

Taylorsville-Spencer County  
Joint Planning and Zoning Commission

The regular meeting of the Taylorsville-Spencer County Joint Planning and Zoning Commission was held July 20, 2023, in the Fiscal Court meeting room located at 28 East Main Street, Taylorsville, Kentucky.

Chairman Deapen called the meeting to order.

Present were Gordon Deapen, Jacob Brown, Diana Faue, Marsha Mudd, Anthony Travis, Paula Wheatley, and Teddy Noel. Valerie Hunt and Attorney Dale were absent. Also present were Administrator Julie Sweazy and Admin. Assistant Angie Helton.

Chairman Deapen: In your packets you have a copy of the minutes from the last meeting for June 15, 2023. I will entertain a motion to approve those minutes.

Commissioner Wheatley: Made a motion to approve the minutes with changes for the June 15, 2023, meeting.

Commissioner Noel: Second.

Chairman Deapen: Roll call please.

Administrator Sweazy: Roll called, motion carries.

Chairman Deapen: Any committees?

Administrator Sweazy: None.

Chairman Deapen: Anyone wanting to testify tonight must be signed in on the sheet and must be sworn in. The testimony will be limited to three minutes.

Administrator Sweazy administered the oath of testimony to all wishing to speak.

Chairman Deapen: Old business.

Administrator Sweazy: None.

Chairman Deapen: New business.

Administrator Sweazy: We have the recommendation from **Spencer County Fiscal Court pertaining to the construction of subdivision streets**. You have information in your packets regarding that. What the proposal is and the motion that came to you all basically our curb regulations now state that you have to do curbs on all new streets. After discussion the Fiscal Court decided to create another option. I have pictures on the screen of streets with curbing and without. This is the recommendation that is coming to you. It is in Article IV under Design Standards, Section 403(6), what we have highlighted there is telling you that all new county roads shall have curbing but we're going to add verbiage if you all are in agreement in lieu of curbing the street shall be increased to 26 feet wide with 22 feet pavement width which shall

consist of at least 6 inches of #3 stone and 4 inches of gravel base compacted in accordance with the subdivision street requirement of these regulations. That is reiterated in Article V which requires improvement Section 511 where again it says all new county roads shall have curbing or in lieu of curbing the width of the street be increased an additional two feet as stated in Article IV, Section 403(6). That's something they felt that it was good to put an option in there. Years ago we didn't require curb at all and then some of the developers came in and that's what they were doing and they liked the look of it. But this would give them an option to not do curbing and if they don't then they would have to widen that road wider to make it better.

Chairman Deapen: Let me ask you a couple of procedure questions to make sure we're on the same wave link here. They sent this recommendation to us to review however they had the authority to do it on their own.

Administrator Sweazy: But they don't. Because the statute says they can suggest it to you all, ask you to look at it and take it into consideration but the Planning Commission has to make that recommendation to them to make the change. We have to hold a public hearing.

Chairman Deapen: So, in the end it will be a recommendation to them to either approve what they have asked for or some other options.

Administrator Sweazy: Yes. So, this is what they would like but if you all see fit to change this and do it differently then you can send it back however you choose. That goes for both items on the docket tonight.

Chairman Deapen: Do we have anyone signed up to speak on this tonight?

Administrator Sweazy: I don't have anybody signed up to speak on this item.

Chairman Deapen: That makes it a little of a difficult situation. For example, Commissioner Faue has some questions about the gravel and how that might be affected by tractor trailers and such. There's nobody here to answer those questions.

Administrator Sweazy: Right but as far as taking public comment, there's not any public comment. The County Engineers have reviewed this so it is something that is doable, or we wouldn't propose it.

Commissioner Travis: For tractor trailers I think the legal width is 8'6". On Highway 44 you got 18-19 feet, they might have widened out a little where they re-blacktopped it. But anyway, this puts more width. We just had a discussion about putting felt underneath that rock that you put on the side. Jacob and I decided we think it should be felt. It is in the city, but I'm not sure about the county.

Administrator Sweazy: I can't answer that off the top of my head.

