

ROY CITY PLANNING COMMISSION

April 26, 2016

Minutes of the Roy City Planning Commission Meeting held in the Administrative Conference Room of the Roy City Municipal Building on April 26, 2016, at 6:00 p.m.

The meeting was a regularly scheduled meeting designated by resolution. Notice of the meeting was provided to the *Standard Examiner* at least 24 hours in advance. A copy of the agenda was posted.

The following members were in attendance:

Lindsey Ohlin, Chairman
Leland Karras
Gennie Kirch
Doug Nandell
Joe Paul
Claude Payne
Jason Sphar

Steve Parkinson, City Planner
Michelle Drago, Secretary

Others present were: Cathy Spencer, Management Services Director; Luis Quintana; David Webb; Amy Webb; Tristen Webb; Greg Sagen; and Jason Kunz.

Pledge of Allegiance: Jason Sphar

1. DECLARATIONS OF CONFLICT

There were none.

2. APPROVAL OF APRIL 12, 2016, MINUTES

Commissioner Kirch moved to approve the April 26, 2016, minutes as corrected. Commissioner Nandell seconded the motion. Commission members Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted "aye." The motion carried.

3. DISCUSSION REGARDING A PROPOSED AMENDMENT TO THE ZONING CODE REGARDING CHICKENS AND RABBITS

Steve Parkinson, Planner, stated that on February 23, 2016, the Planning Commission began reviewing a proposed amendment to the Zoning Ordinance to allow chickens and rabbits in residential zones as directed by the City Council. He provided the following clarifications to the proposed ordinance (copy filed for record):

B(c) Inspection. Inspections related to a permit issued under this section must be permitted as deemed necessary by the City. (Similar to bee regulations – the City inspects upon application, upon renewal of license, and when there is a complaint)

B(f) Notice to Adjacent Neighbors. Upon receiving an application under this section, the Zoning Administrator shall cause notice of the application to be sent by mail to all owners of property immediately adjacent to the subject property. (Similar to bee

regulations – the neighbors are notified of the use. They may call but cannot supersede the ordinance)

B(g) Site Plan. An application for a permit under this section must be accompanied by a site plan indicating the lot, the primary residence, and the proposed placement of the structures in compliance with the requirements of this section. (Similar to bee regulations – it is to identify where the coop/run will be located on the property)

C(1-c-1) Structure. All animals kept under this section shall be housed within a covered, predator proof and well ventilated coop or hutch. The structure must provide a minimum of three square feet per animal, with a minimum of six (6) square feet of floor area per chicken to allow for free movement inside the coop. No coop or hutch may exceed seven (7) feet in height. Coops, hutches and enclosures shall have solid walls on all sides, except for opening for access, must have a solid roof, and built to prevent intrusion, including burrowing of all types of rodents, vermin, and predatory animals. (It was discussed (The Planning Commission discussed requiring the coop to be two (2) square feet per chicken and allowing a maximum 150 square foot run)

C(1-c-4) Screening – Hens shall not be permitted to roam outside the screened yard area of the coop. (If it is required that chickens be within a coop/run this item would not be an issue. It would only be an issue if chickens were allowed to roam around the yard, outside of their coop)

Commissioner Kirch suggested that regulations for chicken runs be in their own paragraph.

Commissioner Paul asked if chicken should be allowed to range free if a run was not utilized, or should the chickens be confined to a coop.

Chairman Ohlin liked the idea of allowing chickens to be free range. Commissioners Karras, Nandell, and Sphar agreed. Commissioner Paul disagreed.

Commissioner Kirch felt there should be regulations for a run in case an owner chose to have one. There needed to be a limit on the size of the structure

Steve Parkinson asked why an owner would have a run if his chickens were free range.

Commissioner Kirch said that if an owner used a run there needed to be a maximum size. The regulations would give owners the option let their chickens free range or put them in a run. She suggested a maximum run size of 200 square feet.

Steve Parkinson stated that if a run was 200 square feet, an owner would be required to have a building permit. Commissioner Kirch reduced the maximum size to 150 square feet.

Chairman Ohlin asked where the 150 square feet came from. Mr. Parkinson said it came from several other cities.

Steve Parkinson stated that chickens did fly. If the City allowed free range chickens, it would have to add a regulations requiring owners to clip their chickens' wings on an annual basis and to fence their yard with a 6-foot fence.

Chairman Ohlin stated that if a yard was not fenced, an owner had the option to put in a run.

Commissioner Payne felt a fence or run would protect chickens from neighboring animals.

Steve Parkinson polled the Commission members to determine who was in favor of free range chickens. Five of the Commission members were in favor of free range chickens.

