

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

MINUTES

The Planning Commission of Smithfield City, Utah met at the City Council Chambers, 96 South Main, Smithfield, Utah at 7:00 p.m. on **Wednesday, June 15, 2016**. The following members were present constituting a quorum:

Chairperson	Jamie Anderson
Commission Members	Bryant McKay
	Casey McCammon
	Wade Campbell
	Stephen Teuscher
	Doug Archibald
	Bart Caley
City Engineer	Clay Bodily
Deputy Recorder	Charlene Izatt
City Council Member	Curtis Wall

The notice was provided to the Herald Journal and delivered to each Commission Member and posted at the City Office Building, the Smithfield City Web Page and the Utah Public Meeting Notice web site.

The meeting was called to order by Chairperson Anderson at 7:00 pm

Opening Ceremonies: Kelly Luthi

Chairperson Anderson presented, on behalf of Smithfield City and the Planning Commission, a thank you plaque to Pete Krusi, former Commissioner for his years of service to the Planning Commission.

Pete thanked the city and the commission and state he appreciated it.

Excused: Commissioner Jackie Hancock

Attendance: Zac Lyon; Lynette Hutchison; Roger Holbrook; Darius Joyner; Kellee Joyner; Jeff Hoellein; Kelly Luthi-Planning Commissioner; Troy Wakefield-Summit Cove Intrablock; Pete Krusi; Jacob Hatch; Katherine D. Andrew; Katie Bradley; Kim Datwyler-Neighborhood Non-profit; Michelle McLaughlin; Amanda Etherington; Laura Kohler; Sharon Luthi; Arnold

Neilson; Jason Sleight; Adam Forsyth; Amy Brower; Denik Brower; Craig Winder-Ironwood Development; Jeff Adams; Kathryn Adams; Susan Hyer; Zane Hyer & Don Patterson.

Resident Input

No Resident Input

Workshop Session: General Plan Updates

Chairperson Anderson stated that sometime during the middle to the end of August a joint meeting with the City Council is tentatively planned and at that time, everything will be reviewed; water system, trail system and future growth. The General Plan committee would like the commission to prepare for that. That goal is to be prepared and any discussions held before that joint meeting. The committee would rather have questions come up now and with the information to be sent out in advance so the commissioners can be prepared with any potential modifications they would like to see made.

Councilmember Wall stated he is not sure the date has been set yet but it will be the middle or the end of August.

Chairperson Anderson stated that what is trying to be decided is if the meeting is going to be a part of a regular City Council and City Manager, Craig Giles has asked for feedback and a decision will be made as to when to hold that joint review.

Chairperson Anderson inquired if there are any questions or concerns regarding the General Plan?

Commissioner Teuscher referred to issues like traffic control and expansion as things that need to be reviewed and is looking forward to that discussion.

Councilmember Wall referred to an email he received from Camille Sanders of J-U-B Engineers- and read some portions for clarification purposes. "We planned our next committee meeting to be the last week in July or the first week of August. We should have the draft plan to you by July 8th and we want to give the committee a few weeks to review. Then we will meet to go over any of the needed changes or additions to the plan. After the meeting we will make all the changes suggested by the committee, print the draft copies or email out in electronic version to all the City Council and Planning Commission. We want to give the Planning Commission and City Council the plan in advance so they can review." The tentative date is August 24th.

Please note: "There are portions of the following minutes that have been transcribed for accuracy. Please see certification at the end of the minutes."

Agenda items:

**Consideration of Consent Agenda
Minutes of the June 15, 2016 Planning Commission Meeting**

After consideration by the Planning Commission, Chairperson Anderson declared the consent agenda for the June 15, 2016 planning commission meeting approved and the minutes are approved as they were distributed.

The Commission discussed possible future training in regards to topics the Commission has indicated they are interested in. There was discussion on Planner's Day which is sponsored by the Utah League of Cities and Towns and is usually the third week in September. Char Izatt will get the commission for information as she receives it.

Public Hearing to consider a request by Neighborhood Nonprofit Housing Corporation to rezone property owned by Meikle Land Limited Partnership (Parcel #08-045-0005, 13.22 acres) located at approximately 650 North 600 East from A-10 (Agricultural-10 acre) to R-1-12 (Single Family Residential 12,000 sq. ft.)

The public hearing was declared open at 7:12 pm

Kim Datwyler, Executive Director for Neighborhood Nonprofit Housing Corporation (NNHC) stated they are proposing an R-1-12 subdivision, single family, minimal lot size with the standards. Some of the lots, approach 19,000 sq. ft. on top corner and as well as on the street. We comply with all of the standards unfortunately we will not have secondary water, we would like to have a secondary water system to put in but the landowner simply does not have the water shares to do that. That isn't going to be an option for us. Otherwise we will comply with everything the city has requested. We expect to have a very nice subdivision which will be built out within in the next three years.

Commission Archibald inquired if she knew where the water is for that land that he irrigates.

Ms. Datwyler stated it comes from the North Bench.

Commissioner Archibald inquired, "I was just wondering, he doesn't have any?"

