



SMITHFIELD CITY PLANNING COMMISSION MINUTES March 18, 2020

The Planning Commission of Smithfield City met in the City Council Chambers
96 South Main, Smithfield, Utah at 6:30 p.m. on Wednesday, March 18, 2020

The following members were present constituting a quorum:

Chairman: Andrew Soelberg

Members: Scott Gibbons
Katie Bell
Juli Weber
Stuart Reis

Excused: Hutch Daniels
Brooke Friedenberger
Nathan Wright
Jasilyn Heaps

City Engineer: Clay Bodily

Councilmember: Jon Wells

Mayor: Jeff Barnes

Attendance: Kenneth Bell, Bryce Goodin, Ashton Young, Don Dente, Travis Johnson,
Glade Smith, Deb Smith, Jamie Anderson, Debbie Zilles

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

Consideration of consent agenda and approval of meeting minutes

After consideration by the Commission, Chairman Soelberg declared the meeting agenda and the minutes from the February 19, 2020 meeting to stand as submitted.

RESIDENT INPUT - None

AGENDA ITEMS

Continued discussion and possible vote on the request by VHD, LLC for approval of the Final Plat for Fox Meadows 2, a (26) lot/unit subdivision located at approximately 325 West 600 North. Zoned R-1-10.

Bryce Goodin, VHD, advised that a note has been added to the plat: "*The sanitary sewer generated by the lots on this plat shall flow to a private lift station, which is to be operated and maintained by the Homeowners Association (HOA)*" as requested by the Commission at the last meeting.

Commissioner Bell asked if the HOA will be directed to companies to help maintain the lift station. Mr. Goodin said they will hire a company to install and maintain the station. VHD will be involved in this project as it is developed, after which it will be turned over to the HOA with all the applicable information. This lift station will service 150 acres.

Mr. Bodily reminded the Commission that the small sliver on 800 West (right-of-way) will be adjusted and straightened.

MOTION: Motion made by Commissioner Gibbons to **approve** the Final Plat for Fox Meadows 2, a (26) lot/unit subdivision, located at approximately 325 West 600 North. Zoned R-1-10. Commissioner Reis seconded the motion. Motion approved (5-0).

Vote:

Aye: Gibbons, Soelberg, Reis, Weber, Bell

Discussion and possible vote on the request by VHD, LLC for approval of the Final Plat for Fox Meadows 3, a (27) lot/unit subdivision located at approximately 340 North 770 West. Zoned R-1-10.

Mr. Goodin said the same note, as requested, was added to this plat.

MOTION: Motion made by Commissioner Weber to **approve** the Final Plat for Fox Meadows 3, a (27) lot/unit subdivision, located at approximately 340 North 770 West. Zoned R-1-10. Commissioner Gibbons seconded the motion. Motion approved (5-0).

Vote:

Aye: Gibbons, Soelberg, Reis, Weber, Bell

Discussion and possible vote on a Conditional Use Permit request by First American Farms to have a hemp extraction and processing lab at 125 West 560 South #6.

Don Dente distributed some information to the Commission about the process. He explained that this will be a hemp ethanol processing lab for the botanical extraction of the CBD component and will not involve any THC. Hemp extraction is federally approved and extensively regulated by state and federal agencies. The lab will be in a self-contained pod and will meet all necessary fire suppression requirements.

Ashton Young is a biochemist with a background in the fuel/biotech sector. This facility will be required to follow all FDA regulations related to food processing.

Chairman Soelberg asked if everything will be self-contained within the pod. Mr. Dente said it will be. It will be certified and they will be working with small amounts of chemicals with low flash points.

Commissioner Gibbons asked about the process. Mr. Dente explained that material is brought in for extraction (nothing grown on site), the waste can be used for farming fertilizer and anything disposed will follow the proper state regulations.

Commissioner Weber asked about deliveries of product. Mr. Dente said there will not be many and deliveries are regulated and tracked by the state.

Commissioner Reis asked how often the facility will be inspected. Mr. Dente said the state usually inspects a couple of times of year.

Mr. Dente confirmed for Commissioner Weber that they will have up to 3 employees working Mon-Fri from 8:00 a.m. – 5:00 p.m. He requested approval for the hours of 7:00 a.m. – 6:00 p.m. to provide a buffer before and after shift. Chairman Soelberg said if the business grows or expands, additional approvals will be required.

Commissioner Reis asked if there would be any distribution on site; Mr. Dente said this is just a processing facility, there will be no retail sales.

Commissioner Bell asked about odors. Mr. Young said the odor would be contained inside the pod. Ethanol is the solvent that will be used.

Mr. Young answered for Commissioner Reis that it will be a secured facility and employees will have a key card for access.

MOTION: Motion made by Chairman Soelberg to **approve** a Conditional Use Permit request by First American Farms for a hemp extraction and processing lab at 125 West 560 South #6 with the conditions of one (1) self-contained pod, up to three (3) employees, hours of operation from 7:00 a.m. – 6:00 p.m., no retail sales on site, no by-product waste stored outside the facility and all federal and state procedures be followed. Commissioner Reis seconded the motion. Motion approved (5-0).

Vote:

Aye: Gibbons, Soelberg, Reis, Weber, Bell

Public Hearing, no sooner than 6:45 p.m., for the purpose of discussing Ordinance 20-09, an Ordinance rezoning parcel numbers 08-079-0071 and 08-042-0019 from RA-2 (Residential Agricultural – 2 Acre) to RA-1 (Residential Agricultural – 1 Acre). The parcels are located at approximately 561 Saddleback Road and total 3.74 acres.

6:58 p.m. Public Hearing Opened

6:59 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 20-09.

Commissioner Bell questioned the proper way to rezone property outside the City limits. Commissioner Gibbons said this will only pertain to the portion in the City.

Mr. Wells explained that because part of the property is not in the City, only the 1-acre portion can be rezoned, which will create a nonconforming lot. He encouraged the applicant to annex the rest of his property into the City when the neighbors annex in. Glade Smith (the applicant) said he would be willing to do that.

Commissioner Bell asked why the rezone is being requested now. Chairman Soelberg said the application indicated it is for their son to be able to build a home on parcel 08-042-0019. She asked if it needed to be changed to RA-1 for a home to be built. Mr. Bodily explained that RA-1 would allow for a home to be built on one acre.

Commissioner Gibbons said he would like the applicant to consider addressing the road. Chairman Soelberg noted that is not a subdivision; Commissioner Gibbons agreed but said it would be nice for them to work with the City on widening the road.

Mr. Wells said it could be rezoned to R-1-10, which would match what is around it. Commissioner Bell said the RA-1 zone allows benefits for livestock that the applicant may not want to lose.

Chairman Soelberg said if a nonconforming lot can be approved, then it should not be the Commission's decision to try and change the request of the applicant.

MOTION: Motion made by Commissioner Gibbons to forward a recommendation to the City Council to **approve** Ordinance 20-09, an ordinance rezoning parcel numbers 08-079-0071 and 08-042-0019 from RA-2 (Residential Agricultural – 2 Acre) to RA-1 (Residential Agricultural – 1 Acre). The parcels are located at approximately 561 Saddleback Road and total 3.74 acres. Commissioner Bell seconded the motion. Motion approved (5-0).

Vote:

Aye: Gibbons, Soelberg, Reis, Weber, Bell

Discussion regarding the CC(MU) (Community Commercial Mixed-Use Overlay Zone) zoning designation.

Councilmember Jamie Anderson, served on the Planning Commission for many years, during that time he participated in the Master Plan update. As part of that process, it was discussed and determined to incorporate mixed-use areas in the City. The intention was to identify an overlay zone that would work from 200 North to 800 South and 100 East to 100 West, essentially creating a walkable downtown corridor. However, as the ordinance is currently written it can be applied anywhere within the Community Commercial zone, which was not the initial intent. He encouraged the Commission to consider where the overlay zone should be located and possibly explore a requirement for the ratio of commercial to residential square footage.

Commissioner Weber said currently this overlay can be requested and used anywhere in the Community Commercial area in any way (as far as commercial and residential percentages). She understands the idea of the overlay; however, she is unsure if it will work effectively in Smithfield.

Commissioner Gibbons suggested discussing this in more depth next month, allowing time for review and consideration. Commissioner Weber pointed out that this would affect the discussion and decision of Ordinance 20-11 on tonight's agenda.

