

MINUTES OF THE GRANTSVILLE CITY, PLANNING COMMISSION HELD 12/20/2018.

The meeting was held in the Grantsville City Council Chambers at 429 East Main Street in Grantsville, Utah. Those present were Commission Chairman Jaime Topham, Commission Members Gary Pinkham and Jacob Linares. Absent was Commission Member Robbie Palmer and Erik Stromberg. Also, present was Zoning Administrator Kristy Clark, Attorney Brett Coombs, Eric and Susan Johnsen, Kaylie and Trevor Buhl, Robin Hensley, Mike Didericksen, Gary Bleazard, Camille Curtis, Gerald and Cheryl Webster, and Nick Crosby.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

7:00 P.M. PUBLIC HEARINGS:

- a. **Proposed Rezone** of .21 acres of land at approximately 54 East Main for Christina Peabody to go from an CS zone to a CN zone.

Chairman Jaime Topham opened the public hearing at 7:00 p.m. and called for comments.

Robin Hensley: Stated that she just has a couple questions about the application.

Jaime stated, I don't know that we have sufficient information, but I'm sure that the person who's here can address them when it's her turn to talk.

Gary Pinkham mentioned that according to the application it looks like dog grooming and it says kenneling and I am assuming that might mean overnight kenneling.

Robin asked how is she going to keep the dogs quiet? I live right next door to the property.

Kristy Clark stated that this application is for a Rezone and the applicant will have to come back for a Conditional Use Application which will give us more information on what she is planning.

With no further comments being offered, Chairman Jaime Topham closed the public hearing at 7:02 p.m.

- b. **Proposed Class “A” Kennel Permit** for Kaylie and Treavor Buhl at 245 North Cooley Street for the keeping of up to 10 hunting dogs in the R-1-12 zone.

Chairman Jaime Topham opened the public hearing at 7:02 p.m. and called for comments.

Mike Diderickson stated, I just want to comment and say I'm against this. About 15 years ago, another group had hunting dogs down on Cooley and they had to be moved. These are hound dogs and the reason they use them is because you can hear them up to a mile and a half away. And how I found out about these dogs is I work six days a week. I had a day off and at 1:00 am in the morning they started barking and again at 6:00 am. About a month ago I was out working in the back of my yard and they barked for 50 minutes' straight. Maybe if they build a soundproof building, I would be okay with this but if not then I would request that you deny this. Jaime asked when you say that they were barking at 1:00 am and 6:00 am how long was the barking? Mike stated that they would go for about 5 to 10 minutes just long enough to wake you up.

Susan Johnsen stated, this is really hard, we really like our neighbors a lot. We live just three doors up. And there's no barrier between our property and theirs. The dogs barked all summer long and it was all times of the day and night. Some nights it was all night long. Kaylie did say to text her when they were barking. But the thing about that is, when you're woken up at night, even if you'd say anything, you're awake. And they would stop, they'd be yelled at, and then they'd be quiet for a while. And then the dogs would start again. I don't know what the answer is. I hate the fact that it can cause a rift between neighbors. That's always something that I would like to avoid, if possible. But anyway, that's all I have to say. Thank you.

Greg Bleazard stated, I have a similar circumstance as Mr. Diderickson, I live through the field. But with this situation, you have houses on all three sides. Not that about right where the kennel would be, but there's really nothing to block that sound. I would echo the comments that have been made today, I don't know what's going to stop the sound or detract the sound. I think the point has been made that the dogs are bred to hunt and bark loud, so they can notify the hunter where they retrieved the prey. It's hard for me to understand how a dog that's bred to do that could then be silenced as soon as he comes home. I'm just not sure how that works. The fact that homes are on all three sides, and there are neighbors that are hearing those dogs even further away than the 500 to 700 feet, also concerns me. You know, the comment Mike made about dogs being heard inside? I've heard that from others, as well. And so, I would ask that as a neighbor I would request that this not be approved. Not because I don't think that the owners don't take care of dogs, I just don't think that this

type of dog in this type of situation is appropriate. Unless you live in an area where there are no homes, and that's not the case here. If the commission decides to go against the concerns voiced here today and decide to approve this, I would ask that you please do something. Add something to the CUP to keep the dogs quiet. Whether it's some type of bark collar or noise proof building. I'm not sure how that would work, or if it's even possible. But if approved, please consider the neighbors. Thank you.