Ms. Datwyler responded, "he has some but he doesn't have enough for the entire ground, we are not buying all of it, obviously, because the water pressure stops but I don't believe he has ever had enough to irrigate all of it. He wants to continue irrigating the land he is keeping."

Chairperson Anderson inquired if there are any other questions for the commission or Ms. Datwyler? Seeing none, the public hearing is closed.

The public hearing was declared closed at 7:15 pm

Audience: We have some comments back here, just gathering them.

Chairperson Anderson inquired, “Do we need to reopen the public hearing?”

Public hearing reopened at 7:16 pm.

Chairperson Anderson stated, “If you have comments please come up to the microphone and state your name.”

Lynette Hutchison inquired what the size of the homes will be and what about green space and can the city handle these extra homes with the water supply.

Clay Bodily stated the lots would be 12,000 square foot lots and the homes would fit in that?

Ms. Hutchison inquired what the size of the homes are, that is what she is inquiring about?

Chairperson Anderson stated that hasn't proposed yet and typically we don't look at the size of the homes and that the homes fit on the lot with the proper setbacks.

Mr. Bodily commented in regards to the water system, “because the division of drinking water makes sure there is enough supply, volume and pressure, NNHC did have to submit the water model to J-U-B Engineers, who houses the city water model currently and they did send it through the software to make sure it would have adequate pressure and volume and it did pass that request.”

Ms. Hutchison and what about green space, there is nothing up in this area Park wise.

Chairperson Anderson stated that for every subdivision comes into Smithfield it goes through a review process to make certain that does not necessarily mean there would be one. We would like to plan for a park in this area no commitment or conversation of land at this point.

Ms. Hutchison stated she is afraid that if it doesn't get taken care of now, it will just go away, so how do we make sure it happens?

Chairperson Anderson stated that the city can't necessarily compel a land owner to give us land for a park, we have to plan around that through the General Plan and the city is updating that now and part of that process is where we have public opinion and we open up the General Plan and everyone can attend and make recommendations to what they would like the city to consider.

Sharon Luthi stated her concern is the Fire hazard right now there is one road coming out of this subdivision and it is exploding so she would like to know if there are going to be any other access roads and also how is that going to affect the infrastructure?

Chairperson Anderson at this point this is the rezone process. We haven't looked at their plans are for roads and where their houses will go that will come at the next phase. This will go through a city steering committee, City Engineer, City Manager, Fire Chief and Public Works/Utilities also participate. Want to make sure the Subdivisions are set up accordance to code. This is typically done at the next phase of this process.

Michelle McLaughlin stated her question that concerns is that they want to know about the looped water system if it is able to have the capacity for the storms and sewer drains if they are able to hold the current capacity.

Clay Bodily referred to his previous statement in regards to the water model of the water system. All these homes are on a single supply dead end systems. The whole area is. It all comes from up the Canyon. When the Smithfield Heights is done it will loop around to upper canyon road and you will see some redundancy. As far as the water model, it did pass, and you have adequate pressure & volume. Sewer system all flows downhill. Currently there is an 8" main in the road they would connect to.

There is a break between the property in question and where the existing storm water is, they would need to retain a 100 year, 24 hour storm. The hydrologist has calculated how much retention there would have to be for the storm water and sewer.

The Fire Department is looking at a second means of egress, they don't know if this road in question is traveled year round all the way down to the Meikle property. There is a road and there will be a loop at Upper Canyon Road when the last phase of the Smithfield Heights is done.

Ms. McLaughlin inquired, "So where is the road closed then, you say it is up at the top?"

Mr. Bodily stated it is going to be a little confusing as he reviews the route and stated "this is actually Upper Canyon Road and this is Crow Mountain Road down at the bottom, so there will be that loop when Phase 3 of the Heights is finished it will have the second means of egress at that point and then the upper one that goes towards the east and would possibly be considered a second means through the top."

Ms. McLaughlin inquired, "Are there any things that we can see, like the type of homes that are planned to go in there?"

Mr. Bodily stated, "I don't know if anyone has that information. We can't really discriminate against people because of their home type."

Ms. McLaughlin stated, "I'm not asking about that, but like if there is covenants like, of what they....."

Mr. Bodily stated he had misunderstood and apologized. There would be just what NNHC put in as covenants; the city would not regulate that.

Ms. McLaughlin, "so it would be regulated by the non-profit?"

Mr. Bodily stated, "If they did regulate it, I don't know that they do."

Jeff Hoellein stated he just moved up there and just bought the home and his first concern is typically these are smaller, starter homes and his first question is, "what will it do to the value of the rest of the homes up there? Has a study been done to show that it doesn't change it or brings it down or helps elevate, I don't know the answer to that question, I am looking to you guys to see if somebody has done that study. If it drops the value of my home, who is going to cover the cost of that, me, I have to eat that? I don't want to eat that, I'm sorry, and I don't think anybody else up there wants to eat that drop in value also."

