



CACHE COUNTY CORPORATION
DEVELOPMENT SERVICES DEPARTMENT

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Planning Commission Minutes

03 January 2013

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Cache County Planning Commission

Minutes for 03 January 2013

Present: Chris Harrild, Josh Runhaar, Jason Watterson, Phillip Olsen, Leslie Larson, Rob Smith, Clair Ellis, Chris Allen, Denise Ciebien, Megan Izatt

Start Time: 5:30:00

Larson welcomed and **Ellis** gave opening remarks/pledge.

5:32:00

Minutes

Passed

Agenda

Passed

05:33:00

Regular Agenda:

Larson introduced the new council member **Rob Smith**.

#1 Elections of Planning Commission Chair and Vice-chair for 2013

Ellis nominated Leslie Larson for Chair; Allen seconded.

Smith motioned to close the nomination; Allen seconded; Passed 6, 0.

Larson nominated Chris Sands for Vice Chair.

Allen motioned to close the nominations; Smith seconded; Passed 6, 0.

Ellis motioned to elect Leslie Larson to chair and Chris Sands to vice chair; Watterson seconded; Passed 6, 0.

#2 Public Hearing: 5:45 – AT&T Hyrum Rezone (Justin Hadley)

Harrild reviewed Mr. Justin Hadley's request for a recommendation of approval to the County Council for a rezone to include the Public Infrastructure (PI) Overlay Zone on a .083 acre leased portion of an approximately 128 acre property located in the Agricultural (A-10) Zone at approximately 5800 South 2400 West, Hyrum. The existing tower is a 150 foot monopole and currently houses 5 antennas. Mr. Hadley would like to add 7 more antennas. Due to the ordinance change, a rezone is required to allow the additional antennas. There is no change in

height to the tower. Emergency access to the property is via a private road 3800 south. The approved access for any and all maintenance to the tower is from the county road 1800 West. No water is available for fire protection at the site but access is adequate. The water supply for fire protection will be provided by the Wellsville City Fire Department.

5:44:00

Smith motioned to open the public hearing; *Watterson* seconded; **Passed 6, 0.**

Staff and commission members discussed the wattage output from the tower and how it is regulated. The county does not regulate that, the FCC does. The neighbors were notified regarding this rezone.

Olsen motioned to close the public hearing; *Ellis* seconded; **Passed 6, 0.**

5:48:00

Ellis motioned to recommend approval of the AT&T Hyrum Rezone to the Cache County Council; *Smith* seconded; **Passed 6, 0.**

5:49:00

#4 Frandsen Media KVNU Tower Conditional Use Permit (Joe Chambers)

Harrild reviewed Mr. Joe Chambers request for approval of a conditional use permit (CUP) to allow a 100 foot tall monopole telecommunications tower with four locations for co-location of antennas to be located in the Public Infrastructure (PI) Overlay Zone at approximately 3000 South 4400 West, Wellsville. There are currently two other towers and an equipment shed located nearby. There is also a 10 foot tall tower located on top of the equipment shed that was never approved, however that can be addressed with this application. The Fire District has identified that the private access to this property is inadequate due to the lack of an all-weather, drivable surface. That existing access road will require improvement as identified by the Fire Department and the conditions of approval in the staff report.

Elna Hamilton we have a farm down there. The entry way that leads to this tower has a culvert and that has been smashed and at the other culvert the trout spawn there every year and I don't want that bothered. Also, they always push their snow into the area where we unload our animals.

Joe Chambers I don't know who "they" is when Mrs. Hamilton says "they" are smashing that culvert. Mr. Frandsen does have an agricultural background and if there are problems then we can address those. As far as the antenna that is on the building, Chris and I spoke earlier today and the fact that there isn't any record for that antenna does not shock me because the CUP for the erection of the equipment building and the two 350 foot tall towers occurred in 1981. And the addition of that tower isn't in excess of that and putting that tower in so that the signal could reach the station in Logan that would have been required back in 1981 but if it would help to bring everything into compliance, we are not opposed to that. I spoke with the engineer and the owner of the station and the preference would be to mount everything on the tower we are

seeking approval for. But the engineer I spoke too doesn't know if that can be done. We would like to put it all on the 100 foot but I can't make a commitment to doing that at this time.

