CENTERVILLE CITY PLANNING COMMISSION AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY PLANNING COMMISSION WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 PM ON JANUARY 22, 2020 AT THE CENTERVILLE CITY COMMUNITY CENTER AND CITY HALL COUNCIL CHAMBERS, 250 NORTH MAIN STREET, CENTERVILLE, UTAH. THE AGENDA IS SHOWN BELOW.

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

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

The full packet of backups can be found at http://centerville.novusagenda.com/agendapublic.

7:00 PM **A. WELCOME AND ROLL CALL**

B. PLEDGE OF ALLEGIANCE

C. PRAYER OR THOUGHT

Kevin Daly, Commissioner

D. COMMISSION BUSINESS

1. Discussion - Revised South Main Street Corridor Plan, New Commissioners Update
2. Open Meetings Training
   Required annual training on the Open and Public Meetings Act
3. Discussion - Planning Commission 2020 Work Goals
4. Discussion - Training Options and Resources

E. MINUTES REVIEW and ACCEPTANCE

January 8, 2020

F. ADJOURNMENT

CENTERVILLE

Staff Backup Report
1/22/2020

Item No. 1.

Short Title: Discussion - Revised South Main Street Corridor Plan, New Commissioners Update

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- 01-22-2020 Staff Memo to Commissioners
- Draft Document - Revised South Main Street Corridor Plan

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

STAFF MEMORANDUM

DATE: **JANUARY 22, 2020**

TO: **CENTERVILLE CITY PLANNING COMMISSION**

FROM: **PLANNING STAFF**

SUBJECT: **SOUTH MAIN STREET CORRIDOR PLAN – UPDATE FOR NEW COMMISSIONERS**

During the previous year, the Planning Commission began preparing a "*revised element*" for the South Main Street Corridor, which is part of the City's General Plan. This update was a directive received by the Commission, as a result of a prior 2019 joint work session with the City Council.

The "*revised element*" has not yet been presented to the City Council. However, the Planning Commission has requested a "*joint work session*" to preliminarily review the revised element. The joint work session will likely take place later in February 2020. The decided purpose of the work session is as follows:

- *Improve communication and collaboration with the City Council.*
- *Identify any serious errors or matters with the drafted policies the Council may have for the Commission to reconsider.*
- *Review the Commission's reasons for limiting "residential uses," as found in the revised plan document*

In assisting the newly appointed Commissioners, this memo will describe the structural framework of the proposed changes and also provide a generalized summary of significant matters. Below is the summary outline that will be also discussed in further detail at the meeting:

- ✓ In addition to the element devoted to the South Main Street Corridor, there are various other policies located in other neighborhood specific plan elements. The first few drafted amendments are devoted to revising such policies to establish consistency amongst the various policy statements – (*see pages 1 and 2*)
- ✓ The South Main Street Corridor is being reduced from its original size/extent. The proposed corridor now is located from the south side of Parrish Lane to the north side of Porter Lane.
- ✓ The Corridor's new planning segments are:
    - North Parrish Lane Gateway Area
    - Civic/Cultural Area
    - Traditional Main Street Area

- ✓ The Corridor's future planning policies are divided into the following categories:
  - Corridor Wide Viewpoints
  - Land Use Expectations
  - Built Environment Design Expectations
  - Corridor's Street Space Expectations
  - [*Optional*] Residential Re-introduction Opportunities

- ✓ The Corridor Plan's "*optional*" residential re-introduction category regarding the future of allowance of residential uses will likely be any early focus for the policy debate. The generous allowance for residential uses of the original corridor plan received significant push back with prior development proposals and a significant part in the impetuous for the Council desiring a change to the corridor plan – (see Pages

- ✓ The Corridor's Plan' development design expectations are being significantly reworked. Originally, the Corridor Plan based development design on a principal known as "form-based" design.

  Typically, a form-based design is mostly focused on the "built design" of a particular site. Priorities are set for where the building, parking, and other elements are located. Primarily, the design expects buildings to located closer to the street, with enhanced features and landscaping, while parking is to be located to the sides and rear areas of a site.

  The revised corridor design expectations still focus on the built architectural and landscaping expectations. However, it diminishes the expectations for the positioning of the buildings and parking areas.

- ✓ Lastly, the Corridor Plan's Street Space (*i.e. public realm*) is being reworked. This part of the original plan fell short of its intended completion. The former efforts to develop "public space" design provisions were hotly contested in the past. The currently adopted scenario was passed to create the minimally needed guidance. The proposed polices still use the adopted minimal baseline and establish the future design enhancement expectations for both the travel lanes and the park strip areas within the corridor.

NOTES:

- *See Novus Attachments for This Report for The Revised Draft of The South Main Street Corridor Plan*

- *Website Link to Existing South Main Street Corridor Plan: http://centervilleut.net/file/2019/10/12-480-7-GP-Main-Street-Corridor-Plan_2010-as-approved-by-cc-11-16-2010.pdf*

SOUTH MAIN STREET CORRIDOR

[GENERAL PLAN DRAFT LANGUAGE CONCEPTS]

CHAPTER 12-430-2. COMMERCIAL DEVELOPMENT POLICIES.

[existing language edits] Policy 2, Main Street commercial area:

The area on Main Street between 400 South (Porter Lane) and 400 North (Parrish Lane) has been regarded somewhat as the traditional commercial center of Centerville, though in reality it never became a strong merchant focal point. Nonetheless, this small section of the Main Street corridor did and does provide needed local community services. The Main Street commercial area is linear, fragmented and limited in scope, though a few new buildings have been constructed here in recent years. Some revitalization is warranted and should be encouraged in a limited manner to maintain the local service-oriented uses for the community, as further described in Chapter 12-480-7, South Main Street Corridor Plan.

CHAPTER 12-480-2. NEIGHBORHOOD 1, SOUTHEAST CENTERVILLE.

[existing language edits] Policy 2.b, Main Street Commercial Area:

The area on Main Street between 400 North (Parrish Lane) and 400 South (Porter Lane) is generally regarded as the traditional commercial area of Centerville, though in reality it never became a strong merchant focal point. Nonetheless, this small section of the Main Street corridor did and does provide needed local community services. The present structure of commercial development with its numerous individual properties, small frontages, short setbacks, and older buildings tends to work against the possibility of any large scale, unified commercial development.

1. The Main Street commercial area should be allowed to remain as a local service needs or specialty retail area. To encourage any larger scale commercial development would be detrimental to surrounding residential areas and to the future function ability of Main Street as an arterial road.

2. The Main Street commercial area is linear, fragmented and limited in scope. Consequently, revitalization is warranted and should be encouraged in a limited manner to maintain the local service-oriented uses for the community, as further described in Chapter 12-480-7, South Main Street Corridor Plan.

3. Future commercial development in the Main Street area should conform to performance guidelines which require landscaping, appropriate parking, minimal traffic impact upon Main Street, and buffering from adjacent residential areas.

4. To preserve the residential integrity of surrounding areas, future commercial development on Main Street shall not be allowed south of 400 South or north of 400 North, and shall not extend more than one-half block east of Main Street.

CHAPTER 12-480-3. NEIGHBORHOOD 2, SOUTHWEST CENTERVILLE.

[existing language edits] Policy 2.a, Main Street Commercial:

The area on Main Street between 400 South (Porter Lane) and 400 North (Parrish Lane) is generally regarded as the traditional commercial area of Centerville, though in reality it never became a strong merchant focal point. Nonetheless, this small section of the Main Street corridor did and does provide needed local community services. The present structure of commercial development in this area, with its numerous individual properties, small frontages, short setbacks, and older buildings tend to make larger scale unified commercial development unlikely.

1. The Main Street commercial area should be allowed to remain as a local service needs and specialty retail area. To encourage any larger scale commercial development would be detrimental to the surrounding residential areas and to the future functionability of Main Street as an arterial road.

2. The Main Street commercial area is linear, fragmented and limited in scope. Consequently, revitalization is warranted and should be encouraged in a limited manner to maintain the local service-oriented uses for the community, as further described in Chapter 12-480-7, South Main Street Corridor Plan.

3. Future commercial development in this area should conform to performance guidelines which require landscaping, appropriate parking, minimal traffic impact upon Main Street, and buffering from adjacent residential areas.

4. To preserve the residential integrity of surrounding areas, future commercial development on Main Street shall not be allowed south of 400 South or north of 400 North, and shall not extend more than one-half block west of Main Street.

CHAPTER 12-480-7 – SOUTH MAIN STREET CORRIDOR PLAN

(*rescind all of PART 12-480-7*)

[*replace with*] A. Background

Over the past few years, the City Council has increasingly expressed concerns regarding the density and design standards regarding the 2008 South Main Street Corridor Plan. Early on, after its adoption, residents expressed discomfort regarding the "*residential densities*" that the "*mixed-use*" concepts allowed. In 2015, the allowable "*residential densities*" were altered in a reduced manner in response to public concerns. Around this same time, the expected "*public space*" plan was tempered in response to additional concerns from both elected officials and the public. The

initial effort to adopt a "*public space plan*" had raised concerns regarding liability and maintenance issues related to streetscape furniture and furnishings. Some of these streetscape features potentially conflicted with UDOT's traffic regulations, while others were deemed too expensive or took up space along Main Street that competed with the City's 4th of July Annual Parade. Ultimately, the anticipated "*public space plan*" was rejected in the initial form that it was presented.

In early to mid-2018, the City Council and Planning Commission met and undertook an effort to re-review the allowable uses of Main Street and the resulting outcome raised added concerns about the relationship of the allowable land uses and the regulations adopted in the South Main Street Overlay. Also, near this same time, the City reviewed several regulatory amendments that were needed to accommodate the construction of the proposed new Centerville Fire Station, which further confirmed the development conflicts with the SMSC Overlay regulations. All of these matters culminated in a March 2019 work session meeting between the City's Planning Commission and City Council. The fundamental findings reached in this meeting regarding South Main Street can be reviewed in "*Section D*" of this Chapter.

Subsequently, the general consensus of this meeting was that currently adopted South Main Street Plan and associated Zoning Ordinances would not adequately support or be advantageous in balancing the current and future needs of the commercial property owners and adjacent residential uses for the South Main Street area. Therefore, it was time to reevaluate the original 2008 Vision and formulate a replacement vision to better balance these challenging and sometimes competing land use patterns. The recommendation of how to proceed from the Planning Commission and then acceptance by the City Council entailed the following:

a. ***GENERAL PLAN*** - Re-write/modify the existing Generalized Sections of the General Plan's Goals regarding Main Street to reflect a consistency with the Corridor Plan.
b. ***GENERAL PLAN*** - Create an alternative/reformat for the adopted independent SMSC Plan (*Section 12-480*) that identifies what the new goals and objectives are to be.
c. ***ZONING ORDINANCE*** - The SMSC Overlay Zone District would need to be annulled and replaced in a manner, such as:
    1. Eliminate the SMSC Overlay Zone District and write new design with performance regulations that are specific for Main Street. This would be analogous to what has been done in other Zoning Districts, such as the Parrish Lane Gateway Design or the Shorelands Commerce Design regulations.
    2. Consider reducing the corridor area to be regulated – example limit General Plan and Zoning Ordinance changes from Parrish Lane to Porter Lane – rather than from Parrish to Pages

B. Formation of an updated South Main Street Corridor Context

The overall context of the South Main Street Corridor Plan is to admit that although ***South Main Street was previously viewed as the traditional commercial center of Centerville, in reality it never became a strong focal point of the Community***. Overtime, Pages Lane and Main Street declined in any strong commercial focus and were replaced with the placement of the interchange for Interstate 15 at Parrish Lane and the subsequent regional commercial center that developed along the Parrish Lane Corridor. Though one remaining strong point for the South Main Street area is that of local ownership and land uses that provide services predominately oriented to the local community. Accordingly, the *"the South Main Street Corridor Context"* is to maintain and promote opportunity for local owners to be successful and any future additional land uses are to be viewed in a manner to mitigate conflicts with and espouse the character of the surrounding residential environment, including, but not limited to the Deuel Creek Historic District (*see CZC, Chapter 12-49*).

C. South Main Street Corridor Plan Guiding Principles

In 2018, the City's Planning Commission conducted several "*public outreach*" meetings to discuss South Main Street Corridor, particularly with regards to the allowable commercial uses. The Planning Commission later met in 2019 and reviewed the comments that were received. The following topics and guiding principles were developed to assist with developing the vision for the Corridor Plan:

- ✓ **Housing -** *Residential use may play a limited or accessory role on Main Street.*
- ✓ **Commercial -** *Small business and local ownership is desirable.*
- ✓ **Identity -** *Respect the local historic feel of our community while blending business and residential needs.*
- ✓ **Long Range Pledge -** *Collaborate to achieve consistency for a committed, realistic outcome.*
- ✓ **Design -** *Encourage improvements to achieve a local historic feel through options and incentives.*
- ✓ **Transportation -** *Balance local business and residential access needs with the through traffic of the corridor and Consider the safety of pedestrians and other users in the corridor.*

D. South Main Street Corridor Plan Vision

The South Main Street Corridor is considered the traditional "heart" of Centerville City. Most importantly it is desired that the streetscape and built environment reflect the localized civic, social, and commercial service area that make up the Centerville City Community. Additionally, walking and biking within this area should be an equal priority mode of travel that occurs within the Corridor.

The South Main Street Corridor Plan's (*SMSC*) Vision establishes a comprehensive guide to future physical land use patterns and desired attributes that have been expressed by the public and City's

appointed and elected officials (aka "*Vision*"). Additional planning notions and concepts have also been included to help establish the policies of the overall SMSC Plan Vision.

