

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>1508</i>	File Number (Office Use) <i>CUP2013-01</i>
--	-----------------------------------	--	---

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 Brunker), 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 "Brunker" piece currently accommodates the Brunker'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.

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.)

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:

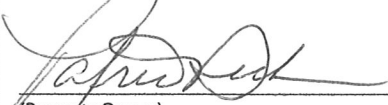
Kelley Creek Farm will continue to raise hay and alfalfa, raise and graze their sheep and offer it's pasture for grazing cattle and/or horses as its primary resource. The portion of the lands used to implement its Agri-tourism activities will consist of only 12.5% of those lands, as required by the Ordinance.

That the proposed use will not lead to the deterioration of the environment or ecology of the general area, nor will 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)



WEBER-MORGAN HEALTH DEPARTMENT

GARY M. HOUSE, M.P.H.
Health Officer / Director

August 9, 2006

Division Directors
KAY LARRISON, Administration
CLAUDIA PRICE, Nursing
JOE DECARIA, Environmental Health
COLLEEN JENSON, WIC

Brent Dickens
277 N. San Pedro Rd.
San Rafael, CA 94903

RE: **Private Well Approval at:**
465 N. 9000 E.
Huntsville, UT 84317

Dear Mr. Dickens:

The application for approval of the above referenced well has been submitted for review to determine conformance to the Weber-Morgan District Health Department Regulations for Installation and Approval of Nonpublic Water System Serving 1-14 Connections.

The following have been submitted:

1. The Water Right Number: E4446 (35-11627)
2. Well driller license #676
3. The well is 130 feet deep with a clay layer greater than 15 feet.
4. The well yields greater than 50 gpm with a 25 foot draw down.
5. The water samples for the partial inorganic analysis was submitted to Chem Tech Ford Laboratory on June 30, 2006.
6. The third bacteriological water sample was collected by staff of this department on June 27, 2006. The water analysis was satisfactory.
7. This is not a shared well.

The required 100 foot protection zone around the well must be kept free from any septic tank absorption systems, garbage dumps, hazardous and toxic material storage or disposal sites, feed lots and other concentrated sources of pollution. We would recommend that a bacteriological sample be collected and submitted for analysis on an annual basis.

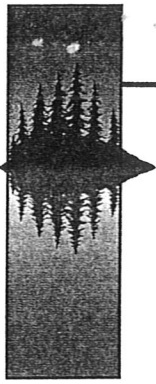
Based on compliance with the above requirements, the Health Department considers this an approved well for culinary purposes.

Please contact our office at 399-7160 if you have further questions.

Sincerely,



Michelle Cooke, LEHS
Division of Environmental Health



WEBER BASIN WATER CONSERVANCY DISTRICT

2837 East Highway 193 • Layton, Utah 84040 • Phone (801) 771-1677 • (SLC) 359-4494 • Fax (801) 544-0103

June 7, 2007

Tage I. Flint
General Manager/CEO

Board of Trustees:

Charlene M. McConkie
President
Davis County

Charles F. Black Jr.
Davis County

Karen W. Fairbanks
Weber County

Wayne B. Gibson
Weber County

Robert L. Hensley
Weber County

Jewel Lee Kenley
Davis County

Stephen A. Osguthorpe
Summit County

Scott F. Peterson
Morgan County

Eric B. Storey
Weber County

Brent & Patricia Dickens
277 North San Pedro Road
San Rafael, CA 94903

Dear Mr. & Mrs. Dickens:

Enclosed for your records, please find a copy of your fully executed replacement water contract with Weber Basin Water Conservancy District.

If you have any questions, please contact Colette Edwards of our office.

