

**MINUTES**  
**SMITHFIELD CITY COUNCIL MEETING**  
**January 11, 2012**

Public Notice is given that the Smithfield City Council will meet in a scheduled meeting at 96 South Main, Smithfield, Utah, on Wednesday, **January 11, 2012**. The meeting will begin at 6:00 p.m. The following were present constituting a quorum.

Mayor	Darrell G. Simmons
Council Members	Jeffrey Barnes Brent Buttars Barbara Kent Kris Monson Dennis Watkins
City Manager	James P. Gass
City Recorder	O. Dean Clegg

Mayor Simmons called the meeting to order at 6:00 p.m.

Councilmember Kris Monson offered a prayer and led the Pledge of Allegiance.

**Visitors:** Justin Elsner, Chad Downs, Michelle Apponash, Donna Garza, Jackie Hancock, Dan Paskett, Jennifer Morrison, Janet Hillyard, Corey Hillyard, Mike Geslin, Zan Murray, Connor Geslin, Val Potter, and Jean Douglass

**Agenda:**

1. Welcome and Opening Ceremonies
2. Consideration of Consent Agenda
3. Minutes of City Council Meeting Held December 14, 2011
4. Resident's Input
5. Discussion Regarding Realignment of Intersection at 400 West 400 North with Representatives of the Olague Family
6. Consideration of **Ordinance 12-01**, "Set Time and Place to Hold City Council Meetings for 2012"
7. Consideration of **Resolution 12-01**, "Reappointment of City Officers"
8. Consideration of **Ordinance 11-18**, "An Ordinance Amending the Smithfield City Land Use ordinance (Zoning) , Title 17; and Adding Chapter 17.91 "Airport Limitation Overlay Zone" in its Entirety."
9. Discussion on **Resolution 12-02**, "Updates of Rules of Procedure and Conduct for City Council Meetings" (*Hand Out Copies*) Discussion on **Resolution 12-03**, "Prevailing Fee Schedule" (*Hand Out Copies*)
10. Discussion on **Ordinance 11-16**, "An Ordinance Amending Chapter 17.60 RM Multiple Family Residential Zone by Modifying the Requirements for Allowable Density under Section 17.60.030, Open Space under Section 17.60.060, Parking Stall Dimensions in Section 17.60/070 and Architectural Guidelines in Section 17.60.090." (*Hand Out Copies*) (Set Public Hearing for February 8, 2012)

11. Discussion on **Ordinance 11-05** “An Ordinance that Amends the Smithfield City Land Use Ordinance (Zoning), Title 17; by Adding Chapter 17.97 “Commercial Recreational Vehicle Parks or Campgrounds” in its entirety. (*Hand Out Copies*)
12. Election of Mayor Pro Temp
13. Discussion of Council Assignments for 2012
14. City Manager Items
15. Mayor and Council Reports
16. Adjournment

Mayor Simmons introduced two new members of the Smithfield City Council. They are Jeffrey Barnes and Dennis Watkins. Mayor Simmons said these men were sworn in at a meeting earlier in the evening. He said they both conducted a dignified campaign. Mr. Barnes said he has attended council meetings during the last several years to familiarize himself with workings of the city. He is looking forward to working on the city council. Mr. Watkins has previously been on the Smithfield City Council. He said it is nice to be back.

**Consideration of Consent Agenda,**  
**Minutes of December 14, 2011 City Council Meeting**

Mayor Simmons declared the consent agenda approved.

**Resident’s Input**

Smithfield residents Jennifer Morrison and Jackie Hancock have met with Mayor Simmons with suggestions about saving money on the budget. Mrs. Morrison brought a letter that she would like to leave with the council and ask them to study it and hopefully they will look into the letter and see ways the city could save money. Mayor Simmons thanked the ladies for their letter and attendance at the meeting. The council and Mr. Gass will review the letter.

**Discussion Regarding Realignment of Intersection at 400 West 400 North with Representatives of the Olague Family**

Michele Apponash and Donna Garza are children of the Olagues. They recently met with the planning commission and received approval on a boundary line adjustment request which would allow them to vary the configuration of three adjoining lots making it easier to build homes. All lots to be used for building homes on must have a city street in front of them and they are therefore appearing before the council to request the city accept ownership and responsibility for an extension of 400 North west of 400 West. They are prepared to dedicate the needed right-of-way for the road.

Copies of the proposed lot arrangement including the location of the street extension were given to the city council. City Manager Gass recommended a realignment of the 400 North 400 West intersection which is currently an offset and difficult intersection.

Councilmember Kris Monson asked how big the parcels were. Mrs. Apponash answered the lots are larger than 1 acre. City Manager Jim Gass added that the property is zoned properly. He said of the three parcels only one has frontage on the street. Mrs. Apponash and Mrs. Garza both plan to build homes on separate lots. There is an existing home that straddles the two eastern lots that will be demolished once the new homes are built. Mrs. Garza plans to live in the existing house during construction.

City Manager Jim Gass said there would have to be an agreement made that before anyone could live in the new house the house on lot No. 2 would come down.

On Parcel 1 the house would face the east; Parcel 2 will be facing the south. The proposed road will go to the end of the second lot. The family has additional property at the end of the proposed road that could be used as a turn around. (Turn around space must be available for garbage trucks, fire department vehicles, and mail trucks.)

Where the adjoining property owners on the south side of the proposed 400 North extension not being willing to contribute or participate in the new road, City Manager Jim Gass recommended the minimum right-of-way width be 43 feet which represents one half of the 66 foot right-of-way plus an additional ten feet.

