



SMITHFIELD CITY PLANNING COMMISSION

City Council Chambers
96 South Main
Smithfield, Utah 84335

The Planning Commission of Smithfield City met in the City Council Chambers at 96 South Main, Smithfield, Utah at 7:00 p.m. on Wednesday, March 20, 2019

The following members were present constituting a quorum:

Chairperson: Andrew Soelberg

Members Present: Jasilyn Heaps
Jackie Hancock
Scott Gibbons
Casey McCammon
Nathan Wright

Members Excused: Kelly Luthi
Stephen Teuscher
Greg Gardner

City Engineer: Clay Bodily
Deputy Recorder: Char Izatt
City Councilmember: Curtis Wall
Mayor: Jeff Barnes

OPENING CEREMONY

The Pledge of Allegiance was led by Duane Williams.

ATTENDANCE

Brad & Joni Schumann, Richard & Nickie Reeves, Duane Williams, Andy Rasmussen, Jeff Jackson, Marty Spicer, Wayne Benson, Ruth Williams, Debbie Zilles

Workshop Session: Video Training – *Private Property Rights in Utah-Land Use Training* (2016) – Brent Bateman, Lead Attorney of the Office of Property Rights Ombudsman for the State of Utah.

AGENDA ITEMS

Resident Input: None

Consideration of Consent Agenda and approval of Meeting Minutes: After consideration by the Commission, Chairperson Soelberg declared the meeting agenda approved and the minutes from the February 20, 2019 meeting to stand as submitted.

Review annexation petition from Jeffrey H. Champlin of CKC Properties for property owned by Pitcher Family Land LLC, containing 9.88 acres located south of 830 South and west of 200 West, Cache County Parcel #08-09-0016.

Chairperson Soelberg pointed out that this request adheres to the annexation plan and will provide a contiguous configuration of land.

MOTION: Motion by Commissioner Hancock to **approve** the request for an annexation petition from Jeffrey H. Champlin of CKC Properties for property owned by Pitcher Family Land, LLC containing 9.88 acres located south of 830 South and west of 200 West, Cache County Parcel #08-09-0016. Commissioner Heaps seconded the motion. Motion approved (6-0).

Vote

Aye: Heaps, Hancock, Gibbons, Soelberg, McCammon, Wright

Nickie Reeves has applied for consideration of approval of a Conditional Use Permit to allow a home occupation for tumbling classes, located at 983 East 80 North. Zoned R-1-12

MOTION: Motion by Commissioner Heaps to **approve** the request by Nickie Reeves for a Conditional Use Permit to allow a home occupation for tumbling classes, located at 983 East 80 North. Zoned R-1-12. Commissioner Wright seconded the motion. Motion approved (6-0).

Vote

Aye: Heaps, Hancock, Gibbons, Soelberg, McCammon, Wright

Duane Williams, agent for Creekside Estates Subdivision LLC has requested consideration of a request for a waiver of curb, gutter & sidewalk for Creekside Estates along 800 West and approval of road profile around Summit Creek Bridge on 800 West and approximately 100 South. Cache County Parcel #08-091-0008.

Duane Williams explained that six families purchased the property together to build homes. They have gone through the subdivision process with Cache County and have been approved for seven (7) lots. He described the proposed layout and asked for a waiver of curb, gutter and sidewalk and approval for the road plan. As proposed, it will match the other side of 800 West. There is no further expansion planned. Curbing makes water runoff more difficult. A sidewalk would cover the irrigation risers so the costs of the improvements do not make sense since this will be kept as agricultural property. This proposal includes widening 800 West to match the full width of the road profile up to the bridge. Trying to change the bridge would be cost prohibitive. He submitted a letter of opinion from his attorney stating that the improvements to the bridge would not be proportional to the project. The principle of exaction must be

proportional to the proposed development, regardless of the Code requirements. Sensibly, the waiver makes sense.

Mr. Williams confirmed for Commissioner Gibbons that the property adjacent to the road will remain agricultural.

Commissioner Wright said 800 West is intended to be a minor collector.

Commissioner Heaps pointed out that this road is supposed to be part of a trail system, so it has the potential to get busier, widening the road and improvements make sense.

