MINUTES
CITY OF ELKO NEW MARKET
PLANNING COMMISSION MEETING
November 10, 2015
7:00 PM

1. CALL TO ORDER

Commission Chairman Thompson called the meeting of the Elko New Market Planning Commission to order at 7:03 pm.

Commission members present:	Thompson, Smith, Kruckman and Hartzler
Members absent and excused:	Vetter
Staff Present:	City Planner Kirmis, City Administrator Terry, City Engineer Revering and City Attorney Poehler

Note: Commission Member Hartzler arrived late and did not participate in all action items.

2. PLEDGE OF ALLEGIANCE

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

3. APPROVAL OF AGENDA

A motion was made by Smith and seconded by Kruckman to approve the agenda as presented. Vote for: Thompson, Smith and Kruckman. Against: None. Abstained: None. Vote 3-0. 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 Kruckman to approve the minutes of the October 6, 2015 Planning Commission meeting with the correction of identified typographical errors. Vote for: Thompson, Smith and Kruckman. Against: None. Abstained: None. Vote 3-0. Motion carried.

7. PUBLIC HEARINGS

Conditional Use Permit for a Detached Accessory Building at 340 St. Mary Street

Chairman Thompson asked Planner Kirmis to present his planning report dated October 27, 2015 regarding the conditional use permit request of Charlie Friedges. Kirmis explained that the conditional use permit was requested to allow the construction of a 672 square foot (24' x 28') detached accessory building (garage) upon Mr. Friedges' single family residential rental property located at 340 St. Mary Street.

Planner Kirmis explained that the City's Zoning Ordinance stipulates that detached accessory buildings which exceed 250 square feet in size are allowed only by conditional use permit. Thus, the processing of a conditional use permit is necessary.

Kirmis also noted that the proposed accessory building is intended to replace a dilapidated single stall garage which was recently removed from the subject property. Kirmis also stated that it is the intention of the applicant to allow property tenants to utilize the new building for vehicle storage and that the home of the property does not include an attached garage.

City Engineer Revering indicated that he had no comments or recommendations related to the application.

Planner Kirmis indicated that the proposed accessory building meets all applicable performance standards of the Ordinance and also appears to satisfy the conditional use permit evaluation criteria. For these reasons, he noted that Staff has recommended approval of conditional use permit application subject to the conditions listed in the planning report.

Chairman Thompson opened the public hearing at 7:10 p.m.

While several neighboring residents attended the meeting, none offered comment during the public hearing.

A motion was made by Smith and seconded by Kruckman to close the public hearing at 7:12 p.m. Vote for: Thompson, Smith and Kruckman. Against: None. Abstained: None. Vote 3-0. Motion carried.

The Planning Commission did not raise any concerns with the conditional use permit application. For informational purposes however, Chairman Thompson informed the Commission that cement work for the accessory building had already been completed (prior to the Planning Commission's consideration of the application).

A motion was made by Thompson, seconded by Smith to recommend approval of the conditional use permit subject to the following condition as listed in the Planner's report dated October 27, 2015. Vote for: Thompson, Smith and Kruckman. Against: None. Abstained: None. Vote 3-0. Motion carried.

1. No commercial or home occupation activities be conducted on the property.

8. PETITIONS, REQUESTS AND INQUIRIES

There were no petitions, requests or inquiries.

9. GENERAL BUSINESS

A. Planned Unit Development (PUD) Processing Amendment

Chairman Thompson asked City Attorney Poehler to present her memorandum dated October 12, 2015 regarding the Planned Unit Development (PUD) processing amendment.

Attorney Poehler indicated that Staff is suggesting a change to the means by which PUD's are processed in the City. Poehler explained that such change is intended to better reflect the legal authority given to cities regarding the use of planned unit development as a planning tool.

In her presentation, City Attorney Poehler specifically addressed the following:

- The purpose of planned unit development
- State Statute authority (related to planned unit developments)
- Implementation methods including PUD conditional use permits, PUD overlay zones and freestanding PUD zoning districts

Attorney Poehler indicated that the City of Elko New Market currently approves PUD's through the rezoning of property to a freestanding PUD zoning district. Poehler explained that, as part of such rezonings, development agreements are executed which set forth the terms of the PUD and that this has been a common practice of cities for many years.

