

CENTERVILLE CITY

250 North Main Centerville, Utah 84014-1824 • (801) 295-3477 • Fax: (801) 292-8034

Incorporated in 1915



Mayor

Paul A. Cutler

City Council

Ken S. Averett

Tamilyn Fillmore

John T. Higginson

Stephanie Ivie

Lawrence Wright

City Manager

Steve H. Thacker

interoffice MEMORANDUM

to: Mayor Cutler
City Council
cc: Department Heads
Planning Commission
from: Steve H. Thacker, City Manager
subject: City Manager's Summary of July 7, 2015 Council Meetings
date: July 2, 2015



5:30 Work Session re Fire District Proposal – This will be the continuation of discussion that began in the June 16 Council meeting. The member cities of the South Davis Metro Fire Agency are discussing the possibility of creating a local district and special service area as a way to fund capital facilities for fire/EMS services. This district would have the ability to levy a property tax for such purpose, thereby supplementing the other revenue sources that would continue to fund operations—i.e. assessments to member cities, paramedic funding from the County, and ambulance user fees. Fire Chief Jeff Bassett, Bountiful Mayor Randy Lewis and the Bountiful City Manager Gary Hill have been invited to attend and participate in this discussion. **Dinner will be available beginning at 5:15 p.m.**

7:00 Regular City Council Meeting

E.1. Minutes Review and Acceptance – The minutes to be approved are enclosed.

E.2. Frontage Road Sidewalk Project – This project will construct a sidewalk along the east side of the Frontage Road between the Woods Park PDO and Lexington Subdivision. Upon completion, there will be a continuous sidewalk along the Frontage Road from Parrish Lane to Lund Lane (the northern city limit). Most of the cost will be funded by \$50,000 in federal money awarded to Centerville earlier this year. In addition, one of the property owners (Millet) is obligated to pay for the portion along his frontage because of a sidewalk deferral agreement executed when his property was developed a few years ago. This matter includes accepting easements from two property owners, an installment payment agreement with Millets, and award of the construction contract to Bowen Construction in the amount of \$64,492.

E.3. Public hearing – Plat Amendment to Ford Canyon Subdivision – This is an amendment to the plat affecting Lots 408 and 409. These two lots are being combined and the front yard setback would be reduced from 25 feet to 20 to accommodate a swimming pool behind the house without encroaching on the slope stability easement along the rim of Ford Canyon, similar to setback reductions approved earlier for other lots in this subdivision.

- E.4. **Public Hearing—Add Name to 1250 West Street** – The City received a request to add the alias name of “Child Lane” to 1250 West, based on the historical name applied to this roadway. Per the City’s ordinance, the applicant has obtained petition signatures from at least 75% of the affected property owners, and all property owners have been sent notice inviting them to speak during a public hearing on this matter on July 7. Robert (“Rob”) Child will represent the applicants at the meeting.
- E.5. **Public Hearing—Zoning Code Text Amendment re Flag Lots** – This amendment would allow flag lots in residential-medium (R-M) zones. Currently flag lots are allowed only in residential-low zones. This amendment was triggered by a request from a property owner to build a duplex on land in an R-M zone on underutilized land with limited frontage.
- E.6. **Public Hearing—Zoning Code Text Amendments re South Main Street and PDO Zones** – In an earlier meeting, a majority of the City Council directed staff to initiate amendments with the Planning Commission to 1) cap the residential density within two districts of the South Main Street Corridor (SMSC) and 2) reduce the acreage needed to allow a planned development overlay (PDO). The Planning Commission has forwarded the unanimous recommendation to limit the density in those two SMSC districts to 4 units per acre, or up to 8 units as a conditional use. The Planning Commission has also recommended (6-1 vote) reducing the acreage needed for a PDO from five acres to three acres.
- E.7. **Continue Public Hearing—Zoning Code Text Amendment re ADUs** – At their May 5 meeting, the City Council discussed this proposed ordinance that would allow accessory dwelling units (ADUs) in residential-low zones within specific guidelines/limits. The matter was continued—including the public hearing—to a future meeting to allow staff to research the issue of impact fees relating to ADUs, and to give the City Council more time to consider the content of this ordinance. Jake Smith will report at the meeting on his research, then Council can continue the public hearing and discuss whether to proceed with adoption.
- E.8. **Mayor’s Report** – Mayor Cutler will report on utility bill adjustments for the most recent quarter, and will provide an update about UTOPIA.
- E.9. **City Council Liaison Report** – Councilwoman Ivie will report on the Landmarks Commission and Trails Committee activities/issues. She serves as the City Council’s liaison to both organizations.
- F.10. **City Manager’s Report** – I will be not be at this meeting, but Blaine Lutz, Assistant City Manager, will provide further explanation and answer questions about the certified property tax levy the Council approved on June 16 as part of the adoption of the City’s FY 2016 Budget.
- E.11. **Miscellaneous Business** – The Pastures commercial project is ready to begin its warranty period.
- E.12. **Adjourn to RDA meeting** – A brief RDA meeting is scheduled to consider authorizing funding for a “preemption device” for the traffic signals at 1250 West Parrish Lane, to be installed by UDOT later this year. This device allows emergency responders to remotely change the traffic signal to accommodate their vehicles. UDOT estimates the cost to be \$5000 - \$6000. UDOT has told me this would be considered a “betterment” and, therefore, an expense UDOT would not fund.

Reconvene City Council meeting

E.13. Closed Meeting – The Mayor will ask the City Council to adjourn into a closed meeting for the annual performance review of the City Manager.

E.14. Possible action following closed meeting – Mayor Cutler may recommend appointments to City boards/committees, and the Council may consider a pay raise for the City Manager.

Potential Agenda Items for July 21, 2015 City Council meeting (subject to change):

- Public Hearing – Small Subdivision Waiver/Lot Split on property located at 590 East 200 South
- Resolution re Planning Commission compensation for attending training sessions
- Award bid for drainage projects
- Consider Resolution initiating process of creating local district and special service area for fire/EMS services

mlm

CENTERVILLE CITY COUNCIL AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY COUNCIL WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 P.M. ON TUESDAY, JULY 7, 2015 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 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. Upon request, a citizen may obtain (without charge) the City Manager's memo summarizing the agenda business, or may read this memo on the City's website: <http://centerville.novusagenda.com/agendapublic>.

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

5:30 Work Session to discuss proposal to create a local district and special service area for Fire/EMS services

7:00 A. ROLL CALL
(See City Manager's Memo for summary of meeting business)

B. PLEDGE OF ALLEGIANCE

C. PRAYER OR THOUGHT
Councilman John Higginson

7:05 D. OPEN SESSION (This item allows for the public to comment on any subject of municipal concern, including agenda items that are not scheduled for a public hearing. Citizens are encouraged to limit their comments to two (2) minutes per person. Citizens may request a time to speak during Open Session by calling the City Recorder's office at 801-295-3477, or may make such request at the beginning of Open Session.) Please state your name and city of residence.

E. BUSINESS

7:10 1. MINUTES REVIEW AND ACCEPTANCE
June 16, 2015 work session and regular Council meeting; June 17, 2015 joint City Council/Planning Commission meeting

7:15 2. Frontage Road Sidewalk Project
a. Accept Easements
b. Approve installment agreement with Millets
c. Award bid to Bowen Construction in the amount of \$64,492

(OVER)

- 7:20 3. Public Hearing - Plat amendment to Ford Canyon Subdivision – Reducing setback to 20 feet
- 7:25 4. Public Hearing - request to add street name alias to 1250 West
- 7:35 5. Public Hearing – Consider Zoning Code Text Amendment - Chapter 12-36 (Table of Uses)
Consider Ordinance No. 2015-13 amending Chapter 12-36 (Table of Uses Allowed) to Permit Flag Lots in the Residential-Medium (R-M) Zone
- 7:45 6. Public Hearing - Zoning Code Text Amendments - South Main Street Overlay Zone and Planned Development Overlay Zone
a. Consider Ordinance No. 2015-14 Enacting Section 12-48-082 of Chapter 12-48 - South Main Street Corridor Overlay Zone - Adopting Minimum Density Caps for Residential Development within the Traditional and City Center Main Street Districts
b. Consider Ordinance No. 2015-15 amending Section 12-41-040 of Chapter 12-41 - Planned Development Overlay Zone - Reducing Minimum Acreage Required for Planned Developments
- 8:15 7. Continue Public Hearing – Zoning Code Text Amendment, Chapter 12-60, Accessory Dwelling Units (ADUs)
Consider Zoning Ordinance Text Amendments to Section 12-12-040 regarding definitions for ADUs, amending Table 12-36 regarding Table of Uses for ADUs, and enacting Chapter 12-60 regarding ADUs - Consider Ordinance No. 2015-16
- 8:30 8. Mayor's Report
a. Utility Billing Adjustments for period ending June 25, 2015
b. UTOPIA update
- 8:40 9. City Council Liaison Report – Councilwoman Stephanie Ivie
Landmarks Commission and Trails Committee
- 8:50 10. City Manager's Report
a. Clarification of property tax issues
- 8:55 11. Miscellaneous Business
a. Commence warranty period for The Pastures Development
- 9:00 12. **Adjourn to RDA meeting**

Reconvene Council meeting

- 9:10 13. Closed meeting for reasons allowed by state law , including, but not limited to, the provisions of Section 52-4-205 of the Utah Open and Public Meetings Act, and for attorney-client matters that are privileged pursuant to *Utah Code Ann.* § 78B-1-137, as amended.

- 9:25 14. Possible action following closed meeting including appointments to boards and committees and possible adjustment in City Manager's compensation

F. ADJOURNMENT

(Items of Interest (i.e., newspaper articles, items not on agenda); Posted in-meeting information

Marsha L. Morrow, MMC
Centerville City Recorder

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- 7:00 A. **ROLL CALL**
 (See City Manager's Memo for summary of meeting business)
- B. **PLEDGE OF ALLEGIANCE**
- C. **PRAYER OR THOUGHT**
 Councilman John Higginson
- 7:05 D. **OPEN SESSION** (This item allows for the public to comment on any subject of municipal concern, including agenda items that are not scheduled for a public hearing. Citizens are encouraged to limit their comments to two (2) minutes per person. Citizens may request a time to speak during Open Session by calling the City Recorder's office at 295-3477, or may make such request at the beginning of Open Session.) Please state your name and city of residence.
- E. **BUSINESS**

- | | | |
|------|-----|--|
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June 16, 2015 work session and regular Council meeting minutes; June 17, 2015 joint City Council/Planning Commission meeting minutes |
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Consider Zoning Ordinance Text Amendments regarding Accessory Dwelling Units (ADUs), including amendments to Section 12-12-040 regarding definitions for ADUs, amending Table 12-36 regarding Table of Uses for ADUs, and enacting Chapter 12-60 regarding ADUs - Consider Ordinance No. 2015-16 |
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and for attorney-client matters that are privileged pursuant to Utah Code Ann. § 78B-1-137, as amended

9:25

15. Possible action following closed meeting, including appointments to boards and committees and possible adjustment in City Manager's compensation

F. ADJOURNMENT

Items of Interest (i.e., newspaper articles, items not on agenda); Posted in-meeting information

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
7/7/2015**

Item No.

Short Title: Work session to discuss proposal to create a local district and service area for Fire/EMS services

Initiated By:

Scheduled Time: 5:30

SUBJECT

RECOMMENDATION

Discuss the proposal to create a local district and service area for provision of fire/EMS services.

BACKGROUND

The City Council discussed this proposal at their June 16 meeting. It was agreed to discuss further in a future work session. Fire Chief Jeff Bassett will attend, along with the Bountiful Mayor and City Manager. The latest version of the Resolution that would initiate the process of potentially creating a district is attached. That process would include a public hearing. Also attached is the proposed timeline for that process.

ATTACHMENTS:

Description

- ☐ Proposed Resolution creating fire district
- ☐ Memo from Centerville City Manager
- ☐ Proposed Timeline for District Creation
- ☐ Chief Bassett Email

CITY RESOLUTION

RESOLUTION NO. _____

_____,
2015

A Resolution of _____ City, a municipal corporation of the State of Utah, proposing the creation of a local district and service area for the provision of fire protection, emergency medical response, paramedic, emergency response services, ambulance services and related services to the cities of Bountiful, Centerville, North Salt Lake, West Bountiful, Woods Cross and the unincorporated area of south Davis County and the transfer of the responsibilities and operations of the existing South Davis Metro Fire Agency to the proposed district.

WHEREAS, _____ City has previously entered into an interlocal agreement with the cities of Centerville, North Salt lake, West Bountiful, Woods Cross and Davis County for the joint operation of the South Davis Metro Fire Agency;

WHEREAS, the _____ City has determined that is in the best interest of the citizens of the city to provide for greater ongoing stability for fire protection, paramedic emergency medical services emergency response and ambulance services by creating a separate governmental entity with dedicated functions and additional sources of funding;

WHEREAS, _____ City and the other public entities participating in the South Davis Metro Fire Agency desire to create a local district and service area to assume the responsibilities of South Davis Metro Fire Agency (the "Agency");

WHEREAS, the participating public entities desire to allow additional funding mechanisms with a dedicated property tax levy under the control of elected officials appointed by each participating governmental entity; and

WHEREAS, the participating entities are authorized by UCA Sec. 17B-1-203(1)(d) to commence the creation of a local district and service area by adopting a Resolution proposing its creation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of _____ City as follows:

1. The City Council hereby proposes the creation of a local district and service area for the provision of fire protection, emergency medical response, paramedic, emergency response services, ambulance services and related services. The local district and service area proposed by this Resolution shall be composed of the area within the corporate limits of the cities of Bountiful, Centerville, North Salt Lake, West Bountiful, Woods Cross and all property in the unincorporated area of Davis County located south of an east/west extension of the northern corporate limits of Centerville City, north of the Salt Lake County Line, west of U.S. Forest

Service line, and east of the Great Salt Lake as more shown on the map which is attached hereto as Attachment A. The proposed local district and service area shall be known as the South Davis Metro Fire Service Area.

2. The proposed district shall be funded through revenues that may include member assessments, a property tax levy, revenues generated by its operations and such other revenues that are authorized by law. Assessments will be made in accordance with the provisions of a new interlocal agreement entered into among the member entities and the Service Area. It is anticipated that the property tax impact on an average residential property in _____ City having a value of \$ _____ will be \$ _____. _____ City will reduce its property tax levy in the initial year after creation of the District by an amount equal to to equalized fire service area tax levy of the district. _____ City anticipates that there will be no additional cost to the average household as a result of the initial district tax levy.

3. (a) The proposed local district shall be governed by a Board of Trustees composed of one elected official appointed by each participating entity in accordance with UCA Sec. 17B-2a-905. The Fire Chief shall serve as the Chief Executive and Administrative Officer of the district.

(b) There shall be an Administrative Committee advisory to the Board of Trustees on matters relating to the budget of the district, the compensation of the district's officers and employees and such other matters as are assigned to it by the Board of Trustees. The Administrative Committee shall be composed of the city manager of each participating city, or in the event that any participating city does not employ a city manager, a representative appointed by the governing authority of the city, and a designee appointed by the County Commission of Davis County to represent the county. The Fire Chief shall be responsible for the preparation of a proposed budget for submission to the Administrative Committee and the preparation of tentative and final budgets approved by the Committee and Board. The Chair of the Administrative Committee shall be elected by the members thereof and shall serve as Budget Officer for the District with duties as assigned by the Board including filing and presenting the tentative operating and capital budget with the Board of Trustees. The Fire Chief shall be responsible to ensure that agency expenditures within each fund conform with the fund budget and any other budget guidelines approved by the Board. The Fire Chief shall serve as an ex officio, non-voting member of the Administrative Committee. Subject to approval of the Board of Trustees, the Administrative Committee shall adopt bylaws for its operation and governance.

(c) A majority of the Board members, with a quorum present, shall be required for all actions taken by the Board of Trustees except that actions taken to adopt or amend the bylaws of the service area or actions taken to change the assessment formulas by which member charges are determined shall require a two-thirds vote of the entire Board. Votes shall not be weighted unless a weighted vote is formally requested by a Board member. Weighting of votes shall be in accordance with each member's most recent annual assessment.

4. A Public Hearing on the creation of the proposed local district and service area shall be held the _____ day of _____, 2015, at the _____ City Hall, 790 So. 100 E., Bountiful, UT at 6:00 p.m.. The City Recorder is directed to publish notice of the Public Hearing in a newspaper of general circulation in _____ City and on the Utah Public Notice

Website. Notices shall be published in accordance with UCA Sec 17B-1-211.

5. The South Davis Metro Fire Service Area shall take effect upon completion of all proceedings required by law and approval and certification by the Utah Lieutenant Governor in accordance with UCA §67-1a-6.5 and shall commence operation of the enumerated and authorized services on July 1, 2016.

6. Effective July 1, 2016, the interlocal agreement establishing the South Davis Metro Fire Agency dated October 1, 2004 shall be terminated and dissolved and all functions, obligations, buildings and other assets of all types of the Agency shall be transferred to and assumed by the South Davis Metro Fire Service Area. Obligations of the Agency to any Member for existing debt of the Agency shall be assumed by the Service Area. Capital contribution requirements or limits contained in the existing interlocal agreement creating the South Davis Metro Fire Agency, including specifically paragraph 5.01(h), and any amendment thereto shall continue in full force and effect until satisfied. Specifically, subject to provisions of paragraph 5.01(h), Bountiful City and its citizens shall not be obligated to pay any portion of the Ambulance Fee Revenue Bond Series 2006, or any refinancing of those bonds. Capital contributions for capital improvements approved by the South Davis Metro Fire Service Area Board shall be paid proportionately by each member as determined by the Board .

7. The City Recorder is hereby directed to transmit a certified copy of this Resolution to the Mayors and City Councils of the cities of Centerville, Bountiful, North Salt Lake, West Bountiful, Woods Cross and to the Davis County Commission. *(Delete adopting entity)*

APPROVED and ADOPTED this _____ day of _____, 2015.

CITY COUNCIL

By: _____
MAYOR

ATTEST:

CITY RECORDER

APPROVED AS TO FORM

CITY ATTORNEY

To: South Davis Metro Fire Agency Board of Directors
From: Steve Thacker—Centerville City Manager (and current chair of city managers group)
Date: May 13, 2015
Subject: Issues Relating to Proposed Creation of Special District

S. Thacker

Recently the city managers of the South Davis Metro Fire Agency member cities met to discuss the issues relating to the proposal to create a special district. We discussed ideas for making the special district concept more acceptable to elected and appointed city officials who are concerned about whether there would be adequate constraints on the taxing and spending decisions of a completely independent special district. The city managers are also concerned about how the conversion to a special district would impact the cities' own property tax levies in order to comply with Truth-in-Taxation requirements. Our discussion concluded with the managers group expressing support for three ideas that may help city officials become more comfortable with the concept of a special district: 1) limit the purpose for which a special district is created; 2) initially create the district with a very small property tax levy; and 3) strengthen the role of the city managers in the annual budget process.

I respectfully request the opportunity to address the Board at your May 18 meeting about these suggestions. These ideas have been discussed with Chief Bassett. He has asked a number of questions that merit discussion—particularly regarding the city managers' role in the budget process. If the Board is interested in pursuing these ideas further, I recommend his questions and other details be discussed in a follow up meeting of the city/county managers with Chief Bassett, with a report back to the Board and their subsequent discussion.

Limit the District's Purpose

As was discussed in an earlier work session of the mayors and city managers, the district could be created only for funding capital needs, including issuing bonds and paying debt service. This would leave the operational budget still subject to the current annual process that requires assessments from the member cities and County and, therefore, review by each city council. Capital needs would be primarily facilities related. The replacement of vehicles would still be funded with a combination of annual budget funds, savings at the close of budget years, and using the current General Fund balance of the SDMFA, which has been trending upward for years. This balance should be tapped as appropriate to supplement the annual budgeted amount for the Capital Reserve Fund and the transfer of budget savings at the close of each fiscal year. There may be an occasional exception that could be funded via the special district—such as the replacement of a ladder truck. But otherwise the use of the special district tax levy would be limited to construction/remodeling/repair of fire facilities.

Begin with Small Tax Levy

City managers are concerned about the impact on their respective city's tax levy upon creation of a special district. The intent of creating a special district for facility needs is to provide a new funding source for purposes not funded with current revenue sources. However, when the special district is first created and sets its initial tax levy, member cities will be required under Truth-in-Taxation to reduce their own tax levies to offset that new levy unless they go through the statutory process to avoid that

reduction. As an alternative, a district could be created initially with a very small tax levy that would require only a very small reduction in each city's own tax levy. Then in subsequent years the district could go through its own Truth-in-Taxation process to justify to the taxpayers the need to fund fire facilities—without impact on the cities' own tax levies. This ties the tax levy increase very directly and clearly with the need for fire facilities, and allows one governing body—the special district board—to go through this process instead of the governing bodies of all member entities to avoid impact on their own tax levies. If it would help city councils get more comfortable with the creation of a special district for capital needs, a maximum cap could be established on the tax rate.

City Managers' Role in Budget Process

In the past few years city managers have been involved informally in the fire agency's budget process, at the request of the Board. City managers have been asked to review the fire chief's proposed budget and provide comments to him before he submits it to the Board. Admittedly this has been a relatively cursory review. The city managers' role could be strengthened by requiring the fire chief to submit his "budget request"—for both operational and capital expenditures—to the city managers group for their collective in-depth review, with the chair of that group designated as the "budget officer" for the fire agency. This budget officer would in turn present the "proposed budget" to the Board of Directors of the fire agency. This process would be similar to the process currently followed in each city—i.e. the city manager is designated the budget officer and all departmental budgets are reviewed by the city manager before a "proposed budget" is submitted to the city council.

This concept is suggested as a way to engage the city managers more formally in the budget process, with the intent of providing confidence that the budget proposed to the Board has been thoroughly vetted by those who also have the responsibility of submitting to their respective city councils a budget that includes the fire agency's assessment.

**PROPOSED TIME LINE FOR TRANSITION OF THE SOUTH DAVIS FIRE
INTERLOCAL AGENCY TO A LOCAL FIRE DISTRICT**

The following time line allows time for document transfer, scheduling delays and unforeseen problems. In a best case scenario and with concurrent activities and preparation approximately two months could be saved.

April 1 through June 15, 2015.

Due Diligence by Creating Entities

This period would allow for organizational discussions, preparation of the map and legal description that will be needed for the Initial Resolutions and reaching consensus on the proposed district.

June 15 through July 1, 2015.

Adoption of Resolutions Proposing District
Creation (UCA 17B-1-203(1)(d))

Each of the creating entities must adopt a resolution proposing the creation of a local district.

August 1 through August 15, 2015

Entities conduct Public Hearings on the
Creation of the District (UCA 17B-1-210)

Each entity proposing the District must conduct a public hearing no later than 45 days after the date of the Proposing Resolution's adoption. Entities may join together and conduct joint hearings but a quorum of each participating governing body must be in attendance through the hearing. Hearings may commence no earlier than 6 p.m..

August 15 through September 1, 2015

Entities That Could Provide Fire and
Emergency Medical Services in the District
Area decline to provide the
Service. (UCA 17B-1-212)

Each of the participating entities must decline to provide the service proposed to be provided by the District. This is a pro forma act done through a Resolution of the Governing Body.

August 15 through October 15, 2015 Protest Period Runs. (UCA 17B-1-213)

The protest period commences upon the holding of the last public hearing and runs for sixty days. If sufficient protests are received the process stops; if not, the participating entities can proceed with creating the District

October 15 through November 15, 2015

Resolutions Creating the District are
Adopted by the Participating Entities. (UCA
17B-1-213(4)).

Each of the participating entities must adopt a Resolution Creating the District. The Resolutions must describe the area included in the District, be accompanied by a map of the boundaries, describe the service(s) to be provided, state the name of the District and describe the process for appointment of the initial board of trustees

by Aug 1

(which is described in S.B. 140)

November 15 through December 15, 2015 Transmit District Creation Documentation to Lt. Governor for Certification, Receive Certification (UCA 17B-1-215 and 67-1a-6.5)

Within ten days after the adoption of the last Resolution the Notice of an Impending Boundary Action and related documents must be filed with the Lt. Governor. After review, the Lt. Governor will issue the Certificate of Incorporation for the District .

December 15 through December 31, 2015 Record the original Notice of Impending Boundary Action, Certificate of Incorporation, Approved local entity plat and certified copies of the Creating Resolutions (UCA 17B-1-215((a)).

Recording must occur by December 31, 2015, for the District to have property tax authority beginning January 1, 2016.

Steve Thacker

From: Jeff Bassett <jbassett@sdmetrofire.org>
Sent: Monday, June 22, 2015 4:47 PM
To: Steve Thacker
Subject: Opticom

Steve

As I went through my notes it was Bountiful City that was installing them on all of their new traffic signals. As I looked over my UDOT file they did provide the system at the new light on 1100 north and Redwood after I made the request. They did deny the system at the new light on 500 south and redwood, so it just depends on UDOT.

So if there is money in the project that can be used for the system, that would be great for us, however, I do not want to cause extra spending if there is no extra funding.

Thank you.

Jeff Bassett
Fire Chief
South Davis Metro Fire Agency
Office 801-677-2400

CENTERVILLE

**Staff Backup Report
7/7/2015**

Item No.

Short Title: (See City Manager's Memo for summary of meeting business)

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- ☐ City Manager Summary of July 7, 2015 Council meetings

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
7/7/2015**

Item No.

Short Title: Councilman John Higginson

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
7/7/2015**

Item No. 1

Short Title: Minutes Review and Acceptance

Initiated By:

Scheduled Time: 7:10

SUBJECT

June 16, 2015 work session and regular Council meeting minutes; June 17, 2015 joint City Council/Planning Commission meeting minutes

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- ☐ June 16, 2015 work session minutes
- ☐ June 16, 2015 City Council meeting minutes
- ☐ June 17, 2015 Joint City Council/Planning Commission meeting minutes

PRELIMINARY DRAFT

Minutes of the Centerville City Council **work session** held Tuesday, June 16, 2015 at 5:30 p.m. at the City Hall Council Chambers, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Mayor	Paul A. Cutler
Council Members	Ken S. Averett Tamilyn Fillmore Stephanie Ivie Lawrence Wright

<u>MEMBER ABSENT</u>	John T. Higginson
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<u>STAFF PRESENT</u>	Steve Thacker, City Manager Lisa Romney, City Attorney Katie Rust, Recording Secretary
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<u>STAFF ABSENT</u>	Blaine Lutz, Finance Director/Assistant City Manager
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<u>VISITORS</u>	Kirt Sudweeks, UTOPIA Gary Jones, UTOPIA
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WORK SESSION – UTOPIA

Mayor Cutler reported that the UTOPIA board members representing the three larger cities still seem interested in pursuing the opportunity to work with Macquarie, and some board members seem to believe things have improved enough that outside help does not need to be solicited. UTOPIA has participated in a number of forums with Google Fiber and other entities interested in providing broadband. Google Fiber has not indicated a desire to pursue a relationship with UTOPIA at this time.

UTOPIA representative Kirt Sudweeks presented UTOPIA/UIA budget information, and the objectives and performance of the original UIA five-year plan (a copy of the presentation is attached). Mr. Sudweeks emphasized that member cities have not been asked to cover UIA debt payments. Councilman Wright pointed out that UIA has not asked the cities to cover debt payments, but has asked the cities to cover operating expenses. Mr. Sudweeks expressed confidence that UTOPIA will be able to break even in the next fiscal year, no longer needing to assess the cities for operating costs. Operating assessments would already be unnecessary if all of the cities had been paying the assessments. Only four UIA cities are paid up on their assessments. Centerville has not paid approximately \$88,000 of the amount that has been assessed for operating expenses through June 2015 (\$78,000 after subtracting the City's portion of the RUS settlement).

Mr. Sudweeks showed a breakdown of how the \$10 million RUS settlement will be used, and stated that UIA expects to draw down the remaining \$24 million authorized in the bond issue. Councilwoman Fillmore asked Mr. Sudweeks if they have considered selling the service to non-member cities. Mr. Sudweeks responded that most cities would not want to participate in the current debt structure. He said they are not actively pursuing business with non-member cities at this time. Mr. Sudweeks and Gary Jones, also with UTOPIA, discussed current UTOPIA staffing.

Mr. Jones and Mr. Sudweeks explained plans to refresh the UTOPIA system electronics – similar to the refresh proposed by Macquarie. He encouraged the City to notify

PRELIMINARY DRAFT

Centerville City Council Work Session
Minutes of Meeting of June 16, 2015

Page 2

1 UTOPIA when open-trench opportunities with development are going to occur. Involvement of
2 the cities will be valuable in keeping installation costs down. Mayor Cutler expressed the
3 opinion that Centerville is as much a partner as any of the other cities, and should be paying the
4 assessments. He added that he is glad the assessments will be coming to an end. Councilman
5 Wright said he feels there is a governance issue with three cities having control and eight cities
6 that have no voice. Mr. Sudweeks responded that he has heard others argue that a city should
7 not have a voice at all if it is not paying assessments.
8

9 Mr. Jones described the current UTOPIA marketing plan. Councilman Averett stated he
10 recently provided his cell number by text to receive access to free WiFi at a business, and then
11 later received a coupon by text for a return visit to the business. He suggested the City and
12 UTOPIA could similarly collect numbers of users of the free WiFi in City parks as targets for
13 UTOPIA marketing. Mr. Jones agreed that city involvement has a direct impact on the success
14 of the network.
15

ADJOURNMENT

16
17
18 Mayor Cutler thanked Mr. Sudweeks and Mr. Jones for meeting with the Council, and
19 adjourned the work session at 6:51 p.m.
20
21
22
23
24

25 _____
26 Marsha L. Morrow, City Recorder
27
28
29

Date Approved

30 _____
Katie Rust, Recording Secretary

PRELIMINARY DRAFT

Minutes of the Centerville **City Council** meeting held Tuesday, June 16, 2015 at 7:00 p.m. at Centerville City Hall, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Mayor	Paul A. Cutler
Council Members	Ken S. Averett Tamilyn Fillmore Stephanie Ivie Lawrence Wright

MEMBER ABSENT John T. Higginson

STAFF PRESENT

Steve Thacker, City Manager
Lisa Romney, City Attorney
Jacob Smith, Management Assistant
David Miller Justice Court Judge
Lisa Summers, Youth Council Advisor
Cory Snyder, Community Development Director
Katie Rust, Recording Secretary

STAFF ABSENT Blaine Lutz, Finance Director/Assistant City Manager

VISITORS Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE led by Steve Dixon

PRAYER OR THOUGHT Councilman Wright

OPEN SESSION

Sherri Lyn Lindstrom – Ms. Lindstrom thanked the Council members for their service to the community, and expressed appreciation for citizens who attend Council meetings on a regular basis. She read a letter announcing her resignation as a candidate for City Council from the 2015 election (attached). Ms. Lindstrom stated she firmly believes it is the responsibility of elected officials to represent the community as a whole – citizens, business owners and other governmental agencies, those who attend meetings to comment as well as those who do not. The Council must consider the needs of many types of stakeholders and make decisions that do not put the City at risk of needless legal costs. She said she believes it is always appropriate to disagree without being disagreeable. Ms. Lindstrom stated that her decision to withdraw is based on the current climate of political controversy in Centerville.

YOUTH CITY COUNCIL

Centerville Justice Court Judge Miller swore in the new members of the Youth City Council. Mayor Cutler thanked the Youth Council for their service to the community, and introduced the new Youth Mayor, Lyndsey Kunzler.

New Youth Council members:

Lana Bangerter	Eliza Greer	Kathryn Ann Pertab
Justin Barton	Coulson Harris	Brook Vogrinec
Steve Dixon	Sarah Hawkes	Page Wadley
Grace Fillmore	Ethan Horlacher	
Sara Garn	Smith Jackson	

**PUBLIC COMMENT REGARDING SOUTH MAIN STREET CORRIDOR
PLAN/OVERLAY ZONE**

Mayor Cutler opened a public comment period regarding the South Main Street Corridor Plan/Overlay Zone at 7:24 p.m. He acknowledged that the City received a petition with a significant number of citizen signatures in support of a single-family proposal on the property between 300 South and Porter Lane on Main Street, and commented that suggestions of specific changes that could be made to the SMSC Plan would be helpful to the Council.

Jim Hanni – Mr. Hanni stated he is President of Centerville Commons HOA. He said he felt the petition mentioned by the Mayor was presented as a thank-you note for Brighton Homes. He said the letter was ambiguous, and he feels people were signing something they did not understand. He thanked Councilwoman Fillmore for answering many of his questions on her own time, and said it is his understanding that high density would not be involved on the Walton property or on Pages Lane. Mr. Hanni said he is anxious to see the Pages Lane area redeveloped. He would not be concerned about the mixed-density proposal that he has seen. Mr. Hanni said there is nothing that distinguishes Main Street in Centerville as a main street. He expressed concern that UDOT will make Main Street more of the thoroughfare than it is now if the City does nothing. Mr. Hanni mentioned what has been done in Santa Clara, Utah, and said he really feels the City needs to do something.

Sherri Lyn Lindstrom – Ms. Lindstrom commented that Main Street in Centerville has historically been dotted with commercial entities from Parrish Lane to Porter Lane. She said she would be disappointed to see the property between 300 South and Porter Lane be turned into single-family houses. She stated she understands the need for an interface with the homes east of the property, but she would hate to see the type of corridor across from Centerville Junior High duplicated between 300 South and Porter Lane. Ms. Lindstrom said she does not know anyone who would sell their homes to move to a house on Main Street. She said she would like to see a mixed-use component in that area. She suggested the Council find out the kind of density and number of floors being approved in surrounding communities, and keep density in perspective. She would like to see an appropriate, reasonable approach to help Brighton Homes build a nice project.

Dale McIntyre – Mr. McIntyre said one of the most compelling arguments he has heard in favor of higher density is that our grown up children will not have place to live. He said when he was a young adult he wanted to be independent and not live too close to his parents. He feels Centerville is attractive and desirable because it is a small town, and the small town atmosphere is what gives value to the properties. Mr. McIntyre said he believes that mixed-use with Residential-Low is appropriate for Centerville.

Nancy Smith – Ms. Smith stated she feels the current SMSC Plan gives unrealistic incentives to develop in ways that negatively affect neighboring land uses. She said levels of high density will ultimately create blight in the established neighborhoods, and added that mixed-use is not a good fit for Centerville. She stated she believes the current Plan inflates property values. Other commercial areas in the City might be weakened if an attempt is made to relocate commercial to the SMSC. She expressed concern for traffic, and the effect tall buildings would have on nearby residences. Ms. Smith suggested that a PDO would weaken the SMSC Plan, and asked that the City get rid of the Overlay if it is not going to be used. Established requirements become negotiable with a PDO, and she said she is uncomfortable with this type of zoning next to established neighborhoods. She asked the Council to leave the

1 TZRO in effect until a public space plan is in place for South Main Street. Ms. Smith stated she
2 intends to send a copy of her comments to the Council.
3

4 Brooke Larsen – Ms. Larsen stated she is a college student who would love to come
5 back to live in Centerville. She said she is in favor of a highly developed community center with
6 walkable sidewalks. Ms. Larsen stated she does not believe a wall that would close off a
7 residential development from Main Street would be an asset. Ms. Larsen said she would
8 support the SMSC Plan as it currently is.
9

10 Cami Layton – Ms. Layton stated that the citizens are the heart of Centerville, not the
11 SMSC Plan. She said she feels the plan for single-family homes between 300 South and Porter
12 Lane blends in beautifully with the city. She does not feel the wall would be a problem. Ms.
13 Layton said that no one is happy with the current compromise for the property. She pointed out
14 that the changes promised when the SMSC Plan was adopted have not occurred. Ms. Layton
15 read the letter she circulated for signatures in her neighborhood, and read some of the
16 responses. She said she is in favor of a single-family home development on the Walton
17 property. Ms. Layton thanked Councilman Wright for his service on the Council.
18

19 Ryan Archibald – Mr. Archibald expressed gratitude for the Council's willingness to
20 listen. He pointed out that Main Street across from Centerville Junior High is lined with fences.
21

22 Jennifer Turnblom – Ms. Turnblom suggested the half-block designation be defined as a
23 foot measurement, and gave examples of a possible minimum and maximum properties. She
24 said she does not know why there would be a problem with a fence around homes on Main
25 Street. Ms. Turnblom said she believes there is interest and desire for homes on Main Street.
26

27 Robyn Mecham – Ms. Mecham explained possible densities for the Pages Lane area as
28 she understands them. She said it is her understanding that UDOT and the Transportation
29 Board do not intend to widen Main Street to a four-lane highway. She said the Council needs to
30 remember they are talking about the City's historic district, and asked if it is fair to put something
31 in the long-time residents' neighborhood that they don't want. Ms. Mecham showed a map she
32 put together, and stated that high density concentrated in one area would eventually create
33 blight. She said she would like to see the area zoned R-1, with an intention for the City to work
34 with individual developers. Ms. Mecham said she believes people will want to live on Main
35 Street.
36

37 Ruth Ann Fisher – Ms. Fisher lives on Main Street near Parrish Lane. She said she
38 would love to be able to put a 6-8 foot wall in front of her property for noise abatement and
39 privacy, but she agrees with the idea that Main Street should not be an auto corridor through
40 town. She said she finds it frustrating that she could have a fence on her property along Main
41 Street if she could turn her house around to face a different direction. Ms. Fisher added that
42 she likes the idea of mixed-use on Main Street south of Parrish Lane.
43

44 Richard Ryan – Mr. Ryan stated he is concerned about the talk of high density in the
45 Pages Lane area. He said he believes if high density is allowed, it will become a transient area,
46 and will cause problems for schools and traffic. Mr. Ryan stated the City needs to look at
47 keeping low density in the Pages Lane area, and put the high density on the other side of the
48 freeway.
49

50 Karl Kennington – Mr. Kennington thanked the Council for the opportunity to speak. He
51 said the success rate of small businesses is not great, and he feels the most successful

1 arrangement for the Pages Lane area would be residential. He would like Centerville to retain
2 the desired atmosphere. Mr. Kennington referred to the nice condominium developments that
3 line Pages Lane on the north, and stated there are other, more appropriate places for taller
4 apartment buildings. He said he would not want to mimic Salt Lake City and invite what
5 happens with higher density. Mr. Kennington stated the area does not need buildings with
6 more than two stories.

