

**Smithfield City Planning Commission**  
**March 16, 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, March 16, 2016**. The following members were present constituting a quorum:

Chairperson	Jamie Anderson
Commission Members	Jackie Hancock
	Wade Campbell
	Stephen Teuscher
	Casey McCammon
	Bart Caley

City Engineer	Clay Bodily
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 7:02 pm

**Opening Ceremonies:** Jean Edwards

Chairperson Anderson presented, on behalf of Smithfield City and the Planning Commission, a thank you plaque to Steve Edwards, former Commissioner for his service to the Planning Commission.

**Excused:** Commissioners Doug Archibald, Bryant McKay and Kelly Luthi

**Attendance:** Steve & Jean Edwards, April Berezay, Yvette Murillo; Officer Denton Call-Animal Control; Matt Hyde; Kendon Hyde; Joanne White and Ben Balls.

**Resident Input**

No Resident Input

**Consideration of Consent Agenda**

Minutes of the January 20, 2016 Planning Commission Meeting

After consideration by the Planning Commission, Chairperson Anderson declared the consent agenda for the January 20, 2016 planning commission meeting approved and the minutes stand as distributed.

Chairperson Anderson inquired if the commission could take time on other issues during this part of the meeting and that he had a question on something the commission has discussed in the past.

Mrs. Izatt stated, "sure".

Chairperson Anderson, "Do we know the status of the sign ordinance?"

Mrs. Izatt stated that she didn't know and that Councilmember Wall may know more. When she checked with Justin, he had stated that they were waiting for Councilmember Wall to come back. She also inquired if that sounded familiar as to why the ordinance hasn't moved forward? Mrs. Izatt indicated that she did not mean to put councilmember Wall on the spot but that is what she had been told.

Councilmember Wall stated there had been a casual conversation and it has not been with the Mayor, it has been Justin. He also stated, "Jamie and I were kind of involved with that just a little bit and we had just a couple of concerns about the wording for the wraps."

Chairperson Anderson, "Just to make this is on the record, Curtis and I were approached after the meeting that we had concerning the General Plan about three weeks ago and his concern about the wording that we had on the wraps, why that wasn't brought up as we were going through this process over the last several months, I'm not sure, there were some other concerns about the fact the sign ordinance is not business friendly, I offered to meet with any business owners that Craig and Justin would like me to meet with, I have not heard anything since that point, to see what we can do to make that a little bit more palatable to some of the business owners in the City."

Councilmember Wall, "So what happened with the wording, we made the city's cars and police cars illegal so you would think that wasn't appropriate on the wraps, we need to look at that whether we do something to set aside for Police cars and like that. You can also remember when you go down to Lee's sometimes and you see the little placard's on the side of the road that say flu shots today or something like that, in our signs, we have also made that hard and not business friendly, we don't really feel like we want to enforce that, we need to kind of look on how we may want to set that; some kind of a two week, three week time frame. Again, helping the businesses, particularly the places that Craig and Justin had both brought up to us. We did not bring that conversation up with the Mayor.

Ms. Izatt stated, "That is just how it got back to me."

Chairperson Anderson, "I am just a little bit disappointed that it hasn't been kicked back to us, if they would like us to do more work on it, because now we have lost another month in the process."

Mrs. Izatt stated, "May I ask a question? "In talking to Justin he explained some that they didn't like the way it was written. But I think everyone needs to realize that it was a business owner or manager of a store that brought the improved temporary signs, so I asked if we could, at least have the temporary sign part of it approved, it increased the days and if you guys remember, it cleared up the Hanukkah and the Christmas, gave it more days. Pete got some larger sizes on the banners. So I really thought there had been an improvement with- Pete worked quite hard on it and I asked why it hadn't been moved forward? The other thing is we do address like the Flu signs, in the temporary sign ordinance, it is in the first paragraph, it tells you that you need to pull a permit, but it does allow you a 14 day time frame, a 21 day time frame to do those kinds of signs. We don't own the property where the flu shot signs were, that belongs to the State, the State is who mandates that you don't put temporary signs there. I'm not sure, to be honest with you, what we can do there, all I asked Lee's to do at the time was if they could move them back on to their property, I did not have them remove them at any time."

Chairperson Anderson, "Just for the record it is disappointing that we spent so much time on that only have city staff at the point, after we have had the public hearings, come back and say there are some things here that we don't feel are good. The time to raise that was much earlier in that process so we will see what they want to do, if they want to kick it back to us that is fine. I think we need to get this moving. As stated to both Craig and Justin, I would be happy to meet with any business owner to find out what they feel would be a better ordinance for them to help them run their business better because obviously we do want those tax dollars."

