

1 **PLANNING COMMISSION MINUTES OF MEETING**

2 **Wednesday, January 10, 2018**

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

4
5 A quorum being present at Centerville City Hall, 250 North Main Street, Centerville,
6 Utah. The meeting of the Centerville City Planning Commission was called to order at 6:55 p.m.

7
8 **MEMBERS PRESENT**

9 Kathy Helgesen

10 Kevin Daly, Vice Chair

11 Logan Johnson

12 David Hirschi

13 Gina Hirst

14 Becki Wright

15
16 **MEMBERS ABSENT**

17 Cheylynn Hayman, Chair

18
19 **STAFF PRESENT**

20 Cory Snyder, Community Development Director

21 Lisa Romney, City Attorney

22 Cassie Younger, Assistant Planner

23 Avalon Comly, Recording Secretary

24
25 **VISITORS**

26 Interested citizens (see attached sign-in sheet)

27
28 **PLEDGE OF ALLEGIANCE**

29
30 **OPENING COMMENT/LEGISLATIVE PRAYER**

31
32 **ELECT A NEW CHAIR AND VICE CHAIR FOR 2018**

33
34 Chair Hirschi disbursed ballots for position of Chair; explained that votes would be
35 counted by Lisa Romney, City Attorney; and opened the floor for nominations.

36
37 Commissioner Johnson nominated Vice Chair Hayman for the position of Chair of the
38 Planning Commission for 2018. Commissioner Becki Wright seconded the nomination.

39
40 Hearing no other nominations, the Commissioners cast their ballots. Vice Chair Hayman
41 was elected Chair by unanimous vote (6-0).

42
43 Commissioner Hirschi opened the floor for nominations for the positions of Vice Chair.

44
45 Commissioner Johnson nominated Commissioner Wright for the position of Vice Chair of
46 the Planning Commission for 2018. Commissioner Hirst seconded the nomination.

47
48 Commissioner Wright nominated Commissioner Daly for the position of Vice Chair of the
49 Planning Commission for 2018. Commissioner Johnson seconded the nomination.

50

1 Hearing no other nominations, the Commissioners cast their ballots. Commissioner Daly
2 was elected Vice Chair of the Planning Commission by majority vote (4-2).
3

4 **PUBLIC HEARING—TEXT AMENDMENT—HOME OCCUPATIONS**
5

6 Cory Snyder introduced the proposed text amendment. He explained that in the 2017
7 General Session, the Utah legislature adopted S.B. 81 restricting a municipality's authority to
8 charge a business license fee for home based businesses, unless the combined offsite impact
9 of the home-based business and the primary residential use materially exceeds the offsite
10 impact of the primary residential use alone.
11

12 Mr. Snyder explained that staff reviewed this new law and discussed whether home
13 based businesses should still be issued licenses, though they would now be free; or whether
14 licenses should not be required for home based business. Staff is recommending that the City
15 continue to issue licenses, with no fee, to home based businesses, as this would allow business
16 owners to have an official license that they could use in proving that they are a valid business
17 entity.
18

19 Staff also discussed how to ensure that home based businesses meet zoning
20 compliance before business licenses are issued. Staff recommends that Permitted Use home
21 occupations go through a one-time review for zoning compliance. The Zoning Administrator
22 would approve Permitted Use permits, and a business license would then be issued.
23 Conditional Use permits would still be subject to Planning Commission review.
24

25 Vice Chair Daly questioned whether Commercial Use permits and business licenses
26 would change, and Mr. Snyder confirmed that they would not.
27

28 Commissioner Hirschi asked whether people who ran home based businesses had
29 previously paid a fee for a use permit and a business license. Mr. Snyder responded that there
30 used to be one fee for both, but, per staff recommendations, there would now only be a one-
31 time \$75 zoning review fee and no business license fee, or annual review fee. Commissioner
32 Hirschi questioned Ms. Romney if this change is in keeping with the spirit of S.B. 81. Ms.
33 Romney responded that in her opinion it is.
34

35 Vice Chair Daly opened the matter for public hearing at 7:16 p.m. and closed the public
36 hearing seeing that no one wished to comment.
37