7
8 Heather McKenzie Campbell – Ms. Campbell said the best time to go for a walk in her
9 neighborhood is on Sunday, with reduced traffic. She feels the speed is way too fast on Main
10 Street. She said it is too bad that Dick's Market moved away from Pages Lane. She stated that
11 people do not stay in the small high-density apartments for long - they move to homes. If the
12 Pages Lane area cannot be commercial, she said she believes it would be a nice area to build
13 single-family homes. She expressed concern for traffic if high density is allowed, and said she
14 hopes whatever is allowed will not congest the area and bring a transient population. She
15 believes Centerville should stay a family-friendly city.

16
17 Fred Davies – Mr. Davies said his concern is that the Council maintain the integrity of
18 the City of Centerville. He said he hopes as the Council makes decisions they will have the best
19 interests of Centerville at heart. He stated that trying to plan for a city the size of Centerville is
20 difficult. He expressed appreciation for the time spent by the Council for the benefit of the City.

21
22 Lisa Baker Heaton – Ms. Heaton stated she is in support of a plan that preserves
23 commercial on Main Street and does not build a wall along a block of the street. She said she
24 would like to see it continue to be a vibrant area of the city. Ms. Heaton said she hopes a
25 development plan can be found that fits with the SMSC Plan as it currently is.

26
27 At 8:25 p.m. Mayor Cutler closed the public comment period, and the Council took a
28 break, returning at 8:31 p.m.

29
30 **MINUTES REVIEW AND ACCEPTANCE**

31
32 The minutes of the June 2, 2015 Council work session and regular meeting, and the
33 June 9, 2015 Special meeting were reviewed. Councilman Wright made a **motion** to approve
34 all three sets of minutes. The motion was seconded by Councilwoman Ivie and passed by
35 unanimous vote (4-0).

36
37 **SUMMARY ACTION CALENDAR**

- 38
39 a. Terminate Warranty for Chitose Johnson Subdivision
40 b. Municipal Code Amendments – Title 16 – Stormwater – Consider Municipal Code
41 Amendments to Various Sections of Title 16 regarding Stormwater Management and
42 Pollution Control – Ordinance No. 2015-11

43
44 Councilman Wright made a **motion** to approve both items on the Summary Action
45 Calendar, including Ordinance No. 2015-11. Councilman Averett seconded the motion.
46 Councilwoman Ivie asked for clarification of item (b) regarding stormwater. Lisa Romney, City
47 Attorney, explained that the minor amendments eliminate any ambiguity regarding pollutants.
48 The motion passed by unanimous vote (4-0).

FINANCIAL REPORT

City Manager Thacker presented a Financial Report for the period ending May 30, 2015 and answered questions from the Council.

FY 2015 BUDGET

Mr. Thacker explained proposed amendments to the FY 2015 Budget. Councilman Wright suggested the City consider purchasing a drone for use in emergency situations. Mr. Thacker suggested the Council involve the new Police Chief in the discussion process. Mayor Cutler added that privacy issues would need to be considered. The Mayor suggested the Fire Chief and Police Chief be asked to bring a recommendation to the Council regarding the drone suggestion.

Mayor Cutler opened a public hearing regarding the proposed amendments at 9:08 p.m.

William Ince – Mr. Ince asked if there is a document that summarizes what the original budget was, and what the real number is at the end of the year. Mr. Thacker responded that the original FY 2015 Budget as approved by the Council is available on the City website. Mr. Ince stated he is not a fan of the governmental practice of amending budgets.

The Mayor closed the public hearing at 9:12 p.m. Councilwoman Ivie made a **motion** to adopt Resolution No. 2015-07 amending the FY 2015 Budget of Fund and Accounts for Centerville, giving an effective date of June 16, 2015. Councilwoman Fillmore seconded the motion, which passed by unanimous vote (4-0).

FY 2016 BUDGET

At 9:13 p.m. Mayor Cutler continued the public hearing from the June 9th meeting regarding the FY 2016 Budget. Seeing that no one wished to speak, Mayor Cutler closed the public hearing at 9:14 p.m.

Certified Tax Rate – Mr. Thacker presented the recommended Certified Tax Rate (.001088), and clarified the reduction in property tax income reflected in the Tentative Budget. Councilman Averett made a **motion** to adopt Resolution No. 2015-08 regarding the Certified Tax Rate. Councilwoman Ivie seconded the motion, which passed by unanimous vote (4-0). Councilwoman Fillmore asked if the Council has any recourse if it does not agree with the County regarding the Certified Tax Rate. Ms. Romney suggested the Council invite someone from the County Assessor's Office to explain how the rates are calculated. Blaine Lutz, Finance Director, will be asked to answer questions about the property tax rate in a future meeting.

Employee Compensation Plan – Councilwoman Fillmore made a **motion** to adopt Ordinance No. 2015-12 approving the compensation plan for employees, including appointed employees. Councilman Averett seconded the motion, which passed by unanimous vote (4-0).

Justice Court Judge – Councilwoman Ivie made a **motion** to adopt Resolution No. 2015-09 approving compensation for the Justice Court Judge. Councilman Wright seconded the motion, which passed by unanimous vote (4-0).

Culinary Water Rates – Mr. Thacker provided the Council with a copy of the City Fee Schedule showing the last three culinary water rate increases, and asked if the Council would

PRELIMINARY DRAFT

1 like to show the fluoride fee separately, or include it in the base rate. Council members Wright
2 and Ivie indicated a desire to reflect the fluoride fee separately on the Fee Schedule.
3 Councilwoman Fillmore made a **motion** to adopt Resolution No. 2015-10 increasing culinary
4 water rates by 5%, with the amended Fee Schedule reflecting the fluoride fee separately.
5 Councilman Wright seconded the motion, which passed by unanimous vote (4-0).
6

7 Whitaker Museum Director – Councilman Wright recommended the City increase the
8 Whitaker Museum Director position from 19 hours to 20 hours per week, allowing the Director to
9 receive benefits. Councilwoman Ivie commented that the recognition of heritage and where
10 Centerville came from, in her opinion, is worth the additional cost. Mayor Cutler pointed out that
11 the Council will be asking citizens on the ballot to renew the RAP Tax. He said he feels it
12 makes sense to advocate a bigger role for the Museum as part of the RAP Tax renewal rather
13 than part of the Budget process. Councilman Averett said he thinks the Museum is doing a
14 great job, but he is troubled with the idea of expanding the role of staff at the Museum and
15 increasing the cost to the City. He stated that historical preservation is typically a volunteer
16 program, and he feels the established Director compensation is appropriate. Councilman
17 Wright responded that the Director needs the extra time because a lot of the preservation
18 Councilman Averett referred to is not being done with all of the time spent on City programs.
19

20 Councilman Wright made a **motion** to increase the Whitaker Museum Director position
21 to 20 hours per week, funding the increase from Fund Balance. Councilwoman Ivie seconded
22 the motion. Mr. Thacker pointed out that with the added leave benefits, the Director would
23 actually be working less hours annually. Councilwoman Fillmore commented that the previous
24 Director was paid \$3,000 per year, and there were other applicants for the position. The
25 program will be what can be accomplished within the designated time. The motion failed (2-3),
26 with Council members Wright and Ivie in favor, Council members Fillmore and Averett against,
27 and Mayor Cutler voting against.
28

29 Crossing Guard – Mr. Thacker suggested the Council let the new Police Chief evaluate
30 the pedestrian crossing at Parrish Lane and Main Street, and provide his opinion. The addition
31 of another crossing guard would cost \$6,000 - \$7,000 annually. Mr. Thacker suggested the
32 Council leave the funds in the Contingency Fund until the new Chief has evaluated the matter.
33 Councilman Averett recommended the Council meet with the new Chief in an informal setting to
34 discuss topics of concern. Councilman Averett said he would like to have a resolution regarding
35 school crossing in place before school starts.
36

37 FY 2016 Budget of Funds – Mr. Thacker explained a few changes to the FY 2016
38 Budget since it was last discussed by the Council. Councilwoman Ivie made a **motion** to adopt
39 Resolution No. 2015-11 approving the Centerville City FY 2016 Budget of Funds, with changes
40 to page xiv as presented by staff. Councilman Averett seconded the motion, which passed by
41 majority vote (3-1), with Councilman Wright dissenting.
42

RDA MEETING

43
44
45 At 10:05 p.m. Councilwoman Fillmore made a **motion** to move to a meeting of the
46 Redevelopment Agency of Centerville. Councilman Averett seconded the motion, which passed
47 by unanimous vote (4-0). In attendance were: Paul A. Cutler, Chair; Directors Averett, Fillmore,
48 Ivie, and Wright; Steve Thacker, Executive Director; Lisa Romney, City Attorney; Jacob Smith,
49 Management Assistant; and Katie Rust, Recording Secretary.
50

51 The Council returned to regular meeting at 10:09 p.m.

**PROPOSAL REGARDING CREATION OF LOCAL DISTRICT AND SERVICE AREA
FOR FIRE/EMS SERVICES**

Mayor Cutler reported on a meeting of the South Davis Metro Fire Agency Board regarding creation of a local district and service area for Fire/EMS services. With creation of a Fire District, the Interlocal Agency would be dissolved. Mr. Thacker stated that everyone involved shares the concern of having sufficient fiscal restraint with a taxing district. The taxing district would, by resolution, be for capital purposes and debt service. The existing Fire Agency cannot realistically issue bonds for a new station/renovation in Centerville and other needs that may require substantial funding, and cannot continue to pay existing debt service with impact fees. Mr. Thacker stated that Centerville stands to benefit the most from the district with a new or renovated Centerville fire station. Councilman Wright stated the aspect that bothers him the most about an independent district is removal of the right of the people to have a referendum.

Mr. Thacker explained that the city managers would be involved in a more formal way by constituting an Administrative Committee, with the Committee Chair acting as the budget officer, presenting the budget to the Fire Board. The budget is currently presented by the Fire Chief. Councilman Wright pointed out that the city managers are appointed, not elected. Mayor Cutler responded that the budget would still be presented to the individual city councils. He said he views the addition of an Administrative Committee as additional oversight. Mr. Thacker added that the role of the Mayor and Council are not diminished in the process. Councilman Wright said he feels additional layers of bureaucracy raise other issues, and he believes a necessary level of scrutiny can be accomplished without an Administrative Committee of city managers. Mr. Thacker stated he firmly believes that Chief Bassett came up with the roving team that will be effective July 1, 2015 – working less than 24-hour shifts – as a result of persistent pressure from the city managers to better match the staffing with the workload.

Mayor Cutler suggested the Centerville Council meet in a joint work session with the Bountiful City Council to discuss the issue. Councilman Averett stated he would like information from Ms. Romney regarding referendum restrictions, and whether or not the district would be reversible. Mayor Cutler said he would also like to know if something is in place to deal with cities that may choose to not pay assessments. Councilman Wright said he would like to know if a different entity could be created to strengthen the Fire Agency without a taxing district. He said he would prefer the Council raise taxes for capital and structural improvements rather than a district, because citizens would have a chance to voice opinions. Councilman Wright suggested Centerville could be a contract city with the District. Mayor Cutler stated that Bountiful currently does not pay fire impact fees. Bountiful has conceded that under a fire district they would pay the district impact fee. Councilman Averett expressed that the Agency is lucky to have Fire Chief Bassett, but the cities need to think about the future. He said the current level of EMS service is not acceptable, and change needs to occur. The community deserves a high level of police and fire services. Councilman Wright stated he is aware of a group of citizens preparing to oppose any resolution to move forward with a district by referendum, which will slow the process.

RESOLUTION NO. 2015-12 REGARDING TRANSPORTATION SALES TAX

Ms. Romney highlighted changes she made to the sample Transportation Sales Tax Resolution provided by the Utah League of Cities and Towns. The Council reviewed the changes. Councilwoman Fillmore expressed a desire for the Resolution to emphasize a focus on road maintenance. The Council agreed on changes to Section 3 of the Resolution. Councilman Wright made a **motion** to approve Resolution No. 2015-12 regarding

PRELIMINARY DRAFT

1 Transportation Sales Tax, with changes identified by the Council. Councilwoman Ivie seconded
2 the motion, which passed by unanimous vote (4-0).
3

4 CITY MANAGER'S REPORT

- 6 • Mr. Thacker informed the Council that the American flags will be left hanging on Main
7 Street through July and August until after the Tour of Utah bike race.
- 8 • The Deuel Creek Irrigation Company will hold its annual Board meeting to vote for
9 Board members on June 18th. Councilman Wright made a **motion** to authorize
10 Public Works Director Randy Randall to attend on behalf of the City and vote the
11 City's shares. Councilwoman Ivie seconded the motion, which passed by unanimous
12 vote (4-0).
13

14 CLOSED MEETING

16 At 10:53 p.m. Councilman Wright made a **motion** to move to a closed meeting to
17 discuss the character and competency of individuals. Councilwoman Ivie seconded the motion,
18 which passed by unanimous vote (4-0).
19

20 The Council returned to regular meeting at 11:36 p.m.
21

22 APPOINTMENTS

- 24 • Mayor Cutler recommended the Council promote Assistant Police Chief Paul Child to
25 the position of Police Chief. Councilman Wright made a **motion** to approve
26 promotion of Assistant Police Chief Paul Child to the position of Police Chief, with an
27 annual salary of \$92,000, effective the day Chief Worsley retires. Councilwoman Ivie
28 seconded the motion, which passed by unanimous vote (4-0).
- 29 • The Mayor recommended the Council reappoint Michael Remington to the Trails
30 Committee. Councilwoman Ivie made a **motion** to reappoint Michael Remington to
31 the Trails Committee. Councilman Wright seconded the motion, which passed by
32 unanimous vote (4-0).
33

34 ADJOURNMENT

36 At 11:38 p.m. Councilwoman Fillmore made a **motion** to adjourn the meeting.
37 Councilman Wright seconded the motion, which passed by unanimous vote (4-0).
38
39
40
41
42

43 _____
44 Marsha L. Morrow, City Recorder
45
46
47
48

Date Approved

49 _____
Katie Rust, Recording Secretary

PRELIMINARY DRAFT

Minutes of the joint meeting of the Centerville City Council and Planning Commission held Tuesday, June 17, 2015 at 7:00 p.m. at Centerville City Hall, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Mayor	Paul A. Cutler
Council Members	Ken S. Averett Tamilyn Fillmore Stephanie Ivie Lawrence Wright

<u>MEMBER ABSENT</u>	John T. Higginson
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<u>PLANNING COMMISSION PRESENT</u>	David Hirschi, Chair Gina Hirst William Ince Logan Johnson Scott Kjar
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<u>COMMISSIONERS ABSENT</u>	Kevin Merrill, Vice Chair Cheylynn Hayman
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<u>STAFF PRESENT</u>	Steve Thacker, City Manager Lisa Romney, City Attorney Cory Snyder, Community Development Director Katie Rust, Recording Secretary
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<u>STAFF ABSENT</u>	Blaine Lutz, Finance Director/Assistant City Manager
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<u>VISITORS</u>	Interested citizens (see attached sign-in sheet)
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SOUTH MAIN STREET CORRIDOR PLAN/OVERLAY ZONE

At 7:12 p.m. Mayor Cutler opened a public comment period to receive comments from business and property owners regarding the South Main Street Corridor (SMSC) Plan/Overlay Zone. Responding to a request from the audience, Mayor Cutler explained that the SMSC Plan was created to provide design standards to improve the commercial viability of Main Street. The Plan encourages developers to put buildings close to the street with parking lots behind. Cory Snyder, Community Development Director, read the main goals of the SMSC Plan aloud, and described the separate zones designated within the SMSC. Mayor Cutler stated that the Council has received feedback centered overwhelmingly on density. The Plan does not have a maximum density cap, and could, in theory, be exploited to have more density than intended. David Hirschi, Planning Commission Chair, explained the Planning Commission's recommendation for a maximum density of four units per acre, with up to eight units per acre on a conditional use permit basis, for residential in a commercial zone.

Ed Schirner – Mr. Schirner owns a home on Porter Lane just east of Main Street. He said his main concern is potential development of the Walton property. Mr. Schirner commented that he has seen in Clearfield what happens in schools when high density is allowed. He stated that location contributes to the success of a business, and he feels that small business would probably not survive on the Walton property. He suggested that about 15 homes would be appropriate on that block, and added that it would be beautiful if the homes

PRELIMINARY DRAFT

Joint Centerville City Council/Planning Commission
Minutes of Meeting of June 17, 2015

Page 2

1 faced Main Street. Mr. Schirner said building homes and putting a fence around them would be
2 the worst thing that could be done. He said he moved to Centerville for the small town feel, and
3 he would like to see drawings of a desired street view. The City needs to plan for 20 years
4 down the road.

5
6 Ann Fadel – Ms. Fadel owns a business on Main Street. She stated she thinks three-
7 story buildings at the sidewalk would be a mistake. South Main Street is not the commercial
8 heart or gateway of Centerville anymore. She said she loves having the parking in front of her
9 business, and she feels the setback is customer friendly. Ms. Fadel commented that the new
10 building on Main Street next to her business is too large and ostentatious, and is not vibrant.
11 She said she feels vibrant local business includes guardianship, camaraderie, and
12 watchfulness.

13
14 Andy Bavelas – Mr. Bavelas said that Main Street is a beautiful place, and he values a
15 small town feeling. He believes memories play an important part in the lives of people of all
16 ages - more important than shopping. A small town feeling means security, serenity, peace and
17 beauty. Mr. Bavelas said that people come to his farm and compliment Centerville.

18
19 Gary O'Brien – Mr. O'Brien owns O'Brien Glass Products on 55 East 400 South. He is
20 monetarily impacted by the discussions and decisions that will be made. He said he was told by
21 the previous administration that the City wants the SMSC improved. He purchased the corner
22 lot on Main Street and Porter Lane and has paid commercial property tax for a few years with
23 that assumption. Mr. O'Brien said he does not know what people want done. He stated he has
24 acted in good faith based on the stated goals for the Corridor. He said he feels that it would not
25 be fair or right to build a house on the property after he has paid commercial rates for so many
26 years.

27
28 Marv Bloesch – Mr. Bloesch stated he represents the former Dick's Market properties on
29 Pages Lane. He pointed out that the former Dick's Market building has sat vacant for three or
30 four years, and traffic and shopping trends have moved closer to freeway exits. Mr. Bloesch
31 asked that the City not limit what can be done on Pages Lane in terms of flexibility and providing
32 for the future. He said he can see potential in a higher-density residential development, and he
33 would hope the City would be sensitive and not make arbitrary restrictions. He stated that
34 parking behind is good, and mixed-use is good, and he would want to keep the commercial
35 zoning alive. He said he will continue to try to bring another grocery store to the area, but he
36 does not feel it is very likely. Mr. Bloesch said that four houses per acre would not work
37 financially on that property. He suggested Riley Court, an independent senior living
38 development in Bountiful, as a positive example of what could be done. He mentioned that an
39 RDA is probably out of the question on Pages Lane. The area needs innovative concepts for
40 fresh, new growth to carry it through the next 20 years. Mr. Bloesch emphasized that flexibility in
41 zoning is the key issue.

42
43 Jennifer Turnblom – Ms. Turnblom stated it needs to be clarified that the Planning
44 Commission's recommendation is not for the whole Main Street Corridor. She has both a
45 residence and a family business on Main Street, and she has been involved with both
46 successful and unsuccessful business on Main Street. Ms. Turnblom said she was under the
47 impression that new businesses on Main Street would have an appearance similar to Cutler's
48 Cookies. She would not want to take commercial away completely, but she would not want the
49 commercial overshadowing everything else. She said she would love to eventually be able to
50 put some nice houses on her property that would blend with the neighborhood. She does not
51 think high-density is what is needed on the Walton property.

1 Michael Randall – Mr. Randall expressed appreciation for the opportunity to speak, and
2 stated that he has a home and a business on the Main Street Corridor. Mr. Randall said he
3 does not think there was enough public input at the time the SMSC Plan was put together. The
4 economy was strong at that point, and it may have seemed more appropriate to plan the
5 Corridor the way it was at that time. He said he is not against development, but the City needs
6 to do things that make sense on Main Street. Centerville still has a hometown feel. Mr. Randall
7 expressed sympathy for Mr. O'Brien, but stated that there is risk involved in buying property. He
8 likes that his customers are able to park at the front of his store. He said he agrees with lower
9 density, and does not have a problem with changing zoning to allow single-family homes. Mr.
10 Randall said he enjoys being able to live next door to his business.

11
12 Sharman Smoot – Mr. Smoot stated he is involved in management and ownership of
13 three properties in the Parrish Lane/Main Street area. He suggested it would be valuable to
14 look at what is feasible and what would really happen, and said that some of the properties will
15 continue to be eye sores unless vision is part of the planning process. He said he has been
16 involved in many projects along the Wasatch front, and he feels it is good to recall what works
17 and what doesn't work in terms of planning. There are pockets where commercial will continue
18 to struggle. He said he does not believe Pages Lane will grow commercially because it is not
19 near the freeway or big box stores. He would love to see a nice, quality development along
20 Pages Lane, but the City would be dooming the property if it is limited to 4 units per acre. Mr.
21 Smoot stated that infrastructure concerns can be mitigated, and it would not hurt the City to add
22 a little higher density. He said he does not think 25 units per acre is very high density because
23 those numbers are necessary for really quality projects. He also said height restrictions limit the
24 ability to make a development project look better. The Pages Lane area needs flexibility. Mr.
25 Smoot agreed that buildings close to the street with parking behind adds to a nice feeling.
26 Some restrictions negatively affect what a project will look like.

27
28 Councilman Averett asked for Mr. Smoot's opinion of the viability of commercial mixed-
29 use on the O'Brien property. Mr. Smoot said he suspects there is not a lot of demand, and
30 commercial space would frequently be vacant. He suggested some nice looking, high-end town
31 homes.

32
33 Responding to a previous comment, Mayor Cutler clarified that the SMSC Plan allows
34 for different types of mixed-use.

35
36 Marv Blosch – Mr. Blosch pointed out that Bountiful did not want apartments along Main
37 Street until it realized that residents are necessary to make commercial viable. The small
38 businesses will not be viable without residents.

39
40 Andy Bavelas – Mr. Bavelas stated the City needs to consider the residents on the south
41 end that will be affected by what is done. He said it is always a concern that Centerville will feel
42 as though it is separated into a north side and a south side. The rights of the residents need to
43 be considered.

44
45 Mayor Cutler closed the public comment period at 8:25 p.m. He showed on the City
46 website where minutes and agendas can be found, and stated that recordings can be obtained
47 from the City Recorder.

48
49 Councilwoman Fillmore pointed out that the Council has invited public comments
50 regarding the SMSC Plan through June 30th, and stated she would be reluctant to engage in
51 Council and Planning Commission discussion until after the public comment period has ended.

PRELIMINARY DRAFT

Joint Centerville City Council/Planning Commission
Minutes of Meeting of June 17, 2015

Page 4

1 Chair Hirschi agreed, and said he has been pleased with the comments received so far. He
2 clarified that the Planning Commission recommendation regarding density restrictions applies to
3 the City Center and Traditional areas. Councilman Wright also agreed with Councilwoman
4 Fillmore, and encouraged citizens to resubmit emails if their emails were originally submitted
5 when the email address was not working correctly.

6 Commissioner Ince asked for clarification regarding comments made at the June 16th
7 meeting regarding a wall along Main Street on the Walton property. Mayor Cutler responded
8 that the wall refers to a specific proposal shown by Brighton Homes to residents. The City has
9 not received an official application for that proposal. The Mayor explained the TZRO currently in
10 place, and the Council's desire to expedite the planning process to be able to lift the TZRO as
11 soon as possible. Councilman Averett expressed a desire for the Council to meet with the
12 Planning Commission for joint discussion and goal setting after the public comment period is
13 over to speed up the process. Chair Hirschi agreed, and encouraged citizens and members of
14 the Council and Planning Commission to read through the SMSC Plan again to provide a
15 foundation for discussion.

ADJOURNMENT

16
17
18
19 Mayor Cutler adjourned the meeting at 8:44 p.m.
20
21
22
23
24

25 _____
26 Marsha L. Morrow, City Recorder
27
28
29
30

Date Approved

31 _____
Katie Rust, Recording Secretary

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
7/7/2015**

Item No. 2

Short Title: Frontage Road Sidewalk Project

Initiated By:

Scheduled Time: 7:15

SUBJECT

- a. Accept Easements
- b. Approve installment agreement with Millets
- c. Award bid to Bowen Construction in the amount of \$64,492

RECOMMENDATION

- a. Accept slope and sidewalk easements from Devore and Cutlers.
- b. Approve Installment Payment and Security Interest Agreement for Sidewalk Improvements with Abraham & Emily Millet.
- c. Award construction contract to Bowen Construction in the amount of \$64,492, with the option of an additional \$265.50 for upgraded fencing.

BACKGROUND

Earlier this year UDOT Region One awarded to Centerville City \$50,000 in federal Transportation Assistance Program (TAP) funding for construction of a sidewalk along the east side of the Frontage Road, which would complete the current gap in the sidewalk between Woods Park PDO and Lexington Subdivision. The cost above \$50,000 will be paid from two other sources--the City's street maintenance budget and a contribution from Abraham & Emily Millet. The Millets have an obligation to pay for the portion in front of their home because of a sidewalk deferral agreement executed when they developed their property several years ago. They would pay a total of \$2916 for their share, as explained in the attached installment agreement.

Easements are needed from Devore and Cutlers to accomodate the sidewalk and the slope on the east side down to natural ground elevation. Existing barbed wire fence on the Cutler property would be relocated to the east. Existing barbed wire fence on the Devore property would be replaced and relocated to the east. Devore has the option of paying the additional cost of replacing it with chain link, if desired; otherwise it will be replaced with either barbed wire or a wire-grid type fence that would cost the City an additional \$265.50.

UDOT would like the TAP funds spent by October 1 if possible; therefore, staff would like the Council to award this contract at their July 7 meeting. This project would result in a continuous sidewalk along the east side of the Frontage Road from Parrish Lane to Lund Lane.

ATTACHMENTS:

Description

- ☐ Sidewalk Easement-Devore
- ☐ Sidewalk Easement-Cutler
- ☐ Frontage Road Sidewalk Bid Tabulations
- ☐ Drawings for Frontage Road Sidewalk Project
- ☐ Installment Agreement-Millet

□ Millet Cost-Share Tabulation

WHEN RECORDED, MAIL TO:

Centerville City
Attn: City Recorder
250 North Main
Centerville, Utah 84014

Affects Parcel No.: 07-072-0175

PUBLIC SIDEWALK AND SLOPE EASEMENT

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned Grantor, **MABEL DEVORE, TRUSTEE OR SUCCESSOR TRUSTEE OF THE MABEL DEVORE FAMILY TRUST, DATED AUGUST 31, 1999**, hereby grants, conveys, sells and sets over unto **CENTERVILLE CITY**, a municipal corporation of the State of Utah, as Grantee, its successors, assigns, licensees and franchisees, a perpetual two foot (2') wide sidewalk easement and a perpetual ten foot (10') wide slope easement to lay, maintain, operate, repair, inspect, protect, install, remove and replace public sidewalk and slope improvements and facilities, hereinafter called the "Facilities," said sidewalk and slope easement being situated in Davis County, State of Utah, over and through a parcel of Grantor's land, which easement is more particularly described in **Exhibit A**, attached hereto and incorporated herein by reference.

To have and to hold the same unto said Grantee, its successors and assigns, perpetually, with right of ingress and egress in said Grantee, its officers, employees, agents, contractors and assigns to enter upon the above described property with such equipment as is necessary to install, construct, maintain, operate, repair, inspect, protect, remove and replace said Facilities. During construction periods, Grantee and its contractors may use such portions of the property along and adjacent to said sidewalk and slope easement as may be reasonably necessary in connection with the construction or repair of the Facilities. The contractor performing the work shall restore all property, through which the work traverses to as near its original condition as is reasonably possible. Grantor shall have the right to use said premises except for the purpose for which the sidewalk and slope easement is granted to the Grantee, provided such use shall not interfere with the Facilities, or with Grantee's use thereof, or any other rights provided to the Grantee hereunder.

Grantor shall not build or construct, or permit to be built or constructed, any building or other improvement over or across said sidewalk and slope easement, nor change the slope or contour thereof, without the written consent of Grantee. This sidewalk and slope easement shall run with the land and shall be binding upon and inure to the benefit of the Grantor and Grantee and their respective heirs, representatives, successors and assigns.

IN WITNESS WHEREOF, the Grantor has executed this sidewalk and slope easement this day of _____, 2015.

"GRANTOR"
MABEL DEVORE FAMILY TRUST, DATED
AUGUST 11, 1999

Mabel Devore, Trustee

ACKNOWLEDGMENT

STATE OF UTAH)
 :SS
COUNTY OF DAVIS)

On the _____ day of _____, 2015, personally appeared before me **MABEL DEVORE, TRUSTEE OR SUCCESSOR TRUSTEE OF THE MABEL DEVORE FAMILY TRUST, DATED AUGUST 11, 1999**, who being by me duly sworn, did acknowledge that she is the Trustee of the Mabel Devore Family Trust, owner of the Property referred to in the foregoing instrument, and that she executed the same as authorized Trustee of the Trust.

Notary Public

My Commission Expires:

Residing at:

Accepted for Recordation by Centerville City:

Marsha L. Morrow, City Recorder

Date

Exhibit A

Description of Sidewalk Easement

A perpetual easement, upon part of an entire tract of property, situate in the SW1/4 of Section 31 T.3 N., R.1 E., S.L.B. & M., in Davis County, Utah, for the purpose of a sidewalk easement. The boundaries of said part of an entire tract are described as follows:

Beginning at a point on the westerly boundary line of said entire tract said point is N. 89°31'00" E. 315.50 feet along the section line to the intersection of the centerline of the easterly frontage road of I-15 and N. 0°18'00" E. 224.65 feet to an existing centerline monument and continuing along said centerline N. 0°18'00" E. 1519.49 feet and S. 89°38'00" E. 40.00 feet from the West Quarter Corner of said Section 31, and running thence N. 0°18'00" E. 432.00 feet along said westerly line to a northwest corner of said entire tract; thence S. 89°47'00" E. 1.98 feet along the northerly line of said entire tract; thence S. 0°17'12" W. 432.01 feet to a southerly line of said entire tract; thence N. 89°38'00" W. 2.08 feet along said southerly boundary line to the point of beginning. The above described part of an entire tract contains 877 square feet or 0.020 acre.

Description of Slope Easement

A perpetual easement, upon part of an entire tract of property, situate in the SW1/4 of Section 31 T.3 N., R.1 E., S.L.B. & M., in Davis County, Utah, for the purpose of a perpetual fill slope easement for the purpose of blending slopes to facilitate the sidewalk project. The boundaries of said part of an entire tract are described as follows:

Beginning at a point on the southerly boundary line of said entire tract, said point is N. 89°31'00" E. 315.50 feet along the section line to the intersection of the centerline of the easterly frontage road of I-15 and N. 0°18'00" E. 224.65 feet to an existing centerline monument and continuing along said centerline N. 0°18'00" E. 1519.49 feet and S. 89°38'00" E. 42.08 feet from the West Quarter Corner of said Section 31, and running thence N. 0°17'12" E. 432.01 feet to the northerly boundary line of said entire tract; thence S. 89°47'00" E. 10.00 feet along said northerly boundary line; thence S. 0°17'12" W. 432.03 feet to said southerly boundary line; thence N. 89°38'00" W. 10.00 feet along said southerly boundary line to the point of beginning. The above described part of an entire tract contains 4,320 square feet or 0.099 acre.

WHEN RECORDED, MAIL TO:

Centerville City
Attn: City Recorder
250 North Main
Centerville, Utah 84014

Affects Parcel No.: 07-072-0163

PUBLIC SIDEWALK AND SLOPE EASEMENT

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned Grantors, **CHRISTOPHER A. CUTLER AND HERMILA A. CUTLER, TRUSTEES OR SUCCESSOR TRUSTEES OF THE CHRISTOPHER A. CUTLER FAMILY REVOCABLE TRUST, DATED SEPTEMBER 3, 1997**, hereby grant, convey, sell and set over unto **CENTERVILLE CITY**, a municipal corporation of the State of Utah, as Grantee, its successors, assigns, licensees and franchisees, a perpetual two foot (2') wide sidewalk easement and a perpetual ten foot (10') wide slope easement to lay, maintain, operate, repair, inspect, protect, install, remove and replace public sidewalk and slope improvements and facilities, hereinafter called the "Facilities," said sidewalk and slope easement being situated in Davis County, State of Utah, over and through a parcel of Grantors' land, which easement is more particularly described in **Exhibit A**, attached hereto and incorporated herein by reference.

To have and to hold the same unto said Grantee, its successors and assigns, perpetually, with right of ingress and egress in said Grantee, its officers, employees, agents, contractors and assigns to enter upon the above described property with such equipment as is necessary to install, construct, maintain, operate, repair, inspect, protect, remove and replace said Facilities. During construction periods, Grantee and its contractors may use such portions of the property along and adjacent to said sidewalk and slope easement as may be reasonably necessary in connection with the construction or repair of the Facilities. The contractor performing the work shall restore all property, through which the work traverses to as near its original condition as is reasonably possible. Grantors shall have the right to use said premises except for the purpose for which the sidewalk and slope easement is granted to the Grantee, provided such use shall not interfere with the Facilities, or with Grantee's use thereof, or any other rights provided to the Grantee hereunder.

Grantors shall not build or construct, or permit to be built or constructed, any building or other improvement over or across said sidewalk and slope easement, nor change the slope or contour thereof, without the written consent of Grantee. This sidewalk and slope easement shall run with the land and shall be binding upon and inure to the benefit of the Grantors and Grantee and their respective heirs, representatives, successors and assigns.

IN WITNESS WHEREOF, the Grantors have executed this sidewalk and slope easement
this _____ day of _____, 2015.

"GRANTORS"
CHRISTOPHER A. CUTLER FAMILY
REVOCABLE FAMILY TRUST, DATED
SEPTEMBER 3, 1997

Christopher A. Cutler, Trustee

Hermila A. Cutler, Trustee

ACKNOWLEDGMENT

STATE OF UTAH)
 :SS
COUNTY OF DAVIS)

On the _____ day of _____, 2015, personally appeared
before me **CHRISTOPHER A. CUTLER AND HERMILA A. CUTLER, TRUSTEES OR SUCCESSOR**
TRUSTEES OF THE CHRISTOPHER A. CUTLER FAMILY REVOCABLE TRUST, DATED SEPTEMBER 3,
1997, who being by me duly sworn, did acknowledge that they are the Trustees of the
Christopher A. Cutler Family Revocable Trust, owner of the Property referred to in the
foregoing instrument, and that they executed the same as authorized Trustees of the Trust.

Notary Public

My Commission Expires:

Residing at:

Accepted for Recordation by Centerville City:

Marsha L. Morrow, City Recorder

Date

Exhibit A

Legal Description of Sidewalk Easement

A perpetual easement, upon part of an entire tract of property, situate in the SW1/4 of Section 31, T.3 N., R.1 E., S.L.B.& M., in Davis County, Utah, for the purpose of constructing and maintaining thereon a sidewalk. The boundaries of said part of an entire tract are described as follows:

Beginning at a point on the northerly boundary line of said entire tract said point is S. 1°04'10" E. 222.69 feet along the Quarter Section Line and S. 89°13'20" W. 2235.70 feet from the Center Quarter Corner of said Section 31, and running thence S. 0°07'48" W. 162.38 feet to the southerly line of said entire tract; thence N. 89°28'56" W. 1.88 feet along said southerly line to the southwest corner of said entire tract; thence N. 0°11'27" E. 162.34 feet along the westerly boundary line and easterly frontage road right of way line to the northwest corner of said entire tract; thence N. 89°13'20" E. 1.71 feet along said northerly boundary line to the point of beginning. The above described part of an entire tract contains 291 square feet or 0.007 acre.

Legal Description of Slope Easement

A perpetual fill slope easement, upon part of an entire tract of property, situate in the SW1/4 of Section 31, T.3 N., R.1 E., S.L.B.& M., in Davis County, Utah, for the purpose of constructing and maintaining thereon blending slopes incident to a sidewalk project. The boundaries of said part of an entire tract are described as follows:

Beginning at a point on the northerly boundary line of said entire tract said point is S. 1°04'10" E. 222.69 feet along the Quarter Section Line and S. 89°13'20" W. 2235.70 feet from the Center Quarter Corner of said Section 31, and running thence N. 89°13'20" E. 10.00 feet along said northerly line of said entire tract; thence S. 0°07'48" W. 162.60 feet to the southerly boundary line of said entire tract; thence N. 89°28'56" W. 10.00 feet along said southerly boundary line; thence N. 0°07'48" E. 162.38 feet to the point of beginning. The above described part of an entire tract contains 1,625 square feet or 0.037 acre.

Marsha Morrow

From: kevin campbell <kevin.campbell@esieng.com>
Sent: Tuesday, July 07, 2015 9:41 AM
To: Steve Thacker
Cc: Marsha Morrow; Blaine Lutz; Lisa Romney; Randy Randall
Subject: Frontage Road Sidewalk Project - NOA
Attachments: NOA_Bowen Construction_07-07-2015.pdf; Frontage Road Sidewalk - Bid Tab_06-16-2015.pdf

Steve, Blaine and Lisa,

On June 16, 2015 we received two bids for the above referenced project:

- | | |
|-----------------------|-----------------------------|
| 1. Bowen Construction | Total Base Bid \$ 64,492.00 |
| 2. Kapp Construction | Total Base Bid \$ 69,180.90 |
| Engineer Estimate | Total Base Bid \$ 63,952.00 |

It is recommended that the project be awarded to Bowen Construction in the amount of \$64,492.00 - **conditioned upon the Devore Easement and the Millet Agreements being executed.**

I have been told that the Culter Easement was signed and notarized yesterday.

Let me know if additional information is needed on this item.

