



SMITHFIELD CITY CORPORATION
96 South Main
Smithfield, UT 84335

AGENDA

Public Notice is given that the Smithfield Planning Commission will meet in a regularly scheduled meeting at 96 South Main, Smithfield, Utah, on **Wednesday, November 15, 2023**. The meeting will begin at 6:30 PM.

Welcome/pledge of allegiance and thought/prayer by Jamie Anderson

1. Approval of Planning Commission Meeting Minutes from October 18, 2023
2. Resident Input
3. Discussion and possible vote on the request by Andrew Lillywhite for approval of the Final Plat for the Roger Cantwell Subdivision, a (2) lot/unit subdivision located at 490 West 300 North. Zoned RA-1 (Residential Agricultural 1-Acre).
4. Discussion and possible vote on the "Home Child Care or Preschool" Conditional-Use Permit Application by Aspen Hansen to operate Lil' Guppies Home Daycare at 368 East 400 South. Parcel Number 08-157-0009. Zoned R-1-10 (Single Family Residential 10,000 Square Feet).
5. Introduction and Public Hearing for the purpose of discussing Ordinance 23-30, an Ordinance amending the Smithfield City Municipal Code Title 17 "Zoning Regulations"; amending Chapter 17.120 "Use Matrix Table", Section 17.120.010 "Use Allowance Matrix".
6. Discussion and possible vote on Ordinance 23-30.
7. Introduction and Public Hearing for the purpose of discussing Ordinance 23-31, an Ordinance amending the Smithfield City Municipal Code Title 16 "Subdivision Regulations", Chapter 16.05 "Concept Plan", Sections 16.050.010 "Purpose", 16.05.020 "Application and Fees", 16.05.030 "Concept Plan Submittal", 16.05.040 "Subdivision Technical Review Committee", Chapter 16.12 "Final Plats", Sections 16.12.010 "Purpose", 16.12.020 "Filing Deadline, Application, and Fees", 16.12.030 "Preparation and Required Information", 16.12.040 "Review by the City Engineer", 16.12.050 "Planning Commission Action", 16.12.070 "Review by the City Council", 16.12.080 "Recording of the Final Plat", 16.12.090 "Expiration of Final Approval", Chapter 16.04 "General Provisions", Sections 16.04.030 "Definitions", 16.04.050 "General Responsibilities", Chapter 16.07

"Major Subdivisions", Sections 16.07.010 "Purpose", 16.07.030 "Preliminary Plat", 16.07.040 "Final Plat", 16.07.050 "Improvements", Chapter 16.06 "Minor Subdivisions", Sections 16.06.040 "Procedure", 16.06.050 "Approval of the Minor Subdivision", 16.06.060 "Disapproval by the City Council", 16.06.070 "Required Improvements", 16.06.080 "Recording of Plat or Filing of Record Survey", Chapter 16.09 "Preliminary Plats", Sections 16.09.010 "Purpose", 16.09.020 "Application and Fees", 16.09.030 "Preliminary Plat Required Information", and 16.09.040 "Approval of Preliminary Plat".

8. Discussion and possible vote on Ordinance 23-31.
9. Introduction and Public Hearing on Ordinance 23-33, an Ordinance amending the Smithfield City Municipal Code Title 17 "Zoning Regulations"; amending Chapter 17.92 "Accessory Dwelling Unit", Section 17.92.020 "Conditions".
10. Discussion and possible vote on Ordinance 23-33.

Adjournment

*****Items on the agenda may be considered earlier than shown on the agenda.*****

In accordance with the Americans with Disabilities Act, individuals needing special accommodation for this meeting should contact the City Recorder at (435) 792-7990, at least three (3) days before the date of the meeting.



SMITHFIELD CITY PLANNING COMMISSION MINUTES October 18, 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, October 18, 2023

The following members were present constituting a quorum:

Members Present: Jamie Anderson, Katie Bell, Brian Higginbotham, Jasilyn Heaps, Bob Holbrook, Stuart Reis, Lazaro Soto

Members Excused: Brooke Freidenberger

City Staff: Councilmember Sue Hyer, Brian Boudrero, McKenzie Nelson

Others in Attendance: Madison Ramsey, Shannon Clark, Jeff Seaman, Dan Sundstrom, Michelle Anderson, Jim Marshall, Todd Orme, Shawn & Liz Kirkley, Jenn Staker, Jeff Barnes, Lindsey & Brian Black, Kenneth Bell, Robert Hansen, Jenni Orme, Caralee Stokes, Debbie Zilles

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

Consideration of consent agenda and approval of meeting minutes

After consideration by the Commission, Chairman Anderson declared the minutes from the September 20, 2023 meeting to stand as submitted.

RESIDENT INPUT – No public comments.

AGENDA ITEMS

Discussion and possible vote on the Commercial Conditional-Use Permit Application by Jess Roberts to expand the services offered at the Skin Haus Studio located at 869 South Main Street, to include cosmetic permanent makeup, microblading, micro-needling, and tattoos.

Jess Roberts said they are looking to add additional services now that the zone change has been approved.

MOTION: Motion by Commissioner Heaps to **approve** the Commercial Conditional-Use Permit Application by Jess Roberts to expand the services offered at the Skin Haus Studio located at 869 South Main Street, to include cosmetic permanent makeup, micro-blading, micro-needling, and tattoos. Commissioner Bell seconded the motion. **Motion approved (7-0).**

Vote:

Aye: Anderson, Bell, Heaps, Holbrook, Higginbotham, Reis, Soto

Discussion and possible vote on the request by Birch Creek Development Company for approval of the Preliminary Plat for Birch Creek Meadows, Phase 1, a (16) lot/unit subdivision located at approximately 30 South 1150 East. Zoned R-1-12 (Single-Family Residential 12,000 Square Feet).

Jeff Seaman, with Peterson Development, said the original plans expired and were sold to a new ownership group. This is a standard 16-lot subdivision.

Mr. Boudrero confirmed for Commissioner Higginbotham that a water model was submitted, reviewed, and approved. The plat has the same layout as the original proposal and meets all Subdivision Technical Review Committee (STRC) requirements

MOTION: Motion by Commissioner Higginbotham to **approve** the request by Birch Creek Development Company for approval of the Preliminary Plat for Birch Creek Meadows, Phase 1, a (16) lot/unit subdivision located at approximately 30 South 1150 East. Zoned R-1-12 (Single-Family Residential 12,000 Square Feet). Commissioner Holbrook seconded the motion. **Motion approved (7-0).**

Vote:

Aye: Anderson, Bell, Heaps, Holbrook, Higginbotham, Reis, Soto

Public Hearing for the purpose of discussing Ordinance 23-29, an ordinance rezoning Cache County Parcel Number 08-048-0012 from R-1-12 (Single-Family Residential 12,000 Square Feet) to R-1-10 (Single-Family Residential 10,000 Square Feet). The parcel is located east of 200 South 1000 East. The request was submitted by Dan Sundstrom.

Dan Sundstrom explained that he was told by a current council member that this area would be a good place for a Master Planned Community (MPC). After a long time, numerous design revisions, a lot of time and money, and several meetings, that request was eventually denied, and this is the new request. Many adjacent residents indicated they would like the area to remain single-family homes. This proposal will contain (17) 10,000 SF lots, (45) 11,000-12,000 SF lots, and (6) 16,000 SF lots; there will be no multi-family housing, HOA, parks, or open space.

6:38 Public Hearing Opened

Caralee Stokes said Mr. Sundstrom has treated Councilmember Jon Wells horribly. He has also posted negative remarks on social media. She is opposed to this proposal; it should contain all 12,000 SF lots. What he is trying to do does not fit in the area, with the smaller 10,000 SF lots. She is counting on the Commission to “go against what he is trying to do”. She believes this is all about money and greed. The citizens are fed up and she would like to see the right thing done. Councilmember Wells was very courageous in his decision at the Council meeting last month.

Liz Kirkley supports the previous comment. She would like to see a project that is compatible with the area rather than trying to squeeze in smaller lots.

Todd Orme asked for clarification that this request is for a zone change to R-1-10 (from the current R-1-12) with no other overlays. Chairman Anderson said the request, as written and proposed, includes no overlay request.

6:45 Public Hearing Closed

Discussion and possible vote on Ordinance 23-29.

Commissioner Bell has talked with plenty of people who live on the east side who would have enjoyed the amenities of an MPC such as a park, open space, walking trails, and recreational areas. The residents who come to the meetings are those against an MPC. This request is giving up those amenities in exchange for a few homes.

Commissioner Heaps said this area has been discussed a lot. The future land use has this area slated for medium density, which fits the R-1-10 request.

Commissioner Higginbotham asked about the difference in the number of homes that could be built between the R-1-12 zone and the R-1-10 zone. Mr. Boudrero it would not be significant because there is a mix of lot sizes – it would likely be 10 or fewer homes. Commissioner Higginbotham noted that property owners also have rights; the Commission's purview is to review and consider a proposal based on the requirements of the Code and not decide whether a project is right or wrong. Mr. Boudrero said even though the Planning Commission is a recommending body, they are still able to make legislative decisions. The Commission will forward a recommendation to the City Council for final determination.

