LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES

TUESDAY, JUNE 9, 2009

MEMBERS PRESENT:	Sharon Esplin, Tim Pales, Gerald Gilbert, Dave Pratt, Blake Hazen
ALTERNATE MEMBERS PRESENT:	Ryan Stevenson
MEMBERS ABSENT:	Kristin Elinkowski
ALTERNATE MEMBERS ABSENT:	
OTHERS PRESENT:	Staff Members: Kem Weaver, Steve Garside, Brandon Rypien, Nannette Larsen, Julie Jewell

Planning Technician, Nannette Larsen gave a PowerPoint presentation on residential backyard chickens. This presentation is attached with these minutes in its entirety. Ms. Larsen said the Planning Department has received many calls from residents inquiring about raising chickens as a source of food, a teaching experience for their children and for pest control. Ms. Larsen listed the pros and cons of raising residential chickens and also reviewed the policies of other cities. Currently Layton allows chickens only in the A (Agriculture) and R-S (Residential Suburban) zoning districts.

Justin Smith, an associate professor in animal science at Utah State University and an Extension Agent for Davis County involved in the 4-H youth program, said many kids raise poultry and life-stock for their 4-H projects. He cited the case of Clearfield City where the prohibition of residential chickens negatively impacted the youth in the 4-H programs.

Mr. Smith said chickens do not carry bird flu. He felt 6-10 chickens would not create an odor problem and asked the Planning Commission to consider that the benefits of raising backyard chicken far outweigh the negatives. The Commissioners asked Mr. Smith question regarding the care of the chickens, egg production, and the disposal of chicken waste. Enforcement issues were also discussed as well as cleanliness issues. Commissioner Gerald Gilbert pointed out that eggs from the grocery store had been inspected and said he felt that chickens in a residential area would jeopardize the health and welfare of citizens. Commissioner Esplin felt residents raising chickens would have to have a desire to take good care of them and not abandon the coops within a short time. Commissioner Tim Pales asked Ms. Larsen to check the setbacks for coops in West Point and Commissioner Ryan Stevenson asked that an ordinance allowing chickens must be consistent with and must not override subdivision covenants. The Commissioners and staff discussed the number of chickens and other animals currently allowed in the R-S zone. Commissioner Gilbert asked that further discussion regarding residential chickens address types of and aesthetics of the structures including the runs and setbacks from the principal residence and neighboring homes.

PUBLIC REVIEW:

(1) LDS CHURCH PARCEL SPLIT

This property is located at approximately 3250 North Fairfield Road. The north parcel contains 2.793 acres and the south parcel contains 3.684 acres. The property is located in an M-1 (Light Manufacturing/Industrial) zoning designation. The property owner is the LDS Church represented by Scott Nelson of CEC Engineering.

Kem Weaver, City Planner, outlined the proposed parcel split stating that the south parcel will continue to be used as a softball field and a parking area for the field. The City is in need of regional storm water detention in the area and will acquire an easement from the LDS Church to excavate the softball field and set it approximately 3 feet lower so that it can be used for detention. The Layton City Legal Department is working with the LDS Church to acquire 14 feet of frontage along the front of the parcels for street widening of Fairfield Road. The LDS Church will retain ownership of both the south and north parcels with the north parcel being reserved for future development.

Commissioner Hazen noted that the address of the property should be changed from 3450 North to 3250 North as 3250 North Street is directly across Fairfield Road from this property.

(2) ESCROW AGREEMENT EXTENSION – HEARTLAND SUBDIVISION

This property is located at approximately 1700 North Fort Lane and consists of 20 lots on 7.26 acres. The property is zoned R-1-8 (Single Family Residential). The applicant, Blake Hazen for Heartland, LLC, is requesting a one-year extension of the bonding agreement to April 3, 2010.

Mr. Weaver said that the escrow agreement for the Heartland Subdivision expired on April 3, 2007. Commissioner Hazen, who has an interest in the property and will recuse himself from the discussion of this item in the regular meeting, said that the developers didn't realize the one-year warranty was never started on this subdivision.

Mr. Weaver said that the landscape buffer looks like it is in need of maintenance and that the subdivision should have a Home Owner's Association responsible for landscape maintenance.

By Julie K. Jewell

Julie K. Jewell, Secretary to the Planning Commission

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Planning Commissioner Chairman, Sharon Esplin, called the meeting to order at 7:02 p.m.

The Pledge of Allegiance was recited and an invocation was given by Commissioner Dave Pratt.

Chairman Esplin called for a motion to approve the May 26, 2009 Planning Commission minutes. Commissioner Pales moved to approve the May 26, 2009 minutes and Commissioner Gerald Gilbert seconded the motion. The voting was unanimous.

