

Smithfield City Planning Commission
October 21, 2015
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 21, 2015**. The following members were present constituting a quorum:

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| Chairperson | Jamie Anderson |
| Commission Members | Curtis Wall |
| | Jackie Hancock |
| | Douglas Archibald |
| | Steve Edwards |
| Engineering Staff | Clay Bodily |
| Planning Staff | Jon Wells |
| Deputy Recorder | Char Izatt |
| City Council Member | Brent Buttars |

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 7:11 pm, due to technical difficulties with recording the meeting.

Opening Ceremonies: Jackie Hancock

Excused: Commissioners Pete Krusi, Stephen Teuscher and Bryant McKay

Visitors: Christina Kary, Lindsey Tubbs, Ward Taylor, Brian Lyon-Alliance Engineering, Kelly Luthi and Ryan Jensen

Workshop Session: The Commission will review and discuss the Reed v Town of Gilbert Arizona court case. This case deals with regulating signs in a content neutral manner in regards to First Amendment limitations.

Discussion held later in the meeting, prior to the discussion of the Sign Ordinance.

Resident Input:

No Resident input.

Consideration of Consent Agenda

Minutes of August 19, 2015 Planning Commission Meeting

After consideration by the Planning Commission, the Chairperson declared the consent agenda for the August 19, 2015 planning commission meeting minutes as approved.

Public Hearing to consider a request by Gib Cellan to rezone property (Parcel No. 08-105-0036, 3.97 acres) located at approximately 120 West 600 South from A-3 (Agricultural – 3 Acre) to GC (General Commercial).

The public hearing was declared open at 7:12 pm

Brian Lyons, Alliance Engineering, explained that he is representing Gib & Janel Cellan and reviewed the request with the Commission.

Chairman Anderson explained to Mr. Lyons that this portion of time was for the approval of the rezone for the commercial parcel and not for the townhomes and that he would have Mr. Lyons come back up for the Townhomes agenda item

There was no public input.

The public hearing was declared closed at 7:14 pm

Chairperson Anderson asked for questions or comments from the commission and there were none.

Motion: A motion was made by Commissioner Hancock to approve the rezone for Gib Cellan from A-3 (Agricultural-3 Acre) to GC (General Commercial) for property located at approximately 120 West 600 South (Parcel No. 08-105-0036, 3.97 acres).

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

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

The Commission will discuss and consider Density Bonus and Incentives for West Ridge townhome units to be located on property owned by Gib & Janet Cellan located at 500 South 150 West. Zoned RM

Mr. Lyons stated that they are looking at doing a development south of 400 South similar to the one close to Lee's Marketplace.

Mr. Lyons reviewed the list submitted by Ryan Rogers, agent for the development.

Mr. Lyons indicated there would be a Club House and a path.

Commissioner Hancock inquired if there would be an actual trail for bikes or just a sidewalk?

Mr. Lyons stated the path would basically go around the Club House.

Chairperson Anderson inquired if the City staff had already reviewed this? Was the Commission basically a rubber stamp?

Jon Wells stated that he did not feel the developers were exceeding the density bonus and incentives request.

Commissioner Edwards stated he wished he could think of a real hard question?

Commissioner Archibald inquired about guest parking?

Mr. Wells stated that the requirement for guest parking is one-fourth (1/4) parking spaces per unit.

Chairperson Anderson inquired if every unit has its own carport?

Mr. Wells stated that there has to be at least two parking spaces for each dwelling unit of which 1 ½ parking stalls per unit need to have a cover. He also stated there would be a requirement of 204 parking stalls for this development plus one-fourth (1/4) per unit for guest parking.

Mr. Lyons indicated that there was covered parking in the center area of the development. The plan provides 233 total parking stalls.

Mr. Wells inquired if all of them were covered stalls? He also stated that 3% of the stalls had to be in covered parking.

Chairperson Anderson reiterated that the requirement was 2 parking spots per unit with 1 ½ covered.

Chairperson Anderson inquired if everyone is good with the density bonus request?

Motion: A motion was made by Commissioner Edwards to recommend approval of the density bonus and incentives request for West Ridge townhomes to be located on property owned by Gib and Janet Cellan located at 500 South 150 West. Zoned RM

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

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

Public Hearing to consider approval of additional amendments to proposed Ordinance #15-14 which amends the Smithfield City Subdivision regulations, Title 16 in Particular Chapters 16.05 “Concept Plan”; 16.06 “Minor Subdivisions”; 16.09 “Preliminary Plats” and Section 16.12.030 “Preparation and Required Information”; and Amending the Smithfield City Zoning Regulations, Title 17 in Particular Section 17.32.070 “Expiration” and Chapter 17.84 “Intrablock Development”.

