

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:

<u>Members Present</u>: Katie Bell, Brooke Freidenberger, Scott Gibbons, Jasilyn Heaps, Bob Holbrook, Stuart Reis

Members Excused: Brian Higginbotham

<u>**City Staff</u>**: Brian Boudrero, Councilmember Jon Wells, Councilmember Sue Hyer, Mayor Kris Monson</u>

<u>Others in Attendance</u>: 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 <u>Public Hearing</u>, no sooner than 6:40 P.M., for the purpose of discussing <u>Ordinance 23-07</u>, 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 chanticleer 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 <u>Ordinance 23-07</u>, 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.

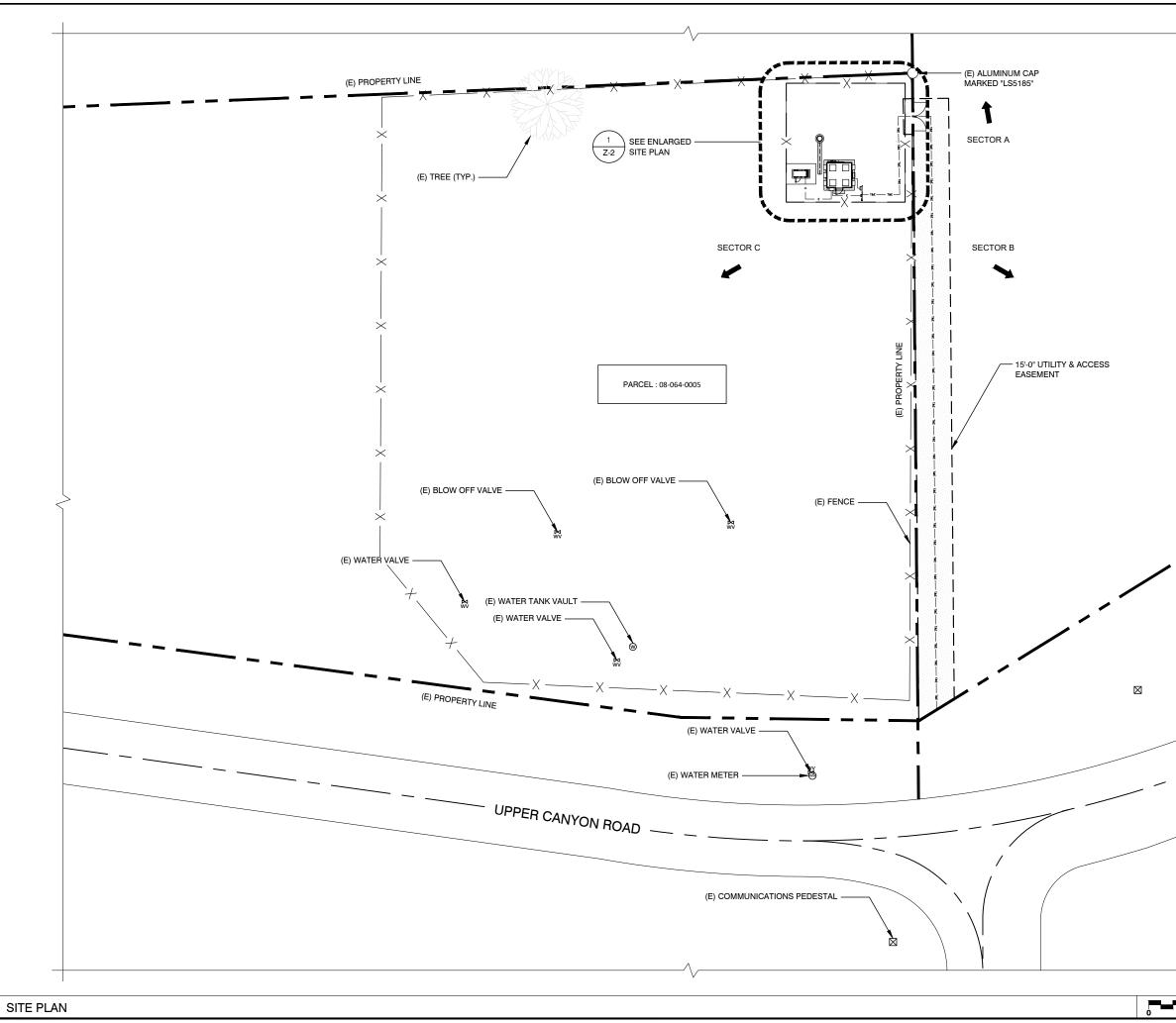
Mayor Monson explained that the bridge project has been postponed due to concerns about potential flooding. The new pump house for the well is being built.

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.

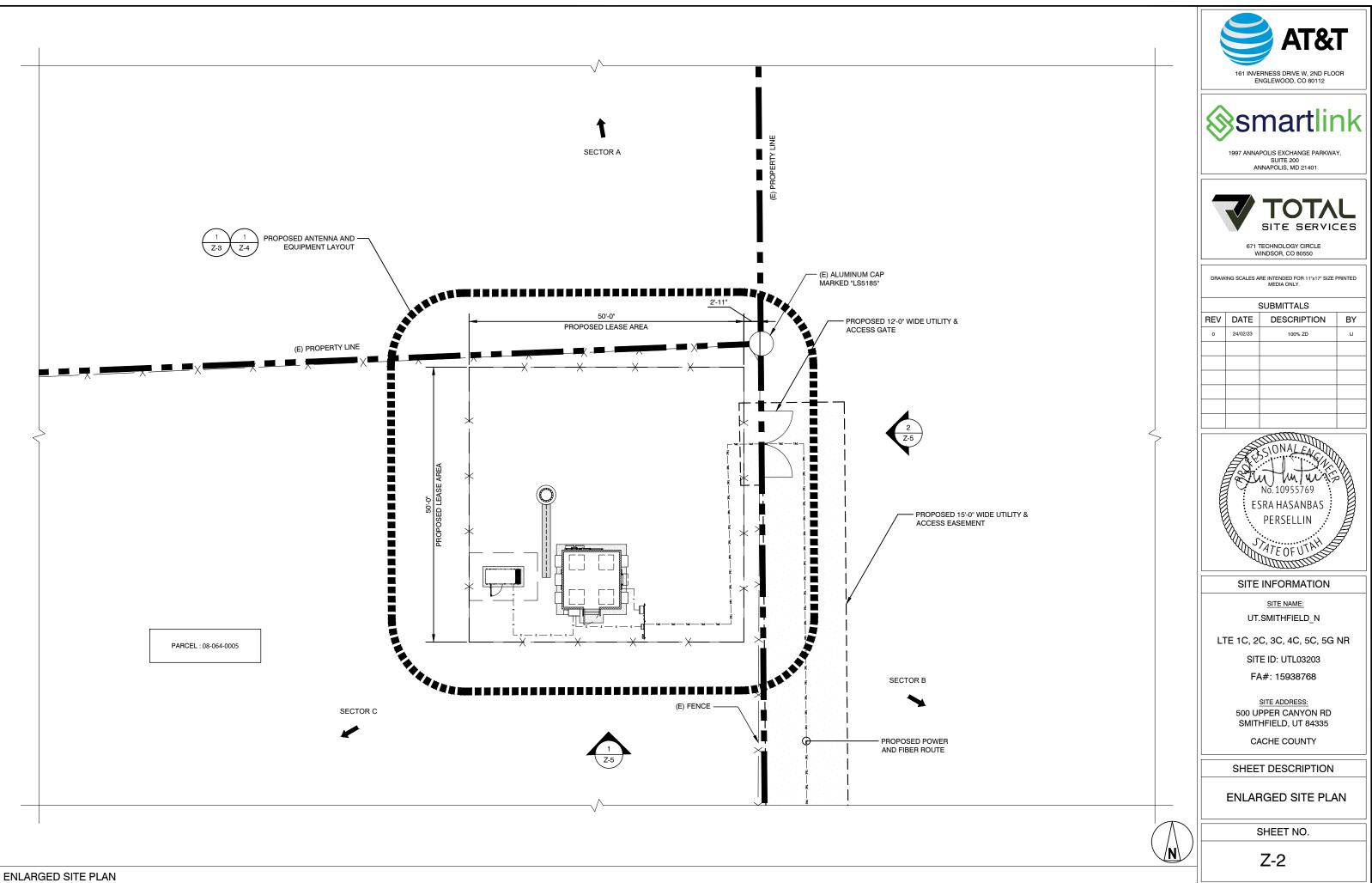
MEETING ADJOURNED at 7:47 p.m.

