

CENTERVILLE CITY PLANNING COMMISSION AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY PLANNING COMMISSION WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 P.M. ON WEDNESDAY, AUGUST 27, 2014, AT THE CENTERVILLE CITY COMMUNITY CENTER AND CITY HALL COUNCIL CHAMBERS, 250 NORTH MAIN STREET, CENTERVILLE, UTAH. THE AGENDA IS SHOWN BELOW.

Meetings of the City Council of Centerville City may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207, as amended. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.

Centerville City, in compliance with the Americans with Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance, including hearing devices. Persons requesting these accommodations for City-sponsored public meetings, services, programs, or events should call Blaine Lutz, Centerville Finance Director, at 801-295-3477, giving at least 24 hours' notice prior to the meeting.

A notebook containing supporting materials for the business agenda items is available for public inspection and review at City Hall and will be available for review at the meeting. This agenda is also posted on the City's website: www.centervilleut.net

Tentative Time: (The times shown below are tentative and are subject to change during the meeting)

- 7:00** **A. WELCOME AND ROLL CALL**
- B. PLEDGE OF ALLEGIANCE**
- C. PRAYER OR THOUGHT – Commissioner Logan Johnson**
- D. MINUTES REVIEW AND ACCEPTANCE – August 13, 2014**
- E. BUSINESS**

- 7:10** **1. PUBLIC HEARING | CODE TEXT AMENDMENTS | APIARIES/BEEKPEEING**
 [Tabled from August 13, 2014 Meeting]
 Consider amendments to the Zoning Ordinance regarding the use and regulation of
 Apiaries/Beekeeping, as directed by the City Council. Centerville City, Applicant

- 7:30** **2. PUBLIC HEARING | HAFOKA PROPERTY REZONE | 564 WEST 400 SOUTH**
 Consider a zone map amendment (rezone) for parcels located at 564 West Porter Lane from R-
 L (Residential-Low) to R-M (Residential-Medium), to potentially allow development of an
 assisted living facility and/or several independent dwelling/living units. Taylor Spendlove,
 Brighton Homes Utah LLC, Applicant

- 7:50** **3. PUBLIC HEARING | MICKELSON MEADOWS SUB | 696 E CENTER STREET**
 Consider a conceptual subdivision plan for Mickelson Meadows Subdivision; which consists
 of a 4-Lot Subdivision, to be located at 696 East Center Street, in the R-L Zone. Patrick Scott,
 Brighton Homes Utah LLC, Applicant

- 8:10** **4. PUBLIC HEARING | MILES MEADOW SUBDIVISION | 580 EAST 100 SOUTH**
 Consider a conceptual subdivision plan for Miles Meadow Subdivision; which consists of a 3-
 Lot Subdivision, to be located at 580 East 100 South, in the R-L Zone. Patrick Scott, Brighton
 Homes Utah LLC, Applicant

- 8:30 5. **LEGISLATIVE UPDATE – 2014 GENERAL SESSION | PLANNING RELATED BILLS**
Presentation by City Attorney regarding planning related bills passed by the Utah Legislature in the 2014 General Session
- 8:50 6. **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**
a. Upcoming Meetings
- *PC Meeting September 10, 2014: Legacy Trail Apartment Project Preliminary Subdivision, Renatus Office/Warehouse Building Final Site Plan, West Centerville Neighborhood Open House to be held on Wednesday, September 24, 2014*
- 8:55 F. **ADJOURNMENT**

Posted August 22, 2014 by Community Development



PRELIMINARY DRAFT

PLANNING COMMISSION MINUTES OF MEETING

Wednesday, August 13, 2014

7:00 p.m.

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

MEMBERS PRESENT

Gina Hirst
Logan Johnson
Kevin Merrill, Vice Chair
Debra Randall

MEMBERS ABSENT

David Hirschi, Chair
William Ince
Scott Kjar

VISITORS

Dell Nichols	Richard Rowe
Dave Kocherhans	Andy Rhodes
Bob Snyder	Craig Widmier
Spence Packer	Merrill Sherriff
Steve Garner	

STAFF PRESENT

Corvin Snyder, Community Development Director
Brandon Toponce, Assistant Planner
Lisa Romney, City Attorney
Kathy Streadbeck, Recording Secretary

PLEDGE OF ALLEGIANCE

OPENING COMMENT/LEGISLATIVE PRAYER

Vice Chair Kevin Merrill

MINUTES REVIEW AND APPROVAL

The minutes of the Planning Commission meeting held July 23, 2014 were reviewed and amended. Commissioner Johnson made a **motion** to approve the minutes as amended. The motion was seconded by Commissioner Hirst and passed by unanimous vote (4-0).

**PUBLIC HEARING | CONVENIENCE STORE/GAS STATION | 1011 SOUTH
MAIN STREET (Corner of Pages & Main) - Consider a conditional use permit for
operating a fast-food restaurant in a C-H (Commercial-High) Zone, located at 1011 South
Main Street. Dell S. Nichols, Applicant**

Brandon Toponce, Assistant Planner, reported the applicant previously (June 2013) received a conditional use approval for the proposed project; gas station, convenience store, and fast-food restaurant. The conditional use permit has since expired per the 180 day no activity clause (Section 12-21-100). The applicant is once again ready to proceed with the project and is seeking a new conditional use permit approval for the fast-food use. Mr. Toponce distributed and reviewed the site plan for the proposed project. There is adequate access, circulation, and parking for the project. The applicant previously received approval from the Board of Adjustment for the enlargement and expansion of the existing building which is still valid. The proposed fast-food use is allowed within the Commercial-High Zone with a conditional use permit. The General Plan encourages attractive commercial development within this area. The southeast corner of Pages Lane and Main Street has been in a dilapidated state for several years. The proposed redevelopment of the site will likely improve the economic conditions of the area and help spur additional redevelopment of other surrounding businesses.

Mr. Toponce responded to questions from the Commission. He reviewed the parking and cross accesses. He explained the fast food use will have both a drive-thru and walk-in access. The interior of the building will include both a convenience store and tables for fast food patrons.

Dell Nichols, applicant, said it is their fault the approvals expired, but are now ready to move forward. He explained the property was completely acquired from the original property owners last year. He also said they have successfully secured Steak & Shake as the restaurant use. This will be the first Steak & Shake in Utah.

Vice Chair Merrill opened the public hearing.

David Kocherhans said he represents the owners of the Village on Main located across the street to the west. The Village on Main was developed six (6) years ago and has struggled to sale their exterior pad sites, specifically their corner lot. He said this is partly due to the dilapidated gas station across the street. He said once the proposed gas station is redeveloped it will encourage the revitalization of other properties including their pad sites. He said the Village on Main is excited to see this gas station redeveloped and encouraged the Planning Commission to approve the application.

Vice Chair Merrill closed the public hearing.

Commissioner Johnson made a **motion** for the Planning Commission to approve the conditional use permit for a fast-food use to be located at 1011 South Main Street, subject to the following conditions:

Conditions:

1. The site located at 1011 South Main Street shall be approved for a fast-food restaurant use with a drive-through.
2. The fast-food use area shall not exceed a size larger than 1,500 square feet or that can be parking supported using one (1) stall per 100 square feet of fast-food space within the new proposed addition.
3. The fast-food use is approved, provided the site design and layout complies with the revised final site plan approval that is related to the issuance of this conditional use permit approval.

Reasons for Action (findings):

- a) A completed application for a conditional use permit has been submitted to the City [Section 12-21-100(d)(1)].
- b) The use of a fast-food restaurant, with a conditional use permit, is allowed within in the Commercial-High (C-H) Zone [Chapter 12-36].
- c) The conditional use permit review and criteria have been adequately addressed and are found to be in harmony with the surrounding neighborhood.

The motion was seconded by Commissioner Randall and passed by unanimous roll-call vote (4-0).

PUBLIC HEARING | RENATUS OFFICE/WAREHOUSE BLDG | 1312 WEST 75 NORTH - Consider a conceptual site plan for the Renatus Office/Warehouse Building, to be located at approximately 1312 West 75 North, Evergreen Business Park, Lot 2 & 3, in the I-H Zone. Merrill Sheriff Construction, Applicant

Brandon Toponce, Assistant Planner, reported the applicant proposes to build an office/warehouse building. The applicant has purchased two (2) lots which will be combined to create one lot for the project. The proposed use is permitted within the Industrial-High Zone and is consistent with the goals and objectives of the General Plan. The proposed project meets the majority of the required development standards. Some additional details are needed with regard to parking and the driveway will need to be shifted slightly to the east to create a greater safe zone around the water meter. The proposed plans show where landscaping is to be located, but lacks what types of vegetation will be planted. The applicant will be required to follow screening

1 and signage ordinances. The applicant will need to verify that no easements are located within
2 the building area.

3
4 Lisa Romney, City Attorney, recommended an additional condition of approval to state
5 the two (2) parcels shall be combined and appropriately recorded and that any easements within
6 the building area be vacated or moved.

7
8 Bob Snyder, applicant, said this is going to be a beautiful building with beautiful
9 landscaping. He joked that his contractor believes they are over-building for the industrial area in
10 which they are located. He explained the parking access has already been shifted to
11 accommodate the water main safe zone and a new site plan has already been completed with this
12 change. He said both the parking and the landscaping details will be submitted as required. He
13 also assured the Commission that he will verify there are no easements in the interior of the
14 property and will have the combined properties appropriately recorded with the County.

15
16 Vice Chair Merrill opened the public hearing. There was no comment. He closed the
17 public hearing.

18
19 Commissioner Randall made a **motion** for the Planning Commission to accept the
20 conceptual site plan for the Renatus Office/Warehouse Building, to be located at 1312 & 1318
21 West 75 North, with the following conditions:

22
23 ***Conditions:***

- 24 1. The applicant shall submit a final site plan application meeting the standards found in
25 Section 12-21-110(e) of the Zoning Ordinance.
- 26 2. Building elevations shall be submitted indicating the total height of the proposed
27 structure, final materials and colors.
- 28 3. The location of all signage shall be indicated on the building elevations and on the
29 site plan, if a monument sign is preferred.
- 30 4. Total square footage of office space and warehouse space shall be submitted with the
31 final plans as to calculate the required parking.
- 32 5. A landscaping plan shall be submitted and indicate the following:
 - 33 a. Total overall percentage of landscaping
 - 34 b. Total parking lot percentage of landscaping
 - 35 c. Location, types and total number of plantings
- 36 6. Detail concerning the location of the trash enclosure and the design and style of the
37 screening wall shall be submitted with the final site plan.
- 38 7. All roof and wall-mounted equipment shall be shown on the final plans as being
39 screened from view.

- 1 8. Utility provider sheets shall be submitted as part of the final site plan application
- 2 package.
- 3 9. Applicant will assure the development will respect the space needed to accommodate
- 4 the water meter.
- 5 10. Applicant shall record appropriate documents with the County Recorder's Office to
- 6 combine the two (2) lots into one (1) lot and vacate or move any easements under the
- 7 proposed building area. Sufficient evidence of the combining of the lots and vacation
- 8 of easements shall be submitted to and confirmed by the City prior to issuance of a
- 9 building permit.

10
11 ***Reasons for Action (findings):***

- 12 1. The conceptual site plan submittal has adequately shown how the property may be
- 13 developed [Section 12-21-110(d)(2)].
- 14 2. According to the Table of Uses, an office/warehouse is permitted within the I-H
- 15 Zone.
- 16 3. The development was found to meet the goals and objectives found within the
- 17 Centerville City General Plan [Section 12-480-6].
- 18 4. The proposed site appears to have met all applicable development standards for the I-
- 19 H Zone [Chapter 12-35].

20
21 The motion was seconded by Commissioner Johnson and passed by unanimous roll-call
22 vote (4-0).