Sincerely,

for Tage I. Flint, PE
General Manager/CEO

TIF/ce

R-10

Account No 14913

Contract D-1

PETITION TO WEBER BASIN WATER CONSERVANCY DISTRICT
FOR THE ALLOTMENT OF WATER

W. Brent & Patricia B. Dickens Revocable Inter Vivos Trust (herein "Petitioner"), hereby applies to the Weber Basin Water Conservancy District, (herein "District"), for the allotment of the beneficial use of 4.0 acre-feet of untreated water annually, for irrigation and domestic purposes, on land situated in Weber County, Utah, legally described as follows:

Section 9, Township 6N, Range 2E, Acres _____

Tax I.D. No. (s): 21-011-0031

SEE ATTACHED "EXHIBIT A"

1. In consideration of such allotment and upon condition that this petition is granted by the District, Petitioner agrees as follows:

(a) \$243.00 per acre-foot of water purchased, a portion there of to apply to the extent required on the District's obligation under bonds or other Government-District Contract and the remainder to apply to the District's general operation and maintenance expenses, and other special expenses and costs incurred in operating, maintaining, repairing and replacing the separate facilities of the District used or required in servicing this Contract, hereinafter referred to as "OM&R". Such fair amounts shall be determined each year by the Board of Trustees of the District and any such determination shall be final and conclusive and binding on all parties.

The amount so fixed shall be paid whether or not the Petitioner actually takes and uses the water allotted.

The amounts so fixed shall be a tax lien upon the above-described land and the Petitioner shall be bound by the provisions of the Water Conservancy Act of Utah and the rules and regulations of the District's Board of Trustees. Nothing contained herein shall be construed to exempt the Petitioner from paying the taxes levied pursuant to Sections 17A-2-1426 and 17A-2-1427, Utah Code Annotated 1990, as amended.

2. The use of the water allotted hereby shall be solely for the replacement of underground water diverted, withdrawn or to be diverted or withdrawn by means of a well or spring for irrigation and domestic purposes at a point located on the land hereinabove described, and for no other use or purpose.

3. Petitioner's use of the water hereby allotted as replacement water shall be subject to such rules and regulations as the Utah State Engineer may from time to time prescribe. The Petitioner shall not use the allotted water in any way without first receiving an approved exchange application from the Utah State Engineer. It is the responsibility of the Petitioner to obtain such approved exchange application.

4. Delivery of the water hereby allotted by the District shall be as directed by the Utah State Engineer or his representative at the outlet works of _____ reservoir.

5. The District shall have no obligation to provide works or facilities of any type to conduct the water hereby allotted from its point of delivery to its ultimate place of use.

6. In the event there is a shortage of water caused by drought, inaccuracies in distribution not resulting from negligence, hostile diversion, prior or superior claims or other causes not within the control of the District, no liability shall arise against the District or any of its officers, agents, or employees for any damage, direct or indirect, arising therefrom to Petitioner and the payments to the District provided for herein shall not be abated or reduced because of any such shortage or damage. During periods of water shortage, allocations of treated and untreated water for municipal, domestic and industrial use shall have first priority.

7. The Petitioner shall construct, operate and maintain, without cost to the district, the well or spring and appurtenant facilities necessary to secure and accurately measure Petitioner's water supply. The metering or other measuring device installed by Petitioner shall be satisfactory to the Utah State Engineer. The District has no responsibility for the quality or quantity of water that Petitioner is able to secure through the source of Petitioner's well or spring.

8. The basis, the measure and the limit of the right of the Petitioner in the use of water shall rest perpetually in the beneficial application thereof, and the Petitioner agrees to put the water allotted Petitioner hereby to beneficial use in accordance with law. The Purchaser shall have no right to hold over or accumulate water from year to year, nor to sell or rent the water.

9. The Petitioner agrees to fully comply with all applicable federal laws, orders and regulations and the laws of the State of Utah, all as administered by appropriate authorities, concerning the pollution of streams, reservoirs, ground water or water courses with respect to thermal pollution or the discharge of refuse, garbage, sewage effluent, industrial waste, oil, mine tailings, mineral salts, or other pollutants.

