City of Washington Terrace

Minutes of a Regular City Council meeting
Held on October 1, 2024
City Hall, 5249 South 400 East, Washington Terrace City, Utah

MAYOR, COUNCIL, AND STAFF MEMBERS PRESENT

Mayor Mark C. Allen
Council Member Jill Christiansen
Council Member Zunayid Z. Zishan
Council Member Cheryl Parkinson
Council Member Jeff West
Council Member Michael Thomas
General Planner Tyler Seaman
Code Enforcement Officer Martin Nish
City Recorder Amy Rodriguez
City Manager Tom Hanson

Others Present

Planning Commission Chairman Steve Jacobson

1. WORK SESSION **5:00 P.M.**

Topics to include, but are not limited to:

- **Urban Chicken Ordinance**

Hanson stated that the Urban Chicken Ordinance has had many reviews from Planning Commission. The Council discussed the approved version that was recommended by the Planning Commission.
Council Member Parkinson asked if renters cannot have chickens unless the property owner applies for them. Chairman Jacobson stated that the intent of the Planning Commission is for renters not to have chickens. Mayor Allen stated that it should not be put in the hands of a property owner if they do not even live on property. Council Member Thomas stated that it becomes a revolving problem when renters leave, noting that the next renter may not want the chicken coop**.**
Seaman stated that code enforcement works off of the owner of the property. He stated that if there are chicken problems at a rental, code enforcement will cite the owner. This becomes problematic if owners cannot be located. Seaman stated that the Planning Commission did not want renters to have chickens.

Hanson stated that there should be clear language that "Rental Properties are prohibited from having chickens".

Council Member Zishan stated that South Ogden charges $10.00 for their application fee. He stated that he does not see why the cost would be more than $10.00. Chairman Jacobson stated that at a $10.00 fee, the

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city would be subsidizing chickens. Council Member Zishan stated that the money we are paying employees is already in the payroll. He stated that he doesn't understand why time and employee salary should affect the fee. He stated that payroll is not affected with the addition of this service. Council Member West stated that he spoke with South Ogden Code Enforcement and he got the impression that they were not going to enforce the law. He stated that we need to look at the extra burden that we are putting on code enforcement. He stated that code enforcement is a high priority within our city. He stated that if we take the code enforcement officer away to look at chicken issues, we are taking him away from other issues within the city.
Hanson stated that our code enforcement would be taken away for "premium services", such as the chicken enforcement. He stated that the officer would be taken away from normal operations which are funded from general fund activities. Council Member Zishan stated that once we pass the ordinance it is no longer premium service, it is just service.

Council Member Parkinson noted that this is a one-time fee. Council Member Zishan stated that he does not see any reason for code enforcement to go house to house to check on chicken code enforcement after the initial inspection**.**

Council Member Christiansen stated that the code is making it already hard for people to have chickens and feels that the $100.00 is excessive on top of the regulations.
Council Member Christiansen stated that the site plan requirement assumes that we do not trust residents to abide by the code. She stated that having residents submit a site plan is saying that we don't think they understand the ordinance. Council Member West stated that the site plan shows that the resident understands what is expected of them and that they understand the ordinance. He stated that there has to be some trust factor, but we also need to know that they understand the guidelines to protect their neighbors.
Council Member Christiansen stated that people are going to be honorable and work things out.
Council Member West stated that we do receive complaints about chickens in the city. He stated that we need to establish guidelines to work within an entire community. Council Member West stated that we based our initial ordinance and assessment on a variety of cities, not just South Ogden City. He stated that many cities have guidelines and setbacks. Council Member Christiansen stated that we opened up the infill ordinance to allow people to build affordable housing. She stated that there is a housing crisis coming and we need to open our sights to make sure that we give citizens what they need.
Council Member West asked if there is enough space. Council Member Christiansen stated that chickens can live in an apartment and not have any issues.
Mayor Allen stated that when we opened up infill lots, we had strict requirements for the lots.
Council Member Zishan stated that we need to be fair.