Mrs. Izatt, "I did speak with Stacie Dority with the Chamber because she had come back to me that there were several business owner's that are complaining. And I said, other than there is a couple that complain all the time and have never asked for time to come and discuss their concerns. That is why I was so tickled when Pete stepped forward and did what he did with that. I don't know how to even move the temporary sign one forward because we really need to start doing that with Summer and Christmas coming."

Commissioner Teuscher, does the State have sign ordinances that restrict kinds of things like that?"

Mrs. Izatt, "You know, I have never looked for the law, that is what I was told when I started here, that they didn't want sign pollution, that they had been in contact with the State and that was a state right-of-way and we so don't allow any off-premise signs."

**April Berezay has requested approval of a Conditional Use Permit to allow for a home based business to provide Reiki energy work, located at 696 North 240 East. Zoned RM/PUD (Multiple Family Residential/Planned Unit Development Overlay Zone)**

April Berezay stated that she is first, a fitness coach and coaches lots of clients all over the world in nutrition exercise; mind set; emotions, so Reiki is one aspect of her business. She works with the meridians and it is very science based it is an opportunity for her clients to receive balance in the body that goes in conjunction with the nutrition and training for an added layer of support – very scientific- not something mystical or magical. She stated she only sees one or two clients a week in her home. It is not a gigantic aspect of what she does. Just one aspect of her business.

Chairperson Anderson reviewed the hours of operation of 11:00 am to 3:00 pm and inquired what days Ms. Berezay was planning on being open?

Ms. Berezay stated that she typically sees a client on Wednesday & Thursday but that can change.

Commissioner Teuscher was curious about Reiki and stated that he had a coworker explain the concept to him.

Commissioner Caley inquired if they had one or two vehicles, because of parking concerns.

Ms. Berezay explained that clients will typically park in her driveway and she has one vehicle and stated that there are five (5) parking slots on 180 East street for guest parking.

Chairperson Anderson stated that it is better to expand the days and hours at this time or Ms. Berezay would need to return to the Commission to request any increases.

Ms. Berezay stated that her days and hours of operation would be Monday through Friday, from 9 am to 3 pm. She also indicated that she is currently working on applying for her business license.

Commissioner McCammon requested clarification when the Commissioner's say days of the week that businesses will be open, is that typically a number? Would the correction here be Monday through Friday, not five days?

Chairperson Anderson stated that is correct.

**MOTION:** A motion was made by Commissioner Hancock to approve the request by April Berezay for approval of a Conditional Use Permit to allow for a home based business to provide Reiki energy work, located at 696 North 240 East. Zoned RM/PUD (Multiple Family Residential/Planned Unit Development Overlay Zone) with the hours of operation being 9:00 am to 3 pm, Monday through Friday.

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

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

**Michael Bales, agent for Keystone Property Management, has requested approval of a Commercial Conditional Use Permit to allow for a Garage for Minor Repair, Parking and Property Management located at 965 South Main. Zoned GC (General Commercial)**

Chairperson Anderson inquired if Ms. Izatt had any knowledge of whether or not Mr. Bales would make it tonight? Chairperson Anderson stated that he hated to discuss this without him being present.

Ms. Izatt stated that Mr. Bales did receive notification and if the Commission wanted to review the request, the business still exists down there but there have been some compliance issues.

Commissioner Hancock inquired if this business is what is in the building right now?

Ms. Izatt stated that the semi-trucks are.

Ms. Izatt indicated that what is being requested is that the Conditional Use Permit be approved and conditional use permit goes with the land. She further explained that a garage for minor repair is not a permitted use because the business is located in the Gateway zone. Garages for major repairs are not allowed in that zone at all. The commission needs to determine if this is something that they can approve without the applicant in attendance.

Commissioner Campbell inquired if this is Blue Sky Trucking?

Ms. Izatt stated yes.

Chairperson Anderson inquired if any of the commissioners have an opinion as how they want to approach this without the petitioner here?

Commissioner Hancock inquired what the difference is between major and minor repair.

Ms. Izatt stated transmission, engine axels are all major repairs and oil changes, tune-ups & tires are minor repairs.

Chairperson Anderson, "Does he have a current business license"?

Ms. Izatt, "Yes he does, just recently and is for the existing business and not the garage for minor repair."

Chairperson Anderson, "As far as you know he was going to be here tonight?"

Ms. Izatt stated that Mr. Bales did not indicate he would not be attending the meeting.

