



MINUTES

Oakley City Planning Commission
 Meeting
 March 1, 2023
 Zoom Meeting Platform
 7:00 PM

AGENDA

1. **Call the meeting to order**
2. **Public Comment:** This is an opportunity for the Public to address the Planning Commission with items that are not listed on the agenda or items which are on agenda but not as a public hearing. Please limit your comments to 3 minutes. Comments may be submitted prior to the meeting to be read in as part of the official record.
3. **Public Comment regarding City Center:** Opportunity for the Public to address the Planning Commission with comments related to City Center design/development.
4. **Discussion/Possible Action:** Approval of meeting minutes 2/2/2023
5. **Discussion/Possible Action:** Final review of Nonconformity Use Certificate for Rocky Mountain K9 business at 650 W. 4200 N.
6. **Discussion/Possible Action:** Oakley Bench Subdivision (~570 W. Weber Canyon Road) update regarding driveway access.
7. **Discussion/Possible Action:** Oakley Diner Signage application
8. **Discussion:** Questions for Oakley City Survey and plan to proceed.
9. **City Planner/Commissioner items:**
 - a. Invitation of Commissioners to water presentation to City Council, March 8th at 7:00 p.m. Presentation by Doug Clyde.
10. **Adjourn**

MINUTES

1. **Call to order and roll call:**
 - a) **Planning Commission:** Chairman Cliff Goldthorpe; Commission Members: Richard Bliss, Kent Woolstenhulme, Jan Manning (Zoom)
Absent: Doug Evans, Steve Maynes
 - b) **City Staff:** Stephanie Woolstenhulme, City Planner; Tristin Leavitt, City Treasurer

39 c) Other: Tom Smart, Brent Turner, David Kitchen, Tom Tosti, Nancy Tosti, Wes
40 Harwood, David Diehl, Deb Sheldon, Trish Murphy Cone, Becky Lamphier, Rebecca
41 Roberts

42 Zoom: Sherrie Keller, Nichole Miller, J Bingham, KC Jones, Katie's iPhone, Kelly Kimber
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44 2. **Public Comment:** This is an opportunity for the Public to address the Planning Commission
45 with items that are not listed on the agenda or items which are on agenda but not as a
46 public hearing. Please limit your comments to 3 minutes. Comments may be submitted prior
47 to the meeting to be read in as part of the official record.

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49 None.

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51 3. **Public Comment regarding City Center:** Opportunity for the Public to address the Planning
52 Commission with comments related to City Center design/development.

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54 **Tom Tosti** asks what the progress is on City Center. **Chairman Cliff Goldthorpe** responds
55 that we are waiting for them to bring us their new conceptual ideas. Planning Commission is
56 in the process of compiling their list of how things should look.

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58 **Rebecca Roberts** asks for an update on City Center, unfamiliar with on-goings. Asks who the
59 developer is that the city is waiting on for conceptual ideas. **Chairman Cliff Goldthorpe**
60 responds that the developer is Steve Smith. **Planner Stephanie Woolstenhulme** fills the
61 public in on the history of City Center and the surrounding properties. Near Future there will
62 be city survey questions to solicit public comment.

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64 **Deb Sheldon** asks if Dutch's has been purchased. **Planner Stephanie Woolstenhulme**
65 responds that it is under negotiations, but nothing has been finalized.

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67 **Brent Turner** asks why City Code was re-written, feels it was a coincidence. **Planner**
68 **Stephanie Woolstenhulme** gets clarification that he is speaking of the ordinance relating to
69 disposal of city property that just passed. She shares that this question is more on City
70 Council level. It was written to be more in line with State Code. **Councilmember Tom Smart**
71 clarifies that our city code was outdated. It was treated the same way you treat used
72 equipment. Have to put it out there and sell to the highest bidder. The city adopted the
73 same code that 90% of other cities use. **Kent Woolstenhulme** shares that his understanding
74 is that the property has not been sold. When the Master Plan process is done, whoever does
75 it, he believes the city has to accept other offers besides just Steve Smith's. The city does
76 not have to put it out to bid, but other people can come in and make an offer. **Planner**
77 **Stephanie Woolstenhulme** interjects her personal feelings that with the old code they
78 would have to go with the highest bidder which is not always in the best interest of the city.
79 This gives the city more flexibility in doing what is best for the city.