23
24 **PUBLIC HEARING | CODE TEXT AMENDMENTS | APIARIES/BEEKPEEING -**
25 **Consider amendments to the Zoning Ordinance regarding the use and regulation of**
26 **Apiaries/Beekeeping, as directed by the City Council. Centerville City, Applicant**

27
28 Cory Snyder, Community Development Director, reported the City Council directed staff
29 to prepare the proposed zoning text amendment to remove the prohibition of apiaries and allow
30 such a use within the city. The Council voted unanimously to create a "minimal" regulatory
31 standard for bee keeping. Mr. Snyder reviewed the proposed bee keeping amendment which he
32 created from various resources. The proposed amendment is "minimal" as requested and
33 includes bee keepers "best management practices." The proposed ordinance redefines apiaries,
34 lists where apiaries may be allowed, and sets minimal regulations including flyways, water,
35 equipment, and nuisance standards. Mr. Snyder explained options for the number of colonies
36 allowed, i.e., a capped number, colonies per property size, or no limit. The Commission should
37 discuss what level of intensity would be appropriate. The proposed amendment does not require
38 bee keepers to register with the City.

1 Commissioner Johnson questioned what recourse a citizen might have if their property or
2 their person were damaged/injured because of another's beekeeping if the City did not pass an
3 ordinance regulating the use of apiaries. Lisa Romney, City Attorney, said this type of situation
4 would be considered a private civil matter and an individual may be able to pursue a civil action
5 if proof were provided. If the City were to pass a regulating ordinance that would give an
6 individual another level of proof, but it does not necessarily mean the City would get involved if
7 a dispute arose.

8
9 Mr. Snyder said there is also State law that allows the County/State to step in if an
10 aggressive stock were confirmed. If the City passes a regulating ordinance it would give the City
11 permission to control the operation of apiaries within the City and may help lessen conflicts, but
12 it does not mean the City will settle conflicts between parties. He also explained he added the
13 nuisance section of the proposed ordinance to show that the City has the ability to issue a citation
14 if needed.

15
16 Vice Chair Merrill questioned the flyway standard vs. a setback standard. He questioned
17 if a setback should be called out so colonies are not placed too close to property lines. He also
18 raised concern with water. He said any stagnant water left by a bee keeper for the bees use could
19 potentially attract mosquitos. He also questioned the size of a typical colony.

20
21 Mr. Snyder said the proposed amendment does not require setbacks for the apiaries but
22 the flyway is intended to require bees to fly up and away lessening the chance of bees flying
23 directly into neighboring properties. He said setbacks could be included but this may require a
24 higher level of regulation and registration with the City. He explained he found there is already
25 an inherent conflict between bee keepers and mosquito abatement. This is something the bee
26 keeper and Mosquito Abatement would have to work out together. Depending on the depth of the
27 standing water any person can register with Mosquito Abatement for spray or mosquito eating
28 fish. He also said the size of the apiary is not specifically called out.

29
30 Vice Chair Merrill opened the public hearing.

31
32 Spence Packer said he has allowed a neighbor to keep bees on his property for some time
33 now. He said it has been mostly uneventful, but in the past two weeks the bees have become
34 aggressive to the point where he has had to borrow a bee suit in order to work near this side of
35 his property. He suggested the amendment address aggressive bees. He said allowing apiaries
36 could potentially increase the risk for neighbors who may be allergic to bee stings. He also said it
37 would be nice to be able to locate some apiaries at the Whitaker Museum.

38
39 Vice Chair Merrill closed the public hearing.

Commissioner Randall said she is concerned with the number of colonies allowed on a property. She has learned that two colonies can produce plenty of honey to provide for a family. She feels 10 colonies is excessive and would rise to the level of commercialization. However, she understands that colonies can die over the winter and more than 2 may be needed. She is comfortable allowing two colonies for properties that are ½ acre and smaller and a total of four colonies for any properties larger than ½ acre.

The Commission discussed potential pros and cons of the number of colonies allowed. A majority of the Commission was comfortable allowing 2 colonies on ¼ acre properties and 4 colonies on larger properties. It was also discussed that 1 acre and larger properties could accommodate more than 4 colonies and perhaps this should be considered.

Commissioner Johnson made a **motion to table** this item until the next Planning Commission meeting. He suggested Commissioners take this time to further research beekeeping with regard to various property sizes. He also requested that staff review setbacks and provide a recommendation on applying setbacks to the proposed apiary amendment. The motion was seconded by Commissioner Hirst and passed by unanimous roll-call vote (4-0).

**PUBLIC HEARING | CODE TEXT AMENDMENTS | PARRISH/LEGACY
TRANSIT-ORIENTED DEVELOPMENT CENTER FOR THE WEST CENTERVILLE
NEIGHBORHOOD - Establish the use and regulations of a proposed TOD Area to be
located in the West Centerville Neighborhood. This policy is a strategy related to
implementing centers as suggested by the Wasatch Choice 2040 Plan. A future transit stop
for Frontrunner is a component for consideration as part of the proposed amendments.
Centerville City, Applicant**

Cory Snyder, Community Development Director, reported the City Council directed staff to prepare amendments to initiate discussion regarding the creation of a Transit-Oriented Development (TOD) area to support a future possibility of a Frontrunner Station stop in the West Centerville Neighborhood. This would require the expansion of the mixed-use development pattern. The City is currently in the process, with an Oversight Committee, of discussing what such an expansion would look like and considering necessary revisions to the General Plan for this area with a specific focus on a station stop. The Committee is working with UTA and is currently looking at four (4) possible scenarios for a station stop. All information is planned to go out to the public later this month. The proposed amendments call out the TOD area and performance standards for development. The amendments establish a core area and a support area with standards for both. The amendments promote mixed-use with commercial-medium, commercial-high, and substantial residential uses to drive the need for a station stop. The amendments provide flexibility but require a higher level of detail for development. Color

1 schemes, materials, and density have not yet been established. Mr. Snyder explained the
2 proposed amendments are intended to spur discussion and requested the Commission review the
3 amendments and direct any questions to staff over the next several months. The proposed
4 amendments cannot be adopted until the General Plan revisions are completed.

5
6 Vice Chair Merrill opened the public hearing.

7
8 Craig Widmier, US development, said the Legacy Crossing development team is
9 encouraged by the steps the City is taking to look at additional opportunities for development
10 and redevelopment in west Centerville. He said the Legacy Crossing project has been successful
11 with the mixed-use concept. He said the Megaplex Theater is one of the top attending theaters in
12 Utah. He said the apartments are consistently running at almost full occupancy and that the new
13 office building will likely hit 100% occupied in the near future. There is a great interest in this
14 area due to the convenient location with quick access to I-15 and the Legacy Parkway. He said
15 the expansion of the mixed-use concept will encourage redevelopment and will be a benefit to
16 the community. His only concern is that of the Parrish Lane overpass. He said the Parrish Lane
17 overpass is constantly congested and in great need of an upgrade. He hopes the City will
18 continue to press this issue with UDOT. He said his initial glance-thru of the proposed
19 amendments is encouraging but would like to offer input to staff after a closer look.

20
21 Mr. Snyder submitted a letter from Mark J. Green, President of M.C. Green & Sons, Inc.
22 dated August 13, 2014 into the public record. Mr. Snyder explained the City has no intention of
23 pushing any current businesses out of the city and said Mr. Green has also expressed interest in
24 selling his property if the right opportunity arose.

25
26 Vice Chair Merrill closed the public hearing.

27
28 Mr. Snyder said the public hearing will be reopened in the future. He encouraged the
29 public to submit any questions or suggestions regarding the amendments to the City's Planning
30 Staff. He also explained the City has had several discussions with UDOT about the Parrish Lane
31 overpass. Currently, the overpass is on UDOT's 15-year plan for redevelopment. The City will
32 continue to push for redevelopment of the Parrish Lane interchange.

33
34 Commissioner Randall made a **motion** for the Planning Commission to **table** the
35 proposed text amendments until the West Neighborhood Plan update is presented to the
36 Commission. The motion was seconded by Commissioner Johnson and passed by unanimous
37 roll-call vote (4-0).

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

1. The next Planning Commission meeting will be Wednesday, August 27, 2014.

2. Upcoming Agenda Items

- Brighton Homes, HaFoka Property, Assisted Living Center
- Legacy Trail Apartment Development, Preliminary Subdivision Plan
- Training for Commissioners

The meeting was adjourned at 9:05 p.m.

David Hirschi, Chair

Date Approved

Kathleen Streadbeck, Recording Secretary

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

**STAFF REPORT
AGENDA: ITEM 1**

APPLICANT: **CENTERVILLE CITY COUNCIL
C/O PAUL CUTLER, MAYOR
250 NORTH MAIN STREET
CENTERVILLE, UTAH 84014**

APPLICATION: **ZONING CODE TEXT AMENDMENTS**

APPLICANT REQUEST: **AMEND CENTERVILLE CITY ZONING ORDINANCES TO
REMOVE APIARIES (i.e. beekeeping) FROM THE
DEFINITION OF ANIMAL SPECIALTIES AND ALLOW
THEM AS A PERMITTED USE, WITH MINIMAL
REGULATIONS**

RECOMMENDATION: **PLANNING STAFF RECOMMENDS APPROVAL OF THE
ZONING CODE TEXT AMENDMENTS**

BACKGROUND

At the Planning Commissions' previous meeting, "*Commissioner Johnson made a motion to table this item until the next Planning Commission meeting. He suggested Commissioners take time to further research beekeeping with regard to various property sizes. He also requested that staff review setbacks and provide a recommendation on applying setbacks to the proposed apiary amendment. The motion was seconded by Commissioner Hirst and passed by unanimous roll-call vote (4-0).*"

REQUESTED SETBACKS REVIEW BY STAFF

As indicated in staff's previous written and verbal reports to the Commission, the Council requested that the Beekeeping Ordinance be drafted with minimal regulations. In staff's research, the best management practices recommended by the various clubs and extension services focus entirely on the issue of constructing a six (6) foot flyway barrier to encourage bees to reach an acceptable altitude as they cross over a property boundary on their way to a food resource.

The issue of setbacks seems to be marginally relevant to the keeping of bees and may be more of a comfort regulation for a next-door property. The previously shown pictures at an earlier Commission meeting was an incident related to a rouge "re-queening" in the neighbors tree. Such re-queening incidents can occur at any time and any place, which staff believes is immaterial to

any setback regulation. Staff does not believe that a setback would have much of a bee behavior mitigation, unless it's set at a substantial distance (e.g. 200 yards vs. 10 feet). Furthermore, the Ordinance is drafted in a manner that the keeping of bees is a "non-permit" right, subject to the basic best management practices for the keeping of bees. Therefore, staff drafted a generalized policy covering the overarching expectation as a replacement to setting any particular synthetic setback, as follows:

[add] "Unlawful Conduct. It shall be unlawful for any beekeepers to keep any colony or colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others, or interfere with the normal use and enjoyment of any public property or property of others."

PLANNING STAFF RECOMMENDATION

Staff Suggested Action - I hereby make a motion for the Planning Commission to **recommend APPROVAL** of the proposed text amendments, as attached with this report or as modified by the Commission.

Suggested reasons for the action:

- a. The Planning Commission finds that decisions regarding a legislative application are based on the "reasonably debatable" standard.
- b. The Planning Commission finds that there are no generalized or specific statements within the General Plan concerning the keeping and use of animals; including beekeeping, for private or commercial use.
- c. The Planning Commission finds that there is a public interest in establishing regulations relating to the use and keeping of animals that promotes the general welfare of the community.
- d. The Planning Commission finds that the proposed text amendments regarding beekeeping are consistent with previous legislative decisions, specifically concerning how animals and their associated elements are currently regulated within the City's Zoning Ordinance.
- e. The Planning Commission finds that other cities have or are adopting their own local beekeeping regulations, which seemingly are consistent with best management practices, to address the needs and practices for allowing apiaries.

