

Smithfield City Planning Commission

October 15, 2014

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, October 15, 2014**. The following members were present constituting a quorum:

Chairperson	Jamie Anderson
Commission Members	Curtis Wall
	Jackie Hancock
	Pete Krusi
	Douglas Archibald
	Steven Teuscher
	Steve Edwards
Planning Staff	Jon Wells
Deputy Recorder	Char Izatt
Minutes	Stacey Dority
City Council Member	Brent Buttars
Planning Commissioner	Bryant McKay

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 7:00 p.m.

Opening Ceremonies: Pete Krusi, Commissioner

Visitors: Spencer Jensen, Angie Larsen, Steve Fillmore, David R. Lillywhite, Jeff Barnes-City Council Member, Marvin Biggs, Chris Biggs, Paul Thomas, Kim Dority, Jenna Dority, Donald Atkinson

Excused: Clay Bodily, Engineering Staff

Workshop Session:

The Commission will continue review and discussion in regards to the feasibility of adding Assisted Living Facilities to the Land Use matrix.

Chairperson Anderson explained the commission would be discussing the Assisted Living Facilities and inquired of Mrs. Izatt how she would like to start the discussion.

Mrs. Izatt began by excusing Mr. Monson, the gentleman they had invited to come and speak for the workshop; he had family matters and hoped to have him come for next month's meeting. He

really could contribute to this topic. She felt this topic would be discussed for a few more months. She would like to start with the overview of each facility and choose what the commission likes about each facility and where they could see a facility like this in our city.

Chairperson Anderson questioned in the land use matrix we have nursing homes covered. He doesn't know the difference between assisted care and a nursing home. Obviously there is a higher standard of care at a nursing home, but where we allow for that already in our use matrix, is it feasible to say that is where we will allow other facilities of that nature?

Mrs. Izatt replied that is fine with her she just needs more information on how large of a facility the commission would like. If we determine the size by what acreage is available or just stick to the smaller type homes. She isn't sure what type of facility the commission is looking at. In the commission packet she has listed all types of facilities, type one and type two. There are three or four definitions of facilities listed as well. If we want to look at it as just a facility of how the commission views it and put it in the same place as nursing homes that is fine. She felt it needed to be researched further.

Commissioner Hancock didn't feel like she was familiar with how much open space is available in the city for a facility like this.

Mrs. Izatt replied she has had a few people approach the city on Assisted Living Facilities and they have open space that is still being farmed and not quite ready to be sold. There is only one space that is larger than a couple acres. Annexation is a possibility.

Commissioner Krusi assessed what zone does the Assisted Living Facility fit into?

Commissioner Edwards replied the main thing he came away with from the Legacy House Manager is these facilities are not to be in residential friendly areas. There are 24 hour coming and going by medical staff, assisting staff and ambulances.

Mrs. Izatt stated the residential falls into several categories.

Commissioner Edwards explained the Manager thought behind Lee's Market Place would be a good location where it is transitional from commercial to residential. Whenever a home was being considered for an Assisted Living Facility it creates quite a stir in the community. There is a facility trying to be approved on 10th North in Logan and the residents are stirring up against it. If we are planning an Assisted Living Facility we should try an area that is compatible so we don't have to fight that fight.

Commissioner Krusi replied especially the bigger facilities. He researched Pioneer Valley and that is a large facility. Something like that in a commercial area would work best.

Mrs. Izatt mentioned you would be looking at Multiple Residential and staying away from single family residential.

Commissioner Wall informed the commission that Hyrum City was breaking ground on a new large facility with 50 units. It is located past the cemetery. One half will be assisted living the other half will need constant care.

Mrs. Izatt responded Hyrum felt like they needed an assisted living center in their city. We weren't aware of the size of the facility.

Commissioner Wall explained Preston City is meeting tonight to plan ordinances for an Assisted Living Facility due to someone that is interested in opening one there. It will be located by the hospital. The benefit of Pioneer Lodge's location is it is across the street from the hospital so they have access to the pharmacy or they can walk across the street and receive the care they need.

Commissioner Krusi added Pioneer Valley has a bus that can take residents places so they are not dependent on the Cache Valley Transit. They mentioned it would be nice to be located by emergency services. Mr. Krusi stated with the Insta Care on the south end of town and a full ambulance service available he felt Smithfield would be a great place for an Assisted Living Facility.

Chairperson Anderson questioned if the commission felt the same about a type one facility as far as the zoning.

