

# Smithfield City Planning Commission

Wednesday, April 16, 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, April 16, 2014**. The following members were present constituting a quorum:

Chairperson	David Price
Commission Members	Bryant McKay
	Jackie Hancock
	Pete Krusi
	Jamie Anderson
	Stephen Teuscher
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:** Rick Meyer

**Visitors:** Rick Meyer; Jeff Barnes, City Council member

**Excused:** Steve Edwards, Commissioner; Doug Archibald, Commissioner

### **Workshop Session:**

The Commission will review and discuss proposed amendments to Title 16 “Subdivision Regulations”: Chapters 16.16.050 “Dedication of Water” and 16.20.070 “Secondary Water”.

Chairperson Price directed the commission to the rough draft concerning the dedication of water. He informed the commission they will be looking at the changes made on this document.

Mrs. Izatt explained the irrigation companies had concerns over what the city is doing with the water shares that have been received. The Council and Jim Gass discussed these concerns and came up with the proposed amendments. Mrs. Izatt deferred to Mr. Wells to comment on the water issues.

Mr. Wells explained the city required the developer bring water with the subdivision. The city required 1/3 of a share of either canal companies or Smithfield Irrigation Company per lot. If you the developer couldn't provide the water they would pay the city \$2,000 per lot for the city to provide the water. The Smithfield Irrigation company had a problem with this because if people deed water to the city the city cannot resale the water share. The State law requires the water right cannot be resold. Water shares can be rented but not sold.

Chairperson Price responded this is what happened in Clarkston. They don't have secondary water. It is really dry out there. They have a culinary spring.

Mr. Wells stated the city's proposed change in lieu of Paragraph B (one requirement they can meet), they came up with Paragraph C. Paragraph B states they have to build a secondary water system whether it is used or not. Then they could deed shares to the home owners and the home owner will pay to use the water. The city would then ask for \$350 per lot. The city cannot dictate to the irrigation company that they allow these subdivisions to hook on. It is up to the developer to negotiate with the irrigation company.

Chairperson Price questioned what the purpose of the \$350 fee is if they can't hook into anything.

Mr. Wells responded the city has an irrigation system up on the east side. The city uses water shares that they own in the upper canal to put into that system. It is mainly in the East Sky View Subdivision.

Chairperson Price remarked that up above that area they did not have pressure to use the culinary supply.

Mr. Wells explained a lot of those pressure problems have been solved by fixing the water tank and well. What the city requires is if residents hook up to that water system they are charged the \$350 and then on their monthly water bill they will pay \$5. It doesn't have anything to do with the Smithfield irrigation system.

Chairperson Price clarified that the \$350 would be a onetime cost to the homeowner, whether they use the shares or not. Who arbitrates the decision if there are unreasonable demands on the system?

Mr. Wells replied there have been a few individual developers who haven't been able to work out the secondary water system in and allow homes to be watered.

Chairperson Price questioned if they can't provide the 40 psi then they should not have the water?

Mr. Wells confirmed that was correct. It would be hard to water a lawn with pressure under 40 psi. They would have to choose other sources of water or pay the \$2,000.

Mr. Bodily stated that in the first paragraph in the ordinance it refers to the City Council to determine that.

Mr. Wells stated that he had read that if there is an unreasonable demand or something that it would be determined by the city council.

Mr. Bodily stated that is not only for the pressure but if for some reason there is extended distance to hook to the system, he thought it would fall under unreasonable demand, in the first paragraph, at least.

Chairperson Price stated that he understood now if it was decided that it is reasonable and if not, it automatically reverts to the \$350 or \$2,000 per lot.

Mr. Wells stated “Well, no it wont resort to the \$350, it will resort to the \$2,000 or 1/3 share per lot” and referred to paragraph B at the bottom of the page.

Commissioner Krusi inquired where does paragraph C fall in?

Mr. Wells stated that paragraph C falls in, if they can build a secondary water system in the development and have the secondary water put in then they can have \$350 per lot. They have to be within 600 ft. of the water source, and then they will have to run their piping to make that connection.

Commissioner Anderson questioned what developments would not have that connection of 600 ft.

Mr. Wells replied it is generally the houses up on the east side. There are a lot of homes this affects. They end up having to develop the standard way and pay the \$2,000.

Commissioner Krusi questioned if they are building on the east bench where there is no water then they will have to go out on the market where there are more shares to purchase or pay the \$2,000?

Mr. Wells replied yes. Even if they do find water shares and give them to the city. They still won't have access to irrigation water because it is not available up there.

Chairperson Price replied is that \$2,000 saved in escrow.

Mr. Wells explained the \$2,000 is put in an escrow account to develop the existing source of water. This will provide the homeowner culinary water. This is another fee.

