

Smithfield City Planning Commission
January 20, 2016
MINUTES

The Planning Commission of Smithfield City, Utah met at the City Council Chambers, 96 South Main, Smithfield, Utah at 7:00 p.m. on **Wednesday, January 20, 2016**. The following members were present constituting a quorum:

Chairperson	Jamie Anderson
Commission Members	Bryant McKay
	Jackie Hancock
	Wade Campbell
	Stephen Teuscher
	Casey McCammon
	Bart Caley
Planning Staff	Jon Wells
Deputy Recorder	Char Izatt
City Council Member	Curtis Wall

The notice was provided to the Herald Journal and delivered to each Commission Member and posted at the City Office Building, the Smithfield City Web Page and the Utah Public Meeting Notice web site.

The meeting was called to order by Chairperson Anderson at 7:01 pm

Opening Ceremonies: Bart Caley

Excused: Commissioners Doug Archibald and Clay Bodily, City Engineer

Attendance: Deon Hunsaker, Councilmember; Kevin M. Opsahl-Herald Journal; Brent Godderidge; Travis Taylor-J Thomas Homes; Kelly Luthi, Commissioner and Jeff Barnes, Councilmember

Workshop session: The Commission will review and discuss the following topics:

**Proposed amount of Dogs, Cats or a combination of both allowed in Kennel/Cattery
Conditional Use Permit Requests**

Chairperson Anderson referred to the instances lately where people have come in to the Planning Commission with requests for certain amounts of dogs and cats. The item the commission would

like to discuss is whether there should be a limit on how many dogs and cats should be allowed. This would need to be changed in the ordinance. Chairperson Anderson referred to a previous request for seven (7) dogs and an individual coming in recently with a request for thirty two (32) cats. Chairperson Anderson stated that Commissioner Campbell has done some research on this and asked Commissioner Campbell to review what he has found out, and the commission will use that as a starting point.

Commissioner Campbell stated that as far as the cities in Cache County he had researched; Logan, North Logan, Hyde Park, Providence and Hyrum and indicated that with kennel or cattery permits there was no cap or ceiling that the various cities used, except there were parameters with Hyde Park, you had to have at least an acre in order to have five (5) dogs. If you didn't meet that requirement, two dogs was it, you couldn't apply for a permit. They did have caps for other animals and livestock.

Commissioner Campbell also researched the city of Los Angeles, CA and they don't have a cap per se. Kennel Permit fees were five to six times what other cities were - \$500 to \$600. No cap or even a suggestion of one. Smithfield City does address quantities on other animals and livestock. The animal ordinance currently addresses amounts with animal equivalent units (AEU).

Chairperson Anderson inquired if anyone else has done any research on the topic? Does the Commission feel a cap is necessary?

Commissioner McKay stated there is a cap on livestock and other animals as far as domestic, we have a lot of kennel permits with the dogs being outside. Commissioner McKay has issues with dogs running at large and we have a leash law, lock them up in a kennel. They need to be taken care of or kept in a house.

Commissioner Caley suggested taking a look at why people would want to have that many animals before the commission would decide on any sort of number. Commissioner Caley stated he could not think of any reason why anyone would want that many dogs. Maybe hounds for hunting, they may have an X amount; breeding would be the other reason, you wouldn't need an excessive amount. His suggestion would be 10 to 12, more along those lines. Commissioner Caley wasn't sure what reasons the commission has run into the past for having so many dogs.

Chairperson Anderson stated that the highest they have talked about was seven (7).

Mr. Wells stated there was an individual that had sled dogs; she had eight dogs to run a sled.

Commissioner Caley noted that sled dogs are another reason.

Mrs. Izatt indicated that the only other permit applied for was the seven (7) dogs that the Gualtier's applied for.

Councilmember Wall referred to Jed Packer and his kennel approval of up to five (5) search and rescue dogs. Mr. Packer came in and was well prepared and reviewed his program with the commission and was approved for up to five (5) dogs.

Chairperson Anderson stated that Mr. Packer requested the amount he thought he could handle with his business.

Commissioner McCammon inquired about the situation when you have an animal that has a litter? If you are close to the cap, are you out compliance because your dogs had babies?

Mr. Wells explained that the young are allowed to stay with the mother; it is a six month period for livestock and believes it is less for dogs, since they can leave their mother sooner.

