Council Meeting of October 28 2015

Agenda Item No. 7c

REQUEST FOR COUNCIL ACTION

SUBJECT: Rural Residential Zoning District Text Amendment

SUMMARY: R-R District Text Amendment; Text Amendment – Amend the 2009 City Code, Section 13-5B-7 to Allow Swine (Pigs) in the R-R (Rural Residential) Zones subject to the limitations of the animal point system; City-wide applicability; City of West Jordan (applicant) [Scott Langford #TA20150007]

FISCAL IMPACT: None.

STAFF RECOMMENDATION: Based on the analysis and findings contained in the Staff Report, Staff recommends that the City Council amend the 2009 City Code for all Rural Residential Zones (R-R) to permit "swine" as an allowed animal type subject to the restrictions outlined in the proposed amendment.

PLANNING COMMISSION RECOMMENDATION: On September 15, 2015, the Planning Commission in a 7 to 0 vote recommended that the City Council approve the requested text amendment, with a few modifications to the original amendment presented in their staff report.

MOTION RECOMMENDED: "Based on the information and findings set forth in this staff report and upon the evidence and explanations received today, I move that the City Council approve Ordinance 15-32, amending the text of Title 13 of the 2009 City Code to permit, with specific restrictions, "swine" in all Rural Residential (R-R) Zoning Districts.

Public Hearing Required

Roll Call vote required

Prepared by:

Scott Langford, City Planner

Reviewed by/Concur with:

David Oka, Development Director

Recommended by:

Mark Palesh, City Manager

Reviewed as to legal form:

Robert Thorup, Deputy City Attorney

I. BACKGROUND

In 2011, the City Council requested that the city staff review and reanalyze the point system related to the number of farm animals permitted within the Rural Residential zoning districts. Staff compared the city codes of eight cities along the Wasatch Front, 4H regulations, and other pertinent animal husbandry programs to West Jordan's 2009 City Code. Based on this information and discussions held at public hearings, the city's code was amended to reflect the current requirements.

During the August 12, 2015 City Council meeting, the City Council directed staff to look into the possibility of amending the code to allow for swine in the Rural Residential zones.

The specific request from the City Council was, *"an addition to the Animal Ordinance for Rural Residential only, pigs equal to the number of points of that of a horse or cow."(Aug. 12th City Council minutes attached)*

II. GENERAL INFORMATION & ANALYSIS

The West Jordan 2009 City Code only permits "farm animals in the Rural Residential and Agricultural zones. However, the Agricultural zones are not regulated by the animal point system, but rather are regulated (in some cases) for animal type and quantity through the conditional use permit process.

For example, in the Agricultural zones, a property owner may, as a permitted use, keep livestock and fowl without city restrictions on type and quantity. However, in the case of potentially more impactful animal uses, such as the keeping of swine or operating a dairy, the property owner must obtain a conditional use permit (Section 13-5A-2).

The following are the currently adopted code requirements for animal allowances in the Rural Residential zones:

Section 13-5B-7:

B. Animal Limitations: The maintenance and keeping of animals and fowl on a lot in a rural residential zone, where such use is permitted, shall be limited to a total of twenty (20) animal points per ten thousand (10,000) square feet, as determined from the chart in this section. A minimum of twenty thousand (20,000) square feet is required for the keeping of animals or fowl. Legally created lots in rural residential zones that are between eighteen thousand (18,000) square feet and twenty thousand (20,000) square feet shall be deemed to meet the twenty thousand (20,000) square feet minimum and point qualifications. All animals located on a lot of land shall be contained upon said lot. The number of animals determined from the chart below for a particular property does not include the offspring of any large or medium sized animal which offspring is less than twelve (12) months of age; and also does not include one litter, kindle or clutch of offspring of a small animal up to the twelve (12) months of age; provided that all offspring of a small animal mother born within the same twelve (12) month period as the

excluded single litter, clutch or kindle shall be counted toward the limitation number in the chart below.

Type Of Animal	Number Of Points Per Animal
Large animals, such as horses and cows	17
Medium animals, such as sheep and goats, but not including standard size pigs	8
Small animals, such as chickens, ducks, geese, pigeons, rabbits, chinchillas	1

III. TEXT AMENDMENT REQUEST

In general terms, zoning ordinances must be developed in such a way that they provide balance between the sanctity of private property use verses the potential negative impact those uses may have on the rights and enjoyment of other property owners. In addition, zoning regulations should be clear, straight forward, and enforceable.

Given these parameters and council direction, staff has conducted research (both online and in the field) to present the facts that should be measured by the Planning Commission and the City Council when considering this potential code amendment.

Since the initial council direction was to put swine on par with horses and cows, the following table has been prepared as a comparison of these animals. Please note that the numbers provided are an average of various breeds:

	Avg. Animal Weight	Manure / Day	Annual Offspring Potential
Cows	1,000 lbs.	65 lbs.	1
Horses	1,000 lbs.	50 lbs.	1
Swine	220 lbs.	14 lbs.	23

As shown in the table, swine can reproduce at a considerably higher rate than cows and horses; however, the general size of swine and the amount of manure produced is significantly less than cows and horses.

That said, the amount of space needed to raise swine arguably is less than what is needed to raise cattle and horses, therefore swine arguably can be kept at higher densities (head/acre) than cows and horses. Many of the negative connotations, both real and perceived, that are associated with swine have to do with odor, which are caused or exacerbated by large numbers swine that are often kept together in small areas.

