SMITHFIELD CITY
PLANNING COMMISSION MINUTES
May 15, 2024

The Planning Commission of Smithfield City met in the City Council Chambers at 96 South Main, Smithfield, Utah at 6:30 p.m. on Wednesday, May 15, 2024.

Opening Remarks by Jim Marshall

Voting Members Present: Jamie Anderson, Brooke Freidenberger, Bob Holbrook, Jim Marshall, Chris Olsen, Sarah Price, Stuart Reis

Non-Voting Members Present: Katie Bell

City Staff: Brian Boudrero, McKenzie Nelson

Others in Attendance: David Low, Jolene Low, John Fontecchio, Allyson Fontecchio, Michael Paskett, Connie Paskett, Camilee Amott, Elizabeth Thain, Tayler Rose, Nick Bradford, Robert (RJ) Mather, Lorena Freelove, Barbara Larson, Anthony Larson, Jeff Barnes, Liz Veibell, Caralee Stokes, Fidelina Franco

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

Consideration of consent agenda and approval of meeting minutes

After consideration by the Commission, Chairman Anderson declared the minutes from the April 17, 2024 meeting to be approved as submitted.

RESIDENT INPUT

No comments were made.

AGENDA ITEMS

Introduction and **Public Hearing** for the purpose of discussing the Conditional Use Permit request by Robert Mather to allow a three (3) lot/unit minor subdivision/intrablock development, Mather Intrablock Subdivision, located at 173 West 200 South. Zoned R-1- 10 (Single-Family Residential 10,000 Square Feet). Parcel Number 08-087-0018.

Robert (RJ) Mather is requesting approval of a final plat for a minor intrablock subdivision located at 173 West and 200 South. He is asking to subdivide the rear portion of his large lot into three (3) total parcels, with the existing residence on the south lot. Each parcel meets the frontage and size requirements of the existing zone, it also meets all of the requirements found in the intrablock code. He lives on lot 4 and would like to subdivide the back remainder to match the existing intrablock subdivision to the east using the existing private lane.

6:35 p.m. Public Hearing Opened

There were not any comments or questions.

6:35 p.m. Public Hearing Closed

Discussion and possible approval of the Conditional-Use Permit request by Robert Mather to allow a three (3) lot/unit minor subdivision/intrablock development, Mather Intrablock Subdivision, located at 173 West 200 South. Zoned R-1-10 (Single-Family Residential 10,000 Square Feet). Parcel Number 08-087-0018.

Commissioner Olsen met with RJ Mather and many of the residents in the area. He thinks Mr. Mather has done a great job talking to the neighbors about what he would like to do.

Commissioner Reis asked if the driveway would need to be widened and if the fence would be removed. Mr. Mather said he has to widen the road by 3 feet. He does not know what the plan for fencing will be at this time.

Mr. Mather confirmed for Commissioner Marshall that he has a shared agreement with the other property owners regarding the private lane.

MOTION: Motion by Commissioner Freidenberger to **approve** the Conditional Use Permit request by Robert Mather to allow a three (3) lot/unit minor subdivision/intrablock development, Mather Intrablock Subdivision, located at 173 West 200 South. Zoned R-1-10 (Single-Family Residential 10,000 Square Feet). Parcel Number 08-087-0018. Commissioner Reis seconded the motion. **Motion approved (7-0).**

Vote:
Yes: Anderson, Freidenberger, Holbrook, Marshall, Olsen, Price, Reis
No: None

Introduction and **Public Hearing** for the purpose of discussing the Conditional Use Permit request by Anthony and Barbara Larson to allow a three (3) lot/unit minor subdivision/intrablock development, Bobcat Meadows Intrablock Subdivision, located at approximately 167 East 400 South. Zoned R-1-10 (Single Family Residential 10,000 Square Feet). Parcel Number 08-113-0025.

