



Planning Commission Meeting Minutes

October 02, 2024

47 S Main St. Tooele, UT 84074

Council Chambers Room 308

7:00 p.m.

1. Pledge of Allegiance

Ron Elton led the group in the Pledge of Allegiance at 7:01 pm

2. Roll Call

Motion by Ron Elton for Toni Scott to serve as acting chair for tonight's meeting. 2nd by Brad Bartholomew. All in favor. The motion passed unanimously.

Toni Scott, acting chair called the meeting to order at 7:02pm. Roll call was taken showing Curtis Beckstrom, Ron Elton, Andy Stetz, Brad Bartholomew and Toni Scott.

3. Minutes

A. Approval of the Minutes from the September 4, 2024 Planning Commission Meeting

Agenda Attachments

1. September 4, 2024 Planning Commission Meeting Minutes_R1.pdf

Ron Elton made a motion to delay the consideration for approval of the minutes of September 4th until such time as they can see the amendments to the policies and procedures. They were significant, and he thinks that it would be appropriate to see how they all fit together. He stated we need to look at those before they approve those minutes and amendments. He stated that there was discussion on who could add items to the agenda & he gave a motion that a four-person planning commissioner signature requirement be changed, so only two members of the planning commission could add items to the agenda along with the chair and the development department. He asks the development department to put that item on the agenda again for consideration to change it back to two people. His motion is to delay the consideration of the minutes until the next meeting until he can see the full policy and procedures as they come together. 2nd by Curtis Beckstrom.

All in favor. The motion passed unanimously.

4. Conditional Use Permits

A. CUP 2024-119; Conditional Use Permit for private recreational park and camp or resort, Trish DuClos

PUBLIC HEARING AND MOTION: CUP 2024-119

Agenda Attachments

1. CUP 2024-119_Staff report_final.pdf

2. Planning_Commission_Agenda_Summary_2024-119.pdf

3. Public Notice_Hearing_10 days_AMD CUP 2022-113.pdf

Trish DuClos, Planning Staff, summarized the staff report for CUP2024-119. This is a conditional use permit request for a private recreational grounds or private park resort which could include accessories supporting dwellings and dwelling complexes. The applicant has

requested on his property, which is currently zoned RR-5, and he has just under 90 acres, that he be able to do a private camp area. Most of it would be dry camping. He did provide a little section in his plan that would give people electricity to small cabins. But just port a potties, no septic hooked up. Just a small section, maybe 2 or 3. A couple of areas with cabins, a couple of areas with tents and possibly RVs. His overall plan is to do a riding arena to do lessons.

Ron Elton asked if there would be actual toilets in lieu of port a potties. Trish said that he has an area carved out for that. It would be handled by the health department if they are connected to the septs in that area. He is requesting a couple of areas with cabins, a couple of areas with tents or possibly RVs on his property. His overall plans are to do a riding arena, possibly in the future, where he can do lessons.

Toni asked if this is in addition to the three arenas that he already has. Trish said that the arenas and barns that he has would be part of his business, so if people that come for the weekend or out of state come riding, he would offer lessons. He would let them stay on the property.

Toni asked what they were voting for today. Trish stated that they were voting for the use of his private recreational camp resort, what is on the site plan. Trish stated that they can, up to their discretion, put a cap if he wants to grow larger than that.

Rachelle Custer, Community Development Director, stated that they are voting on the use. Not the site plan. They are voting on the use as to whether he can have a private recreational facility at this location. They can put a cap on the number of spots. But they are not approving the site plan. They are voting on the use.

Toni stated that you can't fit 10 horse trailers on .25 acres that is stated on the CUP. Trish stated that when you do a CUP it encompasses the entire property. It doesn't limit what areas you go to unless you specifically say in your CUP. It is hard to do that because it will be spread out. She doesn't know how you are going to regulate all of that. Her suggestion is to put a cap on how many camp spots he can have on the property. The CUP is for the land. They aren't going to know what part of the land is going to be used for what.

