



**MEETING OF THE
TAYLOR PLANNING & ZONING COMMISSION
ON TUESDAY AUGUST 2, 2011
AT 7:00 P.M. AT
TAYLOR TOWN HALL
425 W. PAPER MILL ROAD**

Commission Members Present: Vice-Chair Eric Ritz, Loretta Whitlow, Ralph Schreiber

Commission Members Absent: Chairperson Merry Nutter, Jack Babb

Staff Present: Planning & Zoning Director Jeff Johnson, Administrative Assistant Kathy Hancock

Attorney Present: Sterling Solomon

Visitors: See list.

- 1. Regular Meeting Called to Order:** Vice-Chair Eric Ritz called the meeting to order at 7:02 p.m.
- 2. Open Call to the Public:** Ms. DeHaan was present to express concerns about some property she purchased in Shumway not knowing it was annexed into the Town of Taylor due to some miscommunication with the county. Mr. Johnson responded to several of the criticisms put forth by Ms. DeHaan and said he would be willing to set up a meeting with the town attorney.
- 3. Approval of Minutes: July 5, 2011 Planning and Zoning Commission Meeting.** Mr. Ritz thanked outgoing commissioner Harold Meservey for his service and welcomed Ralph Schreiber to the commission. His term is for 3 years, until 2014.

Motion made by Loretta Whitlow, seconded by Ralph Schreiber, to approve the minutes for the July 5, 2011 meeting as read. Motion passes.

Action; Approve, Deny or Table

- 4. Old Business: Discussion on 18.20.030 Part D-Accessory Uses: Possible Animal Permit/Conditional Permits for R-1 Related Animals in 20,000 sq. ft. lots.** Mr. Johnson explained that he made a list of bullet points with pros and cons and needs for the different situations.

Conditional Use Permit (CUP):

- Pros: We would have a public hearing with neighbors being able to voice their opinion.
- Cons: It takes a lot of time for the P&Z, the Zoning Administrator and the applicants and we charge for the permit. The process should be more streamlined.

- Recommend: Either a new animal permit or more restrictions in our regular code.

New Animal Permit:

- Pros: It would give the applicants a piece of paper telling them what they can and cannot do so they know what is expected. We would have more control and be able to educate the applicants. We could also put in more restrictive language.
- Con: Right now, everyone is concerned with big government and more restrictions.
- Recommendation: The CUP really takes too much of everyone's time. Either a new type of permit or putting restrictions in our regular code is the better choice.

Mr. Ritz explained that the definition and purpose of rezoning in Residential (R) zones are to protect residential lifestyle and Agricultural zones (AG) are to protect animals and rural lifestyle. We are trying to refine the existing code to be something that is manageable and enforceable.

Mr. Johnson said we really need to define neighborhoods and mentioned that Sunridge Subdivision is bordered on two sides with AG zones. If someone wanted to have large animals they could because animals already border the subdivision. With our current code, there is nothing that restricts people from having large animals on some of the lots since they are 20,000 sq. ft. and larger. A permit probably won't solve the problems but more restrictive language such as only being able to count lots that are zoned the same could help. He explained how he can look at the county website and is able to identify a particular parcel, and then put a buffer around that parcel. He can determine the size and zone of every property within a certain distance. The commission could set up a desired distance around a property such as 300', give the applicant a list of owners, show them the map and let them determine how many property owners there are with animals in that area. They would then return their findings to Mr. Johnson for his verification. If properties are not in the same zone, they would not count. The commission could also add language to have the applicant get permission from neighbors to allow them to have animals. Something we would need to determine is how many neighbors had to be in favor before it is approved. There is always a step for someone to appeal the decision if they don't like it.

There was discussion about why the grandfathered rights go with the property. Mr. Johnson said our code goes with the use, not the owner. Mr. Solomon added that he believes our code says if the animal use changes for more than 365 days then the nonconforming use is no longer there and the grandfathered right is gone. After doing some research on the code he added that it does not say anything specifically

about animals, it just states under section C, “When any lawful and nonconforming use of a structure or land in any district has been changed to a conforming use, it shall not hereafter be changed to a nonconforming use. If the nonconforming use ceases for a period of 365 days or discontinues, any future use of that land shall be in conformity with this code.” This is a state law, too. He is sure there is case law concerning this code and would like to look it up to see if our code could possibly be changed.

Mr. Ritz would rather not make any firm motion without having a full quorum. We need to progress slowly, even if we don’t come to a conclusion tonight. He believes staff would timidly recommend a new Large Animal Permit with some restrictions. This could be a homework assignment for us and for staff to see what other communities like ours have done to handle this type of issue.

Mr. Johnson mentioned that he is quite busy and time is limited so if the commissioners would look at what they would like to protect and keep large animals out of, and then think about what kind of regulations you would like to see. Mr. Ritz said each of us should come with some predetermined ideas to get this moving and challenged the commissioners to come prepared to address this at the next meeting. A good baseline is to look at what other communities have done and what kind of restrictions they already have in place.

Eric Ritz made a motion to table item 4 for further discussion when we have a full commission, stipulating however that commissioners will make efforts to come prepared to the next meeting with some specific ideas as to clarifications to the code, with an eye towards making some recommendations. Motion seconded by Loretta Whitlow. Motion passes.

Action; Discussion or Postponement

- 5. New Business: Discussion on possible Text Amendment to Chapter 18.12 AG-1 Permitted Uses, Accessory Uses, Conditional Uses that Apply to Animals.** Mr. Johnson said our thought on this was to do one zone at a time.

Motion made by Loretta Whitlow to postpone the text amend to Chapter 18.12 AG-1 Permitted Uses, Accessory Uses, Conditional Uses that apply to Animals, until the next meeting or when we have five members of the board here. Eric Ritz seconded the motion. Mr. Johnson noted that he will not be at the next months meeting but he can get Public Works Director Ron Solomon to be at the meeting or he could send a letter of suggestions with what he has come up with. Mr. Ritz would just as soon go ahead and meet because we still have so much to do on this.

Motion passes

Action; Discussion or Postponement

- 6. Adjournment: —Motion to adjourn the meeting made by Loretta Whitlow, seconded by Ralph Schreiber. Voting was unanimous.**

Meeting adjourned at 8:01 p.m.

Certification of Minutes: I hereby certify that the foregoing minutes are a true and correct copy of the Taylor Planning/Zoning Commission Public Hearings and Meeting held August 2, 2011. I further certify that the meeting was duly called to order and that a quorum was present.

Dated this 2nd day of August, 2011

Kathy Hancock
Administrative Assistant

Approved