This would all have to come from the Apponash side. He also recommended the pavement itself not be allowed to be less than 24 feet wide. Without participation from the property owners on the south these widths would have to be bare minimums to allow for two way travel. The city typically constructs roads with a 30 foot minimum.

Ms. Apponash said it is definitely to the city's advantage to work on this intersection. A question was asked if the road would have to be built now or in the future.

City Manager Gass recommends representatives from the city council and the Olague family meet separately and develop a proposal that can be brought back to the council for consideration.

Mayor Simmons asked Ms. Garza and Ms. Apponash if they felt okay with Councilmembers Kent and Buttars working with her and put details in perspective before we move forward. City Manager Gass and City employee Clay Bodily will also be involved in this project.

### **Consideration of Ordinance 12-01, "Set Time and Place to Hold City Council Meetings for 2012"**

Mayor Simmons said currently we hold city council meetings on the second and fourth Wednesday of each month at the City Office at 6:00 p.m.

Councilmember Buttars wondered if this is the best time for people in the city to attend meetings.

Councilmember Kris Monson asked if we had received any complaints from residents in the city about the meeting starting at 6:00 p.m. There were no complaints filed.

**Motion:** Councilmember Dennis Watkins made a motion to accept **Ordinance 12-01**, "Set Time and Place to Hold City Council Meetings for 2012". The motion was seconded by Councilmember Kris Monson. A roll call vote was taken with the following votes:

Yea: Councilmembers Barnes, Kent, Monson, and Watkins  
Nay: Councilmember Buttars  
Motion Stands

Meetings will take place the second and fourth Wednesdays of each month at the City Office at

6:00 p.m.

**ORDINANCE No. 12-01**

**AN ORDINANCE ESTABLISHING A TIME AND PLACE FOR  
HOLDING REGULAR MEETING DURING 2012**

Be it ordained by the governing body of the municipality of Smithfield City, Utah.

**SECTION 1. TIME AND PLACE OF REGULAR COUNCIL MEETING.** The governing body shall conduct regular meeting(s) which shall be held on the second (2<sup>nd</sup>) and fourth (4<sup>th</sup>) Wednesday of each month during 2012 at the City Office Building, 96 South Main, Smithfield, Utah which meeting(s) shall begin promptly at **6:00 o'clock p.m.** during Mountain Standard Time and at **6:00 o'clock p.m.** during Mountain Daylight Time.

Changes to the place or time will be posted in advance.

\* **There will be no meetings held on:**

**April 11<sup>th</sup> ULCT Mid Year Conference**  
**December 26th Holiday Break**

**SECTION 2. EFFECTIVE DATE.** This ordinance shall take effect immediately upon posting.

Approved and signed this 11<sup>th</sup> day of January, 2012.

SMITHFIELD CITY CORPORATION

/s/ Darrell G. Simmons

Darrell G. Simmons, Mayor

ATTEST:

/s/ O. Dean Clegg

O. Dean Clegg, Recorder

**Consideration of Resolution 12-01, "Reappointment of City Officers"**

The re-appointment of city officers: Jane Price as City Treasurer and O. Dean Clegg as City Recorder. The appointments are for two years.

**Motion:** Councilmember Kris Monson made a motion to re-appoint city officers as stated above. The motion was seconded by Councilmember Brent Buttars. A roll call vote was taken and produced the following:

Yea: Councilmembers Barnes, Buttars, Kent, Monson, and Watkins

Nay: None

Motion Passes

**RESOLUTION 12-01  
REAPPOINTMENT OF CITY OFFICERS**

**BE IT RESOLVED,** that in accordance with the Utah Code Annotated and Smithfield

City Ordinances, the following persons are appointed by the Mayor, with the advice and consent of the City Council, to serve as officers for Smithfield City:

City Treasurer  
City Recorder

Jane Price  
O. Dean Clegg

The appointment of the City Treasurer and City Recorder is for a period of two (2) years (UCA 10-3-916)

Approved and signed this 11th day of January, 2012.

SMITHFIELD CITY CORPORATION

/s/ Darrell G. Simmons

ATTEST:

Darrell G. Simmons, Mayor

/s/ O. Dean Clegg

O. Dean Clegg, Recorder

**Consideration of Ordinance 11-18, “An Ordinance Amending the Smithfield City Land Use Ordinance (zoning), Title 17; and Adding Chapter 17.91 “Airport Limitation Overlay Zone” in its Entirety.”**

Mayor Simmons reminded those in attendance that several weeks ago we discussed this ordinance. It was agreed that council members would try to travel down to the airport area to see concerns that Smithfield resident Jeff Gittins had concerning this ordinance.

Councilmember Kris Monson went down to the airport with City Manager Gass and looked at the area. She said last month the council discussed in some detail the approach and take off routes over Smithfield which are not related to this ordinance. Mrs. Monson feels the ordinance requires notification be given to potential landowners as well as existing landowners who may want to buy or improve their land that an airport is in the vicinity and that impacts may result. The ordinance serves to protect these people who may not be aware of the issues that may be related to the airport.

Councilmember Jeff Barnes said he contacted JUB Engineers with corrections that need to be made to the ordinance. The majority of these corrections were typographical, but there were additions that helped clarify certain portions of the ordinance. Mr. Barnes is okay with the way it is written. There were several changes made with the assistance of Project Engineer Zan Murray.

Councilmember Brent Buttars asked if this is going to be considered an easement.

