



SMITHFIELD CITY PLANNING COMMISSION MINUTES December 16, 2020

The Planning Commission of Smithfield City met in the City Council Chambers
96 South Main, Smithfield, Utah at 6:30 p.m. on Wednesday, December 16, 2020

The following members were present constituting a quorum:

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

Members Excused: Juli Weber, Hutch Daniels

City Staff: Clay Bodily, Brian Boudrero, Jon Wells, Mayor Jeff Barnes

Others in Attendance: Lon Hyer, Rich Johns, David Price, Ben Elwood, Matt Sheen, Jared Storrs, Kenneth Bell, Doug Corbridge, Brice Sadler, Josh Runhaar, James Elwood, Bryant McKay, Lynn Godderidge, Rick & Kristen Black, Erin Campbell, Brian Bair, Julie Bair, BJ Sparrow, Casey Hillyard, 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 meeting agenda and the minutes from the November 18, 2020 meeting to stand as submitted.

RESIDENT INPUT

Casey Hillyard has concerns about new development in the west area, specifically related to lot sizes. He lives on 4 acres and enjoys that style of living, as do his neighbors. His concerns included adequate roads and water and asked if there is a plan in place and if the City is adequately prepared. Mr. Bodily explained that a water model analysis is done on each project, the average usage per household is 450 gallons per day and the City is prepared. Mr. Hillyard questioned whether this much development is in the best interest of the City and the residents or just for developers. He is not in favor of anything less than 5-acre lots west of 800 West and encouraged the Commission to consider the residents who live in that area when making decisions.

Jared Storrs, 660 West 200 South, lives on 2 acres and is ready, if this is opened up (referencing the rezone from RA-1 to R-1-20 on tonight's agenda) to subdivide his property too. He questioned when and where it will stop.

Bryant McKay, 570 West 100 South, has served on the Commission before and although it takes a lot of time to go through the Master Plan, he urged the Commission to carefully consider the future of Smithfield. He does not see anything that should be changed right now, as far as going into the west and the southwest parts of town. He lives on 2 acres and farms on another 2 acres. Years ago, someone tried to rezone this area into 1/4-acre lots, which could have allowed for 80 homes to be put in. He loves the type of life he lives.

Matt Sheen, 688 West 100 South, purchased his grandfather's home and has lived there for 26 years. He was told that he could not put another home on his lot, so he planned ahead and has added onto his home. He would be aggravated if a zone change is allowed for the Elwood request. He has 3.75 acres and does want that type of development in the area. He, and his neighbor Jeff Johnson, are opposed to the request. The area should be kept at 2-acre lots. He lives in that area for a reason.

Lon Hyer, 535 West 200 South, is concerned that he did not hear about what is happening. If there is a change in the neighborhood, residents should know in enough time to provide input. He did not find out until after the last meeting that Mr. Elwood was requesting a rezone. He lives there because he wanted a larger lot and he opposes smaller lots in this area.

Mr. Boudrero explained that the City follows the stipulations given by the state. They used to do mailers to adjacent property owners; however, that is no longer required. Agendas and notices are posted to the City's website, the Utah Public Notice Meeting website, and the local newspaper. Commissioner Freidenberger asked if residents could request to be put on an email/ mailing list and get notified. Chairman Gibbons said the City does have an email list and encouraged residents to contact the City for additional information. Councilmember Wells said citizens can subscribe to be notified about all postings for Smithfield (or any other) City on the Utah Public Notice site. Commissioner Higginbotham suggested adding information to the City newsletter as well. Councilmember Wells said he will include information in the next one.

Doug Corbridge, 615 West 100 South, is concerned that once rezoning begins to happen, there are others who are waiting for it and may want to subdivide. 100 South is not wide enough to handle more homes.

BJ Sparrow currently lives on the east side of town. He moved to Smithfield in 2012 and researched the Future Use Plan and realized that the nearby A-10 zone would most likely become R-1-10 to accommodate growth; which is usually done along the perimeter of cities. This growth is currently occurring with the Neighborhood Nonprofit Housing that is going in. He decided to purchase property in a "safe spot" in the City and paid a premium price for his lot in the west part of town in the RA-2 zone. He did not receive notice that a nearby parcel was requesting a rezone. This section of the City is good for ranchette style property. He understands the growth plan and believes it should occur on the perimeters of the town. Zoning maps are outlined for a reason and asked the Commission to adhere to the Future Use Plan.

