

## CENTERVILLE CITY COUNCIL AGENDA

**NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY COUNCIL WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 PM ON JANUARY 19, 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 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. Upon request, a citizen may obtain (without charge) the City Manager's memo summarizing the agenda business, or may read this memo on the City's website: <http://centerville.novusagenda.com/agendapublic>.**

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

**Time:**

5:30 Work Session with State Legislators

7:00 **A. ROLL CALL**

(See City Manager's Memo for summary of meeting business)

**B. PLEDGE OF ALLEGIANCE**

**C. PRAYER OR THOUGHT**

Councilwoman Stephanie Ivie

7:05 **D. OPEN SESSION (This item allows for the public to comment on any subject of municipal concern, including agenda items that are not scheduled for a public hearing. Citizens are encouraged to limit their comments to two (2) minutes per person. Citizens may request a time to speak during Open Session by calling the City Recorder's office at 295-3477, or may make such request at the beginning of Open Session.) Please state your name and city of residence.**

**E. BUSINESS**

- 7:10 1. Minutes Review and Acceptance  
January 5, 2016 Swearing-In Ceremony, regular City Council meeting and closed meeting minutes
- 7:10 2. Summary Action Calendar
- a. Appointment of City Recorder and City Treasurer - Consider Resolution No. 2016-04 designating and appointing qualified persons to the offices of City Recorder and City Treasurer
  - b. Appointments to the Board of Directors for the South Davis Metro Fire Service Area and Fire Agency - Consider Resolution No. 2016-05
  - c. Approve Allowance of Non-Right Angle Lot Line between Lot 3 and Lot 4 of the H & H Commercial Park Subdivision located at approximately 1100 West 650 North and 669 North 1000 West
  - d. Authorize expenditure for replacement of infield soil on the northeast baseball diamond in Community Park
- 7:15 3. Zone Map Amendment (Rezone) - Holbrook Property - 1851 North Main Street  
Tabled from January 5, 2016 City Council Meeting -- Consider proposed Zone Map Amendment (rezone) for property located at approximately 1851 North Main Street (Holbrook Trust) from A-L (Agricultural-Low) to R-L (Residential-Low) - Ordinance No. 2016-01
- 7:30 4. Public Hearing - Zoning Ordinance Text Amendments, Chapter 12-60, Accessory Dwelling Units (ADUs)  
Consider Zoning Ordinance Text Amendments regarding Accessory Dwelling Units (ADUs), including amendments to Section 12-12-040 regarding definitions for ADUs, amending Table 12-36 regarding Table of Uses, and enacting Chapter 12-60 regarding ADUs - Consider Ordinance No. 2016-04
- 8:15 5. Consider options for video streaming Council meetings
- 8:30 6. Municipal Code Amendments - Title 9 - Water  
Consider Ordinance No. 2016-05 amending and renumbering various provisions of Title 9 of the Centerville Municipal Code regarding Water
- 8:40 7. Discuss Proposed Amendments to Section 13-03-062 of the Centerville Municipal Code regarding Discharge of Missiles or Projectiles
- 8:55 8. Discuss Proposed Amendments to the South Main Street Corridor (SMSC) Overlay Zone regarding Public Space Plan and Maximum Gross Density
- 9:15 9. Financial Report for period ending December 31, 2015
- 9:30 10. Mayor's Report
- a. Fire Agency
  - b. ULCT Legislative Policy Committee appointment
  - c. UTOPIA/UIA update
- 9:35 11. City Council Liaison Report  
Councilwoman Tami Fillmore will report on the Recreation District and the Parks & Recreation Committee
- 9:45 12. City Manager's Report
- a. Schedule work sessions
  - b. Hiring an intern
- 9:50 13. Miscellaneous Business

- 9:55            14.        a. Set dates for July 4th Celebration activities  
                  Open and Public Meetings Training by City Attorney
- 10:10           15.        Closed meeting, if necessary, for reasons allowed by state law, including, but not limited to, the provisions of Section 52-4-205 of the Utah Open and Public Meetings Act, and for attorney-client matters that are privileged pursuant to Utah Code Ann. § 78B-1-137, as amended
- 10:10           16.        Possible action following closed meeting, including appointments to boards and committees
- 10:10           17.        Adjourn to RDA meeting

**F.    ADJOURNMENT**

Items of Interest (i.e., newspaper articles, items not on agenda); Posted in-meeting information

Marsha L. Morrow, MMC  
Centerville City Recorder

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
1/19/2016**

Item No.

Short Title: Work Session with State Legislators

Initiated By: Mayor Cutler

Scheduled Time: 5:30

**SUBJECT**

**RECOMMENDATION**

**BACKGROUND**

The Utah League of Cities and Towns encourages city councils to meet with their State Legislators each year prior to the Legislative Session to discuss issues affecting cities that may be the subject of State legislation, and to establish a relationship and foundation for communications during the Session. Based on a review of issues with the Mayor, the City Manager prepared the attached memo which has been sent to the Legislators representing Centerville: Senator Stuart Adams, Senator Todd Weiler and Representative Tim Hawkes. The memo identifies several issues to discuss with the Legislators, along with any other topics that Council Members or the Legislators may want to discuss.

**ATTACHMENTS:**

Description

- ☐ Memo re Legislative Issues



# CENTERVILLE CITY

250 North Main • Centerville, Utah 84014-1824 • (801) 295-3477 • Fax: (801) 292-8034

Incorporated in 1915

*Mayor*

Paul A. Cutler

*City Council*

Tamilyn Fillmore

William Ince

Stephanie Ivie

George McEwan

Robyn Mecham

*City Manager*

Steve H. Thacker

To: Senator Stuart Adams  
Senator Todd Weiler  
Representative Timothy Hawkes

From: Steve Thacker, Centerville City Manager

Date: January 15, 2016

Subject: Legislative Issues for Discussion at Centerville City Work Session

Thank you for accepting the invitation to meet with Centerville City elected officials and staff in a work session on Tuesday, January 19 at 5:30 at the Centerville City Hall. Dinner will be provided beginning about 5:15 p.m. We can eat while we discuss issues anticipated in the upcoming Legislative Session that may affect our community. We will conclude by 7 p.m. in order to begin our regular City Council meeting at that time.

We would like to address some specific issues that may be the subject of bills in this Legislative Session. We would also like to give each of you a few minutes to tell us of any other issues or bills that you anticipate may affect us. Identified below are matters that we would like to address with you specifically:

- **Appreciation for your work to date.** We want to thank you for any influence you may have applied to convince UDOT to include a pedestrian bridge for our city in the recent I-15 project. Fencing has yet to be installed, but should be in place by May so our residents can use this much-needed structure. We also want to thank you for your support of legislation last year that will increase gasoline tax revenue and provided the opportunity for our residents to vote for a transportation sales tax. This infusion of new revenue will be of great help in maintaining our local streets.
- **Sales tax from online sales.** Online sales are increasing at a greater rate than in-store purchases, so we are concerned about the impact of this trend on local option sales tax revenue.
- **Sales tax distribution formula.** We would like to know if you anticipate a legislative effort to revise the current distribution formula for local option sales tax revenues.
- **Body cameras.** The Centerville Police Department has been using body cameras for some time, so any legislation that affects the use of these cameras is of interest to us. We are particularly concerned about the cost of any state-mandated regulations and the potential liability associated with those regulations.
- **Public Safety Retirement System.** The Utah League of Cities and Towns is participating in discussions about potential changes in the Public Safety portion of the State Retirement System. The assumption is that the Tier II retirement benefit may be one of the factors in lower numbers of candidates seeking law enforcement careers. Our Police Chief, Paul Child, may join us for the discussion of this issue and the body cameras topic.
- **Local land use authority.** Apparently there is another push by developer interests to support bills that would further restrict local authority for land use planning, zoning, etc.
- **Regional connector road between Centerville and Farmington.** This is not the subject of a specific bill, but we would like you to be aware of Centerville's desire to see a new road connecting Centerville and Farmington west of I-15.



**CENTERVILLE**

**Staff Backup Report  
1/19/2016**

Item No.

Short Title: (See City Manager's Memo for summary of meeting business)

Initiated By:

Scheduled Time:

**SUBJECT**

**RECOMMENDATION**

**BACKGROUND**

**ATTACHMENTS:**

Description

- ☐ City Manager Summary of January 19, 2016 Council meetings



# CENTERVILLE CITY

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Mayor

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City Council

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Stephanie Ivie

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Robyn Mecham

City Manager

Steve H. Thacker

## interoffice MEMORANDUM

**to:** Mayor Cutler  
City Council

**cc:** Department Heads  
Planning Commission

**from:** Steve H. Thacker, City Manager *A. Thacker*

**subject:** City Manager's Summary of January 19, 2016 Council Meetings

**date:** January 15, 2016

**5:30** Work Session with State Legislators – The City Council will meet at 5:30 p.m. with State Legislators representing Centerville to discuss municipal issues that may be the subject of bills in the 2016 Legislative Session. Senator Stuart Adams, Senator Todd Weiler and Representative Tim Hawkes have been invited. Dinner will be available beginning at 5:15 p.m. A memo identifying several issues to discuss has been sent to the Legislators and is posted on NovusAgenda.

**7:00** Regular City Council Meeting

**E.1.** Minutes Review – The minutes to be approved are available online via NovusAgenda.

**E.2.** Summary Action Calendar

- a. Appointment of City Recorder and Treasurer** – State law requires the City Council to appoint a City Recorder and City Treasurer by the first Monday in February following each municipal election. Mayor Cutler and I recommend reappointment of the current employees holding these positions--Marsha Morrow as City Recorder and Jolene Jackson as City Treasurer.
- b. Fire Board Appointments** – Mayor Cutler is currently serving on the South Davis Metro Fire Agency Board and is to be appointed to the South Davis Metro Fire Service Area Board, which will eventually replace the Fire Agency Board. The Resolution also appoints Councilwoman Ivie as the City's Alternate Member on both boards.
- c. Lot Line Adjustment** – Normally staff have the authority to approve lot line adjustments. However, in this case, because the resulting boundary line will jog rather than be straight at a right angle to the road, City Council approval is needed. Staff do not object to the adjustment.
- d. Replacement of Infield Soil** – Several years ago the soil was replaced on three of the four diamond infields in Community Park. The fourth infield was postponed due to a drop in City revenues. With the passage of the RAP Tax extension, revenues will be available in the current fiscal year that could be used for this purpose. Baseball program supporters have raised nearly \$5000 in the past few years for this project, but need another estimated \$5000 - \$7000 to pay for the materials for this last replacement. The labor would be performed by Parks employees. I recommend the Council authorize this expenditure so the work can be done before the baseball season begins this year.

- E.3. Zone Map Amendment** – This is a continuation of the Holbrook property rezone from the January 5 council meeting. The applicant representing the property owners offered to meet with other property owners in the area that would be affected by this rezone and see if they could agree on a solution to the property access issue. The Council will hear a report from Gary Perkins about any progress made since the last meeting before acting on this matter. Much more background information is available online.
- E.4. Public Hearing—Zoning Ordinance re Accessory Dwelling Units (ADUs)** – This public hearing was originally set for December 15, 2015, but was postponed to let the new Council deal with it. Based on comments from several current council members, I anticipate the Council will want more time to consider this matter after the public hearing on Tuesday evening. Extensive documents are available online, including the ordinance as proposed by the Planning Commission and minutes of several of their meetings. The proposed ordinance would allow accessory dwelling units subject to specific conditions and limitations.
- E.5. Video Streaming Council Meetings** – Per a directive in the most recent council meeting, staff have researched options and obtained several quotes for video streaming council meetings, making these available online live as well as for later access. Blaine Lutz will report on the options and costs.
- E.6. Municipal Code Amendments—Title 9** – The City Attorney has updated/reformatted Title 9 (Water) in preparation for moving the City Code to an online service. Randy Randall, Public Works Director, participated in this update.
- E.7. Proposed Amendments to Code regarding Discharge of Projectiles** – Councilmembers McEwan and Ivie requested this matter be added to the agenda. They wish to propose amendments to Section 13-03-062 which restricts the use of BB guns, slingshots, etc. within City limits.
- E.8. Proposed Amendments to South Main Street Corridor (SMSC) Overlay Zone** – Councilmembers Ivie and Mecham requested this matter be added to the agenda. They would like the Council to consider amendments to the Public Space Plan and Maximum Gross Density sections of this ordinance. Any amendments desired by the City Council would have to be considered formally by the Planning Commission and then the City Council, with public hearings before both bodies.
- E.9. Financial Report** – Blaine Lutz, Finance Director/Assistant City Manager, has prepared a summary financial report for the six months ending December 31, 2016.
- E.10. Mayor's Report** – Mayor Cutler will report on the Fire Agency and UTOPIA/UIA. He also would like to know if any councilmember wants to serve as one of the City's reps on the Legislative Policy Committee of the Utah League of Cities and Towns.
- E.11. City Council Liaison Report** – Councilwoman Fillmore serves as the City's rep on the South Davis Recreation District Board and as Council's liaison to the City's Parks & Rec Committee. She will report on the activities/issues of these two organizations.
- E.12. City Manager's Report** – I am proposing several work sessions for the Council as identified in the staff report. I also recommend hiring an intern for four months to help the City address a critical need regarding sidewalks—i.e. to inventory the condition of all sidewalks in the City and establish priorities for repairing unsafe conditions.

- E.13. Miscellaneous Business** -- Mayor Cutler will lead the Council in a discussion about whether to hold July 4th activities on July 1st/2nd or July 2nd/4th. The holiday falls on a Monday this year.
- E.14. Open & Public Meeting Training** – The City Attorney has prepared written summaries of State law on this topic. She is assuming the Council will read these documents in advance and come with questions. State law requires city councils, committees, etc. to receive annual training on this topic.
- E.15. Closed Meeting, if necessary** – At this time I do not know of a need for a closed meeting, but the agenda allows for that possibility.
- E.16. Appointments to City Boards/Committees** – Mayor Cutler may recommend appointments to City boards/committees.
- E.17. Redevelopment Agency (RDA) Meeting** – Following their regular meeting, the City Council will adjourn into an RDA Board meeting to appoint a Chair and Vice-Chair as well as RDA reps to the Administrative Control Board of the Davis Center for the Performing Arts. Then I will brief the new RDA Board members of current RDA funding commitments to several projects in the Parrish Lane corridor.

***Potential Agenda Items for February 2, 2016 City Council or RDA meetings (subject to change):***

- Work Session re Audit Report, City/RDA finances
- Cost-sharing agreement with Maverik re bike trailhead improvements
- Continued discussion of ADU ordinance
- Amendments to Historic District ordinance re commercial incentives
- Bid award for pedestrian bridge/Parrish Lane fencing
- Request by Councilwoman Ivie re Museum Director position

mlm

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
1/19/2016**

Item No.

Short Title: Councilwoman Stephanie Irie

Initiated By:

Scheduled Time:

**SUBJECT**

**RECOMMENDATION**

**BACKGROUND**

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
1/19/2016**

Item No. 1.

Short Title: Minutes Review and Acceptance

Initiated By: City Recorder

Scheduled Time: 7:10

**SUBJECT**

January 5, 2016 Swearing-In Ceremony, regular City Council meeting and closed meeting minutes

**RECOMMENDATION**

**BACKGROUND**

**ATTACHMENTS:**

Description

- ☐ January 5, 2016 Swearing-in Ceremony minutes
- ☐ January 5, 2016 regular Council meeting minutes
- ☐ January 5, 2016 closed meeting minutes

1 Centerville City Newly Elected Officials Swearing-In Ceremony held Tuesday, January 5, 2016 at  
2 6:30 p.m. in the Centerville City Hall Council Chambers, 250 North Main Street, Centerville, Utah.

3  
4 **MEMBERS PRESENT**

5  
6 Mayor Paul A. Cutler

7  
8 Council Members Tamilyn Fillmore  
9 William Ince  
10 Stephanie Ivie  
11 George McEwan  
12 Robyn Mecham

13  
14 **STAFF PRESENT**

15 Steve Thacker, City Manager  
16 Blaine Lutz, Finance Director/Assistant City Manager  
17 David L. Miller, Centerville Justice Court Judge  
18 Lisa Romney, City Attorney  
19 Marsha Morrow, City Recorder  
20 Katie Rust, Recording Secretary

21 **NATIONAL ANTHEM**

Chase Petersen

22  
23 **SWEARING-IN CEREMONY**

24  
25 Following welcoming comments, Judge David Miller conducted the swearing-in of new  
26 Council members William Ince, George McEwan, and Robyn Mecham. Judge Miller commended  
27 the Council members for participating in this continuing experiment of democracy, and brief  
28 comments of appreciation were offered by the new Council members.

29  
30 The ceremony ended at 6:37 p.m.

31  
32  
33  
34  
35  
36 \_\_\_\_\_  
Marsha L. Morrow, City Recorder

\_\_\_\_\_ Date Approved

37  
38  
39  
40  
41  
42 \_\_\_\_\_  
Katie Rust, Recording Secretary

## ***PRELIMINARY DRAFT***

1 Minutes of the Centerville **City Council** meeting held Tuesday, January 5, 2016 at 7:00 p.m. at  
2 Centerville City Hall, 250 North Main Street, Centerville, Utah.

### **MEMBERS PRESENT**

6 Mayor Paul A. Cutler

8 Council Members Tamilyn Fillmore  
9 William Ince  
10 Stephanie Ivie  
11 George McEwan  
12 Robyn Mecham

### **STAFF PRESENT**

14 Steve Thacker, City Manager  
15 Blaine Lutz, Finance Director/Assistant City Manager  
16 Lisa Romney, City Attorney  
17 Cory Snyder, Community Development Director  
18 Jacob Smith, Management Assistant  
19 Katie Rust, Recording Secretary

### **VISITORS**

21 Interested citizens (see attached sign-in sheet)

### **PLEDGE OF ALLEGIANCE**

25 **PRAYER OR THOUGHT** Mayor Cutler

### **COLORING CONTEST WINNERS**

29 Mayor Cutler presented awards to winners of the Youth Council coloring contest who  
30 were unable to attend the December 15, 2015 Council meeting.

### **OPEN SESSION**

34 Dale McIntyre – Mr. McIntyre referenced a comment made during the open session on  
35 December 3, 2013 regarding whether or not Centerville police officers take an oath to defend  
36 the Constitution. Mr. McIntyre stated the White House Press Secretary has announced that  
37 President Obama is preparing a series of executive orders to limit Second Amendment rights.  
38 He asked, if the President does sign those executive orders, if the Centerville Police  
39 Department would enforce those orders, or stand by their sworn duty to defend the Constitution.  
40 Mayor Cutler responded that he has not received communication from the President regarding  
41 directives to Centerville, and stated that the City will continue to follow the law as written.

43 Rick Bingham – Mr. Bingham thanked past members of the City Council for their service,  
44 and thanked those who are new to the Council. He expressed appreciation for all those who  
45 serve in the community.

47 Larry Wright – Former Councilman Wright expressed appreciation to the current Council  
48 members for the hours of service they will perform in behalf of the community.

50 Kyle Green – Mr. Green expressed appreciation to past and new members of the City  
51 Council. December 31<sup>st</sup> was the cutoff for the deer trapping season, and Mr. Green asked  
52 about the results of the City's trapping efforts. Mayor Cutler reported that three deer were taken  
53 before the end of the trapping season. In addition, multiple deer have been hit by automobiles  
54 within the City in recent weeks. Mr. Thacker added that trapping is expected to resume in  
55 August of this year.

1                    **MINUTES REVIEW AND ACCEPTANCE**

2  
3                    The minutes of the December 15, 2015 Council meeting were reviewed. Councilwoman  
4 Fillmore made a **motion** to approve the minutes. Councilman Ince seconded the motion, which  
5 passed by unanimous vote (5-0).  
6

7                    **PUBLIC HEARING – LEGACY TRAILS SUBDIVISION – PLAT AMENDMENT**

8  
9                    Cory Snyder, Community Development Director, explained a misunderstanding on  
10 Maverick’s part regarding the size of Legacy Trails Subdivision Lot 1, and the subsequent  
11 request to amend the boundaries. The request involves a reduction in the width of the common  
12 access lane from 30 feet to 28 feet. Staff recommends approval of the proposed Amendment.  
13 Councilwoman Mecham asked if the common access lane will be used by emergency vehicles.  
14 Mr. Snyder responded that the lane will be a secondary access for emergency vehicles. The  
15 primary emergency access will be the roundabout on 1250 West. Emergency vehicles require a  
16 minimum width of 20 feet. Parking will not be allowed on the common access lane.  
17

18                    At 7:20 p.m. Mayor Cutler opened a public hearing.

19  
20                    Garth Heer – Mr. Heer asked if the error was on the original public documents, or was a  
21 mistake made when the maps were read. He also asked if the effect on emergency vehicles of  
22 reducing the common access lane by two feet has been examined.  
23

24                    Dale McIntyre – Mr. McIntyre asked if the property owners were involved in the  
25 discussions between Maverick and the City that resulted in the request to reduce the common  
26 access lane width.  
27

28                    Holly Ince – Ms. Ince expressed concern that the main emergency access for the  
29 development will be through the roundabout. She said she was present in a meeting when the  
30 Fire Department stated that the roundabout is a problem, and said she does not think it sounds  
31 like a good idea.  
32

33                    Mayor Cutler closed the public hearing at 7:22 p.m. Mr. Snyder stated that the  
34 misunderstanding occurred when Maverick anticipated the lot size incorrectly. A median will be  
35 installed on Parrish Lane in conjunction with the project, making left-hand turns off of Parrish  
36 Lane into the development impossible. Primary access into the development will be from the  
37 roundabout. Mr. Snyder said the Fire Department has approved construction of up to 90  
38 residential units with the singular access, and he is not aware of the Fire Department having a  
39 problem with the roundabout. Construction of the remaining units cannot occur until the  
40 secondary access is added. The Maverick lot will also have a secondary access point.  
41

42                    Councilwoman Fillmore made a **motion** to approve Subdivision Plat Amendment for the  
43 Legacy Trails Subdivision located at approximately 1250 West and Parrish Lane, subject to the  
44 recommended conditions and findings. Councilman Ince seconded the motion. Councilwoman  
45 Ivie stated she is still concerned about fire access. Mr. Snyder responded that Fire Department  
46 review generally takes place during the building permit process, but the Council could choose to  
47 condition approval of the Amendment based on Fire Department review and acceptance. He  
48 repeated that fire access lane width is a clear space of 20 feet. Councilwoman Ivie stated she  
49 would be more comfortable with Fire Department approval. Councilwoman Fillmore **amended**  
50 **her motion** to add a condition of review by the Fire Department. Councilman Ince seconded  
51 the amended motion.  
52

1            Chad Salmon – As petitioner, Mr. Salmon stated that the Fire Department has been  
2 involved continually and fully from the beginning, and has approved everything. The original  
3 plan for the property included a single access at the roundabout. Since that time two secondary  
4 access points have been added.