Mr. Hoellein also stated, "My line of work as a System Engineer, my job is to think through everything before I approve or before I give authority to make a change in something like that and what I am hearing tonight tells me that we haven't done that, the city has not done their due diligence on whether or not you can approve the rezone of this land. We have done some water studies it looks like and we haven't done any fire and egress studies yet, but you still have a single point failure on 400 North, that is not a good thing for a fire escape, I'm just not sure that we have done our due diligence before we can give approval for this permit or whatever it is we are doing here or replanning of this land. Thank you."

Chairperson Anderson stated, "To address the issue on property value, it is not within the bounds of the city to look at the impacts on property values that is not something we consider. Not up to the city to decide. The city is not here to protect everyone's property value. The city is here to accommodate the citizens and accommodate the landowners according to the ordinances that we have on the books."

Adam Forsyth from audience: "Who protects us then, who protects our homes from a drop in value or anything like that? If it was one of your homes and it was where you are at, you would be asking the same questions."

Chairperson Anderson stated that when the economy dropped, his house took a drop in value too.

Mr. Forsyth stated, "We are not building there and when we are not building a city that is the economy, that's not zoned local, that is the rule of life that is totally different."

Sir, if you would like to come up address this and put your name on the record, we would be happy to answer your questions.

Adam Forsyth came up and identified himself and inquired, "Who is going to protect the citizen that is my question?" If not Smithfield City?

Chairperson Anderson stated and the answer is when we develop the General Plan as required by State Law which has been on the books for several years, the plan we are talking about now, and the growth that was projected for Smithfield has always included that area where you live and it includes other areas around Smithfield.

Mr. Forsyth stated, "We are talking about non-profit and it can either decrease or increase. Everywhere I have seen is decreased."

Chairperson Anderson stated there are NNHC homes over by the Blue Sox field; you might want to look at those homes before pass judgement.

Mr. Forsyth stated on what? Bringing it down?

Whether it goes up or down?

Chairperson Anderson stated there is a state law that dictates that we have to accommodate or provide a percentage of lower income housing, so this helps to accomplish that goal as well. Now stating that, I have no idea what the value of those homes are going to be, I have no idea what the income of those people is going to be, state law does require we accommodate certain low income housing initiatives to make sure people have a place and a chance at home ownership."

Mr. Forsyth stated, "Define non-profit, do we know exactly what the non-profit organization is, and is it Habitat for Humanity or government housing?"

Chairperson Anderson asked Ms. Datwyler to come up and address the question, please.

Ms. Datwyler addressed Chairperson Anderson and apologized and stated "I did not want to put you in the hot seat."

Ms. Datwyler stated, "I have done my research, I try not to say anything because I am generally seen as having a biased view. Let me start at the beginning, we are non-profit, we are not a government agency. The people that build spend, maybe 1200 hours and they help build their homes themselves. The homes are going to be about 1400 sq. ft. with an unfinished basement; an attached two car garage; they will have finished landscaping; they will have finished fencing, in fact when you drive through the neighborhood you won't know - it looks very much like other neighborhoods. If you would like, I can get your emails or you can just call our office, I really

would like you to come to our home ownership event next Wednesday; we have eight homes that are finished in Nibley. We have a 78 lot subdivision that is being done and eight of the homes are finished, I would like you to come and drive through our subdivision if you have a minute actually walk through the homes and take a look.

Ms. Datwyler continued, “These homes are valued at \$210,000 to \$225,000 dollars and if they were in Smithfield that would add about \$20,000 just because of the different location. If you want to get the directions, you can do that. I want you to think about this for a minute, if you just spent 8 to 10 months of your lives, are you going to take care of it? You better believe that most of those families, and I can’t say for sure that everyone will but I can tell you we have CC&R’s that are every bit as difficult and constraining as anybody else. And we have families that care every bit as much as everyone else does - they happened to pick professions that do not pay as much. They are teachers, or maybe they have six children instead of two children, their income doesn’t go as far but in terms as detracting from your values, I can give you the name of an appraiser that has done subdivision appraisals for us and he can tell you whether it has affected homes that he has also appraised across the street, in the subdivision next door and subdivision with us.” The appraiser’s name is Tom Singleton.

Ms. Datwyler related the following case example: “And now I will give you a case example that can tell probably better than anything else I can tell you tonight, we had a family that built with us maybe 10 years ago and their circumstances changed, he got a job that changed the situation, they came to us and said, “we want to stay in your subdivision because we love what the neighborhood feels like- will you sell us a lot? We will build our own home.” They built a slightly bigger home, with a basement. We went on to build a new subdivision and had some very large conservation easement lots, 1 ½, acres, cost \$70,000 or so, had a call from him about three months ago, “our circumstances have improved, I want to buy one of your big lots in your non-profit as you call it” subdivision, we call it a neighborhood.

Mr. Frolyth stated, “It is called non-profit and these are the answers we are wanting.”

Ms. Datwyler stated, “What I am telling you is that he is building an even bigger home he didn’t lose any value on his first home, on his second home and he is taking that value that he didn’t lose and is building a bigger home on an acre and a half in another one of our subdivisions.”

