

ROY CITY PLANNING COMMISSION

July 25, 2012

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on July 25, 2012, at 6:10 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:

Tom Stonehocker, Chairman
Blake Hamilton
Lee Holt
Gennie Kirch

Jared Hall, Planner
Michelle Drago, Secretary

Excused: Dave Dickson and Rhett Zito

Others present: Councilman John Cordova; Rachel Trotter; Adrienne Robinson; Alek Robinson; Natasha Robinson; Madelyn Robinson; Dax Barney; Doug Fowers; Susan Fowers; Barbara Perry; Bruce Perry; James Mackley; Janet Ercanbrack; Shawn Ercanbrack; Victoria Ponce; Brad Johnson; Marvin Drummond; Myron Perry; Erin Perry; Luce T.; Gloria Sanchez; Brian Jenkins; Kari Jenkins; Lil Ackley; Andrew Warwood; Melissa Warwood; Robert Olson; Jeremy Sanchez; Rebeka Rodriguez; Brent Mair; Diann Mair; Claire Lindstrom; Lanis Ogilvie; Christee Kyte; Chris Lovewell; Laura Lovewell; Jackie Lovewell; Aaron Brough; Tomoko Brough; Dan Medell; William Daley; Rachel Jones; Chris Hadley; and Allen Brown.

Pledge of Allegiance: Lee Holt

1. APPROVAL OF JULY 10, 2012, MINUTES

Commissioner Kirch moved to approve the minutes of July 10, 2012, as corrected. Commissioner Holt seconded the motion. Commission members Hamilton, Holt Kirch, and Stonehocker voted "aye." The motion carried.

2. PUBLIC HEARING TO CONSIDER A REQUEST TO AMEND THE TEXT OF THE ZONING ORDINANCE REGARDING THE KEEPING OF DOMESTIC LIVESTOCK AND FOWL IN RESIDENTIAL ZONES

Commissioner Kirch moved to open the public hearing at 6:11 p.m. Commissioner Holt seconded the motion. Commission members Hamilton, Holt, Kirch, and Stonehocker. The motion carried.

Jared Hall stated that this was a public hearing to consider a proposal from Melissa Warwood to amend the text of the Zoning Ordinance regarding the prohibition of keeping domestic livestock in residential zones other than RE-20. It appeared there was a lot of interest from the public on this topic. Mr. Hall explained that a text amendment was a request to change the way the Zoning Ordinance read. Roy City currently allowed domestic livestock and fowl in RE-20 Zones. The current regulations had been in effect since 2005. Several attempts to amend the livestock regulations had failed. There were other cities in the area that had adopted ordinances allowing some animals in residential zones. Melissa Warwood proposed that hens and bees be allowed in other residential zones based on a point system similar to the one used by West Point. West Point's lot sizes were considerably larger than Roy City's. The point system used by West Point would not work in Roy City. A point system would have to be tailored to fit Roy City.

Mr. Hall said the staff was not prepared to offer an alternative version of the point system. The staff recommended that the Commission listen to the public comments and continue the public hearing to the next scheduled meeting on August 14th pending more research and possible draft work. It appeared more suburban areas were prepared to regulate domestic livestock. He felt the problems would come with enforcement, which would require further research. Mr. Hall reminded the audience that the Planning Commission dealt with Land Use ordinances. Anything dealing with land use regulations was heard by the Planning Commission. The Commission would listen to staff and public input then forward a recommendation to the City Council.

Mr. Hall stated that the City had received a letter from Christee Kyte in support of the text amendment. He asked that the letter be entered into the record (see attached copy). The Mayor had received a email from Mr. Hawthorn in opposition to the amendment. He read the email into the record. (See attached copy). The staff had taken half a dozen calls in support of the application.

Chairman Stonehocker opened the floor for public comments.

Melissa Warwood, 2590 West 4800 South, stated that her reasoning for the text amendment was self-sufficiency. She grew a large garden and canned. She worked at the jail where she taught inmates how to garden and work with beehives. She had never had any issues with the hives. She had found that bees were very beneficial for her garden. She grew up with chickens. If they were kept as pets, they got used to

their caretakers. Chickens ate the grubs that destroyed gardens. Chicken manure was high in nitrogen and made great compost, which was very good for gardens. She asked that the Planning Commission consider her request.

