



## SMITHFIELD CITY PLANNING COMMISSION

City Council Chambers  
96 South Main  
Smithfield, Utah 84335

The Planning Commission of Smithfield City met at the City Council Chambers, 96 South Main, Smithfield, Utah at 6:00 p.m. on Wednesday, October 19, 2016. The following members were present constituting a quorum:

Chairperson: Jamie Anderson  
Commission Members: Bryant McKay  
Jackie Hancock  
Wade Campbell  
Stephen Teuscher  
Kelly Luthi  
Bart Caley

Excused: Casey McCammon  
Douglas Archibald

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

Notice was provided to the Herald Journal, delivered to each Commission member and posted at the City Office Building, the Smithfield City webpage and the Utah Public Meeting notice website.

The meeting was called to order by Chairperson Anderson at 6:00 p.m.

**Opening Ceremony:** Chris Slater from J-U-B Engineers led the Pledge of Allegiance and provided an opening prayer.

**Attendance:** Michelle Anderson, Chris Slater (J-U-B Engineers), Matt Espino, Chris Chambers, Sid Roderer (Cornerstone Real Estate), Wayne Cooke, Dennis Thornley, Matt Hyde, Ted Miller, Cleon Chambers, Dennis Peterson, Matt Hough, Cindy Gooch (J-U-B Engineers), Duane Williams (RND Properties), Todd Davis (Sunspot Properties), Barbara Kent (City Council), Brett & Alicia Conley, Chandler & Sally Baer, Ben Farnsworth (NNHC), Kim Datwyler (NNHC), David Frandsen (NNHC), Debbie Zilles

**Workshop Session:** General Plan discussion and review by the Planning Commission with the City Council and representatives from J-U-B Engineers.

Cindy Gooch, from J-U-B Engineers, clarified that there is no rezoning of any property, this discussion is only related to future planning of areas within the community and to develop goals and objectives that will be used to help carry out this mission.

Ms. Gooch outlined the following points:

- Mixed Use Overlay Zone – there is currently no ordinance, one would have to be developed.
- Goals, Objectives and Actions (page 6) – the goal is to regularly update and review.
- Central Business District (CBD) – added and strengthened landscaping.
- Light Industrial/Manufacturing – added continuing development of existing industrial park.
- Open Space Policies (page 22) – acquisition and overlay zone was added to the techniques section.

Chairperson Anderson asked about the best way to work with developers regarding open space and park preservation. Ms. Gooch said it would be communication and possible incentives such as reduction of impact fees or higher density, etc. The laws have changed and it is more difficult to be stringent. It is certainly a benefit for the community to have open space. Chairperson Anderson asked where the best point in the process to control that would be. Mr. Bodily said the ideal time is when property is being annexed.

Mayor Simmons advised that the conditions of the park make a big difference. A park may sound “warm and fuzzy” until you determine what it actually will be and whether it is something that can be used as a park. He has seen everything from a patch of land, to a sledding hill, to an actual park and questioned what a “park” should be defined as. Ms. Gooch pointed out that there are definitions in the Parks & Trails Master Plan for the standards of a park (Appendix A); classifications are listed on page 7. This plan will be used to develop impact fees. She pointed out that a project improvement is used by that specific area or development and there is no analysis done on the impact fee.

Ms. Gooch encouraged the Commission to consider what open space should look like and who will maintain those areas.

Ms. Gooch said there was discussion at the last meeting regarding separation between cities and how they run together. She talked about transfer development rights, which is a voluntary incentive-based program that allows landowners to sell development rights to a developer. This works well back east but does not seem to work well in Utah. This idea was tried in Summit County; however, most people do not like the density that a developer gets when rights are transferred.

Commissioner Campbell said he has talked to people who do not want inner block development, but they do not want all the land to be built out. Ms. Gooch said if there could be a way to develop a transfer agreement, then it could be successful.

Ms. Izatt asked about other communities’ open space percentage. Ms. Gooch said it depends on each city’s ordinances. Small areas often turn into weed patches.

- Annexation Policy – there were previously two levels, the earlier level was removed.
- Growth and Land Use (page 24) – basic goals, added timing and criteria to serve as a guide to determine areas of no-build. The idea of having an Economic Director (either by

direct hire or consultant) was discussed. Ms. Gooch said sometimes smaller communities can benefit from hiring a consultant.

