



## SMITHFIELD CITY PLANNING COMMISSION MINUTES February 15, 2023

The Planning Commission of Smithfield City met in the City Council Chambers  
96 South Main, Smithfield, Utah at 6:30 p.m. on Wednesday, February 15, 2023

The following members were present constituting a quorum:

**Members Present:** Katie Bell, Brooke Freidenberger, Scott Gibbons, Jasilyn Heaps, Bob Holbrook, Stuart Reis

**Members Excused:** Brian Higginbotham

**City Staff:** Brian Boudrero, Councilmember Jon Wells, Councilmember Sue Hyer, Mayor Kris Monson

**Others in Attendance:** Tami Midzinski, Casey Clark, Jon Harrop, Lee Helms, Lazaro Soto, Alheli Aranda Brilliant, Dallas Nicoll, Nathan Whittaker, Laura Larsen, Caralee Stokes, Debbie Zilles

**6:30 p.m. Meeting called to order by Chairman Gibbons**

### **Consideration of consent agenda and approval of meeting minutes**

After consideration by the Commission, Chairman Gibbons declared the minutes from the January 23, 2023 meeting approved with a minor change on page 5.

**RESIDENT INPUT** – No resident input

### **AGENDA ITEMS**

Discussion and possible vote on the Conditional Use Permit request by Trueline Contractors, LLC to operate an excavation business at approximately 650 South 400 West. Cache County Parcel Number 08-109-0002. Zoned M-1 (Manufacturing).

Trueline Excavation is requesting a conditional use permit for an excavation business on the property that was recently rezoned as M-1. The proposed business is allowed in this zone with a conditional use permit.

Dallas Nicoll said this parcel was rezoned last month and the use was discussed at that time. There are no changes.

**MOTION:** Motion by Commissioner Heaps to **approve** the Conditional Use Permit request by Trueline Contractors, LLC to operate an excavation business at approximately 650 South 400 West. Cache County Parcel Number 08-109-0002. Zoned M-1 (Manufacturing). Commissioner Bell seconded the motion. **Motion approved (6-0).**

**Vote:**

Aye: Bell, Freidenberger, Gibbons, Heaps, Holbrook, Reis

Discussion and possible vote on the request by Visionary Homes, for approval of the Preliminary Plat for the Fox Meadows Phase 6 Subdivision, a (23) lot/unit subdivision located at approximately 440 North 600 West. Zoned R-1-10 (Single-Family Residential 10,000 Square Feet).

Visionary Homes is requesting approval for a preliminary plat for Fox Meadows Phase 6. This will be a 23-lot subdivision designed in place of the old dairy located at 440 North 600 West. It is currently zoned as R-1-10 and is also surrounded by R-1-10.

Jon Harrop, from Visionary Homes, confirmed the layout of the driveways for Commissioner Freidenberger.

**MOTION:** Motion by Commissioner Bell to **approve** the request by Visionary Homes, for approval of the Preliminary Plat for the Fox Meadows Phase 6 Subdivision, a (23) lot/unit subdivision located at approximately 440 North 600 West. Zoned R-1-10 (Single Family Residential 10,000 Square Feet). Commissioner Heaps seconded the motion.

**Motion approved (6-0).**

Vote:

Aye: Bell, Freidenberger, Gibbons, Heaps, Holbrook, Reis

Introduction and **Public Hearing**, no sooner than 6:40 P.M., for the purpose of discussing Ordinance 23-07, an Ordinance rezoning Cache County Parcel Numbers 08-042-0012, 08-042-0013, 08-042-0014, 08-042-0015 and 08-043-0015 from A-10 (Agricultural 10-Acre) to MPC (Master Planned Community). The parcels are located at approximately 485 North 400 West and total approximately 28.95 acres. The request was submitted by Heritage Land Development.

Mr. Boudrero explained that as part of the request for a zone change to Master Planned Community (MPC), the applicant has to show how they are meeting the purpose of the MPC.

