



Springville

**PLANNING COMMISSION
WORK SESSION
AUGUST 27, 2013 – 6:00 PM**

Commissioners in attendance: Brent Packard; Carl Clyde; Craig Huff; Joyce Nolte; Frank Young
Commissioners excused: Michael Clay and Brad Mertz
Staff in attendance: Director Fred Aegerter; Planner Laura Thompson; Planner Brandon Snyder; Public Safety Director Scott Finlayson and Secretary Darlene Gray
Council Representative Excused: Rick Child

Call to Order

CM Huff called the meeting to order at 6:02 PM. He asked if any of the Commissioners had any questions with the agenda. There were none.

Approval of agenda

CM Packard moved to approve the agenda. CM Clyde seconded the motion. The vote to approve the agenda was unanimous.

Approval of Minutes: August 13, 2013

CM Huff asked if there were any questions regarding the meeting minutes. There were none. CM Young moved to approve the August 13, 2013 meeting minutes. CM Packard seconded the motion. The vote to approve the August 13, 2013 minutes was unanimous.

Consent Agenda

Jim Flint, on behalf of Dixie Sun Ventures, seeking approval for a division of land located at 2250 West Center in anticipation of further land use approvals, in accordance with State Code 10-9a-103, for property in the HC – Highway Commercial Zone.

CM Huff read the agenda item into the record. Planner Snyder approached the Commissioners and reviewed the staff report. CM Huff asked if any Commission would like to remove the item from the Consent Agenda. There were none.

CM Nolte moved to approve the Consent Agenda. CM Clyde seconded the motion. The vote to approve the Consent Agenda was unanimous.

Legislative Session

Nothing.

Administrative Session

Discussion regarding upcoming amendments to Title 11, which includes, but is not limited to: chicken keeping and definitions.

Director Aegerter approached the Commissioners and stated that the definition regarding hotels and motels would be reviewed first. Planner Thompson approached the Commissioners and distributed a handout. She indicated neither had any determination of length of stay. She indicated that there were six motels in the city; the Rat Race motels; the Villa; the Hobble Creek; Art City; one at 400 North behind Kranky Franks; and one west of Taco Bell. She reported that the City would post the notice for the Public Hearing for the September 10th meeting.

CM Clyde asked if a tenant stayed for 30-days and left for one day, could they return and stay another 30-days. He asked if there could be a period of time designated before they could start to stay another 30-days. Planner Thompson indicated that the proposed language was legal as far as defined by State Code. Director Aegerter stated that the Commissioners could define that in terms of the ordinance language. He reported that the primary reason for the proposed language was due to tax issues.

CM Nolte stated that she was in favor of recommending something that would not be abusive of that law. CM Packard asked if Director Aegerter could get information regarding from State Street in Salt Lake City. Director Aegerter indicated that these facilities were being used as long-term residences and as a commission they could recommend additional language to be included in the ordinance. At this point, the proposed definition of hotels and motels were primarily for transient revenue. CM Huff added that these areas were also high crime areas which took significant resources from the City. Public Safety Director Finlayson confirmed that. CM Nolte stated that she would want to recommend they include language regarding a time in between stays. Planner Thompson stated that the City Attorney wanted to have the proposed amendment presented as soon as possible.

Director Aegerter approached the Commissioners and indicated that there were two residents who came to the City Council regarding chickens. He reported that two council members supported their request and directed staff to bring the item back to the Commissioners. He reviewed the information in the staff report regarding the history of agricultural uses and chicken keeping.

CLs Ben Jolley and Rick Child in attendance at 6:17 PM.

Director Aegerter explained that the as written, the ordinance would include any single family zone as well as the R2 zone. CM Young asked how a resident would be able to meet the 30-foot setback if they lived in a duplex. Director Aegerter stated it would be possible if coops were set back further into the yard. CM Packard stated that there were a lot of rentals in Plat A and some are breaking code because of basement apartments. He stated that he would not see allowing renters to have chickens. He thought chickens should be kept by the person who owns the property because when renters leave, the chickens are left behind. He felt the same regarding chicken keeping at duplexes. CM Packard stated that there was a code that did not allow chickens at all and he can see a lot of problems with chicken keeping.