Per the information collected, it appears that much of the potential impact of swine could be mitigated by placing additional restrictions on the keeping of this animal; such as capping the total number of animals on a property and prohibiting breeding/birthing and rearing of swine in the Rural Residential zones.

Based on the information presented at the Planning Commission meeting, it appeared that placing swine on par with horses and cows (in terms of animal points) was incongruent with potential impacts. Therefore, after much discussion at the Planning Commission public hearing, staff and the Planning Commission agreed to make a slight modification to the proposed text amendment and propose an amendment that categorizes swine as a medium size animal; subject to a few more restrictions to mitigate potential safety and odor concerns. Categorizing swine as a medium size animal will consume less animal points, thereby giving property owners the ability to have a greater variety of animals on their property.

The following is the proposed code amendment:

Section 13-5B-7:

B. Animal Limitations: The maintenance and keeping of animals and fowl on a lot in a rural residential zone, where such use is permitted, shall be limited to a total of twenty (20) animal points per ten thousand (10,000) square feet, as determined from the chart in this section. A minimum of twenty thousand (20,000) square feet is required for the keeping of animals or fowl. Legally created lots in rural residential zones that are between eighteen thousand (18,000) square feet and twenty thousand (20,000) square feet shall be deemed to meet the twenty thousand (20,000) square feet minimum and point qualifications. All animals located on a lot of land shall be contained upon said lot. The number of animals determined from the chart below for a particular property does not include the offspring of any large or medium sized animal which offspring is less than twelve (12) months of age; and also does not include one litter, kindle or clutch of offspring of a small animal up to the twelve (12) months of age; provided that all offspring of a small animal mother born within the same twelve (12) month period as the excluded single litter, clutch or kindle shall be counted toward the limitation number in the chart below.

Type Of Animal	Number Of Points Per Animal
Large animals, such as horses, cows	17
Medium animals, such as sheep and goats~~, but not including standard size pigs~~ , and swine[1]	8
Small animals, such as chickens, ducks, geese, pigeons, rabbits, chinchillas	1

Note:

1. Notwithstanding the number of points per animal and the size of property, there shall be no more than 2 swine per lot, including offspring. Breeding and/or birthing of swine is expressly prohibited.

Additional Code:

Please note, that regardless of what the current or future city code allows in terms of animal rights, the City and its citizens have additional ordinances that have been adopted to directly or indirectly provide protection from the potentially irresponsible care of animals.

Section 5-3-1 (Nuisances Ordinance) of the City Code gives the city the ability to restrict, up to the removal of, animals and other uses if such uses are deemed to be a nuisance.

Section 13-8-3D (Accessory Structures in Agricultural and Rural Residential Zones) of the City Code states, *"Accessory buildings used for housing or shelter of animals shall be located a minimum of forty feet (40') from any dwelling."*

Title 6, Chapter 3 (Animal Control) of the City Code provides additional protective rights to the City and its citizens by prohibiting potentially hazardous situations arising from irresponsible animal care.

IV. FINDINGS OF FACT

Section 13-7-D-7B, requires that prior to making a positive recommendation to the City Council for a Zoning Code text amendment, the Planning Commission shall make the following findings:

Criteria 1: ***The proposed amendment conforms to the general plan and is consistent with the adopted goals, objectives and policies described therein.***

Discussion: The general plan briefly mentions farm animals when it characterizes the Very Low Density land use designation. This designation includes the Rural Residential zoning district. The general plan further seeks to preserve established Rural Residential zoning district from encroachment of incompatible uses. The

animal allowance system, as it is currently constituted, has served to preserve the character of the Rural Residential zones. The proposed amendment to expand these animal rights to include swine appears to be in concert with the existing allowed rights of the Rural Residential zone.

Finding: The proposed amendments conform to the general plan and are consistent with the adopted goals, objectives and policies described therein.

Criteria 2: ***The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to these titles.***

Discussion: As noted earlier in this report, allowing swine in the Rural Residential zones has the potential to negatively impact surrounding properties; however, limiting the total number of swine regardless of property size and placing additional restrictions on the breeding/birthing of swine will greatly reduce the potential impact these animals could have on other properties.

The current code could allow the following animals (or any combination of animals totaling 44 animal points) on a half-acre property in the Rural Residential zone:

- 2.6 Large Animals (Cows/Horses); or
- 5.5 Medium Animals (Goats/Sheep); or
- 44 Small Animals (chickens, ducks, geese, pigeons, rabbits, chinchillas)

Finding: The proposed amendments are appropriate given the context and allowances currently given in the code, and there is sufficient justification for a modification of these titles.

Criteria 3: ***The proposed amendment will not create a conflict with any other section or part of this title or the general plan.***

Discussion: These amendments appear to be symbiotic to the existing animal allowances currently permitted in the Rural Residential zone. If the keeping of any farm or domesticated animal (i.e. dog/cat) becomes a nuisance, then the existing provisions in the code provide the City with the necessary authority to correct the violation and preserve the health, safety, and general welfare of its citizens.

Finding: The proposed amendments will not create a conflict with any other section or part of this title or of the general plan.

Criteria 4: ***The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title in light of corrections or changes in public policy.***

Discussion: These amendments are part of a City-wide effort to provide a City Code which can be effectively used and searched.

