

Smithfield City Planning Commission

September 17, 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, September 17, 2014**. The following members were present constituting a quorum:

Chairperson	Jamie Anderson
Commission Members	Bryant McKay
	Jackie Hancock
	Pete Krusi
	Steven Teuscher
	Douglas Archibald
	Steve Edwards
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 7:01 p.m.

Opening Ceremonies: Bryant McKay, Commissioner

Visitors: Dirk Howard, Tina Howard, Robert Peterson, Pam Peterson, Christopher Olson, Janice Gualtier, David Lillywhite, Travis Taylor, John Sweigart, Jon Hoy, David E. Doxsee, Mark Low, Colleen, Low, Dennis Thompson, Marsha Thompson, Stephen R Craft, Jeff Barnes-City Council Member, Brandon, Harther, Chloe Green, Lydia Oar, Halle Doyle, Liam McAvoy, Jarren Worthen, Annie Worthen, Aden Hill, Zakiah Johnson, John Humpherys, Janet Humpherys, Ben Bodily, Carter Bogdan, Adriane Dudley, Derik Winegar, Nicole Montgomery, Curtis Wall-Planning Commissioner.

Workshop Session: The Commission will continue review and discussion in regards to parking in the business districts, multi-family & planned unit developments and the feasibility of adding Assisted Living facilities to the Land Use matrix.

Chairperson Anderson requested that Commissioner Teuscher and McKay voice their concerns about the parking issue in the city that was discussed last month.

Commissioner Teuscher read over the ordinance and felt it was written well and as long as businesses read the ordinance and understand they have to provide the extra parking it needed no other changes.

Commissioner McKay was concerned with the size and length of the parking stalls; however after further consideration he feels there is ample parking for his larger vehicle anywhere he needs it. Even the handicap stalls are big enough for most vehicles.

Chairperson Anderson assessed if the parking stall size of 10 x 18 is okay to keep.

Commissioner Teuscher mentioned he was by the golf course and he observed a truck with an extension and it stuck out into the driving area. Another time he witnessed a pedestrian walking right into an extension off of a vehicle and was hurt seriously. People need to pay attention when they are walking.

Chairperson Anderson examined if the commission was okay with how the ordinance reads in regard to parking in the business district and multi-family and planned unit developments. Is it correct?

The commission was in favor of how it reads.

Chairperson Anderson moved onto the Assisted Living facilities and the land use matrix. He requested each commissioner report on their assignments with assisted living facilities throughout the valley. He began the reports:

Chairperson Anderson – Beehive house; Chairperson Anderson spoke with the Administrator. They are on half an acre; they are a level one type of facility. Level two facilities have a higher standard of nursing care. It has 12-16 beds. The building is about 3800 sq. feet. Nursing is mostly CNA, with people trained in CPR and other types of first aid. This type of facility would fit into any zone we have.

Commissioner Edwards – Legacy House: He stopped twice and not able to find the people he needed.

Commissioner Wall- Caring Hearts: They are a lock down facility with 12 beds, 17 parking stalls. They have been open for two years. They have 5 employees and open 24 hours a day.

Commissioner Wall – Williamsburg: He met with Scott Monson who is the Director over State of Utah for all nursing homes. He is the President of the Board. They are Level one and two with 70 beds and a mixture of assistance requirements. Number one issue is parking especially in the winter when the rules go into effect for no parking on the road. Mr. Monson is a partner to

three other facilities around town. He would be available if we want to have him address the commission on the Assisted Living requirements. His assistant is Rachel Bott she has been working for Sunshine Terrace for 10 years and Williamsburg for 10 years and was interested in opening a facility in Smithfield.

Commissioner Krusi – Pioneer Valley: He needs to do more follow up.

Commissioner Hancock – Terrace Grove: The lady she spoke with was not sure of the size because it is part of Sunshine Terrace. They have 55 rooms with possibility of 72 beds. She was given a survey that she will pass on to Mrs. Izatt. They are the only facility with continuous nurse on staff. No problems with parking.

Chairperson Anderson inquired if Mrs. Izatt was looking for a recommendation as far as where we would want to locate an Assisted Living Facility? Do we need to do more research?

Mrs. Izatt replied there definitely needs to be more discussion once the other commissioners finalize their research. The smaller Assisted Living would be easier to place here. When we do the matrix and the ordinance part then we can address going to the Williamsburg or Terrace size of facility. We have nursing homes pretty well covered; it is the Assisted Living that we don't have enough information on. She stated she appreciates the research that has been done it makes a difference on how we approach it. The decision needs to come from the Commission. Are you thinking this is something we would like to add to our matrix?

