



SMITHFIELD CITY PLANNING COMMISSION MINUTES December 21, 2022

The Planning Commission of Smithfield City met in the City Council Chambers
96 South Main, Smithfield, Utah at 6:30 p.m. on Wednesday, December 21, 2022

The following members were present constituting a quorum:

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

City Staff: Brian Boudrero, Councilmember Jon Wells, Councilmember Sue Hyer

Others in Attendance: Roger Davies, Jon Harrop, Sage Higginbotham, Jeff Barnes, Dan Sundstrom, Dallas Nicoll, Debbie Zilles

6:34 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 October 19, 2022 to stand as submitted and the November 16, 2022 meeting with a spelling correction on a name approved.

RESIDENT INPUT

Dan Sundstrom he is not opposed to the proposed addition of "Hard Surface Street" in Ordinance 22-23 (to be discussed later in the meeting), however, he is concerned whether this will affect an already-approved subdivision if it is applied retroactively. This change could create a financial hardship for a project that has already been designed.

AGENDA ITEMS

Discussion and possible vote on the request by Visionary Homes for approval of the Final Plat for The Village at Fox Meadows PUD, Phase 4, a (28) lot/unit subdivision located at approximately 770 West 600 North. Zoned R-1-10 PUD (Single Family Residential 10,000 Square Feet Planned Unit Development Overlay Zone).

Jon Harrop with Visionary Homes advised this is for approval of the Final Plat - Phase 4 of the Village at Fox Meadows PUD. This is a PUD overlay over an R-1-10 residential zone and will be one of the final phases of the PUD portion of the project (the rest are now MPC zone). There are no changes from the preliminary plat. He outlined the sidewalks and the trail. The project has met all the STRC requirements.

MOTION: Motion by Commissioner Higginbotham to **approve** the request by Visionary Homes for the Final Plat for The Village at Fox Meadows PUD, Phase 4, a (28) lot/unit subdivision located at approximately 770 West 600 North. Zoned R-1-10 PUD (Single Family Residential 10,000 Square Feet Planned Unit Development Overlay Zone). Commissioner Bell seconded the motion. **Motion approved (7-0).**

Vote:

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

Introduction and **Public Hearing**, no sooner than 6:40 P.M., for the purpose of discussing Ordinance 22-30, an Ordinance rezoning Cache County Parcel Number 08-109-0002 from A-5 (Agricultural 5-Acre) to M-1 (Manufacturing). The parcel is located at approximately 650 South 400 West and is approximately 5.15 acres. The request was submitted by Trueline Contractors, LLC.

Mr. Boudrero outlined the request from Trueline Contractors requesting a rezone of the parcel to be used to house excavation equipment. The request is in line with the future land use/zoning of the area.

6:50 p.m. Public Hearing Opened - No public comments.

6:51 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 22-30

Commissioner Freidenberger questioned the noise. Chairman Gibbons pointed out that there is manufacturing around the area and this use will likely not be out of line with what is already there.

Commissioner Higginbotham asked if adjacent properties were notified. Mr. Boudrero explained that the notice was posted online as required by law, however, letters are not required to be mailed out to property owners.

Dallas Nicoll, from Trueline Contractors, said they intend to build a shop on the back 2 acres of the property with bays for maintenance/service of the excavation equipment, with flexible space on the front three 3 acres. The use will not be any more disturbing than the current agricultural use and there will be little to no traffic after regular business hours.

Chairman Gibbons reminded the Commission that the request is only for a rezone of the property.

Commissioner Holbrook asked about access off of 400 West. Mr. Nicoll said it is a double-chip seal road that will accommodate the equipment.

Mr. Nichol confirmed for Commissioner Freidenberger that dirt will not be stored onsite although there occasionally may be small amounts of gravel which will not cause any more dust than what is there now.

MOTION: Motion by Commissioner Heaps to **forward a recommendation for approval** to the City Council for Ordinance 22-30, an ordinance rezoning Cache County Parcel Number 08-109-0002 from A-5 (Agricultural 5-Acre) to M-1 (Manufacturing). The parcel is located at approximately 650 South 400 West and is approximately 5.15 acres. The request was submitted by Trueline Contractors, LLC. Commissioner Holbrook seconded the motion. **Motion approved (7-0).**

Vote:

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

Continued discussion and possible vote on Ordinance 22-23, an Ordinance amending the Smithfield City Municipal Code Title 16 “Subdivision Regulations”, Chapter 16.04 “General Provisions”, Sections 16.04.030 “Definitions”, and 16.04.060 “Compliance Required”, Chapter 16.06 “Minor Subdivision”, Section 16.06.050 “Compliance Required” and adding in its entirety, Title 17 “Zoning Regulations”, Chapter 17.100 “Site Development and Landscaping”, Section 17.100.046 “Utilities in All City Zones”.

