

## Smithfield City Planning Commission

January 21, 2015

### 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, January 21, 2015**. The following members were present constituting a quorum:

Chairperson	Jamie Anderson
Commission Members	Curtis Wall
	Jackie Hancock
	Pete Krusi
	Douglas Archibald (delayed in arrival)
	Steven Teuscher
	Steve Edwards
Planning Staff	Jon Wells
Deputy Recorder	Char Izatt
Minutes	Stacey Dority
City Council Member	Brent Buttars
Planning Commissioner	Bryant McKay (delayed in arrival)

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 p.m.

**Opening Ceremonies:** Carter Rudie

**Visitors:** Matt Larsen, Wyatt Larsen, Lynette Hutchison, Ben Anderson, John Ferguson, Marcus Reed, Kelly Bell, Jeff Adams, Steven C. Taylor, Reggie Rogers, Donna Co, Jeff Jackson, Craig Winch, Bob Fotheringham; Cache County, Jeff Barnes-City Council member, Gary Polisano, D Polisano, Carter Rudie, Larry Bradley, Craig Garfield, Jonan Garfield, Matthew Garfield, Justice Jensen, Cayson Allen, Danny Wells, Merrilee Wells, Jim Marshall, Joe Marshall, Alberta Mather and Jean Mather.

**Excused:** Clay Bodily, Engineering Staff

**Workshop Session:**

**The Commission will begin reviewing and discussing the Sign Ordinance, Chapter 17.36, in its entirety.**

**Overview of Conditional Use training provided by the Utah Local Government Trust.**

**The Commission will continue discussion in regards to the General Plan.**

Chairperson Anderson mentioned the commission has the first five pages of the ordinance. He replied this is such a large ordinance is there any preference to how we attack this. Should we each take each section and read it and report to Mrs. Izatt?

Mrs. Izatt felt we should take one section of the ordinance at a time because of its size. We need to look at each section individually and add and delete where needed.

Commissioner Edwards would like to take it home and read it and send in his comments.

Mrs. Izatt responded this is the fifth attempt to present the ordinance. It is an old ordinance and there are things that need to come out and be improved on and until we dissect it we will not know what needs to be changed. We have picked out the obvious things like large spotlights or balloons and blimps and we were successful on part of it but we need to complete the changes.

Chairperson Anderson assessed having each commissioner member read through it and send their ideas to Mrs. Izatt. His preference is to read it over and send in comments to Mrs. Izatt a week before the next meeting.

Commissioner Teuscher inquired if the definitions were laid out for the board before?

Mrs. Izatt replied when this ordinance was originally written the definitions probably were shared ideas and it is a very controversial ordinance so we need to get it updated. The city staff recommended we look at it.

Chairperson Anderson felt he would like to look at the electronic displays as well and look over it thoroughly. He inquired if any of city council wanted to join in with the commission. Are there specific things the general public would like addressed.

Mr. Wells detailed the businesses are the ones the city receives comments from. As the commission reads through this ordinance, think about how we want to approach signs in the city. The first "scope of the chapter" paragraph needs to list our intent.

Chairperson Anderson called for any other comments on the sign ordinance. There were none. He moved onto the Conditional Use and referred to the third sheet listing the Conditional Use Basics. (Refer to Exhibit A and B) If we keep this Conditional Use document as our guideline it will help us through our tenures on the commission. There is information from South Salt Lake City and how they regulate their Conditional Use Permits. Are there any slides on the cases that were discussed? He referred to the webinar and its discussion in detail of what the city did right and how things turned out for all parties involved.

Mrs. Izatt informed the commission the webinar was sent to each of them attached to an email. She instructed they sign in to the webinar and it will play like you were at the meeting. It is under the title Utah Local Governments Trust, just click on the link that was sent to you; it is about 45-50 minutes. It is really worth your while if you want more information on the Conditional Uses.

Chairperson Anderson continued with discussion in regards to the General Plan. The General Plan we are operating under now was completed in 2005 and amended in 2008.

Mrs. Izatt responded the plan should be redone every five years. You will see it on the workshop more often as we look into the General Plan. She suggested we meet with city council in a workshop to make sure we are on the same page and see if we can get funding.