Steve Parkinson asked the Commission where a coop should be located. The proposed ordinance said 30 feet from a neighboring dwelling, 10 feet from a property line, and 10 feet from the dwelling on the same lot.

Chairman Ohlin felt 10 feet from a property line was too much. The coop would be too far out in the yard. She agreed a coop should be a certain distance from a neighboring dwelling, but not so far out in a yard.

Commissioner Kirch said the 10 feet was to provide a fire separation from the coop and the house or nearby structures.

Chairman Ohlin suggested reducing the distance from a property line to five feet. Mr. Parkinson said the minimum fire and building separation was six feet. The Planning Commission compromised on six from a property line and six feet from a dwelling on the same lot. Four were in favor of six feet; three were opposed.

The Planning Commission reduced the distance from a dwelling on an adjacent lot from 30 feet to 25 feet, which was consistent with the Fire Code.

Steve Parkinson asked about maintenance of coops, which was covered in C(1-c-3). Chairman Ohlin felt the wording regarding annual painting or staining should be removed. She felt wording requiring coops to be maintained in good repair would be sufficient. Would there be an annual inspection to make sure it was painted or stained?. Mr. Parkinson said the coops would be inspected annually. She felt the requirement to paint or stain the coop annually was too restrictive. The Planning Commission agreed to remove the annual painting and staining requirement.

Steve Parkinson asked how the Planning Commission felt about the screening requirement in C(1-c-4). Did the Planning Commission want a 6-foot fence? Did the fence need to be around the yard or just an area?

Chairman Kirch asked if screening meant to keep chickens in or to block a view for aesthetics. Mr. Parkinson said it meant fencing, not hiding. Commissioner Kirch felt 'screening' should be replaced with 'fencing.' C(1-c-4) would read, "Hens shall not be permitted to roam outside the 6-foot fenced yard area."

Chairman Kirch asked if there needed to be a regulation stipulating that chickens must be kept in the backyard. Commissioner Payne said C(1-c) limited chickens to rear yards.

There was a discussion about the regulations for disposal of dead animals in C(1-c-7). Steve Parkinson had left that section blank because the Planning Commission had talked about disposal of dead animals on site and off site. What did the Planning Commission want to do?

Jason Sphar felt owners should be able to dispose of dead chickens on site, just as sportsmen disposed game.

Commissioner Payne expressed concern about general sanitation. What if a chicken was diseased?

Commissioner Kirch suggested that C(1-c-7) stated that deceased chickens should be disposed of in a general sanitary method.

Chairman Ohlin asked how the City would regulate it.

Commissioner Karras said that unless someone complained the City would not know.

Commissioner Kirch said an owner could not leave dead animals in the street. They had to dispose of them in a sanitary manner.

Commissioner Paul asked if an owner could kill a chicken on site.

Chairman Ohlin felt they should be able to.

Commissioner Kirch suggested wording similar to the rabbit regulations in 2(a) – No sale of any kind or slaughter is permitted.

Commissioner Nandell felt the word slaughter should be omitted. A lot of people raised rabbits and chickens for meat and eggs. It should read 'no sale of any kind is permitted.'

Steve Parkinson said C(1b) would have to be changed to read the same.

Commissioner Kirch asked about how young would be treated. How would an owner get rid of a litter of rabbits or chicks if they could not sell them?

Commissioner Paul said that if sales were permitted, people would start breeding and selling litters.

Steve Parkinson said the situation would be similar to dogs. Owners did not purchase dogs to breed, but sometimes they had pups. He did not want to regulate that type of situation. The ordinance said no sale of any kind to prevent a side business. Maybe the ordinance should state 'no breeding sales of any kind' for rabbits. He didn't feel chickens would have the same problems as only hens were permitted.

Commissioner Sphar said breeding rabbits would similar to a kennel license for dogs. Dog kennels were allowed as a conditional use in the RE-20 Zone.

At 6:25 p.m. the Planning Commission moved from the Administrative Conference Room to the Court Room to accommodate the size of the audience.

The Planning Commission discussed regulations for rabbits.

Steve Parkinson stated that most of the rabbit regulations were left blank because the Commission did not have the time or the information needed to discuss them. He had forward the research material regarding rabbits that had been submitted by Commissioners Karras and Kirch. The Planning Commission needed to determine what the rabbit regulations should say.

Commissioner Nandell stated that 2(a) needed to restrict breeding sales and allow slaughter.

