

Smithfield City Planning Commission

June 20, 2012

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, June 20, 2012**. The following members were present constituting a quorum:

| | |
|---------------------|--------------------------------------------------------------------------------------------|
| Chairperson | David Price |
| Commission Members | Bryant McKay Douglas Archibald Michael E. Paskett Jamie Anderson Steve Edwards |
| Deputy Recorder | Char Izatt |
| Planning Staff | Clay Bodily John Wells |
| 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 7:10 p.m.
Opening Ceremonies: Steve Edwards

Excused: Commissioners Pete Krusi & Jackie Hancock

Visitors: Jay Baker, Cache Countywide Planner; Gary and Geraldine Niederhauser; Kris Monson, City Council Member; Wayne M. Cooke; Matt Russak; Dianne K Campbell; Wade C. Campbell; JaNae Martin; Ruth Gray; Nannette and Lowdy King; Juan Lara; Hannah Barker; Jeff Barnes, City Council Member.

**Workshop Session: Training by Jay Baker, Cache Countywide Planner
“Land Use and Subdivision Regulations”**

Resident Input

Char Izatt inquired if the Commission would be interested in reviewing and considering the sample ordinance on electric cigarettes, (a sample copy was included in the Commission packets) and possibly recommending it to the City Council.

Mrs. Izatt requested that the Commission please review the following handouts: Public Meetings & Hearings, Utah Legislative Update, and Powers & Duties and that they be put in the Commissioner's binders for easy accessibility.

Consideration of Consent Agenda Minutes of June 20, 2012 Planning Commission Meeting

Minutes were approved by consent

Gary & Geraldine Niederhauser, East Sky View Development, Inc., have requested approval for renewal of the Preliminary Plat for East Sky View Subdivision located at approximately 400-600 South and 455-700 East. Zoned R-1-12.

Chairperson Price stated this is a renewal of a preliminary plat because of the time limit, exceeding three years. He couldn't correlate the new lot numbers with the preliminary plat. He questioned why the lot numbers did not coincide with the preliminary plat?

Char Izatt explained the lot numbers had changed, therefore the lot numbers have changed when compared to the preliminary plat. If major changes are made then they would need to amend the preliminary plat.

Chairperson Price asked why the numbers aren't required to be corrected when it is resubmitted. For example, when the commission starts to look at a certain phase it doesn't make any sense when reviewing the preliminary plat.

Geraldine Niederhauser confirmed changes had been made and specified the drainage line would not fit in the intended area and had been moved, no streets had been adjusted; just the size of the lots. The phase numbers have not been followed as the development has progressed.

Chairperson Price requested correcting the lot numbers to alleviate confusion in comparing the two.

Clay Bodily mentioned as you work in different phases, it isn't required to update lot numbers.

Mrs. Niederhauser approached Chairperson Price to show him the lots in discussion and how things have been combined on the preliminary plat.

John Wells stated this is the third time this has been presented to the Committee: The first time was the original request, the second time #33 for the church on 640 south changed to a cul-de-sac with an amended ordinance on the length of the cul-de-sac. This time is due to the expiration because of the slow economy. The original lot numbers on the preliminary plat are used as a guideline.

Chairperson Price questioned if the numbering of the lots had changed then the preliminary would have had to be amended.

Mr. Wells explained the city doesn't go back and look at numbering system after they have approved the plat. The city Engineer makes sure the numbers are in sequential order. The plat does match up.

Mrs. Niederhauser approached Commissioner Anderson to show him where eight more lots will be created.

Commissioner Anderson asked her to detail their plans.

Mrs. Niederhauser stated they hope to finish this part of the phase this year and want to start selling this fall. She also indicated their intent is to be done with this phase in three years; even though it is extremely hard to project a time frame with this economy."

Commissioner Anderson inquired about the recent change to obtain a final plat to three years. Will this situation fall in the limits of that time frame?

