



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action for an amendment to the site plan associated with the conditional use permit for an Agri-Tourism operation identified as the Dancing Moose Farms Art & Ecology Center.

**Type of Decision:** De Minimis Administrative

**Applicant:** Dailey Family Limited Partnership

**Authorized Agent:** Ronda Kippen

**File Number:** CUP 2021-18

### Property Information

**Approximate Address:** 13485 East Hwy 39 Huntsville, UT

**Project Area:** 17.39 Acres

**Zoning:** Forest Zone (F-5)

**Existing Land Use:** Agri-Tourism

**Proposed Land Use:** Agri-Tourism

**Parcel ID:** 23-021-0001

**Township, Range, Section:** Township 7 North, Range 3 East, Section 32, SE 1/4

### 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:** **Scott Perkes**  
sperkes@co.weber.ut.us  
801-399-8772

**Report Reviewer:** RG

## Applicable Ordinances

- Title 101, Chapter 1, General Provisions, Section 7, Definitions
- Title 104, Chapter 9 Forest Zones (F-5)
- Title 108, Chapter 4 Conditional Uses
- Title 108, Chapter 16 Ogden Valley Lighting
- Title 108, Chapter 21 Agri-Tourism
- Title 110, Chapter 2, Ogden Valley Signs

## 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 (CUP 2015-03) (see **Exhibit E**).
- 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) (see **Exhibit F**).
- On April 20, 2017, the Weber County Board of Commissioners entered into an amended Farm Stay and Development Agreement with the Dailey Family Limited Partnership on behalf of the Dancing Moose Farms Art & Ecology Center (see **Exhibit D**).

## Summary and Background

The applicant is requesting approval of an amendment to an existing conditional use permit for an agri-tourism operation located at approximately 13485 East Hwy 39 Huntsville, UT (see **Exhibits A & B**). The farm, known as Dancing Moose Farms Art & Ecology Center, consists of approximately 17.39 acres and lies in the Forest 5 Zone (F-5) which allows Agri-Tourism only when authorized by a conditional use permit.

The applicant is requesting a de minimis amendment to the existing permit by allowing food concession stands to operate on-site. Per LUC Sec. 108-21-5, Food concession stands are listed as an allowed use for approved agri-tourism operations on small farms (10-<20 acres).

The applicant is also requesting to use a 4 cubic yard dumpster on-site (see **Exhibits B & C**). This dumpster will be screened and will meet the required yard setbacks.

Per LUC Sec. 108-4-3(b)(2)g., de minimis revisions to a previously approved conditional use permit may be approved administratively by the Planning Director provided it can be determined that the changes are slight, inconsequential, and not in violation of any substantive provision of the land use code. These minor adjustments to the existing conditional use permit appear to meet the definition of a de minimis amendment.

Land Use Code 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: The 2016 Ogden Valley General Plan identifies agriculture as a prominent feature of the Valley and has set goals and objectives to promote and protect working farms by supporting agricultural operations in the Ogden Valley (see the 2016 Ogden Valley General Plan Land Use Element of the General Plan, Gateways and Viewsheds Goal 2 and Land Use Goal 2).

Zoning: The subject property is located within the F-5 Zone which is categorized as a "Forest Zone". The intent of the forest zones can be further described per LUC §104-9-1 as follows:

- a. *The intent of the forest zones is to protect and preserve the natural environment of those areas of the county that are characterized by mountainous, forest or naturalistic land, and to permit development compatible to the preservation of these areas.*
- b. *The objectives in establishing the forest zones are:*
  1. *To promote the use of the land for forest, fish and wildlife and to facilitate the conservation of the natural resources, vegetation and attractions;*
  2. *To reduce the hazards of flood and fire;*
  3. *To prevent sanitation and pollution problems and protect the watershed;*
  4. *To provide areas for private and public recreation and recreation resorts; and*
  5. *To provide areas for homes, summer homes, and summer camp sites.*

Conditional Use Review: Agri-tourism is conditionally allowed in the F-5 Zone. The current proposed amendment for the "Dancing Moose Farm Art & Ecology Center" is an amendment to the previously approved site plan associated with the conditional use permit (see **Exhibit B**). A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. The applicant has provided the required materials to facilitate a review of the proposed amendment.

