Syracuse City Planning Commission Meeting
February 7, 2012

1. Meeting called to Order and Adoption of Agenda

Planning Commission Chair Gregory Day called the meeting to order at 6:02 p.m., indicating that City staff posted the agenda 24 hours prior to the meeting and delivered copies to all Commission members. Kenneth Hellewell offered the prayer, and T.J. Jensen led the pledge of allegiance.

Members Present: Chair Gregory Day, Vice Chair Gary Pratt, Kenneth Hellewell, Braxton Schenk, T.J. Jensen, Dale Rackham, Tyler Bodrero, and Curt McCuistion as well as Community Development Director Michael Eggett, City Planner Kent Andersen, and Administrative Secretary Judy Merrill

Visitors: Dean Rasband, Holly Rasband, Kelly Liptrot, Angela Liptrot, Lynn Tanner, Merl Thurgood, Pieder Beeli, Brian Duncan, Chad Porter, Ryan Chandler, Lisa Chandler, Heidi Brophy, Jennifer Miller, Lurlen Knight, Melissa Crudo, Michelle Davis, Lisa Bradford, Craig Johnson, Paul Spackman, Pat Zaugg, Ray Zaugg, Troy Shingleton, Brandon Bodily, Carie Valentine, Brian Chase, Ethan Kennelly, Colby Bond, Mary Bond, DaNece Moller, Tom Freeman, Mandy Russell, Jeff Gibson, Karianne Lisonbee

Commissioners reviewed the February 7, 2012, Planning Commission meeting agenda.

T.J. JENSEN MOVED TO ADOPT THE FEBRUARY 7, 2012, AGENDA AS OUTLINED, SECONDED BY BRAXTON SCHENK.

Chairman Day pointed out that the agenda did not include an item, requested by commissioners during their last meeting, for a moratorium on the C-2 Zone. He explained that it was because City staff advised them of the need for legal review by the City Attorney. Commissioner Hellewell stated that, since most of the C-2 zoning in the City was within the area on the General Plan under consideration, the City could legally deny any requests for rezones to C-2 until after adoption of that specific District.

ALL VOTED IN FAVOR.

2. Approval of Minutes

Commissioners reviewed the January 3, 2012, regular meeting and work session and January 17, 2012, work session minutes. Chairman Pratt asked that the January 3, 2012, work session minutes reflect the correct name of the subcommittee, under Item 1, as the Town Square Corridor Antelope Drive Planning Committee rather than the 700 South Committee.

Tyler Bodrero arrived at the meeting at 6:06 p.m.

GARY PRATT MADE A MOTION TO APPROVE THE JANUARY 3, 2012, MEETING MINUTES AS WRITTEN AND WORK SESSION MINUTES AS AMENDED AS WELL AS THE JANUARY 17, 2012, WORK SESSION MINUTES AS WRITTEN. DALE RACKHAM SECONDED THE MOTION; ALL VOTED IN FAVOR.

3. Public Hearing: Proposed Amendments to Land Use Ordinance Pertaining to Animal Regulations

Chairman Day explained that commissioners had been working on updating this Section of the Land Use Ordinance for several months due to Davis County Animal Control amending their ordinance. The Commission already forwarded a recommendation to City Council, but they remanded it to commissioners for more changes.

Planner Andersen added that much of the proposed amendments were general in nature but that the first major proposed change could be found in Section 10-6-040(C)2, which allocated additional points for lots under half an acre but greater than quarter of an acre in order to allow farm animals. It would give 10 points for a quarter-acre lot and 1 point for each additional 1,361 square feet of land. This same type of allocation would apply to lots with at least half an acre, by adding 1 point for each additional 1,089 square feet of land rather than needing 10,890 square feet to qualify for more points. Staff also added examples for calculating the points in both subsections. The next change adjusted the table listing animal categories.

Commissioners decided to consider emus, llamas, and ostriches as large, rather than medium, animals and add a section just for small fowl, such as ducks and pigeons. The final proposal was to retain the current language as to number of household pets and the limit of only two of the same species, even though Davis County Animal Control amended their ordinance to allow a third dog or cat if it came from a rescue shelter.

