

Minutes of the Planning Commission meeting held on Thursday May 15, 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
Vicki Mackay
Buck Swaney
Karen Daniels
Maren Patterson
Brad McIlrath, Assistant Planner
Tim Tingey, Administrative and Development Services Director
Rick Maestas, Intern
G.L. Critchfield, Deputy City Attorney
Citizens

Excused: Tim Taylor

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.

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

APPROVAL OF MINUTES

Mr. Swaney made a motion to approve the minutes from May 1, 2014 as written. Seconded by Mr. Markham.

A voice vote was made. Motion passed, 6-0.

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

APPROVAL OF FINDINGS OF FACT

Ms. Daniels made a motion to approve the Findings of Fact and Conclusions for the conditional use permits for M & A Auto Sales and WB Motors.

Seconded by Ms. Patterson.

A voice vote was made. Motion passed, 6-0.

ST. GEORGE STEEL – 4315 South Commerce Drive – Project #14-62

Kay Flagger was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a Conditional Use Permit for a new metal building with a paint booth for metal painting and assembly at the property addressed 4315 South Commerce Drive. Municipal Code Ordinance 17.152.030 allows fabricated metal products manufacturing within the M-G-C zoning district subject to Conditional Use Permit approval. The property consists of various buildings used for steel fabrication. The new metal building will be located at the north side of the

existing buildings and will contain 7,500 sq. ft. of floor area. The addition will require ten parking stalls. There are adequate parking stalls provided on site to comply with ordinance requirements with more than 50 parking stalls at the north and west side of the property. The parking stalls will need to be striped including disabled stalls to comply with ADA regulations. Based on the information presented in this report, application materials submitted and the site review, staff recommends Conditional Use Permit approval subject to conditions.

Kay Flagger, with St. George Steel, 4315 South 300 West. Mr. Flagger stated that the property has maintained the fabrication and painting system from the mid-fifties through that time, they have been painting outside. Mr. Flagger stated that they are excited that they have the opportunity from the owners to proceed with this conditional use permit. Mr. Flagger stated that they are working with ABS for the painting system and it is a cross draft painting system. Mr. Flagger stated that they know they need to have the landscaping done prior to occupancy of the building. Mr. Woodbury asked Mr. Flagger if he has had an opportunity to read the six conditions of approval and if he can comply with them. Mr. Flagger responded in the affirmative.

Mr. Swaney asked Mr. Flagger if there have been any air quality procedures they have had to go through in looking at the building. Mr. Flagger stated that they are currently in compliance with the Utah Air Quality as well as OSHA; we already abide by their codes and submit reports every year.

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

Ms. Patterson made a motion to approve a Conditional Use Permit for a new metal building with a paint booth for metal painting and assembly at the property addressed 4315 South Commerce Drive subject to conditions 1-6 as listed:

1. The project shall meet all current fire codes.
2. Parking stalls on the site shall be striped to comply with Municipal Code 17.72 including disabled parking stalls meeting ADA regulations.
3. The building division requires compliance to building codes. The applicant must provide a complete architect stamped; engineer designed stamped plans for review. Provide a soils report with the building permit submittal.
4. A formal landscaping/irrigation plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by City staff and be installed as approved prior to occupancy.
5. Replace any damaged curb and gutter and sidewalk along Commerce frontage.
6. The project shall comply with Murray Water & Sewer Department requirements.

Seconded by Ms. Mackay.

Call vote recorded by Brad McIlrath.

A ____ Phil Markham

A ____ Vicki Mackay

A ____ Scot Woodbury

A ____ Buck Swaney

A ____ Maren Patterson

A ____ Karen Daniels

Motion passed, 6-0.

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

On January 21, 2014 the Murray City Council requested that Community and Economic Development Staff prepare a draft ordinance for residential beekeeping and chicken keeping for consideration by the elected officials. At the April 3, 2014 Planning Commission Meeting, Murray City staff presented the results from public open houses and surveys along with a proposed ordinance for residential beekeeping and chicken keeping. At the meeting, City staff recommended that no decision regarding an ordinance be made at that time, but rather to use the public hearing for gathering public input. As such, City staff recommended that the public hearing on this item be continued to a later date in order to consider the input obtained and incorporate revisions to the proposed ordinance. Community and Economic Development staff have since reviewed and summarized the public comments received at the April 3rd meeting for Planning Commission review. City staff has also modified the proposed ordinances for residential beekeeping and chicken keeping that was presented at the April 3 Planning Commission Meeting. The public hearing provided valuable input from residents, which has been summarized by City staff in order to identify the most important concerns regarding the proposed ordinance. The majority of input provided by the public at the April 3rd meeting related to nuisances created by residential beekeeping and chicken keeping. Public input included comments ranging from potential pest problems such as mice and rats to odor and noise control. Aside from input regarding nuisances, other public input included comments regarding the need for sustainability. In allowing residents to keep these types of agricultural animals, it promotes sustainability for residents by allowing them to produce their own food. Residents were also confused as to why chicken and beekeeping was included in the same ordinance. In an attempt to provide clarity, City staff has drafted two separately proposed ordinances. Prior to the April 3rd Planning Commission meeting, 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. 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 survey also allowed respondents a chance to indicate issues that should be considered related to chickens and beekeeping. Community and Economic Development staff has reviewed similar ordinances for residential beekeeping and chicken keeping in other communities within Salt Lake County. Those ordinances include regulations for lot sizes, setbacks, permit requirements and limitations on the number of hens or bee hives that can be kept on a residential property. City staff has also contacted cities within Salt Lake and Davis Counties for additional input regarding the regulation of those ordinances. Those cities enforce the standards of their ordinances through zoning enforcement or with animal control. Each city indicated that enforcement is handled on a complaint basis and that the majority of complaints are regarding roosters. No city mentioned complaints regarding the odor or cleanup of chicken or bee hive waste. Nearly every city required some sort of a permit whether it be a conditional use permit or a fowl permit. Only a few cities required the property owners to renew the permit on an annual or bi-annual basis. Each city's representatives stated that with the adoption of their ordinance to allow chicken or beekeeping, there was a high demand for permits. However, after the initial demand for permits following the adoption of the ordinance, each city has seen a minimal impact to city staff and enforcement. Each city indicated that there is usually a marginal increase in the demand for permits during the spring months each year. Adoption of any of the proposed ordinances by Murray City to allow chicken or beekeeping within residential zones will require additional oversight and enforcement whether that is provided by zoning enforcement or animal control. Without additional enforcement, it will be difficult for Murray City to ensure that the standards of the proposed ordinances are upheld and followed. Based on the request for consideration of this issue by the City Council, and with the proposed changes outlined in the attached ordinances, Community and Economic Development staff concludes the following:

1. Residential beekeeping and chicken keeping ordinances have been successfully implemented in multiple urban cities in Utah, including Salt Lake City and across the country without any significant issues of concern.
2. The proposed ordinances promote sustainability for residents by allowing them to produce their own food.
3. Significant public input was obtained that prompted changes to the proposed ordinances to mitigate issues of concern.
4. Staff resources for oversight and enforcement will need to be a consideration for successful implementation of the proposed ordinances. However, after conversations with staff from other communities with similar ordinances in place, there does not seem to be an overwhelming burden on staff resources. It is likely that the city will be able to absorb the workload with existing recourses.

Based on these conclusions, staff recommends that the Planning Commission forward a recommendation of approval to the City Council.

Mr. McIlrath reviewed the proposed ordinance from the planning commission meeting on April 3, 2014 for bees with changes.

Mr. Swaney asked on the first page of the bee ordinance under applicability section it reads, "This chapter applies to single family with lot sizes of 8,000" but below it includes the zone R-1-6. Mr. McIlrath stated that there are some lots in the City that are zoned R-1-6 but are 8,000 square foot lots. Mr. McIlrath stated that it is based upon the square foot size of the property, not the zoning. It does have to be in single family residential zoning districts.

Mr. McIlrath reviewed the proposed ordinance from the planning commission meeting on April 3, 2014 for chickens with changes.

Mr. Woodbury thanked Mr. McIlrath for presenting and thanked the staff for their hard work on this proposed ordinance. Mr. Swaney asked for clarification of the coop and the run requirements. Mr. McIlrath answered that the coop and the run need to have four square feet of floor area per chicken. Mr. Swaney asked if the expectation is for the runs to be built on a native surface outside. Mr. McIlrath answered that the run structure will be completely enclosed by hardware cloth, so it could be on a hard surface or a grass surface. There were a lot of comments from residents that they would like to have a stationary coop; comments were made that they would like the chickens to be able to eat the bugs in the yard and to be able to fertilize the yard, yet will still have the wire on the bottom of the coop and will be totally enclosed. There was discussion regarding how the neighboring urban communities compare to the four square feet per chicken. Mr. Markham asked what staff responsibilities will be as far as ordinance enforcement and animal control enforcement, how do our numbers of staff compare to other cities. Mr. McIlrath stated that other cities seemed to have comparable staff sizes as Murray, Kaysville City was also contacted and their staff was smaller than Murray's staff and it didn't create much burden.

The meeting was opened for public comment.

Dave McCarty, 5169 Lucky Clover Lane, stated that he appreciated Mr. Swaney's concern about the floor space and Mr. McCarty would support a larger floor size since the coop and run are being combined together. Murray ought to be a leader and promote animal health and require larger floor space. Mr. McCarty stated that having a larger floor space will help promote animal health, it also helps to control the number of animals that are on the lot, and if someone has to commit more floor space it helps them to take care of the animals.

Dannie King, 5101 Germania Place, stated the she brought her covenants to the neighborhood. The covenants state that "Livestock and Poultry: No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained"

Ms. King wanted to know which supersedes which. The covenants of the neighborhood were something that was made very important when the lot was purchased. Which is going to take precedence, the ordinance or the covenants? Ms. King also stated that she does not want chickens three feet away from the property line, what would be wrong with six or nine feet away from the property line? Ms. King asked how far the run has to be away from a property line, in the proposed ordinance it only talks about a coop being three feet away from all property lines. Ms. King stated that she does not want chickens. Ms. King also wanted to know who is responsible for hiring an exterminator if mice or rodents become a problem.

Craig Wallentine, 5103 S Wintergreen Cir, stated that the comment on covenants speaks for itself. Mr. Wallentine stated that this discussion about chickens shouldn't be happening, they shouldn't be allowed. As far as bees, we desperately need more bees in this nation. Mr. Wallentine stated that he likes the idea of bees. He stated that he would welcome them but is concerned as one bee sting would take his daughter-in-law's life because of allergies. Chickens should not be considered.

David King, 5101 S Germania Place, stated that he came to the last public meeting and asked if the commission had received a copy of the letter that was stuck on Mr. King's door. Part of the letter refers to a website, a council member in Delaware said at the end of reasoning that she could not approve chickens in residential areas; she felt that it wasn't fair for homeowners that purchased a home in a residential area as they shouldn't have to put up with the smells and things that come with chickens. Mr. King stated that he feels that Murray City is terrible with their animal control, if the City can't control the dogs that roam the city how are they going to control the chickens.

