



Sandy City, Utah

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Meeting Minutes

Planning Commission

Dave Bromley
Michael Christopherson
Monica Collard
Ron Mortimer
Jamie Tsandes
Cameron Duncan
Daniel Schoenfeld

Thursday, November 17, 2022

6:15 PM

Council Chambers

Meeting procedures are found at the end of this agenda.

This Planning Commission meeting will be conducted both in-person, in the Sandy City Council Chambers at City Hall, and via Zoom Webinar. Residents may attend and participate in the meeting either in-person or via the webinar link below. Register in advance for this webinar:

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Webinar ID: 837 9586 1999

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4:30 PM EXECUTIVE SESSION

No Field Trip for this Meeting

General Plan Discussion

6:15 PM REGULAR SESSION

Welcome

Pledge of Allegiance

Introductions

- Present** 5 - Commissioner Dave Bromley
Commissioner Jamie Tsandes
Commissioner Michael Christopherson
Commissioner Cameron Duncan
Commissioner Daniel Schoenfeld
- Absent** 2 -
Commissioner Monica Collard
Commissioner Ron Mortimer

Consent Agenda

1. [SUB0829202](#) Longpath Subdivision
[2-006389](#) 11510 S Hagan Road
[Community #24]

Attachments: [Staff Report](#)
[Application Materials](#)

A motion was made by Daniel Schoenfeld, seconded by Jamie Tsandes, that the Planning Commission determine preliminary review is complete for the Longpath Subdivision located at 11510 S Hagan Road based on the four findings and subject to the three conditions detailed in the staff report.

- Yes:** 5 - Dave Bromley
Jamie Tsandes
Michael Christopherson
Cameron Duncan
Daniel Schoenfeld
- Absent:** 2 - Monica Collard
Ron Mortimer

Public Hearings

2. [CA02092022](#) Bell Canyon Acres Code Amendment
[-0006266](#)
[\(PC\)](#)

Attachments: [Staff Report](#)

[Exhibit A](#)

[Exhibit B](#)

[Exhibit C - Mayor Request - Bell Canyon Acres Special District Code Amendment](#)

[Exhibit D - Neighborhood Meeting Summaries and Letters](#)

[Neighborhood Meeting Recording - 5/25/2022](#)

[Exhibit E - Position Paper re Bell Canyon Acres](#)

Mike Wilcox introduced this item to the Planning Commission.

Michael Christopherson asked Mike Wilcox that if a resident wanted to have an excess of animals, outside of the By Right, the number of animals allowed are nine in total. Not nine additional animals added on to the four allowed by right.

Mike Wilcox said yes.

Dave Bromley asked if the new size allowance for an accessory structure still be required to meet setback and building requirements.

Mike Wilcox said yes. It would require Planning Commission review and approval as well through a Conditional Use Permit process.

Jamie Tsandes asked if the special use permit stays with the current land owner or the property.

Mike Wilcox said the conditional use permit stays with the land. A special use permit is non-transferable and limited to the property owner. The special use permit for animals would not run with the land and each new owner would have to seek their own permit.

Jamie Tsandes asked if existing landowners are in violation of the existing code, would they have to apply for a special use permit and how would staff know that someone is violating the code with regards to animals.

Mike Wilcox replied that Code Enforcement would investigate upon receiving a complaint.

Jamie Tsandes asked if anyone is grand-fathered in.

Mike Wilcox said that the grandfather status is only applied if it was legal to begin with.

Michael Christopherson said the new calculation doesn't determine who's in compliance with the code it just makes it easier to determine whether residents are in compliance or not.

Mike Wilcox said correct and that there's several property owners who currently have Special Use Permits.

Dave Bromley asked about other possible non conforming situations being created by this amendment.

Mike Wilcox said there's potential situations for Farm Animal Set Asides.

Dave Bromley asked about non conforming fences.

Mike Wilcox said there's a lot of non conforming fences that would be made legal and brought into conformity. If a fence is currently in the site visibility triangle, it is currently illegal.

Dave Bromley asked how a resident can legalize a non conforming fence.

Mike Wilcox said if a resident receives a notice that their fence is in violation, they would have to bring it into conformity by moving it into a location that would be legal conforming.

Jamie Tsandes asked about the photo of the fence, shown in the presentation, and if the issue is the height or location.

Mike Wilcox said the existing code has the fence out of conformity however with the proposed change the fence would be legal. The existing fence is non-conforming due to the height above four feet in the front yard area.

Cameron Duncan opened this item to public comment.

