SMITHFIELD CITY
PLANNING COMMISSION

City Council Chambers
96 South Main
Smithfield, Utah 84335

The Planning Commission of Smithfield City met in the City Council Chambers at 96 South Main, Smithfield, Utah at 6:30 p.m. on Wednesday, October 16, 2019

The following members were present constituting a quorum:

Chairman:	Andrew Soelberg
Members Present:	Kelly Luthi
	Jackie Hancock
	Jasilyn Heaps
	Hutch Daniels
	Scott Gibbons
	Nathan Wright
Members Excused:	Casey McCammon
	Greg Gardner
City Planner:	Shari Phippen
City Councilmember:	Curtis Wall

Attendance: Jacob Scovill (Plant Daddy Cultures), Kate Hoffman (Plant Daddy Cultures), Lisa Smith (Plant Daddy Cultures), Travis Taylor (Smithfield Ridges), Bryce Goodin (Visionary Homes), Kamree Bird, Dixie & Matt Schiffman, Nanette King, Julie Godderidge, Dallas Nicoll (Visionary Homes), Deon Hunsaker (City Council), Donya Harvey, Debbie Zilles

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

Consideration of consent agenda and approval of meeting minutes:

After consideration by the Commission, Chairman Soelberg declared the meeting agenda, with the removal of the discussion with Matt Hyde regarding property located at approximately 705 N. Main (listed as item 8 on the printed agenda), and the minutes from the September 18, 2019 meeting to stand as submitted.

PUBLIC COMMENT: None

AGENDA ITEMS:

PUBLIC HEARING to receive comment concerning a request by VHD, LLC to rezone Parcel 08-119-0002, a 10.36-acre parcel located at approximately 325 East 800 South from Agricultural A-10 to Residential R-1-10 (10,000 SF minimum).

6:33 p.m. Public Hearing Opened

6:34 p.m. Public Hearing Opened

Discussion and recommendation of a request by VHD, LLC to rezone Parcel 08-119-0002, a 10.36-acre parcel located at approximately 325 East 800 South from Agricultural A-10 to Residential R-1-10 (10,000 SF minimum).

Bryce Goodin, representing Visionary Homes, said future development on this parcel will be similar to what is to the west. The goal is to square up the fence line and then put in 10,000 SF lots with a U-shaped road after it is rezoned.

Commissioner Wright noted that the Future Land Use Map identifies this area as Public. Ms. Phippen explained that the Parks & Trails Master Plan calls for a future park to be located somewhere in the area at some future point, however, the City is not intending on purchasing the entire property identified on the map as Public. The General Plan identifies this parcel as one that should be developed as Medium Density Residential. The property surrounding this parcel has been developed as residential and is also zoned for R-1-10. The request is in line with the existing residential development and is appropriate as it complies with the intent of the Plan for this property.

MOTION: Motion made by Commissioner Heaps to **recommend to the City Council to approve** the request by VHD, LLC to rezone Parcel 08-119-0002, a 10.36-acre parcel located at approximately 325 East 800 South from Agricultural A-10 to Residential R-1-10 (10,000 SF minimum). Commissioner Wright seconded the motion. Motion approved unanimously (7-0).

Vote
Aye: Luthi, Hancock, Heaps, Soelberg, Daniels, Gibbons, Wright

Discussion and consideration of a final plat for Smithfield Ridges – Phase 12 (9 lots) and Phase 13 (8 lots), located at approximately 600 South 1140 East. (Applicant: Travis Taylor/Westates Companies)

Ms. Phippen said this is the next two phases of the Smithfield Ridges subdivision. This was originally approved as a PUD, which is why there are smaller frontages and lot sizes than what is typically found in an R-1-12 zone. The layout is consistent with what was previously presented/approved in the preliminary plat.

MOTION: Motion made by Commissioner Luthi to **recommend to the City Council to approve** the final plat for Smithfield Ridges – Phase 12 (9 lots) and Phase 13 (8 lots), located at approximately 600 South 1140 East. Commissioner Heaps seconded the motion. Motion approved unanimously (7-0).

Vote
Aye: Luthi, Hancock, Heaps, Soelberg, Daniels, Gibbons, Wright

Discussion and consideration of a request to adjust the parcel boundaries between parcels 08-117-0037 and 08-117-0013, said lots being located at approximately 920 South Main Street. (Applicant: Tout Properties)

Ms. Phippen displayed the boundary lines on the map. Any time the boundaries between two adjoining parcels are adjusted, when one or both of those parcels are in a previously-recorded subdivision, the City is required to review and approve the adjustment. She explained that the proposal is a minor adjustment in which parcel 08-117-0037 will be picking up some ground from 08-117-003. No additional lots are being created and no right-of-way is being affected. The lot adding acreage is the one located between where Arby's is being built and where Green Gorilla will be built. Both parcels have the same owner, she has reviewed the revised legal descriptions and has no concerns with the request.

