

Minutes of the Planning Commission meeting held on Thursday, April 3, 2014, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Scot Woodbury, Chair
Phil Markham, Vice-Chair
Karen Daniels
Vicki Mackay
Chad Wilkinson, Community Development Manager
Brad McIlrath, Assistant Planner
Rick Maestas, Planning Intern
G.L. Critchfield, Deputy City Attorney
Citizens

Excused: Buck Swaney
Tim Taylor
Maren Patterson

The Staff Review meeting was held from 6:00 to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording of this is available at the Murray City Community and Economic Development Department.

Scot Woodbury opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

APPROVAL OF MINUTES

Ms. Daniels made a motion to approve the minutes from March 20, 2014, with a change on page 6, "Mr. Markham is not confident that there can be adequate conditions imposed that would mitigate potential damage that this type of business would cause to the community." Seconded by Mr. Markham.

A voice vote was made. Motion passed, 4-0.

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

APPROVAL OF FINDINGS OF FACT

A clarification was requested on the Findings of Fact. Mr. Wilkinson stated that the applicant of Curb Cart Concrete was looking for clarification on which property line the solid fencing needed to be on. Ms. Daniels clarified that the fence was intended to be on the further East of the West property lines for the aesthetics of the buffer against the other property lines and was not intended to be along the freeway. Ms. Daniels made a motion to approve the Findings of Fact and Conclusions for the conditional use permits for the Budget Car & Truck Rental and Curb Cart Concrete.

Seconded by Ms. Mackay.

A voice vote was made. Motion passed, 4-0.

ROY WEBBER COUNSELING, LLC – 5573 South 235 East – Project #14-37

Roy Webber was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a major home occupation for mental health and substance abuse counseling with individuals, and couples for the property addressed 5573 South 235 East. Major Home Occupations are home occupations which either require a client to come to the home or which may result in neighborhood impacts if not properly managed. These uses may be authorized as an accessory use through a major home occupation permit pursuant to the standards specified in Murray Code Section 17.24. Because of potential impacts, Major Home Occupations require signatures of approval of all abutting and adjacent property owners indicating that they consent to the use of the property as a major home occupation. If all of the required signatures cannot be obtained, the applicant may request the application be referred to the planning commission to be considered as a major home occupation. If all the required signatures are obtained, the director or designee will approve, approve with conditions, or refer the application to the planning commission to be considered as a major home occupation. Because the applicant was unable to obtain the signatures of all abutting and adjacent property owners to conduct mental health and substance abuse counseling as a major home occupation, the applicant has requested that the application be referred to the planning commission for review. Based on the above information and findings, staff recommends that the Planning Commission approve the major home occupation request subject to conditions.

Roy Webber, 5573 South 235 East, Murray. Mr. Woodbury asked Mr. Webber if he has had an opportunity to read the six conditions of approval and if he can comply with them. Mr. Webber responded in the affirmative.

The meeting was opened for public comment. No comments were made and the public comment portion of the meeting was closed.

Mr. Markham made a motion to approve a major home occupation for mental health and substance abuse counseling with individuals, and couples for the property addressed 5573 South 235 East subject to conditions 1-6 as listed:

1. The home shall meet building and fire code standards.
2. Any business related parking will be provided on site.
3. Hours of operation shall be limited to between 8:00 a.m. and 6:00 p.m.
4. Counseling meetings are limited to four meetings per week.
5. The home occupation business shall be conducted entirely within the main dwelling as stated in Section 17.24.030 of the Murray Municipal Code.
6. The home occupation shall comply with all other standards of the home occupation business license.

Seconded by Ms. Daniels.

Call vote recorded by Brad McIlrath.

A _____ Phil Markham
A _____ Karen Daniels
A _____ Scot Woodbury
A _____ Vicki Mackay

Motion passed, 4-0.

CLEMENTE GOMEZ – 1246 West Winchester Street – Project # 14-41

Clemente Gomez was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a major home occupation which is a residential framing construction business located at the property addressed 1246 W. Winchester Street. Major Home Occupations are home occupations which either require a client to come to the home or which may result in neighborhood impacts if not properly managed. These uses may be authorized as an accessory use through a major home occupation permit pursuant to the standards specified in Murray Code Section 17.24. Because of potential impacts, Major Home Occupations require signatures of approval of all abutting and adjacent property owners indicating that they consent to the use of the property as a major home occupation. If all of the required signatures cannot be obtained, the applicant may request the application be referred to the planning commission to be considered as a major home occupation. If all the required signatures are obtained, the director or designee will approve, approve with conditions, or refer the application to the planning commission to be considered as a major home occupation. Because the applicant was unable to obtain the signatures of all abutting and adjacent property owners to conduct residential framing construction business as a major home occupation, the applicant has requested that the application be referred to the planning commission for review. The applicant, Clemente Gomez, is a residential framing contractor. The applicant has been working as a subcontractor for his current employer and has indicated the desire to begin his own business. The applicant intends on using the home as a business office and any storing of equipment shall be at construction sites. As outlined in Section 17.24 of the Murray Municipal Code, accessory buildings or yard space shall not be used for storage of materials used for the home occupation. One business vehicle may be parked at the premises, but other motor vehicles and equipment or trailers used in connection with the business may not be stored or parked on the premises of the licensee or any adjacent street. As a standard for home occupations, the home occupation may only be conducted by persons residing in the home and up to one person that does not reside in the home may be engaged with the business. Based on the above information and findings, staff recommends that the Planning Commission approve the major home occupation request subject to conditions.

Ms. Daniels asked Mr. McIlrath regarding the complaint that was made and being that this is a residential framing construction business with the ability to build on site if a condition three could be changed to show that not only will there be no storage onsite

but that there will also be no construction activity onsite. Mr. McIlrath responded that this is something that could be added on to the condition.

Clemente Gomez, 1246 West Winchester Street, Murray. Mr. Woodbury asked Mr. Gomez if he has had an opportunity to read the three conditions of approval and if he can comply with them. Mr. Gomez responded in the affirmative. Ms. Daniels asked Mr. Gomez if he would be able to comply with the addition to the condition if it were to be added. Mr. Gomez responded in the affirmative.

Ms. Daniels added to condition number three that no construction activity would happen on site related to the business. Mr. Markham wanted to make sure that Mr. Gomez was clear with the requirements regarding one business vehicle and that the home will only be used as a home office.

The meeting was opened for public comment.

Curt Stowell, 1222 Willow Run Drive, stated that his property is to the South of the property in question. Mr. Stowell stated that when he received the notification regarding this meeting and the application he had serious concerns, one being that the homeowners have a dog in the fenced in area that barks non-stop. If there is increased traffic due to the business, something needs to be done about the dog. The apron off of the street and the driveway to that property is a pretty good angle. If the business has pick-up trucks with trailers that they will get high centered, or drag vehicles and they may not have the ability to turn a trailer around. If there are employees that are parking there during dark hours that there will be more head lights shining on his property.

The public comment portion of the meeting was closed.

Ms. Mackay clarified the location of Mr. Stowell's home. Mr. McIlrath expressed that Mr. Stowell's concerns are valid and they are addressed in the standard home occupation business license standards. In the home occupation standards, trailers are not allowed to be parked on the property, enforcement will be done if the applicant does not abide by those standards. As with the vehicles parked on the property, there is only to be one business vehicle parked on the property and any employee vehicles are not allowed to park on this property. If there is any other person involved with the business in the future, Mr. Gomez will need to get a commercial location.

Ms. Daniels stated that regarding the dog, she had noticed that there was an issue with barking but as this is a residential framing business, clients will not be coming to this location. Ms. Mackay stated that there are signatures from several of the neighbors.

