



PLANNING COMMISSION MINUTES

07 JANUARY 2016

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Present: Jacob Adams, Chris Harrild, Josh Runhaar, Jason Watterson, Chris Sands, Lane Parker, Leslie Larson, Brady Christensen, Jon White, Lee Edwards, Megan Izatt

Start Time: 05:32:00

Sands welcomed and **Watterson** gave opening remarks

05:35:00

Agenda

Approved and adopted with no changes.

Minutes

Approved and adopted with no changes.

05:35:000

Consent Agenda Items

#1 Hepner CUP (Ronald Hepner)

Mr. Ronald Hepner is requesting approval for a conditional use permit (CUP) to allow an accessory apartment in a single dwelling located on 10 acres of property at 815 North Highway 23 in the Agricultural (A10) Zone.

#2 Victor Israelsen Subdivision 1st Amendment (Andrew Israelsen)

Mr. Andrew Israelsen is requesting approval to add an additional buildable lot to an existing 1-lot subdivision located on 38.01 acres of property at 1795 South 2400 west, west of Logan in the Agricultural (A10) Zone.

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

05:37:00

Regular Action Items

#3 Public Hearing 5:40 p.m. – Whittier Rezone (Dick and Betty Whittier)

Harrild reviewed Dick and Betty Whittier’s request for a recommendation of approval to the County Council for the rezone of 5 acres of property from the Agricultural (A10) Zone to the Rural (RU2) Zone, located at 580 South 3200 West, West of Logan. Within a one-mile radius of this property, the surrounding parcels reflect an average parcel size of 19.4 acres, and an average parcel size of 9.9 acres of properties with a dwelling. Access to the property is from county roads 600 south (Mendon Road) and 3200 West and is adequate. With this rezone the proponent would be allowed 1 (one) more buildable lot.

Mr. Dick Whittier we feel like this rezone request is in line with the county ordinance to allow residential development in this area. We don’t see that there would be an impediment for adjacent agricultural uses. The only concern we have would be with further development and the need for a

culvert across the road for the ditch. We feel like this fits with the rest of the area and the density for moderate housing. The intent is for one of our sons to build a home there.

05:44:00

Larson motioned to open the public hearing for the Whittier Rezone; Watterson seconded; Passed 5, 0.

Mr. Bruce Smith I would like to speak in favor of this rezone. I think it meets all the criteria for the proposed rezone and gives the Whittier's additional options for the use of their property.

Kurt Pinder my concern is that a lot of the property is A10 and I think that is hurting our area. I think this is a good change for the bigger agricultural equipment. It's harder to use that bigger equipment on small pieces. I think putting houses on an acre or a two acre piece is the direction that we need to move.

05:47:00

Watterson motioned to close the public hearing; Larson seconded; Passed 5, 0.

Commission members expressed concerns with the general idea of placing a RU zone in an agricultural area. However, for this application this rezone seems to be consistent with past decision and a good fit for this area.

Christensen motioned to recommend approval for the Whittier Rezone with the finding that

"1. The location of the subject property is compatible with the purpose of the Rural (RU2) Zone as identified under §17.08.030[A] of the Cache County Code as it:

- a. Allows for residential development in a moderately dense pattern that can allow for rural subdivisions without impeding adjacent agricultural uses.*
- b. Is served by suitable public roads."*

Watterson seconded; Passed 5, 0.

05:50:00

#4 Whisper Ridge CUP (Dan Lockwood, Tommy Keating, Cortland Lockwood)

Harrild reviewed Mr. Dan Lockwood, Tommy Keating, and Cortland Lockwood's request for approval for a conditional use permit to allow guided cat skiing on ~30,000 acres of property located in the Blacksmith Fork/Scare Canyon area. This request is located in the FR-40 zone and is a permitted use for this zone. There are cabins located on some of the parcels but they are not part of this proposal. The remaining parcels are vacant. Each snow cat will typically carry 12 customers who will be transported via snow cat from the Paradise Dry Road to the ski areas on private property. There are no specific ski sites identified. For year 1 it will be ~30,000 acres in use. For subsequent years additional acreage may be added but that would have to come back to the Planning Commission for approval. For the first year there will be approximately 15 employees; structures will be a mobile shop located at the base site. In subsequent years multiple yurts and/or cabin sites may be built but will require the approval of the Planning Commission for that step. For equipment they will have 3 snow cats, 2 snowmobiles, 2 ATVS for the first year. For active operations they expect to be open from December 1- April 15 each year dependent on the weather from 7 a.m. to 5 p.m., 7 days a week, including holidays. Maintenance and snow road construction may take place 24 hours a day. There will be occasional deliveries of catered food to clients at the base site. Explosives will be transported and kept near avalanche terrain/ski patrol areas. Placement of two ATF approved "bomb boxes" for said explosives will be coordinated with the ATF. The boxes will be stocked and utilized by ATF certified/approved technicians. A blasting permit