Chairperson Anderson felt we have to add it to the matrix and he would feel better about being prepared when someone comes in and makes the application; we will be ready to accommodate their request.

Mrs. Izatt inquired if the commission would like to have more workshops, if she should invite Mr. Monson or how should we move forward?

Commissioner McKay felt Mr. Monson would be a good speaker to come and educate the commission on the Assisted Living Requirements State wide.

Commissioner Wall shared information on an account in Mendon that was a home with four patients and two nurses. The city of Mendon had granted them the house to be an Assisted Living facility. There are all sizes of Assisted Living options.

Mrs. Izatt referred to Paul Herd's home on Main Street. There have been requests to use that property for this type of thing, but we didn't have any information to share with them. She felt they didn't want the business enough to pursue it. We do need to be prepared.

Commissioner Teuscher questioned if there were State legislations to opening this type of business.

Mrs. Izatt replied yes and she felt Mr. Monson would be a great resource for us to learn from. There are a lot of legalities with this type of facility.

Chairperson Anderson requested Mrs. Izatt schedule Mr. Monson to come to the October meeting and take ½ hour to discuss questions and inform the commission on the Assisted Living Facilities.

Chairperson Anderson moved to the next item on the Agenda regarding the community event signs. He asked if there were any comments; this is Ordinance #14-05. He asked Mrs. Izatt to inform the commission of the reason for the change of going from seven days to three days for a sign to be posted.

Mrs. Izatt explained there were signs that were off premise, and not allowed. The departments involved met to see what could be done about the signs. She personally felt seven days was too long to leave the signs up after the event. Now we still have signs that have passed the seven day mark and they are still up and the function has come and gone. She felt three days was enough time to take down the community event signs. There is wording on the community event signs that need to be clarified a little more due to concerns from the city. We have to start at the planning commission level. We can leave it at seven days, but she feels it is too many days. Lee's Market Place, Alpine and others businesses have allowed groups to hang their information on their businesses signs. We have to make sure they stay on the private side and not the public strip. We have to stay on top of it so it can be enforced. It is a combination of what we would like to see updated and added to make it easier to enforce.

Commissioner Edwards questioned why it is easier to enforce at three days rather than seven?

Mrs. Izatt replied the three days was just an added item. The main part of the ordinance is the highlighted portions regarding signs in direct competition with city recreational program. We accept Hyde Park and North Logan applicants with our programs so it was decided it would be signups for a competitive soccer league. Off premise is not allowed. The reason was to keep the signage to a minimum on Main Street to keep the city looking nice. We don't want to interfere with Scout Swim night. It gives us more clarity on the type of signs and the size. There was a big discussion on the size as well. A lot that come in are banners and that is another thing we need to take a look at. This is just a rough draft and then we will move forward.

Chairperson Anderson clarified the assignment was to read it and reply to Mrs. Izatt.

Mrs. Izatt replied we are not ready to move forward but she needed to start somewhere. If there is something you want to add give her a call.

Commissioner McKay gave an example of the election signs and how they are left up long after the election is over. He felt three days was ample time.

Mrs. Izatt stated this is specifically for community events. We have a good list of what we consider allowable community event signs. Businesses have options for temporary signs that are not allowed. Sometimes people don't realize there are all the options.

Chairperson Anderson determined they would schedule this item for next month's agenda for further discussion. He closed the workshop session and moved onto the full agenda.

Resident Input

No Resident Input

Consideration of Consent Agenda

Minutes of August 20, 2014 Planning Commission Meeting

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

Jon Hoy, agent for CarSmart has requested time with the commission for discussion in regards to a proposed expansion of a non-conforming use located at 110 North main. Zoned CB (Central Business District)

Mr. Hoy explained CarSmart would like to expand their building into the North lot and put in an additional shop. It would be a steel building with brick and stucco fascia. The size of the building would be 40 x 80. He handed out a picture of the Logan store and the updates that were made to it; the Smithfield store would be just like it. Mr. Gass mentioned it would be good to come and talk to the commission before he started drawing up plans.

Chairperson Anderson inquired if it would change the services that they currently offer?

Mr. Hoy replied no it would just add more bays to the building.

Commissioner Hancock inquired how many more bays would be added.

Mr. Hoy replied in the front there would be three or four bays and they would be double deep. There will also be an office space. There would be five or six when it is all done; with access in the front or back.

