



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, July 18, 2018

The following members were present constituting a quorum:

Chairperson: Andrew Soelberg

Commission Members: Kelly Luthi
Jackie Hancock
Jasilyn Heaps
Stephen Teuscher
Scott Gibbons
Nathan Wright

Members Excused: Mason Niederhauser
Casey McCammon

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

The meeting was called to order by Chairperson Soelberg at 7:01 p.m.

Jasilyn Heaps was sworn in as a Planning Commissioner.

Chairperson Soelberg advised that, in reference to Mr. Barringer's request at the last meeting regarding more citizen interaction and open dialogue with the Commission, the City Attorney determined that those types of discussions should not be held with the Planning Commission. Many of the issues Mr. Barringer brought up would have been addressed during the public meetings and open houses when the General Plan was being developed and adopted. The Commission encourages resident input; however, the format of an open dialogue is discouraged. The role of the Planning Commission is to determine whether projects meet the established requirements set forth in the Code. If there are concerns expressed by citizens, the Commission can consider reviewing applicable Code sections and determine if any changes and/or adjustments should be considered.

OPENING CEREMONY

The Pledge of Allegiance was led by Trevor Datwyler.

ATTENDANCE

Trevor Datwyler-AE2S Engineering, Pratt & Leslie Larsen, Jeff West, Mark Williams-Neighborhood Housing Solutions, Erin Campbell, Ryan Rogers, Wade Lindley, Debbie Zilles

WORKSHOP SESSION

Utah League of Cities & Towns (ULCT) training videos featuring skateparks, municipality definitions and recycling were viewed.

Chairperson Soelberg advised that there will be occasions when the Commission will be reviewing longer training videos (as time allows).

RESIDENT INPUT - None

AGENDA ITEMS

Consent Agenda for July 18, 2018 and approval of minutes from the June 20, 2018 Planning Commission meeting.

After consideration by the Commission, Chairperson Soelberg declared the meeting agenda approved and minutes from the June 20, 2018 meeting to stand as submitted.

Jeff West, 888 West 100 North, has requested a waiver of the requirement for curb, gutter and sidewalk in a residential agricultural zone. Zoned RU2 (Rural 2 acre) located in Cache County.

Jeff West owns 10 acres located in Cache County, bordering Smithfield along 800 West. He is seeking a building permit for one home to be built (similar to the existing home on the property). To get a permit from the County, he is required to get a letter from Smithfield City granting access to 800 West (which is owned by Smithfield). Most of the property will be kept as a hay field and pasture. The property was rezoned to RU2 (one home for every 2 acres) to allow for the home to be built, once that is accomplished, he will petition for it to be zoned back to agricultural as there is only desire for only one home (for his daughter) to be constructed. The requirement to widen the road and install curb, gutter and sidewalk will make it difficult to access the field from 800 West. Due to the length of the property along 800 West and the fact that there is a borrow pit, improvements would be too expensive to justify one home being built.

An email from Wade Lindley, expressing concern about waiving the requirement for a sidewalk, was received and distributed to the Commission members for review prior to the meeting. The email was read by Chairperson Soelberg: *"I'm writing to express my concern for the agenda item on Wednesday's P & Z agenda by Jeff West to waive curb, gutter and sidewalk for the property along 800 west. As most of you should already be aware of the sidewalk on 100 North is in the process of being completed from the ball park to 800 West. This sidewalk is in front of my home and we are very excited for the sidewalk and we have noticed a significant increase in foot traffic on the sidewalk even though it hasn't been completed yet. It seems this is going to be a great "trail" addition to the city as many residents are walking down to 800 West on the new sidewalk and going south towards the green bin area by the city sheds and either walking up through the park or continuing onto 100 south. 800 West is not a very wide road and the traffic along this road has increased since the green bins were put there several years ago. 800 West has also become another access to Logan for the residents on the west side*

of Smithfield. With the completion of the sidewalk to 800 West the argument that a sidewalk along 800 West is a sidewalk to 'nowhere' really doesn't hold any weight. There are at least 15 homes planned to be built west of 800 West within the next year with additional homes likely after that. It doesn't seem a wise decision to waive a sidewalk and then have to deal with building one in the future. This side of town has an elementary school and the largest park in the city and growth is happening down here. It is my opinion that we should be encouraging and requiring more sidewalks rather than waiving them now and having to deal with installing them in the near future, and most importantly, we should be concerned with the safety of our children and residents."

Chairperson Soelberg pointed out Smithfield City Municipal Code, 16.06.070 (D) which allows the Planning Commission discretion to consider waiving the requirement for curb, gutter and sidewalk as follows: *"Upon recommendation of the Planning Commission, the City Council may, at its discretion, waive the requirement for curb, gutter and sidewalk in agricultural and residential agricultural zones on 400 West and west of 400 West"*.

Commission Luthi asked why the City chose to re-do the sidewalk from Main Street to 800 West. Mr. Bodily said the sidewalk was installed with the help of state funding.

Commissioner Gibbons pointed out that there is no other curb, gutter or sidewalk within 4 blocks of this location. This is the rural side of town.

Commissioner Luthi said there is a distance requirement before school children can be bussed to school.

