

Smithfield City Planning Commission
December 17, 2014
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, December 17, 2014**. The following members were present constituting a quorum:

Chairperson	Jamie Anderson
Commission Members	Bryant McKay
	Jackie Hancock
	Pete Krusi
	Steven Teuscher
	Curtis Wall
	Steve Edwards
Engineering Staff	Clay Bodily
Planning Staff	Jon 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 Anderson at 7:02 p.m.

Opening Ceremonies: Carson Packer

Visitors: Jeff Barnes, City Council, Jed Packer, Carson Packer, Diana Esplin, Ryan Rogers of North Ridge Development

Excused: Doug Archibald, Commissioner

Workshop Session:

The Commission will continue discussion in regards to the feasibility of adding Assisted Living Facilities to the Land Use matrix.

Chairperson Anderson opened discussion on the feasibility of adding Assisted Living Facilities to the Land Use Matrix. Our assignment was to talk about what type of facilities we wish to have, what type of zoning and how big of a lot is required.

Commissioner McKay addressed if the commission wanted to look at a fifty bed facility and zone that area and then find another area to place a larger facility and zone that accordingly.

Commissioner Krusi felt the commission needs to make sure the land is available for the size of building they want. If they are looking for something like Pioneer Valley then they would need four or five acres.

Mrs. Izatt reminded the commission that Pioneer Valley is an independent living only not an assisted living. They are very insistent on independent living. It is different than the assisted facility. The only assistance they get at Pioneer Valley is a ride to the Hospital or Doctor appointments. She felt if we decide on a facility we probably would like more of an assisted living. What Bryant brought up can be done; we would need to put the definition into the matrix. We need to come up with a rough draft and then in January bring that rough draft to the meeting.

Chairperson Anderson summarized we will continue the workshop in January and can prepare by sending an email to Mrs. Izatt about any other ideas or changes that you feel would be good regarding the Assisted Living Facilities.

Mrs. Izatt mentioned she hasn't had much luck with Scott from Williamsburg so she is going to contact some of the people affiliated with the new center in Hyrum to come and talk to the commission.

Resident Input

No Resident Input

Consideration of Consent Agenda Minutes of November 19, 2014 Planning Commission Meeting

After consideration by the Planning Commission, the Chairperson declared the consent agenda for the November 19, 2014 planning commission meeting minutes as approved.

Jed Packer, 324 South 700 East, has requested time with the Commission to discuss proposed amendments to his existing Dog Kennel Permit.

Mr. Packer explained he has just purchased the Bernstein home on 700 East. He has been training Golden Retrievers for search and rescue and for Deaf Therapy. The purpose is to help humanity. He is not a puppy farm; he has had 8 dogs in the last few years but they like to bring puppies in to train by himself and a professional.

It takes two years to train and certify a dog. He has four dogs right now and a shared interest in a dog they are training. He has a kennel license and it takes two years to get a dog from point A to point B. He has an aging female that is 10 years old and has torn her ACL and rendered her useless in training so he has an extra dog until she passes. The puppy's will be here and then sent to Spanish Fork during the training period. He would like to change the amount of dogs from four to five dogs for the next 18-24 months.

Chairperson Anderson questioned his permit is for four dogs.

Mr. Packer said yes.

Commissioner Edwards questioned if the dogs were kenneled at all times.

Mr. Packer replied yes. The entire property has a six ft. privacy fence and within the fence there is a kennel.

Commissioner Krusi probed if there had been any complaints by neighbors.

Mrs. Izatt had not heard of any. She mentioned there are options. He could do an administrative amendment where she would notify his neighbors and complete things from her desk or he can come before the commission and have it amendment. There is no sense in him coming in to see the commission if she could do that over the desk.

The commission was okay with it. Chairperson Anderson informed Mr. Packer to follow through with Mrs. Izatt as she could handle the permit administratively.

Mrs. Izatt explored if it would be wise to set the limit to six (6).

Mr. Packer mentioned that the dog with the torn ACL will not be used anymore they are just taking care of her and making her comfortable.

Mrs. Izatt questioned the amount of time the dogs coming from Spanish Fork will be at his home.

Mr. Packer answered when all dogs are at his home there will be a total of five dogs and sometimes only two.

