

Smithfield City Planning Commission
March 19, 2014
MINUTES

The Planning Commission of Smithfield City, Utah met at the City Council Chambers, 96 South Main, Smithfield, Utah at 7:00 p.m. on **Wednesday, March 19, 2014**. The following members were present constituting a quorum:

Chairperson	David Price
Commission Members	Jackie Hancock
	Stephen Teuscher
	Douglas Archibald
	Jamie Anderson
	Steve Edwards
Engineering Staff	Clay Bodily
Planning Staff	Jon Wells
Deputy Recorder	Char Izatt
Minutes	Stacey Dority
City Council Member	Brent Buttars

The notice was provided to the Herald Journal and delivered to each Commission Member and posted at the City Office Building, the Smithfield City Web Page and the Utah Public Meeting Notice web site.

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

Opening Ceremonies: Brent Buttars, City Council Member

Visitors: Troy & Tiffani Forbush, Troy Kartchner of Kartchner Homes and Barry Bingham

Excused: Bryant McKay, Commissioner; Pete Krusi, Commissioner

Agenda items:

The commission will review a rough draft of a proposed ordinance dealing with residential & commercial flagpole height, stealth & placement.

Mrs. Izatt requested the commission concentrate on two specific areas since there wasn't a lot of time for discussion. She invited them to take the ordinance home and review it. She referred to the second page in the zoning area, do we want to address corner lots? We referred to per street frontage is that going to be if they are on a corner or do you want them to have only one (1) flag?

Commissioner Anderson responded he would change it to one flag per residential lot. He explained there are places up along Hillside Drive where they have double frontage lots and technically they have three frontage sides on some of the corner lots.

Chairperson Price questioned Commissioner Anderson on what his reasoning was behind one per lot. He doesn't want to restrict people from flying the flag.

Commissioner Anderson replied he didn't want to restrict them. He felt that one flag pole is enough; they don't need two or three flag poles on one lot.

Mrs. Izatt informed the commission these are permanent and we don't allow the temporary flags on your front lawn on a permanent basis.

Chairperson Price clarified they don't allow permanent flag poles on a corner lot?

Mrs. Izatt explained you can't just go and stick a temporary flag in your yard on a permanent basis. You can have a permanent flag pole, not a temporary in a residential area.

She further informed the commission she took the wording for the commercial locations from the city ordinance for free standing signs because technically a flag pole would be considered a sign. The commercial zone should have more freedom than residential. She expressed the commission can bag the ordinance and not worry about the stealth antenna. She referred to section 17-12-100 where it reads "exceptions to height limitations, flag poles are an exception", so then a person could do whatever they want.

Chairperson Price questioned is there restrictions because of the airport zone?

Mrs. Izatt replied she didn't know what the restrictions are, she has not checked the airport overlay zone.

Chairperson Price considered if that would supersede anything in this ordinance?

Mrs. Izatt responded it would only restrict the fly zone. No one has ever been overzealous about putting permanent flag poles everywhere. This review of the ordinance came about because of the gentleman who wanted a Hamm radio antenna and where he lives he needs a stealth antenna. We could leave it as is and add that definition for stealth antennas but we will still need to state they are allowed in residential zones.

Chairperson Price considered what other kinds of things would exceed the height limitations besides an antenna? Could we limit it to an antenna?

Mrs. Izatt responded she didn't have any of the zone information for antennas with her. There is a communication towers ordinance.

Chairperson Price asked if it applied to residential.

Mrs. Izatt replied no, because she couldn't see the need for a communications facility in a residential area.

Mr. Wells commented, only the exceptions apply to residential.

Chairperson Price referred to Mr. Checkett's flag pole on 8th west. That wouldn't be allowed in the city if we put this wording in the ordinance?

Mrs. Izatt confirmed his statement and added that is why we need to be sure what we want in the ordinance and how we limit, allow or don't allow flag poles.

Chairperson Price stated a person could have a flag pole they would just have to put it in the center of the lot.

Mrs. Izatt replied they didn't have to use that wording. With the commercial it is set at 3 ft. from the property line or sidewalk.

Chairperson Price explained the only thing he saw as a problem in the residential area is the lights on a large flag can be bothersome. He asked Mrs. Izatt to look up the lighting issue. Do we want random number of feet or setback according to height?

Commissioner Anderson responded he likes the setback according to height. If the pole falls it lands on the person's property and no one else is involved.

Chairperson Price commented that also takes care of the height as well. If they want it in front of the house we don't have to tell them how high it should be, they can put it where they want too as long as it is on their property when it is laying down.

Chairperson Price questioned if they needed to create a specific statement regarding the temporary flags like the scout flags.