Mr. Boudrero reviewed the changes. This ordinance was tabled last month for the fire code information about separate entrances. The other portions of the ordinance have remained the same except for the compliance code in 16.04.060; the wording has been adjusted to show the multi-family and the requirements for single-family units.

Commissioner Holbrook asked if the hard surface requirement would be retroactive (referring to Mr. Sundstrom’s comment earlier in the meeting). Mr. Boudrero was not certain and said he would have to check.

Councilmember Wells stated that in his opinion if a developer has been granted a temporary turnaround that meets the current requirement it is fine, but as a project proceeds and is reviewed, any new accesses would have to meet the current (new) standard, however, that could be argued on both sides. The concern is that the road would need to handle Fire Department apparatus/access. Commissioner Higginbotham said this seems to be a legal concern. Chairman Gibbons pointed out that the City Council would need to review and ultimately approve the decision and can seek a legal opinion before that is done. He agrees with Commissioner Higginbotham and would like to know how this might impact an existing/approved plat before a decision is made.

Councilmember Wells said the wording in 17.100.046 Utilities in All City Zones does not make sense. Chairman Gibbons suggested removing the second part of the sentence to read “*All culinary water, sewer main lines, and storm drain lines shall be extended to the end of the property (farthest property line)* ~~before existing lots that are not part of the subdivision will be issued a zoning clearance~~”. He will work with staff on clarification.

Review and discussion on municipal code Chapter 17.36 “Signs”.

Chairman Gibbons spoke with Mayor Monson about this review. The objective is to make the code more “business-friendly”. The ordinance should be reviewed from the point of view of what is currently allowed, what businesses feel they need, and whether this section adequately addresses those concerns. He asked the Commission to carefully review this section of the code and be prepared to discuss it at the next meeting.

Mr. Boudrero said each Commissioner has met the annual training requirement for this year.

Commissioner Holbrook noted that one of the recommendations in the Housing Task Force Final Report for the County is to “*Adopt code revisions that allow denser development in the unincorporated areas*”. He sees this as the City losing control of what is done outside the City limits. He would like to see the City be open-minded

when considering annexations. Chairman Gibbons said the minimum size of a County lot has to be two (2) acres. Mr. Boudrero also pointed out that cities are required to submit a Moderate-Income Housing report annually, the state is putting most of the requirement for moderate-income on the cities rather than counties. He also reminded the Commission that the City Council is the authority that deals with annexations. Commissioner Holbrook said Smithfield is ahead of the issue with a variety of housing types allowed.

MEETING ADJOURNED at 7:42 p.m.

Minutes submitted by Debbie Zilles

Scott Gibbons, Chairman

ORDINANCE NO 23-01

AN ORDINANCE AMENDING TITLE 17, ZONING OF THE SMITHFIELD MUNICIPAL CODE, BY AMENDING THE ZONING MAP OF SMITHFIELD CITY.

BE IT ORDAINED by the City Council of Smithfield City, Utah as follows:

That certain map or maps entitled "Zoning map of Smithfield City, Utah" is hereby amended and the following described property is hereby rezoned from GC (General Commercial) to M-1 (Manufacturing).

Approximate Property Location: 560 South 200 West

Cache County Parcel Number: 08-105-0058

BEG 1.45 CHS N & 10 CHS E OF SW COR OF NE/4 SEC 33 T 13N R 1E & TH N 5.04 CHS TH E 9.76 CHS TH S ALG W LN OF ST 5.07 CHS TH W ALG N LN OF ST 9.76 CHS TO BEG CONT 4.92 AC SUBJ TO BNDRY LN AGREEMENT W/PARCEL 0027 SOUTH LINE ENT 1170138

APPROVED by the Smithfield City Council this 8th day of February, 2023.

