

Smithfield City Planning Commission
December 16, 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, December 16, 2015**. The following members were present constituting a quorum:

Chairperson	Jamie Anderson
Commission Members	Bryant McKay
	Jackie Hancock
	Wade Campbell
	Stephen Teuscher
	Casey McCammon
	Curtis Wall
Planning Staff	Jon Wells
Engineering Staff	Clay Bodily
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 7:03 pm

Swearing in of Kelly Luthi as a Planning Commissioner

Chairperson Anderson recognized Commissioner Curtis Wall with a plaque from Smithfield City to thank Commissioner Wall for his dedicated service, objectivity and passion for all he has done on the Planning Commission-thank you.

Commissioner Wall stated, "Thank you. I have enjoyed it, I think people need to serve and I think it has been an opportunity, I think Smithfield has pretty good people, it has been a great experience looking forward to going on and I am actually taking Brent's place as the councilmember over and working with Planning and Zoning, I will continue to be involved."

Opening Ceremonies: Casey McCammon

Excused: Commissioners Doug Archibald and Bart Caley.

Attendance: Kelly Cannon-Herald Journal; Theresa Forrester; Dave Forrester; David & Edith Lillywhite; Zachary Dye; Bart & Judy King; Carol B. Eames and Mike Neilson.

Agenda items:**Resident Input**

No resident input

Consideration of Consent Agenda

Minutes of the November 18, 2015 Planning Commission Meeting

After consideration by the Planning Commission, the Chairperson declared the consent agenda for the November 18, 2015 planning commission meeting minutes approved as distributed.

The commission discussed future workshops and training. Discussed the possibility of quarterly training workshops. The topics discussed for future workshops and training. The General Plan was discussed again and possible advance training, trails and bike path expansion. Discussed webinars that are offered and online options on the Utah Local Government Trust's website. The Utah League also has training options. Discussed booklets that the League has available. Another topic suggested was reviewing the Legislative changes for the last session.

Please note: "There are portions of the following minutes that have been transcribed for accuracy. Please see certification at the end of the minutes."

Public Hearing to consider a request for approval of a Conditional Use Permit application from David and Edith Lillywhite to allow a four (4) lot minor subdivision/intrablock development (Hansen-Keller Subdivision) located on property between 265 South Main and 272 South 100 West. Zoned R-1-10

The public hearing was declared open at 7:10 pm

David Lillywhite stated that between 5 & 6 years ago he was approached by Lucinda Hansen to buy her property. We found we couldn't find access to the land; we did get access about a year ago. We had to tear down a lot of out buildings, a manger, coop & rabbit pens. We came to the city and asked if an assisted living center would be good there, and they indicated it would. I went ahead and bought it and I came in later and the City stated that with Cantwell building an assisted living center that he wouldn't be able to because the city did not need any additional multiple housing. Once we got into the property it was just one expense after another & bought the Keller property to get a legal right away in there, there is room for four lots for four homes there. The development will be good for everyone, we keep more farmland and we are using land that was absolutely worthless before so we could put this land to use.

Bart King stated, "I oppose what he and his wife is doing. He says it is good for everybody but it isn't good for everybody that lives around there. I got a thing I'd like to say I'll have to read it so that I remember what and I don't miss anything."

Mr. King, "I would like for everything I say tonight to be in the minutes for the record. No matter what the outcome of this meeting, if this town allows David & Edith Lillywhite or any

other owner of this property to build on it, we ask the City to have the owner or developer at their cost should put up a fence on their side of the property for all the surrounding property owners of said property currently owned by David & Edith Lillywhite. And, it needs to be in the deed that all future owners will take ownership and maintain it.”

Mr. King, “I got a couple of things I would like to pass out, if that is okay, is that all right?”

Chairperson Anderson, “yes”

Mr. King, “I only made six copies, you will need to share.”

Chairperson Anderson, “we can share”

Mr. King stated, “When all of us signed this, not too long ago, we signed it for single family residential, not intrablock, this is not meant to be- it goes against the city’s master plan.”

Mr. King inquired, “Char, can you expand that plot plan.”

Clay Bodily inquired, “Do you want me to zoom it in?”

Mr. King, “On this he says, this little V shape towards the right hand side, is this Fire Engine access?”

Mr. Bodily, “Yes, the hammer head, yes.”

Mr. King, “Is this legal?”

