

**West Point City
Planning Commission
3200 West 300 North
February 12, 2015**

Present: Brad Lee, Brian Vincent, John Detamore, Korey Kap, Jeff Macfarlane, Curtis Seeds, Boyd Davis – City Engineer, Kyle Laws – City Manager, Michelle Bailey – Planning Commission Secretary

Excused: Jeremy Strong

Visitors: Spencer King, Lowell Mielke

WORK SESSION

Discussion regarding Public Hearing regulations.

Discussion took place regarding public hearing regulations and protocol.

Discussion regarding a conditional Use Permit for an accessory building located at 4403 West 800 North, Spencer King, applicant.

Boyd Davis stated that Spencer King is the applicant. On the map, he showed the property being discussed and also stated that Mr. King owns property across the street as well. Last year, Spencer King applied for a conditional use permit to put a shed on the vacant lot across the street from his home. The building was an existing building at another location. He purchased it, dismantled it and then re-constructed it on his property. Code required that it sit back 200 feet from the road because the first 200 feet of that property is zoned Residential and he was required to put it on the portion that is zoned Agriculture. That accessory building, which when he applied for the CUP he stated it would be used for storage purposes only, appears as if it is being used to run a business out of. He owns an electric business. Mr. King has added on to that building, which wasn't allowed. He didn't get a building permit for the addition. He doesn't have a business license for that business. However, this is not what is being discussed at the meeting tonight. Kyle Laws added, "A little bit more background is that the addition was added on to the residential side which never would have been allowed." Staff is working with the City Attorney on that situation right now.

The issue before the commission tonight is for a different building on the other side of the road, behind his house. He owns 4.2 acres with most of that being zoned Agriculture. He built a barn behind his home last year sometime. It's a nice barn, but he didn't get a building permit for that. He thought he was exempt because he is on agriculture property. In the State Code there is an exemption for agriculture buildings if the property is a minimum of five acres; his property is 4.2 acres. No neighbors called to complain about the barn when it was constructed. Staff did receive calls when he started building the riding arena behind the barn. In fact, Mayor Craythorne received a text message with a

picture of this from one of the neighbors over the Martin Luther King Jr. weekend. Over that holiday weekend, most of the building was constructed. Staff talked with the contractor, and he is willing to do whatever needs to be done. Staff asked the contractor to stop working on the project until they could determine exactly what permits were needed. They got the project to a safe place and stopped work on it. Spencer King has filled out the proper application and paid the fees. He got all of the required neighbors to sign the application stating that they are aware of what he is doing. It does meet the criteria. It must be 15 feet away from the neighbor's home, which it is. It cannot occupy more than 20% of the lot area; that is the combined total allowed with all of the accessory buildings, so the barn and the riding arena. They meet that requirement. They must get a conditional use permit. It is limited to one story. It is not allowed on vacant lots. He meets the setback requirements. There cannot be living space in the building and there isn't. It did raise concerns with the neighbors though. The question before the Commission tonight is whether there are any conditions they feel need to be placed on this permit. Jeff Macfarlane asked what kind of parking there would be. He assumes since it is a riding stable he will have people coming in the driveway. Boyd Davis responded that it will be private, just for family and friends; it is not a business. Curtis Seeds asked if this one permit covers both structures, the barn and the riding arena, or just the riding arena. Boyd Davis responded that there will be separate conditional use permits for the barn and the riding arena. In addition to the conditional use permit, he will be required to obtain a building permit for the riding arena. Lowell Mielke stated, "I think this is my biggest concern. We've sort of seen how he operates. I know Spencer, he's my neighbor. I'm one of those people who lost their view. But again, I'm one of these guys that feels Mr. King has property rights and as long as he's within what the City allows him to do, go for it. My biggest concern is that this is going to end up being neighbors and friends on weekends with 15 horse trailers and trucks parked all over the place and then its amateur rodeo time. I don't know how you quantify that, but that's my concern. He does however, have a right to build it." Jeff Macfarlane said he has a riding arena down the street from him and the guy teaches riding lessons so he has people down there with horse trailers all the time. He has sufficient parking, but it is a business and he invites other people that want to just come ride their horses. Boyd Davis said, "I told you that a business wouldn't be allowed. As long as it's kept within the limits that a home-based business could be, as long as he keeps it a small operation, he probably could get a business license. But in his application he stated that it is just for family and friends. He didn't state that he is trying to do a business." Brief discussion took place regarding conditions that could possibly be applied. Boyd Davis suggested they ask Mr. King some questions about how many people and horses he might have there at any given time. Kyle Laws reminded the commission that they don't have to approve anything in the meeting if they feel like they need more time to think about it after he answers their questions.

