

Emery County Planning & Zoning
Meeting Minutes
June 11th, 2025 1:00 p.m.

Join Zoom Meeting

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

passcode:Emery

IN ATTENDANCE: Gary Arrington, Bart Cox, Tyler Jeffs, Bruce Wilson, Bill Dellos,
Commissioner Jordan Leonard, Natalie Olsen

EXCUSED: Jim Jennings

VISITORS:

1. Welcome:

Gary welcomed all in attendance and opened the meeting.

2. Discuss/Approve/Deny: May 14th, 2025 Meeting Minutes:

Bruce made a motion to approve the minutes with a second from Tyler. Voting was unanimous.

3. Discuss/Approve/Deny: Derek Beagley's CUP approval.

Commissioner Leonard: Just wanted to let the Commission know that it was approved in Commission meeting and we will just move forward with the process. The only comment the Commission had was when we do CUP that there be a clause at the end of the CUP that there be wording on what happens if they don't comply with the CUP's.

Gary suggested that if we are going to have conditions on it we need a physical inspection on site.

4. Discuss/Approve/Deny: Changes in CUP response letter for Hunter Solar Battery Storage:

Joel: They got the CUP for the battery storage facility. They are in dot our "I's" and cross our "T's" mode. When they looked at the CUP response letter, the language that they proposed to the county is to match the letters they have received from the other operating and those in construction projects they have in the county. Stating the date the application was submitted, the date that the hearing happened, and basically cleaning up the language to be uniform. This is the reason they submitted the edits.

Commissioner Leonard said that if the Planning Commission feels comfortable with it, it will go through Commission meeting. They will double check everything is good and the wording works.

Gary said that he feels Jim has done his due diligence and feels comfortable approving it.

Bill made a motion to approve the letter with the submitted edits to take to the County Commission with a second from Bart. Voting was unanimous.

5. Discuss/Approve/Deny: Swell Camp

Commissioner Leonard said in the last Commission meeting that it was approved to not do CUP's on non conforming lots. We hope that they will talk to Ferron City and annex into the city. They are using water and sewer hookups, all of that is connected to the city. Gary said lots that conformed at some point in time maintain their conformity because you don't have the capacity to make them bigger. Where this lot has been in existence for a long time the county could do that, because it's an existing lot. Commissioner Leonard said we just need to partner with the city and make sure they are comfortable with what is happening right there. Have more conversations with the city and Jim. Maybe approach the city and ask if they are ok to annex the property.

Bruce said where it's an island he would suggest to them to go back to the city to try and annex.

Gary suggested giving them a 90/120 day permit to do business and visit this in the winter. Just keep them from being in limbo.

Bill made a motion to give them a 90 day permit with a second from Tyler. Voting was unanimous.

With that recommendation from the Planning Commission, it will be taken to the Emery County Commission.

6. Presentation: Ainsworth/Brotherson

Casey Ainsworth: He emailed over letters from local businesses, local neighbors and people that support the business.

They have owned the property for 1187 days. The property has been rented out a total of 181 nights. They are running at 15% occupancy, which is leaving the property vacant 85% of the time. Actual events that have been on the calendar are 16 events, 1.4% of the days that they have owned the property.

The Ainsworths has 31 google reviews, 29 are five stars. That is just a testament to the kind of business we are trying to run. They want the guest to have a great experience. Since the Ainsworths had a meeting with the county last September they have taken quite a few measures. They offered 50% of the fence cost, additional cameras, added sound measuring devices so they could monitor sound on the property, they reduced the time for the guests to start quieting down, which is an hour earlier that the city requires by law, they have added language to the contract to ensure compliance and make the guests aware that the neighbors need to be respected. They also put an operating procedure in place with the city of Orangeville including a local person that is going to manage the property and be the point of contact nearby so if there are any issues that arise they have someone that is here that can come to the property and talk to the guests and mitigate problems.

They are willing to continue to make this problem better but the one thing they can't afford is to not operate their business, especially operate it the way they initially brought it to the city to run.