Chairman Jacobson stated that ordinance states that a house needs to be 30 feet from your back fence. He stated that there is no room for a coop if we stayed with the 25 ft requirement, noting that is why the Planning Commission changed it to 15 feet.
Seaman stated that it can become a very tricky conversation when inspection comes around if we don't have some type of site plan or something to go off of that we can enforce. He stated that if there are any lawsuits or it comes before the court, we need to have something to show the Judge that the city approved a certain type of coop, location, or requirement for the chickens.
Council Member West stated that without a site plan, a resident can spend time and money to build their coop and then told later on they have to take it down. Council Member Zishan stated that residents may

not know how to make a site plan. Hanson stated that the site plan protects the resident if they build and the property is too small. Seaman stated that he sometimes makes site plan with the resident so that they can understand the ordinance. He stated that if there are complaints and the city has something to go off of as to what we allowed, it will help the resident. He stated that the ordinance is trying to set a precedent. He stated that a restriction of a site plan is not unusual.
Council Member Zishan stated that we could have a basic plan showing the house and location of the structure, along with the lot size. Council Member Christiansen stated that the site plan needs to be simplified.

Council Member Parkinson stated that we have a lot of lots that are under 6,000 square feet. Council Member Zishan stated that if we enforce the 15- foot setback from the house and the 5- foot property line, there may be some residences that are not going to be able to have chickens. Council Member West stated that with appropriate offsets and restrictions on the coop, it may be hard to find lots that are less than 6,000 sq ft that can accommodate chickens. He stated that there is not enough room on smaller lots for chickens in the city that we live. Council Member West stated that this is the area where former Councils have come to an impasse on the ordinance. Council Member Zishan stated that there is no point in passing the ordinance if no one will be allowed to meet the requirements. Council Member Thomas stated that he would be able to have chickens on his 4,000 sq. ft property, however, he would have to give up almost two thirds of his backyard.

Council Member Parkinson stated that the ordinance and lot size rules emphasizes the division of "upper Terrace" and "lower Terrace". Council Member Christiansen stated that the voters speak for the city wanting chickens by voting in Council Members who support chickens. She stated that we need to listen to the residents and allow everyone to have chickens.
Council Member Christiansen asked why not give residents the opportunity to have chickens if it is important to them. She wants to allow for the possibility. Council Member Zishan stated that the ordinance needs to be beneficial to everyone. He asked why aren't we doing the best that we can to help those who want them.
Council Member West asked if we would be silencing the voice of the residents who do not want them by allowing anyone to have them. He stated that there is a very vocal group who want chickens, and there is also a group of residents who do not want chickens within the city. He stated that if we keep adjusting or eliminating the setbacks, we may be discounting the wishes of those who do not want to live near chickens. He stated that the other cities who allow chickens have larger lot sizes or setbacks to make this work. Council Member Zishan stated that Salt Lake City has much smaller lot sizes and they are able to enjoy all their rights. Council Member West asked that isn't it a right to feel safe in your community, noting that it is something we need to consider if we are introducing something into the city that could be carriers of disease or parasites. Council Member Christiansen stated that racoons, rodents and mice are already in the city, and they are not going to increase by allowing people to have their property rights.
Council Member Zishan stated that Council changed the leash law because we learned something along the way and needed to adjust the ordinance already in place. He stated that with the proposed chicken ordinance we are blocking everything to begin with.
Council Member West stated that if we start too low and allow smaller lot lines and we find out a year from now there are issues, we cannot come back and say that they cannot have chickens. He stated that we need to start with rules and assess as we learn.

Hanson stated that we do not want to add more to manage to those residents if they already have code violations on their property. Mayor Allen stated that we have to have a simple site plan. Council Member Christiansen stated that we cannot over- specify and be too detailed with requirements that we only open this up to a few. She stated that we have to open it up to the uniqueness of the Terrace. Council Member West asked where the exceptions should be if we want to shoehorn something into a place it shouldn't be, noting that there could be many exceptions to manage. Council Member Zishan wanted to know why there is a 5 ft. rule on setbacks. Seaman stated that it is fire code. He stated that home insurance expects us to follow National Building codes to insure homes. He stated that the National Business code is a 5 ft. lot line. Council Member Zishan stated that he should be able to have the coop anywhere on his property, taking out the 15 ft setback requirement while keeping the heater rule of 15 ft.
Council Member Thomas stated that he doesn't know of anyone who uses heaters with their chickens.
Council Member West stated that he feels that this topic needs to be researched further. He stated that we need to do what is right for the city and not make an arbitrary decision.