Anthony and Barbara Larson are requesting approval for a final plat for a minor intrablock subdivision located at approximately 167 East 400 South. They are requesting to subdivide the rear portion of their large lot into four (4) parcels that meet the size requirements of the existing zone and the intrablock code. Mr. Larson said the 0.95-acre lot they own was purchased nine years ago had two tax ID numbers. He purchased the adjacent property last year. They have been taking care of, and improving the property. He originally considered a flag lot but learned that was not allowed. He would like to create an opportunity for some future development there.

6:41 p.m. Public Hearing Opened

Jon Fontecchio lives just north of Mr. Larson's property; his backyard is adjacent to the proposed plan. His biggest concern is how this will impact the surrounding properties. He questioned the flood mitigation plan and whether a retention pond had been considered. He spoke to Mr. Larson a couple of weeks ago about fencing issues. When the property was surveyed there were some discrepancies. They had heard that it could be three rental properties but were told it would be one home

with a building. He expressed concern with Mr. Larson's transparency to the surrounding residents. Most of the neighbors disagree with the proposed plan.

Mike Paskett has lived in the area for over 50 years. He would hate to see an intrablock development there. He can understand one home and a shed, but three homes would be too congested and would look like a mess. Coming out of 400 South is already congested and more homes will only aggravate the situation.

Jolene Low is representing her 89-year-old mother, who could not attend, who lives next to this proposal. Her mother is concerned about the traffic, noise, privacy, and safety, especially if three homes go in. Her mother lives alone and this proposal makes her nervous. She is also worried about water containment. Her mother's house was flooded several times with irrigation water over the years. If three homes are put in, she would at least like a privacy fence.

Liz Veibell said the problem is it is super congested in that back area. Development would increase the noise, light, and dust. She is disappointed with Mr. Larson's attempt at making contact early on. This seems to be a "sneaky project". She realizes that a landowner has rights but thinks an additional three homes in this location is too much. If they will be starter homes, she is concerned that they may not be well taken care of; she would prefer to see a different plan.

Fidelina Franco was represented by her daughter who translated. She agrees with the comments that have been shared. The property was surveyed without them knowing and there was a discrepancy with the fence. Mr. Larson asked them if they wanted to sell part of their lot, which leads them to believe he may have more plans. She would like boundaries and fence respected.

6:54 p.m. <u>Public Hearing Closed</u>

Discussion and possible approval of the Conditional Use Permit request by Anthony and Barbara Larson to allow a three (3) lot/unit minor subdivision/intrablock development, Bobcat Meadows Intrablock Subdivision, located at approximately 167 East 400 South. Zoned R-1-10 (Single Family Residential 10,000 Square Feet). Parcel Number 08-113-0025.

Chairman Anderson noted that there is a Municipal Code for intrablock developments (17.84). Regardless of how the Commission and/or neighbors feel about it, the Code allows for this type of development. §17.84.020-G(1) states *"Within ninety (90) days after receiving final approval of an intrablock development, any property owner who is adjacent to an intrablock lot, and who feels his/her privacy is being imposed upon, the city may require the construction of a six-foot (6') privacy fence between the two (2) properties. The existing property owner and the intrablock developer shall decide the style of the fence and shall share equally the cost of installing the fence. The quality or cost of the fence shall not be required to exceed that which is comparable to a six-foot (6') solid white vinyl fence."*

Mr. Larson said this is his first time doing anything like this and he is learning the process and apologizes if it appears that he is being sneaky. He did not understand that he needed to talk to all the neighbors. Chairman Anderson pointed out that it is a good idea; however, there is no requirement that neighbors be notified. Mr. Larson loves Smithfield and is trying to improve this area; he has already hauled off four dumpsters of trash. He has every intention of fencing the property along Jolene Low's mother's property. He did ask Ms. Franco if she wanted to sell a small portion of her property, she was not interested, which is fine. He thinks there may have

been a language barrier issue about the fence. He did not mean to come across as uncaring.

Commissioner Freidenberger noted that this is an administrative decision. Mr. Boudrero stated Utah Code allows a jurisdiction to deny a conditional-use only if it severely and detrimentally impacts the surrounding neighbor's public health, safety, or welfare.

