

City of Washington Terrace

Minutes of the Planning Commission Meeting held on
Thursday, August 29, 2024
City Hall, 5249 South 400 East, Washington Terrace City,
County of Weber, State of Utah

PLANNING COMMISSION AND STAFF MEMBERS PRESENT

Chairman Steve Jacobson
Vice- Chair Dwight Henderson
Commissioner Amy Morgan
Commissioner Dan Johnson
Commissioner Jethro Dee Watson
Commissioner Morgan Wilkins
Commissioner Matthew Roper
Code Enforcement Officer Martin Nish
General Planner Tyler Seaman
City Attorney Bill Morris

Others Present

Steve Rasmussen, Amanda Hartley, Brad Parr, Becky Parr, Adam Stever, Andrew Barnett,
Myndi Barnett, Denise Jacobson, Cal McCreary,

1. ROLL CALL

6:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. WELCOME

4. RECURRING BUSINESS

4.1 MOTION: APPROVAL OF AGENDA

4.2 MOTION: APPROVAL OF MINUTES FOR JULY 25, 2024

Items 4.1 and 4.2 were approved by general consent.

5. SPECIAL ORDER

5.1 PUBLIC HEARING: TO HEAR COMMENT IN SUPPORT AND OPPOSITION TO PROPOSED ORDINANCE ADOPTING CHAPTER 17.86 REGULATING URBAN CHICKENS

Seaman stated that the City is proposing an ordinance to allow for urban chickens. He
stated that the proposed code has parameters that would need to be followed for legal

backyard chickens. He stated that the City has been working through the ordinance for two years. He stated that it has been discussed in Planning Commission meetings previously. The Planning Commission will make comments and recommendations to the City Council. The City Council would make the final decision on the ordinance.

Chairman Jacobson opened the public hearing at 6:05 p.m.

Resident “M” did not want to disclose his name and be recognized as “M”. He stated that the public did not receive all the information that the Planning Commission has received. (He later clarified that not everyone has “printed” out packets to look at during the meeting.) He stated he wanted to relinquish the remainder of his 3 minutes to other residents to use as their time.

Adam Stever asked about the parameter of 20,000 square feet that is in the ordinance and wanted to know how it is justified. He stated that he did research and stated that the average lot within the city is 2.9, which is around 12,000 square foot per lot. He stated that only 12 lots would be allowed to have chickens within the city. He stated that it seems that the Commission is saying that they are allowing chickens and if people do not meet the requirements, that is too bad. He stated that he believes it is garbage. Stever referenced current laws within neighboring cities. He stated that he wanted to know why Washington Terrace feels justified in not allowing urban chickens. He stated that he has done research on coops and runs and feels that most of the lots in the city will accommodate the coop and allow for 6 chickens. He stated that he is a big believer in personal accountability. He stated that the person who cannot keep care of their yard is not someone who will want personal chickens. He stated that it is a contentious point within the city. He stated that it is a big responsibility and feels that we will see a percentage of people wanting chickens will drop. He stated that he is confused why the city is allowing chickens with parameters.

Resident Cal McCrary stated that he is pro-liberty. He stated that he feels that 500 new laws passed this year by the legislature is crazy. He stated that if our founders were here now living with laws and regulations that are fining them for everything that they do daily, they would be ready to load their muskets and do some house cleaning because you can’t even walk across the street without breaking a regulation. He stated that the city should let the people do whatever they want to do. He stated that the 20,000 square foot lot parameter is discriminatory against a lot of the people in Washington Terrace. He stated that the coops that are required to be bought is a luxury condo for the chickens compared to how they are raised commercially. He pleaded with the Commission to amend the regulations to accommodate people who want chickens and stop regulating our lives.

Resident Amanda Hartley stated that South Ogden recently adopted their ordinance concerning backyard chickens, stating that we should be able to adopt a similar ordinance because our lot sizes are comparable to theirs. She stated that noise and smell are common concerns from people who don’t want chickens. She stated that there are multiple studies that show that the decibel of chickens is no louder than a human conversation, noting that dogs are significantly louder. She stated that the city allows

95 dogs, and they do not give any benefit except emotional. She stated chickens allow her
96 to teach her children how to care for chickens. She stated that kids that are raised with
97 animals have less allergies and learn where food comes from. She asked that the
98 Commission factors in all of the benefits. She stated that she feels that the 20,000 is
99 ridiculous.

100
101 Resident Becky Parr stated that she agrees with what has been said, stating that it feels
102 like an abuse of power to cut out people who want to have chickens just because they
103 have smaller lots, stating that chickens do not need 20,000 square feet. She stated that it
104 is unfair to the citizens who elect officials not to be heard because they don't have a
105 20,000 lot size.

106
107 **Chairman Jacobson closed the public hearing at 6:20 p.m.**
108

109 Chairman Jacobson stated that the Commission did not write the ordinance, as it was
110 written by the city and it's legal counsel. He stated that he realizes that the 20,000 square
111 foot lot size is very prohibited within the Terrace.

112
113 Commissioner Morgan stated that she is neutral on chickens, however, she stated that she
114 lays awake at night thinking about these things and stated that the public doesn't have
115 any enemies within the Commission. She stated that the Commission is not trying to
116 punish or discriminate against anyone. She stated that the entire city works better when
117 everyone can agree upon the rules. She stated that it is difficult to do what is best for
118 everyone and have everyone happy. She stated that she appreciates the input given.

119
120 Commissioner Morgan stated that she had some questions concerning the ordinance. She
121 had questions on what "periodically" means concerning how often the inspections will be
122 conducted. She stated that it should be clarified.

