

1 **ELK RIDGE PLANNING COMMISSION**

2 **April 27, 2017**

3
4 **TIME AND PLACE OF MEETING**

5 A regularly scheduled meeting of the Elk Ridge Planning Commission was held on Thursday, April
6 27, 2017, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

7
8 **ROLL CALL**

9 *Commissioners:* Jared Peterson, Jim Chase, Bruce Thorpe, Jared Barton (late)
10 *Absent:* Stacey Petersen, David Clark
11 *Others:* Royce Swensen City Controller
12 Nelson Abbott, City Council
13 Laura Oliver Planning Commission Coordinator
14 *Public:* Shawn Ram, Angeline Ram, Don Helvey, Stephanie Taylor, Chris Helvey

15
16 **OPENING ITEMS**

17 Jared Petersen welcomed at 7:00 PM. Opening remarks were said by Jared Peterson followed by the pledge of
18 allegiance.

19
20 Jared Peterson – Requested that the Conditional Use Permit: Hobby Animals for the chickens to be moved
21 ahead of the Conditional Use Permit for the dogs as the dogs may take more time than the chickens.

22
23 **BRUCE THORPE MOTIONED TO APPROVE THE AGENDA WITH CHANGE**
24 **OF MOVING THE CONDITIONAL USE PERMIT FOR CHICKENS TO COME**
25 **BEFORE THE CONDITIONAL USE PERMIT FOR DOGS. JIM CHASE**
26 **SECONDED. VOTE: APPROVED - YES - ALL (4), NO –NONE (0) ABSENT (2)**
27 **STACEY PETERSEN, DAVID CLARK**

28
29 **PUBLIC HEARING AND ACTION**
30 **CONDITIONAL USE PERMIT, HOBBY ANIMALS, CHICKENS**

31 Jared Peterson – In looking at the information he did not see any issues with the application.

32
33 **JARED PETERSON OPENED THE PUBLIC HEARING.**

34 Stephanie Taylor – She is in favor of the application. She has seen Michelle Matys' chicken coop and it is
35 amazing.

36 Jared Peterson – Asked if there were any other comments.

37
38 **JARED PETERSON CLOSED THE PUBLIC HEARING.**

39 Jared Peterson – Confirmed that the neighbors had all been notified. They had. He did not see anything else on
40 the check list.

41 Bruce Thorpe – Asked if coop had all the correct measurements.

42 Shay Stark, City Planner – Boyd usually checks out the Conditional Use Permit applications and renderings to
43 make sure they are up to code. At this time it is unknown if Boyd had done that.

44 Jared Barton – If the diagram meets with the code then it will be fine. It has to be closer to their home than
45 anyone else.

46 Bruce Thorpe – Asked if the coop needs to be 25 feet from adjacent residence.

47 Shay Stark, City Planner – Yes, it has be to 25 feet from the adjacent residence.

48 Bruce Thorpe – He is fine with the chicken coop as long as all the distances are correct. He could not see any
49 distances on the application.

50 Jared Peterson – There are distances on the back yard sketch which has 15 feet from the property line. Plus the
51 required 12 foot set back, that doesn't include the diagonal going to the house. He thinks the distances are

52 ok. He let the Planning Commission know of a letter from a neighbor who is concerned about his dogs and
53 the chickens.

54 Jim Chase – The code requires chickens be confined.

55 Jared Barton – The dog owner needs to worry about his dogs trespassing and does not think the Planning
56 Commission should get involved with that.

57 Jared Peterson – Asked if there were any more comments and or concerns and asked for a motion.
58

59 **JARED BARTON MOTIONED TO APPROVE THE CONDITIONAL USE**
60 **PERMIT; HOBBY ANIMALS - CHICKENS FOR MICHELLE MATYS**
61 **SECONDED BY JARED PETERSON. VOTE: APPROVED - YES - ALL (4), NO –**
62 **NONE (0) ABSENT (2) STACEY PETERSEN, DAVID CLARK**
63

64 **CONDITIONAL USE PERMIT, HOBBY ANIMALS, DOGS**

65 Jared Peterson – Turned the time over to Shawn Ram for his presentation.

66 Shawn Ram – Shawn and his family moved to Elk Ridge from the Bay area in January 2017. This enabled the
67 Rams to pick where they wanted to live. The Ram's also wanted to buy some land which is not as readily
68 available in the Bay area as it is here and finally the Ram's wanted to teach their kids to work. The land in
69 Elk Ridge gave them the opportunity to do that. Shawn spent his career consulting companies in risk
70 management. He has been an executive at a Fortune 500 company for the past 10 years and has spent a
71 good portion of his career managing risk for large entities including municipalities and hopes that brings
72 some value to this context.