Chairman Day opened the meeting to public hearing.

Carie Valentine, 1603 West Ira Way, came forward to admit that she did not understand the proposed changes. She lived on a quarter-acre lot with six chickens and loved them. She asked that the City not change the Ordinance in such a way that she could not keep her chickens. They were a wonderful teaching tool for her children, a great resource for her Bear cub scouts, and a lot of fun for the neighbor children. The eggs they provided made it feel like Easter every day at their house.

Pieder Beeli, 1490 South 1000 West, stood to ask for clarification on the proposed amendments to the point system. After discussing it with Planner Andersen, he concluded that the City would be more generous in terms of regulating the number of farm animals on residential lots. Planner Andersen told him he was correct but emphasized the fact that these regulations only applied to land in R-1 residential zones.

Ray Zaugg, 1593 West 700 South, spoke next to ask if the proposals included language regarding pigeons. Planner Andersen advised him that it did identify them as small fowl, such as ducks or hens, and read the applicable proposal requiring them to be controlled at all times. Mr. Zaugg explained that he was aware of the background regarding this specific amendment but wondered if it would be more appropriate within the Code Enforcement/Public Nuisance Abatement Law Ordinance in Title 6. Pigeons were hard to control, so he spoke about the matter before City Council previously and asked if

the City could address these nuisances on a case-by-case basis rather than regulating them in the Land Use Ordinance. Commissioner Pratt advised him that the nuisance ordinance would require a complainant to log each nuisance event whereas Animal Control could cite without such detailed background with this language contained in the Land Use Ordinance. He considered the nuisance ordinance as kind of an umbrella for various issues but almost impossible to implement because of the amount of work for verifications required to submit complaints to the City. The Land Use Ordinance placed responsibility on the pigeon owners to keep them contained, such as installing some type of netting if they wanted to allow them to fly.

Karianne Lisonbee, 4334 West 1700 South, approached the Commission with a reference to the cruelty-to-animals bill and feral animal amendment to it that passed last year. The County ordinance incorporated that cruelty to animals language, under section C, and she asked if the Commission intended to adopt the County's entire ordinance without specifying any exceptions in the City's Ordinance. If so, she asked how that would affect her if she killed one of her chickens on her lot, since it was her understanding that the Commission would be adopting the County's Animal Control Ordinance that evening. Director Eggett explained that the City adopted the County's ordinance each year but with any modifications made within the City's ordinances, which preempted the County's. Mrs. Lisonbee said she hoped to see language in the City's Ordinance then that addressed such an issue, since she did not want to feed chickens that did not produce eggs.

Troy Shingleton, 1343 South 1600 West, came forward to express continued confusion with the point system and wanted to know if properties up to a quarter acre received 10 points or if they had to have a minimum of a quarter acre to receive any points. Planner Andersen explained that properties had to have a minimum of a quarter acre to qualify, at which time Commissioner Jensen again emphasized that these regulations only applied to R-1 residential zones. Chairman Day then pointed out that, although Planner Andersen referred to a minimum of 10 points earlier, the minimum points would be 12. Mr. Shingleton stated that it then made sense, and he understood.

Mandy Russell, 1419 South 2600 West, stood before the Commission stating that she owned ten chickens as well as turkeys, because her lot was bigger, approximately a third of an acre. She routinely killed their turkeys, since stores did not sell poultry large enough to feed her family gatherings, and she did not like the end product of processed meats. It only took seven months to raise her turkeys before killing them, so she asked how the City would count these types of animals kept on residential lots for such a limited period of time. She asked if the City would condemn her for wanting farm-fresh food to eat. Planner Andersen explained that her lot currently did not qualify for farm animals but could with the proposed amendments. As presented, her property would have 14 points, which would allow two turkeys, at 5 points each, and two hens, at 2 points each. If she kept more than that, she would not be in compliance with the proposed regulations. Ms. Russell asked why the City needed to regulate farm animals, so Commissioner Hellewell asked how the City handled farm animals kept only temporarily. Planner Andersen advised him that the Ordinance did not differentiate between long- and short-term animals but that commissioners could discuss such an option if they wanted to recommend language that exempted animals from the point system in R-1 zones for, say, less than 8 months. He reminded them, however, of the purpose for these regulations, such as noise and smell, in order to limit impacts to neighboring properties. Mrs. Russell pointed out that if those were the purposes for these regulations, the City needed to limit the lake stench. Her chickens did not produce stenches or other negative impacts. Planner Andersen explained that she could ask the Commission to recommend changes to the Ordinance but that these regulations were to protect residents from others going above and beyond reasonable limits in residential neighborhoods. Ms. Russell then asked commissioners to increase the point system.