Finding: The proposed amendments do not relieve a particular hardship, nor do they confer any special privileges to a single property owner or cause, and the proposed amendments make necessary modifications to these titles in the light of correction and expansion of public policy.

V. CONCLUSION: The proposed amendments meet all of the criteria for City Code amendments set forth above. They serve to include an animal use, that when properly restricted, will function to enhance animal rights for property in the Rural Residential zones.

V. ATTACHMENTS:

Exhibit A – City Map of Rural Residential Zones
Exhibit B – City Council Minutes; August 12, 2015
Exhibit C – Text Amendment; Legislative Copy & Draft Ordinance
Exhibit D – Planning Commission Minutes

4770 S. 5600 W.
WEST VALLEY CITY, UTAH 84118
FED.TAX I.D.# 87-0217663
801-204-6910

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CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
CITY OF WEST JORDAN, MELANIE BRIGGS 8000 S REDWOOD RD WEST JORDAN, UT 84088	9001403739	9/24/2015

ACCOUNT NAME
CITY OF WEST JORDAN,

TELEPHONE	ORDER NUMBER / PO NUMBER
8015695115	0001051282 /

SCHEDULE
Start 09/24/2015 End 09/24/2015

CUSTOMER REF

CAPTION
CITY OF WEST JORDAN PUBLIC HEARING NOTICE A Public Hearing will be held before th

SIZE		
37	Lines	1.00 COLUMN

TIMES	RATE
2	

MISC. CHARGES	AD CHARGES

TOTAL COST
51.25

CITY OF WEST JORDAN
[illegible]IC HEARING NOTICE

A Public Hearing will be held before the City of West Jordan City Council on Wednesday, October 14, 2015, at the hour of 6:00 p.m., in the City Council Chambers at 8000 South Redwood Road, Third Floor, West Jordan, Utah, to receive public comment prior to considering amending the 2009 West Jordan Municipal Code 13-5b-7, to allow Swine (Pigs) in Rural Residential Zones subject to the limitations of the animal point system, City-wide applicability; City of West Jordan, (applicant). You are invited to attend the Public Hearing and take part in the discussions and voice any support or concerns you may have. If you have any questions, please contact the Planning and Zoning Department at 801-569-5060.
Published this 24th day of September, 2015
Carol Herman
Deputy City Clerk
1051282 UPAXLP

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF **CITY OF WEST JORDAN PUBLIC HEARING NOTICE A Public Hearing will be held before the City of West Jordan City Council on Wednesday, October 14, 2015, at the hou** FOR **CITY OF WEST JORDAN,** WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

PUBLISHED ON Start 09/24/2015 End 09/24/2015

SIGNATURE [signature]

DATE 9/24/2015

VIRGINIA CRAFT
NOTARY PUBLIC - STATE OF UTAH
My Comm. Exp. 01/12/2018
Commission # 672963

[signature]
NOTARY SIGNATURE

THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"
PLEASE PAY FROM BILLING STATEMENT