Commissioner McKay examined if there would be plenty of parking or storage for cars in the area.

Mr. Hoy responded he doesn't like cars sitting around his shop. If a car is sitting there he is not making money on it. There is plenty of parking up front and in the back. We try to keep it cleaned up and cars away from the road.

Chairperson Anderson replied there are no objections to moving forward. We would like to see the plans and setbacks in order to determine the final approval.

Commissioner McKay inquired if a fence would be needed between the back and residential area.

Mr. Hoy replied they would put up a privacy fence more to isolate them from the neighbors. They have put a fence up on part of the property.

Chairperson Anderson inquired if there were other questions.

There were no other questions.

Derik Winegar has requested time with the commission in regards to the sign ordinance in particular the Electronic Messaging Display definition.

Mr. Winegar explained he is looking to buy the Stitches building on Main Street with the house in back; because it is grandfathered in there are questions about what he can do according to the city code. He would live in the house and then he would like to use the front for a computer retail shop. It would be custom computer designs, computer parts, and accessories. He would like to use the top part of the facade for a sign like all the other business. His question is in regards to the glass windows that are in the front. He would like to sell monitors and computer items that light up as his window display.

If you are a computer shop and you use your window display is it considered an electronic message display or signage? The window is facing the street. All he wants to do is have monitors that display the newer technology.

Commissioner Teuscher questioned if the monitors would be on 24 hours a day.

Mr. Winegar replied he could be very flexible. The windows have a tint or something on them that makes it hard to see during the day, so he figures the display will be best seen at night. He thinks he could do neat things with the display and he would also like to incorporate community messages.

Chairperson Anderson replied that is the funny thing about the ordinances. You try and imagine every contingency and then someone like you shows up and has a question.

Mr. Winegar responded he would be buying the property and his family would be living in the house. He has two children that go to Summit Elementary and he shops at Lee's so he feels he is a part of the community and would like to open the shop up and go for it! He would have about 200 sq. feet of retail space, it will be really small. For parking he has the drive way or the garage. Around the back there is a flat of grass and he could take that out and pour concrete and make more parking.

Chairperson Anderson wanted to clarify the messaging display. Does the commission feel that is a monitor that is covered under the Electric Messaging Display (EMD) or not?

Commissioner Tuescher didn't think so. He felt signage is on the building itself. The inside is displaying the product.

Mrs. Izatt responded the problem is it is facing out. This is where we had the issue and spent a lot of time on EMD signs. If he is going to be flashing he can't. I understand we are not interfering in anything else he wants to do. We are trying to get an interpretation if it is an EMD sign then he has to go through the conditional use process and then we have to determine what he can and can't do. The ordinance is specific and the standards are really specific on an EMD. If he is not an EMD and the commission regrets it later when you drive by and it flashes you, you have had your time to discuss it.

Mr. Winegar responded he could choose the transitions from blinking to fading or quick to smooth. He doesn't plan to have anything jumping out.

Chairperson Anderson asked what size of monitor would he be displaying and how many?

Mr. Winegar replied 50 inch, big enough to make it useable. Maybe some small monitors in a pattern. He wants to show on the monitors the different technologies you would see on a monitor. He was concerned it would be considered signage. He would have one large monitor with fun technology. His goal is to be clean and classy looking. Most of what he does is to help people with their technology and it would be fun to have a place to show it off.

Chairperson Anderson assessed with Commissioner Teuscher how he felt, was this a display rather than an EMD.

Commissioner Teuscher replied yes. He has heard when going to Logan the ARS sign is a big distraction as it is flashing in red.

Mr. Winegar responded what if we have a cut off time in the evening?

Chairperson Anderson assumed that at some point he would have to come in and get a conditional use permit.

Mrs. Izatt replied not if you don't deem it an EMD. She would like someone to read the EMD definition.

Chairperson Anderson read the EMD definition; a sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

Mrs. Izatt inserted if you think his display will do any of those things you need to really think about it.

Chairperson Anderson stated the electronic message displayed may be defined by a sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. He asked if that changed Commissioner Tiescher's decision.

Commissioner Tiescher replied that statement deems it as controlled from the outside and that is a whole other item rather than just signage.

Chairperson Anderson called for other opinions and thoughts.

Mr. Wells called the commissions' attention to the EMD definition and responded the key word is the word sign. You can call it a T.V. monitor or a computer monitor or you can call it a sign. If you had monitors the size of a laptop in the window I don't think it would be questioned. He wants to display a large monitor. T.V. monitors are not nearly as bright as the EMDs.