#### **6:43 p.m. Public Hearing Opened**

Lee Helms said no one living along 400 West is happy. At the November 9, 2022 Commission meeting, one of the explanations for the MPC was to maximize land use. The residents of the northwest part of the City are now being forced to have three MPC subdivisions within an approximate half-mile area with over 1,000+ homes. This ignores the established lifestyles of the residents of this area. He questioned why these have not been placed in various locations within the city and feels like the residents in this area are "being punished with these experiments surrounding us". An appeal has been previously submitted with suggestions for the development of property on the west side of 400 West. He realizes growth cannot be stopped but would like the desires of the community to be heard. They have suggested the property be developed as residential lots to complement and add to the existing community. He has been told that if a request meets all the proper requirements, the Planning Commission must approve the request.

He cited Municipal Code Title 10:

*10-9a-509 Applicant's entitlement to land use application approval -- Municipality's requirements and limitations -- Vesting upon submission of development plan and schedule. (1) (a) (i) An applicant who has submitted a complete land use application as described in Subsection (1)(c), including the payment of all application fees, is entitled to a substantive review of the application under the land use regulations: (A) in effect on the date that the application is complete; and (B) applicable to the application or to the information shown on the application. (ii) An applicant is entitled to approval of a land use application if the application conforms to the requirements of the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application and pays application fees, unless:*

*(A) the land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing.*

*(B) in the manner provided by local ordinance and before the applicant submits the application, the municipality formally initiates proceedings to amend the municipality's land use regulations in a manner that would prohibit approval of the application as submitted.*

He said it appears that the Smithfield City General Plan is being ignored as the property has been designated as residential medium density and development that is compatible with neighborhood character – which is being ignored with this request. The MPC zone change will not be consistent with surrounding uses. Smithfield needs to grow in an orderly and sustainable direction to community lifestyles and public and private investments. The Planning Commission would be failing the community by approving this MPC so close to two other developments. Privacy fences have been neglected in MPC and PUD developments. He would like fencing to be reconsidered and added to these developments as they are specified in inner block development.

Casey Clark lives on 400 West and is very concerned with traffic and road conditions. He has mentioned his concern at prior meetings. Oak Street is not up to current City standards; there is one access to the highway which is 400 North. All of the traffic from this development will be routed along 400 North (thousands of additional vehicles). This is already a congested area and increased traffic will make it worse. The road condition is not very smooth, over time trenches have been cut across the road which makes it rough to travel on. 400 West is a narrow road.

Carolee Stokes agreed with the previous comments.

### **6:52 p.m. Public Hearing Closed**

Discussion and possible vote on Ordinance 23-07

Tami Midzinski, the applicant, said that Alliance Engineering has completed a traffic study which has been submitted and reviewed by staff. There will be 162 total units after all phases are complete. They will be working on the sewer line on 400 West. They have also worked out an arrangement for Mr. Helms for the option of purchasing property to help with his privacy concerns.

Commissioner Heaps asked where 600 North would connect to. Ms. Midzinski said that

at the STRC meeting, it was discussed that it will eventually connect to the Fox Meadows development, which is why it has been designed the way it has.

Chairman Gibbons would like to see more detail concerning landscaping and trails. Ms. Midzinski said it meets the 8' trail requirement (pointed out areas on the preliminary plat) which will connect the townhomes. Sidewalks will be 5'. Amenities will include an open grass area, two pickleball courts, a basketball court, a pavilion, and a playground.

Ms. Midzinski confirmed for Commissioner Holbrook that the townhomes will have 2-car garages and 25' driveways to meet the parking requirements.

Commissioner Freidenberger would like to see more trees along the trails (not chancicleer trees) and possibly consider fences on the homes that border the back. Chairman Gibbons said that can be a recommendation but cannot be required.

Commissioner Bell asked about the phasing timeline. Ms. Midzinski said Phase 1 will be the most crucial because it will include the lift station and sewer improvements then they will move forward with future phases. Commissioner Bell would like to see the amenities put in soon; Ms. Midzinski said they would be willing to work on that. She also confirmed for the Commission that the HOA will be responsible for the lift station, which will be noted on the deed, recorded on the final plat, and noted on the development agreement, title documents, and CCRs.