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

**STAFF REPORT
AGENDA: ITEM 3**

APPLICANT: **CENTERVILLE CITY COUNCIL
C/O PAUL CUTLER, MAYOR
250 NORTH MAIN STREET
CENTERVILLE, UTAH 84014**

APPLICATION: **ZONING CODE TEXT AMENDMENTS**

APPLICANT REQUEST: **AMEND CENTERVILLE CITY ZONING ORDINANCES TO REMOVE APIARIES (*i.e. beekeeping*) FROM THE DEFINITION OF ANIMAL SPECIALTIES AND ALLOW THEM AS A PERMITTED USE, WITH MINIMAL REGULATIONS**

RECOMMENDATION: **PLANNING STAFF RECOMMENDS APPROVAL OF THE ZONING CODE TEXT AMENDMENTS**

BACKGROUND

After further consideration early this year, the Centerville City Council directed the Planning Staff to prepare necessary Zoning Text Amendments to remove the prohibition of “apiaries” and allow such use within the City. Furthermore, the Council voted unanimously to create minimal regulatory standards related to the keeping of bees.

PROPOSED ZONING TEXT CHANGES

As directed by the City Council, Planning Staff has prepared changes to the Zoning Ordinance, which have been attached with this report and can be summarized as follows:

- Remove the term “*apiary*” from the definition of “*animal specialties*”
- Add a new definition for the term “*apiary*”
- Allow “*apiaries*” as a permitted accessory use for A-L and R-L Zones, without need to obtain a permit or approval to conduct the use
- Adopt some basic “*beekeeping*” standards that reflect best management practices for beekeeping

ZONE TEXT AMENDMENT APPROVAL STANDARDS - SECTION 12-21-080(e)

1. Is the proposed amendment consistent with the goals, objectives and policies of the City’s General Plan?

Within the City's General Plan, there are no generalized or specific statements concerning the keeping and use of animals, including beekeeping, for private or commercial use.

Staff Response: The Planning Staff believes the General Plan goals, objectives, and policies are unbiased concerning the proposed text amendments. Notwithstanding the absence of such a preference, it appears from staff's review, there are many specific policies addressing the raising and use of animals within the Zoning Ordinances.

OTHER CONSIDERATIONS

Current Legislative Policy and Consistency

A decision to amend the Zoning Ordinance provisions is considered a legislative proceeding (see *Section 12-21-080, General Decision-Making Standards*). Decisions regarding a legislative application are based on the "reasonably debatable" standard. The decision-making authority is to determine what action, in its judgment, will:

- ✓ Reasonably promote the public interest
- ✓ Conserve the values of adjacent properties
- ✓ Avoid incompatible development
- ✓ Encourage appropriate use and development
- ✓ Promote the general welfare of the community

Staff Response: In considering these above listed principles and related existing zoning regulations, the Planning Staff believes that the proposed amendments regarding beekeeping are generally consistent with previous legislative decisions, specifically concerning how animals and their associated elements are currently regulated within the City's Zoning Ordinance.

PLANNING STAFF RECOMMENDATION

Staff Suggested Action - I hereby make a motion for the Planning Commission to **recommend APPROVAL** of the proposed text amendments, as attached with this report.

Suggested reasons for the action:

- a. The Planning Commission finds that decisions regarding a legislative application are based on the "reasonably debatable" standard.
- b. The Planning Commission finds that there are no generalized or specific statements within the General Plan concerning the keeping and use of animals; including beekeeping, for private or commercial use.
- c. The Planning Commission finds that there is a public interest in establishing regulations relating to the use and keeping of animals that promotes the general welfare of the community.
- d. The Planning Commission finds that the proposed text amendments regarding beekeeping are consistent with previous legislative decisions, specifically concerning how animals and their associated elements are currently regulated within the City's Zoning Ordinance.
- e. The Planning Commission finds that other cities have or are adopting their own local beekeeping regulations, which seemingly are consistent with best management practices, to address the needs and practices for allowing apiaries.

PROPOSED AMENDMENTS

CHAPTER 12-12 - Definitions:

[edit] **Animal Specialties:** The production of small animals and associated products. Typical uses include chicken and turkey raising, egg production, ~~apiaries~~, and aviaries.

[add] **Apiaries (beekeeping):** "Apiary" means any place where one or more colonies of bees are located for personal or commercial use.

TABLE 12-36 - Table of Uses Allowed

Agricultural Uses	
[add] Apiaries (aka; beekeeping)	The keeping and management of bees are subject to Chapter 12-55-Supplementary Development Standards, Section 12-55-250

Section 12-55-Supplemental Development Standards

[add] 12-55-250. **Apiaries (beekeeping).** The following criteria relates to the keeping of one or more colonies of bees within the City.

(a) [add] **Allowance.** The keeping of bees shall be allowed as a permitted use within the Agricultural– Low (A-L) or Residential – Low (R-L) Zones. All apiaries within these zones are permitted for personal, family, and recreational enjoyment, without need of obtaining any approval or permit from the City. However, such allowance does not relieve any person or entity from complying with the provisions of this section or other applicable County or State regulations. Apiaries shall not be kept for a commercial production purpose, which is considered an agricultural industry use.

(b) [add] **Unlawful Conduct.** It shall be unlawful for any beekeepers to keep any colony or colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others, or interfere with the normal use and enjoyment of any public property or property of others.

(c) [add] **Flyways.** In each instance in which any colony is situated within 25 feet of a public or private property line of the parcel, tract, or property upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish

and maintain a flyway barrier at least 6 feet in height consisting of a solid wall, fence, dense vegetation or combination thereof that is parallel to the property line and extends 10 feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least 6 feet above ground level over the property lines in the vicinity of the apiary.

(d) *[add] Water.* Each beekeeper shall ensure that a convenient source of water is available to the bees at all times during the year so that the bees will not be encouraged to congregate at swimming pools, pet watering bowls, bird baths or other water sources where they may cause human, bird or domestic pet contact.

(e) *[add] Beekeeping Equipment.* Each beekeeper shall ensure that no unused or abandoned bee comb or other beekeeping equipment are left upon the grounds of an apiary site. Upon removal from a colony, all such equipment shall promptly be disposed of in a sealed container or placed within a secured building or other bee proof enclosure.

(f) *[add] Number of Colonies.* It shall be unlawful to keep more than the following number of colonies on any parcel, tract, or property within the city, based upon the size or configuration of the tract on which the apiary is situated: *[Approving entity to choose one of or modify the following colony intensity]*

- ☐ No more than two colonies per parcel, tract, or property
- ☐ Less than one-quarter acre tract size – up to two (2) colonies
Less than one-half acre tract size – up to five (5) colonies.
One-half acre or larger tract size – up to ten (10) colonies.
Regardless of tract size, where all colonies are situated at least 200 feet in any direction from all property lines of the parcel, tract, or property upon which the apiary is situated, there shall be no limit to the number of colonies.
- ☐ Unlimited and/or No Limitation Specified

(g) *[add] Nuisance.* It shall be unlawful for any person to keep any colony or associated beekeeping equipment in a manner contrary to the provisions of this section. Any such violation shall be deemed a nuisance and shall be subject to enforcement procedures found in Chapter 12-23- of this Title and/or be subject to the provisions of any other applicable enforcement procedures deemed necessary to remedy a violation.

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

**STAFF REPORT
AGENDA: ITEM 2**

APPLICANT: **BRIGHTON HOMES UTAH LLC
C/O TAYLOR SPENDLOVE
215 NORTH REDWOOD RD. SUITE 8
NORTH SALT LAKE, UTAH 84054
taylor@brightonhomes-utah.com**

PROPERTY OWNER: **ATIELI & MONALISA HAFOKA
564 WEST PORTER LANE
CENTERVILLE, UTAH 84014**

PROPERTY: **PARCELS 03-001-0125 & 03-001-0145**

PARCEL SIZE: **6.47 ACRES**

APPLICATION: **ZONING MAP AMENDMENT:**

- **REZONE FROM RESIDENTIAL-LOW (R-L) TO
RESIDENTIAL-MEDIUM (R-M)**

RECOMMENDATION: **APPROVAL OF REZONE REQUEST**

BACKGROUND

The petitioners are requesting a rezone of properties to Residential-Medium (R-M) with the intent of developing an assisted living facility. The request indicates a need to provide housing for "*changing demographics*" and such a "*facility is in high demand.*" The petition contends that the R-M request is appropriate for this site, due to its surroundings consisting of other higher intensity zones and their associated uses.

REVIEW AND ANALYSIS OF THE REQUEST FOR R-M ZONING

Factors to be Considered

The deciding entity must consider four (4) factors when making a recommendation and a final decision for a zone map amendment. These required factors are found in Section 12-21-080(e) of Centerville City's Zoning Ordinance. Staff's review and conclusions for these factors are provided below:

- 1. Is the proposed amendment consistent with the goals, objectives and policies of the City's General Plan?**

The properties are located in the Southwest Neighborhood Plan Area. The neighborhood plan indicates that the area from 500 West to the commercial area on the Frontage Road may be appropriately developed with low to medium density residential. In addition, the plan encourages the use of "planned development" type use to act as a buffer between the commercial uses to the west and the single-family use areas in the neighborhood (*see Section 12-480-1.a*).

<http://www.centervilleut.net/downloads/communitydevelopment/12-480-1-5.gp.current.8-8-2012.pdf>

- **Staff Response:** Since the neighborhood plan anticipates low to medium residential uses for this area, the petition for rezone to R-M can be deemed consistent with the City's General Plan. This reasoning is also supported by the historical fact that just across the street to the south, there is a Residential-Medium Zone (*i.e. Shaela Park*) within the identified geographical policy area. The Shaela Park PUD, an R-M Planned Development project, was approved by the City in 1998.

<http://www.centervilleut.net/downloads/maps/zoningmap11x17.pdf>

Furthermore, the City's Moderate Income Housing Plan (*i.e. Chapter 12-490*) desires to encourage the development of a variety of housing types, which it states as follows"

"6-C. Make an effort to balance the number and size of zoning districts with the demand for various housing types."

http://www.centervilleut.net/downloads/communitydevelopment/12-490.gp-moderate_income_housing_element_pcrecv3_0.current.2-20-2013.pdf

2. Is the proposed amendment harmonious with the overall character of existing development in the vicinity of the subject property?

- **Staff Response:** Currently, the land is largely an open field with an isolated single-family home in the northeast area. The surrounding area to the southeast consists of a few older homes fronting Porter Lane; to the east, a private ball field and church uses; directly south, the Shaela Park Subdivision; to the west, a vacant field with an abandoned or unused residential building, zoned Agricultural-Low (A-L); just farther west are the commercial uses along the Frontage Road; lastly, the area to the north is the intensive Commercial-Very High (Home Depot) separated by a regional detention basin. From staff's review, the R-M request functions as a buffer use area that is compatible with the characteristic multi-zone land use pattern for the immediate area.

<http://goo.gl/maps/dx045>

3. What is the extent to which the proposed amendment may adversely affect adjacent property?

- **Staff's Response:** From staff's perceptive, the rezone and then subsequent development of the property would isolate a narrow parcel with agricultural zoning between the R-M and commercial area along the Frontage Road (*west side of subject parcels*), which would have limited access and ability to independently develop. However, it (*i.e. the narrow parcel*) could still be developed by rezoning later to an R-M density or be absorbed into the west commercial zone. Its narrowness would be a factor in the overall intensity with the constraints in relation to the smaller parcels configuration. Keep in mind that the rezone does not change any current parcel configuration; it just highlights the constraints of the present existing ownership and property lines.

4. What is the adequacy of facilities and services intended to serve the subject property?

- **Staff Response:** The properties have access to all facilities and services that are already available to the area. However, staff is aware that site drainage generally flows to the north and unless the properties are raise will additional fill, access to storm water facilities will have to occur off-site by securing necessary permissions and easements. Keep in mind that a regional detention facility is located just to the north and drainage can be tied to that facility, once those easements are secured from the adjacent property owner, or as mentioned previously, the property would have to be raised with fill to facilitate the needed flow of drainage water back to Porter Lane.

