

Smithfield City Planning Commission

November 19, 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, November 19, 2014**. The following members were present constituting a quorum:

Chairperson	Jamie Anderson
Commission Members	Bryant McKay Jackie Hancock Pete Krusi Steven Teuscher

Engineering Staff	Clay Bodily
Planning Staff	Jon Wells
Deputy Recorder	Char Izatt
Minutes	Stacey Dority
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 7:00 p.m.

Opening Ceremonies: Commissioner Hancock

Visitors: Adam Hill, Aarron Taggart, Tanya Olson, Katherine Larsen, Edith Lillywhite, Jeff Nielsen, Nathan Hadfield, Ben Bodily, Tina Howard, Dirk Howard, Wade Lindley, Sarah Mickelson, Dennis Thompson, Steven C. Taylor, David E. Doxsee, Pam Peterson, Robert Peterson, Jeff Jackson, Janet Humpherys, John Humpherys, Jeff Barnes; City Council Member

Absent: Douglas Archibald, Commissioner

Excused: Curtis Wall, Commissioner, Steve Edwards, Commissioner

Workshop Session:

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

Chairperson Anderson referred to the information that was issued in the commission packets regarding the feedback on the assisted Living facilities. He opened for comments from the commissioners.

Commissioner Teuscher questioned if anyone had requested opening an assisted living facility in Smithfield.

Mrs. Izatt replied yes we have been contacted.

Chairperson Anderson inquired if they were interested in a tier one or tier two assisted facility. He mentioned he had looked on a State website and was familiar with the home in Mendon which Commissioner Wall had discussed last session. He said the State would call that facility a small healthcare facility; which could be in any residence or agricultural area. Services may be long or short term. Service may include assistance for all or some have ADLs (Activities of daily living). Patients may be dependent, semi-independent or have a chronic health issue. Services are on an intermittent basis, not 24 hours a day. The small health care facility the resident lives in is a licensed home occupied by the owner or operator. The resident receives supervised nursing care on a daily basis from a written plan of care. Residence receives assistance with medications and must be free of communicable diseases and they do not require 24 hour nursing care. It sounds like that is what they are allowing in Mendon. We could allow that in any residential area. Chairperson Anderson didn't think they would want this in a multi-family residential area, but anything zoned R-1-10 or higher could accommodate that. His opinion on the tier one and tier two facilities is they keep those as currently zoned as nursing homes.

Commissioner Teuscher agreed that the facility matches what the city will allow.

Commissioner McKay wondered about a one or two person home showing up all throughout the community instead of a 30 person assisted living in one area and then a small one in a different area of town. He was worried about being checkerboard with a lot of different assisted living homes. A 30-50 bed facility is what he would like to look at. He isn't sure where it could be placed.

Commissioner Krusi looked at North Logan's ordinance and they require 5 acres and should be closer to commercial areas. The smaller ones are okay in the residential areas and they would need to make sure that there is access to it.

Mrs. Izatt replied there are preschools throughout the city with 30 or more children. She isn't sure how to control the amount of assisted living. We have control as we discuss this issue and it may take time, but we need to continue to take time and think it through so we will all feel good about this issue. The commission doesn't have to worry about all the things the state

regulates, you need to determine what you are comfortable with and the sizes. In North Logan they have the matrix where they have the small assisted living zoned in different areas. They treat small facilities differently. We need standards so we don't run into problems. Parking we generally address very well. Size, do you want to have a five acre or a three acre. You are actually assigning zones. We used to do that with PUD's, where you had to have five acres. We have revamped that now. We can keep going the way we are going unless we start with what you just discussed.

Chairperson Anderson summarized that in preparation for next month we should come prepared with the size of land and the size of facility, the zone and parking. The only question for the small health care facilities is do we have to have special parking for them or do you just assume people will just drop off their patients and not stay. That is something we need to figure out as we go along. He turned the time to Mrs. Izatt to discuss temporary signs.