Commissioner Olsen noted that §17.32.020 (10-11) states "(10) *An acceptable plan is provided for fencing, screening, and landscaping to protect adjacent land uses from adverse noise, light, dust, and visual impacts; (11) That within the site and adjoining the site, impacts on the aquifer, slope retention, and flood potential have been fully mitigated and the mitigation measures are appropriate to the topography of the site".*

Mr. Boudrero referenced §17.84.020-F which states *"that the owner or developer will be responsible for the extension of all utilities, roadways, drainage improvements and other improvements necessary and/or required for the development of the intrablock property. All construction shall be subject to approval and inspection by Smithfield City".* If the Commission feels there might be a problem, a condition mitigating that concern can be added. The Conditional-Use Code only provides parameters for what things can be considered in those conditions. They are not something that must be added.

Commissioner Holbrook asked about the concerns expressed about water retention. Mr. Boudrero said the conditional-use in an intrablock development allows the road(s) to be smaller; however, the City enforces a three foot gravel shoulder on each side of the road to help with water. Any water that does not go into the gravel shoulder will run down to the City's system.

Mr. Larson confirmed for Commissioner Holbrook that all the lots will be over 0.25 acres.

7:05 p.m. Commissioner Bell arrived and will be participating in the meeting as an alternate.

Commissioner Olsen asked Mr. Larson what he was trying to do with the homes and whether they would be rentals. Chairman Anderson said this is outside the purview of the discussion. Mr. Boudrero said they cannot be rentals and must meet the requirements of the R-1-10 zone.

Commissioner Marshall said the concern about privacy has been raised. The ordinance for intrablock development requires that the developer works with the neighbors around the perimeter for fencing (the cost to be shared). The City has a dark sky ordinance that must be adhered to. With regard to the property surveys, it is beyond the Commission's purview; however, it is not uncommon for them to overlap but they can be reconciled. He does not feel that additional conditions need to be placed on the project.

Mr. Larson answered for Commissioner Holbrook that he has every intention of fencing the back of the duplexes located there as their backyards look terrible. He is open to working with Jolene Low's mother on the fence. The idea that three homes will go in is not the intention. He will sell one lot to help pay for the improvements.

Commissioner Olsen likes the idea of mailing notices to neighbors. Mr. Boudrero said that is not required in the Code and the State does not require it.

Commissioner Olsen's personal opinion is that it should be required and he intends to work on getting that requirement put back into the Code. Notifying neighbors would be beneficial for everyone.

Commissioner Reis said intrablock development is something that needs to be considered because there is always concern about pushing development out into the farmlands. He thinks this will be a great improvement in the area.

Commissioner Bell agreed with Commissioner Reis and said the Commission has discussed where growth should be for years, this project seems like a good idea.

Commissioner Freidenberger pointed out that the Commission cannot deny the request if it meets the requirements.

MOTION: Motion by Commissioner Marshall to **approve** the Conditional Use Permit request by Anthony and Barbara Larson to allow a three (3) lot/unit minor subdivision/intrablock development, Bobcat Meadows Intrablock Subdivision, located at approximately 167 East 400 South. Zoned R-1-10 (Single Family Residential 10,000 Square Feet). Parcel Number 08-113-0025. Commissioner Reis seconded the motion. **Motion approved (7-0).**

Vote:
Yes: Anderson, Freidenberger, Holbrook, Marshall, Olsen, Price, Reis
No: None

Introduction and **Public Hearing** for the purpose of discussing Ordinance 24-12, an Ordinance amending the Smithfield City Municipal Code Title 16 "Subdivision Regulations", Chapter 16.22 "Improvement Bonding and Warranty", Section 16.22.010 "Security for Subdivision Improvements" and Chapter 16.04 "General Provisions", Section 16.04.050 "General Responsibilities".

Mr. Boudrero explained that these proposed changes are based on previously adopted City Codes and standard City development practices.