Commissioner Holbrook pointed out that 51 of the 68 lots will be over 10,000 SF. This will not be a high-density project.

Commissioner Heaps explained that the idea and creation of an MPC zone was because many people wanted smaller lots, and R-1-10 was not deemed to be a small lots. The MPC is designed to find a flexible solution for different types of housing.

Commissioner Reis said the developer has been very cooperative and this proposal seems like a good idea.

MOTION: Motion by Commissioner Heaps to **forward a recommendation of approval to the City Council** for Ordinance 23-29, an ordinance rezoning Cache County Parcel Number 08-048-0012 from R-1-12 (Single-Family Residential 12,000 Square Feet) to R-1-10 (Single-Family Residential 10,000 Square Feet). The parcel is located east of 200 South 1000 East. The request was submitted by Dan Sundstrom. Commissioner Bell seconded the motion.
Motion approved (7-0).

Vote:

Aye: Anderson, Bell, Heaps, Holbrook, Higginbotham, Reis, Soto

OTHER

Chairman Anderson said he will not state his opinion on projects while serving as the Chairman; he will also vote last and break a tie vote when necessary.

Commissioner Heaps said this will be her last meeting as her term has ended. She thanked the Commission and staff and expressed her appreciation for such a good experience.

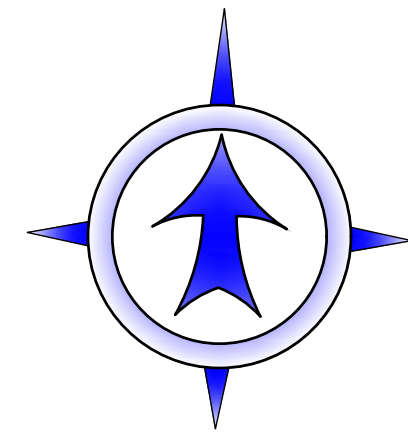
MEETING ADJOURNED at 7:05 p.m.

Minutes submitted by Debbie Zilles

Planning Commission Chairman

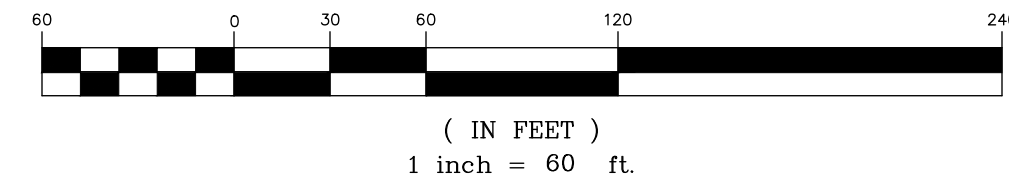
Roger Cantwell Minor Subdivision

A PART OF THE NORTHWEST QUARTER OF SECTION 28, T13N, R1E, S.L.B.&M.



October 5, 2023

GRAPHIC SCALE



SURVEYOR'S CERTIFICATE

I, JEFF C. NIELSEN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 5152661 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH, I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS HEREAFTER TO BE KNOWN AS: ROGER CANTWELL SUBDIVISION AND THE SAME HAS BEEN CORRECTLY SURVEYED AND ALL STREETS ARE THE DIMENSIONS SHOWN.

Subdivision Boundary

A PART OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 13 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF 300 NORTH STREET LOCATED SOUTH 67°48'19" EAST, A DISTANCE OF 2177.20 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 28 FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 28 BEARS SOUTH 00°04'04" EAST, A DISTANCE OF 2702.47 FEET; THENCE SOUTH 88°44'00" EAST, ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 122.51 FEET TO THE NORTHWEST CORNER OF PARCEL 08-079-0028; THENCE SOUTH 00°02'42" EAST, ALONG SAID PARCEL A DISTANCE OF 356.49 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE SOUTH 88°44'00" EAST, ALONG THE SOUTH LINE OF SAID PARCEL AND ITS EXTENSION ALONG THE SOUTH LINE OF PARCEL 08-079-0029 A DISTANCE OF 244.39 FEET TO THE NORTHWEST CORNER OF PARCEL 08-079-0060; THENCE SOUTH 00°02'42" EAST, ALONG THE WEST LINE OF SAID PARCEL A DISTANCE OF 154.38 FEET TO A POINT ON THE NORTH LINE OF PARCEL 08-079-0035; THENCE NORTH 88°44'27" WEST, ALONG THE NORTH LINE OF SAID PARCEL AND ITS EXTENSION ALONG THE NORTH LINE OF PARCEL 08-079-0037 A DISTANCE OF 362.24 FEET TO A POINT ON THE EAST LINE OF PARK PLACE SUBDIVISION PHASE 2; THENCE NORTH 00°34'02" WEST, ALONG SAID SUBDIVISION AND ITS EXTENSION ALONG THE EAST LINE OF PARK PLACE SUBDIVISION PHASE 3 A DISTANCE OF 511.05 FEET TO THE POINT OF BEGINNING. CONTAINING 2.28 ACRES



GENERAL NOTES:

- Pursuant to Utah Code Ann. 54-3-3-27 this plat conveys to the owner(s) or operators of utility facilities a public utility easement along with all the rights and duties described therein.
- Pursuant to Utah Code Ann. 17-27a-603(4)(c)(i) Rocky Mountain Power accepts delivery of the PUE as described in this plat and approves this plat solely for the purpose of confirming that the plat contains public utility easements and approximates the location of the public utility easements, but does not warrant their precise location. Rocky Mountain Power may require other easements in order to serve this development. This approval does not affect any right that Rocky Mountain Power has under:
 - a recorded easement or right-of-way
 - the law applicable to prescriptive rights
 - Title 54, Chapter 8a, Damage to Underground Utility Facilities or any other provision of law.
- Dominion Energy approves this plat solely for the purpose of confirming that the plat contains public utility easements. Dominion Energy may require other easements in order to serve this development. This approval does not constitute abrogation or waiver of any other existing rights, obligations or liabilities provided by law or equity. This approval does not constitute acceptance, approval or acknowledgment of any terms contained in the plat, including those set in the owner's dedication and the notes and does not constitute a guarantee of particular terms of natural gas service. For further information please contact Dominion Energy's right-of-way department at 1-800-366-8532.
- Setback lines are for primary buildings only.

Front:	30.00'
Rear:	30.00'
Side:	12.00'

LEGEND:

	PROPERTY LINE
	CENTER LINE
	FUTURE RIGHT-OF-WAY LINE
	SETBACK LINE
	EDGE OF PAVEMENT
	DITCH
	FENCE LINE
	SEWER LINE
	GAS LINE
	POWER LINE
	STORM DRAIN LINE
	WATER LINE
	FIRE HYDRANT
	FOUND REBAR AND CAP
	SECTION MONUMENT
	SET 3/4" REBAR W/CAP

FORESIGHT
LAND SURVEYING

2005 North 600 West, Logan, Utah
435-753-1910

Drawn by JH 23-160.dwg 10/5/23

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF THE ABOVE-DESCRIBED TRACT OF LAND, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS, TOGETHER WITH EASEMENTS TO HEREAFTER BE KNOWN AS ROGER CANTWELL SUBDIVISION, DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL ROADS AND AREAS INTENDED FOR PUBLIC USE AS SHOWN ON THIS PLAT TO SMITHFIELD CITY. FURTHER, WE CONVEY TO ANY AND ALL PUBLIC UTILITY COMPANIES A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER THE PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT, THE SAME TO BE USED FOR INSTALLATION, MAINTENANCE AND OPERATION OF UTILITY LINES AND FACILITIES. WE ALSO CONVEY ANY OTHER EASEMENTS AS SHOWN ON THE PLAT TO THE PARTIES INDICATED AND FOR THE PURPOSES SHOWN. IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR SIGNATURES THIS _____ DAY OF _____, 2023.

POSTMASTER

PRESENTED TO THE SMITHFIELD CITY POSTMASTER THIS _____ DAY OF _____, A.D. 2023, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

POSTMASTER

UTILITY COMPANY APPROVALS

THE UTILITY EASEMENTS SHOWN ON THIS PLAT ARE APPROVED

ROCKY MOUNTAIN POWER	DATE
COMCAST	DATE
DOMINION ENERGY	DATE
CENTURY LINK	DATE

CITY ENGINEERS CERTIFICATE

I CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED AND THAT IT IS CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE.

DATE _____ CITY ENGINEER _____

CITY COUNCIL APPROVAL AND ACCEPTANCE

PRESENTED TO THE SMITHFIELD CITY COUNCIL THIS _____ DAY OF _____, A.D. 2023, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

MAYOR _____ ATTEST _____

PLANNING COMMISSION APPROVAL

RECOMMEND APPROVAL THIS _____ DAY OF _____, A.D. 2023 BY THE SMITHFIELD CITY PLANNING AND ZONING COMMISSION.