73 He has provided pictures of his wife and dogs. They purchased a Siberian Husky a few years ago and to
74 give her exercise they started to run her. This led to the hobby of Dog Mushing. His wife, Angelique, has
75 competed in races, placing 4th overall in a 100 mile race. This has given their family a lot of joy and
76 opportunity. Certainly one of the reasons for purchasing the land is to accommodate this hobby. In the Bay
77 area Angelique was featured in the newspaper because it was interesting seeing dogs run on the road.
78 Generally the teams associated with dog mushing are between 8-12 dogs or 6-12 dogs, depending on the
79 race. The Ram's don't own that many dogs and have leased them in the past. On the third slide is the aerial
80 view of the Ram's property which is 6.18 acres. They have a good amount of land. There are no adjacent
81 homes currently. On the north side of the home, there are homes being built by Gary Hansen, but on the
82 other side of the home, most notable the south side of the property, there are not any homes. You can see
83 motorcycle areas (on the overhead map) and that the home is in the middle of this 6 acres. In the yellow
84 box, on the presentation, is where the dogs will be housed in a structure. The purpose of this box is clearly
85 not for the approval of the structure but where the dogs will be. The Ram's hope is just to describe where
86 they intend to have the dogs. As they evaluate the concerns that there may be with, odor, noise etc. They
87 don't want those things at all for themselves even though they are their dogs, and that location allows those
88 issues to be alleviated. Not to mention the noise, if there were any, would be overcome by ATV and
89 motorcycles. This area is important. They would be happy to entertain any questions as they go through
90 this presentation.
91

92 On the next slide #4 describes this structure as a barn, it is important to recognize that this is a hobby and
93 there are no commercial interests. This is purely recreational purposes, there is no money involved, no one
94 is paying them to do anything; there is no desire for revenue in this experience. This is for fun and to give
95 dogs exercise and the peace and enjoyment that it gives his wife.
96

97 This public hearing is not to discuss the approval of the structure but to describe the barn to show you how
98 the dogs would live generally. There are 3, maybe 4 distinct areas of the barn: 1.) Enclosed free roam area
99 2.) Enclosed outdoor area 3.) Enclosed indoor area and 4.) The area in between those 2 sections is where
100 they (people) would walk. At night the dogs would be indoors (in the barn). This is done by design for the
101 benefit of the dogs and the family and everyone else. During the day the dogs would have the ability to go

102 into the enclosed outdoor area, which are individual sections per dog. They could go outdoors as they
103 please into an all individualized enclosed area. A few dogs at a time would be go in an enclosed free roam
104 area, in the spirit of the dogs being able to get along. This is enclosed but with other dogs, 2-3 at a time.
105 The barn is being built to facilitate the team's needs as well as for a deterrent for odor and noise.
106

107 The final slide describes the breed. For those that are familiar with dog mushing, most notable is the
108 Iditarod. The majority of the dogs that run are Alaskan Huskies. These are hybrid dogs that are bred to run.
109 Their aspiration is to build a pure bred Siberian Husky team. Siberians are unique in in a variety of ways.
110 They love to run, they are excellent runners, they very much enjoy running. The Dog Whisperer who states
111 that Siberian huskies are quiet, they are not known for barking. They also clean themselves. Their dogs
112 will run through mud and a few hours later, they will be bright white again. Thereby alleviating some of
113 the concerns with noise and odor concerns. Their dogs range in weight from 40 - 45 lbs. Many of the
114 hobby animals, like sheep weigh 100-300 lbs., which are very large animals compared to dogs. In
115 addition, as the Planning Commission considers the application, their aspirations as stated on the
116 Conditional Use Permit is to allow UP to 16 dogs the reality is it would be between 8-16. They would not
117 breed their dog more than once a year and a litter size is between 4-8 puppies. If they would obtain 16 dogs
118 it would take a period of time, possibly years. The nature of the breed, is an excellent running dog and a
119 great dog for a home environment. In conclusion, this is a passion for his wife which the family has gotten
120 behind and has brought a lot of joy in their home and joy for their dogs. The lived in a Pleasanton, CA in
121 the Bay area. They lived there for 5 years and had 3 dogs. The dogs were kept in the back yard. Their
122 children were playing back and forth through the fence. That neighbor, in the 4th year that they lived there,
123 said he didn't realize they had dogs. They had dogs for 4 years and the neighbors didn't know they had
124 them. This demonstrates the nature of how quiet the dogs are. They don't really cause a disturbance. He
125 would be happy to answer any questions.