Rich Johns, 499 West 200 South, fell in love with the area and purchased a large lot so he would not have to worry about encroachment of neighbors. He enjoys the open space, the fields, and the freedom. He does not plan on moving and is opposed to any rezoning in the area.

Lynn Godderidge, 544 West 100 South, has been to several meetings recently and has heard a developer say that no one wants large lots, tonight proves that there are many people who do want them.

AGENDA ITEMS

Continued discussion and possible vote on Ordinance 20-36, an ordinance rezoning Parcel Number 08-083-0046 from RA-1 (Residential Agricultural 1-Acre) to R-1-20 (Single-Family Residential 20,000 Square Feet). The parcel is located at 585 West 200 South and is 2.00 acres.

Ben Elwood previously came before the Commission to rezone his property, from RA-1 (Residential Agricultural – 1 Acre) to R-1-10 (Single-Family Residential 10,000 Square Feet). Rather than a denial, the discussion was continued to this meeting. Mr. Elwood said the initial request for R-1-10 was the easiest option in order to put in a home behind his parents existing home. He has been working with Mr. Boudrero and Mr. Bodily and would like to amend the request to R-1-20 (Single Family Residential 20,000 Square Feet). The two lots to the east are R-1-20 minimum sized lots. There is no plan for the RA-2 lots to the west to change. R-1-20 seems more appropriate and would allow another home on the property (1-2 dwelling units per acre). Because this property is in the medium density area, both R-1-20 and RA-1 would be appropriate.

Commissioner Higginbotham asked if the frontage issue had been worked out. Mr. Elwood said a road will have to be put in and he is willing to do that.

Chairman Gibbons pointed out that this is only a request for a rezone, the subdivision request will have to come before the Commission and Council for approval and will have to meet all applicable requirements.

Mr. Elwood advised that the current zone of RA-1 or the original request of the R-1-10 zone would not work due to the 80' frontage requirement, even though the lot itself is large enough for two homes. Chairman Gibbons pointed out that R-1-20 also has a frontage requirement of 100', in order to subdivide the property, they will be required to have 200' of frontage, which will be handled by putting a road back to the home in.

Commissioner Higginbotham mentioned that many cities have auxiliary dwelling ordinances which would allow for this scenario.

Mr. Boudrero said, if it is rezoned to R-1-20, they will have to have 200 linear feet of frontage along 200 South (100' for the drive and 100' for the new home) and then the lot to the east has an excess of frontage for the zone it is in. A complete City road, meeting all applicable requirements, will create the frontage needed.

Commissioner Heaps said the request fits with the future zoning of the area and seems to be a reasonable request.

MOTION: Motion made by Commissioner Heaps to forward a recommendation to the City Council to **approve** Ordinance 20-36, an ordinance rezoning Parcel Number 08-083-0046 from RA-1 (Residential Agricultural 1-Acre) to R-1-20 (Single-Family Residential 20,000 Square Feet). The parcel is located at 585 West 200 South and is 2 acres. Commissioner Bell seconded the motion. **Motion approved (5-2).**

Vote:

Aye: Bell, Holbrook, Higginbotham, Gibbons, Heaps

Nay: Freidenberger, Reis

Public Hearing, no sooner than 6:45 p.m., on Ordinance 20-38, an ordinance rezoning Parcel Number 08-123-0001 from A-10 (Agricultural 10-Acre) to R-1-12 (Single-Family Residential 12,000 Square Feet). The parcel is located at approximately 1080 East 600 South and is approximately 29.81 acres.

7:14 p.m. Public Hearing Opened

There were not any comments or questions.

7:15 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 20-38

Brice Sadler is requesting a rezone for two pieces of property that were recently annexed into Smithfield. Mr. Sadler said this will allow for a mixture of lot sizes, it is not intended to be only for small lots. He confirmed for Commissioner Freidenberger that 80' of frontage along the canal is being deeded to the City for future trails.

Commissioner Higginbotham noted that a portion of the parcel is labeled on the Future Land Use Map as open space. Mr. Bodily explained that on the Future Land Use Map they considered the elevation and approximated future parcel lines. Chairman Gibbons noted that this is one parcel that has two different future land-use designations, but the request is for a rezone of the entire parcel.