The Public hearing was declared open at 7:30 pm

No public input.

The Public hearing was declared closed 7:31pm

Chairperson Anderson inquired about the STRC meetings and that he would still like to attend on occasion.

Mr. Bodily stated that the STRC meetings are held on the 1st and 3rd Wednesday of the month.

Char Izatt suggested the commissioner’s check with staff prior to attending the meetings to make sure there isn’t more than one member of the Planning Commission attending.

Motion – A motion was made by Commissioner Wall to approve proposed Ordinance #15-14 which amends the Smithfield City Subdivision regulations, Title 16 in Particular Chapters 16.05 “Concept Plan”; 16.06 “Minor Subdivisions”; 16.09 “Preliminary Plats” and Section 16.12.030 “Preparation and Required Information”; and Amending the Smithfield City Zoning Regulations, Title 17 in Particular Section 17.32.070 “Expiration” and Chapter 17.84 “Intrablock Development”.

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

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

Please note: “There are portions of the following minutes that have been transcribed for accuracy.”

Christina Kary has requested approval for a Cattery Permit and also requests consideration to be a rescue location and a non-profit sanctuary for the existing cats currently located at 64 West 100 South. Zoned R-1-10

Christina Kary stated, “Well, over the last few years I have taken in strays, got them all fixed, got them up to date on their vaccinations, nursed them back to health and I have tried on numerous occasions to try and find them homes but have been told that both of our rescue facilities. Tried finding homes with friends and family, I have successful both times and both those cats have been returned to me, I ended up keeping them so at this point I would like to become more efficient at capacity and be an actual rescue start looking into the non-profit, I’m at

my capacity, I don't want to take anymore, I just want to be able to maintain the ones that I have. I'd like to be the representative for the towns for trap and return for other adoption avenues for other people so I would just like to continue what I am doing."

Chairperson Anderson inquired what Ms. Kary would do, if she would be taking in other cats at this point, and asked her to tell the commission and remind them how many cats she has.

Ms. Kary stated "twenty eight (28)".

Chairperson Anderson inquired "twenty four (24) are house cats and four (4) are feral?"

Ms. Kary stated, "twenty eight (28) are indoor cats and four (4) are outside cats, another one has shown up, I have checked around and no one claimed him and I got him fixed yesterday and he is back outside."

Chairperson Anderson, "so, if more show up what is your plan, sounds like they are maybe attracted to your home or something. If more show up?"

Ms. Kary, "they are going to stay outside, I know my capacity indoors- I am at my indoor capacity, they will stay outside. They will fixed and returned, it really has limited the number of roaming cats, I'm in a property where- I've got the long narrow lot and so does everyone behind me, so it is kind of an abandoned field with a couple of barns and it was a wild cat haven. That has been reduced too, like I said, the three, not more cat fights, no more cat's yelling in the night."

Chairperson Anderson, "Commissioners? Questions or comments?"

Commissioner Wall, "the city of Salt Lake passed a law-just recently that Pet Smart and any of the local stores could not sell or get dogs and cats from puppy farms, cat farms and they are working with the Humane Society. The Cache Humane Society is a do not kill one right now- they have certification now that they don't kill cats. Do you work with Pet Smart in trying to place cats for sale?"

Ms. Kary, "I actually work with Four Paws who has the cats at Pet Smart and I volunteer there weekly, cleaning their cages, socializing with the cats, grooming them and I am trying to get those cats homes. They live in a little tiny box and that is not healthy for these cats to live in tiny boxes, those are the cats that need homes. I do actively push those cats and try to find them homes."

Chairperson Anderson, "you go through Four Paws and other organizations to help place those?"

Commissioner Wall, "what do you think your success rate is and would you classify, you have 28 cats, the last four (4) as feral?"

Ms. Kary, “I do spend some time outside with them and they are getting more comfortable around people. It is necessary, I feel it would take a day or so to re-trap if I need to take them to the Vet, but I do monitor them every day to see how they are doing. I don’t know if they would just come up to anybody?”

Commissioner Wall, “you don’t work with our Animal Control, do we even do cats- does our Animal Control Officer- even pick up cats?”