William Strong, 629 Duck Creek Circle, stated that as he listened to the new proposed ordinances, it seemed that the ordinance is only considering people who want bees and chickens. Mr. Strong believes that the square footage of coops should be bigger and if this is going to be allowed than neighbors should be considered. Another thing that could be done to alleviate problems is to require larger square footage for lot sizes. Mr. Strong also thinks that neighbors on either side and behind the property should have to agree to an owner having chickens or bees. Mr. Strong stated that it has been said that significant public input was obtained, and he highly questions that. Mr. Strong believes that a scientific study should be done as this would be a life changing event for Murray City. Mr. Strong stated that this would not impact a small area of the City, but the entire City and a scientific survey should be required. If the majority of Murray residents want these, Mr. Strong stated that he would be fine with having this ordinance approved, but he doesn't feel that it is what the majority wants. Before this moves any further, there should be a scientific survey done.

Bob Warnock, 882 Germania Ave, regarding the chicken ordinance, Mr. Warnock stated that he is against it. Mr. Warnock wanted clarification on what the definition of a dwelling is. Mr. Warnock stated that he hopes this ordinance does not get approved, but if it does, he has gathered a small group of people that are willing to hire attorneys or at least one attorney to sue the City each time an ordinance was found that the City does not enforce. If the City is not willing or able to enforce this, Mr. Warnock stated he is willing to put his money up to sue the City for non-enforcement.

Bryon Meyer, 1223 W Riverhouse Cir, had a question regarding the height of the structure, would like some clarification behind what the reasoning was for the height. Mr. Meyer stated that some of the most beautiful coops he has seen have been made from tough sheds; those sheds are a minimum of eight to nine feet in height which allows the poultry men to walk into the shed making it much easier to clean, especially for elderly or handicapped people. Mr. Meyer would like to see if the height requirements could be changed.

Randy Williams, Salt Lake County Health Department, 788 E Woodoak Lane, stated that he feels that there should be a change to the wording to the chicken requirements under section B; it should read chickens and coops to contain the chickens. Mainly because the fences are there, you won't be able to keep out foxes or dogs, they will end up jumping over, but it is mainly to keep the chickens from flying out. The Health Department received a complaint recently that a couple of chickens were running around the neighborhood streets which can cause safety issues. On the following page on number 3 where the ordinance talks about health and sanitation requirements, Mr. Williams states that the reason the Health Department has regulations as far as cleaning up feces, is because of the fly issue. The expectation was that feces would be cleaned up weekly, but in reality that should be made a requirement. In the winter, flies are not a problem but in the summer it's a problem.

Tanya Grant, 870 Red Oaks Drive, stated that bees beautify the neighborhoods, pollinating the flowers; they don't create stink or a lot of pests. As long as you keep the dead bees away, there isn't a big issue. Ms. Grant stated that the bees stay to their queen who is in the hive, and that she is in favor of bees and thinks they could help Murray City.

The public comment portion of the meeting was closed.

Mr. McIlrath stated that staff has really appreciated all public comments that have been made. From the surveys and comments from the last public meeting, staff has tried to consider every concern and every opinion for those that are for chickens and bees and for those that do not want them in the City. Mr. McIlrath answered Mr. McCarty's question regarding the floor size increase, this is something that can be changed by the Planning Commission or the City Council to have a larger floor size. Mr. King had mentioned free roaming; Mr. McIlrath stated that in the last meeting there are people that currently have chickens that would like to have free roaming for their chickens, by having a completely enclosed coop and run this City is not at all entertaining the idea of having free roaming for chickens. There were comments made to have free roaming if the chickens were to be observed, but the City feels that if you allow free roaming you run into the issues where the chickens aren't being watched at all. Mr. McIlrath stated that he likes what Randy Williams stated to write an ordinance to have completely enclosed chicken coops and runs; and that the ordinance should include wording stating to keep the chickens in, not just the predators out. Regarding covenants and restrictions, when it comes to that, the City doesn't get involved with those covenants and restrictions for homeowner's associations. The City might allow things in the City ordinance, but by signing covenants and restrictions when moving into a homeowner association, essentially you are agreeing to abide by those rules even if those rules are more restrictive.

CCNR's, covenants and restrictions are made for certain neighborhoods and a lot of times for planned unit developments the city requires that they have a homeowners association and they develop their own CCNR's but the City does not have covenants for everyone. Mr. Tingey clarified that the City Ordinance applies to the whole City, if this ordinance is adopted by the City Council, it would apply to the whole City. Those restrictive covenants relate to the neighborhood, they have to work that out amongst themselves as the City does not get involved. Mr. McIlrath addressed Ms. Kings' concern regarding three feet from property lines and would like the requirement to be six feet; the Planning Commission could also consider increasing that requirement to six feet, the three feet requirements include the coop and the run. If the proposed ordinance does not state that clearly, it would need to be amended. Regarding the responsibility of the extermination of the rodents and pests that could come in from the chickens, this has not been included in the ordinance at this point, the owner would be responsible for getting rid of the rodents on their own yard. Mr. McIlrath addressed Mr. Wallentine's comment about approving bees but not allowing chickens. The Planning Commission could recommend approval of one and recommend denial to the other. Regarding allergies, it is not possible to make sure someone won't get stung by a bee; staff was not sure how to address allergies. Mr. McIlrath stated that the flyer that Mr. King mentioned was included in the packet for the Planning Commission meeting on April 3rd; it was not distributed by City staff. Mr. McIlrath stated that Murray City contracts with West Jordan City for animal control; West Jordan has their own division but they also have a Murray City division. Mr. McIlrath addressed Mr. Strong's comments regarding staff not taking into consideration the people who do not want chickens while drafting this ordinance, staff really appreciates public input, with the direction of the City Council, staff has tried to draft an ordinance that takes into consideration the concerns of people that want these residential activities and those that don't. That is why setbacks, no free roaming, and limits on chickens have been established. As far as square footage for lot sizes, this is also something to consider, if you have 15,000 square foot lots it limits to what the ordinance currently is, being on agricultural properties because the lots in Murray are so small. Regarding lot size, neighbor's consent, and scientific surveys, Mr. McIlrath asked Mr. Tingey to address those concerns. Mr. Tingey commented, related to the 15,000 square feet, this is a policy that is being proposed, there is a draft ordinance with specific standards to try to address standards issues. Mr. Tingey stated that he wanted the public to know that the planning commission is a recommending body, this decision that is made, recommending approval or denial, is not the final decision. The final decision is up to the City Council. Related to the scientific survey, Cities can do scientific surveys, however, they are not typical and they are costly. The scientific survey is something that can be considered by the City Council. Also, Mr. Tingey addressed Mr. Warnock's comment regarding suing the City for not enforcing ordinances, if ordinances are in place, the City strives to enforce those on a case by case basis, that's how this ordinance would be enforced this ordinance as well. Mr. McIlrath answered Mr. Warnock's question, that a dwelling is a single family home that is lived in. Mr. Meyer asked regarding about height, if you have an extremely large coop it could be just as tall as the home or a shed, we do not want coops to impede visually on other people's property. Mr. McIlrath stated that Mr. Maestas did research with bees, and stated that bees will leave the property and pollinate other plants but when it comes to bees they are typically not an aggressive species unless

