



SMITHFIELD CITY PLANNING COMMISSION MINUTES April 19, 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, April 19, 2023

The following members were present constituting a quorum:

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

Members Excused: Brian Higginbotham

City Staff: Councilmember Jon Wells, Councilmember Curtis Wall, Brian Boudrero

Others in Attendance: Jeff Barnes, Shawn & Liz Kirkley, Michelle Anderson, Chris Harrild, Dan Sandstrom, Matt Thompson, Ken Poulsen, Jon Harrop, Ted Stokes, Brett & Alicia Conley, Tami & Brad Kidman, Lazaro Soto, Caralee Stokes, Dallas Nicoll, Greg Price, Dillon Hall, Robert Hansen, Todd & Jennie Orme, 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 March 15, 2023 meeting to be approved as submitted.

RESIDENT INPUT - No comments.

AGENDA ITEMS

Discussion and possible vote on the "Home Occupation – Disruptive" Conditional Use Permit request by Alicia Conley to operate Azure Legal Services PLLC at 994 East 190 South. Parcel Number 08-204-0034. Zoned R-1-12 (Single-Family Residential 12,000 Square Feet).

Alecia Conley is requesting approval for a conditional use permit for a home-based business to operate her legal company for estate planning and business law. Ms. Conley plans on 3-5 customers a month (by appointment only), with no overlap. She will not advertise from her home or receive business mail. Her residence has up to four (4) off-street parking spaces that can be used when necessary.

MOTION: Motion by Commissioner Holbrook to **approve** the "Home Occupation – Disruptive" Conditional Use Permit request by Alicia Conley to operate Azure Legal Services PLLC at 994 East 190 South. Parcel Number 08-204-0034. Zoned R-1-12 (Single-Family Residential 12,000 Square Feet). Commissioner Bell seconded the motion. **Motion approved (7-0).**

Vote:

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

Discussion and possible vote on the Conditional Use Permit request by North Valley Storage to have storage units on Parcel Number 08-105-0058 located at approximately 200 West 600 South. The parcel is approximately 4.92 acres. Zoned M-1 (Manufacturing).

The Commission did not have any questions for the applicants.

MOTION: Motion by Commissioner Heaps to **approve** the Conditional Use Permit request by North Valley Storage to have storage units on Parcel Number 08-105-0058 located at approximately 200 West 600 South. The parcel is approximately 4.92 acres. Zoned M-1 (Manufacturing). Commissioner Freidenberger seconded the motion. **Motion approved (7-0).**

Vote:

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

Discussion and possible vote on the request by Neighborhood Nonprofit Housing Corporation, for approval of the Final Plat for the Smithfield Pointe Subdivision, Phase 4, a (32) lot/unit subdivision located at approximately 540 East 780 North. Zoned MPC (Master Planned Community).

Chairman Gibbons pointed out that this project has been reviewed by the Subdivision Technical Review Committee (STRC).

Chris Harrild confirmed for Commission Freidenberger that this will be the 'sweat equity' program. Completion of the north road (to meet up with 680 North) will likely happen in 2025-2026 due to the development timeline and costs. There will be parking in the garage, driveway, and street for the townhomes. An adjustment was made to the roofline of the townhomes due to the grade.

MOTION: Motion by Commissioner Heaps to **approve** the request by Neighborhood Nonprofit Housing Corporation, for the Final Plat for the Smithfield Pointe Subdivision, Phase 4, a (32) lot/unit subdivision located at approximately 540 East 780 North. Zoned MPC (Master Planned Community). Commissioner Holbrook seconded the motion. **Motion approved (7-0).**

Vote:

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

Discussion and possible vote on the request by Visionary Homes for approval of the amended Final Plat for The Village at Fox Meadows PUD, Phase 4, a (9) lot/unit subdivision located at approximately 735 West 600 North. Zoned R-1-10 (PUD) (Single-Family Residential 10,000 Square Feet Planned Unit Development Overlay Zone).

Jon Harrop, from Visionary Homes, explained that this was originally approved as a larger scope; this amendment is dividing the original phase into two separate phases.

MOTION: Motion by Commissioner Anderson to **approve** the request by Visionary Homes for the amended Final Plat for The Village at Fox Meadows PUD, Phase 4, a (9) lot/unit subdivision located at approximately 735 West 600 North. Zoned R-1-10 (PUD) (Single-Family Residential 10,000 Square Feet Planned Unit Development Overlay Zone). Commissioner Heaps seconded the motion. **Motion approved (7-0).**

Vote:

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

Discussion and possible vote on the request by Visionary Homes for approval of the Final Plat for The Village at Fox Meadows MPC, Phase 5, a (61) lot/unit subdivision located at approximately 575 North 600 West. Zoned MPC (Master Planned Community).

Jon Harrop, from Visionary Homes, outlined the road connections between Phase 4, which was just approved, with Phases 3 and 5. There will be five (5) single-family homes on the far east and 56 townhomes. The open space meets what is required.

Commissioner Freidenberger asked about fencing. Mr. Boudrero said would be listed on the construction drawings.

MOTION: Motion by Commissioner Bell to **approve** the request by Visionary Homes for the Final Plat for The Village at Fox Meadows MPC, Phase 5, a (61) lot/unit subdivision located at approximately 575 North 600 West. Zoned MPC (Master Planned Community). Commissioner Friedenberger seconded the motion. **Motion approved (7-0).**

Vote:

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

Introduction and **Public Hearing** for the purpose of discussing Ordinance 23-16, an Ordinance rezoning Parcel Number 08-109-0001 from A-5 (Agricultural 5-Acre) to M-1 (Manufacturing). The parcel is located on the southeast corner of 400 West 600 South and is approximately 4.94 acres. The request was submitted by Visionary Homes.

Mr. Boudrero explained that the property owner of the parcel already zoned M-1 owns a piece to the north and south and would like to swap properties so that the owner of the agricultural land will not be split by the M-1 property. The applicant will submit an amended conditional use permit next month reflecting the change.

6:50 p.m. Public Hearing Opened – No comments.

6:51 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 23-16

Dallas Nicoll pointed out that the request is from Trueline Contractors, not Visionary Homes. as was indicated on the agenda. The property owner to the south (Mr. Thornley) asked for the parcel swap. Farming is allowable in the M-1 zone.

MOTION: Motion by Commissioner Freidenberger to **forward a recommendation of approval to the City Council for Ordinance 23-16**, an Ordinance rezoning Parcel Number 08-109-0001 from A-5 (Agricultural 5-Acre) to M-1 (Manufacturing). The parcel is located on the southeast corner of 400 West 600 South and is approximately 4.94 acres. Commissioner Reis seconded the motion. **Motion approved (7-0).**

Vote:

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

Introduction and **Public Hearing** for the purpose of discussing Ordinance 23-13, an Ordinance rezoning Parcel Numbers 08-039-0015, 08-089-0004, and 08-089-0003 from A-10 (Agricultural 10-Acre) to R-1-10 (Single Family Residential 10,000 Square Feet). The parcels are located southwest of 440 North 800 West and are approximately 31.55 acres. The request was submitted by Visionary Homes.

Mr. Boudrero advised that a survey was submitted which cleans up all three (3) parcels and clarifies the property lines.

6:53 p.m. Public Hearing Opened – No comments.

6:54 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 23-13

Jon Harrop, from Visionary Homes, said construction will possibly begin next year depending on numerous factors.

Chairman Gibbons pointed out that this parcel is west of 800 West and is mostly surrounded by County property (except for a small piece to the north which is City-owned and used for Fire Department training). Commissioner Anderson said it is located within the projected growth area approved in the Master Plan, the property has been legally annexed and there should be no reason to deny the request. Commissioner Freidenberger disagreed and does not feel that a rezone should be extended that far west yet, especially because the land is still farmable. Chairman Gibbons noted that the parcel has been purchased by Visionary Homes. Commissioner Bell said whether it is farmable or not is irrelevant because it is the property owner's request to change the zone.

Commissioner Heaps said there was discussion about this area several years ago and there was some reluctance to change to zone, however, with the future LDS Temple and church building, it seems to make sense now because the dynamic of the area has changed.

Commissioner Holbrook said he trusts that Visionary Homes will make the best use of the property, and he would like to see it become a PUD. Mr. Harrop said a PUD can offer some flexibility; however, the base zone must be changed to residential first.

MOTION: Motion by Commissioner Bell to **forward a recommendation of approval to the City Council for Ordinance 23-13**, an Ordinance rezoning Parcel Numbers 08-039-0015, 08-089-0004, and 08-089-0003 from A-10 (Agricultural 10-Acre) to R-1-10 (Single-Family Residential 10,000 Square Feet). The parcels are located southwest of 440 North and 800 West and are approximately 31.55 acres. Commissioner Holbrook seconded the motion. **Motion approved (6-1).**

Vote:

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

Nay: Freidenberger

Introduction and **Public Hearing** for the purpose of discussing **Ordinance 23-14**, an Ordinance rezoning Parcel Numbers 08-039-0016, 08-064-0005, 08-066-0014, 08-173-0022, 08-177-0226, 08-177-0227, 08-044-0071, 08-162-0000, 08-142-0001 and 08-171-0099 to I-1 (Institutional). All of these are city-owned parcels and they are located at approximately 440 North 800 West, 450 Upper Canyon Road, 550 South 1000 East, 600 North Main, 590 North 130 East, 590 Wasatch Boulevard, and 250 East 600 South.

Mr. Boudrero explained that this is a housekeeping item to change City-owned properties to I-1 (Institutional).

7:02 p.m. Public Hearing Opened – No comments.

7:03 p.m. Public Hearing Closed

Discussion and possible vote on **Ordinance 23-14**

MOTION: Motion by Chairman Gibbons to **forward a recommendation of approval to the City Council for Ordinance 23-14**, an Ordinance rezoning Parcel Numbers 08-039-0016, 08-064-0005, 08-066-0014, 08-173-0022, 08-177-0226, 08-177-0227, 08-044-0071, 08-162-0000, 08-142-0001 and 08-171-0099 to I-1 (Institutional). All of these are city-owned parcels and they are located at approximately 440 North 800 West, 450 Upper Canyon Road, 550 South 1000 East, 600 North Main, 590 North 130 East, 590 Wasatch Boulevard, and 250 East 600 South. Commissioner Heaps seconded the motion. **Motion approved (7-0).**

Vote:

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

Discussion and possible vote on the request by Dan Sundstrom for approval of the Preliminary Plat for the Bench Outlook Subdivision, a (142) lot/unit subdivision located at approximately 200 South 1000 East.

Dan Sundstrom explained that this project has been redesigned to move the trails to allow for more open space and five 5-plexes have been removed. Some of the single-family lots have been made bigger so that the property lines match up with the neighboring community, and more parking has been added. The townhomes will have walkout basements. An HOA will be created to maintain the area. A variety of homes will be available. A traffic impact study (TIS) was completed and has been reviewed by the City.

Commissioner Bell noted that there were some concerns expressed by citizens at the City Council meeting about the difficulty of accessing the rear sidewalk with a fence, especially concerning snow removal requirements. Mr. Sundstrom said a sidewalk is required, however, there will be an option to have the HOA take care of snow removal for an additional fee.

Mr. Sundstrom said that there will still be a playground area and pickleball courts. He also confirmed for Commissioner Heaps that an HOA will be required on the internal lots, however, the owners of the perimeter lots can opt-in.

Commissioner Anderson pointed out that there is a trade-off between less housing and more open space because of the expense of maintenance (especially water consumption). Chairman Gibbons encouraged Mr. Sundstrom to consider drought-resistant landscaping.

MOTION: Motion by Commissioner Anderson to **approve** the request by Dan Sundstrom for approval of the Preliminary Plat for the Bench Outlook Subdivision, a (142) lot/unit subdivision located at approximately 200 South 1000 East. Commissioner Heaps seconded the motion. **Motion approved (7-0).**

Vote:

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

Introduction and **Public Hearing** for the purpose of discussing Ordinance 23-05, an Ordinance rezoning Cache County Parcel Number 08-048-0012 from R-1-12 (Single Family Residential 12,000 Square Feet) to MPC (Master Planned Community). The parcel is located east of 200 South 1000 East and is approximately 34.36 acres. The request was submitted by Dan Sundstrom.

7:17 p.m. Public Hearing Opened

Elizabeth Kirkley said the process of having a plan reviewed before consideration for the zone change seems backward. Chairman Gibbons said this is how legal counsel has advised that it be done. Ms. Kirkley thinks this area should remain single-family homes. The City should do studies and due diligence on infrastructure and services. Chairman Gibbons pointed out that projects are reviewed by City staff to ensure that all requirements are met.

Dillon Hall is the Smithfield Ridges HOA president and said the control of that HOA was turned over to the homeowners, which has been a point of issue for them. He said fencing and snow removal, which is a homeowner's responsibility, can become difficult,

especially if the fencing is along the entire road. The homeowners in his area want the HOA to take care of snow removal, so he contacted the City asking them to provide some type of documentation of a written agreement obligating the HOA to pay for those services and there was nothing. They are now conflicted as to how to provide/pay for the services. He shared his situation to provide some context to the concern. One thing that may solve the problem is for the City to require the developer to obligate the HOA to take care of the external roads around a development, especially if fencing is a barrier.

Jennie Orme is concerned that an HOA could be amended and turned over to the homeowners and questioned who would oversee that the affordable housing would not turn into rentals.