Commissioner Campbell indicated that going with something like Hyde Park has in place and maybe go with a half acre and not pick an arbitrary number and fix it by lot size. It seems to make it more uniform for the residents of the city than just an arbitrary number.

Commissioner Teuscher stated that when residents come in and apply for a kennel permit and the neighbors come in complaining because of the noise, it is a touchy subject and when the commission asks a fellow why he wants all those dogs and he states he just has them. Setting a limit would negate the request for sled dogs. Commissioner Teuscher stated that he is up in the air with this one.

Chairperson Anderson inquired if the commission has a consensus on whether or not they want to have a cap; lot size has been brought up. Commissioner Caley brought up what the purpose of the kennel would be. Does the commission want to be consistent with another municipality in regard to lot size, does the commission feel like there needs to be a cap and whether the commission is looking at the lot size or want to leave it open ended as it is. What are the commission's thoughts?

Commissioner Teuscher recommended leaving it open ended and let each applicant present what they are intending to do and why they want it that way.

Commissioner Hancock is concerned that residents come in because, not that they got in trouble but because someone complained about it then they come in the next week and request approval for a kennel permit and don't license them until they get caught not doing it.

Chairperson Anderson stated he did not feel that they are being deceitful as much as that they probably just don't understand the ordinance or know that there is an ordinance that governs

them. He also stated that regardless folks know that there must be some type of license fee in the municipality where ever they are living. Chairperson Anderson also stated that he is not hearing anyone saying get a hard cap here and thinks Commissioner Campbell's comment around lot size has validity to it.

Commissioner McKay indicated he would be in favor of capping and requiring a certain lot size and depending on the use, for example sledding, hunting and breeding dogs and having parameters as part of the Conditional Use Permit approval.

Commissioner Teuscher questioned why size would matter, it isn't like livestock, he is not understanding the reasoning.

Chairperson Anderson inquired how many Commissioners want to revise the ordinance.

The consensus of the commission was unanimous in favor of revising the ordinance.

Commissioner McCammon likes the idea of a cap and to treat different situations on a case by case basis and he does not like the idea of unlimited numbers of cats and dogs.

Chairperson Anderson stated the commission would like to spend some time at the next couple of meetings working on revising the ordinance, and it would be helpful if a couple of folks would volunteer to work together on that, and come back with some recommendations and proposals.

2015 Legislative Update ~ *Utah Local Governments Trust and Office of the Property Rights Ombudsman*

The Commission reviewed the power point handout and discussed sign content neutrality also the high tunnel legislation and if there were any located in Smithfield City.

Mr. Wells stated there are steel structures but is not aware of any high tunnels in town. Agricultural buildings are exempt unless they are not used for agriculture.

Non-conforming Uses vs Conforming Zoning Update ~ *Utah Local Governments Trust and Office of the Property Rights Ombudsman*

Chairperson Anderson indicated that he had reviewed the information and that he would keep it as a reference for the next application for approval of a non-conforming use.

The commission did not have any additional comments or concerns.

Agenda items:

Resident Input

Brent Godderidge stated that he and his son would like to buy the property at 153 West 200 South, it is an acre and a quarter and right now it is zoned for single family dwellings. They were wondering about putting two rows of four townhomes on there, and if that was a possibility at that address.

Chairperson Anderson clarified the address of 153 West 200 South, and stated his assumption is that it is an R-1-10 zone, currently?

Jon Wells stated it is his assumption that it is Keith Godfrey's old place, just west of what they call the 2nd Ward Church, the red brick building, and it has an old home on the property.

Chairperson Anderson inquired if it is an intrablock type development, is that what it would be?

Mr. Godderidge stated it is an acre and a quarter from the front to the back of his lot and would be an intrablock and they were thinking of tearing the house down and putting in a couple of rows of townhomes.

Chairperson Anderson indicated that Mr. Godderidge needs to know that he would need to request approval for a rezone and that would need to go before the planning commission and the city council.

Mr. Godderidge stated that is what he is asking, is that possible, what does he do if it is?

Chairperson Anderson inquired what the commission's thoughts were on this; it would be a change from an R-1-10 to a Multi-family residential zone.

Commissioner Hancock inquired if the property butts up against the church's parking?

