

**City of Taylorsville  
 Planning Commission Meeting  
 Minutes  
 September 13, 2011  
 Pre-meeting – 6:30 p.m. - Regular Session – 7:00 p.m.  
 2600 West Taylorsville Boulevard – Council Chambers**

**Attendance:**

**Planning Commission**

Dale Kehl, Chair  
 Ted Jensen  
 Anna Barbieri  
 Garl Fink  
 Steven Faurschou  
 Ernest Burgess  
 Kristie Overson  
**Excused:** Dan Fazzini, Jr.

**Community Development Staff**

Michael Meldrum – Principal Planner  
 Jean Gallegos – Admin Asst/Recorder  
**Excused:** Mark McGrath/Director  
 Dan Udall/City Planner

**PUBLIC:** Kathleen Kingston, Meridale Levesque

**19:00:43**

**WELCOME:** **Commissioner Kehl** assumed duties as Chair and welcomed those present, explained the process to be followed this evening and opened the meeting at 7:00 p.m. He outlined the items on the Consent Agenda and asked if there were anyone in the audience wishing to speak to any of them or any changes deemed appropriate by the Planning Commission. There being none, **Commissioner Kehl** asked for a motion regarding the Consent Agenda.

**CONSENT AGENDA**

| Agenda/File # | Application  | Applicants | Action                               |
|---------------|--|------------|--------------------------------------|
| 1.            | Review/approval of Minutes for August 23, 2011.                                    |            | Approved as presented.               |
| 2.            | 6S11 – Simple subdivision – Carmen Johnson – 4460 South Edgeware Drive (2345 West) |            | Approved with Staff Recommendations. |

**MOTION:** **Commissioner Fink** - I move for approval of the Consent Agenda consisting of including Items 1 through 2.

**SECOND:** **Commissioner Steve**

| <b>VOTE</b>                 |      |              |      |              |        |
|-----------------------------|------|--------------|------|--------------|--------|
| Commissioner                | Vote | Commissioner | Vote | Commissioner | Vote   |
| Faurschou                   | AYE  | Fink         | AYE  | Kehl         | Chair  |
| Jensen                      | AYE  | Barbieri     | AYE  | Fazzini      | Absent |
| Overson                     | AYE  | Burgess      | AYE  |              |        |
| <b>Motion passes 6 to 0</b> |      |              |      |              |        |

**HOME OCCUPATION**

3. 13H11 – **Kathleen Kingston – 4753 South Simper Lane (3400 West)** – Day Care. (Dan Udall/City Planner)  
**19:03:47**

3.1 **Mr. Meldrum** presented this item for Mr. Udall. The applicant is proposing a family child day care home occupation for 4 to 12 children. The proposed hours and days of operation are from 6:00 a.m. to 7:00 p.m., Monday through Friday. There is a four car driveway on the site. The applicant is caring for four of her own children that are under the age of six. A total of 4-8 children will be coming from outside of the home to attend the child day care. A total of 1 to 2 vehicles will be coming at a time. The property is a total of .48 acre. **Mr. Meldrum** outlined the recommendations received from the Fire Marshal below:

**Fire Marshal Recommendations**

1. Smoke detectors are required in all sleeping rooms and halls leading to sleeping rooms. Fire extinguishers are required on each level with a minimum size classification of 2A-10-BC.
2. Two exits are required from all areas where children are located. For basement and floors above the grade level, rescue windows that meet code are required. For children under the Age of 2, one of the exits must be a door that leads directly outside.
3. Fire drills to be practiced and recorded.
4. Provide fire escape plan.
5. The home occupation must meet all local building and fire code requirements.

**Findings of Fact:** Staff finds the following findings of facts regarding **File # 13H11:**

1. The applicant is proposing a family child day care home occupation.
2. A maximum of 4-8 children are coming from outside the home each day the day care is operated.
3. Four children under the age of six are the applicants' own children who will be attending the family child day care home occupation.
4. The family child day care is a conditional use in the R-1-8 zone.
5. Currently the applicant does not have any well maintained landscaping.
6. Currently the applicant does not have a play area for the children attending the day care.
7. That adequate fencing needs to be provided on site.

