

Smithfield City Planning Commission

May 21, 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, May 21, 2014**. The following members were present constituting a quorum:

Vice Chairperson	Jamie Anderson
Commission Members	Bryant McKay
	Pete Krusi
	Douglas Archibald
	Steve Edwards
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 Vice Chairperson Anderson. He notified the commission that David Price has resigned his position as Planning Commission Chairperson and at the end of this meeting the Commission will elect a new Chairperson.

Opening Ceremonies: Commissioner Pete Krusi

Visitors: No Visitors

Excused: Jackie Hancock, Commissioner: Stephen Teuscher, Commissioner: Clay Bodily, Engineering Staff

Workshop Session:

Review of the General Plan training held on May 15, 2014 in Hyrum, UT.

The Commission will review and discuss updating procedures for the General Plan.

Mrs. Izatt announced the training turned out very well and everyone learned a lot more than they originally thought. She made copies of the training for all of the commission to review as they update the general plan; we will follow similar steps for the update. She felt if they at least take the steps section by section, have an open discussion and then look for changes it will help the process. She would also like to take a mobile view of the city and then brainstorm together as to what each person saw in their own individual groups; including sidewalks that need to be installed, parks, traffic areas, affordable housing any improvements needed in the city. The

mobile view would entail a meeting and an agenda since it is city business. We could each take an assigned area or we could all cover the whole town. She asked if that sounded feasible. She told the commissioners if they could not find their general plan binders the information is on the city website.

Vice Chairperson Anderson questioned what the next step should be regarding the general plan.

Mrs. Izatt responded if everyone would do their homework and review the general plan then we will review together in the workshop next month and go on the tour of the city and discuss everything we have prepared and noticed on the tour.

Vice Chairperson Anderson examined if there was any other discussion regarding the general plan training.

Mrs. Izatt mentioned she had discussed both agenda items together and would like the review and discussion to take place next workshop after everyone has had a chance to spend a little time looking at the general plan. She asked if Mr. Wells had anything to add since he was attending the training.

Mr. Wells mentioned the general plan was done in 2005 with updates in 2008. He explained the different ways to approach making changes with the general plan. The commission needs to focus mainly on land use. We need to take into consideration the economy and changes happening in the next few years. We can create citizen committees and go through the zoning map and land use. Or we could create ideas on how we want to see the city progress or change in the next 10-20 years. The other aspects of the general plan which happen to be transportation and the water and sewer system are done by the professional side of city staff. The parks had an impact study done and all the information is in the general plan. He mentioned the individual who taught this seminar is a planner who has worked for Mesquite, NV and other communities. He is a facilitator that charges a fee for his services. His job is to help keep things going as you work through the general plan. He encouraged the commissioners to drive in different parts of town and notice what is happening in each area. Mr. Wells reminded the commissioners the last time they worked on the general plan they hired a company which helped produce maps and facilitate the whole process. They ended up having two or three public hearings to help decide which way they wanted to go and then the company helped to coordinate the information.

Mrs. Izatt reminded the commissioners she would like to see the mobile meeting done as a group so it stays cohesive and then we can come back and discuss what each person noticed. We need to have everyone involved as a resident and a commissioner. She would like each perspective.

Vice Chairperson Anderson felt that the mobile meeting was a great idea and asked Mrs. Izatt to follow up with the missing members of the commission.

Mrs. Izatt replied she would email them and catch them up on what has been discussed.

Vice Chairperson Anderson opened discussion for reviewing the procedures for the General Plan.

Mrs. Izatt commented she had one other item. The annexation policy maps are part of the General Plan. She was wondering if there were any feelings of how far they go closer to Hyde Park or to Richmond. The city council would take full role on this but it is part of the general plan and we want to look at it as the whole. Right now we have maps that show the annexation boundaries. She could get more maps if needed.

Vice Chairperson Anderson commented the maps would be helpful.

Commissioner McKay asked if it is more difficult to move into the county rather than Hyde Park city with annexation. Is the county more regulated?

Mrs. Izatt said she felt like the city has most of the control of the annexation if we are approached.

Mr. Wells informed the commission there is a gentleman agreement that was made with Hyde Park referring to where the boundary is between Smithfield and Hyde Park as far as the annexation. It is not a legal document it is just a general agreement that was established 25 -30 years ago. There is a line where Hyde Park and Smithfield City would go to a certain point on their sides. The county does not oppose annexations.

Commissioner Krusi questioned if the city waits for the people to come in with an annexation request.