Minutes submitted by Debbie Zilles

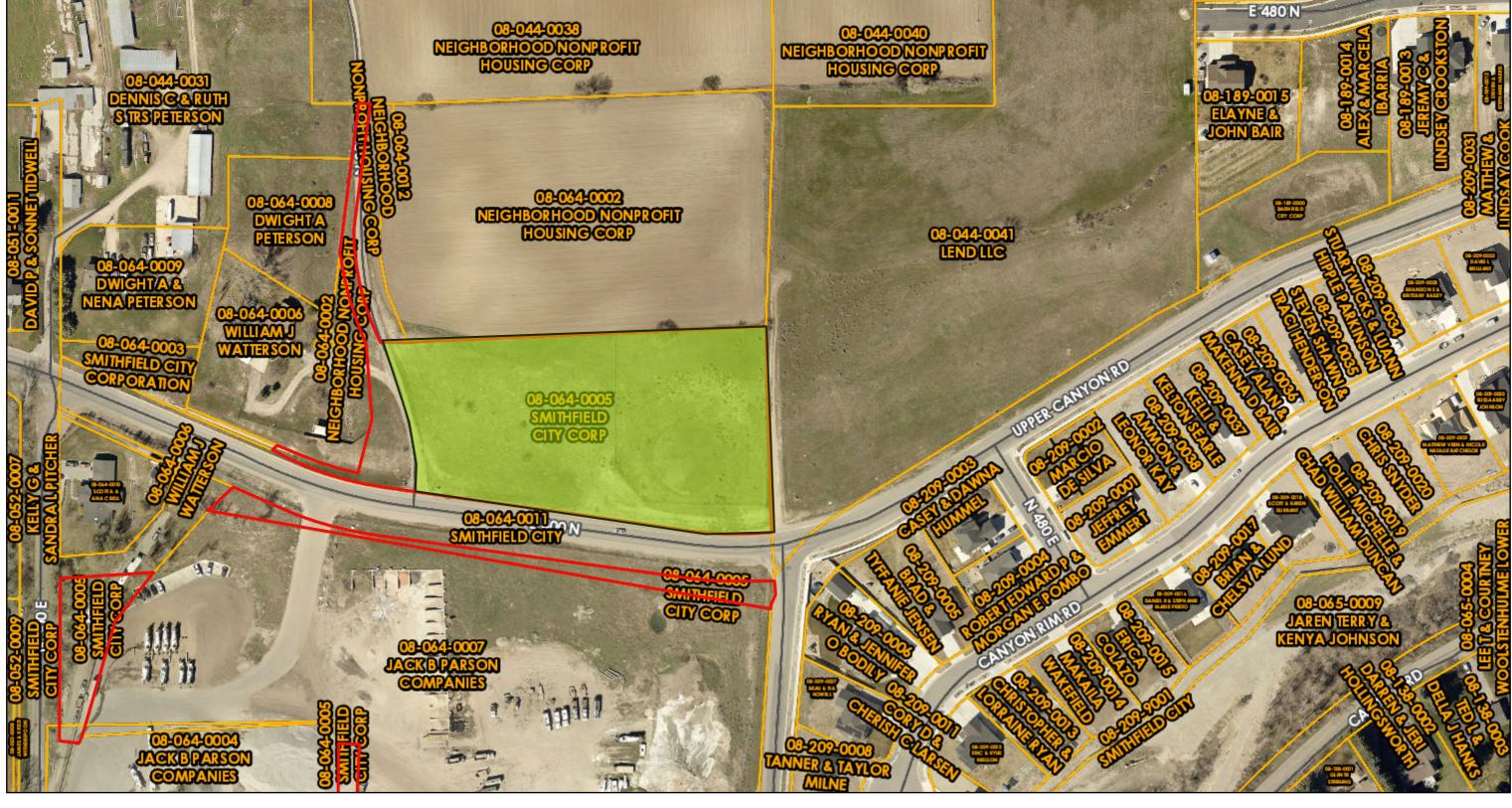
Scott Gibbons, Chairman



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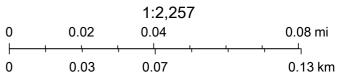


Parcel Map





SPHALT



Maxar, Microsoft

ORDINANCE NO 23-05

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 R-1-12 (Single Family Residential 12,000 Square Feet) to MPC (Master Planned Community).

