

Clinton City Council Meeting Minutes  
2267 N 1500 W Clinton, UT 84015

**April 13, 2010**

The Clinton City Council was called to order at 7:04 p.m.

Councilmember David Pearson led the pledge of allegiance and Councilmember Blair Bateman offered the invocation.

Mayor Adams called for a roll call of all those present

Present were: Mayor L. Mitch Adams  
Councilmember Blair Bateman  
Councilmember Joanne Hansen  
Councilmember Anna Stanton  
Councilmember Cheri Reed  
Councilmember David Pearson

Also present were: Lindsay Mabry, John Ostberg, Mark Roginske, Howard Elting, Julie Chilson, Chief Bill Chilson, Cindy Harris, Maggie L. Harris, Elise R. Harris, Sarah M. Harris, Ruth Collard, Barbara Brown, Nancy Call, Brent Call, Rick Gurule, Shane Leavitt, Larry Isaacson, Matt Scott, Adam Fox, Weston Schmutz, Triston Howell, Deborah Barlow, Barbara Fisher, Tony Thompson, Sam Cooper, Fred Mitchell, Jim Mackley, Michelle Hainline, Eric Ian Russell, Rachel Russell, Fiona Morrison, Jeremy Morrison, Ben Kempe, Kirsten Kempe, Celeste Hales, Carolyn Evans, Nancy Lougy, Bryan Lougy, Debbie Brown, Bret Gailey, Stephanie Gailey, Sharla Cope, Dale King, Dean Hill, Wendy Remley, Tara Kinser, Dillon Kinser, Ariel Kinser, Dave Barlow, Terrie Daybell, Bryan Daybell, Steve Silvester, Jed Briscoe, Suzanne Briscoe, Loni Schneider, Tevica Schneider, Keith Schramm, Jared Hainline, Dave Hilliard, Jade Moellendorf, Robert Anderson, Carl Rumsey, Matthew Wuthrich, Bonnie Fuit, Kerry Fuit, Michelle Price, Debra Thurman, Bret Thurman, Glenn Abney, Melinda Scottt, Justen Smith, Mike Wilson, Brady King, Karianne Lisonbee, Erik Craythorne, Community Development Director Lynn Vinzant, Karen Vinzant, City Planner Steve Parkinson, City Manager Dennis Cluff and Lisa Titensor recorded the minutes.

**A. DEPARTMENT HEAD OF THE SECOND QUARTER 2010 – POLICE CHIEF BILL CHILSON:**

Mr. Cluff identified that Chief Bill Chilson has been with Clinton City since August 1984. He has been the Chief of Police of since 1992. Bill has attained a wealth of police knowledge through his many years of experience and training, which is of great benefit to Clinton City. He said Bill enjoys getting out in the City and taking the opportunity to meet people, that is after he stops them for a traffic violation. He is a hands-on type of guy that sets a good example for his officers.

Bill currently oversees a staff of 15 police officers (including himself) and a secretarial staff. He always sets forth a positive and helpful attitude. He easily accepts assignments and promptly

follows through on them. Bill is an excellent employee and an important member of our leadership team. Mr. Cluff said he is grateful to have Chief Chilson's help in managing the City.

Mayor Adams said that although the police force is not as big as would be desired, they are instrumental in keeping the residents safe. He expressed appreciation to Chief Chilson for his years of service.

Chief Chilson responded that he loves Clinton City and enjoys his job here.

Mayor Adams presented Bill with an award and a gift card in recognition of this honor.

**B. UPDATE FROM HAFB ON CONTAMINATION PLUME:**

Mark Roginske project manager for operable unit 5 gave the annual update for the HAFB Contamination Plume that extends into Clinton City. He identified that Lindsay Mabry and Barbara Fisher were also present to help address questions from the City Council.

He gave a power point presentation to the City Council.

He reported there are two groundwater plumes and identified them on a map. He identified the plumes contaminated with TCE as the Tars Plume which has two treatment systems and the Zone 16 plume. He explained that both plumes are currently stable and going down over time, however it is a slow process and will take 25 to 30 years.

He explained that when the TCE levels are higher than action levels established with the EPA and state of Utah, air sampling is requested of homeowners.

- Air sampling results as of March 2010
  - 216 homes sampled
  - 14 homes w/ detections above the action level
  - 34 homes w/ detections below action level
  - 166 homes without detections\*
  - 7 vapor mitigation systems installed
- 2010 Indoor Air Sampling Program (still in process)
  - 381 homes contacted for air sampling
  - 53 homes agreed to sampling
- 2010 Summary
  - 1 home w/ detections above the action level
  - 39 homes without detections

Homes where only chloroform has been detected are included as "Non-Detect".

