



Item

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1. Ronald Jensen Subdivision 2nd Amendment 2

2. Title 17.07.030 – Kennels. 2

1 **Present:** Stephanie Nelson, Chris Harrild, Josh Runhaar, Rob Smith, Leslie Larson, Jason Watterson,
2 Lane Parker, Brady Christensen, Jon White, Tony Baird

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4 **Start Time:** 05:30:00

5
6 **Smith** welcomed and **Watterson** gave opening remarks

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8 **05:31:00**

9
10 **Agenda**

11 Approved with no changes.

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13 **Minutes**

14 Approved with no changes.

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16 **05:33:000**

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18 **Consent Agenda**

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20 **#1 Ronald Jenson Subdivision 2nd Amendment (Susanne Moore)**

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22 Susanne Moore is requesting a recommendation of approval to the County Council to separate an existing
23 residence from agricultural property and an adjustment of the subdivision boundary on 77.22 acres of
24 property in the Agricultural (A10) Zone located at approximately 2207 South Highway 23, south of
25 Mendon.

26
27 **Paul Pierson** I just want to know what is going on because this is right in our back yard and what the
28 plan is.

29
30 **Harrild** there are two things happening, first, they are going to divide this piece so it is separate from the
31 larger agricultural piece. Second, all the legal descriptions for the parcels were inaccurate and drawn
32 incorrectly on the original plat so they are also correcting those boundaries. There will be no additional
33 homes.

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35 *Larson motioned to approve the consent agenda; Christensen seconded; Passed 5, 0.*

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37 **05:38:00**

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39 **Regular Action Items**

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41 **#2 Title 17.07.030 – Kennels**

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43 **Harrild** reviewed the changes to Title 17.07.030 – Kennels with the Commissioners. Setbacks were
44 discussed. Based on the information staff was able to identify that a kennel has a typical loudness of 110-
45 124 decibels. From a distance of 50 feet, the corresponding loudness of the kennel is 90 decibels. This
46 decrease continues the farther you get from the site. The provided chart references typical occupational
47 noise levels that pose a safety risk. When talking about sound pollution for neighborhoods/residential
48 areas it is approached as a nuisance and not strictly a safety issue. However, the activities identified
49 provide an idea of how loud certain items may be. For example, a chain saw, rock concerts/concerts, etc.
50 At 500 feet it would be 70 decibels – the approximate maximum level where hearing damage is not likely
51 to occur. The calculations also do not account for vegetation, screening, or other obstructions.

1 In pursuing the use of setbacks as a method to address impacts, a likely minimum based on noise levels of
2 approximately 70 decibels would require a minimum of 13.68 acres for a kennel. It became apparent that
3 while that may work, it doesn't appear to be a fair or appropriate measure and so staff started looking for
4 other ways to mitigate reasonably expected impacts. Following a multi-county and city review, the
5 approach of both a setback and performance standard was considered. Currently there is a setback
6 requirement of 50 feet for animal confinement from natural water ways and 20 feet away from any
7 dwellings.

8 The current definition of Animal Confinement is vague enough to include pigs, other livestock, or dogs,
9 and it may be best to revise it.

10 The intent in amending this piece of ordinance is to improve the consistency of Planning Commission
11 decisions. There is a history of the Planning Commission denying large kennel requests. It would be
12 helpful for all involved if the ordinance reflected the existing pattern evident in the decisions of the
13 Commission. Initially the Commission considered limiting the number of dogs allowed, however, that
14 also appeared to be an inadequate measure. With the proposed amendment, staff suggests that noise
15 levels from a kennel shall not exceed 10 decibels above the ambient noise levels at the property line. This
16 allows applicants consider mitigation measures and identify a plan to mitigate impacts. A minimum 50
17 foot setback is also recommended to help with mitigation of odor issues. Additionally, a home based
18 kennel must be secondary to a single family dwelling. That is in contrast to a commercial kennel, which
19 would be a primary use, but still allow a caretakers residence if necessary.

20 There is also language in the ordinance that provides flexibility to the Commission and to staff in
21 determining if the application qualifies as a home based kennel or a commercial kennel. If the applicant
22 does not like staff's determination then they can come before the Planning Commission. A commercial
23 kennel is something like Four Paws and is usually located in a commercial zone. A home based kennel is
24 located in the agricultural or residential area. Staff rarely gets a complaint about a family that has 5 to 6
25 dogs but does receive complaints regularly for people who have 30 to 40 dogs. Staff is starting to see a
26 slow uptick in the number of applications for kennels because cities are really starting to crack down on
27 animals within city limits.

