

**West Bountiful City
Planning Commission**

July 10, 2012

Posting of Agenda -The agenda for this meeting was posted on the State of Utah Public Notice website and the West Bountiful City website, and sent to Clipper Publishing Company on July 6, 2012 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, July 10, 2012, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Vice Chairman Terry Turner; Mike Cottle, Steve Schmidt, Alan Malan - Planning Commissioners and Laura Charchenko - Alternate Commissioner.

MEMBERS/STAFF EXCUSED: Chairman Denis Hopkinson, (Planning Commission).

STAFF PRESENT: Ben White (City Engineer), Cathy Brightwell (Deputy Recorder), Heidi Voordeckers (City Recorder/Auditor), Craig Howe (City Administrator) and Debbie McKean (Secretary).

VISITORS: Michelle and Brad Jensen, Jeri Palmer, Rob Knighton, Christine and Kent Harker, Dallas Bangerter, Fran Wilby, Mark Preece, Kelly Enquist.

The Planning Commission Meeting was called to order at 7:30 p.m. Mike Cottle offered a prayer.

I. Accept Agenda

Vice Chairman Turner reviewed the agenda. Steve Schmidt moved to accept the agenda as posted. Alan Malan seconded the motion. Voting was unanimous in favor.

Business Discussed:

II. Public Hearing to receive input on Title 17, Changes to Farm Animal Ordinance in the A-1, R-1-22, and R-1-10 Zones.

Included in the Commissioner's packet was a revised draft of the Farm Animal Regulations for the A-1, R-1-22, and R-1-10 Residential Zones. The Commission suggested changes to update the current (February 2012) ordinance in its June 28th meeting and directed Staff to incorporate those changes in a clean draft form in preparation for the public hearing.

Cathy Brightwell explained to the public that there is both the redline copy and a clean draft available for their review and comments for this hearing tonight. She noted that neither version they have is the existing ordinance but both include the planning commission's changes. Ultimately, a recommendation from the planning commission will be forwarded to the City Council for their review and possible approval.

Ms. Brightwell noted that the changes proposed, at this time, by the planning commission include dropping points by half for all categories of animals with a conditional use permit, clarifying the lease section, and removing "medium animals" from the 75 foot setback requirement. She also stated that the ordinance has been reorganized to make it easier to read and understand.

Laura Charchenko moved to go into a public hearing to receive input on Title 17, Changes to Farm Animal Ordinance in the A-1, R-1-22, and R-1-10 zones. Alan Malan seconded the motion and voting was unanimous in favor. The following public comments were heard by the Commission.

- Christine Harker- has lived in West Bountiful for 25 years. Loves animals and her property. She has owned animals throughout the years. She stated that she knows that animals are a part of the culture here but believes that there should be an ordinance to protect those with and without animals. She feels that the conditional use permit is more in favor of those that want animals and not those that do not want animals. She would like to make sure that the ordinance fits both animal and non-animal loving residents. She feels that the conditional use permit is used as a way to not enforce the law. She feels like it is set up just because it is hard to have people adhere to the ordinances. She noted several issues that she feels are not being recognized. They are as follows: Dirt and dust is a problem on a ½ acre of property. Those who have animals need to spray down dirt on a regular basis. When the permit application is filled out they may not be telling the whole truth. Are the neighbors being heard? Are they considering the lay-out of the property or just how many animals the applicant has or wants? Dependent animals – how is dependency determined? Only when the animals nurse? Neighbor has young goats that no longer nurse but are still there. She gave examples of how animals multiply by birthing and before long you could end up with lots that the owner may try to pass as dependent. Male goats smell bad. Animal feed brings rats, rodents, raccoons, wild cats and flies to the area and affects neighbors. Waste and debris put into the garbage cans may spill onto the road when dumped. These things may seem minor but not when you live next door. She hopes the city looks at those without animals and makes decisions protecting them as well. She wrote a letter (dated July 9, 2012) that includes several proposals and presented it to the Commissioners for their consideration.
- Fran Wilby- Wondered if the changes being suggested would automatically apply to the current Conditional Use permit holders. Alan Malan stated that the conditions included in their Permit when it was issued would apply. She finds it unfortunate that those who have animals are being portrayed in a bad light as not being responsible. She realizes that there are those that don't take care of their animals, but she does. West Bountiful is unique because the right to have animals still exists while many other cities have changed their laws. She believes that makes property value higher here. She would caution careful consideration in taking away animal rights so that we don't end up like everyone else squeezing animals out. She hopes West Bountiful can be different.
- Kent Harker- Stated that he enjoys the opportunity for people to have animals. He has never opposed animals but he feels that the ordinance has gotten more lenient. We need to have an ordinance that makes sense. Mr. Harker pointed out various things within the ordinance that were not within reason. He used the example of a neighbor who had owned a pig and he never knew it because there were no problems. He felt that the 200 ft setback is ridiculous because most properties aren't big enough to meet the requirement. He said pigs can be less smelly than goats. Mr. Harker said pygmy animals eat and *%#@ as much as other animals so why do they get less points? He felt like the conditions on the barns, stables and corrals (75 ft. from a dwelling) is not really possible to meet in the area he lives, but still needs to be reasonable for that animal. He stated that he began a business 21 years ago and needed the signatures from all his neighbors before he could get his license. He wondered why there were no similar stipulations for the conditional use permit for animals. If one person wants to shut things down that would not be right, but the majority of neighbors should be considered. He feels neighbors should have some say in that application process. He suggested that the applications be sent to the neighbors for their input.
- Rob Knighton- It has been a benefit and joy to own animals. Knows that it is tricky to keep everyone happy. He knows that ordinances help but conditional use permits are necessary to make things fair. Animals become quite an issue at times and some ordinances are probably being ignored because no one complains. He feels like we are affecting children when we come to the position of not having animals. 4 H and FFA are great programs and the conditional use permit allows more animals in order to participate in those programs. Kids are being affected because they have a project and something

good to do. There will always be issues and they will need to be addressed. Fines can be levied if things are not taken care of. Felt that periodically enforcement officers need to check out complaints and levy fines if necessary. He feels this ordinance is going in the right direction.

