

1
2
3
4
5
6
7
8
9

City of Washington Terrace

Minutes of a Regular Planning Commission Meeting held on
Thursday, March 26, 2015
City Hall, 5249 South 400 East, Washington Terrace City,
County of Weber, State of Utah

10 **PLANNING COMMISSION AND STAFF MEMBERS PRESENT**

11 Vice-Chair Scott Larsen
12 Commissioner Scott Barker
13 Commissioner Larry Weir
14 Commissioner T.R. Morgan
15 Commissioner Charles Allen
16 Chairman Wallace Reynolds- Excused
17 Commissioner Dan Johnson- Excused
18 City Recorder Amy Rodriguez
19 City Building Official Jeff Monroe
20

21 **Others Present**

22 Travis Thyfault, David Greenhauggen, Matthew Klar, PVN, Randy Hyte, Todd Ballantine
23

24 **1. ROLL CALL**

6:00 p.m.

25
26 **2. PLEDGE OF ALLEGIANCE**

27
28 **3. WELCOME**

29
30 **3.1 OATH OF OFFICE ADMINISTERED TO COMMISSIONERS SCOTT
31 LARSEN AND LARRY WEIR**

32 Rodriguez administered the Oath of Office to Commissioners Larsen and Weir.
33

34 **4. RECURRING BUSINESS**

35
36 **4.1 MOTION: APPROVAL OF AGENDA**

Motion by Commissioner Barker
Seconded by Commissioner Allen
to approve the agenda
Approved unanimously (5-0)

37
38
39
40
41
42 **4.2 MOTION: APPROVAL OF MINUTES FOR JANUARY 29, 2015**

Motion by Commissioner Allen
Seconded by Commissioner Morgan
to approve the minutes for January 29, 2015
Approved unanimously (5-0)

48 **5. SPECIAL ORDER**

49 **Special orders will proceed as follows: Chair introduction of item, staff/applicant presentation,**
50 **questions by commission, Chair opens public hearing, citizen input; Chair closes public hearing, then**
51 **commission final discussion.**

52
53 **5.1 PUBLIC HEARING: TO RECEIVE COMMENT ON AMENDING**
54 **CHAPTER 6.04 “ANIMALS” TO ADD SECTION 6.04.20 “FALCONRY”**
55 **AND AMENDING 17.12.030 “CONDITIONAL USES” TO ADD “FALCONRY”**
56

57 **Motion by Commissioner Weir**
58 **Seconded by Commissioner Barker**
59 **To open the public hearing**
60 **Approved unanimously (5-0)**
61

62 **Vice Chair Larsen opened the public hearing at 6:13 p.m.**

63
64 Matt Klar, a veterinarian out of Ogden, a consultant to Northern Utah Rehab Center, and a
65 Board Member of the Utah Falconer’s Association addressed the Commission. He stated
66 he has been a falconer for around 18 years. He stated that he has worked on the Falcon
67 Ordinance in Ogden City. His concern is that often times current ordinance can conflict
68 with State law. He stated that state law stipulations are very specific. He stated that he has
69 concerns with current language of the ordinance. He stated that if a falconer were to
70 comply with the ordinance, they may be in conflict with state law. He stated that falconers
71 are inspected by Fish and Game Officers. Commissioner Morgan asked what wording is he
72 concerned with.

73 Klar explained that one of the primary services offered by falconers is to rehab injured
74 birds and train the birds to be released. He stated that limiting falconers to one bird would
75 not allow a falconer to rehab birds. He stated that the reality is that it is rare to see an
76 individual with more than two or three birds. He pointed out that there are three licensed
77 falconers in his home and there are three birds at his home. Vice-Chair Larsen asked what
78 area requirements are there for housing for the birds. Klar stated that there are state and
79 federal guidelines and vary with size of rapture. He stated that in general, a 6 x 8 enclosure
80 is required. Klar stated that he believes that the intent of the city is not to allow hunting
81 within city limits. Klar stated that a big part of training is letting the bird fly on a leash and
82 it is unclear if normal training will be allowed in the city. He explained the practice of
83 weathering, which is flying the bird on a short leash in the backyard, and questioned if this
84 will be prohibited.

85 Klar noted that there are about 150 raptures in the state and stated that it is a difficult
86 practice with only a few people who can do it.
87

88 Kaysville resident Randy Hyte- 118 E 600 N- is the President of the Northern Utah
89 Falconry Association. He stated that United Nations has declared falconry a world heritage
90 sport. He stated that there are several falconers in the city right now. He stated that the
91 falconers teach people on wildlife and feels that falconers are preserving a tradition. He
92 stated that he appreciates that the City is trying to accommodate the birds and keep them
93 safe in the City. He stated that the falcons do not create a hazard within city limits. He
94 stated that there are more dangerous birds flying through the City and there has not been a
95 problem with them. He stated that raptures are inherently safe to have around the public.

