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City of Washington Terrace

Minutes of a Regular Planning Commission Meeting held on
Thursday, April 30, 2015
City Hall, 5249 South 400 East, Washington Terrace City,
County of Weber, State of Utah

10 **PLANNING COMMISSION AND STAFF MEMBERS PRESENT**

11 Chairman Wallace Reynolds
12 Commissioner Scott Barker -Excused
13 Commissioner Larry Weir
14 Commissioner Dan Johnson
15 Commissioner Scott Larsen – arrived at 6:05p.m.
16 Commissioner Charles Allen
17 Commissioner T.R. Morgan- Excused
18 City Recorder Amy Rodriguez
19 City Building Official Jeff Monroe
20 City Attorney Bill Morris

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22 **Others Present**

23 Travis Thyfault, Matt Klar, Randy HYTE

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25 **1. ROLL CALL**

6:00 p.m.

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27 **2. PLEDGE OF ALLEGIANCE**

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29 **3. WELCOME**

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31 **4. RECURRING BUSINESS**

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33 **4.1 MOTION: APPROVAL OF AGENDA**

Motion by Commissioner Johnson
Seconded by Commissioner Allen
To approve the agenda
Approved unanimously (4-0)

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39 **4.2 MOTION: APPROVAL OF MINUTES FOR MARCH 26, 2015**

Motion by Commissioner Allen
Seconded by Commissioner Weir
To approve the minutes of March 26, 2015
Approved unanimously (4-0)

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47 **5. RECURRING BUSINESS**

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49 **5.1 MOTION/ORDINANCE 15-03: MOTION TO RECOMMEND APPROVAL**
50 **OF ORDINANCE 15-03 “FALCONRY”**

51 Morris read the purpose of the falconry amendment. He stated that the City does not currently
52 allow falconry within City limits. He stated that the Planning Commission tabled the item at the
53 last meeting. Morris stated that after a meeting with the Division of Wildlife Resources, City
54 staff, Mr. Thyfault, Mrs. Brown, and Commissioners Allen and Reynold, he incorporated by
55 reference the state code on falconry based on Commissioner Allen’s recommendation. Several
56 other changes were made to the proposed ordinance.

57
58 Commissioner Allen stated that he has some concerns with the new proposed ordinance. He
59 listed several concerns, with one recommendation being to add an authority paragraph reading:
60 Division of Wildlife Resources, Utah Department of Natural Resources, and Wildlife Board
61 authorizes the practice of falconry in the State of Utah, as provided in Utah Code 657-20, title
62 23, chapter 17, section 7 and Federal regulations.

63 Chairman Reynolds stated that the codes are already referenced as adopted in the ordinance and
64 would be repetitious to include them again. Morris also stated that the the complete rule is
65 incorporated and does not need to be but in again. He stated that he will put the reference R657-
66 20 into the administrative section.

67 Commissioner Allen recommended that two definitions be added into the animal control
68 ordinance: 1. Falcon and 2. Falconer. The definitions were provided by Commissioner Allen to
69 Morris to be added to the ordinance.

70 Commissioner Allen stated that he would like to add language to the conditional use permit
71 requirements that the applicant must possess a valid registration (COR) as issued by the Wildlife
72 Division of Resources before they can apply for the conditional use permit. Hyte stated that the
73 housing would have to be built and inspected before they get a COR. He does not want an
74 applicant to go through the process if the City is not going to issue a permit. Morris stated that
75 the City cannot go against state law by requiring them to have a City permit first. Monroe stated
76 that the applicant can get the authorization of building compliance before they begin their
77 building.

78 Commissioner Allen wanted to know why an animal license fee is charged. Morris stated that
79 there are administrative costs and the falcons will be treated as animals in the City.,

80 Commissioner Larsen agreed that they should not have to pay a fee. The Commission agreed to
81 take the fee out of the ordinance. Morris will remove the fee stipulation.

82 Commissioner Allen stated that he would like to add to paragraph 5 because he feels that it is
83 important that falconers must report any dead or injured raptures to the City. Hyte stated that a
84 bird has to be reported to the Wildlife Division within 5 days of losing a bird. Morris noted that
85 dog bites are reported to animal control and feels that if a bird injures someone, it should also be
86 reported. Hyte stated that if a falcon injures someone, a police report is available. Monroe stated
87 that if it is reported to South Ogden Animal Control, it will most likely be referred to eh Division
88 of Wildlife Resources and the City will be charged for their management of the situation. The
89 Planning Commission would like to strike paragraph 5.

