

To: Mayor Smith, Tom Dansie, Rick Wixom and Town Council

RE: AUG 18, 2021 Planning Commission Denial of CUP on Frontier Plunder property

I am writing because I am concerned about instances where the Town doesn't seem to follow its own Town Code. We are a town of many differing opinions as well as many Codes, so the only way for decisions to be made fairly, is to make sure they are based on the Code, and not on emotion-based preferences or the many comments and opinions of the public.

On Aug 18, 2021, the CUP request made by Ryan Lee was denied by the Planning Commission. It appears that the decision might have been made not on any specific regulatory violations of the Town Code, but the denial was made because of several other reasons, i.e.

- 1) confusion about the specific requirements for granting the CUP
- 2) confusion about which Code Standards were applicable, based on the date of the application.
- 3) letters from citizens citing personal preferences, not violations of Code standards
- 4) comments made without citing the specific standards of the applicable Code.

This can be and is a confusing process to most citizens and even at times to some of our elected or appointed representatives. Comments that are based on preferences or opinions and not the applicant's adherence to the specific Code just add to the confusion. There is a time and place for those types of comments either during the process of writing of the Codes or during the Design Development Review. The purpose of the Conditional Use Permit meeting is not served when comments not pertaining to the Code become the subject of the discussion or worse, become the reason for denial of an application.

I hope that when this request comes before the Town Council, that the Council members will grant or deny this request based on the applicant's ability to show that he has met the standards outlined in the Town Code. Regardless of whether or not it's popular or people like or don't like it, the property owner has the right to develop their property within the Code. If an applicant is able to show that they have met the standards of the Code, the Town Council has the obligation to grant the CUP. The Code states that if all the standards are met, the CUP "shall be granted."

Respectfully,
Kristi Staker