Mr. Sadler confirmed for Commissioner Higginbotham that the entire parcel is buildable, larger lots will be in the open space area. Commissioner Higginbotham asked if this will set a precedent for approving development in designated open space areas. Mr. Bodily does not know of any; the entire parcel would need to be rezoned; one parcel cannot have two different zones.

Councilmember Wells pointed out that the Future Land-Use Map calls out the area as open space so homes do not climb up the mountain, but because this is all one parcel, it cannot have two different zones. In the past, the Commission and Council have followed the Future Land-Use Plan, which is a guideline; however the Commission is not bound by it. Commissioner Higginbotham would like to see the map follow parcels in the future.

Commissioner Freidenberger asked if this might have future repercussions. Chairman Gibbons said that is a question that may not have an answer, the Commission will have to decide how the entire parcel should be zoned. Commissioner Higginbotham said if the parcel had been entirely in the open space designation, he would vote no, but because the majority of the parcel is not defined as open space, he will vote in favor, even though it seems to be a gray area.

Commissioner Holbrook questioned whether they could do a PUD Overlay and keep the open space. Chairman Gibbons said the Commission will have a chance to review the subdivision plat, this is only a request for a rezone. Mr. Sadler noted that larger lots will be built in the open space area so it will still maintain quite a bit of open area.

Commissioner Heaps said between the trails and the fact that the area to the east should remain open space, she believes this rezone is appropriate, but she would not want to see anything extend any further east.

Commissioner Holbrook asked if there should be recommendations given as to what should be expected in the subdivision. Chairman Gibbons said they should be sensitive to the fact that the designated open space area is being allowed to be rezoned and he would hope to see larger lots placed in that area. Commissioner Higginbotham agreed.

MOTION: Motion made by Commissioner Higginbotham, based on the fact that the majority (3/4) of the parcel is A-10, to forward a recommendation to the City Council to **approve** Ordinance 20-38, an ordinance rezoning Parcel Number 08-123-0001 from A-10 (Agricultural 10-Acre) to R-1-12 (Single-Family Residential 12,000 Square Feet). The parcel is located at approximately 1080 East 600 South and is approximately 29.81 acres. Commissioner Reis seconded the motion. **Motion approved (7-0).**

Vote:

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

Public Hearing, no sooner than 6:55 p.m., on Ordinance 20-39, an ordinance rezoning Parcel Numbers 08-119-0016 and 08-119-0008 from A-10 (Agricultural 10-Acre) to RM (Multiple Family Residential). The parcels are located at approximately 350 East 800 South and total approximately 12.01 acres.

7:31 p.m. Public Hearing Opened

There were not any comments or questions.

7:32 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 20-39

Brice Sadler is requesting a rezone for two pieces of property that were recently annexed into the city limits, he is requesting the property be rezoned from A-10 (Agricultural 10-Acre) to RM (Multiple Family Residential). The parcels (08-119-0016 and 08-119-0008) are located at approximately 350 East and 800 South and total approximately 12 acres.

Commissioner Holbrook wondered if the RM zone would open it up too much, a senior living development could be done in a PUD or a R-1-10 zone. Mr. Sadler said that a 55+ adult community development requires an RM zone.

Commissioner Freidenberger noted that she is not comfortable having RM at this location. Chairman Gibbons pointed out that RM fits the Future Land-Use Map.

MOTION: Motion made by Chairman Gibbons to forward a recommendation to the City Council to **approve** Ordinance 20-39, an ordinance rezoning Parcel Numbers 08-119-0016 and 08-119-0008 from A-10 (Agricultural 10-Acre) to RM (Multiple Family Residential). The parcels are located at approximately 350 East 800 South and total approximately 12.01 acres. Commissioner Heaps seconded the motion. **Motion approved (6-1).**

Vote:

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

Nay: Freidenberger

Public Hearing, no sooner than 7:00 p.m., on proposed Ordinance 20-40, an ordinance amending the Smithfield City Municipal Code Title 17 “Zoning Regulations”, Section 17.88.060 “Application of PUD to Underlying Zone”.

7:37 p.m. Public Hearing Opened

There were not any comments or questions.