Chairperson Anderson, "My opinion is that we need to hold this until he is here to talk about it and if he shows up before we adjourn, we can address it at that point otherwise we will need to continue this until next month. Are you all okay with this? Or anyone feel different?"

The commission agreed with Chairperson Anderson's assessment.

**MOTION:** A motion was made by Commissioner Hancock to continue the request made by Michael Bales, agent for Keystone Property Management, to allow for a Garage for Minor Repair, Parking and Property Management located at 965 South Main. The motion was seconded by Commissioner Campbell. The voting was unanimous.

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

Chairperson Anderson stated this would be continued until next month.

**Ben Balls has requested approval of a Conditional Use Permit to move a used structure into the corporate limits of Smithfield City. The structure is a home and it would be moved to 330 West 140 South. Zoned R-1-12**

Ben Balls explained that there is a home located just north of Smithfield it is up on blocks and he called on it and worked out an arrangement and it will be moved to the Stephen's Development that he currently owns and will be developing this Spring and would like to get permission to move the home in. Mr. Balls stated that he has drawings of the house if anyone would like to look at them and that he will take it up to code and add a garage.

Commissioner Teuscher inquired if the home was on the west side of the highway?

Mr. Balls stated yes.

Bart Caley declared that he lives in that neighborhood.

Mr. Balls also stated that he will live in the development as well.

Commissioner Hancock inquired which one of the lots the home was going to go on.

Mr. Balls stated that it is lot five (5).

Chairperson Anderson inquired what the square footage of the house is and stated he assumes it is a single level.

Ben Balls stated he is going to put in a basement and move the house on and that home is about 1,000 sq. ft.

Chairperson Anderson stated that the ordinance is attached to the application if there are any questions and indicated that this is a subdivision the commission talked about several months ago, and inquired if there are any concerns or questions on what Ben is trying to do?

Chairperson Anderson inquired if there are any concerns with setbacks, things like that?

Mr. Balls stated, "Nope"

Clay Bodily stated that the city will get the subdivision recorded and that setbacks are set and can't be moved. He also stated that in talking with Ben nothing has come up that isn't in alignment with the current ordinances.

**MOTION:** A motion was made by Commissioner Campbell to approve the request by Ben Balls for approval of a Conditional Use Permit to move a used structure into the corporate limits of Smithfield City. The structure is a home and it would be moved to 330 West 140 South. Zoned R-1-12

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

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

**The Commission will continue discussion in regards to the definition of a Dog Kennel, Cat Cattery, Fixed Dog Run and also discuss setting standards on the number of dogs and cats or a combination of both that would be allowed with a conditional use permit.**

Chairperson Anderson requested that Commissioner Campbell and Councilmember Wall start the discussion in regards to the items the council addressed in their meeting last week. There are questions that the commission has been asked to address and Chairperson Anderson requested a synopsis to set the stage for what the commission needs to discuss.

Commissioner Campbell stated that at the city council wanted the commission to address and deferred to Councilmember Walls. Commissioner Campbell did state that the council did not really have a lot of guidance per se, other than Councilmember Barnes stated he only wanted to allow two (2) dogs and two (2) cats and that is it.

Councilmember Wall stated that with any topic we find some emotional things. Councilmember Barnes is not an animal person so it easy for him to say this is what needs to be, this is where we

are going to go and this is how we are going to drive it and Councilmember Kent is an animal person and she is saying we need to go the other way. What the Mayor would like us to do is:

1. Educate. We need to let people know how to accomplish that and decide how we get that out; in the Newsletter, on the website;
2. How is the city going to enforce the ordinance? There was an officer at the meeting and he voiced his opinion, "they can't do any enforcing unless they physically see the dog bite someone, they are not going to go look over fences to see if there are more dogs."
3. Licensing. We really don't know how many houses have animals. There was discussion on the recent rabies clinic. Justin passed on that last year 88 people came and this year it was over 100, they got more people participating in licensing and rabies shots. There were a lot of signs and advertising. There was also discussion of going yearly from the date they actually licensed the dog.

Mayor Simmons suggested that the commission think about enforcement, think about educating, think about licensing and rabies, we are going back to how we rule the roost.

Councilmember Wall referred to when Councilmember Hunsaker brought up checking with the Department of Health and Welfare. Councilmember Wall checked with them and they have none-they don't have any issues, they said the only thing they would do if they did drugs in the home and they had to condemn the house, they don't have any jurisdiction or any direction for someone having too many pets in the house. Councilmember Wall went and spoke to two veterinarian clinics and neither had seen a rabies case in over twenty years. Wildlife resources may deal with some bats with rabies. Councilmember Wall also stated that maybe the commission is thinking it too hard, maybe they just need to come back to talk and set a guideline in regards to a temporary permit and based on whether there are complaints with it and changes will need to be based on those complaints. It is kind of a gray area.