Kevin

Kevin Campbell, P.E.
Centerville City Engineer

Kevin Campbell, P.E.
ESI Engineering, Inc
3500 S. Main St.
SLC, Ut 84115
801.263.1752

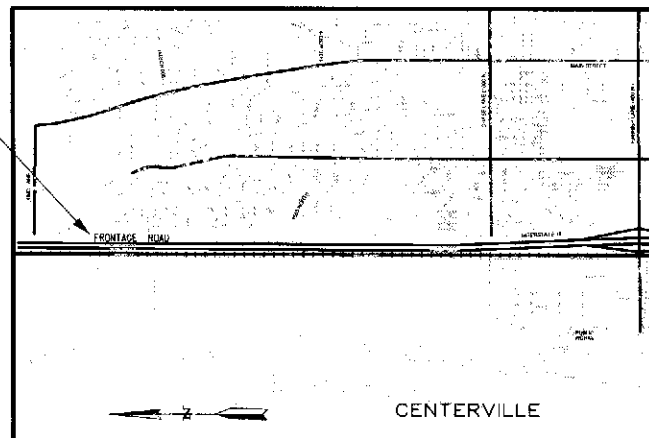
BID TABULATION FOR CENTERVILLE CITY

Frontage Road Sidewalk Project #14-123				Bowen Construction		Kapp Construction		Engineers Estimate	
ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	Install concrete sidewalk (4" thick)	4,448	SF	\$3.20	\$14,233.60	\$4.70	\$20,905.60	\$5.00	\$22,240.00
2	Install concrete sidewalk (6" thick)	552	SF	\$4.70	\$2,594.40	\$7.90	\$4,360.80	\$6.00	\$3,312.00
3	Relocate existing barbed wire fence and gate at Cutler Property	150	LF	\$7.64	\$1,146.00	\$8.50	\$1,275.00	\$10.00	\$1,500.00
4-a	Remove existing and install new barbed wire fence and gate (UDOT spec No. FG-2A type A fence) at Devore property	450	LF	\$7.38	\$3,312.00	\$11.10	\$4,995.00	\$15.00	\$6,750.00
4-b	Remove existing and install new barbed wire fence and gate (UDOT spec No. FG-2A type D fence) at Devore property	450	LF	\$7.95	\$3,577.50	\$11.10	\$4,995.00	\$16.00	\$7,200.00
4-c	Remove existing and install new chain link fence and gate (UDOT spec No. FG-06, 5' chain link) at Devore property	450	LF	\$18.92	\$8,514.00	\$18.80	\$8,460.00	\$17.00	\$7,650.00
5	Clear / grub and haul away beneath new fill areas (approx. 10,000 sf)	1	LS	\$6,465.00	\$6,465.00	\$5,000.00	\$5,000.00	\$3,000.00	\$3,000.00
6	Remove existing trees (from 5-in to 12-in diameter)	6	EA	\$181.00	\$966.00	\$260.00	\$1,560.00	\$500.00	\$3,000.00
7	Remove existing trees (from 12-in to 20-in diameter)	6	EA	\$300.00	\$1,800.00	\$448.00	\$2,688.00	\$750.00	\$4,500.00
8	Connect new 3/4" copper lateral to existing lateral with 3/4" coupling	1	EA	\$450.00	\$450.00	\$400.00	\$400.00	\$100.00	\$100.00
9	Relocate 3/4" meter box and yoke assembly into future park strip (parts provided by centerville city)	1	EA	\$1,250.00	\$1,250.00	\$725.00	\$725.00	\$300.00	\$300.00
10	12" Riser on existing manhole	1	EA	\$750.00	\$750.00	\$1,100.00	\$1,100.00	\$100.00	\$100.00
11	Relocate existing street light	1	EA	\$4,025.00	\$4,025.00	\$3,500.00	\$3,500.00	\$1,000.00	\$1,000.00
12	Place granular fill stockpiled on site including compaction (material provided by the city)	600	CY	\$15.41	\$9,246.00	\$14.00	\$8,400.00	\$10.00	\$6,000.00
13	Import untreated base course including compaction (4" thick)	150	TN	\$20.00	\$3,000.00	\$13.25	\$1,987.50	\$25.00	\$3,750.00
14	Remove and haul away existing sidewalk	12	CY	\$72.00	\$864.00	\$62.00	\$744.00	\$75.00	\$900.00
15	Reset property corner pin	1	EA	\$150.00	\$150.00	\$1,100.00	\$1,100.00	\$200.00	\$200.00
16	Install 24" HDPE (ADS)	12	LF	\$150.00	\$1,800.00	\$62.50	\$750.00	\$50.00	\$600.00
17	Lower 1 section of existing 24" HDPE (ADS) as per engineer	1	Lump Sum	\$1,340.00	\$1,340.00	\$855.00	\$855.00	\$500.00	\$500.00
18	Landscape parkstrip at 2164 North (approx. 600sf)	1	Lump Sum	\$1,400.00	\$1,400.00	\$2,500.00	\$2,500.00	\$1,000.00	\$1,000.00
19	Plug end of existing 18" CMP with concrete	1	Lump Sum	\$500.00	\$500.00	\$535.00	\$535.00	\$200.00	\$200.00
20	Traffic Control and Mobilization	1	Lump Sum	\$9,200.00	\$9,200.00	\$5,800.00	\$5,800.00	\$5,000.00	\$5,000.00
	Total (Items 1-3,4-a,5-20)				\$64,492.00		\$69,180.90		\$63,952.00

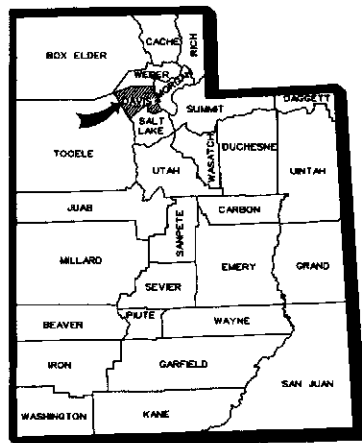
CENTERVILLE CITY PUBLIC WORKS

FRONTAGE ROAD SIDEWALK PROJECT

PROJECT LOCATION



VICINITY MAP



STATE OF UTAH

PROJECT DRAWINGS INDEX

SHEET NO.	DESCRIPTION
1	TITLE / INDEX / VICINITY MAP
2	CONSTRUCTION NOTES / STANDARD DETAILS
3	SIDEWALK PLAN / PROFILE
4	SIDEWALK PLAN / PROFILE
5	SIDEWALK PLAN / PROFILE
6	CROSS SECTIONS
7	UDOT FENCE SPEC

ESI ENGINEERING
CONSULTING ENGINEERS AND LAND SURVEYORS
3500 SOUTH MAIN STREET, SUITE 206
SALT LAKE CITY, UTAH 84115
TEL: (801) 283-1152

DESIGN	RJM	06-15	CHECK	KLG	05-15
DRAWN	RJM	06-15	CHECK	KLG	06-15
QUANT.	RJM	06-15	CHECK	KLG	06-15
APPROVAL	DATE	PROJ. DESIGN ENGINEER			
APPROVED	DATE	PUBLIC WORKS DIRECTOR			

NO	BY	DATE	REMARKS

REVISIONS

PROJECT NUMBER 14-123 SHEET NO. 1 OF 7

CONSTRUCTION NOTES

GENERAL:

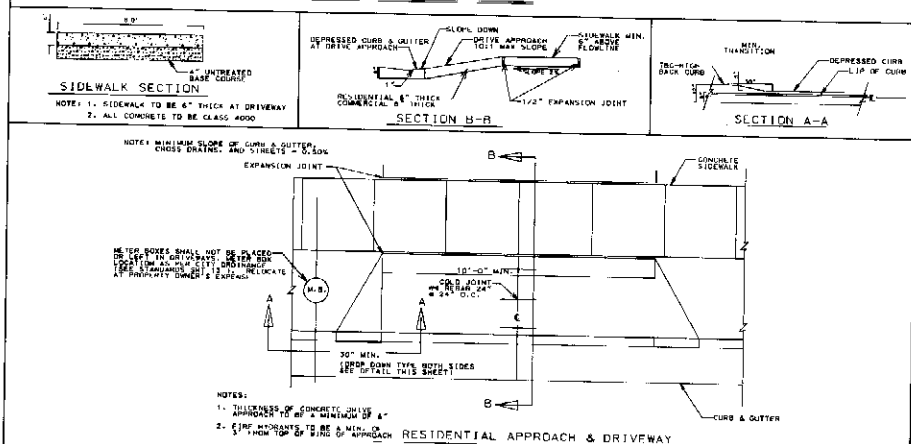
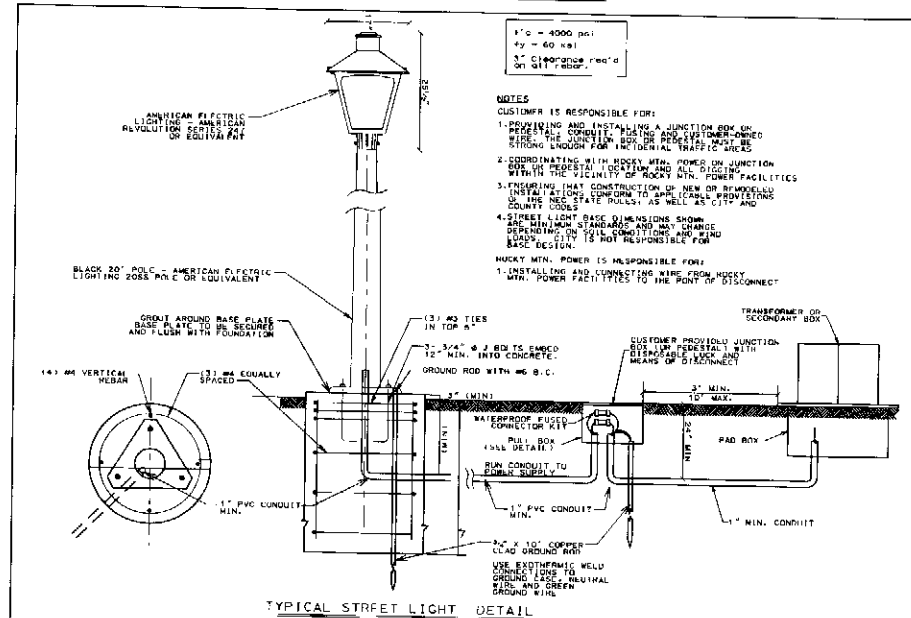
- EXISTING UTILITY LOCATIONS SHOWN MAY NOT BE EXACT AND ALL UTILITIES MAY NOT BE SHOWN. CONTACT BLUE STAKES, SEWER DISTRICT & IRRIGATION COMPANY PRIOR TO EXCAVATION.
- THE CONTRACTOR IS REQUIRED TO CONTACT THE ENGINEER AT LEAST 24 HOURS PRIOR TO STARTING CONSTRUCTION.
- THE CONTRACTOR SHALL HAVE ON SITE AT ALL TIMES AT LEAST ONE COPY OF THE SIGNED APPROVED PLANS & SPECIFICATIONS, AS WELL AS ALL PERMITS AS REQUIRED TO PERFORM THE WORK.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PREPARING A TRAFFIC CONTROL PLAN & PROVIDING ALL TRAFFIC CONTROL DEVICES AS MAY BE REQUIRED FOR CONSTRUCTION, INCLUDING FLAGGING. TRAFFIC CONTROL PLAN SHALL BE REVIEWED AND ACCEPTED BY CENTERVILLE CITY.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR KEEPING CITY STREETS FREE & CLEAN OF ALL CONSTRUCTION DEBRIS & DIRT TRACKED FROM SITE.
- UTILITY TRENCHES ARE TO BE SLOPED OR BRACED & SHEETED AS PER STATE & FEDERAL REQUIREMENTS FOR SAFETY & PROTECTION OF WORKERS & OTHER UTILITIES.
- THE CONTRACTOR IS RESPONSIBLE TO COORDINATE & COOPERATE W/ ALL UTILITY COMPANIES WITH REGARD TO RELOCATIONS OR ADJUSTMENTS OF EXISTING UTILITIES DURING CONSTRUCTION TO ASSURE THAT THE WORK IS ACCOMPLISHED IN A TIMELY MANNER & W/ MINIMUM DISRUPTION OF SERVICE.
- THE CONTRACTOR IS RESPONSIBLE FOR ALL PROJECT SAFETY, INCLUDING BUT NOT LIMITED TO: EXCAVATION & SHORING, TRAFFIC CONTROL & SECURITY.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR RECORDING RECORD DRAWING INFORMATION & SUBMITTING THEM TO THE ENGINEER PRIOR TO FINAL PAYMENT.
- CONTRACTOR SHALL PROTECT & NOT DISTURB PROPERTY ADJACENT TO PROJECT, I.E. FENCES, LANDSCAPING, MAIL BOXES, ETC. ANY DAMAGE TO PUBLIC OR PRIVATE PROPERTY BY CONTRACTOR SHALL BE RESTORED TO EQUAL CONDITION AT CONTRACTOR'S EXPENSE.
- EXISTING DRAINS FROM ADJACENT PROPERTIES ARE TO BE MAINTAINED AND PROTECTED.
- ALL MATERIALS TO BE REMOVED SHALL BE HAULED AWAY & DISPOSED OF IN A SAFE & LEGAL MANNER BY THE CONTRACTOR. ASPHALT MILLINGS SHALL BE HAULED TO THE CENTERVILLE PUBLIC WORKS SHOP.
- THE CONTRACTOR SHALL EXAMINE THE DRAWINGS AND SHALL NOTIFY THE OWNER OF ANY DISCREPANCIES OR CONFLICTS BEFORE PROCEEDING WITH THE WORK.
- THE CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS AT THE SITE AND SHALL NOTIFY THE ENGINEER OF DISCREPANCIES BETWEEN THE ACTUAL CONDITIONS AND INFORMATION SHOWN ON THE DRAWINGS BEFORE PROCEEDING WITH THE WORK.
- PROPERTY AFFECTED BY PROJECT SHALL BE RESTORED TO EQUAL CONDITION, MATCHING EXISTING MATERIALS. REPLACING SPRINKLERS, DECORATIVE CURBING, ETC. IS INCIDENT TO REMOVE AND REPLACE LANDSCAPING.
- CONTRACT WORK SHALL BE DONE IN ACCORDANCE WITH CENTERVILLE CITY STANDARDS. CONCRETE WORK SUCH AS SIDEWALK, CURB & GUTTER AND PEDESTRIAN RAMPS ARE REFERENCED IN THE TYPICAL DETAILS IN THIS PLAN SET.
- CONTRACTOR SHALL PROTECT EXISTING SURVEY MONUMENTS IN PLACE. IF MONUMENTS CANNOT BE PROTECTED DURING CONSTRUCTION, CONTRACTOR SHALL NOTIFY ENGINEER AND INSURE THAT THE MONUMENT IS SURVEYED PRIOR TO REMOVAL.
- ALL MATERIAL WEIGHT TICKETS ARE TO BE SUBMITTED TO THE ENGINEER PRIOR TO PAYMENT. THE CONTRACTOR WILL BE PAID FOR MATERIALS BASED ON WEIGHT TICKETS RECEIVED.
- CONTRACTOR SHALL BE RESPONSIBLE FOR TRIMMING TREES AS NEEDED FOR EQUIPMENT CLEARANCE.
- CONTRACTOR SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF APPROPRIATE BMP TO PREVENT SILT & DEBRIS FROM WASHING DOWNSTREAM.
- CONTRACTOR SHALL BE RESPONSIBLE TO COORDINATE WITH SOUTH DAVIS SEWER DISTRICT PRIOR TO THE LOWERING OR RAISING OF THEIR MANHOLES. THE SEWER DISTRICT WILL PLACE A BOARD IN ANY MANHOLE THAT NEEDS TO BE LOWERED AND WILL PROVIDE A RISER FOR MANHOLES THAT NEED TO BE RAISED.
- NEW CONCRETE SHALL BE INSTALLED OVER EXISTING COMPACTED MATERIAL AS LONG AS MATERIAL IS SUITABLE. NEW BASE COURSE SHALL BE PLACED IF EXISTING BASE IS UNACCEPTABLE AS PER ENGINEER.

LEGEND:

— 4229 —	EX. CONTOURS		FIRE HYDRANT
— g —	EX. GAS LINE		WATER METER
— SW —	EX. SANITARY SEWER		IRRIGATION VALVE
— sd —	EX. STORM DRAIN		CATCH BASIN
— x —	EX. FENCE		SANITARY SEWER MANHOLE
— wtr —	EX. CULINARY WATER		MAILBOX
— e —	EX. UNDERGROUND ELECTRIC		TELECOMM. JUNCTION BOX
— btel —	EX. COMMUNICATIONS		CULINARY WATER VALVE
— fo —	EX. FIBER OPTIC		ELECTRICAL POLE
— ir —	EX. IRRIGATION		SURVEY MONUMENT
			STORM DRAIN MANHOLE
			ELECT. BOX / GAS METER
			GUY WIRE

Know what's below.
Call 811 before you dig.
BLUE STAKES OF UTAH
UTILITY NOTIFICATION CENTER, INC.
www.bluestakes.org
1-800-662-4111

STANDARD DETAILS



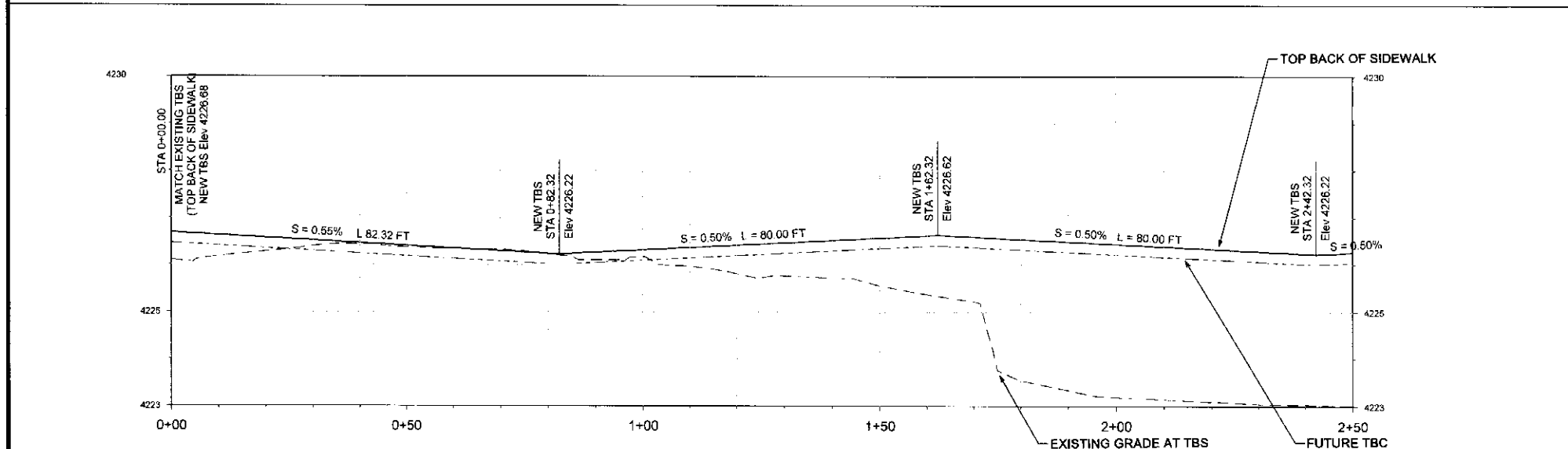
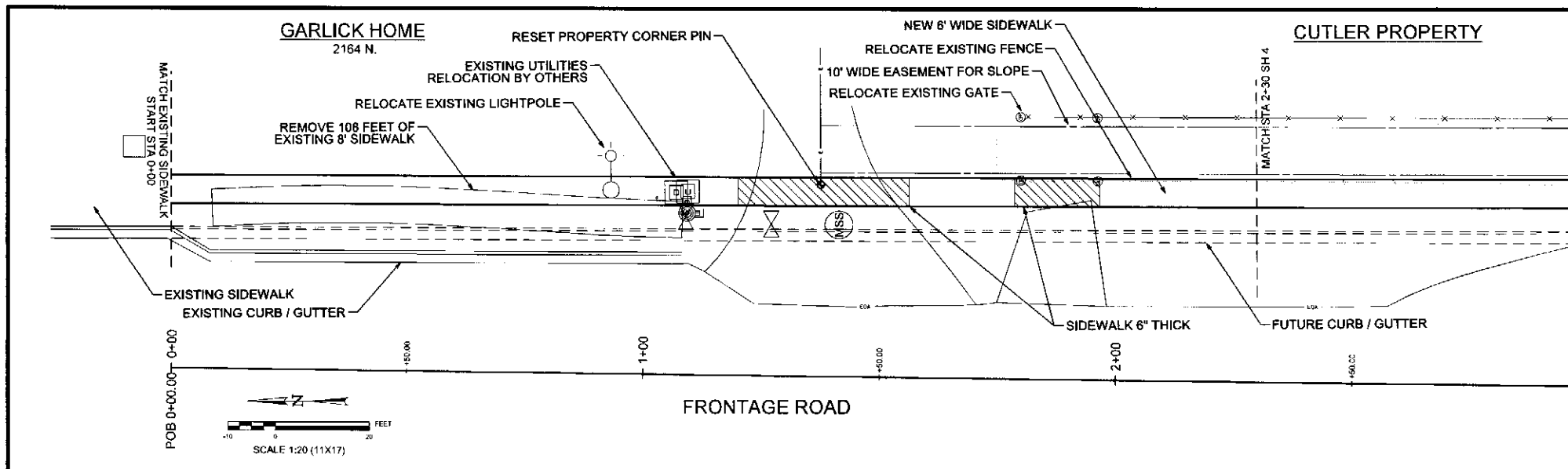
CONSTRUCTION NOTES / STANDARD DETAILS

CENTERVILLE CITY
FRONTAGE ROAD SIDEWALK PROJECT
2121 NORTH TO 2164 NORTH



ESI ENGINEERING
CONSULTING ENGINEERS AND LAND SURVEYORS
3900 SOUTH MAIN STREET, SUITE 206
SALT LAKE CITY, UTAH 84115
TEL: (801) 283-1752

SHEET 2
OF 7
PROJECT NO.
14-123



REVISION	DATE	BY	DESCRIPTION	DESIGN	DATE	BY	DESCRIPTION
				DESIGN	06/02/15		
				DRAWN			
				CHECKED			
				DATE	06/02/15		

SIDEWALK PLAN / PROFILE

CENTERVILLE CITY
FRONTAGE ROAD SIDEWALK PROJECT
2121 NORTH TO 2164 NORTH

ESI ENGINEERING
CONSULTING ENGINEERS AND LAND SURVEYORS
3500 SOUTH MAIN STREET SUITE 206
SALT LAKE CITY, UTAH 84115
TEL: (801) 263-1752

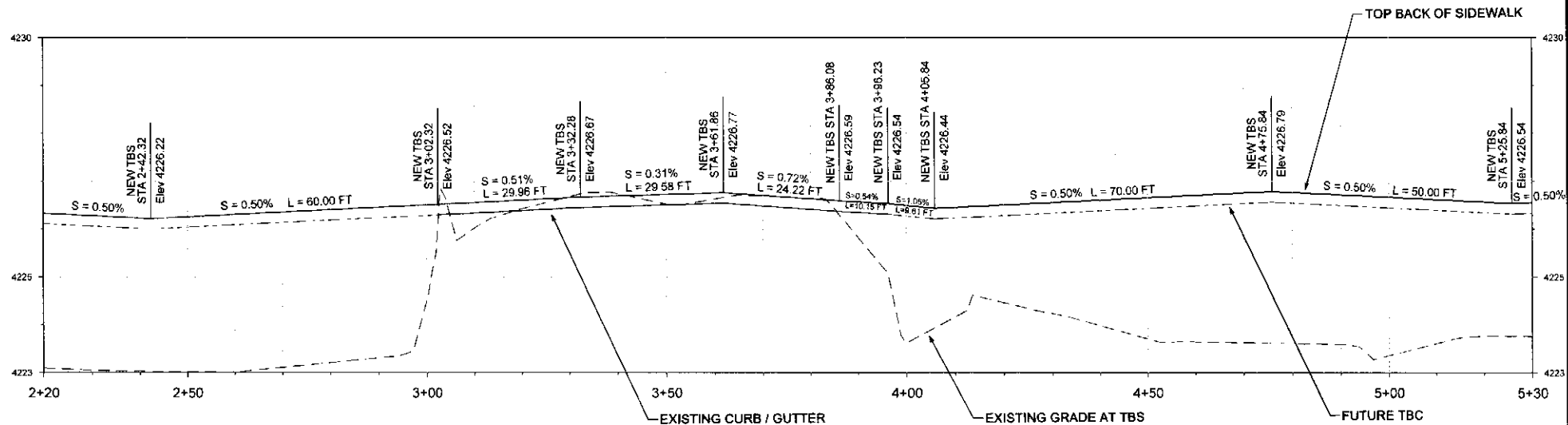
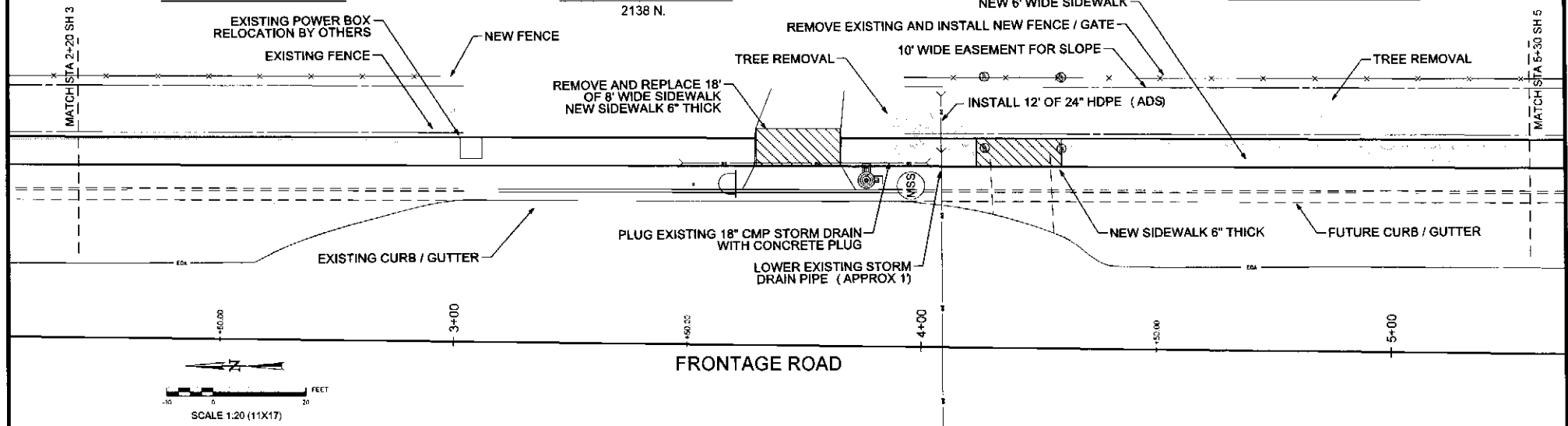
SHEET
OF 7

PROJECT NO.
14-123

CUTLER PROPERTY

ABE MILLET HOME

DEVORE PROPERTY



REVISION	DATE	BY	DESCRIPTION	DESIGN
				RJM
				RJM
				ELC
				DATE
				06/22/15

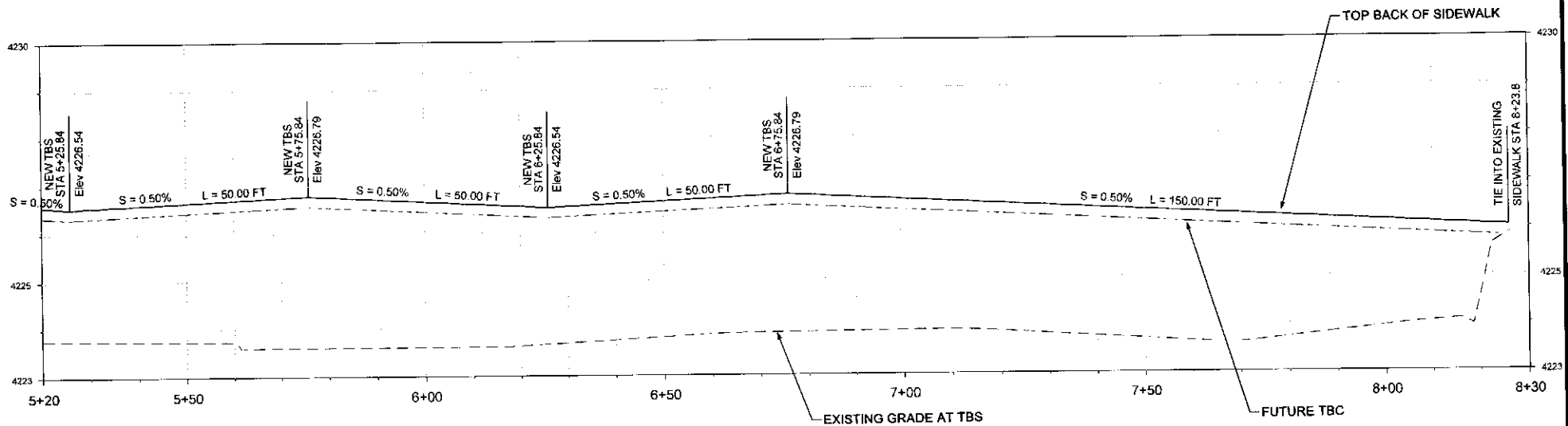
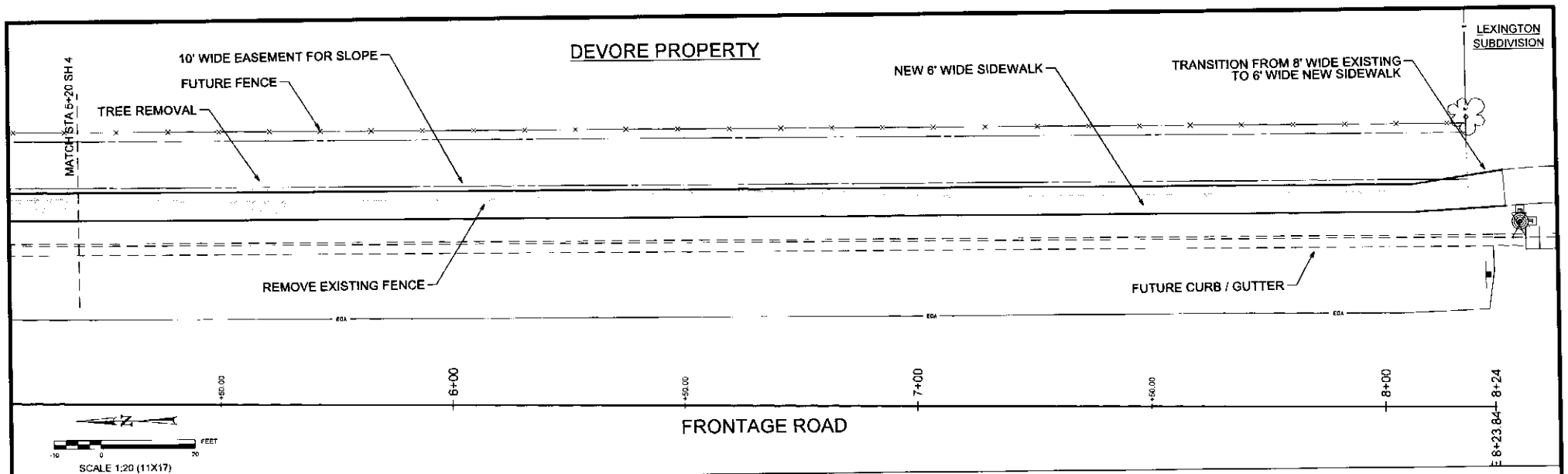
SIDEWALK PLAN / PROFILE

CENTERVILLE CITY
FRONTAGE ROAD SIDEWALK PROJECT
2121 NORTH TO 2164 NORTH



ESI ENGINEERING
CONSULTING ENGINEERS AND LAND SURVEYORS
3500 SOUTH MAIN STREET, SUITE 206
SALT LAKE CITY, UTAH 84115
TEL: (801) 263-1752

SHEET
OF 4
PROJECT NO.
14-123



REVISION	DATE	BY	DESCRIPTION	DESIGN	DATE
				RJM	
				RJM	
				KLC	

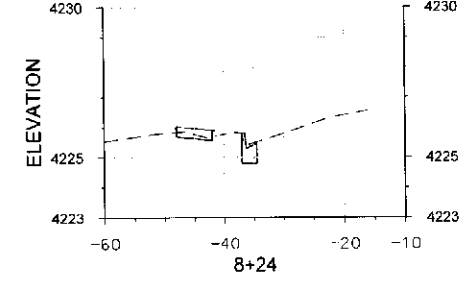
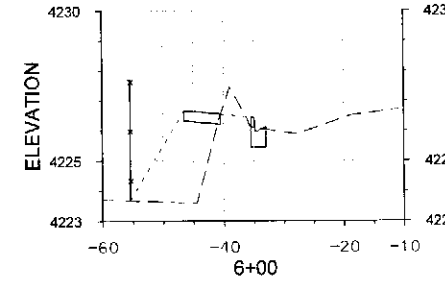
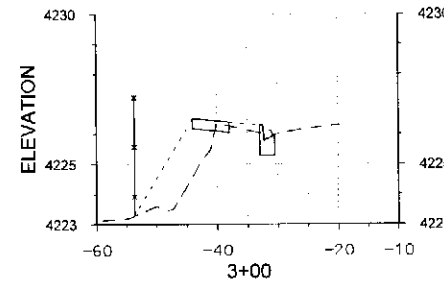
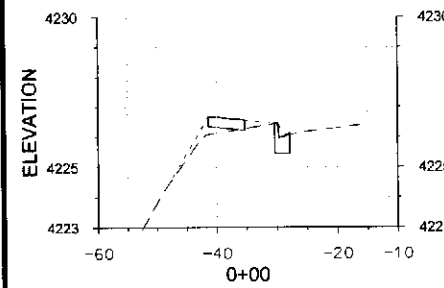
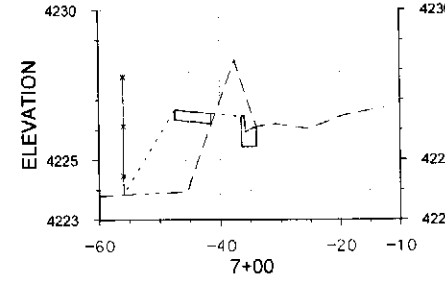
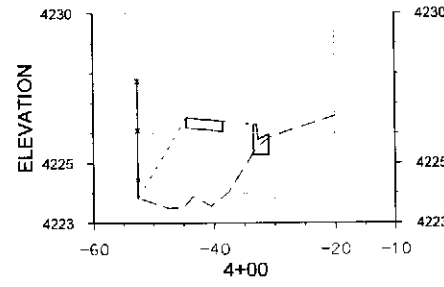
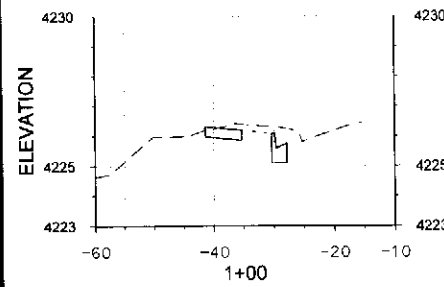
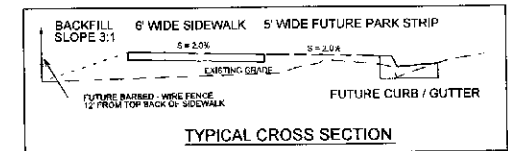
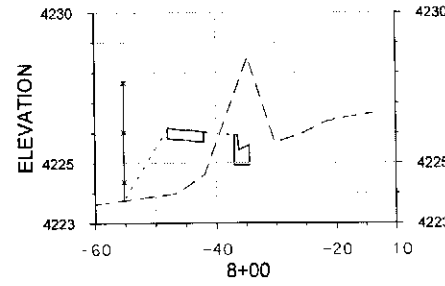
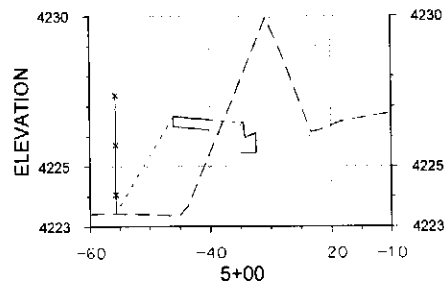
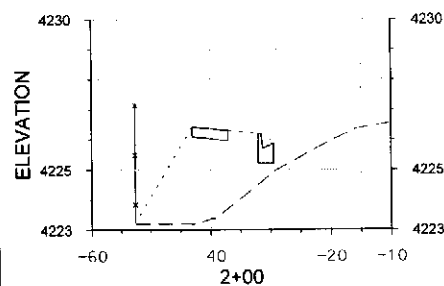
SIDEWALK PLAN / PROFILE

CENTERVILLE CITY
FRONTAGE ROAD SIDEWALK PROJECT
2121 NORTH TO 2164 NORTH



ESI ENGINEERING
CONSULTING ENGINEERS AND LAND SURVEYORS
3500 SOUTH MAIN STREET, SUITE 206
SALT LAKE CITY, UTAH 84115
TEL: (801) 263-1752

SHEET
CIP
PROJECT NO.
14-123



REVISION	DATE	BY	DESCRIPTION	DESIGN	RJM
				DRAWN	RJM
				CHECKED	KLC
				DATE	06/02/15

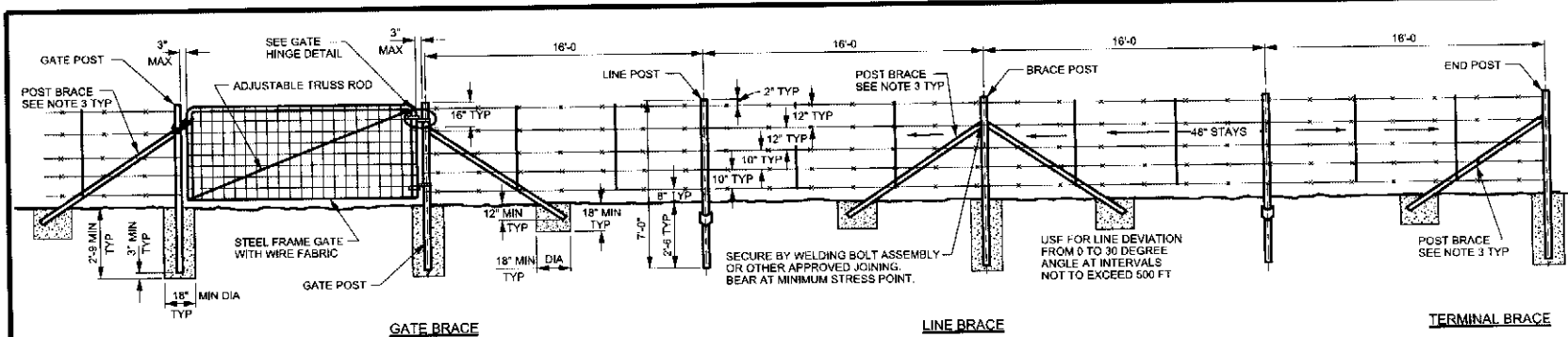
CROSS SECTIONS

CENTREVILLE CITY
FRONTAGE ROAD SIDEWALK PROJECT
2121 NORTH TO 2164 NORTH

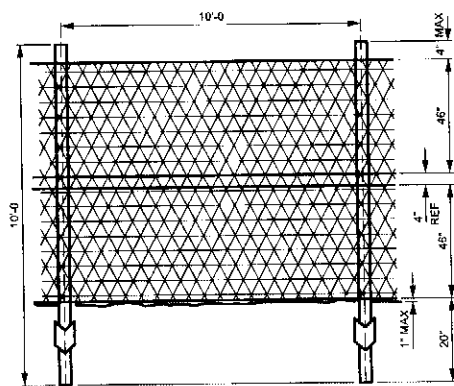
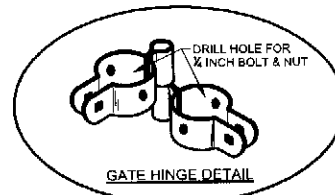


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CONSULTING ENGINEERS AND LAND SURVEYORS
3500 SOUTH MAIN STREET, SUITE 206
SALT LAKE CITY, UTAH 84115
TEL: (801) 263-1752

SHEET OF 6
PROJECT NO.
14-123

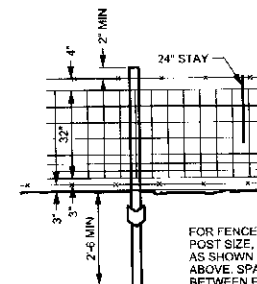
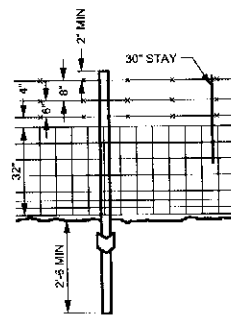
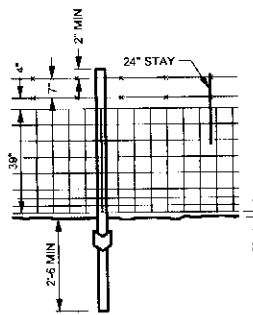
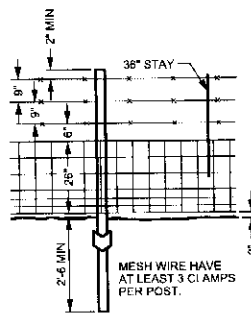
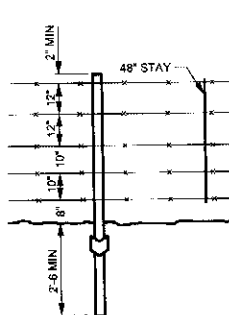


INSTALLATION WITH METAL POSTS (TYPICAL)



TYPE G NOTES:

1. TIE OR CLAMP THE 50 INCHES TOGETHER EVERY 12 INCHES USING HOG RINGS OR OTHER TYPES OF TIES OR CLAMPS
2. PLACE BOTTOM WIRE NO MORE THEN 1 INCH ABOVE THE GROUND, OR BURY IT AS NEEDED.