Commissioner Caley asked where the power lines are located in relation to the proposed future land use annexation. Ms. Gooch said the new annexation line is located right along the power lines. Commissioner Caley asked if there was any consideration for having this area be part of a park or open space (i.e. Provo Rock Canyon) or trail area. Ms. Gooch said nothing has been proposed, wildfires were one of the concerns the Committee had discussed, which is one of the reasons the boundary line was dropped down.

Commissioner Caley said one of the biggest problems regarding trails is density and trying to go through neighborhoods. There is nothing planned in the southwest or northwest corners of the City and it would seem advantageous to have a plan in place before there is development in those areas. Ms. Gooch said that could be added in. Chairperson Anderson noted that more trails have been put in along the bench area which connects to existing trails. Parks were put in those areas but no trails were included. Commissioner Caley thought it would be a good idea to include that in now.

- Environmental Resources & Hazards – policies changed to reflect the County’s Hazardous Mitigation Plan.
- Transportation & Roads (page 41) – not completed yet, have to be satisfied with land use before that can be finished.

Commissioner Caley asked if this included sidewalks. Chris Slater, J-U-B Engineers, said they looked at walkable paths, but it mainly focuses on roads. Commissioner Caley asked about areas that were developed before curb, gutter and sidewalk improvements were required. Mr. Bodily said that would be a City project. Ms. Gooch said the Transportation Master Plan could evaluate walkable areas, it was not included in the scope of work, but could be added. The City has been working on a priority list.

- Moderate Income Housing – prepared by Bear River Association of Governments (BRAG). Smithfield will need an additional 628 housing units by 2020 and 39 will need to be affordable to extremely low-income households to comply with Federal laws (incomes listed in Appendix).
- Public Facilities & Services – Capital Improvement Plans kept up-to-date.

Ms. Gooch said she will make the adjustment on the trails.

Commissioner Caley asked about future land use for Light Industrial, the area of 600 South was extended north when it would be better to go west. Ms. Gooch said that was based on the current zoning. Commissioner Caley pointed out that this could be surrounded by residential. The Commission felt this area should be reviewed.

Ms. Gooch said the sensitive lands map comes from the Hazardous Mitigation Plan.

- Parks & Trails Master Plan – based on current parks, an evaluation has been completed (Attachment 3) including the condition of facilities, infrastructure and items within each park which will be used to develop impact fees.

Chairperson Anderson asked about flood mitigation along Summit Creek. Mr. Bodily said the Public Works Department has, in the past, gone in and cleared out debris from the grates preemptively.

Commissioner Campbell was told that the Public Works Department was not allowed to drag anything out of the river any more. Mr. Bodily said he will have to check into that.

Commissioner Teuscher asked if there was a protocol for cities to get together and discuss zoning. Mayor Simmons said the mayors in Cache Valley meet monthly and he would be happy to bring up this issue for discussion. He was involved in the Envision Utah process and asked if that plan was used during this process. Ms. Gooch said it was not used.

Ms. Gooch said she would make the changes as discussed and present a clean copy of the plan for review before presentation to the public.

Ms. Izatt requested that the zoning map be updated and she asked that the colors be more variegated.

### **Review definitions for proposed Ordinance #15-01 Animal Regulations & Zoning Regulations.**

Commissioner Hancock said the changes made it clearer.

Councilmember Wall said there was no definition for premise so the decision was to take the word premise out.

### **Other**

Chairperson Anderson asked about training. Ms. Izatt said Jeff Gilbert from CMPO will provide training in January. The ULCT will likely come up in the spring.

Ms. Izatt said there will be some housekeeping ordinances coming forward for cleanup.

Chairperson Anderson asked about the sign ordinance. Ms. Izatt said the temporary sign portion passed, the "wrap" portion was taken out and will be coming back for further review.

### **Agenda items**

**Resident Input:** None

### **Consideration of Consent Agenda and minutes of the September 21, 2016 Planning**

**Commission Meeting:** After consideration by the Planning Commission, Chairperson Anderson declared the consent agenda for the October 19, 2016 meeting approved and the minutes to stand as submitted.

**Public Hearing to consider a request by Duane Williams of RND Properties, agent for B-R Property Development LLC, to rezone property from A-3 (Agricultural-3 Acre) to GC (General Commercial) located at approximately 200 West 500 South; Parcel 08-105-0027 (7.33 acres)**

**7:15 p.m. Public Hearing opened.**

Commissioner McKay declared he might have a conflict of interest; however, he would like to be involved in the discussion and decision.