Commissioner Gibbons said it is difficult, and expensive, to require improvements along the entire property line without more density

Commissioner Wright asked how much the road would need to be widened. Mr. Bodily said between 12-15', depending on which section. Mr. West said the highway edge-to-edge is 26' and 800 West is 22'. The east side is flat ground, which would be easier to install a sidewalk, the west side will be more difficult because of the borrow pit, which will require a culvert and fill. The east side of 800 West is in the City, whereas, the west side is County property.

Commissioner Hancock asked who would be responsible for installing curb, gutter and sidewalk if there were future development along 800 West. Commissioner Gibbons said road improvements are generally the responsibility of the developer. If there is a need for a sidewalk on the west side, it will be the property owner, or whoever is developing the area. Mr. West said he could put in improvements in front of the home, however, it would be too expensive to do the entire property.

Commissioner Heaps said sidewalk along 100 North makes sense because that will only become busier, however, 800 West has a much more rural feel and there are no other sidewalks in the area.

Commissioner Wright expressed concern that if the requirement is waived now, the City will be responsible for the cost in the future, however, putting in all the improvements along the entire length of the property now does not make a lot of sense. He asked if there was an option to put funds into an account for future use. Mr. Bodily said if the property owner is setting funds aside, the improvements may as well just be put in. Money can be put into an escrow, however, that is a difficult process and it can only be kept in there for 18 months.

Commissioner Gibbons pointed out that the west side of the road is in the County, which is developed differently; he does not believe the density on the west will ever be very high, which makes this a difficult challenge.

Mr. Bodily confirmed for Commissioner Teuscher that although Mr. West's property is in the County, 800 West is a City-owned road. If the road is widened, it would only be so until the end of the Mr. West's property, then it would narrow to the south, which could make it difficult to travel.

Mr. Bodily reminded the Commission that the final decision will be made by the City Council. The Commission is considering a recommendation to forward to the Council.

Commissioner Teuscher said this will continue to be a challenge as the City grows, he understands both sides of the situation. If there is going to be development, developers need to pay for the improvements, otherwise, it will become the City's burden.

Councilmember Wall noted that Duane Williams (property to the south of Mr. West) asked for access to 800 West. He was required to put in the street improvements, but it became too expensive with the inclusion of the bridge. A request for a waiver was denied by the City so he is now working with the County for access to the west rather than from 800 West. Mr. West's access will likely be the only access on 800 West from 100 North to 100 South.

Commissioner Gibbons said this is a challenging dilemma with the property owner to the south being required to put in the improvements, forcing them to choose another access option. Councilmember Wall said, in the future, if there is a reason for annexation, the City will be requiring curb, gutter and sidewalk. He noted that the borrow pit does present some considerations, especially related to cost.

Commissioner Gibbons said if the area to the south never puts in street improvements, the road ends up only being partially developed on one side, which can create issues. Chairperson Soelberg noted that as a police officer working on accident reconstruction, abrupt changes on a road does create a safety concern.

Commissioner Wright said UDOT requires a 15-1 transition, which would be 120' based on the 8' widening.

Commissioner Teuscher asked if there was any thought in making 800 West a corridor road; Mr. Bodily said it is planned to be in the Master Transportation Plan.

Chairperson Soelberg said part of the difficulty is the applicant does not want to improve the entire frontage; however, improvements only in front of the proposed home would not make sense if the road is widened. It would be an easy decision if the entire block were being developed. Commissioner Gibbons said the County considers this parcel as a subdivision development (even if only one home is being proposed), which then requires improvements along the entire length of the property.

Mr. West's daughter explained that the objective to have access from 800 West is based on safety for their small children. They cannot afford to build a single-family home if they are required to put in all the improvements. Commissioner Gibbons agreed this is a difficult challenge.

Commissioner Luthi asked if some of the improvements could be required to be put in with future development (when future lots are developed). Chairperson Soelberg said because this is a recommendation to the City Council, the Commission can only recommend requiring curb, gutter and sidewalk in front of the home.

Wade Lindley (who submitted the email) is sympathetic to Mr. West's situation, however, he is concerned that the City has already denied a request from Mr. Williams. Chairperson Soelberg agreed that the problem is one person has already been denied a waiver. Mr. West said there is a difference as his request is only for one home, Mr. Williams is a 12-home development. Mr. Lindley said he is okay with the idea of curb, gutter and sidewalk only in front of the proposed new home.

Commissioner Gibbons asked about Dave Olsen's project on 400 West. Councilmember Wall explained that the City used to have an ordinance allowing the City Council to waive curb, gutter and sidewalk requirements for everything west of 400 West. The Council waived the requirement for Mr. Olsen because there were no other improvements in the area. Mr. Bodily said the project cannot forgo water and sewer, even without curb, gutter and sidewalk.

Ms. Izatt made a point of clarification that the ordinance was re-codified in 2015 (due to a change in Code codifiers) however, it had been on the books for longer.

Mr. Bodily confirmed for Chairperson Soelberg that the City would be responsible for improvements and maintenance.