Mrs. Izatt responded that Mr. Wells found the ordinance that would probably work for us and then they tweaked it several years ago to allow businesses more latitude during Holidays and special events to advertise with temporary signs. We have had a little problem with citizens running into the commissioners or city council members and wanting to discuss the ordinance. They feel we are really strict with the signage, but in the same breathe they want to keep Smithfield nice and tidy. If the citizens are not comfortable with the sign ordinance they can come to the planning commission meetings and try to improve on it. The more informed we are when someone approaches us it will be easier to enforce. It doesn't need to continue in the workshop session; rather it would be beneficial to gain knowledge in this area. Please read through this ordinance and get familiar with it because it will help you answer questions.

Commissioner Teuscher replied the individuals who want to do the temporary signs need to have knowledge of it as well.

Mrs. Izatt informed the commission that she sends out the ordinance to new businesses and tries to inform them. The people who call in just want to use signs as they would like to. The biggest issue is the off premise sign and they have to be on private property. We contact the people if we pick up their signs. Consistency would be nice. The city council will work with businesses on sales. Smithfield Implement comes in when they have their crazy day sales. The biggest problem we have in the city is off premise signs. The city workers pick up a lot of signs and call the businesses so they can come and get them. The permit is \$25.25 and it does allow you 21 days that can be used in day increments, for a total of 21 days. The City Council will generally work with you on special sale events. Just bring a letter in and the Council will review your request.

Resident Input

No Resident Input

**Consideration of Consent Agenda
Minutes of October 15, 2014 Planning Commission Meeting**

After consideration by the Planning Commission, the Chairperson declared the consent agenda for the October 15, 2014 planning commission meeting minutes as approved.

Chairperson Anderson stated the next item is a Public Hearing and by law they cannot start until the assigned time which is 7:30 pm. He turned the time to Mrs. Izatt for information regarding training.

Mrs. Izatt discussed training and how the commission would like to go about it. She could arrange to get the county to come and train. The commission felt it was better if they would come here and incorporate it into the meetings.

Chairperson Anderson felt like conditional use permits would be a good training. It is good to have a refresher.

Mrs. Izatt mentioned a couple of the council members would be working on the dog kennel ordinance. They took the proposed dog kennel out of the ordinance that we worked on regarding flagpoles. It will probably be coming back to the commission. There are a lot of concerns with the law change, the amount of dogs and fixed dog runs. If there is anything you have thought of since the change, let us know so we can put our input into the ordinance.

Chairperson Anderson inquired if they want the commission to participate?

Mrs. Izatt thought a committee would be nice, with the administrative and legislative issues it would definitely be up to the council.

Councilmember Buttar's questioned if it would be okay to approach that in January?

Chairperson Anderson replied yes that would be an okay time to discuss the changes.

Commissioner McKay asked Mrs. Izatt to restate the changes to the state law so it would be clear.

Mrs. Izatt stated it says we cannot be breed specific and what is in place is now void. The actual implementation begins in January.

Chairperson Anderson called for any other administrative item that needs to be discussed.

Review of an annexation request from Jessica Tams Quinton for property containing 15.40 acres. Parcel #'s 08-045-0035 (9.83 acres); 08-045-0022 (5.57 acres) located approximately 861 Upper Canyon Road. (Crow Mountain Road (600 East) and Upper Canyon Road)

Steve Taylor is an agent for the Quintons and helping with the process of annexation. They will leave the house in an A-10 zone. They have horses and would like to leave that there. They would like to create a residential zone around them that would be comparable to the areas around them to the west and north. That would include improving the road. The other zoning that Ironwood is bringing in would hook on and bring it down and around.

Chairperson Anderson clarified this would come in as an A-10.

Mr. Taylor responded they would come in with a full rezone and then a subdivision request after that.