Commissioner Hancock inquired if it they would meet after City Council meeting?

Mrs. Izatt replied she would have to meet with the Mayor and maybe work on a 5<sup>th</sup> Wednesday meeting.

Chairperson Anderson inquired what methodologies have been used.

Mrs. Izatt commented that an Engineering firm and citizens were used. The firm was so proactive and they worked out very well. J-U-B Engineering is the firm that was used. They were very effective and we had a lot of information from citizens that represented the city in group discussions.

Chairperson Anderson inquired how the study was funded.

Mr. Wells replied it wasn't cheap, in the range of \$20,000 - \$40,000 to hire a professional firm. There were other things in the General Plan they worked on at the same time along with Land Use; a streets Master Plan, and Water, Sewer, Parks and Storm Water aspect to the General Plan. If we review the Land Use Master Plan we will look at the street master plan to make sure it is adequate for what we do.

Chairperson Anderson asked if there are grants for that type of thing.

Mr. Wells didn't feel there was grant money available for this type of thing. He informed the commission that city council is starting their budget meetings in February so it is a good time to let them know what your intent is for the General Plan review.

Chairperson Anderson inquired if they could tentatively set a time with city council to discuss what they would like to do.

Mrs. Izatt felt there is a Trail Master plan as well and if the commissioners want to come and spend some time they could look at the trails plan and get themselves comfortable with that. She will talk with City Recorder Justin Lewis in the morning about a time for Chairperson Anderson to meet with the council.

Mrs. Izatt felt there were more decisions to make on the Assisted Living Ordinance. Mr. Gass doesn't think too detailed of an ordinance is needed. Mrs. Izatt shared with Mr. Gass all the information the Commission had researched & gathered. Mr. Gass will be writing the ordinance. Carmen Richins from the Utah Department of Health is available in March for training and we could have the ordinance ready to read over and discuss.

Mrs. Izatt felt that more training is in order. The webinar on Conditional Uses is very good and she would recommend it. She asked the commission what other training they would like to have.

Chairperson Anderson inquired if they could count the webinar as training credits.

Mrs. Izatt felt that would be appropriate.

Chairperson Anderson calculated there was enough information for workshop items in the coming months.

### **Resident Input**

No Resident Input

### **Consideration of Consent Agenda Minutes of December 17, 2014 Planning Commission Meeting**

After consideration by the Planning Commission, the Chairperson declared the consent agenda for the December 17, 2014 planning commission meeting minutes as approved.

**Alberta Mather has requested consideration of approval for the Mather (2Lot) Minor Subdivision located at approximately 454 West 200 South. Zoned RA-1.**

Marcus Reed, the potential contractor, informed the commission that Mrs. Mather has a two acre lot she would like to build on. As far as he understands, it meets the zoning for the area and it is just a matter of making sure everything that is done is approved through the commission.

Chairperson Anderson inquired if they had determined where the house would be on the lot.

Mr. Reed replied there is a little bit of confusion. They are trying to minimize the costs and as he understands it if the house faces west there is not a need for curb and gutter but if it faces north there is a possibility they would need curb and gutter. He couldn't get a final answer. That would be the determining factor. They would like to have it face north but if it requires curb and gutter it will add to much cost and will face west.

Chairperson Anderson responded he was under the understanding in the subdivision ordinance if they subdivide a lot like this there is a curb and gutter requirement, what would preclude it from being a requirement if it faces west.

Mr. Wells was not aware of that particular issue. There is an option in an RA-1 RA-2 A-10, A-5, A-3 zone anything dealing with agricultural zones where the planning commission and city council can waive the requirement for curb and gutter and sidewalk in those zones. If it is an R-1-10 or R-1-12 or R-1-20 the ordinance does not allow for that option for a waiver. There is curb and gutter across the street from the property to the north however that property is zoned R-1-12. They subdivided years ago and had to go to R-1-12 zoning and that kicked in the requirement for curb and gutter. On this particular parcel the ordinance allows the requirement being waived by city council if they agree to the conditions.

Mr. Reed explained on the side of the street where this property is located there is no curb and gutter. He reemphasized due to it being an agricultural zoning it was up to the commission to recommend to the council to waive the curb and gutter in this type of zone.