John Wells charged Mrs. Niederhauser to come in before the expiration date and renew before it lapses again.

MOTION: Commissioner Paskett made a motion to approve the renewal of the amended Preliminary Plat for East Sky View Subdivision located at 400-600 South and 455-700 East. Zoned R-1-12. The motion was seconded by Commissioner Anderson and approved unanimously.

Commissioners voting in favor: McKay, Archibald, Price, Paskett, Anderson, Edwards

Chairperson Price confirmed the renewal of the Preliminary Plat.

Gary & Geraldine Niederhauser, East Sky View Development, Inc., have requested approval for Phase 16 (8 Lots) of the Final Plat for East Sky View Subdivision located at approximately 600 South and 660-700 East. Zoned R-1-12.

Chairperson Price presented the discussion of Phase 16. Is there anything from the staff that needs to be verbalized?

No discussion was necessary.

MOTION: Commissioner Anderson made a motion to approve Phase 16 (8 Lots) of the Final Plat for East Sky View Subdivision located at approximately 600 South and 660-700 East. Zoned R-1-12. The motion was seconded by Commissioner Edwards and approved unanimously.

Commissioners voting favor: Edwards, McKay, Archibald, Price, Paskett, Anderson

The Commission will review and discuss the proposed new Animal Rights ordinance and changes to the existing animal rights ordinance, Chapter 17.16.060 “Nonconforming Animal Rights”.

Chairperson Price We will be discussing the draft regarding the last three months of the Animal Rights ordinance. Everyone has a draft of what has been discussed in the last few months. Look at the first table that shows the designation of the size of animals indicating how many animals a household can have according to size. Is there any reason to change wording? He questioned #2 of the ordinance, the word ponies being under medium size animals.

Chairperson Price recommended any equestrian should be classified large animal. No need to designate pony, take it off the ordinance and leave it as a horse.

Chairperson Price questioned allowing ostrich’s in smaller zones.

Mr. Wells clarified; the one acre zones.

Chairperson Price confirmed. He explained the ostrich is not a friendly backyard animal. They are aggressive and very dangerous especially on a half-acre in a subdivision. They are not domesticated.

Commissioner Paskett inquired about peacocks on the list as domesticated animals.

Chairperson Price consented with the concern of peacocks and requested they be scratched from the list.

Mr. Wells confirmed the deletion of peacocks from the list.

Mr. Wells agreed with Chairperson Price stating that the ostrich is dangerous if you don't have an adequate fence because they will go right through it. He shared his personal experience of living by a neighbor that had an ostrich. It was not a domesticated animal.

Chairperson Price remarked the change could include a list of domesticated animals.

Commissioner Paskett questioned geese and ducks under domesticated animals.

Commissioner Price asked if there was a reason ostriches were listed in that area.

Mrs. Izatt regarded they had been added when someone requested the clearance for their property.

Mr. Wells mentioned ostriches have been in the ordinance 14 years.

Mrs. Izatt alleged the City has never received complaints due to problems with an ostrich.

Chairperson Price referenced the section on a half-acre lot in non-agricultural zone, then questioned; How do we address that?

Mr. Edwards replied, take it out.

Mr. Wells felt that in an agricultural half-acre zone ostriches would be just fine. It is classified as livestock in an agricultural zone.

Mrs. Izatt established that it could be crossed off. She requested Kris Monson come up to the podium and give a report of the committee's findings and concerns. Council member Monson indicated she would summarize at the end of the discussion.

Chairperson Price asked if there were any other concerns on the list and if it was okay to make all equine, large animals.

Mrs. Izatt requested confirmation of ostriches being taken off the list. She also commented that geese are considered to be a large fowl.

Chairperson Price mentioned the next page reflects what has been discussed regarding the agricultural zone and one animal. He stated some animals do better in pairs.

Chairperson Price requested the formula used to measure the restrictions on how many small animals would equal one large.

