

## ROY CITY PLANNING COMMISSION

August 14, 2012

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on August 14, 2012, at 6:03 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; Councilman Hilton; Sherry May, Code Enforcement Officer; Rachel Trotter; Janet Ercanbrack; Sean Ercanbrack; Bruce Perry; Barbara Perry; Gary Davis; Rebeka Rodriguez; Forrest Young; Andrew Warwood; Melissa Warwood; Brian Jenkins; Kari Jenkins; Timothy Jenkins; Nate Hall; Vic Bachman; Tomoko Brough; Clark Roberts; Dax Barney; Elizabeth Brown; and Brad Christiansen.

Pledge of Allegiance: Tom Stonehocker

### 1. APPROVAL OF JULY 25, 2012, MINUTES

**Commissioner Kirch moved to approve the minutes of July 25, 2012, as corrected. Commissioner Holt seconded the motion. Commission members Hamilton, Holt, Kirch, and Stonehocker voted "aye." The motion carried.**

### 2. CONSIDERATION OF A REQUEST FROM WEBER SCHOOL DISTRICT FOR SITE PLAN APPROVAL FOR THE EXPANSION OF THE ROY HIGH SCHOOL WEST PARKING LOT LOCATED AT APPROXIMATELY 2256 WEST 4800 SOUTH

Jared Hall stated that the Weber School District had requested approval of a site plan to expand their parking lot. The School District had purchased a home immediately west of Roy High School. The home had been demolished, and a green house had been constructed on part of the lot. The School District wanted to pave the remainder

of the lot for an additional 25 parking stalls. The City Engineer was reviewing the site plan to make sure the storm drainage worked. The School District didn't want to regrade their entire parking lot so this parking would be separated from the rest with a landscaped area. It would have its own 40-foot entrance. The new landscaping would match the existing landscaping.

Mr. Hall said the staff had found that the proposed site plan provided an opportunity to enhance the school property, which was an important part of Roy City. The staff recommended that the Planning Commission approve the site plan based on its findings and subject to:

1. The applicant providing any corrections or materials as might be deemed necessary for the proper review and approval by the City Engineer or other DRC staff; and
2. The applicant seeking and obtaining the proper access permits from the Utah State Department of Transportation.

Commissioner Kirch asked if UDOT could deny the access based on traffic. Mr. Hall said it could. The School District wanted to get the project started and the Commission's site plan approval was a first step, however, they would not be able to proceed without approval from UDOT.

Commissioner Holt asked if this would affect the seminary parking lot immediately to the west. Mr. Hall said the parking would be separate from the seminary parking lot and the rest of the high school's parking. This parking would not have cross access with the seminary or the high school. There would be three 40-foot entrances on 4800 South within a relatively short distance.

**Commissioner Holt moved to approve a site plan for the expansion of the Roy High School west parking lot located at approximately 2256 West 4800 South based on the staff's findings and subject to the conditions recommended by the staff and DRC. Commissioner Hamilton seconded the motion. Commission members Hamilton, Holt, Kirch, and Stonehocker voted "aye." The motion carried.**

3. CONTINUATION OF PUBLIC HEARING FROM 7/25/12 TO CONSIDER A REQUEST TO AMEND THE TEXT OF THE ZONING ORDINANCE REGARDING THE KEEPING OF DOMESTIC LIVESTOCK AND FOWL IN RESIDENTIAL ZONES

**At 6:09 p.m., Commissioner Kirch moved to continue the public hearing from July 25, 2012. Commissioner Hamilton seconded the motion. Commission members Hamilton, Holt, Kirch, and Stonehocker voted "aye." The motion carried.**

Jared Hall stated that this hearing was the continuation of one held on July 25<sup>th</sup> to consider a request to amend the text of the Zoning Ordinance regarding the keeping of domestic livestock and fowl. The hearing was continued to allow for further discussion and time for the staff to conduct further research. The staff had provided some of the ordinances from other cities in the area. Layton City was holding a hearing this evening to consider allowing animals on 10,000 square foot lots. Mr. Hall read an email from Julian Green into the record (see attached copy). Mr. Green asked that the Planning Commission deny the request to amend the Zoning Ordinance.

