WORK SESSION AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY COUNCIL WILL HOLD ITS WORK SESSION MEETING AT 5:30 PM ON JUNE 21, 2022 AT CENTERVILLE CITY HALL, 250 NORTH MAIN STREET, CENTERVILLE, UTAH.

Centerville City Council meetings are open to the public, unless otherwise closed for reasons allowed by law. Centerville City Council meetings may be conducted via electronic means pursuant to Utah Code § 52-4-207. In compliance with the Americans with Disabilities Act, individuals needing special accommodations due to a disability may contact the City Recorder at (801) 295-3477, at least 24 hours in advance of the meeting. The Mayor and Council reserve the right to modify the sequence of agenda items in order to facilitate special needs or provide greater efficiency.

The full agenda packet and backup materials can be found on the Centerville City website at:
https://centervilleutah.gov/129/Agendas-Minutes

A. ROLL CALL

B. BUSINESS ITEMS
Business action or discussion items to be considered.

1. Landscaping Regulations for Single-Family Development - Current Regulations and HB 282 (2022)
   Discuss current landscaping regulations for single-family development and water wise landscaping regulations of HB 282 (2022)
2. Pickleball Courts
   Discuss location and number of pickleball courts

C. CLOSED SESSION
The City Council may vote to discuss matters in a closed session for reasons allowed by law, including, but not limited to, the provisions of Utah Code § 52-4-205 of the Open and Public Meetings Act, and for attorney-client matters that are privileged pursuant to Utah Code § 78B-1-137.

D. ADJOURNMENT

CERTIFICATE OF POSTING

I hereby certify that this notice and agenda was posted at Centerville City Hall, published on the Utah Public Notice Website, and provided to a newspaper or media correspondent in accordance with the requirements of the Utah Open and Public Meetings Act, including, but not limited to, provisions of Utah Code § 52-4-202.

Jennifer Hansen
Centerville City Recorder

CITY COUNCIL

Staff Report

6/21/2022

Item No. 1.

Title: Landscaping Regulations for Single-Family Development - Current Regulations and HB 282 (2022)

Initiated By: Brant Hanson, City Manager

Staff Representative: Brant Hanson, City Manager

SUBJECT:

Discuss current landscaping regulations for single-family development and water wise landscaping regulations of HB 282 (2022)

RECOMMENDATION:

Review submitted information from the Community Development Director regarding current landscaping regulations for single-family development and from the City Attorney regarding HB 282 (2022) imposing new water wise landscaping requirements for municipalities.

BACKGROUND:

There has been a number of questions regarding current City ordinance requirements and regulations regarding landscaping for single-family development and the impact of HB 282 (2022) regarding water wise landscaping as adopted by the Utah Legislature. Staff will provide information regarding current ordinances and applicable provisions of HB 282 (2022).

ATTACHMENTS:

1. 06-21-2022 CC Staff Report-Landscaping Discussion
2. Water Wise Landscaping (HB 282)-2022
3. HB 282 (Water Wise Landscaping)
4. Landscaping Memo - Public Works Director

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

STAFF MEMORANDUM

TO: **CENTERVILLE CITY COUNCIL**

FROM: **PLANNING STAFF**

SUBJECT: **LANDSCAPING REQUIREMENTS VS. WATER CONSERVATION - A WORK SESSION DISCUSSION**

BACKGROUND

As the City Council is aware, there has been a lot of discussion regarding water conservation and local landscaping requirements. The City Manager has asked City Staff to address a few matters regarding current landscaping requirements in order to better inform the Council and if needed direct staff, accordingly. This memorandum will address the current Zoning Code requirements related to landscaping regulations.

CURRENT APPLICABILITY OF THE ZONING ORDINANCE LANDCAPING REGULATIONS

What development categories have landscaping installation regulations?

According to CZC 12.51, Landscaping and Buffering, *"any non-residential project, special residential project, building, structure, change in land use, or other improvement which* ***requires approval of a site plan or conditional use permit****."* The rest of this Chapter of the Zoning Code then describes the standards for Non-single family, Commercial, and Industrial sites.