7:38 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 20-40

Mr. Boudrero said the proposal is for the wording of 17.88.060 C. Yard Setbacks to be changed to remove the portion of the sentence that reads, “*from a forty-five foot (45') street,*” and the addition of a sentence that reads, “*On corner lots, the *lessor of the two (2) front yards shall be a minimum of twenty feet (20') and the combination of the two together shall total a minimum of forty feet (40').*”

* Mr. Bodily noted the word *lessor* in the second sentence should be changed to *lesser*.

MOTION: Motion made by Commissioner Higginbotham to forward a recommendation to the City Council to **approve** Ordinance 20-40, an ordinance amending the Smithfield City Municipal Code Title 17 “Zoning Regulations”, Section 17.88.060 “Application of PUD to Underlying Zone”. Commissioner Freidenberger seconded the motion.

Motion approved (7-0).

Vote:

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

Nay: None

Public Hearing, no sooner than 7:00 p.m., on proposed Ordinance 19-15, an Ordinance adding in its entirety to the current Smithfield City Municipal Code Title 17 “Zoning Regulations”, Chapter 17.81 “Master Planned Community (MPC) Zone”, Sections 17.81.010 “Purpose”, 17.81.020 “Allowed Uses”, 17.81.030 “Definitions”, 17.81.040 “Rezone Required”, 17.81.050 “Development Standards”, 17.81.060 “Open Space”, 17.81.070 “Streets, Circulation & Parking”, 17.81.080 “Walking/Biking Trails”, 17.81.090 “Landscaping”, 17.81.100 “Density Bonuses”, 17.81.110 “Approval Process”, 17.81.120 “Failure to Progress”, 17.81.130 “Development Agreement”, and 17.81.140 “Modification of Approved Plan”.

7:40 p.m. Public Hearing Opened

Kristen Black is bringing attention to the concerns of future bordering landowners to the potential MPC zone. Chairman Gibbons confirmed for her that this ordinance, if approved, would be offered as a potential zone for future development. Mrs. Black’s

statements come from the Utah For Responsible Growth Citizen Action Group and their study from January 2019 titled "Affordable Housing and the High-Density Myth". The article states that over the last eight years, Utah has experienced unprecedented economic growth. This growth, while positive in many ways, has caused a gap in the supply and demand curve of the housing market. This gap has resulted in rapidly increasing home prices, making home affordability a growing issue. The article goes on to discuss high-density housing and its overall effect on communities and their housing markets. This article is a must read for anyone involved in community planning and development and can be found at utahforresponsiblegrowth.org. She urged the Commission to postpone the vote until they have had an opportunity to fully review the study and the impact of high-density housing in a community. She is an advocate for fairness to everyone impacted by a proposed community, the existing residents, the future residents and developers. Development should be a collaborative effort that harmonizes the needs and visions of a community. Her desire is to be a voice for the current residents who feel a proposed plan of this magnitude favors only the interests of developers. Planning should not be influenced by the developer only, it should have current citizen input, backed by supporting data, and then put into the hands of the municipalities to decide. She believes the long-term residents of the area know their community the best and have a vested interest regarding how it should be shaped and influenced by growth. The article states that research resoundingly concludes that high-density housing has historically failed to produce affordability. Cities that have attempted to build their way out of affordability issues with high-density housing are now the most unaffordable in the country. Along with long-term correlation with a higher median multiple, high-density solutions are also correlated with a number of other problems such as increased pollution, potential for increased crime, increased rates of mental health issues and a strain on the public resources, to name a few. She is proposing a delay that will allow for further discussion with the current residents, the Commission and developers. She understands that time is money and the reason this is on the agenda tonight is because of Mr. Jackson. Pushing growth above and beyond what he has already developed in the City needs to be thoughtfully considered and planned for everyone who will be affected. The article she has referenced is a 26-page document with substantiated facts as to why a hard look needs to be taken. It is important that the Commission has the information. She asked that the Commission delay making a decision until they have had a chance to read the study. She proposed having an open house where everyone can come together to discuss concerns. Even though this is public hearing, many people do not know what is happening, especially during the holidays and the Covid-19 pandemic. This is a big decision; she encouraged the Commission to make a good effort to let people know.

Rick Black has been at these meetings several times. It is obvious that the pitch about no one wanting larger lots is incorrect. There are many citizens who want space. When a developer says the only thing that is affordable is small lots, it is not true. The article is lengthy and will take some time to review. If the Commission is committed to doing what they are supposed to be doing, he encouraged them to take the time to read and ingest the information. He does not think this has to be decided tonight.

