

# River Heights City

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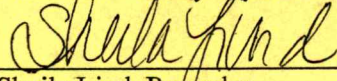
## RIVER HEIGHTS CITY PLANNING COMMISSION AGENDA

**Wednesday, March 15, 2017**

Notice is hereby given that the River Heights City Planning Commission will hold their regular meeting beginning at 7:00 p.m. in the River Heights City Office Building at 520 S 500 E.

- 7:00 p.m. Adoption of Prior Minutes
- 7:05 p.m. Public Hearing for a Kennel Conditional Use Permit Application  
Submitted by Craig and JoDean Bailey
- 7:30 p.m. Adourn

Posted this 9<sup>th</sup> day of March 2017

  
\_\_\_\_\_  
Sheila Lind, Recorder

In compliance with the American Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Sheila Lind, (435) 770-2061 at least 24 hours before the meeting.

# River Heights City

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River Heights City Planning Commission  
Minutes of the Meeting  
March 15, 2017

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5 Present: Commissioners Mark Malmstrom, Chairman  
6 Danny Petersen  
7 Cindy Schaub (present electronically)  
8 Jake Zollinger  
9  
10 Recorder Sheila Lind  
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12 Excused Commissioner Lance Pitcher  
13 Councilmember Blake Wright  
14  
15 Others Present: Curtis and Lisa Crabb, Craig and JoDean Bailey  
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18 Motions made during the Meeting  
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20 Motion #1

21 Commissioner Zollinger moved to “approve the minutes of the March 1, 2017  
22 Commission Meeting.” Commissioner Petersen seconded the motion, which carried with  
23 Malmstrom, Petersen, Schaub and Zollinger in favor. No one opposed. Pitcher was absent.  
24

25 Motion #2

26 Commissioner Petersen moved to “table the Bailey’s Kennel Conditional Use Permit  
27 Application discussion until the next meeting.” Commissioner Zollinger seconded the motion,  
28 which carried with Malmstrom, Petersen, Schaub and Zollinger in favor. No one opposed.  
29 Pitcher was absent.  
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32 Proceedings of the Meeting  
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34 The River Heights City Planning Commission met at 7:00 p.m. in the Ervin R. Crosbie  
35 Council Chambers on March 15, 2017.

36 Commissioner Schaub joined the meeting electronically.

37 Adoption of Prior Minutes: Minutes for the March 1, 2017 Planning Commission  
38 Meeting were reviewed.

39 **Commissioner Zollinger moved to “approve the minutes of the March 1, 2017  
40 Commission Meeting.” Commissioner Petersen seconded the motion, which carried with  
41 Malmstrom, Petersen, Schaub and Zollinger in favor. No one opposed. Pitcher was absent.**

42 Public Hearing for a Kennel Conditional Use Permit Application Submitted by Craig and  
43 JoDean Bailey: Commissioner Malmstrom opened the public hearing by asking the Bailey’s to  
44 explain their request. Ms. Bailey began; they have two hunting dogs that live outside in a



45 double-walled kennel. They have two additional dogs that live in the house, and only go  
46 outside when the Baileys are home. They didn't try to have four dogs. Their old hunting dog  
47 wasn't doing well so they got a younger one to take its place. But, the older dog is now doing  
48 better. They had an inside dog and then ended up getting a second inside dog in December  
49 that came from Poland. She explained that the younger outside dog had a problem with a  
50 barking for a while but when she became old enough they had her wear a bark collar so it's  
51 being taken care of now. Either Craig or JoDean is always home to monitor the barking unless  
52 they are at church for three hours.

53 Commissioner Malmstrom asked the size of the kennel. They guessed it was about  
54 6'x12'. The dogs are in the kennel most of the time, which is located on the southwest corner  
55 of their backyard.