10. The provisions of this Contract shall apply to and bind the successors and assigns of the parties hereto but as long as payments are required under Articles 1 (a) and (b) above neither this contract or any assignment or transfer of this contract or any part thereof or interest therein shall be valid until approved by the District's Board of Trustees.

11. The reuse of water delivered pursuant to this contract shall not be allowed without permission of the District. The waste, seepage, or return flow from water delivered pursuant to this contract shall belong to the United States or the Weber Basin Water Conservancy District for the use and benefit of the Weber Basin Project.

DATED this 29 day of MARCH 2007.

Petitioners and Owners of Land
above-described

WILLIAM BRENT DICKENS

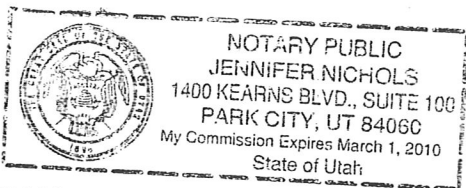
PATRICIA DICKENS

Address

277 NORTH SAN PEDRO RD.
SAN RAFAEL, CA. 94903

STATE OF Utah,
COUNTY OF Summit ss.

On the 29 day of March, 2007, personally appeared before me
Jennifer Nichols, the signer(s) of the above instrument, who duly
acknowledged to me that he executed the same.



(SEAL)

Jennifer Nichols
NOTARY PUBLIC

EXHIBIT "A"

PARCEL 1:

Part of the Southwest Quarter of Section 9, Township 6 North, Range 2 East, Salt Lake Base and Meridian, U.S. Survey: Beginning at a point North 0°10' West 1320.0 feet from the Southwest Corner of said Section 9 and running thence South 89°33' East 462.00 feet, thence South 54°27' East 86.46 feet, thence South 85°25' East 175.56 feet, thence South 0°08' West 133.98 feet to the Northerly line of land conveyed to John L. Grow et ux by Deed recorded in Book 154, Page 196 of Deeds, thence South 77°43' East 189.98 feet along said Northerly line, thence North 27°15' East 100.00 feet, thence South 77°43' East 100.00 feet, thence North 27°15' East 800.00 feet, thence South 77°45' East 234.35 feet, thence North 12°45' East 269.64 feet to the South line of Ogden Valley Canal, thence Northwesterly along said canal to a point 1348.5 feet East of the West line of Section 9, thence South 2°06' West 262.06 feet, thence West 1348.5 feet, thence South 557.2 feet to the point of beginning.

Together with a right of way for ingress and egress across the existing gravel road used for access to the existing barn.

PARCEL 2:

Part of Section 9, Township 6 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey: Beginning at the Southeast Corner of Lot 1, Green Hill Country Estates Phase No. 1A, said point also described as North 1460.90 feet and West 630.02 feet and North 01°15'34" East 29.30 feet from the South Quarter Corner of said Section 9, thence North 55°00'50" West 170.28 feet, thence North 11°24'00" East 117.92 feet, thence North 78°33'20" West 45.67 feet, thence North 06°36'29" East 93.31 feet, thence North 61°44'33" East 200.37 feet, thence North 14°07'00" West 19.75 feet, thence along a 105 foot radius curve to the right 58.57 feet (long chord = North 30°05'44" West 57.81 feet), thence South 43°55'33" West 15 feet, thence along a 90.00 foot radius curve to the right 33.42 feet (long chord = North 56°42'43" West 33.23 feet), thence North 67°21'00" West 24.30 feet, thence North 22°39'00" East 15.00 feet, thence North 67°21'00" West 276.26 feet, thence South 12°45'00" West 269.64 feet, thence North 77°45'00" West 234.35 feet, thence South 27°15'00" West 240.00 feet, thence South 80°20'00" East 470.00 feet, thence South 53°13'00" East 30.113 feet, thence South 61°51'42" East 138.52 feet, thence South 64°35'17" East 23.98 feet, thence South 26°52'38" East 92.81 feet, thence South 01°15'34" West 48.56 feet to a point on a 60 foot radius curve, thence Northeasterly 69.15 feet along the arc of said curve to the right and also being the Westerly line of 9000 East Street (long chord = North 67°50'20" East 65.39 feet), thence North 01°15'34" East 108.145 feet along the West line of said street to the point of beginning.

