



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, March 13, 2024**. The meeting will begin at 6:30 PM.

Welcome/pledge of allegiance and thought/prayer by Todd Orme

1. Approval of the city council meeting minutes from February 14, 2024
2. Resident Input
3. Recognition of retiring Police Department Lieutenant Gary Bunce for years of dedicated service to the community.
4. Recognition of Ruth Swaner for years of dedicated service at the Senior Center.
5. Discussion and possible approval of Sarah Price as a Commissioner on the Planning Commission.
6. Discussion and update with representatives of the Rural Water Association of Utah on the cross-connection program.
7. Discussion and possible vote on Ordinance 24-08, an Ordinance amending the Smithfield City Municipal code Title 17 "Zoning Regulations", Chapter 17.36 "Signs", Section 17.36.060 "Permitted Signs; Permits Not Required".
8. Discussion and possible vote on Ordinance 24-09, an Ordinance amending the Smithfield City Municipal Code Title 16 "Subdivision Regulations", Chapter 16.04 "General Provisions", Section 16.04.050 "General Responsibilities", Chapter 16.06 "Minor Subdivision", Section 16.06.050 "Approval Of The Minor Subdivision", Chapter 16.07 "Major Subdivisions", Sections 16.07.030 "Preliminary Plat", 16.07.040 "Final Plat", Chapter 16.09 "Preliminary Plats", Section 16.09.040 "Approval Of Preliminary Plat", and Chapter 16.12 "Final Plats", Section 16.12.030 "Preparation And Required Information".
9. Discussion and possible vote on an "Agreement for Fire Protection Services" between Smithfield City and Hyde Park City effective July 1, 2024.

10. Discussion on culinary water projects and financing options.
11. Discussion and possible approval of paying off the Dry Canyon Water Bonds.
12. Public Hearing for the purpose of discussing Ordinance 24-11, 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 13.04.330 "Discontinuance of Service", and Chapter 13.24 "Storm Water Sewer System", Section 13.24.070 "System of Rates and Charges".
13. Discussion and possible vote on Ordinance 24-11.
14. Discussion on the Moderate-Income Housing Report.
15. City Manager Report
16. Council Member and Mayor Reports

Adjournment

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

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

The Smithfield City Council met in a regularly scheduled meeting at 96 South Main Street, Smithfield, Utah on Wednesday, February 14, 2024. The meeting began at 6:30 P.M. Mayor Kristi Monsen was in the chair. The opening remarks were made by Jenn Staker.

Council Members in Attendance: Sue Hyer, Todd Orme, Jenn Staker, Ted Stokes

Council Member Wade Campbell arrived during the meeting.

City Staff: Justin Lewis (City Manager), Jeff Peterson (Fire Chief), Travis Allen (Police Chief), City Engineer Clay Bodily (City Engineer), Brian Boudrero (Planning & Zoning Manager), Dana Lazcanotegui (City Recorder) Jane Price (City Treasurer), Shawn Bliss (Library Director), Josh Wright (Public Works)

Visitors: Bob Holbrook, Dan Sundstrom, Leslie Flaherty, Debra Smith, Glade Smith, Tami Midzinski, Lee & Lupe Helms, Jennie Orme, Janet Hillyard, Alison Tompkins, Alex Buxton, Dave Forrester, Mary Feldman, Chris Olsen, Jay Stocking, Danny & Holly Hansen, Devin Hillyard, Dustin Smith, Rachael Smith, Cheyanne Thatcher, Kyle Thatcher, Jeff Barnes, Brooke Freidenberger, Brian & Jessica Higginbotham, Steven Parkinson, Michael Heaps, Quinn Dance, Katie Bell, Bill Bradford, Stuart Reis, Caralee Stokes, James Grunig, Debbie Zilles

Approval of City Council meeting minutes from January 10, 2024

***** Motion made by Councilmember Hyer to approve the January 10, 2024 meeting minutes. Motion seconded by Councilmember Staker Vote 4-0. *****

Yes Vote: Hyer, Orme, Staker, Stokes

No Vote: None

Absent: Campbell

Resident Input

Bill Bradford has attended the last three City Council meetings. He would like to ask Ted Stokes about a couple of things he said at the last meeting. Mayor Monsen interjected that there is no back-forth conversation during the resident input time; the time is for residents to share their thoughts with the Council. Mr. Bradford said last meeting during the conversation about smaller lots helping median-income families, Ted said: "he was not happy with the State directing how cities run". Mr. Bradford asked what he meant by that. Mayor Monsen again said that Councilmember Stokes could talk to him later, but would not be answering questions during this segment of the meeting. Mr. Bradford said Ted also said something about "the people have spoken" and believes Mr. Stokes has gotten off to a "wishy-washy and shaky start". Mayor Monsen called for civility and respect. Mr. Bradford said that only 17% of the population of Smithfield voted in the last election, which is certainly not the majority of residents. He also said Ted stated his

“personal opinion” 15 times in the last meeting. He thinks Ted feels justified because he’s “a big shot attorney”.

****6:30 P.M. Councilmember Wade Campbell arrived.****

Stuart Reis stated that records show that every second of every day there are approximately four babies born, and two people die. The 2020 Census calculated 8.2 billion people on the earth. The population has doubled twice in the last 100 years and is proposed to double again in the next 80 years. Over 10 million people have come across the southern border in the last three years, with .25 million already this year. (Data does not include the northern border or legal immigration). Smithfield’s population is approximately 15,000. It was estimated that in December of last year, 300,000 illegals came into the United States. Smithfield and all of Cache Valley will continue to grow. There is nothing to do to stop it, but he would like to see it planned well.

Danny Hansen said his remarks are directed toward item 6 on the agenda (Ordinance 24-04 for a proposal to rezone to (MPC) Master Planned Community at approximately 400 West). He shared his concern about the roads, specifically for the proposed 99 homes and associated traffic on such a narrow road. The area already gets bottlenecked every day. He is concerned about the pattern of privatizing sewer systems. With them not being overseen by a government entity, he is worried that there might be delays in maintenance/repair which would affect all the residents in the area. An LDS Church is being proposed in the plan which would bring even more traffic in/out of the area. The current zone would still allow for a church – they do not need it to be rezoned to MPC. He would like to keep the current zone. The future LDS Temple will also bring more traffic. The amount of density in this part of town and the proposals for future development make it seem like the City is starting to build on weak infrastructure; which, if it crumbles what will happen?

Janet Hillyard sent a letter to the Council before the meeting. She is opposed to Item 6 (Ordinance 24-04).

Caralee Stokes said she is also opposed to Item 6 (Ordinance 24-04). The Council knows how she feels. She would like the area to remain 12,000 SF lots.

Brian Higginbotham said several Planning Commission members participated in the recent County Planning meetings. He noted that a general concern has been about water; he said larger lots tend to have higher water usage. He would like to see the City balance the concerns; development should maximize the use of land which would decrease the water use. There is data available on this issue. He is concerned about water, but he is not sure that the only way to solve the problem is to keep larger lots.

Katie Bell said one issue that hasn’t been brought up that the Council and public may not understand is the consideration of whether to allow different types of growth, or any growth at all leads to two basic choices – straight roads and cookie-cutter type homes or a zone such as the MPC which brings in amenities, parks, trees, open space, and trails. She would rather see this type of development. She said at the last meeting, Dan Sundstrom said he would never propose another MPC project to Smithfield City. She

understands that no one wants growth next to their homes, however, the choice is not “growth or no growth” it is the type of area that will be developed.

Jay Stocking (Heritage Land Development) said they have been working with Smithfield for a few years on this project (Item 6). Over and over again the Planning Commission will approve a proposal and then it is denied by the City Council. They have made all the adjustments that have been requested. They continually hear that affordable housing is needed; no one wants it in their backyard, but he also pointed out that the existing homes likely had that same sentiment when they were being proposed and built. They are trying to do what the City is looking for and what people need. The “court keeps changing” and would like to work together. He has a lot of money invested in the area and they certainly do not want to destroy anyone’s way of life, their goal is to enhance the area. The road is a concern, but they will be paying impact fees to the City to help improve roads. They are only privatizing sewer systems because the City has said they do not want to take over lift stations.

Brooke Freidenberger reminded everyone that while shelter is necessary, there is also a need for food and water. Eating up all the fertile land on the west side is not a good option for anyone or future generations.

Recognition of retiring City Treasurer Jane Price for years of dedicated service.

Jane has worked for the City for 23 years and said she appreciated the opportunity and thanked the support of the City staff, the department heads, the Council, and the Mayor. She is excited for the next chapter of her life. Mayor Monsen said Jane is one of the kindest and most compassionate people she has ever worked with. The Council expressed appreciation for her service. Jane introduced Jodie Mack, who will be the new City Treasurer, and said she is excited to pass the torch to her.

Youth Council Update

James Grunig said the Youth Council has been busy with activities. They helped with the indoor triathlon recently. They will be helping fill eggs for the March 30 Easter Egg Hunt. The Senior Luncheon on March 9 at Noon will have a “Roll Out The Red Carpet” theme with activities and games for the seniors.

General Plan Discussion with representatives from J-U-B Engineering

Alison Tompkins from JUB Engineering provided an overview of the process and what to expect moving forward. Part of the process will include adhering to what the City has agreed to do for the received UDOT grant. This process will update the General Plan and Transportation Master Plan. UDOT would like to see some language in the plan related to transportation and bike and pedestrian improvements and connectivity. The requirements of the Utah Code will also be followed; the Code provides the content that needs to be included in the Plan, issues that need to be addressed, as well as goals and action items. Community input will be part of the process, which will be done with several methods (open house, online summary for public and stakeholders, etc.).

Comments will be documented and summarized. The goal is to receive a good cross-section of feedback.

Meeting Purpose

1. Review General Plan requirements.
2. Identify key issues and areas of concern.
3. Engage P&Z and Council Members in General Plan update.

General Plan requirements

- Utah Code summary as related to General Plans
- UDOT TPA Grant

Planning area, resources, and coordination

- Planning area – City limits + 15-year annexation boundary – update maps
- Existing plans and regional plans
- Coordination
- Steering Committee role - key issues and areas of concern
- Growth and Land use
- Moderate-income housing
- Transportation and traffic circulation
- Water use and preservation

Ms. Tompkins said they will be researching regional plans so that this update will not contradict any of the other plans in place.

Councilmember Stokes asked if there is a codified rule regarding the time to accomplish the plan. Ms. Tompkins said it generally takes 1-2 years but could be dependent on different issues and criteria that need to be considered. The goal is to have the plan completed within a year.

Ms. Tompkins said there are four key areas within the General Plan:

1. Growth & Land Use
2. Moderate-income Housing
3. Transportation and Traffic Circulation
4. Water Use & Preservation (a new element required by the Utah Code).

Councilmember Campell is looking forward to working with Alison and JUB. He also encouraged residents (in attendance and otherwise) to become involved; this is the time that “government hears you”.

The mayor agreed and encouraged public involvement. Ms. Tompkins said they often get great feedback from public input, which will all be incorporated into the plan. The General Plan is a broad, comprehensive, guiding plan that will help guide the more specific plans that may need to be updated. General Plans are often considered the “umbrella” plan. She confirmed for Councilmember Orme that JUB did the current plan, so they have the history from previous years. Mr. Lewis will be the primary conduit of information and will keep the Council informed.

The Mayor encouraged residents to sign up for the CivicReady Mass Communication System so they can receive alerts and current information.

Discussion with representatives of Zions Public Finance regarding financing options for possible upcoming culinary water capital improvement projects.

Mr. Lewis explained that in the spring of 2023, the City Council and Mayor asked staff to begin working on a plan to replace the water main line that comes out of the canyon to the tank. The line is 101 years old and is leaking and deficient. Staff reached out to JUB Engineering to provide engineering estimates and to Zions Public Finance to ask some questions. The list of water deficiencies was reviewed (see below). The staff has determined that replacing the spring collection line through Smithfield Canyon and constructing a new 3 MG 5,000 reservoir with a booster station are the priority items.

	Engineering Estimate
Replace the 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
TOTAL	\$ 13,126,660
Replacement piping for fire flow deficiency at 200 E between 300 N & 400 N	\$ 181,800
Replacement piping for fire flow deficiency at 300 S between 300 W & 400 W	\$ 164,653
Replacement piping for fire flow deficiency at 500 N between Main St. & 80 W	\$ 180,200
New piping for fire flow deficiency at the 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
	\$ 1,361,475
Replace existing lines less than 6 inches with 8-inch lines	\$ 9,005,000
Current Monthly Base Rate	\$24.00
Monthly Culinary Water Base Rate needed for \$11,000,000 bond	\$26.00
Monthly Culinary Water Base Rate needed for \$12,000,000 bond	\$28.00
Monthly Culinary Water Base Rate needed for \$13,000,000 bond	\$29.00
Monthly Culinary Water Base Rate needed for \$14,000,000 bond	\$30.00
Monthly Culinary Water Base Rate needed for \$15,000,000 bond	\$32.00

Mr. Lewis said that the City has determined that with the cash on hand, staff can begin working on some of the projects, hopefully accomplishing 2 to 3 per year. The City cannot pay cash for the new collection line/water tank that is deemed most important. Alex Buxton, from Zions Bank, has worked with the City on bonding. The last bond the City did was in 2015 for the library. The City currently has one outstanding bond for the Dry Canyon water tank. Staff feels that it would be in the best interest of the City to pay off the current bond of ~\$384,000. Tonight is only for discussion, there is no vote to be taken. The future proposal will be to replace one bond with another, Mr. Buxton will

provide a presentation on how bonding is done. The Council will need to consider what direction should be pursued.

Alex Buxton from Zions Bank provided a presentation to the Council about bonds. See -[Attachment 1](#)-

Mr. Buxton said the bond process normally takes two months.

Councilmember Stokes asked how the professionals in the process will be compensated. Mr. Buxton explained that they set up the cost of issuance fund. Generally, bond council and municipal advisors get paid per bond, which is per \$1,000. The higher the bond, the higher the cost of issuance. The underwriter only gets paid if they are brought on board, that fee is built into the bond. All other fees can be incorporated into the bond if the City chooses. The role of the municipal advisor is to help police the costs and protect the City.

Mr. Lewis said to hit the 1.25 rate covenant, raising the culinary water rate to \$28.00/month did not meet that rate. The rate increase takes into account not changing the tiered system because the City has to guarantee the money on the bond. If the City chooses to go forward with this, there are some groups with the State to see if they are offering any low-interest loans. Mr. Buxton has some good connections that can be contacted to see what is available. The idea is to explore every opportunity to keep costs as low as possible.

Mr. Buxton answered for Councilmember Stokes that the anticipated term would be 20 years with a ~4% interest rate, however, interest rates change all the time and it will take approximately 60 days before a rate can be locked in.

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.

Heritage Land Group is requesting a rezone to the Master Planned Community (MPC) zone. They have submitted a preliminary site, phasing and landscape plans corresponding with the MPC zone.

Councilmember Stokes asked about a letter that the Council received from the LDS Church just before the meeting indicating support for the proposal, the letter seemed to suggest that if the MPC zone was not approved, the developer would not sell the property to the Church. Tami Midzinski said that the current agreement with the Church is conditioned on the MPC zone. The proposal utilizes the church facility as part of the MPC.

Mayor Monsen said many letters from citizens had been received and read by her and the Council.

Councilmember Orme asked if there was any discussion with the church for any other zone. Ms. Midzinski said she did not know, that would have to be answered by the realtor for the church. Jay Stocking advised that when the church approached the developer, the only way to make it affordable was with an MPC zone. Mr. Stocking said he grew up three blocks away from this project site. He remembers when the entire east side was gravel road and everyone wanted it to stay country forever. He's watched the whole area develop. Change is inevitable; however, this is a great spot for this proposed MPC project. Heritage Land has worked with staff for over a year and changed everything that has been asked of them. He is frustrated because it seems to keep changing.

Ms. Midzinski pointed out the parcel map of the area and what is zoned around it. The General Plan states that development should conform with what is there. This project does that, she has met with the Subdivision Technical Review Committee (STRC) many times. The original plan was for 160 lots, the current plan is 99 lots. The LDS Church would be 5 acres. The proposal also follows the General Plan by putting in parks, trails, and moderate-income housing. They have included some items that are not required (instead of ponds, putting in sumps, fences, specific types of trees, etc.). A traffic study was done and there were no concerns.

Councilmember Orme asked how far outside of this project impact fees help with road improvements. Ms. Midzinski said they are improving 400 West and the sewer system. Mr. Lewis said every lot/unit will pay impact fees; those funds can be used throughout the City as applicable.

Councilmember Campbell said roads are improved when development is put in. Councilmember Orme has particular concern with 400 West and a larger concern with the east-west road having no room for potential improvements. Ms. Midzinski explained that 400 West is being widened. Councilmember Orme clarified that his concern was with 400 North, not 400 West. Mr. Stocking advised that is why they hire experts to perform road studies. The study conducted on this project came back with a positive recommendation. If road impact studies are not going to be considered, Mr. Stocking suggested that they not be required.

***** Motion by Councilmember Campbell to DENY 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. Motion seconded by Councilmember Stokes. Vote: 5-0. Motion to DENY approved*****

Yes Vote (for denial): Campbell, Hyer, Orme, Staker, Stokes
No Vote: None

Discussion and possible vote on Ordinance 24-04, an Ordinance rezoning Cache County Parcel Number 08-121-0005 from A-10 (Agricultural 10-Acre) to R-1-10 (Single Family Residential 10,000 Square Feet). The parcel is located at approximately 400 South 1250 East and is approximately 48.61 acres. The request was submitted by Dan Sundstrom.

Dan Sundstrom and Ivan Keller are requesting a rezone for the property located at 420 South 1000 East. The parcel is currently being used for agricultural. There are some A-10 properties to the east (within the City limits). Mr. Sundstrom is asking to rezone the property to Residential R-1-10. He pointed out where there are lots that are under 10,000 in the nearby area.

Mayor Monsen asked if the homes would be built the same by the same builder. Mr. Sundstrom said his company will probably build some, however some lots will be sold individually. He pointed out that at this point, he has not drawn out a design until he knows whether the rezone will be approved or not. Mayor Monsen would not like to see a subdivision filled with “cookie-cutter” home styles; she would like to see some creativity. Mr. Sundstrom understands that concern.

Councilmember Campbell echoed Mayor Monsen’s concern. He also pointed out that he is not anti-growth, he understands it is inevitable. This project, although not something he would have envisioned 20 years ago, does seem to fit in this area. He hopes there will be variability in home designs and that they will not all be smaller lots.

Councilmember Orme asked if there were any preliminary design thoughts to help the Council better understand what might be there. Mr. Sundstrom said at this time, there is no design, he also noted that setbacks are regulated within the zones (by Code). The City has previously discussed and changed some setbacks to allow for larger homes on smaller lots – which gives homeowners and buyers a little more flexibility.

Councilmember Staker said concerns from some of the residents is the possible impact this development would have on their home values. Mr. Sundstrom can understand this concern and said he does not want to fight with the City.

Councilmember Orme asked about the difference in the number of homes between the R-1-10 and R-1-12 zones. Mr. Sundstrom said because he has not done any design drawings at this point, he would not have that exact number. The roads and infrastructure will be dictated by the City before a plat is drawn.

Councilmember Stokes had a professional conversation with Mr. Sundstrom earlier today because he desires to work with developers and voice his concerns. He also spoke with Mr. Boudrero (in the Planning Department) to understand the zoning history of the area. The area around the south part of the parcel is zoned R-1-12 with a PUD Overlay, which can allow for smaller lots, which can be smaller than what the R-1-10 would allow. He is not approved to approve this request in whole. He said, in his opinion, where the road (~480 South) comes across the parcel would serve as a natural break in the property; if it were to be divided with the north side being R-1-12 and the south R-1-10 it would seem more reasonable. He promised his constituents that he

would consider the reasonable anticipation of the existing subdivisions. He does not think that the nearby residents to the north part of this parcel would have reasonably anticipated an R-1-10 zone, however, based on what is around the south part of the property, R-1-10 does seem reasonable. He cannot mandate that a developer subdivide a parcel, but because of the current request, he is compelled to deny it.

Councilmember Orme asked if some of the lots in the current overlay zone were under the R-1-12 zone size. Councilmember Stokes said there are two lots, just north of the road, the others are all larger.

Mr. Sundstrom asked, for future design anticipation and understanding, that there could be no zone/lot changes if one development is divided by a road to another development (e.g. multi-family across the street from single-family). Councilmember Stokes said everything would be a case-by-case scenario. His opinion is based on the specific parcel, he has nothing against Mr. Sundstrom.

Councilmember Hyer asked if Mr. Sundstrom would consider R-1-12, Mr. Sundstrom asked about an overlay. He is trying to figure out what the Council wants so he does not waste any more time. Councilmember Campbell said he is worried that if this issue becomes too dictatorial or onerous, the City may have trouble with the State. Councilmembers cannot tell developers that may approve something only if it is subdivided.

Councilmember Stokes agreed and said he is not telling Mr. Sundstrom that the lot has to be subdivided, his personal opinion is that it would be a better transition.

Councilmember Staker asked Mr. Sundstrom why he was pushing for an R-1-10 zone rather than an R-1-12 zone. Mr. Sundstrom said does not have a guarantee that if he agrees to the larger zone, he can still put in smaller lots without an overlay. This is the exact scenario he had with another project that took over a year. Councilmember Staker said some of the difficulty is not seeing what the design will be. Mr. Sundstrom said the Council needs to put in a requirement that the entire plat has to be drawn out when a rezone is requested. Mr. Lewis confirmed that Mr. Sundstrom has submitted everything that is required at this point in the process. The request tonight is to rezone from A-10 to R-1-10. If it is determined by both the Council and developer agree to R-1-12, the current ordinance being proposed could be amended in a motion. This can only happen if the amendment includes a change to a larger zone. An overlay would have to be submitted in another request. Councilmember Orme said an overlay could create unforeseen consequences. Mr. Boudrero explained that an overlay would have to adhere to the requirements of the base zone. Councilmember Hyer said her question regarding changing from R-1-10 to R-1-12 did not include the thought of an overlay.

Mr. Sundstrom is struggling, he is trying to understand because he's heard for the past few years that smaller houses are needed and wanted, he found this lot and thought it would be perfect for that. If this type of project does not fit here, where in the City would smaller homes fit in? This is next to existing smaller homes.

Councilmember Stokes reminded the Council that the previous Council denied a request for R-1-10 about a .25 block to the north.

Mr. Sundstrom said the City spent the last eight months adjusting setbacks which would allow for this type of development and allow larger homes on smaller lots. It is frustrating when the Planning Commission votes unanimously to approve a request and then it is denied by the Council. He also noted that landowners have rights as well. He is not asking for townhomes or apartments. Not everyone wants 12,000 SF lots.

***** Motion by Councilmember Campbell to approve Ordinance 24-04, an Ordinance rezoning Cache County Parcel Number 08-121-0005 from A-10 (Agricultural 10-Acre) to R-1-10 (Single Family Residential 10,000 Square Feet). The parcel is located at approximately 400 South 1250 East and is approximately 48.61 acres. The request was submitted by Dan Sundstrom. Motion seconded by Councilmember Staker. Vote 1-4. Motion Denied. *****

Yes Vote: Campbell

No Vote: Hyer, Orme, Staker, Stokes

Discussion and possible vote on Ordinance 24-05, an Ordinance amending the Smithfield City Municipal Code Title 16 “Subdivision Regulations”, Chapter 16.04 “General Provisions”, Section 16.04.050 “General Responsibilities”.

Additions to 16.04.050 GENERAL RESPONSIBILITIES (in **bold** below):

I. The specific preliminary review and approval by the “Administrative Land-Use Authority,” applies only to single-family, two-family, and townhome subdivisions. **Commercial, Industrial, Manufacturing**, Condominium, mixed-use, and multi-family developments do not apply.

1. All Commercial, Industrial, Manufacturing Mixed-Use, and Multi-Family subdivisions must be reviewed by the Administrative Land-Use Authority, prior to being presented to the Planning Commission.

***** Motion by Councilmember Campbell to approve Ordinance 24-05, an Ordinance amending the Smithfield City Municipal Code Title 16 “Subdivision Regulations”, Chapter 16.04 “General Provisions”, Section 16.04.050 “General Responsibilities”. Motion seconded by Councilmember Hyer. Vote: 5-0. Motion Approved.*****

Yes Vote: Campbell, Hyer, Orme, Staker, Stokes

No Vote: None

Public Hearing for the purpose of discussing Ordinance 24-07, an Ordinance amending the Smithfield City Municipal Code Title 13 “Public Services”, Chapter 13.16 “Sewer Service System”, Sections 13.16.150 “Separate Building Connections Necessary” and 13.16.160 “Service Line Extension”.

Proposal to remove the following section from the Ordinance:

~~13.16.150 SEPARATE BUILDING CONNECTIONS NECESSARY~~

~~A separate and independent building sewer shall be provided for every building; except~~

~~where an accessory building stands at the rear of a main building and a private sewer cannot be constructed to the accessory building through an adjoining alley, court, yard, or driveway. In such case, the building sewer from the front building may be extended to the rear accessory building, and the whole is considered as one building sewer. Both buildings must be under common ownership and the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.~~

~~13.16.160 SERVICE LINE EXTENSION Once the application for sewer service has been made and accepted and the required fees have been paid by the applicant, the city shall extend sewer service to the applicant's property line or one hundred feet (100'), whichever is less, at which point it will be terminated.~~

Mr. Bodily explained that these changes ensure correctness in the Code. The City is no longer involved in Service Line Extensions, that is the responsibility of the homeowner and/or business owner.

8:31 p.m. Public Hearing Opened

Dan Sundstrom suggested that the Council not pass anything, or put anything in the Code, that they do not want someone to apply for. He also recommended that if more information is needed before making a decision, it be included and required in the Code.

8:33 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 24-07.

***** Motion by Councilmember Campbell to approve Ordinance 24-07, an Ordinance amending the Smithfield City Municipal Code Title 13 “Public Services”, Chapter 13.16 “Sewer Service System”, Sections 13.16.150 “Separate Building Connections Necessary” and 13.16.160 “Service Line Extension”. Motion seconded by Councilmember Staker. Vote: 5-0. Motion Approved.*****

Yes Vote: Campbell, Hyer, Orme, Staker, Stokes

No Vote: None

Discussion and possible vote on Resolution 24-01, a Resolution to inform the State of Utah Water Quality Board of actions taken concerning the Municipal Wastewater Planning Program Report for 2023.

Mr. Bodily explained that the State of Utah requires annual information to be given to the City Council. The completed self-survey was given to the Council to review before the meeting. It indicates that enough funds are being collected and Smithfield City is being a good steward of the sewer system. The self-survey requires Council approval before it is submitted. He said there is currently \$950,000 available for sewer improvements which will begin at 200 North Main (going west) by upsizing the line. It is a good time to improve before UDOT begins working on Main Street.

***** Motion by Councilmember Campbell to approve Resolution 24-01, a Resolution to inform the State of Utah Water Quality Board of actions taken concerning the Municipal Wastewater Planning Program Report for 2023. The motion was seconded by Councilmember Orme. Vote: 5-0. Motion Approved.*****

Yes Vote: Campbell, Hyer, Orme, Staker, Stokes

No Vote: None

Public Hearing for the purpose of discussing Ordinance 24-06, an Ordinance amending municipal impact fees by modifying the Storm Water Impact Fee.

Mr. Lewis said in 2023 Zions Public Finance was commissioned to do several impact fee studies. The Storm Water Impact Fee Analysis is complete. The report contains ~ \$7,553,157 worth of projects that need to be completed over the next six (6) years. Utah State dictates the maximum impact fee and the City Council cannot approve anything above that. The recommendation (see below*), if approved, would not go into effect until June 1, 2024.

June 1, 2024 – December 31, 2024

All Commercial and Residential Individual Units (1/4 Acre and larger): \$3,968 per unit

All Commercial and Residential Individual Units (Under 1/4 Acre): \$1,984 per unit

Calendar Year 2025

All Commercial and Residential Individual Units (1/4 Acre and larger): \$4,021 per unit

All Commercial and Residential Individual Units (Under 1/4 Acre): \$2,010 per unit

*All future year calculations are contained in the report.

8:40 p.m. Public Hearing Opened

Dan Sundstrom suggested hyping this up more or people will stop building in Smithfield. If there is no building/growth, taxes will have to be increased.

8:41 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 24-06.

***** Motion by Councilmember Campbell to approve Ordinance 24-06, an Ordinance amending municipal impact fees by modifying the Storm Water Impact Fee. The motion was seconded by Councilmember Hyer. Vote: 5-0. Motion Approved*****

Yes Vote: Campbell, Hyer, Orme, Staker, Stokes

No Vote: None

City Manager Report

- City Offices will be closed on Monday, Feb. 19, 2024, for President's Day holiday.
- Next regularly scheduled City Council meeting – March 13, 2024.
- Council Budget meeting – March 27, 2024
- The Historical Cabin needs some electrical repairs. The estimate is \$2,707, if the Council approves (by head nod) the repairs will be done down and then it will be accounted for and adjusted in the budget in June. The Council agreed.
- A \$554,789 unexpected deposit was received. The legislature, in 2023, passed a Rural Transportation Infrastructure Fund (similar to Class C road funding) with a one-time distribution. Staff will come back to the Council with a proposal for how best to use the funding. The funds do not have to be spent in a certain amount of time.
- Staff is receiving daily phone calls about dead trees around the City (cemetery, Mack Park, the Lions Lodge, etc.). Smithfield does not have a tree trimming crew/budget. The average cost to cut down a tree is over \$1,000. If all City-owned trees had to be trimmed, the cost would be \$3-4 million. The Council needs to begin thinking about the best way to handle this tree problem. This will continue to be a long-term talking point.

Moderate-Income Housing Report

Mr. Boudrero explained that cities are required to submit a Moderate-Income Housing Report annually. The State provided 24 strategies (see below) to choose from. The last report included strategies A, E, and L – this year three new ones will need to be chosen (Class C cities must include 3). Goals will need to be set for each strategy.

Strategies

Municipalities and counties must include at least three strategies - municipalities with a "fixed guideway transit station" (train or BRT station) must have at least four strategies. The menu of strategies includes the following:

- A. Rezone for densities necessary to facilitate the production of moderate-income housing.
- B. Demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate-income housing.
- C. Demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate-income housing.
- D. Identify and utilize general fund subsidies or other sources of revenue to waive construction-related fees that are otherwise generally imposed by the county/municipality for the construction or rehabilitation of moderate-income housing.
- E. Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in the residential zone.
- F. Zone or rezone for higher density or moderate-income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers.

- G. Amend land use regulations to allow for higher-density or new moderate-income residential development in commercial or mixed-use zones near major transit investment corridors.
- H. Amend land use regulations to eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's vehicle, such as residential development near major transit investment corridors or senior living facilities.
- I. Amend land use regulations to allow for single-room occupancy developments.
- J. Implement zoning incentives for moderate-income units in new developments.
- K. Preserve existing and new moderate-income housing and subsidized units by utilizing a landlord incentive program, providing for deed-restricted units through a grant program, or establishing a housing loss mitigation fund.
- L. Reduce, waive, or eliminate impact fees related to moderate-income housing.
- M. Demonstrate the creation of or participation in, a community land trust program for moderate-income housing
- N. Implement a mortgage assistance program for employees of the county/municipality, an employer that provides contracted services for the county/municipality, or any other public employer that operates within the county/municipality.
- O. Apply for, or partner with, an entity, that applies for state or federal funds or tax incentives to promote the construction of moderate-income housing, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for affordable housing programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, interlocal Cooperation Act, an entity that applies for services provided by a public housing authority to preserve and create moderate-income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate-income housing.
- P. Demonstrate utilization of moderate-income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize moderate-income housing.
- Q. Create a housing and transit reinvestment zone, pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.
- R. Eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530.
- S. Create a program to transfer development rights for moderate-income housing.
- T. Ratify a joint acquisition agreement with another local political subdivision to combine resources to acquire property for moderate-income housing.
- U. Develop a moderate-income housing project for residents who are disabled or 55 years old or older.
- V. Develop and adopt a station area plan in accordance with Section 10-9a-403.1.
- W. Create or allow for, and reduce regulations related to multifamily residential dwellings.
- X. Demonstrate implementation of any other program or strategy to address the housing needs of residents of the county/municipality who earn less than 80% of the area median income, including the dedication of a local funding source to moderate-income housing or the adoption of a land use ordinance that requires 10% or more of new residential development in a residential zone be dedicated to moderate-income housing.

Mr. Lewis said this will be back on the March 13, 2024, agenda for more discussion; tonight was primarily an introduction.

Mayor Monsen has reached out to the Governor, the new Housing Authority, and legislators about when this program and how long it will be required on an annual basis. Currently, 10% of the total acreage in Smithfield is dedicated to the Master Planned Community. Part of the problem and frustration is other cities in the valley are not doing their fair share in meeting the mandates. Smithfield has worked hard to accomplish the strategies and goals. She does not like the idea of “being threatened” about losing funding if strategies are not met. She feels like Smithfield City is doing its part.

Mr. Boudrero said in the past few years, the State did not have exact strategies to choose from or penalties associated with not doing something. 35% of the cities in Utah are not doing anything

Councilmember Stokes would like to use this opportunity to get creative. Taking advantage of the last strategy can allow the City to come up with something “outside the box” that if approved would be a great benefit.

Councilmember Staker asked if cities not complying are being penalized. Mr. Boudrero has heard about two, but as the program gets stricter it will likely increase.

Councilmember Stokes asked a procedure question about how to handle communication outside of the City Council forum. Mr. Lewis said councilmembers can always send information to the staff, who can distribute it out. Large email chains are not acceptable.

Council Member & Mayor Reports

Councilmember Orme said everything has gone well with the tree committee. They have been working at the cemetery. Additional diseased trees are a main concern and will eventually need to be moved. Mr. Lewis said staff has been helping and the grinding machine will arrive tomorrow or next week (to get all stumps ground). There has been some suggestion, possibly a rumor, that there is some Summit Creek bank protection to help with significant erosion along the banks— neither Mr. Lewis nor Mr. Bodily knows anything about this. Councilmember Campell pointed out that property owners need to clear up the side of the banks without modifying the natural waterway, which would require assistance from the Army Corps of Engineers (ACE). The Arbor Day poster contest is progressing. Discussions continue about a Community Garden (which may need help from other committees). The Historical Society has been working hard to get things accomplished and have mentioned the thought of including the Old Presbyterian Church building (currently a home) located at 300 South Main to the National Historic Registry.

Councilmember Staker said there are 17 contestants for the Health Day Ambassador’s Pageant which will be held March 9, 2024, at 7:00 p.m. Senior Citizen lunches each week are always looking for ideas for entertainment. The seniors like the idea of a newsletter so they can always be in the know of what is going on. The Arts Council has

been busy trying to recruit people to help. She asked about the timeline for finishing the Main Street project in front of the Library and whether this will be completed by Health Days. Clay said there is no specific date, it is dependent upon weather and when the asphalt will be ready to put down.

Councilmember Stokes said the Chamber of Commerce doing well. Trails Committee with the Cache County on extending the Bonneville Shoreline Trail from Logan through Smithfield (hopefully within the next year). This will provide some more exciting outdoor opportunities.

Councilmember Campbell the Library has been busy and engaged. The Library Board is reviewing its bylaws. There is concern about the floor needing to be repaired at some point. He attended the recent Mosquito Abatement District and was disappointed in the value of the meeting; he is hoping to see more substance and value in future meetings.

Mayor Monsen said Mr. Lewis will be adding information about each committee to the City website. The information included will include the committee's name, bylaws, purpose & goals, budget, list of members, schedule, meeting dates/times, and leadership position opportunities. She encouraged councilmembers to forward this information to Mr. Lewis who will put the information online.

*** The meeting adjourned at 9:24 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 **Wednesday, February 14, 2024**. The meeting will begin at 6:30 PM. Welcome Remarks by Jenn Staker.

1. Approval of the city council meeting minutes from January 10, 2024
2. Resident Input
3. Recognition of retiring City Treasurer Jane Price for years of dedicated service.
4. General Plan discussion with representatives of J-U-B Engineers.
5. Discussion with representatives of Zions Public Finance regarding financing options for possible upcoming culinary water capital improvement projects.
6. 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.
7. Discussion and possible vote on Ordinance 24-04, an Ordinance rezoning Cache County Parcel Number 08-121-0005 from A-10 (Agricultural 10-Acre) to R-1-10 (Single Family Residential 10,000 Square Feet). The parcel is located at approximately 400 South 1250 East and is approximately 48.61 acres. The request was submitted by Dan Sundstrom.
8. Discussion and possible vote on Ordinance 24-05, an Ordinance amending the Smithfield City Municipal Code Title 16 "Subdivision Regulations", Chapter 16.04 "General Provisions", Section 16.04.050 "General Responsibilities".
9. Public Hearing for the purpose of discussing Ordinance 24-07, an Ordinance amending the Smithfield City Municipal Code Title 13 "Public Services", Chapter 13.16 "Sewer Service System", Sections 13.16.150 "Separate Building Connections Necessary" and 13.16.160 "Service Line Extension".
10. Discussion and possible vote on Ordinance 24-07.
11. Discussion and possible vote on Resolution 24-01, a Resolution to inform the State of Utah Water Quality Board of actions taken concerning the Municipal Wastewater Planning Program Report for 2023.
12. Public Hearing for the purpose of discussing Ordinance 24-06, an Ordinance amending municipal impact fees by modifying the Storm Water Impact Fee.
13. Discussion and possible vote on Ordinance 24-06.
14. City Manager Report
Moderate Income Housing Report
15. Council Member and Mayor Reports Adjournment

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

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

-Attachment 1-



Smithfield City Bonds 101

Alex Buxton
Vice President
(801) 844-7380
alex.buxton@zionsbank.com

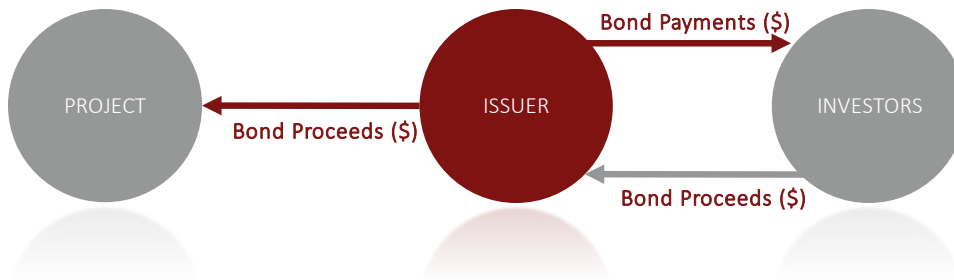
ZIONS PUBLIC FINANCE, INC.

February 14, 2024

Bond Basics

What Are Municipal Bonds?

Bonds - Long term “IOUs” that governments sell to borrow money for a capital project



ZIONS PUBLIC FINANCE, INC.



Who Borrows In The Municipal Market?

INFRASTRUCTURE	NON-PROFIT ENTITIES	HOUSING	PRIVATE SECTOR ENTITIES FOR LIMITED PURPOSES	PUBLIC POWER
- State And Local Government - State And Local Authorities - Transportation - Water And Sewer 	- Healthcare Institutions - Private Schools - Colleges And Universities - Student Loan Authorities - Museums 	- State And Local Housing Authorities - Housing Developers 	- Pollution Control - Industrial Development - Airports & Seaports 	- Public Utilities - Resource Recovery - Independent Power Projects 

ZIONS PUBLIC FINANCE, INC.

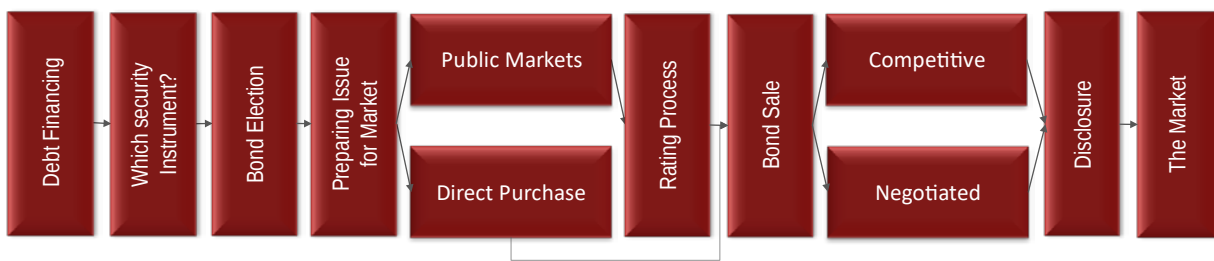


Bond Basics

Type of Bond	Security	Repayment Source	Authority
General Obligation	Property Tax & Taxing Power	Any Legal Source	Election
Sales Tax Revenue	Sales Tax	Any Legal Source	Resolution
Utility (Water and Sewer) Revenue	Utility Revenue	Utility Revenue	Resolution
Lease Revenue/Capital Lease	Annual Appropriations & Improvements	Any Legal Source	Resolution
Special Assessment	Special Assessment/Property	Special Assessment	Resolution/ Negative Protests
Tax Increment	Tax Increment	Increment/Other Taxes	Resolution
Tax Anticipation	Future Property Tax & Taxing Power	Future Taxes	Resolution

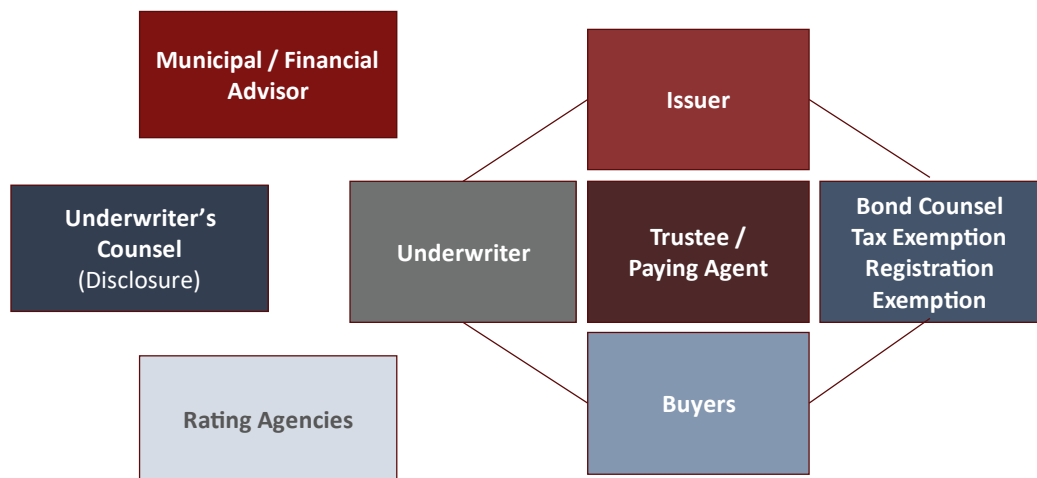
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- Direct Purchase: Bypass underwriter to access investors directly (limited)
- Competitive Sale: Underwriters/Purchasers compete
- Negotiated Sale: Underwriter/Purchasers preselected

ZIONS PUBLIC FINANCE INC.



Source: Zions Public Finance, Inc.

ZIONS PUBLIC FINANCE, INC.



Issuer (Borrower)

- ❖ Selects financing team members
- ❖ Approves financing terms and documents, and ultimately issues the debt instruments
- ❖ Responsible for repayment of debt (unless Issuer is “conduit” issuer)
- ❖ Responsible for the accuracy and completeness of the debt offering document (i.e., Official Statement, Private Placement Memorandum)
- ❖ Responsible for complying with terms and covenants in financing documents

ZIONS PUBLIC FINANCE INC.



Municipal Advisor (Zions Public Finance)

- ❖ Has a fiduciary duty to the Issuer (MSRB Rule G-17 and Rule G-42)
- ❖ Assists Issuer in the selection of other financing team members
- ❖ Advises on wide range of financial issues; may be specific to an issuance of debt, or ongoing
- ❖ Directs the bond issuance process; runs the calendar; coordinates other team members

ZIONS PUBLIC FINANCE, INC.



Bond Counsel

- ❖ Nationally recognized law firm with experience in municipal debt financing (Red book)
- ❖ Works with the Issuer and the financing team on behalf of bondholders (for whom does bond counsel work?)
- ❖ Has primary responsibility for preparation of legal documents (resolutions, indentures, security documents, trust agreements, tax certificates, etc.)
- ❖ Renders opinion concerning the validity of the bond issue with respect to statutory authority, constitutionally, procedural conformity and, if tax-exempt, exemption of interest from Federal and State income taxes

ZIONS PUBLIC FINANCE, INC.



Underwriter

- ❖ Investment bank (broker-dealer) hired to sell the bonds into the marketplace. Initially purchases the bonds for immediate resale
- ❖ May provide input into structuring the financing and drafting the Official Statement and related documents
- ❖ Directs the pre-sale marketing efforts to investors
- ❖ Proposes interest rates and offering terms based on market feedback; accepts orders from investors, and may commit capital to underwrite unsold bond
- ❖ Inherent conflict with the Issuer

ZIONS PUBLIC FINANCE, INC.



Type of Agent	Fiduciary Responsibility to Issuer?	Advice
Municipal Advisor	Yes	Structure, timing, terms, and types of funding sources
Underwriter	No	Structure, timing, terms, and types of funding sources for current engagement only
Bond Counsel	No	The legal validity and tax treatment of bonds
Engineers	No	Project costs, anticipated revenues, rates, and market demand

ZIONS PUBLIC FINANCE, INC.



Trustee/Paying Agent/Registrar

- ❖ Retained by Issuer, but represents bondholders' interests
- ❖ Manages trustee-held bond funds (reserves, construction funds, etc.)
- ❖ Receives interest and principal payments from Issuer/Borrower and distributes to Bondholders
- ❖ Maintains the list of owners of the bonds
- ❖ Holds liens and security interests and exercises remedies, for bondholders, in the event of a default

ZIONS PUBLIC FINANCE, INC.



Bond Ratings

	MOODY'S	S&P'S	FITCH'S	
	Investment Grade			
	Aaa	AAA	AAA	Highest
MWDSLS: AA+ →	Aa1	AA+	AA+	"Gilt-edged" High Grade; Very Strong
	Aa2	AA	AA	
	Aa3	AA-	AA-	
	A1	A+	A+	Upper Medium Grade; Strong
	A2	A	A	
	A3	A-	A-	
	Baa1	BBB+	BBB+	Medium Grade; Adequate
	Baa2	BBB	BBB	
	Baa3	BBB-	BBB-	

ZIONS PUBLIC FINANCE, INC.



Legal Covenants

- ❖ Debt Service (D/S) – The amount paid to investors
- ❖ Rate covenants – designed as protection for the investor that the water and sewer issuer will maintain rates and collect charges and fees sufficient to cover D/S requirements. Typically minimum levels are 1.10x to 1.25x
- ❖ Additional bonds test (ABT) – prevents an issuer from using too much leverage and weakening the ability to meet D/S coverage levels
- ❖ Debt service reserve fund (DSRF) – temporary support to make D/S payments and is typically sized as the lesser of 1) 10% of principal, 2) 125% of average annual D/S, or 3) the maximum annual D/S
- ❖ Flow of funds – Outlined in the indenture and typically the funds flow is REVENUE FUND → O&M FUND → BOND FUND → DSRF

ZIONS PUBLIC FINANCE, INC.



ORDINANCE NO. 24-08

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

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

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

AN ORDINANCE AMENDING THE SMITHFIELD CITY MUNICIPAL CODE TITLE 17 “ZONING REGULATIONS”, CHAPTER 17.36 “SIGNS”, SECTION 17.36.060 “PERMITTED SIGNS; PERMITS NOT REQUIRED”.

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

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

17.36.060 PERMITTED SIGNS; PERMITS NOT REQUIRED
--

- I. Political Campaign/Election Signs: Signs or posters announcing the candidates seeking political office and/or political issues, and data pertinent thereto up to an area of twelve (12) square feet. These signs shall be confined to private property and located no closer than two hundred feet (200') to a polling place. ~~Primary election signs shall not be installed sooner than thirty (30) days before the Primary Election and must be removed within seven (7) days after the Primary Election. General election signs shall not be installed sooner than thirty (30) days before the General Election and must be removed within seven (7) days after the General Election.~~ These signs shall be in compliance with the standards identified in SMC 17.36.090, "Signs At Street Intersection", of this chapter;
 1. In areas where there is not a sidewalk or curb and gutter; signs must be placed a minimum of ten feet (10') from the edge of the road surface.
 2. In areas where there is not a sidewalk but there is curb and gutter; signs must be placed a minimum of ten feet (10') from the back edge of the curb and gutter.
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 13th day of March, 2024

SMITHFIELD CITY CORPORATION

Kristi Monson, Mayor

ATTEST:

Dana Lazcanotegui, City Recorder



Smithfield City Staff Report

Community Development Department

Administration • Engineering • Planning • Zoning

Municipal Code Changes

February 21, 2024

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

Ordinance 24-08 Election Signs

- This ordinance removes the verbiage that details the time frame that election campaign signs can be installed and removed. The city will not dictate the interval of time that the signs are used, so far as they are on private property.



ORDINANCE NO. 24-09

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 16.04 “GENERAL PROVISIONS”, SECTION 16.04.050 “GENERAL RESPONSIBILITIES”, CHAPTER 16.06 “MINOR SUBDIVISION”, SECTION 16.06.050 “APPROVAL OF THE MINOR SUBDIVISION”, CHAPTER 16.07 “MAJOR SUBDIVISIONS”, SECTIONS 16.07.030 “PRELIMINARY PLAT”, 16.07.040 “FINAL PLAT”, CHAPTER 16.09 “PRELIMINARY PLATS”, SECTION 16.09.040 “APPROVAL OF PRELIMINARY PLAT”, AND CHAPTER 16.12 “FINAL PLATS”, SECTION 16.12.030 “PREPARATION AND REQUIRED INFORMATION”.

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

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

16.04.050 GENERAL RESPONSIBILITIES

- I. The specific preliminary **and final** review and approval by the “Administrative Land-Use Authority,” applies only to single-family, two-family and townhome subdivisions. Condominium, mixed-use, ~~and~~ multi-family **and intrablock** developments do not apply **and must still receive approval from the Planning Commission and City Council.**

16.06.050 APPROVAL OF THE MINOR SUBDIVISION
--

- A. A final plat shall be submitted to the planning department, with a complete application and fee payment determined by the current fee schedule. The final plat will be reviewed by the Administrative Land-Use Authority. Upon receiving approval from the Administrative Land-Use Authority, the final plat must be submitted to the county recorder's office.
- B. The process of review by the **Administrative Land-Use Authority** ~~subdivision review staff~~, will be considered a “review cycle.” A total of four (4) review cycles can occur before approval or denial is given. Failure to submit a completed application, the final plat and paying the appropriate fees will result in the review process being restarted.

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

16.07.030 PRELIMINARY PLAT

- A. A preliminary plat shall be submitted to the planning department, with a complete application and fee payment determined by the current prevailing fee schedule. The preliminary plat will be reviewed by the Administrative Land-Use Authority. Upon receiving approval from the Administrative Land-Use Authority, the preliminary plat ~~may then~~ **will either** advance to the final plat process **or be submitted to the Planning Commission for approval or denial, see §SMC16.04.050 (I).**
- B. The process of review will be considered a review cycle. A total of four (4) review cycles can occur before approval or denial by the Administrative Land-Use Authority. Failure to submit a completed application, preliminary plat and paying the appropriate fees will result in the review process being restarted.
- C. Following the review of the proposed subdivision, the Administrative Land-Use Authority shall either approve, reject, propose conditions, ~~or reject~~ **submit** the preliminary plat **to the Planning Commission, see §SMC16.04.050 (I).** Once approval has been given, the preliminary plat will be reviewed by the City Attorney and a full set of construction documents shall be provided to the City Engineer.
- D. The review cycle restrictions and requirements of this section do not apply to the review of subdivision applications affecting property within identified geological hazard areas.
- E. All applications and fees will start over after the four (4) cycles.
- F. A total of four (4) review cycles are provided by the city. Each review for a preliminary plat shall be completed with fifteen (15) business days after complete application submission.
- G. Granting of a preliminary plat approval by the Administrative Land-Use Authority shall not constitute a final acceptance of the subdivision. Nor shall approval of the preliminary plat relieve the subdivider of the responsibility to comply with all required conditions and ordinances, and to provide the improvements and easements necessary to meet all city standards and requirements.

16.07.040 FINAL PLAT

Within eighteen (18) months of the approval of the preliminary plat by the Administrative Land-Use Authority, ~~or the Planning Commission,~~ the subdivider shall prepare a final plat in accordance with the provisions of chapters SMC 16.12 and SMC 16.16 of this title. One (1) electronic version shall be submitted to the planning department. The "Administrative Land-use Authority" shall, upon receiving the final plat, review, approve or deny, based on the Smithfield City Municipal Code. The

process of final review will be considered a review cycle. A total of four (4) review cycles can occur before approval or denial by the Administrative Land-Use Authority. Failure to submit a completed application, final plat and paying the appropriate fees will result in the review process being restarted. Following the final determination by the "Administrative Land-Use Authority" and after compiling all requisite signatures, the subdivider shall then submit the final plat to the County Recorder.

16.09.040 APPROVAL OF PRELIMINARY PLAT

- A. A preliminary plat shall be submitted to the planning department, with a complete application and fee payment determined by the current prevailing fee schedule. The preliminary plat will be reviewed by the Administrative Land-Use Authority. Upon receiving approval from the Administrative Land-Use Authority, the preliminary plat may then advance to the final plat process: or be submitted to the Planning Commission for approval or denial, see §SMC16.04.050 (I).
- B. The process of review will be considered a review cycle. A total of four (4) review cycles can occur before approval or denial by the Administrative Land-Use Authority. Failure to submit a completed application, preliminary plat and paying the appropriate fees will result in the review process being restarted.
- C. Following the review of the proposed subdivision, the Administrative Land-Use Authority shall either approve, reject, propose conditions, or reject submit the preliminary plat to the Planning Commission, see §SMC16.04.050 (I). Once approval has been given, the preliminary plat will be reviewed by the City Attorney and a full set of construction documents shall be provided to the City Engineer.
- D. The review cycle restrictions and requirements of this section do not apply to the review of subdivision applications affecting property within identified geological hazard areas.
- E. All non-compliant applications and fees will start over after the four (4) cycles.
- F. A total of four (4) review cycles are provided by the city. Each review for a preliminary plat shall be completed within fifteen (15) business days after complete application submission.
- G. Granting of a preliminary plat approval by the Administrative Land-Use Authority shall not constitute a final acceptance of the subdivision. Nor shall approval of the preliminary plat relieve the subdivider of the responsibility to comply with all required conditions and ordinances, and to provide the improvements and easements necessary to meet all city standards and requirements.

16.12.030 PREPARATION AND REQUIRED INFORMATION

- C. **Standard Forms For The Final Plat:** The final plat shall include:
 - 1. A registered land surveyor's certificate of survey in the form required by state law;
 - 2. The owner's certificate of dedication;
 - 3. A notary public's acknowledgment;
 - 4. The eCity Planning Manager's certificate of approval;
 - 5. The City Engineer's certificate of approval;
 - 6. The City Attorney's certificate of approval;

7. ~~A space in the lower left hand corner of the drawing for the Cache eCounty~~
~~Recorder's use;~~
8. The Planning Commission approval [if required by §SMC16.04.050 (I)];
9. The City Council approval [if required by §SMC16.04.050 (I)];
10. City Manager's certificate of approval

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 13th day of March, 2024

SMITHFIELD CITY CORPORATION

Kristi Monson, Mayor

ATTEST:

Dana Lazcanotegui, City Recorder



Smithfield City Staff Report

Community Development Department

Administration • Engineering • Planning • Zoning

Municipal Code Changes

February 21, 2024

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

Ordinance 24-09 Land Use Authority

- Verbiage has been changed to add "final" plat to the review in addition to preliminary.
- The Intrablock subdivision was added to the developments that need to go to both Planning Commission and City Council for approval. They are typically single family, however, they are not a part of the standard single family code and require a conditional use permit.
- The term "Administrative Land Use Authority" will replace the term "Subdivision Review Staff."
- Inserting verbiage that differentiates when a plat will be submitted to the Planning Commission or the Administrative Land Use Authority.
- Adding signature stamps to the list of required stamps. Specifically the Planning Commission and City Council Stamps that were removed, and the City Manger Stamp required by the County Recorder in specific situations.



AGREEMENT FOR FIRE PROTECTION SERVICES

THIS AGREEMENT, made and entered into the 1st day of July, 2024 by and between SMITHFIELD CITY, a municipal corporation of the State of Utah, hereinafter referred to as Smithfield, and HYDE PARK CITY, a municipal corporation of the State of Utah, hereinafter referred to as Hyde Park.

WHEREAS, both parties desire to enter into a new fire protection agreement to commence on the 1ST day of July, 2024 and

WHEREAS, both parties are desirous of cooperating to mutual advantage and to the advantage of the residents of their communities by providing effective and economical fire protection and emergency response.

WHEREAS, Hyde Park desires to meet the fire protection and medical response needs of the businesses and citizens in Hyde Park in a timely and efficient manner, and

WHEREAS, Hyde Park has requested an individual be available as needed to address fire code issues in a timely manner and provide activity reports to the Hyde Park City Mayor or City Manager when requested.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Smithfield agrees to provide fire and emergency medical response to emergencies within the corporate limits of Hyde Park in accordance with governing state and federal law. Smithfield shall be solely responsible for providing all equipment, training, facilities, vehicles, and personnel required to provide such services. All such property and personnel shall be under the exclusive control and jurisdiction of Smithfield, even when operating within Hyde Park. Smithfield shall be solely responsible and liable for its activities related to the provision of fire and emergency medical response services and the property and personnel used to provide such services.
2. Smithfield agrees to abide by and shall have the duties and powers granted by the provisions of Section 10-10 of Title 10 Fire, Health, Safety and Welfare of the Hyde Park Municipal Code when operating within Hyde Park and providing fire and emergency medical response services to Hyde Park.
3. Smithfield Agrees to administrate and execute the provisions of the State of Utah adopted Fire Code, including providing an individual to be reasonably available to address fire code issues, review proposed developments and

land use applications for fire code compliance, and provide activity reports to the Hyde Park City Mayor or City Manager when requested for activity, developments, and other issues within Hyde Park.

4. As for consideration for said administrating, firefighting, fire protections, and medical first response to be provided by Smithfield, Hyde Park agrees to pay for said services as follows:

An amount of \$32.00 per capita, per year.

5. A review of the fee will be conducted on three-year intervals. Hyde Park shall pay Smithfield based on the estimated population as of July 1st, each twelve (12) month period. Said population shall be determined using a base population equal to that of the official U.S. Census plus 3.98 persons per new housing unit built subsequent to the base year plus the occupant load of all nursing homes and care facilities not included in the census. It is agreed the sum paid by Hyde Park to Smithfield shall begin the 1st day of July 2024.

Smithfield shall invoice for payment quarterly. Payment will be due and payable within 45 days of the invoice date.

6. The term of this agreement shall be for a period of three (3) years, commencing on July 1, 2024. The Agreement shall automatically renew for an additional three (3) year term on each anniversary date of this Agreement under the same terms and conditions herein, unless written notice to the contrary is directed to the other party within thirty (30) days prior to the date of expiration.
7. Either party to this agreement shall have the right to terminate this agreement for any reason upon ninety (90) days written notice to the other party. In the event the agreement is terminated by either party prior to the termination date, Smithfield shall be paid for services rendered as of the date of termination.

Approved and signed this 13th day of March, 2024

SMITHFIELD CITY CORPORATION

Kristi Monson, Mayor

ATTEST:

Dana Lazcanotegui, City Recorder

Approved and signed this _____ day of _____, 2024

HYDE PARK CITY

Bryan Cox, Mayor

ATTEST:

Donja Wright, City Recorder

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
	\$ 13,126,660
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
	\$ 1,361,475
Replace existing lines less than 6 inches with 8 inch lines	\$ 9,005,000
Current Monthly Base Rate:	\$ 24.00
Monthly Culinary Water Base Rate needed for 11,000,000 bond	\$ 26.00
Monthly Culinary Water Base Rate needed for 12,000,000 bond	\$ 28.00
Monthly Culinary Water Base Rate needed for 13,000,000 bond	\$ 29.00
Monthly Culinary Water Base Rate needed for 14,000,000 bond	\$ 30.00
Monthly Culinary Water Base Rate needed for 15,000,000 bond	\$ 32.00

ORDINANCE NO. 24-11

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 13.04.320 “DISCONTINUANCE OF SERVICE”, AND
CHAPTER 13.24 “STORM WATER SEWER SYSTEM”, SECTION 13.24.070
“SYSTEM OF RATES AND CHARGES”.**

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

1. The following sections 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 six (6) months of when the original utility bill was dated. Disputes made after six (6) months will not be considered and a credit will not be applied.
- D. The Central Dispatch and Admin Fee are billed on a monthly basis on all utility accounts whether the home or building is occupied or unoccupied. Unoccupied homes or buildings will be billed to the property owner.

13.04.320 DISCONTINUANCE OF SERVICE
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~~Any customer desiring to discontinue service shall notify the municipality in writing of such fact at least ten (10) days before the date when such service shall be discontinued. On giving such written notice, the customer shall not be responsible for water bills incurred after the date specified in the notice. Any credit balance in favor of the customer as a result of an advance payment of bills or a deposit made will be refunded upon discontinuance of service.~~

The monthly base fee will be charged on each utility account once the initial service has been established on a parcel. The monthly base utility fee is charged whether a home or building is occupied or unoccupied. Unoccupied homes or buildings will be billed to the property owner.

13.24.070 SYSTEM OF RATES AND CHARGES

- A. Rates And Charges: There are hereby imposed storm sewer service fee rates and charges on each parcel of real property within the city, except governmentally owned streets and storm water facilities operated and maintained by, or for, the state and county. The charges shall fund the administration, planning, design, construction, water quality programming, operation, maintenance and repair of existing and future storm water facilities.
 - B. Residential Service Charges: The utility's residential service charges shall be as outlined in the city's latest prevailing fee schedule. The monthly charge will be charged on each utility account whether the property is occupied or unoccupied. Unoccupied homes or buildings will be billed to the property owner.
 - C. Undeveloped Parcels: Undeveloped parcels shall have no charges assessed against such parcels.
 - D. Other Parcels: The charge for all other parcels shall be based upon the total square feet of measured impervious surface divided by four thousand seven hundred (4,700) square feet or one ERU, and rounded to the nearest whole number. The actual total monthly service charge shall be computed by multiplying the total ERUs for a parcel by the established monthly nonresidential ERU charge. In all cases, the calculated nonresidential service charge shall not be less than the established residential service charge.
- 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 13th day of March, 2024

SMITHFIELD CITY CORPORATION

Kristi Monson, Mayor

ATTEST:

Dana Lazcanotegui, City Recorder

Strategies

Municipalities and counties must include at least three strategies – municipalities with a “fixed guideway transit station” (train or BRT station) must have at least four strategies. The menu of strategies includes the following:

- A. Rezone for densities necessary to facilitate the production of moderate income housing
- B. Demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing
- C. Demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing
- D. Identify and utilize general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the county/municipality for the construction or rehabilitation of moderate income housing
- E. Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones
- F. Zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers
- G. Amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors
- H. Amend land use regulations to eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living facilities
- I. Amend land use regulations to allow for single room occupancy developments
- J. Implement zoning incentives for moderate income units in new developments
- K. Preserve existing and new moderate income housing and subsidized units by utilizing a landlord incentive program, providing for deed restricted units through a grant program, or establishing a housing loss mitigation fund
- L. Reduce, waive, or eliminate impact fees related to moderate income housing
- M. Demonstrate creation of, or participation in, a community land trust program for moderate income housing
- N. Implement a mortgage assistance program for employees of the county/municipality, an employer that provides contracted services for the county/to the municipality, or any other public employer that operates within the county/municipality
- O. Apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for affordable housing programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing
- P. Demonstrate utilization of a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize moderate income housing
- Q. Create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act
- R. Eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530
- S. Create a program to transfer development rights for moderate income housing
- T. Ratify a joint acquisition agreement with another local political subdivision for the purpose of combining resources to acquire property for moderate income housing
- U. Develop a moderate income housing project for residents who are disabled or 55 years old or older
- V. Develop and adopt a station area plan in accordance with Section 10-9a-403.1
- W. Create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use zones
- X. Demonstrate implementation of any other program or strategy to address the housing needs of residents of the county/municipality who earn less than 80% of the area median income, including the dedication of a local funding source to moderate income housing or the adoption of a land use ordinance that requires 10% or more of new residential development in a residential zone be dedicated to moderate income housing.

Part 3

Classification of Municipalities

10-2-301 Classification of municipalities according to population.

- (1) Each municipality shall be classified according to its population, as provided in this section.
- (2)
 - (a) A municipality with a population of 100,000 or more is a city of the first class.
 - (b) A municipality with a population of 65,000 or more but less than 100,000 is a city of the second class.
 - (c) A municipality with a population of 30,000 or more but less than 65,000 is a city of the third class.
 - (d) A municipality with a population of 10,000 or more but less than 30,000 is a city of the fourth class.
 - (e) A municipality with a population of 1,000 or more but less than 10,000 is a city of the fifth class.
 - (f) A municipality with a population under 1,000 is a town.

Amended by Chapter 292, 2003 General Session

10-2-301.5 Classification of metro townships according to population.

- (1) Each metro township, as defined in Section 10-2a-403, shall be classified according to its population, as provided in this section.
- (2) A metro township with a population of:
 - (a) 1,000 or more is a metro township of the first class; and
 - (b) fewer than 1,000 is a metro township of the second class.

Enacted by Chapter 352, 2015 General Session

10-2-302 Change of class of municipality.

- (1) Each municipality shall retain its classification under Section 10-2-301 until changed as provided in this section or Subsection 67-1a-2(3).
- (2)
 - (a) If a municipality's population, as determined by the lieutenant governor under Subsection 67-1a-2(3), indicates that the municipality's population has decreased below the limit for its current class, the legislative body of the municipality may petition the lieutenant governor to prepare a certificate indicating the class in which the municipality belongs based on the decreased population figure.
 - (b) Notwithstanding Subsection (2)(a), the legislative body of a metro township may not petition under this section to change from a metro township to a city or town.
- (3) A municipality's change in class is effective on the date of the lieutenant governor's certificate under Subsection 67-1a-2(3).

Amended by Chapter 352, 2015 General Session

10-2-303 Effect of change in class.

- (1) If a municipality changes from one class to another:

- (a) all property, property rights, and other rights that belonged to or were vested in the municipality at the time of the change shall belong to and be vested in it after the change;
 - (b) no contract, claim, or right of the municipality or demand or liability against it shall be altered or affected in any way by the change;
 - (c) each ordinance, order, and resolution in force in the municipality when it changes classes shall, to the extent that it is not inconsistent with law, not be affected by the change and shall remain in effect until repealed or amended;
 - (d) the change may not affect the identity of the municipality;
 - (e) each municipal officer in office at the time of the change shall continue as an officer until that officer's term expires and a successor is duly elected and qualified; and
 - (f) the municipality maintains after the change in class the same form of government that it had immediately before the change.
- (2)
- (a) A change in class does not affect an action at law, prosecution, business, or work of the municipality changing classes, and proceedings shall continue and may be conducted and proceed as if no change in class had occurred.
 - (b) Notwithstanding Subsection (2)(a), if the law applicable to a municipality under the new class provides the municipality a different remedy with respect to a right that it possessed at the time of the change, the remedy shall be cumulative to the remedy applicable before the change in class.

Amended by Chapter 378, 2010 General Session

10-2-306 Judicial notice taken of existence and class.

All courts in this state shall take judicial notice of the existence and classification of any municipality.

Enacted by Chapter 48, 1977 General Session

The Importance of Planning for Moderate Income Housing

The Utah Code of Amendment sections 10-9a-103(40) and 17-27a-103(43) define moderate income housing as “housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the city is located.” By planning for moderate income housing, jurisdictions will be able to target and direct housing development that will cover a large segment of their population and help to limit the cost burden their residents experience in owning a home.

Planning for moderate income housing by identifying key strategies and how a jurisdiction will implement them within the general plan is a major first step. For a greater impact, and to ensure those strategies and implementations continue to work in the future, it’s imperative to analyze and revise this planning regularly. Our communities are forever changing and the direction and planning we take must be adjusted accordingly to ensure we’re supporting existing and future residents throughout Utah.

Benefits and Limitations

There are benefits for those jurisdictions that meet, or even exceed, the minimum moderate income housing requirement. Priority consideration for the Transportation Investment Fund of 2005, including the Transit Transportation Investment Fund is available for jurisdictions which surpass the minimum number of strategies in their general plan element as follows:

Jurisdiction	Minimum # of Compliant Strategies Required	Minimum # of Compliant Strategies Required for Priority Consideration
County	3	5
Municipality without fixed guideway transit stations	3	5
Municipality without fixed guideway transit stations	5	6

Alternatively, jurisdictions that do not submit their annual report or do not meet the minimum requirements will be deemed ineligible for the following funding:

- Transportation Investment Fund of 2005, including the Transit Transportation Investment Fund and
- State Tax Commission Distribution of Sales and Use Tax to fund Highways for certain jurisdictions (UCA 59-12-2220)

Additionally, starting in 2024, a \$250/day penalty fee will be applied to communities which are determined to be non compliant and ineligible for the above funding sources. At the beginning of a community’s consecutive year of being ineligible for funds, the fee will double to \$500/day.

<https://jobs.utah.gov/housing/affordable/moderate/index.html>