Commissioner Wright said the subject of the bridge is outside the Commission's purview, this request is only for a waiver of curb, gutter and sidewalk. Ordinance 16.06.070 REQUIRED IMPROVEMENTS *Developers of minor subdivisions shall be required to provide improvements as detailed in the most current version of the Smithfield City Manual of Design and Construction Standards. A determination of the adequacy of existing improvements to meet the needs of the development shall be made by the city engineer. In the event the city engineer determines the existing facilities are inadequate, the developer shall be responsible to complete the steps of a major subdivision in SMC 16.07.* Based on this he does not see how curb, gutter and sidewalk can be waived.

Mr. Bodily said the facilities will need to be improved.

Commissioner McCammon had concerns about the definition of a "major subdivision". This proposal has a lot of acreage, however, only five lots. Commissioner Gibbons pointed out that the subdivision is located on County property, however, even though there are only a few lots, they are large enough that they could be subdivided in the future.

Mr. Williams pointed out that the subdivision is in the County and does not need to follow Smithfield City ordinances, they are only requesting a waiver of items that are along a Smithfield Road, which provides access to the subdivision.

Chairperson Soelberg pointed out that the City Council approved a request for a waiver of curb, gutter and sidewalk along the undeveloped portion of property along 800 West at the August 22, 2018 meeting:

****A motion to approve the request by Jeff West to waive the requirement for curb, gutter and sidewalk on 800 West along the undeveloped portion of the agricultural field if it stays undeveloped, with the requirement curb, gutter and sidewalk be installed in front of the new home on 800 West, a building lot 0.66 acres in size, was made by Jamie, seconded by Wade and the motion passed by a vote of 3-2.****

Commissioner Gibbons said one reason for the improvements is to help maintain the road. If there is no curb and gutter, a wider apron is required to help stabilize the road.

Mr. Williams said the County requires an extra foot of gravel road base. Curbs often make snow removal difficult.

Mr. Bodily confirmed for Commissioner Heaps that if/when the property is annexed, that would be the time that certain requirements could be required and enforced.

Commissioner Wright said this property is within the Birch Creek Elementary School boundary, if the improvements are waived, it creates a gap along the road which impacts the safety of children walking on the road.

Councilmember Wall noted that the City received a grant and sidewalk was installed from 100 North to 800 West this past summer.

Mr. Williams said the theory that “someday this might be needed” would not be a legal argument, the question should be “is it necessary now?”. The Commission needs to consider what the impact of the proposal will be and are the requirements proportional.

Chairperson Soelberg said the City does have an expectation because it is a City street.

Commissioner Gibbons said the legal details should be handled by the City’s and the property owner’s legal counsel. The Commission can only consider what the ordinance requires.

Commissioner Heaps said the goal is for a future trail that ends at 800 West, in order to make this area walkable/accessible, improvements need to be put in.

MOTION: Motion by Commissioner Gibbons to **deny** the request by Duane Williams, agent for Creekside Estates Subdivision LLC, for a waiver of curb, gutter & sidewalk for Creekside Estates along 800 West Cache County Parcel #08-091-0008. Commissioner Hancock seconded the motion. Motion approved (6-0).

Vote

Aye: Heaps, Hancock, Gibbons, Soelberg, McCammon, Wright

Brad & Joni Schumann have requested consideration of a request for a waiver of curb, gutter & sidewalk requirement for a two-lot subdivision on property that borders 800 West. Cache County Parcel #08-091-0015.

Brad Schumann explained that the property was previously owned by Tom Pitcher who subdivided it so his daughter could build a house. They have moved and Mr. Schumann has owned the property for over two years. The County has approved creating two (2) 1-acre lots. There is already an access off 800 West, a new one is not needed. The lots cannot be recorded until approval from Smithfield City. Runoff water should not be an issue. He noted that in 1999 a sidewalk was required to be put in by IFA but is rarely used. Sidewalks to nowhere do not make sense and sometimes create more problems.

Chairperson Soelberg said this is a good example of the need for sidewalk in the area as it continues to grow and develop. There are areas in the past that have been “piecemealed”.

Commissioner Gibbons said the Council has determined that improvements must be put in along the developed frontage; areas that remained undeveloped or agriculture can be waived until development occurs.

Councilmember Wall said there are some areas where development was put in when there were no road improvement requirements, which has caused problems with connectivity. The goal is to try and avoid that in the future. Mr. Bodily pointed out that the City is also required to put in improvements on any property they develop. Commissioner Heaps said the goal is for the entire City to have sidewalks.

