



PLANNING COMMISSION AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE PLANNING COMMISSION WILL HOLD A REGULAR MEETING AT 7:00 PM ON APRIL 24, 2024 AT CENTERVILLE CITY HALL, 250 NORTH MAIN STREET, CENTERVILLE, UTAH.

Centerville City Planning Commission meetings are open to the public, unless otherwise closed for reasons allowed by law. Centerville City Planning Commission 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 Commission reserves 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. CALL TO ORDER

- 1. ROLL CALL**
- 2. LEGISLATIVE PRAYER OR THOUGHT**
- 3. PLEDGE OF ALLEGIANCE**

B. BUSINESS ITEMS

Business action or discussion items to be considered by the Planning Commission.

1. PUBLIC HEARING - Conditional Use Permit for a home occupation license - A Pirate, A Pixie, and A Kitchen Witch located at 50 N 400 E - ADMINISTRATIVE DECISION
The applicant, Alycia Lynn, has applied for a Conditional Use Permit seeking approval for a home occupation business.
2. DISCUSSION - 2024 Planning Commission Goals and Projects
3. TRAINING - Roles and Responsibilities of the Planning Commission

C. COMMUNITY DEVELOPMENT DIRECTORS REPORT

1. Community Development Director's Report
The Community Development Director will give a report and update to the Planning Commission on ongoing projects.

D. MINUTES

Minutes of prior meetings may be reviewed and accepted. Minutes review and approval shall comply with the Centerville City Minutes Approval Policy.

1. Minutes Review and Approval

E. 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 Robison
Centerville City Recorder**

**PLANNING
COMMISSION**

Staff Report
4/24/2024

Item No. 1.

Title: PUBLIC HEARING - Conditional Use Permit for a home occupation license - A Pirate, A Pixie, and A Kitchen Witch located at 50 N 400 E - ADMINISTRATIVE DECISION

Initiated By: Alycia Lynn, Applicant

Staff Representative: Whitney Black, Assistant Planner

SUBJECT:

The applicant, Alycia Lynn, has applied for a Conditional Use Permit seeking approval for a home occupation business.

RECOMMENDATION:

CONSIDER APPROVING THE REQUEST WITH CONDITIONS

BACKGROUND:

The applicant, Alycia Lynn, has applied for a Conditional Use Permit seeking approval for a home occupation business. Ms. Lynn would like to sell her homemade ranch, known as Alycia's Tomatillo Crack, at farmers markets and for delivery.

ATTACHMENTS:

1. 04-24-2024 PC Staff Report Conditional Use Permit - Pirate, Pixie, & Kitchen Witch - Alycia Lynn, Applicant
2. Application Submitted 03-28-2024
3. Product Pictures
4. Utah Code Section 4-5a
5. CZC 12.21.100 Conditional Use Permit
6. CZC 12.62 Home Occupations
7. Email - UDAF
8. Email - Davis County Health Depart
9. 04-11-2024 PPKW CUP Completeness Review
10. Property Owner Affidavit
11. PPKW - Conditional Use Permit Noticing Matrix

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

STAFF REPORT
AGENDA: ITEM 1

APPLICANT:	ALYCIA LYNN 50 N 400 E CENTERVILLE, UT 84014 <u>piratepixiekitchenwitch@gmail.com</u>
APPLICATION:	CONDITIONAL USE PERMIT FOR A HOME OCCUPATION LICENSE
PROPERTY LOCATION:	50 N 400 E
ZONING:	R-L (0.23 ACRES), CENTERVILLE DEUEL CREEK HISTORIC DISTRICT
RECOMMENDATION:	CONSIDER APPROVING THE REQUEST WITH CONDITIONS

BACKGROUND

The applicant, Alycia Lynn, has applied for a Conditional Use Permit seeking approval for a home occupation business. Ms. Lynn would like to sell her homemade ranch, known as Alycia’s Tomatillo Crack at farmers markets and for delivery.

STAFF ANALYSIS AND COMMENTS

As the applicant is proposing the sale of a homemade food product, the Home Consumption and Homemade Food Act (HB 181) applies. The code language is provided in the packet materials. This law provides specific food labeling requirements that are regulated by the Utah Department of Agriculture and Food (UDAF). The following must be labeled on the product: producer’s name and address, “not for resale” disclosure statement, and a processed and prepared without state or local inspection disclosure statement. This state law also exempts some homemade food

products from some state, county, or city licensing and permitting. Producers still must comply with business license requirements.

Although the sale of homemade food products at farmers markets and for delivery is not specifically addressed in the Centerville Zoning Code, *CZC 12.62.060* states that anything not listed as a permitted home occupation use can get approval to be a home occupation through a Conditional Use Permit in an agricultural or residential zone. In short, a Conditional Use Permit is required before a business license can be issued for this operation.

From Planning Staff's review, this application is in line with development standards for all home occupations as listed under *CZC 12.62.050*. It is also compliant with the development standards for a conditional use home occupation listed under *CZC 12.62.070*.

Planning Staff believes that this request meets the approval standards listed under *CZC 12.21.100(e)*. The General Plan does not discuss home occupations. The proposed business seems to be suitable and harmonious with the existing site and adjacent properties. There will be little to no impact on the community. There is adequate access, parking, lighting, fire protection, and vehicle circulation for this specific use on the existing residential lot. If approved, this use will have little to no impact on the health, safety, and general welfare of the immediate vicinity or the City as a whole.

SAMPLE MOTIONS

Based on the information provided by the Planning Staff and following the discussion among the Planning Commission, the Planning Commission may make a motion to approve this request as presented, approve with modifications per the discussion, table the matter to a later date, or deny the request with findings determined by the Planning Commission. With any of these decisions appropriate findings of facts should be provided. Sample motions for the Planning Commission's convenience are located below.

#1 – APPROVE

“I hereby make a motion for the Planning Commission to APPROVE the request for a Conditional Use Permit for a home occupation for A Pirate, A Pixie, and A Kitchen Witch located at 50 N 400 E for Alycia Lynn. With the following conditions of approval:

- 1. This Conditional Use Permit approval shall not be transferred to any other user, unless approved by the City.*
- 2. The business operator shall comply with all the standards under the Home Consumption and Homemade Food Act (HB 181, 2018), including all food labeling requirements.*

3. *The business operator shall provide sample labels with their home occupation business license application. At a minimum food sold under this Conditional Use Permit shall be labeled with:*
 - a. *The producer's name and address*
 - b. *A disclosure statement indicating that the product is:*
 - i. *Not for resale; and*
 - ii. *Processed and prepared without state and local inspection; and*
 - c. *A statement listing whether the food or food product contains, or was prepared in a location that also handles, common allergens including milk, soy, wheat, eggs, peanuts, or tree nuts, fish, or shellfish.*
4. *The business operator shall obey all other applicable local, state, and federal rules and regulations concerning Conditional Use Permits and Home Occupations.*

Suggested Reasons for Action (Findings)

- A. *The Planning Commission finds that the application complies with the approval standards for a Conditional Use Permit as listed under CZC 12.21.100(e).*
- B. *The Planning Commission finds that the application complies with the development standards for a home occupation listed under CZC 12.62.050 and the development standards for a conditional use home occupation listed under CZC 12.62.070.*
- C. *The Planning Commission finds that with the conditions of approval, the application complies with the standards for homemade food products listed under Utah Code § 4-5a.*
- D. *Therefore, the Planning Commission finds that with the implementation of the conditions listed in the staff report dated April 24, 2024, this application will have little to no impact on the health, safety, and general welfare of the community and should be approved.*

#2 – TABLE

“I hereby make a motion for the Planning Commission to TABLE the request for a Conditional Use Permit for a home occupation for A Pirate, A Pixie, and A Kitchen Witch located at 50 N 400 E for Alycia Lynn until such a time as _____.”

3 – DENY

“I hereby make a motion for the Planning Commission to DENY the request for a Conditional Use Permit for a home occupation for A Pirate, A Pixie, and A Kitchen Witch located at 50 N 400 E for Alycia Lynn. With the following reasons for action (findings):

(findings discussed and agreed upon by the Planning Commission)

Under Review

Application Review Status

Pre-Review	Complete Application	
South Davis Metro Fire Agency	Not Reviewed	03/28/2024
Engineering	Not Reviewed	
Planning Commission	Not Reviewed	
Legal	Not Reviewed	
Final-Review	Not Reviewed	

Fees		Payments		
Home Occupation Fee	\$150.00	04/11/2024	Card	\$150.00
Subtotal	\$150.00	Total Paid		\$150.00
Amount Paid	\$150.00			
Total Due	\$0.00			

Application Form Data

(Empty fields are not included)

Applicant/Agent First Name
Alycia

Applicant/Agent Last Name
Lynn

Company Name

A Pirate, A Pixie And A Kitchen Witch

Contact Email

piratepixiekitchenwitch@gmail.com

Phone

(801) 433-8372

Mailing Address (Street)

50 n 400 e

City

Centerville

State

UT

Zip Code

84014

Are you the owner of the property in the request for a conditional use permit?

NO

Project Name

A Pirate, A Pixie, and A Kitchen Witch - Alycia's Tomatillo Crack! (I mean Ranch)

Is this conditional use permit for a home occupation?

Yes

Parcel ID of Subject Property(s)

021040020

Acreage

0.23

Select your zone below

Residential-Low

Proposed use of property

Use of the kitchen to prepare and store products for sell at the Farmers Market or delivery.

Project Address (Street)

50 n 400 e

City

Centerville

State

UT

Zip
84014

Please describe how the conditional use permit request meets the approval standards of subsection 12.21.100(e)
All of the proper documentation has been filled out and/or attached. There will not be an increase in traffic due to my business because I will not see clients at my home. Products are to be sold at Farmers Market or by delivery.

What safeguards are being provided to insure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation?

