

**SMITHFIELD CITY COUNCIL**

**JUNE 22, 2022**

The Smithfield City Council met in a regularly scheduled meeting at 96 South Main Street, Smithfield, Utah on Wednesday, June 22, 2022. The meeting began at 6:34 P.M. and Mayor Kristi Monson was in the chair. The opening remarks were made by Mayor Monson.

The following council members were in attendance: Curtis Wall, Sue Hyer, Deon Hunsaker, Jon Wells and Wade Campbell.

City Manager Craig Giles, Police Chief Travis Allen, Fire Chief Jay Downs, Rec Director Brett Daniels, Golf Professional Eric Kleven, Golf Superintendent Chad Daniels, Public Works Director Doug Petersen, City Engineer Clay Bodily and City Recorder Justin Lewis were also in attendance.

VISITORS: Rigo Chaparro, Elayne Bair, John Bair, Barbara Kent, Bob Holbrook, Shawn Kirkley, Elizabeth Kirkley, Gordon Younker, Ken Chalmers, Jeff Barnes, Larry Bradley, Dixee Neugebauer, Scott Nelson, Sheryl Goodey, Bryant McKay, Josh Wright, Brian Potts, Mike Monson

**APPROVAL OF THE CITY COUNCIL MEETING MINUTES FROM MAY 11, 2022.**

\*\*\*A motion to approve the May 11, 2022 city council meeting minutes was made by Wade, seconded by Curtis and the vote was unanimous.\*\*\*

Yes Vote: Wall, Hyer, Hunsaker, Wells, Campbell

No Vote: None

**RESIDENT INPUT**

GORDON YOUNKER: I work with The Family Place. We have a building at 502 South Main. We were supposed to be on the agenda tonight. You received a letter earlier today via email. I will give some insight on what we are trying to accomplish. The hole has been dug. The construction has been held up because of a lack of cement. Now the project is being held up because of the uncertainty of the fence around the playground. A six-foot white vinyl privacy fence was installed around three years ago. Our understanding is not clear on what is wrong. We were told we could not put the six-foot fence back up only a four-foot-high fence would be allowed. I have now been told our request has to be heard by the planning commission. I want to review some of the points in the letter. It seems you think we are trying to do something different than what others are doing. This is a city sponsored project. We came before you around eighteen months ago. The plans were developed at that time and are included with the letter. I want to remind you this is a city sponsored project. The city is the sponsor as required by the grant. We are talking about children. The request is to reinstall the six-foot fence to protect the safety and privacy of the children as best we can. We hope the council can see the purpose in this. The fence was only temporarily removed for the installation of the playground. Our plans say there will be curbing under the fence. The fence is shown in the same location on the plans as it has been for the last three years. The intent all along was to put curbing under the fence. If we

removed the fence in phases we would not be here tonight. We are trying to be efficient. Our request seems reasonable. We thought the city was onboard with the playground equipment being installed. If that has changed you will have to help us find a new path forward. We need a six-foot-high fence for the safety and privacy of the children. The path forward is not clear to me. You have made it very difficult on us by delaying this project. The contractors are waiting to go. We are hesitant to install the playground without approval of the six-foot-high fence.

ELIZABETH KIRKLEY: Why does the council packet not include all of the items on the agenda? There is nothing in the packet about the current fiscal year budget. The public should be able to see it. It is hard to provide input without seeing it. What is your decision on the newsletter?

KEN CHALMERS: The noise ordinance only restricts engine brakes for 1,000 feet. There are engine brakes going off all day and night on the highway. I am not sure why the 1,000-foot rule is in place. I don't know if this is a UDOT (Utah Department of Transportation) thing. I want it switched to all of Smithfield.

<b>RECOGNITION OF BARBARA KENT FOR HER SERVICE AS THE DIRECTOR OF THE ANNUAL DAY OF SERVICE.</b>
--

Mayor Monson thanked Barbara Kent for overseeing the annual Day of Service, which was held on Saturday, April 30<sup>th</sup>.

Barbara helped to organize and oversee the event.

Barbara mentioned the Day of Service in 2023 will be held on the last Saturday of April.

Barbara thanked the youth council, Lions Club, fire department and all of the other groups which participated. There was a high level of participation from the community.

Mayor Monson presented Barbara with a small gift of appreciation for her service to the community.

<b>DISCUSSION AND POSSIBLE APPROVAL OF JACK GREENE AND JEFF BARNES AS MEMBERS OF THE TREE COMMITTEE.</b>
--

Mayor Monson mentioned Jack Greene has volunteered to be on the Tree Committee and serve as the chairman.

Jeff Barnes has volunteered to serve on the committee as well.

Deon asked if there were two board member vacancies as he thought there was only one? Mayor Monson replied some of the existing board members are being replaced.

\*\*\*A motion to appoint Jack Greene and Jeff Barnes as members of the Smithfield City Tree Committee was made by Wade, seconded by Jon and the vote was unanimous.\*\*\*

Yes Vote: Wall, Hyer, Hunsaker, Wells, Campbell

No Vote: None

**DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 22-10, AN ORDINANCE REZONING A PORTION OF CACHE COUNTY PARCEL NUMBER 08-044-0041 FROM A-10 (AGRICULTURAL 10-ACRE) TO R-1-12 (SINGLE FAMILY RESIDENTIAL 12,000 SQUARE FEET). THE PARCEL IS APPROXIMATELY 16.54 ACRES OF WHICH 7.46 ACRES IS ALREADY ZONED R-1-12. THE PARCEL IS LOCATED AT APPROXIMATELY 510 EAST 600 NORTH AND THE ACREAGE BEING REQUESTED TO BE REZONED IS APPROXIMATELY 9.08 ACRES.**

Clay mentioned this is the Tuveson parcel which was recently annexed into the city. An island was done away with when this parcel was annexed. The request is to rezone the parcel from agricultural to R-1-12 (Single Family Residential 12,000 Square Feet) which is the zoning of the neighboring parcels to the east.

Mayor Monson mentioned many residents who reside in this area are breathing a sigh of relief this parcel is not being requested to be rezoned to high density housing.

\*\*\*A motion to adopt Ordinance 22-10, an Ordinance rezoning Parcel Number 08-044-0041 from A-10 (Agricultural 10-Acre) to R-1-12 (Single Family Residential 12,000 Square Feet) was made by Wade, seconded by Sue and the vote was unanimous.\*\*\*

Yes Vote: Wall, Hyer, Hunsaker, Wells, Campbell

No Vote: None

**DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 22-09, AN ORDINANCE REZONING CACHE COUNTY PARCEL NUMBER 08-044-0068 FROM R-1-10 (SINGLE FAMILY RESIDENTIAL 10,000 SQUARE FEET) TO RM (MULTIPLE FAMILY RESIDENTIAL). THE PARCEL IS LOCATED AT APPROXIMATELY 460 NORTH MAIN AND IS APPROXIMATELY 1.06 ACRES.**

Rigo Chaparro mentioned the request is to rezone the parcel to multi-family. It is an awkward shaped parcel for residential units. A four-plex would fit on the property easier.

Rigo stated the planning commission supported the request and now it is before the city council for consideration.

Jon asked if there is access to the parcel off of the highway (Main Street)? Ken Chalmers mentioned when the highway was widened it was covered as part of that project. There is a covered driveway there and access to the parcel.

Mayor Monson asked how many units would be placed on the parcel? Rigo replied city code allows for ten units per acre. Until engineering is completed it is unknown but it is estimated five to ten units could fit on the parcel.

\*\*\*A motion to adopt Ordinance 22-09, an Ordinance rezoning Parcel Number 08-044-0068 from R-1-10 (Single Family Residential 10,000 Square Feet) to RM (Multiple Family Residential) was made by Curtis, seconded by Jon and the motion passed by a vote of 3-2.

Yes Vote: Wall, Hunsaker, Wells

No Vote: Hyer, Campbell

**DISCUSSION AND POSSIBLE VOTE ON RECEIVING THE CERTIFICATION OF ANNEXATION FROM THE CITY RECORDER FOR THE ANNEXATION REQUEST BY HERITAGE LAND DEVELOPMENT FOR PARCEL NUMBERS 08-043-0015, 08-042-0012, 08-042-0013, 08-042-0014, 08-042-0015 AND 08-043-0041. THE PARCELS ARE LOCATED AT APPROXIMATELY 600 NORTH 400 WEST. THE PARCELS TOTAL APPROXIMATELY 28.8 ACRES. THE PUBLIC HEARING ON THE ANNEXATION REQUEST WILL BE HELD ON WEDNESDAY, JULY 13, 2022 NO SOONER THAN 6:45 P.M.**

Justin mentioned the city staff and county staff both reviewed the survey. There were not any questions, comments, or changes made. An island or peninsula is not being created. This is Step 2 of 3 in the process. The public hearing on the request will be held at the July 13<sup>th</sup> city council meeting.

\*\*\*A motion to accept the Certification of Annexation for Parcel Numbers 08-043-0015, 08-042-0012, 08-042-0013, 08-042-0014, 08-042-0015 and 08-043-0041 was made by Wade, seconded by Curtis and the vote was unanimous.\*\*\*

Yes Vote: Wall, Hyer, Hunsaker, Wells, Campbell

No Vote: None

**PUBLIC HEARING ON RESOLUTION 22-07, A RESOLUTION AMENDING THE FISCAL YEAR 2022 BUDGET WHICH IS THE PERIOD OF JULY 1, 2021 THROUGH JUNE 30, 2022.**

Craig reviewed some of the larger proposed adjustments to the Fiscal Year 2022 Budget.

General Fund Revenue: Sales Tax \$476,180, Fee in Lieu \$52,150, Telecom Tax decrease of \$25,638, Mass Transit Tax \$85,000, Local Road Tax \$55,158, Licenses and Permits \$14,018 which includes business licenses and building permits, Intergovernmental \$172,312 with the largest item in that area being an increase to ambulance revenue of \$99,500 and Class "C" Road Funds of \$106,903, decreases were made to the county fire contract, FEMA grant and Safer grant, Subdivision fees are decreasing \$20,954, Public Safety Fee \$98,800, grave digging \$20,000, grave plot purchases \$31,356, justice court fines \$12,637, miscellaneous revenue

\$5,900 with the majority coming from interest revenue, CLEF grant \$4,590, museum grant \$49,482, ARPA book grant \$10,474, Rec Center \$226,930 and the golf course \$264,910.

Curtis asked what is creating the increase in sales tax revenue? Craig replied online sales. Over half of the top twenty-five entities are online sales. Lee's Marketplace revenue is increasing as well.

Curtis asked with Lee's Marketplace building a new building in Richmond will that effect the city's sales tax revenue? Craig replied it most likely will but the amount is unknown at this time.

Large expense increases included Police Department fuel \$13,000, Fire Department fuel \$17,000, Douglass Mercantile roof project \$50,000, CLG matching grant \$4,700, library department \$31,428 with over half being for grants, cemetery decrease of \$11,661, and a transfer to the General Capital Improvement Fund of \$1,098,800.

The cemetery decrease is because the grounds were switched from culinary water to irrigation water so the utility expense line item is substantially less than in the past.

The General Capital Improvement Fund pays for equipment and capital projects.

Water Enterprise Fund revenue is increasing \$18,892. Residential water sales are decreasing \$100,000 because of a wet spring and not as much water being consumed as on other years. Water dedication payments are increasing \$100,436.

Craig mentioned some equipment ordered in the current fiscal year still has not arrived and if it arrives after July 1<sup>st</sup> it will need to be included in the new budget.

*\*\*\*The public hearing was opened at 7:05 P.M.\*\*\**

There were not any comments or questions.

*\*\*\*The public hearing was closed at 7:06 P.M.\*\*\**

<b>DISCUSSION AND POSSIBLE VOTE ON RESOLUTION 22-07.</b>
--

Curtis asked what the hours of the splash pad are? Craig replied 12:00 P.M. to 5:00 P.M., seven days per week.

Curtis asked if water usage is tracked at the splash pad? Craig replied it is metered and the general fund pays the water fund for the water.

*\*\*\*A motion to adopt Resolution 22-07, a Resolution amending the Fiscal Year 2022 budget was made by Wade, seconded by Sue and the vote was unanimous.\*\*\**

Yes Vote: Wall, Hyer, Hunsaker, Wells, Campbell  
No Vote: None

**DISCUSSION AND POSSIBLE VOTE ON RESOLUTION 22-08, A RESOLUTION ADOPTING THE FISCAL YEAR 2023 BUDGET WHICH IS THE PERIOD OF JULY 1, 2022 THROUGH JUNE 30, 2023.**

Craig mentioned there are very few changes since the last review of the proposed budget.

The mental health requirement for the fire and police departments was estimated to cost \$30,000. An Employee Assistance Program (EAP) has been put in place for under \$10,000. The company specializes in public safety mental health. This program will allow access for all employees not just public safety.

Curtis asked for the financial statements sent to the city council for review to be sent on a bi-weekly basis rather than a weekly basis. Wade concurred.

Jon asked for clarification of the grant coordinator included in the Historical Society budget for \$12,000. Mayor Monson mentioned she found someone the city could hire to oversee grants, programs and offer guidance on managing the museum. It won't happen in the new fiscal year and the item can be removed because the museum is not ready to be opened. Jon stated he was not sure this item is needed as the Historical Society has done well with grants in the past. Mayor Monson concurred and mentioned this person would help seek additional grants.

Jon mentioned maybe this person could help the city applying for grants in other areas as well. Mayor Monson replied this person's specialty is history.

Curtis asked when the city is short on employees and wages have been budgeted for these positions where does the excess funds go? Craig replied depending on what fund the employee is funded out of would make a difference. If the employee is funded in an enterprise fund the amount would stay in the enterprise fund. If the employee is funded in the general fund most likely the funds would be transferred to the general capital improvement fund or left as part of the fund balance.

Curtis asked if these funds can be captured and set aside for future use? Craig replied they are by either being part of the fund balance or in the general capital improvement fund. The funds are not restricted or encumbered because they are not spent.

Curtis asked if the city was still short on public works employees? Craig replied the city is looking for one employee in both the public works and police departments.

Craig replied very seldom are wage line items not spent. Employees are paid out for compensation time and personal time off (PTO) when they leave employment with the city.

Jon asked if compensation time and PTO are calculated in the budget? Craig replied they are.

