

1 **PLANNING COMMISSION MINUTES OF MEETING**
2 **Wednesday, June 22, 2016**
3 **7:00 p.m.**
4

5 A quorum being present at Centerville City Hall, 250 North Main Street, Centerville,
6 Utah. The meeting of the Centerville City Planning Commission was called to order at 7:00 p.m.
7

8 **MEMBERS PRESENT**

9 Kevin Daly
10 Gina Hirst (arrived at 7:09 p.m.)
11 Logan Johnson, Vice Chair
12 Scott Kjar
13 Becki Wright
14

15 **MEMBERS ABSENT**

16 Cheylynn Hayman
17 David Hirschi, Chair
18

19 **STAFF PRESENT**

20 Cory Snyder, Community Development Director
21 Brandon Toponce, Assistant City Planner
22 Lisa Romney, City Attorney
23 Katie Rust, Recording Secretary
24

25 **VISITORS**

26 Interested citizens (see attached sign-in sheet)
27

28 **PLEDGE OF ALLEGIANCE**

29
30 **PRAYER OR THOUGHT** Cory Snyder
31

32 **MINUTES REVIEW AND APPROVAL**

33
34 The minutes of the June 8, 2016 Planning Commission meeting were reviewed.
35 Commissioner Kjar made a motion to approve the minutes, which was seconded by
36 Commissioner Wright. The motion passed by unanimous vote (4-0).
37

38 **THE COVE AT DEUEL CREEK SUBDIVISION, 362 SOUTH 400 EAST**

39
40 On April 27, 2016, the Planning Commission reviewed the application for Small
41 Subdivision Waiver/Flag Lot, located at 362 South 400 East. At that time, the flag lot was
42 approved; however, the subdivision portion of the request was tabled. Although the request met
43 all of the layout requirements for a flag lot, staff believed other items needed to be addressed
44 that reflected the subdivision process and engineering. Brandon Toponce, Assistant City
45 Planner, reported that Conditions of Approval have been met, and staff recommends approval
46 of the Final Small Subdivision Waiver/Flag Lot.
47

48 Jake Williams, applicant, thanked staff for their help in the process, and confirmed that
49 sufficient water rights are available to service the property. Commissioner Hirst arrived at 7:09
50 p.m.
51

52 Cory Snyder, Community Development Director, confirmed that drainage has been
53 addressed to the City Engineer's satisfaction. Commissioner Wright made a motion to approve
54 the request of The Cove at Deuel Creek Subdivision located at 362 South 400 East, with the

1 following conditions and reasons for action. Vice Chair Johnson seconded the motion, which
2 passed by unanimous vote (5-0).

3
4 Conditions:

- 5
6 1. Prior to the final plat being recorded, the applicant shall record the lot line adjustment
7 at the Davis County Recorder's Office.
8 2. After the final plat is deemed complete by the City Engineer and City Attorney, the
9 applicant shall submit to the City Recorder for recordation with the Davis County
10 Recorder's Office.
11 3. The final construction drawings shall be reviewed and approved by the City Engineer
12 prior to any building permit being issued.
13 4. The applicant shall post a bond prior to recording the final plat in relation to all public
14 improvements; including the new fire hydrant located adjacent to 400 East.
15 5. A final approval from Deuel Creek Irrigation shall be submitted prior to recording the
16 final plat.
17

18 Reasons for Action (Findings):

- 19
20 a. The Planning Commission approved the concept of a Small Subdivision Waiver/Flag
21 Lot at the April 27, 2016 meeting.
22 b. All previous conditions of approval from the April 27, 2016 Planning Commission
23 meeting have been adequately addressed by the applicant.
24 c. Proper fire protection has been approved by the South Davis Metro Fire Marshal and
25 all other applicable easements and utilities have been reviewed and found to be
26 sufficient.
27 d. Secondary water rights are required for approval before final plat recordation.
28