Clay Bodily, “yes, we have holding place down by the Public Works shop and honestly, I don’t know what happens to them if they have been there for too long.”

Jon Wells, “I don’t know if he is set up for holding cats.”

Clay Bodily, “Well, he puts them in that little building and the Dogs are outside.”

Jon Wells, “so they put them in the small building? But I’m sure you can’t permanently keep them there. I’m not sure what he does with them.”

Commissioner Wall, “I was just wondering -if there was a connection with what we do as a City – if any – I was just curious as you look at the avenues to place the cats at Pet Smart, Four Paws and that kind of stuff. The Cache Humane Society – maximum 180 cats. Do you work at the Cache Humane Society?”

Ms. Kary, “no I haven’t worked directly with the Cache Humane...”

Commissioner Wall, “I was wondering if you got to the point where you were at a maximum of 28 cats and all of the sudden you are floating two more or four more and with your connections with them – they are really touting the do not kill.”

Ms. Kary, “they have made more improvements but they have also restricted their incoming so they can manage what they have, so yeah, if more show up they will be fixed, at this point they will be turned out and if they are more tame cats or more sociable cats, then yeah, we will try to find them homes but in the last few years, having all the cats in my immediate area fixed, we haven’t had new ones, not like the new batches you know, six and eight kittens showing up that I have to take care of them. We have one new male cat that showed up that is about a year old and he is fixed now. So hopefully, no more.”

Chairperson Anderson, “anymore questions?”

Commissioner Archibald, “any mice problems?”

Ms. Kary, “not anymore.”

(laughter)

Commissioner Wall, “I don’t think she has a barking problem.”

Chairperson Anderson, “so let’s talk a little bit about the desire to become a non-profit sanctuary. What do you have to do to get that established? Is that something you are currently pursuing?”

Ms. Kary, “it is something that I am starting to look into; I know that I have to be zoned as a Cattery first. I would like to be able to accept donations and have whoever donates to be able to write that off their taxes. It does take a lot to feed these cats, so having that tax exemption would help. Donations that I would also share with Four Paws and the Cache Humane and other areas. I would like to give some to the Veterinary Clinics in town to help people out in taking care of their animals. And I feel being a non-profit; I would be in more of a position that I could do that.”

Chairperson Anderson, “Land Use Matrix is an Administrative approval for a cattery.”

Char Izatt, “up to five cats.”

Chairperson Anderson, “anyone here to speak in support of this or to speak against this? I’m not sure if we have any concerns with neighbors, let start over here and please come up to the microphone please and state your name and we will let you have your say and we will hear from some of the audience.”

Ward Taylor, “we own a property in the neighborhood. I admire you for trying to take care of cats, but my goodness, in a residential area, where that is located, I’m in total opposition, other than that, I don’t have anything else to say.”

Chairperson Anderson, “are they negatively impacting your area and coming on to your lawn, is there- anything like that? Or is it just the number of cats that you have concern with?”

Mr. Taylor, “the number of cats.” I have seen other situations- where someone who wants them has a love for animals and the neighborhood just gets over run. That is my opinion.”

Chairperson Anderson, “did you want to say something as well?” (directed at Mr. Jensen)

Ryan Jensen, “do I need to come up there?”

Chairperson Anderson, “please state your name.”

Ryan Jensen. “We have a day care right next door and we have concerns with the cats being out and in the sandbox and it being a huge giant litter box.”

Chairperson Anderson, “I’m assuming your yard is fenced.”

Mr. Jensen, “our area is fenced.”

Ms. Kary, “can I reply to that? With the trap and return, I have narrowed it down to the three cats but they are free roaming, they are continually looking for mice, narrowing it down to three cats, having them all fixed has reduced the fighting, the straying, roaming and the spraying of their

territory. I would like to keep the three outside, because they have established this area as theirs and it is going to ruminate the continuous flow of cats. I do have a concern with Day Care next door but I feel that with what I have done, it has helped eliminate other cats from moving into that area. As far as the number of cats, with my application I did include letters from Veterinarians' office, from members of Four Paws rescue, from members of Cache Humane, plus my education, the way I am seeking more education to make sure it is a healthy and beneficial environment for the cats. I'm not just keeping a bunch of cats in my house, I am trying to make sure it is the best environment for them, with the training I am doing and the internships and with the support that I have – to make sure we are all on the same page to make sure they are being treated the best way possible.”

Chairperson Anderson, “how long have you been at your current residence?”