38 A member of the public, requested to ask a question of the Commission. Chair Daly
39 asked him to come forward.
40

41 Karl Taylor - Mr. Taylor questioned whether his sister-in-law, who runs a hair stylist
42 business from her home in Lehi, would be affected by the change in state law and whether each
43 municipality is choosing to do a different thing.
44

45 Lisa Romney responded to Mr. Taylor that each city is dealing with the legislation
46 differently and Mr. Taylor's sister would want to look into what changes Lehi is making in
47 response to the new legislation.
48

49 Commissioner Hirschi made a **motion** for the Planning Commission to recommend to
50 the City Council approval of the proposed amendments for "Home Occupations," as presented
51 by the staff to the Planning Commission with reasons for the action (a)-(c). Commissioner
52 Wright seconded the motion.

Commissioner Wright requested an amendment to change the wording in suggested reason for action (b) from "*ARE NOT INCONSISTENT*" to "*ARE CONSISTENT*." Commissioner Helgesen seconded the amendment, which passed by unanimous vote (6-0).

Commissioner Johnson expressed that he would prefer that the City move in the direction of not requiring any fee or licensure. Commissioner Wright asked if Commissioner Johnson foresaw that moving in the direction of having no fee and no business licensure for home based businesses would create more or less work for City employees. Commissioner Johnson responded that he believes it will be less work for City employees. Commissioner Wright asked Commissioner Johnson what owners of home-based businesses would need to do if they needed a license to provide to a mortgage company or other entity. Commissioner Johnson responded that they would need to take care of that requirement in some other fashion. Commissioner Johnson did point out that a rebuttal to his argument would be that the City does have the authority to regulate the uses in the homes, and licensure would provide recourse should there be any kind of complaint against a home based business.

The Commission voted to pass the motion as amended by majority vote (5-1), with Commissioner Johnson dissenting.

Reasons for the Action

- a. The Planning Commission find that the "decision to amend the . . . zoning ordinance is a matter of within the legislative discretion of the City Council as described in CZC 12.21.060.a.1.B.
- b. The Planning Commission finds that amendments *ARE CONSISTENT* with the goals, objectives and policies of the City's General Plan.
- c. The Planning Commission finds that the amendments are needed to comply with S.B. 81, in the 2017 General Session of the Utah State Legislature.

PUBLIC HEARING—ZONE TEXT AMENDMENT— "CATERING, GENERAL" AND "CATERING, LIMITED" DEFINITIONS AND TABLE USES

Cassie Younger, Assistant Planner, explained that after the Planning Commission and City Council voted in November of 2017 to approve the new definition of the use "Catering, Limited" and allow the use as a Conditional Use Permit in Commercial-Medium Zones at an applicant's request, staff examined Catering use beyond the scope of the original request to create a broader definition to incorporate into the Table of Uses in other zones. Staff believes that the inclusion of a "Catering, General" definition into the Table of Uses and the permission of this definition in Industrial zones, along with permission of "Catering, Limited" operations in Commercial zones, is compatible and consistent with the General Plan.

Commissioner Wright asked how a "Catering, Limited" business that wanted to be located in an Industrial zone would be permitted. Ms. Younger explained that in an Industrial zone a business that would otherwise be classified as "Catering, Limited" would just be classified as Catering, General because, in an Industrial Zone, there is no limit on food odors or the number of catering vehicles allowed.

Commissioner Wright stated that she is concerned about changing the definition of the business operation's use, based on the zone it is to be located in. She further explained that she would prefer to have the business permitted so that it remains the same defined type of use. Mr. Snyder responded that it would not be desirable to make a catering business located in an Industrial zone be subject to enforcement of rules on odors and limitations on the number of trucks parked outside, when that is not a concern for other businesses in industrial zones.

1 Commissioner Hirschi and Commissioner Wright asked a question about why
2 Commercial-Very Heavy zones can't have Catering, General businesses in them, at least as a
3 Conditional Use. Cory Snyder said this is because of all of the trucks that are associated with
4 that business being located so close to other businesses that have heavy truck trafficking.

