



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, June 20, 2018

The following members were present constituting a quorum:

Chairperson: Andrew Soelberg

Commission Members: Kelly Luthi
Jackie Hancock
Mason Niederhauser
Scott Gibbons
Casey McCammon
Nathan Wright

Members Excused: Stephen Teuscher

City Engineer: Clay Bodily
Deputy Recorder: Charlene Izatt
City Councilmember: Curtis Wall

The meeting was called to order by Chairperson Soelberg at 7:02 p.m.

OPENING CEREMONY

Councilmember Wall led the Pledge of Allegiance.

Chairperson Soelberg stated "Before we move any further in the agenda, it needs to be noted that item #4, a request was sent to cancel and remove that from the agenda so that will not be held tonight, and we will stick with the time frames as they are written on the agenda. You can cross out item #4."

ATTENDANCE

Mayor Jeff Barnes, Robert Gerber, Don Barringer, Rachel Bergeson, Cristi Richardson, Erin Campbell, Justin Bennett, Dennis Thornley, Jared Storrs, Ryan Rogers, Austin Birky, Breanna Kleven, Jasilyn Heaps (Alternate), Debbie Zilles

WORKSHOP SESSION

Review of Future Land Use Map:

- The east foothills are being kept open space. The area is undevelopable due to low water pressure and existing power lines. The steepest road allowed is 10%.
- The Todd Davis property is located in the County; however, it will be connected to City culinary water. Mr. Davis has agreed to allow continued access to the Bonneville Shoreline Trail.

- The mechanism to change a boundary would be a property owner petitioning for annexation. The Future Land Use Map is used as a guideline. When a property is annexed, it comes into the City zoned Agricultural (AG) and the landowner can request a rezone.
- The largest part of the southwest portion of the map is planned as General Commercial (GC); the northeast area edge is Agricultural (AG); much of the east side of the City is Medium Density Residential (MDR) (10,000-12,000 SF lots).

Review of Future Transportation Map:

- Future traffic lights on Main Street are planned/approved by Utah Department of Transportation (UDOT). Originally there was one planned at 1000 South, however, 800 South may have enough traffic to warrant a light (undergoing a traffic study at the request of Mayor Barnes). UDOT will make the decision on the location.

AGENDA ITEMS

RESIDENT INPUT

Don Barringer followed up his comments from the last meeting regarding establishing a process or procedure to create a format for citizen dialogue with the Commission. With continued growth, there will be future zone change requests. He would like to see the Commission and citizens work together for better planning. Not all projects include a public hearing, which can sometimes leave a bitter taste in resident's mouths. He would like to see more transparency. Sometimes the public hearing process sets up an adversarial situation; he would like to open time for the developer and/or applicant to address citizen concerns and provide further clarification during discussions. He suggested possibly creating districts to help facilitate communication between citizens and City administrators and committees. Citizens feel better when they have a voice in what happens in their neighborhood.

Robert Gerber read a letter (a copy distributed to each Commission member): *"The United States government enacted a law entitled the **Comprehensive Environmental Response, Compensation, and Liability Act of 1980** or **CERCLA**. Information about this law can easily be found online.*

This law is intended to identify potential sites that may contain contamination that occurred in the past so the property owner can properly clean up any hazardous material and thus reduce his liability. Neighboring property owners can thereby be protected from hazardous materials that may be on the surface of the ground or buried that occurred from past use. These hazardous materials easily become air born or water born, when it remains, and carried away during any demolition or construction on the contaminated property.

We are currently paying for past practices that later were found to be hazardous to both people and the environment. A few examples of these materials that were once in common use, but now are banned from use are DDT, Parathion, Chlordane, and even Diazon.

Some of the past practices for waste disposal were burring the materials in the ground, burning it, or pouring the hazardous materials on the ground and ignoring any spills.

Some of these materials that were commonly handled this way were gasoline, diesel fuel, pesticides, herbicide, biocides or even old cleaning agents. Many of these agents have been found to be carcinogens (cancer causing materials). The very young and very old are especially sensitive to these cancer-causing agents.

Dioxins, Furans, Asbestos, Benzene, Toluene, Ethylbenzene, Xylene and other Polycyclic Aromatic Hydrocarbons, along with heavy metals such as arsenic, lead, mercury and chromium, are all contaminants commonly found on old commercial and industrial sites.