Larson any other questions?

Mr. Chambers that picture of the road way with the divots that is actually going south and coming into the property but not to our buildings. I don't know if that makes a difference but just so it's oriented appropriately.

Staff and Commission members discussed the culvert and staff will check with the road department on the snow plow and try to resolve those issues of the smashed culvert.

Smith motioned to approve the KVNU Tower with the stated conditions and findings of fact; *Ellis* seconded; **Passed 6, 0.**

6:04

#3 Public Hearing: 6:00 pm – Amendments to Title 17

Harrild reviewed the proposed amendments to Title 17 and noted additional changes to Chapter 17.13: Mineral Extraction and Excavation (ME) Overlay.

6:08:00

Olsen motioned to open the public hearing for amendments to Title 17; *Watterson* seconded; **Passed 6, 0.**

Mr. Chambers I've always been concerned with the regulation of gravel pits at a county level. Aggregate removal is heavily regulated at the state level and there are significant regulations for site plans and reclamation, etc. I don't know if you are aware of them or not, but I can make staff aware of them if you would like. To the extent that you can, I would encourage you to not duplicate those regulations at a county level and add a significant cost on the operators of these facilities to comply with the state and then have to comply with the county. I know down in one community in Weber County, we've represented a company and they have had to pay significant legal fees simply to protect an existing non-forming use that they have in a gravel pit. Much of it has been the community's failure to recognize that the state is also regulating those areas. Finally after a significant amount of legal work and going up to the state Supreme Court the city has now taken the position that they are not interested in regulating the gravel pit anymore. I encourage you to take a look at that and would be happy to provide my time free of charge to help you do that. Most people aren't aware that most of the roads use aggregate material. Aggregate materials are used in several other capacities and having additional regulation jumps the cost. We are trying to jump start the economy and keeping construction material costs down will help with that.

Larson if there is a regulatory body that is providing standards and our standards are the same, how does that add any burden?

Mr. Chambers for example, the bonding requirement. It used to be sand and gravel pits were exempt from the mining code and because of that a lot of communities got involved with regulation regarding reclamation for those sand and gravel pits. There was a regulation that was put in place by DOGMA that changed the definition for sand and aggregate. If you have pure sand you are not subject to it. But anything over a particular size falls within the definition of DOGMA regulation. If my company that I represent has to put up a bond for the state and then has to do the same thing for the county it adds a cost to me; you're going to get it reclaimed under the state and so you don't need to have at the county level. It also makes regulation easier.

Larson would it be reasonable to have our ordinance state that it should be reasonable for the county to check and make sure a bond has been stated at either level?

Mr. Chambers I think if there is a bond at the state level then you aren't in need of one at the county level.

Larson right, so the county would just need to verify that.

Mr. Chambers Yes.

Ellis we do have cases where we know that there is regulation out there and one of the conditions will be that they comply with existing federal and state regulations.

Mr. Chambers air quality is done on a national level and a state level.

Ellis yeah, so if we had that stated we could be aware of that. I don't know if this change tonight gets into that or if it adds any regulation that we have.

Runhaar the mineral extraction code is needs to be amended because there are a number of concerns. We put in standards for what days they can operate and for hours of operation. That makes sense in a community setting, but if they are distant from residences we don't really care if they operate on a holiday or on a weekend. So those things need to be pulled out and put back into the CUP process. There are few things like that, but most of our requirements are site type requirements so we can see access, check cut and fill, and work with steep slopes. Most of the problems we have are dealing with reclamation and the problem of leaving of steep slopes adjacent to other properties, but none of that is in this amendment tonight.

Olsen to your knowledge how many gravel pits in the valley have to meet state code?

Mr. Chambers they all have to, there is not one that would be exempt.

Runhaar but only less than 1/4 of them because they are exempt due to being older than our regulations. So we don't regulate very many of them locally.

