

PUBLIC HEARING AND PLANNING COMMISSION MEETING

Thursday, April 28, 2011 6:00 p.m.

Public Safety Building

3925 W Cedar Hills Drive, Cedar Hills, Utah

Present: Cliff Chandler, Chair, Presiding  
Commission Members: Donald Steele, Glenn Dodge, Trent Augustus, Daniel Zappala (6:04 p.m.), Gary Maxwell (6:08 p.m.)  
Scott Jackman, City Council Liaison  
Kim Holindrake, City Recorder  
Brad Kearl, Chief Building & Zoning Official  
Greg Robinson, Assistant City Manager  
Courtney Hammond, City Meeting Transcriber (6:58 p.m.)

PLANNING COMMISSION MEETING

1. This meeting of the Planning Commission of the City of Cedar Hills, having been properly noticed, was called to order at 6:02 p.m. by C. Chandler.
2. Public Comment (6:02 p.m.)

No comments.

PUBLIC HEARINGS

3. Amendments to the City Code, Title 10, Chapter 5, Supplementary Development Standards, Regarding Signs and Campaign Signs (6:04 p.m.)

No comments.

4. Amendments to the City Code, Title 10, Regarding Animal Units, Small, in all Zones (6:04 p.m.)

Dianna Anderson: Ms. Anderson stated that the City had begun to allow backyard chickens within City boundaries, which is a wonderful step in the right direction. However, all City residents should have the opportunity to raise backyard chickens. There are so many positive reasons for people to have backyard chickens. Unlike large commercial poultry operations or farms, people in cities and suburbs who keep chickens in their backyard tend to keep them in attractive, well-maintained enclosures and treat their chickens as pets. A backyard coop is no more of an eyesore than a trampoline, a play structure, or a hot tub. Lot size doesn't matter for backyard chickens, since chickens require very little space. A coop is much smaller than a trampoline or even a swing set, and accommodates a small flock of chickens. Households all over the country are keeping chickens in more compact city lots. Chickens themselves do not smell, and any possible odor would come from their droppings and generate less manure than one common-size dog. Also, chicken droppings represent an excellent source of free organic fertilizer when composted, unlike the feces of dogs and cats, which carry pathogens and can't be composted. Unsanitary conditions can result in a buildup of ammonia in a large-scale operation, which is why commercial poultry facilities smell, but that is not the case with backyard flocks. Chickens are not noisy. Hens are quite a quiet bird. It is only roosters that do the morning

crowling. However, roosters are not necessary for the production of eggs. Some hens actually squawk when laying an egg, but the noise is very short-lived, and much quieter than barking dogs, lawnmowers, leaf blowers, passing trucks, children playing, and other common neighborhood sounds. Also, chickens are quiet through the night while they are sleeping. They sit in their coop as the sun is beginning to go down and do not wake until the morning. Chickens do not attract predators to the area; predators are already here. Cedar Hills is on or right next to a mountain that is full of animals. For example, tons of deer droppings have been found in her backyard, as well as tulips that have been eaten. Sometimes at night you can see a group of deer meandering across the lawn; in winter there are deer tracks all over. We are living in a wildlife territory. Now if chickens are left unprotected, they are vulnerable. But the predators of chickens are the same as those of deer, mice, wildcats, dogs, small birds, snakes and other wild prey animals already present in our community. Chickens do not pose a public health risk. Chickens are just like any other animal, including humans, dogs, cats and others when it comes to disease. They are not any more likely to carry disease than a dog. If they are well cared for (fed, watered, and kept in a clean environment), then they are more likely to stay healthy. Backyard chickens do not have to lower property values. Having an attractive and clean chicken coop can actually draw people to the area, people like me. There is a nation-wide movement going on. Governments and worldwide church leaders are asking people to become more self-sufficient, and people want to be self-sufficient. Also, people want to know where their food comes from; they want to go back to their roots. Backyard chickens are not farm animals. For thousands of years chickens, like dogs and cats, have lived alongside people in backyards large and small, in cities and small towns. Also, backyard hens are particularly named and played with by our children, and are wonderful outdoor pets. Chickens are friendly, social, intelligent, affectionate, entertaining and very low maintenance. They offer suburban and city-dwelling children the opportunity to understand a little more clearly where food comes from, and they offer all of us the opportunity to produce a little of our own food. All residents of Cedar Hills should have the freedom to be able to have backyard chickens.