Director Aegerter stated that some cities don't allow chickens in anything but the R1 zone. CM Young asked about residents selling eggs. Director Aegerter stated that would not be allowed. The egg production would be for personal use only and not to be an income generating project. CM Packard reported that six hens generate about three dozen eggs a week.

CM Young suggested dropping 'vegetation' and indicated that coops should be behind a solid fence. CM Huff stated that not enough is done regarding Code Enforcement now and asked Director Finlayson how they could manage complaints and issues with chickens. Director Finlayson responded that this

was a concern because of increase complaints. Currently, there are people who own chickens in the community. He indicated that currently nothing is done unless they receive a complaint. He reported that at the administrator's request, they have researched complaints and found 20-30 complaints had been reported in the last three years. He informed the Commissioners that the number of complaints Spanish Ford has received has doubled and they do allow chickens in their community as a permitted use. He added that the majority of complaints in Spanish Fork are for dogs attacking chickens in yards. Director Finlayson stated that this should not happen based on this ordinance because chickens would be required to be kept in coops and pens, unfortunately they run free and that is most of the problems. He reported that there have been raccoons and skunks in the community and that about 100 skunks and raccoons are euthanized each year. Director Finlayson reported that the City is in the wild interface area and there are coyote and fox as well. He reported that residents in the agriculture areas have problems with fox getting into the coops. Director Finlayson read from the article provided by Director Aegerter regarding back yard chickens. He read that chickens attract pests; i.e. rates, raccoons, fox, dogs, etc. He stated that the Public Safety department does have concerns. They provide traps, but chickens are harder to trap. He reported that there would be a large increase in calls regarding chickens. He indicated that they have had several issues where someone dumped some chickens down on South Main Street. Director Finlayson stated that he was not against raising chickens, but he believed there was a need to be responsible where chickens were allowing in the community. He stated that the lots needed to be at least half-an-acre; 20,000 square feet or larger as well as limiting the number of chickens. He indicated that ordinances were for the least responsible individuals because common sense was not all that common. He stated that if everyone followed the law chicken keeping could be expanded, but renters would be a serious concern. Director Finlayson stated that there would be an increase in predators coming into the community. He indicated that his recommendation would be to allow chickens in the Agriculture zone and larger lot areas. (CL Jolley excused at 6:37 PM). Director Finlayson reported that the animal shelter charges \$53.00 per animal. The animal control officer collected thirteen chickens the other day and the department was lucky they found a farmer who would take the chickens rather than paying the \$53.00 fee.

CM Huff opened the meeting to the audience for comments.

Karen Ifediba approached the Commissioners. She reported that this issue had been coming to the Planning Commission since 1999. She stated that she has seen various Commissioners review in great detail, hold public hearings, and listen to people who wanted chickens and those who did not. She stated that the current ordinance had been processed through four Planning Commission members and at least six Councils. She indicated that she felt the members of each entity had been very responsible and very responsive at what had been requested by the public. Ms. Ifediba stated that the current ordinance was appropriate to Springville City and should not be changed because other communities are doing it. She reiterated that the current ordinance was well thought out and that the ordinance should stand as is. She stated that if someone wants a chicken they should live in an area where chickens are allowed.

CM Huff asked the Commissioners for their feelings. He indicated that a lot of time could be spent discussing chicken keeping, but did not want to do that.

CM Packard stated that he has lived in chicken neighborhoods; he was raised by barns, etc. and that has been a natural part of his life. He explained that there was a gentleman who raised chickens near his home and he had wonderful eggs, but when he cleaned the coops, the smell was terrible and they were constantly fighting small animals. He stated that those who get the idea that fresh eggs are great; getting

kids to work in coops; etc. have to take into consideration what they must do when the chickens die. Even at a 30 to 35 foot setback, there will be smells. CM Packard stated that chickens have flown into his dog pen to escape cats. He stated that chickens were not pets and that they carry bacteria that can spread. Those who have survivalist attitudes may have their children clean chicken coops once and they will never do it again. CM Packard indicated that he did not feel good about having chickens in single family neighborhoods.

