



## 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, December 20, 2017

The following members were present constituting a quorum:

Chairperson:	Jamie Anderson
Commission Members:	Kelly Luthi Andrew Soelberg Wade Campbell Mindy Spackman Stephen Tuescher Bart Caley
Excused:	Casey McCammon
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, the Smithfield City website, and the Utah Public Meeting website.

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

**Opening Ceremony:** Commissioner Luthi led the Pledge of Allegiance.

**Attendance:** Travis & Monique Van Orden, Kim & Lisa Rappleye, Jared Nielson, Jackie Hancock, Nate Wright, Mason Niederhauser, Debbie Zilles

### **Workshop Session:**

#### **Video Presentation – Land Use Academy of Utah (LUAU) – The Public’s Role In Land Use**

##### *Key Points:*

- Types of decisions – Legislative (**makes** law), Administrative (**applies** law), Quasi-Judicial (**interprets** law).
- Planning Commission has an important legislative duty to study, draft and recommend to the Council a General Plan and ordinance amendments. Administratively the Commission hears and makes decision on land use applications.
- Local government has discretion in deciding what its town/county should be, and accordingly adopt land use zoning laws in the interest of the good of the public.
- State law does not require public hearings on administrative decisions, however, local ordinances may call for them.
- Decisions cannot be made based on public clamor, determinations must be based on objective facts and substantial evidence.
- Public input is critical, opinions are useful during a legislative decision, however, administrative decisions are based on applying the law that has already been made.

## **Agenda Items:**

**Resident Input:** Kim & Lisa Rappleye live on Summit Dr. with their backyard adjacent to the golf course. They moved to Smithfield from Colorado 8 years ago. While in Colorado Mr. Rappleye served as Chairman on the Planning Commission so he is aware of the process. They would like to put in a family room addition off the back of the house, however, when they came in for a building permit, they were told that they could not because it would encroach 10' into the required setback (which they were unaware of). They thought the property line was the trees that line the edge of the golf course. There is currently a concrete pad located there that they use for outdoor patio space and the proposed addition would be less than that. They are trying to figure out a way to combine the letter of the law with the spirit of the law and protect everyone's interests. The lot is larger than many of the others in the area and there is plenty of room for the addition (40' from the tree line to the property line and another 30' to the house).

Mr. Bodily answered for Commissioner Luthi that there is 30' rear setback for all residential.

Commissioner Teuscher asked if there was an option to purchase the property. Councilmember Wall said the City is not interested in purchasing or selling land, an amendment to the ordinance or a variance would be the best solution.

Mr. Bodily explained that only a structure with a supporting roof would encroach into the setback, the concrete pad does not.

Ms. Izatt said the golf course is zoned Institutional (I-1). Commissioner Soelberg asked if there are different setbacks required based on the adjacent property zoning as there are in the Commercial zones. Ms. Izatt said this is something the Commission could consider reviewing.

Chairperson Anderson pointed out that setbacks are established to protect other properties. Where this will not impact any neighbors, it is possible to consider a variance because it is not infringing on any other citizen's rights. There are two options to consider: a variance or amending the ordinance regarding setbacks. Commissioner Caley said he would prefer an ordinance amendment, so it is established and will not have to be revisited again. Commissioner Campbell agreed. Ms. Izatt pointed out that variances do not come through the Planning Commission.

Commissioner Caley and Commissioner Soelberg volunteered to work on drafting a possible amendment to the ordinance that addresses setbacks in the Institutional (I-1) zone.

### **Consideration of Consent Agenda for the December 20, 2017 Planning Commission meeting and minutes of the November 8, 2017 meeting**

After consideration by the Commission, Chairperson Anderson declared the consent agenda for the December 20, 2017 meeting approved and minutes from the November 8, 2017 meeting to stand as submitted.

### **PUBLIC HEARING to consider approval of proposed Ordinance #17-21 which amends the Smithfield City Code, Title 17 "Zoning Regulations", amending Chapter 17.120.010 "Use Allowance Matrix" in its entirety.**

**7:30 p.m. Public Hearing Opened**

No public input.

### 7:31 p.m. Public Hearing Closed

**MOTION:** A motion was made by Commissioner Caley to approve proposed Ordinance #17-21 which amends the Smithfield City Code, Title 17 “Zoning Regulations”, amending Chapter 17.120.010 “Use Allowance Matrix” in its entirety. Commissioner Campbell seconded the motion. The motion was approved unanimously (7-0)

Vote

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

**PUBLIC HEARING to consider approval of proposed Ordinance #17-22 which amends Title 3 “Revenue and Finance”, Chapter 3.20 “Municipal Impact Fees” by implementing a Storm Water Impact Fee as well as adjusting impact fees for culinary water service and parks and trails.**

### 7:32 p.m. Public Hearing Opened

No public input.

### 7:33 p.m. Public Hearing Closed

Commissioner Teuscher said the City needs to make sure that when something is built, there is an ability to pay for providing public services.

Commissioner Campbell asked if the Commission would be setting the actual fees. Ms. Izatt said that would be handed by the Municipal Council, this is a recommendation for adjustment and implementation of the outlined fees.

**MOTION:** A motion was made by Commissioner Campbell to approve proposed Ordinance #17-22 which amends Title 3 “Revenue and Finance”, Chapter 3.20 “Municipal Impact Fees” by implementing a Storm Water Impact Fee as well as adjusting impact fees for Culinary Water service and Parks and Trails. Commissioner Teuscher seconded the motion. The motion was approved unanimously (7-0).

Vote

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

**Continued review of the proposed mini-subdivision ordinance (3 lots or less) located in the RA (Residential Agricultural) zone.**

Chairperson Anderson questioned “*No residential will be issued unless each lot has frontage on a paved, City-owned street*” and asked whether there are any private streets located in the RA zone. Mr. Bodily said he was unaware of any; this wording will prevent that from happening.

Chairperson Anderson said he does not understand “*The parcel being divided has not had other lots separated from it within the past five years.*” Five years seems to be an arbitrary number. He questioned how impact fees will apply to “*Water, sewer and storm water shall be required on every mini-subdivision.*” Mr. Bodily explained that water and sewer would have to be put in and paid for when a parcel is connected. Impact fees apply to all new construction.

Commissioner Soelberg said his thought was that it would prevent someone from doing a bunch of mini-subdivisions to get around some of the requirements such as postponing curb and gutter. Chairperson Anderson agreed that this could serve as a deterrent.

**MOTION:** A motion was made by Commissioner Campbell to approve and set a public hearing for January 17, 2018 for the proposed mini-subdivision ordinance (3 lots or less) located in the RA (Residential Agricultural) zone. Commissioners Soelberg and Caley both seconded the motion. The motion was approved unanimously (7-0).

Vote

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

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

Commissioner Caley reviewed Washington City's ordinance regarding short-term rentals, which are allowed in an overlay zone with specific requirements. Chairperson Anderson asked if there were any areas where they were prohibited. Commissioner Caley said they are only allowed in the overlay zone (certain areas).

Commissioner Soelberg researched St. George, where they are restricted in the original downtown area but allowed in certain locations with strict conditions.

Based on the research, Chairperson Anderson asked if there were any recommendations on how to begin legislating these types of rentals. Commissioner Soelberg said they cannot be fully restricted and suggested requiring a conditional use permit with guidelines and requirements. He suggested making it an easy process to encourage registration and putting in place parking restrictions. There should be a consequence for verified violations (i.e. suspension of license).

Commissioner Soelberg pointed out that Washington City (Section C-4) required approval from 75% of the property owners within a 500' radius of the rental. St. George requires 100% written consent from all property owners within 300' of the rental dwelling. One goal of St. George's requirements is to limit the number of rentals. There are some areas now that are specifically designed for short-term rentals to be built.

Commissioner Teuscher noted that rentals were a problem when he lived in St. George.

Chairperson Anderson said there is a home in Smithfield that was purchased for use as a VRBO and there have been a range of opinions from the neighbors. He thinks that if 75% approval is required, there will not be very many.

Commissioner Caley said there should be restrictions and requirements in place to handle problems that might come up. Chairperson Anderson agreed and noted that there may not be a need for active enforcement and concerns could be handled on a complaint basis due to available resources. Commissioner Caley suggested a suspension of the license if there are numerous, verified complaints received. Councilmember Wall pointed out that the Commission needs to consider how this will be enforced with limited City resources available. He also expressed concern with requiring the neighbor's approval of the use as it might pit neighbors against one another. Commissioner Teuscher said it might pit them against each other if there are no approvals.

Ms. Izatt said letters are sent to adjacent property owners regarding accessory apartments, dog kennels, daycares etc. There is a log kept on dog kennel complaints which seems to work well.

Commissioner Spackman said the opinion of neighbors is important and suggested requiring a lower percentage of approvals.

Commissioner Soelberg noted that St. George and Washington City are trying to keep these types of rentals out of owner-occupied residential neighborhoods. The ordinances are designed to regulate and discourage them in traditional single-family areas. St. George has had many legal issues and he does not want to see it litigated to the point where they cannot exist. There can be a tax benefit for the City; it would be good to encourage them to be licensed and operate responsibly.

Commissioner Teuscher said citizen input is critical.

Ms. Izatt suggested getting approval only from adjacent property owners. There are times when a property owner 300' from a project is not impacted.

Chairperson Anderson said there are some good things in the ordinances that have been reviewed and provides a good base to begin drafting an ordinance.