According to CZC 12.110, Site Plan Review [*see subparagraph (c)(2)],* multi-family, public/civic, commercial, and industrial developments require a "*site plan review*." **Therefore, a typical single-family home lot is NOT subject to the currently adopted landscaping standards of the City**.

If minimum landscaping is NOT required for single-family development, can a homeowner do anything they want?

According to CZC 12.32.300, Table of Development Standards in Residential Zones, allowable/maximum **"*Hard Surfacing*" (*or aka impervious surfacing*) is limited to 60% of total area of lot/parcel and 50% of the front, side, and rear yard areas** *(i.e. required or setback minimums - see 12.12. Definitions of "yards").*

The latter is the most difficult to explain, but it is designed to maintain at least 50% of the setbacks areas to be "*pervious*." However, it allows for some typical hard surface use of the setback areas, such as RV pads, out buildings, patios, etc.

Also, it should be noted that the Zoning **Code does NOT define "*hard surface*."** Consequently, CZC 12.12.030, Rules of Interpretation, states **"words and phrases shall be construed according to**

the common use and understanding of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning." The common use and understanding of "*hard surface*" is generalized to *mean "make the surface of something hard or firm, as by compacting or paving it."*

Furthermore, CZC 12.10.060, Applicable Provisions Not in This Title states *that "CMC 16, Stormwater, is applicable to the use and development of land."* According to CMC 16.01.090, Definitions, "***Impervious Surface*" is defined and described and would be therefore deemed a "*technical word or phrase***" by the Zoning Ordinance in addition to the "*common usage* of *hard surface.*" This **"impervious surface" regulation and its applicability will be addressed by the Staff of the Public Works Department**.

Lastly, in accordance with CMC 7.04.070 Weed Control "***no owner or responsible person shall permit weeds on property*** *under his or her ownership or control* ***to exceed a height of 12 inches at any time***" and *"no owner…shall permit noxious plants such as poison ivy (rhus toxicodendron), poison oak (rhus diversiloba), poison sumac (rhus vernix), and those plants designated in the Utah Noxious Weed Act,"* irrespective of any height.

How is the use of Artificial Plants and Turf regulated?

As indicated earlier in this memo, the landscaping regulations are applicable to development requiring a "*site plan approval*." Such use of artificial landscaping materials *(see CZC 12.51.082)* can be summarized as follows:

- Parrish Lane Gateway Area – Use of artificial landscaping is *"**Prohibited**."*
- South Main Street Commercial Area - The total amount of artificial plants and landscaping on any given site ***shall not exceed 5% of the total landscaped area*** on the site.
- Frontage Road Area - The total amount of artificial plants and landscaping on any given site ***shall not exceed 25% of the total landscaped area*** on the site.
- All Other Areas (*i.e. requiring site plan approval*) - The total amount of artificial plants and landscaping on any given site ***shall not exceed 10% of the total landscaped area*** on the site.
- ***A typical single-family home lot is NOT subject to the currently adopted artificial landscaping standards of the Zoning Ordinance***

KEY FINDINGS OF PLANNING STAFF:

- ✓ The landscaping regulations of CZC 12.51. are generally applicable to multi-family, commercial, and industrial zoning districts only.
- ✓ Artificial landscaping regulations are generally applicable to multi-family, commercial, and industrial zoning districts only.
- ✓ Single-family lots ARE subject to maximum allowable "*hard surfacing*" regulations of the Zoning Ordinance.
- ✓ Single-family lots ARE ALSO subject to specific "*impervious surface*" limitations of the Municipal Code.
- ✓ Single-family lots are NOT subject to any minimum landscaping requirements (*but are subject to adopted weed regulations*).
- ✓ Single-family lots are NOT subject to currently adopted Artificial landscaping regulations of the Zoning Ordinance.