Ms. Daniels made a motion to approve a major home occupation for a residential framing construction business located at the property addressed 1246 W. Winchester Street subject to conditions 1-3 with the addition to condition number 3 that no construction activity related to the business be done on the property:

1. The home shall meet building and fire code standards.

2. The applicant shall obtain a Murray City Business License and shall operate the business according to the standards for home occupation businesses found in Chapter 17.24 of the zoning ordinance.
3. There shall be no on site storage of construction materials at this property. Trailers, construction equipment and materials shall be stored at a separate location or on the job site. In addition there shall be no business related construction activity on this site.

Seconded by Mr. Markham.

Call vote recorded by Brad McIlrath.

A _____ Phil Markham
A _____ Karen Daniels
A _____ Scot Woodbury
A _____ Vicki Mackay

Motion passed, 4-0.

RIVERVIEW SMITH'S – 671 & 645-665 West 5300 South – Project #12-145

Joshua Peterson was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a Conditional Use Permit for an Electronic Message Center sign for the property addressed 645-665 & 671 West 5300 South. Municipal Code Ordinance 17.48.200 allows Electronic Message center signs within the C-D-C zoning district subject to Conditional Use Permit approval. The electronic message center will occupy 94.83 square feet of the remodeled Riverview Plaza sign with the total proposed signage equaling 296.47 square feet. The existing sign does not meet the minimum clearance standard of eight feet (8') from grade to the bottom of the sign, but the remodeled sign will comply with this minimum clearance standard. Each section from the tenant directory portion to the plaza identification portion at the top of the sign will be constructed to meet City standards. On premise detached signs shall be erected at one and one half square feet (1 ½) of sign area for each linear foot of street frontage, without exceeding a maximum of three hundred (300) square feet of total sign area. The applicant will be completing a property line adjustment in order for the property, which the sign is located on, to have sufficient street frontage for the sign area. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Mr. Woodbury clarified with Mr. McIlrath that the businesses to the East of Smiths are considered a different property, so the smoke shop signs belong to the smoke shop but because they are on the Smith's property they would need to be taken down. Mr. McIlrath answered that the code states that any off premise signs, not on the property, the signs are not allowed. Those signs do violate the code because they are not on the smoke shop's property. Wind-flags or banner signs are allowed for a 90-day period as a temporary period, but they do have to be located on the business

property. This is something that wasn't included originally; staff is recommending that the planning commission include condition six.

Joshua Peterson, 4171 South 3600 West, stated that Mr. McIlrath did a great job presenting and that he agrees about the smoke shop signs. The plan was that after the electronic message center is up the signs are not going to be allowed anyway. Mr. Woodbury asked Mr. Peterson if he has had an opportunity to read the six conditions of approval and if he can comply with them. Mr. Peterson responded in the affirmative.

Ms. Daniels asked if the entire current sign will be coming down except for the central pole and then everything else will be replaced. Mr. Peterson answered in the affirmative.

The meeting was opened for public comment. No comments were made, and the public comment portion was closed.

Mr. Markham made a motion to approve a Conditional Use Permit for an Electronic Message Center sign for the property addressed 645-665 & 671 West 5300 South subject to conditions 1-6 as listed:

1. The project shall meet all applicable building and fire code standards.
2. The applicant shall provide engineering calculations justifying the existing footing and pole sign are capable of supporting the additional loads from the electronic message center. Those calculations shall be submitted with plans for the sign permit to the Building Division.
3. The project shall meet all current fire codes.
4. The applicant shall complete a property line adjustment in order for this property to have sufficient street frontage required for the requested sign area. The property line adjustment shall be completed with documentation provided to Planning Staff prior to the issuance of a sign permit by the Building Division.
5. Due to the location of the sign being within five hundred feet (500') of a residential area, the sign may not operate between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. of the following day. The sign shall comply with all standards outlined in Section 17.48.200 for electronic message centers.
6. All signs that do not comply with Chapter 17.48 of the Murray Municipal Code shall be removed prior to issuance of the sign permit for the electronic message center.

Seconded by Ms. Daniels.

Call vote recorded by Brad McIlrath.

A _____ Phil Markham
A _____ Karen Daniels
A _____ Scot Woodbury
A _____ Vicki Mackay

Motion passed, 4-0.

HEALTHCARE TRANSFORMATION LAB – 4982 South State Street – Project #14-39

Todd Braun was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a Conditional Use Permit for medical devices and health care equipment manufacturing within the existing building in the M-C-C-D zone at the property addressed 4892 South State Street. Municipal Code Ordinance 17.170.080. F. requires a Conditional Use Permit for medical devices and health care equipment manufacturing within the existing building in the M-C-C-D zone subject to Conditional Use Permit approval. The building was previously used by a patio and outdoor furniture business. The M-C-C-D zone does not have a specific parking standard for this use, but the Land Use Ordinance parking regulation in Municipal Code 17.72 requires the higher number of parking stalls based on square ft. number of employees at the highest shift. The building contains 7,150 sq. shop floor areas which will require 10 parking stalls. The applicant indicated there will be five employees at the highest shift. There are 11 parking stalls shown on the site plan including two disabled stalls which complies with the minimum parking requirements. The ADA parking stalls must comply with ADA regulations with striping and signs posted at the head of the stalls. Based on the information presented in this report, application materials submitted and the site review, staff recommends the planning commission grant Conditional Use Permit approval subject to conditions.

Todd Braun 524 South 600 East, wanted to clarify that the facility will be used for prototyping devices any manufacturing will be done somewhere else at a different facility. Mr. Woodbury asked Mr. Braun if he has had an opportunity to read the eight conditions of approval and if he can comply with them. Mr. Braun responded in the affirmative.

The meeting was opened for public comment. No comments were made and public comment portion was closed.

Mr. Markham stated that he is disappointed that there will be no enhancements made to the exterior of the building. It would have been a nice gesture to enhance the building

Ms. Mackay made a motion approve a Conditional Use Permit for medical devices and health care equipment manufacturing within the existing building in the M-C-C-D zone at the property addressed 4892 South State Street subject to conditions 1-8 as listed:

1. The project shall meet all applicable building code standards. Provide stamped and sealed plans from appropriate design professionals including code analysis.

2. The project shall meet fire codes.
3. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted with the building permit and installed as approved prior to occupancy.
4. All trash containers shall be screened as required by Section 17.76.170.
5. All parking stalls shall be paved and striped, including disabled stalls with signs posted, to meet zoning and ADA regulations.
6. Meet all Water and Sewer and Power Dept. requirements.
8. Update the building address to meet current City standards.

Seconded by Mr. Markham.

Call vote recorded by Brad McIlrath.

A _____ Phil Markham
A _____ Karen Daniels
A _____ Scot Woodbury
A _____ Vicki Mackay

Motion passed, 4-0.

ACE PROPERTY MAINTENANCE – 5915 & 5919 South 350 West – Project #14-42

Rich Learned was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a Conditional Use Permit for a landscape contractor maintenance business at the property addressed 5919 South 350 West. Municipal Code Ordinance 17.152.030 allows a landscape contractor maintenance business within the M-G-C zoning district subject to Conditional Use Permit approval by the Planning Commission. The business provides landscape maintenance services to their clients, including fertilization and sprinkler system maintenance and repair. They also provide snow removal services during the winter months. The hours of operation are generally from 8 a.m. to 6 p.m. Monday through Saturday. However, during the winter months, because of unpredictable weather, the hours of operation vary. The facility has 9,500 sq. ft. that consists of an area for a receptionist, two offices, storage area, mechanic bay, truck and trailer storage, an area for lawn mower and equipment storage, and restroom facilities. For office/warehouse uses, Chapter 17.72 of the city code requires 4 parking spaces for each 1,000 square feet of net office space plus 1 space for each 750 square feet of net floor area, or 1 space for each person on the highest employment shift, whichever is highest. The site plan shows ten (10) parking stalls on the west side of the property and twelve (12) parking stalls on the east side. There is approximately 1,600 square feet of net office space which requires 6.4 parking stalls and 7,900 square feet of storage area which requires 10.53 spaces for a total of 17 spaces. The applicant indicated that the business

currently has 12 employees. The planning office has already received two complaints about Ace vehicles being parked on both 300 and 350 West Streets. Section 17.72.020 D. of the off street parking and motor vehicle access standards state that “the owner or operator of any use, building or structure shall ensure that those who either reside or work on the premises shall occupy the spaces provided.” Based on the information presented in this report, application materials submitted and the site review, staff recommends Conditional Use Permit approval subject to conditions.