Commissioner Kirch stated that she had found the following language online and really liked it: *"Wire cages of at least six square feet in area are preferable for breeding does and weaned litters. Bucks' cages should have at least five square feet of floor space. Cage height should be about 18 inches to allow animals to stretch upward. All changes should be cleaned on a regular basis and those kept outside should be well protected from the weather."* She liked the cage requirement provided by Commissioner Karras: *"...hutches should have ½" x ½" or ½" x 1" galvanized wire mesh bottoms...to allow droppings to fall through...Hutches should be at least 18" high and...Hutches should not be larger than 3'x3'."* She was not sure how to put that into an ordinance other than the height should be 18 inches and the size the space should be 0.75 square feet per pound of adult weight.

Commissioner Karras felt the America Rabbit Breeders Association seemed to have a pretty good handle on what was needed to care for rabbits.

Commissioner Kirch suggested that a structure regulations be the same as those required for chickens in C(1) with some adaptation.

Steve Parkinson said there could be a square footage requirement with a minimum height of 18 inches. Commissioner Kirch suggested a minimum of 2.25 square feet or adapted to the size of rabbit but no larger than 9 square feet.

Commissioner Kirch felt hutches should be located 25 feet from an adjoining dwelling and six feet from a property line. Mr. Parkinson said he would check with the Building Official. There might be a separation requirement between a hutch and a home.

Steve Parkinson asked if maintenance requirements should be the same as chickens. Commissioner Kirch said yes.

Steve Parkinson stated that in the case of rabbits screening would be screening, not fencing. Could the screening be chain link fencing, or did it need to be opaque? The Commission felt chain link would be fine. Mr. Parkinson asked if a yard had to be fenced.

Chairman Ohlin asked if the rabbits would be allowed to roam free. The Commission said no.

The Planning Commission did not feel a fenced yard would be necessary for rabbits.

Commissioner Kirch felt Feed, Wastewater, and Disposal of Animals should be the same as chickens. The Commission agreed.

Commissioner Kirch stated that since the regulations for chickens and rabbits were similar the ordinance could be in a table format. She asked if the regulations needed to include language about how long an owner could have young. Steve Parkinson said the Animal Control Ordinance stipulated how long an owner keep could young before it would be counted as an adult. Chairman Ohlin thought it was until they were weaned.

Chairman Ohlin felt owners should only be required to apply for a one-time permit. She didn't see the need for a yearly registration or inspection.

Commissioner Kirch felt a yearly inspection was needed. The Commission agreed. Commissioner Nandell said the yearly license fee helped to cover the cost of the inspection.

Commissioner Kirch felt the ordinance should contain language about licensing and permits from its inception. These were new uses in residential areas. The City would want to monitor them closely. The City could make the ordinance less restrictive in the future, but it would be difficult to make it more restrictive.

Commissioner Payne did not feel the City should wait for complaints to come in. It should be checking problems. Commissioner Paul felt the City needed to be proactive not reactive. Being proactive came with a cost.

The majority of the Planning Commission felt chickens and rabbits needed annual licenses and inspections.

Steve Parkinson stated that he would make the changes suggested by the Planning Commission and schedule a public hearing.

4. DISCUSSION REGARDING A PROPOSED AMENDMENT TO THE ZONING CODE REGARDING BOARD OF ADJUSTMENTS

Steve Parkinson stated that the Zoning Ordinance provided for homeowners to seek variances from zoning regulations by filing an appeal with the Board of Adjustment. The last variance request was made eight to nine years ago. The Board had not convened since, and the members' terms had expired. The Zoning Ordinance had to have some way for property owners to seek variances. The Council had suggested that the Board of Adjustment be replaced with a single hearing officer who would be a contracted employee. The Council would set the parameters for the hearing officer – what knowledge was required, etc.

Mr. Parkinson stated that changing from a Board of Adjustment to a hearing officer would affect Sections 304, 305, 307, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2501, 2504, 2505, 2506, and 2802 of the Zoning Ordinance. He provided the Commission members with copies of those sections in which the words *Board of Adjustment* had been replaced with *hearing officer*.

Commissioner Nandell asked if a hearing officer have to live in Roy. Mr. Parkinson said that was a stipulation the Planning Commission could recommend. The concern would be whether the

City could find someone who lived in Roy that had land use knowledge. The first criteria needed to be land use knowledge.

Chairman Ohlin asked if Board of Adjustment members had to be citizens of Roy. Mr. Parkinson said they did. Chairman Ohlin felt a hearing officer should be a Roy resident.

Commissioner Nandell felt the ordinance needed to be written to indicate that a resident of Roy was preferred.

Chairman Ohlin asked if the Planning Commission needed to recommend qualifications. Mr. Parkinson said the Council would determine the needed qualifications. He would let the Council know the Commission preferred a Roy resident.

Commissioner Kirch felt the most important qualification was land use experience and an understanding of Roy City ordinances and zones.