Mayor Adams asked for clarification on chloroform detection.

Mr. Roginske responded that chloroform is a byproduct of water and every home will have some detection.

Lindsay Mabry added that if there is a high level of concentration a follow up sample will be done, but usually the levels decline.

Mr. Roginske explained that the Plumes are defined by the maximum level allowed in drinking water. He clarified the contaminated aquifer is not the drinking water source.

Councilmember Hansen stated that her house has been sampled regularly for the past few years. She said the process is tedious and Hill Air Force Base is thorough in their sampling procedures.

Jay Mullendorf asked how he as a resident can know if his house should be checked.

Mr. Roginske responded that HAFB sends out a letter annually to residents in the potential affected area identifying the option for testing.

**C. SUPPLEMENTAL AMENDMENT #11 TO LEASE WITH HAFB ON MONITOR WELLS WITHIN CLINTON:**

Mr. Roginske explained that HAFB is seeking to add five additional monitoring wells within Clinton City to the existing agreement.

Mr. Cluff identified the current Agreement in force with HAFB covers a 5-year period, through June 14, 2013.

*Councilmember Hansen made a motion to approve Supplemental Agreement #11 to the lease with HAFB, adding 5 additional monitoring wells within Clinton City. Councilmember Bateman seconded the motion. All voted in favor of the motion.*

**D. 8:00 PM PUBLIC HEARING ORDINANCE 10-01Z A REQUEST TO ADD/AMEND/DELETE SECTIONS OF THE ZONING ORDINANCE; AS FOLLOWS:**

Mayor Adams explained this is a request to change the zoning ordinance.

- § 2.02 “Animal Unit” (Add)
- § 2.02 “Fowl Unit” (Add)
- § 3.09 Special provisions relating to the keeping of animals and fowl (Amend)
- § 14.02 Table 14.2.7 “Uses” (Amend)

City Planner Steve Parkinson asked the petitioner Deborah Barlow to explain her request to the City Council.

Deborah Barlow stated she brought this request forward because many of her neighbors would like to raise chickens. She said she feels it is important for citizens to have this right. After

working with the Planning Commission she feels it is a decent proposal. The majority of the citizens are in favor.

She identified she would like to see the proposed ordinance changed to only a 15' requirement from the property line and 6' from any dwelling and even closer to property lines with a solid fence vs. a chain link fence. She said she would like corner lots to have the option to have their coops even closer to the fence line. She said she feels comfortable with the proposed numbers.

She said the Planning Commission has done a good job although it was a very long process.

She clarified she used the definition of a fowl unit and scaled the numbers down from there.

Mayor Adams identified that he read all the information provided by staff regarding this issue including all the comments from the survey conducted on the website.

Mr. Parkinson identified that the original request came in November and was originally requested by Deborah Barlow with the purpose to first allow them within the R-1-15 zone but also on lots (parcels) smaller than one (1) acre. He said she has been apart of every discussion the Planning Commission has had on the issue.

The Planning Commission held several work session and subsequently held a public hearing on March 16, 2010. The public comment is identified in the minutes of that meeting.

Mr. Parkinson clarified that the City Council has been provided with an extensive amount of information as a result of research and discussion on this issue.

Mr. Parkinson identified the proposed ordinance is as follows. The words that are **bold type** are to be added and those which are ~~struck through~~ are to be eliminated, that which is in *italic* are staff comments if any.

#### ADD

2.02 Animal Unit (**Agricultural & Residential**) means the keeping of not more than the below-stated number of domestic animals:

1. One (1) head of: horse or cow; or
2. Three (3) head of: pig or sheep; or
3. Five (5) head of the following small, non-carnivorous animals: rabbits, hamsters, or other similar small animals.

2.02 Fowl Unit (**Agricultural**) means the keeping of not more than the below-stated number of fowl:

1. Fifty (50) each of the following classes of fowl: chickens, pheasants, and pigeons provided that there may be a combination of said fowl but not to exceed 200 on residential lots of one acre or more. An additional 200 may be allowed on the lot provided they are under five months old. Or

2. Ten (10) each of the following classes of fowl: ducks, geese, and turkeys provided that there may be a combination of said fowl but not to exceed 20 on any lot of one acre or more, regardless of number of fowl units permitted thereon.