The historic home was updated 18 years ago and is being adequately maintained.

What safeguards are provided or proposed to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor from the proposed facility or use?

My business will not produce such toxic conditions.

What safeguards are provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area?

We will remain vigilant and stay on top of problems as they arise.

Owner First Name

Joyce

Owner Last Name

Lynn

Owner Email

Rowanpera611@gmail.com

Owner Address (Street)

50 n 400 e

Owner City

Centerville

Owner State

UT

Owner Zip Code

84014

Please upload a notarized signature of the primary property owner.

 **IMG20240327210316.jpg**

Are there other property owners?

NO

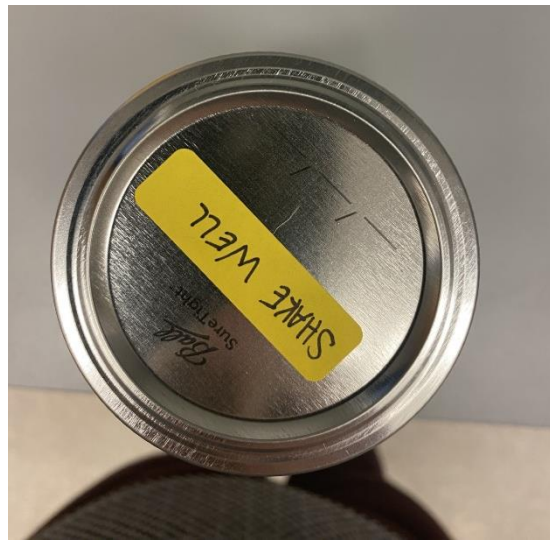
I have read and agree to comply with the information above



Signature

I agree that the facts stated in this application are true, and upon changes I will provide notification as needed.

Alycia Nadene Lynn - 03/28/2024 3:04 am



Effective 5/8/2018

Chapter 5a

Home Consumption and Homemade Food Act

4-5a-101 Title.

This chapter is known as the "Home Consumption and Homemade Food Act."

Enacted by Chapter 377, 2018 General Session

4-5a-102 Definitions.

For purposes of this chapter:

- (1)
 - (a) "Commercial establishment" means a wholesale or retail business that displays, sells, manufactures, processes, packs, holds, or stores food, drugs, devices, or cosmetics.
 - (b) "Commercial establishment" does not include a:
 - (i) direct-to-sale location; or
 - (ii) direct-to-sale farmers market.
- (2) "Direct-to-sale farmers market" means a public or private facility or area where producers gather on a regular basis to sell directly to an informed final consumer fresh food, locally grown products, and other food items that have not been certified, licensed, regulated, or inspected by state or local authorities.
- (3) "Direct-to-sale location" means a farm, ranch, direct-to-sale farmers market, home, office, or any location agreed upon by both a producer and the informed final consumer where a producer sells a food or food product to an informed final consumer.
- (4) "Home consumption" means the use or ingestion of homemade food or a homemade food product within a private home by a family member, an employee, or a nonpaying guest.
- (5) "Homemade food product" means a food product that is prepared in a private home kitchen that can be used, or prepared for use, as food or nonalcoholic drink, subject to the limitation described in Subsection 4-5a-105(1).
- (6) "Informed final consumer" means an individual who:
 - (a) purchases the product directly from the producer;
 - (b) does not resell the product; and
 - (c) has been informed that the product is not certified, licensed, regulated, or inspected by the state.
- (7) "Minor-operated business" means a business that is operated by an individual who is:
 - (a) under 18 years old; and
 - (b) not regularly engaged in selling items.
- (8) "Minor producer" means a producer that is:
 - (a) an individual; and
 - (b) under 18 years old.
- (9) "Producer" means a person who harvests or produces homemade food or a homemade food product.

Amended by Chapter 362, 2023 General Session

4-5a-103 Regulation of a direct-to-sale farmers market.

- (1) Except as provided in Subsection (4), a direct-to-sale farmers market selling homemade food under this chapter shall:
 - (a) display signage indicating to an informed final consumer that the homemade food and food products sold by producers at the market have not been certified, licensed, regulated, or inspected by state or local authorities; and
 - (b) only include products for sale that have not been certified, licensed, regulated, or inspected by state or local authorities.
- (2) If the direct-to-sale farmers market is in any way associated with a farmers market as defined in Subsection 4-5-102(6), the direct-to-sale farmers market section selling homemade food under this chapter shall comply with the following requirements:
 - (a) the direct-to-sale farmers market section shall be separated from the farmers market section; and
 - (b) the separate direct-to-sale farmers market section shall include signs or other markings clearly indicating which space is the farmers market space offering inspected items for sale and which space is the direct-to-sale farmers market space offering items that are uninspected.
- (3) The department may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the signage described in Subsection (1).
- (4) The requirements described in Subsection (1) do not apply to a direct-to-sale farmers market comprising only minor producers or minor-operated businesses.

Amended by Chapter 362, 2023 General Session

4-5a-104 Home producer direct sales -- Exempt from regulation.

- (1) A producer is exempt from state, county, or city licensing, permitting, certification, inspection, packaging, and labeling requirements, except as described in this section, related to the preparation, serving, use, consumption, or storage of food and food products if:
 - (a) the producer complies with the requirements of this chapter; and
 - (b) the homemade food or homemade food product is:
 - (i) produced and sold within the state;
 - (ii) sold directly to an informed final consumer;
 - (iii) for personal or home consumption; and
 - (iv) not exempted under Subsection 4-5a-105(1).
- (2) Notwithstanding Subsection (1), a producer shall comply with business license requirements pursuant to Section 10-1-203.
- (3) Except as provided in Subsection (6), food or food products sold under this section shall be labeled with:
 - (a) the producer's name and address;
 - (b) a disclosure statement indicating that the product is:
 - (i) not for resale; and
 - (ii) processed and prepared without state or local inspection; and
 - (c) a statement listing whether the food or food product contains, or was prepared in a location that also handles, common allergens including milk, soy, wheat, eggs, peanuts or tree nuts, fish, or shellfish.
- (4)
 - (a) Except as provided in Subsection (4)(b), homemade food or a homemade food product that is exempt from certain regulations as described in this chapter may not be sold to, or used by, a restaurant or commercial establishment.

- (b) A producer may sell a raw, unprocessed fruit or vegetable to a restaurant or commercial establishment.
- (5) A producer selling homemade food or homemade food products exempt under this section shall inform the final consumer that the food or food product is not certified, licensed, regulated, or inspected by the state or any county or city.
- (6) The requirements described in Subsection (3) do not apply to a direct sale by a home producer comprising only minor producers.

Amended by Chapter 362, 2023 General Session

4-5a-105 Limitations.

- (1) This chapter does not apply to the sale of:
 - (a) raw dairy or raw dairy products; or
 - (b) meat products, with the following exceptions:
 - (i) the sale of poultry and poultry products if the producer:
 - (A) slaughters no more than 1,000 birds per year in accordance with the United States Department of Agriculture 1,000 bird exemption; and
 - (B) follows the United States Department of Agriculture's, Food Safety and Inspection Service document titled "Guidance for Determining Whether A Poultry Slaughter or Processing Operation is Exempt from Inspection Requirements of the Poultry Products Inspection Act"; and
 - (ii) the sale of domesticated rabbit meat, pending approval from the United States Department of Agriculture that the state's role in meat inspection is preserved.
- (2) Nothing in this chapter:
 - (a) means that the department relinquishes its authority to administer the state's program at a standard level at least equal to the standards imposed under the Federal Meat and Poultry Products Inspection Act;
 - (b) shall be construed to impede the Department of Health in an investigation of foodborne illness;
 - (c) prohibits a state agency from providing assistance, consulting, or inspecting when requested by a producer; or
 - (d) affects the authority of the Department of Health or the Department of Agriculture and Food to certify, license, regulate, or inspect food or food products that are not exempt from certification, licensing, regulation, or inspection as described in this chapter.
- (3) The department may not, by rule, impose an additional limit, requirement, or restriction on a producer selling food or a food product under this chapter.

Enacted by Chapter 377, 2018 General Session

12.21.100 Conditional Use Permit

- (a) Purpose. This Section sets forth procedures for considering and approving conditional use permits.
- (b) Authority. The Planning Commission is authorized to issue conditional use permits as provided in this Section.
- (c) Initiation. A property owner may request a conditional use permit as provided in this Section. An agent of a property owner shall provide a notarized authorization.
- (d) Procedure. An application for a conditional use permit shall be considered and processed as provided in this Section.
 - 1. A complete application shall be submitted to the office of the Zoning Administrator in a form established by the Zoning Administrator along with any fees and deposits set forth in the City Fee Schedule. The application shall include at least the following information:
 - a. The name, address, email and telephone number of the applicant and the applicant's agent, if any;
 - b. The address and parcel identification of the subject property;
 - c. The zone, zone boundaries and present use of the subject property;
 - d. A description of the proposed conditional use;
 - e. A plot plan showing the following:
 - i. Applicant's name;
 - ii. Site address;
 - iii. Property boundaries and dimensions;
 - iv. Layout of existing and proposed buildings, parking, landscaping, and utilities; and
 - v. Adjoining property lines and uses within 100 feet of the subject property.
 - f. Traffic impact analysis, if required by the City Engineer, Zoning Administrator, or the Planning Commission;
 - g. A statement by the applicant demonstrating how the conditional use permit request meets the approval standards of Subsection (e);
 - h. Such other and further information or documentation as the Zoning Administrator or Planning Commission may reasonably deem necessary for proper consideration and determination of whether the application meets the requirements of this Section and applicable provisions of the Zoning Code.
 - 2. After the application is determined to be complete in accordance with CZC 12.21.040(e), the Zoning Administrator shall prepare a staff report analyzing the application.
 - 3. The Planning Commission shall schedule and hold a public hearing on the proposed conditional use permit application. Public notice of the public hearing and the public meeting shall be provided in accordance with the provisions of CZC 12.21.050. After due consideration the Planning Commission shall approve, approve with conditions, or deny the application pursuant to the standards set forth in Subsection (e).
 - 4. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of the proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied. Any conditions of approval shall be limited to conditions needed to conform the conditional use permit to approval standards.
 - 5. After the Planning Commission makes a decision, the Zoning Administrator shall give the applicant written notice of the decision.
 - 6. A record of all conditional use permits shall be maintained in the office of the Zoning Administrator.

