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3 Minutes of the meeting of the City Council of West Bountiful City held on Tuesday,
4 January 31, 2012 at West Bountiful City Hall, Davis County, Utah.
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7 **Those in Attendance**

8 CITY COUNCIL MEMBERS PRESENT: Mayor Kenneth
9 Romney, Debbie McKean, James Ahlstrom, James Bruhn, Mark
10 Preece, and Dave Tovey.

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12 PLANNING COMMISSION MEMBERS PRESENT: Denis
13 Hopkinson (Planning Commission Chair), Terry Turner, Alan
14 Malan, Steve Schmidt, Mike Cottle, and Laura Charchenko
15 (Planning Alternate).

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17 STAFF PRESENT: Craig Howe (City Administrator), Heidi
18 Voordeckers, Ben White, Steve Doxey, Cathy Brightwell.

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20 VISITORS: Fran Wilby, Terry Olsen, Troy Larsen, Doug Lane,
21 Kelly Enquist, Lou Griffith, Julie Metcalf, Kent Hawker.
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24 **Called to Order:**

25 Mayor Kenneth Romney of West Bountiful City called this
26 meeting to order at 7:32 pm.
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29 **Discussion of proposed**
30 **Changes to Title 17, Zoning,**
31 **Of the West Bountiful Municipal**
32 **Code.**

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34 **A. Farm Animals**

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36 Ken explained that the intent of this evenings meeting is to discuss the farm animal ordinance
37 as a group, particularly because we have new planning commission members who have not
38 been involved in previous discussions related to farm animals. Our current ordinance is based
39 on a point system and is related to the size of the parcel. There have been subdivisions created
40 with the lot sizes based on the existing point system, where a horse is worth 40 points,
41 therefore lots were .8 acres have been allowed to have two horses. Some of the language in
42 the ordinance is vague in regards to minimum lot size and leasing or pooling of properties,
43 though we have had few ordinance enforcement issues (or complaints) under the current code.
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45 Based on questions that were received related to leasing land and pooling points, the city
46 council requested that the planning commission review the ordinance. After a public hearing,
47 planning commission made the recommendation to lower the points of several animals
48 thereby allowing a higher density of animals per property. Council had questions regarding
49 other cities using the "available area" for point and density determination instead of lot size.
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51 James Ahlstrom indicated that this system might be difficult for landowners to determine.
52 Woods Cross city allows farm animals on a conditional use only and they base the decision on
53 each application. They have had to grandfather too many property owners.
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55 **Ken Romney** – explained that the intent of the proposed changes was to clean up some of the
56 discrepancies and language in the ordinance, not a major re-write of the ordinance or point
57 system. He then requested individual input from the city council and planning commission
58 members, as follows:
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2 **James Bruhn** – James likes Attachment 1 – he does not like trying to restrict to just what
3 property is available. This would be too cumbersome for the home owner to calculate (house,
4 garage, shed, etc) He would be in favor with the changes in attachment 1.

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6 **Denis Hopkinson** – explained the reasoning behind Planning Commission changing the point
7 system. As the city's open spaces develop, animal properties will become a premium and
8 infrastructure will be built to house the animals more adequately (stalls for housing as
9 opposed to open housing). If you have a half acre, you can put 4 stalls in and make it a more
10 equestrian environment, which would increase the value of surrounding property owners. It
11 was his understanding that this was first brought up over a land dispute over animals on
12 leased properties. This has been addressed in both attachments in section B. The only concern
13 he has is with B 2(b) where the lessor will not retain rights to keep animals in the property.
14 This wouldn't be fair for larger parcels that would like to co-mingle space/animals.

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16 **Debbie McKean** – prefers attachment 2. Her concern is for property owners that already own
17 animals. The point system would not allow them to have 2 horses and 2 goats. There is
18 another instance of a neighbor that has 4 horses housed on a half acre and it is a very well
19 kept facility with no problems. Those are two situations that would be in jeopardy with the
20 proposed changes. She also does not like the idea of "half" of a horse (2.5 allowed per acre).

21
22 **Mark Preece** – leans towards keeping the point system the way it is for the reasons Debbie
23 suggested. His concern is for the lowest common denominator, those who do not keep up with
24 their animals and properties. He likes the idea of regulating set-backs. If there is something
25 included about creating a nuisance, this might help alleviate some of the problems. Denis
26 explained that if we change the ordinance in regards to nuisance, current properties will be
27 grandfathered anyway and it will be difficult to regulate.

28
29 **Alan Malan** – prefers attachment 2, and to add to what Denis said, the Planning Commission
30 consulted several experts, including Doc Shupe, as to what would be an appropriate density.
31 We should adopt what has the least amount of impact on residents and keep in mind the
32 requests we've received to keep the rural feel of the City. If you order chickens by mail, you
33 have to order 25. He doesn't feel changing the points will impact people nearly as much as
34 they've been led to believe. Attachment 1 B2c needs more work as it's not clear.

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36 **Mike Cottle** – prefers attachment 2. He called some horse owners in the city, and the folks he
37 called have several horses and the acreage to hold them. They feel there is no problem to hold
38 two large animals on a half acre. As a real estate agent, he knows of several properties that are
39 not in compliance right now and it is hard to know if they've been grandfathered. Attachment
40 2 would be easier to enforce in his opinion.