In the case of the SMSC Plan, the "**fundamental notions" used for formulation of the South Main Street Corridor Plan are:**

- ✓ *The area on Main Street between 400 South (Porter Lane) and 400 North (Parrish Lane) has been regarded somewhat as the traditional commercial center of Centerville, though in reality it never became a strong merchant focal point. Nonetheless, this small section of the Main Street corridor did and does provide needed local community services.*

- ✓ *The Main Street commercial area is* linear, fragmented, and limited in scope*, though a few new buildings have been constructed here in recent years.*

- ✓ *Revitalization is warranted and should to be encouraged, but in a limited manner to maintain the local service-oriented uses (aka: "service commercial") for the community.*

- ✓ *The Main Street Corridor should be addressed in whole, however there are differentiating characteristics between the east and west sides of the roadway that need to be considered in defining an appropriate land use and development pattern.*

- ✓ *All future commercial development along Main Street should conform to performance [e.g. design] guidelines which require landscaping, appropriate parking, minimal traffic impact upon Main Street, and buffering from adjacent residential areas*

Furthermore, for the South Main Street Corridor, the **Plan's Vision is expressed using five (5) different elements or goals.**

- **Corridor Wide Viewpoints**
- **Land Use Expectations**
- **Built Environment Design Expectations**
- **Corridor's Street Space Expectations**

[OPTIONAL COMPONENT]

- **Residential Re-introduction Opportunities**

In addition to the elements, the South Main Street Corridor area is divided into **three (3**) different sub-areas. Each sub-area plays a slightly different and at sometimes distinct role in how land use patterns are to develop in that particular area of the neighborhood. These sub-areas are identified as follows:

- **North Parrish Lane Gateway Area** – South from Parrish Lane; 1) East Side to Smith Park, 2) West Side to the Post Office located at 261 North Main.
- **Civic/Cultural Area** – South from; 1**)** East Side from Smith Park south to 100 North, 2) West Side from Post Office to 100 North Street.

- **Traditional Main Street Area** – Both sides of street, from 100 North to north side of Porter Lane.

These principles, goals and objectives associated with the SMSC Plan are to be considered as statements of policy and are to be used in the decision-making process for land use ordinance amendments, applicable land use application reviews, and/or related capital improvement programs. Additionally, each goal may be accompanied by descriptive text that is intended to assist with understanding the purpose, intent, and interpretation of the goal.

The SMSC Plan identifies five (5) corridor planning essentials, with goals and objectives being included for implementation. These planning essentials, goals, objectives, and graphical maps for the South Main Street Corridor Plan are described on the remaining pages of this document.

SMSC PLAN PROPOSED GOALS AND OBJECTIVES:

I. Overall Corridor Context

Goal 1 - Maintaining the Local and Historic Character of Main Street

Main Street has been generally regarded as the traditional commercial area of Centerville, though in reality it never became a strong merchant focal point. Nonetheless, this small section of the Main Street corridor did and does provide needed local community services. The present structure of commercial development in this area, with its numerous individual properties, small frontages, short setbacks, and older buildings tend to make larger scale unified commercial development undesirable with the residential neighborhood located adjacent to the corridor.

Historically, the City's General Plan has addressed South Main Street as a boundary between the Southeast and Southwest Neighborhoods in its geographical extent (*i.e. ½ block limitations for commercial zoning*). The SMSC Plan now desires to better unify the land use and design pattern for the corridor, but to recognize the differing elements of the east versus west sides. These differences are, but not limited to, topographical differences, parcel sizes, acceptable or desirable uses, and adjacent residential use types.

OBJECTIVES:

1.A. *Land Use Pattern Expectations* - The Main Street commercial area is to remain as a local service needs and specialty retail area. To encourage any large-scale architype commercial development would be detrimental to the surrounding residential areas and to the vehicular functionability of Main Street as an arterial state road.

1.B. *South Main Street Character* - The Main Street Corridor should be addressed in whole, however there are differentiating characteristics between the east and west sides of the roadway that need to be considered in defining an appropriate land use and development pattern.

1.C. *Historical Context* - The Deuel Creek Historic District, which includes a portion of the South Main Street area, is primarily located just east of Main Street. The District not only includes many historic homes interior to the neighborhood, there are two National Register Sites located within the corridor area, which are the Randall Gas Station and the Whitaker Museum. All development adjacent to any historic site needs to be contextually sensitive to the built historical presence of these structures.

II. Land Use Planning Expectations

Goal 2 - Preserving and Encouraging Local Owner Investment of South Main Street Properties and Encouraging Partial Future Re-Development

To date, the South Main Street Corridor is predominantly comprised of localized property ownership and investment. Approximately, 62% of the properties are owned by Centerville residents and business owners and increases to 89% when adding the Davis County area residents. About 83% of the County Assessed Value comes from commercial uses with 64% of the land devoted to commercial type uses. The estimated 2015 Davis County Market Value of commercial land was over $27 million (*see August 04, 2015 SMSC Data and Analysis presentation to City Council and Planning Commission*). This local owner investment and commitment is a desirable attribute and is what creates a unique community identity for Centerville City, which needs to be encouraged to continue.

OBJECTIVES:

2.A Corridor-Wide:

2.A.1 *Commercial Area Limitations* - Commercial development on Main Street must not be allowed south of 400 South or north of 400 North, and shall not extend more than one-half block east or west of Main Street.

2.A.2 *Revitalization Intent* - Revitalization is warranted and should be encouraged, but needs to be done in a limited manner to maintain the local service-oriented type of uses (*aka: "service commercial"*) for the community.

2.A.3 *Adjacent Residential Context* - Although it is the desire of the Corridor Plan to bring unity to the street, there are some differentiating elements between the east and west sides of the street. These differences can be generalized as "topography" and "adjacent neighboring residential types," or single-family verses multi-family development.

i. *Adjacent neighborhood type, Single-family*. The east side of Main Street is predominately bounded by single-family neighborhoods. The Deuel Creek Historic District is the City's traditional residential area. The land use pattern and its uses along the east side need to be compatible and harmonious with the preservation of this Historic District (*see Goal 3 – Built Environment Design Expectations*).

ii. *Adjacent neighborhood type, Multi-family*. The west side of Main Street is predominately bounded by multi-family neighborhoods. The land use pattern and its use can tolerate some increase of intensity and or bulk/area (*e.g. building heights*) regulations and remain compatible with adjacent residential uses.

2.A.4 *Desirability to Preserve the Corridor's Local Interests* – South Main Street's unique identity is that of local resident ownership. These residents likely have a commitment to keep the corridor as a local community asset. Consequently, balancing the economic success of this small business community and interests of adjacent residential uses will be important in ensuring the preservation of the Corridor's small community identity.

2.B NORTH PARRISH LANE GATEWAY AREA:

2.B.1. *Preferred Land Use Pattern* - The preferred land uses for this area are commercial uses that are typical Commercial Medium (*C-M*) Zone allowances for the east corner and the typical Commercial High (*C-H*) Zone allowances for the west corner and then Commercial Medium (*C-M*) south along Main Street.

2.B.2. *Southeast Intersection Corner*. This commercial site lacks the proper landscape area fronting both Main Street and Parrish Lane. Additionally, vehicular parking and circulation is inadequate. Additional commercial use expansion should be discouraged. However, building and landscaping design re-development should be encouraged.

2.B.3. *Southwest Intersection Corner*. This commercial site is constrained and has an older and aged style commercial building. Due to the parcel sizes, additional commercial intensities are not desirable. Although the site has frontage within the Parrish Lane Gateway Corridor Area, it also functions as the entry onto Main Street (*from Parrish Lane*). Therefore, site and associated building should function as a transition into the South Main Street Corridor. Changes to the architectural and landscaping design should to be oriented to Main Street rather than to Parrish Lane.

2.B.4. *Future Intensity or Density*. Due to the very small lot sizes located in this area, building sizes should to be limited to the scale of the C-M Zone (*i.e. 10,000 sq. ft.*) for both sides of Main Street. Additionally, given the parcel sizes, future commercial intensity should to be limited in use and scale. There needs to be sufficient incentives to encourage a feasible building and landscaping design redevelopment opportunity for this area. Nonetheless, it needs to be done in a scale and design manner that keeps the small-town community identity of Centerville. Commercial intensity should to be explored carefully and with a justifiable focus on market minimums needed to achieve a redevelopment objective.

2.C CIVIC/CULTURAL AREA:

2.C.1. *Preferred Land Use Pattern* - The preferred land uses for this area are Public and/or Civic Use types that are typical of the Public Facility Low and Medium Districts, or uses that are public/civic in nature, as deemed appropriate by the City. Other acceptable uses should to be limited to those typical Commercial Medium (C-M) Zone allowances.

2.C.2. *Future Intensity or Density* - Primary or main buildings for Civic or Cultural Uses should to be allowed an intensity increase of up to 20,000 sq. ft. in size (*e.g. City Hall*), provided such development meets the public/green space design and layout expectations for creating a civic/cultural identity for this area. However, for commercial uses building sizes should generally reflect the scale of the C-M Zone (i.e. 10,000 sq. ft.).

2.D TRADITIONAL MAIN STREET AREA:

2.D.1. *Preferred Land Use Pattern* - The preference of the City is to maintain a smaller scale land use pattern that supports the viability of "*small business*" sector ownership and/or entrepreneurial endeavors that help preserve the existing high percentage of local resident land ownership of the area. The expected uses are to be limited to the Commercial Medium (*C-M*) allowances and/or uses that are deemed compatible with directly providing local services to the community.

2.D.2. *Future Commercial Use Intensity and Compatibility* – Due to the small lot sizes located in this area, building sizes are to be limited to the scale of the C-M Zone (*i.e. 10,000 sq. ft.*). Intensity decisions should to be measured by restraining uses that impose problems with business hours of operation, local on-street overflow parking, noise, smells, excessive lighting, outdoor storage, etc. Compatibility should to be measured by limiting building heights, buffering adjoining residential zones, the provision of park strip and front yard landscaping, and historical context building design and use of materials.

III. Built Environment Design Expectations

Goal 3 – The Built Environment needs to visually resonate with the City's localized Community Identity. The South Main Street Corridor is considered the "***historic heart***" of Centerville City. Most importantly it is desired that the streetscape and built environment reflect the civic, social, and neighborhood commercial locale that it has been to date. Furthermore, the intersection of Center and Main Streets is designated as the central focal area of the Corridor. In and around this "*focal area*," the public space is to be strongly emphasized in design in harmony with the desired built environment. Additionally, individual modes of travel, such as walking and

biking, are to be significant design and improvement priorities along with vehicular travel that occur within this area of the Corridor.

OBJECTIVES:

3.A CORRIDOR-WIDE:

3.A.1. *Design Guidelines* - The City should develop building and site design standards that over time improve the overall built environment of the Corridor. All future development along Main Street should to conform to these adopted Corridor Performance [*i.e. design requirements*] Guidelines, which in a contextual manner, should define and unify the corridor with regards to use of building materials, landscaping, street appeal, and site features.

3.A.3 *Architectural Building Design Improvements*. The City should develop building design standards that require the use of building materials and architectural elements in the Corridor that are compatible and/or complementary to the Deuel Creek Historic District. These design expectations need to be maximally emphasized within the Traditional Main Street Area, which along the east side, is located within the Historic District.

3.A.4. *Contextually Appropriate Building Heights* - Building heights should to be scaled in a manner that reflects the character of the overall area in which it is located. Generally, building heights should to be lower along the east side of the corridor and may be higher on the west side of the corridor.

3.A.2 *Performance Implementation* - All existing development should to be held accountable to implement, to the extent possible, the standards adopted by the City. All new development should to be required to implement the standards adopted by the City.

3.B NORTH PARRISH LANE GATEWAY AREA:

3.B.1. *Development Site Orientation* - Site layout and building design should to directly address orientation towards the intersection corners and provide elements that accommodate pedestrian users, public art, corridor gateway features, and/or other creative design elements to create a gateway appearance for entry and exit of the corridor area.

3.B.3 *Building Height and Orientation* - Buildings should not exceed an overall height of 35 feet in height for the east side and not exceed 40 feet in height for the west side of the corridor. Building entrances should to face the Main Street frontage and provide a pedestrian connection with the public sidewalk system.

3.B.4 *Gateway Identity Features* - Entry Signs/Monuments should to be constructed to frame the streetscape when entering/exiting this gateway area. The City should to

participate with property owners in creating and funding selected desirable entry features to create the intended gateway identity.

3.C CIVIC/CULTURAL AREA:

3.C.1 *Civic Style Design* - Provide distinctive elements and architectural styles for civic buildings to set them visually and physically apart from other commercial development and associated buildings along Main Street. Civic Design should to include the following:

i. Civic buildings need to be more than one-story to allow for developing a smaller building footprint occupying the site.
ii. Provide a significant use of public or green space around the buildings and parking areas.
iii. City Hall's west porch (*i.e. steep steps*) and surrounding front yard and streetscape should to be re-designed for improved public access and create a civic style tiered grand staircase/public plaza.
iv. Design amenities and changes needed to focus on providing pedestrian pathways, plaza spaces with seating and other design furnishings for outdoor/semi-outdoor use by the public.
v. The sidewalk system along the street should to have a civic style pedestrian-oriented promenade theme with wider sidewalks and protection bollards that can double as lighting.
vi. Due to the presence of overhead power lines, streetscape trees should to be discouraged and placed in the interior on-site landscaping.

3.C.2 *City Hall Master Plan Amendments* – Site development of the City Hall and Smith Park area needs to be further designed in a manner akin to a town/community square. Green space and community-based facilities, such as walkways, gardens, garden plazas, fountain or outdoor water features and other public use amenities, should to be incorporated in the layout of these sites. Specific amendment needed is:

i. The Ron Randall Service Station is now listed on the National Register of Historic Places. Consequently, the City Hall Master Plan needs to be amended to further encourage the preservation of the service station.