Approximate Property Location: East of 200 South 1000 East

Cache County Parcel Number: 08-048-0012

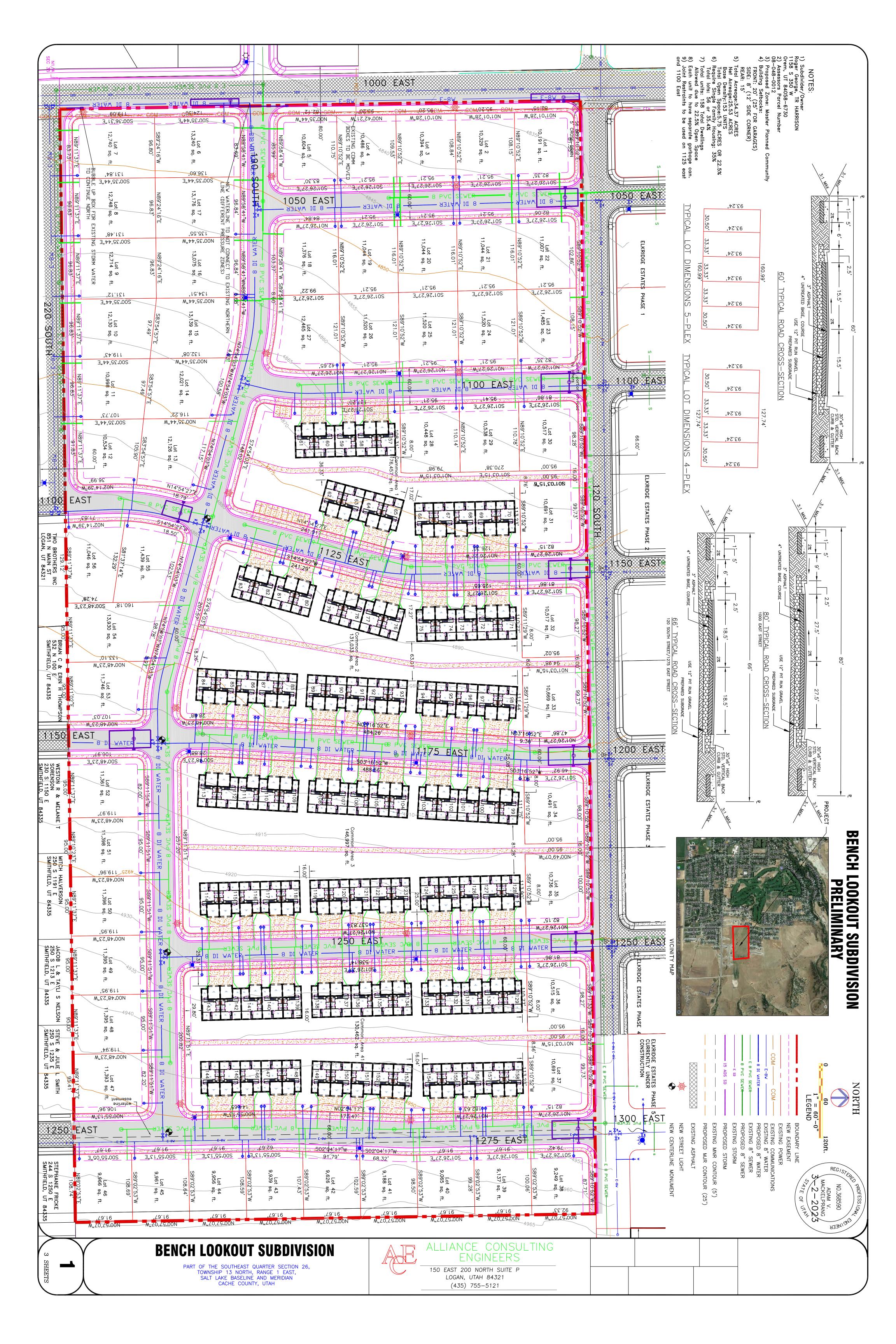
BEG AT SW COR SE/4 SEC 26 T 13N R 1E & TH N 0*04'29" W 836.60 FT ALG EXISTING BNDRY FENCE LN TH N 89*58'32" E 1838.47 FT ALG EXISTING BNDRY FENCE LN TH S 837.38 FT TO S LN OF SEC 26 TH W 1838.21 FT ALG S LN TO POB SUBJ TO & WITH 60 FT R/W ON DEED CONT 35.32 AC LESS THE W'LY 50 FT TO SMITHFIELD CITY 707/547 0.96 AC NET 34.36 AC

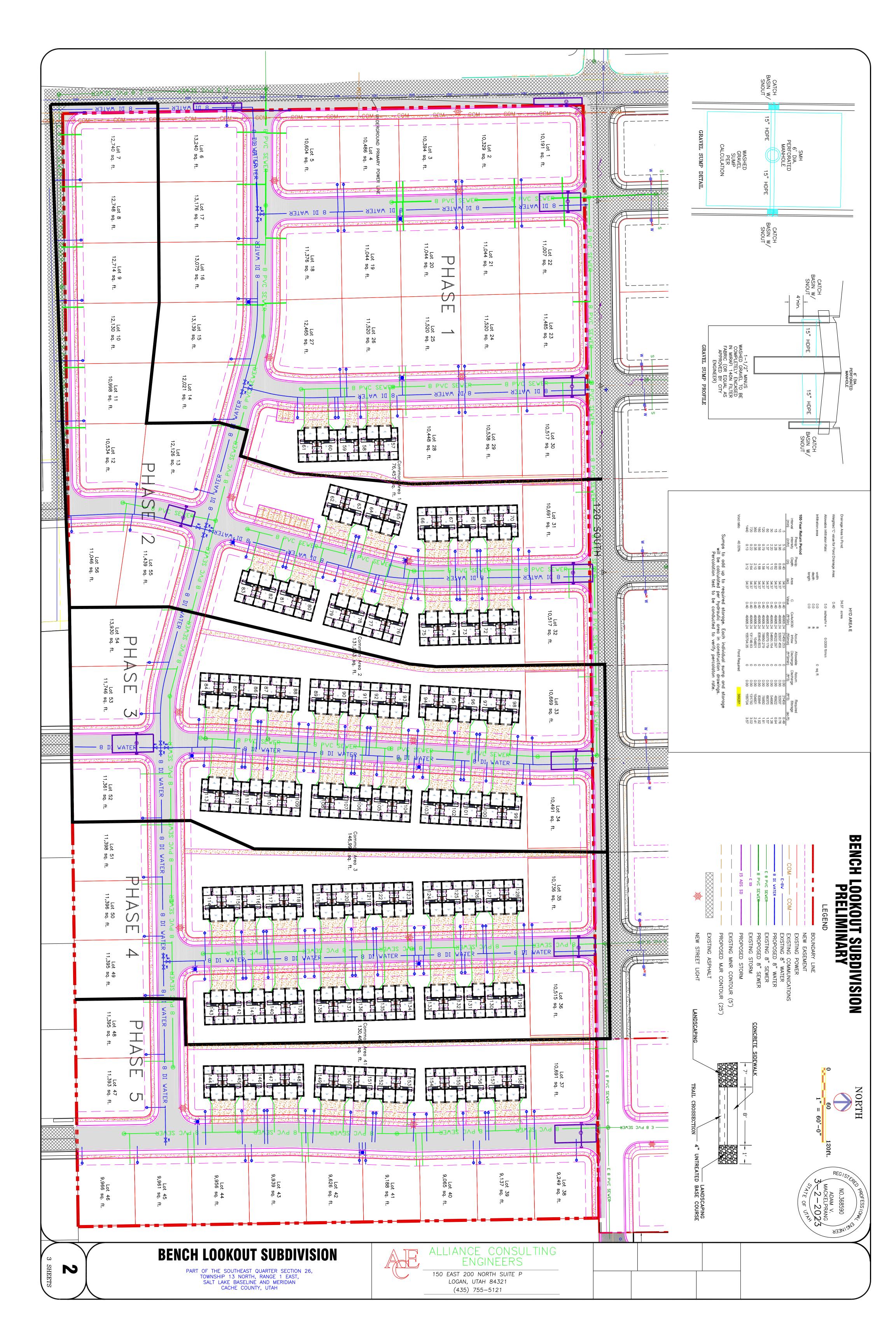
APPROVED by the Smithfield City Council this 22nd day of March, 2023.