90 Commissioner Allen stated that public interaction is in accordance with the rule, but stipulated
91 that the falconer must get approval from the property owner if it is on private property.

92
93 The Commission agreed to make a change in section 6 stating that “All falconers shall be in
94 compliance with municipal code and state code and any relevant law and regulations.”

95 Commissioner Allen stated that the number of raptures allowed should be determined by the
96 falconer class code. Morris stated that the City restricted the rule to one bird. Klar stated that he
97 is concerned with the restriction because it precludes rehab and only one family member to be a
98 falconer and does not allow for educational permits. Chairman Reynolds asked if there is a
99 requirement that you can only have so many birds in a mew.

100 Commissioner Larsen asked why we are limiting the number of birds if the State already has
101 limitations. Morris stated that small lot sizes are the rationalization of the limit of one bird.

102 Morris stated that the City can be more restricted than state law in the requirements.

103 Commissioner Allen stated that he does not want to limit the birds to just one. Chairman
104 Reynolds noted that we are dealing with animals throughout the whole city, and the City cannot
105 say that a falconer can have more animals but others can only have 2 cats.

106 Morris stated that he can change it to two birds, but recommends not going more than two.

107 Commissioner Larsen stated that it should be equivalent to what everybody else has.

108 Commissioner Allen did not agree, stating that he would like our ordinance to follow state code
109 because falconers have a special licensure to hold a certain series of animals. Morris reiterated
110 that the Attorney General stated that the City can be stricter in cases of land use.

111 Morris call for a vote.

112 **Motion by Commissioner Larsen**

113 **Seconded by Commissioner Weir to**

114 **allow animals to be housed by numbers given by state.**

115 **Approved unanimously (5-0)**

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117 Monroe stated that there are already complaints based on a land use perspective, and noted that
118 the Commission has just voted to allow up to possibly 15 birds. He stated the he understands the
119 state ordinance, but he deals with land use on a daily basis as the Enforcement Officer. He
120 questioned how much property does an individual have to have not to be a nuisance to neighbors.
121 Commissioner Larsen recommended that the mews be limited to either a weathering bar or a
122 mew. Thyfault noted that a mew is essentially a shed and the City allows numerous sheds in one
123 unit. Commissioner Larsen and Commissioner Allen agreed that they should be allowed one
124 feeding pen, one mew, and one weathering area.

125

126 Commissioner Allen recommended that the setbacks in rear yard should be 10 feet away from
127 property lines in R8 and R10 zones and five feet from property lines in R6.

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129 **Motion by Commissioner Johnson,**

130 **Second by Commissioner Weir**

131 **To leave the setback at one foot from property lines.**

132 **Approved (4-1)**

133 **Commissioners Reynolds, Johnson, Weir, Larsen –Aye**

134 **Commissioner Allen- Nay**

135

136 Commissioner Allen stated that he does not like that the falcons can fly in the city parks. Morris
137 stated that we cannot regulate working and hunting of the birds per DWR and that we can only
138 regulate land use.

139 Commissioner Allen stated that he would like the building inspector to make inspections as part
140 of the conditional use permit and make sure setbacks are approved. He also would like the
141 falconers to provide permit or state documents when requested.

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143 Thyfault said that he has spoken with his neighbors and resolved the problems.
144 Monroe stated that Council has the final approval on this ordinance and will be reviewing it at
145 next week's Council meeting.

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147 **Motion by Commissioner Larsen**
148 **Seconded by Commissioner Weir**
149 **To recommend approval of ordinance 15-03**
150 **“Falconry” to the City Council with the recommended changes**
151 **Approved 5-0**

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153 **6. UPDATE COMMISSION ON CURRENT DEVELOPMENT PROJECTS AND**
154 **ZONING ISSUES**

155 There were no current development projects discussed.

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157 **7. UPCOMING EVENTS**

158 May 5th : City Council Meeting 6:00 p.m.
159 May 19th: City Council Meeting 6:00 p.m.
160 May 28th: Planning Commission Meeting 6:00 p.m.

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162 **8. MOTION: ADJOURN THE MEETING**

163 **Motion by Council Member Johnson**
164 **Seconded by Council Member Larsen**
165 **To adjourn the meeting.**
166 **Approved unanimously**
167 **Time: 7: 04 P.M.**

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170 **Date approved**

_____ **City Recorder**