Zan Murray said it is an air easement that restricts the height of a building from the ground.

Councilmember Barbara Kent asked if we are now authorizing our planning commission to be our airport commission. The answer was “Yes, if there is something that we do not like in the ordinance, it is the responsibility of the planning commission to make changes.”

J-U-B Engineer Zan Murray said there is not a lot of wiggle room for the commission or for the city; we are working within federal guidelines.

Mayor Simmons welcomed Val Potter of the Airport Authority Board.

Councilmember Jeff Barnes said as he was driving on the south end of Smithfield City he noticed high hay barns. Do we know how high they are? Mr. Murray answered we do not know how high they are. Structures that are considered to be too high can be fitted with red flashing lights.

The corrections were made to the Ordinance and it was reprinted, and presented to the Council.

**Motion:** Councilmember Jeff Barnes made a motion to approve **Ordinance 11-18**, “An Ordinance Amending the Smithfield City Land Use Ordinance (Zoning), Title 17; and adding Chapter 17.91 “Airport Limitation Overlay Zone” in its entirety.” The motion was seconded by Councilmember Brent Buttars. A roll call vote was taken with the following votes recorded:

Yea: Councilmembers Barnes, Buttars, Kent, Monson, and Watkins  
Nay: None  
Motion Passes

### **ORDINANCE No. 11-18**

WHEREAS, the City Council of Smithfield City, Cache County, Utah, passed and adopted the Smithfield Municipal Code on December 13, 1995; and

WHEREAS, the City Council has determined there is a need to update, repeal, amend and/or modify certain provisions contained in the referenced Municipal Code;

NOW, THEREFORE, the City Council of Smithfield City, Utah hereby adopts, passes and publishes the following:

#### **AN ORDINANCE ADOPTING CHAPTER 17.91 “AIRPORT LIMITATION OVERLAY ZONE” IN ITS ENTIRETY**

BE IT ORDAINED BY THE CITY COUNCIL OF SMITHFIELD CITY, CACHE COUNTY, UTAH, AS FOLLOWS:

1. The following chapter shall be added in its entirety:

#### **CHAPTER 17.91**

#### **AIRPORT LIMITATION OVERLAY ZONE**

17.91.010: **PURPOSE:** The airport limitation overlay zones are intended to establish standards assuring the long range , safe and beneficial use of the Logan-Cache County airport.

17.91.020: **GENERAL PROVISIONS:**

- A. These regulations reinforce specific provisions in the Logan-Cache Airport Master Plan (August 11, 1992) and the Cache Countywide Comprehensive Plan (January 27, 1988), as amended.
- B. The boundaries of any officially recognized “airport limitation overlay zones”: shall be as it appears on a map and/or other documents approved by the Smithfield City Council.

17.91.030: **DEFINITIONS:** As used in this title, unless the context otherwise requires:

- AIRPORT:** The Logan-Cache airport or any area of land designated and used for the landing and taking off of aircraft.
- AIRPORT ELEVATION:** The highest point of an airport’s usable landing area measured in feet from mean sea level. This elevation is four thousand four hundred fifty seven feet (4,457) MSL as of the effective date hereof.
- AIRPORT HAZARD:** Any structure or use of land which actually or potentially obstructs the airspace required for the safe flight of aircraft in landing or taking off at an airport.
- APPROACH SURFACE:** A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 17.91.090 of this chapter. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.
- APPROACH, TRANSITIONAL, HORIZONTAL AND CONICAL ZONES:** These zones are set forth in Section 17.91.080 of this chapter.
- CONICAL SURFACE:** A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20:1) for a horizontal distance of four thousand feet (4,000).
- FAR PART 77:** Federal aviation administration regulations pertaining to height and obstruction criteria within prescribed distances from an airport as these regulations currently exist and as may be amended from time to time. Part 77 regulations may also affect lands located outside the boundaries of the defined airport influence area.
- HAZARD TO AIR NAVIGATION:** An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

HEIGHT:	For the purpose of determining the height limits in all zones set forth in subsection 17.91.090D of this chapter and shown on the zoning map, the datum shall be the mean sea level (MSL) elevation unless otherwise specified.
HELIPORT PRIMARY SURFACE:	The primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.
HORIZONTAL SURFACE:	a horizontal plane one hundred fifty feet (150') above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
Ldn:	Yearly day-night average sound level.
LARGER THAN UTILITY RUNWAY:	A runway that is constructed and intended to be used by propeller driven aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight and jet powered aircraft.
MSL:	Mean sea level.
NONCONFORMING USE:	Any preexisting structure, object or natural growth, or use which is inconsistent with the provisions of this title or an amendment thereto.
NON PRECISION INSTRUMENT RUNWAY:	A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment for which a straight in nonprecision instrument approach procedure has been approved or planned. It also mean a runway for which a non precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
OBSTRUCTION:	Any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in subsection 17.91.090D of this chapter.
PERSON:	An individual, firm, partnership, corporation, company, association, joint stock association or governmental entity; includes a trustee, a receiver, an assign, or a similar representative of any of them.
PRECISION INSTRUMENT RUNWAY:	A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS), a precision approach radar (PAR), a global positioning system (GPS), a transponder landing system (TLS), or

other systems providing both horizontal and vertical guidance. It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

**PRIMARY SURFACE:** A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet (200') beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in subsection 17.91.080E of this chapter. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

**RUNWAY:** A defined area on an airport prepared for landing and takeoff of aircraft along its length.

**STRUCTURE:** An object including a mobile object, constructed or installed by man, including, but not limited to, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

**TRANSITIONAL SURFACES:** These surfaces extend outward at ninety degree (90°) angles to the runway centerline and the runway centerline extended at a slope of seven feet (7') horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000') measured horizontally from the edge of the approach surface and at ninety degree (90°) angles to the extended runway centerline.

