

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, July 27, 2011, at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Chairman Loyal Green, Russell Glenn, Paul Egbert, and M. Kent Larsen. Also present were City Manager/Recorder Don Hartle, Mayor Thomas G. Bailey, Councilmen Carl Leatham and Gary Bates. A copy of the Notice and Agenda was posted, faxed and emailed to the Herald Journal, and mailed to the Planning Commission on July 22, 2011. The meeting was called to order at 6:00 p.m.

Others Present: Jennifer Leishman Bryan Palmer Brian Parkinson
Michelle Ferguson Karma Leatham Kate DuHadway
Glenna Petersen

Opening Ceremony: M. Kent Larsen

Loyal Green reviewed the agenda with the Commission. After review, M. Kent Larsen made a motion, seconded by Paul Egbert, that the agenda be approved as presented.

YEA 4 NAY 0
Russell Glenn
Paul Egbert
Loyal Green
M. Kent Larsen

The Commission reviewed the minutes for the Commission meeting which was held July 13, 2011. After review, Russell Glenn made a motion, seconded by M. Kent Larsen, that the minutes of the July 13, 2011 meeting be approved as presented.

YEA 4 NAY 0
Russell Glenn
Paul Egbert
Loyal Green
M. Kent Larsen

At 6:05 p.m., Paul Egbert made a motion, seconded by Russell Glenn, to go into a public hearing.

YEA 4 NAY 0
Russell Glenn
Paul Egbert
Loyal Green
M. Kent Larsen

Receive public input and consider for approval a request from Bryan Palmer for a conditional use for a Level 2 "Home Occupation" for greenhouses, floral and produce to be operated from his home at 230 East Main. Bryan Palmer submitted a map of his property. He will be building 2 additional greenhouses in the rear yard, with one facing north and south and the other facing east and west. The greenhouses will be approximately 24 feet wide by 35 feet long, with the height in the center being approximately 12 feet and the sides being approximately 4 feet. Mr. Palmer stated that he has been in business since 1992, but had let his business license lapse. Mr. Palmer stated that he farms the open space at the Southwest Heritage Estates subdivision. He attends 3 farmer's markets. Mr. Palmer stated that he employees about 10 youth from Wellsville and Mendon, which most of them work on the farm. Loyal Green asked the amount of space that is used inside of his home for his business. Mr. Palmer stated none. Don Hartle stated that on January 12, 2011, this issue was discussed then. Mr. Hartle reviewed the rear yard, and Mr. Palmer has 7,780 square feet. His business can't exceed 25% of his property, which would be 1,947 square feet. The out buildings on Mr. Palmer's property total 1,844 square feet, including the proposed new greenhouses. Brian Parkinson stated that his personal experience is that Mr. Palmer sells twigs, wreaths, and produce at farmer's markets. M. Kent Larsen asked about the impact on the surrounding neighbors. Mr. Palmer stated that he has being doing business for the past 18 years. Mr. Larsen asked about the greenhouse shelters. Mr. Palmer stated

that he tried a hoop house made from PVC pipe from USU, but it didn't work very well. Mr. Palmer stated that he applied for a federal grant, and was awarded the funds. Mr. Larsen asked if this greenhouse would be a more solid, sturdy structure. Mr. Palmer stated yes. Mr. Larsen asked about having 2 or more employees. Mr. Palmer stated that he farms 5 acres of ground, which is where 99% of the work is. Mr. Palmer stated that he has 1 to 2 employees during the winter months. Mr. Larsen asked if Mr. Palmer was being consistent with the parking rules and regulations. Mr. Palmer stated yes.

At 6:16 p.m., Russell Glenn made a motion, seconded by Paul Egbert, to go out of public hearing.

<u>YEA 4</u>	<u>NAY 0</u>
Russell Glenn	
Paul Egbert	
Loyal Green	
M. Kent Larsen	

After discussion, Paul Egbert made a motion, seconded by M. Kent Larsen, to approve a request from Bryan Palmer for a conditional use for a Level 2 "Home Occupation" for greenhouses, floral and produce to be operated from his home at 230 East Main.

<u>YEA 4</u>	<u>NAY 0</u>
Russell Glenn	
Paul Egbert	
Loyal Green	
M. Kent Larsen	

At 6:17 p.m., M. Kent Larsen made a motion, seconded by Russell Glenn, to go into a public hearing.