Mrs. Izatt responded that is where she needs more set information. We need to fine tune what we want.

Chairperson Anderson inquired about a home mentioned in last month's meeting located on Main Street. Someone had been looking at the home to turn into an Assisted Living Facility.

Mrs. Izatt replied yes, it was the Herd's home and it would have five or six rooms available with a basement. It has been a while since that request was presented.

Chairperson Anderson countered do we want to say regardless of if it is a type one or type two facility it needs to be in a commercial zone and we want to keep that home a residential zone.

Mrs. Izatt stated we have proctor homes listed in the matrix; the home on Main Street could fall under that item.

Mr. Wells defined the proctor home in a general commercial zone as a conditional use and the other two zones are residential zones under conditional use. There is nothing available in the center of town or in the general commercial zone or manufacture zone.

Council Member Buttars inquired if there was something that said they couldn't keep it out of residential.

Mrs. Izatt clarified that condition was on the elderly and disabled section. This is why the definitions are so hard because you have care for the elderly, care for the disabled and full time care.

Mr. Wells explained the residential facility for elderly persons and residential facility for persons with disabilities are federally defined type of facilities and we cannot zone them out. We still require a conditional use permit on them.

Mrs. Izatt requested Mr. Wells read the definition of the proctor home. Chapter # 17-04-070.

Mr. Wells read the proctor care definition: Any juvenile who has been removed from the home, parents or guardians by reason of being a menace to society and the community or having broken the laws of the state. Any juvenile that is under parole or placed in any rehabilitation program or like program sponsored by the state or other institutions. Basically the proctor care is care of someone who is in trouble. The zones are in the community commercial, residential agriculture and residential zone. We do allow them in those zones under conditional use. The conditions would have to be very rigid and keep an eye on things.

Commissioner McKay mentioned as we look at the lay out of the city and where the best place for a home like this would be, we talk about different types of facilities. If we put a facility North West of town then it is harder for the family or residents to get to the family and help them get their needs, also easy access for the emergency vehicles needs to be considered.

Chairperson Anderson assessed what the next few steps should be on this Assisted Living Ordinance.

Mrs. Izatt replied we need to tie down the zones, find out how strict we want to be; do we want to label type one or type two. Are there any particular things you like that would set a standard for the facility?

Chairperson Anderson replied looking at what we are doing on nursing homes he felt we wouldn't do it differently for an Assisted Living Center.

Mrs. Izatt explained the commissioners need to set standards. If the commission would all take a look at the facilities then email your suggestions to Mrs. Izatt then Mr. Monson can help us decide if they fit into the state guidelines when he comes to a workshop.

Chairperson Anderson confirmed the homework would be to look through the overview and give your opinion on what the standards should be such as zoning preferences, what type of facility and any other items you see that should be standardized.

Mr. Wells felt we need to look at specific requirements based on what Mr. Edwards has found out like parking for residents, staff and visitors.

Commissioner Krusi questioned if they had what North Logan's ordinance specified.

Mrs. Izatt mentioned it is on the North Logan website. The one that caught her attention was on Pioneer Valley that had no health care services. It is just independent living. It is different than the other facilities we looked at. The others have health care available whether it is contracted out or in house. Look closely at each facility and the differences.

Chairperson Anderson stated we have our homework.

Resident Input

No Resident Input

Consideration of Consent Agenda

Minutes of August 20, 2014 Planning Commission Meeting

After consideration by the Planning Commission, the Chairperson declared the consent agenda for the August 20, 2014 planning commission meeting minutes as approved.

Ironwood Development Group, LLC agent for Cindy Archibald, has requested consideration of a request for approval of a Concept Plan for Smithfield Highlands, a six (6) lot, minor subdivision located at approximately Crow Mountain Road (600 East) & Upper Canyon Road. Zoned R-1-12.

Angie Larsen, agent for Ironwood Development, referred to the map and wanted this to be the concept plan so they could move forward with the final plat next month.

Chairperson Anderson called for any questions from the Commission.

Mr. Wells replied there are no concerns from the city. Basically what they want to do is to show the commission what the future plans are for the land east of this property that is why there is a 60 ft. piece towards the north end of that subdivision where the road will go through eventually.

Chairperson Anderson called for any other comments or questions.

Commissioner Krusi inquired if the walking trail was on the map that was discussed in the previous planning meeting.

Chairperson Anderson replied it is on the south side of the road.

