

Requested Action	Approval of a Special Use Permit to raise and keep chickens at home.
Location	8495 Hood Mesa Trail
Existing Land Use	Residential
Existing Zoning	RE-2, Residential Estate
Surrounding Zoning & Land Use	North: RE-2, Residential Estate / Residential South: RE-2, Residential Estate / Residential East: RE-2, Residential Estate / Residential West: RE-2, Residential Estate / Residential
Notice	Publication of Notice for public hearings of the Planning and Zoning Commission and also the City Council appeared in the Daily Times on Wednesday, January 12, 2011. Property owners within 100 feet were sent notice by certified mail on Wednesday, January 12, 2011 and a sign was posted on Friday, January 14, 2011.
Staff Planner	Margaret Ambrosino, Associate Planner

STAFF ANALYSIS

Project Description

The petitioner is requesting a special use permit to house between four and twelve chickens on their property of five acres located at 8495 Hood Mesa Trail. The chicken keeping is for hobby purposes and no commercial activity is proposed. According to Section 2.4.7 (A) 2 of the UDC, the keeping of animals or fowl, defined under the recommended animal unit capacity shall require a special use permit for all districts outside of RA, Rural Agricultural. This section refers to the Animal Unit Capacity detailed in Section 11 for Animal Unit as follows:

A unit of measurement used to determine the animal capacity of an animal feeding operation containing one or more species of animals. The animal unit capacity (in acres or fraction thereof) of an operation is determined by multiplying the number of animals proposed by the appropriate equivalency factor from the following:

Chickens: 0.02 (equivalency factor) times proposed number of chickens (12 max.) = 0.24.

Therefore 0.24 acres are needed for the proposed maximum number of chickens on this property.

As conveyed to staff, the chicken keeping is currently in operation and the purpose of the special use permit is to bring the use into compliance. Four phone calls were received from neighbors by the Community Development Department regarding this petition. Of those, two were within the required notification zone. In all cases, the inquiries were for further information to be assured that the chicken keeping was for hobby vs. commercial purposes and expressed opposition if this was a commercial operation. The animals are presently being kept behind a temporary 6-foot chain link fence that will be replaced. In the winter evenings the chickens are kept in a closed, locked wood coop as shown in the attached photos, with a heat source to protect them from the elements.

ISSUES

Planning Division: Margaret Ambrosino – 599-1333

- Proper containment against the elements is required. Enclosure(s) of chickens shall comply with Sections 6-1-5 and 6-1-6 of the Farmington City Code.
- Other issues or complaints from neighbors, if necessary, may need to be addressed, such as noise mitigation or containment.
- A 35-foot street side (yard) setback is required for any accessory structure.

STAFF CONCLUSION

Staff concludes that approval of SUP-18 is appropriate with conditions. The Maurin's have more than sufficient acreage to keep up to 12 chickens on their property as demonstrated in the calculation.

STAFF RECOMMENDATION

The Community Development Department recommends **approval** of Petition SUP 10-18, a request from Kimberly and Ted Maurin, for a special use permit to keep up to 12 chickens on their residential property of five acres located at 8495 Hood Mesa Trail in the RE-2, Residential Estate District, subject to the following:

- a. The applicant will obtain a building permit to replace the temporary chain link fence with a permanent one.

DISCUSSION

Director Holton presented the staff report to the commission stating that the recommendation was for approval. Commissioner Ziesmer asked if there were currently any covenants in that area. Director Holton stated that Ms. Ambrosino, Associate Planner, has been researching that information. The two additional letters that were received in the morning, prior to the meeting, were added into the packet for discussion.

Mr. Edward Maurin and Mrs. Kimberly Maurin, 8495 Hood Mesa Trail, spoke to the commission as both the owner and petitioner. His first concern was that the fence would need to be permanent. He stated that having the ability to move the fencing provides them the ability to move the coop and allow the chickens to keep the weeds to a minimum. Mrs. Maurin addressed the use of a chicken tractor that controls the chickens in areas outside of the coop. Commissioner Cardon asked if there was a top on the coop. Mrs. Maurin stated that there was a vinyl tarp covering, but that the weight of the recent snows caused the tarp to fall. Commissioner Cardon stressed that they were responsible for the protection of any animals within their care.

Mr. Duane Meade, 8530 Foothills, spoke about the need for the neighbors in this area to live in harmony and for the record; he is not opposed to this petition, but submitted suggestions to staff regarding the design of the coop.

Mr. Maurin returned to the lectern and stated that he had installed a camera system, Trail Timer, since the damage to his chickens previously. In addition, he stated that he has not seen a coyote or fox since he has used this system. Chairman Ivie stated that there are departments within the city that should be contacted by Mr. Maurin if there is an issue with dogs running free. He informed the petitioner that Animal Control and Code Compliance are two of those departments, and that the Planning & Zoning Commission is concerned with the Special Use Permit only.

Commissioner Freeman asked Director Holton about the cause behind the recommendation for permanent fencing. Director Holton stated that the safety of the chickens was the main goal, and that if the petitioners can meet that goal by other means that satisfied the commission, then staff is fine with that change. Commissioner Ziesmer stated that her experience with fowl suggests that chicken wire and a temporary structure will not protect the chickens and that predators will find a way past a non-permanent fence, such as digging under it. She suggested that a permanent fence be buried enough to deter digging. Commissioner Freeman asked if a six foot fence needs a building permit, Chairman Ivie indicated that a permanent six foot fence does need a permit. Ms. Maurin asked Commissioner Ziesmer if the coop looked sturdy and secure because the chickens are placed inside at night. Commissioner Ziesmer stated that the coop did look sturdy and secure.

Commissioner Cardon made a motion to approve SUP 10-18 with condition 'a' as recommended by staff. There was no second and the motion died. Commissioner Freeman made a motion to approve SUP 10-18 without condition 'a' and no additional permanent fencing being required. There was no second and the motion died. Commissioner Ziesmer made a motion to approve SUP 10-18 with condition 'a' and adding a permanent cover. There was no second and the motion died.

Chairman Ivie opened discussion about the difference between temporary and permanent fencing and also asked about covering for the fenced area. Commissioner Freeman amended his previous motion to approve SUP 10-18 and remove condition 'a', to allow the temporary chain link but to require a top. Commissioner Langenfeld seconded the motion. Chairman Ivie restated; the motion is to approve with the ability to use the temporary chain link fence with a chain link top covering. The petition was approved with 5 votes for and 1 vote against.

PLANNING AND ZONING COMMISSION ACTION of January 27, 2011:

A motion was made by Commissioner Freeman, seconded by Commissioner Langenfeld, to approve Petition SUP 10-18, removing condition 'a' and adding a requirement for a chain-link top to the coop.

AYE: Chairman Ivie, Commissioners Cardon, Freeman, Jaques and Langenfeld
NAY: Commissioner Ziesmer (Alt.)
ABSTAINED: None
ABSENT: Commissioners Buchanan, Byrom, Kuchera and Simpson

THE MOTION PASSED 5-1

<u>Business from the Floor</u>	There was no business from the Floor
<u>Business from the Chairman</u>	There was no business from the Chairman
<u>Business from the Members</u>	There was no business from the Members.
<u>Business from the Staff</u>	The commission was informed that City Council passed both of the petitions presented to them by staff.

Adjournment

Motion was made by Commissioner Cardon to adjourn. With no further business the meeting was adjourned at 2:35 p.m.

Dennis R. Ivie
Chairman

Dee Dee Moore
Office Manager