**Staff recommends approval of File #13H11 with the following conditions:**

1. Receive approval from and remain compliant with all applicable reviewing agencies.
2. That the use is reviewed upon substantiated and unresolved complaint.
3. **[Changed by Motion]** That no more than 12 children can attend the home per day for the child day care, including all children who live in the home, **who are under the age of six.**
4. A maximum of one name plate sign is allowed to be attached to the single-family home. The sign is allowed to be 3 square feet.
5. That adequate parking is provided on site to accommodate the homeowner's vehicles and customer vehicles.
6. Hours and days of operation can be allowed from 6:00 a.m. to 8:00 p.m., Monday through Sunday.
7. That the home occupation is clearly incidental and secondary to the use of the dwelling and does not change the character of the neighborhood.
8. Provide adequate outdoor lighting.
9. That no other Class "D" home occupation is allowed while the child day care home occupation is under operation.
10. **[Changed by Motion]** That the landscaping in the front of the single-family home **and the play area** is well maintained.
11. That adequate fencing is provided on site.
12. That a caregiver is provided if there is a total of 9-12 children attending the child day care.
13. That the applicant provides a play area in the side or rear yard. The outdoor play area shall consist of a minimum of forty (40 square feet in area per child.

**DISCUSSION:** **Commissioner Overson** wanted to know if there is a canal behind the home. **Mr. Meldrum** said that there is a canal on the east side. **Commissioner Overson** then asked if the play area was going to be defined so that the children will not be back anywhere near the canal. **Mr. Meldrum** said he would defer the answer to that to the applicant when she speaks.

3.2 **APPLICANT ADDRESS:** **Kathleen Kingston, 4753 S. Simper Lane** was present. **Mrs. Kingston** advised that she had received a copy of the Staff Report and was okay with all conditions. She indicated that she had talked with Mr. Udall and he answered all her questions. However, on the Staff Report it did contain questions about the landscaping. She advised that they are presently in the process of upgrading that and in fact has had sod installed and finished their fencing. With regard to the play area, it is located right behind the house and they have installed a new 6' high fence against the canal. They also have plans to install a center fence as well to separate the two areas. **Commissioner Overson** wanted to know if that meant the children would not be anywhere near the canal and **Mrs. Kingston** replied that was correct. She continued on to say that the 6' high fence contains no access to the canal area. **Commissioner Kehl** asked if the play area was going to be within a fence approximately where the sod ends. She said that was correct and added that a portion of the back lot will remain as just dirt so that bicycles can be ridden there. **Commissioner Barbieri** wanted to know about the 4' high fence mentioned in the application. **Mrs. Kingston** said the 6 foot high fence would be along the canal and the 5' (not 4') high fence is along the sides. **Commissioner Barbieri** said her concern is that the 4' or 5' high fence may not be tall enough if the neighbors have big dogs. **Mrs. Kingston** felt the fence was sufficient to take care of that. She mentioned that they had just moved into this home over the Labor Day weekend and have been working very hard on cleaning up the yard. **Commissioner Kehl** complimented Mrs. Kingston on the progress they have made thus far in that endeavor. [19:10:43](#)

3.3 **Commissioner Kehl** opened the meeting for public comment and hearing none, closed the meeting, opening it up for discussion or a motion.

3.4 **MOTION:** **Commissioner Overson 19:12:08** – I move that we approve File 13H11, based on the recommendations in the Staff Report, the Findings of Fact, the applicant's testimony and information that we have learned tonight, I think this a worthy application and I applaud the applicant for doing this the right way, coming in and getting the approval first before starting the day care. I want to make a couple of modifications to the conditions – That would be condition #3 to include the wording "children under the age of six", just so that the applicant knows that 12 children can attend the home per day for the child day care, including all children who live in the home who are under the age of six. So that she is not bound to a lesser number because she may have older children in the home. Also condition #10 that the landscaping in front and the play area of the single family home is well maintained. [19:13:24](#)  
**SECOND: Commissioner Jensen**