from the Utah State Fire Marshall for avalanche control is required. A copy of this permit must be submitted to the Development Services Department prior to any blasting. The property will be signed with general "No Trespassing" signs and with "Warning" signs in avalanche control areas. All garbage will be packed out daily. Portable toilet(s) will be enclosed in wooden structure and placed on skis and transported to locations central to skiing activity. Vehicle parking for clients and the proponent will be located at the base site. The identified parking areas would accommodate more than 50 vehicles. Snow cat parking is identified separately. Members of the snow cat staff have search and rescue training. In emergency/trauma situations air evacuation will be used. Life Flight and Air Med have been notified of the proposed operation. A smaller, rescue snow cat will also be present with a trauma pack and backboards if necessary. Emergency services for back country areas are handled by Cache County Search and Rescue. Access to the base site is via county roads East 11000 South, South 800 East, East 10600 South, and Paradise Dry Road. The county performs winter maintenance on these roadways with the exception of Paradise Dry Road. Some portions of the roads do not meet the county roadway standards but staff is recommending a design exception for those portions. This exception is based on the anticipated number of trips per day creating a minimal impact equal to 16-20 average trips daily (ADT); use by skiers is limited and controlled by the number of open seats in the snow cats, and will typically consist of said persons arriving and departing only once to and from the site; no built structures are proposed or in use, and therefore there is not a need to provide tender truck access for fire suppression; and this is a seasonal winter operation.

Commission members asked about impacts to wildlife. There will be no wildlife study required for this; the area is all privately owned land. Portions of the road will be muddy beginning in March and could cause problems. Where the road is paved it meets the county road standards, but once the road turns to gravel it does not. The section from the end of the paved road to the parking area is about 1.7 miles. This proposed area is owned by 3 landowners and from staff's understanding this will be downhill powder skiing.

Mr. Dan Lockwood as far as the road goes, we feel pretty good about it. We travel that road as a family and have for the last 12 years. The mud concerns happen more in the late spring and by that time our operations are basically down.

Sands are there key areas that you will be traveling to?

Mr. Lockwood yes.

Sands it would be helpful for the commission to know where those areas and how close they are to adjacent properties, etc.

Mr. Lockwood I can show you on the aerial photos (identifies area east of Paradise City).

Parker so most of the area you are concentrating on is in the interior areas of the outlined land? You aren't near other properties then.

Mr. Lockwood that is right. We had looked at accessing through Monte Cristo and Ant Flat road but that drive in a cat is 1 hour and that is too long of a drive so we switched to coming in through Paradise. We go up and vet the runs and everything.

Parker has this area been closed to snowmobiling and will it be for this?

Mr. Lockwood it's closed now and I believe always has been.

Staff has received one public comment in writing in opposition to this due to the pristine nature of the area.

Glen Thornley I have a couple of minor questions but do speak in favor of it. I have some questions on wildlife and how it will affect this area. Yes, the wildlife is on private property but was here before this. I'm not an environmentalist or a hunter, but I have a great deal of respect for the wildlife and think we should be respectful of that.

Jon White it is winter range and the same people that are skiing on it own the winter range.

Mr. Thornley I am very interested in keeping county roads open to the public and will that road be open up to that same point during the summer or will it be closed due to these interests? There are problems in the area from Blacksmith Fork to Weber County with County owned roads being closed.

Harrild it is county road to beyond the cabin. The road is not maintained up to the cabin; typically it is maintained up to the parking area.

Lynn Shelton I live at the west end of this proposed project. If this is approved, the idea is already written on paper, but when this is approved it kind of grants approval for the next steps of what they have planned. There is a water supply up there for our family and in the past the property owners have sprayed weed killer and done burns and haven't notified us. I would like to be able to get contact information for the property owners. Who is responsible for those kinds of things; the users or the property owners? Can you tell me is our spring on this proposed use area?