Rich Learned, 11223 South 600 West, Mr. Woodbury asked Mr. Learned if he has had an opportunity to read the five conditions of approval and if he can comply with them. Mr. Learned responded in the affirmative.

The meeting was opened for public comment.

Mark McBride, 14113 South 2700 West, stated that he owns property just south of the property in question. Mr. McBride stated that he is still concerned about the parking. The pictures staff presented show trucks parked on the road and employees are parking in his parking lot. Mr. McBride stated that he has no objection against the business, but with the amount of trucks the business has, Mr. McBride does not see how the parking can work with the employees unless there is another location where the employees can park.

Jim Towers, 246 East 5300 South, stated that he owns a piece of property at 5932 South 350 West, there have been complaints from the renters at this property regarding the parking blocked their entry into the property. Mr. Towers stated that he welcomes this business into Murray; the parking will just need to be taken care of.

Boyd Martin, 8248 South Derby Way, stated he owns the building adjacent to this property, he just wanted to clarify that the property line. They share a common entrance, Mr. Learned’s side of the business entrance is on the west side and Mr. Martin’s is on the east side. Mr. Martin just wanted to clarify that the entrance has to be shared. The biggest issue with the previous tenant was the entrance being blocked for the customers coming into the business.

The public comment portion of the meeting was closed.

Mr. Learned stated that they are in the process of moving in so things are disorganized on the inside, there are things that they are unable to bring into the building but every day they get closer to getting organized and moved in. Ms. Daniels asked Mr. Learned if he would be able to comply with the parking situation. Mr. Learned responded in the affirmative. Mr. Woodbury encouraged Mr. Learned to get moved in quickly and be a good neighbor to these other businesses.

Ms. Daniels made a motion to approve a landscape contractor maintenance business at the property addressed 5919 South 350 West subject to conditions 1-6 as listed:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.

3. The project shall meet all Water and Sewer Department requirements.
4. Any trash containers on the site shall be screened as required by Section 17.76.170 of the city code.
5. Comply with all of the off street and motor vehicle access standards in Chapter 17.72 of the Murray Municipal Code. (All employee and work vehicles and equipment must be parked on site at all times.)
6. Properly contain the pile of salt to prevent damage to the existing landscaping, and contamination to the storm drain system or any of the surrounding area.

Seconded by Mr. Markham.

Call vote recorded by Brad McIlrath.

A _____ Phil Markham
A _____ Karen Daniels
A _____ Scot Woodbury
A _____ Vicki Mackay

Motion passed, 4-0.

PARRIS RV, INC. – 4346 & 4360 South State Street 62, 72 & 82 East Edison Ave –
Project #14-43

Brett Parris was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a temporary Conditional Use Permit for an RV sales business located at the property addressed 4346, 4360 South State Street, and 62, 72 and 82 East Edison Street. Municipal Code Ordinance 17.160.030 allows an RV Sales business use within the C-D-C zoning district subject to Conditional Use Permit approval. The applicant has provided two site plans and landscaping plans with details for temporary and final plans. The request for temporary Conditional Use permit includes site improvements on State Street and Edison Street frontages and interior areas shown on the temporary plans, which includes landscaping and paved/striped parking areas. The improvements will need to be completed with the building permit final for the office/RV showroom. The building remodel will include new office space and showroom. A new overhead door will be installed on the south side of the building. The properties will need to be combined before a building permit is issued for the new office showroom because there is a boundary line located close to the south side of the building. The reason the applicant is requesting the temporary Conditional Use Permit is for additional time to complete the total site improvements over a two year time frame. Municipal Code 17.56.100 allows the Planning Commission to approve a temporary Conditional Use Permit for six months which may be renewed by the planning staff for three successive six month time periods for a total of two years. All of the site improvements will need to be completed within a two year time frame including the paving, striping, and landscaping the western portion of the property. The applicant will need to apply to the Planning Commission

for a permanent Conditional Use Permit at the end of eighteen months (by October 2015) for the final approval and final site improvements will need to be completed by April 2016. If the total site improvements are not completed, the Conditional Use Permit shall expire. The plans show parking areas for display of RVs and parking stalls for customer employee parking to comply with code. The remodel for the new office/show room area contains 2,168 sq. ft. and has 6 offices which will require six parking stalls with one employee per office. There are also two other buildings on the property with 2,480 sq. ft. in shop space and 1,100 sq. ft. in office space which will require seven parking stalls for customer and employees. Twenty six regular parking stalls, including two disabled stalls, are shown on the plan for customers and employees. Based on the information presented in this report, application materials submitted and the site review, staff recommends the Planning Commission approve temporary Conditional use Permit approval subject to conditions.

Brett Parris, 1867 Mule Deer Drive, Draper, Mr. Woodbury asked Mr. Parris if he has had an opportunity to read the nine conditions of approval and if he can comply with them. Mr. Parris responded in the affirmative.

The meeting was opened for public comment. No comments were made and the public comment portion of the meeting was closed.

Ms. Daniels made a motion to approve a temporary Conditional Use Permit for an RV sales business located at the property addressed 4346, 4360 South State Street, and 62, 72 and 82 East Edison Street subject to conditions 1-9 as listed:

1. The applicant shall combine the parcels of property prior to issuance of a building permit with approval of the Murray City Engineer.
2. The project shall meet all applicable building and fire code standards. Provide plans stamped and sealed by appropriate design professionals to include code analysis. The parcels shall be combined or the openings on the south wall will need to be eliminated as the south wall is on the property line. Comply with IBC Sections, 705.8 & Table 705.8.
3. The project shall comply with Murray Water and Sewer Department requirements.
4. Any trash containers shall be screened as required by Section 17.76.
5. The parking stalls required with the temporary Conditional Use Permit shall be paved and striped to comply with Municipal Code 17.72 including disabled stalls to comply with ADA regulations.
6. The project shall comply with Murray Fire Department requirements.
7. Formal landscaping/sprinkler plans meeting the requirements of 17.68 of the Murray Municipal Code shall be submitted with the building permit for the temporary Conditional Use Permit improvements area and shall be installed as approved prior to final occupancy of the office/showroom building.

8. Install curb wall or curb and gutter along the frontage landscaping on Edison Street.
9. The applicant will need to apply to the Planning Commission for permanent Conditional Use Permit at the end of eighteen months (by October 2015) for the final approval and the final site improvements will need to be completed by April 2016.

Seconded by Mr. Markham.

Call vote recorded by Brad McIlrath.

A _____ Phil Markham
A _____ Karen Daniels
A _____ Scot Woodbury
A _____ Vicki Mackay

Motion passed, 4-0.