Chairperson Anderson called for any questions about the annexation? The Commission followed the annexation evaluation worksheet step by step:

- 1) Does the property under consideration for annexation fall to the area designated for expansion in the cities annexation policy plan? Yes
- 2) Is the property under consideration for annexation continuous to existing city boundaries? Yes
- 3) Are only whole parcels being considered for annexation except in cases where property owner has signed a partition? Yes
- 4) If the practitioner states a proposed land use for the property under consideration is the proposed land use in harmony with the general plan? Yes it will be subdivided and rezoned per the approval of the commission.
- 5) Is the city's general plan indicating a need for park or trail in the area proposed for annexation? No. Mr. Bodily understood when we rezone we can review that again. Mrs. Izatt commented we are just reviewing at this point. Mr. Wells stated originally they had talked about an access road along the corridor back in the days they were going to do the trail. Allowing additional access to the north. The road dead ends at private property and the owners have not granted access.
- 6) Will the annexation likely encourage urban sprawl? No.
- 7) Planning Commission's recommendation or concerns? None

MOTION: A motion was made by Commissioner Krusi recommend the annexation request from Jessica Tams Quinton for property containing 15.40 acres. Parcel #'s 08-045-0035 (9.83 acres); 08-045-0022 (5.57 acres) located approximately 861 Upper Canyon Road. (Crow Mountain Road (600 East) and Upper Canyon Road) The motion was seconded by Commissioner Teuscher. The voting was unanimous.

Commissioners voting in favor: McKay, Hancock, Krusi, Anderson, Teuscher

Public Hearing to consider a Conditional Use Permit application from David R. Lillywhite to allow a six (6) lot minor subdivision/intra block development located approximately at 135 South 300 West and 151 South 300 West. Zoned R-1-12

The public hearing opened at 7:35 p.m.

Jeff Nielsen is the surveyor on the project and will represent Mr. Lillywhite today. The Lillywhite's are proposing to put a six (6) lot subdivision at 140 South 300 West. There are already two homes against 300 West so we are looking for four (4) additional lots behind them. There is an existing barn that will have to be removed to facilitate the development, but it seems to fit with what has been done in the past.

Chairperson Anderson questioned if they would leave the two houses there.

Mr. Nielsen commented yes.

Chairperson Anderson assumed the road into the cul-de-sac was a private drive? Will it be like a homeowners association with dues?

Mr. Nielsen replied yes there is a note that states all owners of the subdivision will be required to maintain and may use the private drive.

Commissioner Teuscher assessed if the existing building would be part of the association?

Mr. Nielsen replied yes.

Chairperson Anderson inquired if the existing buildings were rental properties?

Mr. Nielsen replied the building to the north is vacant the one to the south is being lived in.

Mrs. Lillywhite commented that someone would remodel the home to the north.

Chairperson Anderson responded he is not a huge fan of private drives because as soon as it snows everyone wants it plowed. He questioned how wide the road would have to be to become a public road.

Mr. Bodily replied the minimum width is 50' right of way. If it was a Planned Unit Development (PUD) it could be a 40' standard they could use.

Chairperson Anderson asked if they had considered making that private drive a public road.

Mr. Wells commented yes they had, Mr. Gass is more in favor of public roads.

Mrs. Izatt inserted it meets the intra block requirements. She added when they discuss the Home Owners Association (HOA) they are protecting that someone can't park in the middle of the driveway. It is really a driveway not a road. We have had problems in the past with people parking in the middle of the road. This would keep it as an open access. She inquired if the Lilywhites were considering doing a full HOA?

Mr. Nielsen was under the impression they would need the HOA to maintain the road.

Mr. Wells commented there will be maintenance involved in order to take care of that road; the same as you having to maintain the driveway at your own home. Someone will have to repair it when the asphalt breaks up.

Chairperson Anderson questioned the trees that lined the house on the north. Are the trees going to stay, or will they be taken down?

Mr. Nielsen was hoping the trees would stay but the right of way line goes right through them. They tried to push the road south the best they could.

Chairperson Anderson restated his biggest hesitation is the fact it is a private road. Apparently if Jim has signed off on it, the city staff is okay with it.