Commissioner Anderson questioned if the developer can pay the fee that pays for the hook up over 600 ft. Is the developer in charge of all the fees for each additional hook up?

Mr. Wells responded yes. They can pay provided the fact once the connection is made they receive 40 psi per lot.

Chairperson Price questioned if there are regulations on the use of booster pumps.

Mr. Bodily stated secondary water is not metered. The 40 psi per lot is required for fire protection as well as culinary use.

Chairperson Price assessed we need to decide if we agree with the \$350 dollar dedication fee and if there is any discussion on the 600 ft. requirement and the city council's ability to waive it. He asked the commission if they are okay with the changes or if there are any additional edits.

Mrs. Izatt commented she was still unclear about the last paragraph that was stricken.

Mr. Wells replied if you put in a secondary system in a subdivision and you were able to hook up to the irrigation companies system they would reduce the fee by 75% and now you would only pay \$350.

**The Commission will discuss updating the General Plan and the upcoming training on May 15, 2014 in Hyrum, UT.**

Mrs. Izatt commented that City Manager Jim Gass felt it was time to take a look at updating the General Plan. There were some updates in 2005 and 2008. Do you feel like we should start having public hearings?

Chairperson Price questioned if this would mostly be concerning zoning.

Mr. Wells explained every 5 to 10 years we need to look at what we are doing with the land use. He asked the commission if they felt comfortable to start looking at an update of our land use?

Mr. Bodily also added when we apply for money from the state for city improvements we are asked when the general plan was last updated.

Chairperson Price commented the only controversial part of the general plan is usually in the zoning.

Mr. Wells commented if we jump into the zoning and we are satisfied with what is there we can leave it as is.

Commissioner Krusi inquired what the process is to make changes.

Mrs. Izatt explained it can be very detailed. First you go through a series of public hearings. An engineering company is hired. It depends on what extent we go to. We may not need to go that far if there are not very many changes.

Chairperson Price inquired if there are deficiencies in our zoning.

Mr. Wells explained the process they went through last time the general plan was changed. They hired an outside consulting firm and formed a group of citizens. We met and went over the map and what was going on and what we would like with each part of town. We came up with recommendations then we held public hearings, usually two or three hearings, then with the input from everyone it goes on to the city council and if approved it is used in future planning. It can be a lengthy process. The general plan needs to be looked at again.

**The Commission will continue discussion in regards to R-1-8 (Single Family Residential-1 dwelling unit- 8,000 sq. ft.) zones.**

Commissioner Anderson explained his concern were with the size of the home on the lot. The people that don't want to take care of a yard would probably not want to take care of a large home either.

Chairperson Price agreed with Commissioner Anderson.

Mrs. Izatt commented it is actually valid.

Chairperson Price felt it is probably more of a starter home. He doubts the 20 year olds will live there the rest of their lives. This would be a development with a lot of turnover.

Mr. Wells commented if you look at Westates, they has been back several times because they were struggling selling the home design they had planned. There are big homes with 10ft. – 20 ft. of yard space.

Mrs. Izatt replied that footage is on side yards. In the front setbacks go from 30 ft. to 25 ft. We have been set that way for the last 20 years. That is still a nice piece of grass.

Mr. Wells felt Char had a valid point but if you go less than 25 ft. people's cars will be hanging off the driveway into the sidewalk and block the right of way. You need to leave enough space in the front.

Chairperson Price commented he would be more interested in discussion if he saw an area that was designated for this type of development.

Commissioner Krusi questioned what other cities have done with this type of request.

Chairperson Price asked the commission if anyone was interested on addressing the 8,000 sq. ft. lot. All commissioners stated nay.

**Resident Input**

No Resident Input

**Consideration of Consent Agenda**

**Minutes of March 19, 2014 Planning Commission Meeting**

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

**Rick Meyer of Millrey Development, agent for Erik Milligan, has requested approval of a two (2) lot minor subdivision located at 314 West 100 North. Zoned R-1-10.**

Mr. Meyer approached the commission and explained they have property on 100 North 300 West. This property has frontage on both sides of the street. Looking at the lot it looks like an empty lot on 300 west and a house on 100 north. He wants to split off the back side of the lot and make two lots.

Chairperson Price replied this was on a variance.

Mr. Wells replied yes.

Chairperson Price questioned if there needs to be a rezone.

Mr. Meyer's explained they rezoned the property a couple of years ago.

Commissioner Krusi assessed if there were any concerns from the city?

Mrs. Izatt and Mr. Wells replied no.

Chairperson Price examined if the access would be from 300 west.

Mr. Meyers responded yes. The access for the existing house is on 1<sup>st</sup> North.

**MOTION:** A motion was made by Commissioner Anderson to approve a **two (2) lot minor subdivision located at 314 West 100 North. Zoned R-1-10.** The motion was seconded by Commissioner Teuscher. The voting was unanimous.