Mr. Winegar inserted it is just a standard T.V. that we would be able to carry. It would be a retail store so if you want to purchase the display it would be in the store.

Commissioner Edwards voiced his opinion as it being a display not a sign.

Commissioner Krusi responded display.

Commissioner McKay was confused because this display won't be as bright as other signs. It is facing straight out towards the road not towards the traffic. He is still struggling with part of it being inside of the building.

Mrs. Izatt replied the window is right on the property line.

Mr. Winegar explained the display is going to be diffused quite a bit by the glass. The nature of flat panel televisions is not very bright.

Chairperson Anderson evaluated if anyone feels like it is a sign? The consensus is they felt like it is a display.

Mr. Winegar had one more clarification. He is looking to buy a car and have it wrapped with his business name. If he parks that next to the building instead of the garage is that considered a sign?

Commissioner McKay answered in the garage it is not a problem, in the driveway or on Main Street then that becomes a sign.

Chairperson Anderson confirmed the car would be a sign.

Consideration of a request by Travis Taylor, agent for Smithfield Ridges, LLC for approval of Phase 8 (10lots) of the Final Plan for Smithfield Ridges Planned Unit Development located at approximately 600 South and 1085 East. Zoned R-1-12 (PUD) Combined Single Family Residential/Planned Unit Development Overlay Zone.

Mr. Taylor stated this is a continuation of 6th south up to the next intersection. It has the first five lots on both sides of the ten lot phase.

Chairperson Anderson remarked the commission has already covered this and city staff has signed off on everything. This is just a formality; are there any questions. If there are no comments or questions we can entertain a motion.

MOTION: A motion was made by Commissioner Krusi to approve phase 8 of the Smithfield Ridges LLC, requested by Travis Taylor 10 lots of the final plat for Smithfield Ridges Planned Unit Development located at approximately 600 South and 1085 East. Zoned R-1-12 (PUD) Combined Single Family Residential/Planned Unit Development The motion was seconded by Commissioner Teuscher. The voting was unanimous.

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

Consideration of a request by Janice Gualtier for approval of a Dog Kennel Permit for six (6) indoor dogs and one (1) indoor cat located at 691 East 420 South. Zoned R-1-12.

Mrs. Gualtier approached the commission and asked what she needs to do to get the Kennel permit.

Commissioner Krusi inquired if she had a fenced back yard?

Mrs. Gualtier explained she has a 6 ft. fence all around the yard and dug down into the ground so the dogs cannot dig underneath.

Chairperson Anderson called for resident input towards this agenda item.

Brent Buttars, Council Member, voiced his opinion about how the seven dogs bark a lot. He feels the dog owners can't hear their own dogs. He put up a fence then all that did was allowed them to let the dogs loose. The dogs are always barking at people in his yard or walking down the street. There is constant barking. Even in Cache Junction they turned out the kennel permit. For her to be here she wants some type of concession, there are ordinances about noise. The kennel size is four dogs and anytime there is offspring over six months old that isn't right either. To add concessions to wait until the dogs die that could be 20 years and they would outlast him. It isn't fair to go in your own backyard and have the dogs barking at all times.

Ms. Gualtier reported she never lets her dogs out after 8:30 or 9:00 p.m. She hasn't let them out of their enclosed kennel for three days now and she tries to keep her patio door open so if they bark she can hear them. They never go out early in the morning and some days they don't go out at all. She has three dogs inside. As far as she knows there hasn't been a complaint. She tries to keep them contained and quiet. The neighbor behind her lets his dog out and he barks. She is married to a truck driver and she likes to know what is going on around her. She is hard of hearing and the dogs let her know.

Commissioner Archibald assessed what kind of dogs they were.

Ms. Gualtier remarked Chihuahuas.

Chairperson Anderson called for any other questions or comment from the commission or citizen input.

Commissioner Edwards commented we have ordinances already. It seems citizens need to comply as written instead of always feeling they have special situations.

Commissioner Krusi inquired how many dogs the kennel permit allows.

Mrs. Izatt replied five animals total on a mix. It is on the back side of the definitions she copied for the commission.

Commissioner McKay read the definition, KENNEL/CATTERY, NONCOMMERCIAL: An establishment of three (3) or more dogs or five (5) or more cats and regulated by a “conditional use permit”

Mrs. Izatt referred to when Mr. Buttars mentioned four animals that is all she can approve at her desk.