Chairperson Anderson confirmed Mr. Packer could take care of all the details with Mrs. Izatt when he is ready.

Public Hearing to consider approval of a request by North Ridge Development LLC, agent for Tout Properties LLC, property owner, for a rezone of property located at 900-1000 South 100 East (parcel #08-117-0013, 3.43 acres approximately) from GC (General Commercial) to RM (Multiple Family Residential)

The Public Hearing was opened at 7:20 p.m.

No Public Comment.

The Public Hearing was closed at 7:21 p.m.

Ryan Rogers explained there has been a strong demand for the Stonebrook apartments. We have had waiting lists and had to turn people down. That is why we are proposing to expand. People want to live here in Smithfield. The parcel is currently approved for warehouses and they felt having multi-family there would help the local businesses. They would like the commission's opinion on how they feel about the change in zone.

Mr. Bodily referred to the overhead map and pointed out the property being discussed. Apple Creek is zoned General Commercial. 1000 south needs to be continued and pump house road needs to extend. The corridor does need to be preserved; UDOT decided another light would be put there when needed. Mr. Gass felt it was a good idea to have Tout Properties come in and explain what they are planning on using the commercial area for this would help the commission know what to plan for.

Mr. Rogers explained that particular land was approved in 1995. Obviously those parcels haven't moved and there hasn't been a demand for warehouses and that is why they are looking at selling part of it, because there is no demand for commercial there. It could be another twenty years before they develop it.

Mrs. Diana Esplin with Tout Properties spoke from the audience stating they are owners with the Woodburys and they want to keep that area commercial. Tout properties didn't feel there would be a problem with more residential by the commercial area.

Mr. Rogers informed the commission it goes from commercial to warehouse to residential so there is a buffer there.

Mrs. Esplin felt that adding more residential would be fine. There will be a street in between.

Commissioner Krusi commented there is a piece of property to the south of where Paragon used to be in between the warehouses and that little square. Is there a plan to have another commercial structure there?

Mr. Rogers explained that piece is zoned warehouse and the Tout would put warehouses there if they decide to develop that there. They are looking at the piece just south of that for multi-family apartments. It is separate from the warehouse yet still close to commercial. The nice thing about having apartments next to commercial is the convenience to walk to the store.

Chairperson Anderson considered how they would find out what Woodbury Corporation would like to do with their property long term?

Mr. Bodily suggested that they table this request until Mr. Rogers is able to find out what their vision is.

Mrs. Esplin asked what piece they are concerned about; the piece by the Highway or where Paragon Medical was?

Mr. Bodily summarized they would like to envision the whole plan of the area. How everything ties in.

Mrs. Esplin questioned how do you plan? We have sat on it for a long time and we have been working to get business there. We felt like this would be a good way to use the land.

Mr. Wells replied that the Tout Properties probably has no idea what they want in there. If they had someone that wanted the entire parcel they would take it. There is no way to understand what will be coming their way. Woodbury will probably tell you the same thing.

Mr. Bodily explained the road is the biggest concern at this point.

Mrs. Esplin replied it wouldn't matter whatever went in there the road could still stay there.

Chairperson Anderson asked what the commission's concerns were.

Commissioner Tuescher asked what remains commercial and what remains multi-family?

Mrs. Esplin explained the front part that attaches to the highway will definitely remain commercial. The Woodburys have always wanted that to be commercial. The back part is not in partnership with Woodburys, it is Tout Properties and we can do what we want with that area. It was warehousing because that is what we started with but now we have a chance to go with something else we would like to sell it and have it residential because it hooks on so nicely to the ones behind.

Chairperson Anderson felt it doesn't really sit next to the property it is kitty corner to it. His question does Tout Properties own the land between the old Paragon buildings and where this new apartment complex is planned? Why do you not slide the apartments over to sit next to the other apartment complex?

Mr. Rogers explained Tout Properties chose not to. They wanted to keep that piece open.

Mrs. Esplin informed the commission they wanted to keep that piece for a warehouse. When we had someone looking at the Paragon Buildings they wanted to expand, so we wanted to leave that option available for any other prospective buyers. It is a small piece of land probably an acre to an acre and a half.

Mr. Rogers reminded the commission his purpose in coming in is to see if it is feasible to put the apartments there before they make the purchase on the land.