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81 **Rebecca Roberts** feels that keeping the property as a lease is better for the city rather than
82 selling it. **Planner Stephanie Woolstenhulme** makes her aware that if she has thoughts on
83 that, she should share them with City Council because that would be their call rather than
84 Planning Commission.

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86 **Nancy Tosti** makes a comment to the public in attendance, to make sure the city has their

87 contact information to receive the survey. Also asks for clarification on the two leases
88 associated with the Diner. **Planner Stephanie Woolstenhulme** clarifies that Lease 1 will
89 continue as a long-term lease or be sold due to the permanent infrastructure that is on it.
90 Lease 2 is not just for construction, it will also be used until the full scale development of
91 this property happens. After construction is complete, lease 2 property will probably help
92 with the bottom operations of the Diner until something more permanent happens with the
93 property.

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95 **Planner Stephanie Woolstenhulme** informs the public that if they want to stay informed of
96 what the city is doing, they can subscribe to the State Noticing website. They will get the
97 notices sent to their inbox.

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4. **Discussion/Possible Action:** Approval of meeting minutes 2/2/2023

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Richard Bliss makes a motion to approve the meeting minutes of 2/2/2023.

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Kent Woolstenhulme seconds the motion.

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All in favor.

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5. **Discussion/Possible Action:** Final review of Nonconformity Use Certificate for Rocky
106 Mountain K9 business at 650 W. 4200 N.

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Planner Stephanie Woolstenhulme shares the following:

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Premise of a Non-Conformity Certificate means we will allow them to operate in compliance
111 with our code.

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Proposal:

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The applicant wishes to obtain Non-Conformity Certificate for business, Rocky Mountain K9.

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Findings of Fact:

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1. Located at approximately 650 W. 4200 N. Residential lot containing an existing single-
118 family residence and accessory garage.

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2. Property is RR-1 zoning – 1 development right per acre.

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3. Previous RR-2 zoning prior to map change.

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4. Business is operated out of residential home as home occupation.

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5. Current Land Use code 13-4-19 indicates that “Kennels, animal boarding and care” are
123 not a permitted use in RR1. Permitted with Conditional Use Permit in RR2. Not currently
124 permitted as home occupation because code 13-9-3(B)(7) on home occupations requires
125 compliance with code 13-4-19 for home occupations “that correspond to or resemble”
126 the listed uses (Kennels).

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6. Previous code as relevant: Attachment A below, home occupations.

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7. 8/31/2022 Planning Commission approved a temporary, 6-month Non-Conformity
129 Certificate in order to allow business to continue while full review of history, code, and
130 business operations was being prepared. Commission directed certificate to be
131 reviewed and final determination made after 6 months.

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8. 10+ complaints submitted to City Planner from adjacent neighbor via email, phone and
133 Facebook. Complainant referred repeatedly to Summit County Animal Control and
134 Summit County Law Enforcement.

135 9. Summit County Animal Control issued verbal warning for barking dogs approximately
136 11/4/2022. Given 10 days to rectify. Decibal reader installed.

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138 Background:

139 Applicant purchased the property in 2/2020. Business receipts showing active dog
140 training/boarding business in 2019. Current code at that time could have been deemed this
141 business a home occupation (see Attachment A) as boarding/kennels were not an allowable
142 use in residential zone. 5/2021 Oakley City adopted a zoning map that changed parcel from
143 RR-2 to RR-1. 8/2022 applicant desired an Oakley Business License. No previous license
144 required or issued for business at this location due to code of home occupations.
145 Kennels/Boarding not currently permitted on the property because property is now in RR-1
146 per 13-4-19. Non-Conformity Certificate required to continue a previously legal use.
147 Planning Commission duscussed in meeting on 8/31/2022 and approved Non-Conformity
148 Certificate for 6 months to then be reviewed.