they feel threatened. Mr. McIlrath again thanked the public for the input that has been given.

Mr. Markham agreed with Mr. Tingey that scientific polls are basically useless because of the way everyone questions the science involved. Leaders are elected to make these decisions; we do not need to take a poll on every issue. Also, over the last several months, as Mr. Markham has visited with friends and family throughout Murray he has asked them to get a variety of opinions regarding this issue, and responses have been negative, which has weighed on Mr. Markham's decision making ability. He also has concerns about funding with staffing that the City has for ordinance enforcement; even though Murray City staff does everything they can to enforce ordinances. Mr. Markham feels that with more ordinances, the staff is burdened with more responsibilities, which creates more problems. Mr. Markham doesn't see a solution for this problem in the upcoming budget year, or future budget years.

Mr. Swaney asked a question regarding current ordinance, if someone currently has chickens, what is done about this or what can be done. Is there any enforceability? Mr. Tingey answered that currently chickens are allowed in the agricultural zone, unless there is any type of legal non-conforming establishment of that prior, it is an enforcement issue and we conduct the enforcement process and the chickens have to be removed out of the single family area. Mr. Woodbury asked if there have been any enforcement issues in these areas. Mr. Tingey stated that this is a regular enforcement issue.

Ms. Mackay stated that she has also talked to people in Murray; she lives in an older neighborhood and has some neighbors that have chickens in a big type of countryside lot. Ms. Mackay expressed the concern she has heard from residents of Murray for having chickens in yards. Ms. Mackay stated that she will vote how she feels for the community as a whole.

Ms. Patterson stated that she thinks it's interesting the different opinions received because she has received a lot of positive response about having chickens and bees. Ms. Patterson stated that people are going to have chickens and currently do have chickens. She feels that having this ordinance would give people some parameters.

Mr. Woodbury stated that he has also asked friends and neighbors about this issue. The feelings have been mixed. Mr. Woodbury stated that some of his neighbors currently have chickens and some neighbors don't even know the chickens are there. Mr. Woodbury stated that he is unaware of what impact this ordinance will have on the individuals and that he feels that staff has done a terrific job in drafting this ordinance. Mr. Woodbury feels that the ordinance is well-balanced. Mr. Woodbury feels that if residents know about these ordinances they will comply with them, some will not. Mr. Woodbury has asked if citizens would be willing to pay more tax dollars to hire more enforcement officers, and they have said no, so that has to be a balance the City has to strike. It is an ordinance that is happening all around Murray and it is a matter of the citizens and elected officials to decide whether or not they want to follow suit with neighboring Cities.

Ms. Mackay asked if this is something that needs to be voted on tonight or will staff take it back and change things. Ms. Patterson stated that the changes could be included in a motion. Ms. Patterson stated that she feels that this ordinance is well-balanced. Mr. Woodbury agreed. Mr. Markham asked if there will be two votes taken tonight. Ms. Daniels made a comment about wording of the recommendation.

Mr. Markham made a motion to forward a recommendation of approval to the City Council to allow bees in single family residential zones subject to the conditions outlined in the materials presented and changes to the ordinance that was read.

Seconded by Ms. Mackay.

Call vote recorded by Brad McIlrath.

A ____ Phil Markham
A ____ Vicki Mackay
A ____ Scot Woodbury
A ____ Buck Swaney
A ____ Maren Patterson
A ____ Karen Daniels

Motion passed, 6-0.

Mr. Markham made a motion to forward a recommendation of denial to the City Council to allow chickens in single family residential zones in Murray.

Seconded by Ms. Mackay.

Call vote recorded by Brad McIlrath.

A ____ Phil Markham
N ____ Vicki Mackay
N ____ Scot Woodbury
N ____ Buck Swaney
N ____ Maren Patterson
N ____ Karen Daniels

Motion failed, 5-1

Ms. Daniels made a motion to forward a recommendation of approval to the City Council for the residential chicken keeping ordinance that has been presented with all changes noted on the record with one additional numbering change under inspection, it should be 17.63.050.

Seconded by Ms. Patterson.

Call vote recorded by Brad McIlrath.

Planning Commission Meeting

May 15, 2014

Page 11

N_____ Phil Markham

N_____ Vicki Mackay

A_____ Scot Woodbury

A_____ Buck Swaney

A_____ Maren Patterson

A_____ Karen Daniels

Motion passed, 4-2.

OTHER BUSINESS

Meeting adjourned at 8:12 p.m.