Mr. Bodily, “Yes, they checked it and it was a little unclear, so they wrote in the 70’ depth there and then this radius is over, let me scoot over here – is actually a little bigger, it is 48’ but the oil part would be the 50’, the minimum the Fire Department will allow is 50’, let me go to the construction drawings, the drawings show the 50’...”

Mr. King, “so what it will probably end up being a parking lot for the people that live there so when the Fire Engine comes in they won’t be able to do their turnaround?”

Mr. Bodily, “Oh I...that is kind of conjecture, I can’t guarantee they won’t but I know they shouldn’t because it is a private drive.”

Mr. King, “okay, can you go back to the one screen please?”

Mr. Bodily, “you bet, just a second here.”

Mr. King, “it also shows that this road is private, is it going to stay private or is it going to be deeded back to the city?”

Mr. Bodily, "It should not be deeded back to the City because it isn't the city standard right of way width, so it has to stay private."

Mr. King, "If it stays private, then we have more issues, we have garbage, snow removal, mail & everything else."

Chairperson Anderson, "Can you point out to me what property is yours that abuts this?"

Mr. King, "If you look at Lot #1, straight across from Lot 1 where it says, Wayne McCarthur that is our property. I am one that is the most affected by it because I do have animal rights and it will jeopardize the animal rights in the future, they will complain about it because they live too close and everything else."

Mr. King, "Carol Bingham is the one straight across from me, across from Lot 3 & 4 and she is the other main one that will be affected the most too. That is why behind lots # 1, 2, 3 & 4, they are the back neighbors there, they are the ones asking for the privacy fence if it gets to go through. Let me catch up and finish up here real quick."

Mr. King, "okay, statistic show that intrablock subdivisions usually bring lower income families into them which may increase the chance of crime, drugs & gangs. Do we want this for our city?"

Commissioner Teuscher inquired, "Where did you get that statistic?"

Mr. King, "Ah, I can't tell you right now, I don't remember where I got it."

Commissioner Teuscher, "Okay."

Mr. King, "If you look at all these Cities, like Ogden and Salt Lake. The kids don't have nowhere to go when they are in these apartments and intrablocks. They get in trouble and start getting into other people's mischief. Right now if these lots, this intrablock subdivision get built they will be in everybody else's backyard, right in the middle of it. Not only does this lower the price value of our home in our area because of the intrablock subdivision, is the developer going to make up the price difference to us because he lowered the price of our homes? That is a question and it makes our home (mine and my wife's home) go from middle of the block to a corner home with lights shining into our house at night from both directions. Every person has the right to their private domain and this will damage ours and all our neighbors. All our property has had animals on it over a 100 years and this could jeopardize this as I mentioned before. I have one more thing that I would like to pass out if I could please. I only made six."

Mr. King, "Okay, I ask that you cannot allow Dave or anyone else to build up to four homes on this property. You as a city are violating your own ordinance. Page 4, top of the page, 17.14 Animal Rights regulation for an R-1 zone regulations. 17.14.060, paragraph A, it states in there 75 feet from any dwelling as measured from the closest point from of the corral or enclosure to

the closest point to the dwelling meaning the house to be built. This is what you as a City will be violating your ordinance, if you allow this to happen.”

Chairperson Anderson inquired what current animals do you have on the property right now.

Mr. King, “I have cattle and horse.”

Chairperson Anderson, “How many do you have of each?”

Mr. King, “I have four cattle and I have one horse.”

Mr. King stated, “This violation, at least that is what my lawyer told me, this will be violating your own ordinance.”

Char Izatt stated this ordinance is if someone was seeking animals, so if it was Mr. King that was...

Mr. King, “I didn’t read anywhere there about where it said seeking animals.”

Ms. Izatt, “That is what the whole chapter is an application for animal rights and it has specific rules and so if he were to be the one instead of David he would have to stay 75 feet from Dave with his animals. I just want to clarify.

Chairperson Anderson, “true, true”

Commissioner Campbell, “he would be grandfathered in, correct?”

Ms. Izatt, “he currently is because Wayne McArthur had horses on his property. He can change species.....”

Mr. King, “It goes all the way to Toolsons.”

Chairperson Anderson, “Meaning that.....”

Ms. Izatt, “he can’t add to them, he is bound by his non-conforming status at this point. But that is separate from the ordinance he is reading, that is if you were to come in and decide that you meet all the criteria to have horses, then that would be what you would have to meet is that 75 feet.