Ms. Kary, “nine (9) years, since 2006.”

Chairperson Anderson, “how many cats?”

Ms. Kary, “I did bring a few cats with me; it has just been over the years....”

Chairperson Anderson, “slowly building up over the years, so for a while you have had twenty (20) to thirty (30) cats?”

Ms. Kary, “well – (Nine (9) years- probably the last five (5) or six (6).”

Chairperson Anderson, “clarify this for me, are you actively trying to place those cats?”

Ms. Kary, “I have tried to actively place the cats, yes.”

Chairperson Anderson, “are you looking to get down to a smaller number of cats?”

Ms. Kary, “through natural attrition, yes.”

Chairperson Anderson, “so that is quite a few cats..um, I understand your concerns with the Day Care, doesn't sound like there is a noise problem or odor problem or anything like that from what I am hearing. What is the opinion of the Commission?”

Commissioner Edwards, “I will ask Mr. Jensen, you have been there quite a while, have you noticed, since they have been neutering these cats and so forth, is there less cats running around out in your neighborhood, or more?”

Mr. Jensen, “she does a very good job of taking care of her cats, I noticed that the cats are hers and they are there, I guess I am concerned with the amount, the numbers – it would be hard to keep track of all of them. Was there a mention of odor because there is kind of a bad smell from that side, as I mow the lawn, I notice a reeking odor, I don't know if that is from the cats or maybe a litter box or something that is pretty rank?”

Commissioner Edwards, “when you clean the litter boxes out- where do you put it?”

Ms. Kary, “I put them into the trash bag and the trash bag immediately goes into the trash can out by the street.”

Mr. Jensen, “as I mow the lawn is when I notice it.”

Commissioner Anderson, “all your litter boxes are inside and you are cleaning them twice a week – is that what you are doing?”

Ms. Kary, “I scoop them twice daily and I actually complete dump & wash-vinegar, bleach –the whole nine yards them out. Clean them daily, and refresh them twice a week. The trash can itself is out by the street in front of a vehicle that is parked there, so it is as far away from the house as possible.”

Commissioner Wall, “so as the city, with her having so many cats, does she have a license and looking at the requirements of what to do with other animal situations – we are only looking at too many cats in the first place- I guess, I am just asking. We kind of have some requirements already set up for house animals.”

Ms. Izatt, “we just don’t have a cat limit.”

Mr. Wells, “If we have a cattery or a kennel dealing with dogs, the ordinance doesn’t specify a maximum amount, but...”

Chairperson Anderson, “It just says over this amount, you need a permit.”

Mr. Wells, “exactly and so that is what she is here for, she exceeds the amount and is requesting a permit to have a cattery.”

Chairperson Anderson, “the license is good for three years, if we grant a cattery license. There is one thing we have done in the past, with the dog situation; I think we have said, we would look at that a little more frequently than the three years. Commission, what do you think?”

Commissioner Wall, “I’m a little nervous about twenty eight (28) cats, I’m not a person to have animals in my house. I sit here and look at the letter North Cache Veterinary services.. so what I understand you are saying is that twenty four (24) cats are yours, and they are fixed and they are done reproducing, as attrition comes they pass away and you are not replacing them?”

Ms. Kay, “correct.”

Commissioner Wall, “what you have is four (4) cats right now and they are considered wild.”

Ms. Kay, “three cats that are outside.”

Commissioner Wall, “and you had them fixed – I guess I don’t know that I am hearing that you are having a great success in placing those cats in other homes and that a couple of them that you had a chance to place.”

Ms. Kary, “there are a couple of them that I have had a chance but they are not the most adoptable cats, they are still standoffish with other people, they are more comfortable with me, they know me. Trying to adopt a cat out that is afraid of humans, it is going to hide under the bed, it is really hard to show those cats. A few have just chronic respiratory issues- they are not the most adoptable cats in the world. I am fine with them, I care for them, that is what I do. I don’t want to increase the numbers, I don’t want to increase the numbers outside and by fixing those particular ones outside it has limited, there is not the males roaming through the neighborhood. If they do come in, I am going to get them fixed and if I can’t find where they came from, then I take them back over there. I look at the avenues – if someone wants a barn cat, a field cat, but most of them already have cats, they don’t want anymore.”

Commissioner Archibald, “if you place a cat or whatever, I was just wondering, how far do they roam or how far do they go where they don’t come back.”

Ms. Kary, “sadly that is up to the cat, unfortunately.”