Harrild I don't know where that spring is.

Mr. Shelton I just want to make sure our spring is taken care of.

White your spring is enclosed in these 30,000 acres.

Mr. Shelton ok. I just want to voice the concerns and take care of our water supply. This is a peaceful good place to live and there is no road maintenance beyond where the bus comes. I don't have any major opposition for this but I do have some concerns regarding noise for maintenance and hours of operation. If the noise comes to where I live, is it under different rules? As the foot is in the door and the cabins are done, is that going to change?

Harrild that will have to come back here for approval before that can be done.

Mr. Shelton ok, will there be more public meetings?

Sands not necessarily.

Mr. Shelton ok, and who do I contact if there are repercussions to our water supply?

Harrild you will want to talk to the State water engineer, Will Atkin.

Mr. Shelton When that helicopter flew over to spray; there wasn't anybody I could really talk to, to stop that. I don't think Mr. Will Atkin is going to be able to do that.

Runhaar leave the information with us and we will try and get you a name.

Paul Rochel I am representing Scare Canyon and Scare Canyon does not have a position for this. In looking into this, it seems like one of the operators has a history of criminal activity, so we ask that you please regulate the use. We want them to stay within their boundaries, guides to be with their clients at all times and to please not extend this use into the summer as a protection for wildlife.

Cole Evans in here it says there will be signage on the property, will you make sure that signage is on both sides? Thank you.

Paul Milligan I am a Scare Canyon owner near the gate. I don't like the idea of the whole 30,000 acres. If they are only going to ski on one side of the mountain, then why the need for the whole 30,000; why couldn't it be sized down? It could be reduced a long ways and us Scare Canyon owners would feel a lot better with not having that right on our fence.

Harrild we cannot require that. That is up to the property owner to make that determination.

Walter Wallace I am in Scare Canyon also. I would like to see a map that shows where our borders are and where their borders are and where the out of bound zones are. That would help a lot; I think that would show everyone where they plan on doing their recreation at. All these zoning maps do not exactly show the outlined borders; if we could show both of the borders and the out of bounds zones it would shed a lot of light on the project. If the applicant does provide that, how would we find out about that and see it?

Harrild our mapping department has already laid out the boundaries and it's just a matter of making the digital map available to you. It will be made available on-line and I will talk to our GIS department and see if we can make it so everyone can see it.

Mr. Wallace I am concerned also with the 30,000 acres and the small area that is actually powdered zoned.

White couldn't the out of bound zone be so that it can't be within 300 yards of the border?

Mr. Wallace the people setting this up knows what the out of bounds are; they are safety areas for the skiers to know where they can't go. This isn't a property line thing but a zone where the skiers and the operators can be safe.

Tommy Keating when Dan was showing the area that we plan to use, we are going to stay well away from Scare Canyon's property or anyone else's property. This is going to be a controlled guided thing and we want a good relationship with our neighbors. They will be fully contained in our area.

Sands if you could develop a map that showed the area that you were mainly going to use I think it would help address some of the concerns.

Larson I would add to that, that the only need for a buffer is for a demonstrated impact on the neighbors. So that is step one if there is a demonstrated impact and if there is then a buffer would be appropriate. But currently they can use their property up until the edge on a snowmobile which is louder than a snow cat. Before we spend a lot of time on that I think the preliminary question should be addressed.

Sands what are your thoughts about developing a map?

Mr. Lockwood our property lines are our boundary. We don't plan to be near that in most of those areas but we don't know where we are going to be at any given time but it will be on our property. This is very

developmental and we haven't done this before. We have gone up and tried to determine where we think the best skiing is but are still working on that. To give you an idea of what that looks like, we don't drop them off and leave them. There is a driver, a lead guide, a tail guide, a staff guide and then the clients. These are GPS-ed runs that have already been vetted. What we are offering is a first track powder experience. This is all backcountry powder skiing. This is a very controlled experience and we've hired good guides and lean on Tommy for those things. We have looked at this really hard but I do understand Scare Canyon's concerns. We are talking about 30,000 acres with 3 snow cats and that means 30 to 32 people at a time. The landowners are also concerned about the wildlife and we are skiing on north facing slopes that wildlife has long abandoned for winter use.