Bob Bonham: Mr. Bonham seconded what Dianna Anderson said.

Andy Atwood : Mr. Atwood brought a couple of pictures to show the Planning Commission. As the proposal states, many lots do not have enough property to be 50 feet away from the adjacent house in order to have a chicken coop. This is the point of the ordinance. Some lots in the City are just too small to have these animals. His neighborhood is an area that the lots are really close to one another. The average lot size in his neighborhood is .13 acres, which is about 6000 square feet; these are very small lots. There isn't a lot of room between the houses or behind them. Even having the chickens on a lot that isn't immediately bordering his lot does affect him; he sees, hears, and smells the chickens. Dianna Anderson mentioned there is no smell, but there is smell from the chicken feces. His family smells the feces, and hears the chickens in the morning. The chickens are noisy and wake the children. This is something that affects the enjoyment of their lot and property. The only city immediately adjacent to Cedar Hills that has a lower requirement is Pleasant Grove. They have a requirement of 30 feet to the next house. But in most cases, the lots in Pleasant Grove are larger than the lots in Cedar Hills; they are especially larger than the lots in the Cedars East neighborhood. Highland has a requirement of 50 feet to the next house, but there is an average lot size of 40,000 square feet, which is much larger. American Fork currently doesn't allow this to occur. His main concern is safety. Chickens attract predators in

the neighborhood. There were never coyotes in the neighborhood before. This spring there has been numerous sightings of coyotes, as early as 8:30 p.m. in the evening and as late as 10:00 a.m. in the morning. There are a lot of children in the neighborhood who run around and play. There is concern about the chicken and rabbit feed attracting rodents and snakes. Written studies show that chickens attract rodents, and rodents attract snakes. In the backyard or just from an open window, you can hear and smell the chickens. It may get worse in the heat of the summer when everything is hot and starts to smell. Mr. Atwood has a concern regarding the value of his home. There have been neighbors who have tried to sell their home, and buyers have commented on the view of the chickens. If he were a potential buyer looking for a suburban home, he would be concerned about the animals. When Mr. Atwood purchased his home, he did so with the knowledge that he was purchasing in a residential area, not an agricultural area. He moved away from an agricultural area in part to get away from the sounds and smells. He'd like to encourage the Planning Commission to consider all the areas in the City when considering the proposal. He believes the proposal is intended to keep these livestock management areas away from the houses. It is really not possible to have these types of animals in the neighborhood. If the Planning Commission considers changing the distance requirement, then they should consider some type of minimum lot requirement at the same time to protect the rights of neighbors and help them enjoy their property. All property owners have rights, but there needs to be laws and ordinances to protect the property rights of all residents, not just to cater to a few.

Linda Atwood: Mrs. Atwood's first concern is with the coyotes. In the five and a half years her and her husband have lived there, they have never seen a coyote. Within the last month or two, there have been numerous (six or more) sightings. Coyotes have been seen coming from the Edwards' home and down to the Anderson's home and back (where the chickens are). She is concerned about children walking to the bus and passing right by the location where one of my neighbors saw three coyotes at 10:00 a.m. in the morning. That is very late for the coyotes to be down. There is also a bus stop for a different school directly in front of the Anderson's home, which is another concern. Another very big concern is the smell, noise, and view from her house (refer to pictures). She disagrees with some of the previous comments. The chickens are very noisy. She cannot leave windows open because it is noisy from the chickens. The children can't sleep with the windows open, and have been woken up even with the windows shut. The neighborhood lots are very small. Besides being small, the lots are a direct shot up and down from each other. The chickens are very smelly. There has not been a full summer with the chickens, so she is concerned about the summer rise in temperature causing the smell to become worse. She is also concerned about her property value. She has a neighbor whose house is up for sale, and personally told her that a couple of people that walked through the house were interested until they looked out the window to see the huge deterrent. She has therefore not sold her house yet. This same neighbor has complained about the problem with chicken feces and feathers, since her yard borders the Edward's backyard; she could not be here tonight. The Atwoods moved to Cedar Hills under the assumption of the ordinances that are in place now. They lived in Lehi previously, and had neighbors that had a lot of agricultural-type animals. That is one of the reasons they moved. They figured with the current ordinance, they would be safe. Mrs. Atwood is discouraged that the chickens were brought in when they should not have been allowed; they are not in compliance with the City Code. In the meantime, Mrs. Atwood's property rights are being violated. She is a property rights advocate. She believes property

owners should be able to do what they want with their property, but it should not inflict on other people enjoying their property. She is not able to enjoy her property to the fullest.