56 Commissioner Petersen asked the Baileys why they got the <sup>fourth</sup> ~~forth~~ dog before getting a  
57 kennel permit. Ms. Bailey said she got it as a show dog and she may breed it. They have bred  
58 their other dog twice. When asked if they have a business license for breeding dogs, they  
59 explained they have a license for their on-line sales business, which they thought was sufficient  
60 for the dog breeding. Mr. Petersen asked if they knew the ordinance when they got the 3<sup>rd</sup>  
61 dog. Ms. Bailey said they didn't know really and they thought the one was going to die, but it  
62 didn't. Mr. Petersen was disappointed they brought in a third dog when they already had two.  
63 He suggested they should have checked the code before going ahead with more dogs. He  
64 asked how long they have had three dogs. The Baileys guessed about a year and a half. It was  
65 brought up that they had only ever licensed one dog. Mr. Petersen said they should have had  
66 them licensed, at which time they would have been notified of the need to get a kennel permit.  
67 He expressed his frustration with people getting too many dogs without first getting a permit.  
68 He also reiterated that if they are breeding and selling, even if they are not making money, they  
69 need a business license. Each business needs its own license. Mr. Bailey asked if everyone in  
70 River Heights who has a litter has a business license. Mr. Petersen said if they continue to  
71 breed they should have a license. The Bailey's reported they have only had 2 litters in 2 years.  
72 The pups are gone by 10 weeks.

73 Commissioner Schaub verified the number of dogs the Bailey's have is four at this time.  
74 However, they would have more if they have a litter. She feels they are running a business with  
75 the intent to breed. JoDean Bailey verified that one of the dogs is a producer. Mr. Bailey said  
76 when the old hunting dog dies they have no plans to replace her.

77 Commissioner Malmstrom discussed three letters he had received from neighbors. One  
78 letter was in favor and two against. There is a concern about the smell from the kennel and the  
79 barking. Mr. Bailey said the barking problem has been fixed with the bark collar.

80 Commissioner Malmstrom asked how often the kennel is cleaned. Mr. Bailey said their  
81 17 year-old is assigned to clean it every day. They have tried to do better since their neighbor,  
82 Curtis Crabb talked to him about the problem last fall. They use some kind of shavings in the  
83 kennel which is suppose to cut the ammonia smell. Commissioner Malmstrom pointed out the  
84 weather is getting warmer and the smell will get worse in a short time. He knows it can be very  
85 unpleasant.

86 Commissioner Schaub said she has lived next to a kennel and in the summer the odor  
87 was unbearable. Their neighbors thought they were doing a good job with their kennel but it  
88 was still bad.

89 Curtis Crabb said every time he's talked with Mr. Bailey he's been good to work with,  
90 but the odors are still there. They have been good neighbors but the addition of the one  
91 outside dog (Shadow) has negatively affected their lives over the last year and a half. He has  
92 been really upset over the problems caused by it.

93 Mr. Bailey explained that he hates to go outside and step in dog poop. When they take  
94 their dogs out they always clean up after them. He also agreed that he hates barking and they  
95 have worked on it. He's hearing tonight that there is still a problem with the smell. He's been  
96 trying to go out everyday to clean up. Ms. Bailey agreed they could do better. She has  
97 investigated raising one side of the kennel so they could add a roof, which would keep the  
98 kennel dryer and smell down. Commissioner Malmstrom said they could put a condition on the  
99 permit to clean the kennel every day, but who would police it?

100 Mr. Bailey proposed giving them 30 days to see how it goes and then meet and re-  
101 evaluate.

102 Mr. Crabb expressed much discomfort that they were the only neighbors at the  
103 meeting. Ms. Crabb said other neighbors also have issues with the dogs but they are afraid to  
104 speak up since they like the Baileys as neighbors.

105 Ms. Bailey feels she understands the hardship of the neighbors because she is a  
106 neighbor of other dogs as well.

107 Commissioner Petersen reiterated his dismay with dog owners coming in to ask  
108 forgiveness, rather than permission. He suggested only allowing three dogs, two inside and one  
109 outside.

110 Commissioner Malmstrom explained that the Commission could grant, deny or table the  
111 request. They could discuss moving the kennel to a different area of the yard. They could only  
112 allow three dogs. They could also grant the permit with conditions, but who will monitor this?  
113 He is also concerned because whatever the decision is, someone may not be happy.

114 Mr. Bailey asked the Crabbs what other concerns they had. Ms. Crabb said there is a lot  
115 of whining and whimpering even with the collar. When the Baileys are outside there is a lot of  
116 shushing. Mr. Crabb said there was not a problem when they only had one outdoor dog. They  
117 don't have any problems with the indoor dogs.

118 Commissioner Petersen suggesting tabling the discussion until the next meeting to see  
119 what remedies the Baileys may come up with.

120 Mr. Bailey asked the Crabbs if it would be better if they went down to one dog outside.  
121 Mr. Crabb did NOT want to be put in this position. He feels the decision should be made by the  
122 Commission. They were VERY uncomfortable with this whole situation which has caused them  
123 a lot of anxiety. They were hoping to get the facts known and then see what decision would be  
124 made. Commissioner Petersen asked the Crabbs if they would be fine tabling the discussion for  
125 two weeks to see what would happen. Ms. Crabb said they already know what its going to be  
126 like since they have lived with it for 1 ½ years.

127 Commissioner Zollinger understands them feeling uncomfortable and agrees they  
128 shouldn't be involved in making a decision.

129 Commissioner Malmstrom hopes in a couple weeks the Bailey's can come up with some  
130 solutions. Mr. Bailey assured they were not mad at the Crabbs and agrees his dogs should not  
131 impact the neighbors. His goal is to find a solution that will make his neighbors happy and not  
132 burden them or make them feel uncomfortable.



133           **Commissioner Petersen moved to “table the Bailey’s Kennel Conditional Use Permit**  
134 **Application discussion until the next meeting.” Commissioner Zollinger seconded the motion,**  
135 **which carried with Malmstrom, Petersen, Schaub and Zollinger in favor. No one opposed.**  
136 **Pitcher was absent.**

137           The next meeting will be held on March 29. Commissioner Malmstrom asked the  
138 Bailey’s to come to the meeting with some solutions.

139           The meeting adjourned at 8:00 p.m.

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Sheila Lind, Recorder

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148 Mark Malmstrom, Chairman

Public hearing date: March 15, 2017

## River Heights City Kennel Conditional Use Permit Application

The Keeping of Three or More Dogs

Name of Dog Owner: Craig & JoDean Bailey Date: 2/27/17  
C = 225-0120  
Phone #: J = 764-9426 Email: jodeanb@comcast.net

Address: 247 S. 800 E.

Number of dogs requested: 4 Property for animal support (sq ft): .28 acres

Description of shelter provided, care of animals, etc: \_\_\_\_\_

Two of our dogs live outside in a kennel with a double-walled insulated dog house that JoDean built. They are let out daily to run in the fenced back yard. Craig and his sons upland bird hunt with these dogs, and they are taken out to rural areas of the county for regular training and exercise. One, the young English Pointer, barks. We've tried a lot of remedies. She now wears a no-bark collar for most of the day. It doesn't hurt her as she's learned that it is the barking that causes the mild stimulation.

The other two (the Golden Retrievers) live in the house. They are walked and exercised daily. Both Craig and JoDean work from home, so there is nearly always someone here to let them out when needed. Care is arranged for them if they are alone for more than 3 hours.

Application fee is \$100 and is nonrefundable.

Date paid 2/27/17 Check number 2543 By SJ

After receipt of the application and fee, the city will schedule a public hearing with the Planning Commission, within one month. Neighbors within 300 feet of your property will be notified of your request, intent and of the hearing.

If granted, the conditional use permit shall be on indefinite duration, non-transferrable but subject to revocation for violation of City Code or regulation, or failure to meet imposed conditions. Revocation will be only by majority vote of the River Heights City Council after written notice to the permit holder has been served and a hearing has been held.

March 13, 2017

Dear Commissioner Malmstrom,

We are adjacent and downwind neighbors to the Baileys of 247 S 800 E Who are applying for permission to legally keep 4 dogs on their property. The Baileys have been illegally keeping 4 + dogs on their property for about 2 years now. We have often wondered why or how they have been getting away with it? They also have a female breeding dog which has babies once a year. So at times they have up to 12 dogs on their property.

When their 2nd outdoor dog Shadow came to share Roxy's kennel they did not expand the kennel size. There are two dogs in tight quarters 5 feet x 14 feet. The kennel is 28 feet from our Master Bedroom windows and 60 feet from our patio where we eat outdoors often in the summertime. Our quality of life began to change at that time. Due to constant noise and foul odors we have not been able to keep our windows open or enjoy our back yard and patio like we have in the past. Last summer Shadow barked all summer long. Also during the summer the kennel smelled so foul that multiple times we had to come inside to eat our BBQ to avoid the odor. We addressed it with Craig and he attempted to remedy the problem.

The barking has improved since the bark collar came along. However, Shadow's whining continues any time the owners are outside or gone for periods of time. The owners are often shushing and yelling at their dogs anytime they are outside. The outside dogs do not get let out of their kennel daily and rarely get exercise.

In the past 2 years we have not complained to the city because we value our relationship with the Baileys as our neighbors. Anytime we have had concerns we talked directly to Craig or Brigham and they were receptive and kind.

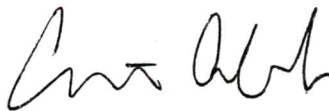
The reality of this situation is that in this neighborhood our properties are small and our homes are close together. The Bailey's outdoor dogs have had a direct impact on our quality of life and the value of our beautiful neighborhood.

We do not support the Bailey's request for a Breeding or Kennel Conditional Use Permit adjacent to our property based on the impact of these facts.

Sincerely,



Curtis and Lisa Crabb  
277 S 800 E  
River Heights, UT 84321  
(435) 512-0244





7 May 2019



Commissioner Mark Ingraham

Dear Sir -

There is no response to the  
"notice" concerning a dog kennel  
at 247 A 800 E in River Heights.

We are opposed to granting a  
permit to raise animals in town.  
While there is no "noise restraint"

law 11 to 7 - it does not protect  
those owners + others who are at  
home during the day.

Sincerely,

Alvin + Annette Arentz

9410 River Heights Blvd







Sheila Lind &lt;office@riverheights.org&gt;

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**Fwd: JoDean and Craig Bailey, Kennel permit**

1 message

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**Mark Malmstrom** <totaltreecare@gmail.com>

Wed, Mar 22, 2017 at 4:48 PM

To: Sheila Lind &lt;office@riverheights.org&gt;

----- Forwarded message -----

From: **Peggy Shelley** <pfshelley@yahoo.com>

Date: Tue, Mar 14, 2017 at 8:02 PM

Subject: JoDean and Craig Bailey, Kennel permit

To: "totaltreecare@gmail.com" &lt;totaltreecare@gmail.com&gt;

Kevin Shelley  
237 S 800 E  
River Heights, UT 84321

March 14, 2017

Dear Commissioner Malmstrom,

We are writing in regards to the Kennel Conditional Use Permit that our neighbors, Craig and JoDean Bailey, have applied for with River Heights City.

We think that River Heights City should grant the Baileys this permit. The Bailey family is very responsible with their dogs, and we don't foresee any problems that could arise by them having four dogs. They always keep their property cleaned up. If any of the dogs start barking, they quiet them within minutes.

We appreciate the notification on this matter, but we have no issues with JoDean and Craig Bailey keeping four dogs on their property.

Sincerely,

Kevin Shelley  
Peggy Shelley

—

**Mark Malmstrom***Certified Arborist RM-0460AT*

Total Tree Care, Inc

totaltreecare@gmail.com

Office: 435-752-1884 Cellular: 435-881-0164