Agri-tourism Applicability and Review: General development standards have been established to ensure the purpose and intent of the LUC §108-21 has been met and to provide an acceptable level of assurance that authentic, agriculturally related products and experiences are offered to the public.

- **Narrative:** The applicant has provided a narrative (see **Exhibit A**) that explains the proposed operation for a food truck/stand. This narrative indicates that contracted food trucks or an on-site concession stand will primarily operate on Fridays, Saturdays, and Sundays, but may operate on additional days of the week should growth and demand necessitate additional days of use.
- **General site and building design/layout:** The applicant has provided an amended site plan for the 17.39 acre parcel to depict the location/s of the proposed food truck/stand and screened dumpster. The amended site plan identifies both the existing and future structures on the site (see **Exhibit B**). Adequate ingress and egress to the parking area off of Highway 39 has been approved by UDOT and installed as demonstrated on the site plan. A compacted gravel parking area, consisting of approximately 92 spaces has also been provided.

- **Production:** The Dancing Moose Farms is a working farm consisting of the expansive gardens, chicken coops, beehives, agricultural animals including but not limited to cows, pigs and goats, greenhouses and a full nursery stock including both trees and perennial plants.
- **Agri-tourism uses/activities:** To ensure an acceptable balance and mixture of agriculture and non-agriculture related uses/activities a minimum of one-half of all uses and activities will be agriculturally related.
- **Hours of operation:** Previous approvals allows the Dancing Moose Farms public hours of operation to be between 8:00 am and 10:00 pm. The currently proposed amendments would not affect the currently approved hours of operation.
- **Development agreement:** The applicant has previously entered into and recorded a farm stay and a commercial development agreement (as previously amended) provided by Weber County on the 17.39 acres (see **Exhibit D**), utilized as part of an approved agri-tourism operation. A single family dwelling or farm house (recently built) and/or any number of structures that qualify for an agricultural exemption are excepted from this requirement.

The proposed de minimis amendments to the conditional use permit do not necessitate an amendment to the currently executed and recorded development agreement.

### Summary of Planning Division Considerations

The Planning Division will need to determine if the revised site plan associated with the agri-tourism operation has met the requirements of the applicable Uniform Land Use Code of Weber County. The Planning Division may impose additional conditions in order to ensure full compliance with the required standards. In making a decision, the Planning Division should consider the following questions:

- Does the submittal meet the standards in the Uniform Land Use Code of Weber County for conditional uses including the following considerations?
  - *Standards relating to safety for persons and property.*
  - *Standards relating to infrastructure, amenities, and services.*
  - *Standards relating to the environment.*
  - *Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the general plan.*
  - *Standards relating to performance.*
  - *Standards generally.*
- If the applicable standards are not met, then what conditions could be added in order to comply?
- Have the "Decision Requirements" and other applicable ordinances been met?

### Staff Recommendation

The planning staff recommends approval of CUP 2021-18, a de minimis conditional use permit amendment for an agri-tourism operation identified as the Dancing Moose Farms Art & Ecology Center located at 13485 East Hwy 39 Huntsville, UT. This recommendation for approval is subject to all review agency requirements and with the following conditions:

1. Existing conditions of approval from CUP 2015-03 & CUP 2016-16, as applicable, shall remain in effect as part of this CUP 2021-18 de minimis amendment.
2. The proposed garbage dumpster screening enclosure must be constructed on the property prior to the issuance of the amended Conditional Use Permit.
3. All food vendors must be currently licensed to operate in Weber County by the Weber-Morgan Health Department and Fire District. Vendors must also hold a valid Weber County business license.
4. Contracted mobile food vendors are allowed to remain on the premises for a maximum of 3 consecutive days within a 7-day time frame. All mobile food vendor accessories (tables, chairs, umbrellas, etc.) must be collected and stored out of sight at the end of each day. Similarly, all mobile food vendor presence (including trucks, trailers, carts, tents, etc.) must be collected and removed from the subject property following each 3-day maximum on-site duration.
5. One on-site concession stand may operate in addition to one contracted mobile food vendor at a time. However, multiple mobile food vendors may operate in addition to the one on-site concession stand under a separately approved special event permit.
6. All food vendors must utilize dark sky compliant lighting per the standards found in LUC Sec. 108-16.