Mr. Wells referenced the table on the designated paper. Chart above shows one large animal can equal four smaller animals per acre in a residential area. A large animal, horse or cow is equal to one unit; for a medium size animal, sheep or goat, two units.

Chairperson Price restated the need to come up with an animal limit for the residential zone.

Mr. Wells referred to the top table and the animal limits.

Mrs. Izatt asked if they even wanted agricultural listed there since it is handled separately.

Mr. Wells said it is not a bad idea to take agricultural off.

Chairperson Price felt a discrepancy in the wording implying four large animals on an acre lot in the residential area. He inquired about the formula used to figure in residential areas.

Mrs. Izatt read a formula that listed all animal units for RA (Residential Agricultural) zones.

Chairperson Price clarified that by making an animal limit we are speaking about the largest animal units.

Mr. Wells confirmed.

Chairperson Price reconfirmed the need to remove agriculture from the top chart.

Mrs. Izatt questioned about all other zones stating it leaves RM (Residential Multiple).

Mr. Wells commented some of the RM developments would have a lot of open space and doesn't foresee them creating a pasture and putting animals on them. Small animals would not be allowed in the RM zone.

Commissioner Price stated there are no other zones.

Mrs. Izatt stated "I think we can cross that out because we have addressed the RA zones and the agricultural zone is separate and we don't want to do RMs or commercial zones."

Chairperson Price asked if they wanted to adjust small animals and fowls. It has contradictions in the numbers allowed.

Mrs. Izatt suggested taking this out since we already have a chicken ordinance.

Chairperson Price commented changing the large and the small fowl to the same thing.

Mrs. Izatt was concerned of a conflict with the chicken ordinance. She mentioned she would eliminate chickens but not fowl from the page.

Chairperson Price queried if there is anything else we need to put on the list of prohibited animals.

Mrs. Izatt asked if ferrets would be considered household pets and wanted to know if they should change the ordinance and add ferrets to the list.

Chairperson Price referenced ordinance #17.14.040 where a land animal permit could be revoked if the property is not kept clean and neighbors complain. He questioned whether or not the Animal Control Officer is the one to revoke the license.

Mrs. Izatt mentioned that staff is in the process of creating the correct wording for the ordinance. Smithfield City tries to allow the animal owner to come into compliance within a certain time frame (30 days). Right now citizens have a right to appeal the decision. The City, however, does not have anything set up for a permit. This goes for chickens as well because we haven't addressed the wording of the permit.

Chairperson Price added that another thing we need to address is the liability for the City if an animal escapes.

Mrs. Izatt said she thinks we are okay because it would be treated like a dog violation. Changes to the permit can be made as needed.

Council Member Monson had questions from a resident and the committee:

- (1) Who would handle the permits? Would it still be Char?
- (2) Could the permit limit be set for three years to apply for the permit?

She explained if citizens don't have complaints there is no reason for them to come in every year as it would cause more paper work for Char.

- (3) A \$25 fee for the permit seems reasonable.

Mrs. Monson mentioned after looking at the non-conforming animal rights, anyone that has established Animal Rights would be grand-fathered in, but anyone that has lost their animal rights would need to come in and apply for that permit every three years.

Chairperson Price inquired how many people this would affect, and whether or not there are a lot of people waiting to gain this permit.

Council Member Monson mentioned some residents would like to regain their animal rights. She hasn't heard if there are brand new requests. There is a woman who couldn't afford to keep

her animal rights; now her grandchildren want to put animals there. Her neighbors have animals; however she can't have any because her Animal Rights have expired. She would like permission again.

Council Member Monson concluded if you look at the ordinance seriously it is laughable. It is just trying to get animals out of the city. If you think after forty-two years we still have animals throughout our city and it is part of our culture, part of the beauty of Smithfield City, I don't see a reason we shouldn't allow it to keep happening.