TO BE INSTALLED IN
DEER COUNTRY

NOTES:

1. SET METAL POSTS IN CLASS "B" CONCRETE.
2. LINE POSTS FOR TYPE A, B, D, E, F, & G FENCE:
A: TEE CHANNELS OR "Y" OR "U" SECTIONS, MINIMUM WEIGHT 1.33 lb/ft OF LENGTH.
B: STEEL PIPES, 1.900 INCH OUTSIDE DIAMETER SCHEDULE 40 PIPE, WEIGHT 2.72 lb/ft OF LENGTH OR HIGH TENSILE TRIPLE COATED STEEL PIPE, WEIGHT 2.23 lb/ft OF LENGTH.
C: ALTERNATE LINE POSTS APPROVED BY THE ENGINEER TO HAVE A MINIMUM RESISTING SECTION MODULUS OF 0.32 CUBIC INCHES PERPENDICULAR AND 0.12 CUBIC INCHES PARALLEL TO THE FENCE LINE. ANCHOR PLATES TO POSTS, MINIMUM SURFACE AREA OF 20 SQUARE INCHES, MINIMUM 18 GAUGE THICKNESS AND MINIMUM WEIGHT 0.87 lb/EACH.
3. BRACE AND CORNER POSTS (ASTM A 36):
A: BRACE AND CORNER POSTS FOR TYPE A, B, D, E, F, & G FENCES USE 2 1/2 INCH x 2 1/2 INCH x 1/4 INCH ANGLES, MINIMUM WEIGHT 4.10 lb/ft.
B: BRACES FOR TYPE A, B, D, E, F, & G FENCES, USE 2 INCH x 2 INCH x 1/4 INCH ANGLES, MINIMUM WEIGHT 3.19 lb/ft.
C: TYPE G: PIPE FOR CORNER AND BRACE POSTS, USE 2.375 INCH OUTSIDE DIAMETER, WEIGHT 3.65 lb/ft. OR HIGH TENSILE TRIPLE COATED STEEL, 2.375 INCH OUTSIDE DIAMETER WEIGHT 3.11 lb/ft.
4. LINE POSTS FOR TYPE A, B, D, E, & F FENCE: 7 FT LENGTH LINE POSTS FOR TYPE G FENCE: 10 FT
5. TERMINATE MESH AND BARBED WIRE AT EACH CORNER POST.
6. USE CORNER POST BRACES ON ALL FENCE LINE DEVIATIONS GREATER THAN 5.8 FEET IN 10 FEET. USE CORNER POST BRACES ON TYPE G FENCE WITH DEVIATIONS GREATER THAN 3 FEET IN 10 FEET.
7. GALVANIZE METAL PER (ASTM A 702) OR PAINTED (ASTM A 123)

REVISIONS NO. DATE BY	
UTAH DEPARTMENT OF TRANSPORTATION STANDARD DRAWINGS FOR ROAD AND BRIDGE CONSTRUCTION SALT LAKE CITY, UTAH RECOMMENDED FOR ADOPTION CHAIRMAN, STANDARDS COMMITTEE APPROVED DEPUTY DIRECTOR	
RIGHT OF WAY FENCE AND GATES (METAL POST)	
STD. DWG. NO. FG 2A	

When Recorded, Mail To:

Centerville City
Attn: City Recorder
250 North Main Street
Centerville, Utah 84014

Affects Parcel No.: 07-072-0028

**INSTALLMENT PAYMENT AND SECURITY INTEREST AGREEMENT
FOR SIDEWALK IMPROVEMENTS**

THIS INSTALLMENT PAYMENT AND SECURITY INTEREST AGREEMENT (Agreement) is made and entered into as of the ____ day of _____, 2015, by and between **R. ABRAHAM MILLET and EMILY L. MILLET**, as individuals and property owners of record (Property Owners), and **CENTERVILLE CITY**, a political subdivision of the State of Utah (City).

RECITALS:

WHEREAS, the Property Owners own certain property located at 2138 Frontage Road in Centerville, Utah (Property); and

WHEREAS, the Property Owners previously entered into that certain Extension Agreement with the City allowing for the deferral of the installation of sidewalk improvements for the Property as recorded at the Davis County Recorder's Office as Entry No. 2639511, Book No. 5443, Page 724-729 (Extension Agreement); and

WHEREAS, the Extension Agreement requires the Property Owners to install and complete the sidewalk improvements at their own cost within ninety (90) days after written notice from the City; and

WHEREAS, the City has submitted written demand for installment of the sidewalk to Property Owners in accordance with the Extension Agreement and have also offered to install the sidewalk for the Property Owners in conjunction with a related sidewalk project subject to the Property Owners paying the City for the actual cost of such improvements; and

WHEREAS, the Property Owners desire to have the City install the sidewalk for the Property Owners in conjunction with the City's related sidewalk project and agree to pay the City for the actual cost of such improvements but have asked the City to allow the Property Owners to pay for cost of the sidewalk improvements over time; and

WHEREAS, the City is willing to allow the Property Owners to pay the City for the cost of the sidewalk improvements over time subject to the terms and conditions of this Agreement, including the grant of a security interest in the Property as collateral to secure payment.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Payment Obligation. The Property Owners hereby agree to pay to the City the actual cost of installation of the sidewalk improvements along the frontage of the Property in accordance with the plans and specifications for the project in the amount of \$ _____. Said amount shall be paid to the City in equal monthly installments of \$ _____ for twenty-four (24) months. Said monthly installments shall be due on the twenty-fifth day of each month commencing on July 25, 2015. The Property Owners expressly agree to allow the City to bill and track such monthly payments through the City's utility billing for the Property.

2. Late Payments and Default. If the Property Owners fail to make a monthly installment payment within sixty (60) days from the due date, such payment shall be subject to a late penalty fee of 10% of the delinquent amount. If the Property Owners fail to make any monthly installment payment within ninety (90) days from the due date, Property Owners shall be deemed in default of this Agreement. Upon such default, the entire remaining amount of the payment obligation shall become due and owing (Default Amount). The Default Amount shall become a charge on the Property and shall be a continuing lien against the Property, together with interest at the rate of ten percent (10%) per annum, and all costs and reasonable attorney's fees incurred by the City in collecting the Default Amount. The City may commence an action against the Property Owners to collect the foregoing charges and to foreclose the lien against the Property. Upon foreclosure of the lien provided herein by the City, should any deficiency remain, Property Owners shall remain liable for payment of the deficiency.

3. Security Interest. In addition to any other remedies set forth herein, in the event the Property Owners default or otherwise violate the terms and provisions of this Agreement, the City shall have the right to collect any amounts related to such default or violation through use of the Property described herein. The City and Property Owners hereby agree that the sidewalk improvements enhance, benefit and add value on a continual basis to the Property. Consequently, the City is hereby granted an interest in the Property to enforce and guaranty any such amounts due. Property Owners hereby agree that the Property is and shall hereafter continue to be encumbered by this Agreement and the obligations, duties and responsibilities of the Property Owners. The Property Owners acknowledge that the encumbrance of the Property is consensual and has been agreed to mutually by the parties. Property Owners further grant the City the right to enforce its security interest created hereby in any way or manner permitted by law. The Property Owners hereby grant the City the right to record this Agreement, and the security interest set forth herein, against the Property.

4. Owners of Record. The Property Owners hereby represent and warrant that they are the property owners of record of the Property and hereby confess judgment for Property Owners' heirs, representatives, or successors in interest for the total of any and all amounts expended by the City for the installation and completion of the sidewalk improvements and any expenses related thereto.

5. **Covenant Running with the Land.** This Agreement, and the security interest set forth herein, constitute covenants that run with the land, and shall be binding on all parties, heirs, representatives, devisees and successors who hereafter acquire any interest in the Property. Notwithstanding the foregoing, the entire remaining amount of the sidewalk debt and any late penalties, collection costs, or attorney's fees shall be paid off by the Property Owners prior to transfer of any ownership of the Property.

6. **Costs and Attorney's Fees.** The parties agree that should they default in any of the covenants, obligations or agreements contained herein, the defaulting party shall pay all costs and expenses, including reasonable attorney's fees which may arise or accrue from enforcing this Agreement or in pursuing any remedy provided herein or permitted by law, whether such remedy is pursued by filing suit or otherwise, and whether such costs and expenses are incurred with or without suit or before or after judgment.

7. **Miscellaneous.** Nothing herein shall be deemed to create the relationship of principal and agent, partnership or joint venture between the Parties. This Agreement shall be interpreted and construed only by the content hereof, and there shall be no presumption or standard of construction in favor of or against any Party. This Agreement may be amended or modified only in writing. The invalidity or unenforceability of any provision of this Agreement, as determined by a court, shall in no way affect the validity or enforceability of any of the remaining provisions hereof. This Agreement shall be construed according to and governed by the laws of the State of Utah.

IN WITNESS WHEREOF, this Agreement has been executed as of the date first above written.

"Property Owners"

By: _____
R. Abraham Millet

By: _____
Emily L. Millet

"City"

ATTEST:

CENTERVILLE CITY

Marsha L. Morrow, City Recorder

Mayor Paul A. Cutler

MILLET ACKNOWLEDGMENT

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

On the ____ day of _____, 2015, personally appeared before me **R. ABRAHAM MILLET AND EMILY L. MILLET**, who being by me duly sworn did say that they are the property owners of record of the subject property and that they signed the foregoing instrument in their individual capacity.

Notary Public

My Commission Expires:

Residing at:

CITY ACKNOWLEDGMENT

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

On the ____ day of _____, 2015, personally appeared before me Paul A. Cutler, who being duly sworn, did say that he is the Mayor of **CENTERVILLE CITY**, a municipal corporation of the State of Utah, and that the foregoing instrument was signed in behalf of the City by authority of its governing body and said Paul A. Cutler acknowledged to me that the City executed the same.

Notary Public

My Commission Expires:

Residing at:

Steve Thacker

From: kevin campbell <kevin.campbell@esieng.com>
Sent: Wednesday, June 17, 2015 1:45 PM
To: Abe Millet
Cc: Steve Thacker; Randy Randall; Lisa Romney; ryan.mcleod@esieng.com
Subject: Frontage Road Sidewalk - Bids Rec'd
Attachments: Abe Millet Cost from Bid_06-16-15.pdf; Frontage Rd Sidewalk - Bid Tabulation_06-16-15.xls

Abe,

We received two bids yesterday for the City's - Frontage Road Sidewalk project. One from Bowen Construction and one from Kapp Construction. We have dealt with both of these contractors many times over the years.

Bowen Construction is the low bidder and the City plans to award this project to them in a few weeks. Bowen is a very experienced and reliable contractor that does high quality work.

The scope of work in front of your property is to remove the 8' wide x 18' long section of sidewalk at your driveway and replace it and then pour 6' wide sidewalk along the rest of your frontage leaving a 5' wide park-strip. Using the City's contractor the cost will be \$2,916.00. Some of their unit prices for work items related to completing the sidewalk in front of your property were a bit lower than the original engineer estimate of around \$4,000.

We did not include any traffic control / mobilization as the City will need to pay for this regardless of whether or not our contractor completes the work along your frontage.

You do have \$1,086.50 remaining in your development improvement bond that will be released after the deficient sidewalk at your driveway is replaced.

Let me or Steve know if you have any questions regarding this information.

Kevin

Kevin Campbell, P.E.
Centerville City Engineer

Kevin Campbell, P.E.
ESI Engineering, Inc
3500 S. Main St.
SLC, Ut 84115
801.263.1752

**ESI Engineering, Inc.**

3500 South Main, Suite 206
Salt Lake City, Utah
Phone (801) 263-1752
www.esieng.com

Consulting Engineers & Land Surveyors

Project

Frontage Rd. Sidewalk

Abe Millet Property

Owner

Centerville City

Sheet No.

1 of 1

Estimated by:

RJM

Date: 6/17/15

Checked by:

KLC

Date: 6/17/15

Project No.

14-123

ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	TOTAL
1	Install concrete sidewalk (4" thick)	456	SF	\$3.20	\$1,459.20
2	Install concrete sidewalk (6" thick)	144	SF	\$4.70	\$676.80
3	Clear / grub and haul away beneath new fill areas (approx. 500 sf)	1	LS	\$300.00	\$300.00
4	Import untreated base course including compaction (4" thick)	15	TN	\$20.00	\$300.00
5	Remove and haul away existing sidewalk	2.5	CY	\$72.00	\$180.00
	Total (Items 1-5)				\$2,916.00

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
7/7/2015**

Item No. 3.

Short Title: Public Hearing - Plat amendment to Ford Canyon Subdivision - Reducing Setback to 20 feet

Initiated By: Smoot Investments and Beard Construction

Scheduled Time: 7:20

SUBJECT

RECOMMENDATION

Approve plat amendment for Ford Canyon Estates Phase 4 Subdivision, reducing the front-yard setback from 25 to 20 feet for Lots 408 and 409, based on the findings and subject to the conditions contained in the staff report.

BACKGROUND

The future owner of this property wants to build a large home requiring the combination of Lots 408 and 409. The combination of two lots does not require City Council approval. However, the plat amendment also includes a reduction in the front-yard setback from 25 feet to 20 feet to allow construction of a swimming pool behind the house without encroaching into the slope stability easement along Ford Canyon. This setback reduction is similar to what has already been done for several other lots in the Ford Canyon Subdivision.

ATTACHMENTS:

Description

- ☐ Staff Report re Ford Canyon Subdivision Plat Amendment
- ☐ Plat Amendment - Ford Canyon Subdivision

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

STAFF REPORT

PETITIONERS: **SMOOT INVESTMENTS, LLC**
152 W. SUNSET VIEW DR.
CENTERVILLE, UT 84014
(ssmoot@novasource.net)

BEARD CONSTRUCTION
C/O ERIC BEARD
900 N. 400 W. #1-A
NORTH SALT LAKE, UT 84054
(eric@beardconstruction.com)

PROPERTY: **FORD CANYON ESTATES, PHASE 4 SUBDIVISION,**
LOTS 408 & 409, (359 EAST FORD CANYON DRIVE)

ZONING: **RESIDENTIAL-LOW (R-L)**

APPLICATION: **SUBDIVISION PLAT AMENDMENT**

RECOMMENDATION: **APPROVE THE PROPOSED AMENDMENT**

BACKGROUND

The petitioners desire to construct a larger home than a single lot has the capacity to do. Therefore, the future owner desires to combine the two lots by simply submitting a "lot combination request" to the County Recorder. This combination is not subject to local municipal review and approval. However, the future owner also desires to construct an outdoor pool. Such pool is restricted from being built beyond the "slope restriction" area of these two lots. In order to accomplish this, the petitioners desire to amend the plat to reduce the setback from 25 to 20 feet, as several lots have been previously allowed to do during the original subdivision plat approval and recording. If approved to reduce the setback requirement, the petitioners would also execute the lot combination with the recording of the new amended plat.

SUBDIVISION PLAT AMENDMENT PROCESS

According to state and local regulations, a plat amendment may be approved if specific criteria are evaluated and the amendment is deemed acceptable, as follows:

1. Will the public interest be materially injured by the proposed plat amendment, and
2. Is there a good cause for the plat amendment?

Staff Response: The amendment is consistent with the original plat's expectation to maintain a slope stability easement to mitigate the risk of slope failure. Several other lots were also allowed a reduced setback to 20 feet to provide sufficient area for construction of homes and typical accessory uses.

One concern staff has about is adequate fire flow and protection. By a written agreement with the City, the homes have a size limitation of just less than 8,000 sq. ft., unless additional fire flow or alternative suppression system (i.e. fire sprinklers) is approved by the Fire Marshall and/or Public Works Director. Since, the lots can be combined (with or without a plat amendment) the ability to increase the home size will create the need for fire marshal and public works review and approval.

PLANNING STAFF RECOMMENDATION

Suggested motion for the proposed amended subdivision plat for Tumbleweed Subdivision: I hereby make a motion for the City Council approve the proposed plat amendment, subject to the following:

- 1) Preparation and submittal of a final linen subdivision plat to the City Recorder's Office to reflect the lot combination and reduction of the front yard setback to 20 feet.*
- 2) Review and acceptance of the final plat by the Fire Marshall and Public Works Director, in accordance with applicable regulations or written agreement requirements for fire protection.*
- 3) All original subdivision plat notes and the slope stability easement are also provided on the linen of the new plat to be recorded.*

Suggested Reasons for the Action (Findings):

- a. The City Council finds that amendment is consistent with the original plat's expectation to maintain a slope stability easement to mitigate the risk of slope failure
- b. The City Council find that to meet the City's standard level of service needs and expectations for constructing homes adequate fire protection must be deemed acceptable by the Fire Marshall and Public Works entities.
- c. Therefore, the City Council finds that the public interest will NOT be materially injured by the proposed plat amendment.
- d. Therefore, City Council finds that there is good cause for the plat amendment.

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
7/7/2015**

Item No. 4.

Short Title: Public hearing - request to add street name alias to 1250 West

Initiated By: Robert and Paul Child

Scheduled Time: 7:25

SUBJECT

RECOMMENDATION

Conduct public hearing regarding request to add the alias of "Child Lane" to 1250 West Street, to determine if the change is warranted or appropriate; then consider approval of the request.

BACKGROUND

Recently the City Council adopted an ordinance (attached) establishing a procedure for changing a street name or adding an alias name to an existing numerical street designation. The need for such an ordinance was identified when the City received a request from Robert ("Rob") and Paul Child to add the name of "Child Lane" to 1250 West. Now that the procedure has been established by ordinance, the Childs have submitted the required documents for the City Council to formally consider their request.

The attached letter from Rob and Paul Child contains their request. Also attached is a history that supports their request. It shows that "Child Lane" was used historically for the roadway that is now known as 1250 West. The fourth attachment is the petition cover sheet with a summary of the results of the petition and an aerial photo overlaid with parcel boundaries, property owner identification, and highlighted to show those property owners that have signed the petition. City Recorder Marsha Morrow is verifying that the 75% requirement in the ordinance has been met and will relay that conclusion to the Public Works Director, who is charged in the ordinance with reviewing the documentation to determine if it is complete.

ATTACHMENTS:

Description

- ☐ Ordinance No. 2015-09
- ☐ Letters re Street Name Alias Request
- ☐ History of Child Lane
- ☐ Name Change Petition
- ☐ Letter of Notice of Public Hearing

ORDINANCE NO. 2015-09

AN ORDINANCE ENACTING SECTION 11-01-160 OF THE CENTERVILLE MUNICIPAL CODE REGARDING STREET NAME AND ADDRESSING REGULATIONS

WHEREAS, the City Council has previously adopted Title 11 of the Centerville Municipal Code regarding Streets and Public Ways; and

WHEREAS, the City Council desires to amend the provisions of Title 11 to enact a new Section 11-01-160 regarding street names and addressing regulations as more particularly set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH:

Section 1. Amendment. Section 11-01-160 of the Centerville Municipal Code regarding Street Name and Addressing Regulations is hereby enacted to read in its entirety as follows:

11-01-160. Street Name and Addressing Regulations.

(a) Purpose. The purpose of this Section regarding street name and addressing regulations is to promote order and predictability for emergency services, mail and delivery services, and common directional communication.

(b) Applicability. All buildings, addresses, lots, parcels, tracts, development, and other uses of land, and all publicly dedicated streets within the City shall be subject to the provisions of this Section and any applicable State statutes, construction codes or other applicable law. If there is a conflict between the provisions of this Section and any other applicable law or regulation, the most restrictive regulation shall apply unless otherwise preempted by State law.

(c) Numerical Street Coordinate System. All streets within the City shall be principally labeled using a numerical-based directional coordinate grid system. This system's base point is located at the intersection of Center Street and Main Street. This system is more particularly shown in Figure 1.

(d) Use of Alias Street Name. In addition to the officially assigned street numeric label, a street may be given an alias label, as approved by the City and in coordination with the City's emergency service entities, the County, and the local postmaster.

(e) Assignment of Street Names. The initial assignment of street names shall be reviewed and approved by the City's Public Works Director or his/her designee. Generally, all developments consisting of publicly dedicated streets shall provide the required street numeric and/or desired alias as part of the associated subdivision or street dedication plat approval.

(f) Changes, Corrections, or Alteration of Street Names. A street name may be changed, corrected, or altered (collectively referred to as "street name change") upon approval of the City Council. Any requests for street name change shall be submitted in writing to the Public Works Director. Such written request for street name change shall include a correct and current mailing list of all property owners of record of properties having a mailing address on, or for undeveloped properties located on, the street or portion of the street subject to the proposed name change (hereinafter referred to as "affected property owners"). The written request for street name change shall also include a petition describing the proposed name change and containing the signatures of all affected property owners of record who consent to the proposed street name change. In order to approve any street name change request, the required petition must include the signatures from at least 75% of the affected property owners consenting to the street name change. The written request for street name change must also include a letter of approval from all emergency services, Davis County, and local postmaster indicating that they have been notified of the proposed street name change and that such name change is acceptable. All costs associated with street name change requests shall be borne by the applicant making the request. The City Council may change, correct, or alter a street name upon the occurrence of the following:

(1) The Public Works Director shall review the written request to determine if the application is complete. If deemed complete, the Public Works Director shall prepare a Staff Report regarding the proposed street name change and forward the same with the written request and petition to the City Council.

(2) The City Council shall schedule and hold a public hearing regarding the street name change request and consider the evidence and petition submitted to determine whether the street name change is warranted or appropriate. Notice of the public hearing and the proposed street name change shall be provided to all affected property owners as defined in Subsection (f). Public notice of the meeting and hearing shall also be provided in accordance with the Utah Open and Public Meetings Act.

(3) The City Council must determine, based on the evidence presented, that there is good cause to allow the street name change, correction, or alteration.

(4) The City Council is satisfied all emergency services, Davis County, and local postmaster have been notified by the applicant of the proposed change and have submitted the required written letter of approval.

(5) The City Council is satisfied there are sufficient funds budgeted or provided to facilitate the replacement of all signs associated with the proposed change, correction, or alteration. If the name change request is from a private citizen or agency, such person or agency shall pay for the cost of the replacement signs, unless otherwise specifically directed by the City Council.

(g) Numerical Address Coordinate System. All buildings, addresses, lots, parcels, tracts, development and other uses of land shall be labeled using an odd or even numeric/directional-based labeling system. This system's base point is located at the intersection of Center Street and Main Street. All east-west and north-south

numeric/directional coordinates have been divided into quadrants associated with this base point and odd-even numeric shall be assigned as shown in Figure 1.

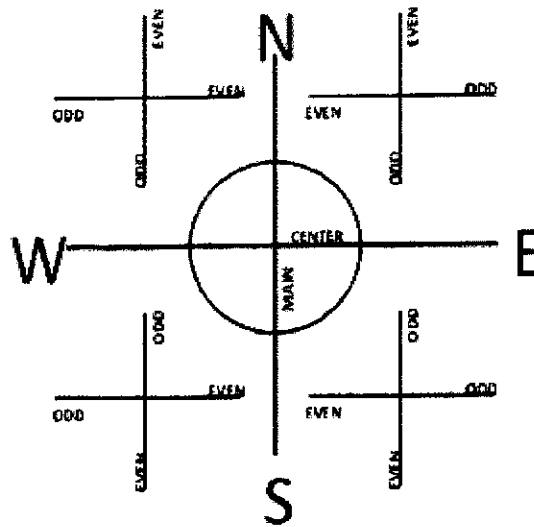


Figure 1 – Address Coordinate System

(h) **Assignment of Numerical Addresses.** The initial assignment of numerical addresses for parcels, lots, tracts, or buildings shall be reviewed and approved by the Public Works Director or his/her designee. Generally, all land division applications shall provide the required numerical address with the associated subdivision or street dedication plat approval in accordance with the Numerical Address Coordinate System set forth herein. For corner lots, two numerical addresses shall be provided for each lot and the final address assignment will be assigned with the issuance of the related building permit.

(i) **Changes, Corrections, or Alteration of Assigned Numerical Addresses.** An assigned Numerical Address may be changed, corrected, or altered upon approval of the Public Works Director or his/her designee. The Director may change, correct, or alter an assigned address upon the occurrence of the following:

- (1) A written request from the property owner or the property owner's agent is submitted to the City and includes the need or reason for requesting a change.
- (2) The Director determines that a change is warranted or appropriate to resolve a conflict or problem.
- (3) The new address is consistent with the Numerical Address Coordinate System set forth herein.

(4) The new address is deemed acceptable by the City's emergency service entities and the applicant has supplied letters of approval from all affected entities.

(5) A written letter, signed and notarized, is prepared and submitted to the Davis County Recorder with copies sent to the requester and the local postmaster.

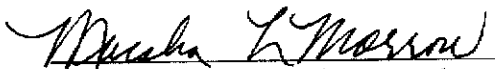
Section 2. Severability Clause. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all provisions, clauses and words of this Ordinance shall be severable. This Section shall become effective without codification.

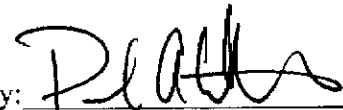
Section 3. Effective Date. This Ordinance shall become effective upon publication or posting, or thirty (30) days after passage, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS 2nd DAY OF JUNE, 2015.

ATTEST:

CENTERVILLE CITY


Marsha L. Morrow, City Recorder

By: 
Mayor Paul A. Cutler

Voting by the City Council:

Councilmember Averett
Councilmember Fillmore
Councilmember Higginson
Councilmember Ivie
Councilmember Wright

"AYE"

X
X
X
X
X

"NAY"



CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB's Gas Station, on the foregoing referenced dates.


MARSHA L. MORROW, City Recorder

DATE: 6-4-2015

RECORDED this 4 day of June, 2015.

PUBLISHED OR POSTED this 4 of June, 2015.

June 29, 2015

Randy Randall
Public Works Director
Centerville City
655 N 1250 W
Centerville Utah 84014

Dear Randy Randall,

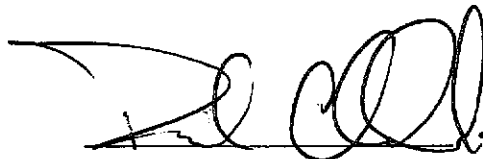
We have been working to comply with Centerville City ordinance 11-01-160 in regards to our request to have "Child Lane" added to what is now known as 1250 west. The response from all of the property owners we were able to locate was very positive and all but one of them agreed to sign our petition. Although we were not able to locate all of the owners, we have obtained over the required 75% consent from the owners of properties which either use 1250 west as an address or have undeveloped lane abutting to 1250 west. We have also obtained consent from Centerville Police, South Davis Metro Fire, Davis County, and the Centerville Post Office.

Please see attached documents for verification.

If you have any questions please feel free to contact either Robert or Paul Child.



Robert B. Child
801-910-4400



Paul Child
801-599-2409

June 5, 2015

To:

Randy Randall
Public Works Director
Centerville City, Utah
655 N 1250 W
Centerville, Utah 84014

From:

Robert Child
634 E 350 N
Bountiful, Utah 84010
801-910-4400

Re:

Adding "Child Lane" as an alias to 1250 West from Parrish Lane south to the West Bountiful City line

Randy,

I am submitting a request that the alias of "Child Lane" be added to the street name for 1250 West beginning at Parrish lane going south to the south border of Centerville City. This request is being submitted pursuant to Centerville City Ordinance No. 2015-09 Section 11-01-160 which was adopted by Centerville City Council on Tuesday, April 12, 2015.

As you may be aware my father settled in this area many years before Parrish Lane overpass and 1250 West were built and before any of the current infrastructure. Ever since a small gravel road was built by Brandt Child and later replace with a two lane paved road built by the State of Utah, this road has been known as either "Child Lane", "Childs Lane", or "Child Way". West Bountiful City has a street sign at Porter and 640 West (640 West becomes 1250 West upon entering Centerville City) showing the alias name of "Child Way". The history of this road, I believe, strongly supports my request to add the alias of "Child Lane" to this street, which was the same name my dad gave his gravel road in 1960.

In addition to historical justification there is also practical reasoning for recognizing this officially as "Child Lane". Many sources such as GPS services and our own GIS mapping show this road as "Childs Lane / 1250 W". Additionally since West Bountiful has used the Child name in their portion of the road and they use a different coordinate (640 West), if Centerville approves this request, calling 1250 West "Child Lane" it will provide some continuity to the name of the road between the two cities.

I am currently working on obtaining signatures from property owners who would be affected and letters from Police, Fire, Postal Service, and Davis County giving their approval of this request. Please see attached "History of Child Lane" for more information regarding the history of the area. If you have any need to contact me please do not hesitate to do so.



Davis
COUNTY

Planning Department

Davis County Administration Building, 61 South Main Street, P.O. Box 618,
Farmington Utah 84025

Telephone: (801) 451-3279 - Fax: (801) 451-3281

Barry Burton
Director

June 9, 2015

To Whom it may Concern:

We understand Centerville City has received an application to change the name of 1250 West Street by adding the designation "Child Lane" to the name. As long as the grid designation 1250 West remains part of the address, Davis County has no objection to the proposed change.

Sincerely,

Barry M. Burton
Planning Director

POSTMASTER
CENTERVILLE POST OFFICE



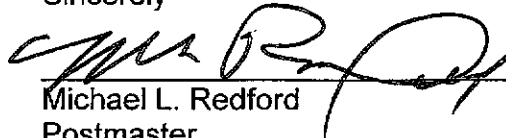
6/6/2015

Robert Child,

The Centerville Post office is in agreement to add Child Ln as alias to 1250 W. Our policy is to use named streets whenever possible in our addressing instead of numbers streets.

If you have any questions, please feel free to contact me.

Sincerely



Michael L. Redford
Postmaster
United States Postal Service
Centerville Main Office

South Davis Metro Fire Agency

Proudly Serving the Communities of

Bountiful - Centerville - Davis County - North Salt Lake - West Bountiful - Woods Cross

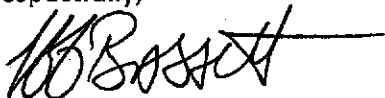
Office of the Fire Chief

June 8, 2015

To Whom it May Concern

The South Davis Metro Fire Agency has no objections to adding the moniker of Child Lane to 1250 W in Centerville, Utah. If you have any question you may contact me.

Respectfully,

A handwritten signature in black ink, appearing to read "Jeff Bassett", with a long horizontal stroke extending to the right.

Jeff Bassett, Fire Chief

801-677-2400

CENTERVILLE POLICE DEPARTMENT

250 NORTH MAIN

CENTERVILLE, UTAH 84014

e-mail: police@centervilleut.com

Chief of Police
NEAL WORSLEY

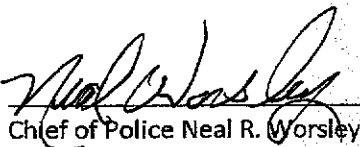
(801) 292-8441
FAX (801) 296-2078

June 8, 2015

Robert Child,

Centerville Police Department has no objection to adding "Child Lane" as an alias name to 1250 West in Centerville.

Best Regards,


Chief of Police Neal R. Worsley

History of "Child Lane"

April 2015

By Paul Eckman Child

In November of 1960, Brandt A. Child purchased 12 acres of land from Syril Sessions in west Centerville, just north of Porter Lane between the Union Pacific and Denver Rio Grande Railroad tracks, for \$14,000.00. Brandt described the property as barren as there were no roads, power, sewer, or water infrastructure available on it. In the spring of 1961, Brandt bought a small home for \$300 that had to be moved or demolished to make way for I-80 construction in Salt Lake. Using a bulldozer he then pulled cement trucks through the mud from Porter Lane to where he prepared ground for a foundation and would place the home that he purchased. By mid-summer of 1961, Brandt had placed the home on the foundation, paid Utah Power and Light to bring in electricity and got permission from Sam Parrish to use a well located on the property next to Brandt's. The home was marginally ready for Brandt A. and Lue Eckman Child to move in with their four young children sometime during that summer and just in time for my birth in September.

Brandt Child was the owner and operator of Brandt A. Child and Sons' Excavating. Using his equipment, he had built a single wide dirt road from Porter Lane to his new/old home. Over time, Brandt hauled in more dirt and gravel making the road wider and better. The size of the home and family continued to grow, and the gravel road became known as Child's Lane. Brandt bought an old Department of Transportation shop which had been located on the property where Viewmont High is now. He moved this shop down to the property giving himself a place to work on his equipment. In 1979, Brandt became the developer of the subdivision west and south of his home; sometime prior to this he built storage units at the corner of Porter and Child Lane. He sold the property on the east side of the road to Lawrence Barber who eventually developed this land.

When the property was purchased the area was considered west Centerville but soon became annexed into West Bountiful with the north fence line of Brandt Child's home property being the boundary between Centerville and West Bountiful. Sometime in the early 70s, Brandt had a company make up a regular street sign that said "Child Lane," and he screwed it into the power pole at the head of his gravel road. Today West Bountiful recognizes this road as Child Way and 640 West.

In 1970, the State of Utah began work building an overpass over I-15 which would extend Parrish lane to the west of the newly built freeway. In conjunction with this project the State's plan included widening and improving Parrish Lane and building a collector road from Porter Lane on the west side to Parrish. When the State came through and set the stakes delineating where this road was to go, Brandt was stunned to see that the survey stakes were within just a few feet of his front door, essentially wiping out any front yard. Through much complaining and harassing of State road officials coupled with Brandt's kids constantly moving the stakes every night (totally encouraged by their dad), the State agreed to move the road farther away from the house giving the Child family back their front yard.

Today you will notice a bend in the road at the boundary of Centerville and West Bountiful going around the historic Child family home. The portion of this road that runs through Centerville is known as 1250 West and although many people and publications still refer to it as Child Lane the road has not yet officially received the designation of Child Lane.

For two years this road was essentially a road to nowhere until Parrish Lane overpass was completed. The Child family home and Brandt Child Excavating shop were the only structures on the road. During this time the road was a favorite of teenagers who used it as a place to race and/or "burn-out" in their hot-rod cars. Once the overpass was completed Child Lane became the primary access for trucks going to Syro Steel (now Trinity Highway Products). Soon the road was extended north of Parrish Lane but turned into a dirt road near 950 North area and then came to a dead end at current 1175 North where a large pond and a fence stopped travel. During the 1980s, Brandt, in partnership with Arnell Heaps and his brother Wallace, purchased an additional 40 acres taking in nearly all of the property from Brandt's home to Parrish Lane on the west side of the road. Portions of the property were sold off to different developers forming what is now Evergreen Industrial Park, Aspin Springs Storage and the Tumble Weed Park. In 1992 the last 4 ½ acres were sold to Fred Hale and Chad Salmon at the corner of 1250 West and Parrish Lane which is now being developed.

Several months ago, I was in the Legacy Apartment complex speaking with the manager when I noticed a pamphlet advertising their apartments. I picked up the pamphlet and saw a map showing the location of Legacy Apartments and was pleasantly surprised to see that the pamphlet showed 1250 West as Child Lane and not 1250 West! I also realized that the pamphlet was technically wrong because 1250 West has never officially been designated as such by the city. This brings to point that the road is known by many names, 1250 West, 640 West, Child Way, Child Lane, and is now a major access road for residents, businesses, a large office building, apartment units, a major movie theater and three industrial parks.