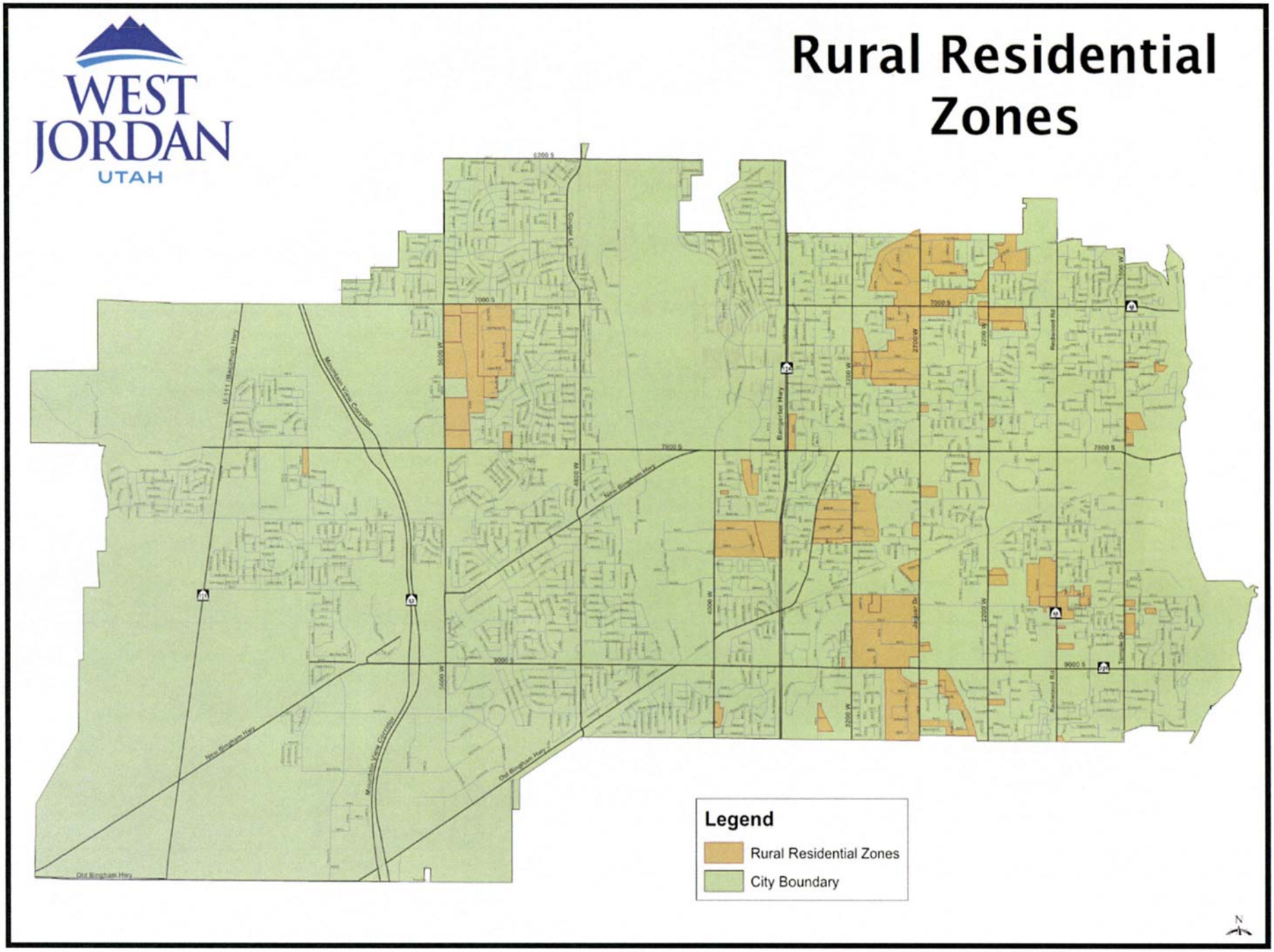

Exhibit A ***Rural Residential Zoning Districts***

Attached

City Council Minutes; August 12, 2015

Exhibit B

DRAFT

Councilmember Nichols	**Yes**
Councilmember Rice	**Yes**
Councilmember Southworth	**Yes**
Mayor Rolfe	**Yes**

The motion passed 7-0.

X. REMARKS

WAGE SCHEDULE

Bryce Haderlie informed the Council that the wage schedule was available on the City's website. He reported that the wage schedule matched exactly to the City's step and grade system. He said staff would be paying what was in-line with the salary schedule and the additional amount was the overhead of benefits, regarding the additional Building Inspector.

COMMUNITY OF COUNCIL APPOINTMENT

Councilmember Hansen had served on the Community of Council's since taking office in 2012. Earlier this year, she was elected to the Council of Government (COG), she recommended Councilmember Rice serve on the Community of Council.

This item would be brought back on a future agenda.

WEST JORDAN'S FORM OF GOVERNMENT

Councilmember Nichols commented on the City's form of government. He said comments made earlier in the meeting reported that the Mayor was the Chief Executive Officer in West Jordan. He said that was factually incorrect. He said the Mayor was the Chief Ceremonial Officer of West Jordan. He quoted from State code: 'As used in this subsection Council-Manager Form of Government provided for in the laws of Utah 1977 Chapter 48, that cannot be approved without adopted without voter approval.....". In our case, "a municipal operating on May 4, 2008 under the Council-Manager Form of Government shall continue to operate in that form of government and will be in accordance to the applicable provisions of the laws of Utah 1977 Chapter 48."

He said our form of government was not in our current books. He felt this verbiage needed to be added so residents were aware of it.

Mayor Rolfe said citizens would need to go back to the 1977 code book to find this information.

ANIMALS ALLOWED IN RURAL RESIDENTIAL ZONING

Councilmember Southworth had been contacted by resident(s) regarding rural residential zoning and animals. He requested an addition to the Animal Ordinance for Rural Residential only, pigs equal to the number of points of that of a horse or cow.

DRAFT

DRAFT

Mayor Rolfe opposed making this change in Rural Residential; however, he would approve of it in the Agriculture zoning. He said Rural Residential could be as small as half-acre lots and swine would not be acceptable.

Councilmember Southworth directed staff to start the process through the Planning Commission and then City Council for consideration.

Councilmember Hansen preferred this being a considered as Conditional Use Permit, so the neighbors would be aware of the change.

Councilmember Southworth said that could be part of the discussion.

Councilmember McConnehey reported that he had recently been contacted by residents, regarding why certain animals were excluded in the Municipal Code in certain zoning districts. He agreed with placing this issue on the Planning Commission and then City Council agenda.

CLARIFICATION - PUBLIC HEARING ITEM 8.B.

Councilmember McConnehey asked for clarification regarding the Public Hearing Item 8.b. - Receive public input and consider for approval Resolution 15-146, amending the Fiscal Year 2015-2016 Salary Schedule.

This item was originally noticed as public hearing, then it was continued to August 25, 2015. He said on August 25, 2015, the public hearing would be held, no additional noticing was required.

FORM OF GOVERNMENT

Councilmember Haaga commented on West Jordan's form of government. He said the City was governed by a constitution called the Utah State of Constitution. He referenced back to 2008 and said the Mayor was the Chief Officer of the City. He was a providing member of the Council, he was a Councilmember, he was to officiate on anything outside of our City, and sign all legal documents as prescribed by the Council, or adopted by the Council. That law had not gone away just because it was there before you were born perhaps. The Legislators left it there because we as a City have not allowed our residents to change their form of government to the new form that the legislators would like the City to adopt. He said the Chief Executive Office was the City Manager and indicated what his duties were. He said he was not authorized to sign documents, which the Council passed. He challenged anyone to read the 1977 law. He said West Jordan had a position of a Mayor, which had authority. He did not want anyone to belittle the Mayor of West Jordan or change the law that you were not authorized to change. He challenged Councilmember Nichols to read the 1977 law.

