

Smithfield City Planning Commission

August 19, 2015

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 19, 2015**. The following members were present constituting a quorum:

Chairperson	Jamie Anderson
Commission Members	Bryant McKay
	Jackie Hancock
	Pete Krusi
	Steven Teuscher
	Douglas Archibald (arrived 7:07 pm)
	Steve Edwards
Engineering Staff	Clay Bodily
Planning Staff	Jon Wells
Deputy Recorder	Char Izatt
Minutes	Stacey Dority
City Council Member	Brent Buttars

The notice was provided to the Herald Journal and delivered to each Commission Member and posted at the City Office Building, the Smithfield City Web Page and the Utah Public Meeting Notice web site.

The meeting was called to order by Chairperson Anderson at 7:03 pm

Opening Ceremonies: Edith Lillywhite

Excused: Curtis Wall, Commissioner

Visitors: David and Edith Lillywhite, Lyle Coleman

Workshop Session: The Commission will review & discuss proposed amendments to the Municipal Code in regards to maintenance of street right of ways to include trees in parking strips and parking strips in general.

Chairperson Anderson inquired if we are modeling our ordinance after the city of Ivins?

Mrs. Izatt replied we would like too. She referred to the Ivins city ordinance page two (2) about half way down where it details what they have been focusing on.

Chairperson Anderson clarified is it the paragraph with the maintenance of the street right of way?

Mrs. Izatt replied it would be 11.01.217. Then the focus is on number two (2) and paragraph B.

Chairperson Anderson noticed it says “such unused public right away shall be kept free of weeds, junk or salvage material, debris, trash, litter”. Who do they expect clean that up if it is a public unused right of way?

Mrs. Izatt responded the adjacent property owner, immediately adjacent.

Chairperson Anderson questioned if the immediately adjacent right away owner chooses not to keep it up can they be cited for that?

Mr. Wells replied yes if it is written in the ordinance.

Commissioner Edwards assessed why would we do that?

Mr. Bodily responded we are trying to establish who should be responsible for the park strip adjacent to a property.

Commissioner Edwards stated he didn't know how you could force an adjacent property owner who has no interest in the property to keep it up.

Mr. Bodily clarified it is adjacent or in front of the property. It is meant to address the park strip in front of the property and on a corner you would have more frontage. It has not been specifically addressed in an ordinance before.

Chairperson Anderson assessed what the problem is that they are trying to solve.

Mr. Bodily explained we have a few lots where the trees are hanging over driveways and park strips and the citizen calls the city to come and take care of it. The city does not have a requirement to take care of that property. The city staff does maintain a few park strips throughout the city.

Chairperson Anderson inquired how are we handling the double frontage lots on Hillside and down between 300 south and 600 south. Does the city have to maintain that park strip in the back of the property?

Mr. Bodily explained right now the city is maintaining 300 south from about 750 east up to 880 east and along 10th the PUD from 300 – 600 the city is maintaining the west side. 250 east to the west of Sky View is also being maintained by the city. The privacy fence is along each of these streets so the city will continue to maintain it. This verbiage is basically for Main Street.

Commissioner Krusi wanted to clarify “the care of the trees”; are they the city’s trees or the homeowner’s trees. If they want to tear the trees out do they have to talk to the city.

Mr. Bodily commented they would like residents to talk to the city before they do it but as it stands the city has paid for a few tree removals. That is what we are trying to avoid. The city doesn’t have enough staff to take care of tree removals.

Commissioner Tuescher inquired if someone decided to take out the lawn on their park strip and put rock in would that be acceptable.

Mr. Bodily replied yes, it would be because they are responsible for it. The city has been asked if cement or asphalt are okay for park strips and he has told them it is best not too because of storm water, but if the citizen is paying for it they have the option to do that. Along 10th they have put in rock to help reduce the need for water.

Commissioner McKay was concerned about the type of trees that were planted in the park strips. Sometimes he sees pine trees on park strips and pine trees would have to be trimmed so they wouldn’t get into the electrical wires. Can we put in a stipulation on what type of tree could be put on park strips?

Mr. Bodily stated there is an approved tree list that would be suggested for a planter strip. It is on the city website and is not an adopted ordinance. It is a list the tree committee has made of acceptable trees that would work with the sidewalk. It does recommend you have a 6 ft. planter strip. They even have a 40 ft. triangle that states if you live on a corner you are not supposed to obstruct the view of people coming to that intersection.

Chairperson Anderson asked for any questions on the reading of this ordinance. This is just discussing parking strips not the removal of snow and ice.