(e) Approval Standards. The following standards shall apply to the issuance of a conditional use permit.

1. A conditional use permit may be issued only when the proposed conditional use is allowed by the zone where the conditional use will be located, or by another provision of this Title.
2. Conditions may be imposed as necessary to prevent or minimize adverse effects upon other property or improvements in the vicinity of a conditional use, upon the City as a whole, or upon public facilities and services. Such conditions may include, but are not limited to, conditions concerning use, construction, character, location, landscaping, screening, parking, hours of operation, and other matters relating to the purposes and objectives of this Title. Such conditions shall be expressly set forth in the approval authorizing a conditional use permit.
3. No conditional use permit shall be authorized unless the evidence presented establishes:
 - a. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;
 - b. The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood and the community;
 - c. The proposed use will comply with regulations and conditions specified in this Title for such use; and
 - d. The proposed use will comply with applicable provisions of the General Plan.
4. The Planning Commission may request additional information as may be reasonably needed to determine whether the requirements of this Subsection can be met.
5. The following factors should be reviewed and considered in determining whether a conditional use permit application should be approved, approved with conditions, or denied:
 - a. The suitability of the specific property for the proposed use;
 - b. The development or lack of development adjacent to the proposed site and the harmony of the proposed use with existing uses in the vicinity;
 - c. Whether or not the proposed use or facility may be injurious to potential or existing development in the vicinity;
 - d. The economic impact of the proposed facility or use on the surrounding area;
 - e. The aesthetic impact of the proposed facility or use on the surrounding area;
 - f. The present and future requirements for transportation, traffic, water, sewer, and other utilities, for the proposed site and surrounding area;
 - g. The safeguards proposed or provided to insure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation;
 - h. The safeguards provided or proposed to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor from the proposed facility or use;
 - i. The safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area; and
 - j. The impact of the proposed facility or use on the health, safety, and welfare of the City, the area, and persons owning or leasing property in the area.

(f) Appeal. Any person adversely affected by a final decision of the Planning Commission regarding the transfer, issuance, revocation or denial of a conditional use permit may appeal that decision to the Board of Adjustment as provided in CZC 12.21.200.

- (g) Effect of Approval. A conditional use permit shall not relieve an applicant from obtaining any other authorization or permit required under this Title or any other applicable provisions of the Centerville Municipal Code.
1. A conditional use permit may be transferred so long as the use conducted thereunder conforms to the terms of the permit.
 2. Unless otherwise specified by the Planning Commission and subject to the provisions relating to amendment, revocation or expiration of a conditional use permit, a conditional use permit shall be of indefinite duration and shall run with the land.
- (h) Amendment. The procedure for amending a conditional use permit shall be the same as the original procedure set forth in this Section.
- (i) Revocation. A conditional use permit may be revoked as provided in CZC 12.23.070.
1. In addition to the grounds set forth in CZC 12.23.070, any of the following shall be grounds for revocation of a conditional use permit:
 - a. The use for which a permit was granted has ceased for one year or more;
 - b. The holder or user of a permit has failed to comply with the conditions of approval or any city, state, or federal law governing the conduct of the use;
 - c. The holder or user of the permit has failed to construct or maintain the site as shown on the approved site plan or map; or
 - d. The operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a court of competent jurisdiction in any civil or criminal proceeding.
 2. No conditional use permit shall be revoked against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the Planning Commission and show cause as to why the permit should not be amended or revoked. Revocation of a permit shall not limit the City's ability to initiate or complete other legal proceedings against the holder or user of the permit.
- (j) Expiration. A conditional use permit shall expire and have no further force or effect if the building, activity, construction or occupancy authorized by the permit is not commenced within 180 days after approval, is not substantially completed within two years, or is abandoned.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

12.62 Home Occupations

12.62.010 Purpose

12.62.020 Scope

12.62.030 Definitions

12.62.040 Permitted Use

12.62.050 Development Standards - Permitted Use

12.62.060 Conditional Use Permit Required

12.62.070 Development Standards - Conditional Use

12.62.010 Purpose

The purpose of this Chapter is to establish use and development regulations for home occupations. These regulations are intended to ensure that limited business activities allowed in a residential zone do not disturb the residential character of a neighborhood.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

12.62.020 Scope

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

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

12.62.030 Definitions

Certain words and phrases in this Chapter, including uses, are defined in CZC 12.12 (Definitions).

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

12.62.040 Permitted Use

- (a) Permitted Use. Permitted home occupation uses listed in Subsection (b) may be established as a home occupation in an agricultural or residential zone as a permitted use subject to the development standards of CZC 12.62.050.
- (b) Permitted Uses. The uses set forth below shall be allowed as permitted home occupation uses in any agricultural or residential zone:
 - 1. Family child care facility;
 - 2. Medical service;
 - 3. Personal care service;
 - 4. Personal instruction service; and
 - 5. Office, general.
- (c) Prohibited Uses. The uses set forth below shall be prohibited as home occupation uses:
 - 1. Kennel; and
 - 2. Stable.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

Amended by Ord. [2018-05](#) on 2/20/2018

Amended by Ord. [2019-08](#) on 5/7/2019

12.62.050 Development Standards - Permitted Use

The development standards set forth in this Section shall apply to any home occupation allowed as a permitted use.

- (a) Employees. A home occupation shall be operated only by persons who reside in a dwelling unit where the home occupation is conducted.
- (b) Fire Inspection. Every facility used in a home occupation may be inspected by the South Davis Metro Fire District prior to initial use and shall meet Fire Department standards at all times.
- (c) Hours of Operation. Family child daycare, family child residential certificate care facility, personal care, and personal instruction home occupations shall not be operated before 7 a.m. or after 9 p.m.
- (d) Inventory. Products produced pursuant to the home occupation may be kept on the premises. No other stock in trade, inventory, commodities, or other merchandise shall be kept on the premises for storage, wholesale, or retail sales, except for incidental or sporadic use.
- (e) Modification of Structures. There shall be no visible evidence from the exterior of a dwelling or structure that they are being used for any other purpose than that of a dwelling or accessory building.
- (f) Nuisance. The home occupation shall not create a nuisance by reason of noise, dust, odor, vibration, fumes, smoke, electrical interference, or other causes.
- (g) Product Display. There shall be no external display of products or merchandise.
- (h) Secondary Use. A home occupation shall be conducted entirely indoors and shall be incidental and secondary to the primary use of a dwelling for residential purposes.
 - 1. A home occupation shall not disrupt the normal residential character of the neighborhood in which the residence is located.
 - 2. Not more than 20% of a dwelling unit shall be used for a home occupation.
 - 3. A home occupation shall not involve the use of any accessory building, yard space, or activity outside the main building not normally associated with residential use.
- (i) Signs. See CZC 12.54 (Signs).
- (j) Traffic, Parking, and Access. No home occupation shall generate pedestrian, parking, or vehicular traffic in excess of that customarily associated with the zone where the home occupation is located.
 - 1. Drop off or customer parking shall be located on paved portions of the lot or parcel in accordance with the requirements of CZC 12.52 (Off-Street Parking and Loading).
 - 2. No additional customer parking spaces shall be created.
- (k) Yards. Yards surrounding a dwelling and any accessory building shall not be used for any activities or storage of any materials or equipment associated with the home occupation.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

12.62.060 Conditional Use Permit Required

A use not listed in CZC 12.62.040 may be established as a home occupation in an agricultural or residential zone subject to the issuance of a conditional use permit pursuant to the requirements of CZC 12.21.100 and the development standards of CZC 12.62.070.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

12.62.070 Development Standards - Conditional Use

The development standards of CZC 12.62.050 shall apply to any home occupation established as a conditional use unless expressly modified by a conditional use permit, except as provided in the following Subsections:

- (a) Employees. A home occupation shall have no employees other than persons who reside on the premises where the home occupation is conducted.
- (b) Neighborhood Disturbance. A home occupation shall not alter the residential character of the premises or unreasonably disturb the peace and quiet of the neighborhood, including radio and television reception, by reason of color, construction, design, lighting, materials, noises, sounds, or vibrations, or excessive traffic.
- (c) Promotional Meetings. Promotional meetings for the purpose of selling merchandise, taking orders, or training shall not be held more than one time per month.
- (d) Utility Demand. A home occupation shall not cause a demand for public utilities in excess of that necessarily and customarily provided for residential uses.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

Re: UDAF Approval for Ranch Product

Rebecca Nielsen <rjnielsen@utah.gov>

Tue 4/9/2024 1:07 PM

To:Whittney Black <whittney.black@centervilleutah.gov>

House Bill 181 (the Home Consumption and Homemade Food Act) was signed into law in the spring of 2018. The law allows the sale of home made foods (as long as they do not contain meats or raw (unpasteurized) milk products), without the seller needing to be registered with the Utah Department of Agriculture and Food.

Foods made under this law can only be sold directly to the consumer, cannot be resold, and must bear a disclaimer on the label that says both "Not for Resale" and a statement to the effect that the product has been made in a facility that is NOT under any state or local inspection.

Please read the full text of the law at <https://le.utah.gov/xcode/Title4/Chapter5A/4-5a.html> for more information.

Please ensure that this person is complying with all of the requirements.