3.D TRADITIONAL MAIN STREET AREA:

3.D.1 *Historic Preservation* - Encourage and support the preservation of historic buildings that do or would qualify for National Historic Nomination within the South Main Street Corridor.

3.D.2 *Historic Context for Building Design* - The design guidelines should to address the use of building materials and other appropriate elements that complement the historic context on Main Street. In determination of establishing a historic context, the following concepts should to be considered:

i. Use of the same architectural elements and materials for structures as listed on the City's Landmarks Register and located within the Deuel Creek Historic District.
ii. Use of architectural elements and materials that match or are similar to the time relevant periods on either the City's Landmarks Register, similar Utah structures on the National Parks Register, or the City's Significant Sites List, as recommended by a certified architect.
iii. Use of architectural elements and materials that are contextually compatible with the time periods of the nominated built historic fabric found within the Deuel Creek Historic District, as recommended by a certified architect.

3.D.3 *Incentive Programming* - Consider establishing options and incentives to encourage existing and new development to implement designs and materials with a historical context.

3.D.4 *Small Scale Lot/Parcel Conservation* - Consider establishing limited parcel sizes, maximum building footprints, and other bulk and area regulations to prevent the combining of parcels and large building footprints to mitigate commercial encroachment by larger chain stores and regional style development.

3.D.5 *Central Focal Place* – Design and highlight select corridor intersections (*e.g. Center and Main Streets or Porter and Main*). Concentrate on developing spaces and features, both private and public, that highlight the corridor as the designated "*Center of the Town*" the "*Place Between*" City (*origin theme of Centerville*).

3.D.6 *Building Story Heights* – Building stories and heights adjacent to single-family neighborhoods (*i.e. east side*) should to be limited to two-stories and adjacent to multi-family neighborhoods (*i.e. west side*) may be increased to three-stories. An exception to these parameters would be the Civic Sector, where such buildings are developed with an increased amount of expected landscaping and public gathering spaces within the layout of the development.

IV. Corridor's Street Space Expectations

Goal 4 – Enhance the Corridor's Built Environment by Improving the Visual and Functional Design of the Public Space and Establish a Design Relationship with Private Development. In addition to the preservation and/or redevelopment of land uses along the corridor, the redevelopment and revitalization of the streetscape is needed to reflect the desired relationship between public space and private development. It is the intention of

the SMSC Plan to contextually influence the physical and visual relationship of private verses public space along the corridor by creating a neighborhood style scheme. This relationship is defined using the following three (3) *descriptions*:

A. TRAFFIC SECTOR - This area serves cars, trucks, buses, bicycles, and other forms of transit as mixed traffic in a limited number of travel lanes. Traffic flow through the Corridor is to be at low to moderate speeds for safety and to protect the pedestrian as well, which will enhance the visual appeal and functions of the Corridor.

B. PEDESTRIAN SECTOR - This area is essential in creating a form and frame for the Corridor. Sidewalks and Park Strip elements are critical design details to implement for enhancement of the pubic space along the Corridor.

C. DEVELOPMENT SECTOR – The front yard area and building fronts are important in creating the character or visual appeal of the Corridor. Land use development is to include robust building designs, with landscaping features that front and frame the public space, particularly in partnership with the Pedestrian Sector.

OBJECTIVES:

4.A <u>TRAFFIC SECTOR:</u>

4.A.1 <u>Priority Roadway Design Stipulations</u> – The preferred roadway design stipulations are as follows:

i. *<u>Posted Speed</u>* – Travel speeds should to be between 30 to 40 miles per hour, reflecting or balancing that this is a local roadway through the traditional central core of South Main Street, but also its primary function is a Utah Department of Transportation operated thoroughfare.

ii. *<u>Number of Through Lanes</u>* – One (1) in each direction with a center turn lane. Maintaining needed left turns for local streets is an important priority.

iii. *<u>Lane Widths</u>* – Twelve-feet (12') per travel lane. In constrained situations, minimum 11 feet per travel lane is acceptable. Eleven-feet (11') for the center median lane.

iv. *<u>Bike Lanes</u>* – Provide a bike lane each direction. Where possible, provide a six-foot (6') shoulder. Improved programming should to be considered as future investment allows.

4.A.2 <u>Priority Signing Stipulations</u> **-** The preferred signing stipulations are as follows:

i. *<u>Traffic Management and Control</u> – To minimize visual pollution with other public signing uses, traffic control signs should to be used only to the extent needed for safety. Support structures (i.e. poles and frames) for signs should to be*

enhanced to create a traditional main street or historical visual aspect to the sign placement.

ii. *Public/ Private Street Addressing– Support structures (i.e. poles and frames) for signs should to be enhanced to create a traditional main street or historical visual aspect to the sign placement.*

iii. *Wayfinding – The City should to prepare and adopt a wayfinding system for identifying areas and sites that are of interest to various users. Wayfinding signs and support structures (i.e. poles and frames) for signs should to be enhanced to create a consistent and visually appealing aspect to the wayfinding system. Additionally, within the Corridor such support structures should to be designed in a subtle manner to add to the traditional main street or historical visual appeal.*

4.A.3 Priority Parking Stipulations - The preferred parking stipulations are as follows:

i. *On-street Parking* – Due to the limited amount of street right-of-way, on-street parking is not anticipated for the commercial use land use pattern. The Plan's preference is to maintain the bike lanes, as a higher priority.

4.B PEDESTRIAN SECTOR:

4.B.1 Priority Park Strip Stipulations - The preferred park strip stipulations are as follows:

i. *Park Strip Width* – Park Strips should to be a minimum of four (4) feet in depth from curb for *BOTH* sides of South Main Street. The west side of the street does not currently meet this expectation.

ii. *Park Strip Materials* – Park Strip areas should to consist predominately in plantings, such as turf, shrubs, drought tolerant plants and mulches, and where appropriate and of sufficient size street trees. Hard-surfacing should be prohibited, except where it's integrated with a plaza or other pedestrian oriented feature (*e.g. Civic District Design style*).

4.B.2 Priority Sidewalk Stipulations - The preferred sidewalk stipulations are as follows:

i. *Sidewalk Width* – Sidewalks should to be a minimum of four-feet (4') in width for *BOTH* sides of South Main Street (*see decorative frame in 4.B.2.ii to achieve an overall 6' width*). Generally, the current sidewalk system only has four-feet (4') on the east side and five-feet (5') on the west side (*however, west side is missing the desired park strip*).

ii. *Sidewalk System Decorative Framing* – As sidewalks are replaced or when sites are re-developed, a decorative hard surface framing strip (*e.g. stamped or surface brush*) of at least 12 inches, both sides, should to be provided adjacent and parallel to the sidewalk system (*overall 6' width scheme*). A

pedestrian/sidewalk easement (*along the corridor fronting properties*) may be required to complete the design expectation.

4.B.3 Priority Streetscape Lighting Stipulations - The preferred streetscape lighting stipulations are as follows:

i. Traffic Safety Lighting – Intersection and mid-block lighting should to comply with state or local regulations. Lighting design and fixtures should to be upgraded in a manner that distinguishes the corridor area from other road corridors within the City.

ii. Pedestrian, Streetscape Feature, and Information Sign Lighting – Primarily pedestrian style lighting should to be utilized within the Civic/Cultural Area. Lighting style should to be of the bollard type, with a historic style design, (*rather than pole mounted*) and integrated as part of a security bollard system to protect public spaces and buildings from vehicular and security threats. Secondarily, lighting should to be used as part of the wayfinding and street addressing elements to provide evening and night hour readability of the signing features.

4.B.4 Priority Streetscape Feature Stipulations - The preferred streetscape feature stipulations are as follows:

i. *Utility Poles and Lines* – Recognizing the importance of this system on the East Side of South Main Street, encourage a mutual and beneficial partnership with the power and utility companies. Develop a scheme to utilize the lower pole space for streetscape enhancement (*e.g. community banners, decorative frames, painting, art wrapping, texturing, public art, etc.*). As poles are replaced, encourage use of rust patina type steel rather than galvanized (*e.g. core-ten steel*) for a more natural color appeal.

ii. *Community Banner/Flags* – Continue and enhance the use of community banners/flags within the corridor area. In addition to the joint use of the utility pole system along the east side, the City should to create a "sense" of balance along the west side and install a pole specific banner system. The west side system may not be as frequent, but instead create a generalized visual unifying appearance to the corridor.

iii. *Public Art* - The City should to develop a public art plan as part of any re-development or economic plan for the corridor. Public art should to be included in strategic areas, such as gateway development, civic space placement, and even part of enhancing utility service infrastructure.

iv. *[Optional Feature] Hanging Pots and Other Plantings* – During the growing season, consider the interval use of hanging plantings, if allowed, using the utility poles and street lighting systems. Alternative options would be use of

larger planting removable pots along the sidewalk system, or in dedicated spaces within the Street Frontage Landscape Area.

4.C DEVELOPMENT SECTOR:

4.C.1 Priority Landscape Depth – Fronting Public Streets Stipulations - The preferred landscape depth stipulations are as follows:

i. *Street Landscape Depth* – Except for approved driveways and pedestrian walkways, landscaping should to be provided along public streets (*e.g. a minimum depth of 10-12 feet*) paralleling along the public right-of-way frontage on South Main Street. This objective may require adjustments to the parking requirements to achieve this priority.

ii. *Parking Lot Screening* – When a parking stall or lot fronts the public street landscaping area, an approximate three-foot (3') high screening feature, that is visually compatible with the landscaping or building design, is to be installed at the edge of the lot, to visually buffer the parking area from view along the public street.

iii. *Street Tree Planting Depth and Canopy* – Trees planted within the Public Street Landscape area should to be a sufficient depth away from a sidewalk or other like public improvement to reduce root damage to the sidewalk system. Also, large tree species that would interfere with overhead utility lines should to be prohibited.

4.C.2 Priority Lighting Stipulations - The preferred lighting stipulations are as follows:

i. *Building Lighting, Exterior* – Lighting should to be primarily used for architectural enhancement, which in turn provides a neighborhood style lighting scheme. Any lighting facing or adjacent to residential zones should to be minimal and limited in scope for needed for security.

ii. *Free-standing Lighting* – Except for traffic safety lighting, the use of free-standing pole lighting should to be discouraged, specifically near and adjacent to residential uses. If outdoor lighting is used, pedestrian bollard and landscape lighting is the preferred outdoor lighting for the corridor to enhance an historic neighborhood style scheme.

4.C.2 Priority Signing Stipulations - The preferred signing stipulations are as follows:

i. *Free-standing Signs* – The preferred method of free-standing signs are the low-profile or monument-based signs within the Corridor area.
(Note: Historically, free-standing pole signs have been sparse and, in a study, performed in the 1990's the City decided to prohibit free-standing pole signs along Main Street.)

ii. *Business Wall Signs* – The preferred method of the sign design should to be reformatted to create a differentiation from the typical box style commercial found on Parrish Lane. Business signing should to be simplified and scaled down to reflect a local small-town style scheme. The style, colors, materials should to compliment the architectural design of the buildings associated with the sign.

[OPTIONAL COMPONENT SECTION]

V. Residential Re-introduction Opportunities

Goal 5 – Consider Future Residential as a Supplementary Allowable Use.

Although South Main Street never became a strong merchant focal point, this small section of the Main Street corridor did and does provide needed local community services. Additionally, there should to be an effort to preserve opportunities for small business establishments and entrepreneurial endeavors within the community. As a supportive or supplementary role to these small-scale commercial enterprises, limited use housing could play a role in the economic success of preserving and maintaining this type of commercial investment. Furthermore, it could also provide for missing or needed housing stock to support a variety of income levels. Consequently, the re-introduction of residential uses in a secondary or supplementary manner may be advantageous within the corridor. If future attempts are made, the following policies should to be the guiding essentials:

OBJECTIVES:

5.A CORRIDOR-WIDE:

5.A.1 *Strategic Nature of Allowance* - If residential is re-introduced, such development needs to be strategic in nature and limited in a manner to compliment the preservation of the local or domestic property and business ownership and preservation of the supportive services commercial that directly attends to the local residents.

5.A.2 *Small-scale Land Use Pattern* - Due to the proximity of existing single-family neighborhoods along most of the corridor, residential re-introduction opportunities need to be primarily be developed in a small-scale and accessory manner.

5.A.3 *Re-introduction Parameters* - The preservation and/or re-introduction of any residential land use pattern would be appropriate is as follows:

i. Maintaining or accommodating the traditional and historical nature of existing single-family homes along Main Street, if so desired by a property owner.
ii. Supporting the preservation of commercial uses by allowing a limited amount of accessory residential uses, as a subsidized or supplementary economic return on commercial investment.

iii. Further improvement of underutilized or vacant lands, when additional commercial development is not likely, in a significant manner, to occur in the market place.
iv. Providing housing options that support a moderate-income accommodation strategy that has been adopted by the City.

5.A.4 *Accessory Use Expectation* - Residential uses are to be developed as part of or integrated with a primary commercial use building.

5.A.5 *Accessory Use Density Limitation* - Commercial lots less than one-half (1/2) acre are not to have more than one (1) dwelling. Commercial lots one-half (1/2) acre or larger are not exceed three (3) dwelling units per commercial lot, regardless of the commercial parcel's definitive size.

5.A.6 *Accessory Use Intensity Limitation* - Residential uses should be accessory to the primary commercial use. When dwellings are located within a structure. The residential uses should not occupy more than 40% of the gross floor area of the primary commercial building. If units are detached, the residential uses may not occupy more than 40% of the land (*e.g. residential use building footprint, yards, and parking areas*).