**2.02 Fowl Unit (Residential) means the keeping of not more than the below-stated number fowl:**

1.  $\frac{1}{2}$  of fowl unit (Agricultural) multiplied by acreage, fractions to be rounded down.
2. 1 acre (43,560 sq.-ft) and above, numbers mentioned within fowl unit (agricultural)

**ADD**

**3.09 Special provisions relating to the keeping of animals and fowl**

**1. Animals**

- A. All corrals, pens, feeding troughs, barns, stables and other similar buildings or enclosing structures shall be located not less than one hundred and fifty (150) feet from Public Street except on corner lots the setback from one street may be reduced to not less than seventy five (75) feet.
  - i. These types of building or structures shall be constructed of materials that are typically associated with the use. The architecture of these buildings shall be similar to the typically found throughout the state.
- B. Temporary feeding troughs, i.e. those moved at least ten (10) feet from one location to another at not more that ten-day intervals may be located not closer that an fifty (50) from public street.
- C. All such buildings, enclosing structures, pens, corrals, troughs and permanent concentrated feeding areas shall be located not less than one hundred (100) feet from all dwellings on adjoining lots and not less than thirty (30) feet from dwellings on the same lot.
- D. **Animals shall not be kept on a residential lot or parcel unless the person keeping chickens first registers with the City.**
  - i. **The registrant shall acknowledge the rules set forth in this section and shall, as a condition of filing the registration, agree to comply with such rules.**
  - ii. **The cost of filing a registration shall be as shown on the consolidated Fee Schedule adopted by the Municipal Council**
  - iii. **The registration shall be good for one (1) year and SHALL be renewed annually.**

**2. Fowls**

- A. **All coops, and enclosed areas shall be located in the rear yard and shall be located not less than twenty five (25) feet from property line and not less than thirty five (35) feet from all dwellings on adjoining lots.**
  - i. **Coops shall be constructed of materials that are typically associated with the use.**

- (1) **Fowl shall be confined with a secure outdoor enclosed area.**
  - (a) **The enclosed area shall include a covered, ventilated, and predator-resistant coop.**
    - (i) **The coop shall have a minimum floor area of at least the following:**
      - 1. **Chickens, pheasants, pigeons – Two (2) square feet per fowl**
      - 2. **Ducks, geese, turkeys – Four (4) square feet per fowl.**
    - (ii) **If fowl are not allowed to roam within an enclosed area outside the coop, the coop shall have a minimum floor area of at least the following:**
      - 1. **Chickens, pheasants, pigeons – Six (6) square feet per fowl.**
      - 2. **Ducks, geese, turkeys – Twelve (12) square feet per fowl.**
  - ii. **The coop and enclosed area shall be maintained in a neat and sanitary condition and shall be cleaned as necessary to prevent any odor detectable at a property line.**
  - iii. **No fowl shall be permitted to roam outside the coop or enclosed area.**
- B. **Feed shall be stored and dispensed in rodent and predator-proof containers.**
- C. **All fowl shall be hens (female) no roosters (males) are allowed.**
- D. **Fowl shall not be kept on a residential lot or parcel unless the person keeping chickens first registers with the City.**
  - i. **The registrant shall acknowledge the rules set forth in this section and shall, as a condition of filing the registration, agree to comply with such rules.**
  - ii. **The cost of filing a registration shall be as shown on the consolidated Fee Schedule adopted by the Municipal Council**
  - iii. **The registration shall be good for one (1) year and SHALL be renewed annually.**
- E. **Fowl kept as provided in this section shall not be deemed to be household pets as defined in Section 2.02 of this title.**
- F. **Compliance with UCA 4-29 as well as rule R58-6.**

AMEND  
 Table 14.2.7

Uses	R-1-6	R-1-8	R-1-8a	R-1-9	R-1-10	R-1-15
Raising, pasturing, and maintaining of not more than the following animal and fowl units for family food production or pleasure: 1	P	P	P	P	P	<del>P</del>

animal unit <del>and 1 fowl unit</del> for each one (1) acre in the lot up to a maximum of 5 animal <del>and 2 fowl units.</del> <b>1 fowl unit as defined in chapter 2 of this title, with a maximum of 2 fowl units.</b>						
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Councilmember Hansen commented she has attended all the meeting regarding the chicken issue and she feels that the Planning Commission and City Planner Steve Parkinson did an excellent job at bringing this ordinance forth. She added that she appreciates the publics' participation as well.

Mayor Adams expressed concern over the requirement for 25 feet from the property line in the back and having the chicken coup too near to the home. Mayor Adams said he feels 35 feet on the side would be adequate to protect side neighbors.

Councilmember Reed said that she has thought a lot about this and suggested that 10 feet from the back property line plus keeping the 25 feet on each side may be enough to provide protection on all sides with the consideration of the type of fence.