Wendie Edwards: Mrs. Edwards has a PowerPoint presentation she would have really liked to show, but she will print the pictures and send them to the Planning Commission members. She has some rebuttals. She has had chickens more than one year. They have gone through a summer. It is clear that the neighbors did not recognize the smell last year. Chickens cannot fly out of somebody's yard. Anything that has flown out of the yard has been the clean pine that has been put down to try and help with the smell. One of the reasons the chickens weren't noticed before is because the chickens were kept in a corner of the yard, surrounded on three sides by privacy walls. The chickens were contained and nobody even saw them. They really didn't bother anybody; nobody complained about the noise. The City came by and said the chickens were too close to the neighbor's property, and would have to be moved. That meant the chickens had to be moved to the center of the property to be in compliance with the ordinance. This changed everything. All of a sudden the chickens were out front and center, which is when people started saying things about them. She never had any neighbor speak to her at all about the matter. Until today, she had no idea that this was being offensive or was a problem. She had no idea that people were talking about property value. The first person that spoke to her about this being a problem was City Council Member Ken Kirk, who came to her house and informed her about it and the meeting she might want to attend. Her neighbor sent an e-mail to her husband discussing, "I hope you're within code." The Edwards' response was, "We're trying to comply, and we are working with the City to make sure everything is good." No neighbor complained to her and gave her a chance to address the problems, so she never had an opportunity to talk with them personally. The day after C. Kirk went to her house, Mrs. Edwards went directly to talk to the neighbor that was most affected, mortified that she supposedly had chicken refuse in her yard. Mrs. Edwards apologized to the neighbor and asked to be shown the feces in the yard. The neighbor said they didn't know about the feces or droppings, but that there were shavings in their yard from the coop. Mrs. Edwards asked what she could do to fix the problem. The solution was to put up a privacy fence, which Mrs. Edwards is fine with. If this would have been brought to her attention long ago, it would have not been a problem. The chickens were moved upon request by the City, which is why the chickens are in the center of the yard, as seen in the pictures. This is not an issue with money. It is a sustainability issue, which is a privilege and freedom. There has never been a more important time to be self-sustainable than now. CNN said yesterday that gas prices are off the charts, and we are already about six cents away from the record high reached in July 2008. Predictions are reaching \$6 a gallon by this summer. This will really affect the quality of life. It will affect our food, clothing, gas, and the ability to take care of our families. What Mrs. Edwards is doing is called urban homesteading. She will do anything it takes to make sure it does not affect her neighbors' quality of living. A tornado hit Alabama and surrounding states on April 27, 2011. Her daughter lives there. The front page on CNN stated, "Miles of death and destruction; 250 killed in southern storms." More victims are being found through a tornado outbreak that leveled neighborhoods.

C. Chandler: Mrs. Edwards was asked to keep the discussion to the chicken issue.

Wendie Edwards: The point is it can happen to us. It is chaotic down there; they don't have water or electricity. Nobody's working. It is not like here with our sustainable living aspect. C. Kirk said that when the ordinances were put in place, it was with the idea that each family who had a single dwelling would have the opportunity to practice these things for these particular

reasons. Small animals were a part of that vision. Someone from New York came to Mrs. Edwards' house; she was featured in a newspaper article for some things that she had done. They were interested in everything that the Edwards were doing for their self-sustainment. They wanted to take a picture of the Edwards' gardens. They were very impressed with Cedar Hills and that they would allow small animals for people to be self-sufficient. It is becoming more and more popular among non-Mormons, as well as Mormons; I don't think religion has anything to do with it. The problem with Ordinance No. 10-4D-3 is mainly the 50 feet issue. It's impossible to be compliant. The Edwards received a note asking them to comply. They moved everything around. They ripped out gardens, put up new fences, and did everything they could. They made a sizeable investment of time and energy, only to be told a month later that they were still in non-compliance because it was not possible for them to be in compliance with their lot size. Comply or you get a \$100 fine every two weeks, and then a \$200 fine after that, and then you get sent to collections. It is not fair to ask them to comply, and then say that they can't. This is not just their chickens, but other people's chickens. Chickens can be well cared for. They can be kept clean. The reason why pine has not been able to be put down recently is because of all the wind storms, which lately may have made it a smell a little more. Mrs. Edwards wants to put the pine down every day, but neighbors complain that it blows into their yards. This is the Catch-22 that we are in. If there is an ordinance, we need to have a reasonable ability to comply with that ordinance. Without that, it's just a wasted ordinance.