Duane Williams lives four blocks northwest of this project. The original proposal was for Commercial for the south five acres, with the north seven acres residential. He talked with Sierra Homes who said they did not believe homes could be sold at that location because of the surrounding area. This is a unique area because there are so many different uses around it. The original proposal was for townhomes, however, that did not seem to fit with what people wanted. The request now is for Commercial. He has talked with some of the neighbors, change is not always easy. His desire is to be a good neighbor and he wants this to be a nice project and something people will be happy with. He provided the Commission pictures of the property. He advised they are under contract with Evolution Design (currently located at 186 West 560 South) to purchase the south five acres for expansion and storage for his business. The planned use is for storage units, which will serve as a good transition from Commercial to Residential.

Chris Chambers said his father owns the farm to the east and is worried about the impact to their family business. He expressed concerns a month ago; he would like to keep open spaces.

Matt Hyde, a partner in the project, said the idea of storage sheds is a good compromise and will benefit the apartments that will be coming in to the east. It will also give Smithfield residents the option to keep storage in the City. He understands Mr. Chambers' concern, however, noted that the businesses to the south were once owned by the Chambers family so it is difficult to understand why they do not feel that this project would be acceptable.

Cleon Chambers said he made the mistake years ago, which is causing problems now and hindsight is 20/20. He said what the Council and/or Commissions says today won't mean anything years from now when there are new members. He feels like he is caught in the middle, he is not going to move again and the economy makes it hard for agriculture to survive.

**7:26 p.m. Public Hearing closed.**

Mr. Williams explained that the City Council voted to approve the request but wanted a contract with Evolution Design in place. They will be meeting with the City Council on November 9, 2016. In reference to the concerns that the Chambers have, he does not believe this will affect their business. Storage units will be the best effort to meet a need and fit in with the area.

Ms. Izatt noted, as a point of order, that this discussion is only for the 7.33-acre north portion of property, which has not been before the City Council. The southern 4.92-acre portion is what will be before the Council in November.

Councilmember Wall explained that he declined the project when it was before the Council because there was no contract in place with Evolution Design. The project will be heard by the Council for a vote in November; there will be no public hearing on it.

Commissioner Caley said this seems to be a good compromise and will not be anything that will have noise or odor problems.

Commissioner Hancock asked if the storage units would be on the north part. Mr. Williams said the units would be built in three phases, two buildings per phase as the market dictates.

Commissioner Campbell asked if this is going to happen or is only a consideration. Mr. Williams advised this is the plan; they have talked to contractors and created a preliminary design. They are also doing a market analysis to determine the sizes that are most needed; there seems to be a need for larger units to house boats and RV's so the desire is to provide a mix of sizes.

Chairperson Anderson pointed out that if this is changed to General Commercial, it could allow any use that is permissible in that zone.

Commissioner Campbell said he is concerned that if it is approved, plans could change and not all uses within the General Commercial would be good for that location and might not provide a buffer.

Commissioner McKay said certain commercial uses could disrupt the livestock and he would not like to see something that may disturb the continuity of that area.

Mr. Teuscher asked if the Council could designate what the use had to be during their final approval.

Ms. Izatt said this is a basic land use decision and any allowed use within the zone would be permitted.

**MOTION: A motion was made by Commissioner Caley to approve the request by Duane Williams of RND Properties, agent for B-R Property Development LLC, to rezone property from A-3 (Agricultural-3 Acre) to GC (General Commercial) located at approximately 200 West 500 South, Parcel 08-105-0027 (7.33 acres). Commissioner Teuscher seconded the motion. The motion to approve was approved (4-3)**

**Vote (voice):**

Aye: Caley, Luthi, Teuscher, Anderson

Nay: Campbell, Hancock, McKay - not in favor because of the inability to control what use would be put in once the rezone is approved.

Chairperson Anderson encouraged Mr. Williams to take into account the impact the use of the property will have.

**Consideration for approval of a boundary adjustment request for property belonging to Vincent L. Hansen, located at approximately 170 Hillside Drive, Parcel 08-160-0010, 08-159-0047. Zoned R-1-12**

Sid Roderer, from Cornerstone Real Estate and agent for the client, advised that they are under contract with the purchaser with the condition to change the boundary as submitted. She is aware they are lacking the Notice of Approval, however, due to the extraordinary cost to have a survey done to establish the exact boundary lines; they are requesting a conditional approval from the Commission before moving forward.

