



PLANNING COMMISSION AGENDA

Thursday, June 28, 2012

Morgan County Council Room

6:30 PM

PUBLIC NOTICE is hereby given that the Morgan County Planning Commission will meet at the above time and date at the Morgan County Courthouse, Council Chambers, 48 West Young St, Morgan, Utah. The agenda is as follows:

1. Call to order – prayer.
2. Approval of agenda.
3. Declaration of conflicts of interest.
4. Approval of minutes from June 14, 2012.
5. Public Meeting/Discussion/Decision: Pingree Kennel CUP application: To consider granting a conditional use permit for a private kennel with 3 dogs located at 773 W Surrey Lane Morgan, UT.
6. Staff Reports.
7. Adjourn.

**MORGAN COUNTY PLANNING COMMISSION MEETING
MORGAN COUNTY COURTHOUSE - RM. 29
THURSDAY June 28, 2012 – 6:30 P.M.**

MEMBERS PRESENT

Steve Wilson, Vice-Chairman
Darrell Erickson
Debbie Sessions
Shane Stephens

STAFF PRESENT

Blaine Gehring, Director
Teresa Rhodes, Planning Commission Assistant

MEMBERS ABSENT

Adam Toone
Alvin Lundgren
Roland Haslam, Chairman

COUNTY COUNCIL PRESENT

*** * * M I N U T E S * * ***

1. Call to order – prayer.

Vice- Chairman Wilson called the meeting to order and noted that Chairman Haslam would not be present tonight and had asked that he conduct the meeting.

The prayer was offered by Member Erickson

2. Approval of agenda.

Member Sessions moved to approve the agenda as printed. Second by Member Erickson. The vote was unanimous. The motion carried.

3. Declaration of conflicts of interest.

There were no conflicts of interest.

4. Approval of minutes from June 14, 2012.

Member Stephens moved to approve the minutes of June 14, 2012 with the noted minor corrections. Second by Member Sessions. The vote was unanimous. The motion carried.

5. Public Meeting/Discussion/Decision: Pingree Kennel CUP application: To consider granting a conditional use permit for a private kennel with 3 dogs located at 773 W Surrey Lane Morgan, UT.

Mr. Gehring asked if the members had any questions with regard to the staff report. (Please see attached exhibit A)

Member Sessions noted the acreage needs to be changed to reflect the correct acreage of 1.8

Member Sessions moved to open public comment for discussion/decision on the Pingree Kennel CUP application: To consider granting a conditional use permit for a private kennel with 3 dogs located at 773 W Surrey Lane Morgan, UT. Second by Member Stephens. The vote was unanimous. The motion carried.

Mrs. Pongee –

- Noted she had owned three dogs before she moved here and was trying to get them licensed when she found out that she needed a conditional use permit if she had over two dogs.
- She noted it was quite a process to get a kennel license for just three dogs.
- She has no intentions of breeding these dogs.

Member Sessions asked if she was aware that she may need to move the kennel 100' outside of the well protection zone. She noted that she was aware of that and would be talking to the health department to make sure everything was ok or see what she needed to do and she would comply with what they told her.

Jennifer Johnson, neighbor -

- Fully support the Pingree's getting their kennel license.
- She noted the Pingree's have a wire fence and the dogs always stay in their yard.

Member Sessions – noted that the old code stated that if there was a noise complaint, the conditional use permit would need to be re-reviewed; is that still applicable.

Mr. Gehring noted that a noise complaint would need to be taken to the Sherriff's office.

Member Sessions stated because the conditional use permits runs with the property, she believed the number of dogs should be limited to the three dogs which is the number the applicant has requested.

Member Erickson moved to close the public meeting. Second by Member Sessions. The vote was unanimous. The motion carried.

Member Sessions moved to send a favorable recommendation to the County Council for approval of a conditional use permit for Jennifer Pingree for a kennel permit for not more than 3 dogs located at 773 W Surrey Lane Morgan, UT. with the condition that the kennel either be relocated outside the well head protection area or approval be given by the Health Department to locate it in the protection area. This recommendation is based on the findings listed in the staff report of June 13, 2012:

1. Section 8-5A-3 of the Morgan County Code lists a kennel as a conditional use in an RR-5 zone.
2. The applicant's request is for three dogs which require the conditional use permit.
3. A public hearing was properly noticed on June 18, 2012 and held June 28, 2012 by the Morgan County Planning Commission.

Second by Member Stephens.

Chairman called for discussion. There was no discussion.
Chairman called for a vote.

The vote was unanimous. The motion carried.

6. Staff Reports.

Mr. Gehring noted that the fencing ordinance did pass. However, the County Council has asked for further discussion on the utilities item and the paving or not paving of parking lots. The County Council has asked staff to do some further research and come back with some recommendations.

Roads – County Council did make one change. They changed to 8 or less lots to match the subdivision ordinance.

Snow Basin –

Have not seen a formal application yet, but would like to begin holding, with staff, a weekly conference call

7. Adjourn.

Member Erickson moved to adjourn. Second by Member Sessions.