5  
6            The amended motion passed by unanimous vote (5-0).

7  
8            Conditions:

- 9  
10           1) Preparation and submittal of a final linen subdivision plat to the City Recorder's  
11 Office to reflect the changes to Lot 1 and the common access lane.  
12           2) Submit and obtain written approval from the Owner's Association and record and  
13 related changes as part of the recording of the amended plat.  
14           3) All original subdivision plat notes are also indicated on the linen of the new plat to be  
15 recorded, as deemed acceptable by the City Engineer and Attorney.  
16           4) All corrections and revisions requested by the City Engineer and Attorney shall be  
17 made to the final amended plat prior to recording.  
18           5) Applicant must obtain Fire Department acceptance of reduction in common access  
19 lane width prior to recording.  
20

21           Findings:

- 22  
23           a. The City Council finds that amendment is consistent with the original plat's  
24 expectation to develop an integrated planned development, which included a  
25 proposed gas and convenience store to be located on Lot 1.  
26           b. The City Council finds that the Owner's Association has interest in the common  
27 access lane, which the petitioners must obtain their sanction to the proposed  
28 changes.  
29           c. Therefore, with specific conditions of approval, the City Council finds that the public  
30 interest will NOT be materially injured by the proposed plat amendment.  
31           d. Therefore, the City Council also finds that there is good cause for the plat  
32 amendment.  
33

34           **PUBLIC HEARING – ZONE MAP AMENDMENT (REZONE) – HOLBROOK PROERTY**  
35 **– 1851 NORTH MAIN STREET**

36  
37           Mr. Snyder explained the request to change the City Zoning Map for a block of property  
38 located at approximately 1851 North Main Street (actually located south of 1850 North Street).  
39 The property owners desire to sell the undeveloped property, currently zoned Agricultural-Low  
40 (A-L). A group of six neighboring property owners with lots on 1850 North adjacent to the north  
41 side of the property have expressed a desire to purchase the undeveloped land to add to their  
42 properties with boundary line adjustments, with the intent that the land remains undeveloped.  
43 The properties to the north are zoned Residential-Low (R-L). Since no single piece of property  
44 can have two zoning types, the applicant requests a rezone of the subject property from A-L to  
45 R-L. Mr. Snyder pointed out that if the proposed outcome does not come to fruition,  
46 development may occur. He added that the rezone request should be considered based on  
47 whether or not it is consistent with the General Plan and the time is right for the change.  
48

49           Two roads currently stub into the property (170 West and 1800 North), but do not  
50 provide authorized access. If use of the stubs as access were to become a problem (i.e., mud  
51 tracked onto City roads), the City could barricade access at those points. Mr. Snyder showed

1 on a map that undeveloped land adjacent to the property on the south (approximately 1.5 acres)  
2 would remain A-L. He said it was his impression that the Planning Commission felt the  
3 neighboring property owners becoming involved is beneficial. The General Plan provides for  
4 the property to eventually become R-L, the question is when. Mr. Snyder said he is not aware  
5 of any easements on the property in question at this time. Mayor Cutler asked what tools are  
6 available to the Council to plan for future access to the property. Mr. Snyder responded that the  
7 timing of the rezone is the tool available. Easements cannot be required as part of the rezone  
8 process. Responding to a question from Councilwoman Mecham, Mr. Snyder confirmed that  
9 parcels of property on the south side have been purchased to extend properties on 1750 North,  
10 but the purchases were not approved or sanctioned by the City.  
11

12 Gary Perkins, representing the applicant, provided historical background of the  
13 undeveloped land, which has been actively farmed through the 2015 growing season. He  
14 pointed out that it is impossible to know what will happen 20-30 years in the future, and he  
15 believes it would be in the best interest of everyone to allow the neighboring homeowners to  
16 purchase the property. It was explained that the property has access to water rights, which are  
17 granted and allocated through Weber Basin. Councilman McEwan asked about the intended  
18 size of the parcels to be purchased by the neighbors, and whether or not the group of neighbors  
19 is unanimous in the desire to purchase the entire piece of undeveloped property. Mr. Perkins  
20 responded that the new rear-lots would extend to the current south property line, and the group  
21 of potential buyers is unanimous in wanting to purchase all of the property. He added that the  
22 current property owners intend to sell the entire piece in one transaction.  
23

24 At 7:58 p.m. Mayor Cutler opened a public hearing.  
25

26 Blake Brogue – Mr. Brogue stated that he lives on 1750 North and owns the large open  
27 space and narrow strip of land adjacent to the property in question on the south side. He  
28 initially purchased the large open space and was promised access to his property through the  
29 1800 North stub. When he later learned that the stub road would never be a public access, he  
30 bought the narrow strip (40 feet wide) that leads from the stub end of 1800 North to his open  
31 property, without realizing that an access problem would still exist. Mr. Brogue expressed his  
32 concern that, if the proposed rezone is approved and the intended boundary adjustments take  
33 place, options for future utilization of the undeveloped land would be restricted for everyone  
34 involved. He suggested that everyone involved come together and find a way to give everyone  
35 what they need for the greater good. Mr. Brogue said he does not think reducing the ways to  
36 utilize the property is in the best interest of the community. He clarified that his main concern is  
37 regarding access.  
38

39 Kyle Green – Mr. Green said he does not have a vested interest in the proposed rezone.  
40 He suggested the property owners find a way to add an additional 10 feet of land to the existing  
41 40 foot strip that extends from 1800 North to preserve easement access for the future.  
42

43 Matt Reynolds – Mr. Reynolds stated that he lives on 1850 North and represents the six  
44 property owners proposing to purchase the property in question, with the desire to keep the  
45 property undeveloped. He said the current property owners were clear that they will only be  
46 involved in one sweeping transaction, and will not be involved in selling the property piece by  
47 piece. Earnest money has been paid, and the transaction will move forward if the Council  
48 approves the rezone. Mr. Reynolds said the buyers would prefer the property to remain A-L, but  
49 they understand why a rezone is necessary. He said the buyers are aware the City has a right  
50 to push snow up against the road stubs or otherwise block access. If necessary, the property  
51 owners will access the rear lots through their existing properties. He stated that the buyers

1 intend to have a private easement, putting gravel down for a 12-15 foot joint access from 170  
2 West, continuing along the rear of the properties. There is no intention to build along the  
3 southern boundary, and easements would not be blocked.  
4

5 Lamar Bangerter – Mr. Bangerter stated that he lives on 1750 North and owns some of  
6 the extended property south of the property in question. He said he has loved having the  
7 extended property, and he wants everyone on 1850 North to have the same opportunity to  
8 extend their properties. An additional 10 feet would be needed to create a public right-of-way if  
9 desired in the future. He suggested those involved on both sides pull together to preserve the  
10 open space now, and keep options open for the future.  
11

12 Holly Brogue – Ms. Brogue stated that she and her husband are not against the  
13 proposed rezone. They have loved their extended backyard and are excited for their neighbors  
14 on 1850 North to have the same opportunity. They are concerned that there needs to be a plan  
15 for access in the future to avoid eliminating options. She proposed that the property owners on  
16 both sides have more time to meet and discuss how to achieve what is desired.  
17

18 Matt Reynolds – Mr. Reynolds said he does not think there is any disagreement among  
19 the neighbors regarding how to make it happen in the future. He agreed that the neighbors  
20 should meet together, but said he feels the easement issue is separate from the rezoning issue  
21 and has nothing to do with the sellers. He said it would not be right to delay the rezone and  
22 hold the sellers hostage while the easement issue is worked out between the neighbors.  
23

24 Lee Skabelund – Mr. Skabelund commented that, with the emphasis on open space, the  
25 fact that the City is in need of more cemetery space came to mind. He agreed that future  
26 access needs to be planned for and provided.  
27

28 Terry Blake – Mr. Blake said he lives on 1850 North and is a potential buyer. Regarding  
29 access, he stated the six families came together and agreed to give 15 feet of their property to  
30 each other. He said he does not see similar cooperation occurring in other locations, and he  
31 does not understand why others would fight against it.  
32

33 Blake Brogue – Mr. Brogue asked Mr. Snyder to clarify the impact of the proposed  
34 rezone on the existing road stubs and access.  
35

36 At 8:26 p.m. Mayor Cutler closed the public hearing. He explained that the Council may  
37 seem hesitant because of a recent situation where property was rezoned from A-L to R-  
38 M with a plan for an assisted living center presented, but then ended up being a  
39 development that was not as favored by the neighbors. He said it is appropriate for the  
40 Council to ask questions and be cautious in planning for the city 30 years down the road.  
41 Mayor Cutler said it is remarkable that the neighbors have been able to come together to  
42 preserve something important to them. Mr. Snyder stated that if the Council approves  
43 the rezone, the lot split transaction can take place. There is no guarantee that the  
44 outcome that has been talked about will occur. He said that trust is part of the issue,  
45 and in his experience he has seen many situations change. Mr. Snyder pointed out that  
46 the remnant parcel would remain A-L, with animal rights attached. He said the most  
47 likely mechanism for the remnant parcel to develop in the future would be as a flag lot.  
48 The risk lies with the proposed buyers in that, if the lot split transaction does not take  
49 place, the property would be eligible for R-L development.  
50

1 Ms. Romney stated it is up to the property owners to decide if they want to dedicate a full  
2 public right-of-way. City ordinances do not currently require a plat with a rezone request. The  
3 Council needs to decide whether the proposed rezone is consistent with the goals, objectives,  
4 and policies of the General Plan, and whether the proposed rezone is consistent with the overall  
5 character of development in the vicinity. The Council is not able to ask how the property will  
6 develop, or add development conditions to a rezone. As proposed, the land would be  
7 assimilated into existing lots. Subdivision would have to occur for new building lots to be  
8 created. Councilwoman Fillmore pointed out that in Centerville flag lots are the rare exception  
9 and are not allowed on subdivided property.

10  
11 Applicant Gary Perkins said it has historically been understood that right-of-way would  
12 continue from 1800 North through the property. He suggested that agreement regarding future  
13 right-of-way could be a condition of the sale of the property. Councilwoman Mecham asked if  
14 two weeks would be enough time to work the right-of-way issue out. Mr. Perkins responded that  
15 two weeks would be enough time. Councilwoman Fillmore agreed with the suggestion to table  
16 the issue for two weeks. Referring to Finding #4 of the proposed ordinance, Councilwoman  
17 Fillmore said she feels the lack of settlement on the possible future road issue qualifies as an  
18 adverse effect for many of the property owners.

19  
20 Councilwoman Ivie made a **motion** to table the issue to the next Council meeting to  
21 allow the interested parties to discuss the easement issue and bring back the rezone request  
22 unopposed. Councilman McEwan seconded the motion, which passed by unanimous vote (5-  
23 0).

24  
25 **RATIFICATION OF ORDINANCE NO. 2015-30 – CREATION OF CENTERVILLE**  
26 **DEUEL CREEK HISTORIC DISTRICT – CHAPTER 12-49**

27  
28 Councilwoman Mecham disclosed that she lives within the Historic District, but her home  
29 would not qualify because it is less than 50 years old. She said she feels she can be objective.  
30 At the last Council meeting the City Council approved the Historic District Text Amendment and  
31 Zone Map Amendment, creating the Centerville Deuel Creek Historic District. City Attorney  
32 Romney explained that, in the process of making changes requested by the Council, she added  
33 a fourth tier regarding building permit fee reduction that states a zero percent fee reduction is  
34 granted for bash-and-build situations. Councilman McEwan asked why the commercial aspect  
35 was excluded from the ordinance. Councilwoman Ivie stated the Landmarks Commission  
36 wanted commercial properties included. Councilwoman Fillmore explained it was recognized by  
37 the previous Council that the cost impact to the city in the permitting process would be much  
38 greater with commercial properties than with residential properties. She agreed with the staff  
39 recommendation to ratify the ordinance as presented, and suggested the Council direct staff to  
40 evaluate the cost impact of incentivizing the commercial component. As liaison to the  
41 Landmarks Commission, Councilwoman Ivie commented that the Landmarks Commission  
42 discussed the uniqueness of the historic commercial properties, but did not differentiate  
43 between property types when drafting the incentives. Mr. Snyder added that at least one  
44 commercial property on Main Street is already on the National Register, and there is interest in  
45 putting the Randall service station on the Register.

46  
47 Councilman McEwan said he feels the commercial component is important, and made a  
48 **motion** to table the issue for discussion in a work session with the Landmarks Commission,  
49 with direction to include commercial prior to ratifying Ordinance No. 2015-30. Councilwoman  
50 Ivie seconded the motion. Ms. Romney pointed out that ratification of the ordinance was  
51 noticed on the agenda. Councilman McEwan withdrew his previous motion, and made a

1 **motion** to ratify Ordinance No. 2015-30 with the four tiers. Councilwoman Fillmore seconded  
2 the motion. Mayor Cutler requested the addition of the word “and” to a definition in the  
3 Ordinance for clarification. Council members McEwan and Fillmore agreed to the addition, and  
4 the motion passed by majority vote (4-1), with Councilman McEwan dissenting.  
5

6 Councilwoman Ivie made a **motion** to reconsider the creation of the Centerville Deuel  
7 Creek Historic District, Ordinance No. 2015-30, specifically the provision that excludes  
8 commercial properties. Councilman McEwan seconded the motion, which passed by  
9 unanimous vote (5-0). Councilwoman Fillmore made a **motion** to return the matter to the  
10 Landmarks Commission, directing staff to include a fiscal impact evaluation for granting  
11 incentives to historic commercial properties. Councilman McEwan seconded the motion, and  
12 requested the motion include direction to submit a recommendation for rate structure.  
13 Councilwoman Fillmore agreed to the addition, and the motion passed by unanimous vote (5-0).  
14

15 **RECONSIDER DIRECTIVE TO STAFF AND PLANNING COMMISSION REGARDING**  
16 **POSSIBLE REZONE OF CENTERVILLE ELEMENTARY AREA PROPERTY FROM R-M TO**  
17 **R-L**  
18

19 Councilwoman Mecham disclosed that her property is within the subject area, and  
20 recused herself from the discussion. Councilman Ince suggested the rezone of Centerville  
21 Elementary area properties be taken off the Planning Commission agenda for the time being  
22 because there are enough other issues that will be looked at over the next several months that  
23 addressing the small piece does not warrant the time and effort. He expressed a desire to go  
24 back and look at the codes overall. Councilman McEwan agreed, and stated he feels there are  
25 other issues of higher priority for the Planning Commission to look at, specifically liability issues  
26 with the Main Street Plan. He added that he feels the proposed rezone of Centerville  
27 Elementary area properties is a distraction. Councilman Ince said a number of citizens have  
28 complained to him that there are portions of the codes and ordinances that are unfair and do not  
29 make sense. He said he feels they should be reviewed to make sure they make sense.  
30

31 Councilwoman Fillmore agreed there is always room for improvement, but pointed out  
32 that in reality, work gets done when things are brought to the Council’s attention. Being  
33 responsive to the concerns of citizens is important. She said that over the last few months,  
34 much concern was expressed by citizens about the Main Street area and densities in south  
35 Centerville, with emphasis on R-L zoning. To be logical and consistent, Councilwoman Fillmore  
36 said it does not make sense to have higher density right behind the area where residents fought  
37 for R-L. She expressed a desire to be consistent with principles and how they are applied.  
38 Councilman McEwan responded stating that he hears what she is saying, but he thinks it is a  
39 matter of what is a priority for the Planning Commission. He repeated that he is concerned  
40 about liability issues with the recommended planter boxes and benches on Main Street.  
41 Councilman Ince repeated that he does not want to remove the issue completely, but would not  
42 give it a high priority at this time. Councilwoman Fillmore mentioned that the Council goal  
43 setting session is coming up, which will provide an opportunity to prioritize what the Council  
44 wants to accomplish. Councilman McEwan made a **motion** to eliminate the directive to staff to  
45 spend time on the possible rezone of Centerville Elementary area property, with the intention to  
46 discuss the issue with the Planning Commission at a goal setting work session. Councilwoman  
47 Ivie seconded the motion, which passed by majority vote (3-1), with Councilwoman Fillmore  
48 dissenting, and Councilwoman Mecham recused.  
49

50 The Council took a break from 9:28 p.m. to 9:42 p.m.  
51

1           **MISCELLANEOUS BUSINESS**

- 2
- 3           a. A public hearing regarding the proposed Accessory Dwelling Units ordinance will be  
4 held on January 19<sup>th</sup>.
- 5           b. Councilman McEwan explained his recommendation to video stream Council  
6 meetings to increase government transparency. He expressed the opinion that, with  
7 UTOPIA in the building, video streaming would be easy and inexpensive with one  
8 fixed camera. Mayor Cutler commented that the City has limited in-house IT  
9 resources. Councilman McEwan said he feels the burden is minimal relative to the  
10 increase in transparency. City Manager Thacker mentioned that audio recordings of  
11 the meeting are available online already. The Mayor stated that, with this item not  
12 already in the budget, the Council will have to look at where the funding would come  
13 from. Councilman McEwan stated his objective to be live by March. Mayor Cutler  
14 said he is supportive, but stressed the need to manage the cost and put together a  
15 process that is administratively simple. Councilman McEwan made a **motion** to  
16 direct staff to provide three bids by the next Council meeting, with the intent that the  
17 Council will make a decision and find the funding at the next Council meeting, with  
18 the goal to be live by the first Council meeting in March. Councilman Ince seconded  
19 the motion, which passed by unanimous vote (5-0).

20

21           **MUNICIPAL CODE AMENDMENTS**

22

23           Ms. Romney explained the proposal to separate Chapters 9 and 12 from Title 9 and  
24 create Title 17 regarding telecommunications systems, and Title 18 regarding cable systems.  
25 Councilman Ince commented that the City tax on his cell phone bill does not make sense. Mr.  
26 Thacker responded that the Legislature recognized the telephone tax as a significant source of  
27 revenue for cities, and determined that cities could impose a telecommunications tax of no more  
28 than 3.5%.

29

30           Councilwoman Mecham made a **motion** to approve Title 17, Ordinance No. 2016-02,  
31 and Title 18, Ordinance No. 2016-03. Councilman Ince seconded the motion, which passed by  
32 unanimous vote (5-0).

33

34           **REVIEW COUNCIL MEETING PROTOCOL AND OTHER GUIDELINES AFFECTING**  
35 **COUNCIL MEMBERS**

36

37           Councilman McEwan made a **motion** to table the review of Council meeting protocol to  
38 the next meeting. Councilman Ince seconded the motion. Following a brief discussion,  
39 Councilman McEwan **amended his motion** to table the review without bringing it back.  
40 Councilman Ince agreed to the amendment, and the motion passed by unanimous vote (5-0).  
41 Councilwomen Fillmore and Ivie expressed a desire to vary the Council seating arrangement.

42

43           **WORK SESSION TO DISCUSS CITY FINANCES**

44

45           The work session regarding City finances was postponed.

46

47           **MAYOR'S REPORT**

- 48
- 49           • Creation of the South Davis Metro Fire District has been officially approved by the  
50 Lieutenant Governor. Councilwoman Ivie commented that she has noticed two fire  
51 trucks and an ambulance dispatched for the same incident on more than one

1 occasion, and asked why two trucks would be necessary. Mayor Cutler responded  
2 that regulations are involved. Staffing at each station and the individual needs of  
3 each incident are also factors. Councilman McEwan added that a lot of Federal  
4 regulation is involved. Mr. Thacker commented that emergency response staffing  
5 has been an ongoing challenge that has improved with the recently implemented  
6 mobile unit.

7  
8 **COUNCIL MEMBER ASSIGNMENTS AND APPOINTMENTS**  
9

- 10 • Mayor Cutler will continue to serve on the Fire District Board. Councilwoman  
11 Mecham agreed to serve as the City's alternate representative. These appointments  
12 will be made via a resolution at the next Council meeting.
- 13 • Councilwoman Ivie made a **motion** to appoint Councilwoman Fillmore as Mayor Pro  
14 Tem. The motion was seconded the Councilman Ince and passed by unanimous  
15 vote (5-0).
- 16 • Councilwoman Ivie made a **motion** to approve Resolution No. 2016-02 designating  
17 Councilman McEwan as the City's representative with the Mosquito Abatement  
18 District. Councilman Ince seconded the motion, which passed by unanimous vote  
19 (5-0).
- 20 • Councilwoman Ivie made a **motion** to approve Resolution No. 2016-01, reappointing  
21 Councilwoman Fillmore to the South Davis Recreation Control Board. Councilman  
22 McEwan seconded the motion, which passed by unanimous vote (5-0).
- 23 • Councilman McEwan made a **motion** to accept the following names and  
24 appointments. Councilwoman Ivie seconded the motion, which passed by  
25 unanimous vote (5-0).
- 26 ○ Councilman Ince will serve as Council liaison to the Chamber of Commerce  
27 and the Citizen Corps Council.
  - 28 ○ Councilman McEwan will serve as the City's representative on the UTOPIA  
29 Board. Mayor Cutler will continue on the UIA Board.
  - 30 ○ Councilwoman Ivie will serve as Council liaison to the Whitaker Museum  
31 Board, and will continue as liaison to the Landmarks Commission.
  - 32 ○ Councilwoman Mecham will serve as Council liaison to the Trails Committee  
33 and the Davis County COG Transportation Committee.
  - 34 ○ Councilwoman Fillmore will continue as liaison to the Parks and Recreation  
35 Committee.
- 36 • Mayor Cutler recommended former Councilman John Higginson continue as the  
37 City's representative with the Solid Waste District.
- 38 • Councilwoman Mecham made a **motion** to approve Resolution No. 2016-03  
39 appointing Councilwoman Fillmore to represent the City Council on the Davis  
40 Performing Arts Center Administrative Control Board. Councilman Ince seconded  
41 the motion, which passed by unanimous vote (5-0).
- 42 • Mayor Cutler recommended the Council reappoint Jack Dellastatious as Chair of the  
43 Centerville Community Foundation Board, reappoint David Gutke to another two year  
44 term on the Community Foundation Board, and appoint Gary Goff to a two year term  
45 on the Community Foundation Board. Councilwoman Fillmore made a **motion** to  
46 reappoint Jack Dellastatious as Chair, reappoint David Gutke, and appoint Gary Goff  
47 to the Centerville Community Foundation Board. Councilman Ince seconded the  
48 motion, and also expressed a desire to serve on the Community Foundation Board.  
49 Councilwoman Fillmore made a **motion to amend** her motion, adding the  
50 appointment of Councilman Ince to the Community Foundation Board.

