

**Perry City Planning Commission
3005 South 1200 West
7:00 PM February 4, 2016**

Members Present: Chairman Blake Ostler, Commissioner Vicki Call, Vice Chairman Travis Coburn, Commissioner Lawrence Gunderson, and Commissioner Devin Miles.

Members Excused: Commissioner Craig Pickett.

Others Present: Greg Westfall, Perry City Administrator; Susan K. Obray, Minutes Clerk, Shara Holt

1. 7:00 p.m.- Call to Order and Opening Ceremonies

Chairman Ostler welcomed and called the February 4, 2016 meeting to order.

A. Invocation- Travis Coburn

Invocation was given by Chairman Ostler.

B. Pledge Allegiance to the U.S. Flag-Lawrence Gunderson

The Pledge of Allegiance was led by Commissioner Gunderson.

C. Declare Conflicts of Interest, If any

No conflict of interest.

D. Review and Adopt the Agenda

Chairman Ostler stated that he put together some training regarding meeting conduct and order. He was hoping for a full quorum and asked the Commissioners if they were still in favor of having the training. All Commissioners agreed to move forward with the training.

MOTION: Commissioner Call moved to adopt the agenda. Commissioner Gunderson seconded the motion. Roll call vote.

Commissioner Miles Yes Commissioner Call Yes

Commissioner Coburn Yes Chairman Ostler Yes

Commissioner Gunderson Yes

Motion Approved: 5 Yes 0 No

E. Approval of the January 7, 2016 Minutes

Commissioner Call had two grammatical changes to the January 7, 2016 minutes.

MOTION: Commissioner Miles moved to approve the minutes with the changes. Commissioner Call seconded the motion. Roll call vote.

Commissioner Miles Yes Commissioner Call Yes

Vice Chairman Coburn Yes Chairman Ostler Yes

Commissioner Gunderson Yes

Motion Approved: 5 Yes 0 No

F. Make Assignments for Representative to Attend City Council Meeting(s) (February 11, 2016, and February 25, 2016)

Vice Chairman Coburn will attend the February 11, 2016 City Council meeting and Commissioner Call will attend the February 25, 2016 City Council meeting.

G. City Council Report given by Council Member Lewis

Council Member Lewis was not in attendance. Chairman Ostler stated that Commissioner Gunderson and Commissioner Miles were made permanent members of the Planning Commission at the last City Council meeting.

2. Approx. 7:10 p.m. Public Hearings and Public Comments

A. Public Comments

There were no public comments.

3. Land Use Applications

A. None

4. Land Use Ordinances, Zoning, Design Guidelines, General Plan, Etc.

A. Discussion Regarding the Large Animal Ordinance

Commissioner Call stated that in the last meeting the Planning Commission discussed the proposed ordinance changes regarding most if not all of Title 15.07 that Greg Westfall worked up and they came away from that with several suggestions to be re-worked by the Planning Commission. She said that she went back to the original from what Greg had modified and modified it herself taking into consideration those requests. Commissioner Call stated that there was a suggestion to include the C1 zone in allowing large animals. The Planning Commission requested to take that out. She stated that those animals that are already there would be grandfathered in, and so the references to the C1 zone were taken out. Commissioner Call stated that they discussed Greg's proposed changes that they put some guidelines in concerning the large animal allowances and that they change the square footage to 40,000 square feet with one additional large animal for every 20,000 sq. feet of property. She also left in all the initial 40,000 sq. feet and that it must be one continuous parcel and the square feet must be contiguous (touching). Commissioner Call explained that all the properties have to be touching. Chairman Ostler asked what the difference was between continuous and contiguous. Commissioner Call replied that continuous means that it has to flow, for example if you have one parcel and another parcel they share a boundary line and contiguous means that it could touch at corners. Commissioner Call stated that the initial 40,000 square feet has to be one

parcel. Greg Westfall explained if you increase your square footage and have a second parcel it has to be touching.

Commissioner Call stated that they talked about having large animal criteria and mid-sized animal criteria. She said that section 1 is large animals and are considered horses, cattle and llamas. Section 2 is new and addresses mid-sized animals which are considered sheep and goats only and this is where we kept the current land use square footage of 20,000 sq. ft. It would be the same as the small animals in Section 3. Commissioner Gunderson stated that on the large animals it should include mules. Greg Westfall stated that the way he would administer this is that it would be in like animals. Commissioner Call stated that another suggestion was that they wanted to make sure that the animals are kept in the backyard. She stated that the ordinance says that if there is no main building, corrals or stock fences must meet the setbacks. Commissioner Call continued that if there is a main building, corrals or stock fences shall be sixteen (16) feet from the building and other setbacks will apply. Greg Westfall stated that he would suggest if there is a main building, all corrals and stock fences must be located in the backyard.

Commissioner Call stated we could put if there is a main building, corrals or stock fences shall be sixteen (16) feet to the rear of the building and other setbacks will apply. Greg stated that there would be a few exceptions to that which would include the older homes in town. Chairman Ostler stated that he would like to see instead of other setback will apply, that it says other applicable setbacks will apply. Greg stated that we need to carry that through in each section. Chairman Call clarified that if there are corrals or stock fences they must have a sixteen (16) foot minimum rear setback and eight (8) foot minimum side setback on a lot or parcel. If there is a main building, corrals or stock fences shall be sixteen (16) feet to the rear of the building and other applicable setbacks will apply. If there is no main building, corrals or stock fences must have a thirty (30) foot minimum front setback. She stated that you would not want to have your neighbor's animal's right next to your front yard.