CM Nolte stated that chicken keeping was a trend according to the article in packet and the Utah State information. She indicated that she did not like this ordinance, but did like the ideas in some of the other ordinances. She stated that a trial ordinance had been used in several cities. She wondered if the group that wants chickens had not been organized fairly. She stated that this is a grass-roots movement community and they needed to be invested in this effort. She asked why there couldn't be a joint effort; lower the number of chickens and allow in single family dwelling. There could be a board that would be responsible for those who wanted a permit. The individuals that wanted chickens could attend a course; be provided with a packet with pertinent information and an explanation of the ordinance. CM Nolte explained that in order to obtain a permit, they must attend the class. The burden of meeting regulations would be on the animal keeper and fees would be involved. CM Nolte stated that she understood the problem and that the burden should be taken off the police department and put on the people who want the chickens. If a yearly permit were required, the board should keep track and send notices of the expiration. She continued that if it was a grass-roots movement, the level of burden should be kept on the people. If people really want this, then should shoulder the burden themselves. CM Nolte stated that this could be a trend that in a year's time would fizzle out, but at least they would be addressing this without totally dismissing it. She stated this has been done and is working in other cities. Director Aegerter explained that CM Nolte has been on an Ad Hoc Committee for the Historic Community Center and the committee has focused on allowing chickens in Plat A. CM Nolte stated that she did not like a blanket ordinance stating that chickens were allowed everywhere. She stated that there must be more discussion and that everyone has to agree that everyone was not going to agree. CM Packard asked if rezoning would be necessary. Director Aegerter indicated that it would be and if it were adopted, the Commissioners would be interested in what the standards would be.

CM Young asked what the fee structure might be for licenses; three chickens at \$180.00. Director Aegerter indicated that some cities charged a fee, but most in Utah did not. He added that it was not just chickens getting out, but dogs getting into the coops.

Karen Ifediba stated that she was at the City Council meeting when they were trying to figure out how to care for retention basins. Retention basins are the responsibility of Home Owner Associations (HOA) and the problem is that retention basins look terrible. She reported that three out of eighty look decent and these were basins that were purchased by a home owner who would someday be allowed to keep the property for expansion or possible sale. The remaining basins have been abandoned by the HOA.

Ms. Ifediba indicated that three months ago, concerns were expressed at a City Council meeting regarding the industrial parks. These industrial parks have rules and fees are collected, but the rules are not being followed. She reported that the police are being called and the City cannot do anything because the board should be responsible for the industrial parks. Ms. Ifediba stated that it might be a good idea to get individuals who want chickens involved right now, but what will happen when they decided that they don't want the chickens anymore.

CM Clyde reported that he was acquainted with chicken owners who have the chickens in coops, but they struggle with predators coming into their lots. In his opinion, chickens should not be allowed at every home. He stated that he would prefer leaving the lot size at 20,000 square feet. CM Young stated that he would support the larger lot requirements. CM Huff reported that his son raised chickens in Spanish Fork, and no matter how often the coop was cleaned, it still stunk. CM Huff stated that as a neighbor, he would not want chickens by his fence. He added that he would like to enjoy his back yard, but he gets to smell the neighbor's dog over the fence. CM Huff indicated that he was a property owner of rental units and would not want chickens in his rental units. He would support a single family dwelling on a big lot with a solid fence. He added that the ordinance has to be one with serious restrictions if the City Council decides to adopt one.

Director Aegerter stated that this item would come back to the Commissioners and if they have certain types of standards, those should be included in their recommendation. CM Packard asked if the Commissioners would recommend not approving an amendment to the ordinance, if they should explain their findings. Director Aegerter indicated that would be correct.

CM Huff stated that the individuals who brought this to the City Council should be invited to the meeting where the Commissioners will review this item.

With nothing further to discuss, CM Clyde moved to adjourn the meeting CM Young seconded the motion. The vote to adjourn was unanimous. CM Huff adjourned the meeting at 7:01 PM.