

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 FEBRUARY 22, 2017 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 Planning Commission 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 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: and at <http://centerville.novusagenda.com/agendapublic>.

Tentative - The times shown below are tentative and are subject to change during the meeting.

Time:

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

B. PLEDGE OF ALLEGIANCE

C. PRAYER OR THOUGHT

Commissioner Cheylynn Hayman

D. MINUTES REVIEW and ACCEPTANCE

February 8, 2017 Planning Commission Meeting

E. COMMISSION BUSINESS

7:10 1. Public Hearing - General Plan Text Amendment, Southeast Neighborhood Plan

LEGISLATIVE DECISION

[Postponed from January 25, 2017 Meeting]

Consider a proposed General Plan Text Amendment regarding the future residential density allowances in the Southeast Neighborhood [Neighborhood 1].

7:35 2. Open and Public Meetings Training - City Attorney

7:50 3. Community Development Director's Report

Upcoming for March 8th:

Parrish Creek Business Park PDO Rezone, Conceptual Site Plan & Subdivision

Legacy Trails Amended PDO and Conceptual Site Plan

Pizza Hut Conceptual Plan

Auto Sales Conditional Use Permit

7:55 4. City Council Actions Report

None to Report

F. ADJOURNMENT

**CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
2/22/2017**

Item No.

Short Title: February 8, 2017 Planning Commission Meeting

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- 02-08-2017 PC Preliminary Draft Minutes

PLANNING COMMISSION MINUTES OF MEETING

Wednesday, February 8, 2017

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

Kevin Daly
Cheylynn Hayman (arrived at 7:15 p.m.)
Kathy Helgesen
David Hirschi, Chair
Gina Hirst
Logan Johnson
Becki Wright

STAFF PRESENT

Cory Snyder, Community Development Director
Lisa Romney, City Attorney
Cassie Younger, Assistant Planner
Katie Rust, Recording Secretary

VISITORS

Interested citizens

PLEDGE OF ALLEGIANCE

OPENING COMMENT/LEGISLATIVE PRAYER

Commissioner Hirst

MINUTES REVIEW AND APPROVAL

The minutes of the Planning Commission meeting held January 25, 2017 were reviewed. Amendments were requested. Commissioner Hirst made a **motion** to accept the minutes as amended. Commissioner Wright seconded the motion, which passed by unanimous vote (6-0). Commissioner Hayman arrived after approval of the minutes.

PUBLIC HEARING – ZONING MAP AMENDMENT, 1150 SOUTH 240 EAST

Ronn Marshall submitted a Zoning Map Amendment application for the property at 1150 South 240 East. Based on his current Conceptual Subdivision Plans, a Residential-Low (R-L) Zoning would fit best with his design, and perhaps the surrounding properties. Cassie Younger, Assistant Planner, explained the request to

1 rezone from Residential-Medium (R-M) to Residential-Low (R-L). Staff considers the
2 proposed rezone to be consistent with the goals of the General Plan. The two existing
3 single-family homes on or next to this lot set the precedent for R-L. Considering the
4 housing to the south, it is not unreasonable to believe that single-family would be
5 accepted there. R-M or R-L would be acceptable at this location as long as there would
6 be sufficient buffering on the north and west ends of the property. Existing facilities and
7 services either exist or will be provided in the subdivision regardless of the zone.

8
9 Cory Snyder, Community Development Director, stated that the driving factor of
10 the request is the subtle difference between frontage requirements. If the property
11 remains R-M, a single Conditional Use Permit (CUP) would be issued for the entire
12 subdivision, or individual CUPs would have to be issued for each house built. Ms.
13 Younger clarified that, although the southeast neighborhood is under the market yield
14 for town homes and duplexes, the city as a whole is over the market yield for town
15 homes and duplexes.

16
17 Ronn Marshall, applicant, stated that what he wants to accomplish will be much
18 easier with the R-L Zone. Chair Hirschi opened a public hearing at 7:26 p.m.

19
20 Craig Adams – Mr. Adams said he has been a neighbor of the subject property
21 for 27 years. He agreed that the two existing homes are nice, and agreed that R-L
22 would be a good fit for the property and the neighborhood. Mr. Marshall confirmed that
23 seven additional homes would be built on the property.

24
25 Chair Hirschi closed the public hearing at 7:27 p.m. Chair Hirschi commented
26 that the City may be looking in the future at something happening in the neighboring
27 commercial zone. He expressed concern about creating a precedent that could be
28 problematic going forward. Commissioner Johnson responded that he does not see R-
29 L and R-H in that context as being incompatible. Commissioner Hayman pointed out
30 the surrounding R-M Zones, and said she does not think R-L on the subject property
31 would inhibit or dissuade the City from doing something different with the commercial
32 area. Commissioner Wright said that, as a property rights issue, the zone change
33 allows the owner to do more of what he wants to do. She added that what he wants to
34 do would not detrimentally affect the area. Commissioner Daly commented that it is
35 refreshing to have a developer not trying to cram as many units as possible on the
36 property. He said he thinks R-L and R-M are compatible uses, and he is generally in
37 favor. Commissioner Hayman said single-family homes seem like a compatible fit
38 considering the surrounding homes. Commissioner Wright made a **motion** to accept
39 the Zone Map Amendment for 1150 South 240 East from a Residential-Medium District
40 into a Residential-Low District, with the following two reasons for the action.
41 Commissioner Johnson seconded the motion, which passed by unanimous vote (7-0).

Reasons for the Action:

1. The Zoning Map Amendment would still be consistent with the General Plan.
2. The proposed zoning change and subsequent development standards on this lot would be consistent with already existing single-family properties within this subdivision.

**PUBLIC HEARING – CHITOSE JOHNSON CONCEPTUAL SUBDIVISION,
1150 SOUTH 240 EAST**

Ms. Younger explained the proposed Conceptual Subdivision Plan, which consists of a nine-lot single-family residential subdivision (seven additional homes). Mr. Snyder explained that the two existing homes would be incorporated into the subdivision with boundary adjustments.

Chair Hirschi opened a public hearing at 7:42 p.m., and closed the public hearing seeing that no one wished to comment. The Planning Commission discussed setbacks in the development. Commissioner Daly made a **motion** to accept the Conceptual Subdivision Plat for the Chitose Johnson Subdivision, located at 1150 South 240 East, subject to the following conditions and findings, and subject to City Council approval of the R-L Zone change. Commissioner Hayman seconded the motion, which passed by unanimous vote (7-0).

Conditions:

- Preliminary and Final Subdivision Plats will have to be submitted in accordance with Title 15.
- Drainage would need to be addressed due to differing elevations on the lot and approved by the City Engineer.

Findings:

- a) The conceptual subdivision appears to be consistent with the General Plan
- b) It follows the Municipal Code Subdivision Ordinance in Chapter 15.5
- c) Adequately meets the Development Standards laid out for an R-L Zone in CZC 12.32.300
- d) The applicable review standards of the Subdivision Ordinance pertaining to a Conceptual Subdivision application have been reviewed and directives established to allow the proposal to proceed to preliminary subdivision plan submittal.

**PUBLIC HEARING – SUBDIVISION ORDINANCE TEXT AMENDMENTS,
MUNICIPAL CODE, TITLE 15**

Lisa Romney, City Attorney, presented proposed amendments to Title 15 of the Centerville Municipal Code regarding Subdivisions, and answered questions from the Commission. Ms. Romney noted that these changes to Title 15 are not the major edits and rewrite to the subdivision ordinance that the City and consultant are currently preparing. Those edits will be brought to the Planning Commission when ready. The edits currently proposed to Title 15 are formatting, numbering and text changes necessary to transition the Municipal Code to an online format and other necessary edits to bring Title 15 into compliance with State law. The Planning Commission went through each page of the proposed edits to Title 15 and asked questions as applicable. Ms. Romney noted more substantive changes to the Planning Commission. Chair Hirschi and Commissioner Hayman suggested minor punctuation changes.

Chair Hirschi opened a public hearing at 8:25 p.m., and closed the public hearing seeing that no one wished to comment. Chair Hirschi made a **motion** to recommend approval of the proposed amendments to Title 15 of the Centerville Municipal Code regarding Subdivisions as amended, based on the following findings. Commissioner Hirst seconded the motion, which passed by unanimous vote (7-0).

Findings:

1. The proposed Subdivision Ordinance amendments are consistent with the goals, objectives and policies of the General Plan;
2. The proposed Subdivision Ordinance amendments are in the best interest of the public health, safety and welfare by providing more accessible online codes and updating provisions of the Subdivision Ordinance consistent with State law; and
3. The City is authorized to enact and amend land use ordinances consistent with the purposes set forth in the Utah Land Use Development and Management Act as set forth in Utah Code 10-9a-101, et seq.

PUBLIC HEARING – TEXT AMENDMENT – ACCESSORY SETBACKS

On January 11, 2017, the Planning Commission directed staff to review additional information regarding accessory building setbacks, specifically the use of a roof slope or building setback ratio. Mr. Snyder explained that staff has reviewed the idea of using a ratio system and has determined that it would be complicated or “not user friendly” given the current minimum lot frontage standards and buildable area expectations set by the Zoning Ordinance. Staff did modify its original version of the

1 edits to assist with recognizing that there are differing building sizes versus building
2 codes (portable/permanent) and that a two-story building creates a different mass size
3 versus a single-story building. The building terms of the industry generally reference “a
4 story” as 10 feet from floor to ceiling of the structure. Therefore, staff used the 10-foot
5 height as a target for establishing some of the setback expectations. Mr. Snyder
6 presented the following table:
7

Setback Standards – Rear Yard	R-L	R-M	R-H
Accessory building (portable, one-story) – less than 200 square feet ⁴	3 feet	3 feet	3 feet
Accessory building (one-story) – 200 square feet or greater ⁴	5 feet	5 feet	5 feet
Accessory building (two-story or greater than 10 feet in height) – All Sizes ⁴	8 feet	8 feet	8 feet

8 ⁴Setback is measured from any interior and/or rear lot line
9

10 Mr. Snyder answered questions regarding the definition and use of “portable”.
11 Commissioner Wright pointed out that the term may cause confusion. Chair Hirschi
12 asked about the ability to improve existing large accessory buildings that do not meet
13 the new eight-foot setback requirement. Mr. Snyder responded that the Board of
14 Adjustments can approve an expansion if the degree of nonconformity is not increased.
15 Commissioner Wright said she would like things to be as easy to understand as
16 possible, and pointed out that not everyone would understand that the numbers are
17 averages. Mr. Snyder responded that more explanation is included in the ordinance.
18 Commissioner Johnson commented that a ratio seems simpler to him, but he can see
19 that a table can also be clear. Commissioner Hayman said she feels the proposal is a
20 good compromise that addresses the concern expressed by the City Council. Chair
21 Hirschi and Commissioner Helgesen agreed.
22

23 Commissioner Helgesen made a **motion** to recommend approval of the
24 proposed Zoning Ordinance Text Amendments regarding “accessory buildings”. Chair
25 Hirschi seconded the motion. Commissioner Hayman stated she would prefer to
26 remove the word “portable”. Commissioner Helgesen and Chair Hirschi accepted
27 removal of “portable” from the table as an amendment to the motion. The motion as
28 amended passed by unanimous vote (7-0).
29

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

The Planning Commission will meet next on February 22, 2017.

ADJOURNMENT

Chair Hirschi made a **motion** to adjourn the meeting at 8:59 p.m. Commissioner Johnson seconded the motion, which passed by unanimous vote (7-0).

David Hirschi, Chair

Date Approved

Katie Rust, Recording Secretary

**CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
2/22/2017**

Item No. 1

Short Title: Public Hearing - General Plan Text Amendment, Southeast Neighborhood Plan

Initiated By: City Council

Scheduled Time: 7:10

SUBJECT

LEGISLATIVE DECISION

[Postponed from January 25, 2017 Meeting]

Consider a proposed General Plan Text Amendment regarding the future residential density allowances in the Southeast Neighborhood [Neighborhood 1].

RECOMMENDATION

Refer to Staff Report

BACKGROUND

Refer to Staff Report

ATTACHMENTS:

Description

- ☐ 02-22-2017 PC Staff Report - Southeast Neighborhood Plan
- ☐ Draft Edits Southeast Neighborhood

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

**STAFF REPORT
AGENDA: ITEM 1**

**APPLICANT: CENTERVILLE CITY COUNCIL
 C/O MAYOR PAUL CUTLER
 250 NORTH MAIN STREET
 CENTERVILLE CITY, UTAH 84014**

**APPLICATION: GENERAL PLAN TEXT AMENDMENTS FOR SECTION 12-480-2,
 SOUTHEAST NEIGHBORHOOD, RESIDENTIAL SECTION
 REWRITE**

**RECOMMENDATION: CONSIDER THE NEIGHBORHOOD PLAN AMENDMENTS
 AND MAKE A RECOMMENDATION TO THE CITY
 COUNCIL**

BACKGROUND

On November 25, 2017, the Planning Commission directed staff to make additional edits to Southeast Neighborhood Plan update. With making these edits, staff addressed the following:

- *Maintained a future allowance for residential medium density, specifically recognizing the Commission's discussion regarding how many single-family homes are located on lots smaller than ¼ acre lots (e.g. previously R-1-8 subdivision development).*
- *Kept the "Old Townsite" reference and separated it out from the Deuel Creek Historic District to reduce confusion*
- *Drafted a new section addressing the policies of the Deuel Creek District*
- *Added the South Main Street Overlay reference for the residential area (i.e. Residential Boulevard District) along the southern end of Main Street*
- *Added an East Foothills Section to address the foothills of the neighborhood, but limited future use to be governed by the Foothills Management Plan of 2011.*

GENERAL PLAN AMENDMENT REVIEW

Procedures for a General Plan Text Amendment, Section 12.21.070

A decision to amend the General Plan is a matter within the legislative discretion of the City Council as described in CZC 12.21.060(a). After the public hearing described in Subsection (d)(5), the City Council may make any modifications to the proposed General Plan amendment that it considers appropriate. The City Council may adopt or reject the proposed General Plan amendment either as proposed by the Planning Commission or after making any revision that the

City Council considers appropriate. The City Council may also table the matter for further information, consideration or action.

PLANNING STAFF RECOMMENDATION

Staff is of the opinion that the residential areas of the Southeast Community are substantially single-family residential and it's reasonable that this neighborhood should be afforded the general plan polices of maintaining its stability. However, there are still opportunities along the collector and arterial streets to allow for at least Medium Density Residential development. These places could include the redevelopment of the Page Lane Commercial area and along the Main Street commercial corridor. These areas have yet to reviewed in the second phase of the neighborhood plan that will come after this first phase moves forward.

(PROPOSED ACTION) "I hereby make a motion for the Planning Commission to RECOMMEND the General Plan Amendments of the Southeast Neighborhood Plan, as written in the attachment for this report (or any changes made by the Commission), for the following reasons:

(SUGGESTED REASONS FOR THE ACTION)

- a. The Planning Commission finds that a decision to amend the General Plan is a matter within the legislative discretion of the City Council as described in CZC 12.21.060(a).*
- b. The Planning Commission finds that Centerville City has a strong desire to maintain a low density single-family environment as described in the General Plan Element, "Residential Development" – Section 12-420.*
- c. The Planning Commission finds that the residential areas of the Southeast Community are primarily single-family residential and should be afforded the general plan polices of maintaining this style of housing.*
- d. The Planning Commission finds that historical single-family development in the Community (e.g. R-1-8 Zoning) also falls within the Medium Density for residential development.*
- e. The Planning Commission finds there are still opportunities along the collector and arterial streets to accommodate future housing needs, such as the redevelopment of the Page Lane Commercial area and along the Main Street commercial corridor.*
- f. The Planning Commission finds that these areas have yet to reviewed in the second phase of the neighborhood plan that will come after this first phase."*

PREVIOUS PLANNING COMMISSION MEETINGS HELD ON THIS MATTER

- ✓ January 25, 2017

NEIGHBORHOOD PLANNING POLICIES**SECTION 12-480-1. GENERAL.**

For planning purposes, Centerville City has been divided into several individual neighborhoods (see map on page 54). These neighborhoods are distinguished by certain common characteristics, and have been reviewed to determine the best land use and community features to be preserved and enhanced. The following are the land use and development policies for Centerville's neighborhoods.

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

Neighborhood 1 is that portion of Centerville City that is located east of Main Street and south of Parrish Lane (400 North). The neighborhood is characterized by the original Centerville townsite, with its older homes and gridiron street pattern; by the newer homes built in subsequent years east and south of the original townsite; by the "traditional" downtown along Main Street; and by the ~~newer~~ shopping center at Pages Lane, which is currently experiencing a decline in commercial synergy for the past few years. Much of the land in this neighborhood is built upon, and most of the remaining vacant land is in relatively smaller tracts or parcels with limited ability to be subdivided in the future.

Due to the region's continued population growth, multi-family development has become a trending form of newer residential housing development in the South Davis area. Historically, due to its spatial relationship to surrounding commercial corridors, the south area of Centerville has experienced a significant development of medium to high-density residential housing. Existing and future housing growth pressures will likely continue to target the Southeast Neighborhood through redevelopment of underutilized commercial areas or infill of underutilized parcels. The community's desire for traditional single-family neighborhood stability competes with the development of these market patterns related to multi-family development.

Therefore, it is the desire of the Southeast Neighborhood to minimize housing density conflicts and maintain low to medium density residential allowances. The market trend of higher density housing development ought to focus on other less concentrated or congested locations in other parts of the City and/or other appropriate areas in Davis County that have improved ability and capacity to accommodate higher density residential development without creating undue burden and concentration to a particular neighborhood.

1. Residential Policies

Southeast Centerville is characterized by the older homes found in the original Centerville townsite and its gridiron street pattern and small blocks, and by the newer homes built in subsequent years around the original townsite. Most of the remaining vacant land in this neighborhood is in relatively smaller tracts or parcels with limited opportunity for large new housing developments.

a. Old Townsite

The Old Centerville Townsite may be generally considered the area bounded by 100 North, 400 South, Main Street, and 400 East. The Old Townsite was originally developed with small stone homes on the large interior blocks. As the homes aged and the population of the City grew, many of the large parcels on the blocks were divided and sold for homes. However, in many cases, the deep interiors of the blocks remained undeveloped. These block interiors soon proved to be attractive for residential development, and, as the area grew older, it

seemed that many were also looking toward developing duplexes and small apartments, much as has occurred in older residential areas in Salt Lake City. The citizens of Centerville and of the neighborhood have expressed a desire to preserve and maintain the single-family nature of the Old Townsite, to avoid problems with dense development on small lots and to avoid overtaxing the limited and aging City services (water, sewer) that exist here. In 1978, therefore, the old townsite remains, discourage the dismantling of the Old Townsite area through demolition of older homes to facilitate lot or parcel combinations for the construction of larger new homes or the allowance of non-single-family redevelopment in response to the region's housing market.

1. The residential Zoning within the Old Centerville Townsite shall is to be maintained in a low to medium density, single-family residential housing character.
2. Policy and ordinance standards being applied in and around this area are to be evaluated and deemed compatible with preserving or applying context sensitive design and style of the broader Deuel Creek Historic District area.
- 4.3. Medium or high density non-single family residential development is prohibited for any future new or redevelopment in this area

b. Centerville Deuel Creek Historic District

The Deuel Creek Historic District encompasses an area slightly larger than the Old Townsite area, as described in CZC 12.49. This historic district overlay area is predominately comprised of residential housing styles that reflect the historic built fabric of the original city/Old Townsite. Nonetheless, the historic district also includes the original commercial area along Main Street, the City Hall and Founders Park, and areas multi-family zoning (i.e. Residential-Medium) behind and south of City Hall, and along 400 North (Parrish Lane). The Historic District's goal to preserve the past built environment and to influence and encourage new residential or non-residential development to be contextually sensitive and compatible with this historic area's character.

1. The residential zoning and uses within the Deuel Creek Historic District are to be predominantly maintained in a low to medium density residential single-family housing character to preserve the character of the historic district.
2. Policy and ordinance standards being applied in and around this Historic area are to be evaluated and deemed compatible with preserving or applying context sensitive design and style of the historic district.
3. When allowed, non-single family residential and commercial development are to incorporate layouts, designs, and styles or other elements reflecting or are contextually sensitive to the character of this historic district.
4. When allowed, non-single family residential use allowances for both residential and commercial/mixed uses zones are to be limited to low or medium residential densities, high residential density development is to be prohibited.

b.c. Centerville Elementary Area

The residential area immediately around the Centerville Elementary School has a

less distinct character than does the old townsite. A number of duplexes have been built in the area ~~over the~~ past years, as have ~~well as some newer modern style~~ single family homes. The gridiron street pattern of the old townsite was not duplicated fully in this area, leaving some large block interiors that are undeveloped. In 1978, this area was zoned R-2, partly in an effort to recognize the number of duplexes that were in existence in the area, and also to allow for a more efficient development of the block interiors. In 2003, the area was rezoned to the new Residential-Medium (R-M), which continued this expectation. The boundaries of this area are approximately along Parrish Lane -- (between Main Street & 400 East -- South Side Only), along 100 North East - from Parrish Lane to 100 North (Both Sides), Main street, and 400 East and along 100 North -- from Main Street to 100 East (North Side Only).

1. These residential areas around the Centerville Elementary School and City Hall/Founders Park shall are to consist of allow for low and medium density residential development to accommodate more efficient use of the large interior blocks that are common in this area.
2. Residential rezoning and subsequent development in this area should is to take into consideration the possible impacts upon the elementary school and from any future commercial or office development on Main Street, and buffer accordingly.
3. Policy and ordinance standards being applied in and around this area are to be evaluated and deemed compatible with preserving or applying context sensitive design and style of the Deuel Creek Historic District.
- 2-4. High density residential development is prohibited for future new or redevelopment in this area.

e.d. Centerville Junior High Area

The area around the Centerville Junior High School, from Porter Lane to Pages Lane, is also somewhat different in character than the remainder of the neighborhood. The "Riviera Townhouses," one of the highest density residential developments in this neighborhoode city, and is located just south of the school. Several large properties north and south of the junior high are currently vacant. Considerable interest has been shown recently to develop much of these remaining properties with projects similar to the Riviera Townhouses. The developed areas north and east of the junior high are all low density single family. The area around the northeast corner of Pages Lane and Main Street currently designated for commercial development, has been developed with a medium residential density project known as "The Courtyard at Pages Lane." In addition, the residential uses along Main Street, from Porter Lane to Pages Lane, are also included in the South Main Street Corridor Plan, as described in the General Plan and in CZC 12.48.

1. The areas north and east New residential zoned development surrounding of the Centerville Jr. High School shall is to be developed and maintained in low to medium density single-family residential development, primarily to be compatible with the residential development already in existence.
2. The area south of the Riviera Townhouses may be considered for medium or low density residential development. The use of planned unit developments to achieve the foregoing objectives is desirable and preferred. New future or redevelopment, from Porter Lane to Pages Lane, is to done in accordance with the expectations of "Residential

Boulevard" District in the South Main Street Corridor Plan, as described in 12-480-7. Residential uses are to be limited to low to medium residential densities.

- 2-3. High density residential development is prohibited for future new or redevelopment in this area.

d-e. Extreme South Main Street Area (Centerville/Bountiful Municipal Boundaries)

The area located south of the Pages Lane commercial center and east of Main Street is often regarded by many people as being part of Bountiful. However, the vacant property just south of the commercial center and north of the twin duplex development on 1200 South is in Centerville City. The nature of the development existing in this area (duplexes) and the proximity of the commercial buildings suggests that this area may appropriately develop with medium or low density residential or even commercial uses.

1. The extreme south Main Street area should be developed with appropriate medium or low density residential development, or with commercial uses. Any development in this area should be carefully designed to be compatible with existing development in the area, and to carefully buffer the rear of the buildings of the Pages Lane commercial center. The use of planned unit developments to achieve the foregoing objectives is desirable and preferred for residential development.
2. High density residential development is prohibited for future new or redevelopment in this area.

e-f. Southeast Residential Area

The greatest portion of southeast Centerville has been developed primarily in typical residential suburban style, with single family homes on medium and large lots. These residences are located primarily to the east and south of the old-Centerville townsite Deuel Creek Historic District. Not much vacant land exists in this area. Much of what does remain is on the hillside, where care must be taken in development to avoid erosion and other hillside problems.

1. The southeast residential area shall be developed and maintained in low to medium density single-family residential development. Those areas on hillsides shall be carefully developed with strict adherence to City hillside development regulations.
2. High density residential development is to be prohibited for future new or redevelopment in this area.

g. East Foothills & City's Hillside Parcel Area

The foothills of Centerville City are a prominent feature of the City. The foothills are comprised of a mixture of both public and private lands, within and outside the City. In 2011, Centerville City adopted a Foothills Management Plan that divide these lands into segments with defined management prescriptions for each segment.

1. Due to the complexity of maintaining natural resources, mitigating hazards, and planning the future, it is deemed that the foothills area within the Southeast Neighborhood Plan is to be governed by the adopted Foothills Management Plan and any subsequent future planning strategies adopted by the City.

**CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
2/22/2017**

Item No. 2.

Short Title: Open and Public Meetings Training - City Attorney

Initiated By: City Attorney

Scheduled Time: 7:35

SUBJECT

RECOMMENDATION

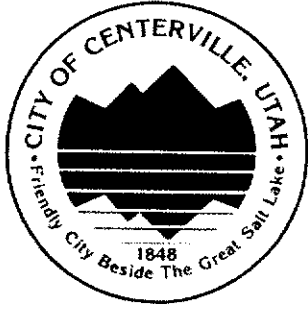
BACKGROUND

The Planning Commission is required by law to receive annual training regarding the requirements and provisions of the Utah Open Meetings Act. The City Attorney has prepared the two attached written handouts regarding open and closed meetings and will provide additional training for the Planning Commission. Also attached is a copy of the Open and Public Meetings Act audit compliance worksheet prepared by the Office of the Utah State Auditor for use in annual local government audits.

ATTACHMENTS:

Description

- ☐ Open Meetings - Handout
- ☐ Closed Meetings - Handout
- ☐ Open Meetings Audit Checklist
- ☐ Open Meetings Presentation



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

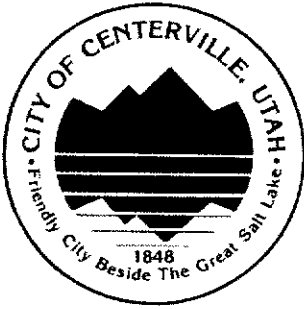
Except otherwise provided by law, written minutes and a recording shall be kept of all open meetings of the Planning Commission. Written minutes are not a verbatim transcript of the meeting but should include the substance in brief of the discussions of the Commission and any testimony or public comment. 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

250 North Main Street
Centerville, Utah 84014
801.335.8842

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.

H. OPEN AND PUBLIC MEETINGS ACT

Legal Ref.	Applicable to:	AUDIT PROCEDURES	Performed by and Date	Workpaper Index
UCA 52-4-104	ALL	1. Through inquiry with officials of the entity and observation of meeting agendas, certificates or other relevant evidence, determine that the presiding officer of a governing body ensured that members of the governing body were provided with annual training on the requirements of open and public meetings.		
		2. Select and obtain the agenda and meeting minutes for two public meetings held during the year under audit and perform the following:		
UCA 52-4-202 (1)&(3)	ALL	a. Determine that the entity gave proper notice of the meeting at least 24 hours before each meeting by posting the notice on the Utah Public Notice Website.		
UCA 52-4-202 (6)(a)	ALL	b. Determine that the agenda was reasonably specific to enable lay persons to understand the topics to be discussed.		
UCA 52-4-202 (6)(c)	ALL	c. Determine that the public body did not take any final actions on a topic in the meeting unless the topic was listed under an agenda item.		
UCA 52-4-203 (4)(e)	C, M, and LEAs	d. Determine that within three days of the meeting minutes being approved, the minutes were posted to the Utah Public Notice Website. (Exception: Charter schools are required only to <u>make the meeting minutes available</u> to the public within three days of being approved.).		
UCA 52-4-204(2)-(4)	ALL	e. If a portion of the meeting was closed to the public, determine that 1) before the meeting was closed, the reason for holding the closed meeting was documented in the meeting minutes and a roll call vote was taken, 2) the reason for closing the meeting was permitted under UCA 52-4-205, and 3) an audio recording of the closed meeting was made, or in the case of meetings closed to discuss issues noted in UCA 52-4-205(1)(a)(i)(f) or (2), the presiding person had executed a sworn statement that the sole purpose of the closed meeting was to discuss those issues.		

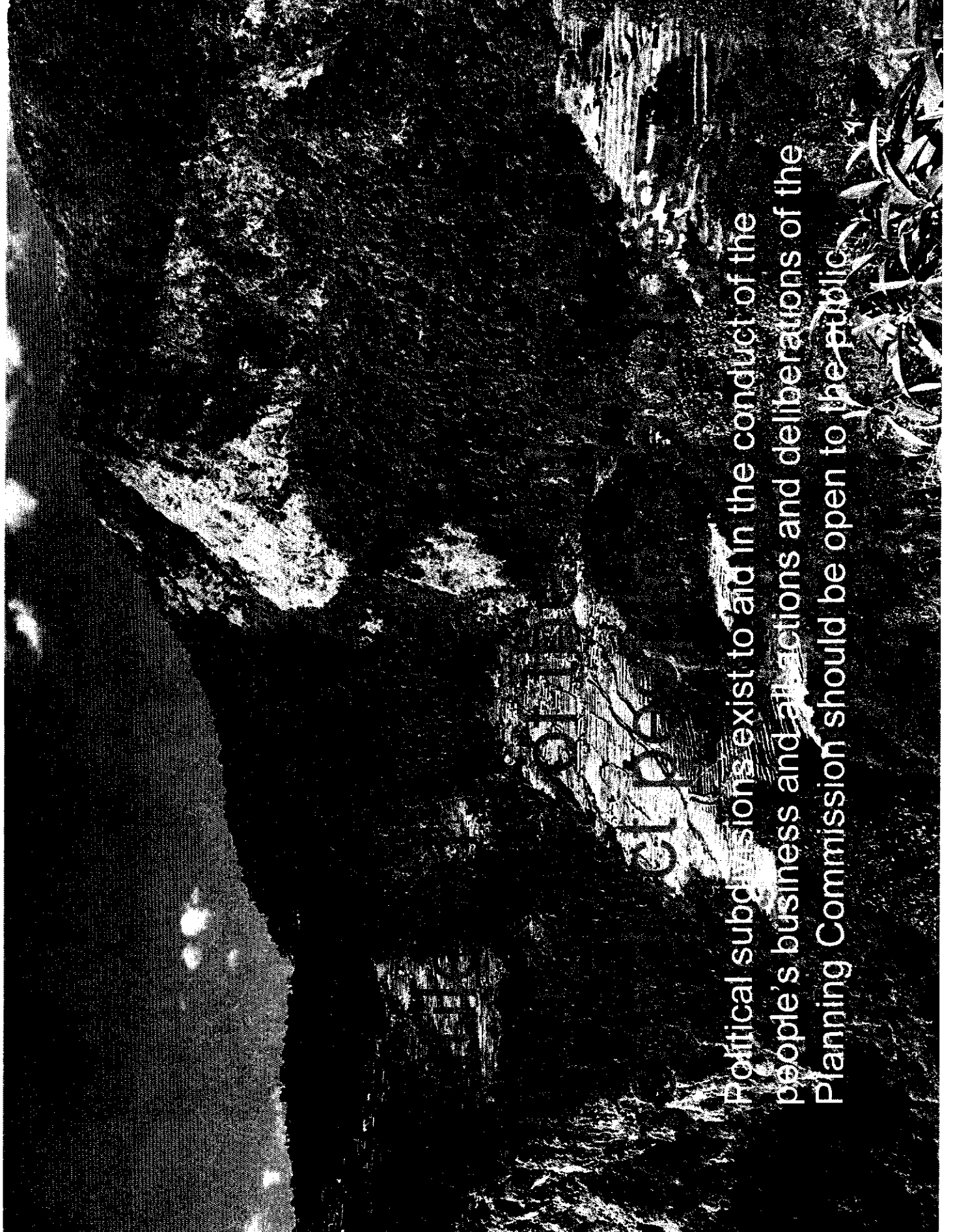
* C=County; M=Municipality (City/Town); D=Special Service or Local Districts; IL=Interlocal Entity;
LEA=Local Education Agency (School Districts and Operating Charter Schools, including charter schools organized as nonprofits)

Legal Ref.	Applicable to:	AUDIT PROCEDURES	Performed by and Date	Workpaper Index
UCA Towns: <u>10-5-106</u> thru <u>106</u> Cities: <u>10-6-110</u> , <u>113</u> , <u>135</u> Districts: <u>17B-1-605</u> thru <u>607, 608</u> Counties: <u>17-36-9</u> , <u>10-1, 12</u> LEAs: <u>53A-19-101</u> thru <u>102</u> Interlocals: <u>11-13-509</u>	ALL (except charter schools)	3. Ensure that the entity provided the required notice for its original and final budget adoption hearing by reviewing the certified copy of the notice. a. Municipalities, counties, and districts are required to provide a 7-day notice. b. LEAs (except charter schools) are required to provide a 10-day notice. NOTE on charter schools: UCA 53A-1a-511(4)(e) exempts Charter Schools from UCA 53A-19-102 which requires LEA's to prepare and notice a budget. Effective May 10, 2016, while charter Schools will be required to prepare a budget in accordance with UCA 53A-19-102 (per SB239 in the 2016 Legislative general session), they are still <u>not</u> <u>required</u> to publish notice.		
UCA <u>52-4-201</u>	ALL	4. Determine if the governing board regularly holds "work meetings" before its regularly scheduled board meetings. If so, select two meetings and determine that notice and minutes requirements in step 2 were met if a quorum was present.		

CONCLUSION (adequacy of the controls, significant deficiencies/material weaknesses, and management letter comments):	Performed by and Date	Workpaper Index

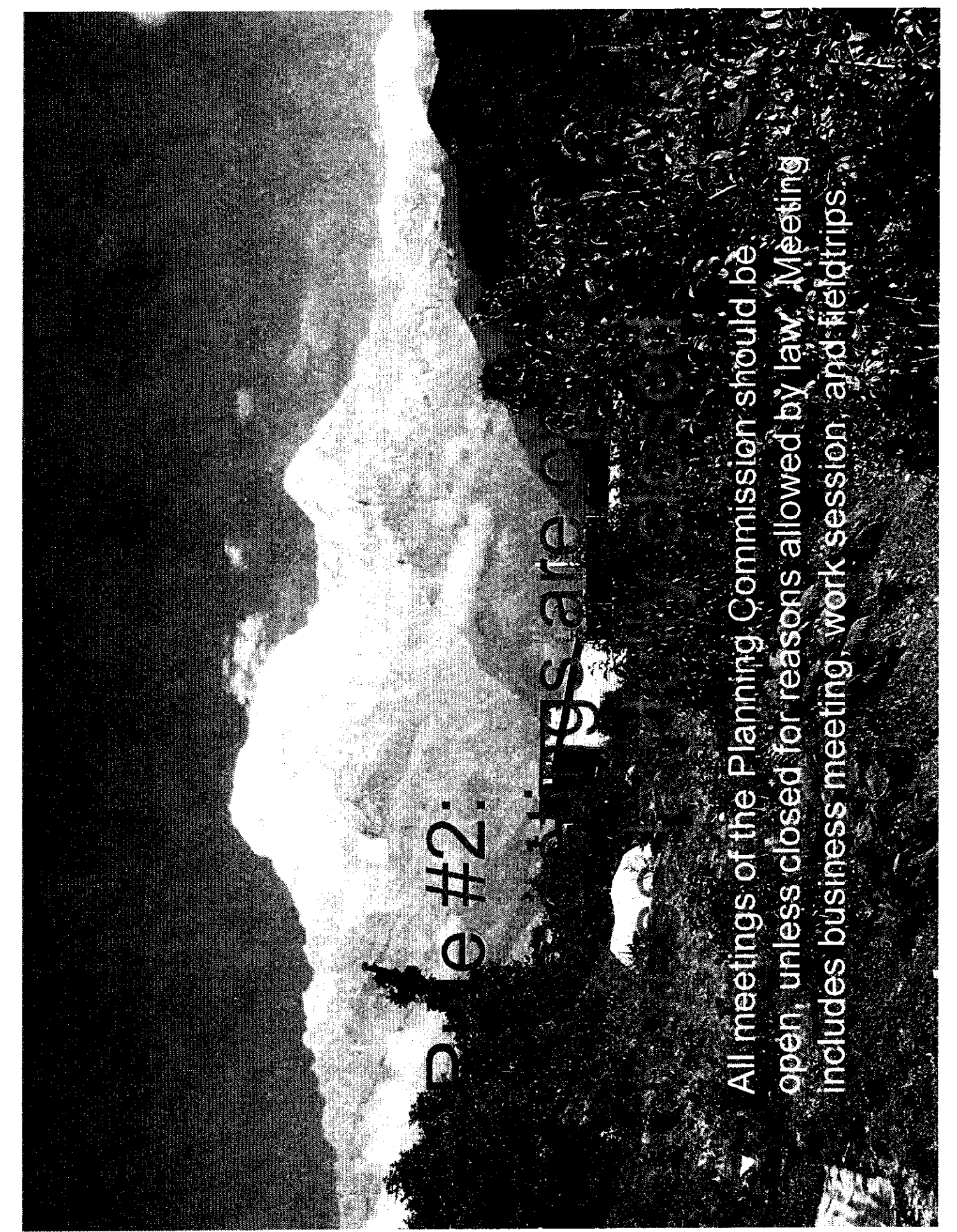
* C=County; M=Municipality (City/Town); D=Special Service or Local Districts; IL=Interlocal Entity;
LEA=Local Education Agency (School Districts and Operating Charter Schools, including charter schools organized as nonprofits)

Centerville Planning Commission Training
February 22, 2017

A high-contrast, black and white photograph of a rocky coastline. The foreground is dominated by dark, jagged rock formations. In the middle ground, a small boat is visible on the water. The background shows a lighter, possibly sandy or rocky shore. The overall image has a grainy, high-contrast aesthetic.

Clippings

Political subdivisions exist to aid in the conduct of the people's business and actions and deliberations of the Planning Commission should be open to the public.

A black and white photograph of a mountain range. In the foreground, a person is standing on a rocky ridge, looking out over the landscape. The middle ground shows a series of jagged mountain peaks, some covered in snow or light-colored rock. The background is a dark, hazy sky. The overall tone is dramatic and scenic.

Rule #2:

Meetings are open

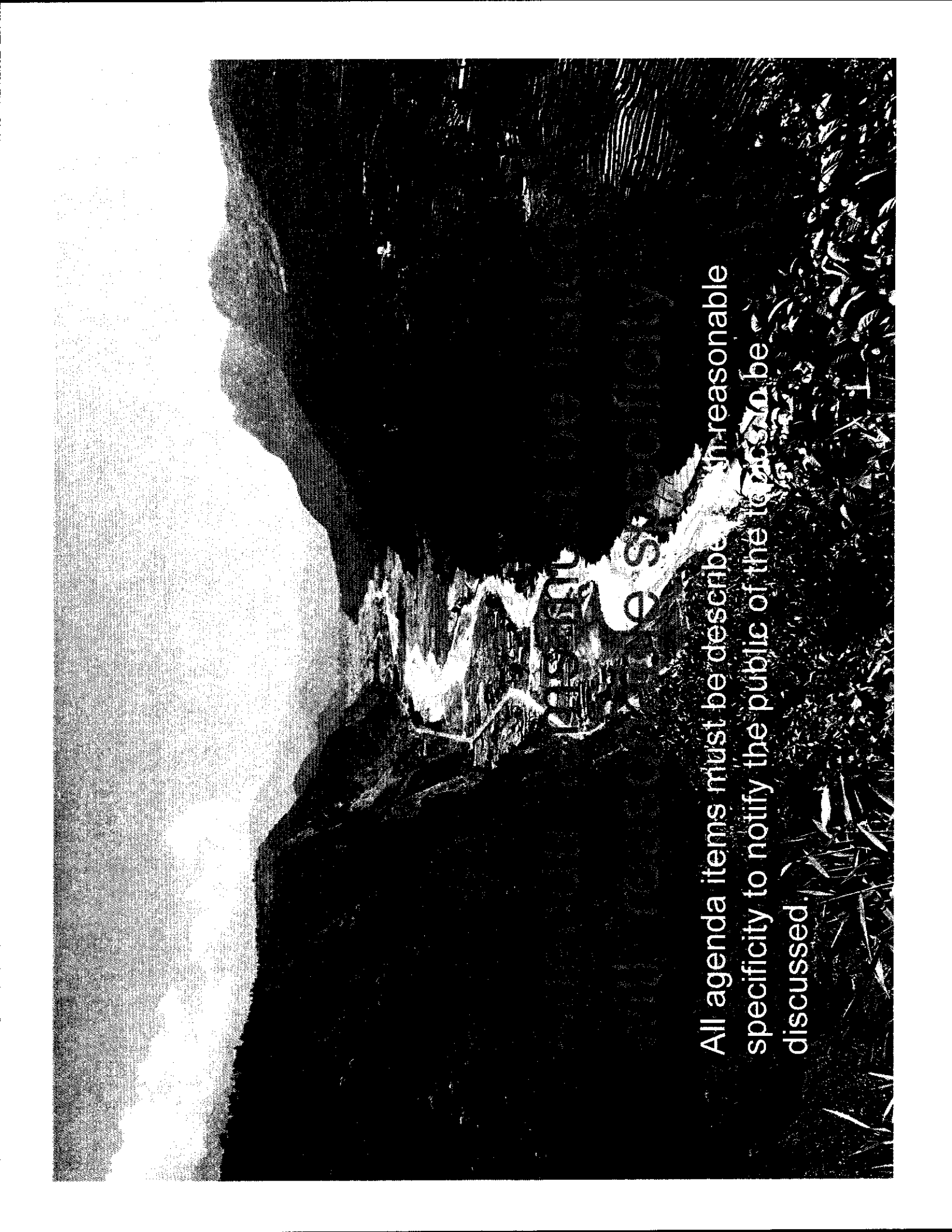
- ▶ All meetings of the Planning Commission should be open, unless closed for reasons allowed by law. Meeting includes business meeting, work session, and fieldtrips.

resent

just

the

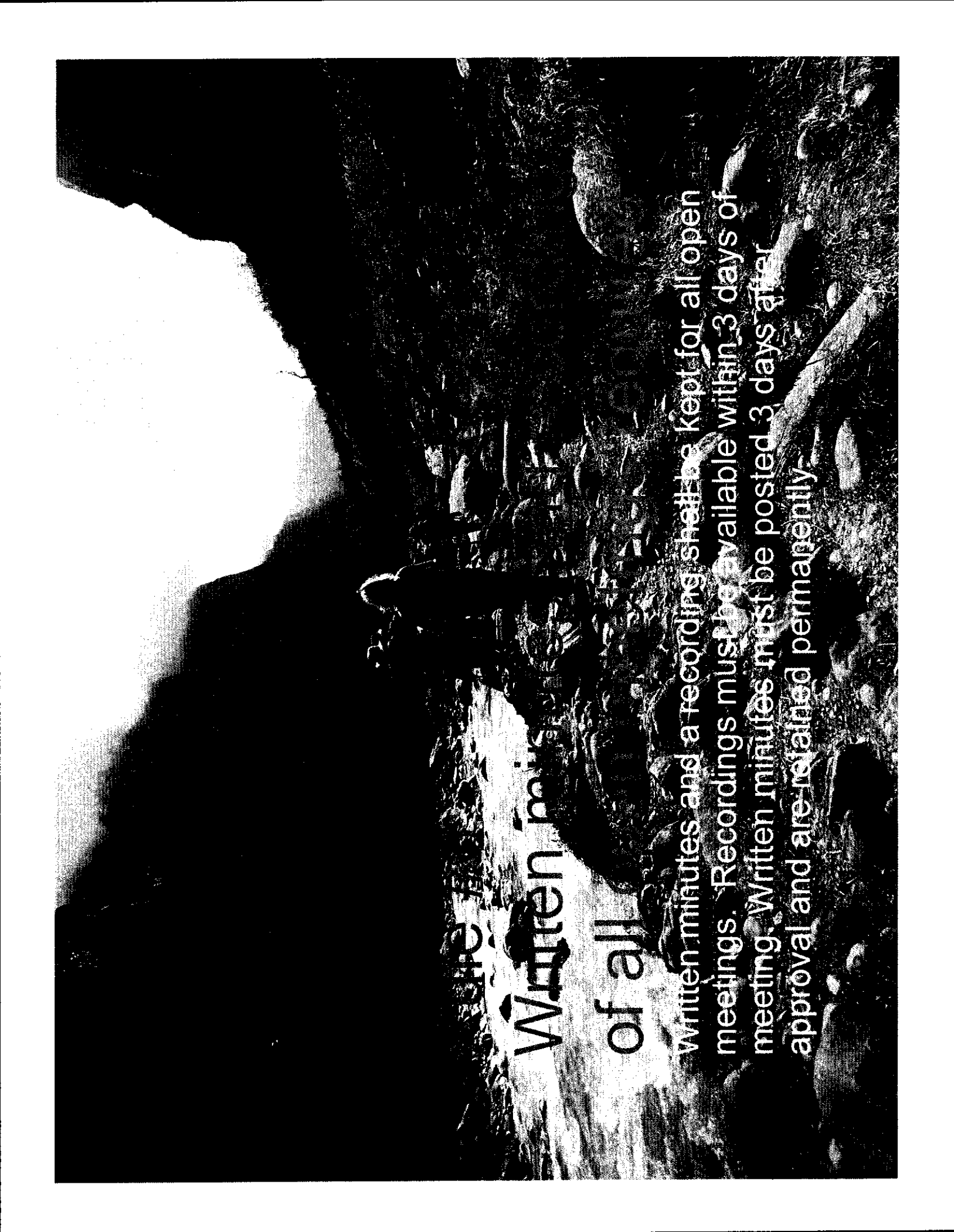
A quorum of the Planning Commission on must be present to conduct business. Quorum of the Planning Commission is 10 members.



All agenda items must be described in reasonable specificity to notify the public of the topics to be discussed.

Rule #5:

Topics raised by the public may be discussed even if such topics were not on the agenda, but no final action may be taken on any such items not on the agenda



Written minutes of all

Written minutes and a recording shall be kept for all open meetings. Recordings must be available within 3 days of meeting. Written minutes must be posted 3 days after approval and are retained permanently.

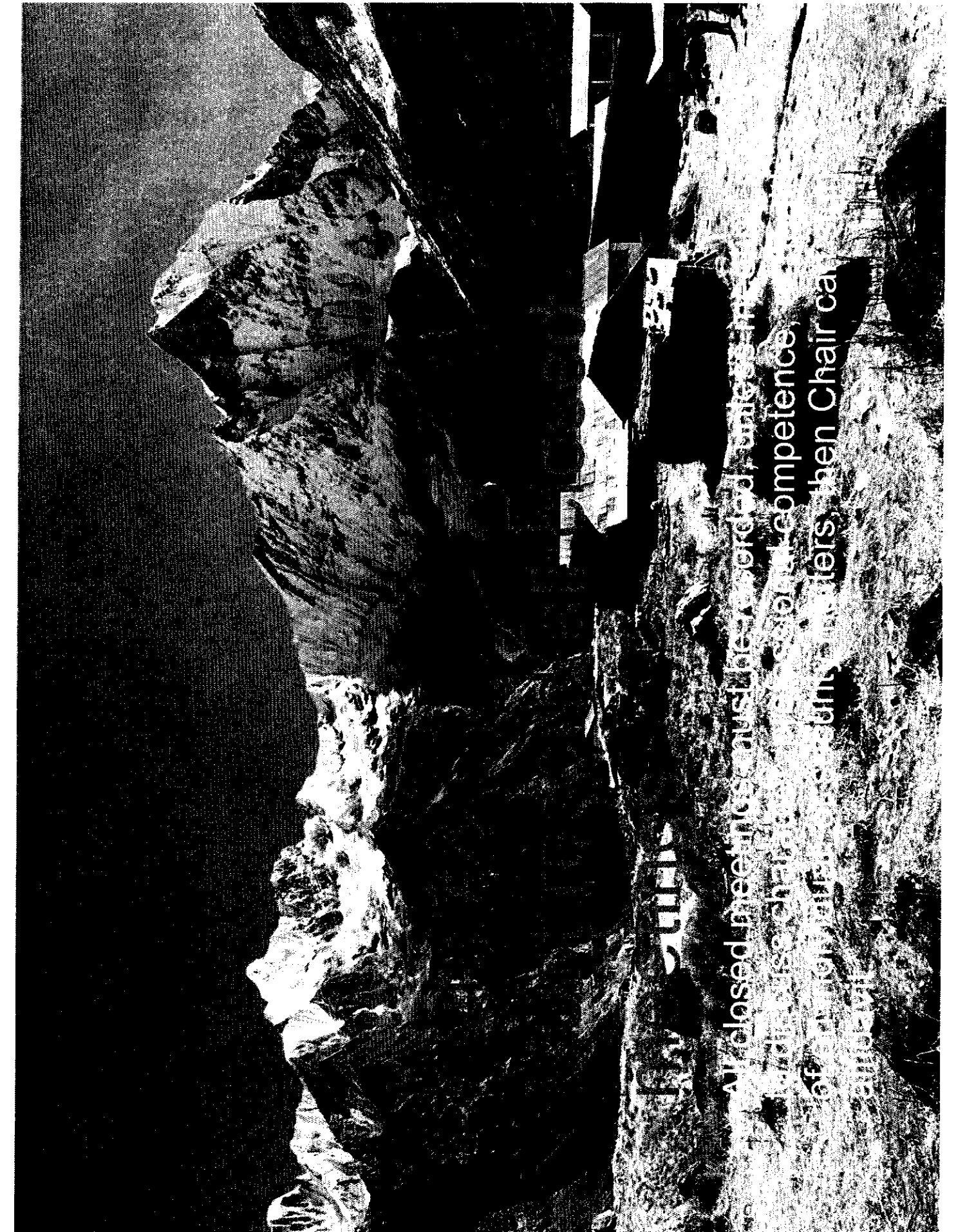


let's

only go into a closed

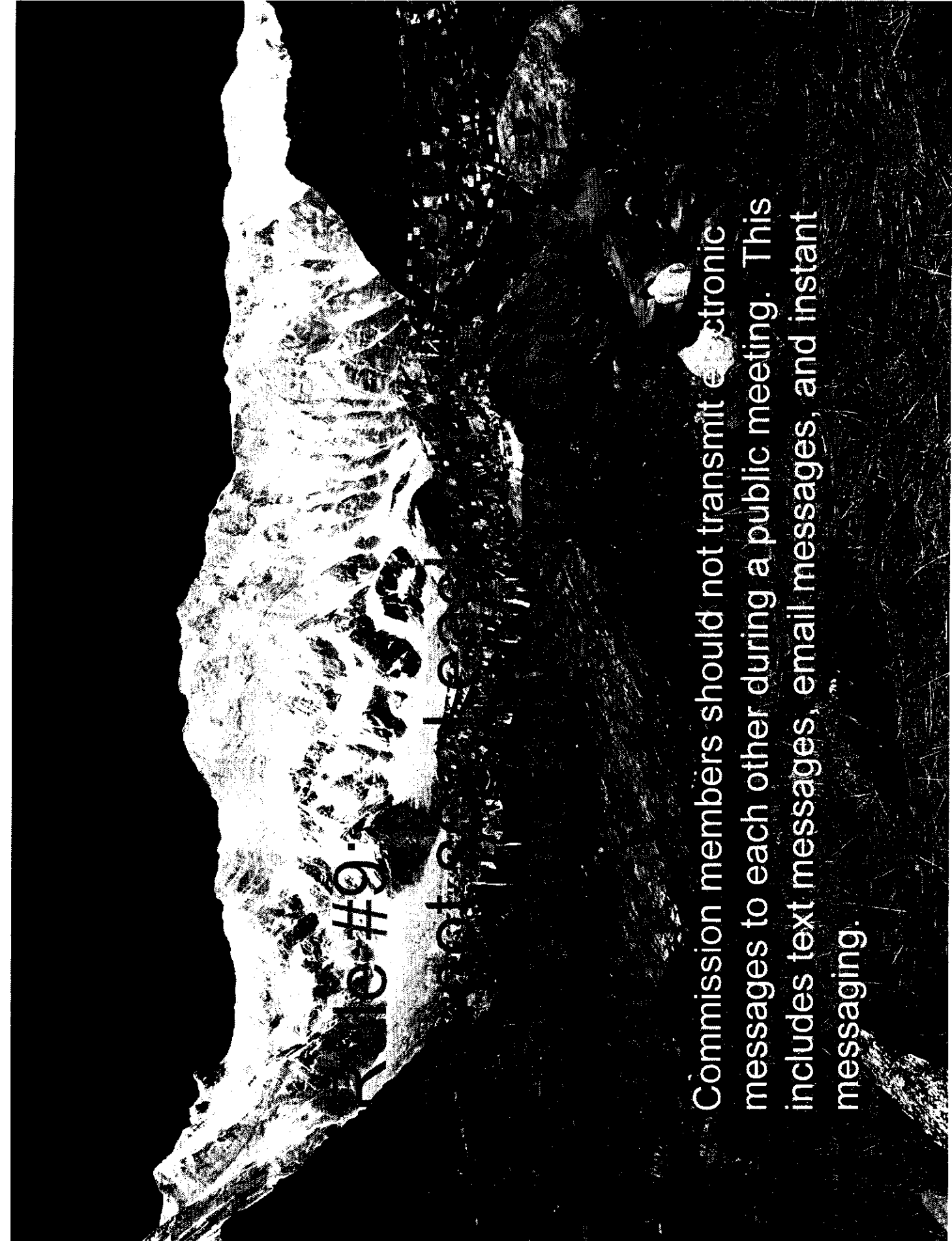
meeting to discuss certain matters allowed by law. Know

your reasons and state them on the record.



Law & Ethics

All closed meetings must be recorded, unless the Chair can demonstrate a compelling need for confidentiality. If the case chair determines that a compelling need exists, then Chair can



Rule #9

not to

Commission members should not transmit electronic messages to each other during a public meeting. This includes text messages, email messages, and instant messaging.

