

UNAPPROVED

BRIGHAM CITY PLANNING COMMISSION MEETING
TUESDAY, JANUARY 04, 2011 – 6:30 PM
BRIGHAM CITY COUNCIL CHAMBERS

PRESENT:

Barbara Poelman	Chairperson
Lynda Berry	Commissioner
Deon Dunn	Commissioner
Larry Jensen	Commissioner
Eve Jones	Commissioner
Rob Munns	Commissioner
Joan Peterson	Commissioner
Lynn Duce	Alternate Commissioner

ALSO PRESENT: Mark Bradley City Planner

EXCUSED: Eliza McGaha Administrative Secretary

AGENDA:

Work Session – Cancelled

Regular Meeting

Pledge of Allegiance

Election of Chairperson for the 2011 Calendar Year

Approval of Work Session Minutes and Regular Meeting Minutes

Public Comment¹ (*Per Utah Code, will receive input only, no decision can be made*) for items not listed on the agenda.*

Discussion Item:

Application #3275 / Chickens within City Limits – Staff Report on Research

Regular Meeting:

Joan Peterson opened the regular meeting at 6:30 p.m. and Rob Munns led the Pledge of Allegiance.

Election of Chairperson for the 2011 Calendar Year:

The Mayor will appoint the Vice Chair at the January 20th City Council meeting. Ms. Peterson asked for nominations.

Motion: Eve Jones nominated Barbara Poelman to serve as the Chairperson for 2011. The motion was seconded by Lynda Berry.

Motion: Lynn Duce nominated Larry Jensen to serve as the Chairperson for 2011. The motion was seconded by Barbara Poelman.

Barbara Poelman received five votes. Larry Jensen received three votes. Barbara Poelman was elected Chairperson for the 2011 calendar year.

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Approval of Work Session Minutes and Regular Meeting Minutes:

In the minutes of November 02, 2010 Lynda Berry asked that the following additions be made for better clarification:

- Page three, line 154; addition to Kimberly Ford's comments: *She said she didn't want them parking on her side of the street and in her driveway.*
- Page four, approximately line 174; addition: *Ms. Berry suggested that the Code Enforcement person work with the school officials to keep their portion of property cleaned up.*
- Page five, line 226; addition to clarify which road was being discussed: add east/west between the words 'the' and 'road'.
- Page five, line 226; addition: *Ms. Berry mentioned then there would be nowhere else to go but into the subdivision. Then there was discussion on what could be done to enable people to turn around when they reached the complex.*
- Page six, line 269; addition: *She also stated employers will have little incentive to raise wages which could put people out of their homes.*

Motion: A motion was made by Joan Peterson to accept the November 02, 2010 regular meeting minutes as amended. The motion was seconded by Eve Jones and passed unanimously.

Public Comment (*Per Utah Code, will receive input only, no decision can be made*):

There was no public comment.

Discussion Item:

Application #3275 / Chickens within City Limits – Staff Report on Research:

Ms. Jones stated that she had a conflict of interest with this application because she has chickens. She said she had been told by several people that she was within the City ordinance, and when she read the ordinance there was no mention of chickens but it talked about being able to own six birds. She said she had talked to Mr. Bradley regarding the ethics involved and whether or not she should recuse herself or if it would be ethical for her to sit as a commissioner on this item or if it would be better to participate as a citizen.

In the bylaws it states if there is a financial interest in an item than it would be best for that person to be excused and leave the room. If there is no financial interest, than the person can disclose the information and it can be up to the chairperson to allow the individual to remain as part of the discussion. Mr. Bradley read the section pertaining to conflict of interest. He said staff felt it would be appropriate to allow the person to participate in and add value to the experience of the discussion as long as there was disclosure and no biased interest in the item.

Ms. Jones said she did not make any money off her chickens; she is just not paying for eggs in a store. Ms. Poelman said she saw nothing wrong with Ms. Jones voicing her opinion but questioned whether or not she could vote on the issue; this item is only discussion at this point.

Mr. Jensen suggested that the Commission decide, prior to commencing discussion, if they are interested in considering an ordinance or if they should turn it away and let it come before them through normal submission. Ms. Poelman asked how many Commissioners were interested in directing staff to prepare an ordinance with specific directives rather than it going through an individual requesting an amendment to the City ordinance; a majority of the Commissioners wanted to proceed.