Commissioner Teuscher stated that most of communities that he spoke to dealt with 2 dogs and size lots and the trouble always was enforcement. You can pass all the regulations you want, you can do anything you want, but how do you enforce these things? For example, if you allow two dogs and they have five or six and if the police cannot go check that complaint out, what rights do the neighbors have on either side, can they say anything?

Councilmember Wall referred to a couple of requests that were reviewed and denied and stated that the process started with a neighbor complaint.

Commissioner Teuscher inquired about those that never come in and they just have them?

Councilmember Wall stated that you have to understand that the Animal Control Officer is 50% the city and 50% Hyde Park.

Officer Call stated he does Animal Control only for Smithfield City. He responded that he is 50% Animal Control and 50% normal patrol, he used to do 3 shifts a week of animal calls and

two of patrol so that is 24 hours a week of patrolling around. He also stated he takes more animal calls than patrol all in one week. We have our issues.

Chairperson Anderson inquired if one of the main questions Officer Call asks is licensing?

Officer Call stated he does ask them and noted that a lot of homes he visits, the animals have been licensed already. His biggest concern is the rabies and they can't be licensed unless they are current on rabies. You just never know, skunks and bats carry it. Officer call stated he asks them about licensing, do they keep a chain on it, why it has been out and about and quarantine if it has bitten and then forces rabies shots and licensing and there are not a lot of animal bites either.

Chairperson Anderson do you come across people that have more than two dogs or two cats, how often do you see that?

Officer Call stated that he sees a lot of the people having more than the two dogs and he usually tries to send them in to Char or tell them they need a permit. They tell him they are babysitting or watching the dog, they do have 60 days. He stated he doesn't get the opportunity to go back to the home to follow-up on the dog sitting, unless he gets complaints and as stated previously, he can't go over and peek over people's fences. He does address it when he responds to an incident that has violations.

Chairperson Anderson in talking about the rabies clinic, when people brought their animals down, was there a license check?

Councilmember Walls stated they usually did rabies and licensed them at the same time.

Officer Call stated your first rabies shot is one year then after that they are boosters and they are three year shots.

Char Izatt stated that Officer Call re-started the program a year ago, since the city had not held a clinic in several years and because of Officer Call the city is on the clinic's second year and increasing. He and Clay did all the signs and all the advertising. He has been 100% behind that.

Commissioner Campbell referred to the cat permit the commission approved and there have been a lot of people and a couple councilmembers that were irritated that the commission approved the request, if that is the word to use. That is a lot of animals. Maybe in a certain zone, we only have x amount because they were not happy about 32 cats, nobody came in other than our two members on our city council. These are just my thoughts, she wants to have all those cats and no active plan to place them, she was just accumulating them and the commission said she had to stop and through natural attrition reduce those numbers. The purpose of a rescue is to place these animals and myself, personally, don't think it is right or fair to your neighbors.

Councilmember Walls reviewed the discussion on the 32 cat request in regards to the neighbors and only two showed up for the first meeting and none to the second meeting held for the continuation of the request.

Chairperson Anderson felt that an informed decision was made based on the number of complaints. If you are not willing to come to the meeting and voice your opinion or concern, then the commission will base its decision on the information that has been heard.

Mrs. Izatt stated we have three to four thousand households in our city and we are hanging on one. I'm sorry that really has to mean something percentages wise. You talk about dog kennels, I have licensed over 40 dog kennels in the twenty years and we are probably down to about 22 now as the dogs die to attrition, people don't replace them. I had emailed the commission that I had sent out the renewal letters and I always check from six months to a year back with the Police Department and if they have complaints, I don't renew the kennel license. The ordinance right now allows me to approve four (4) dogs through my office. You are talking about the Howards, Biggs, vonGermeten's and the Chihuahua one, they actually moved to Cache Junction because they didn't want to part with their Chihuahuas and there was only one neighbor out of all that were noticed that complained, there was never any official police complaints. You are talking four (4) kennels out of over 40, I don't know what percentage that is.....

Chairperson Anderson stated with all the research we did, everybody an allowed number of pets but they allow ore with a kennel license, kennel permit, what have you. I didn't have anybody that had a hard and fast rule.

Mrs. Izatt, just the two, Wasatch County and Grantsville and they broke them down by age but again the rest say none, none, none except for those two. And that is a lot of area that was covered in your research, which was pretty extensive.