LEE MART – 5905 South 700 West – Project #14-36

Sanh Ly and Huong Tran were the applicants present to represent this request. Brad McIlrath reviewed the location and request for a zone map amendment from R-1-8 (residential single family) to C-N-C (commercial neighborhood conditional) for the existing gas station and convenience store which has been in operation since about 1980. One reason the applicant is requesting the zone change to C-N-C is the property is currently legal non-conforming in the R-1-8 zone. If the structure was damaged, burned, or damaged by another event to more than 60% of its replacement value, it may not be rebuilt except in conformity to the regulations of the zone. The Murray General Plan Future Land Use Map designates this property to be commercial retail use. The site is located at the intersection of 700 West and 5900 South. Both 5900 South and 700 West are arterial streets with higher traffic conditions. The purpose of the General Plan is to provide overall goal and policy guidance related to planning issues in the community. The plan provides for flexibility in the implementation of the goals and policies depending on individual situations and characteristics of a particular site. Chapter 2 of the Murray City General Plan identifies the goals and objectives for land use in the community. The plan also identifies future land use as depicted in Map 2-4. The Murray General Plan, adopted in June 2003, identifies this property on the Future Land Use Map to change to commercial retail. There has been a gas station located on this property from about 1980. Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested Zone Map Amendment from R-1-8 to C-N-C.

Mr. Markham asked if this were to be granted what other uses are permitted in the event the property owners were to sell this property in the future. Mr. McIlrath stated that the C-N-C district allows for uses that are light commercial uses; they have to be compatible with the neighborhood. Mr. Wilkinson stated that it might be simpler to list

the uses that are not allowed in this zone which include: automobile dealerships, repair shops; things that include higher intense commercial uses are not allowed.

Alana Ly, 5892 S Green Oaks Drive, speaking for her parents Sanh Ly and Huong Tran who own Lee Mart.

The meeting was opened for public comment.

Randy Williams, 396 East 1650 South, stated he works for the Health Department. Mr. Williams stated that the Health Department is concerned, just wanted to make sure that this business will not be staying open late at night, so there is not a problem with noise.

Mr. Wilkinson clarified that this application is for a zone change, the use is already established, and it's an existing non-conforming use. A zone change cannot be conditioned, it is an either/or proposal.

The public comment portion of the meeting was closed.

Ms. Daniels made a motion that the Planning Commission forwards a recommendation of approval to the City Council for the requested Zone Map Amendment from R-1-8 to C-N-C for the Lee Mart located at 5905 South 700 West.

Seconded by Ms. Mackay.

Call vote recorded by Brad McIlrath.

A _____ Phil Markham
A _____ Karen Daniels
A _____ Scot Woodbury
A _____ Vicki Mackay

Motion passed, 4-0.

ORDINANCE AMENDMENT TO ALLOW CHICKENS AND BEES IN SINGLE FAMILY RESIDENTIAL ZONES – Project #14-35

Chad Wilkinson and Rick Maestas presenting. Over the past several years City staff have received multiple requests from citizens wishing to keep chickens and bees on their Single Family residential zoned properties. Currently the zoning ordinance limits the areas where chickens and bees may be kept to the Agricultural zoning district. Recent interests in local food production and self-reliance have resulted in many communities revising ordinances to allow for the keeping of chickens and bees on single family residential lots.

On November 20, 2012, the City Council directed staff to move forward with a public process to gain input from citizens on the topic of chicken and bee keeping in single family residential zoning districts. Two public open houses were held on February 26, 2013 and March 26, 2013. At these open houses, a survey was provided to obtain

feedback from attendees. In addition, an online survey was conducted that ran from February through April 2013. There were 282 surveys completed related to chickens including 180 online responses and 102 paper responses. There were also 211 surveys received related to bees including 115 online responses and 96 paper surveys. The surveys gave residents opportunity to provide free-form comments which have been attached to this report. The survey was non-scientific research and the results represent the opinions of those who were interested enough in the topic to provide comments. The purpose of the survey was to open dialogue and provide an opportunity for public input on the topic. Of those who responded to the survey, 78 percent indicated that they felt chickens should be allowed within all single family residential zones. A similar percentage felt that beekeeping should be allowed in single family residential zones. The surveys also allowed respondents a chance to indicate issues that should be considered related to chickens and beekeeping.

Staff presented the results of these surveys to the City Council on January 21, 2014 and received direction to move forward with drafting an ordinance that would allow for chicken and beekeeping in Single Family residential Zones. The attached zoning ordinance text would create a new chapter entitled Residential Chicken and Beekeeping Standards. The proposed text of the chapter is attached to this report for your review. In addition to the general question of whether or not chicken and beekeeping should be allowed in single family residential zones, staff is seeking input on the following specific issues related to the ordinance:

- Should a permit be required for the keeping of Chickens?
- How many birds/hives are appropriate for a lot?
- Should the City adopt specific standards for height/size of coops?
- Should there be a permit for beekeeping in addition to the annual registration required by the State of Utah?

Because staff anticipates a significant amount of public input on this topic, staff recommends that the Planning Commission take public comment and provide input to staff on the proposal including any recommended changes to the proposed ordinance. Staff recommends that the commission continue the item in order for input from the public and the commission to be considered and incorporated into a proposed ordinance.

Rick Masetas read a brief statement that he had prepared, "As a planning intern for Murray's Community and Economic Development Division, I have had the opportunity to develop a proposed residential chicken and beekeeping ordinance with the assistance of my supervisors. I have carefully considered and weighed both sides of the issue, those that want to keep chickens and bees and those that don't want to live near chickens and bees. I believe that Murray City residents have provided with an open mind with an open mind, good evidence of both pros and cons of keeping chickens and bees. I have reviewed public comments from Murray City residents; I have studied nearly every existing chicken and bee keeping ordinance in the Salt Lake Valley and I have consulted with experts to develop the best regulations that will

promote the health, safety and welfare for both humans and animals being kept.” Mr. Masetas stated that this ordinance will enable the keeping of a limited number of chickens and bees, for family food production only. This facilitates residential, agricultural purposes while preserving the health of both animals and humans. This also establishes sound requirements of chicken and beekeeping practices. The residential zones that chicken and beekeeping would be allowed in are R-1-6, R-1-8, R-1-10, and R-1-12. Lots that are less than 8,000 square feet would be permitted. Non-commercial use only is an important factor. Mr. Masetas is recommending that a one-time City Permit be required to register. Registration with the Department of Agriculture and Food is currently required anyway for beekeeping. Mr. Masetas recommended that the proposed chicken and beekeeping ordinance be restricted to rear and corner yards 10’ away from habitable buildings on lot, 15’ away from entrances to habitable buildings, 25’ away from habitable buildings on adjacent lots, 3’ setback from property lines for chickens and 10’ setback from property lines for bees. Coop structure and run structures for chickens would be required to be kept in a fully enclosed coop or run; openings covered with ½” wire mesh, coop minimum floor size of 4 sq. ft. per chicken, coop shall not exceed 7’ in height, adequate ventilation required on multiple sides and feed containers rodent-proof and predator-proof. Hive structures for bees would require only active hives with removable frames permitted, hives placed a minimum of 6” above ground, hives can be stacked not more than 6’ in height; each stack constitutes 1 hive, flyway barrier required and a convenient water source placed on property.

Mr. Wilkinson stated that he has appreciated the work the Rick has done; he has worked on this ordinance for three months. This is that of his degree fulfillments for graduation at the University of Utah. Mr. Wilkinson stated that there was an email sent out based on those that participated in the open houses last year. For those who were not able to participate and would like to be placed on this mailing list in the future the list is available to the public at this meeting. There was a copy of the proposed ordinance passed around for those who wanted to review it. Mr. Woodbury reminded the public that this ordinance is the first draft proposal and that the decision has not been made final. Mr. Wilkinson answered a question that was asked by someone in the audience, 8,000 square feet is around a fifth of an acre.