Mike Didericksen stated, I have one more thing to say that has to do with what Mr. Bleazard just stated. Jaime said, our agenda is light today so come back up. Mike stated I've been through a Conditional Use before with the trailer court that is next to my house. I had over 150 signatures against their CUP. The main issue was the dogs. There weren't supposed to be any outdoor dogs, either tied up, running loose, or anything. Go down there now, most of them have more than two dogs and they're outside, and they're supposed to be inside and on leashes. I don't know what the rules are, but I think if there are more than two dogs, you're supposed to have a kennel license. Those guys don't live by it. I've come down on several occasions have been told that it's private property and there's nothing anyone can do about it. Once they get that conditional use permit, it's left up to the community to try to get something done and that's darn near impossible. And so, I don't want to add 10 more dogs that you can hear a mile and a half away. It just really destroys your peace, even in closed windows. Thanks.

Eric Johnsen stated, I just wanted to first emphasize to the Buhl's, we love you as neighbors. When we found out about Trip and Trig with all of their health issues, we were praying for you. It's nice to see them strong and vigorous and running, again. We love you guys as neighbors. I'm here to echo what has been said. Those kinds of dogs just don't fit in the neighborhood. If there is a way to truly keep them quiet so that neighbors can't hear it, that's great. I don't know what that is. Maybe it's that soundproof building, or maybe it's a building that's soundproof within another building that's soundproof, I don't know. This has affected our utility bill. We can't open our windows in the summer. In the evenings, we like to open the windows to cool things off, so you don't have the air conditioner running. We can't do that. Susan is a lighter sleeper than me. And she's awake a lot from the dogs. There's a lot of dogs in the neighborhood. And when one dog starts barking the rest feel like they need to join in. These hunting dogs in particular, they seem to cue into a sharp noise, like a gunshot. I can't go out the back door without them barking and we're 300 yards away. The field right next to them there's calves and cows and if they walk over close to where the dogs are, that will set them off, pretty much anything and everything sets them off barking. I'm just saying it's not a good fit under the current circumstances. If the noise can be completely resolved, I'm fine with it. Thanks.

Cheryl Webster stated, I have a letter here from Brandy and Josh Hall, who live right next door to the dogs. I can honestly say I think this has all been blown out of proportion somewhat. But this is what they said: We are writing this letter in place of us being able to attend the meeting on Thursday. We fully support the approval of the kennel license. We live within a few feet of these dogs and have yet to be bothered by them. With any animal being moved to another home, they will typically bark for a short amount of time while getting used to their surroundings. This is what they do. I have since barely heard them bark at all. Trevor put up a tarp around the kennels, and I have maybe heard them once since then. My dogs bark more than their dogs ever have barked. We love the Buhl's and have absolutely no issues with them being approved for the license. We fully support it. Thank you, Josh Hall and Brandy Hall.

Cheryl Webster continued, I am Kaylie's grandmother, when Kaylie and Trevor moved their family here in the summer, I can honestly say I didn't notice their dogs barking until there was a neighbor who started complaining about it. Then it was whenever I even thought I heard them I would text Kaylie and say, "Dogs barking." She'd go out and shut them up. Although the dogs are in her backyard, she couldn't hear them in her house. I guess old houses are just built better than these new houses, because she couldn't hear them. I went down to listen, and I couldn't hear them either. There's a lot of dogs down there, and they all bark. Mine included. But I don't think anybody knows whose dogs are barking. Kaylie got a text from Susan in the summer saying her dogs were barking in the middle of the night. She had all her dogs in Monticello with her. I've lived on that street for 68 years and there's always been dogs. I suppose there always will be. There's a lot of us that don't have a problem with this, and we live much closer than any of these people. Thank you.