<u>YEA 4</u>	<u>NAY 0</u>
Russell Glenn	
Paul Egbert	
Loyal Green	
M. Kent Larsen	

Receive public input and consider for approval a request from Bryan Palmer for a conditional use for "High Tunnels" (a form of a greenhouse) at 230 East Main. Bryan Palmer submitted a map of his property. He will be building 2 additional greenhouses in the rear yard, with one facing north and south and the other facing east and west. The greenhouses will be approximately 24 feet wide by 35 feet long, with the height in the center being approximately 12 feet and the sides being approximately 4 feet. Mr. Palmer stated that he is looking at snow loads to determine the best roof for the greenhouses. Paul Egbert asked if these greenhouses come in kits. Mr. Palmer stated yes. Everything is supplied but the wood and plastic around the greenhouse. Mr. Egbert asked about wind loads. Mr. Palmer stated that the structure can withstand 50 to 60 MPH winds. Mr. Palmer stated that the plastic will tear. Mr. Palmer stated that the snow loads are more concerning. Russell Glenn asked why Mr. Palmer needs approval to build a greenhouse. Don Hartle stated that it is a conditional use. M. Kent Larsen asked if Mr. Palmer would have any sales at his home. Mr. Palmer stated no. Mr. Glenn asked if there are any conditions that the Planning Commission should consider putting on this business. Mr. Larsen stated that Mr. Palmer has been in business long enough that he knows the code and abides by it. Mr. Palmer stated that the USDA has to inspect the greenhouses. Mr. Glenn asked about the greenhouse blowing over into the neighbor's yard. Mr. Palmer stated that the poles are in the ground 3 feet, and it does have tie downs.

At 6:24 p.m., M. Kent Larsen made a motion, seconded by Russell Glenn, to go out of public hearing.

<u>YEA 4</u>	<u>NAY 0</u>
Russell Glenn	
Paul Egbert	
Loyal Green	

M. Kent Larsen

After discussion, Russell Glenn made a motion, seconded by M. Kent Larsen, to approve a request from Bryan Palmer for a conditional use for “High Tunnels” (a form of a greenhouse) at 230 East Main.

<u>YEA 4</u>	<u>NAY 0</u>
Russell Glenn	
Paul Egbert	
Loyal Green	
M. Kent Larsen	

At 6:25 p.m., Russell Glenn made a motion, seconded by M. Kent Larsen, to go into a public hearing.

<u>YEA 4</u>	<u>NAY 0</u>
Russell Glenn	
Paul Egbert	
Loyal Green	
M. Kent Larsen	

Receive public input and consider for approval a request from Michelle Ferguson for a conditional use for a 3 dog kennel at 345 South Center. Ms. Ferguson stated that she has a Great Dane and 2 Jack Russell dogs. They are all inside dogs. She has a fenced yard. Ms. Ferguson stated that her dogs are never off of a leash. Ms. Ferguson stated that her dogs are current on all of their shots. Loyal Green asked how often she cleans up her yard. Ms. Ferguson stated about twice per week. Paul Egbert asked if Ms. Ferguson uses the dogs for breeding. Ms. Ferguson stated that all of her dogs are spade or neutered.

At 6:27 p.m., M. Kent Larsen made a motion, seconded by Russell Glenn, to go out of public hearing.

<u>YEA 4</u>	<u>NAY 0</u>
Russell Glenn	
Paul Egbert	
Loyal Green	
M. Kent Larsen	

After discussion, Paul Egbert made a motion, seconded by M. Kent Larsen, to approve a request from Michelle Ferguson for a conditional use for a 3 dog kennel at 345 South Center.

<u>YEA 4</u>	<u>NAY 0</u>
Russell Glenn	
Paul Egbert	
Loyal Green	
M. Kent Larsen	

At 6:28 p.m., M. Kent Larsen made a motion, seconded by Paul Egbert, to go into a public hearing.

