

Emery County Planning & Zoning
Meeting Minutes
September 11th, 2024 1:00 p.m.

Join Zoom Meeting

<https://zoom.us/j/4353813570?pwd=NWduRlZzRCtGNUdnd1d0NkNNdmxIZz09>

passcode:Emery

IN ATTENDANCE: Gary Arrington, Bill Dellos, Bruce Wilson, Jim Jennings, Commissioner Jordan Leonard, Natalie Olsen

EXCUSED: Tyler Jeffs

VISITORS: Orangeville City, Casey and Courtney Ainsworth, Mark Brotherson

1. Welcome:

Gary Arrington welcomed all in attendance and opened the meeting.

2. Approval of the June 12th, 2024 Meeting Minutes:

Bruce Wilson made a motion to approve the minutes with a second from Bill Dellos.

Voting was unanimous.

3. Discuss Casey Ainsworth's Airbnb:

Mark Brotherson: He read a letter stating the event center next to his house is:

- 1: Excessive noise levels and alcohol/drug use
- 2: Overcrowding and Intruding of our property
3. Wellbeing and safety
4. Devaluation of our property

Request for action: They are urgently requesting that the county take action to permanently cancel all events at the event center.

Cody Ainsworth: The property is zoned a commercial property. When it was purchased it was intended to be used as a commercial property. They made their intentions known to Orangeville city. The property is 7 acres. There is a contract in place that the guests sign that states they will respect the neighbors, keep their music down etc.... They are asking their guests to shut down at 9:30 pm which is 30 minutes sooner than Orangeville's curfew so they keep a buffer between their shut down time and the city's shut down time. They are also in the process of putting something in the contract where if they have issues with the guests they could potentially lose their deposit. That way they are encouraged to keep the noise down and be more respectful.

They have not had many complaints with the events at the event center. There was one event that got quite a few complaints. They did have a lengthy conversation with the guests as well as the city about it. They are actively putting things in place to try and minimize any future issues.

The Ainsworths are doing everything as a business owner, operating on a commercial property, to make this enjoyable for their guests as well as neighbors with their contracts and with their communication with the people that are using their property.

Privacy was another concern that was brought up. The Ainsworth's said they have offered to pay half for a privacy fence between the properties, which is about 400 feet and estimated to be about \$25,000. Cost for Half of the fence would be \$12,500, which is what Casey has offered to pay. Casey feels like he has been more than accommodating. Every time Mark has reached out to Casey he has offered a solution or tried to come to some middle ground. Casey is willing to try and make the Brothersons as comfortable as possible but not running our business is not an option.

Orangeville City: (Seth Manning) This has been an ongoing problem for two years. Every time the city has called Casey he has been most compliant and wants to help. He doesn't back down from anything the city has requested he does. Casey is willing to go beyond the Utah fencing code and Mark wants nothing to do with paying half of the fence.

Jim Jennings asked Seth Manning what the Ainsworth property is permitted for? Seth said their business license is for an Airbnb. The city realized after the permit was issued that the lower half of their property is in the county and not the city.

Jim said that after doing some research, the county is not going to require the Ainsworths to have a Conditional Use Permit in the city and the county. What the county suggests is that the county and city need to coordinate with each other, and as long as there are things in place that will provide the things discussed here, the county would piggy back on to and say that what Orangeville city does will be acceptable and appropriate with the county. Also make sure the checklist is 100% complete. In the end and after all the visitors had left, Jim wanted to make sure that the Commission agrees, that we are going to piggyback on to Orangeville city, we aren't going to require them to do any permitting with the county. We will work with Orangeville city and discuss concerns, processes and recommendations. We will work through them and not do anything separate. The item will be voted on at the next meeting.

4. Discuss/Approve/Deny Fillmore Subdivision:

There were handouts given to the Commission of the minor subdivision. Jim said that the county has an ordinance that 10 acres is a legal lot unless you go through a minor subdivision process and then the smallest lot is 2 acres. With this minor subdivision, they have divided the property up into 4 legal lots that are 2 acres each. They have accessible power and water to each lot. They have roads to each lot. Bruce made a motion to approve the Fillmore Subdivision with a second from Bill. Voting was unanimous.

5. Discuss CIB Funding:

Jordan: We had a meeting with Mike from CIB for our General Plan. We have 3 bids. We are hoping to talk to the companies that put in the bids and asking them to see if they are wanting to change their bids as well as the scope of work has changed a bit. Instead of doing a whole rewrite we are just wanting an update.

6. Discuss any other Business:

Commissioner Leonard wanted to add that we are working on the noise in Ferron. It is Coastal Plains Energy. The county has given them some options to help mitigate the noise. They are south of town. They are permitted to drill but are getting the excess gas and running generators that are impacting the residence of Ferron. The generator noise is loud. We have let them know that if they don't change things, the county will have to take action.

7. Adjourn: Bill made a motion to adjourn with a second from Bruce.