



## SMITHFIELD CITY PLANNING COMMISSION MINUTES July 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, July 19, 2023

The following members were present constituting a quorum:

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

**Members Excused:** Brian Higginbotham

**Alternate Members In Attendance:** Lazaro Soto

**City Staff:** Councilmember Sue Hyer, Councilmember Curtis Wall, Councilmember Jon Wells, Brian Boudrero, Kenzie Nelson

**Others in Attendance:** Grandon & Cara Brewer, Michael Sauer, Lee & Lupe Helms, Michelle Anderson, Tami Midzinski, Todd Orme, Danny Hansen, Caralee Stokes, Janet Hillyard, Jeff Barnes, 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 June 21, 2023 meeting to stand as submitted.

**RESIDENT INPUT** – No public comments.

### **AGENDA ITEMS**

Discussion and possible vote on the conditional use permit request by Cara Brewer to have a nonconforming building addition at 315 North 100 East. Parcel Number 08-054- 0019. Zoned R-1-10 (Single-Family Residential 10,000 Square Feet).

Cara and Grandon Brewer are requesting approval of a conditional use permit for a home addition on their existing residence that is considered a non-conforming structure/lot. They would like to add a garage addition to the west of the house. The property and home are considered non-conforming due to the distance of the residence to the east property line. The new addition will not the height or outward appearance of the existing residence.

Mr. Boudrero explained the nonconformance is because the existing home was built in a previous zone (R-1-8) and the north side yard setback is 8.5'. The proposal is to build a garage that will be attached to their home on the south side where an open carport is. The requested new addition meets the setback requirement for the south side. There will be no change to the north side of the property.

**MOTION:** Motion by Commissioner Holbrook to **approve** the conditional use permit request by Cara Brewer to have a nonconforming building addition at 315 North 100 East. Parcel Number 08-054- 0019. Zoned R-1-10 (Single-Family Residential 10,000 sq ft). 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 Blue Ox Development for approval of the Final Plat for the Elk Ridge Subdivision, Phase 5, a (12) lot/unit subdivision located at approximately 120 South 1300 East. Zoned R-1-12 (Single Family Residential 12,000 sq ft).

Blue Ox Development is requesting approval for the final phase (Phase 5) in the Elk Ridge Subdivision. Twelve (12) single-family homes are being proposed in Phase 5. They are resubmitting this last phase again due to a lack of construction progress in the required 18 months.

Chairman Gibbons advised that the plat has been reviewed and approved by the Subdivision Technical Review Committee (STRC). All applicable requirements have been met.

Mr. Boudrero pointed out that the applicant has agreed to the City Engineer's request for an increase of the right-of-way width to 66'.

**MOTION:** Motion by Commissioner Anderson to **approve** the request by Blue Ox Development for approval of the Final Plat for the Elk Ridge Subdivision, Phase 5, a (12) lot/unit subdivision located at approximately 120 South 1300 East. Zoned R-1-12 (Single Family Residential 12,000 square ft). Commissioner Bell seconded the motion. **Motion approved (7-0).**

Vote:

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

Discussion and possible vote on the request by Heritage Land Development for approval of the Preliminary Plat for the Lupine Village Subdivision, a (130) lot/unit subdivision located at approximately 485 North 400 West.

Tami Midzinski and Heritage Land Development have resubmitted a preliminary site plan corresponding with the Master Planned Community (MPC) rezone. In addition to the site and development plan, they have included (as required) a phasing plan and landscaping plan. The plan includes 81 multi-family and 56 single-family lots, an interconnecting trail system, and open space with amenities. This version includes a separate piece of property for sale to a religious entity that is not included in the site calculations.

Mr. Boudrero advised all requirements have been met with the understanding that there will be a religious institution on a portion of the property (which is under contract), if not the project will have to be re-approved.

Commissioner Anderson asked about the lift station. Ms. Midzinski said the station will be located in the northwest corner, will cost ~\$650,000+, and will be maintained by the Homeowners Association (HOA). A reserve study will be completed before HOA fees are determined. Mr. Boudrero pointed out that the lift station is noted on the plat and included in the development agreement. In addition to all the amenities and associated phases, information on the eight (8) slab on grade (active adult) lots will be included. Ms. Midzinski said the HOA will maintain those 8 yards.