Nan King explained that there is private access easement and Green Gorilla was going to enter their property at the northeast corner but it was too tight. The fire hydrant was moved and the road was brought around to the east side of the car wash. That road will eventually hook into 1000 South. This adjustment will straighten the access strip to help eliminate congestion and provide better traffic flow.

MOTION: Motion made by Commissioner Gibbons to **recommend to the City Council to approve** the request to adjust the parcel boundaries between parcels 08-117-0037 and 08-117-0013 located at approximately 920 South Main Street. Commissioner Hancock seconded the motion. Motion approved unanimously (7-0).

Vote
Aye: Luthi, Hancock, Heaps, Soelberg, Daniels, Gibbons, Wright

Discussion and consideration of a conditional use permit for a plant science lab located at 866 South 100 East (Applicant: Kate Hoffman/Plant Daddy Cultures, LLC)

In the staff report provided to the Commission prior to the meeting, Ms. Phippen clarified that this is not hemp farming or anything to do with cannabis. This is highly-regulated by the USDA as part of their Hemp Program. The USDA sets standards on the lab and conducts routine facility inspections to ensure program standards are being met. The applicant will be cultivating plant starts in a controlled laboratory environment. Once the starts are cultivated they will be transferred to certified and licensed growers as part of the USDA program. There will be no public sales of hemp starts; all sales will be done to authorized hemp farmers.

Kate Hoffman explained that this will be a cell culture lab controlled by the USDA. She confirmed for Commissioner Luthi that this will be in the existing building and there is plenty of parking for the use; there will be four employees. Ms. Phippen explained that parking is based on the number of employees of the highest shift and should not be a problem. The Commission is not approving the number of employees, this was provided for information only.

MOTION: Motion made by Commissioner Hancock to **approve** a conditional use permit for a plant science lab located at 866 South 100 East with the following conditions:
- The business shall comply with any, and all, USDA rules, regulations, inspections and requirements.
- No public sales of hemp cultures shall be conducted without first amending the conditional use permit.

Commissioner Daniels seconded the motion. Motion approved unanimously (7-0).

Vote
Aye: Luthi, Hancock, Heaps, Soelberg, Daniels, Gibbons, Wright

Discussion and consideration of a conditional use permit for a home occupation esthetician spa located at 120 West 400 South. (Applicant: Kamree Bird)

Kamree Bird clarified for Commissioner Hancock that there will only be one customer at a time. There are 2 parking stalls per unit provided with additional guest parking area.

MOTION: Motion made by Commissioner Daniels to **approve** the request for a conditional use permit for Arctic Air Skin Care, a home-occupation esthetician spa located at 120 West 400 South #38 with the conditions that she maintains current DOPL certification for the duration of the business. Commissioner Heaps seconded the motion. Motion approved unanimously (7-0).

Vote
Aye: Luthi, Hancock, Heaps, Soelberg, Daniels, Gibbons, Wright

Workshop: Discussion of an ordinance regulating Master Planned Communities in the City of Smithfield.

Ms. Phippen did some research looking for examples of open space landscaping and found few cities where a ratio of trees/bushes to property size was laid out. Most of the information she found was based on certain percentages with combined landscape options.

Commissioner Wright asked if there is any reason to not use the current multi-family regulations (SMC 17.60.080). Ms. Phippen said some of the items were initially included in the draft of this ordinance, but subsequently removed, such as "*C. There shall be provided a minimum of three feet (3') of landscaped area around the front foundation of all buildings dedicated to foundation planting, ground covers or natural landscaping such as lava rock or bark. In areas where natural landscaping is used a weed barrier or block shall be used to prevent the encroachment of weeds or grass into the landscaped area.* The minimum 2" caliper trunk for trees is included in this ordinance. There has been some discussion regarding one tree per two (2) units, half of which shall be coniferous and half deciduous, and one shrub for each ten (10) linear feet of the perimeter of the property and whether it should be written for the entire perimeter of the property or only the perimeter around the multi-family use portion within the project (which may be difficult to measure).

Commissioner Gibbons said the idea of the MPC is something completely new and different and should be separate from the RM zone regulations. Commissioner Wright said it was difficult to find examples of trees per acre and there had been some discussion that the landscaping requirements would only be applicable to the multi-family areas, which is why he was curious as to why there should be any deviation from what is already in place.

Ms. Phippen said the challenge is finding the right balance between too much regulation and allowing for some flexibility.

Commissioner Gibbons said this should encourage a developer to create a mixed development with various types of housing and it does not seem reasonable to dictate that only certain sections of the development be regulated.

Commissioner Wright pointed out that generally people living in multi-family units do not own the property, which is maintained by others. Commissioner Gibbons said his understanding is that there would be an HOA that would manage the entire community and even if they did not maintain the property of single-family homeowners, they would have rules and regulations in place for the entire development.

Commissioner Heaps suggested adding language in the purpose section that would encourage good landscaping. The Commission could then determine if the landscaping fit with the overall intent of the purpose statement. Commissioner Gibbons said that creates a subjective criterion. Commissioner Heaps agreed, but also questioned how other standards such as “vibrant” and “sustainable” would be quantified.