Chairperson Anderson inquired if we were to require curb and gutter how much frontage would they be looking at.

Mr. Wells responded about 900 ft.

Commissioner Edwards inquired about all the concrete on the west side of the barn that he was seeing on google earth. Is that an old corral and is that where you will be building the home.

Mr. Reed replied yes they will be taking the barn down and remove the concrete and corral. There are only a few cows on the property that are the neighbors that will be removed when they start building. There is no signed agreement to keep the cows on the property.

Commissioner Edwards felt where it is an agricultural zone and most lots are not curb and gutter in that area we could waive the curb and gutter.

Mr. Reed mentioned the curb and gutter does not flow anywhere in that area.

Mr. Wells confirmed that is because there are two subdivisions in that area.

There were no more questions or comments.

**MOTION:** A motion was made by Commissioner Krusi to approve the request for Alberta Mather (2 Lot) Minor Subdivision located at approximately 454 West 200 South. Zoned RA-1. It is the commission's recommendation there is not a need for curb, gutter and sidewalk. The motion was seconded by Commissioner Edwards. The voting was unanimous.

Commissioners voting in favor: Wall, Hancock, Krusi, Anderson, Archibald, Teuscher, Edwards.

**Public Hearing to consider a request by Jeff Jackson, Ironwood Development Group, LC, agent for Jessica Tams Quinton, property owner, for a rezone of 9.83 Acres located at approximately 800 Upper Canyon Road, Parcel #08-045-0035, from A-10 (Agricultural – 10 Acre) to R-1-12 (Single Family Residential 12,000 sf)**

The Public Hearing was opened at 7:45 p.m.

Jim Marshall, a previous commissioner, explained he was always interested in what happens to upper canyon road. If you anticipate the Lantern Hill would come through this property please make sure there is easy access coming from the north side of Smithfield coming into that area. When Lantern hill was done it became a gravel pit. He doesn't suppose this will be the last time they will address this parcel. He encouraged the commission when the developer brings in a plat for the eventual subdivision they includes an elevation plan that can be approved by the council that doesn't involve an excessive amount of recontouring of the land. The commission understands the impact we have described before and he trusts the commission to adjudicate them adequately.

John Ferguson, representing the Summit Ridge subdivision families, they have an adamant opposition of this rezone. This action would cause severe financial harm to the residents by

devaluing their homes. Especially by creating smaller lot sizes with no CCR's or other provisions to protect property values in the area. They are conscientious of the developer and desire to make the money however they would encourage the commission to understand these are their homes. They have a vested interest in them. Speaking for himself when he purchased his property, he did so intending to live in a rural area surrounded by agriculture not a bunch of small homes. They also understand their willingness to protect their interest of their properties. He would appreciate if the commission would also protect their interests. They don't want it to be a contentious issue, but they are adamantly opposed. They will do what they need to do to protect their property and the enjoyment of their land.

Jeff Jackson, representing the Quinton's, stated they are trying to protect everyone's property value. The fundamental value of Real Estate is protecting everyone's property value. When the city master planned this area they put in a development agreement with Summit Ridge, Kartchner and Lantern Hill that the plan for this area was 130 homes. We have to reimburse part of the sewer, water etc. For someone to come in and say they didn't know what was planned for this area they didn't do their homework, knowing the city had a plan. We built some of the homes in Summit Ridge, they are nice homes and we have no intention of devaluing anyone's property in fact he felt like his product is very high end and will add to the area. Everything about the property is in line with the general plan. The trail system doesn't affect this piece of property. If it does we are happy to rework and incorporate it into the plan.

Mr. Ferguson restated they don't want to devalue any one else's land. The concern is someone wants to increase the value of their land which will devalue the homes in his subdivision. There has been very little information given out even if this is no longer going to be agricultural it should be rezoned into something more in line with the other property that is there. While the property is zoned for R-1-12 all the lots in Summit Ridge are ½ acre or larger. While the zoning may be one thing the property values and reality of the situation on the ground is very different. They would like to have that taken into consideration by the commission.