Nick Crosby stated, I'm also a very close neighbor. And as far as hearing the dogs inside a home, I have never heard them in the home. I've heard other dogs down the road, that's just kind of part of country living. I have not heard these hound dogs. They're very well-trained dogs. That's the reason they can hunt and come home and be quiet. That's what they're trained to do. I am okay with this permit. They have put up blinders, and I don't ever hear their dogs. I've never heard them in the house for sure, but I'm not out there seeking it out. So, that's just my comments. I've never heard the dogs in my home. Windows open, windows closed. Thanks.

Camille Curtis stated, I am Kaley's mom and Trevor's mother in law. And I also live right next door. I'd like to say I'd never be on board for a bunch of dogs barking outside my backdoor, although I do have a couple dogs who like to bark here and there. But like Trevor and Kaley, who are very in tune to their dogs, I reprimand them when I can, unlike plenty of other dog owners. I'd like to tell you a few things about Trevor as a dog owner. He is probably the most responsible dog owner I know. He always

makes sure they have plenty of straw for warmth in the winter and always feeds and waters them, even before feeding and watering himself. The dogs are one of his great passions. He has been working his dogs for probably 15 years. He runs them regularly. It's a great hobby that gets him and his family out in the great outdoors, which they all love very much. I know one day, my grandsons will be great hounds' men just like their dad, and I think that little girl is going to be a great hound's woman. I just ask you to not take this away from them. I know Trevor's going to take whatever measure he must, to make sure they're not barking, because he knows that no one wants to hear that. None of us want to. So, he'll do it right. Thank you.

Gerald Webster stated, I'm a move in and have only been here 26 years. But during that 26 years, living on Cooley street, there has always been dogs there, and they've always barked. And since these other dogs have moved in, I haven't noticed any extra barking. I haven't noticed any less. But there's always been dogs there. This is a dog-loving town. If you all look around, there's dogs almost everywhere, even riding around in pickup trucks barking. But I haven't noticed any increase in the barking. All dogs bark some. Not all dogs bark all the time. I haven't heard one that barked all the time. I don't hear them in the house, of course, I'm hard of hearing. But I go outside and hear the dogs, all my neighbors have dogs, and they all bark and I always heard them barking before these people moved in. And I guess if they move out, I'll still hear dogs barking. Thank you.

With no further comments being offered, Chairman Jaime Topham closed the public hearing at 7:27p.m.

- c. **Proposed Preliminary Plat** for Mountain Vista Development, Inc. on the Hunter Place Subdivision located at 420 South Center Street for the creation of thirteen (13) lots in the R-1-21 zone.

Chairman Jaime Topham opened the public hearing at 7:27 p.m. and called for comments.

With no comments being offered, Chairman Jaime Topham closed the public hearing at 7:27 p.m.

CHAIRMAN JAIME TOPHAM, OFFICIALLY CALLED THE MEETING TO ORDER AT 7:27 P.M.

1. Election of a Chairman to serve for one year starting January 2019.

Jacob made the motion to approve Jaime Topham as Chairman to serve for one year starting January 2019. Gary seconded the motion. All voted in favor and the motion carried.

2. Election of a Vice Chairman to serve for one year starting January 2019.

Jaime made the motion to approve Gary Pinkham as Vice Chairman to serve for one year starting January 2019. Jacob seconded the motion. All voted in favor and the motion carried.

3. Discussion of a Proposed Concept Plan for Ken Hale to create thirteen (13) one-acre lots located at 400 East Nygreen Street, in the RR-1 zone.

