



## SMITHFIELD CITY PLANNING COMMISSION

City Council Chambers  
96 South Main  
Smithfield, Utah 84335

The Planning Commission of Smithfield City met in the City Council Chambers at 96 South Main, Smithfield, Utah at 7:00 p.m. on Wednesday, February 21, 2018

The following members were present constituting a quorum:

Chairperson:	Andrew Soelberg
Commission Members:	Kelly Luthi Jackie Hancock Mindy Spackman Mason Niederhauser (Alternate) Nathan Wright
Excused:	Casey McCammon Steve Teuscher
City Engineer:	Clay Bodily
Deputy Recorder:	Charlene Izatt
City Councilmember:	Curtis Wall
City Mayor:	Jeffrey H. Barnes

Notice was provided to the Herald Journal, delivered to each Commission member and posted at the City Office Building, the Smithfield City website and the Utah Public Meeting website.

The meeting was called to order by Acting Chairperson Hancock at 7:00 p.m.

Char Izatt presented the Oath of Office to new Planning Commissioners – Nathan Wright, Mason Niederhauser and Scott Gibbons.

**Opening Ceremony:** Councilmember Wall led the Pledge of Allegiance.

**Attendance:** Kenneth Tuveson, Laura Desmarais, David & Merilee Olson, David Frandsen (NHS), Mark Williams (NNHC), Neil Etherington, Wade Campbell (City Council), Jamie Anderson (City Council), Scott Gibbons (Alternate), Debbie Zilles

**Workshop Session** Presentation of a training video on Short Term Rentals and a video on Conditional Use Permits created by the Land Use Academy of Utah (LUAU).

**Resident Input:** None

Commissioner Andrew Soelberg was selected to serve as the 2018 Chairperson. There was a tie for Vice-Chairperson (another vote will be held at the next meeting).

**Consideration of Consent Agenda for February 18, 2018 and approval of minutes of the December 20, 2018 Planning Commission Meeting (No meeting held January 17, 2017)**

After consideration by the Planning Commission, Chairperson Soelberg declared the Consent Agenda for the meeting approved and the minutes from the December 20, 2017 meeting to stand as submitted.

**Review and consider approval of the “Rules of Procedure and Conduct for Planning Commission” and “Public Hearing Procedures”**

The documents were distributed to Commission members prior to the meeting for review. Ms. Izatt explained that this information is reviewed annually.

Commissioner Spackman asked about “*Each commissioner will serve no more than three (3) five (5) year consecutive terms*” and whether that was too long. Ms. Izatt explained that the objective is to retain well-seasoned members. Because there is so much to learn, the City felt this was a good timeframe; an individual is not required to stay on the Commission that length of time, however, it is an option if they want to continue serving. The experience is valuable.

Chairperson Soelberg appreciates the rule that no outbursts or applause will be tolerated and individuals can be removed from the meeting if necessary. This allows meetings to be more efficient.

**MOTION:** A motion was made by Commissioner Spackman to **approve** the “Rules of Procedure and Conduct for Planning Commission” and “Public Hearing Procedures” as submitted. Commissioner Wright seconded the motion. The motion was approved unanimously (6-0).

Vote

Aye: Luthi, Hancock, Spackman, Soelberg, Niederhauser, Wright

**PUBLIC HEARING to consider a request by Neighborhood Housing Solutions for a rezone of property located at approximately 675 North 600 East (Crow Mountain Road) from A-10 (Agricultural-10 Acre) to R-1-12 (Single-Family Residential 12,000 SF) Ordinance #18-03, Parcel #08-044-0036, 11.97 acres.**

**7:42 p.m. Public Hearing Opened**

Neil Etherington, owner of an adjacent property, said he knows he cannot stop this project; growth is inevitable, however, he asked the Commission to carefully consider the ingress/egress situation, overcrowding of schools and no green space. There are many homes going in at once and construction can be quite noisy. He asked if there was a subdivision map. Chairperson Soelberg advised that this is only a rezone request. Ms. Izatt explained that the Commission will forward a recommendation to the City Council, who will then make the decision on the rezone.

Councilmember Wall noted that Council members had just received an email from a neighbor, who could not attend tonight’s meeting, with similar concerns. He forwarded the email to the staff and the Commission.