Ms. Datwyler, “No matter how I paint that picture what that tells you is that he retained and actually improved his situation enough and he can afford the larger home now, so whatever you think, I know non-profit tends to have a bad eye, I’m not sure why. We do not fundraise, we are a developer just like any other developer, the difference is that we work with families who care, some came here tonight and have waited years to be in Smithfield, they gave kids, they want to do this, they have waited years to be in Smithfield in your neighborhoods, they are not going to detract from your value, I can almost guarantee they are going to take care of those homes and love them. If you want, call our number 753-1112 you can go look at an existing subdivision that is maybe 7 or 8 years old see what it looks like in Smithfield or come next Wednesday and look

at the new subdivision. We hired a landscape architect to do all of the subdivision; he has put in a master tree plan. We have done xeriscaping. I know what you are afraid of and I understand that, but I think you will find when you drive by the subdivision, I think you will find that it looks very nice. I'll give you the name and number of Tom Singleton he is a commercial appraiser and he can tell you, his son does a lot of our appraisals now. I don't know what his confidentiality is but I think you could ask him some general questions, fair enough? Did I answer everybody's concerns?"

Mr. Hoellein stated, "thank you that was the information I was kind of hoping to find and hear at the very first of the presentation versus everybody having to get all uptight and tense. I don't think it is that the rest of us don't want people to live in Smithfield we just asked some questions that have been left unanswered, and that is what we are after and that is why we all came tonight. Thank you."

Mr. Forsyth stated, "What you told me has answered a lot of my questions. Thank you."

Ms. Datwyler, "you're welcome."

Ms. Luthi inquired about the \$745,000 homes on acre lots or the \$400,000 homes on these lots, there is a whole custom built street up there, what about all those homes?

Chairperson Anderson stated, "once again it is not up to the city to look at property values and the impact on property values, we look at how landowners can use their land according to the ordinances that we have."

Jeff Adams stated, "I was just curious, when they are talking about access to upper mountain road it looks like maybe they got one more road dropping over upper mountain road as far as the spur going up there to those houses it looks like to me that there is only one and so I would think you would want more than one access road going into that area, that seems like that would be part of your master plan, I would think you would want to get that in there, first rather than later just for everyone involved. Probably it would be better, even for the people that are going to be moving in there and the neighborhood itself, there is a lot of kids and things like that and just getting access in and out. To me, that other road that they are dropping into mountain road is going to just drop right back in to the main access road so I don't think you have, in reality, you don't have any more access to that point.

Mr. Adams continued, "I would think as part of the master plan and as you move forward with a development of that size, you would want better access before it starts. The other thing I am thinking is that when I see that plan laid out, they talk about 100 year flood and retention ponds and things like that I'm seeing the lots there at 12,000 square foot lots, what I am not seeing and it is probably there as part of that plan, especially with the grade that you have up there with that much water coming off there, the storm water, waste water, that would all need to be addressed and also the open space concerns, not so much a property value, but as more and more

developments come up there, that is why people are attracted to that area, preservation of some of that open space, should be part of the master plan and should go in ahead of the volume of properties that are being developed up there, again ahead of a rezone and ahead of moving real quickly, as part of the planning process. Earlier during some comments, if an Engineer was doing that and they were looking at the total design phase, they would want to go in there first and lay that all out. I would say taking your time and being able to plan those things and do it right the first time is going to pay dividends in the end. I would think looking at the access, looking at retention, looking at open space would improve quality of life, they are going to lose the very things they are moving there for.”

Chairperson Anderson stated, “to speak to Jeff’s point, the next phase of this process is for NNHC to come in and say this is what we want this piece of land to look like and as we go through the steering committee that the City Engineer and City Manager sit on and the Fire Chief is involved as well.”

Mr. Bodily stated, “the storm water is already in the works like I said and we have a standard that all of the homes have met as far as storm water and they would have to either retain or tie into an existing system and it is in our standards, a 100 year, 24 hour storm that they have to meet and it is sized to handle that big of a storm. The second means of egress, I think NNHC is working on because they are buying a piece from Meikle. Right now, none of the homes have a second means of egress available to them.

Mr. Adams stated, “he did not think Meikle owned the property all the way down to Upper Canyon Road, I don’t think they could buy enough property to come down to Upper Canyon Road.

Mr. Bodily stated they just have to have access for the Fire Department, they just need a right-of-way.

Mr. Adams stated he didn’t think they would even have access because it is private property.

Mr. Bodily pointed to a couple of directions that there would be access and that it only has to be gravel, it doesn’t need to be paved.

Chairperson Anderson stated that the Fire Chief would look at the submitted plat during steering committee review before they signed off on it.

Ms. Datwyler stated that they are already working with the Fire Marshall and with the Landowners.

Chairperson Anderson stated, “I can assure you that before any building starts in that area, it will be wholly vetted by the proper people and that it meets fire code, municipal code, that we have

gress there and that we do have green space requirements in place, all that is taken into consideration before any building starts in that area.”

Jeff Hoellein stated, “So you approve your rezoning before you do all your research first, is that what I heard, doesn’t sound like a good process to me. I would be fired from my job if I did that.”

Chairperson Anderson stated, “Thank you for your input.”