5.A.7 *Residential Design Expectations* - All residential development mixed with commercial lots are to comply or incorporate the applicable Built Environment Design Expectations listed in this plan.

CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
1/22/2020

Item No. 2.

Short Title: Open Meetings Training

Initiated By: Lisa Romney, City Attorney

Scheduled Time:

SUBJECT

Required annual training on the Open and Public Meetings Act

RECOMMENDATION

BACKGROUND

The City Attorney will provide a brief presentation on the basics of the Utah Open and Public Meetings Act. This training is required by law to be provided annually. A copy of the applicable statutes and some informational handouts are attached.

ATTACHMENTS:

Description

- Utah Open Meetings Act - UCA 52-4-101, et seq.
- Handout - Open Meetings
- Handout - Closed Meetings
- Open Meetings Presentation

Chapter 4
Open and Public Meetings Act

Part 1
General Provisions

52-4-101 Title.

This chapter is known as the "Open and Public Meetings Act."

Enacted by Chapter 14, 2006 General Session

52-4-102 Declaration of public policy.

(1) The Legislature finds and declares that the state, its agencies and political subdivisions, exist to aid in the conduct of the people's business.
(2) It is the intent of the Legislature that the state, its agencies, and its political subdivisions:
(a) take their actions openly; and
(b) conduct their deliberations openly.

Renumbered and Amended by Chapter 14, 2006 General Session

52-4-103 Definitions.

As used in this chapter:
(1) "Anchor location" means the physical location from which:
(a) an electronic meeting originates; or
(b) the participants are connected.
(2) "Capitol hill complex" means the grounds and buildings within the area bounded by 300 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard in Salt Lake City.
(3)
(a) "Convening" means the calling together of a public body by a person authorized to do so for the express purpose of discussing or acting upon a subject over which that public body has jurisdiction or advisory power.
(b) "Convening" does not include the initiation of a routine conversation between members of a board of trustees of a large public transit district if the members involved in the conversation do not, during the conversation, take a tentative or final vote on the matter that is the subject of the conversation.
(4) "Electronic meeting" means a public meeting convened or conducted by means of a conference using electronic communications.
(5) "Electronic message" means a communication transmitted electronically, including:
(a) electronic mail;
(b) instant messaging;
(c) electronic chat;
(d) text messaging, as that term is defined in Section 76-4-401; or
(e) any other method that conveys a message or facilitates communication electronically.
(6)
(a) "Meeting" means the convening of a public body or a specified body, with a quorum present, including a workshop or an executive session, whether in person or by means of electronic communications, for the purpose of discussing, receiving comments from the public about, or

acting upon a matter over which the public body or specific body has jurisdiction or advisory power.

(b) "Meeting" does not mean:

(i) a chance gathering or social gathering;

(ii) a convening of the State Tax Commission to consider a confidential tax matter in accordance with Section 59-1-405; or

(iii) a convening of a three-member board of trustees of a large public transit district as defined in Section 17B-2a-802 if:

(A) the board members do not, during the conversation, take a tentative or final vote on the matter that is the subject of the conversation; or

(B) the conversation pertains only to day-to-day management and operation of the public transit district.

(c) "Meeting" does not mean the convening of a public body that has both legislative and executive responsibilities if:

(i) no public funds are appropriated for expenditure during the time the public body is convened; and

(ii) the public body is convened solely for the discussion or implementation of administrative or operational matters:

(A) for which no formal action by the public body is required; or

(B) that would not come before the public body for discussion or action.

(7) "Monitor" means to hear or observe, live, by audio or video equipment, all of the public statements of each member of the public body who is participating in a meeting.

(8) "Participate" means the ability to communicate with all of the members of a public body, either verbally or electronically, so that each member of the public body can hear or observe the communication.

(9)

(a) "Public body" means:

(i) any administrative, advisory, executive, or legislative body of the state or its political subdivisions that:

(A) is created by the Utah Constitution, statute, rule, ordinance, or resolution;

(B) consists of two or more persons;

(C) expends, disburses, or is supported in whole or in part by tax revenue; and

(D) is vested with the authority to make decisions regarding the public's business; or

(ii) any administrative, advisory, executive, or policymaking body of an association, as that term is defined in Section 53G-7-1101, that:

(A) consists of two or more persons;

(B) expends, disburses, or is supported in whole or in part by dues paid by a public school or whose employees participate in a benefit or program described in Title 49, Utah State Retirement and Insurance Benefit Act; and

(C) is vested with authority to make decisions regarding the participation of a public school or student in an interscholastic activity, as that term is defined in Section 53G-7-1101.

(b) "Public body" includes:

(i) an interlocal entity or joint or cooperative undertaking, as those terms are defined in Section 11-13-103;

(ii) a governmental nonprofit corporation as that term is defined in Section 11-13a-102; and

(iii) the Utah Independent Redistricting Commission.

(c) "Public body" does not include:

(i) a political party, a political group, or a political caucus;

(ii) a conference committee, a rules committee, or a sifting committee of the Legislature;
(iii) a school community council or charter trust land council, as that term is defined in Section 53G-7-1203;
(iv) a taxed interlocal entity, as that term is defined in Section 11-13-602; or
(v) the following Legislative Management subcommittees, which are established in Section 36-12-8, when meeting for the purpose of selecting or evaluating a candidate to recommend for employment, except that the meeting in which a subcommittee votes to recommend that a candidate be employed shall be subject to the provisions of this act:
(A) the Research and General Counsel Subcommittee;
(B) the Budget Subcommittee; and
(C) the Audit Subcommittee.

(10) "Public statement" means a statement made in the ordinary course of business of the public body with the intent that all other members of the public body receive it.

(11)
(a) "Quorum" means a simple majority of the membership of a public body, unless otherwise defined by applicable law.
(b) "Quorum" does not include a meeting of two elected officials by themselves when no action, either formal or informal, is taken.

(12) "Recording" means an audio, or an audio and video, record of the proceedings of a meeting that can be used to review the proceedings of the meeting.

(13) "Specified body":
(a) means an administrative, advisory, executive, or legislative body that:
(i) is not a public body;
(ii) consists of three or more members; and
(iii) includes at least one member who is:
(A) a legislator; and
(B) officially appointed to the body by the president of the Senate, speaker of the House of Representatives, or governor; and
(b) does not include a body listed in Subsection (9)(c)(ii) or (9)(c)(v).

(14) "Transmit" means to send, convey, or communicate an electronic message by electronic means.

Amended by Chapter 25, 2019 General Session
Amended by Chapter 246, 2019 General Session

52-4-104 Training.

(1) The presiding officer of the public body shall ensure that the members of the public body are provided with annual training on the requirements of this chapter.
(2) The presiding officer shall ensure that any training described in Subsection (1) complies with Title 63G, Chapter 22, State Training and Certification Requirements.

Amended by Chapter 200, 2018 General Session

Part 2
Meetings

52-4-201 Meetings open to the public -- Exceptions.

(1) A meeting is open to the public unless closed under Sections 52-4-204, 52-4-205, and 52-4-206.

(2)

(a) A meeting that is open to the public includes a workshop or an executive session of a public body in which a quorum is present, unless closed in accordance with this chapter.

(b) A workshop or an executive session of a public body in which a quorum is present that is held on the same day as a regularly scheduled public meeting of the public body may only be held at the location where the public body is holding the regularly scheduled public meeting unless:

(i) the workshop or executive session is held at the location where the public body holds its regularly scheduled public meetings but, for that day, the regularly scheduled public meeting is being held at different location;

(ii) any of the meetings held on the same day is a site visit or a traveling tour and, in accordance with this chapter, public notice is given;

(iii) the workshop or executive session is an electronic meeting conducted according to the requirements of Section 52-4-207; or

(iv) it is not practicable to conduct the workshop or executive session at the regular location of the public body's open meetings due to an emergency or extraordinary circumstances.

Renumbered and Amended by Chapter 14, 2006 General Session
Amended by Chapter 263, 2006 General Session

52-4-202 Public notice of meetings -- Emergency meetings.

(1)

(a)

(i) A public body shall give not less than 24 hours' public notice of each meeting.

(ii) A specified body shall give not less than 24 hours' public notice of each meeting that the specified body holds on the capitol hill complex.

(b) The public notice required under Subsection (1)(a) shall include the meeting:

(i) agenda;

(ii) date;

(iii) time; and

(iv) place.

(2)

(a) In addition to the requirements under Subsection (1), a public body which holds regular meetings that are scheduled in advance over the course of a year shall give public notice at least once each year of its annual meeting schedule as provided in this section.

(b) The public notice under Subsection (2)(a) shall specify the date, time, and place of the scheduled meetings.

(3)

(a) A public body or specified body satisfies a requirement for public notice by:

(i) posting written notice:

(A) at the principal office of the public body or specified body, or if no principal office exists, at the building where the meeting is to be held; and

(B) on the Utah Public Notice Website created under Section 63F-1-701; and

(ii) providing notice to:

(A) at least one newspaper of general circulation within the geographic jurisdiction of the public body; or

(B) a local media correspondent.

(b) A public body or specified body is in compliance with the provisions of Subsection (3)(a)(ii) by providing notice to a newspaper or local media correspondent under the provisions of Subsection 63F-1-701(4)(d).

(c) A public body whose limited resources make compliance with Subsection (3)(a)(i)(B) difficult may request the Division of Archives and Records Service, created in Section 63A-12-101, to provide technical assistance to help the public body in its effort to comply.

(4) A public body and a specified body are encouraged to develop and use additional electronic means to provide notice of their meetings under Subsection (3).

(5)

(a) The notice requirement of Subsection (1) may be disregarded if:

(i) because of unforeseen circumstances it is necessary for a public body or specified body to hold an emergency meeting to consider matters of an emergency or urgent nature; and

(ii) the public body or specified body gives the best notice practicable of:

(A) the time and place of the emergency meeting; and

(B) the topics to be considered at the emergency meeting.

(b) An emergency meeting of a public body may not be held unless:

(i) an attempt has been made to notify all the members of the public body; and

(ii) a majority of the members of the public body approve the meeting.

(6)

(a) A public notice that is required to include an agenda under Subsection (1) shall provide reasonable specificity to notify the public as to the topics to be considered at the meeting. Each topic shall be listed under an agenda item on the meeting agenda.

(b) Subject to the provisions of Subsection (6)(c), and at the discretion of the presiding member of the public body, a topic raised by the public may be discussed during an open meeting, even if the topic raised by the public was not included in the agenda or advance public notice for the meeting.

(c) Except as provided in Subsection (5), relating to emergency meetings, a public body may not take final action on a topic in an open meeting unless the topic is:

(i) listed under an agenda item as required by Subsection (6)(a); and

(ii) included with the advance public notice required by this section.

(7) Except as provided in this section, this chapter does not apply to a specified body.

Amended by Chapter 77, 2016 General Session

52-4-203 Written minutes of open meetings -- Public records -- Recording of meetings.

(1) Except as provided under Subsection (7), written minutes and a recording shall be kept of all open meetings.

(2)

(a) Written minutes of an open meeting shall include:

(i) the date, time, and place of the meeting;

(ii) the names of members present and absent;

(iii) the substance of all matters proposed, discussed, or decided by the public body which may include a summary of comments made by members of the public body;

(iv) a record, by individual member, of each vote taken by the public body;

(v) the name of each person who:

(A) is not a member of the public body; and

(B) after being recognized by the presiding member of the public body, provided testimony or comments to the public body;

(vi) the substance, in brief, of the testimony or comments provided by the public under Subsection (2)(a)(v); and

(vii) any other information that is a record of the proceedings of the meeting that any member requests be entered in the minutes or recording.

(b) A public body may satisfy the requirement under Subsection (2)(a)(iii) or (vi) that minutes include the substance of matters proposed, discussed, or decided or the substance of testimony or comments by maintaining a publicly available online version of the minutes that provides a link to the meeting recording at the place in the recording where the matter is proposed, discussed, or decided or the testimony or comments provided.

(3) A recording of an open meeting shall:

(a) be a complete and unedited record of all open portions of the meeting from the commencement of the meeting through adjournment of the meeting; and

(b) be properly labeled or identified with the date, time, and place of the meeting.

(4)

(a) As used in this Subsection (4):

(i) "Approved minutes" means written minutes:

(A) of an open meeting; and

(B) that have been approved by the public body that held the open meeting.

(ii) "Electronic information" means information presented or provided in an electronic format.

(iii) "Pending minutes" means written minutes:

(A) of an open meeting; and

(B) that have been prepared in draft form and are subject to change before being approved by the public body that held the open meeting.

(iv) "Specified local public body" means a legislative body of a county, city, town, or metro township.

(v) "State public body" means a public body that is an administrative, advisory, executive, or legislative body of the state.

(vi) "State website" means the Utah Public Notice Website created under Section 63F-1-701.

(b) Pending minutes, approved minutes, and a recording of a public meeting are public records under Title 63G, Chapter 2, Government Records Access and Management Act.

(c) Pending minutes shall contain a clear indication that the public body has not yet approved the minutes or that the minutes are subject to change until the public body approves them.

(d) A state public body and a specified local public body shall require an individual who, at an open meeting of the public body, publicly presents or provides electronic information, relating to an item on the public body's meeting agenda, to provide the public body, at the time of the meeting, an electronic or hard copy of the electronic information for inclusion in the public record.

(e) A state public body shall:

(i) make pending minutes available to the public within 30 days after holding the open meeting that is the subject of the pending minutes;

(ii) within three business days after approving written minutes of an open meeting:

(A) post to the state website a copy of the approved minutes and any public materials distributed at the meeting;

(B) make the approved minutes and public materials available to the public at the public body's primary office; and

(C) if the public body provides online minutes under Subsection (2)(b), post approved minutes that comply with Subsection (2)(b) and the public materials on the public body's website; and

(iii) within three business days after holding an open meeting, post on the state website an audio recording of the open meeting, or a link to the recording.