Ken Hale was present and stated to the commission: We just want to do a subdivision up there on our property on Nygreen street. Jaime stated, I have a fairly good memory. I remember when you were here making that a minor subdivision, I think I remember us telling you that you really should do that centerpiece as 66 ft instead of 60 ft. Now you're back with a new concept plan for that subdivision and now your road which is only 60 feet doesn't comply with our current road standards. Ken stated, I don't remember it that way. When I came in, I complied with whatever they wanted. They asked for 60 feet, and that's what it was back then. We only go into the property to the end of the front lots, and then we are going to widen it to 66 feet, which the mayor told me would be fine, because I complied with what they asked me to do a few years ago. Gary stated, that we had the discussion about a month ago, on these existing 60-foot roads, that we need to meet the new code, which is the 66. Since we've changed the ordinance, we've had a couple people in your same boat come in, and we've been given legal advice that we need to have them upgrade to the new ordinance, which would mean you basically have to get another couple feet of these front two lots to make 66, if we follow our legal council's advice. Jaime asked, have the two lots on either side of the 60-foot area been developed? Ken answered, yes, there are homes on them. Jaime stated, you're here for a concept plan, but we understand that you're going to likely build on whatever we say, but what we say is not binding on this concept plan, but we've been advised that because this is a new plan, this is a new subdivision, you have to follow the code that's in place at the time you're bringing it, and it requires a 66-foot road, not a 60-foot road. Ken stated, I don't understand how you can do that with somebody when they complied a few years ago. I mean, we're asking for 150 feet and then it jumps to 66 feet wide. There's nothing else I can do about that, and if not then it shuts my entire property off. And I did what the city asked me to do at that time. Jaime

stated, well, that's kind of where we have our hands tied, because as The Planning Commission, we must follow our statutes, and our laws, that are in place when you bring your subdivision. We can't make those variances. Am I right City Attorney? Attorney Coombs stated, That's right. As an option here is to apply for a PUD and see if that could get approved. Jaime stated, that's something that you can look into, and the PUD has a whole bunch of other requirements, so you may want to make sure you look into it, but from where we're sitting, if you brought this to us as a preliminary, we would have no choice but to say you have to make that 66 feet. It's not within the Planning Commissions purview to say we can make a variance to our code or not. We're not the ones who changed the road widths. So, we must follow and enforce our laws. Attorney Coombs stated, you can bring this concept to the City Council, and see if they tell you something different, but the Committee Chair is correct, their hands are tied. Gary stated, it appears that if three feet were dedicated off each lot one, and two, it'd make 66, it would still be over the one-acre minimum, so we wouldn't be creating non-conforming lots if those owners would dedicate the three feet to make the 66. Ken stated, it would only take one of them say "no," and you're done. Jaime stated, you can take the concept to the City Council and get their opinion, they make the laws. But as a Planning Commission we can't.

4. Consideration to recommend approval of the Rezone of .21 acres of land at approximately 54 East Main for Christina Peabody to go from an CS zone to a CN zone.

Christina Peabody was not present!

Jaime made the motion to table the Rezone of .21 acres of land at approximately 54 East Main for Christina Peabody to go from an CS zone to a CN zone. Jacob seconded the motion. All voted in favor and the motion carried.

5. Consideration to approve the Class "A" Kennel Permit for Kaylie and Treavor Buhl at 245 North Cooley Street for the keeping of up to 10 hunting dogs in the R-1-12 zone.

Kaylie and Treavor Buhl were present for this item and stated to the commission: Thanks for having us. I know that that's the biggest issue, is noise, but with the new kennels that I have proposed to you guys, each dog would be in their kennels separately. I have bark limiters for each dog, but I don't think it's my dogs that are causing the problem. Jaime asked, what is a bark limiter? Trevor stated, it's a shock collar. And each dog has one. Jaime stated, I've heard what all the neighbors have said, and I understand how frustrating dogs' barking can be. One of my concerns is that you don't have this kennel put together yet. From my point of view, I would say build it. But what are you going to do to make sure that it's soundproof? What are you going to do to minimize the sound? Trevor stated, so we currently are

