



## 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, October 18, 2017

The following members were present constituting a quorum:

Chairperson:	Jamie Anderson
Commission Members:	Kelly Luthi
	Jackie Hancock
	Wade Campbell
	Andrew Soelberg
	Mindy Spackman
	Bart Caley
Excused:	Casey McCammon
	Stephen Teuscher
City Engineer:	Clay Bodily
Deputy Recorder:	Charlene Izatt
City Councilmember:	Curtis Wall

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

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

**Opening Ceremonies:** Lindsay Madsen led the Pledge of Allegiance.

**Attendance:** David & Merilee Olson, Michelle Anderson, Lindsay & Scott Madsen, Chantae & Jason Krogue, Debbie Zilles

**Workshop Session:** The Commission discussed the preparation process for ordinances, additional training and other options that are available.

Chairperson Anderson met a few weeks ago with the City Manager, the Mayor, the City Recorder, Councilmember Wall and Mr. Bodily to discuss ways in which the Municipal Council and Planning Commission can be most effective. Mayor Simmons recently attended a training and relayed that a Planning Commission should plan to spend about 50% of the time working on ordinances.

J-U-B Engineers is currently reviewing Title 17 (**\*\*clarifying point, reviewing Major Subdivisions section of Title 16**) to see if Smithfield is consistent with what is being done in other areas. The goal is for ordinances to be specific and easy to understand.

Ms. Izatt confirmed for Commissioner Caley that the Utah League of Cities & Towns (ULCT) and Utah Local Government Trust (ULGT) records all of their training webinars and encouraged all the Commissioners to access them.

Chairperson Anderson thought the Commission should spend some time reviewing the zones and understanding the types of uses that are permitted and conditionally allowed, especially with regards to Commercial zones. If a use is permitted within a zone, it must be allowed; however, the Commission can impose reasonable conditions of approval to help mitigate any potential negative impacts. He also recommended training related to plats, and how the General Plan and Future Land Use Plan should be used effectively.

Commissioner Caley asked about having a paralegal available. Councilmember Wall noted that ULCT provides very good information, trainings, and legislative updates.

Councilmember Wall said J-U-B is reviewing Title 17 (**\*\*clarifying point, reviewing Major Subdivisions section of Title 16**) and will be providing feedback regarding possible changes/modifications and suggestions. He encouraged the Commissioners to become familiar with the information. Chairperson Anderson said he would like to have some feedback from J-U-B before the next meeting.

Councilmember Wall noted that many developers are coming to Council meeting with legal counsel who have reviewed the Code. Commissioner Caley asked about funds for legal review. Councilmember Wall said the City contracts with J-U-B for legal guidance; however, it should be used cautiously because it affects the budget. Ms. Izatt pointed out the State of Utah has a Property Rights Ombudsman Office that can be utilized (both as a municipality and/or a resident).

### **Agenda Items**

**Resident Input: David Olson**, lives at 560 North 400 West, and would like to split his property to build a residential home south of his existing house. Because this is considered a subdivision, it requires many improvements, such as installation of a water and sewer main line, storm water maintenance, widening the road with installation of curb and gutter and sidewalk along the frontage of the parcel, and adding a non-climbable fence along the railroad tracks. He has received a bid that the required improvements will cost about \$400,000. Because of the high cost, he requested for the parcel to be disconnected from Smithfield City; however, the Municipal Council denied that request on June 14, 2017. He is frustrated and feels the next step is to go to court because he is tired of waiting for answers. He would like to see the issue handled before the upcoming election. He has lived in Smithfield for 50 years and this property was annexed into Smithfield 25 years ago. He would like to remain living there, but feels like his concerns are being ignored and would like the City to help come up with a solution that would be reasonable. He has spoken with Councilmember Kent quite a few times and has emailed many of the Councilmembers with no response.

Councilmember Wall said he understands Mr. Olson's frustration. He has not received an email from him, however, he knows there have been some discussions about this issue.

Mr. Olson explained that the desire for this 4.7-acre parcel is to sell the house and one acre and keep the remainder of the property. He owns the agricultural property across the street that he wants to preserve as farmland.

Councilmember Wall asked Mr. Olson if his plan was to disconnect from Smithfield, build a new house in the County and then annex back into the City. Mr. Olson said that is a possibility; however, that would be a lot of work and was never the original plan. He is willing to look at other options that are financially viable.

Mr. Olson has sewer and water on an existing 2" private sewer line that is 700-800' long. Another home cannot be added to this line, which is why there is a requirement for a new line to be installed. He is being asked to widen the road 20' beyond the City boundary with street improvements (with one side of the road being County property). Mr. Olson said this does not make sense from a financial standpoint for the cost of putting in one home.