Rebecca Nielsen | Cottage Food and Labeling Specialist

801.633.3965 MOBILE

UTAH DEPARTMENT OF AGRICULTURE AND FOOD



How was your experience with the Utah Department of

Agriculture and Food? Tell us about your experience through this

2-minute survey!

Follow this link to the survey:

[Take the Survey](#)

Or copy and paste the URL below into your internet browser:

https://utconciierge.qualtrics.com/jfe/form/SV_cUTRcsmWFFj4rjg

On Tue, Apr 9, 2024 at 10:30 AM Whittney Black <whittney.black@centervilleutah.gov> wrote:
Rebecca,

I have a resident in Centerville who would like to make a ranch containing milk, eggs, and spices in her home and then sell it at farmer's markets and for delivery. Does she need any type of approval from your office? She is claiming that she is exempt from UDAF regulations due to HB 181. Any guidance you have for this request would be helpful. This is the first request of this kind we've had in my time here.

Thanks,

Whittney Black, MPA

Assistant City Planner

Centerville City, Utah

801-677-6097

Davis County Health Department - Alycia's Tomatillo Crack

Melissa Kletzli <mkletzli@co.davis.ut.us>

Tue 4/9/2024 3:17 PM

To:Whittney Black <whittney.black@centervilleutah.gov>

You don't often get email from mkletzli@co.davis.ut.us. [Learn why this is important](#)

Hi Whittney,

I just received your message about what permit your resident would need. Since she is packaging it in a bottle it actually falls under UDAF. Our microenterprise permit is only for ready to eat food that won't be stored or shipped.

House bill 181 does exempt home made food if it's direct to the consumer and is labeled properly like it looks like her food is. I would just have her double check with the Utah Department of Agriculture so that if there's any issues with her labeling they can help her out.

Please let me know if you have any other questions or concerns.

Best,

--

Melissa Kletzli, BS

Environmental Health Scientist

Physical: 22 S State Street, Clearfield, UT 84015

Mailing: PO Box 618, Farmington, UT 84025

(o) 801-525-5077 | mkletzli@co.davis.ut.us



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

STAFF MEMORANDUM

TO: ALYCIA LYNN, APPLICANT

FROM: WHITTNEY BLACK, CITY ASSISTANT PLANNER

**SUBJECT: A PIRATE, A PIXIE, AND A KITCHEN WITCH - CONDITIONAL USE
PERMIT – COMPLETENESS REVIEW**

BACKGROUND

We have recently received your Conditional Use Permit application for A Pirate, A Pixie and A Kitchen Witch, located at 50 N 400 E. I have reviewed this application for completeness and my analysis is detailed below.

CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS (CZC 12.21.100(d)(1))

<u>Item</u>	<u>Status</u>	<u>Comments</u>
The name, address, email, and telephone number of the applicant and the applicant's agent, if any;		The applicant is Alycia Lynn.
The address and parcel identification of the subject property;		50 N 400 E, 021040020
The zone, zone boundaries, and present use of the subject property;		R-L, single-family home.
A description of the proposed conditional use;		Home occupation to sell homemade ranch at farmers markets and for delivery.
A plot plan showing the following: 1. Applicant's name 2. Site address 3. Property boundaries and dimensions 4. Layout of existing and proposed buildings, parking, landscaping, and utilities; and 5. Adjoining property lines and uses within 100 feet of the subject property		This application is for a home occupation. A plot plan is not necessary as nothing outside the home is changing.
Traffic impact analysis, if required by the City Engineer, Zoning Administrator, or the Planning Commission;		If deemed necessary, this will be requested from the applicant.
A statement by the applicant demonstrating how the conditional use permit request meets the approval standards of Subsection(e);		See answers to questions on application.

Such other and further information or documentation as the Zoning Administrator or Planning Commission may reasonable deem necessary for property consideration and determination of whether the application meets the requirements of the Section and applicable provisions of the Zoning Code.		See emails from DCHD and UDAF.
Conditional Use Fees- \$150.		Paid on 4-11-2024.

AFFIDAVIT

PROPERTY OWNER

STATE OF UTAH

COUNTY OF DAVIS

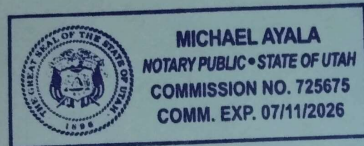
}
}ss
}

I (We), Joyce Lynn, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my knowledge. I also acknowledge that I have received written instructions regarding the process for which I am applying and the Centerville City Planning Staff have indicated they are available to assist me in making this application.

Joyce E. Lynn
(Property Owner)

(Property Owner)

Subscribed and sworn to me this 27th day of MARCH, 20 24.



[Signature]
(Notary Public)

Residing in Centerville Utah

My Commission Expires 7-11-26

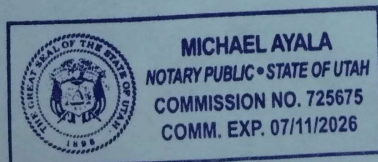
AGENT AUTHORIZATION

I (we), Joyce Lynn, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) ALYCIA Lynn to represent me (us) regarding the attached application to appear on my (our) behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

Joyce E. Lynn
(Property Owner)

(Property Owner)

Dated this 27th day of MARCH, 20 24, personally appeared before me Joyce Lynn, the signer(s) of the above agent authorization who duly acknowledged to me that they executed the same.



[Signature]
(Notary Public)

Residing in Centerville, Utah

My Commission Expires 7-11-26

Conditional Use Permit Noticing Matrix

CZC 12.21.050(c)

Updated June 2021

Include: statement summarizing substance of application

Date, time, and place of public hearing

The place where the application may be inspected by the public or the person to contact for further information

Notice of First Public Hearing

		Date Posted
10 days	Utah Public Notice Website	4/12/2024 by WB
10 days	City website	4/12/2024 by WB
10 days	on site notice	4/12/2024 by WB
3 business days	Applicant notice with staff report	4/19/2024

CENTERVILLE CITY

CONDITIONAL USE PERMIT NOTICE OF PUBLIC HEARING

Notice is hereby given that the Centerville City **Planning Commission** will hold a public hearing on **April 24, 2024, at 7:00pm** or as soon thereafter as the matter can be heard, at the Centerville City Hall, 250 North Main Street, Centerville, Utah, regarding proposed **Conditional Use Permit** for the property located at **50 North 400 East for a home occupation business**. If you have questions regarding this matter or would like further information, contact Centerville City Community Development, at 801.292.8232 or visit the City's website at <https://centervilleutah.gov>.

Whittney Black
Assistant City Planner

**PLANNING
COMMISSION**

Staff Report
4/24/2024

Item No. 2.

Title: DISCUSSION - 2024 Planning Commission Goals and Projects

Initiated By:

Staff Representative:

SUBJECT:

RECOMMENDATION:

BACKGROUND:

ATTACHMENTS:

1. 04-24-2024 Planning Commission Goals -1st Discussion

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

PLANNING COMMISSION MEMORANDUM

DATE: **APRIL 24, 2024**

TO: **CENTERVILLE CITY PLANNING COMMISSION**

FROM: **WHITTNEY BLACK, ASSISTANT CITY PLANNER**

SUBJECT: **2024 GOALS AND PLANNING PROJECTS**

Based on conversations with the Planning Commission, the City Council, and the City Manager I have compiled this preliminary list of possible goals and planning projects for 2024. They are listed in order of top to lowest priority. I have also included some possible timelines and objectives. We can discuss this list in more detail at the Planning Commission meeting.

#1 – REVIEW AND UPDATE CZC 12.55.110 FENCES AND WALLS

TIMELINE:

- **April – May:** Discuss and draft possible changes.
- **June:** Present possible changes to the Planning Commission & hold public hearing.
- **July:** Present Planning Commission recommendation to City Council & hold subsequent public hearing.

OBJECTIVES:

- Examine separately defining retaining wall, fence, wall, and decorative/landscaping features.
- Elevate height calculation when there is a difference in grade between two properties.
- Determine if building permits will be required for structural walls and/or fences.
- Establish regulations for fence and wall combinations (height, permits, etc.).

#2 – MAKE NECESSARY UPDATES PER 2024 LEGISLATIVE SESSION

TIMELINE:

- As soon as required by legislation.

OBJECTIVES:

- Stay compliant with the State Code.

#3 – UPDATE SUBDIVISION ORDINANCE

TIMELINE:

- **April – May:** Staff to discuss possible changes internally based on application sense February 1, 2024.
- **June:** Present changes to the Planning Commission & hold public hearing.
- **July:** Present Planning Commission recommendation to City Council & hold subsequent public hearing.

OBJECTIVES:

- Refine the Subdivision Ordinance based on staff’s experience from the effects of SB 174.
- Adopt the applicable checklists as part of the Subdivision Ordinance.
- Make changes required by HB 476 (2024) to the Zoning Code and Subdivision Ordinance.

#4 - REVIEW AND UPDATE CZC 12.21.100 CONDITIONAL USE PERMIT

TIMELINE:

- **August - September:** Discuss and draft possible changes.
- **September – October:** Present changes to the Planning Commission & hold public hearing.
- **November:** Present Planning Commission recommendation to City Council & hold subsequent public hearing.

OBJECTIVES:

- Review and redefine approval standards for Conditional Use Permits.
- Consider reviewing permitted and conditional use classifications.
- Examine pros and cons of a public hearing during the Conditional Use process.
- Evaluate the value of CUP approval from the Planning Commission versus City Staff.

#5 – OTHER ORDINANCES TO REVIEW

Off-street parking – CZC 12.52

Outdoor Lighting – CZC 12.55.140

Signs – CZC 12.54

**PLANNING
COMMISSION**

Staff Report
4/24/2024

Item No. 3.