- 1 Councilwoman Ivie seconded her motion to amend, which passed by unanimous  
2 vote (5-0). The amended motion passed by unanimous vote (5-0).  
3 • Councilman McEwan made a **motion** to reappoint Jason Hunter to a five-year term  
4 on the Board of Adjustments. Councilwoman Fillmore seconded the motion, which  
5 passed by unanimous vote (5-0).  
6 • Councilwoman Ivie made a **motion** to reappoint Brad Porter to a three-year term on  
7 the Landmarks Commission, which was seconded by Councilman McEwan and  
8 passed by unanimous vote (5-0).  
9 • Councilwoman Fillmore and Mayor Cutler reported on tragic deaths that occurred  
10 within the community in the last few days.

11  
12 **CITY MANAGER’S REPORT**

- 13  
14 • Local Officials Day at the Legislature will be January 27, 2016.  
15 • The Property Rights Ombudsman of Utah will provide land use training to the  
16 Planning Commission and City Council on February 10<sup>th</sup> prior to the regular Planning  
17 Commission meeting.  
18 • The Council will meet in a work session with State Legislators on January 19<sup>th</sup> at  
19 5:30 p.m. prior to regular Council meeting.  
20 • City Manager Thacker updated the Council regarding the pedestrian bridge fencing  
21 matter. Staff expects to present a bid to the Council at the first meeting in February.

22  
23 **ADJOURNMENT**

24  
25 At 10:50 p.m. Councilman McEwan made a **motion** to adjourn the City Council meeting  
26 and move to a closed meeting to discuss pending or reasonably imminent litigation.  
27 Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).  
28  
29  
30  
31

32  
33 \_\_\_\_\_  
34 Marsha L. Morrow, City Recorder

\_\_\_\_\_ Date Approved

35  
36  
37  
38 \_\_\_\_\_  
39 Katie Rust, Recording Secretary

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
1/19/2016**

Item No. 2.

Short Title: Summary Action Calendar

Initiated By:

Scheduled Time: 7:10

**SUBJECT**

- a. Appointment of City Recorder and City Treasurer - Consider Resolution No. 2016-04 designating and appointing qualified persons to the offices of City Recorder and City Treasurer
- b. Appointments to the Board of Directors for the South Davis Metro Fire Service Area and Fire Agency - Consider Resolution No. 2016-05
- c. Approve Allowance of Non-Right Angle Lot Line between Lot 3 and Lot 4 of the H & H Commercial Park Subdivision located at approximately 1100 West 650 North and 669 North 1000 West
- d. Authorize expenditure for replacement of infield soil on the northeast baseball diamond in Community Park

**RECOMMENDATION**

- a. Approve Resolution No. 2016-04 designating and appointing qualified persons to the offices of City Recorder and City Treasurer.
- b. Approve Resolution No. 2016-05 appointing Mayor Cutler to the South Davis Metro Fire Service Area Board of Directors and appointing Councilmember Robyn Mecham as an alternate to the Board of Directors for the South Davis Metro Fire Service Area and the South Davis Metro Fire Agency.
- c. Approve allowance of non-right angle lot line between Lot 3 and Lot 4 of the H & H Commercial Park Subdivision located at approximately 1100 West 650 North and 669 North 1000 West.
- d. Authorize use of RAP Tax revenues to be received in FY 2016, along with baseball program donations in the Recreation Fund, to pay for the replacement of soil on the northeast baseball diamond in Community Park.

**BACKGROUND**

- a. Pursuant to Utah Code Ann. § 10-3-916, the Mayor, with the advice and consent of the City Council, is required to appoint a qualified person to each of the offices of City Recorder and City Treasurer, on or before the first Monday in February following a municipal election. Resolution No. 2016-04 has been prepared for this purpose designating and appointing Marsha L. Morrow to the office of City Recorder, and designating and appointing Jolene S. Jackson to the office of City Treasurer.

Marsha was hired in 1991 to be the assistant to the City Recorder and has been the City Recorder since February 2012. She has earned the designation of Master Municipal Clerk from the International Institute of Municipal Clerks. She receives training annually at the Clerks Academy (3 days) and Utah Recorders Association conference (3 days). The attachment regarding UCA 10-3-916 mentions auditing duties for the

City Recorder; however, that does not apply in Centerville because financial duties that would otherwise fall under the Recorder have been assigned to a Finance Director, per authorization in UCA 10-6-157 (Fiscal Procedures Act for Cities and Towns).

Jolene was hired 24 years ago as the City Treasurer. She has earned the designation of Certified Public Finance Administrator from the National Association of Public Treasurers. She receives training annually at the Utah Association of Public Treasurers Academy (5 days) and their 3-day conference. The City Manager recommends the reappointment of both Marsha and Jolene.

b. The Mayor will serve as the City's member of the Board of Directors for the South Davis Metro Fire Service Area and Fire Agency and Councilmember Robyn Mecham will serve as the City's alternate member to the Fire Service Area and Fire Agency. The attached Resolution appoints the Mayor to the Fire Service Area Board but does not appoint him to the Fire Agency Board because his earlier appointment to that Board continues to be in effect. There is a six-month period (January through June 2016) during which both the Fire Service Area and the Fire Agency are in effect--hence the need for these appointments to both Boards during that period. Then as of July 1, 2016, the Fire Agency ceases to exist and the Fire Service Area takes over the fire/EMS operations.

c. Applicant desires to have the City Council approve an allowance for a non-right angle lot line pursuant to Centerville Municipal Code 15-5-102.4. The Staff Report for the matter is attached.

d. Over several years prior to the Great Recession, the infield soil was replaced on three of the four baseball diamonds in Community Park, replacing hard clay-like soil with more appropriate material. Due to reduced revenues in subsequent years, the soil on the fourth infield was never replaced. During recent years, supporters of the City's baseball program have raised \$4775 towards the cost of this last soil replacement project. The cost of the earlier replacements were each approximately \$10,000 to \$12,000 plus in-house labor and equipment. The Parks & Recreation Director, Bruce Cox, would like to proceed with replacement of the soil in the fourth infield before the baseball season begins this Spring. This is on the Parks CIP as recommended by the Parks & Rec Committee and "accepted" by the City Council last year.

The City Manager recommends the City Council authorize the use of RAP Tax revenue that will be generated after April 1, 2016 under the authorized extension of the RAP Tax and received prior to fiscal year-end, along with the donations that have accrued in the Recreation Fund for this purpose, to allow the work to be done before the baseball season begins in the Spring. This will require some upfront cash advance from the General Fund until RAP Tax revenues under the new authorization are actually received in June. Staff would then ask the City Council to amend the current Fiscal Year budget in June to account for this expenditure.

**ATTACHMENTS:**

Description

- Res No 2016-04 - Appointed Officers
- UCA 10-3-916
- Resolution No. 2016-05-Fire Boards
- Staff Report-H & H Subdivision Lot Lines
- H & H Subdivision Lot Line Survey
- H & H Subdivision Lot Line Drawing

**RESOLUTION NO. 2016-04**

**A RESOLUTION DESIGNATING AND APPOINTING QUALIFIED PERSONS TO THE APPOINTED OFFICES OF CITY RECORDER AND CITY TREASURER**

**WHEREAS**, pursuant to *Utah Code Ann.* § 10-3-916, the Mayor, with the advice and consent of the City Council, is to appoint a qualified person to each of the offices of City Recorder and City Treasurer, on or before the first Monday in February following a municipal election; and

**WHEREAS**, the Mayor and the City Council desire to appoint certain individuals to the appointive offices of City Recorder and City Treasurer to perform the duties and responsibilities of such office as more particularly provided herein.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:**

**Section 1. Appointment.** The following are hereby appointed to the following designated offices within Centerville City. The persons appointed shall serve at the pleasure of the City Council and until their successors are appointed and qualified. The persons appointed and their appointments made herein shall be subject to the ordinances, rules and regulations of Centerville City and the laws of the State of Utah.

City Recorder	Marsha L. Morrow
City Treasurer	Jolene S. Jackson

**Section 2. Severability.** If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

**Section 3. Effective Date.** This Resolution and the appointments set forth herein shall become effective immediately upon its passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS 19<sup>th</sup> DAY OF JANUARY, 2016.**

**CENTERVILLE CITY**

By: \_\_\_\_\_  
Mayor Paul A. Cutler

**ATTEST:**

\_\_\_\_\_  
Marsha L. Morrow, City Recorder

**CERTIFICATE OF PASSAGE AND EFFECTIVE DATE**

According to the provisions of the U.C.A. § 10-3-719, as amended, resolutions may become effective without publication or posting and may take effect on passage or at a later date as the governing body may determine; provided, resolutions may not become effective more than three months from the date of passage. I, the municipal recorder of Centerville City, hereby certify that foregoing resolution was duly passed by the City Council and became effective upon passage or a later date as the governing body directed as more particularly set forth below.

\_\_\_\_\_  
MARSHA L. MORROW, City Recorder

DATE: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

West's Utah Code Annotated  
Title 10. Utah Municipal Code  
Chapter 3. Municipal Government  
Part 9. Appointed Officials and Their Duties

U.C.A. 1953 § 10-3-916

§ 10-3-916. Appointment of recorder and treasurer in a city  
of third, fourth, or fifth class or a town--Vacancies in office

**Currentness**

(1) In each city of the third, fourth, or fifth class and in each town, on or before the first Monday in February following a municipal election, the mayor, with the advice and consent of the city council, shall appoint a qualified person to each of the offices of city recorder and treasurer.

(2) The city recorder is ex officio the city auditor and shall perform the duties of that office.

(3) The mayor, with the advice and consent of the council, may also appoint and fill vacancies in all offices provided for by law or ordinance.

(4) All appointed officers shall continue in office until their successors are appointed and qualified.

**Credits**

Laws 1977, c. 48, § 3; Laws 1977, c. 77, § 3; Laws 1977, c. 78, § 1; Laws 1983, c. 33, § 2; Laws 1987, c. 207, § 1; [Laws 2003, c. 292, § 22, eff. May 5, 2003.](#)

**Notes of Decisions (6)**

U.C.A. 1953 § 10-3-916, UT ST § 10-3-916  
Current through 2015 First Special Session

**RESOLUTION NO. 2016-05**

**A RESOLUTION APPOINTING MAYOR PAUL A. CUTLER AS A MEMBER AND ROBYN T. MECHAM AS AN ALTERNATE MEMBER OF THE BOARD OF DIRECTORS OF THE SOUTH DAVIS METRO FIRE SERVICE AREA REPRESENTING CENTERVILLE CITY AND APPOINTING ROBYN T. MECHAM AS AN ALTERNATE MEMBER OF THE BOARD OF DIRECTORS OF THE SOUTH DAVIS METRO FIRE AGENCY REPRESENTING CENTERVILLE CITY**

**WHEREAS**, the South Davis Metro Fire Service Area has been created and established pursuant to an Interlocal Agreement among Bountiful City, Centerville City, Davis County, North Salt Lake City, West Bountiful City and Woods Cross City; and

**WHEREAS**, the City is entitled to appoint a member and an alternate member to the Board of Directors of the Service Area for the purpose of representing the City on said Board; and

**WHEREAS**, the City Council now desires to appoint Paul A. Cutler as the City's member and Robyn T. Mecham as the City's alternate member of the Board of Directors of the South Davis Metro Fire Service Area and to appoint Robyn T. Mecham as the City's alternate member of the Board of Directors of the South Davis Metro Fire Agency as more particularly provided herein.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:**

**Section 1. Appointment.** Mayor Paul A. Cutler is hereby appointed as Centerville City's representative on and member of the Board of Directors of the South Davis Metro Fire Service Area to serve at the pleasure of the governing body of the City. Councilmember Robyn T. Mecham is hereby appointed as Centerville City's alternate member of the Board of Directors of the South Davis Metro Fire Service Area to serve at the pleasure of the governing body of the City. Mayor Paul A. Cutler will remain as the City's representative and member of the Board of Directors of the South Davis Metro Fire Agency and Councilmember Robyn T. Mecham is hereby appointed as Centerville City's alternate member of the Board of Directors of the South Davis Metro Fire Agency.

**Section 2. Severability.** If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

**Section 3. Effective Date.** This Resolution shall become effective immediately upon its passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS 19<sup>th</sup> DAY OF JANUARY, 2016.**

**ATTEST:**

**CENTERVILLE CITY**

By: \_\_\_\_\_  
Marsha L. Morrow, City Recorder

By: \_\_\_\_\_  
Paul A. Cutler, Mayor

**CERTIFICATE OF PASSAGE AND EFFECTIVE DATE**

According to the provisions of the U.C.A. S 10-3-719, as amended, resolutions may become effective without publication or posting and may take effect on passage or at a later date as the governing body may determine; provided, resolutions may not become effective more than three months from the date of passage. I, the municipal recorder of Centerville City, hereby certify that foregoing resolution was duly passed by the City Council, recorded by me in a book used exclusively for that purpose, and became effective upon passage or a later date as the governing body directed as more particularly set forth below.

\_\_\_\_\_  
MARSHA L. MORROW, City Recorder

\_\_\_\_\_  
Date

EFFECTIVE DATE: \_\_\_\_\_ day of \_\_\_\_\_ 2016.

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

**STAFF REPORT**

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**PETITIONER:** ARIC JENSEN  
70 NORTH MAIN STREET #106  
BOUNTIFUL, UTAH 84010  
[aricj@knowltongeneral.com](mailto:aricj@knowltongeneral.com)

**PROPERTY:** H & H SUBDIVISION  
1110 WEST 650 NORTH, AND  
669 NORTH 1000 WEST

**ZONING:** INDUSTRIAL - HIGH (I-H)

**APPLICATION:** EXCHANGE OF TITLE (BOUNDARY ADJUSTMENT)

**CITY COUNCIL ACTION:** ALLOWANCE OF A NON-RIGHT ANGLE LOT LINE  
(SECTION 15-5-102.4)

**RECOMMENDATION:** CONSIDER THE ALLOWANCE

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**BACKGROUND**

The petitioner desires to sell one of the lots to an interested buyer. Historically, it appears that these two lots were developed as a singular development site resulting in having the original side lot line transect a portion of a building. Therefore, the petitioner desires to adjust a lot line between these above-mentioned properties to facilitate the sale and/or purchase of the west lot. Such boundary adjustments (*not requiring a plat amendment*) are allowed by state statutes provided however, that the boundary adjustment is in compliance with local ordinances (*UCA 10-9a-608.5.a*). The subject matter before the City Council is to grant an exception to the City's Subdivision Ordinance that would allow for a side lot line adjustment that jogs around the existing building.

**REVIEW OF CITY'S SUBDIVISION LOT STANDARDS**

According to Section 15-5-102.4, all side lot lines are to be located at "*right angles to the street which the lots face.*" However, the City Council, "*upon good cause,*" may allow exceptions to this requirement. Therefore, the petitioner is seeking the Council's consent to allow a jog near the north end of the side lot line to mitigate the problem of the side lot line transecting through an existing building. If the exception is granted, the City's Zoning Administrator can then sign the applicable certificate indicating compliance with local ordinances and the petitioner can record the boundary adjustment with the Davis County Recorder's Office.

**STAFF RECOMMENDATION**

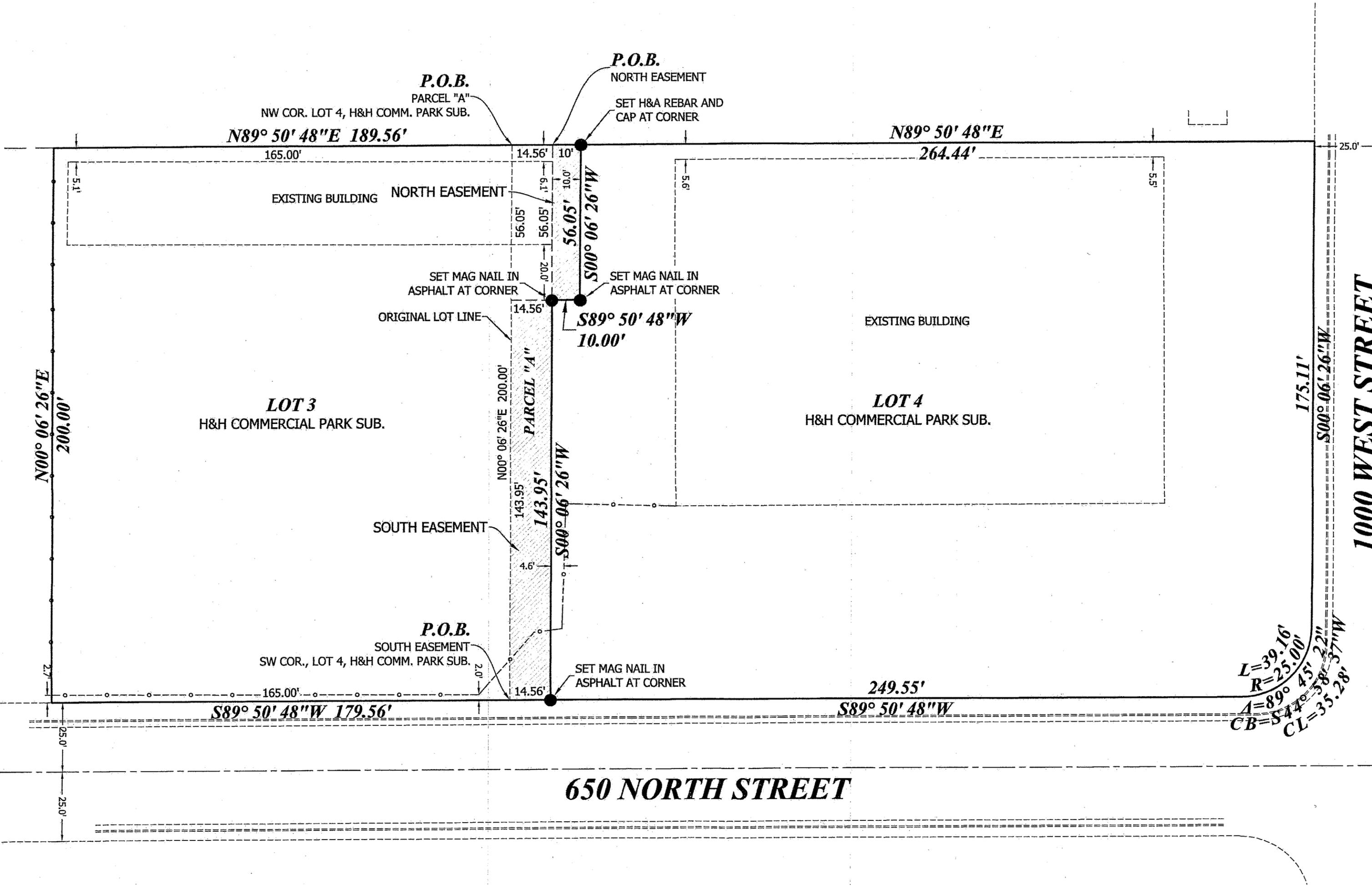
Suggested motion: I hereby make a motion for the City Council allow an exception to the right angle requirement of the City's Subdivision Ordinance, subject to the following:

- 1) *Preparation and submittal of a complete "Exchange of Title" Application to be deemed complete by the City Staff.*
- 2) *Review and acceptance of the Exchange of Title documents, as deemed acceptable by the City Attorney and Engineer, in accordance with the application requirements.*
- 3) *This subdivision ordinance exception shall apply to the Lots of the H&H Subdivision, as identified with the submitted application and identified as Parcels 06-009-0003 and 06-009-0004.*
- 4) *The granted exception does not alleviate other applicable ordinances that the properties may be subject to either in the past, present, or future relating to development or use of the properties.*

Suggested Reasons for the Action (Findings):

- a. The City Council finds that state statutes, in specific circumstances, allow for boundary adjustments without requirement of a subdivision plat amendment.
- b. The City Council finds that the petitioners desire to sell an existing lot within the H&H Subdivision.
- c. The City Council finds that there is an existing side lot line that transects an existing building on one of the lots.
- d. The City Council finds that the City's subdivision allows for exceptions to the right angle side lot line requirement.
- e. Therefore, the City Council finds that there is "good cause" to allow for the requested exception.





**N89° 50' 48" E 189.56'**

**N89° 50' 48" E**

**264.44'**

**N00° 06' 26" E**

**200.00'**

**LOT 3**  
H&H COMMERCIAL PARK SUB.

**LOT 4**  
H&H COMMERCIAL PARK SUB.

**PARCEL "A"**

**S89° 50' 48" W 179.56'**

**249.55'**

**S89° 50' 48" W**

**650 NORTH STREET**

**1000 WEST STREET**

**175.11'**

**S00° 06' 26" W**

**L=39.16**  
**R=25.00**  
**A=89° 45' 22"**  
**CB=544° 38' 37"**  
**CL=35.28'**

**P.O.B.**

PARCEL "A"  
NW COR. LOT 4, H&H COMM. PARK SUB.