Councilmember Wells asked if the study talked about Utah's requirement for affordable housing and if it helped offer solutions to the problem for the state-mandated affordable housing component. Ms. Black said it does discuss where high-density housing should

be located and how it affects affordability. Mr. Black said the study was referenced out of the Salt Lake area; however, it does have good information and addresses rental information and whether there really is a crisis. There are many statistics presented from many reputable sources. Councilmember Wells appreciated the information presented.

Mr. Boudrero has read the study and attended many webinars on this subject.

Josh Runhaar, Neighborhood Nonprofit Housing Corporation, has provided some comments to Mr. Boudrero. He offered the following suggestions:

- Page 7 – 17.81.070 E should read “public facilities located in a public street”, or “private utilities in a private street”. If utilities are public, the City has a duty to maintain them, if they are private utilities they should be in a private street.
- Page 8 – Density bonus for Recreational Facilities and Off-Site Infrastructure Improvement should have a multiplier higher than 1. The problem is that a developer will have to spend a dollar to get a dollar, unfortunately, most of the times the return is not for years. If the goal is to incentive recreation and off-site infrastructure, the multiplier must be greater than 1. It is an enormous amount of risk based on the assumption that in the future the developer will get the same amount back. Raising the multiplier will cover the risk and time. Commissioner Higginbotham asked about the timeline for these things going in. Mr. Runhaar said infrastructure needs to be put in before homes can be built and sold. Commissioner Higginbotham can understand the infrastructure but is struggling with the recreation category. Mr. Runhaar said it is the same timing issue, because the park will likely get put in before all the homes. It is not good for a developer to push all the amenities to the final phase of development because then they do not always get finished. Roads and water lines should all be connected so many improvements have to be put in up front. These issues can be handled in the development agreement (17.81.130). The multiplier does not have to be raised significantly and suggested possibly 1.2 to provide more of an incentive.

Mr. Runhaar agrees with increasing the base zone size and does not think this will work with anything less than 15 acres. He shared data about households and housing growth. Emigration, especially from the west coast, needs to be considered, as well as internal growth (space for future generations). In 1960, in Utah, the average size of a household was 5.17; in 2015 the average was 3.17, so the household sizes have been dropping dramatically. At the same time, people want more square footage per person. A town of 12,000 people in 1960 would have needed 2,320 units to house the population. Today, it would take 3,785 units to house the same population. The problem is that we cannot keep developing on more and more marginal lands. The further development is pushed out, the harder it is to get infrastructure out to it. Developers do not pay for this; it is ultimately the person who purchases a lot and builds a home. If bad choices are made, it is not the developer's problem, but becomes a burden on residents. City's need to look at ways to master plan communities and smart growth. He has been reviewing this for the past 14 months and urged the Commission to keep looking at this idea. Ordinances are not written in stone and can be adjusted as needed. No one gets anything right the first time. The Commission should be constantly reviewing it and ensuring that it is doing what is expected.

Erin Campbell asked about the goal of this ordinance and whether it is to benefit the citizens or the developer. Commissioner Higginbotham said the third paragraph of

17.81.010 outlines the intended purpose. Ms. Campbell said she recognizes the need for housing. Mr. Boudrero pointed out that affordable housing is mandated by the state. Commissioner Higginbotham said this will allow a developer another option for development. Ms. Campbell asked how the Commission would determine where this would fit best. Commissioner Higginbotham said the Future Land-Use Map and citizens' concerns would be considered, as well as the amount of acreage available. Mr. Boudrero said the Commission can deny the request if it does not seem to fit. A developer will be required to provide a conceptual plan for the Commission to review. There are already zones that allow for similar things (e.g. PUD Overlay), this ordinance cleans it up and adds more teeth for the Commission to enforce certain things and provides more options for developers. Many cities are finding that overlay zones are becoming archaic because of the process so these types of developments are beginning to be adopted. Ms. Campbell said her father serves on a Planning Commission where they are encouraging more accessory dwellings and short-term rentals to provide more options. Chairman Gibbons suggested setting up a time to meet with staff to ask questions and better understand the ordinances and processes. Ms. Campbell said it can be frustrating to come to meeting after meeting and get the same vote. Commissioner Bell pointed out that it is well within a person's right to come and voice concerns and opinions, but just because someone has an opinion, it does not mean it is the only opinion that matters. The Commission's decision does not mean that it is agreeing or disagreeing with one person. A property owner also has rights to do things with their property.