Jill Castle: Mrs. Castle loves her neighbors, and likes the neighborhood. This has been very, very difficult and has consumed her for weeks. Seven years ago when her and her husband moved to Cedar Hills, they were very hesitant because of the small lot size that we were purchasing. They were fresh out of college and had a brand new baby. It was a home that they could afford in what looked like a very nice neighborhood. She hates her small property size, and that she can't make her backyard bigger. She has real concerns about property value. When she opens her bedroom window, she doesn't want to smell farm animals. She truly appreciates how willing the Edwards have been to come and discuss the fence option and smelling options. She is grateful that they have been considerate of her feelings. However, she does not want this ordinance to change. She does not have faith that everybody will be as clean or as willing as perhaps the people that are here are promising to be. The view is not a good view. She took photos earlier in the week of the view from her bedroom window and from the backyard. Those photos included feathers and shavings and everything that blows into her yard. She didn't bring the photos because she and Wendie Edwards had talked about a fence. Mrs. Castle said to her husband, "Kyle you had said you had seen chicken droppings, and Wendie didn't see them." And he said, "I cleaned them up." Mr. Castle said the chickens had made their droppings and then scratched with their feet while he sat in the backyard and watched; they scratched through the chicken wire that had been put up as a fence. He cleaned it up Saturday. Mrs. Castle is very concerned about property value. She is concerned that any potential buyer would walk through her home and through her master bedroom and want to pass out. She knows there were chickens last summer, but doesn't believe there were as many chickens. And there were only one or two occasions where they were a nuisance to her family. One was in August and there was a smell when they were trying to eat in the backyard and they had to go inside. The other time was when they had gone out to have a barbecue and there was a chicken head in their yard. Mrs. and Mr. Castle raised 30 chickens one year on a different piece of property. She really tried to keep the smell down, and she would never do it again. She also has family that has chickens, but they have them on bigger properties.

She knows the Edwards don't have 30 chickens; they have 10 or so. But the smell is a huge concern. They just live on top of each other. She hates to see them living in such close quarters and the ordinance not followed in order to make things nice to live here. She does think a fence would be so wonderful for the things that she's concerned about. However, the more and more she's thought about it over the last 24 hours, she can't have everybody that lives around her follow the protocol that the Edwards are promising to follow, with the smell and the view. She just can't imagine if everyone on our street had nine chickens. She lives on .15 of an acre, and barely has a backyard as it is.

Trisha Atkinson: Ms. Atkinson lives across the street from Dianna Anderson, and she is behind the Edwards about a couple of doors down. She agrees with all the points that have been discussed. She brought pictures taken from her house. She has lived here over six years. In the time that she has lived here, she has never seen a coyote. She almost hit a coyote Sunday night. Coyotes have been reported constantly. When the first sighting happened two months ago, Ms. Atkinson talked to the Andersons and mentioned that the coyote was seen leaving the Castles backyard coming down from the Edwards, crossing the street, and going into the Andersons backyard. The Andersons were made aware of it then. She is concerned that about people saying she should have discussed the concerns with the Andersons. Being neighborly is very hard. You don't want to bring contention between neighbors. However, neither the Anderson or Edwards families asked her consideration, and how she would feel about them having chickens prior to getting them. Nor did they go to the City to find out what ordinances were already in place when they got them. The other thing I wanted to point out was that Wendie Edwards mentioned that the first she heard about this was from C. Kirk. She would like to refute that. She specifically spoke with Brad Kearl personally, on the phone and in person, and he had gone out to the Edwards home to address the neighborly concerns, and knew of the situation from what was conveyed. Mr. Kearl told Ms. Atkinson that they were not to approach them directly, and needed to go through the City and the proper requirements to find out what was wrong. Ms. Atkinson went to the City first because she didn't want to approach them if they were in the right or make a big deal if they were found in compliance. She found out they were not in compliance, and took it a step further to appeal. She would like to state that she completely supports everything they have said about why they do what they do and have chickens. She just strongly and firmly believes that in this specific neighborhood with small lots and stacking of the houses, it is not a proper place to have chickens. It is not fair for people on east side of the street to look directly into those chicken coops, no matter if they are in the middle of the yard, the side of the yard, or what not.