**TREE:** Any object of natural growth.

**UTILITY RUNWAY:** A runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.

**VISUAL RUNWAY:** A runway intended solely for the operation of aircraft using visual approach procedures.

**17.91.040: AIRPORT ZONING COMMISSION:**

A. Commission Established. The Smithfield City Planning Commission is designated as

the “Smithfield Airport Zoning Commission” as prescribed in Utah Code 72-10-405.

- B. References to Commission: In this title and state law, any references to the “airport zoning commission” shall mean the Smithfield Planning Commission. If the planning commission is empowered in this title to take actions that are duties of the airport zoning commission as prescribed in state law, the planning commission shall be presumed to be functioning as the airport zoning commission.
- C. Duties. The airport zoning commission shall recommend boundaries of the various zones to be established and the regulations to be adopted pertaining to any airport hazard area and to perform such other duties as may be assigned to it by the Smithfield City Council or Utah law.

**17.91.050: AIRPORT APPEAL AUTHORITY:**

- A. Appeal Authority Established. The Smithfield City Appeal Authority is designated as the “Airport Appeal Authority” as prescribed in Utah Code 72-10-408.
- B. References to Appeal Authority. In this title and state law, any references to the “airport appeal authority” shall mean the Smithfield Appeal Authority. If the appeal authority is empowered in this title to take actions that are duties of the airport appeal authority as prescribed in state law, the appeal authority shall be presumed to be functioning as the airport appeal authority.
- C. Duties. The airport appeal authority shall hear issues pertaining to any airport hazard area and to perform such other duties as may be assigned to it by the Smithfield City Council or Utah law.

**17.91.060: SCHEDULE OF USES:** The following table indicates the uses and conditions required of those uses within the five (5) designated zones for the airport.

<b>Airport Overlay Zone</b> <b>Land Use Description</b>	Airport Influence Area (AIA)	Traffic Pattern Zone (TPZ)	Approach Zone (AZ)	Inner Approach Zone	65Ldn Noise Area (NA)
<b>Residential/Domestic</b>					
Accessory Apartment	C <sup>6</sup>	C <sup>4</sup>	C <sup>3,4</sup>	X	X
Accessory building	C <sup>6</sup>	C <sup>4</sup>	C <sup>3,4</sup>	X	X
Accessory, residential unit	C <sup>6</sup>	C <sup>4</sup>	C <sup>3,4</sup>	X	X
Bed and breakfast inn	C <sup>6</sup>	C <sup>4</sup>	C <sup>3,4</sup>	X	X
Boarding/rooming house	C <sup>6</sup>	C <sup>4</sup>	C <sup>3,4</sup>	X	X
Childcare centers	C <sup>6</sup>	C <sup>4</sup>	C <sup>3,4</sup>	X	X
Single family dwelling	C <sup>6</sup>	C <sup>4</sup>	C <sup>3,4</sup>	X	X

Multiple family dwelling	C <sup>6</sup>	C <sup>4</sup>	C <sup>3,4</sup>	X	X
Home occupations	C <sup>6</sup>	C <sup>4</sup>	C <sup>3,4</sup>	X	X
Hotel/motel	C <sup>6</sup>	C <sup>4</sup>	C <sup>3,4</sup>	X	X
Preschool	C <sup>6</sup>	C <sup>4</sup>	C <sup>3,4</sup>	X	X
<b>Institutional</b>					
Detention facilities	C <sup>6</sup>	C <sup>4</sup>	C <sup>3,4</sup>	X	X
Hospital	C <sup>6</sup>	C <sup>4</sup>	C <sup>3,4</sup>	X	X
Library, museums, galleries	C <sup>6</sup>	C <sup>4</sup>	C <sup>3,4</sup>	X	X
Nursing homes	C <sup>6</sup>	C <sup>4</sup>	C <sup>3,4</sup>	X	X
Public administrative offices	P	C <sup>6</sup>	C <sup>4</sup>	C <sup>1</sup>	C <sup>1</sup>
Residential facilities for elderly/handicap	C <sup>6</sup>	C <sup>4</sup>	C <sup>3,4</sup>	X	X
Schools, colleges, university	C <sup>6</sup>	C <sup>4</sup>	C <sup>3,4</sup>	X	X
Recreational facilities	C <sup>6</sup>	C <sup>4</sup>	C <sup>3,4</sup>	X	X
<b>Utility related services</b>					
Radio and television stations	P	C <sup>6</sup>	C <sup>4</sup>	C <sup>1</sup>	C <sup>1</sup>
Electric substations	P	C <sup>6</sup>	C <sup>4</sup>	C <sup>1</sup>	C <sup>1</sup>
Communication towers	P	C <sup>6</sup>	C <sup>4</sup>	C <sup>1</sup>	C <sup>1</sup>
Utility, public/private offices	P	C <sup>6</sup>	C <sup>4</sup>	C <sup>1</sup>	C <sup>1</sup>
Utility shops, storage yards, and buildings	P	C <sup>6</sup>	C <sup>4</sup>	C <sup>1</sup>	C <sup>1</sup>
Water reservoirs/tanks	P	C <sup>6</sup>	C <sup>4</sup>	C <sup>1</sup>	C <sup>1</sup>
<b>Recreational</b>					
Amusement parks, indoor/outdoor	P	C <sup>6</sup>	C <sup>4</sup>	C <sup>1</sup>	C <sup>1</sup>
Golf Course	P	P	P	P	C <sup>2</sup>
Swimming pool	P	P	P	P	C <sup>2</sup>
Parks	P	P	P	P	C <sup>2</sup>
Outdoor recreational sports	P	P	P	P	C <sup>2</sup>
<b>Commercial and industrial</b>					
Offices	P	C <sup>6</sup>	C <sup>4</sup>	C <sup>1</sup>	C <sup>1</sup>
Retail trade	P	C <sup>6</sup>	C <sup>4</sup>	C <sup>1</sup>	C <sup>1</sup>
Service establishments	P	C <sup>6</sup>	C <sup>4</sup>	C <sup>1</sup>	C <sup>1</sup>