CENTERVILLE CITY ATTORNEY'S OFFICE

250 North Main Street
Centerville, Utah 84014
801.335.8842

MEMORANDUM

TO: Mayor and City Council

FROM: Lisa G. Romney, City Attorney

DATE: June 14, 2022

RE: Water Wise Landscaping - HB 282 (2022)

The Utah Legislature adopted HB 282 (2022) imposing new restrictions on public entities regarding water wise landscaping. Amendments to Utah Code § 10-9a-535 as adopted by HB 282 prohibit municipalities from enacting or enforcing an ordinance, resolution, or policy that prohibits, or has the effect of prohibiting a property owner from *incorporating* water wise landscaping on the property owner's property. In addition, the amendments prohibit municipalities from requiring a property owner to install or keep in place lawn or turf *in an area with a width less than eight feet*. While these amendments restrict the City from imposing certain landscaping requirements for private property, the amendments do not completely prohibit the City from regulating such landscaping. The City is still authorized to impose landscaping regulations on private property so long as such regulations do not completely prohibit property owners from "incorporating" certain water wise landscaping. In addition, the City can impose some lawn or turf landscaping requirements for private property, so long as such regulations do not require lawn or turf "in areas less than eight feet wide." The statutory amendments also specifically allow the City to require certain developments to comply with site plan review or other review processes before installing water wise landscaping and to impose certain design requirements for water wise landscaping. Under this authority, the City may restrict the use of certain mulches considered detrimental to municipal operations, impose certain minimum or maximum vegetative coverage standards, or restrict or prohibit specific plant materials. Current City ordinances already regulate or impose these permissible regulations through site plan review process, commercial landscaping standards, impervious surface coverage requirements, parkstrip hardscaping and mulch restrictions, and noxious weed or plant material requirements. The City Council may wish to review current City ordinances for consistency with these new statutory amendments and/or to impose additional regulations regarding water wise landscaping in accordance with applicable provisions of HB 282.

WATER WISE LANDSCAPING AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill modifies provisions regarding water wise landscaping.

Highlighted Provisions:

This bill:

- defines terms;
- prohibits certain public or private entities from prohibiting water wise landscaping; and
- authorizes certain landscaping requirements.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

10-9a-535, Utah Code Annotated 1953

17-27a-531, Utah Code Annotated 1953

57-8a-231, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **10-9a-535** is enacted to read:

10-9a-535. Water wise landscaping.

29 (1) As used in this section:
30 (a) "Lawn or turf" means nonagricultural land planted in closely mowed, managed
31 grasses.
32 (b) "Mulch" means material such as rock, bark, wood chips, or other materials left
33 loose and applied to the soil.
34 (c) "Overhead spray irrigation" means above ground irrigation heads that spray water
35 through a nozzle.
36 (d) (i) "Vegetative coverage" means the ground level surface area covered by the
37 exposed leaf area of a plant or group of plants at full maturity.
38 (ii) "Vegetative coverage" does not mean the ground level surface area covered by the
39 exposed leaf area of a tree or trees.
40 (e) "Water wise landscaping" means any or all of the following:
41 (i) installation of plant materials suited to the microclimate and soil conditions that
42 can:
43 (A) remain healthy with minimal irrigation once established; or
44 (B) be maintained without the use of overhead spray irrigation;
45 (ii) use of water for outdoor irrigation through proper and efficient irrigation design
46 and water application; or
47 (iii) use of other landscape design features that:
48 (A) minimize the need of the landscape for supplemental water from irrigation; or
49 (B) reduce the landscape area dedicated to lawn or turf.
50 (2) A municipality may not enact or enforce an ordinance, resolution, or policy that
51 prohibits, or has the effect of prohibiting, a property owner from incorporating water wise
52 landscaping on the property owner's property.
53 (3) (a) Subject to Subsection (3)(b), Subsection (2) does not prohibit a municipality
54 from requiring a property owner to:
55 (i) comply with a site plan review or other review process before installing water wise

56 landscaping;
57 (ii) maintain plant material in a healthy condition;
58 (iii) follow specific water wise landscaping design requirements adopted by the
59 municipality, including a requirement that:
60 (A) restricts or clarifies the use of mulches considered detrimental to municipal
61 operations;
62 (B) imposes minimum or maximum vegetative coverage standards; or
63 (C) restricts or prohibits the use of specific plant materials.
64 (b) A municipality may not require a property owner to install or keep in place lawn or
65 turf in an area with a width less than eight feet.
66 Section 2. Section **17-27a-531** is enacted to read:
67 **17-27a-531. Water wise landscaping.**
68 (1) As used in this section:
69 (a) "Lawn or turf" means nonagricultural land planted in closely mowed, managed
70 grasses.
71 (b) "Mulch" means material such as rock, bark, wood chips, or other materials left
72 loose and applied to the soil.
73 (c) "Overhead spray irrigation" means above ground irrigation heads that spray water
74 through a nozzle.
75 (d) (i) "Vegetative coverage" means the ground level surface area covered by the
76 exposed leaf area of a plant or group of plants at full maturity.
77 (ii) "Vegetative coverage" does not mean the ground level surface area covered by the
78 exposed leaf area of a tree or trees.
79 (e) "Water wise landscaping" means any or all of the following:
80 (i) installation of plant materials suited to the microclimate and soil conditions that
81 can:
82 (A) remain healthy with minimal irrigation once established; or