126 Jared Barton – Asked how big the structure that would be used to house the dogs.

127 Shawn Ram – There are some things that they are considering 25-60 feet, 25-40 feet. They are aware that this
128 size structure would require a permit.

129 Jim Chase- Asked how high the fencing would be for the enclosures. The dogs are known as escape artists and
130 obviously you wouldn't want them getting out.

131 Angelique Ram – They are going to bury the fencing 1 and ½ feet with pavers around it. The fence would be 6
132 – 8 feet high with a roll bar on top. The dogs are not jumpers, they are diggers that is why they would bury
133 the fence that deep.

134 Shawn Ram- In their experience with them in their fenced backyard in California, they are fairly comfortable
135 with how the dogs behave.

136 Jim Chase - Asked if they had 3 dogs in California. Jim is familiar with Pleasanton as he lived in California.

137 Bruce Thorpe – Asked of the enclosed portion is fully enclosed, roof sides walls etc.

138 Shawn Ram – That is correct. You cannot see the doors on the picture but you can see where they would be.

139 Bruce Thorpe - Asked where the structure is on the property.

140 Shawn Ram – Showed the Planning Commission where the structure would be on their maps. The yellow box
141 was not apparent on some printouts.

142 Jared Barton – Asked if any of the dogs would be roaming free on the property.

143 Shawn Ram- Only 1. They currently have 1 timid dog that roams their property.

144 Jared Barton – Asked what they are doing with the dogs currently and how many do they have.

145 Shawn Ram- 2 are leashed. Only 1 is not fixed which will be bred.

146 Jared Barton – Confirmed that their goal is to breed that one until you can reach the 8-16 dogs.

147 Shawn Ram – Confirmed, that is correct.

148 **Jared Peterson- Opened the Public Hearing**

149 Stephanie Taylor - She was not asked to come. The Rams didn't know she was coming. The Rams western
150 property line is her eastern property line. When they met the Rams, Angelic shared the passion of dog
151 mushing and her dream of what she wanted to do. The Rams have been very methodical and considerate on

152 where to place the structure and how to care for these dogs to have the least impact on their neighbor, As
153 the Ram's closest neighbors, she has only heard the dogs once, the entire time the Rams have lived on the
154 property. She and her husband also came to Elk Ridge to teach their kids how to work and to have farm
155 animals etc. She knows Elk Ridge is developing, quite rapidly, however, she would like to think of it as a
156 community where people can come and have animals and have experiences as a family that enrich their
157 lives. Whether it is hobby driven or not. She wanted to come and vocalize her support so that they can
158 achieve their goals and desires in this regard. The Rams have been very very thoughtful in where they are
159 placing the dogs. Honestly, on their property, the easiest and best place is not what they have chosen. They
160 have chosen the most considerate place to the surrounding neighbors. This speaks highly of who they are
161 as people. The Ram's are animal lover's. One of her own animals became sick and she was unable to get it
162 to a vet. Knowing that Angelic had some experience with animals she call her. Angelic was very tender
163 and went above and beyond in helping and in following up on how the animal was. Stephanie has every
164 confidence that the dogs will be very well taken care of and should not be a concern to the community. The
165 Ram's standards are very high and the love and care Angelic expressed to a neighbors animal, a goat, was
166 very impressive.