Commissioner Freidenberger asked about Phase 1 not being tied into the lift station. Ms. Midzinski explained that the HOA is set up in phases; single-family homes do not have the same fees that townhomes will have because the HOA maintains the exterior of the townhomes.

Commissioner Anderson asked why the stormwater cannot be tied into the City's stormwater system. Mr. Boudrero said the retention pond it is too far away to pipe it into the City's system. The numbers have been calculated so it will serve more as a retaining system than detention. The state requires 10% retention and 90% detention. This pond will be entirely retention. He did not have numbers regarding the capacity of the pond (as asked by Commissioner Anderson) but the City Engineer has the information. Specifics will be listed on the construction documents and will be included on the final plat. Ms. Midzinski explained that the pond will be dug deeper and consideration is given to how fast the pond can be drained.

Chairman Gibbons has concerns with the location of the pond in proximity to the lift station. Mr. Boudrero said that it should not be a problem, especially where it is across the street.

Commissioner Anderson said he is not sure how the 100-year storm event is calculated, but there have been a few over the last 15 years. His concern is that it cannot tie into City's stormwater system and water may not be able to be contained with a big storm. Mr. Boudrero pointed out that the City Engineer reviews this information and if a development cannot handle a 100-year storm event (which is the requirement) they typically have a spillover plan. Calculations are required to be reviewed/approved by the City Engineer.

Commissioner Bell is concerned about the roads (specifically 400 West). Ms. Midzinski said a Traffic Impact Study (TIS) was prepared and submitted, which indicates that the roads meet the requirements for what is being proposed. Commissioner Higginbotham noted that 400 West is not the only exit that can be used.

Ms. Midzinski outlined the design of the area between the 5-plexes and the road for the garages. Every townhome will have an individual garbage can. She confirmed for Commissioner Freidenberger that all 3,4 and 5-plexes will have 2-car garages.

Commissioner Freidenberger would like to propose a condition for fencing around lots 23-30 (ref: Cod 17.12.080). Ms. Midzinski said this is not a requirement in the MPC zone, however, the owners of the existing lots in that area purchased additional property to provide a buffer surrounding all three sides of their land (per their request). Chairman Gibbons said this makes their property line further away from the development. The HOA will allow homeowners to put up fences.

The Commissioners felt that fencing should not be required because of the additional land buffer.

**MOTION:** Motion by Commissioner Bell to approve the request by Heritage Land Development for approval of the Preliminary Plat for the Lupine Village Subdivision, a (130) lot/unit subdivision located at approximately 485 North 400 West. Commissioner Holbrook seconded the motion. **Motion approved (6-1).**

Vote:

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

Nay: Anderson

Introduction and **Public Hearing** for the purpose of discussing Ordinance 23-19, an Ordinance rezoning Cache County Parcel Numbers 08-042-0012, 08-042-0013, 08-042-0014, 08-042-0015 and 08-043-0015 from A-10 (Agricultural 10-Acre) to MPC (Master Planned Community). The parcels are located at approximately 485 North 400 West and total approximately 28.81 acres. The request submitted by Heritage Land Development.

Mr. Boudrero explained that this rezone request is related to the preliminary plan that was previously approved. Commissioner Heaps clarified that just because a preliminary plan is approved, it doesn't mean the zone change will automatically be approved.

## **7:02 Public Hearing Opened**

Danny Hansen pointed out the 30' easement (on both sides) for the power lines near the north property line. Mr. Boudrero said that was taken into consideration and reviewed by the STRC.

Lee Helms, an adjacent property owner, said this project would be a total disregard for the established community. Despite the results of a traffic study, 400 North cannot handle that much additional traffic. There are many horse trailers, farm equipment vehicles, and semi-trucks that use that road daily. It would be better to rezone this property to residential (R-1). The neighbors are not happy with this proposal. He asked the Commission to take into consideration the lifestyle of the established community. He has been told this is "an experiment"; there are other MPC/PUD projects in the works, and he would those to be studied before another is approved.