Councilmember Bateman expressed concern over fire code violations if the coop is too close to a home.

Deborah Barlow introduced Justin Smith, the Utah State Extension Service faculty member and animal scientist who specializes in poultry and livestock whom she invited to answer questions.

Mayor Adams asked Mr. Smith about west nile virus and if these back yard coops could become infected.

Mr. Smith replied no, not with the numbers that are being proposed. He said historically in Utah there has never been a disease outbreak with live chickens. He said chickens are not only good pets but good for food production.

Councilmember Bateman questioned noise potential with geese vs. chickens.

Mr. Smith responded that geese are much noisier and more aggressive than chickens.

Councilmember Pearson asked why there are so many cities adopting ordinances to allow chickens.

Mr. Smith responded that it has been ongoing in cities. Most of people who want chickens are already raising them. Due to the economic down turn, citizens are seeking to have it become legal.

Councilmember Stanton asked about the cost of food for chickens.

Mr. Smith responded that feed for chickens vary by owner preference. There are a lot of options and costs involved. He said people are concerned with the quality of imported food and they want to have control over where some of their food supply comes from.

Mayor Adams asked for more clarification on how chickens are affected by the west nile virus.

Mr. Smith responded he is not aware of any chickens that have died as a result of west nile virus in Utah especially in Davis County.

Mayor Adams said he is more concerned that chickens will breed the virus and it being a health concern in neighborhoods for children.

Karianne Lisonbee said she has contacted Mosquito Abatement. She confirmed that chickens are tested for west nile virus. They carry the disease but they do not die from it or pass it on. Other birds pass the disease.

West Point City Mayor Erik Craythorne commented that roosters are the only concern that West Point has had and they may need to change their ordinance to prohibit roosters.

Councilmember Bateman asked that geese be removed from the ordinance.

Councilmember Pearson said he would like it to only include chickens.

The Council agreed and asked staff to revise the ordinance.

Councilmember Bateman commended City staff and the Planning Commission on the hard work they have done on this ordinance. He questioned, if a residential neighborhood already has CC&R's that restrict animals, if there has to be something identified to that in the ordinance.

Mr. Parkinson replied the City cannot enforce CC&R's; the HOA would need to enforce it.

Councilmember Bateman then asked if an enclosed area means that it would include chicken wire so the birds cannot fly. He said if chickens can get into a neighbors yard it may be a concern.

Councilmember Pearson said he would like to see pigeons removed from the ordinance to reduce the risk of spread of disease.

Dean Hill commented that chicken wire would require some type of frame which would add to the cost and complicate the issue. He said in regards to west nile virus, chickens have been used to test for this as well as encephalitis. He said it would be a benefit to know if west nile virus is in your neighborhood. All warm blooded animals can get west nile virus.

Councilmember Reed said she contacted a few cities that stated that roaming chickens and roosters are the biggest concern. She said that six chickens can produce up to three dozen eggs a week. She asked if that might be a good number. She said she is not necessarily in favor of allowing chickens on 6,000 sq. ft lots and smaller.

Mr. Parkinson said that the setbacks will dictate who will be able to have chickens.

Mayor Adams opened the public hearing at 8:57 p.m.

Dave Hilliard said he loves to eat chickens, although he personally would not want chickens as pets, he is in favor of his neighbors being allowed to have chickens.

Nancy Lougy stated feed for chickens can be purchased for about \$9 a bag and lasts 3 to 4 months. In the summer chickens eat bugs. She feels requiring a vinyl fence is too restrictive. She said dogs are more of a problem than chickens and she said dog owners are not required to have a vinyl fence. She explained that a chicken's wing can be clipped to prevent it from flying. She said chicken owners will be responsible.

Planning Commissioner Sam Cooper said that a reason for the 25 foot set back requirement was to place the responsibility on the owner of the chickens and not on the neighbor. He said he feels it is reasonable.

Councilmember Hansen agreed with Mr. Cooper.

Jay Mullendorf said he would like a specific time of chicken called a silky. His son is allergic to most animals, but not these and he would like his son to have the opportunity to have a pet to learn how to take care of an animal.

Anita Hunter said she has had chickens in the past. She said they took care of a lot of issues in her garden. She has an issue with the 25' buffer. It is excessive, because it limits where the coop could be placed. She would like to be in control of where her eggs come from. She does not think it is necessary to put a lid on a coop, just clip the wings. She doesn't mind registering chickens as long as there are no fees involved. As for west Nile virus there would be sentinels all over the area, besides the fact that chickens eat mosquitoes.

Mr. Cluff asked those individuals who have had chickens if they have had problems with skunks, raccoons and cats.

