



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, March 21, 2018

The following members were present constituting a quorum:

Chairperson: Andrew Soelberg

Commission Members: Kelly Luthi
Jackie Hancock
Mindy Spackman
Steve Teuscher
Casey McCammon
Nathan Wright

City Engineer: Clay Bodily
Deputy Recorder: Charlene Izatt
City Councilmember: Curtis Wall
City Mayor: Jeff Barnes

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

OPENING CEREMONY

Commissioner Teuscher led the Pledge of Allegiance.

Presentation by Chairperson Soelberg to former Commissioners Jamie Anderson and Wade Campbell thanking them for their years of service on the Planning Commission.

ATTENDANCE

Kristy & Josh Murdock, Wade Campbell, Evelyn Meikle, Andy Quebbeman, Michelle Anderson, Jamie Anderson, Travis Meikle, Wendy Lawyer, Aaron Lawyer, David Reese, Josh Adams, Janet Campbell, Mason Niederhauser (Alternate), Scott Gibbons (Alternate), Debbie Zilles

Workshop Session: Introduce proposed ordinance for Small Lot Single-Family Development and discussion of Open Access: Enhancing Community Mobility

Small Lot Single-Family Development

Mr. Bodily explained that a developer has approached the City about the possibility of having areas available for residential development on smaller lots (approximately 6,000 SF). Currently the smallest development available in Smithfield is R-1-10. The idea of this proposal is to create an area for a “life cycle development” (i.e. homes for families

and retired individuals, with amenities such as trails, parks and open space). Prevention of urban sprawl and effective use of utility services would be an advantage; however, higher density creates concerns for parking and traffic. One idea discussed at the STRC meeting was incorporating a density bonus (a pre-determined %) for funds to use toward recreation and park development. Mr. Bodily asked the Commission to consider whether this is something that should be considered, and if so, what requirements are important to include in an ordinance.

Ms. Izatt noted that several communities allow for this type of development (a matrix of comparable cities and requirements was distributed). The City would not want smaller than 5,000-6,000 SF lots and setbacks will need to be addressed.

Chairperson Soelberg asked if this would comply with recent State law regarding low-income housing. Ms. Izatt said increasing density with small lot subdivisions typically makes home ownership more affordable. Councilmember Wall noted that the City has an audit scheduled in July which will review medium/low-income housing. Smithfield is short on these types of units.

Commissioner Hancock asked about the homes south of the cemetery. Mr. Bodily said they are 8,000 SF lots. Ms. Izatt pointed out that the trend is for smaller lots; many homeowners want less land to maintain.

Mr. Gibbons asked about storm water. Mr. Bodily said it would increase, however, the design and development of a project will need to ensure that all requirements are met. Corner lots may have to be adjusted as necessary.

Commissioner McCammon asked if there were examples of this type of development. Councilmember Wall said there is an area in Logan, west of ShopKo and south of 1400 North that is similar. Commissioner McCammon said this idea is a good alternative to mobile homes and apartments and helps provide another option. He asked if this is addressed in the General Plan. Mr. Bodily said the Plan does include areas for higher-density development. The City currently has a PUD (Planned Unit Development) ordinance. Mr. Bodily noted Smithfield Ridge (1080 East) is also a good example; it was developed as a PUD and required large park/open space areas.

Ms. Izatt said there are many variables that can be considered regarding allowances such as setbacks, open space and heights, amenities, etc.

Councilmember Wall recently attended a session at the Cache Summit, hosted by Bear River Association of Governments (BRAG), regarding this topic. Zac Covington, the Senior Regional Planner, discussed this issue. A link from the conference was forwarded to the Commission. Additional information can be found at www.cachesummit.com. He encouraged the Commissioners to review the material.

Open Access: Enhancing Community Mobility

Ms. Izatt introduced a program offered by the Bear River Regional Access & Mobility Council addressing accessibility and mobility for disabled individuals, which is an important concept that should be considered in future planning.

AGENDA ITEMS

Resident Input

Andy Quebbeman is in favor of the idea for higher density residential development, however, he encouraged the Commission to be sensitive to, and consider the transition to adjacent areas.

Consent Agenda for March 21, 2018 and approval of minutes from the February 21, 2018 Planning Commission meeting.

After consideration by the Planning Commission, Chairperson Soelberg declared the meeting agenda approved and the minutes from the February 21, 2018 meeting to stand as submitted.

Election of Vice-Chair for the Planning Commission to break a tie from the February

Commissioner Hancock was elected to serve as Vice-Chairperson.

MOTION: A motion was made by Commissioner Luthi to **approve** Jackie Hancock to serve as Vice-Chairperson for the Smithfield Planning Commission. Commissioner Teuscher seconded the motion. The motion was approved unanimously (7-0).

Vote

Aye: Luthi, Hancock, Spackman, Soelberg, Teuscher, McCammon, Wright

PUBLIC HEARING to consider a Conditional Use Permit application from Kristy Murdock, property owner, to allow a two (2) lot minor subdivision/intrablock development (Murdock Lane Intrablock Subdivision) located at 126 East 100 South. Zoned R-1-10

7:36 p.m. Public Hearing Opened

Kristy Murdock explained the request to create a flag lot for their personal home to be built. The existing home will remain. The old barn, chicken coop and garage will be removed.