Commissioner Wright recommended keeping the requirement separate (between single-family and multi-family) because a plan for each individual lot would have to be reviewed, which seems unnecessary. Open and commonly-owned spaces have no specific owner. Commissioner Daniels agreed. Ms. Phippen said it could be spelled out as “open space landscaping” which would only be applicable to commonly-held areas.

Commissioner Hancock suggested changing “*one tree <u>and</u> one shrub*” to “*one tree <u>or</u> one shrub*”. Commissioner Luthi pointed out that one tree every 10’ becomes quite tight as the trees grow. Chairman Soelberg suggested one tree or one shrub for every 20 linear feet instead of 10 linear feet.

Commissioner Gibbons understands the reason for trying to regulate this, however, developers will be required to submit a landscaping plan for review before anything can begin. Commissioner Wright said that without regulations in place, there is nothing the Commission can hold them accountable for. Chairman Soelberg said there needs to be some expectations written into the ordinance, but the scope can be broadened.

Commissioner Wright suggested one tree per unit and one tree per acre within open areas. Commissioner Daniels asked about using a percentage. Ms. Phippen said percentages are difficult to determine. She also pointed out that landscape architects are well-versed in what types of trees/shrubs will work best. Commissioner Gibbons asked if they could be required to conform to a best practice according to a licensed landscape architect.

Commissioner Luthi likes the idea of including something in the purpose statement and believes this issue will be self-regulating.

Ms. Phippen said even if the number of trees and shrubs is not defined, the size can be specified (2" is generally standard).

Commissioner Gibbons suggested changing #10 on page 11 to read "*A geotechnical report if deemed necessary by ~~the city council or planning commission~~* to *by a City planner or engineer*."

Ms. Phippen clarified for Commissioner Heaps that there are some things reviewed by both the Planning Commission and the City Council and some items that only need to be approved by the Commission, thus the difference in wording.

Councilmember Wall asked if the Commission would like input from developers. Ms. Phippen said that would not be appropriate outside of a public meeting, however, it could be beneficial to receive feedback. Once a final draft is ready, a public hearing can be held to receive information before the ordinance is adopted.

Commissioner Gibbons asked about #9 on page 12 regarding CC&Rs. Ms. Phippen explained that CC&Rs should not be reviewed by the City because then the City takes on the responsibility for enforcement. She recommended removing "*~~Fully executed declaration of covenants, conditions and restrictions (CC&Rs)~~*" from the sentence.

Ms. Phippen explained that a development agreement is a standard part of the process. The Commission will have an opportunity to review the agreement with the preliminary plan.

Commissioner Wright noted the reference to 25% open space should be changed to 5% as previously discussed.

Chairman Soelberg said it is not within the Commission's prerogative to invite specific developers, the item will be noticed as a public hearing and anyone interested can attend and offer comments.

MOTION: Motion made by Commissioner Gibbons to **schedule a public hearing for November 20, 2019** to accept public comment on this proposed ordinance. Commissioner Daniels seconded the motion. Motion approved unanimously (7-0).

Vote
Aye: Luthi, Hancock, Heaps, Soelberg, Daniels, Gibbons, Wright

Workshop: Discussion of an ordinance updating animal land use in Smithfield City.

Ms. Phippen explained that the objective of the proposed changes to the ordinance will allow residents to have a variety of animals on their property, without having to register with the City. She is working on making land use issues, such as this, less regulatory, both for ease of enforcement and for the benefit of the public.

The process will clean up the wording of, and contradictions found in, the ordinance. She is also recommending changing animal equivalent units to assigning values to animals and then outlining what value is appropriate based on property size. This will allow residents to have a combination of animals that equal the value allowed for their property without strictly enforcing the number and type of animals. She suggested adding a clause allowing for the ability to raise a 4H animal (for a determined amount of time) for youth recreation programs, such as the County Fair.

Because this is the introductory presentation, she will make proposed changes and have the Animal Control Officer review the ordinance and then bring it to the Commission for review and discussion.

Commissioner Daniels asked about situations being grandfathered. Ms. Phippen explained that if an owner can prove that the use was legally established and continuously maintained, like any other nonconforming use, it would be allowed to continue. The use cannot lapse for more than 12 months without losing grandfathering status.

Commissioner Daniels asked about animals that are temporarily brought on-site for short periods of time. Ms. Phippen said if a complaint is received, the City will work with the resident to remedy the situation.

Staff Report/Miscellaneous

Ms. Phippen noted that she is working with the Code Enforcement Officer and Chief Allen on revising the nuisance ordinance to codify the enforcement proceeding process.

Councilmember Wall forwarded the Cache Summit agenda to the members and said the City has purchased 10 tickets to the event. If anyone is interested in attending, they should let him or Ms. Phippen know.

MEETING ADJOURNED at 8:10 p.m.

Minutes submitted by Debbie Zilles

_____
Andrew Soelberg, Chairperson

_____
Attest: