



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 19, 2025**. The meeting will begin at 6:30 PM.

Welcome/pledge of allegiance and thought/prayer by Jamie Anderson

1. Approval of Planning Commission Meeting Minutes from February 19, 2025.
2. Resident Input
3. Introduction and Public Hearing for the purpose of discussing Ordinance 2025-06, an Ordinance providing for the imposition of owner occupancy covenants as part of the rezoning process by adding in its entirety in Title 17 "Zoning Regulations", Chapter 17.130 "Restrictions For Owner Occupancy", Sections 17.130.010 "Purpose", 17.130.020 "Definitions", 17.130.030 "Authority To Require Owner Occupancy Covenants", 17.130.040 "Owner Occupancy Covenants", and 17.130.050 "Penalties".
4. Discussion and possible vote on Ordinance 2025-06.

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) 792-7997, at least three (3) days before the date of the meeting.



SMITHFIELD CITY PLANNING COMMISSION MINUTES February 19, 2025

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, February 19, 2025

Members Present: Bob Holbrook, Jim Marshall, Chris Olsen, Sarah Price (via phone for first 10 minutes), Lazaro Soto

Members Excused: Jamie Anderson

City Staff: Brian Boudrero, McKenzie Nelson

Others in Attendance: Don Patterson, Jenn Staker, Jeff Barnes, Stuart Reis, Lee Helms, Klydi Heywood, Brad Thatcher, Neal Stevens

6:30 p.m. Meeting called to order by Vice-Chairman Holbrook

Approval of Planning Commission Meeting Minutes from January 15, 2025.

After consideration by the Commission, Vice Chair Holbrook declared the minutes from the January 15, 2025 meeting to stand as submitted.

Commissioner Olsen complimented the meeting minutes as they are always brief and accurate.

RESIDENT INPUT

No comments

Commissioner Soto arrived and Commissioner Price departed from the meeting.

AGENDA ITEMS

Continued discussion and possible vote on the conditional use permit request by Superior Machine to manufacture firearms and firearm parts at 150 West 700 South #B2. The application was submitted by Neal Stevens. Zoned GC (General Commercial).

Mr. Stevens said he would like to build a new firearm that currently does not exist. He confirmed that the firearms will be secured, and because he will deal with commercial wholesale, he will not have ammunition. Testing will not be done at this location.

MOTION: Motion by Commissioner Marshall to approve the conditional use permit request by Superior Machine to manufacture firearms and firearm parts at 150 West 700 South #B. The application was submitted by Neal Stevens. Zone GC (General Commercial). Commissioner Soto seconded the motion. Motion approved (4-0).

Vote:

Yes: Holbrook, Marshall, Olsen, Soto

No: None

Absent: Anderson, Price

Public Hearing for the purpose of discussing Ordinance 20205-03, an Ordinance amending the Smithfield City Municipal Code Title 16 “Subdivision Regulations”, Chapter 16.12 “Final Plats, Section 16.12.030 “Preparation and Required Information”, Title 17 “Zoning Regulations”, Chapter 17.04 “General Provisions”, Section 17.04.070 “Definition”, Chapter 17.81 “Master Planned Community (MPC) Zone” Sections 17.81.130 “Development Agreement”, 17.81.140 “Modification of Approved Plan”, and adding in their entirety Chapter 17.56 “R-1 Single-Family Residential”, Section 17.56.060 “Development Standards”, and Chapter 17.100 “Site Development and Landscaping”, Section 17.100.025 “Landscaping Requirements for New Construction in Residential Zones”.

Mr. Boudrero advised that this is a housekeeping item. He highlighted the changes. A section is being added for new construction landscaping requirements, including a curb, gutter, and park strip. Development Agreement will be changed to Development Compliance. Detached Accessory Dwelling Units will be included in the lot definition. Road dedication did not take into account private roads.

The portions struck out are being proposed to be deleted, and those in **bold text** are proposed to be added.