Commissioners voting in favor: McKay, Hancock, Krusi, Price, Anderson, Teuscher.

**The Commission will review and discuss Ordinance #14-02 which amends Title 17, Zoning Regulations: 17.04 070: “Definitions”, 17.12.100: “Exceptions to Height Limitations”; 17.36 “Signs”: 17.36.060: Permitted Signs; Permits Not Required”; and 17.120.010: “Use Allowance Matrix”.**

Chairperson Price assessed if this was the final draft that would appear for the public hearing.

Mrs. Izatt explained Mr. Bodily had a few legitimate concerns with this draft and she felt the commission should take a look at.

Chairperson Price thought a lot of the limitations were odd.

Mr. Wells explained most of the limitations are on commercial buildings.

Chairperson Price referred to the ordinance where the main changes are on the second page.

Mr. Bodily’s concerns were with the property line and the flag pole.

Mrs. Izatt commented it depends where you measure from the front or the sides. She used her house as an example. She has a 17 ft. setback and if she put in a 35 ft. pole it would end up in her living room.

Mr. Bodily had concerns on the way commercial is phrased in #2. After further consideration he felt it should be left as is.

Mr. Wells felt it read fine. A property line works around the whole property.

Mrs. Izatt felt it really makes it strict where there were no restrictions before. The other option is to not do anything except the stealth antenna.

Chairperson Price liked the way it reads. He didn’t feel it needed to be restrictive.

Mr. Wells asked how she would want it to read.

Chairperson Price mentioned the way it reads there is not a line designation. They can choose the front or side of the property.

Mrs. Izatt felt Mr. Wells would find it more restrictive.

Mr. Wells explained as long as you have a 30 ft. front yard it would work out.

Chairperson Price felt it was less restrictive. A shorter pole would work.

A public hearing will be set for May set by Chairperson Price and seconded by Jamie Anderson.

Mrs. Izatt asked the commission to look at the general plan binders and asked them to please look at it online if needed. She wanted to know about the training and needed to know who was coming. The city will pay the initial fee and allow all who would like to come. She needs everyone to respond and attend. This will help us see if anything in the general plan needs to change. Another item in the packet is on dogs and not specifying breeds. This will rattle our existing ordinance. It will be brought back to workshop.

### **Voting for Planning Commission Chairperson and Vice-Chairperson**

Mrs. Izatt mentioned she would like a full commission vote.

The commission decided to let Commissioner Teuscher be proxy for Mr. Edwards. It was decided to go ahead with the voting.

Commissioner Krusi requested that each commissioner be given time if they wanted to campaign for this position.

The voting was tallied by Mr. Bodily and Mrs. Izatt. David Price will continue as Chairperson and Jamie Anderson will be the new Vice-Chairperson.

**MOTION:** A motion was made by Commissioner Krusi to adjourn the meeting at 7:58 p.m. The motion was seconded by Commissioner Teuscher. The voting was unanimous.

Commissioners voting in favor: McKay, Hancock, Krusi, Price, Anderson Edwards.

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David Price, 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 regular Planning Commission Meeting at 7:00 p.m. on **Wednesday, April 16, 2014** in the Smithfield City Council Chambers, **96 South Main**, Smithfield, Utah.

**7:00 p.m. Opening Ceremonies**

**Workshop session:** The Commission will review and discuss proposed amendments to Title 16 “Subdivision Regulations”: Chapters 16.16.050 “Dedication of Water” and 16.20.070 “Secondary Water”.

The Commission will discuss updating the General Plan and the upcoming training on May 15, 2014 in Hyrum, UT.

The Commission will continue discussion in regards to R-1-8 (Single Family Residential-1 dwelling unit- 8,000 sq. ft.) zones.

**Agenda items:**

1. 7:15 p.m. Resident Input
2. 7:20 p.m. Consideration of Consent Agenda  
Minutes of the March 19, 2014 Planning Commission Meeting  
  
Voting for Planning Commission Chairperson and Vice-Chairperson
3. 7:25 p.m. Rick Meyer of Millrey Development, agent for Erik Milligan, has requested approval of a two (2) lot minor subdivision located at 314 West 100 North. Zoned R-1-10
4. 7:30 p.m. The Commission will review and discuss Ordinance #14-02 which amends Title 17, Zoning Regulations: 17.04 070: “Definitions”, 17.12.100: “Exceptions to Height Limitations”; 17.36 “Signs”: 17.36.060: “Permitted Signs; Permits Not Required”; and

17.120.010: "Use Allowance Matrix".

Setting the Public Hearing

5. 7:35 p.m. **ADJOURNMENT**

Posted this 11th day of April 2014 at the Smithfield City Offices, City Web Page and the Utah Public Meeting Notice web site. Notice provided to The Herald Journal this 11th day of April 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.