

## ROY CITY PLANNING COMMISSION

August 28, 2012

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on August 28, 2012, 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:

Lee Holt, Chairman  
Blake Hamilton  
Gennie Kirch  
Tom Stonehocker

Jared Hall, Planner  
Michelle Drago, Secretary

Excused: David Dickson Rhett Zito

Others present were: Jason Chacon; Rebeka Rodriguez; Robert Rodriguez; and Tiffany Sternson.

Pledge of Allegiance: Gennie Kirch

### 1. APPROVAL OF AUGUST 14, 2012, MINUTES

**Commissioner Kirch moved to approve the minutes of August 14, 2012, as corrected. Commissioner Stonehocker seconded the motion. Commission members Hamilton, Holt, Kirch, and Stonehocker voted "aye." The motion carried.**

### 2. CONSIDERATION OF A REQUEST TO AMEND THE TEXT OF THE ZONING ORDINANCE REGARDING THE KEEPING OF DOMESTIC LIVESTOCK AND FOWL IN RESIDENTIAL ZONES (CONTINUED FROM 8/14/12 MEETING)

Jared Hall proposed that the requested text amendment be included in Chapter 11 of the Zoning Ordinance as Section 1130 - Domestic Livestock and Fowl in Single-Family Residential Zones (see attached copy). He looked at whether the text could be added to Table 17-2 - Table of Uses - in Chapter 17 where animals currently allowed in RE-20 Zones were listed. However, the table only listed numbers allowed. The proposed draft needed to cover additional regulations. He felt it was better for the text to stand alone.

Mr. Hall said the proposed draft did not include multi-family zones. The only zones considered were single-family residential zones and only lots used for single family residences – vacant and non-conforming lots would not qualify.

Chairman Holt felt permits for animals in single-family residential zones should only be issued if a property was 'owner occupied.' Jared Hall thought the intent was to only issue a permit to a property owner. The introduction for Item 2 included the sentence, "*Permits may only be issued with the consent of the property owner of record.*"

Commissioner Hamilton asked about other types of fowl. The proposed draft only listed hens and rabbits. Jared Hall said that during the public hearing there was discussion about chickens, ducks, bees, rabbits, and geese. All those types of animals and fowl were allowed in the RE-20 Zone. Researching and drafting the ordinance language it became clear that no effective regulations could be put into place for water-fowl like ducks, etc. Their nature and needs differ significantly from those of hens and could not be accommodated without impacts on smaller lots as this draft ordinance was considering. In RE-20 Zones, lots were large enough to accommodate the needs of ducks and geese. There simply wasn't enough space on the smaller single-family residential lots.

Commissioner Hamilton did not want there to be any confusion about hens. The text needed to be clear that hens had to be 'non-crowing.' He understood there were certain types of hens that crowed. He suggested the addition of '*non-crowing, egg laying hens*' in the introduction of Item 3.

Commissioner Kirch suggested that including language in the introduction of 1130 that regulations animals in RE-20 Zones could be found in Table 17-2 in Chapter 17. Mr. Hall said he had not included the RE-20 Zone in the table in 1130. He didn't want someone with a 20,000 square foot lot in a single-family residential zone to think they could have the numbers allowed in the RE-20 Zone.

Jared Hall reviewed the points by lot size in the proposed draft

15,000 square feet and larger	30 points
8,000 - 14,999 square feet	20 points
6,000 - 7,999 square feet	10 points
less than 6,000 square feet	No points

Allowance by points

Small livestock and fowl (rabbits and hens)	5 points each animal
Beekeeping	10 points each hive

Commissioner Kirch was uncomfortable with beehives on lots with less than 8,000 square feet. Mr. Hall expressed that he wasn't entirely comfortable with the idea of animals in single-family residential zones of any size. He was not comfortable at all with any animals on lots with less than 6,000 square feet. Salt Lake and several other cities allowed hives on lots with less than 8,000 square feet. If the City was going to allow beehives, he was comfortable starting at 6,000 square feet.

Commissioner Kirch asked how animals in single-family residential zones were working in other cities. Mr. Hall said there was some indication that cities were starting to reconsider the allowances they had made due to code compliance issues. But he was not aware of any cities rescinding .

Commissioner Hamilton was concerned about code enforcement. He was disturbed that the majority of people who spoke out during the public hearing in favor of having ducks, chickens, and rabbits in single-family residential zones already had them. There had been no enforcement with respect to these people. They were already in violation and had not been cited. There seemed to be a need for this type of use because so many people wanted it. However, the current situation made him pause to consider the City's ability to enforce this type of use in the future.

Jared Hall stated that one group of property owners supporting the requested text amendment had been cited. There was also a group at the hearings that had not been cited. A probable reason for the lack of citations was that those property owners had not had problems with their neighbor, which was encouraging.

Commissioner Kirch asked what the attitude of the Council was toward this issue. Mr. Hall did not know.

Jared Hall said he liked the point system. Chairman Holt felt it was very straight forward.

Jared Hall reviewed Item 2 - Permit Required.

Commissioner Kirch suggested that 2 a) and 2 b) be switched. During the public hearing one of the property owners suggested that an applicant be required to discuss the animal use with his neighbors. One advantage of a conditional use permit was notification to adjoining property owners. Mr. Hall said a conditional use required notification of all property owners within 300 feet. If this was going to be a permitted use, Commissioner Kirch felt some type of notification should be required to adjoining property owners.