MOTION: Motion by Commissioner Hancock to **deny** the request by Brad & Joni Schumann for a waiver of curb, gutter & sidewalk requirement for a two-lot subdivision on property that borders 800 West. Cache County Parcel #08-091-0015. Commissioner Wright seconded the motion. Motion approved (6-0).

Vote

Aye: Heaps, Hancock, Gibbons, Soelberg, McCammon, Wright

Review and consider possible changes to the current uses allowed as Permitted or Conditional and uses that are not allowed in the Land Use Matrix under the CB Zone (Central Business District).

The Commission had no concerns with the proposed changes presented by Ms. Izatt.

Commissioner Heaps asked about a community swap meet/yard sale being permitted in the Center Business (CB) zone. The Commission determined that it should mirror the Farmer’s Market Use.

MOTION: Motion by Commissioner Wright to **schedule a public hearing on this matter for April 17, 2019**. Commissioner McCammon seconded the motion. Motion approved (6-0).

Vote

Aye: Heaps, Hancock, Gibbons, Soelberg, McCammon, Wright

Chairperson Soelberg asked if it would be alright to make a few comments on a previous agenda item? Ms. Izatt said it could be discussed but no action could be taken.

Regarding the ability to have curb, gutter and sidewalk waived by the City Council on areas west of 400 West, Commissioner Gibbons asked if the Council could waive the curb and gutter and only require sidewalk. Mr. Bodily said the Commission can always make recommendations to the Council, who have the authority to waive items in specifically-approved areas. Chairperson Soelberg said with continued development in

this area, it may be a good idea to revisit the ordinance and determine if it should still be allowed. Councilmember Wall said this is planned to be a trail area and it would benefit by having improvements put in. Commissioner Gibbons said this is, and is becoming, more of a concern. Councilmember Wall said he has not talked with other City Council members about waiving only one item. Commissioner Gibbons said it would be nice to have traffic count information on roads. Commissioner Wright questioned the allowance to waive items on major roads.

Review and discuss a possible Master Planned Community (MPC) zone ordinance.

Commissioner Hancock said 20% of open space does not feel like a lot and suggested possibly changing it to 25%.

Commissioner Gibbons said the draft from North Ogden City is a working document. Under section 11.7K.2 "*The proposed parcel encompasses a minimum of 5 acres*"; he asked what the Commission thought about that size. Commissioner Heaps agrees with 5 acres if all the requirements can be met.

Commissioner Gibbons suggested striking the wording "~~*The proposed parcel shall be located with, or adjacent to the (city) downtown and between the nodes along Washington Boulevard or to the west of downtown where more diverse and intense uses are anticipated*~~".

Commissioner Gibbons said one of his concerns is the balance/ratio of residential to commercial. He would not want to see a large condominium project with one small retail use. Commercial Heaps suggested removing residential as a primary use; Commissioner Gibbons said it could be better defined. Commissioner Heaps does not want to mandate that it must be single-family homes because apartments above businesses can work well.

Commissioner Wright said the intent seems to be similar to the Mixed-Use Overlay. He thought the intent of this was to allow for flexible lot sizes with respect to amenities. The PUD ordinance may be a good starting point, or possibly amending the current Mixed-Use Overlay.

Commissioner Heaps said the focus should be more on the residential element and finding ways to allow for greater flexibility within size, design and development. Commissioner Hancock said commercial should also be allowed; Commissioner Gibbons agreed and said that it needs to be clearly defined. Commissioner Wright said the draft requires a commercial element, which is similar to the mixed-use overlay.

Commissioner Hancock suggested amending the Mixed-Use ordinance; Commissioner Wright suggested beginning with the PUD ordinance and changing it. Commissioner Heaps said the PUD ordinance does not seem like a workable document, it may be easier to begin new. Commissioner Gibbons suggested, rather than "recreating the wheel", to work from a current draft.

Chairperson Soelberg suggested removing the commercial element. Commissioner Gibbons said it could be changed to be optional.

Commissioner Heaps said the goal should be to redefine the purpose and focus first and then work on the standards.

Chairperson Soelberg asked the Commission to review pages 12-14 of the draft for further discussion at the next meeting.

Commissioner Wright said consideration should be given as to how this will be applied; will it be an overlay zone or a standalone ordinance and/if so how this could be applied either city-wide or within specific areas.

Councilmember Wall will forward the power point presentation from Broomfield, Colorado for review.