Tim Tingey, Director
Administrative and Development Services

Minutes of the Planning Commission meeting held on Thursday May 15, 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
Vicki Mackay
Buck Swaney
Karen Daniels
Maren Patterson
Brad McIlrath, Assistant Planner
Tim Tingey, Administrative and Development Services Director
Rick Maestas, Intern
G.L. Critchfield, Deputy City Attorney
Citizens

Excused: Tim Taylor

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.

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

APPROVAL OF MINUTES

Mr. Swaney made a motion to approve the minutes from May 1, 2014 as written. Seconded by Mr. Markham.

A voice vote was made. Motion passed, 6-0.

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

APPROVAL OF FINDINGS OF FACT

Ms. Daniels made a motion to approve the Findings of Fact and Conclusions for the conditional use permits for M & A Auto Sales and WB Motors.

Seconded by Ms. Patterson.

A voice vote was made. Motion passed, 6-0.

ST. GEORGE STEEL – 4315 South Commerce Drive – Project #14-62

Kay Flagger was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a Conditional Use Permit for a new metal building with a paint booth for metal painting and assembly at the property addressed 4315 South Commerce Drive. Municipal Code Ordinance 17.152.030 allows fabricated metal products manufacturing within the M-G-C zoning district subject to Conditional Use Permit approval. The property consists of various buildings used for steel fabrication. The new metal building will be located at the north side of the

existing buildings and will contain 7,500 sq. ft. of floor area. The addition will require ten parking stalls. There are adequate parking stalls provided on site to comply with ordinance requirements with more than 50 parking stalls at the north and west side of the property. The parking stalls will need to be striped including disabled stalls to comply with ADA regulations. Based on the information presented in this report, application materials submitted and the site review, staff recommends Conditional Use Permit approval subject to conditions.

Kay Flagger, with St. George Steel, 4315 South 300 West. Mr. Flagger stated that the property has maintained the fabrication and painting system from the mid-fifties through that time, they have been painting outside. Mr. Flagger stated that they are excited that they have the opportunity from the owners to proceed with this conditional use permit. Mr. Flagger stated that they are working with ABS for the painting system and it is a cross draft painting system. Mr. Flagger stated that they know they need to have the landscaping done prior to occupancy of the building. Mr. Woodbury asked Mr. Flagger if he has had an opportunity to read the six conditions of approval and if he can comply with them. Mr. Flagger responded in the affirmative.

Mr. Swaney asked Mr. Flagger if there have been any air quality procedures they have had to go through in looking at the building. Mr. Flagger stated that they are currently in compliance with the Utah Air Quality as well as OSHA; we already abide by their codes and submit reports every year.

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

Ms. Patterson made a motion to approve a Conditional Use Permit for a new metal building with a paint booth for metal painting and assembly at the property addressed 4315 South Commerce Drive subject to conditions 1-6 as listed:

1. The project shall meet all current fire codes.
2. Parking stalls on the site shall be striped to comply with Municipal Code 17.72 including disabled parking stalls meeting ADA regulations.
3. The building division requires compliance to building codes. The applicant must provide a complete architect stamped; engineer designed stamped plans for review. Provide a soils report with the building permit submittal.
4. A formal landscaping/irrigation plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by City staff and be installed as approved prior to occupancy.
5. Replace any damaged curb and gutter and sidewalk along Commerce frontage.
6. The project shall comply with Murray Water & Sewer Department requirements.

Seconded by Ms. Mackay.

Call vote recorded by Brad McIlrath.

A ____ Phil Markham

A ____ Vicki Mackay

A ____ Scot Woodbury

A ____ Buck Swaney

A ____ Maren Patterson

A ____ Karen Daniels

Motion passed, 6-0.

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

On January 21, 2014 the Murray City Council requested that Community and Economic Development Staff prepare a draft ordinance for residential beekeeping and chicken keeping for consideration by the elected officials. At the April 3, 2014 Planning Commission Meeting, Murray City staff presented the results from public open houses and surveys along with a proposed ordinance for residential beekeeping and chicken keeping. At the meeting, City staff recommended that no decision regarding an ordinance be made at that time, but rather to use the public hearing for gathering public input. As such, City staff recommended that the public hearing on this item be continued to a later date in order to consider the input obtained and incorporate revisions to the proposed ordinance. Community and Economic Development staff have since reviewed and summarized the public comments received at the April 3rd meeting for Planning Commission review. City staff has also modified the proposed ordinances for residential beekeeping and chicken keeping that was presented at the April 3 Planning Commission Meeting. The public hearing provided valuable input from residents, which has been summarized by City staff in order to identify the most important concerns regarding the proposed ordinance. The majority of input provided by the public at the April 3rd meeting related to nuisances created by residential beekeeping and chicken keeping. Public input included comments ranging from potential pest problems such as mice and rats to odor and noise control. Aside from input regarding nuisances, other public input included comments regarding the need for sustainability. In allowing residents to keep these types of agricultural animals, it promotes sustainability for residents by allowing them to produce their own food. Residents were also confused as to why chicken and beekeeping was included in the same ordinance. In an attempt to provide clarity, City staff has drafted two separately proposed ordinances. Prior to the April 3rd Planning Commission meeting, 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. 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 survey also allowed respondents a chance to indicate issues that should be considered related to chickens and beekeeping. Community and Economic Development staff has reviewed similar ordinances for residential beekeeping and chicken keeping in other communities within Salt Lake County. Those ordinances include regulations for lot sizes, setbacks, permit requirements and limitations on the number of hens or bee hives that can be kept on a residential property. City staff has also contacted cities within Salt Lake and Davis Counties for additional input regarding the regulation of those ordinances. Those cities enforce the standards of their ordinances through zoning enforcement or with animal control. Each city indicated that enforcement is handled on a complaint basis and that the majority of complaints are regarding roosters. No city mentioned complaints regarding the odor or cleanup of chicken or bee hive waste. Nearly every city required some sort of a permit whether it be a conditional use permit or a fowl permit. Only a few cities required the property owners to renew the permit on an annual or bi-annual basis. Each city's representatives stated that with the adoption of their ordinance to allow chicken or beekeeping, there was a high demand for permits. However, after the initial demand for permits following the adoption of the ordinance, each city has seen a minimal impact to city staff and enforcement. Each city indicated that there is usually a marginal increase in the demand for permits during the spring months each year. Adoption of any of the proposed ordinances by Murray City to allow chicken or beekeeping within residential zones will require additional oversight and enforcement whether that is provided by zoning enforcement or animal control. Without additional enforcement, it will be difficult for Murray City to ensure that the standards of the proposed ordinances are upheld and followed. Based on the request for consideration of this issue by the City Council, and with the proposed changes outlined in the attached ordinances, Community and Economic Development staff concludes the following:

1. Residential beekeeping and chicken keeping ordinances have been successfully implemented in multiple urban cities in Utah, including Salt Lake City and across the country without any significant issues of concern.
2. The proposed ordinances promote sustainability for residents by allowing them to produce their own food.
3. Significant public input was obtained that prompted changes to the proposed ordinances to mitigate issues of concern.
4. Staff resources for oversight and enforcement will need to be a consideration for successful implementation of the proposed ordinances. However, after conversations with staff from other communities with similar ordinances in place, there does not seem to be an overwhelming burden on staff resources. It is likely that the city will be able to absorb the workload with existing recourses.

Based on these conclusions, staff recommends that the Planning Commission forward a recommendation of approval to the City Council.

Mr. McIlrath reviewed the proposed ordinance from the planning commission meeting on April 3, 2014 for bees with changes.

Mr. Swaney asked on the first page of the bee ordinance under applicability section it reads, "This chapter applies to single family with lot sizes of 8,000" but below it includes the zone R-1-6. Mr. McIlrath stated that there are some lots in the City that are zoned R-1-6 but are 8,000 square foot lots. Mr. McIlrath stated that it is based upon the square foot size of the property, not the zoning. It does have to be in single family residential zoning districts.

Mr. McIlrath reviewed the proposed ordinance from the planning commission meeting on April 3, 2014 for chickens with changes.

Mr. Woodbury thanked Mr. McIlrath for presenting and thanked the staff for their hard work on this proposed ordinance. Mr. Swaney asked for clarification of the coop and the run requirements. Mr. McIlrath answered that the coop and the run need to have four square feet of floor area per chicken. Mr. Swaney asked if the expectation is for the runs to be built on a native surface outside. Mr. McIlrath answered that the run structure will be completely enclosed by hardware cloth, so it could be on a hard surface or a grass surface. There were a lot of comments from residents that they would like to have a stationary coop; comments were made that they would like the chickens to be able to eat the bugs in the yard and to be able to fertilize the yard, yet will still have the wire on the bottom of the coop and will be totally enclosed. There was discussion regarding how the neighboring urban communities compare to the four square feet per chicken. Mr. Markham asked what staff responsibilities will be as far as ordinance enforcement and animal control enforcement, how do our numbers of staff compare to other cities. Mr. McIlrath stated that other cities seemed to have comparable staff sizes as Murray, Kaysville City was also contacted and their staff was smaller than Murray's staff and it didn't create much burden.

The meeting was opened for public comment.

Dave McCarty, 5169 Lucky Clover Lane, stated that he appreciated Mr. Swaney's concern about the floor space and Mr. McCarty would support a larger floor size since the coop and run are being combined together. Murray ought to be a leader and promote animal health and require larger floor space. Mr. McCarty stated that having a larger floor space will help promote animal health, it also helps to control the number of animals that are on the lot, and if someone has to commit more floor space it helps them to take care of the animals.

Dannie King, 5101 Germania Place, stated the she brought her covenants to the neighborhood. The covenants state that "Livestock and Poultry: No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained"

Ms. King wanted to know which supersedes which. The covenants of the neighborhood were something that was made very important when the lot was purchased. Which is going to take precedence, the ordinance or the covenants? Ms. King also stated that she does not want chickens three feet away from the property line, what would be wrong with six or nine feet away from the property line? Ms. King asked how far the run has to be away from a property line, in the proposed ordinance it only talks about a coop being three feet away from all property lines. Ms. King stated that she does not want chickens. Ms. King also wanted to know who is responsible for hiring an exterminator if mice or rodents become a problem.

Craig Wallentine, 5103 S Wintergreen Cir, stated that the comment on covenants speaks for itself. Mr. Wallentine stated that this discussion about chickens shouldn't be happening, they shouldn't be allowed. As far as bees, we desperately need more bees in this nation. Mr. Wallentine stated that he likes the idea of bees. He stated that he would welcome them but is concerned as one bee sting would take his daughter-in-law's life because of allergies. Chickens should not be considered.

David King, 5101 S Germania Place, stated that he came to the last public meeting and asked if the commission had received a copy of the letter that was stuck on Mr. King's door. Part of the letter refers to a website, a council member in Delaware said at the end of reasoning that she could not approve chickens in residential areas; she felt that it wasn't fair for homeowners that purchased a home in a residential area as they shouldn't have to put up with the smells and things that come with chickens. Mr. King stated that he feels that Murray City is terrible with their animal control, if the City can't control the dogs that roam the city how are they going to control the chickens.