Curtis mentioned he just made a large online purchase which included sales tax being paid. When will the city receive the sales tax revenue? Craig replied there is a two-month lag from when a person pays the sales tax to when the city receives it.

Craig mentioned he receives a monthly report of what companies have remitted sales tax to the city. Jon mentioned internet sales have been very good to the sales tax revenue portion of the budget.

Jon asked what equipment still has not arrived. Craig replied a rough mower for the golf course, some vehicles for the fire department and a truck for the police department. Jon replied supply chain issues will continue to be a problem.

Curtis asked for an update on the cemetery road project. Craig replied five interior roads will be redone in the new fiscal year. The exterior roads will have to be included in a future budget. The bid on the interior roads is approximately \$275,000 and is included in the new budget.

Wade thanked the department heads and their staffs for doing a great job for the city. The city council and mayor are aware of the hard work to keep the city going. The council does as best as it can to adjust wages and benefits when possible.

\*\*\*A motion to adopt Resolution 22-08, a Resolution adopting the Fiscal Year 2023 Budget was made by Wade, seconded by Curtis and the vote is unanimous.\*\*\*

Yes Vote: Wall, Hyer, Hunsaker, Wells, Campbell  
No Vote: None

Jon thanked the department heads for being in attendance to answer questions and offer comments.

<b>DISCUSSION AND POSSIBLE VOTE ON RESOLUTION 22-09, A RESOLUTION UPDATING THE PREVAILING FEE SCHEDULE OF THE CITY.</b>
---

Craig mentioned proposed changes are to fees charged at the golf course. The intent is to match some of the fees charged at the Logan River Golf Course.

Eric Kleven reviewed the proposed changes:

	<u>Current</u>	<u>Proposed</u>
<b>Regular</b>		
Green Fees – 9 Holes (Mon – Thur)	\$16.00	\$18.00
Green Fees – 9 Holes (Fri – Sun, Holidays)	18.00	19.00
Green Fees – 18 Holes (Mon – Thur)	32.00	34.00
Green Fees – 18 Holes (Fri – Sun, Holidays)	36.00	38.00
<b>Senior</b>		
Green Fees – 9 Holes (Mon – Thur)	\$14.00	\$15.00
Green Fees – 9 Holes (Fri – Sun)	16.00	17.00
Green Fees – 9 Holes (Holidays)	18.00	19.00
Green Fees – 18 Holes (Mon – Thur)	28.00	30.00
Green Fees – 18 Holes (Fri – Sun)	32.00	34.00

Green Fees – 18 Holes (Holidays)	36.00	38.00
----------------------------------	-------	-------

**Golf Cart Rental**

18 Holes	\$32.00	\$36.00
9 Holes	16.00	18.00

Mayor Monson asked what the age limit is defined as for a regular player? Eric replied from 18 to 59. Seniors are 60 and above and juniors are 17 and younger.

Mayor Monson asked if the Sky View High School golf teams pay to play? Eric replied each player purchases a punch pass at a cost of \$300.

Curtis asked how many people are in the men's association? Eric replied it is about 500 and is the largest in the state. Curtis mentioned the association has seen a lot of growth as not long ago it was around 300 members.

Curtis asked the size of the women's association? Eric replied around thirty-six.

Jon asked if there is a senior league? Eric replied they are part of the men's association.

Eric mentioned the tee times are sold out on a daily basis. Curtis asked why? Eric replied because the population of the valley is growing, golf is becoming more popular and no new golf courses are being built locally.

\*\*\*A motion to adopt Resolution 22-09, a Resolution updating the Prevailing Fee Schedule of the City was made by Curtis, seconded by Wade and the vote was unanimous.\*\*\*

Yes Vote: Wall, Hyer, Hunsaker, Wells, Campbell

No Vote: None

**PUBLIC HEARING FOR THE PURPOSE OF DISCUSSING ORDINANCE 22-12, AN ORDINANCE AMENDING THE SMITHFIELD CITY MUNICIPAL CODE TITLE 8 "HEALTH AND SAFETY" BY ADDING IN ITS ENTIRETY SECTION 8.04.060 "ANNUAL FIRE RESTRICTION ORDER".**

Fire Chief Jay Downs reminded the city council for at least the last eight to nine years they have adopted firework restrictions. Timing of approving the restrictions has become a problem because the state has informed the department the restrictions need to be in place in May of each year. Locally, in April and May, it is typically wet that time of year and hard to make a determination of what might happen in July. After talking to other fire departments it has been recommended an Ordinance be adopted. The proposed boundaries are the same as in the past but can be amended by the council when needed. If a fire starts in the city and goes into the mountains the city can be held financially responsible. A fire-retardant load dropped by an airplane during a wildfire typically costs \$50,000 to \$75,000 per load. The intent of the



Ordinance is to be proactive and have something in place. The fire department won't have to make a fire restriction request on a yearly basis.

Jon asked if a firework restriction map would be provided? Chief Downs replied a map will be posted and the area of the limits defined. The restriction only applies within the city limits not in the county. The State of Utah Forrester handles restrictions in the unincorporated areas of the state.

Curtis asked how this Ordinance will be enforced. Will fireworks be taken away from people who don't comply? Chief Downs replied it should be easier to deal with now that it is an Ordinance. Police Chief Travis Allen stated it would make it easier for his department to enforce.

Mayor Monson suggested if the Ordinance is adopted the information is put out to the residents as quickly as possible where July 4<sup>th</sup> is coming soon.

*\*\*\*The public hearing was opened at 7:43 P.M.\*\*\**

There were not any comments or questions.

*\*\*\*The public hearing was closed at 7:43 P.M.\*\*\**

<b>DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 22-12.</b>
---

*\*\*\*A motion to adopt Ordinance 22-12, an Ordinance amending the Smithfield City Municipal Code Title 8 "Health and Safety" by adding in its entirety Section 8.04.061 "Annual Fire Restriction Order" was made by Wade, seconded by Jon and the vote was unanimous.\*\*\**

Yes Vote: Wall, Hyer, Hunsaker, Wells, Campbell  
No Vote: None

<b>DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 22-08, AN ORDINANCE AMENDING THE SMITHFIELD CITY MUNICIPAL CODE TITLE 17 "ZONING REGULATIONS", BY AMENDING CHAPTER 17.56 "R-1 SINGLE-FAMILY RESIDENTIAL ZONE", SECTIONS 17.56.030 "AREA, WIDTH AND YARD REGULATIONS" AND 17.56.050 "MODIFYING REGULATIONS".</b>
--

Clay mentioned the planning commission reviewed the front setbacks for residential building lots. They felt this Ordinance would allow for more room in the backyard of a home if the front yard setback were made smaller. The Ordinance would allow people to have more options in regard to setbacks.

Mayor Monson mentioned a bigger backyard would be possible with this Ordinance. Clay stated that is correct. The backyard could be bigger and the front yard smaller.

Sue mentioned this will not save water as some people have stated because simply moving the home forward does not create less yard space overall in the yard. The same amount of yard will be watered.

Curtis asked why this Ordinance was created? What is the reasoning behind the Ordinance? Clay replied he was not aware of a specific situation other than the planning commission created the Ordinance.

Mayor Monson mentioned it appears driveways will now be shorter resulting in possible parking issues. Clay replied the planning commission dealt with that concern by having the garage have a setback of twenty-five feet where the home can go down to twenty feet.

Curtis asked where a setback is measured from? Clay replied the property line.

Clay mentioned in a PUD (Planned Unit Development) and MPC (Master Planned Community) Zone the front setback is twenty feet.

Mayor Monson asked why the front setback is a concern to the planning commission? Clay replied he did not know that answer other than they felt it would allow more room in the backyard. Jon replied a couple of the other zones have a twenty-foot front setback as well. Xeriscaping is easier in a front yard than a backyard where children play so by having a smaller front yard this would allow for more room for the children in the backyard of a home.

Curtis stated he still would like to know the exact reasoning behind why this Ordinance was created.

\*\*\*A motion to adopt Ordinance 22-08, an Ordinance amending the Smithfield City Municipal Code Title 17 “Zoning Regulations”, by amending Chapter 17.56 “R-1 Single Family Residential Zone”, Sections 17.56.030 “Area, Width and Yard Regulations” and 17.56.50 “Modifying Regulations” was made by Deon, seconded by Wade and the motion passed by a vote of 4-1.\*\*\*

Yes Vote: Wall, Hunsaker, Wells, Campbell

No Vote: Hyer

<b>CONTINUED DISCUSSION ON THE CREATION OF AN ARTS COUNCIL.</b>
---

Mayor Monson mentioned a blast had been put out to the city asking for volunteers. Two residents responded stating they are willing to help. The goal is to create a committee of volunteers who will help provide additional opportunities in the city for people to participate in.

Curtis asked if the volunteers are creating the program or what the process will be? Mayor Monson replied she would like the committee to come up with the ideas of what they want to see which might include a farmers market or arts in the parks event.

Mayor Monson will assist the committee but wants the committee to come up with the ideas of the programs they would like to put on.

Mayor Monson informed the council Rec Center Director Brett Daniels does not have time to be involved in this committee but supports what the committee will do.

Curtis asked if the \$1,500 included in the budget for this project is to help gather ideas? Mayor Monson replied the funds could possibly be used for advertising but the initial intent is to have all of the programs done for free by volunteers. The intent is for the community to be able to come together for some different events.

Jon asked the mayor how many people she would like on the committee? Mayor Monson replied she was hoping to have five. Jon asked if they would all be volunteers? Mayor Monson replied that is correct.

Jon mentioned the Tree Committee was created by ordinance does this group need to be created the same way? Craig replied that is up to the council to determine the structure of the committee.

Curtis stated he still had concerns as there are too many gray areas for him. There are only two volunteers when five are needed. Exactly what is going to be done is unknown. Mayor Monson stated she was asking for the support of the council to create a committee for them to come up with some ideas. Curtis replied he wanted a plan in black and white before he could fully support the request.

Curtis asked how this group would advertise what they are doing? Mayor Monson replied on Facebook, Instagram and through the email system of the city.

Curtis asked if only two people responded to the last request for help on the committee? Mayor Monson replied that was correct.

Curtis stated he would support the request but five members are needed on the committee for it to start.

Curtis mentioned the Rec Center and Nicole Zollinger and the Smithfield Chamber of Commerce are too busy to help with this committee so other residents will need to be contacted to help.

Curtis mentioned his concern is he believes at least 70% of the city doesn't read the emails sent out by the city or follow the city's social media posts. Mayor Monson replied word of mouth will help spread the word as well.

Curtis mentioned this would be a great item to include in an upcoming newsletter.

Jon stated he would support an arts council committee as it could be a benefit to the city.

Wade stated he would support the idea behind an arts council but did not want a lot of money being spent on it. Mayor Monson replied her goal is to find community events that will bring people together at no cost.

Deon stated he supported the creation of an arts council but had a couple of concerns. Having a concert at the park on the highway is very noisy and not a great place to host an event. The city does not have great outdoor options for venues for events like this. The city has many buildings which can be utilized but hosting events outside could be a problem. Spending money on this committee was another concern.

Sue stated she supported the creation of the committee as it will be great for the city.

The consensus of the city was to allow the mayor to create an Arts Council.

<b>DISCUSSION ON A NEW CITY LOGO.</b>
---------------------------------------

Mayor Monson presented two new logos to the city council for consideration.

Jon asked who created the logos? Mayor Monson replied graphic design artist Michelle Monson.

Mayor Monson mentioned they are just a starting point and they can be modified in anyway and the colors changed if the council likes the design.

Wade stated there will never be a consensus on a new logo. The fields, cut hay, trees and Flat Top Mountain are nice but are not where the city is at currently. Mayor Monson concurred.

Wade stated the round logo proposal was okay but he did not like the rectangle proposal.

Jon stated he was unsure of both proposed logos but did not like the rectangular proposal.

Curtis stated he did not support either proposed logo. Curtis felt the proposed logos were too simple.

Curtis mentioned the Rec Center, golf course and fire department all have their own logos. Where will the new logo go? On police cars? Public works vehicles? Business cards? Craig replied the intent would be to replace the logo on business cards, letterhead, etc. over a period of time as new items are ordered. The police department does not have the logo on their vehicles.

Curtis asked where the current logo is mainly used? Craig replied at the city office and public works.

Mayor Monson mentioned one of the problems with the current logo is it is hard to embroider because it is so complex. Craig concurred.

Sue mentioned she liked the rectangular proposal.

Curtis asked if the rectangular proposal was supposed to represent Flat Top Mountain and trees? Mayor Monson replied that is correct.

Curtis asked if the new logo will be used citywide or just in the areas it is currently used? Mayor Monson replied it would only be used in the current areas it is used. The intent is to have a new logo which represents where the city currently is.

Mayor Monson mentioned the reason a black and white version of each logo was created was for the ease of copying onto items. The intent is to have a color logo and use the black and white logo for copying or transferring onto other item purposes.

Deon stated his preference is to keep the current logo over the two proposed logos.

Deon suggested having a citywide competition with residents submitting proposals for a new logo. Maybe a small prize could be given to the winner. Jon replied he supported that idea and would prefer residents submit proposals for consideration.

Curtis stated in reviewing other local city logos the year the city was established was included in the logo.

Wade mentioned most other local cities include some of their history in their logo.

Wade mentioned he was not a fan of either proposal but if he had to choose one over the other, he would go with the round option.

Wade agreed with Deon and Jon that the city should ask the residents to help design a new logo.

Jon stated where the majority of the council did not like the proposed logos. Other ideas should be considered and they should come from the residents. Mayor Monson mentioned the city could request new concepts be submitted for a month and then they could be reviewed. Wade replied this is a good way to get the residents of the city engaged in a topic.

Jon mentioned if a newsletter is sent out the current logo could be included and then some verbiage about the city is looking to update its logo and is asking for resident input on the new logo. Justin mentioned the city has email addresses for approximately seventy percent of the accounts in the city. The city also posts on Facebook and Instagram so the word can be easily spread.

The consensus of the council was to send out a notification asking the residents to submit new logo concepts through the end of July for consideration.

<b>DISCUSSION AND POSSIBLE VOTE ON AMENDMENTS TO THE EMPLOYEE PERSONNEL MANUAL.</b>
---

Craig reviewed proposed changes to the following areas in the personnel manual:

Drug and Alcohol Testing  
Public Works Department and Parks Division On-Call Policy  
Medical Insurance  
Dress and Hygiene Standards  
Outside Employment

Jon asked who safety sensitive employees are? Craig replied the fire and police departments.

