



## 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, September 19, 2018

The following members were present constituting a quorum:

Chairperson: Andrew Soelberg

Commission Members: Kelly Luthi  
Jackie Hancock  
Mason Niederhauser  
Stephen Teuscher  
Nathan Wright  
Casey McCammon

City Engineer: Clay Bodily  
City Councilmember: Curtis Wall

Excused: Deputy Recorder, Charlene Izatt

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

### **OPENING CEREMONY**

The Pledge of Allegiance was led by Commissioner Teuscher.

### **ATTENDANCE**

Jim Tippetts, Todd Orme, Ryan Rogers, Brett Humphreys, Beth Larcher (LifeStyle Homes), Jake Young, Jeff Jackson (Visionary Homes), Craig Chagnon (Crown Castle) Erik Swensen, Don Patterson, Jasilyn Heaps (Alternate), Scott Gibbons (Alternate), Debbie Zilles

### **AGENDA ITEMS**

**Resident Input:** None

Consideration of Consent Agenda and approval of August 15, 2018 Meeting Minutes

After consideration by the Commission, Chairperson Soelberg declared the meeting agenda approved and minutes from the August 15, 2018 meeting to stand as submitted.

Craig Chagnon, agent for Crown Castle and for SPRINT, has requested consideration of approval of an amendment to and renewal of an existing Conditional Use Permit to allow additions and improvements to the existing cell tower located at 33 East 600 South. Zoned CC

Mr. Chagnon explained that they are co-locating another carrier (Sprint) onto the existing pole. It will be 74' high with a standard array of 6 antennas and a shed to house the ground equipment.

Commissioner Luthi asked if the antennas would stick out further than the ones that are currently there. Mr. Chagnon said they should be no longer than what is there now and will meet all the applicable requirements.

Commissioner Hancock asked if the structure height would change. Mr. Chagnon said it will not, they will be adding antennas below the ones that are currently there. The ground equipment will be housed in a cabinet, which will be placed on a 10x10 concrete pad.

Mr. Bodily pointed out that the requirements, unless changed by the Commission, will stay as they were when the initial permit was approved in June 2005.

Ms. Heaps asked about the security fence. Mr. Chagnon said the vinyl fence belongs to the adjacent property. They will be using the current chain link fence, with a lock. The fence will be adjusted to accommodate the new 10x10 pad. Ms. Heaps said she was wondering about the condition requiring an 8' security fence with barbed wire lining the top. Mr. Chagnon said the chain link that is there is 6' and does not have barbed wire. He does not see the need for barbed wire, but will put it in if the Commission requires it.

Mr. Tippetts, the owner of Firehouse Pizzeria, where the existing pole is located, expressed concern that adding space for a new 10x10 pad will result in eliminating parking spaces. Mr. Chagnon said they have a lease agreement for the site and the proposal meets the parameters of the legally defined lease space. It should not affect any current parking stalls. Mr. Chagnon will meet with Mr. Tippetts after the meeting to go over the details.

Chairperson Soelberg wondered about the condition requiring barbed wire. Commissioner Teuscher said the fence is to protect the equipment and if they are confident that the fence alone will suffice there seems to be no reason to require barbed wire. Mr. Chagnon said the standard fence height is 6' and the condition requires 8'; he does not see the need for barbed wire.

Commissioner Luthi expressed concern that some of the conditions of the previous approval have not been met (8' fence with barbed wire). Chairperson Soelberg pointed out that the permit was initially approved in 2005 and in 2008 it was discussed again, at which time John Wells stated that there was "continued adherence to the Conditional Use Permit".

Commissioner Niederhauser asked if there was a need for annual inspection. Mr. Bodily said as long as the conditions of the permit are met, it should be fine to inspect every three years, or as needed, to ensure compliance. Commissioner Gibbons recommended inspection upon completion of the installation.

Mr. Chagnon said the lease runs for 15 more years. The property owner originally leased the spot for the cell tower and subsequently sold it with a perpetual easement, so Mr. Tippetts does not own the property where the tower is located.

Mr. Gibbons suggested that the proof of liability insurance be required annually.

Mr. Bodily explained that the City ordinance requires fences to be 6' (which is the standard). Mr. Gibbons suggested that the recommendation be "a minimum of 6'".

Mr. Gibbons recommended that any changes, additions or enhancements to the pole would necessitate an inspection.