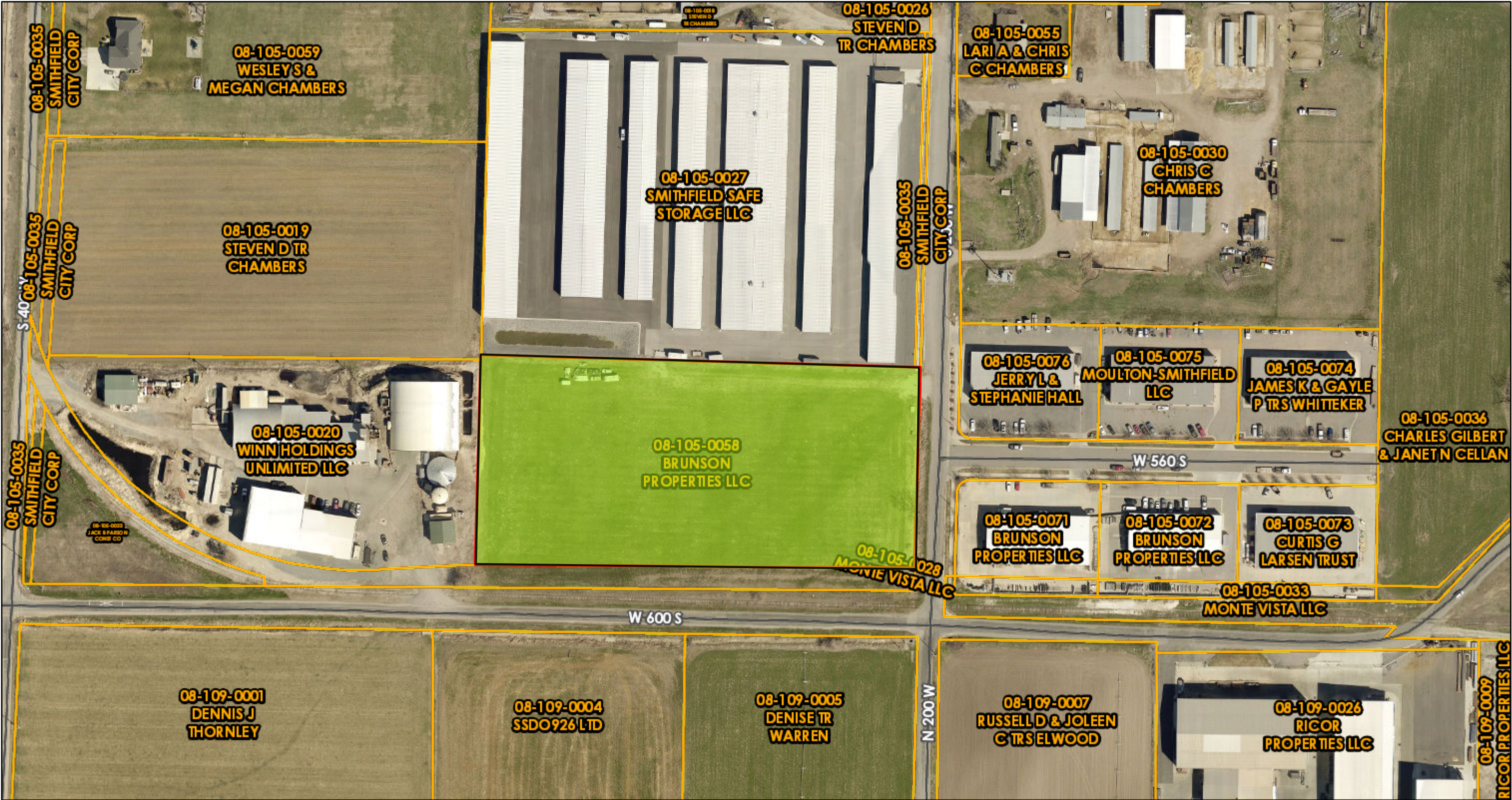
SMITHFIELD CITY CORPORATION

Kristi Monson, Mayor

ATTEST:

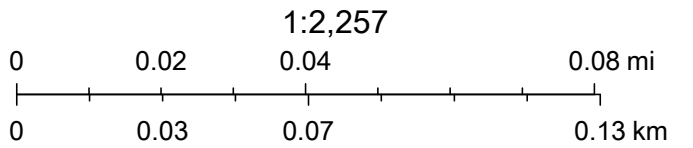
Justin B. Lewis, City Recorder

Parcel Map



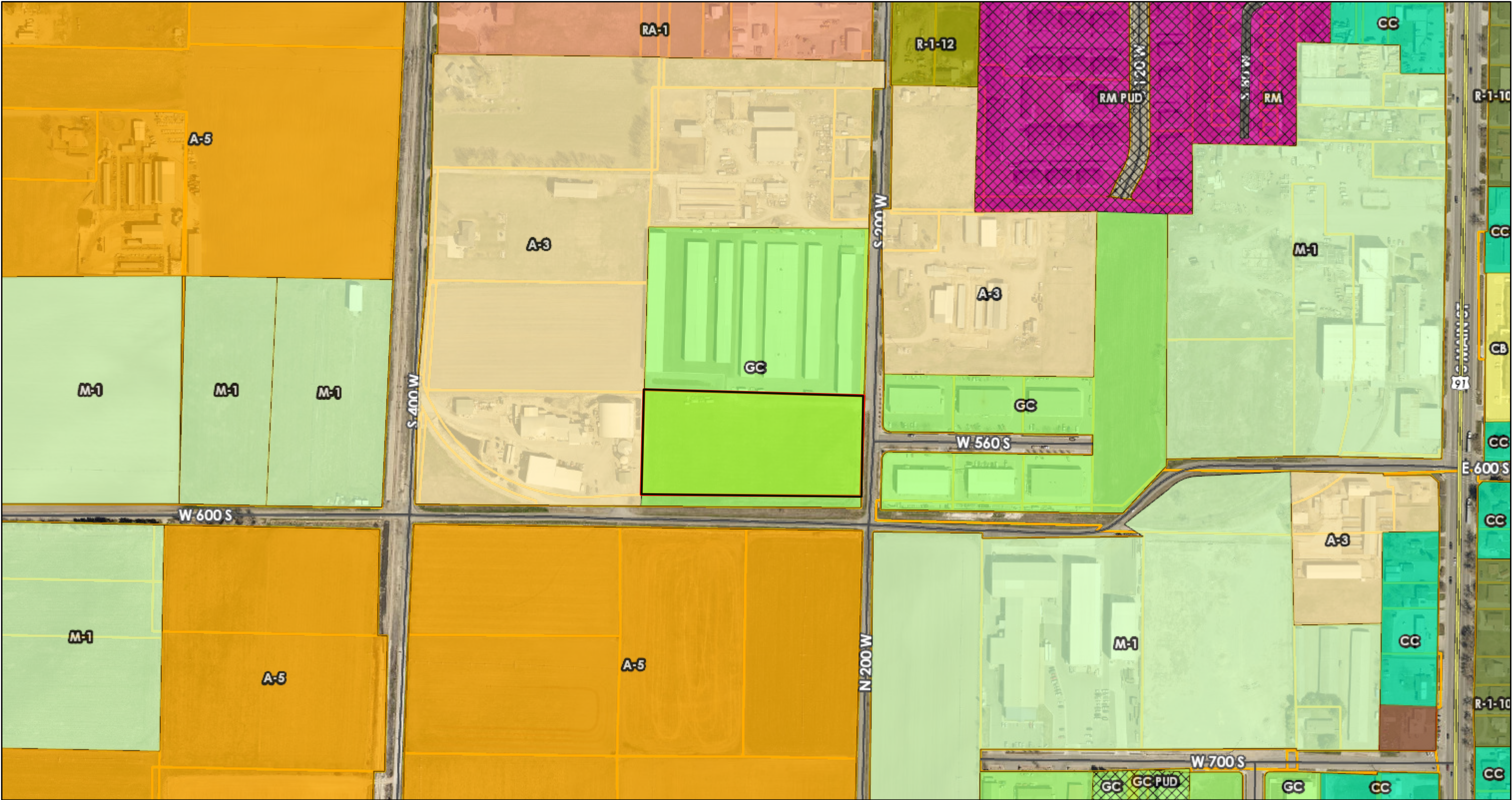
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| <div></div> Override 1 | <div></div> County Boundary | UTCACH042027.sid | UTCACH038042.sid | UTCACH036027.sid | UTCACH031027.sid | UTCACH026027.sid | UTCACH018042.sid | UTCACH018030.sid | UTCACH010030.sid |
| <div></div> Override 1 | <div></div> Cache Parcels | <div></div> Red: Band_1 | <div></div> Red: Band_1 | <div></div> Red: Band_1 | <div></div> Red: Band_1 | <div></div> Red: Band_1 | <div></div> Red: Band_1 | <div></div> Red: Band_1 | <div></div> Red: Band_1 |
| <div></div> Taxes Due / Not Paid | UTCACH049024.sid | <div></div> Green: Band_2 | <div></div> Green: Band_2 | <div></div> Green: Band_2 | <div></div> Green: Band_2 | <div></div> Green: Band_2 | <div></div> Green: Band_2 | <div></div> Green: Band_2 | <div></div> Green: Band_2 |
| Class B Surface Type | <div></div> Red: Band_1 | <div></div> Blue: Band_3 | <div></div> Blue: Band_3 | <div></div> Blue: Band_3 | <div></div> Blue: Band_3 | <div></div> Blue: Band_3 | <div></div> Blue: Band_3 | <div></div> Blue: Band_3 | <div></div> Blue: Band_3 |
| <div></div> ASPHALT | <div></div> Green: Band_2 | UTCACH039018.sid | UTCACH036033.sid | UTCACH034038.sid | UTCACH030042.sid | UTCACH023042.sid | UTCACH018038.sid | UTCACH010038.sid | UTCACH010013.sid |
| <div></div> GRAVEL | <div></div> Blue: Band_3 | <div></div> Red: Band_1 | <div></div> Red: Band_1 | <div></div> Red: Band_1 | <div></div> Red: Band_1 | <div></div> Red: Band_1 | <div></div> Red: Band_1 | <div></div> Red: Band_1 | <div></div> Red: Band_1 |
| <div></div> DIRT | | <div></div> Green: Band_2 | <div></div> Green: Band_2 | <div></div> Green: Band_2 | <div></div> Green: Band_2 | <div></div> Green: Band_2 | <div></div> Green: Band_2 | <div></div> Green: Band_2 | <div></div> Green: Band_2 |
| <div></div> Municipal Boundaries | | <div></div> Blue: Band_3 | <div></div> Blue: Band_3 | <div></div> Blue: Band_3 | <div></div> Blue: Band_3 | <div></div> Blue: Band_3 | <div></div> Blue: Band_3 | <div></div> Blue: Band_3 | <div></div> Blue: Band_3 |