The meeting was opened for public comment.

Bob Warnock, 882 W Germania Avenue, stated that the presentation about the ordinance was very good. Regarding the survey, the response the City received was only from 211 residents of Murray. Mr. Warnock expressed that the number of responses received is a very low number. Mr. Warnock expressed that if he were moving into a neighborhood that had a set ordinance for chickens and bees he wouldn’t have a problem, but where this ordinance is being changed to allow farm animals in a residential zone, Mr. Warnock does not think it’s appropriate. Mr. Warnock does not understand why the ordinance would approve all residential areas at once instead of making this a conditional commitment. Mr. Warnock wanted to know who would be the one to enforce the chickens and bees, what would the cost of enforcement be and what type of enforcement would be done.

Craig Wallentine, 5103 S Wintergreen Circle, stated that his son has seven chickens and he loves them and they love him. Mr. Wallentine stated that these chickens have their own home and they get along very nicely. Mr. Wallentine stated that his son also has a crossbow, if you are going to own chickens, you will have raccoons and skunks, especially where many residents live right by the Jordan River. There are rules about dogs in the City, and presumes they will be as inefficient regulating about chickens and bees as they are with dogs. Ms. Daniels clarified with Mr. Wallentine that his son has chickens. Mr. Wallentine stated that his son has chickens but does not live in Murray and the neighbors love the chickens as they share eggs with each other. Ms. Daniels asked how Mr. Wallentine's son's chicken coop is constructed. Mr. Wallentine stated that the chickens have their own run and their own territory.

Dannie King, 5101 Germania Place, stated that she is the recipient of neighbors having chickens next door; they no longer have chickens as Ms. King called the City. Ms. King has lived in Murray since she was eight years old and there has never had a mouse, once the neighbors got the chickens, there were mice in Ms. Kings' yard and house. Ms. King stated that she had to replace carpets because the mice were leaving droppings and urine on her floors and they could not be cleaned. Ms. King stated that the neighbor should have replaced the carpeting as it was his chickens that caused the mice to infest her home in the first place. Ms. King stated that she feels that allowing chickens will cause a lot of bad feelings between neighbors. The chickens will bring rodents and bigger animals and there is no way to keep the rodents out.

Mark Oliver, 5769 S Golden Drive, stated that his back yard is parallel to the freeway and there is every animal known to man in this yard. Mr. Oliver stated that there are pigeons and skunks, Mr. Oliver stated that he is okay with chickens, if the neighbors approve of the chickens and bees, he doesn't see a problem with them.

Chris Rodesh, 6556 S Jefferson Street, stated he is the Salt Lake County Apiary Inspector, he stated that someone brought up enforcement, Mr. Rodesh stated that he is the one who is called out to different townships in Salt Lake County to inspect people's hive for health and compliance to the State regulations. Mr. Rodesh stated that while he is not a zoning enforcement person, he is actually called in for disputes between neighbors and where there is bad blood concerning bees. Mr. Rodesh explained that his experience with the townships throughout the county, a lot of the townships started without any regulation at all and it was done on a case by case basis which a lot of zoning is done. In the last four or five years that he has been the inspector cities all over the valley are adopting beekeeping as a regulated practice. Moving from non-regulated, where people keep it under cover, to regulated, where there is an actual expectation of how things are done is a much better practice. Mr. Rodesh stated that he sees hives all the way down to the border of Utah County all the way up North, and he responds to a number of complaints where people call the health department. In large he finds that neighbors usually work the issues out but in cases where they have been an absolute disagreement, the beekeeper has removed the hives. In general, Mr. Rodesh finds that people have bees in their yards with children, dogs, cats without much problem. And Mr. Rodesh feels that the ordinance that has been written complies with a lot of other ordinances in the valley and he supports it, as is.

Tammy Carrell, 5102 S Clover Meadow Drive, started with a quote from Mr. Wilkinson in a Council Meeting in January, he said, "There are at least a couple requests per week in Murray to allow chickens. The interest calls probably outweigh the complaint calls." Ms. Carrell stated that she and her husband have canvassed the area and only found one other person that was aware that chickens were being considered in Murray. If the majority of the community is unaware of this proposal there would be no reason for them to call with complaints or to even attend these hearings. Therefore it only makes sense that people who are interested raising chickens would outweigh any complaints received by Mr. Wilkinson. Ms. Carrell said that Mr. Wilkinson said that he receives a couple calls a week, if you double that, it's 208 calls a year. There are 11,044 single family homes in Murray City, that is 2% of the community showing interest in raising backyard chickens. There is nowhere near a majority, with those numbers it is unclear to Ms. Carrell and several of her neighbors why this discussion is being held. 98% of the community bought their homes with the expectations that they would not be living next to poultry and farm animals. Ms. Carrell states that she has read hundreds of comments on websites, open forms and blogs both for and against chickens trying to have an open mind and she studied both the pros and cons. The biggest problem Ms. Carrell found on all websites, both for and against, were the mice and the rats. These rodents want to live in the coops and the homes near the coops. Rodents are not only a nuisance but a threat to people's properties and health and wellbeing as well as bring disease to chickens themselves. Ms. Carrell spoke to Mike McKillen with Orkin Pest Control, Alisha Morgan with Intermountain Farmers and Maria Prestridge at Wheeler Farm all three of these people indicated to Ms. Carrell that whether you own chickens or you live near chickens there will be rodents with the second biggest concern being raccoons, fox and predators. Mice and rats are attracted to the feed; they want to live in or near the coops and compost piles. Ms. Carrell brought up the concern of how residents will get rid of the mice and rodents if this were to become a problem in the community. She found that people use rat poison pellets or poison blocks around property lines without professional help to keep their yards protected from rodents. Ms. Carrell stated that poison pellets may not be an issue for people who live on an acre of land but in subdivisions there are children and pets making this very dangerous. Ms. Carrell also mentioned the liability that a homeowner would have if a child or pet were to ingest these pellets causing even more contention between neighbors. Ms. Carrell asked why residents should have to take such extreme, dangerous and costly measures to enjoy their own yards because neighbors are unaware of the negative consequences it could have in a neighborhood. Ms. Carrell asked that the commission take into consideration what approving this ordinance could do to a community just to appease a fraction of people and also recognize that residents living near the parkway do not need any further attractions to draw rodents or predators into their backyards.

Bryant Larsen, 5483 Walden Wood Circle, stated that he is currently a chicken owner in Murray City. Mr. Larsen stated that he has had chickens for a few years now and his children are the ones that primarily take care of the chickens and this is for a reason. Mr. Larsen wanted his children to know where food comes from and have some responsibility when it comes to caring for food. Mr. Larsen stated that they have learned that all baby chicks that are purchased are not hens, there is a 20% chance that when you purchase a chick it is not always going to be a hen, they have had to get rid of a rooster before. Mr. Larsen stated that his neighbors are not complaining

about the chickens, they have built an adequate coop for these chickens, although it does not conform to the square footage size that was mentioned in this ordinance. Will it be allowed for people to make suggestions for that part of the ordinance? Mr. Larsen stated that his chickens roam the backyard, but he would be happy to change that. Mr. Larsen wanted to express his gratitude to Murray City for considering this and letting those residents who have had chickens illegally up to now to have some regulations that can be followed. Mr. Larsen wanted to know why there was a limit on how many chickens per square footage when it didn't seem like the square footage was being taken into account if they have to just live in a coop in a run. Mr. Woodbury asked Mr. Larsen to make a recommendation on the record for regarding the square foot concern he had. Mr. Larsen explained that his chickens go into their coop when it is almost dark and they sleep on poles and when its light the door is opened and they are let out. They spend almost zero time in the coop during the day having a lot of square footage there would be a waste of space in his opinion, maybe if it was two square foot per chicken instead of four. When the chickens sleep they are not on the ground, they are up in the rafters on poles. Mr. Larsen stated that he has nine chickens and he feels that all his chickens are happy. Mr. Larsen stated that had a wood pile in his yard before the chickens, which attracted more mice than the chickens have. Since the wood pile has been removed, so has the problem with mice.