16.12.030 PREPARATION AND REQUIRED INFORMATION

B. Description and Delineations: The final plat shall show:

7. The dedication to the city of all streets and highways included in the proposed subdivision, **with the exception of approved private roads and alleys;**

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 City 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 for the Cache County Recorder's use;~~
- ~~8. The Planning Commission approval [if required by SMC 16.04.050 (I)];~~
- ~~9. The City Council approval [if required by SMC 16.040.050 (I)]~~
- ~~10. City Manager's certificate of approval~~

1. Final Plats for Commercial, Industrial, Manufacturing, Condominium, Mixed-Use, Multi-Family and Intrablock Developments must include the following:

- a. A registered land surveyor's certificate of survey in the form required by state law.**
- b. The owner's certificate of dedication.**
- c. A notary public's acknowledgment.**
- d. The City Engineer's certificate of approval.**

- e. The City Attorney's certificate of approval.
- f. A space for the Cache County Recorder's use.
- g. The Planning Commission certificate of approval.
- h. The City Council certificate of approval.

2. Final Plats for Single-family, Two-family, and Townhome Subdivisions must include the following:

- a. A registered land surveyor's certificate of survey in the form required by state law.
- b. The owner's certificate of dedication.
- c. A notary public's acknowledgment.
- d. The City Planning Manager's certificate of approval.
- e. The City Engineer's certificate of approval.
- f. The City Attorney's certificate of approval.
- g. A space for the Cache County Recorder's use.
- h. The City Manager's certificate of approval.

17.040.070 Definitions

LOT: A parcel of land occupied or to be occupied by a main building, or group of buildings (~~main and accessory~~), (**conditional upon the prevailing zone**) together with such yards, open spaces, and yard areas as are required by this title and having frontage upon a street, **except** for group dwellings **and detached accessory dwelling units**. ~~not more than one dwelling structure shall occupy any one lot.~~

17.81.130 DEVELOPMENT AGREEMENT COMPLIANCE

~~A. As part of the final MPC approval, the City and developer shall prepare and execute a development agreement which, among other things, shall outline the following:~~

~~1. By what manner any private roads, open space, or other non-public common areas within the MPC shall be owned, managed, maintained and retain the beneficial use to all owners and occupants of the MPC.~~

~~1. In the case of private ownership of the open space, said spaces shall be protected against building development by conveying to Smithfield City an open space easement over such areas.~~

~~2. How the developer intends to provide financial security for the completion of the project.~~

~~3. A projected timeline of the associated phasing, including the infrastructure, facilities and amenities.~~

~~B. Penalties for non-performance on either the City or the developer's part.~~

~~C. Any other conditions of the project which the City Council shall deem appropriate to ensure successful execution of the MPC.~~

~~D. The development agreement shall be given preliminary approval as part of the preliminary plan approval and shall be given final approval as part of the final MPC approval.~~

~~E. In order to ensure the continuity and viability of the development agreement, said agreement shall be recorded against the property at the time the final MPC approval is granted.~~

~~F. No MPC may begin construction until such time as the development agreement has been approved and recorded.~~

Amenities shall be installed and usable by residents at the same rate as housing development occurs, i.e. fifty percent (50%) area developed equates to fifty percent (50%) usable amenities.

Smithfield City shall have the right, but not the duty, to require, and if necessary, perform or cause to be performed, at the expense of the owner of the open space and other private area(s), including clubhouse, pool and other recreation facilities, (HOA, hereafter), all landscaping, snow removal, and other upkeep and maintenance services, as applicable, within the open space area(s), if the HOA fails adequately to perform such tasks. The city may take these actions when asked to assume responsibility for such upkeep and maintenance tasks by the HOA and the city council may also take such actions when it determines the need based on a pattern of neglect and lack of maintenance and after meeting the procedures outlined in the Covenants, Conditions and Restrictions (CC&Rs), recorded concurrently with this final plat. In the event Smithfield City exercises this right, the city shall be entitled to assess and collect the necessary HOA fees and recover any associated costs and attorney fees. This notation shall not be amended or deleted without the approval of Smithfield City.

17.81.140 MODIFICATION OF APPROVED PLAN

Any modifications shall follow the ~~current Utah Code Annotated~~. **SMC 17.81.040**

17.56.060 DEVELOPMENT STANDARDS

- A. Before any building is constructed, enlarged, expanded, or experiences a change in land use, a site development plan shall be prepared and approved in accordance with SMC 17.100 of this title.
- B. Residential lots (not part of a subdivision) that do not have curb, gutter and sidewalk shall install the infrastructure as part of the new residential construction. If a structural addition is implemented to a residence, the curb, gutter, and sidewalk must be repaired before any deposits are refunded/returned.
- C. Trash storage shall be on the private lot and placed in the right-of-way for forty-eight (48) hours or less on the day of collection.