Chairman Esplin called for a motion to open Public Review. Commissioner Blake Hazen moved to open Public Review. The motion was seconded by Commissioner Tim Pales and the voting was unanimous.

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Kem Weaver, City Planner, outlined the proposed parcel split stating that the south parcel will continue to be used as a softball field and a parking area for the field. The City is in need of regional storm water detention in the area and will acquire an easement from the LDS Church to excavate the field down about three feet so that it can be used for detention. The softball field will be used again in the future as a softball field when the excavation is complete. The Layton City Legal Department is working with the LDS Church to acquire 14 feet of frontage along the front of the parcels for street widening of Fairfield Road from Highway 193 to the new section of Fairfield Road on the north. The LDS Church will retain ownership of both the south and north parcels with the north parcel being reserved for future development. The City will require a slope easement on Fairfield Road along the north parcel.

Mr. Weaver gave an overview of the area and stated the address of the parcels would be corrected to reflect approximately 3250 North Fairfield Road.

Mr. Weaver said Staff gives a positive recommendation for the parcel split subject to the applicant providing the legal documents for the detention and slope easements.

There were no questions or comments from the Planning Commission or the audience, and Chairman Esplin called for a motion on the item. Commissioner Pales moved to forward a positive recommendation to the City Council to approve the parcel split subject to the legal documents being provided for the detention and slope easements. Commissioner Pales seconded the motion and the voting was unanimous.

(2) ESCROW AGREEMENT EXTENSION – HEARTLAND SUBDIVISION

This property is located at approximately 1700 North Fort Lane and consists of 20 lots on 7.26 acres. The property is zoned R-1-8 (Single Family Residential). The applicant, Blake Hazen for Heartland, LLC, is requesting a one-year extension of the bonding agreement to April 3, 2010.

Commissioner Hazen stated he had an interest in the Heartland Subdivision and recused himself from the discussion. Commissioner Hazen left the room at 7:10 p.m.

Mr. Weaver presented the Heartland Subdivision request for an escrow agreement extension stating that the bonding agreement expired on April 3, 2007. The one-year warranty for the subdivision began on April 3, 2009 and the developers are asking for a one-year extension of the agreement to April 3, 2010.

Mr. Weaver said Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the one-year extension of this escrow agreement to April 3, 2010.

There were no questions or comments from the Planning Commission or audience and Chairman Esplin called for a motion on the item.

Commissioner Ryan Stevenson moved that the Planning Commission forward a positive recommendation to the City Council to approve the extension of the Heartland Subdivision for one-year to April 3, 2010. Commissioner Gilbert seconded the motion and the voting was unanimous.

Chairman Esplin called for a motion to close Public Review. Commissioner Gilbert moved to close Public Review. Commission Stevenson seconded the motion and the voting was unanimous.

Commissioner Gilbert moved to adjourn the meeting. Commissioner Pales seconded the motion and the voting was unanimous.

The meeting adjourned at 7:12 p.m.

By Julie K. Jewell

Julie K. Jewell, Secretary to the Planning Commission

Residential Chickens

Planning Commission
Work Meeting
June 9, 2009

Resident Responses to Backyard Chickens

POSITIVE

- Sustainable
  - Local Food
- Teaching Tool
- Less intrusive pet than a dog
- Effective pest control

NEGATIVE

- Diseases
  - Salmonella
  - Campylobacter
- Noise
- Mess

Nearby Cities Related Ordinances

NOT ALLOWED:

- Ogden
- North Salt Lake
- Bountiful
- Sunset
- W. Bountiful

ALLOWED:

- West Point
- Salt Lake City Utah
- Syracuse
- Kaysville
- Farmington

Allowed in Certain Zoning:

- North Ogden
- West Haven
- Roy
- Layton
- Clinton
- Clearfield

West Point City

- Allowed:
  - For noncommercial purposes only.
  - Zones allowed in:
    - R-1
    - R-2
    - R-8
- # of chickens allowed
  - Dependant on point system
    - 100 animal points per vacant acre (e.g. .5 acre X 100 = 50 points)
    - Chickens, duck, geese, pigeons, etc. = 5 points.
  - Residential properties
    - Deduct .2 acres (8,700 sq ft) per unit from the total acreage

Salt Lake City

- Must obtain a permit to keep chickens
  - Fee $5.00 per animal
    - No greater than $40 a year
- The same permit is used for:
  - Chickens
  - Turkeys
  - Ducks
  - Geese
  - Pigeons
  - Rabbits

Kaysville

- Minimum Residential Lot Size
  - 14,000 sq ft
    - Lot area required for each animal: 1,400 sq ft.
- Additional requirement on related Structures
  - Barns, coops, stables, etc. are permitted where farm animals are permitted.
  - Located at least 50' from principle use
  - Applicant must show odor, dust, noise or drainage will be controlled.