Gage Mulligan, 5816 Cary Circle, stated that he is fifteen years old and in the ninth grade at Hillcrest Jr. High. Mr. Mulligan stated that he has been researching chickens thoroughly for the past few months and he stated that has convinced his parents to allow him to have chickens of his own. Next year, Mr. Mulligan is planning to raise chicks. Mr. Mulligan expressed that he would like the City ordinance to be passed so that he may continue to go through with his ambitions. Mr. Mulligan stated that if you look at the reason why people are so concerned about chickens, it's because they don't really know the bird. Most people have never had chickens and they are negative only to the stereotypes they have heard about chickens. Mr. Mulligan stated that backyard chickens do make noise, that's because unlike their dismembered cousins at the grocery store they are typically alive. The noise chickens make a few clucks every now and then, are easily drown out by the cars on surrounding streets and freeways, the helicopters that approach IMC and constructions on the road. When chickens make an excessive amount of noise, you are usually hearing a rooster; the hens typically make a little more noise than a flock of pigeons. The smell, yes, chickens produce waste, which unlike the floral scented waste of dogs and cats and humans, has a distinct odor. Mr. Mulligan stated that he has heard his mom complain about the smell of garbage cans while jogging around the City and this smell is no worse than the smell of backyard chickens. The attraction of predators, chickens may predatory raccoons or even hawks, but so do garbage bins. Fortunately, since the inventions of the door and the bungee cord, every citizen now has access to amazing varmint detouring technology at the nearest hardware store. Will a hawk swoop down and snatch your dog? Probably not. Mr. Mulligan explained why he wanted chickens stating that he wants to have the benefits of the experience of having these animals and learning to become self-sufficient. Chickens can provide Mr. Mulligan and his family with an average meal; eggs are in a lot of what we eat – from scrambled eggs to cakes, cookies and more. Chickens also help with the backyard weeding. They love to trim down weeds, they provide a natural and easy way to get compost for the garden and you can share these things with your neighbors. Mr.

Mulligan stated that he has addressed three typical concerns that people raise with backyard chickens and some benefits that he has experienced. As you can see the cons are easily minimized when people truly know how backyard chickens impact the community. Mr. Mulligan expressed that he hopes what he has said will help to ease of the false preconceptions.

Troy Goodwill, 892 W Spring Clover Drive, stated that he has lived in his residential home for 33 years, when he moved into the City in the 1980's he called Murray City about raising chickens. At that time, he was told that he could have the chickens but if anyone complained he would have to get rid of them as the area he lived in was not zoned for chickens. Mr. Goodwill stated that in the 80's and 90's he raised chickens, pigeons and rabbits, never had a neighbor complain or had a rat or mouse problem. Since having these animals, Mr. Goodwill stated that he has had mice problems due to gardening. In the past Mr. Goodwill had raised quail for eggs, so he would like to include any fowl or quail be used for laying eggs when describing the definition of chickens?

David McCarty, 5169 Lucky Clover Lane, stated he has had a neighbor who has had chickens, Mr. McCarty didn't know that the neighbor had chickens for almost a year and it wasn't until the neighbor got a rooster that Mr. McCarty noticed the chickens. He pointed out that he had never had any pest problems, never smelled anything or heard anything. The reason was because the neighbors did a good job keeping the coop clean. The coop was large, clean and it was well protected. Mr. McCarty stated that what makes his experience unique is that the neighbor tragically died and after he passed his family didn't take on the responsibility of the chickens. Once that happened, the chickens started to become a problem. If chickens are cared for properly, the neighbors may not even know about it for a long time. Mr. McCarty stated that he is slightly an animal right advocate and part of the reason he is in favor being able to raise chickens is because when you look at how commercial chickens are raised, they are raised in horrid conditions. Mr. McCarty stated that he does not personally own chickens, but he would like to have that as an option.

Jonathan Stevens, 750 Holly Avenue, stated that he has three small children and just recently moved to Murray from Midvale, and he had both chickens and bees at his home in Midvale. The bees moved with him but the chickens stayed with a neighbor in Midvale. Mr. Stevens stated that if a chicken coop is well kept, there isn't a problem with rodents or complaints from neighbors. Mr. Stevens stated that the benefit of children learning from these animals was amazing. Being able to keep chickens and bees allows Mr. Stevens to teach his children and other children where the food comes from and how to properly take care of animals.

Shirley Bateman, 6137 Crystal River Drive, stated that she has three reasons for being in favor of chickens. The main reason is having happier chickens, Ms. Bateman wants to know that the eggs she is receiving come from chickens that were treated well and it is healthier. Ms. Bateman stated that we live in a time where there can be hard times or a natural disaster and it would be nice to have a source of food. Ms. Bateman stated that there should be some regulation that people take care of the chickens. It is important to get along with neighbors, and would be nice to share these

resources with neighbors. Ms. Bateman thanked the commission for considering this ordinance as it is important to her.

William Strong, 629 E Duck Creek Circle, stated that he is totally opposed to this change in the ordinance with regards to beehives and chickens. Mr. Strong stated that Murray lots are really small and so whatever the next door neighbor does is really going to impact you and your property. Mr. Strong stated that he has done research; Murray has the smallest lot size of any City in Salt Lake County. Mr. Strong stated that this ordinance will really affect him if his neighbor decided to have chickens or bees. Mr. Strong stated that he worked on a farm growing up and animals stink. With small lot sizes, the smell will be a nuisance. With regards to bees, Mr. Strong doesn't know how the bees can be kept on one property, so if someone had bees you'd have to worry about getting stung. Mr. Strong stated that if you did a scientific survey instead of an un-scientific survey, you'd find that most people would be opposed to this ordinance. For those reasons, Mr. Strong would like this ordinance to be killed and not considered.

Alma Haskell, 5287 Clover Meadow Drive, stated that he would like to speak in support of the ordinance, not as one who owns chickens or bees or ever really intends to. Mr. Haskell stated that what made him come to this meeting was the flyer that went out opposing the ordinance. Mr. Haskell stated that he understands the nuisance concerns; he feels that people have spoken really well as to if this ordinance is followed if people are caring these correctly those nuisances can be mitigated. If they aren't, the enforcement is similar to the enforcement with pets. Mr. Haskell had question about the slaughter of these animals and where that would be taking place, the ordinance states that it is indoor-only. Mr. Haskell wanted to know if there were businesses that would perform this service for people on a small scale. Mr. Haskell pointed out that having chickens in a run all the time might be a bit much and wanted to know if there could be a compromise there, letting them be in a fenced yard with an adult present. Mr. Haskell feels that chickens are good insect control. On the bee side of things, maybe a provision might be added, if someone lives by that has allergies, bees wouldn't be allowed if they could provide some sort of medical proof of having allergies. Mr. Haskell states that licensing should be required for this, a small fee to take care of things and maybe to help educate people who might not know how to take care of the chickens to teach them exactly what to do to keep the chickens.