BY: _____
CHAIRPERSON

CITY ATTORNEY APPROVAL

I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND APPROVE THE PLAT AS TO FORM AS REQUIRED BY STATE LAW AND CITY ORDINANCE THIS _____ DAY OF _____, 2023.

SMITHFIELD CITY ATTORNEY _____

CORPORATE ACKNOWLEDGMENT

state of UTAH
County of CACHE

On the ____ day of _____, 2023, personally appeared before me, the undersigned Notary Public in and for said County of _____ in said State of Utah and after being duly sworn, acknowledged to me that _____ of said Corporation and that _____ signed the Owner's Dedication freely, voluntarily and in behalf of said Corporation and for the purposes therein mentioned.

NOTARY PUBLIC

TRUSTEE ACKNOWLEDGMENT

state of UTAH
County of CACHE

on this ____ day of _____, personally appeared before me, the undersigned notary public in and for said county of Cache in the state of Utah, proved to me on the basis of satisfactory evidence to be the person(s) who executed the within instrument as Trustee(s) of the _____ the signer(s) of the within instrument, who duly acknowledged to me he(they) executed the same pursuant to and in accordance with the power vested in him(her) by the terms of said trust agreement.

NOTARY PUBLIC

COUNTY RECORDERS NO.

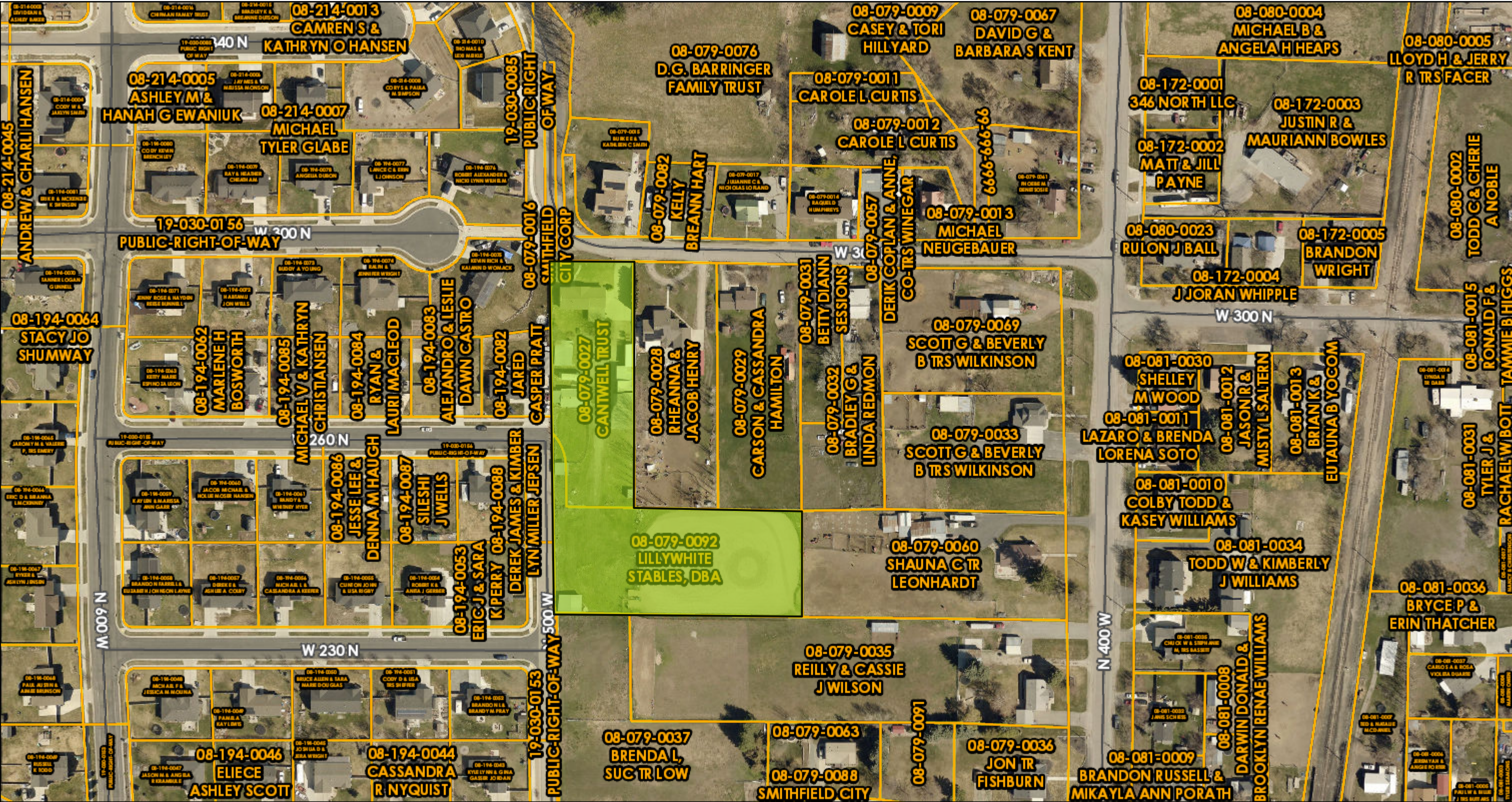
STATE OF UTAH, COUNTY OF CACHE, RECORDED AND FILED
AT THE REQUEST OF: _____
DATE: _____ TIME: _____ FEE: _____
BOOK: _____ PAGE: _____

CACHE COUNTY RECORDER

Record Owners: Cantwell Trust
490 West 300 North
Smithfield, Utah 84335

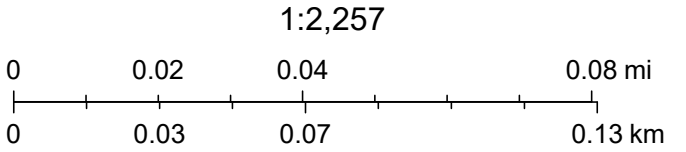
Lillywhite Stables DBA
151 Dry Creek Dr.
Smithfield, Utah 84335

Parcel Map



11/6/2023, 9:01:55 AM

- Override 1
- Class B Surface Type
- ASPHALT
- GRAVEL
- DIRT
- Municipal Boundaries
- County Boundary
- Cache Parcels



Maxar, Microsoft



Smithfield City Staff Report

Community Development Department

Administration • Engineering • Planning • Zoning

Cantwell Minor Subdivision

November 15, 2023

This staff report is an analysis of the application information base on adopted city codes, standard city development practices and other available information. This report is to be used to review and consider the merits of the application. Additional information may be provided, that supplements or amends this report.

Project Information

Parcel ID: 08-079-0092

Applicant: Andrew Lillywhite

Action Type: Administrative

Staff Recommendation: Approval

Project Location

Location:

248 North 500 West
Smithfield, Utah

Lot Size:

1.32 Acres

Surrounding Uses:

North - Residential (RA-1)
South - Residential (R-1-12)
East - Residential (RA-1)
West - Residential (R-1-12)

Current Zoning:

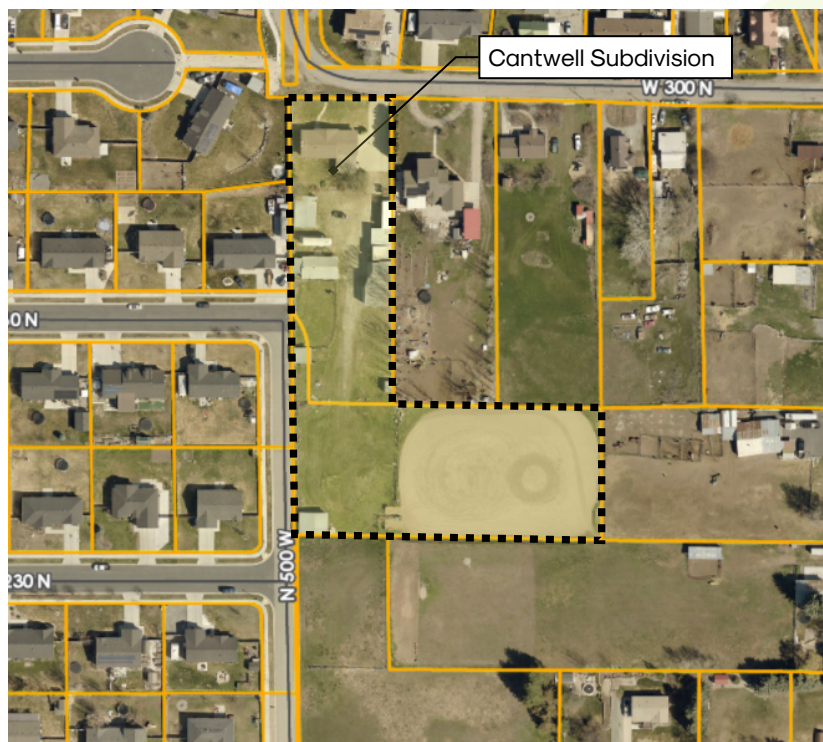
RA-1 (Residential)

Proposed Zoning:

None

Project Summary

Andrew Lillywhite and Roger Cantwell are requesting approval of a final plat for minor subdivision, located approximately 248 North and 500 West. The subdivision creates two individual properties that are zoned as Residential Agriculture (RA-1). Andrew has complied with all municipal codes and construction requests from the city.



