

1 **ELK RIDGE PLANNING COMMISSION**

2 **August 11, 2016**

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5 **TIME AND PLACE OF MEETING**

6 A regularly scheduled meeting of the Elk Ridge Planning Commission was held on Thursday, August
7 11, 2016 at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

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9 **ROLL CALL**

10 *Commissioners:* David Clark, Jim Chase, Paul Crook, Gregg Anderson
11 *Absent:* Stacey Petersen, Lisa Phillips, Bruce Thorpe, Colin Logue (Alternate)
12 *Others:* Shay Stark, City Planner
13 Laura Oliver, Planning Commission Coordinator
14 Royce Swenson, Recorder
15 *Public:* JT Webster, Ricardo Diaz, Millie Diaz, Anne Diaz, Janet Johnson, Dallin and
16 Sarah Millington

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18 **OPENING ITEMS**

19 David Clark welcomed at 7:00 PM. Opening remarks were said by David Clark followed by the
20 pledge of allegiance.

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22 **GREGG ANDERSON MOTIONS TO APPROVE THE AGENDA AND JIM CHASE**
23 **SECONDED APROVAL OF AGENDA ALL (4), NO - NONE, ABSENT (4) STACEY**
24 **PETERSEN, LISA PHILLIPS, BRUCE THORPE, COLIN LOGUE (ALTERNATE)**

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26 **ACTION ITEMS**

27 **1. APPROVAL OF PROPOSED CONDITIONAL USE PERMIT, HOBBY ANIMALS (2 PYGMY**
28 **GOATS)**

29 Dave Clark – Report of onsite visit of pygmy goats- Dave showed photos he took that were taken during the
30 last Planning Commission meeting. “It was interesting to say the least. I did not see anything that struck
31 me as a violation. I think Janet Johnson was willing to accommodate moving the distance further away. I
32 think the question it really boils down to is do 2 Pygmy goats equal 1 Shetland pony, so to speak.
33 Everything I saw seemed to be fine. Mrs. Diaz, What is your fist name?” –She answered –Fanny (Millie).
34 Dave Clark continued- “I was a little concerned because I saw violations from the Diaz yard, because the
35 chicken coop was right on the property line. This is an interesting situation: in regard to talking about
36 setting precedence with the city. Because, depending on how the Planning Commission wants to deal with
37 Pygmy goats and with things of that nature, but yet – being asked to set a precedence for one and enforce
38 something else. I am seeing violations as well. It was tough. The goats were not there. Chicken coop
39 (Diaz) was very messy a lot of feces and garbage and a lot of violations. Dogs were barking and that was
40 loud. The only thing that I didn’t see was what the goats are and the Diaz are reporting that they are noisy
41 and smelly and all of these things. I was not able to see this because the goats were not there. Are they
42 there now?”

43 Janet Johnson – No. She was ordered to have them removed them, which she did that same day.

44 Dave Clark- Asked it any one had further questions and offered pictures.

45 Paul Crook – The Planning Commission is not hear to worry about the neighbors. The planning Commission is
46 here for the goats and should keep to that.

47 Dave Clark– How does the Planning Commission enforce pygmy goats and when it can’t enforce chickens?

48 Paul Crook - The application said the hobby animal was like for one miniature horse.

49 Dave Clark - If you compare the weight of one Shetland pony and the weight of 2 pygmy goats, there isn’t a
50 comparison.

51 Paul Crook - The code doesn’t say weight it just says miniature. Shetland is not a miniature.

52 Shay Stark – The key item here is that the code does not spell out goats, pygmy, or miniature in hobby animals
53 it mentions “like” animals. The other things listed as hobby animals are all fowl. No likeness there. The
54 only likeness is the Shetland pony. He further explained again about goats being communal animals. The
55 question is, if the Planning Commission chooses to approve this application, is how to make the justification
56 clear for future requests for potbelly pigs etc? The other item is breeding. How long kids will be left and
57 how many there could actually be.

58 Janet Johnson- Suggested no intact males. 2 wethers, a wether and a doe. Kids 3-4 months is typical.

59 Dave Clark – The Planning Commission needs a definite limit on how long kids can be there. Some other cities
60 only allow one animal.

61 Discussion on code mentioning one or two goats as well as gender in the code.

62 Shay Stark – The code specifically states female goats.

63 Jim Chase- Recommends limiting the conditional permit to no intact males.

64 Katherine Fillerup - Adjoins property. She didn't have a problem with the noise with the 2 female. But has
65 done research online. Females in heat make a lot of noise. Worried about, even a male that isn't intact,
66 being with a female in heat, there would be problems. Concerned about goats escaping. Kids can walk
67 within hours- these are not puppies, they are goats. They can have up to 5 on a litter. If you have 2 females
68 and they have multiple births at the same time, you have more than you can have chickens. She does not
69 think breeding should be allowed in the city.

70 Janet Johnson – She would separate the babies before the kids wean, due to the noise, for three days. She
71 doesn't want to subject herself or her neighbors to that.

72 Sarah Millington- What's the concern that would be more of a concern than a large dog?

73 Katherine Fillerup – Concerned about the pygmy goats eating the landscape.

74 Dave Clark – Janet accommodated the requests concerning, the noise, smell and the fencing issues. She is
75 willing to go further than that.