building a house right now on our property, and we're living in a rental house that's right in front of our property. So, I have temporary kennels. My dogs are paired in kennels, because I don't have the space, so I can't put bark limiters on them because they're just going to tear them off and chew them up. With the new kennels, they'll be individually separated to where if they cause a problem, they will have a bark collar on, to where they won't cause a problem. But at the same time, there's only been one person that's come to our house and complained. We've never had the cops called on them. None of that. So, I don't see how it's a problem when nobody's come and told me it's a problem besides one person. And I fixed that issue. I put the tarp around the kennels. Gary stated, our past position on kenneling has been that for operations of this nature, that a building be put up and the dogs be put inside the building. Trevor stated, there will be a building around it. The front will just be open with gates. Gary stated, we've been requiring that the dogs be inside a building, four sides. And that goes back quite a few years, we've been doing that, and requiring that on the kennels. Trevor stated, that's kind of not fair for the dogs. They can't have the wind and the sunlight just like any person? Gary stated, you can have dog runs, they can be let out to run and then put back. But our policy has been that kennel permits of this nature, that the kennels be indoors. One of the perfect examples of that is the building right behind the Dollar Store down here on Matthews Lane. It was built there 10 or 12 years ago for a dog kennel, for training sport dogs, and it was totally enclosed, and we've pretty much had that provision in the conditional use permit since to alleviate this kind of problem between the kennel operators and the neighbors. Trevor stated, when we first moved here, we called the city and asked what we needed to do to get a kennels license. That was never even mentioned that we had to have an enclosed building. Kristy Clark mentioned, I didn't know that policy. I'm new. Trevor stated, I will build an enclosed building, I want my dogs there. I don't want these guys to ruin my lifestyle, because they're blaming my dogs for other people's dogs. I'll do what it takes to keep my dogs there. Jaime asked, so you currently have six dogs? Trevor stated, I have nine. I have six hound dogs that I hunt, one retired hound dog, a German Shepard and two Yorkies. Jaime asked, they're all on your property now? Trevor answered, yes. Our family loves dogs. That's our lifestyle. That's how we enjoy life and go have fun. Jaime stated, I think from my perspective right now, you don't have those kennels up. So, like even the inspection from the police officer, and the inspection from the county health, they haven't been able to inspect it, which is a requirement of our conditional use permit, because if those are inspected and approved as part of this process, but you don't have it up. So, I think we're kind of putting the cart before the horse. I understand your quandary, but I think that we must stick with our process so that it's a fair process for every person that comes before us. Trevor stated, why would I go and spend \$3,000 on a building before it's approved, and then it gets denied? Kaylie stated, that is what we were told from everybody, is that if it gets approved, it's like not officially approved, and then once it's built, like we have a certain amount of time to build it, and then we'd have you guys come in and inspect it and then we'd get the kennels license. That's what we've been told from the cops, everybody, that that would be okay,

because it's going to be like \$3,000, and we knew there was a chance that it wasn't going to be approved. Gary stated, that's the way we've been doing them, they're conditional approvals basically, we will approve this conditioned under these requirements, review it in six months, and if you have met it, and there's not a problem, we can approve it. And we've done that with the others. Jaime stated, I think that's the direction we go, we're going to have conditions, and one of those conditions sounds like it's going to be that it be an enclosed building, that maybe you have to close the front of it and then put dog runs, so that you're really muffling the sound, you have an ability to keep your dogs in through the night, or even through the day if you guys aren't going to be home, you can lock the dogs in. It'll keep the noise to a minimum. Trevor stated, that's fine by me. Attorney Coombs stated, the city does have the ability to help enforce that. I mean, if you construct a building, and you're doing everything you're supposed to, it shouldn't be a problem. But if the dogs are getting out and being left out and are barking, the city does have nuisance ordinances that we can enforce to ensure that that's being taken care of. As owners, they have a responsibility to take care of their dogs. I have every belief that they will from everything I've heard. But the important thing to know is that if the dogs are not being kenneled like they're supposed to or barking too much, we will send the police over, and the police will cite them. Kaylie stated, that is fair.