Mr. Chambers but they are not exempt of state regulations. We actually prepared a chart that this community was regulating down in Weber. One of them was slope stability and that is heavily regulated by the state. You can go around that if you seek out an engineer and they show that the slope stability is still there. Once you go to the state, if I wanted to mine something that

was steeper than a 1 to 1 slope then I have that logged with the state in an engineer's report. With all due respect then, I don't know why the county needs to regulate that when the state already is. In order to pull these reports together, it costs a lot of money. The engineers don't simply provide it without a fee, they charge for it because that is how they make a living. The regulations the state has should be sufficiently broad to cover most of the issues. The state doesn't regulate traffic or access but the vast majority of the reclamations issues, the bond, air quality, and a lot of the safety issues are already there through the state.

Staff and commission discussed the wording of legalizing lots.

Watterson motioned to close the public hearing; *Allen* seconded; **Passed 6, 0.**

Allen motioned to approve; *Smith* seconded; **Passed 6, 0.**

6:24:00

#5 PJM Animal Care Conditional Use Permit (Paul Mueller)

Ciebien recused herself due to her acquaintance with the applicant.

Harrild reviewed Mr. Paul Mueller's request for a CUP to allow a facility for the boarding, care, and training of dogs to be located in the Agricultural (A-10) Zone at approximately 1981 West 2200 South, Young Ward. Staff has received comment from neighbors adjacent to this property regarding concerns of noise and smell that may originate from the proposed use. The building would have kennels, indoor and outdoor play areas, a reception area, and utility room for food preparation, laundry, private dog suites, bathing/grooming room, and a customer/employee bathroom. The facility will be staffed at the equivalent of three full time non-resident employees. It will operate Monday-Friday from 7:00 a.m. to 7:00 p.m. and from 8:00 a.m. to 7:00 p.m. on weekends and holidays. The applicant currently operates a similar facility out of Logan City that houses an average of 30 dogs per day on week days and an average of 60 dogs per day on weekends and holidays. Adjacent properties likely to be impacted by the proposed facility are located in the Agricultural (A-10) zone and are identified on the attached maps. Staff is concerned with the size and impact of the proposed kennel in relation to the surrounding properties. This is also a big step from 4 dogs to 80 dogs, is not reflective of the sights, sounds, and smells of agriculture, and is of relatively greater impact on the adjacent properties than a kennel with smaller numbers of dogs may present. Access to the property is proposed to be from 2200 South. 2200 South is a 23 foot wide paved roadway with 1-2 foot wide gravel shoulders. The parking lot must contain a minimum of 3 parking spaces for a 4800 square foot building less the kennel boarding areas, at a rate of 1 parking space/250sf. An adequate, approved, domestic water right must be in place at the time of recordation and the proposed use is feasible for on-site septic tank system. Prior to installation a septic permit must be obtained from the Bear River Health Department. Staff is recommending denial based upon the stated findings of fact.

Staff and commission discussed finding of fact 1a and the wording "not necessary or desirable to the general well being of the area and the county."

Paul Mueller I appreciate the chance to present this to you. We based the parking spaces on my experience with Logan City. We really don't need 18 parking spaces and are willing to reduce