Wade asked if current employees are exempt from the outside employment changes? Craig replied it has always been mandatory employees notify the city of outside employment. The proposed change would be required of all employees. Currently, there are not issues in this regard but the verbiage would be made clearer so employees know what they are required to report to the city in this regard.

\*\*\*A motion to adopt amendments to the Smithfield City Employee Personnel Manual was made by Wade, seconded by Sue and the vote was unanimous.\*\*\*

Yes Vote: Wall, Hyer, Hunsaker, Wells, Campbell

No Vote: None

<b>CONTINUED DISCUSSION AND UPDATE ON GARBAGE SERVICE.</b>
--

Mayor Monson informed the council she virtually attended a meeting of the local mayors on Monday, June 13<sup>th</sup> regarding the proposed valley wide garbage agreement. It is a nineteen-member consortium. The working group is making progress on a proposal but it is slow.

Deon asked if the unincorporated areas of the county are included in this group as well? Mayor Monson replied they are included.

Mayor Monson mentioned the city has three options for garbage service. One being staying with the nineteen-member consortium. Two, doing the service on its own. Three, teaming up with another local community or communities to offer the service.

Right now the focus of the consortium is the transfer of garbage not the actual garbage cans or the service of the cans.

The county sent the city a letter notifying them the previous agreement will be cancelled in June 2023.

Mayor Monson mentioned one of the concerns all along has been what about the smaller communities. What happens to them if the larger communities go on their own? Mayor Monson stated it is a tough decision but each entity needs to do what is best for their own community.

Deon mentioned he was on the landfill site committee which was tasked with finding a location for the new landfill. Ultimately, the Clarkston site was selected. It was a hard decision because nobody wanted the landfill in their community. Fifteen possible site locations were considered.

Deon was the chairman of the committee for two years.

Deon stated one of his biggest concerns is he does not want to see Smithfield subsidizing other local cities or towns. Being part of the consortium could make that happen.

Deon mentioned he did not think the residents want the city to be part of a group they have no control over.

Deon stated his preference was to work with a small group of geographically close cities such as Hyde Park, North Logan or Richmond. The north end of the valley does not need a transfer station and should not have to pay the cost of one that is needed to service the residents in the south end of the valley.

Jon stated it will be hard to get all nineteen entities on the same page in the same agreement. Whether the city goes into business itself or hires a private contractor time is needed to order equipment, hire employees and build new buildings.

Jon did not support subsidizing other cities as part of a consortium.

Wade stated he did not support subsidizing other communities as well. Being part of a large group will most likely result in some sort of shared cost and Wade did not support that concept. Wade stated he supported the city doing the service itself or possibly combining with another local entity if the price was right.

Wade asked Craig if the city has land to build buildings on and offer this service? Craig replied the city has some land and it could be reviewed to see if this service could function on that property.

Sue stated she supported the most cost-effective option.

Wade stated the city needs to look at all options and determine which one is the best and most cost effective.

Curtis suggested combining with other local communities might be an option to help entice a private contractor to come to the valley and offer the service. Craig mentioned the consortium learned from three private contractors they have no intention of coming into the valley unless they can obtain service from all nineteen entities. A long-term contract would be required as land would need to be purchased and facilities built.

Craig mentioned the two cities south of Smithfield support the consortium agreement and he did not see them having an interest in joining with Smithfield only.

Jon asked what options should be considered? Craig replied he would like to see a rate study completed so the council would know the cost of the options. Zions Public Finance could do a study for the city and provide cost estimates. Mayor Monson stated the residents need to know the costs before an option is considered and selected.

Craig mentioned the consortium has no interest in varied pricing from community to community. They want a standard price per can and would charge the same amount to everyone. Jon replied he did not support that fee schedule as some cities would be subsidizing other cities. Each city should pay their own cost.

Craig mentioned every local entity is included in the consortium except for Logan City. At this time, the consortium is not considering privatized garbage service they would offer the service themselves.

Craig informed the council Logan City is willing to sell the landfill for fifty million dollars.

Craig said he did some research and found out a transfer station was recently built at a cost of forty million dollars.

The consortium would have to invest ninety million dollars for the landfill and transfer station and that does not include equipment, garbage cans or employee costs.

Jon asked how fast a rate study can be completed? Craig replied it will take several months as it is a complex study.

Mayor Monson stated the city is still part of the consortium but felt a rate study should be completed so the residents know the options the council considered.

The consensus of the city council was to have a rate study completed for garbage service in the city.

<b>CITY MANAGER REPORT</b>
----------------------------

Craig mentioned the manholes for the 600 West sewer project should arrive in the next week or two. The creek crossing portion of the project is scheduled for the week of July 4<sup>th</sup>.

The wellhouse project is currently out to bid for the new well. The intent is to award the project in July.

Curtis asked for an update on the 250 East 600 South roundabout project. Craig replied right now it is in the design phase. The construction portion of the project should happen in the summer of 2023.

The council reviewed the Fraud Risk Assessment form as required on a yearly basis for the upcoming audit.

The council reviewed the Ethical Behavior Pledge form as required on a yearly basis.



<b>COUNCIL MEMBER REPORTS</b>
-------------------------------

Wade mentioned the library board had not recently met because they are on their summer schedule.

Wade mentioned ambulance service is doing better than projected from a budgetary perspective with an approximate revenue increase of \$99,000.

Jon mentioned the seniors are on their summer schedule where they meet every other week rather than every week. The budget was increased a little bit in the new fiscal year to help offset the rising cost of food. Around 70 people are fed on a weekly basis.

The Historical Preservation Commission met on Monday, June 6<sup>th</sup> and Jon was voted in as the new president.

Jon asked Craig to review the city code and let him know if this was allowed where he is a council member.

The committee reviewed projects which the RAPZ Tax funds could be utilized on. After discussion, the committee would like to use the funds for soffit, fascia, rain gutters, doors and windows.

Mayor Monson asked where the final costs came in on the roof project for the Douglass Mercantile building? Jon replied the city ended up paying about one thousand dollars of the cost because the grant paid the rest of the cost. The state was pleased the project was completed before the end of the fiscal year.

Craig asked for clarification on what projects were applied for on the RAPZ Tax application as he thought the application was for renovation of the restroom area and interior of the building. Jon replied he did not fill out the application or submit it so he would have to review it to make sure the committee stays in compliance.

Craig stated the application was for \$150,000 and \$30,000 was awarded. The projects which can be completed are only the ones applied for and listed in the application.

Deon mentioned as activities at Forrester Acres continue to grow parking will continue to become a worse problem. Right now, there are major parking problems when the Blue Sox baseball team plays.

Sue mentioned Preston Watts Collision and Glass is flipping the strip on 100 South Main from grass to xeriscaping. Mayor Monson mentioned some fruit trees are being planted as part of the project. A mural is being painted on the building showing some flowers and Birch Canyon as part of the project.

Curtis mentioned the twenty-year life of the RAPZ Tax program is coming to an end. Craig mentioned the staff is aware but has not yet been provided any documentation on the renewal of the program.

Curtis asked if the city has any responsibility in the LDS temple project? Craig replied the city does not. Everything is the responsibility of the contractor and property owner.

Curtis mentioned the Rec Center is struggling to find enough scorekeepers and referees for their programs.

## **MAYOR'S REPORT**

Mayor Monson mentioned she would like to discuss the property tax rate for the city.

Mayor Monson mentioned after reviewing financial information she did not feel it was appropriate to hold the property tax rate the same this year. An increase to the culinary water rate has already been approved, an increase to the sewer utility rate is coming soon and it is unknown what will happen with the garbage utility rate.

Craig mentioned it is already known the treatment portion of the sewer utility fee will be increasing. A rate study is needed to determine if the collection portion of the sewer utility fee needs to be increased.

Mayor Monson stated she did not support holding the property tax rate this year with significant increases coming in these other areas which must be approved.

Jon asked if the sewer utility rate will go up when the new Logan City sewer plant comes online? Craig stated that is correct. The original proposal showed a fifty percent increase was needed. The city has already implemented a thirty-five percent increase. The city has been waiting for the final numbers from the latest rate study so the last increase could be implemented. The collection system of the city is aging and needs to be upgraded. There is not enough revenue coming into the sewer fund to pay for large capital project expenses.

Jon asked if impact fees will be reviewed as part of the sewer rate study? Craig replied that is correct.

Mayor Monson asked the last time an impact fee study was done? Justin replied the collection system impact fee was adjusted two years ago.

Craig mentioned after review with the staff and mayor the staff felt it was appropriate not to hold the property tax rate this year and review again next year due to the increases coming in other areas.

Craig mentioned the staff has to know what to tell the county for advertising purposes as they will start to prepare the notices and mail items. Justin explained he was contacted by the county and the state allows the cities to decide what they want to do from June 8<sup>th</sup> through June 22<sup>nd</sup>.

Deadlines have to be met in regard to advertising and that is why there is a sense of urgency to decide how the council wants to proceed.

Curtis asked Mayor Monson when she made the decision, she no longer wanted to hold the Truth in Taxation hearing? Mayor Monson replied on Monday, June 20<sup>th</sup> because she had been on vacation previous to that for several days. Curtis replied he did not like being caught off guard with a request like this and the mayor should have reached out to each council member individually over the last two days to gather their thoughts. Mayor Monson replied she was not aware of the June 22<sup>nd</sup> deadline or she would have reached out to the council sooner.

Jon asked what the associated mailing cost would be for the hearing information? Justin replied he was not sure but he would estimate a couple of thousand dollars. The city works with the county on the mailings for this type of hearing.

Mayor Monson mentioned she talked to a couple of mayors who are going to ask for a ten percent increase rather than holding the rate. Justin mentioned Lewiston has held the rate the same for about the last decade. This year they are not going to because of the large changes in valuations. The majority of the valley is not holding the rate this year.

Wade stated he could not make a decision as no information had been presented to him to make an informed choice.

*\*\*\*The council took a short recess at 9:07 P.M.\*\*\**

*\*\*\*The council meeting was reconvened at 9:21 P.M.\*\*\**

Justin supplied the council with the following information:

In 2020, the average property tax value in the county increased 8%.  
In 2021, the average property tax value in the county increased 18%.  
In 2022, the average property tax value in the county increased 30%.

The council members and mayors property valuations were increasing the following amounts:  
19%, 23%, 78%, 22%, 16% and 28%.

The amount of property tax revenue collected in 2021 was \$1,266,355.

If the certified tax rate is adopted in 2022, the city will receive \$1,342,584 in property tax revenue or an increase of \$76,229 over the previous year.

If the tax rate from 2021 is held the same this year, the city will receive \$1,686,896 in property tax revenue or an increase of \$420,541 over the previous year. This equates to an average increase of 25.61% or \$77.86 per household per year.

Justin did a random sampling of thirteen properties in the city and the city only property tax increase would be the following if the rate from 2021 is held above the certified tax rate: \$73.96,

\$59.26, \$126.97, \$55.27, \$106.29, \$48.82, \$243.11, \$139.04, \$151.61, \$96.52, \$120.35, \$110.93 and a commercial business at \$1,476.98. Deon wanted to clarify this is the city only portion and does not include possible increases from the school district, county or other entities.

Wade mentioned he would support the increase if it were what is needed for police, fire and public works to maintain their departments.

Jon stated the public works department is still short one employee.

Wade mentioned the cost of gasoline and diesel has increased substantially. The taxes on an individual basis are irrelevant. Ambulances and fire trucks in the department are worn out and need to be replaced. Services need to be maintained and it comes at a cost.

Wade stated he regretted not holding the property tax rate in 2021 the same as it was in 2020.

Craig mentioned there are many areas of need. The state auditor does not like fees and is making a focus to try and get rid of them or reduce them. The impact of this is unknown on the public safety utility fee the city currently charges. There are many equipment and building needs. The library needs a new roof now. There are old city owned buildings all over the city which need attention. The federal government is considering suspending the gas tax. If the state suspends the local gas tax it will cripple the roads department of the city.

To redo the five interior roads in the cemetery will cost approximately \$275,000. To redo the exterior cemetery roads will cost approximately \$350,000.

An increase to the garbage rate is most likely coming.

An increase to the sewer utility rate is coming.

Mayor Monson asked the council if they want to hold the same property tax rate as last year or use the auditor's certified tax rate.

Wade stated even though it is very uncomfortable he wants to hold the same tax rate as last year. Nothing the city purchases is getting cheaper even if a recession is coming. Some sort of increase is reasonable even if it is not the full amount.

Curtis stated the council worked hard to get the rate where it is at and he would prefer to hold the Truth in Taxation hearing.

Wade stated it is not his concern what other cities are doing. The council needs to do what is best for Smithfield and that number is most likely somewhere between \$1,342,584 and 1,686,896. It is uncomfortable but is it the right thing to do.

Jon stated the council was elected to do what is right for the city. The city will receive an increase of \$76,229 if nothing is changed. The city might not need the \$420,541 and can go somewhere in the middle. The hearing should be held to get input from the residents.

Deon stated the rate cannot be determined or voted on until the Truth in Taxation hearing is held.

Sue stated she did not support holding the 2021 rate this year.

Curtis stated he supported holding the hearing.

Curtis mentioned he had a real estate agent look at his house and the value given was \$150,000 higher than the number the county associated with the property.

Mayor Monson mentioned the council will proceed in holding the Truth in Taxation hearing in August.

Craig mentioned the staff will prepare some documentation for the council to review as part of this discussion.

\*\*\**Wade made a motion to adjourn at 9:35 P.M.*\*\*\*

**SMITHFIELD CITY CORPORATION**

---

Kristi Monson, Mayor

**ATTEST:**

---

Justin B. Lewis, City Recorder

**SMITHFIELD CITY CORPORATION**  
**96 South Main**  
**Smithfield, UT 84335**

**AGENDA**

Public Notice is given that the Smithfield City Council will meet in a regularly scheduled meeting at 96 South Main, Smithfield, Utah, on **Wednesday, June 22, 2022**. The meeting will begin at 6:30 P.M.