Resident Input

No Resident Input

**Consideration of Consent Agenda
Minutes of July 15, 2015 Planning Commission Meeting**

After consideration by the Planning Commission, the Chairperson declared the consent agenda for the July 15, 2015 planning commission meeting minutes as approved.

Public Hearing to consider approval of proposed Ordinance #15-14 which amends the Smithfield City Subdivision Regulations, Title 16 in particular Chapters 16.05 “Concept Plans”; 16.06 “Minor Subdivisions”; 16.09 “Preliminary Plats”; and amending the Smithfield City Zoning regulations, Title 17 in particular Chapter 17.84 “Intrablock Development.

The Public Hearing was opened at 7:16 pm

No Public Input.

The Public Hearing was closed at 7:16 pm

Chairperson Anderson asked for questions or comments from the commission.

Commissioner Hancock felt the additions made it easier to understand the ordinance.

Mrs. Izatt responded they added the STRC (Subdivision Technical Review Committee) as suggested by the Commission last month.

Chairperson Anderson compared the ordinance to last month’s discussion and felt everything was the same except for the changes suggested under 16.06.050.

Mrs. Izatt replied that was the only change she had made.

Commissioner Teuscher liked the way it was written now.

Chairperson Anderson clarified this meant that every time they get a plat from a developer it will be all tied up in a pretty bow and we won’t have any questions about it because all of that work has been done by the STRC.

Mr. Teuscher inquired when the meetings were for the Technical Review Committee.

Mr. Bodily informed the commission there were meetings on the first and third Wednesday at 8:00 a.m. the next meeting is next Wednesday at 9:00 a.m. concerning the multi-family by

Cantwells; this is an additional meeting. The committee is made up of the Public Works Director, the Fire Chief, the Building Inspector, The City Manager, Deputy City Recorder and the Engineering Department and the City Recorder and any Commissioners that would like to attend.

Chairperson Anderson thought it made sense to have at least one of the Commissioners there for part of the meeting.

Mr. Wells mentioned they could adjust the agenda to discuss the things that were pertinent to the commissioners when they attend.

Chairperson Anderson inquired if the committee needed notification if a commissioner is coming to the meeting?

Mr. Wells thought it would be fine to show up.

MOTION: A motion was made by Commissioner Krusi to approve a proposed Ordinance #15-14 which amends the Smithfield City Subdivision Regulations, Title 16 in particular Chapters 16.05 “Concept Plans”; 16.06 “Minor Subdivisions”; 16.09 “Preliminary Plats”; and amending the Smithfield City Zoning regulations, Title 17 in particular Chapter 17.84 “Intrablock Development.

The motion was seconded by Commissioner Teuscher. The voting was unanimous.

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

Public Hearing to consider approval of proposed Ordinance #15-18 which amends the Smithfield City Subdivision regulations, Title 16 in particular Chapter 16.20.060 “Street Improvements” and the Smithfield City Zoning regulations, Title 17 in particular Chapter 17.90.025 “Architectural Design and Materials”.

The Public Hearing was opened at 7:22 pm.

No Public Input.

The Public Hearing was closed at 7:22 pm.

Chairperson Anderson called for any thoughts or concerns from the commission.

Commissioner Edwards felt they had already discussed this extensively.

Chairperson Anderson referred to the item under 17.90.025 paragraph B, regarding “Custom metal siding and panels in combination with other materials”. They took out “as a conditional use”. This goes back to the Black Rock Development where we looked at their panels and approved their use.

MOTION: A motion was made by Commissioner Edwards to approve a proposed Ordinance #15-18 which amends the Smithfield City Subdivision regulations, Title 16 in particular Chapter 16.20.060 “Street Improvements” and the Smithfield City Zoning regulations, Title 17 in particular Chapter 17.90.025 “Architectural Design and Materials”.

The motion was seconded by Commissioner McKay. The voting was unanimous.

Commissioners voting in favor: McKay, Hancock, Krusi, Anderson, Archibald, Teuscher, Edwards

David Lillywhite has requested approval of One Acre Subdivision, a two (2) Lot Minor Subdivision located at 200 South 500 West. Zoned R-1-20.

Mr. David Lillywhite explained they would like to divide the one (1) acre lot in two giving 20,000 ft. to the old house and the rest of the acreage to the new house.

Chairperson Anderson recalled this request was the one they discussed two or three months ago where the petition was for 12,000 sq. ft. and the commission bumped it up to 20,000 sq. ft. This is the plat to take care of that proposal. He assumed this went to the STRC.