Curtis Seeds asked to review the process for revoking conditional use permits for informational purposes. Boyd Davis said he hasn't been through that process himself, but he assumes you can revoke the use and say they may not use it anymore. Boyd reminded the commission that they are issuing a conditional use permit to build a building, not for the number of horses etc. They can add those kinds of conditions on to it, but there is another city code that talks about the number of horses allowed at the residence. They

aren't looking at that tonight. They are looking at whether the building itself will cause any type of impact on somebody that is unreasonable. Kyle Laws responded to the question regarding what happens if the conditions of the permit are violated. He said he doesn't know the answer to that and if it's a concern and you want an answer to that before approving the permit application tonight, they can table the item until Staff can talk to the city attorney.

REGULAR MEETING

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Prayer:** given by Korey Kap
4. **Approval of Minutes from January 8, 2015.**

Curtis Seeds made a motion to approve the minutes for January 8, 2015, as written. Bryan Vincent seconded the motion. All voted aye.

5. **Public Comments:** None given

6. **Consideration of a Conditional Use Permit for an accessory building located at 4403 West 800 North, Spencer King, applicant.**

Spencer King was present to answer questions. Boyd Davis stated that Staff received a Conditional Use Permit application and payment for that from Spencer King. Mr. King built a horse barn directly behind his house and is in the process of building a riding arena. When Staff was made aware of the structure, they went to the property to talk to Spencer and his contractor and made them aware that they needed a permit for that. Spencer said he was under the impression that he was exempt because it is zoned agriculture. He is slightly short of what is required for the Ag exemption. Five acres is required and he has 4.2 acres. Staff asked that they stop work on the structure until they were able to obtain the permit. The permit being discussed tonight is for both the barn and the riding arena.

Brian Vincent asked Mr. King what he plans to do with it. Spencer replied, "Personal use. Ride horses. I work all summer long. I don't have much time so I get home in the winter usually about 5 or 6 when it's dark. I work late hours. Use it for personal use; me and my wife and I have a little girl that hopefully will ride one day. That's it, it's just for us. I've wanted one since I was young and I'd rather have it now than later." Brian Vincent asked how many horses they have. Spencer responded that he has 10 right now but not all at that house. He has four at the property right now. Brian asked if they train horses. Spencer said, "No. I've rodeoed since I was young; high school rodeo, college rodeo, pro rodeo. My wife runs barrels. I calf rope and team rope. I train my own horses. I don't train anyone else's. We've raised horses our whole lives. Probably between me, my dad

and my brothers we probably have 40 head. My dad has a ranch in Idaho. It's our way of life. It's for us to ride. I'm not training. I don't have time to do any of that." Brian asked if there were any business aspirations out of this. Spencer said, "Heck no. I don't have time to clean my own horses' stalls, I don't want to clean someone else's. I don't want to take care of someone else's. It's for us."

