

## Smithfield City Planning Commission

August 21, 2013

### 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, August 21, 2013**. The following members were present constituting a quorum:

Chairperson	David Price
Commission Members	Bryant McKay
	Jackie Hancock
	Pete Krusi
	Douglas Archibald
	Jamie Anderson
	Steve Edwards
Engineering Staff	Clay Bodily
Planning Staff	John Wells
Deputy Recorder	Char Izatt
Minutes	Stacey Dority
City Council Member	Brent Buttars

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 Price at 7:00 p.m.

**Opening Ceremonies:** Bryant McKay

**Visitors:** Donna Morell, Gerooge Morell, Russ Tarbet, Jack Nixon of Nixon & Nixon Inc., Gib & Janet Cellan, Dan Larsen of Kartchner Homes, Jeffrey R. Gittins, Pres. of Smithfield Irrigation Co., Jeff Barnes-Councilmember and Stephen Teuscher-Planning Commission alternate.

**Workshop Session:** The Planning Commission will review the training opportunities offered at the Utah League of Cities and Towns Planner's Day being held on Thursday, September 12, 2013.

Mrs. Izatt reviewed the state requirements for the state commissioners. Six hours of land use training should be completed yearly. This training is performed annually for elected officials in the spring and this training coming up is the actual training session. There is a form in the commissioner's individual packets with the agenda for the day. The training is very expensive so you will have to make a commitment to attend. If you feel like you can make a commitment then let Char know and she will complete the registrations.

Commissioner McKay stated he had been to this training before and it was very informative.

Mrs. Izatt informed the commission that she is trying to set up the at home training on October 30<sup>th</sup> which is a 5<sup>th</sup> Wednesday.

### **Resident Input**

No Resident Input

### **Consideration of Consent Agenda**

#### **Minutes of June 19, 2013 and July 17, 2013 Planning Commission Meetings**

Minutes were approved by consent

**Public Hearing to consider a request by Gilbert Cellan, 142 West 400 South property owner for a rezone of property located at 106 West 400 South (Parcel #'s 08-105-0015 and 08-105-0016, 9.81 acres approximately) from A-3 (Agricultural – 3 Acre) to RM (Multiple Family residential)**

**Chairperson Price opened the public hearing at 7:14 p.m.**

Chairperson Price stated the issue here tonight is that the zoning designation splits Mr. Cellan's property in half. His request is to have one designation as a multiple family residential. This is only affecting his property not anything bordering his property.

Chairperson Price also stated that, "If there is anyone in the audience that wants to speak concerning the rezone I would ask them to come up to the microphone and give their name and tell us what they have in mind."

"Good evening, I am here tonight as president of Smithfield Irrigation Company and am not here to speak in favor nor against the rezone

Commissioner Edwards stated, "need to give your name". (Jeff Gittins, President of Smithfield Irrigation Co.)

but simply a reminder of.....to protect the interest of the Irrigation Company shareholders just a reminder that the owner, developer and the City that we have properly recorded, legally recorded the easements on the property we just ask those to be honored and what I mean by that if there is any need to change the easement or the pipelines that we remind them that it is State law that they will need to come to the Irrigation Company and have written consent to do so. The other thing is that we would encourage all involved, we;

the Irrigation Board of Directors thought it wise to get involved at the beginning of the development process so there is no misunderstandings. We would also like to remind everyone involved that it would be well if the shares both Class A and Class C Shares of stock of Smithfield Irrigation Company remain with whoever owns the land whether it is Mr. & Mrs. Cellan- the current owners, a developer or as it gets divided in to several lots, that those shares be transferred properly to the lot owners and that leads to the third reminder, of the reason for that;

is so they can, whoever ends up owning the lots, the homes, however it is developed that they will be able and entitled to hook-up to secondary water. That goes along with Smithfield City's recent water study that was probably the number one recommendation that secondary water be applied in these developments wherever possible to save the precious culinary water.

That is the only reason that I am here is for those reminders at the beginning of the process. We realize that this is just a rezone hearing. But we will be involved as we go through the process for those three reasons. Thank you."

Chairperson Price stated, "We don't necessarily have any control over who owns the water shares and where they are transferred but the development wont be allowed unless they bring the water with them that is where we apply the leverage."

Commissioner Anderson stated, "We want to make sure that everyone has their water shares so they can access the secondary water."

Chairperson Price stated, "The development wouldn't be approved without the water shares when they apply for a building permit. They have to bring that water with them."

Jack Nixon, representing the Cellan family, informed the commission he was there to entertain questions about the change in zoning. It seems to make good sense to have the total parcel in the same zone and it doesn't affect any neighbors in a negative way. The water can stay with the land as it would be beneficial to the people who own the property.