PLANNING STAFF RECOMMENDATION

Suggested Motion for an amendment to the Centerville City Zoning Map – I hereby make a motion for the Planning Commission to recommend to the City Council the following amendment to the Centerville City Zoning Map:

Rezone parcels 03-001-0125 & 03-001-0145 (6.47 ACRES) owned by Atieli & Monalisa Hafoka, from Residential-Low (R-L) to Residential-Medium (R-M).

Suggested Reasons for the Action (Findings):

1. The Planning Commission has sufficiently reviewed and considered the criteria found in Section 12-21-080(e) of the Zoning Ordinance.
2. The Planning Commission finds that the rezone is consistent with the goals of the General Plan, as found in Section 12-480-1.a.
3. The Planning Commission finds that the rezone does not create any additional constraints or adverse effects concerning the existing ownership and/or parcel configurations in the immediate vicinity.
4. The Planning Commission finds that the R-M request functions as an acceptable medium residential buffer area that is compatible with the characteristic multi-zone land use pattern for the immediate area.
5. The Planning Commission agrees that there is a need to provide housing for "*changing demographics*" and that the allowed uses of the R-M Zone would facilitate development of a variety of housing types within the City, as found in Chapter 12-490-Moderate Income Housing Plan.



BRIGHTON HOMES

Centerville City Utah,

Brighton Development Utah LLC Rezone Application,

Brighton Development Utah LLC, on behalf of Atieli and Monaliza Hafoka, are requesting a rezone of property located at approximately 564 W. Porter Lane. The current zoning for this property is R-L; the proposed rezone is R-M. With C-VH zone to the north and continuing around the west, R-M directly to the south, A LDS chapel and ball field to the east, and the overall location of the property, We feels that and R-M is appropriate for this location.

Our intent for the property is to construct an assisted living facility, the R-M zone allows for this type of use where the current zoning does not. With the changing demographics and the aging 'Baby Boomers' this type of facility is in high demand. The development would potentially be a combination of a traditional assisted living facility and several independent living units.

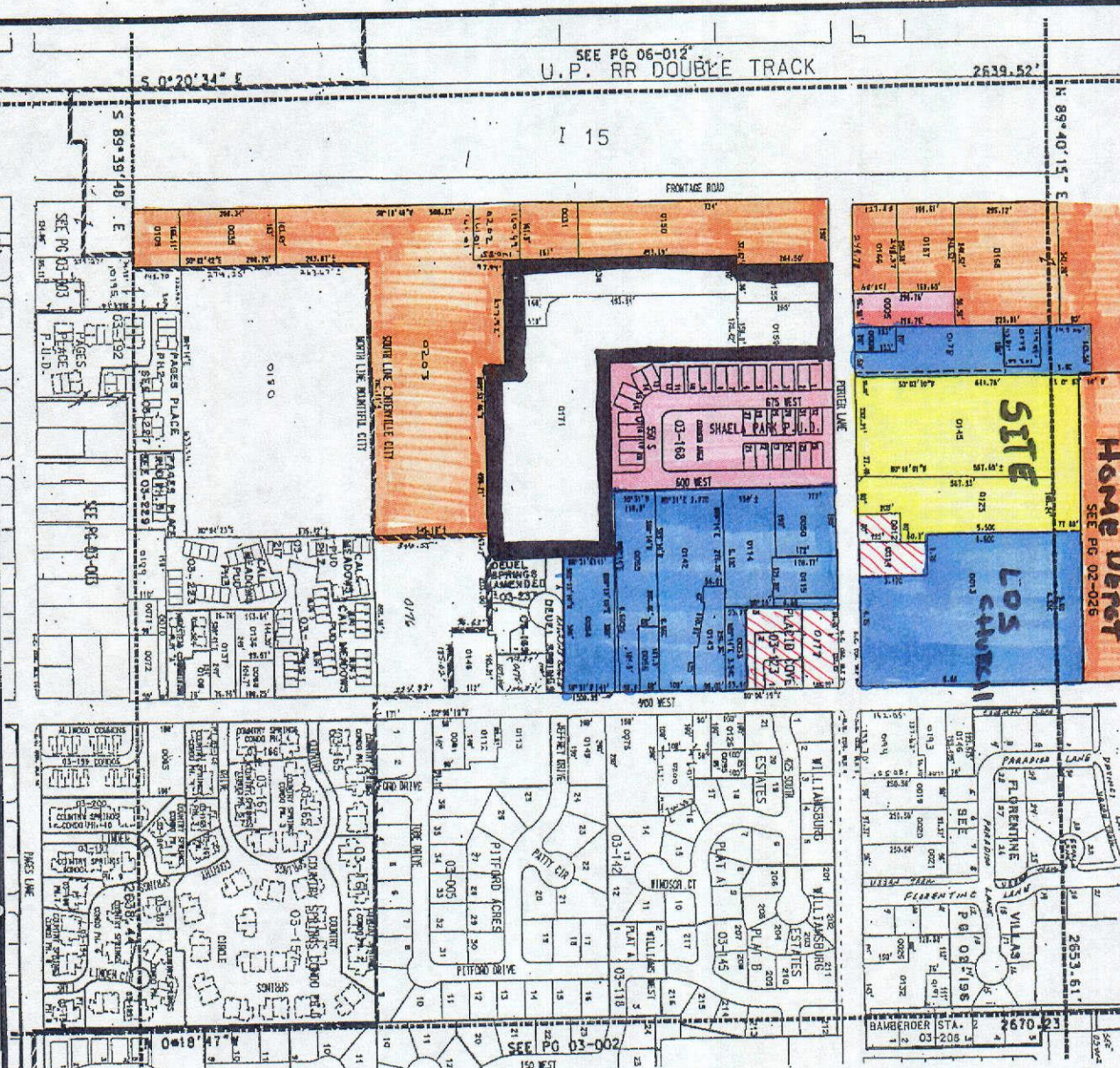
We look forward to developing a great project that can be an asset to Centerville City and its great community.

Sincerely,

Taylor Spendlove
Project Manager

Brighton Development Utah LLC
215 North Redwood Rd. Suite 8.
North Salt Lake, Utah 84054
801-803-1090

PID	OWNER	ACRES	PID	OWNER	ACRES	PID	OWNER	ACRES	PID	OWNER	ACRES
0001	State of Utah	1.00	0002	State of Utah	1.00	0003	State of Utah	1.00	0004	State of Utah	1.00
0005	State of Utah	1.00	0006	State of Utah	1.00	0007	State of Utah	1.00	0008	State of Utah	1.00
0009	State of Utah	1.00	0010	State of Utah	1.00	0011	State of Utah	1.00	0012	State of Utah	1.00
0013	State of Utah	1.00	0014	State of Utah	1.00	0015	State of Utah	1.00	0016	State of Utah	1.00
0017	State of Utah	1.00	0018	State of Utah	1.00	0019	State of Utah	1.00	0020	State of Utah	1.00
0021	State of Utah	1.00	0022	State of Utah	1.00	0023	State of Utah	1.00	0024	State of Utah	1.00
0025	State of Utah	1.00	0026	State of Utah	1.00	0027	State of Utah	1.00	0028	State of Utah	1.00
0029	State of Utah	1.00	0030	State of Utah	1.00	0031	State of Utah	1.00	0032	State of Utah	1.00
0033	State of Utah	1.00	0034	State of Utah	1.00	0035	State of Utah	1.00	0036	State of Utah	1.00
0037	State of Utah	1.00	0038	State of Utah	1.00	0039	State of Utah	1.00	0040	State of Utah	1.00
0041	State of Utah	1.00	0042	State of Utah	1.00	0043	State of Utah	1.00	0044	State of Utah	1.00
0045	State of Utah	1.00	0046	State of Utah	1.00	0047	State of Utah	1.00	0048	State of Utah	1.00
0049	State of Utah	1.00	0050	State of Utah	1.00	0051	State of Utah	1.00	0052	State of Utah	1.00
0053	State of Utah	1.00	0054	State of Utah	1.00	0055	State of Utah	1.00	0056	State of Utah	1.00
0057	State of Utah	1.00	0058	State of Utah	1.00	0059	State of Utah	1.00	0060	State of Utah	1.00
0061	State of Utah	1.00	0062	State of Utah	1.00	0063	State of Utah	1.00	0064	State of Utah	1.00
0065	State of Utah	1.00	0066	State of Utah	1.00	0067	State of Utah	1.00	0068	State of Utah	1.00
0069	State of Utah	1.00	0070	State of Utah	1.00	0071	State of Utah	1.00	0072	State of Utah	1.00
0073	State of Utah	1.00	0074	State of Utah	1.00	0075	State of Utah	1.00	0076	State of Utah	1.00
0077	State of Utah	1.00	0078	State of Utah	1.00	0079	State of Utah	1.00	0080	State of Utah	1.00
0081	State of Utah	1.00	0082	State of Utah	1.00	0083	State of Utah	1.00	0084	State of Utah	1.00
0085	State of Utah	1.00	0086	State of Utah	1.00	0087	State of Utah	1.00	0088	State of Utah	1.00
0089	State of Utah	1.00	0090	State of Utah	1.00	0091	State of Utah	1.00	0092	State of Utah	1.00
0093	State of Utah	1.00	0094	State of Utah	1.00	0095	State of Utah	1.00	0096	State of Utah	1.00
0097	State of Utah	1.00	0098	State of Utah	1.00	0099	State of Utah	1.00	0100	State of Utah	1.00



NOTE: THIS PLAT WAS CREATED FROM INFORMATION ON FILE IN THE COUNTY RECORDERS OFFICE. IT IS FOR LOCATION PURPOSES ONLY AND IS NOT INTENDED TO REPRESENT A SURVEY OF THE AREA SHOWN.

NW 1/4 SECTION 18, T.2N, R. 1E SALT LAKE MERIDIAN
DAVIS COUNTY RECORDER'S OFFICE DAVIS COUNTY, UTAH

SCALE: 1" = 200'

N

Property To Be Returned
Current Zone → Proposed Zone

R-L R-M

A-L C-H R-M R-L

564 W. PORTER LANE

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

**STAFF REPORT
AGENDA: ITEM 3**

PROPERTY OWNER: DALE AND RHONDA ENGBERSON
696 EAST CENTER STREET
CENTERVILLE, UT 84014

APPLICANT: PATRICK SCOTT
BRIGHTON HOMES UTAH LLC
215 NORTH REDWOOD ROAD #8
NORTH SALT LAKE, UT 84054

PROPERTY: 696 EAST CENTER STREET
MICKELSON MEADOWS SUBDIVISION

ACREAGE: .94

TOTAL LOTS: 4

ZONING: R-L (RESIDENTIAL-LOW)

APPLICATION: CONCEPTUAL SUBDIVISION

RECOMMENDATION: ACCEPT THE CONCEPTUAL SUBDIVISION

BACKGROUND

The property owner, Dale Engberson, desires to develop his property at 696 East Center Street, and is in the process of selling it to the applicant, Brighton Homes. The developer desires to divide the property into 4 lots and construct single-family homes on three of the lots. The current site is .94 of an acre, which is not quite a full acre. However, since the Ordinance allows for a gross density to be measured (which is located in the middle of the street), the subdivision is well over an acre. It appears with the gross density, an additional 7,757 square feet have been added to the total amount. An existing home on Lot 3 will remain for the primary dwelling of the Engberson family. The applicant has submitted enough information for a conceptual review by the Planning Commission.

CONCEPTUAL SUBDIVISION REVIEW 15-2**Process**

The conceptual subdivision review gives the applicant an opportunity to receive guidance from the City in relation to subdivision regulations and the layout. It also allows the public an opportunity to express their concern regarding the proposed subdivision.