Mr. Godderidge stated it would be eight (8) homes that are double high like the ones out by Forrester Acres. I know Mr. Lillywhite's request for a multi-family development wasn't very popular.

Chairperson Anderson stated he personally thinks that is a hard sell to do that to neighbors in a residential area. To try and use that land in that manner, if it is an intrablock development where you want to put some additional houses and it is zoned that, it is a much easier sell then to take an existing residential area and right in the middle of that to try and put a multi-family development. Chairperson Anderson clarified that he is only one person out of seven commissioners.

Mr. Godderidge indicated he was in charge of selling the property. If he could do what he wanted with it, then he would buy it and continue on. That is what he is asking, if it is possible?

Commissioner McKay stated that he would have to be really cautious in his mind of down zoning to a multiple family and indicated he would have to see something drawn out. He sees

lots of things of concern; it would be a spot zone. Commissioner McKay stated he could possibly see having one or two homes in there.

Mr. Godderidge indicated that finances are not worth going that way, with lots in Smithfield selling at about \$35,000 it isn't worth it for just two homes and the cost to bring in the road and utilities. Mr. Godderidge stated his son would like to develop multi-family units on the property. If it isn't possible then it isn't worth the time.

Commissioner Tuescher stated that Mr. Godderidge is a friend of his and he approached him about the proposed development and he had suggested that Mr. Godderidge come to the commission and ask what could be developed there and now maybe selling it and investing in other land may be the way to go.

Councilmember Jeff Barnes, "I came to talk about animals, I think as a city we need to be careful on these ordinances when it comes to cats and dogs. In the past when these situations have come before the city council, I can't remember one that we have approved over the ordinance that we have, the number of cats or dogs that you can have as a homeowner. When I think of catteries and kennels; I think, Casey, you were talking about examples of having a kennel if you are raising dogs, I know some people in Richmond that raise Alaskan Malamutes, they have a kennel they have two or three dogs, they breed them and they have the puppies there for a while and then they sell them, so that to me is a kennel. When you look up kennel and catteries on the internet the definitions that come out are temporary housing of animals. We give people permission to have more than what is in our ordinance, they are pets, there are not there for any other reason, a person who want to have more than what is in the ordinance they just want to have more pets, so if you have two dogs and you want four or five to run in your half acre backyard and that is in my opinion and in the councils opinion in the past is that is not a kennel that is just allowing people to have more pets and I think if we start doing that we are going to see a lot of people walk in here asking for permission to have more pets. The will come in and apply for the kennel and in essence that is nothing more than having permission to have more pets. That is my comment. Thanks."

Commissioner Teuscher, "Mr. Barnes, it sounds like the definition of a kennel is what really is confusing too, isn't it. Exactly what you are saying."

Councilmember Barnes, "A lot of kennels are either people who raise dogs or commercial outfits that charge for, you know if you are going on vacation or something...."

Chairperson Anderson, “it connotes a commercial enterprise is what it does. When you say a Kennel you think of some commercial purpose, so are you saying that you would prefer to see a cap on the number of pets a person can have?”

Councilmember Barnes, “Well, we have that now?”

Commissioner Teuscher, “We do?”

Councilmember Barnes, “Don’t we Char?”

Chairperson Anderson, “they can apply for a conditional use to have more.”

Ms. Izatt, “No we don’t.”

Councilmember Barnes, “So I can have 10 dogs?”

Ms. Izatt, “Yes.”

Ms. Izatt, “well if the commission approves it.

Councilmember Barnes, “Now wait a minute, what do you mean if they approve it?”

Chairperson Anderson, “you can have 32 cats.”

Ms. Izatt, “the commission has the last say because we don’t have a cap.”

Councilmember Barnes, “so If I have two cats and three dogs....”

Ms. Izatt, “now you are talking about a different thing, you are talking about a combination kennel and the total is five (5) on a combination.”

Councilmember Barnes, “Okay, see, you said kennel and in my opinion that is not a kennel.”

Ms. Izatt, “It is a combined kennel/cattery.”

Chairperson Anderson. “We have some definitions to work out.”

Councilmember Barnes, “There are some definitions in our ordinances, there needs to be a cap on how many dogs you can have as a residential home owner, there needs to be a cap on how many cats you can have and there needs to be a cap on combination and they should not be called kennels.”

