



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, January 10, 2024**. The meeting will begin at 6:30 PM.

Welcome/pledge of allegiance and thought/prayer by Sue Hyer

1. Approval of the city council meeting minutes from December 5, 2023.
2. Resident Input
3. Initial discussion and introduction with representatives of J-U-B Engineers on the upcoming General Plan and Transportation Plan projects.
4. Discussion and update on culinary water projects.
5. **RESCHEDULED** - Discussion and possible vote on Ordinance 23-32, an Ordinance rezoning Cache County Parcel Numbers 08-042-0012, 08-042-0013, 08-042-0014, 08-042-0015 and 08-043-0015 from A-10 (Agricultural 10-Acre) to MPC (Master Planned Community). The parcels are located at approximately 485 North 400 West and total approximately 28.81 acres. The request was submitted by Heritage Land Development. - **RESCHEDULED**
6. Discussion and possible vote on Ordinance 23-36, an Ordinance amending the Smithfield City Municipal Code Title 5 "Business Licenses and Regulations", amending Chapter 5.20.060 "Childcare Centers; Regulations".
7. Discussion and possible vote on Ordinance 23-37, an Ordinance amending the Smithfield City Municipal Code Title 16 "Subdivision Regulations", Chapter 16.12 "Final Plats", Sections 16.12.050 "Administrative Land-Use Committee", 16.12.080 "Recording of the Final Plat", 16.12.090 "Expiration of Final Approval" and Chapter 16.04 "General Provisions", Section 16.04.050 General Responsibilities".
8. Discussion and possible vote on Ordinance 24-01, an Ordinance establishing a time and place for holding regular meetings during calendar year 2024.
9. Public Hearing for the purpose of discussing Ordinance 24-03, an Ordinance

amending the Smithfield City Municipal Code Title 8 “Health and Safety”, Chapter 8.20 “Garbage Collection and Disposal”, Section 8.20.050 “Service Charges”, Title 13 “Public Services”, Chapter 13.04 “Water Service System”, Section 13.04.080 “Rates and Connection Fees”, and Chapter 13.16 “Sewer Service System”, Section 13.16.050 “Establishment of Fees”.

10. Discussion and possible vote on Ordinance 24-03.
11. Selection of Mayor Pro Tempore for 2024.
12. Approval of City Manager Justin Lewis as the Smithfield City Committee Member on the Wastewater Rate Setting Committee.
13. Discussion and update on a storm water impact fee analysis.
14. City Manager Report
15. Council Member and Mayor Reports
16. Executive Session to hold a strategy session to discuss the purchase, exchange, or lease of real property and to discuss pending or reasonably imminent litigation. Utah Code Annotated 52-4-205 (1) (c) & (d).
17. Discussion and possible vote on authorizing Mayor Monson and City Manager Justin Lewis to negotiate with representatives of the Kenneth Tuveson Estate regarding the purchase of real property.

Adjournment

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

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



SMITHFIELD CITY COUNCIL

December 5, 2023

The Smithfield City Council met in a regularly scheduled meeting at 96 South Main Street, Smithfield, Utah on Tuesday, December 5, 2023. The meeting began at 6:30 P.M. Mayor Kristi Monson was in the chair. The opening remarks were made by Wade Campbell.

Council Members in Attendance: Wade Campbell, Sue Hyer, Curtis Wall, Jon Wells

Council Members Excused: Deon Hunsaker

City Staff: City Manager Justin Lewis, Fire Chief Jeff Peterson, Police Chief Travis Allen, City Engineer Clay Bodily, Planning Manager Brian Boudrero, Librarian Shawn Bliss, Golf Professional Eric Kleven, Golf Superintendent Chad Daniels

Visitors: Merrilee Wells, Jeff Barnes, Todd Orme, Chris Olsen, Jon Hauptman, Jim Marshall, Jenn Staker, Susan Wall, Caralee Stokes, Ted Stokes, Sharon Johnson, Andrew Lillywhite

Approval of City Council meeting minutes from November 8, 2023.

*****A motion to approve the November 8, 2023 City Council meeting minutes was made by Wade, seconded by Curtis and the vote was unanimous.*****

Yes Vote: Campbell, Hyer, Wall, Wells

No Vote: None

Absent: Hunsaker

Resident Input

There were not any comments or questions.

Approval of Jodie Mack as City Treasurer effective February 23, 2024.

Jodie Mack will transition to the position of City Treasurer effective February 23, 2024. Jodie will be replacing Jane Price who is retiring on February 22nd. Jane will be honored at the February Council meeting. Alivia Harris will be taking over as Utility Billing Clerk.

*****A motion to approve Jodie Mack as Smithfield City Treasurer effective February 23, 2024 was made by Wade, seconded by Curtis and the vote was unanimous.*****

Yes Vote: Campbell, Hyer, Wall, Wells

No Vote: None

Absent: Hunsaker

Approval of Dana Lazcanotegui as City Recorder effective January 2, 2024.

Dana Lazcanotegui has been selected as the new City Recorder. She introduced herself to the Council. She will begin on January 2, 2023.

*****A motion to approve Dana Lazcanotegui as Smithfield City Recorder effective January 2, 2024 was made by Wade, seconded by Sue and the vote was unanimous.*****

Yes Vote: Campbell, Hyer, Wall, Wells

No Vote: None

Absent: Hunsaker

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).

Andrew Lillywhite is requesting to split the property owned by Roger Cantwell at 490 West 300 North into two parcels. Mr. Cantwell has an existing home on Lot 1 and Mr. Lillywhite would build a new home on the new lot. Both lots would be over one acre in size.

Wade said he would like to see subdivisions approved before digging up roads and other infrastructure is installed.

Mr. Lillywhite requested an exemption for the requirement of road widening and adding curb, gutter, and sidewalk improvements on 300 North portion of the project. The new lot will only come off of 500 West. If the exemption cannot be approved, he requested the improvements be graduated with the road first. This is an outside corner, where no one will drive, and a fire hydrant, so there will be no street parking. There is a cul-de-sac on 300 North and they have a gravel area to help with road sluffing, which would be a good alternative in this case. Adding a sidewalk would be a sidewalk going nowhere as it would not connect to another section of sidewalk. He grew up on the west side of town and thinks it is a good idea to let water go back into the ground in order to have cleaner water. He said the Council can consider and possibly grant these types of requests for exemption. Clay advised that the ordinance allowing the waiving of requirements was removed from the municipal code so that is not an option. Mr. Lillywhite said there is a provision where subdivision requirements can be waived; he provided the municipal code when the application was submitted. He understands it is not an option under the regular code; however, the Council can grant it under certain circumstances. He also said the proportionality of impacts should be considered as there will be no impact to 300 North and no additional traffic will be created from this proposal.

Mayor Monson said these types of requests have come before the Council recently and have been denied so as not to set a precedent she did not support the request.

Justin stated an applicant has the right to request it; however, the Council has the right to deny it. The municipal code does not allow it, if the Council wants this changed, the municipal code should be amended.

*****A motion to approve 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 was made by Wade, seconded by Curtis and the vote was unanimous.*****

Yes Vote: Campbell, Hyer, Wall, Wells

No Vote: None

Absent: Hunsaker

The council did not grant any of the exemption requests by Mr. Lillywhite and all infrastructure must be installed.

Canvass the election results of the November 21, 2023 General Election.
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Justin reviewed the 2023 general election results as well as supplied some voting information from previous election cycles.

Voter turnout in the 2019 general election was 13.61%.

Voter turnout in the 2021 general election was 38.05%.

Voter turnout in the 2023 general election was 36.95%.

Valley wide turnout for the 2023 general election was 35.73%.

The candidates elected to start serving are Todd Orme, Ted F. Stokes and Jenn Staker.

The results are as follows:

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 (38 postmarked late, 63 could not have signatures)

verified)

Voting Percentage: 36.95%

*****A motion to certify the election results of the November 21, 2023 General Election was made by Wade, seconded by Curtis and the vote was unanimous.*****

Yes Vote: Campbell, Hyer, Wall, Wells

No Vote: None

Absent: Hunsaker

Discussion and possible vote on Resolution 23-17, a Resolution updating the Prevailing Fee Schedule of the City.

Golf Professional Eric Kleven presented a proposal for a \$1.00 increase for a 9-hole pass. The golf course has been extremely busy. They are looking at software to implement mandatory pre-pay and adjusting the frequency of rounds due to demand which is currently eight minutes apart. They are considering changing it to nine minutes. Credit card fees have increased significantly as more people pay with a credit or debit card now than ever before. The entire irrigation system needs to be improved.

Curtis asked if there has been any research into finding better credit card fees. Eric said the current credit card processor also oversees the software for scheduling. The monthly fee is close to 4.00%. Justin noted that credit cards are being used more. Eric concurred. Approximately 80% of fees at the golf course are paid by credit or debit card.

Mayor Monson asked about the pre-pay system. Eric said this would help schedule tee times. Weekends and holidays are very busy. Other golf courses in Cache Valley have increased their rates for 2024.

Eric pointed out that the current clubhouse will be 20 years old in April 2024 and will need improvements. Recently two A/C units had to be replaced. This proposal will help with wage increases, credit card fee charges, and the rising cost of maintaining the course.

*****A motion to adopt Resolution 23-17, a Resolution updating the Prevailing Fee Schedule of the City was made by Wade, seconded by Sue and the vote was unanimous.*****

Yes Vote: Campbell, Hyer, Wall, Wells

No Vote: None

Absent: Hunsaker

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.

Mayor Monson read the following statement:

The purpose of this public hearing is to provide citizens with pertinent information about the Community Development Block Grant program and to allow for discussion of possible applications for the 2024 funding cycle. The grant money must be spent on projects benefiting primarily low- and moderate-income persons. The Bear River Association of Governments, of which Smithfield City is a member, is expecting to receive approximately \$900,000 in this new program year. All eligible activities that can be accomplished under this program are identified in the CDBG Application Policies and Procedures Manual and interested persons can review it at any time. Examples of eligible activities include construction of public works and facilities such as water and sewer lines and fire stations. Other examples of eligible activities also include acquisition of real property and provision of public services such as food banks or homeless shelters. In the past Smithfield City has received funding from this program with the last approved project being a project with The Family Place. We handed out our capital investment plan as part of the regional “Consolidated Plan”. This list shows which projects the city has identified as being needed in the community. Will anyone with questions, comments or suggestions during the hearing please identify themselves by name before they speak. The recorder will include your names in the minutes, we would like to specifically respond to your questions and suggestions during this hearing. I am now opening the public hearing at 7:01 P.M.

7:01 P.M. Public Hearing Opened

Justin Lewis, the City Manager for Smithfield Utah, said Smithfield City intends to apply for a program under the CDBG 2024 funding cycle which fits the criteria mentioned by Mayor Monson.

7:02 P.M. Public Hearing Closed

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”.

Brian explained that 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 as a permitted use to the Central Business District, General Commercial, and Gateway zones. The Planning Commission reviewed this request and has recommended approval.

Brian confirmed for Curtis that they would be required to meet all health department requirements.

Sue suggested including “semi-permanent makeup” in the description.

Jon said Community Commercial is considered a “lower intense commercial zone” and asked why it is not proposed as a permitted use rather than a conditional-use. Brian said the reason was that within this zone, residential attachments are allowed and the thought was to be careful about what commercial uses can be used. Conditional-uses can have conditions, mitigating impact, placed on the approval.

*****A motion to adopt 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, including the added description of semi-permanent makeup was made by Sue, seconded by Wade and the vote was unanimous.*****

Yes Vote: Campbell, Hyer, Wall, Wells

No Vote: None

Absent: Hunsaker

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”.

Brian explained that this Ordinance will add an exception to the accessory apartment code that describes the requirements for a legitimate absence such as a sabbatical, church mission, or assignment of the homeowner with an accessory apartment. Owners with an accessory apartment who have a genuine reason for a temporary absence of three years or less can get approval for that absence. Written documentation must be submitted for the temporary vacancy with the information for a delegated contact for the property in their absence.

*****A motion to adopt 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” was made by Wade, seconded by Jon and the vote was unanimous.*****

Yes Vote: Campbell, Hyer, Wall, Wells

No Vote: None

Absent: Hunsaker

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.

Councilmember Jon Wells has been serving as a representative on the Cache Mosquito Abatement District, with his term ending at the end of December, Wade Campbell has agreed to serve moving forward. Resolution 23-15 will officially appoint him as a Trustee representing the city.

*****A motion to approve Resolution 23-15, a Resolution appointing Wade Campbell as a Trustee on the Cache Mosquito Abatement District effective January 1, 2024 was made by Jon, seconded by Sue and the vote was unanimous.*****

Yes Vote: Campbell, Hyer, Wall, Wells

No Vote: None

Absent: Hunsaker

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”.

Mayor Monson explained that this is a requirement for every City in the State to incorporate by February 2024. Every City is trying to figure out how to incorporate. She said this is only a first draft to get it going, it can be changed over time like all other sections of the municipal code.

Brian reviewed the new subdivision review changes required by the State of Utah, for single-family, twin home and town-home subdivisions. Revisions and modifications have been made to the existing code, 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 and must be implemented by February 1, 2024. They only reflect modifications in the review of subdivisions that do not 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: City Engineer, Planning Manager, City Manager, Public Works Director, and an appointed member of the 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 will be posted 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 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 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 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 the municipal code. All applications, plats, and fees will start over after four review cycles.

Brian confirmed for Wade that this is to help streamline the process. This is only the first initial draft and can be changed. The staff needs to have something to begin working with and then changes can be made. This can be reviewed and discussed at the next few council meetings to come up with something the Council is comfortable with. Brian reminded the Council that this is only for administrative subdivisions, any project requesting anything not in the Code, or zone change requests, will go through the same process (Planning Commission and City Council) for review and/or approval or denial. Although minor subdivisions have never required public comment, the staff is working

on a way for citizens to be able to view the projects, ask questions, and submit comments. It will likely be posted on the City's website. The City Council would not be involved in the process because they have already made decisions and approved the City Code in the past.

Brian pointed out that the Planning Commission was not set up as the "Land-Use Authority" because it would require several meetings a month during regular business hours to comply with the deadlines. A member, or members, of the Commission, can serve on the Land-Use Authority if the Council deems it appropriate.

Brian confirmed for Jon that the only legislative body is the City Council. The Planning Commission can forward recommendations to the City Council on legislative issues, but the Council is the body to approve or deny those requests. Jon thinks members of the Planning Commission should be involved in this process. Decisions should consider how the proposal fits in with the bigger picture of City development (e.g., continuation of grid system roads). In his opinion, taking fewer eyes away from this process could end up with problems. He does not like the way the State is trying to streamline the process. Justin said the Planning Commission can be included, but the staff would like to know how the Council would like to see this done (e.g., how many members, and how they are selected) and is seeking guidance from the Council. Jon asked if there could be specific dates for applications to be submitted, which might make meeting dates more constant.

Brian reviewed the "review cycle" definition. An application can have up to four cycles before it will have to start over.

Wade asked if the application fee could be increased to offset the cost for people to be involved. Brian said that can be done. He reminded the Council that this has to be implemented before February 2024. The Council can continue to review and finalize the details even if this Ordinance is adopted.

Jon said there are certain zones where a concept plan is required to be submitted with the application of a zone change request such as an MPC (Master Planned Community) or PUD (Planned Unit Development). Brian pointed out that those would not be considered administrative subdivisions and would not go through this process. They would be handled by the Planning Commission and City Council as they are currently. Jon wondered if a similar requirement could be included in this process. Brian said the City Attorney may need to review this.

Brian confirmed for Sue that the Land-Use Authority would replace the Subdivision Technical Review Committee (STRC).

Brian noted State Code 10-9a-604.1a-b *"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."*

Wade received a comment from an email: *“Section 9 of State Code 10-9a-604.1 clearly delineates that the Land Use Authority is not the only permissible body that is permitted to approve final subdivision plat applications. Section 9 makes it clear that Planning Commissions and City Councils may be permitted to make final decisions where compliance with the Code is paramount.”* Brian said it says “may not” which is where clarification may need to be made. Brian also pointed out that the required timeframe for reviews would need to be considered. Wade would like more clarification because City Councilmembers are elected by the people, who often want them to make decisions. Justin said some research can be done on this issue and more discussion can be had at the next meeting.

Jon read State Code 10-9a-604.1state code 10.9a 604.1:

(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. He said the Planning Commission can be involved; Justin will get more clarification.

The city council decided to appoint the following individuals (City Code 16.04.050-J) as the “Administrative Land-Use Authority” for approval of preliminary and final subdivision plats. This committee will consist of the City Engineer, Planning Manager, Public Works Representative, Fire Department Representative, City Manager, and three (3) members of the Planning Commission selected by the Planning Commission Chairperson.

*****A motion to adopt 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” amending Section 16.04.050 “General Responsibilities” to include “three (3) members of the Planning Commission selected by the Planning Commission Chairperson was made by Jon, seconded by Wade and the vote was unanimous.*****

Yes Vote: Campbell, Hyer, Wall, Wells

No Vote: None

Absent: Hunsaker

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.

Justin outlined the mid-year adjustments in the Fiscal Year 2024 Budget:

GENERAL FUND

Revenue \$1,966,342

EXPENSES:

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

Justin outlined the proposed mid-year adjustments. In the General Fund, property tax is increasing because the rate was not known when the budget was initially set. The City is doing very well on interest revenue. A \$90,000 transportation grant was recently received. Funds will be transferred to help with improvements at the cemetery as discussed at the last Council meeting for redoing the roads. Wildland Revenue will add \$168,000. He outlined the expenses, including adding funds to the building maintenance fund because the elevator requires a weight test this year. The test is required every five years. The library will be addressing roof issues, door access system replacement, and computer replacement. The Police Department will be adding a non-benefitted position at 28 hours per week. A \$15,000 tree grant will be added. Engineering expenses are being earmarked to begin work on the 100-year waterline replacement project. The two variable frequency well drives ordered 18 months ago have finally been received. Garbage cans were purchased from Logan City at a substantial discount. Four pieces of equipment that have been ordered and have been delayed in delivery are all included in the General Capital Improvement Fund.

8:18 P.M. Public Hearing Opened

There were not any comments or questions.

8:19 P.M. Public Hearing Closed

Discussion and possible vote on Resolution 23-16.

Curtis asked about the new backflow prevention requirement, which will require a new employee, and how the program will be enforced. Justin said he would update

the Council on this topic in the City Manager Report. Funding has been included in this fiscal year and is not part of this adjustment.

*****A motion to adopt Resolution 23-16, a Resolution amending the Fiscal Year 2024 Budget which is the period of July 1, 2023 through June 30, 2024 was made by Wade, seconded by Curtis and the vote was unanimous.*****

Yes Vote: Campbell, Hyer, Wall, Wells

No Vote: None

Absent: Hunsaker

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.

Justin explained this Ordinance is vacating of City land where Saddleback Road was previously located. This land is located in Phases 5 and 6 of the Fox Meadows Subdivision. The new road was built north of the old road. Smithfield, Cache County, and Visionary Homes legal counsels have all worked on this project. This Ordinance will appease the Cache County Recorder and Attorney's offices, correct the deficiency, and correct the issue. Once this is adopted, all of these issues in this area should be resolved.

8:23 P.M. Public Hearing Opened

There were not any comments or questions.

8:24 P.M. Public Hearing Closed

Discussion and possible vote on Ordinance 23-35.

*****A motion to adopt Ordinance 23-35, an Ordinance vacating any unplatted public street interest located in Phases 5 or 6 of the Fox Meadows Subdivision was made by Wade, seconded by Jon and the vote was unanimous.*****

Yes Vote: Campbell, Hunsaker, Wall, Wells

No Vote: None

Absent: Hunsaker

City Manager Report

Justin explained the new state-mandated backflow prevention program. Information is being sent out to all residents. A backflow prevention assembly is used to protect potable water supplies from contamination or pollution due to backflow. Smithfield City is required to implement a cross-connection control program starting on January 1,

2024. Over the next couple of months, more information will be sent out to the residents regarding this program and what they need to do.

Clay stated this has been required on commercial and industrial properties for quite a while and is now being required on residential property. This requirement helps protect the health of the citizens. In our culinary 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 unexpectedly high demand on the water system such as when several fire hydrants are opened at once. Reduced pressure in the mainline 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 the drinking water.

Wade asked about installation and costs. Clay said the back flow preventer has to be installed before a sprinkler system is put in so if there is a loss of pressure it cannot backflow back into the system. This applies to culinary water only. Costs can vary depending on how close to the surface the system is. There are approved backflow preventors which can be installed.

Curtis said nothing is required for a home without a sprinkling system. A system on irrigation only with no option for culinary use will require nothing under this program. A system using any form of culinary water will require a backflow preventer to be installed. The preventer will need to be tested annually. Clay said information on testing companies will be sent out to the residents at a later date.

Justin said there is an employee who will oversee this program. Information will continue to be disseminated. It will be a big task for the City and residents. The City will be doing a lot of public information and education.

Justin said there is a great need for a shut-off to the 100-year old waterline in Smithfield Canyon. The rate studies on water, sewer, and stormwater are complete and will be provided in the first quarter of 2024. The Central Park pavilion is being improved. There are more water leaks around the City due to old pipes.

Justin thanked Curtis, Deon, and Jon for their service on the City Council and wished them well in their future endeavors.

Council Member and Mayor Reports

Wade said the library is working on computer replacement. The Fire Department CERT (Community Emergency Response Team) program is going well with good participation.

Jon said he hopes the CDBG (Community Development Block Grant) grant will help restore the Senior Citizen Center. The Historical Society event at Central Park was very successful.

Sue said the Youth Council has been busy. They helped with the Turkey Trot and Night of Giving.

Curtis said the Night of Giving earned approximately \$38,000. He thanked the residents and businesses for their help and support of this annual event.

Mayor Monson presented Curtis and Jon with a gift of appreciation for their years of service on the Council.

Curtis thanked his wife for supporting his time serving on the Council, which has been one of the best experiences of his life. He thanked the staff and has many great experiences he will always cherish. He has been very grateful for the opportunity to serve.

Jon expressed is grateful for the opportunity to serve on the Council for the last four years and is very grateful to live in Smithfield. He thanked the staff who have been very helpful.

**** Wade made a motion to adjourn at 8:57 P.M. ****

SMITHFIELD CITY CORPORATION

Kristi Monson, Mayor

ATTEST:

Dana Lazcanotegui, 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 **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.

PROJECT ID	Engineering Estimate
Replace 12" Spring Collection Line through Smithfield Canyon	\$ 5,864,697
New 3 MG 5,000 ft Reservoir including Booster Station and Piping to Tank	\$ 7,261,963
Replacement piping for fire flow deficiency at 200 E between 300 N and 400 N	\$ 181,800
Replacement piping for fire flow deficiency at 300 S between 300 W and 400 W	\$ 164,653
Replacement piping for fire flow deficiency at 500 N between Main St. and 80 W.	\$ 180,200
New piping for fire flow deficiency at end of 470 N near 200 W	\$ 45,725
New piping for fire flow deficiency at 800 W between 10 S and Maintenance	\$ 159,426
New piping for fire flow deficiency at 200 W and 560 S	\$ 399,110
Repair Existing 500,000 Gallon Tank	\$ 230,561
Replace existing lines less than 6 inches with 8 inch lines	\$ 9,005,000
	\$ 23,493,135

ORDINANCE NO 23-32

AN ORDINANCE AMENDING TITLE 17, ZONING OF THE SMITHFIELD MUNICIPAL CODE, BY AMENDING THE ZONING MAP OF SMITHFIELD CITY.

BE IT ORDAINED by the City Council of Smithfield City, Utah as follows:

That certain map or maps entitled "Zoning map of Smithfield City, Utah" is hereby amended and the following described property is hereby rezoned from A-10 (Agricultural 10-Acre) to MPC (Master Planned Community).

Approximate Property Location: 485 North 400 West

Cache County Parcel Number: 08-042-0012

BEG 23.50 CHS N & 4 CHS E OF SE COR SW/4 SEC 21 T 13 N R 1E, W 15.50 CHS S 4 CHS E 15.6 CHS N 4 CHS TO BEG 6.16 AC

Cache County Parcel Number: 08-042-0013

BEG 19.5 CHS N 4 CHS E OF SE COR OF SW/4 SEC 21 T 13N R 1E W 15.60 CHS S 4 CHS E 15.70 CH N 4 CHS TO BEG 6.16 AC C1221

Cache County Parcel Number: 08-042-0014

BEG 15.51 CHS N & 4 CHS E OF SE COR SW/4 SEC 21 T 13N R1E, W 15.70 CHS S 4 CHS E 15.80 CHS N 4 CHS TO BEG 6.16 AC. C1223

Cache County Parcel Number: 08-042-0015

BEG 11.50 CHS N & 4 CHS E OF SE COR OF SW/4 SEC 21 T 13N R1E, W 15.8 CHS S 4 CHS E 11.80 CHS N 2.50 CHS E 4 CHS N 1.50 CHS TO BEG CONT 5.32 AC LESS AND EXCEPTING THE FOLLOWING DESCRIBED PARCEL PART OF THE SOUTH HALF OF SECTION 21, TOWNSHIP 13 NORTH, RANGE 1 EAST OF THE SALT LAKE MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT THE WEST QUARTER CORNER OF SECTION 21, TOWNSHIP 13 NORTH, RANGE I EAST OF THE SALT LAKE MERIDIAN MONUMENTED WITH AN ALUMINUM CAP; THENCE S00°03'24"E 2692.89 FEET (BASIS OF BEARING - BEARING AND DISTANCES BASED ON UTAH STATE PLANE NORTH ZONE) TO THE SOUTHWEST CORNER OF SECTION 21 MONUMENTED WITH A 5/8" REBAR; THENCE N84°35'07"E 1885.37 FEET TO AN EARL REBAR AT THE SOUTHEAST CORNER OF THE VILLAGE AT FOX MEADOWS, PUD, PHASE 2; THENCE S89°19'41"E 814.91 FEET TO THE SOUTHWEST CORNER OF PARCEL 08-043-0035; THENCE N 00°49'07" W 201.85 FEET (NORTH 200 FEET, BY RECORD) TO THE NORTHWEST CORNER OF PARCEL 08-043-0035 AND THE POINT OF BEGINNING AND RUNNING THENCE N 00°49'07" W 54.01 FEET; THENCE N 89°34'03" W 53.93 FEET; THENCE N 00°46'15" W 185.00 FEET; THENCE S 89°34'03" E

273.83 FEET; THENCE S 00°49'07" E 239.02 FEET TO THE NORTHEAST CORNER OF PARCEL 08-043-0035; THENCE N 89°34'03" W 220.05 FEET (WEST 220 FEET, BY RECORD) ALONG THE NORTH LINE OF PARCEL 08-043-0035 TO THE POINT OF BEGINNING NET 5.27 AC

Cache County Parcel Number: 08-043-0015

EG 3.5 CHS N OF SW COR SE/4 SEC 21 T 13N R 1E & TH E 44 FT TH N 200 FT TH E 220 FT TO W LN OF ST TH N 64 FT TH W 4 CHS TH S 4 CHS TO BEG CONT 0.59 AC ALSO: BEG 3.5 CHS N OF SW COR OF SE/4 SEC 21 T 13N R1E, N 4 CHS W 12 CHS S 4 CHS E 12 CHS TO BEG 4.8 AC CONT 5.39 AC IN ALL LESS AND EXCEPTING THE FOLLOWING DESCRIBED PARCEL PART OF THE SOUTH HALF OF SECTION 21, TOWNSHIP 13 NORTH, RANGE 1 EAST OF THE SALT LAKE MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT THE WEST QUARTER CORNER OF SECTION 21, TOWNSHIP 13 NORTH, RANGE I EAST OF THE SALT LAKE MERIDIAN MONUMENTED WITH AN ALUMINUM CAP; THENCE S00°03'24"E 2692.89 FEET (BASIS OF BEARING - BEARING AND DISTANCES BASED ON UTAH STATE PLANE NORTH ZONE) TO THE SOUTHWEST CORNER OF SECTION 21 MONUMENTED WITH A 5/8" REBAR; THENCE N84°35'07"E 1885.37 FEET TO AN EARL REBAR AT THE SOUTHEAST CORNER OF THE VILLAGE AT FOX MEADOWS, PUD, PHASE 2; THENCE S89°19'41"E 814.91 FEET TO THE SOUTHWEST CORNER OF PARCEL 08-043-0035; THENCE N 00°49'07" W 201.85 FEET (NORTH 200 FEET, BY RECORD) TO THE NORTHWEST CORNER OF PARCEL 08-043-0035 AND THE POINT OF BEGINNING AND RUNNING THENCE N 00°49'07" W 54.01 FEET; THENCE N 89°34'03" W 53.93 FEET; THENCE N 00°46'15" W 185.00 FEET; THENCE S 89°34'03" E 273.83 FEET; THENCE S 00°49'07" E 239.02 FEET TO THE NORTHEAST CORNER OF PARCEL 08-043-0035; THENCE N 89°34'03" W 220.05 FEET (WEST 220 FEET, BY RECORD) ALONG THE NORTH LINE OF PARCEL 08-043-0035 TO THE POINT OF BEGINNING NET 5.06 AC

APPROVED by the Smithfield City Council this 10th day of January, 2024.

SMITHFIELD CITY CORPORATION

Kristi Monson, Mayor

ATTEST:

Dana Lazcanotegui, City Recorder



**LUPINE
VILLAGE
MASTER
PLAN
SMITHFIELD, UTAH**

General

PG Cover Cover

Master Plan

PG 01	Preliminary Plat
PG 02	Preliminary Phasing Plat
PG 03	Preliminary Landscaping
PG 04	Master Plan
PG 05	Single Family Homes
PG 09	Townhomes

PROJECT TEAM

OWNER

Heritage Land Development
470 N 2450 W
Tremonton, UT 84337
Phone: 435.466.0674
Contact: Tami Midzinski
Email: tamim@heritagedevelopment.land

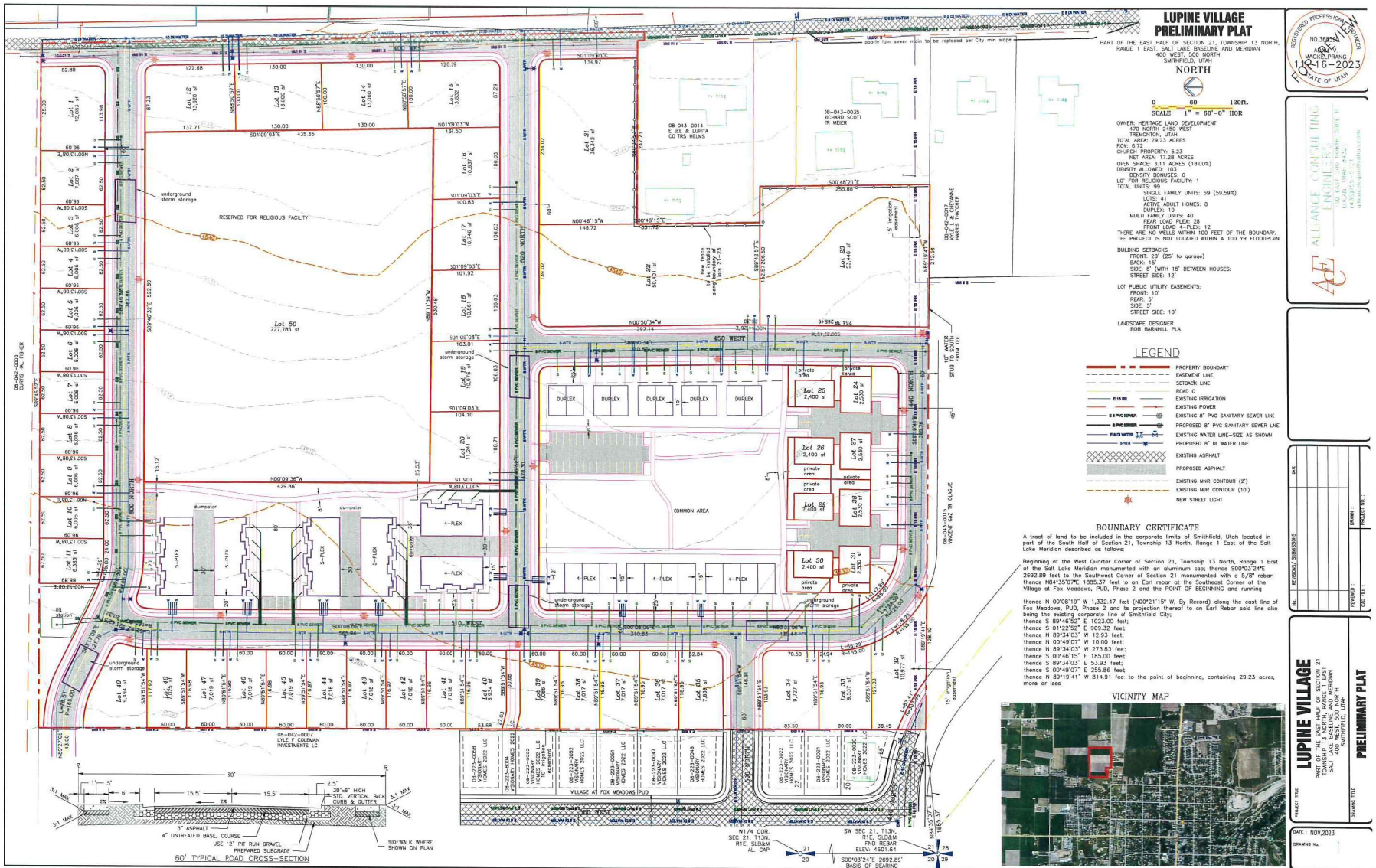
CIVIL

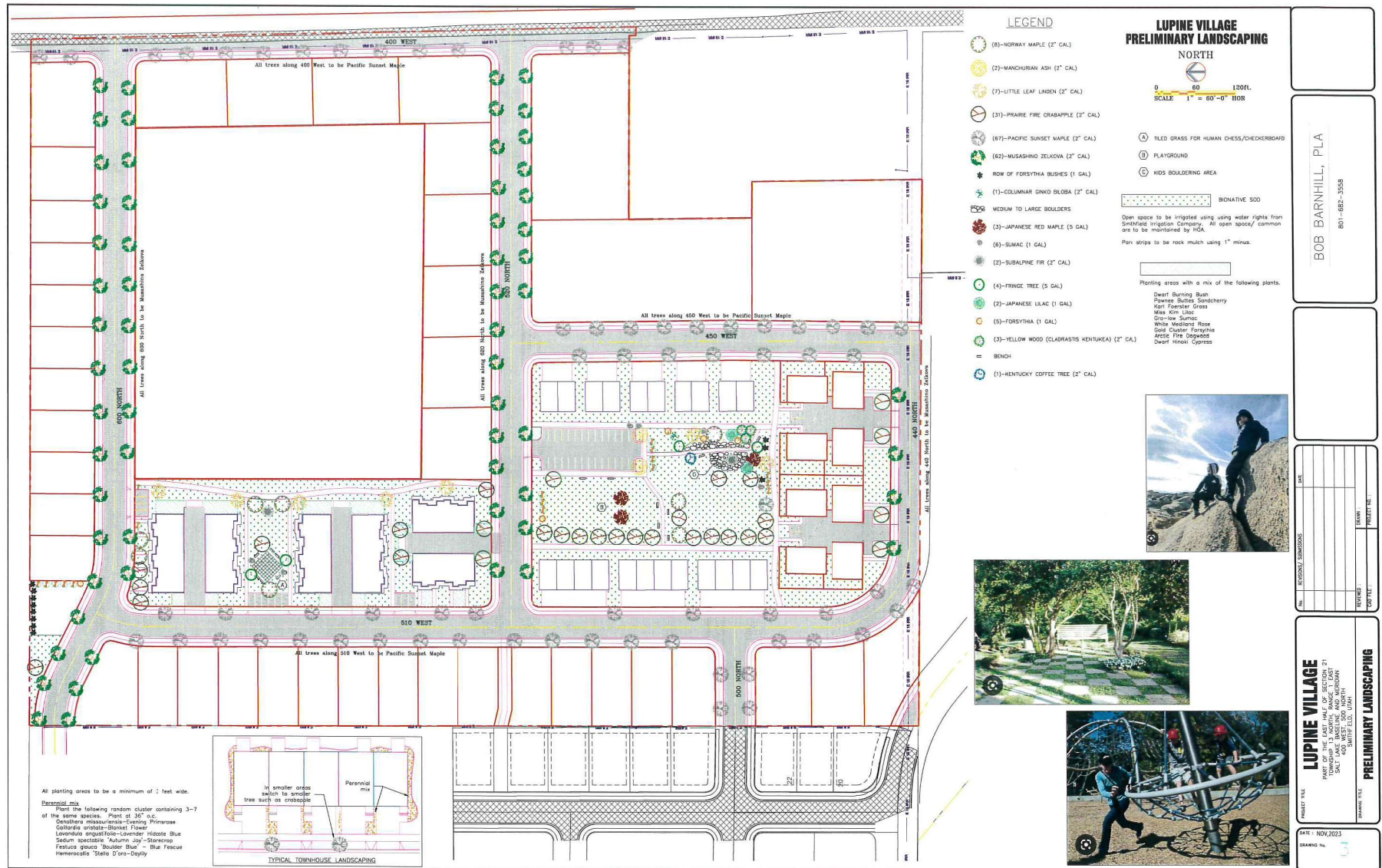
Alliance Consulting Engineers
150 E 200 North Suite P
Logan, UT 84321
Phone: 435.755.5121
Contact: Adam Mackelprang
Email: alliancelogan@yahoo.com

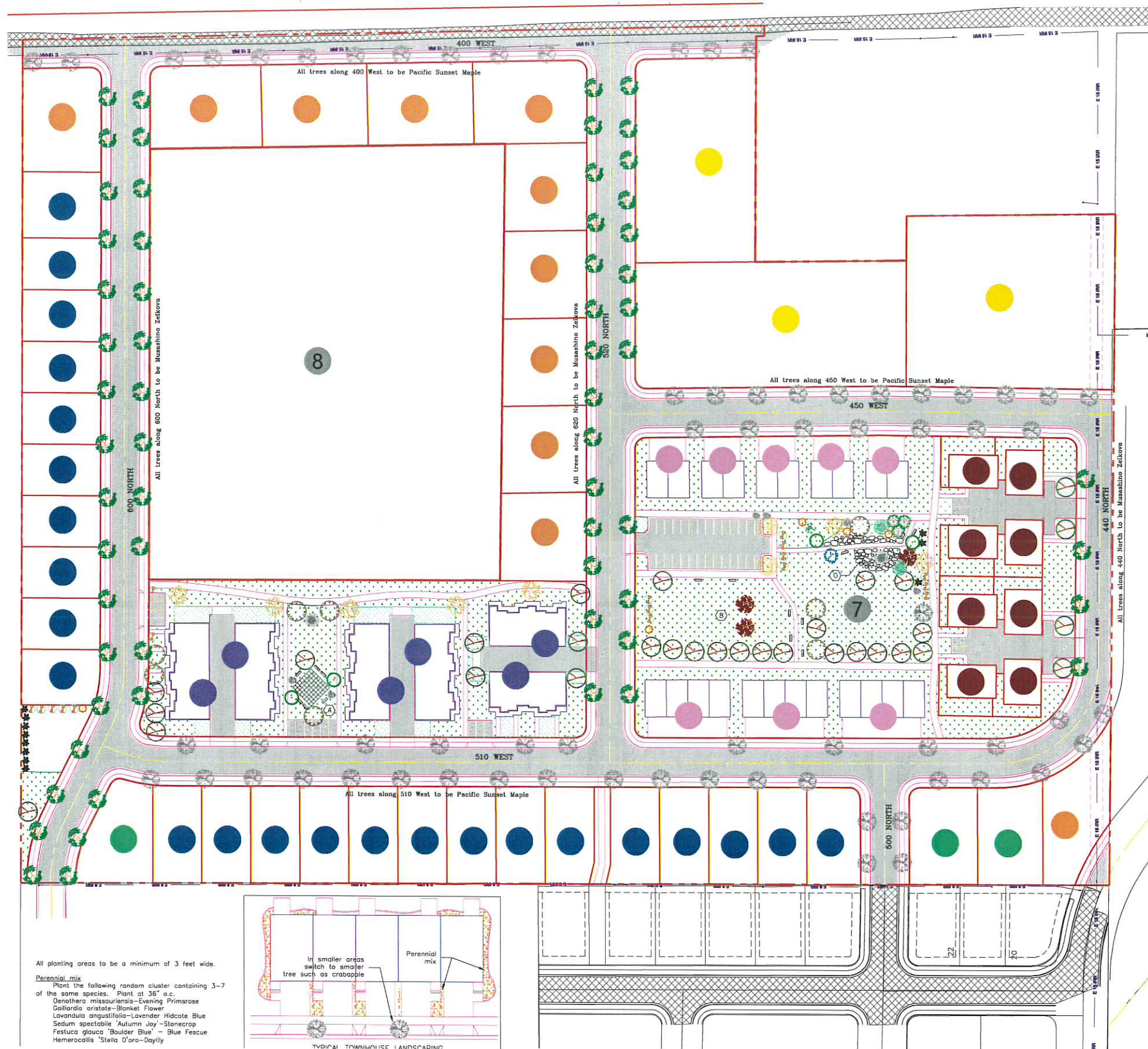
VICINITY MAP



LUPINE VILLAGE MASTER PLAN SMITHFIELD, UTAH **COVER**
14 FEB 2023







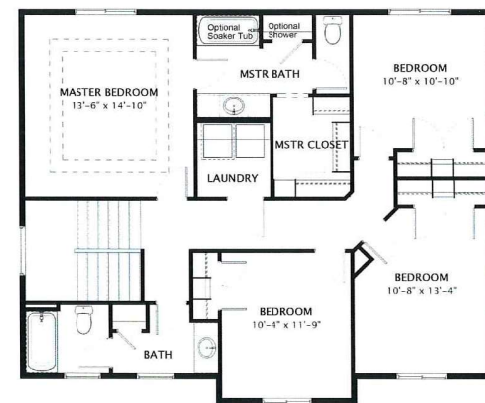
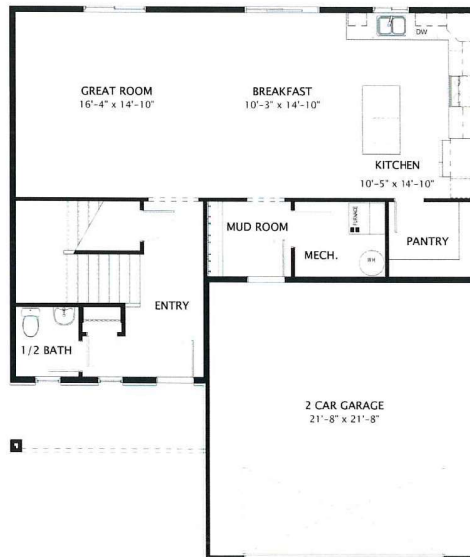
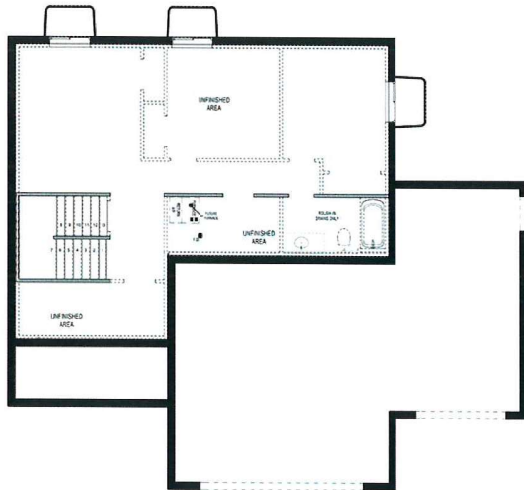
MASTER PLAN

- 1 Spacious Oversized Lots .83-1.22 Acres
- 2 Large Lots .23-.33 Acres
- 3 Standard Lots .18-.22 Acres
- 4 Small Lots .13-.17 Acres
- 5 Townhomes with Garage in Back
- 6 Townhomes with Garage in Front
- 7 Patio Homes
- 8 Common Area
- 9 Reserved for Religious Facility



SINGLE FAMILY HOMES

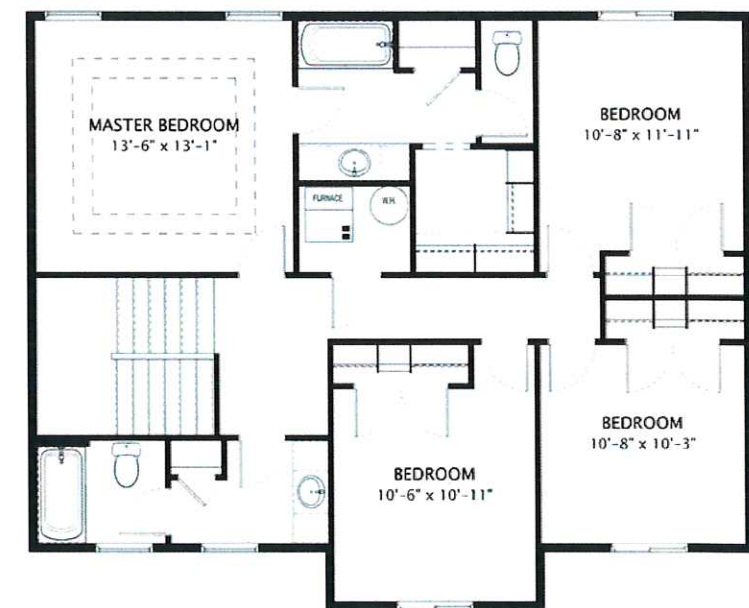
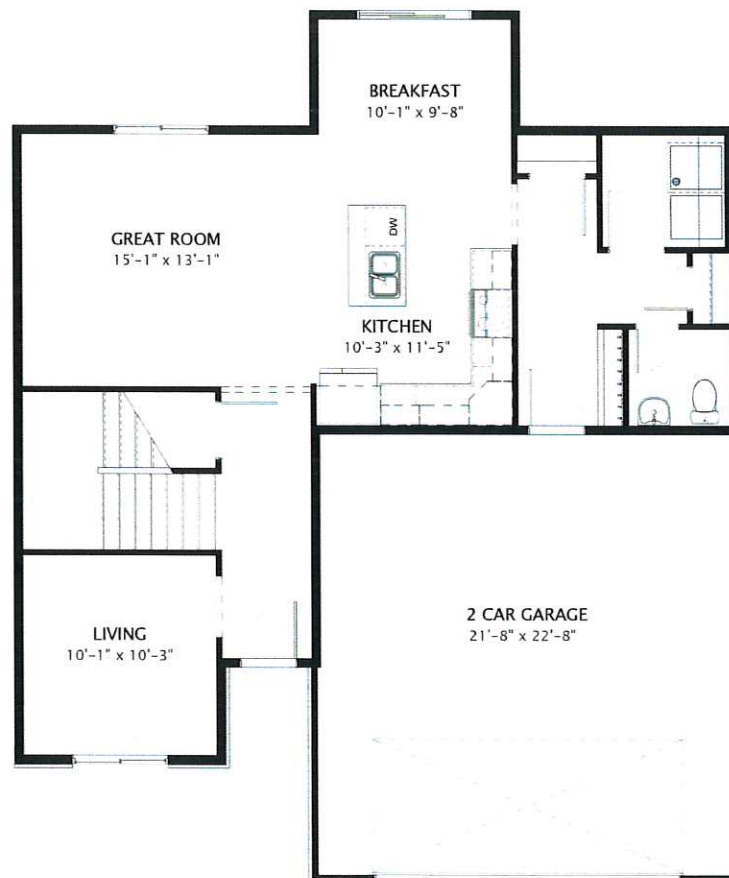
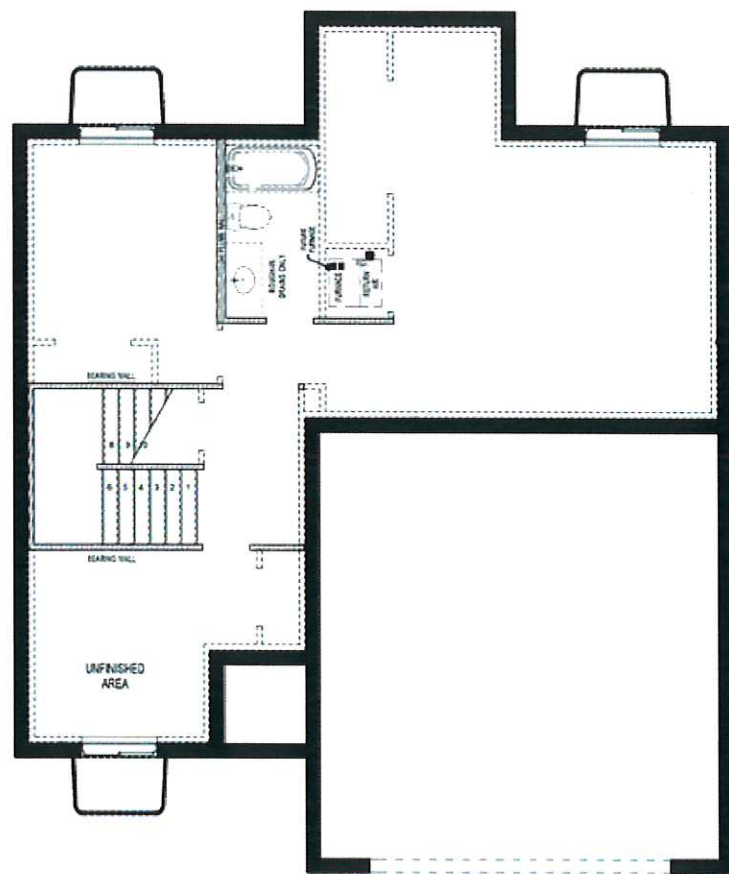
Available For All Lots



LUPINE VILLAGE MASTER PLAN SMITHFIELD, UTAH PG 05
14 FEB 2023

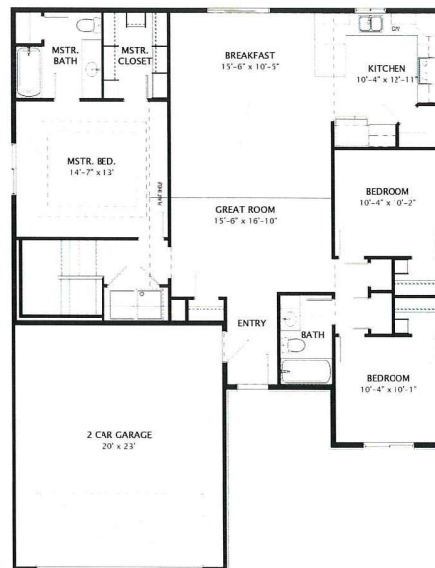
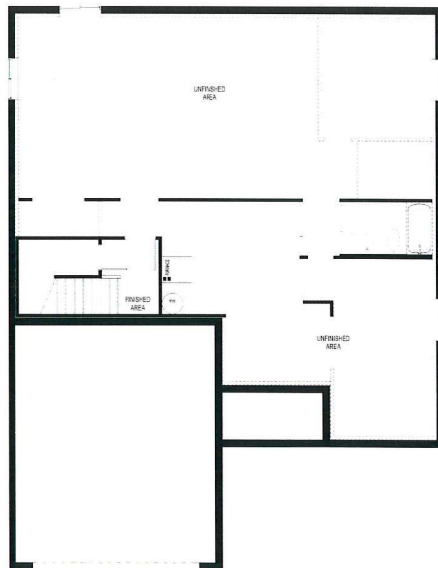
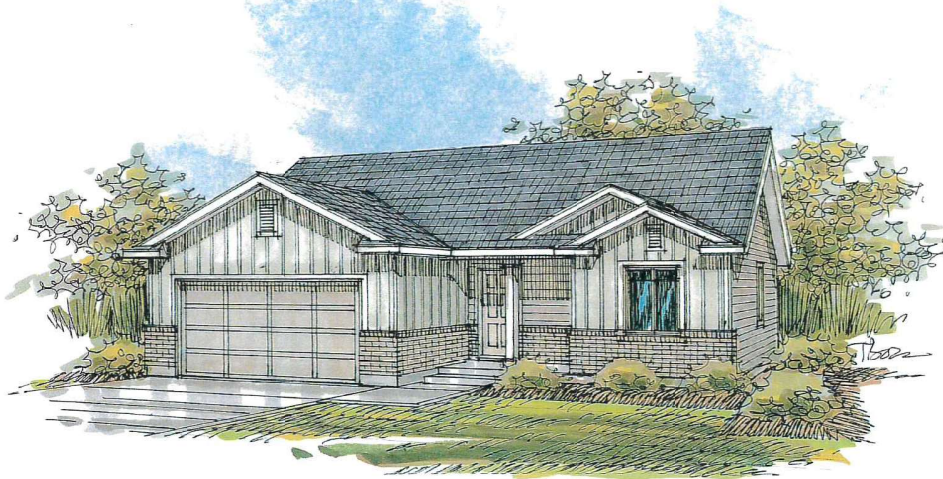
SINGLE FAMILY HOMES

Available For All Lots



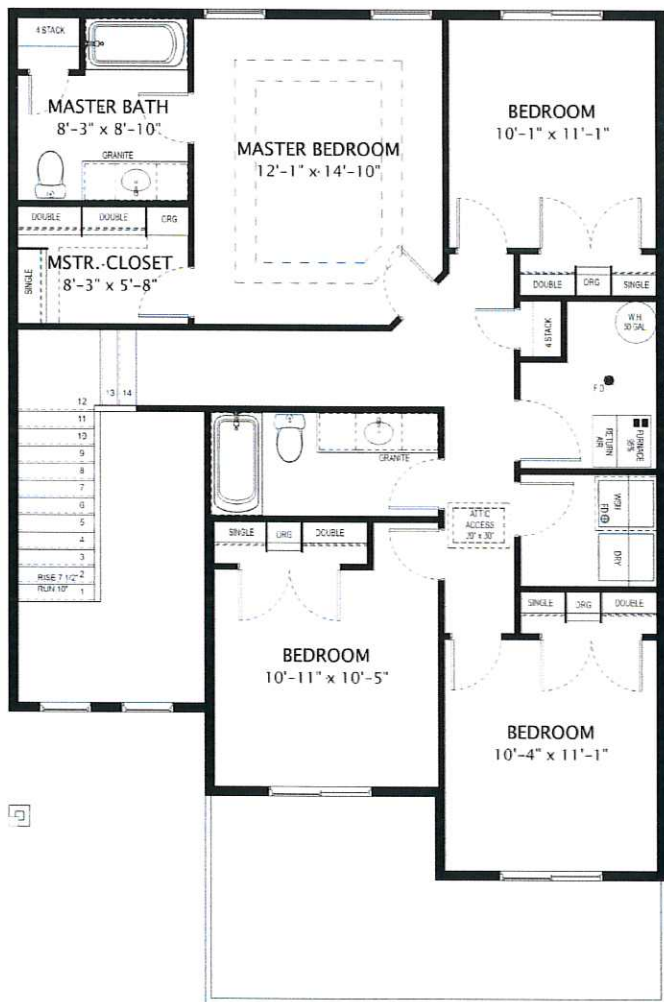
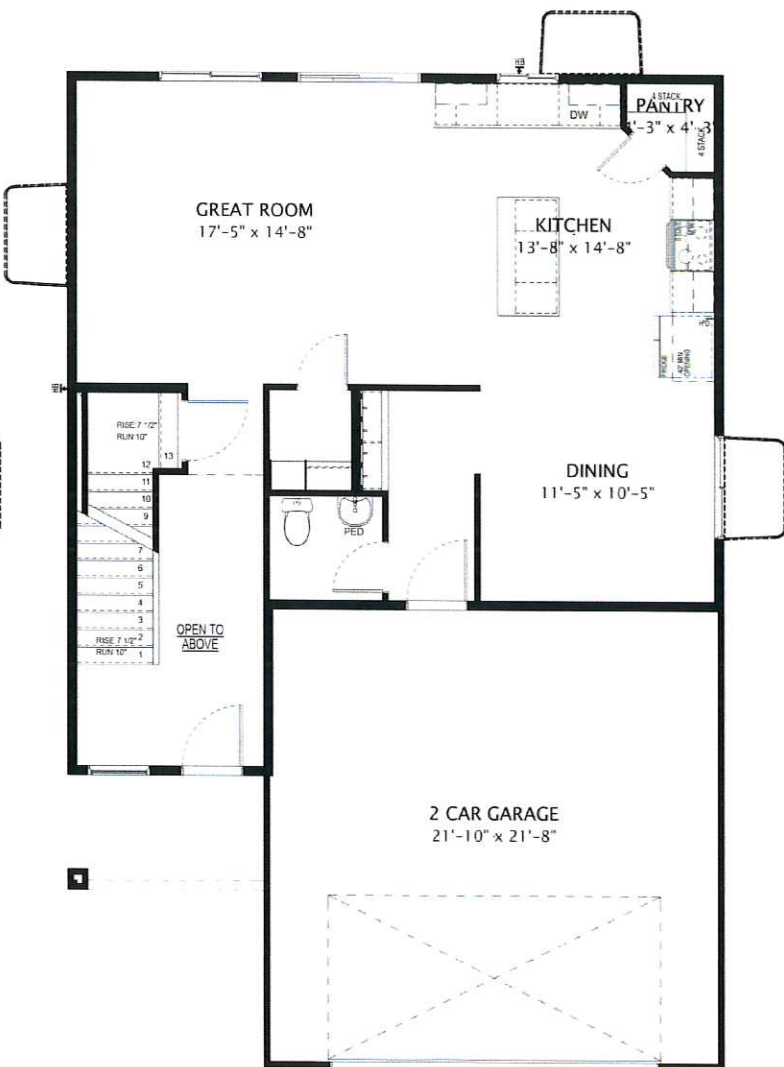
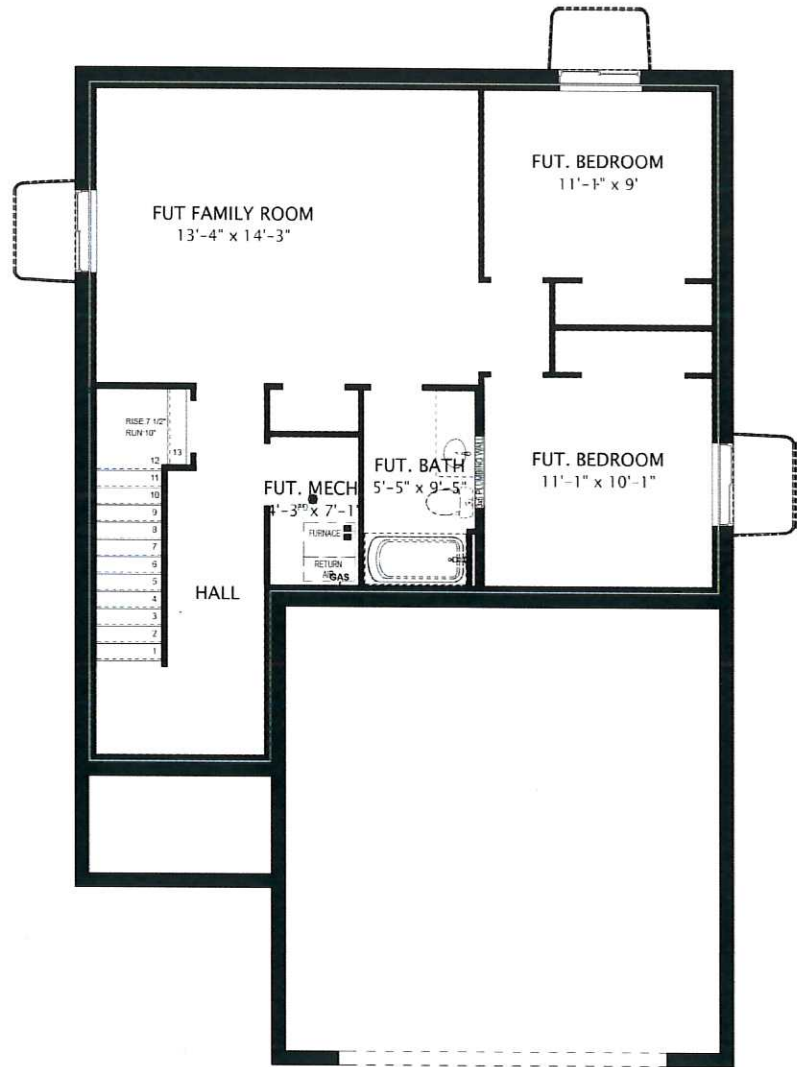
SINGLE FAMILY HOMES

Available For All Lots

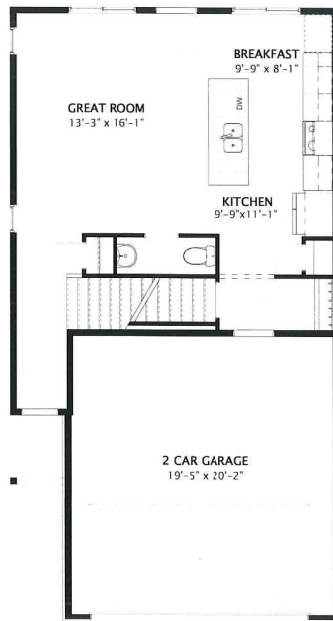


SINGLE FAMILY HOMES

Available For All Lots



MULTI-FAMILY TOWNHOMES



Larger Units



Smaller Units





Smithfield City Staff Report

Community Development Department

Administration • Engineering • Planning • Zoning

Lupine Village MPC Rezone

December 20, 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: 08-042-0012

Applicant: Heritage Land Development

08-042-0013

Action Type: Legislative

08-042-0014

Staff Recommendation: None

08-042-0015

08-043-0015

Project Location

Location:

485 North 400 West
Smithfield, Utah

Lot Size:

28.95 Acres

Surrounding Uses:

North - County

South - Residential R-1-12

East - Residential RA-1

Agricultural A-10

West - Residential MPC

Residential R-1-1- PUD

Current Zoning:

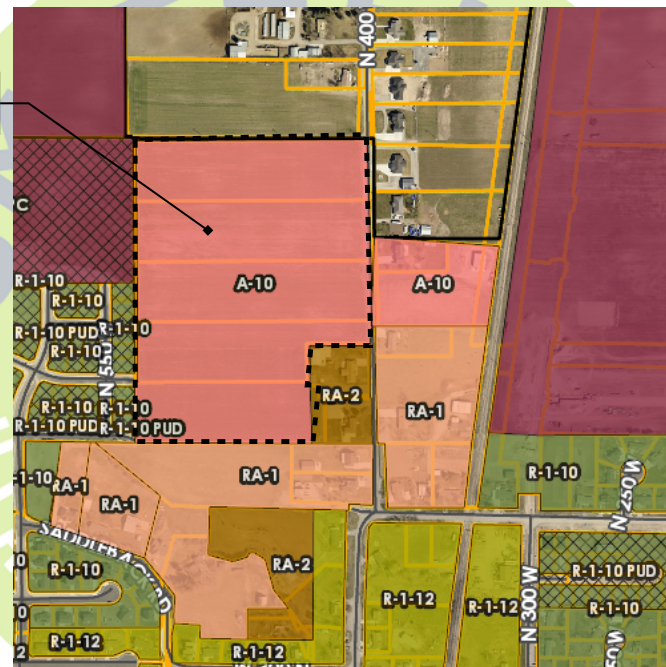
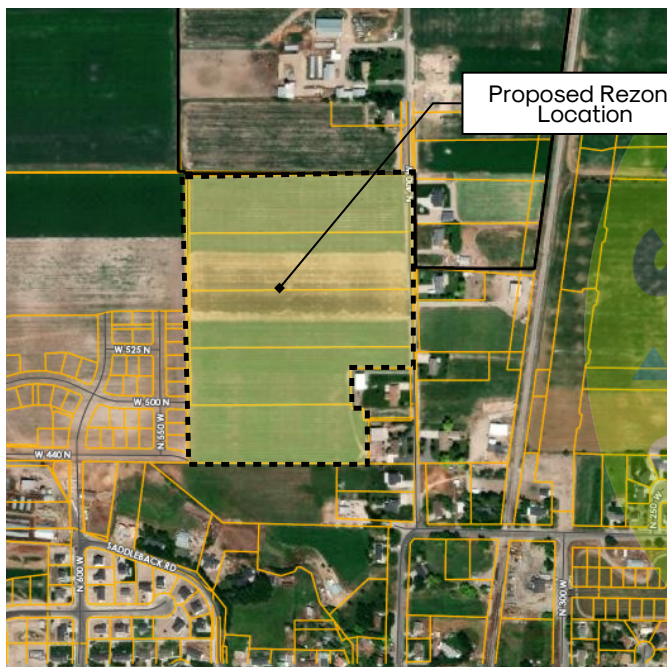
A-10 Agricultural

Proposed Zoning:

MPC Residential

Project Summary

Tami Midzinski and Heritage Land Development are requesting a rezone to the Master Plan Community zone. They have resubmitted preliminary site, phasing and landscape plans corresponding with the MPC rezone.



11/27/2023

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

We the surrounding residents of the property being considered for re-zoning 08-042-0012, 08-042-0013, 08-042-0014, 08-042-0015, 08-043-0015.

Smithfield City Council denied the request for this development on March 22, 2023. Due to concerns of the increased traffic on 400 West. Nothing has changed since. The traffic of 99 homes will still be forced up and down a one lane road (400 West). Summer brings large farm trucks, semi-trucks and horse trailers. The developer will widen the road for a short distance which will then bottle-neck in front of our home to 400 North creating probable hazards for those trying to negotiate the narrow road.

We have suggested that one acre lots be considered, We have invested our lives in this community and the development of this area just to have a developer with the support of some city officials (trying to appease them) which will devastate what we have established here on 400 West.

MPC / PUD developments may have a place but not here, we feel we have been targeted with Visionary homes to the west and Karchner development to the East. Those of us along 400 West have built this area up and are now being threatened with a great deal more traffic, condensed housing, condominiums, and twin homes. We ask that you use some logic and discretion in the development of Smithfield City.

Thank You

Lee & Lupe Helms

? Road requirement are two twelve foot lanes, 400 West is nineteen to twenty feet wide at 485 North 400 West out to 400 North.

To: Smithfield City Planning Commission Members

December 19, 2023

This letter is in regard to items 3 and 4 on the Planning Commission Agenda for the meeting scheduled for Wednesday, December 20, 2023.

Heritage Land Development is seeking approval for a Preliminary Plat for a 99 lot/unit subdivision located at 485 North 400 West, as well as, a re-zone of the property at the same location from A-10 (Agriculture 10–Acre) to MPC (Master Planned Community).

As residents who live in this area of Smithfield, we have attended several meetings (Planning Commission and City Council) where we have expressed our concern about having more large land parcels approved for MPC zoning. At this point **more than** 100 acres of land in this area have been approved for MPC zone and are currently being developed. The previous requests for MPC zoning by Heritage have been denied.

Our concerns are still the same.

1. Roads
2. Traffic, Safety and Crime
3. Public Works
4. Water usage

Nothing has changed in regards to the roads or other infrastructure concerns. The reasons that their previous requests were denied should still be the same. They have made a few small changes within their development plan, but outside of that, nothing has been done to solve the problems that extra congestion and traffic in this area will cause. These issues cannot be ignored! We are already seeing increased traffic on narrow roads. Speeding and ignoring traffic signs is a problem and we have not seen any increase in law enforcement patrolling this area. We are just getting started as these developments are going in. It is after the developers leave that the problems start to manifest themselves (i.e. traffic accidents, water and sewage issues, increase in crime, domestic and neighborhood disputes).

Please hear our concerns when considering the current request for MPC re-zone at 485 North 400 West. As things are, we don't believe that our city can support or sustain another large development of multi-unit housing in this area of Smithfield.

Thank you,

A handwritten signature in black ink that reads "Janet Hillyard". The signature is written in a cursive, flowing style.

ORDINANCE NO. 23-36

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 5 “BUSINESS LICENSES AND REGULATIONS”, AMENDING CHAPTER 5.20.060 “CHILDCARE CENTERS; REGULATIONS”.

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.

5.20.060	CHILDCARE CENTERS; REGULATIONS
-----------------	---------------------------------------

The legal authority for sections SMC 5.20.010 through SMC 5.20.080 of this chapter is set forth in title 62A, chapter 2 of the Utah Code Annotated, 1953, as amended. The most recent rules, regulations and standards governing childcare centers adopted or published by the state of Utah and amendments thereof are adopted and made a part of this chapter by reference. Sections SMC 5.20.010 through SMC 5.20.080 of this chapter are further regulated by this code. The governing body may adopt, from time to time, such regulations as in its opinion are necessary to implement sections 5.20.010 through 5.20.080 of this chapter and the objectives thereof.

A. General Requirements:

1. Any caregiver living or working in the facility or residence must be free of physical or mental illnesses that would be harmful to the children watched.
2. The daycare facility shall only be located in those areas within the municipality as permitted by SMC 17 of this code.
3. The daycare shall have adequate vehicle parking as required by SMC 17 of this code.

B. Supervision, Discipline And Activities:

1. The caregiver shall provide adequate supervision at all times to ensure the health and safety of each child.
2. The caregiver shall not use any form of physical punishment. The child shall not be disciplined through the deprivation of food or rest and the caregiver shall not use emotional abuse with children.

C. Indoor And Outdoor Areas And Equipment:

1. Indoor and outdoor areas used by the caregiver shall be clean, present no hazards to the children's health or safety

2. Outdoor activity areas must be fenced. All fences must be constructed so as to contain the children in the activity area, such as a chain-link or solid board fence.

D. Physical Health:

1. The caregiver shall have basic materials available for first aid and emergency procedures.
2. If a child requires immediate medical attention due to accident or illness, the instructor shall notify the parent. If unable to contact the parent, the instructor shall obtain medical services as agreed upon by the parent.

E. Fire, Sanitation And Safety:

1. The caregiver shall be equipped with a smoke detector and a fire department approved fire extinguisher on each floor occupied by children. The instructor and staff shall be knowledgeable on the operation of fire extinguishers.
2. Flammable materials and dangerous materials including matches, cleaning solutions, aerosol sprays, paints, medicine and other hazardous chemicals and poisons, firearms and plastic bags shall be stored so that they are inaccessible to children.
3. The culinary water in the daycare shall be from the municipal public water supply unless otherwise approved by the municipality.
4. The daycare shall be equipped with adequate bathroom facilities which shall be maintained in a sanitary manner and kept in good repair.
5. The daycare is subject to inspection by the local fire department chief or fire inspector prior to the issuance of a license to assure compliance with section 5.20.130 of this chapter and is subject to the implementation of all fire prevention requirements as set forth by the municipal ordinances.
6. The daycare is subject to any required rules, regulations and inspections as set forth by the Bear River district health department.
7. The daycare is subject to inspection by the local building inspector prior to issuance of a license to assure compliance with section 5.20.130 of this chapter and is subject to the implementation of any safety requirements set forth by the municipal ordinances.
8. The daycare shall comply with all fire, sanitation and safety requirements within one year from the issuance of the city business license. The annual business license will not be renewed if the city council determines that the daycare is in violation of these 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.
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 10th day of January, 2024

SMITHFIELD CITY CORPORATION

Kristi Monson, Mayor

ATTEST:

Dana Lazcanotegui, City Recorder

ORDINANCE NO. 23-37

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 16.12 “FINAL PLATS”,
SECTIONS 16.12.050 “ADMINISTRATIVE LAND-USE COMMITTEE”, 16.12.080
“RECORDING OF THE FINAL PLAT”, 16.12.090 “EXPIRATION OF FINAL
APPROVAL” AND CHAPTER 16.04 “GENERAL PROVISIONS”, SECTION
16.04.050 “GENERAL RESPONSIBILITIES”.**

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.

16.12.050	ADMINISTRATIVE LAND-USE COMMITTEE AUTHORITY
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Upon receipt of the final plat, the Administrative Land-Use Committee Authority 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 Administrative Land-Use Committee Authority shall notify the subdivider and specify the respects in which it is deficient. If the Administrative Land-Use Committee Authority determines that the final plat is in conformity with all requirements of the ordinances of the city and with the conditions of acceptance by the Administrative Land-Use Committee Authority, it shall recommend approval of the final plat and forward the plat to the city attorney.

16.12.080	RECORDING OF THE FINAL PLAT
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Following Administrative Land-Use Committee Authority 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 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
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If the final plat is not recorded within eighteen (18) months from the date of Administrative Land-Use ~~Committee~~ **Authority** 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.

16.04.050 GENERAL RESPONSIBILITIES
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- 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, City Manager and ~~three (3)~~ **two (2)** members of the Planning Commission selected by the Planning Commission Chairperson.

Any member of the Planning Commission may serve on the Administrative Land-Use Authority as approved by the Chairperson but said commissioners must be involved from the start of a review process until the request is approved or denied. Commissioners may not be switched until a new review process on a new project is submitted and started.

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 10th day of January, 2024

SMITHFIELD CITY CORPORATION

Kristi Monson, Mayor

ATTEST:

Dana Lazcanotegui, City Recorder

ORDINANCE NO. 24-01

**AN ORDINANCE ESTABLISHING A TIME AND PLACE FOR
HOLDING REGULAR MEETINGS DURING CALENDAR YEAR 2024**

Be it ordained by the governing body of the municipality of Smithfield City, Utah.

SECTION 1.

TIME AND PLACE OF REGULAR COUNCIL MEETING. The city council shall conduct a regular meeting which shall be held on the Wednesday's listed below of each month during 2024 at the City Office Building, located at 96 South Main, Smithfield, Utah. The meeting shall begin at 6:00 P.M.; unless otherwise posted.

January 10 th	February 14 th
March 13 th	April 10 th
May 8 th	June 12 th
July 10 th	August 14 th & 28 th
September 11 th	October 9 th
November 13 th	December 11 th

TIME AND PLACE OF PLANNING COMMISSION MEETING. The Planning Commission shall conduct its regular meeting on the third (3rd), Wednesday of each month during 2024 at the City Office Building, located at 96 South Main, Smithfield, Utah. The meeting shall begin at 6:30 P.M.; unless otherwise posted.

Changes to the place, time, or cancellations will be posted in advance.

SECTION 2. EFFECTIVE DATE. This ordinance shall take effect immediately upon posting.

Approved and signed this 10th day of January, 2024.

SMITHFIELD CITY CORPORATION

Kristi Monson, Mayor

ATTEST:

Dana Lazcanotegui, City Recorder

ORDINANCE NO. 24-03

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 8 "HEALTH AND SAFETY", CHAPTER 8.20 "GARBAGE COLLECTION
AND DISPOSAL", SECTION 8.20.050 "SERVICE CHARGES", TITLE 13 "PUBLIC
SERVICES", CHAPTER 13.04 "WATER SERVICE SYSTEM", SECTION 13.04.080
"RATES AND CONNECTION FEES", AND CHAPTER 13.16 "SEWER SERVICE
SYSTEM", SECTION 13.16.050 "ESTABLISHMENT OF FEES".**

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.

8.20.050	SERVICE CHARGES
-----------------	------------------------

- A. The city council is authorized to enter into contracts with any licensed agency to provide for the collection and disposal of refuse within the municipality.
- B. Refuse collection fees shall be as found in the most recently adopted "prevailing fee schedule" of the city set by resolution of the city council.
- C. Any dispute on the Central Dispatch, Admin Fee, Garbage, Recycling or Green Waste monthly charge must be made within twelve (12) months of when the original utility bill was dated. Disputes made after twelve (12) months will not be considered and a credit will not be applied.

13.04.080	RATES AND CONNECTION FEES
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The rates, penalty fee for delinquent payment, connection fee, reservoir fee, inspection fee and other charges incidental to connection and services from the municipal water system shall be fixed from time to time by resolution enacted by the governing body. The governing body may from time to time promulgate rules for levying, billing, guaranteeing and collecting charges for water services and all other rules necessary for the management and control of the water system. Rates for services furnished shall be uniform with respect to each class or classes of services established or that may hereafter be established. Any dispute regarding the monthly culinary water or irrigation/secondary water utility bill charge must be made within twelve (12) months of when the original utility bill was dated. Disputes made after twelve (12) months will not be considered and a credit will not be applied.

13.16.050 ESTABLISHMENT OF FEES

The rates, penalty fee for delinquency in payment and connection fees for sewer services from the municipal sewer system shall be fixed from time to time by resolution or ordinance of the governing body. The governing body may from time to time enact rules for levying, billing, guaranteeing and collecting charges for sewer services and all other rules necessary for the management and control of the sewer system. Any dispute regarding the monthly sanitary sewer utility bill charge must be made within twelve (12) months of when the original utility bill was dated. Disputes made after twelve (12) months will not be considered and a credit will not be applied.

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 10th day of January, 2024

SMITHFIELD CITY CORPORATION

Kristi Monson, Mayor

ATTEST:

Dana Lazcanotegui, City Recorder



SMITHFIELD CITY

DRAFT Storm Water Impact Fee Analysis

Prepared by:
Zions Public Finance, Inc.
August 2023

Table of Contents

Executive Summary 3

 Background Information 3

 Impact on Consumption of Existing Capacity 3

 Impact on System Improvements by Anticipated New Development..... 4

 Proportionate Share Analysis and Impact Fee Calculation 4

Overview of the Storm Water Impact Fees 5

 Summary 5

 Costs to be Included in the Impact Fee 5

 Utah Code Legal Requirements..... 5

 Notice of Intent to Prepare Impact Fee Analysis 5

 Preparation of Impact Fee Analysis 5

 Calculating Impact Fees..... 6

 Certification of Impact Fee Analysis 6

 Impact Fee Enactment 6

Impact from Growth Upon the City’s Facilities and Level of Service 7

 Storm Water Service Area 7

 Growth in Demand 7

 Existing and Proposed Level of Service Analysis..... 7

Impact on Capacity from Development Activity..... 7

 Existing Capacity..... 7

System Improvements Required from Development Activity 8

 Impact on System Improvements by Anticipated New Development..... 8

 Relation of Anticipated Development Activity to Impacts on System Improvements..... 9

Proportionate Share Analysis 9

 Maximum Legal Storm Water Impact Fee per Acre 9

 Buy-in to Existing, Excess Capacity 9

 New Construction..... 9

 Consultant Costs..... 9

 Impact Fee Fund Balance 10

 Credits for Projects Benefitting Existing Development..... 10

Summary of Impact Fees..... 11

Manner of Financing, Credits, Etc. 11



Impact Fee Credits..... 12

Extraordinary Costs and Time Price Differential..... 12

Certification..... 12

Executive Summary

Background Information

Zions Public Finance, Inc. (ZPFI) has prepared this Impact Fee Analysis (IFA) for the calculation of appropriate storm water impact fees in Smithfield City (the “City”). This IFA relies on Smithfield’s Storm Water Impact Fee Facilities Plan (“IFFP”) prepared by J-U-B Engineers, Inc. in April 2023 regarding current system capacity and future storm water capital facility needs, cost, and timing.

An impact fee is a one-time fee imposed on new development activity to mitigate the impact of new development on capital facilities. The recommended impact fee structure presented in this analysis has been prepared to satisfy the Impact Fees Act, Utah Code Ann. § 11-36a-101 et. seq., and represents the maximum impact fees that the City may assess. The City will be required to use revenue sources other than impact fees to fund any projects that constitute repair and replacement, cure any existing deficiencies, or increase the level of service for existing users.

Service Area. There is one service area in the City for the purpose of calculating storm water impact fees.

Level of Service. According to the IFFP, currently the City services 2,198 developed acres. According to the IFFP, the current service level is 0.1 cfs per acre.

Growth Projections. By 2033, the City is expected to grow by 424 developed acres, or an average of 42.4 acres per year. This growth will require the construction of new infrastructure to maintain existing levels of service.

Need for Improvements. The IFFP identifies \$60,515 of existing improvements that have sufficient capacity to serve new development, as well as the construction of 9 new storm water projects over the next 10 years, 7 of which are needed to serve the needs of new development.

Credits for Projects that Benefit Existing Development. The IFFP identifies a portion of the new construction costs that will benefit existing development. Therefore, a credit must be made so that new development does not pay twice – once in the form of impact fees and then again through higher taxes over time to pay for the portion of the system improvements that benefit existing development.

Credits for Outstanding Bonds. The City does not currently have any outstanding bonds used to pay for storm water improvements.

Impact on Consumption of Existing Capacity

Utah Code 11-36a-304(1)(a)

The IFFP identifies 2 pipes that have excess capacity that will accommodate growth in the next 10 years. Therefore, a buy-in component can be charged for impact fees. The impact-fee eligible cost is \$60,515.

Impact on System Improvements by Anticipated New Development

Utah Code 11-36a-304(1)(b)

The City has determined to maintain its current level of storm water service and therefore new improvements to the system are needed as there is not sufficient excess capacity to maintain current service levels given the projected growth. The system improvements needed over the next 10 years have been identified at a total cost of \$18,466,651, of which \$7,553,157 can be attributed to new development over the next 10 years. Existing development will benefit from \$7,535,882 of the costs, with the remaining \$3,377,612 attributable to development after 10 years.

Proportionate Share Analysis and Impact Fee Calculation

Utah Code 11-36a-304(1)(d) and (e) and (2)(a) and (b)

New development will be required to pay for its fair share of existing, excess capacity, the construction of new system improvements necessitated by new development, as well as consultant costs.

TABLE 1: SUMMARY OF 2023 MAXIMUM IMPACT FEE PER ACRE IN 2023

Description	Amount
Excess Capacity	\$142.72
New Construction	\$17,814.05
Consultant Costs	\$34.66
Subtotal	\$17,991.43

The maximum allowable impact fee changes each year in the table below in the shaded, far right column, to account for the credits due from the construction costs that benefit existing development.

TABLE 2: SUMMARY OF MAXIMUM IMPACT FEE, 2023-2033

Year	Dev Acres	Payment	Payment per Acre	NPV* - Credit	Max Fee per Acre
2023	2,198	\$710,824	\$323.40	\$2,325.93	\$15,665.50
2024	2,237	\$710,824	\$317.74	\$2,118.83	\$15,872.60
2025	2,277	\$710,824	\$312.19	\$1,907.03	\$16,084.40
2026	2,317	\$710,824	\$306.73	\$1,690.20	\$16,301.23
2027	2,359	\$710,824	\$301.36	\$1,467.98	\$16,523.45
2028	2,401	\$710,824	\$296.10	\$1,240.02	\$16,751.41
2029	2,443	\$710,824	\$290.92	\$1,005.92	\$16,985.51
2030	2,487	\$710,824	\$285.83	\$765.30	\$17,226.13
2031	2,531	\$710,824	\$280.83	\$517.73	\$17,473.70
2032	2,576	\$710,824	\$275.92	\$262.78	\$17,728.65

*NPV = net present value discounted at 5 percent

Overview of the Storm Water Impact Fees

Summary

An impact fee is intended to recover the City's costs of building storm water system capacity to serve new residential and non-residential development rather than passing all these growth-related costs on to existing users through rates. The Utah Impact Fees Act allows only certain costs to be included in an impact fee so that only the fair cost of expansionary projects or existing unused capacity paid for by the City is assessed through an impact fee.

Costs to be Included in the Impact Fee

The impact fees proposed in this analysis are calculated based upon:

- Excess capacity in the City's storm water system;
- New capital infrastructure for storm water systems that will serve new development; and
- Professional and planning expenses related to the construction of system improvements that will serve new development.

The costs that cannot be included in the impact fee are as follows:

- Costs for projects that cure system deficiencies;
- Costs for projects that increase the Level of Service (LOS) above that which is currently provided;
- Operations and maintenance costs;
- Costs of facilities funded by grants or other funds that the City does not have to repay; and
- Costs of reconstruction of facilities that do not have capacity to serve new growth.

Utah Code Legal Requirements

Utah law requires that communities prepare an Impact Fee Analysis (IFA) before enacting an impact fee. Utah law also requires that communities give notice of their intent to prepare and adopt an IFA. This IFA follows all legal requirements as outlined below. The City has retained ZPFI to prepare this IFA in accordance with legal requirements.

Notice of Intent to Prepare Impact Fee Analysis

A local political subdivision must provide written notice of its intent to prepare an IFA before preparing the Plan (Utah Code §11-36a-503). This notice must be posted on the Utah Public Notice website.

Preparation of Impact Fee Analysis

Utah Code requires that each local political subdivision, before imposing an impact fee, prepare an impact fee analysis. (Utah Code 11-36a-304).

Section 11-36a-304 of the Utah Code outlines the requirements of an impact fee analysis as follows:

- (1) An impact fee analysis shall:
 - (a) identify the anticipated impact on or consumption of any existing capacity of a public facility by the anticipated development activity;
 - (b) identify the anticipated impact on system improvements required by the anticipated development activity to maintain the established level of service for each public facility;
 - (c) demonstrate how the anticipated impacts described in Subsections (1)(a) and (b) are reasonably related to the anticipated development activity;
 - (d) estimate the proportionate share of:
 - (i) the costs for existing capacity that will be recouped; and

- (ii) the costs of impacts on system improvements that are reasonably related to the new development activity; and
 - (e) identify how the impact fee was calculated.
- (2) In analyzing whether or not the proportionate share of the costs of public facilities are reasonably related to the new development activity, the local political subdivision or private entity, as the case may be, shall identify, if applicable:
 - (a) the cost of each existing public facility that has excess capacity to serve the anticipated development resulting from the new development activity;
 - (b) the cost of system improvements for each public facility;
 - (c) other than impact fees, the manner of financing for each public facility, such as user charges, special assessments, bonded indebtedness, general taxes, or federal grants;
 - (d) the relative extent to which development activity will contribute to financing the excess capacity of and system improvements for each existing public facility, by such means as user charges, special assessments, or payment from the proceeds of general taxes;
 - (e) the relative extent to which development activity will contribute to the cost of existing public facilities and system improvements in the future;
 - (f) the extent to which the development activity is entitled to a credit against impact fees because the development activity will dedicate system improvements or public facilities that will offset the demand for system improvements, inside or outside the proposed development;
 - (g) extraordinary costs, if any, in servicing the newly-developed properties; and
 - (h) the time-price differential inherent in fair comparisons of amounts paid at different times.

Calculating Impact Fees

Utah Code states that for purposes of calculating an impact fee, a local political subdivision or private entity may include:

- (a) the construction contract price;
- (b) the cost of acquiring land, improvements, materials, and fixtures;
- (c) the cost for planning, surveying, and engineering fees for services provided for and directly related to the construction of the system improvements; and
- (d) for political subdivision, debt service charges, if the political subdivision might use impact fees as a revenue stream to pay the principal and interest on bonds, notes or other obligations issued to finance the costs of the system improvements.

Certification of Impact Fee Analysis

Utah Code states that an Impact Fee Analysis shall include a written certification from the person or entity that prepares the Impact Fee Analysis. This certification is included at the conclusion of this analysis.

Impact Fee Enactment

Utah Code states that a local political subdivision or private entity wishing to impose impact fees shall pass an impact fee enactment in accordance with Section 11-36a-402. Additionally, an impact fee imposed by an impact fee enactment may not exceed the highest fee justified by the impact fee analysts. An impact fee enactment may not take effect until 90 days after the day on which the impact fee enactment is approved.

Impact from Growth Upon the City's Facilities and Level of Service

Utah Code 11-36a-304(1)(a)(c)

Storm Water Service Area

The City has one service area for the purpose of calculating storm water impact fees.

Growth in Demand

The City projects that it will grow by approximately 424 acres during the 10-year impact fee planning horizon in this IFA. The following table shows storm water growth projections in terms of developed acres. The City's storm water system served 2,198 acres in 2023, which will grow to an estimated 2,622 acres by 2033, or growth of 424 acres.

TABLE 3: STORM WATER GROWTH PROJECTIONS

Year	Developed Acres
2023	2,198
2024	2,237
2025	2,277
2026	2,317
2027	2,359
2028	2,401
2029	2,443
2030	2,487
2031	2,531
2032	2,576
2033	2,622

Source: IFFP

Existing and Proposed Level of Service Analysis

According to the City's IFFP, the existing storm water collection system in Smithfield City requires developments to detain stormwater runoff, with a maximum release rate of 0.1 cubic feet per second per acre (cfs/ac) during a 100-year 24-hour storm. The proposed level of service during the period of this IFA is to equal the existing level of service.

Impact on Capacity from Development Activity

Utah Code 11-36a-304(1)(a)

Existing Capacity

According to the IFFP, there is currently excess capacity in the storm water system. Therefore, new development will be charged a buy-in fee as a part of the proposed storm water impact fee.

TABLE 4: SUMMARY OF EXISTING EXCESS CAPACITY

Item #	Location	Total Project Cost	% of Additional Peak Flow Associated with 10-Year Growth	Estimated Impact-Fee Eligible Cost
1	300 South, east of 1000 East	\$154,804	10.0%	\$15,480
2	630 North from Main Street to 200 East	\$52,920	85.1%	\$45,035
TOTAL		\$207,724		\$60,515

Source: IFFP

System Improvements Required from Development Activity

Utah Code 11-36a-304(1)(b)(c), (2)(b)

Impact on System Improvements by Anticipated New Development

The City has determined to maintain its current level of storm water service. Therefore, additional storm water improvements will be required to maintain the established storm water level of service. The means by which the City will meet growth demands include constructing the following projects as set forth in the IFFP. This will occur through requiring new development to pay for its fair share of new construction projects over the next 10 years.

New construction projects over the next 10 years will total \$18,466,651, based on calculations shown in the IFFP and included in the following table.

TABLE 5: NEW SYSTEM IMPROVEMENTS

Project Number	Project Location	Total Cost	% to Existing Flow	Cost to Existing	% of Cost to 10-Year Growth	Cost to 10-Year Growth
1	1000 South West of Main	\$3,357,573	66%	\$2,215,998	34%	\$1,141,575
2	1000 East	\$499,464	0%	\$0	100%	\$499,464
3	1000 South - East of Main	\$699,494	0%	\$0	100%	\$699,494
4	600 South Connection	\$493,328	100%	\$493,328	0%	\$0
5	1000 South Detention Pond	\$1,434,577	0%	\$0	100%	\$1,434,577
6	200 North Upsize	\$2,071,485	100%	\$2,071,485	0%	\$0
7	Northeast Bench	\$612,364	0%	\$0	100%	\$612,364
8	Saddleback	\$8,844,308	30%	\$2,620,536	34%	\$3,011,096
9	Saddleback Pond	\$454,058	30%	\$134,536	34%	\$154,587
TOTAL		\$18,466,651		\$7,535,883		\$7,553,157

Source: IFFP

A portion of Projects 8 and 9 will benefit development outside of the 10-year horizon in this analysis. It is estimated that 36% of costs for Projects 8 and 9 will be associated with growth beyond 10 years, or \$3,212,676 and \$164,936 respectively. These costs can be captured in future impact fee analyses.

Relation of Anticipated Development Activity to Impacts on System Improvements

The demand placed on existing storm water improvements by new development activity is attributed to the increased developed acres related to both residential and nonresidential growth.

Proportionate Share Analysis

Utah Code 11-36a-304(1)(d)(e)

Maximum Legal Storm Water Impact Fee per Acre

The Impact Fees Act requires the Impact Fee Analysis to estimate the proportionate share of the existing excess capacity and future costs for system improvements that benefit new growth that can be recouped through impact fees.

Buy-in to Existing, Excess Capacity

The existing storm water system has existing, excess capacity; therefore, a buy-in component is factored into the impact fee calculation.

TABLE 6: PROPORTIONATE SHARE ANALYSIS, EXCESS EXISTING CAPACITY ANALYSIS

Existing Excess Capacity	Amount
Actual Cost of System	\$207,724.00
Impact-Fee Eligible Cost	\$60,515.32
Growth in Acres, 2023-2033	424
Cost per Acre	\$142.72

New Construction

The City intends to maintain its existing level of service for storm water services through constructing new system improvements previously detailed in this IFA. Total impact fee eligible costs for new construction, attributable to new development over the next 10 years, are \$7,553,157. Based on the acres served over the next 10 years, the total cost per acre for new improvements is \$17,814.05.

TABLE 7: PROPORTIONATE SHARE ANALYSIS, NEW CONSTRUCTION NECESSITATED BY NEW DEVELOPMENT

Category	Amount
Cost of New Construction, 10-Year Growth	\$7,553,157
Growth in Acres, 2023-2033	424
Cost per Acre	\$17,814.05

Consultant Costs

The Impact Fees Act allows for fees charged to include the reimbursement of consultant costs incurred in the preparation of the IFA.

Consultant costs are estimated at \$14,694.40 to prepare the IFFP and IFA that was necessary to calculate defensible impact fees. The consultant studies are considered to serve development over the next 10 years. Based on the acres served over the next 10 years, the total consultant cost per acre is calculated at \$34.66.

TABLE 8: PROPORTIONATE SHARE ANALYSIS, CONSULTANT COSTS

Category	Amount
ZPFI Consultant Costs	\$6,000
J-U-B Consultant Costs	\$8,694.40
Growth in Acres, 2023-2033	424
Cost per Acre	\$34.66

Impact Fee Fund Balance

The City currently has \$427,647 of funds in its storm water impact fee account. This amount can be used to pay down the construction projects that will benefit existing development and that were collected for these projects.

Credits for Projects Benefitting Existing Development

Credits need to be made for the portion of new projects that will benefit existing development. The IFFP identifies portions of the new improvement projects that will benefit existing development. Therefore, a credit must be made for these projects so that new development does not pay twice – once through the collection of an impact fee and then again through increased taxes to offset the portion benefitting existing development. The total amount of project costs benefitting existing development is \$7,535,883 as shown in Table 7. This cost can be reduced through the fund balance of \$427,647 currently on hand. These costs are spread across 10 years in the following analysis so that credits can be made.

TABLE 9: CREDITS FOR COSTS BENEFITTING EXISTING DEVELOPMENT

Year	Payment	Acres	Payment per Acre	NPV* - Credit
2023	\$710,824	2,198	\$323.40	\$2,325.93
2024	\$710,824	2,237	\$317.74	\$2,118.83
2025	\$710,824	2,277	\$312.19	\$1,907.03
2026	\$710,824	2,317	\$306.73	\$1,690.20
2027	\$710,824	2,359	\$301.36	\$1,467.98
2028	\$710,824	2,401	\$296.10	\$1,240.02
2029	\$710,824	2,443	\$290.92	\$1,005.92
2030	\$710,824	2,487	\$285.83	\$765.30
2031	\$710,824	2,531	\$280.83	\$517.73
2032	\$710,824	2,576	\$275.92	\$262.78

*NPV = net present value discounted at 5 percent

Summary of Impact Fees

The calculated maximum cost per acre, before credits, is \$17,991.43 as shown in Table 10 below.

TABLE 10: SUMMARY OF 2023 IMPACT FEE

Summary	
Excess Capacity	\$142.72
New Construction	\$17,814.05
Consultant Costs	\$34.66
Subtotal – Gross Fee	\$17,991.43

The maximum allowable impact fee changes each year in the table below to account for the credits due from the remaining construction cost amounts that benefit existing development.

TABLE 11: SUMMARY OF MAXIMUM IMPACT FEE, 2023-2032

Year	Payment	Acres	Payment per Acre	NPV*	Gross Fee	Max Fee per Year per Acre
2023	\$710,824	2,198	\$323.40	\$2,325.93	\$17,991.43	\$15,665.50
2024	\$710,824	2,237	\$317.74	\$2,118.83	\$17,991.43	\$15,872.60
2025	\$710,824	2,277	\$312.19	\$1,907.03	\$17,991.43	\$16,084.40
2026	\$710,824	2,317	\$306.73	\$1,690.20	\$17,991.43	\$16,301.23
2027	\$710,824	2,359	\$301.36	\$1,467.98	\$17,991.43	\$16,523.45
2028	\$710,824	2,401	\$296.10	\$1,240.02	\$17,991.43	\$16,751.41
2029	\$710,824	2,443	\$290.92	\$1,005.92	\$17,991.43	\$16,985.51
2030	\$710,824	2,487	\$285.83	\$765.30	\$17,991.43	\$17,226.13
2031	\$710,824	2,531	\$280.83	\$517.73	\$17,991.43	\$17,473.70
2032	\$710,824	2,576	\$275.92	\$262.78	\$17,991.43	\$17,728.65

*NPV = net present value discounted at 5 percent

Manner of Financing, Credits, Etc.

Utah Code 11-36a-304(2)(c)(d)(e)(f)(g) and (h)

An impact fee is a one-time fee that is implemented by a local government on new development to fund and pay for the proportionate costs of public facilities (system improvements) that are needed to serve new development. As a matter of policy and legislative discretion, a City may choose to have new development pay the full cost of its proportionate share of new public facilities and existing facilities that have excess capacity to service new development through impact fees. Alternatively, local governments may elect to subsidize new development by using other sources of revenue (user charges, special assessments, bonds, taxes, grants) to pay for the new facilities required to service new development and use impact fees to recover the cost difference between the total cost of the new facilities and the other sources of revenue.

At the current time, no other sources of funding other than impact fees have been identified, but to the extent that any are identified and received in the future, then impact fees will be reduced accordingly. The City has found that it is necessary to charge an impact fee to maintain the existing level of service into the future.

Additional system improvements beyond those funded through impact fees that are desired to raise the level of service will be paid for by the community through other revenue sources such as user charges, special assessments, General Obligation bonds, general taxes, etc.

Impact Fee Credits

The Impact Fee Act requires that the IFA consider the relative extent to which new development activity will contribute to financing the excess capacity of and system improvements for new and public facilities, by such means as user charges, special assessments, or payment from the proceeds of general taxes so that new development is not charged twice. This IFA clearly identifies the amount of excess capacity to be paid for by new development. This portion of the impact fee calculation can be credited back to the General Fund as a repayment for prior investment in capital facilities.

In terms of new facilities, all impact fee amounts collected must be spent for the specific project improvements identified by the engineering firm contracted by the City and incorporated into this IFA. Impact fees are required to be used within 6 years of collection. No user fees, special assessments, etc., are contemplated to offset any of the costs associated with the new storm water facilities.

Credits may also be paid back to developers who have constructed or directly funded system improvements that are identified by the City's contracted engineering firm or donated to the City in lieu of impact fees, including the dedication of land for system improvements. This situation does not apply to developer exactions for project improvements. Any item for which a developer receives credit should be included in the approved infrastructure and must be agreed upon with the City before construction begins.

The standard impact fee can also be decreased to respond to unusual circumstances in specific cases to ensure that impact fees are imposed fairly. In certain cases, a developer may submit studies and data that clearly show a need for adjustment.

Extraordinary Costs and Time Price Differential

It is not anticipated that there will be any extraordinary costs in servicing newly developed properties. To account for the time-price differential inherent in fair comparisons of amounts paid at different times, actual costs have been used to compute current costs in order to compute impacts on system improvements required by anticipated development activity to maintain the established level of service for each public facility.

Certification

Zions Public Finance, Inc. certifies that the attached impact fee analysis:

1. Includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid.

2. Does not include:
 - a. costs of operation and maintenance of public facilities; or
 - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
3. Offsets costs with grants or other alternate sources of payment; and
4. Complies in each and every relevant respect with the Impact Fees Act.