Jared Hall felt the City should do the notice, if one was required, so that it would be standardized. He didn't feel it was a good idea to tie approval of a permit to approval from the neighbors. An applicant could be told that as part of the permit process, their adjoining property owners would be notified.

Commissioner Kirch felt the initial permit fee should be greater than the annual renewal to cover the cost of the notice.

Commissioner Kirch asked if it would be more difficult to revoke a conditional use permit or a permitted use. Mr. Hall said a conditional use permit would be more difficult because revocation of a conditional use permit would require review and recommendation from the Planning Commission and action by the City Council. A permit could be revoked by the Zoning Administrator.

Jared Hall reviewed Item 3 - Regulations for the Keeping of Hens and Rabbits. He would add language that hens must be non-crowing and egg laying to the introduction of Item 3. Item 3 indicated that hens and rabbits had to be contained in an enclosure in a rear yard.

Commissioner Kirch stated that at the last the Planning Commission recommended that all coops, hutches, or hives be 10 feet from any property line; 3 c) 1 needed to be amended to reflect that recommendation.

Commissioner Kirch felt language should be added to make it clear that a use would not be 'grandfathered.' A permit was issued to a property owner, not the property. A new owner would have to file a new application. Mr. Hall said he would include that in Item 2.

Commissioner Kirch liked the way the draft was written.

Jared Hall stated that the word 'objectionable' in 3 c) 3 was not quantifiable. He asked if the Commission members had any suggestions for better wording. Commissioner Hamilton liked 'perceptible at the property line.' He felt that would provide an adjoining property owner with a tool of measurement. Adjoining property owners needed to be able to enjoy their property as well. Salt Lake's Noise Ordinance referred to 'audible noise' at the property line. Mr. Hall said he would look at Salt Lake's ordinance to see if it could be reworded to work for odor.

Michelle Drago asked how owners would dispose of deceased animals. Mr. Hall said there was language in some of the other ordinances about removing dead animals, and he could talk to Animal Control to see how property owners should properly dispose of dead animals.

Jared Hall reviewed Item 4 - Regulations for Beekeeping. The language for flyways in 4 e) was taken from standard best management practices, except the distance from a public access had been reduced from 25 feet to 15 as single family residential lots were smaller in size.

Commissioner Hamilton felt the City's language should be the same as the best management practices. The distance should be 25 feet. Commissioner Kirch asked why the dates of March 1 to October 31 were included in the fresh water requirement. Mr. Hall said that the dates came from best management practices, and it was apparently when bees were most active. Commissioner Kirch was concerned that a warm February could bring bees out early. A warm fall could mean bees would be active longer. She suggested that the dates be taken out. Chairman Holt suggested that Mr. Hall ask the bee keepers what dates would be best.

Commissioner Kirch asked if there should be a discussion about whether domestic livestock in single family residential zones should be a conditional use rather than a permitted use. A conditional use permit had the perk of notifying adjoining property owners. It would allow the public to have a voice. The cost of a conditional use permit would weed out those who weren't really serious.

Chairman Holt felt the conditional use permit process was too arduous.

Commissioner Hamilton agreed. Revoking a conditional use permit would be difficult, and he didn't think the Commission wanted to review every request to keep chickens and bees that came in. He felt after the last two meetings he had had enough chicken talk.

Jared Hall stated that the nuisance abatement ordinance was written so that the City Council did not need to be involved in every issue. Revoking a conditional use permit was just the opposite; it was done through the Planning Commission and City Council with court as an appeal.

Commissioner Hamilton felt adding language requiring notification of adjoining property owners with a permit application was enough.

Commissioner Kirch asked if the Planning Commission had to hold another public hearing to consider the proposed draft. Mr. Hall said it did not. The Planning Commission had held the public hearing, and had taken a lot of public comment. The next step was to revise the proposed draft. It would be on the next agenda for discussion or action. If the Planning Commission made a recommendation, the staff would prepare an adoption ordinance for the City Council's consideration. The City

Council would not hold a public hearing. Discussion of the adoption ordinance would be held in a public meeting.

Commissioner Kirch said Item 3 needed to include regulations for storage of food. Should there be a fine for an infraction? Jared Hall said if an inspection revealed a problem, the permit would be revoked if the situation weren't corrected. Commissioner Kirch suggested that the permit state that non-compliance would result in revocation of the permit.

Commissioner Kirch asked how owners would handle an unexpected rooster. If an owner purchased chicks, it was difficult to tell between hens and roosters until they were a little older. Mr. Hall said it would fall under enforcement. The staff was sensitive and could give a property owner time to find a place for the rooster. Commissioner Kirch asked if language needed to be added about how to deal with young. Mr. Hall said that if an owner was following the ordinance as it is drafted here there wouldn't be young to deal with; the ordinance was to allow keeping animals, not breeding them.

3. STAFF UPDATE

Jared Hall stated that there would be public hearings on September 11<sup>th</sup> for a minor subdivision and a free standing emergency room.

4. ADJOURN

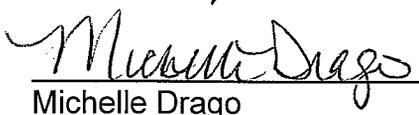
**Commissioner Stonehocker moved to adjourn at 7:17 p.m. Commissioner Kirch seconded the motion. Commission members Hamilton, Holt, Kirch, and Stonehocker voted "aye." The motion carried.**



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Lee Holt  
Chairman

Attest:



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Michelle Drago

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Secretary

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