XI. ADJOURN

DRAFT

Attached

Exhibit C Text Amendment; Legislative Copy and Draft Ordinance

Legal Review-Date/Initial: 9-22-15/ AKG
Text/Format -Date/Initial: 09/22/15 / BAC
Dept. Review-Date/Initial: 9/22/15 / SR
Adopted: _____ Effective: _____

THE CITY OF WEST JORDAN, UTAH

A Municipal Corporation

ORDINANCE NO. 15-32
[SWINE IN RURAL RESIDENTIAL ZONES]

AN ORDINANCE AMENDING TITLE 13, "ZONING REGULATIONS."

WHEREAS, the City of West Jordan adopted a City Code in 2009, for the purpose of carrying into effect and discharging all powers and duties conferred by law upon the city and its officers, employees and inhabitants, and to provide for the safety, preserve the health, promote the prosperity, improve the morals, peace, good order, comfort and convenience of the city and its inhabitants, and to protect property in the city; and

WHEREAS, the West Jordan City Council finds and determines that the purpose of the 2009 City Code, and the public health and welfare, will best be reached by the adoption of the following amendments to Title 13, Chapter 5 of the 2009 City Code.

NOW THEREFORE, IT IS ORDAINED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH:

Section 1. Title 13, Chapter 5, Article B, Section 7 of the 2009 City Code shall hereafter read as follows:

13-5B-7: GENERAL PROVISIONS:

A. Status Of Performance Overlay Zones: All performance overlay zones existing at the time of adoption hereof shall be nonconforming. A parcel of vacant land within a performance overlay zone may be developed in conformance with the provisions of the previously existing performance overlay zone requirements and platted as a performance subdivision (P-S) or performance development (P-D). (The performance subdivision and performance development overlay zones were established and defined in a predecessor ordinance known as title 10 (1982-2000).) A lot within a performance subdivision or performance development, meeting all requirements of the prior existing regulations related to performance overlay zones, shall not be denied a building permit solely for reasons of nonconformance with the requirements of this article.

B. Animal Limitations: The maintenance and keeping of animals and fowl on a lot in a rural residential zone, where such use is permitted, shall be limited to a total of twenty (20) animal points per ten thousand (10,000) square feet, as determined from the chart in this section. A minimum of twenty thousand (20,000) square feet is required for the keeping of animals or fowl. Legally created lots in rural residential zones that are between eighteen thousand (18,000) square feet and twenty thousand (20,000) square feet shall be deemed to meet the twenty thousand (20,000) square feet minimum and point qualifications. All animals located on a lot of land shall be contained upon said lot.

The number of animals determined from the chart below for a particular property (except as expressly provided otherwise) does not include the offspring of any large or medium sized animal which offspring is less than twelve (12) months of age; and also does not include one litter, kindle or clutch of offspring of a small animal up to the twelve (12) months of age; provided that all offspring of a small animal mother born within the same twelve (12) month period as the excluded single litter, clutch or kindle shall be counted toward the limitation number in the chart below.

Type Of Animal	Number Of Points Per Animal
Large animals, such as horses and cows	17
Medium animals, such as sheep, goats and swine [1]	8
Small animals, such as chickens, ducks, geese, pigeons, rabbits, chinchillas	1

Note:

[1] Notwithstanding the number of points per animal and the size of property, there shall be no more than 2 swine per lot, including offspring. Breeding and/or birthing of swine is expressly prohibited.

C. Garage Required: Every single-family dwelling, two-family dwelling, manufactured home or modular home within the residential zones shall have a fully enclosed two (2) car garage (attached or detached), having a minimum outside width of twenty feet (20') (as measured from outside of foundation to outside of foundation) and having at least four hundred (400) square feet in total floor area. A building permit shall not be issued for the construction of a single-family dwelling, two-family dwelling, manufactured home or modular home if the plans do not include the garage required by this subsection.

D. Location Of Watercraft, Trailers, Campers, Recreational Vehicles And Motor Homes: Watercraft, trailers, campers, recreational vehicles and motor homes stored in the front yard of any residential lot or on the paved portion of the side yard of a residential lot, shall be subject to the following conditions:

1. Any portion of a parked or stored watercraft, trailer, camper, recreational vehicle, or motor home, shall not be closer than ten feet (10') from the edge of the sidewalk nearest the home or structure, or in the case of no sidewalk, no closer than ten feet (10') from the curb or edge of pavement. In no case shall any portion of a parked vehicle, watercraft, camper, trailer or motor home extend onto a sidewalk.

2. All vehicles, watercraft, motor homes, campers or trailers parked in the front or side yard must meet current licensing requirements and be well maintained.

3. A motor home or travel trailer may be occupied by a guest or guests of the resident for up to fourteen (14) consecutive days per calendar quarter, provided the motor home or travel trailer meets the front and side yard setback requirements.

4. Parking areas for watercraft, trailers, campers, recreational vehicles and motor homes shall have a parking surface constructed of asphalt, concrete, grasscrete, a minimum three-fourth inch ($^3/_4$") or larger gravel mix, pavers, permeable asphalt or concrete, rock, stone, turf block, or any combination of the aforementioned materials. Gravel, gravel mix, crushed rock and stone shall have a minimum depth of four inches (4").