Mr. Wells confirmed it isn't working so basically what they are dealing with is an intra-block development.

Chairperson Anderson opened the discussion to anyone in the audience that would like to comment on the intra block development.

There were no comments.

The Public Hearing was closed at 7:40 p.m.

Mr. Wells had a question for Mr. Nielsen. There is a small strip of property between the right of way and lot number six (6).

Mr. Nielsen replied it is attached to lot number five. The reason it is attached to lot number five is because it was too narrow and lot number six was already sold in another parcel. It was something Mr. Gass acknowledged.

Mr. Wells understands where the right of way is, but he is thinking if lot number 5 owns that piece, it won't allow number 6 access out onto the private driveway.

Mr. Nielsen agreed. He felt maybe the way around it would be to make lot number 1 and lot number 6 have exclusive access to the 300 west and the back lots would have use of the private drive.

Mr. Wells pointed out if he deeded the small strip to lot number 6, it would reduce the size of lot number 5 below the 12,000 sq. ft.

Mr. Nielsen responded no it would not. He made sure lot number 5 was big enough just in case we could do that in the future.

Mr. Wells finished it was just a thought there is a potential that lot number 6 may want to use that driveway and it may be prevented if the owner of lot number 5 said you can't cross that property. He asked Mrs. Lilywhite if they had talked to the owners of lot number 6 about the drive. He knows the ordinance talks about protective strips and they are not allowed. This is what we would consider a protective strip. There should be more discussion on that little parcel of land.

Commissioner McKay had a question on the private drives. First, when you get into the circle do you have to have that large enough for emergency vehicles?

Mr. Bodily commented he and Jim had been looking at what the sanitation department had sent to them. It would require 65' to 70'. The fire code requires the 70'.

Mr. Wells mentioned if they had to have a fire hydrant they would keep it out on 300 west and it would fit into the parameter of 300' of a structure. Typically in this part of town the hydrants are on the corners. If they did have to put in a hydrant it would be out on 300 west.

Chairperson Anderson called for any recommendations on this strip of land.

Commissioner Krusi inquired what Mr. Wells would recommend.

Mr. Wells wasn't sure. Either deed it to lot number 6 or make it possible that lot number 5 cannot prevent lot number 6 owners to come across.

Mr. Nielsen felt an easement or right away would be the best option.

Commissioner McKay inquired who would maintain it.

Mr. Nielsen responded it is part of lot number 5 so it would be there responsibility.

Chairperson Anderson explained they needed to know how Mr. Nielsen would handle this strip so they could include it in the motion.

Mr. Nielsen recommended an easement or right away would be best.

Mr. Wells explained it is not in violation. Lot number 6 has access to the public road, and in fact their current driveway is out on 300 West. They wouldn't have any change in how they are accessing their property. The developer needs to take a good look at that property and see what they want to do with it so there are not future conflicts with landowners.

Mr. Nielsen responded he doesn't have a problem with writing an easement across it.

MOTION: A motion was made by Commissioner Hancock to approve the application for the Conditional Use Permit for David R. Lillywhite to allow a six (6) lot minor subdivision/intra block development located approximately at 135 South 300 West and 151 South 300 West. Zoned R-1-12. The motion was seconded by Commissioner Krusi. The voting was unanimous. An amendment to the motion was made by Commissioner Hancock that there be an easement between lot five and six. Commissioner Krusi seconded the amendment.

Commissioners voting in favor: McKay, Hancock, Krusi, Anderson, Teuscher

Public Hearing to consider recommendation of proposed Ordinance #14-05 which amends Title 17: Signs: 17.36.060 Permitted signs: Permits not Required: 17.36.070: Prohibited Signs.

The public hearing opened at 7:56 p.m.

No public comment.

The public hearing closed at 7:57 p.m.

MOTION: A motion was made by Commissioner Krusi to approve Ordinance #14-05 which amends Title 17: Signs: 17.36.060 Permitted signs: Permits not required: 17.36.070: Prohibited Signs. The motion was seconded by Commissioner McKay. The voting was unanimous.