Chairperson Anderson commented about the statement” it is regulated by a conditional use permit”, so they could add conditions on this motion.

Commissioner McKay inquired how she takes care of her yard. Is there animal waste all over?

Ms. Gaultier replied they mow it but she has not put in any sod. Her animals prefer newspapers inside the kennel. The cat has never touched grass it is completely an indoor animal. She knows they bark but it is during reasonable hours. She didn’t realize they had caused a problem.

Commissioner McKay remarked people who have animals are often times conditioned to the barking. She may be accustomed to the dogs barking.

Ms. Gaultier understands they are yappy dogs, when she hears them she does something about it.

Commissioner Tuescher informed Mrs. Gaultier if she is given a permit and there are complaints the commission can revoke the permit.

Mrs. Izatt explained she has a file on each permit and allows up to three complaints that she logs in the file before the officer is sent out.

Chairperson Anderson reported there are a couple of options. It can be approved with conditions or it can be denied and ask that she stay within the ordinance.

Commissioner Krusi stated he would approve with conditions. The problem is the barking, we should set hours the dogs can be out. When they are not at home they should be inside or in the dog run.

A resident from the audience questioned who approves times of day and nights when barking is okay and not okay.

Chairperson Anderson replied the commission makes the conditions.

Mr. Doxey a resident pointed out that there is a noise ordinance that is written for this type of thing and should be followed

Commissioner Edwards inquired how long she has had six dogs. When does the seventh and eighth come.

Ms. Gualtier explained she had four dogs for a long time and the other two were born and she raised them. It has been six dogs for a couple years.

Chairperson Anderson mentioned they could set conditions on how many dogs.

Commissioner McKay added he would like to set conditions on noise and how many complaints would be allowed.

Mr. Wells reminded the commission to keep in mind the concern the neighbor had when they are in the backyard the dogs bark at them at all times.

Mrs. Izatt questioned if they are barking from inside the house.

Mr. Buttars answered yes and any time he is outside in his yard.

Chairperson Anderson replied another option is to file complaints.

Mr. Buttars said he has counted seven dogs.

Mrs. Gualtier said she only has six and when her son comes up he brings his dog and that dog is usually with her overnight.

Commissioner McKay referred to the picture of the kennel and asked if the kennel was attached to the garage and if the dogs could come in and out. He also asked if there are times when they are left alone.

Mrs. Gualtier they are always in the cage and she is home most of the time.

Chairperson Anderson inquired if there were any other questions or are they ready for a motion.

Mrs. Izatt mentioned animal control can go out and observe the noise.

Mr. John Sweigart from the audience was concerned the ordinance was established for a reason and now we try to find ways to eliminate it? If there is an exception that is one thing but we need to look for the reason she had three dogs. When does it stop it could become a ranch; making someone file a complaint forces people to complain.

Commissioner Krusi explained that is what the city has animal control for is to take care of complaints. The police department fills in when the animal control is not available.

Mr. Mark Low, a resident, expressed she has violated the ordinance with six dogs. A complaint was filed and that is why she is here for a conditional use permit.

Chairperson Anderson stated that is why we are here today because a complaint was filed and she needed to get a conditional use permit. His guess is most of the citizens of Smithfield are not aware of how many dogs you can have at any given time.

MOTION: A motion was made by Commissioner Krusi for the approval of a dog kennel permit with conditions for 6 dogs one cat with no animals to be added even if the current dogs die. The times the animals can be in the dog run are 7:a.m. to 7 p.m. If they are not home the dogs should be locked in the house or in the fixed dog run. If three complaints are received it will come back to the city and she could lose the kennel permit. Commissioner Hancock seconded the motion. Chairperson Anderson called for any discussion or amendments to the motion. A roll call vote was made:

Commissioner Edwards no
Commissioner Archibald no
Commissioner Teuscher no
Commissioner Krusi yes
Commissioner Hancock yes
Commissioner McKay no

Chairperson Anderson explained the motion was denied and informed her she could appeal to City Council if she would like to.

Mrs. Izatt asked Mrs. Gaultier to call her and she would explain her options.

Consideration of a request by Dirk Howard for approval of a Dog Kennel Permit for five (5) dogs located at 243 Hillside drive. Zoned R-1-12.

