

Smithfield City Planning Commission

August 15, 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, August 15, 2012**. The following members were present constituting a quorum:

Chairperson	David Price
Commission Members	Bryant McKay
	Jackie Hancock
	Pete Krusi
	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 7:05 p.m.
Opening Ceremonies: Michael Paskett

Visitors: Doug Archibald-Alternate Commissioner, Travis Taylor of Westates Companies, Rigo Chaparro, Alaric Martinez, Kelson Martinez, Jeff Barnes-City Council Member, Wade Lindley, Kris Monson- City Council Member & Scott Jones

Resident Input

No resident Input

Consideration of Consent Agenda

Minutes of July 18, 2012 Planning Commission

Chairperson Price wanted to make sure the commission is clear on the Lindley issue. He felt the principal fundamentals of the discussion were clear. It is good to have all the information in our minutes so future commissions can look back on it.

Chairperson Price referred to page four. He wanted to make sure the minutes showed that the commission had entertained several rezone requests; an example being Mr. Storrs' corner lot, Marion Bischoff and Marjorie Scholes lot, which was then bought by Mr. Morrill that had requested to rezone to RA-1.

Mrs. Izatt indicated we can't interject for a previous meeting's minutes.

Chairperson Price shared the history of Mr. Morrill buying the property from Mrs. Bischoff and wanting to rezone it to a one acre lot; the rezone request was denied.

Chairperson Price asked Commissioner Edwards to clarify his comments on page four regarding Mr. Swanson.

Commissioner Edwards indicated he had asked the question if Mr. Lindley and Mr. Swanson had anything against the boundary proposal. He also asked Mr. Swanson because his lot was involved in the rezone and the lot didn't look like it had anything to do with what Mr. Lindley wanted to accomplish.

Chairperson Price asked if we missed a response from Mr. Swanson in the minutes.

Mrs. Izatt mentioned we are not doing word for word minutes but if the statements don't make sense we can change the minutes.

Chairperson Price felt the Commissioner Edwards statement needed to be clarified better.

Mrs. Izatt asked if he wanted all of page four redone.

Chairperson Price said yes he felt more of the history needed to be explained.

Mrs. Izatt informed Chairperson Price that the July minutes would need to be reconsidered at the next meeting.

Commissioner Price requested time for internal training about how things went last month; how we could have handled voting better. When a motion comes before us that we have trouble with we cannot change the request. We still have to have a motion as to their request. If there is another idea we want to suggest to them we still have to make a motion to approve or deny their

request; the request that is on the agenda. We need to address the person's request and deny it and then address an alternative suggestion to the rezone.

Mrs. Izatt clarified that the boundary adjustment shouldn't have had a motion at all, because it wasn't on the agenda.

Chairperson Price stated they could make a motion for the boundary adjustment.

Mrs. Izatt said no they are different, it has to be on the agenda and the public has to have notice of the items being discussed.

Commissioner Krusi questioned if the commission could postpone the item being discussed.

Mrs. Izatt confirmed the commission could table or continue the item. Continue is a better option because the item can be brought back for approval.

Chairperson Price replied that a continuation would just be postponing it. A vote on the agenda item would be the best alternative.

Commissioner Edwards mentioned when you continue an item it is usually because you don't have enough information.

Mrs. Izatt informed the commission of a time limit on a continuation of rezones of 30-45 days.

Chairperson Price indicated in the future when a vote is controversial we will take an individual roll call vote; where everyone votes individually and then you can vote yea, nay or abstain. We have to have a three vote yea to pass the motion; four is a quorum. If we have three voting abstain it would still pass unless we had a nay vote.

Mrs. Izatt reminded the commission that all the rules, policies and procedures being discussed are in the black binder she has provided each of them.

Chairperson Price requested the need for clarification of conflicts; meaning if you have an association with the person presenting the request, we should make it known. I am Mr. Lindley's neighbor, Commissioner McKay works with him; if any relationship is there it should be declared before the item is addressed.

Mrs. Izatt indicated the procedure as follows: the agenda item is read and then anyone that has an association with the individual making the request states how they are associated with that person.

Chairperson Price wanted to make one more procedure more clear for the commission. If we are hesitant to vote yes, but not a complete no then abstaining is the vote you should take. What do you do if you know in the back of your mind there is better way to do it? Do you vote no or do you abstain.

Mrs. Izatt alleged as a recommending body you can vote no, it will not change anything.

Chairperson Price mentioned it will still go to City Council.