Ted Stokes has sent in previous objections about this proposal. He believes that it lacks compatibility with the surrounding area. The site is bordered by single-family housing. Compatibility is subjective and has not been adequately defined in the Code. The majority of condensed housing in the last three years has become VRBOs and/or rental properties, which is not the goal. He suggests that the City cut down on condensed housing approvals until it passes a statute that controls landlord-tenant issues. HOAs are insufficient because they can be amended. At the last meeting, the Commission uniformly took a position that they could not take into consideration the overwhelming problem that condensed housing in this area would bring to Sunrise Elementary. The Commission said it was out of their control and they were not allowed to consider it. The question was brought before Senator Chris Wilson during a Q&A session and he said a local governing body should consider this issue. Mr. Stokes has searched every applicable code, and administrative and judicial law related to this issue. He found nothing restricting a governing body from considering school deficiency in their deliberations.

Tami Kidman thanked the Commission for their service. The surrounding homeowners pay a lot of money in property taxes. She has nothing against townhomes, she grew up in a mobile home and thinks they are great for starter homes. Many homeowners have invested money into this area and have trusted that the area would remain single-family homes. This proposed community will not fit in. An MPC should take all of these things into consideration. She teaches school and expressed the problems with overcrowded classrooms. Children need a place to live and also need a place to be educated. She encouraged the Commission to be mindful of the bigger picture.

Caralee Stokes thinks this is wrong. She agrees with the comments that have been expressed. Condensing housing and making more money is pure greed and there are a hundred reasons why it should not be approved. She is tired of not trusting what is going on in the City. She has been told to attend meetings and voice her concerns, but she has been and does not feel like it is doing any good and no one is listening. She does not know what else to say to convince the Commission to not let developers do whatever they want. Citizens have rights too.

Greg Price lives south of this proposed development and asked about storm detention. Chairman Gibbons said this issue is considered by the Engineering Department when projects are reviewed in the STRC process. Mr. Boudrero said he could contact staff for specific information.

7:35 p.m. Public Hearing Closed

Discussion and possible vote on <u>Ordinance 23-05</u>
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Commissioner Heaps noted that the process can be confusing, however, the format is based on what legal counsel has recommended. She pointed out that a plat can be approved, but that does not necessarily mean a rezone will be approved (they are separate actions). Studies for projects are done by outside firms and reviewed by City staff, there are times when the City will request specific studies. The concern about snow removal/fencing is good information for the Commission to evaluate. There was some discussion about the inconvenience of the situation and the requirement that sidewalks be cleared of snow.

Chairman Gibbons explained that the STRC is comprised of the Commission Chairman and city staff from multiple departments to review projects for adherence to all code requirements.

Commissioner Heaps asked about HOAs. Mr. Boudrero said the City initially has the developer sign a development agreement for each final phase which includes how this will be done and in what phases amenities are put in. The City requires them to set up an HOA if needed. A City would rarely create an ordinance that requires a property owner to do something they do not want to do with their property. Chairman Gibbons noted that HOAs are private entities and the state has required criteria. Mr. Boudrero said HOAs can be set up in several different ways.

Commissioner Heaps shared her personal experience with a development behind her home that was approved years ago. In her opinion, it has been a positive experience. Nearby property values do not decrease. She would be happy to share her experience with anyone interested.

Mr. Boudrero said the Commission can take into consideration concerns about school issues, however, they need to remember that schools are entities of the state, and local cities cannot and do not dictate school boundaries. When a property is annexed, it is reviewed by the school district. Cache County School District has been aware of this annexation for over a decade, although not the specific density. He answered Commissioner Anderson that he is not aware of the specific assumptions that are taken into consideration by a school district during annexations.

Chairman Gibbons pointed out that the difference between what is being proposed in the MPC versus an R-1-12 zone will be 30 units. Any development of this property will have an impact on the schools. Commissioner Bell agreed and noted that this should not be an unforeseen impact.

Commissioner Holbrook said the MPC offers a variety of housing types and will not be another cookie-cutter subdivision.

Commissioner Bell said the MPC option is doing what it was designed to do from a planning standpoint.

Commissioner Heaps pointed out that in reference to the comment about the developer being “greedy”, Utah is a property rights state and owners have the right to request to use the property as they would like to. The City does not have the discretion to deny a proposal if it meets all the Code requirements.

Commissioner Heaps agreed that compatibility is subjective but needs to be taken into consideration when reviewing projects. Commissioner Bell said if compatibility is “the same thing” there would be nothing but single-family housing everywhere. She said citizens believe that landlord-tenant issues are quite high. Mr. Boudrero did not have specific statistics on the percentage of rentals or complaints.

Commissioner Freidenberger asked if it is legal for a City to demand owner-occupation. Mr. Boudrero said there are ways to set ordinances and assist HOAs. Chairman Gibbons said the City does not have anything in the Code regarding short-term rentals. Commissioner Anderson said the City needs to be careful what it asks for, if a homeowner wants to sell their home and the only person that has money to purchase it is a rental company, then the homeowner should be allowed to make that decision. The Commission needs to be careful about what kind of “can of worms” could be opened by trying to legislate these types of decisions.

Chairman Anderson said there is a VRBO near his home and it has never been a problem. When he purchased his home, it was one of the first built and he had people who said that they did not want to have that area developed. Growth should be carefully considered but it is also inevitable. This property has been annexed for years and it is reasonable to believe that it would eventually be developed. He advised that the Commission does not always have to “like” a project but must abide by the requirements and ordinances that are set in place. There can be risks associated with denying something that meets all the requirements.

MOTION: Motion by Commissioner Bell to **forward a recommendation of approval to the City Council for Ordinance 23-05**, an Ordinance rezoning Cache County Parcel Number 08-048-0012 from R-1-12 (Single-Family Residential 12,000 Square Feet) to MPC (Master Planned Community). The parcel is located east of 200 South 1000 East and is approximately 34.36 acres. Commissioner Anderson seconded the motion.
Motion approved (7-0).

Vote:

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

Public Hearing for the purpose of discussing Ordinance 23-12, an Ordinance amending the Smithfield City Municipal Code Title 17 “Zoning Regulations”, Chapter 17.88 “Planned Unit Developments”, Section 17.88.100 “Blank”.

8:05 p.m. Public Hearing Opened – No comments

8:06 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 23-12

MOTION: Motion by Chairman Gibbons to **forward a recommendation of approval to the City Council for Ordinance 23-12**, an Ordinance amending the Smithfield City Municipal Code Title 17 “Zoning Regulations”, Chapter 17.88 “Planned Unit Developments”, Section 17.88.100 “Blank”. Commissioner Reis seconded the motion. **Motion approved (7-0).**

Vote:

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

Public Hearing for the purpose of discussing Ordinance 23-10, 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”.

8:07 p.m. Public Hearing Opened

Jon Wells would like to see better clarification of housing types in Section 17.81.050, especially cluster homes.

Dan Sundstrom agreed with Mr. Wells. If things are not well-defined it is difficult to put together a plan, which requires time and money to do so.

8:09 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 23-10

Commissioner Freidenberger asked if cluster homes have private alleys, which can sometimes be sloppy and not well maintained. Chairman Gibbons said there are ordinances related to alleys.

The Commission agreed that it would be beneficial to have better definitions. Mr. Boudrero was asked to have specific definitions (especially cluster homes) for review at the next meeting. It will be beneficial to have the definitions either listed in the MPC ordinance or a reference to where the definitions are located in the Code.

Commissioner Freidenberger asked if owner/tenant issues should be added to the MPC ordinance; Chairman Gibbons said the Commission needs to be cautious about how much of what property owners can do with their property should be codified. Commissioner Anderson agreed with the need to be careful about what should be legislated. Chairman Gibbons said it is incumbent on landlords to manage tenant issues, not the City. Commissioner Bell agreed and pointed out that the City can address complaints about enforcement issues.

MOTION: Motion by Chairman Gibbons to **continue the discussion to the next meeting**, with definitions that will be provided and reviewed. Commissioner Bell seconded the motion. **Motion approved (7-0).**

Vote:

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

Other

Mr. Boudrero reviewed the email sent to Commission members explaining the difference between administrative and legislative decisions. State Code requires approval if it meets the minimum requirements. Rezones are legislative decisions; the Commission provides recommendations to the City Council.

Members were asked to email Mr. Boudrero about their training hours.

Commissioner Anderson was welcomed.

MEETING ADJOURNED at 8:23 p.m.

Minutes submitted by Debbie Zilles

Scott Gibbons, Chairman

Minor Subdivision Final Plat for
119 West Subdivision

Smithfield City, Cache County, Utah, A Part of the Southeast Quarter of Section 28, Township 13 North, Range 1 East, Salt Lake Base & Meridian, March 2023

LEGEND

Primary Boundary Line
Lot Line
Other property Line
Fence Line
Existing Water Line
Existing Sewer Line
Existing Over-Head Power
Existing Back of Sidewalk
Existing Gas Line
Proposed Water Line
Proposed Sewer Line



Section Corner



Found Survey Point



Set 5/8" by 24" Rebar With Cap



DOMINION ENERGY NOTE:

Questar Gas Company, DBA Dominion Energy Utah, hereby approves this plat solely for the purpose of confirming that the plat contains public utility easements. Dominion Energy Utah may require additional easements in order to serve this development. This approval does not constitute abrogation or waiver of any other existing rights, obligations, or liabilities including prescriptive rights and other rights, obligations or liabilities provided by law or equity. This approval does not constitute acceptance, approval or acknowledgement of any terms contained in the plat, including those set forth in the owner's dedication or in the notes, and does not constitute a guarantee of particular terms or conditions of natural gas service. For further information please contact Dominion Energy Utah's right-of-way department at 800-366-8532

Approved by Dominion Energy, this _____ day of _____ A.D., 20__.

By: _____ Title: _____

POWER NOTE:

- Pursuant to Utah Code Ann. 54-3-27 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.
- Pursuant to Utah Code Ann. 17-27a-603(4)(c)(ii) Rocky Mountain Power accepts delivery of the P.U.E. 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:
 - a recorded easement or right-of-way;
 - the law applicable to prescriptive rights;
 - title 54, chapter 8a, damage to underground utility facilities or
 - any other provision of law.

Approved by the Rocky Mountain Power, this _____ day of _____ A.D., 20__.

By: _____ Title: _____

NOTES:

- The concrete walk will need to go through the existing driveway, or if it is already concrete, a relief cut for a 5-foot walk will need to be cut so that we can replace the walk in the future if needed

CITY COUNCIL ACCEPTANCE AND APPROVAL

Approved by the Smithfield City Council, this _____ day of _____ A.D., 20__.

Attest:

Mayor

City Recorder

CITY ENGINEER'S APPROVAL

I have examined this plat and find it is correct and in accordance with the information on filed in this office.

City Engineer

Date

PLANNING AND ZONING APPROVAL

This plat approved by the Smithfield City Planning and Zoning Commission this _____ day of _____ A.D., 20__.

Attest:

Chairman

Secretary

NARRATIVE

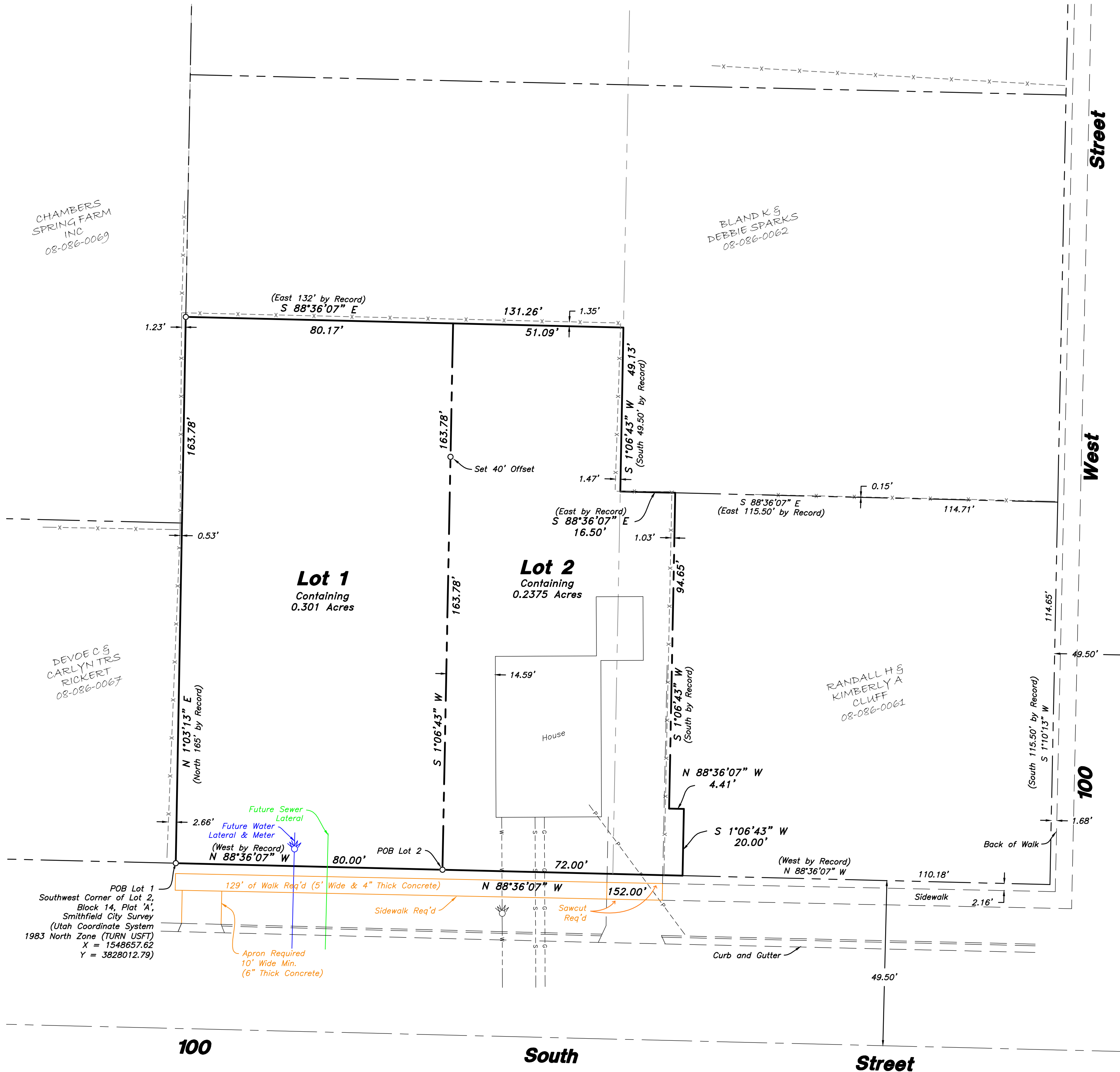
The purpose of this survey was to minor subdivide the parcels as shown and described hereon. The survey was ordered by Bayler Gunnell. The control used to establish the property corners was records of surveys 2013-0057, 2007-0109, 2017-0082, 1999-0025, and fences 92 rods around Block 14, Plat 'A' of the Smithfield City Survey located in the Southeast Quarter of Section 28, 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 00°04'01" East, "Utah Coordinate System 1983 North Zone".