Chairman Stonehocker opened the floor for public comments.

Rebeka Rodriguez, 2577 West 4400 South, stated that the email from Julian Green asked that the petition be denied due to irresponsibility. People could be irresponsible with dogs, cats, and even children. She asked the Planning Commission to not base its decision on someone who was irresponsible. She reminded the Planning Commission about all of the positive comments it received two weeks ago. Only two negative comments had been received. Both of them were received via email.

Gary Davis, 5214 South 2700 West, was in favor the text amendment. He had raised birds since he was a small child. It all depended on whoever cared for them. Birds were bug eating machines. He had a lot of Box Elder trees growing along the north side of his property. He would like to have birds to eat the bugs rather spraying pesticides.

Forrest Young, 2428 West 5075 South, was also in favor of having chickens. He asked the Planning Commission to consider all of the positive comments.

Sean Ercanbrack, 5743 South 3950 West, stated that those who were opposed to the text amendment had written in. Those in attendance out numbered those who were vocally opposed.

Commissioner Kirch asked how large Mr. Ercanbrack's lot was. Mr. Ercanbrack was not sure. Michelle Drago asked if he lived in the Aland of Honey Subdivision. Mr. Ercanbrack said he did. Ms. Drago said Aland of Honey was zoned R-1-8, but the lots were actually 7,000 square feet in size.

Brian Jenkins, 2046 West 3775 South, stated that since July 25<sup>th</sup> he had spoken with his neighbors. Some were against allowing chickens. One had a bad experience with a neighbor keeping only roosters who crowed all night. Another was opposed because of cleanliness concerns. Mr. Jenkins asked the Planning Commission to include regulations requiring people to talk to their neighbors. There were ordinances on the books which allowed citizens the recourse of speaking with the police rather than their neighbors. Those ordinances made Roy an isolated community. When neighbors could reach an agreement there would be less problems with irresponsibility.

Joseph Herrera, 2182 West 5600 South, didn't feel the Planning Commission should base its decision on the problems people had had in their lives or on one person's bad experience. He was in favor of bees and chickens, as long as roosters weren't allowed.

Vic Bachman, Ogden, stated that he was part owner of Deseret Hive Supply, a new business which provided supplies for beekeepers. He had been asked to attend in support of the text amendment. He had been keeping bees for several years. He had spoken with many people from the Roy area who wanted to know if Roy allowed bees. He had five hives at his home in North Ogden. When he first put the hives in, his neighbors were worried, but most had forgotten the hives were there.

Commissioner Kirch asked how many bees were in a hive. Mr. Bachman said there could be 25,000 to 50,000 bees in one hive. It was usually good to have two hives so they could help each other. He had not been stung by his own bees, but he had been stung many times removing feral hives. The bee population had dwindled. Most commercial beekeepers lost 70% of their bees in the first year.

Clark Roberts, 3581 West 5350 South, stated that he lived in an unincorporated island in the middle of Roy City. He had kept hives for the last 12 years. He agreed with what had been said. Bees were pretty docile. Their single focus was to find food. It was hard to upset a honey bee. He felt it was important for the City to write an ordinance with regulations to help people be responsible. Bees did need a water source. He was very much in favor of bees and chickens. Bees would be a lot easier to manage. Beekeepers should be required to register and have a County inspector look at them once a year. There were good ways to set up a hive and places to put them to cause less disturbance for others.

Nate Hall, owner of Deseret Hive Supply, stated that it was important for people to know that a bee sting would swell. Swelling didn't mean you were allergic. The pros for bee

keeping far outnumbered the cons. He didn't feel it was a good idea for someone with half an acre to have 50 to 100 hives. People needed to be educated and become certified. Half of every bite you ate was the result of bee pollination.