167 Jared Peterson- Asked if there were any other comments.

168
169 **Jared Peterson closed the Public Hearing**

170 Jared Peterson – Jared has been to the property and seen the dogs and talked to the Rams regarding the code.

171 Jared has spoken with Shay Stark, City Planner as there is some confusing and vague language in the code.

172 Jared turned the time over to Shay Stark, City Planner to go over the animal code.

173 Shay Stark, City Planner – Introduced himself and passed out a printout of the animal code. There is no
174 question that the animal code is confusing and it has been discussed in Planning Commission the need to
175 amend it quickly due to a previous matter concerning pygmy goats. There have been some other pressing
176 issues that have needed to be addressed so the animal code has been pushed back. This will become
177 apparent as to how it relates as we go through the code. The pygmy goats, were looked at under the hobby
178 animals and determined that “a like” animal would allow the approval of the pygmy goats. It was discussed
179 about the precedence that would be set by approving the goats. To bring that up to date, since then the city
180 has had 4-6 people wanting to put goats in their back yards. Most of those have not been valid and or gone
181 away. There is one that is not valid and the Mayor is having to going back and forth fighting this issue. If
182 they can't come into compliance it shouldn't be approved. Basically we have seen exactly what was
183 discussed, with the pygmy goat matter. There are 4 llamas that are illegal in some ones backyard, which
184 the city will now have to deal with. They will try to say they are “like animals”, which is just one
185 possibility. There is a slippery slope the city is needs to be aware of. Shay's concern here is not so much
186 this particular request. In fact, Shay Stark, City Planner is impressed with the plan the Ram's have
187 presented. His concern is the precedence that is set with the code. This is not the purpose of this discussion
188 but this code needs to be amended quickly so that the Planning Commission and the city can deal with
189 some of these issues.

190
191 Shay Stark read through the animal code for R & L-20,000 zone. Which is to provide a location within the
192 city for residential development associated with the keeping of limited livestock. This application was
193 turned in under Hobby Animals.

194
195 In chapter 12 of the development code are 2 sections that apply specifically to conditional uses, and they
196 are generic for all conditional uses. They state the issues that have to be considered and the process that
197 needs to be taken to make the consideration. One of the statements that is in the approval process, in the
198 requirements, found in 18-12-37 section H paragraph 3, the validity of the permit should be conditional
199 upon strict compliance with applicable city ordinances. The approved site plan and any additional
200 conditions handed down by the Planning Commission. Part of where Shay Stark, City Planner is going
201 with this is the authority to approve conditional uses has been delegated from the city to the Planning

202 Commission. When the Planning Commission is considering these conditional uses, based on the code, the
203 Planning Commission has the authority to make a decision on it. If the Planning Commission determines
204 that the conditional use does not fit the code, at this point it is asking for an exception to the code. That
205 exception then needs to go to city council. As the code and ordinances and the various options are looked
206 at this evening, keep this in mind. Some of the options, in order to make something work would require
207 them to go to city council and ask for an exception based on current code.
208

209 The first section of the city animal code is the Common Household Pets, which applies for permitted use to
210 all homes within the city. The limits are placed at 2 dogs. Interestingly, the code says that additional cats
211 can be permitted by obtaining a conditional use permit through Planning Commission through the process
212 listed under Hobby Animals or Kennels of this chapter. It is interesting that cats are singled out but none of
213 the other animals listed as common household pets are listed. There are 4 major designations Common
214 Household Pets, Hobby Animals, Livestock and Kennels.
215

216 Hobby Animals- Where permitted by the city zoning ordinance Hobby Animals include chickens, ducks,
217 pigeons, miniature horses and other like animals, approved by the Planning Commission. The total number
218 of Hobby Animals allowed is 6 animals per residential lot. Under the Hobby Animal ordinance in the code,
219 if the Planning Commission determines a dog is a "like" animal, then the number of dogs allowed would
220 be 6. Shay pointed out that, if you look at the definition for a Hobby Animal is a dog or cat owner's or
221 breeder that has been given a permit to keep a limited number of animal in a residential area subject to all
222 the provisions to all the animal control ordinance in this title. The definition here dog and cat are
223 mentioned under Hobby Animals but the total number allowed would be 6.
224

225 Stephanie Taylor - Asked how long a breeder can keep a litter in order to stay within the allowed number
226 Shay Stark, City Planner – Yes there is a certain amount of time the breeder is allowed to have that litter
227 Jared Peterson - The code says a breeder has 5 months to have the litter.
228 Stephanie Taylor - She thought the count was based on property size.
229 Shay Stark, City Planner – This is where the discussion gets interesting:
230