Brad Bartholomew asked if they will be seeing a site plan or are they only approving the use, and the site plan gets approved by staff. Trish said they will not be seeing a site plan. The site plan gets approved by all the other agencies; fire, health, engineering, we do an agency review meeting to make sure all those codes are met with whatever they have. Only the concept plan that he provided is what they're going to see.

Rachelle stated that the Planning Commission has tabled CUP's before, until the site plan is approved if they are really worried about what the site plan is going to look like.

Toni stated that she is worried because the property comes off three different roads. Trish said that this one is kind of tricky. Normally, the site plan would go first, but with this property being so large, the applicant wanted to do this one first so he could adjust and send all the conditions to his engineers to do the sideline stuff. If they have conditions they want to put on the property and things they want to see on the site plan, they can table it until they see it on the site plan. Andy Stetz stated that he is concerned regarding the different wordings on the application. The total acres and parcel is approximately 90 acres and the areas occupied by this use is .25. Trish stated that the CUP would be approved for the entire property. That is just what the applicant put in there, it is just a concept plan.

Toni Scott opened to public hearing. No public comment. Toni Scott closed the public hearing.

Ron said that his condition is that it be centrally located, and a specific footprint. He said that it should be required that it should be centrally located, 2 acres, 5 acres, whatever it is. He knows that .25 is not realistic. He said that Toni's idea of delaying this until the applicant presents a specific site plan is a good idea.

Ron suggested tabling this request until the applicant presents a specific site plan. Come back with a site plan that includes sites that are centrally located as well as the number of sites,

including all conditions, quiet hours, as they are going to be occupying this 24 hours a day. The applicant did propose quiet hours but didn't say what they were.

Ron Elton motioned to table this until a site plan has been submitted and requested that a site plan include conditions listed in his application. More specific details are needed in his application, such as no retail sales, access, dustless roads, and quiet hours, as they will be occupying this 24 hours a day. Come back with a site plan that includes all of his conditions specified and our standard conditions. 2nd by Curtis Beckstrom.
All in favor. The motion passed unanimously.

B. AMD CUP 2022-113; Amendment to Conditional Use Permit for private kennel, Trish DuClos

PUBLIC HEARING AND MOTION: AMD CUP 2022-113

Agenda Attachments

1. AMD CUP 2022-113_Staff report_final.pdf
2. Planning_Commission_Agenda_Summary_2022-113.pdf
3. Public Notice_Hearing_10 days_AMD CUP 2022-113.pdf

Trish DuClos, Planning Staff, summarized the staff report CUP 2024-113. This amendment is to have more litters. This already has an approved CUP for this property to have a private kennel that allows them to have 15 dogs at one time with the condition that they may have one litter every 2 years, because our current zoning code does not allow a breeding or boarding kennel in that area. This is brought up because of multiple complaints about the dogs barking and causing a nuisance in the area. The complaint that is attached to the staff report was sent in anonymously. They are not compliant with one litter every 2 years. They have exceeded far more than that. There are at least ten to eleven litters per year.

Toni asked if the breeder was staying with the 15 dogs. She said that it says that they are keeping one from every litter. If that is the case, it is 12 dogs. Trish states that the response letter states that they don't always keep a dog from every litter. It explains that a lot of the dogs, when they get tested, are not fit for certain things, they have a lot of different categories they put their dogs in and a lot of them are not fit. They don't keep one from every litter. They also do get them from other places to keep their show dogs up. It is online, and they do register the dogs online. The older dogs seem to come and go depending on certain conditions or aspects. Her request isn't to just keep a higher dog number, it is to have more litters. Trish said that her opinion is that the applicant is running a commercial operation. They are selling these dogs. They have many litters a year. They are not complying with the law of every two years and so that is a condition we placed on them. Trish said that we were trying to allow them, if a dog died, they could keep up those numbers. That is what they had requested, but it is still breeding, which is not allowed in that zone.

Ron Elton asked how the conditional use permit allows breeding if the ordinance doesn't. Trish stated that there wasn't a clear definition of what breeding would be, to keep their private dog numbers up instead of letting them all pass away. At the time, the Planning Commission felt that it was a fair compromise. Trish said that it could still be considered breeding.