Kenneth Tuveson, owns agricultural property nearby, and is concerned about construction garbage on his property (shingles, plastic, boards, dumped cement). He keeps his weeds cut and tries to be a good neighbor and would like to see developers be more considerate toward farmers in the area. Debris is dangerous for his cattle. He allowed the City to purchase some of his property to widen the right-of-way at Crow Mountain Road, however, he is worried about speeding in the area and believes a speed limit sign should be installed.

Mark Williams, from Neighborhood Nonprofit Housing Corporation (NNHC), said there are many families who want to locate to Smithfield. He would like to be made aware of concerns (such as Mr. Tuveson's trash problem) so they can be taken care of.

David Frandsen, the project manager who oversees the program which provides affordable housing opportunities with "sweat equity" construction, explained that there is a construction supervisor on every project and all homes must meet proper codes and inspections. Volunteers must work at least 35 hours a week and the homes are usually completed within 8-10 months. The "sweat equity" offsets labor costs and allows the homes to be more affordable.

Commissioner Niederhauser asked if there was a high demand for the program. Mr. Frandsen said there are projects in Hyrum and Smithfield with quite a demand in both areas with a long waiting list for Smithfield. He updated the Commission on the previous project (36 lots) with 16 homes under construction. The first 8 homes should be completed this spring.

Mr. Williams confirmed for Commissioner Niederhauser that they own the property.

#### **7:54 p.m. Public Hearing Closed**

Commissioner Luthi asked about the plan for the road and the access concern. Mr. Bodily said there is not an ordinance that specifies the number of homes required for more than one access, there is a secondary egress, however that only serves a handful of homes. The road is planned for future extension and will be development driven. There are Fire Code requirements related to access that will have to be met.

Mr. Bodily confirmed for Commissioner Wright that this rezone is in line with the General Plan and the Future Land Use Map.

Commissioner Luthi asked about parks/trails. Mr. Bodily advised that a future regional park is planned, however, it is on land that has not been annexed into the City.

Councilmember Wall noted that a traffic study on 400 and 600 South was done by J-U-B Engineering. Mr. Bodily said he would have to look up the specific details.

**MOTION:** A motion was made by Commissioner Spackman to **approve** a request by Neighborhood Housing Solutions for a rezone of property located at approximately 675 North 600 East (Crow Mountain Road) from A-10 (Agricultural-10 Acre) to R-1-12 (Single-Family Residential 12,000 SF) Ordinance #18-03, Parcel #08-044-0036, 11.97 acres. Commissioner Hancock seconded the motion. The motion was approved unanimously (6-0).

#### Vote

Aye: Luthi, Hancock, Spackman, Soelberg, Niederhauser, Wright

**PUBLIC HEARING to consider approval of proposed Ordinance #18-02 which amends the Smithfield City Code, Title 16 “Subdivision Regulations” chapter 16.06 “Minor Subdivisions”, 16.06.070 “Required Improvements”.**

### **8:09 p.m. Public Hearing Opened**

David Olsen explained that this proposal originated from his request to subdivide his property and build a smaller home on the lot. To do this, he would be required to install curb, gutter and sidewalk, which makes the project cost prohibitive. He has a private sewer line with City water and attempted to disconnect service, but was denied by the City Council. He has been working on this project for over a year and would like to begin soon because the City Council recently approved increasing impact fees. There used to be an ordinance that allowed the Council, at their discretion, to waive certain requirements. His hope is that this proposed change will be approved and help his situation.

Councilmember Wall explained that the proposed mini-subdivision ordinance was reviewed by the attorney, who recommended denial because of the affect it would have in other areas of the City. The suggestion was to add an allowance, at the Council's discretion, to waive certain requirements in agricultural and residential agricultural zones on 400 West and west of 400 West. In Mr. Olsen's situation, it would not make sense for him to be the only one to have to install curb, gutter and sidewalk.

Commissioner Wright asked if other areas should be considered and included in this proposal. Councilmember Wall said this will be driven by growth and situations can be reviewed on a case-by-case basis.

Mayor Barnes encouraged approval. The majority of farmland is on the west side where there is not much curb, gutter and sidewalk.

### **8:19 p.m. Public Hearing Closed**

Commissioner Luthi said this idea makes sense.