Mr. Dirk Howard explained that he has two large golden retriever poodle mix dogs. Two of his daughters have a dog from the litter. Currently both daughters are home visiting one for health and another waiting for her husband to return. There are five dogs visiting two of them are his. He has a large fenced back yard. He has a four ft. fence that borders the sidewalk. The dogs are not left unattended. They go to work with them. They are most noticeable weekends and the evening when they come home. They are friendly but play fairly roughly. They are seeking for the permit for the time the daughters are with them.

Chairperson Anderson questioned how long he expected his daughters to be there at the home.

Mr. Howard replied one daughter will be there until March the other daughter will be until December.

Chairperson Anderson replied theoretically by the end of the year you will be down to three dogs by the end of the April you will be down to just your dogs.

Mr. Howard confirmed, yes.

Mrs. Izatt commented the ordinance only allows 60 days on visitation.

Chairperson Anderson called for comments from the audience and explained they could approach the bench and state their name and opinion, but please do not repeat what has been said by someone else.

Mr. Dennis Thompson announced he came home from church one week about three weeks ago and heard growling and the five dogs were like a pack of wolves attacking a goat. He chased them off and the dogs took off after the other goat. If he wouldn't have stepped in the dogs would have killed the goats. Six months prior to the incident the dogs were barking constantly. There are methods to keep dogs from barking. Anyone that walks by the back fence is in danger. The dogs can hit that fence with full force. His grandkids are scared to play on the swing set by the fence because the dogs are barking and jumping on the fence.

Mr. David Doxsee explained he had filed a complaint. He and his wife like to walk and they don't like to be restricted of where they can walk. On 880 east the dogs are always barking and jumping up over the four ft. fence. He knows the dogs could clear the fence if they wanted too. His wife is fearful of walking there. When you get too many dogs on a property you have a lot of poop and flies. There is no indication that the yard has been cleaned up. They do act like a pack and all charge at the same time.

Mr. Bob Peterson lives on the west side of the dogs he gets to hear every time someone walks by because the dogs are hitting the fence, barking and scaring anyone on the sidewalk. The kids

walk in the street because they don't want to walk by the fence. He lived in Salt Lake Valley for 44 years. Reason for leaving is the noise is getting louder and louder, earlier and earlier. They moved to Riverdale by Preston while they found where they wanted to live out their retirement years. Smithfield came out on top. They have a beautiful neighborhood the Birch Creek Golf Course and quiet. When they were looking to buy they would drive up at night after dark to sit and listen. There was quiet. We bought a home and have 5 dogs barking all the time. He is afraid to let his granddaughter go by the dogs because he doesn't know what will happen. Where he lived in Bluffdale you had to have a 5ft kennel that is if the doghouse was outside the run area of the kennel, otherwise it had to be 6 ft. These dogs are behind a 4ft fence that they can clear easily. He referred to Commissioner McKay's question on how the yard was kept up. He presented pictures of the home and how it looked. If they are going to have dogs they should stick with the amount of dogs the ordinance specifies and be in a kennel. He would request the commission deny the kennel and the dogs be required to have a kennel dog run.

Mr. Christopher Olsen had no complaints from what he has heard, but wanted to compare the way teenagers like to stay up later than the 10 p.m. noise ordinance. How community events like Sky View Football or the Health Days Fireworks happen after 10 p.m. He felt the dogs have to put up with all of our noise after that time. He also discussed how dogs are excited to see people as they walk by or when the owner comes home they bark to show their happiness. Barking is their way to show they are happy and excited to see you.

Janet Humpheries voiced her opinion to advocate for the children of Smithfield. She lives on the west side of the Howards separated by a vinyl fence. When 500 lb. dogs rush a fence and she has two little grandchildren that are just toddlers would be an easy target. She only sleeps 6 hours a night. She only complained a week before the incident with the goat. Their barks have changed and there is more growling instead of barking and it makes her very nervous.

Mark Low lives to the South of the Howard resident and is very familiar with their yard. His daughter plays outside and she does not tease the dogs. She and her friends are terrified of the dogs. She says to his wife when I am out there playing and the dogs are up on the fence and growling it is very intimidating. His daughter worries about what she will do if the fence comes down. He knows the dogs can clear the fence. The size of the fence is an issue. There is a pattern of not taking care of animals. The 13 years they have been there they have had chickens and they have gotten out and roamed the neighborhood. Animal control had to come and get the chickens. They have had bees and they have swarmed in his yard and the neighbors. There is a neighbor that is allergic to bees. He has witnessed behavior by the five dogs in a pack like manner in another circumstance.

Marsha Thompson inquired what the procedure was to create an ordinance to eliminate kennels from the residential area.

