

TOOELE COUNTY PLANNING COMMISSION
47 SOUTH MAIN STREET, TOOELE, UTAH 84074
(435) 843-3160

PUBLIC MEETING

December 20, 2006

The Tooele County Planning Commission Meeting was called to order at 7:00 p.m. by Chairman George Mattena.

Roll Call / Members in attendance:

George Mattena Tim Booth Doug Atkin
Joy Clegg-Lowham Bill Bergner Craig Anderson

Staff:

Kent Page Dyan Johnson Mary Dixon

1. Approval of meeting minutes from December 6, 2006:

Bill made a motion to approve the meeting minutes from December 6, 2006. The motion was seconded by Craig. All concurred.

2. PUBLIC HEARING:

a) 06-0430001 Amendment to the Tooele County Land Use Ordinance defining the minimum area of land and distance separations for a kennel in various zoning districts:

Kent explained that a few months ago we discussed what the minimum lot size should be for a kennel. The commission mentioned disapproval of the 5 acre minimum lot size. Kent explained that he had contacted the APA and received research from fifteen different jurisdictions throughout the country. Lot Size: 1 acre, 1 ac. 1st 10, 100' sq. each additional, max. 20, 5 acres, 2.47 ac. hobby; 49.42 ac. com. unless meet distance separation, greater of 2 ac. or minimum for zone, - 2 acres, [3 dogs – 2.5 to < 3 acres, 4 dogs – 3 to < 5 acres, 6 dogs – 5 to < 10 acres, 10 dogs – 10 acres or more], - 2 acres if all dogs owned by occupant; com. kennel 5 on first 2 acres and maximum of 5 additional for each additional acre (maximum 50), 2 acres (5 acres in AG zones), 5 usable ac. w/sound and odor proof building (10 without), 2 acres for first four dogs (1/3 ac. each additional), 2.5 acres, greater of 1 acre or minimum acreage of zone, Distance Separation: 75' neighboring residence; 10' prop. line (greater if necessary), 50' property line (exceptions if underdeveloped or underutilized), 150' property line; 180' adjoining residence, 656' neighboring dwelling; 98' to 196' (49' home kennel) prop. line, 200' property line if outside (75' if inside), 300' adjoining property line for commercial kennel (10 or more dogs), noise undetectable from 10' from indoor facility, Com. Kennel 150' property line & 50' wetland, not in setbacks & 100' from dwelling or building used by public on adjacent property, 60' property or street line & no apparent noise at property or street line if in residential or within 500' of residential, w/sound & odor proof building, 5' per animal from adjoining Ag or other non- residential property, 10' per animal from adjoining residential property, 15' per animal from existing residence, without sound and odor proof building, 10' per animal from adjoining Ag or other non-residential zone, 15' per animal from adjoining

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residential zone, 20' per animal from existing residence, 150' to any lot line and 200' from road right-of-way, not in immediate vicinity of residential (substantial grouping of lots < 2.5 acres); minimum impact on neighbors, 30' property line, 45' from road (30% reduction for sight obscuring fence/vegetation (but not in setback), 50' property line (may be greater to protect neighbors, The commission asked how restrictive do we want the lot sizes to be. The commission stated that we need to put into prospective what kind of dogs and what kind of buildings. Considerations: kennel permit non-transferable to person and property; expires Dec. 31st; first issue good for one year, renewals three years, limit of one litter per license year per adult female dog w/commercial kennel, all dogs in household kennels spayed and neutered, - > 3 dogs over 6 months = commercial kennel, visual barriers, Sound levels (to nearest property line), weekday (60 dBA 8 a.m. to 6 p.m.; 50 dBA 6 p.m. to 8 a.m., weekend (60 dBA 9 a.m. to 6 p.m.; 50 dBA 6 p.m. to 9 a.m., 40 dBA 10' from structure, must not increase ambient sound by more than 3 dBA, undetectable from 10' from indoor facility, state noise standards at lot lines. no noise apparent from any street or property line when within residential district or closer than 500' from residential district, notice within .25 mile property lines, one license per person, party, corporation for private kennel, Confined Indoors, 9 p.m. to 7 a.m.; 10 p.m. to 6 a.m.; 9 p.m. to 6 a.m. Off-street parking, Management of waste, Commercial kennel, 3 cats or dogs or five in combination more than 6 months old for breeding, boarding, training, sale, protection, hobby, pets or transfer, may be required to be sound and/or odor proof based on kennel and adjacent land uses, kennel conditions: hard surface, grass, chain link, drains/sanitation, history of nuisances/complaints. Kent explained the recommendations to the commission. The commission stated that they had a problem with the 4.7 acre for the lot size. They felt like we were restricting the kennel business. Craig stated that he felt like the 4.7 acre needs to be left out. Kent explained that the reason we are addressing this is because the attorney feels like we needed to regulate it more. George stated that he feels like we are restricting a lot of people who could or would open a kennel if we restricted the lot size. George stated that we are requiring more land for a small animal where we don't regulate larger animals. The commission wanted to see the lot size removed. John Flores stated that this is not in stone and if someone wants to change it then they can come before the board for a permit. Minimum lot size one acre, then if we have someone who wants a kennel then we can look at it on a case by case bases. Place a C in the RR-1 zone. The commission stated that this will not be so restrictive and the public will be able to meet these criteria. Meet the criteria or have an inside operation Joy stated that the 100 feet will be to resistive. Doug stated that he had some concerns with the one acre and the enclosed operation. Doug stated that he liked it being not allowed in the RR-1 and just leaving it in RR-5. Tim stated that he would rather just have it left on the RR-5 lot. 1 to 3 acre enclosed kennel sound and odor proof unless outside with a trainer kennel space 16 sq feet per dog regardless of size. 3 and above outside with the distance requirements.

