

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

PUBLIC MEETING

December 17, 2008

Doug Atkin called the Tooele County Planning Commission Meeting to order at 7:00 p.m.

Roll Call / Members in attendance:

Doug Atkin	Joy Clegg	Judy Jameson	Bill Bergener
Bill Hogan	Radell Donnell		

Staff: Kerry Beutler Kent Page Cindy Coombs Suzette Bradford

1. Approval of meeting minutes from December 3, 2008:

Bill Hogan made a motion to approve the meeting minutes from December 3, 2008. Motion seconded by Judy Jameson. All concurred.

2. Approval of meeting schedule for 2009

Joy made a motion to approve the proposed meeting schedule., Motion seconded by Bill Bergener. All concurred.

3. SUB #08-01100001 Hunsaker 5 Lazy H Ranch – Preliminary

Kent showed the proposed preliminary plat design showing the proposed 5 lots. Lots 1 and 2 will not have direct access onto Silver Avenue. For the final plat, signatures of all property owners with claim to a current easement that exists on the south property line will need to be fulfilled. The proposal is to abandon a portion of the easement.

Judy made a motion to approve the preliminary plat. Motion seconded by Bill Bergener.

Verbal roll call: Judy – yes, Radell – yes, Joy – yes, Bill Bergener – yes, Bill Hogan – yes, Doug - yes

Recess Public Meeting and Open Public Hearing

Joy made a motion to recess the public meeting and open the public hearing. Motion seconded by Bill Bergener. All concurred. -

5. AMD LUO #06-04300001 Defining the minimum area of land and minimum distance separation for a kennel

Kent showed the current land use ordinance and posed the question about how much land should a kennel owner need to run this type of business so as not to infringe on the rights of their neighbors. Kent added that the Erda Township Planning Commission made the

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following recommendations back in 2006 and in their last meeting: Minimum lot size 4.7 acres, Minimum distance to property line 100', and Minimum distance to neighboring dwelling be 150.'" He then stated that the Tooele County Planning Commission made the following recommendations: Lots 1 to 3 acres - Sound and odor proof building (16' sq. per dog), Dogs accompanied when outside at all times. Lots >3 acres dogs kept - Minimum 100' from property line, Minimum 150' from neighboring dwelling and the Pine Canyon Township Planning Commission recommended: Minimum lot size 4.7 acres, Minimum distance to all neighboring dwellings 75', Minimum distance to all property lines shall meet all dwelling setback requirements. Kent added some considerations to look at: Ownership and management, Hobby vs. commercial, Number of dogs & employees, Zone & neighboring zones, Intensity of use (built up) of surrounding properties, Indoors/Outdoors, size of each, "Sound proof," "Odor proof," Fence -- view obscuring & strength, Owner occupied, Goal: balance property rights, Definition & interpretation of "sound proof" & "odor proof," Time to enforce, CUP tied to property not owner or operator, Enforcement based on nuisance complaints is good and not so good because the impacts of a kennel are board and subjective, Enforcement based on nuisance complaints is not so good because: Once a kennel is in place, government and neighbors are sympathetic to the time and money already invested. "Putting up with" nuisance is the lesser of two evils for the sake of relationship.

Judy stated that back in 2006 that the Pine Canyon Township Planning Commission also had a recommendation for each kennel to be required to carry \$150,000 in liability insurance. Commissioner Clegg asked if it would be possible to make the requirements very stringent and then have the applicant request a variance to meet what's needed.

Adjourn Public Hearing and Resume Public Meeting

Bill Hogan made a motion to adjourn the public hearing and resume the public meeting. Motion seconded by Bill Bergerner. All concurred.

7. AMD LUO #06-04300001 Defining the minimum area of land and minimum distance separation for a kennel

Bill Hogan made a motion to approve the proposed recommendations to the County Commission. Motion seconded by Judy. Doug stated that the motion includes the chart shown on page seven of the staff recommendations.

Verbal roll call: Radell - yes, Bill Hogan - yes, Bill Bergener - yes, Judy - yes, Joy - no, Doug - yes

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8. Public Concerns

Doug Atkin was presented with a plaque and gift for serving on the Tooele County Planning Commission faithfully for 8 years. He was given a round of applause.

ADJOURNMENT

Joy made a motion to adjourn. Motion seconded by Judy. All concurred. The meeting adjourned at 7:40 p.m.

APPROVAL:

Chairperson, Tooele County Planning Commission