7. All food vendors may use advertising signage on their apparatuses. However all food vendor signage must be collected and stored/removed from the premises as described in condition number 4 listed above. Signage for each food vendor shall be limited to a total of 16 sq. ft. as directed by the Ogden Valley signage requirements for short-term vendors found in LUC Sec. 110-2-11.


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.

## Administrative Approval

De Minimis administrative approval of CUP 2021-18 is hereby granted based upon its compliance with the Weber County Land Use Code. This approval is subject to the requirements of applicable review agencies and the conditions of approval listed in this staff report.

Date of Administrative Approval: NOV. 9, 2021

  
Weber County Planning Director or Designee

## Exhibits

- A. CUP Amendment Application
- B. Proposed/Amended Site Plan
- C. Dumpster Screening Exhibits
- D. Development Improvement Agreement (4/20/2017)
- E. CUP 2015-03
- F. CUP 2016-16

## Area Map



## 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)
----------------------------	-------------------	-----------------------------	--------------------------

### Property Owner Contact Information

Name of Property Owner(s) Dailey Family Limited Partnership		Mailing Address of Property Owner(s) 1546 E Sunnyside Ave Salt Lake City, Ut 84105	
Phone	Fax		
Email Address (required) dancingmoosefarm@aol.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) Ronda Kippen		Mailing Address of Authorized Person PO Box 789 Morgan, UT 84050	
Phone 801-710-8303	Fax		
Email Address rondakippen@gmail.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

### Property Information

Project Name Dancing Moose Farm CUP Amendment 2	Total Acreage 17.39	Current Zoning F-5
Approximate Address 13485 East Hwy 39 Huntsville, Ut 84317	Land Serial Number(s) 23-021-0001	

Proposed Use

#### Project Narrative

Dancing Moose Farm is an approved successfully operating and licensed farm in Weber County since 2016. The farm received approval for the conditional use permit for the agritourism venture in February of 2015 and has flourished since. Dancing Moose Farm wants to build communities through events on site and we want to amend our CUP to allow for food concession stands to operate on site. We are currently proposing that the days are limited to be on-site on Fri, Sat and Sundays to host a farm tour and allow us to show off our product that we make on the farm. However, as the farm grows, these days may change. Also, we plan to have a 4 cubic yard dumpster on site that will be screened and will meet all setback requirements.

We are open up for business this summer with three 20' yurts for farm stays and one 24' yurt for classroom. All yurts have been engineered and approved by all regulatory agencies. The site has a ADA approved bathroom with a new commercial septic system approved by the Weber County Health Department for a much higher volume than our site will produce. COVID has stopped us from renting or completing this aspect of the Dancing Moose Farm CUP over the last two years.

With the growth of the Ogden Valley, it is more important than ever to keep local farms in business and encourage local farmers to engage in business practices that will increase farmer revenue, encourage residents and tourist to support Weber Counties cultural heritage, educate new farmers and keep larger properties as farms rather than another subdivision.

In following other Agri-tourism applications we know that Kelley Creek Farm, Gibson Farms, and Cold Water Trout Farm have food concession stand (food trucks) that were approved in their CUP's.

While promoting Dancing Moose Farm's we have seen a huge increase in the amount of traffic to Causey Reservoir for paddle boarding and recreation and feel that a food concession stand (food truck) on site would offer them a reason to stop and learn about our farm, take a tour, purchase soaps, honey, produce or other products that we will be offering and learn more about our classes. The food concession stand will be either our own or we will contract out to other Ogden based licensed Food Trucks. Benefit to Weber County will be additional sales tax revenue and added tourist dollars.

### 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.

\*After Dancing Moose Farm CUP was approved Feb.24,2015 we have mitigated the concerns of residents by building a home on-site that has a full time resident and family working and maintaining the site. This has addressed the primary concern that the surrounding neighbors had regarding no one being on site.

\*Another concern that has been raised by adjacent neighbors is that animals would get out and become a problem for neighbors. We have installed an electric fence around the property to keep our animals in and discourage people from either entering our property or neighbors property from our area.

That the proposed use will comply with the regulations and conditions specified in the Zoning Ordinance and other applicable agency standards for such use. The proposed use is allowed in the specified "Small Farm" as a permitted use. The original nor the amended site plans nor the original project plan did not identify "food concession stands" as a considered use nor did the site plan identify where the dumpster would be placed. The site plan is showing two areas that the food concession stands may be located as well as the area where the screened dumpster will be placed for review and approval.

Our best attempt at a "food concession stand" farm to table menu will include but will not be limited to the following:

Lemon Balm Lavender Tea (Lavender/Lemon balm grown on site or sources locally)  
 Mint Tea ( Harvested on site)  
 Lemon aide Mint over ice or blended  
 Raspberry / Blackberry shakes in season (Grown locally in Huntsville)  
 Honey Vanila Lattes (Honey from our 8 hives)  
 Breakfast Burritos (farm fresh eggs)  
 Lavender Lemon Scones  
 Fresh pastries sourced from local bakers  
 Honey sold 16 ounce jars

Menu will include as many items locally sourced in Huntsville/Ogden Valley and surrounding areas.

The dumpster will be on a concrete pad facilitate a 40 cubic yard dumpster. The dumpster

Property Owner Affidavit

I (We), Dailey Family Limited Partnership, 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.

DDLP, GP

(Property Owner)

(Property Owner)

Subscribed and sworn to me this 26 day of Aug, 2021.



Michael Pace

(Notary)

Authorized Representative Affidavit

I (We), Dailey Family Limited Partnership, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), Ronda Kippen, 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.

DDLP GP

(Property Owner)

(Property Owner)

Dated this 26 day of Aug, 2021, personally appeared before me Daniel Dailey, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.



Michael Pace

(Notary)





**Exhibit B-Dumpster Screening**

Exhibit C



**Pressure-Treated Dura Color Sonoma Wood Fence Panel with Black Frame**

The Outdoor Essentials Black Framed Sonoma Pressure-Treated Cedar-Tone Wood Fence Panel with galvanized backing option creates a decorative accent while supplying the required privacy screening with a versatile panel that fastens to rails or wood posts. It features pressure-treated, color-infused pickets and an untreated, black frame.



\*W2857795\*

WEBER COUNTY

5/9/2017

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 April 20, 2017 [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:

Exhibit D

- 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 20 day of April, 2017.

[Signature]  
"Owner"

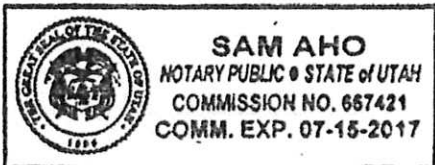
\_\_\_\_\_  
"Owner"

State of Utah )  
                          )ss.  
County of Weber )

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year 2017, before me, \_\_\_\_\_, a Notary Public in and for the State, personally appeared, \_\_\_\_\_ proved, on the basis of satisfactory evidence, to be the \_\_\_\_\_ of \_\_\_\_\_ 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.

\_\_\_\_\_  
Notary Public

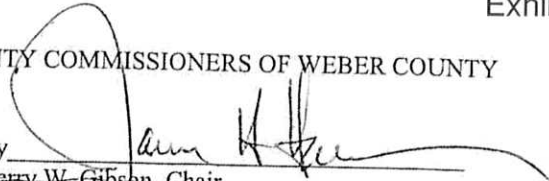


State of Utah )  
County of Weber )  
On this 20 day of April in the year 2017 before me, Sam Aho  
DATE MONTH YEAR before me. NOTARY PUBLIC NAME  
a notary public, personally appeared Daniel Dailey  
NAME OF DOCUMENT SIGNER  
proved on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged (he/she/they) executed the same. Witness my hand and seal.