Commissioner Campbell referred to the subdivision down by the Blue Sox field, I would encourage you to go look at it. I don’t want to sound like I am speaking in favor of it- one way or the other –but it might be a little better than you are expecting or thinking. I am not sure you could identify it from any other areas in the city. I would encourage you to go down there and look at it.

Audience: What is the approximate address?

Mr. Bodily stated the 600 West and 100 North.

Councilmember Wall stated there is the Birch Creek School and an LDS church right across the street and the intersection is right across from the Blue Sox Diamond.

The public hearing was declared closed at 7:43 pm

Commissioner Teuscher stated that the idea of the Public Hearing is to get all of this input so that when it goes to the next level they will know what they need to address that is the point. You talk about due diligence, I understand that, but that is the process.

MOTION: A motion was made by Commissioner Campbell to approve the request by Neighborhood Nonprofit Housing Corporation to rezone property owned by Meikle Land Limited Partnership (Parcel #08-045-0005, 13.22 acres) located at approximately 650 North 600 East from A-10 (Agricultural-10 acre) to R-1-12 (Single Family Residential 12,000 sq. ft.)

The motion was seconded by Commissioner Archibald. Chairperson Anderson called for a voice vote and it was unanimous.

Commissioners voting in favor: McKay, McCammon, Campbell, Anderson, Teuscher, Archibald & Caley

Kelly Luthi inquired, “Jamie, can you just talk a minute about the next step of this process for these guys in terms of what would happen after they get that done and submit it.”

Char Izatt, if Kim wants to meet with them in one of the conference rooms or the cemetery room, we can't legally, and there will be another public hearing at the Preliminary stage.

Mr. Luthi stated, "That is what I meant."

Chairperson Anderson stated, "when a Preliminary Plat comes to us from NNHC there will be another public hearing at that point to talk about how things are set up , water retention, sewer and fire access, all that stuff will be covered on that plat and as I have mentioned before, to look at every contingency, that will not go forward and there will not be any building until everyone signs off on that, including fire and utility people, water people, City Manager and make sure that it fits with all city ordinances and that it protects the safety of the citizens living in the area. All that, will be covered when we have the public hearing on the preliminary plat of the property, as Ms. Datwyler indicated that could be a couple months down the road. Is that what you are looking for Kelly?"

Public Hearing to consider approval of amendments to proposed Ordinance #15-01 which amends the Smithfield City Animal Regulations, Title 6 in particular section 6.04.010 "Definitions" and Zoning Regulations, Title 17 in particular Section 17.04.070: "Definitions"; 17.32.100 "Special Provisions for Kennel/Cattery Conditional Use.

The public hearing was declared open at 7:47 pm

Don Patterson inquired if there was a copy of the ordinance available.

Char Izatt indicated there were extra copies at the sign in counter.

Mr. Patterson reviewed a copy of the ordinance and stated he was okay with the way it reads.

Chairperson Anderson read a letter from Mike and Kris Oliverson into the record.

TO: The Smithfield City Council

FROM: Mike and Kris Oliverson

Because of other obligations, we are unable to attend the City Council Meeting Wednesday, June 15, 2016. As residents of Smithfield, we are proud of the community we live in and the standards set to maintain peaceful and quiet neighborhoods. As all of us purchased our homes, we were aware of the regulations and ordinances that would protect our personal properties and peaceful neighborhoods. As you are considering changes to the kennel and cattery ordinances, please respect the rights and privacy of all who will be affected by any of these changes.

We feel that no animal shelter should be established in residential areas and should be maintained in business districts. A kennel or cattery (property with no more than four dogs or five cats) should also be in an area where homes are not in close proximity to each other. The lots should be at least a 1/2 acre, fenced with a six foot, site proof fence. When owner is away from home, the animals must be enclosed in a smaller kennel away from fence lines so that animals cannot run along fences, dig under fences or bark constantly at anyone who passes by. There should be a noise ordinance that would protect neighbors at

all times. If cats are allowed outside, they must be declawed and kept within owner's property and not allowed to roam the neighborhood. The owners of such properties must clean up after their animals daily so there is not an odor problem.

Thank you for your consideration of all who live in our community. We are aware that there are those who have a desire to maintain properties with several animals. They should be responsible and maintain their properties so that neighbors can enjoy their peaceful and clean yards.

The public hearing was declared closed at 7:51 pm

Chairperson Anderson stated, "Commission, we have talked about this for several months, in light of the comments from the Oliverson's is there anything you would like to change for the ordinance we have been working on for the last few years, feels like years, over the last few months?"

Commissioner Campbell stated, "What we elected to do was just find definitions, there wasn't anyone that came to discuss having an animal shelter in certain zoning or anything like that, so just to simplify and not make it a bigger deal than it should of. We would like to keep simple type definitions, make things a little cleaner/clearer."

MOTION: A motion was made by Commissioner Campbell to approve the amendments to proposed Ordinance #15-01 which amends the Smithfield City Animal Regulations, Title 6 in particular section 6.04.010 "Definitions" and Zoning Regulations, Title 17 in particular Section 17.04.070: "Definitions"; 17.32.100 "Special Provisions for Kennel/Cattery Conditional Use.