Commissioner Travis: What I would like to see added to this is that felt would be used the entire width of the road width underneath the rock.

Commissioner Brown: You're losing 4 feet anyway going from 24' to 20' the 26' to 22'. Where's those 4 feet going?

Administrator Sweazy: Normally you got 20' of pavement and 2' shoulder on each side. The asphalt is only 20'. So, this would widen it to 22' with a 2' shoulder on each side. So if you don't do curbing your road would be 2' wider. The construction of the road itself is not changing.

Commissioner Wheatley: The way I read is they're just increasing it by 2 foot if you don't put a curb and nothing else would change. I'm pretty sure they'll put the felt in.

Commissioner Faue: If this for subdivisions only or all city and county?

Administrator Sweazy: This has nothing to do with the city. County regulations only.

Commissioner Faue: If I'm going to own a brand-new home in a subdivision and the building doesn't put curbing in and just have a 2 foot should on each side graveled then that gravel is going to come into my yard. I'm not crazy about having that gravel coming into my yard.

Commissioner Wheatley: I make a motion to recommend back to Fiscal Court the in lieu of curbing the street shall be increased to 26 feet wide with 22 feet pavement width which shall consist of at least 6 inches of #3 stone and 4 inches of gravel base compacted in accordance with the subdivision street requirements of these regulations of Section 403(4) and Section 511.

Commissioner Mudd: Second.

Chairman Deapen: Any further discussion, call roll.

Administrator Sweazy: Called roll, motion carries.

Chairman Deapen: Additional new business.

Administrator Sweazy: We have a recommendation from **Spencer County Fiscal Court pertaining to poultry and fowl** in an R-1 Single Family Residential Zoning District. The Fiscal Court has made a recommendation for you all to hold a Public Hearing. What they are proposing is in the R-1, Single Family Residential District is to increase the number of poultry or fowl animals per acre to 12 and they are to be confined to the property. The US Department of Agricultural defines poultry to include chickens, doves, ducks, geese, grouse, guinea fowl, partridges, pea fowl, pheasants, pigeons, quail, swans, and turkeys. We have several people here to speak about it. I also have a list of things we received in the office this week of pros and cons (see exhibit A).

Chairman Deapen: Discussion from the commission first then we will take testimony.

Commissioner Mudd: How long has it been one chicken per acre?

Administrator Sweazy: It's been a long time. I would have to go back and pull-out old regulations and look, maybe the 90's.

Commissioner Wheatley: If we increase it to 12 per acre, but your restrictions say you can only have one, which supersede us, however if their restrictions say they can have 13, ours still supersede theirs, right?

Administrator Sweazy: Right. They can be more restrictive but not less restrictive.

Chairman Deapen: Let's take testimony now.

Michael Divine: 1942 Normandy Road. I am in favor of increasing the number of poultry you're allowed to have. However, you all have already stated that HOA's and subdivision guidelines supersede anything that's inside the Fiscal Court. So, I don't understand why Fiscal Court is putting only 12 birds. My property is zoned R-1, I'm surrounded by acres, I have no neighbors, I have a family of six, we eat 7 dozen eggs a week, eggs are averaging \$3.00 a dozen, we eat about five chickens a week. I moved out of a subdivision to have land to provide for my family. I don't understand why on my 2 acres I can't raise what I need to provide for my family.

Chairman Deapen: The simple answer to that is the current regulations prohibit that. This would be an improvement as opposed to more restrictive.

Mr. Divine: It is an improvement, that's why I said I'm in favor of it. I looked up at the Department of Agricultural they recommend 2 square feet of run and 2 square foot of coop per chicken. An acre has over 3,560 square feet, see the math.

Chairman Deapen: I am but I think your perspective is understandable, but most people don't want chickens in their front yard. Most people do have neighbors and what we have to do is present regulations that will impact the most people in a positive way.