Approved: _____
Chairman

Date: _____

ATTEST: _____
Teresa A. Rhodes, Clerk

Date: _____

Exhibit A – Agenda item #5 – Pingree Kennel CUP application: to consider granting a conditional use permit for a private kennel with 3 dogs located at 773 W Surrey Lane Morgan, UT. – Staff report

To: Morgan County Planning Commission
Business Date: 6/28/2012

Prepared By: Blaine Gehring, AICP
Planning and Development Services Director

Re: Pingree Conditional Use Permit Request for Kennel with More Than Two Dogs
Application No.: 12.065
Applicant: Jennifer Pingree
Project Location: 773 W Surrey Lane
Zoning: RR-5
Acreage: 4.37 acres

SUMMARY

This application is a request to permit a kennel at the Pingree home for three dogs. A kennel is a Conditional use in the RR-5 Zone (Morgan County Code 8-5A-3) and defined in the MCC Section 8-2-1 as “(a)ny premises where three (3) or more dogs, or five (5) cats, older than four (4) months, are kept for the purpose of boarding, *keeping*, breeding, buying, grooming, holding for adoption, letter for hire, training for profit, or selling.” (emphasis added) The Planning Commission needs to make a recommendation on this request to the City Council for final action.

BACKGROUND

Surrey Lane PRUD is located off Morgan Valley Drive just north of Young Street. Most of the lots in the subdivision lie within the RR-5 Zone which requires a conditional use permit for a kennel (the keeping of more than two dogs on the premises). As indicated in her application letter, Mrs. Pingree moved here with their three dogs not realizing it would be a problem legally. She is a responsible pet owner and is initiating this request on her own rather than through a complaint or through noncompliance. There is underground fencing with remote collars already in place to help control the dogs. The proposal is to place a concrete slab with fencing around it as the kennel.

The Pingrees have a very large lot (1.85 acres) and room for the dogs and the kennel is not a problem. The issue that does arise, however, is the proposed location of the kennel. The proposed site is in the 100 ft. well protection area on the lot. The Weber Morgan County Health Department regulations (Section 9.5) state: “To ensure that a nonpublic well is protected from concentrated sources of chemical or *biological* pollution, a minimum allowable separation distance between the wellhead and pollution source(s) is necessary. A nonpublic well shall be protected from concentrated sources of pollution for a distance of at least 100 horizontal feet from the wellhead.” (emphasis added) Staff feels that, even

Pingree Kennel CUP 2
App. # 12.065

though it is just three dogs, there is a potential for biological pollution in that well protection area and the kennel should be moved or approval from the health department be given for its location in the protection area.

ANALYSIS

General Plan and Zoning. The General Plan calls for the property to be developed as rural residential. The use as a single family residence complies with the general plan.

Ordinance Evaluation. Section 8-5A-3 lists a kennel as a conditional use permit requiring a recommendation from the Planning Commission and approval from the City Council following public hearings. The following conditional use review criteria should be considered:

Property Layout. (See attached site plan) There is an existing home on the lot and a small chicken cage. No other structures are being proposed for the lot which does not currently exist. The slab and fencing for the kennel would not constitute a structure and would not require a building permit.

Roads and Access. The lot is located on and fronts Surrey Lane (currently a private road) and has legal access from that road. No additional improvements to the road will be required.

Grading and Land Disturbance. There will be no grading or land disturbance associated with this proposal.

Water Source. The house is connected to an approved water source. To further protect that water source, as mentioned above, the kennel should be either relocated out of the well protection area or approval be given from the health department to locate it in the protection area.

Sewer Systems. The house is connected to an approved sewer system.

Storm Water. The kennel pad will not create any significant amount of new run off to affect the drainage on or from this lot.

Utilities. The home is connected to all utilities at present and will continue to be served by those utilities.

STAFF RECOMMENDATION

Staff recommends the Planning Commission send a favorable recommendation for approval of the Jennifer Pingree request for a kennel for not more than three dogs on her property with the condition that the kennel be either relocated out of the well protection area or approval be given from the health department to locate it in the protection area. This recommendation is based on the following findings:

1. Section 8-5A-3 of the Morgan County Code lists a kennel as a conditional use in an RR-5 Zone.
2. The applicant's request is for three dogs which requires the conditional use permit.
3. A public hearing was properly noticed on June 18, 2012 and held June 28, 2012 by the Morgan County Planning Commission.

Pingree Kennel CUP 3
App. # 12.065

MODEL MOTION

Sample Motion for a *Positive* Recommendation – “I move we send a favorable recommendation to the County Council for approval of the Jennifer Pingree conditional use permit for a kennel for not more than three dogs at 773 W. Surrey Lane with the condition that the kennel be either relocated out of the well protection area or approval be given from the health department to locate it in the protection area. This recommendation is based on the following findings:

1. List any additional findings and conditions...

Sample Motion for a *Negative* Recommendation – “I move we send a negative recommendation to the County Council for approval of the Jennifer Pingree conditional use permit for a kennel for not more than three dogs at 773 W. Surrey Lane with the condition that the kennel be either relocated out of the well protection area or approval be given from the health department to locate it in the protection area. This recommendation is based on the following findings:

1. List any additional findings...

SUPPORTING INFORMATION

Exhibit A: Jennifer Pingree Conditional Use Permit Application

Exhibit B: Jennifer Pingree letter of application

Exhibit C: Surrey Lane plat and zoning

Exhibit D: Proposed Kennel Site Plan