ORDER ON PETITION


DUE NOTICE having been given and hearing had, IT IS ORDERED that the foregoing petition of W. Brent & Patricia B. Dickens Revocable Inter Vivos Trust be granted and an allotment of 4.0 acre-feet of water is hereby made to the lands therein described, upon the terms, at the rates, and payable in the manner as in said petition set forth.

DATED this 27 day of April, 2007.

WEBER BASIN WATER CONSERVANCY
DISTRICT

BY Charlene M. McConkie
Charlene M. McConkie, Chairman

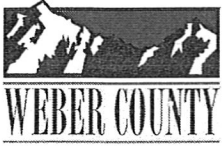
ATTEST:



Tage I. Flint, Secretary

(SEAL)





WEBER COUNTY CMS RECEIPTING SYSTEM
OFFICIAL RECEIPT

*** Save this receipt for your records ***

Date: 16-JAN-2013

Receipt Nbr: 1508

ID# 9144

Employee / Department: ANGELA - 4181 - PLANNING
Monies Received From: PATSY DICKENS
Template: PUBLIC WORKS
Description: CUP

The following amount of money has been received and allocated to the various accounts listed below:

Total Currency	\$	_____	.00
Total Coin	\$	_____	.00
Total Debit/Credit Card	\$	_____	.00
Pre-deposit	\$	_____	.00
Total Checks	\$	_____	225.00
Grand Total	\$	=====	225.00

Account Number	Account Name	Comments	Total
2013-08-4181-3419-0550-000	ZONING FEES		225.00
TOTAL \$			225.00

Check Amounts

225.00

Total Checks: 1



Total Check Amounts: \$ 225.00

*** SAVE THIS RECEIPT FOR YOUR RECORDS ***

KELLEY CREEK FARM

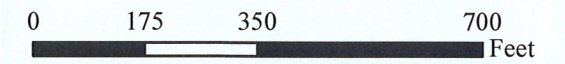
Conditional Use Permit Application

Legend

-  Kelley Creek Farm Property Boundary
-  Conditional Use Permit Application Boundary