11/06/2023

Smithfield City Community Development
96 South Main Street, Smithfield, Utah 84335

Phone: (435) 563.6226
Email: info@smithfieldcity.org

<http://smithfieldcity.org/comdev>
Administration • Engineering • Planning • Zoning

Page 1

Findings of Fact

1. The details and information in this plat meets the requirements found in the minor subdivision chapter. §16.06
2. The final plat was submitted in accordance with code found in the final plat. §16.12.020
3. All drawing details in this plat have been reviewed by the city staff. §16.12.040

Conclusion and Recommendation

Based on the findings of fact listed above, the staff the staff recommends **approval** of Cantwell Minor Subdivision Final Plat, as meeting the requirements of Smithfield City Municipal Code.



Parcel Map



11/6/2023, 8:59:35 AM

Override 1

Override 1

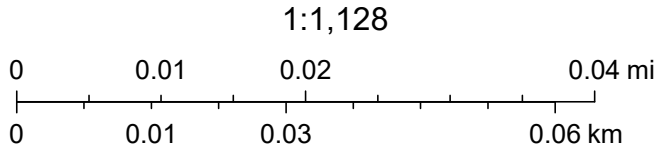
Class B Surface Type

ASPHALT

GRAVEL

DIRT

Municipal Boundaries

County BoundaryCache Parcels

Maxar, Microsoft



Smithfield City Staff Report

Community Development Department

Administration • Engineering • Planning • Zoning

Aspen Hansen Home Day Care Conditional Use Permit

November 15, 2023

This staff report is an analysis of the application information base on adopted city codes, standard city development practices and other available information. This report is to be used to review and consider the merits of the application. Additional information may be provided, that supplements or amends this report.

Project Information

Parcel ID: 08-157-0009

Applicant: Aspen Hansen

Action Type: Administrative

Staff Recommendation: Approval

Project Location

Location:

368 East 400 South
Smithfield, Utah

Lot Size:

0.23 Acres

Surrounding Uses:

North - Residential (R-1-10)

South - Institutional (I-1)

East - Residential (R-1-10)

West - Residential (R-1-10)

Current Zoning:

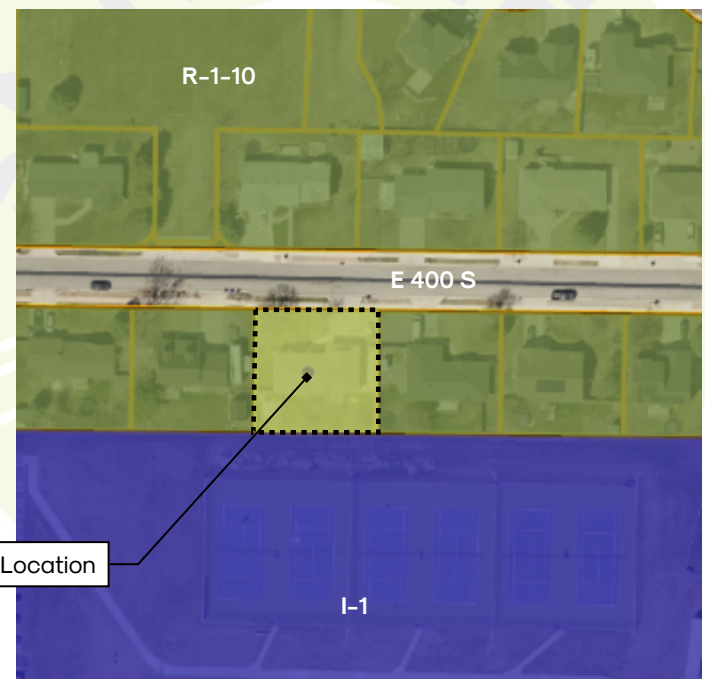
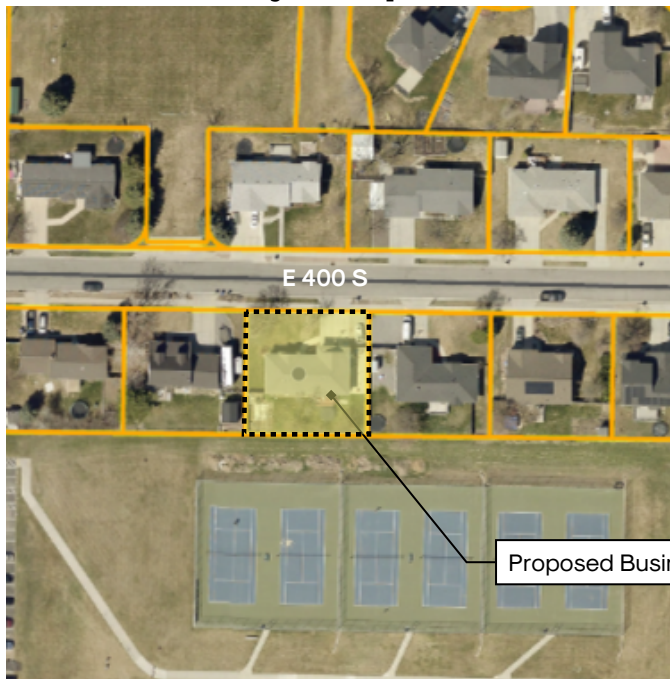
R-1-10 Residential

Proposed Zoning:

None

Project Summary

Aspen Hansen is requesting approval of a conditional use permit for a home based preschool business. She would like to operate her child care business out of the home she lives in. Aspen has met all of the city codes that apply to child care and is working to produce the state inspections and license. She has a written letter of approval from the home owner for the proposed business. She lives in the residence and is proposing to care for approximately 8 up to 18 children in the future. The state only allows **16** maximum if they have a full license and she has been informed. Her residence consists of three total off street parking spaces and the surrounding streets have room for loading and drop off.



11/01/2023

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Smithfield City Community Development
96 South Main Street, Smithfield, Utah 84335

Phone: (435) 563.6226
Email: info@smithfieldcity.org

<http://smithfieldcity.org/comdev>
Administration • Engineering • Planning • Zoning

Findings of Fact

1. The Use Matrix Table shows a "disruptive home occupation" to be a conditional use in R-1-10. §17.120.010
2. The definition of conditional use is found in the General Provisions of our zoning code. §17.04.070
3. Review criteria and general information for conditional uses can be found in §17.32.00.
4. The proposed business has been approved for all required county and state licenses as required in §5.20

Conclusion and Recommendation

Based on the findings of fact listed above, the staff recommends **approval** of the Aspen Hansen Daycare conditional Use Permit.



ORDINANCE NO. 23-30

WHEREAS, the City Council of Smithfield City, Cache County, Utah, passed and adopted the Smithfield Municipal Code on November 11, 2015; and

WHEREAS, the City Council has determined there is a need to update, repeal, amend and/or modify certain provisions contained in the referenced Municipal Code;

NOW, THEREFORE, the City Council of Smithfield City, Utah hereby adopts, passes and publishes the following:

AN ORDINANCE AMENDING THE SMITHFIELD CITY MUNICIPAL CODE TITLE 17 “ZONING REGULATIONS”; AMENDING CHAPTER 17.120 “USE MATRIX TABLE”, SECTION 17.120.010 “USE ALLOWANCE MATRIX”

BE IT ORDAINED BY THE CITY COUNCIL OF SMITHFIELD CITY, CACHE COUNTY, UTAH, AS FOLLOWS:

1. The attached table shall be amended as indicated. Those portions which are struck out shall be deleted and those that are highlighted in yellow shall be added.

Retail or related uses:

Esthetician/Microblading

C “Conditional” in the following Areas:

CC – Community Commercial

MU – Mixed-Use

P “Permitted” in the following Areas:

CB – Central Business

GC – General Commercial

Gateway

2. Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, in whole or in part, the same shall not affect the validity of the Ordinance as whole, or any other part thereof.
3. All ordinances, and the chapter, clauses, sections, or parts thereof in conflict with provisions of this ordinance are hereby repealed, but only insofar as is specifically provided for herein.
4. This ordinance shall become effective after the required public hearings and upon its posting as required by law.

THIS ORDINANCE shall be attached as an amendment to the Smithfield Municipal Code above referred to.

Approved and signed this 5th day of December, 2023

SMITHFIELD CITY CORPORATION

Kristi Monson, Mayor

ATTEST:

Justin B. Lewis, City Recorder



Smithfield City Staff Report

Community Development Department
Administration • Engineering • Planning • Zoning

Municipal Code Changes

November 15, 2023

This summary analysis of the proposed ordinance is based on previously adopted city codes and standard city development practices. This report is to be used to review and consider the proposed changes to the Smithfield Municipal Code.

Ordinance 23-30 Matrix Addition

- This ordinance will add the use of "Esthetician/Microblading," to the Use Allowance Matrix. It will be added as a **conditional** use to the Community Commercial and Mixed-Use zones and a **permitted** use to the Central Business District, General Commercial and Gateway zones.



