

SMITHFIELD CITY
PLANNING COMMISSION MINUTES
July 15, 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, July 15, 2020

The following members were present constituting a quorum:

Chairman: Andrew Soelberg

Members: Katie Bell, Hutch Daniels, Scott Gibbons, Jasilyn Heaps, Stuart Reis, Juli Weber

Alternate: Brooke Friedenberger

City Engineer: Clay Bodily

Zoning Administrator: Brian Boudrero

City Councilmember: Jon Wells

Attendance: Bryce Goodin, Robert Saxton, Kenneth Bell, Kevin Korach, Jared Nielson, Aaron Jensen, 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 and the minutes from the June 17, 2020 meeting to stand as submitted.

RESIDENT INPUT - None

AGENDA ITEMS

Discussion and possible vote on the request by VHST, LLC for approval of the Final Plat for Fox Meadows 4, a (29) lot/unit subdivision located at approximately 770 West 300 North. Zoned R-1-10.

Bryce Goodin said nothing has changed from the preliminary plat. It includes a note about the sewer (Note 7. *The sanitary sewer generated by the lots on this plat shall flow to a private lift station, which is to be operated and maintained by the Homeowners Association*).

MOTION: Motion made by Commissioner Gibbons to **approve** the request by request by VHST, LLC for approval of the Final Plat for Fox Meadows 4, a (29) lot/unit subdivision located at approximately 770 West 300 North. Zoned R-1-10. Commissioner Daniels seconded the motion. **Motion approved (7-0).**

Vote:

Aye: Gibbons, Daniels, Bell, Soelberg, Reis, Weber, Heaps

Discussion and possible vote on the request by VHD, LLC for approval of the Preliminary Plat for East View Landing, a (35) lot/unit subdivision located at approximately 360 East 600 South. Zoned R-1-10.

Mr. Bodily confirmed that this was reviewed at the STRC meeting. Commissioner Gibbons asked about the cul-de-sac. Mr. Goodin said, per the ordinance, this is not a cul-de-sac but is considered a turnaround. The different ordinances regarding lengths of roads, cul-de-sacs, and turnarounds were carefully reviewed. The 550' rule is not applicable in this case. They do not currently own the land to the east, however, it has been designed in such a way that it offers future connection.

Ms. Friedenberger asked about plans for a future park. Mr. Goodin said that was discussed and will likely be identified on a parcel to the east of this plat. The land to the east is currently in the County and cannot be considered at this point.

Councilmember Wells does not like the fact that the sewer line goes through private property. Mr. Goodin explained that this was discussed at the STRC meeting. This is an 8" PVC unpressurized line that is determined "low risk". He said the consensus seemed to be that rather than provide 20' of open space that the City would have to maintain as either open area or a trail, it was left as is, however, it can be revisited if necessary. There will be a 20' open easement through lots 20 and 8. Councilmember Wells said his concern is that it is a public utility going through private property. It is prudent to keep public utilities within a public right-of-way so that there is no encroachment through private properties. If maintenance is needed, there is the possibility that landscaping could be disturbed and would have to be replaced. Mr. Goodin said it can be dedicated to the City, but the City does not want to have the responsibility of the stormwater detention area on lot 8.

Commissioner Bell asked if there would be a note on the final plat so that property owners would be aware of the situation. Mr. Goodin said the easement would be recorded on the deed. Commissioner Gibbons said a property owner might be aware of the easement, but the City may still have to do maintenance. He asked if there was another route for the sewer that could be an option. Mr. Goodin said, due to grades, it cannot be floated to the north.

Ms. Friedenberger said it would create a more walkable community if the easement became some sort of walkway or trail. Chairman Soelberg said because of the low risk, that option could be more expensive. Mr. Goodin said most repairs can be done trenchless. Commissioner Gibbons said the preliminary plat, as submitted, conforms to the current Ordinance.

MOTION: Motion made by Commissioner Bell to approve the request by VHD, LLC for approval of the Preliminary Plat for East View Landing, a (35) lot/unit subdivision located at approximately 360 East 600 South. Zoned R-1-10. Commissioner Heaps seconded the motion. **Motion approved (7-0).**

Vote:

Aye: Gibbons, Daniels, Bell, Soelberg, Reis, Weber, Heaps

Discussion and possible vote on the boundary line adjustment for Parcel Numbers 08-180-0001, 08-204-0015 and 08-204-0016. The parcels are located at approximately 276 South 830 East.

Bob Saxton explained that this is approval for a lot change to make the last remaining lot in the subdivision feasible and finalize compliance.