**MOTION:** Motion made by Commissioner Luthi to **approve** a request from Craig Chagnon, agent for Crown Castle and for SPRINT, for an amendment to, and renewal of, an existing Conditional Use Permit to allow additions and improvements to the existing cell tower located at 33 East 600 South. Zoned CC with the following conditions:

1. The Conditional Use Permit is valid for three (3) years, the site must be inspected every three (3) years to ensure compliance with the conditions.
2. The tower be designed with the cables inside.
3. Tower approval granted pending FAA approval and the tower can be no higher than 94'.
4. No signs on the structure or tower unless required by FAA & FCC.
5. Lights or flood lights only required by FAA.
6. If the tower is abandoned for twelve (12) consecutive months, then it needs to be removed at the permit holder's expense.
7. A bond be registered to pay for the removal of the tower, if abandoned, and to include removal of the concrete to 3' below grade.
8. Certificate of Occupancy issued and provide proof of liability insurance on an annual basis.
9. Six (6) foot security fence with a locked gate.
10. Climbing aids be inaccessible to the tower and that the aids be no closer to the ground than 15' to base of the tower.

Commissioner Teuscher seconded the motion. Motion approved unanimously (7-0).

Vote

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

Ryan Rogers, agent for North Ridge Development LLC, has requested consideration for approval of the Final Plat for Canyon View Village Subdivision, Phase 2, 16 units (5.65 acres) located at 600 South between 250 & 280 East. Zoned R-1-10

Mr. Rogers explained that Phase 1 was recently approved, however, because of the high costs associated with that phase (road and sewer improvements), they would like to begin with Phase 2, which will be less expensive. Both phases will be completed and they are ready to begin.

Mr. Bodily pointed out that a low-impact street will be put in, which is different from the regular standard. It will have a wider planter strip to allow storm water to drain into the swell, which will make the road narrower and will not allow parking. The City will have to post No Parking signs.

Commissioner Niederhauser asked if the plat will have conditions ensuring there will be no access to the lots from 250 East. Mr. Bodily said there is an ordinance that prohibits access from 250 East. Commissioner Niederhauser asked about RV parking. Mr. Rogers said the CCR's do not allow RV parking.

Commissioner Niederhauser asked if a fence will be installed. Mr. Rogers said the Commission did not want one there so they will not put one in.

Mr. Bodily said street improvements will be made as required.

**MOTION:** Motion made by Commissioner Wright to **approve** a request from Ryan Rogers, an agent for North Ridge Development, LLC, for the Final Plat for Canyon View Village Subdivision, Phase 2, 16 units (5.65 acres), located at 600 South between 250 & 280 East. Zoned R-1-10. Commissioner Hancock seconded the motion. Motion approved unanimously (7-0).

Vote

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

Brett Humpherys has requested approval of a six (6) month temporary dwelling permit at Sojourner Trailer Park, located at 680 West 100 North #8. Zoned RM

Brett Humphreys has purchased a 32' RV trailer and would like approval to park it on a pad at the Sojourner Trailer Park. She spoke with the manager of the trailer park, who said that would be fine, however, she had to get this approval first. She lives on a fixed income and would like to permanently live there.

Commissioner Niederhauser questioned the reason she would have to re-apply every 6 months. Mr. Bodily explained that because it is an exception, it needs to be reviewed bi-annually to ensure compliance.

**MOTION:** Motion made by Commissioner Niederhauser to **approve** a request from Brett Humpherys for approval of a six (6) month temporary dwelling permit at the Sojourner Trailer Park, located at 680 West 100 North #8. Zoned RM. Commissioner Teuscher seconded the motion. Motion approved unanimously (7-0).

Vote

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

Review and discuss suggestions submitted for possible amendments to Chapter "17.89 Mixed Use Overlay Zone; D. Vehicle and Driveway Access" and to "Part 1 Design Standards; 2.3 Street Sections".

Mr. Bodily said the Mixed-Use Overlay allows for alleys. Ms. Izatt has been working with Beth Larcher, from Lifestyle Homes, and Jake Young to put together information for review.

Proposed condition #1: "*All buildings are located within 500' of a public right-of-way*". Mr. Bodily recommended that it be no more than 330', which is half of a standard City block (660').

Councilmember Wall said in past discussions the City has asked for suggestions, which is why Ms. Izatt has been collaborating with Ms. Larcher and Mr. Young to understand how other communities have dealt with this issue.

Mr. Gibbons noted that "*all buildings located within 500' of a public right-of-way*" is interpreted as anywhere you are within 500' of public street, an alley can be used.