\_\_\_\_\_  
NOTARY PUBLIC

Exhibit D

BOARD OF COUNTY COMMISSIONERS OF WEBER COUNTY

By   
 Kerry W. Gibson, Chair  
 Jim Harvey Vice  
 Commissioner Ebert voted excused  
 Commissioner Harvey voted ✓  
 Commissioner Gibson voted ✓

ATTEST:

  
 Ricky Hatch, CPA  
 Weber County Clerk/Auditor

Exhibit D

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  $85^{\circ} 10'$  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 D

Exhibit B

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

Exhibit D



Conditional Use Permit

**Weber County Planning Commission**

2390 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	Owner
<b>Name:</b> <b>Business:</b> Dailey Family Limited Partnership <b>Address:</b> 1546 East Sunnyside Ave Salt Lake City, UT 84105 <b>Phone:</b> 801-633-7254	<b>Name:</b> <b>Business:</b> Dailey Family Limited Partnership <b>Address:</b> 1546 East Sunnyside Ave Salt Lake City, UT 84105 <b>Phone:</b> 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

Exhibit D



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

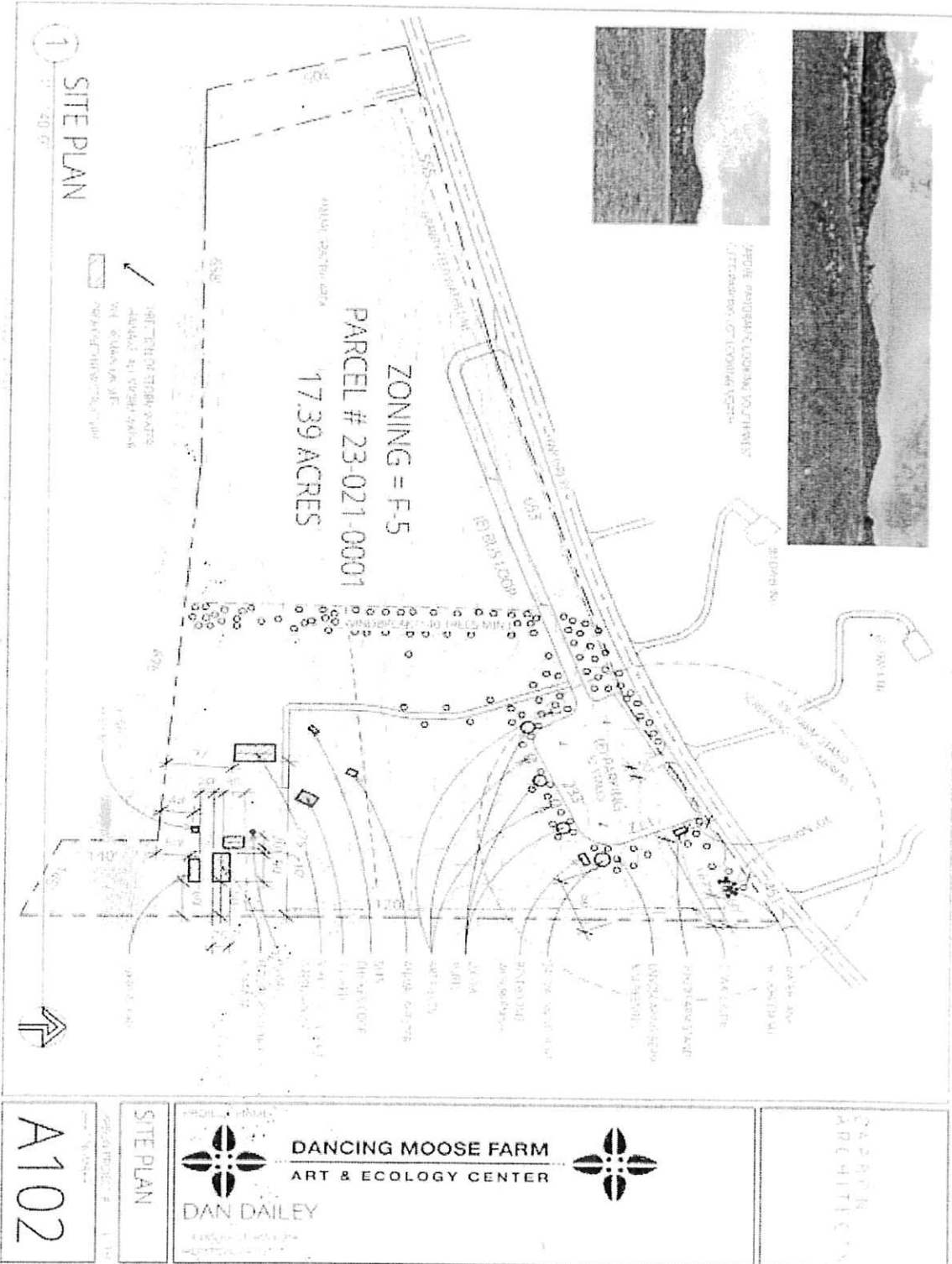
Planning Dept. Signature of Approval Date