Kris Thorne: Ms. Thorne would like to say that she grew up with chickens, and they are very noisy, very smelly, and very messy. Mrs. Thorne and her husband bought their home in Cedar Hills four years ago. One of the biggest selling points of their home was the deck and the view that overlooks the valley. In nice weather, they spend many evenings and mornings on the deck, so much so that last summer they purchased an awning so that they can spend even more time outside. One of the activities that she performs on her deck as the weather gets nice is making weekly phone calls to family. All of the family is either out of the state or out of the country. So far this year on the two Saturdays that they've had so far, they have had to go back inside because the noise from the neighbor's chickens has been so loud that the callers can't hear her talk and they have requested that she go back in the house. She is worried that as things start to

warm up, she won't be able to enjoy her deck and backyard in the mornings and evenings because of the noise and the smell of having a chicken coop so close to home. Another point is that they have two dogs that they walk every day, twice a day. One of them is only four pounds, which is bait to almost every other large animal. Over the last 2 months, she has personally witnessed two of the many sightings of coyotes. One of them was fifteen minutes after she had walked the dog, and she usually walks her dogs between 5:30 and 6:15 in the morning. The second sighting was about two weeks ago when a coyote ran about twenty feet in front of her from the Andersons yard up into the Castles backyard. It scared the living daylights out of her. She turned around and went back home. She was about twenty feet from her house when this occurred. The reason she went back home was because she didn't know if there were any more coyotes in the neighborhood. Usually they travel in packs unless the scout is out hunting, but they have already seen numerous sightings of coyotes in the neighborhood. Interestingly, one of the City Council that came out to the neighborhood said that he highly doubted that there were coyotes in the neighborhood because there are no reported missing animals. She is missing a cat, which has been missing for quite awhile. She did lost and found, an ad in the paper, and everyone in the neighborhood knew what the cat looked like. She never found a body and her only suspicion is that maybe the cat got caught by a coyote. The concern is that she shouldn't be afraid to walk the dogs. Quite often when she is out walking her dogs, she is the only one awake. Very seldom do you see other lights on in homes. She doesn't live in a farming community. She lives in a family development with domestic animals and a lot of small children. Bringing farm animals into the neighborhood has drastically increased the sighting of coyotes, and like someone else mentioned, the chicken feed attracts mice, and mice attract rattle snakes. There have already been some issues in the past with rattle snakes on the street. She doesn't want to see that get any worse because there are a lot of small children on our street. The neighborhood is not conducive to raising farm animals. The houses are approximately 16 – 20 feet apart and because they are built on the side of a mountain, stacked on top of each other, and are very small. Someone mentioned they are about .16 acres. All they ask is that the ordinance is kept as is, and not decrease it.

Emily Magill: Ms. Magill lives right next to the Andersons. She is one of the oldest residents there. She bought her home in August of 2003. At first, she didn't mind the chickens. The chicken coop actually looked very temporary. This is definitely not a farming community. When she found out they were permanent and experienced some of the side effects, they really began to bother her. She's heard the Andersons say they do not allow the chickens to roam freely, but the chickens are definitely allowed to roam freely. They go into her shrubs and they kick up the mulch into the grass. All of the grass in Ms. Magill's backyard has got mulch in it, along with gravel from a drain to the deck. She would have brought pictures, but she didn't think about it today. It is a real problem. There are feathers throughout the yard. The noise is definitely very annoying. The number one selling point to her house was to be able to sit outside on the deck. She has a stressful job, and works long hours. She really, really likes to be able to go home after a long day of work and sit on the deck and enjoy the view. It is so irritating to have the chickens cackling and the smell come downwind. As the summer heats up, that smell is only going to get worse. Coyotes will become more comfortable in a neighborhood. Coyote packs will hunt and attack small animals. There is concern that they will eventually attack a child. She's been out before with her dog and heard what sounded like a wounded animal. She has had trouble with the Andersons. The Andersons offered to put up a fence, but the landscaping was in Ms. Magill's

backyard. She mentioned it to Mr. Anderson about four years ago, who removed the posts that had been in her backyard. She doesn't want to pay for half of a fence and have it wrap around into her property, which would basically give the Andersons part of her backyard. Ms. Magill doesn't really want to put up a fence, but doesn't think it should be an issue because this is not a farming community. That's the bottom line. People move here to enjoy the quality of life. It's a safe place where children can roam the streets. Potentially that will be a historic thing if this continues.