Commissioner Hancock questioned if this is the same property Tyson Luthi had come into the commission about.

Mrs. Izatt replied yes. It just looks a little different.

Chairperson Anderson read a note from the city staff that said if the commission chooses to approve the concept plan the motion needs to state that the preliminary plat would be waived.

MOTION: A motion was made by Commissioner Hancock to approve the request for a Concept Plan for Smithfield Highlands, a six (6) lot, minor subdivision located at approximately Crow Mountain Road (600 East) & Upper Canyon Road. Zoned R-1-12 with a condition that the preliminary plat would be waived

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

Commissioners voting in favor: Wall, Hancock, Krusi, Anderson, Archibald, Teuscher, Edwards.

Spencer Jensen has requested time with the Commission to discuss options for commercial property located at 36 South Main. Zoned CB (Central Business District)

Mr. Jensen explained he has two daughters and he would like to make a playground with swings, slides and a playhouse that looks like a tree. It would require less than 200 sq. ft. It would have electricity running to it for lights and movies. He would like to have a garden, playground and playhouse.

Chairperson Anderson inquired if this would require a building permit.

Mr. Wells explained it depends on the size of the tree house Mr. Jensen wants to put up. He has rented some space behind State Farm Insurance office. There is open space in that area.

Mr. Jensen informed the commission it would be a private playground that is fenced off. There will not be commercial activity.

Mr. Wells mentioned it won't be seen from the road but we asked him to share his ideas. It is a commercial zone, but he is leasing the land and will have playground equipment.

Mr. Jensen replied there are two lots. The same person owns both lots. The space he is renting is on both properties. One lot is commercial residential and the other is commercial.

Commissioner Krusi inquired about what would happen when he is done with the facility. Would he take everything down?

Mrs. Jensen replied yes everything could be hauled out on a trailer.

Mrs. Izatt mentioned there is a concern with access and parking. He needs to clarify.

Chairperson Anderson questioned where it is being used only for his children is there a parking issue?

Mrs. Izatt stated unless he is walking there it wouldn't be a problem.

Mr. Jensen explained he has permission to use a drive way off of Main Street and a gate through the residential property and there is access through the State Farm parking lot.

Chairperson Anderson inquired who the owners of the property were.

Mr. Wells mentioned Nathan and Elaine Ricks.

Mr. Jensen replied the Ricks own the property he is renting but he has permission for the right of way from the owner of the property to the south.

Mrs. Izatt responded it is Frank Keepers property to the south.

Commissioner McKay examined what kind of lights Mr. Jensen would have on the playground.

Mr. Jensen explained Christmas lighting and a light inside the playhouse. There will be no flood lights mostly small Christmas lights.

Mrs. Izatt questioned if the commission felt Mr. Jensen was creating a play yard or an actual building?

Chairperson Anderson responded he felt it was a play yard.

Mr. Jensen explained the tree house is a structure it is a cone shaped building with Christmas tree branches spread out.

Commissioner Krusi questioned how tall would it be.

Mr. Jensen replied 12 ft. and it could be taken out on a trailer without hitting power lines.

Commissioner Hancock inquired if it would need a foundation?

Mr. Jensen explained he would pour a cement pad and build the treehouse and then add swings and slides to it. He intends to use it as a private back yard. There will be a fence. He has a dog that would be with him when they play but would not be there at night.

Commissioner Edwards replied it would be an equivalent of a storage unit that was put on a cement pad.

Mr. Wells confirmed in the zone Mr. Jensen is in he is well under the height regulation at 12 ft. In that particular zone the height of a building can be up to 30 ft.

Chairperson Anderson mentioned the commission doesn't have a problem unless there are complaints from the neighbors.

Mr. Jensen explained it is surrounded by concrete buildings.

The Commissioner will continue discussion of Ordinance #14-05 which amends Title 17: Signs: 17.36.060 Permitted Signs: Permits not Required: 17.36.070: Prohibited Signs.

Chairperson Anderson questioned if there were any other changes or concerns with the draft and how it reads.

There were no comments.

MOTION: Commissioner Krusi made a motion that a public Hearing be held November 19, 2014 for the changes made to the ordinance #14-05 and 17.36.060 and 17.36.070.

Commissioner Edwards seconded the motion. The voting was unanimous.

Commissioners voting in favor: Wall, Hancock, Krusi, Anderson, Archibald, Teuscher, Edwards

Consideration of a request by Chris Biggs for approval of a Dog Kennel Permit for four (4) dogs located at 200 Summit Drive. Zoned R-1-12.