Ms. Jones showed photos of her chickens, her yard, and her chicken coop. She said as her chickens gain in age they give about four to five eggs a day. She said she owns six chickens and is keeping a chicken for a friend for a little while; there are seven chickens in her yard at this time. The coop is next

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106 to her neighbor's house. The neighbor's house is quite a ways away from the fence and Ms. Jones
107 said the neighbors have no objection to the coop. She said there is a problem with varmints because
108 she lives right against the mountains.

109
110 Concerning statements made in previous meetings regarding having chickens due to the hard
111 economic times and those statements being a relative argument or not, Mr. Munns asked Ms. Jones if
112 she had found having chickens, and the care and expense that goes with them, to be less than what it
113 would be to buy eggs at the store. Ms. Jones said it was probably a wash; although buying organic
114 eggs would cost more.

115
116 Ms. Jones explained that they fell into having chickens because their neighbors had a chicken thrown
117 into their house one day. She offered to take the chicken because of the large amount of grasshoppers
118 in her yard. She got another chicken because one chicken by itself is really sad; so she had two
119 chickens for a while.

120
121 Mr. Munns said his family had chickens out in the county a few years ago but it got to the point where
122 they could buy eggs cheaper in the store without going to the work of having chickens. He said he
123 thought it was great if someone wanted to have chickens but his concern is if people will use it as an
124 excuse to get chickens as pets for their kids.

125
126 Ms. Peterson asked Ms. Jones what she thought the benefits of having chickens were. Ms. Jones
127 replied that they are a lot of fun and surprisingly interesting. She said her kids love them for the pet
128 factor but she likes them because the eggs taste better, they are organic and healthier. She said she
129 did not see one grasshopper in her yard this year that was not in the beak of a chicken, which is a huge
130 benefit. For three years she planted a tree in her yard and the first two years the grasshoppers ate the
131 leaves off the tree and the third year there were no grasshoppers to eat the leaves off the tree because
132 the chickens ate the grasshoppers.

133
134 There must be a certain amount of space for chickens. Ms. Jones stated that she could probably have
135 ten or twelve chickens in her yard and coop but she thought that would be a lot of chickens. Mr. Duce
136 commented that a distant neighbor has chickens whose coop is at the back of his property and that
137 person's neighbors do not even know he has chickens. Mr. Duce asked this neighbor his opinion
138 regarding distance from property lines and the response was three to five feet would be reasonable.
139 Mr. Duce said his neighbor raises the chickens for the eggs and to have as pets.

140
141 Ms. Berry commented that a lot of the ordinances disallow chickens as a pet. She noted that the bio
142 security principle states there should be no mixing of one person's chickens with another person's
143 chickens and all should be considered as having disease so the chickens do not intermingle and pass
144 disease to those that do not have disease. She said that is something they would need to discuss in
145 writing this ordinance. Ms. Jones said after chickens have been taken to the county fair they need to
146 be quarantined for a certain length of time before putting them back in with other chickens.

147
148 Ms. Jones said 15 feet from a residence would be more reasonable rather than a certain distance from
149 a property line. Mr. Jensen disagreed. He said his neighbor is building a shed next to the back fence
150 which is also going to be a chicken coop; which is right next to Mr. Jensen's gazebo in his backyard.
151 He disagreed that it does not matter, if it affects the neighbors in any way, shape, or form. He passed
152 out some points regarding his thoughts about an ordinance based on his review of the material
153 received from Mr. Bradley. The items Mr. Jensen thought should be put in an ordinance are:

- 154 • A chicken should be defined as a farm animal.
- 155 • The number of chickens should be limited based on lot size, similar to the limitations on having
- 156 cats and dogs.
- 157 • Chickens should be caged in a coop or fenced in a yard and not allowed to run wild.

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- 158 • The coop should be behind the house line, in the backyard, and 20 feet from any property line.
- 159 • Allow hens only.
- 160 • Chickens should not be allowed to be transferred from neighbor to neighbor. If a person is
- 161 going to get rid of them then they should go to the butcher shop to prevent spread of disease as
- 162 previously discussed.
- 163 • The ordinance should not override the restrictive covenants that are in place in different
- 164 subdivisions throughout the city.
- 165 • A home business selling eggs or chickens should not be allowed. The chickens should be for
- 166 personal use only.

