

Smithfield City Planning Commission
September 19, 2012
MINUTES

The Planning Commission of Smithfield City, Utah met at the City Council Chambers, 96 South Main, Smithfield, Utah at 7:00 p.m. on **Wednesday, September 19, 2012**. The following members were present constituting a quorum:

Chairperson	David Price
Commission Members	Jackie Hancock
	Pete Krusi
	Michael E. Paskett
	Jamie Anderson
	Steve Edwards
Deputy Recorder	Char Izatt
Planning Staff	Jon Wells
	Clay Bodily
Minutes	Stacey Dority
City Council Member	Brent Buttars

The notice was provided to the Herald Journal and delivered to each Commission Member and posted at the City Office Building, the Smithfield City Web Page and the Utah Public Meeting Notice web site.

The meeting was called to order by Chairperson Price at 7:00 p.m.

Opening Ceremonies: Pete Krusi

Visitors: Ruth Gray, Ray Winn, Kris Monson; City Council Member, Katie Swain of Hard Rock News, Wade and Dianne Campbell, Jordan and Taini Byington

Absent: Commissioner Bryant McKay and alternate Commissioner Doug Archibald

Chairperson Price questioned the deletion of the sentence at the end of the paragraph, of the nonconforming animal rights ordinance.

Mrs. Izatt informed him it is easier to interpret the ordinance by taking out the sentence.

Chairperson Price restated if people don't have animal rights they will fall under the new definition.

Mrs. Izatt responded with a no. The ordinance will stay the same, but the last sentence is redundant so it doesn't make sense for it to be there. It is separate from the one we are working on tonight.

Mrs. Izatt mentioned that we have two or three farms (raising pigs) that are protected, but for those moving into an agricultural zone, we don't want them to think they can assume (swine) animal rights. Unless you disagree, then we can change that.

Commissioner Hancock inquired about the non-conforming animal rights paragraph, has it always been species following species.

Mrs. Izatt responded yes.

Commissioner Hancock queried even if they have had animals since 1970 they have to stay with those animals.

Chairperson Price replied if they switch animals they will have to change to the new ordinance. In some cases they may be able to have more animals on the old ordinance rather than the amount of animals on the new ordinance.

Mrs. Izatt restated on the existing ordinance a person can keep the animals they have. If they change species they will move to the new animals rights ordinance. You cannot compare the two ordinances.

Mrs. Hancock needed clarification on the ruling for chickens.

Chairperson Price explained the chicken ordinance will not fall under food production.

Mrs. Izatt explained people are not reading the word **or** and so they interpreted the paragraph as eating dogs, cats birds. Mrs. Izatt has to tell people that is not what the ordinance means.

Chairperson Price questioned about ferrets not being on the non-allowed list.

Mrs. Izatt countered no, there are a lot of people that have ferrets and they should have them legally. She also deleted pygmy from the wording and left it as goats.

Chairperson Paskett questioned if the commission is becoming too restrictive with items such as weasel vs. ferrets.

Mrs. Izatt clarified; by taking out the word pygmy it allows for all goats. She mentioned the commission did take out the pot bellied pigs as well. Mrs. Izatt stated she didn't want to bring an ordinance forward if the commission doesn't want to make any changes.

Chairperson Price pointed out if we add the ferrets, then we need to go over to weasels and add “not to include ferrets as a prohibited species”, see 17.14.050.

Mrs. Izatt stated she made an exemption for ferrets on the prohibited species list.

Chairperson Price indicated the commission is okay with the ferrets. He asked for any other comments from the commission.

Resident Input:

No resident input.

Consideration of Consent Agenda

Minutes of July 18, 2012 and August 15, 2012 Planning Commission Meeting

Minutes were approved by consent

Char Izatt requested the commission look at the the bus tour flyer she handed out and requested they RSVP if they wanted to go. She needed to know by September 21st.