WEST POINT, UTAH

Chapter 17.40
FARM ANIMALS

Sections:

17.40.010 Purpose and intent.
17.40.020 Animal allowance.
17.40.030 Yard and structure regulations.
17.40.040 Other regulations.

17.40.010 Purpose and intent.

To establish the standards and criteria by which farm animals may be kept within West Point City. The city recognizes that farm animals are inextricably associated with certain noise, sight, and smell nuisances that are generally unacceptable in urban areas. However, the city also recognizes the importance of maintaining its farming heritage and the traditional values associated with that heritage. It is with this purpose, to preserve the farming heritage of the community, that this chapter is enacted. [Code 2000 § 17-15-1].

17.40.020 Animal allowance.

Animals held for noncommercial purposes are permitted solely in the agricultural, R-1, and R-2 zones and shall be a conditional use in the R-3 zone for all animals except small animals which may include chickens, ducks, geese, pigeons, and rabbits, unless restricted by private development agreements, covenants, or other legally binding contracts. The quantity of animals permitted on a property shall be determined on the basis of 100 animal points per vacant acre (e.g., 0.50 acres x 100 = 50 animal points, 1.45 acres x 100 = 145 animal points).

Vacant acreage on properties with nonagricultural uses is determined by the following: Residential properties shall deduct 0.20 acres (approx. 8,700 square feet) per unit from the total acreage before calculating the animal allowance (e.g., (0.50 acres – 0.20 acres) x 100 = 30 animal points; (1.45 acres – 0.20 acres) x 100 = 125 points). All other properties shall deduct the exact amount of acreage not being used for animal production before calculating the animal allowance.

Type of Animal	Number of Points per Animal
Pigs	50
Horses and cattle	25
Sheep and goats	10
Chickens, ducks, geese, pigeons, rabbits and other small animals	5

Commercial agricultural operations shall only be permitted in A-40 and A-5 zones. Intensive commercial agricultural operations, such as feed lots, shall only be permitted by conditional use with a minimum lot size of five acres. [Code 2000 § 17-15-2].

17.40.030 Yard and structure regulations.

A. Barns, coops, stables, and other structures for the care and keeping of livestock and/or fowl that exceed 120 square feet shall be permitted in all districts where livestock and/or fowl are permitted; provided, that all such structures are located at least 75 feet from the street and 150 feet from the nearest dwelling on adjacent lots. All structures to be constructed in accordance with the building codes of West Point City.

B. Barns, coops, stables, and other structures for the care and keeping of livestock and/or fowl that do not exceed 120 square feet shall be permitted in all districts where livestock and/or fowl are permitted; provided, that all structures are at least 50 feet from any public or private street and 50 feet from the nearest dwelling on adjacent lots. These structures shall be placed at least 10 feet from all property lines. All structures shall be constructed in accordance with the building codes of West Point City.

C. Feed yards and the keeping of pigs shall be at least 200 feet from all dwellings on adjacent lots. If adjacent lots are vacant then they shall be kept no closer than 30 feet to the side yard or rear property lines. [Code 2000 § 17-15-3].

17.40.040 Other regulations.

In zones where farm animals are allowed as a conditional use, the provisions of this chapter shall be the minimum requirements. The planning commission may add conditions as provided in this chapter for conditional uses or as they deem in the best interest of the general public. [Code 2000 § 17-15-4].

SALT LAKE CITY, UTAH

8.08.010: DOMESTIC FOWL AND LIVESTOCK; PERMIT REQUIRED:

A. It is unlawful for any person to keep within the city any chickens, turkeys, ducks, geese, pigeons or other similar domestic fowl, or more than two (2) rabbits, or other similar animals, without first making application for and obtaining a permit from the office of animal services to do so. The fee for such permit shall be five dollars ($5.00) per animal, but shall not exceed forty dollars ($40.00) per year.

B. It is unlawful for any person to keep within the city any sheep, goats, cows, calves, pigs, horses, jacks, jennies, or other similar animals, without first making application

for and obtaining a permit from the office of animal services to do so. The fee for such permit shall be forty dollars ($40.00) each year. Such permits shall not be issued for any area of the city except areas zoned as agricultural districts under section 21A.32.050 of this code, or its successor section. (Ord. 71-99 § 1, 1999: Ord. 69-99 § 8, 1999: prior code § 100-2-1(1))

Syracuse, Utah

10-6-040: FARM ANIMAL KEEPING.