ORDINANCE NO. 23-31

WHEREAS, the City Council of Smithfield City, Cache County, Utah, passed and adopted the Smithfield Municipal Code on November 11, 2015; and

WHEREAS, the City Council has determined there is a need to update, repeal, amend and/or modify certain provisions contained in the referenced Municipal Code;

NOW, THEREFORE, the City Council of Smithfield City, Utah hereby adopts, passes and publishes the following:

AN ORDINANCE AMENDING THE SMITHFIELD CITY MUNICIPAL CODE TITLE 16 "SUBDIVISION REGULATIONS", CHAPTER 16.05 "CONCEPT PLAN", SECTIONS 16.050.010 "PURPOSE", 16.05.020 "APPLICATION AND FEES", 16.05.030 "CONCEPT PLAN SUBMITTAL", 16.05.040 "SUBDIVISION TECHNICAL REVIEW COMMITTEE", CHAPTER 16.12 "FINAL PLATS", SECTIONS 16.12.010 "PURPOSE", 16.12.020 "FILING DEADLINE, APPLICATION, AND FEES", 16.12.030 "PREPARATION AND REQUIRED INFORMATION", 16.12.040 "REVIEW BY THE CITY ENGINEER", 16.12.050 "PLANNING COMMISSION ACTION", 16.12.070 "REVIEW BY THE CITY COUNCIL", 16.12.080 "RECORDING OF THE FINAL PLAT", 16.12.090 "EXPIRATION OF FINAL APPROVAL", CHAPTER 16.04 "GENERAL PROVISIONS", SECTIONS 16.04.030 "DEFINITIONS", 16.04.050 "GENERAL RESPONSIBILITIES", CHAPTER 16.07 "MAJOR SUBDIVISIONS", SECTIONS 16.07.010 "PURPOSE", 16.07.030 "PRELIMINARY PLAT", 16.07.040 "FINAL PLAT", 16.07.050 "IMPROVEMENTS", CHAPTER 16.06 "MINOR SUBDIVISIONS", SECTIONS 16.06.040 "PROCEDURE", 16.06.050 "APPROVAL OF THE MINOR SUBDIVISION", 16.06.060 "DISAPPROVAL BY THE CITY COUNCIL", 16.06.070 "REQUIRED IMPROVEMENTS", 16.06.080 "RECORDING OF PLAT OR FILING OF RECORD SURVEY", CHAPTER 16.09 "PRELIMINARY PLATS", SECTIONS 16.09.010 "PURPOSE", 16.09.020 "APPLICATION AND FEES", 16.09.030 "PRELIMINARY PLAT REQUIRED INFORMATION", AND 16.09.040 "APPROVAL OF PRELIMINARY PLAT".

BE IT ORDAINED BY THE CITY COUNCIL OF SMITHFIELD CITY, CACHE COUNTY, UTAH, AS FOLLOWS:

1. The attached table shall be amended as indicated. Those portions which are struck out shall be deleted and those that are highlighted in yellow shall be added.

16.05 CONCEPT PLAN

16.05.010 PURPOSE

~~A concept plan shall be required of all subdividers. This provides the subdivider with an opportunity to consult with and receive assistance from the city regarding the regulations and design~~

requirements applicable to the subdivision and development of property.

16.05.020 APPLICATION AND FEES

The applicant or applicant's duly authorized agent shall submit an application to the planning department for subdivision concept plan approval and at the same time, the applicant shall pay an application fee as provided in the most recent prevailing fee schedule.

16.05.030 CONCEPT PLAN SUBMITTAL

The subdivider shall submit two (2) 11"x17" and one (1) electronic version of the proposed subdivision concept plan to the planning department and schedule to meet with the Subdivision Technical Review Committee. The proposed concept plan shall include the following items:

- A. The proposed name of the subdivision;
- B. A vicinity plan showing significant natural and manmade features on the site and within five hundred feet (500') of any portion of it;
- C. The property boundaries of the proposed subdivision;
- D. The names of adjacent property owners;
- E. Existing and proposed street layout;
- F. Location and size of water, sewer, storm water and irrigation utilities;
- G. Proposed lot layout including typical lot size;
- H. North arrow;
- I. Minimum scale one inch equals one hundred feet (1" = 100').

16.05.040 SUBDIVISION TECHNICAL REVIEW COMMITTEE (STRC)

Process:

The city hosts a subdivision technical review committee (STRC) which meets on a periodic basis. The STRC is comprised of city representatives from the following departments: Engineering, Public Works, Fire Department, Planning & Zoning, Building, and City Administration. In order for a concept plan to be scheduled for a particular STRC meeting, a complete concept application must be received and accepted by the city prior to a date approximately one month prior to the STRC meeting at which the applicant desires the project to be discussed. The community development department maintains this

Meeting with Representatives:

The applicant is provided an opportunity to meet with representatives from all applicable utilities and other interested governmental agencies to receive comments regarding the concept application. At this meeting the applicant will also receive written comments from the city staff, detailing the extent to which the plans are required to be revised. Once revised and approved by the STRC, the preliminary plan will be forwarded to the planning commission for their consideration. Extensive revisions caused by the STRC comments or by voluntary action of the applicant, may require additional STRC meetings.

Timetables:

~~Concept plan processing, project timetables, including monthly concept plan application deadlines, STRC meeting dates, required resubmittal dates and planning commission meeting dates are established and maintained by the Planning and Zoning department.~~

~~Note: Upon approval by the STRC the next step will be to go before the Planning Commission for review.~~

16.12 FINAL PLATS

16.12.010 PURPOSE

The purpose of the final plat is to require formal approval by the ~~planning commission and the~~ **Administrative Land-Use Authority** ~~city council~~ before a subdivision plat is recorded in the office of the Cache County recorder. The final plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of this title. The final plat and construction plans submitted shall conform in all respects to those regulations and requirements specified during the preliminary plat process. Final plats may be submitted in phases, provided each phase can exist as a separate project capable of independently meeting all of the requirements of this chapter. The separate development of said phases shall not be detrimental to the Subdivision nor to the adjacent properties in the event the remainder of the project is not completed.

16.12.020 FILING DEADLINE, APPLICATION, AND FEES

Application for final plat approval shall be made by submitting one (1) hard copy and an electronic version of the proposed final plat ~~together with one (1) reduced eleven by seventeen inch (11 x 17") copy,~~ and one (1) set of construction plans, to the planning department within eighteen (18) months after approval or conditional approval of the preliminary plat by the ~~planning commission~~ **Administrative Land-Use Authority**. This time period may be extended for up to six (6) months for good cause if the subdivider petitions the ~~planning commission~~ **Administrative Land-Use Authority** for an extension prior to the expiration date, however only one extension may be granted. At the time of application, the appropriate fee shall be paid in accordance with the current prevailing fee schedule.

16.12.030 PREPARATION AND REQUIRED INFORMATION

- A. **Preparation:** The final plat must be prepared by a licensed land surveyor on a sheet of approved mylar with waterproof black ink. The top of the plat shall be either north or east, whichever best accommodates the drawing. The final plat shall be made to a scale large enough to clearly show all details, and in any case not smaller than one hundred feet (100') to the inch, and workmanship on the finished drawing shall be neat, clean cut and readable.
- B. **Description And Delineation:** The final plat shall show:
 - 1. The name of the subdivision, as approved by the ~~planning commission~~ **Administrative Land-Use Authority**.
 - 2. Accurate angular and linear dimensions for all lines, angles and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use and other important features. A boundary description of the subdivision shall also be provided;

3. An identification system for all lots and blocks and names and numbers of streets. Lot lines shall show dimensions in feet and hundredths;
 4. True angles and distances to the nearest established street lines of official monuments, which shall be accurately described in the plat and shown by appropriate symbol;
 5. Radii, internal angles, points and curvatures, tangent bearings and the length of all arcs;
 6. The location of all monuments to be installed and accurately located by the appropriate symbol. All United States, state, county or other official bench marks, monuments or triangulation stations in or adjacent to the property, shall be preserved in precise position;
 7. The dedication to the city of all streets and highways included in the proposed subdivision;
 8. Pipes or other such iron markers, with the appropriate surveyor's tag, shall be placed at each lot corner prior to approval of the final plat;
 9. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed or covenant for common uses of all property owners;
 10. Where it is proposed that streets be constructed on property controlled by a public agency or utility company, approval for the location, improvement and maintenance of such streets shall be obtained from the public agency or utility company and entered on the final plat in a form approved by the city attorney;
 11. The final plat shall be prepared on twenty four inch by thirty six inch (24" x 36") approved mylar and shall have a one and one-half inch (1½") border on the left and a one-half inch (½") border on the three (3) remaining sides;
 12. The street address for each lot shall be shown on the final plat. Street address shall be assigned by the city;
 13. All streets within the subdivision shall be numbered (named streets shall also be numbered) in accordance with and in conformity with the adopted street numbering system adopted by the city;
 14. All boundary, lot and other geometrics (bearings, distances, curve data, etc.) on the final plat shall be close to an accuracy of not less than one part in five thousand (1/5,000);
 15. A legend and general notes or statements as required by the city or other interested parties and a north arrow and the scale of the drawing;
 16. Utility easement across all lot frontages that are adjacent to public streets and other required easements for water, sewers, drainage, utility lines and other purposes; The Utility easement must conform with the most current version of the Smithfield City Manual of Design and Construction Standards
 17. The area of each lot in square feet or acres;
 18. A basis of bearing shall be indicated on the plat.
- C. **Standard Forms For The Final Plat:** The final plat shall include:
1. A registered land surveyor's certificate of survey in the form required by state law;
 2. The owner's certificate of dedication;
 3. A notary public's acknowledgment;
 4. ~~The Smithfield planning commission's certificate of approval;~~

5. ~~4. The Smithfield city council's certificate of approval~~ Planning Manager;
 6. ~~5. The City Engineer's certificate of approval;~~
 7. ~~6. The City Attorney's certificate of approval;~~
 8. ~~7. A space in the lower left-hand corner of the drawing for the county recorder's use;~~
 9. ~~The board of health certificate of approval in cases where sewage disposal will be through the use of individual waste disposal systems.~~
 10. ~~Fire Chief Certificate of Approval.~~
- D. **Submittal:** The final plat shall be submitted for approval with a title opinion by a licensed abstract company showing the names of the owner or owners of the subdivision.
- E. **Utility Easement Approval:** The final plat shall show all utility easements required for the installation and maintenance of utilities needed to serve the subdivision. The final plat shall not be approved by the city engineer until the subdivider obtains the signature of an officer of every utility company providing utility services in the city, which signature shall indicate that the utility easement is in a form acceptable to the utility company's plans for providing services in the subdivision.
- F. The locations for the placement of cluster mailboxes. A letter from the postmaster approving the location (s) shall be included with the final plat.
- G. The city must approve all proposed dumpster locations.

16.12.040 REVIEW BY THE CITY ENGINEER

The City Engineer shall review the final plat and construction plans and determine compliance with the engineering and surveying standards and criteria set forth in the most current version of the Smithfield City Manual of Design and Construction Standards and all other applicable ordinances of the city and the state of Utah. It is incumbent on the design engineer to fully familiarize themselves with the most current version of the Smithfield City Manual of Design and Construction Standards, and prepare plans and plats accordingly. If, upon initial review, the City Engineer deems the construction plans or plat to be deficient or incomplete, the plans will be returned to the developer/design engineer for revisions. As the culinary water and sanitary sewer authority, the City Engineer shall review the construction plans for compliance with the water and sewer master plans of the city and the overall impact the development is expected to have on those systems. The City Engineer shall sign the final plat if the City Engineer finds that the subdivision and the construction plans fully comply with the improvement standards required by this chapter, that the survey description is correct, that the current water and sewer systems with any proposed improvements are adequate to meet the needs of the development, and that all easements are correctly described and located. The City Engineer shall complete a review of the plat and construction plans within ~~thirty~~ (30) (20) business days after being submitted for review to the engineer, unless a longer time is necessary for good cause. If the final plat and construction plans comply, the City Engineer shall provide written approval. ~~and forward the plat to the planning commission.~~ If the final plat or the construction plans do not comply, the City Engineer shall return the plat to the subdivider with comment.

16.12.050 PLANNING COMMISSION ACTION ADMINISTRATIVE LAND-USE COMMITTEE

Upon receipt of the final plat, ~~the planning commission~~ the Administrative Land-Use Committee

shall review the plat to determine whether the plat conforms with the preliminary plat, with all changes requested, and with all requirements imposed as conditions of acceptance. If the submitted final plat is not acceptable, the ~~planning commission~~ **Administrative Land-Use Committee** shall notify the subdivider and specify the respects in which it is deficient. If the ~~planning commission~~ **Administrative Land-Use Committee** determines that the final plat is in conformity with all requirements of the ordinances of the city and with the ~~any~~ conditions of acceptance by the ~~planning commission~~ **Administrative Land-Use Committee**, it shall recommend approval of the final plat and ~~the chairperson of the planning commission shall sign the plat in the appropriate block and forward the plat to the city attorney.~~

16.12.070 REVIEW BY THE CITY COUNCIL

- ~~A. Within a reasonable time following approval of the final plat by the city engineer, the planning commission and the city attorney, the final plat shall be submitted to the city council for its review and consideration. The city council shall not be bound by the recommendations of the city staff or the planning commission and may set its own conditions and requirements consistent with this title. If the city council determines that the final plat is in conformity with the requirements of this title, other applicable ordinances, and any reasonable conditions as recommended by the city's staff and planning commission or as set on the city council's own initiative, that all fees have been paid as required, and that the city council is satisfied with the final plat of the subdivision, it may approve the final plat. If the city council determines that the final plat is not in conformity with this title or other applicable ordinances, or any reasonable conditions imposed, it may disapprove the final plat specifying the reasons for disapproval. Within one year after the city council has disapproved any plat, the subdivider may file with the planning department, a plat altered to meet the requirements of the city council. No final plat shall have any force or effect unless the same has been approved by the city council and signed by the mayor and city recorder, city engineer and all other required officials.~~
- ~~B. The city council shall not give final approval to any subdivision plat until the planning commission has approved the plat.~~

16.12.080 RECORDING OF THE FINAL PLAT

Following ~~city council~~ **Administrative Land-Use Committee** approval, the completion of the subdivision improvements as described in SMC 16.20 of this title or the filing of the security for performance agreement as described in SMC 16.22 of this title, the filing of the warranty deposit, and the signing of the plat **by the City Planning Manager, City Engineer and the** ~~mayor and city recorder,~~ and all other required officials the final plat shall be presented by the city recorder to the Cache County recorder for recording.

16.12.090 EXPIRATION OF FINAL APPROVAL

If the final plat is not recorded within eighteen (18) months from the date of ~~city council~~ **Administrative Land-Use Committee** approval, such approval shall be null and void. This time period may be extended by the city council for up to an additional six (6) month period for good cause shown. The subdivider must petition in writing for an extension prior to the expiration of the

original eighteen (18) months. No extension will be granted if it is determined that it will be detrimental to the city.

16.04 GENERAL PROVISIONS

16.04.030 DEFINITIONS

The following terms used in this title shall have the respective meanings set forth in this section:

REVIEW CYCLE: A review cycle is the subdivision review process utilized by the City. This process includes a complete application submittal, a comprehensive review and response to the developer and a developer's thorough response. A total of **four (4)** review cycles are provided for each application, each review cycle period is composed of fifteen (15) to twenty (20) business days. The review cycle for a preliminary plat shall be completed within fifteen (15) business days, and the review cycle for a final plat shall be completed with twenty (20) business days.

16.04.050 GENERAL RESPONSIBILITIES

- H. The city council has final jurisdiction in ~~the approval of subdivision plats, the establishment of requirements and design standards for public improvements, and the acceptance of lands, or other than city streets,~~ that may be proposed for dedication to the city.
- I. The specific preliminary review and approval by the "Administrative Land-Use Authority," applies only to single-family, two-family and townhome subdivisions. Condominium, mixed use, and multi-family developments do not apply.
- J. The city council has appointed the following individuals as an "**Administrative Land-Use Authority**" for approval of preliminary and final subdivision plats. This committee will consist of the City Engineer, City Planning Manager, City Public Works Representative, a Fire Department Representative and the City Manager.

16.07 MAJOR SUBDIVISIONS

16.07.010 PURPOSE

The purpose of the major subdivision process is to ensure ~~an~~ orderly division of property, ~~that does not meet~~ ~~not meeting~~ the requirements of a minor subdivision for purposes of development in Smithfield ~~City~~. This chapter shall outline the requirements and procedures, as they have been developed, to accomplish this goal.

16.07.030 PRELIMINARY PLAT

~~After receiving approval of the concept plan from the STRC (Subdivision Technical Review Committee), the subdivider shall file an application for preliminary plat approval on a form prescribed by the city, together with one (1) electronic version and one (1) 24" x 36" hard copy of the preliminary plat and one (1) reduced eleven by seventeen inch (11 x 17") hard copy to the Smithfield planning department for approval by the planning commission. Submittals shall be made with the appropriate filing fee and must be made a minimum of twenty (20) days prior to the next regularly scheduled meeting of the planning commission. The preliminary plat must be prepared in accordance with the provisions of such plats as outlined in SMC 16.09 of this title.~~

- A. A preliminary plat shall be submitted to the planning department, with a complete application and fee payment determined by the current prevailing fee schedule. The preliminary plat will be reviewed by the Administrative Land-Use Authority. Upon receiving approval from the Administrative Land-Use Authority, the preliminary plat may then advance to the final plat process. .
- B. The process of review will be considered a review cycle. A total of four (4) review cycles can occur before approval or denial by the Administrative Land-Use Authority. Failure to submit a completed application, preliminary plat and paying the appropriate fees will result in the review process being restarted.
- C. Following the review of the proposed subdivision, the Administrative Land-Use Authority shall either approve, propose conditions, or reject the preliminary plat. Once approval has been given, the preliminary plat will be reviewed by the City Attorney and a full set of construction documents shall be provided to the City Engineer.
- D. The review cycle restrictions and requirements of this section do not apply to the review of subdivision applications affecting property within identified geological hazard areas.
- E. All applications and fees will start over after the four (4) cycles.
- F. A total of four (4) review cycles are provided by the city. Each review for a preliminary plat shall be completed with fifteen (15) business days after complete application submission.
- G. Granting of a preliminary plat approval by the Administrative Land-Use Authority shall not constitute a final acceptance of the subdivision. Nor shall approval of the preliminary plat relieve the subdivider of the responsibility to comply with all required conditions and ordinances, and to provide the improvements and easements necessary to meet all city standards and requirements.