**P.O.B.**

NORTH EASEMENT

SET H&A REBAR AND  
CAP AT CORNER

EXISTING BUILDING NORTH EASEMENT

EXISTING BUILDING

SET MAG NAIL IN  
ASPHALT AT CORNER

SET MAG NAIL IN  
ASPHALT AT CORNER

ORIGINAL LOT LINE

SOUTH EASEMENT

**P.O.B.**

SOUTH EASEMENT  
SW COR., LOT 4, H&H COMM. PARK SUB.

SET MAG NAIL IN  
ASPHALT AT CORNER

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
1/19/2016**

Item No. 3.

Short Title: Zone Map Amendment (Rezone) - Holbrook Property - 1851 North Main Street

Initiated By: Gary Perkins, Applicant

Scheduled Time: 7:15

**SUBJECT**

Tabled from January 5, 2016 City Council Meeting -- Consider proposed Zone Map Amendment (rezone) for property located at approximately 1851 North Main Street (Holbrook Trust) from A-L (Agricultural-Low) to R-L (Residential-Low) - Ordinance No. 2016-01

**RECOMMENDATION**

Adopt Ordinance No. 2016-01 amending the Centerville Zone Map by changing the zoning of approximately 3.08 acres of real property located at 1851 North Main Street (Holbrook Trust) from A-L (Agricultural-Low) to R-L (Residential-Low) based on the findings recommended by the Planning Commission.

**BACKGROUND**

On January 5, 2016, the City Council considered and held a public hearing on the proposed rezone of the Holbrook property. After the public hearing and further discussion on the matter, the City Council tabled action on the rezone to the January 19, 2016 meeting. The stated intent for tabling the matter was to allow the property owners and neighbors to have more time to discuss the proposed rezone and preservation of access for possible future development of the subject property and adjacent undeveloped land.

Prior background information: On December 9, 2015, the Planning Commission reviewed and recommended for approval the proposed rezone of the subject property from A-L (Agricultural-Low) to R-L (Residential-Low). The Staff Transmittal Report for this application is attached.

Attached as new information is a memo from Randy Randall, Public Works Director, addressing access and drainage concerns that the buyers should be aware of if this land is purchased and divided among the homeowners on 1850 North Street. Also attached is an information sheet provided by the City Attorney regarding City Council decision-making procedures and factors for zoning map amendment.

**ATTACHMENTS:**

Description

- ☐ 12-9-15 CC Staff Transmittal Report
- ☐ Ordinance No. 2016-01-Holbrook Rezone
- ☐ 12-09-2015 PC Staff Report Holbrook Property Zone Map Amendment
- ☐ Holbrook Property Backup-General Plan Provisions
- ☐ 12-9-2015 PC minutes re Holbrook Rezone

- ▣ Randy Randall Memo
- ▣ Handout - Zoning Map Amendments

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

**STAFF TRANSMITTAL REPORT FOR CITY COUNCIL**

**DATE:** DECEMBER 09, 2015

**APPLICANT:** GARY PERKINS  
572 EAST 650 NORTH  
CENTERVILLE, UTAH 84014  
[gtperky@gmail.com](mailto:gtperky@gmail.com)

**PROPERTY OWNER:** LINDA H. WRIGHT, TRUSTEE  
3770 SUMMER RIDGE ROAD  
MORGAN, UTAH 84050  
[momlindawright@gmail.com](mailto:momlindawright@gmail.com)

**APPLICATION:** ZONING MAP AMENDMENT

**APPLICANT REQUEST:** REZONE THE PROPERTY LOCATED AT 1851 MAIN STREET FROM A-L TO R-L (PARCEL 07-072-0113)

**RECOMMENDATION:** PLANNING COMMISSION RECOMMENDS APPROVAL OF THE REZONE REQUEST

**BACKGROUND**

The petitioners are requesting to rezone the subject property from an Agricultural-Low (A-L) to Residential-Low (R-L). The petitioners have indicated that it is their desire to sell a major portion of the property to several of their neighbors to the north and then leave the existing home on Main Street, as a lot meeting the R-L requirements. The transfer of land would be a sequential lot line adjustment assimilating the excess land into those lots along 1850 North, beginning from the west and ending at the existing home site. If performed in this manner and if no new or additional lots are created, state law allows this transfer of land to occur without having to receive a subdivision approval from the City. Nonetheless, both the Planning Commission and City Council have the assignment to review the merits of the rezone without considering the outcome



of the future selected land use pattern.

**PLANNING COMMISSION RECOMMENDATION**

On December 09, 2015, the Planning Commission held a public hearing, discussed the matter, and then forwarded to the City a **recommendation of APPROVAL** of the proposed rezone, as follows.

***“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).”***

*Suggested 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.

**Planning Commission Vote (7-0):**

<b>Commissioner</b>	<b>Yes</b>	<b>No</b>	<b>Not Present</b>
Hirschi (Chair)	X		
Hirst	X		
Johnson	X		
Kjar	X		
Merrill	X		
Hayman	X		
Ince	X		

**LIST OF PREVIOUS PLANNING COMMISSION MEETINGS**

- ✓ *December 09, 2015 Regular Meeting of the Planning Commission*

**ORDINANCE NO. 2016-01**

**AN ORDINANCE AMENDING THE CENTERVILLE CITY ZONING MAP BY CHANGING THE ZONING OF APPROXIMATELY 3.08 ACRES OF CERTAIN REAL PROPERTY DESCRIBED HEREIN FROM AGRICULTURAL-LOW (A-L) TO RESIDENTIAL-LOW (R-L)**

**WHEREAS**, the City is authorized to enact a zoning map consistent with the purposes set forth in the Utah Land Use Development and Management Act, as more particularly provided in *Utah Code Ann.* §§ 10-9a-101, *et seq.*, as amended, and the City is further authorized to make amendments to such zoning map in accordance with procedures set forth in *Utah Code Ann.* § 10-9a-503, as amended; and

**WHEREAS**, in accordance with applicable provisions of Utah law and the goals of the Centerville City General Plan for the subject property as set forth in Section 12-480-4, Neighborhood 3, Northeast Centerville, the City Council desires to amend the Centerville City Zoning Map to rezone the subject property from Agricultural-Low (A-L) to Residential-Low (R-L) as more particularly provided herein; and

**WHEREAS**, the proposed amendments to the Centerville City Zoning Map as set forth herein have been reviewed by the Planning Commission and the City Council and all appropriate public noticing and hearings have been provided and held in accordance with Utah law to obtain public input regarding the proposed revisions to the City Zoning Map.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:**

**Section 1. Zone Map Amendment.** The real property located at approximately 1851 North Main Street in Centerville City consisting of approximately 3.08 acres, as more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference, is hereby rezoned from Agricultural-Low (A-L) to Residential-Low (R-L) and the Centerville City Zoning Map is correspondingly amended as described herein.

**Section 2. Findings.** The rezone of the subject property to Residential-Low (R-L) and corresponding amendment to the Centerville City Zoning Map is based on the following findings:

1. The City Council finds that the proposed zoning change is consistent with the goals and objectives of the General Plan [Section 12-480-(3)(1)(d)(1) and Section 12-420-2.1].
2. The City Council finds that the proposed zoning change meets the criteria found in Section 12-21-080(e) of the Zoning Ordinance.
3. The City Council finds the rezone is harmonious with the overall character of existing development in the vicinity.
4. The City Council finds no adverse effects will occur to the immediate area with the approval of the rezone and that there are adequate facilities and services to serve the property.

**Section 3. Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

**Section 4. Effective Date.** This Ordinance shall become effective upon publication or posting, or thirty (30) days after passage, whichever occurs first.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS 5<sup>th</sup> DAY OF JANUARY, 2016.**

**ATTEST:**

**CENTERVILLE CITY**

\_\_\_\_\_  
Marsha L. Morrow, City Recorder

By: \_\_\_\_\_  
Mayor Paul A Cutler

Voting by the City Council:

	“AYE”	“NAY”
Councilmember Fillmore	_____	_____
Councilmember Ince	_____	_____
Councilmember Ivie	_____	_____
Councilmember McEwan	_____	_____
Councilmember Mecham	_____	_____

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB’s Gas Station, on the foregoing referenced dates.

\_\_\_\_\_  
MARSHA L. MORROW, City Recorder

DATE: \_\_\_\_\_

RECORDED this \_\_\_\_ day of \_\_\_\_\_, 2016.

PUBLISHED OR POSTED this \_\_\_\_ of \_\_\_\_\_, 2016.

**EXHIBIT A**

**Property Description**

1851 North Main Street, Centerville, Utah 84014  
Parcel No. 07-072-0113  
3.08 acres

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

**STAFF REPORT  
AGENDA: ITEM 2**

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**APPLICANT:**                   **GARY PERKINS**  
**572 EAST 650 NORTH**  
**CENTERVILLE, UTAH 84014**  
[gtperky@gmail.com](mailto:gtperky@gmail.com)

**PROPERTY OWNER:**       **LINDA H. WRIGHT, TRUSTEE**  
**3770 SUMMER RIDGE ROAD**  
**MORGAN, UTAH 84050**  
[momlindawright@gmail.com](mailto:momlindawright@gmail.com)

**APPLICATION:**               **ZONING MAP AMENDMENT**

**APPLICANT REQUEST:** **REZONE THE PROPERTY LOCATED AT 1851 MAIN STREET FROM A-L TO R-L (PARCEL 07-072-0113)**

**RECOMMENDATION:**       **STAFF RECOMMENDS APPROVAL OF THE REZONE REQUEST**

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***BACKGROUND***

The petitioners are requesting to rezone the subject property from an Agricultural-Low (A-L) to Residential-Low (R-L). The petitioners have indicated that it is their desire to sell a major portion of the property to several of their neighbors to the north and then leave the existing home on Main Street, as a lot meeting the R-L requirements. The transfer of land would be a sequential lot line adjustment assimilating the excess land into those lots along 1850 North, beginning from the west and ending at the existing home site. If performed in this manner and if no new or additional lots are created, state law allows this transfer of land to occur without having to receive a subdivision approval from the City. Nonetheless, the Planning Commission has the assignment to review the merits of the rezone without considering the outcome of the future selected land use pattern.



## **REVIEW AND ANALYSIS OF THE REQUEST FOR R-L ZONING**

### **Factors to be considered, Section 12-21-080(e)**

- 1. Is the proposed amendment consistent with the goals, objectives and policies of the City's General Plan (see attachments for plan policies)?**
  - **Staff Response:** According to Section 12-480-4 of the General Plan, this area is located within Neighborhood 3, Northeast Centerville. The residential policies for this area state development should be consistent with what is already established within the area and that all future development should be low density single-family residential. According to Section 12-420-2.1, the R-L Zone is considered low density residential development. Therefore, the rezone request is consistent with the goals and objectives of the City's General Plan.
  
- 2. Is the proposed amendment harmonious with the overall character of existing development in the vicinity of the subject property?**
  - **Staff Response:** Rezoning the property to R-L is reflective of surrounding predominate zoning district found in the area, which is also R-L. The subject property and an adjoining property to the south appear to be the last remaining agriculturally zoned lands in the immediate area.
  
- 3. What is the extent to which the proposed amendment may adversely affect adjacent property?**
  - **Staff's Response:** Although staff does not see how rezoning the lot R-L has any negative impact on the community, if the petitioner's plan moves forward it would hamper future new lot development in this middle block area. However, regardless of the zoning, it would take a significant assemblage of the multi-owner properties to move forward with any new subdivision development in this middle block area. Thus, the actual rezoning of the property has likely no affect on adjacent lands that are not already present.
  
- 4. What is the adequacy of facilities and services intended to serve the subject property?**
  - **Staff Response:** Since there is existing residential development surrounding the subject property, and the adequacy of services and facilities are available for any future development. However, if the petitioner's current plan moves forward, no additional facilities and services are required to serve the property.

### **PLANNING STAFF RECOMMENDATION**

**Suggested Motion for an amendment to the Centerville City Zoning Map** – I hereby make 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).”***

*Suggested 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.

1. Residential Policies

**Northwest Centerville** has probably the most homogeneous land uses of all of Centerville's neighborhoods, with primarily low density single-family residential development.

- a. To maintain compatibility with the style of development presently existing in this area, **all future residential development in northwest Centerville should be low density single family.**
- b. Northwest Centerville is located almost entirely on the foothills of the Wasatch Mountains. Low density residential development will have the least impact on these sensitive hillside areas. Care must be taken in all development to consider and mitigate the impact upon the hillside environment.

2. Commercial Policies

No commercial uses currently exist in northwest Centerville, and none are anticipated.

- a. No commercial development shall be located in any area of northwest Centerville. In particular, no commercial development shall be permitted north of Parrish Lane on Main Street so that residential character of this area may be maintained.

3. Community Facilities

a. Parks

While the greatest concentration of school-aged children lives in northwest Centerville, not one City park is located here. The current need for a park in this neighborhood is great, and will increase as new development occurs. Centerville City shall pursue the acquisition and development of property for a City park in northwest Centerville as its top parks priority. The Rockwood gravel pit or the Ford property on upper Ricks Creek would be good locations for such a park.

b. Water

City water service to this neighborhood needs to be upgraded in the near future. As new development occurs, this situation will be even more critical. Centerville City should pursue the development of new water sources and storage in this area to improve water availability and pressure. To preserve scarce culinary water, all new developments should be required to supply secondary water for maintenance of landscaping and outdoor use. This will necessitate the acquisition and development of ground water sources. Until additional water supplies are available, future residential development in this neighborhood must be carefully considered for impact on the City water system.

**SECTION 12-480-5. NEIGHBORHOOD 4, NORTHWEST.<sup>9</sup>**

**Overview**

The Northwest Neighborhood is located between Lund Lane, Main Street, Parrish Lane, and I-15. Most of the Northwest Neighborhood has already been developed, and consists of a variety of uses, including: single-family residential, multi-family residential of various densities and types,

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<sup>9</sup> Amended by Ord. No. 2003-11, April 1, 2003

PART 12-420

**RESIDENTIAL DEVELOPMENT**

**SECTION 12-420-1: RESIDENTIAL CHARACTER**

The citizens of Centerville have expressed a desire to retain a suburban residential lifestyle. These feelings have been reemphasized by the Community Surveys done by the City. The citizens of Centerville recognize the diversity of lifestyles that exist throughout the region; however, we do not feel an obligation to provide a cross-section of those different lifestyles within the boundaries of our small community. Centerville has a small land area, much of which is developed. That development has predominantly been single family residential. We desire to maintain that character of development.

Quality of life is important to the residents of Centerville, as it is to many people. The citizens of Centerville desire to achieve a quality of life that is consistent with the development of low density residential development.

**SECTION 12-420-2. RESIDENTIAL DEVELOPMENT POLICIES.<sup>1</sup>**

The following policies are adopted specifically for the achievement of the citizens' desires for residential development in Centerville.

- 1. The density classifications for Centerville's residential areas shall be as follows:

Dwelling Units/Acre	Class
0-4	Low
5-8	Medium
9-12	High

- 2. Residential development in Centerville is primarily low density single-family. This character of development should continue as far as is feasible and practical. Medium or high density residential development that is allowed in appropriate locations within the City should provide usable open spaces, landscaping, and other associated amenities which will assure consistency with the residential quality desired in Centerville. The use of planned unit developments to achieve the foregoing objectives is desirable and preferred.
- 3. The hillsides and naturally wooded canyons east of the City should be provided protection from indiscriminate development to assure retention of the natural slopes and vegetation.
- 4. Residential areas should be afforded protection from the impact of more intensive commercial, industrial, and institutional uses and from the visual and noise impacts of major roadways and railways by the creation of protective buffering (transitional uses, landscaping, etc.).
- 5. Reserved. Ord. No. 2012-23, 8/7/2012
- 6. Residential development must take into account the existence and impact of high ground water tables within the City. Subsurface drains should be limited to the purpose of artesian springs, wells, protecting public streets, and dewatering areas. The use of any subsurface drain systems in conjunction with any residential development within the City for the sole purpose of de-watering an area to permit the construction of a structure,

<sup>1</sup> Amended by Ordinance No. 2001-05, April 17, 2001

**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**

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

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

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

1           Gary Perkins, applicant, said the property has been farmed continuously for the past 50  
2 years. The property is now under the direction of the Holbrook Family Trust which is responsible  
3 to liquidate the property. He explained the property was under reviewed for development when  
4 several property owners/neighbors made an offer to purchase the property and absorb it into  
5 several existing lots. He said they intend to divide off the existing home into a 1/3 acre parcel.  
6 The home is currently vacant and up for sale. He said preliminary discussions included a desire  
7 to keep the property zoned A-L due to tax reasons. However, since the various property owners  
8 do not wish to develop that is no longer an issue and the rezone to R-L is acceptable.

9  
10           Chair Hirschi opened the public hearing.

11  
12           Mary Tullin said she is one of the potential buyers. She said there are eight (8)  
13 neighbors/property owners that wish to purchase a portion of this property. She said she has lived  
14 in this area for 24 years and has watched this property be farmed year after year. She said the  
15 neighborhood loves this open space and desires to keep it open. This is what prompted these  
16 neighbors to make an offer to the Holbrook Family Trust. She said none of the potential property  
17 owners desire animal rights. She said she plans to use some space for garden and enjoy the rest  
18 as open land.

19  
20           Chair Hirschi closed the public hearing.

21  
22           Chair Hirschi questioned what other potential down sides could be created with this  
23 rezone. Commissioner Merrill asked if the two (2) stub streets could be vacated. Mr. Snyder said  
24 the stub streets are an issue during snow season because the City pushes snow to the end of the  
25 drive. This could potentially block access to the property, but given the intent that these may  
26 become back yards, access may not be an issue. Mr. Snyder said the stub streets could possibly  
27 be vacated, however, some of the adjacent homes front onto the stub streets which would require  
28 a change in access for these homes.

29  
30           Chair Hirschi made a **motion** for the Planning Commission to recommend to the City  
31 Council the following amendment to the Centerville City Zoning Map:

32  
33           *“Rezone Parcel 07-072-0113 (3.08 acres), addressed as 1851 North Main Street, shall*  
34 *be rezoned from Agricultural-Low (A-L) to Residential-Low (R-L).”*

35  
36           ***Reasons for the Action (Findings):***

- 37           a) The Planning Commission finds that the proposed zoning change is consistent with  
38 the goals and objectives of the General Plan [Section 12-480-3(1)(d)(1) & Section 12-  
39 420-2.1].

1           b) The Planning Commission finds that the recommendation to approve the proposed  
2           zone map amendment has taken into account the “factors to be considered,” as listed  
3           in Section 12-21-080 and described in the related Staff Report dated 12-09-2015.  
4

5           The motion was seconded by Commissioner Merrill and passed by unanimous vote (7-0).  
6

7           **PUBLIC HEARING | ZONE MAP AMENDMENT FOR THE DEUEL CREEK**  
8           **HISTORIC DISTRICT - Consider proposed Zone Map Amendment for the new Deuel**  
9           **Creek Historic District (Chapter 12-49). The proposed district consists of a specific**  
10           **geographic boundary reflecting the old town site area. Centerville City, Applicant**  
11

12           Brandon Toponce, Assistant Planner, reported the Commission previously reviewed and  
13           recommended approval of the Deuel Creek Historic District. This District provides incentives  
14           (i.e., setbacks and building permit fee reductions) for historic preservation in the designated area  
15           between Main Street and 400 East and between Parrish Lane and Porter Lane. The proposed  
16           District would only be recognized by Centerville and not subject to any state or national  
17           guidelines. This informal style allows the community to create an individual incentive program  
18           and gives the neighborhood a chance to become more involved in shaping the future of their  
19           community. The City Council reviewed the District Ordinance at their December 1, 2015  
20           meeting and were positive and supportive of the District. The Council will be holding a public  
21           hearing to discuss the District further at their December 15, 2015 City Council Meeting.  
22

23           Mr. Toponce explained the first step in creating the Deuel Creek Historic District is its  
24           creation and acceptance. The Planning Commission is now being asked to review and approve an  
25           overlay zone. This will establish the district officially and allow citizens within the area to take  
26           advantage of the proposed incentives. These incentives, however, would not be illegible to those  
27           who do not wish to participate within the preservation program. This overlay zone will not affect  
28           the underlying zoning and will allow a property owner to utilize their property as they see fit.  
29           The Landmarks Commission believes the proposed Zoning Code Text Amendment has been  
30           created in a way that would be considered positive for historic preservation. In addition, it  
31           appears the proposal is in harmony with all applicable goals and objectives of the General Plan.  
32           The Landmarks Commission is hopeful that by creating the district, it will encourage future  
33           preservation projects within the neighborhood.  
34

35           Chair Hirschi opened the public hearing.  
36

37           Becky Neville said she owns a home in this area which she rents out. She said she would  
38           like to add a garage to this property and wasn't sure if the proposed amendment would hinder her  
39           plans. She said it sounds as though this will not be a problem. She also said she is in favor of  
40           such an ordinance because she believes it will actually improve property values.  
41

# MEMORANDUM

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**TO:** Mayor Cutler, Centerville City Council, Steve Thacker  
**FROM:** Randy Randall, Director of Public Works  
**DATE:** January 12, 2016  
**RE:** Rezoning of the Property West of the Holbrook Property, 1851 N. Main

---

After further review, meeting with the staff and property owners, who expressed their wish to use the City's stub roads as access to their property, my view has changed from allowing uses for a short term to not giving hope for access. They need to understand that their legal access is across their own parcel. It's my opinion that both roads remain closed at 170 West and 1800 North until sufficient public or private improvements have been installed and any development or a use approval has been properly approved by the City.

These agricultural properties have not paid storm drainage fees and these will need to be paid when the use of the land changes and hard surface goes in. So they don't flood the land West of them, they also may need to install a storm drain from 1800 North to each lot or each lot may have to install a storm water retention.



## CENTERVILLE CITY ATTORNEY'S OFFICE

250 North Main Street  
Centerville, Utah 84014  
801.335.8842

### ZONING MAP AMENDMENTS (REZONES)

#### CITY COUNCIL DECISION-MAKING PROCEDURES AND FACTORS

##### 1. Authority.

The City has adopted a Zoning Map and has zoned all property within the City into various zoning districts. When reviewing an application for zoning map amendment, also known as a "rezone," the City Council is governed by applicable provisions of State law and City Ordinances. Under *Utah Code Ann.* § 10-9a-503, the City Council is authorized to amend the number, shape, boundaries, or area of any zoning district.