Gary made the motion to conditionally approve the Class "A" Kennel Permit for Kaylie and Treavor Buhl at 245 North Cooley Street for the keeping of up to 10 hunting dogs in the R-1-12 zone. The condition being that the dogs be housed in an indoor kennel with 4 walls, and if there are outside dog runs, that they be provided with the screening to cut down on the outside influence that might cause them to bark when they're outside in their dog runs. And that it be reviewed in six months to see that you've complied with these conditions, and are meeting the conditions, at which time it could be converted to a permanent approval. Jacob seconded the motion. All voted in favor and the motion carried.

- 6. Consideration to recommend approval of a Preliminary Plat for Mountain Vista Development, Inc. on the Hunter Place Subdivision located at 420 South Center Street for the creation of thirteen (13) lots in the R-1-21 zone.**

Rescheduled for January 10, 2019 as per Applicant

- 7. Consideration to recommend approval of the work meeting minutes with City Council, Planning and Zoning and Rural Community Consultants that was held on November 14, 2018.**

Jacob made the motion to recommend approval of the work meeting minutes with City Council, Planning and Zoning and Rural Community Consultants that was held on November 14, 2018. Gary seconded the motion. All voted in favor and the motion carried.

8. Consideration to approve the meeting minutes for the previous P&Z Meeting held on November 8, 2018.

Jacob made the motion to approve the meeting minutes for the previous P&Z Meeting held on November 8, 2018. Gary seconded the motion. All voted in favor and the motion carried.

9. Report from Council Liaison Member, Neil Critchlow. I got a request from Brent Marshall last night that we try to think about what kind of ordinance we need to do to make, around a commercial property, a six-foot-high, white vinyl privacy fence. The Credit Union across the street over here, it become a nightmare and the mayor called us and mentioned that he negotiated with the credit union to put up a privacy fence, and when they did, it wasn't adequate. So, what do we need to do to put an ordinance together on this? Attorney Coombs stated, since it's a land use ordinance, I could draft up a proposed ordinance, bring it to you guys in your next Planning and Zoning meeting, and then you guys could make any changes to it. And then you would pass it on as a proposed ordinance to the City Council, if that's what you wanted to do. Gary stated, I think it would clear things up. For the most part, all these commercial developments were requiring privacy fencing, anyway. And just to make it uniform for everybody, I think they know what they have to do when they come in with their plans, I think we ought to just go ahead and make an ordinance and make it part of the process so that they all know, on these commercial facilities when they come in and build, they've got to put privacy fence up around their property. Jaime asked, what if they're around other commercial development? Gary stated, if they're in a wall situation and I think it was to be between the commercial and residential and undeveloped space because residential could eventually end up there. But from commercial to commercial, we don't need that. I think all the rest should be privacy fenced. Jaime asked, how did the fence that's up now get there? Because that's a gorgeous fence. Neil stated, what it was, was chain link to Helen's front yard. And then they put up that fence just where her house is, and then back to chain link again. Attorney Coombs stated, it was the nice chain link with the wood, and then the chain link. The whole reason that was done is because technically, by our ordinance, you can't have a six-foot fence in the front yard. I mean, that's against our rules. Gary stated, you must have a three-foot fence for visibility. And then you can go to six. Attorney Coombs mentioned, the mayor and I spent hours mediating this between the Boyers and the Credit Union. The Boyers wanted a six-foot fence all the way to the end. So, the Mayor allowed the six-foot fence to go to the end. So, the privacy fence is along the part of the house, and then the field in the back, is chain link all the way to the end. The discussion then went on about the conditional use permits and how to enforce them.

10. Adjourn: Gary made the motion to adjourn the meeting at 8:17 pm. Jacob seconded the motion. All voted in favor and the motion carried.

Kristy Clark
Zoning Administrator