83 (B) be maintained without the use of overhead spray irrigation;
84 (ii) use of water for outdoor irrigation through proper and efficient irrigation design
85 and water application; or
86 (iii) the use of other landscape design features that:
87 (A) minimize the need of the landscape for supplemental water from irrigation; or
88 (B) reduce the landscape area dedicated to lawn or turf.
89 (2) A county may not enact or enforce an ordinance, resolution, or policy that prohibits,
90 or has the effect of prohibiting, a property owner from incorporating water wise landscaping on
91 the property owner's property.
92 (3) (a) Subject to Subsection (3)(b), Subsection (2) does not prohibit a county from
93 requiring a property owner to:
94 (i) comply with a site plan review or other review process before installing water wise
95 landscaping;
96 (ii) maintain plant material in a healthy condition;
97 (iii) follow specific water wise landscaping design requirements adopted by the county,
98 including a requirement that:
99 (A) restricts or clarifies the use of mulches considered detrimental to county
100 operations;
101 (B) imposes minimum or maximum vegetative coverage standards; or
102 (C) restricts or prohibits the use of specific plant materials.
103 (b) A county may not require a property owner to install or keep in place lawn or turf in
104 an area with a width less than eight feet.
105 Section 3. Section **57-8a-231** is enacted to read:
106 **57-8a-231. Water wise landscaping.**
107 (1) As used in this section:
108 (a) "Lawn or turf" means nonagricultural land planted in closely mowed, managed
109 grasses.

110 (b) "Mulch" means material such as rock, bark, wood chips, or other materials left
111 loose and applied to the soil.
112 (c) "Overhead spray irrigation" means above ground irrigation heads that spray water
113 through a nozzle.
114 (d) (i) "Vegetative coverage" means the ground level surface area covered by the
115 exposed leaf area of a plant or group of plants at full maturity.
116 (ii) "Vegetative coverage" does not mean the ground level surface area covered by the
117 exposed leaf area of a tree or trees.
118 (e) "Water wise landscaping" means any or all of the following:
119 (i) installation of plant materials suited to the microclimate and soil conditions that
120 can:
121 (A) remain healthy with minimal irrigation once established; or
122 (B) be maintained without the use of overhead spray irrigation;
123 (ii) use of water for outdoor irrigation through proper and efficient irrigation design
124 and water application; or
125 (iii) the use of other landscape design features that:
126 (A) minimize the need of the landscape for supplemental water from irrigation; or
127 (B) reduce the landscape area dedicated to lawn or turf.
128 (2) An association may not enact or enforce a governing document that prohibits, or
129 has the effect of prohibiting, a lot owner of a detached dwelling from incorporating water wise
130 landscaping on the property owner's property.
131 (3) (a) Subject to Subsection (3)(b), Subsection (2) does not prohibit an association
132 from requiring a property owner to:
133 (i) comply with a site plan review or other review process before installing water wise
134 landscaping;
135 (ii) maintain plant material in a healthy condition;
136 (iii) follow specific water wise landscaping design requirements adopted by the

137 association including a requirement that:

138 (A) restricts or clarifies the use of mulches considered detrimental to the association's

139 operations;

140 (B) imposes minimum or maximum vegetative coverage; or

141 (C) restricts or prohibits the use of specific plant materials.

142 (b) An association may not require a property owner to install or keep in place lawn or

143 turf in an area with a width less than eight feet.