Mr. Wells confirmed the city waits for people to come in. The thing with an annexation that most people don't understand is when someone comes in and they want to do a rezone or change the land use or want to do something with their property, we have to follow the zoning ordinance and subdivision ordinance to the letter. We can't discriminate, we can't demand unless the ordinance says we can. With an annexation all bets are off. In other words the city has an opportunity without being taken to court for what is called a taking, when people are requesting annexations the city can ask for a lot of stuff, and it is well within their right to do that and legally they can if they choose too.

Commissioner Edwards inquired most annexations are developer driven aren't they?

Mr. Wells commented yes, they have been in the past.

Commissioner McKay recalled the annexation of the Doctor at the south end of town. The commission needed to annex it in so it wasn't an island.

Mr. Wells replied we had to make it so it wasn't an unincorporated peninsula. The property that is on the highway between the old IHD plant and the dental office that is not in the city. The property to the west of the dental office is part of the city. The state law has a specific guideline as to what constitutes a peninsula. You can't annex around a piece of property. It gives dimensions that need to be met to not create an island. That was one of the considerations we had to go through where the business Expertec is located. They had to get property owners west of the parcel that is out on the highway to agree to annex in with them so that we didn't create an island.

Mrs. Izatt responded we could have encouraged the potential island to come in whether they wanted to or not.

Mr. Wells commented people can be forced in on an annexation, but it is all according to state law. Those guidelines have to be followed precisely. There are public hearing times, we have to notice all of this and people can protest. Generally the only time the planning commission gets involved with the annexation is just a formal yes or no, we think it fits with our general plan, and then the city council handles the rest of it.

Vice Chairperson Anderson asked if there were any other comments or questions on the general plan meeting.

Resident Input

No Resident Input

Consideration of Consent Agenda

Minutes of April 16, 2014 Planning Commission Meeting

After consideration by the Planning Commission, the Chairperson declared the consent agenda for the April 16, 2014 planning commission meeting minutes as approved.

Public Hearing to consider 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".

Vice Chairperson Anderson opened the public hearing at 7:20 p.m.

The public hearing was closed at 7:21 p.m.

Vice Chairperson Anderson asked if there was any other discussion among the other commission members regarding this ordinance.

Mrs. Izatt mentioned there has been a lot of feedback at the office regarding this proposed ordinance. There has been a lot of conversation as to whether we would need to regulate the flag poles and other items like the stealth antenna and the matrix change on the swimming pools item needs to be looked at. She reminded the commission they didn't have to rule on this tonight. She shared an example in the trailer park, Sojourner, on 100 north where they would like to put up three flags at their location. She felt that she wanted to see a drawing of how they would place them on their property because she was afraid they would be stuck throughout the yard. They could also be put on city or state property for all we know. She has issues with having a free for all when it comes to flagpole placement in the yard. There haven't been any regulations in the past and she feels we will come to regret not having one if people start placing them on city or state property in concrete.

Vice Chairperson Anderson assessed that in the past month there have been comments on the placement of flag poles, then no one shows up for the public hearing?

Mrs. Izatt commented that is because the remarks have been from the staff. It all came about because of the gentleman with the Hamm radio antenna and then other issues that have gone on through the last several years where a citizen calls up to ask a question and we say sure because there is not an ordinance. Now that we have the Sojourner Trailer Park wanting to put up three flags it makes a need for the regulations. She mentioned Mr. Wells was not a proponent of making the flag pole change and she didn't know if he would like to comment on how he would handle the Sojourner trailer park or commercial.

Mr. Wells responded it is hard to make sure everyone is following the rules. We have had very few people call about flag poles.

Commissioner Krusi replied if he was to assume that if a person was going to put up a flag pole they wouldn't even think of calling the city to see if they could do it.

Mrs. Izatt remarked in a residential area that would be the case.

Mr. Wells commented in the commercial areas you generally don't find businesses really wanting to put up a flag pole unless it is Maceys.

Mrs. Izatt reminded the commission a lot of the ordinances are there for when the need occurs.

Mr. Wells commented he would look at a flag pole as a structure.

Mrs. Izatt mentioned how happy would the city be if she put a pole in concrete on city property because she didn't know the law.

Mr. Wells replied the city could notify the people of the error.

Mrs. Izatt responded why not head that off with the ordinance before it took place. She is more concerned with citizens that would really be impacted. She didn't feel the Sojourner trailer park would be happy if they would have put up the three big flags and then found out they are on city or state property and then we have to go out and tell them.