Chairperson Anderson asked if covenants would be maintained (house sizes, frontage etc.). Ms. Roderer said there will be no impact on the CCR's that are in place; the potential buyer of the property is intending on building a home.

Chairperson Anderson asked about the access road and if there would be any easement problem. Ms. Roderer explained that the boundary line will be right next to the road. Mr. Hansen would like to keep the access open for now.

Commissioner McKay suggested having the survey completed to avoid any potential problems. Ms. Roderer said it will be surveyed; however, they would like a conditional approval before paying for two lot surveys.

Mr. Bodily said it is difficult to approve a boundary line adjustment without knowing the exact lines.

Ms. Roderer asked if there was anything on the GIS that was submitted that the Commission would be opposed to. If the overall feeling is that if there is nothing to stand in the way of this proposal, all parties involved would be happy to have the survey completed.

Commissioner McKay said he is concerned with any variations. Ms. Roderer said there are stakes in the ground that the buyer and seller have agreed upon and it will be surveyed according to those stakes. The only concern is if there any unforeseeable opposing views to what is being proposed.

Chairperson Anderson said he would rather have it solidified with the results of a survey before a decision is approved.

Ms. Roderer asked if there were any opposing points of view from any of the Commission members. Mr. Teuscher said as long as everything is legal and the requirements are met, he does not foresee any problems.

Ms. Izatt said the Commission can continue the project if they desire.

**MOTION: A motion was made by Commissioner Campbell to continue the project up to 60 days in consideration of a boundary adjustment request for property belonging to Vincent L. Hansen, located at approximately 170 Hillside Drive, Parcel 08-160-0010, 08-159-0047. Zoned R-1-12. Commissioner Teuscher seconded the motion. The motion to continue was approved unanimously (7-0)**

**Vote:**

Aye: McKay, Hancock, Campbell, Anderson, Teuscher, Luthi, Caley

**Public Hearing to consider a request by Todd Davis of Sunspot Properties LLC, to rezone property from A-10 (Agricultural-10 Acre) to R-1-12 (Single-Family Residential 12,000 SF) located at approximately 1150-1300 East Dry Canyon Road (300 South), Parcel #08-121-002 (29.97 acres).**

**7:48 p.m. Public Hearing opened.**

Todd Davis reviewed the proposal to rezone the property.

Chairperson Anderson asked how many homes are expected. Mr. Davis said it would be 30-40. Approximately 10 acres on the east side will remain one lot for his personal home. There would be larger lots in the middle with smaller lots (approximately 12,000 SF) on the south side of the

road. The City has planned for this, when the road was completed, it was negotiated to leave the strip on the south side large enough for residential lots.

**7:51 p.m. Public Hearing closed.**

Mr. Bodily pointed out that the 10" water line that runs north-south does not go all the way up to the top of the property.

Councilmember Wall asked if there was access to secondary water. Mr. Davis said there is not.

**MOTION: A motion was made by Commissioner Campbell to approve a request by Todd Davis of Sunspot Properties LLC, to rezone property from A-10 (Agricultural-10 Acre) to R-1-12 (Single-Family Residential 12,000 SF) located at approximately 1150-1300 East Dry Canyon Road (300 South), Parcel 08-121-0002 (29.97 Acres). Commissioner Luthi seconded the motion. The motion to approve was approved unanimously (7-0)**

**Vote:**

Aye: McKay, Hancock, Campbell, Anderson, Teuscher, Luthi, Caley

**Public Hearing to consider approval of proposed Ordinance #16-05 which amends the Smithfield City Subdivision regulations, Title 16, in particular Section 16.12.030 "Preparation and Required Information" and Chapter 16.16 "Requirements for all Subdivisions"**

**7:53 p.m. Public hearing opened.**

No Public input.

**7:54 p.m. Public hearing closed.**

Chairperson Anderson asked about the strikeout language under 16.16.030-E "~~However, the city engineer may require cul-de-sacs be constructed with a fifty-four foot (54') diameter planted median and a one hundred twenty-seven foot (127') diameter right-of-way to accommodate better snow removal.~~" Mr. Bodily explained that that it did not seem to be a benefit, other than another place to have to maintain and water.

