



BOARD OF ADJUSTMENTS MINUTES

20 NOVEMBER 2014

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1. Administrative Appeal – Wild Bunch Kennel	2

Present: Lee Atwood, Nolan Gunnell, Brooks Tarbet, Tony Baird, Megan Izatt

Start Time: 06:02:00

Atwood welcomed.

06:03:00

Agenda

Adopted with no changes.

Minutes

Approved with no changes.

#1 Appeal – Wild Bunch Kennel – Continued from September 22, 2014 Meeting

John and Caryn Mullin are appealing the denial of a conditional use permit for a dog kennel on 1.14 acres of property in the Agricultural (A10) Zone located at approximately 5670 North Highway 23, Cache Junction.

Joe Chambers I represent the Mullins. My concern, as I've expressed to the county attorney's office, is that the planning commission needs to make findings that support their position. I think they made conclusions and did not make adequate findings. This isn't a threat but if that is not done and this body upholds the planning commission's decision then I will take this up to the district court and I think they would remand this back to the planning commission.

Baird this body's responsibility is to determine if the planning commission reached their... I agree with Mr. Chambers that there needs to be further clarification in the written decision and you should send it back to the planning commission for the limited purpose of clarifying the findings of fact regarding this decision. I also agree with counsel that if he were to appeal this to the district court there is a good chance that it would be remanded back to the planning commission. In order to make sure we've dotted our i's and crossed our t's here, I think that would be a good idea.

Atwood after looking at the minutes I think the planning commission was hung on the use not meeting the compatibility of the area, and that this is a commercial not a residential business.

Baird my reference is to their written decision. I think there needs to be some clarification for that written decision and they need to add more detail on their on how they reached their conclusion.

Atwood so they need more than what is stated?

Baird Yes, they need to better tie their denial into the ordinance and clarify the written decision.

Gunnell on the determination and findings of fact it states that the county planning commission adhered to the ordinance and chose items 3 and 5 as a reason for denial. We had the discussion previously, but what type of business is the kennel?

Harrild you are referring to the amendment of the ordinance that is in process?

Gunnell have we determined what type of business this is, is it a commercial or residential business?

Harrild that hasn't been resolved but will be in the next 5 to 6 months. Nothing has happened that would affect your decision tonight has been decided.

Counsel and the Board of Adjustment discussed the issue of the number of dogs. There have been other applications that have been limited to 15 dogs. However, the number of dogs has not been discussed for this specific application. There was some discussion between planning commission members about the number of dogs but nothing specific was noted in the decision they made. Counsel expressed concerns with the findings of fact needing to be clarified in the written decision. The details discussed in the initial planning commission meeting were fine but the planning commission needs to give more specific clarification in the written decision as to why the kennel doesn't meet the ordinance requirements.

Tarbet motioned to send the application back to the Planning Commission for more clarification in the written decision for items 3 and 5; **Gunnell** seconded; **Passed 3, 0.**

6:22:00

Adjourned.