Gary Polizano, resident of Summit Ridge, he understands this development has been approved. How do they go about getting C,C&R's from the developer to keep the value in their property? He moved there thinking it would be a rural setting.

Chairperson Anderson responded this is a public hearing not a question answer process. He advised Mr. Polizano he could talk with the builder about his questions.

Jeff Adams would hope the commission would look at the Master Plan before they approve this rezone. There is going to be a lot of growth and they want to make sure area is done right. There are various interests and this would be a good time to adjust the master plan and they need to really look closely to what they want for land use before they approve major rezones in a

recreational area that is going to be gone. Thoughtful planning would be appreciated before this process begins.

**The public hearing was closed at 7:57 p.m.**

Commissioner Krusi inquired if the trail issue was a problem.

Mr. Wells explained the trail will connect with Crow Mountain Road. They did accommodate that part of the General plan by widening the road on 600 East.

Chairperson Anderson felt Lantern Hill does come into play. Do we know the exact numbers that were approved to be built on Lantern Hill?

Mrs. Izatt responded Lantern Hill was 58. Ridge View was the other 58. Summit Ridge was 14. Lantern Hill is still not being developed.

Chairperson Anderson clarified it is zoned for R-1-12.

Mr. Wells confirmed yes.

Mrs. Izatt commented that Mr. Marshall's request was to not impede traffic for recreational purposes.

Mr. Marshall interjected as long as the area doesn't get turned into a gravel pit and there is access for recreational purposes.

Mr. Wells explained upper canyon road is at least a 66 ft. right of way and allows for much wider right of way for recreational use as well.

Chairperson Anderson assessed the approval of the development on the east side of Crow Mountain Road. There are six more houses that have been approved in that area. The city is not required to send out letters notifying citizens about these types of rezones they are on the website and in the newspaper. There is not a legal requirement to do so.

Chairperson Anderson referred to the proposed plat he had in front of him. Summit Ridge is zoned R-1-12 that means a minimum lot size needs to be 12,000 sq. ft.; which is the same thing that is being proposed now. Looking at the lots on there, most are right at 12,000 sq. ft. To address the question if you can meet with the developer about C,C& R's you are welcome to do that and let them know of your concerns. Depending on where the rezone goes is up to the developer and how they want to address that.

Commissioner Edwards clarified the rezone from an A-10 to R-1-12.

Chairperson Anderson explained this property was annexed last month. It is now sitting at A-10 like all annexations come in at.

**MOTION:** A motion was made by Commissioner Hancock to approve a request by Jeff Jackson, Ironwood Development Group, LC, agent for Jessica Tams Quinton, property owner, for a rezone of 9.83 Acres located at approximately 800 Upper Canyon Road, Parcel #08-045-0035, from A-10 (Agricultural – 10 Acre) to R-1-12 (Single Family Residential 12,000 sf) The motion was seconded by Commissioner Teuscher. A roll call vote was called for.

Commissioner Wall – Yes; Commissioner Hancock – Yes; Commissioner Krusi – Yes;  
Commissioner Archibald – Yes; Commissioner Teuscher – Yes; Commissioner Edwards – Yes  
Chairperson Anderson – Yes

Chairperson Anderson reported the rezone passes and encouraged the citizens to meet with the developer and voice their concerns.

**Annual review of the “rules for Conducting Business of the Planning Commission” and Public Hearing Procedures.**

Chairperson Anderson inquired if all commissioners had read the rules of Conduct and procedures. Last year we clarified the quorum voting procedures and the need for four votes to pass an item.

Mrs. Izatt reminded the commission having four is a requirement.

Chairperson Anderson reviewed the Public Hearing Procedures. See Exhibit C.

Mr. Wells commented that if there were only four commissioners every commissioner would have to vote in favor in order to pass the item. It is critical that we have more than four commissioners so we have enough people to vote on difficult items.

Chairperson Anderson reminded the commission that if they could not make the meeting it would be appropriate to contact Mrs. Izatt so she can make arrangements with the alternate planning commission member.

**Bob Fotheringham, Cache County Water Manager, will conduct training on water rights, water management and how it affects Smithfield City's culinary and secondary water systems.**

Mr. Fotheringham showed the commission the states web page where you go to find information on water rights. [Waterrights.utah.gov](http://Waterrights.utah.gov). this is a good place to start to search and find out what your rights are.