Chairperson Anderson asked about the change in 16.16.050 Dedication of Water from one share of capital stock representing three (3) acre feet of usable water to one (1) acre-foot of usable water. Mr. Bodily said in certain years there is more water in the canal and shares are worth more. In water dedication if you have a water right instead of a water share it is 1-1; in order to make it friendlier to the canal company it actually restricts it down and makes it less appealing to give water shares.

Chairperson Anderson noted a typographical error under 16.16.070 (third paragraph) "...to be sold to individuals and **nor** dedicated..." nor should be changed to or.

Mr. Bodily noted a change to be made in 16.16.010 General Layout Standards to replace the first word of the second sentence from Blocks to Streets.

**MOTION: A motion was made by Commissioner Campbell to approve proposed Ordinance #16-05 which amends the Smithfield City Subdivision regulations, Title 16, in**



**particular Section 16.12.030 “Preparation and Required Information” and Chapter 16.16 “Requirements for all Subdivisions” with a correction in 16.16.010 General Layout Standards Section C, second paragraph, striking the word “Blocks” and changing it to “Streets”, and a correction in 16.16.070 Storm Water to change the word “nor” in the third paragraph to “or”. Commissioner Teuscher seconded the motion. The motion to approve was approved unanimously (7-0)**

**Vote:**

Aye: McKay, Hancock, Campbell, Anderson, Teuscher, Luthi, Caley

**Public Hearing to consider a request by Neighborhood Nonprofit Housing Corporation, agent for Marc Peterson, property owner, to rezone property from A-10 (Agricultural-10 Acre) to R-1-10 (Single-Family Residential 10,000 SF) located at approximately 680 North 300 East, Parcel 08-044-0030 (13.92 acres).**

**8:00 p.m. Public Hearing opened.**

Ben Farnsworth, representing Neighborhood Nonprofit Housing Corporation (NNHC), said the property is currently under contract. Marc Peterson is the owner and was not able to be in attendance but is very much supportive of this action.

Dennis Peterson said the property being discussed is not the only property that NNHC is dealing with up there. The Commission has rezoned the property NNHC bought from the Meikle's, this property will be phase 2 and phase 3 will be the property they bought from Nancy Jaussi, which equals approximately 40 acres of property. He asked if the Commission wanted 40 acres of this type of housing up there. The first phase of the housing is fairly decent with people who help build the homes and move into them with low house payments. He said the issue is the second generation of people who buy these homes is “usually the downgrade to these homes”. He owns property on both sides of Marc Peterson, he would like open space; he has animals located on his property (both sides).

Matt Hough said this property is directly behind his house. He is concerned with the water issue; there has been a pond back there for many years with many natural springs. If the land is compromised it will cause issues for the people who live on 230 East. There is a myriad of homes on that street that have already taken on water and as the land is compromised it will create more issues. The occupants of 510 North 230 East have paid thousands of dollars for a drainage system to help remove water from their property. He had been told that the City was supposed to go in and mitigate the water issues and there has been nothing done. Another concern is with the amount of homes that will be going in, the number of children will increase. With the addition of 40 acres of homes, he questioned where the children would go to school since the schools are already full. He does not want to see property values decrease because it is a good, strong area. One of the phases has been approved on the east side is near a \$700,000 home.

Chandler Baer lives adjacent to this property. This is quite a hillside and he questioned whether they are going to put in catch basins on the west end to take care of the water. There is a 12' right-of-way that the power company has for the power poles that run along there and asked how that will be handled. He said that development will not be able to be stopped, but he thinks it should be done correctly.

Kim Datwyler, from NNHC, addressed one of the issues that seem to keep coming up regarding property values, particularly with the second-time home buyers. After the families that have built the homes move, the homes become market rate. Appraisals that are currently coming in from Hyrum (generally the land values are lower there) are approximately \$220,000 (can extrapolate what the estimated land values would be). Because of this, homes will be purchased by market rate buyers, so by virtue of the way the program is designed, it becomes a mixed neighborhood. One of the last subdivisions had a homeowner with a very expensive trailer parked outside the home. As the houses turn over, it becomes the type of neighborhood you would see anywhere else, so the fact that they are high-end mixed with moderate income homes is a healthy thing. There are mixed lot sizes in this development, some lots we will build, and other lots will be sold. She said they cannot do anything about the growth that is the reality of what is here; it can be moderated by having variable lots sizes, which is what they are doing. An engineering company (Civil Solutions Group) has been hired to perform a soils test. NNHC is aware of the water issues, part of it will be dealt with as underground utilities are put in. They are also aware of the power lines, which have been incorporated into the design. This will be an attractive subdivision.