<u>YEA 4</u>	<u>NAY 0</u>
Russell Glenn	
Paul Egbert	
Loyal Green	
M. Kent Larsen	

Receive public input, then consider making a recommendation to the City Council on a request from Michelle Ferguson that the code be amended to allow “pot belly pigs” in the R-1-12 zone. Ms. Ferguson stated that she has purchased a baby pot belly pig that is staying with a lady in Newton. Ms. Ferguson stated that she has several copies of codes from different communities that allow pot belly pigs. Ms. Ferguson stated that the pigs do not get much bigger than a Bassett Hound. They are indoor pets, and

can be trained to use a liter box or go outside. She has a large backyard. Ms. Ferguson stated that she will have her pig neutered. Because the pig has to have a rabies shot, it can be registered with the City. Ms. Ferguson stated that they are the most sought after pet in America. Pot belly pigs are cleaner and quieter than dogs. Paul Egbert asked how Ms. Ferguson became interested in pot belly pigs. Ms. Ferguson stated that she is a writer, and when her first book was published, the pot belly pig would be a gift to herself. Loyal Green asked if the neighbors were notified about this public hearing. Don Hartle stated yes. Mr. Hartle stated that the Planning Commission is recommending changing the code so that anyone that lives in the R-1-12 zone would be allowed to have a pot belly pig. Russell Glenn stated that he reviewed the code and couldn't find where pigs were prohibited. Mr. Egbert stated that it is part of 10-2-1 under definitions. Mr. Green stated that the ordinance that was written says "pigs of any kind". Ms. Ferguson stated that the ordinance was written in the 1970's and pot belly pigs didn't come into the country until 1985. Mr. Egbert stated that he is opened to the idea. Wellsville City has many different ordinances. Some are very detailed and some are very general. Mr. Egbert stated that pot belly pigs can be regulated like dogs. M. Kent Larsen stated that he searched the internet to become more knowledgeable about pot belly pigs. Mr. Ferguson stated that pigs are becoming more of a pet instead of meat production. Mr. Larsen stated that he is becoming more open-minded and expanding his vision to include pot belly pigs. Mr. Glenn asked where the pig would be kept. Ms. Ferguson stated indoors. Mr. Glenn asked if the pig would have access to the outdoors. Ms. Ferguson stated yes. She does have an enclosed fence around her backyard. Mr. Egbert stated that he is familiar with dogs, and asked how a person would handle a pig differently than a dog. Ms. Ferguson stated that pigs are very stubborn, and that you have to stay on top of them so they can't always get their own way. Ms. Ferguson stated that they can learn more than a dog. Mr. Green read the purpose of the R-1-12 zone from the Wellsville City code. Mr. Green wonders how well the community would accept an ordinance change to allow pot belly pigs. Mr. Green stated that he is sitting on the fence because of the community, culture, and past experience with pigs. Mr. Glenn stated that the recommendation to the City Council should take the public input into consideration. Mr. Egbert stated that it depends on what the public wants. Ms. Ferguson stated that she has livestock all around her home and a pot belly pig is not any louder than a dog barking. Mr. Green asked Ms. Ferguson what happens to her animals when she goes on vacation. Ms. Ferguson stated that her mother comes to her home to watch the animals. Mr. Larsen stated that his personal feeling is that they need more public input. The ordinance has been in affect for a long time. This issue requires a difference view. Mr. Larsen referred to the ordinance written for pot belly pigs from different cities. Glenna Petersen asked if pot belly pigs root around like other pigs. Ms. Ferguson stated no. Karma Leatham stated that Ms. Ferguson seems to be very responsible when it comes to her pets, but is concerned about other households being allowed to have a pot belly pig and not being responsible about it. Mr. Glenn stated that the pot belly pig ordinance would need to be enforced just like the dog ordinance is enforced. Mr. Green asked if pot belly pigs are considered to be an exotic animal. Ms. Ferguson stated yes. Mr. Green stated that his concern is that this will open the door for other exotic pets. The Planning Commission reviewed the pros and cons of allowing pot belly pigs in the R-1-12 zone.

At 6:51 p.m., M. Kent Larsen made a motion, seconded by Paul Egbert, to go out of public hearing.

YEA 4

Russell Glenn
Paul Egbert
Loyal Green
M. Kent Larsen

NAY 0

After discussion, Paul Egbert made a motion, seconded by M. Kent Larsen, to recommend to the City Council that the code be amended to allow "pot belly pigs" in the R-1-12 zone, and to follow guidelines that have been written by and for other communities.

YEA 3

Russell Glenn
Paul Egbert
M. Kent Larsen

NAY 1

Loyal Green

At 6:54 p.m., M. Kent Larsen made a motion, seconded by Paul Egbert, to adjourn the meeting.

YEA 4

Russell Glenn
Paul Egbert
Loyal Green
M. Kent Larsen

NAY 0

Loyal Green
Chairman