76 Janet Johnson – Stated she has taken the steps to make sure that the goats cannot get out. The fencing used is
77 good enough for cattle etc. and is trying to avoid possible issues.

78 Dave Clark - If the Planning Commission does not have any more comments from the public then it is time
79 need to discuss this

80 Ricardo Diaz – Is wondering about the smell.

81 Katherine Fillerup – Is worried about the precedent. Is breeding going to be allowed?

82 Dave Clark - That is going to be discussed and moved to city council.

83 Paul Crook- He was raised on farm, never had goats. Is there much smell?

84 Janet Johnson – She has more deer droppings then anything, and would be more concerned about urine.

85 Gregg Anderson – He lived near goats never smelled anything.

86 Dave Clark – He didn't smell anything, the enclosure was sturdy enough.

87 Ricardo Diaz- The problem is breeding. He is fine with 2 goats, but not breeding.

88 Gregg Anderson – If people want to have 2 goats for fun would be okay with that but would be against
89 breeding.

90 Dave Clark – Suggests 1 fertile goat. Putting in verbiage that gives the Planning Commission a leg to stand on.

91 Janet Johnson - Explains wethers don't stink and are not mean, they are nonentities. 1 female 1 wether would
92 be good.

93 Dave Clark - Moving forward: The Planning Commission needs a strict time frame for kids, they could stay
94 with mother 3 months.

95 Jim Chase- Where does it stop? This is setting dangerous precedent. Goats have problems just like dogs etc.
96 Allowing 2 pygmy goats, next time 2 sheep, next one wants 3, it escalates. He feels it is a dangerous precedent.
97 Discussion on limits and weight, breeding, escalation concern and enforcement issues ensued.

98 Shay Stark – The Planning Commission hit the key issues. If the Planning Commission approves the permit
99 with certain conditions on it, does the Planning Commission then suggest to city council to amend the code to
100 have a clear requirement there? Again, the other perspective, is how many chicken permits have come
101 forward?

102 Dave Clark – Not as many permits as the amount of chickens.

103 Shay Stark – He can count on 2 hands number of chicken permits but the number of people with chickens is
104 much higher.

105 Dave Clark - Is the Planning Commission too strict in zoning requirements with the smaller lots. There
106 shouldn't be, but there are chickens on the smaller lots. He recommends the Planning Commission has a future
107 discussion on these issues to amend the codes to make more reasonable. Enforcement is something to consider,
108 the enforcement officer only works 4 hours a week.

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110 **GREGG ANDERSON MOTIONS TO ALLOW MAXIMUM 2 PYGMY GOATS AS**
111 **PETS, NO INTACT MALES, NO BREEDING. SEND FORTH**
112 **RECOMMENDATION TO CITY COUNCIL, POSSIBLE AMENDMENTS TO**
113 **CODE. DAVE CLARK SECONDS THE MOTION. VOTE: YES ALL (4) NO- ONE**
114 **(1), ABSENT – (4) STACEY PETERSEN, LISA PHILLIPS, BRUCE THORPE,**
115 **COLIN LOGUE (ALTERNATE)**

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117 Dave Clark – set reminder in spring to revisit this.

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119 **2. DISCUSSION/APPROVAL ASSISTED LIVING CENTER MINIMUM SPACING CODE**
120 **AMENDMENT**

121 Shay Stark - The city received a challenge to the minimum spacing requirement between assisted living
122 centers as found in 10-12-31-C-6. The city has consulted with the City Attorney who has agreed minimum
123 spacing requirement would not be defensible in court. It is recommended the minimum spacing
124 requirement be removed from the code governing assisted living centers.

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126 Proposed change to the code is to strike #6. The facility shall not be located closer than three thousand nine
127 hundred sixty feet (3,960) (3/4 mile) to any other similar use, as measured in a straight line between the closet
128 property lines of the lots on which they are located.(Ord. 13,3,4-9 2013).

129 The city cannot legally enforce this.

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131 **PAUL CROOK MOTIONS TO STRIKE C-6 OF 10-12-31 ASSISTED LIVING**
132 **FACILITIES, GREGG ANDERSON SECONDS THE MOTION. VOTE: YES ALL**
133 **(4) NO- NONE, ABSENT – (4) STACEY PETERSEN, LISA PHILLIPS, BRUCE**
134 **THORPE, COLIN LOGUE (ALTERNATE)**

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136 **12. CITY COUNCIL UPDATE**

137 No update to report

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139 **13. OTHER BUSINESS**

140 Shay Stark, City Planner – FYI -commercial concept being put together to bring before the Planning
141 Commission.

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143 **JIM CHASE MOTIONED AND DAVE CLARK SECONDED TO ADJOURN THE**
144 **MEETING. VOTE: YES ALL (4), NO- NONE, ABSENT – (4) STACEY PETERSEN,**
145 **LISA PHILLIPS, BRUCE THORPE, COLIN LOGUE (ALTERNATE)**

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148 **ADJOURNMENT** – meeting adjourned at 7:58 pm

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Planning Commission Coordinator