City of Washington Terrace

Minutes of the Planning Commission Meeting held on
Thursday, September 26, 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 - excused
Commissioner Jethro Dee Watson
Commissioner Morgan Wilkins
Commissioner Matthew Roper
General Planner Tyler Seaman
City Attorney Bill Morris

Others Present
Kimberli Gabaldon, Amanda Hartley, Joseph Huntley, Becky Parr,

1. **ROLL CALL** **6:00 p.m.**

2. **PLEDGE OF ALLEGIANCE**

3. **WELCOME**

4. **RECURRING BUSINESS**

4.1 MOTION: APPROVAL OF AGENDA

Items 4.1 was approved by general consent.

4.2 MOTION: APPROVAL OF MINUTES FOR AUGUST 29, 2024

Commissioner Morgan stated that she though that there was an error on line 192 regarding the number of chickens Chairman Jacobson stated should be allowed. The correction will be made before final posting of the minutes.

Motion by Commissioner Roper
Seconded by Commissioner Watson
to approve the minutes with the correction
Approved unanimously (6-0)

5. **SPECIAL ORDER**

5.1 PUBLIC HEARING: TO HEAR COMMENT IN SUPPORT AND OPPOSITION TO THE PROPOSED RE-ZONING OF 5580 SOUTH ADAMS AVENUE FROM O-1 "OPEN SPACE" TO C-1 "COMMERCIAL PROPERTY"

Seaman stated that the City has had the property on 5600 South and Adams Avenue for sale for around two years. The City does not have any interest in keeping the property as green space. Seaman stated that the property has been put into the Redevelopment Agency and has been put out for sale. One of the stipulations for the sale of the property requested by the RDA is that the parcel is rezoned from Open Space O-1 to C-1, which is Commercial property. Seaman stated that there are not many differences between the designation of C-1 and C-2 zones. Seaman stated that C-1 is more in line with general business/medical categories. Seaman stated that the Council is interested in projects that would rase the tax base of the parcel.
Seaman stated that there is an interested applicant who will start presenting once the rezone has been approved.

Chairman Jacobson opened the public hearing at 6:07 p.m.

Resident Mike stated that he is disappointed the Jones and Associates Engineering did not give an accurate description of the property. He stated that he would have hoped it would be accurate. He stated that he does not care what the property is zoned, stating that he only cares that people are constantly being presented with wrong information. He stated that it hurts the community because they don't trust the city.

Chairman Jacobson closed the public hearing at 6:09 p.m.

Seaman stated that the map that has been given to the Commission is to give the Commission a general idea of what is surrounding the property, specifically showing the parcel number location. Seaman stated that it is not an official map or survey of the property, as city code does not require a survey of the property. Seaman stated that the official survey would be on the part of the applicant as part of their site plan showing what utilities are there and parking options. Seaman stated that the map is a place holder so the Commission can view where the parcel is located. Seaman stated that there was a concern that the library location was misrepresented a little, however, at this time, the Commission is not reviewing or talking about the location of the building, only rezoning a parcel. Seaman stated that the official review of building placement and fire code issues will be held at the Development Review Committee meeting when appropriate and after the survey is laid out.

Chairman Jacobson stated that he has never seen anyone using the green space and believes the rezone is a good use of the property.

6. NEW BUSINESS

6.1 MOTION/ORDINANCE 24-08: MOTION TO APPROVE ORDINANCE ADOPTING RE-ZONING OF 5580 SOUTH ADAMS AVENUE FROM O-1 "OPEN SPACE" TO C-1 "COMMERCIAL PROPERTY"

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Motion by Commissioner Henderson
Seconded by Commissioner Morgan
To approve Ordinance 24-08 adopting Ordinance
To rezone the property at 5580 South Adams Avenue from O-1 to C-1
Approved unanimously (6-0)
Roll Call Vote was taken

7. RECURRING BUSINESS

7.1 MOTION/ORDINANCE 24-07: RECOMMENDATION TO APPROVE ORDINANCE 24-07 ADOPTING CHAPTER 17.86 REGULATING URBAN CHICKENS

Chairman Jacobson stated that he appreciates the efforts on the re-write of the ordinance since the last meeting. He stated that he may have found an error with 5a. "the coop or enclosure shall be located at least 25 feet from the primary residence", and noted that in 5e. it states " any time a heating device is used to heat the coop it must be separated at least 10 feet from the residential building". Commissioner Morgan stated that there is no way that something could be 25 feet away from a home on an 8,000 ft lot. She stated that she worries that if her home cannot accommodate that footage, neither can a 6,000 ft lot. She stated that she wants to preserve the 5 foot perimeter from any property line. She stated that people who want chickens probably do not care that the coop is by their house, however, we need to preserve the perimeter for the neighbors.
Seaman stated that we are trying to protect the neighbors who do not want chickens close to their home, noting that most of the home setbacks are around 25 feet. He suggested changing the wording to the coop must be at least 25 feet from adjacent or neighboring properties.

Chairman Jacobson stated that 5a. would have to have the setback changed to allow it to be closer to the homeowner. It was suggested that 5a would be changed to 15 feet, as well at 5e.
Morris stated that he will make those changes, as well as some typographical errors.
He stated that Code Enforcement Officer Nish had some questions about the ordinance. Morris clarified that "lawful landfill" would be the area where deceased chickens would be disposed. Morris stated that a garbage can will also end up in the lawful landfill. He stated that he kept the timeframe vague, noting that the owners are responsible for taking care of it and keeping the smell down. Morris stated that depending on how people do things, the date is left open. Commissioner Jacobson stated that we will never be able to enforce a date. Commissioner Wilkins stated that it would be no different than someone not cleaning up after their dog.
Morris stated that he will fix the errors and change the coop footage requirements. He stated that the Commission can make a motion to approve subject to the changes discussed and the ordinance will go before Council at a later date for approval.

A resident spoke up and said that she felt that the section concerning periodic inspections is vague and is an invasion of privacy and would like consideration to have that changed to make it clear so that the city cannot just walk on to their property to inspect whenever they want. Morris stated that under state law chapter 10, title 9, Seaman can go out there at any reasonable time and inspect on any property, noting that normally the city does not just show up. He stated that state law does give the city authority to inspect properties. Chairman Jacobson stated that it could

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happen, however, he does not think that we have the time or manpower to inspect unless there is a complaint. Seaman stated that code enforcement is very respectful and careful of privacy rights. Morris stated that pictures or viewing of property from public right of ways is legal.

Motion by Commissioner Henderson
Seconded by Commissioner Roper
To approve recommendation for Ordinance 24-07
Adopting chapter 17.06 regulating urban chickens
With the pending changes:
Change 5a and 5e to 15 feet from the house and heater
Approved (5-0)
Roll call vote was taken
Commissioner Henderson- Yes
Commissioner Roper- Yes
Commissioner Morgan- Yes
Commissioner Wilkins- Yes
Commissioner Watkins-Yes
Chairman Jacobson- No

8. MOTION: ADJOURN THE MEETING

Motion by Commissioner Watson
Seconded by Commissioner Wilkins
To adjourn the meeting
Approved unanimously (6-0)
Time: 6:29 p.m.

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Date approved **City Recorder**

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