John Detamore commented on the size of the building. Spencer said he would have one that is bigger if he could. The average arena is 100' x 200' and his isn't quite that. The Golden Spike Arena is 100' x 200'. John asked, moving forward, what he sees in regards to trailers being there. Spencer responded, "If I have someone come over and ride or rope then there will probably be a couple in there. I can't team rope by myself. My uncle lives around the road. He'll probably come rope with me now and then. My dad, my brother; we're gonna use it. I'll have people come rope with me. Right now there are two trailers, one in the barn and one outside. Yes, I will have people there. Friends. They will come ride and rope with me. Not a ton, but there will be people come and ride with me." John Detamore asked what he foresees doing with parking. Will he keep it in dirt? Spencer said that in front of the barn there would probably be three trailers while they ride, but they won't stay there. He said it is asphalt road based right now but eventually he will probably put road base gravel down. He likes his place to look nice. He said he plans to have friends over to hang out, ride, rope and have a barbecue.

Korey Kap asked how many horses he can actually house in the barn. Spencer said there are five stalls in the barn. Boyd Davis said the Code allows him to have four horses per acre. Korey asked if he would run electricity to the arena. Spencer said there will be lights on the interior of the arena. He has exterior lights on the barn that shine out into the parking area, but there won't be any lights on the arena except on the inside. There will be a two-foot clear window along the side and the rest will be solid steel panels. The window is for natural light during the day.

Brian Vincent asked Spencer King if he has had any comments or concerns from his neighbors. Mr. King said, "Just from what I've heard from the City. My neighbors that live right there knew I was putting it up. They didn't care. The one neighbor that bought my house, I used to own the house across the road too, has horses too. They asked if we would let them come over and ride. Every neighbor knew about it that lives, I mean I know there are people that live on the other side of the canal, I don't know anyone there. I know my three neighbors."

John Detamore made a motion to table this item so the Commission and Staff can follow up with the city attorney as to what the process is if he does not maintain this in the future as stated. Boyd Davis asked for clarification for Staff as well as Mr. King as to what conditions the Commission might be considering. John Detamore responded that he feels the neighbors may be affected if there are multiple trucks and trailers parked at the arena for weekend activities. John also expressed a concern that this could turn into a business. Boyd Davis asked Spencer King how many trailers he feels would be reasonable to have on the property. Spencer responded that he can't see more than three or four other people being there anyway. He would be fine with a limiting it to three or four trailers besides

his own at one time. He doesn't feel like people will be coming very often because it is mainly for him and his wife to use. Boyd Davis asked the Commission if they would like Staff to come back with a recommendation of what would be a reasonable number of trailers at this residence? John responded that he feels the Commission can determine that number, he just would like clarification on the process to follow if the conditions set on the permit are not met and the permit needs to be revoked. Korey Kap commented that he agrees with tabling this, but his concern is the size of the riding stable. Spencer King said that is fine. He has an offer in to purchase another acre. If that goes through, he will continue to move forward with this because he can. He just needs to get the process moving again. It cost him \$15,000 to pull the contractor off the project, he realizes that is his fault, but one way or another, he will move forward with the project. Spencer also commented on the dust problem mentioned earlier. He said that road is as hard as asphalt right now. It is an asphalt millings product. Korey Kap seconded the motion. There were no further questions. All voted aye.

7. Planning Commission Comments

Brian Vincent thanked Spencer King for his patience while they work through this process.

Curtis Seeds had no comment.

John Detamore had no comment.

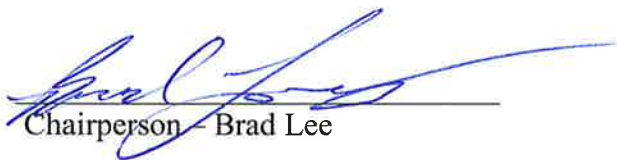
Korey Kap had no comment.

Jeff Macfarlane had no comment.

Brad Lee had no comment.

8. Adjournment

Brian Vincent made a motion to adjourn at 7:27 p.m. Brad Lee seconded the motion. All voted aye.


Chairperson – Brad Lee


Secretary – Michelle Bailey