Maxar, Microsoft

Parcel Map



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- Override 1

Override 1

Taxes Due / Not Paid

Wellsville Zoning

NEIGHBORHOOD COMMERCIAL - NC

COMMUNITY COMMERCIAL - C1 - C2

GENERAL COMMERCIAL - GC

HIGHWAY COMMERCIAL - CH

MANUFACTURING

RESIDENTIAL AGRICULTURE - 5 ACRE

RESIDENTIAL - 1 ACRE

RESIDENTIAL - 1/2 ACRE

RESIDENTIAL - 12,000 SF

RESIDENTIAL - MULTIFAMILY

RECREATIONAL PLANNED DEVELOPMENT
- RESIDENTIAL CRITICAL AREA
- FOREST RECREATION - 40 ACRE
- Trenton Zoning
- AGRICULTURAL
- COMMERCIAL C1
- COMMERCIAL C2
- PARK
- RESIDENTIAL

Smithfield Zoning

PUD OVERLAY

MIXED USE OVERLAY

AGRICULTURAL - A-3

AGRICULTURAL - A-5

AGRICULTURAL - A-10

CENTRAL BUSINESS DISTRICT - CB

COMMERCIAL PROFESSIONAL

COMMUNITY COMMERCIAL - CC

GENERAL COMMERCIAL - GC

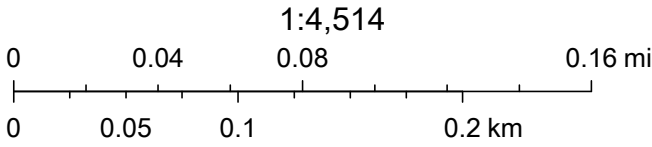
INSTITUTIONAL - I-1

MANUFACTURING - M1

MULTIPLE FAMILY RESIDENTIAL - RM

RESIDENTIAL AGRICULTURAL - RA-1

RESIDENTIAL AGRICULTURAL - RA-2



ORDINANCE NO. 23-02

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 16 “SUBDIVISION REGULATIONS”, CHAPTER 16.04 “GENERAL PROVISIONS”, SECTION 16.04.060 “COMPLIANCE REQUIRED”, AND CHAPTER 16.06 “MINOR SUBDIVISION”, SECTION 16.06.050 “APPROVAL OF MINOR SUBDIVISION”.

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

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

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|--|
| 16.06.050 APPROVAL OF MINOR SUBDIVISION |
|--|

~~A. The final plat or record survey shall be submitted to the planning department at least ten (10) days prior to a regularly scheduled meeting of the planning commission. No public hearing shall be required.~~

A. A final plat or record of survey shall be submitted to the STRC (Subdivision Technical Review Committee) for review. Upon receiving approval from the STRC, the final plat or record of survey shall be submitted to the planning department at least fourteen (14) days prior to a regularly scheduled meeting of the planning commission. No public hearing shall be required.