If you go to programs on the left bar, then click on water rights, search, name source; you can put in the water rights number (Smithfield City was used for the demonstration) it will pull up all the rights that have been approved. He discussed each of the rights under Smithfield City. This is after the adjudication was done in the 70's. If you click on the individual right you will retrieve more information on each individual right.

Commissioner Edwards asked what the difference was between a water right and a water share.

Mr. Fotheringham explained the difference. A water right is something an owner of record has. It can belong to a municipality, an individual, a district and it has certain attributes that define the water right; like the flow, what the beneficial use is, or the period of use. They all define the water right. A right can also be owned by an irrigation company. They may have a right for 120 cfs and deliver water to 2,000 – 3,000 acres and the shareholders in the company own a proportionate share based on what water is available. If he was a shareholder in an irrigation company he doesn't control the water right, the irrigation company does, but he has a right to receive water based on his share of stock in a prorated amount or proportionate share of what is available to all of the company. When it comes to filing a change application on a water right, if you own it then you can file the change the point of diversion or the use or whatever you needed to do. As a shareholder of the company the law says you have to go to the company and get their approval if you want to file a change.

At the top bar you can go to scan documents and look at the state engineers order. You can see who the players were in the state engineer's office at the time it was signed. There is a new distribution order on Summit Creek you can get a hold of Jon or find it on the web page. He referred to the web page and clicking on the water distribution you can see the application the city filed the hearing notice the notice of protest, notice to water users and this information is better than any of the typed information you can look at. It is a scanned document from the file in the State Engineer's office. This information would be the best information for water right information.

Distribution meetings are recorded and you can click and listen to the actual meetings.

Chairperson Anderson inquired how they know how much water is available as they approve all these new subdivisions.

Mr. Wells explained that would be under the City Manager's discretion. He had been told we have sufficient water and rights to maintain our current growth for the next 15 – 20 years; based on a single family homes. We have wells, springs and many sources to pull water from. It is a simple calculation to figure the amount of water for each acreage.

Mr. Fotheringham referred to the screen of projected water use. It indicates when Smithfield would run out of water. This would show a good estimate of how much water is available.

Chairperson Anderson queried if the calculation was on average annual rainfall.

Mr. Fotheringham replied no it is based on your water right and how much is available from each water right. The spring water right has 5 cfs. You don't really get 5 cfs out of that and they show the process of submitting records and they know how much you get in August which would maybe be 2.7 cfs. The available water amount is used, not the water right, at that point of time. Even though it has a larger number you have to go back to the record and see what you can divert during that period of time. One thing Smithfield City has done that is good is they went and purchased water rights and there have been change applications filed and they have a number of acre feet that can be pulled out. He didn't know if they had started to use that water yet, but it could be used up to the number of acre feet that the State Engineer gave you the right too based on the change application.

Council Member Buttars had always been told that it takes more water to keep the grass green on the outside than on the inside. Therefore the smaller lots use far less water.

Mr. Fotheringham replied it depends on if you are in a sky rise building or not. If it is just one home on a small parcel it will use less water because a large part of the use is to water the grass.

Council Member Buttars restated that the larger lots up there will take far more water and all we are using is culinary water.

Chairperson Anderson questioned if we are at the point where if you are creating a new development we will have to require some irrigation water to use for their landscaping. Do we have to get to the point where we have to say this is the way it has to be?

Mr. Wells explained that is what the city would like to see in the ordinance change. The city would like to see any irrigation water staying with the land before they put homes staying there.

Otherwise we end up using expensive culinary water for landscaping. The only way we will be able to do that is to list it on the ordinance that demands that the developer keep the water there.

Mr. Fotheringham replied you have to think long term. As you do exact shares you can do it. Most of the people in Cache County like the open space and as you create exact shares you take that source of water and put it into domestic use. Think broadly and see if there are other sources available. It takes planning. If you want to keep the open space you will have to develop that water.