Caralee Stokes would like to see these types of condensed community projects stopped because they are being overdone. Developers are taking advantage of cities because these are easy to get approved and make more money for them. She would like to see a halt put to this type of development.

Janet Hillyard is disappointed, they are being bombarded by development to the east, west, and now north. She and her husband have lived in their home for 48 years; they have cows and horses and now feel that they are being pushed out of the area. "Enough is enough" and she would like the Commission to consider the resident's feelings. She has lived peacefully for many years and would like to continue to do so.

Carmen said her parents have lived by the Hillyard's for over 35 years. She is concerned with the traffic, especially with young children in the area. Her parents worked hard for their property and they would like to stay there. She does not feel that the road will work for increased traffic.

Todd Orme lives on the other side of town and is not familiar with this area, however, after listening to the presentation he agrees with the idea of fencing. Although additional property was able to be purchased by homeowners, they should not have to pay for a fence.

### **7:18 Public Hearing Closed**

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| Discussion and possible vote on <u>Ordinance 23-19</u> . |
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Commissioner Anderson struggles with the HOA-owned lift station and the potential liability regarding possible flooding. Chairman Gibbons understands the concern; however, it would likely be the same with any other type of subdivision in that area. Commissioner Anderson said that would not necessarily be the case. Commissioner Freidenberger asked if a different subdivision design would mitigate the concern. Chairman Gibbons advised that lift stations must be built at the lowest point and a station will have to be put in regardless of the size of the development. Mr. Boudrero pointed out that there is another lift station to the west, owned by Visionary Homes.

Commissioner Bell had a project in Hyde Park, which required a water study and the installation of large detention ponds with an overflow plan, which she thought at the time it was ridiculous, but the pond has been effective. She trusts that engineers know what they are doing. Commissioner Anderson said the overflow is his concern for this proposal.

Ms. Midzinski noted that as part of the requirement, the road would be widened to 66' and improved. Mr. Boudrero explained that road improvements are made as property is subdivided and developed.

Ms. Midzinski said if the MPC is approved, she would be happy to include putting a fence (along lots 22-30) in the development agreement.

Commissioner Freidenberger understands the road concerns; however, sometimes there are lower speeds along narrow road stretches. The type of traffic should be taken into consideration. Ms. Midzinski said the engineers have worked on the radius coming out of Fox Meadows, if traffic uses the connection road it will help with the flow of traffic.

Chairman Gibbons noted that the density of this proposal is 130 units. If the property was zoned R-1-12, 100 units would be allowed. Commissioner Bell pointed out that an MPC would have more green space and amenities that a traditional subdivision would not have.

Commissioner Freidenberger asked if the retention pond could ever be connected to the City system; Mr. Boudrero said it could be at some point.

In answer to Commissioner Heaps question about sidewalks; Mr. Boudrero explained that Smithfield follows Utah's Land Use, Development, and Management Act (LUDMA) and the idealism of requiring right-of-way improvements only when subdivisions occur. Smithfield does have a policy where the City will pay for the materials if residents pay for the labor.

Commissioner Heaps said one of the reasons for an MPC is to distribute density throughout the city, rather than in one section of town. Chairman Gibbons said the idea of a an MPC is to build a community as opposed to just a development.

**MOTION:** Motion by Commissioner Bell to **forward a recommendation of approval to the City Council** for Ordinance 23-19, an Ordinance rezoning Cache County Parcel Numbers 08-042-0012, 08-042-0013, 08-042- 0014, 08-042-0015 and 08-043-0015 from A-10 (Agricultural 10-Acre) to MPC (Master Planned Community). The parcels are located at approximately 485 North 400 West and total approximately 28.81 acres. The request was submitted by Heritage Land Development. Commissioner Heaps seconded the motion. **Motion denied (4-3).**

Vote:

Aye: Bell, Gibbons, Heaps

Nay: Anderson, Reis, Holbrook, Freidenberger

Introduction and **Public Hearing** for the purpose of discussing Ordinance 23-22, an Ordinance amending the Smithfield City Municipal Code Title 17 "Zoning Regulations", Chapter 17.100 "Site Development and Landscaping", adding in its entirety Section 17.100.055 "Water Wise Landscaping Requirements".