I remember watching my dad put up that sign which read "Child Lane" many years ago at the end of our private graveled road. I was pleased to see that West Bountiful City adopted the name of "Child Way" but somewhat disappointed that they did not use the original wording of "Child Lane." Using the name "Child" to designate this road will give it continuity between two cities which use completely different coordinates and may help avoid some confusion. The road would be known as Child Way in West Bountiful and Child Lane in Centerville. At this time the State of Utah is preparing to install a traffic light at the corner of Parrish and 1250 West. They will be installing a sign on the traffic signal delineating the name of the street, this makes it the right time to remove any confusion on what this road's name is.

As one who has watched this area grow from a single family dwelling accessed only by a narrow gravel road to what it is today, I am hopeful that the original name my father gave to this road will live on as it receives the official designation of "Child Lane" by Centerville City in 2015.

Details

Basemap

Share

Print

Measure

Bookmarks

Find address or place



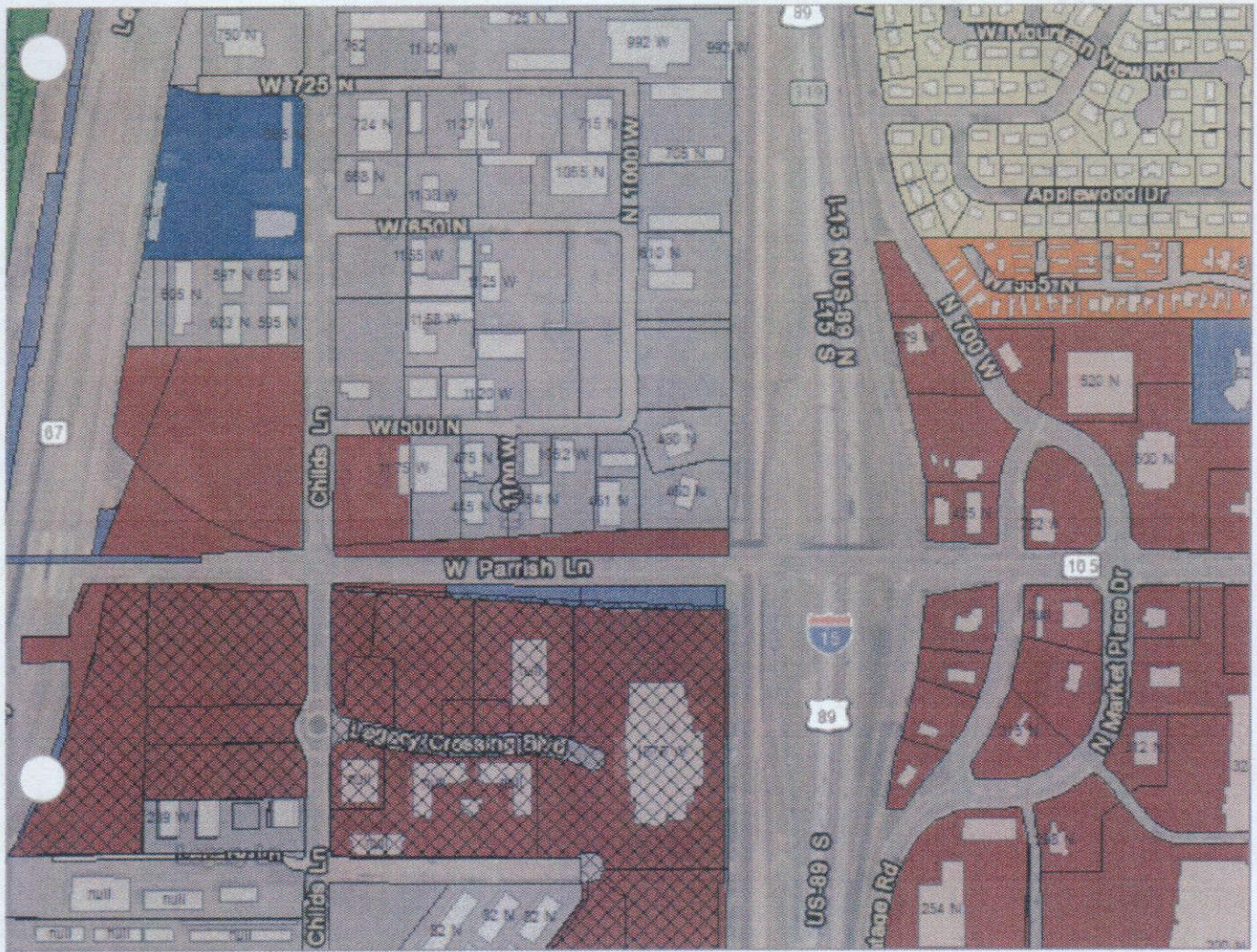
Interville, Utah Zoning Map



DigitalGlobe, GeoEye, Microsoft, USDA FSA, CNES/Airbus DS | Esri, HERE | Esri, HERE

enterville Zoning Map

enterville, Utah Zoning Map



DigitalGlobe, GeoEye, Microsoft, USDA FSA, CNES/Airbus DS | Esri, HERE | Esri, HERE

NAME CHANGE FOR

1250 WEST

Petition

In November 1960 Brandt Child purchased 12 acres of barren land half way between the UPRR and D&RGRR north of Porter lane in West Centerville. Brandt purchased an old home, which was scheduled to be demolished for I-80 construction in Salt Lake. He moved this home to west Centerville and put it on his land. Brandt built a gravel road going north from Porter Lane to his home, he then had a street sign made delineating this private gravel road as "Child Lane". In 1970 the State of Utah began road construction to extend Parrish lane west and to build an overpass over the coming interstate freeway and existing railroad (UPRR). In conjunction with this project the state made a road connecting the west end of Parrish lane to Porter Lane in West Bountiful, going over the same path of "Child Lane" after condemning Brandt's property for the road. The name "Child Lane" or "Child's Lane" have been associated with this new road built by the state ever since it was completed and many data bases still use this name to designate the road. Centerville City has never officially attached this name to the road; it has only been referred to as 1250 West. West Bountiful has designated the portion of this road which runs through their city as 640 West Child Way. The two cities do not use the same west coordinates for their respective streets thus the road between Parrish and Porter is known as 1250 West in Centerville and 640 West in West Bountiful. Adding the name of "Child Lane" to this road will not change the coordinate designation of 1250 west, it will always have this coordinate. By officially designating this street as Child Lane / 1250 west this will preserve the history of this road while also giving it some commonality to name of Child Way used by West Bountiful. Centerville City is requiring that at least 75% of the affected property owners which use this road as part of their address sign this petition before approving the request to change the name which is now being proposed to them.

As an affected property owner or authorized representative of an affected property owner by signing below I agree to change the name of 1250 West to: Child Lane 1250 West or 1250 West Child Lane.

Parcel 1 Tax ID 06-368-0406 undeveloped land east side of street corner of Parrish and 1250 West

Owner: Legacy Crossing Owner's Association

Authorized Signature

Date 6-10-2015

Tax ID 06-378-0401 undeveloped land east of 1250 West at round-about of Legacy Crossing Blvd south side of Legacy Blvd

Owner: Summerwood Holdings II LLC

Authorized Signature

Date

**Summary of Signatures
of Petition for Child Lane**

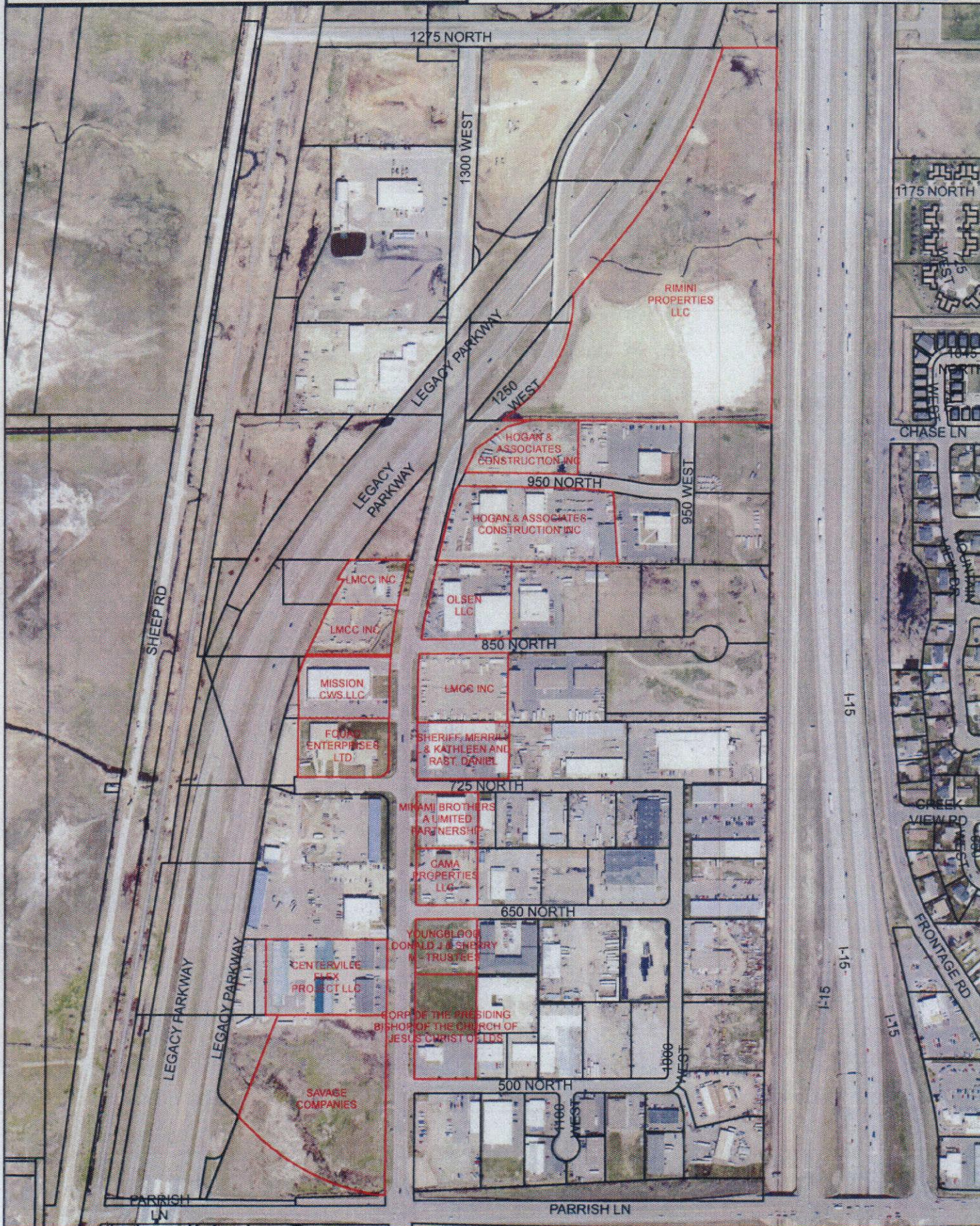
Owner	Address or Tax #	Authorized Signature	Signed	
			Yes/No	Comments
Olsen LLC	858 N 1250 W	Daryl Olsen	Yes	
Rimini Properties	#06-003-0050 **		no	Unable to locate
Cama Properties LLC	668 N 1250 W	Calvin Squires	Yes	
Youngblood, Donald J & Sherry M. - Trustees	#06-009-0014		no	Unable to locate
Makami Brothers a Limited Partnership	424 N 1250 W	Craig Mikami	Yes	
Fouad Enterprises LTD	750 N 1250 W	Karima Sharer	Yes	
Corp of the Presiding Bishop of the Church of Jesus Christ of LDS	#06-01-0014**	Richard Bangerter	Yes	
Sheriff, Merrill L & Kathleen and Rast, Daniel	776 N 1250 W	Merrill Sheriff	Yes	
LMCC Inc	919 N 1250 W	Chris Melby	Yes	
Centerville Flex Project LLC	#06-006-0061	Dave Milan	Yes	
Mission CWS LLC	803 N 1250 W	Craig Salmon	Yes	
Savage Companies	#06-006-0082**	John K. Savage	Yes	
Hogan & Associates				
Constructions Inc.	940 N. 1250 W.	Michael Hogan	Yes	
Black Tie Real Estate LLC	#006-196-0203	Rudy Larsen	Yes	
Reid, Richard B and Two by Four LLC	#06-008-0112**	Stephan Ballard	Yes	
Legacy Crossing Owners Association Inc	#06-368-0406**	Duncan Barlow	Yes	
SLEA 530 LLC	#06-008-0109**	Fred Hale	Yes	
Syro Steel Company	#06-008-0035**	Stuart Craig	Yes	
H & S LLC	#06-008-0117**	Fred Hale	Yes	
H & S LLC	#06-008-0108**	Fred Hale	Yes	
Leavitt Land & Investment Inc.	#06-008-0102	Jim Douglas CFO	Yes	
West Coast Holdings LLC	#06-255-0004	Randal Gaston	no	a tenant had reser
Curtis, Amy V	06-368-0401**		no	Unable to locate
Aspen Springs Storage LLC	#06-008-0090	Marv Neff	Yes	
A-1 Centerville Storage LC	#06-008-0113	Richard B. Reid	Yes	
21/25 = 84%				
** Undeveloped Land abutting 1250 West				

Waiting for
HEL TO GET
BACK WITH
Paul

6/9/2015



Parcels Sent Mailers (16 Parcels, 13 different Owners)





Mailables Sent Out to these parcel owners

CityBoundary

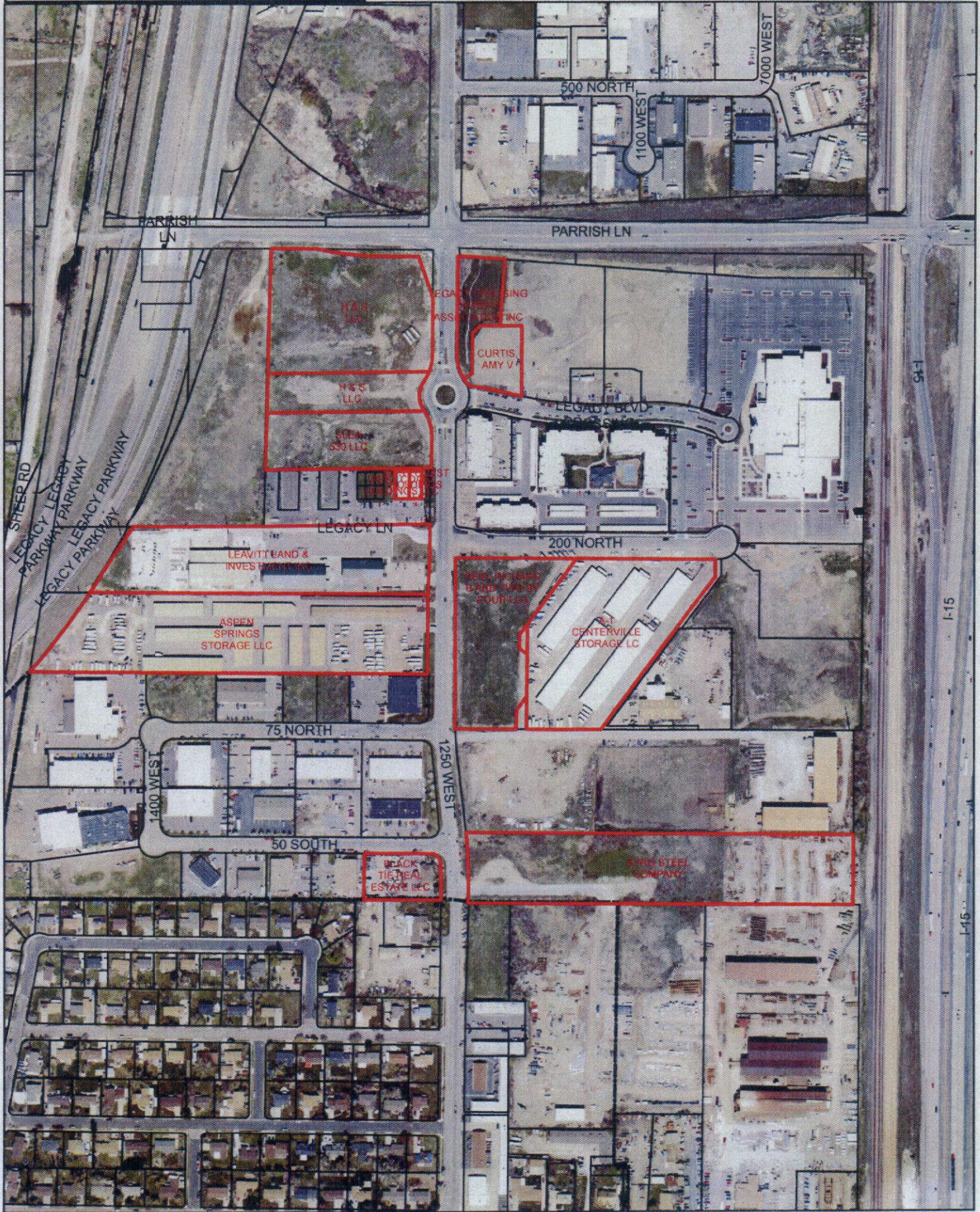
6/5/2015

500 250 0 500 Feet

N

I-15

I-15





CENTERVILLE CITY

250 North Main Centerville, Utah 84014-1824 • (801) 295-3477 • Fax: (801) 292-8034

Incorporated in 1915



Mayor

Paul A. Cutler

City Council

Ken S. Averett

Tamelyn Fillmore

John T. Higginson

Stephanie Ivie

Lawrence Wright

City Manager

Steve H. Thacker

June 23, 2015

Hogan & Associates Construction, Inc.
c/o Michael Hogan
940 North 1250 West
Centerville, UT 84014

Re: Public Hearing regarding Proposed Street Name Alias for 1250 West

Dear Property Owner:

The Centerville City Council has received a petition and request to add the alias "Child Lane" to the street 1250 West in Centerville City from the southern City boundary to 1275 North. This request has been submitted in accordance with Centerville City Ordinance 11-01-160. Pursuant to Section 11-01-060, the City Council is required to schedule and hold a public hearing regarding the proposed street name alias request. Notice is hereby given the Centerville City Council will hold a public hearing on this matter on Tuesday, July 7, 2015 at 7:00 p.m. or as soon thereafter as this matter can be heard. This public hearing will be held at Centerville City Hall at 250 North Main Street, Centerville. You are welcome to contact Marsha Morrow, the City Recorder, for further information regarding this request at (801) 677-6431. You may also review the Staff Report and background information regarding this matter on the City's Website at centervilleut.net under the "Novus Agenda" link. This information will be ready for public access by midday on Friday, July 3, 2015.

Sincerely,

Marsha L. Morrow
City Recorder



**CENTERVILLE
CITY COUNCIL
Staff Backup Report
7/7/2015**

Item No. 5

Short Title: Public Hearing - Consider Zoning Code Text Amendment - Chapter 12-36 (Table of Uses) - Flag Lots

Initiated By:

Scheduled Time: 7:35

SUBJECT

Consider Ordinance No. 2015-13 Amending Chapter 12-36 (Table of Uses Allowed) to Permit Flag Lots in the Residential-Medium (R-M) Zone

RECOMMENDATION

Approve Ordinance No. 2015-13 amending Chapter 12-36 (Table of Uses Allowed) of the Centerville Zoning Ordinance to permit the use of flag lots in the Residential-Medium (R-M) Zone.

BACKGROUND

On June 10, 2015, the Planning Commission reviewed and recommended approval of proposed amendments to Chapter 12-36 (Table of Uses Allowed) of the Centerville Zoning Ordinance to permit the use of flag lots in the Residential-Medium (R-M) Zone. The Staff Transmittal Report for this application is attached.

This matter was generated by an earlier request to build a duplex behind the Huffaker Dental building on Main Street on under-utilized land that is part of the same parcel on which the dental building is located. This would require flag-lot type development, which is currently allowed only in residential-low zones. Since this portion of the parcel is zoned residential-medium, it cannot be subdivided and built upon unless the flag-lot ordinance applies to residential-medium zones.

ATTACHMENTS:

Description

- ☐ Ordinance No. 2015-13 Flag Lots
- ☐ Staff Report - Planning Commission Recommendation re R-M Zone Flag Lots
- ☐ Staff Report - PC 06-10-2015 re allowing flag lots in R-M Zone
- ☐ 06-10-2015 Planning Commission minutes re allowing flag lots in R-M Zone

ORDINANCE NO. 2015-13

AN ORDINANCE AMENDING CHAPTER 12-36 OF THE CENTERVILLE ZONING ORDINANCE REGARDING TABLE OF USES ALLOWED TO PERMIT THE USE OF FLAG LOTS WITHIN THE RESIDENTIAL-MEDIUM (R-M) ZONE

WHEREAS, the City Council has previously adopted Chapter 12-36 of the Centerville Zoning Ordinance regarding the Table of Uses Allowed; and

WHEREAS, the City has received a request to amend Chapter 12-36 regarding the Table of Uses Allowed to permit the use of flag lots within the Residential-Medium (R-M) Zone; and

WHEREAS, City Council has determined that the proposed amendments to the Zoning Ordinance to permit the use of flag lots within the Residential-Medium (R-M) Zone, as more particularly set forth herein, are in the best interest of the City and the public health, safety and welfare, and will provide for the efficient development of under-utilized land; and

WHEREAS, the proposed amendments to the Zoning Ordinance as set forth herein have been reviewed by the Planning Commission and the City Council and all appropriate public hearings have been held in accordance with Utah law to obtain public input regarding the proposed revisions to the Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Amendment. Chapter 12-36 of the Centerville Zoning Ordinance regarding Table of Uses Allowed is hereby amended to permit the use of flag lots within the Residential-Medium (R-M) Zone as follows:

Zones															
Agricultural Uses	A-L	A-M	R-L	R-M	R-H	PF-L	PF-M	PF-H	PF-VH	C-M	C-H	C-VH	I-M	I-H	I-VH
Flag Lot Subdivision Development	N	N	P	PN	N	N	N	N	N	N	N	N	N	N	N

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 3. Omission Not a Waiver. The omission to specify or enumerate in this ordinance those provisions of general law applicable to all cities shall not be construed as a waiver of the benefits of any such provisions.

Section 4. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, whichever occurs first.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, THIS 7TH DAY OF JULY, 2015.**

ATTEST:

CENTERVILLE CITY

Marsha L. Morrow, City Recorder

By: _____
Mayor Paul A. Cutler

Voting by the City Council:

	"AYE"	"NAY"
Councilmember Averett	_____	_____
Councilmember Fillmore	_____	_____
Councilmember Higginson	_____	_____
Councilmember Ivie	_____	_____
Councilmember Wright	_____	_____

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB's Gas Station, on the foregoing referenced dates.

MARSHA L. MORROW, City Recorder

DATE: _____

RECORDED this ____ day of _____, 20____.

PUBLISHED OR POSTED this ____ of _____, 20____.

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

STAFF TRANSMITTAL REPORT

DATE: JUNE 24, 2015

APPLICANT: TODD HUFFAKER
577 NORTH 100 EAST
CENTERVILLE, UT 84014

AGENT: JEFF COOK
COOK BUILDERS
PO BOX 684
CENTERVILLE, UT 84014
jeff@cookbuilder.com

APPLICATION: ZONING CODE TEXT AMENDMENT

REQUEST: AMEND CHAPTER 12-36-TABLE OF USES ALLOWED, TO
ALLOW FLAG LOTS IN THE RESIDENTIAL-MEDIUM (R-M)
ZONE

PC RECOMMENDATION: APPROVAL OF THE ZONING CODE TEXT
AMENDMENT

BACKGROUND

On March 27, 2015, Jeff Cook appeared, on behalf of Todd Huffaker, before the Planning Commission to request a conceptual site plan acceptance for a proposed duplex. The duplex is proposed on the west portion of the Huffaker Dental property in an excess landscaped area. The Planning Commission accepted the conceptual site plan with several directives to be accomplished. One of the several directives was to seek whether the City would consider allowing flag lots within the R-M Zone.

The petitioner desires to divide the property into two lots, leave the existing dental office building in the commercial zone and rezone the excess landscape area to Residential-Medium (R-M). To make this feasible, the commercial lot still needs to retain the driveway access and a portion of the parking lot area that is associated with the dental office. In order to accomplish this, if subdivided, the proposed residential use lot would need to be approved as a flag lot. Currently, the Zoning Ordinance only allows a flag lot to be located within a Residential-Low (R-L) zone. Therefore, the petitioner is requesting to amend Chapter 12-36 - Table of Uses Allowed, to allow for flag lot use within the R-M Zones.

PLANNING COMMISSION RECOMMENDATION

On June 10, 2015, the Planning Commission held a public hearing, discussed the matter, and then forwarded to the City a **recommendation of APPROVAL** of the proposed text amendment to allow flag lot use within the R-M Zone.

Suggested Reasons for the Action (Findings):

- a) The change is consistent to the General Plan, Section 12-420-3(2), identifying optimum locations for residential development and Section 12-490(6-D), which supports flag lots on under-utilized properties.
- b) Under review by the Planning Commission, a property owner would be allowed to maximize the use of their property.
- c) All flag lots within an R-M Zone would be required to adhere to all applicable guidelines found in Chapter 12-36, and 12-32 of the Zoning Ordinance and Sections 15-5-102(9) and 15-2-107 of the Subdivision Ordinance.
- d) Through previous approvals, the Flag Lot Ordinance has been proven efficient in developing un-utilized land and addressing negative impacts on surrounding properties.
- e) It does not appear that amending the Ordinance will have a significant negative impact on the community.

Planning Commission Vote (7-0):

Commissioner	Yes	No	Not Present
Hirschi (Chair)	X		
Hirst	X		
Johnson	X		
Kjar	X		
Merrill	X		
Randall	X		
Ince	X		

LIST OF PREVIOUS PLANNING COMMISSION MEETINGS

- ✓ March 27, 2015
- ✓ June 10, 2015

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

**STAFF REPORT
AGENDA: ITEM 1**

APPLICANT: **TODD HUFFAKER
577 NORTH 100 EAST
CENTERVILLE, UT 84014**

AGENT: **JEFF COOK
COOK BUILDERS
PO BOX 684
CENTERVILLE, UT 84014
jeff@cookbuilder.com**

APPLICATION: **ZONING CODE TEXT AMENDMENT**

REQUEST: **AMEND CHAPTER 12-36-TABLE OF USES ALLOWED,
ALLOW FLAG LOTS IN THE RESIDENTIAL-MEDIUM (R-M)
ZONE**

RECOMMENDATION: **RECOMMEND APPROVAL TO THE CITY COUNCIL**

BACKGROUND

On March 27, 2015, Jeff Cook came before the Planning Commission to request the conceptual acceptance of a duplex on behalf of Todd Huffaker. This duplex was proposed on the west portion of the Huffaker Dental property in an unused landscaped area. The Planning Commission accepted the conceptual site plan with several conditions of approval. The applicant desires to divide the property into two lots, one remaining commercial for the dental office and the other being amended to Residential-Medium (R-M). However, the commercial lot still needs to maintain a driveway and parking lot area, while the new residential lot has sufficient access. In order to accomplish both requirements, the residential lot would need to become a flag lot. Current zoning only allows a flag lot to be located within Residential-Low (R-L) zoning. Therefore, the applicant is requesting Chapter 12-36 - Table of Uses Allowed, be amended to accommodate flag lots within the Residential-Medium Zones.

EXISTING ORDINANCE

Residential Uses	A-L	R-L	R-M	R-H	C-M	C-H	C-VH	I-M	I-H
Flag Lot Subdivision Development	N	P	N	N	N	N	N	N	N

PROPOSED ORDINANCE

Residential Uses	A-L	R-L	R-M	R-H	C-M	C-H	C-VH	I-M	I-H
Flag Lot Subdivision Development	N	P	P	N	N	N	N	N	N

The proposed change would allow flag lots within the Residential-Medium (R-M) Zone and would still require all flag lots to follow the criteria found in Section 15-5-102(10) of the Subdivision Ordinance.

REVIEW OF SECTION 15-5-102(10), FLAG LOT DEVELOPMENT

The applicant does not wish to alter this section and all flag lots within the R-M Zone would be required to meet the provisions of this section. For a reminder of the criteria, the following summary has been added:

Configuration

- Permitted within an applicable Zoning District
- Minimum Lot Area: 10,800 square feet
- Buildable Area: 2,000 square feet
- Street Frontage: 25 feet
- Stem Pole Minimum Depth: 80 Feet
- Layout: No more than two flag lots. Multiple flag lots must have a separation of 160 feet

Yard Area

- All buildings placed in the flag portion of the lot
- Setbacks from the main building to the property line on all sides: 16 feet
- Accessory building from the property line: 3 feet
- Maximum depth of main building: 400 Feet

Stem/Pole Use and Maintenance

- Driveway must be 20' of unobstructed width, with 10 feet being in hard surface
- Two flag lots may share a stem with a recorded agreement with the combined total of both lots being 21,780 square feet
- Proper addressing must be placed for all lots on the public right-of-way

Other Services

- Adequate utilities
- Applicable fire protection
- Proper storm water drainage

TEXT AMENDMENT REVIEW AND ANALYSIS SECTION 12-21-080(e) 1-4

1. Is the proposed amendment consistent with the goals, objectives and policies of the City's General Plan?
 - **Staff Response:** Within Section 12-420-3(2) of the General Plan it states "The City shall assure an adequate supply of housing for future population through

identification of optimum locations for housing development and provision of City services as required". Staff believes that in order to achieve optimum location for residential uses, a wide range of allowances for housing types and locations must be addressed. This was the very intent of why the Flag Lot Ordinance was created. Therefore, by allowing flag lots within the R-M Zone it is adding yet another component to identifying optimal locations for development.

Further support within the General Plan is found within Section 12-490(6-D), Moderate Income Housing. This section encourages the City to look at the built environment and develop un-utilized portions of the property for housing. This may be accomplished by allowing more flexible lot standards with additional design standards. This section further states that one way to accomplish this goal is by supporting the limited use of flag lot development. As with the previous paragraph, the General Plan once again is supportive of the use of flag lots on utilized properties.

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

➤ **Staff Response:** Staff believes the proposed amendment is helping to develop un-utilized properties that may not have otherwise been buildable. In addition, some locations throughout the City are not harmonious to a single-family dwelling because of location or surrounding development. Yet, perhaps these lots would be more suited to a duplex or a set of town homes. All proposed flag lots within existing R-M Zones, or future R-M Zones, would be reviewed by the Planning Commission for compliance to all applicable City codes. Each lot would also be reviewed as part of the small subdivision waiver to ensure overall harmony with the surrounding development.

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

➤ **Staff Response:** Through previous flag lot approvals, the Ordinance has proven to be successful in addressing all possible negative impacts to the community. If a property is already zoned R-M, they are allowed to utilize their property as allowed within the Table of Uses, Chapter 12-36 and 12-32, Residential Zones. If a property owner wishes to rezone the property to R-M, they must still go through the rezone process; and follow the intent of the General Plan for that specific area. In addition, if the applicant is looking to develop multiple family dwellings, they would have added requirements concerning parking, landscaping and open space. If a proposal does not meet the parameters set forth in the Zoning Ordinance and the Subdivision Ordinance, the development would not be allowed.

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

- **Staff's Response:** Each proposed flag lot regardless of zoning district, is required to address the adequacy of facilities as part of the small subdivision waiver. The review process would also look at proper drainage and the negative impacts that may occur with additional run off and hard surfacing.

PLANNING STAFF RECOMMENDATION

Suggested Motion for amendments to the Centerville City Zoning Ordinance in regard to Chapter 12-36, Table of Uses Allowed – I hereby make a motion for the Planning Commission to recommend to the City Council, the amendments to Chapter 12-36, Table of Uses Allowed, as follows:

Residential Uses	A-L	A-M	R-L	R-M	R-H	All PF Zones	C-M	C-H	C-VH	I-M	I-H
Flag Lot Subdivision Development	N	N	P	P	N	N	N	N	N	N	N

Suggested Reasons for the Action (Findings):

1. The change is consistent to the General Plan, Section 12-420-3(2), identifying optimum locations for residential development and Section 12-490(6-D), which supports flag lots on un-utilized properties.
2. Under review by the Planning Commission, a property owner would be allowed to maximize the use of their property.
3. All flag lots within an R-M Zone would be required to adhere to all applicable guidelines found in Chapter 12-36, and 12-32 of the Zoning Ordinance and Sections 15-5-102(9) and 15-2-107 of the Subdivision Ordinance.
4. Through previous approvals, the Flag Lot Ordinance has been proven efficient in developing un-utilized land and addressing negative impacts on surrounding properties.
5. It does not appear that amending the Ordinance will have a significant negative impact on the community.

1
2 **PLANNING COMMISSION MINUTES OF MEETING**

3 **Wednesday, June 10, 2015**

4 **7:00 p.m.**

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

8
9 **MEMBERS PRESENT**

10 Cheylynn Hayman

11 David Hirschi, Chair

12 Gina Hirst

13 William Ince

14 Logan Johnson

15 Scott Kjar

16 Kevin Merrill

17
18 **COUNCIL MEMBERS PRESENT**

19 Ken Averett

20 Tamilyn Fillmore

21 Stephanie Ivie

22
23 **STAFF PRESENT**

24 Corvin Snyder, Community Development Director

25 Lisa Romney, City Attorney

26 Kathy Streadbeck, Recording Secretary

27
28 **PLEDGE OF ALLEGIANCE**

29
30 **OPENING COMMENT/LEGISLATIVE PRAYER**

Commissioner Merrill

31
32 **MINUTES REVIEW AND APPROVAL**

33
34 The minutes of the Planning Commission meeting held May 27, 2015 were reviewed and
35 amended. Commissioner Ince made a **motion** to approve the minutes as amended. The motion
36 was seconded by Commissioner Hirst and passed by unanimous vote (6-0). Commissioner
37 Merrill abstained from voting as he was not present at this meeting.

38
39 **PUBLIC HEARING | ZONING CODE TEXT AMENDMENT, CHAPTER 12-36,**
40 **TABLE OF USES ALLOWED - Consider proposed Zoning Code Text Amendment for**
41 **Chapter 12-36-Table of Uses Allowed, to allow flag lots in the R-M (Residential-Medium)**
42 **Zone. Todd Huffaker, Liahona One, LLC, Applicant**
43

Brandon Toponce, Assistant Planner, reported the Planning Commission previously accepted a conceptual site plan for a duplex on a remaining parcel of the Huffaker Dental Office property. After further review it appears the best option for development of this property would be a flag lot scenario, as it would be more harmonious with surrounding uses. Currently, flag lots are not allowed in the R-M Zone. The proposed application requests approval of flag lots within the R-M Zone. The applicant is not requesting any changes to the flag lot ordinance itself, all flag lot requirements would be applicable as currently stated. Flag lots are used as a last resort for development on a parcel that is not otherwise buildable or where other conventional zoning would not work on the lot. All proposed flag lots within existing R-M Zones, or future R-M Zones, would be reviewed by the Planning Commission for compliance to all applicable City codes. Mr. Toponce explained the proposed application is consistent with the General Plan as it provides additional housing options and provides development opportunity for underutilized property. If approved the applicant will apply for a rezone of the remaining parcel from commercial to R-M and will also be required to apply for a small subdivision waiver.

Chair Hirschi questioned why flag lots were not allowed in the R-M Zone when the flag lot ordinance was originally passed. Commissioner Hayman asked how other cities treat flag lots. She also questioned if flag lots could be dealt with on a case by case basis. Commissioner Johnson questioned how it is determined that the flag lot scenario is a last resort option.

Cory Snyder, Community Development Director, explained the flag lot ordinance is fairly new and the City felt a cautious approach was best. Therefore, it was approved in the Residential-Low Zone only with the thinking that it could be expanded as future needs dictated. He said most cities allow some type of flag lot ordinances but explained flag lot ordinances are generally customized to fit a particular city's own unique circumstances. He said if the flag lot ordinance is expanded to the R-M Zone then all properties within that zone will be allowed to use the ordinance. It would be discriminatory to only allow on a case by case basis. Mr. Snyder explained a property is studied during the application process to determine if the flag lot is the best and last resort for development. A flag lot application is reviewed by both staff and the Planning Commission. He also explained there are currently very few properties within the R-M Zone that would fit the possibility of a flag lot.

Chair Hirschi opened the public hearing. Seeing no one wishing to comment; he closed the public hearing.

Commissioner Merrill made a **motion** for the Planning Commission to recommend to the City Council, the amendments to Chapter 12-36, Table of Uses Allowed, as follows:

Residential Uses	A-L	A-M	R-L	R-M	R-H	All PF Zones	C-M	C-H	C-VH	I-M	I-H
Flag Lot Subdivision Development	N	N	P	P	N	N	N	N	N	N	N

Reasons for the Action (Findings):

1. The change is consistent to the General Plan, Section 12-420-3(2), identifying optimum locations for residential development and Section 12-490(6-D), which supports flag lots on un-utilized properties.
2. Under review by the Planning Commission, a property owner would be allowed to maximize the use of their property.
3. All flag lots within an R-M Zone would be required to adhere to all applicable guidelines found in Chapter 12-36, and 12-32 of the Zoning Ordinance and Sections 15-5-102(9) and 15-2-107 of the Subdivision Ordinance.
4. Through previous approvals, the Flag Lot Ordinance has been proven efficient in developing un-utilized land and addressing negative impacts on surrounding properties.
5. It does not appear that amending the Ordinance will have a significant negative impact on the community.

The motion as seconded by Chair Hirschi and passed by unanimous roll-call vote (7-0).

PUBLIC HEARING | ZONING CODE TEXT AMENDMENTS, SOUTH MAIN STREET CORRIDOR OVERLAY ORDINANCE AND SECTION 12-41-040-MINIMUM AREA OF ZONE - Consider proposed Zoning Code Text Amendments as follows: 1. Amending various Zoning Code Text Amendments in the South Main Street Corridor Overlay Ordinance, including placing density cap for the City Center and Traditional Main Street Districts; and 2. Amending Section 12-41-040-Minimum Area of Zone, reducing or eliminating minimum area requirements. Centerville City Council, Applicant

Cory Snyder, Community Development Director, reported the City Council recently adopted a "Temporary Zoning Regulation Ordinance" (TZRO) restricting any further development within the South Main Street Corridor (SMSC) Zone in order to allow time for the City to review and make changes to the SMSC Plan. The Council is requesting amendments to the Zoning Code including a residential density cap and a reduction/elimination of the five (5) acre minimum parcel requirement for a Planned Development Overlay (PDO).