Sally Baer said when the church by their home was built; they had engineers come in and found out that there was a lot more springs and needed more drains. She wants this done properly because they have been flooded. When it is a wetter season, there is no control over the springs. She asked who would be responsible when they do get flooded.

Peggy Teague said she is probably the one who gets flooded the most in the area. She hopes things can be fixed better regarding the water. Her home is a 3,800 SF nice home and she is concerned about how close the spaces come up to their homes. She has almost ½ acre and likes her space. She has talked with a neighbor who feels the same. They have already put in 150' block wall to help with stabilization.

Dennis Peterson explained that the pond has been there for 70-80 years and was drained a year ago. His brother has gone through the Army Corps of Engineers and to his knowledge has not heard back from them, so it has not been declared a wetland area. He asked if different home sizes could be on different sized lots. Chairperson Anderson said that was correct.

Ms. Datwyler advised that Marc Peterson has received a response from the Army Corps of Engineers indicating that the area is not a wetland.

#### **8:14 p.m. Public Hearing closed.**

Mr. Farnsworth pointed out where the drained pond is located. Marc Peterson has gone through the process to have the Army Corps of Engineers determine whether this area has to be delineated as a wetland and he has received written confirmation that it is not a wetland. This area might be more naturally wet than other places in the Valley; however, there is a small area that is an unclaimed water source. There is a well/spring that free flows. There is a known pipe (size undetermined) that will be uncovered and relocated into a public easement according to the future plan. Soils testing will begin soon (as soon as there is a gate access). The water issues are well known and NNHC intends to make sure that the development will not create additional water problems; he believes it will actually help solve some problems.

Chairperson Anderson asked what would happen if they received a negative soils test result. Mr. Farnsworth said the land is under contract and there are several conditions. Chairperson Anderson said he did not know if they want to rezone it if there is a possibility of a negative test

result. Mr. Farnsworth said he did not see a problem with a rezone. Chairperson Anderson explained that it makes it more difficult to go back if the zone is changed. If it is determined that housing is not appropriate, getting it back to an agricultural state might be difficult.

Chairperson Anderson asked if the developer is responsible to keep water on the property through retention ponds. Mr. Bodily explained that in the storm water guidelines there is a release rate requirement that is .1 cfs per acre. There would need to be something that could handle that water and control the release rate. He has discussed this with Mr. Farnsworth.

Chairperson Anderson said it is his assumption that some of the water problems in the area should subside if the development goes through because they would have responsibility to divert the water. Mr. Bodily said this is correct and they have discussed that responsibility.

Ms. Datwyler explained that they expect to do a certain amount of due diligence before a property is acquired. A certain monetary amount will only be expended before they want to know if a rezone will be approved and they are at that point. What is being submitted is the moderate amount of money they can spend before they get a “green light” to move ahead and pay for the really expensive things. They feel confident because the pond is not from a natural spring, but was filled each year. Dennis Peterson said the pond was put in 70 years ago. Before gravity flow sprinkling lines, there was an open canal that ran north around the mountain and there was so much seepage into the ground that it would fill the pond. There was a head gate on the pond so that they could use it for irrigation. They could drain it, but they had no control over filling it. There is still water there because when the ground above is watered, there is still seepage down through the property. It has improved but there is still water that seeps in the area when the land above is sprinkled and during wet weather and snow melt. The deepest point of the pond was about 10’.

Commissioner Caley pointed out that it appears that on the General Plan – Sensitive Land there is a fault line located on the northeast corner of the property and he asked how that should be addressed. Ms. Datwyler said that did not come up in their due diligence. Commissioner Caley pointed out where the line is located and provided a copy of the map to Ms. Datwyler and Mr. Farnsworth to look at. Mr. Farnsworth asked if the power lines were located on the line. Ms. Datwyler asked what is generally done in a circumstance like this. Mr. Farnsworth said the line does not appear to touch the road. Ms. Datwyler asked about the Master Plan for that road. Mr. Farnsworth asked what the recommendation is because there are obviously other developments along the fault line. Commissioner Caley said it is something potential property owners may want to be aware of.