Dave King, 5101 Germania Place, stated that he grew up on a farm and his mother always had chickens and he hated them because they stink and he never could see where raising chickens, paying for all of the feed and all of the expenses that come with raising a small flock of chickens how it is financially justifiable to raise them. Mr. King stated that when he left home he swore he would never live on a farm again. When Mr. King and his wife were choosing a place to live in the Salt Lake Valley, Murray was the choice because as Mr. Woodbury has said Murray is a beautiful city. Mr. King stated that he talks to people all the time that would love to live in Murray, but can't afford it. So why do people want to lower the standard of living in this city by having chickens in their backyard. Mr. King stated that he is against chickens, he doesn't have a problem with bees but doesn't understand why someone would want a hive on their property.

Joylynn Brown, 367 E McMillian Lane, stated that her daughter wanted to tell the commission that she really wants chickens but she got too nervous to come up. Ms. Brown stated that they had chickens in the past and never had any mice or rat problems at that time. Ms. Brown stated that she has many family members in Murray who have mice and rat problems and they do not have chickens in their yards. Ms. Brown stated that she has taught first grade for many years and she always does a section where the kids hatch an egg and watch as a chick is born. After the chick is born Ms. Brown has to take the chick somewhere and has to explain to her students why she cannot take the chick home to her house. Ms. Brown stated that she doesn't like people telling her what she can or cannot do, and not being able to have chickens is a freedom issue, she doesn't like that people are telling her what kind of pets she can have in her backyard. Ms. Brown stated that her grandmother has had chickens in Murray in the past and so this is not a new thing for the City and she would like to see it come back.

Keith Gray, 5117 Glendon Street, stated the he grew up on a farm in Southern Idaho and had chickens, the neighbors had bees. Mr. Gray stated that he loved having fresh eggs in the morning for breakfast. Mr. Gray stated that he hated living on the farm and does not want chickens in his backyard. Right now Mr. Gray's next door neighbors have dogs, rabbits and cats. He states he cannot go into his backyard because of the stench. Mr. Gray expressed his concern that if the ordinance is passed, there will be a few people who will take care of their chickens, but he is afraid that too many people will not take care of them. If this passes, we need to make sure there are ways to enforce it.

Steven Daniels, 788 W Bullion Street, wanted to implore a favorable vote for the chicken and bee ordinance. Mr. Daniels stated that research is important and he would gladly have anyone do the research for what these bees and chickens can do. Mr. Daniels stated he considered it a raise in his standard of living by being able to raise bees and chickens. Currently not having those there is a problem with raccoons, squirrels and mice on his property. Mr. Daniels stating that since he is benefitting from those problems, he would love to benefit from the honey and the eggs.

Steve Barth, 1403 Lombardy Court, stated that this issue is a quality of life issue, we are talking about small production of animals that we already have in the City of Murray. Mr. Barth stated that he understands that bees travel from a hive up to ten square miles away. Chickens are in neighborhoods, and Mr. Barth stated that he encourages people to have their chickens. Mr. Barth stated that reasonable restrictions be put in place versus and control the atmosphere of what is going on in the community than to have it go underground and not have these issues addressed.

Isaac Sommers, 6023 South 115 West, stated that he has heard both sides and he is pro chicken, grew up with chickens, ducks and geese. Mr. Sommers stated that there was never a problem with rodents because the feed was kept in metal containers that the mice and rats could not chew through. Mr. Sommers stated that regarding waste disposal, wether the droppings are put in the garden or put in the garbage, it needs to be done every three to six months. Mr. Sommers agrees that there needs to be a permit to regulate the chickens in Murray. Mr. Sommers expressed that he feels like

bees and chickens are two separate issues and wondered why they have been combined into one discussion.

David Hurley, 143 West 5900 South, stated that he is a pediatrician and a resident of Murray and lived here for over 20 years. Mr. Hurley stated that he had intended to talk about chickens but had one thing to add about bees from a pediatrician stand point. As a pediatrician, the allure of electronic entertainment is a mighty evil, anything that will get kids outside and interaction with nature is a wonderful thing for their mental and physical health. Mr. Hurley stated that he feels like this is a great opportunity for kids to learn where food comes from. As a pediatrician, people do not understand that honeybees are not by nature aggressive, it's usually the yellow jacket or hornet bees that are aggressive. Honeybees are very passive except in defense of the hive. Mr. Hurley feels that people misunderstand the dangers of honeybees.

Mike Bateman, 6137 Crystal River Drive, stated that the reason why chickens on farms smell so bad is because they have them all crammed in one coop or run.

Todd West, 5847 Ayrshire Drive, stated that he is pro chicken and has raised chickens for about four years. Mr. West stated that he agrees with some sort of regulation for chickens, the four square foot per bird in a coop needs to be cut in half. He stated that he has eight chickens in roughly a twenty-five square foot coop with plenty of room. He also stated that chickens do smell bad if you are within two or three feet of the coop. The coop does need to be cleaned. Chickens are not that noisy, they may cluck when they lay eggs, roosters are noisy. But chickens are less noisy than dogs. Chickens should not be restricted to an 8,000 square foot lot, maybe the requirement should be a number of chickens per square foot per lot. Mr. West stated that chickens may attract raccoons and predators if you live close to the parkway.

Teresa Flores, 5188 Lucky Clover Lane, stated that she is pro chicken and bees. Ms. Flores stated that most concerns have been addressed regarding the proposed ordinance as far as maintaining coops, smells and rodents. Ms. Flores stated that her neighbor's dogs are louder and stink more than any chickens that she knows of in the neighborhood. Ms. Flores stated that she would not want to slaughter her own chickens if she had them, so she has done the research and there are companies in the valley for as little as \$5.00 a chicken they will slaughter and prepare the chicken to consume it. Ms. Flores stated that urban chickens are becoming very popular across the United States in large Cities.

Bryon Meyer, 1223 West River House Circle, he stated that he is very much in favor of this ordinance and thanked the public for their comments because ultimately it is about awareness both for and against. Mr. Meyer stated that he is very proud to live in Murray where he has lived his whole life. He stated that he thinks that this is being looked at in a very myopic view; this is a global issue especially when it comes to bees. Bees are on a decline right now at 30% a year. Those colonies are split and we have been able to recoup some of those losses but we all enjoy the vegetables as well as seeds and fruits. Without those bees, we would not be able to enjoy those things. Mr. Meyer stated that he is fully in favor of bees in the community. Mr. Meyer thanked Mr. Hurley as he has been his children's pediatrician. Mr. Meyer explained

that his son suffers from migraines and severe allergies. Because of the local bees, local pollen is collected and in turn is taken into our bodies and gain resistance to those allergies. In regards to chickens, they do not attract mice and rats, food attracts mice and rats.

May Gertz, 5518 Walden Meadows Place, stated that her grandfather had a farm with bees that were out in the middle of a big open areas and were not a problem. There was a chicken coop on the farm about the size of a double car garage. She stated that they would go and gather the eggs. And then the heads would be cut off the chickens, pluck the feathers off and then they would be eaten for dinner. However, Ms. Gertz does not want chickens in her backyard. She stated that she has dogs, and the two neighbors behind her property have chickens and they fly over the fence into her backyard. Ms. Gertz does not want to have to inspect her yard for the chickens before letting her dogs out. She stated that she is not for the chickens.

Cynthia Millar, 809 Lucky Clover Lane, stated that 25 years ago when she was looking for a place to live, they looked all over the valley and people had large lots with animals on them. She stated that she chose to live in Murray knowing the zoning and now people are moving into Murray knowing what the zoning is and want to change things. Ms. Millar stated that she does not want the zoning to change and does not want the option for her neighbors to have chickens. Ms. Millar stated that she eats a paleo diet; she buys her food from the farmers that raise the cattle, pigs and chickens the way she sees fit. She stated that she would be disappointed if this ordinance was passed.