William Strong, 629 Duck Creek Circle, stated that as he listened to the new proposed ordinances, it seemed that the ordinance is only considering people who want bees and chickens. Mr. Strong believes that the square footage of coops should be bigger and if this is going to be allowed than neighbors should be considered. Another thing that could be done to alleviate problems is to require larger square footage for lot sizes. Mr. Strong also thinks that neighbors on either side and behind the property should have to agree to an owner having chickens or bees. Mr. Strong stated that it has been said that significant public input was obtained, and he highly questions that. Mr. Strong believes that a scientific study should be done as this would be a life changing event for Murray City. Mr. Strong stated that this would not impact a small area of the City, but the entire City and a scientific survey should be required. If the majority of Murray residents want these, Mr. Strong stated that he would be fine with having this ordinance approved, but he doesn't feel that it is what the majority wants. Before this moves any further, there should be a scientific survey done.

Bob Warnock, 882 Germania Ave, regarding the chicken ordinance, Mr. Warnock stated that he is against it. Mr. Warnock wanted clarification on what the definition of a dwelling is. Mr. Warnock stated that he hopes this ordinance does not get approved, but if it does, he has gathered a small group of people that are willing to hire attorneys or at least one attorney to sue the City each time an ordinance was found that the City does not enforce. If the City is not willing or able to enforce this, Mr. Warnock stated he is willing to put his money up to sue the City for non-enforcement.

Bryon Meyer, 1223 W Riverhouse Cir, had a question regarding the height of the structure, would like some clarification behind what the reasoning was for the height. Mr. Meyer stated that some of the most beautiful coops he has seen have been made from tough sheds; those sheds are a minimum of eight to nine feet in height which allows the poultry men to walk into the shed making it much easier to clean, especially for elderly or handicapped people. Mr. Meyer would like to see if the height requirements could be changed.

Randy Williams, Salt Lake County Health Department, 788 E Woodoak Lane, stated that he feels that there should be a change to the wording to the chicken requirements under section B; it should read chickens and coops to contain the chickens. Mainly because the fences are there, you won't be able to keep out foxes or dogs, they will end up jumping over, but it is mainly to keep the chickens from flying out. The Health Department received a complaint recently that a couple of chickens were running around the neighborhood streets which can cause safety issues. On the following page on number 3 where the ordinance talks about health and sanitation requirements, Mr. Williams states that the reason the Health Department has regulations as far as cleaning up feces, is because of the fly issue. The expectation was that feces would be cleaned up weekly, but in reality that should be made a requirement. In the winter, flies are not a problem but in the summer it's a problem.

Tanya Grant, 870 Red Oaks Drive, stated that bees beautify the neighborhoods, pollinating the flowers; they don't create stink or a lot of pests. As long as you keep the dead bees away, there isn't a big issue. Ms. Grant stated that the bees stay to their queen who is in the hive, and that she is in favor of bees and thinks they could help Murray City.

The public comment portion of the meeting was closed.

Mr. McIlrath stated that staff has really appreciated all public comments that have been made. From the surveys and comments from the last public meeting, staff has tried to consider every concern and every opinion for those that are for chickens and bees and for those that do not want them in the City. Mr. McIlrath answered Mr. McCarty's question regarding the floor size increase, this is something that can be changed by the Planning Commission or the City Council to have a larger floor size. Mr. King had mentioned free roaming; Mr. McIlrath stated that in the last meeting there are people that currently have chickens that would like to have free roaming for their chickens, by having a completely enclosed coop and run this City is not at all entertaining the idea of having free roaming for chickens. There were comments made to have free roaming if the chickens were to be observed, but the City feels that if you allow free roaming you run into the issues where the chickens aren't being watched at all. Mr. McIlrath stated that he likes what Randy Williams stated to write an ordinance to have completely enclosed chicken coops and runs; and that the ordinance should include wording stating to keep the chickens in, not just the predators out. Regarding covenants and restrictions, when it comes to that, the City doesn't get involved with those covenants and restrictions for homeowner's associations. The City might allow things in the City ordinance, but by signing covenants and restrictions when moving into a homeowner association, essentially you are agreeing to abide by those rules even if those rules are more restrictive.

CCNR's, covenants and restrictions are made for certain neighborhoods and a lot of times for planned unit developments the city requires that they have a homeowners association and they develop their own CCNR's but the City does not have covenants for everyone. Mr. Tingey clarified that the City Ordinance applies to the whole City, if this ordinance is adopted by the City Council, it would apply to the whole City. Those restrictive covenants relate to the neighborhood, they have to work that out amongst themselves as the City does not get involved. Mr. McIlrath addressed Ms. Kings' concern regarding three feet from property lines and would like the requirement to be six feet; the Planning Commission could also consider increasing that requirement to six feet, the three feet requirements include the coop and the run. If the proposed ordinance does not state that clearly, it would need to be amended. Regarding the responsibility of the extermination of the rodents and pests that could come in from the chickens, this has not been included in the ordinance at this point, the owner would be responsible for getting rid of the rodents on their own yard. Mr. McIlrath addressed Mr. Wallentine's comment about approving bees but not allowing chickens. The Planning Commission could recommend approval of one and recommend denial to the other. Regarding allergies, it is not possible to make sure someone won't get stung by a bee; staff was not sure how to address allergies. Mr. McIlrath stated that the flyer that Mr. King mentioned was included in the packet for the Planning Commission meeting on April 3rd; it was not distributed by City staff. Mr. McIlrath stated that Murray City contracts with West Jordan City for animal control; West Jordan has their own division but they also have a Murray City division. Mr. McIlrath addressed Mr. Strong's comments regarding staff not taking into consideration the people who do not want chickens while drafting this ordinance, staff really appreciates public input, with the direction of the City Council, staff has tried to draft an ordinance that takes into consideration the concerns of people that want these residential activities and those that don't. That is why setbacks, no free roaming, and limits on chickens have been established. As far as square footage for lot sizes, this is also something to consider, if you have 15,000 square foot lots it limits to what the ordinance currently is, being on agricultural properties because the lots in Murray are so small. Regarding lot size, neighbor's consent, and scientific surveys, Mr. McIlrath asked Mr. Tingey to address those concerns. Mr. Tingey commented, related to the 15,000 square feet, this is a policy that is being proposed, there is a draft ordinance with specific standards to try to address standards issues. Mr. Tingey stated that he wanted the public to know that the planning commission is a recommending body, this decision that is made, recommending approval or denial, is not the final decision. The final decision is up to the City Council. Related to the scientific survey, Cities can do scientific surveys, however, they are not typical and they are costly. The scientific survey is something that can be considered by the City Council. Also, Mr. Tingey addressed Mr. Warnock's comment regarding suing the City for not enforcing ordinances, if ordinances are in place, the City strives to enforce those on a case by case basis, that's how this ordinance would be enforced this ordinance as well. Mr. McIlrath answered Mr. Warnock's question, that a dwelling is a single family home that is lived in. Mr. Meyer asked regarding about height, if you have an extremely large coop it could be just as tall as the home or a shed, we do not want coops to impede visually on other people's property. Mr. McIlrath stated that Mr. Maestas did research with bees, and stated that bees will leave the property and pollinate other plants but when it comes to bees they are typically not an aggressive species unless