Mr. Boudrero explained that this ordinance will allow Smithfield residents to be eligible to apply for Utah Water Savers cash incentives for converting to drought-resistant landscaping.

The following information has been proposed:

**§ 17.100.55 WATER-WISE LANDSCAPING REQUIREMENTS**

A. No lawn on parking strips or areas less than eight feet (8') in width in new development.

B. 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. In new commercial, industrial, institutional, and multi-family development common area landscapes, lawn areas shall not exceed twenty percent (20%) of the total landscaped area, outside of active recreation areas.

### **7:36 Public Hearing Opened**

Mike Sauer is in favor of this ordinance. He is in the process of changing out his grass to artificial turf. He is spending \$30,000 for the transformation; however, it will save water and maintenance. This program will help a lot of people make this type of change.

Caralee Stokes said the public needs to know about this and it should not be approved without public input before people are told they have to change their landscaping.

Curtis Wall said the rebate incentive is \$1.50 per sq. ft. of grass that is replaced by waterwise landscaping. He has been working on his yard and is happy to help people and answer questions they might have. Commissioner Freidenberger noted that to qualify for the rebate, a pre-conservation site visit must be performed. Mr. Wall said one big benefit of the program is the water savings (both financially and physically). Governor Cox has put millions into this program. He encouraged the Commission to approve this ordinance. Residents are aware of the program and many are excited to begin. There has been some discussion about making changes in front of the City building. This a great opportunity for people to save money.

Todd Orme likes the opportunity and hopes to encourage citizens to do this. He lived in Las Vegas for many years and understands the need for this change. The program should be encouraged but not required and/or forced upon residents.

Jon Wells said the wording of the ordinance, especially regarding new development. He asked if phases in a development that have not been completed would be held to this requirement. Chairman Gibbons advised that anything that is been approved would be held to the standards of the ordinance at the time of approval. Mr. Wells encouraged the Commission to review the wording of the ordinance, especially related to “new development” for more clear guidance.

Mr. Boudrero pointed out that this will not be a “forced” ordinance, it is optional and will give developers and citizens the option to apply for the rebate if they desire.

### **7:47 Public Hearing Closed**

Discussion and possible vote on Ordinance 23-22.

Commissioner Andrson asked if this ordinance would be required or optional. Mr. Boudrero said this is a new subsection of §17.100 for individuals who want to take advantage of the landscape conversion incentive program through the Utah Water Savers program. The program is completely optional. Chairman Gibbons and Commissioner Anderson suggested adding the first two introductory paragraphs from the Staff Report into the ordinance to clear up any misconception (see below):

“The Cache Water District has opted out of joining the coalition for the landscape conversion incentive program through the Utah Water Savers program. The state, is however, allowing cities to join the eligible locations list individually as found at: <https://conservewater.utah.gov/landscape-rebates>.

The State of Utah has set a minimum standard to be eligible for landscape incentives (listed in the above website) in the “Landscape Ordinances” tab. Smithfield is proposing the following requirements as a subsection to §17.100 Site Development and Landscaping.”

Commissioner Freidenberger suggested adding “*new/existing*” developments under Section 1. A and B.

Chairman Gibbons said landowners have rights and there should not be onerous requirements placed upon their property, however, owners also have rights to develop their property. Ordinances help govern what can and cannot be done. He pointed out that he rights of landowners go “both ways”.

**MOTION:** Motion by Commissioner Anderson to **forward a recommendation of approval to the City Council** for Ordinance 23-22, an Ordinance amending the Smithfield City Municipal Code Title 17 “Zoning Regulations”, Chapter 17.100 “Site Development and Landscaping”, adding in its entirety Section 17.100.055 “Water Wise Landscaping Requirements” with the correction of “*new/existing*” wording added to §17.100.055 Items A and B and the addition of the first two paragraphs listed in the Staff Report (as discussed) to the beginning of the ordinance. Commissioner Holbrook seconded the motion. **Motion approved (7-0).**

Vote:

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

**MEETING ADJOURNED** at 7:59 p.m.

Minutes submitted by Debbie Zilles

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Scott Gibbons, Chairman