General Plan

According to the General Plan, this area is found within Neighborhood 1, Southeast Centerville. It further describes the area as the southeast residential area [Section 12-480-2(1)(e)]. The main goal for this area is for new construction to remain low-density single-family residential development. It also states that those homes built on the hillside should adhere to all applicable Hillside Development Regulations (Chapter 12-53 of the Zoning Ordinance). The plans appear to have met the goals and objectives of the General Plan, by allowing for the development of single-family dwellings at 4 units per acre.

Zoning Ordinance

This area is found within the Residential-Low (R-L) Zone. According to Section 12-30-020(b)(1) of the Zoning Ordinance, the R-L Zone has been established to permit the development of detached single-family homes on individual lots of one to four units per acre. The applicant has requested 4 lots each measuring approximately one lot per quarter acre. In reviewing the plans, the existing home, which is found on Lot 3 will remain. Lot 3 has an existing garage that is found only 16 feet from the property line. However, since this is an existing lot and the applicant is not increasing the degree of non-conformance in relation to the garage setback, the garage may remain as it was constructed.

The following is a breakdown of each lot and their applicable development standards. The applicant will need to indicate the buildable area within each lot.

Table 12-32-1 Development Standards			
Standard	Required	Actual	Compliance
Street Frontage	60 Feet	Lot 1: 74 Feet	Yes
		Lot 2: 74 Feet	
		Lot 3: 137.45/146.94	
		Lot 4: 60 Feet	
Buildable Area	2,000 square feet	Lot 1: Not indicated	Staff has measured each lot and it appears that each lot will meet this standard
		Lot 2: Not indicated	
		Lot 3: Existing	
		Lot 4: Not indicated	
Lot Size	4 units per acre	Lot 1: 10,664	Yes
		Lot 2: 10,875	
		Lot 3: 11,976	
		Lot 4: 8,294	

Although the plans do not indicate the actual location and style of the proposed homes, they will still need to adhere by all Development Standards found in Table 12-32-1. The final

subdivision plans will need to indicate any drainage issues and all engineering issues as per the City Engineers request. The site indicates 3 public utility easements on each lot, however they will need to enlarge the front easements to accommodate 10 feet and not just 7 feet. The plans also indicate that a new 4-foot sidewalk will be repaired and poured along Center Street and 700 East adjacent to the newly formed lots. In addition, the closest fire hydrants will need to be shown on the final plans and be reviewed by the South Davis Metro Fire Marshal to ensure adequate fire protection. If the Fire Marshal requires additional fire hydrants, these will need to be indicated on the final plans. Finally, the plans will also need to indicate all adjacent property owners.

Staff is confident the proposed Mickelson Meadows Subdivision will meet the requirements found within the Zoning Ordinance that pertain to development of single-family dwellings.

GENERAL REQUIREMENTS FOR ALL SUBDIVISIONS 15-5

Layout 15-5-101 and Lots 15-5-102

“Subdivision means any land that is divided, re-subdivided or proposed to be divided into two or more lots...”[15-1-104(48)]. The Mickelson Meadows Subdivision is found on a .94 acre parcel and consists of 4 lots. Lots 1 – 3 are accessed from Center Street, while Lot 4 is accessed from 700 East. With the proposal being for 3 new single-family dwellings, the new subdivision will be an excellent fit for the neighborhood which currently has all single-family homes. The lots are rectangular in shape, with adequate street frontage, and are each approximately a quarter of an acre.

Street, Drainage, and Utility Improvements 15-5-103, 105, 106

As mentioned previously, Lots 1-3 front on Center Street and Lot 4 will have frontage on 700 East. No additional street widening or additional dedication will be required. Staff does not believe 4 lots will have a significant impact on the surrounding neighborhood. The neighborhood is already found to be a low-density single-family neighborhood, with established roads and infrastructure.

Utility improvements will be required for Lot 1, 2 and 4, with Lot 3 already having existing lines. A bond will need to be posted for these improvements and all street repairs related to new utility services. As part of the final subdivision application, the applicant will need to submit all related utility provider sheets, stating that each lot will have adequate utility services. The applicant shall address any City Engineering issues in relation to drainage and grading.

CONCLUSION

Since the subdivision proposal is simplistic in nature, staff is recommending the preliminary and final subdivision application be reviewed simultaneously. Furthermore, it does not appear that major alterations will occur from the preliminary to final plans and would therefore, be acceptable for these applications to run together. If the Planning Commission allows this to occur, the applicant will need to submit both applications and pay the applicable fees.

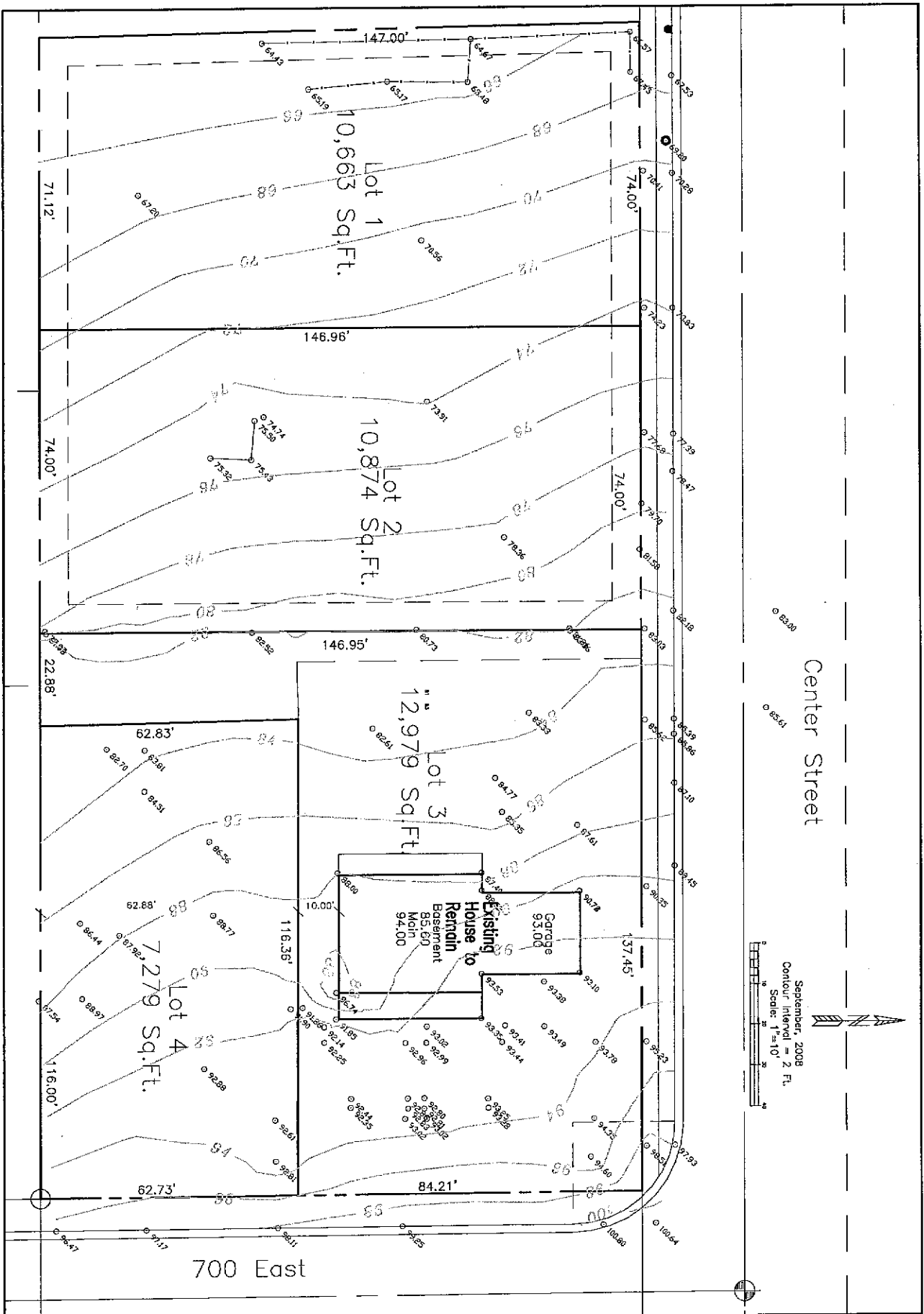
PLANNING STAFF RECOMMENDATION

Suggested Motion for the conceptual subdivision plat for the Mickelson Meadows Subdivision located at 696 East Center Street: I hereby make a motion for the Planning Commission to accept the conceptual subdivision plat for the proposed Mickelson Meadows Subdivision, located at 696 East Center Street, subject to the following:

1. All professional service fees shall be paid.
2. A bond shall be posted for all public infrastructure and utility work to be conducted.
3. The final site plan shall indicate proper drainage and grading to be reviewed and approved by the City Engineer.
4. The applicant shall indicate the adjacent property owners on the final plans.
5. The applicant shall submit the preliminary and final subdivision applications following all applicable criteria in Chapter 15-3 and 15-4 of the Subdivision Ordinance.
6. The preliminary and final subdivision applications may be reviewed simultaneously by the Planning Commission.
7. The closest fire hydrant shall be indicated on the final plans and reviewed and approved by the South Davis Metro Fire Marshal and the Public Works Director.
8. The buildable pad for all 4 lots shall be indicated on the final plans.
9. The front easement on each lot shall be changed to indicate 10 feet.
10. All utilities shall be shown on the final subdivision plan to ensure adequate services.
11. All applicable utility provider sheets shall be submitted with the final subdivision application.

Suggested Reasons for the Action (Findings):

1. The conceptual subdivision is in harmony with the General Plan [Section 12-480-52(1)(e)].
2. The new subdivision meets the objectives for development within a Residential-Low Zone [12-30-020(b)(1)].
3. It appears all applicable development standards for development within an R-L Zone will be satisfied [Table 12-32-1].
4. It appears all general requirements for all subdivisions have been satisfied [Chapter 15-5].
5. All applicable standards found in the Subdivision Ordinance pertaining to a conceptual subdivision application have been satisfied [Chapter 15-2].



Surveyor _____		Revisions		Mickelson Meadows Subdivision Preliminary Site Plan For: Dale Engberson	 Balling Engineering Civil Engineering • Surveying • Planning 323 E. Paces Lane Centerville, Utah 84014 Phone: (801) 295-7237 Fax: (801) 299-0419
Date Surveyed _____	Date _____	Description _____	By _____		
Drafting _____					
Checked By _____					
Date Approved _____					
File Number _____					

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

**STAFF REPORT
AGENDA: ITEM 4**

PROPERTY OWNER: DALE AND RHONDA ENGBERSON
696 EAST CENTER STREET
CENTERVILLE, UT 84014

APPLICANT: PATRICK SCOTT
BRIGHTON HOMES UTAH LLC
215 NORTH REDWOOD ROAD #8
NORTH SALT LAKE, UT 84054

PROPERTY: 580 EAST 100 SOUTH
MILES MEADOW SUBDIVISION

ACREAGE: .75

TOTAL LOTS: 3

ZONING: R-L (RESIDENTIAL-LOW)

APPLICATION: CONCEPTUAL SUBDIVISION

RECOMMENDATION: ACCEPT THE CONCEPTUAL SUBDIVISION

BACKGROUND

The property owner, Dale Engberson, has decided to develop his property at 580 East 100 South and is in the process of selling it to the applicant, Brighton Homes. The developer desires to divide the property into three lots and construct single-family homes on each lot. The current site is .75 of an acre, which would allow for 3 homes to be constructed. An existing home on the property will be demolished to make room for each new home. The applicant has submitted enough information for a conceptual review by the Planning Commission.

CONCEPTUAL SUBDIVISION REVIEW 15-2

Process

The conceptual subdivision review gives the applicant an opportunity to receive guidance from the City in relation to subdivision regulations and the layout. It also allows the public an opportunity to express their concern regarding the proposed subdivision.

