



SMITHFIELD CITY CORPORATION
96 South Main
Smithfield, UT 84335

AGENDA

Public Notice is given that the Smithfield City Council will meet in a regularly scheduled meeting at 96 South Main, Smithfield, Utah, on **Tuesday, December 5, 2023**. The meeting will begin at 6:30 PM.

Welcome/pledge of allegiance and thought/prayer by Wade Campbell

1. Approval of the city council meeting minutes from November 8, 2023.
2. Resident Input
3. Approval of Jodie Mack as City Treasurer effective February 23, 2024.
4. Approval of Dana Lazcanotegui as City Recorder effective January 2, 2024.
5. 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).
6. Canvass the election results of the November 21, 2023 General Election.
7. Discussion and possible vote on Resolution 23-17, a Resolution updating the Prevailing Fee Schedule of the City.
8. Public Hearing, no sooner than 6:45 P.M., to consider potential projects for which funding may be applied for under the CDBG Small Cities Program for Program Year 2024. Suggestions for potential projects will be solicited, both verbally and in writing, from all interested parties.
9. Discussion and possible vote on 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".
10. Discussion and possible vote 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".

11. Discussion and possible vote on Resolution 23-15, a Resolution appointing Wade Campbell as a Trustee on the Cache Mosquito Abatement District effective January 1, 2024.
12. Discussion and possible vote on 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".
13. Public Hearing for the purpose of discussing Resolution 23-16, a Resolution amending the Fiscal Year 2024 Budget which is the period of July 1, 2023 through June 30, 2024.
14. Discussion and possible vote on Resolution 23-16.
15. Public Hearing for the purpose of discussing Ordinance 23-35, an Ordinance vacating any unplatted public street interest located in Phases 5 or 6 of the Fox Meadows Subdivision.
16. Discussion and possible vote on Ordinance 23-35.
17. City Manager Report
18. Council Member and Mayor Reports
19. Closing remarks by Council Members Wall, Hunsaker and Wells.

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.



The Smithfield City Council met in a regularly scheduled meeting at 96 South Main Street, Smithfield, Utah on Wednesday, November 8, 2023. The meeting began at 6:30 P.M. Mayor Kristi Monson was in the chair. The opening remarks were made by Curtis Wall.

Council Members in Attendance: Deon Hunsaker, Curtis Wall, Jon Wells

Wade Campbell arrived during the meeting.

Council Members Excused: Sue Hyer

City Staff: City Manager Justin Lewis, Fire Chief Jeff Peterson, Police Chief Travis Allen, and City Engineer Clay Bodily

Visitors: Dan Sundstrom, Bob Holbrook, Theresa Forrester, Dave Forrester, Jeff Gittins, Lynda Gittins, Merrilee Wells, Trudy Wilson, Jennie Orme, Todd Orme, Ted Stokes, Caralee Stokes, Jeff Barnes, Chris Olsen, Jasilyn & Christopher Heaps, Dianna Cannell, Shawn & Liz Kirkley, Robert Hansen, Jenn Staker, Tayli Nelson, Craig Nielson, Michael Harris, Sharon Johnson, Bob Buckley, Donya Harvey, Becky Eck, Debbie Zilles

Approval of City Council meeting minutes from October 11th & 16th, 2023.

*****A motion to approve the October 11th & 16th, 2023 City Council meeting minutes was made by Curtis, seconded by Jon and the vote was unanimous.*****

Yes Vote: Hunsaker, Wall, Wells

No Vote: None

Absent: Campbell, Hyer

Resident Input

Mayor Monson asked residents to abide by the guidelines of the code of conduct and keep comments to three minutes or less.

Ted Stokes thanked the Council for the opportunity for resident input and to promote the First Amendment at these meetings. He would like to oppose Agenda Item #9 (the request by Dan Sundstrom to rezone property from R-1-12 to R-1-10). He pointed out that when Mr. Sundstrom presented this to the public, he stated there would be (17) 10,000 square foot lots – there are (58); he said there would be (45), 11,000-12000 square foot lots, there are (33); he said there would be (6) 16,000 square foot lots, there are (3) being proposed. Of the 102 lots, only 10 of them meet R-1-12 qualifications. He thinks the Planning Commission pushed this through unanimously because it was proposed as a type of mixed R-1-12/R-1-10, but the reality is that it is “very little that”. The other thing he thinks is important to note (and he included this in his email to the Mayor and Council) is he is tired of zoning this property to “move it along in the hopes of getting something better”. There have been three (3) applications for an MPC (Master

Planned Community) development here, which were all denied. He said, “the natural person in us feels like we need to cooperate and agree to something between MPC and R-1-12”. He does not think this is the way it is supposed to be. There should not be a feeling that the City and residents have to cooperate.

Jennie Orme agreed with Mr. Stokes's comments. She does not think there are as many people in attendance tonight because when Mr. Sundstrom presented it at the Planning Commission meeting, he made it seem like it would all be fine, giving everyone the impression that he was going to make it fit the neighborhood, which it does not. The request will not fit in with the existing neighborhood.

Liz Kirkley sent an email to Wade Campbell earlier today. The public has yet to see what impact the homes will have on the water supply, roads, traffic, and schools. Smaller lots will have smaller homes, their value will be lower which will decrease the value of the existing homes in the area. The proposed zone change is not compatible with the area around it. It seems like the push to change the zoning before there are answers to the other equations seems backward. She agrees with the comments that have been expressed.

David Forrester is concerned with the items located under the bowery by the historical cabin (Agenda Item #14). Some of his family members have donated some of the items there and he is concerned about where the items will go. He would like to be contacted if they are relocated.

Wade Campbell arrived at the meeting at 6:39 P.M.

Caralee Stokes is opposed to Agenda Item #9 and agrees with the comments that have been expressed. She thinks the area should remain R-1-12. She hopes the Council will see it how the residents see it. It should be done properly. She spoke with Mr. Sundstrom today and felt attacked by him. She is very upset and hopes the Council will do the right thing.

Tayli Nelson is glad this was not rezoned to MPC. Her property touches this property. She loves having neighbors and is excited about getting new ones. She spoke with Mr. Sundstrom about her concerns and said he was very kind to her. The current proposal would have two (2) 10,000 SF lots in her backyard. What is being proposed does not fit with the existing neighborhood. Smaller lots are not congruent with what is there. She agrees with the previous comments and would like to see it as R-1-12.

Bob Buckley expressed appreciation for Justin Lewis and his help with a recent exchange of property at the cemetery. He purchased four (4) lots in 1976 and wanted to be relocated closer to family. Justin was very professional in helping with the process. He would like the cemetery roads (especially running north/south) improved and labeled.

Becky Eck read from an email she sent to Jon Wells earlier: *“Thank you for serving our city and community, I appreciate your willingness to keep Smithfield City beautiful and a great place to live. While I invite growth and living space to our community, I also hope*

this will be done in a way that the infrastructure can handle it as well. While driving the back road of Logan to Hyde Park I feel guilty making it kind of a highway of sorts and I don't want our area in Smithfield, up by 10th (1000 East) to become that way". She hopes planning will be inspired and researched, She enjoys neighbors and people. She has friends who live in Davis County who say that there are times when they come home and have no water. She thanked the Council for their service and for listening.

Youth Council Report

Ashley Grigg and Taya Harvey said they helped with the Treat-or-Treat Street on October 20th – there was a good turnout. They will be helping with the Fun Run in November and the Night of Giving on December first and second.

Recognition of Jasilyn Heaps for time served on the Planning Commission.

Jasilyn expressed appreciation for the last 5 ½ years she has served on the Planning Commission. It has been a huge learning opportunity and is grateful for working with such great City staff who are always helpful in connecting her with the appropriate resources. It has been a great experience and she is excited for others to be a part of such an educational experience.

The Mayor expressed appreciation for her hard work and dedication and presented Jasilyn with a clock for her years of service.

Discussion and possible approval of James Marshall as a member of the Planning Commission.

James served on the Commission many years ago and is anxious to serve again.

*****A motion to appoint James Marshall as a member of the Smithfield City Planning Commission was made by Wade, seconded by Jon and the vote was unanimous.*****

Yes Vote: Campbell, Hunsaker, Wall, Wells

No Vote: None

Absent: Hyer

Discussion and possible approval of Chris Olsen as a member of the Planning Commission.

Chris thinks it is important to try to continue and improve Smithfield into the "City that cares". He recognized a few people such as Fire Chief Jeff Peterson and City Manager Justin Lewis, who are doing a fantastic job and he hopes to emulate them.

*****A motion to appoint Chris Olsen as a member of the Smithfield City Planning Commission was made by Wade, seconded by Curtis and the vote**

was unanimous.***

Yes Vote: Campbell, Hunsaker, Wall, Wells

No Vote: None

Absent: Hyer

Audit presentation for Fiscal Year 2023, which is the period of July 1, 2022 through June 30, 2023, by representatives of Allred Jackson.

Diana Cannell, a representative from Allred Jackson P.C. presented the audit findings to the Council. She thanked City staff for all their help.

She pointed out a few highlights:

Page 23 - Total Assets - \$89,898,324, which is a \$9,400,000 increase over last year. One area of growth was fixed assets. Cash increased by five million from the previous year, which has to do with a multitude of factors such as net income in most funds, and receivables which went down.

Page 24 – Liabilities stayed constant at just over nine million dollars.

Page 29 – Governmental Funds (general fund, capital projects) revenues went down about one million dollars. Last year there were some large grants, with one that was about one million dollars from the CMPO (Cache Metropolitan Planning Organization) for road projects. Expenses also went down because the grant proceeds were expended.

Page 36 – Revenues increased approximately \$2,500,000 (operating expenses). There is a new Solid Waste Enterprise Fund added this year which had revenues of \$1,400,000. Other fund revenues also saw an increase. Service amounts increased as the population increased. Expenses increased by \$2,000,000 (operating expenses). The difference in non-operating expenses was the addition of an ARPA (American Rescue Plan Act) grant.

Page 61 – Last year operating leases on equipment had to be added as a “right of use asset”. This mirrors what for-profit companies also had to adopt. These amounts still need to be budgeted, she explained how this new component works so the staff can properly account for it in the future.

Diana noted that impact fees need to be expended within six (6) years, there are a couple of funds that are getting close to the date.

There was only one state compliance finding (Page 99) regarding compliance with the Open & Public Meetings Act. The City needs to document the reason for a closed session (executive session) when it is held. All meetings were properly handled but one.

Curtis asked if there were any red flags to be aware of? Diana said it is always good to be cautious on expenditures, government is generally held to a higher standard. It is always good to make sound decisions on what money is spent on. Having good

internal controls is also very important. She thanked Smithfield City staff for doing a good job.

Wade asked if there was anything Smithfield could do better? Diana said good communication and access to information is always best practice. The City is doing a very good job.

Justin said during the interim of hiring a new City Recorder and creating segregation of duties, there will be extra reviews until the new person is trained.

Justin thanked Diana and her staff. They have worked with the City for many years and there has always been good communication and a good relationship.

Discussion with representatives of Birch Creek Elementary regarding safety concerns on 220 North.

Principal Trudy Wilson shared safety concerns with Birch Creek Elementary's growth and increased traffic. The road in question, 220 North, is the road between the school and where the LDS Temple is being built to the west. The width of the road is quite narrow and is accessed by parents picking up and dropping off children as well as school buses. There was a lot of concern this past winter with all the snow. One of the biggest problems is parking on both sides of the road. Students crossing the street is a big concern. She would like to have parking on only one side of the road, north side, during school times.

Curtis visited the site and sent Justin some photos. He has also talked with Public Works about snow removal. The road is 60 feet wide and when vehicles are parked on both sides of the street, it does not allow much room for buses to navigate. Public Works has also expressed concern with trees, located in the park strip, that have grown out into the road. It makes it difficult to get to the sides of the street to move snow.

Principal Wilson said the church across the street allows teachers to park in their parking lot during school hours.

The Council discussed whether to paint the curb red or place signage. It was determined signage would be most effective as snow can often hide the curb. Principal Wilson confirmed that the safety committee from the school can help pass out flyers and promote education.

Police Chief Allen suggested handling the problem as they do near Sky View High School where there is signage indicating no parking Monday through Friday between 8:30 a.m. to 3:30 p.m. Principal Wilson would be fine with that solution. Justin said this would help with some of the problems, yet also let vehicles park on the street outside of school hours.

The Council agreed that adding No Parking signage on the south side of 220 North from 600 West to 800 West during the hours of 8:00 a.m. – 5:00 p.m. would be a good

idea. This might also help with snow removal as well. Signage will be added and the school agreed to trim the trees in the park strip to help with snow removal.

Continued discussion and possible vote on the request by Visionary Homes for approval of the Final Plat for The Village at Fox Meadows PUD, Phase 7, a (16) lot/unit subdivision located at approximately 600 North 770 West. Zoned R-1-10 PUD (Single Family Residential 10,000 Square Feet Planned Unit Development Overlay Zone).

Justin said this project came before the Council last month and there was some concern about a part of the property being vacated. The City consulted with legal counsel. The amount of property, approximately 84 square feet, was considered de minimis. Legal advised that this can move forward with the addition of one additional signature block on the Final Plat with the correct wording as included in the motion below.

*****A motion to approve the request by Visionary Homes for approval of the Final Plat for The Village at Fox Meadows PUD, Phase 7, a (16) lot/unit subdivision located at approximately 600 North 770 West. Zoned R-1-10 PUD (Single Family Residential 10,000 Square Feet Planned Unit Development Overlay Zone) with the addition of a signature block stating “*BY SIGNING AND APPROVING THIS PLAT, SMITHFIELD CITY HEREBY TRANSFERS AND CONVEYS TO THE OWNER OF LOTS 116 AND 117 THAT PORTION OF 800 WEST STREET THAT IS BEING VACATED AND REALIGNED TO BECOME PART OF LOTS 116 AND 117 SO THAT TITLE VESTS IN THE OWNER OF LOTS 116 AND 117 BY VIRTUE OF THIS PLAT*” was made by Deon, seconded by Wade and the vote was unanimous.**

Yes Vote: Campbell, Hunsaker, Wall, Wells

No Vote: None

Absent: Hyer

Discussion and possible vote on 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 said typically when a piece of land is annexed into the City, it comes in as agricultural. The developer and/or landowner will then meet with the City to determine, based on current ordinances, what the best plan for the area would be. He originally felt that he had the support of the City to propose an MPC (Master Planned Community); however, that failed. He is now proposing an R-1-10 development which will use the same streets and roads as designed in the MPC. Dan is not a fan of large detention basins so this will be designed with sumps to handle the water. He pointed out that all the lots will be larger than 10,000 square feet. He wants to build what the market

demands, not everyone can afford large lots and large homes. He also noted that a water model and traffic impact study were both submitted and approved as part of the MPC review.

Mayor Monson asked whether all the new building lots would be developed by the same builder? Dan said he generally does not sell more than 10 lots to any one person or builder. This will not be a “box builder” situation. A purchaser can have their builder build a home.

Wade said this proposal/parcel has been one of the most controversial projects he has dealt with. He has studied this area and what is around it. He understands the resident's concerns. He would like it to fit what is existing in the area; however, he does not think R-1-10 would be much different so he does not have strong feelings for or against this proposal. He was opposed to the MPC idea.

Deon mentioned that this property is east of the canal so there is no irrigation water. Smaller lots seem to make sense as they won't use as much water. Generally, people are against growth; however, 85% of local growth is internal (own families – children, and grandchildren) and the City needs to do a better job of planning for future growth.

Wade said it can be difficult to quantify the water because people seem to be more interested in water-wise landscaping and conservation. There could be an argument made both ways with no conclusive data.

Curtis shared a recent quote from Governor Cox: *“If I could just underscore, I get asked often what the number one issue in Utah is, what's my number one issue is. I will tell you, this is it. It's number one, two, and three for me right now. It's not just an Utah issue, every state is facing this problem, but it is acute in the Mountain West. Certainly Utah, Idaho, Colorado, Arizona, we're seeing this maybe worse than other places in the country. But this will impact our ability to be prosperous as a society, it will impact our most vulnerable, it will impact the ability of our kids and grandkids to live in this state and be raised near us. Those of us from rural Utah have for generations understood the pain of having to export our children and grandchildren. All of Utah is going to start learning what it means to export your children and grandchildren if we are not incredibly serious of increasing significantly the supply of homes. I can't underscore this enough. Every mayor within the sound of my voice, every planning commission, every county commissioner, every city council, this should be your number one issue – what are you going to do, over the next year, to increase the supply of housing in your community, period. I want to know that. If you don't want state government to make you do it, then figure out how to do it. I know many of you are. I know I'm going to get yelled at by Mayor Ramsey. I just want to know. I know many of you are, but many of you are not. A lot of you are not taking this seriously. A lot of you think that this is somebody else's job to do that, that our community is different, our city is unique, our city doesn't have to act. Somebody else will do that. That's for Vineyard, right? No – no, no, no, no, no. If you care about your citizens, if you care about this state, if you care about your kids and grandkids, figure out a way to build housing quicker, figure out a way to build housing more cheaply, figure out a way to make decisions faster, figure out a way to streamline everything you want to do. You can do all of it. You can do all*

of it. You can do it the right way. You can still do it the right way. But every day it takes you longer to make a decision, that's less housing and more expensive housing. On every added requirement you put on to housing in your community, that's more expensive housing and less housing. That's how this works, all right? I'm really passionate about this, and you're not going to like me if we don't do more of this, I assure you. Probably not a great thing to say heading into an election year, but I feel very passionate about it."

Curtis said the Planning Commission voted unanimously on developing an MPC at this location, which was later denied by the City Council. This was a missed opportunity for open space and amenities. If cities do not figure out ways to handle growth, the state will begin doing it. Smithfield needs to create a better plan for future growth.

*****A motion to adopt 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) was made by Curtis, seconded by Deon and the motion FAILED by a vote of 2-3.*****

Yes Vote: Hunsaker, Wall

No Vote: Campbell, Wells, Monson

Absent: Hyer

Discussion and possible vote on Resolution 23-14, a Resolution appointing Mike Arnold as Trustee representing Richmond City, Smithfield City and Lewiston City on the Cache Valley Transit District Board of Trustees starting on January 1, 2024.

Mayor Monson said Mike Arnold, the current Smithfield City CVTD (Cache Valley Transit District) representative has agreed to serve as the Trustee representing Richmond, Smithfield, and Lewiston for another two years, after which a representative from one of those cities will be appointed. Richmond and Lewiston agree with this Resolution as presented.

*****A motion to adopt Resolution 23-14, a Resolution appointing Mike Arnold as Trustee representing Richmond City, Smithfield City, and Lewiston City on the Cache Valley Transit District Board of Trustees starting on January 1, 2024 was made by Wade, seconded by Jon and the vote was unanimous.*****

Yes Vote: Campbell, Hunsaker, Wall, Wells

No Vote: None

Absent: Hyer

Discussion on Fire Department equipment needs.

Fire Chief Jeff Peterson explained that he would like to use \$27,000 from Wildland Revenue for new thermal imaging equipment. There was a demonstration for the Council. Thermal imaging GPS tracks firefighters to increase safety. Chief Peterson said he would like to purchase the equipment by the end of the year because there is a sale where they can purchase (9), get three for free and receive a total of (12) units. There is no greater responsibility than ensuring firefighters return home at the end of their shift. This is great new cutting-edge technology. The Memphis, Tennessee Fire Department just received a grant to outfit their entire department with this new equipment.

Wade asked about warranties on this equipment. Chief Peterson said MSA is the premier supplier of equipment and although he does not have the specifics, he is confident they will be taken care of. MSA has air packs that can coordinate with these devices, they are a very forward-thinking company. The plan is to work with other local agencies for training on the equipment.

Jon asked if there are any grants to help with this type of equipment purchase? Chief Peterson said they can look into that; however, they would like to purchase these first ones with the revenue earned during wildfire deployments.

Curtis is happy to know that the department has put their revenue to good use. Chief Peterson agreed that this purchase rests solely on the hard work of the firefighters.

The Council agreed with this proposal. Justin said this adjustment will be included in the budget which will be reviewed at the next council meeting on December 5th.

Discussion and possible vote on a new sign for the entrance to the cemetery.

The Mayor said the granite slab on the cemetery has fallen off and was broken.

Jon said the previous sign had mortar used to hold the slab in. He has talked with the companies who helped with the original sign, Evolution Design and Brown Monument who did the engraving. Evolution Design estimated it would cost \$4,000 to install a new slab. There is a need to do something to smooth the existing surface (e.g., skim coat which is a thin layer of drywall joint compound that gives walls a glass-smooth finish). A new slab will not adhere to it, so something needs to be done. The previous slab was three centimeters thick; a two-centimeter slab is offered but there may be some questions with longevity.

Curtis met with the cemetery staff and determined that the original slab was not set in well. He has researched polymer stucco (made from acrylic resins, polymers, and sand, and resembles a thin glue or a high-quality paint in consistency) that can be put on once the surface is skim coated. Although warm weather is required, they can use a tent and heater if it needs to be done sooner. He has also met with Sign Pro

and Metal Vision on different types of design and lettering. Most of the estimates he received were approximately \$2,500 but the end cost would be based on the design. Metal Vision can cut out lettering in stainless metal or brushed aluminum. Metal may work better and be more durable than granite.

Mayor Monson would like to meet with Metal Vision to see what they can do. She is very concerned that the sign look classy. She asked for time to do some research and that this discussion be continued to the next meeting. Curtis mentioned that he would like to see a decision made before his term ends at the end of December.

Curtis answered for Mr. Buckley (who voiced his concern during public comment) that the roads at the cemetery have been, and will continue to be, improved.

Discussion and possible vote on amendments to the Employee Personnel Manual of the City.

Justin reviewed and explained the three proposed changes:

- *PTO shall be taken in quarter (1/4) hour increments and will be reduced from the PTO account by pay period. This would be a benefit for employees with no cost to the City. It would be PTO already accrued by an employee.*
- *Holiday Schedule – Juneteenth – July 19th or when recognized year to year.*
- *Dress & Hygiene Standards – 4. Tattoos that are distracting or contain offensive words, messages, slogans, or pictures, including but not limited to those displaying nudity, sexual acts, gender, race, religion, disability, or national origin, and/or may be perceived to be gang-related shall be covered and/or not visible while on duty.*
 - a. *If questionable or inappropriate tattoos are displayed, the respective Department Head or Supervisor has the right to advise the employee to cover the tattoo immediately and for all future time on the job or to go home and change his/her attire immediately as appropriate. Employees will not be paid for missed work under these circumstances but may be allowed to use PTO (Personal Time Off), if applicable. Repeated offenders may be subject to possible termination.*

Curtis asked about the intention of the tattoo policy, whether it could be inferred differently, and whether it would be included in job applications. Justin said it would become part of the personnel manual and hiring policy.

*****A motion to approve amendments to the Employee Personnel Manual of the City was made by Wade, seconded by Curtis and the vote was unanimous.*****

Yes Vote: Campbell, Hunsaker, Wall, Wells

No Vote: None

Absent: Hyer

Discussion on items located under the bowery behind the historical cabin.

Mayor Monson mentioned that the bowery located behind the historical cabin has become an eyesore with items such as dumped branches, and weeds. Some of the artifacts in the bowery are not adequately protected from the elements and are showing signs of deterioration. She would like to see the appearance of the area improved. She has talked with Brett Daniels, Recreation Center Director, about possible uses for the pavilion. She and Sharon Johnson from the Historical Society have gone out and looked at what is there. Some of the items may be salvageable. She would like to form a committee, including a City Council member and a Historical Committee member to assess what should be saved and what should be removed to clean the area up.

Jeff Gittins answered questions about where some of the items came from, what might be fixable, and how to better protect the area. He suggested putting up a solid wall or vinyl fence on the north side to help protect items from the elements. Jeff will work with Jon and go through the policy/procedure to determine how to move forward.

City Manager Report

- Lieutenant Gary Bunce from the Police Department is working over (30) hours each week working on GRAMA requests. The City would like to reallocate funds to hire a part-time, non-benefitted person to perform this task and help with the front office. Police Chief Travis Allen explained that they gave up a police department secretary position in 2018 to hire another police officer. Since then, the City has been inundated with record requests and there is a need to hire someone so officers can concentrate on other duties. The Council agreed to allocate funding for this position in the budget adjustments on December 5th.
- 600 West sewer project – all of the piping has been installed. Clean-up is all that is left and will be based on the weather (as to when the field will be repaired) and the fence will be installed. An additional \$18,000 was authorized out of the current budget for 180 feet of additional piping which was upsized.
- A reminder that the election day has been changed to November 21st (due to a special election in Congressional District 2 to replace Representative Chris Stewart, who resigned). Three council seats are up to be filled. The final results will be posted on Friday, December 1st, and certified at the city council meeting on Tuesday, December 5th.
- The Central Park well project is finishing up and the well will be tested by the end of the month. This project was funded by ARPA (America Rescue Plan Act) funds.
- One of the focuses this year will be improving the quality of all the parks in the City. He is working with the Parks staff to come up with a plan.

- There is an estimate of \$500,000 to finish improving the rest of the cemetery roads. There is currently \$750,000 saved in the Local Road Tax account. Justin would like to know if the Council agrees with using some of that funding for this project. The roads will have to be dug out and replaced with road base. Although many road projects need to be done, the staff feels like this is a good plan. The Council agreed this would be a good project to proceed with and reallocate funds to do so. This change will be included in the December 5th budget adjustments.
- A request was made to allocate engineering funds to re-design the 100-year-old spring line that is currently feeding the City water from up Smithfield Canyon. Staff feels that this is one of the most important projects there is in the city at this time. If this line goes down, it will be a huge problem. The Mayor agrees that this is an important issue. Justin said the new well will go online at the end of the month, currently, it will only be used as needed. Wells are generally used when the demand increases and they are necessary. Variable frequency drives are being installed on the Birch Creek, Central Park and Forrester Acres wells to be able to better control demands/flows.
- COG (Council of Governments) road projects are approved annually. Smithfield did not submit for funding this year. The idea is to submit for a roundabout at 300 South 1000 East as roundabouts are a high priority for COG and they have approved several recently. There is a high probability that this project could be approved; however, to apply engineering drawings have to be 90% complete. Mayor Monson agreed that these types of projects need to be “shovel-ready” once approved. Jon asked if COG helps with land acquisition. Clay said they do help with property acquisition. There was a property acquisition with the 250 East 600 South roundabout. Wade asked how much this project might cost? Justin said it would likely be about \$1,000,000 based on other local projects of similar size and their cost. He can look at different options and include this as a possible adjustment in the budget.
- There are currently less than (300) cemetery plots available to purchase. There has been a design for expanding the cemetery to the east. This would include a cremation only section on the north end and the rest designed for inground flat headstones only. With this plan, the City would gain 3,045 burial plots and 1,350 cremation spots. The approximate cost of the project is \$900,000-\$950,000. The difficult component is that the return on investment will take decades. The Council needs to begin deciding what needs to be done moving forward. Even if the project is done over two phases, the initial cost will be at least 75% of the total because of how the roads are laid out. Based on the current price of burials, over time it will bring in \$2,000,000 in revenue over many decades. If nothing is going to be done, the Council should consider only selling plots to residents because there is only a finite amount left. Wade asked about burying people two deep. Justin is concerned about the depth and how that would be handled with current vaults, he will have to do more research into that option. Going forward this is an idea that can be considered.

- Justin thanked this year's candidates for following all the rules with election signs, there have been very few problems compared to previous years.

Mayor and City Council Reports

Deon said the Lions Club recently held their District Convention with a diabetes walk and food drive which were all successful. There will be a blood drive on December 18th. The Library Open House was a very nice event.

Jon said the Douglass Mercantile Building renovation project is progressing.

Curtis recently met with BRAG (Bear River Association of Governments) about the CDBG (Community Development Block Grant). He has the information and would like to meet with Sharon Johnson about applying for improvements to the Senior Center. A public hearing will have to be held on December 5th to announce that Smithfield will be applying for funding. All three companies he spoke with earlier will be honoring their bids for this project. The upcoming Night of Giving hosted by the Smithfield Chamber of Commerce in December is always a great event. Tickets are selling quickly but can be purchased at Lee's Marketplace or directly from the chamber. Last year \$39,000 was raised to help families in need for the holidays.

Wade said the Library Open House was well attended.

Mayor Monson said the Trick-or-Treat Street was well attended. The Fire Department did a very fun pumpkin drop. Each department will do its own holiday lunch or dinner, she encouraged Council members to attend some as they can. She would also like to have a Christmas dinner for Council members and spouses. She will send out possible dates. Twenty-four applicants applied for the City Recorder position; they will be reviewed beginning tomorrow.

**** Wade made a motion to adjourn at 9:25 P.M. ****

SMITHFIELD CITY CORPORATION

Kristi Monson, Mayor

ATTEST:

Justin B. Lewis, City Recorder



SMITHFIELD CITY CORPORATION
96 South Main
Smithfield, UT
84335 AGENDA

Public Notice is given that the Smithfield City Council will meet in a regularly scheduled meeting at 96 South Main, Smithfield, Utah, on **Wednesday, November 8, 2023**. The meeting will begin at 6:30 PM.

Welcome/pledge of allegiance and thought/prayer by Curtis Wall.

1. Approval of the city council meeting minutes from October 4, 11and 16, 2023.
2. Resident Input
3. Recognition of Jasilyn Heaps for time served on the Planning Commission.
4. Discussion and possible approval of James Marshall as a member of the Planning Commission.
5. Discussion and possible approval of Chris Olsen as a member of the Planning Commission.
6. Audit presentation for Fiscal Year 2023, which is the period of July 1, 2022 through June 30, 2023, by representatives of Allred Jackson.
7. Discussion with representatives of Birch Creek Elementary regarding safety concerns on 220 North.
8. Continued discussion and possible vote on the request by Visionary Homes for approval of the Final Plat for The Village at Fox Meadows PUD, Phase 7, a (16) lot/unit subdivision located at approximately 600 North 770 West. Zoned R-1-10 PUD (Single Family Residential 10,000 Square Feet Planned Unit Development Overlay Zone).
9. Discussion and possible vote on 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.
10. Discussion and possible vote on Resolution 23-14, a Resolution appointing Mike Arnold as Trustee representing Richmond City, Smithfield City and Lewiston City on the Cache Valley Transit District Board of Trustees starting on January 1, 2024.
11. Discussion on fire department equipment needs.
12. Discussion and possible vote on a new sign at the entrance to the cemetery.
13. Discussion and possible vote on amendments to the Employee Personnel Manual of the City.
14. Discussion on items located under the bowery behind the historical cabin.
15. City Manager Report

16. Council Member and Mayor Reports

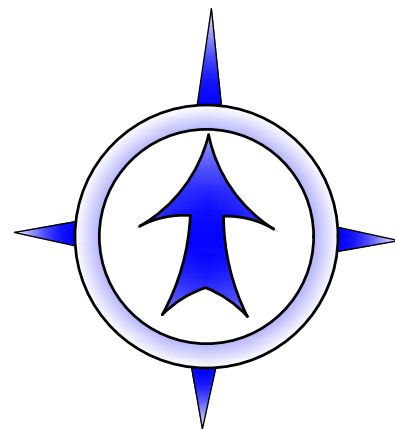
Adjournment

*****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.

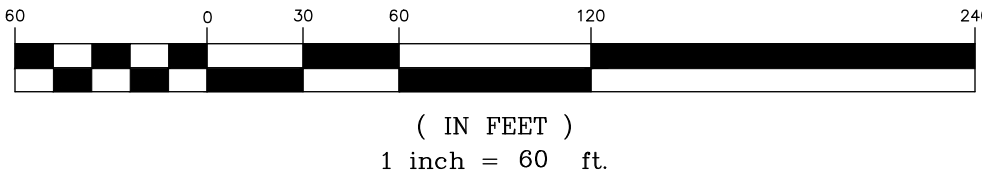
Roger Cantwell Minor Subdivision

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



October 5, 2023

GRAPHIC SCALE

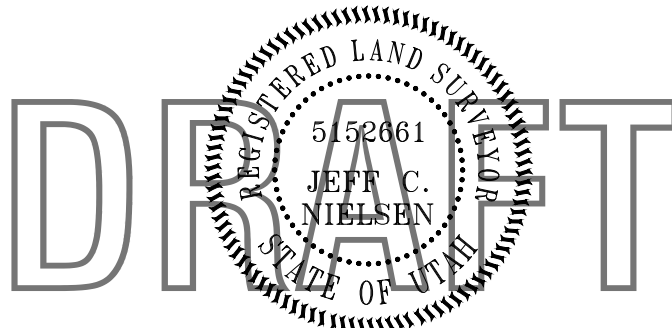


SURVEYOR'S CERTIFICATE

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. 54-3-27 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

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 _____

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 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 _____

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

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/she 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. _____

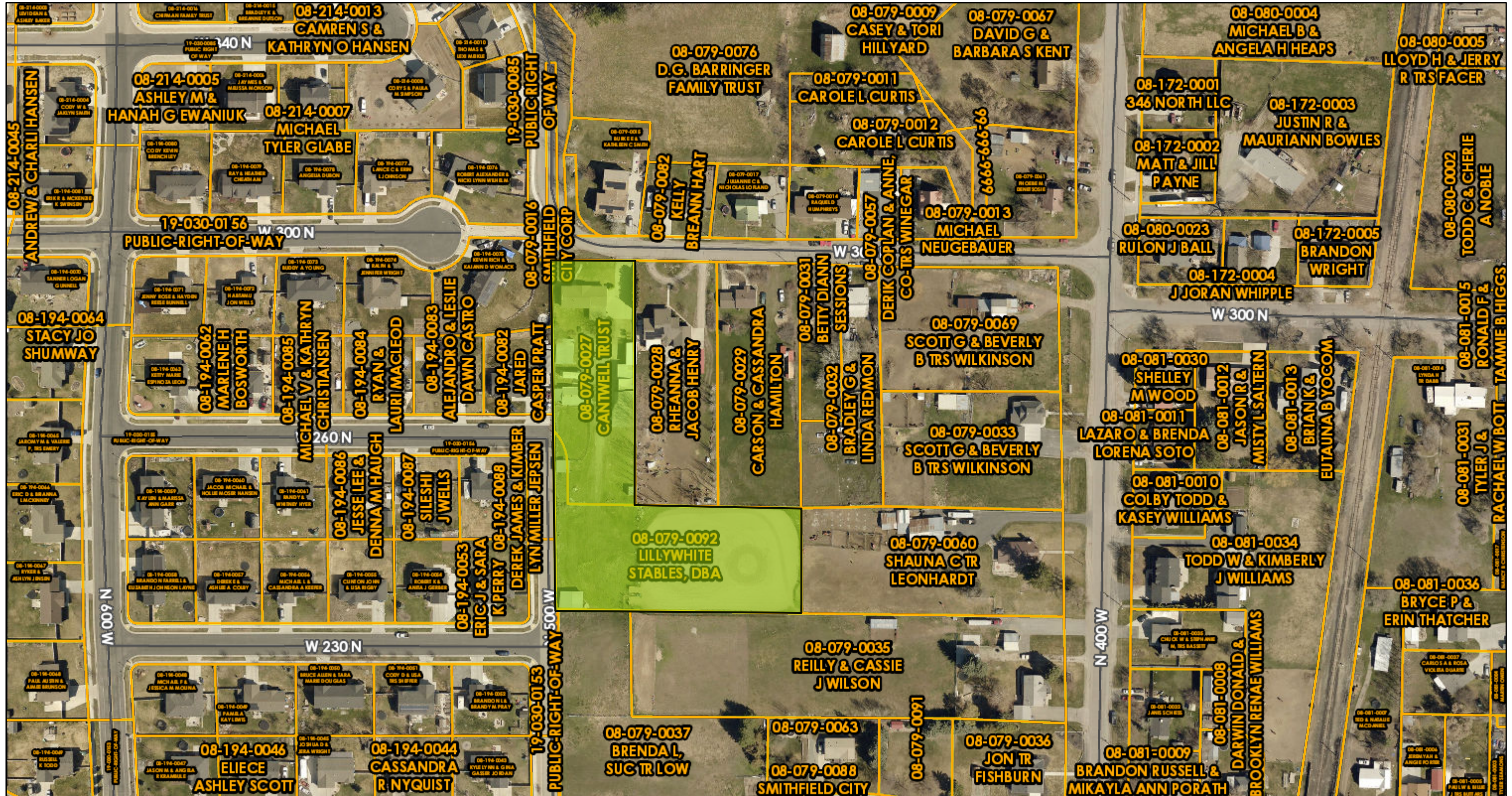
STATE OF UTAH, COUNTY OF CACHE, RECORDED AND FILED
AT THE REQUEST OF: _____
DATE: _____ TIME: _____ FEE: _____
BOOK: _____ PAGE: _____

CACHE COUNTY RECORDER _____

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

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

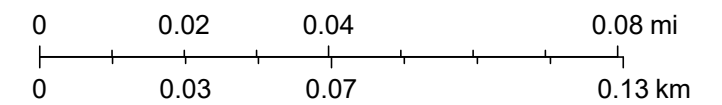
Parcel Map



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

1:2,257

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



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:

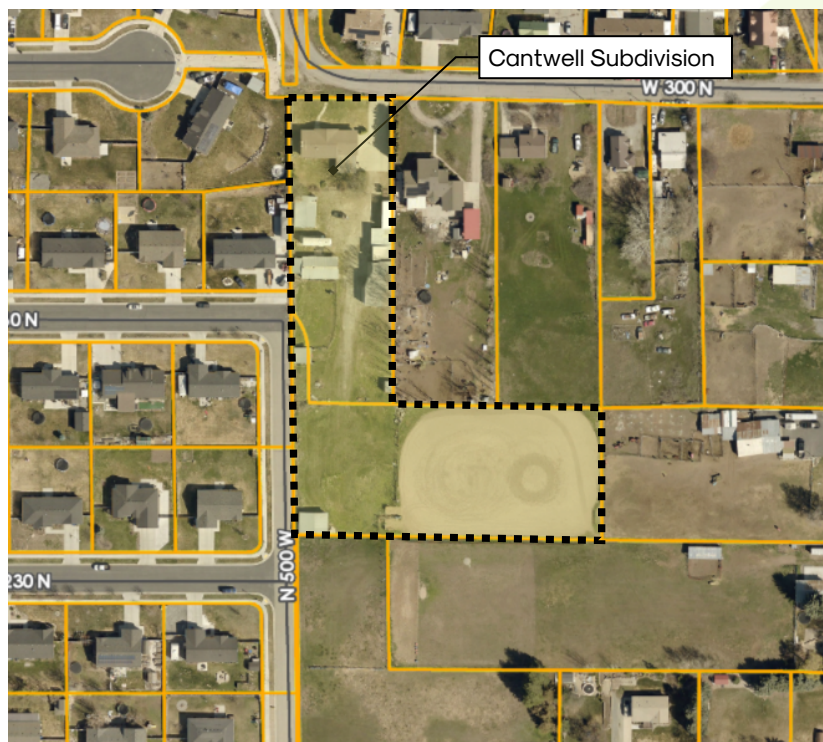
RA-1 (Residential)

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.



**SMITHFIELD CITY CORPORATION
96 SOUTH MAIN
SMITHFIELD, UT 84335**

Primary Election Canvass for November 21, 2023

City Council – 4 Year Term

Jay D. Downs	1,219
Todd Orme***	1,504
Jon Wells	722
Jeffrey H. Barnes	762
Ted F. Stokes***	1,520
Jenn Staker***	1,461

***Elected

Total Registered Voters: 7,516

Total Ballots Received: 2,777

Total Ballots Counted: 2,676

Total Ballots Not Counted: 101

Voting Percentage: 36.95%

We the undersigned Board of Canvassers and City Recorder, hereby, certify the foregoing statement to be a true and correct tabulation of the November 21, 2023 Primary Election returns as derived from the Official Canvass of the votes.

Curtis Wall, City Council_____

Deon Hunsaker, City Council_____

Sue Hyer, City Council_____

Jon Wells, City Council_____

Wade Campbell, City Council_____

Justin B. Lewis, City Recorder_____



Election Canvass Affidavit

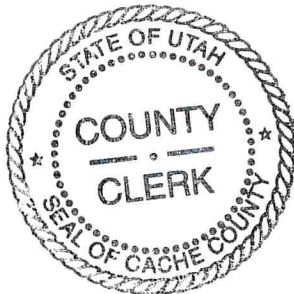
STATE OF UTAH
COUNTY OF CACHE

I, David Benson, being sworn as the Election Officer of Cache County, do hereby state the following:

1. The attached results from the 2023 Municipal General Election are true and correct to the best of my knowledge.
2. The 2023 Municipal General Election was conducted in compliance with the rules and regulations for ballot security as outlined by the Lieutenant Governor's Office.
3. The Clerk's office maintains the voter registration database in accordance with federal and state laws and rules.

David Benson
Cache County Clerk

12/01/2023
Date



RESOLUTION 23-17

SMITHFIELD CITY'S PREVAILING FEE SCHEDULE

WHEREAS, Smithfield City, being an incorporated City, desires to provide a combined and complete schedule of fees charged by the City; and,

WHEREAS, Smithfield City has referenced several assessed fees throughout the Municipal Code as being identified on the most current prevailing fee schedule; and,

WHEREAS, these fees are changed from time to time; and,

WHEREAS, in the process of daily administration of the City, it is deemed to be more efficient to consolidate all assessed fees on one schedule,

NOW, THEREFORE, be it resolved;

That the Smithfield City Prevailing Fee Schedule be adopted setting forth the fees to be charged from January 1, 2024 until a future update by the city council (See attached schedule).

Approved and signed this 5th day of December, 2023

SMITHFIELD CITY CORPORATION

Kristi Monson, Mayor

ATTEST:

Justin B. Lewis, City Recorder

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. 23-33

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
------------------	-------------------

- 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 three (3) 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 dwelling units 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.



RESOLUTION 23-15

**A RESOLUTION FOR THE APPOINTMENT OF A REPRESENTATIVE
TO THE CACHE MOSQUITO ABATEMENT DISTRICT**

WHEREAS, the City of Smithfield, Cache county, Utah, is a member of the Cache County Mosquito Abatement District, and

WHEREAS, the City of Smithfield is entitled to representation on the Cache Mosquito Abatement District Board of Trustees, and

WHEREAS, the City of Smithfield has followed the procedures for said appointment found in Utah Code 17B-1-304,

THEREFORE, BE IT RESOLVED that the Smithfield City council hereby appoints Wade Campbell to serve as a Trustee of the Cache Mosquito Abatement District for a four (4) year term starting on January 1, 2024.

PASSED AND APPROVED this 5th day of December, 2023.

SMITHFIELD CITY CORPORATION

Kristi Monson, Mayor

ATTEST:

Justin B. Lewis, City Recorder

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 ~~e~~City Engineer's certificate of approval;
 7. ~~6.~~ The ~~e~~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.

Index	Utah Code
Title 10	Utah Municipal Code
Chapter 9a	Municipal Land Use, Development, and Management Act
Part 6	Subdivisions
Section 604.9	Effective dates of Sections 10-9a-604.1 and 10-9a-604.2. (Effective 5/3/2023)

Affected by [63I-2-210](#) on 1/1/2025

Effective 5/3/2023

10-9a-604.9. Effective dates of Sections 10-9a-604.1 and 10-9a-604.2.

- (1) Except as provided in Subsection [\(2\)](#), Sections [10-9a-604.1](#) and [10-9a-604.2](#) do not apply until December 31, 2024.
- (2) For a specified municipality, as defined in Section [10-9a-408](#), Sections [10-9a-604.1](#) and [10-9a-604.2](#) do not apply until **February 1, 2024**.

Index	Utah Code
Title 10	Utah Municipal Code
Chapter 9a	Municipal Land Use, Development, and Management Act
Part 4	General Plan
Section 408	Moderate income housing report -- Contents -- Prioritization for funds or projects -- Ineligibility for fu (Effective 3/2/2023)

Effective 3/2/2023

10-9a-408. Moderate income housing report -- Contents -- Prioritization for funds or projects -- Ineligibility for funds after noncompliance -- Civil actions.

- (1) As used in this section:
 - (a) "Division" means the Housing and Community Development Division within the Department of Workforce Services.
 - (b) "Implementation plan" means the implementation plan adopted as part of the moderate income housing element of a specified municipality's general plan as provided in Subsection [10-9a-403\(2\)\(c\)](#).
 - (c) "Initial report" or "initial moderate income housing report" means the one-time report described in Subsection [\(2\)](#).
 - (d) "Moderate income housing strategy" means a strategy described in Subsection [10-9a-403\(2\)\(b\)\(iii\)](#).
 - (e) "Report" means an initial report or a subsequent progress report.
 - (f) "Specified municipality" means:
 - (i) a city of the first, second, third, or fourth class;**
 - (ii) a city of the fifth class with a population of 5,000 or more, if the city is located within a county of the first, second, or third class; or
 - (iii) a metro township with a population of 5,000 or more.

* - First class = 1,000,000 people or more; second class = 175,000-999,999 people; third class = 40,000-174,999 people

** - First class = 100,000 people or more; second class = 65,000-99,999 people; third class = 30,000-64,999 people; fourth class = 10,000-29,999 people; fifth class = 1,000-9,999 people

[Title 10](#) Utah Municipal Code
[Chapter 9a](#) Municipal Land Use, Development, and Management Act
[Part 6](#) Subdivisions
Section 604.1 **Process for subdivision review and approval.**
 (Effective 5/3/2023)

Effective 5/3/2023

10-9a-604.1. Process for subdivision review and approval.

- (1) (a) As used in this section, an "administrative land use authority" means an individual, board, or commission, appointed or employed by a municipality, including municipal staff or a municipal planning commission.
- (b) "Administrative land use authority" does not include a municipal legislative body or a member of a municipal legislative body.
- (2) (a) This section applies to land use decisions arising from subdivision applications for single-family dwellings, two-family dwellings, or townhomes.
- (b) This section does not apply to land use regulations adopted, approved, or agreed upon by a legislative body exercising land use authority in the review of land use applications for zoning or other land use regulation approvals.
- (3) A municipal ordinance governing the subdivision of land shall:
 - (a) comply with this section, and establish a standard method and form of application for preliminary subdivision applications and final subdivision applications; and
 - (b) (i) designate a single administrative land use authority for the review of preliminary applications to subdivide land; or
 - (ii) if the municipality has adopted an ordinance that establishes a separate procedure for the review and approval of subdivisions under Section [10-9a-605](#), the municipality may designate a different and separate administrative land use authority for the approval of subdivisions under Section [10-9a-605](#).
- (4) (a) If an applicant requests a pre-application meeting, the municipality shall, within 15 business days after the request, schedule the meeting to review the concept plan and give initial feedback.
- (b) At the pre-application meeting, the municipal staff shall provide or have available on the municipal website the following:
 - (i) copies of applicable land use regulations;
 - (ii) a complete list of standards required for the project;
 - (iii) preliminary and final application checklists; and
 - (iv) feedback on the concept plan.
- (5) A preliminary subdivision application shall comply with all applicable municipal ordinances and requirements of this section.
- (6) An administrative land use authority may complete a preliminary subdivision application review in a public meeting or at a municipal staff level.
- (7) With respect to a preliminary application to subdivide land, an administrative land use authority may:
 - (a) receive public comment; and
 - (b) hold no more than one public hearing.
- (8) If a preliminary subdivision application complies with the applicable municipal ordinances and the requirements of this section, the administrative land use authority shall approve the preliminary subdivision application.

- (9) A municipality shall review and approve or deny a final subdivision plat application in accordance with the provisions of this section and municipal ordinances, which:
- (a) may permit concurrent processing of the final subdivision plat application with the preliminary subdivision plat application; and
 - (b) may not require planning commission or city council approval.
- (10) If a final subdivision application complies with the requirements of this section, the applicable municipal ordinances, and the preliminary subdivision approval granted under Subsection [\(9\)\(a\)](#), a municipality shall approve the final subdivision application.

Part 6 **Subdivisions**
Section 604.2 **Review of subdivision land use applications and subdivision improvement plans.**
(Effective 5/3/2023)

Effective 5/3/2023

10-9a-604.2. Review of subdivision land use applications and subdivision improvement plans.

- (1) As used in this section:
 - (a) "Review cycle" means the occurrence of:
 - (i) the applicant's submittal of a complete subdivision land use application;
 - (ii) the municipality's review of that subdivision land use application;
 - (iii) the municipality's response to that subdivision land use application, in accordance with this section;
and
 - (iv) the applicant's reply to the municipality's response that addresses each of the municipality's required modifications or requests for additional information.
 - (b) "Subdivision improvement plans" means the civil engineering plans associated with required infrastructure and municipally controlled utilities required for a subdivision.
 - (c) "Subdivision ordinance review" means review by a municipality to verify that a subdivision land use application meets the criteria of the municipality's subdivision ordinances.
 - (d) "Subdivision plan review" means a review of the applicant's subdivision improvement plans and other aspects of the subdivision land use application to verify that the application complies with municipal ordinances and applicable standards and specifications.
- (2) 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.
- (3)
 - (a) No later than 15 business days after the day on which an applicant submits a complete preliminary subdivision land use application for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes, the municipality shall complete the initial review of the application, including subdivision improvement plans.
 - (b) A municipality shall maintain and publish a list of the items comprising the complete preliminary subdivision land use application, including:
 - (i) the application;
 - (ii) the owner's affidavit;
 - (iii) an electronic copy of all plans in PDF format;
 - (iv) the preliminary subdivision plat drawings; and
 - (v) a breakdown of fees due upon approval of the application.
- (4)
 - (a) A municipality shall publish a list of the items that comprise a complete final subdivision land use application.
 - (b) No later than 20 business days after the day on which an applicant submits a plat, the municipality shall complete a review of the applicant's final subdivision land use application for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes, including all subdivision plan reviews.
- (5)
 - (a) In reviewing a subdivision land use application, a municipality may require:
 - (i) additional information relating to an applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for construction of public improvements; and

- (ii) modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.
- (b) A municipality's request for additional information or modifications to plans under Subsection [\(5\)\(a\)\(i\)](#) or [\(ii\)](#) shall be specific and include citations to ordinances, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.
- (c) A municipality may not require more than four review cycles.
- (d)
 - (i) Subject to Subsection [\(5\)\(d\)\(ii\)](#), unless the change or correction is necessitated by the applicant's adjustment to a plan set or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in a municipality's plan review is waived.
 - (ii) A modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.
 - (iii) If an applicant makes a material change to a plan set, the municipality has the discretion to restart the review process at the first review of the final application, but only with respect to the portion of the plan set that the material change substantively effects.
- (e) If an applicant does not submit a revised plan within 20 business days after the municipality requires a modification or correction, the municipality shall have an additional 20 business days to respond to the plans.
- (6) After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the municipality's previous review cycle, the municipality may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.
- (7)
 - (a) In addition to revised plans, an applicant shall provide a written explanation in response to the municipality's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.
 - (b) The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.
 - (c) If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle may not begin until all comments are addressed.
- (8)
 - (a) If, on the fourth or final review, a municipality fails to respond within 20 business days, the municipality shall, upon request of the property owner, and within 10 business days after the day on which the request is received:
 - (i) for a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Subsection [10-9a-508\(5\)\(d\)](#) to review and approve or deny the final revised set of plans; or
 - (ii) for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.

RESOLUTION 23-16

A RESOLUTION AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE CITY OF SMITHFIELD, UTAH.

BE IT ORDAINED by the City Council Members of the City of Smithfield, Utah, that the Fiscal Year 2024 budget be amended to include increases/(decreases) within the General Fund and Enterprise Funds.

GENERAL FUND

Revenue	\$1,966,342
<u>Expenses</u>	
Administrative	\$281,434
Election	0
Court	10,000
Historical Society	30,000
Planning	212
Youth Council	0
Library	17,733
Fire Dept	201,631
Police	71,378
Public Works	472
Cemetery	11,432
Class "C" Roads	0
Parks	39,429
Streets	577,382
Central Dispatch	7,272
Park Impact	84,780
Recreation	5,975
Celebrations	0
Senior Center	2,600
Youth Center	0
Civic Center	0
Golf	19,818
Capital Improvement	604,794
Total	\$1,966,342

GENERAL CAPITAL IMPROVEMENT FUND

Revenue	\$621,794
Expense	\$351,500

WATER ENTERPRISE FUND

Revenue	\$620,038
Expense	\$1,162,806

SEWER ENTERPRISE FUND

Revenue	\$306,206
Expense	\$463,261

STORM WATER ENTERPRISE FUND

Revenue	\$65,433
Expense	\$113,540

SOLID WASTE ENTERPRISE FUND

Revenue	\$0
Expense	\$266,125

PASSED AND APPROVED this 5th day of December, 2023.

SMITHFIELD CITY CORPORATION

Kristi Monson, Mayor

ATTEST:

Justin B. Lewis, City Recorder

ORDINANCE NO. 23-35

**AN ORDINANCE VACATING ANY UNPLATTED PUBLIC STREET
INTEREST LOCATED IN PHASES 5 OR 6 OF THE FOX MEADOWS
SUBDIVISION**

WHEREAS, Smithfield City (the “City”) approved the subdivision of all the property contained within the boundaries of real property now known as Phases 5 and 6 of the Fox Meadows Subdivision, which real property is more particularly described in Exhibit “A” attached hereto as Exhibit “A” (the “Property”);

WHEREAS, in approving the plats for Phases 5 and 6 of the Fox Meadows Subdivision, the City intended the result to be that all public streets located on the Property would be as depicted on the subdivision plats for the Property;

WHEREAS, the subdivision plat for Phase 5 of Fox Meadows Subdivision was recorded on March 9, 2023 as Entry No. 1337014, Book 2023, Page 3715 in the Cache County Recorder’s Office;

WHEREAS, the subdivision plat for Phase 6 of Fox Meadows Subdivision was recorded on September 21, 2023 as Entry No. 1346756, Book 2023, Page 3766 in the Cache County Recorder’s Office (together with the plat for Phase 5 as the “Plats”);

WHEREAS, after the recording of the Plats it was discovered that there may be public streets not of record that exist within the boundaries of the Property;

WHEREAS, the City Council has determined that it is in the best interest of the residents of the City to retain the public streets as depicted on the Plats and to vacate the existence of any other public streets that may exist within the Property;

WHEREAS, notice has been provided as required by Utah Code § 10-9a-208 and a public hearing has been held in accordance with Utah Code § 10-9a-609.5; and

WHEREAS, the City Council has determined that good cause exists to vacate any public street interest that may exist within the boundaries of the Property except as depicted on the Plats;

NOW, THEREFORE, BE IT ORDAINED, by the Smithfield City Council, Cache County, State of Utah, as follows:

1. Any public street that exists within the boundaries of the real property described on Exhibit A to this Ordinance that is not depicted as an expressly dedicated public street on the Plats is hereby vacated and abandoned as a public street with title to the vacated and abandoned public street to vest as shown on the Plats.