Commissioner Campbell pointed out that both pieces of property are listed on the Master Plan – Sensitive Land as having slopes mostly 0-20% with portions that are 31%+. In the Draft City Master Plan, it states *“Development on steep slopes is expensive – both for the city and for developers – and should be avoided whenever possible. Restrictions on building and mining development in these areas should be encouraged. It is recommended that slopes greater than 30 percent (which there are on this parcel) be left undisturbed and that the Zoning Ordinance provide guidelines for protecting these areas”*.

Chairperson Anderson noted that was in the previous plan as well and has been addressed before.

Commissioner Campbell said that lends itself to a point of concern, as well as with the earthquake fault line. It says no to development and that is what we are discussing doing.

Mr. Farnsworth said the majority of the property does not have 30% slopes. There are some areas identified on the east side of the property. The concept plan shows lots that account for the slope on the east side and includes keeping infrastructure off the slopes, the north-south road is engineered and the lots are larger with more depth. To that point, 680 North road is planned to go across the area and connect farther east, with that in mind, how will a road be built without any homes to support it.

Ms. Datwyler said that a topographical survey has already been paid for to determine where the 30% slope begins. The road is below that area, so the homes will be below and will not to disturb the slope behind. The hope is to put in minimal landscaping and leave the hillside as is. She and Mr. Bodily have discussed possibly having the road turn and go up through the gully to connect and work with the landowners. There is no intention of disturbing the sensitive slope.

Chairperson Anderson asked if some of the lots that will be proposed to be sold have slope issues. Ms. Datwyler said that is correct and they are quite large, larger than NNHC would use for the owner-builder program.

Chairperson Anderson asked if the power lines were high voltage. Mr. Farnsworth said they are. Ms. Datwyler said they have talked with the power company, there are actually two sets of lines, the diagonal ones that the ones that run behind the church. Mr. Farnsworth pointed out where the 12' easement is (which is standard) and that it will not impact the future homeowners. There is an additional easement that will be 20-25' on each side of the lines.

Mr. Farnsworth advised that the largest lots are planned for the east side of the property to address the slope. The average lot size of the entire development will be 13,200 SF with no lot less than 11,000 SF.

Dennis Peterson asked how many homes are proposed and if 680 North is the only access. Chairperson Anderson said the concept plan shows 680 North as the only access, with two roads tying into it. Mr. Farnsworth said there will be 34 homes.

Mr. Bodily answered for Chairperson Anderson that 680 North is planned to be a minor arterial road. In the ordinance that is being approved, homes will not be allowed to front that road (680 North) because it is a 66' wide road.

Chairperson Anderson said he still has concerns about a negative soil test result and asked Ms. Datwyler what her opinion is. Ms. Datwyler said they can redesign the development if there are areas that cannot be buildable. She does not think the entire property would be that way.

Ms. Datwyler said, because of the way the ordinance is written, the only reason they are asking for R-1-10 is because R-1-12 does not fit, but there are no R-1-10 lots in the plan. That latitude is being requested to meet the desired mix of homes. Chairperson Anderson said he is not concerned with lot sizes.

Commissioner McKay said he would like to see all surveys and tests completed and finalized before the project is brought before the Commission for consideration.

Chairperson Anderson said he does not think this is desirable property to develop and had concerns related to water, slopes and power lines.

Chairperson Anderson asked Ms. Izatt if there was an option for a conditional approval of the rezone based on the results of the soils test. Ms. Izatt said she is not familiar with any option to do that, this is the recommending stage of the process.

Mr. Farnsworth asked what kind of test results would determine that no homes could be built in that area. They have built in other locations where there is a high water table. Chairperson said there is obviously a reason to have to have a soils test done. Mr. Farnsworth said as far as he is concerned the soils test would determine whether or not full basements could be built and how it would impact construction, not because roads and subdivisions could not be built there. Ms. Datwyler said it could also determine the cost of development.

Mr. Bodily said that sewer would be contained and would not have any infiltration, high water can be mediated.