Mr. Bodily stated the review committee did review this. They suggested the curb and gutter be shown on the map so it wasn't a forgone conclusion that they did or didn't want it. After the commission it will go to the council.

Commissioner Krusi inquired if the STRC wanted the curb and gutter.

Mr. Bodily replied the committee hadn't stated either way.

Mr. Lillywhite mentioned those that live there don't want the curb and gutter. The house where the garage is right on the road and then each side of the garage is a parking path, altogether it is over 40 ft. and he didn't think they allowed that much curb cut. He also mentioned Lyle Coleman does a lot of farming and takes farming equipment in and out of his place. The city mentioned they would like him to put in a catch basin for water there. He didn't feel like he should have to do that. It would be servicing nine houses and he doesn't feel the burden should

be on him only. He thought on 400 west they had an option to not put curb and gutter in and he would prefer not to put it in.

Mr. Bodily confirmed that was correct there is an option to put curb and gutter west of 400 west.

Mrs. Lillywhite pointed out the Hinkson property and described how the water drains into gravel.

Commissioner Archibald had a question about when curb and gutter goes into this area would it be the city's responsibility.

Mr. Bodily replied yes if in the future the curb and gutter is required it will be up to the city.

Mr. Lillywhite inquired why the city can't require the individuals to pay for the curb and gutter.

Mr. Bodily explained when they do a subdivision they require the subdivider to put it in and then he recoups the cost when he sells it.

Chairperson Anderson encouraged whoever made the motion to please stipulate whether or not we are allowing the waiver of the curb and gutter.

MOTION: A motion was made by Commissioner Krusi to approve a One Acre Subdivision, a two (2) Lot Minor Subdivision located at 200 South 500 West. Zoned R-1-20; for David Lillywhite with a waiver to not put in the curb, gutter and sidewalk.

The motion was seconded by Commissioner Archibald. The voting was unanimous.

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

Consideration of a Revised Conditional Use Permit application and Final Plat for the Stephens Subdivision from David R. Lillywhite to allow a five (5) lot, rather than a six (6) lot, minor subdivision/Intrablock development located at approximately 135 South 300 West and 151 South 300 West; Zoned R-1-12. The purpose of the revision is to convert what has been shown as Lot 6 on the originally submitted Final Plat into a separately described parcel, but with all required public improvements, such as curb, gutter and sidewalk, constructed along the frontage of former Lot 6, and elsewhere, as if former Lot 6 remained a lot within the Stephens Subdivision. The intent is to have former Lot 6 have frontage on 300 West Street) or on the Developer's private property in such a manner that said former Lot 6 will remain and appear as part of the Stephens Subdivision, except for the specific designation of the real property as "Lot 6".

Chairperson Anderson turned the time to city staff to explain what has happened.

Mr. Bodily explained Mr. Lillywhite came in with a six (6) lot subdivision which is now a five (5) lot due to lots #5 and #6 being restricted lots because they were subdivided without going through the process. He has contacted the city's lawyer and has the letter that has been forwarded to the commission explaining how this division can be done so it does not involve the restricted lot. The lot can be treated separately because the road dedication does not have to come from that previously restricted and illegally subdivided lot.

Mr. Lillywhite stated he didn't subdivide, it belonged to Don Corbridge and they were just combining the properties so they could have one road for two lots for each of them; it has been a year that they have been working on this project. The owners of the lot they are excluding refuse to sign and they have no interest in it. He feels it was a mistake to give them the authority to refuse to sign to stop anything from going in. Don should have sold them the whole acre because they can stop anything they want to do back there. The law seems to be written wrong. Bruce Jorgenson has designed a way to get around this and still be legal. This was approved six months ago but the gentleman would not sign it.

Chairperson Anderson clarified the main points of Bruce Jorgenson's letter referring to paragraph #5. At this point no development has taken place because the person didn't sign?

Mr. Lillywhite replied yes.

Mr. Bodily explained it is a good law so people aren't dividing inside the city limits and not following code. There should be a check and balance system.

Mr. Lillywhite commented the check and balance system is they have a restricted lot.

Mrs. Izatt wanted to clarify that it was not Mr. Lillywhite that created the split.

Chairperson Anderson understood. He asked if lot #6 had curb and gutter and the entire infrastructure.

Mr. Lillywhite replied he is putting it in as well as the Moss' infrastructure.