Memo

To: City Council and Staff

From: Michael Carlson, Public Works Director

Date: 6/16/2022

Subject: Landscaping discussion, Impervious surface

I have discussed and reviewed with my staff, impervious surfacing and what we would like to see with artificial turf

Allowed

Uncompacted gravel, turf, pavers with gaps that allows the water to flow through the cracks, flower beds, etc.

Not allowed

Compacted gravel, concrete, asphalt

Artificial Turf

We don't mind it in the yard, as long as, it is installed to manufacturers specifications and meets the permeable requirements. We feel it needs to be permit based, so the City can perform an inspection, etc.

We object to artificial turf in the park strip, regardless of the installation method. It puts undue hardship on utility owners in the public right-of-way, if there is to be work done. Restoration is complicated and costly to do correctly

CITY COUNCIL

Staff Report

6/21/2022

Item No. 2.
Title: Pickleball Courts
Initiated By: Brant Hanson, City Manager
Staff Representative: Bruce Cox, Parks and Recreation Director

SUBJECT:

Discuss location and number of pickleball courts

RECOMMENDATION:

BACKGROUND:

Pickleball Court Location Possibilities
For City Council Consideration 6/14/2022

SMITH PARK

PROS

- Existing close park restrooms
- Existing close playground
- Existing parking, additional parking option
- Elementary school PE options
- Minimal neighbor impact
- Proximity to city hall, year-round restrooms
- No demolition needed
- Reduce irrigation water need compared to all landscaped option

CONS

- Parking competition with school from 8:30am to 3:30pm Aug. – May
- Limited space for up to 8 courts

PORTER-WALTON PARK

PROS

- Existing close park restrooms
- Existing close park playground
- Minimal neighbor impact
- Existing parking, additional parking option
- Proximity to library, year-round restrooms
- Reduces park irrigation water needs
- High visibility

CONS

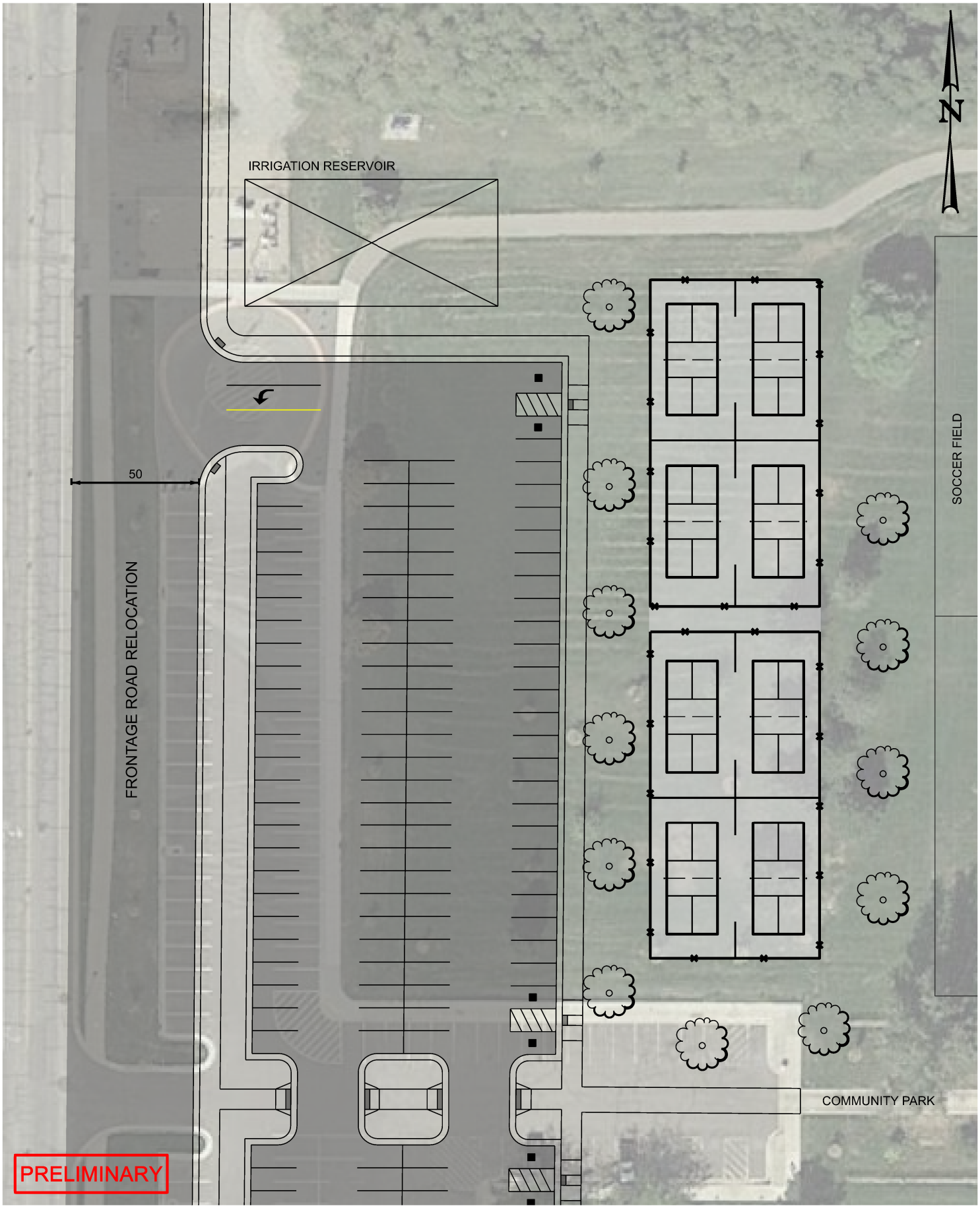
- Demolition (basketball court, irrigation system)
- Cost to replace basketball court and irrigation
- Limited area for 9 courts