231 Livestock Animals.- The reason Shay Stark, City Planner brought up livestock - there is a basis based on
232 property size. There are property size requirements in Hobby Animals but they are limited. The livestock
233 for instance, horse, mule or cow, the code allows 2 per 1/2 acre. The point being that under livestock an
234 application for more than 6 animals could possibly apply. The definition of livestock states all animals of
235 the equine bovine or fowl and all the animals listed fall under those classifications. Per the city code, those
236 are the animals that would be considered livestock. In section B it states, any animals not listed in table 10-
237 18-B of this section can be approved by the Planning Commission finding that the animal is similar in size
238 and nature. Those 2 criteria have to be met.
239

240 Kennels – This is the last piece of the puzzle. Kennels are commercial operations, with breeding, boarding
241 involved, and in the city code, the only place that a kennel is allowed would be in a commercial zone. In
242 considering having multiple dogs the kennel section of the code applies better than anything else. It gives a
243 better guidance on how dogs should be housed and treated and what would be considered a nuisance in that
244 type of situation. The problem is that a kennel has to be in an area zoned commercial. The bottom of the
245 Table 10-18-9 states Conditional Use permit states that once approved, if the use later violates this code or
246 causes situation that become a nuisance to adjoining property owners that conditional use shall be subject
247 to revocation by the code enforcement officer.
248

249 The city received 2 letters concerning this application. The first letter is from Lawrence Wiscombe, the
250 Armstrong property that borders the property. They are concerned about primarily with dogs howling.
251 The second letter is from Mayor Ellis, which Shay read aloud. Mayor Ellis (paraphrasing) is not

252 necessarily opposed to allowing the requested individual the 16 dogs due to the lot size. The Mayor
253 believes it is unwise for the city to allow any conditional use for hobby animals if the animals are not
254 specifically listed in 10-18-5. Any time the city approves a conditional use, based on like animals, the city
255 sets a precedence that can later be used and potentially abused due to the lack of specificity. Furthermore,
256 the city could potentially deny itself the opportunity to address the conditional use parameters pertaining to
257 the care, housing, sanitation, proper density and relative placement of the animals among other things. He
258 highly advise careful consideration of this application based on the above. His recommendation is to deny
259 the conditional use application at this time and immediately undertake revising the current hobby animal
260 ordinance such that it removes any notion of hobby animals need not be specifically identified in the code.
261 (This would remove the term "like" animals) Also, that the list of Hobby animals be updated to include
262 dogs, in fact it is at these times and under these conditions that the city can leverage the expertize of the
263 requestor to craft the best ordinances upon the city can then grant a conditional use permit.
264

265 Shay agrees with the Mayor in that the Planning Commission amend the ordinance and then reconsider this
266 application at that time. Reasons why are as follows. 1). If the application is found to be in violation of the
267 code, then the enforcement officer has to revoke the permit. 2) if the application is approved and there is an
268 outcry and the city council changes the code to allow 4 dogs, then the user is has spent a lot of money on a
269 building. 3) the exception has to be approved by the city council.
270

271 Shay feels this is best under Kennels. He recommends revising the code in the kennel section to add the
272 residential livestock and the RR1 zones as conditional uses and add a paragraph in the Kennel section that
273 gives a minimum acreage. That way requests for kennels on $\frac{1}{4}$ - $\frac{1}{3}$ acre lot and to update the table as
274 such.
275

276 Jim Chase – Jim feels like the city is punishing someone who wants to bring something into an area that it fits
277 because the city doesn't have a sufficient code. Essentially, punishing citizens for the city code
278 shortcomings.

279 Stephanie Taylor – Asked what the timeline on amending the code would be.

280 Jim Chase – It would take 6 months at least.

281 Chris Helvey – Chris is with the Woodland Hills Finance Director's office. It is almost too late to change the
282 code in this instance. Since the application has already been made Utah law will not let a city go back and
283 amend a law in order to deny an application. Elk Ridge City code has a lot of ambiguity or holes in it. The
284 law will look and say what is best for the citizen and the city will be hosed if the code isn't tight enough.
285 Elk Ridge code is very confusing, obviously, since the Mayor wants to go back and redo it. The Planning
286 Commission can give them a conditional use permit but tell them not to get the 16 dogs this year. Utah law
287 is on their side right now until this ordinance gets fixed.