Commissioner Krusi replied, even if the proposal is rejected here it will still go to the City Council.

Mrs. Izatt specified you are always a recommending committee except on conditional uses and on boundary adjustments, the commission is final vote. The commission can be appealed. All the other items like Land Use, Subdivisions, or anything that comes in that has to do with subdividing a piece of property or approving a plat, they all have to be recommendations. It is hard to remember to do that in a motion. Your motion should read I would like to recommend that this be approved.

Chairperson Price when we have a roll call vote if you vote no you can state I am voting no because.

Commission McKay clarified the options of making an abstaining vote and still stay in the discussion or being removed from the discussion.

Mrs. Izatt confirmed you have a choice to leave the room or declare it and still vote.

Rigo Chaparro, property owner, has applied for approval of a Commercial Conditional Use Permit to allow a dwelling unit in a Commercial Building located at 30 South Main Street Zoned CB.

Mr. Chaparro stated he would like to build two bedrooms under the Sunrise Engineering side of the building.

Chairperson Price asked if that zone was one that allowed residents.

Mr. Wells read the wording of the ordinance: "single family or multiple family dwelling units shall be allowed with a conditional use permit in this zone if the dwelling is part of the building not added on to the present building. The construction cannot change the character of the building."

Chairperson Price questioned if there was enough parking without taking away from employees and customers.

Mr. Chaparro pointed out the two businesses there are very low traffic. He maintained residents would use the parking on weekends and evenings when no one is there.

Mrs. Izatt specified we cannot determine traffic from the present business as that can change. The city has to consider the square footage and by definition. She pointed out Mr. Chaparro had additional parking back by the storage units.

Mr. Chaparro detailed he had eight parking stalls in the back and eight in front.

Chairperson Price inquired how many were being used in the form of business.

Mr. Wells cited the consideration of one parking place for each full-time employee for each business.

Mr. Chaparro identified he had three employees and Sunrise had four.

Mr. Wells established seven parking stalls for employees and then adding clients which is based on the fact of coming and going business traffic. If you assume each business have three clients at a time, that would add six more stalls, for a total of thirteen stalls. The building has sixteen parking stalls available so he would have an additional three stalls available plus at the back of the property he has additional storage units with parking.

Mr. Chaparro added there is more parking available next to the street.

Mr. Wells felt there was ample parking for this request.

Commissioner Bryant questioned if the storage units were Mr. Chaparro's.

Mr. Chaparro declared yes.

MOTION: Commissioner Paskett made a motion to approve the request for approval of a Commercial Conditional Use Permit to allow a dwelling unit in a Commercial Building located at 30 South Main Street Zoned CB. The motion was seconded by Commissioner Krusi and approved unanimously.

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

Travis Taylor, agent for J. Thomas Homes, LLC has requested approval for Phase 5 (13 Lots) of the Final Plan for Smithfield Ridges Planned Unit Development, located at approximately 420 South and 1100 East. Zoned R-1-12 (PUD) Combined Single Family Residential/Planned Unit Development Overlay Zone

Mr. Taylor cited this phase just tucks in by phase three so it is a continuation of the road.

Chairperson Price didn't feel there was anything debatable in this request.

MOTION: Commissioner Krusi made a motion to approve the request for J. Thomas Homes, LLC for phase 5 (13 Lots) of the Final Plan for Smithfield Ridges Planned Unit Development, located at approximately 420 South and 1100 East. Zoned R-1-12 (PUD) Combined Single Family Residential/Planned Unit Development Overlay Zone. The motion was seconded by Commissioner Edwards and approved unanimously.

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

The Commission will consider approval of a Boundary Adjustment request for property belonging to Scott B. Jones, 211 North 880 East Parcel #08-159-0041 (Birch Canyon Estates) and property belonging to Evalyn Meikle, Parcel #08-049-0019 (location of property is approximately 850 East 200 North). Zoned R-1-12

Chairperson Price identified the little pie shape segment being the portion needing to be changed.

Mr. Jones specified yes.

Mr. Bodily presented a Google map of the street to the commission.

Mr. Jones explained this request extends the South boundary 16 ft. to the West and the North boundary stays unchanged.

Chairperson Price questioned why Mr. Jones wanted this boundary adjustment.

Mr. Jones said the bottom part is where the driveway comes through and we want to extend it back and put a shed and parking there. We also want to square up the South property line.

Mr. Jones mentioned Mrs. Meikle had a question about making this adjustment, would it create any issues in a possible later subdivision.

