



STAFF REPORT

To: Eastern Summit County Planning Commission
From: Sean Lewis, County Planner
Date of Meeting: July 18, 2019
Type of Item: Conditional Use Permit - Public Hearing, Possible Action
Process: Administrative Review

RECOMMENDATION: Staff has reviewed the application for compliance with all standards in the Eastern Summit County Development Code (Code) and found that it meets the minimum required for approval. Staff recommends that the Eastern Summit County Planning Commission (ESCPC) review the proposed conditional use permit, conduct a public hearing, and vote to approve the application pursuant to the findings of fact and conclusions of law found in this staff report.

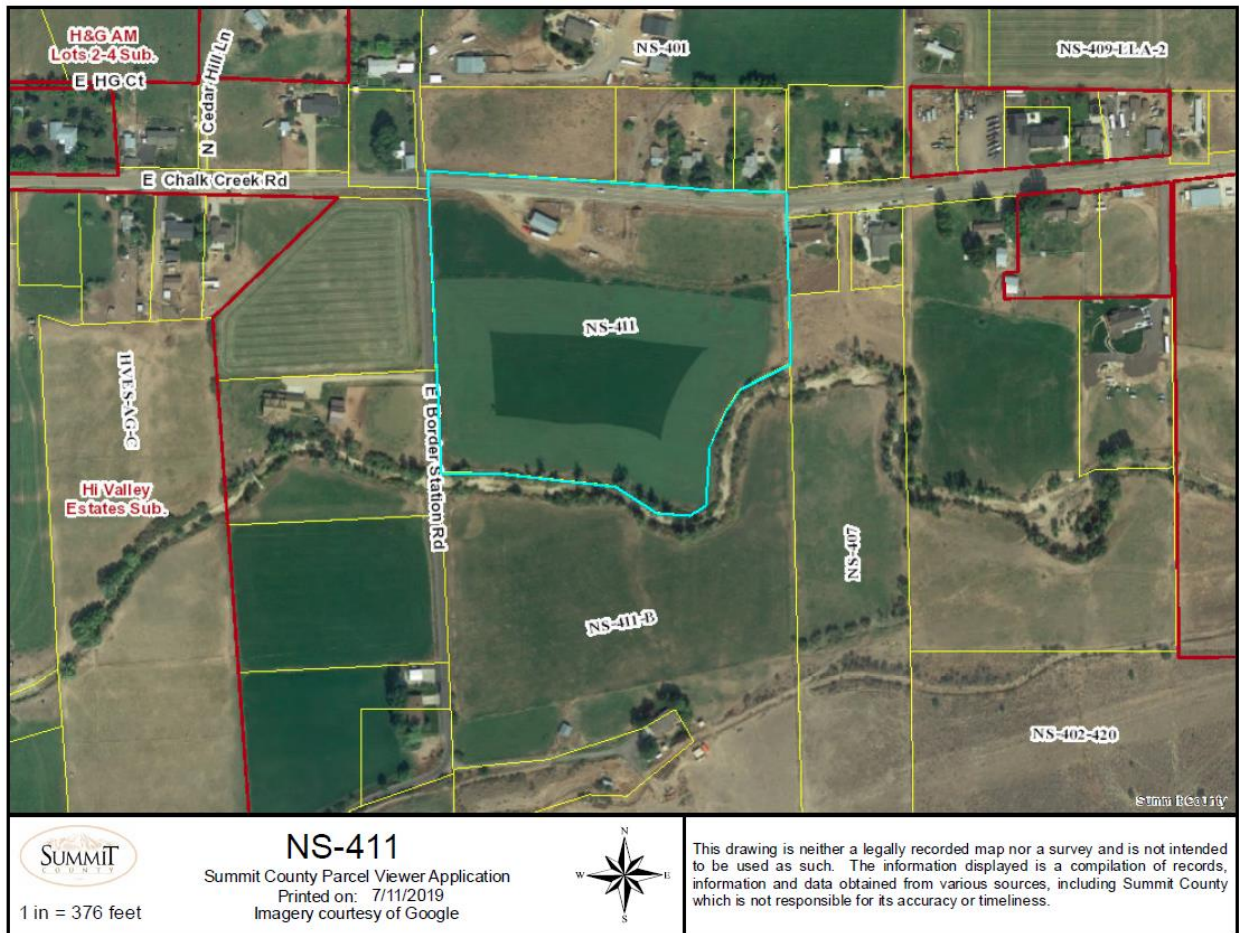
Project Description:

Project Name:	Wilde Accessory Building
Applicant(s):	Cody & Aimee Wilde
Property Owner(s):	Cody & Aimee Wilde
Location:	720 E Chalk Creek Road
Zone District:	Agriculture-5 (AG-5)
Parcel Number and Size:	NS-411 (12.57 acres)
Type of Process:	Administrative
Final Land Use Authority:	Eastern Summit County Planning Commission

Proposal:

The applicant is requesting approval of a Conditional Use Permit to allow construction of an accessory building larger than 2,000 square feet for non-agricultural uses. The barn measuring approximately 60 feet by 40 feet (2,400 square feet footprint) will be used for storage of personal ATV's and some agricultural equipment. There are no plans to include an Accessory Dwelling Unit within the structure.

Vicinity Map:



Background:

Parcel NS-411 is considered a conforming parcel per the Eastern Summit County Development Code. The owners of Parcel NS-411 have recently completed a series of boundary adjustments to create a one (1) acre building parcel in the northeast corner of the property for the purposes of building a single-family home. Staff has verified that the boundary adjustments have been completed and a building permit has been issued on the home. The owners are now requesting that the ESCPC grant approval of a CUP for an accessory building larger than 2,000 square feet in size. The intent for the building is mostly agricultural in nature, however the owners have requested the CUP to allow for flexibility in allowing non-agricultural functionality within the structure.

Analysis and Findings:

The ESCPC may approve, approve with conditions, or deny a Conditional Use Permit based upon written findings of fact according to each of the following standards. It is the responsibility of the applicant to provide written and graphic evidence demonstrating compliance:

Standard 1: The proposed use, as conditioned, shall be appropriate in the particular location, taking into account the nature of the use, its relationship to surrounding uses and its impact on the natural environment. **COMPLIES**

Analysis: The building will be located on a 1.0 acre property and will be the second building to be built there. A Single-family home is being erected on the property. There has been no indication that the building is disproportionately large, or out of character with similar buildings in the area.

Standard 2: The proposed use, as conditioned, shall be in compliance with the development evaluations standards in chapter 2 of the Code. **COMPLIES**

Analysis: Staff has reviewed the request for compliance with the standards established in chapter 2 of the Eastern Summit County Development Code, and found the following:

Section 11-2-2 of the Code refers to agriculture standards. Staff finds no conflicts with adjacent agricultural operations.

Section 11-2-3 of the Code refers to water and sewage standards. The proposed use does not require any changes to the existing infrastructure. The septic system complies with Health Department standards.

Section 11-2-4 of the Code refers to natural resources and development on steep slopes, visually sensitive areas, or within wetlands and floodplains. The area on which the barn is proposed to be built is essentially flat. There are no visually sensitive areas or wetlands/floodplains in the area.

Section 11-2-5 of the Code refers to County infrastructure, facilities, and services standards. There are no new or additional roads proposed as part of this permit.

Section 11-2-6 of the Code refers to infrastructure design and maintenance standards. The building has not caused adverse impacts to existing infrastructure.

Standard 3: The applicant shall present evidence to show approval of the landowner for the particular use, unless the land is owned by the applicant and, in such case, the applicant shall submit proof of ownership. **COMPLIES**

Analysis: The applicant is the landowner of parcel NS-411.

Standard 4: There are reasonable conditions that can be imposed which mitigate the reasonably anticipated detrimental effects of the proposed use. **COMPLIES**

Analysis: Staff finds there are no anticipated detrimental effects that need to be mitigated.

Recommendation:

It is Staff's finding that the project meets the applicable standards in the Code. Staff recommends that the ESCPC conduct a public hearing and review the proposal for compliance with the Code. Based upon the review outlined in this report, and unless members of the public bring to light new issues or concerns that may affect these findings, Staff also recommends that the ESCPC vote to **approve** the Wilde Accessory Building Conditional Use Permit based upon the following Findings of Fact and Conclusions of Law.

Findings of Fact:

1. The applicant submitted a Conditional Use Permit for an accessory building greater than 2,000 square feet in size at property located at 720 E Chalk Creek Road.
2. The subject property is currently zoned Agriculture - 5 (AG-5).
3. Accessory buildings exceeding 2,000 square feet in size are subject to a Conditional Use Permit in the AG-5 zone district.
4. Surrounding land uses are primarily agriculture and single-family homes.
5. Staff finds no conflict with the adjacent agricultural operations.
6. The proposed use does not require any changes to the existing infrastructure, and does not propose to install either water or sewage facilities at this time.
7. There are no visually sensitive areas or wetlands/floodplains in the area.
8. There are no additional roads proposed as part of this permit.
9. The accessory building had not caused adverse impacts to existing infrastructure.
10. The applicant is the landowner of the lot in question.
11. The size of the proposed structure is compatible with similar structures that have been approved in this zoning district.
12. Plans for the proposed structure indicate that the structure will meet appropriate setback requirements.

Conclusions of Law:

1. The application complies with applicable requirements in Chapter 11-2 of the Development Code.

2. The application complies with the Conditional Use Permit criteria in Section 11-4-7 of the Development Code.
3. The application complies with the Eastern Summit County General Plan.

Public Notice, Meetings and Comments:

This item was publicly noticed as a public hearing with possible action by the ESCPC. Notice of the public hearing was published in the July 5, 2019 issue of *The Summit County News*. Postcard Courtesy notices were also mailed to property owners within 1,000 feet of the subject parcel. At the time of this report, Staff has not received any public comment.

Attachments:

Exhibit A – Site/Floor Plans