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Mayor Mark C. Allen
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Council Member Zunayid Z. Zishan
Council Member Cheryl Parkinson
Council Member Jeff West
Council Member Michael Thomas
General Planner Tyler Seaman
City Recorder Amy Rodriguez
City Manager Tom Hanson

Others Present

Amy Miller, Joseph Hartley, Val Shupe, Robert Warlaumont,

2. ROLL CALL **6:00 P.M.**

3. PLEDGE OF ALLEGIANCE

4. WELCOME

Mayor Allen explained what happened in the work session regarding Urban Chickens. He stated that it was decided that there needs to be more research on lot size and setbacks. He stated that we do not want to "just pass" an ordinance to stop talking about it. He stated that there were six different opinions and differing views. He stated that we are a unique city and it is going to take a lot more time to come to a decision. He stated that if residents want to talk about the issue or offer suggestions that they can call him or any of the Council Members.

5. CONSENT ITEMS

5.1 APPROVAL OF AGENDA AND SEPTEMBER 17, 2024, COUNCIL MEETING MINUTES

Item 5.1 approved by general consent.

6. CITIZEN COMMENTS

Amy Miller, representing the United Methodist Church, mentioned that there is a children and parents community event "Falloween" on October 25th. She stated that the fall boutique will be held on November 1&2. She stated that the rummage sale brought in $1,600 for school supplies.

Nedra Seal stated that she was in charge of a petition that circulated two years ago, and that it was clear to her that almost everyone who signed a petition are against having chickens. She stated that the Council Member emails may be a better way to keep records of the conversations with Council rather than a phone call. She asked the Council to be responsible and think of the health needs of the community. She stated that the city is counting on them to do the right thing.

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Braden Shupe stated that he is voicing his opposition against chickens. He stated that there are a lot of racoons in the Terrace. He stated that his concern is that chickens will bring more racoons and varmints to neighborhoods. He stated that some of the prior reasons some of the residents want chickens to save money on eggs. He stated that it was proven through the State and USU Extension that having chickens is not economical.
Shupe stated that rats are coming in to eat bird seeds which are similar to the seeds for chickens, and he stated that this will bring in rats. He stated that racoons are considered a public nuisance. He stated that rodents are overtaking his neighborhood. He stated that there is no benefit to having chickens as they bring problems to residences.

Bob Warlaumont stated that he believes that 90 percent of the Terrace is a residential community and not a farm community. He stated that a goat, cow, horse and a chicken are farm animals. He stated that the city doesn't have enough in the budget to take care of this issue. He stated that the city cannot enforce lawn care, parking, and other code violations as it is. He stated that chickens are not healthy and carry disease. He stated that he estimates that it would be only 10 percent or less of the residents who would have chickens. He stated that he feels 90 percent of the citizens do not want chickens allowed.

Val Shupe stated that we have had two councils who have already said no chickens allowed in the Terrace. He stated that the reason people are not coming to the Council meetings to voice their opinions against chickens is because they are tired of butting their heads against the wall and listening to people say " we have to have chickens". Shupe stated that the city needs to be careful because chickens will bring racoons and varmint. He stated that he has coyotes, racoons, and fox in his yard already. He stated that Council has to be very careful with what is allowed, especially with the types of structures the chickens will be in. He stated that they can become dilapidated and who will take care of them and dispose of them.
Shupe stated that city and the yard sizes are not conducive to chickens and that Council really needs to think about what they are doing.