288 Jared Peterson- He is unsure if the Planning Commission can see the confusion in getting this figured out.

289 There are certain parts of the code, the Hobby Animals table doesn't include dogs but if you go to the
290 definition the very first thing it lists is a dog. He is in favor of the application based on several things and
291 what he has sees. First they have gone through the process, the requestor could have gotten a big pen and
292 16 dogs. The size of the lot is greatly in their favor. They have a huge piece of property and they want to
293 use a portion of that property. He doesn't think that is an issue. Jared sees "conditional use" perhaps
294 differently than the city does. He deals with conditional use everywhere. Conditional use is a per instance.
295 He doesn't feel that you are setting precedence by doing this. He feels that a conditional use can be issued
296 where it is conditional use of that actual applicant. Someone wanting to put in 16 dogs on a $\frac{1}{2}$ acre lot – no
297 He thinks that the consideration is the amount of land and the type of facility. Lastly, in regards to the
298 comments by Jim Chase and Chris Helvey that the code is too confusing and the code needs to be amended
299 as to not punish, or put those with 6 acre lots under the same restrictions as a $\frac{1}{4}$ acre lot. He disagrees with
300 the Mayor Ellis's recommendation of denying it now, amending the code and then revisiting the

301 application. He feels the conditional use permit for up to 16 dogs should be approved and the code
302 amended after the fact.

303 Shay Stark, City Planner – Respectfully disagrees with the word punishing. They applied under the current
304 code. Current code is they are only allowed to have 2 dogs, they have 3 right now as household pets. The
305 second piece of the puzzle is, livestock is spelled out clearly. You cannot go back and use livestock and
306 show that the dogs size and nature, maybe size but not nature, is the same as anything that is spelled out in
307 the livestock and it is not part of any of the classifications listed in the livestock code. Hobby Animals- He
308 agrees that because it does list dogs in the definition, but the rest of the code in hobby animals is very clear
309 that there cannot be any more than 6 animals- other than pigeons. If the Planning Commission wants to
310 say that because the code mentions dogs in the definition they can be a hobby animal. Shay feels that the
311 Planning Commission would be on solid ground with Hobby animals with the code but not definitely not
312 with livestock which is what would be needed in order to approve 16 dogs. The Planning Commission is
313 not punishing anyone y following the code.

314 Shawn Ram- When he purchased his land it was originally 3 lots which they combined into 1 lot. His
315 understanding was that because it was 3 lots his 3rd dog was grandfathered in.

316 Shay Stark, City Planner – Apologized to Shawn that Shawn was given that misinformation. He also told him
317 that his lots were combined illegally. Shawn bought 3 lots that didn't exist. They were not platted at the
318 time. His lot was created under a deed. Gary Hansen, the developer, came to Shay Stark, City Planner and
319 discussed the lots and has added Shawn's lot into Phase 2 of his development in order to make it a legal
320 lot.

321 Shawn Ram – Under that logic then it is 3 lots.

322 Shay Stark, City Planner – It is not 3 lots, it never was. it is platted as 1 lot.

323 Stephanie Taylor - Certainly 6 acres can accommodate 3 dogs.

324 Shay Stark, City Planner – He is not questioning.. he thinks the idea is great. He has to look at it from the
325 city's perspective. He has to look at it based on the code.

326 Jared Barton – He appreciates the discussion, he doesn't want to be rude but the public hearing is closed and
327 he feels that the Planning Commission needs to have a discussion which they have not been able to have.
328 He tends to agree that property owners should have the right to do what they want with their property. If
329 there are consequences outside of that, the property owner is responsible. From that logic he is in favor of
330 approving the application, however, the code does not say you can have more than 6 dogs. The Planning
331 Commission has talked about this over and over and over again about how many times the Planning
332 Commission makes an exception to the code. Jared commented amount the number of times that animal
333 issues have come up and that the code has needed to be amended for some time. The Planning Commission
334 can grant a conditional use permit and then go back and revisit it and then have to revoke the permit and
335 grant a new application based on the new code that may or may not ever be written. Or we can hold to the
336 code that the city has and grant up to the 6 dogs at this time and look at actually amending the code. If the
337 Planning Commission continues making exceptions to the code, we don't have a code we have a bunch of
338 exceptions that then becomes a nightmare for the city to enforce. He doesn't have an issue with the
339 application except that it doesn't follow the code.