5
6 Vice Chair Daly asked whether there are currently restrictions on food odors for
7 restaurants that do not have catering operations. Mr. Snyder replied that there are not any food
8 odor restrictions on restaurants.

9
10 Vice Chair Daly opened the matter for public hearing at 7:36 p.m.

11
12 Robert Love – Mr. Love inquired of the Commissioners whether this amendment would
13 just impact food trucks. He asked about residential areas where catering trucks might show up
14 for games and other events. He said that he has had many events that were catered by
15 companies that do not have trucks and wondered if this is impacting those companies.

16
17 Kyler James – Mr. James pointed out that the staff report for item 2, which was being
18 displayed on a projector screen, had a 2017 date in the footer.

19
20 Seeing no one else wished to make a comment, the public hearing was closed at 7:38
21 p.m. by Vice Chair Daly.

22
23 Cory Snyder responded to Mr. Love that delivery of services is not where the use is
24 being regulated. He explained that what is being regulated with the zone text amendment is the
25 operation of the base place where the use occurs. If a catering company does not involve
26 trucks, they would still be considered a catering company. Catering-Limited use would be when
27 a catering company wants to grow their business by having a few trucks. Catering- General use
28 would then be applied when a catering company grows even beyond the limited use. The
29 question has been in what zone a Catering, General company should be located. Staff has
30 taken the position that a large Catering, General operation should be located in Industrial zones,
31 and the Commission is debating in what Commercial Zones Catering, Limited operations should
32 be located.

33
34 Vice Chair Daly asked about parking for Catering, General businesses. Mr. Snyder says
35 at this time parking has not been considered in the Catering, General definition. If
36 Commissioners do not describe parking amount required in the definition of use then parking
37 studies will be required when a person applies for that kind of use.

38
39 Commissioner Wright referenced a zoning map of Centerville that Cassie Younger was
40 displaying. She questioned the use classification a business where a catering and restaurant
41 operation are together. Mr. Snyder explained that the business would be considered a "Multi-
42 Use" facility, and would need to be located in a zone that allows restaurants and catering, but
43 that it would need to be determined whether the catering is primary and the restaurant is
44 accessory. He further confirmed that restaurants are not allowed in industrial zones, so
45 Catering, General companies or other catering companies located in Industrial zones could not
46 open a restaurant operation.

47
48 Commissioner Wright raised again her previous concerns about classifying business
49 uses differently for catering operations based on the zone they are in. Vice Chair Daly
50 questioned what the benefit would be of requiring a Catering, Limited use business that moved
51 to an Industrial Zone to remain classified as Catering, Limited. Commissioner Wright states that
52 she feels it would send a message about where the City prefers various types of catering
53 businesses to be located.

Commissioner Helgesen commented that she does not see it as a problem that a Catering, Limited company that chooses to move to an Industrial Zone can be reclassified as Catering, General and thereby expand their business. She feels that the parameters as they are set already send a clear message that certain size catering businesses belong in Industrial Zones.

Commissioner Hirschi made a **motion** that the Planning Commission recommend acceptance to the City Council of the Definition of "Catering, General", as shown below, and that the Table of Uses regarding "Catering, General" and "Catering, Limited" be amended as shown in Table 1 below, with Reasons for Action (a)-(c). Commissioner Wright seconded the motion.

"Catering- General": An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption. Includes catering for food for single event-based food services and contractual agreements for a specified period of time. This may include the storage of mobile food trucks, and catering transport vehicles. *(Does not include subordinate catering to a food establishment).*

Table 1

Zones															
Use	A-L	A-M	R-L	R-M	R-H	PF-L	PF-M	PF-H	PF-VH	C-M	C-H	C-VH	I-M	I-H	I-VH
Catering, General	N	N	N	N	N	N	N	N	N	N	N	C	P	P	P
Catering, Limited	N	N	N	N	N	N	N	N	N	C	C	P	P	P	P

Reasons for Action

- The Planning Commission finds that the "decision to amend the . . . zoning ordinance is a matter of within the legislative discretion of the City Council as described in CZC 12.21.060.a.1.C.
- The definition of "Catering, limited" as permitted in all Commercial Zones and the new definition of "Catering, General", as permitted in all Industrial Zone is consistent with the goals objections and policies of the General Plan [12-430-1]
- The uses are consistent with the zone purposes as stated in CZC 12.30.020.