COMMUNITY PARK NW CORNER

PROS	CONS
• Room for 12 courts • Minimal neighbor impact • Reduces park irrigation needs • High visibility • Utilizes an underused area of the park	• Competition for parking with team sports • No close restrooms • New parking costs (May be paid by UDOT) • No close playground • Extended construction impact of I-15 widening

ATTACHMENTS:

1. Community Park - 8-court
2. Community Park -12-court
3. Smith Park - 8-court
4. Porter Walton - 9-court
5. Randall Property Pickle Ball Recommendation Letter



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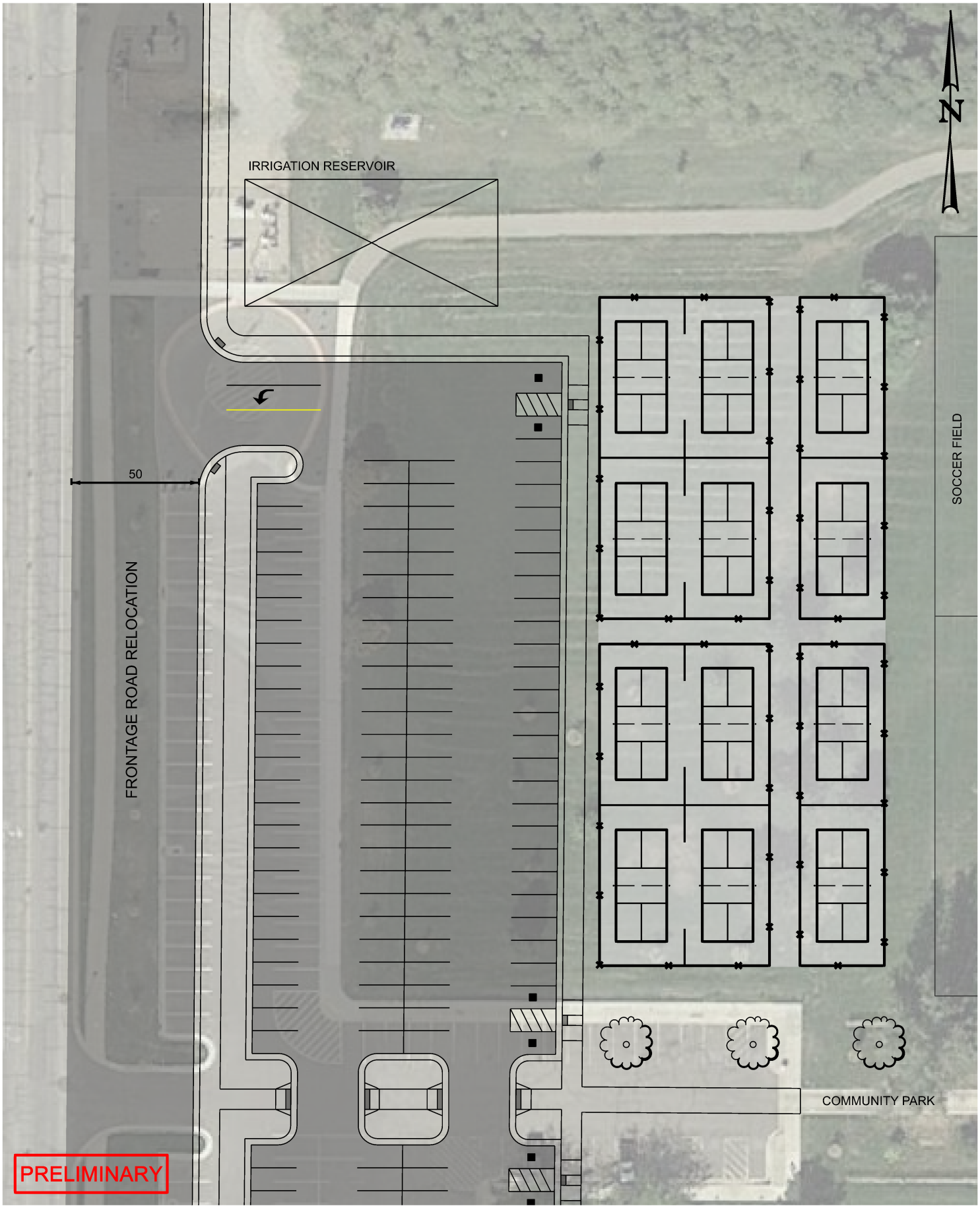
CENTERVILLE CITY COMMUNITY PARK

