



6:00 p.m. Welcome and opening remarks.
Review and approval of agenda.
Review and approval of minutes of the November 20, 2014 meeting.

6:05 p.m.

1. **Appeal - Wild Bunch Kennel – Remanded to the Planning Commission at the November 20 meeting** –John & 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.

Board Member Reports.
Staff reports. Adjourn.

This is a public meeting and all interested persons are invited to attend. Complete details and legal descriptions are on file for public inspection at the office of the Cache County Zoning Administrator, 179 North Main, Room 305, Logan, Utah, 755-1640.

In compliance with the Americans With Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Janeen Allen, Executive Secretary, at 755-1850 at least three working days prior to the meeting.



BOARD OF ADJUSTMENTS MINUTES

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DRAFT

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

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3 **Start Time:** 06:02:00

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5 **Atwood** welcomed.

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7 **06:03:00**

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9 **Agenda**

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11 Adopted with no changes.

12
13 **Minutes**

14
15 Approved with no changes.

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17 **#1 Appeal – Wild Bunch Kennel – Continued from September 22, 2014 Meeting**

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

22
23 **Joe Chambers** I represent the Mullins. My concern, as I've expressed to the county attorney's office, is
24 that the planning commission needs to make findings that support their position. I think they made
25 conclusions and did not make adequate findings. This isn't a threat but if that is not done and this body
26 upholds the planning commission's decision then I will take this up to the district court and I think they
27 would remand this back to the planning commission.

28
29 **Baird** this body's responsibility is to determine if the planning commission reached their... I agree with
30 Mr. Chambers that there needs to be further clarification in the written decision and you should send it
31 back to the planning commission for the limited purpose of clarifying the findings of fact regarding this
32 decision. I also agree with counsel that if he were to appeal this to the district court there is a good
33 chance that it would be remanded back to the planning commission. In order to make sure we've dotted
34 our i's and crossed our t's here, I think that would be a good idea.

35
36 **Atwood** after looking at the minutes I think the planning commission was hung on the use not meeting
37 the compatibility of the area, and that this is a commercial not a residential business.

38
39 **Baird** my reference is to their written decision. I think there needs to be some clarification for that
40 written decision and they need to add more detail on their on how they reached their conclusion.

41
42 **Atwood** so they need more than what is stated?

43
44 **Baird** Yes, they need to better tie their denial into the ordinance and clarify the written decision.

45
46 **Gunnell** on the determination and findings of fact it states that the county planning commission adhered
47 to the ordinance and chose items 3 and 5 as a reason for denial. We had the discussion previously, but
48 what type of business is the kennel?

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

1 **Gunnell** have we determined what type of business this is, is it a commercial or residential business?
2

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

6 **Counsel and the Board of Adjustment** discussed the issue of the number of dogs. There have been
7 other applications that have been limited to 15 dogs. However, the number of dogs has not been
8 discussed for this specific application. There was some discussion between planning commission
9 members about the number of dogs but nothing specific was noted in the decision they made. Counsel
10 expressed concerns with the findings of fact needing to be clarified in the written decision. The details
11 discussed in the initial planning commission meeting were fine but the planning commission needs to
12 give more specific clarification in the written decision as to why the kennel doesn't meet the ordinance
13 requirements.
14

15 *Tarbet* motioned to send the application back to the Planning Commission for more clarification in the
16 written decision for items 3 and 5; **Gunnell** seconded; **Passed 3, 0.**
17

18 **6:22:00**
19

20 **Adjourned.**

Clarification of Findings

It is the determination of the Cache County Planning Commission that the request for a conditional use permit for the Wild Bunch Kennel, located in the Agricultural (A10) Zone at approximately 5670 North Highway 23 with parcel number 13-048-0046 and 13-048-0047, is not in conformance with the Cache County Ordinance as the standards of §17.06.070 Standards and Criteria for Conditional Use cannot be met, and should therefore be denied. This determination is based on the following findings of fact:

1. The proposed use is not compatible with the character of the site, adjacent properties, and other existing and proposed development as follows:
 - a. The character of the site and the nearest adjacent occupied properties are residential in nature. This is a cluster of developed residences within the larger rural/agricultural community, and there was no evidence provided that showed that the potential nuisance issues including noise, odor, and dogs in heat, could be mitigated.
 - b. The maximum number of dogs (42) proposed to be kept at the kennel is not compatible with the residential character of the site and/or the adjacent properties. The county is also unable to limit the breed/size of dogs based on State Code.
2. The use will be detrimental to the health, safety, and/or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity as follows:
 - a. The proposed use is likely to create a nuisance in the form of noise and/or odor due to the maximum number of dogs (42) proposed by the proponent.
 - b. The proponent has not shown nor provided documentation that the proposed kennel has the functional capability of controlling and/or reducing the probable noise and/or odor.