Chairperson Anderson explained in Utah County there were a couple cities that had to restrict water usage. He thought there were so many people in Smithfield that have irrigation water available and don't have to use the culinary on their lawn. Is there is a way to distinguish who has culinary and who has irrigation, so if we had to regulate that we could?

Mr. Wells responded they have a good record of who has irrigation available to them. The city doesn't want to restrict water. People use more water when under restrictions. The best way to restrict is say you don't get water at all. That is the experience our city has had.

Mr. Fotheringham explained you have to go further into the water right on the website to understand what is available for watering.

Commissioner Krusi considered if the canal companies allow any shares to be used east of the canal?

Mr. Wells replied that used to be the case but it isn't anymore. A change application has been filed and they can put water east of the canal if needed. The main reason the canal company did that is because of the State Law stating the water has to be used for beneficial use and all of the irrigation companies have been given water rights based on the acreage they were irrigating over a hundred years ago. A lot of the acreage is no longer being farmed and the water is not being used. In order to maintain the water right and not lose it you have to find another piece of property to put that water on to make it beneficial use.

Mr. Fotheringham inserted it isn't a little expansion; they included a larger boundary which includes land in Smithfield.

Mr. Wells explained the process to move the water from one area to another is still very precise and has to be approved. It is not a simple change there is a process.

Commissioner Edwards remarked a year ago they had a tour of the water treatment plan in Washington County and it was very fascinating. The gentleman made a statement saying they were 50 years ahead of everyone. Where is Smithfield 50 years out on their water situation?

Mr. Fotheringham responded the State Engineer came up with a ground water management plan. To develop any additional ground water resources you had to have mitigation of compensation. As municipalities start to run out of sources of supply they need to look for a new source of supply. He referred to Duchene and the trouble they are experiencing. History repeats itself. You have to follow the laws of the State. You can't create your own. He invited the commission to read the article on Duchene County. People are after water. We need to be organized and manage the water we have available. 50 years from now we will have water if it is managed right.

Commissioner Tuescher felt that conservation of the water we already have is very important. He shared his experience in St. George where the conservator came and figured out how much water was used and they charged that much each month. If you went over your water usage then the price went up. In the future we need to look at conservation as an important role.

Mr. Fotheringham responded that will extend your water supplies for the use you want it for in the future. If you conserve 25% of your water it will grow 25%. Cache County will join with the state and participate in their conservation ideas.

Commissioner Tuescher wanted clarification on if water becomes scarce then the state engineer looks at the water rights and it will be based on priority.

Mr. Fotheringham explained they don't override it, it is based on priority. If there is a call on the water then the state engineer looks at the priority.

Mr. Wells asked Mr. Fotheringham to detail in depth what was happening with the exchange.

Mr. Fotheringham explained the exchange application states that in lieu of the county taking the shares they own in the company they will deliver shares to Summit Creek and do what they have done since 1931. They have always taken spring water out of the springs listed on the right and used it for the municipal needs. The exchange approval allows you to do that. As long as you are making the exchange you can take the water. If you can only exchange one cfs of water then you get one cfs out of the springs. You can't take more than your exchanging and that is why Smithfield Irrigation Company would be upset is because someone takes four second feet of water and only exchanging three.

Mr. Wells explained that one huge source of water for Smithfield is Smithfield Springs in the canyon. During irrigation season Smithfield Irrigation owns the right to the springs. There was an agreement to trade water and that water they trade comes from the upper canal and basically gives back water from the springs in the canyon. It is a gallon for gallon exchange. We are obligated to replace the water.

Commissioner Krusi asked if the water was pumped out or was it free flowing water.

Mr. Wells replied it is free flowing into Summit Creek at the three creeks area up canyon road. Then Smithfield Irrigation takes the water out of Summit Creek in several locations down the creek and there is a diversion where they take water out of the creek right where we deliver it to them. There are others further down the creek where they do take water out to meet the needs of the irrigator.

Chairperson Anderson inquired if they have a new development do they need to find out where the water is coming from before it is approved. Or does the City already clear the developer before it comes to the commission.

Mr. Wells explained there is a potential of four ways to meet that demand. Two canal companies, Smithfield Irrigation Company or they can give the city money per lot so the new sources of water can be developed. The issue that needs to be clarified in the ordinance is the developer needs to find the irrigation water that is available on the land and then find other resources if needed.