they feel threatened. Mr. McIlrath again thanked the public for the input that has been given.

Mr. Markham agreed with Mr. Tingey that scientific polls are basically useless because of the way everyone questions the science involved. Leaders are elected to make these decisions; we do not need to take a poll on every issue. Also, over the last several months, as Mr. Markham has visited with friends and family throughout Murray he has asked them to get a variety of opinions regarding this issue, and responses have been negative, which has weighed on Mr. Markham's decision making ability. He also has concerns about funding with staffing that the City has for ordinance enforcement; even though Murray City staff does everything they can to enforce ordinances. Mr. Markham feels that with more ordinances, the staff is burdened with more responsibilities, which creates more problems. Mr. Markham doesn't see a solution for this problem in the upcoming budget year, or future budget years.

Mr. Swaney asked a question regarding current ordinance, if someone currently has chickens, what is done about this or what can be done. Is there any enforceability? Mr. Tingey answered that currently chickens are allowed in the agricultural zone, unless there is any type of legal non-conforming establishment of that prior, it is an enforcement issue and we conduct the enforcement process and the chickens have to be removed out of the single family area. Mr. Woodbury asked if there have been any enforcement issues in these areas. Mr. Tingey stated that this is a regular enforcement issue.

Ms. Mackay stated that she has also talked to people in Murray; she lives in an older neighborhood and has some neighbors that have chickens in a big type of countryside lot. Ms. Mackay expressed the concern she has heard from residents of Murray for having chickens in yards. Ms. Mackay stated that she will vote how she feels for the community as a whole.

Ms. Patterson stated that she thinks it's interesting the different opinions received because she has received a lot of positive response about having chickens and bees. Ms. Patterson stated that people are going to have chickens and currently do have chickens. She feels that having this ordinance would give people some parameters.

Mr. Woodbury stated that he has also asked friends and neighbors about this issue. The feelings have been mixed. Mr. Woodbury stated that some of his neighbors currently have chickens and some neighbors don't even know the chickens are there. Mr. Woodbury stated that he is unaware of what impact this ordinance will have on the individuals and that he feels that staff has done a terrific job in drafting this ordinance. Mr. Woodbury feels that the ordinance is well-balanced. Mr. Woodbury feels that if residents know about these ordinances they will comply with them, some will not. Mr. Woodbury has asked if citizens would be willing to pay more tax dollars to hire more enforcement officers, and they have said no, so that has to be a balance the City has to strike. It is an ordinance that is happening all around Murray and it is a matter of the citizens and elected officials to decide whether or not they want to follow suit with neighboring Cities.

Ms. Mackay asked if this is something that needs to be voted on tonight or will staff take it back and change things. Ms. Patterson stated that the changes could be included in a motion. Ms. Patterson stated that she feels that this ordinance is well-balanced. Mr. Woodbury agreed. Mr. Markham asked if there will be two votes taken tonight. Ms. Daniels made a comment about wording of the recommendation.

Mr. Markham made a motion to forward a recommendation of approval to the City Council to allow bees in single family residential zones subject to the conditions outlined in the materials presented and changes to the ordinance that was read.

Seconded by Ms. Mackay.

Call vote recorded by Brad McIlrath.

A ____ Phil Markham
A ____ Vicki Mackay
A ____ Scot Woodbury
A ____ Buck Swaney
A ____ Maren Patterson
A ____ Karen Daniels

Motion passed, 6-0.

Mr. Markham made a motion to forward a recommendation of denial to the City Council to allow chickens in single family residential zones in Murray.

Seconded by Ms. Mackay.

Call vote recorded by Brad McIlrath.

A ____ Phil Markham
N ____ Vicki Mackay
N ____ Scot Woodbury
N ____ Buck Swaney
N ____ Maren Patterson
N ____ Karen Daniels

Motion failed, 5-1

Ms. Daniels made a motion to forward a recommendation of approval to the City Council for the residential chicken keeping ordinance that has been presented with all changes noted on the record with one additional numbering change under inspection, it should be 17.63.050.

Seconded by Ms. Patterson.

Call vote recorded by Brad McIlrath.

Planning Commission Meeting

May 15, 2014

Page 11

N_____ Phil Markham

N_____ Vicki Mackay

A_____ Scot Woodbury

A_____ Buck Swaney

A_____ Maren Patterson

A_____ Karen Daniels

Motion passed, 4-2.

OTHER BUSINESS

Meeting adjourned at 8:12 p.m.

Tim Tingey, Director
Administrative and Development Services