**MOTION:** A motion was made by Commissioner Luthi for **approval** of proposed Ordinance #18-02 which amends the Smithfield City Code, Title 16 “Subdivision Regulations”, Chapter 16.06 “Minor Subdivisions”, 16.06.070 “Required Improvements”. Commissioner Niederhauser seconded the motion. The motion was approved unanimously (6-0).

#### Vote

Aye: Luthi, Soelberg, Spackman, Hancock, Niederhauser, Wright

**PUBLIC HEARING to consider recommending approval of proposed Resolution #18-01 which adopts amendments to the Smithfield City Construction Standards & Designs, Part I “Design Standards”, Chapter 2.0 “Street Design”, Section 2.3 “Street Sections” paragraphs C, D, E & F.**

### **8:21 p.m. Public Hearing Opened**

No public input.

## 8:22 p.m. Public Hearing Closed

Ms. Izatt explained that resolutions typically do not come before the Planning Commission, however, because this resolution involves land use, any modifications or updates need to be reviewed by the Commission.

Commissioner Luthi said the changes help the resolution read better.

Commissioner Wright recommended adding “minimum” to the asphalt measurements in 2.3(C) for better clarification.

**MOTION:** A motion was made by Commissioner Hancock for **approval** of proposed Resolution #18-01 which adopts amendments to the Smithfield City Construction Standards & Designs, Part I “Design Standards”, Chapter 2.0 “Street Design”, Section 2.3 “Street Sections” paragraphs C, D, E & F. Commissioner Wright seconded the motion. The motion was approved unanimously (6-0).

### Vote

Aye: Luthi, Soelberg, Spackman, Hancock, Niederhauser, Wright

**Continued review and discussion on short-term rentals-Airbnb (Air Bed and Breakfast) and VRBO (Vacation Rental by Owner).**

Chairperson Soelberg reviewed the purpose for this discussion. He and former Commissioner Caley researched other cities who have ordinances in place. St. George and Park City restrict rentals in their historic districts. There was previous conversation about obtaining approval from neighbors, however, that has been removed, so as not to create an environment of pitting neighbors against one another.

Ms. Izatt confirmed that adjacent property owners receive a courtesy notification regarding some land use projects, including accessory apartments. Public feedback (when received) is included in the project file. An adjacent property owner has up to 14 days to submit comments. Some projects, if they meet all the requirements, can be handled administratively.

Commissioner Wright asked about the overall temperature of the Council with this issue. Councilmember Wall said there are currently 9 short-term rentals, however, they will continue to increase, therefore, the matter should be addressed.

Commissioner Spackman noted that the Commission has received comments from neighbors with concerns.

Mr. Gibbons said the issue needs to be addressed, either in terms of restriction or regulation and management.

Councilmember Wall said Park City has over 9,000 rentals with specific requirements which need to be met and followed. Noise can be handled within the noise ordinance.

Mr. Gibbons asked about revenue to the City. Councilmember Wall advised that the City has received some money from taxes.

Commissioner Luthi suggested making it a requirement that a rental be licensed. Chairperson Soelberg said it will depend on what the state code will allow; the City cannot prohibit them; the goal is to encourage people to operate them the right way. Ms. Izatt pointed out the Smithfield does not currently license landlords.

Councilmember Wall said it is a good idea to get ahead of this trend. Ms. Izatt agreed and said there has been increased interest/activity since Cherry Peak Resort opened.

Commissioner Soelberg said violations could be handled similar to dog kennel complaints, they must be confirmed and will be kept on file. Violation of applicable rules could result in fines. Mr. Gibbons suggested possibly issuing a fine if a rental is found operating without a license; to encourage owners to obtain a proper conditional use permit.

Chairperson Soelberg pointed out that section G was taken from another city's ordinance and can be modified. He believes there should be some type of recourse to promote accountability.

Chairperson Soelberg asked if the ordinance should include public noticing. Ms. Izatt said that would be part of the process, however, it would not hurt to include it in the wording.

Commissioner Wright asked if "adequate" street parking should be better defined; "adequate" seems ambiguous. Councilmember Wall said usually 3 vehicles are allowed, however, winter parking restrictions will need to be considered. Chairperson Soelberg suggested one stall per two beds. Commissioner Wright said parking should be approved with the permit. Commissioner Spackman thought it should be left up to the owner to determine what will be allowed.