Staff and Commission discussed the road concerns. Staff does not know the roads well enough personally and is relying on the road department for their knowledge and expertise for the design exemption. If there are concerns about impacts on the road, the Planning Commission can limit the number of cats that the operation can have and if they want more than that number they would have to come back to the Planning Commission.

Larson trying to figure out numbers, so if 5 cats held 50 people and everyone came in their own car; you have parking for up to 50. So you put 50 people in two cats? How are you operating?

Mr. Lockwood these groups have to book well in advanced and then we have a discussion with them on how we are getting there. Typically we will be leading them so there are 4 to 6 people depending on the size of vehicle. If we had 8 to 10 cars with 6 people in them that is 60 people and that is where that number came from. People don't typically ski alone.

Larson I get all of that; I have a lot of experience with this kind of skiing. But I also know that sometimes you will have a cat that is picking up and dropping off so you will be running two cats.

Mr. Lockwood typically that is not how we run.

Larson ok, in trying to come up with a rational reason for limiting the number of cats, it seems that 4 cats would be rational given the parking situation.

Sands do you understand why we are discussing this? You are applying for a design exception which is based on a limited amount of traffic and the concern the county has is about the deterioration of the road. That is why this is being discussed.

Staff and commission discussed the number of cats and how to approve this. Sands recommended that the application be approved based on the year one proposal and then see what happens and the applicant can come back if needed.

Larson motioned to approve the Whisper Ridge CUP with the edit to condition #5 to read as follows "5. Any expansion or modification of the proposed use identified to occur in "subsequent years" as identified by the proponent and summarized in the staff report, including but not limited to the use and/or development of any yurt and/or cabin sites or fuel and maintenance structures, or change in the base of operations and access to the noted properties, shall require the approval of the designated land use authority."

Parker seconded; **Passed 5, 0.**

07:02:00

#5 Esplin Andersen Subdivision (Dennis Andersen)

Harrild reviewed Mr. Dennis Andersen's request for a recommendation of approval for a 3-lot subdivision on 5 acres of property located at 4560 North 400 west, west of Smithfield in the Agricultural (A10) Zone. This began as an enforcement issue when the building to the north was being used for small engine repair. In the process to correct the enforcement issue they have had to cease operation until the violation is addressed. They are trying to subdivide the property and then do a rezone and CUP. Access to the lots is from county roads West 4600 North and North 400 West. West 4600 North does not meet the minimum county standard. However staff recommends that a design exception be granted for the substandard portions of West 4600 North as the total road width meets the minimum standard, and it is not practical to construct a 2' wide paved roadway surface. North 400 West North does not meet the minimum county standard and would require the proponent improve that access. This road is used mainly for agricultural use and has functioned as an agricultural road for decades. There are no concerns for water and septic. It is within the FAA area and the applicant has already completed the FAA review. If in the future a commercial business were to happen here, a rezone and road improvements would be required before that commercial business could operate there.

Staff and commission discussed the possibly relocation of the business entrance being from 4600 North. Also this area is in the annexation area of Smithfield and would likely trigger an urban development review if a rezone were to be applied for. Staff did receive public comment and all of it has been negative and does not support development in this area. There are some concerns regarding water and there has also been concerns regarding how this has come about where it didn't have a permit.

Mr. Thornley I've lived with these people all my life and have a great deal of respect for the Esplin family. The picture there shows a maximum of 13 vehicles and this afternoon there was 30 vehicles there. I own the 10 acres kitty-corner to this. I don't want a junkyard there and don't want a junk yard next to my property. I have no problem with these folks running a clean, slightly business. That gravel road that is 400 West has been very good for the last three years because it's been very dry. That road becomes very soft in wet years. There are also at least 3 semi engines there and that is not a small engine repair shop. That is a large engine shop. I can't speak for the Smithfield City but I have helped them develop their last master plan and many other things and Smithfield City is not going to like this. They are not going to look favorably on a peninsula in their annexation. I don't know what the water situation is there, but water is a very hot issue in that part of Smithfield.

Staff and Commission discussed how this came to Staff's knowledge. The building has been there for about 3 years and is zoned as agricultural use. Staff received a complaint about a business operating there when it should not be. Chris investigated and started the process of the enforcement. They have received a notice stating that they needed to cease and desist operations until it came into compliance. From the sounds of comments received tonight it sounds like the business has continued to operate but staff has not yet confirmed it.