28 It appears that a performance based system will best help to deal with the nuisance issue. For some
29 people 1 dog is a nuisance but for others 20 dogs might not be a nuisance. Applications would require a
30 sound assessment to help determine how the kennel is going to impact or not impact the neighbors.
31 Perhaps we can raise the limit of the number of dogs that can be permitted administratively so that those
32 with a smaller number of dogs don't have to go to an extreme length to prove they are not a nuisance.
33 However, there still needs to be a nuisance component to the ordinance. The performance based standard
34 focuses back on the impacts and how to best mitigate them. There is a separate piece of code that
35 requires a kennel license has to be for 4 dogs. Staff would suggest that up to 6 dogs, Household Pets,
36 may be approved administratively. As long as there is no overnight boarding at the home it could be
37 approved administratively. If they are over 6 dogs, that is when a sound study must be completed and
38 Commission approval obtained. If you put an administrative level of authority in to the ordinance then it
39 allows those who have 4 to 6 dogs a way to be able to actually do the kennel permit for a home based
40 business. If they want more dogs then that, then the burden of proof is on the applicant and they need to
41 show that there are no more detrimental effects that can't be mitigated. All the applications will depend
42 on context. Staff will make the necessary revisions for review at the next meeting.

43
44 **06:37:00**

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46 **Staff Reports**

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48 **Harrild** there will be a webinar on conditional use permits. Jason Watterson can address the specifics.

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50 **Watterson** my company is actually holding the webinar for most of the local governments in the state.
51 There will be quarterly land use webinars. They are recorded and can be viewed at other times if you

1 cannot make the live session. Jim Wright's the attorney from the Ombudsman's office will be presenting
2 and he is very knowledgeable about conditional use permit process.

3
4 **Runhaar** We don't believe Cherry Peak will be opening this year but haven't confirmed that. Their
5 building is not completed. We are actually looking at shutting their site down for noncompliance with
6 building code. The other thing is Autonomous Solutions, we haven't heard from them. I have tried to get
7 a hold of their attorney but will try again. I want to see what their plan is and if they decide to do nothing
8 we will issue a notice of violation, and if they continue to do nothing a final notice will be served.

9
10 **Larson** you should issue a first notice anyway.

11
12 **Runhaar** we are trying to be nice but they have been before this Board. We will move ahead and issue
13 the initial notice.

14
15 **Larson** I listened to a snippet of an interview with Kathy Robison and she stated one of her first priorities
16 was to designate zones for RU2 and RU5. We might want to meet with her because I don't believe we
17 wanted those designated on a map.

18
19 **Runhaar** no, I don't think that is what she necessarily wants but she does want requirements for those
20 zones.

21
22 **Staff and Commission** discussed the need/revision for a working general plan. It doesn't have to be a
23 200 page document. If done correctly it can be a short concise document. The cost of providing services
24 needs to be considered. It will give direction of what the cost/revenue difference is and will give a better
25 an idea of where development should go. Staff prepared and presented the numbers for what it costs to
26 build roads/homes in more remote areas of the county and that information appears to be discounted.
27 However if someone from outside of the county/valley were to come in and present a fiscal analysis for
28 road construction cost/development cost it bears more weight. While the county was involved in
29 Envision Cache Valley, it is too broad of a plan to apply. The plan needs to be more specific and
30 meaningful to the county and they need to be able to be implemented. The land use plan and
31 transportation plans go hand in hand. It's very hard to have a transportation plan that doesn't work with
32 land use. The county's plan for development right now is we go to the end of the road and put a house
33 down. That means there is about 1/2 of road of no other development. The county can't keep doing that.
34 The county loses more money trying to service those types of homes/developments and it can't keep
35 going and have the county remain solvent. The county has already spent nearly \$15,000 in maintenance
36 costs on the road to Cherry Peak and the ski resort hasn't even opened. The county was required to fix
37 the roads and culverts down below and couldn't require the ski resort to do that because it was outside
38 their scope. Every time a snow plow has to go up there it costs roughly \$700. Staff has made
39 recommendations in the past based on the cost of development and the Commission didn't like that and
40 asked staff not to do that anymore. Staff can prepare documents that give the cost of development but
41 people have to be willing to stick to the decision to also consider development based on cost. The other
42 sticking point is that people own land where they own land and it's not always adjacent to cities.
43 Commissioners would like to see a short concise document on what things cost so that when they go to
44 make decisions they can weigh the entire financial burden on the County as a development cost. That
45 would also help new members coming onto the Board to understand the cost of development for the
46 County.

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48 **07:19:00**

49
50 **Adjourned**