Nancy Lougy said she has never had a problem with skunks.

Sharla Cope said she thinks corn in her garden is what brought raccoons into her yard. She said chickens don't make a lot of noise. Her parents have neighbors who have had chickens for some time and they weren't even aware of it until recently. She said that if people are allowed to have dogs, others should have the same right to have chickens. Chickens take care of bugs and fertilize the lawn. She also asked the Council to take into consideration the independence of having eggs from your own chickens. She does not agree that a cover is necessary.

Larry Isaacson said he is not for chickens. He asked who is going to police the chickens.

Mr. Parkinson replied that as of now, with the registration process, the owner would identify the specifics and sign an agreement. Staff would only go out if there was a complaint.

Dave Barlow said he would prefer that it not be limited to just chickens. He likes pheasant and would possibly like geese.

Ben Kempe addressed animal control. Regarding animal control, he spoke with Davis County Animal Control and they are in the process of adding chickens to their charter. As for chickens attacking it is only roosters who do that and they are not allowed. He asked why chickens are different then dogs and cats.

Mr. Parkinson replied that a dog is classified as a domestic animal and a chicken is classified as a farm animal.

Michelle Hainline said she doesn't want animals but she would like the option to have them in the future. She said she is not opposed to her neighbors having chickens as long as they are responsible.

John Ostberg said pets are pets. He doesn't see chickens as any different as dogs and cats. He said chickens would be less of a nuisance then dogs. The chickens will become pets.

Lonny Schneider said if you own your own property, no matter what size lot you have you should be allowed to have chickens. She said you should have personal property rights. Neighbors should be able to work together to figure out where to put their chicken coops.

Terrie Daybell said her yard lines Clinton City Creek. She is concerned about the restrictions. She feels the set back and requiring an enclosure is too restrictive. There will be pests and predators no matter what. She said she likes birds and chooses to live where she does because of the variety of birds. She had 10 chickens when she lived in Layton and her neighbors loved it. She explained that it can help large families by allowing them to have eggs from the chickens. She said the waste can be used as compost. She also explained that you can buy guaranteed hens. She asked that some of the restrictions be reconsidered.

Carolyn Evans commented on cats. She said they can be a nuisance and Animal Control does not take care of them. She said she finally used a cat trap to take care of a problem cat in her old neighborhood and her relationship with her neighbor was destroyed. She said she is for chickens, if a chicken comes into your yard – eat it.

Michelle Price grew up on 2/3 of an acre and had 25 to 50 chickens as well as a few ducks. She said the coop was covered. The smell was never a problem. She said predators are not an issue. It teaches children responsibility.

Tara Kinser addressed the predator concern. She said that the chickens would be enclosed at night when the predators are out. She said many years ago people came to America to have freedoms; residents should have freedom and not be restricted as long as they do things responsibly. She said she wants the freedom to do what is best for her family. She asked the Council if they are for freedoms or for restrictions.

Deborah Barlow said that if the chickens are limited to six, that would be fine for egg production, but not for meat production. She said she talked with David Frame and the number she proposed is proportionate. She agrees with Ms. Kinser that citizens deserve their freedoms. She said that people can be educated to go about this the right way. She said that only those that do not follow the rules should be restricted.

Rick Gurule stated raccoons and skunks are part of having chickens. He said the ordinance as a financial relief needs to be considered rather than just pets. He said chickens are flexible and they can be confined.

He went onto address the distinction between the agricultural zone and the residential zone. He said he would like the difference specified. He said he want to keep his agricultural rights.

A discussion on the difference between agriculture and residential took place.

Mayor Adams clarified the intent of the ordinance is not to take rights away from agricultural use.

Staff added “residential” to 3.09 2 B ii and C.

Jerry Hainline asked for clarification on the outcome of the survey. He commended the City for conducting it. He expressed appreciation for the City Council.

Staff replied that the outcome was approximately 60/40.

Mayor Adams clarified that the City Council has read significant amount of information both pros and cons on the issue. It is their job to consider the best interest for the entire community.

Mr. Hainline said the issue for him is not to have chickens now, but to have the opportunity down the road if he chooses. He said he would like to see that the majority of the citizens get their way. He asked if this ordinance will apply to the City Pond. He said the City should obey its own ordinances and laws.

Wendy Embry expressed appreciation for the process and hard work that has gone into this issue. She said she is for chickens but feels the setbacks are too restrictive. If these conditions are imposed on chickens they should be imposed on dogs as well.

Planning Commissioner Fred Mitchell said that neighbors have rights too. Chickens are farm animals. He said that he has spoken with many individuals who said they moved into a residential area to be away from animals.