Therefore, in my opinion, any piece of property in the City that was previously zoned as Commercial or Industrial should be inspected and certified hazard free before any demolition, construction or building on that property be allowed.

This will protect the property owner from any liability from hazardous waste coming from the property. Neighbors will be protected from being exposed to hazardous material such as asbestos or other cancer-causing materials, and the City will be protected from any public health liability that could arise in the future.

The CERCLA law establishes a procedure to do this. The first step is to have a Phase I Environmental Site Assessment done on the property in question, paid for by the property owner. This can be done by a number of certified companies that are easily found online. If the assessment finds hidden or unknown hazards on the property, the property owner must then pay for the cleanup of these hazards and then have the property certified hazard free. The results of these assessments should be made public before any building permits are issued.”

Austin Birky, who lives on Saddleback Road, agreed with Mr. Barringer's comments.

Dennis Thornley asked if adjacent property owners are notified about rezone requests. Ms. Izatt said the City follows the legal process for public notification, which includes adjacent landowners receiving notification. He asked how citizens are to know when items on the agenda are cancelled before the meeting. Ms. Izatt said when an applicant withdraws a request, the agenda is updated online; many times (as in tonight's case) there is no time to send out notices or publish in the paper about a cancelled item. Mr. Thornley said he is frustrated because the citizen's time is just as valuable as anyone else's time. Mr. Bodily said the item was requested to be removed yesterday; Ms. Izatt said the City does due diligence to get the information out in a timely manner. Mr. Thornley said he will not be a friendly advocate if the rezone request (that was withdrawn from the agenda) is resubmitted.

<p>Consent Agenda for June 20, 2018 and approval of the minutes from the May 16, 2018 Planning Commission meeting.</p>

After consideration by the Commission, Chairperson Soelberg declared the meeting agenda approved and the minutes from the May 16, 2018 meeting to stand as submitted.

PUBLIC HEARING to consider amending **Ordinance #18-09** which amends the Smithfield City Municipal Code Title 9 “Public Peace and Welfare”, in particular, 9.16.030 “Definitions”; Title 17 “Zoning Regulations” Sections: 17.36.160 “Zoning Locations”, 17.44.010 “Establishment of Zones”, and deleting Chapter 17.63 “CP Commercial Professional Zone” in its entirety.

7:41 p.m. Public Hearing Opened

No public input.

7:42 p.m. Public Hearing Closed

Ms. Izatt said this will remove all references to the Commercial Professional (CP) zone.

There were no questions from the Commission.

MOTION: Motion made by Commissioner Luthi to **approve Ordinance #18-09** which amends the Smithfield City Municipal Code Title 9 “Public Peace and Welfare”, in particular, 9.16.030 “Definitions”; Title 17 “Zoning Regulations” Sections: 17.36.160 “Zoning Locations”, 17.44.010 “Establishment of Zones”, and deleting Chapter 17.63 “CP Commercial Professional Zone” in its entirety. Commissioner Hancock seconded the motion. The motion was approved unanimously (7-0).

Vote

Aye: Luthi, Hancock, Niederhauser, Soelberg, Gibbons, McCammon, Wright

CANCELLED PUBLIC HEARING to consider a request to recommend approval of Ordinance #18-11 by Glayde Stenbridge to Rezone property from RA-2 (Residential Agricultural – 2 Acre) to R1 (Single Family Residential R-1-10 (10,000 SF); R-1-12 (12,000 SF) or R-1-20 (20,000 SF) located at 601 West 200 South, Parcel(s) 08-083-0014, 2 Acres; 08-083-0012, 5 Acres; 08-083-0061, 4.98 acres. **CANCELLED**

Chairperson Soelberg announced that this item has been **withdrawn** from the meeting agenda per the property owner’s request.

Cristi Richardson, agent for Summit Creek LLC, has requested consideration of approval to amend the existing hours and days of operation for the Summit Creek Convenience Store & Deli, located at 183 N Main Street. Zoned CB.

Cristi Richardson said the request is to change the business hours from 6:00 a.m. to 12:00 a.m. to 24 hours a day/7 days a week, in response to competition from other businesses in other communities.