| <b><u>VOTE (File 13H11)</u></b> |                    |                            |                    |                                    |                      |
|---------------------------------|--------------------|----------------------------|--------------------|------------------------------------|----------------------|
| <b><u>Commissioner</u></b>      | <b><u>Vote</u></b> | <b><u>Commissioner</u></b> | <b><u>Vote</u></b> | <b><u>Commissioner</u></b>         | <b><u>Vote</u></b>   |
| <b><u>Faurschou</u></b>         | <b><u>AYE</u></b>  | <b><u>Jensen</u></b>       | <b><u>AYE</u></b>  | <b><u>Kehl</u></b>                 | <b><u>Chair</u></b>  |
| <b><u>Fink</u></b>              | <b><u>AYE</u></b>  | <b><u>Barbieri</u></b>     | <b><u>AYE</u></b>  | <b><u>Fazzini</u></b>              | <b><u>Absent</u></b> |
| <b><u>Overson</u></b>           | <b><u>AYE</u></b>  | <b><u>Burgess</u></b>      | <b><u>AYE</u></b>  | <b><u>Motion passes 6 to 0</u></b> |                      |

**CONDITIONAL USE**

4. 31C11 – **Meridale Levesque – Animal Hobby Permit (Chickens) – 4880 South 3200 West**  
(Michael Meldrum/Principal Planner)

4.1 **Mr. Meldrum** presented this item. The applicant is requesting approval for an Animal Hobby Permit for backyard chickens. The subject property contains 0.39 acres which would allow a maximum of 10 chickens. The applicant stated on the application that she needs to obtain a permit to allow 20 hens. [19:14:35](#)

- This applicant currently has 20 chickens on the site, which exceeds the maximum allowed by Section 13.12.140 of the Zoning Ordinance. The maximum number of chickens is determined by lot size with a cap at 10 for lots that are 12,000 square feet or larger. The applicant's lot contains 16,988 square feet and qualifies for the maximum number of chickens.
- The lot is located in an R-1-8 zoning district and is surrounded by properties in the same zoning district. Roosters are not allowed under the provisions of the Backyard Chicken Ordinance (8.12.140). The north, south and east sides of the property are fenced with a 6 foot high wooden fence. The west side of the property is fenced with a 5-foot high chain link fence. The chicken coop is located inside a chicken run.
- The applicant has indicated that there are no roosters on the property. The hens owned by the applicant are of a long-lived breed (Orpington) and can reach 15 or more years of age, although most are between the ages of 10 and 15. The applicant has indicated that they have had the chickens for approximately seven years.
- A complaint was received by the City's Code Enforcement Officers regarding the chickens. The complaint was not that there were chickens on the property but rather that the appropriate permit had not been obtained. Upon inspection of the property, the Code Enforcement Officers were able to verify that there were chickens on the site, however, were not able to verify the number. The applicant was notified by letter of the violation of Section 8.12.140 of the Zoning Ordinance. There have been no issues involving West Valley Animal Services.
- Staff recommends that the Planning Commission take into consideration any public comments that are offered at the public hearing in making a motion. The applicant will be subject to all requirements of Section 8.12.140 of the Taylorsville Code of Ordinances regarding the keeping of backyard chickens, which the applicant received a copy of.

**Findings of Fact:**

1. The use is a conditional use in the R-1-8 zoning district.
2. The yard has a 6-foot high wood fence on the north, south and east sides and a 5-foot high chain link fence on the west side.
3. There are 20 chickens currently on the property.
4. The applicant's lot is 0.39 acres and allows up to 10 chickens.
5. No roosters are allowed under Section 8.12.140 of the zoning Ordinance.

**Staff recommends approval of preliminary Conditional Use Application #31C11 with the following conditions:**

1. Comply with the requirements of all reviewing agencies.
2. The coop and enclosure must meet the requirements of Section 8.12.140.
3. No roosters are allowed.
4. **[Changed by Motion]** ~~Reduce the number of chickens to be in compliance with the maximum number of chickens allowed by Section 8.12.140 of the Taylorsville Code of Ordinances~~ **That the maximum number of chickens be reduced to ten within two years.**
5. The Animal Hobby Permit is subject to review upon substantiated and unresolved complaint.