Theron Watson has requested approval of a Commercial Conditional Use Permit to allow a Fireworks Stand to be located in the parking lot between Subway and USU Community Credit Union (874-898 South Main) on property owned by Smithfield Syndicate, LLC., Zoned CC.

Nannette King, owner of Apple Creek Square, appeared as agent for Mr. Watson and requested a conditional use permit for the fireworks stand during the fireworks season between the 4th and 24th of July.

Chairperson Price stated the Fireworks stand would be used from 6/28/12 – 7/5/12 and 7/20/12 – 7/24/12.

Mrs. King mentioned the Fireworks stand was set up in this location last year as well.

Commissioner Paskett confirmed the approval for last year's request.

Chairperson Price asked if there were any concerns from the staff.

Mr. Wells stated they were fine with the permit.

MOTION: Commissioner Paskett made a motion to approve a Conditional Use Permit to allow a Fireworks Stand to be located in the parking lot between Subway and USU Community Credit Union on the property of Smithfield Syndicate. The motion was seconded by Commissioner Mc Kay and approved unanimously.

Chairperson Price inquired if there was any other discussion on this permit.

Chairperson Paskett asked if he needed to state the dates and times in the motion.

Chairperson Price stated an amendment would be following proper procedure.

Chairperson Paskett amended the motion to state 6:00 a.m. to 12:00 a.m. through the dates of 6/28/12 – 7/5/12 and 7/20/12 – 7/24/12 with four employees. The motion was seconded by Commissioner Anderson.

Commissioners voting in favor: McKay, Archibald, Price, Paskett, Anderson, Edwards

JaNae Martin has requested approval of a Conditional Use Permit for a home based Dog Grooming Business located at 505 N Wasatch Blvd. (80 West). Zoned R-1-10

Chairperson Price asked Mrs. Martin to outline her new business.

JaNae Martin introduced her dog grooming business she currently has in her home's basement. She stated she is applying for a kennel permit for dogs that need to stay for a few hours until their owners can retrieve them. She indicated John Wells will come and inspect her property.

Mr. Wells confirmed he is waiting for the call to proceed.

Commissioner Archibald requested clarification on the kennels. Will they be inside or outside?

Mrs. Martin stated they would be inside and commented she will not be breeding or kenneling on an overnight basis.

Chairperson Price questioned if this would be only for dogs being groomed or is the boarding for keeping dogs overnight as well.

Mrs. Martin established there has never been a need for overnight boarding. She specified she had three dogs of her own which qualified her for a kennel license.

Chairperson Price inquired if she only had two dogs, would she still need this permit.

Mrs. Izatt stated she had three dogs of her own upon requesting the permit and if she did board dogs overnight at some future time it would need to have this permit.

Mrs. Martin detailed her grooming was for small or medium sized breeds only.

Mrs. Izatt replied they needed to be treated as two separate conditional use permits, that is why they have been applied for in this manner.

Commissioner Paskett questioned if there had been any response from the neighbors and if any neighbors were in disagreement with this home business?

Mrs. Martin pointed out two gentlemen in the audience that owned a home by her but did not live in the home.

The two gentlemen were asked if they had any questions or concerns regarding Mrs. Martin's home business. The gentleman replied no.

Commissioner Paskett asked Mrs. Martin what would happen if a client did not pick up their dog at closing time.

Mrs. Martin mentioned she has never had to keep a dog overnight, the owners are always anxious to retrieve their pets.

Mrs. Izatt informed the council she doesn't have to worry about a fixed dog run based on the type of dogs she works with.

Chairperson Price summarized the conditions to be listed on the permit. How many Employees will be working, the hours of operation and how many days a week will the business be open.

Mrs. Martin declared she is the only employee and her work hours were 10 a.m. - 5 p.m. on Monday through Friday.

Commissioner Paskett encouraged her to make adjustments in the hours worked and number of days worked. This will alleviate any unforeseen changes in the future and she will never be in violation of the permit.

Mrs. Martin decided to list the hours as 9:00 a.m. – 6:00 p.m. and add Saturdays.