Stu Lawn lives on Bridlewood Lane and said that his backyard patio is non usable in the summer due to the dirt, dust, smell and flies that are coming from the neighbor property that has four horses. He said it's a nuisance, the property could be better maintained and asked if there's any recourse on his behalf.

Amanda Larson, 10815 S Whirlaway Lane, said she shared her concerns at the neighborhood meeting with increased liability for horse boarders, increased traffic and decrease in safety for her son. She said this amendment was pushed through by the mayor and feels it's an ethical violation. She spoke about an ongoing litigation and has asked for this amendment to not get approved.

Steve Van Maren, 11039 S Lexington Circle, said the first paragraph in attachment A uses an incorrect word of "home" and said it should say "lots".

Leonard Christopherson, 10819 S Ascot Parkway, will be ninety-two years old and has lived in Bell Canyon for forty eight years. He said that horse property has been reduced down to Bell Canyon Acres and is in support of the code amendment.

John Brubaker, 10814 S Whirlaway Lane, said that horseback riding is dangerous and there's a likelihood that homeowner's insurance rates will increase due to the increased amount of horses and riders. He also said that residents who are violating codes are being rewarded by the bar being lowered.

Krista Matthews, 10760 S Bay Meadows Drive, said that if more animals are going to be allowed on a property, she hopes someone is taking care of them.

Betty Long, 10689 S Bridlewood Lane, is concerned for animal welfare and doesn't understand the math for animals allowed.

Resident living at 10735 S Whirlaway Lane, read an email from Mayor Zoltanski, asked for a variety of studies to be done before this request was considered and asked the Planning Commission if they would live in a neighborhood with the potential of being sued.

Keri Wright, 10657 S Whirlaway Lane, has concerns with boarding and feels this will turn into commercial business opportunities which will create increased traffic, liability and eliminates quiet enjoyment of their property.

Kathy Walker, 10758 S Whirlaway Lane, said that swimming pools and trampolines are a nuisance and that liability claims are due to residents own making by putting obstacles in the bridle path. She said that horse boarding has been ongoing and the intent has always been to help each other out and not to become a business because no-one makes money boarding horses.

Marilyn Larson, 10901 S Bay Meadows Circle, agrees with Kathy Walker and supports the code amendment.

Starr Dowding, 10617 S Bay Meadows Drive, spoke about the cost of profit versus boarding and that boarding does not earn money.

Mike Seely, 10914 S Bay Meadows Circle, said that Bell Canyon Acres is a unique neighborhood which allows residents to continue Utah's heritage of horses from the pioneers. He said the horses in the area are well cared for, the dumpsters are emptied out weekly and is in support of the amendment.

Reed Hess, 10704 S Bay Meadows Drive, said he does not see safety issues with the horses. He said he currently does board one horse for his neighbor because he wants to help him out. He does charge a nominal fee and after all expenses he profits about \$50 a month. He said there are a number of neighbors who currently board horses and he does not see an influx of traffic, trailers or hazards that stem from boarding. He said the real danger are residents who cannot drive the 25 mph speed limit.

Ryan Kirchner, 10921 S Bay Meadow Circle, said that neighbors who are boarding are aging and the boarders are there to take care of the property.

Michael McLellan, 10711 S Whirlaway Lane, said that there are a lot of violations going on and asked why Sandy City doesn't classify horse boarding as a commercial business. He said there will be more traffic from farriers, vets and trailers and asked where these vehicles are supposed to park when it snows.

Dean Wood, 1483 S Pinnacle Place said that boarding horses will not generate a lot of impact on the neighborhood.

Sandra Haak, 10953 S Bay Meadow Circle, shared her experience of being able to have horses on her property versus having to board them elsewhere and is in support of the amendment.

Bonnie Stout, 1441 S Pinnacle Place, said the Bell Canyon Acres was designed as an equestrian community and neighbors should be given the chance to utilize the community as it was designed. She said that enabling horse boarding is a way of giving back to the neighborhood and is in support of the amendment.

Steve Adams, 1502 E Thistledown Drive, said the fundamental concern is the potential of

injuries if boarding is allowed. He said there's implications that worry him like bridlepaths that were private property which are now public property. He asked if this was something he was signing over, was there compensation, is he still expected to maintain it and is he liable if there's an accident. He loves the horses but would like additional time to explore all options.

Mayor Monica Zoltanski said that in her position she knows the resources available to resolve the issues surrounding Bell Acres and asked the Planning Commission for clarity. She said that horse ownership is about community building, it's a lifestyle, it's becoming more difficult to find places to board horses and this neighborhood was designed for equestrian use. Mayor Zoltanski also said that Animal Services is available to help answer questions. She said if she took on boarders she would obtain a bigger insurance policy and has no issues with homeowners insurance as a horse owner. The Mayor said this would bring clarity and peace to code enforcement officers who are sent out on retaliatory claims and that horses are good for the soul.