Welcome and Opening Ceremonies by Mayor Monson

1. Approval of the city council meeting minutes from May 11, 2022.
2. Resident Input
3. Recognition of Barbara Kent for her service as the Director of the Annual Day of Service.
4. Discussion and possible approval of Jack Greene and Jeff Barnes as members of the Tree Committee.
5. Discussion and possible vote on Ordinance 22-10, an Ordinance rezoning a portion of Cache County Parcel Number 08-044-0041 from A-10 (Agricultural 10-Acre) to R-1-12 (Single Family Residential 12,000 Square Feet). The parcel is approximately 16.54 acres of which 7.46 acres is already zoned R-1-12. The parcel is located at approximately 510 East 600 North and the acreage being requested to be rezoned is approximately 9.08 acres.
6. Discussion and possible vote on Ordinance 22-09, an Ordinance rezoning Cache County Parcel Number 08-044-0068 from R-1-10 (Single Family Residential 10,000 Square Feet) to RM (Multiple Family Residential). The parcel is located at approximately 460 North Main and is approximately 1.06 acres.
7. Discussion and possible vote on receiving the Certification of Annexation from the City Recorder for the Annexation request by Heritage Land Development for Parcel Numbers 08-043-0015, 08-042-0012, 08-042-0013, 08-042-0014, 08-042-0015 and 08-043-0041. The parcels are located at approximately 600 North 400 West. The parcels total approximately 28.8 acres. The Public Hearing on the annexation request will be held on Wednesday, July 13, 2022 no sooner than 6:45 P.M.
8. **WITHDRAWN** Discussion and possible vote on the waiver request of Smithfield City Municipal Code 17.12.080 “Wall, Fence or Hedge”, by The Family Place, to allow for a six-foot privacy fence around playground equipment at 502 South Main.
9. Public Hearing on Resolution 22-07, a Resolution amending the Fiscal Year 2022 Budget which is the period of July 1, 2021 through June 30, 2022.

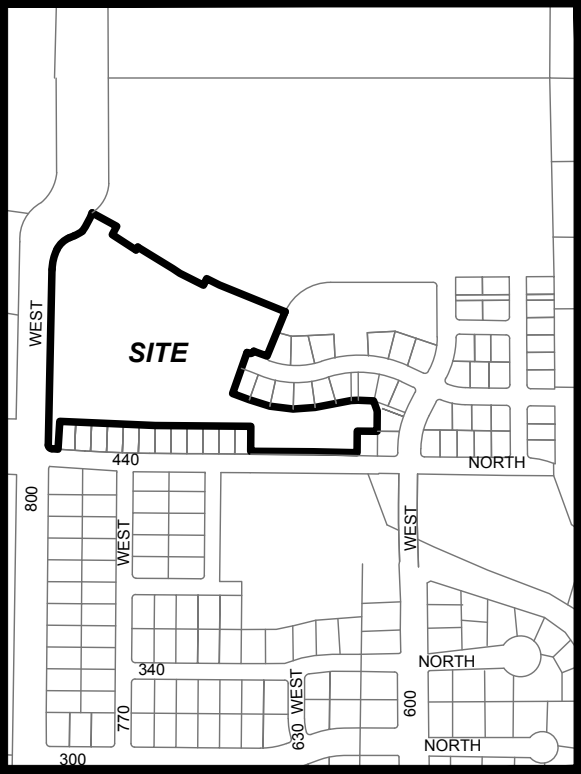
10. Discussion and possible vote on Resolution 22-07.
11. Discussion and possible vote on Resolution 22-08, a Resolution adopting the Fiscal Year 2023 Budget which is the period of July 1, 2022 through June 30, 2023.
12. Public Hearing for the purpose of discussing Ordinance 22-12, an Ordinance amending the Smithfield City Municipal Code Title 8 “Health and Safety” by adding in its entirety Section 8.04.060 “Annual Fire Restriction Order”.
13. Discussion and possible vote on Ordinance 22-12.
14. Discussion and possible vote on Ordinance 22-08, an Ordinance amending the Smithfield City Municipal Code Title 17 “Zoning Regulations”, by amending Chapter 17.56 “R-1 Single-Family Residential Zone”, Sections 17.56.030 “Area, Width and Yard Regulations” and 17.56.050 “Modifying Regulations”.
15. Continued discussion on the creation of an Arts Council.
16. Discussion on a new city logo.
17. Discussion and possible vote on amendments to the Employee Personnel Manual.
18. Discussion and possible vote on Resolution 22-09, a Resolution updating the Prevailing Fee Schedule of the City.
19. Continued discussion and update on garbage service.
20. City Manager Report
21. Council Member Reports

Adjournment

**\*\*\*Items on the agenda may be considered earlier than shown on the agenda.\*\*\***

In accordance with the Americans with Disabilities Act, individuals needing special accommodation for this meeting should contact the City Recorder at (435) 792-7990, at least three (3) days before the date of the meeting.



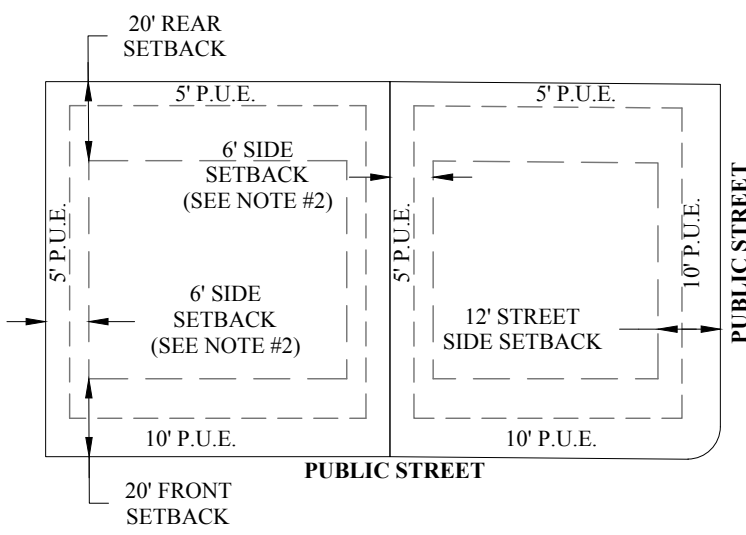


VICINITY MAP

- NOTES:**
- #5 REBAR & CAP TO BE SET AT ALL REAR LOT CORNERS. NAIL/WASHER TO BE SET IN THE TOP OF THE CURB AT THE EXTENSION OF THE SIDE LOT LINES.
  - CURRENT ZONE: SINGLE-FAMILY RESIDENTIAL.
    - SETBACKS:
      - FRONT: 20'
      - BACK: 20'
      - SIDE: 6' (WITH 15' BETWEEN HOUSES) STREET SIDE: 12'
  - THE SANITARY SEWER GENERATED BY THE LOTS ON THIS PLAT SHALL FLOW TO A PRIVATE LIFT STATION, WHICH SHALL BE OPERATED AND MAINTAINED BY THE HOME OWNERS ASSOCIATION (HOA), FOX MEADOWS OWNERS ASSOCIATION.
  - LOTS: 35
  - OPEN SPACE PARCELS: 2
  - OPEN SPACE PARCELS 1 & 2 ARE NON-BUILDABLE PARCELS HEREBY DEDICATED TO, AND MAINTAINED BY THE PROJECT HOA. TRAILS LOCATED ON THESE PARCELS SHALL BE ACCESSIBLE TO PUBLIC USE. THE OPEN SPACE PARCELS, ARE SUBJECT TO A BLANKET EASEMENT OVER, ACROSS, ABOVE, AND UNDER THEM FOR INGRESS, EGRESS, INSTALLATION, MAINTENANCE, REPAIR, AND REPLACEMENT OF UTILITIES SERVICING THE PROPERTY. UTILITIES INCLUDE, BUT ARE NOT LIMITED TO: WATER, SEWER, DRAINAGE, GAS, TELEPHONE, CABLE, INTERNET, AND POWER.
  - SMITHFIELD CITY SHALL HAVE THE RIGHT, BUT NOT THE DUTY, TO REQUIRE, AND IF NECESSARY, PERFORM OR CAUSE TO BE PERFORMED, AT THE EXPENSE OF THE OWNER OF THE OPEN SPACE AND OTHER PRIVATE AREA(S), INCLUDING CLUBHOUSE, POOL AND OTHER RECREATION FACILITIES, (HOA, HEREINAFTER), ALL LANDSCAPING, SNOW REMOVAL, AND OTHER UPKEEP AND MAINTENANCE SERVICES, AS APPLICABLE, WITHIN THE OPEN SPACE AREAS, IF THE HOA FAILS ADEQUATELY TO PERFORM SUCH TASK. THE CITY MAY TAKE THESE ACTIONS WHEN ASKED TO ASSUME RESPONSIBILITY FOR SUCH UPKEEP AND MAINTENANCE TASKS BY THE HOA AND THE CITY COUNCIL MAY ALSO TAKE SUCH ACTIONS WHEN IT DETERMINES THE NEED BASED ON A PATTERN OF NEGLECT AND LACK OF MAINTENANCE AND AFTER MEETING THE PROCEDURES OUTLINED IN THE COVENANTS, CONDITIONS AND RESTRICTIONS (CC&RS), RECORDED CONCURRENTLY WITH THIS FINAL PLAT. IN THE EVENT SMITHFIELD CITY EXERCISES THIS RIGHT, THE CITY SHALL BE ENTITLED TO ASSESS AND COLLECT THE NECESSARY HOA FEES AND RECOVER ANY ASSOCIATED COSTS AND ATTORNEYS FEES. THIS NOTATION SHALL NOT BE AMENDED OR DELETED WITHOUT THE APPROVAL OF SMITHFIELD CITY. SMITHFIELD CODE 17.88.140(A)(6)(j)

LEGEND

ROADWAY DEDICATION AREA  
(3867 +/- s.f.)



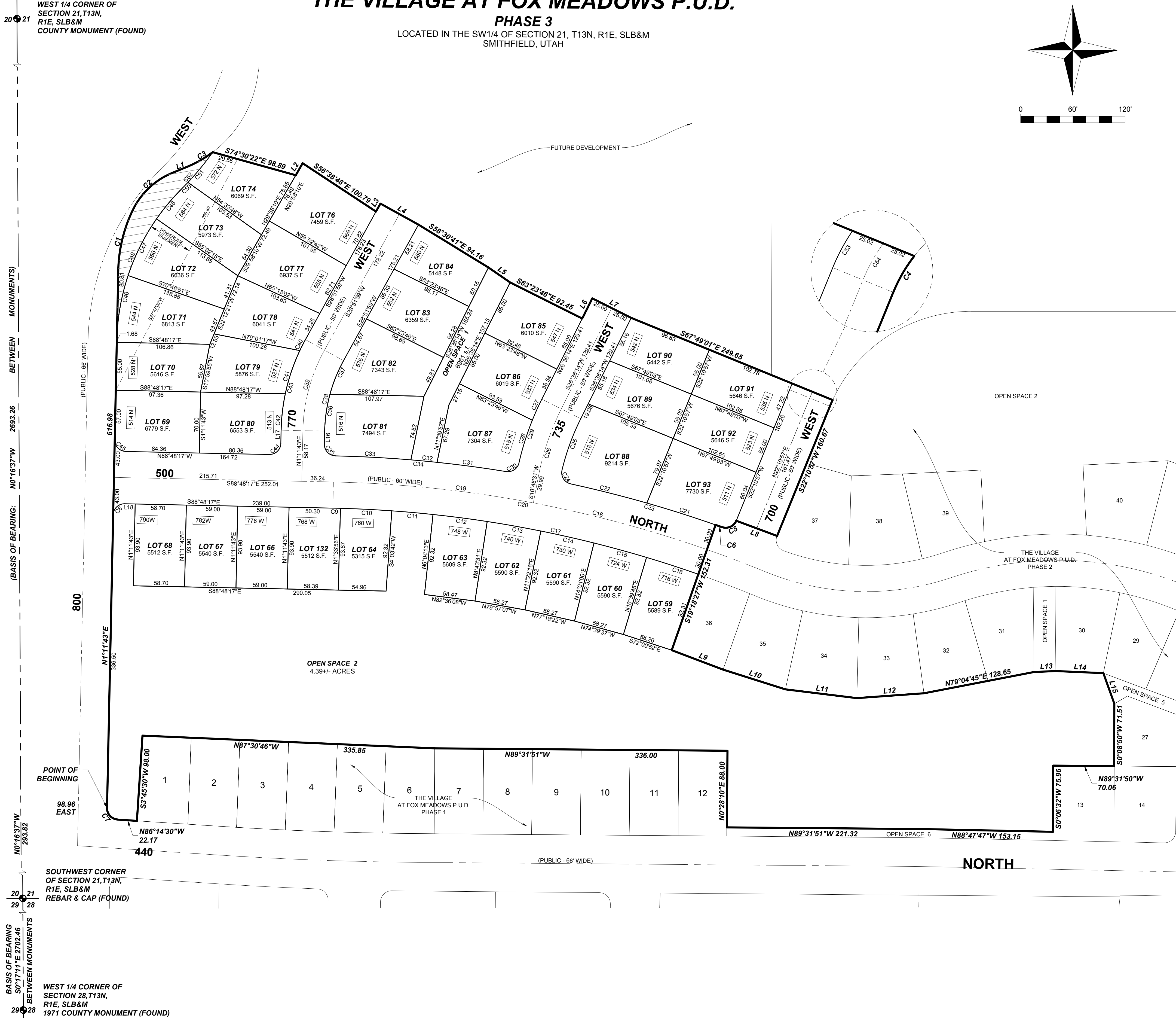
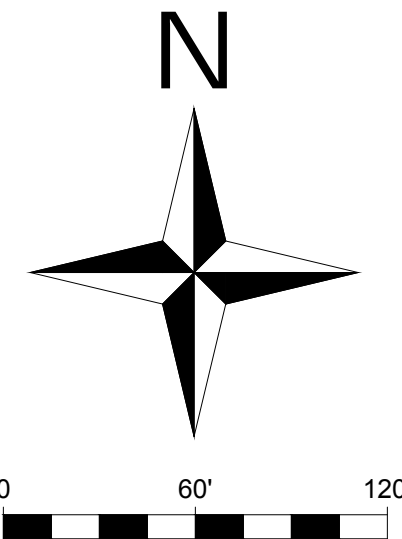
RECORDED #  
STATE OF UTAH, COUNTY OF CACHE, RECORDED AND FILED AT THE REQUEST OF:

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_

\$ FEE \_\_\_\_\_  
CACHE COUNTY RECORDER

FINAL PLAT  
OF  
**THE VILLAGE AT FOX MEADOWS P.U.D.**  
PHASE 3

LOCATED IN THE SW1/4 OF SECTION 21, T13N, R1E, SLB&M  
SMITHFIELD, UTAH



**SURVEYOR'S CERTIFICATE**  
I, DENNIS P. CARLISLE, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 172675 IN ACCORDANCE WITH TITLE 58, CHAPTER 22 OF UTAH STATE CODE. I FURTHER CERTIFY BY AUTHORITY OF THE OWNER(S) THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17 OF SAID CODE, AND HAVE ALSO SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREETS, AND EASEMENTS, AND THE SAME HAS, OR WILL BE CORRECTLY SURVEYED, STAKED AND MONUMENTED ON THE GROUND AS SHOWN ON THIS PLAT, AND THAT THIS PLAT IS TRUE AND CORRECT.