Mr. Bodily said the intrablock development requirements have been addressed.

7:38 p.m. Public Hearing Closed

Commissioner Tuescher likes the idea of cleaning up and using this area.

Ms. Murdock noted that the State code requires a 20' radius, however, a 50' radius is being required. Mr. Bodily said a City can be stricter, this is what the Fire Department determined necessary for a turnaround radius.

MOTION: A motion was made by Commissioner Spackman to **approve** a Conditional Use Permit application request from Kristy Murdock, property owner, to allow a two (2) lot minor subdivision/intrablock development (Murdock Lane Intrablock Subdivision) located at 126 East 100 South. Zoned R-1-10. Commissioner Teuscher seconded the motion. The motion was approved unanimously (7-0).

Vote

Aye: Luthi, Hancock, Spackman, Soelberg, Teuscher, McCammon, Wright

Travis Meikle, agent for 810 East Development, LLC, has requested consideration for approval of a **Concept Plan** for Quail Cove, a 7-lot minor subdivision, located approximately 164-200 North 810 East. Zoned R-1-12

Mr. Meikle explained that this 3.25-acre property will be a 7-lot cul-de-sac, located at 160-200 North, just off Summit Drive. There is a current storm drain that comes out to the south and runs to 170 North, which is an overflow line. The property slopes to the south, however, the proposed retention pond will handle the land contour. The south lots will have to be slab on grade; basements will require a sewer pump.

Commissioner Wright asked if the home to the south had a basement. Mr. Meikle said it does, and outlined where utilities were stubbed in on the map.

Mr. Bodily said this plan has gone through STRC, the water model information has not come back yet.

Commissioner Wright asked about an overland flow plan. Mr. Bodily explained the retention pond would be required to manage up to the 90th percentile of runoff and all appropriate storm water standards will have to be met.

Mr. Gibbons asked about ongoing maintenance of the retention pond. Mr. Meikle said the pond will be located on lot 3, and as part of the property, it will be the responsibility of the owner. A right-of-way will be added to the final plat which will allow City access.

Mr. Meikle said another option is for an underground sump, however, it was determined that an above ground pond is an easier option for maintenance. Mr. Bodily agreed that his personal preference is for an open pond, rather than having a Class V underground injection well.

MOTION: A motion was made by Commissioner Hancock to **approve** the Concept Plan for Quail Cove, a 7-lot minor subdivision, located at approximately 164-200 North 810 East. Zoned R-1-12. Commissioner Wright seconded the motion. The motion was approved unanimously (7-0).

Vote

Aye: Luthi, Hancock, Spackman, Soelberg, Teuscher, McCammon, Wright

Travis Meikle, agent for 810 East Development, LLC, has requested consideration for approval of a **Preliminary Plat** for Quail Cove, a 7-lot minor subdivision, located approximately 164-200 North 810 East. Zoned R-1-12

Mr. Meikle outlined the minor changes made to the plat, including relocating the sewer services, adding a street light and designating the setback lines.

MOTION: A motion was made by Commissioner McCammon to **approve** a Preliminary Plat for Quail Cove, a 7-lot minor subdivision, located at approximately 164-200 North 810 East. Zoned R-1-12. Commissioner Teuscher seconded the motion. The motion was approved unanimously (7-0).

Vote

Aye: Luthi, Hancock, Spackman, Soelberg, Teuscher, McCammon, Wright

Discussion and review of proposed ordinance for Short-Term Rentals

Chairperson Soelberg explained the removal of “misdemeanor” from Section 17.95.070 Penalties & Enforcement because “infraction” seemed to fit better. Another option could be to remove “infraction” and change to a fine. Commissioner Teuscher likes the idea of an infraction, however, questioned how it will be enforced. Commissioner Spackman said it was previously discussed that it could be handled on a complaint basis and documented. Ms. Izatt said that is how dog kennel complaints are managed, after 3-4 complaints are received, a citation is issued. Ms. Izatt explained that references to fines have been removed and complaints are handled by the Police Department.

Mr. Gibbons asked who would be considered the “responsible party”. Chairperson Soelberg said the violator could be the owner of the property or the renter, depending on the situation. It was decided to change the first sentence to read “*Any individual, to include the owner **and/or** renter of the residence, violating the provision of this Section or 17.32, shall be guilty of an infraction, subject to a penalty as provided in the Smithfield City Code*”.

Commissioner Luthi pointed out that Section 17.95.030 Conditions B(4) has wording that might be helpful “*shall automatically suspend or terminate, if any of the following occur...3 confirmed violations...*”

Mr. Gibbons pointed out that there are references to parking on the street and asked how this would be determined and enforced. Chairperson Soelberg said this is a good point, it will be difficult to determine the owner of a vehicle. It is not feasible to prohibit parking. He would like to see rules and regulations listed in a rental contract. Mr. Gibbons asked if the City would review the contracts and determine compliance. Commissioner Spackman asked how conformance with applicable safety and health regulations will be determined. Ms. Izatt said this wording is in all the ordinances, the intent is good, but it is difficult to enforce. Applications are signed, indicating that all regulations will be met.