##### 2. Procedures – Public Hearing Required.

Zone map amendments must follow the procedures specified in *Utah Code Ann.* § 10-9a-502 and *City Ordinance* § 12-21-080 which require review and recommendation from the Planning Commission prior to consideration of any zoning map amendment by the Council. The Planning Commission is required by statute to provide notice and hold a public hearing on all proposed zoning map amendments and to forward its recommendation regarding the same to the Council. Although not required by statute, the City Council is required by ordinance to provide notice and hold a public hearing on proposed zoning map amendments. After receiving a recommendation from the Planning Commission and holding a public hearing on the matter, the Council may thereafter approve, approve with modifications, or deny the proposed zoning map amendment.

##### 3. Decision-Making Factors.

In making a decision regarding a zoning map amendment, the Council should consider the following factors set forth in Section 12-21-080:

- a. Whether the proposed amendment is consistent with the goals, objectives and policies of the City's General Plan;
- b. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
- c. The extent to which the proposed amendment may adversely affect adjacent property; and

- d. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and waste water and refuse collection.

#### **4. Legislative Decision – Reasonably Debatable Standard.**

The Council's review of a zoning map amendment is a legislative decision, meaning such decision establishes public law and policy as opposed to an administrative decision that merely implements such policies or applies them to factually distinct and individual circumstances. As a legislative decision, the Council's decision is subject to the highly deferential "reasonably debatable" standard. Under the reasonably debatable standard, it must be reasonably debatable that the Council's decision promotes the public interest and general welfare. A reviewing court will ask whether the Council's decision to grant or deny a rezone is in the interest of the general welfare. The courts have also recognized under the reasonably debatable standard that public hearings and citizen comments are a legitimate source of information for the Council to consider in making legislative decisions.

#### **5. Appeal.**

Any person adversely affected by a final decision of the City Council regarding a zoning map amendment may appeal that decision to the District Court by filing a petition for review pursuant to *Utah Code Ann.* § 10-9a-801, as amended. Such petition for review must be filed within 30 days after the Council's decision is final. Alternatively, a person adversely affected by a final decision of the Council regarding a rezone may file a complaint against the City which may include a variety of claims, including constitutional claims of due process or equal protection. A property owner may also file a request for arbitration of a constitutional taking issue with the Property Rights Ombudsman under *Utah Code Ann.* § 13-43-204. On a petition for review to the District Court under Section 10-9a-801, the court shall:

- a. Presume that a decision made under the land use statutes is valid;
- b. Determine only whether or not the decision is arbitrary, capricious, or illegal;
- c. In reviewing a decision involving the exercise of legislative discretion, consider such decision valid if it is reasonably debatable that the decision promotes the purposes of the land use statutes and is not otherwise illegal; and
- d. In determining whether a decision is illegal, consider whether the decision violates a law, statute, or ordinance in effect at the time the decision was made.

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
1/19/2016**

Item No. 4.

Short Title: Public Hearing - Zoning Ordinance Text Amendments, Chapter 12-60, Accessory Dwelling Units (ADUs)

Initiated By: City Council and Planning Commission

Scheduled Time: 7:30

**SUBJECT**

Consider Zoning Ordinance Text Amendments regarding Accessory Dwelling Units (ADUs), including amendments to Section 12-12-040 regarding definitions for ADUs, amending Table 12-36 regarding Table of Uses, and enacting Chapter 12-60 regarding ADUs - Consider Ordinance No. 2016-04

**RECOMMENDATION**

This matter was scheduled for a continued public hearing before the City Council on December 15, 2015. Based on discussion and action by the City Council on December 1, 2015, the continued public hearing was postponed until January 19, 2016. The City Council will be briefed on the proposed ordinance by Staff and then the City Council should hold a public hearing on the matter to obtain further public input on the proposal to allow accessory dwelling units in residential areas.

**BACKGROUND**

In 2014, the City Council asked the Planning Commission to consider the possibility of amending the zoning code to allow accessory dwelling units (ADUs) in single-family residential areas. After a public outreach effort and numerous public hearings before the Planning Commission, the Planning Commission forwarded a recommended ordinance to the City Council on March 25, 2015. By way of history, the Planning Commission reviewed this matter at public meetings held on January 28, 2015, February 25, 2015, and March 25, 2015. Minutes from these Planning Commission meetings are attached.

The City Council reviewed the proposed ordinance and held a public hearing on the matter on May 5, 2015 and July 7, 2015. After some discussion about this ordinance, the City Council agreed to suspend further consideration of the ordinance until after they completed revisions to the South Main Street Corridor (SMSC) Overlay Zone. In their November 17, 2015 meeting, during which they adopted amendments to the SMSC Overlay Zone, the City Council agreed to discuss the ADU ordinance again on December 1, 2015 and directed Staff to advertise a public hearing on the matter for the City Council meeting on December 15, 2015. On December 1, 2015, the City Council directed Staff to postpone the public hearing scheduled for December 15, 2015 until January 19, 2016. This matter is now before the City Council for review and consideration and to hold a public hearing. Previous Staff Reports and the proposed Ordinance No. 2016-04 are attached.

**ATTACHMENTS:**

Description

- 03-26-15 Staff Transmittal Report

- ▣ Ordinance No. 2016-04-ADUs
- ▣ Exhibit A-Chapter 12-60-ADUs
- ▣ 03-25-15 PC Staff Report
- ▣ 03-25-2015 PC minutes re recommendation on ADUs
- ▣ 02-25-2015 PC Minutes re discussion on ADUs
- ▣ 01-28-2015 PC minutes re discussion on ADUs
- ▣ May 5, 2015 CC minutes re ADUs
- ▣ July 7, 2015 CC minutes re ADUs
- ▣ ADU Summary Brief

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

**STAFF TRANSMITTAL REPORT**

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**DATE: MARCH 26, 2015**

**APPLICANT: CENTERVILLE CITY PLANNING COMMISSION  
C/O DAVID HIRSCHI, CHAIR  
250 NORTH MAIN STREET  
CENTERVILLE, UTAH 84014**

**APPLICATION: ZONING CODE TEXT AMENDMENTS**

**APPLICANT REQUEST: AMEND CENTERVILLE CITY ZONING ORDINANCES  
TO ALLOW FOR THE DEVELOPMENT AND USE OF  
ACCESSORY DWELLING UNITS (ADUs)**

**PC RECOMMENDATION: RECOMMEND APPROVAL OF THE ZONING  
CODE TEXT AMENDMENTS**

---

**BACKGROUND**

Over the past several months of 2014 and early 2015, the Planning Commission held a few public discussion meetings to assess the possibility of allowing accessory dwelling units as part of the housing options within the City. The Commission hosted both general feedback and roundtable discussion meetings, where dates and times were posted on the City's website and in the City newsletters and/or utility billings.

Generally, these meetings indicated that allowing such housing type might be appropriate, provided sufficient use regulations could be developed. However, there were some concerns about allowing detached ADUs, or units constructed separately from the primary dwelling. Additionally, the Commission also questioned whether some aesthetic design standards were actually needful. Due to consensus that allowing ADUs might be appropriate, the Commission asked staff to prepare a draft Ordinance to review and discuss. Consequently on March 25, 2015, the Planning Commission recommended APPROVAL of a new ordinance that allows for the possibility of ADUs in the Agricultural-Low and Residential-Low Zoning Districts.

Nonetheless, two (2) Commissioners did cast dissenting votes. However, each Commissioner dissenting explained that their vote was not centered on opposing ADUs, but rather on a desire to allow a larger percentage or size for ADUS, specifically desiring allowing a range greater than the proposed 25% and possibly up to 50% of the floor area of a home.

**PLANNING COMMISSION RECOMMENDATION**

On March 25, 2015, the Planning Commission forwarded to the City a **recommendation of APPROVAL** of the proposed text amendments for allowing ADUs, as follows:

1. *Amend Title 12–Zoning by adding Chapter 12-60-Accessory Dwelling Units, as submitted, or modified by the Planning Commission.*
2. *Amend 12-12-Definitions regarding ADUs, as submitted to the Commission.*
3. *Amend 12-36-Table of Uses to allow ADUs as a conditional use in the A-L and R-L Zones, as submitted to the Commission.*

Suggested Reasons for Action (findings):

- a. *The Planning Commission finds that the proposed Ordinance is consistent with the City’s Moderate Income Housing Element concerning the use of ADUs.*
- b. *The Planning Commission finds that the proposed Ordinance includes several compatibly elements to maintain expected neighborhood characteristics.*
- c. *The Planning Commission finds that the proposed Ordinance also includes parameters, restrictions or limitations to prevent or mitigate impacts to adjacent properties.*

**Planning Commission Vote (4-2):**

<b>Commissioner</b>	<b>Yes</b>	<b>No</b>	<b>Not Present</b>
Hirschi (Chair)	X		
Hirst	X		
Johnson			X
Kjar		X	
Merrill	X		
Randall	X		
Ince		X	

**LIST OF PREVIOUS PLANNING COMMISSION MEETINGS**

- ✓ *January 28, 2015*
- ✓ *February 25, 2015*

**ORDINANCE NO. 2016-04**

**AN ORDINANCE AMENDING SECTION 12-12-040 OF THE CENTERVILLE ZONING ORDINANCE REGARDING THE DEFINITION OF ACCESSORY DWELLING UNITS, AMENDING TABLE 12-36 OF THE SAME REGARDING TABLE OF USES TO ALLOW ACCESSORY DWELLING UNITS AS CONDITIONAL USE IN AGRICULTURAL-LOW (A-L) AND RESIDENTIAL-LOW (R-L) ZONES, AND ENACTING CHAPTER 12-60 OF THE SAME REGARDING ACCESSORY DWELLING UNITS**

**WHEREAS**, the City Council directed Staff along with the Planning Commission to research and prepare possible ordinance amendments regarding accessory dwelling units within the City in accordance with the goals and objectives of the City's moderate income housing plan adopted in the Centerville General Plan; and

**WHEREAS**, as directed by the City Council, the Planning Commission held a number of public meetings and roundtable discussions to engage the public in the discussion of allowing accessory dwelling units as part of the housing options within the City; and

**WHEREAS**, based on such meetings and discussions and direction from the Planning Commission, Staff prepared a draft ordinance regarding accessory dwelling units for review and consideration by the Planning Commission; and

**WHEREAS**, the Planning Commission, after a number of public hearings on the matter, reviewed the proposed ordinance amendments regarding accessory dwelling units and recommends approval of the Zoning Ordinance amendments as more particularly provided herein; and

**WHEREAS**, City Council has determined that the proposed revisions to the Zoning Ordinance regarding accessory dwelling units, as more particularly set forth herein, are consistent with the goals, objectives and policies of the Centerville General Plan, are harmonious with the character of existing development within the City, will not adversely affect properties within the City, are in the best interest of the City and the public health, safety and welfare, and will provide additional housing options within the City; and

**WHEREAS**, the proposed amendments to the Zoning Ordinance as set forth herein have been reviewed by the Planning Commission and the City Council and all appropriate public notices have been provided and appropriate public hearings have been held in accordance with Utah law to obtain public input regarding the proposed revisions to the Zoning Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:**

**Section 1. Amendment.** Section 12-12-040 of the Centerville Zoning Ordinance regarding Definitions is hereby amended to amend the definition of accessory dwelling units as more particularly set forth as follows:

**12-12-040. Definitions.**

As used in this Title, the words and phrases defined in this section shall have the following meanings unless the context clearly indicates a contrary meaning. Words not included herein but defined in the building code shall be construed as defined therein.

\* \* \*

**Accessory Dwelling Unit (ADU) Apartment:** A habitable living area located within or as accessory to a detached single family dwelling and which has its own kitchen, living/sleeping areas, and sanitation facilities which meets the requirements of Chapter 12-60 of this Title.

\* \* \*

**Dwelling, Single-Family with Accessory Dwelling Unit:** A building having only one (1) dwelling unit and one (1) accessory dwelling unit.

\* \* \*

**Section 2. Amendment.** Table 12-36 of the Centerville Zoning Ordinance regarding the Table of Uses is hereby amended to add accessory dwelling units as conditional use in the A-L and R-L Zones, as more particularly set forth as follows:

Zones															
Residential Uses	A-L	A-M	R-L	R-M	R-H	PF-L	PF-M	PF-H	PF-VH	C-M	C-H	C-VH	I-M	I-H	I-VH
Dwelling, single-family with accessory <u>dwelling unit (ADU)</u> <del>apartment</del>	<del>CN</del>	N	<del>CN</del>	N	N	N	N	N	N	N	N	N	N	N	N

**Section 3. Enactment.** Chapter 12-60 of the Centerville Zoning Ordinance adopting provisions regarding Accessory Dwelling Units is hereby enacted to read in its entirety as more particularly set forth in **Exhibit A**, attached hereto and incorporated herein by this reference.

**Section 4. Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

**Section 5. Omission Not a Waiver.** The omission to specify or enumerate in this ordinance those provisions of general law applicable to all cities shall not be construed as a waiver of the benefits of any such provisions.

**Section 6. Effective Date.** This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, whichever occurs first.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS \_\_\_\_\_ DAY OF JANUARY, 2016.**

**ATTEST:**

**CENTERVILLE CITY**

\_\_\_\_\_  
Marsha L. Morrow, City Recorder

By: \_\_\_\_\_  
Mayor Paul A. Cutler

Voting by the City Council:

	“AYE”	“NAY”
Councilmember Fillmore	_____	_____
Councilmember Ince	_____	_____
Councilmember Ivie	_____	_____
Councilmember McEwan	_____	_____
Councilmember Mecham	_____	_____

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB’s Gas Station, on the foregoing referenced dates.

\_\_\_\_\_  
MARSHA L. MORROW, City Recorder

DATE: \_\_\_\_\_

RECORDED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

PUBLISHED OR POSTED this \_\_\_\_ of \_\_\_\_\_, 20\_\_.

**Exhibit A**

Chapter 12-60 of the Centerville Zoning Ordinance  
Accessory Dwelling Units

## **Chapter 12-60-Accessory Dwelling Units**

12-60-010.	Purpose
12-60-020.	Scope
12-60-030.	Definitions
12-60-040.	Use Allowed
12-60-050.	Limitations, Termination, and Exemptions
12-60-060.	General Development Standards
12-60-070.	Design Standards
12-60-080.	Occupancy Requirements
12-60-090.	Other Applicable Regulations and Codes
12-60-100.	Conditional Use Required

### **12-60-010. Purpose**

The purpose of this Chapter is to establish the use and development regulations for the allowance of accessory dwelling units (ADUs) within the City. These regulations are intended to provide opportunity for secondary separated living quarters (i.e. dwelling unit) for the elderly to be taken care of by family members, or permit alternative housing options for newly married couples or the return of adult children, or even perhaps for those who are on a fixed income to supplement a mortgage payment. Provided however, that the ADU is to be clearly and distinctly an accessory use to the approved primary building use located on the property and must not disrupt the residential environment and character of single-family neighborhoods.

### **12-60-020. Scope**

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

### **12-60-030. Definitions**

Certain words and phrases in this Chapter, including uses, are defined in this Chapter and in Chapter 12-12 of this Title.

### **12-60-040. Use Allowed**

- (a) *Permitted.* ADUs are to be allowed in residential zones as set forth on the Table of Uses Allowed in Chapter 12-36 of this Title. Permitted and conditional uses are indicated by “P” or “C,” respectively. Uses not permitted are indicated by “N.”

**12-60-050. Limitations, Termination, and Exemptions**

- (a) *Use in Combination.* An ADU shall be established as a secondary accessory dwelling unit in both use and size and shall only be established in combination with a primary single-family dwelling unit.
- (b) *Owner Occupancy Required.* An ADU shall only be established for single-family dwellings that are occupied by an owner in accordance with the “Owner Occupancy” requirements of subsection 12-60-080.
- (c) *Number allowed.* Only one (1) ADU is allowed for a:
  - (1) Lot, parcel, or tract of land; and
  - (2) Main building or structure of a primary single-family dwelling.
- (d) *Location or Placement.* The ADU may be integrated within or a part of the primary use structure; or may be separated or detached from the primary structure provided its building or structure is located entirely within the yard area that is present behind (*rear portion*) the primary building of the lot or parcel.
- (e) *Separate Dwelling Units.* Any portion of a single-family dwelling that has been sectioned off, mechanically, physically, or by other means, so that any occupant in the single family dwelling does not have full and free access to the separated portion of the dwelling and such separated area contains living quarters which provide sleeping, sanitary, and fixed kitchen facilities, or any separate accessory building or structure containing the same, shall be subject to the provisions of this Chapter, regardless of the relationship of the occupants.
- (f) *Termination of ADU use.* The approval permit for an ADU shall become null and void if the occupancy requirements of this Chapter are not satisfied, or the owner declares termination through writing or through neglect or any other action violates the provisions of this Chapter. Upon such termination of ADU use, the owner shall remove one or more features that make up an ADU including but not limited to living, sleeping, or kitchen facilities-including electrical, gas, or plumbing, as deemed acceptable to the City to render the ADU removed or unusable.
- (g) *Exemptions.* The following exemptions shall apply to the use of ADUs:
  - (1) Accessory dwelling units shall not be included in the gross density calculations for single-family zoning districts (i.e. A-L and R-L Zones).
  - (2) Except as provided in this Chapter regarding establishing a separate

dwelling unit, the provisions of this Chapter do not apply if a single family dwelling is wholly occupied by a family, as defined in Chapter 12-12-Definitions, or other laws.

**12-60-060. General Development Standards**

The development standards set forth in this section shall apply to any ADU that is created or established within the City. The purposes of these development standards are to ensure that the ADU is clearly and distinctly an accessory use to the approved primary building use located on the property.

(a) *Creation.* An ADU shall only be established through the following methods:

- (1) Converting existing living area, attic, basement, other area of a main dwelling. The conversion of the primary dwelling's garage space is prohibited without providing the required parking stalls in another appropriately City approved location.
- (2) Adding floor area to the main building.
- (3) Integration of an ADU into the design plan for new construction of a single family dwelling.
- (4) Constructing or converting a detached accessory building (e.g. guest house) for use as an ADU.

(b) *Habitable Space and Size.* ADUs shall meet the following parameters for habitable space:

- (1) Every ADU shall have a minimum habitable space of 200 square feet for each person occupying the ADU, or as amended by applicable state and local construction codes.
- (2) The maximum area or size of the ADU dwelling shall not exceed 25% of the gross floor area of the primary dwelling unit (*for all types, conversion, additions, integrated or detached*) or 800 square feet, whichever is less.
- (3) The primary dwelling unit shall maintain at least 900 square feet of habitable space separate from the ADU, if it is constructed or converted within the primary or main building.

(c) *Setbacks.* ADUs shall meet the following:

(1) An ADU created within or attached to the primary or main building of a single-family dwelling shall meet the applicable front, side, and rear yard setbacks for “main buildings” as listed in the development standards of its respective residential zone.

(2) Detached ADUs shall be setback as follows:

- i. A minimum of 60 feet from the front lot line of a lot or parcel, or six (6) feet behind the primary or main building of the lot or parcel.
- ii. A minimum of six (6) feet from any perimeter side or rear line of the lot or parcel.
  1. *Exception.* For conversion of an existing accessory structure on a lot or parcel, the minimum six (6) foot setback may be reduced to the standard accessory building three (3) foot setback, provided there is sufficient emergency ingress/egress from all habitable space areas within the structure and the structure meets the applicable building and fire regulations.

(d) *Heights.* ADUs shall meet the following:

(1) An ADU created within or attached to the primary or main building of a single-family dwelling shall meet the applicable height requirement for primary or main buildings as listed in the development standards of its respective residential zone.

(2) Detached ADUs shall be limited to a height of 20 feet, as measured by the average of all four (4) sides of the building’s elevation using the mid-point between the lowest eave and the highest ridge line.

(e) *Parking.* At least one (1) additional parking space shall be provided for an ADU, provided however that the existing parking requirements for the primary dwelling are in place or restored if missing. The ADU parking space may be located in tandem with other required parking spaces. All required parking spaces must be located behind the front yard setback line of the lot.

(f) *Yard Space.* Every ADU shall be provided yard space using one (1) of the following methods:

- (1) *Common Space*. The ADU and primary or main building may equally share yard areas for use by all occupants.
  - (2) *Private Space*. At least 200 square feet (25% if the maximum allowed ADU size) of yard area shall be provided for exclusive use by the ADU, regardless of its size.
- (g) **Bulk Rear Yard Area Limitation**. For detached ADUs, the combined building foot print coverage of the required rear yard area (*i.e. rear yard setback area*) for all accessory buildings, including the ADU, shall not exceed 20%.

### **12-60-070. Design Standards**

The design standards set forth in this section are to apply to any ADU that is created or established within the City. The purposes of these design standards are to ensure ADU compatibility with the general pattern, character, and livability of Centerville's typical low density single-family neighborhoods.

- (a) *Exterior Finish Materials*. The exterior finish materials should be compatible with, or visually appear to be harmonious with the type, size, and colors, as the finish materials utilized on the primary or main building of the lot or parcel.
- (b) *Location of Entrances*. Only one (1) entrance may be located on the wall facade that can be viewed from the public street directly adjacent to the same lot or parcel in which the ADU is located. All other entrances must be located on wall facades facing interior to the lot.
  - (1) *Ground Entrance Restrictions*. Ground entrances are prohibited on a wall facade facing a perimeter lot line, unless such wall facade is at least 6 feet from a perimeter lot line.
  - (2) *Upper Story Entrance Restrictions*. Upper story entrances (*e.g. access from balconies and decks*) having no other ground entrance are prohibited on a wall facade facing a perimeter lot line unless such wall facade is located 20 feet from the perimeter lot line.
- (c) *Roof Pitch*. The roof pitch should be the compatible or visually appear to be harmonious with the roof pitch style of the primary or main building of the lot or parcel in which the ADU is located.