Public Hearing to consider approval of Ordinance #12-08, an ordinance amending the Smithfield City Land Use Ordinance (Zoning), Title17; by adding Chapter 17.14, “Animal Rights Regulations for R-1 Zones” in its entirety.

Chairperson Price opened the Public Hearing at 7:13 p.m.

Wade Campbell approached the commission and spoke of the letter he wrote to the commission last month. Mr. Campbell informed several people around the city about the new animal rights ordinance and at first they were excited. Then he told them about the one acre restriction in the ordinance, and the restrictions on animals; then the ordinance didn’t seem to help them at all.

Mr. Campbell mentioned he keeps six to seven horses on his property. He is concerned that when his kids get older and want to take care of sheep he will not be able to keep the horse limit he has now and in order to add sheep he will be changed to the new ordinance. In the future the ordinance will restrict him. He reminded the commission of the North Logan’s ruling of three-quarter acre, four animal equivalent units. He summarized that he doesn’t like the new ordinance. He would like the commission to consider the original ordinance.

Chairperson Price asked Mr. Campbell why the people, who didn’t like the ordinance, are not here tonight.

Mr. Campbell replied they weren't able to make it and asked him to please express their thoughts.

Chairperson Price thanked Mr. Campbell for his comments.

Ruth Gray, Smithfield Resident. Ms. Gray stated she lives on an acre of land and her home is on the front quarter of the property; the rest is in pasture. She has had a horse in there for 38 years. She divorced and had to get rid of the horse. She lost her animal rights. She mowed the property for years and it became too much for her to take care of.

Wade approached her to keep a horse in the pasture. She jumped at the opportunity as she loves to watch horses. Wade brought 2 horses. Ms. Gray didn't realize the home was taking away from the acreage that would allow two horses.

The animal control officer came by and said there has been a complaint. She said there has been a horse in the pasture ever since the complaining neighbor purchased his house and land next to it. The neighbor wanted the fence down for the grandkids and dogs to play in.

Frank Keepers, Animal Control, said she could apply for a grazing permit. She asked how and came to the City office the same day. Ms. Gray stated that Char Izatt informed her she could have a grazing permit from March to November. The next day the neighbor complained again and hasn't liked her ever since. They both came to city council; she stated she has a pasture with a grazing permit and said she was okay. She was able to keep her grazing permit.

This summer her neighbor is happy because the horse had a colt. Wade brought in another horse so she could keep her permit. She told the commission she cleans up horse manure because she doesn't like the looks of it. She waters the area after the manure is removed so the horses will eat in that area. She tries to keep the pasture looking clean. She is concerned if Wade decides not to pasture a horse, then she wouldn't be able to have goats to keep the weeds down. I would love to be grandfathered because of my lack of knowledge of the ordinance at that time.

Mrs. Izatt clarified Ms. Gray would be allowed two horses on her acre. The house doesn't deter from the animal rights acreage listed in the proposed ordinance.

Chairperson Price reaffirmed that is why the commission has restricted the lot size, because one acre lot is not one acre animal access.

Mrs. Izatt apprised Ms. Gray; if this passes you would apply for an animal permit instead of the grazing permit.

Ms. Gray questioned if the term was still from March to November?

Commissioner Krusi informed Ms. Gray the permit was for three years.

Diane Campbell approached the commission and wanted to emphasize the increase in numbers for animals allowed on the one acre property would be preferred. North Logan has four and we are restricted to two animals. She teaches horse lessons and she needs a variety of horses for different types of riders. This ordinance would restrict her income. She prefers the other ordinance.

Chairperson Price closed the Public Hearing at 7:30 p.m.

Chairperson Price called for any comments from the commission.

Chairperson Price made the citizens aware that just because there is a one acre lot it does not mean there is one acre animal access. The only way the commission could rewrite the ordinance is using square footage and it made it more difficult to figure. Most one acre lots don't have one acre access.

Chairperson Price addressed the references to the North Logan ordinance. This example is not comparable it is residential agricultural property that we are discussing. The commission is allowing animals into subdivisions.

