



SMITHFIELD CITY PLANNING COMMISSION MINUTES December 20, 2023

The Planning Commission of Smithfield City met in the City Council Chambers
96 South Main, Smithfield, Utah at 6:30 p.m. on Wednesday, December 20, 2023
Welcome remarks by Bob Holbrook

The following members were present constituting a quorum:

Members Present: Jamie Anderson, Katie Bell, Bob Holbrook, Jim Marshall, Chris Olsen, Stuart Reis, Lazaro Soto

Members Excused: Brian Higginbotham, Brooke Freidenberger

City Staff: Brian Boudrero, Mayor Kris Monson, City Councilmember Sue Hyer, McKenzie Nelson

Others in Attendance: Tami Midzinski, Lee & Lupe Helms, Michelle Anderson, Leslie Flaherty, Curtis Wall, Xavieranna Gonzales, Kenneth Bell, Todd Orme, Janet Hillyard, Randi Alba Romualdo, Danny Hansen, Connie Beck, Bryan Alba Romualdo Kyle thatcher, Jeff Barnes, Lyle Coleman, Jenn Staker, Brian Higginbotham

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

Consideration of consent agenda and approval of meeting minutes

After consideration by the Commission, Chairman Anderson declared the minutes from the November 15, 2023 meeting to stand as submitted.

RESIDENT INPUT

Curtis Wall thanked the Commission for their service, thoughts, and opinions. He appreciates all they do for Smithfield City.

Randi Alba Romualdo would like to be considered for a conditional use for an in-home salon in a spare bedroom in her apartment. She understands there are concerns related to parking. Chairman Anderson asked if she had applied for a Conditional Use Permit, and she said she had. Mr. Boudrero said this request will be on the January meeting agenda. Randi was invited to come back next month to address the Commission.

AGENDA ITEMS

Discussion and possible vote on the request by Heritage Land Development for approval of the Preliminary Plat for Lupine Village Subdivision, a (99) lot/unit subdivision located at approximately 485 North 400 West.

Heritage Land Development has re-submitted a preliminary site plan corresponding with the MPC rezone. In addition to the site and development plan that is required to be included, a phasing and landscape plan has been submitted. The updated plan includes 40 multi-family and 59 single-family lots, an interconnecting trail system, and an open space with amenities.

The original project began with 167 lots, this request is proposing 99 lots (59 single-family and 40 townhomes). The streets will match up with the roads in Fox Meadows. Tami Midzinski said they are not asking for a bonus density.

Commissioner Bell asked why the MPC zone is being requested if they are not requesting any density bonus. Ms. Midzinski said this zone provides for a variety of homes. She said this will also help with the moderate housing mandate and allow for future growth. Gov. Cox is fighting for more housing in the state.

Commissioner Holbrook asked about the large lots by the existing homes and whether those would be too big. Ms. Midzinski said these lots will help provide a smooth transition. Mr. Helms, in previous meetings, has requested larger lots, which is why they are being proposed. Commissioner Holbrook noted that a traffic study has been done, but he suggested possibly dividing the large lots in half and improving the road down to 400 North to alleviate some of the traffic pressure. Ms. Midzinski said that is a good recommendation if the City is willing to offset some of the costs. The Future Transportation Plan identifies property to the north, if/when annexed, to be improved. This could be a great opportunity for the City, but because bonus density is not being requested and she has made significant changes to make the community happy, this is something that would have to be discussed in a development agreement.

Commissioner Marshall said the large lots provide a good buffer; he asked if the lots have secondary water. Ms. Midzinski said they all have secondary; the property was purchased with the 29 water shares. The irrigation company provides enough water to take care of 29 acres.

Commissioner Olsen asked about the traffic study. Ms. Midzinski said Traffic Impact Studies (TIS) consider current development and the addition of the impact of the proposal. The study was done in June 2023 when the plan had more housing and it still passed with an A grade level of service.

Commissioner Holbrook said citizens have expressed concern with water issues, however, the STRC has reviewed the proposal and has no concerns. Ms. Midzinski said there was a concern, at a previous Council meeting, about the storm pond overflowing. This proposal now provides a large sump that will maintain stormwater underground. Chairman Anderson asked about the capacity of the sump. Ms. Midzinski said she did not have the specifics but it was designed to meet City Code requirements and built out for a 100-year storm event.

Chairman Anderson asked about the lift station on the southwest corner. Ms. Midzinski said it would be owned and maintained by the HOA or developer. They have followed the same as what was approved for Fox Meadows. Chairman Anderson stated he was not in favor of having the HOA own/maintain the lift station.

MOTION: Motion by Commissioner Bell to **approve** the request by Heritage Land Development for approval of the Preliminary Plat for Lupine Village Subdivision, a (99) lot/unit subdivision located at approximately 485 North 400 West. Commissioner Soto seconded the motion. **Motion approved (5-2).**

Vote:

Aye: Bell, Holbrook, Marshall, Reis, Soto

Nay: Anderson, Olsen

Introduction and **Public Hearing** for the purpose of discussing 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.

Tami Midzinski and Heritage Land Development are requesting a rezone to the Master Planned Community (MPC) zone.

6:50 Public Hearing Opened

Note: Two letters expressing concerns with the proposal were included in the Commissioner's packet and the online packet. The letters were received from Lee & Lupe Helms and Janet Hillyard.

Carmen said her parents built their home 35 years ago. Her main concern is the road safety. The road in front of her home is very narrow, there are no sidewalks and many drivers speed along the road. This development will create more traffic and there will be more concerns. She would like the area to be safe for everyone.

Bryan Alba Romualdo said this was brought to his attention today. He is disappointed with the small roads and "lack of everything here, we can do a lot better".

Lee Helms does not agree with MPC/PUD subdivisions because "they destroy the lifestyle they have and invested in this community". Property lines go up to the edge of this road and property will have to be "condemned" to widen the road. There will be a lot of animosity. "We've built this community and invested our lives there and you're pretty much going to rip it away from us".

Danny Hansen lives to the east of this proposed development. He commends the developer for making changes. He thinks the large lots match up with what is there. He does not think the developer should bear the cost of putting sewer and water in passed their development, it should be the City helping with those improvements. He is against the sewer lift stations in the MPCs that are going to litter the City. If the City is going to allow development, the infrastructure should already be in place. The City should look around the community to see where services are lacking and get ahead of it rather than always being behind it. He agrees with the narrow road concerns, when cars are parked on the sides of streets, it sometimes creates one-lane roads. Church-related traffic (e.g. services, weddings, funerals, baptisms, activities) can increase traffic in the area. With what is being presented, most of the traffic will likely go down 400 North.

Janet Hillyard said seven farmers travel 400 West with large equipment several times a day. There are times when vehicles have to get off to the side of the road to pass. Most homes along 400 West are at least two acres or more because of the lifestyle desired and this development would ruin their neighborhood.

Kyle Thatcher said his major concern is the roads, especially the 400 North 400 West, and 300 North and Saddleback intersections/transitions. No one will go down to 800 North, they will use 400 North and 400 West, which already has a lot of traffic. He does

not understand how a development like this passes a realistic traffic study that takes into account routes that people will actually take, not routes they should take. Speeding is a current concern; additional traffic will be dangerous and detrimental to people who live in the area. He would like to find a better solution.

Caralee Stokes urged the Commission to listen to the citizens. She does not feel that the resident's concerns are being heard. She would like to see larger lots put in. Smithfield City is not Salt Lake City or Utah County. Cache County is different and has a different capacity to build up. Traffic is terrible and the City needs to be careful about what is being done. She does not want to see the Valley ruined. If it gets too crowded, people will start leaving. She is not against growth but it needs to be done smarter.

Kenneth Bell thinks the City is being smart and looking at all the issues being discussed. Credit needs to be given to the staff, who do a good job of providing data about roads and water. It is easy for citizens to instill fear that these types of projects will ruin the City, but decisions should not be made fear-based, but data-based.

Jeff Barnes said there has been a lot of work put into this plan. Master Planned Communities are not evil, they provide a variety of housing types. There are only four (4) lots proposed in front of the church. This entire project is not high-density as the majority of lots are planned for single-family homes. There are two (2) lots from the corner of 400 North and 400 West; before those homes were built the City had a plan to straighten out and improve that intersection. The City did not require those homeowners to put in improvements, which has created an issue. Roads are planned for the same size as in other developments, he does not understand why people do not think they are wide enough for residential use. The roads are also connecting to the Fox Meadows subdivision. There has been too much negative talk repeated time after time, but the City has done a good job in the planning process.

7:09 p.m. Public Hearing Closed

Discussion and possible vote on <u>Ordinance 23-32</u>
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Commissioner Marshall thinks the plan meets all the design requirements and the General Plan, which is why he voted to approve the preliminary plan. With respect to the zone change, he asked what the City's plan is for dealing with the road impacts beyond the boundaries of this development. Mr. Boudrero explained that there is a 66' right-of-way along the development. Land Use law states that improvements cannot be forced to be made before a property is subdivided and/or developed. When they are subdivided and/or developed, those will be held to the same standards.

Commissioner Olsen likes the current proposal more than the original one. He has taken time to visit with residents in the area, being on the Commission he feels that his responsibility is to represent the citizens of Smithfield. No one he talked to was in favor of the rezone. A few Fox Meadows residents mentioned instances of sewers backing into basements. He likes the design of the plat, but the rezone does not make as much sense because of so much other development in the area, which is impacting that area.

Commissioner Bell lives in the area. She has walked the street in front of Janet Hillyard's house for years. To insinuate that she is not listening to the community is unfair. She is part of the community. The project will add more traffic to where she lives. There seems to be a disconnect between the professional studies being done indicating that the roads can handle the traffic and there is enough water, and members of the public who are saying the roads and water are insufficient. Traffic can sometimes be uncomfortable but it is not unlivable. She wonders if the public does not want to be uncomfortable. She has been involved in a court situation recently where the Judge talked about compromise. The land owner in this situation has rights, that in her opinion "are being walked all over". The developer has conceded and changed the plan to include larger lots and bigger roads, added a sump, fixed the sewer, added fencing, and are working with the City on the lift station. Mr. Helms brought up something that she did not understand when he said "the MPCs and PUDs are creating an animosity and that land would have to be condemned". Compromise means both sides need to make concessions and she is not seeing much from the public. Both parties have rights.

Commissioner Reis feels the same way, he does not like narrow roads, but improvements are made as growth happens. The best the City can do is plan for it.

Commissioner Soto asked how a Traffic Impact Analysis is done. Mr. Boudrero said a licensed engineering firm is hired to perform the study and provide a grade. They do traffic counts multiple times during different days/times.

Commissioner Marshall said the General Plan was approved in 2017 and anticipated Medium density (3-5 homes/acre) for this area. This proposal meets that requirement. The dye was cast when the General Plan was approved so this should not come as a surprise for this area. The Valley is continuing to grow and the General Plan outlines that filling in this area seems to be the right thing to do. Chairman Anderson noted that the only other option would be growing up instead of out. Commissioner Marshall agreed and said this is being done throughout Logan City.

MOTION: Motion by Commissioner Bell to **forward a recommendation for approval** for 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. Commissioner Marshall seconded the motion. **Motion approved (5-2).**

Vote:

Aye: Bell, Holbrook, Marshall, Reis, Soto

Nay: Anderson, Olsen

Introduction and **Public Hearing** for the purpose of discussing 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".

Commissioner Higginbotham arrived at the meeting at 7:33 p.m.

This ordinance will add similar requirements to those conditions that are currently expected for home preschools. Home daycare centers will have general requirements that articulate supervision, discipline, indoor and outdoor areas, physical health, sanitation, and safety.

The proposed additions to the Ordinance 23-36 include:

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 or as additionally required by the City Council.

B. Supervision, Discipline & 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 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 an 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 violates these requirements.

7:34 p.m. Public Hearing Opened

7:35 p.m. Public Hearing Closed

Discussion and possible vote on <u>Ordinance 23-36</u>
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Mr. Boudrero said these additions help make the Code consistent with all applicable state laws. It is a proactive adjustment as daycares and preschools continue to increase. The State Health Department reviews all applications.

Chairman Anderson questioned the wording in Section E.8 *"The annual business license will not be renewed if the City Council determines that the daycare violates these requirements"*. Mr. Boudrero confirmed this is the process but has never had to happen up to this point.

Commissioner Higginbotham asked about Section A.3 *"The daycare shall have adequate vehicle parking as required by SMC 17 of this code or as additionally required by the City Council"*. He assumes this is referencing Section 17.24.050 which requires *"1 parking space per 1,000 square feet of gross floor area."* Mr. Boudrero said there are several different locations in Section 17 that address parking. Parking can also be added as a condition upon approval. Commissioner Higginbotham asked how the City can require parking to meet Code requirements or *"as additionally required by the City Council"* as listed in Section A.3. Mr. Boudrero said that reference can be removed.