Ms. Izatt, “It is a Combined Kennel/Cattery is what the definition and ordinance say and there is a cap of five (5), and it is a mix you can four dogs and one cat; four cats and one dog.”

Councilmember Barnes, “the definition in my opinion shouldn’t be there.”

Commissioner Campbell, “definition of Kennel/Cattery from Smithfield City, “An establishment of three (3) or more dogs or four (4) or more cats and regulated by a conditional use permit.” That is our definition.”

Councilmember Barnes, “that is our definition and I understand and I know that and I feel it needs to be changed.”

Councilmember Deon Hunsaker, “A couple of things: thank you for your work you did last month on the subdivision. As a member of the city council, it made it a lot easier for me when it came before us last Wednesday you had vetted the questions so well, that it just made it easier.

Second, on a personal note, congratulations Jackie on your Silver Beaver and then last concerning the cattery/kennel there are a couple of things that I think, one is that zoning should matter on how many you should be able to receive. The second thing is when I was talking to somebody else about it, their comment was, “have you talked to the Health Department to about how many they feel would be healthy in a house.” Thirty two (32) seems like an awful lot even twenty five (25) or twenty (20) seems like a lot in a house. So I would recommend that the Health Department be consulted and see what suggestions they have. Again, thank you for your work.”

Consideration of Consent Agenda

Minutes of the December 16, 2015 Planning Commission Meeting

After consideration by the Planning Commission, the Chairperson declared the consent agenda for the December 16, 2015 planning commission meeting minutes approved as they were presented.

Election of a Vice Chairperson for the Planning Commission

Wade Campbell is elected as Vice Chairperson

The Commission will review and discuss the “Rules of Procedure and Conduct for the Planning Commission” and “Public Hearing Procedures”

Chairperson Anderson informed the commission that the rules were reviewed each year and that at times, changes are made. There were no changes suggested by the commission. Chairperson

Anderson inquired if there were any recommendations for changes to the rules for a Public Hearing?

Commissioner McCammon stated the language is open enough, if the meeting should get out of hand we could refer to these rules of conduct and probably straighten things out.

Chairperson Anderson stated that a few times that he has reviewed the public hearing procedures at the start of the public hearing so the everyone in the audience was aware of what the commission was going to be doing and how they would follow that and we can continue to do that if you think it would be helpful. The consensus by the commission was to do so.

Travis Taylor, agent for J Thomas Homes, LLC, has requested approval of Phase 9 (19 Lots) of the Final Plan for Smithfield Ridges Planned Unit Development located at approximately 470 South 1085 East. Zoned R-1-12 (PUD) Combined Single Family Residential/Planned Unit Development Overlay Zone.

Travis Taylor, stated he was happy to be here and happy to answer any questions. He indicated that this is the next phase of Smithfield Ridges, that they haven't exactly defined how many more phases, about three more, he would guess.

Chairperson Anderson stated that for the older folks on the commission, they have been through this a few times, he wants to make sure the newer members are comfortable with what the developer is doing here, and hopefully they have had a chance to review and drive by the site.

Commissioner McCammon stated he drove by and looked at it and has no concerns.

Mr. Taylor stated that it follows the approved concept plan and this is just the next step.

Commissioner Caley stated he has not concerns.

Commissioner Hancock inquired about the homes to the north of 470 South, what is the reason they are smaller than 10,000 feet?

Mr. Taylor stated this project started off as 150 lots; 90 of the traditional 10,000 and then 60 of the smaller lots so when this was redesigned, they lost some lots but the remaining lots actually got bigger.

Jon Wells stated that the street is an extension of 1080 East and not 1085 East as shown. He also indicated that 420 South is off. Mr. Wells inquired if 470 South came off 420 South, where it comes in off of 1000 East?

Mr. Taylor stated he was not sure on the 420 South question but that it should be 1080 East and not 1085 East and he will change that on the Mylar.

Mr. Wells stated that he just realized the next street to the north is 420 South, so never mind on 470 South.

MOTION: A motion was made by Commissioner Hancock to approve the request by Travis Taylor, agent for J Thomas Homes, LLC, for approval of Phase 9 (19 Lots) of the Final Plan for Smithfield Ridges Planned Unit Development located at approximately 470 South 1085 East. Zoned R-1-12 (PUD) Combined Single Family Residential/Planned Unit Development Overlay Zone.

The motion was seconded by Commissioner Campbell. The voting was unanimous.