Chairperson Price thought the only way it would be an issue would be loss of square footage.

Mr. Jones stated ten years ago they had this property laid out and the corner lot would be a half-acre so this would make it three percent smaller.

Chairperson Price stated we don't have a half acre zone.

Mr. Wells remarked that the piece is zoned twelve thousand square feet and would have plenty of room.

Mrs. Izatt remarked the land owner has the choice to adjust the line.

Mr. Wells explained the boundary adjustment doesn't really change the preliminary plat that was approved many years ago.

Mr. Jones approached Chairperson Price and showed the map he had.

Chairperson Price had the same map and mentioned if they were smaller lots and you took square footage away it might create a bigger problem.

Mrs. Izatt questioned Mr. Jones asking if he wanted more land.

Mr. Jones replied Mrs. Meikle wanted to know if it would impact their future development at all.

Chairperson Price explained they would have to come in and renew the preliminary plat.

Mr. Wells explained they would have to come in anyway because the plat has expired. If and when the development happens they will have to start at the beginning with the preliminary plat.

Mr. Jones brought the notice of approval which he did not understand.

Mrs. Izatt replied the notice is a state approved document. You have to decide where you will sign, at the title company or create the document yourself.

Mr. Jones mentioned the title company had created the legal description of the new parcel. Does the commission need the legal description now.

Mrs. Izatt said no they just need it to be submitted to be reviewed. The notice of approval and warranty deed are needed now and eventually it will be recorded at the recorder's office.

Mr. Jones clarified; we sign, have Mrs. Meikle sign and then bring it to Mrs. Izatt.

Mrs. Izatt restated the document had to be notarized and then she could notarize Chairperson Price's signature, but not tonight because it is a blank document. If you have a different notary you will need an additional form; she has given a sample to Mr. Jones to know how to proceed.

Chairperson Price reminded Mr. Jones that Mrs. Izatt can notarize all documents.

Mrs. Izatt explained she doesn't like to do warranty deeds, she doesn't have the training. The Title Company he has worked with can do the notarization; they have knowledge of the content of the deed.

Chairperson Price summarized, with our motion tonight you are done with the commission; you need to get the appropriate documents to Mrs. Izatt.

MOTION: Commissioner Paskett made a motion for the approval of a Boundary Adjustment request for property belonging to Scott B. Jones, 211 North 880 East Parcel #08-159-0041 (Birch Canyon Estates) and property belonging to Evalyn Meikle, Parcel #08-049-0019 (location of property is approximately 850 East 200 North). Zoned R-1-12. The motion was seconded by Commissioner Krusi and approved unanimously.

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

The Commission will continue discussion and consideration of Ordinance #12-08, an ordinance amending the Smithfield City Land Use Ordinance (Zoning), Title 17; by adding Chapter 17.14, "Animal Rights Regulations for R-1 Zones" in its entirety.

Chairperson Price explained to the commission that we did receive a letter from a citizen. Would someone like to summarize the letter for the commission?

Commissioner Krusi detailed Mr. Wade C. Campbell's letter. Mr. Campbell lives by Mack Park and has questioned lowering animal units to half of what they were. His suggestion is to leave them alone. He has six horses with two acres and rotates the animals. He feels the higher number is just fine. **(See Exhibit A)**

Chairperson Price this is the final draft before the public hearing is there anything we need to discuss.

Commissioner Krusi asked in response to the letter; is the reasoning for dropping down the amount of animals per lot because the commission felt it was too many animals for the space or mostly because of the acre lot.

Chairperson Price indicated the acre lot was the reasoning. Mr. Campbell has two acres.

Commissioner Krusi asked if it was possible to lower the amount of animals for the one acre and then if someone has larger properties they can adjust the limit.

Mr. Wells maintained it should be according to the space.

Mrs. Izatt intervened if it is units per acre it would double.

Chairperson Price reaffirmed Commissioner Krusi's question is can we revert to the four in a two acre lot.

Commissioner Krusi summarized for a one acre we would leave it at the half limit and on the two acre they could have double.

Mr. Wells replied his neighbor has two acres and sometimes five horses and his home on a third acre. That leaves one and two third acres for the horses and with five horses it is eaten down very quickly.

Chairperson Price reminded everyone it is not so much the number as the care and maintenance of the property; manure, horses, flies and maintenance of the fences.

Commissioner McKay inserted the dust that occurs after the vegetation is eaten down is also a nuisance.

Commissioner Paskett inquired if four animals is a problem.