Patricia McCullough, 1499 E Ascot Circle, said that she was one of the plaintiffs that sued her neighbors to protect the bridle path and her land rights. She said she wished this clarification was made six years ago and is in support of the code amendment.

Danielle Finger, 10640 S Bay Meadows Drive, said that she's become very ill and has had to move in a friend to help her maintain her horses. She said that she asked Sandy City for help with where she needed to place her fence and her barn and staff could not answer her questions. She said she had to move her fence three or four times and has asked staff to clarify the code.

Jim Engel, 10720 S Whirlaway Lane, said that liability existed the moment you bought your house, the proposed amendment doesn't change the number of animals you can have and that boarding horses does not make any money. He said that his neighborhood is unique and all the surrounding neighborhoods come to Bell Canyon to enjoy the animals and is in support of the code amendment.

Pete Hawk, 10953 S Bay Meadows Circle, said that there should be an allowance made for horses that are visiting. He gave an example of horses that are enroute to a competition in another state and they want to stop and visit.

John Eicher, 1528 E Ascot, said he's in favor of the code amendment and believes it'll clean up a lot of issues in the neighborhood. He also said that boarding horses will allow young students the opportunity to learn about the animals in the community without having to travel far.

Scott and Mary Hockin, 10667 S Bridlewood Lane, said he's not part of the Bell Canyon Acres neighborhood but lives in a neighboring subdivision. He said he has concerns about traffic as he enjoys walking through the neighborhood. He said there's well documented code violations occurring now, asked what comes next and does not support the amendment.

Scott and Heather Tasker, 1486 S Churchill Downs Drive, said that owning and boarding horses is expensive and doesn't feel that traffic will be impacted. He has no concerns about borders and is in favor of the code amendment.

Cameron Duncan closed this item to public comment.

Lynn Pace, Sandy City Attorney, answered questions regarding nuisance, CCR's and a

conflict of interest comment about Mayor Zoltanski when she requested the code amendment change. Regarding nuisance, it's a facts based analysis, and Lynn Pace said that horses who live in a community designed for horses do not make them a nuisance. However, if dirt, dust, smell and flies are an issue then that would need to be taken up with a personal attorney for discussion of the facts. With regards to CCR's, he said that CCR's are private contracts among neighbors which the City does not get involved in. Code enforcement does not enforce private contracts between private partisans. Sandy City has zoning codes and land use codes which the city does enforce. With regards to Mayor Zoltanski's request, Lynn Pace said that the request is not a conflict of interest because the Mayor is a Sandy City resident and has the right, as a private citizen, to make the request.

Mike Wilcox answered questions regarding increase of traffic due to boarding and said that it may have a slight up-tick but not a large impact or change to the neighborhood. It's a similar impact to having personal guests or visitors. He said that boarding currently exists in neighborhood and any traffic increase would have already been noticed.

Chase Parker, Sandy City Risk Manager, talked about liability and the inherent risk associated with riding horses.

Michael Christopherson clarified with Chase Parker that there is no distinction in the law or insurance language that differentiate between horses boarded for personal use versus commercial use.

Chase Parker said that's correct and then provided additional explanation. He said that regarding bridle path use there is no difference. If you wanted to board horses for commercial purposes they may have separate liability.

Michael Christopherson said neighbors are arguing that their liability insurance rates will increase because their neighbor is commercially boarding horses.

Chase Parker said this he would disagree with that.

Mike Wilcox addressed concerns over code enforcement and non compliant residents being rewarded due to this proposal.

James Sorensen said that code enforcement investigates every complaint that is turned into his office. With regards to horses, the current code is difficult for code enforcement officers to prove ownership of the horses with documentation. The proposal will make it clear and less confusing. James asked Mike Wilcox to verify the current allowance.

Mike Wilcox said a maximum of four horses by right and if they want to have additional animals, it would be based on the Special Use Permit allocation determined by their lot's amount of farm animal area set aside.

James Sorensen said it has different requirements that make it easier to enforce.

Mike Wilcox said the enforcement would be focused on the ownership of the property rather than the ownership of the horses.

Michael Christopherson said there's no difference in the number of animals permitted whether you own the horse or not.

Mike Wilcox said correct and then addressed additional concerns of home occupation

business and increase regulations. He said that if we treated them as home occupations, then we're going to have to enforce based on ownership of the horse. He also discussed the issues of enforcement and the simplicity of focusing on counting the horses rather than who owns the horses.