Commissioner McKay had a question on terminology. When we are talking about flag poles he understands where we are headed but when we are talking about those that put flags on a park strip do we have to address that.

Mrs. Izatt stated no that is covered under the sign ordinance.

Vice Chairperson Anderson questioned the commission if they want to leave the flag pole regulation in this ordinance or do they want to remove it or have more discussion.

Commissioner Edwards wasn't in favor of the flag pole ordinance. He felt people who wanted a flag on their property will put one up whether there is an ordinance or not. He doesn't want to ordinance people to death. He voted no regulations on the residential ordinance and yes to commercial ordinance.

Mrs. Izatt directed that commissioner Edwards could make a motion to that effect of having the residential regulation removed.

Commissioner McKay felt they needed to regulate residential as well as the businesses because of the differences in size to the pole. The concerns in the past have been if the flag comes down into the road or on another person's property.

Commissioner Krusi questioned if there are any residents that have more than one flag pole currently.

Mr. Wells replied no he didn't know of anyone having more than one. He didn't know if he could even tell you who had one.

Commissioner Edwards shared information about his neighbor's flag that is in the middle of their yard. It would probably hit a sidewalk if it fell over. It is done very nicely with a light.

Mrs. Izatt assessed if it was something other than an American flag on a pole would it be considered a lawn ornament.

Mr. Wells commented he felt like it was an accessory structure because it doesn't fit in any other category and there is a height limitation on an accessory structure of 20 ft. Whereas the house itself can be 35 ft. but we can't put an accessory structure in the front yard. Maybe we ought to put the regulation in there that state the rules that need to be followed when putting a flag pole

in; height limitation, etc. He didn't feel like it goes against the intent of the ordinance as far as obstructing or occupying your front yard space by putting a flag pole there.

Vice chairperson Anderson summarized it sounds like this regulation should be discussed one more month until we can finalize how we want to handle residential and height limitations. When we come back in June we can have some verbiage ready to finalize this. He called for any other discussion around item number three.

MOTION: A motion was made by Commissioner Krusi to continue the discussion on ordinance #14-02 and be brought back in June. Commissioner McKay seconded the motion. The voting was unanimous.

Commissioners voting in favor: McKay, Krusi, Anderson, Archibald, Edwards.

The Commission will review and discuss Ordinance #14-03 which amends Title 16, Subdivision Regulations: 16.20.070 "Secondary Water"; 16.16.050 "Dedication of Water"

Vice Chairperson Anderson had a note that item number four has been asked to be tabled per the city manager until he can meet with the irrigation companies. So there will be no discussion at this time.

The Commission will review and discuss House Bill 97 which modifies municipals powers & duties by limiting municipal regulation of animals, specifically dogs.

Mr. Wells asked if the commission understood what was happening with this house bill.

Commissioner Krusi questioned if this was from the state law.

Mrs. Izatt responded yes. She informed the commissioner in July the governor signed the house bill and the date it becomes effective is January of 2015. We need to decide how we are going to address this. We purposely had separated the dog breeds using the CDC (Centers for Disease Control) list of dangerous dogs because there had been a lot of concern about Pit Bulls, Rottweiler, Chows, Dobermans that are dogs on the list. The CDC keeps track of dog bites and attack problems and those are the dogs that came through, so we adopted that in the ordinance and required that they come through the commission for approval for those dog kennels for anything over two dogs. If any dogs were on the list they had to come to the commission for approval and they were also to construct a dog run in there yard when they were out. Now we aren't able to separate the non-dangerous dogs not needing a kennel or dog run. She likes the idea of kennel and dog run for any group of dogs over two and above, but she didn't know how the commission felt. We might as well take the dog runs out of the definitions in the ordinance because there would be no need to require them.

Vice Chairperson Anderson replied we can still require a kennel permit over a certain number of dogs. But the type of dog is no longer important to that permit.

Mrs. Izatt responded yes and referred the commission to item number three. Those were the main dogs that were picked from the list and that would need to come out of there because we can't bias that breed. We would need to change the fixed dog run requirement in section B and letter D mentions the breeds again. She asked the commission how they felt about requiring the fixed dog run on the larger quantity of dogs.

Commissioner Krusi questioned if a fenced yard was okay.

Mr. Wells answered yes. We have to decide if they having more than three dogs will require they have a dog run or is a fenced yard sufficient.

Mrs. Izatt mentioned in the ordinance before it didn't matter if you had a fenced yard you would be required to have a fenced dog run.