Mr. Bodily said boundary line adjustments change the approved subdivision layouts, so the Planning Commission is required to review and approve the change.

Mr. Saxton said the lots to the north are fenced, but the property on the west side of the fence is not being maintained. Commissioner Gibbons said it is the responsibility of the landowner to maintain that area. Mr. Bodily said the Code Enforcement Officer is aware of the problem and is working with those individuals.

MOTION: Motion made by Commissioner Heaps to **approve** the boundary line adjustment for Parcel Numbers 08-180-0001, 08-204-0015, and 08-204-0016. The parcels are located at approximately 276 South 830 East. Commissioner Gibbons seconded the motion. **Motion approved (7-0).**

Vote:

Aye: Gibbons, Daniels, Bell, Soelberg, Reis, Weber, Heaps

Discussion and possible vote on the request by MV Properties for approval of the Final Plat for Lantern Hills Phase 2, a (22) lot/unit subdivision located at approximately 600 East Upper Canyon Road. Zoned R-1-12.

Jared Nielson, Lantern Hill LLC, said the plat was approved last year, however, there were additional geotech reports that had to be completed and the plat expired; it is now being considered for final approval.

Mr. Bodily confirmed that there is a trail along the side (shown on the map).

MOTION: Motion made by Commissioner Daniels to **approve** the request by MV Properties for approval of the Final Plat for Lantern Hills Phase 2, a (22) lot/unit subdivision located at approximately 600 East Upper Canyon Road. Zoned R-1-12. Commissioner Heaps seconded the motion. **Motion approved (7-0).**

Vote:

Aye: Gibbons, Daniels, Bell, Soelberg, Reis, Weber, Heaps

Discussion and possible vote on the request by Blue Ox Development for approval of the Preliminary Plat for Elk Ridge Subdivision Phase 5, a (12) lot/unit subdivision located at approximately 1300 East 120 South. Zoned R-1-12.

Mr. Bodily said it has been more than 24 months since this was reviewed and three additional lots (lots 70, 71, and 72) have been added from the original plan.

Aaron Jensen, from Blue Ox Development, said it expired because two additional accesses were required, and the temporary turnaround easement was signed today. The turnaround will be paved. The bottom two accesses (1200 and 1250 East) will be paved as well.

MOTION: Motion made by Commissioner Gibbons to **approve** the request by Blue Ox Development for approval of the Preliminary Plat for Elk Ridge Subdivision Phase 5, a (12) lot/unit subdivision located at approximately 1300 East 120 South. Zoned R-1-12. Commissioner Weber seconded the motion. **Motion approved (7-0).**

Vote:

Aye: Gibbons, Daniels, Bell, Soelberg, Reis, Weber, Heaps

Public Hearing on Ordinance 20-21, an Ordinance amending the Smithfield City Municipal Code Title 17 “Zoning Regulations”, deleting in its entirety Sections 17.93.010 “Purpose of this Chapter”, 17.93.020 “Definitions”, 17.93.030 “Conditions”, 17.93.040 “Design Standards”, 17.93.050 “Reasonable Accommodation” and adding in its entirety Sections 17.93.010 “Purpose”, 17.93.020 “Permitted Uses”, 17.93.030 “Review Process”, 17.93.040 “Development Standards”, 17.93.050 “License and Certification” and 17.93.060 “Reasonable Accommodation”.

Mr. Boudrero explained that this ordinance has been carefully reviewed and changed significantly. The review was done by the City Manager, the Mayor, and the Attorney to ensure that it follows all State and Federal laws.

Commissioner Gibbons has been involved in the healthcare industry for years and questioned the involvement of the STRC Committee, especially regarding those individuals who could be classified as “dangerous”. Mr. Boudrero said this is covered within the Utah and Federal Fair Housing Acts, which are very detailed about who does and does not qualify. Commissioner Gibbons asked about the STRC Committee being put in a position of making a decision. Mr. Bodily said, before this change, appeals would come to the Planning Commission, however, it is illegal to require someone to disclose disabilities in a public setting. The Attorney felt that the STRC Committee, which is comprised of staff and other representatives, was an appropriate group to review these types of requests.

Commissioner Gibbons said this can be a “gray area”. Mr. Bodily said there can be no discrimination. Mr. Boudrero said the way this is written, according to the Attorney, is defensible. Councilmember Wells said he understands Commissioner Gibbons's concerns. There is likely no one in the City who is qualified to make those types of decisions. Because he attends the STRC Committee meetings, a professional could be brought in to handle certain situations, as necessary. Mr. Boudrero pointed out that

Commissioner Gibbons said the language is well-defined. Commissioner Daniels agreed and said it has been vetted well.