96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141

Todd Ballentine stated that falconry is regulated with a 40 page document and that while he understands that the City is trying to avoid conflict with other residents, he stated that the City needs to take care of residents in a balanced way. He stated that limiting the number of birds to one is not agreeable to the falconers' side and stated that both sides of the issue should be accommodated.

Washington Terrace resident Travis Thyfalt- 326 E 4800 S- is a current falconer in Washington Terrace. He stated that he received a notice in November that he will need to get rid of his falcon because it conflicted with City code. He stated that he loves falconry and he has taken the bird to local schools. He stated that state and federal rules and regulations are very stringent. He stated that he asked to come to the planning meeting of the ordinance and was not informed that there was a public hearing until last night. He stated that the way the ordinance is written is in conflict with stated law. He stated that he would like the Commission and Council to delay a vote until they talk to the Department of Wildlife Resources and the Falconry Association because the current ordinance is in conflict with state law. He stated that the practice is inspected regularly and falconers are watched by a sponsor for two years. He stated that the ordinance has a 15 foot setback rule for housing of the birds which would be put the mew in the middle of his back yard. Thyfalt noted that he feels that beehives are far more dangerous than falcons and are only allowed to be 10 feet from the property line. He also stated that the flying section is very vague.

Commissioner Morgan questioned if the birds would leave backyard airspace if they are on a ten foot leash. Thyfalt said that it would be in others airspace if it was longer. Thyfalt stated that he will take his falcon to Rohmer Park for training which allows him to fly his bird over a 200 foot area. He stated that different eagles and birds fly through Washington Terrace all the time. He stated that the birds are not going to attack people. He stated that the birds will come down to a piece of meat that he swings around. He noted that the birds will not get their exercise if they are not allowed to do this and it is a disservice to the bird. Thyfalt stated that there are no regulations in Washington Terrace to feed live animals to other animals, however the proposed ordinance will not allow him to feed live animals to his bird. He stated that he would like to take this opportunity to speak to Planning and Council to educate them on the practice. Commissioner Morgan noted that Thyfalt is taking up a 400 sq. ft. diameter when he flies the bird in the park. Thyfalt stated that he would not be doing it when people are around because it stresses the bird out and his main concern is to protect the bird. Commissioner Morgan clarified the request that Thyfalt would like to table a vote until he can work with staff on crafting the ordinance.

Hyte stated that only enemy to the falcon is an owl. He stated that there are steps to training the bird, such as manning, which is walking around with the bird on the fist until the bird has trust. Then the bird is taken out into the wild and the bird will be driven by hunger to fly to the falconer. He reiterated that falconers will not take a bird to a park or area with people. He stated that the ordinance still needs some work and would like to work with the City on the language.

142 Thyfault stated that his equipment had been inspected a year and a half ago before he received
143 the bird. Thyfault stated that he has a shelf perch on a rolling stand, a mew, and noted that he
144 took down his weathering stand. He stated he has a 6x8 foot high enclosure as well as another
145 6x4 area. Commissioner Allen noted that Thyfault seems to be in compliance with state and
146 federal law. Thyfault noted that he only has one bird at this time. Thyfault stated that the bird
147 will make a noise when he comes in to feed him. He stated that the bird will not make noise
148 alone in his mews. Thyfalut stated that his 4 children hold the bird, and his dogs are not attacked
149 by the bird.

150
151 Monroe read a letter from Kord Brown – 327 E 4775 S- who is a neighbor who was unable to
152 attend the meeting. The letter in its entirety will be attached to the end of the minutes. The letter
153 stated that the having the bird living next to him has made his yard no longer enjoyable. He
154 stated in the letter that there have been remnants of dead birds in his backyard which does not
155 allow him to enjoy the atmosphere. He stated that if the ordinance is passed, he would like the
156 stipulations in the ordinance to be enforced and falconers to be held accountable
157 Commissioner Allen stated that the public hearing notices were properly noticed and Monroe
158 stated that he has sent the notices out to the neighbors concerning the hearing.

159
160 Thyfault stated that he has had the bird for a year and a half. He stated that he put the mew where
161 he did to create distance between himself and the neighbor. Thyfalut stated that he has pigeons
162 that he keeps and releases and the bird either gets them or not. He acknowledged that the incident
163 regarding bird parts in the neighbor’s yard was an error on his part because a cat got into the bag
164 of bird parts and brought a wing into Mr. Brown’s yard. He also stated that the birds molted and
165 the feathers went to the neighbor’s yard. Thyfault stated that he does not understand why there is
166 a 15 ft. setback rule. He stated that there is no noise and that he has issues with his neighbor.
167 Commissioner Morgan asked if there is a way to modify the mew so that the feathers do not
168 blow. Thyfault stated that he is building this modification so that this does not happen again. He
169 stated that the molting season is beginning. Thyfalut stated that his house is by Bonneville high
170 school and invites the Commission to come over and see the facility that he has for his falcon.

171

172 **Motion by Commissioner Barker**
173 **Seconded by Commissioner Morgan**
174 **To close the public hearing**
175 **Approved unanimously (5-0)**

176

177 **Vice-Chair Larsen closed the public hearing at 7:02 p.m.**

178

179

180 **6. NEW BUSINESS**

181

182 **6.1 MOTION/ORDINANCE 15-03: MOTION TO RECOMMEND APPROVAL**
183 **OF ORDINANCE 15-03 “FALCONRY”**

184 Commissioner Morgan motioned to table the item until there is more discussion on regulations
185 and definitions.

186 Commissioner Allen stated that he has about 30 items for changes. He stated that he has read the
187 state documents that detail the regulations for falconry.

188 Commissioner Barker asked if the changes can be done in a work session during the time in
189 which changes to the ordinance are made. Commissioner Allen stated that he does not
190 understand why this item is going to be tabled. Commissioner Morgan stated that he has many
191 issues on the wording and definitions which are probably many of the same issues that
192 Commissioner Allen will bring up. Commissioner Morgan stated that the Commission should
193 work with staff on the changes. Commissioner Allen stated that he would like to present his
194 changes to the Commission in their entirety at this meeting.
195 Commissioner Morgan stated that he would like to move to table the discussion with the
196 suggestions of Commissioner Allen and recommend that the City should work with
197 Commissioner Allen as well as work with the Association in constructing a new ordinance.
198 Commissioner Morgan stated that he wants to table the item so that professionals can work with
199 the City to incorporate state code, along with the changes that Commissioner Allen has.
200 Monroe stated that once the meeting is set up, Commissioner Allen is invited to come to the
201 meeting and work on the ordinance.
202 Monroe stated that he feels that the Ogden code is very generic and did not include any zoning
203 issues and code compliance issues. Monroe explained that he has discovered that if it is not
204 spelled out in code, it does not happen. Monroe stated that the code needs to be very specific in
205 order for him to enforce as a Code Enforcement Officer. Monroe stated that he is not going to
206 make Thyfault give up his bird until the process is completed.
207 Monroe stated that he has also spoken with the Wildlife Resources Department on the issue.
208 Commissioner Morgan stated that he would like to table the issue until everyone can meet and
209 have the code brought into compliance so that there are no problems later on down the road.

210
211 **Motion by Commissioner Morgan**
212 **Seconded by Commissioner Weir**
213 **To table the item with direction that**
214 **The city meet with the people invested as**
215 **Well as Commissioner Allen on behalf of the Planning Commission**
216 **To work on the language to bring the ordinance into compliance**
217 **Commissioner Barker- Aye**
218 **Commissioner Weir-Aye**
219 **Commissioner Morgan- Aye**
220 **Vice-Chair Larsen- Aye**
221 **Commissioner Allen- Nay**
222

223 **6.2 MOTION: NOMINATION AND ELECTION OF CHAIR AND VICE CHAIR**

224
225 **Motion by Commissioner Allen**
226 **Seconded by Commissioner Morgan**
227 **To nominate and elect Commissioner Reynolds**
228 **To serve as Chair**
229 **And Commissioner Larsen**
230 **To serve as Vice-Chair**
231 **Approved unanimously (6-0)**
232

233 **7. UPDATE COMMISSION ON CURRENT DEVELOPMENT PROJECTS AND**

235 **ZONING ISSUES**

236
237 Monroe stated that the Wasatch Realtor' Association has not brought in building plans as of yet.
238 He also mentioned that Goldenwest Credit Union has not brought in their plans. Monroe stated
239 that the hospital is remodeling the MRI Unit. He stated that Utah Orthopedics is working on a
240 tenant area in the basement of the building.

241
242 **8. UPCOMING EVENTS**

- 243 April 7th: City Council Meeting – Cancelled
244 April 21st: City Council Meeting 6:00 p.m.
245 April 30th: Planning Commission Meeting 6:00 p.m.

246
247 **9. MOTION: ADJOURN THE MEETING**

248 **Motion by Commissioner Morgan**
249 **Seconded by Commissioner Barker**
250 **To adjourn the meeting**
251 **Approved unanimously (6-0)**
252 **Time: 7:23 p.m.**

253
254
255 _____
256 Date Approved

_____ City Recorder