Jake Young said one of the preferred layout concepts is designed to have a common open space in the middle of a development. To have units that can be individually purchased currently requires a Planned Unit Development (PUD) with a private drive that has a 50' right-of-way. This requirement does not work well for townhomes and requires a cul-de-sac rather than a loop. The preference in design is to locate the garage behind the townhome, which would thus require an alley. Under the current guidelines, the units would have to be rentals. The idea is to have a small neighborhood that is not so spread out. Townhomes with alleys should be close to the street to provide better connectivity. The idea behind proposed condition #2 "*Maximum of 48 residential units or .2 acres of commercial development per public street connection*" is to ensure there would not be a long expanse of units. Mr. Bodily noted that the Fire Department has adopted an ordinance that only allows up to 31 units from one entrance in a multi-unit development.

Mr. Bodily confirmed for Chairperson Soelberg that units with a single driveway would have to be rental units.

Mr. Gibbons asked if it would be fair assume that the ordinances that apply to a PUD could also apply to a Mixed-Use development. Mr. Bodily said a PUD requires 22.5' of asphalt, but that does not include sidewalk or planter strip.

Mr. Young said alleys would be private and maintained by the HOA, not the City. Mr. Bodily pointed out that Highland Estates and Three Creeks PUDs requested that the City take over the maintenance of their streets, which was approved by the City Council. The roads could not be changed to meet current City standards.

Mr. Gibbons questioned whether homeowners could ask the City to maintain an alley in the future. Commissioner Teuscher said that would be included in the CCRs. Mr. Young said these types of communities are happening all over and cities are not taking over the maintenance of streets or alleys. An alley is narrower than a street and has different setbacks.

Beth Larcher said that a development asking for a City to take over roads is the exception rather than the rule. Most adjacent neighbors would rather have owned units than rentals. Smithfield is one of the few areas in the valley that does not have alleys.

Chairperson Soelberg noted that since alleys have been approved in a Mixed-Use Overlay, it does need to be addressed and this is a good starting point in that conversation.

Mr. Bodily said Logan City has changed garbage pickup service in the Cantwell area several times. Mr. Young said he prefers to use dumpsters. Mr. Bodily said if units are sold individually and the development uses a dumpster, there will need to be consideration as to how the service is billed to the homeowner and whether that will be included in, or separate from, the HOA fee. Commissioner Teuscher has been involved in other projects, and most have a dumpster. Ms. Larcher talked with Logan City and they prefer dumpsters over individual cans.

Ms. Heaps said Logan City has parking requirements with alleys. Mr. Bodily said parking will certainly need to be addressed.

Councilmember Wall said there is a development in North Logan at 400 East 2200 North that has a 30' alley with individual cans. Parking is not allowed in the alley and the development is considering changing to a dumpster. Mr. Bodily said Cantwell is the same (30' between garages) with no parking allowed. Parking must be in the garage or other designated areas. Ms. Larcher said that is standard practice.

Mr. Gibbons asked about the difference between an alley and a private drive. Commissioner Teuscher advised that alleys are accessible by several people and private drives are not. Commissioner Wright said an alley must be maintained by the HOA; the City does not have to take on responsibility for maintenance unless approved by the City Council.

Chairperson Soelberg asked if an alley would accommodate two vehicles. Mr. Bodily said the idea is that a Mixed-Use area would encourage pedestrian traffic. Two 12' lanes would be more than the proposed 22.5' right-of-way. Chairperson Soelberg said he is concerned about safety issues. Mr. Bodily said it would also be difficult to maneuver larger vehicles in alleys. City roads have standards regarding width, thickness, right-of-way and utility requirements that must be met. Concrete can be used on private drives and alleys, but not City roads.

Mr. Gibbons suggested a sub-committee be comprised to do some research. Commissioner Wright noted that material can be forwarded to Ms. Izatt, who can then disseminate the information. Chairperson Soelberg recommended starting with access, parking, trash and minimum widths.

A sub-committee comprised of Mr. Gibbons, Ms. Larcher and Ms. Izatt will collaborate and bring back some ideas and examples to further discuss at the next meeting. Mr. Young suggested contacting North Logan and Logan City to find out what their policies include.

Discuss single-family residential lots under 10,000 sq. ft., the proposed locations for those lot sizes and review a draft copy of a proposed ordinance (proposed draft Ordinance #18-10).
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Commissioner Teuscher believes this is something that is going to be needed. The setbacks seem to fit well and there are many people interested in smaller lots. The biggest challenge is finding the right location.

Commissioner Hancock wondered whether smaller lots use less water. Even though yards would be smaller, there would be more homes that will be using water. Commissioner Niederhauser said people will continue to consume water, however, landscape water use can be reduced.