Jeremiah Esplin I am half owner of this property. I own a home in Amalga that we do have a business license to operate this type of business and for this building. That is where the business started and it evolved into this and we do have the permits. This is used more as an on-call area.

Runhaar just to clear something up, your business license is only valid in Amalga and does not work for the county.

Mr. Esplin I didn't realize that at that point but we do have a multi-owner property. We need to subdivide this so I don't bring repercussions on the other owner. We don't want to buck the system here.

Sands to bring this back to the application, this is for a lot split of a 1970 parcel with a design exception for the road. The road will have to be upgraded no matter what happens on the property if this is approved.

Mr. Esplin to widen that road, there are power poles that are right up to the road. So what is the process for widening that road?

Harrild if you can't expand to the west due to property ownership, either way you have to deal with other property owners or move the power poles.

Mr. Esplin if I do end up widening the road, how far down do we need to go for those improvements?

Harrild your 5 acres.

Mr. Esplin we are willing to do what we need to, to bring this into compliance.

Staff and Commission discussed the commission's discretion to use the request as leverage to bring the owners into compliance. This is a multi-month process to complete all the steps needed to bring the business into compliance.

Christensen motioned to recommend approval of the Esplin Anderson Subdivision with the stated conditions and findings of fact; *Parker* seconded; **Passed 4, 0 (Larson abstained).**

07:34:00

#6 Wild Bunch Kennel (John Mullin)

Harrild reviewed Mr. John Mullin's request for approval of a conditional use permit to allow a boarding and breeding kennel located on 1.14 acres of property at 5670 North Highway 23, Cache Junction (Agricultural, A10 Zone). This application was remanded back to the Planning Commission by District Court. The original application was submitted under the previous ordinance and must be considered under that ordinance and the only impacts allowed to be addressed are noise and odor. There is a new USDA standard that requires permitting to kennels and is something that will need to be addressed by the proponent. The proponent is requesting up to 42 adult Pugs and the sale of approximately 10 litters/30-50 puppies per year. This is an existing home and accessory structures on the parcel. Given the setback requirements, the location of the proposed structures is in question as the provided site plan and area measurements indicate conflicts with existing property lines and structures. Additional information is required to adequately review the placement of structures. The proponent has identified that the dogs shall be confined to the property within the fence and/or kennel building. Specifically, as per the letter dated October 9, 2015, from the Mullin's legal counsel Mr. Chambers, the dogs will be kept within the kennel structure with the exception of allowing up to 6 dogs outside at any one time, usually for 10 minutes depending on the weather. There is no indication as to how many times this will occur per day. Customers will not visit or purchase dogs at the site/kennel. The proponent has identified hours of operation being seven days a week from 7:00 a.m. to 10:00 p.m., however as the dogs live at the site, hours reflecting a use occurring 24/7 may be more accurate. The proponent has identified that waste will be bagged and stored daily and then transported to a sanitary landfill on a weekly basis with the existing Logan City/County collection service. For noise mitigation, the proponent has provided information stating that sound proofing insulation to be installed in the wall of the proposed kennel will reduce overall sound levels by more than 90% if installed properly. Therefore, while it may not occur in every case, if a maximum loudness of 125 dBA is assumed, and a reduction of sound by 90% is attained, the noise originating immediately outside the kennel should not exceed 12.5 dBA and is an acceptable level of

noise mitigation. The construction and sound proofing of the kennel roof/ceiling has not yet been identified. The material identified for sound proofing the walls may be adequate for the roof/ceiling. Once the kennel is constructed, verification must be provided from a professional source (noise dosimeter) identifying the reduction in noise from the interior of the kennel to the exterior of the kennel so that the increase in noise from all use related sources is no greater than 10 dBA at the property line. Noise levels that exceed this standard may require further mitigation, the reduction in the number of dogs, or an alteration to the number of dogs outside at any given time. The number of dogs outside at any one time shall be restricted to six (6), usually for 10 minutes at a time depending on the weather. However, the total amount of time that dogs will be outside in the fenced area is currently unknown, and therefore the impact due to dogs barking outside the enclosed kennel is unknown. Signage must conform to the county standards. Staff does need more information on minor items from the applicant. Staff has identified three findings of fact and ten conditions of approval.