SMITHFIELD CITY CORPORATION

Kristi Monson, Mayor

ATTEST:







ORDINANCE NO 23-09

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 RM (Multiple-Family Residential) to RM (PUD) (Multiple-Family Residential Planned Unit Development Overlay Zone).

Approximate Property Location: 900 South 250 East

Cache County Parcel Number: 08-117-0018

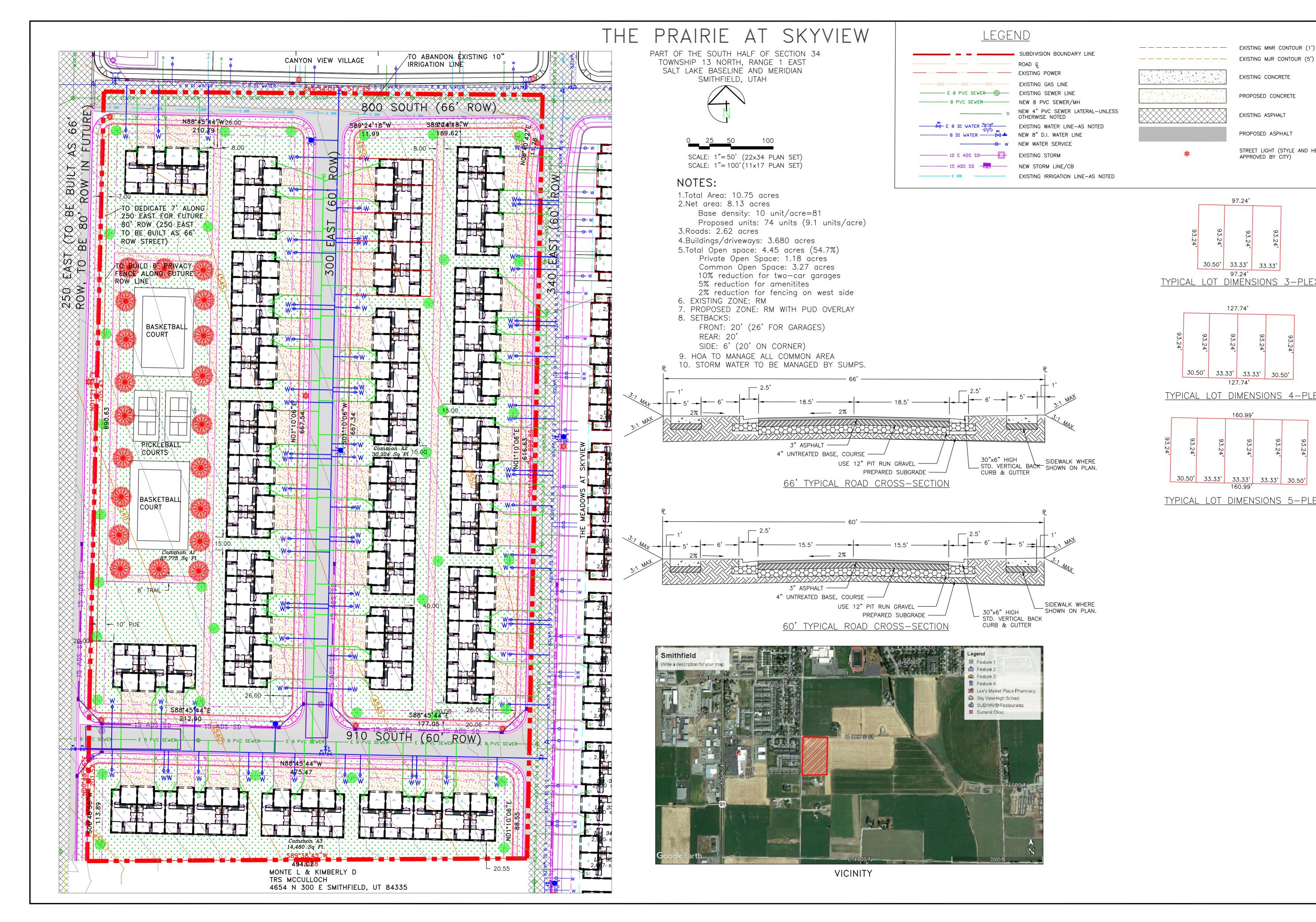
Commencing at the Southwest Corner of Section 34, Township 13 North, Range 1 East of the Salt Lake Baseline and Meridian monumented with a rebar, thence N89°38'45"E 2676.36 feet to the South Quarter Corner of Section 34, Township 13 North, Range 1 East of the Salt Lake Baseline and Meridian monumented with an Aluminum Cap; thence N01°10'06"E 440.22 feet along the boundary of Eastfield Subdivision to the 5/8" rebar and the POINT OF BEGINNING and running thence S89°38'45"W 518.68 feet continuing on the boundary of Eastfield Subdivision; thence along the east right of way line of 250 East Street the next two courses: 1) thence N00°48'56"E 201.57 feet; 2) thence N01°21'54"E 705.43 feet; thence South 89°34'01"E 517.35 feet; thence S01°10'06"W 899.85 feet along the boundary of The Meadows of Sky View Phase 1 and 2 to the point of beginning. CONT 10.76 AC

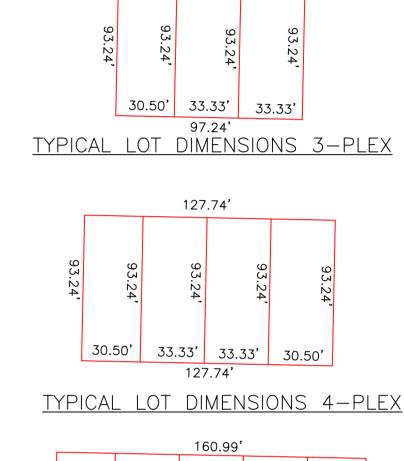
APPROVED by the Smithfield City Council this 22nd day of March, 2023.