Mr. Divine: I understand if I move to a subdivision and I have guidelines, I get it. I think contained to your property is the way to go. What I'm getting at is if you don't live in a subdivision I don't understand. The subdivisions are going to govern themselves anyway, they supersede the regulations. So, why not let them do whatever their going to do and allow the county to do what they think is right on their land? People how live in subdivisions chose to do that, I live in the middle of a hay field. Thank you.

Jessica Rubio: 234 Nature Trail, Mt. Eden. I actually started an online petition when some of our neighbors got letters in the mail regarding their poultry on their property. Later I found that's frowned upon because you can't get them notarized. But we did get a little over 700 signatures. We purchased our home 15 years ago and we've had chickens for 14 years. We never had any issues. We have 6 children that range from 1½ to 22 and they all have their responsibility for the chickens. We get our eggs and meat from there. I understand placing a limit on the chickens, but one is crazy. I can't say I agree with 12 because I personally don't. We don't have any restrictions in our subdivision, that's says we can't have chickens so this ordinance is the only thing that can keep us from having them.

Chairman Deapen: You understand right now you have a restriction of one.

Mrs. Rubio: I do not understand that. Probably around 2014-2015 this was brought up. We were told it would be changed but it wasn't. I did receive a letter back then and was told I was being fined because we hadn't gotten a permit for our chicken coop. We came down to Planning & Zoning and got our permit for the chicken coop. The letter that came out a week or two ago, I personally didn't get a letter. I'm here to support that this needs to be changed.

Administrator Sweazy: I will say as a staff member in 2014-2015 we were told in the office to not do letters and not bother anybody unless we received a complaint. The last set of letters that went out were from complaints we received. We don't just go out looking for chickens.

Brooke McIntosh: 15 Cardinal Court, Mt. Eden. In the spring of 2020, our world as we knew it came to a halt. My children were thrown into virtual learning and one in speech therapy. While stuck at home we watched a documentary "The Biggest Little Farm". My daughter said she wanted some chickens and her brother soon jumped on the ban wagon. We decided it would be a great learning experience for them. So, we purchased chickens, and the kids thought it was Christmas. We gave them the expectations of having the baby chicks and the care they would need, and they would have to help. They are our pets. We're not asking to have a big chicken farm; we're just asking to have enough chickens for our family of five. We usually go through 10-12 eggs a day.

Anita Chamberlain: 287 Justin Blvd. Do you know how many complaints have actually been filed?

Administrator Sweazy: I'm not prepared I didn't know you expected that answer tonight.

Mrs. Chamberlain: The reason we are here is because of so many complaints. So, I think that's a very important question you all need to investigate.

Chairman Deapen: That's not why we are here. We are here because we have a current regulation that says one per acre. It was proposed by the Fiscal Court to increase that.

Mrs. Chamberlain: Well then, I'm here to find out why some of the complaints that have been filed haven't been enforced.

Commissioner Wheatley: I don't think that has anything to do with this meeting. We are here about increasing from one chicken to 12 chickens. It didn't have anything to do with the complaints. I think some people received letters.

Administrator Sweazy: I will say it did. People got letters due to complaints and those people requested that it be changed.

Commissioner Wheatley: My understanding it's one chicken per acre and now their increasing it to 12 per acre so there shouldn't be any complaints.

Mrs. Chamberlain: This has been on going for 3 years, actually 4 years. I tried to work with the neighbor for the first year.

Commissioner Brown: Are there no restrictions in Little Mount Estates?

Mrs. Chamberlain: There are. But it pertains to livestock on 5 acres or more and list cows and swine.

Mrs. Chamberlain: In my subdivision there's a lake and in that lake, they are composting and contaminating (presented photos). This is a health hazard to my husband and he had to leave our home. I started a petition to change the restrictions but as you know I need an attorney to do that.

Chairman Deapen: What's your position on the proposal from Fiscal Court?

Mrs. Chamberlain: I want to know how you're going to control the composting, how close can it be to the neighbors, and what you're going to do, as stated earlier this is attracting coyote's which are attacking animals?

Chairman Deapen: So, I'm going to say you're against the proposal.

Mrs. Chamberlain: Yes, I'm against the 12 chickens.

Commissioner Wheatley: How many acres do you have?