- (d) *Windows*. Windows should be compatible or visually appear to be harmonious in proportion (i.e. width to height) and orientation (i.e. horizontal or vertical) to windows used for the main or primary building.
- (e) *Eaves*. Building eaves for ADUs should meet one of the following designs:
  - (1) The eaves are to project from the walls the same distance as the eaves on the primary or main building.
  - (2) The eaves are to project from the walls at least one (1) foot on all elevations.
  - (3) If the primary or main building style has no eaves, then eaves are not required for the ADU.
- (f) *Exceptions*. If there is a conflict between these design standards and the adopted construction codes of the City, then the applicable construction code shall govern that particular design element.

#### **12-60-080.       Occupancy Requirements**

The occupancy requirements set forth in this section shall apply to any ADU that is created or established within the City. The purposes of these occupancy requirements are to accommodate secondary separated living quarters (*i.e. dwelling unit*) with reasonable limitations on their use and to minimize the impact on neighboring properties and to the desired setting of the City's single-family neighborhoods.

- (a) *Definitions and Terms*. The following definitions or terms are applicable to the creation and use of ADUs:
  - (1) *Owner*. An owner is defined as a person having at least 50% or greater interest in the property.
  - (2) *Full-time Residency*. Full-time residency means the owner must live in a dwelling for at least six (6) months of each calendar year.
  - (3) *Owner Occupancy Covenant*. A signed and notarized owner-occupancy agreement that is recorded on the property title for sanctioning an ADU.
  - (4) *Temporary Owner Absence Waiver*. An approval granting a waiver of the occupancy requirement due to specific short term or temporary absences.

(b) *Full Time Owner Residency.* Either the primary dwelling or the ADU is to be occupied by a full time resident property owner, as shown on the Davis County Tax Assessment rolls.

(c) *Owner Occupancy Covenant.* ADU owners must sign and record an “owner occupancy covenant” with the City and have it recorded with the Davis County Recorder prior to receiving an ADU permit. The covenant shall at minimum establish the following:

(1) That he/she/ they are owner(s) of the property located in Centerville, Utah.

(2) That he/she/they applied and received approval to construct or use an accessory dwelling pursuant to Centerville City ordinances.

(3) That the owner(s) of the property will restrict the use of the principal dwelling and ADU in compliance with Centerville City ordinances.

(4) That an owner with at least a 50% interest in the property will occupy either the primary dwelling or ADU for six months of each calendar year, except where a “temporary owner absence waiver” is granted by Centerville City ordinances.

(5) That if the owner(s) of property are unable or unwilling to fulfill the requirements for use of an ADU, then the owners agree to remove one or more features that make it an ADU, including but not limited to living areas, sleeping areas, or kitchen facilities-including electrical, gas, or plumbing and further agree to terminate, in writing, the ADU permit and approval.

(6) That the covenant shall run with the land and be binding upon the owners, heirs, and assigns, and upon any parties acquiring any right, title, or interest in the property.

(7) That the owners and their heirs, successors, and assigns will inform all prospective purchasers of the property of the terms and conditions of the covenant.

(d) *Temporary Owner Absence Waiver.* The owner(s) shall comply with the Full-time Owner Residency Requirements or shall terminate, in writing, the ADU permit, as

deemed acceptable to the City. Nonetheless, an owner may receive a waiver of the occupancy requirement upon submitting in writing evidence showing good cause such as:

- (1) Temporary job dislocation,
- (2) Sabbatical leave,
- (3) Educational pursuits, or
- (4) Illness

A waiver of the occupancy requirement may be granted, by the City's Zoning Administrator, up to a maximum of three (3) years. Thereafter, if not re-occupied, then ADU permit shall be deemed null and void and one or more features shall be removed immediately, upon notice from Centerville City, or the property will subject to applicable enforcement measures.

#### **12-60-090. Other Applicable Regulations and Codes**

The creation and use of ADUs are subject to other pertinent codes, restrictions, and regulations that address applicable life, safety, and welfare concerns. Any ADU shall comply with the following:

- (a) *Construction and Fire Codes.* An ADU shall be subject to all related regulations regarding the construction and fire codes, as adopted by the City and State.
- (b) *Utilities and Charges.* An ADU shall provide the necessary utilities and services such as, but not limited to, sewer, water, gas, electricity, and garbage collection. All City provided utilities shall be in the property owner(s) name and the owner shall be responsible for the payment of such services.
- (c) *Addressing.* An ADU will not be given a new distinct address by the City. Such ADUs may refer mail to be delivered separately by the same address as the primary building using with a subsidiary numerical or alphabetical reference (*e.g. 1390 West #A*), as approved by the local postmaster and/or emergency service agencies.

#### **12-60-100. Conditional Use Permit Required**

The creation and use of ADUs are subject to the issuance of a conditional use permit pursuant to the requirements of Section 12-21-100 of this Title and the standards and requirements of this Chapter.

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

**STAFF REPORT  
AGENDA: ITEM 3**

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**APPLICANT:**                   **CENTERVILLE CITY PLANNING COMMISSION  
C/O DAVID HIRSCHI, CHAIR  
250 NORTH MAIN STREET  
CENTERVILLE, UTAH 84014**

**APPLICATION:**               **ZONING CODE TEXT AMENDMENTS**

**APPLICANT REQUEST:** **AMEND CENTERVILLE CITY ZONING ORDINANCES TO  
ALLOW FOR THE DEVELOPMENT AND USE OF  
ACCESSORY DWELLING UNITS (ADUs)**

**RECOMMENDATION:**   **CONSIDER RECOMMENDING APPROVAL OF THE  
ZONING CODE TEXT AMENDMENTS TO THE CITY  
COUNCIL**

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***BACKGROUND***

Over the past months of 2014, the Planning Commission has held some public discussion meetings to assess the possibility of allowing accessory dwelling units as part of the housing options within the City. The Commission hosted both general feedback and a roundtable discussion meeting, where dates and times were posted on the City's website and in the City newsletters and/or utility billings.

Generally, these meetings indicated that allowing such a housing type might be appropriate, provided sufficient use regulations could be developed. However, there were some concerns regarding allowing detached ADUs, or units constructed separately from the primary dwelling. Additionally, the Commission also questioned whether some aesthetic design standards were actually needful. Due to consensus that allowing ADUs might be appropriate, the Commission asked staff to prepare a draft Ordinance to review and discuss.

***DRAFT ADU ORDINANCE SUMMARY***

The draft Ordinance is compiled using typical standards found throughout many Utah cities. However, such provisions have been modified or altered to reflect Centerville's Zoning Ordinance style; as well as elements that attempt to reflect the characteristics of using ADUs in Centerville City. Each section contains a brief description of the issues described in the

Ordinance section. Additionally, staff has performed several edits as discussed in the previous meetings held by the Commission.

**Purpose** – General Ordinance language describing the “why” of the Ordinance.

**Scope** – General Ordinance language setting the “who” of the Ordinance.

**Definitions** – General Ordinance language referencing the use of terms and locations for further understanding.

**Use Allowed** – General Ordinance language describing the allowance and zoning districts regarding ADUs. Ordinance currently only proposes ADU use in (A-L) and (R-L) Zones.

**Limitations, Termination, and Exemptions** – Specific Ordinance language addressing the parameters for ADU use. ADU use fundamentals such as occupancy, density, location, measurement, termination, and exceptions are identified.

**General Development Standards** – Specific Ordinance language setting terms and conditions of ADU use with regards to ensuring that the dwelling is subordinate to the primary home. The regulations address establishment, space and size, setbacks, heights, parking, etc.

**Design Standards (Optional Consideration)** – Specific Ordinance language addressing visual aesthetics for additions or detached structures. Elements identified include use of exterior materials, entrance locations, roof pitch, window treatment, etc.

**Occupancy Requirements** – Specific Ordinance language establishing an owner occupancy requirement and/or when a termination is warranted. The regulations also allow a temporary leave of absence before any cessation is required. A written recorded agreement with specific terms and conditions is required as part of establishing an ADU.

**Other Applicable Regulations and Codes** – General Ordinance language referencing other applicable codes and requirements such as building and fire codes.

**Conditional Use Required** – General Ordinance language indicating the requirement to obtain a conditional use permit to allow an ADU use.

## ***ZONE TEXT AMENDMENT REVIEW PROCESS***

### ***Factors to be Considered***

The deciding entity must consider three (3) factors when making a recommendation and a final decision for a zone text amendment. These required factors are found in Section 12-21-080(e) of Centerville City’s Zoning Ordinance. Staff’s review and conclusions for these factors are provided below:

1. **Is the proposed amendment consistent with the goals, objectives and policies of the City’s General Plan?**

- ✓ [Moderate Income Housing Plan Statement] **Goal 6-D** – “Consider Adopting Basic or Flexible Design Standards for Small-Lot or Underutilized Land Parcels Within Existing Developed Areas of the City”
- **City Objective 6-D.4** – “Consider Adopting an ‘Accessory Dwelling’ Ordinance with design standards. Such allowances may also be considered ‘conditional uses’ in single family zones...”
  - **City Objective 6-D.5** – “Consider adopting additional design and layout standards with any objectives mentioned above to ensure compatibility with the surrounding context and appearance of the neighborhood.”

**Staff’s Conclusion** – The objective is to consider the use of ADUs. Additionally, the concept of also including design standards was to be considered. Thus, staff concludes that **the proposed Ordinance is consistent** with the City’s Moderate Income Housing Element concerning both the use of ADUs and of implementing design standards.

**2. Is the proposed amendment **harmonious with the overall character** of existing development in the vicinity of the subject property?**

**Staff Response:** The **proposed Ordinance includes several compatibly elements** to maintain neighborhood characteristics, such as:

- ADUs are to be clearly and distinctly subordinate to the primary use
- Owner Occupancy Requirements
- Location & Size Limitations
- Design Expectations

**3. What is the extent to which the proposed amendment may adversely affect adjacent property?**

- **Staff’s Response:** **The proposed Ordinance also includes parameters, restrictions or limitations to prevent or mitigate impacts to adjacent properties.** Such elements provide self-contained on-site needs to minimize off-site conflicts with adjoining properties. Additionally, an ADU use is deemed a conditional use (CUP). A CUP allows the approving authority (i.e. Planning Commission) to review each case to assess the potential impacts and set conditions to mitigate concerns or potential problems. The listed parameters, restrictions or limitations include:

- Size & Location
- Minimum and Maximum Habitable Space Area for ADU
- Provision of Parking Spaces for Both House and ADU
- Provision of Yard Areas for Both House and ADU
- Design Standards (*optional considerations*)
  - Exterior Finishes
  - Location of Entrances
  - Roof Pitch & Eave Expectations

### **ADDITIONAL CONSIDERATIONS – IMPACT FEES**

As part of any development proposal, from single-family subdivisions to large commercial development, the City has adopted “impact fees.” Impact fees are charged to cover the costs of expanding or sizing utility service infrastructure. Such fees cover items such as water lines and meters, storm drains, fire service, and even for providing parks. Since ADUs may create added demands for some services, it may not always be the case for other such services. The concept of ADUs are to capitalize an opportunity to use existing single-family style developments and associated infrastructure to keep costs down, but increase the opportunity to find housing options. Charging a full service impact fee to an ADU may be a dis-incentive and may not be a flawless balance between the actual impact and the end user of an ADU. The Commission and Council need to consider this as part of any decision to allow ADUs in the City.

### **PLANNING STAFF RECOMMENDATION**

*Staff Suggested Action #1 – REOPEN* the Public Hearing to allow for comment regarding the other sections mentioned (i.e. Definitions & Table of Uses) mentioned in the draft regulations and then close the public hearing and discuss the matter.

*Staff Suggested Action #2* - I hereby make a motion for the Planning Commission to **RECOMMEND APPROVAL** of the proposed text amendments for allowance of Accessory Dwelling Units (ADUs), as follows:

1. *Amend Title 12–Zoning by adding Chapter 12-60-Accessory Dwelling Units, as submitted, or modified by the Planning Commission.*
2. *Amend 12-12-Definitions regarding ADUs, as submitted to the Commission.*
3. *Amend 12-36-Table of Uses to allow ADUs as a conditional use in the A-L and R-L Zones, as submitted to the Commission.*

#### *Suggested Reasons for Action (findings):*

- a. *The Planning Commission finds that the proposed Ordinance is consistent with the City’s Moderate Income Housing Element concerning the use of ADUs.*
- b. *The Planning Commission finds that the proposed Ordinance includes several compatibly elements to maintain expected neighborhood characteristics.*
- c. *The Planning Commission finds that the proposed Ordinance also includes parameters, restrictions or limitations to prevent or mitigate impacts to adjacent properties.*

1. The acceptance of this conceptual site plan is not intended to permit actual development of property and such review does not create a vested right (e.g. City authorization) to develop.
2. The acceptance of this conceptual site plan is intended to represent how the property could be developed so that the applicant can receive feedback from the Planning Commission.
3. The acceptance of this conceptual site plan does NOT indicate that the proposed plan meets the current relevant City Codes and Ordinances. Furthermore, several significant steps would need to happen to make the current proposed layout even feasible, such as, but not limited to, the following:
  - Lot Frontage Width Regulations – Obtain an amendment to the Subdivision Ordinance to allow flag lots to be used in the multi-family zoning districts, or amend the “lot frontage width” requirements for the residential zones.
  - Site Plan Amendment – Obtain a site plan amendment for the commercial use and address the applicable Zoning Ordinance requirements, including but not limited to, parking, landscaping, and buffers.
  - Subdivision of Land - Secure a subdivision approval to facilitate establishment of a zone boundary opportunity between the area of the Traditional Main Street District and the area for the duplex to be zoned multi-family.
  - Rezone of Duplex Site – If the subdivision and site plan amendments are secured, obtain a rezone for the duplex site to a multi-family zoning district (e.g. R-M Zone).
4. The acceptance of this conceptual site plan does NOT indicate the City’s commitment or the future probability of making the current proposed layout even feasible.

The motion was seconded by Commissioner Randall and passed by unanimous roll-call vote (5-0).

Commissioner Hirst recused herself as she is a personal acquaintance of both the applicant and the property owner.

**PUBLIC HEARING | ZONING CODE TEXT AMENDMENTS, CHAPTER 12-60 - ACCESSORY DWELLING UNITS (ADUs) - [Continuation from February 25, 2015 Meeting] - Consider proposed zoning code text amendments for Chapter 12-60-Accessory Dwelling Units, Chapter 12-12-Definitions and Table 12-36-Tables of Uses for the new Accessory Dwelling Units (ADUs) Ordinance. Centerville City, Applicant**

Cory Snyder, Community Development Director, reviewed the proposed Accessory Dwelling Unit (ADU) ordinance draft. The Planning Commission has been working toward the proposed draft for the past year. After much research, meetings, public input, and discussion it

1 was evident such a housing type might be appropriate, provided sufficient use regulations could  
2 be developed. The proposed draft Ordinance was compiled using typical standards found  
3 throughout many Utah cities. The draft ordinance also includes modifications to reflect  
4 Centerville's Zoning Ordinance style and characteristics. Mr. Snyder reviewed each section of  
5 the proposed Ordinance and responded to questions from the Commission. The Commission  
6 reviewed the draft ordinance making non-substantive changes. The Commission discussed  
7 impact fees and agreed with the proposed language.

8  
9 Chair Hirschi opened the public hearing. Seeing there was no one wishing to comment,  
10 he closed the public hearing.

11  
12 Commissioner Ince said he does not agree with the maximum floor area of 25% (Section  
13 12-60-060[b][2]). He said if he were to rent his basement it would be closer to 35%. He said for  
14 many homes that calculation could jump as high as 50% for a basement. He believes 25% is too  
15 restrictive. Commissioner Kjar agreed that 25% may be too limiting. He said if he were to rent  
16 his basement and keep to this restriction it would require significant remodeling and cost.

17  
18 Chair Hirschi said over this past year it has been determined there is value in allowing  
19 ADUs, but cautiously. He believes the 25% is cautious and appropriate. He said this number will  
20 help ensure that Centerville does not become a city of duplexes, which is possible with a 50%  
21 allowance. Commissioner Randall said 25% is plenty if you consider a separate structure may be  
22 used as an ADU. Mr. Snyder agreed that 50% is too great and no longer considered accessory,  
23 but rather creates two (2) primary dwellings or a duplex.

24  
25 Commission Merrill made a **motion** for the Planning Commission to recommend  
26 approval of the proposed text amendments for allowance of Accessory Dwelling Units (ADUs),  
27 as follows:

- 28  
29 1. Amend Title 12-Zoning by adding Chapter 12-60-Accessory Dwelling Units, as  
30 submitted, or modified by the Planning Commission.  
31 2. Amend 12-12-Definitions regarding ADUs, as submitted to the Commission.  
32 3. Amend 12-36-Table of Uses to allow ADUs as a conditional use in the A-L and R-L  
33 Zones, as submitted to the Commission.

34  
35 ***Reasons for Action (findings):***

- 36 a. The Planning Commission finds that the proposed Ordinance is consistent with the  
37 City's Moderate Income Housing Element concerning the use of ADUs.  
38 b. The Planning Commission finds that the proposed Ordinance includes several  
39 compatibly elements to maintain expected neighborhood characteristics.

1 c. The Planning Commission finds that the proposed Ordinance also includes  
2 parameters, restrictions or limitations to prevent or mitigate impacts to adjacent  
3 properties.

4  
5 The motion was seconded by Commissioner Hirst and passed by roll-call vote (4-2).

6  
7 Commissioner Kjar and Commissioner Ince opposed. Commissioner Kjar said he agrees  
8 with the concept of ADUs and believes they should be allowed. He is uncomfortable with the  
9 25% limitation. He said 50% may be too great, but perhaps somewhere in between is  
10 appropriate. Commissioner Ince agreed. He too believes ADUs are appropriate but believes a  
11 greater percentage may be best.

12  
13 **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

- 14  
15 1. The next Planning Commission meeting will be Wednesday, April 8, 2015.  
16 2. Upcoming Agenda Items  
17 • Maverick Convenience Store, conceptual site plan

18  
19  
20 The meeting was adjourned at 8:28 p.m.

21  
22  
23 \_\_\_\_\_  
24 David Hirschi, Chair

\_\_\_\_\_

Date Approved

25  
26  
27 \_\_\_\_\_  
28 Kathleen Streadbeck, Recording Secretary

1 **PLANNING COMMISSION MINUTES OF MEETING**

2 **Wednesday, February 25, 2015**

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

4  
5 A quorum being present at Centerville City Hall, 250 North Main Street, Centerville,  
6 Utah. The meeting of the Centerville City Planning Commission was called to order at 7:00 p.m.

7  
8 **MEMBERS PRESENT**

9 David P. Hirschi, Chair

10 Gina Hirst

11 William Ince (arrived at 7:07 p.m.)

12 Logan Johnson

13 Scott Kjar (arrived at 7:04 p.m.)

14 Kevin Merrill

15 Debra Randall

16  
17 **STAFF PRESENT**

18 Corvin Snyder, Community Development Director

19 Lisa Romney, City Attorney

20 Katie Rust, Recording Secretary

21  
22 **VISITORS**

23 Interested citizens (see attached sign-in sheet)

24  
25 **OPENING COMMENT/PRAYER** Commissioner Randall

26  
27 **PLEDGE OF ALLEGIANCE**

28  
29 **MINUTES REVIEW AND APPROVAL**

30  
31 The minutes of the February 11, 2015 Planning Commission meeting were reviewed.  
32 Chair Hirschi and Commissioners Merrill and Kjar requested amendments. Commissioner Kjar  
33 made a **motion** to approve the minutes as amended. Chair Hirschi seconded the motion, which  
34 passed by unanimous vote (7-0).

35  
36 **PUBLIC HEARINGS | ZONING CODE TEXT AMENDMENT, CHAPTER 12-60 -**  
37 **ACCESSORY DWELLING UNITS (ADUs)**

38  
39 During 2014 the Planning Commission held some public discussion meetings to assess  
40 the possibility of allowing accessory dwelling units as part of the housing options within the city.  
41 Generally, these meetings indicated that allowing such a housing type might be appropriate,  
42 provided sufficient use regulations could be developed. However, there were some concerns  
43 regarding allowing detached ADUs, or units constructed separately from the primary dwelling.  
44 The Commission also questioned whether some aesthetic design standards were actually  
45 needful. Staff was asked to prepare a draft Ordinance to review and discuss.

46  
47 At 7:14 p.m. Chair Hirschi made a **motion** to reopen the public hearing to receive a letter  
48 from Linda Harrison into the public record for consideration, and for further public comment.  
49 Commissioner Johnson seconded the motion, which passed by unanimous vote (7-0).

50  
51 **Dale Engberson** – Mr. Engberson owns a home and property in Centerville that he thinks  
52 would work well with the addition of an ADU. He said he thinks the draft Ordinance is well

1 written. Mr. Engberson referred to the size limit of 200 square feet per resident and the  
2 maximum limit of 800 square feet per ADU, which equals a proposed maximum ADU occupancy  
3 of four residents. The State has an occupancy limit of 200 square feet per person, but Mr.  
4 Snyder stated that he is not aware of occupancy levels being enforced in the State of Utah  
5 during his career. Mr. Engberson said he assumes inspections would be required to make sure  
6 everything is up to code. He added that he thinks it would be a good idea for the City to  
7 maintain a list of ADU occupants for emergency situations. He also suggested that the City  
8 provide an instructive packet for ADU property owners that could include ways to screen  
9 potential occupants. Mr. Engberson mentioned the limitations imposed by required setbacks.  
10 He suggested that it would be fair to charge a percentage of some of the impact fees rather than  
11 the full amount.  
12

13 At 7:24 p.m. Chair Hirschi closed the public hearing. Chair Hirschi said he knows there  
14 are some citizens who could benefit from the Ordinance, but he is not sensing a huge amount of  
15 support or need right now. Mr. Snyder reported that three or four citizens call him regularly in  
16 support, and he regularly hears from one citizen against. Mr. Snyder said he personally  
17 believes that an ADU ordinance would be low-key in Centerville to begin with, but the General  
18 Plan states that the option should be considered. Commissioner Randall said she believes  
19 there are quite a few ADUs already in operation.  
20

21 Mr. Snyder mentioned several concerns brought to him by Commissioner Merrill,  
22 including placement of ADUs, and the question of whether or not the City should address  
23 existing ADUs. Chair Hirschi referred to the issue of "free access" on page two, item (e) of the  
24 draft Ordinance. Mr. Snyder responded that access is a distinguishing factor between a duplex  
25 and an ADU. An ADU is intended to be subsequent to the main residence, with a proposed size  
26 allowance of 25% of the main residence, which would avoid a duplex situation. The  
27 Commission discussed the proposed requirement of owner occupancy of at least six months of  
28 the year. Mr. Snyder explained that a provision is included for "sabbatical leave" if the City is  
29 given notice.  
30

31 As written, the draft Ordinance restricts detached ADUs to the backyard of a residential  
32 property. Through the conditional use permit process the Commission will have an opportunity  
33 to check the location of any detached ADU and analyze potential impact on neighboring  
34 properties. Mr. Snyder responded to a question from Chair Hirschi that he is not aware of any  
35 study related to ADU impact fees. Chair Hirschi brought up a potential scenario involving  
36 homeowners who pay impact fees when they purchase a home, raise a family, and years later  
37 decide to rent out a portion of their home, with the rental situation causing less impact on the  
38 community than the family did when the home was purchased and the family was young. He  
39 asked if the homeowners would be required to pay impact fees again if they decide to rent out a  
40 portion of the home. Commissioner Randall stated that charging impact fees twice in that  
41 situation would not seem right. Chair Hirschi suggested that one solution might be to assess a  
42 different impact fee for a detached dwelling than for a converted portion of an existing home.  
43 Impact fees are determined, in part, by the number of fixtures in a dwelling. The Planning  
44 Commission indicated that some type of tiering might be preferable for ADU impact fees,  
45 depending on potential added impact. Chair Hirschi asked staff for further education regarding  
46 how flexible the City can be with impact fees. Lisa Romney, City Attorney, responded that  
47 impact fees are intended to pay a fair share for services in a community, not to increase level of  
48 service. She commented that the City does not charge impact fees based on family size or  
49 number of residents, and stated that the final decision should be defensible with analysis. Chair  
50 Hirschi agreed that the City needs to be clear and consistent. Ms. Romney added that the City

1 includes an exception in all of its impact fee ordinances that allows residents to provide proof of  
2 lesser impact and apply for a reduction.

3  
4 Chair Hirschi commented that some of the City's residential roads are narrow, and  
5 additional need for parking might exacerbate an already difficult parking situation, especially in  
6 winter months. Mr. Snyder stated that the draft Ordinance allows a maximum of 800 square  
7 feet, with four occupants and one required parking spot. City Code requires two parking spaces  
8 for a primary residence, and the Commission could recommend requiring two parking spaces  
9 for ADUs as well.

10  
11 Commissioner Ince asked how strictly the City enforces exact setbacks and design  
12 requirements. Mr. Snyder responded that enforcement of design require is disciplined  
13 approach. Enforcement of behavior is on a complaint basis. Chair Hirschi added that through  
14 the conditional use process the Commission will have the ability to look closely at individual  
15 situations. He stated that the provision regarding location of entrances was confusing. Mr.  
16 Snyder responded that character of the neighborhood and privacy are factors considered in  
17 determining location of entrances. Mr. Snyder confirmed that the draft Ordinance requires at  
18 least six feet between a main residence and a detached ADU for emergency personnel access.

19  
20 Commissioner Johnson referred to the letter sent by Linda Harrison that cites Orem as a  
21 negative example of ADU occurrence, and asked Mr. Snyder if he knows the difference in the  
22 number of single family units in Orem compared to Centerville. Mr. Snyder responded that he  
23 imagines Orem has significantly more single family homes than Centerville. Commissioner  
24 Johnson said he felt the letter centered around the topic of expectations, and asked how the  
25 Planning Commission should balance people's expectations with the needs of the City. Mr.  
26 Snyder stated that Centerville was originally organized with the idea of varying single-family lot  
27 sizes. In 2003 the City instituted completely different parameters based on gross density.  
28 Cities change through time and zoning, creating differences in expectations. Chair Hirschi  
29 added that the demographics in Centerville have changed significantly. Commissioner Merrill  
30 commented that the city has changed since he bought his first home 40 years ago, but he still  
31 loves Centerville. He feels the city still has a small-town feel, but provides what people need  
32 and want within the city. Commissioner Merrill stated he has embraced the change that has  
33 taken place, and he thinks the younger generation in the community will want to stay.  
34 Commissioner Johnson stated that he would personally tend to disregard expectations that  
35 things remain the same, and asked how much the expectations should affect decisions made by  
36 the Commission.

37  
38 Commissioner Randall commented that if all the properties on her block built detached  
39 ADUs in the backyard, there would be a big impact on the neighborhood. She said she is fine  
40 with existing structures being converted to ADUs, but the detached concept makes her nervous.  
41 She would not want the neighborhood to become a different place. Chair Hirschi added that  
42 there are parts of the city where separate structures would be possible, but many  
43 neighborhoods in the city where it would not be possible. Commissioner Randall agreed that it  
44 would increase what some citizens are able to do with their property. Commissioner Hirst  
45 stated she agrees with some of the concerns voiced in Ms. Harrison's letter, but at the same  
46 time, Centerville is not Orem City. Commissioner Hirst said she cannot imagine that many  
47 homeowners will be interested in adding ADUs, and she does not think the City will see an  
48 entire block of properties add detached structures. Commissioner Merrill seconded what  
49 Commissioner Hirst said, and added that he does not anticipate a clamor to add ADUs.

1 Commissioner Ince asked about enforcement against existing ADUs. Mr. Snyder  
2 repeated that the City enforces on a complaint basis. If a report were to come in on a pending  
3 ordinance, he would not take action until a decision is made. The proposed draft Ordinance  
4 may not make all existing ADU situations legal. Some would benefit from the draft Ordinance,  
5 some would not. Commissioner Ince said he has an issue with things seeming to be arbitrary in  
6 government, and stated that the 25% and 800 square foot limitations seem to him to be  
7 arbitrary. He suggested there should be some latitude or tolerance for different circumstances.  
8 Mr. Snyder stated that the 25% and 800 square foot limit is consistent with other communities  
9 with ADU ordinances. ADUs are a limited use opportunity. Mr. Snyder clarified that an owner  
10 could live in either the primary residence or the ADU to satisfy the occupancy requirement.  
11 Chair Hirschi suggested clarifying the definition of "the dwelling" on page 6 Section (a)(2) of the  
12 draft Ordinance.

13  
14 Commissioner Randall made a **motion** to table the issue, which was seconded by  
15 Commissioner Merrill. Mr. Snyder asked the Commission for direction regarding design  
16 standards. Chair Hirschi stated that he personally thinks design standards make a lot of sense  
17 because appearance reflects the character of a neighborhood. Commissioners Merrill, Kjar,  
18 and Randall indicated support for leaving design standards in the Ordinance. Chair Hirschi  
19 voiced support for requiring that exterior finishes must be compatible with the primary residence,  
20 and that entrances remain non-intrusive. Chair Hirschi suggested changing the word "must" to  
21 "should" with regards to matching windows on the main home. Commissioner Ince suggested  
22 requiring that exteriors be "complimentary" to the main home. Mr. Snyder agreed to continue  
23 working on the design standards portion of the Ordinance.

24  
25 The motion to table passed by unanimous vote (7-0). Commissioner Ince asked what  
26 constitutes the definition of a family in a residential situation. Mr. Snyder responded that State  
27 law states that family/guardianship situations constitute family, as well as four unrelated  
28 individuals sharing a dwelling. The City Codes include related individuals, plus two additional  
29 individuals in the definition of a family.

30  
31 **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

32  
33 The Planning Commission will meet next on March 11, 2015, beginning with a work  
34 session before the regular Planning Commission meeting. The Planning Commission will also  
35 participate in a planning priorities work session with the City Council on March 17, 2015

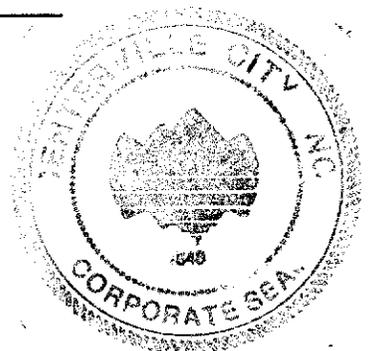
36  
37 **ADJOURNMENT**

38  
39 At 8:59 p.m. Chair Hirschi made a **motion** to adjourn. Commissioner Johnson seconded  
40 the motion, which passed by unanimous vote (7-0).

41  
42  
43   
44 \_\_\_\_\_  
45 David P. Hirschi, Chair

46  
47  
48 3-11-2015  
49 \_\_\_\_\_  
50 Date Approved

46  
47  
48   
49 \_\_\_\_\_  
50 Katie Rust, Recording Secretary



CENTERVILLE PLANNING COMMISSION MEETING

Wednesday, February 25, 2015  
7:00 p.m.

NAME (PLEASE PRINT)

ADDRESS\*\*

Lucia Jannickson  
 Dan + Robin Neville  
 Dale Engberson  
 Caden Campbell  
 Spencer Mc Kee  
 Cutter  
 Charlie O. Cree  
 Oliver Joseph Dickes  
 Wilfred Adams  
 Gary Harsh  
 Scott Lane  
 Bruce Cox  
 Lee Skabelund

114 Bradley Dr. Cent  
 415 South Main Circle  
 696 E Cedar St  
 1400 N 50W Oakcrest Circle  
 1443 North Suncrest Circle  
 1381 N. Main Centerville UT.  
 1361 N. Main Centerville Utah.  
 345 W 1400 N  
 383 W 1400 N  
 364 W - 1375 N.

\*\* Your address will be used only in the event the City staff needs to contact you pertaining to an issue discussed in the Planning Commission meeting.

- 1           3. It appears all applicable development standards for development within an R-L Zone
- 2           have be satisfied [Table 12-32-1].
- 3           4. It appears all general requirements for all subdivisions have been satisfied [Chapter
- 4           15-5].
- 5           5. All applicable standards found in the Subdivision Ordinance pertaining to a
- 6           preliminary subdivision application have been satisfied [Chapter 15-3].

7  
8           The motion was seconded by Chair Hirschi and passed by unanimous vote (6-0).

9  
10           **PUBLIC HEARING | ZONING CODE TEXT AMENDMENT, CHAPTER 12-60 –**  
11           **ACCESSORY DWELLING UNITS (ADUs) - Consider a proposed zoning code text**  
12           **amendment to Chapter 12-60-Accessory Dwelling Units (ADUs), by adding new regulations**  
13           **to this chapter. Centerville City, Applicant.**

14  
15           Mr. Snyder, Community Development Director, reported the Planning Commission has  
16           held some public discussion meetings to assess the possibility of allowing accessory dwelling  
17           units (ADUs) as part of the housing options within the city. Generally, these meetings indicated  
18           that allowing such housing type might be appropriate, provided sufficient use regulations could  
19           be developed. Concerns discussed have included allowing detached ADUs (units constructed  
20           separately from the primary dwelling) and aesthetic design standards.

21  
22           Staff has prepared a draft ordinance using typical standards found throughout many Utah  
23           cities. Some provisions have been modified or altered to reflect Centerville's Zoning Ordinance  
24           style; as well as elements that attempt to reflect the characteristics of using ADUs in Centerville  
25           City. Mr. Snyder reviewed each section of the draft ordinance with the Commission including  
26           termination, design, parking, exemptions, occupancy, etc. Staff believes the proposed draft is  
27           consistent with the City's Moderate Income Housing Element concerning both the use of ADUs  
28           and of implementing design standards. The proposed draft includes compatibly elements to  
29           maintain neighborhood characteristics including ADUs as subordinate to the primary use, owner  
30           occupancy requirements, location and size limitations, and design expectations. The proposed  
31           draft also includes parameters, restrictions or limitations to prevent or mitigate impacts to  
32           adjacent properties. Such elements provide self-contained on-site needs to minimize off-site  
33           conflicts with adjoining properties. Additionally, an ADU use is deemed a conditional use  
34           (CUP). A CUP allows the approving authority (i.e. Planning Commission) to review each case to  
35           assess the potential impacts and set conditions to mitigate concerns or potential problems.

36  
37           Mr. Snyder explained as part of any development proposal, from single-family  
38           subdivisions to large commercial development, the City has adopted "impact fees." Impact fees  
39           are charged to cover the costs of expanding or sizing utility service infrastructure. Such fees

1 cover items such as water lines and meters, storm drains, fire service, and even for providing  
2 parks. Since ADUs may create added demands for some services, it may not always be the case  
3 for other such services. The concept of ADUs are to capitalize an opportunity to use existing  
4 single-family style developments and associated infrastructure to keep costs down but increase  
5 the opportunity to find housing options. Charging a full service impact fee to an ADU may be a  
6 dis-incentive and may not be a flawless balance between the actual impact and the end user of an  
7 ADU. The Commission and Council need to consider this as part of any decision to allow ADUs  
8 in the City.

9  
10 Commissioner Randall said her biggest concern is parking. This is often the reason a  
11 neighbor will report an illegal ADU. She questioned if one additional parking space was  
12 adequate for an ADU. Mr. Snyder said the Commission could increase the required parking to 2  
13 spaces, but staff believes it may not be necessary for a maximum 800 square feet dwelling.

14  
15 Chair Hirschi opened the public hearing.

16  
17 Dale Engberson said he has read the proposed ADU draft and is accepting of the  
18 document. He likes that the parking is behind the setback and believes this will help with  
19 alleviate parking concerns. He likes that the draft requires ADUs to have their own meters but  
20 that both meters must be in the property owner's name. He believes if ADUs are done right they  
21 are a benefit to the community.

22  
23 Stephanie Ivie, City Councilwoman, said she is glad to see the ADU issue come to this  
24 point. She agrees ADUs should be legal with set parameters. She is concerned the proposed draft  
25 may be a bit more restrictive than she would like. She does appreciate the owner occupancy  
26 requirement.

27  
28 Lee Skabelund said legalizing ADUs has been a long time coming. He said ADUs can  
29 work out nicely for a community and provide cohesiveness when done right. He said ADUs  
30 provide housing options for citizens who do not want to leave their large homes but need  
31 supplemental income to keep it and citizens who would like a smaller more reasonable place to  
32 live or elderly who do not want to live in a facility. He said ADUs need to have their own  
33 parking and entrance and separate heating, bathroom, kitchen and fire protection. He said ADUs  
34 increase diversity which keeps a community healthy.

35  
36 Chair Hirschi made a **motion** for the Planning Commission to **TABLE** this matter and the  
37 public hearing until the Planning Commission meeting to be held on February 25, 2015. The  
38 motion was seconded by Commissioner Hirst and passed by unanimous vote (6-0).

39

1           **SUMMARY ACTION CALENDAR**

- 2  
3           a. Award bid for re-roofing City Hall  
4           b. Award bid for the 2015 Street Overlay Project  
5           c. Accept Public Utility Easements for Island Parcel lot split  
6

7           Lisa Romney, City Attorney, explained item (c) on the Summary Action Calendar.  
8           Councilman Wright made a **motion** to approve all three items on the Summary Action Calendar.  
9           Councilman Higginson seconded the motion, which passed by unanimous vote (5-0).

10  
11           **MUNICIPAL CODE AMENDMENT – REPEAL SECTION 2-03-110 – CAMPAIGN**  
12 **FINANCE STATEMENT**

13  
14           The Council discussed campaign finance requirements with Ms. Romney. Ms. Romney  
15 recommended the Council adopt State law in place of the outdated City Ordinance. State law  
16 currently requires financial disclosure after a primary election, and no later than seven days  
17 prior to a general election. Councilwoman Fillmore stated she understands the benefits of  
18 adopting the State Code for uniformity, but stated that the question of financial disclosure prior  
19 to a primary election is a valid point. She suggested that those wanting to see the requirement  
20 in the State Code for State elections could lobby at the State level.

21  
22           Councilman Wright made a **motion** directing staff to draft an ordinance that adopts State  
23 law regarding campaign finance with the addition of a municipal reporting requirement prior to  
24 primary elections. Councilwoman Ivie seconded the motion, which passed by unanimous vote  
25 (5-0).

26  
27           **PUBLIC HEARING – ZONING CODE TEXT AMENDMENT, CHAPTER 12-60,**  
28 **ACCESSORY DWELLING UNITS (ADUs)**

29  
30           On March 25, 2015, the Planning Commission reviewed and recommended approval of  
31 proposed amendments to the Centerville Zoning Ordinance regarding Accessory Dwelling Units  
32 (ADUs) by majority vote. Cory Snyder, Community Development Director, briefly explained the  
33 proposed amendments. The size and occupancy component is based on the International  
34 Building Code occupancy limit of 200 square feet per resident. The owner occupancy  
35 component would allow the homeowner to occupy either the primary residence or the ADU.  
36 The Council discussed whether ADUs should be a conditional use, with Planning Commission  
37 review, or a permitted use. Impact fees are an unresolved matter. Mr. Snyder explained  
38 Planning Commission recommendations, and Ms. Romney recommended the Council direct  
39 staff to review impact fee studies before making changes.

40  
41           Mayor Cutler opened a public hearing at 8:27 p.m.

42  
43           Nancy Smith – Ms. Smith asked if ADUs could also be allowed on single-family  
44 dwellings in Residential-Medium Zones, rather than restricting to Agricultural and Residential-  
45 Low Zones.

46  
47           Kyle Green – Regarding impact fees, Mr. Green stated that increased use of services  
48 would be offset by increased utility fees. He also suggested that all parking should take place  
49 off the street to maintain the appearance of single-family neighborhoods.

50  
51           William Ince – As a member of the Planning Commission, Commissioner Ince voted  
52 against the 25% size restriction because he believes more flexibility should be given – i.e.  
53 allowing more than 25% of floor area to be used for an ADU.

1           Lee Skabelund – Mr. Skabelund stated he is in favor of ADUs. He said he feels the 25%  
2 limit is too restrictive. He agreed that off-street parking should be provided. He is not in favor of  
3 impact fees, because increased use is paid for with increased utility fees. Mr. Skabelund  
4 cautioned against micromanaging, and added that there is no better landlord than an owner-  
5 occupant.

6  
7           At 8:39 p.m. the Mayor closed the public hearing.

8  
9           Steve Thacker, City Manager, stated that the different impact fees should be considered  
10 separately, giving thought to the rationale behind each impact fee. Responding to Ms. Smith's  
11 comment, Mr. Snyder stated that Residential-Medium Zones are already multi-family zones.  
12 ADUs are meant for single-family neighborhoods. The 25% size restriction is the controlling unit  
13 for occupancy and parking. Councilman Averett stated that parking is the biggest issue. Mr.  
14 Snyder added that the proposed ordinance is not intended to put all existing units in compliance.  
15 Councilwoman Fillmore suggested the size restrictions could be different for attached units and  
16 detached units. Mr. Snyder responded that different size allowances would add complications.  
17 The Mayor invited two additional public comments.

18  
19           Kyle Green – Mr. Green mentioned that in Logan up to three unrelated individuals are  
20 allowed to live in the same unit. He said he believes parking restrictions would be the easiest  
21 way to mitigate the occupancy issue.

22  
23           Nancy Smith – Ms. Smith asked if an ADU would be allowed on a duplex or a fourplex  
24 property.

25  
26           The Council and staff discussed impact fees. Councilman Wright made a **motion** to  
27 table the issue and schedule a work session for staff to make a report and recommendation  
28 within the next two months. Councilwoman Ivie seconded the motion, and requested an  
29 additional public hearing following the work session. The motion passed by unanimous vote (5-  
30 0). Mayor Cutler expressed appreciation for the time spent by the Planning Commission on this  
31 issue.

32  
33           At 9:06 p.m. the Council took a break, returning at 9:11 p.m.

34  
35           **FY 2016 BUDGET**

36  
37           Mr. Thacker presented the City Manager's Proposed Budget for FY 2016. Councilman  
38 Wright made a **motion** to adopt the Proposed Budget as the FY 2016 Tentative Budget, and  
39 allow the Mayor and City Manager to recommend a meeting schedule and public hearing date  
40 at the May 19<sup>th</sup> meeting. Councilman Higginson seconded the motion, which passed by  
41 unanimous vote (5-0).

42  
43           **RDA MEETING**

44  
45           At 9:20 p.m. Councilman Wright made a **motion** to adjourn to a meeting of the  
46 Redevelopment Agency of Centerville. Councilwoman Ivie seconded the motion, which passed  
47 by unanimous vote (5-0). In attendance were: Paul A. Cutler, Chair; John T. Higginson, Vice  
48 Chair; Directors Averett, Fillmore, Ivie, and Wright; Steve Thacker, Executive Director; Blaine  
49 Lutz, Finance Director; Lisa Romney, City Attorney; and Katie Rust, Recording Secretary.

1            Travis Davis – Mr. Davis thanked the Council for taking the time to listen to the public.  
2 He said it is not a good idea to lower the acreage requirement for a PDO. He stated that  
3 residential works better than anything else on Main Street. He asked that the Council maintain  
4 the density cap at 1-4 units per acre if they do decide in favor of the PDO, possibly allowing 5-6  
5 units per acre if they are going to incent. Mr. Davis expressed the opinion that the SMSC Plan  
6 needs to be completely reworked, or at least put a density cap in place that would maintain the  
7 integrity of the community.

8  
9            Robyn Mecham – Ms. Mecham agreed with Mr. Snyder that a PDO is a bonus to  
10 density, and would be going the wrong direction. A vote for reducing the acreage for PDO  
11 would be going against 99% of the residents who have stated they do not want higher density.  
12 She said it would also be sending the wrong message to builders, because residents do not  
13 want higher density.

14  
15            At 9:30 p.m. Mayor Cutler closed the public hearing. Councilman Wright made a **motion**  
16 to reject Ordinance No. 2015-15 reducing the minimum acreage required for planned  
17 developments. Councilwoman Ivie seconded the motion. Councilwoman Fillmore said that, at  
18 face value, reducing the acreage requirement for a PDO city-wide is fine, because a PDO is a  
19 good tool to ensure a quality product. However, in the Main Street Corridor it could be  
20 problematic and she has reservations. Councilwoman Fillmore stated she would vote against  
21 taking action to reduce at this time because it has been mixed up in the SMSC issue. The  
22 motion to reject Ordinance No. 2015-15 passed by unanimous vote (5-0).