Commissioner Archibald, “there is no rule of thumb, or anything?”

Ms. Kary, “right. We can try and put a cat five miles out but if he makes his way back, he makes his way back. You know, if there aren’t enough mice or birds or something in his area, he is going to come to where he found one, hope that doesn’t happen. I’m at my limit. But if it does, I am prepared to take care of them, get them fixed and see what I can do for them. I don’t want to bring anymore in, absolutely not.”

Commissioner Hancock, “do you have any other animals in your house?”

Ms. Kary, “I have a dog.”

Commissioner Archibald, “One (1) dog and thirty-one (31) cats, not very good odds for the dog.”

Chairperson Anderson, “let’s move forward and make a decision here. I kind of have in mind of what might be the right thing to do.”

Commissioner Wall, “I just want to ask you- if permit is denied- what is your plan to do with the cats? Are you still going to want to keep them? Just trying to understand and get to the non-profit side. If that permit is denied, what is Plan B?”

Ms. Kary, “at this point, I think I would try to appeal, have an open house where you can come see the situation for yourself, maybe get some more letters of support-show the lack of resources and shelters here in town. The conditions that I have at home. You know, I will still look, but it

is just really hard to place cats. I just feel like the cats living in those tiny little cages at Cache Humane and at Pet Smart, need homes more than the ones that I have, they already have a comfortable home, I would like to put more energy into that. I would try to do something more to show that I am capable of handling these animals.”

Commissioner Edwards, “I have a question for the neighbors, if it wouldn’t have been put in a public notice and so forth, would you have known she had twenty eight (28) cats in her house?”

Chairperson Anderson, “I see one yes and one no.”

Mr. Jensen stated, “it is a rarity to see the cats outside. I have seen them outside a few times but it is a rarity.”

Ms. Kary, “Indoor cats stay inside. Outside cats do walk around on their own.”

Commissioner Edwards, “if they were a nuisance to the public, that would be one thing. Or disease or health hazard there would be a problem with it.”

Ms. Izatt, “two questions – I don’t know if she has them all licensed yet, I haven’t been able to find all the records, is that what you have with you or just the vaccinations.

Ms. Kary, “just the vaccinations, I was under the impression that I couldn’t move forth with any of the licensing or registering or anything until.”

Ms. Izatt, “you don’t have any licensed yet?”

Ms. Kary, “not yet, I thought that was what this was for.”

Ms. Izatt, “the city requires that you license cats. We have an ordinance that requires it. It is just the remaining animals. I think it is that you are not familiar with the ordinance with a cattery/kennel, because of your dog you can only have 5 animals total. You will need to make a determination of what you are going to do.”

Ms. Izatt, “the Commission can continue this request while Ms. Kary finds out more on the rescue and sanctuary. Ms. Izatt stated she is trying to do that herself since it is not something the city deals with on a regular basis. She indicated that she should bring up those points. If it is something the Commission approves, she will need to license all those cats unless she can prove with the rescue/sanctuary, that is part of what she is required to do. Ms. Kary is here because of due process.”

Commissioner Edwards, “my question, and I know cats have 9 lives but how long does one live? What is the life span?”

Ms. Kary, “depending on the cat, from 8 to 12 years is typical... “

Commissioner Edwards, “trying to place the cats assuming some are younger.”

Ms. Kary, "I have two that are 13 that are very frail. I have two older cats that I got in 2007, so they are getting up there. "

Commissioner Edwards, "I think I would be more comfortable if you had more of a plan in placing the cats. When you start licensing, that is when it is expensive."

Ms. Kary, "that is what I initially came in to do and that is when I was told to come do this, that is why I have not licensed them yet."

Chairperson Anderson, "Char, Let me see if I understood you right? Because she has one dog, she can only have a total of 5 total animals, regardless...."

Ms. Izatt, "that is by ordinance and nothing we can do there."

Commissioner Hancock, "five (5) indoor or outdoor animals?"

Ms. Izatt, "It isn't specific."

Mr. Wells, "It doesn't specify where they stay."

Commissioner Anderson, "so in light of what the ordinance says, what do you think about that? The fact that you have a dog only allows you to have five (5) total animals in your house or on your property. If there wasn't a dog we could consider having an X number of cats, that fact there is a dog there, it is a violation of the ordinance."

Ms. Kary, "she is 13 years old as well, I don't expect to have her for very much longer, plus she is protection for my home."

Chairperson Anderson, "would you replace the dog?"