that number. There are at least 17 “cage-free” facilities along the Wasatch Front. Our existing facility in Logan (Cache valley Pet Hotel) has demonstrated customer desire for “cage-free” dog boarding in Cache Valley. We did start in an Industrial Zone (since rezoned to Commercial Service) yet residential neighbors complain about noise and odors. We do have less of an impact than permitted industrial zone uses. As far as the location of where we would like to relocate, we would like to be close to US 89/91 for customers heading to SLC and the airport, with easy access. We don’t want to be directly on the highway for the safety of the dogs. At the current location we do have several day use customers. We would like to continue to provide that service and would like to be close to Logan for that reason. That narrows our desired location down to the south end of Logan in the Nibley, College/Young Ward area. Siting is difficult as neighbors don’t want lots of dogs next door. Logan, Nibley, and Cache County require a CUP or special determination for kennels (not a permitted use in any zone). No zone is perfect for this type of use. We would like to have a “dog ranch” theme to our business with a barn-like building and large outdoor areas best suited to a rural location. This isn’t that different from other livestock operations. An ideal location would be a rural location with no nearby homes but this is very difficult to find in our desired vicinity. We will be an impact to nearby homes but should be less of an impact than the permitted agricultural operations such as a dairy, pig, or turkey farm. We have tried to design some mitigation into our building. It is going to look like a barn, and it will be an insulated building with play areas inside. A large plot of land provides decent buffer space and the plan is to use the unused portion of the land to continue to grow crops. We are also planning are using privacy fencing as well. We placed the parking lot adjacent to the closest home to act as another buffer. The dogs would also be brought in at 7 pm and we would regularly clean up feces. We do feel like this will contribute to the well being of the county because we are providing a necessary service, employing people, and generating tax revenue. We do not feel the use will be significantly detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or injurious to property in the vicinity. There will be some impact, but it is hard to find a location that we are aware of in the desired vicinity where these standards can be met. We would like to provide this needed service to the community and it is hard to do so without upsetting some neighbors. We have incorporated noise and odor mitigation and the impact is less than many other permitted operations in an A-10 zone. There should be an expectation of noise and odors in an agricultural zone, especially for those who have no “buffer” on their property around their homes.

Ellis can you please explain the complaints that Logan City have received?

Mr. Mueller we have gotten direct phone calls about noise, but not about odor that we know of. Then there have been some second hand complaints we have received through Animal control. Many of the noise complaints have come from the neighbors who are directly behind us. Some of the complaints are legitimate, but others are not because some are regarding barking at 5:30 in the morning and our dogs are not out at that time. The dogs do bark inside of the building from time to time, but I don’t see how that would be a major issue for properties next door.

Ellis that could be mitigated through sound proofing.

Mr. Mueller right, and the building that we are in is poorly insulated but the building that I plan to build would be well insulated.

Ellis for outside, the dogs are free to come and go. Sometimes the barking will set off a chain reaction?

Mr. Mueller right, the one neighbor does have dogs and so there is some barking through fence. I've tried to build a secondary fence and put in vegetation and that has helped somewhat to keep them off the fence barking at each other. Along the back fence we've installed tarps so the dogs don't see when kids are out playing and to reduce the visible aspects of that. As far as mitigating the sound transmission you would need something like freeway walls, something really tall that is a solid barrier. But I don't think those types of things would work.

Ellis and the odor, does that come from the building?

Mr. Mueller that would be urine and feces in the yard. Urine we obviously can't pick up and I don't notice it. Feces we pick up several times a day and I actually don't notice that.

Ellis would the outdoor area have vegetation within a couple of months?

Mr. Mueller that is hard to tell. I've tried to keep grass growing in the area where we are at but haven't been successful. I'm hoping that in the new facility we will be able to have vegetation, but I can't say for sure at this time.

Ellis it seems like the odor would also be due to concentration of the dogs.

Mr. Mueller yes.

Larson if you pick up the dog waste a couple of times a day, where does that go?

Mr. Mueller we have 5 gallon buckets with liners that we use and they do have a lid and once those are full we bag it and put it in the dumpster.

Larson have you tried sand?

Mr. Mueller there is sand in the current location and so the dogs play in that. It works pretty well but they do tramp it into the building. In terms of appearance it does look better than bare dirt but they do bring a lot of it in.

Smith your current facility is in an industrial zone?

Mr. Mueller when we first opened it was, but since then it has been changed to commercial service which now requires a CUP for a kennel.

Larson so you are running on a non-conforming use?

Mr. Mueller I guess we were grandfathered in when that was passed.

