



MINUTES

Oakley City Planning Commission
Meeting
August 31, 2022
Zoom Meeting Platform
7:00 PM

AGENDA

1. Call the meeting to order
2. Discussion/Possible Action: Planning Commission meeting minutes - 8/3/2022
3. Discussion/Possible Action: Non-Conforming Certificate: Rocky Mountain K9 – David Kitchen
4. Discussion/Possible Action: Zoning question on Parcel OT-117
5. Discussion/No action: Road Island Diner remodel
6. Discussion/Possible Action: Planner Items
7. Adjourn

MINUTES

1. Call to order and roll call:
 - a) Planning Commission: Chairman Cliff Goldthorpe; Commission Members: Doug Evans, Richard Bliss, Jan Manning, Lane Livingston
 - b) City Staff: Stephanie Woolstenhulme, City Planner; Tristin Leavitt, City Treasurer; City Councilmember, Kelly Kimber
 - c) Other: Chandler Smith, Brent Turner, David Kitchen, Dave Giles, Justin Wallis, Trevor Norris, Tom Petrizzio, Marc Williams, John KellerZoom: Jason Boal, John O., Jack Walkenhorst, Melissa McDonald
2. Discussion/Possible Action: Planning Commission meeting minutes 8/3/2022

Doug Evans lists the following corrections:

 - line 48 typo Findings if Fact needs to read Findings of Fact
 - line 108 missing vote.

Doug Evans makes a motion to approve the 8/3/2022 Planning Commission minutes as amended.

40 **Jan Manning** seconds the motion.

41 All in favor.

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43 3. Discussion/Possible Action: Non-Conformity Certificate: Rocky Mountain K9 – David Kitchen

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45 **Planner Stephanie Woolstenhulme** shares the following with the Planning Commission:

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47 Proposal:

48 The applicant wishes to obtain a non-conformity certificate for business, Rocky Mountain
49 K9.

50
51 Recommendation of City Attorney:

52 Listen to the scope of work, approve it as presented, and issue a non-conformity certificate.
53 The non-conformity certificate will describe the business/use in some detail, confirms that it
54 is a legal, nonconforming use as it currently exists, and states that the use can be continued
55 only on the same terms as described in the certificate, and that any deviance will cause the
56 use to lose its nonconforming status and become an illegal use.

57
58 Findings of Fact:

- 59 1. Located at approximately 650 W. 4200 N.
60 2. Property is RR-1 zoning – 1 development right per acre.
61 3. Previous RR-2 zoning prior to map change.
62 4. Current Land Use code 13-4-19 indicates that “Kennels, animal boarding and care” are
63 not a permitted use in RR1. Permitted with Conditional Use Permit in RR2.
64 5. Previous code: Allowable use (see attachment A)

65
66 Scope of Work Summary:

- 67 1. Private lessons of 1 hour occur on premise where the dog arrives and departs with
68 owner.
69 2. Short-term boarding of dogs in current home.
70 3. Dogs on premise are kenneled between 7 p.m. and 7 a.m.
71 4. Maintain a no barking policy. Training and bark collars utilized.
72 5. Dog run under horse shelter that is used for potty and play during daytime hours.
73 6. Dog waste in sealed and closed containers with pick-up/disposal weekly.
74 Kennelsol also used for smell and sanitary purposes.

75
76 Points of Clarification of Scope of Work:

- 77 1. Number of dogs, including applicatn’s personal dogs, that will be on property at any
78 given time. **Answer: 10**
79 a. 5 or more dogs on premise at any given time requires a kennel license form
80 Summit County. **Applicant will obtain and keep current a kennel permit**
81 **from Summit County Animal Control per Summit County Code 5-1-21 and**
82 **5-1-22.**
83 2. Define short-term boarding. **Answer: 1-30 days**
84 3. Location of training sessions. **Answer: Dogs will often “go walking” with trainer and/or**
85 **owners on public roads which they will do in compliance to “leash laws” of Summit**
86 **County Animal Control law.**

87 4. Are areas where dogs are allowed fully enclosed? Not able to get to public road?

88 **Answer: Dogs do not have access to public roads or adjacent properties.**

89 5. Person always home? If not, are dogs inside if no person on property. **Answer: If no**
90 **property owner/trainer is on property, dogs will be placed in the house.**

91
92
93 **Doug Evans** questions if everything right now is compliant as code and if there are any
94 record of complaints. **Planner Stephanie Woolstenhulme** confirms that the business is
95 currently compliant with code in it's vagueness and there are no record of complaints.

96
97 **Chairman Cliff Goldthorpe** questions if Summit County has given him (David Kitchen) any
98 reason to fight him on this. **David Kitchen** lets them know that as of right now, they have
99 not. **Chairman Cliff Goldthorpe** questions if he has the application in hand for the kennel
100 permit. **David Kitchen** responds that he does have a kennel license application from the
101 county, however he would need this approval from the city so that there is a governing body
102 attached to it before he can move forward with anything with the county. **Planner**
103 **Stephanie Woolstenhulme** clarifies for Planning Commission that Summit County's
104 jurisdiction is the safety and security of the animals and Oakley City's jurisdiction is the
105 scope of work.