Mr. Bodily explained that the City is in the process of changing the ordinance so that it would not require street improvements on both sides of the road; however, the water line extension is necessary for this subdivision. Chairperson Anderson asked for an explanation of the private line. Mr. Olson explained that the current water line goes from the corner of his house, down to the corner of the property and along the edge of the adjoining (owned by Ernie Garza) property and hooks into the meter. Chairperson Anderson asked how many owners would benefit from the extension. Mr. Bodily said it would be three owners.

Chairperson Anderson confirmed that the requirement for curb and gutter to be on the County side could be waived. Mr. Bodily said that was correct. If the mini-subdivision is added, it could be waived until the adjacent property is developed. Mr. Olson pointed out that the closest sidewalk is at 350 North. He is willing to work with the City and is willing to add requirements to the property deed; however, it seems like a waste of time to do it now.

Chairperson Anderson said he did not believe that Mr. Olson should be compelled to make improvements to benefit others, especially if not located on his property.

Chairperson Anderson asked where the road would have to be widened. Mr. Bodily said it would be where the subdivision is (including the existing and proposed home locations).

Councilmember Wall said the Municipal Council is working on trying to come up with some solutions. Mr. Olson owns the property and the City would like to have him be able to build the home he wants. The Council is reviewing different ordinances in order to help find some resolution. Mr. Olson said he has been trying to be patient; however, no one seems to be willing to talk with him and he has been working on this since June. Councilmember Wall assured Mr. Olson that the City wants to work with him and come up with something that will work, he will talk with the City Manager and Mayor and provide Mr. Olson with an update (Mr. Olson provided his current email address).

Mr. Olson asked about the need for a detention pond now because the water is being used by the open farmland. He has plenty of water shares and drilling a well would work fine for the new home if necessary.

Merilee Olson pointed out that another reason that it would not be prudent to put in curb, gutter and sidewalk along the County side is that the fields are being farmed and would likely be ruined by tractors and other farm machinery as they enter/exit the property along the road.

**Anita Pulham** voiced her concerns at the August 23, 2017 Municipal Council meeting. Councilmember Wall invited her to come before the Planning Commission to discuss issues regarding short-term rentals. She lives between “two motels” in a single-family subdivision. She feels the City needs to address short-term rentals (VRBO and Airbnb) and put into place effective rules and regulations as this trend continues to grow.

Chairperson Anderson said the Commission has discussed this issue; however, cities are somewhat constrained by State law, which allows for property owners to use their homes as short-term rentals.

Ms. Pulham said rentals should be regulated and zoned appropriately. Renters do not have a responsibility to the neighborhood and this is an issue that needs to be carefully considered. Chairperson Anderson said he has a short-term rental near his home and is aware of the concerns and has talked with the City Manager. It will be necessary to work with what comes from the State legislation to help draft an appropriate and legally-binding ordinance.

Ms. Pulham asked what the next step in the process would be and how she can track the progress. Chairperson Anderson explained that ordinances are drafted by the Planning Commission; however, the Municipal Council has the authority over approval. The process will include public hearings.

Ms. Pulham distributed a copy of the information she gave to the Council. She talked to City administrators in Park City, St. George, and Logan. Chairperson Anderson asked if Park City had any restricted areas. Ms. Pulham said there are zoned areas which require application and annual inspection. Rentals are not allowed in Park City's Historic District.

Gary Pulham asked when the issue will be put on the agenda for consideration. Chairperson Anderson said they will begin doing some research to proceed.

**Consideration of Consent Agenda and minutes of the October 18, 2017 Planning Commission Meeting:** After consideration by the Planning Commission, Chairperson Anderson declared the consent agenda for the October 18, 2017 meeting approved and the minutes from the September 20, 2017 meeting to stand as submitted.

**Scott Madsen, agent for House of Pop LLC, has requested consideration for approval of a temporary structure (new shipping container) for a period of one (1) year to be located at 965 South Main. Zoned CC/Gateway Overlay Zone.**

Councilmember Campbell noted that most of the concerns were addressed at last month's meeting.

Mr. Bodily said they have an agreement with the property owner and will be operating as a tenant with regards to water and sewer. It will be located 30' from the property line.

Ms. Madsen noted that in previous discussions with Ms. Izatt, it was determined that it would be 30' from the north fence line, however, there are other lines and lights that are located closer to the road. She would like as much visibility as possible for the structure. Mr. Bodily advised that they could hire a surveyor if there were questions. Mr. Madsen said it will be located about 20' in front of the pine tree and well within the 30' of the fence line and 45' from the highway.

Commissioner Luthi asked about traffic and access. Ms. Madsen said there are currently three accesses into the property.

Commissioner Caley asked about the refuse in the back. Ms. Madsen said it will be enclosed with a fence and will meet all the applicable Health Department requirements.

**MOTION:** A motion was made by Commissioner Campbell to approve the request by Scott Madsen, agent for House of Pop LLC, for approval of a temporary structure (new shipping container) for a period of one (1) year to be located at 965 South Main. Zoned CC/Gateway Overlay Zone. Commissioner Hancock seconded the motion. The motion was approved unanimously (7-0)

Vote

Aye: Luthi, Hancock, Campbell, Anderson, Soelberg, Spackman, Caley

**Scott Madsen, agent for House of Pop LLC, has requested consideration for approval of exterior modifications to the material requirements of the Gateway Overlay Zone, Section 17.90.025, for a temporary structure (new shipping container) to be located at 965 South Main. Zoned CC/Gateway Overlay Zone.**

Commissioner Hancock asked what materials were going to be used. Ms. Madsen said it will be steel with reclaimed redwood accents. The color will either be blue or rustic red and will have a single-pitch roof.

Commissioner Luthi asked how the materials fit within the Gateway ordinance. Ms. Madsen said although this is steel, it is not galvanized and all the exterior building materials will be finished as required.

The Commission did not have a preference on the color.

**MOTION:** A motion was made by Commissioner Hancock to approve the request by Scott Madsen, agent for House of Pop LLC, for approval for exterior modifications to the material requirements of the Gateway Overlay Zone, Section 17.90.025, for a temporary structure (new shipping container) to be located at 965 South Main. Zoned CC/Gateway Overlay Zone. Commissioner Campbell seconded the motion. The motion was approved unanimously (7-0)

Vote

Aye: Luthi, Hancock, Campbell, Anderson, Soelberg, Spackman, Caley

**Consideration of a request by Jason & Chantae Krogue for approval of a boundary adjustment. Mr. & Mrs. Krogue are purchasing a part of parcel #08-116-0026 owned by the Board of Education of Cache County School District and combining it with their adjacent parcel #08-157-0013 (430 E. 400 S.) The Krogue parcel is located in the Willow Brook Estates Subdivision. Zoned R-1-10.**

Mrs. Krogue explained that they are buying a small, triangular piece of land that borders their property. They have maintained the property for years. Sky View High School will be installing a fence, which is why they are purchasing the property and requesting the boundary adjustment.

Mr. Krogue confirmed for Commissioner Caley that there are no underground lines which would affect the school's scoreboard. They have had the area surveyed and there were no concerns indicated.

**MOTION:** A motion was made by Commissioner Caley to approve the request by Jason & Chantae Krogue for a boundary adjustment. Mr. & Mrs. Krogue are purchasing a part of parcel #08-116-0026, owned by the Board of Education of Cache County School District, and combining it with their adjacent parcel #08-157-0013 (430 E. 400 S.). The Krogue parcel is located in the Willow Brook Estates Subdivision. Zoned R-1-10. Commissioner Luthi seconded the motion. The motion was approved unanimously (7-0)

Vote

Aye: Luthi, Hancock, Campbell, Anderson, Soelberg, Spackman, Caley

**Review and discussion of Ordinance #17-16 which addresses amendments to the Smithfield City Municipal Code, in particular, the rear yard & corner lot setback regulations for the A-Agriculture, RA-Residential Agriculture, RM-Residential Multiple and R1-Single-Family Residential zones and set the public hearing.**

Commissioner Campbell noted that most of the changes are just housekeeping clarifications.

Chairperson Anderson asked about the difference between a district and a zone. Commissioner Caley noted that the wording was adopted by Ord. 15-10 on 11/11/15. Ms. Izatt said it could be changed for consistency.

Changes to be made:

17.48.030 Area, Width & Yard Regulations.

- Change the heading of “*District*” to “*Zone*”.
- Add the word “Setback” to each of the last four columns (*Width, Front, Side, Rear*).

Change “*rear yard*” to “rear yard setback” in 17.48.060, 17.52.050, 17.45.050 and 17.-060.050.

The public hearing will be held November 8, 2017.

**Review and discussion of Ordinance #17-18 which addresses, in its entirety, Chapter 17.89 “Mixed-Use Overlay Zone” (MU) to the Smithfield Municipal Code and set the public hearing.**

No concerns were voiced.

The public hearing will be held November 8, 2017.

**Review of the Land Use Matrix (pages 5-10)**

(**AC** - administrative conditional; **C** - conditional; **P** - permitted; - (**dash**) represents not allowed)

- Animal clinic or pet hospital with no outdoor pens – add as – (**dash**) to Mixed Use Overlay zone.
- Christmas tree sales – add as – (**dash**) to Mixed Use Overlay zone.
- Community Swap meet/yard sale - add as – (**dash**) to Mixed Use Overlay zone.
- Department/Discount Store - add as – (**dash**) to Mixed Use Overlay zone.
- Fireworks stand - add as – (**dash**) to Mixed Use Overlay zone.
- Fruit/produce stand (seasonal) add as – (**P**) to Mixed Use Overlay zone.
- Remove ~~Grocery store~~
- Change spelling on ‘*Crocery*’ store (maximum 25,000 gross square feet)
- Change *Mortuary* from (**P**) to (**dash**) in Mixed Use Overlay zone.
- Remove *Restaurant*
- Tavern – add as (**C**) in Mixed Use Overlay zone.
- Dance hall or nightclub - add as (**C**) in Mixed Use Overlay zone.
- Storage, mixed use self-storage – remain as (**C**) in Mixed Use Overlay zone.
- Municipal fire station - add as – (**dash**) to Mixed Use Overlay zone.
- Public transit facilities – add as – (**P**) to Mixed Use Overlay zone.
- Post office – change from (**C**) to (**P**) in CB, CC, and Gateway Overlay zone.

Chairman Anderson brought up the short-term rental issue. Commissioner Caley had recently read an article regarding this issue and the House Bill associated with it. He forwarded to the article to the other Commissioners for review.

Councilmember Wall noted that Ms. Pulham has put quite a bit of research into this issue and he provided the venue for her to address the Council and the Commission. Some of her concerns should be addressed by contacting the Police Department (regarding noise and parking) as they occur; however, some type of ordinance and

regulations should be established. There are currently nine houses in Smithfield listed on the VRBO website. Smithfield recently received tax money from an Airbnb. Commissioner Caley advised that there is a measure moving through the Utah legislature regarding short-term rentals that strips some of the original language regarding what would be allowed, leaving it to cities and town to impose their own limits.

Commissioner Luthi pointed out that short-term rentals in St. George can only be rented out for less than 30 days in residential areas.

Commissioner Caley volunteered to do some research and begin working on putting together a draft ordinance for the Commission to review.

**MOTION TO ADJOURN:** Motion by Commissioner Caley to adjourn the meeting at 8:50 p.m. The motion was seconded by Commissioner Campbell. The motion passed unanimously.

Minutes submitted by: Debbie Zilles

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Jamie Anderson, 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, October 18, 2017 in the Smithfield City Council Chambers, 96 South Main, Smithfield, Utah.

7:00 p.m. Opening Ceremonies

**Workshop session:** The Commission will discuss the preparation process for ordinances and additional training and options available.

**Agenda items:**

1. 7:10 p.m. Resident Input
2. 7:14 p.m. Consideration of Consent Agenda  
Minutes of the September 20, 2017 Planning Commission Meeting
3. 7:15 p.m. Scott Madsen, agent for House of Pop LLC, has requested consideration of approval of a Temporary Structure (new shipping container) for a period of one (1) year to be located at 965 South Main. Zoned CC/Gateway Overlay Zone.
4. 7:20 p.m. Scott Madsen, agent for House of Pop LLC, has requested consideration of approval for exterior modifications to the material requirements of the Gateway Overlay Zone, Section 17.90.025, for a temporary structure (new shipping container) to be located at 965 South Main. Zoned CC/Gateway Overlay Zone.
5. 7:25 p.m. Consideration of a request by Jason & Chantae Krogue for approval of a Boundary Adjustment. Mr. & Mrs. Krogue are purchasing a part of parcel #08-116-0026 owned by the Board of Education of Cache County School District and combining it with their adjacent parcel #08-157-0013 (430 E. 400 S.) The Krogue parcel is located in the Willow Brook Estates Subdivision. Zone R-1-10.
6. 7:30 p.m. The Commission will review and discuss Ordinance #17-16 which addresses amendments to the Smithfield City Municipal Code, in particular, the rear yard & corner lot setback regulations for the A-Agriculture, RA-Residential Agriculture, RM-Residential Multiple and R1-Single-Family Residential zones and set the public hearing.

7. 7:35 p.m. The Commission will review and discuss Ordinance #17-18 which addresses, in its entirety, Chapter 17.89 “Mixed-Use Overlay Zone” (MU) to the Smithfield Municipal Code and set the public hearing.
8. 7:40 p.m. The Commission will continue & review discussion of the Land Use Matrix.
9. 7:45 p.m. **ADJOURNMENT**

Posted this 13th day of October 2017 at the Smithfield City Offices, City Web Page, and the Utah Public Meeting Notice website. Notice provided to The Herald Journal this 13th day of October 2017.

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.