Commissioner Gibbons said the key is to decide how to proceed.

Jeff Jackson said a commercial element does not always make sense and should be optional. He cautioned the Commission from making it too difficult, this may be overkill for controlling residential. He does not want to see it become cumbersome like the PUD ordinance. If it is too complicated developers will not take advantage of it.

Commissioner Heaps said it can be tricky to find the perfect balance.

Commissioner Wright does not want it to be too controlling or something that slows the process. For a typical residential subdivision, it would make sense to have more cut and dry ordinances.

Commissioner Gibbons said Logan City has an NR-6 zone ordinance that can be reviewed. Mr. Jackson said open space and amenities need to be addressed. Commissioner Wright said the idea is that increased density can be offset by extra amenities.

Commissioner Gibbons said the agricultural buffer needs to be addressed.

Ms. Izatt suggested reviewing the current Multiple Family Residential Medium (RM) ordinance, which includes density bonuses and amenities and may be able to work for the Master Planned Community proposed ordinance.

Chairperson Soelberg and Commissioner McCammon volunteered to review the RM and PUD ordinances. Commissioner Heaps and Commissioner Wright will review the NR-6 ordinance from Logan City. Commissioner Gibbons and Commissioner Hancock will continue to refine the North Ogden draft. Ms. Izatt will send out information from North Logan. Councilmember Wall will forward information from Broomfield, Colorado.

MOTION TO ADJOURN

Commissioner Gibbons motioned to adjourn the meeting at 9:05 p.m. Commissioner Wright seconded the motion. The motion passed unanimously.

Minutes submitted by Debbie Zilles

Andrew Soelberg, Chairperson

Attested:

Charlene Izatt, Deputy Recorder

SMITHFIELD PLANNING COMMISSION
Smithfield City Council Chambers
96 South Main
Smithfield UT 84335

NOTICE and AGENDA

Public Notice is hereby given that the Smithfield Planning Commission will hold a Planning Commission Meeting at 7:00 p.m. on Wednesday, March 20, 2019 in the Smithfield City Council Chambers, 96 South Main, Smithfield, Utah.

7:00 p.m. Opening Ceremonies

Swearing in of Greg Gardner as a Planning Commissioner.

Workshop Session: Video Training – Private Property Rights in Utah-Land Use Training (2016) – Brent Bateman, Lead Attorney of the office of the Property Rights Ombudsman for the State of Utah.

Agenda items:

7:10 p.m. Resident Input

7:14 p.m. Consideration of Consent Agenda
Minutes of the February 20, 2019 Planning Commission Meeting

7:15 p.m. The Commission will review an annexation petition from Jeffrey H. Champlin of CKC Properties for property owned by Pitcher Family Land, LLC, containing 9.88 Acres located approximately south of 830 South and west of 200 West, Cache County Parcel #08-09-0016.

7:20 p.m. Nickie Reeves has applied for consideration of approval of a Conditional Use Permit to allow a home occupation for tumbling classes, located at 983 East 80 North. Zoned R-1-12

7:25 p.m. Duane Williams, agent for Creekside Estates Subdivision LLC has requested consideration of a request for a waiver of curb, gutter & sidewalk for Creekside Estates along 800 West and approval of road profile around Summit Creek Bridge on 800 West and approximately 100 South. Cache County Parcel #08-091-0008.

7:30 p.m. Brad & Joni Schumann have requested consideration of a request for a waiver of curb, gutter & sidewalk requirement for a two-lot subdivision on property that borders 800 West. Cache County Parcel #08-091-0015.

7:35 p.m. The Commission will continue to review and consider possible changes to the current uses allowed as Permitted or Conditional and uses that are not allowed in the Land Use Matrix under the CB Zone (Central Business District).

7:45 p.m. The Commission will review and discuss a possible Master Planned Community (MPC) zone ordinance.

8:00 p.m. **ADJOURNMENT**

Posted this 14th day of March 2019 at the Smithfield City Offices, City Web Page, and the Utah Public Meeting Notice web site. Notice provided to The Herald Journal this 14th day of March 2019.

Charlene Izatt, Deputy Recorder

ITEMS ON THE AGENDA MAY BE CONSIDERED EARLIER THAN SHOWN ON THE AGENDA.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Charlene Izatt, Smithfield City Offices, at 435-792-7989 at least three (3) working days prior to the meeting.