B. Following the review of the proposed minor subdivision, the planning commission shall recommend to the city council either approval, modification, or rejection of the final plat or record survey.

C. After receiving a recommendation from the planning commission, the developer shall present the final plat or record survey to the city council for consideration. ~~Prior to reviewing the final plat or record survey and the recommendation of the planning commission, the city council shall present the final plat or record survey to the STRC for review and approval. Upon receiving an approval from the STRC the city council shall review the final plat or record survey and consider the recommendation of the planning commission, city engineer, and other such departments deemed appropriate. If the final plat or record survey conforms to city's ordinances and this title,~~ the city council shall approve the final plat or record survey.

16.04.060 COMPLIANCE REQUIRED

- A. It shall be unlawful for any person to subdivide any tract or parcel of land which is located wholly or in part in the city except in compliance with this title. No final plat of any subdivision shall be recorded until it has been submitted and approved as herein. A plat shall not be approved if such plat is in conflict with any provision of the master street plan, land use ordinance, this title, or any other state law or city ordinance.
- B. Land shall not be transferred, sold, or offered for sale, nor shall a building permit be issued for a structure thereon, until a final plat or drawing of a subdivision shall have been recorded in accordance with this title and any applicable provisions of state law, and until the improvements required in connection with the subdivision have been completed as provided herein. Building permits shall not be issued without written approval of all public agencies involved. No building depending on public water, sewer, energy facilities, and street or fire protection shall be permitted to be occupied until such facilities are fully provided and operational.
- C. All lots, plots or tracts of land located within a subdivision shall be subject to this title whether the tract is owned by the subdivider or a subsequent purchaser, transferee, devisee, or contract purchaser of the land or any other person.
- D. Except as otherwise provided, it shall be unlawful for any person to receive a Certificate of Occupancy for a lot within a subdivision until water, sewer, storm drainage and all other required underground utilities within the subdivision are installed, inspected and approved by the city, all curb and gutter is installed, and all streets in the subdivision are paved.
- E. A building permit may be issued for a lot within a subdivision prior to installation of all water, sewer and required utilities and rough grading of all streets within the subdivision upon a finding of all of the following conditions by the building official:
 - 1. The lot fronts onto an already existing hard surfaced street;
 - 2. The main lines for utilities which will service the lot are located within the already existing and improved street;
 - 3. There is adequate fire flow protection and existing fire hydrants and fire protection devices for the lot as required by the International fire code, as adopted by the city, and other relevant city ordinances;
 - 4. There is adequate access to the lot for emergency utility vehicles;
 - 5. The issuance of the building permit will not threaten public health, safety and welfare;
 - 6. Issuance of the permit will not result in the waiver of any other requirements or performance guarantees for the subdivision.
- F. It shall be the responsibility of the subdivider to allow no human occupancy until all necessary utilities are installed and basic improvements are adequate to render the subdivision habitable which improvements shall include paved streets. It shall be unlawful for any subdivider to sell any portion of an approved subdivision until the prospective buyer or builder has been advised that occupancy will not be permitted until all required improvements are completed.
- G. Multiple-family residential projects having more than one hundred (100) dwelling units shall be equipped throughout with two (2) separate and approved fire apparatus access roads. Developments of one (1) or two (2) family dwellings where the number of dwelling units

exceeds thirty (30) shall be provided with two (2) separate and approved fire apparatus access roads.

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 8th day of February, 2023

SMITHFIELD CITY CORPORATION

Kristi Monson, Mayor

ATTEST:

Justin B. Lewis, City Recorder

ORDINANCE NO. 23-03

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 16 “SUBDIVISION REGULATIONS”, CHAPTER 16.04 “GENERAL PROVISIONS”, SECTION 16.04.030 “DEFINITIONS”.

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

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

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| 16.04.030 DEFINITIONS |
|------------------------------|

HARD SURFACE STREET: A street that will support a three (3) axle 80,000 pound (lb) vehicle and will not absorb water, making it less stable and reduce bearing capacity. The two options for a hard surface street are asphalt, which is 2 1/2 inches thick or concrete with a minimum thickness of four (4) inches.

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 8th day of February, 2023

SMITHFIELD CITY CORPORATION

Kristi Monson, Mayor

ATTEST:

Justin B. Lewis, City Recorder