DENNIS P. CARLISLE  
PROFESSIONAL LAND SURVEYOR  
CERTIFICATE NO. 172675

**BOUNDARY DESCRIPTION**  
A portion of the SW1/4 of Section 21, Township 13 North, Range 1 East, Salt Lake Base & Meridian, Smithfield, Utah, more particularly described as follows:  
Beginning at a point on the westerly line of THE VILLAGE AT FOX MEADOWS P.U.D., Phase 1, according to the Official Plat thereof on file in the Office of the Cache County Recorder, located N0°16'37"W along the Section line 293.82 feet and East 98.96 feet from the Southwest Corner of Section 21, T13N, R1E, S.L.B.&M. (Basis of Bearing: S0°17'11"E along the Section line between the Southwest Corner of Section 21 and the West 1/4 Corner of Section 28); then N1°11'43"E 616.98 feet; then along the arc of a 167.00 foot radius curve to the right 71.99 feet through a central angle of 24°42'01" (chord: N13°32'44"E 71.44 feet) to a point of compound curvature; then along the arc of an 87.00 foot radius curve to the left 63.40 feet through a central angle of 41°45'04" (chord: N46°46'16"E 62.00 feet); then N67°38'48"E 18.36 feet; then along the arc of a 133.00 foot radius curve to the left 34.12 feet through a central angle of 14°41'48" (chord: N60°17'54"E 34.02 feet); then S74°30'22"E 98.89 feet; then N29°58'10"E 15.82 feet; then S56°38'48"E 100.79 feet; then N28°51'59"E 10.44 feet; then S61°06'17"E 50.00 feet; then S58°30'41"E 94.16 feet; then S55°30'13"E 30.29 feet; then S63°23'49"E 92.45 feet; then N26°36'14"E 25.86 feet; then S63°23'46"E 50.00 feet; then S67°49'01"E 249.65 feet; then Southwesterly along the arc of a 175.00 foot radius non-tangent curve (radius bears: S65°16'08"E) to the left 7.78 feet through a central angle of 2°32'55" (chord: S23°27'25"W 7.78 feet); then S22°10'57"W 160.67 feet; then N69°38'31"W 50.02 feet; then Southwesterly along the arc of a 13.00 foot radius non-tangent curve (radius bears: N67°49'03"W) to the right 19.84 feet through a central angle of 87°26'14" (chord: S65°54'04"W 17.97 feet) to a point of reverse curvature; then along the arc of a 1,414.00 foot radius curve to the left 7.71 feet through a central angle of 0°18'44" (chord: N70°32'16"W 7.71 feet); then S19°18'27"W 152.31 feet; then S69°16'20"E 63.04 feet; then S72°24'16"E 75.01 feet; then S83°01'14"E 82.67 feet; then N85°51'56"E 77.25 feet; then N79°04'45"E 128.65 feet; then N87°28'06"E 25.02 feet; then S87°30'49"E 54.69 feet; then S19°40'34"E 37.35 feet; then S0°08'50"W 71.51 feet; then N89°31'51"W 221.32 feet to the easterly line of Lot 12 of said P.U.D.; then along said Plat the following 6 (six) courses and distances: N0°28'10"E 88.00 feet; then N89°31'51"W 336.00 feet; then N87°30'46"W 335.85 feet; then S3°45'30"W 98.00 feet; then N86°14'30"W 22.17 feet; then along the arc of a 13.00 foot radius curve to the right 19.84 feet through a central angle of 87°26'13" (chord: N42°31'23"W 17.97 feet) to the point of beginning.  
Contains: 11.22 +/- acres

**OWNER'S DEDICATION**  
KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED ARE THE OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, AND HEREBY CAUSE THE SAME TO BE DIVIDED INTO LOTS, AND STREETS, TOGETHER WITH EASEMENTS AS SET FORTH TO BE HEREAFTER KNOWN AS  
**THE VILLAGE AT FOX MEADOWS P.U.D. PHASE 3**  
AND DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL STREETS AND OTHER AREAS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. THE UNDERSIGNED OWNERS ALSO HEREBY CONVEY TO ANY AND ALL PUBLIC UTILITY COMPANIES A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER THE PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF UTILITY LINES AND FACILITIES. THE UNDERSIGNED OWNERS ALSO HEREBY CONVEY ANY OTHER EASEMENTS AS SHOWN ON THIS PLAT TO THE PARTIES INDICATED AND FOR THE PURPOSES SHOWN HEREON.

LAND HAVEN, INC. \_\_\_\_\_ (SIGNATURE)  
BY: \_\_\_\_\_ (PRINTED NAME)  
ITS: \_\_\_\_\_

**CORPORATE ACKNOWLEDGMENT**  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME \_\_\_\_\_, A NOTARY PUBLIC, PERSONALLY APPEARED \_\_\_\_\_, WHOSE IDENTITY IS PERSONALLY KNOWN TO ME (OR PROVEN ON THE BASIS OF SATISFACTORY EVIDENCE) AND WHO BY ME DULY SWORE/AFFIRMED, DID SAY THAT HE/SHE IS THE \_\_\_\_\_ OF LAND HAVEN, INC., A UTAH CORPORATION, AND THAT SAID DOCUMENT WAS SIGNED BY HIM/HER IN BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS BYLAWS, OR RESOLUTION OF ITS BOARD OF DIRECTORS, HE/SHE ACKNOWLEDGED TO ME THAT SAID CORPORATION EXECUTED THE SAME.

MY COMMISSION EXPIRES: \_\_\_\_\_ NOTARY PUBLIC (SIGNATURE)  
RESIDING IN \_\_\_\_\_ COUNTY  
MY COMMISSION NO. \_\_\_\_\_ (PRINTED FULL NAME OF NOTARY)  
A NOTARY PUBLIC COMMISSIONED IN UTAH

FINAL PLAT  
OF  
**THE VILLAGE AT FOX MEADOWS P.U.D.**  
PHASE 3  
LOCATED IN THE SW1/4 OF SECTION 21,  
T13N, R1E, SLB&M  
SMITHFIELD, UTAH

**civilsolutionsgroup inc.**  
CACHE VALLEY | P: 435.213.3762  
SALT LAKE | P: 801.216.3192  
UTAH VALLEY | P: 801.874.1432  
info@civilsolutionsgroup.net  
www.civilsolutionsgroup.net





FINAL PLAT  
OF  
**THE VILLAGE AT FOX MEADOWS P.U.D.**  
**PHASE 3**  
LOCATED IN THE SW1/4 OF SECTION 21, T13N, R1E, SLB&M  
SMITHFIELD, UTAH



LINE TABLE		
LINE #	BEARING	LENGTH
L1	N67°38'48"E	18.36
L2	S29°58'10"W	15.82
L3	N28°51'59"E	10.44
L4	S81°06'17"E	50.00
L5	S55°30'13"E	30.29
L6	N26°36'14"E	25.86
L7	S63°23'46"E	50.00
L8	N69°38'31"W	50.02
L9	N69°16'20"E	63.04
L10	S72°24'16"E	75.01
L11	S83°01'14"E	82.67
L12	N85°51'56"E	77.25
L13	N87°28'06"E	25.02
L14	N87°30'49"E	54.69
L15	S19°40'34"E	37.35
L16	S1°11'43"W	15.17
L17	N1°11'43"E	15.17
L18	N88°48'17"W	12.00

CURVE TABLE				
CURVE #	RADIUS	DELTA	LENGTH	CHORD
C1	167.00	24°42'01"	71.99	N13°32'44"E 71.44
C2	87.00	41°45'04"	63.40	N46°46'16"E 62.00
C3	133.00	14°41'48"	34.12	N60°17'54"E 34.02
C4	175.00	2°32'55"	7.78	S23°27'25"E 7.78
C5	13.00	87°26'14"	19.84	S65°54'04"W 17.97
C6	1414.00	0°18'44"	7.71	N70°32'16"E 7.71
C7	13.00	87°26'13"	19.84	N42°31'23"E 17.97
C8	13.00	90°00'00"	20.42	S46°11'43"W 18.38
C9	1354.00	0°22'05"	8.70	N88°37'15"W 8.70
C10	1354.00	2°29'48"	59.00	N87°11'18"W 59.00
C11	1354.00	2°00'33"	47.48	N84°56'08"W 47.48
C12	1354.00	2°39'20"	62.75	N82°36'12"W 62.75
C13	1354.00	2°38'47"	62.54	N79°57'08"W 62.53
C14	1354.00	2°38'47"	62.54	N77°18'21"W 62.53
C15	1354.00	2°38'47"	62.54	N74°39'34"W 62.53
C16	1354.00	2°38'47"	62.54	N72°00'39"W 62.53
C17	1354.00	18°06'52"	428.07	S79°44'51"E 426.29
C18	1384.00	8°33'04"	206.56	N74°57'58"W 206.36
C19	1384.00	9°33'47"	231.00	N84°01'23"W 230.73
C20	1384.00	18°06'51"	437.56	N79°44'51"W 435.74
C21	1414.00	3°40'03"	90.51	S72°12'51"E 90.50
C22	1414.00	3°39'30"	90.29	S75°52'30"E 90.27
C23	1414.00	7°19'32"	180.79	S74°02'34"E 180.66
C24	13.00	91°11'40"	20.69	S32°06'25"E 18.58
C25	275.00	13°06'49"	62.94	S20°02'49"W 62.80
C26	300.00	15°50'42"	82.96	S18°40'52"W 82.70
C27	325.00	4°40'09"	26.49	N24°16'09"E 26.48
C28	325.00	9°03'20"	51.37	N17°24'24"E 51.31
C29	325.00	13°43'29"	77.85	S19°44'29"W 77.67
C30	13.00	86°21'46"	19.60	N56°03'37"E 17.79
C31	1414.00	3°14'30"	80.00	S82°22'54"E 79.99
C32	1414.00	1°13'23"	30.18	S84°36'41"E 30.18
C33	1414.00	3°30'48"	86.71	S86°58'39"E 86.69
C34	1414.00	7°58'41"	196.89	S84°44'50"E 196.73
C35	13.00	89°55'53"	20.40	S43°46'14"E 18.37
C36	175.00	14°00'10"	42.77	S8°11'48"W 42.66
C37	175.00	13°40'06"	41.75	S22°01'56"W 41.65
C38	175.00	27°40'16"	84.52	N15°01'51"E 83.70
C39	200.00	27°40'16"	96.59	S15°01'51"W 95.65

CURVE TABLE				
CURVE #	RADIUS	DELTA	LENGTH	CHORD
C40	225.00	3°35'52"	14.13	N27°04'03"E 14.13
C41	225.00	13°21'37"	52.47	N18°35'19"E 52.35
C42	225.00	10°42'48"	42.07	N6°33'07"E 42.01
C43	225.00	27°40'16"	108.66	N15°01'51"E 107.61
C44	13.00	90°00'00"	20.42	N46°11'43"E 18.38
C45	13.00	90°00'00"	20.42	S43°48'17"E 18.38
C46	254.00	17°13'56"	76.39	S9°48'41"W 76.11
C47	254.00	16°28'09"	73.01	S26°39'44"W 72.76
C48	254.00	10°05'18"	44.72	S39°56'27"W 44.66
C49	254.00	43°47'23"	194.13	S23°05'24"W 189.44
C50	320.00	1°53'51"	10.60	S44°17'51"W 10.60
C51	320.00	8°02'22"	44.90	S39°19'45"W 44.86
C52	320.00	9°56'13"	55.50	N40°16'40"E 55.43
C53	225.00	1°58'55"	7.78	N23°10'25"E 7.78
C54	200.00	2°13'48"	7.78	S23°17'51"W 7.78

**ENGINEER'S APPROVAL**  
I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND IT TO BE CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE AND THE CITY ORDINANCE.

CITY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

**ATTORNEY APPROVAL**  
APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

CITY ATTORNEY \_\_\_\_\_ DATE \_\_\_\_\_

**PLANNING COMMISSION APPROVAL**  
PRESENTED TO THE SMITHFIELD CITY PLANNING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT WHICH TIME THIS SUBDIVISION WAS RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL.

PLANNING COMMISSION CHAIR \_\_\_\_\_ DATE \_\_\_\_\_

**CITY COUNCIL APPROVAL AND ACCEPTANCE**  
PRESENTED TO THE SMITHFIELD CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

MAYOR \_\_\_\_\_ DATE \_\_\_\_\_

CITY RECORDER \_\_\_\_\_ DATE \_\_\_\_\_

FINAL PLAT  
OF  
**THE VILLAGE AT FOX MEADOWS P.U.D.**  
**PHASE 3**  
LOCATED IN THE SW1/4 OF SECTION 21,  
T13N, R1E, SLB&M  
SMITHFIELD, UTAH

2 OF 2

RECORDED # \_\_\_\_\_  
STATE OF UTAH, COUNTY OF CACHE, RECORDED AND FILED AT THE REQUEST OF: \_\_\_\_\_

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_

\$ \_\_\_\_\_  
FEE \_\_\_\_\_

CACHE COUNTY RECORDER

**UTILITY COMPANIES**  
THE UTILITY EASEMENTS SHOWN ON THIS PLAT HAVE BEEN REVIEWED AND ARE APPROVED.

DOMINION ENERGY\* \_\_\_\_\_ DATE \_\_\_\_\_ ROCKY MOUNTAIN POWER \_\_\_\_\_ DATE \_\_\_\_\_

COMCAST CABLE \_\_\_\_\_ DATE \_\_\_\_\_ CENTURYLINK COMMUNICATIONS \_\_\_\_\_ DATE \_\_\_\_\_

\*DOMINION ENERGY APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION ENERGY MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THIS PLAT, INCLUDING THOSE SET IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION ENERGY'S RIGHT-OF-WAY DEPARTMENT AT 1-800-366-8532.

