MINUTES
CITY OF ELKO NEW MARKET
PLANNING COMMISSION MEETING
December 1, 2015
7:00 PM

1. CALL TO ORDER

Commission Chairman Thompson called the meeting of the Elko New Market Planning Commission to order at 7:00 pm.

Commission members present:	Thompson, Smith, Kruckman, Hartzler and Vetter
Members absent and excused:	None
Staff Present:	City Planner Kirmis and City Engineer Revering

2. PLEDGE OF ALLEGIANCE

Chairman Thompson led the Planning Commission in the Pledge of Allegiance.

3. APPROVAL OF AGENDA

A motion was made by Hartzler and seconded by Kruckman to approve the agenda as presented. Vote for: Thompson, Smith, Kruckman, Hartzler and Vetter. Against: None. Abstained: None. Vote 5-0. Motion carried.

4. PUBLIC COMMENT

There were no public comments.

5. ANNOUNCEMENTS

There were no announcements.

6. APPROVAL OF MINUTES

A motion was made by Thompson and seconded by Hartzler to approve the minutes of the November 10, 2015 Planning Commission meeting with a correction to the meeting adjournment action. Vote for: Thompson, Smith, Kruckman, Hartzler and Vetter. Against: None. Abstained: None. Vote 5-0. Motion carried.

7. PUBLIC HEARINGS

There were no public hearings.

8. PETITIONS, REQUESTS AND INQUIRIES

There were no petitions, requests or inquiries.

9. GENERAL BUSINESS

A. Chicken Regulation Discussion

Chairman Thompson asked Planner Kirmis to present his report related to the keeping of backyard chickens.

Planner Kirmis indicated that the item was continued from the November 10, 2015 Planning Commission meeting and that, lacking full Commission attendance at the meeting, the Planning Commission did not take any action on the City Council's directives related to the keeping of backyard chickens. Kirmis noted that the Planning Commission did, however, formulate a draft set of recommended conditions which could apply to the activity if it is to be allowed.

Kirmis requested that, in addition to providing recommendation to the City Council (related to the keeping of backyard chickens), the draft listing of conditions be reviewed and finalized.

In review of the draft set of conditions, as provided below, the Planning Commission had no changes.

	RECOMMENDATION
Purpose Statement	A purpose statement should be included which explains the intent of the backyard chicken regulations. Example language is provided below: *It is the purpose and intent of this Section to permit, but strictly limit, the keeping of backyard chickens as an egg source in a clean and sanitary manner which is not a nuisance to or detrimental to the public health, safety, and welfare of the City*
Application of Requirements	Requirements should be provided within the animal regulation section of the City Code
Zoning District Allowance	Limit the use to R-1, Suburban Single Family Residential Districts
Occupancy	The keeper of chickens must reside on the premises
Number of Chickens	Maximum of four chickens allowed
Lot Area Requirement	12,000 square feet (minimum)
Roosters	Prohibit the keeping of roosters

Permit Requirement	Require an annual permit. An educational requirement should be imposed prior to the issuance of the initial permit
Prohibited Enclosures	Chickens must be kept within a permitted enclosure (the keeping chickens within dwellings, garages and other accessory structures should be prohibited)
Coop Requirements:	
Yard Prohibition	Coops must not occupy a front or side yard or encroach upon utility easements
Number of coops	One coop per lot (maximum)
Size	Minimum of 4 square feet per chicken and shall not exceed 40 square feet in area
Setbacks	25 feet from the principal structure upon the lot and at least 10 feet from all property lines
Height	Maximum of 10 feet
Roof Type	Mimic Zoning Ordinance requirements - *must be compatible to principal building (not at variance with the principal building from an aesthetic and architectural standpoint to cause incongruity, a depreciation of neighborhood property values or a nuisance)*
Coop Color	Mimic Zoning Ordinance requirements - *same or similar as the color of the principal building*
Exterior Materials	Mimic Zoning Ordinance requirements - *shall be compatible with the principal building on the lot. Under no circumstances shall sheet metal, corrugated metal, asbestos, iron, plain concrete block (whether painted or color integrated or not) be deemed acceptable as major exterior wall materials on buildings within the City*
Climate Control	Coop must be constructed to protect chickens from extreme heat and cold
Maintenance	Coops must be maintained in good condition
Building Code Requirements	Coops must adhere to Building Code requirements
Run Requirements:	
Yard prohibition	Runs must not occupy a front or side yard or encroach upon utility easements
Number of runs	One run per lot (maximum)
Size	Maximum 20 square feet per chicken
Access	Chicken access to a run should be required
Enclosure	Must be fully enclosed and covered with durable materials. Structural components must be consistent coop materials

Setbacks	Same as coop setbacks - 25 feet from the principal structure upon the lot and at least 10 feet from all property lines
Drainage	Must be well-drained such that there is no accumulation of moisture
Maintenance	Runs must be maintained in good condition
Sanitation:	
General Maintenance	All premises on which backyard chickens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents The coop and its surrounding area must be cleaned frequently enough to control odor Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors which are detectible on another property Failure to comply with these conditions may result in the removal of backyard chickens from the premises or revocation of the backyard chicken permit
Slaughtering	Slaughtering upon the property should be prohibited
Sale of Byproducts	No chickens or chicken byproducts may be sold upon the subject property (in residential zoning districts)
Feed Storage	All grain and food for chickens must be kept indoors in a rodent-proof container
Nuisances	Chickens must be kept in such a manner which does not constitute a nuisance as regulated in the City Code
Termination of Use	Use must terminate upon expiration of permit.
Facility Removal	The enclosed coop and run must be removed from the property upon permit expiration and/or permit revocation (at the property owner's expense?)