Mr. West explained that his brother recently built a home in Richmond and was able to decide for himself if he wanted curb, gutter and sidewalk. Richmond City is considering whether they want wide roads and sidewalks to have to maintain.

Commissioner Wright said the Commission should come to a consensus of what is wanted, especially given the fact that these types of situations keep coming up. The ordinance allows the ability to waive the requirements west of 400 West and it does not seem fair to arbitrarily "pick and choose winners and losers".

Commissioner Gibbons recommended waiving the requirement for curb, gutter and sidewalk because there are no other improvements in the area, it is an awkward location and could be very expensive for the applicant.

MOTION: Motion made by Commissioner Gibbons to **recommend that the City Council grant** a waiver for curb, gutter and sidewalk in a residential agricultural zone, zoned RU2 (Rural 2-acre) located in Cache County, as requested by Jeff West, for the property located at 888 West 100 North. Commissioner Teuscher seconded the motion. The motion was approved unanimously (6-1).

Vote

Aye: Luthi, Heaps, Soelberg, Teuscher, Gibbons, Wright

Nay: Hancock

Trevor Datwyler of AE2S Engineering, agent for Neighborhood Housing Solutions, has requested approval of the Final Plat for Smithfield Pointe Subdivision, Phase 1, 22 units (8.78 acres) located at 680 North 570 East. Zoned R-1-12

Trevor Datwyler reviewed the request to develop 22 lots just south of Crow Mountain Road. Due to the topography and location of the existing sewer, not all 11.97 acres will be developed now. The lots on the west side will not be developed until the sewer extends down 680 North. Lot 8, in the northeast corner, will not be developed until Crow Mountain Road extends north. Lot 7, in the southwest corner, will be dedicated to the City as a storm water retention pond. There will be a temporary turnaround on 570 East (north-south road) which will be a hammerhead designed to meet City standards.

Commissioner Gibbons said he thought the City did not want the retention lot. Mr. Bodily said the City does not. In the past, the City has encouraged extra land to be incorporated in surrounding lots, however, in this situation, because it has no value, the City must accept it for storm water. The City cannot mandate that a property owner have and maintain public utilities. Commissioner Gibbons is concerned because he does not want it to become a weed patch, as there are in several other spots in the City that have become an eyesore. Commissioner Teuscher asked if there were any other solutions. Mr. Datwyler said he can understand both perspectives, however, if it is dedicated to an adjoining property, it would essentially be doubling the lot acreage, which becomes a higher cost to the owner.

MOTION: Motion made by Commissioner Luthi to **approve the Final Plat** for Smithfield Pointe Subdivision, Phase 1, 22 units (8.78 acres) located at 680 North 570 East. Zoned R-1-12. Commissioner Hancock seconded the motion. The motion was approved unanimously (7-0).

Vote

Aye: Luthi, Hancock, Heaps, Soelberg, Teuscher, Gibbons, Wright

Ryan Rogers, agent for Pitcher Family Land LLC, has requested consideration of approval of the Final Plat for Canyon View Village Subdivision, Phase 1 - 19 units (6.53 acres) located at 600-800 South 250 East. Zoned R-1-10

Ryan Rogers said the plan is the same as previously reviewed and discussed. They have a development agreement and will be developing the front of the future church location along 250 East (the church does not intend to build for several years). Phase 1 will include the first 19 lots. Phase 2 will be the lots to the north.

MOTION: Motion made by Commissioner Teuscher to **approve the Final Plat** for Canyon View Village Subdivision, Phase1 - 19 units (6.53 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, Heaps, Soelberg, Teuscher, Gibbons, Wright

MOTION TO ADJOURN

Commissioner Teuscher motioned to adjourn the meeting at 8:10 p.m. Commissioner Gibbons 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, July 18, 2018 in the Smithfield City Council Chambers, 96 South Main, Smithfield, Utah.

7:00 p.m. Opening Ceremonies
Jasilyn Heaps will be sworn in as a Planning Commissioner.

Workshop Session: ULCT (Utah League Cities & Towns) videos on Skateparks;
Municipal Definitions & Recycling

Agenda items:

7:08 p.m. Resident Input

7:13 p.m. Consideration of Consent Agenda
Minutes of the June 20, 2018 Planning Commission Meeting

7:15 p.m. Jeff West, 888 West 100 North, has requested a waiver of the requirement for curb, gutter and sidewalk in a residential agricultural zone. Zoned RU2 (Rural 2 acre) located in Cache County.

7:20 p.m. Trevor Datwyler of AE2S Engineering, agent for Neighborhood Housing Solutions, has requested approval of the Final Plat for Smithfield Pointe Subdivision, Phase 1, 22 units (8.78 acres) located at 680 North 570 East. Zoned R-1-12

7:25 p.m. Ryan Rogers, an agent for Pitcher Family Land, LLC, has requested consideration of approval of the Final Plat for Canyon View Village Subdivision, Phase 1, 19 units (6.53 acres) located at 600- 800 South 250 East. Zoned R-1-10

7:30 p.m. **ADJOURNMENT**

Posted this 12th day of July 2018 at the Smithfield City Offices, City Web Page, and the Utah Public Meeting Notice website. Notice provided to the Herald Journal this 12th day of July 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.