340 Bruce Thorpe – Bruce tends to agree with Shay, it doesn't fall under livestock. It doesn't fall under kennels
341 since it is not commercial property. He thinks dogs clearly fall under the Hobby Animal definition even
342 though the definition doesn't make sense. In the table and the like animal language, clearly a dog can be
343 read into that. His problem is that the code only allows 6 dogs. He could easily allow 6 dogs; that would be
344 totally within the code. That doesn't mean that if there are changes in the code, down the road, that 16 dogs
345 on 6 acres wouldn't be a great thing. He thinks the Planning Commission's hands are tied with the 6. He
346 wouldn't think that the Planning Commission could accept 16 dogs since it is totally contrary to the code.
347 He asked Shay Stark, City Planner if there is a place where there can be exceptions to the code. He feels
348 they need to follow the 6. He asked for clarification on the exception being bumped up to the city council.
349 If it is more than 6 dogs than it will be kicked up to the city council and if it's just the 6 then it is approved
350 on the Planning Commission Level.

- 351 Shay Stark, City Planner- Yes, if there is an exception being made based on this code, then it goes to city
352 council. City Council is the legislative body and can grant an exception. In other situations the Planning
353 Commission recommends an exception but the city council has to grant the exception.
- 354 Bruce Thorpe – Bottom line if there is no statutory language that allows it. He doesn't see how anyone can
355 change the law. If the approval is for 6 dogs then good, more than 6 he thinks it's a problem.
- 356 Jared Barton – Asked Shawn Ram how quickly are they looking to get up to 8-16 dogs. A few years possibly?
- 357 Shawn Ram – Yes, absolutely
- 358 Jared Barton – Suggested the Planning Commission grant a condition use permit for up to 6 amount of dogs
359 per year to give the Ram's time and the city time to update the code. That would keep the Planning
360 Commission from making the exception that violates the code.
- 361 Shay Stark, City Planner – If you choose to grant it for 6 dogs, which is within the code. Amend the code, and
362 actually act on it and see where it goes. Shay cannot predict what the city council would do.
- 363 Bruce Thorpe- Asked if the Ram's would be able to cross out 16 and put 6. He thinks that most everyone on
364 the Planning Commission would be open to approving the 16 dogs but he couldn't do that. He could
365 approve the 6.
- 366 Jim Chase – Based on the Mayor's letter, Jim thinks that it would be denied in city council.
- 367 Bruce Thorpe- Asked/stated the application doesn't need to be sent up to city council if they approve 6 dogs.
- 368 Jim Chase – If the Planning Commission doesn't follow code and makes an exception then it goes to city
369 council.
- 370 Jared Barton – Wondered if anyone had talked to the Mayor about this.
- 371 Jared Peterson – The Mayor has been really pushing the “no gray area” he wants things black or white. The
372 Mayor didn't say that he was against this, just that in his opinion the code needs to be amended.
- 373 Jared Barton – It is incumbent upon the Planning Commission to act on this.
- 374 Jared Peterson – He believes that conditional use permits should be issued on the individual conditions and not
375 set precedence every time it's something a little different. Chicken permits need to done on an
376 administrative level and not come to Planning Commission. His issue with this is the amount of property
377 the requestor owns be under the same restrictions as someone with a small lot. He does agree with Shay
378 Stark, City Planner that it is hard to pass a dog off as a cow or of the like. It's also not listed as a wild
379 animal or non-permitted animal.
- 380 Jared Barton – Asked how many square feet is in an acre.
- 381 Jim Thorpe and Chris Helvey – Both answered – 43,560 square feet 6 acres there is 261,360 sq. ft.
- 382 Jared Barton – You can have 1 miniature horse in 1500 sq. ft... obviously they have enough land. He agrees
383 with Chris, ambiguity in a law always favors the party that didn't write it. There is plenty of ambiguity
384 here, they can easily say that if you can fit 1 horse, you can say a dog is at least 2 horses on 1500 sq ft.
- 385 Bruce Thorpe – But the language says a total of 6 hobby animals.
- 386 Jared Peterson – Asked if the only hang up here is that the Planning Commission cannot use the livestock
387 chart because of the definition.
- 388 Jared Barton – No, these are not livestock animals. He wouldn't support that even if there was ambiguity there.
- 389 Jim Chase – In looking at the bottom of the chart it is saying in similar size and nature. Take a goat, what kind
390 of nature does a female goat have, what kind of size? Asked how one can interpret that.
- 391 Shay Stark, City Planner – That is why the definitions were included at the end the section.
- 392 Shawn Ram- Obviously this is confusing. As they considered it if there wasn't opportunity for it. They looked
393 at livestock, which is a definition which is defined by animals. If you look at the definition in conjunction
394 with the kind and nature. Livestock is bred for food. There are other animals such as a horse for working
395 purposes. Siberian Husky is a working dog and is classified under that breed, its intent is to work. As they
396 consider the idea like- kind and nature, size and nature the nature of working. The family is building the
397 barn to accommodate the family as well as neighbors.
- 398 Further discussion ensued regarding whether the dogs can be considered livestock- the consensus was no. The
399 Planning Commission Members do not want to grant an exception and that the code needs to be enforced
400 and the animal code be re-written. The code is not being re-written for the dogs but because of the issue