106
107 **Lane Livingston** feels that where there have been no documented complaints with the city
108 or problems that going forward we should expect the same.

109
110 **David Kitchen** makes Planning Commission aware of some complaints from his neighbor.

111
112 **Chairman Cliff Goldthorpe** opens it up for public comment.

113
114 **John Keller** 700 W. 4200 N. (neighbor to the north)-Very concerned. Has made no formal
115 complaints just complaints to David Kitchen. Not fair to subject neighbors to constant
116 barking in residential area. To David Kitchen's credit he has tried to mitigate the barking.
117 Was bitten a few months ago and had to chase one off. Will be complaining everyday if the
118 barking continues.

119
120 **David Kitchen** cannot confirm or deny that all of the barking is coming from his place from
121 the numerous neighbors with barking dogs. The bark collar is implemented if after two
122 corrections the barking does not stop.

123
124 **Jan Manning** has concerns about the location of where **John Keller** was bitten. **David**
125 **Kitchen** responds that they were doing work in the back yard and one of the dogs busted
126 through the gate. Gate is now unable to be used.

127
128 **David Kitchen** does currently have a piece of property in Brown's Canyon under contract
129 and is hopeful that it works out and is asking that the city work with him for a short period
130 of time while he works through this.

131
132 **Doug Evans** makes a motion that based on the findings of fact and conclusions of law and
133 the items listed out, paint a picture of how this existed in the prior code and that a

certificate of non-conforming use be issued for this use with a period review at six months, or before if there are more complaints, and we assess the compliance at that point.

Richard Bliss seconds the motion.

All in favor

4. Discussion/Possible Action: zoning question on Parcel OT-117

Planner Stephanie Woolstenhulme shares the following with Planning Commission:

Findings of Fact:

1. Located at approximately 4685 N. Millrace Road
2. Under current zoning, property is RR-1 zoning – 1 development right per acre. Property currently has 2 development rights, one of which has been used by current home.
3. Previous zoning maps (prior to May 2021 map) show split zoning of RR-2 and RR1-0.5.

Items of Consideration:

1. All previous official maps I could find of property show parcel as a split zoned parcel, RR-2 and RR 1-0.5. Arguably, the property is split down the middle which would have 1 acre of property in RR-2 and 1 acre in RR 1-0.5. Argument could be made for 3 development rights on property, one on the RR-2 side and 2 on the R 1-0.5 side.
2. When zoning map was redone last year, the intent was to zone split-zone-parcels to the higher density zone or, at minimum, not take away development rights.
 - a. Not all split zoned parcels were taken to higher density. Depending on the portion of land split, some properties were zoned to the lower density.
 1. Oakley School Property: split zoned RR-2 and A-5. 75% land in A-5 so went to all A-5, and also has the conditional use permit.
 2. Harding parcel: zoned A-5 (66%) and A-40 (34%) was zoned A-5.
 3. Parcels to South of Smith parcel were up-zoned from RR-2 to RR-1.

City Attorney Comment:

City Attorney comments that because current map is official zoning map of Oakley City after having been adopted in May 2021, either a zoning change application or development agreement for parcel would be the process to add additional density.


Doug Evans shares that the current zoning is the zoning. No one is entitled to a past zone. Maps were available to the public for a year and numerous public hearings were held without any complaints.

Chandler Smith shares that when she was checking into this 7 years ago her goal was to provide a place for her children to build in the future. On August 22, 2019, she came in and spoke with the City Planner at that time, and was notified that the zoning was changing and if you were split zoned you would be changed to the higher density. She started the process in 2019 and backed off because she thought it would go forward and move to the higher density.

Planner Stephanie Woolstenhulme clarifies with Planning Commission that moving forward the options for the Smith's would be a development agreement or a zoning change application.

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183 5. Discussion/No Action: Road Island Diner Remodel
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185 Diner remodel presented to Planning Commission.

186 General discussion between Planning Commission, **Dave Giles, Justin Wallis, and Trevor**
187 **Norris.**
188189 6. Discussion/Possible Action: Planner Items
190191 Book passed out to all Planning Commission members per **Mayor Woolstehulme** regarding
192 zoning. He wants Planning Commission to know that it is not a political statement or any
193 direction he thinks they should go. It is simply a recommendation.
194195 7. Adjourn
196197 **Chairman Cliff Goldthorpe** entertains a motion to adjourn meeting.
198199 **Richard Bliss** makes a motion to adjourn meeting.200 **Jan Mannning** seconds the motion.201 All in favor.
202203
204 Minutes accepted as to form this 2nd day of Nov. 2022.205
206 
207 Cliff Goldthorpe, Chairman208 
Tristin Leavitt, City Treasurer