Mr. Bodily added that the Fire Chief hasn't had a chance to look at this and he needs to have Mr. Lillywhite find out if it is more than 500 ft. from the fire hydrants to lots #3, #4 and #5. If it is more than 500 ft. then they will ask Mr. Lillywhite to put in another fire hydrant out on the street.

Mr. Wells added the measurement is 500 ft. to the structure not the property line.

MOTION: A motion was made by Commissioner Teuscher to approve a revised Conditional Use Permit application and Final Plat for the Stephens Subdivision from David R. Lillywhite to allow a five (5) lot, rather than a six (6) lot, minor subdivision/intrablock development located at approximately 135 South 300 West and 151 South 300 West; Zoned R-1-12.

The motion was seconded by Commissioner Hancock. The voting was unanimous.

Commissioners voting in favor: McKay, Hancock, Krusi, Anderson, Archibald, Teuscher, Edwards

The Commission will continue review & discussion of the Sign Ordinance: Section 17.36.155 and continued review of Section 17.35.125 “Temporary Sign Ordinance”

Commissioner McKay had a question on the maximum height on the second page where it says 25 ft. at setback, does that mean 25 ft. high or should that be on the setback column.

Mr. Bodily clarified it was 25 ft. high.

Commissioner Krusi had a question on H on the 50% electronic space is that just a common thing.

Mrs. Izatt referred to the trip to YESCO and the discussion after. There were so many different things displayed and the idea was to get the message across in an expedient manner. It was too much with 100% of the sign flashing or text signs.

Mr. Wells stated the sign that Cantwell’s had was a good example because there was a little section that was electronic but the top had their name. It wasn’t just a huge screen that was distracting. It wasn’t overwhelming. The sign stated who the business owner was. He wouldn’t give any sign a 100% of electronic space.

Mrs. Izatt explained Young Electric gave them several ideas on sample ordinances.

Chairperson Anderson inquired if this was the last section to review.

Mrs. Izatt explained she wanted to spend a little more time on the temporary signs and that is the reason she put it back on the agenda. There wasn’t an assignment on section 160 but since it was the last on the matrix she went ahead and stuck it in, and incorporated the changes that the

commission had suggested. There isn't that many listed now so she will go back through the minutes and make sure she has covered all the changes. This is just a temporary look.

- 1) On the vehicle mounted sign the commission wanted "a sign or wrap displayed upon the trailer" put in the definition.
- 2) The wording on the prohibited signs "no persons shall park any vehicle or trailer on a daily or continual basis so as to be visible from a public right away" we couldn't quite come up with the terminology and she talked to Mr. Wells a little bit and he had a suggestion so she put both and then they crossed out "prohibiting advertising on buses" because that cannot be controlled. Does daily or continual sound better in that phrase? They were concerned about the word stationary.

Chairperson Anderson felt the word continual makes it very nebulous, there is no time frame around it and what is continual is open for debate.

Mrs. Izatt couldn't find a word to phrase it according to how the commission would like to state it.

Chairperson Anderson replied we are saying we can't park the trailer every day in the same spot as a means of our perception that you are advertising.

Mrs. Izatt added 48 hours is the law on a public right of way. This is not a person's driveway.

Commissioner McKay interjected when you say daily he thinks about the Josh Barnett's Insurance in Logan.

Mrs. Izatt reminded him that is why this wording was added in because of that situation.

Mr. Wells referred to his conversation with Mrs. Izatt; if there is a business owner with a vehicle that is wrapped with an advertisement for his business and he drives that vehicle every day to his business and parks it out front as close to the road as he can get it while he is at work, but every day he is at work, that is a daily thing. In his opinion he doesn't think you need to worry about that because that is what he drives to and from work.

Commissioner Edwards clarified is it on his property or is it on the right of way.

Mr. Wells clarified if he parks out on the road we don't regulate that until the winter time. It isn't there for 48 hours straight.

Chairperson Anderson shared an example of an employee of Smithfield Implement with a wrapped vehicle; they should park it in the parking lot and not out on the public right of way. Park it in the very first spot of the parking lot but not on the street. That is his interpretation of the phrase.

Commissioner Krusi asked for clarification on the buses being wrapped.

Mrs. Izatt explained right now it is prohibited to have advertising on buses and Logan city has talked a lot about using their buses for advertising. Does this mean they can't come into Smithfield? That is why we are crossing the sentence out of the ordinance.