Ms. Izatt reminded the Commission to consider enforcement when deciding what regulations will be included. Chairperson Soelberg agreed and said the members need to think "how enforceable and how lawful" requirements will be.

Commissioner Wright said parking is difficult to regulate, however, by defining it more clearly, it will assure that at least the minimum amount of parking will be required. Ms. Izatt pointed out that an accessory apartment requires an additional pad.

Commissioner Niederhauser asked about the use of an overlay zone. Councilmember Wall said Park City uses an overlay zone due to limited parking in some areas.

Mayor Barnes encouraged restrictiveness on parking. Chairperson Soelberg noted that if parking is restricted on a street, it would apply to everyone, not just individuals using a rental home. Commissioner Hancock suggested vehicles be restricted based on how many people are allowed in the home. Commissioner Luthi likes the idea of one vehicle for every two beds. Commissioner Wright pointed out that the need for parking will be different based on whether a bedroom versus the entire home is being rented. Ms. Izatt advised that four (4) unrelated people may reside in a home.

Ms. Izatt said she will begin putting the information into ordinance form and encouraged the Commission to review the accessory apartment information in Section 17.92.

Chairperson Soelberg will work with Commissioner Wright to provide more information for the next meeting, addressing parking (Commissioner Wright) and penalties and enforcement (Chairperson Soelberg).

Ms. Izatt briefly reviewed ex-parte communication and public clamor. She reminded members to review all emails and other material that is sent out prior to the meeting. She encouraged individual voice votes, especially on controversial projects.

**MOTION TO ADJOURN:** Commissioner Spackman motioned to adjourn the meeting at 9:14 p.m.

Minutes submitted by Debbie Zilles

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Andrew Soelberg, Chairperson

Attested:

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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 Planning Commission Meeting at 7:00 p.m. on Wednesday, February 21, 2018 in the Smithfield City Council Chambers, 96 South Main, Smithfield, Utah.

7:00 p.m. Opening Ceremonies

- Jackie Hancock will be presiding as Chairperson.
- Swearing in of Nathan Wright, Mason Niederhauser and Scott Gibbons as Planning Commissioners.

**Workshop session:** Presentation of a training video discussion on Short Term Rentals and a training video on Conditional Use Permits, created by the Land Use Academy of Utah (LUAU) for review and discussion.

**Agenda items:**

7:15 p.m. Resident Input

7:20 p.m. Consideration of Consent Agenda  
Minutes of the December 20, 2017, **no meeting held** on January 17, 2018.

7:22 p.m. Election of Planning Commission Chairperson and Vice Chairperson

7:25 p.m. The Commission will review and consider for approval the “Rules of Procedure and Conduct for the Planning Commission” and “Public Hearing Procedures”

7:30 p.m. **PUBLIC HEARING** to consider a request by Neighborhood Housing Solutions for a **rezone** of property located at approximately 675 North 600 East (Crow Mountain Road) from A-10 (Agricultural-10 Acre) to R-1-12 (Single Family Residential 12,000 SF) **Ordinance #18-03**, Parcel #08-044-0036, 11.97 Acres.

7:35 p.m. **PUBLIC HEARING** to consider approval of proposed **Ordinance #18-02** which amends the Smithfield City Code, Title 16 “Subdivision Regulations” chapter 16.06 “Minor Subdivisions”, 16.06.070 “Required Improvements”

7:40 p.m. **PUBLIC HEARING** to consider recommending approval of proposed **Resolution #18-01** which adopts amendments to the Smithfield City Construction Standards & Designs, Part I “Design Standards”, Chapter 2.0 “Street Design”, Section 2.3 “Street Sections” paragraphs C, D, E & F.

7:45 p.m. Continued review and discussion on short-term rentals-Airbnb (Air Bed and Breakfast) and VRBO (Vacation Rental by Owner).

8:00 p.m. **ADJOURNMENT**

Posted this 16th day of February 2018 at the Smithfield City Offices, City Web Page, and the Utah Public Meeting Notice website. Notice provided to The Herald Journal this 16th day of February 2018.

Charlene Izatt, Deputy Recorder

**ITEMS ON 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 (3) working days prior to the meeting.