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150 Suggested Questions to be Addressed:

- 151 1. Rocky Mountain K9 indicates business "evolved". Nonconformity requires business to
152 remain within scope of original, legal use. How has the business evolved since it began?
153 Is it possible to return to original type of business? **David Kitchen's Answer – Dog board
154 and train evolved to grooming located in Kamas which is unrelated. Does group
155 lessons off site so that is unrelated as well. Needs the ability to continue to train dogs
156 bring them in for a couple of nights at a time. Did obtain a Summit County Animal
157 License which allows up to 10 dogs which includes his 3 dogs.**
- 158 2. How many dogs are outside at one time? Would it be functional to restrict number of
159 dogs simultaneously outside to number allowed for a normal residence? **David Kitchen's
160 Answer – Was not asked thus not answered.**

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162 Possible Conditions of Approval:

- 163 1. As previous home occupation code in place at the time business was begun required
164 businesses to only operate within the home, and as Non-Conformity Certificate
165 references the legal operations of this business, allow Rocky Mountain K9 to continue to
166 do business within the walls of the home only.
- 167 2. Allow Rocky Mountain K9 to continue to operate within the scope of business as
168 described by applicant.
- 169 3. Because Summit County Animal Control laws (noise and kennel licensure) were in place
170 at time business began, Commission may require Rocky Mountain K9 to operate at all
171 times in conformance with County Animal Control laws, in addition to other conditdions.

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173 **Planner Stephanie Woolstenhulme** shares that the point tonight is to answer if the scope of
174 work is similar enough to the original scope of work to allow to continue.

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176 **Chairman Cliff Goldthorpe** makes the decision to open it up to the public for comment.

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178 **Nancy Tosti** questions noise ordinance and why the city is looking at David Kitchen. She lives
179 a couple of doors down and works from home. She hears other dogs barking and running
180 around but never noise from Mr. Kitchen's. Wants to know why the city is looking at Mr.
181 Kitchen and not the other homes. **Planner Stephanie Woolstenhulme** responds that we are
182 not looking at this as the nuisance of a dog, we are looking at it in terms of his business.

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Sherrie Keller (zoom chat) states that if this is approved it is a terrible idea. The Keller's were unable to attend meeting.

Planner Stephanie Woolstenhulme shares that if anyone has problems with result from tonight, either way, the next step is the appeal process through our Appeal Authority.

Chairman Cliff Goldthorpe entertains a motion for the Non-Conformity certificate. **Kent Woolstenhulme** makes a motion for the final approval of the Non-Conforming Certificate as contained in the scope of work presented by the applicant.

Jan Manning seconds the motion.

All in favor.

Planner Stephanie Woolstenhulme makes Mr. Kitchen aware that if there are noise ordinance issues it will revoke the Non-Conforming Certificate.

6. **Discussion/Possible Action:** Oakley Bench Subdivision (~570 W. Weber Canyon Road) update regarding driveway access.

Wes Harwood presents the following to Planning Commission:

- Steepness of driveway at 8 or 9% at the steepest
- Access to cross the ditch – been working with ditch company to obtain an access easement.
- Not asking for a zone change
- 3 hydrants will be on the property
- Current driveway does not meet current county code – current driveway is dangerous.
- Driveway now comes at an angle so you can't see back.
- Feels a safer driveway is what they are bringing to Weber Canyon Road.
- He has been cognisant of what the Planning Commission has wanted.
- Has worked closely with the City Engineer on the driveway.

Richard Bliss asks where he will be pulling water from. **Wes Harwood** states that Dallas' recommendation is to pull from North Bench Estates and loop it. Would still like to talk to Dallas, but he will do whatever is needed. **Richard Bliss** also has concerns with how much fill is over the pipe due to construction traffic. **Wes Harwood** clarifies that all construction traffic will come up existing driveway. In talking with engineers, the rating on the pipe will hold a cement truck. **Richard Bliss** questions that Summit County has issued the encroachment permit for a building permit for the road. **Wes Harwood** clarifies that Summit County issued an encroachment permit and stamped the driveway design.

Planner Stephanie Woolstenhulme asks if the corner has been addressed by the South Summit Fire Marshall. Will it be a problem for fire access. **Wes Harwood** responds that Kent Leavitt's biggest concern was having the hydrants up there.

Wes Harwood asks what he will need to change now for the next meeting. **Planner Stephanie Woolstenhulme** responds with the following:

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- Driveway looks different on what he presented tonight vs. what was on the original plat.
 - Plat note issues from the original Staff Report need to be addressed if they haven't already.
 - Include a plat note on the plat stating both easement agreements.
 - Show water line easements on plat so that Oakley City is ensured that they have access to the water main.