Commissioners voting in favor: McKay, Hancock, Krusi, Anderson, Teuscher

Nathan Hadfield has requested approval of an Animal Rights Permit for one (1) Large Size animal and one (1) medium size animal on .80 acre of property located at 157 East 200 South Zoned R-1-10.

Mr. Hadfield explained to the commission he would like to bring in one cow and a lamb.

Chairperson Anderson inquired if there were any outbuildings on the property.

Mr. Hadfield replied yes there are outbuildings back by the canal. The canal runs behind the property.

Chairperson Anderson considered if there were any concerns with keeping waste out of the canal.

Mr. Hadfield explained the pasture is fenced off and then there is a corral within the pasture where the animals would be.

Mrs. Mickelson, adjacent neighbor, stated she has no problems with this permit.

Chairperson Anderson asked if the commissioners had any questions or comments.

Mrs. Hancock noticed the amount of space between the house and the neighbor's home. She asked Mr. Hadfield if the space was okay.

Mr. Hadfield replied there is ample space. The fence that is around it is behind the building a few feet.

Mrs. Izatt explained a permit is good for three years and neighbors will be notified when Mr. Hadfield goes to renew. A permit can be revoked if needed.

Commissioner Krusi commented with the size of the property he would only be able to have 1.5 AEU.

Mrs. Izatt commented yes and it would be a good idea to put that in the motion.

MOTION: A motion was made by Commissioner Krusi to approve an Animal Rights Permit for 1.5 AEU for Nathan Hadfield who has .80 acre of property located at 157 East 200 South Zoned R-1-10. The motion was seconded by Commissioner Teuscher. The voting was unanimous.

Commissioners voting in favor: McKay, Hancock, Krusi, Anderson, Teuscher,

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

Jeff Jackson mentioned there is one change with a desire to create connectivity with the road between lot one and two. The addition of the road is the only change.

Chairperson Anderson noted they had seen this change in the last meeting and there are no other concerns.

MOTION: A motion was made by Commissioner Krusi to approve the Ironwood Development Group, LLC, agent for Cindy Archibald, the final plat for Smithfield Highlands the Final Plat for Smithfield Highlands, a six (6) lot, minor subdivision located at approximately Crow Mountain Road (600 East) & Upper Canyon Road. Zoned R-1-12. The motion was seconded by Commissioner Hancock. The voting was unanimous.

Commissioners voting in favor: McKay, Hancock, Krusi, Anderson, Teuscher,

Dirk Howard has reapplied for consideration of approval for a Dog Kennel permit for three (3) dogs located at 243 Hillside Drive. Zoned R-1-12.

Tina Howard informed the commission they are changing the application for a dog kennel permit to three dogs. They had an open house for all neighbors and commission members to come and see their dogs. They felt they were able to answer neighbors' concerns and allow the neighbors to become more comfortable with the dogs. She reminded the commission they take the dogs to work with them and find sitters for them when they are gone. The dogs are always being taken care of. When their daughter visits she brings two dogs over, at times there will be five dogs but not overnight.

Dennis Thompson lives next door to the Howards. He did go over to the open house. When he went over the dogs came over and sniffed him and his wife in the crotch. Mr. Thompson has 16 grandkids and he has two boys that play together and when the third boy comes they are holy terrors. It is the same with dogs. If you want all the animals, then go someplace they allow it.

He doesn't like the fact the dogs are there. They talk a lot about the dogs being friendly and nice. You can't predict when they will bite. The dogs may not intend to bite but that is their line of defense. He asked Chairperson Anderson what an ordinance is.

Chairperson Anderson replied an ordinance is a law or guideline.

Mr. Thompson felt like the ordinance should hold tight to what it says and not always add additional permits to change the original ordinance. Let the Howards have the two dogs, it is third dog he is against.