Carrie Ann Lisonbee said property rights are important to the nation. The United States is not a democracy, but a republic. Stand up and support the natural family and property rights.

Ben Kempe acknowledged that the City survey may not be completely accurate because people are either for or against and there is no middle ground. He said back in November a group went door to door with a survey and he feels that was more scientific.

Deborah Barlow said the group tried to get as random a survey as possible. She even collected signatures at football game. She said according to the survey they completed, 4% didn't want chickens; 40% did and the rest didn't care.

Matt Scott said one of his scout members has chickens and he thinks they are great. He said the proposed restrictions are too excessive. He would prefer if his neighbor had chickens the coop be placed in the corner of the property out of the way. He said he doesn't feel the ordinance should mandate putting a roof on the coop. He expressed appreciation for the City's consideration on the issue.

Keith Schramm stated that the restrictions are too excessive. He said other cities have made changes to their ordinances to be more lenient. He plans to move to get more land, but he originally moved here because of the rural atmosphere. He said he wants personal property rights. He said dogs are more of a threat than cats. Let people do what they want and if they don't comply, then address it. He does not agree with requiring a permit. He expressed appreciation to the City for their work on the ordinance.

Ariel Kinser stated that she knows that property rights are a big deal. She quoted "Your rights end where another's rights begin." She said chickens closer to the fence line is not infringing on your neighbor's rights.

Melinda Scott stated that she encouraged her neighbors to come and be heard and so she herself wants to be heard. She said she supports having chickens. She feels the Planning Commission did an excellent job with this ordinance. She thanked the City Council and the Planning Commission for considering this issue because it is important for families and communities.

Megan Jensen said she is involved in trying to better the community. She is involved in bringing the produce coop to Clinton. She is also involved with a group who has started a community website [myneighborsinclinton.ming.com](http://myneighborsinclinton.ming.com). She said the website is being used as a National example. She feels the chicken issue is just one of the things bettering the community. She referred to the Clinton hand book which states Clinton is a rural atmosphere.

Mayor Adams closed the public hearing at 10:18 p.m.

He asked staff to consider if this ordinance changes the agriculture definition.

Staff replied that adding "residential" should solve the issue.

Councilmember Pearson agreed that would solve the issue.

Mr. Parkinson explained that the ordinance can be amended if it does not meet all the needs. More discussion took place.

Mr. Cluff suggested identifying residential fowl to apply specifically to residential and not agricultural.

Mayor Adams asked about the issue of allowing different species of birds.

There was discussion that some of the information obtained for research on the issue identified that mixing species has the potential to spread disease.

The majority of the City Council agreed that all but chickens should be taken out.

Councilmember Reed said she did not care about the species.

Mayor Adams then asked for comment regarding the proposed 25' set back requirement.

Councilmember Reed said she feels it is too restrictive. She feels it should be put back further so it would not be an eye sore and noisy for the neighbors. She said 10' setback with a vinyl fence or 15' setback with a chain link fence should be enough.

Mr. Parkinson said that the setback could be restricted by the distance requirement from an adjoining home.

The majority of the Council settled on 35' from adjoining homes and 10' set back from the property line.

Councilmember Hansen said she feels pigeons should be removed from the ordinance.

Mayor Adams asked for input on requiring the chickens to be enclosed at all times.

Councilmember Stanton pointed out that the City Council has to consider the whole city.

Councilmember Hansen reported that she has had 26 individuals tell her that they do not want chickens in residential zones.

Councilmember Reed said she feels that an enclosure would be more unsightly than allowing the chickens to roam.

Mr. Cluff suggested if it is the intent to allow the chickens to roam, some type of containment area should be required to keep chickens in the resident's property.

***Councilmember Pearson made a motion to table the item. Councilmember Stanton seconded the motion. Voting by roll call is as follows: Councilmember Hansen, no; Councilmember Pearson, aye; Councilmember Stanton, aye; Councilmember Bateman, no; Councilmember Reed, no.***

***Due to the length of this discussion, the Mayor directed the City Council to address Agenda Item F prior to moving on with this discussion.***

The discussion on enclosed area resumed at approximately 11:50 p.m.

Mayor Adams commented the chicken run should be located in the back yard.

Keith Schramm said if you restrict it to the rear yard, it will affect the side yard and require a fence behind a fence because people usually fence up in to the side yard.

The discussion then turned to the fence.

The Council agreed that chickens should not be allowed in front yards.

Mr. Cluff suggested calling it a non front yard enclosed area.

More discussion on the side yard took place.