Ms. Black said a lot of people do not understand the process and have a perceived conception that the Commission "does not listen". She would like to find a better way to educate the public about the process.

8:17 p.m. Public Hearing Closed

Discussion and possible vote on <u>Ordinance 19-15</u>
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Chairman Gibbons encouraged the public to review the purpose of the ordinance. He asked how many building permits have been issued this year. Mr. Bodily said there have been about 150 issued. Chairman Gibbons pointed out that the challenge is having 100+ permits annually indicates that there is a high demand for all types of housing. The struggle is that if 70% are single-family homes, it eats up a lot of land. The Commission is trying to figure out how to meet the demand for housing with the finite amount of land available. This ordinance is an attempt to find a way to balance and do it in a smart manner. Not everyone will agree with, or want to live in areas such as this, however, not everyone wants large lots or small lots. This will allow for more flexibility.

Commissioner Heaps said another purpose of this is to provide for a mix of housing types. Not all high-density should go into a specific area. This could allow for people in different stages of life to share a community.

Mr. Boudrero said it also helps with the cost of infrastructure, which raises taxes. Densifying can help save money.

Commissioner Higginbotham agreed with the changes that Mr. Runhaar addressed.

Chairman Gibbons would like to incorporate a schedule/timeline for phasing. Mr. Bodily will include that in the development agreement.

Councilmember Wells said the third paragraph under 17.81.010 Purpose (page 2) does not belong under the Purpose section (red edits on draft). Commissioner Heaps suggested adding it under 17.81.040 (page 3). It was decided that the last sentence ~~“A site plan detailing the developer’s intent for the entire parcel under consideration for rezone shall be submitted and reviewed as part of the rezone request”~~ be deleted and the red edit sentence from page 1 be added.

The Commission agreed with changing the multiplier in the bonus density section for **Recreational Facilities and Off-Site Infrastructure Improvement to 1.2.**

Change 17.891.130 (page 9) to read **“A timeline for the completion of the project and amenities, including anticipated phasing”.**

Commissioner Freidenberger asked if there is a numeric value to what affordable housing is. Councilmember Wells said it is based on the average median income. Mr. Boudrero advised that the costing of housing is divided by different income levels (30/50/80). Commissioner Freidenberger asked what percentage Smithfield is missing. Mr. Boudrero did not have the chart for exact numbers but said overall the City is doing well with single-family homes and duplexes, but is falling short in the condominium/small apartment (7+) and rental category. Chairman Gibbons said this ordinance will provide some latitude to address these issues. Commissioner Freidenberger is concerned that affordable housing is not being created, only the illusion of it. Her home has appreciated \$100,000 over the past year and HOA fees are rising. Mr. Boudrero said he would agree with this if the City continues with single-family urban sprawl, but densifying creates less costly infrastructure and lowers housing costs, as well as offering different levels of housing options. Commissioner Freidenberger asked if the City could put in language preventing an HOA from going over a certain percentage. Chairman Gibbons said the City does not, and should not, be involved in managing HOAs.

Commissioner Heaps said affordability is not fixed automatically, it takes generations of time to create affordable housing. The goal is to build now so over time there will be more affordable options.

Commissioner Freidenberger asked if the study Ms. Black referenced, discussed where affordable housing should be located. Mr. Boudrero said it is not specific. He said this ordinance provides quite a bit of latitude for the Commission and Council to review conceptual plans and site layouts at the time of the request.

Commissioner Higginbotham is comfortable that this can be adjusted as necessary. He reviewed the study which seemed to focus more on metropolitan areas. One of the recommendations was to include different types of housing in the City’s portfolio; this ordinance provides more options to help balance the need. This is not a high-density ordinance. He likes the fact that 40% will be single-family homes with other types mixed in. This seems to be a good compromise to help meet the state mandate. Chairman Gibbons agreed and said this is an attempt to manage organized and planned housing and to be wise stewards of the land that is available.

Commissioner Higginbotham appreciates resident input and feels this ordinance is a response to many community concerns.