Dave Doxey went over and met the dogs but he felt things needed to be clarified. The Howards want three dogs and they admit their daughter will come over with two more dogs and that means they will have 5 dogs a good percent of the time. They talk about how friendly the dogs are. They are not friendly and they are not in the house like they say. Mr. Howard does not encourage the dogs to play. Mr. Doxey walks by and the dogs charge the 4 ft. fence. They should be required to have a 6 ft. fence. He didn't feel like they realize what they are asking with the liability they acquire with that many dogs. They would wind up with litigation. The idea of a kennel permit in our type of neighborhood is out of sync. He felt that two dogs should be the limit. If they want that many dogs they should move to a better suitable neighborhood. He hopes it will be denied. If approved they should have a condition being a six foot fence.

Mr. Bodily explained the backyard of 880 is still considered the frontage and it could be put back 30 ft. from the property line.

Tanya Olsen lives at 229 Hillside drive. They share two fence lines and has been there 12 years. She has recently moved but is still owner of the property. She would approve the permit. In the neighborhood we want the assurance of the safety of the neighborhood and pet owners. The dogs are family oriented and sociable. They are well groomed and taken care of. She was at the open house and had many neighbors come by. The dog's nature is always controlled by the Howards. The dogs are always with them, with collars, and the dogs are exercised at dog parks. How do we mitigate that we ensure the safety of everyone? Dogs will bark and dogs are curious and if we are threatened we are not sure what they will do. As a community we need to be careful as we walk by and not encourage the dogs. Mr. Doxey mentioned the fence. If there is a real threat exceptions can be made and have a higher fence put up. She felt the Howard's are very responsible. She would go to them first if there was a problem.

Robert Peterson lives across the street from the backyard. He has noticed improvement with the dogs. If the 6 ft. fence was there it would take care of a big part of the problem. With three dogs they have settled down more. He would like to see a 6 ft. fence and two dogs.

John Humpherys lives on the corner of Summit and 880. He sat down and talked with Dirk and Tina and he sat down with the dogs. He loves animals and his wife hates them. He was able to feel better about the situation after the open house. His concern is he already has a neighbor with a kennel permit and now this, so he worried if the neighborhood is going to the dogs. It is noisy and they bark when he is out in the yard. Noise pollution is the biggest problem.

Mr. Wells felt the fence on 880 east is gray area and we could list that as the backyard. It is a matter of interpretation.

Mr. Bodily felt there would need to be a boundary line adjustment; creating one lot instead of three separate parcels.

Mr. Wells commented the ordinance states you can only have two dogs if you want more you need a conditional use permit. That tells us the ordinance allows more than two dogs. The Howards are pursuing that avenue.

Mrs. Howard wanted to address the fence issue. They moved in, in 2001, and the Covenants, Conditions and Restrictions (C,C&R's) were given out. They were not given a copy of the C,C&R's at the title company. They ended up buying the two lots and drew out exactly what they wanted. They had a schedule of blooming and seasonal things in 2005 there were 20 apple trees, 6 peach trees, 2 apricot trees, 2 nectarine trees and 4 pear trees. They took a lot of time to decide on the size of fence. They felt the 4 ft. fence would be the most adequate. In 2007 they purchased new land but the economy turned and they were not able to move. Because of the situation of the fence and chickens they decided to quit gardening at their home. The dogs always have their collars on.

Mr. Doxey inserted that they are asking for a kennel permit. Anything that passed about the fence has passed. If they are granted a kennel permit they need a 6 ft. fence. They can give up some property for that fence.

Mr. Krusi questioned the electronic collars and fencing.

Mrs. Howard stated they start with a tone and then they can get shocked. They try to react quickly when the dogs are barking.

Commissioner Teuscher inquired if they needed to have the whole back yard for the dogs. Could they install a 6 ft. fence in a smaller area?

Mrs. Howard said they are preparing the house for sale. A six ft. fence is not in the plans. The lots will be maintained as 3 lots and sold individually. She is hesitant to keep the dogs confined. She wants them to be able to run and play.