17.100.025 LANDSCAPING REQUIREMENTS FOR NEW CONSTRUCTION IN RESIDENTIAL ZONES

- A. Planted Park Strip: All planted strips that are four (4) feet or wider may have trees or bushes that meet the city standards for pruning and are currently on the Tree Warden's "Approved Tree List".
- B. Curbing: Where no curb and gutter exists along frontage streets, said curb and gutter and sidewalk shall be installed in accordance with city standards.
- C. Sidewalk: If no sidewalk exists along the frontage of the residential lot, then the sidewalk shall be installed by the owner/developer before deposits may be refunded. All existing sidewalks that do not meet current city standards must be replaced.

6:54 p.m. Public Hearing Opened

Lee Helms said that a home addition would have to comply with the landscaping requirements (curb, gutter, and 4-foot mow strip), it is arbitrary to force a 4-foot mow

strip where there is no room. There needs to be variables available. There are other cities that require smaller and/or no mow strips.

6:58 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 2025-03

Mr. Boudrero said the City Engineer had included language in Section 17.100.025, allowing tree pruning.

Mr. Boudrero confirmed for Commissioner Marshall that the list of signers, as broken down in Section 16.12.030, reflects what is applicable based on other statutes. It is only clarification, not changing or removing a requirement.

Commissioner Marshall recommended fixing the punctuation (sentence fragment) of the last sentence in 17.040.070 to create one sentence.

Commissioner Marshall asked if the additions to Section 17.81.140 pertained only to an MPC. Mr. Boudrero said this would still apply to any project that had previously required a Development Agreement. Mr. Boudrero advised that the added wording will also have to be included on the plat. Commissioner Marshall asked how to ensure that the note on the plat addresses the same things that a Development Agreement would have had. Mr. Boudrero said private roads are included on the plat, which covers the specific items that a Development Agreement did.

Commissioner Marshall asked about the specific wording in this section (in the last paragraph): “...*the City Council may also take such actions when it determines the need based on a pattern of neglect and lack of maintenance after meeting the procedures outlined in the CC&Rs...*”. Mr. Boudrero explained that CCRs are not Development Agreements and must be submitted. This wording will address when the City has to become involved if an HOA (Homeowner’s Association) fails to perform a task. Commissioner Marshall asked what “*after meeting the procedures outlined in the CCRs*” means. Mr. Boudrero said the HOA would have to meet the procedures, and if individuals still did not meet the requirements after the HOA had strived to enforce them, then the City would step in. Mr. Boudrero confirmed for Commissioner Marshall that only the City Engineer or Mayor could amend or delete without the approval of Smithfield City.

Commissioner Marshall asked if 17.56.060-A requires a site plan to be submitted if adding on to a home. Mr. Boudrero said this is already required. Commissioner Marshall asked how the City finds out about improvements or expansions. Mr. Boudrero noted the applicant has to file a building permit or if a complaint is seen or received.

Commissioner Marshall asked about 17.56.060-B, as noted by Mr. Helms, on property that does not have a curb, gutter, and sidewalk. For example, someone putting in a carport on a property that does not have those features, would then be required to put them in. Mr. Boudrero said any project requiring a building permit would require that infrastructure to be put in.

Commissioner Marshall asked if 17.100.025-B was for new development. Mr. Boudrero said every road has a specific future size; any new project would be required to put in a curb, gutter, and sidewalk with the City standards (according to the set street size).

Commissioner Marshall pointed out a typo in 17.100.025-C “*shall to*” changed to “*shall be*”.

Commissioner Marshall does not favor forcing a homeowner to put in a curb, gutter, and sidewalk for a minor addition/improvement (e.g., carport). Commissioner Olsen agreed that it is a dilemma because the requirements need to be met, but putting demands on a homeowner is difficult.

Commissioner Soto said a standard needs to be set, and there is a purpose, which is why the Commission reviews these changes.

Commissioner Holbrook suggested using square footage or an improvement cost to be the determining factor. Commissioner Olsen said this is a good direction of thought because curb, gutter, and sidewalk costs could be more expensive than the modification.