Chairperson Anderson referred to the workshop held at the first of the meeting and how there is discussion and review and public hearings. Typically it is based on what the commission feels is the right thing to do then it is sent to City Council and they can pass or reject and it will be reviewed again.

Steve Croft lives on 880 East 280 North, he lives two houses to the south and mention his personal experience of not wanting to walk on the sidewalk because the dogs barrel into the fence and the fence boughs out. The dogs scared him the way they attack the fence he is a grown man and it made him nervous.

Rod Johnson lives across the street. It is not an appropriate place for a kennel; they are big dogs and intimidating when they are looking over the fence and he seconds to what everyone else says.

Chairperson Anderson read a letter from the Olsen family who lives next door. They are moving but he felt they had a right to be heard. **Refer to Exhibit A.** The following is excerpts read during the meeting:

Based on our observations for the past 12 years and close proximity (adjoining property that shares a fence), **we strongly recommend that the Smithfield Planning Commission approve his request. Mr. Howard and his family have displayed:**

- Consideration for surrounding residents, taking active measures to insure noise discipline and dogs remaining on their property. While it is the nature of dogs to bark, the Howards are considerate of their neighbors, and take immediate actions to quiet their dogs, especially if it is after hours or early morning.
- Being responsible pet owners. All dogs are tagged, licensed, and current on vaccinations; and are in good health and happy. Dogs have a friendly disposition.
- Using controlled measures to keep dogs on the Howard's property. Controlled measures observed: complete fenced property, electronic collars, and dog obedience instilled by entire Howard family.
- Keeping dogs in their (or with another responsible party) immediate custody. When unable to do this which is seldom, the pets stay in the Howard's fenced backyard for a short period of time. No issues experienced or observed.

In conclusion, we cannot emphasize enough the high degree of responsibility as pet owners that Mr. Dirk Howard and his family have displayed these past 12 years.

Chairperson Anderson allowed Mr. Howard to respond one more time to the statements made.

Mr. Howard responded they have never had a victim. They did take down the goat and the goat has not needed any medical assistance or had a vet visit and is recovered perfectly. As far as the children, the dogs have never left the yard or broken the fence. He will concede they run to the fence to greet people. They have very interested social dogs and they do rough house. He is fine

to make a concession to the neighbors and make it into a 6 ft. fence and keep the dogs in socially accepted standards.

Commissioner Tuescher inquired if there was a dog run.

Mr. Howard replied no kennel. They live in the house and let out in the fenced back yard to run and do their business.

Chairperson Anderson called for any other questions. He then asked Mr. Howard how long the five dogs have been with him

Mr. Howard commented all dogs have been there since July full time.

The neighbors in attendance and city staff disagreed.

MOTION: A motion was made by commissioner Edwards to deny the request by Dirk Howard for approval of a Dog Kennel Permit for five (5) dogs located at 243 Hillside drive. The motion was seconded by Commissioner McKay. A roll call vote was given.

Commissioner Edwards- yes on the denial
Commissioner Archibald – yes on the denial
Commissioner Teuscher – yes on the denial
Commissioner Krusi – yes on the denial
Commissioner Hancock – yes on the denial
Commissioner McKay – yes on the denial

Chairperson Anderson replied the permit has been denied.

MOTION: A motion was made by Commissioner Krusi to adjourn the meeting at 8:49 p.m. The motion was seconded by Commissioner Edwards. The voting was unanimous.

Commissioners voting in favor: McKay, Hancock, Krusi, Anderson, Tuescher, 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, September 17, 2014** in the Smithfield City Council Chambers, **96 South Main**, Smithfield, Utah.

7:00 p.m. Opening Ceremonies

Workshop session:

The Commission will continue review and discussion in regards to parking in the business districts, multi-family & planned unit developments and the feasibility of adding Assisted Living Facilities to the Land Use matrix.

The Commission will review & discuss proposed changes to the sign ordinance in regards to Community Event signs.

Agenda items:

1. 7:20 p.m. Resident Input
2. 7:25 p.m. Consideration of Consent Agenda
Minutes of the August 20, 2014 Planning Commission Meeting
3. 7:30 p.m. Jon Hoy, agent for CarSmart, has requested time with the commission for discussion in regards to a proposed expansion of a non-conforming use located at 110 North Main. Zoned CB (Central Business District)
4. 7:40 p.m. Derik Winegar has requested time with the commission in regards to the sign ordinance in particular the Electronic Messaging Display definition.