E. Temporary Mobile Or Manufactured Homes: A conditional use permit may be issued for a temporary mobile or manufactured home located on the rear portion of a residential lot during the construction of a permanent dwelling for not longer than one year.

F. Lighting: On site lighting shall be located, directed or designed in such a manner as to contain and direct light and glare only to the property on which it is located.

G. Landscaping: All uses in residential districts shall comply with the provisions governing landscaping in chapter 13 of this title.

H. Parking And Loading: All uses in residential districts shall comply with the provisions governing off street parking in chapter 13 of this title.

I. Signs: All signs in residential districts shall comply with the provisions governing signs in this title and title 12 of this code. (2001 Code § 89-3-307; amd. 2009 Code; Ord. 11-09, 4-6-2011; Ord. 11-35, 11-22-2011; Ord. 15-**32**, 10-14-2015)

Section 2. Additions or amendments to the 2009 City Code when passed in such form as to indicate the intention of the city council to make the same a part of the 2009 City Code shall be deemed to be incorporated in the 2009 City Code, so that reference to the 2009 City Code hereafter includes the additions and amendments.

Section 3. This Ordinance shall become immediately effective.

Passed and adopted by the City Council of the City of West Jordan, Utah this _____ day of _____, 2015.

CITY OF WEST JORDAN

By: _____
KIM V. ROLFE
Mayor

ATTEST:

MELANIE S. BRIGGS, MMC
City Clerk

Voting by the City Council	**"AYE"**	**"NAY"**
Council Member Jeff Haaga	_____	_____
Council Member Judy Hansen	_____	_____
Council Member Chris McConnehey	_____	_____
Council Member Chad Nichols	_____	_____
Council Member Sophie Rice	_____	_____
Council Member Ben Southworth	_____	_____
Mayor Kim V. Rolfe	_____	_____

CITY CLERK/RECORDER'S CERTIFICATE OF PUBLICATION

I, Melanie S. Briggs, certify that I am the City Clerk/Recorder of the City of West Jordan, Utah, and that the foregoing ordinance was published in the Legal Section, of the Salt Lake Tribune, on the _____ day of _____, 2015, pursuant to Utah Code Annotated, 10-3-711.

MELANIE S. BRIGGS, MMC
City Clerk/Recorder

[SEAL]

Legislative

13-5B-7: GENERAL PROVISIONS:

A. Status Of Performance Overlay Zones: All performance overlay zones existing at the time of adoption hereof sh all be nonconforming. A parcel of vacant land within a performance overlay zone may be developed in conformance with the provisions of the previously existing performance overlay zone requirements and platted as a performance subdivision (P-S) or performance development (P-D). (The performance subdivision and performance development overlay zones were established and defined in a predecessor ordinance known as title 10 (1982-2000).) A lot within a performance subdivision or performance development, meeting all requirements of the prior existing regulations related to performance overlay zones, shall not be denied a building permit solely for reasons of nonconformance with the requirements of this article.

B. Animal Limitations: The maintenance and keeping of animals and fowl on a lot in a rural residential zone, where such use is permitted, shall be limited to a total of twenty (20) animal points per ten thousand (10,000) square feet, as determined from the chart in this section. A minimum of twenty thousand (20,000) square feet is required for the keeping of animals or fowl. Legally created lots in rural residential zones that are between eighteen thousand (18,000) square feet and twenty thousand (20,000) square feet shall be deemed to meet the twenty thousand (20,000) square feet minimum and point qualifications. All animals located on a lot of land shall be contained upon said lot. The number of animals determined from the chart below for a particular property (except as expressly provided otherwise) does not include the offspring of any large or medium sized animal which offspring is less than twelve (12) months of age; and also does not include one litter, kindle or clutch of offspring of a small animal up to the twelve (12) months of age; provided that all offspring of a small animal mother born within the same twelve (12) month period as the excluded single litter, clutch or kindle shall be counted toward the limitation number in the chart below.

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Note:

[1] Notwithstanding the number of points per animal and the size of property, there shall be no more than 2 swine per lot, including offspring. Breeding and/or birthing of swine is expressly prohibited.

C. Garage Required: Every single-family dwelling, two-family dwelling, manufactured home or modular home within the residential zones shall have a fully enclosed two (2) car garage (attached or detached), having a minimum outside width of twenty feet (20') (as measured from outside of foundation to outside of foundation) and having at least four hundred (400) square feet in total floor area. A building permit shall not be issued for the construction of a single-family dwelling, two-family dwelling, manufactured home or modular home if the plans do not include the garage required by this subsection.

D. Location Of Watercraft, Trailers, Campers, Recreational Vehicles And Motor Homes: Watercraft, trailers, campers, recreational vehicles and motor homes stored in the front yard of any residential lot or on the paved portion of the side yard of a residential lot, shall be subject to the following conditions:

1. Any portion of a parked or stored watercraft, trailer, camper, recreational vehicle, or motor home, shall not be closer than ten feet (10') from the edge of the sidewalk nearest the home or structure, or in the case of no sidewalk, no closer than ten feet (10') from the curb or edge of pavement. In no case shall any portion of a parked vehicle, watercraft, camper, trailer or motor home extend onto a sidewalk.

2. All vehicles, watercraft, motor homes, campers or trailers parked in the front or side yard must meet current licensing requirements and be well maintained.