Allen Brown, Slaterville, stated that he was representing the Weber County Bee Keepers' Association. There was a huge difference between bees and wasps. Wasps would sting. Honey bees would die if they stung. They only stung if they were threatened. Washington Terrace and South Ogden recently changed their ordinances to allow bees in residential zones. Bees were also allowed in Brigham City. The State of Utah required all bee keepers to have a state license. They were subject to all the State regulations. The application gave State inspectors the right to inspect the hives at any time. There was a licensing fee. The license had to be renewed annually. Bees were endangered. Bee keepers lost 30% to 40% of their bees every year. A honey bee was 15 feet in the air by the time it was 10 feet from the hive. Bees ranged from three to five miles. He kept hives within 15 feet of the trampoline his grandchildren used. In the five years they had been there, he had never had a problem.

Commissioner Kirch stated that there were three registered bee keepers in Roy City. One was inactive. A lot of states were changing their regulations because bees were dying. Honey bees drive wasps away.

Sean Ercanbrack, 5743 South 3950 West, supported the text amendment. As a youth, his grandparents kept bees on their urban lot in Murray. He played within five feet of the hive and never had a problem. The bees went straight up when they left the hive. His grandmother was allergic to bees, but never had a problem with them. He was interested in having other fowl besides chickens. With the canal near his home, he had some ducks. They were very educational for his children. The ducks didn't make a lot of noise and stayed in the yard. They had not flow away. His brother lived in West Haven and had chickens. The fence for the chickens was lower than the standard fence height in Roy. His brother never had problems with chickens getting out. He felt the proposed amendment was a positive thing.

Joseph Herrera, 2182 West 5600 South, stated that he moved to Utah about 18 months ago. He found it ironic that the State symbol was a beehive; yet he could not have a hive in his own yard. He requested a variance but was told that was not an option under Roy City's Zoning Ordinance. He would have to pursue a text amendment. He felt bees were a good thing. There were four beehives at the White House. Bees were essential to gardens. Gardens were part of having things on hand in case of an earthquake. Bees were dying.

Brian Jenkins, 2046 West 3775 South, was in favor of changing the Zoning Ordinance to allow chickens and bees and possibly other fowl. He felt both would help people be

self-sufficient. He had fourteen children and would really like the opportunity to have animals in his yard. His kids could have an agricultural project. His yard was too small for a dog. His neighbors had dogs that were cooped up and barked all the time. He didn't feel the City was doing a good job enforcing its dog ordinance. If the regulations for chickens and bees were reasonable and people wanted to participate, he felt they would do so honestly. As long as the number of chickens was small, he didn't feel the manure would be a problem.

Rebecca Rodriguez, 2577 West 4400 South, didn't realize she couldn't have chickens in Roy. She got her chickens when they were little. When the weather warmed up, she moved them outside. A few weeks later, she received a citation. Her hens were just ready to start laying. The chickens had been a joy. They were sweet and, unless they were disturbed, they were very quiet. She supported the text amendment. She understood that if the ordinance was not changed, her birds would have to go away. She felt her family would benefit from having fresh eggs. People who wanted chickens in their backyard were not trying to make a profit. Dogs and cats could be a nuisance to neighbors. Chickens were quiet and kept to themselves. A small yard could support a small flock of backyard chickens. Fresh eggs kept longer than those purchased in a store. People were concerned about food storage and emergency preparedness. She was not interested in profiting financially from her birds, and she didn't want to be a nuisance to her neighbors.

Lanis Ogilvie, Ogden, stated that she had been looking forward to her daughter's fresh eggs. Her grandmother raised chickens and bees in Bountiful, which was wonderful for her as a child. Eggs tasted better when they were fresh. Another daughter lived in Clinton. She had a neighbor with chickens and didn't even know it. She never heard them. She was concerned about bees disappearing. She was interested in seeing Roy pass this text amendment because she wanted Ogden to follow suit.

Lil Ackley, 5839 South 3260 West, stated that chickens did produce good, nitrogen-rich manure, which was a fertilizer free of pesticides and chemicals. A hen could lay up to 200 eggs a year. She did not feel a few chickens were a problem but believed there should be a limit on the number allowed. Eggs from roaming chickens were higher in nutrients and vitamins. She felt the chickens should be kept within a yard, and that no roosters should be allowed.

Christee Kyte, 6058 South 2050 West, stated that she had lived in Roy for 21 years and had not been in compliance. She had a rabbit in her backyard, as well as hens. She asked for the Planning Commission's mercy. Chicken dung did attract flies. However, if it was swept up, the flies went away. The City asked dog owners to clean up after their dogs. Chickens were no different. Another concern about chickens was noise. Hens were not totally quiet. They cackled when they laid eggs. Usually that was about

once a day. Her neighbors had never complained. Roosters crowed and looked after the hens. She felt Roy City could be a model city by allowing 6 to 8 hens. Bees and chickens went together. Chickens ate the grubs in the ground that caused gardening problems; they didn't bother flying insects. She hoped the Planning Commission recommended that the Zoning Ordinance be changed soon. She thanked Melissa Warwood for submitting the application for a text amendment.