Commissioner Campbell, “This ordinance is about two years old, if I remember.”

Ms. Izatt, “Yes, you were there at the meeting.”

Chairperson Anderson, “meaning that your animal rights will not be impacted if this goes through.”

Mr. King, "My animal rights will be impacted if this goes through."

Chairperson Anderson, "How do you figure?"

Mr. King, "because they will complain and it does say 75 feet from any dwelling. The animal rights and grandfathering is already there. Dave and his wife want to build new homes there, that is the dwelling that is the 75 feet dwelling point."

Ms. Izatt stated "If they were coming in for animals....."

Mr. King, "No, no it says from their neighbors....."

Ms. Izatt, "I don't want to argue with you, I just want to clarify the ordinance."

Chairperson Anderson, "Understood."

Mr. King, "Anyway, I just wanted to mention that."

Chairperson Anderson, "Okay, thank you. Anyone else?"

Carol Eames introduced herself and stated, "I was Carol Bingham, I am the one that owns the other part of that property okay, and the lot, well, I don't see it up there..."

Mr. Bodily, "oh, sorry..."

Mrs. Eames, "I think it is 3 & 4 are the ones that my property are against, okay. And what I am thinking is more about the light situation with the lights coming and going because the bedroom is on that side of the house, I didn't go up and measure and I don't know how far the distance is and there's not very much distance. Brother Lillywhite has contacted me about buying some of my property. It is in a trust for my children and we really don't have any desire to sell any of it. They really are all not in favor of this motion, when you get that many houses together. Like Brother King said, where will the children play. Not much room, yard- area for them to be. I like my own children to have places to play and things to do and room to do it. In favor of at least not that many, four is quite a few in that confined area. Thank you."

Chairperson Anderson, "anyone else?"

The public hearing was declared closed at 7:28 pm

Chairperson Anderson, "When we find out what is on the agenda, we do a little bit of studying ourselves to figure out what the ordinances are around this and what it can support or not support and we have an ordinance for intrablock development and part of what that ordinance says that if you have up to four houses or more, and it talks about how the street has to be. It also says and I am quoting right out of the ordinance, let me make sure I get the right part, where did

I see that about privacy, here it says that within 90 days after receiving final approval of an intrablock development any property owner who is adjacent to an intrablock lot and who feels his or her privacy is being imposed upon the city may require the construction of a 6' privacy fence between the two properties, the existing property owner and intrablock developer shall decide the style of fence and shall share equally the cost of installing the fence. So, the ordinance does not put the burden entirely on the developer, so that is what is in the ordinance right now.

Jon Wells, it also mentions that City Council also still has to approve it.”

Chairperson Anderson, “Right, as they do everything that we decide here. Clay, has this been through the steering committee.”

Mr. Bodily, “it has, the Fire Department changed that hammerhead, it was in there properly, but it wasn't labeled right so they changed that, the public works department changed the way the water meters came in and they put them out by the street so not only is it a public drive but each one of the water lines going in, sorry, I mean private drive, there were some changes made some in the steering and we did eventually sign off on it, the zoning official was able to look at it and make sure the housing envelopes would fit, that it had the right area for setbacks and that it had enough square footage to fit in the zone.”

Chairperson Anderson, “Mr. Lillywhite, are you planning on making this an HOA (Home Owner's Association)?”

Mr. Lillywhite, “Yes.”

Chairperson Anderson, “so the homeowners then will be putting into a pool to take care of road maintenance, snow removal – things like that?”

Mr. Lillywhite, “Yes.”

Chairperson Anderson, “Okay.”

Chairperson Anderson, “The tough part here is that you have a landowner who has some property to develop and they are in a zone that is already zoned for that, it is zoned R-1-10. I believe when we talked about this before when the petition was to rezone that to multi-family residential, that is where you came up with the signatures, we are not rezoning this. Where he is asking to use the land as it is currently zoned, and I recall, when Mr. Lillywhite came in before I think the comment I made was that everyone should understand, that when it is zoned R-1-10, he has the right to put houses on that lot. He really doesn't have to, other than come and get approval from the steering committee on how he wants to lay out that land. He has the right to develop that land, now the other option is that he may entertain an offer from you to buy the land because he has to do something with that land and he has the right to develop that land according to the city ordinances and how it is currently zoned.

Mr. Lillywhite, "I'm willing to sell if they want to buy it."