NOTES:

- All P.U.E.'s are 5.00 Feet Wide unless Noted otherwise
- The secondary irrigation connection will require a separate meter.
- Any structures more than 150' from the road will need a turn-around for fire access.



23-105 CGH 4/24/23 Revision 3



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 Two (2) Lots, know Hereafter as 119 West 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 27th day of March, 2023

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



LOT 1

A Part of the Southeast Quarter of Section 28, Township 13 North, Range 1 East of the Salt Lake Base and Meridian and a Part of Lot 2, Block 14, Plat 'A' of the Smithfield City Survey

Beginning at the Southwest Corner of said Lot 2 and RUNNING THENCE North 01°03'15" East 163.78 Feet (North 165.00 Feet by Record) Along the West Line of said Lot 2; Thence South 88°36'07" East 80.17 Feet (East by Record); Thence South 01°06'43" West 163.78 Feet to the South Line of said Block 14; Thence North 88°36'07" West (West by Record) 80.00 Feet to the Point of Beginning. Containing 0.301 Acres.

LOT 2

A Part of the Southeast Quarter of Section 28, Township 13 North, Range 1 East of the Salt Lake Base and Meridian and a Part of Lot 1 and Lot 2, Block 14, Plat 'A' of the Smithfield City Survey

Beginning at the South Line of said Block 14 at a Point Located 80.00 Feet South 88°36'07" East (East by Record) from the Southwest Corner of Lot 2, said Block 14 and RUNNING THENCE North 01°06'43" East 163.78 Feet; Thence South 88°36'07" East 51.09 Feet (East by Record); Thence South 01°06'43" West (South by Record) 49.13 Feet; Thence South 88°36'07" East (East by Record) 16.50 Feet; Thence South 01°06'43" West (South by Record) 94.65 Feet; Thence South 88°36'07" East 4.41 Feet; Thence South 01°06'43" West 20.00 Feet to the South Line of said Block 14; Thence North 88°36'07" West (West by Record) 72.00 Feet to the Point of Beginning. Containing 0.2375 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 119 West 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__.

Court & Bayler LLC, A Utah Limited Liability Company

Bayler Moab Gunnell
(Registered Agent of Court & Bayler, LLC)

COMPANY ACKNOWLEDGMENT

State of _____

County of _____

On this _____ day of _____, 20__, Bayler Moab Gunnell, registered agent for Court & Bayler LLC, personally appeared before me, the undersigned Notary Public in and for said County, in the State of the signer of the attached Owners Dedication, whom duly acknowledged to me they 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

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 _____

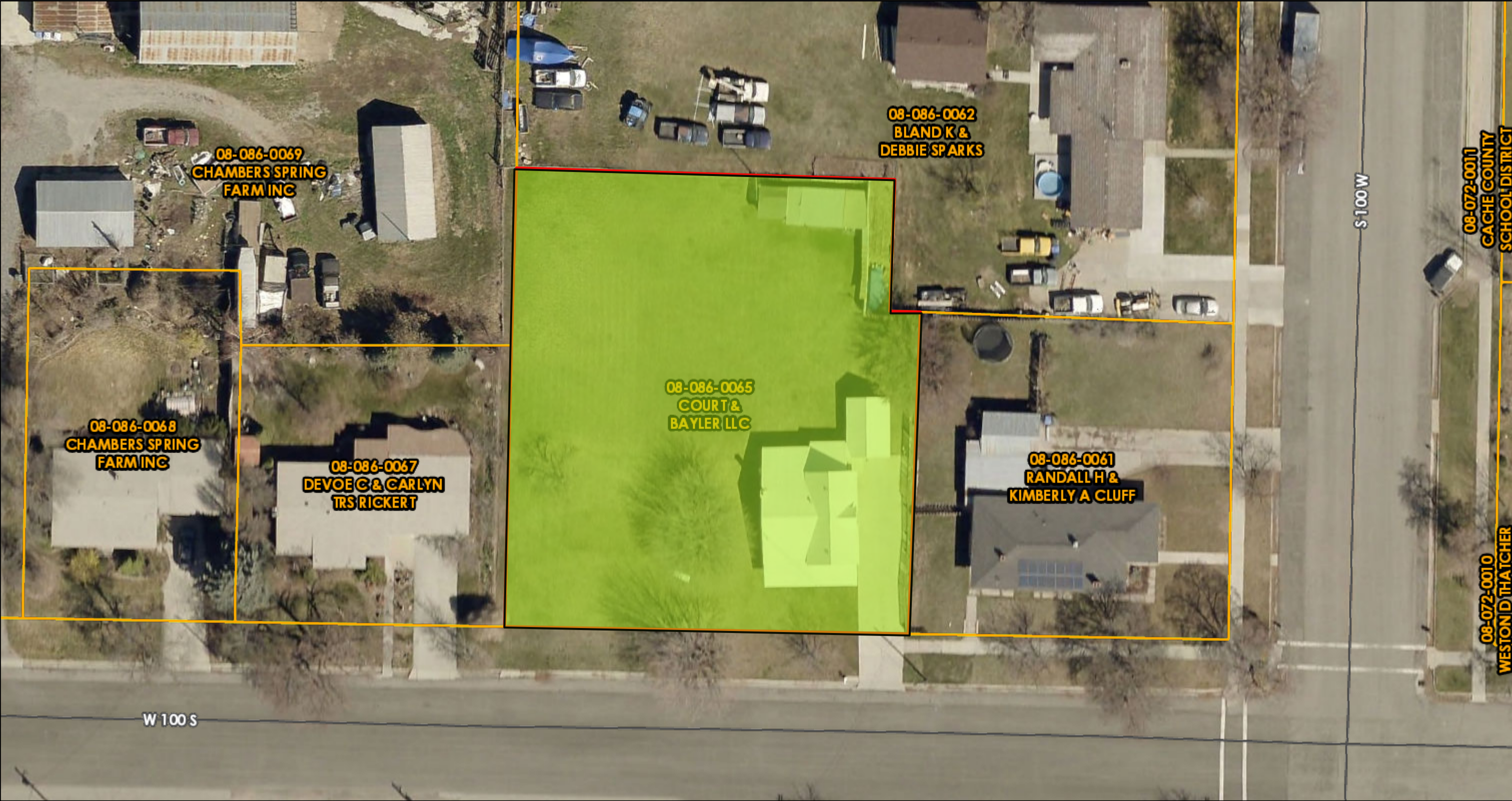
County Recorder

NORTH



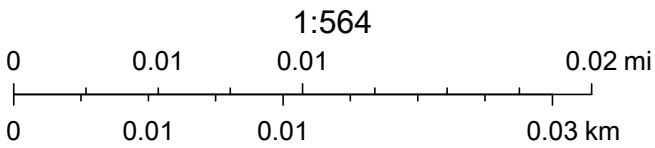
Scale: 1" = 20'
0 20' 40'
Scale in Feet

Parcel Map



5/8/2023, 10:27:05 AM

- Override 1
- Override 1
- Class B Surface Type
- ASPHALT
- GRAVEL
- DIRT
- County Boundary
- Cache Parcels
- Municipal Boundaries











Maxar, Microsoft

Parcel Map



3/23/2023, 3:20:02 PM

 Override 1  GRAVEL  County Boundary
 Override 1  DIRT  Cache Parcels
Class B Surface Type  Municipal Boundaries
 ASPHALT

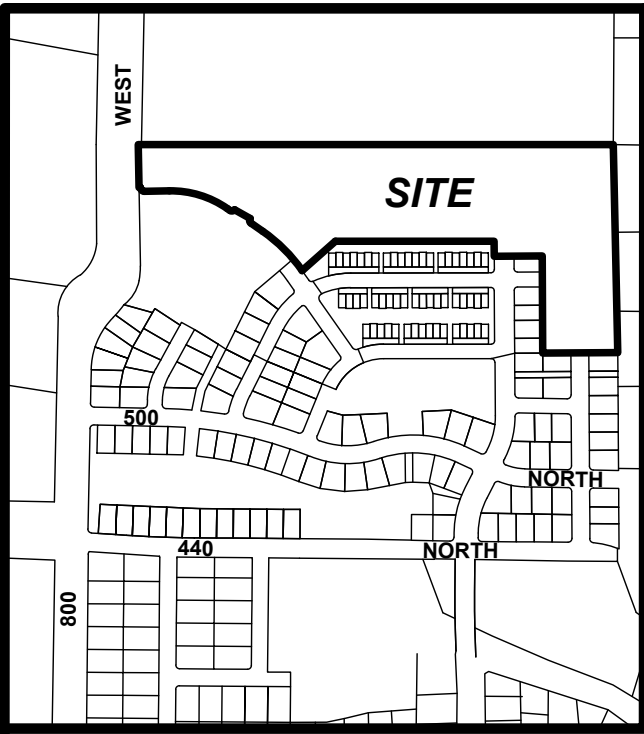
1:2,257

0 0.02 0.04 0.08 mi

0 0.03 0.07 0.13 km

Maxar, Microsoft

Authorized Use: Cache County Development Services Office
Authorized Use: GIS Division/ Development Services



VICINITY MAP

DATE OF PREPARATION
DECEMBER 1, 2022

ENGINEER & SURVEYOR
CIVIL SOLUTIONS GROUP, INC.
MICHAEL TAYLOR, PE
CURTIS BOWN, PLS
498 WEST 100 SOUTH
PROVIDENCE, UTAH 84322
435-213-3762

OWNER
STERLING LAND HOLDINGS, LLC
50 East 2500 North Suite 101
North Logan, Utah 84341

SUBDIVIDER
VISIONARY HOMES/LAND HAVEN, INC
50 East 2500 North
North Logan, Utah 84341

LEGEND

	LIMITED COMMON AREA (PARKING)
	PRIVATE OWNERSHIP

LINE #	BEARING	DISTANCE
L1	S88°59'15"W	5.14
L2	N1°00'45"W	77.83
L3	S89°59'57"W	5.14
L4	S36°57'20"E	52.13
L5	N36°57'20"E	48.06
L6	S36°57'20"W	43.99
L7	S89°27'05"W	24.44
L8	S0°32'55"E	4.08
L9	S0°32'55"E	46.79
L10	S0°32'55"E	3.51
L11	S0°21'15"E	40.87
L12	N0°21'15"W	7.26

WEST 1/4 CORNER
OF SECTION 21,
T13N, R1E, SLB&M
COUNTY MONUMENT
(FOUND)

POINT OF
BEGINNING
EAST

WEST 1/4 CORNER
OF SECTION 21, T13N,
R1E, SLB&M
COUNTY MONUMENT
(FOUND)

WEST 1/4 CORNER
OF SECTION 21, T13N,
R1E, SLB&M
COUNTY MONUMENT
(FOUND)

WEST 1/4 CORNER
OF SECTION 21, T13N,
R1E, SLB&M
COUNTY MONUMENT
(FOUND)

WEST 1/4 CORNER
OF SECTION 21, T13N,
R1E, SLB&M
COUNTY MONUMENT
(FOUND)

WEST 1/4 CORNER
OF SECTION 21, T13N,
R1E, SLB&M
COUNTY MONUMENT
(FOUND)

SOUTHWEST CORNER
OF SECTION 21, T13N,
R1E, SLB&M
REBAR & CAP (FOUND)

SOUTHWEST CORNER
OF SECTION 21, T13N,
R1E, SLB&M
REBAR & CAP (FOUND)

SOUTHWEST CORNER
OF SECTION 21, T13N,
R1E, SLB&M
REBAR & CAP (FOUND)

SOUTHWEST CORNER
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OF SECTION 21, T13N,
R1E, SLB&M
REBAR & CAP (FOUND)

SOUTHWEST CORNER
OF SECTION 21, T13N,
R1E, SLB&M
REBAR & CAP (FOUND)