Commissioner Gibbons asked if there are other businesses open 24/7. Councilmember Wall said 7-11 was, but the business is closing tomorrow.

Ms. Izatt said there have been no complaints received. Marty Spicer, an adjacent property owner, called and said he has no concerns with the request.

MOTION: Motion made by Commissioner McCammon to **approve** the request from Cristi Richardson, agent for Summit Creek LLC, for approval to amend the existing hours and days of operation for the Summit Creek Convenience Store & Deli, located at 183 N Main Street. Zoned CB. Commissioner Hancock seconded the motion

Motion **amended** by Commissioner McCammon to include the hours of operation to be 24 hours/7 days a week. Commissioner Niederhauser seconded the amendment. The motion was approved unanimously (7-0).

Vote

Aye: Luthi, Hancock, Niederhauser, Soelberg, Gibbons, McCammon, Wright

Breanna Kleven has requested consideration for an approval of an R-1 Animal Rights permit for one (1) large size animal and one (1) medium size animal (1.5 AEU) located at 161 East 400 South, (.75 acre). Zoned R-1-10

Breanna Kleven is requesting a permit so that she can have a horse and a goat.

Ms. Izatt said 1.5 AEU is allowed for a .75 acre, therefore, this request meets the Code. Courtesy notices were sent out to adjacent property owners and no concerns have been received. She also stated that Ms. Kleven is allowed two goats under the Household Pet definition.

MOTION: Motion made by Commissioner Niederhauser to **approve** the request from Breanna Kleven for an R-1 Animal Rights permit for one (1) large size animal and one (1) medium size animal (1.5 AEU) located at 161 East 400 South, (.75 acre). Zoned R-1-10. Commissioner Luthi seconded the motion.

Motion **amended** by Commissioner Niederhauser to include 1.5 AEU in the previous motion. Commissioner Luthi seconded the amendment. The motion was approved unanimously (7-0).

Vote

Aye: Luthi, Hancock, Niederhauser, Soelberg, Gibbons, McCammon, Wright

Ryan Rogers, agent for Pitcher Family Land LLC, has requested consideration for approval of the Concept Plan for Canyon View Village, a 35-unit subdivision (12.18 acres) located at 600-800 South 250 East. Zoned R-1-10.

Mr. Rogers pointed out that several changes have been made since the original application. The cul-de-sac was removed, as recommended by the City.

Mr. Bodily noted that 250 East is 66' wide. Commissioner Luthi asked how this ties in with the future transportation plan. Mr. Bodily explained that the road in front of Sky View is 66' and there is a development in Hyde Park that will block future connectivity of 250 East. Councilmember Wall pointed out that the Master Plan calls for 250 East to be

99' wide, however, the developer is only responsible for 66'. If the road is wider, the City will have to pay for it. Commissioner Gibbons noted that the road ends at 600 South. Councilmember Wall said that the addition of bike lanes to the road (if made wider) has been discussed in the STRC meeting. He also pointed out that the 4-way stop met the 150' requirement (when the cul-de-sac was removed).

Mr. Rogers said a few lots would be lost if the road were widened to 99'.

Councilmember Wall said the consideration is whether the cost is worth the extra width. Mr. Bodily pointed out that since the west side is already existing, it would create a disjointed intersection.

Commissioner Luthi said the transportation map shows the south end as a minor arterial road that could eventually connect to Logan in the future. Mr. Bodily said that was the original plan, however, Hyde Park built a senior living development that will not allow for future connectivity.

Councilmember Wall stated that he found this interesting and felt the commission should know that in working with Ryan, all of this subdivision's irrigation will be with irrigation water not culinary so that land is irrigated as part of the commitment by that developer.

Commissioner Gibbons stated, "so there will be a secondary system? Mr. Rogers stated that they currently have 13 shares of irrigation water.

Commissioner Niederhauser asked about double frontage lots and whether there would be anything prohibiting access off 200 East. Councilmember Wall said there will be a sidewalk and park strip. Mr. Bodily said there is nothing in the ordinance which would prohibit access onto 250 East. A note can be included on the final plat that access to the lots be from 280 East. Commissioner Gibbons asked if there would be any reason to allow driveway access. Commissioner McCammon said driveway access was one of the concerns with the original submittal and he feels that this is a good improvement.