Commissioner Gunderson expressed concern regarding the weeds if it is a vacant lot. Commissioner Call stated that it is the same as any other vacant lot and the city has ordinances that address vacant lots. Greg Westfall stated if they wanted the other setbacks they would have to carry them down in each section of the ordinance. He said you would only have to include the eight feet because the house is already there. Chairman Ostler explained that we only need to address the front setback because it is the only unique setback.

Commissioner Call stated that what this does to section 1 and 2 is it separates large animals from mid-sized animals and gives the setback requirements and the square footage requirements. She said the third section addresses small animals and fowl. She said they took out the references to the special conditions because they don't want to make special allowance for special conditions that they have to set or keep track of. Commissioner Call stated that the original that was submitted to the City Council they also had to change the Land Use Chart to remove the "C" for the conditional use permit and that was not attached in the packet. Greg Westfall stated that we can attach it to the ordinance when we are ready to make the recommendation to the City Council. Greg Westfall explained that he is not in favor of the mid-sized animal section and he understands it and appreciates it. He said that there could be more possibilities of issues because they just added more things for the administration to work through. He said that in the last City Council Meeting a ten year old girl stood up and asked the City Council to please be willing to allow pigmy goats in the residential zones. Commissioner Gunderson asked if there were any setback requirements for the small animals. Commissioner Call stated there weren't any setback requirements. Greg Westfall stated that most people will put up a pen with a net or chicken wire and put it right in the corner of their lot. He said is this what we want to happen? Commissioner Coburn stated that if a person does put up a net or chicken wire in the corner of their property, at least the neighbor has an avenue and would be able to come to the city. He said we are not going to go around and enforce this. They will wait until someone complains and then they will take action.

Commissioner Call stated right now, dog kennels are allowed any place on your lot. She said if we start getting picky about rabbits compared to people who have their dog kennels, it could open a huge can of worms. Greg Westfall stated that we took ferrets, mink, and peacock out of the ordinance. He said what about geese? Commissioner Call stated that people like their ducks and geese to wander all over their yard. Greg Westfall stated for example I can have my fence and all I have to do is bring it to the edge of my house so that it is self contained. I can have my geese or ducks run all over my backyard. He said we are not even saying that they have to put anything up to contain their small animals. Commissioner Coburn felt that we should keep it the way it is. Commissioner Miles disagreed, he said if someone has a nice back yard, and a nice front yard and those rabbits are only contained by a small fence and dig themselves out, they are going to find spots to sleep and spots to be in and now they are in the front yard eating my flowers and in the back yard eating my garden. Greg Westfall suggested that all small animals

must be contained in the rear yard property. Commissioner Call asked where cats fit in. Greg Westfall stated that cats are domestic animals. He said they would be considered animals at large like dogs and we have an ordinance for that. Commissioner Call stated she would like to leave it the way it is. She said if we say contained to the rear yard, they have to contain them in some manner. Greg Westfall stated if someone does not want to put up a fence then they can put up a hutch to contain them. He said it makes the resident responsible to have them contained to their property. Commissioner Coburn stated that he is ok with having the small animals contained to the property but he doesn't want to restrict them just to the back yard.

Commissioner Call stated that we can modify it right here and recommend sending it to City Council, or modify it and bring it back in its final format with the land use chart to discuss it. Greg Westfall stated that we don't have the chart. He would recommend to modify it, then bring it back and put it on the agenda for discussion only. Chairman Ostler proposed that it will come back in final form in March before the Planning Commission. Commissioner Call clarified that in section 3 we propose that the animals are contained to the property. Commissioner Coburn stated that if a turkey can get over a 4 foot fence, then it is obviously not contained so they are not meeting the ordinance anyway. He suggested that it says it must be contained to the property and leave it up to the individual. Chairman Ostler stated that we will allow them to put a turkey in the front yard as long as they can contain it? Chairman Ostler stated that he would like to have them in the back yard. Everyone agreed that it should say that the animals should be contained to the property.

5. Training

A. Training on Planning Commission Meeting conduct/Order

The training was canceled and Chairman Ostler stated that he will send out a handout regarding this training.

6. Review Next Agenda and Adjourn

A. Review Agenda Items for Thursday March 3, 2016

- (1)** Action on the Large Animal Ordinance including the Land Use Chart.
- (2)** Lot line adjustment with a public hearing for Matt Hansen in Maple Hills Subdivision.
- (3)** Open Meeting Law Training and Land Use Training by Bill Morris.
- (4)** Possibly the City Center Subdivision.

Commissioner Call asked about the Verizon Tower. Greg Westfall stated that the Administration is working with them right now.

B. Motion to Adjourn

MOTION: Vice Chairman Coburn moved to adjourn. Commissioner Gunderson seconded the motion. Roll call vote.

Commissioner Miles Yes

Commissioner Call Yes

Vice Chairman Coburn Yes

Chairman Ostler Yes

Commissioner Gunderson Yes

Motion Approved: 5 Yes 0 No