SOUTHWEST CORNER
OF SECTION 21, T13N,
R1E, SLB&M
REBAR & CAP (FOUND)

SOUTHWEST CORNER
OF SECTION 21, T13N,
R1E, SLB&M
REBAR & CAP (FOUND)

SOUTHWEST CORNER
OF SECTION 21, T13N,
R1E, SLB&M
REBAR & CAP (FOUND)

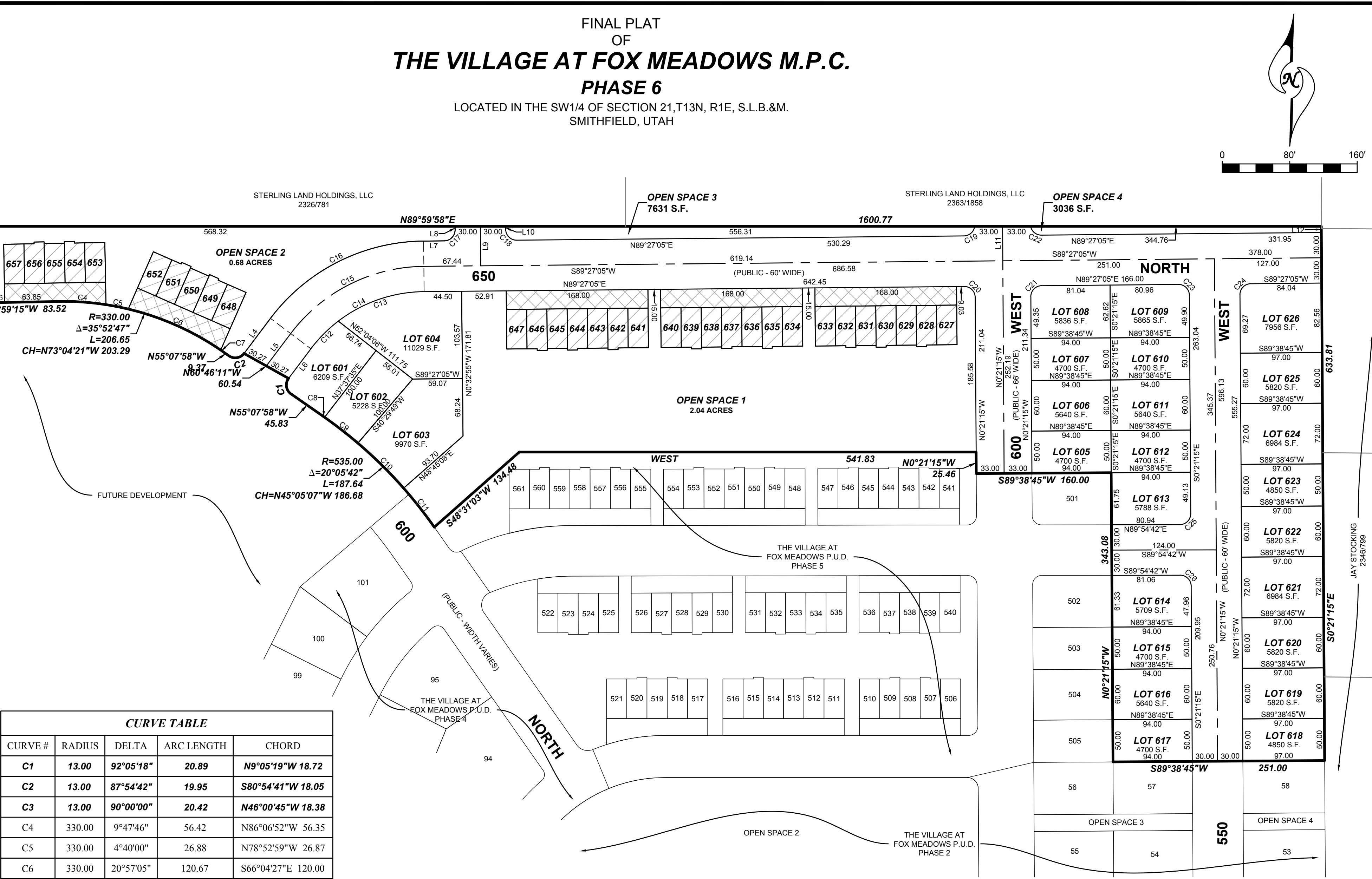
SOUTHWEST CORNER
OF SECTION 21, T13N,
R1E, SLB&M
REBAR & CAP (FOUND)

SOUTHWEST CORNER
OF SECTION 21, T13N,
R1E, SLB&M
REBAR & CAP (FOUND)

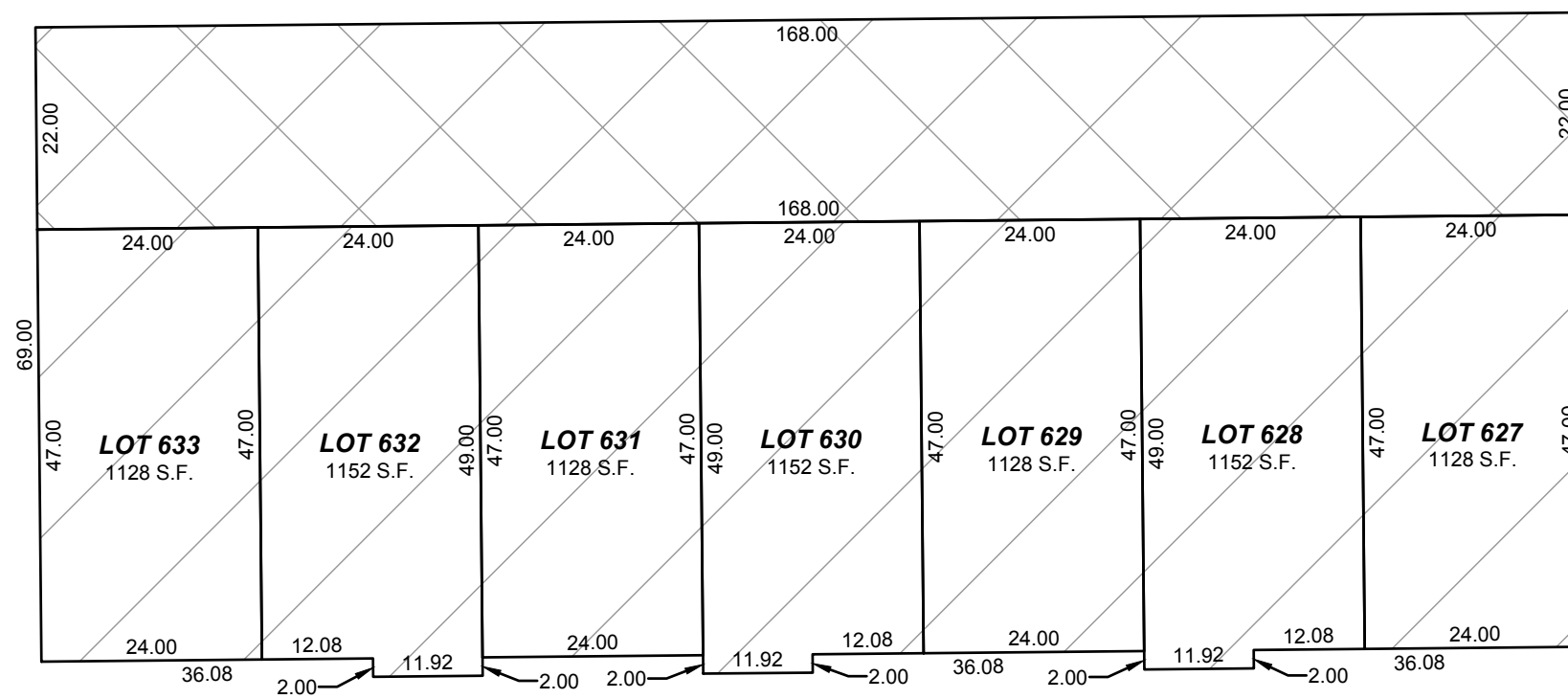
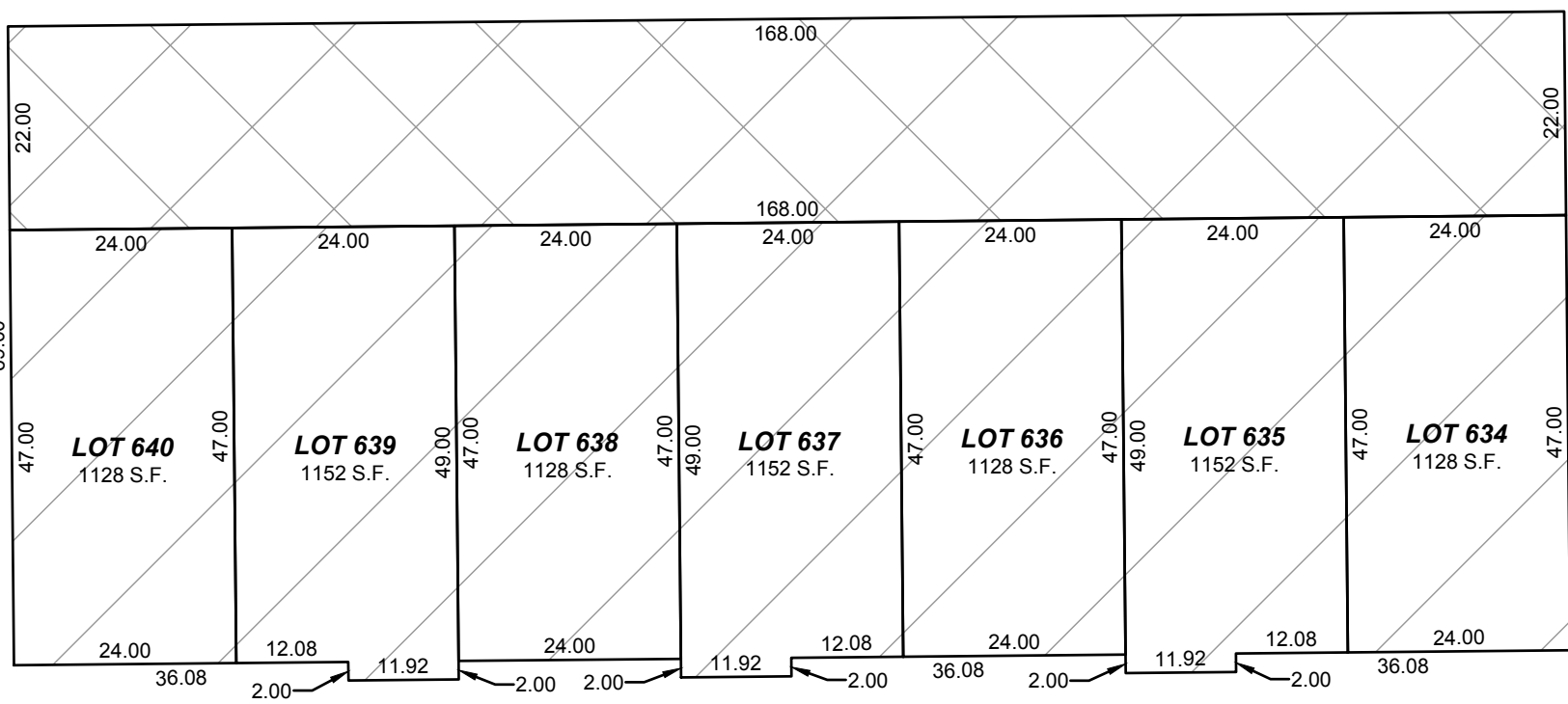
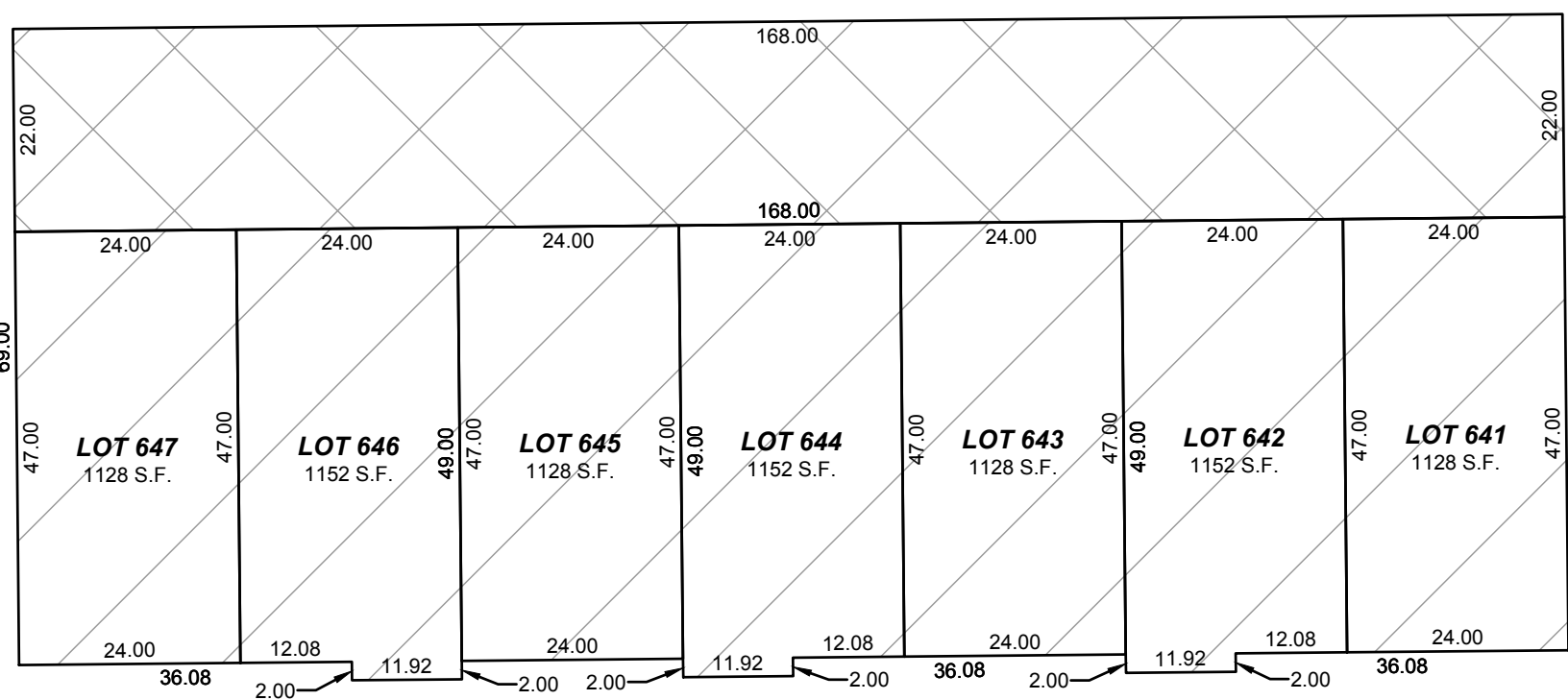
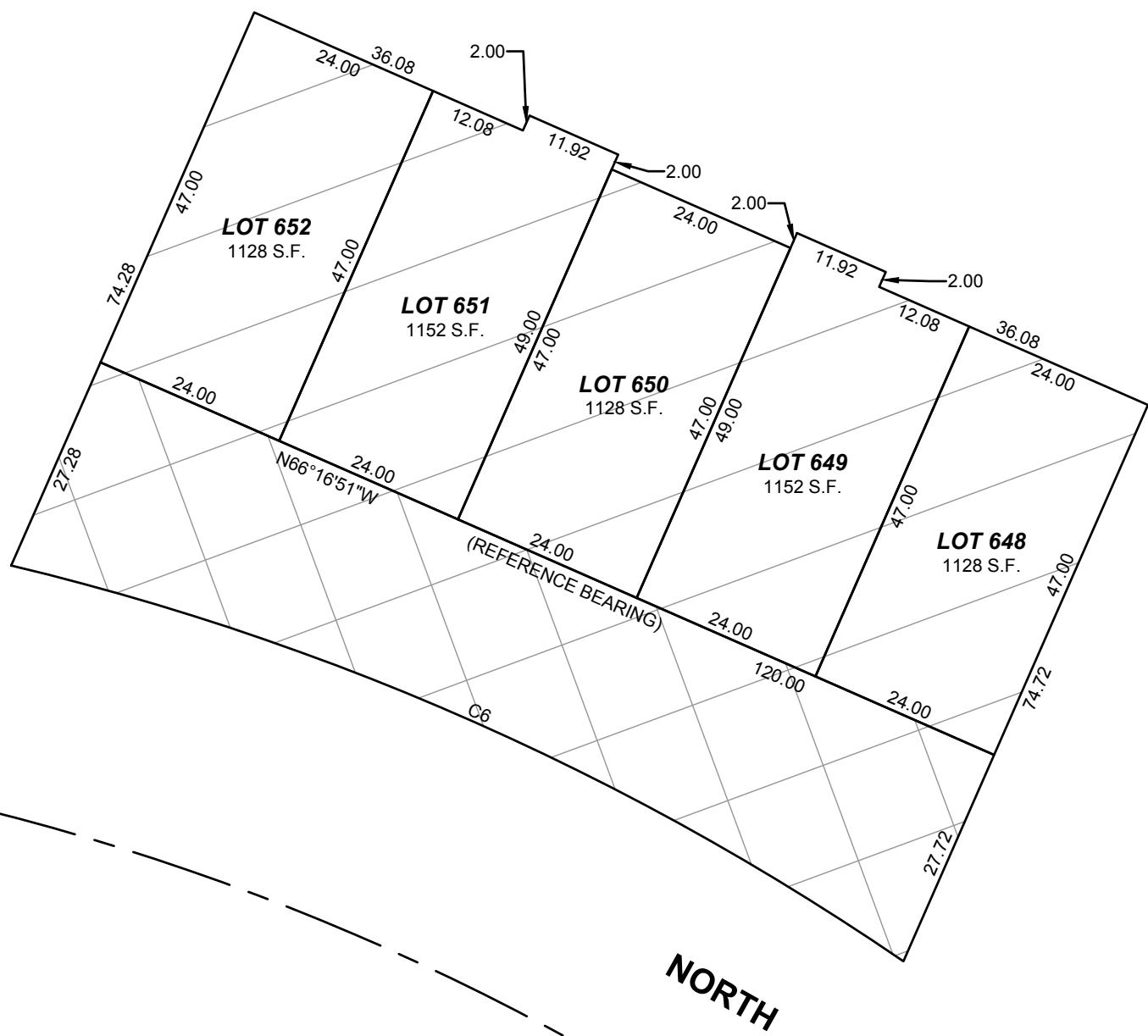
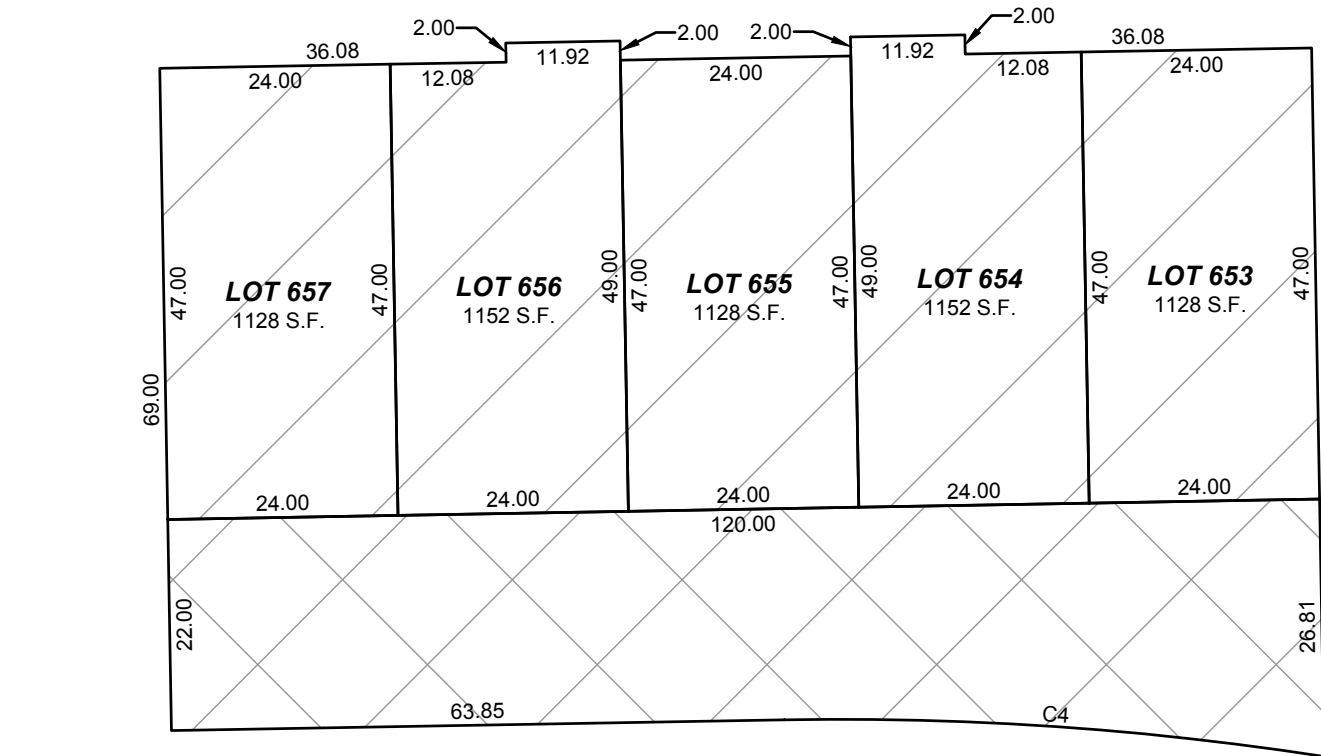
SOUTHWEST CORNER
OF SECTION 21, T13N,
R1E, SLB&M
REBAR & CAP (FOUND)