SMITHFIELD CITY CORPORATION

Kristi Monson, Mayor

ATTEST:





30.50' 33.33' 33.33'

160.99'

TYPICAL LOT DIMENSIONS 5-PLEX

33.33' 30.50'

EXISTING MNR CONTOUR (1')

EXISTING CONCRETE

PROPOSED CONCRETE

EXISTING ASPHALT

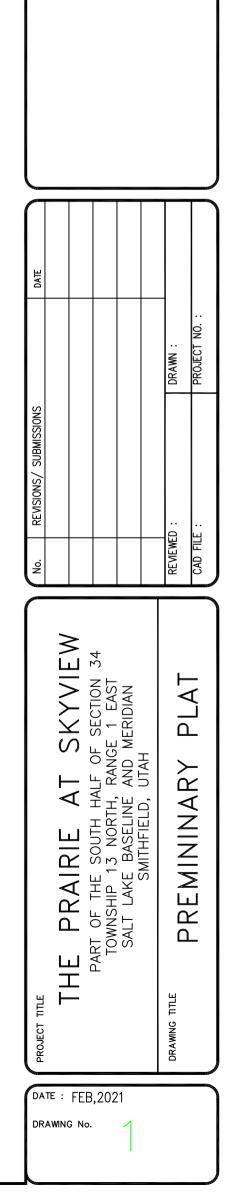
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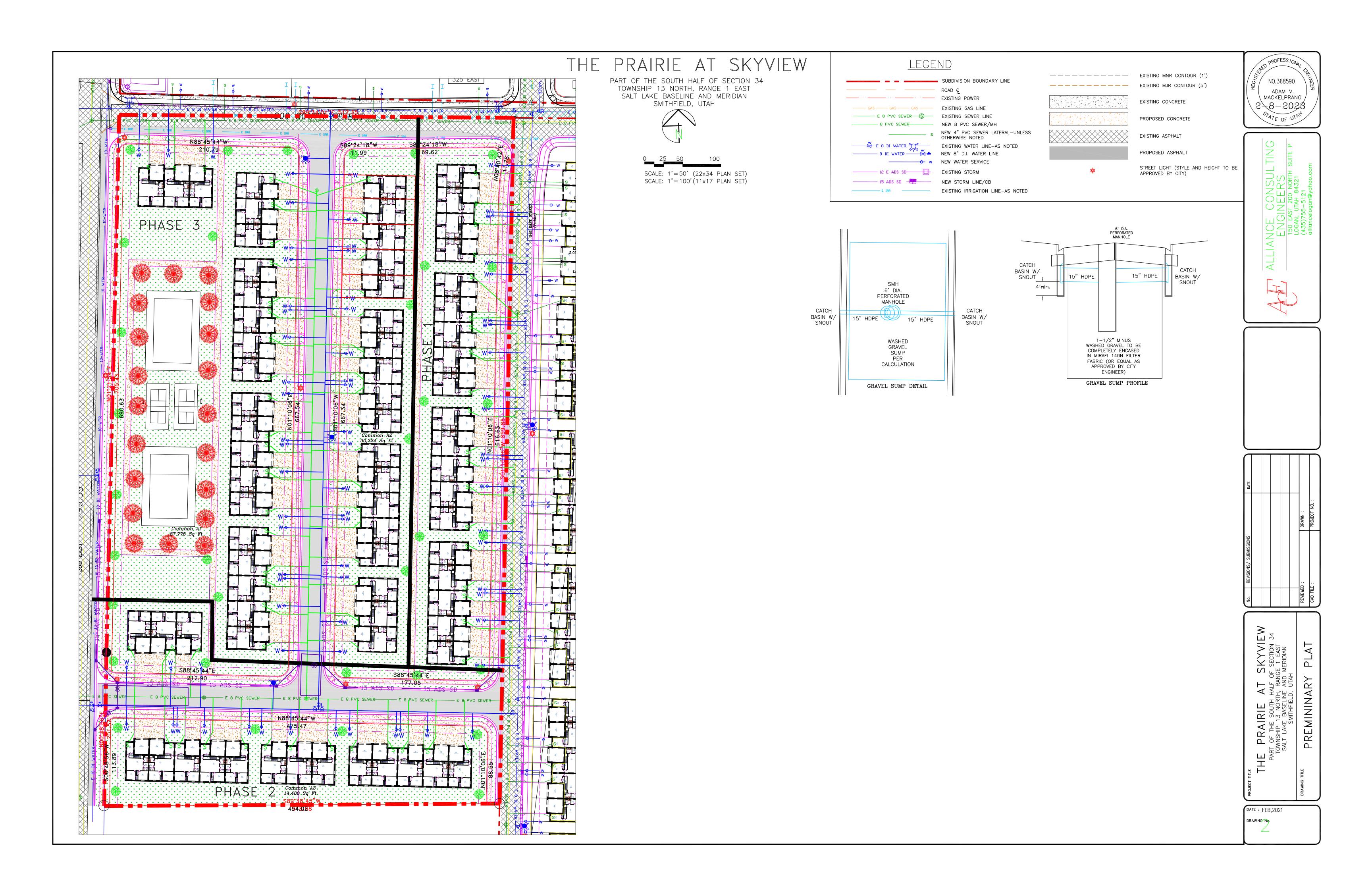
APPROVED BY CITY)

97.24'