The motion was seconded by Commissioners McKay & Teuscher. The vote was unanimous.

Commissioners voting in favor: McKay, McCammon, Campbell, Anderson, Teuscher, Archibald & Caley

Public Hearing to consider a request by Ironwood Development Group, LC to rezone property owned by Jessica Tams Quinton (Parcel #08-045-0022, 5.43 acres) located at approximately 861 Upper Canyon Road from A-10 (Agricultural – 10 acre) to R-1-12 (Single Family Residential 12,000 sq. ft.)

The public hearing was declared open at 7:54 pm

Char Izatt requested a correction of a typo to this agenda item, Parcel #08-045-0022.

Craig Winder with Ironwood Development stated, "This is the 4th phase of the existing project that is commonly known as Smithfield Heights. Phase 3, we will talk about a little bit later this evening for Final Plat approval. Phase 4, what we are looking at is the property immediately surrounding the Quinton property, we are asking for an R-1-12 rezone, that being said, most of these lots are going to be bigger than the R-1-12 minimum, in fact the lot that is going along the

west boundary is going to be one contiguous lot all the way down so it will be about a two acre lot. Essentially, it will be a cul-de-sac with six additional lots. It will be the same flavor, sort of speak, as the existing Smithfield Heights, and I know this is just the rezone phase, I just want to let people know that we are probably looking at homes between-mostly single story and maybe some two story but homes that are between 1700 & 2000 feet, not including basements. Thank you.”

Jason Sleight a resident in the same area, inquired about the lot on the west, the contiguous one, where will they build, because there is an easement and retention pond on the north side of that?

Mr. Winder stated, “So, we don’t have a preliminary plat yet, I can’t tell you but it will be taken into account.”

Mr. Sleight stated, “I’m guessing the home is going to be on the south side of that lot just because of the easement.”

Mr. Winder stated, “I would think so, but then again, I want to be careful not to make promises, but that makes sense.”

Susan Hyer inquired where the road is going to be to get into the property.

Clay Bodily stated Phases 1, 2 & 3 will come off Upper Canyon Road and go back to that cul-de-sac where that existing home is.

Ms. Hyer stated, “Okay, but where, I want to know where it is going to go? Will it go behind my home? The easement pond is right behind my home.”

Mr. Winder stated, as this gentlemen said, we will have to take that into account?

Ms. Hyer stated, “You can’t fill in that easement pond, can you?”

Mr. Winder stated there would be a lot behind her house.

Ms. Hyer inquired, “So when will you have that lot?”

Mr. Winder stated that it just depends on the approval process; we have to go back to our engineers and put together a preliminary plat for the Planning & Zoning and the City to consider.

Ms. Hyer stated, “We are all really curious, we were all told there wouldn’t be any houses there. So that is our main concern. We paid for a view lot and now you are saying there could be two story homes there.”

Mr. Winder stated, “so as far as promises that have been made, I honestly can’t speak to that, this is the first time I have been involved with Smithfield Heights but if you would like to talk with us about concerns over the view we are happy to talk with you about it.”

Chairperson Anderson stated, “When you say easement pond, are you talking about the little ravine that runs through there?”

Denik Brower stated, “I have a middle lot right there, and I think for these guys to come here without plat maps for us to see and you guys pass this off, because we spent \$70,000 on these lots and if I would have known that there would have been houses or anything behind it and I would have jewed these guys like crazy on their pricing. They came to us after our house was built and construction was closed, oh, by the way there is going to be a lot behind your house and that goes for all of four of us that spent the 70 grand, everybody else has little quarter acre lots, these are half acre lots with views of the mountains and that was never presented to us and they may cry wolf that they didn’t know anything about it but when they came to our house and stated, oh sign these extra papers that we didn’t get to the bank, there is going to be a house maybe somewhere back here but not the whole length of the south end of that lot that we have there. We spent top dollar on those lots and we have 4500 square foot homes, single level, everyone has a single level home there and they go building two story homes that \$70,000 lot and our \$400,000 home decrease.

Amy Brower wants everyone to know that they told her there was not going to be any homes behind her house. They looked her right in the eye.

Commissioner Teuscher inquired who told her that.

Ms. Brower stated Visionary Homes, when we bought that lot; they looked me in the eye and said me there would not be homes right behind your house.

Jason Sleight stated he wants to get his name on there, that he was told the same thing.

Zane Hyer stated that “everybody in that neighborhood was told that there will not be houses behind their lots.”

Mr. Winder inquired who the Visionary employee was and was given the name of Karen Shelton.

The public hearing was declared closed at 8:02 pm

Commissioner McCammon stated he is just wondering if it is within the scope of this committee to address the veracity of these statements, is it within the scope we need to do as far as rezoning this or any type of research or any documented information we should be aware of.

Char Izatt stated that state law doesn't require that they submit anything other than the application and they don't even have to submit a concept plan and that is state law not city ordinance.