Commissioners voting in favor: McKay, Hancock, Campbell, Anderson, Teuscher, McCammon & Caley

Chairperson Anderson, “It seems there are a couple of folks who have some opposition and granted they are only two members of the council, but I don’t know, I have seen it before, I am not a huge pet person but one thing I think I have come to learn in this position is that people treat their pets as family members and there is a lot of sentimentality and a lot of love towards those pets and I think to a certain extent that has to play into it, I don’t think it is just a hard and fast rule to put down a number, and say you know you have to cap it and here is what the cap ought to be.”

Councilmember Wall stated that if the city has people coming in and licensing their animals then the city would have a feel of what is out in the community in terms of quantities. Should a resident come in and want to license five (5) Labradoodles, then we know we have a concern. Councilmember Wall stated he had a gentleman call him who knew of three dogs that were a problem in the neighborhood and Councilmember Wall knew who the family was and he suggested that the concerned resident file a complaint and to call the Animal Control officer, that is really where it needs to start so that when someone comes in, there is a record of the complaint against those animals.

Councilmember Wall, “If you remember the one we did not long ago is the gentleman that had the five dogs and the neighbors were in here and the dogs had become pretty violent and he was denied and he had a lot of acreage, I think he had two acres or something like that and we kind of struggled with that.”

Chairperson Anderson stated he would like some guidance and some collaboration from the city council.

Councilmember Wall indicated he would check with the Health Department on their regulations and any recommendations they may have in regards to kennels and putting caps on dogs and cats.

Chairperson Anderson, "I would appreciate your help on that Curtis, to figure out where we need to go and put something together that is going to work."

Councilmember Wall stated he would get with the Mayor and explain what the commission's concerns are and he also stated the council would be happy to help out.

ADJOURNMENT

MOTION: A motion was made by Commissioner McKay to adjourn the meeting at 8:02 p.m. The motion was seconded by Commissioner Campbell. The voting was unanimous.

Commissioners voting in favor: McKay, Hancock, Campbell, Anderson, Teuscher, McCammon & Caley

Jamie Anderson, Chairperson

Attested:

Charlene Izatt, Deputy Recorder

**SMITHFIELD PLANNING COMMISSION
Smithfield City Council Chambers
96 South Main
Smithfield UT 84335**

NOTICE and AGENDA

Public Notice is hereby given that the Smithfield Planning Commission will hold a regular Planning Commission Meeting at 7:00 p.m. on **Wednesday, January 20, 2016** in the **Smithfield City Council Chambers, 96 South Main**, Smithfield, Utah.

7:00 p.m. Opening Ceremonies

Workshop session: The Commission will review and discuss the following topics:

Proposed amount of Dogs, Cats or a combination of both allowed in Kennel/Cattery Conditional Use Permit Requests

2015 Legislative Update ~ *Utah Local Governments Trust and Office of the Property Rights Ombudsman*

Non-conforming Uses vs Conforming Zoning Update ~ *Utah Local Governments Trust and Office of the Property Rights Ombudsman*

Agenda items:

1. 7:23 p.m. Resident Input
2. 7:28 p.m. Consideration of Consent Agenda
Minutes of the December 16, 2015 Planning Commission Meeting
3. 7:30 p.m. Election of a Vice Chairperson for the Planning Commission
4. 7:35 p.m. The Commission will review and discuss the “Rules of Procedure and Conduct for the Planning Commission” and “Public Hearing Procedures”
5. 7:40 p.m. Travis Taylor, agent for J Thomas Homes, LLC, has requested approval of Phase 9 (19 Lots) of the Final Plan for Smithfield Ridges Planned Unit Development located at approximately 470 South 1085 East. Zoned R-1-12 (PUD) Combined Single Family Residential/Planned Unit Development Overlay Zone.
6. 7:45 p.m. **ADJOURNMENT**

Posted this 15th day of January 2016 at the Smithfield City Offices, City Web Page and the Utah Public Meeting Notice web site. Notice provided to The Herald Journal this 15th day of January 2016.

Charlene Izatt, Deputy Recorder

ITEMS ON THE AGENDA MAY BE CONSIDERED EARLIER THAN SHOWN ON THE AGENDA.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Charlene Izatt, Smithfield City Offices, at 435-792-7989 at least three working days prior to the meeting.