(A) Definitions:
1. LIVESTOCK. Any normally-domesticated animal that is not a cat or dog, such as cattle, sheep, goats, mules, burros, swine, horses, geese, ducks, turkeys, etc. (Ord. 06-17)
2. ADEQUATE FENCING. At a minimum, mesh, barbed wire, chain link, rail, or post fencing or metal-fence panels. (Ord. 06-17)
3. FARM INDUSTRY. The keeping and raising of farm animals and/or fowl for domestic or commercial use such as fur farms, livestock feed yards, pig farms, dairy farms, stables, ranches, and similar uses and accessory uses thereof. (Ord. 06-17)
4. FARM ANIMAL KEEPING. The keeping of animals or fowl, such as commonly used for food or fiber production or as a beast of burden, for commercial purposes or for recreational pleasure. (Ord. 06-17) In residential and agricultural zones where permitted, animals and fowl may be kept for family use outside the dwelling provided that all pens, barns, coops, stables, corrals, and other similar enclosing structures to keep animals or fowl shall be not less than fifty (50) feet from dwellings on adjacent lots, not less than twenty (20) feet from a dwelling on the same lot, and not less than one hundred fifty (150) feet from a public street, except on corner lots where such structures shall be not less than fifty (50') feet from a public street. In residential zones where animal keeping is a permitted or conditional use, there shall be a minimum lot size of twenty-one thousand seven hundred eighty (21,780) square feet, and all animal keeping guidelines shall be in accordance with the provisions as outlined in this Section of the Title. The number of animals or fowl permitted shall be governed by the following schedule except that dependent young may be kept in addition to these numbers:
(a) In residential zones where animal keeping is a permitted use, each lot containing twenty-one thousand seven hundred eighty (21,780) square feet shall have an allocation of forty (40) points with an additional accrual of ten (10) points for each ten thousand eight hundred ninety (10,890) square feet thereafter. Such square footage calculations shall not include the square footage of structures located on the premises nor the square footage of the front yard. (Ord. 06- 17) (Ord. 08-07)
(b) In residential zones where animal keeping is a conditional use, each lot containing twenty-one thousand seven hundred eighty (21,780) square feet shall have an allocation of twenty (20) points with an additional accrual of ten (10) points for 58 each ten thousand eight hundred ninety (10,890) square feet thereafter. Such square footage calculations shall not include the square footage of structures located on the

premises nor the square footage of the front yard. (Ord. 08- 07)
(c) Animals shall have points assigned to them based on the following groups:
i. Large animals such as horses or cows (Ord. 06-17) twenty (20) points each
ii. Medium animals such as sheep, goats, llamas, emus or ostriches (Ord. 08-07) ten (10) points each
iii. Large fowl such as turkey or geese (Ord. 08-07) five (5) points each
iv. Small animals and fowl such as rabbits or chickens two (2) points each
v. Pigs (provided their pens are at least two hundred (200) feet from neighboring dwellings) one hundred (100) points each Exception: This provision shall not apply to certified breeds of potbellied pigs with the North American Potbellied Pig Association. (1998) (Ord. 06-17)
(d) Animal owners shall contain animal waste runoff water from paddocks or stables so as not to contaminate residential water resources, public rights of way, or adjacent properties. (Ord. 06-17)
5. Kennel Regulations. Kennels shall be conditional uses. The Land Use Authority shall review each request for a conditional use permit separately on its own merits. The City Council may revoke a kennel permit as set forth in 10-3-080. (Ord. 08-07) All pens, runs, shelters, or similar structures housing dogs in Agriculture and R-1 Residential Zones shall be located not less than one hundred (100) feet from neighboring or abutting dwellings. The number of dogs four (4) months old or older kept on a residential lot shall be limited to three (3). Kennels for commercial purposes shall keep all pens, runs, shelters, or similar structures housing the dogs not less than two hundred (200) feet from a public street and at least two hundred (200) feet from all neighboring or abutting dwellings. Such kennels shall be located on a minimum of five (5) acres and must receive site plan approval.
6. Household Pets. Property owners may keep small animals and fowl as household pets in residential zones subject to the following conditions: (Ord. 06-17)

(a) Animals or fowl shall be kept in pens, or otherwise secured, unless housed within the dwelling unit.
(b) No more than two (2) of the same species shall be kept, excluding dependent young.
(c) In no case shall there be more than four (4) small animals or fowl kept as household pets.
(d) All pens, coops, and structures shall be kept clean and free from objectionable odor and waste. (Ord. 08-07)
(e) Animals or fowl allowed shall be those species normally stocked and available at a State licensed pet store. (1999)
8. Rabbits and Hens. Residents may keep rabbits and hens outside the dwelling subject to the following conditions: (Ord. 08-07)
(a) The residents shall have no more than six (6) hens or six (6) rabbits, or a combination of both not exceeding six (6), excluding dependent young. (Ord. 08-07)
(b) The animals shall be kept in pens, coops, or contained in a fenced area. (Ord. 08-07)

(c) All pens, coops, and cages shall be kept clean and free from objectionable odor and waste. (Ord. 08-07)
(d) Roosters are not permitted in any residential zones. (Ord. 08-07)