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Planner Stephanie Woolstenhulme shares that once it comes back before Planning Commission with Preliminary Plat, more items can be addressed at that point. Then it will go to City Council for Final Plat which will be a Public Hearing and then go to the County before it can be recorded.

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7. Discussion/Possible Action: Oakley Diner Signage application

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General discussion amongst Planning Commission members regarding the signage of the Diner.

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Planner Stephanie Woolstenhulme shows where all the signs will be located and what their sizes will be and makes Planning Commission aware that this does not include security lights or parking lights. Explains that current code allows for four signs due to the square footage on SR 32 and square footage on Weber Canyon Road. Not sure if we can stop four signs, but certain things can be put in place like if they can be made dimmable or have shut off hours put in place.

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Jay From Allied Signs offers some clarification for the Planning Commission.

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- Signs not set to be flashing
- Possibility to dim any of the LED lights (neon, not bulbs)
- Can control all of the signs through a timer individually or as a group

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General discussion between Planning Commission and Public.

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Planner Stephanie Woolstenhulme makes it known that sign 1, 2, & 4 are possible per code, just need to determine size. Sign 3 is questionable depending on whether it is a freestanding sign or not. If it is a freestanding sign, it falls within the square footage allotment. The two in question, as far as square footage allotment, are the signs on the building. They are proposed bigger than what the code says for Dark Sky. **Planner Stephanie Woolstenhulme** confirms the following conditions with Planning Commission:

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- Doing away with sign 3 in favor of keeping the signs on the building as proposed.
- All tubular neon lighting needs to be dimmable – 2 on building.
- Timer on free standing sign on SR 32 off by 10 PM.
- Losing right to free standing sign on Weber Canyon Road.

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Jay with Allied Signs will have a conversation with the owner tomorrow regarding the conditions and will let him know to bring it back to Planning Commission so it is not one sided.

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Richard Bliss makes a motion to approve sign permit with conditions that allow signs 1, 2, & 4 with square footages as proposed and eliminate sign 3 in exchange for the footage overages. The signs be constructed with the guidelines of dimmable lights to be compliant to meet the upcoming restrictions of the Dark Sky initiative. Free standing sign number 2 be turned off by 10 PM in compliance with Dark Sky initiative.

Kent Woolstenhulme seconds the motion.

All in Favor.

8. **Discussion:** Questions for Oakley City Survey and plan to proceed.

Planner Stephanie Woolstenhulme presents the following to Planning Commission:

- Kelly Kimber is working on putting a committee together for Community Engagement.
- First order of business will be the survey.
- Longevity of the committee could be used for emergency communications.
- What questions does the Planning Commission want on the survey especially in regards to City Center.
- Kelly’s biggest concern is getting a solid database in place with resident contact information.
- Get list of questions to Stephanie within the next week – will constantly be evolving until survey goes out.
- Mayor wants final approval on the questions.

9. City Planner/Commissioner items:

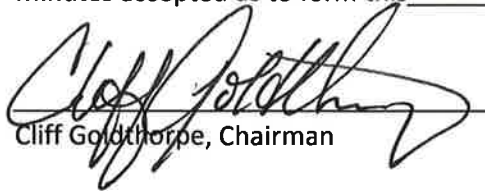
- b. Invitation of Commissioners to water presentation to City Coucil, March 8th at 7:00 p.m. Presentation by Doug Clyde.

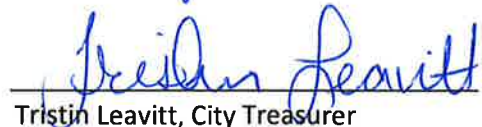
Planner Stephanie Woolstenhulme shares that if the majority can’t be there, then Doug Clyde would like to present at a Planning Commission meeting. Planning Commission members in attendance tonight are able to make it to the City Council meeting.

10. Adjourn

Richard Bliss makes a motion to adjourn the meeting.

Minutes accepted as to form this 3rd day of May 2023.


Cliff Goldthorpe, Chairman


Tristin Leavitt, City Treasurer