**MOTION: A motion was made by Commissioner Campbell to deny a request by Neighborhood Nonprofit Housing Corporation, agent for Marc Peterson, property owner, to rezone property from A-10 (Agricultural-10 Acre) to R-1-10 (Single-Family Residential 10,000 SF) located at approximately 680 North 300 East, Parcel 08-044-0030 (13.92 acres). The reason for denial is that as stated in the General Plan (both current and future) to avoid development in areas with slopes 30% or greater. Commissioner McKay seconded the motion. The motion to deny was approved unanimously (7-0)**

Vote (voice)

Aye: Caley, Luthi, Teuscher, Campbell, Hancock, McKay, Anderson

Ms. Datwyler asked if the soils test results would provide the measure of comfort needed for the Commission to review the proposal. She also said she could send Mr. Bodily the topographical survey showing that sensitive soils will not be disturbed and asked if that would change any of the Commission member's minds. Commissioner Caley asked if this would illustrate that those sensitive areas would not be disturbed or if those lots would be placed up for sale where someone would have to deal with the slope. Ms. Datwyler said the road is where the 30% slope begins. Ms. Datwyler confirmed that the three issues of concern were slope, transmission lines and water. Chairperson Anderson said that was correct.

Chairperson Anderson asked Ms. Izatt if Ms. Datwyler could appeal the decision to the City Council. Ms. Izatt said that was correct, they have 10 days to make the request for appeal.

Ms. Datwyler asked for the Commission's input. Mr. Caley said it would not sway his decision; the slope issue closes the case as far as the Master Plan is concerned. Commissioner Luthi asked if the lots with the slopes would still be developed. Ms. Datwyler said the project could be revised so the road is lower.

Chairperson Anderson asked if Mr. Peterson was intent on selling the entire parcel. Ms. Datwyler said she assumed that was the case, he does not want to be a land owner up here and does not want an island created.

Chairperson Anderson said the soils test results would help him get over some of his concerns. He personally would not build or live near a high-voltage transmission line.

**MOTION TO ADJOURN: Motion by Commissioner Campbell to adjourn the meeting at 8:48 p.m. The motion was seconded by Commissioner McKay. The motion to adjourn was passed unanimously (7-0)**

Vote

Aye: McKay, Hancock, Campbell, Anderson, Teuscher, Luthi, Caley

Minutes submitted by: Debbie Zilles

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Jamie Anderson, Chairperson

Attested:

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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 regular Planning Commission Meeting at **6:00 p.m.** on **Wednesday, October 19, 2016** in the **Smithfield City Council Chambers, 96 South Main**, Smithfield, Utah.

**6:00 p.m. Opening Ceremonies**

**Workshop Session:** General Plan Discussion and Review by the Planning Commission with the City Council and representatives from J-U-B Engineers.

Review of definitions for proposed ordinance #15-01 Animal Regulations & Zoning Regulations.

**Agenda items:**

1. 7:09 p.m. Resident Input
2. 7:14 p.m. Consideration of Consent Agenda  
Minutes of the September 21, 2016 Planning Commission Meeting

3. 7:15 p.m. **Public Hearing** to consider a request by Duane Williams of RND Properties, agent for BR Property Development LLC, to Rezone property from A-3 (Agricultural-3 Acre) to GC (General Commercial) located at approximately 200 West 500 South, Parcel #08-105-0027 (7.33 acres)
4. 7:25 p.m. Considering approval of a boundary adjustment request for property belonging to Vincent L. Hansen, located approximately 170 Hillside Drive. Parcel #08-160-0010 and #08-159-0047. Zoned R-1-12
5. 7:35 p.m. **Public Hearing** to consider a request by Todd Davis of Sunspot Properties LLC, to Rezone property from A-10 (Agricultural-10 Acre) to R-1-12 (Single Family Residential 12,000 sq. ft.) located at approximately 1150-1300 East Dry Canyon Road (300 South), Parcel #08-121-0002, 29.97 Acres.
6. 7:45 p.m. **Public Hearing** to consider approval of proposed Ordinance #16-05 which amends the Smithfield City Subdivision regulations, Title 16, in particular Section 16.12.030 "Preparation and Required Information" and Chapter 16.16 "Requirements for all Subdivisions"
7. 7:50 p.m. **Public Hearing** to consider a request by Neighborhood Nonprofit Housing Corporation, agent for Marc Peterson property owner, to Rezone property  
  
from A-10 (Agricultural-10 Acre) to R-1-10 (Single Family Residential 10,000 sq. ft.) located at approximately 680 North 300 East, Parcel #08-044-0030, 13.92 Acres.
8. 8:00 p.m. **ADJOURNMENT**

Posted this 14th day of October 2016 at the Smithfield City Offices, City Web Page and the Utah Public Meeting Notice website. Notice provided to The Herald Journal this 14th day of October 2016.

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.