Ms. Friedenberger asked who is responsible if someone goes missing. Mr. Boudrero said that would be handled by law enforcement. Commissioner Gibbons said those circumstances are defined within the licensure requirements and policies. Councilmember Wells said this ordinance provides a safeguard for the community.

7:16 p.m. Public Hearing Opened

Kenneth Bell asked if neighbors would have to be informed. Mr. Boudrero said because it is against the law to make a disability public, he does not think that would be the case. Mr. Bell asked if a business license is applied for, would the neighbors be advised of the type of business? Commissioner Gibbons said the Fair Housing Act defines how this is handled because of privacy issues. Disabilities are considered private and are governed by Federal laws and HIPPA regulations.

Councilmember Wells said the idea is to make these homes/facilities as benign and non-intrusive as possible. ADA states that disabilities are not required to be made public. Commissioner Gibbons said it would be a regulated and licensed entity. Mr. Boudrero said the Fair Housing Act details what can and cannot be considered a disability.

7:23 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 20-21.
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MOTION: Motion made by Commissioner Gibbons to forward a recommendation to the City Council for **approval** of Ordinance 20-21, an Ordinance amending the Smithfield City Municipal Code Title 17 “Zoning Regulations”, deleting in its entirety Sections 17.93.010 “Purpose of this Chapter”, 17.93.020 “Definitions”, 17.93.030 “Conditions”, 17.93.040 “Design Standards”, 17.93.050 “Reasonable Accommodation” and adding in its entirety Sections 17.93.010 “Purpose”, 17.93.020 “Permitted Uses”, 17.93.030 “Review Process”, 17.93.040 “Development Standards”, 17.93.050 “License and Certification” and 17.93.060 “Reasonable Accommodation”. Commissioner Heaps seconded the motion. **Motion approved (7-0).**

Vote:

Aye: Gibbons, Daniels, Bell, Soelberg, Reis, Weber, Heaps

Public Hearing on Ordinance 20-20, an Ordinance amending the Smithfield City Municipal Code Title 16 “Subdivision Regulations”, Section 16.090.030 “Preliminary Plat Required Information” and 16.16.020 “Lot Layout Standards” and amending the Construction and Design Standards Part I “Design Standards”, Section 5.0 “Culinary Water System Design”, Section 7.1 “Sewer Mains” and Section 8.1 “General”.

Mr. Bodily pointed out a few word corrections. The main change has to do with utilities such as culinary water lines, sewer systems, and stormwater systems being required to be located within a dedicated public right-of-way.

Commissioner Weber asked who would be responsible for the dedicated area if left as open space. Councilmember Wells said it would be the City's responsibility to maintain the area, whether it be open space, sidewalk or trail.

Commissioner Gibbons clarified for Commissioner Weber that this refers to the mainline and not individual lateral lines.

Commissioner Bell asked whether developers are required to put in cable access when a subdivision is put in. Mr. Bodily said some type of communication access is required.

7:32 p.m. Public Hearing Opened

Kenneth Bell asked if this change would change the project discussed earlier; Mr. Bodily said that the project conforms to the current Ordinance, this change would affect future projects.

7:33 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 20-20.

MOTION: Motion made by Commissioner Gibbons to forward a recommendation to the City Council for **approval** of Ordinance 20-20, an Ordinance amending the Smithfield City Municipal Code Title 16 "Subdivision Regulations", Section 16.090.030 "Preliminary Plat Required Information" and 16.16.020 "Lot Layout Standards" and amending the Construction and Design Standards Part I "Design Standards", Section 5.0 "Culinary Water System Design", Section 7.1 "Sewer Mains" and Section 8.1 "General". Commissioner Reis seconded the motion. **Motion approved (7-0).**

Vote:

Aye: Gibbons, Daniels, Bell, Soelberg, Reis, Weber, Heaps

OTHER

Ms. Friedenberger brought up the Conditional Use Permit request by Shawn Cronquist to operate an excavation and extraction operation on two parcels located at 1929 Canyon Road, Smithfield, in the Agricultural (A10) Zone that is being considered by the Cache County Planning Commission.

There was some discussion about possible damage to the road. Mr. Bodily said they will look into that if needed.

Concerns or questions should be directed to the Smithfield City Council and/or the Cache County Planning Commission. This will be regulated by Cache County but may have some impacts to Smithfield City such as road damage, air quality, noise, etc.

MEETING ADJOURNED at 7:42 p.m.

Minutes submitted by Debbie Zilles

Andrew Soelberg, Chairperson