Bruce Perry, 1994 West 4250 South, was incredibly impressed by the number of people who had showed up at the meeting two weeks ago and tonight to support the request for a text amendment. It was important for him to know where the food he put on his table came from and what it had been fed. It was an important thing on people's minds. They wanted to have some control over their lives. There was a difference between fresh eggs and those from the grocery store. The difference was what most people were concerned about. A garden was an important part of his lifestyle. Bees were part of the system he needed to maintain a garden. People in Roy needed more control over what they put on their tables and more control over their lifestyles. He supported this change. He looked forward to making some progress.

Brad Christiansen, 3036 West 4375 South, hated to think he was the silent majority. He had talked to a lot of people in the past two weeks. Many thought this was just a west Roy issue which they didn't have to worry about. He also sent an email which was read into the record at the last meeting. However, this was City wide. There were positives about bees and chickens, but there were a lot of negatives. A lot of people were allergic to bees; his wife was one. He used to have chickens and ducks. They were a lot of work. They smelled as well as their droppings. They attracted rodents. He was opposed to the idea of putting them on such small lots. He didn't like the thought of having a chicken coop 20 feet from his bedroom window. On his farm, the coop was 100 feet from the house, and it was still too close. Chicken poop smelled. He moved to this area because it was residential; because he didn't want to put up with farming. He read the codes and knew there were limits on cats and dogs. He moved here on purpose. If people wanted to have animals, they needed to move where they could have them.

Mr. Christiansen said that allowing chickens brought a lot of potential problems. The City couldn't handle the code enforcement issues now. He didn't feel it was fair to burden all of the citizens for a few people's hobby. There was a lot of open acreage in the City that people could keep chickens on. There were other options for those who wanted chickens, such as a co-op. Then they would not encumber people who did not want them. Even if there were 300 people in favor of this text amendment, they were still a very small percentage of the populace of Roy City. He encouraged the Planning Commission to look at all of the ramifications. A text amendment would affect many people who didn't want to be encumbered. He felt having a chicken coop right next to his home would make it difficult for him to sell his home. There were already many yards in the City that were not cared for. He didn't feel the City was financially able to

handle the problems that would come from a text amendment. Once that happened, there would be a lot more citizens trying to change the ordinance back.

Joseph Herrerra rebutted Mr. Christiansen's statement. Just because someone was allergic to something didn't mean it should be banned from the rest of the population. Those in favor of the text amendment were in the majority. He lived in a condominium with a dumpster 50 feet away.

Elizabeth Brown, 4997 South 1950 West, stated that she was extremely allergic to bees, and her daughter had environmental allergies. She asked the Planning Commission to consider everyone's health.

Dax Barney, 2017 West 5500 South, stated that he had a lot of wasps in his yard. Bees were the natural enemy of wasps. He was in favor of bees. There was a difference between bees and chickens. He felt bees should be allowed even if chickens were ruled out. Bees and chickens should be considered separately.

Melissa Warwood, 2590 West 4800 South, stated that she had four chickens. She also had a rabbit. Five different families had visited with her since she brought them out of her house a week ago. They wanted to learn how to take care of them. Her daughter was obsessed with feeding the chickens. She understood that she might have to get rid of the them. She loved the produce she was able to harvest from her garden with the help of bees. Almost all of the cities were changing their regulations to allow chickens in residential areas. She wanted to stay in Roy, but if she could not have animals she would be discouraged from staying. She hoped the Planning Commission did not allow the negative comments to outweigh the positives.

Rebeka Rodriguez, 2577 West 4400 South, appreciated Mr. Christiansen's perspective. She felt his concerns could be addressed. She didn't feel smell would be a problem because of the small number. She had six chickens, which she knew she might have to let go if the decision went against them. The concerns about smell and roosters could be addressed in the text. Clinton required chickens to be kept a minimum of 30 feet from residents. Roy City would receive revenue from those who wanted to keep animals to help cover enforcement costs. People wanted to have some control over their property.

Forrest Young felt concerns could be addressed by educating the public, limits, and certification. Times were changing. The City needed to address this situation.

Janet Ercanbrack, 5743 South 3950 West, was surprised at how many people came to the last meeting and this one. She found out a lot of people had animals. No one had complained about them because they weren't a problem. She didn't know what they

would do if the Planning Commission didn't allow animals. Their pets were part of their lives and family. She felt there needed to be a compromise between those who wanted to have animals and those who did not.

Chairman Stonehocker closed the floor for public comments.

**Commissioner Kirch moved to close the public hearing at 7:05 p.m. Commissioner Holt seconded the motion. Commission members Hamilton, Holt, Kirch, and Stonehocker, and Zito voted "aye." The motion carried.**

Jared Hall said the proposed test amendment started with an application. It was the nature of the beast that its supporters would be a more vocal group and gain momentum through publicity. That was one reason why the public hearing had been continued from July 25<sup>th</sup>. It was surprisingly complex trying to analyze this type of request from a zoning perspective. Allowing animals was easy in agricultural zones. Standard zoning methods had worked to separate agricultural, residential, and commercial areas. Zoning livestock and other agricultural uses out of residential and commercial areas over the course of many years had created expectations. In suburbia, a resident didn't expect to look out the back door and see a chicken coop. The Planning Commission needed to be cognizant of that expectation. Mr. Hall said the minutes he read from other cities were surprisingly similar to the public hearing which had just closed.

Mr. Hall said that one way livestock could be allowed in residential zoning would be by conditional use permit, which would require a public process. In that public process, adjoining property owners would be notified. There wasn't a method of renewal or periodic inspection. The current fee for a conditional use permit was \$250.00. An alternative method would be allowing some livestock by permit or registration. This would allow for tracking and periodic inspections and an annual renewal. Permits would be administered by the staff; but there would not be a public process. The cost of the permit could be set by the adopting ordinance.

Commissioner Hamilton was concerned about using conditional use permits. He wasn't sure the Planning Commission needed to hold a public hearing for everyone who wanted to have chickens. Mr. Hall said a permit would be simpler in many ways, but it was important to not that there wouldn't be a public process. A conditional use permit was one time, and then remained in effect unless it was revoked by action of the City. Permits on the other hand, could be renewed (and therefore reviewed) annually for a smaller fee.

Commissioner Kirch asked if a permit could become 'grand-fathered' since a conditional use permit became attached to the property. A permit seemed easier to review and deny if necessary. Mr. Hall agreed and pointed out that a permit would be issued to an individual, not attached to the property.

Commissioner Hamilton felt there needed to be a data record kept so the City would know who had animals.

Commissioner Holt felt the conditional use permit or permit needed to be filed by a homeowner, not a renter.

Chairman Stonehocker felt a state license should be required for bees. Education about fowl was also important. People would need to know what their responsibilities would be. Mr. Hall said the City gave out information packets for a lot of things. A packet regarding animals could be put together. Commissioner Kirch felt permits should be renewed annually, and that nothing should be grand fathered.

Commissioner Hamilton reminded the audience that the Commission was still in the discussion process. When Salt Lake amended its ordinance to allow bees, the process took months. If the City was going to do this, he wanted to make sure the change had been discussed and considered thoroughly.

Commissioner Kirch stated that the Planning Commission was cognizant of both sides of this issue. It had to consider the citizens of the entire community.

Commissioner Hamilton agreed that everyone needed to be able to enjoy their property. If citizens wanted to have animals, they shouldn't affect their neighbors who didn't want them.

Jared Hall said the numbers allowed could be tied to zoning, lot area, or by simple allowance.

Commissioner Hamilton felt the number should be to the size of the lot, not the zone.

Commissioner Kirch agreed. The footprint of the house should be taken into consideration as well.

Commissioner Kirch stated that research indicated poultry needed three square feet of space per animal. Mr. Hall said that his reading suggested that poultry not allowed to roam required at least six square feet per animal.

Chairman Stonehocker asked if an open space requirement needed to be included with lot area. Mr. Hall said regardless of lot size or house footprint, setbacks for coops would limit numbers.

Commissioner Kirch felt part of the permit process should be a submission of a site plan indicating where the coop or bees would be located. Mr. Hall agreed a site plan was vital

Commissioner Kirch felt the City should reconsider a point system. She was concerned about a property owner keeping chickens, rabbits, and bees on an 8,000 square foot lot. A point system would limit numbers and over population. Points could be allotted. An owner could use points as he wanted, but he would be restricted to the number allowed by the points.

Commissioner Hamilton asked if the animals could be written into the City's livestock ordinance, like Syracuse. Mr. Hall said Syracuse had a separate livestock section; Roy City did not. Animals were currently only allowed in Roy City's RE-20 Zone. In order to have an ordinance like Syracuse, the City would have to redraft the RE-20 Zone as well. Redrafting the RE-20 Zone would require another public hearing. A separate section for livestock generally would have to be written as well.

Commissioner Kirch liked the wording in Syracuse's ordinance. She felt an owner should be responsible to control waste and keep it on his own property. Mr. Hall agreed that language regarding waste should be included.

Jared Hall stated that many of the restrictions in the different cities were almost uniform. He suggested that coops or hives be 20 to 25 feet from any dwelling. Commissioner Kirch preferred 25 feet. Mr. Hall said the distance from a property line was 5 to 10 feet. Commissioner Kirch felt it should be 10 feet to ensure all waste remained on the property. Mr. Hall said 10 feet would lessen the physical impact to adjoining properties. One ordinance talked about heaters in chicken coops needing to be kept a certain distance from any dwelling or home. Commissioner Holt felt that needed further research. If the City didn't have it in writing, people would do it anyway. Mr. Hall recommended that no slaughtering be allowed.

Jared Hall said another issue was food storage. It needed to be secured. Some cities allowed chickens to roam; some did not. Roy City's RE-20 Zone did not require chickens to be in runs. Commissioner Kirch believed animals should be restricted to an owner's lot. If they roamed, there should be fencing to keep them 10 feet from property lines. The City needed to look at what was required for the creature to flourish.

Commissioner Kirch felt a permit should be revoked if the City had to come out. If there was a problem, an owner would have 30 days to remove the animals.

Jared Hall said the staff's biggest concern was enforcement. If a permit was pulled, what did that mean? It was difficult to remove animals from someone's property. Would the City confiscate the animals? If an owner didn't remove the animals, did the issue become an animal control issue?

Commissioner Kirch felt those who were currently keeping animals without a license should be required to have one. Mr. Hall agreed and said that while it could be complicated to impose a rule for existing situations, new regulations would have to apply to those currently keeping animals in residential zoning.

Jared Hall stated that many of the requirements for bees would be the same as those discussed by the Commission previously, and would largely mirror the requirements being discussed for chickens.

Commissioner Holt stated that an owner would have to comply with the State regulations as well.

Commissioner Hamilton asked that Mr. Hall prepare an outline for bees similar to the one for chickens and circulate it to the Commission.

**Commissioner Hamilton moved to table discussion regarding a proposed text amendment for domestic livestock and fowl in residential zones until the next Planning Commission meeting. Commissioner Holt seconded the motion. Commission members Hamilton, Holt, Kirch, and Stonehocker voted "aye." The motion carried.**

Jared Hall reminded the public that this item would again be on the next agenda for more discussion, but that it would no longer be a public hearing.

4. STAFF UPDATE

Jared Hall asked that the Planning Commission provide nominees for chair and vice chair for the next fiscal year.

Chairman Stonehocker nominated Lee Holt as chair and Blake Hamilton as vice chair.

**Commissioner Kirch moved to nominate Lee Holt as Chairman and Blake Hamilton as Vice Chairman for Fiscal Year 2013. Commissioner Holt seconded the motion. Commission members Hamilton, Holt, Kirch, and Stonehocker voted "aye." The motion carried.**

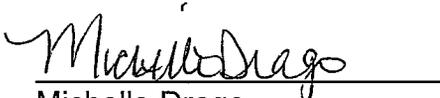
5. ADJOURN

**Commissioner Holt moved to adjourn at 7:42 p.m.**



Tom Stonehocker  
Chairman

Attest:



Michelle Drago  
Secretary

dc:paug1412