Title: TRAINING - Roles and Responsibilities of the Planning Commission

Initiated By:

Staff Representative:

SUBJECT:

RECOMMENDATION:

BACKGROUND:

ATTACHMENTS:

1. The Planning Commission - Roles and Responsibilities



THE PLANNING COMMISSION

**Local Government
Land Use Education Program
Center for Public Policy & Administration
University of Utah**

Center for Public Policy & Administration University of Utah

THE PLANNING COMMISSION

An Educational Handbook for Group Discussion

2007



THE PLANNING COMMISSION

The planning commission has perhaps a greater opportunity to affect community change than any other public agency. Planning Commission decisions and recommendations can impose a significant impact on the physical and social development of the community they represent.

The planning commission is an authorized function of local government. The planning commission will vary in a number of respects from one community to the next. Planning commissioners are advisors, assisting the local elected officials in the decision-making process regarding the manner in which community development takes place. The commission also deals with the delicate balance between the public interest and private rights.

The work of planning commission must be conducted with a constant recognition of its responsibility to assure due process of law to every citizen who participates in the local planning process.

A BRIEF HISTORY

Citizens serving voluntarily to advise local government is a tradition in America. Since the time of the first settlers, private residents have served unpaid in some form of an advisory role. The citizen planning advisory commission was important to the City of Chicago to help implement the great Chicago Plan of 1909. The State of Massachusetts passed a law in 1913 making the creation of local planning commissions mandatory. Modern day planning commissions are a continuation of this tradition.

In the early years of the twentieth century, the states began enabling local governments to conduct planning and land use regulation (the police power authority) to protect the public health, safety and welfare. Included in those enabling acts was the addition of a planning commission.

As local governments increased in reliance upon their police power authority, the courts slowly but consistently have supported this exercise of local legislative decision-making. The existence of a community general plan was increasingly recognized as the logical precedent to land use regulation. Initial legislation granted wide powers to the commission. This enabled them to carry out their duties as advisors and planners. State legislation established the citizen planning commissions as advisory to the legislative policymaking function.

The need for citizen involvement became obvious as cities grew in size and

complexity and the decision-making became increasingly confined to a small group of elected officials. This transition generated the need for a body of non-elected individuals representative of the community, giving citizens a voice on how the land should be used. Planning commissions were not impaneled solely for advising the direction of general planning, but also for helping to shape the tools that will lead to intelligent and well-informed regulations for the development of the community.

A major rationale for establishing a planning commission composed of local citizens is that planning is too important to be left entirely to professional planners, or politicians. The planning commission represents the values and aspirations of the community it serves. If there is a wide ethnic or economic diversity in a community, then all the various views should be represented on the commission.

QUALIFICATIONS OF A PLANNING COMMISSIONER

There is very rarely an "ideal" profile for membership on the commission. A member's background, knowledge and experience are important. Most crucial, however, is a commissioner's objectivity and interest in the community's growth and future. A planning commissioner should have a genuine desire to preserve and improve the community's quality of life. A commissioner must be willing to commit to devoting many hours to this calling. This means attending meetings that are often long and stressful. The candidate with dedication and honest concern is more valuable to a planning commission than one with a specialized background concerned only with protecting a personal interest.

Included among the most important character traits for an effective planning commissioner are:

A willingness to serve the long-range interests of the community with a sensitivity to the impact that each decision will impose upon the future of the community.

An ability to avoid politics, or extreme biases, from affecting decisions. The dedicated planning commissioner bases all decisions on the facts, an objective interpretation of the regulations, and the best interest of the total community.

An ability to clarify the feelings in the community on all sides of an issue. The commissioner's responsibility is to sort out opinions and make recommendations to enable the decision-makers to vote in the best interest of the community. The commission can help prevent an elected official from acting in an arbitrary or capricious manner by clarifying the issues. Many times such clarification can avoid the

sacrifice of a long range benefit for short term gratification.

A desire to expand his/her knowledge of the community. The commissioner should be well informed of the history, development and social and physical needs of the community. The commissioner should review carefully all available facts concerning the community to understand its values, characteristics and dynamics.

An understanding of the community's regulatory tools, such as the zoning, subdivision, and other pertinent ordinances. These tools are the primary means of implementing the general plan. Like any powerful tools, they must be handled with skill, sensitivity, and care.

It is essential that planning commissioners become well acquainted with the content and the use of their ordinances. These are their tools.

ESTABLISHMENT OF THE PLANNING COMMISSION

THE UTAH STATE ENABLING LEGISLATION

Land Use Development and Management Act (LUDMA)

Title 10 - Municipalities

LUDMA requires that a planning commission be created in a municipality or county (countywide planning commissions) by ordinance (*Utah Code*, Title 10 Chapter 9a and Title 17, Chapter 27a, Part 3, Sections 10-9a-301 and 17-27a-301). Commissioners work without pay, except for reasonable compensation for expenses. The size of a city's planning commission is determined by the local ordinance.

Part 3, Planning Commission

10-9a-301. Ordinance establishing planning commission required – Ordinance requirements – Compensation.

- (1)(a) Each municipality shall enact shall an ordinance establishing a planning commission.
- (b) The ordinance shall define:
 - (i) the number and terms of the members and, if the municipality chooses, alternate members;
 - (ii) the mode of appointment;
 - (iii) the procedures for filling vacancies and removal from office;

- (iv) the authority of the planning commission;
 - (v) subject to Subsection (1)(c), the rules of order and procedure for use by the planning commission in a public meeting; and
 - (vi) other details relating to the organization and procedures of the planning commission.
- (c) Subsection (1)(b)(v) does not affect the planning commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.
- (2) The legislative body may authorize a member to receive per diem and travel expenses for meeting actually attended, in accordance with Section 11-55-103.

The provisions of LUDMA shown above establish that the appointment of a planning commission by all local governments is required. Local ordinances will provide for the appointment process, size of the commission and establishment of rules of conduct.

POWERS AND DUTIES OF THE PLANNING COMMISSION

10-9a-302. Planning commission powers and duties – Training requirements.

- (1) The planning commission shall review and make a recommendation to the legislative body for:
 - (a) a general plan and amendments to the general plan;
 - (b) land use regulations, including:
 - (i) ordinances regarding the subdivision of land within the municipality; and
 - (ii) amendments to existing land use regulations;
 - (c) an appropriate delegation of power to at least one designated land use authority to hear and act on a land use application;
 - (d) an appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of the land use authority; and
 - (e) application processes that:
 - (i) may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested; and
 - (ii) shall protect the right of each:
 - (A) land use applicant and adversely affected party to require formal consideration of any application by a land use authority;
 - (B) land use applicant or adversely affected party to appeal a land use authority's decision to a separate appeal authority; and
 - (C) participant to be heard in each public hearing on a contested application.

If so recommended by the planning commission, the basic responsibility of the planning commission as the designated land use authority will be to assist local elected officials and planning professionals in designing or modifying the community's general plan and the planning process. The commission shall:

Make a recommendation to the legislative body for a general plan and amendments to the general plan

As part of the planning process, the plan serves as the heart of the guidance system for the city's or county's growth and development. The plan provides the basis for the development of the policies that initiate the action programs and fuel the planning process.

Goals and Policies. The general plan establishes goals and policies for a community's future physical development. It guides the community to attain its goals by developing and maintaining planning and land management regulations.

The commission's responsibility is to direct growth and development to achieve community goals and objectives. The planning process and the planning commission are far more effective when general plan goals are well conceived and clearly defined. Goals and objectives that are not clearly stated or that are not realistically attainable can frustrate the achievement of desired results. Clear and thoughtful goals allow the professional planner, the commission and the elected officials, to work together toward achievement of a well planned community.

The community's general plan may be a combination of map and text. These elements constitute an official document designed and approved by the planning commission and adopted by the local legislative body. A carefully prepared plan must be adopted as the background and support document for the policy tools used to implement the goals. The tools for plan Implementation include zoning and subdivision ordinances and other programs designed to assist in community development.

Flexibility. The plan should be flexible enough to allow modification in the event of unforeseen changes in environment, economy, goals and desires. It is the commission's responsibility to anticipate these changes and modify the plan as may be needed. One of the greatest mistakes a planning commission can make is to assume that once the general plan is drafted and approved, its job is done. Planning is a never ending process, however, modifications of the plan must be made with the same objectivity and care for the public good as the preparation of the original plan.

The reader should also refer to the companion training handbook, *The Planning Process and the General Plan*.

The general plan should never be regarded as a substitute for the zoning ordinance; the general plan is not a regulatory ordinance. The zoning ordinance is not a plan.

Make a recommendation to the legislative body for land use ordinances and amendments and at least one appeal authority

The planning commission is assigned the awesome responsibility to produce and recommend to the local governing body a process for conducting and expediting the land use process. It is most likely that planning commissions will continue to function as they have traditionally. Policy and zoning regulation amendments and the review of development proposals normally consumes the vast majority of the planning commission's time. The role of commission requires the commissioners to be well acquainted with the ordinances to assure that recommendations granting or denying the proposed changes have a solid legal foundation. The commission must understand the legal and social implications when considering any ordinance change or development proposal. The commissioners must understand how the proposed changes will impact the community. The commission should always evaluate any proposed changes or

developments to assure they are consistent with the community's general plan goals and policies.

The Appeal Authority. The planning commission must also recommend a method and process for administering appeals to decisions made by officials applying the land use ordinances, and variances to regulations to rectify hardships created by a building lot. These are functions that were traditionally assigned to the board of adjustment. The planning commission may recommend that the board continue as the appeal authority or consider an alternative arrangement as described in Part 7 of Titles 10-9a and 17-27a. The appeal function is treated in the companion training handbook, *Land Use Appeals and Variances*.

The information that follows in this training handbook is focused upon the traditional function of the planning commission, the administration of the general plan and the tools for its implementation.