Vice Chairperson Anderson considered if the type of fence mattered.

Mr. Wells replied it shouldn't as long as it is secure. Chain link is the most secure.

Commissioner McKay indicated they should consider what is humane for the amount of dogs in the kennel as well. He had dog kennels and they worked great. There are several neighbors that let their dogs run loose. He felt the kennel is a safety factor over the fence. Dogs can jump fences.

Mrs. Izatt explained there was an incident that had just come up where some dogs killed a neighbor's cat. The gentleman had a kennel and a license, but there was still a problem.

Commissioner Krusi questioned with this new change if the commission would see any dog permits, other than those on the list.

Mrs. Izatt replied she would be handling everything.

Vice chairperson Anderson summarized the item to decide for the next meeting is around the fixed dog run requirement. Will we require it for three or more dogs?

Commissioner Archibald inquired why there was a number of three or more instead of for all dogs.

Mrs. Izatt replied the ordinance was in place before she came to work at the city.

Commissioner Krusi considered someone wanting more than four dogs.

Mr. Wells replied they would be sent to the commission for approval.

Vice Chairperson Anderson considered if a redo of the entire ordinance was in order.

Commissioner Archibald felt if you have a house dog and the only time it is out to go to the bathroom that is one thing. But a lot of dogs aren't house dogs and the idea of letting them run makes a problem for a lot of people.

Mrs. Izatt explained the bad news was that falls under title 6 which is covered by the city council.

Mr. Wells mentioned the animal ordinance states you can't let your dog run loose, but that isn't in the zoning. The reason this is in the zoning ordinance is because it is considered a land use issue where you're using your property for more than two household pet dogs. You could be breeding them. Do we want to revise this ordinance for more than two dogs?

Commissioner Krusi felt that giving someone an option of a secure fenced yard or a dog run or both would be a good idea.

Mr. McKay felt a fence still leads to concern when dogs could jump over a fence, or a little kid wants to reach through to pet the dog. He would like to see the kennel continue and felt a little more discussion would be good.

Mrs. Izatt explained there are issues where dog runs are put by bordering property and the smell is offensive to the neighbors or dogs are let loose and choose to dispose by neighboring fences. There is also a problem of a dog digging under fences.

Commissioner Krusi wondered if the state law would bleed over to other things or is it exclusive to dogs.

Mr. Wells replied the state law says you cannot discriminate based on the breed of the dog.

Mrs. Izatt confirmed it specifies dogs.

Vice Chairperson Anderson assigned this issue back to the agenda next month. He called for a vote for the new Chairperson and Vice Chairperson.

Mrs. Izatt explained a ballot was passed out to vote on the chairperson in the last meeting but Jim Gass, City Manager felt like where we added Steve Teuscher as a permanent commissioner we should redo the vote and follow the proper procedures.

The vote was tallied and Vice Chairperson Anderson was named the new Chairperson and Commissioner Krusi was named the new Vice Chairperson.

MOTION: A motion was made by Commissioner McKay to adjourn the meeting at 8:00 p.m. The motion was seconded by Commissioner Krusi. The voting was unanimous.

Commissioners voting in favor: McKay, Krusi, Anderson, Archibald, Edwards.

Jamie Anderson, Vice- 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, May 21, 2014** in the Smithfield City Council Chambers, **96 South Main**, Smithfield, Utah.

7:00 p.m. Opening Ceremonies

Workshop session:

Review of the General Plan training held on May 15, 2014 in Hyrum, UT.

The Commission will review and discuss updating procedures for the General Plan.

Agenda items:

1. 7:09 p.m. Resident Input
2. 7:14 p.m. Consideration of Consent Agenda
Minutes of the April 16, 2014 Planning Commission Meeting
3. 7:15 p.m. **Public Hearing** to consider 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".
4. 7:20 p.m. The Commission will review and discuss Ordinance #14-03 which amends Title 16, Subdivision Regulations: 16.20.070 "Secondary Water"; 16.16.050 "Dedication of Water"

Setting the Public Hearing
5. 7:25 p.m. The Commission will review and discuss House Bill 97 which modifies municipals powers & duties by limiting municipal regulation of animals, specifically dogs.
6. 7:40 p.m. **ADJOURNMENT**

Posted this 16th day of May 2014 at the Smithfield City Offices, City Web Page and the Utah Public Meeting Notice web site. Notice provided to The Herald Journal this 16th day of May 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.