Mr. Boudrero answered for Commissioner Bell that 450 West will not go any further south at this time. There are two residential lots currently being used in agriculture form.

Mr. Boudrero said the future land use map identifies this area as medium residential density, which is 3-5 units/acre. An MPC zone fits medium density, however, there are bonuses allowed in an MPC. Ms. Midzinski said there are larger lots on the back side of the development (11,000-14,000 SF) bordering existing homes.

Commissioner Heaps explained that an MPC development requires a certain amount of acreage, which is found in the western part of the city. This area is not being "punished".

Commissioner Freidenberger said this also meets one of the State's housing/density requirements. Mr. Boudrero said cities are required to choose 3 out of the 17 requirements for affordable housing. If they are not met, funding can be lost. Another reason for the MPC is to allow for more flexible housing types and help curb urban sprawl. He invited anyone with concerns to contact him and he would be happy to discuss it.

Mr. Boudrero answered for the Commission that 400 North is proposed to be a collector road, however, multiple property owners do not want to sell and/or connect at this time.

Commissioner Freidenberger would like to see more parking in the amenity area. Mr. Boudrero said the parking requirement has been met, however, that can be recommended.

Mr. Boudrero advised that the plan has been through two STRC meetings and everything that was requested has been incorporated into this proposal.

Commission Heaps would prefer the sidewalks leading into the amenity area be 8' to help match into the trail system.

**MOTION:** Motion by Commissioner Bell to **forward a recommendation for approval** to the City Council for Ordinance 23-07, an Ordinance rezoning Cache County Parcel Numbers 08-042-0012, 08-042-0013, 08-042-0014, 08-042-0015 and 08-043-0015 from A-10 (Agricultural 10- Acre) to MPC (Master Planned Community) **with recommendations to include four (4) more parking spaces in the common area, privacy fencing bordering existing lots, re-ordering the phasing to allow for the amenities to be put in sooner, more trees on the trail near the townhomes and an 8' sidewalk bordering the amenities parking area.** The parcels are located at approximately 485 North 400 West and total approximately 28.95 acres. The request was submitted by Heritage Land Development. Commissioner Holbrook seconded the motion. **Motion approved (6-0).**

Vote:

Aye: Bell, Freidenberger, Gibbons, Heaps, Holbrook, Reis

Information Update – Mayor Kris Monson

Mayor Monson expressed appreciation for the Commission and their hard work, time, and effort.

She talked about the procedure of public hearings. They should be evaluated with an honest, self-critical eye. The Chairperson is in charge of the meetings. The public should be allowed to be heard and not interrupted with no back-and-forth conversation. Agendas are approved by the Chairperson. It is important to close the public comment portion and then have a Commission discussion. One good way of keeping a public hearing on track is for the Chair to keep members of the Commission and staff from responding directly to a member of the public who is speaking. It is very tempting to try and correct misstatements made in the public hearing, but this is rarely helpful and can lead to unnecessary confrontations. A public hearing is a time for the public to speak and for Commission members not to pontificate, but to listen. Commission meetings are a time to discuss items, any other staff members or councilmembers in attendance should not be involved in the meeting. Questions and/or concerns can be addressed before the meeting but staff and councilmembers should not be called upon to speak during the meeting. Questions should be directed to the Chairperson. The Commission should never ask questions of the audience. She complimented Chairman Gibbons on the efficiency of running the meetings. She once again thanked the members for all they do for the City.

**OTHER:**

New Alternate Commissioner Lazaro Soto introduced himself.

Mr. Boudrero is working on the mandatory training for the Commission.

Mayor Monson explained that the bridge project has been postponed due to concerns about potential flooding. The new pump house for the well is being built.

Smithfield, Richmond, and Lewiston have dropped out of the consortium (for trash) for lower costs. Residents will keep their existing cans which have been purchased from Logan City.

**MEETING ADJOURNED** at 7:47 p.m.

Minutes submitted by Debbie Zilles

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Scott Gibbons, Chairman