Chairperson Anderson inquired if the city has already determined the water usage when the developer comes in. Does the water discussion have to be part of the preliminary plat?

Mrs. Izatt responded that sometimes the developer has a hard time finding shares. Some farmers won't sell their shares it takes a while to find all the shares.

Chairperson Anderson clarified if the water discussion needs to be a part of the preliminary plat clearance. Or does the commission let city staff handle that?

Mrs. Izatt determined it was a good reminder time for the developer and that helps them to understand the need to provide the shares for the development.

Commissioner Wall questioned Mr. Jackson's item discussed today. Are they still looking at culinary or are they looking at irrigation.

Mr. Wells replied all homes up there are using culinary water. It was all irrigated at one time however it has been a long time since it has been irrigated. As far as we know these developers have no water right or water shares to bring to this development. They are aware it is going to cost them according to the current ordinance \$2,000 per bldg. lot to meet that water need. It would be ideal to use irrigation water.

Commissioner Krusi asked if the county requires a fee for water shares.

Mr. Fotheringham responded if someone wanted to build a home in the county they would see if there is a water right; if the parcel had not been developed since November, 1999. They would have to go to the State Engineer and file an application to bring enough water into the home. They would take it to the county and say here is our evidence of the water. The county would get a hold of the State Engineer and check on the rights and then would approve the building. If the property is purchased after the interim they would have to go out and buy the water right and then file a change application.

Commissioner McKay inquired when was the last time the city adjusted the fee schedule? Is the city looking 20 years out and finding more reservoirs.

Mr. Wells explained a reservoir is to store water and provide adequate pressure for the southeast part of town. We were not able to give them the adequate pressure and the volume they needed so we put the reservoir up there and gravity pulls it down to the homes and they have pressure and the volume of water needed there. The reservoir is probably 25 ft. deep and if it were completely full it would hold one and a half million gallons. We have three other storage tanks that will hold ½ million gallons of water that are located in the canyon area. We have the capacity to store three million gallons of water in the city.

Commissioner Krusi looked into if there are regulations on how much water a city can store.

Commissioner McKay replied we could add three more tanks?

Mr. Wells responded we could but do we have the right to fill them.

Mr. Fotheringham referred to the website that displayed the Del Monte water rights. He discussed the shares and stated the city is not hurting for water however if you are planning 50 years ahead and looking at how much water you will have. You have to have simple calculations to ensure you will have enough water.

Mr. Wells stated last year we upgraded the well up by Birch Creek and transferred the water rights from Del Monte. This last year we updated the pump and put a bigger motor so we could

draw more water. We are still not drawing as much water as we have the right to, understanding we still have to provide needs for the growth on the east side of town.

Mrs. Izatt questioned how that will affect the lots going in at Del Monte.

Mr. Wells replied the shares will meet the needs of the development. When Del Monte was running they turned the well on and never turned it off during their season. It wasn't advantageous to have the well there so we drilled the well at Birch Creek and things have worked out.

Commissioner Archibald asked what capacity are the tanks filled too?

Mr. Wells explained generally the main tank that is next to the springs up the canyon is always full and has an overflow to Summit Creek. There is another tank by Parsons and another by Terry Johnson. Those tanks are full most of the time.

Mr. Fotheringham shared a graphic that was put together under the water master plan showing the municipalities that will run out of water and forecasts when you need to start resupplying. 75-100% is when they figure you should start developing new water. In 2040 you will notice your reservoirs are getting dry if you have not had other sources of water. In 2050 you still stand in the same stat. Smithfield City is doing well. You will have to have more water in the future.

Mr. Wells replied the main reason the city has storage capacity is because sometimes the source can't keep up with the demand so when there is low demand we can refill the reservoirs. He explained the fire hydrants in town are hooked to the culinary system. This is to provide the ability to fight a fire. He referred to the pallet fire a couple of years ago, it was so large and that took a lot of water to put it out and it was a hot time of summer. Hopefully our citizens recognize that they have adequate protection for their homes.

Chairperson Anderson thanked Mr. Fotheringham and felt the workshop was very helpful.