Mr. Gibbons said when discussing lot size, the issue of density should be considered. People may want smaller lots, however, how will that affect the density of a defined area and how will open space be handled. Commissioner Teuscher said it can depend on many factors, however, access roads will also need to be discussed. Mr. Gibbons said the Commission's role is to try and find something that works.

Commissioner Niederhauser said it might be worth considering active adult communities, that usually have no more than 4-5 acres.

Commissioner Teuscher said a citizen he talked to suggested that rather than putting in one large development it would be better to spread them out. Mr. Gibbons agreed and that the idea of an area that offers a mix of lot sizes would be good.

Commissioner Wright pointed out that smaller lots can be done in a PUD. Commissioner Hancock said if there is something already in place, why this issue is being addressed. Commissioner Wright said this ordinance would allow for more flexibility than a PUD.

Mr. Gibbons said there should be requirements for open space, amenities and maximum and minimum standards. There are areas in town with high-density, he would like to see good planning and likes the idea of a Mixed-Use area in a location where there is no other high-density development.

Commissioner Wright suggested looking at transition zones (like Logan City) and consider locating these types of developments near public transportation and amenities.

Commissioner Hancock asked if smaller lots are desired because of high housing prices. Commissioner Teuscher said many people want to have more time to do other things and not have the burden of a big home or yard.

Commissioner Wright likes that a PUD requires other aspects that benefit the community.

Councilmember Wall said at the recent ULCT training, the issue of density, smaller lots and affordable housing is something all cities are trying to figure out. The upcoming Cache Summit in November will be addressing these topics.

Mr. Gibbons said the proposed ordinance is a good starting point.

Chairperson Soelberg said he would like to see a hybrid between the PUD and more of a standard zone; he also likes the idea of not saturating one particular area with high-density development.

Councilmember Wall asked the Commission to consider locations that could be zoned for smaller lots. Areas that have a variety of housing types can be very successful. The difficult part is determining what the parameters should be.

Commissioner Luthi asked how this will work with the Future Land Use Map. Councilmember Wall said it is a living document which can change and evolve over time. The Commission needs to consider if alleys and/or small lots will be successful and what the vision for Smithfield should be.

Commissioner Luthi asked if small lots fit the definition of affordable housing. Councilmember Wall said it could help, there are generally lower rates with smaller lots.

Chairperson Soelberg would like the Commission members to research other cities and ideas for continued discussion at the next meeting. Mr. Gibbons said members should make suggestions for things they would like to see associated with small lots.

Commissioner Niederhauser said it would be interesting to compare areas where members could envision this type of development.

Mr. Jackson said some good examples are a newer development behind the Sam's Club in Logan and one near the landfill. Commissioner Niederhauser asked Mr. Jackson how viable this type of development would be on the east side bench. Mr. Jackson said the slope would be a difficult issue, there would have to be a mass excavation of a large portion of land for it to be affordable. He cautioned the Commission that too many restrictions will not allow for affordable development, which is why many cities are moving away from PUDs.

Erik Swenson, owns a mortgage company, and appreciates what the Commission is faced with. He does not get many calls for small lots. He recently met with Spencer Cox, the Lieutenant Governor of Utah, who said affordable housing is a huge epidemic in Utah. The biggest challenge with small lots is where they will be located. He chose his home on a large lot and would not like to see smaller lots located near his home because he likes the rural feel of the area. He suggested not connecting to existing streets, but make it a new community, in an area where it is well known and publicized, so people can choose whether they want to live there.

Councilmember Wall pointed out that this is discussion only, there are no specific locations or projects being considered or approved.

Ms. Zilles said that there are many people, who are looking to downsize. She recently sold a home with land in Nibley and moved into a townhome to have more time to spend with family. Different population segments can be a valuable part of a community and different housing types should be considered.

Chairperson Soelberg asked Commission members to review other similar ordinances, consider possible locations and other pertinent information to further discuss at the next meeting in October.

Review, discuss and possibly set a public hearing for Ordinance #18-12 which amends the Smithfield City Municipal Code Title 6, "Animals", in particular, Sections: 6.04.010 "Definitions"; 6.12.020 "For Animal Establishments; Title 9, "Public Peace And Welfare"; Sections: 9.24.030 "Applicability"; 9.24.050 "Outdoor Lighting Standards; Title 10 "Vehicles & Traffic" Sections: 10.08.110 "Parking For Certain Purposes Prohibited"; Title 12 "Streets, Sidewalks And Public Places" Sections: 12.16.120 "Inspection And Acceptance"; Title 16 "Subdivision Regulations" Section: 16.12.010 "Purpose"; Title 17 "Zoning Regulations" Sections: 17.56.040 "Height Regulations"; 17.94.030 "Conditions".