Density Cap

Mr. Snyder explained the density cap proposed is eight (8) dwellings per acre in the Residential-Medium (R-M) Zone for the City Center and Traditional Main Street Districts of the SMSC. These two districts are primarily commercial and not considered "residential." However, the SMSC Plan does allow and encourage residential uses within these districts through mixed-use development and/or through use of medium and high densities. The Moderate Income Housing plan encourages housing variety for all income needs. The General Plan also encourages a variety of infill development and neither promotes nor discourages a density cap. Mr. Snyder explained the SMSC Plan uses form base codes to allow 2-story mixed-use buildings

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
7/7/2015**

Item No. 6.

Short Title: Public Hearing - Zoning Ordinance Text Amendments - South Main Street Overlay Zone and Planned Development Overlay Zone

Initiated By: City Council

Scheduled Time: 7:45

SUBJECT

a. Consider Ordinance No. 2015-14 Enacting Section 12-48-082 of Chapter 12-48 - South Main Street Corridor Overlay Zone - Adopting Minimum Density Caps for Residential Development within the Traditional and City Center Main Street Districts

b. Consider Ordinance No. 2015-15 Amending Section 12-41-040 of Chapter 12-41 - Planned Development Overlay Zone - Reducing Minimum Acreage Required for Planned Developments

RECOMMENDATION

Planning Commission recommends approval of Ordinance No. 2015-15 amending the South Main Street Corridor Overlay Zone by adopting minimum density caps for residential and mixed use development within the City Center and Traditional Main Street Districts, and approval of Ordinance No. 2015-16 amending Section 12-41-040 of the Planned Development Overlay Zone reducing the minimum acreage required for Planned Developments.

BACKGROUND

On June 10, 2015, the Planning Commission recommended approval of proposed amendments to the South Main Street Corridor Overlay Zone (SMSC) adopting minimum density caps for residential development within the City Center and Traditional Districts within the SMSC at 1-4 units per acre as permitted and 5-8 units per acre as a conditional use. On June 10, 2015, the Planning Commission also recommended approval of proposed amendments to the Planned Development Overlay Zone reducing the required minimum acreage for planned developments to three (3) contiguous acres. The Staff Transmittal Report for these matters is attached.

ATTACHMENTS:

Description

- ☐ Staff Report - Planning Commission Recommendation of Residential Density Cap SMSC Overlay
- ☐ Ordinance No. 2015-14-SMSC Density Cap
- ☐ Ordinance No. 2015-15-PDO Minimum Area
- ☐ Staff Report PC 6-10-2015 re density cap & minimum acreage in PDO
- ☐ 06-10-2015 Planning Commission minutes re densite cap & minimum acreage in PDO

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

STAFF TRANSMITTAL REPORT

DATE: JUNE 23, 2015

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, AS
FOLLOWS:

- RESIDENTIAL-MEDIUM DENSITY CAP IN THE SMSC
OVERLAY ZONE FOR THE CITY CENTER &
TRADITIONAL MAIN STREET DISTRICTS
- REDUCE THE MINIMUM ACREAGE FOR PLANNED
DEVELOPMENT OVERLAYS (PDO)

PC RECOMMENDATION: RECOMMEND APPROVAL OF THE ZONING
CODE TEXT AMENDMENTS, AS MODIFIED BY
THE COMMISSION

BACKGROUND

Recently, the City Council adopted a "Temporary Zoning Regulation Ordinance" (TZRO) restricting any further development within the South Main Street Corridor Zone. As a result of the public's concerns that have been expressed over the recent submittal of re-developing the O'Brien/Pitt properties, the Council desires to revisit the merits of the current Plan. Additionally, in the meantime, the Council initiated the process for amending/adding the following Zoning Text Amendments:

- Consider a residential density cap (i.e. Residential-Medium or maximum 8 dwellings per acre) for the City Center and Traditional Main Street Districts of the South Main Street Corridor Zone.*
- Consider reducing/eliminating the five (5) acre minimum parcel size for the Planned Development Overlay Zone (PDO).

** Note: In the communications to city staff, it was not understood that the proposed density cap was to be applied to the entire SMSC Zone. Thus, the required public notices and related publications were limited to the City Center & Traditional Main Street Districts (i.e. the area of recent public concern). If the Council desires additional density caps, such changes need to be noticed and reviewed by the staff and Commission prior to making any further changes.*

PLANNING COMMISSION RECOMMENDATION

On June 10, 2015, the Planning Commission forwarded to the City a **recommendation of APPROVAL** of the proposed text amendments (*as modified by the Commission*), as follows:

Recommendation #1 - Amend the text of the SMSC Overlay Zone for the City Center and Traditional Main Street Districts to cap the allowable residential density at a maximum of four (4) units per acre as a permitted use and up to eight (8) units per acre as a conditional use.

Reasons for Action (Findings):

- a. The Planning Commission finds that the SMSC Plan does allow for residential uses to be considered in this particular commercial area.
- b. The Planning Commission finds that both the Moderate Income Housing and SMSC Plans desire that such residential uses be encouraged through mixed-use development and/or through use of medium and high densities.
- c. The Planning Commission finds that the use of medium residential densities as part of a mixed-use would facilitate the desires of the SMSC Plan and provide a definable maximum cap that is not currently in the related Ordinances of these districts.
- d. The Planning Commission finds that a maximum density cap helps to bring greater clarity to SMSC Plan for the developers, City staff, elected officials, and for the property owners and residents of the immediate area.

Planning Commission Vote (7-0):

Commissioner	Yes	No	Not Present
Hirschi (Chair)	X		
Hirst	X		
Johnson	X		
Kjar	X		
Merrill	X		
Randall	X		
Ince	X		

Recommendation #2 - Amend the text of the Planned Development Overlay Zone to reduce the minimum parcel size to three (3) acres.

Reasons for Action (Findings):

- a. The Planning Commission finds there are no specific General Plan policies related to expectation to minimums or maximums for Planned Overlay Developments.
- b. The Planning Commission finds that the concept of setting a minimum is related to providing enough land area for allowing flexible development patterns to establish open areas and amenities to improve the design and layout of parcels.

CITY COUNCIL AGENDA REQUEST

- c. The Planning Commission finds that when parcels become too small, it is much more difficult to create needed buffers to surrounding properties or to internally create the desired common spaces and related amenities to improve a development beyond the traditional zoning regulations.

Planning Commission Vote (6-1):

Commissioner	Yes	No	Not Present
Hirschi (Chair)	X		
Hirst	X		
Johnson	X		
Kjar	X		
Merrill	X		
Randall	X		
Ince		X	

LIST OF PREVIOUS PLANNING COMMISSION MEETINGS

✓ June 10, 2015

ORDINANCE NO. 2015-14

**AN ORDINANCE ENACTING SECTION 12-48-082 OF THE
CENTERVILLE ZONING ORDINANCE IMPOSING MAXIMUM
DENSITY CAPS FOR RESIDENTIAL DEVELOPMENT IN THE
TRADITIONAL AND CITY CENTER MAIN STREET DISTRICTS
WITHIN THE SOUTH MAIN STREET CORRIDOR OVERLAY ZONE**

WHEREAS, the City Council has previously adopted Chapter 12-48 of the Centerville Zoning Ordinance regarding the South Main Street Corridor Overlay Zone; and

WHEREAS, the City Council desires to enact Section 12-48-082 of the South Main Street Corridor Overlay Zone to impose maximum density caps for residential development within the Traditional and City Center Main Street Districts; and

WHEREAS, the Planning Commission has reviewed and recommends the proposed enactment of Section 12-48-082 of the Centerville Zoning Ordinance imposing maximum density caps for residential development within the Traditional and City Center Main Street Districts; and

WHEREAS, the City Council has determined that the proposed enactment of Section 12-48-082 will provide greater control and predictability regarding residential densities within the Traditional and City Center Main Street Districts consistent with existing and adjacent development; and

WHEREAS, the City is authorized to enact and amend provisions of the Centerville Zoning Ordinance pursuant to specific statutory authority, including, but not limited to *Utah Code Ann.* §§ 10-9a-501, *et seq.*, as amended, and *Utah Code Ann.* § 10-8-84, as amended; and

WHEREAS, all required notice and public hearings have been held before the Planning Commission and City Council regarding these proposed amendments to the Centerville Zoning Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:**

Section 1. Enactment. Section 12-48-082 of the Centerville Municipal Code regarding maximum residential densities within the Traditional and City Center Main Street Districts within the South Main Street Overlay Zone is hereby enacted to read in its entirety as follows:

12-48-082. Maximum Residential Density.

Regardless of regulations set forth in this Chapter regarding maximum number of units per building for residential or mixed use developments within the South Main Street Corridor Overlay Zone, the maximum residential density for such developments within the Traditional Main Street and City Center Main Street Districts shall not exceed a maximum of four (4) units per acre as a permitted use or a maximum of eight (8) units per acre as a conditional use.

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 3. Omission Not a Waiver. The omission to specify or enumerate in this ordinance those provisions of general law applicable to all cities shall not be construed as a waiver of the benefits of any such provisions.

Section 4. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, whichever occurs first.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, THIS 7th DAY OF JULY, 2015.**

CENTERVILLE CITY

By: _____
Mayor Paul A. Cutler

ATTEST:

Marsha L. Morrow, City Recorder

Voting by the City Council:

	"AYE"	"NAY"
Councilmember Averett	_____	_____
Councilmember Fillmore	_____	_____
Councilmember Higginson	_____	_____
Councilmember Ivie	_____	_____
Councilmember Wright	_____	_____

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB's Gas Station, on the foregoing referenced dates.

MARSHA L. MORROW, City Recorder

DATE: _____

RECORDED this ____ day of _____, 20____.

PUBLISHED OR POSTED this ____ of _____, 20____.

ORDINANCE NO. 2015-15

**AN ORDINANCE AMENDING SECTION 12-41-040 OF THE
CENTERVILLE ZONING ORDINANCE REDUCING THE REQUIRED
MINIMUM AREA FOR PLANNED DEVELOPMENTS WITHIN THE
PLANNED DEVELOPMENT OVERLAY ZONE**

WHEREAS, the City Council has previously adopted Chapter 12-41 of the Centerville Zoning Ordinance regarding the Planned Development Overlay Zone; and

WHEREAS, the City Council desires to amend Section 12-41-040 of the Planned Development Overlay Zone to reduce the minimum acreage required for planned developments; and

WHEREAS, the Planning Commission has reviewed and recommends the proposed amendments to Section 12-41-040 reducing the minimum acreage required for planned developments as more particularly set forth herein; and

WHEREAS, the City Council has determined that the amendments to Section 12-41-040 are acceptable and will provide greater flexibility and improved development patterns and design for commercial, residential, and mixed-use projects within the Planned Development Overlay Zone; and

WHEREAS, the City is authorized to enact and amend provisions of the Centerville Zoning Ordinance pursuant to specific statutory authority, including, but not limited to *Utah Code Ann.* §§ 10-9a-501, *et seq.*, as amended, and *Utah Code Ann.* § 10-8-84, as amended; and

WHEREAS, all required notice and public hearings have been held before the Planning Commission and City Council regarding these proposed amendments to the Centerville Zoning Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:**

Section 1. Amendment. Section 12-41-040 of the Centerville Municipal Code regarding the minimum acreage required for planned developments within the Planned Development Overlay Zone is hereby amended to read in its entirety as follows:

12-41-040. Minimum Area of Zone.

The PDO zone shall be utilized only for projects consisting of at least three (3) ~~five (5)~~ contiguous acres. Provided, however, projects for single-family dwellings shall not have a minimum zone area requirement.

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 3. Omission Not a Waiver. The omission to specify or enumerate in this ordinance those provisions of general law applicable to all cities shall not be construed as a waiver of the benefits of any such provisions.

Section 4. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, whichever occurs first.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, THIS 7th DAY OF JULY, 2015.**

CENTERVILLE CITY

By: _____
Mayor Paul A. Cutler

ATTEST:

Marsha L. Morrow, City Recorder

Voting by the City Council:

	"AYE"	"NAY"
Councilmember Averett	_____	_____
Councilmember Fillmore	_____	_____
Councilmember Higginson	_____	_____
Councilmember Ivie	_____	_____
Councilmember Wright	_____	_____

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB's Gas Station, on the foregoing referenced dates.

MARSHA L. MORROW, City Recorder

DATE: _____

RECORDED this ____ day of _____, 20____.

PUBLISHED OR POSTED this ____ of _____, 20____.

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

**STAFF REPORT
AGENDA: ITEM 2**

**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, AS
FOLLOWS:**

- RESIDENTIAL-MEDIUM DENSITY CAP IN THE SMSC
OVERLAY ZONE FOR THE CITY CENTER &
TRADITIONAL MAIN STREET DISTRICTS
- REDUCE THE MINIMUM ACREAGE FOR PLANNED
DEVELOPMENT OVERLAYS (PDO)

**RECOMMENDATION: CONSIDER RECOMMENDING APPROVAL OF THE
ZONING CODE TEXT AMENDMENTS**

BACKGROUND

Recently, the City Council adopted a "Temporary Zoning Regulation Ordinance" (TZRO) restricting any further development within the South Main Street Corridor Zone. As a result of the public's concerns that have been expressed over the recent submittal of re-developing the O'Brien/Pitt properties, the Council desires to revisit the merits of the current Plan. Additionally, in the meantime, the Council initiated the process for amending/adding the following Zoning Text Amendments:

- *Consider a residential density cap (i.e. Residential-Medium or maximum 8 dwellings per acre) for the City Center and Traditional Main Street Districts of the South Main Street Corridor Zone.*
- *Consider reducing/eliminating the five (5) acre minimum parcel size for the Planned Development Overlay Zone (PDO).*

ZONE TEXT AMENDMENT #1 – RESIDENTIAL-MEDIUM DENSITY MAXIMUM CAP

Factors to be Considered

The deciding entity must consider three (3) factors when making a recommendation and a final decision for a zone text 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?
 - ✓ *Policy Section 12-480-2.2.b.1, Neighborhood 1, Southeast Centerville* – "The Main Street Commercial Area shall be allowed to remain as a convenience and specialty shopping area. To encourage larger scale commercial development would be detrimental..."
 - ✓ *Policy Section 12-480-2.2.b.2, Neighborhood 1, Southeast Centerville* – "The Main Street Commercial Area is old and somewhat deteriorating. Significant commercial viability is not likely to occur unless some type of restoration or revitalization is encouraged. Centerville City should seriously consider the preparation of a revitalization plan for this area." [RESPONSE EFFORTS = 2007 MAIN STREET STUDY, 2008 SMSC PLAN]
 - ✓ *Residential Policy* – Section 12-420-1 "...the citizens of Centerville desire to achieve a quality of life that is consistent with the development of low density residential."
 - *Section 12-420-2.2, Residential Development Policies* – "...medium or high density that is allowed in appropriate locations within the City..."
 - ✓ *Strategy 6.A of the Moderate Income Housing Element* – The City is to continue its "support of allowing mixed-use zoning and related development in strategic areas of the City."
 - ✓ *Objective 6.A.3 of the Moderate Income Housing Element* – The City is to "remain committed to land use policies that support developing other future mixed-use or flexible use development areas."
 - ✓ *Goal 1.C, South Main Street Corridor Plan (a corridor-wide view)* – "Encourage additional single-family and multi-family residential lands uses, by way of mixed-use development..."
 - ✓ *Goal 7, Traditional and City Center Main Street Districts, SMSC Plan (goal explanation)* – "The goal is primarily to create a central commercial district along Main Street..."

Staff's Conclusion – From review of the General Plan policies, it is staff's position that the City Center & Traditional Main Street Districts are primarily a commercial area (see *C-M Zoning District boundaries*). Thus, these areas are not considered "residential." However, the SMSC Plan does allow for residential uses to be considered in this particular commercial area. Additionally, both the Moderate Income Housing and SMSC Plans desire that such residential uses be encouraged through mixed-use development and/or through use of medium and high densities.

2. Is the proposed amendment harmonious with the overall character of existing development in the vicinity of the subject property, and
3. What is the extent to which the proposed amendment may adversely affect adjacent property?

Staff's Conclusion: The text amendment would affect the areas of the City Center and Traditional Main Street Districts of SMSC Overlay Zone. Staff believes that the use of medium residential densities as part of a mixed-use would facilitate the desires of the SMSC Plan and provide a definable maximum cap that is not currently in the related Ordinances of these districts. Such a maximum cap helps to bring greater clarity to SMSC Plan for the developers, City staff, elected officials, and for the property owners and residents of the immediate area.

ZONE TEXT AMENDMENT #2 - REDUCING/ELIMINATING THE FIVE (5) ACRE MINIMUM PARCEL SIZE

Factors to be Considered

The deciding entity must consider three (3) factors when making a recommendation and a final decision for a zone text 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?**

Staff's Conclusion: There are no specific General Plan policies related to expectation to minimums or maximums for Planned Overlay Developments. The concept of setting a minimum is related to providing enough land area for allowing flexible development patterns to establish open areas and amenities to improve the design and layout of parcels to accomplish some of the following examples:

- Clustering for hillside slopes or creating useable common open space
- Combining egress/ingress points and allowing for cross circulation
- Provision of common area and related development features
- Using bonus densities to improve landscaping layout and/or building architectural design

2. **Is the proposed amendment harmonious with the overall character of existing development in the vicinity of the subject property, and**
3. **What is the extent to which the proposed amendment may adversely affect adjacent property?**

Staff's Conclusion: The five (5) acre minimum is a common minimum size for establishing a planned development overlay regulation. Staff believes it is more appropriate to reduce the five (5) acre minimum size rather than eliminate it. Again, when parcels become too small, it is much more difficult to create needed buffers to surrounding properties or to internally create the desired common spaces and related amenities to improve a development beyond the traditional zoning regulations. Staff suggests that any reduction not be set below a three (3) acre minimum.

PLANNING STAFF RECOMMENDATION

Staff Suggested Action #1, Residential-Medium Density Cap - I hereby make a motion for the Planning Commission to **RECOMMEND APPROVAL** of a residential-medium cap, as follows:

1. *Amend the text of the SMSC Overlay Zone for the City Center and Traditional Main Street Districts to cap the allowable residential density at a maximum of eight (8) units per acre.*

Staff Suggested Reasons for Action #1:

- a. The Planning Commission finds that the SMSC Plan does allow for residential uses to be considered in this particular commercial area.
- b. The Planning Commission finds that both the Moderate Income Housing and SMSC Plans desire that such residential uses be encouraged through mixed-use development and/or through use of medium and high densities.
- c. The Planning Commission finds that the use of medium residential densities as part of a mixed-use would facilitate the desires of the SMSC Plan and provide a definable maximum cap that is not currently in the related Ordinances of these districts.
- d. The Planning Commission finds that a maximum cap helps to bring greater clarity to SMSC Plan for the developers, City staff, elected officials, and for the property owners and residents of the immediate area.

Staff Suggested Action #2, - Reducing/Eliminating the Five (5) Acre Minimum Parcel Size for PDO's- I hereby make a motion for the Planning Commission to **RECOMMEND APPROVAL** of a reduction in the minimum parcel size in a PDO, as follows:

1. *Amend the text of the Planned Development Overlay Zone to reduce the minimum parcel size to three (3) acres.*

Staff Suggested Reasons for Action #2:

- a. The Planning Commission finds there are no specific General Plan policies related to expectation to minimums or maximums for Planned Overlay Developments.
- b. The Planning Commission finds that the concept of setting a minimum is related to providing enough land area for allowing flexible development patterns to establish open areas and amenities to improve the design and layout of parcels.
- c. The Planning Commission finds that when parcels become too small, it is much more difficult to create needed buffers to surrounding properties or to internally create the desired common spaces and related amenities to improve a development beyond the traditional zoning regulations.

Reasons for the Action (Findings):

1. The change is consistent to the General Plan, Section 12-420-3(2), identifying optimum locations for residential development and Section 12-490(6-D), which supports flag lots on un-utilized properties.
2. Under review by the Planning Commission, a property owner would be allowed to maximize the use of their property.
3. All flag lots within an R-M Zone would be required to adhere to all applicable guidelines found in Chapter 12-36, and 12-32 of the Zoning Ordinance and Sections 15-5-102(9) and 15-2-107 of the Subdivision Ordinance.
4. Through previous approvals, the Flag Lot Ordinance has been proven efficient in developing un-utilized land and addressing negative impacts on surrounding properties.
5. It does not appear that amending the Ordinance will have a significant negative impact on the community.

The motion as seconded by Chair Hirschi and passed by unanimous roll-call vote (7-0).

PUBLIC HEARING | ZONING CODE TEXT AMENDMENTS, SOUTH MAIN STREET CORRIDOR OVERLAY ORDINANCE AND SECTION 12-41-040-MINIMUM AREA OF ZONE - Consider proposed Zoning Code Text Amendments as follows: 1. Amending various Zoning Code Text Amendments in the South Main Street Corridor Overlay Ordinance, including placing density cap for the City Center and Traditional Main Street Districts; and 2. Amending Section 12-41-040-Minimum Area of Zone, reducing or eliminating minimum area requirements. Centerville City Council, Applicant

Cory Snyder, Community Development Director, reported the City Council recently adopted a "Temporary Zoning Regulation Ordinance" (TZRO) restricting any further development within the South Main Street Corridor (SMSC) Zone in order to allow time for the City to review and make changes to the SMSC Plan. The Council is requesting amendments to the Zoning Code including a residential density cap and a reduction/elimination of the five (5) acre minimum parcel requirement for a Planned Development Overlay (PDO).

Density Cap

Mr. Snyder explained the density cap proposed is eight (8) dwellings per acre in the Residential-Medium (R-M) Zone for the City Center and Traditional Main Street Districts of the SMSC. These two districts are primarily commercial and not considered "residential." However, the SMSC Plan does allow and encourage residential uses within these districts through mixed-use development and/or through use of medium and high densities. The Moderate Income Housing plan encourages housing variety for all income needs. The General Plan also encourages a variety of infill development and neither promotes nor discourages a density cap. Mr. Snyder explained the SMSC Plan uses form base codes to allow 2-story mixed-use buildings

1 with main floor commercial and 2nd story residential. It is possible a density cap could stifle the
2 usability of the 2nd floor thus hindering marketability and redevelopment. It could prove to be too
3 expensive to purchase, demolish, and redevelop a site with the proposed density cap. However, it
4 may be possible to tuck residential uses behind commercial uses along the SMSC which could
5 provide variety. In addition, a density cap could bring clarity to SMSC Plan for the developers,
6 City staff, elected officials, property owners, and residents within the area.

7
8 Mr. Snyder responded to questions from the Commission. He discussed the densities of
9 several existing subdivisions which range from 8-10 units per acre. He further explained the City
10 Center and the Traditional Main Street districts are zoned commercial with a residential-medium
11 option as part of the SMSC Overlay Zone. The proposed density cap would only be applied to
12 these two districts as part of the SMSC Overlay Zone. Residential uses are only allowed
13 secondary to the underlying commercial zone/uses.

14
15 Chair Hirschi opened the public hearing.

16
17 Tim Hawkes said the SMSC Plan uses form base code to incentivize redevelopment and
18 high density. He said the developers that are showing interest are proposing 12-21 units per acre
19 developments. He said this is too high for Centerville's Main Street. He said he is in favor of the
20 density cap at 8-units per acre. He said if the cap proves to hinder redevelopment then it can be
21 changed in the future, but for now low density is appropriate and desired by Centerville's
22 citizens.

23
24 Robyn Mecham said there is a lot of potential property for redevelopment along the
25 SMSC. If the City allows high density it will devastate the already congested traffic on Main
26 Street. She said the Wasatch Community Council claims on average a car makes 13 trips per day.
27 She said under the current SMSC Plan there is potential for 600+ units. This would generate too
28 much traffic for Main Street causing it to become too dangerous to safely travel or cross. She
29 agrees with capping the density as suggested. She said there are plenty of existing homes,
30 apartment, and townhomes in Centerville, there is no need for additional housing types. She said
31 single-family homes are desired and should be permitted. She believes the SMSC should be
32 Residential-Low (R-L) or commercial only. She said R-L is the only designation that will restore
33 and maintain the "historic" Main Street that is desired. She also believes zoning should be by
34 acreage and not form based standards.

35
36 Jennifer Turnbloom said she would like the zoning for Main Street to go back to R-L.
37 She said her family has owned property in this area for 60 years and they never asked for
38 commercial zoning, it was changed without their knowledge or consent. She said the current
39 commercial uses on Main Street are constantly turning over or stagnant, perhaps that is because
40 Main Street is just not a viable commercial location. She said Main Street is suited for single-
41 family homes which should be allowed and encouraged.

1 Alice Roberts said Main Street should be preserved. She said the SMSC Overlay and
2 form based zone is too intense for Main Street. She said one of the proposed redevelopments on
3 Main Street puts a fence on Main Streets frontage. She said this is like turning your back to Main
4 Street. She would like to preserve Main Street by allowing single-family residential lots. She is
5 also okay with R-L behind commercial that fronts Main Street. However, she suggested a
6 feasibility study be conducted to determine if commercial is even viable on Main Street. Perhaps,
7 residential only would be the best fit with garages and driveways at the back. She expressed
8 concern with the traffic on Main Street and said the current speed limit is too high. She said if
9 Main Street were more pedestrian friendly perhaps the State would consider lowering the speed
10 limit.

11
12 Alan Arbuckle said Main Street in Bountiful is a strip of "hobby shops" and not real
13 commercial development. He said the SMSC Overlay Zone will create the same "hobby shop"
14 concept along Main Street and Pages Lane. He said this is not ideal redevelopment for Main
15 Street in Centerville. He believes the SMSC Plan is too intense for Main Street and agrees that a
16 density cap is appropriate.

17
18 Kenny Mecham said commercial uses on Main Street are rarely utilized and that Main
19 Street is better suited for single-family homes.

20
21 Jamison Pexton asked if there is a maximum building height for Main Street.

22
23 Ralph Sorenson questioned if there are enough services to provide for this type of
24 intensive development. He asked if there is any land available for additional schools or cemetery
25 plots. He said too much growth, too fast, cannot be supported. He said it is a tragedy to throw up
26 buildings and not be able to lay our dead to rest.

27
28 Seeing no one else wishing to comment, Chair Hirschi closed the public hearing.

29
30 Councilwoman Fillmore and Councilwoman Ivie expressed concern with the application
31 of the proposed density cap. They agreed the City Council's intent was to extend the density cap
32 through the entire SMSC including all districts.

33
34 Mr. Snyder said it was his understanding the density cap application was for the City
35 Center and Traditional Districts only. If the Council intended to extend the density cap
36 throughout the entire SMSC, then a new application can be submitted. He explained the South
37 Gateway District of the SMSC Overlay Zone does extend along Pages Lane from Main Street to
38 400 East, but the density cap is not being applied to that area with this application. Mr. Snyder
39 responded to questions raised by the public. He said the maximum building height for Main
40 Street is 25 feet on the east side and 35 feet on the west side. He said the Davis County School
41 District has stated there is sufficient capacity to handle additional students. He agreed the
42 cemetery issues are a problem which the City Council is currently discussing.

1 The Commission agreed the City Center and Traditional Districts are the most pressing at
2 this time with regard to density and agreed to move forward with the application as presented. If
3 the Council would like to extend the density cap a new application may be submitted in the
4 future.

5
6 Chair Hirschi said he agrees with much of the public comment and agrees with the
7 density cap, but does not agree with a total of 8-units per acre. He suggested a residential cap of
8 4-units per acre with a conditional use allowance of up to 8-units an acre total. This will provide
9 an opportunity for the City to review development applications requesting the 8-units.

10
11 Commissioner Kjar said he is accepting of the density cap as suggested by Chair Hirschi.
12 Commissioner Hirst also agreed as she is concerned with traffic impacts. Commissioner Johnson
13 believes the density cap will help reinforce the General Plan by promoting the underlying
14 commercial zone. Commissioner Merrill said the Police Chief has stated the police department is
15 able to handle added traffic. He said he is not opposed to a density cap but is also mindful of the
16 need for growth.

17
18 Chair Hirschi made a **motion** for the Planning Commission to recommend to the City
19 Council approval of a residential-medium cap, as follows:

20
21 ***Amend the text of the SMSC Overlay Zone for the City Center and Traditional Main***
22 ***Street Districts to cap the allowable residential density at a maximum of four (4) units***
23 ***per acre as a permitted use and up to eight (8) units per acre as a conditional use.***

24 ***Reasons for Action (Findings):***

- 25 a. The Planning Commission finds that the SMSC Plan does allow for residential uses to
26 be considered in this particular commercial area.
27 b. The Planning Commission finds that both the Moderate Income Housing and SMSC
28 Plans desire that such residential uses be encouraged through mixed-use development
29 and/or through use of medium and high densities.
30 c. The Planning Commission finds that the use of medium residential densities as part of
31 a mixed-use would facilitate the desires of the SMSC Plan and provide a definable
32 maximum cap that is not currently in the related Ordinances of these districts.
33 d. The Planning Commission finds that a maximum density cap helps to bring greater
34 clarity to SMSC Plan for the developers, City staff, elected officials, and for the
35 property owners and residents of the immediate area.

36
37 The motion was seconded by Commissioner Kjar and passed by unanimous vote (7-0).

38
39 ***Reduce/Eliminate five (5) Acre Planned Development Overlay Minimum***

40
41 Cory Snyder, Community Development Director, reported the Planned Development
42 Overlay (PDO) is a flexible use tool that can be applied to any residential, commercial, or

1 industrial zoned property. The PDO allows up to a 20% density bonus provided the development
2 provides additional enhancements. A PDO is reviewed by the Planning Commission and
3 ultimately approved by the City Council. Current ordinances allow a PDO with no minimum
4 acreage requirement within the Residential-Low Zone but requires a five (5) acre minimum in
5 Residential-Medium, Residential-High, and all commercial and industrial zones. The City
6 Council's application requests a reduction or possible elimination of the 5-acre minimum in all
7 zones.

8
9 Mr. Snyder said there are no specific General Plan policies related to minimums or
10 maximums for a PDO. The concept of setting a minimum acreage is related to providing enough
11 land area for the expected enhancements of a master planned project. In addition, too little
12 property can render a PDO financially unachievable which leads to frustration and contention.
13 He said the 5-acre minimum is a typical requirement for most cities. Staff is accepting of
14 lowering the minimum to three (3) acres because Centerville has limited parcels left for
15 development but does not recommend eliminating the acreage requirement.

16
17 Mr. Snyder responded to questions from the Commission. He said the City could
18 consider eliminating the minimum requirement once Centerville comes closer to build out but
19 staff does not recommend elimination at this time. He explained a PDO could also be expanded
20 but would require an additional application and approval. He explained the 5-acre minimum is a
21 bigger issue for the SMSC because the form based zone already requires a higher development
22 standard. If there is not enough acreage then it makes redevelopment less likely.

23
24 Chair Hirschi asked the City Council members present if they would like to address this
25 application. Stephanie Ivie, City Councilwoman, said the City Council had a split vote on this
26 issue. She said she is not in favor of lowering the 5-acre minimum. She said the PDO allows for
27 increased density and for this reason she is opposed. Tamilyn Fillmore, City Councilwoman, said
28 she is not comfortable representing the City Council on this issue because of the split vote.

29
30 Chair Hirschi opened the public hearing.

31
32 Tim Hawkes urged the Commission to reject this application because there is not a clear
33 reason as to why the Council is requesting the change. He is also opposed because a PDO
34 incentivizes higher density and allowing this possibility on a smaller parcel will only increase
35 that intensity. He said Centerville's residents have been consistent and clear in their desire for
36 lower density.

37
38 Robyn Mecham said residents are against high density. She is not in favor of lowering the
39 5 acre minimum. She said lowering the acreage will give developers a message that Centerville
40 wants higher density, which is not correct.

41

1 Alan Arbuckle said the 5-acre minimum is adequate. He agrees lowering the minimum
2 acreage will only increase density which he is opposed to.

3
4 Nancy Smith agreed that a PDO incentivizes high density and sees no reason to allow any
5 PDO east of I-15. She said the underlying residential zones already provide sufficient controls to
6 create compatible developments. In addition, the conditional use permit allowance provides for
7 increased density, there is no reason for the PDO tool. She said the SMSC is already appropriate
8 and the PDO only adds confusion and unrest for surrounding residents.

9
10 Seeing no one else wishing to comment; Chair Hirschi closed the public hearing.

11
12 Lisa Romney, City Attorney, said the benefit of the PDO is that it is a legislative decision
13 which is reviewed under the reasonably debatable standard and provides the City Council
14 increased discretion and ultimate approval authority regarding any proposed PDO. Whereas a
15 conditional use permit or site plan approval is an administrative decision which is reviewed
16 under the substantial evidence standard. Such administrative matters must generally be approved
17 if the application meets the requirements of the ordinances.

18
19 Chair Hirschi agreed Centerville has limited land available for future development which
20 makes it difficult to secure 5-acres. He said it may be beneficial to reduce the minimum acreage
21 requirement in order to keep the PDO as an affective tool.

22
23 Commissioner Hayman clarified the PDO gives the City an extra layer of flexibility with
24 developments. It not only provides the option for increased density but it also provides greater
25 standards for development including landscaping, buffers, parking, etc. She also clarified that the
26 City Council has a reasonably debatable standard with a PDO, meaning they can consider public
27 comment and response accordingly.

28
29 Commissioner Johnson said his least favorite tool is the traditional zoning standard. He
30 prefers the City and developers have options to produce a desirable product. He is in favor of
31 reducing the minimum acreage requirement.

32
33 Commissioner Kjar said he agrees with both sides. He is not in favor of increased density
34 but he understands the need for a flexible tool.

35
36 Commissioner Ince said he is not in favor of allowing a higher density on a smaller
37 parcel.

38
39 Commissioner Ince made a **motion** for the Planning Commission to recommend **denial**
40 to the City Council of a reduction in the minimum acreage for a PDO as there is no particular
41 reason to lower the acreage. Motion died for lack of a second.

42

Chair Hirschi made a **motion** for the Planning Commission to recommend approval to the City Council of a reduction in the minimum parcel size in a PDO, as follows:

Amend the text of the Planned Development Overlay Zone to reduce the minimum parcel size to three (3) acres.

Reasons for Action (Findings):

- a. The Planning Commission finds there are no specific General Plan policies related to expectation to minimums or maximums for Planned Overlay Developments.
- b. The Planning Commission finds that the concept of setting a minimum is related to providing enough land area for allowing flexible development patterns to establish open areas and amenities to improve the design and layout of parcels.
- c. The Planning Commission finds that when parcels become too small, it is much more difficult to create needed buffers to surrounding properties or to internally create the desired common spaces and related amenities to improve a development beyond the traditional zoning regulations.

The motion was seconded by Commissioner Merrill and passed by roll-call vote (6-1). Commissioner Ince opposed.

**PUBLIC COMMENT | SOUTH MAIN STREET CORRIDOR (SMSC) PLAN
OVERLAY ZONE - Receive public comments about the South Main Street Corridor
(SMSC) Plan and related Zoning Ordinance (Overlay Zone)**

Chair Hirschi opened the floor for public comment regarding the South Main Street Corridor (SMSC) Plan.

Patty Kennington requested the City consider expanding the density cap to the southern and east ends of the SMSC. She said the old Dicks Market site (Pages Lane between Main Street and 400 East) is surrounded by residential uses and a residential density cap of 8 units per acre would be consistent and compatible with the area. In addition, Pages Lane is not a high traffic road and could not accommodate high density.

Dale McIntyre said the J.A. Taylor Elementary and old Dicks Market areas are not suited for high density. This is a residential neighborhood area. He said all the residents that have been coming to these meetings are against high density. He will be deeply disappointed if the City does not cap the density as it is clearly the community's desire.

Ryan Archibald said he is against high density in Centerville. He only supports low density. He said high density will bring too much traffic which will negatively impact schools and endanger students crossing the street.

1 Lisa Malmstrom said she is a crossing guard on Main Street and said current traffic is too
2 intense and dangerous for students. She said adding additional high density to the area will only
3 compound the situation.
4

5 Jennifer Turnbloom said she too is against high density and agreed that more density will
6 negatively impact the area. She said most of the housing for sale in Centerville are townhomes
7 and apartments with a wide range of prices. She said there are already plenty of housing options
8 in Centerville, additional high density options are not necessary.
9

10 Tim Hawkes urged the Commission to listen to the public and advocate for their desires
11 for low density. He said it is clear citizens do not want high density.

12 Kenny Mecham said he is against high density. He said high density brings higher crime.
13

14 Carol Bake said it sounded as though the lowering of the Planned Development Overlay
15 (PDO) minimum acreage would allow the Commission and City Council more control and
16 discretion of those types of developments. She said this is an advantage for the City. She also
17 agreed low density is the best option for the old Dick's Market area. She said high density will
18 bring too much traffic and negatively impact schools.
19

20 Bruce Roberts said he is concerned with density. He agreed traffic is already an issue in
21 the city and more density will not help this problem. He said it takes him longer to navigate
22 Centerville's roads than it does to drive to another city and back. He said the old Dick's Market
23 site is large and could bring a large development. He said low density is a better option. He said
24 high density will bring additional traffic problems and safety concerns for children.
25

26 Stephanie Ivie, City Councilwoman, said she avoids driving Main Street because traffic is
27 already too intense. She said the best long-range benefit for Centerville would be to keep the
28 SMSC at Residential-Low. She is also not convinced that high density will stimulate
29 redevelopment.
30

31 Nancy Smith said the best solution may be to throw out the SMSC Plan and revert Main
32 Street back to commercial only. She said if the City is going to keep SMSC Plan then a few
33 amendments to the plan may be needed such as clarifying the half block designation, and
34 clarifying the form base regulations or reverting back to zone based regulations. She believes the
35 zone base format is simpler and doesn't create expectations. She said most of the cities that she
36 has researched allow the mixed-use option but under the zone base format, not form based. She
37 said R-L should be the only allowance at the half block distance and beyond. She agreed traffic
38 is an issue and said the off-set intersections on Main Street only compound the problem. She said
39 high density will only intensify these problems. She said the traffic issues may even hinder the
40 amount of patrons that could access commercial uses on Main thus sending patrons to other
41 cities. She said perhaps the SMSC Plan is not the best concept for Main Street as originally
42 thought.

1 Melissa Thomas said there is a not a high density shortage in Centerville. There is already
2 a great deal of apartments and townhomes, there is no need for more. She said there are very few
3 single-family homes for sale and there are many people that want to live in Centerville in a
4 single-family home. She said R-L is a great option for Centerville, particularly within the SMSC.
5 She explained she recently purchased a home in Centerville but faced many challenges securing
6 a loan because there are too many rentals and not enough single-family owned homes. She said
7 single-family will stabilize the community and increase property values. She said high density
8 will only continue the decline of the area.