Kelly Olsen I live 500 feet from this facility, at the top of that map. My home is on an acre. He openly admits that he has had complaints with this facility that he is now in. He knows he is

going to have complaints and he knows that he is going to affect the neighborhood. I find it disturbing that an individual would come to an area around 7 to 8 o'clock and listen to the birds and listen to the silence and then say this would be a good place to disturb and irrevocably change what happens at this time of day. You asked about sound traveling and I don't know how far sound travels, but it is very quiet. We're not next to the highway and we don't have a steel stamping press and don't ever plan on having one thanks to these individuals here and so to compare the two is plain silly. This is an agricultural community; it's a very quiet community. And yes if you have a dog bark at eight o'clock at night you can hear it quite a ways away. Now he says he is going to have them all locked up at night, maybe you will hear them and maybe you won't. But by his own admission if one dog barks it sets the others off and if our dogs that are there hear it, it will set them off also for the rest of us. He additionally said he wants it close to the highway, but not too far so that people will come there. But by his own admission he wants it away from 89 for that occasional dog that gets away. By his own admission he is going to have dogs get out. We have cats, and other dogs, and a rooster and that's going to go over real well.

Larson Please address your comments to the commission.

Mr. Olsen by his own admission we're going to be having stray dogs on our property because he knows that they do get out. Additionally to say that this is more or less impactful than a dairy farm, I'm a dairy farmer and I have had stray dogs chase my cattle, are his dogs going to do that? Furthermore, I don't know about you folks, but dog odor is more impactful than cows. My cows don't bark at night, but dogs do. Dogs bark at night and make noise. I just find it annoying a little that he could come to that community and he could make the claim that these folks are on ¼ acre lots therefore they aren't entitled to quietness and that's what he indicates. They don't really have an expectation of being quite because they are only on ¼ acre lots. That home is over 100 years old and the next one is 30 to 40 years old. That's the two right next to him. There are old homes out there because the farmer lived there and the rest of the land was sold. Speaking of selling the land, you are setting a precedent. I've been battling, with my brother, the county on the evaluation of our land. They are valuing that land at \$43,000 an acre. Presently it is in greenbelt and if we sell the land it will roll back for 5 years and I will have to pay those taxes. Mr. Zollinger has been trying to sell his property at that price, and he hasn't been able to and there is no way that he will ever sell that property. The only way that will ever happen is when someone like Mr. Mueller comes along to make money on this land and then he irrevocably changes the value of our land forever. We now get taxed in that \$43,000 bracket. Eventually it will sell if you create a money making operation. I know there is probably a great need for a hound hotel but it doesn't have to be a hound hotel in a community. It doesn't have to be right next to a home. Cars will leave that facility by 7 o'clock at night and it is dark by then during the winter time and those lights will be in their windows. I ask you, I beg of you to consider the quality of life we enjoy. He says any impact wouldn't be favorable but if there is another home there it isn't going to impact us like 80 dogs. That's silly to say it won't irrevocably change the way we live out there. It will and I ask you to think about that and to deny based on the laws that are in place, thank you.

Darwin Hill my wife and I currently own and operate a kennel facility in Wellsville and have for over 26 years. We just recently completed a new facility 4 years ago that will board 19 dogs. Mr. Mueller's comments in the newspaper this morning are the reason I'm here. He indicated

that there is a market for this but we just went through the worst Christmas season. In the last 5 to 6 years every vet from Preston to Brigham has kennels. Some of them are even doing grooming. There is not a need that he indicates. I will question his counts and availability of dogs. I mean we have just slowly over the last 5 years gone down and down. If I had know what would happen with the price of gasoline I would never have invested \$80,000 in a new building. I have some questions about his facility. I was kind of appalled that it was shaped like barn because there will be echo in that building like you would never believe. There is a vet that has a similar shaped facility over by Macey's. They have two or three dogs and you can hear it; it will just be horrendous. And these dogs, the biggest problem that we have in our facility is when one dog goes home. When someone comes to get a dog in the evenings the other dogs start to bark and they will go ballistic until the office is quite. We don't turn them out like that. When we do we have outdoor runs and we have neighbors that have horses. If you put a dog out there and they bark, they all do. You cannot leave them. He's way under staffed. Me, my wife, and my granddaughter work our facility on the weekends and we work every hour and we don't have anywhere near that kind of volume. There are concerns from the people here in the neighborhood and they have issues and you can't turn those down. You can't turn those dogs out in an open area like he maintains you can. As soon as one barks, they all will. The noise will be horrendous. Just the volume and the market availability is not there. There is more and more people getting into it and we just went through a terrible holiday. The market is not there. I don't know where he comes up with his figures. These people should not be worried about 80 dogs but if they do then it will be horrendous. Thank you.