(f) A specified local public body shall:

(i) make pending minutes available to the public within 30 days after holding the open meeting that is the subject of the pending minutes;

(ii) within three business days after approving written minutes of an open meeting, post and make available a copy of the approved minutes and any public materials distributed at the meeting, as provided in Subsection (4)(e)(ii); and

(iii) within three business days after holding an open meeting, make an audio recording of the open meeting available to the public for listening.

(g) A public body that is not a state public body or a specified local public body shall:

(i) make pending minutes available to the public within a reasonable time after holding the open meeting that is the subject of the pending minutes;

(ii) within three business days after approving written minutes, make the approved minutes available to the public; and

(iii) within three business days after holding an open meeting, make an audio recording of the open meeting available to the public for listening.

(h) A public body shall establish and implement procedures for the public body's approval of the written minutes of each meeting.

(i) Approved minutes of an open meeting are the official record of the meeting.

(5) All or any part of an open meeting may be independently recorded by any person in attendance if the recording does not interfere with the conduct of the meeting.

(6) The written minutes or recording of an open meeting that are required to be retained permanently shall be maintained in or converted to a format that meets long-term records storage requirements.

(7) Notwithstanding Subsection (1), a recording is not required to be kept of:

(a) an open meeting that is a site visit or a traveling tour, if no vote or action is taken by the public body; or

(b) an open meeting of a local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or special service district under Title 17D, Chapter 1, Special Service District Act, if the district's annual budgeted expenditures for all funds, excluding capital expenditures and debt service, are $50,000 or less.

Amended by Chapter 425, 2018 General Session

52-4-204 Closed meeting held upon vote of members -- Business -- Reasons for meeting recorded.

(1) A closed meeting may be held if:

(a)

(i) a quorum is present;

(ii) the meeting is an open meeting for which notice has been given under Section 52-4-202; and

(iii)

(A) two-thirds of the members of the public body present at the open meeting vote to approve closing the meeting;

(B) for a meeting that is required to be closed under Section 52-4-205, if a majority of the members of the public body present at an open meeting vote to approve closing the meeting;
(C) for an ethics committee of the Legislature that is conducting an open meeting for the purpose of reviewing an ethics complaint, a majority of the members present vote to approve closing the meeting for the purpose of seeking or obtaining legal advice on legal, evidentiary, or procedural matters, or for conducting deliberations to reach a decision on the complaint; or
(D) for the Political Subdivisions Ethics Review Commission established in Section 63A-15-201 that is conducting an open meeting for the purpose of reviewing an ethics complaint in accordance with Section 63A-15-701, a majority of the members present vote to approve closing the meeting for the purpose of seeking or obtaining legal advice on legal, evidentiary, or procedural matters, or for conducting deliberations to reach a decision on the complaint; or

(b)
(i) for the Independent Legislative Ethics Commission, the closed meeting is convened for the purpose of conducting business relating to the receipt or review of an ethics complaint, provided that public notice of the closed meeting is given under Section 52-4-202, with the agenda for the meeting stating that the meeting will be closed for the purpose of "conducting business relating to the receipt or review of ethics complaints";
(ii) for the Political Subdivisions Ethics Review Commission established in Section 63A-15-201, the closed meeting is convened for the purpose of conducting business relating to the preliminary review of an ethics complaint in accordance with Section 63A-15-602, provided that public notice of the closed meeting is given under Section 52-4-202, with the agenda for the meeting stating that the meeting will be closed for the purpose of "conducting business relating to the review of ethics complaints"; or
(iii) for the Independent Executive Branch Ethics Commission created in Section 63A-14-202, the closed meeting is convened for the purpose of conducting business relating to an ethics complaint, provided that public notice of the closed meeting is given under Section 52-4-202, with the agenda for the meeting stating that the meeting will be closed for the purpose of "conducting business relating to an ethics complaint."

(2) A closed meeting is not allowed unless each matter discussed in the closed meeting is permitted under Section 52-4-205.
(3) An ordinance, resolution, rule, regulation, contract, or appointment may not be approved at a closed meeting.
(4) The following information shall be publicly announced and entered on the minutes of the open meeting at which the closed meeting was approved:
(a) the reason or reasons for holding the closed meeting;
(b) the location where the closed meeting will be held; and
(c) the vote by name, of each member of the public body, either for or against the motion to hold the closed meeting.
(5) Except as provided in Subsection 52-4-205(2), nothing in this chapter shall be construed to require any meeting to be closed to the public.

Amended by Chapter 461, 2018 General Session

52-4-205 Purposes of closed meetings -- Certain issues prohibited in closed meetings.
(1) A closed meeting described under Section 52-4-204 may only be held for:

(a) except as provided in Subsection (3), discussion of the character, professional competence, or physical or mental health of an individual;
(b) strategy sessions to discuss collective bargaining;
(c) strategy sessions to discuss pending or reasonably imminent litigation;
(d) strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares, if public discussion of the transaction would:
(i) disclose the appraisal or estimated value of the property under consideration; or
(ii) prevent the public body from completing the transaction on the best possible terms;
(e) strategy sessions to discuss the sale of real property, including any form of a water right or water shares, if:
(i) public discussion of the transaction would:
(A) disclose the appraisal or estimated value of the property under consideration; or
(B) prevent the public body from completing the transaction on the best possible terms;
(ii) the public body previously gave public notice that the property would be offered for sale; and
(iii) the terms of the sale are publicly disclosed before the public body approves the sale;
(f) discussion regarding deployment of security personnel, devices, or systems;
(g) investigative proceedings regarding allegations of criminal misconduct;
(h) as relates to the Independent Legislative Ethics Commission, conducting business relating to the receipt or review of ethics complaints;
(i) as relates to an ethics committee of the Legislature, a purpose permitted under Subsection 52-4-204(1)(a)(iii)(C);
(j) as relates to the Independent Executive Branch Ethics Commission created in Section 63A-14-202, conducting business relating to an ethics complaint;
(k) as relates to a county legislative body, discussing commercial information as defined in Section 59-1-404;
(l) as relates to the Utah Higher Education Assistance Authority and its appointed board of directors, discussing fiduciary or commercial information as defined in Section 53B-12-102;
(m) deliberations, not including any information gathering activities, of a public body acting in the capacity of:
(i) an evaluation committee under Title 63G, Chapter 6a, Utah Procurement Code, during the process of evaluating responses to a solicitation, as defined in Section 63G-6a-103;
(ii) a protest officer, defined in Section 63G-6a-103, during the process of making a decision on a protest under Title 63G, Chapter 6a, Part 16, Protests; or
(iii) a procurement appeals panel under Title 63G, Chapter 6a, Utah Procurement Code, during the process of deciding an appeal under Title 63G, Chapter 6a, Part 17, Procurement Appeals Board;
(n) the purpose of considering information that is designated as a trade secret, as defined in Section 13-24-2, if the public body's consideration of the information is necessary in order to properly conduct a procurement under Title 63G, Chapter 6a, Utah Procurement Code;
(o) the purpose of discussing information provided to the public body during the procurement process under Title 63G, Chapter 6a, Utah Procurement Code, if, at the time of the meeting:
(i) the information may not, under Title 63G, Chapter 6a, Utah Procurement Code, be disclosed to a member of the public or to a participant in the procurement process; and
(ii) the public body needs to review or discuss the information in order to properly fulfill its role and responsibilities in the procurement process;
(p) as relates to the governing board of a governmental nonprofit corporation, as that term is defined in Section 11-13a-102, the purpose of discussing information that is designated as a trade secret, as that term is defined in Section 13-24-2, if:

(i) public knowledge of the discussion would reasonably be expected to result in injury to the owner of the trade secret; and
(ii) discussion of the information is necessary for the governing board to properly discharge the board's duties and conduct the board's business; or
(q) a purpose for which a meeting is required to be closed under Subsection (2).
(2) The following meetings shall be closed:
(a) a meeting of the Health and Human Services Interim Committee to review a fatality review report described in Subsection 62A-16-301(1)(a), and the responses to the report described in Subsections 62A-16-301(2) and (4);
(b) a meeting of the Child Welfare Legislative Oversight Panel to:
(i) review a fatality review report described in Subsection 62A-16-301(1)(a), and the responses to the report described in Subsections 62A-16-301(2) and (4); or
(ii) review and discuss an individual case, as described in Subsection 62A-4a-207(5); and
(c) a meeting of a conservation district as defined in Section 17D-3-102 for the purpose of advising the Natural Resource Conservation Service of the United States Department of Agriculture on a farm improvement project if the discussed information is protected information under federal law.
(3) In a closed meeting, a public body may not:
(a) interview a person applying to fill an elected position;
(b) discuss filling a midterm vacancy or temporary absence governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in Elected Office; or
(c) discuss the character, professional competence, or physical or mental health of the person whose name was submitted for consideration to fill a midterm vacancy or temporary absence governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in Elected Office.

Amended by Chapter 417, 2019 General Session

52-4-206 Record of closed meetings.
(1) Except as provided under Subsection (6), if a public body closes a meeting under Subsection 52-4-205(1), the public body:
(a) shall make a recording of the closed portion of the meeting; and
(b) may keep detailed written minutes that disclose the content of the closed portion of the meeting.
(2) A recording of a closed meeting shall be complete and unedited from the commencement of the closed meeting through adjournment of the closed meeting.
(3) The recording and any minutes of a closed meeting shall include:
(a) the date, time, and place of the meeting;
(b) the names of members present and absent; and
(c) the names of all others present except where the disclosure would infringe on the confidentiality necessary to fulfill the original purpose of closing the meeting.
(4) Minutes or recordings of a closed meeting that are required to be retained permanently shall be maintained in or converted to a format that meets long-term records storage requirements.
(5) A recording, transcript, report, and written minutes of a closed meeting are protected records under Title 63G, Chapter 2, Government Records Access and Management Act, except that the records may be disclosed under a court order only as provided under Section 52-4-304.
(6) If a public body closes a meeting exclusively for the purposes described under Subsection 52-4-205(1)(a), (1)(f), or (2):

(a) the person presiding shall sign a sworn statement affirming that the sole purpose for closing the meeting was to discuss the purposes described under Subsection 52-4-205(1)(a),(1)(f), or (2); and
(b) the provisions of Subsection (1) of this section do not apply.

Amended by Chapter 425, 2018 General Session

52-4-207 Electronic meetings -- Authorization -- Requirements.
(1) Except as otherwise provided for a charter school in Section 52-4-209, a public body may convene and conduct an electronic meeting in accordance with this section.
(2)
(a) A public body may not hold an electronic meeting unless the public body has adopted a resolution, rule, or ordinance governing the use of electronic meetings.
(b) The resolution, rule, or ordinance may:
(i) prohibit or limit electronic meetings based on budget, public policy, or logistical considerations;
(ii) require a quorum of the public body to:
(A) be present at a single anchor location for the meeting; and
(B) vote to approve establishment of an electronic meeting in order to include other members of the public body through an electronic connection;
(iii) require a request for an electronic meeting to be made by a member of a public body up to three days prior to the meeting to allow for arrangements to be made for the electronic meeting;
(iv) restrict the number of separate connections for members of the public body that are allowed for an electronic meeting based on available equipment capability; or
(v) establish other procedures, limitations, or conditions governing electronic meetings not in conflict with this section.
(3) A public body that convenes or conducts an electronic meeting shall:
(a) give public notice of the meeting:
(i) in accordance with Section 52-4-202; and
(ii) post written notice at the anchor location;
(b) in addition to giving public notice required by Subsection (3)(a), provide:
(i) notice of the electronic meeting to the members of the public body at least 24 hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present; and
(ii) a description of how the members will be connected to the electronic meeting;
(c) establish one or more anchor locations for the public meeting, at least one of which is in the building and political subdivision where the public body would normally meet if they were not holding an electronic meeting;
(d) provide space and facilities at the anchor location so that interested persons and the public may attend and monitor the open portions of the meeting; and
(e) if comments from the public will be accepted during the electronic meeting, provide space and facilities at the anchor location so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting.
(4) Compliance with the provisions of this section by a public body constitutes full and complete compliance by the public body with the corresponding provisions of Sections 52-4-201 and 52-4-202.

Amended by Chapter 31, 2011 General Session

52-4-208 Chance or social meetings.

(1) This chapter does not apply to any chance meeting or a social meeting.

(2) A chance meeting or social meeting may not be used to circumvent the provisions of this chapter.

Enacted by Chapter 14, 2006 General Session

52-4-209 Electronic meetings for charter school board.

(1) Notwithstanding the definitions provided in Section 52-4-103 for this chapter, as used in this section:

(a) "Anchor location" means a physical location where:

(i) the charter school board would normally meet if the charter school board were not holding an electronic meeting; and

(ii) space, a facility, and technology are provided to the public to monitor and, if public comment is allowed, to participate in an electronic meeting during regular business hours.

(b) "Charter school board" means the governing board of a school created under Title 53G, Chapter 5, Charter Schools.

(c) "Meeting" means the convening of a charter school board:

(i) with a quorum who:

(A) monitors a website at least once during the electronic meeting; and

(B) casts a vote on a website, if a vote is taken; and

(ii) for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which the charter school board has jurisdiction or advisory power.

(d) "Monitor" means to:

(i) read all the content added to a website by the public or a charter school board member; and

(ii) view a vote cast by a charter school board member on a website.

(e) "Participate" means to add content to a website.