The Planning Commission unanimously recommended that the backyard chicken item be forwarded to the City Council with the preceding conditions (as prepared by Commission).

Commissioners Smith, Kruckman and Vetter voiced specific support for the keeping of backyard chickens in residential zoning districts (with conditions). Commissioners Thompson and Hartzler however, indicated that their recommendation to pass the item on to the City Council should not be construed to mean that they necessarily support the keeping of backyard chickens in the City's residential districts.

B. Garage Setback Amendment

Chairman Thompson asked Planner Kirmis to present his memorandum dated November 18, 2015 regarding a possible zoning ordinance amendment addressing side yard setbacks for attached garages.

Planner Kirmis indicated that, at the Commission's October 6, 2015 meeting, question was raised regarding the possibility of changing the side yard setback requirements applicable to attached garages in the City's R-1, Suburban Single Family Residential zoning district. Kirmis noted that the R-1 District presently imposes side yard setbacks of 10 feet for principal structures (attached garages are considered part of the principal structure).

Kirmis further indicated that the Commission had suggested that setbacks of 5 feet be permitted on the garage side of single family dwellings. The suggested 5 foot setback was a result of a Planning Commission concern that the current 10 foot side yard setback limits a property owner's ability to construct a third garage stall addition on to his or her home.

Planner Kirmis also noted summarized the following:

- Existing Zoning Ordinance Regulations
- Positive Aspects of Ordinance Change
- Potential Impacts of Ordinance Change

Kirmis specifically noted that the City Building Official is not in favor of the proposed setback change.

Planner Kirmis concluded his presentation by requesting Planning Commission feedback regarding the preparation of a draft zoning ordinance amendment to allow attached garages to have side yard setbacks of 5 feet (rather than 10 feet).

Following Planner Kirmis' presentation, Chairman Thompson advised the Commission that the proposed 5 foot side yard setback existed in the City of New Market prior to the merger of the Cities of Elko and New Market. Chairman Thompson also stated that he believed the side yard setback change would impact approximately 15 properties in the City by providing an opportunity for the construction of a third garage stall.

In recognition of the Building Official's opposition to the setback change, easement encroachment issues, building separation concerns and a relatively limited number of affected properties, the Planning Commission unanimously agreed that no changes should be made to the current side yard setback requirements at this time.

The Planning Commission also acknowledged that property owners within R-1 zoning districts who wish to add a third garage stall could pursue variance to potentially accommodate third garage stall construction.

C. Accessory Structure Amendment

Chairman Thompson asked Planner Kirmis to present his memorandum dated November 18, 2015 regarding a possible zoning ordinance amendment addressing detached accessory buildings located in the City's "Original Townsite" areas (Elko and New Market).

Planner Kirmis indicated that, as a follow-up to the Planning Commission's recent consideration of a conditional use permit application for a detached accessory building (garage) in the New Market "Original Townsite" area, the Commission suggested that an ordinance amendment be considered which would simplify the processing of future, similar applications. More specifically, it was suggested that similar applications in the City's "Original Townsite" areas be subject to administrative approval rather than formal conditional use permit processing.

With the preceding in mind Staff, Kirmis presented a draft zoning ordinance amendment for informal Planning Commission review and feedback.

In consideration of the provided staff comments and in review of the draft ordinance amendment, the Planning Commission found the draft amendment conditions to be acceptable. The Commission did however, suggest that the amendment language be expanded to reference the handling of replacement garages.

With the preceding change, the Planning Commission directed Planner Kirmis to initiate a public hearing for the formal consideration of the amendment.

10. MISCELLANEOUS

Community Development Specialist Update. Mayor Crawford provided an update on the Community Development Specialist position.

January Planning Commission Meeting. The Planning Commission discussed the possible cancellation of the January 5, 2016 Commission meeting. The Commission concluded that, if there are no time-sensitive action items on the agenda, that the meeting should be cancelled.

11. ADJOURNMENT

A motion was made by Vetter and seconded by Kruckman to adjourn the meeting. Vote for: Thompson, Smith, Kruckman, Hartzler and Vetter. Against: None. Abstained: None. Vote 5-0. Motion carried.

The meeting ended at 8:07 pm.

Submitted by:
Bob Kirmis, City Planner