Food service establishments	P	C <sup>6</sup>	C <sup>4</sup>	C <sup>1</sup>	C <sup>1</sup>
Wholesale trade	P	C <sup>6</sup>	C <sup>4</sup>	C <sup>1</sup>	C <sup>1</sup>
Warehousing	P	C <sup>6</sup>	C <sup>4</sup>	C <sup>1</sup>	C <sup>1</sup>
Storage	P	C <sup>6</sup>	C <sup>4</sup>	C <sup>1</sup>	C <sup>1</sup>
Manufacturing	P	C <sup>6</sup>	C <sup>4</sup>	C <sup>1</sup>	C <sup>1</sup>
Light industrial	P	C <sup>6</sup>	C <sup>4</sup>	C <sup>1</sup>	C <sup>1</sup>
Heavy industrial	P	C <sup>6</sup>	C <sup>4</sup>	C <sup>1</sup>	C <sup>1</sup>
<b>Agricultural uses</b>					
Cropland	P	P	P	P	P
Dairy	P	C <sup>6</sup>	C <sup>4</sup>	C <sup>1</sup>	C <sup>1</sup>
Livestock	P	P	P	P	C <sup>2</sup>
Open Space	P	P	P	P	P

P = Permitted C = Conditions apply (see notes below) X = not allowed

**NOTES:**

1. If allowed, aviation easement and disclosure must be required as a condition of development.
2. Any structure associated with uses allowed in the 65 Ldn noise contour must be located outside the 65 Ldn noise contour.
3. If no reasonable alternative exists, use should be located as far from extended centerline as possible.
4. If allowed, disclosure of airport proximity must be required as a condition of development. An aviation easement should be considered based on proximity to runway centerline.
5. Transportation facilities in the 65 Ldn noise contour (i.e., roads, railroads, waterways) must comply with Part 77 requirements.
6. Disclosure of airport proximity should be required as a condition of development.

17.91.070: **AIRPORT MASTER PLAN:** All uses and regulations pertaining to the airport limitation overlay zone shall be in compliance with and subject to the provisions of the airport master plan, airport layout plan and noise contour map as adopted by the Logan-Cache Airport Authority Board or as amended and is incorporated into this chapter by reference as it pertains to airport land uses.

17.91.080: **AIRPORT ZONES:** In order to carry out the provisions of this title, there are

hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the Logan-Cache Airport. Such zones are shown on the Logan-Cache Airport Zoning drawing consisting of two (2) sheets prepared by Armstrong Consultants, and dated June 20, 2001 which are attached to the ordinance codified in this title and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows.

- A. Airport Influence Area (AIA). An area within the incorporated portions of Smithfield City, proximate to the airport, which is recognized by the city council as containing lands which might be affected by noise and/or safety hazards associated with aircraft operations associated with Logan-Cache Airport. The AIA extends from the airport to the outer edge of the conical surface.
- B. Traffic Pattern Zone (TPZ). This zone extends from the airport to the outer edge of the horizontal surface.
- C. 65 Ldn Noise Area (NA). The area within the sixty five (65) decibel yearly day-night average sound level.
- D. Inner Approach Zone (IAZ). The inner edge of this zone coincides with the width of the primary surface of runway 17/35 and is one thousand feet (1,000') wide. It extends at a uniform width of one thousand feet (1,000') to a horizontal distance of five thousand feet (5,000') from the primary surface. The centerline of the inner approach zone is a continuation of the centerline of runway 17/35.
- E. Approach Zone (AZ). The area within the FAR "part 77" approach surface for each runway.
  - 1. Runway Precision Instrument Approach Zone: The inner edge of this approach zone coincides with the width of the primary surface and is one thousand feet (1,000') wide. The approach surface expands outward uniformly to a width of sixteen thousand feet (16,000') at a horizontal distance of fifty thousand feet (50,000') from the primary surface. The centerline of the approach zone is the continuation of the centerline of the runway. This is the planned condition at the approach end to runway 17.
  - 2. Runway Nonprecision Instrument Approach Zone (Larger Than Utility Aircraft): The inner edge of this approach zone coincides with the width of the primary surface and is one thousand feet (1,000') wide. The approach zone expands outward uniformly to a width of three thousand five hundred feet (3,500') at a horizontal distance ten thousand feet (10,000') from the primary surface. Its centerline is the continuation of the centerline of the runway. This is the condition at the approach end to runway 35.
  - 3. Visual Runway Approach Zone (Larger Than Utility Aircraft): The inner edge of this approach zone coincides with the width of the primary surface and is five hundred feet (500') wide. The approach surface expands uniformly to a width of one thousand five hundred feet (1,500') at a horizontal distance of five thousand feet (5,000') from the primary surface. The centerline of the approach zone is a continuation of the centerline

of the runway. This is the condition at the approach end to runway 10 and 28.