Mr. Winder stated he would be shocked if there is anything in writing about this and quite frankly, I hear you folks, I wish I could speak to that with more specificity and more knowledge base, I honestly can't, with that being said, we are here for a rezone and what we are asking for is rezoning that is consistent with everything else there in Smithfield Heights and we want to be sensitive to everyone here and I would like have a dialog with them but I would like to that privately not in a public hearing for a rezone, that is not appropriate."

Commissioner Campbell stated, "that being in a similar situation with farmland that I own and operate, I understand, I don't know necessarily know what we can do to force a verification out of them or something, I don't think it is within our power, it does bother me knowing some of you personally.

MOTION: A motion was made by Commissioner Caley to approve the request by Ironwood Development Group, LC to rezone property owned by Jessica Tams Quinton (Parcel #08-045-0022, 5.43 acres) located at approximately 861 Upper Canyon Road from A-10 (Agricultural – 10 acre) to R-1-12 (Single Family Residential 12,000 sq. ft.)

The motion was seconded by Commissioner McCammon. Chairperson Anderson called for a voice vote and it was unanimous.

Commissioners voting in favor: McKay, McCammon, Campbell, Anderson, Teuscher, Archibald & Caley

Public Hearing to consider a Conditional Use Permit application from Troy Wakefield to allow a three (3) lot minor subdivision/intrablock development (Summit Cove Intrablock Subdivision) located at 153 West 200 South. Zoned R-1-10

Troy Wakefield and I represent Summit Cove Subdivision, just looking for a Conditional Use Permit to have a three lot minor subdivision, intrablock development, on 200 South 153 West.

Chairperson Anderson stated, "I wish those folks had stayed in here and had seen the preliminary plat and the fact that you guys have gone through this and there is fire relief and everything."

The public hearing was declared open.

Kathryn Andrew stated, "my lot is the one just directly north of that property, their northeast corner is my southeast corner, so I just have some little questions, I'm sure they have gone through this, emergency vehicle, is there an adequate turn around amount, it is kind of a question, I know my in-laws actually live about 250 N Main Street it is actually an intrablock

and on Sunday, my husband's vehicle was parked there and somebody (from one of the other houses) actually bumped my husband's vehicle and I know some of these roads get kind of cramped, like what is the width of the road, what is the size of the right-of-way. I was trying to do a crash course of reading through the code so I am not sure if is 26' when it has two lots and asphalt/concrete is 20 ft. does it include curb & gutter and do we know what direction the houses are facing? I was just wondering if they face my property or not?

Mr. Wakefield stated, "They will be facing west, that is the plan at this point."

Chairperson Anderson and I believe that is a private drive, is that correct? So it is governed by the rules of an intrablock development.

Mr. Wakefield stated. "We have made it according to city ordinances that allow fire to get in and get out there."

Ms. Andrew reiterated, "A private drive is a minimum 26' and then 20' is the asphalt, does it have the curb & gutter, I am just curious and I wasn't sure."

Mr. Wakefield stated he doesn't believe the city requires it.

Ms. Andrew stated, "I know my in-laws don't have curb and gutter, it would look nicer with curb and gutter and that is our personal opinion."

Chairperson Anderson stated if you see that turnaround there that is to allow for fire access to turnaround. Clay, has this gone through the steering committee then?

Clay Bodily explained that on a minor subdivision they have to bring in a concept plan, our ordinance requires for two lots that you have 20 ft. of pavement and three feet of gravel on either side that is why the 26 is up here, the fire chief has to look at this to make sure the radii are flat enough, 55 ft. radius wide for their current fire truck, those C1's show the radius and that is a very good cushion, they also have put a fire hydrant close enough so the house in the back has access to the fire hydrant.

Ms. Andrew inquired about intrablock developments not allowing two story homes and that she read that in the city code. There was discussion that is what the ordinance states but it was determined that additional research needed to be done to verify that.

Chairperson Anderson stated he drove by the property and that it butts up to the church, nothing to complain there.

Char Izatt stated that there had not been any other calls or inquiries.

The public hearing was declared closed at 8:16 pm

MOTION: A motion was made by Commissioner Teuscher to approve the request by Troy Wakefield for a Conditional Use Permit to allow a three (3) lot minor subdivision/intrablock development (Summit Cove Intrablock Subdivision) located at 153 West 200 South. Zoned R-1-10

The motion was seconded by Commissioner Caley. The vote was unanimous.

Commissioners voting in favor: McKay, McCammon, Campbell, Anderson, Teuscher, Archibald & Caley

Curtis remembered discussion on height of homes that could be built in an intrablock development.

Ironwood Development Group, agent for Jessica Tams Quinton, have applied for approval of the Final Plat for Phase 3 (8 Lots) of the Smithfield Heights subdivision located approximately at 730 East and Upper Canyon Road. Zoned R-1-12

Craig Winder is requesting approval of the Final Plat for these 8 lots for Phase 3 and stated that you will see that they are about the same size as the other phases, not sure what else to say about this particular subdivision.

No questions or comments from the commission.