**MOTION:** A motion was made by Commissioner Edwards to adjourn the meeting at 9:15 p.m. The motion was seconded by Commissioner Krusi. The voting was unanimous.

Commissioners voting in favor: Wall, Hancock, Krusi, Anderson, Archibald, Teuscher, Edwards.

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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 7:00 p.m. on **Wednesday, January 21, 2015** in the Smithfield City Council Chambers, **96 South Main**, Smithfield, Utah.

**7:00 p.m. Opening Ceremonies**

**Workshop session:**

The Commission will begin reviewing and discussing the Sign Ordinance, Chapter 17.36, in its entirety.

Overview of Conditional Use training provided by the Utah Local Government Trust.

The Commission will continue discussion in regards to the General Plan.

**Agenda items:**

1. 7:30 p.m. Resident Input
2. 7:35 p.m. Consideration of Consent Agenda  
Minutes of the December 17, 2014 Planning Commission Meeting
3. 7:40 p.m. Alberta Mather has requested consideration of approval for the Mather (2 Lot) Minor Subdivision located at approximately 454 West 200 South. Zoned RA-1
4. 7:45 p.m. **Public Hearing** to consider a request by Jeff Jackson, Ironwood Development Group, LC, agent for Jessica Tams Quinton, property owner, for a rezone of 9.83 Acres located at approximately 800 Upper Canyon Road, Parcel #08-045-0035, from A-10 (Agricultural -10 Acre) to R-1-12 (Single Family Residential 12,000 sf)

5. 7:55 p.m. Annual review of the “Rules for Conducting Business of the Planning Commission” and Public Hearing Procedures.
6. 8:00 p.m. Bob Fotheringham, Cache County Water Manager, will conduct training on water rights, water management and how it affects Smithfield City’s culinary and secondary water systems.
7. 8:45 p.m. **ADJOURNMENT**

Posted this 16th day of January 2015 at the Smithfield City Offices, City Web Page and the Utah Public Meeting Notice web site. Notice provided to The Herald Journal this 16th day of January 2015.

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 working days prior to the meeting.

**EXHIBIT "A"**

## CONDITIONAL USE BASICS

- Definition: "Conditional use" means a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts. (UCA § 10-9a-103(5))
- Inclusion is optional—"A land use ordinance *may* include conditional uses . . . that require compliance with standards set forth in an applicable ordinance." (UCA § 10-9a-507(1) emphasis added)
- Ordinance should include applicable standards (UCA § 10-9a-507(1))
- Administrative action (include evidence in the record)



**OFFICE OF THE PROPERTY RIGHTS OMBUDSMAN**  
*Utah Department of Commerce*

**EXHIBIT “B”**

- **Must** approve “*if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.*” (UCA § 10-9a-507(2)(a))
  
- When evaluating application, need to
  - Identify detrimental effects
  
  - Identify reasonable conditions to mitigate detrimental effects
  
  - Ensure conditions relate to standards in an ordinance
    - South Salt Lake example



**OFFICE OF THE PROPERTY RIGHTS OMBUDSMAN**  
Utah Department of Commerce

**EXHIBIT “C”**

**PUBLIC HEARING PROCEDURES**

The following is a description of the procedures and conduct to be observed during the public hearing:

Prior to opening the public hearing the topic will be briefly introduced.

Following the subject introduction, the Chairperson will open the public hearing and invite all persons wishing to make a statement on the subject to do so. The Chairperson may limit the time given to each presenter.

Individuals making statements shall stand and address the planning commission, state their name, and make a brief concise statement. Time is limited so individuals should avoid rambling or making multiple statements.

In the essence of time, individuals are encouraged to avoid restating comments that have been made by others.

The Chairperson and Commissioners should avoid making comments, interrupting those making statements, or engaging in question and answer sessions with those making statements.

Once all individuals have had an opportunity to make a statement the Chairperson shall close the public hearing. The time is then turned over to the Planning Commission for discussion. NO public comment is to be taken.

Following discussion, the Planning Commission should, if possible, act on the item. Any decision that is made should clearly state the findings that have led to the decision. Recommendations to the City Council should be in writing, or as part of the minutes.