Commissioner Edwards would like to see a map with the road and apartments and possible ideas of what would fill in the other areas. He isn't opposed to the concept but he would like to see it in a form that they could visualize and make sense of. He felt postponing the approval until we see a general outline would be beneficial.

Commissioner Krusi agreed on the visualization. Then another concern they needed to consider is, would it make the warehouse property less valuable when you have residential right to the side of it?

Mr. Rogers felt that since there are already warehouses on the property behind the apartments the tenants are familiar with the business and the business is familiar with the residential, so there shouldn't be a problem.

Mr. Wells mentioned the complaints are more from the people in the condo buildings than the apartments.

Chairperson Anderson queried if a motion needed to be made to table this agenda item.

Mrs. Izatt replied yes and encouraged the commission to be specific because rezones are amending the Land Use map. Will you have him come back next month?

Chairperson Anderson felt Mr. Rogers would be contacting Jim Gass and having conversation with him to make sure that what you propose meets city staff approval. Can we state until the development company has time to meet with City Staff or do you want an actual time limit.

Mrs. Izatt responded that by ordinance it is 30 days on a Land Use Amendment.

Mr. Rogers felt 30 days was a feasible amount of time.

Commissioner McKay stated he was uncomfortable with this type of housing in that area. He isn't strictly opposed to housing.

Mr. Rogers mentioned this area has always been proposed for housing. They have town homes down the street.

Commissioner McKay had envisioned homes in this area and now they are considering a lot of little homes and it doesn't feel right. He needs more time to think about that.

Chairperson Anderson agreed he didn't want this part of Smithfield to start looking like North West Logan where you have fifteen different developments going on in an area. It does sound like we want to see a drawing with utility concerns, traffic and other concerns addressed. He called for a motion.

MOTION: A motion was made by Commissioner Krusi that they table the approval of a rezone of property located at 900-1000 South 100 east (parcel #08-117-0013, 3.45 acres approximately) from GC (General Commercial) to RM (Multiple Family Residential) until the meeting on January 21st with the understanding of a better plan being drawn up to better visualize utility and roads. The motion was seconded by Commissioner Hancock. The voting was unanimous.

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

Chairperson Anderson stated this item has been tabled until next month.

Ryan Rogers, agent for North Ridge Development, LLC has requested approval of Phase 6 (40 Lots), of the Final Plan for Stone Haven Planned Unit Development, located approximately 655 & 780 South and 70 & 150 East. Zoned RM (PUD) Combined Multiple Family Residential/Planned Unit Development Overlay Zone)

Mr. Rogers explained this is the last phase in the project with 40 lots. We are putting a water park in starting next year and all of the amenities will be in at that point.

Chairperson Anderson called for questions or comments from the commission.

MOTION: A motion was made by Commissioner Hancock to approve Phase 6 (40 Lots), of the Final Plan for Stone Haven Planned Unit Development, located approximately 655 & 780 South and 70 & 150 East. Zoned RM (PUD) Combined Multiple Family Residential/Planned Unit Development Overlay Zone.) The motion was seconded by Commissioner Edwards. The voting was unanimous.

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

The Commission will review and discuss a proposed amendment to the subdivision Ordinance, Section #16.16.050, in regards to water dedications.

Mr. Bodily referred to the draft that was handed out. He explained as a subdivision comes in there are four different options:

A) They can bring in culinary water

B) Secondary water can be brought in. The revised edition shows canal or irrigation. The reason “or irrigation” was taken out is that Smithfield Irrigation is a private company and we are not allowed to require anyone to hook up to it.

C) Set up to use secondary water and pay a water dedication fee. In the original ordinance it was \$350 per dwelling unit; if that were to change we would have to change the ordinance, so it was put into the prevailing fee schedule.

D) If there is no water available or they don’t want to buy it MV Ranch which is more than \$2000 per lot, they can pay \$2000 to offset the costs of getting future water.

Commissioner McKay mentioned when he lived by North Park Elementary we had irrigation system for the subdivision there. We had 40 psi and they had to buy an auxiliary pump to get enough pressure to water their lawns. Would the 40 psi cause the residents to have to buy pumps here?