Ms. Kary, "No"

Chairperson Anderson, "I don't know what other options there are in regards to the ordinance? We can give a six month grace period for her to work out some arrangements or what we need to do here?"

Ms. Izatt, "I am out of my league here, I have no idea what you can legally do?"

Chairperson Anderson, "Is it something that we need to talk to our City Attorney about and get an opinion?"

Ms. Izatt, "you could do that- right now she will have a grace period, so I don't know if that is something you all want to do while we talk to Bruce. I have a call in to a couple of cities- there aren't too many that address the residential, in Commercial locations they do. I am having a hard time finding what options she has, as far as the rescue and for the sanctuary or both."

Chairperson Anderson, “do you have a family or friend that can take your dog?”

Ms. Kary, “not really, again it is an older dog and no one wants that responsibility.”

Commissioner Wall, “so how long is the grace period?”

Ms. Izatt, “there isn’t anything in writing.”

Chairperson Anderson, “whatever you recommend?”

Ms. Izatt, “I don’t see the City going in to remove the cats, at this point, until something gets resolved. But I don’t know that, that would be up to the Police Department.”

Chairperson Anderson, “if she does qualify and becomes a non-profit sanctuary, does that change her having a dog plus multiple cats?”

Ms. Izatt, “it all depends how those rules & guidelines... I’m not even sure how the Humane Society is set up – if it is a sanctuary or a rescue or both? And that is not something that I have looked into yet.”

Chairperson Anderson, “what do you think?”

Commissioner Wall, “I think you are really admiral, but I really have some concerns about it. If you had come in and said I have placed eighteen (18) cats and I have this going and I have this relationship and funneling these cats through there, then I would feel a little more confident with the cats and the non-profit and all that kind of stuff, I just wish there was something saying to me, I am placing some cats.”

Ms. Kary, “yes, through Four Paws, other avenues.”

Commissioner Wall, “if you came in and said I’ve placed twelve (12) cats, then that is the thought process that you aren’t moving them along, I think it is just taking care of cats. That is my opinion, unless I am misunderstanding what you are trying to say to me. I am a little nervous of moving forward on twenty eight (28) cats.

Ms. Kary, “is it, I mean, the house, my house- I’m not sure what you are nervous about?”

Commissioner Wall, “nervous that you have twenty four (24) cats as pets. Nervous of not moving forward – pets and three cats that you are helping along.”

Commissioner Edwards, “I think there are some ordinance issues, my opinion would be to continue with this until another day where we can be more educated on what we are doing.”

Commissioner Anderson, “I’m not opposed to the number of cats you have. I think if you want to take care of cats, that is your business as long as they are not a nuisance or negatively impacting your neighbors. The problem is what the ordinance says. If that is the law, we really

can't change that. I'm not opposed to giving you a grace period and have you come back in a few months and see what the status is, if you still have the dog in six months, we may have to do something different. If in six months you don't have the dog, I don't know that I am opposed to it because of the way you are taking care of them and it does not appear to be a nuisance to the neighbors. That is my opinion. Other thoughts? "

Commissioner Wall, "I have respect for what she is trying to accomplish."

Chairperson Anderson, "absolutely."

Commissioner Wall, "I think it is great what she is trying to do and I'm not inclined to deny it at this point."

Commissioner Edwards, "definition of Cattery- new word for me – do you need to be in certain zoned areas- agriculture or something like that?"

Ms. Izatt, "it just allows someone to have more than five cats with a permit in their home and it is in all the residential zones. It just a word they came up to identify cats instead of dogs."

Mr. Jensen, "can I ask just one more question- if it goes through and like you are giving her a grace period and something happens and it does go through, it passes and she gets it – it isn't a nuisance now, what if in the future- is this something that she would have to renew - that is a possibility, every cat acts different it could turn out to be a circus."

Chairperson Anderson, "permit is good until it becomes a nuisance. If it becomes a nuisance a complaint needs to be filed with the city. The permits are generally good for three years, so she would have to renew every three years."

Mr. Taylor, "are you at all concerned about setting precedence?"

Chairperson Anderson, "always."

Mr. Taylor, "that is something I would really be concerned about."