STREET LIGHT (STYLE AND HEIGHT TO BE







Parcel Map



2/21/2023, 11:13:49 AM

Override 1

Class B Surface Type -----

- ASPHALT

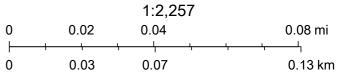
Municipal Boundaries

GRAVEL

DIRT

County Boundary

Cache Parcels

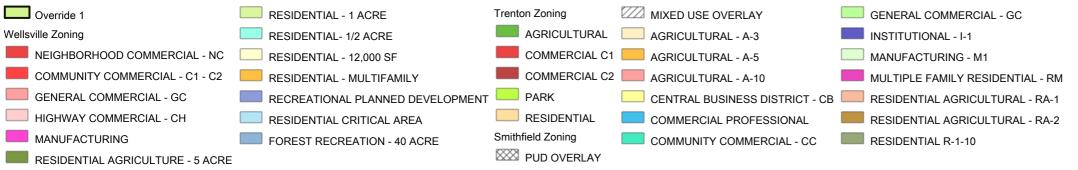


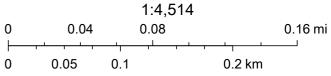
Maxar, Microsoft

Parcel Map

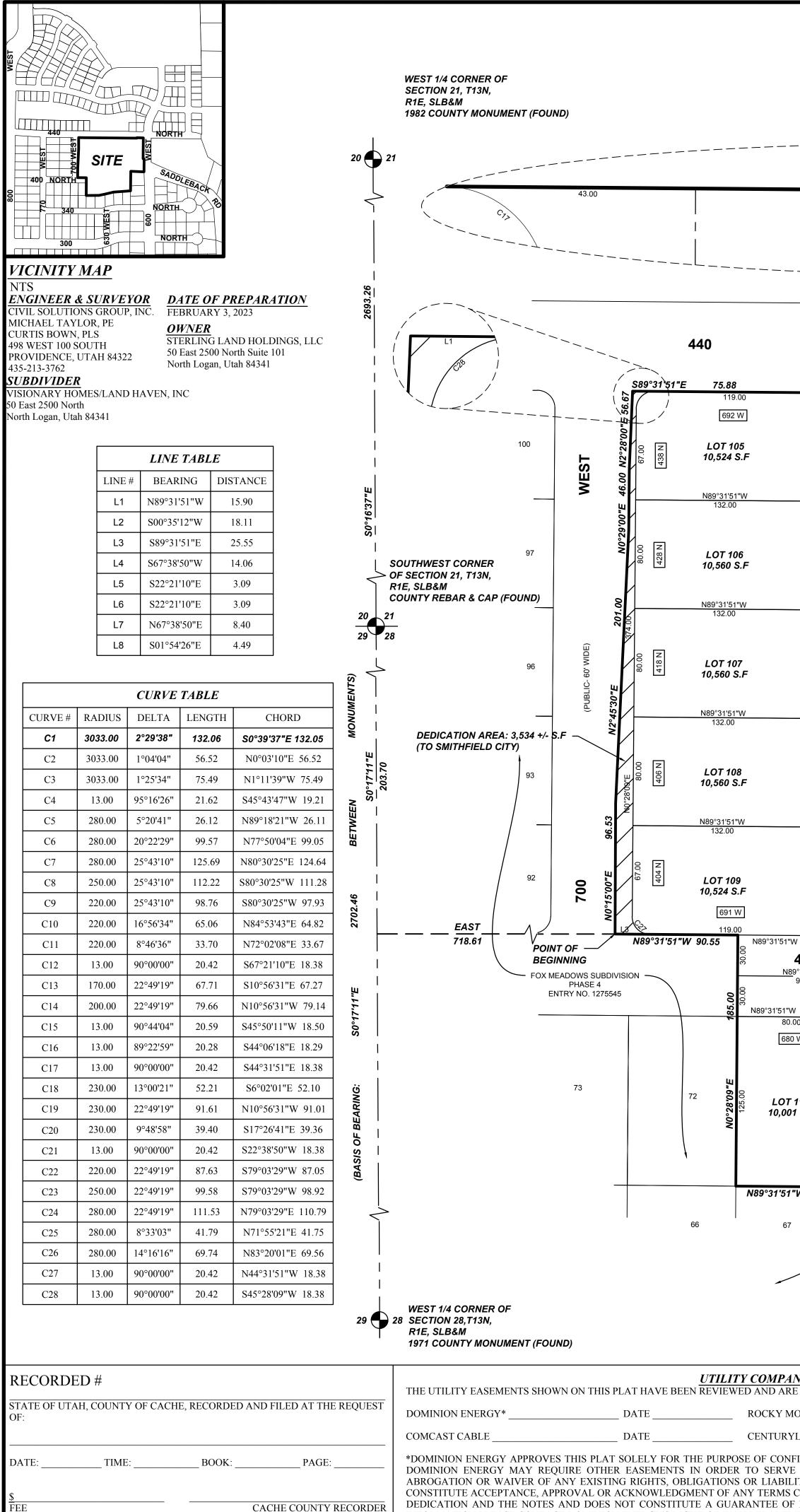


2/21/2023, 11:16:26 AM





Maxar



WEST 1/4 CORNER OF SECTION 21, T13N, R1E, SLB&M 1982 COUNTY MONUMENT (FOUND)	LOCATED IN T	FINAL PLAT OF OX MEADOWS PHASE 6 THE SW1/4 OF SECTION 21 & NW1/4 (CTION 28,T13N, R1E, S.L.B.&M. SMITHFIELD, UTAH	ЭF		A
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SURVEYOR'S CERTIFICATE I, CURTIS BOWN, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THA I HOLD CERTIFICATE NO. 12606452-2201 IN ACCORDANCE WITH TITLE 58, CHAPTER 22 OF UTAF 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 17-23-1

OF SAID CODE, AND HAVE ALSO SUBDIVIDED SAID TRACT OF LAND INTO LOTS, STREETS, ANI

EASEMENTS, AND THE SAME HAS, OR WILL BE CORRECTLY SURVEYED, STAKED ANI

MONUMENTED ON THE GROUND AS SHOWN ON THIS PLAT, AND THAT THIS PLAT IS TRUE ANI

> CURTIS BOWN PROFESSIONAL LAND SURVEYOR CERTIFICATE NO. 12606452-2201

CORRECT.

DATE

BOUNDARY DESCRIPTION A portion of the SW1/4 of Section 21 and the NW1/4 of Section 28, Township 13 North, Range 1 East, Salt Lak

Base & Meridian, Smithfield, Utah, more particularly described as follows: Beginning at a point on the easterly line of Phase 4, FOX MEADOWS Subdivision, according to the Officia Plat thereof on file in the Office of the Cache County Recorder, located S0°17'11"E along the Section line 203.70 feet and East 718.61 feet from the Northwest Corner of Section 28, T13N, R1E, S.L.B.& M.; thence along said Plat the following 4 (four) courses and distances: N0°15'00"E 96.53 feet; thence N2°45'30"E 201.00 feet; thence N0°29'00"E 46.00 feet; thence N2°28'00"E 56.67 feet to the south line of THI VILLAGE AT FOX MEADOW PUD, Phase 1, according to the Official Plat thereof on file in the Office of the Cache County Recorder; thence S89°31'51"E along said Plat 75.88 feet to the southwest corner of THE VILLAGE AT FOX MEADOWS PUD, Phase 2, according to the Official Plat thereof on file in the Office of the Cache Count Recorder; thence along said Plat the following 6 (six) courses and distances: S89°31'51"E 451.91 feet; thence N5°15'02"E 1.96 feet; thence S89°03'37"E 70.52 feet; thence S0°35'12"W 108.78 feet; thence along the arc of a 3.033.00 foot radius curve to the left 132.06 feet through a central angle of 2°29'38" (chord: S0°39'37"E 132.05 feet); thence S1°54'26"E 67.49 feet to the northerly line of Phase 1, FOX MEADOWS Subdivision, according to the Official Plat thereof on file in the Office of the Cache County Recorder; thence along said Plat the following 4 (four) courses and distances: N89°41'30"E 9.12 feet; thence S4°45'00"W 78.67 feet; thence N86°38'00"W 103.62 feet; thence S0°32'04"W 140.07 feet to the northeast corner of Lot 71, Phase 3, FOX MEADOWS Subdivision, according to the Official Plat thereof on file in the Office of the Cache County Recorder; thence along said Plat the following 6 (six) courses and distances: S83°05'45"W 165.39 feet; thence S72°26'00"W 93.92 feet; thence S81°06'33"W 90.21 feet; thence N89°31'51"W 80.02 feet; thence N0°28'09"E 185.00 feet; thence N89°31'51"W 90.55 feet to the point of beginning. Net Area: 7.05 +/- acre

