



SMITHFIELD CITY PLANNING COMMISSION MINUTES May 19, 2021

The Planning Commission of Smithfield City met in the City Council Chambers
96 South Main, Smithfield, Utah at 6:30 p.m. on Wednesday, May 19, 2021

The following members were present constituting a quorum:

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

Members Excused: Juli Weber, Bob Holbrook

City Staff: Mayor Barnes, Clay Bodily, Brian Boudrero, Jon Wells (Councilmember)

Others in Attendance: Bryant McKay, Nicole & Todd Henry, Britain Martin, Logan Brown, David Price, Lynn Godderidge, BJ Sparrow, Brittany Andrus, Shishir Rimal, Dan Tueller, Bryce Christensen, Robert Hansen, Brittany 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 April 21, 2021 meeting to stand as submitted.

RESIDENT INPUT

David Price served on the Planning Commission for 15 years. While serving he worked on the Master Plan. He was here a few months ago discussing the Elwood rezone and now “creep” is beginning, just as expected. He encouraged members to follow the plan that so much time was spent on and not allow anything contrary to it. He feared that the barrier at 600 West would be challenged, and it is. He does not want to see more encroachment on low-density areas.

Bryant McKay served with Mr. Price on the Commission for 15 years. They worked very hard on the Master Plan and planning for future density. He would like to see the southwest areas blend well with the larger properties located in the County. There are not many areas in the City left with 1 or 2-acre lots and there are people who still desire larger lots and more space.

AGENDA ITEMS

Public Hearing, no sooner than 6:35 p.m., for the purpose of discussing Ordinance 21-21, an ordinance rezoning a portion, 4.93 acres, of Cache County Parcel Number 08-123- 0002 from A-10 (Agricultural 10-Acre) to R-1-12 (Single Family Residential 12,000 Square Feet). The parcel is located at approximately 600 South 1200 East. The parcel is 45.24 acres but only 4.93 acres of the parcel is located within the City boundary.

6:40 p.m. Public Hearing Opened

6:41 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 21-21

Mr. Boudrero said the Commission formerly approved this, however, before it went to the Council, it was determined there was a boundary dispute on 4.93 acres This land is part of the proposed subdivision but because of the lawsuit, there were concerns with the title work. Legal counsel advised that the 4.93 acres should be rezoned so the subdivision can proceed, and title work can be corrected for the entire parcel.

Commissioner Heaps said the whole parcel should be zoned the same and she has no issues with the request.

MOTION: Motion made by Commissioner Heaps to forward a recommendation to the City Council to **approve** Ordinance 21-21, an ordinance rezoning a portion, 4.93 acres, of Cache County Parcel Number 08-123- 0002 from A-10 (Agricultural 10-Acre) to R-1-12 (Single Family Residential 12,000 square feet). The parcel is located at approximately 600 South 1200 East. The parcel is 45.24 acres but only 4.93 acres of the parcel is located within the City boundary. Commissioner Daniels seconded the motion. Motion approved **(7-0)**.

Vote:

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

Public Hearing, no sooner than 6:45 p.m., for the purpose of discussing Ordinance 21-22, an ordinance rezoning Cache County Parcel Numbers 08-083-0061 and 08-083-0012 from RA-2 (Residential Agricultural 2-Acre) to R-1-20 (Single Family Residential 20,000 Square Feet). The parcels are located at approximately 200 South 800 West. The parcels total approximately 8.48 acres.

6:47 p.m. Public Hearing Opened

Robert Hansen is a lifelong resident of Smithfield. This area is known to be less dense. He is concerned with the sewer (which ends at 600 West) as density increases. Development along 800 West has made it difficult to get through with large farm equipment. 800 West will become a collector road and should be kept wide enough to handle the increased demand.

Nicole Henry owns the old Buchanan Dairy and is concerned because this will directly affect their well. The well is in old milking dairy and they have a maintenance

Bryant McKay pointed out that 800 West will become a collector road and the speed limit will increase. There is also a trail that is going in from Forrester Acres. He is concerned with animals/agriculture in that area.

Commissioner Daniels read from a letter submitted by Justin Bennett, who lives at 230 South 800 West. The letter read in part: *"I have some concerns regarding the impact of so many houses in this area. The planning and zoning committee has zoned this area for a minimum of 2 acre lots (2A). Those of us that live in this area have bought, built, and planned for a lifestyle with 2-acre lots. I would believe that the planning and zoning committee planned for 2-acre lots to limit the number of houses so close to the city's well water. And I mean this by the impact of human waste regarding septic systems versus sewer system. Currently, the city sewer system stops at 600 West on 200 South. Who is going to put in the lift station and install the piping? Is the City going to profit from this? If you look at the City well map it shows how close a septic system can be placed. And with this many homes inside the restriction zone, there is no other way to extend the sewer system. Another concern is the amount of traffic that will be added to the area. Is the city going to widen roads and absorb more costs associated with this expansion? Now I know growth cannot be stopped however this area is currently zoned 2A. We have built our homes in this area and have done so knowing that was the case and accept the larger lots to allow animals and county-type living. The planning and zoning have allowed for high-density housing on the northwest side of Smithfield as well as the northeast side. This area we are talking about was set apart by planning and zoning for country-type living atmosphere. I am asking you to decline a variance for rezoning this property mentioned. If developers want to build homes on this land, please allow for 4 houses as it currently is allowed for in the prior planning for Smithfield City."*

6:58 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 21-22

Commissioner Daniels lives in this area. There should be some consideration to the large lots in the area. The request is different from what is currently there.

