

CENTERVILLE CITY PLANNING COMMISSION AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY PLANNING COMMISSION WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 P.M. ON WEDNESDAY, JANUARY 27, 2016, AT THE CENTERVILLE CITY COMMUNITY CENTER AND CITY HALL COUNCIL CHAMBERS, 250 NORTH MAIN STREET, CENTERVILLE, UTAH. THE AGENDA IS SHOWN BELOW.

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

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

A notebook containing supporting materials for the business agenda items is available for public inspection and review at City Hall and will be available for review at the meeting. This agenda is also posted on the City's Website: www.centervilleut.net and on NovusAgenda at the following link: <http://centerville.novusagenda.com/agendapublic>

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

- 7:00 A. WELCOME AND ROLL CALL
 B. PLEDGE OF ALLEGIANCE
 C. PRAYER OR THOUGHT – Chair, David P. Hirschi
 D. MINUTES REVIEW AND ACCEPTANCE – December 9, 2015
 E. COMMISSION BUSINESS
- 7:10 1. ELECTION OF CHAIR AND VICE-CHAIR
- 7:15 2. DISCUSSION ON 2016/2017 PLANNING COMMISSION GOALS
- 8:00 3. OPEN AND PUBLIC MEETINGS TRAINING BY CITY ATTORNEY
- 8:20 4. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT
- Special Joint Work Session on February 10, 2016 with the City Council to be held at 5:30 p.m. for Land Use Training from Brent Bateman, the Utah Property Rights Ombudsman
 - PC Meeting on February 10, 2016 at 7:00 p.m. 347 North 400 East Small Subdivision Waiver/Lot Split & CUP
- 8:25 F. ADJOURNMENT

Posted January 22, 2016 by Community Development



PRELIMINARY DRAFT

PLANNING COMMISSION MINUTES OF MEETING

Wednesday, December 9, 2015

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
David Hirschi, Chair
Gina Hirst
William Ince
Logan Johnson
Scott Kjar
Kevin Merrill

STAFF PRESENT

Corvin Snyder, Community Development Director
Brandon Toponce, Assistant Planner
Lisa Romney, City Attorney
Kathy Streadbeck, Recording Secretary

VISITORS

Interested Citizens

PLEDGE OF ALLEGIANCE

OPENING COMMENT/LEGISLATIVE PRAYER

Commissioner Scott Kjar

MINUTES REVIEW AND APPROVAL

The minutes of the Planning Commission meeting held November 18, 2015 were reviewed and amended. Commissioner Hirst made a **motion** to approve the minutes as amended. The motion was seconded by Commissioner Ince and passed by unanimous vote (7-0).

COMMISSION BUSINESS - 2016 Planning Commissioner Meeting Schedule

The Commission reviewed and accepted the Planning Commission Meeting schedule for 2016.

RASBAND RESIDENTIAL BUILDING LOT | 85 EAST CHASE LANE - Consider proposed Final Site Plan for an unplatted residential building lot, for the purpose of constructing a new dwelling on property located at 85 East Chase Lane. Glade Jones, Calute Homes, Applicant

Brandon Toponce, Assistant Planner, reported the applicant has already received a rezone and a conceptual site plan acceptance for this proposed project. The applicant has addressed previous conditions of approval and is now ready for a final site plan review. Mr. Toponce reviewed the conditions of approval from the conceptual acceptance explaining those that still require attention and those that will stay in place throughout the building permit process. The applicant will be responsible to pay all applicable fees and will continue to work with the City Engineer on several items. The final site plan is in harmony with the conceptual site plan, and meets all applicable Development Standards and Zoning Ordinances.

Commissioner Merrill made a **motion** for the Planning Commission to approve the Final Site Plan for the Rasband Residential Building Lot, located at 85 East Chase Lane, with the following conditions:

Conditions:

1. All professional service fees, development fees and related impact fees shall be paid.
2. A bond for all public improvements shall be posted and the applicant shall enter into an improvement agreement prior to the issuance of a building permit.
3. The applicant will determine the lowest floor elevation that is acceptable to the City Engineer.
4. All easements shall be accepted by the City Council and recorded with the Davis County Recorder's Office.

Reasons for the Action:

1. The applicant has clearly shown how the property may be developed [Section 12-21-110(d)(2)].
2. The applicant has submitted a full final site plan application [Section 12-21-110(e)(2)].
3. Proposed utility easements are required on all developed lots [Section 12-21-110(e)(2)(iii)(d), 15-5-106(8)].

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

PUBLIC HEARING | HOLBROOK PROPERTY | 1851 NORTH MAIN STREET - Consider proposed Zone Map Amendment for property located at 1851 North Main Street (Holbrook Trust) from A-L (Agricultural-Low) to R-L (Residential-Low). Gary Perkins, Applicant

1 Cory Snyder, Community Development Director, reported the petitioners are requesting
2 to rezone the subject property from Agricultural-Low (A-L) to Residential-Low (R-L). The
3 petitioners desire to sell a major portion of the property to several of their neighbors to the north
4 and leave the existing home on Main Street, as a lot meeting the R-L requirements. The transfer
5 of land would be a sequential lot line adjustment assimilating the excess land into those lots
6 along 1850 North, beginning from the west and ending at the existing home site. If performed in
7 this manner and if no new or additional lots are created, State law allows this transfer of land to
8 occur without having to receive a subdivision approval from the City. The Planning Commission
9 has the assignment to review the merits of the rezone without considering the outcome of the
10 future selected land use pattern. According to City Ordinance the proposed request is consistent
11 with the goals and objectives of the General Plan. The proposed rezone is reflective of the
12 surrounding predominate zoning district found in the area, which is also R-L. The proposed
13 rezone will not likely negatively affect adjacent property owners. In addition, the subject
14 property already has adequate services and facilities available for any future development.

15
16 Mr. Snyder explained this is a unique situation in that there is an island A-L Zone
17 surrounded by R-L. There is enough land (approximately 3 acres), including two (2) stub roads,
18 that the property has a potential to be subdivided and developed. However, it seems the intent of
19 the residents involved is to absorb this land into several existing R-L properties. Mr. Snyder
20 explained there has been some discussion about keeping the zoning A-L since the intent is not to
21 develop. Mr. Snyder said this is not likely given that each absorbed parcel is not large enough to
22 accommodate animal rights. It is also not possible to have a property with two separate zoning
23 designations. Since the properties that wish to absorb this land are already zoned R-L the
24 additional land to be absorbed should also be rezoned to R-L. If the property owner desires to
25 keep A-L then the best option is to subdivide and develop with 1/2 acre lots. Mr. Snyder
26 explained any circumstance will leave a sliver of A-L Zoned property adjacent to this proposed
27 rezone which is owned by a separate party. This separate party parcel includes a flag lot and
28 several smaller lots. This is not a factor in this decision because it is existing and will not be
29 created by this proposed rezone.

30
31 Commissioner Merrill asked if a property owner bought more than one remnant parcel,
32 creating a 1/2 acre lot, could they keep the animal rights. Commissioner Hayman questioned if
33 these R-L lots wishing to absorb the property could be rezoned or grand-fathered back to A-L.
34 Mr. Snyder said the property owners could petition for a rezone back to A-L. This may or may
35 not be feasible because the existing homes may or may not meet the development standards for
36 the A-L Zone.

37
38 Gary Perkins, applicant, said the property has been farmed continuously for the past 50
39 years. The property is now under the direction of the Holbrook Family Trust which is responsible
40 to liquidate the property. He explained the property was under reviewed for development when
41 several property owners/neighbors made an offer to purchase the property and absorb it into

several existing lots. He said they intend to divide off the existing home into a 1/3 acre parcel. The home is currently vacant and up for sale. He said preliminary discussions included a desire to keep the property zoned A-L due to tax reasons. However, since the various property owners do not wish to develop that is no longer an issue and the rezone to R-L is acceptable.

Chair Hirschi opened the public hearing.

Mary Tullin said she is one of the potential buyers. She said there are eight (8) neighbors/property owners that wish to purchase a portion of this property. She said she has lived in this area for 24 years and has watched this property be farmed year after year. She said the neighborhood loves this open space and desires to keep it open. This is what prompted these neighbors to make an offer to the Holbrook Family Trust. She said none of the potential property owners desire animal rights. She said she plans to use some space for garden and enjoy the rest as open land.

Chair Hirschi closed the public hearing.

Chair Hirschi questioned what other potential down sides could be created with this rezone. Commissioner Merrill asked if the two (2) stub streets could be vacated. Mr. Snyder said the stub streets are an issue during snow season because the City pushes snow to the end of the drive. This could potentially block access to the property, but given the intent that these may become back yards, access may not be an issue. Mr. Snyder said the stub streets could possibly be vacated, however, some of the adjacent homes front onto the stub streets which would require a change in access for these homes.

Chair Hirschi made a **motion** for the Planning Commission to recommend to the City Council the following amendment to the Centerville City Zoning Map:

“Rezone Parcel 07-072-0113 (3.08 acres), addressed as 1851 North Main Street, shall be rezoned from Agricultural-Low (A-L) to Residential-Low (R-L).”

Reasons for the Action (Findings):

- a) The Planning Commission finds that the proposed zoning change is consistent with the goals and objectives of the General Plan [Section 12-480-3(1)(d)(1) & Section 12-420-2.1].
- b) The Planning Commission finds that the recommendation to approve the proposed zone map amendment has taken into account the “factors to be considered,” as listed in Section 12-21-080 and described in the related Staff Report dated 12-09-2015.

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

PUBLIC HEARING | ZONE MAP AMENDMENT FOR THE DEUEL CREEK HISTORIC DISTRICT - Consider proposed Zone Map Amendment for the new Deuel Creek Historic District (Chapter 12-49). The proposed district consists of a specific geographic boundary reflecting the old town site area. Centerville City, Applicant

Brandon Toponce, Assistant Planner, reported the Commission previously reviewed and recommended approval of the Deuel Creek Historic District. This District provides incentives (i.e., setbacks and building permit fee reductions) for historic preservation in the designated area between Main Street and 400 East and between Parrish Lane and Porter Lane. The proposed District would only be recognized by Centerville and not subject to any state or national guidelines. This informal style allows the community to create an individual incentive program and gives the neighborhood a chance to become more involved in shaping the future of their community. The City Council reviewed the District Ordinance at their December 1, 2015 meeting and were positive and supportive of the District. The Council will be holding a public hearing to discuss the District further at their December 15, 2015 City Council Meeting.

Mr. Toponce explained the first step in creating the Deuel Creek Historic District is its creation and acceptance. The Planning Commission is now being asked to review and approve an overlay zone. This will establish the district officially and allow citizens within the area to take advantage of the proposed incentives. These incentives, however, would not be illegible to those who do not wish to participate within the preservation program. This overlay zone will not affect the underlying zoning and will allow a property owner to utilize their property as they see fit. The Landmarks Commission believes the proposed Zoning Code Text Amendment has been created in a way that would be considered positive for historic preservation. In addition, it appears the proposal is in harmony with all applicable goals and objectives of the General Plan. The Landmarks Commission is hopeful that by creating the district, it will encourage future preservation projects within the neighborhood.

Chair Hirschi opened the public hearing.

Becky Neville said she owns a home in this area which she rents out. She said she would like to add a garage to this property and wasn't sure if the proposed amendment would hinder her plans. She said it sounds as though this will not be a problem. She also said she is in favor of such an ordinance because she believes it will actually improve property values.

Chair Hirschi closed the public hearing.

Commissioner Hirst made a **motion** for the Planning Commission to accept the Zone Map Amendment to create an overlay zone for the Deuel Creek Historic District as depicted within the Staff Report dated December 9, 2015, and to recommend approval to the City Council.

Reasons for the Action:

1. The proposed amendment meets the requirements found in Section 12-21-080(4)(e).
2. The proposed Zone Map Amendment meets the goals and objectives of the General Plan concerning a historic district [Section 12-480-8(3)].
3. Creating the Deuel Creek Historic District would not have a negative impact on the surrounding community.
4. Through research, site visits, three public work sessions and several meetings, the Landmarks Commission believes they have covered important aspects of location, guidelines and incentives for the overlay zone.
5. The Landmarks Commission believes the proposed overlay zone and related proposed Ordinance will be beneficial to the neighborhood.

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

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

1. The next regularly scheduled Planning Commission meeting will be Wednesday, January 13, 2016.

The meeting was adjourned at 8:30 p.m.

David Hirschi, Chair

Date Approved

Kathleen Streadbeck, Recording Secretary

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

PLANNING STAFF MEMORANDUM

DATE: JANUNARY 27, 2016
TO: CENTERVILLE CITY PLANNING COMMISSION
FROM: CORY SNYDER, COMMUNITY DEVELOPMENT DIRECTOR
MEMO: 2016/17 COMMUNITY DEVELOPMENT WORK PROGRAM/GOALS DISCUSSION

BACKGROUND

As previously done each year, the Planning Commission develops a prioritized list of planning goals or issues for City Council consideration. This prioritized list is completed and forwarded to the City Council by March of every year. Beginning in the month of March, the City Council identifies the priorities for the upcoming year and often hosts a work session with the Planning Commission to discuss planning goals. Staff anticipates this will happen again sometime in the same month. Thus, the Commission will need to use the month of February to finalize a recommendation to the City Council.

From staff's perspective, the following below is a list of the current projects and the status of the priorities from last year. This list also includes other projects that have been identified by the Commission in the past, the categories previously parsed out relating to infill development, and various issues with no clear consensus. Also, I have attached with the agenda an "Infill Brief" that was developed a few years ago. Hopefully, the document provided will help some of the new Commissioners better understand the previously discussed matters relating to infill development.

Previous 2015/16 Priorities:

- a. *West Centerville Neighborhood Plan Update* – Due to the development activity and uses in and around the Megaplex Theater, the Council directed staff and the Planning Commission to prepare an update to the neighborhood plan and include consideration of a potential Frontrunner Station in the area to guide all future land use for the area.

Staff Comments: At the end of 2014, a revised West Centerville Plan was created and presented to the City. However, the proposed plan was ultimately rejected due in large part the tumult received from the citizens and Council Members of West Bountiful City. The City Council left open in their discussion the possibility of scaling down the original concept or moving in an entirely different direction. Shortly thereafter, and due to the concerns raised about a potential development on Main Street, planning efforts were redirected towards reconsidering the elements of the South Main Street Corridor Plan and the West Side Plan update was placed on the back burner.

- b. **Old Town Site & Historic Preservation** – The goal is to have the Landmarks Commission research and recommend an Ordinance to encourage preservation of historic buildings in the old town district area.

Staff Comments: The end result of this process in 2015 was the creation of the Centerville Deuel Creek Historic District. This historic district is a local recognized neighborhood area. In addition, a Zoning Overlay Ordinance was adopted that hopefully incentivizes the preservation of historic buildings, contributing buildings, and encourages new development to construct design elements that reflect the character of the Deuel Creek neighborhood.

- c. **Infill /Accessory Dwelling Units** – Council had directed Planning Commission to lead out on developing an Ordinance (process began in 2014).

Staff Comments: The City Council has received the Planning Commission's recommendation and held a public hearing on the matter and tabled action for the 2016 City Council. Due to having newly elected Council Members, the Council will be taking action at a later date to allow the new Council Members time to better understand the elements of the proposed Ordinance.

- d. **Re-development of Pages Lane (old Dick's Market Area)** – The zoning for the area should be assessed to identify opportunities to facilitate more immediate reuse.

Staff Comments: No actions have been undertaken to date. However, during the process to revise the South Main Street Corridor Plan, the City Council essentially eliminated the "mixed-use" allowances of the Pages Lane Area. The end result is the area has reverted solely to uses of the original underlying zone of C-H (Commercial-High).

- e. **Re-write of the City's Subdivision Ordinance (a staff recommendation)** – Recently, the state has made several significant amendments to such statutes and other changes are needed to bring the regulations up-to-date (e.g. public notice and hearings), as previously done with portions of the Zoning Ordinance.

Staff Comments: This goal is currently in progress and is a joint effort of the planning staff and City Attorney.

Other Identified Priorities:

1. **Comprehensive City Trails & Pathways Element** – Ensure that such facilities are developed and implemented in a City-wide coordinated manner.
2. **General Plan Update / Foothills Plan** – Geologic/Natural Hazards Element Update to comply with state statutes and implement a portion of the Foothills Management Plan.
3. **Zoning Ordinance Update** – Adopt a Geologic Hazards Map & Update Sensitive Lands Ordinance relating to the General Plan element.

4. Miscellaneous Projects – Revise the Parrish Gateway Design Area (fix some elements) & include re-addressing the use of decorative street lamp lighting.
5. Miscellaneous Projects – Infill development issues previously broken up into specified components (*see attached "Infill" Brief*):
 - a. Infill – **Old Town Historic Area** - *Complete*
 - b. Infill – **Accessory Dwelling Units** – *In progress*
 - c. Infill – **Small Lot Floating Zone** – *Allow side lot line flexibility for developed lots with excess street frontage to allow development of additional home.*
 - d. Infill – **Use of Group Dwellings (more than one dwelling per lot)** – *Allow multiple homes on larger constrained parcels*
 - e. Infill – **Use of Alternative Housing Types** – *Develop multi-family development standards that require various types of housing to encourage affordable housing or provide a study and assessment of how the development project would provide opportunities to meet the needed housing needs of the community*
 - f. Infill – **Inclusionary Zoning Programs** - *Develop a program to require affordable housing either as part of a specific development approval allowance (e.g. PDO, PUD's, multi-family CUP densities, etc.) or an in-lieu contribution for such project type.*

No Clear Consensus Priorities:

6. Zoning Ordinance Update – Revisiting “temporary use” allowances & standards (e.g. snow shacks, hot dog stands, etc.)
7. Zoning Ordinance Update – Revisit the allowed use of “electronic copy” for business signs

As you may have deduced, the above items could not possibly be completed within one year, however, it would help prioritize the focus and efforts for the planning staff in the next few years and facilitate the upcoming Work Session with the City Council.



HOUSING OPTIONS GUIDE

♦ HOUSING AND ZONING ♦

Mismatch Between Housing Needs and Zoning in Utah

While early zoning codes primarily dealt with the separation of industrial and residential uses, it was not long before different classes of residential types began to be separated from one another to address the concerns of density and traffic within a local jurisdiction. Thus today, individual localities usually focus more on the local development land use patterns rather than on the regional impact these patterns produce.

Because higher density development is generally seen as a negative, the preferred local choice is to allow and approve low-density development. As a result, those who cannot afford housing in a particular area are forced to seek for other low-density housing that is more affordable in a surrounding area often resulting in longer distances to their places of employment. These patterns greatly influence the traffic and congestion problems at a regional level.

Traditional neighborhoods usually contained a variety of housing types that included large single family lots, cottage homes, boarding houses, duplexes and small apartments. However, driven by the negative perceptions of some of these traditional housing types, over the years Utah communities have and are developing neighborhoods and communities that do not respond to the housing choices that could be made by the growing population of the State.

Estimated Growth for the Greater Wasatch Area

Envision Utah and QGET's research has estimated the housing stock for 2020, at current zoning patterns, will result in the following housing supply:

- 77% Single Family units
- 14% Apartment units
- 9% Townhomes/Duplexes

If a truly open market supply were made available, the housing supply would yield:

- 60% Single family units
- 26% Apartment units
- 14% Townhomes/Duplexes

2007 Estimated Housing Supply for Centerville City:

- 78% Single family units
- 06% Apartments
- 16% Townhomes/Duplexes

The Challenge Ahead

Over the next 20 years, the supply of housing types and overall housing preferences likely will continue to diverge as the demand for a range of housing choices increases and as zoning continues to constrain housing options to large-lot single family homes.

The challenge for Utah cities and counties is to ensure that their zoning regulations, taken as a whole, do not limit the availability of housing that is or will be needed, and even desired, by our residents.



HOUSING OPTIONS GUIDE

♦ ALTERNATIVE HOUSING TYPES ♦

Mixed Housing Above Retail

A major advantage of this type of housing is the human activity present during the night and on weekends, resulting in healthier commercial areas.

Courtyard Apartments

Before apartments projects became conglomerations of identical units, apartment houses were located near shopping districts. The best designs included courtyards near the entry, providing needed charm and open space, occupying about 1/4 of the lot area.



Colonial Court Apartments, Ogden, UT

“Big House” Apartments

With historical roots of providing room for aging or extended family members, many older large homes of the past have been successfully converted into apartments. Today, the “Big House” design was developed to accommodate multiple units that appear to be simply a large home that allow apartment style units, four to eight units, to be integrated into the neighborhood.

Live Work Units

Before the concept of zoning existed, people often conducted work from their homes, sometimes complete with separate entrances and with discreet signs. This traditional housing type is being “rediscovered” and carries the label “live/work units.”

Garden Courts

This housing type evolved in European cities of the 17th century and is the most successful housing type for high density. It has a garden focal point surrounded by urban housing. The garden however is the shared yard “green” space of the units. Modern zoning generally prohibits this type due to typical lot area and widths requirements that are maintained privately.



Florentine Towns, Centerville, UT

Alley Fed Townhomes & Cottages

Early subdivisions often contained alleys, the preferred service areas for trash removal and service delivery. During the 20th century, alleys fell out of favor. There has been a recent trend to eliminate the garage focused home design in favor of the “front porch.” Alleys are one of the tools to return access and service uses to the rear yard area.



HOUSING OPTIONS GUIDE

♦ MODERATE INCOME HOUSING ♦

Moderate Income Housing (aka Affordable Housing)

Moderate Income Housing demand is defined as households which have incomes less than or equal to 80% of the median income of a given area. For Utah, the estimated moderate income level for 2005 was \$42,800. This equates to an approximate maximum total mortgage payment of \$1,070 monthly or \$12,840 annually.

Centerville City adopted a Moderate Income Housing Element in February of 2002. This plan addressed the issues required by the state law (10-9-307) and recommended strategies specific to Centerville City. Additionally, the City is required to submit a biennial report to the State addressing the efforts to encourage the development of moderate income housing.

Summary of Regulatory Changes Made by The City

- In December of 2003, the City overhauled and updated the City's Zoning Ordinance. One of the regulatory changes eliminated the typical minimum lot size requirement and adopted flexible regulations that are associated with maximum densities allotted to different zoning districts. Thus, the regulations now allow a variety of lot sizes that can be integrated into a single development project. This allows opportunities to develop a range of pricing levels within a particular development.
- The City's General Plan was modified again in June of 2004 that encouraged

higher densities in locations where needed consumer services and existing and proposed public transportation options were available (see Section 12-480, page 16). This would assist in providing varied housing options that would allow persons of moderate income to purchase or rent a home and be provided various transportation options for commuting to work or making consumer purchases.

- In June 2007, the City changed the minimum five-acre requirement for platting or subdividing multi-family development, which now allows any multi-family development to record a plat for home or unit ownership purposes. This action would allow another alternative for home ownership verses simply renting.

Regulatory Change Drawbacks

- There is an increasing realization that regulatory changes do not necessarily translate into the development of moderate income housing.
- To be more effective, cities are also adopting "inclusionary zoning" policies that require the development of moderate income housing. This principle will be further discussed in detail in this guide.



HOUSING OPTIONS GUIDE

♦ INCLUSIONARY ZONING ♦

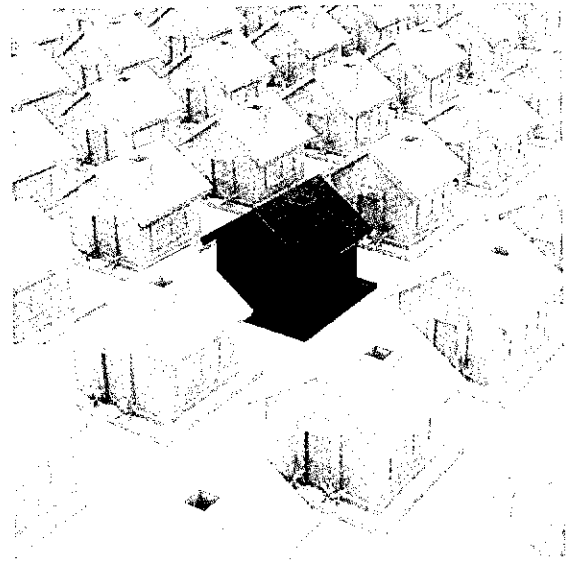
Inclusionary Zoning

Inclusionary zoning refers to regulations or ordinances that require a given share of new construction to be affordable to people with low to moderate incomes. The term is derived from land use or zoning practices which have an effect of excluding affordable housing from a municipality through general plan and zoning regulatory policies.

The practice of inclusionary zoning helps to provide a wider range of housing types or options than the market can provide on its own. Most inclusionary zoning is enacted on a local government level, but increasingly regional, state, and federal programs are being enacted to resolve affordable housing stock needs or shortages.

Typical Inclusionary Zoning Policies

- On-Site permanently affordable units that are required to be constructed within the project.
- Off-Site permanently affordable units that the developer may be allowed to provide offsite
- In-Lieu Contribution for developers to satisfy permanently affordable unit obligations by making contributions to an approved affordable housing fund
- Land Dedication for developers to satisfy permanently affordable unit obligations by dedication of land in-lieu of providing affordable housing



- Waiver of inclusionary zoning obligation for certain size-restricted developments, as deemed appropriate by the regulating authority.

Inclusionary Zoning Drawbacks

- Management intensive for local administrations to ensure compliance and continuance of approved permanent affordable units.
- Often criticized for shifting the burden of affordable housing provision to other groups (type of development tax).
- Accused of distilling the upwardly mobile poor from the remainder of persons living in lower income neighborhoods leading to further deterioration of central city neighborhoods.
- Accused of causing undue growth in locations that would not otherwise experience

CENTERVILLE CITY UTAH — COMMUNITY DEVELOPMENT



MAKING LIFE
BETTER
Centerville City

IN-FILL TYPES GUIDE

♦ FLAG LOT DEVELOPMENT ♦

Flag Lots

The Subdivision Ordinance defines a flag lot as *"a lot that has been approved by the City with access provided to the bulk of the lot by means of a narrow corridor."*

However, the Zoning Ordinance regulates the lot area, width, and depth and currently requires a minimum lot width of 60 feet, which prohibits the use of a narrow corridor and essentially eliminates use of a typical flag lot design.

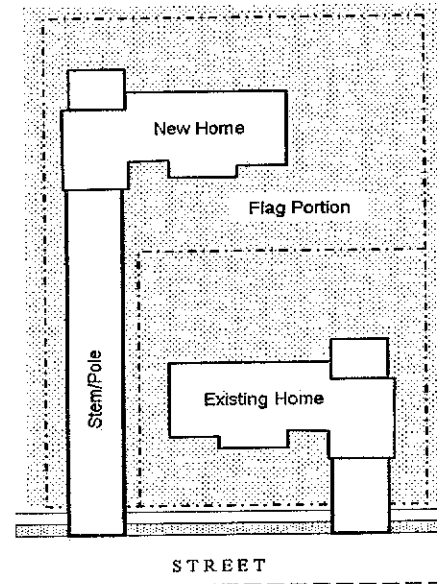
Purpose of Flag Lots

The intent or use of flag lot regulations is to create lots that reflect the overall image or character of a neighborhood (typically single-family areas) when the following conditions exist:

- The location of an existing house precludes a division of land due to minimum lot widths or setbacks, etc.
- An under-utilized or odd lot exists with no other means of public street frontage or access.
- Complies with the allowed densities of the applicable zoning district.
- All utilities and fire protection services can be adequately provided to the additional lot.

Typical Flag Lot Regulations

- Minimum stem or pole widths
- Building orientation standards
- Substitute setback standards
- Additional buffer & landscaping standards



- Fire protection, suppression, and access standards
- All other typical residential lot uses and activities such as, building heights, accessory uses, parking needs, pervious and impervious, etc.

Flag Lot Drawbacks

- Rear yard to Front yard conflicts.
- Stem or pole access maintenance.
- Visual connection to street for garbage, deliveries, police and emergency type services.
- The concentration of flag lots where property assemblages could result in traditional divisions of land.
- Compatibility of new homes among existing homes.
- Public intolerance for use of perceived open spaces.



IN-FILL TYPES GUIDE

♦ SMALL LOT—FLOATING ZONE ♦

Small Lot—Floating Overlay Zone

The purpose of a small lot-floating overlay zone is to allow for the building of houses (in-fill) on existing underutilized or underused properties.

A secondary purpose is to allow for an increased number of single-family units to be developed that are more affordable to a larger number of people and encourage the more efficient use of services that are already in place (streets, water, sewer, etc.).

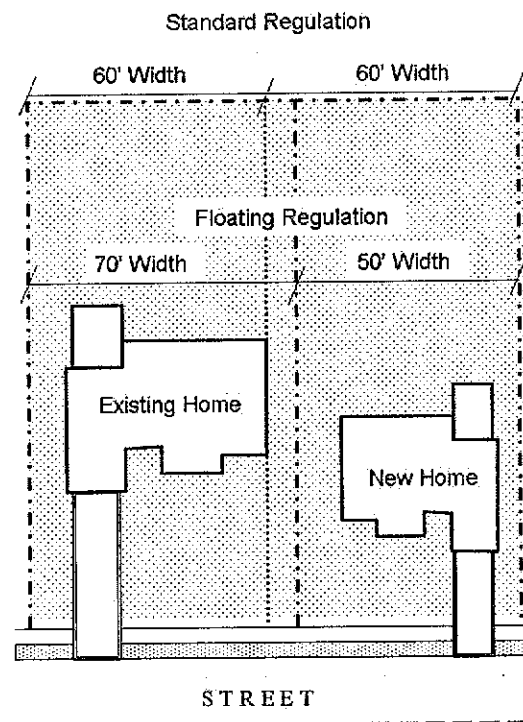
Conditions for Use of the Small Lot—Floating Overlay Zone

The intent or use of small lot—floating overlay zone is to create additional lots, without drastically impacting character of a neighborhood (typically single-family areas), when the following conditions exist:

- The location of an existing house precludes a division of land due to minimum lot widths or setbacks, etc.
- An under-utilized or odd lot exists with no other means of public street frontage or access.
- Allowance is believed compatible with the allowed densities of the applicable zoning district.
- All utilities and fire protection services can be adequately provided to the addi-

Typical Small Lot—Floating Zone Regulations

- Procedural and permitted parameters
- Reduced minimum lot size, widths and depths



- Minimum driveway distance separations
- Minimum front yard area requirements
- When deemed necessary, design, orientation, and house size limitations.

Small Lot—Floating Zone Drawbacks

- Establishing acceptable criteria for allowing smaller lots
- Establishing acceptable density or lot sizes.
- Compatibility of new homes among existing homes.
- Public intolerance for use of perceived open spaces.



IN-FILL TYPES GUIDE

♦ DEMOLISH & REBUILD ♦

Demolish & Rebuild

All neighborhoods experience cycles or transitions that often change their originally built character. The cycle begins with new construction for a growing population. As the area approaches a mid-age status, household numbers begin to decrease, yet the neighborhood usually remains stable. As the neighborhood begins to gentrify, the housing stock becomes attractive to those within moderate incomes levels with a limited financial ability to maintain the property or it becomes economically feasible to extensively remodel or even demolish and rebuild a second generation home by those who have financial means to do so.

Aside from historic preservation efforts, neighborhood gentrification leads to a change in the original character of the housing stock, which often leads to concerns or perceptions of the quality and stability of the local area.

Conditions for Demolition & Rebuild

The general use of demolition and rebuild usually occurs when the following conditions exist:

- The neighborhood remains desirable but there is a less desirable design in older available housing stock.
- The new housing stock is expensive and/or new lot costs are high.
- The cost of purchasing an existing home to demolish and rebuild is equal or lower than building a new home elsewhere.
- The existing lot can accommodate a larger home and with adequate utility services.



New Home—Rebuild



Existing Home—Next Door

Typical Demolish & Rebuild Regulations

- Historic Preservation regulations, if applicable.
- Compatible relationship regulations (e.g. height, setbacks, area coverage, etc.)
- Compatible design regulations (e.g. elevation styles, materials, accessory elements such as porch and garages, etc.)

Demolition & Rebuild Drawbacks

- New build design relationships with older housing styles
- Increase of property values impacting those with limited incomes
- Loss of historic housing stock or the local historic identity or development pattern



IN-FILL TYPES GUIDE

♦ ACCESSORY DWELLING UNIT ♦

Accessory Dwelling Unit (ADU)

An Accessory Dwelling Unit (ADU) is an additional, self-contained housing unit that is secondary to the main residence. ADU's are sometimes referred to as "mother-in-law" apartments or "granny flats," since their origins were to provide space for extended family members.

ADU's can take many forms such as attachments or additions to the main home, use of basement areas, or a second-story over an detached garage.

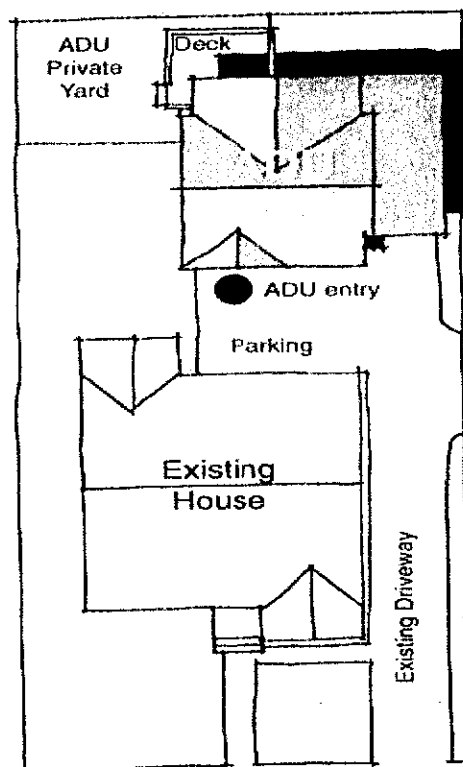
Purpose of ADU's

The intent or use of ADU's is often to provide places for the elderly to be taken care of by family members, places for newly married or return of adult children, or even perhaps to supplement a mortgage payment. ADU's are typically used in single-family areas when the following conditions exist:

- Excess space within the primary dwelling or above a garage exists that can be conveniently converted into living quarters.
- An under-utilized or odd lot exists and further division of land is not feasible or is prohibited
- The housing stock is located near a college or educational institution.
- A shortage and/or demand for affordable housing exists in a particular area.

Typical ADU Regulations

- Ownership and occupancy restrictions
- Maximum dwelling sizes
- Setback modifications



- Maximum lot area coverage
- Parking space and location requirements
- Building orientation standards
- Building exterior standards

ADU Drawbacks

- Establishing acceptable densities
- ADU building compatibility and aesthetics
- Excessive parking of vehicles
- Introduction of excessive rental properties within a stable neighborhood.
- ADU construction costs & fees for owners
- Zoning Enforcement problems



Potential Infill or Land Capacity Estimate

♦ POTENTIAL INFILL ANALYSIS ♦

Future Growth Density or Baseline

According to the various Neighborhood Plans, the single family dwelling is the primary means to accommodate any future growth. Provided that this policy remains intact for the future, it was assumed that most infill development would likely occur within either the Agricultural-Low (A-L) or the Residential-Low (R-L) designations. Also it was assumed that the areas zoned A-L could be eventually rezoned to R-L.

Note; the allowed density for the A-L zone is two (2) dwelling units per acre and the R-L Zone is four (4) dwellings units per acre.

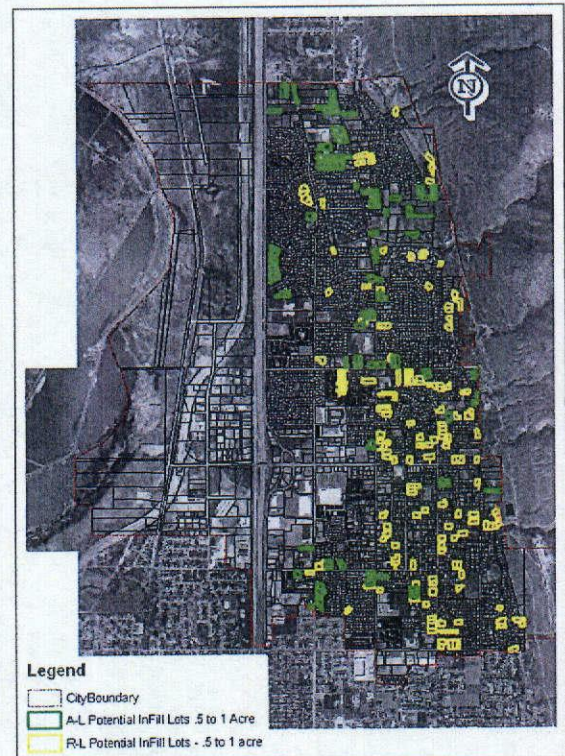
Baseline Data Query Assumptions

Using the City's GIS parcel data, the assessment was built using two queries, one for the A-L Zone and the other for the R-L Zone. Both queries were performed with a minimum of 1/2 acre and maxed at one (1) acre in each zoning district.

Baseline Data Query Results

The query results indicated that that the first scenario contained 104 parcels or 78 acres (shown in green) and the second scenario contained 158 parcels or 102 acres (shown in yellow).

Then broadly assuming that each property was developed with one (1) existing dwelling, the potential future density or land capacity was estimated. The resulting potential opportunities for infill and future growth are shown in the adjacent table.



Query 1 (A-L) .5 to 1 Acre

104 Parcels
(78 acres)

78 units (A-L)
234 units (R-L Rezone)

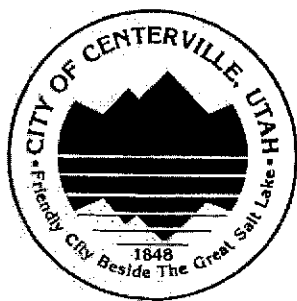
Query 2 (R-L) .5 to 1 Acre

158 Parcels
(102 acres)

306 units

Total Potential Infill Units (Query 1 & 2)
384 to 540 Infill Dwellings

Note: The full size map is being provided and follows this section.



CENTERVILLE CITY ATTORNEY'S OFFICE

250 North Main Street
Centerville, Utah 84014
801.335.8842

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.



CENTERVILLE CITY ATTORNEY'S OFFICE

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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.



CENTERVILLE CITY MINUTES APPROVAL POLICY

February 18, 2014

This Minutes Approval Policy sets forth guidelines and procedures for the preparation, review and approval of minutes for public meetings held by various councils, commission, boards and committees of the City. This Policy is intended to comply with all applicable provisions of Utah law, including, but not limited to, the Utah Open Meetings Act as set forth in *Utah Code Ann. §§ 52-4-101, et seq.*

Minutes Approval Policy

- 010. Purpose and Scope.
- 020. Compliance by Public Bodies.
- 030. Applicability.
- 040. Recording of Meetings.
- 050. Availability of Recordings.
- 060. Written Minutes of Meetings.
- 070. Preparation and Availability of Pending Minutes.
- 080. Approval of Minutes by City Council.
- 090. Approval of Minutes by Planning Commission.
- 100. Approval of Minutes by Other Public Bodies.
- 110. Preparation and Availability of Written Minutes.
- 120. Written Minutes as Government Record.
- 130. No Separate Right of Action.

010. Purpose and Scope.

The purpose of this Policy is to establish guidelines and procedures for the preparation, review and approval of minutes and recordings of public meetings held by various councils, commissions, boards and committees of the City. It is the intent of this Policy to comply with applicable provisions and requirements of the Utah Open and Public Meetings Act, as set forth in *Utah Code Ann. §§ 52-4-101, et seq.*, as amended, regarding the conduct of public meetings by public bodies of the State and its political subdivisions.

020. Compliance by Public Bodies.

Each public body of the City is subject to the requirements of the Utah Open Meetings Act and shall comply with the provisions of this Policy regarding the approval of minutes for public meetings. As set forth in *Utah Code Ann. § 52-4-103*, as amended, "public body" is defined as any administrative, advisory, executive, or legislative body of the City that: (1) is created by the Utah Constitution, statute, rule, ordinance, or resolution; (2) consists of two or more persons; (3) expends, disburses, or is supported in whole or in part by tax revenue; and (4) is vested with the authority to make decisions regarding the public's business.

030. Applicability.

The provisions of this Policy shall apply to the following boards and committees of the City, as well as any other board or committee that meets the definition of "public body" as defined in Section 020: City Council, Planning Commission, Board of Adjustment, Parks and Recreation Committee, Trails Committee, Landmarks Commission and Whitaker Museum Board.

Minutes Approval Policy

040. Recording of Meetings.

All public bodies of the City are required to prepare and maintain a recording of all public meetings. Except as otherwise provided by law, such recordings must be a complete and unedited record of all portions of the meeting from the commencement of the meeting through adjournment of the meeting. A recording is not required to be kept of an open meeting that is a site visit or traveling tour so long as no vote or action is taken by the public body during the site visit or tour. A recording is not required to be kept of a lawfully closed meeting held to discuss the character, professional competence, or physical or mental health of an individual or discussion regarding deployment of security personnel, devices or systems, so long as the person presiding signs a sworn statement affirming that the sole purpose of the meeting was to discuss such matters. All recordings must be properly labeled or identified with the date, time and place of the meeting.

050. Availability of Recordings.

Pursuant to *Utah Code Ann.* § 52-4-203, as amended, recordings of open meetings of City Council are required to be made available within three (3) business days after the City Council meeting. Although not required by law, it is Centerville City's policy to make recordings of all open public meetings of other public bodies of the City available to the public for listening within three (3) business days after the meeting to the extent practicable. The City Recorder shall coordinate the availability of recordings of public meetings as provided herein. Recordings of public meetings should be retained for a minimum of three (3) years from the date of the meeting.

060. Written Minutes of Meetings.

All public bodies of the City are required to prepare, approve and maintain written minutes of all open meetings of the public body. Public bodies may keep written minutes of closed portions of meetings as provided by law. Pursuant to *Utah Code Ann.* § 52-4-203, as amended, written minutes are required to include the following:

- (a) The date, time and place of the meeting;
- (b) The names of the members present and absent;
- (c) 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;
- (d) A record, by individual member, of each vote taken by the public body;

Minutes Approval Policy

- (e) The name of each person who is not a member of the public body, and after being recognized by the public body, provided testimony or comments to the public body;
- (f) The substance in brief of the testimony or comments provided by the public to the public body; and
- (g) Any other information that is a record of the proceedings of the meeting that any member requests be entered in the minutes or recording of the meeting.

070. Preparation and Availability of Pending Minutes.

The recording secretary for each public body shall prepare minutes of the meeting and submit such proposed minutes to the designated staff for review and processing. For purposes of this Policy, "pending minutes" means minutes of a public meeting that have been prepared in final draft form by the recording secretary, have been submitted to and reviewed by designated staff, are clearly marked as pending or preliminary, and are pending approval by the public body. Pursuant to *Utah Code Ann. § 52-4-203*, as amended, pending minutes of City Council meetings are required to be made available to the public within thirty (30) days after the City Council meeting. Although not required by law, it is Centerville City's policy to have pending minutes for the all other public bodies available within thirty (30) days from the date of the meeting to the extent practicable. The City is encouraged to prepare, approve and make available for public inspection written minutes of meetings as soon as reasonably practicable.

080. Approval of Minutes by City Council.

The City Council shall consider approval of written minutes at the next regularly scheduled City Council meeting following the completion and designation of the pending minutes. The City Council shall approve the minutes as presented, approve the minutes with amendments, or table action on the minutes for further review and/or corrections. Any pending minutes that are tabled for further review and/or corrections shall be scheduled on the next regularly scheduled City Council meeting agenda for final action.

090. Approval of Minutes by Planning Commission.

The Planning Commission shall consider approval of written minutes at the next regularly scheduled Planning Commission meeting following the completion of the pending minutes. The Planning Commission shall approve the minutes as presented, approve the minutes with amendments, or table action on the minutes for further review and/or corrections. Any pending minutes that are tabled for further review and/or corrections shall be scheduled on the next regularly scheduled Planning Commission meeting agenda for final action.

Minutes Approval Policy

100. Approval of Minutes by Other Public Bodies.

Public bodies of the City, other than the City Council and Planning Commission, may not meet on a regularly scheduled basis or meet less often than once a month. Given the potential for significant time period between meetings of these other bodies, the following procedures are provided for a more efficient and timely process for the approval of written minutes.

(a) If the public body has a meeting scheduled within thirty-five (35) days following the completion of the pending minutes in final form, the public body shall consider the minutes for approval at such next immediately scheduled meeting. If presented at the next immediately scheduled meeting, the public body shall approve the minutes as presented, approve the minutes with amendments, or table action on the minutes for further review and/or corrections. Any pending minutes that are tabled for further review and/or corrections shall be approved within thirty-five (35) days from the date of such action to table in accordance with the provisions of this Section.

(b) If the public body does not have a meeting scheduled within thirty-five (35) days following the completion of the pending minutes in final form, the City Recorder or other designee, shall provide each member of the public body with a copy of the minutes for review. Such minutes may be provided to the members of the public body electronically or by hard copy, as determined by the City. Members of the public body shall have seven (7) days to review and provide the City Recorder with any corrections to the minutes. If corrections to the pending minutes are made by any member, a new revised draft version shall be sent out to the members, who shall have another seven (7) days to review and revise the draft minutes. If the City Recorder does not hear back from any members of the public body with corrections to the pending minutes, or revised pending minutes, the minutes shall be deemed approved by the public body and shall thereafter become the official record of the meeting.

110. Preparation and Availability of Approved Minutes.

The recording secretary for each public body shall prepare the final minutes as approved by the public body and submit the approved minutes to the City Recorder for posting and retention. Pursuant to *Utah Code Ann.* § 52-4-203, as amended, approved minutes of an open meeting of the City Council are required to be made available to the public within three (3) business days after the City Council meeting at which the minutes were approved. The City Recorder, or his or her designee, shall make such approved minutes of the City Council available to the public within the required three (3) business days from the date of the meeting by posting the minutes on the Utah Public Notice Website created under Utah Code Ann. 63F-1-701, as amended, and making such approved minutes and any public materials distributed at the meeting available to the public at City Hall. Although not required by law, the recording secretaries and City Recorder are encouraged to have written minutes for all other public bodies of the City available to the public within three (3) days from the date of the meeting at which the minutes were approved to the extent practicable.

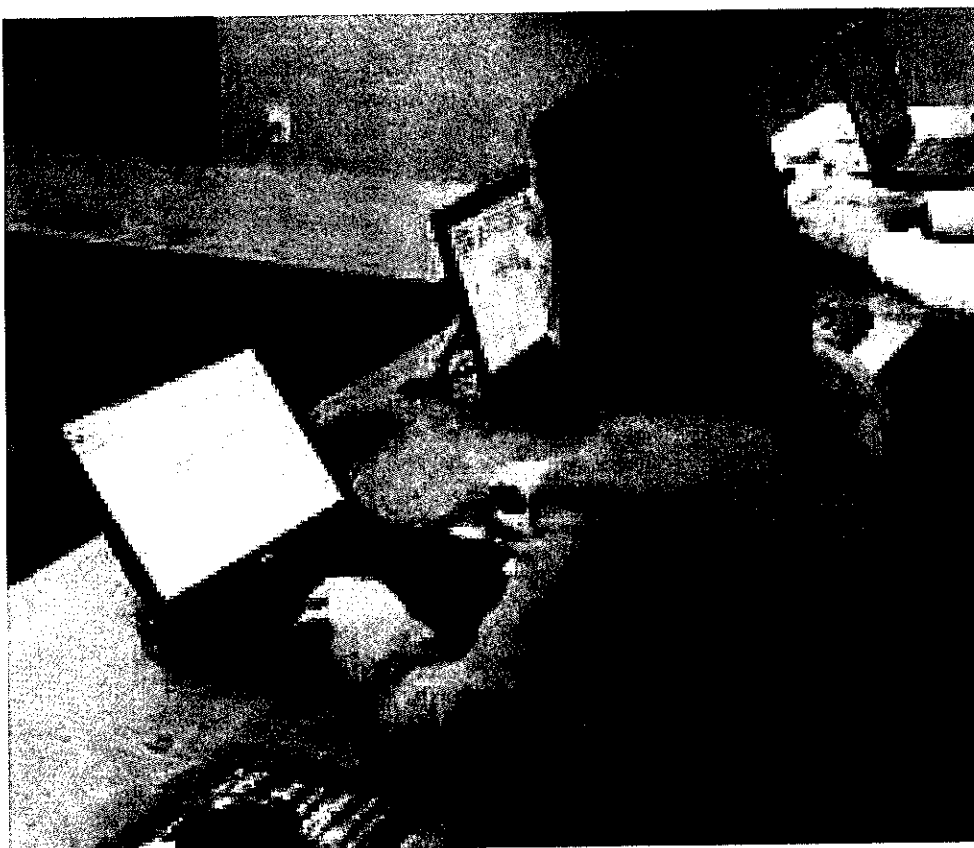
Minutes Approval Policy

120. Written Minutes as Government Record.

Pending minutes, approved minutes, and a recording of an open public meeting are public records under the Utah Government Records Access and Management Act, as set forth in *Utah Code Ann. §§ 63G-2-101, et seq.*, as amended. Closed meeting minutes or recordings are protected records under the Utah Government Records Access and Management Act. Once approved, or deemed approved and accepted, written minutes are the official record of the meeting. Written minutes shall be retained, classified, managed and accessed in accordance with applicable provisions of the Utah Government Records Access and Management Act and the Utah Open and Public Meetings Act. Pursuant to the Utah Municipal General Records Retention Schedule, minutes of public meetings are to be retained permanently and may be archived with the Utah State Archives.

130. No Separate Right of Action.

The Provisions of this Policy are intended to provide guidelines for the preparation and approval of minutes by the public bodies of the City in accordance with applicable law and shall not create a separate right of action by any third party for failure of the City or its public bodies to comply with the same.



CENTERVILLE CITY ELECTRONIC MEETINGS POLICY

February 18, 2014

This Electronic Meetings Policy sets forth guidelines and procedures for the convening and conduct of electronic meetings held by various councils, commission, boards and committees of the City. This Policy is intended to comply with all applicable provisions of Utah law, including, but not limited to, the Utah Open Meetings Act as set forth in *Utah Code Ann. §§ 52-4-101, et seq.*

Electronic Meetings Policy

- 010. Purpose and Scope.
- 020. Compliance by Public Bodies.
- 030. Applicability.
- 040. Authority to Conduct Electronic Meetings.
- 050. Public Notice of Electronic Meetings.
- 060. Member Notice of Electronic Meetings.
- 070. Electronic Communication Requirements.
- 080. Anchor Location.
- 090. Procedures.
- 100. Participation.
- 110. Agenda Statement.
- 120. No Separate Right of Action.

010. Purpose and Scope.

The purpose of this Policy is to establish guidelines and procedures for various councils, commissions, boards and committees of the City to convene and conduct electronic meetings. It is the intent of this policy to comply with applicable provisions and requirements of *Utah Code Ann. § 52-4-207*, as amended, regarding the authority of public bodies to conduct electronic meetings.

020. Compliance by Public Bodies.

Each public body of the City is subject to the requirements of the Utah Open Meetings Act and shall comply with the provisions of this Policy regarding the convening or conducting of an electronic meeting. As set forth in *Utah Code Ann. § 52-4-103*, as amended, "public body" is defined as any administrative, advisory, executive, or legislative body of the City that: (1) is created by the Utah Constitution, statute, rule, ordinance, or resolution; (2) consists of two or more persons; (3) expends, disburses, or is supported in whole or in part by tax revenue; and (4) is vested with the authority to make decisions regarding the public's business.

030. Applicability.

The provisions of this Policy shall apply to the following boards and committees of the City, as well as any other board or committee that meets the definition of "public body" as defined in Section 020: City Council, Planning Commission, Board of Adjustment, Parks and Recreation Committee, Trails Committee, Landmarks Commission and Whitaker Museum Board.

Electronic Meetings Policy

040. Authority to Conduct Electronic Meetings.

Public bodies of the City are authorized to conduct an electronic meeting so long as such meeting meets the procedures and requirements of this Policy, including notice of the electronic meeting and all technological requirements set forth herein. Electronic meetings of public bodies shall also comply with applicable provisions of *Utah Code Ann.* § 52-4-207, as amended.

050. Public Notice of Electronic Meeting.

The public body convening or conducting an electronic meeting shall provide public notice of the meeting in accordance with *Utah Code Ann.* § 52-4-202, as amended, and shall post written notice of the meeting at the anchor location.

060. Member Notice of Electronic Meeting.

In addition to the public notice provided in accordance with Section 050, the public body convening or conducting an electronic meeting shall provide 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. Notice to members shall also include a description of how the members will be connected to the electronic meeting.

070. Electronic Communication Requirements.

For purposes of this Policy, an electronic meeting means a meeting of a public body convened or conducted by means of a conference using electronic communications. In order to conduct an electronic meeting, there must be sufficient and working facilities and technology at the anchor location so that all participants of the meeting have the ability to communicate with all other members of the public body, either verbally or electronically, and so that each member of the public body can hear or observe the communication. The number of separate connections for an electronic meeting may be restricted based on available equipment capabilities. Connections shall be approved based on priority of request and for members of the public body.

080. Anchor Location.

Anchor location means a physical location where the public body normal meets and where facilities and technology are provided for electronic communication. For most public bodies of the City, the Centerville City Offices, located at 250 North Main Street, Centerville, Utah, 84014, shall be considered the anchor location. Appropriate space and facilities shall be provided at the anchor location of the meeting so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting.

Electronic Meetings Policy

090. Procedures.

The procedures to be followed at the electronic meeting shall be the same as those followed by the public body in a non-electronic open and public meeting of the public body. Prior to commencing the electronic meeting, an electronic link shall be established with all participants and the anchor location. The chair of the meeting shall confirm that the non-present members are connected via electronic means. Recording and minutes shall be kept for the meeting in accordance with the requirements of the Open and Public Meetings Act. If voting is required for any action, a roll call vote shall be taken so that the non-present member(s) vote may be counted and heard. Following passage of a motion to adjourn, the electronic link shall be terminated and the meeting shall be deemed concluded.

100. Participation.

All interested parties shall be able to either hear public statements made by all members of the public body participating in the meeting, or be able to view and hear all members participating in the meeting. In addition, all interested parties shall be able to participate in the public hearing by having their voices or their voices and images conveyed live to all members of the public body. Care should be taken to ensure that participants verbalize their statements and responses so that non-present members may hear them. In addition, any and all visual aids and written material not available to the non-participating members should be verbally described. Nothing in this policy may be construed to interfere with reasonable accommodations made under the Americans with Disabilities Act.

110. Agenda Statement.

Each agenda for an electronic meeting shall include the following statement: *"Meetings of the Centerville City Council [Planning Commission, Board of Adjustment or Committee] 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."*

120. No Separate Right of Action.

The Provisions of this Policy are intended to provide guidelines for the convening of electronic meetings by the public bodies of the City in accordance with applicable law and shall not create a separate right of action by any third party for failure of the City or its public bodies to comply with the same. The City reserves the right to prohibit or limit electronic meetings based on budget, logistical or technological restraints and considerations.



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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.



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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.