Commissioner Hirst commented that she does not agree with the Conditional Use for Catering, General in C-VH zones, as she does not feel catering should be brought into a zone which is primarily used for services that are used by residents on a daily basis. She also stated that she does not feel Catering, Limited needs to be permitted in Industrial Zones.

Vice Chair Daly made a **motion** to amend the Table of Uses regarding "Catering, General" and "Catering, Limited" such that Catering, Limited not be permitted in Industrial Zones, as shown in Table 2 below. Commissioner Johnson seconded the amendment, which failed (3-3), with Vice Chair Daly, Commissioner Hirst, and Commissioner Helgesen in favor, and Commissioners Johnson, Hirschi, and Wright dissenting.

Table 2

Zones															
Use	A-L	A-M	R-L	R-M	R-H	PF-L	PF-M	PF-H	PF-VH	C-M	C-H	C-VH	I-M	I-H	I-VH
Catering, General	N	N	N	N	N	N	N	N	N	N	N	C	P	P	P
Catering, Limited	N	N	N	N	N	N	N	N	N	C	C	P	N	N	N

Commissioner Helgesen made a **motion** to amend the Table of Uses regarding "Catering, General" and "Catering, Limited" such that Catering, General not be permitted in C-VH Zones and Catering, Limited not be permitted in Industrial Zones, as shown in Table 3 below. Commissioner Hirst seconded motion to amend, which failed (2-4), with Commissioners Helgesen and Hirst in favor.

Table 3

Zones															
Use	A-L	A-M	R-L	R-M	R-H	PF-L	PF-M	PF-H	PF-VH	C-M	C-H	C-VH	I-M	I-H	I-VH
Catering, General	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P
Catering, Limited	N	N	N	N	N	N	N	N	N	C	C	P	N	N	N

A vote was taken on Commissioner Hirschi's original motion, and the motion passed (4-2) with Commissioners Hirst and Helgesen dissenting.

PUBLIC HEARING – ZONING TEXT AMENDMENT – CHICKEN AND RABBIT PERMITS

Ms. Younger explained that residents living in Residential-Low Zones who are raising chickens or rabbits currently pay \$10 for their initial permit fee, and \$5 for an annual permit review fee. Requiring that chicken and rabbit owners obtain a permit has allowed the City to maintain a database of names and addresses of owners in case of disease outbreak or neighborhood complaint, and ensured that the owners were aware of the regulations regarding keeping chickens and rabbits in the City. However, it has recently been brought to staff's attention that the annual permit review fee is burdensome. The proposed zoning text amendment would remove the renewal fee, but maintain the initial permitting process and fee.

Vice Chair Daly asked how often residents apply for an initial permit and then do not renew the permit the following year. Ms. Younger responded that there are 30 active permits, and 15 permits that have been closed out over the past 7 years.

Commissioner Wright asked if there are any permits in the City that renew bi-annually. Mr. Snyder responded that there are not. Commissioner Wright asked if there is any way that chicken & rabbit owners could still be required to obtain a permit annually, perhaps online, without having to pay a fee. She is concerned that not having this annual permit renewal would mean that the City does not have a record of chicken and rabbit owners in case of disease outbreak. Mr. Snyder responded that it would not be possible for renewals to be done online as it stands currently.

Vice Chair Daly questioned how chickens and rabbits are permitted in agricultural zones. Mr. Snyder replied that Agricultural Zones have an assigned point value for each type of animal, and a point allowance per acre of land. He also explained that there is no permit required for chickens or rabbits in Agricultural Zones.

Vice Chair Daly opened a public hearing at 8:16 p.m. and closed the public hearing at 8:16 p.m. seeing that no one wished to comment.

Commissioner Helgesen made a **motion** to recommend approval of the amendments to Zoning Code CZC 12.55.240 as shown below, with reasons for action (1)-(2). Commissioner Johnson seconded the motion.