Chairman Gibbons said the Elwood project (that Mr. Price referenced) requested a zone change from RA-1 to R-1-20, which matched what was zoned two lots away and fit the land use for that area. At that time the Commission did not feel like it would be appropriate going any further west.

Commissioner Heaps said the Future Land Use Map shows this area as low density and this request does not fit with that.

Chairman Gibbons noted that if development were approved, the developer would be required to extend the appropriate services into that area.

MOTION: Motion made by Commissioner Higginbotham to forward a recommendation to the City Council to **deny** Ordinance 21-22, an ordinance rezoning Cache County Parcel Numbers 08-083-0061 and 08-083-0012 from RA-2 (Residential Agricultural 2-Acre) to R-1-20 (Single Family Residential 20,000 Square Feet). The parcels are

located at approximately 200 South 800 West. The parcels total approximately 8.48 acres. Commissioner Freidenberger seconded the motion. Motion approved (7-0).

Vote:

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

Discussion and possible vote on the request by Logan Brown for approval of the Final Plat for the 287 South Minor Subdivision, a (4) lot/unit minor subdivision located at approximately 287 South 100 West.

Logan Brown explained that lot 1 is the existing home, the driveway to the garage, which is located in the back corner, goes into lot 2. The driveway will be moved into lot 1. The shed on lot 2 will be removed. He confirmed for Commissioner Freidenberger that curb, gutter, and sidewalk will be put in along the entire development.

Councilmember Wells pointed out that lots 2 & 3 show 9,200 SF and only one lot would be allowed to be less than 10,000 SF. As proposed, it does not meet the standard. Mr. Brown was not aware of that and will correct it. Lots 2 & 3 were reduced due to the water detention, which was moved to the west onto lot 4. He will make the change and present it at the next meeting for a decision.

MOTION: Motion made by Commissioner Freidenberger to continue the request by Logan Brown for approval of the Final Plat for the 287 South Minor Subdivision, a (4) lot/unit minor subdivision located at approximately 287 South 100 West **to the June 16, 2021 meeting**. Commissioner Daniels seconded the motion. **Motion approved (7-0).**

Vote:

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

Discussion and possible vote on amendments to the Final Plat for Smithfield Pointe Subdivision, Phase 1, a (22) lot/unit subdivision located at approximately 680 North 570 East.

Mr. Bodily explained that the areas to the north and the southwest – included in Phase 1 - (highlighted on the map) will be left undeveloped and included in Phase 2.

MOTION: Motion made by Chairman Freidenberger to approve the amendments to the Final Plat for Smithfield Pointe Subdivision, Phase 1, a (22) lot/unit subdivision located at approximately 680 North 570 East. Commissioner Heaps seconded the motion. **Motion approved (7-0).**

Vote:

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

7:18 p.m. Commissioner Daniels excused.

Public Hearing, no sooner than 7:00 p.m., for the purpose of discussing Ordinance 21-23, an Ordinance amending the Construction & Design Standards Part I “Design Standards”, Chapter 5.0 “Culinary Water System Design”, Section 5.2 “Meters”.

7:18 p.m. Public Hearing Opened

Mr. Wells, speaking as a citizen of Smithfield, thinks allowing polyethylene pipe rather than copper might cheapen the system because copper lasts longer (but is more expensive). Tracer wires often break. This is the service line that goes from the mainline to the meter.

7:21 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 21-23

Mr. Bodily has been working with the Public Works Director and the Water Lead, who have discussed this issue. Copper is nice but very expensive and polyethylene pipe with a tracer wire from the mainline to the meter works just as well. He confirmed for Commissioner Reis that inspections are done.

Commissioner Reis asked if there should be a specification in the size of the wire. Mr. Bodily said adding that it be a minimum of 12 gauge is a good idea.

MOTION: Motion made by Chairman Gibbons to forward a recommendation to the City Council to **approve** Ordinance 21-23, an Ordinance amending the Construction & Design Standards Part I “Design Standards”, Chapter 5.0 “Culinary Water System Design”, Section 5.2 “Meters”, with a requirement for a 12 gauge (minimum) shielded tracer wire. Commissioner Freidenberger seconded the motion.

Motion approved (6-0).

