



## STAFF REPORT

**To:** Eastern Summit County Planning Commission  
**From:** Tiffanie Robinson, County Planner  
**Date of Meeting:** October 15, 2020  
**Type of Item:** Conditional Use Permit - Public Hearing, Possible Action  
**Process:** Administrative Review

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**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 proposed accessory building exceeding 2,000 square feet pursuant to the findings of fact, conclusions of law and conditions of approval found in this staff report.

### Project Description:

Project Name:	Solomsen Accessory Building Conditional Use Permit
Applicant(s):	Joe Solomsen
Property Owner(s):	Joseph R. Solomsen Jr.
Location:	140 West Lazy Acres Lane
Zone District:	Agriculture-10 (AG-10)
Parcel Number and Size:	LAREN-1, 1.22 acres
Type of Process:	Administrative
Final Land Use Authority:	Eastern Summit County Planning Commission

### Proposal:

The applicant, Joe Solomsen, 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 accessory building measures approximately 40 feet x 60 feet, (2,400 square feet enclosed) with a 12 foot x 60 foot (720 square feet) lean-to area. The applicant, intends to utilize the garage for personal storage of boats, trailers and animals. No commercial use or living space is proposed as part of this application.

## Vicinity Map:



## Background:

Parcel LAREN-1 is considered a conforming parcel, per the Eastern Summit County Development Code. The property has a single-family dwelling existing on site. The owner, Joe Solomsen, is 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 to use it for personal storage. No commercial use or living space is being proposed.

Staff has routed the proposed accessory building application to service providers for review. All service providers stated that the proposal meets the minimum requirements for approval, as conditioned.

## 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 1.22-acre property and will be the second building to be constructed. A single-family home is existing on site. 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:

<b>Code Requirement</b>	<b>Analysis</b>	<b>Finding</b>
1. Agriculture	The use will neither hinder nor eliminate any existing agricultural operations in the area. It will not hinder the existing irrigation systems in the area.	<b>COMPLIES</b>
2. Water and Sewage	The proposed use does not require any changes to the existing infrastructure. No water or use of septic are proposed for the structure.	<b>COMPLIES</b>
3. Natural Resources	The site is generally flat with no streams or wetlands. The use will have minimal effect on natural resources. There are no visually sensitive areas or floodplains in the area.	<b>COMPLIES</b>
4. County Infrastructure, Facilities and Services	The impact of the building on County infrastructure as it relates to traffic volume, and other public services will be minimal. There are no new or additional roads proposed as part of this permit.	<b>COMPLIES</b>
5. Infrastructure Design and Maintenance	Due to the scale of the use, it is not anticipated that any maintenance or improvements will be necessary on Lazy Acres Lane. The building will not cause adverse impacts to existing infrastructure.	<b>COMPLIES</b>

**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:** County records indicate that the applicant is the owner of the property of parcel LAREN-1 and has consented to the application.

**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 proposed accessory building exceeding 2,000 square feet Conditional Use Permit based upon the following Findings of Fact and Conclusions of Law.

### **Findings of Fact:**

1. Joseph R. Solomsen Jr. is the owner of parcel LAREN-1.
2. LAREN-1 is 1.22 acres in size.
3. The subject property, LAREN-1 is currently zoned Agriculture -10 (AG-10).
4. Accessory buildings exceeding 2,000 square feet in size are subject to a Conditional Use Permit in the AG-10 zone district.
5. The applicant submitted a Conditional Use Permit for an accessory building greater than 2,000 square feet in size at property located 140 West Lazy Acres Lane on September 2, 2020.
6. The structure is 40 feet x 60 feet, (2,400 square feet enclosed) with a 12 foot x 60 foot (720 square feet) lean-to area.
7. Access to the property is from a private driveway off the Lazy Acres Lane.
8. Maximum height allowed in the AG-10 zone is 32 feet above grade.
9. The proposed accessory building will be 25' feet above grade.
10. The building meets the required setbacks and height in the AG-10 zone.
11. The application was routed to affected county departments, state agencies and service providers.
12. The use will neither hinder nor eliminate any existing agricultural operations in the area.
13. It will not hinder the existing irrigation systems in the area.
14. The site is generally flat with no streams, flood plains or wetlands.
15. Due to the small scale of the use, it is not anticipated that any maintenance or improvements will be necessary on Lazy Acres Lane.
16. Surrounding land uses are primarily agriculture and single-family homes.
17. 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.

18. The size of the proposed structure is compatible with similar structures that have been approved in this zoning district.

**Conclusions of Law:**

1. The proposed Conditional Use, as conditioned, complies with all requirements of the Eastern Summit County Development Code.
2. The use is appropriately located with respect to public facilities, it is adjacent to an existing county road, and has adequate water and septic.
3. The application, as conditioned is consistent with the standards established in chapter 2 of the Eastern Summit County Development Code.
4. The use is not detrimental to public health, safety, and welfare, as the roads and public services in the area are enough to accommodate the increase in intensity of the use.
5. The effects of any differences in use or scale have been mitigated through careful planning.
6. The application complies with the Conditional Use Permit criteria in Section 11-4-7 of the Development Code.
7. The application complies with the Eastern Summit County General Plan.

**Conditions of Approval:**

1. The granting of this conditional use permit does not authorize the property owner to utilize the garage for commercial or residential purposes. Any commercial use or living area in the structure must be reviewed and approved by the County.
2. All necessary permits must be obtained, and fees shall be paid prior to the commencement of any construction activity, including but not limited to the Summit County Health, Engineering and Building Departments.
3. All service provider conditions shall be met.

**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 October 2, 2020 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