Deborah Barlow said she lives on a corner lot. She would place her coop on her side yard. She said that for most people it would be in the back yard.

Keith Schramm said a fenced yard and coop should be good enough.

Laura Adams said she feels that chickens should be confined to the back yard.

Tara Kinser said for now just state non front yard.

Councilmember Stanton said she would be in favor of tabling this item for further discussion.

There was a discussion about potential fees for non compliance.

Fiona Morrison asked if this has been being addressed for six months why can't a decision be made.

*Councilmember Stanton made a motion to table the motion to the April 27, 2010 meeting...*

*Councilmember Pearson seconded the motion. Voting by roll call is as follows:*

*Councilmember Bateman, aye; Councilmember Stanton, aye; Councilmember Pearson, aye; Councilmember Hansen, no; Councilmember Reed, no.*

**E. 8:10 PM PUBLIC HEARING –REQUEST FROM ERIK CRAYTHORNE, TO APPEAL ONE OF THE CONDITIONS IMPOSED BY THE PLANNING COMMISSION, REGARDING THE ALLOWANCE OF A DOOR ON THE SIDE OF THE GARAGE GOING INTO THE IMMEDIATE FAMILY DWELLING UNIT, LOCATED AT 2819 WEST 1010 NORTH.:**

Mr. Parkinson reported that the applicant is appealing the decision from the Planning Commission regarding the Immediate Family Dwelling Unit. The Planning Commission allowed one (1) door on the left side of the home, not the two (2) doors as indicated on the floor plans, but required that the one (1) door go into the garage and not directly into the unit itself.

The City Council was provided the following information in the staff report.

At the March 16<sup>th</sup> Planning Commission meeting neither the applicant, Erik Craythorne, nor the potential home owner, Brent Call, were present, a Mr. Kruitbosch was the representative.

According to § 5.04 of the Clinton City Zoning Ordinance the “Planning Commission shall impose requirements and conditions necessary for the *protection of adjacent properties and the public welfare*”

Also according to § 5.05 of the Clinton City Zoning Ordinance the “Planning Commission shall not authorize a conditional use permit unless evidence is presented to establish:

- That the proposed use at the particular location *is necessary or desirable* to provide a service or facility which will contribute *to the general well-being of the community*; **and**
- That such a use will not under the circumstances of this particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons and not injurious to property and improvements in the community, but will be *compatible* with and *complimentary to the existing surrounding uses*, building and structures when considering traffic generation, parking, building design and location, landscaping, signs; **and**
- That the proposed use will comply with the regulations and conditions specified in this ordinance for such use.

The Planning Commission held a public hearing where public comment was heard and is recorded in the minutes of that meeting.

The Planning Commission unanimously approved the Conditional Use Permit for the Immediate Family Dwelling Unit located at 2819 W 1010 N as proposed, with the following stipulations:

1. That only one (1) door appears on the left side, as shown on the elevations, instead of the two (2) shown on the floor plan, and this door does not directly access the unit.
2. That the CUP be recorded against the property to indicate to future owners that it is not a duplex and that the unit can not be rented.
3. Only a single utility connection will be allowed.
4. Review by staff every five years and if found in non-compliance it will come before the Planning Commission.

All of these conditions were to protect the neighborhood and the general welfare of the community, having the home appear as a single-family home in all aspects possible, and yet allow the use to exist.

The applicant is appealing condition item #1.

Erik Craythorne addressed the City Council regarding this issue. He explained that he was not able to attend the Planning Commission meeting and feels that due to the circumstances of home owners and the status of the construction of the home he needed to appeal to the City Council to resolve this issue.

He said this is an immediate family dwelling unit. The individual who the addition is being built for has a medical condition and is going blind. He said the other issues are privacy and having an exit in the event of an emergency.

Councilmember Stanton disclosed that she built on a mother-in law apartment onto her home but said it will not affect her decision.

Mr. Craythorne said he has letters from both adjoining neighbors and others in support.

Mayor Adams explained that the Planning Commission's point of view is that this could obviously be a separate apartment. He said their intent was to eliminate the door to prevent it from becoming an apartment in the future. He said if this was a basement apartment it would not be an issue.

Barbara Brown stated that stairs are not an option for her medical condition.

Mr. Craythorne said he feels that neighborhood support and the medical condition warrant consideration of this appeal.

Councilmember Pearson commented that placing the two doors would allow it to potentially become an apartment. He said personally if this is for a single family, he doesn't feel that the door is acceptable.

Councilmember Reed questioned if it becomes an issue, wont the City be able to address it then?

Nancy Call, the home owner said she would agree to wall up the door if she were ever to sell the home.