2. The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance

3. This ordinance shall become effective immediately upon publication or posting as set forth by State Law.

ADOPTED AND PASSED, by the SMITHFIELD CITY COUNCIL this 5th day of December, 2023.

SMITHFIELD CITY CORPORATION

Kristi Monson, Mayor

ATTEST:

Justin B. Lewis, City Recorder

EXHIBIT "A"

(Legal Description of the "Property")

Lots 101-104 of the FOX MEADOWS SUBDIVISION PHASE 5 according to the official plat thereof on file and of record in the office of the Cache County recorder, State of Utah.

Phase 5 Tax ID
08-214-0101
08-214-0102
08-214-0103
08-214-0104

Lots 105-127 of the FOX MEADOWS SUBDIVISION PHASE 6 according to the official plat thereof on file and of record in the office of the Cache County recorder, State of Utah.

Phase 6 Tax ID
08-214-0105
08-214-0106
08-214-0107
08-214-0108
08-214-0109
08-214-0110
08-214-0111
08-214-0112
08-214-0113
08-214-0114
08-214-0115
08-214-0116
08-214-0117
08-214-0118

08-214-0119
08-214-0120
08-214-0121
08-214-0122
08-214-0123
08-214-0124
08-214-0125
08-214-0126
08-214-0127

Smithfield City,

Per Utah Code 10-9a-609.5, Visionary Homes 2022 LLC, formally requests that Smithfield City vacates any public street that exists within the boundaries of the real property described below, that is not depicted as an expressly dedicated public street on the Fox Meadows Phase 5 & 6 subdivision plats as recorded on the Cache County Recorder's Office.

(Legal Description of the "Property")

Lots 101-104 of the FOX MEADOWS SUBDIVISION PHASE 5 according to the official plat thereof on file and of record in the office of the Cache County recorder, State of Utah.

Lots 105-127 of the FOX MEADOWS SUBDIVISION PHASE 6 according to the official plat thereof on file and of record in the office of the Cache County recorder, State of Utah.

Also attached to this petition is a list of property owners within 300 feet of the vacation area as required by Utah Code 10-9a-609.5(2)(a).

 11/26/2023

Dallas Nicoll, Authorized Agent

Visionary Homes 2020 LLC.

What is backflow, and why is it a concern?

In our water supply system, water is normally maintained at a significant pressure to enable water to flow from the tap, shower, or other fixture. However, water pressure may fail or be reduced when a water main bursts, pipes freeze, or there is unexpected high demand on the water system (for example, when several fire hydrants are opened at once).

Reduced pressure in the main line may allow contaminated water from the soil, from storage, or from other sources within your business or residence to be drawn into the system, contaminating drinking water. This is called backflow.

What is a “backflow prevention assembly?”

A backflow prevention assembly is used to protect potable water supplies from contamination or pollution due to backflow.

By what authority does the city require backflow assemblies?

International Plumbing Code, Division of Drinking Water R309-305, and local water system authority statement.

Choosing the right preventer:

- ❑ **Landscape Irrigation** - RP, PVB, or AVB
- ❑ **Garden Hose** - Hose Bibb Vacuum Breaker (HVB)
- ❑ **Any water-to-sewer connection** - Air Gap (examples: sink, toilet, bathtub)
- ❑ **Boiler** - RP assembly
- ❑ **Chem dispenser** - SVB assembly
- ❑ **Landscape Chemigation System** - RP
- ❑ **Fire Suppression System** - DC or RP
- ❑ **Residential Meter Pit** - Dual Check



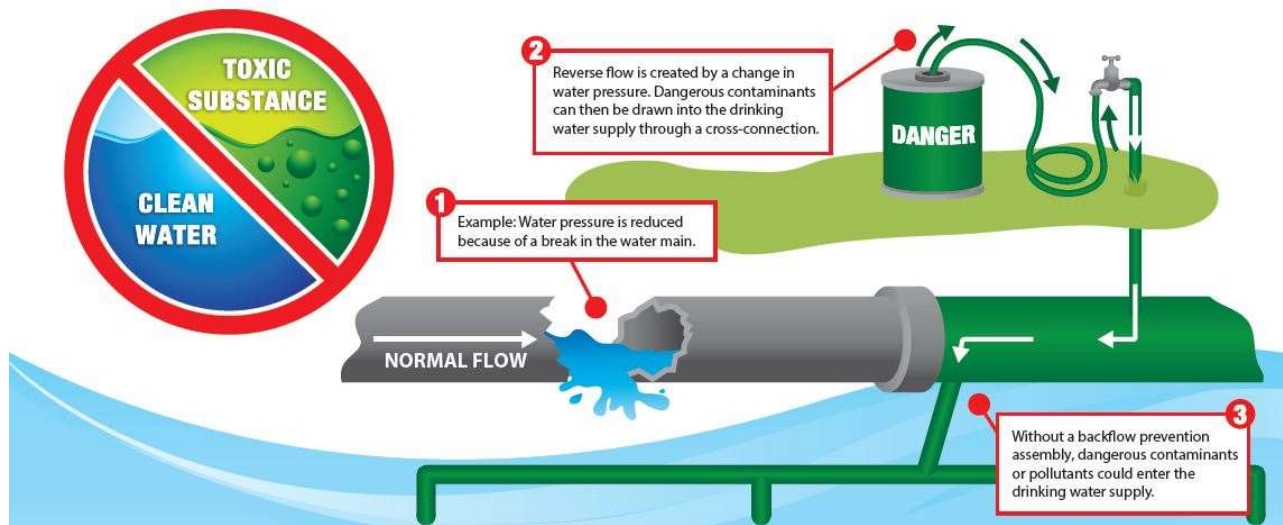
Hose Vacuum Breaker

What do I do with my assembly?

It is the owner's responsibility to have the appropriate assembly installed, tested, and repaired by a certified technician, as required by the Division of Drinking Water and IPC. Dual Checks, Hose Vacuum Breakers, AVBs, and Air Gap devices do not need to be tested.

“Backflow assemblies shall be tested at the time of installation, immediately after repairs or relocation, and at least on an annual basis... Backflow preventers shall be tested within 10 days of initial use.”
-International Plumbing Code

It is prohibited to add additional equipment (i.e. attaching hoses) to the assembly or to modify the assembly in any way. If an assembly is removed, please notify the water system within 30 days.



Smithfield City is required to implement a cross connection control program starting on January 1, 2024. Over the next couple of months we will be sending out information on this program.

You will be required to answer the following questions and submit your answers at a later date. Below is the letter you will receive in the future and be required to complete. No action is required by you at this time.

This letter is to get information about how water is used on your property. Here at Smithfield City we strive to provide clean and protected drinking water at every connection. On rare occasions when the water pressure drops in the main line due to construction or a water leak, a back siphonage situation may occur and pull water backwards, this is called backflow. To prevent contaminated water from backflowing, Smithfield City Municipal Code Section 13.08 “Cross Connection Control” and the International Plumbing Code Chapter 6 with coordinating Utah Amendments requires all cross connections to be protected with backflow protection.

Please answer the following questions for our water operators to better understand any possible cross connections at your home and return to (address). This information will be used to help better protect our community’s drinking water.

Yes	No	
		Do you water your lawn with a conventional sprinkler system?
		If yes, is it connected to the culinary/drinking water (even as a backup)?
		Do you have a water softener?
		Do you have a private well on your property?
		Do you have a hobby farm or greenhouse?
		If yes, do you inject fertilizer or other chemicals into the irrigation system?
		Do you have a swimming pool or pond?
		Do your outdoor faucets have a backflow preventer (see examples below)?