- Michelle Jensen- Likes the revisions being proposed and feels like those that are wanting or needing a conditional use permit should be allowed to get them. We need to preserve our niche and the ordinance reflects what West Bountiful is intended to be. Never been an issue to add more animals but to just be allowed to have what West Bountiful's Master Plan intended. Problems are addressed in the conditional use permit process. Those that have their joy in animals should be able to have their joy. Others who have different interests should be able to have joy in those activities too. We need to preserve the rights of having animals here in West Bountiful. We need to develop the character of our children through animals. Commended the work that has been done on this and other ordinances. Only suggestion to make the ordinance better is that there be a written trail for complaints to stop Gestapo policing by neighbors.
- Cathy Brightwell explained that staff had received an email from Mike Johnson, 1040 W 600 North, who wanted to make comments but was unable to attend the hearing. She read his comments into the record as follows: "...although I do not personally have any "animal" issues with my immediate neighbors on 600 North, several of my other neighbors do. They and I have witnessed gross and repeated violations of the current code by Brad & Michelle Jensen. Fortunately I do not have to deal with the problems they do. On 600 North our lots are only .415 acres and not full ½ acre lots. According to the code, this should give anyone on our street 41.5 points worth of animals. Doubling up the number of animals on such a small lot with a waiver will just increase the problems of my neighbors that are trying to remain good neighbors with the Jensens. Whatever the City does is fine with me. All I ask, is that it is reasonable, taking into account the impact the new code will have in areas with small lots, and most important, hold everyone to the code and not be bullied into not enforcing the code. I feel sorry for my neighbors who have been more than patient with code violations that have not been enforced by the city. Thank you.

ACTION TAKEN:

Steve Schmidt move to close the public hearing at 8:07 p.m. Mike Cottle seconded the motion and voting was unanimous in favor.

III. Consider revisions to the Farm Animal Ordinance:

- **Steve Schmidt-** likes comment suggesting to change the 200 feet for pigs (A.1.d) from Mr. Harker. Also the 75 ft. distance suggested in D. needs to be reconsidered. We should not be creating untenable requirements. He liked the comment about letting the neighbors be notified but not having the power to dictate whether they get the conditional use permit or not.
- **Laura Charchenko-** stated her situation is different being in the A-1 zone. Feels that the current setbacks are not reasonable but not sure how to address that situation. Feels there are great animal owners and there are those that aren't so great. She would be okay reducing setbacks. She does not like reducing points for pigmy animals by half twice. Wonders what the restraints should be on nursing animals.
- **Terry Turner-** noted that we want to maintain the luster set by the Master Plan. He is wondering how the setbacks were originally calculated. He wants the setbacks to be reasonable yet protect the neighbors from harm. Important not to take away property rights.
- **Alan Malan** feels that the setbacks have always been in place. He feels that pigmy animals are substantially smaller and should have the proposed reduction of points. He feels like the language in D should include "medium animals" and the setback in that section should be less. He suggested to make the pigmy animals ½ the points but add language "with a conditional use permit". B.3b. wording seems to be difficult. Suggested to change language to read "Total leased property" instead of "in its totality."

Commissioners did not wish to change that language as suggested. Mr. Malan also stated that the conditional use process was good and lets those who are more responsible have more animals.

- **Staff** was asked if they actually look at the property when a conditional use permit comes in to see if all the requirements can be met and if neighbors are notified. Ms. Brightwell confirmed that all properties are inspected and adjoining neighbors are notified.
- **Mike Cottle** feels the conditional use permit allows responsible owners to have rights and provides a way to enforce the ordinance.
- Some discussion took place on the setback issue. It was determined to change D.2. so that medium and pygmy animals would have 30 ft. setbacks and large animals would be decreased from 75 to 50 ft., for the distance barns, stables, corrals, or similar structures must be from neighboring dwellings.

ACTION TAKEN:

Laura Charchenko moved to send the proposed Farm Animal Ordinance draft to the City Council for their review with the following changes/additions: Pigs to 100 feet setback. D.2 - 50 feet setback for large animals, and medium animals to 30 feet. Steve Schmidt seconded the motion. Alan Malan made a friendly amendment to the motion to include pygmy animals in the medium setback area of 30 feet. Mike Cottle seconded the motion. Voting was unanimous in favor.

IV. Staff Report

- Cathy Brightwell asked if the 24th of July meeting that was cancelled could be rescheduled for July 26th, 2012 due to a business conditional use permit application. Commissioners consented to making that change.
- Thanks from Steve Schmidt to those that participated in the Public Hearing.

V. Approval of Minutes of June 28, 2012.

ACTION TAKEN:

Steve Schmidt moved to approve of the minutes dated June 28, 2012 as presented. Laura Charchenko seconded the motion and voting was unanimous in favor.

VI. Adjournment

Mike Cottle moved to adjourn the regular session of the Planning Commission meeting. Alan Malan seconded the motion. Voting was unanimous in favor. The meeting adjourned at 9:00 p.m.


TERRY TURNER- VICE CHAIRMAN


HEIDI VOORDECKERS/CITY RECORDER


DEBBIE MCKEAN /SECRETARY