Lurlen Knight, 400 South 2000 West, spoke next regarding his two acres and a rooster. His neighbor also had two acres and a rooster. Both lots were long and narrow, approximately 159 feet deep, and he wanted to point out some unique issues with parcels like theirs. State law did not allow them to develop or sell the back portions of their land, so he used his to raise steers. He asked commissioners to be mindful of these unique properties where the government taxed them at 100% of their value, because of the residential zoning, but then controlled the uses because they were within municipalities. He and his neighbors liked roosters. Although he understood how they could cause problems, he pointed out that they were no more of a nuisance than barking dogs. He asked commissioners to be reasonable, since farm animals contributed to the health of a community.

Pieder Beeli approached the Commission again to express appreciation for their efforts to liberalize this section of the Ordinance and increase the value of animal husbandry. As a homeschooling father, a physicist by profession, and being new to the community, he deliberately purchased a lot large enough to have farm animals. He looked at the point system and fastidiously kept within its limits. He explained how his family could have been obnoxious neighbors by purchasing a loud breed of goat that produced very rich and good-tasting milk. Not wishing to create a nuisance, however, they selected a different breed that provided an inferior milk quality but was quieter. Because they could still create a negative impact under the point system, he suggested that residents with farm animals were good people doing good things in the City. He still had not had anyone approach him about their animals. Processed poultry, beef, and even eggs was quite different than most people realized. He suggested it would be beneficial for the City to recognize the public good farm-raised food provided in terms of nutrition and raising children to be respectful of animals and appreciate the cause and effect when well fed and cared for to produce quite a different product than mass-produced food. He therefore encouraged the City to lightly enforce these regulations and even adopt the protocol of first giving notice of complaints. If someone was over the threshold but not creating a public nuisance, he did not believe it should be a crime and asked commissioners to continue relaxing the ordinance as to what they would allow.

Angela Liptrot, 3332 West 1850 South, came forward to explain that she and all her neighbors owned horses and were asking for a definition of dependent young. With a point system that allocated 40 points for half an acre, she asked that it exclude dependent young. She did not believe this issue had yet been addressed since the last meeting at which she attended before the City appointed the current commissioners. She worked for Animal Control for ten years investigating animal cruelty cases for Davis County and currently worked for the County Sheriff's Department, so she believed it was something the City needed to address and asked commissioners to consider including such an amendment.

Brian Chase, 1681 West 1375 South, stood to ask how many chickens he could have on his fifth-acre lot, or .19 acre. He currently had four and wondered if he could keep them. Planner Andersen explained that the point system was only for

quarter acre or larger lots, so anything less would not qualify under the point system; however, rabbits and hens were permitted in R-2 and R-3 zones. Mr. Chase referenced a report on KSL news indicating that about four to six chickens were equivalent to one dog as far as noise and odor, so he asked his neighbors if they felt impacted by his chickens. They said they had not seen, heard, or smelled them and much preferred his four chickens over their other neighbor's one dog.

Since no one else came forward, Chairman Day closed the public hearing.

Commissioner Jensen pointed out that the Ordinance did already exclude dependent young.