General Plan

According to the General Plan, this area is found within Neighborhood 1, Southeast Centerville. It further describes the area as the southeast residential area [Section 12-480-2(1)(e)]. The main goal for this area is for new construction to remain low-density single-family residential development. It also states that those homes built on the hillside should adhere to all applicable Hillside Development Regulations (Chapter 12-53 of the Zoning Ordinance). The plans appear to have met the goals and objectives of the General Plan, by allowing for the development of single-family dwellings at 4 units per acre.

Zoning Ordinance

This area is found within the Residential-Low (R-L) Zone. According to Section 12-30-020(b)(1) of the Zoning Ordinance, the R-L Zone has been established to permit the development of detached single-family homes on individual lots of one to four units per acre. The applicant has requested 3 lots each measuring approximately one lot per quarter acre. In reviewing the plans, the existing home, which is found between Lot 2 and Lot 3 will be demolished. The applicant will need to bond for the demolition of this home to ensure the structure will be removed in a timely manner.

Each lot has 80 feet of frontage and has an area of one-quarter acre. Each lot has an approximate building pad of 5,642 square feet. This buildable area will need to be indicated on the final site plans. Although the plans do not indicate the actual location and style of the proposed homes, they will still need to adhere to all development standards found in Table 12-32-1. The final subdivision plans will need to indicate any drainage issues and all engineering issues as per the City Engineers request. The site indicates 3 public utility easements on each lot, however they will need to enlarge the front easements to accommodate 10 feet, and not just 7 feet. The plans also indicate that a new 4-foot sidewalk will be poured along 100 South adjacent to the newly formed lots. In addition, the closest fire hydrants will need to be shown on the final plans and be reviewed by the South Davis Metro Fire Marshal. Finally, the plans will also need to indicate all adjacent property owners.

Staff is confident the proposed Miles Meadows Subdivision will meet the requirements found within the Zoning Ordinance that pertain to development of a single-family dwelling.

GENERAL REQUIREMENTS FOR ALL SUBDIVISIONS 15-5

Layout 15-5-101 and Lots 15-5-102

"Subdivision means any land that is divided, re-subdivided or proposed to be divided into two or more lots..."[15-1-104(48)]. The Miles Meadows Subdivision is found on a .75 acre parcel and consists of 3 lots. These interior lots are accessed from 100 South with residential directly adjacent to the west and south. Across 100 South is also residential and to the east is found a county detention basin. The lots are rectangular in shape, with 80 feet of frontage, and are each approximately a quarter of an acre. Lot 1 and 2 are found to be around 10,937 square feet and Lot 3 is at 10,534 square feet.

Street, Drainage, and Utility Improvements 15-5-103,105, 106

As mentioned previously, all 3 lots are located adjacent to 100 South. No additional street widening or additional dedication will be required. Staff does not believe 3 lots will have a significant impact on the surrounding neighborhood. The neighborhood is already found to be a low-density single-family neighborhood, with established roads and infrastructure.

Utility improvements will be required for Lot 1 and 3, with Lot 2 already having existing lines. A bond will need to be posted for these improvements and all street repairs related to new utility services. As part of the final subdivision application, the applicant will need to submit all related utility provider sheets, stating that each lot will have adequate utility services. The applicant shall address any City Engineering issues in relation to drainage and fill.

CONCLUSION

Since the subdivision proposal is simplistic in nature, staff is recommending the preliminary and final subdivision application be reviewed simultaneously. Furthermore, it does not appear that major alterations will occur from preliminary to final and would, therefore, be acceptable for these applications to run together. If the Planning Commission allows this to occur, the applicant will need to submit both applications and pay the applicable fees.

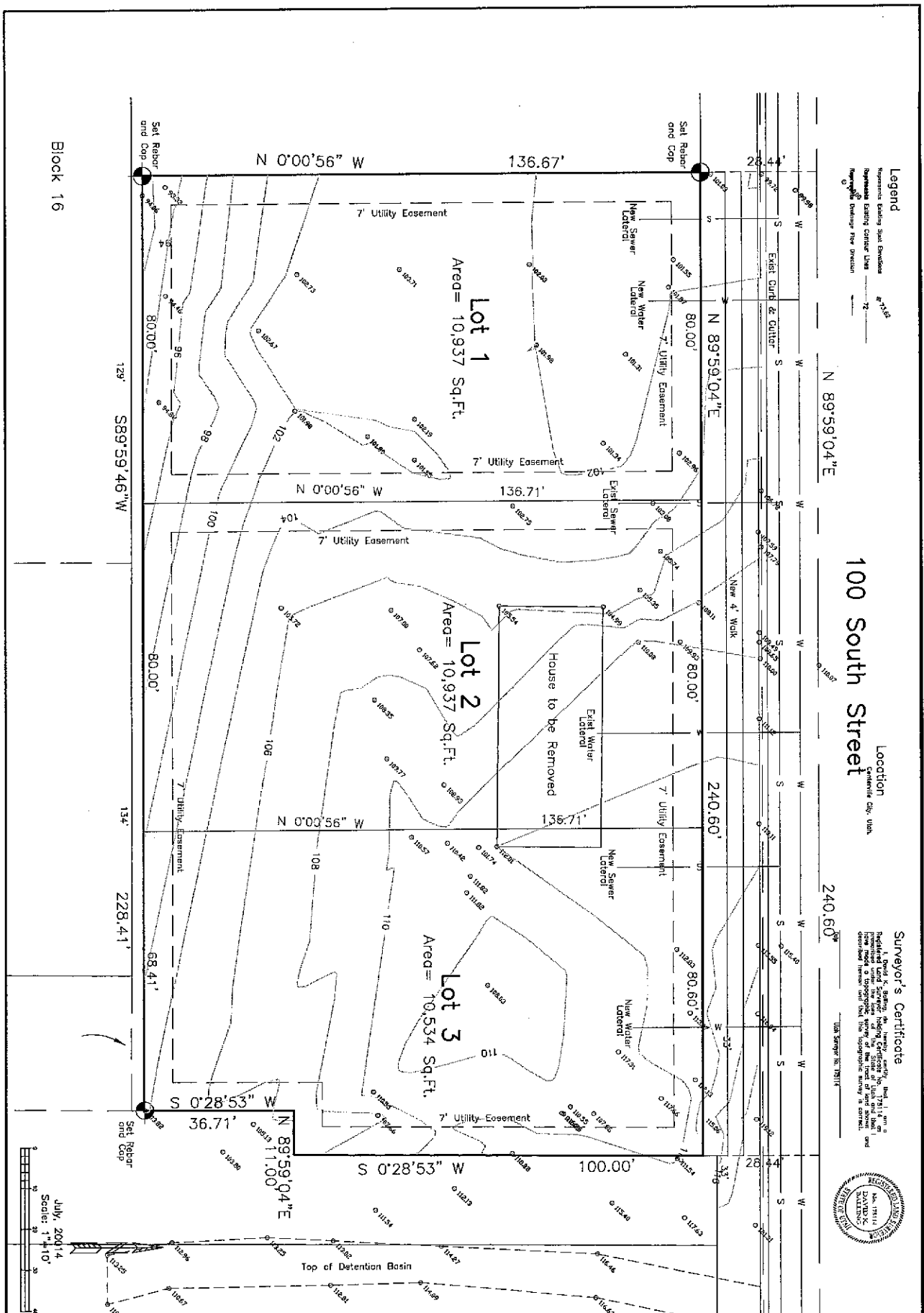
PLANNING STAFF RECOMMENDATION

Suggested Motion for the conceptual subdivision plat for the Miles Meadows Subdivision located at 580 East 100 South: I hereby make a motion for the Planning Commission to accept the conceptual subdivision plat for the proposed Miles Meadows Subdivision, located at 580 East 100 South, subject to the following:

1. All professional service fees shall be paid.
2. Removal of the home shall take place or a bond shall be posted for the demolition of the existing building located on the property line of Lots 2 and 3.
3. A bond shall be posted for all public infrastructure and utility work to be conducted.
4. The final subdivision plan shall indicate proper drainage and grading to be reviewed and approved by the City Engineer.
5. The applicant shall submit the preliminary and final subdivision applications following all applicable criteria in Chapter 15-3 and 15-4 of the Subdivision Ordinance.
6. The preliminary and final subdivision applications may be reviewed simultaneously by the Planning Commission.
7. The closest fire hydrant shall be indicated on the final plans and reviewed and approved by the South Davis Metro Fire Marshal and the Public Works Director.
8. The "buildable pad" for all 3 lots shall be indicated on the final plans.
9. The front easement on each lot shall be changed to indicate 10 feet.
10. All utilities shall be shown on the final site plan to ensure adequate service.
11. All applicable utility provider sheets shall be submitted with the final subdivision application.

Suggested Reasons for the Action (Findings):

1. The conceptual subdivision is in harmony with the General Plan [Section 12-480-52(1)(e)]
2. The new subdivision meets the objectives for development within a Residential-Low Zone [Section 12-30-020(b)(1)].
3. It appears all applicable development standards for development within an R-L Zone have be satisfied [Table 12-32-1].
4. It appears all general requirements for all subdivisions have been satisfied [Chapter 15-5].
5. All applicable standards found in the Subdivision Ordinance pertaining to a conceptual subdivision application have been satisfied [Chapter 15-2].



Block 16



LEGISLATIVE SUMMARY OF MUNICIPAL APPLICABLE BILLS FROM 2014 GENERAL SESSION

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Bill Number	Short Title	Comments	Action Required	Applicable Department
<u>HB 11</u>	Overdose Reporting Amendments	Provides that a person who reports a person's overdose from a controlled substance or other substance may claim an affirmative defense to specified charges of violating the Utah Controlled Substances Act if the person remains with the person who is subject to the overdose and cooperates with responding medical providers and law enforcement officers; and provides that remaining with a person subject to an overdose and cooperating with medical providers and law enforcement is a mitigating factor when determining the penalty for a related violation of the Utah Controlled Substances Act.		Police
<u>HB 16</u>	Wrongful Lien Amendments	Provides the county recorder with the authority to refuse to record a lien against property of a public official if the lien is determined by the county recorder to be a wrongful lien and the lien is submitted in relation to the public official's status or capacity as a public official.		City Council
<u>HB 17</u>	Interlocal Act Amendments	Requires interlocal entities to adopt bylaws, policies and procedures for the conduct of its business; provides that each interlocal entity is subject to each state law that governs each public agency that is a member of the interlocal entity to the extent that the law governs an activity or action of the public agency in which the interlocal entity is also engaged; adds minor amendments to open meeting section.	Make sure interlocal entities of which the City is a member has adopted bylaws and an electronic meeting policy	City Manager
<u>HB 20</u>	Emergency Vehicle Operator Duty of Care Revisions	Modifies provisions regarding duty of care for emergency vehicle operators; provides that under certain circumstances and conditions an operator of marked authorized emergency vehicle owes no duty of care to a person who is a suspect in a commission of a crime and evading, fleeing, or otherwise attempting to elude the emergency vehicle operator.	Make sure officers comply with requirements for marked authorized emergency vehicle and understand terms and conditions of the exclusion; review policies	Police
<u>HB 25</u>	Eminent Domain Amendments	Amends provisions of eminent domain statutes; amends condemnation notice requirements; provides request for advisory opinion regarding occupancy; minor amendments to public use for which right of condemnation may be exercised; requires public entity to provide written statement of certain disclosures to private property owner.		City Manager
<u>HB 26</u>	Association Lien Amendments	Amends Condominium Ownership Act to clarify circumstances under which an association of unit owners has a lien against a unit or lot for unpaid fines; provides for an informal hearing and appeal process for unit owners		City Attorney