Chairperson Anderson, "I'm sure you would."

Mr. King, "I already offered to buy it."

Mr. Lillywhite, "no, you didn't. You offered to buy that machine shed"

Chairperson Anderson, "let's get back on track, please."

Chairperson Anderson, "any comments or questions from the commission? Any concerns?"

Commissioner McKay, "I just have one concern you know the privacy fence that was brought up would be easy to install around the lots that are going to be developed, and that is 6' high, isn't it? I just would like to know what type of material, is it Mr. King, if he has horses or cows, what type of privacy fence would be strong enough to withhold any damage from the animals, I have seen plastic fences before in the past and then you have got animals out in the road with other conflicts coming. That is a question that I would like to know what is maybe thought of."

Chairperson Anderson, "Do you want to answer that?"

Mr. King, "That is why we asked to have it put up on his side of the property. I still keep my fence and the privacy fence would be on their side of the property. "

Chairperson Anderson, "so what is the current construction of the fence that you have?"

Mr. King, "It is railroad ties, wood & metal and steel rail. Corral portion is railroad ties."

Chairperson Anderson, "this is one of those things, be careful what you ask for, you might get it. If people want a privacy fence, the city can certainly dictate that. We don't have to dictate that tonight, but the city can dictate that, but according to the ordinance that is a shared cost between land owner and developer."

Mr. King, "that is why I asked for the developer to pay for it, because he is the one affecting our lives, our private domain, coming into our backyards, we are not doing anything so why should we share the cost for that?"

Chairperson Anderson, "that is how the current ordinance is written, only to the point that it feels that your privacy is being impeded on."

Commissioner McKay, "On this map here I'm just wondering, when you come in here, the space between lots 2 and 3, goes up towards the north somewhat, is that going to be paved, or is it dirt?"

Mr. Lillywhite, "basically just be gravel up to the top, there is the machine shed there."

Commissioner McKay, “that is up towards Allen Neilson’s house....”

Chairperson Anderson, “that is the hammerhead right, Clay, for the Fire Truck turn around?”

Mr. Bodily, “If you can see the screen, the hammerhead is down here where the cursor is moving, that is put in for Fire protection so the Fire truck can turn around, I think the machine shed they were talking about is this piece of property that wasn’t big enough to put a lot on it didn’t fit the criteria for the zone.”

Mr. Lillywhite, “it is the small line right towards the back of that lot on the north end that is where the machine shed is.”

Mr. Bodily, “I think they were asking on the whole piece there.”

Commissioner McKay, “just concerned what that piece of property is going to entail.”

Chairperson Anderson, “there is nothing you can do with that piece of property then is that correct, because it is too small to do anything with?”

Mr. Lillywhite, “it can be used as parking there, yeah, unless I had 16 more feet on the other side, I mean 20 feet that is what I was trying to buy from Mrs. Eames.

Chairperson Anderson, “any other comments or questions?”

Mr. King, “did I understand that correct, that it will be a gravel road?”

Mr. Bodily, “no, the private driveway access for an intrablock has to be paved, 26 feet of it has to be paved in fact it says pavement right there, there were the cursor is moving would have to be paved, I believe when David was talking about gravel he was talking about up here.”

Mr. King, “curb & gutter?”

Mr. Wells, “just saying, machine shed he was talking about is the existing building on your map, where he was just going to have gravel out in front of that. Curb and gutter is not required on the private drive.”

Commissioner Teuscher, “what about drainage on those.....”

Mr. Wells, “Clay can help you with that.”

Mr. Bodily, “I can go to the detail sheet, the drainage does run out to towards the east and there is a sump that collects the drainage, I can go to the detail sheet if you want to see the construction drawings for the drainage. It has to keep the stormwater on site.”

Chairperson Anderson, “As a steering committee you guys have already discovered how you are going to handle storm runoff and things like that, that is already built into the plat.”

Mr. Bodily, “there is the, I don’t know how well you can see it, but you can see the road design, the asphalt design and then it comes down in here and you can see there is a swell for the sump and the sumps not in the protection zone of any wells and it wouldn’t matter if it was, but it’s not.”

Chairperson Anderson, “Any other comments or questions?”

Commissioner Campbell, “Where is that located at, the sump portion?”

Mr. Bodily, “let me go back to this first picture, it is down by where the driveway comes out down here.”