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. Sc. D.* 4/4/2017  
Contractor/Owner Signature of Approval Date



Exhibit D



## Exhibit D



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

Dailey Family Limited Partnership  
 c/o Daniel Dailey

February 28, 2017

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.



Weber County Planning Commission  
**Conditional Use Permit**

Date: 8/28/2015  
Page: 1 of 2  
Printed: 8/28/2015

Exhibit E

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 PTNRSHP  
Address: 1546 EAST SUNNYSIDE AVE  
SALT LAKE CITY, UT 84105  
Phone: 801-633-7254

**Owner**

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

**Parcel**

Zoning: F-5

Parcel Number: 230210001

Address: 13485 EAST HIGHWAY 39  
HUNTSVILLE

Total Area: 17.39 ACRES

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 Dimensions: 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 separate 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.

Farida Kippie                      8-28-2015  
-----  
Planning Dept. Signature of Approval      Date

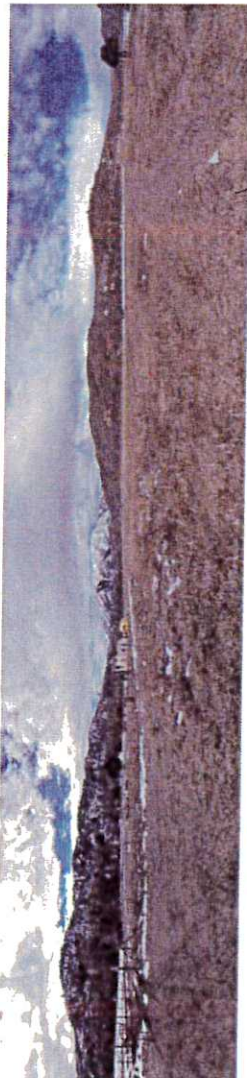
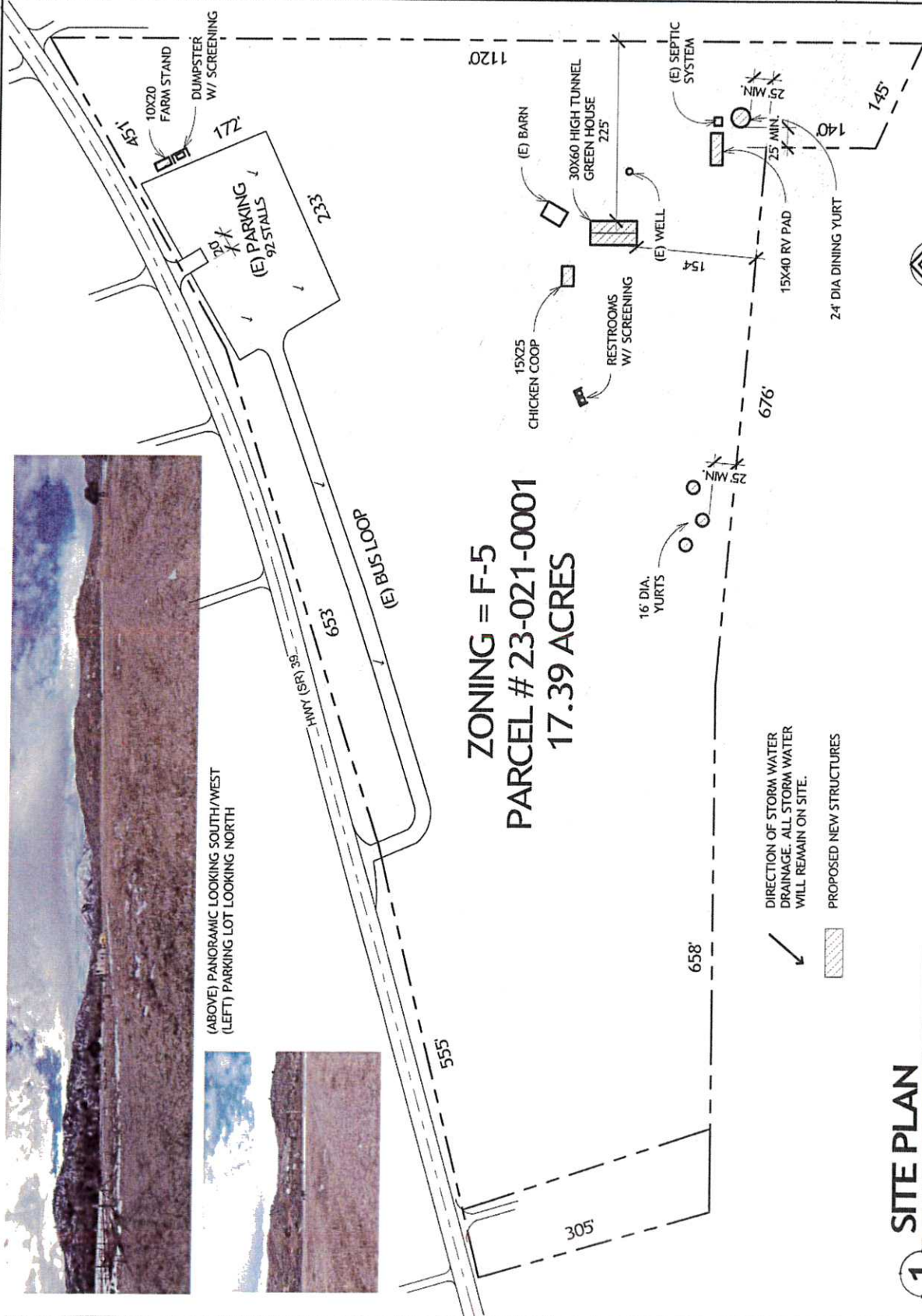
This permit becomes null and void if use or construction authorized has not commenced within one year, if the use is discontinued for one year, or if there is a zone change affecting this property. Any change to the permit or approved site plan must be submitted to the Planning Commission for approval.

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.

D. D. D.                                      9/1/2015  
-----  
Contractor/Owner Signature of Approval      Date



Project #	14-1180
Date	02-04-15



(ABOVE) PANORAMIC LOOKING SOUTH/WEST  
 (LEFT) PARKING LOT LOOKING NORTH





# Conditional Use Permit

Exhibit F

## 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

### Owner

#### Name:

**Business:** Dailey Family Limited Partnership

**Address:** 1546 East Sunnyside Ave  
Salt Lake City, UT 84105

**Phone:** 801-633-7254

#### 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

**Address:** 13485 East Highway 39 Huntsville, UT 84310

**Subdivision:** N/A

**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

Exhibit F

## 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.

\_\_\_\_\_  
Contractor/Owner Signature of Approval

\_\_\_\_\_  
Date