Larson motioned to extend the meeting until 8:15; Watterson seconded; Passed 5, 0.

Larson I assume it's neighbors that are commenting. The business with 6 dogs I'm not sure where it came from, but there are two concerns. One is volume and the other is the length of time you hear noise. I would like to hear comments on letting them all out at the same time and get it over with or if you would like to see it protracted with a few number of dogs.

Joe Chambers we received the staff report about 5 o'clock tonight. In talking with BioWest and how this works, the sounds don't increase exponentially, in fact they decrease on a curve. The construction of the kennel will meet the requirements of the USDA. We believe dog breeding is an agricultural activity and that is why it is regulated by the USDA. The construction of the kennel will be a metal building on a concrete pad. The insulation is designed to absorb 95% to 100% of the noise at 4 inches and we will have 6 inches of insulation including on the ceiling of the roof. On the inside walls, there will be sheetrock with the insulation and there will be a material that is used in carwashes and horse stalls, over the sheetrock. The entire inside of the building will essentially be power washable. The fecal material that is solid will be picked up in bags and removed from the property once a week. The non-solid fecal material will be power washed into the septic tank with a septic professional emptying the tank as once a month or when needed. The building will have heating and cooling systems as well as a hot water heater. I don't think smell is going to be an issue. The issue that I see is going to be noise. All of the proposed conditions to deal with noise we are in agreement with, except #4. We have some issues with it. Our research in terms of getting the professional studies are, they cost as much as \$5,000-7,000. The district court indicated that you had to use the ordinance that was in effect with the initial application and I'm not sure that condition #4 meets the condition of what the District Court meant. We strongly believe that this is an agricultural activity. I don't believe you would limit a dairy herd or the number of horses or other agricultural operations. I think the fact that dog breeding is regulated by the USDA is strong evidence that this is an agricultural activity. Again I direct you back to the state code referenced by the district court. If the effect is reasonably anticipated detrimental effect and conditions can be imposed, it needs to be approved and I strongly recommend the approval of it.

Mallory Hunter I started renting the house just south of this in July. I have four kids, two full time and two step children. One thing we are concerned about is that our one German Sheppard came into heat and when we came home late that night there were four coyotes in our driveway. That is one dog, what are the effects going to be when there are 42 dogs? My friend, who has shih-tzus, says that all of her shih-tzus come into heat at the same time. What are 42 dogs going into heat going to do for the coyotes? My son, who has lived here since he was born, has autism. He has issues with sensory overload when it comes to noise and light. Who is to say what 42 dogs barking going to have on him? This is his home. If you look their kennel up on Facebook not only is it gross and really dirty. It looks like since October they have had 6 litters of puppies and that is four puppies per litter. That is 24 puppies on top of 42 dogs. I think every

aspect of this should be looked over and don't think that it is fair for my son's medical needs be pushed over so they can bring 42 dogs in. I had 9 hounds at one point and I, my husband, and my roommate couldn't care for all of them. That was 9 dogs with 3 people. These are animals and they have their own brains. What is going to happen when you have 42 dogs doing what they want? Thank you.

Diana White I am the neighbor to the south of this. Did the commission receive the packet that I sent?

Harrild I did not receive that. I received one from Tammy, from November but I don't have that.

Ms. White with the secondary packet, I enclosed all the email contacts for my information. Part of that was with the septic tank and they have addressed that so I will skip it. Part of my issue is that they don't really know how to run a real kennel. Previously they didn't have that many dogs. A lot of their dogs are new, so when they say they have been in the business for 7 years that's not completely true. When I look at the Facebook page, there is a wooden shed that is about 4 feet by about 3 feet with 2 feet tall and that is their current kennel; this is their house (showed pictures). When we are talking about smells, you can look at this picture and see that there are feces all over and there are urine stains. The dogs are all over and are rampant; this is the house that they currently live in. If this is the area that they live in every day, and have people visit and have no qualms about posting it on social media, how can you be sure they will clean that up every day? I don't think they have the will or the skill to clean this up every day. When this proceeded, the proposal was that they would scoop up the feces and discard it. You cannot clean it up that way. They want to clean it up with pine sol. Pine sol is toxic for dogs. You have a kennel owner who wants to scoop up feces, not spray it out or use a cleaner and not clean it up with the correct detergent. I am in the nail business and I get monitored all the time. Who is going to do that for this project? Do you have the budget for that? My fear is that this is going to be approved and we are going to be saddled with this no matter how much we complain. I have a lot of compassion. I have dogs and I love them. I know how much work they are. I have three dogs in my house and if I am not cleaning it up all the time, they stink. They don't currently have a USDA license and who knows if they will get that done. That should have already been done. Any reputable breeder is going to have a USDA license and they don't. This tells me that they are not rule followers; and they say they take care of their dogs but these pictures show that they do not keep it clean. That is going to breed disease and smell.