MOTION: Commissioner Anderson made a motion to approve a Conditional Use Permit for a home based Dog Grooming Business located at 505 N Wasatch Blvd. (80 West), Zoned R-1-10; with hours of operation 9:00 a.m. – 6:00 p.m. Monday – Saturday. The motion was seconded by Commissioner Edwards and approved unanimously.

Commissioners voting in favor: McKay, Archibald, Price, Paskett, Anderson, Edwards

JaNae Martin has requested approval of a Conditional Use Permit for a Dog Kennel Permit. The Dog Kennel will tie into her Dog Grooming Business located at 515 N Wasatch Blvd. (80 West). Zoned R-1-10

Commissioner Price inquired what conditions need to be discussed for this permit.

Mrs. Izatt replied the quantity and size of animals allowed.

Chairperson Price inquired if the yard is fenced.

Mrs. Martin replied yes.

Mrs. Martin mentioned she lives on a quarter acre R-1-10 zone. She always secures clients animals on a leash when they are put outside.

Chairperson Price questioned if her personal dogs run free in the yard.

Mrs. Martin stated they run free in the back yard only.

Commissioner Paskett inquired about barking problems.

Mrs. Martin mentioned her personal dogs bark, but the dogs she grooms are usually nervous and very quiet.

Chairperson Price mentioned her size of lot would allow three dogs.

Mrs. Izatt explained she would allow 4 dogs if application had been approved through her. If Mrs. Martin wants to ask for more she can because of the nature of the business.

Commissioner Price inquired if Mrs. Martin would like to ask for more than four dogs on this permit so she would not have to reapply in the future.

Mrs. Martin stated she does not need approval for more than four dogs.

Mr. Wells informed Mrs. Martin to include the amount of dogs she would be grooming in the number as well.

Mrs. Martin has never had a dog overnight so she wasn't sure how many to ask for.

Chairperson Prices explained if she had three of her own then she would be allowed to have one dog overnight if the ordinance stated four dogs.

Mrs. Martin approved of the four dog limit

MOTION: Commissioner Paskett made a motion to approve a Conditional Use Permit for a Dog Kennel Permit; allowing up to four dogs located at 515 N Wasatch Blvd. (80

West). Zoned R-1-10. The motion was seconded by Commissioner Anderson and approved unanimously.

Commissioners voting in favor: McKay, Archibald, Price, Paskett, Anderson, Edwards

Chairperson Price announced the next subject would be reviewing the Annexation petition. He inquired if there was anyone to address the council or if the council just needs to answer the questions.

Mrs. Izatt informed Chairperson Price all that is expected is to let the City Council know how the commission feels on this matter.

Chairperson Price inquired when there is an Annexation into the city, is it by State law that we go through the petition questions? Where did that originate.

Mrs. Izatt explained there used to be an actual process where the recommendations of the Planning and Zoning committee meant something. Now the City Council has approved the annexation and wanted to hear the Committee's comments on the issue.

Chairperson Price recommended they read through the questions as a council and if there are any in disagreement please comment.

#1 Does the property under consideration for annexation fall within the area designated for expansion in the city's annexation policy plan? YES

#2 Is the property under consideration for annexation contiguous to existing city boundaries? YES

#3 Are only whole parcels being considered for annexation, except in cases where the property owner has signed the petition? YES Chairperson Price stated it is one big piece.

#4 Have the petitioners stated a proposed land use for the property under consideration? YES. Is the proposed land use in harmony with the General Plan? NO

#5 Has the City's General Plan indicated a need for park or trail land within the area proposed for annexation? NO. Chairperson Price indicated there was a trail there. Mr. Wells commented it was the Bonneville trail and confirmed with Mr. Bodily that they traversed the property.

#6 Will the annexation likely encourage urban Sprawl? YES

#7 Planning Commission's recommendation and concerns, if any, on the annexation request:

Commissioner Anderson questioned the motivation for annexation.

