

**Plain City Planning Commission**  
**Minutes of Meeting**  
**22 January 2009**

The Plain City Planning Commission convened in a meeting on Thursday, the 22<sup>nd</sup> of January 2009, in the Council Chambers of the Plain City Hall at 7:00 pm.

Present showed the following:

Chairwoman: Artie Pearce

Vice Chairman: Robert Seager

Members: Buddy Sadler

Jarod Maw (arrived at 7:05 pm)

Bob Spencer (arrived at 7:40 pm)

Alternate: Blake Neil

Staff: Kathy Hancock

Also present: Council member Brett Ferrin and City Attorney Brandon Richards. Chairman Pearce conducted the meeting and gave the invocation.

**Discussion – Mike Lobato – Conditions – Dog Kennel**

Chairwoman Pearce explained the situation. The commission granted a conditional use permit for a dog kennel requiring a 6 foot fence with slats around the rear yard. The neighbors on the north own part of the fence and don't want it changed. Mr. Maw arrived. Mr. Lobato has appealed the 6 foot fence and the slats to the City Council. City Attorney Brandon Richards explained the process. Because it was appealed and the City Council agreed with the appeal, it comes back to the commission because of the way the appeal ordinance is written. The City Council didn't want to take away the commissions responsibility by having the Council have the final say when the appeal ordinance was written. The commission may want to look at that and change the ordinance. Mr. Richards explained that each conditional use permit needs to be looked at individually because each case is different. In this case, a 6 foot fence won't be able to be done. If the dogs are small a 6 foot fence might not be needed, but for large dogs it might be. The conditions need to mitigate harm that might happen to the neighbors. The commission is concerned that they looked at the safety and felt a 6 foot fence was necessary. Mr. Richards explained that safety was addressed but, the neighbors aren't concerned with the fence height or the dogs. The commission asked if new conditions could be set. Mr. Richards explained that they could be because it is the same conditional use permit application, but he wouldn't recommend it. The conditions were set and concerns were addressed. The question could be raised why that condition wasn't required at the first approval. The commission has the right to add conditions, but need to say should they add more. It was discussed adding a condition to put slats around the kennels. Mr. Richards mentioned that condition isn't really adding a new condition, but changing the existing one. It was mentioned the fence can't be changed because the neighbors don't want a tree moved. Hancock read the letter from Allreds and the tree was never mentioned. It was also mentioned the Mr. Lobato tried to meet all of the requirements, but couldn't meet this one because of the neighbors. It was decided a motion could be made based upon the appeal and the City Council's decision to agree with the appeal. Slats around the kennel won't be necessary since slats are required to protect neighbor's kids from putting fingers through the fence.

The appeal process was discussed. The City Council decision was discussed. The commission asked that the City Council put more in their motion to give the commission direction. Mr. Richards suggested a letter to the City Council recommending the change to the appeal ordinance. It will be put on the February 12<sup>th</sup> meeting for discussion and on the February 26<sup>th</sup> meeting for a motion. Mr. Spencer arrived.

**Discussion - Amendment to the Zoning Ordinance & Police Regulations –  
Animal Ordinance, Kennels & Catteries & Livestock**

The commission discussed the draft ordinance for kennels and catterys. It was decided they should be at least 60 feet from a public street since it requires a detached structure. It was also mentioned the structure has to be 75 feet from a neighbors dwelling and 40 from the dwelling on that lot. It was determined that sentences in the draft ordinance that suggest different items can be removed. It needs to say cat enclosures need to be vented individually. Someone out on 3900 W who was annexed into the City has a kennel through the County that isn't a business. The kennel would be grandfathered in until less than four dogs on the property. Lighting needs to be changed as per the commercial exterior lighting ordinance. Noise control needs to say noise reducing materials required. Under materials it needs to mention concrete slab flooring or similar as approved by the commission. There was a question as to whether a conditional use permit will still be required for a kennel or cattery. Since the ordinance will set the conditions it will not require a conditional use permit just a site plan approval. It will need to be removed from the zoning ordinance as a conditional use permit.