Chairperson Anderson, "we think about that all the time. I don't know how much of precedence there is, there are probably other people within the city limits that exceed the number of cats in their home and we don't know about, and we are not aware of it. I'm sure it exists in other places in the city. You probably didn't know you were in violation until you went to license your cats. And I am sure there are other people in that same situation. So we are always concerned about precedence, but I think every situation is different. If someone comes in with seven (7) cats and they are all over the neighborhood and causing problems or scratching kids and not cleaning up after them, then we don't have to give that permit. With everything I have read, you are taking good care of these cats. If we do it for her, it does not mean we have to do it for everyone else that comes in. Each situation needs to stand on its own merits. So what is the recommendation?"

Commissioner Edwards, "I recommend we continue to another day until we can find more information on it. One thing I would like to see is a plan to not have them that long, to get rid of some of them. I like what you are doing with the neutering, looks like maybe dwindling them down to where you don't have as many as you have now."

Ms. Kary, "okay."

Commissioner Edwards, "that is my recommendation."

Commissioner Wall, "we still have the issue with dog and the crazy situation with the other cats, you have to look at that."

Chairperson Anderson, "do you have a time frame on continuing this thing?"

Commissioner Edwards, "I wouldn't drag it on, within a month, come in and see and we can vote on it and say no or yes."

Chairperson Anderson, "other thoughts?"

Commissioner Wall, "if we give her the opportunity to come back, she isn't going to have to pay another \$35.00 filing fee again, is she? This is a process we started."

Ms. Izatt, "correct."

Commissioner Wall, "I'll make a motion....."

Chairperson Anderson, "before you make a motion, Jackie, what are your thoughts? Come back next month as well."

Commissioner Hancock, "I think yeah- I don't want to put it off in six months and see what happens in six months, I think if the ordinance is there and she has a dog and that many cats, I think we should not drag it out that long."

Chairperson Anderson, "Doug what is your opinion?"

Commissioner Archibald, "a month sounds pretty quick, I am comfortable with two months or maybe even three, how do you feel about a month?"

Chairperson Anderson, "I think for it be fair to you, I think we need to tell you what we expect from you whether it is 30 days, 60 days, 90 days. I think we need to be able to say, her is what we want to see from you in the time frame. That is why I want to hold off before we make a motion. What do we want before she comes back?"

Commissioner Archibald, "my concern, from what I heard, I understand that she keeps expanding the amount of cats, that is my concern."

Chairperson Anderson, “we got to at least agree that we are going to hold the number of cats.”

Commissioner Wall, “I think she needs to come back with a plan how to reduce the amount of cats-figure out where the dog fits in. So if Mr. Jensen smells the odor maybe there is communication problem, say maybe the trash can needs to be on the other side of the house or somewhere else. Mr. Taylor, you say you are the owner of property by her or you live by her.”

Mr. Taylor- “I own the property.”

Commissioner Wall, “so you are not actually there, you just know it is happening.”

Mr. Taylor, “our tenant has a problem with them.”

Chairperson Anderson, “possibly a communication process the tenant has with her. I understand your concerns.”

Commissioner Wall, “suggested Ms. Kary check with neighbors – maybe that helps..”

Mr. Taylor, “where that is in a residential area...”

Commissioner Wall, “yeah- I understand that.”

Chairperson Anderson, “what is the cost of licensing a cat?”

Ms. Izatt, “six dollars, if they are neutered or spayed.”

Chairperson Anderson, “I wrote down four things here:

1. Won't take in anymore cats
2. Placement Plan
3. Placement plan needs to also state what to do long term with the dog
4. Stipulation in the ordinance to get them licensed

I understand you are already moving forward to get them licensed. Are we thinking 60 days?”

Commission: Yes

Chairperson Anderson, “do you feel that gives you enough time to come up with those items?”

Ms. Kary, “yes.”

Chairperson Anderson, “any further discussion? This has been interesting. I appreciate what you are doing – I'm not a cat person, I am allergic to them, so the fact they are at your house, I am okay with that.”

Motion: A motion was made by Commissioner Archibald for temporary approval for a cattery permit for Christina Kary for sixty (60) days. At that time she is going to return with a plan to

not to increase the number of cats, and to increase the number that are placed, and address what she is going to do with the dog, and license those animals.

The motion was seconded by Commissioner Wall.

Chairperson Anderson, “any additional concerns or amendments to the motion?”

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

The voting was unanimous.

Chairperson Anderson, “any questions for us?”

Ms. Kary. “not at this time.”

Commissioner Wall, “this is a good email address you have on here?”

Ms. Kary, “ yes.”

The Commission discussed the Reed v Town of Gilbert Arizona court case, from the earlier agenda time.