**Jared Nielson, agent for MV Properties, has requested consideration for approval of the Final Plat, Phase 1 (16 lots) for Lantern Hills Subdivision, located at approximately 400-800 East and Canyon Rim Road (approximately 350 North). Zoned R-1-12.**

Mr. Nielson explained that this will be the first of three phases. The preliminary plat was re-approved a month ago and they would like to begin moving forward. The retention pond will take care of the entire subdivision and will be the first thing put in. Water lines have been stubbed and will be brought down and looped with this first phase.

Mr. Bodily said this project has been through the Subdivision Technical Review Committee.

Commissioner Caley asked if the back side of the property will be left open for a trail. Mr. Nielson said there is a 20' area that will be a trail. Commissioner Caley asked about fencing. Mr. Nielson explained that there will be a fence along Terry Johnson's property line.

Chairperson Anderson walked the property this morning and noted a little ridge that drops down to a natural trail. Mr. Nielson said there is an area where the excavation was stopped and is being reviewed by a civil engineer for appropriate grading.

Chairperson Anderson asked if there were any seepage concerns. Mr. Bodily pointed out the sewer stub location and said drainage will flow to the south.

**MOTION:** A motion was made by Commissioner Spackman to approve the request by Jared Nielson, agent for MV Properties, for approval of the Final Plat for Phase 1 (16 lots) for Lantern Hills Subdivision, located at approximately 400-800 East and Canyon Rim Road (approximately 350 North). Zoned R-1-12. Commissioner Campbell seconded the motion. The motion was approved unanimously (7-0).

Vote

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

**Travis Van Orden, agent for Zippy's, has requested consideration for approval of a temporary structure (newly-constructed structure) for a period of one (1) year to be located at 120 North Main Street. Zoned CB (Central Business District).**

Monique Van Orden said Zippy's has been open for a couple of months.

Commissioner Caley asked if customers have been able to get in/out safely. Ms. Van Orden said they have painted lines, cones and signage which has been very helpful; there have been no problems, only positive feedback.

**MOTION:** A motion was made by Commissioner Teuscher to approve the request by Travis Van Orden, agent for Zippy's, for approval of a temporary (newly-constructed) structure for a period of one (1) year to be located at 120 North Main Street. Zoned CB (Central Business District). Commissioner Luthi seconded the motion. The motion was approved unanimously (7-0)

Ms. Izatt confirmed for Chairperson Anderson that this will have to be approved annually.

Vote

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

**MOTION TO ADJOURN:** Motion by Commissioner Campbell to adjourn the meeting at 8:17 p.m. Commissioner Teuscher seconded the motion. 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, December 20, 2017 in the Smithfield City Council Chambers, 96 South Main, Smithfield, Utah.

7:00 p.m. Opening Ceremonies

**Workshop session:** Presentation of a training video on the public's role in Land Use, created by the Land Use Academy of Utah (LUAU) for review and discussion.

**Agenda items:**

1. 7:12 p.m. Residential Input
2. 7:14 p.m. Consideration of Consent Agenda  
Minutes of the November 8, 2017 Planning Commission meeting
3. 7:15 p.m. **PUBLIC HEARING** to consider approval of proposed **Ordinance #17-21** which amends the Smithfield City Code, Title 17 "Zoning Regulations", amending Chapter 17.120.010 "Use Allowance Matrix" in its entirety.
4. 7:20 p.m. **PUBLIC HEARING** to consider approval of proposed **Ordinance #17-22** which amends Title 3 "Revenue and Finance", Chapter 3.20 "Municipal Impact Fees" by implementing a Storm Water Impact Fee as well as adjusting impact fees for culinary water service and parks and trails.
5. 7:25 p.m. Continued review of the proposed min-subdivision ordinance (3 lots or less) located in the RA (Residential Agricultural) zone.
6. 7:30 p.m. Continued review and discussion on short-term rentals-Airbnb (Air Bed & Breakfast) and VRBO (Vacation Rental by Owner).
7. 7:35 p.m. Jared Nielson, agent for MV Properties, has requested consideration for approval of the Final Plat, Phase 1 (16 lots) for Lantern Hills Subdivision, located at approximately 400-800 East and Canyon Rim Road (approximately 350 North). Zoned R-1-12.
8. 7:40 p.m. Travis Van Orden, agent for Zippy's, has requested consideration for approval of a temporary structure (newly-constructed structure) for a period of one (1) year to be located at 120 North Main Street. Zoned CB (Central Business District).
9. 7:45 p.m. ADJOURNMENT

Posted this 15th day of December 2017 at the Smithfield City Offices, City Web Page, and the Utah Public Meeting Notice web site. Notice provided to The Herald Journal this 15th day of December 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.