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b) **Adjourn public hearing and resume public meeting:**

Joy made a motion to close the public hearing and reopen the public meeting. The motion was seconded by Bill

3. **06-04300001 Amendment to the Tooele County Land Use Ordinance defining the minimum area of land and distance separations for a kennel in various zoning districts:**

Joy made a motion to recommend approval of 06-04300001 Amendment to the Tooele County Land Use Ordinance defining the minimum area of land and distance separations for a kennel in various zoning districts with the language added as discussed in the public hearing. The motion was seconded by Bill.

Verbal Roll Call:

Doug no Joy yes Tim yes Bill yes Craig yes George yes

4. **06-00100011 CUP John & Louise Flores (Section 24, Township 4 South, Range 6 West) 16 KVA Propane powered back up generator:**

Dyan explained that the applicant and property owner was John Flores. The property is located in section 24, T 4S, R 6W, East Hickman Canyon. The current zoning is A-20. The request is for one 16 KVA propane powered back-up generator. Dyan showed the commission where the generator would be placed on the property. The generator will be enclosed inside of a shed. Gordon Bailey stated that he did not have a problem with the generator being located here.

Joy made a motion to approve 06-00100011 CUP John & Louise Flores (Section 24, Township 4 South, Range 6 West) 16 KVA Propane powered back up generator. The motion was seconded by Tim.

Verbal Roll Call:

Bill yes Craig yes Doug yes Joy yes Tim yes George yes

5. **06-00100009 CUP Cingular Wireless – Cell Tower – Section 36, Township 6 South, Range 8 West:**

Dyan explained that the application was for Cingular Wireless for a 195' self-supporting lattice tower. The property is zoned A-20. The property is owned by the Skull Valley Company. It will be a 40x40 area that will be leased enclosed by 6' chain-link fence. Dyan explained that Cingular had also submitted a ten year plan. Staff recommends approval of cell phone tower.

Bill made a motion to approve 06-00100009 Cingular Wireless – Cell Tower – Section 36, Township 6 South, Range 8 West. The motion was seconded by Doug.

Verbal Roll Call:

Joy yes Tim yes Bill yes Craig yes Doug yes George yes

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6. 06-00100010 CUP Cingular Wireless – Cell Tower Section 21, Township 3 South, Range 8 West:

Dyan explained that the application was for Cingular Wireless for a 195’ self-supporting lattice tower. The current zoning is MU-40. The property is owned by the Skull Valley Company property. A 40x40 area that will be leased enclosed by 6’ chain-link fence. It is located in Section 21 T 3 South R 8 West. Staff recommends approval of cell phone tower.

Bill made a motion to approve 06-00100010 CUP Cingular Wireless – Cell Tower Section 21, Township 3 South Range 8 West. The motion was seconded by Tim.

Verbal Roll Call:

Craig yes Doug yes Joy yes Tim yes Bill yes George yes

Other business and public concerns:

Adjournment:

With no further comments, Doug made a motion to adjourn. The motion was seconded by Joy All concurred. The meeting adjourned at 8:05 p.m.

APPROVAL:

Chairperson, Tooele County Planning Commission