

PLANNING AND ZONING COMMISSION MEETING AND PUBLIC HEARING
JULY 8, 2009 6:30 P.M. AT THE COMMUNITY CENTER

PRESENT: Chairman Bruce Case, Members; Roy Hobbs, Adrian Beazer, Lance Ellis, Jared Wight, City Clerk Robyn Keyes.

VISITORS: Michael Taylor, Misty Taylor, Russell Schulmire.

PZ Chairman Case welcomed everyone and led the Pledge of Allegiance.

Minutes. The minutes were reviewed. PZ member Hobbs made a motion to approve the minutes. PZ member Ellis seconded the motion. All were in favor. Motion carried. Minutes approved.

Previous Items of Business. Chairman Case reminded the Commission that he was retiring from his seat with Planning and Zoning and suggested that the members elect a new chair. After a brief discussion, the Commission decided upon P/Z member Beazer for the new Chairman.

P/Z member Wight made a motion to approve P/Z member Beazer as the new Chairman. P/Z member Hobbs seconded the motion. Roll call as follows:

All were in favor, motion carried. P/Z member Beazer approved as new Chairman.

Items of Business. Chairman Beazer and P/Z member Hobbs agreed the Bonneville County ordinance for windmills was an appropriate model ordinance for the City. P/Z member Case asked about lot size, height, and setback requirements. Chairman Beazer said the County had a 60' height limit, and the setback requirements were such that if the tower fell, it must stay within the owner's property and not cross the property line. P/Z member Ellis recommended a minimum of 1/3 of an acre. The Commission members agreed the county ordinance was an appropriate model ordinance. Chairman Beazer and P/Z member Hobbs said they would have a proposal drafted by the next Planning and Zoning meeting in August.

Public Hearing 7:00 p.m. Chickens. See appendix A

Reports. Clerk Keyes asked about the use of metal box cars as sheds. P/Z Case said that was an issue for City Council. No further reports.

P/Z member Ellis made a motion to adjourn. Chairman Beazer seconded the motion. All were in favor.

Adjourned 8:10

PUBLIC HEARING JULY 8, 2009 AT 7:00 P.M. BACKYARD CHICKENS

PRESENT: Chairman Adrian Beazer, Members; Roy Hobbs, Bruce Case, Lance Ellis, Jared Wight, City Clerk Robyn Keyes.

VISITORS: Michael Taylor, Misty Taylor, Russell Schulmire, Stacy Cutts, Jeremy Cutts.

PZ member Case welcomed everyone and explained that chickens were not allowed in residential zones within the City, and the hearing was to hear public comments regarding the possibility of allowing chickens within the residential zones of the City.

P/Z member Case opened comment to the public.

Michael Taylor said he was in favor of having chickens, and recommended including a nuisance clause in the ordinance, and require a permit for regulation purposes. Mr. Taylor said he had chickens and invited the Commission members to visit his property to observe how he kept his chickens.

P/Z member Case asked Mr. Taylor what he recommended for a minimum lot size. Mr. Taylor suggested nothing smaller than $\frac{1}{4}$ acre.

Chairman Beazer asked what Mr. Taylor did with the waste from the chickens. Mr. Taylor said he had a compost bin that he added the waste to.

P/Z member Case read the results from the survey. Of approximately 570 homes within the City limits, only 63 people replied to the survey. Of those replies, 46 people said they did want chickens, most added with restrictions, and 17 people said they did not want chickens. P/Z member Case said that was a very small percentage of the homes in the City that replied.

Mr. Cutts said everyone had been given many opportunities to voice their opinion. P/Z member Case agreed and said there had been two public hearings already along with the survey request.

Mr. Cuts asked if the City would consider rezoning the lots that had more acreage. P/Z member Case said if Mr. Cutts wanted his property rezoning he would have to fill out an application with the City and have a public hearing.

Chairman Beazer asked Mr. Taylor how many chickens he had. Mr. Taylor said he had 7, and recommended restricting the numbers of chickens allowed. P/Z member Case asked Mr. Taylor if he thought the amount of chickens allowed should be in proportion to the size of lot a person had. Mr. Taylor agreed it should.

P/Z member Case asked the public if the ordinance should include frying hens. Mr. Taylor suggested limiting the ordinance to laying hens only and no roosters.

P/Z member Case asked the Commission members for their input.

P/Z member Ellis suggested requiring at least ¼ acre of land, and requiring a permit to obtain chickens.

Mr. Cutts asked who would be responsible for controlling the animals. P/Z member Case said the County Animal Control would be responsible. Chairman Beazer commented that if the City issued permits for the Chickens, then the City would then be responsible for regulating the requirements set forth in the permit. P/Z member Case suggested having a public hearing for each permit much like the procedure for a conditional use permit.

P/Z member Wight asked what the purpose of a permit with a public hearing would be, and asked why the City did not just change the ordinance. P/Z member Case suggested that if the ordinance was simply changed, then it would be difficult to know who had chickens and who did not making enforcement of the regulations difficult. P/Z member Ellis suggested giving the land owner a warning if they violated the regulations once, and if they violated the regulations again, they would receive a fine. P/Z member Ellis said a fine would be appropriate for people that had willfully disobeyed the City Ordinance.

Mr. Taylor said he was willing to pay for a permit.

P/Z member Ellis said he would draft a proposed recommended ordinance, and permit for the Council to review. P/Z member Ellis said he would send copies of the proposal to each Commission member for approval prior to the City Council public hearing. The Commission members agreed.

P/Z Chairman Beazer made a motion to recommend to the City Council a proposed ordinance change allowing chickens. The proposal would outline the restrictions and the permit process. P/Z member Hobbs seconded the motion. All were in favor.
Motion carried.

Public hearing closed 7:50 p.m.