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42 **James Ahlstrom** – felt we had a good turnout and input at the public hearing, where 40 or 50
43 horse folks attended and 15-20 spoke. We need a purpose statement in our ordinance – he
44 questioned if we are trying to help the property owners or look out for the animals? Density is
45 really related to how the animals are kept, which is something we cannot regulate. We should
46 maximize property owners' rights – and we have evidence that this is working for other cities.
47 As long as we are increasing the allowance with the revised point system, we are not taking
48 any property rights away. Debbie stated that you could mitigate concerns from neighboring
49 properties with specific nuisance language. James Ahlstrom responded that nuisance law can
50 be a little ambiguous and hard for courts to figure out.

51
52 **Steve Schmidt** - stated that the problem with any regulation is enforcement. The nuisance
53 issue is a concern. Steve does not like Attachment 1, section B-2(b). He can see 4 horses per
54 acre and is comfortable with the point system. Steve would not agree to 100 chickens as
55 Kaysville city and does not like the licensing requirement that North Salt Lake uses.

56
57 **Terry Turner** – admitted that he is not an expert. He likes the idea of restricting but does not
58 want to interfere with property rights. He is not comfortable making changes just because of
59 one instance of disagreement between neighbors. Terry Turner lives a block away from Terry
60 Olsen and he can smell his animals, but he knew when he bought the house that he was
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2 surrounded by farm animals, and he loves it. Terry does like the clarification that all parcels of
3 a pooled situation need to be contiguous, and overall prefers Attachment 2.

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5 **Laura Charchenko** – has one house on $\frac{3}{4}$ acre with a barn with four horse stalls. She spoke
6 with her husband who is a farm animal person, and he agrees that we shouldn't restrict
7 property owner's rights. She feels it would be okay to have two horses on her property with
8 the way it is set up. She often sees folks out of compliance in the neighborhood, but leaves
9 taking care of their animals up to their discretion.

10
11 Laura is concerned with increasing density of mid size animals on $\frac{1}{4}$ acre lots, particularly if
12 the property owners have dogs or other animals.

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14 **Dave Tovey** – prefers Attachment 1, with a conditional use mechanism. He has gone back and
15 forth with it. He likes the Bountiful ordinance, where available land is determined by
16 excluding the home and setbacks. He also feels that if the current ordinance is not broken, and
17 there have been few requests to change it, then why change it? He is all for property rights as
18 long as it does not interfere with neighbors quiet enjoyment of their property. Perhaps we
19 leave points system as is, but allow more with conditional use permit.

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21 **Ken** – felt there was a consensus that we should maximize points/density.

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23 Debbie requested an explanation of the complaint that was received that led to the discussion
24 of ordinance revisions. Ken stated that there was a nuisance issue, and Ben further explained
25 that there was a question about the interpretation of what was allowed for pooled and leased
26 properties.

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28 Ken then requested input from the audience, as follows:

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30 One gentleman stated that it makes no difference what ordinance is passed if you don't
31 enforce it.

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33 **Terry Olsen** – chaired the committee that came up with the current point system. He
34 contacted the board of health prior to making recommendations. We should take in to
35 consideration what the board of health governs for animals regarding smell, etc. So much is
36 dependent on the actual caretaking of the animals – it is difficult to dictate a point system
37 because it depends on how the animals are taken care of. In Olsen Farms, property owners
38 had to sign that they understood that they were moving in to an equestrian community. The
39 original ordinance was approved in 1982 and has worked fairly well since then. Ken
40 applauded Terry's efforts, stating that the lack of issues we've had is a tribute to its
41 effectiveness.

42
43 **Troy Larsen** – if we are going to have an ordinance, let's enforce it. His problem was getting
44 three different responses from staff regarding his questions on pooled properties.

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46 **Ken** – We do have resources to enforce ordinances, but we need to make sure that the
47 ordinance is clear.

48
49 **Mark Preece** – the problem is that there is no enforcement unless there is a complaint. We do
50 not have the resources to investigate all instances to make sure animal owners are in
51 compliance.

52
53 **Doug Lane** explained that residents are expecting the city to enforce ordinances.

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55 **Ken** – doesn't feel this needs to go back to Planning Commission for re-write. He asked staff
56 to use Attachment 2 as a reference, go back to the old point system, and make changes to
57 clarify section B, 2., and a section needs to be added to include the possibility of having more
58 animals by conditional use permit.

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Craig – next council meeting we will have some input on cats and dogs related to the new ordinance that the county passed. Davis County is now allowing three dogs, but our current ordinance only allows two. The County is also recommending that cats be licensed.

It has been difficult to determine appropriate standards of care in regards to horses, which has limited enforcement.

Ken feels we are getting close to determining what we want the ordinance to be. Changes will be made and will be brought before city council for approval.

With no further discussion, the meeting adjourned at 9:03 pm.


MAYOR KENNETH ROMNEY


HEIDI VOORDECKERS (CITY RECORDER)
(SECRETARY-SUB)