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED ARE THE OWNERS OF TH 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:

FOX MEADOWS

PHASE 6

AR & CAP TO BE SET AT ALL REAR LOT AND DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL STREETS AND OTHE 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-EXCLUSIV EASEMENT OVER THE PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT. THE SAME TO BE USE FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF UTILITY LINES AND FACILITIES. TH UNDERSIGNED OWNERS ALSO HEREBY CONVEY ANY OTHER EASEMENTS AS SHOWN ON THI PLAT TO THE PARTIES INDICATED AND FOR THE PURPOSES SHOWN HEREON.

> IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS _____ DAY O ___, 20____.

> > (SIGNATURE)

(PRINTED NAME)

LAND HAVEN, INC

ON THIS BEFORE N DAY OF 20 A NOTARY PUBLIC, PERSONALLY APPEARED BEFORE M WHOSE IDENTITY IS PERSONALLY KNOWN TO MI OR PROVEN ON THE BASIS OF SATISFACTORY EVIDENCE) AND WHO BY ME DULY SWORE/AFFIRMED, DID SAY THAT HE/SHE IS THE OF LAN HAVEN, INC, A UTAH CORPORATION, AND THAT SAID DOCUMENT WAS SIGNED BY HIM/HER II 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

CORPORATE ACKNOWLEDGMENT

MY COMMISSION EXPIRES: NOTARY PUBLIC (SIGNATURE

> RESIDING IN COUNTY

(PRINTED FULL NAME OF NOTARY A NOTARY PUBLIC COMMISSIONED IN UTAH 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.

ATTORNEY APPROVAL

CITY ENGINEER

CITY ATTORNEY

MY COMMISSION NO.

APPROVED AS TO FORM THIS

info@civilsolutionsgroup.net

www.civilsolutionsgroup.net

DAY OF

DATE **OF** 1

DATE

DATE

DATE

FINAL PLAT OF	SHEET 1
FOX MEADOWS	
PHASE 6 LOCATED IN THE SW1/4 OF SECTION 21 & NW1/4 SECTION 28, T13N, R1E, S.L.B.&M.	OF
ciuisolutionsgro	UDinc.
CACHE VALLEY P: 435.213.3762 SALT LAKE P: 801.216.3192 UTAH VALLEY P: 801.874.1432	6

ORDINANCE NO. 23-08

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 17.36 "SIGNS", SECTIONS 17.36.125 "TEMPORARY SIGNS", 17.36.140 "WIND SIGN" AND 17.36.150 "PORTABLE OR WHEELED SIGN"

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.

17.36.140 WIND SIGN

Any wind sign which consists of pennants, ribbons, streamers, spinners or similar devices, except as permitted, are permitted for a period, not to exceed six (6) times per year with fourteen (14) day intervals between displays. and shall conform with all setback and visibility requirements.

17.36.150 PORTABLE OR WHEELED SIGN

A business with a valid city business license may use a portable or wheeled sign for one period not to exceed ninety (90) days after which time the sign must be removed or made to conform to the provisions of a freestanding sign, including, but not limited to, the requirements for underground power and a permanent fixed mounting. during daylight hours, but the sign must be removed before dusk. Said sign can be placed in the right-of-way only if there is five (5) feet of accessible sidewalk in addition to the sign width.

All portable and wheeled signs must adhere to the setback requirements of a freestanding sign.

17.36.125 TEMPORARY SIGNS

A. Standards For Temporary Signs: Temporary signs shall not be placed in or over a public right of way, may not flash, blink, spin, rotate, block traffic visibility, constitute a vehicular or pedestrian hazard, or cause a public nuisance of any kind. They shall not be attached to telephone poles or trees. They must be firmly secured to the building or ground. Temporary signs may be attached to existing permanent signs only for the

promotional period. Temporary signs may cover or obscure an existing permanent sign only if the business has changed hands or changed names. Size of the sign may not exceed forty (40) square feet. No off-premises temporary signs are allowed.

- B. Temporary Signs Requiring A Permit:
 - Special Promotion Periods: A business may apply for six (6) special promotion periods during the calendar year. Each period may not exceed seven (7) days in length. The periods may be combined to run consecutively but may not exceed fourteen (14) days in length. A temporary sign permit is required and may be obtained upon submittal of an application available from the city. A banner or portable sign is allowed during this period.
 Special product, price, or service advertising is appropriate during these periods

Special product, price, or service advertising is appropriate during these periods.

- C. Temporary Signs Allowed Without A Permit:
 - 1. Holiday Periods: A business may advertise a special service, product or sale during the following holiday periods all approved state and federal holidays without a permit.

Presidents' Day February	7 days
Easter - March or April	7 days
Mother's Day - May	7 days
Memorial Day - May	7 days
Father's Day - June	7 days
July 4 July 24	-7 days each
Labor Day - September	7 days
Thanksgiving - November	7 days
Hanukkah	-10 days
Christmas, New Year's	December 15 and ending January 2

One banner or portable sign only is allowed during these periods. A banner or portable sign not affixed to a permanent structure may not exceed thirty-two (32) square feet. The sign must be removed by the end of the first working day after the holiday period ends. No off-premises temporary signs are allowed.

- 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 12th day of April, 2023

SMITHFIELD CITY CORPORATION

Kristi Monson, Mayor

ATTEST:

ORDINANCE NO. 23-10

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 17.81 "MASTER PLANNED COMMUNITY (MPC) ZONE", SECTIONS 17.81.050 "DEVELOPMENT STANDARDS", 17.81.090 "LANDSCAPING" AND 17.81.100 "DENSITY BONUSES".

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.

17.81.050 DEVELOPMENT STANDARDS

The following are the minimum development standards and regulations for an MPC zone. Developers are encouraged to go above and beyond these requirements, but these are the minimums required to obtain approval of an MPC.