SOUTHWEST CORNER
OF SECTION 21, T13N,
R1E, SLB&M
REBAR & CAP (FOUND)

SOUTHWEST CORNER
OF SECTION 21, T13N,
R1E, SLB&M
REBAR & CAP (FOUND)



FINAL PLAT
OF
THE VILLAGE AT FOX MEADOWS M.P.C.
PHASE 6
LOCATED IN THE SW1/4 OF SECTION 21,T13N, R1E, S.L.B.&M.
SMITHFIELD, UTAH



LEGEND

LIMITED COMMON AREA (PARKING)

PRIVATE OWNERSHIP

NOTE:

- ALL BUILDING WALLS ARE PARALLEL OR PERPENDICULAR TO THE REFERENCE BEARING SHOWN ON THE CENTERLINE OF THE ADJACENT ROAD OR THE BEARING SHOWN ON THE FRONT OF THE TOWNHOME.

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 M.P.C.
PHASE 6
LOCATED IN THE SW1/4 OF SECTION 21,
T13N, R1E, S.L.B.&M.
SMITHFIELD, UTAH

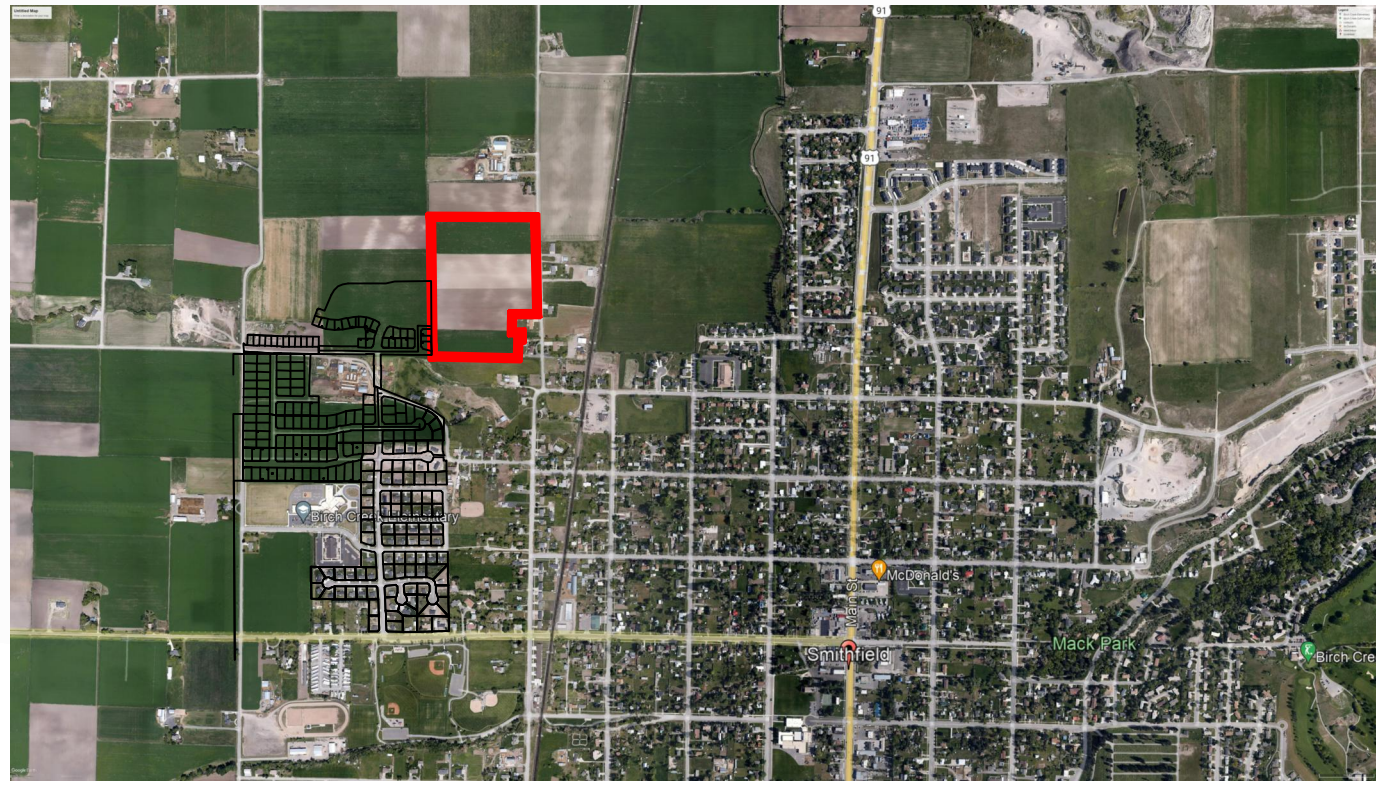
civilsolutionsgroup inc.

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

WEST



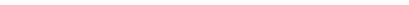

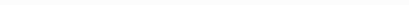







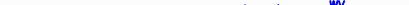

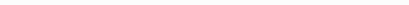
(PUBLIC - 66' WIDTH)

600



0 60 120ft.
SCALE 1" = 60'-0" HOR

LEGEND

	PROPERTY BOUNDARY
	EASEMENT LINE
	SETBACK LINE
	ROAD C.
	EXISTING IRRIGATION
	EXISTING POWER
	EXISTING 8" PVC SANITARY SEWER LINE
	PROPOSED 8" PVC SANITARY SEWER LINE
	EXISTING WATER LINE—SIZE AS SHOWN
	PROPOSED 8" DI WATER LINE
	EXISTING ASPHALT
	PROPOSED ASPHALT
	EXISTING MNR CONTOUR (2')
	EXISTING MUR CONTOUR (10')
	NEW STREET LIGHT

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 2692.89 feet to the Southwest Corner of Section 21 monumented with a 5/8" rebar; thence N84°35'07"E 1885.37 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 1023.00 feet;

thence S 10°12'52" E 909.32 feet;

thence N 89°34'03" W 12.93 feet;

thence N 00°49'07" W 10.00 feet;

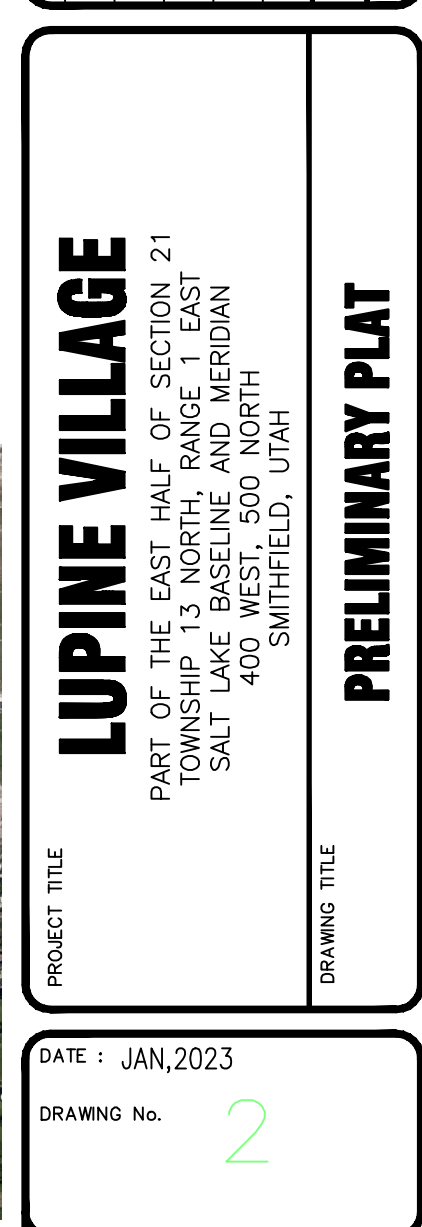
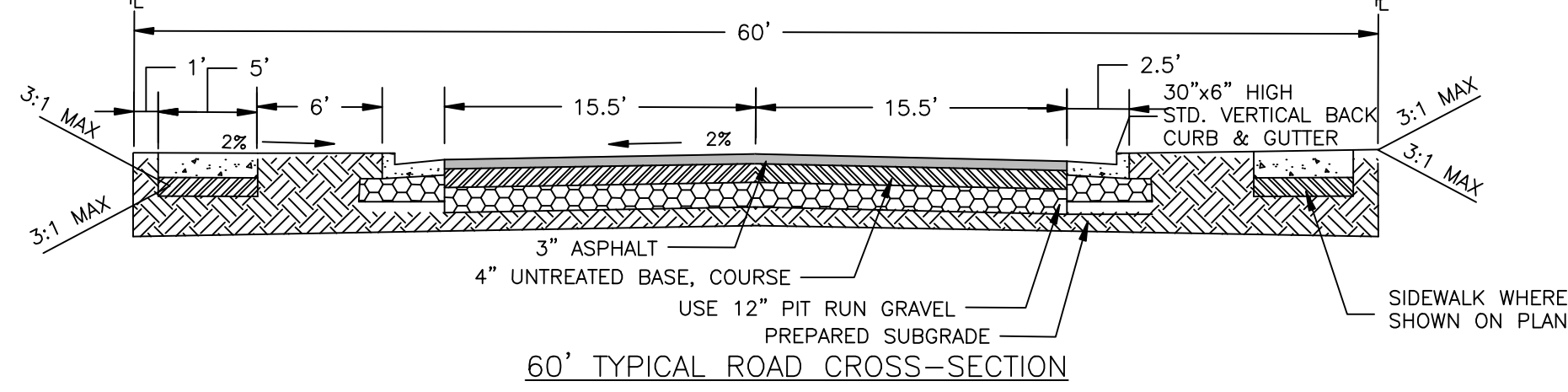
thence N 89°34'03" W 273.83 feet;

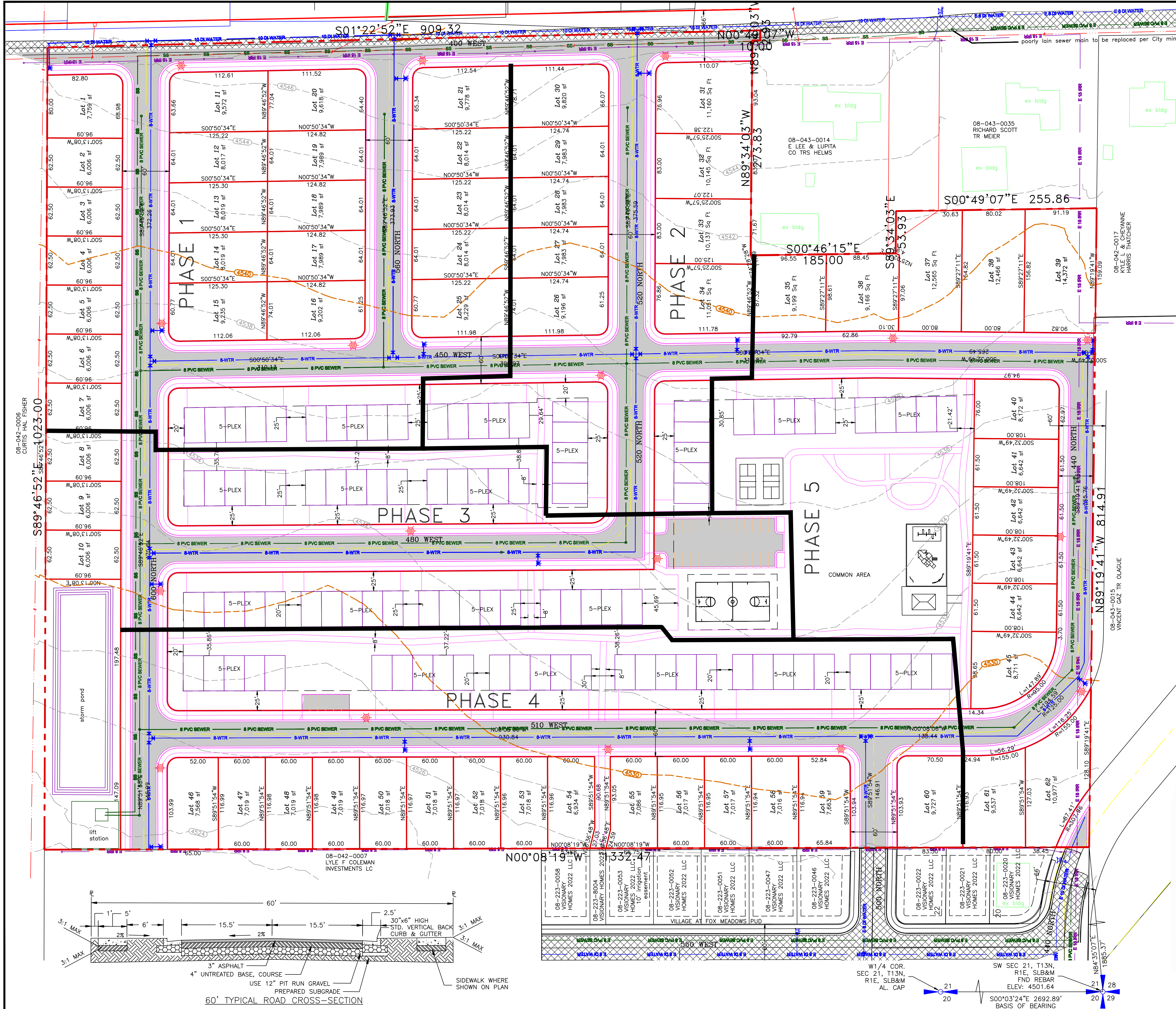
thence S 00°46'15" E 185.00 feet;

thence S 89°34'03" E 53.93 feet;

thence S 00°49'07" E 255.86 feet;

thence N 89°19'41" W 814.91 feet to the point of beginning, containing 29.23 acres, more or less





LUPINE VILLAGE PRELIMINARY PHASING PLAT

PART OF THE EAST HALF OF SECTION 21, TOWNSHIP 13 NORTH,
RANGE 1 EAST, SALT LAKE BASELINE AND MERIDIAN
400 WEST, 500 NORTH
SMITHFIELD, UTAH

NORTH

0 60 120ft.
SCALE 1" = 60'-0" HOR

OWNER: HERITAGE LAND DEVELOPMENT
470 NORTH 2450 WEST
TREMONTON, UTAH
TOTAL AREA: 29.23 ACRES
ROW: 8.51
NET AREA: 20.72 ACRES
OPEN SPACE: 5.43 ACRES (26.21%)
DENSITY ALLOWED: 124 (WITH BONUS 162)
DENSITY BONUSES:
ADDITIONAL OPEN SPACE: 22.21% = 20%
RECREATIONAL: 5%
TRAILS: 3%
OFFSITE SEWER IMPROVEMENTS: 1.0%
TOTAL UNITS: 162
FAMILY UNITS: 62 (38.27% REDUCED FOR EXTRA OPEN SPACE)
MULTI FAMILY UNITS: 100
THERE ARE NO WELLS WITHIN 100 FEET OF THE BOUNDARY.
THE PROJECT IS NOT LOCATED WITHIN A 100 YR FLOODPLAIN

BUILDING SETBACKS
FRONT: 20'
BACK: 20'
SIDE: 6' (WITH 15' BETWEEN HOUSES:
STREET SIDE: 12'

LOT PUBLIC UTILITY EASEMENTS:
FRONT: 10'
REAR: 5'
SIDE: 5'
STREET SIDE: 10'

LEGEND

- PROPERTY BOUNDARY
- EASEMENT LINE
- SETBACK LINE
- ROAD C
- EXISTING IRRIGATION
- EXISTING POWER
- EXISTING 8" PVC SANITARY SEWER LINE
- PROPOSED 8" PVC SANITARY SEWER LINE
- EXISTING WATER LINE-SIZE AS SHOWN
- PROPOSED 8" DI WATER LINE
- EXISTING ASPHALT
- PROPOSED ASPHALT
- EXISTING MNR CONTOUR (2')
- EXISTING MUR CONTOUR (10')
- NEW STREET LIGHT

BOUNDARY CERTIFICATE

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 2692.89 feet to the Southwest Corner of Section 21 monumented with a 5/8" rebar; thence N84°35'07"E 1885.37 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 1023.00 feet;

thence S 01°22'52" E 909.32 feet;

thence N 89°34'03" W 12.93 feet;

thence N 00°49'07" W 10.00 feet;

thence N 89°34'03" W 273.83 feet;

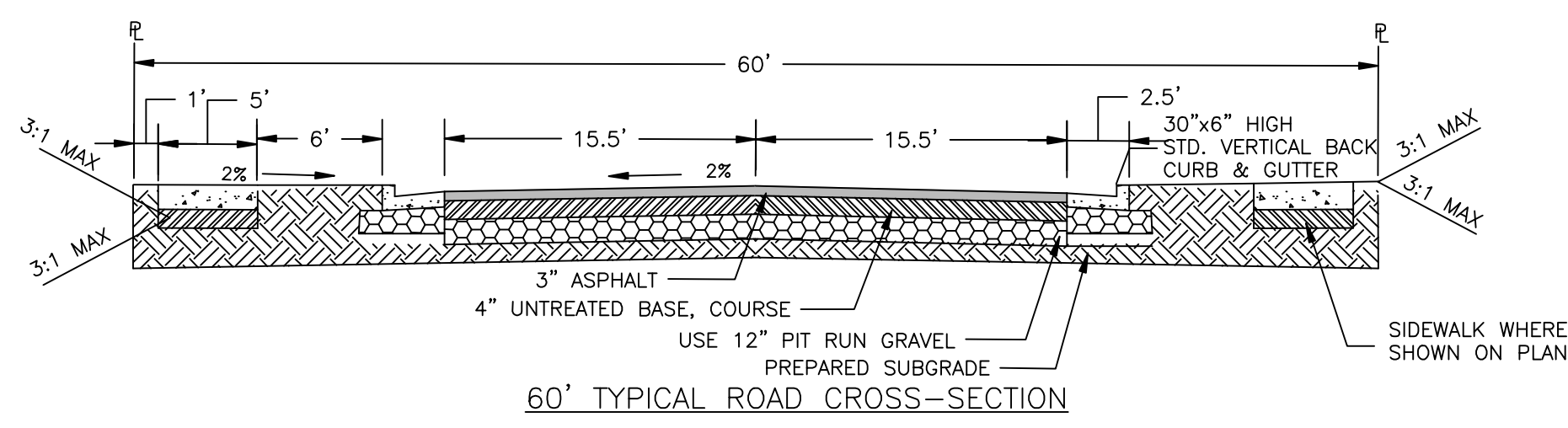
thence S 00°46'15" E 185.00 feet;

thence S 89°34'03" E 53.93 feet;

thence S 00°49'07" E 255.86 feet;

thence N 89°19'41" W 814.91 feet to the point of beginning, containing 29.23 acres, more or less

VICINITY MAP



REGISTERED PROFESSIONAL ENGINEER
No. 36889
ALLIANCE CONSULTING ENGINEERS
150 EAST 200 NORTH SUITE P
LOGAN, UTAH 84321
(435)755-5121
alliancelogon@yahoo.com

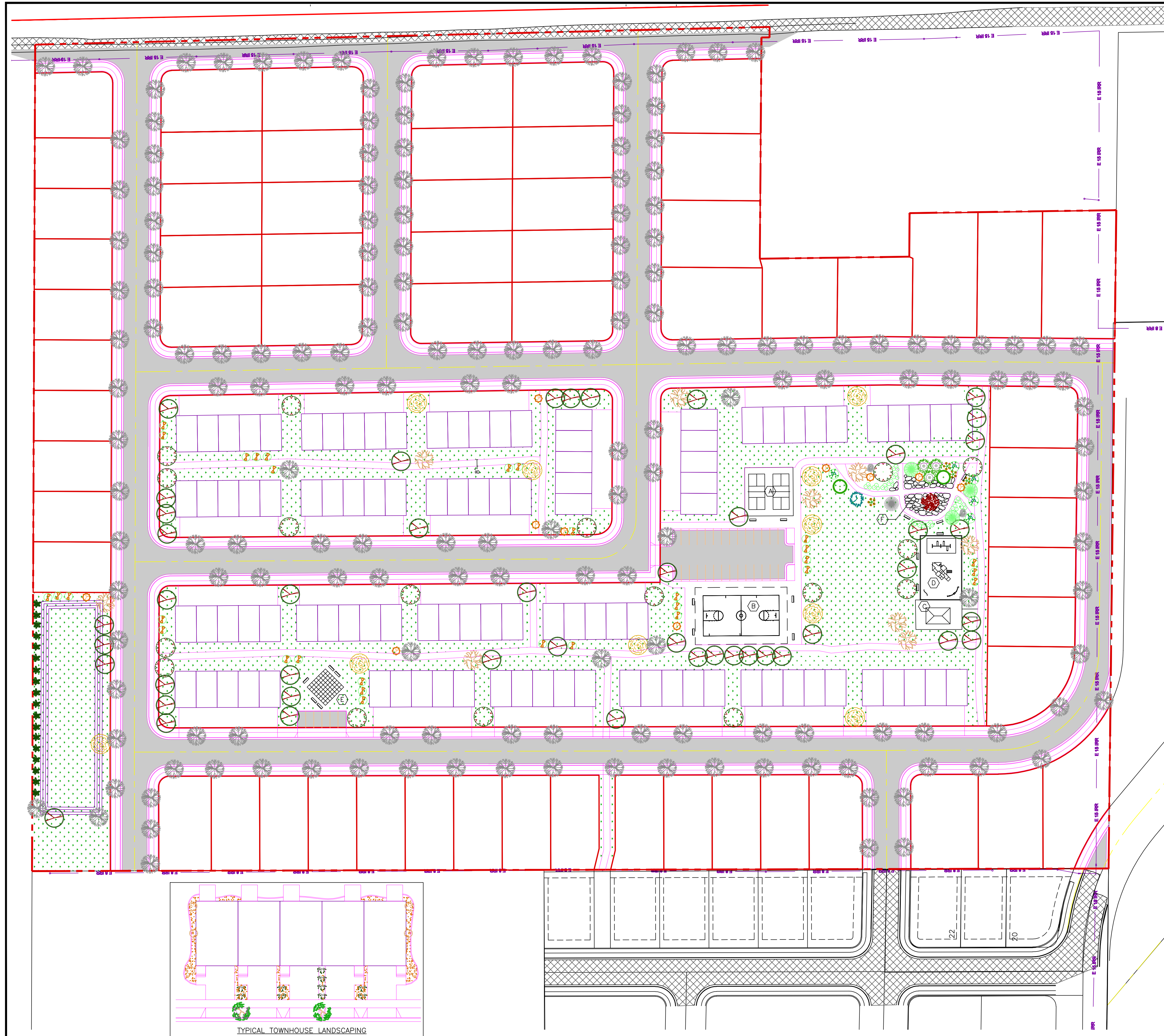
LUPINE VILLAGE
PART OF THE EAST HALF OF SECTION 21
TOWNSHIP 13 NORTH, RANGE 1 EAST
SALT LAKE BASELINE AND MERIDIAN
400 WEST, 500 NORTH
SMITHFIELD, UTAH

PRELIMINARY PHASING PLAT

PROJECT TITLE: _____
DATE: JAN, 2023
DRAWING NO. 1

NO.	REVISIONS/ SUBMISSIONS	DATE

REVIEWED: _____
DRAWN: _____
PROJECT NO.: _____
CADD FILE: _____

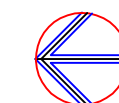


LEGEND

- (17)--NORWAY MAPLE (2" CAL)
- (10)--AMERICAN RED MAPLE (2" CAL)
- (9)--LITTLE LEAF LINDEN (2" CAL)
- (46)--PRAIRIE FIRE CRABAPPLE (2" CAL)
- (174)--PACIFIC SUNSET MAPLE (2" CAL)
- ROW OF FORSYTHIA BUSHES (1 GAL)
- (5)--COLUMNAR GINKGO BILOBA (2" CAL)
- MEDIUM TO LARGE BOULDERS
- (1)--JAPANESE RED MAPLE (5 GAL)
- (2)--SUMAC (1 GAL)
- (1)--SUBALPINE FIR (2" CAL)
- (32)--ELIJAH BLUE FESCUE (1 GAL)
- (4)--DESERT WILLOW (1 GAL)
- (2)--FRINGE TREE (5 GAL)
- (3)--JAPANESE LILAC (1 GAL)
- (10)--FORSYTHIA (1 GAL)
- (3)--YELLOW WOOD (CLADRASTIS KENTUKEA) (2" CAL)
- BENCH
- (1)--KENTUCKY COFFEE TREE (2" CAL)
- (31)--ARCTIC FIRE DOGWOOD (1 GAL)
- (120)--MISSOURI EVENING PRIMEROSE (1 GAL)
- (200)--DAYLILLY (1 GAL)

LUPINE VILLAGE PRELIMINARY LANDSCAPING

NORTH



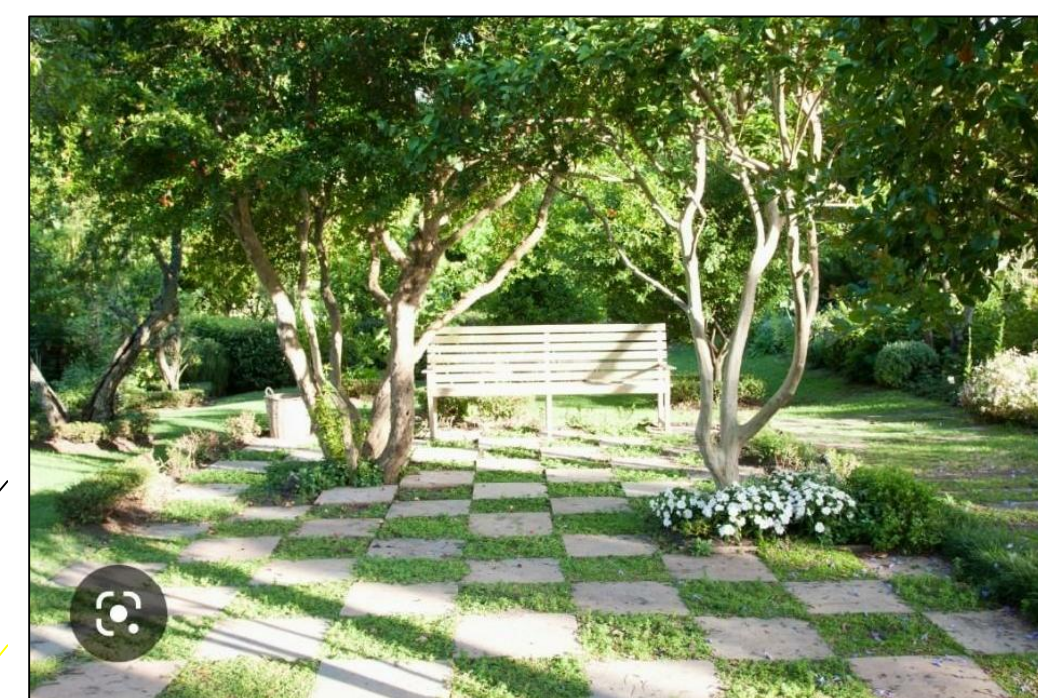
0 60 120ft.
SCALE 1" = 60'-0" HOR

- ☐ A DOUBLE PICKLEBALL COURT
- ☐ B BASKETBALL COURT
- ☐ C PAVILION
- ☐ D PLAYGROUND
- ☐ E TILED GRASS FOR HUMAN CHESS/CHECKERBOARD
- ☐ F KIDS BOULDERING AREA

NEW GRASS

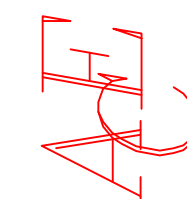
NEW BARK/GRAVEL W/
WEED BARRIER

Open space to be irrigated using using water rights from Smithfield Irrigation Company. All open space/ common are to be maintained by HOA.



REGISTERED PROFESSIONAL ENGINEER
NO. 362590
ALAN V.
MACKELPRANG
3-24-2023
STATE OF UTAH

**PRICE CONSULTING
ENGINEERS**
 1150 EAST 200 NORTH SUITE P
 LOGAN, UTAH 84321
 (435)755-5121
lliancelogan@yahoo.com

[illegible]

LUPINE VILLAGE
PART OF THE EAST HALF OF SECTION 21
TOWNSHIP 13 NORTH, RANGE 1 EAST
SALT LAKE BASELINE AND MERIDIAN
400 WEST, 500 NORTH
SMITHFIELD, UTAH

PRELIMINARY LANDSCAPING

DATE : JAN,2023
DRAWING No.

DRAWING No. 3

ORDINANCE NO 23-19

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 A-10 (Agricultural 10-Acre) to MPC (Master Planned Community).

Approximate Property Location: 485 North 400 West

Cache County Parcel Number: 08-042-0012

BEG 23.50 CHS N & 4 CHS E OF SE COR SW/4 SEC 21 T 13 N R 1E, W 15.50 CHS S 4 CHS E 15.6 CHS N 4 CHS TO BEG 6.16 AC

Cache County Parcel Number: 08-042-0013

BEG 19.5 CHS N 4 CHS E OF SE COR OF SW/4 SEC 21 T 13N R 1E W 15.60 CHS S 4 CHS E 15.70 CH N 4 CHS TO BEG 6.16 AC C1221

Cache County Parcel Number: 08-042-0014

BEG 15.51 CHS N & 4 CHS E OF SE COR SW/4 SEC 21 T 13N R1E, W 15.70 CHS S 4 CHS E 15.80 CHS N 4 CHS TO BEG 6.16 AC. C1223

Cache County Parcel Number: 08-042-0015

BEG 11.50 CHS N & 4 CHS E OF SE COR OF SW/4 SEC 21 T 13N R1E, W 15.8 CHS S 4 CHS E 11.80 CHS N 2.50 CHS E 4 CHS N 1.50 CHS TO BEG CONT 5.32 AC

Cache County Parcel Number: 08-043-0015

BEG 3.5 CHS N OF SW COR SE/4 SEC 21 T 13N R 1E & TH E 44 FT TH N 200 FT TH E 220 FT TO W LN OF ST TH N 64 FT TH W 4 CHS TH S 4 CHS TO BEG CONT 0.59 AC ALSO: BEG 3.5 CHS N OF SW COR OF SE/4 SEC 21 T 13N R1E, N 4 CHS W 12 CHS S 4 CHS E 12 CHS TO BEG 4.56 AC CONT 5.15 AC IN ALL

APPROVED by the Smithfield City Council this 14th day of June, 2023.

SMITHFIELD CITY CORPORATION

Kristi Monson, Mayor

ATTEST:

Justin B. Lewis, City Recorder

ORDINANCE NO. 23-17

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 17.120 “USE MATRIX TABLE”, SECTION 17.120.010 “USE ALLOWANCE MATRIX”.

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

1. The following sections shall be amended as indicated.

17.120.010 USE ALLOWANCE MATRIX
--

Home Occupation, Disruptive

Zones	Current	Proposed
CB	Conditional	Administrative Conditional
CC	Conditional	Administrative Conditional
GC	Conditional	Administrative Conditional
M-1	Not Allowed	Not Allowed
A	Conditional	Administrative Conditional
RA	Conditional	Administrative Conditional
R-1	Conditional	Administrative Conditional
RM	Conditional	Administrative Conditional
I-1	Not Allowed	Not Allowed
GATEWAY OVERLAY	Conditional	Administrative Conditional
MIXED-USE OVERLAY	Permitted	Administrative Conditional
MPC (MASTER PLANNED COMMUNITY)	Conditional	Administrative Conditional

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 14th day of June, 2023

SMITHFIELD CITY CORPORATION

Kristi Monson, Mayor

ATTEST:

Justin B. Lewis, City Recorder

ORDINANCE NO. 23-20

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 17.100 “SITE DEVELOPMENT AND LANDSCAPING”, SECTIONS 17.100.010 “PURPOSE”, 17.100.020 “DEFINITIONS”, 17.100.030 “LANDSCAPING IN COMMERCIAL ZONES”, 17.100.040 “LANDSCAPING REQUIREMENTS IN MANUFACTURING ZONES”, 17.100.045 “LANDSCAPING REQUIREMENTS IN MULTI-FAMILY ZONES”, AND ADDING IN THEIR ENTIRETY 17.100.021 “APPLICABILITY”, 17.100.022 “WATER EFFICIENCY STANDARDS”, 17.100.055 “INSTITUTIONAL”, AND 17.100.035 “LANDSCAPING REQUIREMENTS IN RESIDENTIAL NEW CONSTRUCTION”.

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.

17.100.010 PURPOSE

~~Because of the desire to ensure that all development is done in such a manner that it will result in an orderly and aesthetically pleasing addition to the city, requirements and guidelines are provided for all areas within the commercial and manufacturing zones of Smithfield City.~~

The city finds that it is in the public interest to conserve public water resources and promote water efficient landscaping through planning and education. The city strives to protect and enhance the community's environmental, economic, recreational, and aesthetic resources by promoting efficient use of water, reducing water waste, and establishing guidelines for design, installation, and maintenance of water efficient and attractive landscaping.

17.100.020 DEFINITIONS

~~For the purposes of this chapter:~~

LANDSCAPE: ~~The placing or arranging of lawns, trees, bushes, etc., on a plot of ground to make it more attractive.~~

MEDIAN: Area within the confines of the parking area of a lot which is not utilized for vehicular parking or travel and is not occupied by any building or structure and which is bounded on all sides by a concrete curb.

PARKING AISLE: That area of parking which is occupied by a set of continuously connected parking stalls.

PARKING AREA: Area of a lot which is reserved for the storage of vehicles either on a short term or long term basis.

ACTIVE RECREATION AREA: An area that is dedicated to active play where turfgrass may be used as the playing surfaces. Examples of active recreation areas include sports fields, play areas, and other similar uses.

BRAMBLE: Any of a genus (Rubus or Ribes) usually prickly shrubs of the rose family including raspberries, gooseberries, and blackberries.

CHECK VALVE: A device used in sprinkler heads or pipes to prevent water from draining out of the pipe through gravity flow.

CONTROLLER: A device used in irrigation systems to automatically control when and how long sprinklers or drip systems operate.

LANDSCAPE: The placement, arrangement and organization of lawns, trees, bushes, etc., on a plot of ground to create attractive, usable spaces.

LANDSCAPE GRADING PLAN: The grading plan shows all finish grades, spot elevations, drainage as necessary and existing and new contours with the developed landscaped area.

LOCALSCAPES®: A locally adaptable and environmentally sustainable urban landscape style that requires less irrigation than traditional Utah landscapes (see www.localscapes.com).

MEDIAN: Area within the confines of the parking area of a lot which is not utilized for vehicular parking or travel and is not occupied by any building or structure and which is bounded on all sides by a concrete curb.

MULCH: Any material such as rock, bark, wood chips or other materials left loose and applied to the soil.

PARKING AISLE: Area of parking which is occupied by a set of continuously connected parking stalls.

PARKING AREA: Area of a lot which is reserved for the storage of vehicles either on a short term or long-term basis.

PARK STRIP: The landscaped area within a street right-of-way located between the curb and sidewalk or, if there is no sidewalk, between the curb and private property line (typically narrow landscaped area).

POP-UP SPRAY HEAD: A sprinkler head that sprays water through a nozzle in a fixed pattern with no rotation.

PRESSURE COMPENSATING: A drip irrigation system that compensates for fluctuating water pressure by only allowing a fixed volume of water through drip emitters.

PRESSURE REGULATING VALVE: A valve installed in an irrigation mainline that reduces a higher supply pressure at the inlet down to a regulated lower pressure at the outlet.

ROAD BASE: Aggregate used under the paved portion of a road or parking lot.

SPRAY SPRINKLER: An irrigation head that sprays water through a nozzle.

ROTOR SPRAY HEAD: An irrigation head that projects water through a gear rotor with a single stream.

SUBSOIL: The layer of soil under the topsoil on the surface of the ground. Composed of a variable mixture of small particles such as sand, rock, silt and clay but without organic matter and humus.

TOPSOIL: Surface soil that usually includes an organic layer more suited for plant growth.

WASTE OF WATER: Means and includes, but is not limited to:

A. The use of water for any purpose, including landscape irrigation, which consumes, or for which is applied substantial amounts of excess water beyond the reasonable amount required by the use, whether such excess water remains on the site, evaporates, percolates underground, goes into the sewer system, or can run into the gutter or street. Every water consumer is deemed to always have under control the waterlines and facilities, other than water utility facilities, through which water is being supplied and used to his premises, and to know the manner and extent of his water use and excess runoff.

B. The excessive use, loss or escape of water through breaks, leaks, or malfunctions in the water user's plumbing for any period of time after such escape of water should reasonably have been discovered and corrected. It shall be presumed that a period of forty-eight (48) hours after the water user discovers such break, leak or malfunction or receives notice from the city of such condition, whichever occurs first, is a reasonable time to correct such condition; or

C. Washing sidewalks, driveways, parking areas, tennis courts or other paved areas except to alleviate immediate fire, health, or safety hazards.

17.100.021 APPLICABILITY

Except as set forth in Subsections “A” and “B” of this section, this chapter applies all new construction and includes all building additions, expansions, changes, or intensification of use, filed after the effective date hereof, which results in a new landscaped area greater than two hundred and fifty (250) square feet for residential. The landscaping and irrigation plans required by this chapter shall be provided as a condition of building permit issuance. In the case of building expansions, only the expansion area shall be required to meet the requirements of this chapter.

A. New Single Family Residential Construction. New single-family residential is only required to follow section 17.100.022 “Water Efficiency Standards” of this chapter. As an aid, a residential landscape design guide is available from the city and is located on the city’s website.

B. Existing Single Family Residential. Single-family residential landscaping that exists at the effective date of this chapter is not required to follow the regulations of this chapter. Existing landscaping can be maintained as installed or the property owner is free to follow the provisions of this chapter. As an aid, a residential landscape design guide is available from the city located on the city’s website.

17.100.022 WATER EFFICIENCY STANDARDS

A. All new construction shall comply with the water efficiency standards listed below.

Upgrades or re-landscaping should strive to meet these same standards.

B. All irrigation shall be appropriate for the designated plant material to achieve the highest water efficiency.

1. Drip irrigation or bubblers shall be used except in lawn/sod/turf areas.

2. Drip irrigation systems shall be equipped with a pressure regulator, filter, flush valve assembly, and any other appropriate components.

C. If installed, each irrigation valve shall irrigate landscaping with:

1. Similar site characteristics.

2. Similar slopes;

3. Similar soil conditions; and

4. Plant materials with similar watering needs.

D. Lawn/sod/turf and planting beds shall be irrigated on separate irrigation valves if an irrigation system is installed.

E. Drip emitters and sprinklers shall be placed on separate irrigation valves if an irrigation system is installed.

F. Landscaped areas shall be provided with a smart irrigation controller which has the ability to automatically adjust the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities.

G. A minimum of three (3) to four (4) inches of mulch, permeable to air and water, shall be used in planting beds.

H. At maturity it is recommended that landscapes have enough plants (trees, perennials, and shrubs) to create at least fifty percent (50%) living plant cover at maturity.

I. Lawn/sod/turf shall not be installed in:

1. Park strips;
2. Paths less than eight feet (8') wide; and
3. On slopes with a grade greater than twenty-five percent (25%) or 4:1 slope.

17.100.030 LANDSCAPING IN COMMERCIAL ZONES

A. **Landscaped Area:** Provisions shall be made to accommodate thirty (30) square feet of landscaped area for every required parking space within a parking lot. This area shall be in the form of medians or islands. Natural vegetation shall be used where possible. Trees in planters do not qualify for this landscaping requirement. Lawn areas not to exceed twenty percent (20%) of total landscaped area, outside of active recreational areas.

L. **Park Strip Landscaping:** Any combination of ornamental plants, shrubs, herbaceous perennial, ground cover plants, pavers, ornamental gravel, ornamental concrete, boulders, bark mulch and artificial turf is allowed in the park strip. Lawn/sod/turf is prohibited in park strips. One (1) tree per twenty-five feet (25') of frontage is required.

M. **On-site Detention Basins:** Shall be considered part of the landscaped area of the site and shall be landscaped unless stored underground or as part of the paved parking area.

17.100.040 LANDSCAPING REQUIREMENTS IN MANUFACTURING ZONES

B. **Landscaped Area:** Provisions should be made to accommodate twenty (20) square feet of landscaped area for every required parking space with a parking lot. This includes only medians and islands which are not located on the public rights of way. Trees in planters do not qualify for this requirement. Lawn areas not to exceed twenty percent (20%) of total landscaped area, outside of active recreational areas.

L. **Park Strip Landscaping:** Any combination of ornamental plants, shrubs, herbaceous perennial, ground cover plants, pavers, ornamental gravel, ornamental concrete, boulders, bark mulch and artificial turf is allowed in the park strip. Lawn/sod/turf is prohibited in park strips. One (1) tree per twenty-five feet (25') of frontage is required.

M. **On-site Detention Basins:** Shall be considered part of the landscaped area of the site and shall be landscaped unless stored underground or as part of the paved parking area.

17.100.045 LANDSCAPING REQUIREMENTS IN MULTI-FAMILY ZONES

E. **Areas to be Landscaped:** All yards and setback areas not occupied by building, parking, or service areas shall be landscaped as herein required. Lawn areas not to exceed twenty percent (20%) of total landscaped area, outside of active recreational Areas.

H. **Park Strip Landscaping:** Any combination of ornamental plants, shrubs, herbaceous perennial, ground cover plants, pavers, ornamental gravel, ornamental concrete, boulders, bark mulch and artificial turf is allowed in the park strip. Lawn/sod/turf is prohibited in park strips. One (1) tree per twenty-five feet (25') of frontage is required.

- I. **On-site Detention Basins:** Shall be considered part of the landscaped area of the site and shall be landscaped unless stored underground or as part of the paved parking area.

17.100.055 INSTITUTIONAL

City owned parks, structures, buildings, recreation areas, open spaces or educational facilities located in any zone.

- A. **Landscaped Areas:** Landscaped areas shall comprise not less than twenty-five percent (25%) of the site containing a public building such as city hall, courts, public safety buildings, public works buildings, water tanks/reservoirs, administration buildings. The front yard and side yards adjacent to public streets, except those portions devoted to driveways and sidewalks, shall be landscaped. Lawn/sod/turf shall be limited to twenty percent (20%) of the landscaped area surrounding public buildings. This requirement does not apply to accessory buildings or structures of public parks, open space, or recreation areas. Lawn areas not to exceed twenty percent (20%) of total landscaped area, outside of active recreational areas.
- B. **Site Trees:** A minimum of one tree per two thousand (2,000) square feet of landscaped area is required, in addition to any park strip, parking lot landscaping or landscape buffer requirement of this chapter. Landscaped areas do not include areas used for parks, open spaces, or recreation areas.
- C. **Park Strip Landscaping:** Any combination of ornamental plants, shrubs, herbaceous perennial, ground cover plants, pavers, ornamental gravel, ornamental concrete, boulders, bark mulch and artificial turf is permitted in the park strip. Lawn/sod/turf is prohibited in park strips. One (1) tree per twenty-five feet (25') of frontage is required.
- D. **Parking Lot Landscaping:** Parking lot landscaping shall meet the requirements of this chapter.
- E. **Parks and recreation facilities:** There is no limitation on the amount of lawn/sod/turf used in parks or recreation areas. Tree placement in parks, open spaces and recreation areas will be according to the overall design of the park, open space, or recreation area.

17.100.035 LANDSCAPING REQUIREMENTS IN RESIDENTIAL NEW CONSTRUCTION

- A. **Areas to be Landscaped:** No lawn on parking strips or areas less than eight (8) feet in width in the new residential development.
- B. **Limitations on Lawn:** No more than fifty percent (50%) of front and side yard landscaped area in new residential developments is lawn. Lawn limitations do not apply to small residential lots with less than two hundred fifty (250) square feet of landscaped area.
- C. **Public Right-Of-Way Landscaping:** The area within the public right-of-way between the curb and gutter or road shoulder and sidewalk shall also be landscaped and maintained by the adjacent property owner. Said landscaping and street trees shall be according to the city tree warden.

D. **Park Strip Landscaping:** Any combination of ornamental plants, shrubs, herbaceous perennial, ground cover plants, pavers, ornamental gravel, ornamental concrete, boulders, bark mulch and artificial turf is allowed in the park strip. Lawn/sod/turf is prohibited in park strips.

E. **On-site detention basins:** shall be considered part of the landscaped area of the site and shall be landscaped unless stored underground .

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 14th day of June, 2023

SMITHFIELD CITY CORPORATION

Kristi Monson, Mayor

ATTEST:

Justin B. Lewis, City Recorder