- F. Transitional Zones. The transitional zones are the areas beneath the transitional surfaces.
- G. Horizontal Zones. The horizontal zone is established by swinging arcs of ten thousand feet (10,000') radii from the center of each end of the primary surface of runway 17/35 and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- H. Conical Zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of four thousand feet (4,000').

17.91.090: **REGULATIONS:**

- A. Conforming Uses Only. All uses in the airport limitation overlay zones shall be subject to the regulations of this chapter and prescribed development standards within the airport master plan as amended.
- B. Creation of Airport Hazards Prohibited. No variance, permit or use shall be allowed in the airport hazard area that would create or enhance an airport hazard.
- C. Use and Operational Limitations Within Airport Limitation Overlay Zones. No use shall be permitted which:
  - 1. Creates or tends to create electrical interference to navigational devices and communication between aircraft and airports.
  - 2. Creates or tends to create gas, smoke, dust, glare or other visual hazards in the atmosphere around airports or in the airport hazard area.
  - 3. Creates or tends to create structures that interfere with aircraft safety.
  - 4. Creates or tends to create any type of hazard for the airport that would inhibit or constrain safe and acceptable airport operations.
- D. Height Limitation: Except as exempted in subsection E of this section or otherwise provided in this title, no structure shall be erected, altered or maintained, and no tree shall be allowed to grow, in any zone created by this title to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows.
  - 1. Runway precision instrument approach zone: Slopes fifty feet (50') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet (10,000') and continues on for a distance of forty thousand feet (40,000') at a slope of forty feet (40') outward for each foot upward along the extended runway centerline. (Approach to runway 17)
  - 2. Runway nonprecision instrument approach zone (larger than utility aircraft): Slopes

thirty four feet (34') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet (10,000) along the extended centerline. (Approach to runway 35)

3. Visual runway approach zone: Slopes twenty feet (20') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand feet (5,000') along the extended runway centerline. (Approach to runways 10 and 28)

4. Transitional zones: Slope seven feet (7') outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty feet (150') above the airport elevation. In addition to the foregoing, there are established height limits sloping seven feet (7') outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet (7') outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of five thousand feet (5,000') measured at ninety degree (90°) angles to the extended runway centerline.

5. Horizontal zone: Established at one hundred fifty feet (150') above the airport elevation or at a height of four thousand six hundred seven feet (4,607') above mean sea level (MSL).

6. Conical zone: Slope twenty feet (20') outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty feet (150') above the airport elevation (4,607 feet MSL) and extending to a height of three hundred fifty feet (350') (4,807 feet MSL) above the airport elevation.

7. Within ten thousand feet (10,000) of the centerline of runway 17/35 the following height limitation shall apply:

a. From five thousand feet (5,000') of centerline of runway, the height of all structures, uses and trees shall not exceed fifty feet (50') above the contour of the land on which it is proposed to be located.

b. From five thousand feet (5,000') to ten thousand feet (10,000') of centerline of runway, the height of all structures, uses and trees shall not exceed seventy five feet (75') above the contour of the land on which it is proposed to be located.

c. For structures or uses from five thousand feet (5,000') to ten thousand (10,000') of centerline of runway, may apply to the city planning commission to exceed the seventy five feet (75') height limitation if the structure or use does not pose a threat based on the conditions outlined in subsection C of this section.

E. Exemptions to Height Limitation

1. Any object that would be shielded by existing structures of a permanent and

substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town or settlement where it is beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.

2. Structures up to and including thirty five feet (35') in height above the ground level at its site where the ground elevation at its site is less than or equal to thirty five feet (35') below the height limitations defined in subsection D of this section, and is beyond all reasonable doubt that the structure will not adversely affect safety in air navigation. If in doubt, submission of FAA form 7460-1, Notice of Proposed Construction (as described in section 17.91.100 of this chapter) shall be used to determine its effect on safety in air navigation.

**17.91.100: NOTIFICATION:**

A. Required. Except as provided in subsection B of this section, and in addition to all other local notification and permitting requirements, each person who proposes any of the following construction or alteration activities shall complete and submit an FAA form 7460-1, Notice of Proposed Construction, to Smithfield City and to the federal aviation administration in accordance with federal aviation regulation Part 77, Object Affecting Navigable Airspace:

1. Any construction or alteration of more than two hundred feet (200') in height above the ground level at its site.

2. Any construction or alteration of greater height than an imaginary surface extending outward and upward at a slope of one hundred to one (100:1) for a horizontal distance of twenty thousand feet (20,000) from the nearest point of the nearest runway at the Logan-Cache airport.

B. Exemptions from Notification.

1. Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town or settlement where it is beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.

2. Any antenna structure of twenty feet (20') or less in height, except one that would increase the height of any antenna structure.

C. Time of Notice. The notice required under subsection A of this section must be submitted at least thirty (30) days before the earlier of the following dates:

1. The date the proposed construction or alteration is to begin.

2. The date an application for a construction permit is to be filed.

2. Should any section, clause, or provision of this Ordinance be declared by a court of

competent jurisdiction to be invalid, in whole or in part, the same shall not affect the validity of the ordinance as a whole, or any other part thereof.