167
168 Ms. Jones said butchering chickens in the backyard should not be allowed.

169
170 Ms. Dunn wondered how these things were going to be enforced. It was commented that enforcement
171 usually comes in the form of complaints. Mr. Bradley commented that the two main issues in West
172 Jordan were having chickens without a license and roosters. A lot of people do not know about the
173 laws, ordinances, and rules. Ms. Poelman commented that, as with having a dog in the backyard, if it is
174 not cleaned up there is a terrific odor from over the fence. Mr. Duce said in regards to chicken coop
175 odor, the person he visited has zero because he maintains it. He read the condition regarding cleaning
176 and sanitation from Centerville and said something like that would be good to put into the ordinance.
177 He said they need to be careful with that because not everyone is like Ms. Jones or the individual he
178 talked with in taking care of their chickens.

179
180 Mr. Munns noted Provo's problems with having roosters onsite, containment, and not obtaining a permit
181 which are obvious issues that will cause problems because people will be people and those things will
182 happen. There should be a monetary amount for a permit. Ms. Poelman said Councilmember Jensen
183 had a good point regarding the fee; if it is too expensive it would be futile. Mr. Bradley said there was a
184 lot of confusion as to enforcement in the different communities between code enforcement and animal
185 control.

186
187 Geraldine McGaha came forward. She said she agreed with a lot of things that had been discussed at
188 this meeting. She said considering the way things are looking with the economy she felt people should
189 start looking toward helping themselves and watching out for the things that could help. She said she
190 and her husband have a large fenced backyard. They do not want a lot of chickens; six or eight would
191 be enough to sustain them. Ms. McGaha said her husband would build a nice chicken coop to keep
192 them where they belong which would not be any different than some of her neighbors who have dogs
193 and cats; chickens are more beneficial than a dog or cat.

194
195 Ms. Jones commented that she thought it was interesting that Centerville only had seven or eight
196 permits. She said they should charge a nominal fee to get a license and then those people could get a
197 list of the restrictions and the ordinance so they are aware of what is required. Ms. Peterson said she
198 thought the requirement to have people read the educational material regarding chickens was a good
199 thing.

200
201 Ruth Jensen, Brigham City councilmember, came forward. She thanked the Commissioners for all they
202 do and commended them for trying to be very fair and balanced, which she appreciated not only as a
203 citizen but as a councilmember. She said she does not have chickens but her parents did when she
204 was a child. They did not have a coop, they nested in a tree. They would roost on a branch over a
205 cinderblock wall. She thought they would go over the wall and bother the neighbors but as long as they
206 were fed they were happy.

207
208 Ms. Jensen brought up cost effectiveness as mentioned previously by Mr. Munns. Some people will
209 treat the chickens as pets. She mentioned a Web site link she sent to the Planning Commission

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210 members which showed an economical way to make a small mobile coop. The mobile coop was
211 designed to be able to direct the fertilizer from the chickens onto different areas. The Web site link had
212 a blog discussing the different reasons people had chickens such as a hobby, as pets, or to eat. Ms.
213 Jensen said she agreed that there should be some stipulations. There are a lot of people going
214 through hard times in our city right now. She said she thought it would be advantageous if they were to
215 allow people to have this opportunity to be independent, to take care of themselves, and to sustain
216 themselves and their families in a way that they can have pride in producing something and feeling that
217 they do not need to have a handout. She said we have to be able to conform some of our laws to be
218 able to do these things. Ms. Jensen said she would like the commissioners to consider that to allow the
219 citizens to be able to express their liberties on their property.
220

221 Ms. Berry pointed out how inconsistent the ordinances were as if thoughts were being pulled out of the
222 air. There was not one ordinance they could look at to copy for our city. As she read through the
223 various ordinances she wrote down some things she thought should be considered, which are as
224 follows:

- 225 • Disallowance as pets.
- 226 • Disallowance for sale or other income producing activity.
- 227 • Writing a permit or not writing a permit.
- 228 • Establishing requirements for fees or not.
- 229 • Making it an animal control officer responsibility or not.
- 230 • Having inspections and giving citations.
- 231 • Discussion of animal cruelty issues.
- 232 • Discussion of trespassing and nuisance designations and definitions and other legal
233 ramifications (as noted in the Farr West ordinance).
- 234 • Lot size restrictions.
- 235 • Number of dwellings on a lot.
- 236 • Twin homes or multifamily housing.
- 237 • Fencing issues.
- 238 • Wing clipping.
- 239 • Free range allowance within a fenced lot.
- 240 • Disallowance of roosters.
- 241 • Number of chickens per square foot of coop space; one for the coop if there is a free range
242 component, and one for a coop only.
- 243 • Coop security. Protection from rodents and birds and other rodent control.
- 244 • Adjacency to dwellings and property lines for owners and neighbors.
- 245 • Obscuring view of coop from street.
- 246 • Purchasing requirements from a disease free source.
- 247 • Bio security compliance.
- 248 • Disallow co-mingling of flocks to prevent transference of disease from one flock to another.
- 249 • Cleaning frequencies and standards.
- 250 • Disinfection of cages.
- 251 • Proper disposal of dirty bedding and cage material.
- 252 • Slaughtering allowances and requirements.
- 253 • Disposal of dead animals and procedures for disposal of carcasses.
- 254 • Grandfathering.
- 255 • Restrictive covenants.
- 256

257 Mr. Bradley mentioned that Farmington established numbers; if one had eight chickens then one could
258 not also have a dog or a cat. He said they need to keep in mind that Brigham City only has one code
259 enforcement officer and one animal control person. The code enforcement person has picked up more
260 responsibility in the office which is limiting. West Jordan took the approach of doing a temporary use

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261 permit for three years. If it is made a permitted use, as long as compliance is met it would be an
262 allowed use. There are grandfather situations where there have been chickens for years and the area
263 was in an agricultural zone which was rezoned to single family. He suggested defining chickens as
264 livestock which would be any normally domesticated animal that is ordinarily kept on a farm such as
265 cattle, swine, sheep, goats, mules, burros, horses, llamas, geese, ducks, and turkeys. Mr. Bradley said
266 the animal control person said chickens were supposed to have been on that list at one time. A draft
267 ordinance will need to come back to the Planning Commission until it is ready for public hearing. Mr.
268 Jensen recommended that staff draft an ordinance that the Planning Commission can add or subtract
269 thereto.

270
271 Ms. Dunn said she would like to see something brought up in regards to chickens being on the farm
272 animal list as suggested by Mr. Bradley. Comments were made about rabbits as well as chickens
273 being kept and considered as pets. Mr. Bradley said staff was concerned about bringing farm animals
274 back into the city. There are some good points about chickens possibly being cleaner than cats yet
275 cleaning up after cats and dogs is not regulated. He said bringing bees in from agricultural zones into
276 residential is currently the hot topic, but the concern is where will it all stop; there will always be
277 someone interested in something else.

278
279 After all the things that have been discussed and to keep it at a minimum, Ms. Poelman suggested
280 important things to put in the ordinance were distance and registration. Instead of having some that are
281 so detailed and considering future enforcement issues, she suggested addressing items as they come
282 up and adding to the ordinance, at some future time, those things that seem obvious. Mr. Bradley said
283 they could always add or remove things from the ordinance depending on what needs to be addressed
284 as they learn from it.

285
286 Ms. Peterson said that the notes Mr. Bradley wrote concerning what most cities do are important and
287 something on them should probably be included.

288
289 Mr. Duce asked for clarification on chickens being considered as fowl and not pets. Mr. Bradley replied
290 that the current definition of domesticated birds refers to those that are typically kept inside. He read
291 the definition of pet, which can get a little gray at times. Chickens are typically in the poultry, fowl, and
292 livestock category. Mr. Bradley said he would work on creating a clear definition. Ms. Berry asked that
293 the ordinance not be too simplistic. Mr. Duce suggested the commissioners visit someone who has
294 chickens to get a little education.

295
296 **Motion:** A motion was made by Larry Jensen to adjourn. The motion was
297 seconded by Rob Munns and passed unanimously.

298
299 The meeting adjourned at 7:42 p.m.

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*This certifies that the regular meeting minutes of January 04, 2011 are a true and accurate copy
as approved by the Planning Commission on _____.*

Signed: _____

Eliza McGaha, Administrative Secretary