Commissioner Marshall said if there is a block without a curb, gutter, and sidewalk, and the City does not have immediate plans to require everyone in the area to make the improvements, there could be a “sidewalk to nowhere.”

MOTION: Motion by Commissioner Marshall to recommend approval to the City Council for Ordinance 20205-03, an Ordinance amending the Smithfield City Municipal Code Title 16 “Subdivision Regulations”, Chapter 16.12 “Final Plats, Section 16.12.030 “Preparation and Required Information”, Title 17 “Zoning Regulations”, Chapter 17.04 “General Provisions”, Section 17.04.070 “Definition”, Chapter 17.81 “Master Planned Community (MPC) Zone” Sections 17.81.130 “Development Agreement”, 17.81.140 “Modification of Approved Plan”, and adding in their entirety Chapter 17.56 “R-1 Single-Family Residential”, Section 17.56.060 “Development Standards”, and Chapter 17.100 “Site Development and Landscaping”, Section 17.100.025 “Landscaping Requirements for New Construction in Residential Zones” with the removal of Section 17.56.060 and 17.100.025. Commissioner Olsen seconded the motion. Motion approved (4-0).

Vote:

Yes: Holbrook, Olsen, Marshall, Soto

No: None

Absent: Anderson, Price

Public Hearing for the purpose of discussing Ordinance 2025-05, an Ordinance amending the Smithfield City Construction and Design Standards, Part I “Design Standards”, Chapter 5.0 “Culinary Water System Design”, Section 5.1 “General”.

The following section is proposed to be added (**bold text**):

5.1 General

H. Fire hydrants shall be installed in all subdivisions in locations designated by the fire department and city engineer. Fire Hydrants shall be spaced such that no structure requiring fire protection is more than 600 feet from a fire hydrant. Fire hydrants shall be of the dry barrel design with a minimum **five (5)** ft. bury. The gate valve for the service line shall be connected to the main line with a flanged fitting. Hydrants shall be Clow, **Mueller** or Waterous with **three (3)** outlets.

7:25 p.m. Public Hearing Opened

No public comments.

7:26 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 2025-05

MOTION: Motion by Commissioner Olsen to recommend approval to the City Council for Ordinance 2025-05, an Ordinance amending the Smithfield City Construction and Design Standards, Part I “Design Standards”, Chapter 5.0 “Culinary Water System Design”, Section 5.1 “General”. Commissioner Marshall seconded the motion. Motion approved (4-0).

Vote:

Yes: Holbrook, Olsen, Marshall, Soto

No: None

Absent: Anderson, Price

MEETING ADJOURNED at 7:28 p.m.

Jamie Anderson, Chairman



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96 South Main
Smithfield, UT 84335**

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5. Discussion and possible vote on Ordinance 2025-03
6. Public Hearing for the purpose of discussing Ordinance 2025-05, an Ordinance amending the Smithfield City Construction and Design Standards, Part I "Design Standards", Chapter 5.0 "Culinary Water System Design", Section 5.1 "General".
7. Discussion and possible vote on Ordinance 2025-05

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) 792-7997 at least three (3) days before the date of the meeting.

ORDINANCE NO. 2025-06

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 PROVIDING FOR THE IMPOSITION OF OWNER OCCUPANCY COVENANTS AS PART OF THE REZONING PROCESS BY ADDING IN ITS ENTIRETY IN TITLE 17 “ZONING REGULATIONS”, CHAPTER 17.130 “RESTRICTIONS FOR OWNER OCCUPANCY”, SECTIONS 17.130.010 “PURPOSE”, 17.130.020 “DEFINITIONS”, 17.130.030 “AUTHORITY TO REQUIRE OWNER OCCUPANCY COVENANTS”, 17.130.040 “OWNER OCCUPANCY COVENANTS”, AND 17.130.050 “PENALTIES”.