(2)

(a) A charter school board may convene and conduct an electronic meeting in accordance with Section 52-4-207.

(b) A charter school board may convene and conduct an electronic meeting in accordance with this section that is in writing on a website if:

(i) the chair verifies that a quorum monitors the website;

(ii) the content of the website is available to the public;

(iii) the chair controls the times in which a charter school board member or the public participates; and

(iv) the chair requires a person to identify himself or herself if the person:

(A) participates; or

(B) casts a vote as a charter school board member.

(3) A charter school that conducts an electronic meeting under this section shall:

(a) give public notice of the electronic meeting:

(i) in accordance with Section 52-4-202; and

(ii) by posting written notice at the anchor location as required under Section 52-4-207;

(b) in addition to giving public notice required by Subsection (3)(a), provide:

(i) notice of the electronic meeting to the members of the charter school board at least 24 hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present;
(ii) a description of how the members and the public may be connected to the electronic meeting;
(iii) a start and end time for the meeting, which shall be no longer than 5 days; and
(iv) a start and end time for when a vote will be taken in an electronic meeting, which shall be no longer than four hours; and
(c) provide an anchor location.
(4) The chair shall:
(a) not allow anyone to participate from the time the notice described in Subsection (3)(b)(iv) is given until the end time for when a vote will be taken; and
(b) allow a charter school board member to change a vote until the end time for when a vote will be taken.
(5) During the time in which a vote may be taken, a charter school board member may not communicate in any way with any person regarding an issue over which the charter school board has jurisdiction.
(6) A charter school conducting an electronic meeting under this section may not close a meeting as otherwise allowed under this part.
(7)
(a) Written minutes shall be kept of an electronic meeting conducted as required in Section 52-4-203.
(b)
(i) Notwithstanding Section 52-4-203, a recording is not required of an electronic meeting described in Subsection (2)(b).
(ii) All of the content of the website shall be kept for an electronic meeting conducted under this section.
(c) Written minutes are the official record of action taken at an electronic meeting as required in Section 52-4-203.
(8)
(a) A charter school board shall ensure that the website used to conduct an electronic meeting:
(i) is secure; and
(ii) provides with reasonably certainty the identity of a charter school board member who logs on, adds content, or casts a vote on the website.
(b) A person is guilty of a class B misdemeanor if the person falsely identifies himself or herself as required by Subsection (2)(b)(iv).
(9) Compliance with the provisions of this section by a charter school constitutes full and complete compliance by the public body with the corresponding provisions of Sections 52-4-201 and 52-4-202.

Amended by Chapter 415, 2018 General Session

52-4-210 Electronic message transmissions.

Nothing in this chapter shall be construed to restrict a member of a public body from transmitting an electronic message to other members of the public body at a time when the public body is not convened in an open meeting.

Enacted by Chapter 25, 2011 General Session

Part 3
Enforcement

52-4-301 Disruption of meetings.

This chapter does not prohibit the removal of any person from a meeting, if the person willfully disrupts the meeting to the extent that orderly conduct is seriously compromised.

Enacted by Chapter 14, 2006 General Session

52-4-302 Suit to void final action -- Limitation -- Exceptions.

(1)
(a) Any final action taken in violation of Section 52-4-201, 52-4-202, 52-4-207, or 52-4-209 is voidable by a court of competent jurisdiction.
(b) A court may not void a final action taken by a public body for failure to comply with the posting written notice requirements under Subsection 52-4-202(3)(a)(i)(B) if:
(i) the posting is made for a meeting that is held before April 1, 2009; or
(ii)
(A) the public body otherwise complies with the provisions of Section 52-4-202; and
(B) the failure was a result of unforeseen Internet hosting or communication technology failure.

(2) Except as provided under Subsection (3), a suit to void final action shall be commenced within 90 days after the date of the action.
(3) A suit to void final action concerning the issuance of bonds, notes, or other evidences of indebtedness shall be commenced within 30 days after the date of the action.

Amended by Chapter 403, 2012 General Session

52-4-303 Enforcement of chapter -- Suit to compel compliance.

(1) The attorney general and county attorneys of the state shall enforce this chapter.
(2) The attorney general shall, on at least a yearly basis, provide notice to all public bodies that are subject to this chapter of any material changes to the requirements for the conduct of meetings under this chapter.
(3) A person denied any right under this chapter may commence suit in a court of competent jurisdiction to:
(a) compel compliance with or enjoin violations of this chapter; or
(b) determine the chapter's applicability to discussions or decisions of a public body.
(4) The court may award reasonable attorney fees and court costs to a successful plaintiff.

Renumbered and Amended by Chapter 14, 2006 General Session
Amended by Chapter 263, 2006 General Session

52-4-304 Action challenging closed meeting.

(1) Notwithstanding the procedure established under Subsection 63G-2-202(7), in any action brought under the authority of this chapter to challenge the legality of a closed meeting held by a public body, the court shall:

(a) review the recording or written minutes of the closed meeting in camera; and
(b) decide the legality of the closed meeting.
(2)
(a) If the judge determines that the public body did not violate Section 52-4-204, 52-4-205, or 52-4-206 regarding closed meetings, the judge shall dismiss the case without disclosing or revealing any information from the recording or minutes of the closed meeting.
(b) If the judge determines that the public body violated Section 52-4-204, 52-4-205, or 52-4-206 regarding closed meetings, the judge shall publicly disclose or reveal from the recording or minutes of the closed meeting all information about the portion of the meeting that was illegally closed.
(3) Nothing in this section may be construed to affect the ability of a public body to reclassify a record, as defined in Section 63G-2-103, as provided in Section 63G-2-307.

Amended by Chapter 425, 2018 General Session

52-4-305 Criminal penalty for closed meeting violation.

In addition to any other penalty under this chapter, a member of a public body who knowingly or intentionally violates or who knowingly or intentionally abets or advises a violation of any of the closed meeting provisions of this chapter is guilty of a class B misdemeanor.

Enacted by Chapter 263, 2006 General Session

CENTERVILLE CITY ATTORNEY'S OFFICE

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OPEN AND PUBLIC MEETINGS ACT

The Utah Legislature has adopted the Open and Public Meetings Act (Open Meetings Act), as set forth in *Utah Code Ann.* §§ 52-4-101, *et seq*. The Open Meetings Act applies to all administrative, advisory, elected, appointed and legislative public bodies of the City, including the City Council, Planning Commission, Board of Adjustment, and other boards and committees of the City. As a matter of public policy, the Utah Legislature has declared that the State and all of its entities and political subdivisions exist to aid in the conduct of the public's business. As such, the purpose of the Open Meetings Act is to ensure that the City and all of its public bodies take actions and conduct deliberations regarding the public's business openly. By law, the Chair of the Planning Commission is required to ensure that the members of the Planning Commission receive annual training on the Open Meetings Act. This means you will be seeing and hearing about open meetings from the City Attorney (or more talented and engaging personalities) every year.

Every Meetings Is Public (Unless Closed for Reasons Allowed by Law)

Every meeting of the Planning Commission shall be open to the public unless such meeting is closed for legitimate reasons provided by law. Meetings include regular meetings, special meetings, executive sessions, work sessions, field trips or other meetings of the Planning Commission where a quorum of its members is present and the purpose of the meeting is to discuss or take action on matters within the Planning Commission's jurisdiction. A quorum of the Planning Commission is defined by ordinance as four members. A chance meeting of a quorum of the Planning Commission or a social event, such as the annual City dinner, does not constitute a "meeting" under the Open Meetings Act so long as the members of the Planning Commission do not discuss or act upon matters of public business at the party. Lawful reasons to go into a closed session are summarized in a separate handout on Closed Meetings.

Public Notice

In order to provide the public with an opportunity to attend and participate in the public's business, the City is required to give at least 24 hours public notice of each meeting of the Planning Commission. This public notice must include the agenda for the meeting and the date, time and place of the meetings. The City must also provide public notice at least once each year of the Planning Commission's annual meetings schedule. Public notice of the annual meetings schedule and the 24 hour notice of each meeting requires: (1) posting written notice at City Hall; (2) posting notice on the Utah Public Notice Website; and (3) providing notice to at least one local newspaper or local media correspondent. The City is encouraged to develop and use additional electronic means to provide notice of its meetings, which Centerville does by providing notice of all of its meetings on the City website. The City also provides public electronic access to all of the Planning Commission meeting agendas and packet information through Novus as found on the City website. Other noticing requirements apply to various zoning and land use applications under Centerville City Ordinances in addition to the notice requirements of the Open Meetings Act.

Written Minutes and Recordings

Except otherwise provided by law, written minutes and a recording shall be kept of all open meetings of the Planning Commission. Written minutes are not a verbatim transcript of the meeting but should include the substance in brief of the discussions of the Commission and any testimony or public comment. The minutes must also include a record, by individual member, of each vote taken by the Planning Commission. Approval of minutes by the Planning Commission shall comply with the City's Minutes Approval Policy. Pending minutes of the Planning Commission shall be made available to the public within a reasonable time after the meeting. Approved minutes of the Planning Commission shall be made available to the public within three days after approval and the recording of an open meeting of the Planning Commission must be available to the public within three business days after the meeting. Pending minutes, approved minutes and the recording of an open meeting are public records. Written minutes from open meetings, once approved by the Planning Commission, are the official record of the meetings and are generally retained permanently by the City Recorder. Thus, the Commission should make sure the minutes properly reflect the actions taken by the Planning Commission.

Electronic Meetings

The Planning Commission may hold electronic meetings, such as conference call or video conferencing, in accordance with the City's Electronic Meeting Policy. In general, there must be an anchor location for the electronic meeting (usually City Hall), and there must be sufficient facilities and technology available at the anchor location to allow all participants of the meeting the ability to communicate with the members of the Planning Commission, and so that each member of the Commission can communicate with all participants and other members. As extra noticing and facility set up is required for electronic meetings, it is requested that Commission members provide sufficient advanced notice to staff of the need for an electronic meeting.

Fun Rules

- A work session or executive session of the Planning Commission that is held on the same day as a regularly scheduled public meeting of the Commission is required to be held at the same place as the regular meeting (unless otherwise allowed by law); i.e. you can't have your work session at Dairy Queen.
- The Planning Commission must list the proposed agenda topics and items for discussion and action by the Commission. Each agenda item must be listed with reasonable specificity to notify the public as to the topics to be considered at the meeting.
- The Planning Commission should avoid talking about matters that are not listed on the agenda and is prohibited from taking final action on any matter that is not listed on the agenda or included with the advance public notice of the meeting.
- Recordings of open meetings must be a complete and unedited record of all portions of the open meeting; i.e. you can't stop and start the recording to exclude discussions.
- You don't have to make a recording of an open meeting that is a site visit or traveling tour so long as no vote or action is taken by the Planning Commission during the site visit or travelling tour.
- Notice requirements may be disregarded to consider matters of an emergency or urgent nature if the City gives the best notice practicable. Check with City Attorney for applicable requirements.
- Commission members should not send emails or texts to other members of the Commission when the Commission is convened and Commission members should avoid creating an electronic meeting through group email chats.
- Anyone can independently record all or any part of an open meeting so long as the recording does not interfere with the conduct of the meeting.

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CLOSED MEETINGS

The Utah Legislature has adopted the Open and Public Meetings Act (Open Meetings Act), as set forth in *Utah Code Ann.* §§ 52-4-101, *et seq*. The Open Meetings Act applies to all administrative, advisory, elected, appointed and legislative public bodies of the City, including the Planning Commission. Under the Open Meetings Act, all meetings of the Planning shall be open to the public unless lawfully closed for reasons permitted by law.

Lawful Reasons to go into a Closed Meeting

There are very few occasions when the Planning Commission needs to go into closed session and almost all Planning Commission meetings will be open to the public. Pursuant to *Utah Code Ann.* § 52-4-205, the Planning Commission may only go into a closed session for the following reasons:

- ⇨ Discussion of the character, professional competence, or physical or mental health of an individual;
- ⇨ Strategy sessions to discuss pending or reasonably imminent litigation;
- ⇨ Strategy sessions to discuss the purchase, sale, exchange, or lease of real property, including any form of a water right or water shares, if public discussion of the transaction would: (i) disclose the appraisal or estimated value of the property under consideration; or (ii) prevent the City from completing the transaction on the best possible terms;
- ⇨ Discussion regarding deployment of security personnel, devices or systems; and
- ⇨ Investigative proceedings regarding allegations of criminal misconduct.

Procedures to go into a Closed Meeting

In order to go into a closed session, a quorum of the Planning Commission must be present at an open meeting for which notice has been provided. Two-thirds of the members of the Planning Commission present at the open meeting must vote to approve going into a closed meeting. The following information is required to be publicly announced and entered into the minutes of the open meeting when the closed meeting is approved: (1) the reason or reasons for holding the closed meeting; (2) the location where the closed meeting will be held; and (3) the vote by name of each member of the Planning Commission either for or against the motion to go into a closed meeting.

Minutes and Recording.

Generally, the City is required to record all closed meetings and "may" keep detailed written minutes of such closed meetings. The recording of the closed meeting must be complete and unedited from commencement of the closed meeting through adjournment of the closed meeting. The recording and minutes of a closed meeting shall include: (1) the date, time, and place of the closed meeting; (2) the names of members present and absent; and (3) the names of all others present except where the disclosure would infringe on the confidentiality necessary to fulfill the original purpose of the closed meeting. If the Planning Commission closes a meeting exclusively for the purpose to discuss the character, professional competence, or physical or mental health of an individual or to discuss deployment of security personnel, devices or systems, a recording does not have to be made of the closed meeting so long as the Chair signs a sworn statement affirming that the sole purpose for closing the meeting was to discuss such exempted topics.