Mrs. Izatt answered the sign ordinance is very forgiving of the scout flags. A business can't advertise on the right of way but they can put an American flag on the right of way.

Chairperson Price summarized his only concern was the height and how they were going to regulate it and the lighting if it was an issue.

Mrs. Izatt assessed if the commission was okay with her moving this to discussion on the agenda.

Chairperson Price replied yes.

Mrs. Izatt commented she will follow up on the airport and the dark sky ordinance.

Chairperson Price responded they will word it as written; “no flag pole should be located closer to a property line than its reclining length.” He asked if everyone was in agreement with that.

Mrs. Izatt questioned if the commercial wording should be written as it is in the ordinance.

Chairperson Price confirmed yes.

Resident Input

No Resident Input

Consideration of Consent Minutes Minutes of February 19, 2014 Planning Commission Meeting

After consideration by the Planning Commission, the Chairperson declared the consent agenda for the February 19, 2014 planning commission meeting minutes as approved.

Dan Larsen, agent for Kartchner Homes has requested time with the commission to discuss lot sizing and front set backs in particular: 8,000 sq. ft. lots; 70 to 75 foot frontages and 25 foot front set backs instead of 30 foot.

Troy Kartchner appeared in place of Dan Larsen and approached the commission about a piece of property they are looking at east of Lee’s Market Place, east of the apartments and across the street. Overtime economics change buyers change and the markets change and the timing is right to have a smaller zone; not a smaller home. Buyers today cannot afford a bigger lot and they don’t want more yard work.

In bigger cities land is so expensive it has become cost prohibitive to buy a home and a lot that comes with it. We have talked to other cities about the need to have smaller frontage lots. On a 70 to 80 ft. wide lot we can fit 4,000 sq. ft. homes with three car garages, just like you can with a 90 to 99 ft. frontage that is 120 ft. deep. It doesn’t mean the home size changes, although it will, but the price of the lot changes and it is a need not just from a cost standpoint but a need from what buyers want out there.

From what he has seen in Smithfield City, they have adapted very well to many of the market needs that are out there. It has revived the city as it has brought in many good families.

In the area where he is looking there is commercial and higher density residential projects. As a buffer from the commercial, you wouldn’t put nicer, bigger lots right next to the commercial location, typically you buffer with a smaller lot, then as you go further east you will have the

bigger lots.

He feels there is a need in most of the cities throughout Cache Valley to have a smaller lot zone. 8,000 sq. ft. seems small to all of us but it is not compared to what is happening across the country now.

He is requesting there be a consideration to approve an 8,000 sq. ft. zone. Another thing he wanted to address is the very large setbacks in Smithfield, for front and back yards. We have a community in Smithfield that has a minimum of 1200 sq. ft. so the lay out is 105 X 109 ft. deep with 30 ft. set back in front and back. It leaves a little building room. He then builds narrow and wide like in the 60's and 70's not deep but very wide and that can be a challenge as well. Most cities like these have a 25 ft. front and rear setback. That is something else we would like the city to consider, look at and study. That setback is from the property line not the street. So typically you have 11 ft. from the back curb to a foot behind the back and side walk and another 25 ft. beyond that.

Chairperson Price explained that over the years they have looked at denser zoning lots but have always asked for green space. Citizens may be able to afford the smaller lots but the developers always had to come out of pocket with green space.

Mr. Kartchner responded that is not what they are proposing at this time. The city used to have an 8,000 sq. ft. zone but at some point they got rid of it. In this situation you obviously have retention areas that need to be maintained that are open spaces, but it defeats the purpose.

Chairperson Price questioned what the commission has done in the past, what did we do with the Gutke's?

Mr. Wells answered the city owns and maintains the parks.

Mrs. Izatt referred to the parcel Mr. Kartchner is looking at. She questioned how much of the area he was looking at because you will need to annex it with the city?

Mr. Kartchner agreed he didn't think the piece was annexed. He had property owners contact him, about the property. At this point they are looking at the possibilities for a rezone.

Commissioner Anderson assessed how many acres were in this piece of property?

Mr. Kartchner commented he thought it was 15 – 20 acres.

Commissioner Anderson inquired if Mr. Kartchner had any data on what land is going for and what it was five or ten years ago?

Mr. Kartchner explained interestingly enough raw land is not significantly higher it is development cost that are higher. The buyers that are buying don't want big lots. We have to consider if this is a demographic we want to go after and is this really a shift in the market. You're paying upwards to \$300 per linear feet for half of the width of the road; so \$600 for linear road, that is expensive. He didn't know what the price is on the piece of land yet we are trying to find out if it is something that would be workable for us before we negotiate price.

