



**PLANNING COMMISSION MINUTES**

**3 January 2019**

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**Present:** Angie Zetterquist, Chris Harrild, Josh Runhaar, Nolan Gunnell, Brady Christensen, Jason Watterson, Phil Olsen, Lee Edwards

**Start Time: 05:30:00**

**Christensen** welcomed and **Watterson** gave opening remarks.

**05:33:00**

### Agenda

Approved with no changes.

**05:34:00**

### Minutes

*Gunnell* motioned to approve the minutes from 6 December 2018; *Olsen* seconded; **Passed 4, 0.**

**05:35:00**

### Consent Items

#### #1 Orton Minor Subdivision 2<sup>nd</sup> Amendment

#### #2 Tom Pitcher Lot Split Subdivision 1<sup>st</sup> Amendment

*Watterson* motioned to approve the consent agenda; *Gunnell* seconded; **Passed 4, 0.**

**05:35:00**

### Regular Action Items

#### #3 Michael Burton Conditional Use Permit

**Zetterquist** reviewed the staff report for the Michael Burton Conditional Use Permit (CUP).

**Staff** and **Commission** reviewed locations and rough distance estimates of surrounding homes and other property owners' buildings. The definition of primary use was discussed; the difference between a home based kennel and a commercial kennel was explained.

**Brett Chambers** spoke on behalf of Mike and Karie Burton and stated there are concerns with condition # 2 and explained the concerns.

**Gunnell** asked about the delay requested regarding a certificate of occupancy of a home.

**Mr. Chambers** stated the applicant needs to sell their current home before they can build the new home they want to build.

**Edwards** asked about how the occupancy and permit would work.

**Mr. Chambers** stated yes.

**Runhaar** asked if the home is not occupied, how is the kennel secondary to the home?

**Mr. Chambers** responded that the home is being built and is a dwelling unit.

**Runhaar** responded that international building code would state the home is not a dwelling unit during construction. The code states “home”, the definition of a “home” which is defined by somewhere a person dwells, or lives. There is a secondary requirement of a home on site for a home based kennel, if the applicant is going to exceed 12 dogs.

**Mr. Chambers** responded that he didn’t think that a home is defined by four squares of a building.

**Harrild** read the code defining home.

**Harrild** stated that Mr. Chamber’s is saying a home doesn’t have to exist but be designed. You can’t have something that doesn’t exist function as a primary use. For the kennel to avoid qualifying as a commercial use, a dwelling unit has to be present on the property, not conceptually designed.

**Mr. Chambers** responded that there is a disagreement about the understanding of the definition. The home is being built and the applicant is asking for 8 months. If the home is not done, the permit could be revoked.

**Edwards** asked if the applicant would occupy the adjacent home until a certificate of occupancy is issued.

**Mr. Chambers** responded no; the applicant needs to sell the adjacent lot to finance the new construction.

**Gunnell** commented that a home is how the kennel becomes a home based kennel. If there is no home there, the kennel is commercial.

**Mr. Chambers** responded he could understand that and asked if there were a well and a foundation, would that qualify for the home definition?

**Harrild** asked if the intent is to sell the existing home kennel and move the applicant and the dogs to the new property, where are the dogs going to be in relation to the kennel?

**Mr. Chambers** responded that it is his understanding that the kennel would be there for the dogs to move to. The primary need for the 8 months is for the home to be built and 2-3 months would also be for a kennel to be built.

**Christensen** stated that the dogs couldn’t be moved to the property without the full kennel being built, or the kennel is in violation of the CUP.

**Staff** and **Commission** discussed the building of the new kennel, studies for the new kennel, and timeline.

**Karie Burton** stated that as soon as their current residence sells, they would start construction on the kennel and new home. The new kennel would only take about 1 month to complete. The hope is that the

new owner of their current home would allow the dogs to stay in the current kennel until the new kennel is completed. She would then have a travel trailer, or some sort of mobile home, while the new home is built.

**Edwards** asked if a foundation is required for a mobile home.

**Runhaar** responded for a mobile home to fit the definition, it needs a foundation.

**Mrs. Burton** asked about a travel trailer.

**Harrild** responded that a travel trailer does not fit the definition of a dwelling. A kennel has to be secondary to a dwelling unit. If the kennel is in place before the home, the use is allowed to occur before the permit conditions are met.

**Mrs. Burton** asked even if the travel trailer is temporary? The house is for sure going to be built.

**Harrild** responded that history of temporary uses in the county is not good.

**Mrs. Burton** asked if a travel trailer or home was on the Amalga side of the property.

**Harrild** responded that the current home is in a different jurisdiction, but the proposed kennel and house are in the county.

**Christensen** responded that there would be no dwelling in the county at that point.

**Mrs. Burton** asked if the only way to move the dogs to the new kennel was to have the finished home.

**Harrild** responded yes. A certificate of occupancy for the new home must be obtained before the dogs could be moved.

**Mrs. Burton** asked if she could move the dogs and not do business.

**Harrild** responded no; that still would violate the code.

**Mr. Chambers** commented that a trailer home, in order to qualify as a single family residence, it does have to have a permanent foundation but does not require a foundation to qualify as a dwelling unit.

**Michael Burton** stated that he asked a building inspector what defined a dwelling or a single family unit. The building inspector stated that a trailer cable tied down to footings could qualify as a dwelling or single family unit.

**Harrild** responded that he would have to check with the building inspector to see if that would qualify.

**Gunnell** asked if the applicants could lease or rent the current facility and home until the new house is built.

**Mrs. Burton** responded that would be the ideal case.

**Staff** and **Commission** discussed how leasing the new home would work and how it may require a variance procedure as the kennel must be secondary to a home, as required by the code.

**Mr. Chambers** asked if the trailer cabled down would meet the primary use of the lot and if that would make two primary dwellings.

**Harrild** responded yes.

**Mr. Chambers** asked if that was going to create an issue.

**Harrild** responded that there would need to be a permit for the first structure or trailer, in order to get a permit for the second dwelling the first structure or dwelling would have to be removed.

**Mr. Chambers** responded that it is being read as occupied and the ordinance doesn't state that. The ordinance states designed for occupation.

**Staff** recommended that the item be continued up to the next meeting in order for a full legal review to be conducted.

*Watterson* motioned to continue the Michael Burton Conditional Use Permit to February 7, 2019; *Gunnell* seconded; **Passed 4, 0.**

**6:39:00**

#### **#4 Amendment to Title 17.08 regarding Rural 2 & Rural 5 Zones**

**Runhaar** stated staff is trying to schedule a meeting between the County Council and the Planning Commission for a discussion on the Amendment to Title 17.08.

**Staff** and **Commission** discussed what the County Council has expressed regarding the RU2 and RU5 zones, and the affects to property owners.

**6:57:00**

#### **#5 Elections for Chair and Vice Chair**

*Watterson* motioned to nominate Brady Christensen as Chair and Nolan Gunnell as the Vice Chair; *Olsen* seconded; **Passed 4, 0.**

**7:00:00 pm**

**Adjourned**