Theresa Forrester, “We already have a water problem on that street, are you telling me now that the water will come out on the street and down towards the corner?”

Mr. Bodily, “storm water will go into the sump, yes.”

Mr. Wells, “she wants to know if it is getting out on the street.”

Mr. Bodily, “it will be collected before First West and I wonder if you have a question if the public hearing is still open and so it gets on the minutes, if you maybe would come up to the mic so I am not just answering questions.”

Chairperson Anderson, “at this point we are ready for a motion the options are to approve as requested, to deny it as it is requested and if you choose to deny the motion then we need a reason why you are choosing to deny the motion. Who would like to make a motion either for or against Mr. Lillywhite’s petition?”

Motion: A motion was made by Commissioner Teuscher to approve the Conditional Use Permit application from David and Edith Lillywhite to allow a four (4) lot minor subdivision/intrablock development (Hansen-Keller Subdivision) located on property between 265 South Main and 272 South 100 West. Zoned R-1-10

The motion was seconded by Commissioner Campbell.

Chairperson Anderson called for any further comments or amendment to the motion? Do we need a voice vote, let us do a voice vote.

McKay – nay
Hancock – yes
Campbell – yes

Anderson – yes
Teuscher – yes
McCammon- yes
Wall - yes

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

Against: McKay, “he has too many questions from the surrounding properties there with the privacy fencing before he was to vote on that, I would need more detail, the extension that goes up to the machine shed just being gravel, a waste of land, who would take care of it, I think he said he was having an HOA, when you say gravel that is a weed patch in my mind, needs more clarification.”

Chairperson Anderson, “the request is approved for the conditional use permit for the minor lot subdivision.”

Public Hearings to consider the following:

Proposed Ordinance #15-23 which amends the Smithfield City Zoning Regulations, Title 17, in particular 17.36.030 “Definitions”; 17.36.070 “Prohibited Signs”; 17.36.125 Temporary Signs”; 17.36.140 “Wind Sign”

The public hearing was declared open at 7:44 pm

Chairperson Anderson, “Is there anyone here that would like to address the commission for either of these ordinances.”

There wasn’t any comment on proposed ordinance #15-23.

Proposed Ordinance #15-25 which amends the Smithfield City Subdivision regulations, Title 16 in particular Chapter 16.16.050 “Dedication of Water” and adds in its entirety to Title 17, Smithfield City Zoning regulations, Chapter 17.30 “Water Dedication”

Edith Lillywhite, “I have a question on the dedication of water, what does that entail, is that irrigation water?”

Mr. Bodily, “can I speak to that, when a subdivision comes in we require per lot a water dedication, and in the modification we made to the existing one is we only collected that on residential lots in residential subdivisions and we wanted to collect it on commercial, institutional on everyone basically and we added those words in existing one and because there are not necessarily subdivision is multi-family come in with a lot of units, we wanted to collect an even though it was not a subdivision and so we have written that extra ordinance there that actually adds units as far as the increased water usage, so if you had a multi-family unit even though it wasn’t part of a subdivision if it was using more water an equal residential unit of a house, then you would pay a water dedication for that.”

Chairperson Anderson, “so this is to make sure there is enough water depending on the type of development for whatever is being developed, it is not to deal with irrigation water.”

Mrs. Lillywhite, “I know if the house or whatever doesn’t have water shares, then they can’t use the pressurized system with the irrigation company.”

The public hearing was declared closed at 7:46 pm

MOTION: A motion was made by Commissioner Hancock to recommend approval of Proposed Ordinance #15-23 which amends the Smithfield City Zoning Regulations, Title 17, in particular 17.36.030 “Definitions”; 17.36.070 “Prohibited Signs”; 17.36.125 Temporary Signs”; 17.36.140 “Wind Sign”

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

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

MOTION: A motion was made by Commissioner McCammon to recommend approval of Proposed Ordinance #15-25 which amends the Smithfield City Subdivision regulations, Title 16 in particular Chapter 16.16.050 “Dedication of Water” and adds in its entirety to Title 17, Smithfield City Zoning regulations, Chapter 17.30 “Water Dedication”

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

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

Zachary Dye has requested approval for a Conditional Use Permit to allow a Picture frame manufacturing business to be located at 439 North 200 West. Zoned R-1-10

Zachary Dye stated he wants to do a picture frame business out of his garage.

Chairperson inquired if Mr. Dye is aware of the noise ordinance.