Myron Perry, 1975 West 6000 South, stated that he had lived in Roy since 1943. When he first moved to Roy it was difficult to find anyone without animals. He still had one; an old pet goose. He wanted to continue to have some animals. He taught his children and grandchildren how to take care of animals through chores. Roy was always a rural area. The only noise from the chickens was cackling when eggs were laid. No one had complained about his chickens.

Barbara Perry, 1994 West 4250 South, said she was really happy to hear from so many like-minded people. She felt everyone should have the opportunity to have chickens. She was in favor of changing the ordinance. Someone in her neighborhood had chickens. She could hear them cackling. It didn't bother her. However, her neighbor's dog barking through the night did. She enjoyed her garden. She liked to can because she knew where her food came from. There were not a lot of children who knew where tomatoes came from or that eggs didn't come from a store.

Doug Fowers, 5826 South 3325 West, said his yard was half an acre. When they moved to Roy their builder told them they could have chickens. They built a coop. A short time later they received a citation. Everyone around them had animals. It was hard getting rid of their chickens. He felt it was great for children to have the responsibilities when keeping chickens. He would like to see the ordinance changed so he could have some hens.

Chris Lovewell, 2242 West 5300 South, wanted to have chickens. Too many of the current generation spent all their time inside day playing video games. He had about one-third of an acre. He would like to make his land produce more and have chickens for fresh eggs. He would like to teach his children how to take care of them. He also liked to know where his food came from. He had been around chickens. They did cackle at times, but their noise level was nothing compared to rowdy dogs.

Adrienne Robinson, 4644 South 3750 West, appreciated all of the comments. She agreed with everything that had been said. She wanted to be self-sufficient. She felt that was the type of people Roy wanted to attract. It would if it had the right ordinance. She had heard that Idaho Falls, Idaho allowed four chickens. She didn't feel four chickens would hurt anybody.

Bruce Perry, 1994 West 4250 South, hoped all of the comments were making an impression about how important this issue was to people in the City. He wanted to know where his food came from. There was a difference between home-grown eggs and eggs from the store. There was a difference in produce as well. As a gardener, he needed help from bees. He suggested that all those in attendance follow up by contacting the elected officials.

Chris Hadley, 3820 West 4900 South, wanted his children to have real work to do. Living in the city made it difficult to find enough real work for his seven children. He sat in a Council meeting a year ago when there was a discussion about raising taxes to purchase a ladder fire truck, which was a great expenditure. However, there was also a discussion about a swimming pool with a yearly deficit. It was mentioned that the children needed a place to go. He felt that children needed real work more than they needed a skate park or a swimming pool. Those were pursuits that should be left to the private industry, not the government. This text amendment would allow him to give his children real, living work at home in Roy. He asked the Planning Commission to remember that this country was founded on the idea of a government for the people by the people. The government needed to trust the people a lot more.

Dan Medell, 5821 South 4175 West, said he was representing Clark Roberts, his neighbor. Mr. Roberts lived on a small swatch of unincorporated Weber County within Roy City and kept both chickens and bees. Mr. Medell felt approval of the text amendment was a slam dunk. He didn't see why the Planning Commission would recommend denial of beehives. The Commission would have to work on restrictions for the chickens. Maintaining chickens was part of being a responsible citizen. He felt there should be something in the regulations about landlords because most landlords were hands off.

James Mackley, Pleasant View, stated that he was also representing Clark and Abby Roberts. They didn't want to be restricted from keeping chickens and bees. Amending the Zoning Ordinance would be a good example of a community that wanted its citizens to be self-reliant.

Dax Barney, 2017 West 5500 South, stated that he had half an acre and planned to grow more fruit trees. He wanted to have bees to pollinate his trees. He supported changing the ordinance to allow bees.

Cary Jenkins, 2046 West 3775 South, stated that a friend tried to get a text amendment passed in a city to the south. The City Council was considering approving the amendment until the enforcement officer expressed opposition and concern about loose, rogue chickens. Ms. Jenkins preferred to be attacked by something with a bill rather than something with teeth. If the City was going to pass an ordinance to keep

animals out, she would much prefer to get rid of dogs. Dogs were significantly more scary than a rogue chicken, duck , or goose. She was in favor of the text amendment.

Brad Johnson, 5308 South 2300 West, stated that he raised chickens when he lived in Taylor. His children and grandchildren loved them. They were very educational. He moved to Roy because it was a family-oriented town. With a common sense approach, allowing chickens and bees would make Roy more a community than an asphalt city. Citizens would have the benefit of raising their own food and learning about agriculture and farming. With a logical approach, he didn't feel animals would bother anybody.