Under Family Food Production, the commission would like the paragraphs switched going from smallest lot to largest lot. There is concern that the 4-H and Future Farmers of America (FFA) raise swine. It was decided that swine should be allowed in the agricultural zones. Large and small animal definitions need to be added under all of the animal ordinance sections. If any animal is not listed then they need approval from the commission. Etc. needs to be removed for large and small animals and livestock. The limit on fowl needs to be changed to 25 for under  $\frac{3}{4}$  acre, 30 for  $\frac{3}{4}$  acre to an acre, and 50 per acre for an

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acre or more. Prorating and per acre needs to be removed under an acre to 5 acres. That way 15 horses won't be allowed on 5 acres. There was a discussion concerning the people that have been annexed into the City from the County. The County ordinance allows for 2 large animals per acre. The concern is horses on 1/2 acre. That way there can't be 15 horses on 5 acres. It was mentioned agricultural zones may need to have more leeway. The recently annexed property is zoned what it was in the County. Chairwoman Pearce mentioned that she discussed the dead livestock with Ron Wilson from Weber County Animal Control. The law states dead animals have to be removed within 48 hours. The county won't do it. It falls to the cities. The animal needs to be taken to the Transfer Station. The cost is approximately \$25 per 1,000 lbs. The fee needs to cover employee time, wear and tear on the vehicle, and the fees. According to Mr. Wilson most people remove the animal themselves. Mr. Wilson did suggest putting something in the ordinance requiring that if the animal is visible from the road it needs to be covered until it is removed. It was discussed in summer stating 24 hours. The changes are to be made and discussed at the work meeting in February.

**Discussion - Amendment to the Public Health & Safety Ordinance – Abandoned Property**

Mr. Neil suggested that they look at the County ordinance. Mr. Neil will get a copy of the County's ordinance and Mr. Maw will get a copy of Ogden City's ordinance.

**Discussion – Amendment to the Public Ways & Property Ordinance – Snow Removal & Parking**

The commission discussed the problem with plowing snow. They would like to have Mitch Willson present to discuss concerns. It was decided to put in on the next work meeting agenda and have Mr. Willson present.

**Approval of minutes – January 8, 2009**

**Mr. Spencer moved to approve the minutes of January 9, 2009 as written. Mr. Sadler seconded the motion. Vote: Mr. Seager, Mr. Sadler, Mr. Spencer, Chairwoman Pearce, and Mr. Maw all ayes. Motion carried.**

**Discussion - February 12<sup>th</sup> agenda**

The commission discussed the lot line adjustment for Kami Marriott and discussed items that have come into the office.

**Report from City Council – Pearce**

Chairwoman Pearce reported that there were no comments, a public hearing for impact fees was held and it was decided to go with the highest impact fee, 2009 meeting schedule was approved, a new door was put on the landfill building, Central Weber Sewer is increasing fees and a public hearing will be held in February to look at a sewer fee increase, appointed Robert Seager to replace Brandon Stokes and Blake Neil as the alternate on the commission, approved business licenses and warrants, recycling was discussed and money is being saved, Susan Goldsberry will chair Founders Day and it will be catered, sidewalks were discussed and will be worked on this summer, and the poogloos are up and running and the chlorination levels are good.

**Public Comments:**

None

**Commission Comments:**

Mr. Sadler can't attend his City Council meetings and asked to be changed. Mr. Spencer will change with Mr. Sadler.

**Schedule for Attending the City Council Meeting**

Pearce	Spencer	Sadler	Maw	Seager	Neil
		Feb 19	Mar 5	Mar 19	Apr 2
Apr 16	May 7	May 21	Jun 4	Jun 18	Jul 2
Jul 16	Aug 6	Aug 20	Sept 3	Sept 17	Oct 1
Oct 15	Nov 5	Nov 19	Dec 3	Dec 17 (if held)	

**Mr. Seager moved to adjourn at 9:35 pm. Mr. Maw seconded the motion. Vote: Mr. Seager, Mr. Sadler, Mr. Spencer, Chairwoman Pearce, and Mr. Maw all ayes. Motion carried.**

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Planning Commission Chair

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Planning Commission Secretary