Poehler noted that because PUD agreements are not specifically identified by statutory authority, many cities are moving away from the PUD Agreement concept in favor of specifying the specific standards (or deviations from an underlying zone) within the actual ordinance that rezones property to PUD. Attorney Poehler indicated that such method provides greater legal standing through approval of the PUD terms within the actual PUD ordinance. In this regard, Poehler recommended that the City of Elko New Market follow suit by specifying standards within an actual ordinance.

Before preparing a formal ordinance amendment, Attorney Poehler indicated that it was important to gauge Planning Commission support for such a change.

Following the City Attorney's presentation, the Planning Commission voiced general support for the proposed amendment.

In consideration of the received Planning Commission feedback, Attorney Poehler indicated that a draft zoning ordinance amendment will be brought before the Commission in forthcoming months.

B. Chicken Regulation Discussion

Chairman Thompson asked Planner Kirmis to present his memorandum dated October 27, 2015 regarding chicken regulations.

Planner Kirmis indicated that, lacking full attendance at the October 6, 2015 meeting, the Planning Commission did not take any action on the City Council's directives related to the keeping of backyard chickens. As a result, the chicken regulation discussion was continued to the November 10th Commission meeting.

Planner Kirmis noted that the City Council has directed the Planning Commission to provide a recommendation regarding the potential allowance of "backyard chickens" in the City. Specifically, the Commission has been directed to determine whether or not it feels the keeping of chickens is an appropriate or inappropriate accessory activity in the City's single family residential zoning districts (subject to various conditions).

Regardless of whether or not the Planning Commission is supportive of the use, Kirmis noted that the City Council has also charged Commission with preparing a list of recommended conditions of use allowance. Once formulated, such list of conditions will likewise be passed on to the City Council for consideration.

As a follow-up to information requests provided at November meeting, Kirmis presented the following to the Planning Commission:

1. A summary of reasons certain cities have chosen to allow and not to allow backyard chickens.

2. Photographs of example chicken enclosures.

3. Model ordinances (the Cities of Jordan and Farmington) and a summary of recommended conditions which the Planning Commission may use as a guide (model) in the formation of a set of recommended regulations which may be forwarded to the City Council.

As a follow-up to Planner Kirmis' presentation, Chairman Thompson and Commissioner Hartzler expressed their opinion that a determination related to the appropriateness of the keeping of backyard chickens (as an accessory single family residential uses) should be a policy determination made by the City Council.

Chairman Thompson also expressed a concern about making a formal recommendation without full Commission attendance at the meeting. In consideration of Chairman Thompson's comment, City Administrator Terry and Planner Kirmis suggested that the Commission attempt to make progress on a list of conditions which would apply to the use if it were to be allowed.

The Commission subsequently conducted a review of the provided model ordinances (the Cities of Jordan and Farmington) and formulated the following informal list of conditions which could apply to the keeping of backyard chickens:

	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 concluded that the review of the preceding list of draft conditions and further discussion related to the keeping of backyard chickens will take place at the forthcoming December 1, 2015 Planning Commission meeting (at which full Commission attendance is anticipated).

10. MISCELLANEOUS

Staff Updates: City Administrator Terry provided updates on the following items:

- Hastings Creamery development inquiry
- Hardware store interest Elko New Market
- Northfield Clinic closure
- Ryan Companies distribution center
- Firm Ground senior housing project
- Windrose 8th lot marketing efforts
- Community Development Specialist position status
- Boulder Heights
- New Market Township liaisons at City meetings
- Barsness project (SW quadrant of County Roads 2 and 91)
- County Road 2 watermain easements (for Ryan property development)
- Water treatment plant

Government Training Service (GTS) Workshop. Planning Commissioner Smith provided an update on a Government Training Service (GTS) workshop which he

attended. The workshop session highlighted issues associated with the comprehensive planning process.

11. ADJOURNMENT

A motion was made by Smith and seconded by Kruckman to adjourn the meeting. Vote for: Thompson, Kruckman, Smith and Hartzler. Against: None. Abstained: None. Vote 4-0. Motion carried.

The meeting ended at 9:54 pm.

Submitted by:
Bob Kirmis, City Planner