

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

46 city would be subsidizing chickens. Council Member Zishan stated that the money we are paying
47 employees is already in the payroll. He stated that he doesn't understand why time and employee salary
48 should affect the fee. He stated that payroll is not affected with the addition of this service. Council
49 Member West stated that he spoke with South Ogden Code Enforcement and he got the impression that
50 they were not going to enforce the law. He stated that we need to look at the extra burden that we are
51 putting on code enforcement. He stated that code enforcement is a high priority within our city. He stated
52 that if we take the code enforcement officer away to look at chicken issues, we are taking him away from
53 other issues within the city.

54 Hanson stated that our code enforcement would be taken away for "premium services", such as the
55 chicken enforcement. He stated that the officer would be taken away from normal operations which are
56 funded from general fund activities. Council Member Zishan stated that once we pass the ordinance it is no
57 longer premium service, it is just service.

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

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63 Council Member Christiansen stated that the code is making it already hard for people to have chickens
64 and feels that the \$100.00 is excessive on top of the regulations.

65 Council Member Christiansen stated that the site plan requirement assumes that we do not trust residents
66 to abide by the code. She stated that having residents submit a site plan is saying that we don't think they
67 understand the ordinance. Council Member West stated that the site plan shows that the resident
68 understands what is expected of them and that they understand the ordinance. He stated that there has to be
69 some trust factor, but we also need to know that they understand the guidelines to protect their neighbors.

70 Council Member Christiansen stated that people are going to be honorable and work things out.

71 Council Member West stated that we do receive complaints about chickens in the city. He stated that we
72 need to establish guidelines to work within an entire community. Council Member West stated that we
73 based our initial ordinance and assessment on a variety of cities, not just South Ogden City. He stated that
74 many cities have guidelines and setbacks. Council Member Christiansen stated that we opened up the
75 infill ordinance to allow people to build affordable housing. She stated that there is a housing crisis coming
76 and we need to open our sights to make sure that we give citizens what they need.

77 Council Member West asked if there is enough space. Council Member Christiansen stated that chickens
78 can live in an apartment and not have any issues.

79 Mayor Allen stated that when we opened up infill lots, we had strict requirements for the lots.

80 Council Member Zishan stated that we need to be fair.

81

82 Chairman Jacobson stated that ordinance states that a house needs to be 30 feet from your back fence. He
83 stated that there is no room for a coop if we stayed with the 25 ft requirement, noting that is why the
84 Planning Commission changed it to 15 feet.

85 Seaman stated that it can become a very tricky conversation when inspection comes around if we don't
86 have some type of site plan or something to go off of that we can enforce. He stated that if there are any
87 lawsuits or it comes before the court, we need to have something to show the Judge that the city approved
88 a certain type of coop, location, or requirement for the chickens.

89 Council Member West stated that without a site plan, a resident can spend time and money to build their
90 coop and then told later on they have to take it down. Council Member Zishan stated that residents may

91 not know how to make a site plan. Hanson stated that the site plan protects the resident if they build and
92 the property is too small. Seaman stated that he sometimes makes site plan with the resident so that they
93 can understand the ordinance. He stated that if there are complaints and the city has something to go off of
94 as to what we allowed, it will help the resident. He stated that the ordinance is trying to set a precedent. He
95 stated that a restriction of a site plan is not unusual.

96 Council Member Zishan stated that we could have a basic plan showing the house and location of the
97 structure, along with the lot size. Council Member Christiansen stated that the site plan needs to be
98 simplified.
99

100 Council Member Parkinson stated that we have a lot of lots that are under 6,000 square feet. Council
101 Member Zishan stated that if we enforce the 15- foot setback from the house and the 5- foot property line,
102 there may be some residences that are not going to be able to have chickens. Council Member West stated
103 that with appropriate offsets and restrictions on the coop, it may be hard to find lots that are less than 6,000
104 sq ft that can accommodate chickens. He stated that there is not enough room on smaller lots for chickens
105 in the city that we live. Council Member West stated that this is the area where former Councils have come
106 to an impasse on the ordinance. Council Member Zishan stated that there is no point in passing the
107 ordinance if no one will be allowed to meet the requirements. Council Member Thomas stated that he
108 would be able to have chickens on his 4,000 sq. ft property, however, he would have to give up almost two
109 thirds of his backyard.
110

111 Council Member Parkinson stated that the ordinance and lot size rules emphasizes the division of “upper
112 Terrace” and “lower Terrace”. Council Member Christiansen stated that the voters speak for the city
113 wanting chickens by voting in Council Members who support chickens. She stated that we need to listen to
114 the residents and allow everyone to have chickens.