Nate Walker: Mr. Walker took pictures from their backyard and from both of their boys' bedrooms. His #1 concern is property value. He does title insurance by trade and manages a title insurance company. He has multiple real estate agents as clients and has spoken with many of them. They've all stated that while the chickens would not drop property value, it would deter possible buyers. That is a major concern, and thinks it is a concern for a lot of the other neighbors. He loves living in Cedar Hills, but doesn't know if they are always going to be living in this particular home. They are a family of four. They want to get into a bigger home one day, and want to sell their home in the next few years. They don't want it to be an issue because of a neighbor who has a makeshift chicken coop out of 2 x 4s and blue tarp in the backyard. There are other issues, such as the coyotes, which his wife has confirmed seeing in the backyard. Mr. Walker's backyard is adjoining to the Anderson's backyard. Also, his boy has woken up a few times saying the chickens were too loud. While that's not the worst thing in the world, it's just one of the little things to add to the list. He strongly urges the City to get rid of this issue by making it a City ordinance that chickens are not allowed. He understands the right to want these things, but also understands that the City has the right to put ordinances in place to protect property, which he is asking the City to do.

Ted Edwards: Mr. Edwards stated the City currently has an ordinance that allows people to have small animals if the animal area is 50 feet away from the next house. The proposal is to reduce it to 30 feet from the next house. This has become an issue recently. This was not an issue over the last year that the Edwards had the chickens. The Edwards have spent a small fortune on their backyard. When they moved to Cedar Hills five and a half years ago, the weeds were three and a half feet tall. They have spent probably \$25,000 to improve things; it has greatly been improved. Anyone that says that it doesn't look good needs to compare it with what it looked like five and half years ago. They must not remember what it looked like. The Edwards have been willing to comply when asked to move the chickens, and have been willing to comply with whatever ordinance the City has. The Edwards are looking for a change in the ordinance to 30 feet from the next house. After talking to some of the City Council members, it is believed that Council put the ordinance in place to allow families to have chickens or small animals, which includes rabbits. There are quite a few neighbors that have rabbits, some that live directly down and over. This is a small animal issue; this will affect everyone, and is not just an issue with chickens. He is asking Planning Commission to look and evaluate what is good for the people in the long-term. Did the City Council intend to allow people to have chickens, or did they put in an ordinance that wouldn't allow it to actually occur? He appreciates the Commission's time, and appreciates the ability for the Commission to reason through these arguments and come up with the best decision.

Mary Bonham: Ms. Bonham has chickens, as well as several people in the neighborhood. No one has complained, and all of the kids love it. Her chickens are quiet. She is a light sleeper, and has never heard a chicken. She loves the eggs. They have five chickens. She is surprised that there is so much animosity. She hasn't experienced any of the negatives.

SCHEDULED ITEMS

5. Approval of Minutes from the March 24, 2011, Regular Planning Commission Meeting (6:56 p.m.)

**MOTION: C. Dodge – To approve the minutes from March 24, 2011.** Seconded by C. Augustus.

Yes - C. Chandler  
C. Dodge  
C. Maxwell  
C. Steele Motion passes.

**MOTION: C. Augustus – To move item 7 before item 6.** Seconded by C. Zappala.

Yes - C. Chandler  
C. Dodge  
C. Maxwell  
C. Steele Motion passes.

7. Review/Recommendation Regarding Animal Units, Small, in all Zones (6:59 p.m.)

Staff Presentation:

Brad Kearl stated that currently livestock management areas need to be at least 50 feet from a neighboring property's dwelling. There are lots in Cedar Hills that cannot comply with the ordinance. Alpine has a 75-foot rule. Pleasant Grove has a 30-foot rule with a 5-foot minimum from the property line and 6 feet from the dwelling. American Fork currently does not have chickens allowed, but they are reviewing it. Lehi requires 30 feet from neighboring houses. Orem allows chickens 10 feet from the property line. Highland requires 50 feet from a neighboring house. Provo's ordinance is 15 feet from the property line. Spanish Fork requires 25 feet from a neighbor's house. In the Edwards' case, from the edge of the coop to the neighbors' houses is 48 feet to the north, 32 feet to the south, and 35 feet to the west. The distance from the coop on Doral to neighboring houses is 31 feet to the north, 35 feet to the west, and 41 feet to the house on the south.