Mrs. Izatt corrected the reference to the North Logan ordinance, in the ordinance it states, "Residential state zones is four all other zones is three."

Chairperson Price replied that reference is on the master plan.

Mrs. Izatt responded I'm not sure how North Logan enforces it that is how it reads in the ordinance.

Chairperson Price summarized that some citizens have their animal rights, others are subdivisions that are built and someone wants to have an animal in that area.

Commissioner Anderson agreed with Chairperson Price that there is a fine line between animal rights and one acre lot for people in subdivisions; that would be living by animals.

Mrs. Izatt reminded the commission that the neighbors would have to agree. She then had the commission review the three applications she had presented them. One application has to physically be taken to the adjacent neighbor for approval and one is a combined application and another is a basic application.

Commissioner Edwards queried if the application is for someone trying to get animal rights.

Mrs. Izatt confirmed it was.

Chairperson Price questioned if the neighbor's disapproval on an application would stop a person from getting their animal permit. He did not feel it was fair for a neighbor to deny the animal rights. He felt it was better if there was an animal nuisance problem then a neighbor could complain.

Mrs. Izatt replied she misunderstood what the commission had said.

Commissioner Krusi countered if a person received a permit then changed the animals they had on the property, they should have to update the city.

Chairperson Price reinstated he didn't think neighbors should be able to restrict animals. It follows the innocent until proven guilty rule.

Mrs. Izatt indicated she wouldn't go on one person's approval. She just wants to make sure the commission covers all areas.

Chairperson Price talked to the attending residents and specified, "If you don't like what happens here tonight you can go to the City Council meeting and give them your input."

Mrs. Izatt clarified if she should leave the ordinance as is. If someone applies for a permit then I will issue the permit regardless of the neighbor's comments.

Chairperson Price reaffirmed if someone wants two horses on an acre Mrs. Izatt can approve it and then if there is a complaint it can come here to the commission.

Mr. Wells informed the commission of the wording problem on page two 17.14.020. This paragraph is explaining how the permit works. It is confusing midway through the paragraph where it states, "A parcel large enough to meet the minimum parcel size in accordance with Table 17-1 is required to keep any large animal. The word required should be changed to something like allowed, and get rid of the word **any** and use the word **a**. The next sentence does not make sense as well. "For example a parcel with less than 1.00 acres in an R-1 zone would not be permitted any large animals but a 1.00 acre parcel would allow two large."

Mrs. Izatt noted the paragraph was copied from North Logan's ordinance. It is a typographical error that makes the sentence read wrong. It should state **two large animals**.

Chairperson Price summarized adding the word allowed, changing the word any to a, and adding the word animals to the end of the sentence.

MOTION: A motion was made by Commissioner Krusi to approve ordinance #12-08, an ordinance amending the Smithfield City Land Use Ordinance (Zoning), Title 17; by adding chapter 17.14, "Animal Rights Regulations for R-1 Zones" in its entirety. The motion was seconded by Commissioner Edwards. The voting was unanimous.

Commissioners voting in favor: Hancock, Krusi, Price, Paskett, Anderson, Edwards

Mrs. Izatt informed the commission she needs a consensus on the permits.

Chairperson Price responded he didn't think it was necessary to have the opposing property owners on the application.

Commissioner Krusi commented he liked the one page application. He questioned if the number of animals allowed needed to be on the application?

Mrs. Izatt explained having the number of animals allowed on the application reaffirms to the applicant what they are agreeing too. How many animals they have and what type of animals they will keep on the property will be documented. Any citizen can come in and look at the application, so this makes everything very clear for the applicant and someone reading the application.

ADJOURNMENT

MOTION: A motion was made by Commissioner Paskett to adjourn the meeting at 7:48 p.m. Commissioner Anderson seconded the motion and it was approved unanimously.

Commissioners voting in favor: Hancock, Krusi, Price, Paskett, Anderson, Edwards

David Price, Chairperson

Attested:

Charlene Izatt, Deputy Recorder