123 She stated that there is an error on the lot sizes on the application, with one area stating
124 8,000 and the stating 20,000. Commissioner Morgan stated that she personally feels that
125 we could lessen the square footage requirements. She stated that other ordinances address
126 clean-up or waste removal if a chicken dies. She stated that a time frame for disposal
127 should be clear. She stated that she feels that the ordinance is not quite ready yet.

128 Commissioner Henderson stated that he has had chickens and that they are a lot of work.
129 He stated that there is noise, smells, flies. He stated that if there are racoons or rabbits in
130 the area, chickens will be lost. He stated that he doesn't know if people understand the
131 responsibility. He stated that people should know that it is a fun hobby, but there is a lot
132 of work involved.

133
134 Commissioner Johnson stated that he has heard from residents who have concerns mostly
135 about the rodents that chickens may bring. He stated that he doesn't think the concerns
136 are just smells and noise, but rather what the chickens could bring to other people's
137 backyards.

138
139 Commissioner Wilkins stated that he has a concern about the lot size requirement, noting
140 that it is way too big. He stated that he feels that people who don't meet the requirement
141 will have chickens anyway and we will be in the same situation that we are in now. He

142 stated that the square footage should be amended as a starting point for enforcement of
143 the ordinance.

144
145 Commissioner Watson stated that he has a nephew who loses a chicken once a week for
146 one reason or another. He stated that he is concerned about the disposal of the chickens.
147 He stated that he agrees that 20,000 sq. feet is too large for people who would like to
148 have chickens. He stated that he personally does not want chickens, but does not want to
149 deny anyone else to have them if we have enforceable laws. He stated that he has found
150 that people are generally not good rule followers.

151
152 City Attorney Bill Morris stated the 20,000 number was a place holder for what the
153 Commission would decide concerning lot sizes. He stated that he left the enforcement
154 very liberal. He stated that he can add clauses and adjust the ordinance in accordance
155 with the Commission's recommendations. Seaman stated that the north end average lot
156 size is made up of 6,000 sq. ft. lots

157 Morris stated that he modeled the ordinance after Clearfield City's ordinance, however,
158 he made it simpler, as Clearfield's ordinance seems complex. He stated that he had
159 chickens his whole life, noting that the rodent, smell, and noise issues are real. He stated
160 that he does feel that it is a workable ordinance for our community. He stated that it is up
161 to the Commission to determine the lot size parameter.

162 Seaman stated that the reason for the initial lot size of 20,000 sq. ft is because the current
163 ordinance states that if someone does not have a lot size over 20,000 sq. ft., someone
164 cannot have ordinance or fowl. He stated that the ordinance is from 1988, and it can be
165 amended. He stated that we try to fine tune codes, but also rely on public opinion to base
166 decisions. Seaman stated that staff is here due to direction from the Council to see if we
167 can make an ordinance work to where it is an even playing field. He stated that staff is
168 supportive of any action, and agrees that 20,000 is a large lot size. He stated that South
169 Ogden allows 2 chickens for lot sizes 4,000-6,000 sq. ft. He stated that there is sliding
170 scale up to the maximum of 8 chickens.

171
172 Seaman stated that the biggest challenge within the city is code enforcement. He stated
173 that enforcement will cost the city hundreds of thousands of dollars. He stated that this
174 will be brought before Council to see if it is feasible and whether to move forward. He
175 stated that staff presents options to Council and they decide the direction that staff should
176 take.

177
178 Commissioner Morgan stated that she thinks a sliding scale for lot sizes could work for
179 the city. Commissioner Morgan stated that she appreciates that the good of the entire
180 community must be considered, and compromises may be made.

181
182 Chairman Jacobson stated that we do not have the manpower to enforce the ordinance.
183 He stated that if we were to enforce the ordinance, he stated that people will pick and
184 choose which rules to obey, as they are doing so now. He stated that he does agree that
185 the lot size should be adjusted and likes the graduated scale. He stated that he feels that
186 we need to start at a 6,000 sq. foot lot or a large portion of the city will be cut out. He
187 stated that he has read many other cities' regulations and noted that they are extremely
188 strict on their chicken coop and run requirements. He stated that the ordinance should be

189 amended to include the smaller lot sizes. He proposes that lots less than 6,000 should not
190 allow chickens, 6,000-8,000 should allow 2-3 chickens, depending on what the
191 Commission decides, and 8,000-10,000 should allow for 4 chickens. He stated that lot
192 sizes over 10,000 sq. feet should be allowed to have up to 8 chickens.
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194

195 **6. NEW BUSINESS**
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197 **6.1 MOTION/ORDINANCE 24-07: RECOMMENDATION TO APPROVE**
198 **ORDINANCE 24-07 ADOPTING CHAPTER 17.86 REGULATING URBAN**
199 **CHICKENS**
200

201 The Commission decided to table the vote until the ordinance can be re-worked and
202 brought back for further discussion.
203

204 **Motion by Commissioner Watson**
205 **Seconded by Commissioner Wilkins**
206 **To table the discussion until the next meeting**
207 **Approved unanimously (7-0)**
208

209 **7. UPCOMING BUSINESS**

210 The next meeting will be held on September 26th.
211 Chairman Jacobson stated that the information that the Commission has is available on
212 the website for the public to view.
213

214 **8. MOTION: ADJOURN THE MEETING**
215

216 **Chairman Jacobson closed the meeting at**
217

218 **Motion by Commissioner Henderson**
219 **Seconded by Commissioner Johnson**
220 **To adjourn the meeting**
221 **Approved unanimously**
222 **Time: 6:49 p.m.**
223
224

225 _____
226 **Date Approved**
227

City Recorder