<u>HB 27</u>	Interlocal Cooperation Act Amendments	Allows certain parties to enter into an interlocal agreement that extends beyond the maximum 50-year term limit; applies to an interlocal in which a party is a project entity, an electric interlocal entity, or an energy services interlocal entity.		City Attorney
<u>HB 29</u>	County Recorder Index Amendments	Requires county recorder to keep a list of all water rights	Not applicable to city recorders, but we may want to review how we are keeping track of water rights and whether city recorder should retain records	City Recorder Public Works
<u>HB 30</u>	Controlled Substances Amendments	Adds spice and emerging drug analogs to the list of controlled substances.		Police
<u>HB 39</u>	Election Law – Independent Expenditures Amendments	Adds new “independent expenditure” provisions to campaign finance requirements; requires that, when a person makes a total independent expenditure of \$1,000 or more during an election cycle (an expenditure expressly advocating the success or defeat of a candidate or ballot proposition that is not made in coordination with the candidate or certain other persons), the person is required to file an independent expenditure report to the chief election officer	Not clear whether these provisions are applicable to municipal elections and campaign finance requirements that are governed by 10-3-208; further research required	City Council
<u>HB42</u>	Construction Lien Amendments	Amends provisions relating to preconstruction and construction liens; modifies procedures by which a mortgage or a trust deed gains priority over an earlier filed preliminary notice		City Attorney
<u>HB 67</u>	Political Subdivision Jurisdiction Amendments	Makes amendments to the Local Jurisdiction Related to Federally Managed Land Act; adds national monuments and national recreational area to the list of federally managed lands; adds attorney general involvement		
<u>HB 70</u>	Forcible Entry Amendments	Modifies Utah Code of Criminal Procedure regarding the use of forcible entry by law enforcement officers when conducting a search or making an arrest	Review policies regarding forcible entry and search warrant procedures to ensure compliance	Police
<u>HB 71</u>	Distribution of Intimate Image	Adds new definition of “intimate image” and makes it illegal to distribute intimate images of a person without that person’s permission		Police
<u>HB 85</u>	Electronic Filing of Traffic Citations and Accident Reports Amendments	Provides an exemption from Section 77-7-20 regarding electronic filing of citation with court within 5 business days if an officer is not reasonably able to access the efilg system		Police Justice Court
<u>HB 93</u>	Property Tax Assessment Amendments	Adds definition of “diminished productive value” and requires county assessor to consider diminished productive value in determining the fair market value of property		Finance Department

<u>HB 97</u>	Limitation on Local Government Regulation of Animals	Prohibits a municipality from enacting or enforcing a breed-specific rule, regulation, policy or ordinance about dogs; any breed-specific rule, regulation, policy or ordinance is declared void by express provision of the statute	Check county animal control ordinances to ensure compliance	Police Community Development Planning Commission
<u>HB 101</u>	Roadway and Sidewalk Safety Amendments	Prohibits individuals from engaging in conduct that impedes or blocks traffic within certain state roadways; prohibits individuals from soliciting money or goods in an aggressive manner on sidewalks within 10 feet of the entrance or exit of a bank or an automated teller machine		Police
<u>HB 103</u>	State Money Management Act Amendments	Requires public treasurer to consider protection of principal during periods of financial market volatility when depositing and investing public funds		Finance Department City Manager
<u>HB 115</u>	Condominium and Community Association Lien Amendments	Modifies provisions relating to the required contents for a notice of lien based on unpaid assessments or an unpaid fine under the Condominium Ownership Act		City Attorney
<u>HB 120</u>	Continuing Education on Federalism	Requires the Commission on Federalism to develop a curriculum for a seminar on the principles of federalism; requires the city to appoint at least one designee to which all questions and inquiries regarding federalism shall be directed; and requires such city designee to attend a seminar on federalism once every two years; requirements start January 1, 2015	Appoint city designee for federalism questions and mandatory seminar attendance by January 2015	City Council
<u>HB 126</u>	Retirement Amendments	Amends Utah Retirement Act regarding postretirement reemployment; allows a reemployed retiree to be considered as having completed the one-year separation requirement from a participating employer if the retiree (1) suffered an injury while performing duties as a public safety employee; and (2) is reemployed with a different participating employer		Finance Department City Manager
<u>HB 128</u>	Electronic Device Location Amendments	Requires governmental entity and law enforcement to obtain a search warrant before obtaining the location information of an electronic device		Police
<u>HB 148</u>	Off-Highway Vehicle Amendments	Amends provisions of the Traffic Code regarding all-terrain vehicles; provides that full-sized all-terrain vehicles that meet certain requirements may be operated as street-legal all-terrain vehicles on certain streets or highways (other than freeways or limited access highways)		Police
<u>HB 150</u>	Amendments to Federal Law Enforcement Limitations	Modifies the Public Safety Code regarding authority of federal, state and local law enforcement officers; defines exercise of law enforcement authority for state land, private land and federal land; provides provisions for scope of law enforcement action and authority		Police

<u>HB 156</u>	Election Day Voter Registration Pilot Project	Amends the Election Code by establishing a pilot project to test the advisability of implementing election day voter registration in Utah; provides that a county or municipality may apply to participate in the project; pilot project starts June 1, 2014 and ends on January 1, 2017	Consider whether city wants to participate in the pilot project	City Manager City Recorder City Council
<u>HB 157</u>	Rape Kit Processing Amendments	Modifies provisions of the victim's bill of rights for victims of sexual offense to be informed of certain information; adds requirements for law enforcement agencies regarding reporting and notifications	Review policies to ensure compliance	Police
<u>HB 192</u>	Initiative and Referendum Petition Amendments	Adds provision that requires a statement to be added to statewide and local initiative and referendum petition signature sheets beneath each row that states the signer has read and understands the law proposed by the petition or the law the petition seeks to overturn		City Recorder City Attorney
<u>HB 194</u>	Public Safety Retirement Conversion Window	Amends the Utah Retirement Act to provide a conversion window between the Public Safety Contributory Retirement System and the Public Safety Noncontributory Retirement System		Finance Department
<u>HB 200</u>	Unlawful Removal or Vandalism of Campaign Signs	Adds provisions to Election Code that, subject to certain exceptions, makes it unlawful for a person to remove, alter, deface or otherwise vandalize a campaign sign; exempts public official who removes sign in accordance with official duty		Police City Council
<u>HB 212</u>	DNA Collection Amendments	Modifies provisions of the Public Safety Code regarding the collection of DNA from offenders; provides that law enforcement agencies may collect DNA samples at the time of booking for any person arrested for any felony offense beginning May 13, 2014 through December 31, 2014; after January 1, 2015, requires law enforcement agencies to collect DNA samples at the time of booking for any person arrested for any felony offense	Determine if applicable and whether police policies need to be amended	Police
<u>HB 217</u>	Service Animals	Enacts language regarding a municipal or county ordinance regulating the keeping of a service animal; allows person to keep a service animal, retired service animal, or both, in addition to a limit on the number of dogs a person may keep as set by the municipality or county	Review animal control ordinances to see if any amendments are necessary	Police Community Development Planning Commission
<u>HB 220</u>	Land Use Amendments	Amends provisions of LUDMA; provides legislative body is land use authority if no other body is designated; adds provision that applicant who has filed completed application and paid required fees is entitled to substantive land use review of the application under the laws in effect on date the application is complete; requires city to provide ten day notice of subdivision plat amendment or vacation to each affected entity that provides service to an owner of record in plat; other revisions	Amend subdivision ordinance to comply with new provisions and requirements for plat amendments	Community Development City Attorney Planning Commission City Council

<u>HB 225</u>	Primary Law Enforcement Duties for Sheriffs	Designates sheriff as the primary law enforcement authority of state law on federal land except as otherwise assigned by law to the authority of a state or municipal law enforcement agency		Police
<u>HB 238</u>	Local Referendum Requirements Amendments	Amends provisions of Election Code to provide that when a local legislative body imposes a tax or other payment obligation on property in an area that does not include all precincts of the city, the signatures required for a referendum, and the subsequent vote on the referendum, shall be by residents of the precincts to which the tax or other payment obligation applies		
<u>HB 245</u>	State Fire Code Amendments	Amends State Fire Code to add an exception to the requirement that automatic sprinkler systems be installed in certain fire areas; and modifies provisions related to hazardous and environmental conditions		Community Development Building Official Planning Commission
<u>HB 246</u>	Government Ethics Revisions	Amends provisions of Election Code and Lobby Disclosure Act regarding various reporting and noticing requirements		
<u>HB 262</u>	Local Governing Body Voting Amendments	Amends 10-3-507 regarding minimum number of votes required to pass an ordinance or take action by the council; addresses voting by majority of council in event of vacancy	Review City Ordinance to see if ordinance amendment is necessary to conform to voting calculation	City Attorney City Manager City Council
<u>HB 268</u>	Dangerous Weapons Amendments	Redefines dangerous weapon, clarifies restrictions relating to transferring dangerous weapon to a restricted person		Police
<u>HB 270</u>	Peace Officer Certificates	Clarifies that peace officer certification becomes inactive if peace officer has not been actively engaged in performing duties as sworn and certified peace officer for 18 consecutive months; and peace officer certification lapses if peace officer has not been actively engaged in performing duties as sworn and certified peace officer for four continuous years		Police
<u>HB 272</u>	Municipal Election Amendments – Office Hours	Amends 10-3-301 to require city recorder to maintain certain office hours during the municipal candidacy declaration and nomination period		City Recorder City Manager
<u>HB 276</u>	Disorderly Conduct Amendments	Amends definition of disorderly conduct; provides that displaying a dangerous weapon in public under certain circumstance may be disorderly conduct; confirms that merely displaying a dangerous weapon in public without other behavior is not disorderly conduct		Police
<u>HB 282</u>	Amendments to Election Law	Amends provisions of Election Code to allow an individual who is 16 or 17 years of age to work as a poll worker in a local election; prohibits municipal legislative body from appointing a candidate's family member as a poll worker in a precinct where the candidate appears on the ballot		City Recorder City Manager City Council

<u>HB 289</u>	Traffic-Control Signal Amendments	Repeals sunset date on affirmative defense for operator of motorcycle, moped or bicycle to a red light or red arrow violation in certain circumstances		Police
<u>HB 290</u>	Criminal Code – General Provisions	Amends 76-1-501 to add the conjunctive word “and” to listed elements of criminal offense requiring both elements to be established		Police
<u>HB 293</u>	Governmental Immunity Wildlife Waiver	Amends Governmental Immunity Act to provide that governmental immunity is not waived for injury related to the activity of wildlife that arises during the use of a public or private road		City Manager Risk Management City Council
<u>HB 295</u>	Weapons Law Exemptions	Amends 76-10-506 regarding threatening with or using dangerous weapon in fight or quarrel; defines dangerous weapon and threatening manner; excludes person performing an official duty		Police
<u>HB 296</u>	Concealed Weapon Permit Exemptions	Amends annual requalification and revocation requirements for law enforcement official or judge to retain a concealed weapon permit		Police Justice Court Judge
<u>HB 304</u>	Law Enforcement Volunteer Amendments	Amends Volunteer Government Workers Act to authorize the county sheriff to approve a volunteer to serve in a search and rescue emergency situation that requires law enforcement action		
<u>HB 308</u>	Criminal Penalty Amendments	Amends 10-3-703 to eliminate requirement to set minimum criminal penalty; must only set maximum penalty	Check to see if ordinance amendment is necessary	City Attorney Police Justice Court
<u>HB 314</u>	Vehicle Immobilization and Impound Amendments	Modifies provisions relating to vehicle impounds and vehicle immobilization devices; prohibits city from charging a fee for the storage of an impounded vehicle if the city is holding the vehicle as evidence and will not release the vehicle until the owner satisfies requirements for release	Check policies and procedures regarding impoundment and fees to ensure compliance	Police
<u>HB 315</u>	Judgment Lien Amendments	Requires separate information sheet be filed when filing a judgment lien		City Attorney
<u>HB 325</u>	Judicial Performance Evaluation Commission	Includes justice court judges as subject to an evaluation process performed by the Judicial Performance Evaluation Commission; creates criteria for the evaluation of justice court judges	Check Title 4 for potential ordinance amendments	City Attorney Justice Court Judge City Council
<u>HB 326</u>	State Construction Code Revisions	Modifies provisions of construction codes regarding fire rating of photovoltaic systems; requires roof mounted photovoltaic systems to be fire rated and labelled		Building Official Community Development Planning Commission
<u>HB 340</u>	Local District Boundary Adjustments	Amends 17B-1-503 to authorize municipality and local district to adjust the boundary of the local district within the expansion area identified in the municipality’s annexation policy plan		Community Development
<u>HB 344</u>	Incorporation Election Amendments	Amends provisions related to an election held to determine the incorporation of a city or town; authorizes county to hold a special election on the proposed Incorporation		