The other issue is sound. This kennel is fully sound proof 95% of the time. Are there windows? Sound escapes windows; even if they have a privacy fence, sound travels by line of sight. Guess who is up hill and has a top bedroom in our house? My grandson is the one who is going to have to listen to barking dogs all the time. They say they are going to let six dogs out for 10 minutes at a time, so there are going to be 6 dogs barking every 10 minutes. Every time you open the door you break the sound barrier so more dogs are going to be barking; dogs are excitable and there will be more barking. Is that going to go on every day all day long? So the other option is to let all 42 dogs out at the same time, and that isn't great either. The USDA is going to recommend how much exercise they need and they have to have a vet on staff or under contract to help with that determination. The USDA requires that you spray down the kennel every day. So the dogs have to come out of the kennel. The dogs cannot be wet; they have to be kept dry and comfortable. So just spraying down one corner while the dogs are in the other corner doesn't work for the USDA standards. You have to remove the dogs from the kennel while they clean them out. That is going to take longer than 10 minutes to clean all of those kennels. Roland from the Humane Society said he has full 7 time staff to clean all the kennels and all those dogs have to go outside during that time. I think that this proposal isn't realistic based on my research. They decided to buy dogs to breed and make money.

Josh Ballard I am a neighbor out here. I have a lot of mixed thoughts about this. One being that I chose to live out there because I'm a farmer and an elevator technician so I travel in and out and several hours through the day with my crops and the seconded being that I moved out there to do what I want with my land. So I do have some compassion for this. But I do think 42 dogs is excessive; it doesn't state in there

how many females and how many males. They say three to five dogs per set; if you have three males and the other 39 all females and there are four dogs per litter and they can be breed two to three times a year. That is an excessive amount of dogs. I think the county needs to look at that and see that this is way too excessive especially for the neighbors who live there already. It's hard because this seems to be that they are coming in and don't care about the neighbors. I don't think that is fair for any of the other towns people out here; there is a lot of homes right there close. There are house to each side and to the east; within a stone's throw of maybe 50 yards. There are four houses down wind and yes there are a lot noises and traffic out there but I don't think it is fair to allow them to operate with that many animals on the property. Especially that they are so close to the neighbors. It was mentioned at the beginning of the meeting that this area is beautiful and pristine but if this moves into your neighborhood or next to your house I feel you would have a different opinion about that.

Lamar Clements one thing I want to ask is how come Smithfield is listed as the first responder on the fire?

Runhaar just the way fire districts work.

Mr. Clements Newton is going to respond to this first. If you will move to the picture, why is the fence on my property? That can't happen. This plat shows that the chain link fence on my property and that is not going to stand.

Harrild we had that same question and John Mullin will clarify for the record that the fence will be within his property and not your property.

Mr. Clements it states here 25 animals, so it will start out at 25?

Harrild that is from a draft approval; he is not starting at 25.

Mr. Clements then what is the proposal?

Harrild they are proposing 42 and we are saying 42 dogs are ok if they can meet all the conditions.

Mr. Clements who is going to verify that it stays at 42? Are you going to have a worker go out there and monitor it?

Harrild staff will.

Mr. Clements who determines between adults and pups?

Harrild they are going to have to keep good records of that; and the USDA requires they track that.

Mr. Clements ok, what happens if they can't sell the puppies they have but keep breeding? If we end up having a noise problem who enforces it?

Harrild Josh is the enforcement officer for the county and he passes that on to me. However, I can't be out there all the time so complaints need to be registered with our office and then staff will have to go out and check. Worst case scenario, the sheriff's office responds but we respond first.