Raw land has quadrupled since he started in 1996. The cost of development is not the reason to do this it is the demographic shift of what they can afford and what they want.

Chairperson Price examined what Mr. Kartchner needed from the commission to precede.

Mr. Kartchner clarified he is not trying to sell as a developer; he wants to see if the city feels like this makes sense to build this type of community. From a cost standpoint you need to bring profit down and land down. You can't bring those things down, so the only thing you can bring down is the front footage. Jim Gass recommended that he come in and see what the commission thought.

Mr. Teuscher commented as a Realtor he deals with people all the time. Younger couples want a big home but they don't want a big yard. They would rather spend their time doing other things than yard work. As our valley grows this type of demographic would be helpful.

Chairperson Price thought it would have to be annexed. He didn't see anywhere in the master plan where that could be changed. This also sets a precedent for what will be coming in at later meetings.

Mr. Izatt reminded him the master plan is a guideline.

Mr. Kartchner commented the commission would want to set certain areas that would be designated for the smaller lots in the master plan.

Mrs. Izatt inquired if there is a location the commission could go and view the smaller lot size idea. She commented the city's attempt at the smaller lots was not successful; over on 120 South and 300 East. We have had a lot of complaints in that development south of the cemetery.

Mr. Wells explained the reason they abandoned that idea was septic tanks. They didn't have enough land to create the drain field for the septic tanks to work properly.

Mrs. Izatt mentioned the problem is people coming in and wanting an accessory building and they don't have the room or they want to garden and don't have the room. The age demographic in that area is more established people, not so many young couples starting out. In general, Mrs. Izatt stated she does have a lot of people coming in that don't want the responsibility of taking

care of a large yard.

Chairperson Price stated we will put it on our workshop for future meetings.

Troy & Tiffani Forbush have requested approval of a Conditional Use Permit for a home based Bee supply company selling bees and beekeeping equipment located at 478 South 540 East. Zoned R-1-12

Troy Forbush informed the commission that he has a bee supply company that has been running since 2011. Most products are ordered on their website or by phone. He keeps the supplies in his garage and he does some assembly of the hives at his home. They have recently moved so he could have a shop to house the supplies. He puts the order together and then people will come to his home or work and pick them up. Normally most people come around 3-7 p.m. in the evening. Later in the year we have an extractor we rent out so we have a 9:00 p.m. return time.

Commissioner Archibald calculated his busy time as spring and fall.

Mr. Forbush agreed. He goes to California to purchase bees and takes them to Brigham City where people come and pick them up. This year we will have a public lot where he will distribute the bees. That takes one or two days during the spring. This year the pickup will be the 12th of April and 10th of May. He also teaches bee classes at Bridgerland Technology Center. Commissioner Anderson probed if there were any concerns with the bees on his property during the 48 hour transition.

Mr. Forbush explained when he gets the bees in April he will back the trailer into his garage and park it and then the next morning he will haul them out.

Commissioner Anderson asked if the bees are presold.

Mr. Forbush said yes. He does have his own hive at home, two at the most.

MOTION: A motion was made by Commissioner Anderson to approve the request for a conditional use permit for a home based Bee supply company selling bees and beekeeping equipment located at 478 South 540 East. Zoned R-1-12 with the conditions being hours of operation 8 a.m. to 9 p.m. Monday through Saturday. The motion was seconded by Commissioner Hancock. The voting was unanimous.

Commissioners voting in favor: Hancock, Teuscher Price, Archibald, Anderson, Edwards.

Review and Consideration for setting the Rules of Procedure and Conduct for the Planning Commission.

Chairperson Price mentioned he thought it would be a good idea to give someone else opportunity to be the Chairman of the commission. He would like to suggest a new election.

He then referred to the grey portions on the handout as being new. Do we need a motion to pass these changes?

Mrs. Izatt replied yes. Technically it should be going into ordinance, but we have been working on it for a long time and so it is another stepping stone to getting us there.

Commissioner Anderson had a clarifying question. On the second page in the first shaded paragraph; where it says, "The chairperson may allow time at the first of the meeting to allow the residents to comment on items that are not on the agenda will be limited to no more than five minutes." If we have a lot of people that don't get a chance to speak is that okay?

Chairperson Price examined if that was five minutes per person or a total of five minutes?

Mrs. Izatt explained we can make it per person. Where we are set on time, and have a lot of people show up to speak, it will throw the agenda off. She thought we should leave it up to the chairman to decide if he wants to let everyone speak or extend the agenda.

Chairperson Price confirmed that it should read "time will be limited to no more than five minutes or at the chairperson's discretion."