Additional Restrictions

A closed meeting is only allowed if each matter discussed in the closed meeting is permitted under Section 52-4-205. Thus, just because the Commission closes a meeting for a lawful reason, does not mean Commission members can then talk about anything and everything they want in that closed meeting. The Commission's discussion is limited to the lawful reasons for which the Commission voted to go into the closed meeting. No ordinance, resolution, rule, regulation, contract, or appointment may be approved in a closed meeting.

Challenges and Enforcement

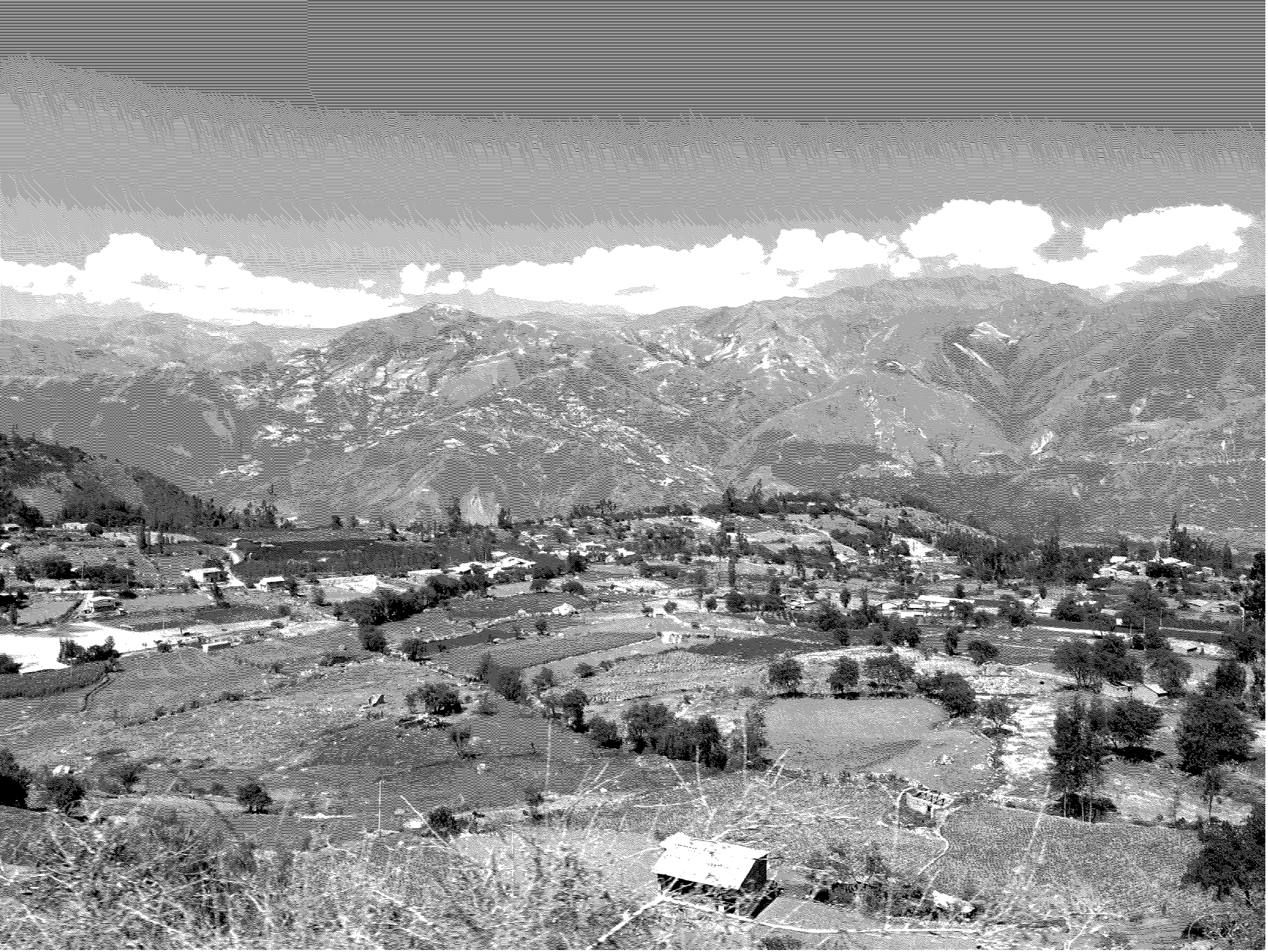
The Attorney General and the County Attorneys of the State are authorized to enforce the provisions of the Open Meetings Act. A person denied a right under the Act may commence suit in court to compel compliance with the Act, to enjoin violations of the Act, or to determine the Act's applicability to discussions or decisions of the Planning Commission. The court may award attorneys' fees and court costs to a successful plaintiff. In a challenge to the legality of a closed meeting held by the Planning Commission, the court shall review the recording or written minutes of the closed meeting *in camera* and decide the legality of the closed meeting. If the judge determines that the Commission did not comply with the Act regarding closed meetings, the judge shall publicly disclose or reveal from the recording or minutes of the closed meeting all information about the portion of the meeting that was illegally closed. If the judge determines that the Commission did comply with the Act in going into the closed meeting, the judge will dismiss the case without disclosing or revealing any information from the recording or minutes of the closed meeting.

Criminal Penalties

In addition to any other penalty provided in the Open Meetings Act, any member of the Planning Commission who knowingly or intentionally violates or knowingly or intentionally abets or advises a violation of any of the closed meeting provisions of the Act is guilty of a class B misdemeanor.

OPEN AND PUBLIC MEETINGS

PLANNING COMMISSION TRAINING - JANUARY 22, 2020



ANNUAL TRAINING REQUIRED

The Chair of the Planning Commission is required to ensure that the members of the Planning Commission receive annual training on the Utah Open and Public Meetings Act.

DECLARATION OF PUBLIC POLICY

The Utah Legislature has specifically declared and determined that the State and all of its entities and political subdivisions exist to aid in the conduct of the public's business.

OPEN MEETINGS

All meetings of the Planning Commission shall be open to the public unless closed by reasons allowed by law.

OPEN DELIBERATIONS

All actions and deliberations of the Planning Commission are to be conducted openly.

NOTICE

The City must provide at least 24 hours' notice of every Planning Commission meeting, including the agenda, date, time, and place of the meeting.

Such public notice of meetings must be posted at City Hall, posted on the Utah Public Notice Website, and sent to at least one local newspaper or media correspondent.

AGENDAS

All matters to be discussed at a Planning Commission meeting must be described with reasonable specificity to notify the public as to the topics to be considered at the meeting.

MINUTES

The City is required to take and prepare written minutes of all Planning Commission meetings.

Minutes are required to include certain information, such as the substance of matters discussed, a record of the vote by each member, and a summary of public comments.

Minutes are the official record of action taken and are to be retained permanently.

RECORDINGS

The City is required to take and keep a recording of all Planning Commission meetings (except for site visits or traveling tour if no vote or action is taken).

The recording must be available to the public for listening within 3 business days after the meeting.

CLOSED MEETINGS

The Planning Commission can only go into a closed sessions for reasons specified by law.

Most reasons do not apply to Planning Commission meetings, but may include discussion of pending or reasonably imminent litigation or the purchase or sale of property.

ELECTRONIC MEETINGS

The City has adopted an electronic meetings policy which allows Planning Commissioners to call into meetings when they are out of town or unable to attend meetings in person.

Certain conditions apply.

ELECTRONIC MESSAGES

Planning Commission members should not send texts or emails to each other during a meeting and should avoid creating an electronic meeting through group email chats.

2019 AMENDMENTS

- **SB 165 – Amends definition of "quorum"**
- **HB 387 – Eliminates Economic Development Legislative Liaison Committee from excluded list of public bodies**
- **SB 27 – Governmental nonprofits can go into closed session to discuss trade secrets**

THE END

CENTERVILLE

Staff Backup Report
1/22/2020

Item No. 3.

Short Title: Discussion - Planning Commission 2020 Work Goals

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- 01-22-2020 Staff Memo to Commissioners

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

STAFF MEMORANDUM

DATE: **JANUARY 22, 2020**

TO: **CENTERVILLE CITY PLANNING COMMISSION**

FROM: **PLANNING STAFF**

SUBJECT: **DISCUSSION – 2020 PLANNING COMMISSION GOALS**

As requested by the Planning Commission, the Planning Staff is providing the pervious list of Commission work goals and indicating the general status of each work goal.

PREVIOUS GOALS OF 2019

- **Main Street Overly and Table of Uses**
  - ***STATUS:*** A revised South Main Street Corridor Plan was partially completed late 2019. A request was made to the City Council for a joint work session. It is anticipated that the works session will be sometime next month.

- **West Centerville Neighborhood Plan Update**
  - ***STATUS:*** Has yet to begin

- **Moderate Income Housing Plan and updates in accordance with Senate Bill 35**
  - ***STATUS:*** Completed – However additional work is needed for syncing the plan with the City's Transportation Element to comply with the state statutes

- **Subdivision Ordinance Update Revisions**
  - ***STATUS:*** Partially Completed – City Attorney is continuing the rewrite of the remaining expected chapters and regulations.

Other matters that were to be considered:

- *Resolving the Residential-Medium Density* that is currently limited to six (6) units per acre, whereas the General Plan policy allows up to eight (8) units per acre (Has yet to begin)
- *Community Pathways Planning* by interconnecting existing trails and bike lanes with future expected pathways and bike paths. (Has yet to begin)
- *Revise Accessory setbacks in RL Zone* – (Completed in 2019)

- *1250 West Transit Corridor* - Considering the alternative transit *(e.g. Frontrunner Station and/or Bus Rapid Transit*), needs within the West Centerville Neighborhood Area (Has yet to begin)
- *Shorelands Residential Component* – Revisiting the Residential Allowances and Types for the Shorelands Mixed Use Node. Does it remain desirable or feasible? (Has yet to begin)

CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
1/22/2020

Item No. 4.

Short Title: Discussion - Training Options and Resources

Initiated By: Planning Commission

Scheduled Time:

SUBJECT

RECOMMENDATION

See the attached memo for training resources available to Planning Commissioners.

BACKGROUND

ATTACHMENTS:

Description

- 01-22-2020 Training Options Memo

MEMORANDUM TO PLANNING COMMISSION
COMMUNITY DEVELOPMENT DEPARTMENT

DATE: **JANUARY 22, 2020**

TO: **PLANNING COMMISSION**

FROM: **MACKENZIE WOOD, ASSISTANT CITY PLANNER**

SUBJECT: **POTENTIAL TRAININGS IN 2020**

As requested in the January 8, 2020 meeting, below are useful training resources available to members of the Planning Commission, where to find them, the estimated cost, and approximate dates. The Planning Commission training budget for 2019-2020 is $400. Staff has requested an additional $400 for the 2020-2021 budget cycle.

Utah League of Cities and Towns

"ULCT represents municipal government interests with a strong, unified voice at the state and federal levels. Further, ULCT provides information, training and technical assistance to local officials on municipal issues." ("About the League", ulct.org) The ULCT website (ulct.org) is the access point for policy resources, publications, and links to other land use organizations in the State.

ULCT hosts two multi-day events each year. The first is a Conference held in April (22-24) in St. George. The second is a Convention held September 23-25 in Salt Lake City. During the September convention, there is usually a day, or a few sessions dedicated to planning and land use changes from the State Legislature. The fee for attending planner's day is usually $200 or less.

In addition, ULCT has a newsletter where that provides updates on Legislative Actions, upcoming trainings, free webinars, and news from the ULCT Executive Director.

Land Use Academy of Utah

The Land Use Academy of Utah (LUAU) is spearheaded by ULCT, and has the goal of creating a website to train, inform and educate appointed officials (and others) in statutory land issues and best planning practices ("About Us", luau.utah.gov).

LUAU's resources include video trainings e.g. Land Use 101 Powers & Duties, Conditional Use Permits, Municipal Officer Ethics etc. LUAU has not yet updated their 2020 training schedule, but they usually host free webinars through Utah State University, as well as posting new training videos periodically.

Utah Land Use Institute

The Utah Land Use Institute (ULUI) hosts a fall conference each year focusing on land use issues and those interested or involved in making land use decisions. Cost of attendance varies from $125 to $325 per person (2019 costs). To accompany their conference, their website hosts a library of materials covering topics from Due Process of Law to

Transferable Development Rights. The library can be accessed through their website at utahlanduse.org.

Wasatch Front Regional Council

The WFRC "builds consensus and enhances quality of life by developing and implementing visions and plans for a well-functioning multi-modal transportation system, livable communities, a strong economy, and a healthy environment" ("Mission", wfrc.org). WFRC has committees to join and monthly public meetings to attend where goals are reviewed, updated, and implemented.

WFRC partners with other groups (ULCT, LUAU) to provide training to appointed officials. The website provides studies they have conducted as well as programs they are involved in.

CENTERVILLE

Staff Backup Report
1/22/2020

Item No.

Short Title: January 8, 2020

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

	Description
🗋	January 8, 2020 PC Minutes

PLANNING COMMISSION MINUTES OF MEETING
Wednesday, January 8, 2020
7:00 p.m.

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

MEMBERS PRESENT
Cheylynn Hayman, Chair
Kevin Daly, Vice Chair
Logan Johnson
Mason Kjar
Christina Wilcox
Becki Wright

MEMBER ABSENT
Thomas Hunt

STAFF PRESENT
Cory Snyder, Community Development Director
Lisa Romney, City Attorney
Mackenzie Wood, Assistant Planner
Coralee Carroll, Recording Secretary

PLEDGE OF ALLEGIANCE

INTRODUCTION OF NEW COMMISSIONERS

Chair Hayman expressed appreciation to Commissioner Johnson for six years of service on the Planning Commission. Commissioner Johnson served competently and has been a great asset to the Commission.