John Mullins as far as the coyote issue, from my understanding there haven't been coyotes out there for 7 years. As far as the building she is talking about, it's an old goat house. Those pictures of our house were taken four years ago. Things have changed in four years. We do not use Pine sol, we use approved

cleaners that are friendly to pets. The USDA requires that all kennels will be cleaned once a week. We are not required to clean the kennels every day; we are opting to do that. As for female/male ration, we have half and half. So now we will not have 100 puppies at one time. The USDA requires we have a birthing room with tiles and vinyl walls because of the moisture. As far as puppies to sell, we have no puppies currently. We have a waiting list of 15 people currently. We have established our business and we have a lot of people who are repeat customers and recommend us to others. We just had a welfare check up in Casper. They verified that our dogs are healthy and well taken care of. We have had several welfare checks and never had a problem. We didn't just decide to come down here on a whim. We have family down here and that is the reason we wanted to move down. Our realtor said we shouldn't have a problem getting a permit if we were agricultural. It's been 18 months since we started this process. We've done everything that has been asked of us. We covered the odor and noise issue. USDA is over all of this and is the ones who do the inspections and count the number of dogs we have. We have to have a name on every kennel for each dog. We have to license every dog; any puppy that is over six months old is considered an adult. We have to have them vaccinated and have to have rabies shots. That is how we know how many we have; we have a list for our vet and the vet takes care of all the vaccinations, tags, and licensing. We don't maintain our web business anymore because of what you witnessed. We've worked hard to build our business and it only takes one to tear it down. This has been an invasion of my privacy. I have three dogs in my house right now and I can guarantee they don't even know it. I have five dogs this morning and had a semi go by, the train go by and not one peep from my dogs. But then I walk to the south end of my property is there dogs barking and they bark until I go back into my house.

Sands please keep the information to your proposal.

Mr. Mullins we have proposed to take care of the noise and we are giving you all the information and we have already covered the odor issue and the disposal of waste.

Harrild can you please state for the record how you are addressing the incomplete things in the application.

Mr. Mullins it will be a metal building and there will be a 2x6 sub wall and there will be a ceiling and the insulation will be up above. There will be 6 inches of insulation in the walls and the ceiling; any noise even a window, which we do have to have a window for circulation according to the USDA. We have to monitor the temperature in the building and keep the environment to USDA standards.

Harrild will you identify the issues with the sight plan.

Mr. Mullins I can't remove the little shop there because that houses my generator. They have a little lean to and then a dog kennel and those will be removed. The building will abut up to the shop. The fence is up and I gave Lamar 4 inches of my property because the post rotted out so I nailed his fence to my fence. The fence goes up to my garage. There is chain link on the inside to prevent digging. The chain link fence is eight feet away from Lamar's property line and I didn't do away with the trees or lilac bushes; they are still there. Also when the building is constructed the fence will be connected to the building so they will have their area to exercise. As far as the 6 dogs out at a time, we don't let them all out at a time because they don't all get along. We do know which dogs get along and which ones don't. We can put out more dogs at a time but the reason we don't let them out very long is because Pugs can't handle the cold very well and because of the design of their nose they can't handle the heat in the summer. That's the reason they are not out for long periods of time. We've been doing this for 8 years so we do understand the breed.

Mr. Chambers I identified that we are opposed to condition #4 at the 10 decibels but if we are in the 30 to 40 range, that isn't possible.

Runhaar it's 10 decibels over ambient noise.

Mr. Chambers ok, I didn't understand that.

Edwards with that understanding are you still opposed to number 4?

Mr. Chambers we are opposed to any noise restriction because we believe that is bringing the new ordinance in.

Staff will update the findings of fact and conditions as discussed tonight and send an updated staff report to the proponents counsel and to the Commissioners.

Larson motioned to continue the Wild Bunch Kennel up to 90 days; *Watterson* seconded; **Passed 5, 0.**

08:47:00

#7 Discussion – 1200 Home Based Business Amendments

Harrild reviewed the home based amendments. There are some gray areas in the home based business ordinance. Staff is going to gather information for the next meeting for the Commission to review and adjust the ordinance as needed.

#8 Discussion – General Code Amendments/updates

Moved to next month's agenda.

#9 Elections for Planning Commission Chair and Vice Chair

Christensen moved to nominate **Rob Smith** as the chair and **Jason Watterson** as the vice-chair; *Larson* seconded; **Passed 5, 0.**

08:54:00

Adjourned