Larry Hansen I live just up the street from the applicant's proposed building. Plus I own most of the land around it. My son owns the house right next to this, the second house up the street. I sold him the house. The reason he liked it out here is because it is so quite. Dogs are not going to be quite. If you've ever been in the Bridgerland Animal Hospital, they bark 24 hours a day, they never stop. I asked the vet one time how they feel about that noise and he said they just keep the door closed. I guess it's a well insulated building because you can't hear it outside. There is a kennel up in the Hyrum north fields there, and I'm not sure how many dogs there are, but they bark all night long. It's going to be noisy. I have an exception with what he calls contributing to the well being of the area and I don't think that is even close to being correct. Also he says you can have a turkey farm, but there isn't a turkey farm and there probably never will be. There is even less dairy farms. I used to be a dairy farmer and if you are a small dairy farmer you aren't in business. It's also in Logan City's annexation area and I expect he will end up back in the city where he doesn't want to be if that happens and I expect that will happen. A buffer zone; there is no buffer zone if the house is right next to you. I don't think it's a good place for a dog kennel, maybe out in Paradise would be a good place.

Randy Jacobsen I live straight west of this proposed site. I don't know if you guys have driven out and seen this little spot right here, but several cars daily stop to look at the geese and the ducks. It is a very well used site for bird watchers. 80 dogs across the street and there aren't going to be ducks there. I have two dogs myself and the smell is bad. I take very good care of them, I don't have a need to board them. They are very well trained, I don't leave them. I don't know where you live sir but you don't want this in your backyard. I just invested I don't know how much money in a nice little home. 7 o'clock at night is when we are out in the yard enjoying our home. I have a nice yard and we have family over, if we have 80 dogs out there that will be gone. There will be no joy. We moved out here because it was a nice place. My

wife grew up kitty-corner from here and we moved back because it was a nice place. The home next door went up for sale as soon as they found out this facility was going in. If you want to drive people away, then allow this.

Valerie Hansen we moved out and knew there would be agricultural smells out there. We knew what we were getting into. I can handle the smell of the farms. Really I don't smell cows that often, it's not an annoying smell to me. I knew that is what I was going to have when I moved out there. I didn't intend to smell dogs. I do live two houses down from the proposed site. We do have chickens on the premise and we have them for a hobby and for eggs. We have had stray dogs come into our yard and wipe out 20 chickens in one morning and we have had to hold people accountable for that loss. I don't know if this gentleman is ready to handle that or not. Dogs do tend to like to chase birds and they do like to munch on them. Also we have a little flock of pheasants that live beyond the creek and we like to watch them. Because of the creek line and the pond area the noise does echo and it does amplify. It's not hard to hear my neighbors; it's not even really hard for me to hear down to Kelly's house. We can hear each other pretty well out there because the noise is amplified. I have concerns with having high traffic in that area. The county roads aren't very wide and there is no shoulder out there. In the winter we are one of last areas to be plowed out. Sometimes it's been a full 24 hours before we have been plowed out. It makes it very hard for me to travel on the road just to the highway and I plan on that. It's one of those things that we've become accustomed to. People come over there and drive the speed limit and will have accidents. There is no shoulder out there, there is no sidewalk. My kids ride their bikes out there and the increase of traffic is dangerous for them. An increase of 40 to 80 cars is a lot more cars on the road in that area. I have a friend that lives by the dog facility in Nibley and he said they house barely 20 dogs. The smell and the sound, if the wind blows, carries. On the containment issue, we go camping a lot and when we go camping we take a port-a-potty and it's contained but it does have a smell even if it is contained. Add a little heat to that and it really smells. Even with the buckets which contain it, it will still smell. I know that development is inevitability; I think if you put a dog kennel there it is going to hinder our community.