**ROCKY MOUNTAIN POWER**  
1. PURSUANT TO UTAH CODE ANN. § 53-3-27 THIS PLAT CONVEYS TO THE OWNER(S) OR OPERATORS OF UTILITY FACILITIES A PUBLIC UTILITY EASEMENT ALONG WITH ALL THE RIGHTS AND DUTIES DESCRIBED THEREIN.

2. PURSUANT TO UTAH CODE ANN. § 17-27A-603(4)(e)(ii) ROCKY MOUNTAIN POWER ACCEPTS DELIVERY OF THE PUE AS DESCRIBED IN THIS PLAT AND APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS AND APPROXIMATES THE LOCATION OF THE PUBLIC UTILITY EASEMENTS, BUT DOES NOT WARRANT THEIR PRECISE LOCATION. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT AFFECT ANY RIGHT THAT ROCKY MOUNTAIN POWER HAS UNDER:  
(1) A RECORDED EASEMENT OR RIGHT OF WAY  
(2) THE LAW APPLICABLE TO PRESCRIPTIVE RIGHTS  
(3) TITLE 54, CHAPTER 8a, DAMAGE TO UNDERGROUND FACILITIES OR  
(4) ANY OTHER PROVISION OF LAW.

**civilsolutionsgroup** inc.  
CACHE VALLEY | P: 435.213.3762  
SALT LAKE | P: 801.216.3192  
UTAH VALLEY | P: 801.874.1432  
info@civilsolutionsgroup.net  
www.civilsolutionsgroup.net





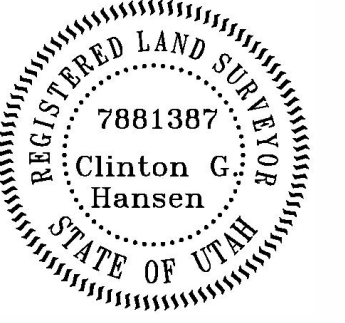
Preliminary Plan for:  
**Hoyt Skabelund Subdivision**

Smithfield City, Cache County, Utah  
A Part of the Northwest Quarter of Section 27,  
Township 13 North, Range 1 East, Salt Lake  
Base & Meridian, March 2022

**SURVEY CERTIFICATE**  
I, Clinton G. Hansen, do hereby certify that I am a Registered Professional Land Surveyor in the State of Utah in accordance with Title 58, Chapter 22, Professional Engineers and Land Surveyors Act; and I have completed a survey of the property described on this plat in accordance with Section 17-23-17 and have verified all measurements, and have placed monuments as represented on this plat, and have hereby subdivided said tract into four (4) lots, know hereafter as **386 North Subdivision**, in Smithfield City, Cache County, Utah, and has been correctly drawn to the designated scale and is true and correct representation of the herein described lands included in said subdivision, based upon data compiled from records in the Cache County Recorder's Office and from said survey made by me on the ground, I further hereby certify that the requirements of all applicable statutes and ordinances of Smithfield City concerning zoning requirements regarding lot measurements have been complied with.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2022

Clinton G. Hansen P.L.S.  
Utah Land Surveyor  
Licence No. 7881387



**SUBDIVISION BOUNDARY**  
A Part of Lot 6, Block 34, Plat 'A' of the Smithfield City Survey in the Northwest Quarter of Section 27, Township 13 North, Range 1 East, S.L.B.&M. (The Basis of Bearings is the Utah Coordinate System 1983 North Zone)

Beginning at the Northwest Corner of said Lot 6 and RUNNING THENCE South 88°36'58" East (East by Record) 305.25 Feet Along the North Line of said Lot 6; Thence South 01°16'19" West (South by Record) 132.00 Feet to the South Line of said Lot 6; Thence North 88°36'58" West (West by Record) 160.00 Feet Along said South Lot Line; Thence North 01°16'19" East (North by Record) 62.38 Feet; Thence North 88°36'58" West (West by Record) 145.25 Feet to the West Line of said Lot 6; Thence North 01°16'19" East (North by Record) 69.62 Feet Along said West Lot Line to the Point of Beginning. Containing 0.716 Acres.

**OWNER'S DEDICATION**  
Know all men by these presents that we, the undersigned owners of the above described tract of land having caused the same to be subdivided into lots to be hereafter known as **386 North Subdivision** do hereby dedicate, grant, and convey to Smithfield City, Utah those certain strips as easements for public utility and drainage purposes as shown hereon. The same to be used for the installation, maintenance, and operation of public utility service lines and drainage as intended for public use.

In witness we have hereunto set our signature  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**PREFERRED PROPERTY INVESTMENTS, LLC**  
By: \_\_\_\_\_  
Miles P. Jensen, Manager/Member

**NARRATIVE**  
The purpose of this survey was to create a subdivision of the parcel as shown and described hereon. The survey was ordered by Logan Brown. The control used to establish the property corners was the existing Smithfield City survey monumentation, records of surveys, and fences within and around Block 34, Plat 'A' of the Smithfield City Survey located in the Northwest Quarter of Section 27, Township 13 North, Range 1 East, Salt Lake Base & Meridian. The basis of bearing is the West line of the Northwest Quarter of said Section, which bears South 88°31'56" West, "Utah Coordinate System 1983 North Zone".

**ADVANCED LAND SURVEYING INC**  
1770 Research Park Way #111  
Logan Utah 84341  
(P) 435-770-1585 (F) 435-514-5883  
www.advancedlsi.com

**COUNTY RECORDER'S NO.** \_\_\_\_\_  
State of Utah, County Cache, Recorded and Filed at the Request of \_\_\_\_\_  
Date \_\_\_\_\_ Time \_\_\_\_\_ Fee \_\_\_\_\_  
Abstracted \_\_\_\_\_  
Index \_\_\_\_\_  
Filed in: File of Plats \_\_\_\_\_  
County Recorder \_\_\_\_\_



**ADJUSTED PARCEL A**  
A Part of Lot 6, Block 34, Plat 'A' of the Smithfield City Survey in the Northwest Quarter of Section 27, Township 13 North, Range 1 East, S.L.B.&M. (The Basis of Bearings is the Utah Coordinate System 1983 North Zone)

Beginning on the West Line of said Lot 6 at a Point Located 69.62 Feet South 01°16'19" West (South by Record) from the Northwest Corner of said Lot 6, and RUNNING THENCE South 88°36'58" East (East by Record) 145.25 Feet; Thence South 01°16'19" West (South by Record) 62.38 Feet to the South Line of said Lot 6; Thence North 88°36'58" West (West by Record) 145.25 Feet Along said South Lot Line to the Southwest Corner of said Lot 6; Thence North 01°16'19" East (North by Record) 62.38 Feet Along said West Lot Line to the Point of Beginning. Containing 0.208 Acres.



- LEGEND**
- Primary Boundary Line
  - Lot Line
  - Other property Line
  - Proposed Concrete
  - Proposed Water Line
  - Proposed Sewer Line
  - Proposed Asphalt
  - Proposed Power
  - Proposed Pond Overflow
  - Existing Asphalt Edge
  - Existing Over-Head Power
  - Existing Over-Head Telephone
  - Existing Water Line
  - Existing Gas Line
  - Existing Sewer Line
  - Fence Line

- SYMBOLS**
- Section Corner
  - Found Survey Point
  - Set 5/8" by 24" Rebar With Cap
  - Power Pole
  - Fire Hydrant

Developer:  
Logan Brown  
PO Box 332  
Mendon UT 84325  
435-213-6929

**CITY ENGINEER'S APPROVAL**  
I have examined this plat and find it is correct and in accordance with the information on file in this office.

City Engineer \_\_\_\_\_ Date \_\_\_\_\_

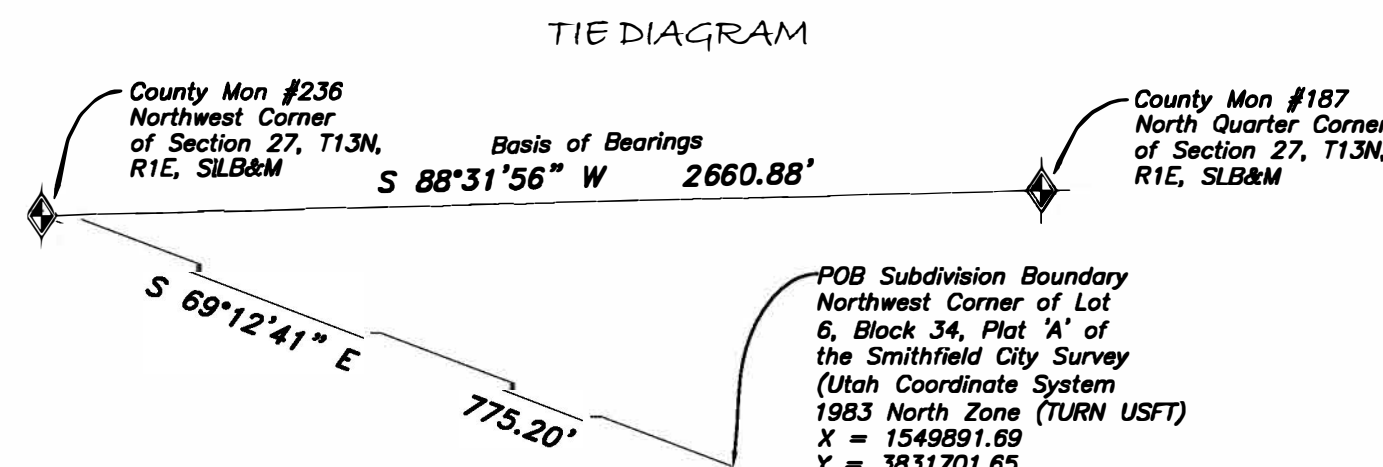
**CITY COUNCIL ACCEPTANCE AND APPROVAL**  
Approved by the Smithfield City Council, this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_.

Attest: \_\_\_\_\_  
Mayor \_\_\_\_\_ City Recorder \_\_\_\_\_

**PLANNING AND ZONING APPROVAL**  
This plat approved by the Smithfield City Planning and Zoning Commission this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_.

Attest: \_\_\_\_\_  
Chairman \_\_\_\_\_ Secretary \_\_\_\_\_

- NOTES:**
- Storm Drain pipes will be required under the future driveways of Lots 2 & 3 for drainage to the retention pond.
  - Some site grading may be required to acquire positive slope for roof drain flow.
  - All P.U.E.'s are 5.00 Feet Wide



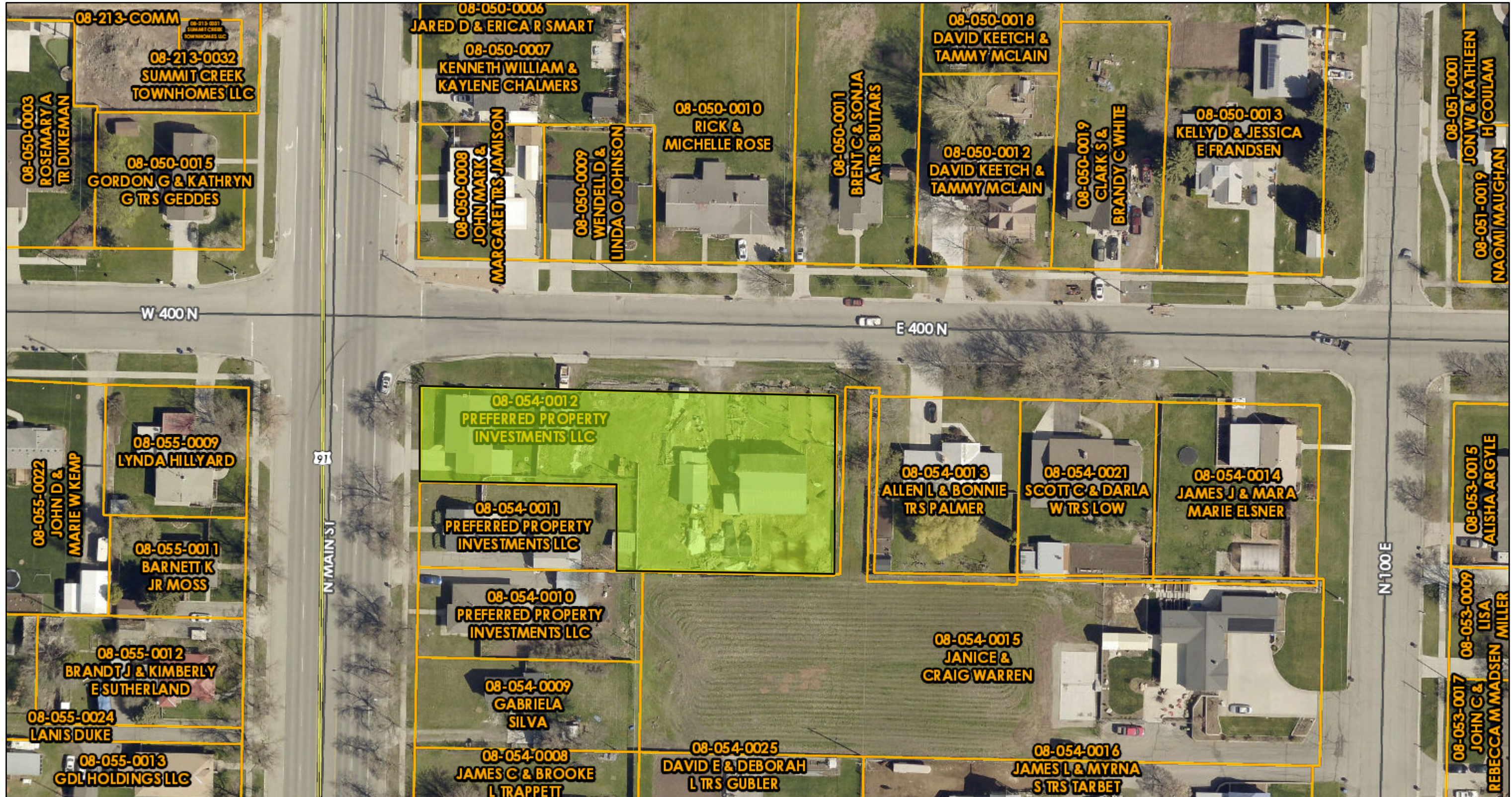
State of Utah  
County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, Miles P. Jensen, registered agent of Preferred Property Investment, LLC, a Utah Limited Liability Company, personally appeared before me, the undersigned notary public in and for said county, in the state of Utah, the signer of the attached owners dedication, who duly acknowledged to me he signed it freely and voluntarily and for the purpose therein mentioned on behalf of said company.

