

Harrisville City Planning Commission Meeting
363 W. Independence Boulevard
7:00 p.m., October 14, 2015

Commissioners: Steve Weiss
Kevin Jensen
Bill Smith
Patricia Young
Blair Christensen
Brenda Nelson

Staff: Bill Morris (City Administrator)
Shanna Edwards (Secretary)
Jeff Pearce (City Council)

Visitors: Ruth Pearce, Maxine Grange, Ray Grange, Gayle Dalpiaz, Susan Smith, Randy Peterson, Zackery Loveland, Katie Stacy, Richard Stacy, Ken Loveland, Annette Loveland, Ruth Nielsen.

Chairman Weiss welcomed everyone, and called the meeting to order. Commissioner Chad Holbrook was absent. Chairman Weiss called for a motion to open the public hearing.

1. PUBLIC HEARING to consider recommending adoption of Ordinance 475, amending Section 11.08.020 of the Land Use Ordinance relating to kennels in residential zones.

MOTION TO OPEN PUBLIC HEARING: Commissioner Smith motioned and Commissioner Young seconded with unanimous approval to open the public hearing.

STAFF RESPONSE: Bill Morris pointed out that kennels are not specifically mentioned as a use in the residential zones, but there is a provision for “other animal raising” which is not defined. He said when something is not defined, commissioners can take the approach to define it. The proposed ordinance #475 amendment, to “other animal raising” would allow kennels only in the A-1 zone and only as a conditional use. He stated that he is aware of other cities that allow kennels in their agricultural zone for properties of more than two acres and require a conditional use permit to set limits on the number of animals, where the animals are kept, what kind of animals, etc. The property owner then takes the approved permit to Weber County Animal Control to get a kennel permit and license each dog. The question is, does “other animal raising” as it exists in the municipal code, include a kennel? Bill Morris stated that the Supreme Court of Utah has said that when the ordinance is vague, it must be construed in favor of the property owner. “Other animal raising” is vague enough that he believes there are legal issues.

Bill Morris explained that recommending an ordinance amendment is a legislative function. Commissioners can take citizen input, which is the purpose of the public hearing, but it is commissions legislative prerogative to determine how to handle the situation. They have received an application for a kennel in the A-1 zone. Although a kennel is not in the ordinance specifically, there is a provision that allows “other animal raising.” He mentioned that citizens have turned in signed petitions requesting not to allow kennels in their neighborhoods. After considering public input, it is up to commissioners to make the decision regarding a recommendation of any ordinance amendment to the city council.