3. A motor home or travel trailer may be occupied by a guest or guests of the resident for up to fourteen (14) consecutive days per calendar quarter, provided the motor home or travel trailer meets the front and side yard setback requirements.

4. Parking areas for watercraft, trailers, campers, recreational vehicles and motor homes shall have a parking surface constructed of asphalt, concrete, grasscrete, a minimum three-fourth inch ($^3/_4$") or larger gravel mix, pavers, permeable asphalt or concrete, rock, stone, turf block, or any combination of the aforementioned materials. Gravel, gravel mix, crushed rock and stone shall have a minimum depth of four inches (4").

E. Temporary Mobile Or Manufactured Homes: A conditional use permit may be issued for a temporary mobile or manufactured home located on the rear portion of a residential lot during the construction of a permanent dwelling for not longer than one year.

F. Lighting: On site lighting shall be located, directed or designed in such a manner as to contain and direct light and glare only to the property on which it is located.

G. Landscaping: All uses in residential districts shall comply with the provisions governing landscaping in chapter 13 of this title.

H. Parking And Loading: All uses in residential districts shall comply with the provisions governing off street parking in chapter 13 of this title.

I. Signs: All signs in residential districts shall comply with the provisions governing signs in this title and title 12 of this code. (2001 Code § 89-3-307; amd. 2009 Code; Ord. 11-09, 4-6-2011; Ord. 11-35, 11-22-2011; Ord. 15-32, 10-14-2015)

Attached

Planning Commission Minutes

Exhibit D

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4. Text Amendment – Amend the West Jordan Municipal Code Section 13-5B-7 to Allow Swine (Pigs) in Rural Residential Zones subject to the limitations of the animal point system; City-wide applicability; City of West Jordan (applicant) [#TA20150007]

Scott Langford said City Council directed staff to look at amending the rural residential zone to allow for swine. The current residential code allows for keeping of animals based on a point system. There is an exception for offspring of large or medium-sized animals. It also categorizes animals as small, medium, and large with points allocated. Over the years they the point system has been honed based on West Jordan's experiences and experiences of other cities. He showed a map of the rural residential zones in West Jordan, which will all be affected by the amendment. Research was conducted that compares size, manure output, and number of offspring for cows, horses, and swine. Number of offspring for swine is much higher than for cows or horses. The city code currently has in place code sections that allow mitigation or removal of nuisances related to keeping of any kind of animal. As they discuss the amendment the Commission should consider that there is a delicate balance between letting people use their property in a way they choose versus using the property in a way that will impact your neighbor. The animal point system has served the rural residential zone well over the years by letting citizens exercise a unique right that isn't typically within a suburban community. The proposal to add swine seems to fit with the established regulations, with a few exceptions. His research showed that the more animals you have on a property the more potential for impact with the neighbors. The proposed amendment adds a note limiting the number to two per lot and prohibits breeding and birthing of swine. The research showed that the minute you allow for breeding or birthing of swine on the property you had the potential for odor to increase and safety concerns grew. A sow with piglets is very protective and dangerous, and typically a pig kept for breeding is larger than one kept for a season to butcher.

Based on the findings set forth in the staff report, staff recommended that the planning commission forward a positive recommendation to the City Council for the proposed text amendments.

There was a discussion regarding birthing, breeding, and offspring. The code currently exempts offspring under a certain age from the number limit, so it was recommended that the exemption not apply to pigs.

The question was raised of why pigs would stink more than a horse or cow when they are smaller and produce less manure. There was a discussion regarding enforceability and if smell could be quantified as an odor nuisance even if the property owner were in compliance with the point system. The animal control officers may have established ways to determine that.

Dan Lawes opened the public hearing.

Chad Sheppick, West Jordan resident, was in favor of the change. He currently has animals on his property. Every animal has a distinct smell, and that issue should be considered under the nuisance code and not in the animal point section. A male goat that is getting ready to breed smells very pungent. He has relatives who have raised pigs for many years and pigs are cleaner than many other animals. From the cleanliness perspective they can be taken care of much easier than other farm animals. Pigs are social animals, so if you are raising one, you should really raise two. He proposed that they keep the limit to two pigs but that they are categorized as medium sized.

Matt Tippets, West Jordan resident, echoed Mr. Sheppick's comments. He has two cows and a number of chickens on this property. He was in favor of the amendment and would like the chance to raise a variety of meat animals, including swine. He also thought they should be in the medium category. His experience with swine has been limited, but visiting some locations has shown him that swine don't smell any worse than cows or horses.

Brian Densley, West Jordan resident, said he has one of the smaller lots on 5490 West, and he would like to raise animals to feed his family. He thought pigs should be in a smaller sized category than cows. He's lived next to animals most of his life and didn't have an issue with the smell of one type of animal versus another. The cleanliness and upkeep of the property could affect that. He didn't think that having one or two pigs would cause any issues.

Randy Bowler, West Jordan property owner, stated that he raises swine. We need to be careful not to place swine in the wrong category. Swine are not the filthy animal that they are often characterized to be, and if properly cared for they are a clean animal. He was in favor of the amendment.