Notary Public Signature \_\_\_\_\_  
Notary Public Commissioned in Utah (Print Name) \_\_\_\_\_  
Commission Number - Expires \_\_\_\_\_



# Parcel Map



6/6/2022, 7:23:20 AM

Override 1  
— GRAVEL  
 County Boundary  
— DIRT  
 Cache Parcels  
— ASPHALT  
 Municipal Boundaries

1:1,128

0 0.01 0.02 0.04 mi

0 0.01 0.03 0.06 km

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



## **ORDINANCE 22-15**

### **Olson Meier Annexation**

**WHEREAS**, the owners of certain real property, described below, desire to annex such real property to the corporate limits of Smithfield City, Utah; and

**WHEREAS**, said real property is located within the area proposed for annexation and covers a majority of the private land area within the area proposed for annexation; and

**WHEREAS**, said real property is equal in value to at least one-third (1/3) of the value of all private real property within the area proposed for annexation; and

**WHEREAS**, said real property is a contiguous, unincorporated area contiguous to the boundaries of Smithfield City and the annexation thereof will not leave or create an unincorporated island or peninsula; and

**WHEREAS**, said property is undeveloped and covers an area that is equivalent to less than five percent (5%) of the total land mass of all private real property within Smithfield City; and

**WHEREAS**, said owners have caused a Petition for Annexation to be filed with the city, together with an accurate plat of the real property which was made under the supervision of a competent, licensed surveyor; and

**WHEREAS**, on the 9<sup>th</sup> day of March, 2022, the Smithfield City Council received the required Notice of Certification from the City Recorder certifying that the annexation petition meets the requirements of State law; and

**WHEREAS**, the City Council published and mailed notice of the Certification, as required by law and no timely protests have been filed in accordance with the provisions of Section 10-2-407, Utah Code Annotated, as amended; and

**WHEREAS**, the City Council held the required public hearing after giving notice as required by law, and has determined the referenced annexation is desirable;

**NOW THEREFORE**, pursuant to Section 10-2-407, Utah Code Annotated, as amended, the City Council of Smithfield City, Utah, hereby adopts, passes, and publishes the following:

### **AN ORDINANCE AMENDING THE MUNICIPAL ZONING MAP, ANNEXING CERTAIN REAL PROPERTY AND EXTENDING THE CORPORATE LIMITS OF SMITHFIELD CITY, UTAH.**

**BE IT ORDAINED**, by the City Council of Smithfield City, Cache County, State of Utah, as follows:

1. The real property, more particularly described in Paragraph 2, below, is hereby annexed to Smithfield City, Utah, and the corporate limits of the City are hereby extended accordingly.
2. The real property which is the subject of this Ordinance is described as follows:

The Property is located at: Approximately 600 North 400 West

**Cache County Parcel Number(s): 08-043-0015, 08-042-0012, 08-042-0013, 08-042-0014, 08-042-0015 and 08-043-0041**

**Boundary Description:**

A tract of land to be included in the corporate limits of Smithfield, Utah located in part of the South Half of Section 21, Township 13 North, Range 1 East of the Salt Lake Meridian described as follows:

Beginning at the West Quarter Corner of Section 21, Township 13 North, Range 1 East of the Salt Lake Meridian monumented with an aluminum cap; thence S00°03'24"E 2,692.89 feet to the Southwest Corner of Section 21 monumented with a 5/8" rebar; thence N84°35'07"E 1,885.37 feet to an Earl rebar at the Southeast Corner of the Village at Fox Meadows, PUD, Phase 2 and the POINT OF BEGINNING and running

thence N 00°08'19" W 1,332.47 feet (N00°21'15" W, By Record) along the east line of Fox Meadows, PUD, Phase 2 and its projection thereof to an Earl Rebar said line also being the existing corporate line of Smithfield City;

thence S 89°46'52" E 1,056.69 feet to the east right of way line of 400 West Street as shown on Hansen 400 West Subdivision;

thence S 01°09'03" E 25.16 feet (S00°14'27"W, By Record) along east right of way line:

thence N 88°41'36" W 3.01 feet;

thence S 01°09'03" E 207.69 feet (S01°10'05"E, By Record) along the east right of way line of 400 West Street shown on Bradie Hansen Subdivision First Amendment;

thence S 89°52'59" W 2.05 feet;

thence S 00°07'47" E 199.50 feet to a point on the existing Smithfield City Corporate limit line;

thence along the existing Smithfield City Corporate limit line the next seven courses:

- 1) thence S 85°32'55" E 4.26 feet;
- 2) thence S 01°40'31" E 298.82 feet;
- 3) thence East 16.51 feet;
- 4) thence S 01°40'31" E 62.21 feet;
- 5) thence West 324.46 feet;
- 6) thence South 543.90 feet to the south line of Parcel 08-043-0015;
- 7) thence N 89°19'41" W 760.43 feet to the point of beginning, containing 28.80 acres, more or less
3. The real property described in Paragraph 2, above, shall be classified as being in the A-10 (Agricultural 10-Acre) District of the Agricultural zone in accordance with the provision of Section 17.08.050 of the Smithfield Municipal Code, and the Zoning Map of Smithfield City shall be amended to include the real property described above.
4. A copy of this Ordinance and an original plat describing the property so annexed shall be filed with the Cache County Recorder within thirty (30) days after the date this Ordinance is adopted.
5. This ordinance shall be effective upon the posting in each of three (3) public places within the corporate limits of Smithfield City.

ADOPTED AND PASSED by the Smithfield City Council this 13th day of July, 2022.

**SMITHFIELD CITY CORPORATION**

---

Kristi Monson, Mayor

**ATTEST:**

---

Justin B. Lewis, City Recorder



## **SECTION VIII - RETIREMENT POLICY**

- A. Retirement is not mandatory, provided the employee continues to meet the current standards of the position as determined by the Department Head and City Council.
- B. All City employees are covered by social security. This benefit is separate from the Utah State Retirement System
- C. All full-time and ~~benefited part-time~~ City employees are covered by the Utah State Retirement System.

~~For purposes of Utah Retirement System (URS) coverage, all elected officials are classified as non-benefited part-time employees. Tier 2 elected officials are restricted to participation in the URS Tier 2 Defined Contribution Plan upon qualifying \_\_\_\_\_ by \_\_\_\_\_ wage.~~

~~The following positions may be exempted from participating in the Utah Retirement Systems: Elected Officials & part-time Appointed Positions.~~

- D. Contributions made by the City at a rate of 100% are subject to review and change on an annual basis. For more information contact the Utah State Retirement Board, or the City Treasurer.
- E. Some of the City employees, such as Public Safety personnel may be covered under a separate retirement schedule.

### **HISTORY**

Amended by Res. [19-05](#) on 4/10/2019



## **SECTION VIII - RETIREMENT POLICY**

The City of Smithfield is a member of the Utah State Retirement System. Participation in the System is mandatory for all employees who meet the eligibility requirements as established by the Utah State Retirement System and [Utah Code Title 49 Utah State Retirement and Insurance Act](#).

- A. Smithfield City does not have a mandatory retirement age, provided the employee continues to meet the current standards of the position as determined by the Department Head and City Council.
- B. All City employees are covered by social security. This benefit is separate from the Utah State Retirement System.
- C. Employees in the following classifications are excluded from participation in the Utah Retirement System and are not otherwise eligible for benefits paid to Regular Employees:
  - Year-round Non-benefited
  - Temporary Seasonal
  - Temporary Agency
  - Interns
  - Independent Contractors
  - All Tire 1 and Tier 2 City Council Members are considered part-time ineligible for URS benefits
- D. All full-time City employees are covered by the Utah State Retirement System.
- E. All Tier 1 and Tier 2 Appointed Officials are considered full-time eligible for URS benefits.
- F. Some of the City Employees, such as Public Safety personnel may be covered under a separate retirement schedule.
- G. The City allows for employees to voluntarily enroll in the Utah State Retirement System 401K or 457 plans. The City may or may not match all or a portion of employee contributions to these plans depending on available funding.
- H. Contributions made by the City at a rate of 100% are subject to review and change on an annual basis. For more information contact the Utah State Retirement Board, or the City Treasurer.
- I. The Utah State Retirement and Insurance Benefit Act states that employees of the City can purchase service credits towards their retirement. The City of Smithfield is permitted to participate in the purchase of these credits. If the City does participate in the purchase of service credits it will do so in accordance with Utah code 49-13-408, 49-12-409, 49-22-309, 49-23-308 and without regard to race, religion, age, disability, gender, color, national origin, sexual orientation, or gender identity.

## **SECTION X - WORKMEN'S COMPENSATION**

- A. In the event a person employed by the City becomes ill or is injured as a result of a City service-connected accident or condition, and thereby becomes eligible for Workman's Compensation, he/she shall be paid that compensation as provided by law.
- B. Any employee who becomes ill or injured as described in "All above", shall notify his/her Department Head and the Human Resource Director immediately so that proper documentation of the illness or injury can be made.
- C. The State of Utah Worker's Compensation Insurance Program provides wage or salary assistance for eligible employees as a result of lost time due to an illness or accident. The initial three days lost are not covered by the program and employees are encouraged to use their accumulated personal time off, if available, if they desire to maintain their current wage or salary level. Beginning with the fourth day, Worker's Compensation will compensate the employee for lost time at a rate of 66.67 (2/3) percent of the employee's average daily wage or salary compensation. In the event the injury or illness requires the employee to be absent beyond 15 days, Worker's Compensation will back pay the initial (3) days.
- D. "Double dipping" using funds derived from the Utah Worker's Compensation Insurance Program is prohibited. Employees receiving payment from the Worker's Compensation Insurance Program shall not be permitted to receive compensation from the city in the form of personal time off or compensatory time during the same period. ~~except as provided paragraph E below.~~  
  
~~If an employee receives compensation from the Worker's Compensation Insurance Program, which will be at a rate less than that received from the city for an average workweek, the employee may use personal time off or compensatory time in an amount necessary to bridge the gap between the two amounts.~~
- E. Employees on the Worker's Compensation Insurance Program will only receive personal time off for the first month in which compensation is made. While on the program, the city will not participate in the Utah State Retirement System on behalf of the employee.
- F. The Worker's Compensation Insurance Program is available to assist part time and seasonal employees with benefits similar to those for permanent employees. ~~however, personal time off and compensatory time are not available to make up for any shortfall in wages while on the program.~~
- G. For further information regarding Section X, contact the Human Resource Director.

## **ARTICLE I - CAUSE FOR DISCIPLINARY ACTION**

~~A. It is the responsibility of all employees to observe regulations necessary for the proper operation of City government functions. Administrative procedures have been established for the handling of disciplinary measures such as reprimand, suspension, demotion, and discharge. All such measures shall follow the presentation of charges to the employees. Charges shall include, but not be limited to,~~ those listed below:

1. Gross neglect of duty or refusal to comply with a lawful instruction unless such instruction is injurious to the employee's or general public's health or safety.
2. Insubordination.
3. Conviction of a felony while an employee of the City.
4. Indulging in offensive conduct or using offensive language towards the public or towards City officers or employees.
5. Inducing or attempting to induce any employee in the service of the City to commit an unlawful act in violation of city regulations, official policy, or departmental orders.
6. Using, threatening, or attempting to use personal or political influence in an effort to secure special consideration as a city employee.
7. Incompetency and inefficiency in the performance of job duties resulting in an unsatisfactory rating on performance evaluations.
8. Carelessness or negligence with city monies or property.
9. Theft, ~~misuse or~~ intentional destruction of city property.
10. Intentional falsification of personnel records', time reports, or other city records.
11. Sleeping on duty except as provided for in official city regulations.
12. Failure to report a motor vehicle accident to law enforcement personnel and the employee's department head as well as the City Recorder.
13. Failure to report equipment accidents to the department head.
14. Failure to report to work or leave work without notification of the supervisor or department head, unless it is impossible to give such notice.

15. Threatening another employee or citizen with physical violence.
16. Inability or unwillingness to work with or get along with other employees.
17. Inability or unwillingness to interact acceptably with the public.
18. Taking and maintaining outside employment which interferes with the employee's performance of his/her duties for the City or which creates a conflict of interest for the employee.
19. Committing acts of sexual harassment which may be reasonably construed as creating or contributing to a hostile work environment.
20. Being under the influence of alcohol or illegal drugs at work.

This Article 1A shall not be interpreted to create any expectation of continued employment or in any way limit or restrict the employee's at-will employment status described above.

- B. For violation of any of the preceding rules and regulations, the employee will be subject to immediate discharge, suspension or other disciplinary action.
- C. If an employee receives two (2) documented warnings for the following offenses (for the same or different offenses) within a period of twelve (12) consecutive months from the date of the first infraction, the employee shall, receive disciplinary action, up to and including termination, based on the severity of the offenses.
  1. Excessive absenteeism and/or tardiness.
  2. Activities which create a safety hazard.
  3. Violating a safety rule or practice.
  4. Smoking in posted or unauthorized areas.
  5. Inattentiveness to work, failing to start work at the designated time, quitting work early, or leaving employer's premises during working hours without authorization from the supervisor.
  6. Vending, soliciting, or collecting contributions on the employer's time or premises without proper authorizations.
  7. Driving city owned vehicles without wearing a seat belt.
- D. Regular employees subject to disciplinary action or dismissal under the provisions of the above policies may file a grievance under the procedures described in Section XI.

## **ARTICLE I - CAUSE FOR DISCIPLINARY ACTION**

A. Violation of City policies, rules, or regulations may result in disciplinary action, up to and including termination. Supervisors will provide written documentation when an employee receives disciplinary action. The supervisor will follow appropriate guidelines for discipline.

Allegations of misconduct shall include, **but shall not be limited to:**

1. Gross neglect of duty or refusal to comply with a lawful instruction unless such instruction is injurious to the employee's or general public's health or safety.
2. Violation of the laws of the United States, The State of Utah, or ordinances of The City of Smithfield.
3. Insubordination, verbal abuse of a superior, or unwillingness to submit to proper authority.
4. Conviction of a felony while an employee of the City.
5. Indulging in offensive conduct or using offensive language towards the public or towards City officers or employees.
6. Inducing or attempting to induce any employee in the service of the City to commit an unlawful act in violation of city regulations, official policy, or departmental orders.
7. Using, threatening, or attempting to use personal or political influence in an effort to secure special consideration as a city employee.
8. Incompetency and inefficiency in the performance of job duties, resulting in an unsatisfactory rating on performance evaluations.
9. Carelessness or negligence with city monies, equipment, or property, including improper or unauthorized use of city equipment or materials.
10. Theft or intentional destruction of city property.
11. Intentional falsification of personnel records, time reports, or other city records.
12. Sleeping on duty except as provided for in official city regulations.

13. Failure to report a motor vehicle accident to law enforcement personnel and the employee's department head as well as the City Recorder.
14. Failure to report equipment accidents to the department head.
15. Failure to report to work or leave work without notification of the supervisor or department head, unless it is impossible to give such notice.
16. Failure to follow safety procedures and guidelines.
17. At fault accidents or injuries.
18. Threatening another employee or citizen with physical violence.
19. Inability or unwillingness to work with or get along with other employees.
20. Inability or unwillingness to interact acceptably with the public.
21. Taking and maintaining outside employment which interferes with the employee's performance of his/her duties for the City or which creates a conflict of interest for the employee.
22. Committing acts of sexual harassment which may be reasonably construed as creating or contributing to a hostile work environment.
23. Being under the influence of alcohol or illegal drugs at work.

This Article 1A shall not be interpreted to create any expectation of continued employment or in any way limit or restrict the employee's at-will employment status described above.

- B. For violation of any of the preceding rules and regulations, the employee will be subject to immediate discharge, suspension, or other disciplinary action.
- C. If an employee receives two (2) documented warnings for the following offenses (for the same or different offenses) within a period of twelve (12) consecutive months from the date of the first infraction, the employee shall, receive disciplinary action, up to and including termination, based on the severity of the offenses.
  1. Excessive absenteeism and/or tardiness.
  2. Activities which create a safety hazard.
  3. Violating a safety rule or practice.
  4. Smoking in posted or unauthorized areas.

5. Inattentiveness to work, failing to start work at the designated time, quitting work early, or leaving employer's premises during working hours without authorization from the supervisor.
  6. Vending, soliciting, or collecting contributions on the employer's time or premises without proper authorizations.
  7. Driving city owned vehicles without wearing a seat belt.
- D. Regular employees subject to disciplinary action or dismissal under the provisions of the above policies may file a grievance under the procedures described in Section XI.

## **SECTION IX - UTAH OCCUPATIONAL SAFETY AND HEALTH ACT**

It is the intent and purpose of Smithfield City to comply with all applicable rules and regulations pertaining to the Utah Occupational Safety and Health Act as established under Section 18 of the Williams - Steiger occupational Safety and Health Act of 1970, and said ACTs may be amended.

- A. Smithfield City shall furnish each of its employee's employment free from recognized hazards that are causing or are likely to cause death or physical harm to such employees and does hereby require that all employees comply with the occupational safety and health standards, orders, rules, and regulations promulgated under the Utah Occupational Safety and Health Act. Compliance with this Act shall be accomplished through the establishment of an occupational safety and health program as outlined herein.
- B. Safety Program: Smithfield City is committed to providing a safe workplace, and as such has implemented a safety program designed to provide training, incentives, and corrective action. The city will take steps to provide department and city-wide trainings on safety topics periodically. Employees who exercise good safety practices will be recognized. Employees who fail to follow Smithfield City's safety policies will be subject to corrective action up to and including termination.
- C. In accordance with state law, Smithfield City provides Workman's Compensation Insurance for all employees. (Utah Workman's Compensation Act as Amended in 1971 requires that every employer with one or more employees carry Workman's Compensation Insurance.)
- D. In accordance with state law, management shall inspect or designate a competent person or persons to inspect frequently for unsafe conditions and practices, defective equipment, and materials. Where such conditions are found, immediate action will be taken to correct such conditions. immediately. Supervisory personnel shall enforce safety regulations and issue such rules as may be necessary to safeguard the health and lives of employees. They shall warn all employees of any dangerous conditions and permit no one to work in an unsafe place, except for the purpose of making it safe.
- E. An accurate record shall be kept of all accidents involving an injury to an employee while on duty, whether or not the time is lost. These records shall at all reasonable times be available to the Industrial Commission or its representatives upon request. Other records shall be kept as requested by the Industrial Commission.
- F. Each department head or supervisor shall post, in a conspicuous place, a list of telephone numbers or addresses as may be applicable so that necessary help can be obtained in case of emergency. Such list shall include:
  - 1. Responsible supervision (superintendent or equivalent)
  - 2. Doctor



3. Hospital
4. Ambulance
5. Fire Department
6. Sheriff or Police

- G. All Department Heads and workmen shall be required to insure clean work areas. An excessively littered or dirty work area constitutes an unsafe, hazardous condition of employment and should be remedied within a reasonable amount of time. When no other method or combination of methods can be provided to prevent employees from becoming exposed to toxic dusts, fumes, gases, flying objects, dangerous rays or burns from heat, acid, caustic or/and hazardous materials of a similar nature, the City shall provide each worker with the necessary personal protection **equipment**, such as respirators, goggles, gas masks, certain types of protective clothing, etc. Provision shall also be made to keep all such equipment in good, sanitary working condition at all times.
- H. A report of any on-the-job injury resulting in disability of compensable lost time shall be submitted by the department head or other designated official to the Industrial Commission and to the affected employee within seven (7) calendar days on a "First Report of Injury" form.
- I. Should any sudden or unusual occurrence or change of conditions occur (such as the appearance of toxic or unusual fumes or gasses, major equipment failure, explosions, fires, etc.) that might affect the safety or health of City employees or tend to increase the hazards thereof the department head or other designated authority shall notify the Industrial Commission of Utah at once. Such notification must be made whether or not any actual injuries result from the above occurrences or changes of conditions.
- J. All fatal, potentially fatal, and serious accidents shall be reported immediately to the Utah State Industrial Commission.
- K. No person shall remove, displace, destroy, or carry away any safety device or safeguard provided for use in any place of City employment or interfere with the use of any method or process adopted for the protection of employees. No employee shall refuse or neglect to follow and obey reasonable orders that are issued for the protection of health, life, safety, or welfare of employees.
- L. In addition to the rules and regulations specified above the following shall apply:
1. Employees who do not understand or speak the English language shall not be assigned to any duty or place where the lack or partial lack of understanding or speaking of English might adversely affect their safety or that of other employees.

2. Where there is a risk of injury from hair entanglement in moving parts of machinery, employees shall confine their hair to eliminate the hazard.

3. Loose sleeves, tails, ties, lapels, cuffs, or similar garments which can become entangled in moving machinery shall not be worn where an entanglement hazard exists.

4. Wrist watches, rings, or other jewelry shall not be worn on the job where they constitute a safety hazard.

5. No employee shall carry liquor into a place of employment except that the place of employment shall be engaged in liquor business, and this is a part of his assigned duties.

6. No intoxicated person shall be allowed to go into or loiter around any operation where workmen are employed.

M. Additional information relative to the Utah Occupational Safety and Health Act can be obtained from:

The Utah State Industrial Commission 448 South 400 East  
Salt Lake City, Utah 84111  
Phone: (801) 533-6401

or

The Utah Intergovernmental Personnel Agency 1234 South Main Street  
Salt Lake City, Utah 84101  
Phone: (801) 533-6301

## ORDINANCE NO. 22-11

WHEREAS, the City Council of Smithfield City, Cache County, Utah, passed and adopted the Smithfield Municipal Code on November 11, 2015; 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 AMENDING THE SMITHFIELD CITY MUNICIPAL CODE  
TITLE 17 “ZONING REGULATIONS”, CHAPTER 17.92 “ACCESSORY  
APARTMENT”, SECTIONS 17.92.010 “PURPOSE OF CHAPTER”, 17.92.020  
“CONDITIONS” AND ADDING IN ITS ENTIRETY 17.92.040 “DEFINITIONS”.**

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

1. The attached table shall be amended as indicated. Those portions which are ~~struck out~~ shall be deleted and those that are highlighted in **yellow** shall be added.

<b>17.92 ACCESSORY <del>APARTMENT</del> DWELLING UNIT</b>
---

<b>17.92.010 PURPOSE OF CHAPTER</b>
-------------------------------------

The purpose of permitting an accessory ~~apartment~~ **dwelling unit** is to:

- E. Allow more efficient use of existing single-family dwellings and public infrastructure.**

<b>17.92.020 CONDITIONS</b>
-----------------------------

A. A conditional use permit will be granted for a use to be known as an accessory **dwelling unit** ~~apartment rental in owner occupied single family dwellings~~, provided that the following standards and criteria are met:

- ~~1. The apartment will be a separate housekeeping unit that can be isolated within the original unit.~~
- ~~2. Only one apartment will be created within a single family house.~~
- ~~3. The owner(s) of the residence in which the accessory apartment is created shall occupy at least one of the units in the dwelling, except for bona fide temporary absences determined by the zoning administrator.~~
- ~~4. The accessory apartment shall be designed so that the appearance of the building remains that of a one family residence. Any new entrances shall be located on the side or in the rear of the building.~~
- ~~5. The design and size of the apartment conforms to all applicable standards in the health, building and other codes.~~
- ~~6. At least three (3) off street hard surfaced parking surfaces are available for use by the owner-occupant(s) and tenant(s). Parking not to exceed twenty five percent (25%) of front or side property line.~~
- ~~7. Other conditions for accessory apartment:~~

a. ~~Building permit;~~

b. ~~Upon sale of property, new owner(s) must provide an updated, signed notarized letter, stating that the owner will occupy one of the dwelling units on the premises. No Building Permit is required for those properties that have existing conditional use permits.~~

~~8. Any other appropriate or more stringent conditions deemed necessary by the zoning administrator to protect public health, safety and welfare, and the single family character of the neighborhood.~~

1. The original unit, including any accessory dwelling unit, shall all be considered a single-family residence rather than a “duplex” or “multi-family” as defined by the applicable building codes.

2. An accessory dwelling unit may be connected to, and served by, the same water and sewer services that serve the primary building.

3. Any new construction, remodeling or renovation of an existing structure to accommodate an accessory dwelling unit shall conform to the setbacks, height restrictions, health, fire, building and other code requirements current at the time of application. Additionally,

a. An accessory dwelling unit must have its own entryway with eating, sleeping, and sanitation facilities that can be isolated from the original unit.

b. Any wall of a detached accessory dwelling unit shall be a minimum of ten feet (10') away from any wall of the primary structure.

4. There shall be no more than one attached accessory dwelling unit and one detached accessory dwelling unit, for a maximum of two accessory dwelling units, per single-family residence.

5. An accessory dwelling unit shall not exceed the lesser of fifty percent (50%) of the size of the original dwelling unit or fifteen hundred (1,500) livable square feet.

6. The owner(s) of the residence shall occupy at least one (1) of the units on the lot, except for bona fide temporary absences of three (3) years or less for activities such as:

a. A temporary job assignment, sabbatical, or voluntary service.

b. The owner is placed in a hospital, nursing home, assisted living facility or other similar facility.

c. City staff may require written documentation verifying the temporary absence.

d. The owner(s) shall apply for a continuance of their accessory dwelling unit permit during their absence by notifying the Zoning Administrator in writing. They shall include in the request their anticipated length of absence and estimated return date, a forwarding address, phone number and email address where they may be contacted by the city, and the names, phone numbers and email addresses of those who will act in their stead as the “surrogate” owners of the property in their absence.

- e. If the owners of the residence elect to temporarily leave their home in the care of the residents that occupy an accessory dwelling unit; and if they choose not to lease the owner-residence; then just one family will be living in the residence and there is no longer any need to have the residence licensed as an accessory dwelling unit. The license can then lapse while the owners are not living in the residence and the license may be re-established upon their return using the existing conditional use permit and by renewing the accessory dwelling unit license.

#### 7. Parking:

- a. A single-family residence with one accessory dwelling unit must have at least three (3) off street hard surfaced parking surfaces available for use by the owner-occupant(s) and tenant(s).
- b. A single-family residence with both an attached and a detached accessory dwelling unit, must have at least four (4) off street hard surfaced parking surfaces available for use by the owner-occupant(s) and at least one dedicated for each accessory dwelling unit.
- c. Any additional vehicles owned by occupants and tenant(s) must be accommodated on-site with off-street hard surfaced parking.
- d. Parking not to exceed twenty five percent (25%) of front or side property line.

#### 8. Other conditions for an accessory dwelling unit:

- a. Building permit may be required.
- b. An accessory dwelling unit shall not be sold separately or subdivided from the original single-family dwelling unit.
- c. Conditional-use permit does not expire upon sale of the lot but must be updated. Upon sale of property, new owner(s) must provide an updated, signed notarized letter, stating that the owner will occupy one of the dwelling units on the premises.

### 17.92.040 DEFINITIONS

- A. Definition of Accessory dwelling unit: A subordinate dwelling, which has its own eating, sleeping, and sanitation facilities which is:
  - 1. Within or attached to a single-family residential building, or
  - 2. Within a detached accessory structure on the same lot as the associated single-family residence.
- B. Accessory dwelling units may go by different names including accessory apartments, extended living areas, over-the-garage or basement living spaces, mother-in-law apartments, casitas, guest houses, tiny homes, etc.
- C. Accessory dwelling units are permanent structures. Mobile homes, travel trailers, boats, or similar recreational vehicles shall not be used as an accessory dwelling unit.

D. Definition of Owner: An individual who is listed on a recorded deed as an owner of the property; any person who is related by blood, marriage, or adoption to an individual who is listed on a recorded deed as an owner of the property; or an individual who is a trustor of a family trust who possesses legal ownership of the property.

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 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 its posting as required by law.

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

Approved and signed this 13th day of July, 2022

**SMITHFIELD CITY CORPORATION**

---

Kristi Monson, Mayor

**ATTEST:**

---

Justin B. Lewis, City Recorder