Commissioner Krusi discussed an electric fence that would help keep the dogs in the certain area.

Commissioner McKay questioned if they had considered a dog run? A dog run is portable and can be taken with you when you move.

Taylor Howard felt the amount of training they have put into the dogs had not been brought up. They spend a lot of time with all the dogs and try to get them to obey and command. They use strict training. There is great communication. It takes a great amount of time. Most dogs are quite gifted when in the hands of the right owner.

Chairperson Anderson commented he had gone to the open house and has dog anxiety. He wanted to make a couple of points based on different comments he had heard. To address Mr. Thompson's comment about can you get a conditional use permit to go 50 mph? Obviously that endangers the welfare of the neighborhood. That wouldn't happen. He had heard a comment about a kennel is a commercial venture. You shouldn't have commercial ventures in the neighborhood. He doesn't feel the Howards are trying to commercialize what they are doing and we have several home based businesses in the neighborhood that we have let have conditional use permits for those. We have to consider all things here and as we look at conditional uses we have to look at whether we are harming the health, safety and general welfare of the neighborhood and surrounding area. To my knowledge he hasn't heard of any reports of dog bites or dogs on the loose or anything like that. The only report is the goat incidents where authorities have had to be called in.

Mrs. Izatt confirmed there isn't anything on file as far as citations. The neighbors have been calling and Officer Call has an open report. When a neighbor calls, Officer Call writes it down and goes to see if the dogs are acting as complained about.

Commissioner Krusi questioned what the biggest complaint has been?

Mrs. Izatt replied the biggest concern is the safety and the pack mentality and the safety of walking by the home. No official record has been recorded.

Commissioner McKay referred to number seven (7) on the page. Can the goats be kicked out and let the dogs live in the dog run. That is what the dog run is for.

Mr. Howard explained the dogs are in his house and to transfer them to another enclosure doesn't make sense.

Commissioner Teuscher question if the fence and everything meets the requirements.

Mrs. Izatt responded there are no requirements. There has to be concessions from both parties. You do have a right to place the conditions that you feel will address all the mitigating issues.

Commissioner Tuescher inquired if there is a true definition of dog run?

Mrs. Izatt commented there is an ordinance definition which describes the setbacks and size. Right now since they have not been issued a kennel permit we cannot require them to put up a fence. If you are considering issuing the kennel permit you can make that a requirement. In this case you have to determine if that will mitigate the issues that have been brought up. The city does require a one ft. setback from the sidewalk.

Mrs. Olson felt like there was an overkill of control measures already set in place.

Chairperson Anderson asked for comments among the commission.

Commissioner McKay felt the dog run is the way to control the environment. The dog run is the 6ft fence they need at this time. It is very feasible for the dogs. They will not get out of the dog run.

Commissioner Teuscher felt the application for three dogs should be adhered to strictly. As long as the other dogs just visit and then return home.

Commissioner Krusi was okay with the dogs being in the yard if they could come up with some ideas to keep the dogs away from the fence.

Chairperson Anderson explained he has had four encounters with the dogs. One was when he was running and Dirk and his dog were sitting on the front porch. He came around the corner and scared Chairperson Anderson, probably because he scared him as he came around the corner. Another time he was walking along the backside and the five dogs came and put their paws on the fence and barked at him. Dirk came over the other night to deliver an invitation with Thor and then he went to the open house and saw the dogs. The dogs didn't nip at him and he wasn't fearful of the dogs. There are probably people in each neighborhood that have three dogs and are rarely contained in a fence. In light of the fact that the dogs have not escaped, or bitten or attacked anyone he doesn't see a reason to deny a conditional use permit based on that.

Commissioner Krusi would like to limit to three dogs and not exceed three.

Chairperson Anderson replied yes.

Commissioner Tuescher referred to the permit that said three and then down below it says four males and one female.

Mrs. Izatt informed she had relabeled it at the top. The way it works, because of the noticing that is required, it is what is on the application you cannot increase quantity.