Commissioner Teuscher inquired as to what type of frames? Wood, barn wood?

Mr. Dye indicated he would be doing wood and barn wood.

Commissioner Campbell inquired if Mr. Dye is purchasing from a wood supplier, and would there be a semi hauling it in?

Mr. Dye stated he would not be hauling it in.

Commissioner McKay inquired about the sawdust and tailings and where would Mr. Dye put his scraps.

Mr. Dye explained that he has a dust collector and he spoke with Jon Wells in that regard and the wood scraps are being thrown away.

Mr. Dye inquired if he answered all the Commission's question.

Commissioner McKay inquired if Mr. Dye needed a dumpster for throwing away his wood? He inquired if there would be a large storage pile?

Mr. Dye said he would be throwing the scraps away in his black garbage can through Logan City.

MOTION: A motion was made by Commissioner Teuscher to approve the request by Zachary Dye for a Conditional Use Permit to allow a Picture frame manufacturing business to be located at 439 North 200 West. Zoned R-1-10

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

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

Continuation of the request by Christina Kary for approval for a Cattery Permit and 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

Chairperson Anderson stated that he had read through the documentation and asked Ms. Kary to walk through it just quickly to make sure everyone is on the same page as far as what she has done and the plans she has made.

Christina Kary reviewed her plan with the commission. She feels her plans are working and will keep going with her plan. Ms. Kary stated that her adult son has taken ownership of the dog. She has got her cats all licensed.

Chairperson Anderson inquired as to how many cats does Ms. Kary has on the property?

Ms. Kary responded that she has twenty eight (28) indoor and four (4) outdoor.

Ms. Izatt inquired if one of the four cats that are outdoors is the one chasing the other cats away.

Commissioner Teuscher stated that if word gets out then she may have more showing up. He also stated that he likes what Ms. Kary is doing.

Chairperson Anderson stated that the number of cats can be capped at thirty two (32). He also inquired if she has been able to place any of the cats in the last couple of months.

Commissioner Wall commented after looking at the letter detailing Ms. Kary's plan for her cattery, he was concerned about the programs she mentions having little success in the number of cats being placed. Commissioner Wall is also concerned if Ms. Kary feels that she can make those programs successful and if she had any idea how many cats she could place through these programs?

Ms. Kary stated that the programs she has brought up to Four Paws Rescue and Aggie Cats (Utah State University program to humanely reduce and control the feral cat population) are not popular here in this valley yet. The more we get the information out there and the more we talk about it, the more popular it will become. Getting this information on their Facebook pages, handing out flyers making presentations to the public that these are things we can do. She is very hopeful that with the increased publicity it will definitely help in this valley.

Commissioner Wall stated that a one year old cat takes five times longer to be adopted than kittens according to your information. He also inquired, "That of the 28 or 32 cats that Ms. Kary has now, how many of them are over one year of age?"

Ms. Kary stated that she has four under a year right now.

Commissioner Wall commented that the majority (24 of those cats) are at the age category that is harder to place and he had hoped that a few of the cats would have been placed. He also commented that he can see what Ms. Kary is doing and that it is very admirable. Commissioner Wall also commented that his family had a cat for 22 years, and so cats over a year old are five times harder to place. Some of the programs Ms. Kary has stated, she doesn't deem to be very successful. He also stated that he looks at this as a business and he would start with a smaller amount of cats. He indicated that he is struggling with the amount of cats and the age of the cats.

Ms. Kary commented that Aggie Cats is not popular and the more we get the information out there via Facebook pages and flyers, will make it more known to the public. Increased publicity would help in this valley.

Commissioner Teuscher inquired where do the cats normally come from, do they just come to Ms. Kary's place or do people bring them to her?

Ms. Kary stated, "They are neighborhood cats. The cats have just gone unchecked in our neighborhood for years, they are just breeding uncontrollably and I am getting them fixed, vaccinated and I am stopping that process."

Commissioner Campbell informed the Commission that he had spoken to Four Paws to get a better understanding of what Ms. Kary does and understanding more of what she is trying to do.

He also inquired if, of the 28 cats in her home, has she tried to adopt them out through Pet Smart? Are they considered unadoptable?

Ms. Kary stated that some of the cats have respiratory problems. People do not want unfriendly cats or those that come with health conditions due to inbreeding and chronic problems from unchecked breeding. People don't want older cats.