Chuck Jensen stated that his neighbor live-trapped 22 racoons within one month. He stated that is what we will be dealing with if we brought chickens into the city. He stated that we do not want any farm animals within the city. He stated that chickens, pigs, cattle, goats, and horses are all farm animals. Jensen stated that when Council passes an ordinance it should be enforced. He stated that the Council should back up their decisions and not let people keep their chickens "until too many people complain about it".

Joseph Hartley stated that his wife is pro-chicken and he is happy to have them if allowed. He stated that there is a lot of misinformation about chickens. He stated that chickens kill wolves, mice, and rats. He stated that chicken feed is put in a feeder and that it is basic common sense not to leave the feed on the ground. He stated that there is too much misinformation out there about chickens

7. NEW BUSINESS

7.1 DISCUSSION/DIRECTION: DISCUSSION AND DIRECTION ON PROPOSED ORDINANCE 24-07: URBAN CHICKENS

Mayor Allen asked if the discussion should be continued or have assignments to research what was spoken

about in the work session.
Council Member Zishan stated that Council spoke about the lot sizes during the work session and suggests that we need to do the math and see if it is even feasible to have chickens in the proposed lot sizes. Council Member Thomas stated that the item should be brought to the survey so that we can get an unbiased opinion done by the city. **Council M**ember Zishan stated that there are is no point to survey.
Council Member West stated that we are not in a position to make any decisions at this time, as more research will need to be completed.
Council Member Christiansen stated that we should have more work session on the matter.

Motion by Council Member West
Seconded by Council Member Thomas
To table the discussion to a later date
Approved Unanimously (5-0)

7.2 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"

Seaman stated that the proposed zoning change is for the property on Adams Avenue and 5700 South. He stated that the City owns the parcel, and it has been treated as an Open Space, basically a park, that we maintained. Seaman stated that the City Council directed staff to research the property for best use. Seaman stated that the property has been for sale for two and a half years. He stated that we have an applicant who would like to purchase the property for development. Seaman stated that we need to rezone the property from open space to commercial for the development to happen. Seaman explained that the proposed development would fall into a C-1 commercial zone. He stated that C-1 zones are geared for professional and medical types of offices. He stated that the surrounding properties are in the C-1 zone, noting that the City Public Works Shop is behind the property.

Seaman stated that a public hearing was held at the Planning Commission, stating that the only comment was a concern about the clarity of the exhibit map that was included in the packet. He stated that the exhibit is a general exhibit to show where the property is located. He stated that the Planning side will make sure that whatever goes on the property meets zoning, fire code, and property line requirements.

Mayor Allen stated his appreciation to Seaman and the Planning Commission for their work on this project.
Council Member Parkinson asked the difference between the C-1 and C-2 designation, asking if there would be an issue if something other than a medical office was developed. Seaman explained that there is not a huge difference between the designations, noting that a C-2 zone is commercial business that fits into residential areas more easily. He stated that the C-1 zone is more professional and medical and businesses. He stated that the surrounding area to this parcel is also C-1.
Hanson stated that the development being proposed is a 14,000 sq. ft. office building and falls in line with city goals. Hanson stated that the building will be a gateway business.

Motion by Council Member Christiansen
Seconded by Council Member West
To approve Ordinance 24-08 adopting

Re-zoning of 5580 South Adams Avenue
from O-1 "Open Space" to C-1 "Commercial Property"
Approved unanimously (5-0)
Roll Call Vote

8. COUNCIL COMMUNICATION WITH STAFF

Council Member Christiansen thanked the Public Works Department for getting the lights fixed at the elementary. She thanked all the residents for working through the 300 West construction project, noting that it went smoothly and that the finished road is very nice. Council Member West echoed the sentiment stating that 300 West looks good and it was finished on time. Hanson stated that chip seal will be completed next year.

Council Member Zishan stated that Council received an email on water billing. He stated that it shows 4000 gallons as the base fee. He noted that any overage over the base is charged an overage fee and it appears that the overage is charged in 1,000 gallon increments. He asked if the overage can be broken done by 200 gallons instead so that people are not charged a high overage if they only go over by 100 gallons. Hanson stated that he will check with the department as to how it can be billed.