4.2 **APPLICANT ADDRESS:** **Meridale Levesque, 4880 S. 3200 W.** was present. [19:17:36](#) **Mrs. Levesque** said she had received a copy of the Staff Report and had a concern with reducing the amount of chickens she can have down to ten. She said she had talked with Mr. McGrath and Mr. Meldrum and they indicated that the Commission would probably allow her time in order to reduce the size of her flock through attrition. She said she would appreciate it if that could happen in her case because the chickens are part of her family. They are all well loved and all have names and the breed allows a longer than usual life span. They were bought for that very reason so that they would not have to keep replacing the hens over time. She wanted to make it clear that not all of her hens are seven years old and in fact the age range is from 2 years up to 7 years. [19:18:24](#)

- **Commissioner Fink** asked her if she occasionally has a rooster on the premises. **Mrs. Levesque** answered that would only happen if they ended up with one that hatched out of an egg or if one of the chicks that was purchased through the IFA just happened to be a rooster. As soon as she figures out it is a rooster, it is moved off the property. The hens lay an egg once every 30 hours. **Commissioner Fink** wanted to know if a rooster is required in order for the hens to lay their eggs and **Mrs. Levesque** advised that was not the case but has been told that having a rooster in the flock for a little while occasionally helps keep the hens happier. However, they have not experienced that and found her hens to already be contented.
- **Commissioner Faurshou** wanted to know if the hens continue to lay eggs up until the time they die and **Mrs. Levesque** said that was correct. **Commissioner Burgess** asked if that meant they do not go into a molting period. **Mrs. Levesque** said that they do and that tends to slow down egg production but they don't all molt at the same time. **Commissioner Faurshou** inquired how many of her hens were in the age range of 5 to 7 years. **Mrs. Levesque** answered that would probably be about 12 of them.

- **Commissioner Barbieri** addressed the applicant saying that there is a limit of 10 chickens on a lot the same size as hers and the Commission would like to propose that she brings that limit down to 10 within two years to make her in compliance. How that is done is up to the applicant. **Mrs. Levesque** said that she would do her best. She has discussed this with her husband and decided if it comes down to giving them away to someone who will give them a good home she was okay with that. But if it comes to putting them down simply because of this new ordinance she is not willing to do that. They all have names, are as much a part of their family unit as children are to other families.
- **Commissioner Fink** offered that the chickens are apparently quite valuable and she could actually sell them. **Mrs. Levesque** advised that the chickens were very expensive to buy and over the years to feed and care for. She did not feel that would work right now due to the economy down turn. [19:23:17](#)
- **Commissioner Overson** felt that giving the applicant notice that she has two years to resolve this matter would be helpful to her in making her decision easier.

4.3 **Commissioner Kehl** opened the meeting for public comment and hearing none, closed the meeting, opening it up to the Commission for discussion or a motion.

4.4 **MOTION: Commissioner Barbieri - I move for approval of File #31C11 with staff recommendations 1 through 5 and changing #4 to say that the maximum number of chickens be reduced to ten within two years. 19:25:40**  
**SECOND: Commissioner Overson**

| VOTE (File #31C11)   |      |              |      |              |        |
|----------------------|------|--------------|------|--------------|--------|
| Commissioner         | Vote | Commissioner | Vote | Commissioner | Vote   |
| Faurschou            | NAY  | Jensen       | AYE  | Kehl         | Chair  |
| Fink                 | AYE  | Barbieri     | AYE  | Fazzini      | Absent |
| Overson              | AYE  | Burgess      | AYE  |              |        |
| Motion passes 5 to 1 |      |              |      |              |        |

**CITY COUNCIL MEETING DISCUSSION:** **Commissioner Overson** briefed on the City Council meeting.

**ADJOURNMENT:** By motion of **Commissioner Fink** the meeting was adjourned at 7:27 p.m.

Respectfully submitted by Jean Gallegos, Administrative Assistant/Recorder for the Planning Commission

Approved in meeting held on November 15, 2011.