Commissioner Campbell, "in your original meeting, there was concern by some of the neighbors about the smell of the waste? Has that been worked out?"

Ms. Kary explained it wasn't the smell of the waste it was was her garbage can and it was 15 years old and had a gouge in it. Which has been replaced by the city?

Chairperson Anderson, "so in a perfect world, how many cats would you really want to be taking care of at one time?"

Ms. Kary, "in a perfect world we would all be millionaires and can do everything we wanted. I really can't answer that."

Commissioner Teuscher, "this is quite a problem, you can go around Smithfield, there are cats running around all over the place. I like cats, but there are a lot of feral cats everywhere, the idea of you spaying and neutering is great, wow, I don't know how you do it?"

Chairperson Anderson, "so Char, if we were to approve this request, do we need to put a cap on this, do we need to reduce the quantity overtime and not put a time table to it?"

Ms. Izatt, "you have an option to put conditions and so whatever you feel is going to meet your concerns. I would recommend each of you listing a concern and giving it to the person who is going to make the motion and have them include your concern, if they choose too."

Ms. Izatt, "cattery permits are good for three (3) years and they can be revoked at any time, if the conditions you place on Ms. Kary are not adhered to or if the neighbors complain, which hasn't been issue."

Commissioner Campbell, "does Mr. Call, the Animal control officer, check this on a quarterly basis or on a yearly review and would it cost her again?"

Ms. Izatt only if someone complains and if he feels there is a threat or a problem. You could put that she come back in a year for a review, we have done that on dog kennels and we have even brought people in for nine month reviews. If you were to revoke it, she would need to start the process over and pay those fees and at renewal time she will have to pay renewal fees.

Commissioner McKay, "I live out west of town and I was a drop off zone for cats. Do you keep them until they pass?" Mr. McKay stated that Rocky, previous animal control officer, took eleven (11) of the cats and had them spayed & neutered and he wanted me to pay for the fees,

but they were not his cats. Commissioner McKay stated that he did feed the cats that were dropped off.

Ms. Kary commented that there are new programs that help out with costs to spay & neuter. There are barn cat programs.

Commissioner McKay, "What are your plans for these cats if you are unable to place them?"

Ms. Kary, "Natural attrition at home."

Chairperson Anderson, "I would not tell you to get rid of your cats. We are struggling with what is "that" number. What are the commission's thoughts?"

Commissioner Campbell, "I reviewed several communities and Hyde Park requires an acre of land and they cap it at five (5) dogs and they have two types of kennel permits. I looked at different cities in the County, Ogden, Salt Lake City and Los Angeles just to get a variety. No one has placed a cap on cats specifically. I worry that if we approve thirty two (32) and that sets precedence in my mind and those people are not as capable as you are. Char, is there a cap per se on the dog kennels?"

Ms. Izatt, "No, we do not address dogs or cats."

Chairperson Anderson, "we reviewed them on an individual basis and on their own merit. Your point is valid. I agree, we have to be careful what is allowed."

Commissioner Hancock, "you mentioned some of your cats have upper respiratory problems, is that something that is going to go through to your other cats? Do they catch it from each other? How are you keeping it under control when one of them is showing symptoms?"

Ms. Kary, "not detrimental to my health, I do try to keep anything from spreading, by sanitizing surfaces, steaming floors, like bleaching litter boxes. If showing symptoms, I take them to the vets."

Chairperson Anderson, "What is the thought?"

Commissioner Teuscher, "I think she is taking care of them, if someone comes in and wants to do the same thing, how do we tell that they will take care of them as well as she does. Say that you gave her approval for 32 cats and I want to have 32 cats- how do we scrutinize whether that person is capable of taking care of them?"

Ms. Kary, "by going the non-profit route will hold me to their standards."

Commissioner Campbell stated he was impressed with what Four Paws told him and that Ms. Kary had met all their standards. It would make it easier for him if all future applicants after interviewing them met those standards.

Chairperson Anderson, "I believe in what you are doing that you are credible & trustworthy. I think we should ask for certification. If it makes people feel better, I am sure we can ask for some certification from animal rights organization and come up with a certain number that you can approve."

Commissioner McKay, "I would be good with that too."

Ms. Kary, "ASPCA, Cat Fanciers' Association help with selling and breeding information but there is no official standards- nothing for keeping and housing rescue cats."