Toni said they looked at the definition on the internet and the personal kennel was a litter every couple of years. Ron Elton asked if it was specified that this was for personal. Toni and Trish both confirmed that yes, this was for personal uses only. Trish said that they can only have four in that zone right now, so to exceed those four numbers, that is what a private kennel would allow them to have.

Ron said that Trish indicated that they were selling them. He asked if they acknowledged that they were selling them. Trish said yes, they do say in their letter that they sell them. They are claiming the sale of the dogs isn't recouping the cost of what it costs to keep them.

Toni asked if Trish had gone out, if she is code enforcement. Trish said that yes, she is still code enforcement. Over the course of the two years that they have been there, she has gone out many times, she would say at least 10 times in the past 2 years, because she has gotten complaints about the dogs. She states that the property is very clean, there are no piles of

poop anywhere. She has only seen the dogs one time. When she went out, she would go in the afternoons, which was the hottest part of the day. One time when she was there, the dogs were outside in their kennel by the street, and she heard them barking. The applicant did suggest that they would move the kennel around the back. Trish said that she didn't know if that would help. The applicant has stated that the dogs' bark boxes have been removed. Trish said that you can still hear a very dark barking that they have. Trish stated that the sheriff had also gone out because they handle the nuisance side of things. They have talked to the owners and have heard the dogs barking on multiple occasions too and have reached out to Trish to find out how many dogs they actually have.

Ron asked what they were specifically asking for, because they already have a kennel permit. Trish said that they want that condition of one litter every two years amended. It doesn't specify how many litters they would like to have. She would want the whole condition to be taken off. The applicant's request would be to do away with that condition, but our code does not allow breeding kennels in that zone. Trish did explain this to the applicant. Trish said that she doesn't know if their next request is to change the zoning code, but that is the option the applicant has, to change that to allow breeding in that zone. They just wanted to exhaust this option first.

Curtis Beckstrom said that after reading the statement, which was 3 ½ pages, he saw a lot of contradictions. The applicant has already not followed the rules in the past and has had Trish and others go out in the past to see what was going on. He stated that he was not inclined to approve this.

Toni Scott opened public hearing. No public comment. Toni Scott closed public hearing.

Toni asked if there were any other discussions.

Brad Bartholomew said that in the letter she says next door there is another kennel. He asked Trish if she had complaints about them. Are they following the same procedures? Trish said that Rush Lake Kennel, which is there, had been there a long time, way before her. They are a boarding kennel. She doesn't know what the code was before that. She doesn't know how they got that, but right before this last one was approved, the first time there was one just up the street from Rush Lake, that asked the same thing so they could keep more dogs, because they do hunts and things, so they needed more than four dogs allotted. She has not received any complaints regarding them. She hasn't ever seen the dogs out.

Toni Scott made a motion to deny CUP 2022-113 amendment. 2nd by Curtis Beckstrom. All in favor. Motion passed unanimously.

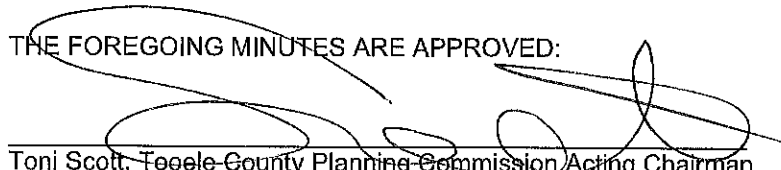
Rachelle Custer addressed chairman Scott after the motion passed and stated that we can notify the applicant, and we can revoke her CUP if they are not following the conditions. Ron asked if enforcement by the county attorney's office would work. Rachelle stated that it would possibly be the notification, but she thinks that we should revoke the CUP first and then, if she continues to violate, we go that route. Trish stated that she sent the applicant code enforcement letters, and that is what triggered this, so the applicant could try to come into compliance. There is already a case that is ongoing. If she doesn't comply, then we will move forward.

5. Planning Commission Comments

6. Adjournment

Motion to adjourn by Toni Scott.
Time of adjournment 7:30pm.

THE FOREGOING MINUTES ARE APPROVED:


Toni Scott, Tooele County Planning Commission Acting Chairman