9
10 Alan Arbuckle said he has heard a lot of pleading for lower density. He said he is curious
11 how passionate property owners and developers really are for high density. He questioned who is
12 really pushing for high density, is it the City or property owners because it is clear it is not the
13 residents.

14
15 Seeing no one else wishing to comment; Chair Hirschi closed the public comment and
16 thanked the public for their time and comments.

17
18 Cory Snyder, Community Development Director, said the City Council will hold another
19 public hearing for public comment re the SMSC Plan on June 16, 2015 and will hold a joint City
20 Council and Planning Commission meeting for the property owners and businesses to give them
21 the opportunity to comment on the SMSC Plan on June 17, 2015. The public is welcome and
22 encouraged to attend both meetings.

23
24 **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

- 25
26 1. The next Planning Commission meeting will be Wednesday, June 24, 2015.
27 2. Upcoming Agenda Items
28 • Conceptual Site Plan & Conditional Use Permit, Porter Lane Townhomes
29

30
31 The meeting was adjourned at 9:50 p.m.
32
33

34
35 _____
36 David Hirschi, Chair

37
38 _____
39 Kathleen Streadbeck, Recording Secretary

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
7/7/2015**

Item No. 7.

Short Title: Continue Public Hearing - Zoning Ordinance Text Amendment, Chapter 12-60, Accessory Dwelling Units (ADUs)

Initiated By: City Council and Planning Commission

Scheduled Time: 8:15

SUBJECT

Consider Zoning Ordinance Text Amendments regarding Accessory Dwelling Units (ADUs), including amendments to Section 12-12-040 regarding definitions for ADUs, amending Table 12-36 regarding Table of Uses for ADUs, and enacting Chapter 12-60 regarding ADUs - Consider Ordinance No. 2015-16

RECOMMENDATION

Continue the public hearing from the May 5, 2015 Council meeting. Following the public hearing, Staff recommends approval of Ordinance No. 2015-16 amending Section 12-12-040 of the Centerville Zoning Ordinance regarding Definitions, amending Table 12-36 of the same regarding Table of Uses, and enacting Chapter 12-60 regarding Accessory Dwelling Units (ADUs).

BACKGROUND

On March 25, 2015, the Planning Commission reviewed and recommended approval of proposed amendments to the Centerville Zoning Ordinance regarding accessory dwelling units (ADUs). The Staff Transmittal Report is attached. On May 5, 2015, the City Council reviewed the proposed Zoning Ordinance Text Amendments regarding ADUs and held a public hearing regarding the same. The City Council thereafter tabled action on the matter and directed Staff to provide further information regarding impact fees for ADUs. Staff will update the City Council on the impact fees issues for ADUs. Based on this research, Staff recommends adoption of Ordinance No. 2015-16.

ATTACHMENTS:

Description

- ☐ 03-26-15 Staff Transmittal Report
- ☐ Ordinance No. 2015-16-ADUs
- ☐ Exhibit A-Chapter 12-60
- ☐ May 5, 2015 City Council minutes re ADUs
- ☐ 03-25-15 PC Staff Report
- ☐ 03-25-2015 PC minutes re recommendation on ADUs
- ☐ 02-25-2015 PC Minutes re discussion on ADUs
- ☐ 01-28-2015 PC minutes re discussion on ADUs

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

STAFF TRANSMITTAL REPORT

DATE: MARCH 26, 2015

**APPLICANT: CENTERVILLE CITY PLANNING COMMISSION
C/O DAVID HIRSCHI, CHAIR
250 NORTH MAIN STREET
CENTERVILLE, UTAH 84014**

APPLICATION: ZONING CODE TEXT AMENDMENTS

**APPLICANT REQUEST: AMEND CENTERVILLE CITY ZONING ORDINANCES
TO ALLOW FOR THE DEVELOPMENT AND USE OF
ACCESSORY DWELLING UNITS (ADUs)**

**PC RECOMMENDATION: RECOMMEND APPROVAL OF THE ZONING
CODE TEXT AMENDMENTS**

BACKGROUND

Over the past several months of 2014 and early 2015, the Planning Commission held a few public discussion meetings to assess the possibility of allowing accessory dwelling units as part of the housing options within the City. The Commission hosted both general feedback and roundtable discussion meetings, where dates and times were posted on the City's website and in the City newsletters and/or utility billings.

Generally, these meetings indicated that allowing such housing type might be appropriate, provided sufficient use regulations could be developed. However, there were some concerns about allowing detached ADUs, or units constructed separately from the primary dwelling. Additionally, the Commission also questioned whether some aesthetic design standards were actually needful. Due to consensus that allowing ADUs might be appropriate, the Commission asked staff to prepare a draft Ordinance to review and discuss. Consequently on March 25, 2015, the Planning Commission recommended APPROVAL of a new ordinance that allows for the possibility of ADUs in the Agricultural-Low and Residential-Low Zoning Districts.

Nonetheless, two (2) Commissioners did cast dissenting votes. However, each Commissioner dissenting explained that their vote was not centered on opposing ADUs, but rather on a desire to allow a larger percentage or size for ADUS, specifically desiring allowing a range greater than the proposed 25% and possibly up to 50% of the floor area of a home.

PLANNING COMMISSION RECOMMENDATION

On March 25, 2015, the Planning Commission forwarded to the City a **recommendation of APPROVAL** of the proposed text amendments for allowing ADUs, as follows:

1. *Amend Title 12-Zoning by adding Chapter 12-60-Accessory Dwelling Units, as submitted, or modified by the Planning Commission.*
2. *Amend 12-12-Definitions regarding ADUs, as submitted to the Commission.*
3. *Amend 12-36-Table of Uses to allow ADUs as a conditional use in the A-L and R-L Zones, as submitted to the Commission.*

Suggested Reasons for Action (findings):

- a. *The Planning Commission finds that the proposed Ordinance is consistent with the City's Moderate Income Housing Element concerning the use of ADUs.*
- b. *The Planning Commission finds that the proposed Ordinance includes several compatibly elements to maintain expected neighborhood characteristics.*
- c. *The Planning Commission finds that the proposed Ordinance also includes parameters, restrictions or limitations to prevent or mitigate impacts to adjacent properties.*

Planning Commission Vote (4-2):

Commissioner	Yes	No	Not Present
Hirschi (Chair)	X		
Hirst	X		
Johnson			X
Kjar		X	
Merrill	X		
Randall	X		
Ince		X	

LIST OF PREVIOUS PLANNING COMMISSION MEETINGS

- ✓ January 28, 2015
- ✓ February 25, 2015

ORDINANCE NO. 2015-16

AN ORDINANCE AMENDING SECTION 12-12-040 OF THE CENTERVILLE ZONING ORDINANCE REGARDING THE DEFINITION OF ACCESSORY DWELLING UNITS, AMENDING TABLE 12-36 OF THE SAME REGARDING TABLE OF USES TO ALLOW ACCESSORY DWELLING UNITS AS CONDITIONAL USE IN AGRICULTURAL-LOW (A-L) AND RESIDENTIAL-LOW (R-L) ZONES, AND ENACTING CHAPTER 12-60 OF THE SAME REGARDING ACCESSORY DWELLING UNITS

WHEREAS, the City Council directed Staff along with the Planning Commission to research and prepare possible ordinance amendments regarding accessory dwelling units within the City in accordance with the goals and objectives of the City's moderate income housing plan adopted in the Centerville General Plan; and

WHEREAS, as directed by the City Council, the Planning Commission held a number of public meetings and roundtable discussions to engage the public in the discussion of allowing accessory dwelling units as part of the housing options within the City; and

WHEREAS, based on such meetings and discussions and direction from the Planning Commission, Staff prepared a draft ordinance regarding accessory dwelling units for review and consideration by the Planning Commission; and

WHEREAS, the Planning Commission, after a number of public hearings on the matter, reviewed the proposed ordinance amendments regarding accessory dwelling units and recommends approval of the Zoning Ordinance amendments as more particularly provided herein; and

WHEREAS, City Council has determined that the proposed revisions to the Zoning Ordinance regarding accessory dwelling units, as more particularly set forth herein, are consistent with the goals, objectives and policies of the Centerville General Plan, are harmonious with the character of existing development within the City, will not adversely affect properties within the City, are in the best interest of the City and the public health, safety and welfare, and will provide additional housing options within the City; and

WHEREAS, the proposed amendments to the Zoning Ordinance as set forth herein have been reviewed by the Planning Commission and the City Council and all appropriate public notices have been provided and appropriate public hearings have been held in accordance with Utah law to obtain public input regarding the proposed revisions to the Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Amendment. Section 12-12-040 of the Centerville Zoning Ordinance regarding Definitions is hereby amended to amend the definition of accessory dwelling units as more particularly set forth as follows:

12-12-040. Definitions.

As used in this Title, the words and phrases defined in this section shall have the following meanings unless the context clearly indicates a contrary meaning. Words not included herein but defined in the building code shall be construed as defined therein.

* * *

Accessory Dwelling Unit (ADU) Apartment: A habitable living area located within or as accessory to a detached single family dwelling and which has its own kitchen, living/sleeping areas, and sanitation facilities which meets the requirements of Chapter 12-60 of this Title.

* * *

Dwelling, Single-Family with Accessory Dwelling Unit: A building having only one (1) dwelling unit and one (1) accessory dwelling unit.

* * *

Section 2. Amendment. Table 12-36 of the Centerville Zoning Ordinance regarding the Table of Uses is hereby amended to add accessory dwelling units as conditional use in the A-L and R-L Zones, as more particularly set forth as follows:

Residential Uses	Zones														
	A-L	A-M	R-L	R-M	R-H	PF-L	PF-M	PF-H	PF-VH	C-M	C-H	C-VH	I-M	I-H	I-VH
Dwelling, single-family with accessory dwelling unit (ADU) apartment	<u>CN</u>	N	<u>CN</u>	N	N	N	N	N	N	N	N	N	N	N	N

Section 3. Enactment. Chapter 12-60 of the Centerville Zoning Ordinance adopting provisions regarding Accessory Dwelling Units is hereby enacted to read in its entirety as more particularly set forth in **Exhibit A**, attached hereto and incorporated herein by this reference.

Section 4. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 5. Omission Not a Waiver. The omission to specify or enumerate in this ordinance those provisions of general law applicable to all cities shall not be construed as a waiver of the benefits of any such provisions.

Section 6. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, whichever occurs first.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, THIS _____ DAY OF JULY, 2015.**

ATTEST:

CENTERVILLE CITY

Marsha L. Morrow, City Recorder

By: _____
Mayor Paul A. Cutler

Voting by the City Council:

	"AYE"	"NAY"
Councilmember Averett	_____	_____
Councilmember Fillmore	_____	_____
Councilmember Higginson	_____	_____
Councilmember Ivie	_____	_____
Councilmember Wright	_____	_____

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB's Gas Station, on the foregoing referenced dates.

MARSHA L. MORROW, City Recorder

DATE: _____

RECORDED this ____ day of _____, 20____.

PUBLISHED OR POSTED this ____ of _____, 20____

Exhibit A

**Chapter 12-60 of the Centerville Zoning Ordinance
Accessory Dwelling Units**

Chapter 12-60-Accessory Dwelling Units

12-60-010.	Purpose
12-60-020.	Scope
12-60-030.	Definitions
12-60-040.	Use Allowed
12-60-050.	Limitations, Termination, and Exemptions
12-60-060.	General Development Standards
12-60-070.	Design Standards
12-60-080.	Occupancy Requirements
12-60-090.	Other Applicable Regulations and Codes
12-60-100.	Conditional Use Required

12-60-010. Purpose

The purpose of this Chapter is to establish the use and development regulations for the allowance of accessory dwelling units (ADUs) within the City. These regulations are intended to provide opportunity for secondary separated living quarters (i.e. dwelling unit) for the elderly to be taken care of by family members, or permit alternative housing options for newly married couples or the return of adult children, or even perhaps for those who are on a fixed income to supplement a mortgage payment. Provided however, that the ADU is to be clearly and distinctly an accessory use to the approved primary building use located on the property and must not disrupt the residential environment and character of single-family neighborhoods.

12-60-020. Scope

The requirements of this Chapter shall apply to any ADU created or established within the City. Such requirements shall not be construed to prohibit or limit other applicable provisions of this Title, the Centerville City Code, or other laws.

12-60-030. Definitions

Certain words and phrases in this Chapter, including uses, are defined in this Chapter and in Chapter 12-12 of this Title.

12-60-040. Use Allowed

- (a) *Permitted.* ADUs are to be allowed in residential zones as set forth on the Table of Uses Allowed in Chapter 12-36 of this Title. Permitted and conditional uses are indicated by "P" or "C," respectively. Uses not permitted are indicated by "N."

12-60-050. Limitations, Termination, and Exemptions

- (a) *Use in Combination.* An ADU shall be established as a secondary accessory dwelling unit in both use and size and shall only be established in combination with a primary single-family dwelling unit.
- (b) *Owner Occupancy Required.* An ADU shall only be established for single-family dwellings that are occupied by an owner in accordance with the “Owner Occupancy” requirements of subsection 12-60-080.
- (c) *Number allowed.* Only one (1) ADU is allowed for a:
 - (1) Lot, parcel, or tract of land; and
 - (2) Main building or structure of a primary single-family dwelling.
- (d) *Location or Placement.* The ADU may be integrated within or a part of the primary use structure; or may be separated or detached from the primary structure provided its building or structure is located entirely within the yard area that is present behind (*rear portion*) the primary building of the lot or parcel.
- (e) *Separate Dwelling Units.* Any portion of a single-family dwelling that has been sectioned off, mechanically, physically, or by other means, so that any occupant in the single family dwelling does not have full and free access to the separated portion of the dwelling and such separated area contains living quarters which provide sleeping, sanitary, and fixed kitchen facilities, or any separate accessory building or structure containing the same, shall be subject to the provisions of this Chapter, regardless of the relationship of the occupants.
- (f) *Termination of ADU use.* The approval permit for an ADU shall become null and void if the occupancy requirements of this Chapter are not satisfied, or the owner declares termination through writing or through neglect or any other action violates the provisions of this Chapter. Upon such termination of ADU use, the owner shall remove one or more features that make up an ADU including but not limited to living, sleeping, or kitchen facilities-including electrical, gas, or plumbing, as deemed acceptable to the City to render the ADU removed or unusable.
- (g) *Exemptions.* The following exemptions shall apply to the use of ADUs:
 - 1) Accessory dwelling units shall not be included in the gross density calculations for single-family zoning districts (i.e. A-L and R-L Zones).
 - 2) Except as provided in this Chapter regarding establishing a separate dwelling

unit, the provisions of this Chapter do not apply if a single family dwelling is wholly occupied by a family, as defined in Chapter 12-12-Definitions, or other laws.

12-60-060. General Development Standards

The development standards set forth in this section shall apply to any ADU that is created or established within the City. The purposes of these development standards are to ensure that the ADU is clearly and distinctly an accessory use to the approved primary building use located on the property.

- (a) *Creation.* An ADU shall only be established through the following methods:
 - (1) Converting existing living area, attic, basement, other area of a main dwelling. The conversion of the primary dwelling's garage space is prohibited without providing the required parking stalls in another appropriately City approved location.
 - (2) Adding floor area to the main building.
 - (3) Integration of an ADU into the design plan for new construction of a single family dwelling.
 - (4) Constructing or converting a detached accessory building (e.g. guest house) for use as an ADU.
- (b) *Habitable Space and Size.* ADUs shall meet the following parameters for habitable space:
 - (1) Every ADU shall have a minimum habitable space of 200 square feet for each person occupying the ADU, or as amended by applicable state and local construction codes.
 - (2) The maximum area or size of the ADU dwelling shall not exceed 25% of the gross floor area of the primary dwelling unit (*for all types, conversion, additions, integrated or detached*) or 800 square feet, whichever is less.
 - (3) The primary dwelling unit shall maintain at least 900 square feet of habitable space separate from the ADU, if it is constructed or converted within the primary or main building.
- (c) *Setbacks.* ADUs shall meet the following:
 - (1) An ADU created within or attached to the primary or main building of a single-family dwelling shall meet the applicable front, side, and rear yard setbacks for "main buildings" as listed in the development standards of its respective residential zone.
 - (2) Detached ADUs shall be setback as follows:

-
- i. A minimum of 60 feet from the front lot line of a lot or parcel, or six (6) feet behind the primary or main building of the lot or parcel.
 - ii. A minimum of six (6) feet from any perimeter side or rear line of the lot or parcel.
 - 1. *Exception.* For conversion of an existing accessory structure on a lot or parcel, the minimum six (6) foot setback may be reduced to the standard accessory building three (3) foot setback, provided there is sufficient emergency ingress/egress from all habitable space areas within the structure and the structure meets the applicable building and fire regulations.
 - (d) *Heights.* ADUs shall meet the following:
 - (1) An ADU created within or attached to the primary or main building of a single-family dwelling shall meet the applicable height requirement for primary or main buildings as listed in the development standards of its respective residential zone.
 - (2) Detached ADUs shall be limited to a height of 20 feet, as measured by the average of all four (4) sides of the building's elevation using the mid-point between the lowest eave and the highest ridge line.
 - (e) *Parking.* At least one (1) additional parking space shall be provided for an ADU, provided however that the existing parking requirements for the primary dwelling are in place or restored if missing. The ADU parking space may be located in tandem with other required parking spaces. All required parking spaces must be located behind the front yard setback line of the lot.
 - (f) *Yard Space.* Every ADU shall be provided yard space using one (1) of the following methods:
 - (1) *Common Space.* The ADU and primary or main building may equally share yard areas for use by all occupants.
 - (2) *Private Space.* At least 200 square feet (25% if the maximum allowed ADU size) of yard area shall be provided for exclusive use by the ADU, regardless of its size.
 - (g) *Bulk Rear Yard Area Limitation.* For detached ADUs, the combined building foot print coverage of the required rear yard area (*i.e. rear yard setback area*) for all accessory buildings, including the ADU, shall not exceed 20%.

12-60-070. Design Standards

The design standards set forth in this section are to apply to any ADU that is created or established within the City. The purposes of these design standards are to ensure ADU compatibility with the general pattern, character, and livability of Centerville's typical low density single-family neighborhoods.

- (a) *Exterior Finish Materials.* The exterior finish materials should be compatible with, or visually appear to be harmonious with the type, size, and colors, as the finish materials utilized on the primary or main building of the lot or parcel.
- (b) *Location of Entrances.* Only one (1) entrance may be located on the wall facade that can be viewed from the public street directly adjacent to the same lot or parcel in which the ADU is located. All other entrances must be located on wall facades facing interior to the lot.
 - (1) *Ground Entrance Restrictions.* Ground entrances are prohibited on a wall facade facing a perimeter lot line, unless such wall facade is at least 6 feet from a perimeter lot line.
 - (2) *Upper Story Entrance Restrictions.* Upper story entrances (*e.g. access from balconies and decks*) having no other ground entrance are prohibited on a wall facade facing a perimeter lot line unless such wall facade is located 20 feet from the perimeter lot line.
- (c) *Roof Pitch.* The roof pitch should be the compatible or visually appear to be harmonious with the roof pitch style of the primary or main building of the lot or parcel in which the ADU is located.
- (d) *Windows.* Windows should be compatible or visually appear to be harmonious in proportion (*i.e. width to height*) and orientation (*i.e. horizontal or vertical*) to windows used for the main or primary building.
- (e) *Eaves.* Building eaves for ADUs should meet one of the following designs:
 - (1) The eaves are to project from the walls the same distance as the eaves on the primary or main building.
 - (2) The eaves are to project from the walls at least one (1) foot on all elevations.
 - (3) If the primary or main building style has no eaves, then eaves are not required for the ADU.
- (f) *Exceptions.* If there is a conflict between these design standards and the adopted

construction codes of the City, then the applicable construction code shall govern that particular design element.

12-60-080. Occupancy Requirements

The occupancy requirements set forth in this section shall apply to any ADU that is created or established within the City. The purposes of these occupancy requirements are to accommodate secondary separated living quarters (*i.e. dwelling unit*) with reasonable limitations on their use and to minimize the impact on neighboring properties and to the desired setting of the City's single-family neighborhoods.

(a) *Definitions and Terms.* The following definitions or terms are applicable to the creation and use of ADUs;

- (1) *Owner.* An owner is defined as a person having at least 50% or greater interest in the property.
- (2) *Full-time Residency.* Full-time residency means the owner must live in a dwelling for at least six (6) months of each calendar year.
- (3) *Owner Occupancy Covenant.* A signed and notarized owner-occupancy agreement that is recorded on the property title for sanctioning an ADU.
- (4) *Temporary Owner Absence Waiver.* An approval granting a waiver of the occupancy requirement due to specific short term or temporary absences.

(b) *Full Time Owner Residency.* Either the primary dwelling or the ADU is to be occupied by a full time resident property owner, as shown on the Davis County Tax Assessment rolls.

(c) *Owner Occupancy Covenant.* ADU owners must sign and record an "owner occupancy covenant" with the City and have it recorded with the Davis County Recorder prior to receiving an ADU permit. The covenant shall at minimum establish the following:

- (1) That he/she/ they are owner(s) of the property located in Centerville, Utah
- (2) That he/she/they applied and received approval to construct or use an accessory dwelling pursuant to Centerville City ordinances.
- (3) That the owner(s) of the property will restrict the use of the principal dwelling and ADU in compliance with Centerville City ordinances.
- (4) That an owner with at least a 50% interest in the property will occupy either the primary dwelling or ADU for six months of each calendar year, except where a "temporary owner absence waiver" is granted by Centerville City ordinances.
- (5) That if the owner(s) of property are unable or unwilling to fulfill the

requirements for use of an ADU, then the owners agree to remove one or more features that make it an ADU, including but not limited to living areas, sleeping areas, or kitchen facilities-including electrical, gas, or plumbing and further agree to terminate, in writing, the ADU permit and approval.

- (6) That the covenant shall run with the land and be binding upon the owners, heirs, and assigns, and upon any parties acquiring any right, title, or interest in the property.
- (7) That the owners and their heirs, successors, and assigns will inform all prospective purchasers of the property of the terms and conditions of the covenant.

(d) *Temporary Owner Absence Waiver.* The owner(s) shall comply with the Full-time Owner Residency Requirements or shall terminate, in writing, the ADU permit, as deemed acceptable to the City. Nonetheless, an owner may receive a waiver of the occupancy requirement upon submitting in writing evidence showing good cause such as:

- (1) Temporary job dislocation,
- (2) Sabbatical leave,
- (3) Educational pursuits, or
- (4) Illness

A waiver of the occupancy requirement may be granted, by the City's Zoning Administrator, up to a maximum of three (3) years. Thereafter, if not re-occupied, then ADU permit shall be deemed null and void and one or more features shall be removed immediately, upon notice from Centerville City, or the property will subject to applicable enforcement measures.

12-60-090. Other Applicable Regulations and Codes

The creation and use of ADUs are subject to other pertinent codes, restrictions, and regulations that address applicable life, safety, and welfare concerns. Any ADU shall comply with the following:

- (a) *Construction and Fire Codes.* An ADU shall be subject to all related regulations regarding the construction and fire codes, as adopted by the City and State.
- (b) *Utilities and Charges.* An ADU shall provide the necessary utilities and services such as, but not limited to, sewer, water, gas, electricity, and garbage collection. All City provided utilities shall be in the property owner(s) name and the owner shall be

responsible for the payment of such services.

8

- (c) *Addressing*. An ADU will not be given a new distinct address by the City. Such ADUs may refer mail to be delivered separately by the same address as the primary building using with a subsidiary numerical or alphabetical reference (e.g. 1390 West #A), as approved by the local postmaster and/or emergency service agencies.

[Add] **12-60-100. Conditional Use Permit Required**

The creation and use of ADUs are subject to the issuance of a conditional use permit pursuant to the requirements of Section 12-21-100 of this Title and the standards and requirements of this Chapter.

Related Zoning Ordinance Amendments

Chapter 12-12-Definitions;

- [Edit] Dwelling, Single-family, with Accessory [REDACTED] **Dwelling Unit (ADU)** – A *lot, parcel, or tract of land*-[REDACTED] having only one (1) **primary** dwelling unit and one (1) accessory dwelling unit.

Chapter 12-36-Table of Uses;

- [Edit] [Residential Uses] Dwelling, Single-family, with Accessory [REDACTED] **Dwelling Unit (ADU)** – Strike **"N"** and list as a conditional use **"C"** in both the A-L and R-L Zones.

SUMMARY ACTION CALENDAR

- a. Award bid for re-roofing City Hall
- b. Award bid for the 2015 Street Overlay Project
- c. Accept Public Utility Easements for Island Parcel lot split

Lisa Romney, City Attorney, explained item (c) on the Summary Action Calendar. Councilman Wright made a motion to approve all three items on the Summary Action Calendar. Councilman Higginson seconded the motion, which passed by unanimous vote (5-0).

MUNICIPAL CODE AMENDMENT - REPEAL SECTION 2-03-110 - CAMPAIGN FINANCE STATEMENT

The Council discussed campaign finance requirements with Ms. Romney. Ms. Romney recommended the Council adopt State law in place of the outdated City Ordinance. State law currently requires financial disclosure after a primary election, and no later than seven days prior to a general election. Councilwoman Fillmore stated she understands the benefits of adopting the State Code for uniformity, but stated that the question of financial disclosure prior to a primary election is a valid point. She suggested that those wanting to see the requirement in the State Code for State elections could lobby at the State level.

Councilman Wright made a motion directing staff to draft an ordinance that adopts State law regarding campaign finance with the addition of a municipal reporting requirement prior to primary elections. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

PUBLIC HEARING - ZONING CODE TEXT AMENDMENT, CHAPTER 12-60, ACCESSORY DWELLING UNITS (ADUs)

On March 25, 2015, the Planning Commission reviewed and recommended approval of proposed amendments to the Centerville Zoning Ordinance regarding Accessory Dwelling Units (ADUs) by majority vote. Cory Snyder, Community Development Director, briefly explained the proposed amendments. The size and occupancy component is based on the International Building Code occupancy limit of 200 square feet per resident. The owner occupancy component would allow the homeowner to occupy either the primary residence or the ADU. The Council discussed whether ADUs should be a conditional use, with Planning Commission review, or a permitted use. Impact fees are an unresolved matter. Mr. Snyder explained Planning Commission recommendations, and Ms. Romney recommended the Council direct staff to review impact fee studies before making changes.

Mayor Cutler opened a public hearing at 8:27 p.m.

Nancy Smith - Ms. Smith asked if ADUs could also be allowed on single-family dwellings in Residential-Medium Zones, rather than restricting to Agricultural and Residential-Low Zones.

Kyle Green - Regarding impact fees, Mr. Green stated that increased use of services would be offset by increased utility fees. He also suggested that all parking should take place off the street to maintain the appearance of single-family neighborhoods.

William Ince - As a member of the Planning Commission, Commissioner Ince voted against the 25% size restriction because he believes more flexibility should be given - i.e. allowing more than 25% of floor area to be used for an ADU.

1 Lee Skabelund – Mr. Skabelund stated he is in favor of ADUs. He said he feels the 25%
2 limit is too restrictive. He agreed that off-street parking should be provided. He is not in favor of
3 impact fees, because increased use is paid for with increased utility fees. Mr. Skabelund
4 cautioned against micromanaging, and added that there is no better landlord than an owner-
5 occupant.

6
7 At 8:39 p.m. the Mayor closed the public hearing.

8
9 Steve Thacker, City Manager, stated that the different impact fees should be considered
10 separately, giving thought to the rationale behind each impact fee. Responding to Ms. Smith's
11 comment, Mr. Snyder stated that Residential-Medium Zones are already multi-family zones.
12 ADUs are meant for single-family neighborhoods. The 25% size restriction is the controlling unit
13 for occupancy and parking. Councilman Averett stated that parking is the biggest issue. Mr.
14 Snyder added that the proposed ordinance is not intended to put all existing units in compliance.
15 Councilwoman Fillmore suggested the size restrictions could be different for attached units and
16 detached units. Mr. Snyder responded that different size allowances would add complications.
17 The Mayor invited two additional public comments.

18
19 Kyle Green – Mr. Green mentioned that in Logan up to three unrelated individuals are
20 allowed to live in the same unit. He said he believes parking restrictions would be the easiest
21 way to mitigate the occupancy issue.

22
23 Nancy Smith – Ms. Smith asked if an ADU would be allowed on a duplex or a fourplex
24 property.

25
26 The Council and staff discussed impact fees. Councilman Wright made a **motion** to
27 table the issue and schedule a work session for staff to make a report and recommendation
28 within the next two months. Councilwoman Ivie seconded the motion, and requested an
29 additional public hearing following the work session. The motion passed by unanimous vote (5-
30 0). Mayor Cutler expressed appreciation for the time spent by the Planning Commission on this
31 issue.

32
33 At 9:06 p.m. the Council took a break, returning at 9:11 p.m.

34
35 **FY 2016 BUDGET**

36
37 Mr. Thacker presented the City Manager's Proposed Budget for FY 2016. Councilman
38 Wright made a **motion** to adopt the Proposed Budget as the FY 2016 Tentative Budget, and
39 allow the Mayor and City Manager to recommend a meeting schedule and public hearing date
40 at the May 19th meeting. Councilman Higginson seconded the motion, which passed by
41 unanimous vote (5-0).

42
43 **RDA MEETING**

44
45 At 9:20 p.m. Councilman Wright made a **motion** to adjourn to a meeting of the
46 Redevelopment Agency of Centerville. Councilwoman Ivie seconded the motion, which passed
47 by unanimous vote (5-0). In attendance were: Paul A. Cutler, Chair; John T. Higginson, Vice
48 Chair; Directors Averett, Fillmore, Ivie, and Wright; Steve Thacker, Executive Director; Blaine
49 Lutz, Finance Director; Lisa Romney, City Attorney; and Katie Rust, Recording Secretary.

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

**STAFF REPORT
AGENDA: ITEM 3**

**APPLICANT: CENTERVILLE CITY PLANNING COMMISSION
 C/O DAVID HIRSCHI, CHAIR
 250 NORTH MAIN STREET
 CENTERVILLE, UTAH 84014**

APPLICATION: ZONING CODE TEXT AMENDMENTS

**APPLICANT REQUEST: AMEND CENTERVILLE CITY ZONING ORDINANCES TO
 ALLOW FOR THE DEVELOPMENT AND USE OF
 ACCESSORY DWELLING UNITS (ADUs)**

**RECOMMENDATION: CONSIDER RECOMMENDING APPROVAL OF THE
 ZONING CODE TEXT AMENDMENTS TO THE CITY
 COUNCIL**

BACKGROUND

Over the past months of 2014, the Planning Commission has held some public discussion meetings to assess the possibility of allowing accessory dwelling units as part of the housing options within the City. The Commission hosted both general feedback and a roundtable discussion meeting, where dates and times were posted on the City's website and in the City newsletters and/or utility billings.

Generally, these meetings indicated that allowing such a housing type might be appropriate, provided sufficient use regulations could be developed. However, there were some concerns regarding allowing detached ADUs, or units constructed separately from the primary dwelling. Additionally, the Commission also questioned whether some aesthetic design standards were actually needful. Due to consensus that allowing ADUs might be appropriate, the Commission asked staff to prepare a draft Ordinance to review and discuss.

DRAFT ADU ORDINANCE SUMMARY

The draft Ordinance is compiled using typical standards found throughout many Utah cities. However, such provisions have been modified or altered to reflect Centerville's Zoning Ordinance style; as well as elements that attempt to reflect the characteristics of using ADUs in Centerville City. Each section contains a brief description of the issues described in the

Ordinance section. Additionally, staff has performed several edits as discussed in the previous meetings held by the Commission.

Purpose – [REDACTED] describing the “why” of the Ordinance.

Scope – [REDACTED] setting the “who” of the Ordinance.

Definitions – [REDACTED] referencing the use of terms and locations for further understanding.

Use Allowed – [REDACTED] describing the allowance and zoning districts regarding ADUs. Ordinance currently only proposes ADU use in (A-L) and (R-L) Zones.

Limitations, Termination, and Exemptions – Specific Ordinance language addressing the parameters for ADU use. ADU use fundamentals such as occupancy, density, location, measurement, termination, and exceptions are identified.

General Development Standards – Specific Ordinance language setting terms and conditions of ADU use with regards to ensuring that the dwelling is subordinate to the primary home. The regulations address establishment, space and size, setbacks, heights, parking, etc.

Design Standards (Optional Consideration) – Specific Ordinance language addressing visual aesthetics for additions or detached structures. Elements identified include use of exterior materials, entrance locations, roof pitch, window treatment, etc.

Occupancy Requirements – Specific Ordinance language establishing an owner occupancy requirement and/or when a termination is warranted. The regulations also allow a temporary leave of absence before any cessation is required. A written recorded agreement with specific terms and conditions is required as part of establishing an ADU.

Other Applicable Regulations and Codes – [REDACTED] referencing other applicable codes and requirements such as building and fire codes.

Conditional Use Required – [REDACTED] indicating the requirement to obtain a conditional use permit to allow an ADU use.

ZONE TEXT AMENDMENT REVIEW PROCESS

Factors to be Considered

The deciding entity must consider three (3) factors when making a recommendation and a final decision for a zone text 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?**

- ✓ [Moderate Income Housing Plan Statement] **Goal 6-D** – “Consider Adopting Basic or Flexible Design Standards for Small-Lot or Underutilized Land Parcels Within Existing Developed Areas of the City”

- **City Objective 6-D.4** – “Consider Adopting an ‘Accessory Dwelling’ Ordinance with design standards. Such allowances may also be considered ‘conditional uses’ in single family zones...”
- **City Objective 6-D.5** – “Consider adopting additional design and layout standards with any objectives mentioned above to ensure compatibility with the surrounding context and appearance of the neighborhood.”

Staff’s Conclusion – The objective is to consider the use of ADUs. Additionally, the concept of also including design standards was to be considered. Thus, staff concludes that [REDACTED] with the City’s Moderate Income Housing Element concerning both the use of ADUs and of implementing design standards.

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

Staff Response: The [REDACTED] to maintain neighborhood characteristics, such as:

- ADUs are to be clearly and distinctly subordinate to the primary use
- Owner Occupancy Requirements
- Location & Size Limitations
- Design Expectations

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

➤ **Staff’s Response:** [REDACTED]. Such elements provide self-contained on-site needs to minimize off-site conflicts with adjoining properties. Additionally, an ADU use is deemed a conditional use (CUP). A CUP allows the approving authority (i.e. Planning Commission) to review each case to assess the potential impacts and set conditions to mitigate concerns or potential problems. The listed parameters, restrictions or limitations include:

- Size & Location
- Minimum and Maximum Habitable Space Area for ADU
- Provision of Parking Spaces for Both House and ADU
- Provision of Yard Areas for Both House and ADU
- Design Standards (optional considerations)
 - Exterior Finishes
 - Location of Entrances
 - Roof Pitch & Eave Expectations

ADDITIONAL CONSIDERATIONS – IMPACT FEES

As part of any development proposal, from single-family subdivisions to large commercial development, the City has adopted “impact fees.” Impact fees are charged to cover the costs of expanding or sizing utility service infrastructure. Such fees cover items such as water lines and meters, storm drains, fire service, and even for providing parks. Since ADUs may create added demands for some services, it may not always be the case for other such services. The concept of ADUs are to capitalize an opportunity to use existing single-family style developments and associated infrastructure to keep costs down, but increase the opportunity to find housing options. Charging a full service impact fee to an ADU may be a dis-incentive and may not be a flawless balance between the actual impact and the end user of an ADU. The Commission and Council need to consider this as part of any decision to allow ADUs in the City.

PLANNING STAFF RECOMMENDATION

Staff Suggested Action #1 – REOPEN the Public Hearing to allow for comment regarding the other sections mentioned (i.e. Definitions & Table of Uses) mentioned in the draft regulations and then close the public hearing and discuss the matter.

Staff Suggested Action #2 - I hereby make a motion for the Planning Commission to **RECOMMEND APPROVAL** of the proposed text amendments for allowance of Accessory Dwelling Units (ADUs), as follows:

1. *Amend Title 12–Zoning by adding Chapter 12-60-Accessory Dwelling Units, as submitted, or modified by the Planning Commission.*
2. *Amend 12-12-Definitions regarding ADUs, as submitted to the Commission.*
3. *Amend 12-36-Table of Uses to allow ADUs as a conditional use in the A-L and R-L Zones, as submitted to the Commission.*

Suggested Reasons for Action (findings):

- a. *The Planning Commission finds that the proposed Ordinance is consistent with the City’s Moderate Income Housing Element concerning the use of ADUs.*
- b. *The Planning Commission finds that the proposed Ordinance includes several compatibly elements to maintain expected neighborhood characteristics.*
- c. *The Planning Commission finds that the proposed Ordinance also includes parameters, restrictions or limitations to prevent or mitigate impacts to adjacent properties.*

- 1 1. The acceptance of this conceptual site plan is not intended to permit actual
2 development of property and such review does not create a vested right (e.g. City
3 authorization) to develop.
- 4 2. The acceptance of this conceptual site plan is intended to represent how the property
5 could be developed so that the applicant can receive feedback from the Planning
6 Commission.
- 7 3. The acceptance of this conceptual site plan does NOT indicate that the proposed plan
8 meets the current relevant City Codes and Ordinances. Furthermore, several
9 significant steps would need to happen to make the current proposed layout even
10 feasible, such as, but not limited to, the following:
 - 11 • Lot Frontage Width Regulations – Obtain an amendment to the Subdivision
12 Ordinance to allow flag lots to be used in the multi-family zoning districts, or
13 amend the “lot frontage width” requirements for the residential zones.
 - 14 • Site Plan Amendment – Obtain a site plan amendment for the commercial use and
15 address the applicable Zoning Ordinance requirements, including but not limited
16 to, parking, landscaping, and buffers.
 - 17 • Subdivision of Land - Secure a subdivision approval to facilitate establishment of
18 a zone boundary opportunity between the area of the Traditional Main Street
19 District and the area for the duplex to be zoned multi-family.
 - 20 • Rezone of Duplex Site – If the subdivision and site plan amendments are secured,
21 obtain a rezone for the duplex site to a multi-family zoning district (e.g. R-M
22 Zone).
- 23 4. The acceptance of this conceptual site plan does NOT indicate the City’s commitment
24 or the future probability of making the current proposed layout even feasible.