Chairperson Price indicated we adjusted the animal units to the one acre lots and then it applied itself to the other lots in the city.

Mrs. Izatt inserted we had a three quarter acre and moved it to one acre. North Logan has four per acre and that is the ordinance we borrowed.

Mrs. Izatt wanted the commission to know that Mr. Campbell has existing animal rights for his horses; it is handled differently. This new ordinance is for someone who has an acre or larger lot and lost their animal rights or for someone just moving into Smithfield.

Chairperson Price stated we addressed this only so the citizen could retro or go back to the larger lots on the west side. Most of those lots are going to be in heavily populated areas.

Commissioner Paskett asked Mrs. Izatt if a lot of citizens come in wanting the larger lots with horses.

Mrs. Izatt replied yes, with horses and when the economy went bad then it was cows, goats and sheep. Usually that is a grazing permit rather than rights. She then confirmed that North Logan was three quarters of an acre with four animals for an agricultural zone and the same for residential; all other zones were three.

Chairperson Price most lots existing on the West side of town will have the four animal rights

Mrs. Izatt clarified that is not how animal rights work. It doesn't matter how many animals they have if they have been established prior to the new ordinance.

Mr. Wells confirmed established animal rights stay in place. If they add cows then they would fall under the new animal rights ordinance.

Chairperson Price stated citizens could maintain their current animal rights.

Commissioner Krusi interjected could Mr. Campbell add cows with his horses.

Mrs. Izatt replied no it is mixing species, if he added cows he would fall under the new ordinance.

Mr. Wells confirmed if Mr. Campbell added cows, he would fall under the new ordinance and lose the quantity of animals on his property.

Mrs. Izatt established because of the size of Mr. Campbell's property he would have to reduce the animals under the new ordinance if he chose to add cattle.

Chairperson Price reinstated you can keep the same animals under grandfather ordinance but if you change species you will fall under the new ordinance.

Mrs. Izatt informed the commission that we have a lot of older people passing on and the family inherits the property, and in some areas of town the Real Estate value goes up if they have animal rights, but a lot have not maintained animal rights. This ordinance gives the prospective buyer the opportunity to have animal rights.

Mrs. Izatt needed clarification on the mules, I looked up mule on the internet and it said a mule is an offspring of a male donkey and female horse, a pony is definitely a small horse, and a donkey is under the horse family. She asked if the commission wanted to leave mules in or out of the ordinance.

Chairperson Price confirmed mules are okay and donkeys can be listed under the horse section.

Mrs. Izatt mentioned she also added ostriches to the prohibited animals. I also brought back the snakes except those that are allowed by state law. If someone wasn't a conscientious owner they could come in with venomous snakes without ever getting approval.

Chairperson Price asked where the ostriches and snakes were listed.

Mrs. Izatt responded under the prohibited animal section; page four.

Commissioner Paskett questioned allowing ferrets.

Mrs. Izatt replied we will request to add ferrets to the next month's amending household pets discussion.

Chairperson Price asked if the commission is okay on the revocation.

Mrs. Izatt referred to the highlighted items on page five; she has added those items in.

1) A permit fee; to have animals in a non-agricultural zone. 2) Renewals, 3) Land Use Authority; here in the office 4) Appeals; If (Mrs. Izatt) denies the permit it can be appealed to the Planning Commission and then if denied by the commission the appeal goes to the City Council.

Commissioner Paskett indicated we are putting donkeys on there.

Mrs. Izatt questioned why she was asked to take it off.

Chairperson Price remarked it was misunderstanding. The ordinance had donkey and pony under medium sized animals. We meant to put them under the large size animals.

Mrs. Izatt established the donkey will be moved by the mules on the top of page two. And then I will add the donkey in the large animal category by the mules.

Commissioner Krusi questioned about all the miniature animals.

Chairperson Price replied they would be considered under horses.

Mrs. Izatt inquired if everything has been covered that needs to be covered in this ordinance.

Chairperson Price pointed out the main priority is to make sure we are all in agreement on the revocation; if it is sufficiently clear. He questioned the revoking of the animal rights if there is a complaint.

Mrs. Izatt replied yes the committee has talked about the animal control handling the revoking of a permit, but it was determined that the Land Use Authority begin the revocation process.

Chairperson Price clarified; didn't we talk about enforcement of the removal of the animals if not complied within thirty days.

Mrs. Izatt replied it would be up to the commission what to do after thirty days. She has it written if failure to meet the conditions in thirty days it will be turned over to the Planning Commission to decide what action to take. I think every case has a different situation or reason that is why we would bring each case before the commission.

Mrs. Monson I think case by case is better to give them time to make arrangements for the animals.

Mrs. Izatt gave an example of a gentleman that had purchased two small calves. His new property had a barn and didn't realize he didn't have animal rights. He wanted to make his money back off the animals he had recently bought, and needed time to sale the animals.

Chairperson Price inquired if the commission should state a time limit so it isn't drawn out from the time of revocation.

Mrs. Izatt mentioned a time limit shouldn't be put on right at the first with the warning. Mrs. Monson approved thirty days would be appropriate.

Mr. Wells didn't think the time limit should be in the ordinance.

Chairperson Price alleged that looking at the other people who would drag this out for a couple years. What happens to the people that filed the complaint? We have nothing to protect them.

Mr. Wells mention if the person hasn't removed the animals in the time the commission has set they should be sited each day. If they exceed the time limit an officer could be sent out each day with a citation.

Commissioner Krusi questioned if the permit was for animal rights instead of species.

Mrs. Izatt said it depends on what they request. She stated she could add an animal check list if needed on the application.

Mr. Wells thinks the permit should be specific. When someone comes in they can list they have a one acre lot with one horse and two goats; identified on the permit. If the person changes the

animals they would need to come in and renew it on the permit. When they fill out application they need to be very specific on quantities and species of animals.

Mrs. Izatt stated it wouldn't be hard to make an animal check list on the application.

Mr. Krusi questioned as long as they have multiple animals, there aren't multiple permit fees.

Mrs. Izatt confirmed.

Commissioner McKay reaffirmed that we are going to two animals.

Chairperson Price said yes.

Mrs. Izatt wanted a consensus if adjacent is adequate enough on the notification for the neighbors.

Chairperson Price presented the options of adjacent (one hundred feet) or three hundred feet.

Mrs. Izatt inserted anything touching the property. It is getting costlier on the noticing and a lot of people are not being impacted at all. There are some like the conditional use permits that we still use the three hundred feet.

Chairperson Price established adjacent is fine.

Commissioner McKay mentioned this approval should consider the three hundred feet because there will be animals, fragrance and insects.

Chairperson Price said that doesn't mean neighbors can't complain. Once the ordinance is set there are very little neighbors can do if the animal rights are followed.

Mrs. Izatt brought out it is a courtesy to notify the neighbors.

Chairperson Price continued with setting the Public Hearing for next month's meeting.

MOTION: Commissioner Paskett made a motion to set a public hearing for September 19th for the consideration of ordinance 12-08. Animal Right Regulations for R-1 zones. The motion was seconded by Commissioner McKay and approved unanimously.

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

The Commission will consider approval of a Boundary Adjustment request for property belonging to Marilyn J. Lindley, 700 West 100 North, Parcel #08-083-0002 and property belonging to Wade Lindley, Parcel #08-083-0001. Zoned RA-2.

Chairperson Price questioned Mr. Lindley if the request just measures off an acre to the South of your mother's house.

Mr. Lindley said yes.

Chairperson Price asked if there was need for any more discussion.

Mr. Wells mentioned we need to make sure the approval on the boundary adjustment is contingent or conditional to approval of a rezone for that parcel they are creating for a home, because it is zoned two acre lots and we are creating a one acre lot by the boundary adjustment.

Chairperson Price inquired if they would do the rezone after.

Mrs. Izatt established the rezone would not come back to the commission. The boundary adjustment is what is being determined now. Furthermore, by going back and rezoning it will not restrict the lot.

MOTION: Commissioner Krusi made a motion to approve the boundary adjustment for the property belonging to Marilyn J Lindley 700 West 100 North, Parcel #08-083-0002 and property belonging to Wade Lindley contingent upon Marilyn J Lindley property being zoned to RA-1. The motion was seconded by Commissioner Paskett. A roll call vote was taken with the following votes:

Yea: Commissioners McKay, Hancock, Krusi, Price, Paskett, Anderson & Edwards
Nay: None
Motion Passes

ADJOURNMENT

MOTION: A motion was made by Commissioner Paskett at 8:10 p.m. to adjourn the meeting. Commissioner Edwards seconded the motion and it was approved unanimously.

Commissioners voting in Favor: McKay, Hancock, Krusi, Price, Paskett, Anderson, Edwards

David Price, Chairperson

Attested:

Charlene Izatt, Deputy Recorder