Mr. Biggs expressed he is still trying to get a permit.

Chairperson Anderson established how many dogs were on the property and what types of dogs.

Mr. Biggs replied he has four dogs an English bulldog, French bulldog, and two Italian Mastiffs.

Chairperson Anderson assessed how long he has had the four dogs on the property.

Mr. Biggs replied on and off for the last year. The fourth dog was just born six months ago. He was required to build a 6 ft.fence that a person couldn't see through as per the City Council.

Chairperson Anderson asked about the condition of his fence.

Mr. Biggs distributed a few pictures of the fence to the commission.

Chairperson Anderson queried if there were any missing planks, bowed out sections or anything like that.

Mr. Biggs stated there had been a few planks that had been knocked down but they have been fixed.

Commissioner Krusi asked if there was a fixed dog run and if the dogs were in the dog run.

Mr. Biggs replied the Italian Mastiffs stay in the yard the bulldogs are indoors.

Mrs. Izatt distributed a picture of the dogs.

Chairperson Anderson turned time over to the neighbors to discuss this permit.

Mr. Steve Fillmore wanted to read a letter from Mrs. Kris Oliverson who could not be there tonight. **Refer to Exhibit A.**

Mr. Fillmore explained Joanne Brown was walking by Mr. Biggs home and the dogs came out and she wasn't sure how to get away from them. Kirk Hunt, a neighbor came over and took care of the dogs. One night Mr. Fillmore heard scratching on his door about six months ago and they looked and Mr. Biggs dogs were at his home. He called Mr. Biggs and he said they were not his dogs. His mistake was he didn't put the dogs in his garage and call the police. They don't feel it

is an appropriate place for a dog kennel. Many children come by and many people walk by each day.

Mr. Paul Thomas lives East of Mr. Biggs property. Mr. Biggs did put up a fence, it is not a very good fence and the slats keep falling off and the fence has blown over before. The trampoline is holding up the fence right now. To Mr. Biggs credit he has kept the dogs from barking. He doesn't feel comfortable with the dog kennel in this neighborhood. Mr. Biggs did have five dogs this summer. One of his Italian Mastiff dogs is a mix with a pit bull. The dogs get out continuously; he can't take care of two dogs let alone four. He keeps breaking the ordinance like it is nothing. He doesn't clean up the dog feces and it is so smelly. Mr. Thomas' summer was ruined because of the smell in the yard.

Commissioner Krusi asked if barking was still a problem.

Mr. Thomas mentioned barking has been less of a hassle. The animal control was over there and the dogs were barking continuously for a good half hour.

Commissioner Krusi questioned if the dogs are still out of the yard even with the new fence.

Mr. Thomas said yes. His pictures of the fence were developed just a couple days ago. Unless he fixed the fence today it is still down.

Mr. Steve Moss lives three homes to the east. He has no ill feelings to Mr. Biggs. He felt if any neighbor wanted a kennel permit in that area he would be against it. There are too many animals for a residential setting. Just because there is an ordinance doesn't give them the right, it is a privilege. We have to earn the privilege. He doesn't feel Mr. Biggs has earned it with the animal control always chasing down dogs.

Chairperson Anderson turned the time to Mr. Biggs to give time to rebut.

Mr. Biggs referred to the fence with the slats being down. The dogs are inside the fence when that picture was taken. When Mr. Fillmore complained of the dogs being in his yard, Mr. Biggs was looking at his dogs and told him to call animal control because they weren't his dogs. If they were his dogs he would have done something about it. As far as dogs getting out, Mr. Keepers came up when the dogs were out and someone had detached part of the fence. The screws had been removed. If the wind would have blown it over he would have had to replace everything. Animal control was there the other day to let him know he needed to re-apply for the kennel permit.

Chairperson Anderson called for questions from the commission.

Commissioner Krusi inquired about the cleanup after the dogs.

Mr. Biggs stated he cleans up two to three times a week. He is trying to get things taken care of so he doesn't have to come in for the permit. He just wants to live there by himself and not have problems with his neighbors. He has done everything he has been asked to do.

Commissioner Tuescher asked Mr. Biggs why he wanted so many dogs.

Mr. Biggs stated he has a French and English bulldog that people have tried to steal. That is why he has Italian Mastiff to protect his dogs. The dogs look vicious, they bark but they are very friendly. If they would have attacked they would have been put down. If they had been out continuously why has he never had a citation?