Commissioner Hellewell suggested removing the six hens, permitted within R-1, R-2, and R-3 zones, from the point system, since those residential areas could have them regardless of their lot size. The point system would kick in after exceeding those six hens or rabbits. Commissioner Schenk pointed out that: doing so would then allow turkeys. Commissioner Hellewell then suggested that, if a turkey was 5 points, maybe a rotational turkey could be 3 points. Chairman Day pointed out that doing so would be a problem for code enforcement. Commissioner Jensen agreed, stating that it would be easy for the City to enforce one property owner and not another based on complaints. He wanted neighbors to be able to get along with each other without having to live under the radar of complaints. If the City had to do a lot of enforcing, he suggested the Ordinance might be too restrictive.

Chairman Day asked if the County's ordinance addressed the issue of harvesting or perceived cruelty to animals. Director Eggett offered to discuss that with Clint Thacker, the County Animal Control Director, and gauge his perception as to how it would be applied if not addressed in the City's Ordinance.

Commissioner Jensen suggested requiring conditional use permits for roosters. Commissioner Schenk pointed out that minor conditional use permits were $50 and asked if residents would be willing to pay that much to have a rooster. He then asked City staff if they had a yearly average for nuisance complaints related to roosters. Secretary Merrill advised him that she was receiving approximately three complaints a month until the City prohibited them from residential zones. Since then, the only complaints they received were regarding dogs.

Chairman Day allowed Mandy Russell to add one more comment. She stood and pointed out that residents ordering chickens from Dallas Green could end up with a tom, which were just as loud as roosters. She therefore asked what was wrong with allowing roosters if the City allowed turkeys. Commissioner Schenk explained how he was as against more ordinances as anyone else but that just because his truck could go 125mph did not mean he should drive that fast. The City wanted these standards to be as conducive as possible for the majority of the population while at the same time considering the minority of residents. Ms. Russell then asked if she had to get rid of her turkey if it ended up being a tom. Secretary Merrill explained how the City enforced roosters, originally assumed to be hens, by requiring the owners to relocate, eat, or otherwise dispose of them. When Ms. Russell asked if the same were true for turkeys, Commissioner Schenk told her no.

Chairman Day suggested there were several issues the commissioners might still want to discuss and asked if any of them wanted to give City staff some direction as to modifications to these proposals and a motion to continue. Commissioner Hellewell asked for an update to the point system based on their discussions of chickens as well as some language to address the need to harvest these animals for food in case the County's ordinance considered that cruelty. He did not want Syracuse citizens arrested for raising animals to kill for food as intended. Commissioner Jensen suggested providing a compliance period of 30 days so that violators would have an appropriate amount of time to come into compliance.

Commissioner Rackham asked staff to add a conversion table in this section of the Ordinance so that people did not have to do the math in their heads in order to calculate the square footage allowance from their recorded lot acreage.

T.J. JENSEN MOVED TO TABLE THE PROPOSED AMENDMENTS TO THE LAND USE ORDINANCE SPECIFIC TO ANIMAL REGULATIONS. TYLER BODRERO SECONDED THE MOTION; ALL VOTED IN FAVOR.

4. Public Hearing: Recommendation of the proposed Trail Master Transportation Plan

Chairman Day explained how the Planning Commission formed a committee to look at the City's Master Transportation Plan. Commissioner Jensen chaired the Committee, which included citizens.

Commissioner Jensen presented and explained the proposed maps, explaining how the Committee spent about a year reviewing and formulating this proposal specific to trails. They looked at existing facilities and what they believed the citizens would want closer to build out in order to improve interconnectivity for the City using horses, walking trails, and bicycles. The proposed map showed trails on existing roads that would add signage to educate the public that the road also served as a bike trail. The map also showed where the City would add bike lanes and connect to equestrian trails.

Curt went through the text document, which outlined the definitions, policies, and future goals.

Chairman Day opened up the meeting to public hearing.

Ray Zaugg, 1593 West 700 South, came forward to ask how the City intended to support this proposed plan with the future West-Davis corridor coming through in unknown locations. Commissioner Jensen explained to him how UDOT would need to negotiate and coordinate with the City regarding any potential impacts to existing City trails as well as future trails if the City had this plan in place by adoption. It would also provide protection from SR193 impacts. UDOT would have to relocate any existing trails either of these routes affected.