29 PUBLIC HEARING – GENERAL PLAN AMENDMENT, BICYCLE AND NON-
30 MOTORIZED VEHICLE PATHWAYS AND TRAILS MASTER PLAN MAP

31
32 The Centerville City Trails Committee has requested an amendment to Section 12-450-
33 3, of the General Plan, concerning bike lanes throughout the city. In addition, they would like to
34 amend the Centerville Trails Master Plan Map in order to reflect any updates since it was last
35 revised in 2012. Staff explained that the amendment would allow for Class III bike lanes, which
36 are currently discouraged by the General Plan. The Commissioners discussed recent striping
37 on Main Street by UDOT. Commissioner Wright said she plans to contact multiple bike clubs
38 about the possibility of contributing funds toward signs and bike pavement markings. Mr.
39 Snyder explained the different classes of bike lanes. Commissioner Daly said he has
40 reservations with cars and bikes sharing the same lane, but he is fine with the striping situation
41 on 400 West.
42

- 43 Class I Provides bicycle travel on a paved right-of-way completely separated
44 from any street or highway
45 Class II Provides a striped and stenciled lane for one-way bike travel on a street
46 or highway adjacent to auto travel
47 Class III Provides for shared use with pedestrian or motor vehicle traffic identified
48 only by signing
49

50 At 7:36 p.m., Vice Chair Johnson opened a public hearing and closed the public hearing
51 seeing that no one wished to comment. Commissioner Daly made a **motion** for the Planning
52 Commission to accept the General Plan amendments and recommend approval to the City
53 Council regarding Section 12-450-3, and the updated Centerville Trails Master Plan Map as

found in Section 12-460-2, with the following reasons for the action. Commissioner Kjar seconded the motion, which passed by unanimous vote (5-0).

Reasons for Action (findings):

1. The proposed amendments meet the requirements found in Section 12-21-080(4)(e).
2. The proposed General Plan Amendments meet the goals and objectives of the General Plan concerning trails within Centerville [Section 12-460-2].
3. The proposed amendments will not have a negative impact on the surrounding community.
4. With the Planning Commission reviewing the amendment and making a recommendation to the City Council, the proposal has met the approval standards for a General Plan amendment [12-21-070(e)].

PUBLIC HEARING – CODE TEXT AMENDMENT, SENSITIVE/CONSTRAINED LANDS

The City Council and Planning Commission recently directed the planning staff to prepare specific edits regarding how “sensitive and constrained lands” are to be applied to gross densities of residential development, as allotted within the Zoning Code. Recently these lands (wetlands, flood channels, steep slopes, etc.) are being viewed negatively when such lands are included in the gross density calculations. Thus, staff has been asked to prepare text edits for the Zoning Code to prohibit the use of the acreage associated with these lands to be used in the gross density calculations in residential development projects. Mr. Snyder explained proposed Zoning Ordinance text edits, including elimination of the word “sensitive” in this context.

Land, Constrained – Land that comprises or consists of federally regulated wetlands, floodplain channels, river or stream channels, ponds, canyons or ravines or cliffs or other tracts with steep slopes greater than 30%.

Density, Gross – The number of dwelling units per acre within a subdivision or other development based on the total tract area that is deemed developable.

Land, Developable – Land that is not deemed constrained, which is capable of being improved, subject to the requirements of this Title.

Referring to recent development of the Hafoka property, Mr. Snyder advised that the Commissioners not let any one project drive their decisions. He stated that, from his perspective as a planner, constrained open space can be quality open space. Ms. Romney agreed with narrowly defining the term constrained land. The goal is to provide a legally sustainable definition of constrained land for purposes of calculating density. Mr. Snyder cautioned that being subjective about what is “sensitive” could lead to legally dangerous arbitrary decisions. He added that the proposed language would not necessarily have prevented the Hafoka situation.