Commissioner Teuscher inquired if he had them for personal protection.

Mr. Biggs mentioned he has had problems with theft before and he wants the Italian Mastiffs' to protect his property. The other two are for him and his children to play with.

Commissioner Krusi questioned what he had done to control the barking.

Mr. Biggs explained absolutely nothing other than building the 6 ft. fence. They can't be seen or taunted.

Chairperson Anderson inquired if there is still a problem with the fence being partly on city property.

Mrs. Izatt mentioned nothing was said.

Mr. Biggs replied he has moved the fence to where the County Assessor's lines are. He was told the fence needed to be erected to city standards of 6 ft. tall. As far as the city lines go he was told to go the County Assessor's office and they had an aerial view of the property and he worked according to that. The chicken wire fence was on the city property.

Commissioner Wall addressed the business in his garage. If you were running the business and you were home is there a better way to control the dogs.

Mr. Biggs disclosed he works at Tony Divino Toyota and he works side jobs at home in his garage.

Commissioner Wall described collars that can be used for the dogs barking that doesn't require a person to be onsite to push a button.

Chairperson Anderson opened up discussion to the commission on Mr. Biggs request.

Commissioner Teuscher felt the neighbors still have a lot of issues on this request.

Commissioner Edwards identified we need to be consistent with the last meeting and we denied this scenario in the last meeting.

Commissioner Hancock desired clarification on why a person would have to have a dog run if the dogs aren't inside of it.

Mrs. Izatt expressed it is in regards to the dangerous breed where our ordinance was very specific and now the legislature struck that down so you can't be breed specific. If you have two pit bulls or Rottweilers or a Husky or a Chow you would have had to have a dog run.

Chairperson Anderson specified our options are to make a motion to approve with conditions and those conditions need to ensure the safety and welfare of the public or whatever we feel those conditions should be and the other option is to deny the motion. If you are making the motion to deny you have to list the reason for denial plus the voters must list the reason for denial.

Mr. Biggs referred to part of the ordinance which identifies he is able to have two dogs which would be his Italian Mastiffs that are licensed and vaccinated. This permit he is applying for is for the bulldogs that he keeps inside the house.

Mr. Thomas was concerned that Mr. Biggs is saying the two dogs are always in the house. Mr. Thomas is always home and outside the four dogs are always outside. Mr. Biggs is hardly ever home and his dogs never get bathed or walked. If the commission approves this you are doing this neighborhood a great injustice. We have been here three times, it has been denied three times, where does it end? Mr. Thomas related when he lived on 2nd East and he had two Rottweilers and he had to have \$100,000 mortgage insurance. Mr. Biggs is saying he doesn't have a pit bull but he does. Does identifying the dog as a Mastiff instead of the pit bull mean he doesn't have to carry any type of insurance? The neighborhood has been here every time this has come up and Mr. Biggs has been denied three times. Mr. Thomas stated he can't walk across the yard or the dogs are barking. If Mr. Biggs wants four dogs he should move in the country side somewhere.

Mr. Marvin Biggs, Chris's father, doesn't like him to have four dogs. He doesn't take care of them like he should but reality Chris has been to the commission three times and has done all that he has been asked to do. The feces have been a problem and Mr. Biggs stated he can guarantee the last three months it has been very clean. He understands the frustration but Chris has done everything the city has been asked to do. The fence went down and someone pulled it

down. He doesn't envy the commission it is a tough job. Chris isn't the most cordial individual but he is doing his best.

Mr. Donald Atkinson stated there are dogs barking night and day. One neighbor has moved already. Mr. Atkinson keeps his windows shut to keep the noise out. This is a residential area it isn't zoned for kennels. I'm sorry he wants four dogs he needs to go where it is zoned for four dogs. He doesn't know why the commission is leading him on so he can build a kennel right in our neighborhood. That isn't right. I'm sorry he has problems but his problems shouldn't be ours.

Chairperson Anderson informed the audience the reason why we are here is because you can have so many dogs in a residential zone provided there are conditions that are met. If there is no other discussion amongst the commission then we are ready for a motion.