PICKLEBALL COURTS

11/20/2019
DATE

SHEET NO.
1



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CENTERVILLE CITY COMMUNITY PARK

PICKLEBALL COURTS

11/20/2019
DATE

SHEET NO.
1

REVISIONS

NO.	DATE	APPROVED BY	REMARKS

PRELIMINARY

07/07/2021
DATE

DRAWN BY CDP

QC CHECKED BY KLC

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CENTERVILLE CITY
WILLIAM R. SMITH
PARK EXPANSION

PICKLEBALL COURT LAYOUT

PROJECT

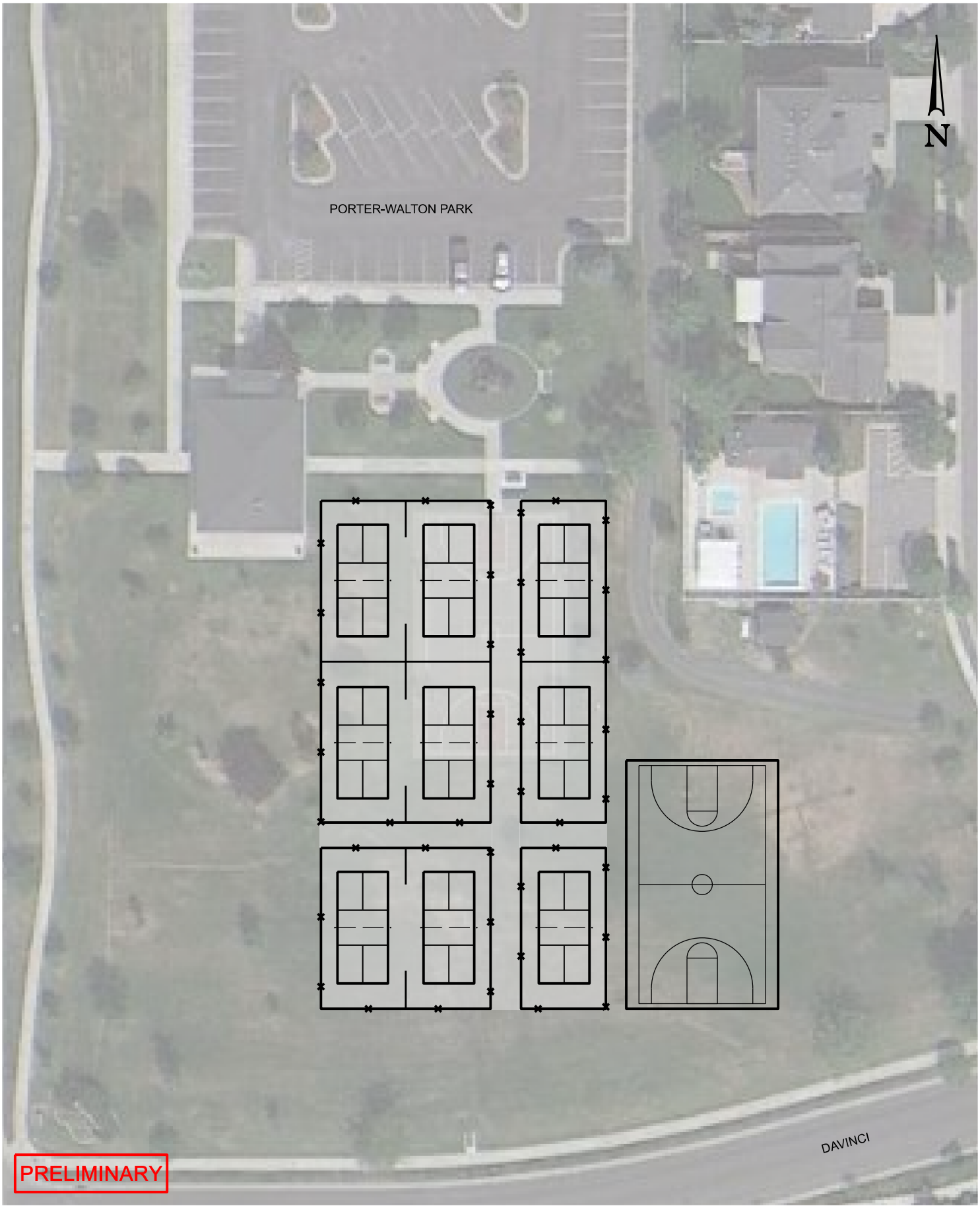
SHEET

PROJECT NO. 19-066

SHEET NO. 1

$$file$$

$$date$$



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PORTER-WALTON PARK

06/03/2022
DATE

PICKLEBALL COURTS

SHEET NO.
1

CENTERVILLE CITY

PARKS & RECREATION DEPARTMENT

W. Bruce Cox

689 North 1250 West

Centerville, Utah 84014

(801) 292-8232

Parks & Rec. Director and department Staff recommend the Randall Property pickle ball court concept plan be implemented for the following reasons:

- **The demand** for pickle ball courts is the single most requested park amenity in part because it appeals to a wider community than most any other park activity and will receive much more use than green space alone.
- **The City owns the property** and there are no restrictions that impede the development. There are no additional mitigation costs required to develop this property so it could be done right away.
- There are **already existing adjacent facilities** of restrooms, parking, and playground that are under used and could support the added activity that pickle ball courts would generate.
- This location **accommodates the lighting** that the new courts would have as the property is adjacent to street lighting and City Hall Parking which already has lighting that is higher than the lights the new courts would require, and both the parking lot lights and streetlights already stay on all night long.
- There is **a noise buffer**. Pickle ball generates noise that can be a nuisance if too close to residents and this location is surrounded on all sides by Smith Park, City Hall, Centerville Elementary School Playfields and the back property of Ron Randall's Service Station. The closest residence is over 160 ft. away across the street and kiddy corner from where the nearest court would be.
- **Water conservation** is a bigger and bigger issue. Developing this property into pickle ball courts will require, in my rough estimation, about one tenth of the water needed to maintain the same area if developed into green space.
- **Reduced ongoing maintenance.** The recommended concept design will require about one tenth of the weekly maintenance of what it will be if developed into green space.
- **Other opportunities** this location offers are one; use of city hall lobby restrooms during winter months when weather still allows for paly, but park restrooms are winterized, two; being across the street from the elementary school there could be opportunity for school P.E. classes to take advantage of the facility aside from recreation classes and possibly small tournaments.

Thank you,

Bruce Cox