Chairperson Anderson, “Did anyone read that .pdf that Char sent to us on that court case?”

Commissioner Archibald stated that he had read part of it.

Ms. Izatt stated that is why she noted sections 2 and 3. The whole case is really good, you really should read it if you have some time.

Chairperson Anderson stated that you can’t put anything on a sign anymore without offending somebody.

Ms. Izatt indicated that it isn’t a law, it is a court case.

Chairperson Anderson responded that it is a Supreme court thing.

Ms. Izatt commented that until the State of Utah creates a statute that says, we have to do this- this is just going to be information to guide ordinance decisions.

Chairperson Anderson inquired if Ms. Izatt did not think Federal Law is going to supersede State Law in that regard.

Ms. Izatt stated, “well it is a ruling – it hasn’t come out in statute or an administrative rule.”

Chairperson Anderson stated that was true.

The Commission will continue review & discussion of the Sign Ordinance and proposed amendments.

Chairperson Anderson inquired. "Is it your expectation that we just review this one more time and say, yeah, this is what we want to do?"

Ms. Izatt stated, "yeah – we have a long ways to go still, but if we could at least get the Temporary sign part, the few changes and maybe incorporate those and then as time goes, I think as staff and management talk about wanting to review the sign ordinance, as always, it takes time to do that. If you want to add these few changes, we can do that as a separate ordinance and then try and tackle the sign ordinance again, once we know what other communities are doing- the court case is going to become case law and it will be spread out and start to change- but I don't know what kind of time frame. That is why Craig Giles, City Manager, wanted everyone to be informed."

The Commissioner discussed the wording in chapter and section 17.36.070 of the sign ordinance. It was suggested that some of the wording be crossed out and clarified.

Commissioner Wall used Rigo Chaparros' truck, as an example. Mr. Chaparros' truck has advertising on it and it is parked inside the parking lot. The consensus was that would be considered compliant signage.

Chairperson Anderson stated he wanted clarification on highlighted wording, specifically on the time frame for vehicles with signage parked in the public right-of-way.

The Commission discussed the wording and it was determined to leave it as discussed.

Commissioner Edwards stated this is his last meeting and that he is moving and selling his home. He also stated that it was a pleasure to serve on the Commission and that he has known Char from both sides of the table and stated that Smithfield is a great town.

ADJOURNMENT

MOTION: A motion was made by Commissioner Edwards to adjourn the meeting at 8:30 p.m. The motion was seconded by Commissioner Hancock. The voting was unanimous.

Commissioners voting in favor: Wall, Hancock, Anderson, Archibald, 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 21, 2015 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 Reed v Town of Gilbert Arizona court case. This case deals with regulating signs in a content neutral manner in regards to First Amendment limitations.

Agenda items:

1. 7:03 p.m. Resident Input
2. 7:08 p.m. Consideration of Consent Agenda
Minutes of the August 19, 2015 Planning Commission Meeting
3. 7:10 p.m. **Public Hearing** to consider a request by Gib Cellan to rezone property (Parcel No. 08-105-0036, 3.97 acres) located at approximately 120 West 600 South from A-3 (Agricultural – 3 Acre) to GC (General Commercial).
4. 7:20 p.m. The Commission will discuss and consider Density Bonus and Incentives for West Ridge townhome units to be located on property owned by Gib & Janet Cellan located at 500 South 150 West. Zoned RM
5. 7:30 p.m. **Public Hearing** to consider approval of additional amendments to proposed Ordinance #15-14 which amends the Smithfield City Subdivision regulations,

Title 16 in Particular Chapters 16.05 “Concept Plan”; 16.06 “Minor Subdivisions”; 16.09 “Preliminary Plats” and Section 16.12.030 “Preparation and Required Information”; and Amending the Smithfield City Zoning Regulations, Title 17 in Particular Section 17.32.070 “Expiration” and Chapter 17.84 “Intrablock Development”.

6. 7:40 p.m. Christina Kary has requested approval for a Cattery Permit and also requests consideration to be a rescue location and a non-profit sanctuary for the existing cats currently located at 64 West 100 South. Zoned R-1-10
7. 7:50 p.m. The Commission will continue review & discussion of the Sign Ordinance and proposed amendments.
8. 8:00 p.m. **ADJOURNMENT**

Posted this 16th day of October 2015 at the Smithfield City Offices, City Web Page and the Utah Public Meeting Notice web site. Notice provided to The Herald Journal this 16th day of October 2015.

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.