115 Council Member Christiansen asked why not give residents the opportunity to have chickens if it is
116 important to them. She wants to allow for the possibility. Council Member Zishan stated that the ordinance
117 needs to be beneficial to everyone. He asked why aren’t we doing the best that we can to help those who
118 want them.

119 Council Member West asked if we would be silencing the voice of the residents who do not want them by
120 allowing anyone to have them. He stated that there is a very vocal group who want chickens, and there is
121 also a group of residents who do not want chickens within the city. He stated that if we keep adjusting or
122 eliminating the setbacks, we may be discounting the wishes of those who do not want to live near
123 chickens. He stated that the other cities who allow chickens have larger lot sizes or setbacks to make this
124 work. Council Member Zishan stated that Salt Lake City has much smaller lot sizes and they are able to
125 enjoy all their rights. Council Member West asked that isn’t it a right to feel safe in your community,
126 noting that it is something we need to consider if we are introducing something into the city that could be
127 carriers of disease or parasites. Council Member Christiansen stated that raccoons, rodents and mice are
128 already in the city, and they are not going to increase by allowing people to have their property rights.
129 Council Member Zishan stated that Council changed the leash law because we learned something along
130 the way and needed to adjust the ordinance already in place. He stated that with the proposed chicken
131 ordinance we are blocking everything to begin with.

132 Council Member West stated that if we start too low and allow smaller lot lines and we find out a year
133 from now there are issues, we cannot come back and say that they cannot have chickens. He stated that we
134 need to start with rules and assess as we learn.
135

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

185 Mayor Mark C. Allen
186 Council Member Jill Christiansen
187 Council Member Zunayid Z. Zishan
188 Council Member Cheryl Parkinson
189 Council Member Jeff West
190 Council Member Michael Thomas
191 General Planner Tyler Seaman
192 City Recorder Amy Rodriguez
193 City Manager Tom Hanson
194

195 **Others Present**

196 Amy Miller, Joseph Hartley, Val Shupe, Robert Warlaumont,
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198 **2. ROLL CALL**

6:00 P.M.

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200 **3. PLEDGE OF ALLEGIANCE**
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202 **4. WELCOME**

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

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212 **5.1 APPROVAL OF AGENDA AND SEPTEMBER 17, 2024, COUNCIL MEETING**
213 **MINUTES**

214 Item 5.1 approved by general consent.
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216 **6. CITIZEN COMMENTS**

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218 Amy Miller, representing the United Methodist Church, mentioned that there is a children and parents
219 community event “Falloween” on October 25th. She stated that the fall boutique will be held on November
220 1&2. She stated that the rummage sale brought in \$1,600 for school supplies.
221

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

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227
228 Braden Shupe stated that he is voicing his opposition against chickens. He stated that there are a lot of
229 racoons in the Terrace. He stated that his concern is that chickens will bring more racoons and varmints to
230 neighborhoods. He stated that some of the prior reasons some of the residents want chickens to save
231 money on eggs. He stated that it was proven through the State and USU Extension that having chickens is
232 not economical.

233 Shupe stated that rats are coming in to eat bird seeds which are similar to the seeds for chickens, and he
234 stated that this will bring in rats. He stated that racoons are considered a public nuisance. He stated that
235 rodents are overtaking his neighborhood. He stated that there is no benefit to having chickens as they bring
236 problems to residences.

237
238 Bob Warlaumont stated that he believes that 90 percent of the Terrace is a residential community and not a
239 farm community. He stated that a goat, cow, horse and a chicken are farm animals. He stated that the city
240 doesn't have enough in the budget to take care of this issue. He stated that the city cannot enforce lawn
241 care, parking, and other code violations as it is. He stated that chickens are not healthy and carry disease.
242 He stated that he estimates that it would be only 10 percent or less of the residents who would have
243 chickens. He stated that he feels 90 percent of the citizens do not want chickens allowed.

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

254
255 Chuck Jensen stated that his neighbor live-trapped 22 racoons within one month. He stated that is what we
256 will be dealing with if we brought chickens into the city. He stated that we do not want any farm animals
257 within the city. He stated that chickens, pigs, cattle, goats, and horses are all farm animals. Jensen stated
258 that when Council passes an ordinance it should be enforced. He stated that the Council should back up
259 their decisions and not let people keep their chickens "until too many people complain about it".

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

265 266 267 268 **7. NEW BUSINESS**

269 270 **7.1 DISCUSSION/DIRECTION: DISCUSSION AND DIRECTION ON PROPOSED** 271 **ORDINANCE 24-07: URBAN CHICKENS**

272 Mayor Allen asked if the discussion should be continued or have assignments to research what was spoken
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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 Member 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 Thomas
Seconded by Council Member West
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.

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 Connex. 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

417 **Date Approved** **City Recorder**