Council Member Parkinson stated that she has heard from numerous people that they are grateful that 300 West is back open and stated that residents were happy that they were informed throughout the project. Hanson asked if Council they would like to hold an open house event to bring back the residents to receive feedback on how they thought the project was handled. He stated that it could be an opportunity to hear from the residents as to what worked and what didn't work. . Council liked the idea, stating that it would be very valuable.

Council Member Thomas stated that he received phone calls from concerned residents stating that there are a lot of trailers on the road for 5700 South and asked about the progress on the new ordinance addressing the issue. He stated that the trailer east of the school is impacting the school, stating that it has narrowed the road and some students are fearful of driving down the road.
Hanson stated that he is working with Seaman, Lt. Cowley, and our prosecuting attorney on how we can best enforce the ordinance. Hanson stated that there is language already in code for unattended trailers that is clearly defined. Council Member Parkinson cautioned not to limit the wording to commercial. Hanson stated that we have specific ordinances for how long a trailer can be left on the road. Hanson stated that we do not want trailers on the road all the time and staff is looking for the best way to enforce that.

Council Member Thomas stated that he has received complaints that the court is over-scheduled. He asked if there was a way to schedule it better. Hanson explained that the court is the judicial arm of the city independent of administration and independent from the Council. He stated that the judge sets his schedule for his court. He stated that the judge managed the case in question as best as he could. Hanson stated that the judge works with his team managing the court environment.

Seaman stated that streets and vehicular violations should be reported through dispatch so that it is routed correctly, noting that other code violations can be reported through the non-emergency portal on our website.

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Mayor Allen stated that he appreciates the work that was done on the 300 West Project. He stated that he has expressed his appreciation to Riverdale City for letting us use part of their road for our detours. Mayor Allen stated that the metal plates on the road were removed today. He stated that he noticed that there were still some concrete, dirt, and other items were left around some of the storm drains, defeating the purpose of the SWPP items place to protect the drainage system.

Mayor Allen stated that there is a semi-trailer parked on the weekends on 5550 South. He stated that semi-trailers are too big to be parked there.
Mayor Allen asked if wi-fi in would be available in our parks through Connext. Council Member Zishan stated that we have to make sure that it would be available at all of our parks so that everyone can enjoy the service. Council Member West stated that he met with a representative at the ULCT conference who designs that type of project and will forward the information to Hanson**.**

9. ADMINISTRATION REPORTS

Hanson stated that there will be a cost to adding wi-fi to the parks. Hanson stated that we are using limited bandwidth at Rohmer to run our cameras. Hanson stated that he will see how much it would cost to run the wi-fi to all the parks. He stated that he is working on getting fiber in City Hall to help with our bandwidth. Hanson stated that staff is looking to set up cameras at Lions Park.
Council Member West asked if we could get an estimate as to what it would cost so that the Council can consider this option. Council Member Zishan suggested to look at prices and also check the quality of the wi-fi.
Mayor Allen stated that the Lions Club is working on acquiring benches for Rohmer Park.

Hanson stated that the links for Everbridge is now live. This is the new mass notification system through the county. Residents will need to sign up to receive information from the county. Hanson stated that people can sign up and receive information on city projects, streets, water outages, and emergency situations. Hanson stated that when there is an event in an area residents will be notified through their cell phone. Hanson stated that users do not have a cost. The cost is on the counties in our region.

Hanson stated that his intent is to have the city-wide survey out by Thursday of this week.

Hanson followed up on the incident at Rohmer Park concerning the vandalism and fire of the temporary restroom. He stated that the violators have agreed to pay full restitution by the end of the week.

10. UPCOMING EVENTS

Oct. 14th: City Offices closed in Observance of Indigenous Peoples/Columbus Day Holiday
Oct. 15th: City Council Meeting (6:00) p.m.
Oct. 24th: Planning Commission meeting (Tentative)

11. ADJOURN THE MEETING- MAYOR ALLEN

Motion by Council Member Thomas
Seconded by Council Member Christiansen
To adjourn the meeting
Approved unanimously (5-0)
Time: 7:16 p.m

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Date Approved **City Recorder**

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