Chairperson Anderson stated that some of these ordinances that were looked at were almost as extensive as our sign ordinance, so let's not overthink it.

Councilmember Wall stated and that is his comment, I think we are overthinking it. I think we have made some good decisions, with what we have passed on, I think we need to come up with a this and a this, maybe Officer Call can give us some input and let us know what you think, set a number, go back to the conditional permits and know they are going to come through the board and those people are going to do it and you are going to find out if you are responsible or not and that is how you are going to make your decisions is based on that, again I think we overthought it a little bit.

Commissioner Teuscher as far as enforcement is concerned though if somebody had more than two dogs and they have to go for a permit and they say my neighbor has six, how would you instigate that, would you have to file a formal complaining?

Officer Call stated it is better for them to call dispatch or the secretary and just say my neighbor has a certain number of dogs.

I have had two people come to him and complain about some dogs in the neighborhood, I have simply said to them that it starts with you calling the city; we need to have some kind of information so that when we confirm that we know we had additional information. That is how it has to start, is with that.

Officer Call stated that he tells people that if their neighbor's dog is barking to talk to their neighbor before calling him, because if he shows up, they will be even more mad with the neighbor, I let them use a little bit of common sense first, before I have to enforce, hopefully.

Mrs. Izatt stated "Curtis, I keep a log on all the permits too; as people call in, I like to remind them that if they take it seriously, that they need to file an official complaint with the Police Department. I do keep a running log and it is usually on barking complaints."

Chairperson Anderson, "I have a question about enforcement how we address it and in policy, that came up as part of my conversation with city staff and they are asking, "How are you going to enforce the ordinance?" And I am like; the Planning Commission isn't Legislative that is not our role, you know, we are being asked here, and what we are going to do about enforcement what is the guidance on how we handle enforcement when you talk about these ordinance. We are not enforcing the ordinance, the ordinance is the law and that is what we are living by.

Chairperson Anderson stated there were two questions on his mind, education is important and we should put something in the city Newsletter. We need to decide whether to move forward with a cap or are we happy with what we have and second thing is do we need to strengthen the ordinance or refine the ordinance to make it more definitive as it relates to kennels and catteries?

Commissioner Campbell submitted some suggestions for clarifying the ordinance definitions. There have been several comments made in regards to the current ordinance kennel definitions not being adequate. He suggested that when people come in to apply for a conditional use permit, we have a more definitive explanation for what qualifies. That could give it some guidance and clear it up a little bit.

Chairperson Anderson stated that we have not dealt with anyone who has come in said, "I have property and I want to go get twenty dogs", they come in and say I have so many dogs and cats, now what can I do.

Councilmember Wall, suggested possibly increasing the fees for kennel permits & licensing.

Chairperson Anderson, suggested we set a 20 minute workshop session for next month and invite Officer Call.

**ADJOURNMENT**

**MOTION:** A motion was made by Commissioner Hancock to adjourn the meeting at 8:10 p.m. The motion was seconded by Commissioner Teuscher. The voting was unanimous.

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

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Jamie Anderson, Chairperson

Attested:

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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, March 16, 2016 in the Smithfield City Council Chambers, 96 South Main, Smithfield, Utah.**

**7:00 p.m. Opening Ceremonies**

**Agenda items:**

1. 7:02 p.m. Resident Input
2. 7:08 p.m. Consideration of Consent Agenda

Minutes of the January 20, 2016 Planning Commission Meeting

3. 7:10 p.m. April Berezay has requested approval of a Conditional Use Permit to allow for a home based business to provide Reiki energy work, located at 696 North 240 East. Zoned RM/PUD (Multiple Family Residential/Planned Unit Development Overlay Zone)
4. 7:15 p.m. Michael Bales, agent for Keystone Property Management, has requested approval of a Commercial Conditional Use Permit to allow for a Garage for Minor Repair, Parking and Property Management located at 965 South Main. Zoned GC (General Commercial)
5. 7:20 p.m. Ben Balls has requested approval of a Conditional Use Permit to move a used structure into the corporate limits of Smithfield City. The structure is a home and it would be moved to 330 West 140 South. Zoned R-1-12
6. 7:30 p.m. The Commission will continue discussion in regards to the definition of a Dog Kennel, Cat Cattery, Fixed Dog Run and also discuss setting standards on the number of dogs and cats or a combination of both that would be allowed with a conditional use permit.
7. 8:00 p.m. **ADJOURNMENT**

Posted this 11th day of March 2016 at the Smithfield City Offices, City Web Page and the Utah Public Meeting Notice web site. Notice provided to The Herald Journal this 11th day of March 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 (3) working days prior to the meeting.