Chairperson Anderson clarified in the past the reason we have asked people to put in dog runs is because people didn't have a fully enclosed yard to contain the dogs. He stated the options for approval of the permit: approve with three dogs with additional conditions or to deny the request. If they deny the request there has to be a legal basis for denying the request.

Mrs. Izatt reminded the commission if they do approve the kennel permit there is a revocation process. She has a log she keeps with any reports that are made. Anything that is mitigated can bring them back in and the kennel can be revoked. They would have to go through animal control and the police reports. They can have three offenses that are mitigated with substantial evidence. Permits don't have to be issued for three years; they can have a review at three months, six months or whenever your comfort level is. If there was a year review she would contact the police department at the years' time and see if there were any complaints or reports. Then she would contact Chairperson Anderson to see if he still wanted them to come back to the commission.

Mrs. Howard requested the review be held at 18 months. They are still trying to get their home ready to sell.

Commissioner Krusi reminded the Howards they would only come in if there were complaints or if they had been cited.

Mrs. Izatt reminded the neighbors to contact the city or Officer Call and have a written complaint so there is something on the record. That is the protection for the neighbors.

Chairperson Anderson reminded the neighbors it is only fair to contact the Howards first and see if they will try to fix the problem before they contact the authorities.

MOTION: A motion was made by Commissioner Krusi to approve a Dog Kennel permit for three (3) dogs located at 243 Hillside Drive for Dirk Howard with the conditions that it be reviewed after one year and they would continue to use the electronic collars in their training and to control barking. The motion was seconded by Commissioner Teuscher. A roll call vote was called for:

McKay Yes

Hancock Yes

Krusi Yes

Teuscher Yes

Anderson Yes

The Conditional Use Permit is approved.

MOTION: A motion was made by Commissioner McKay to adjourn the meeting at 8:20 p.m. The motion was seconded by Commissioner Teuscher. The voting was unanimous.

Commissioners voting in favor: McKay, Hancock, Krusi, Anderson, Teuscher,

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, November 19, 2014** in the Smithfield City Council Chambers, **96 South Main**, Smithfield, Utah.

7:00 p.m. Opening Ceremonies

Workshop session:

The Commission will continue 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 October 15, 2014 Planning Commission Meeting
3. 7:30 p.m. **Public Hearing** to consider a Conditional Use Permit application from David R. Lillywhite to allow a six (6) lot minor subdivision/ intrablock development located approximately at 135 South 300 West and 151 South 300 West. Zoned R-1-12
4. 7:40 p.m. **Public Hearing** to consider recommendation of proposed Ordinance #14-05 which amends Title 17: Signs: 17.36.060 Permitted Signs: Permits not Required: 17.36.070: Prohibited Signs.
5. 7:50 p.m. Nathan Hadfield has requested approval of an Animal Rights Permit for one (1) Large size animal and one (1) medium size animal on .80 acre of property located at 157 East 200 South. Zoned R-1-10
6. 8:00 p.m. Ironwood Development Group, LLC, agent for Cindy Archibald, has requested consideration of a request for approval of a the Final Plat for Smithfield Highlands, a six (6) lot, minor subdivision located at

approximately Crow Mountain Road (600 East) & Upper Canyon Road. Zoned R-1-12

7. 8:05 p.m. Review of an annexation request from Jessica Tams Quinton for property containing 15.40 acres. Parcel #'s 08-045-0035 (9.83 acres); 08-045-0022 (5.57 acres) located approximately 861 Upper Canyon Rd. (Crow Mountain Road (600 East) and Upper Canyon Road)
8. 8:10 p.m. Dirk Howard has reapplied for consideration of approval for a Dog Kennel permit for three (3) dogs located at 243 Hillside Drive. Zoned R-1-12
9. 8:20 p.m. **ADJOURNMENT**

Posted this 14th day of November 2014 at the Smithfield City Offices, City Web Page and the Utah Public Meeting Notice web site. Notice provided to The Herald Journal this 14th day of November 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.