Mr. Wells indicated possible development

Commissioner Anderson mentioned a large portion of the property is not buildable.

Mr. Price clarified the owners were aware the property might not be buildable.

Chairperson Price indicated the master plan shows a limit on how close you can build to power lines.

Commissioner Paskett mentioned half of the terrain is significantly steeper and would not be buildable.

Mr. Wells explained part of Birch Creek and Birch Canyon also crosses into the property (He showed the area on the map)

Chairperson Price clarified all annexation comes in to the commission zoned as agriculture. He explained at a later time the owners will come in and want to rezone. Then the Council will be able to discuss specifications.

Commissioner Anderson asked if some portions fell out of the master plan.

Mr. Bodily referred to the map which showed some portions are out of the master plan.

Mr. Wells commented that even east of the power lines is considered land that cannot be developed.

Mr. Edwards confirmed you must stay 100 feet away from power lines for development.

Commissioner Anderson inquired if it was premature to talk about development concerns then asked what if the water pressure would be adequate.

Mr. Bodily mentioned the water pressure is not acceptable in that area. Even if water from the booster pump was used from the Dry Canyon reservoir the pressure would not be adequate.

Commissioner Paskett indicated fire could be a problem.

Chairperson Price noted water pressure could be problem when obtaining the building permit.

Mr. Wells informed the council, State law requires they have 20 lbs. per square inch. Most people will not live with 20 lbs. per square inch.

Chairperson Price indicated residents probably wouldn't receive that much pressure there.

Mr. Wells commented the City wouldn't allow building until they received the infrastructure to accommodate the pressure.

Commissioner Paskett questioned if sewage would be a problem. Mr. Wells said no.

Commissioner Anderson inquired if the Commission had to accept the whole piece of land in the annexation.

Mr. Wells was not sure how the State law reads on that proposition.

Commissioner Paskett asked if Utah Power had an easement that goes through the property. Mr. Wells confirmed Utah Power had an easement and mentioned Hyde Park City has a water line and David Miles has an irrigation line through the property as well.

Commissioner Anderson inquired what benefit is the Annexation to the City.

Commissioner McKay indicated the City would benefit with taxes if it could be developed.

Chairperson Price mentioned the Council's hands are tied because the law requires adjacent pieces have to be taken in.

Mrs. Izatt explained the annexation would not have been presented to the Commission if the City Council hadn't accepted the petition.

Chairperson Price restated the concerns of annexation are water line easements, power lines, steep slope development, water pressure and fire protection. Snow removal could be a problem if streets are not built according to the city's requirements.

Mr. Wells commented the excess snow from snow removal would have to be addressed by the Engineers.

Commissioner Anderson stated there are one-hundred sixty acres, how much of that will be developed.

Mr. Bodily referred to the map and talked about two flat areas. He spoke about people like to build higher than their neighbors, so it is hard to know what will be developed.

Mrs. Izatt inquired if access would be a problem; it looks as if people would be sent to the south for access.

Mr. Bodily mentioned there is a gravel road that could be used. He can't predict where access will be.

Council member Barnes noted the owner had purchased all the lots that allow access to the outside in the Birch Creek Cove subdivision.

Chairperson Price acknowledged the owner could do as they wanted with access as long as the City allows it.

Mr. Wells indicated the owner has looked at access through Summit Drive and Hillside Drive. The last owner of the property was Gerald Clark.

Commissioner Paskett asked if they had to have two-ways in and out.

Mr. Bodily confirmed it must have a two-way access for fire standards.

ADJOURNMENT

MOTION: A motion was made by Commissioner Paskett at 9:15 p.m. to adjourn the meeting. Commissioner McKay seconded the motion and it was approved unanimously.

Commissioners voting in favor: McKay, Archibald, Price, Paskett, Anderson, Edwards

David Price, Chairperson

Attested:

Charlene Izatt, Deputy Recorder