(a)(2) ~~An annual~~ A permit shall be obtained from the City as described in CZC 12.21.090. In addition to the permit application forms, the City shall provide with all initial permit application packets, ~~as opposed to annual renewal permit applications~~, educational information as deemed necessary and appropriate by the City, including, but not limited to, information regarding the raising of chickens or rabbits, poultry and rabbit health care, and maintenance issues. All permit applications shall also include the following:

(E) ~~For initial permits, an~~ An acknowledgement and consent form requiring signature from the applicant that he or she has read the supplemental educational information and agrees to abide by the terms and conditions of applicable ordinances.

Reasons for Action

1. The proposed zoning text changes are neither against nor inconsistent with the goals and objectives of the General Plan [12-21-080(e)1].
2. The one-time permit allows residents in applicable zones to raise chickens and rabbits for family food production. [12.55.140]

Vice Chair Daly raised a concern that people who live in Agricultural zones don't need permits for their chickens or rabbits. He stated that he is of the opinion that permits should either be required everywhere, or not required at all. In response, Commissioner Johnson pointed out that based on the size of the agricultural property, there are natural barriers to complaints from neighbors; whereas, Residential-Low Zone properties do not have those land barriers and owners are not trained in farming procedures. The permitting process allows the City to provide education to owners of chickens and rabbits in the Residential-Low Zone.

Commissioner Hirschi commented that he believes it would be a mistake not to have an annual or periodic review of chicken and rabbit owners in the Residential-Low Zone, as he believes the City has a responsibility to monitor who has these animals for the health and welfare of the population.

Ms. Younger suggested that she could send out an annual "Chicken and Rabbit Survey" to see who still has chickens for purposes of maintaining a database.

Commissioner Hirst made a **motion** to amend the proposed zoning text changes to include an annual survey to see who still has chickens or rabbits (text to be prepared by staff). Commissioner Wright seconded the motion.

Commissioner Hirschi made a **motion** to table the issue to allow staff time to prepare additional language regarding the proposed annual survey to be added to Zoning Code CZC 12.55.240. Commissioner Hirst seconded the motion and rescinded her previous motion.

The motion to table passed unanimously (6-0).

TABLED – RIGBY COURT FINAL SUBDIVISION, 150 E JENNINGS LANE

Because City Council tabled the amendment that was requested by the owner, the Rigby Court Final Subdivision approval will need to be tabled until the next regularly scheduled Planning Commission meeting.

Vice Chair Daly made a **motion** to table the Rigby Court Final Subdivision to the next regularly scheduled Planning Commission meeting. Commissioner Johnson seconded the motion, which passed unanimously (6-0).

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Cory Snyder reported on upcoming issues that will be coming before the Planning Commission.

Lisa Romney asked the Commissioners on behalf of the City Manager, who would be available for a work session at 6:30 p.m. on January 17, 2018. Four Commissioners expressed that they have prior commitments on that evening. Ms. Romney and Mr. Snyder said they will communicate to the City Manager that the work session will need to be postponed.

The next Planning Commission meeting will be January 24, 2018, and the first Planning Commission meeting in February is scheduled for Tuesday, February 13, 2018.

CITY COUNCIL REPORT

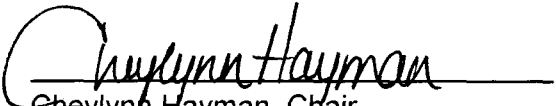
Cory Snyder reviewed recent decisions made by the City Council.

MINUTES REVIEW AND ACCEPTANCE

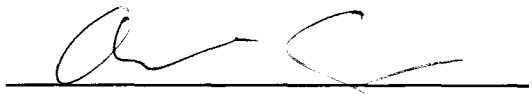
The minutes of the December 13, 2017 meeting were reviewed and amendments suggested. Commissioner Hirst made a **motion** to accept the minutes as amended. Commissioner Hirschi seconded the motion, which passed by unanimous vote (6-0).

ADJOURNMENT

At 8:36 p.m., Vice Chair Daly made a **motion** to adjourn the meeting. Commissioner Hirschi seconded the motion, which passed by unanimous vote (6-0).


Cheylynn Hayman, Chair

2-4-18
Date Approved


Avalon Comly, Recording Secretary