No one else came forward, so Chairman Day closed the public hearing.

Commissioner Jensen continued, by referring to an issue staff brought to his attention regarding Note 5 on the proposed map, which directed the public to visit the City website for an interactive online version of the map that included up-to-date information about restroom locations, area parks, landmarks, and other points of interest. Staff asked that it simply refer the public to the City website and not be any more specific than that. Planner Andersen explained that, if it would be possible to provide a kmz file for the public to download to GoogleEarth, but he did not believe they could make it interactive .

Chairman Day asked if adopting this plan would help the City better position itself to acquire grants in the future. Director Eggett advised him that it would help to some extent. The City had to identify priorities for funding. As City staff worked with the County and shared with them these priorities, it allowed them to identify needs in Syracuse and how to get those CDBG and other funds back to the City.

Commissioner Rackham asked if the maps presented would be a part of the Master Plan or separate. Planner Andersen advised him that they would be a part of the Master Plan. When Commissioner Rackham asked if that meant both of them, Planner Andersen said he did not see a reason to include both of them. Commissioner Rackham pointed out that both had the same legend and were labeled proposed. Commissioner Jensen said he would correct that oversight. Commissioner Bodrero then clarified that the Commission would be making a recommendation on just the proposed map, rather than both, and document.

Director Eggett suggested tabling their recommendation on this, since the Commission was still in the middle of a General Plan update, until they could forward both recommendations together. Commissioner Jensen pointed out that the sooner the City adopted this Master Plan, the sooner they could go after funding. Commissioners Bodrero and Pratt agreed that time was of the essence.

GARY PRATT MADE A MOTION TO RECOMMEND APPROVAL OF THE PROPOSED TRAILS MASTER TRANSPORTATION PLAN AS AMENDED. DALE RACKHAM SECONDED THE MOTION. ALL VOTED IN FAVOR.

5. Public Hearing: Proposed amendments to Land Use Ordinance regarding Conditional Use standards

Director Eggett explained how staff had been going through zoning language in general and looking at new zones and revisions within the Land Use Ordinance. They came across multiple instances where it was unclear as to how to apply conditional uses, so they proposed the original revision. Staff did not believe the Ordinance included sufficient language in Chapter 6 to regulate conditional uses; however, staff found those standards, upon further review, in the Administration and Enforcement chapter. This proposal recommended incorporating that language with additional revisions to clarify standards established within the Ordinance, which were not very clear before, and identify for the Planning Commission how to review such applications and apply said standards.

Chairman Day opened up the meeting for public hearing. No one came forward, he closed public hearing.

Commissioner Pratt asked if he was correct in his understanding that this specific section had to do with how the Commission operated. Planner Andersen said yes and that commissioners should review this language and apply it each time they considered a request for a conditional use. The previous language was sufficiently lacking and needed these additions, one of which established the process for someone who wanted a public hearing in connection with their request.

Commissioner Hellewell pointed that that some types of conditional uses should not expire, such as accessory structures, while others should, such as when a permittee moved out of the City. Secretary Merrill showed commissioners where they could find that language within the Home Occupation standards.

Commissioner Hellewell considered it more appropriate to duplicate that language within the Conditional Use chapter and directed staff to include that change in the next revision. He then expressed a preference to table this item for staff to propose further changes as discussed, and Commissioner Schenk agreed.

TJ JENSEN MOVED TO TABLE THE PROPOSED LANGUAGE TO THE LAND USE ORDINANCE SPECIFIC TO CONDITIONAL USES, SECONDED BY BRAXTON SCHENK; ALL VOTED IN FAVOR.

Chairman Day asked audience members to indicate the items on the work session in which they were interested. After some discussion, he suggested the Commission remain in the Council Chambers due to the large number of people in attendance. He then invited a motion to adjourn and announced a five-minute recess prior to the work session.

6. Adjournment

T.J. JENSEN MADE A MOTION TO ADJOURN AT 7:29 P.M.; ALL VOTED IN FAVOR.

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Gregory Day Planning Commission Chair