Commissioner Niederhauser asked if it is the homeowner or the developer's responsibility to install fencing. Mr. Bodily said a fence cannot be required, in fact, a fence could make the park strip area much more difficult to maintain.

Commissioner Niederhauser asked about the intersection. Mr. Bodily explained that there is just enough depth to put in a home, if the lot is developed it will have to meet all the applicable requirements. Mr. Rogers noted that this is a good place for a retention pond.

Mr. Rogers explained that most of the lots are larger than 12,000 SF, with a few around the church (on the south side) that are a bit smaller (10,000 SF).

Commissioner Gibbons asked about ownership of the unimproved road to the south and whether there is a right-of-way. Mr. Rogers said the road is within the development and there is currently an easement to the home to the north.

Commissioner Wright asked if a 66' road would allow for painted bike lanes. Mr. Bodily, said, with no homes facing the road and no street parking, there could be 12' that could be used as a bike lane. Commissioner Hancock said occasionally high school kids park along the road.

Commissioner Hancock expressed concern with subdivisions with no inter-connectivity. Mr. Bodily said this is a difficult situation, connectivity and not limiting future development are both important consideration.

Commissioner Niederhauser asked about the proposed bend in the road and why it was not designed straight. Mr. Rogers said it provides for a better use of space, if the road were t-shaped, it would create a dead area. Shifting the entire road would lose a few lots. The challenge is working around what is currently there. Commissioner Hancock said the bend in the road might help slow down traffic through the subdivision.

MOTION: Motion made by Commissioner McCammon to **approve** the request from Ryan Rogers, agent for Pitcher Family Land LLC, for the **Concept Plan** for Canyon View Village, a 35-unit subdivision (12.18 acres) located at 600-800 South 250 East. Zoned R-1-10. Commissioner Wright seconded the motion. The motion was approved unanimously (7-0).

Vote

Aye: Luthi, Hancock, Niederhauser, Soelberg, Gibbons, McCammon, Wright

Ryan Rogers, agent for Pitcher Family Land LLC, has requested consideration for approval of the Preliminary Plat for Canyon View Village, a 35-unit subdivision (12.18 acres) located at 600-800 South 250 East. Zoned R-1-10.
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Mr. Bodily pointed out that as part of the current Construction & Design Standards, *“Roads constructed as part of a new development/project shall have a Chip Seal surface placed after the end of the 12-month warranty period. The Chip Seal shall be placed after the end of the warranty period, but no more than 6 months.”*

Commissioner Gibbons noted that there should be no driveway access off 250 East.

MOTION: Motion made by Commissioner Luthi to **approve** the request from Ryan Rogers, agent for Pitcher Family Land LLC, for the **Preliminary Plat** for Canyon View Village, a 35-unit subdivision (12.18 acres) located at 600-800 South 250 East. Zoned R-1-10. Commissioner Gibbons seconded the motion. The motion was approved unanimously (7-0).

Vote

Aye: Luthi, Hancock, Niederhauser, Soelberg, Gibbons, McCammon, Wright

OTHER DISCUSSION

Ms. Izatt said, although not a requirement, it is strongly encouraged that Commission members visit the sites that will be discussed at the meetings. Chairperson Soelberg agreed that it is very helpful to visually see and become familiar with the property.

Ms. Izatt pointed out that, in response to Mr. Thornley's concern, because of the timing of the applicant withdrawing the request, there was no way to notify all potential attendees.

Commissioner Gibbons asked about the requirements for public meeting procedures and how to consider establishing a process for an open citizen dialogue as requested by Mr. Barringer. Ms. Izatt said it would be difficult because all parties will need to be involved in a discussion. The Commission is an administrative board. The City Council is a legislative board and can have more of those types of discussions. The Commission's duty is to interpret the ordinance and ensure that the requirements of a project are met. Legal counsel will have to be involved in identifying and setting up this type of procedure. She pointed out that public input and hearings were included with the adoption of the General Plan.

Commissioner Luthi asked how often the General Plan is reviewed/updated. Councilmember Wall said the Plan was last changed 11 years ago; it is very involved, lengthy and expensive process.