Vote:

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

Initial discussion on Ordinance 21-24, an ordinance amending the Smithfield City Municipal Code Title 17, “Zoning Regulations”, Chapter 17.92 “Accessory Apartment”, Section 17.92.010 “Purpose of Chapter”, Section 17.92.020 “Conditions” and adding in its entirety Section 17.92.040 “Definitions”.

Commissioner Higginbotham said the City currently has an ordinance for an attached Accessory Apartment. The title will be changed to Accessory Dwelling Unit and will allow for both attached and detached units. A defining feature of an accessory dwelling unit is that it must have its own entryway.

Commissioner Freidenberger asked if a manufactured home would be eligible; Chairman Gibbons confirmed that it would require a foundation.

Mr. Boudrero noted that the second unit must have a second meter/connection. The only exception would be special permission from Council.

Definitions (17.92.040)

- A. Definition of accessory dwelling unit: A subordinate dwelling, which has its own eating, sleeping, and sanitation facilities which is:
 - 1. Within, or attached to, a single-family residential building, or
 - 2. Within a detached accessory structure on the same lot as the associated single-family residence.
- B. Accessory dwelling units may go by different names including accessory apartments, extended living areas, over the garage or basement living spaces, mother-in-law apartments, casitas, guest houses, tiny homes, etc.
- C. Accessory dwelling units are permanent structures. Mobile homes, travel trailers, boats, or similar recreational vehicles shall not be used as an accessory dwelling unit.

Purpose (17.92.010)

Add E. Allow more efficient use of existing single-family dwellings and public infrastructure.

Key clarifications in revised 17.92

No zoning change for the lot. Building codes for the original house, and ADU, will remain "single-family".

- The original unit, including any accessory dwelling unit, shall all be considered a single-family residence rather than a "duplex" or "multi-family" as defined by the applicable building codes.
- Any new construction, remodeling, or renovation done to accommodate an accessory dwelling unit shall conform to the setbacks, height restrictions, health, fire, building, and other code requirements current at the time of application.

No separate utilities

- An accessory dwelling unit shall be connected to, and served by, the same water, sewer, electrical, and gas meters that serve the primary building. No separate utility lines, connections, or meters shall be allowed for an accessory dwelling unit.

ADU is subordinate

- An accessory dwelling unit shall not exceed the lesser of fifty percent (50%) of the size of the original dwelling unit or fifteen hundred (1,500) square feet.

Limits

- There shall be no more than one attached accessory dwelling unit and one detached accessory dwelling unit, for a maximum of two accessory dwelling units, per single-family residence.

Off-street parking must be provided

- A single-family residence with one accessory dwelling unit must have at least three (3) off-street, hard-surfaced parking surfaces available for use by owner-occupant(s) and tenant(s).
- A single-family residence with both an attached and a detached accessory dwelling unit must have at least four (4) off-street hard-surfaced parking spaces available for use by the owner-occupant(s) and at least one (1) dedicated for each accessory dwelling unit.

- Any additional vehicles owned by the occupant(s) and tenant(s) must be accommodated on-site with off-street hard surfaced parking.

Owner Occupancy

- The owner(s) of the residence shall occupy at least one (1) of the units on the lot, except for bona fide temporary absences of three (3) years or less.

Owner definition

- An individual who is listed on a recorded deed as an owner of the property; any person who is related by blood, marriage, or adoption to an individual who is listed on the recorded deed as an owner of the property; or an individual who is a trustor of a family trust who possesses legal ownership of the property.

Change in ownership

- Conditional use permit does not expire upon sale of the lot but must be updated. Upon sale of the property, the new owner(s) must provide an updated, signed, notarized letter, stating that the owner will occupy one of the dwelling units on the premises.

Commissioner Freidenberger asked about adjusting the setbacks for a detached unit. Mr. Boudrero said cities that have altered setbacks have had quite a bit of difficulty; the Commission felt that setbacks should not be addressed at this time. Setbacks will have to comply with 17.56.

Councilmember Wells said there may be some potential impacts on infrastructure that may need to be addressed.

Mr. Bodily clarified for Commissioner Freidenberger that all developments undergo a water model analysis. There are eight (8) springs that supply the City's needs during the winter (without having to use wells). A new well will be drilled by the first week in June.

OTHER

Mr. Boudrero reminded the Commission about the state-mandated 4 hours of annual training. One hour is put out by the State through USU Extension. He told members to email him whenever they attend training so he can keep the information on file. One hour can be counted by attending all meetings during the year. Chairman Gibbons asked the Commission to make completing the training a priority this month. Mr. Boudrero reminded members to print out the certificate and send it to him.

Councilmember Wells suggested the ULCT training (usually held in the fall). The Thursday session of the conference is dedicated to land use and planning and is very good information. The City will pay for the registration fee.

Chairman Gibbons noted that the Cache Summit is coming up in June.

MEETING ADJOURNED at 8:15 p.m.

Minutes submitted by Debbie Zilles

Scott Gibbons, Chairman