



**PLANNING COMMISSION MINUTES**

**05 FEBRUARY 2015**

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**Present:** Stephanie Nelson, Chris Harrild, Josh Runhaar, Chris Sands, Phillip Olsen, Jason Watterson, Lane Parker, Brady Christensen, Jon White, Tony Baird

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

**Sands** welcomed and **Parker** gave opening remarks

**05:33:00**

### Agenda

Approved with the removal of item #3.

### Minutes

Approved with no changes.

**05:34:000**

### #1 Title 17.07.030 – Kennels

**Harrild** reviewed the changes discussed from the last meeting. There are definitions for boarding facilities, household pet, homes based kennel, and commercial kennel/animal shelter. For a home based kennel they may have up to twelve (12) adult dogs that are boarded, groomed, bred, raised, and/or otherwise kept but will also require that the applicant have a setback minimum of 50 feet, noise levels shall not exceed 10 decibels above the ambient noise levels at the property line. For a commercial kennel/animal shelter they may have 13 or more adult dogs or cats. They will be required to have a minimum of 50 feet setback and a minimum of 20 feet from a Caretaker's residence, and noise levels from the kennel shall not exceed 10 decibels above the ambient noise levels at the property line. Definitions for a adult dogs and adult cats were added. The sections to be deleted are 17.10.050[A][2] animal confinement.

***Watterson** motioned to recommend approval to the County Council for the proposed changes to the kennel ordinance; **Parker** seconded; **Passed 5, 0.***

**05:44:00**

### #2 Discussion: Title 17.23 – Signs

**Harrild** reviewed section 17.23 of the signage ordinance. Things marked in red are a violation of the 1<sup>st</sup> amendment and needs to be changed so the county doesn't get sued over the ordinance.

**05:45:00**

### Pine Canyon Gravel Pit

**John Sather** I'm with Whitaker Constructions and I wanted to discuss an addendum to the permit for the Pine Valley Gravel Pit. We would like to use the aggregate from our pit to do the road improvements. We would not open for business before those improvements were completed and the canal company is fine with the widening of the road.

**Sands** what did you find out from your borings?

**Mr. Sather** I've been told there are good structural fill under the road and there is good gravel there. We would rather use our own source materials if you are agreeable.

**Sands** do you have an estimate on how much the road improvements will be?

**Mr. Sather** we have not because it depends on the tests.

**Harrild** once we get the test results our engineer will look at it and determine what improvements need to be done.

**Mr. Sather** we are going to stand behind this and we want to do it right the first time and be a good neighbor and partner to the county.

Staff and commission discussed Whitaker pulling the aggregate from the pit before the pit opens. Staff feels this is a reasonable request and wanted to inform the Planning Commission of the request. Staff has no problems and neither does the commission.

**Mr. Sather** we are going to still be putting our bond up and everything for security.

**05:50:00**

**Harrild** if you look at the code and all that is marked in red, it guts the code and this code needs some real work. Included in the packet is an information sheet from the League of Minnesota Cities. The information is broken down into different areas and the suggestions made by the League of Minnesota Cities help sign ordinances to stand on their own and not get the counties/governments in trouble.

Staff and Commission discussed signage. The county has typically allowed off-road signage and most of the major roadways in the Cache County fall under regulations that state there can be no signage unless the property is a commercial property. There are most likely a number of signs that are illegal under the current ordinance and would probably still be in violation even with the proposed changes simply because they were put up without the proper permits/permissions. This ordinance is going to take quite a bit of time work through due to the nature of needing to conform with state code, federal code, and first amendment protections.

**Harrild** state code does require that if companies/persons of interest want notification of a change to the ordinance they write a letter and YESCO submitted a letter a couple of years ago. So staff and the commission will work through the ordinance and then will hold a public hearing and invite YESCO to that hearing.

Staff and commission discussed Highway 89 from Logan to the Idaho border. Between Smithfield and Logan there are areas of the highway that falls within the county jurisdiction but it is hard to know where the cities begin and the county ends. There is also a difference between billboards and real estate signs. Real estate signs pertain to that particular property generally and are treated different for signage for an off-premise business location. Staff is working on this and is going to try to find a good middle ground for the county and those interested in signage on county roads.

**06:05:00**

**Staff Reports**

**Harrild** a request came in from AT&T near the Cox Honey. They are requesting a 100 foot tower and the county currently only allows 45 feet. The other issue is that if the tower is 100 feet tall there needs to be a 100 foot setback. With this project there would also needs to be an agreement with Logan City. The only way to give an avariance for that height requirement is if the location of the tower somehow detracts from the tower itself. AT&T just wanted to see if there was any chance of an avariance on the height and if not they wouldn't bring it before the commission.

Most Commission members expressed negative feelings regarding a tower of that height in that location. There is a tower located at the old Buttar's tractors site. Staff believes that that location is in Logan City but will check on the tower there.

**#4 Training: Conditional Use Permit Webinar**

The commission watched a webinar training for conditional use permits (CUPs).

The difference between legislative and administrative decisions was discussed between staff and commissioners. A legislative decision is something like a rezone or when the Planning Commission recommends approval to the County Council for an ordinance change. Administrative decisions are conditional use permits. The Wild Bunch Kennel was an administrative decision. When the applicant appealed it went before the Board of Adjustments who upheld the Planning Commission's decision. The applicant has since appealed the Board of Adjustments decision to the Court of Appeals. That decision of denial was an administrative action.

**06:58:00**

**Adjourned.**