

**West Bountiful City  
Planning Commission**

**October 25, 2011**

**Posting of Agenda** -The agenda for this meeting was posted on the State of Utah and City of West Bountiful Web-Site and sent to Clipper Publishing Company on October 19, 2011 per state statutory requirement.

**Minutes of the Planning and Zoning Commission of West Bountiful City held on Tuesday, October 19, 2011, at West Bountiful City Hall, Davis County, Utah.**

**Those in Attendance:**

**MEMBERS PRESENT:** Chairman James Ahlstrom;; Terry Turner, Steve Schmidt; Commissioners, and Alan Malan (Alternate) Commissioner.

**MEMBERS/STAFF EXCUSED:** Craig Howe; City Administrator, Heidi Voordeckers (City Recorder), and Tori Boggess; Denis Hopkinson; Planning Commissioners.

**STAFF PRESENT:** Ben White; City Engineer, Cathy Brightwell, Bev Haslam and Debbie McKean (Secretary).

**VISITORS:** Terry Olsen, Katie Atkins, Richard Steed, Clint Steed, Fran Wilby, Reese Lee, Lon Griffith, Henry Brandon, Ben Wuthrich, Sherrie Peterson, Lynn Keddington, Kelly Parks, Attaile, Robin Secrist, Roger Henriksen, Marty Smith, Jul Martin.

**The Planning and Zoning Meeting was called to order at 7:30 p.m. by Chairman Ahlstrom. Terry Olsen offered a prayer.**

**Accept Agenda**

Chairman Ahlstrom reviewed the agenda. Steve Schmidt moved to accept the agenda as posted. Terry Turner seconded the motion. Voting was unanimous in favor with those members present.

**Business Discussed:**

**Public Hearing to receive input on modification to the regulations for farm animals, (Sections 17.16.080, 17.20.080 and 17.24.080 of the West Bountiful Municipal Code).**

Chairman Ahlstrom gave a brief of history as to why the Farm animal ordinance is being addressed. It was reported that a complaint was made as to how property is looked at in regards to considering points of animals. Our City's Legal Council reviewed the current ordinance and thought it would be well to have the ordinance reviewed and updated.

Ben White summarized the public comments that were made at the last meeting and incorporated changes that were suggested, except for the consideration of reduction in points required for a horse. A summary of all our neighboring cities was included. Ben suggested that we can enhance the buyer beware in the "purposes section" of the ordinance in each specific zone. Ben noted a typo in Section "E" that will corrected.

**ACTION TAKEN:**

Alan Malan moved to open the Public Hearing to receive input on modification to the regulations for farm animals, (Sections 17.16.080, 17.20.080 and 17.24.080 of the West Bountiful Municipal Code) at 7:43 p.m. Steve Schmidt seconded the motion and voting was unanimous in favor

**Public Comment:**

- Lon Griffith likes the changes regarding the horse points. Item D concerned him regarding how odors and noise are measured. He suggested that some type of note be made that animals do make noises and have odors. He feels that policing of these issues are subjective.
- Rae Bowman suggested that if the smell was a nuisance or offensive could clarify the gray area.
- Doc Shupe questioned who would be controlling the odor and safety of animals and how it would be monitored. Chairman Ahlstrom explained the process and noted that the Ordinance officer would be the person who would police and determine if the complaint was legitimate. If complaint is found invalid, then neighbors would have to work those things out among themselves. Mr. Ahlstrom noted that this ordinance is not made to be technical but to establish how many animals are allowed per size of lot. Doc Shupe wondered if someone had 12 horses could they be housed in one barn. Mr. Ahlstrom informed him that he would have to be in compliance with the amount of animals per acre, but there is not specifications for the size of structure to hold the animals in.
- Terry Olsen referenced paragraph C and noted that he has difficulty keeping his animals contained during months when fireworks are allowed to be displayed. He asked for guidance to understand whose problem that would be. Mr. Ahlstrom stated that under these circumstances he would not be in violation of the ordinance because under normal conditions he would be considered in compliance. Mr. Ahlstrom thought it may be well to address the issue through a Fireworks Ordinance. Mr. Schmidt commented that this issue needs to be discussed and brought to the City Council. He suggested that Mr. Olsen spearhead this discussion. Mr. Schmidt noted we need to be in compliance with State Ordinance regarding Fireworks.
- Doc Shupe took the stand and noted that horses go nuts when the fireworks are displayed and will go right through a fence. He feels it is a serious problem and that it should be addressed and better policed. Mr. Ahlstrom noted that changes were made in regards to Fireworks. He noted that maybe there should be a prohibition in the A-1 zone.
- Robin Young Secrist desired to understand how many animals are allowed per acre. Mr. Ahlstrom explained that the proposal is changed allowing 3 horses per acre instead of the current 2 horses per acre. In addition, legal interpretation of what defines pooling of land that was not addressed in the current ordinance. New language noise, odor, drainage will be included in the new ordinance.
- Sue Hales addressed the commission in regards to being excited about the support they have received in the first meeting. Now she has concerns how the language is addressing noise and odor and feels that it opens a door for neighbors to complain. She feels like it opens more loop holes for people to find fault with animal owners. Mr. Ahlstrom addressed her concerns noting the Buyer Beware clause. The language "offensive, annoying" leaves things wide open. She wants policing to be fair.
- Richard Steed noted that he was allowed more animals on his current property under the current ordinance than under the proposed new ordinance. Would he be grandfathered in? He questioned the protection he would have if the undeveloped land was developed. Can new neighbors push him into having to move his already established structures for animals? Mr. Ahlstrom noted that they would have setback requirements that should protect him. Mr. Ahlstrom noted that he would be grandfathered in and his status would not be changed with any development that would be introduced beside his property.
- Julie Martin is interested in the Wilby property and noted Section B. Do all the animals need to be split up or can they be pooled together. Mr. Ahlstrom explained how the lease and pooling language reads. Ms. Martin felt that pooling should be allowed in order to accommodate the animals needs for roaming, food and shelter. Adding the language "Seasonal use" was suggested by Ms. Martin. She disagreed with using the language "offensive/annoying" because peoples judgments are different and not able to be measured.
- Fran Wilby noted that language could include animal waste should be kept from becoming a health hazard. Wants to see temporary animals included. Mr. White noted that it was too hard to determine and track. She gave the example .30 for a horse. If it was .25 they could have a couple of horse and still be able to raise a cow or pig. She had no suggestions as to how this could be implemented. She looked at this with the opinion that most people are well meaning and would not abuse the circumstances. Mr. Ahlstrom

offered her to think about how this could be implemented and then pass those ideas to them. She was concerned about the pooling of properties. She did not think that the city should be able to tell people how they can use their property whether they are leasing a piece of property or they own it. She does not agree with language which dictates how people can use their property.

- Rae Bowman felt that space issues should address what is healthy for the animals. She felt it was important to keep the animals needs in consideration. Mr. Ahlstrom asked if she wanted the City Council to determine what was best for the animals when some may not know about animals. She felt that the answer was complicated. She felt when the animal is considered then it is more likely to be to the animals advantage. Mr. Ahlstrom noted that he did not think the Council or Commission would be able to judge that issue as well as the property owner.
- Katie Atkins questioned how the points were determined? Mr. Ahlstrom pointed out the chart from other neighboring communities and wanted West Bountiful to be a bit more liberal with their allowances. She felt that .2 should be allowed per acre. This would allow those who train animals to be able to have 5 horses per acre. Mr. Ahlstrom asked Ms. Atkins to explain how she would justify this? Ms. Atkins stated that each property owner should be able to determine what is allowed on their personal property. She felt that there should be classifications by weight and species and sizes of animals per the point allowance.
- Fran Wilby spoke relating Katie Atkins comment regarding training horses. She noted that was why they went to .25.
- Sue Hansen noted that there are different ways to house horses. She noted that most of us care about our animals and how they are cared for. She suggested to throw out the point system and do
- Jamie Harmon feels it is a difference of opinion and 5 horses on 1 acre is too many. She likes the ordinance as it reads now.
- Mr. Ahlstrom stated that they want the property owner to have the ability to use their property as they see fit but protect their neighbors as well from animal nuisances that can be created. He invited the public to continue to follow this through to the City Council who is the final body that accepts or rejects the proposals sent by the Planning Commission. He encouraged them to visit with the city council before that meeting.
- Doc Shupe appreciates the committee to hear all their gripes and feels they are doing their best.

#### **ACTION TAKEN:**

Steve Schmidt moved to close the public hearing at 8:55 p.m. Terry Seconded and voting was unanimous in favor.

Ben White requested that the following be addressed further regarding the Farm Animal Ordinance:

- Lease property
- Animal waste debris is applied in the Nuisance ordinance
- Send comments to staff in writing or address individual city council members.

Steve Schmidt want the definition of Farm Animal clarified to be truly farm animals. He believes that those who have lived here along time should have their way of life accommodated over those that move in to want to change things. He would like suggested changes in Section D.