Hal Olsen I've lived here all my life. I'm a dairy farmer and he mentioned these dairy farms, all of them, were all there way before the residents started moving in. So when they moved in they knew what they were getting into. This is a facility that is not desirable to anyone in that area. When he talks about this not being detrimental to the health and welfare of this community, I totally disagree. It will be so very detrimental to our community and the way we live. I have 17 grandchildren and I live right in front of that little pond there and we enjoy the ducks and the geese. There are many birders parking there every day. There are numerous people that walk and run around that walk daily for their exercise. You and I both know that every time a dog sees something strange or different they are going to bark and those dogs will be out there all day long. I have two cattle dogs on my dairy that was away from most people on the other side of the building and anything, a skunk or anything came around those two set to barking so much so that my neighbor complained enough that I had to get rid of those dogs. What will happen or who will take care of the complaints when they do, and they will. Dogs bark and as soon as they do all of our dogs will bark as well. We enjoy that with our grandchildren and we talk about dogs getting loose and I worry for my grandchildren that are out there just 500 feet away. Our grandchildren visit us daily and they will be there and will be able to be chased or attacked by these stray dogs. When dogs get lose, they run and we all know that. There is no way you can

keep them from totally ever getting loose, you can't. Be honest if you are asking yourselves like we are, you would not want this facility next to you. This facility is not, I don't think it will be able to enhance or help our community in any way. When he talked about going next to a strip mall and worrying about the noise, that strip mall closes down at night and people go home. And yet he's worried about the people who are there for a few minutes for business. What about those of us that are there 24/7, around the clock? You will hear those dogs at all hours of the night. This will definitely be detrimental to our welfare, to our community, that we have grown and loved all of our lives. This is not something that will help the agricultural zone. It does not belong there. If that facility was to be built anywhere else, it needs to be in a zone where there are not these residential homes. I am a dairy farmer and I run all that land up and around there and I know what dogs do to my livestock. I've had baby calves killed by stray dogs that get loose. Just recently we've had 5 of them killed in the last year and a half. I've seen it happen. I plead with you to not allow this in this community, it has no place there.

Ellie Petersen I live west of this place. I live on 5 acres and we moved out there because we don't want to live in the city and we love it out there. I don't want something like this moving out there with my kids and my family. If you are coming down that street and you don't know that area, it's a sharp turn. There are going to be people stopping and causing accidents. It's hard for people to know where you are going on that road. To have something like that out there is something we do not want out there. I've been there 20 years and most everyone out there has been raised out there. This is not what we need in our community and we do not want something like this in our area.

Art Whitney I rent the home that I'm in and I love that area, but if this goes in I will move.

Lynette Hansen I do own property out there. I just want to emphasize the fact that a buffer zone is not going to help the noise. A fence is not going to help with barking dogs. I think we've all sat and listened to what they have to say but you can hear dogs barking and there is nothing more obnoxious. I want to be able to sit out and enjoy my deck during the day time when these dogs are out for free range and I won't be able to do that with barking dogs. So I just want to again plead with you to please deny this.

Larson any other comments? Thank you all for your presentations and thoughtfulness.

Mr. Mueller a pig farm can be a more, a permitted use at this location that would have more impact. In terms of our facility, yes they do bark. It's not like a boarding facility where they are boarded and stuck out in the run. The dogs that are barking at our facility are having fun but it's not so much the case where they are barking 24 hours. As far as the barking in the building we plan on having fiber glass insulation and that will help. In terms of numbers, the 80 number is a peak number for holidays, typically 1 or 2 nights around Thanksgiving and Christmas. Yes we will reach those numbers occasionally but that is not what we are expecting every day. Our best estimate is around 40 during non-peak times. Concerns about dogs getting loose, yes we cannot guarantee that the dogs will not get loose, it is a possibility. But these are well cared for domestic dogs not a stray dog out trying to survive. It's not that much of a sharp turn off the highway, less than a 45 degree turn. So those are the comments I had on that.

Ellis what would you guess the numbers would be for daycare?

Mr. Mueller at our current location it is half and half. But at this facility it would be less, maybe 5 to 10 dogs per day.

Ellis so traffic, people coming and going, 20 a day?