Ben Southworth, West Jordan resident, said when the City amended the point system a number of years ago one of the questions was regarding smell. The nuisance ordinance can address those types of things. He has dogs and sheep that don't care where they eliminate, but pigs use one spot. This amendment is about 4H and dinner table projects, and that is why it is reasonable to limit the number to two and to prohibit birthing and breeding. He felt that they could change the language to place them as a medium sized animal, remove the words 'but not', and keep the notes. When they revamped the point system, cows and horses were given 17 instead of 20 in order to allow for some of the smaller animals. The same thinking applies here; if they are considered medium animals then it allows for other types as well.

Further public comment was closed at this point for this item.

Dan Lawes said the current code refers to swine in the medium sized section, and he asked what would be the pros and cons to leaving them in that category with the limitation of two swine.

Scott Langford said if they were medium sized it allows for a variety of animals on the property. If the commission is worried that two swine plus additional animals would be more impactful to the neighbor, then it would be a con. The research showed that the manure output for swine is much less than for horses and cows, and they are smaller. The current code categorizes them as medium sized.

David Pack remembered that he did some research a couple of years ago when there was an application for pigs. It was the consensus of the state officials he spoke to that pigs are cleaner than other farm animals, even though the public perception is otherwise. It is interesting how much lower the manure output is compared to the other large animals. A problem is that there are no objective criteria to determine the nuisance of smell. The smell could be greater on a property with two pigs if it is not maintained compared to a property with five that is well cared for. At this point he was in favor of classifying them as medium animals.

Dan Lawes said complaints of smell can come with any type of animal and the code enforcement department will have to make the determination.

Josh Suchoski said they could limit the collection of manure, but any animal can smell bad if they aren't maintained. The code enforcement officers are granted the leeway to determine what a nuisance is.

Robert Thorup said there is always prosecutorial discretion. But if there are examples in the city of good swine management, then code enforcement could compare the good example to the complainant property for a standard to look at to point out deviations.

Scott Langford said he can do some research prior to the city council meeting, but there are sensors that measure parts per million, and he didn't know if they employ them in West Jordan, but in the absence of that Mr. Thorup had presented a good solution.

Kelvin Green thought they should look at pigs as medium sized on the point scale with the limitations as discussed, and that will allow for a balance of animal types.

Zach Jacob referred to the language in the code that says, 'such as' and lists the animal types. He asked if that leaves open to interpretation other small, medium, and large animals that aren't specifically excluded.

Robert Thorup said he read it that same way.

MOTION: **Dan Lawes moved to forward a positive recommendation to the City Council for the proposed text amendment to Section 13-5B-7 to Allow Swine (pigs) in Rural Residential Zones; city-wide applicability; City of West Jordan (applicant) leaving everything as-is in the table but striking 'but not including standard sized pigs' and leaving it as 'such as sheep, goats, and pigs'. Adding Note 1 at the bottom with the addition of 'breeding, birthing, or weening of swine is expressly prohibited'. The motion was seconded by Zach Jacob.**

Josh Suchoski said weening is just the point where you are separating a baby from its mother. They should specifically say 'no offspring of swine'.

There was a discussion regarding that language. Technically all animals are offspring of an animal, even if they aren't on the same property.

AMENDED: **Dan Lawes moved to amend the motion to state in Note 1 '…there shall be no more than 2 swine per lot, including offspring. Breeding and/or birthing of swine is expressly prohibited'. The motion was accepted by Zach Jacob.**

Matt Quinney asked why swine are being capped when other animals aren't.

MOTION: **Kelvin Green moved to suspend the rules to hear testimony on this matter. The motion passed 7-0 in favor.**

Ben Southworth said staff was initially directed to classify them as large animals, but after he thought about, it should have been medium from the beginning. The reason they are capping the amount is

because pigs have been given a bad rap, so it is safe to start with a limit of two. When the single-family residential chicken ordinance was adopted the limit was five. Time has passed and there have been no problems, so they may want to raise that number. So with pigs they will start with two to see what kind of impact there is. They might find that two is enough, or they could raise it. They didn't do any extensive research on it.

There was a discussion regarding allowing for more pigs and some of the offspring. A pig's litter can have up to 23 piglets. Also, a mother pig with babies is very dangerous.

David Pack wanted to ask Mr. Bowler if he agreed with the statement that pigs are cleaner than other animals and/or if two pigs is a good starting number for the average person trying to maintain pigs.

Randy Bowler said the amendment was for all rural residential zones, and there are different lot sizes in rural residential zones. He felt that the limit should be based on the lot size as well. If a half-acre lot can handle two then a five-acre lot should be able to handle more than two. He thought that two on a half-acre lot is a good starting point, and then time will tell if that should change. He said that pigs are cleaner than perceived. When properly cared for they are cleaner than many of the other farm animals.

There was a discussion regarding the limit based on lot size.

Scott Langford said he did consider this as part of the report. This is just a starting point. Optimally you introduce a potential perceived or real nuisance with a base line and then make adjustments over time. There are a lot of rural residential areas, with many that are tucked in within the fabric of "regular" subdivisions that don't have animal rights. Some of the lots are larger than half-acre and could have more than two pigs if they go down that road, and if there were complaints that went back to the city council then the pendulum could quickly swing back the other way. However, the commission can make it part of the recommendation for the council if they so choose.

There was an additional discussion to consider a cap for the larger lots that is more than two but less than 20.

VOTE: The amended motion passed 7-0 in favor.

MOTION: Kelvin Green moved to adjourn.

The meeting adjourned at 7:40 p.m.

DAN LAWES
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Development Department
Approved this _____ day of _____, 2015