Tanya Grant, 870 Red Oaks Drive, stated that chickens are not a big thing for her but the bees are. Bees pollinate her garden. She stated that she is more concerned with the sprays that are killing the bees than she is with bees hurting people. Ms. Grant explained that the bees protect the queen while they are in the hive. They are not going to fly out and sting anyone unless they are bothered. Ms. Grant stated that bees are a good thing for Murray.

Randy Williams, 396 East 1650 South, stated that he has been involved with ordinances for other Cities and the County, he said that the first thing you find out after an ordinance is passed is what went wrong with it and there is some regret. Mr. Williams stated that staff was given a copy of the guidelines for keeping backyard poultry and flocks from the health department. He stated that in the ordinance being proposed, mentions ½ inch openings, which is great for rats but should be ¼ inch for mice. If you build something with wire, it might last for about 5 years but hardware cloth is preferred. Mr. Williams expressed the need for enforcement on permit holders due to the number of complaints the health department receives. In conjunction with that, the permit fees need to be discussed, because that will be what pays for the enforcement.

Heidi Packer, 5625 S Hillside Drive, stated she is for chickens. The benefits of having the eggs are extremely healthy compared to the store bought eggs. Ms. Packer stated that when buying a home, you don't really look at the ordinance and move there based on what is allowed in that zone. Ms. Packer stated that she feels that chickens should be allowed due to the upcoming generation looking for the backyard farming

going forward. Also, the benefits of the honey from bees, having local honey from the area you live in that contains local pollen helps with allergies. Ms. Packer stated that IFA has stated that if chicks are purchased and you happen to get roosters, they will take them back.

Mr. Woodbury thanked the public for being civil and allowing everyone to speak. He also thanked them for coming to the meeting and being part of the public process.

William Strong, with regards to the size of lot that would be allowed, Mr. Strong believes that 8,000 square feet is too small and it should be doubled. With regards to what people are saying about having to chickens to teach their children how to raise things, Mr. Strong states that those people should raise a garden. Mr. Strong feels that the comments made in favor of chickens and bees aren't taking into consideration feelings of the neighbors. Mr. Strong stated that Murray isn't really good at enforcing the neighbor whose dog makes a mess in the yards so Mr. Strong has concern of how the City would enforce with chickens and bees. Mr. Strong expressed the need for a scientific study to be done as this would be a huge change in the community.

Mr. Wilkinson stated that staff is interested in getting comments regarding the ordinance. If there are specific comments to be made, they can be submitted to Murray City staff in writing. Mr. Markham asked that if it is decided to continue the discussion regarding chickens and bees, does there need to be a date certain. Mr. Wilkinson stated that there doesn't need to be a set date, but he recommends that there is a date set for the sake of getting the public notice. Under any circumstance, there will be an email sent out with information regarding the meeting. Ms. Daniels asked how much time staff would like in between meetings if this meeting is continued. Mr. Wilkinson answered that if the meeting is continued to a date and time certain, it does not need to be noticed, staff would like at least a month but it can definitely be extended.

Tammy Carrell, 5102 S Clover Meadow Drive, she stated that Mr. Maestas mentioned pests more than once in his comments, and she spoke to Mr. Stevens in a meeting last year regarding mice and rats in his yard with the chickens. Ms. Carrell stated that people do have problems with rodents and they are saying they aren't. Mr. Woodbury stated that the rodent and pest issue has already been spoken on and it is not a new issue.

Cynthia Millar, had a question regarding the actual coop, would there have to be a specific way the coop needs to be done so that the coop doesn't look trashy. Mr. Woodbury asked if Ms. Millar had a recommendation for the coop structure and size. Ms. Millar asked if there is a possibility if the coop could be less than a six foot fence, lower than your neighbor's fence so it is not visual to the neighbors.

Mr. Wilkinson stated that the plan is to bring these comments back to the commission at the next meeting so that there will be answers to the questions being raised.

Toyna Mulvey, 522 W Clover View Drive, she wanted to address the size of the coops. Ms. Mulvey stated that at Sam's Club they sell a premade chicken coop that houses four hens and it is nowhere near the size that has been indicated in the

ordinance. IFA also sells premade coops; those are also not comparable to the sizes that are being stated in the ordinance. Ms. Mulvey stated that she has lived next to people that have owned chickens and caging these animals all the time are not necessarily the best idea because the reason people get them is for the eggs. They also help with mosquitos near wetlands. When making a decision, all aspects of the chicken needs to be considered.

Steve Barth, 1403 Lombardy Court, made a suggestion. Mr. Barth suggested putting a committee together to dive into this with more detail and come up with fact based information on best practices on both sides. This might help get over some of these hurdles.

Bryon Larsen, 5483 Walden Wood Circle, he stated that he would suggest that it is not encouraged for people to push the coops as close as they can to the ground. Mr. Larsen stated that his coop is a foot and a half above the ground before it even starts. Mr. Larsen stated his coop is 8' x 4' on the floor and 5' tall walls and steep pitched roof, but has nice shingles and is painted white with dark trim. Mr. Larsen feels like the reason why he doesn't have a rodent problem is because the coop has been lifted on the ground. Mr. Larsen stated that he thinks it's a good idea for people to ask their neighbors for approval of chickens.

The public comment portion of the meeting was closed.

Ms. Daniels thanked the public for being at the meeting, as this is a pretty emotional topic. Ms. Daniels stated that she has researched this issue a lot and has spoken with a lot of people regarding property values and other things. Ms. Daniels expressed concern that the chickens and bees need to be regulated. Ms. Daniels stated that the proposed ordinance is going in the right direction if it is going to be approved.

Mr. Markham expressed concern that a decision is based on facts rather than just public testimony. Staff has been looking at this for over a year and a half, they find out the facts – what works in areas, what doesn't work in areas and those ideas and facts are brought to the commission and they also rely on the commission to do their own research. Mr. Markham stated that he is very impressed with the qualifications for the people on the commission as well as staff, and he is very confident that any decision will be based not only on facts, but what staff and the commission believes is the best for Murray.

Ms. Mackay stated that she loves chickens and bees but she also thinks that things need to be addressed really carefully and listen to all sides. Ms. Mackay stated that she had some chickens come and live in the yard of the business office of hers and one day a chicken showed up and laid three eggs and they hatched. Ms. Mackay stated that they didn't do anything to tame them or make them pets, and it was interesting how the chickens learned to survive. Ms. Mackay stated that she understands where everyone is coming from with this issue and she appreciates all the comments and the different sides to the issues. Ms. Mackay feels like this is something that needs to be discussed with the rest of the commission.

Mr. Woodbury stated that he spoke with a council member regarding the chicken and bee ordinance that the city of Syracuse has, Mr. Woodbury explained how the council member felt about the ordinance in Syracuse. Mr. Woodbury stated that if citizens are not going to follow the rules and ordinances of the city that is going to be an issue. There needs to be concerns regarding enforcement. Enforcement is a critical issue and it needs to be addressed correctly. Mr. Woodbury stated that it is about trying to find balance between the people that want to have chickens and the people that don't want them. Mr. Woodbury trusts that the staff will not suggest something that is not based on facts and on precedence of other cities. Mr. Woodbury stated that he looks forward to the next opportunity and reports and to have more of the commission present. Mr. Woodbury suggested the second meeting in May or the first in June to carry this meeting on.

Ms. Daniels made a motion to continue the discussion on the ordinance amendment to allow chickens and bees in residential zones to May 15, 2014.

Seconded by Mr. Markham.

Call vote recorded by Brad McIlrath.

A _____ Phil Markham
A _____ Karen Daniels
A _____ Scot Woodbury
A _____ Vicki Mackay

Motion passed, 4-0.

OTHER BUSINESS

Meeting adjourned at 9:35 p.m.

Tim Tingey, Director
Administrative and Development Services