Commission Discussion:

- C. Steele stated that the job of the Planning Commission is to protect the health, welfare and safety of residents in the City. Regulations are in place to assure those goals are met. He had experience in another city where 100 feet was determined to be the minimum. He does not feel that the intent of the ordinance should be to allow every resident freedom in regards to this issue. There are places in the City where the property is not big enough. He feels the ordinance is appropriate as currently written.

- C. Zappala stated that he is conflicted. He is sympathetic to urban farming and sustainable farming, and would love to be able to accommodate everyone. He does not feel like he can make a determination about what distance would be appropriate without visiting the area to observe the smell and sounds, etc.
- C. Augustus stated that his home sits a little less than 50 feet from his neighbor’s yard. He would be upset if there were chickens, even if they were as far away as possible. His wife has allergies. In the Cedars West HOA there are a lot of things, such as RV pads, that simply can’t be accommodated because of lot sizes. His aim is to do what is best for the greatest number of people. He grew up with animals on 5 acres. Chickens are hard to raise due to feathers, dander, scratching, etc.
- C. Maxwell stated that the likelihood of an ordinance being changed if the majority of people involved are in support of the change is good. However, if there is resistance, the likelihood is poor. There would need to be substantial evidence or good reason to change the ordinance. Realistically, it would be challenging to convince the City Council when there is so much resistance from neighbors. The ordinance is in place to protect everyone.

C. Zappala was recognized as a voting member.

**MOTION: C. Maxwell – To recommend to the City Council of Cedar Hills that the City keep the current small animal unit ordinance, as it is written.** Seconded by C. Steele.

Yes	-	C. Chandler C. Maxwell C. Steele	
No	-	C. Dodge C. Zappala	Motion passes.

6. Review/Recommendation Regarding Amendments to the City Code, Title 10, Chapter 5, Supplementary Development Standards, Regarding Signs and Campaign Signs (7:39 p.m.)

Staff Presentation:

Eric Johnson stated that last year the City received a letter from an attorney that threatened to sue the City over the sign ordinance unless it was changed. The issue was political signs in the sign ordinance. Mr. Johnson has done extensive research into signs. Signs are protected under freedom of speech. In reviewing cases over sign ordinances, at least 95% of sign ordinances were struck down. It is difficult to find a case where the court felt the sign ordinance was legal. There are no sign ordinance cases in Utah, so the outcome may be different in Utah. Sign ordinances are expressly allowed. The City needs to be careful to steer clear of addressing content of signs. The current Cedar Hills’ ordinance reads similarly to many other ordinances in Utah. However, it would not pass constitutional muster. Mr. Johnson has put together a draft ordinance. In the draft ordinance, Mr. Johnson made distinctions between residential and commercial zones, commercial and non-commercial speech, and permanent and temporary signs. He tried not to deal with content. The only areas where specific content is addressed is specifically allowing real estate signs and specifically allowing issues on a ballot. The sizes are suggested based on sizes that were upheld by courts around the country. Anything that is allowed in a commercial sign is also allowed in a non-commercial sign.

Kim Holindrake stated that there is a paragraph about signage in business licensing and premises occupations. Those will need to change as well.

Commission Discussion:

- C. Chandler pointed out that changeable copy signs are prohibited, which would prohibit a gas station sign with changing prices.
- C. Maxwell is concerned that the allowed sign size of 32 square feet is too large. He is more comfortable with a sign size of 16 square feet, with a larger sign allowed for developments that have many lots.

**MOTION: C. Zappala – To table this item until the next Planning Commission meeting.** Seconded by C. Dodge.

Yes - C. Chandler  
C. Dodge  
C. Maxwell  
C. Steele Motion passes.

8. Committee Assignments and Reports (8:33 p.m.)

- C. Steele stated that he was informed by a Civil Engineer friend that most cities in Utah permit a slope of 30 degrees. Road slope is limited to 10 degrees. C. Steele feels the Planning Commission needs to be careful that the City has enough structural information showing that building on 30 degrees can be done safely.
- Greg Robinson stated the City has met with Holiday Oil, and the primary concern is access. Both Holiday Oil and Amsource want access off of Cedar Hills Drive.

ADJOURNMENT

9. Adjourn

This meeting was adjourned at 8:46 p.m. on a motion by C. Maxwell, seconded by C. Dodge, and unanimously approved.

Approved by Commission:  
May 26, 2011

/s/ Kim E. Holindrake  
Kim E. Holindrake, City Recorder