MOTION: A motion was made by Commissioner Edwards to deny a Dog Kennel Permit for four (4) dogs located at 200 Summit Drive. Zoned R-1-12. Based on the desire to stay within the ordinance and with the amount of complaint and involvement from the neighbors, there is justified reason to deny this request. The motion was seconded by Commissioner Archibald. A roll call vote was made:

Edwards: Yes in favor of denial

Teuscher: Yes in favor of denial due to complaints of neighbors

Archibald: Yes in favor of the denial due to safety, smell, noise

Krusi: Yes in favor of the denial due to neighbor's complaints

Hancock: Yes in favor of the denial due to too many dogs in that size of yard

Wall: Yes in favor of the denial due to a small residential area and concerns and safety of neighbors.

Vote of 6 to nothing, denial is granted and Mr. Biggs has a right to appeal to City Council

Mr. Wells informed Mr. Biggs he has 10 days in order to make the appeal to City Council.

Mr. Spencer Jensen questioned if he needed to come back to the commission with plans to move forward.

Mr. Wells felt if the commission doesn't have big issues with what he wants to do, he can submit a set of plans to the staff and we will deal with it on a staff level.

MOTION: A motion was made by Commissioner Krusi to adjourn the meeting at 8:11 p.m. The motion was seconded by Commissioner Teuscher. The voting was unanimous.

Commissioners voting in favor: Wall, Hancock, Krusi, Anderson, Archibald, Teuscher, Edwards.

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, October 15, 2014** in the Smithfield City Council Chambers, **96 South Main**, Smithfield, Utah.

7:00 p.m. Opening Ceremonies

Workshop session:

The Commission will continue review and discussion in regards to the feasibility of adding Assisted Living Facilities to the Land Use matrix.

Agenda items:

1. 7:20 p.m. Resident Input
2. 7:25 p.m. Consideration of Consent Agenda
Minutes of the September 17, 2014 Planning Commission Meeting

3. 7:30 p.m. Ironwood Development Group, LLC, agent for Cindy Archibald, has requested consideration of a request for approval of a Concept Plan for Smithfield Highlands, a six (6) lot, minor subdivision located at approximately Crow Mountain Road (600 East) & Upper Canyon Road. Zoned R-1-12
4. 7:40 p.m. Spencer Jensen has requested time with the Commission to discuss options for commercial property located at 36 South Main. Zoned CB (Central Business District)
5. 7:45 p.m. The Commission will continue discussion of Ordinance #14-05 which amends Title 17: Signs: 17.36.060 Permitted Signs: Permits not Required: 17.36.070: Prohibited Signs.
6. 7:50 p.m. Consideration of setting a public hearing for November 19, 2014. Consideration of a request by Chris Biggs for approval of a Dog Kennel Permit for four (4) dogs located at 200 Summit Drive. Zoned R-1-12
7. 8:00 p.m. **ADJOURNMENT**

Posted this 10th day of October 2014 at the Smithfield City Offices, City Web Page and the Utah Public Meeting Notice web site. Notice provided to The Herald Journal this 10th day of October 2014.

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.

EXHIBIT "A"

October 15, 2014

TO: Smithfield City Council

FROM: Kris Oliverson - 257 Summit Dr., Smithfield, UT

I am in receipt of the notification for a request from Chris Biggs to be granted a Kennel Permit for four dogs located at 200 Summit Drive, Smithfield, Utah. I have another obligation which makes it impossible for me to attend the meeting in person, and so I have asked Steve Fillmore to read my comments and concerns.

We live in a very accepting neighborhood. All were patient with Mr. Biggs in the beginning because of the personal challenges he was facing. They tried to be friendly and even offered assistance which was refused. He complains that we are not taking into consideration his needs and wants. When those needs and wants take away the safety, peace and cleanliness of all then we cannot continue to be patient with his continued noncompliance.

Mr. Biggs has continued to show disrespect for the neighborhood since his last request was denied. He has not been compliant with keeping only two dogs. He has acted as though he had been given the kennel permit and has had at least four dogs on his property. The fence he installed was poorly constructed and is actually falling down on the east side. His dogs are not contained inside the fence since they have dug under the fence as they did previously with the old fence. When outside of his property they have threatened the safety of neighbors and even those walking by his property.

There is also the concern of the well being of the dogs. We feel they are not cleaned up after adequately and obviously not kept within the bounds of his fence.

Because of the close proximity of the homes in this area, the danger of his dogs threatening people when they are loose, Mr. Biggs or a responsible adult not being able to be at home to monitor them, I request his permit be denied and he be made to comply with the guidelines he was given in the previous city council meeting.

Thank you for your consideration of the needs and safety of all those living in this neighborhood.