MOTION: A motion was made by Commissioner Campbell to approve the request by Ironwood Development Group, agent for Jessica Tams Quinton, have applied for approval of the Final Plat for Phase 3 (8 Lots) of the Smithfield Heights subdivision located approximately at 730 East and Upper Canyon Road. Zoned R-1-12

The motion was seconded by Commissioner McKay. The vote was unanimous.

Commissioners voting in favor: McKay, McCammon, Campbell, Anderson, Teuscher, Archibald & Caley

Jared Nielson, agent for Elk Ridge Estates LLC, has applied for approval of the Final Plat for Phase 4 (12 Lots) of Elk Ridge Estates located at approximately 120 South 1250 East. Zoned R-1-12

Jared Neilson agent for Elk Ridge Estates stated, “there will be one more phase after this one and stated that the next road up based on your ordinance with the elevation, our next road up can only do 9 lots then we are hitting the current elevation line, so we have these 12 and 9 more after that.

Chairperson Anderson stated that when he was looking at the development, “that there is a pretty decent elevation between the existing houses and the next road that is going to be up there and I guess that is for someone else to worry about.”

Mr. Neilson stated, “When we looked at the property originally we didn’t think there was a huge elevation change and you start breaking it up for the phases, it is pretty substantial. We had to do some pretty substantial retaining walls.”

No questions or comments from the commission.

MOTION: A motion was made by Commissioner McCammon to approve the request by Jared Nielson, agent for Elk Ridge Estates LLC, has applied for approval of the Final Plat for Phase 4 (12 Lots) of Elk Ridge Estates located at approximately 120 South 1250 East. Zoned R-1-12

The motion was seconded by Commissioner Campbell. The vote was unanimous.

Commissioners voting in favor: McKay, McCammon, Campbell, Anderson, Teuscher, Archibald & Caley

ADJOURNMENT

MOTION: A motion was made by Commissioner Campbell to adjourn the meeting at 8:25 p.m.

The motion was seconded by Commissioner Caley. The voting was unanimous.

Commissioners voting in favor: McKay, McCammon, Campbell, Anderson, Teuscher, Archibald & Caley

Jamie Anderson, Chairperson

Attested:

Charlene Izatt, Deputy Recorder

CERTIFICATION: I, CHARLENE IZATT, HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND ABILITY THAT PORTIONS OF THIS DOCUMENT ARE A TRUE AND CORRECT TRANSCRIPTION OF THE PROCEEDINGS OF THE JUNE 15, 2016 SMITHFIELD CITY PLANNING COMMISSION MEETING. I TRANSCRIBED IT DIRECTLY FROM A RECORDING THAT WAS MADE AT THE MEETING.

**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 7:00 p.m. on **Wednesday, June 15, 2016 in the Smithfield City Council Chambers, 96 South Main, Smithfield, Utah.**

7:00 p.m. Opening Ceremonies

Workshop Session: General Plan Updates

Agenda items:

1. 7:04 p.m. Resident Input
2. 7:09 p.m. Consideration of Consent Agenda
Minutes of the May 18, 2016 Planning Commission Meeting
3. 7:10 p.m. **Public Hearing** to consider a request by Neighborhood Nonprofit Housing Corporation to rezone property owned by Meikle Land Limited Partnership (Parcel #08-045-0005, 13.22 acres) located at approximately 650 North 600 East from A-10 (Agricultural-10 acre) to R-1-12 (Single Family Residential 12,000 sq ft)
4. 7:15 p.m. **Public Hearing** to consider approval of amendments to proposed Ordinance #15-01 which amends the Smithfield City Animal Regulations, Title 6 in particular section 6.04.010 "Definitions" and Zoning Regulations, Title 17 in

particular Section 17.04.070: "Definitions"; 17.32.100 "Special Provisions for Kennel/Cattery Conditional Use.

5. 7:20 p.m. **Public Hearing** to consider a request by Ironwood Development Group, LC to rezone property owned by Jessica Tams Quinton (Parcel #08-045-022, 5.43 acres) located at approximately 861 Upper Canyon Road from A-10 (Agricultural – 10 acre) to R-1-12 (Single Family Residential 12,000 sq ft)
6. 7:25 p.m. **Public Hearing** to consider a Conditional Use Permit application from Troy Wakefield to allow a three (3) lot minor subdivision/intrablock development (Summit Cove Intrablock Subdivision) located at 153 West 200 South. Zoned R-1-10
7. 7:30 p.m. Ironwood Development Group, agent for Jessica Tams Quinton, have applied for approval of the Final Plat for Phase 3 (8 Lots) of the Smithfield Heights subdivision located approximately at 730 East and Upper Canyon Road. Zoned R-1-12
8. 7:40 p.m. Jared Nielson, agent for Elk Ridge Estates LLC, has applied for approval of the Final Plat for Phase 4 (12 Lots) of Elk Ridge Estates located at approximately 120 South 1250 East. Zoned R-1-12
9. 7:50 p.m. **ADJOURNMENT**

Posted this 10th day of June 2016 at the Smithfield City Offices, City Web Page and the Utah Public Meeting Notice web site. Notice provided to The Herald Journal this 10th day of June 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.