After comparing a proposed development with the ordinance guidelines, examining the social implications and studying the plan, the commission can advise the officials whether to grant or deny a development request. The planning commission must treat all proposals fairly and equally when considering development proposals or requests to amend an ordinance. Local officials cannot produce an interpretation for one group and not another.

It is important to remember, the planning commission only reviews a request to amend the ordinance and makes a recommendation to the legislative body. The planning commission follows the local ordinance recommends a course of action, and does so impartially. The final approval and adoption of zoning changes and ordinance modifications is the responsibility of the legislative body.

The challenge of a land use authority is to understand and guide that delicate balance between private rights and the public interest.

THE FUNCTIONAL PLANNING COMMISSION

An effective commission must first of all enjoy an internal harmony in order to work effectively with other groups such as elected officials and professional planners. To ensure harmony and cooperation the commission must have effective communication between its members. Without communication, the group will be generally unproductive and may have difficulty accomplishing its mission.

Any group experiencing internal conflicts seldom performs well. An effective commission unifies its energies toward accomplishing its purpose. An essential ingredient for developing good group dynamics is an effective chairperson.

The Chairperson

The chairperson should endeavor to develop the group's communication networks. The chairperson is the unifying member of the commission. The chairperson's

responsibility is to assure that meetings are conducted by the rules and each member is allowed to express opinions. The chairperson should encourage discussion, but discourage arguments. A planning commission is a problem-solving group, and it is the responsibility of the chair to propel the group toward its goals and prevent irrelevant and distracting discussion. An effective chairperson is an organizer who develops and maintains good group interaction to assure a successful and timely conclusion of each item on the meeting agenda.

Meetings

Central to good group functioning is organization. A planning commission should meet regularly, at least once a month. Small communities experiencing little development or change may call meetings as needed, as established by the commission bylaws.

All meetings must follow the requirements of the Open and Public Meetings Act, "The Sunshine Law", Title 52, Chapter 4, Utah Code as well as notice requirements of LUDMA, Part 2. These Code provisions are intended to assure that public meetings are conducted with proper notice, allow all participants access to the process and provide full disclosure of all facts regarding the issues that are discussed. Proper conduct of all meetings assures the basic constitutional guarantee of *procedural due process*.

Work Sessions

In addition to regular public meetings, a planning commission should also schedule work sessions when necessary. A work session provides the commission an opportunity to meet with consultants, public officials, regulatory agencies, etc. If a work session will involve a quorum of the members, and is to discuss community issues, the session must also conform to the notice requirements. The complete text of the Open and Public Meetings Act is reprinted in the appendix to the companion handbook, *The Public Meeting*.

Bylaws

Equally as important as holding the regularly scheduled meetings is a set of well developed policies and procedures for conducting and organizing a meeting. *Roberts Rules of Order* (which may be simplified) can provide the standard guidelines for effective parliamentary procedure. Specific bylaws governing the commission should be developed and adopted by the commission members. All rules should be formalized in writing to allow current and future members to refer to them. The chairperson must be familiar with the commission's bylaws and rules of order and assure they are followed. A recommended outline for commission bylaws is provided in the appendix of this handbook.

To help develop a productive planning commission, the commission needs an effective communication network, a strong chairperson, regular and organized meetings and work sessions, and thorough and effective bylaws.

Working with Others

In addition to maintaining internal communication, the commission must relate with other organizations in the community. The most important group with which a planning commission works is the local legislative body. LUDMA specifies that the planning commission is advisory to the legislative body. A working relationship with the legislative body is essential in order to assure implementation of the goals and policies generated by the planning process. The planning commission functions as the primary advisors to the public officials on all planning matters. The planning commission should maintain liaison with the legislative body by various means including written reports, public hearings, public meetings and joint work sessions.

The planning commission must relate also with other governmental agencies such as school districts, highway departments, federal agencies, and other planning commissions. This interaction is essential because the decisions made by the commission can affect a variety of agencies -- and the reverse is also true. A decision of a school district, for instance, can impose a major impact on a community and its planning objectives. Effective communication between the commission and other federal, state and local agencies could contribute considerably to avoiding adverse decision-making and bad feelings.

A commission needs to coordinate with citizen organizations such as community councils, civic groups, homeowners and special interest groups. The planning commission does more than just educate citizens. It must meet with the citizens to assure that planning is consistent with community needs and desires. Public meetings and public hearings are an effective means of interacting with the community.

Conflict Resolution

It is extremely important that the planning commission place considerable importance upon its ability to communicate effectively with those with whom they interact face-to-face. These could be a complaining citizen, an apprehensive applicant, a domineering developer, or a nasty neighborhood group. Periodic training with a specialist in group communication or conflict resolution can help a deliberative body deal with troublesome issues or individuals arrive at a mutually satisfying resolution. It has been observed that many major conflicts, even law suits, began with a relatively minor misunderstanding. As Viscount Morley wrote, "You have not converted a man because you have silenced him."

Community Education

Education is often overlooked as an important opportunity for the planning commission.

Though not specifically called for by the state enabling legislation, it is generally

intended that the planning commission assume an important responsibility to educate the citizens and local officials on planning matters. The commission's duty is to keep the public informed about controversial planning issues. The planning commission must maintain good public relations. The commission can have a difficult time accomplishing its tasks without public support. The planning commission and the legislative body will have more success in dealing with a development proposal that appears to be contrary to the public interest as defined in the plan, if the citizens understand the rationale and the objectives of the plan.

In addition to educating the community, the planning commission should assure a proper education of public officials in matters of planning. Since local officials make the final decisions on planning issues, they must be convinced that the planning commission's recommendations are well founded. There are some local officials do not fully appreciate the advantages of good planning. When the commission encourages effective communication with the elected officials regarding important planning issues, the officials will be far more capable of sound decisions.

Information about planning should be communicated to officials and citizens through as many channels as possible. A planning commissioner should always be prepared to respond to questions about planning and the advantages of proper land management. Education encourages greater public support - a valuable asset for any planning commission.

The Public Hearing

The planning commission is often required to call a public hearing to gather citizen input and attitudes and disseminate information. Public hearings allow two-way communication between the commission and the community. Public hearings can be used to gather public input and to provide the deliberative body with sufficient insight into the public interest for them to make a wise and proper decision. Notice requirements for various public hearings are explained in LUDMA, Part 2.

PLAN AND ORDINANCE ADOPTION

With completion of the general plan, the enabling act (LUDMA) provides for the official adoption of the plan by the legislative body, and the important role to be assumed by the planning commission, as described in 10-9a-404 and 17-27a-404.

1. A public hearing, conducted by the planning commission, is required by LUDMA before a general plan can be adopted by the legislative body. A planning commission public hearing is required in both cities and counties. The hearing must follow the required notice provisions of LUDMA. The law calls for a (single) hearing, but a planning commission may conduct as many hearings as necessary to fulfill its responsibility to assure public information and participation.

2. Following the hearing, the planning commission will forward the plan to the legislative body with its recommendation.
3. The legislative body is not required to hold a public hearing. The legislators may adopt, eject or amend the plan as presented to them by the planning commission.

A similar process is followed for adoption of the zoning ordinance or amendments to the ordinance. The legislative body is required to request a planning commission recommendation.

PROFESSIONAL ASSISTANCE

Planning commissioners are generally not professional planners and may not be acquainted with all the legal and technical aspects of planning. In larger communities, the commission will have access to a permanent professional staff for technical assistance. In smaller communities, temporary assistance, such as a planning consultant, may be more compatible with the budget.

The Planning Staff

Most larger cities and counties hire a full or part-time professional planner as the staff assistant to the planning commission. The planner may also have a staff of researchers, data collectors and other assistance, as budgets allow. The duties of the planner and staff members include assisting in the preparation of the general plan, drafting of ordinances, conducting surveys or other data collection and providing technical advice and guidance to the commission, legislative body, and citizen inquiries.

Hiring a professional planner is a challenging process for public officials and the planning commission should encourage selection of professionals with the best possible credentials. A standard guide is, "hire the best you can afford." Budget capability generally guides the choice between hiring a planner with education, experience and desired skills and hiring an applicant with lesser qualification. Ultimately, however, it may be wiser to employ a more highly qualified planner

than an applicant who lacks the necessary technical skills because he or she fits the budget. Economizing technical staff assistance could prove to be a costly decision.

In any working relationship, the parties involved have certain expectations of one another. When both parties perform as is expected of them, effective communication results and both groups can accomplish their tasks. The relationship between commission and planning staff should be clearly understood.

The planning commission should expect its planning staff to:

- be competent and accurate;
- be able to interpret rather than just collect data;
- possess the education and experience to fulfill their responsibilities;
- be professional and ethical in their conduct;
- avoid conflicts of interest;
- interact well with other staff members and the planning commission;
- avoid publicity and indiscreet disclosure of confidential information;
- become well acquainted with the planning jurisdiction to know its land, people, laws, advantages and disadvantages; and
- work within the constraints and existing policies of the commission and the community as a whole.

A professional planner and staff have certain expectations of the planning commission; the staff should expect the commission to:

- seek their professional opinions on planning matters;
- support the staff when challenged on issues that have been discussed and mutually agreed upon;
- never use the staff as a scapegoat if a planning issue becomes unpopular;
- introduce the staff to the people of the community who are leaders and decision makers (the staff must be well acquainted with the local power structure);
- be generally supportive of the staff in public meetings and public hearings;
- reserve legitimate criticism for private meetings between the staff and commission.
- be willing to work with the staff and compromise when necessary; and
- insulate the staff as well as possible from partisan politics to allow them to accomplish their work regardless of the ebb of the political tide.

