me _____, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

(Notary)

KELLEY CREEK FARM

Conditional Use Permit Application

Legend

Kelley Creek Farm Property Boundary

Conditional Use Permit Application Boundary

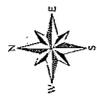


Acreage

Kelley Creek Farm Property: 80 Acres

Conditional Use Permit Application: 10 Acres

Percentage of Total Property: 12.5%



1 inch = 300 feet

This map is for general planning purposes only.
TEP and LUISOURCE makes no warranty of its accuracy.

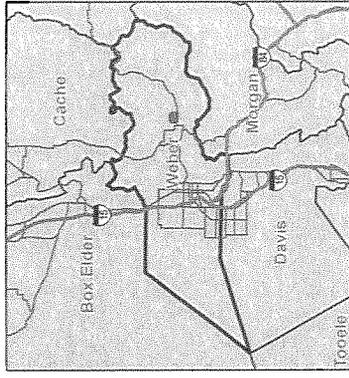


EXHIBIT B

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KELLEY CREEK FARM

Conditional Use Permit Application -
Activity Areas

Legend

Kelley Creek Farm Property Boundary

Conditional Use Permit Application
Boundary

Event Activity Area

Farm Stay Activity Area

RV Parking Area



0 87.5 175 350 Feet

1 inch = 150 feet

This map is for general planning purposes only.
TEP and URSource makes no warranty of its accuracy.

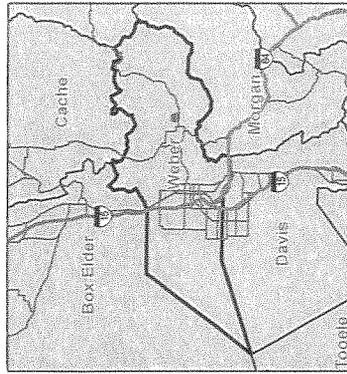


EXHIBIT C

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KELLEY CREEK FARM

Conditional Use Permit Application -
Parking Areas

Legend

- Kelley Creek Farm Property Boundary
- Conditional Use Permit Application Boundary
- Event Parking
- RV Parking



1 inch = 150 feet

This map is for general planning purposes only.
TEP and boundaries marked are advisory of its accuracy.

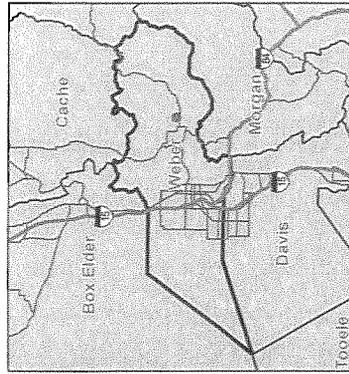


EXHIBIT D
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EXHIBIT E
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EXHIBIT E
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EXHIBIT E
3/4



KELLEY CREEK FARM

Providing Farm fresh style
Special Events, Weddings, Mountains, Venues, Events, etc.

465 N. 9000 E.

801-745-2535 415-577-5655

P.O. Box 100, Huntsville, Utah 84317

www.kelleycreekfarm.com

EXHIBIT E

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Review Agency Comments

Weber County Engineer's Office

I have had a chance to review the plan(s) and have the following comment(s):

1. The engineering division has no concerns with this project.

I have tried to address all items of concern from the Engineering Department. However, this review does not forego other items of concern that may come to this department's attention during additional reviews or during construction of improvements. If you have any comments or questions concerning this review, feel free to contact me.

Weber County Building Official

I have completed an initial review of this project and will require the following items.

1. The barn will need to have a building permit for the change in occupancy it will need to meet the requirements of chapter 34 of the 2009 International Building Code.
 2. If power, water and or sewer to the camping stalls are to be installed a building permit will be required.
- I have tried to address all items of concern from the Building Inspection Department. However, this review does not forego other items of concern that may come to this department's attention during additional reviews or during construction of improvements. If you have any comments or questions concerning this review, feel free to contact me.

Weber Fire District

The concept for the site is fine, but do we have some more specifics. The barn cannot be used as an Assembly Occupancy without extensive upgrades. Have the original site improvements been made? Do we have a master plan we can review?

Weber-Morgan Health Department

I have finished an initial review of the proposed property use and the septic system. There are a few options.

1. Use the existing system attached to the barn. According to the plans on record this system consists of a 1000ga! tank and 180sq. ft of drainfield. This will accommodate 25 people per day. Any event above 25 people would require additional porta-potties and a special event permit.
2. There is a second installed drainfield not too far from the first that we have on record as being partially inspected and never finalized. It is possible that if the barn could connect to both drainfields via the 1000 gallon tank, then an event could have up to 100 people without additional porta-potties. Plans would need to be submitted for approval showing the connection to the two fields.
3. Anything over 100 people would require a larger or second septic tank in order to use the existing drainfields.

The RV campsites must be self contained.

Chapter 41-5 of the Weber County Drinking Water Source Protection ordinance allows for certain uses in a protection zone 2 if established before the effective date of the Ordinance, as these septic systems were (2005). Additionally design standards will be implemented to prevent contaminated discharges to ground water (41-5.5). Standards to include the self contained RV areas, additional porta-potties as needed, and approved septic design which meets Weber-Morgan Health Department onsite systems regulation.