Chairperson Anderson, "I want to have something thing official, a certified letter when you come in for a renewal. Also cap the permit at 32 cats. I am assuming your enforcer is going to chase off other cats that show up."

Commissioner McKay suggested two letters, a Veterinarian letter and an animal rights organization – every three years

Commissioner Campbell inquired about recommending a specific amount of square footage and reviewing in a year and how she is doing on placing the cats and through attrition.

Chairperson Anderson, "I would like to hear how you are doing in a year? You are welcome to come in any time and talk to us."

Ms. Kary, "I have to renew their licenses every year."

Commissioner Wall, "would you ask her if she has her 501(c) 3 (not for Profit Company) status?"

Chairperson Anderson, "I don't know that we can actually tell her that she has to go do this. Would like to see the amount of cats reduced over time."

Ms. Kary, "I would not want any more than 32 cats."

MOTION: A motion was made by Commissioner Hancock to approve the request by Christina Kary for approval for a Cattery Permit located at 64 West 100 South. Zoned R-1-10 with the following conditions: (1) upon renewal she submit a letter from a Veterinarian and an animal rights group (2) and cap it at thirty two (32) cats.

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

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

Chairperson Anderson stated that we will have a workshop session at the January 2016 meeting to discuss putting caps on the quantities of dogs and cats to be allowed in Kennel/Cattery

permits. He also stated the research Commissioner Campbell has done on this is valuable and interesting, you have these large municipalities that are not capping them, I'm sure there are some municipalities that do cap them.

Commissioner Campbell, "I didn't find them."

Clay Bodily requested he be excused from the January 20, 2016 meeting, he will be at training.

Chairperson Anderson, "Thank you Brent, for all your help over the years."

Councilmember Buttars, "Thank you to you guys, I feel like I am leaving this in good hands. Good Luck."

Chairperson Anderson, "We appreciate your help and guidance."

ADJOURNMENT

MOTION: A motion was made by Commissioner Campbell to adjourn the meeting at 8:25 p.m. The motion was seconded by Commissioner Teuscher. The voting was unanimous.

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

Jamie Anderson, Chairperson

Attested:

Charlene Izatt, Deputy Recorder

CERTIFICATION: I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND ABILITY THAT PORTIONS OF THIS DOCUMENT ARE A TRUE AND CORRECT TRANSCRIPTION OF THE PROCEEDINGS OF THE DECEMBER 16, 2015 SMITHFIELD CITY PLANNING COMMISSION MEETING. I TRANSCRIBED IT DIRECTLY FROM A RECORDING THAT WAS MADE AT THE MEETING.

**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, December 16, 2015 in the Smithfield City Council Chambers, 96 South Main, Smithfield, Utah.**

**7:00 p.m. Opening Ceremonies
Swearing in of Kelly Luthi as a Planning Commissioner**

Agenda items:

1. 7:03 p.m. Resident Input
2. 7:08 p.m. Consideration of Consent Agenda
Minutes of the November 18, 2015 Planning Commission Meeting
3. 7:10 p.m. **Public Hearing** to consider a request for approval of a Conditional Use Permit application from David and Edith Lillywhite to allow a four (4) lot minor subdivision/intrablock development (Hansen-Keller Subdivision) located on property between 265 South Main and 272 South 100 West.
Zoned R-1-10
4. 7:20 p.m. **Public Hearings to consider the following:**

Proposed Ordinance #15-23 which amends the Smithfield City Zoning Regulations, Title 17, in particular 17.36.030 “Definitions”; 17.36.070 “Prohibited Signs”; 17.36.125 Temporary Signs”; 17.36.140 “Wind Sign”

Proposed Ordinance #15-25 which amends the Smithfield City Subdivision regulations, Title 16 in particular Chapter 16.16.050 “Dedication of Water” and adds in its entirety to Title 17, Smithfield City Zoning regulations, Chapter 17.30 “Water Dedication”
5. 7:30 p.m. Zachary Dye has requested approval for a Conditional Use Permit to allow a Picture frame manufacturing business to be located at 439 North 200 West.
Zoned R-1-10

6. 7:40 p.m. Continuation of the request by Christina Kary for approval for a Cattery Permit and 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. **ADJOURNMENT**

Posted this 11th day of December 2015 at the Smithfield City Offices, City Web Page and the Utah Public Meeting Notice web site. Notice provided to The Herald Journal this 11th day of December 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.