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

1. The following Chapter is added to Title 17, Zoning Regulations, to read as follows:

17.130 RESTRICTIONS FOR OWNER OCCUPANCY

17.130.010 PURPOSE

In light of the increasing demand for housing and the City’s desire to facilitate affordable and available housing within the City limits, the City Council has sought to employ methods and tools to curb the rising costs of entry-level housing in the community. The City Council has determined that one contributing factor in the rising costs of housing is the presence of investors who purchase entry-level housing with the sole purpose of renting the housing for a profit. The City Council believes that if there were prohibitions on such ownership and rental activities and if owners were required to occupy their homes as their primary dwelling, then the cost of the housing would remain more modest. Towards that end, the purpose of this Chapter is to allow the City Council to impose owner occupancy requirements on dwellings as part of the zoning process. Thus, the Sections in this Chapter shall be interpreted in light of the intent to preserve owner occupancy of dwellings within any zone in which the restrictive covenants in this Chapter have been imposed.

17.130.020 DEFINITIONS

For the purpose of this Chapter, the following terms and words and their derivations shall have the following meanings:

Owner Occupancy Covenants: A declaration of covenants, conditions, and restrictions that

meet the requirements of Section 17.130.040 “Owner Occupancy Covenants” recorded on title to any property pursuant to this Chapter.

Owner: An individual, or group of individuals, who has an ownership interest in a Dwelling. An Owner does not include a corporation, limited liability company, or any other entity of any kind. An Owner does include an individual or individuals acting in the capacity of trustee for a trust that has been established for the estate planning purposes of the Owner.

Dwelling: A Dwelling or Dwelling Unit of any kind as defined in Smithfield City Code 17.04.070 “Definitions”.

17.130.030 AUTHORITY TO REQUIRE OWNER OCCUPANCY COVENANTS

As a condition of approval of any application to rezone any property within the City to a zone that allows for a Dwelling of any kind, the City Council may require the owner of the property to record Owner Occupancy Covenants that meet the requires of this Chapter on title to the property.

17.130.040 OWNER OCCUPANCY COVENANTS

- A. Owner Occupancy Covenants required by this Chapter shall be prepared by the applicant in a manner that meets the requirements for recording at the County Recorder’s Office and shall include the following:
1. A prohibition on ownership of anything other than an Owner as defined in this Chapter;
 2. A prohibition on using the Dwelling for anything other than the primary residential dwelling of the Owner;
 3. A prohibition on short or long-term rental of the Dwelling;
 4. Exceptions to the restrictions set forth in A.1 and A.2 above for the following circumstances:
 - a. An Owner serving on active military assignment away from home;
 - b. An Owner serving away from home in a charitable endeavor such as, but not limited to, religious missions, Peace Corps or other non-government organizations, not exceeding thirty (30) consecutive months at a given time;
 - c. A Dwelling occupied by an Owner’s parent, child, or sibling;
 - d. An Owner whose employer has relocated the Owner for twenty-four (24) months or less; and

- e. A Dwelling that is occupied by the beneficiary of the trust created for the estate planning purposes of the Owner and that has not been created or amended in the last six months. To the extent the trust has been created or amended in the last six months, it cannot qualify for this exception until to the passage of six months from the date of creation or amendment.
 - f. The rental of an internal accessory dwelling unit (ADU) cannot be restricted as long as it complies with all city, county and state codes.
5. A provision indicating that the City is a party beneficiary of the Owner Occupancy Covenants and that the Owner Occupancy Covenants may not be amended or revoked without the express written consent of the City Council;
 6. A provision indicating that the Owner Occupancy Covenants run with the land and inure to any subsequent owner of the property; and
 7. Any other provision which the City Council may require to address the specific circumstances of any application in order to further the purposes set forth in Section 17.130.010 "Purpose".
- B. Owner Occupancy Covenants must be approved by the City Council and may be included as part of the ordinance rezoning the property at issue in any rezone application.

17.130.050 PENALTIES

- A. In addition to any remedies available to any aggrieved party in law or equity, and without superseding or replace such remedies, a violation of any covenants contained in any Owner-Occupied Covenants recorded pursuant to this Chapter and shall be deemed a violation of this Chapter and shall be:
 1. A criminal infraction subject to the provisions of Chapter 1.16 "General Penalty" of the Smithfield City Code; and
 2. Subject to any administrative and civil enforcement and penalties allowed under the Smithfield City Code.
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

Ordinance 2025-06

as required by law.

THIS ORDINANCE shall be attached as an amendment to the Smithfield Municipal Code above referred to.

Approved and signed this 9th day of April, 2025

SMITHFIELD CITY CORPORATION

Kristi Monson, Mayor

ATTEST:

Dana Lazcanotegui, City Recorder