The Consultant

Private consultants are often retained when the in-house staff lacks the time,

expertise or experience to handle certain planning tasks. The purpose for engaging a consultant is to assist the community planners to accomplish their assignments more competently. The most efficient use of a consultant is as a supplemental resource to the professional planner and staff. When a consultant is called upon to assist the planning staff, it is usually a temporary retention for the duration of a specific project.

Consultants can also be retained on a continuing basis to provide assistance to the planning commission by communities that do not have a professional planner or paid staff. The lack of a professional staff encourages the commission to work closely with the consultant. The commission provides the local input while the consultant provides the professional advice. It is not the responsibility of the consultant to make policy decisions. The consultant provides the technical skills to identify problems and issues, then describes and evaluates alternative solutions.

Communities sometimes delegate all planning functions to the consultant. In such instance, it is the consultant's role is to advise and assist. The planning commission is responsible for the majority of the planning. Consultants can be commissioned on a temporary basis for a specific project without a staff, or the planning commission can keep the consultant under retainer as an advisor to the commission and legislative body. A consultant on retainer is then available to attend all meetings, review proposed development projects, subdivision and zoning questions rather than being confined to specific plan production.

ETHICS OF THE PLANNING COMMISSIONER

Ethics is defined as *“the discipline dealing with what is good and bad with moral duty and obligation ... a set of moral principles or values.”*

The lack of trust in government by private citizens is a perpetual problem. The planning commissioners, as quasi-government officials, are representatives of local government. The general citizen perception of local officialdom may be determined by the contact with the planning commission. The work of the planning commission influences the future of a community, and through certain planning measures can have impact upon the value of property. It is therefore important that the actions and behavior of commission members are at all times legally sanctioned and completely ethical.

The canons of ethics are sometimes imprecise. To provide specific, detailed

rules of behavior is difficult. Guidelines for ethical behavior in public planning, however, do exist. Rules for the conduct of planning commissioners fall into four areas: conflict of interest, gifts and favors, treatment of information and political activity.

Conflict of Interest

A planning commissioner to whom some private benefit may be derived as the result of a planning commission action should not be a participant in the action. The following are recommended as guidelines for dealing with conflicts:

The private benefit may be direct or indirect, create a material personal gain or provide an advantage to relatives, friends or groups and associations which hold some share of a person's loyalty. Mere membership itself in a group or organization, however, shall not be considered a conflict of interest as to planning commission action concerning such group or association unless a reasonable person would conclude that such membership in itself would prevent an objective consideration of the matter.

State law requires that a public official experiencing a conflict of interest declare the conflict publicly. It is strongly recommended, however, that a planning commissioner with a conflict abstain from voting on the action in question and leave the room during consideration of the action. The commissioner should not discuss the matter privately with any other commissioner. The vote cast by a planning commissioner who has a conflict of interest, but who has not excused him or herself, shall be disallowed.

A conflict of interest may exist under these rules although a planning commissioner may not believe that a conflict exists. A planning commissioner who has any question about a conflict of interest under these rules should raise the matter with the other planning commissioners and the county or city attorney's office in order that a determination may be made as to whether a conflict of interest exists.

No planning official should engage in any transaction in which he or she has a financial interest, direct or indirect, with the agency or jurisdiction that the official serves unless the transaction is disclosed publicly and determined to be lawful.

Public officials in making appointments to the planning commission should not attempt to exclude whole categories or associations of business, professional, or other persons in anticipation of conflict of interest problems. The service of competent people of good character need not be sacrificed. Their withdrawal from participation in planning

matters is necessary only in those specific cases in which a conflict of interest arises.

Gifts and Favors

Gifts, favors or advantages must not be accepted if they are offered because the receiver holds a position of public responsibility. Even small gifts that come in the form of business lunches, calendars or office brick-a-brac are not always acceptable. The best rule to follow regarding gifts and favors is this: In cases of doubt, *refuse*. In cases of even marginal doubt, *refuse*.

It is important to distinguish between planning information that belongs to the public and planning information that does not.

Reports and official records of a public planning agency must be open on an equal basis to all inquiries. Planning advice should not be furnished to some unless it is available to all.

Information on private affairs learned in the course of performing planning duties must be treated in confidence. Private affairs become public affairs when an official action, such as a change in zone classification or approval of a plat, is requested. Only then is a disclosure of relevant information proper.

Information contained in studies that are in progress by a planning commission should not be divulged except in accordance with established commission policies on the release of its studies.

Pearranged private meetings between a planning commissioner and applicants, their agents, or other interested parties are prohibited. Partisan information on any application received by a planning commissioner whether by mail, telephone, or other communication should be made part of the public record.

Political Activity

Membership in a political party and contributions to its finances or activities are matters of individual decision and should neither be required of, nor prohibited to, planning commissioners.

The extent of participation in political activities should be governed by professional judgment as well as limited by an applicable civil service law or regulations.

The special position of a planning commissioner should not be used

to obtain contributions or support for a political party and should not partisan favors.

Partisan debate of a community's planning program and the consideration of planning in a party's platform is proper. Planning officials should, however, give political parties equal access to information.

Ex Parte Contact (Latin: “From a one-sided or partisan point of view.”)

Although a member of the legislative body may gather information from many sources to augment his/her decision-making role, this activity is limited for an administrative body, such as a planning commission. There will be occasions when a planning commissioner will be contacted by an applicant whose issue is on the agenda for a forthcoming meeting. The contact may be an innocent desire to provide information, or a less than innocent attempt to influence the commissioner's decision. In either case, the commissioner should inform the applicant that a commissioner is not at liberty to discuss the matter – or inform the applicant that any information received by the commissioner must be shared with all at the public meeting, before deliberation on the issue.

Such disclosure is also expected from a commissioner who might uncover additional information or insight by personal observation. The commissioner should bring this information to the meeting and present it during the discussion.

These rules for ethical conduct should serve as a guideline for all commission members. A commission member should use individual judgment because each situation is unique.

The key point is that all decisions made by a land use authority must be conducted with total fairness.

SUMMARY

The planning commission is a group of unpaid citizens appointed by public officials. Planning commission is advisory on all planning issues, assisting in the development or revision of the general plan. Public officials choose a prospective commission member based on his/her dedication to the community and willingness to serve in an effort to guide the development of the community.

The duties of a planning commissioner are variable. In addition to developing the goals and desires of a community, drafting and reevaluating the

comprehensive plan, the commission must also strive to educate public officials and the general public on the importance of good planning. An effective commission member must work closely with other commissioners and develop a communication network with different groups such as public officials, government agencies and citizen committees. The commissioners as lay persons may need outside assistance from professional planners, paid staffs and private consultants.

The duties of planning commissioner are challenging. Service requires time, patience, the ability to work with others, and a strong desire to improve the community. In addition to these requirements, a commissioner must also be ethical and fair. A commissioner must be able to recognize a conflict of interest, know how to deal with gifts and favors, know the proper treatment of information and deal with the restrictions of political activities. Despite the endless demands and seemingly impossible requirements, being a planning commissioner is generally a rewarding experience and well worth the time and dedication.

Appendix A

FOURTEEN WAYS TO BUILD A BETTER COMMISSION

1. Develop and adopt bylaws and procedures, and abide by them.
2. Develop and make available good reliable information, data and maps.
3. Prepare and maintain an effective general plan, and refer to it. Make and implement decisions that are consistent with its policies.
4. Annually reexamine what you are doing as a commission, how well you are doing it, and how to do it better.
5. Outline a year's work on active planning and stick to it. Do not confuse development permit processing, reactive planning or plan review, with real planning.
6. Ask to participate in preparing the planning agency's budget.
7. Meet periodically with your legislative body to exchange ideas and to assess your mutual objectives.
8. Consider a public forum every year. Ask people (your "clients") how things are going and what they want done (if anything).
9. Tell your staff what you want and how you want material presented to you. Do not be a passive commission that waits for "the experts" to tell you what to do next.
10. Attend some short courses on new planning techniques or the latest in landuse law, and expect your staff to do the same.
11. Visit other communities as a commission to see what others are doing. Sometimes you will be uplifted to find out how many light years ahead of your neighbors you really are, and sometimes you will get some ideas worth borrowing.
12. Appoint a commission representative to appear before the elected body when it is necessary to explain or sell an action. Do not expect the staff to do your job.
13. Promote and encourage good planning. If you do not, who will?
14. Take time to orient new commissioners to the job. (Remember how tough it was to get the hang of it when you were a new member of your commission.)

APPENDIX B

TOOLS OF THE TRADE FOR PLANNING COMMISSIONERS

As a planning commissioner you can function best if you have received the following materials:

1. A copy of your jurisdiction's general plan and all amendments to it, including a clear statement of community goals and policies.
2. An accurate and up-to-date community base map at a usable scale and sheet size.
3. Copies of all regulatory ordinances (zoning, subdivision, sign control, etc.)
5. The jurisdiction's capital improvements plan. (If there isn't one, find out why.)
6. The planning commission's bylaws and written procedures.
7. Copies of regional or state policies or programs with which you may be expected to be familiar.
8. A copy of any current agreements the planning agency has with other agencies or consultants.
9. Copies of the rules, regulations and forms members of the public receive when they come to the agency for information or permits. (Look at them to see if you think they are clear, ensure due process, and are in all cases necessary.)

When entering the room in which the commission meets you should find the following:

1. A place of entrance where interested persons can pick up a copy of the meeting agenda as well as any other useful and relevant information.
2. A map of the city or county showing current land use on the wall, visible to all.
3. A current zoning map on the wall, also visible to all.
4. A comfortable seating arrangement for the public. The room should be selected that will accommodate the reasonably expected attendance; especially public hearings on controversial issues.