Vice Chair Johnson opened a public hearing at 8:01 p.m. and closed the public hearing seeing that no one wished to comment. Responding to a question from the Planning Commission, Mr. Snyder explained that existing and possibly new development regulations could also be used to meet the desired outcome. Allowing the gross density to include these subject lands, but restricting the placement of development on usable lands, encourages clustering of the density, thereby making it cost effective to preserve these areas for accessory and supportive uses while providing opportunity for developing private lands and balancing the market housing cost needs of the future. He expressed the opinion that the proposed Code Text Amendment is not necessarily the best way to handle the gross density concern.

1 Vice Chair Johnson stated, he is not inclined to be against density, and is not inclined to
2 support the proposed changes. He commented that density usually increases per acre property
3 value, creating a stronger, more sustainable development. He also said he is in favor of giving
4 more flexibility to a developer in order to cluster development and save more open space, and
5 said he feels keeping things as they are is more respectful of property rights. Vice Chair
6 Johnson said the driving issue for him is property rights.

7
8 Commissioner Kjar made a **motion** to approve the Code Text Amendment as presented
9 by staff with findings (a) through (g). Commissioner Daly seconded the motion.

10
11 Reasons for Action (findings):
12

- 13 a. The Planning Commission finds that the City Council desires to receive feedback
14 with regards to how gross densities for residential development are calculated with
15 regards to sensitive and constrained lands.
- 16 b. The Planning Commission finds that the Commission as a whole, desired to consider
17 changes to how gross densities are calculated with regards to sensitive and
18 constrained lands.
- 19 c. The Planning Commission finds that according to Section 12-420-2.3, Residential
20 Development Policies, hillside and naturally wooded canyons should be provided
21 protection from indiscriminate development.
- 22 d. The Planning Commission finds that according to Section 12-440-1, General –
23 Natural Hazards Element, a number of natural hazards exist, which should be
24 considered in how residential areas are developed.
- 25 e. The Planning Commission finds that according to Section 12-440-2, Natural Hazards
26 Policies, residential development should not occur in areas subject to the flooding of
27 natural streams.
- 28 f. The Planning Commission finds that according to Policy #3, Foothills Management
29 Plan, the management plan has a desire to protect and maintain the natural drainage
30 in canyons and ravines.
- 31 g. Therefore, the Planning Commission finds that the proposed amendments to the
32 Zoning Ordinance facilitate the desires of the goals and policies mentioned above.

33
34 The Commissioners discussed possible development scenarios that could occur with the
35 current ordinance. Vice Chair Johnson said, he feels that existing legislative oversight with a
36 PUD would be an effective check against irresponsible development. Mr. Snyder commented
37 that the proposed Code Text Amendment is the fastest way to address the concerns – the other
38 options would take time and effort. He said he feels the Hafoka situation has driven too much
39 response; there is very little risk that a similar situation would occur again. Mr. Snyder said he
40 would suggest scrapping the proposed changes and move toward improving the hillside
41 ordinance. Commissioner Wright said she would be inclined to support the proposed changes if
42 they bring peace to citizens and do not hurt development or property rights. Mr. Snyder pointed
43 out that the Commissioners are citizen planners responsible for protecting land use rights.

44
45 Commissioner Kjar said he shares Vice Chair Johnson's aversion for excess
46 regulation. The hillside is already zoned R-L with four lots per acre and grade restrictions.
47 Mr. Snyder repeated that the emotional reaction to one project should not be used to justify a
48 whole list of land use regulation. Commissioner Wright said she feels it is important to include
49 street and sidewalk in the definition of developable land for those trying to figure out what gross
50 density includes – language deleted with the proposed changes. Commissioner Wright made a
51 **motion** to amend the definition of density, gross to include the words "including but not limited
52 to streets and sidewalks" at the end of the sentence. Vice Chair Johnson seconded the motion.
53 Mr. Snyder said he understands her point, but cautioned that specifying streets brings up
54 questions regarding specifics. The ordinance includes a provision for the Zoning Administrator

1 to make certain decisions, subject to an appeal. Commissioner Wright asked how Mr. Snyder
2 would suggest clarifying net density and gross density. Mr. Snyder said he thinks the process is
3 functioning fairly well as it has been crafted. The appeals process is an important part of
4 development. No ordinance can cover every scenario. Ms. Romney agreed with Mr. Snyder
5 that there would always be gray areas. The interpretation has historically been to include half of
6 the street in the calculation. The motion to amend the language failed (2-3), with
7 Commissioners Wright and Daly voting in favor and Vice Chair Johnson and Commissioners
8 Hirst and Kjar voting against.