Mr. Mueller oh no.

Ellis cars coming and going, the daycare would be?

Mr. Mueller day care would be people dropping off and coming and picking them up the same day. On a busy day we would have 15 drop offs and pickups on a not busy day only 4 or 5, something like that.

Olsen have you looked at other locations?

Mr. Mueller looking for land that is available, there are limited locations. This is the best location to meet our timeline because we are out-growing our current facility and we would like to move sooner.

Staff and commission discussed the application. Many members of the commission didn't feel like a kennel is an agricultural use of the land. Also, in considering possible mitigation, there is not much that can be done regarding the smell of feces and urine and also the barking. The scale of this proposal is rather large for this area, if the proposal was for a smaller facility more members would be willing to work with it. Many members of the commission feel this application needs to be moved to a different zone or a more isolated location that wouldn't affect so many neighbors. However, one member also feels that if the problems can be mitigated then the commission doesn't really have the right to deny it. There obviously is a need for a facility like this or there wouldn't have been an application. With that said, this doesn't seem to fall under the sight, sounds, and smell of agriculture and people who live in this area were aware of the dairy farms and other agricultural uses in this area when they moved there. Listening to the public comment, the public comment reaffirms staff's determination. This is going to be difficult to mitigate, if not impossible. If this were denied tonight and the applicant were to reapply with a smaller proposal, staff would be willing to waive the fee but the applicant would have to start the process over and come back before this board again.

Larson is that a deal breaker for you if the dogs aren't allowed outside?

Mr. Mueller to be honest, yes. Our goal is to be able to allow the dogs outside.

Larson if that is a deal breaker for you, then we might as well proceed to a vote and not continue this. I don't know what mitigation can be done for barking.

Smith I don't see what mitigation can be done to avoid these impacts.

Mr. Mueller when I received the negative report, I looked at what we could do. We could move the building to the west and further from all the homes. That's one possibility. Another

possibility would be to have a smaller facility without as many dogs and I would have to look at that from a business perspective so I can still be viable. Another possibility would be to have certain hours a day where the dogs are allowed outside and then they would be inside the rest of the time. Those are the kinds of things I was thinking so that I can still make this a viable business plan.

Ellis would you like 60 to 90 days to develop those strategies and come back?

Mr. Mueller I think 30 would be enough to come up with an alternate plan.

Larson I think that would work.

*Ellis motioned to continue the item up to 90 days: **motion died due to lack of a second.***

*Smith motioned to deny the application as it has been submitted with the amended conditions and findings of fact; **Olsen seconded; Passed 5, 1 (Ellis voted nay).***

*Ellis motioned to extend the meeting to 8:15; **Smith seconded; Passed 6, 0.***

#6 Discussion: Ordinance Amendments

Runhaar discussed height limitations. Currently the ordinance has no height restrictions for rooftop equipment, towers, steeples, chimneys, smoke stacks, water tanks, wireless or television masts, silos, solar collectors, windmills, etc. Staff would like to see some sort of review process for height limitations. Staff's concerns are more directed to the commercial aspects of height limitations. Commission members would like the ordinance to be as agriculturally friendly as possible. Telecommunications facilities were discussed. Staff would like to initiate a rezone for all existing tower sites and see them brought into compliance with the ordinance. Co-location options would be added which would mean that to add an antenna would be an administrative approval. If the applicant wants to add a structure or height to the tower it would trigger a conditional use permit. The FCC requirements would still be applied to co-location requests as well. Staff would like to build some requirements for design, setback, and height requirements into the ordinance. Parking standards were discussed. Staff is going to do a general cleanup of the existing requirements. It will maintain some basic parking ratios for commercial and industrial uses but staff will develop a suitable parking performance standard. Constitutional takings will be removed from Title 17 and reinserted into the general County Code. There has been an increase of the Commission requiring lighting conditions on permits. Staff would like to build some lighting requirements into the ordinance. The county's signage ordinance needs revision. There needs to be a general update and a first amendment conformance review. The county also needs to deal with sign lighting and EMD's.

8:20:00

Adjourned