Chairperson Price informed Mr. Nixon that the water shares are a necessity for development. The Cellans should look at the manufacturing zone matrix before they move into that zone. They will be surrounded by all different businesses that may not like having them there.

Mr. Nixon countered they feel they are compatible with the other businesses there.

Chairperson Price questioned if they want the lot in one parcel so it can be developed.

Mr. Nixon replied the property owner to the east has a plat approved for the Del Monte property. Mr. Cellan wants to add another piece to their property and maybe join with the owner to the east so there will be a number of exits in the master plan.

Chairperson Price mentioned moving to a residential into manufacturing zone means you are totally surrounded by businesses.

Mr. Nixon assured him it was not a surprise to the Cellans.

Commissioner McKay commented as this approaches the RA agricultural area it will not be a very good buffer for the RM. When it comes up again we have multiple houses in the manufacturing area.

Chairperson Price responded the only reason he was amiable to the rezone is because it cuts his property in half. Otherwise he would not want to approve rezone in that area for a multiple family.

**Chairperson Price closed the public hearing at 7:25 p.m.**

**MOTION:** A motion was made by Commissioner Anderson to recommend approval of the request by Gilbert Cellan, 142 West 400 South property owner for a rezone of property located at 106 West 400 South (Parcel #'s 08-105-0015 and 08-105-0016, 9.81 acres approximately) from A-3 (Agricultural – 3 Acre) to RM (Multiple Family residential)”

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

Commissioners voting in favor: McKay, Hancock, Krusi, Price, Archibald, Anderson, Edwards.

**Edward L. Burningham has requested approval for a Conditional Use Permit to allow a home based business for millwright work, repairs – small custom cabinets & furniture building located at 319 South 300 West. Zoned R-1-12**

Mrs. Izatt informed the commission that the Burningshams would not be represented because of illness. She has information regarding the permit. The business would be open Monday - Saturday 6: a.m. to 9 p.m. Mr. Burningham would be working out of the garage. They will not have any employees.

Chairperson Price questioned if there was anyone there that wanted to speak about the applicant's request.

**MOTION:** A motion was made by Commissioner Krusi to approve a Conditional Use Permit for Edward Burningham to allow a home based business for millwright work, repairs – small custom cabinets & furniture building located at 319 South 300 West. Zoned R-1-12

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

Commissioners voting in favor: McKay, Hancock, Krusi, Price, Archibald, Anderson, Edwards.

**Elk Ridge Subdivision, LLC has requested approval for renewal of the Preliminary Plat for Elk Ridge subdivision located at approximately 1000 East 120 South. Zoned R-1-12.**

Jared Nielsen explained to the commission the reason he was there was the preliminary plat had expired. There has not been any changes made to the plat. They are ready to start another phase and realized the plat had expired.

Chairperson Price commented there would not be a lot of discussion of what we approved earlier in 2011. He asked if the other phases were filled.

Mr. Nielsen replied yes. He sold the last lot in phase 2.

**MOTION:** A motion was made by Commissioner Krusi to approve the renewal of the Preliminary Plat for Elk Ridge subdivision located at approximately 1000 East 120 South. Zoned R-1-12. The motion was seconded by Commissioner Hancock. The voting was unanimous.

Commissioners voting in favor: McKay, Hancock, Krusi, Price, Archibald, Anderson, Edwards.

**Dan Larsen, agent for Kartchner Homes, has requested approval for renewal of Phase 4 (15 Lots) of the Final Plat, for Ridgeview Subdivision located at approximately 540 East 620 North. Zoned R-1-12.**

Mrs. Izatt informed the commission the six months to request extension has passed. Mr. Larsen has to start all over.

Chairperson Price questioned if they had not acted on the renewal which is one year for the preliminary plat.

Mrs. Izatt explained he waited too long between the phases.

Mr. Larsen mentioned he wanted to get the final plat approved. The economy is picking back up and we are able to sell more homes. No changes have been made. We are trying to go through the proper steps to continue with the development.

**MOTION:** A motion was made by Commissioner Anderson to approve the renewal of Phase 4 (15 Lots) of the Final Plat, for Ridgeview Subdivision located at approximately 540 East 620 North. Zoned R-1-12. The motion was seconded by Commissioner Krusi. The voting was unanimous.

Commissioners voting in favor: McKay, Hancock, Krusi, Price, Archibald, Anderson, Edwards.

**MOTION:** A motion was made by Commissioner McKay to adjourn the meeting at 7:29 p.m. The motion was seconded by Commissioner Hancock. The voting was unanimous.

Commissioners voting in favor: McKay, Hancock, Krusi, Price, Archibald, Anderson Edwards.

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David Price, Chairperson

Attested:

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Charlene Izatt, Deputy Recorder