Andrew Warwood, 2590 West 4800 South, stated that at first he was opposed to chickens and bees in his yard. He grew up in Hooper and knew how smelly animals could be. However, they were not talking about a cow on a quarter acre. He understood the point system would have to be adjusted to fit Roy City. He felt this text amendment was a good thing. The email the City received in opposition cited concerns about noise and cleanliness. He felt those were the exception to the rule. He hoped the Planning Commission would forward a positive recommendation to the City Council.

Chairman Stonehocker closed the floor to public comments.

At approximately 7:30 p.m., Commissioner Holt moved to continue the public hearing to the next scheduled Planning Commission meeting on August 14th, at which time the Planning Commission would discuss the amendment and possibly make a recommendation to the City Council. Commissioner Kirch seconded the motion. Commission members Hamilton, Holt, Kirch, Merx, and Stonehocker voted "aye." The motion carried.

Commissioner Hamilton said it was refreshing to see so many people at a Planning Commission meeting. He appreciated all of the comments. It was important for the Planning Commission to receive feedback. He had heard several comments that Roy City did not allow animals. Roy City did allow animals in the RE-20 Zone. Some positives about allowing animals in residential zones had been brought up. The Planning Commission now had to consider whether animals could be allowed and still allow all property owners to enjoy their yards. He recently had the unfortunate experience of having a neighbor with chickens. He knew the chickens were not in compliance, but his neighbors were there temporarily so he didn't say anything. However, they placed their coop next to his fence, which made it so he could not enjoy his backyard. He asked that the staff provide information to the Planning Commission on August 14th about how to control concerns about noise and smell and how a point system could work in Roy.

Commissioner Holt asked that the City Attorney review any of the staff's proposals. He felt it was critical that animals and bees only be permitted for a homeowner, not a tenant.

Jared Hall said the staff had already started discussions with the City Attorney. One suggestion had been issuance of a license for this type of use. Commissioner Kirch pointed out that the State already required beekeepers to be licensed.

Commissioner Kirch suggested requiring those who wanted animals in residential zones to fill out an application so the City knew where the animals were located. She felt any regulations should address disposal of deceased animals. She wasn't sure if a point system would work. It might be better to just set certain numbers based on graduated lot sizes. In the ordinances she had read, there were a lot of rules and regulations about where animals could be kept in yards relative to neighboring properties. Was that something that could be duplicated in Roy? She suggested finding an existing ordinance that could be tweaked to fit Roy.

Chairman Stonehocker felt any regulations should include language prohibiting retail or commercial sales from the animals. He asked about getting approval from adjoining property owners.

Commissioner Hamilton asked the staff to look for ordinances with setback requirements.

Commissioner Kirch felt regulations should prohibit roosters and should limit fowl to those involved in egg production. She didn't feel a turkey in a backyard would be appropriate. They were too noisy. Regulations should address cleanliness. Manure should be kept on your own property. It should not enter the City's water system.

Jared Hall stated that the Zoning Ordinance contained language regulating domestic livestock in RE-20 Zones. He felt that language should be left alone. He suggested that any proposal would involve the creation of a new category regulating certain livestock in residential zones. He wanted to have a 'stand alone' ordinance. The text amendment was likely to be lengthy.

Commissioner Hamilton felt any amendment should be very specific about what animals could and could not be allowed. Based on the public comments, he felt the text amendment would be limited to about four types of animals - rabbits, chickens, bees, and ducks.

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Jared Hall stated that the staff would begin looking at drafting a proposed amendment for the Commission to review on August 14th. He would try to pass along research as he received it.

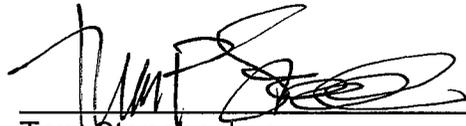
3. STAFF UPDATE

Jared Hall stated that the meeting on August 14th would include discussion about the text amendment. Meetings in late August and September would deal with a subdivision vacation and one lot subdivision for the Brown Apartments. Another subdivision had also been submitted.

The staff was working to find a replacement for Commissioner Merx. Commissioner Dickson would be moving so it would be necessary to replace him as well.

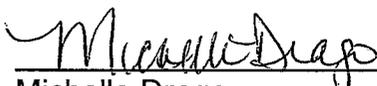
4. ADJOURN

Commissioner Holt moved to adjourn at 7:48 p.m. Commissioner Hamilton seconded the motion. Commissioner members Hamilton, Holt, Kirch, and Stonehocker voted "aye." The motion carried.



Tom Stonehocker
Chairman

Attest:



Michelle Drago
Secretary

dc:pjul2512