Terry Turner asked how those who are not grandfathered in get protection from this ordinance. Mr. White answered his question by stating that those who already have structures and animals would be grandfathered in.

Alan Malan commented on A. He felt as though 75 feet was too far a distance. He felt that setback could be different with smaller animals. He liked the point system except he felt that smaller animals should have lower points. He suggested that mini or pigmy animals be worth only half the points as larger animals of their same type. B5 should have "or parcels" on the end. D should have language that would state "become reasonably offensive". He questioned E. "health, safety and welfare" should refer to landowners and not the property.

F. "owned and leased" are not clear. F. a. it was clarified by Mr. White that leasing property gives up the owners rights. Mr. Malan felt the combination of points should be included for both the owner and lease. Mr. White felt it is not possible to keep it all straight without having the division of leased property vs. landowner's property.

- Mr. Ahlstrom suggested the following to D. should be kept in accordance with usual and customary conditions associated with the animal.
- Chairman Ahlstrom felt concerning the pooling issue, that the lease property be used in some meaningful way. Mr. White informed the commission that there is also an area density involved.
- Some discussion took place regarding the issue of leasing and pooling.
- Some discussion took place in regards to A. seventy- five feet restriction. Reduce to ten (10) feet from property line on small animals.
- Mr. Malan suggested to lower points to 2 for small animals.
- E. Surrounding property owners instead of properties.
- Address Temporary Animals.
- G. was a concern to one of the public members in the audience with the feelings being that this is a do or be done clause. Mr. Ahlstrom stated that there has to be consequences for not abiding by an ordinance.

**Consider motion to recommend modifications to the Farm Animal Ordinance (Sections 17.16.080, 17.20.080 and 17.24.080 of the West Bountiful Municipal Code) to the City Council.**

**ACTION TAKEN:**

Steve Schmidt moved to table the ordinance for further review and let staff re-draft the ordinance with the suggested changes from the public and commission and then brought back to the commission at the next scheduled meeting. Alan Malan seconded the motion and voting was unanimous in favor.

**ACTION TAKEN:**

Steve Schmidt moved to close the public hearing at 9:43 p.m. Alan Malan seconded the motion and voting was unanimous in favor.

**Public Hearing to receive input on changes to the Outdoor Storage Ordinance (Section 17.92 of the West Bountiful Municipal Code).**

**ACTION TAKEN:**

Terry Turner moved to extend the meeting to 10:45 p.m. Alan Malan seconded the motion and voting was unanimous in favor.

**ACTION TAKEN:**

Steve Schmidt made a motion to move to a public hearing at 9:45 p.m. to receive public input on changes to the Outdoor Storage Ordinance Section 17.92 of the West Bountiful Municipal Code. Terry Turner seconded the motion and voting was unanimous in favor.

Ben White noted that the current ordinance for Outdoor storage needs to be addressed because of the new CH zone that was created. He noted some changes that Commissioner Hopkinson suggested after the last meeting be made to the ordinance. Holly Oil also has asked to have some input on the ordinance regarding permitted uses in the IG Zone.

**Public Comment:**

- Roger Henriksen/Legal Council for Holly Oil. He desires clarification on the matrix of the outdoor storage ordinance.
- Mr. Henriksen noted that the IG Zone does not address what uses are permitted in the zone. He suggested uses and restrictions to those uses in a matrix that he handed out to

the Staff and Commission. Mr. White informed the commission that the blue lines are Holly's suggested changes and redlines are city staff's suggested changes. Restriction's on last page in blue are suggested from staff.

- Mr. Henriksen pointed out that they would like to suggest that the CH Zone have fabrication, welding and other industrial equipment materials and manufacturing, compounding, processing, milling and packaging of products added as categories of conditional uses.
- Mr. Henriksen noted that Restriction #9 – is not conducive to what Holly needs with the restriction of 20 feet in height and in regards to the storage of the 3 sided building requirement.
- Mr. Henriksen suggested CH and I G Zone both need to have reference of the matrix.
- Alan Malan asked where the IG zone was located. It was noted that the perimeters of the IG zone have not changed.

Ben White noted that he would like to have restriction requirements for enclosed structure and what is allowed to be stored. What is its purpose? In addition, he would like to have addressed restrictions of screening. Where do we measure that screening? Proposal from Mr. Henriksen would be to use the parameters of the structure. Mr. White noted that we should consider the other uses in this area before deciding the conditions.

Mr. Turner asked what has changed with Holly's business plan since they are suggesting so many changes. Mr. Henriksen spoke that they are just trying to make the CH Zone and Outdoor Storage Ordinance compatible. They are not trying to change things but to just have things consistent with the uses that have always been allowed.