Mr. Craythorne pointed out that the utilities will be required to be under one connection. There is also a common garage.

Terry Daybell said she is a loan officer. She said it is distinguished as a single family dwelling unit if it has a single utility connection and if there is an entry into the main house without going outside.

Mayor Adams opened the public hearing at 11:30 p.m.

Bret Gailey said he knows of several people who rent out space illegally. He said it would be unfair to deny this request because they are trying to comply. He said if he was in this situation he would like the opportunity to do the same thing for his mother.

Deborah Barlow said she sees a concern about fire. She said the only exits would be through the laundry room or kitchen which is where the majority of fires take place. She said it is a concern especially where there is a medical issue.

Mike Wilson a neighbor across the street said the ordinance states that it can't be rented out and so the door is a non issue.

Councilmember Stanton said she feels this will allow Ms. Brown some independence.

Mayor Adams asked for additional public comment. There was none therefore he closed the public hearing at 11:36 p.m.

Mr. Parkinson referred to the three requirements for issuance of a Conditional Use Permit identified above. He said the Planning Commission made their decision based on the following:

Staff indicated that the door leading into the garage was the preferred option. The reasoning was by not having a direct access into the unit, it would indicate, to future owners, that it is not a second dwelling, but one that is associated with the main dwelling. Also having the Conditional Use Permit recorded against the property gives warning to future owners that the unit can not be rented.

To mitigate the neighborhoods concerns of this not turning into a "Rental Unit", the Planning Commission placed the condition that one (1) door on the side is allowed but it can not directly access the unit, stating that a single door on the side of the home is consistent with other homes in the area. Usually this door accesses the garage and not directly into the home itself.

He identified that Craig Reed a citizen who could not be present submitted a letter of opposition for the record.

Mayor Adams identified that a stipulation for the Conditional Use Permit should be that family only is allowed to live in the dwelling.

Mr. Craythorne said that the door is needed for an emergency exit.

*Councilmember Stanton made a motion to amend stipulation number 1 of the CUP to allow the two doors on the left hand side of the home. It is not to be used as a rental. It is for immediate family. Councilmember Reed seconded the motion. Voting by roll call is as follows: Councilmember Reed, yes; Councilmember Bateman, yes; Councilmember Stanton, yes; Councilmember Pearson, no because he feels the Planning Commission did due diligence. Councilmember Hansen, no because she too agreed that the Planning Commission did due diligence.*

Mayor Adams unsuspended the discussion on agenda item E.

**F. SUBDIVISION CONDITIONAL ACCEPTANCE - CLUBVIEW AT CRANEFIELD PHASE 1 LOCATED AT APPROXIMATELY 2750 WEST 2400 NORTH:**

*Councilmember Stanton made a motion to approve the Subdivision Conditional Acceptance of Clubview at Cranefield Phase 1. Councilmember Hansen seconded the motion. All voted in favor of the motion.*

**APPROVAL OF THE MINUTES:**

*Councilmember Bateman made a motion to approve the minutes of the March 23, 2010 City Council Meeting as written. Councilmember Hansen seconded the motion. All voted in favor of the motion.*

Councilmember Reed stated she would like more information included in the minutes of the March 30, 2010 Special Work Session before they are approved. The Council agreed to approve those minutes at the next City Council Meeting.

*Councilmember Hansen made a motion to approve the minutes of the March 23, 2010 Closed Meeting Minutes as amended. Councilmember Bateman seconded the motion. All voted in favor of the motion.*

**ACCOUNTS PAYABLE:**

*Councilmember Stanton made a motion to pay the bills. Councilmember Reed seconded the motion. All voted in favor of the motion.*

**PLANNING COMMISSION REPORT:**

Councilmember Pearson reported that the April 6, 2010 meeting of the Planning Commission was cancelled.

**CITY MANAGER'S REPORT:**

- There will be a Heritage Days Meeting on Wednesday April 14 at 6 p.m. at the Recreation Building.
- Spring Clean Up is scheduled for April 24 from 8 a.m. to 1 p.m.
- Lunch with the local school Administrators will be April 28 at 11:45 a.m.
- Lunch with the kids is April 14 at 11:30 a.m.
- Ogden City is hosting a bicycle activity on May 1 that will pass through Clinton.

**MAYOR & COUNCIL REPORTS:** Due to the late hour Mayor Adams and the Council did not give report.

**ADJOURNMENT:** *Councilmember Pearson made a motion to adjourn. Councilmember Bateman seconded the motion. All voted in favor of the motion. The meeting adjourned at 12:17 a.m.*