5. 7:40 p.m. Consideration of a request by Travis Taylor, agent for Smithfield Ridges, LLC for approval of Phase 8 (10 lots) of the Final Plan for Smithfield Ridges Planned Unit Development located at approximately 600 South and 1085 East. Zoned R-1-12 (PUD) Combined Single Family Residential/Planned Unit Development Overlay Zone.
6. 7:50 p.m. Consideration of a request by Janice Gualtier for approval of a Dog Kennel Permit for six (6) indoor dogs and one (1) indoor cat located at 691 East 420 South. Zoned R-1-12.
7. 8:00 p.m. Consideration of a request by Dirk Howard for approval of a Dog Kennel Permit for five (5) dogs located at 243 Hillside Drive. Zoned R-1-12
8. 8:10 p.m. **ADJOURNMENT**

Posted this 12th day of September 2014 at the Smithfield City Offices, City Web Page and the Utah Public Meeting Notice web site. Notice provided to The Herald Journal this 12th day of September 2014.

Charlene Izatt, Deputy Recorder

ITEMS ON THE AGENDA MAY BE CONSIDERED EARLIER THAN SHOWN ON THE AGENDA.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Charlene Izatt, Smithfield City Offices, at 435-792-7989 at least three working days prior to the meeting.

Exhibit A:

September 16, 2014
Smithfield city
ATTN: Smithfield Planning Commission
96 South Main
Smithfield, UT 84335

SUBJECT: Letter of input regarding Dog Kennel Permit (Requestor Dirk Howard) for Smithfield
Planning Commission meeting on September 17, 2014

Dear Smithfield City Council Members:

We are providing a letter of input since we are unable to attend the Smithfield Planning Commission meeting on September 17, 2014. Let it be known that neither Mr. Dirk Howard nor any of his family members approached us to write this letter of input. This is strictly voluntarily and we believe that submitting a letter of input is the right thing to do.

We are property owners of 229 Hillside Drive, Smithfield, UT 84335 and have lived there from 2002-2014. we recently moved (August 2014, but are still property owners of the foresaid property, which is an adjoining property of the Howard's at 243 Hillside Drive.

It is our understanding that Mr. Dirk Howard is currently petitioning for approval of a Dog Kennel Permit for five dogs at 243 Hillside Drive, Smithfield, UT 84335 (Zoned R-1-12). Based on our observations for the past 12 years and close proximity (adjoining property that shares a fence), **we strongly recommend that the Smithfield Planning Commission approve his request. Mr. Howard and his family have displayed:**

- Consideration for surrounding residents, taking active measures to insure noise discipline and dogs remaining on their property. While it is the nature of dogs to bark, the Howards are considerate of their neighbors, and take immediate actions to quiet their dogs, especially if it is after hours or early morning.
- Being responsible pet owners. All dogs are tagged, licensed, and current on vaccinations; and are in good health and happy. Dogs have a friendly disposition.
- Using controlled measures to keep dogs on the Howard's property. Controlled measures observed: complete fenced property, electronic collars, and dog obedience instilled by entire Howard family.
- Keeping dogs in their (or with another responsible party) immediate custody. When unable to do this which is seldom, the pets stay in the Howard's fenced backyard for a short period of time. No issues experienced or observed.

In conclusion, we cannot emphasize enough the high degree of responsibility as pet owners that Mr. Dirk Howard and his family have displayed these past 12 years. In contrast to other pet owners during our 12-year residence at our

Smithfield home, we have observed numerous times pets wandering around the neighborhood, some without tags but obvious that they belonged to someone. These pets have created conditions that jeopardize the personal safety of others (i.e. susceptible to being attacked or chased, causing car accidents, etc.). As an example, during this past year Ms. Olson encountered two dogs wandering in Smithfield within one week. One dog did not have any identification and the other she was able to locate a tag with the owner's phone number. Luckily with the help of Smithfield City they were able to reunite the pets with their owners (who each appeared to only own one dog). With that being said, the quantity is not as important as the degree of the responsibility of the pet owner. Thus our reason for strongly recommending approval of Mr. Dirk Howard's request for a Dog Kennel Permit for five dogs at 243 Hillside Drive, Smithfield, UT 84335. Mr. and Mrs. Howard set the example as responsible pet owners and are considerate of their neighbors.

Please feel free to contact us at: 435-770-6996 or 435-770-4533.

Respectfully,

John and Tanya Olson
229 Hillside Drive
Smithfield, UT 84335
jntolson@comcast.net
john.olson@dri.edu