Chair Hayman welcomed and introduced Commissioner Christina Wilcox and Commissioner Mason Kjar.

OPENING COMMENT/LEGISLATIVE PRAYER Commissioner Wright

ADMINISTRATIVE DECISION – WAIVER OF STRICT COMPLIANCE FOR LANDSCAPING – DAVE'S COMPLETE AUTO

The applicant, David Bell, proposes to renovate Dave's Complete Auto located at 335 South Frontage Road. The proposed renovation would add 8,500 square feet to the 12,136 square foot building.

Although the site and buildings were constructed prior to the current zoning ordinance, the proposal to renovate falls under parameters set forth in Section 12-22-080 of the Zoning Ordinance. The section states that all development with a 30% floor area expansion shall be brought into conformance with the new standards of the Zoning Ordinance. However, due to physical restraints of the existing developed site, the applicant finds the standards onerous for the existing site. The applicant is requesting that the Planning Commission consider approving a waiver to the 30-foot landscaping buffer requirement, as allowed by Section 12-51-050, in

addition to a waiver of the 15% landscaping/open space requirement. The applicant desires the waiver in order to comply with the required parking (a parking modification is pending for the final site plan), which would be difficult with the 30-foot landscaping buffer requirement.

Mackenzie Wood, Assistant Planner, advised the Commission that the applicant will present their non-conformity request to the Board of Adjustments next week. The applicant is requesting a waiver of strict compliance for landscaping authorized by Section 12-5-050(a).

Three findings are required to consider a waiver of strict compliance. The criteria are:

1. Preserves the intent of this Chapter and the provision for which a waiver is authorized:

   Staff Conclusion – The applicant has committed to maintain the eight-foot CMV wall as a buffer to the residential zones adjacent to the property. However, staff finds that eliminating the buffer does not preserve the intent of the Chapter. The Chapter specifically calls out evergreen trees and shrubs to provide "a visual and noise reducing barrier." Staff recommends reducing the buffer, but maintaining the tree requirement put forth in 12.51.070(b)(a). One evergreen tree for every linear 20 feet of buffer needed to preserve the intent to buffer the C-VH land use from the adjacent residential property. Staff recommends reducing the buffer to the Commercial Medium/Residential buffer requirement of fifteen feet.

2. The granting of a waiver will not result in an adverse impact on surrounding properties:

   Staff Conclusion – Eliminating the buffer would adversely affect the residential properties. While a change would not currently alter conditions to the neighbors, an increase in business and noise would alter the neighborhood. In addition, since the property to the east is zoned Residential Medium and if it is developed having no visual or noise barrier, it would affect the residential property. A reduction in the required buffer size could create the barrier while also minimizing the affect the buffer would have on the circulation of the applicant property parking.

3. (a) The strict application of the provision in question is unreasonable or unnecessary for the specific use, design or site proposal given the nature of the proposal or alternate measures proposed by the applicant; or

   (b) The property has extraordinary or exceptional physical conditions that do not generally exist on nearby property in the same zone and such conditions will not allow strict compliance with the all of provision of this Chapter.

   Staff Conclusion – It is the opinion of staff that upgrading the site to install the 30-foot buffer creates problems that would not be resolvable, specifically with site circulation. If the buffer was installed, it would eliminate the east parking area. Furthermore, this site has three residential boundaries located to the south and east. A 30-foot buffer along these three boundaries would substantially affect the ability for developing the site. However, staff recommends a 15-foot buffer to maintain the intent of the Chapter. Therefore, the waiver of strict compliance for the required 30-foot buffer, in this particular case, appears to be appropriate.

Staff determines that a reduction in the buffer is reasonable, but that trees remain a part of the buffer.

Applicant Dave Bell presented his proposal and specified his waiver requests. Mr. Bell petitioned the Commission to waive the landscaping requirement completely. There is an 8-foot wall which should adequately address the noise issue. Mr. Bell also questioned whether adding trees would provide a significant additional buffer.

Miles Bell, applicant's son, stated that the type of work performed on the vehicles in the shop would produce minimal noise. Consequently, the 8-foot concrete wall should adequately contain noise.

Logan Johnson asked the applicant if he had reviewed Staff's recommendations. Mr. Bell stated he had reviewed Staff's recommendations but expressed his opinion that the 15-foot buffer and addition of trees was not necessary. The impound yard is not visible to the public and noise is minimal. Also, implementing the buffer and landscaping would greatly reduce his parking area.

Commissioner Kjar asked how many parking stalls would be lost if the 15-foot landscaping buffer is still required. About 18 parking stalls would be lost. Chair Hayman stated there are 49 parking stalls with the current layout.

Commissioner Johnson stated that in the future the property might have a different use and landscaping requirements would need to be consistent with the future use. Ms. Wood stated the adjoining residential property is Residential Medium which allows for higher density and taller buildings.

Cory Snyder, Community Development Director, stated the adjacent residential property must be provided with a 15-foot landscaping buffer with trees, especially if taller residential units are built in the future. The applicant's desire to maximize use of property, needs to be weighed with Code requirements.

Commissioner Daly stated this is the time to maximize parking stalls. Adequate parking issues should be addressed, especially if the commercial use changes in the future. He would be willing to grant a waiver for landscaping if more parking stalls were implemented. Perhaps a better place for tree buffers would be on the residential side of the wall. Commissioner Wright stated that parking is not as big an issue as buffering. Buffering should be the responsibility of the applicant, not a residential action. Landscaping needs are as important as parking needs.

Mr. Snyder stated that according to the applicant's submitted parking study this particular use requires 23 parking stalls. But other future uses may require more. Commissioner Daly stated that currently there are many vehicles already parking on the site, adequate parking should be an important issue. If parking is reduced, then parking may overflow into other areas.

Chair Hayman expressed empathy for the property owner's desire to maximize his property/business. She also recognized the need for addressing adequate current and future parking needs. However, to grant a waiver the Commission must find that the granting of the waiver will not result in an adverse impact on surrounding properties. If there is an adverse impact, then the Commission cannot grant the waiver.
Commissioner Daly asked whether the Code also refers to an adverse impact on future property owners.

Ms. Romney clarified that the Building Code should adequately buffer the zone whether current or future use.

Commissioner Wright made a **motion** for the Planning Commission to approve a waiver of the landscaping requirements for the Dave's Complete Auto Development located at 335 South Frontage Road, subject to the following conditions and reasons for action. Commissioner Johnson seconded the **motion**.

Conditions:

1. This waiver shall be limited to a 30-foot landscaping buffer.
2. The existing eight-foot screening wall shall be maintained along the south and east property boundaries adjacent to the residential zone.
3. The Zoning Ordinance requirement, thirteen (13) trees, shall remain in effect and the trees shall be depicted and installed as part of a final site plan approval.
4. A buffer of fifteen (15) feet shall be provided along the residential Zone.

Suggested Reasons for the Action (Findings):

a. The granting of a waiver will not result in an adverse impact on surrounding properties.
b. The site has two residential boundaries located to the south and east. A 30-foot buffer along these two boundaries would substantially affect the ability for developing the site.
c. The ability to reduce the buffer, while improving the existing buffer with additional trees, would be an improvement and help reduce any potential conflicts between the site and the adjacent residential uses.
d. Upgrading the site to install the 30-foot buffer creates problems that would not be resolvable, specifically with site circulation because if the buffer was installed it would eliminate the east parking area.

Commissioner Daly **moved to amend** the proposed motion by Striking Conditions 3 and 4. Commissioner Johnson seconded the **motion.** Motion to amend failed 3 to 3. Chair Hayman, Commissioner Wright and Commissioner Kjar voted against the amended motion.

Commissioner Wright stated buffers are required to address adverse effects and suggested that perhaps a compromise can mitigate the adverse effects. Commissioner Wright asked Ms. Wood if a 10-foot buffer would be adequate for the 13 trees. She stated it would be tight, she would prefer at least 12-feet, but 10-feet should be adequate. Chairman Hayman **moved to amend** the motion by revising Condition 4 to: "A buffer of ten (10) feet shall be provided along the Residential zone." Commissioner Johnson seconded the motion to amend**.** Motion to amend passed unanimously. The amended motion passed unanimously.

ADMINISTRATIVE DECISION – PUBLIC HEARING – CONCEPTUAL SITE PLAN AMENDMENT – DECANT STATION – 655 NORTH 1250 WEST

The Centerville City Public Works Department proposes to construct a "decant station" on a portion of the existing site. The "decant station" will be a large concrete pad and building where City crews can discharge waste material retrieved from cleaning storm drain catch systems and storm water piping systems or cleaning of City trucks. Storm water drainage systems could contain above normal concentrations of contaminates. The washing of City trucks may contain salts, soils and other sediments. If left untreated, these sediments could result in contamination to the environment. The decant facility would be a place to receive, process and dispose of any contaminates and sediments. The facility is to be located in the northwest areas of the Public

Works Facility. This area is currently underdeveloped and often used for miscellaneous storage or left open. Therefore, the City's Development Review Committee (DRC) recommended that the proposed development submit a Conceptual Site Plan Application to determine whether the proposed development complies with the Public Facility, Very High (PF-VH) Zone's development regulations.

Mr. Snyder advised the Commission that the current facility is considered compliant with the original approved amended site plan of August 2001. This approval occurred prior to the original 2003 adoption of the current Zoning Ordinance, as amended. Therefore, the development is deemed a legal nonconforming site. Due to the project being less than a 30% expansion of the existing facility (just over 5%), there are a few ordinance provisions that are considered "Not Applicable" or "Limited in Scope". Consequently, development regulations with regards to landscaping, screening and parking need not be addressed, as they are exempted by the applicable nonconforming provisions.

Commissioner Wright asked about treatment of contaminants currently. Mr. Snyder advised her that the proposed plan provides better compliance with environmental concerns (storm drain, run off) than current procedures.

Chair Hayman opened the Public Hearing at 8:07 p.m. Since no one from the public was present, Chair Hayman closed the Public Hearing at 8:07 p.m.

Commissioner Daly made a **motion** for the Planning Commission to accept the Conceptual Site Plan for Lot #3 and partially Lot #2 of the Centerville Corporate Park Subdivision, provided that the applicant addresses the following with a future final site plan submittal. Commissioner Wright seconded the motion.

1. The applicant must submit a final site plan application in accordance with CZC12.21.100 of the City's Zoning Ordinance.
2. The final site plan must address the following:
   a. Depict the setbacks distances that meet the PF-VH Zone Standards.
   b. Send and collect, as part of the submittal, all related "utility provider" notice letters.
   c. Address the use of signs on the building.
   d. Report on the use of outdoor lighting.
   e. Provide final plans for addressing storm water management and drainage.
3. The Final Plan submittal must also address the concerns regarding the use and management of the remaining open land surrounding the proposed building to mitigate issues with air quality, stormwater management or a visual nuisance of the property.

Suggested Reasons for the Action:

a. The Planning Commission finds that with the issues to be addressed with the acceptance directives, the proposed accessory use and building would likely comply with the applicable development standards of the PF-VH zone.

Motion passed unanimously.

ELECTION OF CHAIR AND VICE CHAIR OF PLANNING COMMISSION

Chair Hayman opened nominations for Planning Commission Chair. Chair Hayman nominated Commissioner Daly for Planning Commission Chair. Commissioner Wright nominated Chair Hayman to continue as Commission Chair. Commissioner Johnson seconded the motions.

Ms. Romney received and counted the ballots. Five votes were received for Chair Hayman, one vote for Commissioner Daly.

Chair Hayman nominated Commissioner Daly as Vice Chair. Seconded by Commissioner Johnson. Vote was unanimous.

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT & CITY COUNCIL REPORT

Mr. Snyder advised the Commission that no specific agenda items are scheduled for the January 22, 2020 Planning Commission Meeting. Chair Hayman requested that a review of the Main Street Corridor and a review of Commission goals be agenda items for the January 22nd meeting.

Commissioner Wright requested Mr. Snyder update the newly appointed Commissioners regarding proposed development concerns and goals for the Main Street Corridor.

Mr. Snyder stated that in 2008 a development plan for the Main Street Corridor from Pages Lane to Parrish Lane (corridor gateways) was proposed. In the past couple of years, the Planning Commission issued a directive to develop a new Main Street Corridor development proposal (Porter Lane to Parrish Lane) addressing historical landmark concerns and additional concerns. Commissioner Wright stated that previous recommendations to the City Council were tabled. Mr. Snyder has requested a joint work session with the Planning Commission and City Council to address Main Street Corridor planning issues. Council has not yet scheduled a joint work session date. He will again advise the Council of the Commission's request to meet in joint session to address Main Street Corridor development.

Commissioner Wright proposed when Planning Commission agenda items are minimal that those meetings be used for training. Ms. Romney recommended that the types of training be specified so that the Commission would have an adequate budget. Chair Hayman requested staff to provide appropriate training options for consideration.

Staff was advised to add the following items to the January 22nd Commission agenda.

1. Main Street Corridor Development
2. Commission Goals
3. Training

Mr. Snyder reported the Devore Property Rezone from A-L to R-L was tabled by the City Council.

MINUTES REVIEW ACCEPTANCE

The minutes of the December 11, 2019 Planning Commission meeting were reviewed and amended. Commissioner Wright **moved** to accept the minutes as amended. Commissioner Daly seconded the motion which passed by unanimous vote (6-0).

ADJOURNMENT

At 8:33 p.m., Chair Hayman made a **motion** to adjourn the meeting. Commissioner Johnson seconded the motion, which passed by unanimous vote (6-0).

_____ _____

Leah Romero, City Recorder Date Approved

_____

Coralee Carroll, Recording Secretary