3. All ordinances, and the chapter, clauses, sections, or parts thereof in conflict with provisions of this ordinance are hereby repealed, but only insofar as is specifically provided for herein.
4. This ordinance shall become effective after the required public hearings and upon the posting of three (3) copies at three (3) public places within the corporate limits of Smithfield or by notice on the Smithfield City official website as a substitute for physical posting of notice at three physical locations.

THIS ORDINANCE shall be attached as an amendment to the Smithfield Municipal Code above referred to.

Approved and signed this 14<sup>th</sup> day of December, 2011.

SMITHFIELD CITY CORPORATION

/s/ Darrell G. Simmoms

Darrell G. Simmons, Mayor

ATTEST:

/s/ O. Dean Clegg

O. Dean Clegg, Recorder

**Discussion on Resolution 12-02, "Updates of Rules of Procedure and Conduct for City Council Meetings" (Hand Out Copies)**

Mayor Simmons said this resolution deals with change in verbiage on some items. At the recommendation of Dave Church, attorney with the Utah League of Cities and Towns, citizen's input is being changed to resident's input. A citizen is not necessarily a resident of Smithfield.

Councilmember Dennis Watkins questioned rules dealing with conflicts of interest as they are currently established. He feels the rule should mirror that of state law which allows councilmembers to vote on any agenda items including those in which they may have a perceived conflict of interest as long as they declare that conflict in advanced. He explained that anyone can be seen as having a conflict on most agenda items and state law provides a means for declaring a conflict so the public is aware. Mr. Watkins would like the language concerning conflicts of interest on Pages 7 and 8 be rewritten to allow councilmembers to participate in discussions and voting if the councilmember is comfortable in doing so.

In a recent e-mail on the subject, City Attorney Bruce Jorgensen, stated such wording would be within the limits set by state law.

City Recorder Dean Clegg said state law requires the city council to have the rules provided at the back of the council room for the public to view.

Mrs. Kent likes the idea that you are not mandated to remove yourself.

Councilmember Brent Buttars asked if we need to clarify “Conflicts”. Do we need to clarify what a conflict is?

City Recorder Dean Clegg said we fall back to a state law that defines “ethics”. You can declare a “conflict of interest” only for yourself.

Mr. Clegg will send this back to Mr. Jorgensen and ask that he make sure that the Policies are in line with the State Law.

**Discussion on Resolution 12-03, “Prevailing Fee Schedule”** *(Hand Out Copies)*

City Manager Jim Gass said there are not a lot of changes in this. There are a few at the golf course. The price of a mid-size bucket of balls has been added. A fee for boundary line adjustments has also been added.

Councilmember Monson under office fees she would like to have it say “Stone, Engraving and two-inch Caliper Tree”.

Travel reimbursement was increased from 37 cents to 40 cents per mile. There were some fees in the recreation department that actually went down.

Councilmember Barbara Kent asked if there is a fee for the new permit to have chickens. It had been left off, but would be added.

The council was encouraged to look through the schedule and make note of any additions or changes need. The resolution will come back at another meeting.

**Discussion on Ordinance 11-16, ‘An Ordinance Amending Chapter 17.60 RM Multiple Family Residential Zone by Modifying the Requirements for Allowable Density Under Section 17.60.030; Open Space Under Section 17.60.060; Parking Stall Dimensions in Section 17.60/070 and Architectural Guidelines in Section 17.60.090.’**

*(Hand Out Copies)* (Set Public Hearing for February 8, 2012)

Handouts were given to all council members. City Manager Jim Gass explained it was an ordinance the planning commission has been working on over the past several months. They will be holding a public hearing on it next week.

The ordinance allows developers to receive a density bonus from 10 units/acre up to 15 units/acre if they are willing to make certain development enhancements. The list of enhancements and the corresponding increases mirror those already in place for PUDs. There is also a change in the open space requirement. The minimum open space required remains at 50% but with the change it would include parking areas.

If the commission acts on the ordinance next week the city council will be able to hold theirs on the 8<sup>th</sup> of February. Otherwise it will need to be scheduled at another time.

**Discussion on Ordinance 11-05 “An Ordinance that Amends the Smithfield City Land Use Ordinance Zoning), Title 17; by adding Chapter 17.97 “Commercial Recreational Vehicle Parks or Campgrounds” in its Entirety.** *(Hand out Copies)*

City Manager Jim Gass said this ordinance came about as a result of an RV park between Smithfield and North Logan. The city currently doesn't have any regulations to govern this type of development. It would require a conditional use permit by the planning commission and be a minimum of five acres.

City Recorder Dean Clegg said a public hearing could be on February 8.

### **Election of Mayor Pro Temp**

Mayor Simmons said each year we have to elect a mayor pro temp to serve as mayor in case the mayor cannot be in attendance at a city council meeting. City Recorder Dean Clegg passed out ballots for each council member to cast their vote. The first results of the first vote was a tie. The results of the second vote was a tie. The council members agreed to flip a coin. Dennis Watkins was declared the mayor pro temp

City Recorder Clegg said in case neither Mayor Simmons nor Councilmember Watkins are in attendance the four remaining council members could select someone as the temporary chairperson and conduct business.

### **Discussion of Council Assignments for 2012**

He said he would like to talk to each council member individually before making assignments for 2012.

Next Saturday morning (January 14<sup>th</sup>) Councilmember Monson will meet with Mayor Simmons in the city office at 9:00 a.m.

Mayor Simmons will visit with Councilmember Watkins at Watkins' office;

Councilmember Kent will meet with Mayor Simmons at 7:00 a.m. on Saturday morning on the phone.