25
26 The motion was seconded by Commissioner Randall and passed by unanimous roll-call
27 vote (5-0).

28
29 Commissioner Hirst recused herself as she is a personal acquaintance of both the
30 applicant and the property owner.

31
32 **PUBLIC HEARING | ZONING CODE TEXT AMENDMENTS, CHAPTER 12-60 -**
33 **ACCESSORY DWELLING UNITS (ADUs) - [Continuation from February 25, 2015**
34 **Meeting] - Consider proposed zoning code text amendments for Chapter 12-60-Accessory**
35 **Dwelling Units, Chapter 12-12-Definitions and Table 12-36-Tables of Uses for the new**
36 **Accessory Dwelling Units (ADUs) Ordinance. Centerville City, Applicant**

37
38 Cory Snyder, Community Development Director, reviewed the proposed Accessory
39 Dwelling Unit (ADU) ordinance draft. The Planning Commission has been working toward the
40 proposed draft for the past year. After much research, meetings, public input, and discussion it

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1 was evident such a housing type might be appropriate, provided sufficient use regulations could
2 be developed. The proposed draft Ordinance was compiled using typical standards found
3 throughout many Utah cities. The draft ordinance also includes modifications to reflect
4 Centerville's Zoning Ordinance style and characteristics. Mr. Snyder reviewed each section of
5 the proposed Ordinance and responded to questions from the Commission. The Commission
6 reviewed the draft ordinance making non-substantive changes. The Commission discussed
7 impact fees and agreed with the proposed language.

8
9 Chair Hirschi opened the public hearing. Seeing there was no one wishing to comment,
10 he closed the public hearing.

11
12 Commissioner Ince said he does not agree with the maximum floor area of 25% (Section
13 12-60-060[b][2]). He said if he were to rent his basement it would be closer to 35%. He said for
14 many homes that calculation could jump as high as 50% for a basement. He believes 25% is too
15 restrictive. Commissioner Kjar agreed that 25% may be too limiting. He said if he were to rent
16 his basement and keep to this restriction it would require significant remodeling and cost.

17
18 Chair Hirschi said over this past year it has been determined there is value in allowing
19 ADUs, but cautiously. He believes the 25% is cautious and appropriate. He said this number will
20 help ensure that Centerville does not become a city of duplexes, which is possible with a 50%
21 allowance. Commissioner Randall said 25% is plenty if you consider a separate structure may be
22 used as an ADU. Mr. Snyder agreed that 50% is too great and no longer considered accessory,
23 but rather creates two (2) primary dwellings or a duplex.

24
25 Commission Merrill made a **motion** for the Planning Commission to recommend
26 approval of the proposed text amendments for allowance of Accessory Dwelling Units (ADUs),
27 as follows:

- 28
29 1. Amend Title 12-Zoning by adding Chapter 12-60-Accessory Dwelling Units, as
30 submitted, or modified by the Planning Commission.
31 2. Amend 12-12-Definitions regarding ADUs, as submitted to the Commission.
32 3. Amend 12-36-Table of Uses to allow ADUs as a conditional use in the A-L and R-L
33 Zones, as submitted to the Commission.

34
35 ***Reasons for Action (findings):***

- 36 a. The Planning Commission finds that the proposed Ordinance is consistent with the
37 City's Moderate Income Housing Element concerning the use of ADUs.
38 b. The Planning Commission finds that the proposed Ordinance includes several
39 compatibly elements to maintain expected neighborhood characteristics.

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- 1 c. The Planning Commission finds that the proposed Ordinance also includes
2 parameters, restrictions or limitations to prevent or mitigate impacts to adjacent
3 properties.

4
5 The motion was seconded by Commissioner Hirst and passed by roll-call vote (4-2).
6

7 Commissioner Kjar and Commissioner Ince opposed. Commissioner Kjar said he agrees
8 with the concept of ADUs and believes they should be allowed. He is uncomfortable with the
9 25% limitation. He said 50% may be too great, but perhaps somewhere in between is
10 appropriate. Commissioner Ince agreed. He too believes ADUs are appropriate but believes a
11 greater percentage may be best.

12 COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

- 13
14
15 1. The next Planning Commission meeting will be Wednesday, April 8, 2015.
16 2. Upcoming Agenda Items
17 • Maverick Convenience Store, conceptual site plan
18

19
20 The meeting was adjourned at 8:28 p.m.
21

22
23
24 _____
25 David Hirschi, Chair

Date Approved

26
27 _____
28 Kathleen Streadbeck, Recording Secretary

1 **PLANNING COMMISSION MINUTES OF MEETING**

2 **Wednesday, February 25, 2015**

3 **7:00 p.m.**

4
5 A quorum being present at Centerville City Hall, 250 North Main Street, Centerville,
6 Utah. The meeting of the Centerville City Planning Commission was called to order at 7:00 p.m.

7
8 **MEMBERS PRESENT**

9 David P. Hirschi, Chair

10 Gina Hirst

11 William Ince (arrived at 7:07 p.m.)

12 Logan Johnson

13 Scott Kjar (arrived at 7:04 p.m.)

14 Kevin Merrill

15 Debra Randall

16
17 **STAFF PRESENT**

18 Corvin Snyder, Community Development Director

19 Lisa Romney, City Attorney

20 Katie Rust, Recording Secretary

21
22 **VISITORS**

23 Interested citizens (see attached sign-in sheet)

24
25 **OPENING COMMENT/PRAYER** Commissioner Randall

26
27 **PLEDGE OF ALLEGIANCE**

28
29 **MINUTES REVIEW AND APPROVAL**

30
31 The minutes of the February 11, 2015 Planning Commission meeting were reviewed.
32 Chair Hirschi and Commissioners Merrill and Kjar requested amendments. Commissioner Kjar
33 made a **motion** to approve the minutes as amended. Chair Hirschi seconded the motion, which
34 passed by unanimous vote (7-0).

35
36 **PUBLIC HEARINGS | ZONING CODE TEXT AMENDMENT, CHAPTER 12-60 -**
37 **ACCESSORY DWELLING UNITS (ADUs)**

38
39 During 2014 the Planning Commission held some public discussion meetings to assess
40 the possibility of allowing accessory dwelling units as part of the housing options within the city.
41 Generally, these meetings indicated that allowing such a housing type might be appropriate,
42 provided sufficient use regulations could be developed. However, there were some concerns
43 regarding allowing detached ADUs, or units constructed separately from the primary dwelling.
44 The Commission also questioned whether some aesthetic design standards were actually
45 needful. Staff was asked to prepare a draft Ordinance to review and discuss.

46
47 At 7:14 p.m. Chair Hirschi made a **motion** to reopen the public hearing to receive a letter
48 from Linda Harrison into the public record for consideration, and for further public comment.
49 Commissioner Johnson seconded the motion, which passed by unanimous vote (7-0).

50
51 **Dale Engberson** – Mr. Engberson owns a home and property in Centerville that he thinks
52 would work well with the addition of an ADU. He said he thinks the draft Ordinance is well

1 written. Mr. Engberson referred to the size limit of 200 square feet per resident and the
2 maximum limit of 800 square feet per ADU, which equals a proposed maximum ADU occupancy
3 of four residents. The State has an occupancy limit of 200 square feet per person, but Mr.
4 Snyder stated that he is not aware of occupancy levels being enforced in the State of Utah
5 during his career. Mr. Engberson said he assumes inspections would be required to make sure
6 everything is up to code. He added that he thinks it would be a good idea for the City to
7 maintain a list of ADU occupants for emergency situations. He also suggested that the City
8 provide an instructive packet for ADU property owners that could include ways to screen
9 potential occupants. Mr. Engberson mentioned the limitations imposed by required setbacks.
10 He suggested that it would be fair to charge a percentage of some of the impact fees rather than
11 the full amount.

12
13 At 7:24 p.m. Chair Hirschi closed the public hearing. Chair Hirschi said he knows there
14 are some citizens who could benefit from the Ordinance, but he is not sensing a huge amount of
15 support or need right now. Mr. Snyder reported that three or four citizens call him regularly in
16 support, and he regularly hears from one citizen against. Mr. Snyder said he personally
17 believes that an ADU ordinance would be low-key in Centerville to begin with, but the General
18 Plan states that the option should be considered. Commissioner Randall said she believes
19 there are quite a few ADUs already in operation.

20
21 Mr. Snyder mentioned several concerns brought to him by Commissioner Merrill,
22 including placement of ADUs, and the question of whether or not the City should address
23 existing ADUs. Chair Hirschi referred to the issue of "free access" on page two, item (e) of the
24 draft Ordinance. Mr. Snyder responded that access is a distinguishing factor between a duplex
25 and an ADU. An ADU is intended to be subsequent to the main residence, with a proposed size
26 allowance of 25% of the main residence, which would avoid a duplex situation. The
27 Commission discussed the proposed requirement of owner occupancy of at least six months of
28 the year. Mr. Snyder explained that a provision is included for "sabbatical leave" if the City is
29 given notice.

30
31 As written, the draft Ordinance restricts detached ADUs to the backyard of a residential
32 property. Through the conditional use permit process the Commission will have an opportunity
33 to check the location of any detached ADU and analyze potential impact on neighboring
34 properties. Mr. Snyder responded to a question from Chair Hirschi that he is not aware of any
35 study related to ADU impact fees. Chair Hirschi brought up a potential scenario involving
36 homeowners who pay impact fees when they purchase a home, raise a family, and years later
37 decide to rent out a portion of their home, with the rental situation causing less impact on the
38 community than the family did when the home was purchased and the family was young. He
39 asked if the homeowners would be required to pay impact fees again if they decide to rent out a
40 portion of the home. Commissioner Randall stated that charging impact fees twice in that
41 situation would not seem right. Chair Hirschi suggested that one solution might be to assess a
42 different impact fee for a detached dwelling than for a converted portion of an existing home.
43 Impact fees are determined, in part, by the number of fixtures in a dwelling. The Planning
44 Commission indicated that some type of tiering might be preferable for ADU impact fees,
45 depending on potential added impact. Chair Hirschi asked staff for further education regarding
46 how flexible the City can be with impact fees. Lisa Romney, City Attorney, responded that
47 impact fees are intended to pay a fair share for services in a community, not to increase level of
48 service. She commented that the City does not charge impact fees based on family size or
49 number of residents, and stated that the final decision should be defensible with analysis. Chair
50 Hirschi agreed that the City needs to be clear and consistent. Ms. Romney added that the City

1 includes an exception in all of its impact fee ordinances that allows residents to provide proof of
2 lesser impact and apply for a reduction.

3
4 Chair Hirschi commented that some of the City's residential roads are narrow, and
5 additional need for parking might exacerbate an already difficult parking situation, especially in
6 winter months. Mr. Snyder stated that the draft Ordinance allows a maximum of 800 square
7 feet, with four occupants and one required parking spot. City Code requires two parking spaces
8 for a primary residence, and the Commission could recommend requiring two parking spaces
9 for ADUs as well.

10
11 Commissioner Ince asked how strictly the City enforces exact setbacks and design
12 requirements. Mr. Snyder responded that enforcement of design require is disciplined
13 approach. Enforcement of behavior is on a complaint basis. Chair Hirschi added that through
14 the conditional use process the Commission will have the ability to look closely at individual
15 situations. He stated that the provision regarding location of entrances was confusing. Mr.
16 Snyder responded that character of the neighborhood and privacy are factors considered in
17 determining location of entrances. Mr. Snyder confirmed that the draft Ordinance requires at
18 least six feet between a main residence and a detached ADU for emergency personnel access.

19
20 Commissioner Johnson referred to the letter sent by Linda Harrison that cites Orem as a
21 negative example of ADU occurrence, and asked Mr. Snyder if he knows the difference in the
22 number of single family units in Orem compared to Centerville. Mr. Snyder responded that he
23 imagines Orem has significantly more single family homes than Centerville. Commissioner
24 Johnson said he felt the letter centered around the topic of expectations, and asked how the
25 Planning Commission should balance people's expectations with the needs of the City. Mr.
26 Snyder stated that Centerville was originally organized with the idea of varying single-family lot
27 sizes. In 2003 the City instituted completely different parameters based on gross density.
28 Cities change through time and zoning, creating differences in expectations. Chair Hirschi
29 added that the demographics in Centerville have changed significantly. Commissioner Merrill
30 commented that the city has changed since he bought his first home 40 years ago, but he still
31 loves Centerville. He feels the city still has a small-town feel, but provides what people need
32 and want within the city. Commissioner Merrill stated he has embraced the change that has
33 taken place, and he thinks the younger generation in the community will want to stay.
34 Commissioner Johnson stated that he would personally tend to disregard expectations that
35 things remain the same, and asked how much the expectations should affect decisions made by
36 the Commission.

37
38 Commissioner Randall commented that if all the properties on her block built detached
39 ADUs in the backyard, there would be a big impact on the neighborhood. She said she is fine
40 with existing structures being converted to ADUs, but the detached concept makes her nervous.
41 She would not want the neighborhood to become a different place. Chair Hirschi added that
42 there are parts of the city where separate structures would be possible, but many
43 neighborhoods in the city where it would not be possible. Commissioner Randall agreed that it
44 would increase what some citizens are able to do with their property. Commissioner Hirst
45 stated she agrees with some of the concerns voiced in Ms. Harrison's letter, but at the same
46 time, Centerville is not Orem City. Commissioner Hirst said she cannot imagine that many
47 homeowners will be interested in adding ADUs, and she does not think the City will see an
48 entire block of properties add detached structures. Commissioner Merrill seconded what
49 Commissioner Hirst said, and added that he does not anticipate a clamor to add ADUs.

Commissioner Ince asked about enforcement against existing ADUs. Mr. Snyder repeated that the City enforces on a complaint basis. If a report were to come in on a pending ordinance, he would not take action until a decision is made. The proposed draft Ordinance may not make all existing ADU situations legal. Some would benefit from the draft Ordinance, some would not. Commissioner Ince said he has an issue with things seeming to be arbitrary in government, and stated that the 25% and 800 square foot limitations seem to him to be arbitrary. He suggested there should be some latitude or tolerance for different circumstances. Mr. Snyder stated that the 25% and 800 square foot limit is consistent with other communities with ADU ordinances. ADUs are a limited use opportunity. Mr. Snyder clarified that an owner could live in either the primary residence or the ADU to satisfy the occupancy requirement. Chair Hirschi suggested clarifying the definition of "the dwelling" on page 6 Section (a)(2) of the draft Ordinance.

Commissioner Randall made a motion to table the issue, which was seconded by Commissioner Merrill. Mr. Snyder asked the Commission for direction regarding design standards. Chair Hirschi stated that he personally thinks design standards make a lot of sense because appearance reflects the character of a neighborhood. Commissioners Merrill, Kjar, and Randall indicated support for leaving design standards in the Ordinance. Chair Hirschi voiced support for requiring that exterior finishes must be compatible with the primary residence, and that entrances remain non-intrusive. Chair Hirschi suggested changing the word "must" to "should" with regards to matching windows on the main home. Commissioner Ince suggested requiring that exteriors be "complimentary" to the main home. Mr. Snyder agreed to continue working on the design standards portion of the Ordinance.

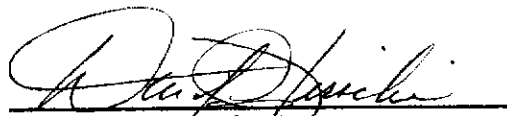
The motion to table passed by unanimous vote (7-0). Commissioner Ince asked what constitutes the definition of a family in a residential situation. Mr. Snyder responded that State law states that family/guardianship situations constitute family, as well as four unrelated individuals sharing a dwelling. The City Codes include related individuals, plus two additional individuals in the definition of a family.

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

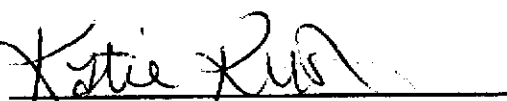
The Planning Commission will meet next on March 11, 2015, beginning with a work session before the regular Planning Commission meeting. The Planning Commission will also participate in a planning priorities work session with the City Council on March 17, 2015

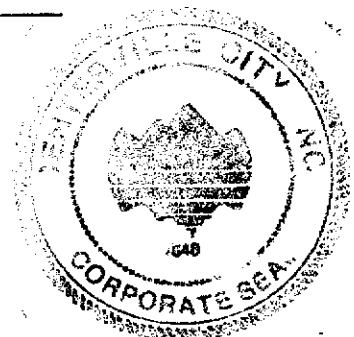
ADJOURNMENT

At 8:59 p.m. Chair Hirschi made a motion to adjourn. Commissioner Johnson seconded the motion, which passed by unanimous vote (7-0).


David P. Hirschi, Chair

3-11-2015
Date Approved


Katie Rust, Recording Secretary



CENTERVILLE PLANNING COMMISSION MEETING

Wednesday, February 25, 2015
7:00 p.m.

NAME (PLEASE PRINT)

ADDRESS**

Laura Jannickson
Dan + Robin Neville
Dale Engstrom
Caden Campbell
Spencer McKee
Cutter
Charlie O. Orr
Oliver Joseph Dicks
Wilfred Adams
Gary Hirsch
Scott Lane
Bruce Cox
Lee Skobelund

114 Bradley Dr. Cent
415 South Main Circle
696 E Cedar St
1480 N 50W Oakcrest Circle
1443 North Suncrest Circle
1381 N. Main Centerville UT.
1366 N. Main Centerville Utah.
345 W 1400 N
383 W 1400 N
364 W - 1375 N.

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

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 preliminary subdivision application have been satisfied [Chapter 15-3].

The motion was seconded by Chair Hirschi and passed by unanimous vote (6-0).

**PUBLIC HEARING | ZONING CODE TEXT AMENDMENT, CHAPTER 12-60 –
ACCESSORY DWELLING UNITS (ADUs) - Consider a proposed zoning code text
amendment to Chapter 12-60-Accessory Dwelling Units (ADUs), by adding new regulations
to this chapter. Centerville City, Applicant.**

Mr. Snyder, Community Development Director, reported the Planning Commission has held some public discussion meetings to assess the possibility of allowing accessory dwelling units (ADUs) as part of the housing options within the city. Generally, these meetings indicated that allowing such housing type might be appropriate, provided sufficient use regulations could be developed. Concerns discussed have included allowing detached ADUs (units constructed separately from the primary dwelling) and aesthetic design standards.

Staff has prepared a draft ordinance using typical standards found throughout many Utah cities. Some provisions have been modified or altered to reflect Centerville's Zoning Ordinance style; as well as elements that attempt to reflect the characteristics of using ADUs in Centerville City. Mr. Snyder reviewed each section of the draft ordinance with the Commission including termination, design, parking, exemptions, occupancy, etc. Staff believes the proposed draft is consistent with the City's Moderate Income Housing Element concerning both the use of ADUs and of implementing design standards. The proposed draft includes compatibly elements to maintain neighborhood characteristics including ADUs as subordinate to the primary use, owner occupancy requirements, location and size limitations, and design expectations. The proposed draft also includes parameters, restrictions or limitations to prevent or mitigate impacts to adjacent properties. Such elements provide self-contained on-site needs to minimize off-site conflicts with adjoining properties. Additionally, an ADU use is deemed a conditional use (CUP). A CUP allows the approving authority (i.e. Planning Commission) to review each case to assess the potential impacts and set conditions to mitigate concerns or potential problems.

Mr. Snyder explained as part of any development proposal, from single-family subdivisions to large commercial development, the City has adopted "impact fees." Impact fees are charged to cover the costs of expanding or sizing utility service infrastructure. Such fees

1 cover items such as water lines and meters, storm drains, fire service, and even for providing
2 parks. Since ADUs may create added demands for some services, it may not always be the case
3 for other such services. The concept of ADUs are to capitalize an opportunity to use existing
4 single-family style developments and associated infrastructure to keep costs down but increase
5 the opportunity to find housing options. Charging a full service impact fee to an ADU may be a
6 dis-incentive and may not be a flawless balance between the actual impact and the end user of an
7 ADU. The Commission and Council need to consider this as part of any decision to allow ADUs
8 in the City.

9
10 Commissioner Randall said her biggest concern is parking. This is often the reason a
11 neighbor will report an illegal ADU. She questioned if one additional parking space was
12 adequate for an ADU. Mr. Snyder said the Commission could increase the required parking to 2
13 spaces, but staff believes it may not be necessary for a maximum 800 square feet dwelling.

14
15 Chair Hirschi opened the public hearing.

16
17 Dale Engberson said he has read the proposed ADU draft and is accepting of the
18 document. He likes that the parking is behind the setback and believes this will help with
19 alleviate parking concerns. He likes that the draft requires ADUs to have their own meters but
20 that both meters must be in the property owner's name. He believes if ADUs are done right they
21 are a benefit to the community.

22
23 Stephanie Ivie, City Councilwoman, said she is glad to see the ADU issue come to this
24 point. She agrees ADUs should be legal with set parameters. She is concerned the proposed draft
25 may be a bit more restrictive than she would like. She does appreciate the owner occupancy
26 requirement.

27
28 Lee Skabelund said legalizing ADUs has been a long time coming. He said ADUs can
29 work out nicely for a community and provide cohesiveness when done right. He said ADUs
30 provide housing options for citizens who do not want to leave their large homes but need
31 supplemental income to keep it and citizens who would like a smaller more reasonable place to
32 live or elderly who do not want to live in a facility. He said ADUs need to have their own
33 parking and entrance and separate heating, bathroom, kitchen and fire protection. He said ADUs
34 increase diversity which keeps a community healthy.

35
36 Chair Hirschi made a **motion** for the Planning Commission to **TABLE** this matter and the
37 public hearing until the Planning Commission meeting to be held on February 25, 2015. The
38 motion was seconded by Commissioner Hirst and passed by unanimous vote (6-0).

39

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
7/7/2015**

Item No. 8.

Short Title: Mayor's Report

Initiated By: Mayor Cutler

Scheduled Time: 8:30

SUBJECT

- a. Utility Billing Adjustments for Quarter ending June 25, 2015
- b. UTOPIA update

RECOMMENDATION

BACKGROUND

City Code allows the Mayor to approve adjustments in utility bills, but he is to report those adjustments to the City Council.

The Mayor also intends to provide an update regarding UTOPIA.

ATTACHMENTS:

Description

- Utility Billing Adjustments for period ending June 25, 2015

Water Billing Adjustments

Quarter ending 06/25/15

Water bill credit adjustments that been approved by Mayor Cutler due to winter leakage are as follows:

Valerie Webber	1363 North Brookhurst Circle	Adjusted 06/25/15	100.44
----------------	------------------------------	-------------------	--------

Military Adjustments:

We have one individual that is participating in the Military Utility Fee Waiver Program

Paul Roberts	1139 North 300 East	Adjusted 04/25	45.42
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** These individuals are also on a payment plan to pay the remainder of the leakage amount.

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
7/7/2015**

Item No. 9.

Short Title: City Council Liaison Report

Initiated By:

Scheduled Time: 8:40

SUBJECT

Councilwoman Ivie - Landmarks Commission & Trails Committee

RECOMMENDATION

BACKGROUND

Councilwoman Stephanie Ivie serves as the Council's liaison to the Landmarks Commission and Trails Committee.

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
7/7/2015**

Item No. 10.

Short Title: City Manager's Report

Initiated By: City Manager

Scheduled Time: 8:50

SUBJECT

- a. Clarification of property tax issues

RECOMMENDATION

In the absence of the City Manager, the Assistant City Manager, Blaine Lutz, will reports on relevant matters.

BACKGROUND

- a. Blaine Lutz will answer the Council's questions about the certified property tax rate adopted as part of the Council's adoption of the City Budget for FY 2016 in their June 16 meeting. Two of the issues he has been asked to explain is why the certified rate went up this year, and why there was so little increase in the property tax revenue estimate despite the fact that much value has been added to the property tax base in the past year.

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
7/7/2015**

Item No. 11.

Short Title: Miscellaneous Business

Initiated By:

Scheduled Time: 8:55

SUBJECT

- a. Commence warranty period for The Pastures commercial project

RECOMMENDATION

- a. Approve commencement of the warranty period for The Pasture commercial project, effective July 7, 2015.

BACKGROUND

The Pasture project, located at approximately 1275 North 1300 West, was given final site plan approval by the Planning Commission on April 9, 2014. According to the City Engineer, all public improvements have been completed and he recommends commencement of the warranty period. The amount of security posted for the warranty period will be \$46,635.

ATTACHMENTS:

Description

- ☐ City Engineer Recommendation

Marsha Morrow

From: kevin campbell <kevin.campbell@esieng.com>
Sent: Wednesday, June 17, 2015 3:37 PM
To: Steve Thacker
Cc: Marsha Morrow; Brandon Toponce; Randy Randall; craig@salmonhvac.com; csalmon@salmonhvac.com; Troy Salmon; Cory Snyder
Subject: The Pastures - Bond Reduction #2 (Begin Warranty)
Attachments: Bond Reduction #2 (Begin Warranty)_06-17-15.pdf

Steve -

The attached bond reduction and start of warranty is recommended for The Pastures Site.

Let me know if additional information is needed.

Kevin

Kevin Campbell, P.E.
Centerville City Engineer

Kevin Campbell, P.E.
ESI Engineering, Inc
3500 S. Main St.
SLC, Ut 84115
801.263.1752

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
7/7/2015**

Item No. 12.

Short Title: Adjourn to RDA meeting

Initiated By:

Scheduled Time: 9:00

SUBJECT

RECOMMENDATION

BACKGROUND

CENTERVILLE

**Staff Backup Report
7/7/2015**

Item No. 13.

Short Title: Reconvene City Council meeting

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
7/7/2015**

Item No. 14.

Short Title: Closed meeting for reasons allowed by state law, including, but not limited to, the provisions of Section 52-4-205 of the Utah Open and Public Meetings Act, and for attorney-client matters that are privileged pursuant to Utah Code Ann. § 78B-1-137, as amended

Initiated By:

Scheduled Time: 9:10

SUBJECT

RECOMMENDATION

Adjourn into a closed meeting to discuss the City Manager's performance.

BACKGROUND

The City Manager's employment contract allows for the possibility of an annual pay raise. Prior to considering any raise, the City Council should discuss the Manager's performance in a closed meeting.

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
7/7/2015**

Item No. 15.

Short Title: Possible action following closed meeting, including appointments to boards and committees and possible adjustment in City Manager's compensation

Initiated By:

Scheduled Time: 9:25

SUBJECT

RECOMMENDATION

Mayor Cutler may recommend appointments to City boards/committees. Also consider whether to approve a pay raise for the City Manager, in accordance with the Compensation Plan for City employees approved in the June 16, 2015 Council meeting.

BACKGROUND

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
7/7/2015**

Item No.

Short Title: Items of Interest (i.e., newspaper articles, items not on agenda); Posted in-meeting information

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

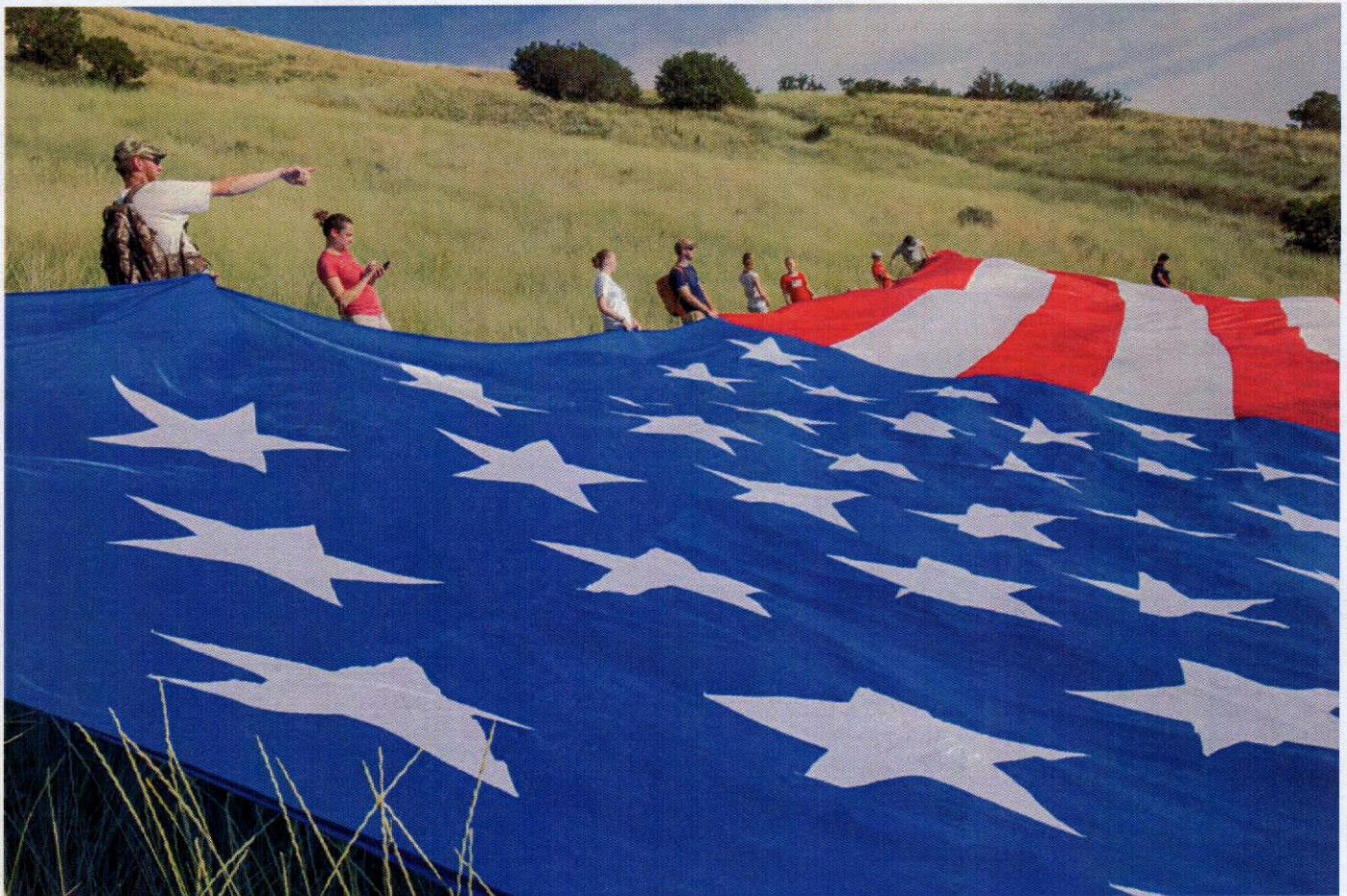
BACKGROUND



Printed: July 06, 2015

Majesty on the Mountain

Centerville celebrates with 7,200-square-foot U.S. flag



BENJAMIN HAGER/STANDARD-EXAMINER

Jacob Bothell points down the peak toward the Centerville centennial celebration where attendees were reciting the Pledge of Allegiance as part of July Fourth weekend festivities Friday. A group consisting largely of members of the Centerville Canyon LDS Ward carried a 120-foot-by-60-foot American flag roughly halfway up Centerville Peak and unfurled it across the mountainside, where it could be viewed for almost two hours.

BY TAYLOR HINTZ STANDARD-EXAMINER STAFF

CENTERVILLE — People in and surrounding the city celebrated their national patriotism and love for

their city Friday night at Centerville's Centennial Celebration at Founders Park.

Hundreds of people come each year to Centerville's Fourth of July events and parades, but they got to see a new feature this year — a 7,200-square-foot American flag.

The 120-by-60-foot flag — the size of a regulation basketball floor — was carried halfway up the mountainside known by locals as Centerville Peak, where it was unfurled and held aloft by 35 young men and women for almost two hours.

The surface area of the flag makes it larger than the "U" above the University of Utah (5,000 square feet) and the Viewmont High School "V" on the hillside in Bountiful just south of Centerville Peak, according to a news release by Sky's the Limit Productions.

Mayor Paul Cutler briefly paused the celebration around 7 p.m. to lead the hundreds of attendees in facing the flag to recite the Pledge of Allegiance and sing "The Star-Spangled Banner." The flag carriers, all young men and women from the Centerville Canyon LDS Ward, caused it to ripple and wave as if it were blowing in the wind.

The flag was provided by Sky's the Limit Productions, a division of WorldStrides Heritage Performance. The flag has already graced audiences at Major League Baseball All-Star and World Series games, Indy 500 races, the NCAA Final Four basketball championships and several other games.

This event was much different, said WorldStrides Heritage Performance Vice President Kyle Naylor, a Centerville resident who helped arrange for the flag's display.

"Instead of pleasing an audience I don't know, I was pleasing a town of kids and neighbors that I love dearly," he said. "It was a great experience."

Even the volunteering kids who held the 150-pound flag for an hour and a half on the hot mountainside enjoyed the experience, Naylor said.

"It was very nice and patriotic," said Kimi Kier-Noar, a former Centerville resident. "I just loved how it looked like it was blowing in the wind."

Kimi, 45, attended the celebration with her husband Pat, 41, and their three children, ages 13, 11 and 4. They had moved from Centerville years ago to live in South Ogden, but returned every year for Centerville's Fourth of July celebrations.

"Our favorite thing is the children's parade," Kimi said, referring to the bike-around-the-block for children. "Or the legendary popsicles."

Some of the celebration's other features included several band performances, inflatable playhouses, a rock-climbing wall and dozens of food and entertainment booths.

Food vendors and local groups sold hot dogs, sno-cones, cotton candy and even Philly cheesesteaks.

Cutler said his favorite feature of the celebration wasn't the American cuisine, but a book.

"Because our city was incorporated into the state 100 years ago, we commissioned a group of authors to make a book on the city's history," he said. "It's a fantastic book."

"The Centennial Book," which was available at the celebration, costs \$35 and is available at Centerville

City Hall, 250 N. Main St., and Carr Printing, 580 W. 100 North, Bountiful.

Contact reporter Taylor Hintz at 801-625-4221 or thintz@standard.net. Follow on Twitter [@TaylorHintzSE](https://twitter.com/TaylorHintzSE) for breaking news updates.



Government Finance Officers Association
203 N. LaSalle Street - Suite 2700
Chicago, IL 60601

Phone (312) 977-9700 Fax (312) 977-4806

RECEIVED
JUN 22 2015
CENTERVILLE CITY CORP

cc ST

June 16, 2015

The Honorable Paul Cutler
Mayor
Centerville City Corporation
250 North Main
Centerville UT 84014-1820

Dear Mayor Cutler:

We are pleased to notify you that your comprehensive annual financial report for the fiscal year ended **June 30, 2014** qualifies for a Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An award for the Certificate of Achievement has been mailed to:

Blaine L. Lutz
Finance Director/Assistant City Manager

We hope that you will arrange for a formal presentation of the Certificate and Award of Financial Reporting Achievement, and that appropriate publicity will be given to this notable achievement. A sample news release is enclosed to assist with this effort. In addition, details of recent recipients of the Certificate of Achievement and other information about Certificate Program results are available in the "Awards Program" area of our website, www.gfoa.org.

We hope that your example will encourage other government officials in their efforts to achieve and maintain an appropriate standard of excellence in financial reporting.

Sincerely,
Government Finance Officers Association

Stephen J. Gauthier, Director

Technical Services Center

SJG/ds



Government Finance Officers Association
203 N. LaSalle Street - Suite 2700
Chicago, IL 60601

Phone (312) 977-9700 Fax (312) 977-4806

06/16/2015

NEWS RELEASE

For Information contact:
Stephen Gauthier (312) 977-9700

(Chicago)--The Certificate of Achievement for Excellence in Financial Reporting has been awarded to **Centerville City Corporation** by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An Award of Financial Reporting Achievement has been awarded to the individual(s), department or agency designated by the government as primarily responsible for preparing the award-winning CAFR. This has been presented to:

Blaine L. Lutz, Finance Director/Assistant City Manager

The CAFR has been judged by an impartial panel to meet the high standards of the program including demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

The GFOA is a nonprofit professional association serving approximately 17,500 government finance professionals with offices in Chicago, IL, and Washington, D.C.



Steve Thacker
City Manager

Centerville City Building & Safety Department

655 North 1250 West, Centerville, Utah 84014

Monthly Building Report for June 2015

Construction Type	# of Permits		YTD Structures		Average Home Cost		Construction Valuation	
	Month	YTD	# Units	# Bldgs	Month	YTD	Month	YTD
Single Dwellings	2	5	5	5	438,704.00	311,331.00	877,408.00	1,556,654.00
Duplexes / Town Homes	0	0	0	0			-	-
Apartments	0	0	0	0			-	-
Addition/Alteration/Repair	2	10					121,574.00	485,131.00
Power/Mech	8	42					-	-
Signage	2	16					3,000.00	71,340.00
Commercial/Tenant Finish	2	20					32,600.00	2,290,060.00
Detached Structure/Gar	0	4					-	148,389.00
Demolition	0	1					-	2,500.00
Pool	0	1					-	45,000.00
Miscellaneous	1	18					7,000.00	185,230.00
Total Permits Issued:	17	115			Total Permitted Valuation:		1,041,582.00	4,784,304.00

Building Permit Related Revenues	Monthly		YTD Comparison	
	June 2015	YTD 2015	June 2014	YTD 2014
BUILDING	9,728.98	49,183.58	10,787.52	58,971.41
PLAN CHECK	2,599.64	18,874.90	6,310.65	34,584.03
ELECTRICAL	198.00	1,056.00	264.00	1,792.00
PLUMBING	-	-	-	-
MECHANICAL	330.00	1,838.00	264.00	1,518.00
GRADING	-	-	-	188.00
STATE SURCHARGE	102.58	520.25	133.17	714.33
WATER DEV.	5,068.00	10,641.00	2,534.00	12,162.00
WATER CONNECTION	3,768.94	16,132.94	-	2,997.81
WATER METER	545.00	1,520.00	305.00	2,645.00
STORM DRAIN	-	-	-	700.00
FIRE IMPACT	942.00	2,617.65	2,147.66	4,896.77
PARK IMPACT	4,714.00	10,285.00	-	2,957.00
DRIVE APPROACH	70.00	240.00	-	100.00
BOND	1,000.00	15,000.00	1,000.00	10,000.00
SPECIAL IMP DIST/REC	12.00	12.00	-	-
ENGINEERING	-	500.00	-	2,000.00
TV INSPECT DRAINS	-	-	-	600.00
LANDSCAPING BOND	-	-	-	-
Total Permits Related Revenue:	\$31,479.14	\$128,421.32	\$23,726.20	\$144,926.75