Alan Malan requested public comment from Terry Olsen on item E.

Terry Olsen spoke to the commission regarding the storage of hay. He felt that the 50 feet regulation would not be possible, but that the 40 feet was okay. Hay is not classified as a structure, but if it were, it would only be a temporary structure. Feels that hay is a mute point because it is not a structure and is only temporary like a pile of wood. He feels hay storage and agriculture products should be taken out of the ordinance.

#### **ACTION TAKEN:**

Steve Schmidt moved to close the public hearing at 10:21 p.m. Alan Malan seconded the motion and voting was unanimous in favor.

It was decided that the following changes should be made to the proposed Ordinance for Outdoor Storage:

- Alan Malan wanted 40 feet changed to 30 feet in Section E and all language after that point to be stricken.
- Add language for Tow/Salvage Yard to A.
- Incorporate the Doxey sentence in F. "Notwithstanding the foregoing..."
- Add the suggested redline changes from Staff
- Add the suggested blue line changes from Holly Oil
- In Chapter 17.92 ordinance include the Matrix.
- Delete # 9 Under Restriction

#### **ACTION TAKEN:**

Alan Malan moved to incorporate the following changes to the proposed draft as discussed:

- Alan Malan wanted 40 feet changed to 30 feet in Section E and all language after that point to be stricken.
- Add language for Tow/Salvage Yard to A.
- Incorporate the Doxey sentence in F. "Notwithstanding the foregoing..."
- Add the suggested redline changes from Staff
- Add the suggested blue line changes from Holly Oil
- In Chapter 17.92 ordinance include the Matrix.

- Delete # 9 Under Restriction

and suggest that this be drafted by staff and discussed at the next Planning Commission meeting before forwarding it to City Council for review. Steve Schmidt seconded the motion. Some discussion took place regarding changes to the Matrix that Holly suggested. Mr. Turner questioned about permitting welding in the CH zone. Ben clarified that welding can be done on individual uses, but the Matrix deals with storage of the materials and not uses.

Chairman Ahlstrom called for a Roll Call vote:

Terry Turner- Aye  
Steve Schmidt- Aye  
Alan Malan- Aye  
James Ahlstrom- Aye

**Set Public Hearings to Receive input on the following Titles of the West Bountiful Municipal Code: Title 16 (Subdivisions); Title 17.12.030 (e); Title 2.40 (Board of Adjustment to Board of Appeals). To be set on November 10<sup>th</sup>.**

**ACTION TAKEN:**

Terry Turner moved to set Public Hearings to receive input on the following Titles of the West Bountiful Municipal Code: Chapter 17.24, Residential District, R-1-10 at 7:35 p.m. or as soon thereafter as time permits, Title 16 (Subdivisions) 7:40 p.m. or as soon thereafter as time permits; Title 17.12.030 (e) and addition of section 17.08.120, appeals from decisions of land use authority, of the West Bountiful Municipal Code 7:45 p.m. or as soon thereafter as time permits; Title 2.40 (Board of Adjustment to Board of Appeals) in order to clarify appeal procedures 7:50 p.m. or as soon thereafter as time permits, on November 10<sup>th</sup>, 2011. Alan Malan seconded the motion and voting was unanimous in favor.

**STAFF REPORT:**

Alan Malan noted that the agenda still has Chief Lloyd on the letterhead. Ben White responded that they will be making all the changes at the end of the year and using up what letterhead they have. Changes will be made at the first of the year and printed.

**Approval of Minutes dated September 27, 2011 and October 11, 2011**

**ACTION TAKEN:**

Alan Malan moved to approve the minutes dated September 27, 2011 as presented. Steve Schmidt seconded the motion and voting was unanimous in favor.

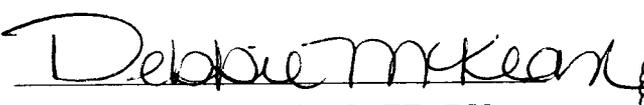
Steve Schmidt moved to approve the minutes dated October 11, 2011 as corrected. Alan Malan seconded the motion and voting was unanimous in favor.

**Adjournment**

Alan Malan moved to adjourn the regular session of the Planning Commission meeting. Steve Schmidt seconded the motion. Voting was unanimous in favor. The meeting adjourned at 10:45 p.m.

  
JAMES AHLSTROM /CHAIRMAN

  
HEIDI VOORDECKERS/CITY RECORDER

  
DEBBIE MCKEAN /SECRETARY