- 3) Wind signs are worded "are permitted for a period not to exceed 6 months per year with 14 day intervals" before it was stated only during the daytime. We are not taking away the time frame it is just taking the wind sign down every day.
- 4) On the temporary signs we took out the fences and made the three (3) day promotion to six (6) day and changed the five (5) days to seven (7) days and fixed Hanukah whenever it begins and banners going from 12 ft. – 32 ft.

Is there anything that we have missed?

Chairperson Anderson inquired if there would be a draft of these changes before the Public Hearing.

Mrs. Izatt replied yes.

Chairperson Anderson had a few more housekeeping items.

- 1) The deadline for the Utah League training is August 21st. It is \$150 per person, if you want to go please make and keep that commitment.
- 2) Planners Day is Thursday, September 17th in Salt Lake. There is room for two more people in the city vehicle. If more people want to come there will be another vehicle available.
- 3) The deluxe courier service that drops off your packets will now be picked up here at the office beginning the September meeting. They will be available Friday afternoon. Mrs. Izatt will let you know when they will be available by email.
- 4) This is Stacey's last week as minute recorder.

MOTION: A motion was made by Commissioner Krusi to adjourn the meeting at 7:53 pm. The motion was seconded by Commissioner Archibald. The voting was unanimous.

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

Jamie Anderson, Chairperson

Attested:

Charlene Izatt, Deputy Recorder

SMITHFIELD PLANNING COMMISSION
Smithfield City Council Chambers
96 South Main
Smithfield UT 84335

NOTICE and AGENDA

Public Notice is hereby given that the Smithfield Planning Commission will hold a regular Planning Commission Meeting at 7:00 p.m. on **Wednesday, August 19, 2015 in the Smithfield City Council Chambers, 96 South Main, Smithfield, Utah.**

7:00 p.m. Opening Ceremonies

Workshop Session: The Commission will review & discuss proposed amendments to the Municipal Code in regards to maintenance of street right of ways to include trees in parking strips and parking strips in general.

Agenda items:

1. 7:04 p.m. Resident Input
2. 7:09 p.m. Consideration of Consent Agenda
Minutes of the July 15, 2015 Planning Commission Meeting
3. 7:10 p.m. **Public Hearing** to consider approval of proposed Ordinance #15-14 which amends the Smithfield City Subdivision Regulations, Title 16 in particular Chapters 16.05 "Concept Plans"; 16.06 "Minor Subdivisions"; 16.09 "Preliminary Plats"; and amending the Smithfield City Zoning regulations, Title 17 in particular Chapter 17.84 "Intrablock Development".
4. 7:20 p.m. **Public Hearing** to consider approval of proposed Ordinance #15-18 which amends the Smithfield City Subdivision regulations, Title 16 in particular Chapter 16.20.060 "Street Improvements" and the Smithfield City Zoning regulations, Title 17 in particular Chapter 17.90.025 "Architectural Design and Materials".
5. 7:40 p.m. David Lillywhite has requested approval of One Acre Subdivision, a two (2) Lot Minor Subdivision located at 200 South 500 West. Zoned R-1-20
6. 7:50 p.m. Consideration of a Revised Conditional Use Permit application and Final Plat for the Stephens Subdivision from David R. Lillywhite to allow a five (5) lot, rather than a six (6) lot, minor subdivision/intrablock development located at

approximately 135 South 300 West and 151 South 300 West; Zoned R-1-12. The purpose of the revision is to convert what has been shown as Lot 6 on the originally submitted Final Plat into a separately described parcel, but with all required public improvements, such as curb, gutter and sidewalk, constructed along the frontage of former Lot 6, and elsewhere, as if former Lot 6 remained a lot within the Stephens Subdivision. The intent is to have former Lot 6 have all required public improvements constructed on public property (along its frontage on 300 West Street) or on the Developer's private property in such a manner that said former Lot 6 will remain and appear as part of the Stephens Subdivision, except for the specific designation of the real property as "Lot 6".

7. 8:00 p.m. The Commission will continue review & discussion of the Sign Ordinance: Section 17.36.155 and continued review of Section 17.35.125 "Temporary Sign Ordinance"

8. 8:10 p.m. **ADJOURNMENT**

Posted this 14th day of August 2015 at the Smithfield City Offices, City Web Page and the Utah Public Meeting Notice web site. Notice provided to The Herald Journal this 14th day of August 2015.

Charlene Izatt, Deputy Recorder

ITEMS ON THE AGENDA MAY BE CONSIDERED EARLIER THAN SHOWN ON THE AGENDA.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Charlene Izatt, Smithfield City Offices, at 435-792-7989 at least three working days prior to the meeting.