9
10 Commissioner Daly spoke in favor of addressing the perceived need now, with the
11 intention of revisiting the hillside plan to take other preventative measures. Commissioner Hirst
12 said she feels as planners they should not be driven by emotions of the moment, and she thinks
13 the Commission should look at utilizing a better tool. Commissioner Daly pointed out that the
14 proposed changes might not have prevented the Hafoka situation, but might prevent something
15 else undesirable down the road. Commissioner Hirst agreed with Vice Chair Johnson that
16 property owners should have the right to develop their property and she would not want to
17 impede that process further. Commissioner Kjar pointed out that staff feels enough tools are
18 already in place to deal with the issue, and asked why the Commission would want to throw in
19 another hoop for developers to jump through. He said he is comfortable leaving it as it is on
20 staff's recommendation. Commissioner Wright agreed that the Commission should not act
21 solely on an emotional response, but said she does not feel the proposed changes would
22 necessarily impede property rights. They would be an extra check to make sure the City does
23 not get development that is less than desirable.

24
25 The motion to approve the proposed Code Text Amendment failed (2-3), with
26 Commissioners Wright and Daly in favor and Vice Chair Johnson and Commissioners Kjar and
27 Hirst against.

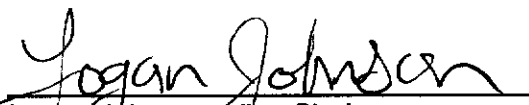
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29 **PUBLIC HEARING – CODE TEXT AMENDMENTS FOR SOUTH MAIN STREET**
30 **CORRIDOR (SMSC) OVERLAY ORDINANCE, CHAPTER 12-48**

31
32 This issue was postponed from the June 8, 2016 Planning Commission meeting.
33 Commissioner Wright made a motion to table this issue to the next Planning Commission
34 meeting considering the absence of two Commissioners. Commissioner Hirst seconded the
35 motion, which passed by unanimous vote (5-0).

36
37 The Planning Commission is scheduled to meet in a work session with the City Council
38 to present their recommendation regarding the SMSC Overlay Ordinance on July 19. The next
39 regular Planning Commission meeting is scheduled for July 13, 2016.

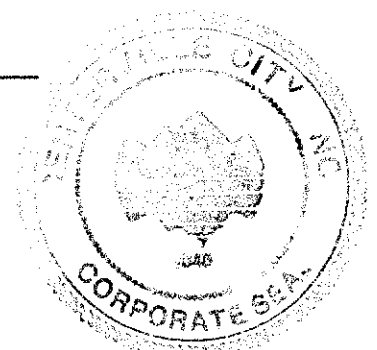
40
41 **ADJOURNMENT**

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43 At 8:55 p.m., Vice Chair Johnson made a motion to adjourn the meeting.
44 Commissioner Hirst seconded the motion, which passed by unanimous vote (5-0).

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46
47 
48 Logan Johnson, Vice Chair

7-13-2016
Date Approved

49
50
51 
52 Katie Rust, Recording Secretary



CENTERVILLE PLANNING COMMISSION MEETING

Wednesday, June 22, 2016

~~7:00~~ p.m.

NAME (PLEASE PRINT)

ADDRESS**

Andy Roberts

Ruth Ann Fisher

535 n 100 E Centerville

498 No Main Cent

** Your address will be used only in the event the City staff needs to contact you pertaining to an issue discussed in the Planning Commission meeting.