<u>HB 370</u>	Canal Safety Amendments	Requires the State Engineer, by July 1, 2017, to inventory and maintain a list of all open, human-made water conveyance systems in the state; requires state engineer to contract with a local conservation district to provide technical support for a canal owner who is adopting a management plan	Community Development Planning Commission Public Works
<u>HB 373</u>	Firearm Transfer Certification Amendments	Requires law enforcement officials to certify certain federal firearm transfers; specifies time frame; only applicable to specified "chief law enforcement officer" identified by regulation	Police
<u>HB 379</u>	Transparency of Ballot Propositions	Applies to ballot propositions concerning a tax increase submitted to voters or question concerning the issuance of bonds under 11-14-103; requires public meeting to allow parties to present arguments in favor or against ballot proposition; requires digital audio recording of public meeting	City Manager Finance Department City Recorder City Attorney
<u>HB 381</u>	Local Government Interfund Loan	Amends provisions allowing local governments to authorize interfund loans; requires terms and conditions of the loan to be in writing; requires interfund loan to be approved by ordinance or resolution in a public meeting; places restriction on interest rate and length of loan; requires notice and a public hearing with exceptions	Finance Department City Manager City Council
<u>HB 382</u>	Limited Purpose Local Government Entities Amendments	Amends provisions regarding special service districts; addresses appointment of an improvement district board of trustees; clarifies that special service district is a political subdivision of the state similar to a local district	
<u>HB 390</u>	Unlawful Activities Amendments	Adds offense of obstructing a legislative proceeding; makes other amendments regarding administrative proceedings	
<u>HB 394</u>	Campaign Finance Revisions	Amends numerous provisions of the Election Code regarding campaign finance, conflicts of interest and financial disclosures; requires financial report to include expenditures made by a reporting entity; provides that "contribution" includes a loan by candidate to own campaign; defines in-kind contributions; addresses publication and retention of financial disclosure forms	City Recorder City Council
<u>HB 404</u>	Court Security Fee Amendments	Increases the court security surcharge assessed on all offenses listed in the uniform bail schedule and moving traffic violations; increased from \$40 to \$50 (20% of security surcharge is retained by the assessing court for deposit into the general fund of municipality)	Justice Court Police City Manager City Council
<u>HB 408</u>	Election Requirements Amendments	Amends Election Code regarding write-in candidates; requires ballot to contain a space for a write-in candidate only if a write-in candidate is qualified for the election; changes deadline for write-in candidate to file a declaration of candidacy for a regular general election from 30 days to 60 days	City Recorder

<u>HB 415</u>	Local and Special Service District Elections Amendments	Allows a local district board, or the administrative control board of a special service district that has elected members on the board, to hold elections in an even-numbered year, if approved by the lieutenant governor		City Manager
<u>HB 422</u>	Initiative and Referendum Impact Disclosures	Changes requirements for financial impact disclosures for local initiative to include the legal impact of the initiative; establishes requirements for fiscal impact estimate for local referendum, including legal impact		City Attorney City Recorder
<u>SB 11</u>	Election Offense Amendments	Amends sections of Election Code regarding civil proceedings and investigations of election offenses; establishes procedures for registered voter to file a verified petition alleging violations; provides lieutenant governor shall review petition and determine whether special investigation and/or special counsel is necessary		City Council
<u>SB 13</u>	Theft Amendments	Provides the penalty for third theft conviction in 10 years becomes a third degree felony if one of the prior convictions was a class A misdemeanor; makes other amendments regarding theft penalties		Police Justice Court
<u>SB 17</u>	Water and Irrigation Amendments	Amends provisions of Title 73; expands enforcement powers of state engineer; amends requirements relating to the recording of an instrument transferring or assigning a water right; modifies provisions relating to well drilling without a license; modifies provisions regarding relocation or alteration of a natural stream		Public Works Community Development City Manager Planning Commission
<u>SB 18</u>	Local Government General Fund Amendments	Amends reference to "general fund" in municipal code to clarify that it means city general fund and not the state general fund; makes other technical amendments	Check to see if amendments are necessary to Title 5	Finance Department
<u>SB 21</u>	State Construction Code Amendments	Amends state construction code to exempt from the permit requirements of the state construction code a structure that is solely used to sell certain seasonal crops	Check Title 10A for possible amendments regarding exemptions	Building Official Community Development Planning Commission
<u>SB 22</u>	Workforce Services Job Listing Amendments	Requires governmental entities to advertise job openings on the state's website; exception provided when filling a job vacancy with a current employee	Check ordinances and policies to see if amendments are necessary	City Manager Department Heads
<u>SB 28</u>	Utah Retirement Amendments	Makes numerous amendments to the Utah Retirement Act		Finance Department
<u>SB 36</u>	Voter Information Amendments	Amends the Election Code and GRAMA regarding disclosure and use of registered voter information; places limitation on providing or using voter's date of birth obtained from a voter registration form		City Recorder City Attorney

<u>SB 46</u>	Administrative Subpoena Modifications	Includes enticement or attempted enticement of a minor under the definition of a sexual offense against a minor; requires law enforcement agency to receive a court order to collect electronic communication records involving specified crimes; amends reporting requirements for court order issued for criminal investigation of specified crimes		Police
<u>SB 51</u>	Local Government Entities Amendments	Amends various provisions regarding local districts; adds restrictions regarding city spending money deposited in an enterprise fund for a purpose that is not directly related to goods or services provided by enterprise	Check to see if amendments are necessary to Title 5	Finance Department City Manager City Council
<u>SB 54</u>	Election Amendments	Amends various provisions of Election Code relating to nomination of candidates, primary and general elections, and ballots		City Recorder
<u>SB 56</u>	Risk Management Amendments	Provides that the use of school property for civic center purposes is considered a permit for governmental immunity purposes of a governmental entity under 63G-7-301		Risk Management
<u>SB 58</u>	Carbon Monoxide Detection Amendments	Requires certain buildings used for educational purposes for students through grade 12 to be equipped with carbon monoxide detection		Building Official Community Development Planning Commission
<u>SB 61</u>	Revisions to Property Tax	Amends procedures and requirements for imposing a property tax levy that exceeds the certified tax rate; addresses content of certain tax notices		Finance Department City Manager City Recorder
<u>SB 70</u>	State Data Portal Amendments	Directs DAS to modify public information website to include a single point of access for all GRAMA requests for counties, cities and local districts; directs Transparency Advisory Board to make website more relevant to citizens		City Recorder City Attorney City Council
<u>SB 72</u>	Uninsured Motorist Provisions	Allows peace officer to seize and take possession of any vehicle that is being operated on a highway without the owner's or operator's security in effect for the vehicle; certain exceptions apply		Police
<u>SB 79</u>	Uniform Real Property Electronic Recording Act	Adopts the Uniform Real Property Electronic Recording Act; provides for the validity and recording of electronic documents; requires a phase-in implementation by class of county; allows surcharge to recover implementation costs; second class county implementation by July 1, 2016		City Recorder Community Development City Manager Planning Commission
<u>SB 83</u>	Local Sales and Use Tax Act Amendments	Repeals requirement for Tax Commission to retain a portion of local sales and use tax revenues and deposit into a special fund		
<u>SB 90</u>	Residency Amendments	Amends definition of residence under 20A-2-105 of the Election Code		City Recorder

<u>SB 108</u>	Judiciary Amendments	Requires peace officer to include on a citation whether the offense was a domestic violence offense; requires additional \$20 filing fee in civil justice court cases if a person files a complaint, petition, answer or response prepared through the Online Court Assistance Program; changes filing fee for domestic relations order		Police Justice Court
<u>SB 134</u>	Taxation Related Referendum Amendments	Amends Election Code to address a referendum filed on actions taken with regard to property tax rates; sets different time periods for actions taken with regard to referendum petition relating to property tax rates; exempts a referendum petition on property tax rates from voter information pamphlet requirements; addresses tax rate if referendum passes or fails		City Manager Finance Department City Council
<u>SB 136</u>	Local Election Amendments	Amends Election Code relating to elections on local referenda; defines term "local tax law"; allows election on referendum challenging a local tax law to be conducted entirely by absentee ballot		City Recorder City Council
<u>SB 145</u>	Background Check Amendments	Clarifies that criminal history information may not be disseminated under employment background check if the information is related to charges that have been declined for prosecution, that have been dismissed, or regarding which a person has been acquitted		City Manager Police Finance Department City Attorney
<u>SB 154</u>	All-Terrain Vehicle Amendments	Modifies Traffic Code regarding ATVs; amends definition of utility type vehicle; repeals prohibition on operation of street-legal ATV on street under the jurisdiction of city with population of 7,500 or more unless highway is designated as open by city		Police
<u>SB 158</u>	Cemetery Amendments	Amends provisions related to the recordation of a cemetery plat; requires burial right certificate; requires policies and procedures regarding record keeping		Parks Director City Manager
<u>SB 167</u>	Regulation of Drones	Enacts the Government Use of Unmanned Aerial Vehicles Act; prohibits law enforcement agency from obtaining data from unmanned aerial vehicle unless the data is obtained pursuant to a warrant or other authorized means; establishes reporting requirements		Police
<u>SB 169</u>	Public Meetings Materials Requirements	Amends provisions of Open Meetings Act; defines electronic information; requires certain public bodies to require an individual who publicly presents or provides electronic information at an open meeting to provide an electronic or hard copy of the electronic information		City Recorder City Manager City Council
<u>SB 179</u>	Procurement Revisions	Reenacts updated State Procurement Code		Finance Department
<u>SB 185</u>	Law Enforcement Transparency	Requires city law enforcement agencies to annually report specific information to the Commission on Criminal and Juvenile Justice		Police

<u>SB 187</u>	Highway Rights-of-Way Amendments	Amends provisions of Rights-of-Way Act regarding dedication of highway for public use; excludes area used as parking lot; adds time provisions		
<u>SB 188</u>	Local Option Sales Tax Amendments	Amends purposes for which city can use local option sales tax		Finance Department City Manager
<u>SB 216</u>	Political Subdivision Revisions	Amends provisions regarding municipal services districts; enacts the Municipal Services District Act		
<u>SB 222</u>	Automatic License Plate Reader System Amendments	Provides that a governmental entity may obtain, receive or use privately held captured plate data only pursuant to a warrant or court order		Police
<u>SB 248</u>	Judicial Retention Election Amendments	Provides that justice court judge who wishes to retain office, shall, in the year the judge is subject to a retention election, file a declaration of candidacy with the lieutenant governor or county clerk within the specified period (April 1 to April 15)		Justice Court
<u>SB 250</u>	Public Duty Doctrine Amendments	Provides that a general duty that a governmental entity owes to the public does not create a specific duty to an individual member of the public unless there is a special relationship between the governmental entity and the individual member of the public		City Manager City Attorney City Council
<u>SB 253</u>	Distracted Driver Amendments	Amends Traffic Code by amending handheld wireless communication device provisions; restricts use of handheld devices while driving	Check cell phone policy to see if needs amendment	Police City Manager
<u>SB 256</u>	Asset Forfeiture Amendments	Amends civil forfeiture procedures under the Forfeiture and Disposition of Property Act		Police
<u>SB 267</u>	Governmental Immunity Act Amendments	Amends provisions regarding filing of a notice of claim; provides that a governmental entity may not challenge the timeliness of a notice of claim filed within a specified time if the claimant had in good faith previously filed a notice of claim with another governmental entity and if other conditions are met		Risk Management City Attorney