16.07.040 FINAL PLAT

- A. Within ~~one year~~ eighteen (18) months of the approval of the preliminary plat by the Administrative Land-Use Authority ~~planning commission~~, the subdivider shall prepare a final plat in accordance with the provisions of chapters SMC §16.12 and SMC §16.16 of this title. One (1) electronic version ~~and one (1) 24" x 36" hard copy of the final plat together with one (1) reduced eleven by seventeen inch (11" x 17") hard copy~~ shall be submitted to the planning department. ~~together with the appropriate filing fee, at least twenty (15) days prior to a regularly scheduled meeting of the planning commission.~~
The ~~planning commission~~ "Administrative Land-Use Authority" shall, ~~recommend to the city council to approve~~, upon receiving the final plat, review, approve with conditions, or deny, based on the Smithfield Municipal Code. ~~In cases where the planning commission recommends disapproval of the final plat, the subdivider may make corrections to the plat and resubmit it to the planning commission for reconsideration.~~ The process of final review will be considered a review cycle. A total of four (4) review cycles can occur before approval or denial by the Administrative Land-Use Authority. Failure to submit a completed application, final plat and paying the appropriate fees will result in the review process being restarted. ~~Following the final action determination by the planning commission~~ "Administrative Land-Use Authority," and after compiling all requisite signatures, the subdivider shall then submit the final plat to the County city Recorder. ~~with the recommendations from the planning commission, for consideration and approval by the~~

city council.

16.07.050 IMPROVEMENTS

- A. The subdivider shall be responsible for the design and construction of all public improvements within or in support of the subdivision. Prior to submitting the final plat to the ~~planning commission~~, the subdivider shall cause construction plans to be prepared by a Utah registered professional engineer for all required public improvements. Construction plans shall be prepared in accordance with the Smithfield City Manual of Design and Construction Standards.
- B. Each set of plans should contain a signature block which may be signed by the City Engineer indicating approval of the plans. In addition, each set of plans and specifications should be stamped by the professional preparing them.

16.06 MINOR SUBDIVISIONS

16.06.040 PROCEDURE

- A. To obtain approval of a minor subdivision where the number of lots to be developed is ~~three (3)~~ **nine (9)** or less, the developer shall cause a "~~record survey~~" **"final plat"** to be prepared by a land surveyor, licensed in the State of Utah. This ~~record survey~~ **final plat** shall clearly show the division of the proposed lots and shall include all dimensions, square footage, and metes and bounds descriptions. The "~~record survey~~" **"final plat"** shall be prepared in accordance with the standards established by SMC 17.23.17 of the Utah Code Annotated. **§16.06.**
- ~~B. Where the number of lots to be developed is greater than three (3) but less than ten (10), the developer shall, after receiving approval for a minor subdivision concept plan from the STRC, cause a final plat to be prepared. The final plat shall meet the requirements for final plats as outlined in SMC 16.12 of this title.~~

16.06.050 APPROVAL OF THE MINOR SUBDIVISION

- A. A final plat ~~or record of survey~~ shall be submitted to the **planning department**, with a complete application and fee payment determined by the current fee schedule. The final plat will be reviewed by the **Administrative Land-Use Authority** and the ~~STRC (Subdivision Technical Review Committee)~~ for review. Upon receiving approval from the **Administrative Land-Use Authority** ~~STRC~~, the final plat ~~or record of survey~~ shall **must** be submitted to the **county recorder's office**. ~~planning department for consideration at least fourteen (14) days prior to a regularly scheduled meeting of the planning commission. No public hearing shall be required.~~
- B. The process of review by the subdivision review staff, will be considered a "review cycle." A total of four (4) review cycles can occur before approval or denial is given. Failure to submit a completed application, the final plat and paying the appropriate fees will result in the review process being restarted.

- C. Following the review of the proposed minor subdivision, the subdivision review staff shall either approve, propose conditions, or deny the final plat.
- D. The review cycle restrictions and requirements of this section do not apply to the review of subdivision applications affecting property within identified geological hazard areas.
- E. All applications and fees will start over after the four (4) cycles.
- F. A total of four (4) review cycles are provided by the city. Each review for a final plat shall be completed with twenty (20) business days after complete application submission.

~~B. Following the review of the proposed minor subdivision, the planning commission shall recommend to the city council either approval, modification, or rejection of the final plat or record survey.~~

~~C. After receiving a recommendation from the planning commission, the developer shall present the final plat or record survey to the city council for consideration. If the final plat or record survey conforms to city's ordinances and this title, the city council shall approve the final plat or record survey.~~

16.06.060 DISAPPROVAL BY THE CITY COUNCIL

~~If the city council determines that the record survey or final plat is not in conformity with this title or other applicable ordinances, or any reasonable conditions imposed, it shall disapprove the plat or record survey specifying the reasons for such disapproval. Within one year after the city council has disapproved any plat or record survey, the subdivider may file with the planning department a plat or record survey to meet the requirements of the city council. No plat or record survey has any force or effect until the same has been approved by the city council.~~

16.06.070 REQUIRED IMPROVEMENTS

- A. Developers of minor subdivisions shall be required to provide improvements as detailed in the most current version of the Smithfield City Manual of Design and Construction Standards. A determination of the adequacy of existing improvements to meet the needs of the development shall be made by the city engineer. In the event the city engineer determines the existing facilities are inadequate, the developer shall be responsible to complete the steps of a major subdivision in SMC 16.07.
- ~~B. In situations where the tract of land to be subdivided contains no more than five (5) intrablock lots, the city council, after receiving a recommendation from the planning commission, may vary the improvement requirements of this chapter as they pertain to the intrablock lots.~~

16.06.080 RECORDING OF PLAT OR FILING OF RECORD SURVEY

After receiving city council final approval and, completion of the required public improvements or establishment of security to ensure funds to construct said improvements, and the plat has been signed by the ~~planning commission chairperson, the city engineer~~ City Planning Manager and the

City Engineer and other city officials, and the mayor as attested by the City Recorder, it shall be presented to the county recorder of Cache County for recording. In cases where a record survey has been approved and signed by the city engineer, the record survey shall be presented to the office of the Cache County surveyor or designated office for filing.

16.09 PRELIMINARY PLATS

16.09.010 PURPOSE

The purpose of the preliminary plat is to require formal preliminary approval of a major subdivision by the planning commission Administrative Land-Use Authority, in order to minimize changes and revisions which might otherwise be necessary on the final plat. The preliminary plat and all information and procedures relating thereto, shall, in all respects, be in compliance with the provisions of this title and any other applicable ordinances.

16.09.020 APPLICATION AND FEES

The subdivider developer of a subdivision, after receiving approval of the concept plan required in SMC 16.05 of this title, shall file an application for preliminary plat approval with the city planning department on a form prescribed by the city, together with one (1) hard copy and an electronic version of the preliminary plat. At the same time, the subdivider shall pay the appropriate filing fee as provided in the current prevailing fee schedule.

16.09.030 PRELIMINARY PLAT REQUIRED INFORMATION

- D. Property Owner Agreements: Where necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the planning commission Administrative Land-Use Authority.

16.09.040 APPROVAL OF PRELIMINARY PLAT

- A. The Subdivision Technical Review Committee (STRC) shall review the preliminary plat and visit the site of the proposed subdivision. Following the review, the STRC shall determine compliance with the standards and criteria set forth in this title and all other ordinances of Smithfield City, including, but not limited to, the land use ordinance, general plan and master street plan, upon approval the STRC shall forward the preliminary plan to the planning commission for their review and approval.
- B. The planning commission may (1) approve, (2) approve subject to modifications or conditions, or (3) disapprove the submitted preliminary plat, and shall make findings specifying any inadequacy, noncompliance with city regulations, questionable or undesirable design and/or engineering, and the need for any additional information which may assist the planning commission to evaluate the preliminary plat. The subdivider shall be notified in writing of the action taken by, and the findings of, the planning commission regarding the submitted preliminary plat.