Ms. Izatt questioned what should be considered as “confirmed” complaints. Commissioner Soelberg said there could be neighbors who do not like the idea and call in complaints that are unsubstantiated. Commissioner Luthi suggested that the Police handle all complaints.

Ms. Izatt encouraged the use of plain language as recommended by the State.

Commissioner Teuscher asked about a maximum occupancy requirement for short-term rentals. Councilmember Wall said most contracts require the number of people to be listed on the rental application/contract. Ms. Izatt said rental properties are not currently licensed.

Commissioner Luthi asked what some of the previous complaints about short-term rentals have been. Councilmember Wall said noise and parking are usually the most egregious and most often reported, which resulted in beginning this discussion.

Councilmember Wall said the VRBO website has requirements that must be met for a home to be listed. He also stated that there are some VRBO owners who would like to come in and talk to the Commission about what their perspective is. Chairperson Soelberg said he would welcome their input; the objective is not to discourage the use, but determine the best way to manage the situation without it becoming too difficult.

Councilmember Wall said the City needs to get ahead of the issue and wondered whether requiring a business license would be preferable to an overlay or an ordinance.

Ms. Izatt explained that a Conditional Use Permit is tied to the property, not the owner. Chairperson Soelberg said there are some regulations already in place, an ordinance could be as simple as advising that a business license must be obtained in order to legally run a VRBO. Councilmember Wall said the City cannot stop owners from being able to rent a home, but he sees this as an opportunity to create a partnership to help manage the business rather than discourage it. The City can benefit from sales tax. Mr. Gibbons said there will be some who will not legally license or list with the VRBO website and therefore, there is no formal structure to collect sales tax.

Commissioner Wright outlined some ideas for parking. The Commission decided that requiring a designated parking plan (map) was the preferable option.

Mr. Gibbons said the owner of a business is subject to certain requirements to maintain a license to operate and suggested requiring a business license application with an associated fee. Ms. Izatt said the concern is that the City does not license landlords and short-term rental owners are essentially landlords. Mr. Gibbons said this could be considered a business with an associated hotel/tourist tax. Chairperson Soelberg noted that landlords do not pay sales tax.

Councilmember Wall noted that there is new VRBO monitoring software sponsored by the Utah League of Cities and Towns (ULCT) that is being sold to cities. The software was developed by the Mayor of Garden City and began because the Bear Lake area has over 600 rentals.

Chairperson Soelberg asked if it would be a good idea to post on Facebook asking for more public comment. Ms. Izatt said it would be a better idea to list it as an agenda item. Councilmember Wall said the City has not solicited input, the VRBO owners approached him about addressing the Commission.

Mr. Gibbons asked whether this should be addressed through an ordinance or by a business license. Ms. Izatt said it can be difficult to determine. Councilmember Wall suggested contacting Park City to find out how they manage rentals. Ms. Izatt will do some research.

Ms. Izatt asked the Commission to review the Definitions and Fees sections of the proposed ordinance for discussion at the next meeting.

Other Business

Chairperson Soelberg advised the Commissioners to contact the City Recorder, Justin Lewis, if they are interested in online access for packet items and for access to previous meeting information.

Commissioner McCammon said he also likes hard-copy packets to be able to bring to the meeting and make notes.

MOTION TO ADJOURN

Commissioner Luthi motioned to adjourn the meeting at 8:46 p.m. Commissioner Teuscher seconded the motion. The motion passed unanimously.

Minutes submitted by Debbie Zilles

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

7:00 p.m. Opening Ceremonies

- Presentation to former Commissioners Jamie Anderson, Wade Campbell & Bart Caley

Workshop session:

- Introducing a proposed ordinance on Small-lot Single-Family Developments.
- Discussion of Open Access: Enhancing Community Mobility.

Agenda items:

7:12 p.m. Resident Input

7:16 p.m. Consideration of Consent Agenda
Minutes of the February 21, 2018 Planning Commission Meeting

7:18 p.m. Election of Vice Chairperson for the Planning Commission to break a tie from the February vote.

7:20 p.m. **PUBLIC HEARING** to consider a Conditional Use Permit application request from Kristy Murdock, property owner, to allow a two (2) lot minor subdivision/intrablock development (Murdock Lane Intrablock Subdivision) located at 126 East 100 South. Zoned R-1-10

7:30 p.m. Travis Meikle, agent for 810 East Development, LLC, has requested consideration for approval of a **Concept Plan** for Quail Cove, a 7-lot, Minor Subdivision, located approximately 164-200 North 810 East. Zoned R-1-12

7:32 p.m. Travis Meikle, agent for 810 East Development, LLC, has requested consideration for approval of a **Preliminary Plat** for Quail Cove, a 7-lot Minor Subdivision located approximately 164-200 North 810 East. Zoned R-1-12

7:35 p.m. Continued review and discussion of the proposed ordinance for Short-Term Rentals.

7:45 p.m. **ADJOURNMENT**

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

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 (3) working days prior to the meeting.