MOTION: Motion by Commissioner Marshall to **forward a recommendation for approval** for 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" striking the phrase in A.3 ~~"or as additionally required by the city council"~~. Commissioner Reis seconded the motion. **Motion approved (7-0)**

Vote:

Aye: Anderson, Bell, Holbrook, Marshall, Olsen, Reis, Soto

Nay: None

Introduction and **Public Hearing** for the purpose of discussing 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”.

This ordinance amends the subdivision review code that was just voted on by the City Council on 12/5/23. There are some simple word substitutions in addition to adding two (2) members of the Planning Commission to the "Administrative Land Use Authority". It will also change the information about what body or individual will appoint the planning commission members.

7:44 p.m. Public Hearing Opened

7:45 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 23-37

Mr. Boudrero explained that the majority of the changes are grammatical. The biggest change is adding two (2) Planning Commission members, chosen by the City Council, to serve on the Administrative Land Use Authority.

Chairman Anderson said the previous wording was that the Commission members would be chosen by the Planning Commission Chair and now it indicates that those members will be chosen by the City Council.

Commissioner Marshall asked if the City Council approved the changes. Mr. Boudrero said the Ordinance was approved with the understanding that there would be changes made – these changes are suggestions from the City Council.

Commissioner Marshall said there was some email traffic from certain members of the City Council regarding changing the Commission members to be chosen by the City Council rather than the Planning Commission Chair – are all members of the Council on board with this change? Mr. Boudrero said they will have to discuss/decide at the next Council meeting.

Chairman Anderson said he saw the same email traffic that Commissioner Marshall did (Commissioner Bell said she was not aware of any emails) and was disappointed with some of the verbiage suggesting the Planning Commission Chair's decisions would be politically motivated. He takes offense and does not think we should “act like that as a City”. He would never assign a member; he would ask for volunteers. He was very disappointed in the wording of the email. He would like to see the City deal in a non-partisan way to do what is best for the City and drop any of the “political stuff”.

Commissioner Holbrook thinks having an alternate(s) might be a good idea due to the time commitment.

Commissioner Reis said having the City Council appoint a Commission member would be more of a political decision.

Commissioner Bell agreed that having an alternate is a good idea and her opinion is to have the Planning Commission Chair appoint Commission members unless she understood how the Council would be making the decision.

Mayor Monson answered for Chairman Anderson that her thought is to wait until the new City Councilmembers are in place and sworn in before any decisions are made.

Mr. Boudrero pointed out that this Ordinance has passed, this proposal is only making changes.

Mayor Monson said the Ordinance passed because the Council understood it would be a workable document, but would provide a basis for staff to begin working on. Commissioner Higginbotham asked why communication was only going to some members of the Planning Commission. Mayor Monson said the communication was from a newly-elected Councilmember who has not been sworn in yet. The communication has been stopped.

MOTION: Motion by Commissioner Marshall to **forward a recommendation for approval** for 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” in the addition to two (2) Planning Commission members, and two (2) alternates be chosen by Chair of Commission than by City Council. Commissioner Reis seconded the motion. **Motion approved (7-0).**

Vote:

Aye: Anderson, Bell, Holbrook, Marshall, Olsen, Reis, Soto

Nay: None

MEETING ADJOURNED at 8:00 p.m.

Jamie Anderson, Chairman



**SMITHFIELD CITY
CORPORATION
96 South Main
Smithfield, UT 84335**

AGENDA

Public Notice is given that the Smithfield Planning Commission will meet in a regularly scheduled meeting at 96 South Main, Smithfield, Utah, on **Wednesday, December 20, 2023**. The meeting will begin at 6:30 PM.

Welcome/pledge of allegiance and thought/prayer by Bob Holbrook

1. Approval of Planning Commission Meeting Minutes from November 15, 2023.
2. Resident Input
3. Discussion and possible vote on the request by Heritage Land Development for approval of the Preliminary Plat for the Lupine Village Subdivision, a (99) lot/unit subdivision located at approximately 485 North 400 West.
4. Introduction and Public Hearing for the purpose of discussing 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.
5. Discussion and possible vote on Ordinance 23-32.
6. Introduction and Public Hearing for the purpose of discussing 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 23-36
8. Introduction and Public Hearing for the purpose of discussing 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”.
9. Discussion and possible vote on Ordinance 23-37.

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.