Steve Parkinson said there were a few places that the words *Board of Adjustment* were replaced with *Zoning Administrator*. Commissioner Nandell asked who the Zoning Administrator was. Mr. Parkinson said it was himself. Chairman Ohlin asked if the City Code specified that the City Planner was also the Zoning Administrator. Mr. Parkinson said it did.

Chairman Ohlin asked if the hearing officer would be a paid employee. Mr. Parkinson said the hearing officer would be a contract employee. Chairman Ohlin asked if the City would save money by having a hearing officer versus a Board of Adjustment. Mr. Parkinson said it would. The City would only have to pay one employee versus a board of five. The hearing officer would only be paid when needed.

Commissioner Kirch liked the way the ordinance was written.

Steve Parkinson stated that he would get a clarification about the requirements for a hearing officer and bring it back to the Planning Commission.

Chairman Ohlin asked if a public hearing would be needed. Mr. Parkinson said it would.

5. DISCUSSION REGARDING A PROPOSED AMENDMENT TO THE ZONING CODE REGARDING THE ALLOWANCE OF FARM ANIMALS ON LARGE PARCELS ALONG THE POWER CORRIDOR

Steve Parkinson stated that in January the Planning Commission discussed a proposed amendment to the Zoning Ordinance to allow farms animals on large lots next to the power line corridor between 3100 West and 3500 West. The Commission asked him to bring back information about regulations in the Zoning Ordinance prior to 2005 that allowed farm animals as a conditional use in residential zones in areas next to geographical impediments. The regulations stated that if a property owner owned or leased adjoining property under the power lines totaling 20,000 square feet, he could apply for a conditional use to use the property as though it were zoned RE-20.

Commissioner Paul asked if the land in the power line corridor was owned by the Power Company or individual owners. Steve Parkinson said it was owned by both. Some was even owned by the West Jordan Water Conservancy District.

Steve Parkinson said the regulation only applied to single-family residential areas adjacent to the power corridor.

Commissioner Kirch stated that this regulation was discussed when the General Plan was updated. The reason for the conditional use was to help control weeds. It was determined that it was more beneficial than negative to have this use in the power corridor. She did not know why it was taken out.

Commissioner Paul asked if a property owner had to register a lease agreement with the City if this was allowed. Steve Parkinson felt the City should have a copy of a lease agreement.

Steve Parkinson stated that Jacob Briggs was asking that the Zoning Ordinance be amended to allow uses traditionally associated with larger acreage. Mr. Briggs felt the ordinance could be amended by including an asterisk (*) next to the 'X' identifying certain uses in a zone as Prohibited. The asterisk would lead to the end of Table 17-1 where it would state that use is allowed on parcels located within the Corridor, e.g., **Conditional Use in parcels located within the Utah Power & Light Corridor and which otherwise meet the requirements of the use.*

Mr. Parkinson said Mr. Briggs was asking how the Planning Commission wanted the ordinance written. He would then submit a formal application.

Commissioner Kirch felt an amendment should include the language from the 2005 Zoning Ordinance, that a copy of any lease agreement be provided to the City, and that the use be limited to horses and cows. Table 17-1 need to indicate this use was conditional.

Commissioner Paul asked why this regulation was moved from the Zoning Ordinance. Mr. Parkinson did not know.

Steve Parkinson stated that he would let Mr. Briggs know what clarifications the Planning Commission had discussed.

6. COMMISSIONER'S COMMENTS

Commissioner Kirch suggested that the Planning Commission look at other sections that were removed from the Zoning Ordinance in 2006. Maybe those regulations needed to be put back in the Zoning Ordinance.

Commissioner Paul asked if the City had a current rendering of UDOT's plans for closing the intersection of 3500 West at Midland Drive. It appeared the project had changed. Mr. Parkinson said he would check.

Commissioner Karras asked about the status of the Barlow Medical Building on 3500 West. It appeared construction had ceased. Did the City know why? Mr. Parkinson said he did not know what the status of the project was.

7. STAFF UPDATE

Steve Parkinson reminded the Planning Commission that Wasatch Front Regional Council would be holding an open house regarding the Regional Transportation Plan on Wednesday, April 27th at 3:00 p.m. at the Clinton City offices. He encouraged the Planning Commission members to attend to give their input regarding 5600 South. Commission Kirch felt attendance was important in order to get 5600 South expedited.

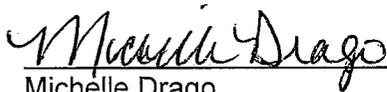
8. ADJOURN

Commissioner Nandell moved to adjourn at 7:16 p.m. Commissioner Karras seconded the motion. Commission members Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted "aye." The motion carried.



Lindsey Ohlin
Chairman

Attest:



Michelle Drago
Secretary

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