Mayor Simmons will meet with Councilmembers Barnes and Buttars at their earliest convenience.

### **City Manager Items**

#### **Emissions Control**

City Manager Gass briefed the council on the status of the emission control strategies that are being studied to bring the air quality for the valley back into compliance. There has been considerable press given to members of Logan's city council who are encouraging the county council to press forward with an emission testing program. Until the state has completed their study and developed recommendations it would be premature to implement any emissions plan.

#### **Operating Agreements on Canal**

The operating agreement is being drafted by representatives from Logan, North Logan, Hyde Park, Smithfield, and the two canals (Logan and Northern and Logan, Hyde Park & Smithfield).

City Attorney, Bruce Jorgensen, is also involved as are the attorneys for the canal companies and Logan City. The purpose of the agreement is clarify how the Logan and Northern Canal will be operated once the new canal project is completed. The city will have a larger role to play because the canal will be used less for transporting irrigation water and more for storm water. Because the cities will be using the canal, they will have some responsibility in the cost for maintenance and operation. The new agreement identifies a process by which the cities can once again discharge storm water into the canal and it lays out the proportional cost for operation and maintenance. As drafted, the agreement states the canal company is responsible for all costs associated uniquely with the transport and distribution of irrigation water. While the cities are responsible for cost associated with storm water. For costs associated with both, the canal company is assessed 60% and the cities 40%. Among the cities, Logan will pay 75% of the cost assigned to the cities with North Logan and Smithfield picking up 10% each. Hyde Park will be responsible for 5%.

City manager Gass will prepare a bullet list summary for the council to aid them in their review of the agreement.

### **Art Work**

We have an individual who has come to the city who has done some pencil drawings. She would like to give these drawings to the city to display.

Councilmember Watkins feels we should protect the walls of the new city office, he feels it would be a good idea to use the library. In the library art work and the artist could be recognized. The library could advertise who the featured artist is. Councilmember Barbara Kent will talk to the library workers about this.

### **Mayor and Council Reports**

#### **Councilmember Buttars' Report:**

Councilmember Buttars wondered about the status of the new appeal authority. City Manager Jim Gass reported that arrangements have been made for Brian Cannell, local attorney to fill that role. He has not had anyone use it yet but everything is ready should his services be needed.

Councilmember Buttars also wondered about the intersection on 8<sup>th</sup> South Main.

City Manager Gass said they are currently working on a design for that intersection. No one has come back with any development proposals on property adjacent to the intersection.

Councilmember Buttars also wondered about what is going on with 10<sup>th</sup> South Main.

City Manager Gass said there is money in the budget to erect a fence along the new property line, but other than that nothing is in the works.

#### **Councilmember Barnes' Report:**

Councilmember Barnes noticed in the re-appointment of city officers that Judge Moore is not there. City Manager Gass said two years ago Judge Moore was elected to a six-year term.

**Councilmember Monson's Report:**

Councilmember Monson said the Rec Center is starting Health Day meetings. They want to know if we have to stick to the \$1,000 scholarship for girls. She was told the scholarship money has been the responsibility of the business community until recent and it was felt it should be returned to them.

Councilmember Monson informed the council of the "Wellness Challenge" at the Rec Center. This is free. The person running the program has some good ideas. They have a personal trainer from January 1 to May 10. Culminating at Health Days. The Rec Center is doing a great job.

**Councilmember Kent's Report:**

Councilmember Kent reported the youth council participated in handing out the "cheese and crackers" distribution again. They also plan on going to Salt Lake to meet with the State Legislature.

Councilmember Kent wondered if the tutors talked about a month ago are working out well.

City Recorder Dean Clegg said they are working upstairs and down and have not been disruptive. You don't even know they are in here. He feels they are doing fine.

**Councilmember Watkins' Report:**

Nothing to report

**Mayor Simmons' Report:**

Mayor Simmons welcomed Jeff Barnes to the city council and informed him that he already had an assignment for him. Mr. Barnes was asked to take over the assignment to help establish the "Community Covenant". Councilmember Barnes will touch base with Mike Oliverson who had the assignment previously. Lt. Simmons from the national Guard can be contacted at (801)380-1378.

Mayor Simmons asked if the city public works department was finished trimming trees in the city. City manager Gass said they had finished and were now removing dead trees. In the future when they trim trees they will send out a notice to property owners in advance and let them know what is happening.

Mayor Simmons asked about the status of Sunset Park. City Manager Gass said they were in the process of removing additional material and had begun the process of grading the site. There is still a lot of work that has to take place before sprinklers can be installed and grass planted. The most significant portion of the project remaining is to construct system to drain storm water that accumulates at the park because the park doubles as a retention basin. When completed the south end of the site will allow for a restroom facility and playground. A waterfall fed by stormwater will also be constructed near the mid point on the east side. Grading of the slope from 1000 East to the park floor will allow the park to be used for sleigh riding in the winter. Jeff Champlin, who donated a portion of the property, is concerned about the time it is taking to complete the work.

Mayor Simmons said he is delighted to have Mr. Barnes and Mr. Watkins serving on the Smithfield City Council. He also thanked other council members for their continued support.

**Adjournment:**

**Motion:** Councilmember Kris Monson made a motion to adjourn. All were in agreement. Adjourned at 8:45 p.m.

Approved and signed this 25<sup>th</sup> day of January 2012.

SMITHFIELD CITY CORPORATION

ATTEST:

---

Darrell G. Simmons, Mayor

---

O. Dean Clegg, Recorder