APPENDIX C

HOW TO BE A MORE EFFECTIVE PLANNING COMMISSIONER

A Checklist of Relevant Questions About You and Your Land Use Authority

DOES YOUR PLANNING AGENCY HAVE:

1. an up-to-date general plan (revised and adopted within the last five years)?
2. general plan documents and maps readily available to the public?
3. an up-to-date general plan - with required elements?
4. an effective zoning ordinance that has been up-dated to current state law?
5. a current zoning map prominently displayed at the zoning counter and in the room in which you hold commission meetings?
6. zoning maps available to hand out?
7. an up-to-date existing land-use map?
8. a published set of specific action programs to implement the goals and policies of the general plan?
9. a professionally trained planning staff or consultant who keeps up to date through continuing education and training?
10. a procedure for regular reconsideration and review of your general plan and implementation devices (zoning ordinance, etc.)?
11. a procedure for reviewing and acting on referrals from city departments and other agencies?

HAVE YOU EVER...

1. voted "yes" on a proposed zone change or other such proposal when you really wanted to vote "no?"
2. been intimidated by staff or consultant and felt at their mercy?
3. been intimidated by an applicant?
4. told your staff or consultant what you wanted when they disappointed you or

failed to present materials in the way you wanted them?

5. had a study session with your staff or consultant to go over procedures and matters of commission-staff relations

6. had a meeting with your city or county attorney to discuss legal powers and limitations, the jurisdiction's planning laws, current case law, etc.?

7. had a meeting with a neighboring city or the county planning commission to discuss common problems?

8. met as a body jointly for study session purposes, with your own city council or county commission?

9. held a public meeting to ask citizens what they want of you and of the planning program for their community (not a public hearing on a specific issue, but an open non-agenda function)?

10. read a book or article about \ planning or related subjects?

11. felt the planning commission is impotent or held in low esteem (usually over-ruled).

12. represented the planning commission before the city council or county commission as an advocate of a specific planning commission position?

13. lobbied in the community for a planning commission proposal you believed in?

14. been asked to review the proposed budget for the planning department?

15. participated in developing an annual work program for the planning department?

16. reviewed a work program for the department?

17. reviewed the procedures that you are following in conducting meetings and public hearings?

18. been instructed by your staff on the importance of "making findings of fact" before making decisions, and how to do so?

19. participated in hiring a consultant?

20. video-taped a commission meeting and viewed yourself in action as a commissioner?

21. felt you had become almost totally dependent upon your staff for ideas and

the basis for making decisions?

22. felt decisions sometimes are made almost entirely on the basis of the popularity or debating ability of proponent or opponent?

23. felt you wanted to complain to the city or county manager or the city council or county commission about the performance or behavior of your staff planners?

**PLANNING
COMMISSION**

Staff Report
4/24/2024

Item No. 1.

Title: Community Development Director's Report

Initiated By: Mike Eggett, Community Development Director

Staff Representative: Mike Eggett, Community Development Director

SUBJECT:

The Community Development Director will give a report and update to the Planning Commission on ongoing projects.

RECOMMENDATION:

BACKGROUND:

The Community Development Director will report on:

- April 16, 2024, City Council meeting
- General Plan Process Update
- Redevelopment Agency Update
- Current Project Update
- Other Items

ATTACHMENTS:



CENTERVILLE
city

PLANNING COMMISSION

Staff Report
4/24/2024

Item No. 1.

Title: Minutes Review and Approval

Initiated By:

Staff Representative:

SUBJECT:

RECOMMENDATION:

BACKGROUND:

ATTACHMENTS:

1. 4-10-24 PC

PLANNING COMMISSION MINUTES OF MEETING
Wednesday, April 10, 2024
7:00 p.m.

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

MEMBERS PRESENT

Shawn Hoth
Layne Jenkins
Amanda Jorgensen
Mason Kjar, Chair
Tyler Moss
LaRae Patterson, Vice Chair

MEMBERS ABSENT

Matt Larsen

STAFF PRESENT

Mike Eggett, Community Development Director
Whittney Black, Assistant Planner

VISITOR

Greg Day
Joann Stevenson
Shelby Dushku
Alex Dushku

LEGISLATIVE THOUGHT/PRAYER Chair Kjar

PLEDGE OF ALLEGIANCE

PUBLIC HEARING – CONCEPTUAL SITE PLAN – HOSKIN TRUCKS, 1175 W 500 N

Assistant Planner Whittney Black explained that Greg Day, representing his client Kaden Hoskin (prospective tenant of the subject property), was seeking approval of a Conceptual Site Plan for property located at 1175 W 500 N. She said the location was an existing site with a 6,365 square foot building, 6-foot chain link fence, and some existing hard surfacing. The building was considered nonconforming and could remain as it was. Because the occupancy use type was proposed to change and a new certificate of occupancy was required, the site was required to come up to Code in landscaping, drainage, parking, etc. Ms. Black said staff recommended the Planning Commission either table the matter for further information, or approve the Conceptual Site Plan with conditions and directives recommended in the Staff Report.

Greg Day, applicant, said he and Mr. Hoskin were agreeable to the conditions suggested by staff, and willing to accomplish the conditions prior to the Final Site Plan process.

Chair Kjar opened a public hearing at 7:09 p.m., and closed the public hearing seeing no one come forward. Chair Kjar said he did not foresee any major obstacles that would need to go back to the drawing board, and said he would vote in favor of the Conceptual Site Plan.

Commissioner Patterson **moved** to accept the Conceptual Site Plan for the Hoskin Truck project located at 1175 West 500 North, parcel number 060100010, with the following directives and for the following reasons for action. Commissioner Jenkins seconded the motion, which passed by unanimous vote (6-0).

Directives:

1. A final site plan shall be submitted as outlined in CZC 12.21.110(e).
2. The final site plan shall provide a complete landscaping plan, designed by a landscape architect.
3. The landscaping plan shall include and/or address all items listed in the Landscaping and Screening Staff Review report dated 04-10-2024 and the applicable standards listed under CZC 12.51.
4. The final site plan shall include the correct total number of parking spaces (31 total) and address all items listed in the Off-Street Parking and Loading Staff Review report dated 04-10-2024.
5. The final site plan shall include and/or address all items listed in the Various Items Staff Review report dated 04-10-2024.
6. In conjunction with the Final Site Plan submittal, a Conditional Use Permit Application shall be submitted for the proposed use of vehicle rental or sale, used, limited.

Reasons for action:

- a. The Conceptual Site Plan appears to be consistent with the applicable section of the General Plan, Part 12-480-6 West Centerville Neighborhood Plan.
- b. The Conceptual Site Plan, with modifications, could likely comply with the expected development standards described in CZC 12.34, CZC 12.52, CZC 12.51, and other applicable city ordinances.
- c. Therefore, the Planning Commission finds that the acceptance of this Conceptual Site Plan for the proposed development is warranted.

PUBLIC HEARING – ZONE MAP AMENDMENT – 1193 N MAIN STREET AND 1167 N MAIN STREET

Community Development Director Mike Eggett explained the applicant was requesting a Zone Map Amendment associated with two properties currently zoned Agricultural-Low (A-L). The applicant desired to rezone both properties to Residential-Low (R-L). There was currently a single-family home located on the 1167 North property and a single-family home located on the 1193 North property, with a few accessory buildings also located on the 1193 North property.

Mr. Eggett explained that according to the General Plan, low density was inclusive of both A-L and R-L zoning districts. Staff believed the proposed Zone Map Amendment was consistent with the goals and objectives of the General Plan, harmonious with the overall character of existing development in the vicinity, and would have minimal adverse effects, if any, on adjacent properties. Most of the surrounding properties were in the proposed zone, and the primary use of the area would not change. Mr. Eggett stated service facilities and services were generally available in the area due to existing residential development. He said staff recommended the Planning Commission recommend to the City Council approval of the Zoning Map Amendment.

Commissioner Jorgensen disclosed that she had been the listing agent for the 1193 North Main Street property, but had not represented the buyer. She stated her experience with the property would not affect her decision-making process in the matter. Mr. Eggett clarified that Ms. Dushku was authorized by the owners of the second property to make the request on their behalf.

Shelby Dushku, applicant, and owner of one of the two properties, said the properties were in a zoning island, and said the desire was to build low-density homes. Ms. Dushku said she had no hesitations with Commissioner Jorgensen participating in the decision-making process.

Chair Kjar opened a public hearing at 7:22 p.m., and closed the public hearing seeing no one come forward. Chair Kjar commented that the entire subject location was surrounded by R-L, and expressed the opinion that the proposed rezone would be an appropriate use of rezone authority. Staff answered questions regarding water availability. Responding to a question from Commissioner Patterson, Ms. Dushku said her current plan was to keep the existing home on her property and develop around it.

Commissioner Jorgensen made a **motion** for the Planning Commission to recommend City Council approval of the Zoning Map Amendment for the properties located at 1167 North Main Street and 1193 North Main Street, known as Parcels 02-015-0076 and 02-015-0125, from the Agricultural-Low (A-L) Zone to Residential-Low (R-L) Zone, for the following reasons for action. Commissioner Jenkins seconded the motion, which passed by unanimous vote (5-0).

Reasons for action:

1. The proposed Zoning Map Amendment meets the goals and objectives of the General Plan concerning Neighborhood 4 [CMC 12-480-5].
2. The proposed amendment is deemed consistent or adequate with the review requirements listed in CZC 12.21.080(e), as reviewed in the applicable Staff Report.

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Mr. Eggett reported on recent actions of the City Council. The Planning Commission was scheduled to meet next on April 24, 2024.

MINUTES REVIEW AND APPROVAL

Minutes of the March 27, 2024 Planning Commission meeting were reviewed. Commissioner Moss **moved** to approve the minutes unamended. Commissioner Jorgensen seconded the motion, which passed by unanimous vote (5-0).

ADJOURNMENT

At 7:38 p.m., Commissioner Patterson made a **motion** to adjourn the meeting. The motion passed by unanimous vote (5-0).

Jennifer Robison, City Recorder

Date Approved