Mrs. Chamberlain: 1.25 acres. But what is happening in my backyard needs to stop. The lake has been destroyed. The damage is bad in the pond and my property line is close to the middle of that pond so I'm responsible for getting this cleaned up.

Administrator Sweazy: I will state she has made complaints and our Enforcement Officer has sent letter out on those complaints. The issue is we can only do our part of it, so we send out a number of complaint letters. Once we don't get a response those complaints letters are turned over to the County Attorney. At the point the County Attorney is the one that has to act on those. Her complaints were never acted upon by the County Attorney.

Commissioner Mudd: The new County Attorney or the old County Attorney?

Administrator Sweazy: Both. We did our part. We can't go out and highjack somebody's chickens because they have too many. We send the letters of violation and then it's turned over to the County Attorney. Originally it was turned over to Ken and he didn't do anything. It came up again and it was turned over to the new County Attorney, so we're waiting to see if he does anything.

Mrs. Chamberlain: Nothing is being done right now.

Administrator Sweazy: I will say I did look up UK guidelines on how to compost and it gives you strict ways of composting. I also talked to someone that said Rumpke will not pick it up in trash.

Commissioner Brown: Cattle farmers have best management practices for run off, they have to get certified and all that. Is there not anything in place, pertaining to Agriculture for poultry?

Administrator Sweazy: I'm not aware of it.

Commissioner Brown: Because it needs to be those peoples responsibly if they want the chickens. Seems like a lot of people have done their research but maybe some people aren't.

Administrator Sweazy: I think that's part of it. Most everybody here is doing it for the meat and eggs to provide for their families. But we have some people that didn't follow their end of the bargain and let them free range and we're getting the complaints.

Chairman Deapen: Is there anyone else signed up?

Administrator Sweazy: No.

Chairman Deapen: When this came up in 2014-2015, we didn't get enough evidence to make a change and it didn't get a recommendation to the Fiscal Court. We've had some horror stories and we've had some great stories. It has not been presented as an overall this is how we do things to make this work.

Commissioner Wheatley: I think it's a little incomplete. It can be 12 chickens, but it needs to say it needs this kind of fencing, it has to be contained, how to deal with waste, etc. I think its just an incomplete process.

Commissioner Brown: I'm in favor of it but I think we need to do more research. There needs to be guidelines. But you have to deal with the people not following those guidelines.

Chairman Deapen: Do we know if there are any guidelines within the state, we could look at to incorporate with the change in the number?

Administrator Sweazy: Some counties don't have anything in theirs at all.

Chairman Deapen: Do you know if UK or anywhere else has some guidelines we to look at?

Administrator Sweazy: I'm sure they do. I just didn't know how in-depth information you all wanted. I'm sure there's all kinds of stuff if you want to pull it out of there but also you can send it back to Fiscal Court with no additional recommendations you've done your part of holding the public meeting.

Chairman Deapen: There's been a lot of issues brought up here tonight. I think it's our job to see if we can put together a solution to present.

Administrator Sweazy: This is only R-1, single family residential.

Commissioner Brown: I think that solution will be pretty simple.

Administrator Sweazy: I'm just going to go back to some of the things that we had listed on here that was asked. Where can they have it, do they need to be in the backyard, what are the setbacks for coops and runs? This is just for poultry and fowl, not any other animals. If you do that for one thing, then the next thing that will come up will be everything else.

Chairman Deapen: We need to do some thinking on this and put a package together that makes since. So, let's push this forward to the next meeting. I want to express appreciation for all of you that came out and expressed your view. It does seem to be more complex than just picking a number out of the air. General questions and discussion.

Commissioner Faue: One more question on the chickens. What are Jefferson County's rules?

Administrator Sweazy: I think it's four chickens and one rooster.

Chairman Deapen: Our next meeting is on August 3<sup>rd</sup>.

Commissioner Travis: Motion to adjourn.

Commissioner Noel: Second.

Chairman Deapen: All in favor say aye, opposed, meeting adjourned.

Attest:

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Secretary

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Chairman