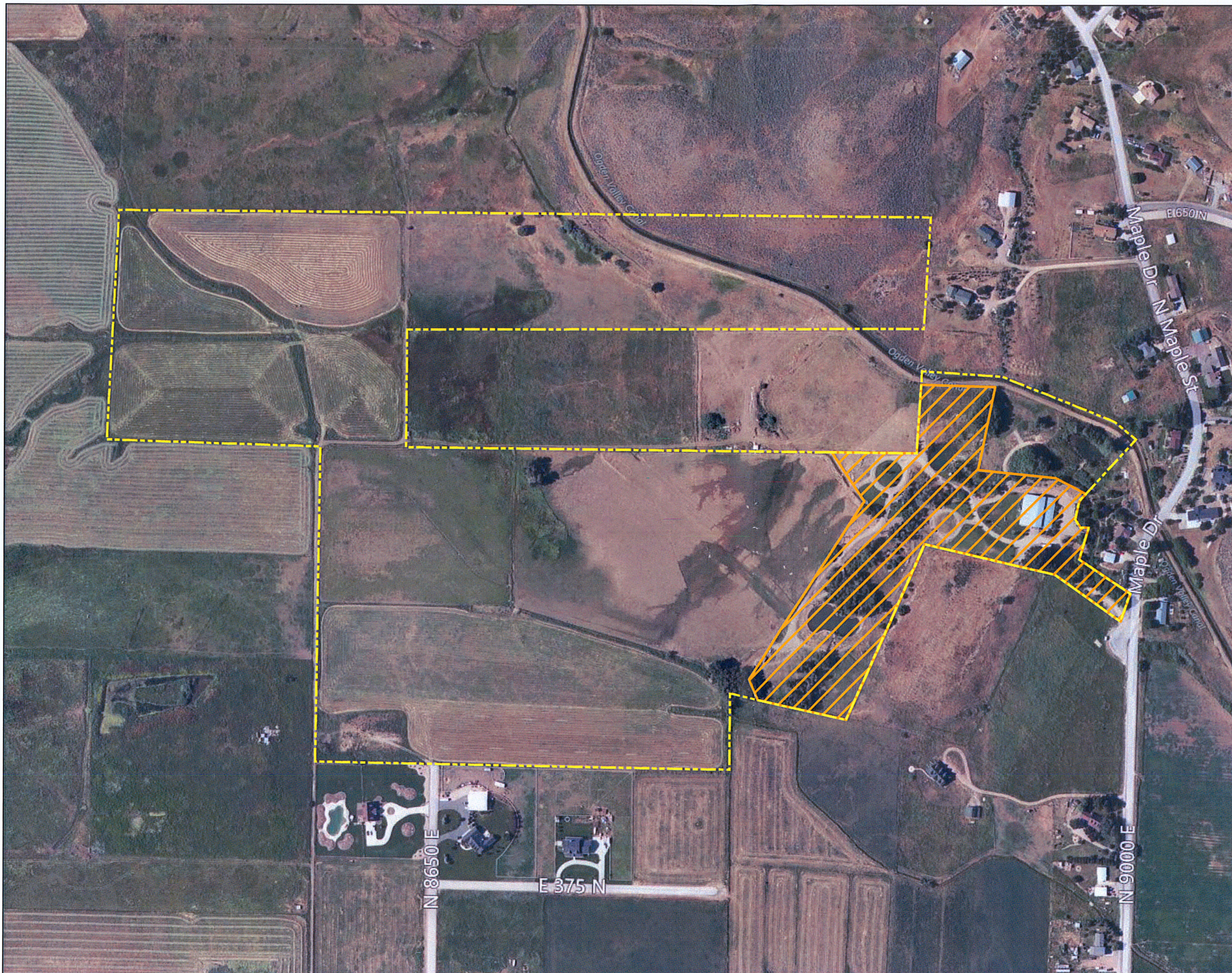
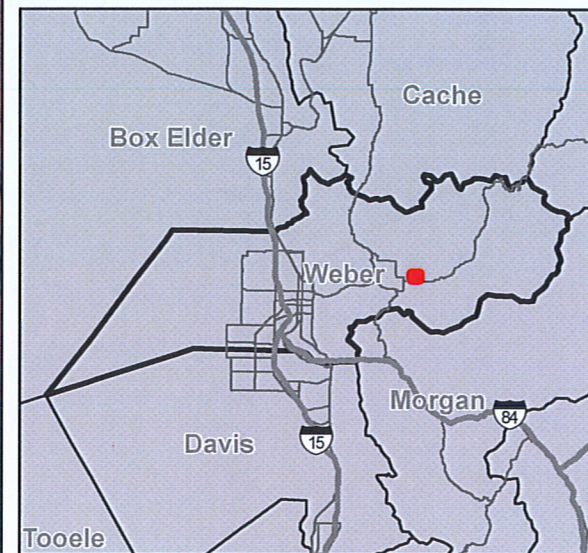
Acresage

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 UniSource makes no warranty of its accuracy

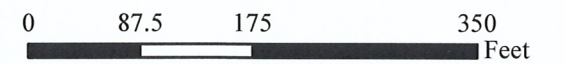


KELLEY CREEK FARM

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 UniSource makes no warranty of its accuracy

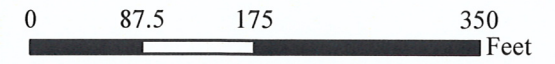




KELLEY CREEK FARM

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



1 inch = 150 feet

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