401 with ambiguity and land size. There is not enough confusion or ambiguity in the code to grant a
402 conditional or to make a motion to approve based on livestock. A hobby animal is clearly 6 dogs there is
403 good justification for that. There isn't anyone at the meeting that opposes what the Rams are doing, it is a
404 matter of doing it within the code.
405

406 **JARED BARTON MOTIONED TO APPROVE THE CONDITIONAL USE PERMIT; HOBBY**
407 **ANIMALS – DOGS FOR SHAWN RAM FOR UP TO 6 DOGS WITH THE UNDERSTANDING**
408 **THAT THE ANIMAL CODE BE ADJUSTED IN THE NEXT 6 MONTHS. JIM CHASE**
409 **SECONDED YES - (3), NO – (1) JARED PETERSON ABSENT (2) STACEY PETERSEN, DAVID**
410 **CLARK**

411
412 **APPROVAL OF THE APRIL 13, 2017 MINUTES.**

413 Changes to be made: Jan and Richard Donegan made most of the comments, with the exception of
414 one or 2 comments by Colleen and Kirk Chapman. Line 13 should be Brian Chapman. Line
415 28 change left to west. Line 29 add “to”. Line 30 change south to north. Line 53 and 54
416 correct typos. Line 58 add greater than. Line 137 Jim Chase seconded the motion. Line 248
417 complete the sentence.
418

419 **JARED PETERSON MOTIONED TO APPROVE THE MINUTES FOR APRIL 13,**
420 **2017 WITH NOTED CHANGES JIM CHASE SECONDED.**
421 **VOTE: YES – (3) NO – 0, ABSTAIN – (1) JARED BARTON**
422 **ABSENT – (2) STACEY PETERSEN, DAVID CLARK**
423

424 **GENERAL PLAN - LAND USE –**

425 Jared Peterson tabled the discussion

426 **CITY COUNCIL UPDATE**

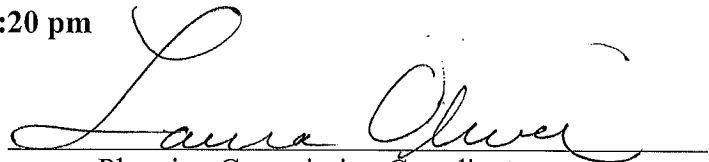
427 Nelson Abbott – The city council was not able to discuss removing the PUDs and Overlays because the
428 agenda was extremely full and will be on the agenda most likely the second meeting in May.

429 Jared Peterson – Asked if the city council has received the first completed section of the General Plan to
430 approve.

431 Nelson Abbott- All he has seen was the link. The city council did not receive the completed section.
432

433
434 **OTHER BUSINESS**
435

436 **MEETING WAS ADJOURN AT 9:20 pm**
437
438

439
440 
Planning Commission Coordinator