Courtney Ainsworth: She quit her job to take care of this property. They have had people cancel their reservations because they had heard what the Brothersons were doing to other couples (videoing and photographing). They love Orangeville and love being part of the community and want to keep their event center going.

Levin Young: He was the general contractor on the project. Through the process the Ainsworth spent a lot of money to get it built properly and safely. The Ainsworths do things by the book and make sure everything is right. They are great to work with.

Jessi Sloan: He did the plumbing on that project. The Ainsworths are good people and do things by the book.

Stephanie Brothersons: They aren't the only ones in the community with an issue. She doesn't doubt that Casey and Courtney are good people. What Casey's numbers are short on is the impact. It seems like a small portion but when last year there were back to back events from June until September that put a big damper on the Brothersons own family time in their back yard. The city has permitted it only for an airbnb, not for a reception hall or a wedding venue. The Ainsworth's county property is under 5 acres and is a nonconforming lot. You are not permitted to do what you are doing. Stephanie thinks your airbnb is doing great things for the community, but the nuisance you are providing by the Brothersons as a reception hall and a wedding is unpermitted and not legal. If the Ainsworths are trying to do things by the book, they haven't. These concerns have been talked about since 2022.

It was asked to Stephanie why she won't go 50/50 on a fence. She said they will put up their own fence at their own cost.

It was also asked what her biggest complaint is? She said she has a rave in her back yard every weekend through the summer and fall. It's loud and a nuisance.

Doug Stilson: He is Orangeville city council member and over Planning and Zoning. He is not picking sides just giving the Commission their experience on what has happened with a few clarifications. The area of nuisance that the Brothersons are speaking to is on county property. The barndominium and parking lot is in the city. Orangeville city has given the Ainsworths a business license to run an airbnb. The Ainsworths did ask in the Planning and zoning meeting to run an airbnb/wedding venue and short term rental. Orangeville issued a business license to operate an airbnb on city property. The events are happening on county property. The city attorney did talk to the county attorney and they both agree that it is a civil matter. As far as the statement that the city is not doing anything, that is incorrect. Doug and the mayor have visited with the Brothersons at their house. The city has gone through code books, looked at the laws, looked at the violations and as far as planning and zoning is concerned, the city council is concerned, the county attorney is concerned the Ainsworths are operating their business within the permits and licenses of the law. Are there times there are some unruly guests? Sure. But again that is a civil matter.

The city actually asked for a meeting with the Ainsworths and Brothersons to try and come to a conclusion. The Ainsworths showed up, the Brothersons refused to show up. The fence had been discussed and to do 50/50. The Brothersons refused. Doug had said there have been very very minimal complaints to the city by neighbors. If the two pirates are willing to work together, which Orangeville city has suggested and tried to provide and try to facilitate, Doug thinks they can reach some middle ground.

Seth Manning: He is Zoning administrator for Orangeville city. He passed out the standard operating procedures for the barndominium. The Ainsworths have been most cooperative with the city. Everything that they have asked Casey to do he has complied. He has never complained or argued. He has given the city everything that they have asked for.

7. Discuss/Approve/Deny Recommendation on Ainsworths/Brothersons to the Emery County Commission

This item will be tabled to the next meeting.

8. Discuss/Approve/Deny: Violation concerns with Hillard and Johnson properties.

Tyler said last week he went to the Commission meeting and specifically said he was there personally, not representing the Planning commission. Properties he wants to talk about: Wes Hillard property, Janelle Johnson property and Michael Christensen property. Some of the issues on those properties would be 6-6: which is illegal dwellings, 5-11-12: health and safety, 7-6-3: development of the property without approval, 6-15: number of dwellings. Tylers request is that the county give each one of them a notice to correct the violations that they are in violation of. It's a 30 day, if they can't correct those Tyler would like to move forward with a class A misdemeanor.

Gary said we will table this until Jim is here.

9. Discuss/Approve/Deny: General Plan

Nothing to report

10. Discuss any other Business:

No business

11. Adjourn:

Tyler made a motion to adjourn for the day.