Commissioner Teuscher said the addition under 10.08.110 E "*Parking or leaving unattended, any truck and/r trailer having four (4) or more axles on any street in a residential zone that has curb and gutter, or when the total paved road width is less than thirty (30) feet*" is happening more and more often. Mr. Bodily said when the ordinance is adopted it can then be enforced.

Commissioner Wright asked why cats are not licensed; Mr. Bodily said they used to be but it became quite a problem.

Chairperson Soelberg said under 6.12.020F the wording of "*or license*" seems to imply that if you have more, they don't need to be licensed. He suggested changing it to "*No person or persons at any one residence within Smithfield City shall at any time own ~~or license~~ more than two (2) dogs or ~~own more than~~ four (4) cats, with no combination exceeding five (5), except otherwise provided in this title*".

Chairperson Soelberg said that the word "*or*" at the end of 10.08.110 D needs to be highlighted and changed.

Commissioner Hancock asked for clarification of the height regulations. Mr. Bodily said the part being removed is that an accessory building cannot be taller than 20'. There are a few that are taller than 20', however, they are shorter than the primary building.

**MOTION:** Motion made by Commissioner Hancock to **set a public hearing** for Ord #18-12 which amends the Smithfield City Municipal Code as outlined in the agenda for the next scheduled meeting of October 17, 2018 with the changes as discussed above. Commissioner Niederhauser seconded the motion. Motion approved unanimously (7-0).

Vote

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

**MOTION TO ADJOURN**

Commissioner Wright motioned to adjourn the meeting at 9:41 p.m. Commissioner Teuscher seconded the motion. The motion passed unanimously.

Minutes submitted by Debbie Zilles

Attested by:

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Andrew Soelberg, Chairperson

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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, September 19, 2018 in the Smithfield City Council Chambers, 96 South Main, Smithfield, Utah.

7:00 p.m. Opening Ceremonies

**Agenda Items:**

7:03 p.m. Resident Input

7:08 p.m. Consideration of Consent Agenda  
Minutes of the August 15, 2018 Planning Commission Meeting

7:10 p.m. Craig Chagnon, agent for Crown Castle and for SPRINT, has requested consideration of approval of an amendment to and renewal of an existing Conditional Use Permit to allow additions and improvements to the existing cell tower located at 33 East 600 South. Zoned CC

7:15 p.m. Ryan Rogers, agent for North Ridge Development LLC, has requested consideration of approval of the Final Plat for Canyon View Village Subdivision, Phase 2, 16 units (5.65 acres) located at 600 South between 250 & 280 East. Zoned R-1-10

7:20 p.m. Brett Humpherys has requested approval of a six (6) month temporary dwelling permit at Sojourner Trailer Park, located at 680 West 100 North #8. Zoned RM

7:25 p.m. The Commission will review and discuss suggestions submitted for possible amendments to Chapter "17.89 Mixed Use Overlay Zone; D. Vehicle and Driveway Access" and to "Part 1 Design Standards; 2.3 Street Sections".

7:35 p.m. The Commission will continue discussing single family residential lots under 10,000 sq. ft., the proposed locations for those lot sizes and review a draft copy of a proposed ordinance. (proposed draft Ordinance #18-10)

7:45 p.m. The Commission will review, discuss and possibly set a public hearing for Ordinance #18-12 which amends the Smithfield City Municipal Code Title 6, "Animals", in particular, Sections: 6.04.010 "Definitions"; 6.12.020 "For Animal Establishments"; Title 9, "Public Peace And Welfare"; Sections: 9.24.030 "Applicability"; 9.24.050 "Outdoor Lighting Standards; Title 10 "Vehicles & Traffic" Sections: 10.08.110 "Parking For Certain Purposes Prohibited"; Title 12 "Streets, Sidewalks And Public Places" Sections: 12.16.120 "Inspection And Acceptance"; Title 16 "Subdivision Regulations" Section: 16.12.010 "Purpose"; Title 17 "Zoning Regulations" Sections: 17.56.040 "Height Regulations"; 17.94.030 "Conditions".

7:55 p.m. **ADJOURNMENT**

Posted this 13th day of September 2018 at the Smithfield City Offices, City Web Page, and the Utah Public Meeting Notice web site. Notice provided to The Herald Journal this 13th day of September 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 Justin Lewis, Smithfield City Offices, at 435-792-7990 at least three (3) working days prior to the meeting.