Commissioner Gibbons said it seems to be more appropriate for citizens to have that type open dialogue with the City Council rather than the Planning Commission. Councilmember Wall outlined how Logan City set up Neighborhood Councils throughout the City. A councilmember is assigned to a specific district to meet with and then relay concerns and issue to the Council.

Mr. Barringer said the challenge is allowing citizen input before a project reaches the City Council level. Residents are not notified of all the projects (such as concept plans) and are not given an opportunity to make comments unless there is an associated public hearing. Commissioner Gibbons encouraged Mr. Barringer to work with the City Council.

Ms. Izatt said the residents can sign up to receive emails of each meeting agenda. The information is mailed out to adjacent property owners and posted on the City web and the Utah Public Meeting Notice website. Residents can subscribe to the Utah Public Meeting Notice to receive notices. There should be some individual accountability for due diligence by citizens.

Jasilyn Heaps (Alternate) suggested including a simple explanation of the process and the Planning Commission's role is on the website for general education. Ms. Izatt said the legislature has been very proactive about simplifying the terminology used in ordinances, they refer to it as "plain" language.

Commissioner Gibbons noted that often time people do not take time to read the information. It might be helpful to outline the general procedure somewhere on the website.

Councilmember Wall included information about the role of the Planning Commission on the latest City newsletter.

Chairperson Soelberg recommended adding links to the website for citizens to easily access and learn about how the process works.

MOTION TO ADJOURN

Commissioner Niederhauser motioned to adjourn the meeting at 8:42 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**

UPDATED AGENDA

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, June 20, 2018 in the Smithfield City Council Chambers, 96 South Main, Smithfield, Utah.

7:00 p.m. Opening Ceremonies

Workshop Session: The Commission will review the Future Land Use Map and Future Transportation Map as approved under the General Plan.

Agenda items:

1. 7:13 p.m. Resident Input
2. 7:18 p.m. Consideration of Consent Agenda

Minutes of the May 16, 2018 Planning Commission Meeting

3. 7:20 p.m. **PUBLIC HEARING** to consider amending **Ordinance No. 18-09** which amends the Smithfield City Municipal Code Title 9 “Public Peace and Welfare’, in particular 9.16.030 “Definitions”; Title 17 “Zoning Regulations” Sections: 17.36.160 “Zoning Locations” 17.44.010 “Establishment of Zones” and deleting Chapter 17.63 “CP Commercial Professional Zone” in its entirety.
4. 7:25 p.m. **CANCELLED PUBLIC HEARING** to consider a request to recommend approval of Ordinance #18-11 by Glayde Stembridge to Rezone property from RA-2 (Residential Agricultural – 2 Acre) to R1 (Single Family Residential R-1-10 (10,000 sq. ft.); R-1-12 (12,000 sq. ft.) or R-1-20 (20,000 sq. ft.) located at 601 West 200 South, Parcel(s) 08-083-0014, 2 Acres; 08-083-0012, 5 Acres; 08-083-0061, 4.98 acres. **CANCELLED**
5. 7:30 p.m. Cristi Richardson, agent for Summit Creek LLC, has requested consideration of approval to amend the existing hours and days of operation for the Summit Creek Convenience Store & Deli, located at 183 N Main Street. Zone CB
6. 7:35 p.m. Breanna Kleven has requested consideration of approval for an R-1 Animal Rights permit for one (1) large size animal and one (1) medium size animal (1.5 AEU) located at 161 East 400 South, (.75 Acre). Zoned R-1-10
7. 7:40 p.m. Ryan Rogers, agent for Pitcher Family Land LLC, has requested consideration of approval of the Concept Plan for Canyon View Village a 35 Unit Subdivision (12.18 acres) located at 600-800 South 250 East. Zoned R-1-10
8. 7:45 p.m. Ryan Rogers, agent for Pitcher Family Land LLC, has requested consideration of approval of the Preliminary Plat for Canyon View Village a 35 Unit Subdivision (12.18 acres) located at 600-800 South 250 East. Zoned R-1-10
9. 7:50 p.m. **ADJOURNMENT**

Posted this 14th day of June 2018 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 June 2018.

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.