Commissioner Freidenberger said at the last meeting, removing storm water facilities from open space was discussed, however, page 3 still references them under the Open Space definition. Chairman Gibbons thought it was decided that as long as it was purposeful or usable it could be considered. Mr. Boudrero said the bonus density that was removed discussed storm drain systems that were not repurposed or reused; because developers must do that it should not be included as a bonus. Councilmember Wells pointed out that the use of the word “may” gives the Commission discretion when considering if the space is usable.

Commissioner Freidenberger asked if on page 6, 17.81.060 A – where it addresses “preservation of natural features” the word resources should replace “features”. Mr. Boudrero said things like a stream, a tree, a boulder wall would all be considered a feature. It was determined to change the last sentence under section A to read *“The required amount of open space shall be calculated based on the net acreage of property and shall be devoted to landscaping, preservation of natural features and resources, and passive and active recreational features.”*

17.81.080 Walking/Biking Trails (page 7) changed to *“The trails and pathways may vary in width, but shall not be less than five eight feet (8’) wide.”*

Commissioner Freidenberger would prefer to increase the open space minimum. She is concerned because this could be in someone’s backyard, which could affect their quality of life. She understands the concerns that citizens have.

Commissioner Heaps said the minimum base of 15 acres will limit where this type of development could go. She feels it is quite subjective and wondered if there is a way to include more definitive direction, such as it must be located by a major road or in a way that traffic will make sense. Until the Master Plan can be updated, she would like to have more direction within the ordinance itself. She likes the ordinance but is worried it might be a huge fight when a developer wants to utilize it. Commissioner Bell agreed but also pointed out that when someone purchases property, there is no guarantee that things around it will not change. Each property owner has a right to make decisions for their property. This ordinance will hopefully help the elements come together in a pleasing way. Mr. Boudrero said the Future Land Use Map does help determine where this type of development could go. Chairman Gibbons said, although this will never make everyone happy, this ordinance does a better job of addressing all the issues and concerns than anything else the City currently has. Commissioner Heaps agreed that it does have great safety nets and a lot of teeth to ensure that things do not happen poorly, however, the judgment calls may be difficult. More clarification of ideas will make it easier for decisions to be made.

Commissioner Freidenberger asked if there is a way to create a buffer between density levels, so that a 6-plex is not right against a single-family lot. Councilmember Wells said setbacks help address this issue. Mr. Boudrero reminded the Commission that they can review the plan when it is presented.

Commissioner Freidenberger questioned how many developers will want to use this right away once it is approved. Mr. Boudrero pointed out that they can currently utilize the PUD ordinance for similar types of development. Chairman Gibbons said this ordinance is much better than the PUD ordinance and offers more flexibility and options.

Mr. Boudrero reminded the Commission that no ordinance is ever perfect and can be changed when/as necessary. Chairman Gibbons agreed and noted that the Mixed-Use ordinance has been revised since it was originally adopted. An ordinance can never be developed to handle every imaginable issue. This will still be reviewed by the City Council.

Commissioner Freidenberger suggested another month, so members can put themselves in the shoes of the residents they represent and possibly create a couple more things that will protect the existing taxpayers.

Chairman Gibbons said his hope is that the ordinance, as written, provides a lot of built-in latitude. Commissioner Bell agreed and said it will never be perfect, no matter how many times it is reviewed.

MOTION: Motion made by Commissioner Bell to forward a recommendation to the City Council to **approve** Ordinance 19-15, an Ordinance adding in its entirety to the current Smithfield City Municipal Code Title 17 “Zoning Regulations”, Chapter 17.81 “Master Planned Community (MPC) Zone”, Sections 17.81.010 “Purpose”, 17.81.020 “Allowed Uses”, 17.81.030 “Definitions”, 17.81.040 “Rezone Required”, 17.81.050 “Development Standards”, 17.81.060 “Open Space”, 17.81.070 “Streets, Circulation & Parking”, 17.81.080 “Walking/Biking Trails”, 17.81.090 “Landscaping”, 17.81.100 “Density Bonuses”, 17.81.110 “Approval Process”, 17.81.120 “Failure to Progress”, 17.81.130 “Development Agreement”, and 17.81.140 “Modification of Approved Plan”. Commissioner Holbrook seconded the motion. **Motion approved (6-1).**

Vote:

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

Nay: Freidenberger

MEETING ADJOURNED at 9:10 p.m.

Minutes submitted by Debbie Zilles

Scott Gibbons, Chairman