- A. **Project Size:** An MPC shall not be less than fifteen (15) acres in size.
- B. **Primary Use:** An MPC shall be residential.
- C. Housing Types: Developers are encouraged to provide a mix of housing types in an MPC. Such types may include, but are not limited to single-family (detached, single-family attached, twin homes, cluster) and multi-family duplex/triplex/ (tri-plex four-plex, five-plex six-plex, etc).
 - Developers are required to have at least-two three (3) types of housing, one two
 (2) of which must be single-family detached. Single-family detached housing must make up at least forty percent (40%) of the total housing units in the project but shall not make up more than sixty percent (60%) of the total housing units in an MPC.
 - Developers may reduce the percentage of required single-family detached housing, in exchange for an increase in open space, as outlined in SMC 17.81.060. In no case shall the percentage of single-family detached housing be less than thirty-five percent (35%) of the total required housing units.
- D. **Base Density:** The base density shall be six (6) units per acre, exclusive of any property in the development which is needed for rights-of-way. Density bonuses shall be

calculated by first determining the allowable number of units. The allowable number of units shall be calculated as follows: Net Acreage * 6 = Base # of dwelling units

- E. Single Primary Structure Required: Regardless of the number of dwelling units contained in a primary structure, no lot may contain more than one (1) primary structure. All the dwelling units on the lot shall be contained within that primary structure. No single lot may contain in excess of six (6) five (5) dwelling units in the primary structure on that lot.
- F. Lot Widths/Setbacks: The primary dwelling structure shall be set back from either the property line or right-of-way lines as shown below. (All measurements are in feet):

	HOUSING TYPE	FRONT SETBACK MAIN ENTRANCE	SETBACK GARAGE	SIDE SETBACK	REAR SETBACK	SIDE SETBACK STREET
PRIMARY STRUCTURE	Single-Family Detached	20'	25'	8'	15'	12'
	Twin Homes	20'	25'	8'	15'	12'
	Multi-Family	20'	25'	<u>_8'</u> _10'	15'	<u>-12'</u> 20'

ACCESSORY	Single Accessory Structures are only allowed in Single family attached detached. In Multi-family buildings, community accessory structures may be allowed so long
BUILDING	as they are not developed as individual storage sheds.

G. Encroachment into the Setback:

- 1. The ordinary projection of bay windows, chimneys, awnings, ornamental features, eaves and general building design projections, may encroach into any of setbacks, provided none of the encroachments exceeds twenty-four inches (24") in depth.
- 2. Unsheltered decks shall be allowed to project into the rear setback a maximum of ten feet (10'). In no case shall the unsheltered deck be built to a height greater than the uppermost floor level.
- H. **Dwelling Unit Minimum Size:** Each dwelling unit in an MPC shall contain a minimum of eight-hundred fifty (850) square feet of living space, and the ground-floor footprint of any building which contains dwelling units shall not be less than five hundred (500) square feet per dwelling unit.

I. Building Orientation:

- 1. No residential dwelling structure in an MPC may face the rear of another dwelling structure on an adjoining/adjacent parcel/lot.
- 2. Buildings with their front facing each other shall have a minimum of twenty-five feet (25') between building fronts.
- J. **Height Regulations**: No primary structure shall be erected to a height greater than thirtyfive feet (35'), the height being measured from the threshold (finish floor elevation) of the lowest main entrance to the highest point of the main building.
- K. **Signage:** Signage for the MPC should be coordinated and cohesive throughout the entire project. Signs shall comply with the requirements of SMC 17.36, "Signs."
- L. Lighting: All lighting shall conform to SMC 9.24, "Outdoor Lighting."
- M. **Trash:** All community trash containers shall be screened from public view and adjacent properties with a six-foot (6') sight-proof fence or wall. The placement of trash containers and access thereto shall be reviewed and approved by the entity designated by Smithfield City to provide waste management services to the MPC. Unless otherwise required by the waste management provider, openings shall be oriented away from public view or screened with opaque gates and shall provide ease of access for trash collection.

No trash containers or enclosures may be located within a required front or street-side yard setback, and no single family attached, or multi-family trash containers or enclosures may be located within setback.

N. Parking:

1. Each dwelling unit shall be required to have the following off-street parking spaces:

	Minimum Resident Parking Spaces Per Unit	Guest Parking Spaces Per Unit
Single-Famil y Detached	2	
Twin Home/Multi-Family	2	0.50

- 2. If calculating the required number of parking spaces results in a fraction, the next highest whole number of required parking spaces shall be required. (E.G., 3.25 = 4 required parking spaces.)
- 3. In order to facilitate better design of an MPC, required off-street parking spaces may be grouped together; however, in no case shall more than twenty-five percent (25%) of the required parking spaces be grouped together. A professional parking study may be used to show acceptable alternate parking configurations.

17.81.090 LANDSCAPING

The following provisions shall apply to the open space in all MPC projects:

- A. A preliminary landscaping plan, prepared by a Landscape Designer or Landscape Architect, shall be submitted with the preliminary development plan for the MPC. Said plan shall include the number, type and, size of all proposed plants, trees, and shrubs within the MPC.
 - 1. The plan shall also include a proposal for how the open-space landscaping shall be irrigated and maintained. Areas landscaped with sod shall have a sprinkler or irrigation system, and all other landscaped areas shall have a drip line or other approved irrigation system.
- B. Developers shall prepare a landscaping plan consisting of a variety of trees, shrubs and other plantings suitable for the climate. Developers are encouraged to use trees found on the Smithfield City list of approved large and small trees. Drought-tolerant, low-water plantings are encouraged. Trees shall be a minimum two-inch (2") caliper.
- C. The developer in an MPC shall be required to landscape open space and the HOA shall provide for the maintenance of the required landscaping, not only within the MPC but also in those areas between the sidewalk and the curb and gutter of a right-of-way, regardless of whether it is a public or private right-of-way.

17.81.100 DENSITY BONUSES

The chart below outlines the requirements and regulations on density bonuses within an MPC. All amenities must be approved by the Planning Commission before the density bonus will be awarded. In no case shall the density bonus exceed fifty percent (50%) of the base density. An amenity or feature may not be used to receive a density bonus under more than one density bonus category.

* Total project cost is determined by the cost for infrastructure installation for the development.

Amenity	Requirement	Density Bonus	Max % Bonus
Additional Open Space	Provide open space in excess of the base rate (land area only).	2% density bonus for each 1% of open space above the base rate	20 25
Trails/Bicycle Circulation	Sidewalks less than 8 feet wide do not count as pedestrian/bike trails (land area only).	2% density bonus for each 1% of gross project size dedicated to trails.	10 15
Recreational Facilities	Provide recreational facilities such as playground equipment, swimming pools, recreation centers, etc. (also includes development cost of open space and trails).	(Cost of recreational facilities/total project cost) X12=density bonus	10 10
Off-Site Infrastructure Improvement	Improve City infrastructure with a reasonable nexus to the project that may be deficient and could be negatively impacted by growth directly related to the development	(Cost of off_site infrastructure improvements/total project_cost) X12=density bonus	30

- 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 xx day of xxx, 2023

SMITHFIELD CITY CORPORATION

Kristi Monson, Mayor

ATTEST: