

1 **Oakley City Planning Commission**

2 **Thursday, June 13, 2019**

3 **Oakley City Hall**

4 **6:00 p.m.**

5  
6 **Planning Commission:** Commissioner Chairman Gerald Young, Commissioner's, Stephanie  
7 Woolstenhulme, Eric Woolstenhulme, Christopher Hanson, Richard Bliss

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9 **Absent:**

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11 **City Staff:** City Treasurer Konni Thompson, City Planner Amy Rydalch

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13 **Other's Attendance:** Nancy Heigl, Jon Wiberg, Bob Elbert, Viki Elbert

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15 **Approval of Minutes:**

16 **Commissioner Hanson made a motion to approve the minutes May 9<sup>th</sup>, 2019. Commissioner Bliss**  
17 **seconded the motion. All voted in favor. Motion passes.**

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19 **Public Hearing – Possible motion to approve a plat amendment for Maple Ridge Ranches Lot #9 and**  
20 **Open Space Lot #1. Applicant Jon and Jennifer Wiberg.**

21 **City Planner, Amy Rydalch** presented the amendment. The applicants wish to amend the Maple Ridge  
22 Subdivision. The applicants wish to amend Lot #9 and Open Space Lot #1 to facilitate moving the  
23 disturbance area for the building pad and to meet setback requirements. The lot line adjustment is for  
24 an equal exchange of acreage – 3 acres. The applicant has permission from the HOA to make the lot line  
25 adjustment and the city is in possession of the agreement.

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27 **Commissioner Young** opened the meeting up for public hearing. There were no comments.

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29 **Commissioner Hanson made a motion to approve the plat amendment for Maple Ridge Ranches Lot**  
30 **#9 and Open Space Lot #1. Motion was seconded by Commissioner Bliss. All vote in favor. Motion**  
31 **passes.**

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33 **Administrative – Badlands Ranch, LLC. Possible action to clarify/affirm or revoke Conditional Use**  
34 **Permit.**

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36 **Planner Rydalch** gave a summary of the history of the conditional use permit granted to Badlands  
37 Ranch LLC on February 27, 2017 for a kennel. The kennel is an allowable use in land use zone A-40. The  
38 purpose of the kennel is to house rescued shelter dogs and prepare them for adoption. This is a private  
39 non-profit organization and does not participate in commercial activities such as daycare/boarding. At  
40 the City Council meeting held April 22, 2019 there were several community members that raised a  
41 concern that a condition of the conditional use permit had been violated by moving the dogs from the  
42 original facility to a newer facility on the property. City staff pulled the records associated with this

43 permit and found that there is not an official record that indicates that the applicant was informed of  
44 the conditions of the granted conditional use permit. There are minutes from the original planning  
45 commission meeting in February 2017 that states that the dogs are to be housed in existing facilities and  
46 that the number of dogs be restricted to approximately 10. The applicants came in approximately 7  
47 months after the granting of the conditional use permit and applied for a building permit with Oakley  
48 City. The building permit stated the purpose for the building permit was a kennel. The city did not notify  
49 the applicant at that time that this new facility would be a violation of the conditions set forth in the  
50 conditional use permit previously granted. The building permit was issued and a new kennel facility was  
51 constructed and the dogs have been moved into the new facility. A surprise inspection by Summit  
52 County Animal Control was recently conducted and there were no violations of Summit County Animal  
53 Control ordinances found. Planner Rydalch also visited the facility and site on May 30, 2019. At that time  
54 both the original dog facility and the new facility were examined. In her opinion the newer kennel  
55 facility is an improvement upon the original facility that housed the dogs. The existing facility consisted  
56 of a large indoor room with a wash area. Dogs were crated, mostly at night. There are two outdoor  
57 exercise/training areas that the dogs have access to. In the new facility there are dog runs that are not  
58 large in area. The outdoor portion of the dog runs are 4'x6'. The dogs have access to the indoor portion  
59 of the kennel through a dog door in each run. The indoor portion of the run is 4'X4'. The facilities are  
60 exceptionally clean with no visible refuse. During the visit a vet was attending to the dogs. It should be  
61 noted that during the visit there was minimal noise from the dogs. In speaking with the owner of the  
62 kennel she is aware that there were some problems with the noise from the dogs. She is currently in the  
63 process of installing sound-proofing in the kennel facility and has purchased two sets of bark collars to  
64 be switched out morning and night. **City Planner Rydalch** recommended that there be a clarification of  
65 the granted conditional use permit.

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67 **Nancy Heigl** addressed the commission. She apologized for not attending the earlier planning  
68 commission meeting. She was not aware of the restriction of keeping the dogs in the existing facility.  
69 She stated that they applied and received a building permit for the new kennel and therefore thought  
70 they were in compliance. She then gave the specifics of the new kennel facility. She has recently been  
71 made aware of the barking and has been taking measures to minimize the sound, with baffling, bark  
72 collars, and remote camera monitoring. All dogs are rescues and the organization is non-profit.

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74 **Commissioner Bliss** asked about a dog that was referenced in the City Council meeting on April 22, 2019  
75 that was out and off property. **Nancy Heigl** stated that it wasn't one of their dogs. There is fencing and  
76 electric fencing around all of the outdoor dog areas.

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78 **Commissioner Bliss** asked if she was moving into the area. **Nancy Heigl** stated that she is moving onto  
79 the property.

80 **Commissioner Young** asked about the proximity of the closest neighbor. **Nancy Heigl** stated the kennel  
81 is on 20 acres and indicated where the neighboring homes were located.

82

83 **Commissioner Stephanie Woolstenhulme** asked if the dogs can move indoors and outdoors at will in  
84 their dog runs. **Nancy Heigl** stated that they can although they are locked in their indoor runs in the  
85 winter.

86 **Commissioner Stephanie Woolstenhulme** asked if the new kennel facility is closer to the neighbors.  
87 Those familiar with the facilities stated that it isn't any closer than the existing facility.

88 **Commissioner Stephanie Woolstenhulme** asked if there were any further plans for new construction at  
89 the site. **Nancy Heigl** responded there are no plans for new construction related to the kennel/dogs.

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91 **Commissioner Young** asked for clarification of the conditional use permit granted

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93 **Commissioner Stephanie Woolstenhulme** made a motion that the commission clarify the conditions of  
94 the conditional use permit to include no more than 10 rescued kennel dogs, no commercial or retail  
95 usage i.e. boarding/daycare, the dogs are to be housed in the existing facilities with any  
96 improvements or changes that would require a building permit are to be approved by the planning  
97 commission.

98 **Commissioner Eric Woolstenhulme** seconded the motion. All voted in favor. Motion passed.

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101 **New Business:** Items that will be coming in front of the commission soon – plat amendment and  
102 subdivision. The annexation petition received by the City was not certified because of a parcel that  
103 created an unincorporated island. The applicants have been informed. **Commissioner Hansen** asked if  
104 the development agreement with the Wheelwright's had been agreed upon by the city council. **Planner**  
105 **Rydalch** stated that it had passed at the most recent City Council meeting. She gave a summary of the  
106 agreement and of the sensitive land requirements. Code enforcement and code re-writing were  
107 discussed.

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109 **Commissioner Hanson** made a motion to adjourn. **Commissioner Bliss** seconded the motion and all  
110 voted in favor.

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113 Approval is to form 10 day of Sept, 2019

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Gerald Young, Chairman

  
Konni Thompson, City Treasurer