Mr. Bodily replied if it is at least 40 psi is should be able to operate your sprinklers.

Mr. McKay questioned when there are ten homes and only five homes water their yards does that drop the psi substantially.

Mr. Bodily explained there would have to be a sufficient main line put in. That is part of the reason we are looking at paragraph C. Smithfield Irrigation has a system put in and if the water is not being used eventually the state can reassess as the city develops. It is both to the city’s and irrigation company’s advantage to have hook ups available.

Chairperson Anderson mentioned in a previous meeting it talked about shares of water that were deeded to the city.

Mr. Bodily replied yes, that is what we are trying to amend. The city doesn't have a use for them and the canal company doesn't want the city to be the major stock holder, so we are trying to eliminate that with paragraph C. The irrigation company is a subsidiary of the canal company; that is why the word "or irrigation" is crossed out.

Chairperson Anderson summarized that we are still leaving B as an option but we don't want any more water shares.

Mr. Wells responded we don't want more shares of the Smithfield Irrigation Company because we are not using the ones we already have. Potentially the irrigation company can lose the water if the shares are not being used. The unused shares cost us money every year as we have to pay assessment fees. We could rent them out but we have to follow the guidelines of the irrigation company on how they are rented out.

Commissioner Tuescher questioned what the object of this ordinance was.

Mr. Wells explained the object was to provide water to the city for any development. The city has to supply culinary water to any future development and so the city needs to be able to develop or purchase water to provide enough clean culinary water to these homes that are being built. This is a way for the city and developer to work together to provide the water to the new homes. We are changing it around a little bit to encourage developers to keep the irrigation water on the land and water the landscaping with it.

Chairperson Anderson referred to Mr. Gass' email where he says that with each development within the Smithfield Irrigation Company's service area. What is the service area?

Mr. Wells mentioned their service area is really quite large. It encompasses pretty much the entire Smithfield area plus a lot of the land out west and south. It is larger than our city limits.

Commissioner McKay had a question about the upper reservoir. Are we looking far enough in advance to make sure we have enough culinary water for all the new developments in Smithfield? Another question is as we get out towards the west we are on restrictions of how often we can water. If the water goes to all the new homes, is the West side going to continue to come up short?

Mr. Bodily explained not every year is going to be as dry. Some years water is not restricted.

If there is an opportunity to use the secondary water it is definitely a better option for watering. Even for lawns in the city. If the state sees the point of beneficial use dwindling and not being used they can reassess it. The water used should not be more or restrict anyone in the agricultural area.

Commissioner Wall mentioned the fee of secondary water being far less than culinary. He lives close by an irrigation hook up and never had the opportunity to choose. As culinary water rises in price he would prefer to be on irrigation.

Mr. Wells says they encouraged the developers to work with the local irrigation company and hook onto the system and use the secondary water at a reduced price. It is an incentive for the developer to use the secondary water that is already on the land.

Chairperson Anderson summarized the commission should look at the revised draft and see if there is anything that needs to be changed.

Commissioner Teuscher commented on paragraph C. It eliminates the \$350 fee and refers to the prevailing fee schedule. Where does the fee schedule come from?

Mr. Wells explained the fee schedule is a multi-page document of all the fees the city charges for everything. That particular schedule can be changed periodically by the vote of the City Council. If we put the \$350 in this document it will be an ordinance and would have to go to the Planning Commission, go through a Public Hearing and then to the City Council to make a change in that fee. Rather than put it in the body of the ordinance we put it in the prevailing fee schedule and it makes it much easier to assess and reevaluate.

Commissioner Teuscher inquired, “what does the city gain”?

Mr. Wells summarized it is an incentive for the developer to use the secondary water in the subdivision and in the future it prevents the city from having to provide all this culinary water that people are using on their lawns and gardens. Less water the city has to treat and provide to the homeowners.

Commissioner Teuscher inquired if we will still accept shares. We could have the developer pay for the shares up front and then the city wouldn't be stuck with them.

Mr. Wells replied that is why we eliminated the irrigation company altogether. We don't want shares from the irrigation company. Even if it is a 1/3 of a share of a canal company's share it would cost about \$2000. They are extremely expensive.

Commissioner McKay asked if we do this in subdivisions where they could use canal water who takes care of the right of way?