- ~~C. If the planning commission denies preliminary plat approval, no further review of the proposed subdivision shall be made by the planning commission, and a new preliminary plat shall be required to reinitiate the subdivision process.~~
- ~~D. If the preliminary plat is approved, the planning commission shall return one copy of the plat signed by the planning commission chairman to the subdivider together with any conditions that may be attached. Other signed copies shall be forwarded to each of the interested city departments. The planning commission shall retain one signed copy of the plat for its files. If the preliminary plat is disapproved, the planning commission shall indicate its disapproval by distributing signed copies of the plat bearing the reasons for disapproval.~~
- ~~E. Granting of a preliminary plat approval by the planning commission shall not constitute a final acceptance of the subdivision by the planning commission. Nor shall approval of the preliminary plat relieve the subdivider of the responsibility to comply with all required conditions and ordinances, and to provide the improvements and easements necessary to meet all city standards and requirements.~~

- A. A preliminary plat shall be submitted to the planning department, with a complete application and fee payment determined by the current prevailing fee schedule. The preliminary plat will be reviewed by the Administrative Land-Use Authority. Upon receiving approval from the Administrative Land-Use Authority, the preliminary plat may then advance to the final plat process.
- B. The process of review will be considered a review cycle. A total of four (4) review cycles can occur before approval or denial by the Administrative Land-Use Authority. Failure to submit a completed application, preliminary plat and paying the appropriate fees will result in the review process being restarted.
- C. Following the review of the proposed subdivision, the Administrative Land-Use Authority shall either approve, propose conditions, or reject the preliminary plat. Once approval has been given, the preliminary plat will be reviewed by the City Attorney and a full set of construction documents shall be provided to the City Engineer.
- D. The review cycle restrictions and requirements of this section do not apply to the review of subdivision applications affecting property within identified geological hazard areas.
- E. All non-compliant applications and fees will start over after the four (4) cycles.
- F. A total of four (4) review cycles are provided by the city. Each review for a preliminary plat shall be completed within fifteen (15) business days after complete application submission.
- G. Granting of a preliminary plat approval by the Administrative Land-Use Authority shall not constitute a final acceptance of the subdivision. Nor shall approval of the preliminary plat relieve the subdivider of the responsibility to comply with all required conditions and ordinances, and to provide the improvements and easements necessary to meet all city standards and requirements.

- 2. Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, in whole or in part, the same shall not affect the validity of the Ordinance as whole, or any other part thereof.
- 3. All ordinances, and the chapter, clauses, sections, or parts thereof in conflict with provisions of this ordinance are hereby repealed, but only insofar as is specifically provided for herein.

Ordinance 23-31

4. This ordinance shall become effective after the required public hearings and upon its posting as required by law.

THIS ORDINANCE shall be attached as an amendment to the Smithfield Municipal Code above referred to.

Approved and signed this 5th day of December, 2023

SMITHFIELD CITY CORPORATION

Kristi Monson, Mayor

ATTEST:

Justin B. Lewis, City Recorder



Smithfield City Staff Report

Community Development Department
Administration • Engineering • Planning • Zoning

Municipal Code Changes

November 15, 2023

This summary analysis of the proposed ordinance is based on previously adopted city codes and standard city development practices. This report is to be used to review and consider the proposed changes to the Smithfield Municipal Code.

Ordinance 23-31 Subdivision Process Amendments

- Below are the new subdivision review changes required by the State, for single family, twin home and town home subdivisions. Revisions and modifications have been made to the existing code, in order to implement the required review process. The proposed review process will eliminate the need for a concept plan in addition to the requirement for the STRC (subdivision technical review committee) meeting.
- The changes required in this ordinance are entirely **administrative** in nature and must be implemented by 02/01/2024. They only reflect modifications in the review of subdivisions that have no need to be rezoned.
- Cities must appoint an "**Administrative Land Use Authority**," for review and approval of preliminary and final subdivision plats. This ordinance is proposing that the following positions be chosen for said authority. The City Engineer, City Planning Manager, City Manager, Public Works Director and an appointed member of the City Fire Department.
- No definitive changes to the required standards of preliminary and final plats have been prescribed. Only the process of review has been altered efficiency.
- Cities must create and publish application forms, requirements, fees, checklists, documentation, and details for plan submittal both preliminary and final plats. All the required information is posted and placed on the city website.
- Cities must adopt and implement a new "review cycle" process. This includes **complete** application submittal, complete review and response to developer and developer reply. Each subdivision application (preliminary and final) can only go through this review cycle **(4) four** times before approval or denial.
- The city must identify specific changes to the documents found in the code and the applicant must comply with each requirement, failure to comply negates the review process. The City will have **15 business days** to review preliminary plats and **20 business days** for final plats. If reviews are not responded to, the city has an additional 20 business days to review.
- Failure by a city to correct an issue in the application means it waives its rights to require the developer to correct the issue unless it is federal or state law or is a specific a public health safety. If the applicant makes any material or substantial changes to the application above the issued requirements and if the city desires, the (4) four cycle process begins again.
- As long as the city meets the timely review of all submittals and notifies the applicant of any deficiencies in the documentation, the city is not required to approve a plat, that doesn't meet ordinance. All applications, plats and fees will start over after the (4) four cycles.

ORDINANCE NO. 23-33

WHEREAS, the City Council of Smithfield City, Cache County, Utah, passed and adopted the Smithfield Municipal Code on November 11, 2015; and

WHEREAS, the City Council has determined there is a need to update, repeal, amend and/or modify certain provisions contained in the referenced Municipal Code;

NOW, THEREFORE, the City Council of Smithfield City, Utah hereby adopts, passes and publishes the following:

**AN ORDINANCE AMENDING THE SMITHFIELD CITY MUNICIPAL CODE
TITLE 17 “ZONING REGULATIONS”; AMENDING CHAPTER 17.92
“ACCESSORY DWELLING UNIT”, SECTION 17.92.020 “CONDITIONS”.**

BE IT ORDAINED BY THE CITY COUNCIL OF SMITHFIELD CITY, CACHE COUNTY, UTAH, AS FOLLOWS:

1. The attached table shall be amended as indicated. Those portions which are struck out shall be deleted and those that are highlighted in yellow shall be added.

17.92.020	CONDITIONS
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- A. A permit will be granted for a use to be known as an accessory dwelling unit, provided that the following standards and criteria are met:
1. 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.
 2. A detached accessory dwelling unit shall not be connected to, and served by, the same water and sewer services that serve the primary building. See SMC 13.04.140 “Separate Connections” and 13.16.150 “Separate Building Connections Necessary”.
 3. Any new construction, remodeling or renovation of an existing structure 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. Additionally,
 - a. An accessory dwelling unit must have its own entryway with eating, sleeping, and sanitation facilities that can be isolated from the original unit.
 - b. Any wall of a detached accessory dwelling unit shall be a minimum of ten feet (10’) away from any wall of the primary structure.
 4. 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.
 5. 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) livable square feet.
 6. 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 two (2) years or less for activities such as:
 - a. A temporary job assignment, sabbatical, or voluntary service.
 - b. The owner is placed in a hospital, nursing home, assisted living facility or other similar facility.
 - c. City staff will require written documentation verifying the temporary absence.

d. The owner(s) shall apply for a continuance of their accessory dwelling unit permit during their absence by notifying the Planning Department in writing. They shall include in the request their anticipated length of absence and estimated return date, a forwarding address, phone number and email address where they may be contacted by the city, and the names, phone numbers and email addresses of those who will act in their stead as the “surrogate” owners of the property in their absence.

7. Parking:

a. A single-family residence with one or more accessory dwelling units must have at least one (1) dedicated off street hard surfaced parking area, per accessory dwelling unit, available for use by the owner-occupant(s) and tenant(s). See Utah Code Annotated 10-9a-530 “Internal accessory dwelling units”.

8. Other conditions for an accessory dwelling unit:

a. An accessory dwelling unit shall not be sold separately or subdivided from the original single-family dwelling unit.

B. Accessory apartments are allowed in “A” (agricultural zone), “RA” (residential agricultural zone) and “R-1” (single-family residential zone).

2. Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, in whole or in part, the same shall not affect the validity of the Ordinance as whole, or any other part thereof.

3. All ordinances, and the chapter, clauses, sections, or parts thereof in conflict with provisions of this ordinance are hereby repealed, but only insofar as is specifically provided for herein.

4. This ordinance shall become effective after the required public hearings and upon its posting as required by law.

THIS ORDINANCE shall be attached as an amendment to the Smithfield Municipal Code above referred to.

Approved and signed this 5th day of December, 2023

SMITHFIELD CITY CORPORATION

Kristi Monson, Mayor

ATTEST:

Justin B. Lewis, City Recorder



Smithfield City Staff Report

Community Development Department

Administration • Engineering • Planning • Zoning

Municipal Code Changes

November 15, 2023

This summary analysis of the proposed ordinance is based on previously adopted city codes and standard city development practices. This report is to be used to review and consider the proposed changes to the Smithfield Municipal Code.

Ordinance 23-33 Accessory Apartment

- This ordinance will add an exception to the city accessory apartment code, that describes the requirements for a legitimate absence of the a home owner with an accessory apartment.
- Home owners with an accessory apartment, that have a genuine reason for a temporary absence of two years or less, can get approval for that absence from the city. They must submit written documentation of the temporary vacancy (all subsequent details) to the planning department with the name and information of the delegated owner in their absence.