MOTION: Motion made by Commissioner Gibbons to **continue** discussion to the April 15, 2020 meeting. Commissioner Reis seconded the motion. Motion approved (5-0).

Vote:

Aye: Gibbons, Soelberg, Reis, Weber, Bell

Public Hearing, no sooner than 7:00 p.m., for the purpose of discussing Ordinance 20-10, an Ordinance rezoning parcel numbers 08-118-0011 and 08-118-0014 from A-3 (Agricultural – 3 Acre) and R-1-10 (Single Family Residential 10,000 Square Feet) to CC (Community Commercial). The parcels are located at approximately 75 East 600 South and total 4.03 acres.

7:20 p.m. Public Hearing Opened

7:21 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 20-10.

David Winberg, trustee of the estate and Travis Jones, from Century 21, are requesting the change to Community Commercial to open more opportunities and flexibility for potential buyers. Mr. Wells asked the applicant if potential changes to the mixed-use overlay would affect what they are trying to accomplish. Mr. Winberg said they would like to change the zone before the property is put up for sale.

Commissioner Gibbons suggested possibly tabling the item until after the mixed-use overlay is handled. Mr. Winberg said, considering not knowing exactly how long it might take before a decision on the mixed-use overlay is made, he would like to move forward with the request for the rezone to Community Commercial.

Mr. Wells explained that within the Community Commercial zone, residential is allowed, however, it must have a commercial component and be contained within the same structure. The structure must look like a commercial building and the residential use would be subordinate to the commercial use.

Mr. Bodily pointed out that the Commission has the purview to recommend to the City Council a different zone that what has been requested, if they deem it to be a better fit. Commissioner Gibbons said multi-family housing is what the future plan calls out and he would personally be more comfortable with that.

Mr. Winberg said in his role as a trustee, he has a fiduciary responsibility is to get the most out of the sale of the land, however, he wants to do what is right for Smithfield City as well. Given these discussions, he thinks it might be wise to reconsider some thoughts before changing the zone.

Mr. Jones said the property needs to be rezoned before property lines can be changed. Mr. Bodily confirmed that there cannot be two different zones on one parcel. Mr. Wells said they can always come back, after it is rezoned and a boundary line adjustment is completed, and request a different zone.

Commissioner Bell pointed out that if it is rezoned to Community Commercial, the Commission should be comfortable with that zone in that location.

Mr. Jones asked the Commission what zone they would be most comfortable with. Commissioner Gibbons said he would prefer multi-family housing as outlined in the

future plan. Commissioner Weber pointed out that this should ultimately be the applicant's decision.

Mr. Winberg said he would like time to consider his options.

MOTION: Motion made by Commissioner Gibbons to **table** Ordinance 20-10, understanding that it will be addressed on, or before, the September 2020 Planning Commission meeting. Commissioner Reis seconded the motion. Motion approved (5-0).

Vote:

Aye: Gibbons, Soelberg, Reis, Weber, Bell

Public Hearing, no sooner than 7:05 p.m., for the purpose of discussing Ordinance 20-11, an Ordinance rezoning parcel numbers 08-118-0010, 08-118-0011 and 08-118-0014 from CC (Community Commercial) to CC(MU) (Community Commercial Mixed-Use Overlay). The parcels are located at approximately 75 East 600 South and total 5.28 acres.

8:00 p.m. Public Hearing Opened

8:01 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 20-11.

MOTION: Motion made by Commissioner Gibbons to **table** Ordinance 20-11, understanding that it will be addressed on, or before, the September 2020 Planning Commission meeting. Commissioner Weber seconded the motion. Motion approved (5-0).

Vote:

Aye: Gibbons, Soelberg, Reis, Weber, Bell

OTHER BUSINESS

To prepare for the discussion regarding the mixed-use overlay, Commissioner Bell will request information from North Logan and Logan City and will have the City Recorder email the information out to all members. Chairman Soelberg will also have the Recorder send out previously-discussed information. It was recommended to visit some mixed-use developments (e.g. the development at 200 West 1600 North in Logan, Blue Square in Logan, and the development in North Logan on 2100 North 200 East.)

MEETING ADJOURNED at 8:05 p.m.

Minutes submitted by Debbie Zilles

Andrew Soelberg, Chairperson