Mr. Bodily described there will still be a water assessment. All of the rights of ways have many utilities in irrigation, power and phone. There is a system set up now that takes care of the repairs.

Mr. Wells stated if it is Smithfield Irrigation Company they are hooked onto it is an extension of the Smithfield Irrigation System and there annual assessment for shares they own would pay for those repairs. Smithfield City has an irrigation system and we operate and use our canal shares. If there is a problem with that then the city takes care of it.

Chairperson Anderson called for any concerns of how it is drafted. It seems to be a little simpler. Do we want a motion?

Mrs. Izatt responded if you are ready to make a motion then go ahead. If you want to read through it think about it and tweak it a little bit then she could put it into an ordinance form and then if the commission feels comfortable, set a Public Hearing.

Chairperson Anderson felt the main thing was the paragraph C. That is the addition with a few strikes throughout.

Mrs. Izatt explained you don't have an ordinance in front of you. She felt it needed to come back in a formatted zone and then discussed before a public hearing.

Commissioner Edwards would like to have it come back as an ordinance.

Commissioner McKay referred to Ryan Rogers rezone with a 40 dwelling units. They are building on Agricultural land that has water rights there. Will there be enough shares to transfer over and the people will buy into the system to water their lawns?

Mrs. Izatt explained everyone is required to meet the water dedication. Mr. Rogers would have to come up with the shares or pay the \$2000 fee.

Mr. Wells mentioned Mr. Rogers would have to provide all the water for the culinary needs and then water for the green space as well. It will be up to him to look at that and decide if he should use irrigation water. If the ordinance goes through it will encourage him to use irrigation water for the landscaping rather than culinary water. If he does that, the city won't charge him as much for the water dedication fee per unit.

Mrs. Izatt explained the water doesn't automatically go to him because he is buying the property.

Mr. Wells confirmed that is part of the negotiations on the property is to purchase the water.

Chairperson Anderson summarized that this come back in a draft ordinance form, for next month's meeting.

MOTION: A motion was made by Commissioner Krusi to adjourn the meeting at 8:24 p.m. The motion was seconded by Commissioner Teuscher. The voting was unanimous.

Commissioners voting in favor: McKay, Hancock, Krusi, Anderson, Teuscher, Walls, Edwards.

Jamie Anderson, Chairperson

Attested:

Charlene Izatt, Deputy Recorder

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

NOTICE and AGENDA

Public Notice is hereby given that the Smithfield Planning Commission will hold a regular Planning Commission Meeting at 7:00 p.m. on **Wednesday, December 17, 2014** in the Smithfield City Council Chambers, **96 South Main**, Smithfield, Utah.

7:00 p.m. Opening Ceremonies

Workshop session:

The Commission will continue discussion in regards to the feasibility of adding Assisted Living Facilities to the Land Use matrix.

Agenda items:

1. 7:03 p.m. Resident Input
2. 7:08 p.m. Consideration of Consent Agenda
Minutes of the November 19, 2014 Planning Commission Meeting
3. 7:10 p.m. Jed Packer, 324 South 700 East, has requested time with the Commission to discuss proposed amendments to his existing Dog Kennel Permit.
4. 7:20 p.m. **Public Hearing** to consider approval of a request by North Ridge Development LLC, agent, for Tout Properties LLC, property owner, for a rezone of property located at 900-1000 South 100 East (parcel # 08-117-0013, 3.43 acres approximately) from GC (General Commercial) to RM (Multiple Family Residential)
5. 7:30 p.m. Ryan Rogers, agent for North Ridge Development, LLC has requested approval of Phase 6 (40 Lots), of the Final Plan for Stone Haven Planned Unit Development, located approximately 655 & 780

South and 70 & 150 East. Zoned RM (PUD) (Combined Multiple Family Residential/Planned Unit Development Overlay Zone)

6. 7:40 p.m. The Commission will review and discuss a proposed amendment to the Subdivision Ordinance, Section #16.16.050, in regards to water dedications.

7. 7:50 p.m. **ADJOURNMENT**

Posted this 12th day of December 2014 at the Smithfield City Offices, City Web Page and the Utah Public Meeting Notice web site. Notice provided to The Herald Journal this 12th day of December 2014.

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