Ordinance 24-12 Residential Water Model and Plat Signatures

• A paragraph has been added to the General Responsibilities, §16.04.050 in Subdivision Regulations that requires all new subdivisions to require a water model, except in an Intrablock and Minor Subdivision.

• It also details the engineering requirements of the type and size of pipe, if the entity fails the water model for the proposed infrastructure.

• Verbiage has been changed in §16.22.010 (A) to include the city manager in signing a final plat when required.

• When recording a single-family subdivision that has been reviewed and approved by the Administrative Land Use Authority, the County Recorder requires the City Manager's signature in lieu of the Mayor's signature. In either case, a final plat cannot be signed for recording unless the City Engineer has reviewed and approved the plat.

7:20 p.m. Public Hearing Opened

There were not any comments or questions.

7:21 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 24-12

MOTION: Motion by Commissioner Freidenberger to **approve** discussing Ordinance 24-12, an Ordinance amending the Smithfield City Municipal Code Title 16 “Subdivision Regulations”, Chapter 16.22 “Improvement Bonding and Warranty”, Section 16.22.010 “Security for Subdivision Improvements” and Chapter 16.04 “General Provisions”, Section 16.04.050 “General Responsibilities”. Commissioner Olsen seconded the motion. **Motion approved (7-0).**

Vote:
Yes: Anderson, Freidenberger, Holbrook, Marshall, Olsen, Price, Reis
No: None

MEETING ADJOURNED at 7:25 p.m.

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Jamie Anderson, Chairman

SMITHFIELD CITY CORPORATION
96 South Main
Smithfield, UT 84335

AGENDA

Public Notice is given that the Smithfield Planning Commission will meet in a regularly scheduled meeting at 96 South Main, Smithfield, Utah, on Wednesday, March 20, 2024. The meeting will begin at 6:30 PM.

Welcome/pledge of allegiance and thought/prayer by Jim Marshall

1. Approval of Planning Commission Meeting Minutes from April 17, 2024.

2. Resident Input

3. Introduction and Public Hearing for the purpose of discussing the Conditional-Use Permit request by Robert Mather to allow a three (3) lot/unit minor subdivision/intrablock development, Mather Intrablock Subdivision, located at 173 West 200 South. Zoned R-1- 10 (Single Family Residential 10,000 Square Feet). Parcel Number 08-087-0018.

4. Discussion and possible approval of the Conditional-Use Permit request by Robert Mather to allow a three (3) lot/unit minor subdivision/intrablock development, Mather Intrablock Subdivision, located at 173 West 200 South. Zoned R-1-10 (Single Family Residential 10,000 Square Feet). Parcel Number 08-087-0018.

5. Introduction and Public Hearing for the purpose of discussing the Conditional-Use Permit request by Anthony and Barbara Larson to allow a three (3) lot/unit minor subdivision/intrablock development, Bobcat Meadows Intrablock Subdivision, located at approximately 167 East 400 South. Zoned R-1-10 (Single Family Residential 10,000 Square Feet). Parcel Number 08-113-0025.

6. Discussion and possible approval of the Conditional-Use Permit request by Anthony and Barbara Larson to allow a three (3) lot/unit minor subdivision/intrablock development, Bobcat Meadows Intrablock Subdivision, located at approximately 167 East 400 South. Zoned R-1-10 (Single Family Residential 10,000 Square Feet). Parcel Number 08-113-0025.

7. Introduction and **Public Hearing** for the purpose of discussing Ordinance 24-12, an Ordinance amending the Smithfield City Municipal Code Title 16 “Subdivision Regulations”, Chapter 16.22 “Improvement Bonding and Warranty”, Section 16.22.010 “Security for Subdivision Improvements” and Chapter 16.04 “General Provisions”, Section 16.04.050 “General Responsibilities”.

8. Discussion and possible vote on Ordinance 24-12.

Adjournment

*****Items on the agenda my 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) 792-7997, at least three (3) days before the date of the meeting.