Mrs. Izatt addressed another portion of the rules by questioning Commissioner Anderson if the abstention or vote was clarified from last month's meeting.

Commissioner Anderson replied yes.

Chairperson Price inquired if they had to have an extension option or could they just not vote.

Mrs. Izatt replied you have to give the person the right to recuse or abstain. Some of the rules of conduct say the chairperson has control if the commission doesn't constitute a quorum.

Chairperson Price remarked he never thought the rule made a lot of sense since we didn't do a roll call vote.

Mrs. Izatt replied we are doing roll call votes now on the big items. We list each commissioner and their vote on the minutes; that is law.

Chairperson Price questioned when they started doing the roll call vote.

Mrs. Izatt explained it has been done for quite a while.

Commissioner Anderson felt if it is a close vote a roll call should be asked for.

Mrs. Izatt agreed and said that is how it has been done. It takes the same amount of space on the minutes and might clarify it more.

Mr. Wells wanted to clarify; he was hearing that the commission had to have four votes for something to pass regardless of the number of people present in the commission. Is that correct?

Mrs. Izatt responded yes, it has always been that way.

Chairperson Price assessed if you have four on the commission and the vote is not unanimous it will not pass?

Mrs. Izatt replied yes, it will not pass.

Chairperson Price explained he had always thought it was the majority vote. He asked if that was a rule or could it be changed.

Mrs. Izatt explained if you have a seven member board you have to have a four yea vote, if you have a five member board you have to have a three yea vote. She felt the state law wanted commissions to stick to the quorum.

Chairperson Price stated when we have four on the commission we are just hoping everything is unanimous.

Mrs. Izatt replied that is why we have a seven member board. That is not how it is supposed to be. If you will read the rules it says "every member of the planning commission shall attend all meetings of the planning commission unless duly excused or unless unable to attend because of extenuating circumstances." That is a reminder we need you here because we have come to close to not being able to agree. The whole meeting would be wasted if we could not pass or deny.

Chairperson Price inquired if that was state law or if we could change to majority vote.

Mrs. Izatt responded she could not find anything to back it up. Everything she has read through Robert's Rules and other people's procedures you had to have unanimous votes.

Commissioner Anderson commented he noticed when he researched the bee permit there wasn't anything in the ordinance about people having bee hives on their property.

Mrs. Izatt explained we don't address the beehives at home. The department of Ag regulates the bees. There is a fee per hive and it is a state permit. We could have a bee ordinance if we wanted too. She expressed a few problems with people who have swimming pools. The fresh

water draws the bees and children are getting stung. The owners of the bees need to have a fresh water source and keep the hives away from the other property owners. There have been several swimming pools going up in the city.

MOTION: A motion was made by Commissioner Hancock to accept the rules of procedure and conduct for the planning commission. The motion was seconded by Commissioner Anderson. The voting was unanimous.

Commissioners voting in favor: Hancock, Teuscher Price, Archibald, Anderson, Edwards.

MOTION: A motion was made by Commissioner Edwards to adjourn the meeting at the 7:50 p.m. The motion was seconded by Commissioner Teuscher. The voting was unanimous.

Commissioners voting in favor: Hancock, Teuscher, Price, Archibald, Anderson Edwards.

David Price, 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 regular Planning Commission Meeting at 7:00 p.m. on **Wednesday, March 19, 2014** in the Smithfield City Council Chambers, **96 South Main**, Smithfield, Utah.

7:00 p.m. Opening Ceremonies

Agenda items: The Commission will review a rough draft of a proposed ordinance dealing with residential & commercial flagpole height, stealth & placement.

1. 7:02 p.m. Resident Input
2. 7:07 p.m. Consideration of Consent Agenda
Minutes of the February 19, 2014 Planning Commission Meeting
3. 7:10 p.m. Dan Larsen, agent for Kartchner Homes has requested time with the Commission to discuss lot sizing and front set backs in particular: 8,000 sq ft lots; 70 to 75 foot frontages and 25 foot front set backs instead of 30 foot.
4. 7:20 p.m. Troy & Tiffani Forbush have requested approval of a Conditional Use Permit for a home based Bee supply company selling bees and beekeeping equipment located at 478 South 540 East. Zoned R-1-12
5. 7:25 p.m. Review and Consideration for setting the Rules of Procedure and Conduct for the Planning Commission.
6. 7:30 p.m. **ADJOURNMENT**

Posted this 14th day of March 2014 at the Smithfield City Offices, City Web Page and the Utah Public Meeting Notice web site. Notice provided to The Herald Journal this 14th day of March 2014.

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 working days prior to the meeting.