Jamie Tsandes asked if it's currently unlawful to board horses.

Mike Wilcox said yes.

Jamie Tsandes asked if staff has an idea of what percentage the homes in this area are boarding and if there's a perception that if this amendment is approved, will there be an influx of horses that show up or if this something that steadily exists that we are now just passing.

Mike Wilcox said he doesn't know what the percentage is but said that this does not result in an increase in density of potential of animals that can be kept.

Michael Christopherson said that the amendment doesn't change the number of animals allowed.

Jamie Tsandes asked if staff receives calls on visitors or boarders.

Mike Wilcox answered that our office receives calls on whether or not a resident is boarding a horse and not sure if they're referring to visitors.

Michael Christopherson said that if this amendment passes then the issue of having visitors is a violation at any given moment of time and he wasn't sure how you would police that from a zoning perspective.

James Sorensen said there is no enforcement on visitors only on boarding.

Danny Schoenfeld asked, with regarding to boarding, if there's any standard by the county or other cities.

Mike Wilcox said he wasn't sure.

Dave Bromley said that the proposed amendments make it much clearer except boarding and asked if there's a better approach that might include further discussion to reach a compromise.

Michael Christopherson said that if this were a regular density question this would not be an issue. The impact of the amount of animals would be the same whether they are boarded or owned by the property owner.

Dave Bromley replied that the maximum density issue isn't similar in this instance and logic would be that not all homeowners would board.

Michael Christopherson said that it's the same number of horses, potentially and that no-one spoke about the other five proposals and only voiced concern over the boarding.

Danny Schoenfeld said he agreed with Michael Christopherson and acknowledging a practice that's already in use.

Michael Christopherson said that he tends to follow the reality of what the land is being

used for. He said that boarding seems to be the main issue of the meeting but the math doesn't change how many animals you're allowed.

Jamie Tsandes said that she doesn't have issues with boarding and is trusting that staff is recommending enough space to allow for the animals to thrive.

Cameron Duncan said the main issue is density and allowing a home based business without a license. He understands the issue of enforcement, density comparison and where staff is coming from.

Dave Bromley asked Mike Wilcox to speak on how the city came to the suggested changes.

Mike Wilcox replied that there was a neighborhood meeting held where staff could get some input. Staff evaluated options on boarding and considered a home occupation option but issues of enforcement brought us back to our current recommendation.

Michael Christopherson said that if it's so hard to prove horse ownership then why add the bullet point of owner occupation.

Lynn Pace said that if the city is going to take a resident to court for violation of the ordinance its easier to prove who owns the property versus who owns the horse. And that the goal of the ordinance is owner occupied horse boarding not commercial entities.

Dave Bromley said that having ownership of the home is key but the issue still exists if a renter is boarding the horse. He said that he's not against boarders or the boarding aspect but feels something more should have been done to reach a compromise.

Michael Christopherson said he disagrees.

A motion was made by Michael Christopherson, seconded by Daniel Schoenfeld, that the Planning Commission forward a positive recommendation to the City Council to amend Title 21, Chapter 19, Section 34 SD(R-1-30A) Bell Canyon Acres, of the Sandy Municipal Code, as shown in Exhibit "A" based on the two findings detailed in the staff report.

Yes: 4 - Jamie Tsandes
 Michael Christopherson
 Cameron Duncan
 Daniel Schoenfeld

No: 1 - Dave Bromley

Absent: 2 - Monica Collard
 Ron Mortimer

Administrative Business

1. Minutes

An all in favor motion was made by Dave Bromley to approve the meeting minutes from 11.03.2022.

[22-421](#)

Minutes from November 3, 2022

Attachments: [11.03.2022 PC Minutes \(DRAFT\)](#)

2. Director's Report

Adjournment

An all in favor motion was made to adjourn.

Meeting Procedure

1. Staff Introduction
2. Developer/Project Applicant presentation
3. Staff Presentation
4. Open Public Comment (if item has been noticed to the public)
5. Close Public Comment
6. Planning Commission Deliberation
7. Planning Commission Motion

In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comments will be limited to 2 minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Comments which cannot be made within these time limits should be submitted in writing to the Community Development Department prior to noon the day before the scheduled meeting.

Planning Commission applications may be tabled if: 1) Additional information is needed in order to take action on the item; OR 2) The Planning Commission feels there are unresolved issues that may need further attention before the Commission is ready to make a motion. No agenda item will begin after 11 pm without a unanimous vote of the Commission. The Commission may carry over agenda items, scheduled late in the evening and not heard, to the next regular scheduled meeting.

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