23  
24            At 9:33 p.m. the Council took a break, returning at 9:41 p.m.

25  
26            **CONTINUE PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT,**  
27 **CHAPTER 12-60, ACCESSORY DWELLING UNITS (ADUs)**

28  
29            Jake Smith, Management Assistant, reported on the varied impact fee policies regarding  
30 ADUs in other cities. Mr. Snyder recommended separating any ADU impact fee from the  
31 ordinance with a reference to the City Fee Schedule. He commented that an ADU is intended  
32 to be secondary to the primary dwelling unit. Councilwoman Fillmore stated that her greatest  
33 concern about the proposed ordinance is the setbacks and how they affect neighboring  
34 properties. She said she would want the ordinance to clarify that a detached ADU must be built  
35 within the remaining buildable area of the lot. The Council and staff discussed setbacks and  
36 ADU size, and it was suggested that setbacks could vary based on the square feet of the  
37 structure.

38  
39            At 9:56 p.m. Mayor Cutler opened a public hearing regarding ADUs.

40  
41            Spencer Summerhays – Mr. Summerhays showed photographs of a large accessory  
42 structure that has been constructed on the property adjacent to his backyard. He stated that the  
43 definition of ADU is ambiguous regarding whether an accessory dwelling unit can be part of a  
44 larger accessory building, and expressed the opinion that the two should not be mingled. He  
45 said the ordinance needs clarification regarding size and height of structure. The ordinance is  
46 close to what it needs to be, but there are still pieces that remain to be figured out. He asked  
47 the Council to be careful with setbacks in terms of relationships with other buildings.

48  
49            Mr. Snyder clarified that the ordinance allows an existing accessory building to be  
50 converted to an ADU. Councilman Wright said it sounds like the accessory building ordinance  
51 is a companion to the ADU ordinance. Councilwoman Fillmore agreed that the ordinances are  
52 related, and suggested the Council discuss general concerns to direct back to Planning staff or  
53 the Planning Commission. Mr. Summerhays recommended the Council ensure that an ADU,

1 whether stand-alone or part of another structure, meet some measure of size restriction in  
2 relationship to nearby structures. He suggested increasing setback with increasing height.

3  
4 Mark Briggs – Mr. Briggs said one of his neighbors built an ADU on top of their garage,  
5 which does not work in his type of neighborhood. The deck of the ADU can look down on  
6 everyone's backyard taking away privacy. He suggested the Council restrict the height of ADUs  
7 to be level with the existing primary dwelling.

8  
9 William Ince, Planning Commission – Commissioner Ince strongly encouraged the  
10 Council to reconsider the restriction that an ADU cannot exceed 25% of the size of the primary  
11 dwelling. He said he suspects most citizens who take advantage of the ADU ordinance will  
12 convert their basement, which could easily exceed 25% of the primary living area.  
13 Commissioner Ince stated he supports the 25% restriction for a separate structure, but equal  
14 size allowance for upstairs and downstairs makes sense to him. He recommended the Council  
15 send the ordinance back to the Planning Commission for further consideration.

16  
17 At 10:14 p.m. the Mayor closed the public hearing. Councilman Wright stated he is in  
18 favor of ADUs. The Council needs to look at balancing one person's property rights against  
19 another's. He said the Council needs to look at the accessory building ordinance again, and  
20 pointed out that changes can be made as issues arise. Councilwoman Fillmore and Mayor  
21 Cutler expressed a desire to refer the ordinance back to the Planning Commission with clear  
22 guidance. Councilman Wright suggested eliminating the 25% size restriction. Mayor Cutler  
23 expressed the concern that equal size opens up the possibility for duplex situations.  
24 Councilman Wright stated he is resistant to sending the ordinance back to the Planning  
25 Commission. Councilwoman Fillmore said she feels there should be more clear distinction  
26 between ADUs in an existing home versus a separate structure, and said she would like to see  
27 a dual-track ordinance. Mr. Snyder cautioned the Council that it is more difficult to decrease  
28 than to increase size allowance, and said he feels it would be a mistake to try to accommodate  
29 individual scenarios with an ordinance that would apply city-wide. He added that the size  
30 restriction is related to density – 800 square feet can accommodate up to four residents, with an  
31 additional resident allowed with each additional 200 square feet.

32  
33 Mr. Snyder explained the complications involved in calculating building height.  
34 Councilwoman Fillmore agreed with Mr. Summerhays' suggestion that the relation to other  
35 buildings needs to be considered. She said the basement ADU issue could be solved easily if  
36 the two types of ADUs are separated in the ordinance. Mr. Snyder said the separate structure  
37 issues could probably be solved with the accessory building ordinance. Mayor Cutler and  
38 Council members Higginson, Ivie, and Fillmore indicated support for separating the two types of  
39 ADUs in the ordinance. Councilman Averett stated that he does not personally like ADUs, and  
40 has been asked by some of his constituents to not support ADUs. He said it is a density issue  
41 that deteriorates a single-family neighborhood, and he will not vote in favor of ADUs.  
42 Councilman Wright said he understands Councilman Averett's point of view, but pointed out that  
43 ADUs can be appropriate, and can be an opportunity to provide accommodations for an aging  
44 population.

45  
46 Councilwoman Fillmore made a **motion** to separate the ADU use in existing structures  
47 from detached ADU structures, table the ADU use in existing structures to another Council  
48 meeting, and direct Planning staff and the Planning Commission to revisit separate accessory  
49 buildings when they have time on their schedule. Councilwoman Ivie seconded the motion.  
50 Councilman Wright made a **substitute motion** to table discussion of the proposed ordinance to  
51 a Council meeting in August, and ask staff to make a recommendation that reconciles some of  
52 the issues. Mr. Snyder pointed out that the Council has made the Main Street issue a priority.  
53 Councilman Wright amended his substitute motion to table discussion of the property ordinance

1 until the TZRO on the SMSC is lifted or expires. Councilwoman Ivie seconded the substitute  
2 motion, which passed by majority vote (4-1), with Councilwoman Fillmore dissenting.  
3

4 **MAYOR'S REPORT**

- 5
- 6 • Mayor Cutler reported that the Chair of the UIA called a special meeting to discuss  
7 starting the process of issuing the remaining authorized UIA bonds for the purpose of  
8 continuing construction. The Mayor said he sent a letter stating he thinks they  
9 should wait until the Macquarie situation is ended and a new executive director is  
10 hired. It has been recommended that the bonds be issued in two tranches. He  
11 reported that a vigorous discussion occurred regarding whether assessments should  
12 continue to be levied for a couple more months to provide a financial buffer and  
13 avoid assessments in the future. Mayor Cutler said he argued that assessments  
14 should end if cash flow is positive. He expressed a desire for Centerville to be  
15 current with the assessments. The Council discussed UTOPIA's construction goals  
16 moving forward. Mayor Cutler expressed the opinion that Centerville may have been  
17 able to influence ending the Macquarie situation sooner if the City were current with  
18 assessments. Councilman Higginson stated that Centerville agreed to be a partner,  
19 and UTOPIA needs to be whole at some point. He added now that UTOPIA is cash  
20 flow positive it should never go back to levying an assessment. Councilman  
21 Higginson said he believes a lot of Centerville residents really don't know about  
22 UTOPIA. Mayor Cutler said he would like to have a flier included in the utility bill  
23 notifying residents what is available (without advocating any specific service  
24 provider).  
25

26 **CITY COUNCIL LIAISON REPORT**

27  
28 Councilwoman Ivie reported that the Landmarks Commission is scheduled to host a  
29 social in September, and is eagerly waiting time on the Council agenda to discuss the historic  
30 district. She reported on the success of the historic home tour held on June 6<sup>th</sup>. She also  
31 reported that the June community hike scheduled by the Trails Committee was postponed to  
32 July 8<sup>th</sup>.  
33

34 **CITY MANAGER'S REPORT**

35  
36 Mr. Lutz explained the calculation of property tax valuation, and explained his frustration  
37 with the values determined by the County. Mayor Cutler suggested he meet with the County  
38 Assessor and County Clerk.  
39

40 **MISCELLANEOUS BUSINESS**

41  
42 Councilman Wright made a **motion** to approve commencement of the warranty period  
43 for The Pasture commercial project, effective July 7, 2015. Councilwoman Ivie seconded the  
44 motion, which passed by unanimous vote (5-0).  
45

46 **RDA MEETING**

47  
48 At 11:08 p.m. Councilman Wight made a **motion** to move to a meeting of the  
49 Redevelopment Agency of Centerville. Councilman Higginson seconded the motion, which  
50 passed by unanimous vote (4-0). In attendance were: Paul A. Cutler, Chair; John T. Higginson,  
51 Vice Chair; Directors Averett, Fillmore, Ivie, and Wright; Blaine Lutz, Finance Director; Lisa  
52 Romney, City Attorney; Jacob Smith, Management Assistant; and Katie Rust, Recording  
53 Secretary.



# ADU's Summary Brief

## ♦ ACCESSORY DWELLING UNIT ♦

### Accessory Dwelling Units (ADU's)

Accessory Dwelling Units (ADU's) are an additional, self-contained housing unit that are secondary to a 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, a second-story over an detached garage, or separate backyard building.

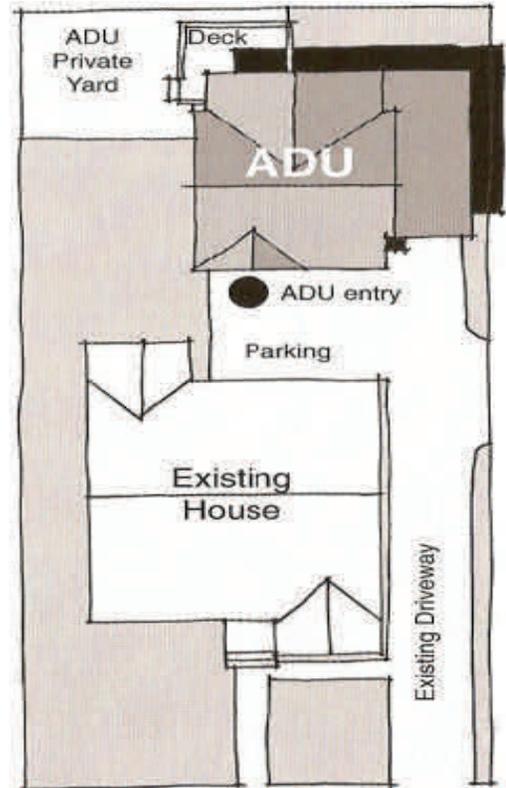
### Purpose of ADU's

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

### Potential Drawbacks of ADU's

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



# Considering ADU's

## ◆ ACCESSORY DWELLING UNIT ◆

### Why Consider Allowing ADU's

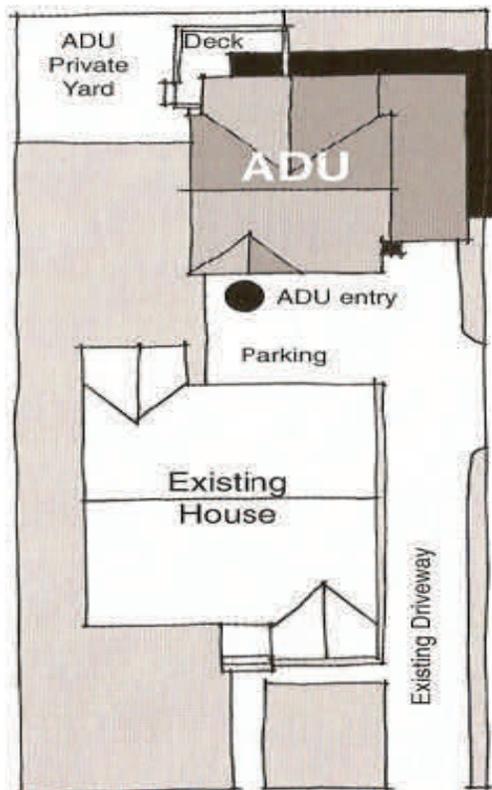
- Provide opportunities for people moving through life's stages to be able to live and/or grow up in the same community.
- Increase opportunities for redevelopment to reduce the demand for new extensions of utility lines and services.
- Encourage the development of sustainable and/or walkable neighborhoods, where employment, goods, and services can be obtained with less driving distances.
- Encourage opportunities for establishing a variety of housing types in keeping with the income ranges of more families.

### Who Typically Chooses to Build ADU's

- Older Singles/Couples
- Younger Singles/Couples
- Middle-aged Empty Nesters
- Single Person Households
- People that Travel Often/Extended Periods

### Who Benefits From ADU's

- *Home Owners* — creating a "home based" supplemental income
- *Aging Persons* — ability to prolong their normal living arrangements
- *Local Businesses* — provides a larger client base to provide needed services
- *Local Contractors* — provides opportunities to construct significant home improvements
- *Lending Institutions* — provides a base for home improvement loans
- *Real Estate Firms* — potentially provides slightly higher priced housing resale stock



### Utah Counties/Cities Currently Allowing ADU's\*

- |                  |                  |
|------------------|------------------|
| • Orem City      | • Centerfield    |
| • Draper City    | • Salt Lake City |
| • Lindon City    | • Grand County   |
| • Sandy City     | • Summit County  |
| • Mapleton City  | • Toole County   |
| • Eagle Mountain | • Weber County   |
| • Murray City    |                  |
| • Alpine City    |                  |
| • Bountiful City |                  |
| • West Point     |                  |
| • Provo City     |                  |
| • Payson City    |                  |
| • Taylorsville   |                  |

\* As found using internet search engines



# Types Guide to ADU's

## ◆ ACCESSORY DWELLING UNIT ◆

### Types of ADU's

There are five (5) main types of ADU's.

These types are:

- Dwelling created in a portion of an existing single family (e.g. basements, attics)
- Dwelling created as a dedicated addition to an existing single family home
- Dwelling created as a free-standing accessory building (e.g. guest house, or cottage)
- Dwelling created from by converting the garage into livable space
- Dwelling purposely designed into the layout of new construction.

### Existing Home Renovation – (example)



Potential Location of ADU

### ADU Guest House/Cottage — (example)



Potential Location of ADU

### Garage Conversion – (example)



Potential Location of ADU

### Dedicated ADU Additions — (example)



Potential Location of ADU

### Integrated New Construction — (example)



Potential Location of ADU

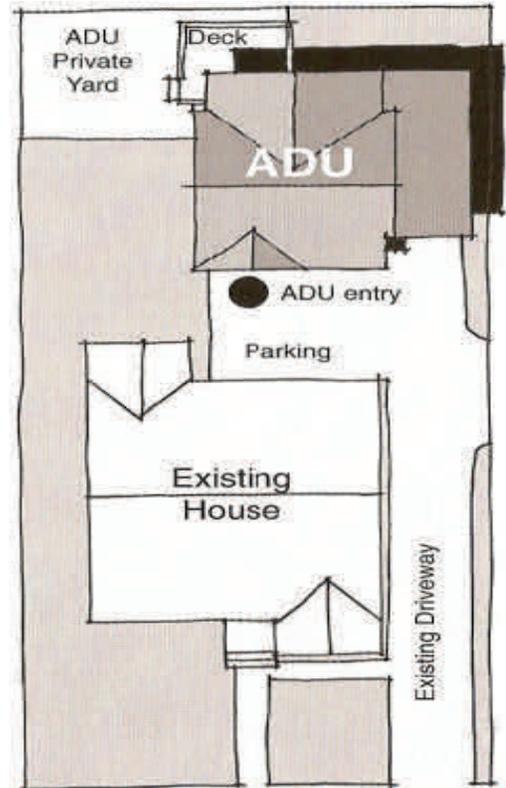


# Typical Regulations for ADU's

## ◆ ACCESSORY DWELLING UNIT ◆

### Requirements for Allowing ADU's

- Owner occupancy (at least 6 months) of either the home or the ADU. Owner is defined as a person with at least 50% or greater interest in the property
- Owner must sign a owner-occupancy covenant in order to construct or use an ADU
- Occupancy limit for unrelated persons for both units
- Limit one (1) ADU within single family zones
- Limitation of ADU unit sizes (minimums/maximums) based on lot sizes of a residential zone.
- Detached ADU setback/height restrictions
- Entry Door Orientations for ADU's
- Providing for additional parking stalls
- Minimum pervious surface requirements for entire property.
- Building & safety regulations for sleeping areas, kitchens, etc. for the use of ADU's



### Ordinance Enforcement for ADU's

- Receiving some type of official City approval for construction and use of ADU's
- Recordation of ADU covenants for the property.
- Establishing procedures for the sale or transfer of ownership for properties containing ADU's
- Removal of select features (e.g. kitchen) within ADU's, if no longer desired or abandoned.
- Establishing legalizing procedures for existing illegally developed ADU's or their

removal

- Requirements for submittal, approval, and permit issuance to establish ADU's

### Ordinance Exceptions For ADU's

- Waiver of parking requirements based on location in relation to mass transit, goods & services, historic preservation, etc.
- Temporary Owner Absence Allowance due to job dislocation, sabbatical leave, educational pursuits, illness, etc.
- Encouraging affordability through exemptions or reductions of approval fees, building permit fees, and/or impact fees.



# Additional Information about ADU's

## ♦ ACCESSORY DWELLING UNIT ♦

### State & Local Planning Policies (examples)

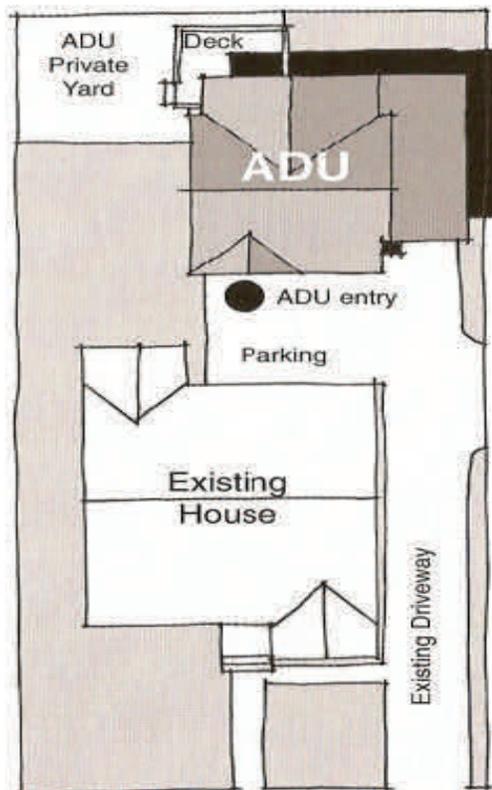
- UCA 10-9a-403, “in drafting the moderate income housing element [cities] shall consider the Legislature’s determination that cities shall facilitate a reasonable opportunity for a variety of housing types
- Centerville City General Plan, Moderate Income Housing, See Strategy 6-D.4

### Planning Toolkits About ADU's (examples)

- Urban Planning Tools for Quality Growth, Chapter 2, Page 36, an Envision Utah Publication ([www.envisionutah.org/Urban%20Planning%20Tools%20for%20QG\\_ch2\\_1.pdf](http://www.envisionutah.org/Urban%20Planning%20Tools%20for%20QG_ch2_1.pdf))
- Getting to Smart Growth, 100 Policies for Implementation, Chapter 3, Section 3, a ICMA Smart Growth Publication ([www.smartgrowth.org/pdf/gettosg.pdf](http://www.smartgrowth.org/pdf/gettosg.pdf))
- Smart Growth/Smart Energy Toolkit, Accessory Dwelling Units ([www.mass.gov/envir/smart\\_growth\\_toolkit/pages/mod-adu.html](http://www.mass.gov/envir/smart_growth_toolkit/pages/mod-adu.html))

### ADU Publications & Studies (examples)

- Accessory Dwelling Units: Case Study, by the US. Department of Housing and Urban Development (<http://www.huduser.org/portal/publications/adu.pdf>)
- Granny Flats Add Flexibility and Affordability, Better Cities & Towns (<http://bettercities.net/article/granny-flats-add-flexibility-and-affordability>)
- Missouri Gerontology Institute, Accessory Apartments (<http://extension.missouri.edu/publications/DisplayPub.aspx?P=GG14>)



### Local Newspaper Articles (examples)

- Salt Lake Tribune, Mother-in-law apartments back in fashion?, 03-10-2013
- Daily Herald, Poll—Should Utah valley cities allow accessory apartments?, 02-10-2013
- Ezine @articles, Orem Utah Accessory Apartment 2012 Update, Denise C. Martin, 07-18-2012
- Daily Herald, Pleasant Grove says no to accessory apartments, Laura Giles, 04-20-2010
- Deseret News, Check zoning laws on building apartment in family’s house, 05-09-1993

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
1/19/2016**

Item No. 5.

Short Title: Consider options for video streaming Council meetings

Initiated By: Councilman McEwan

Scheduled Time: 8:15

**SUBJECT**

**RECOMMENDATION**

Review options researched by City staff and determine whether to proceed with one of these options, or request further staff research.

**BACKGROUND**

At the previous Council meeting, the direction was given to staff to research and bring back options to begin live video streaming of Council meetings and archiving of recorded meetings. There are several meeting management solutions that are used by cities across the county. Proposals have been obtained from three of the service providers. The three providers are Granicus, SuiteOne (JCG), and Novusolutions. All provide similar services. They provide facilitating and organization to the live stream, and storage, organization and ease of retrieval and viewing of archived video. Videos can also timestamp, “bookmark”, important agenda items.

Of the 3 proposals, Novusolutions provides the least costly annual and upfront investment (see attached summary). Novusolutions is the agenda management service that the City uses for its agendas. This would make integration of the video the least complicated to the public and ease of management by the City staff. The cost of the service is \$4,000 annually (approximately \$1,350 from this year’s budget).

The City would also need to purchase a video camera, an encoder and installation of these devices. The estimated cost is \$1,500 to \$2,000 one-time cost.

An alternative to using a meeting management solution, is to stream to an open source such as Youtube, Youtube Red, or Ustream. There would be little or no cost for storage and archiving, with limitations. The downsides are the videos are not as organized or integrated with the City’s agenda management system, which may make it more difficult for the public to be able to retrieve and view archived videos. There are some storage limitations. The cost for a camera and encoder would still need to be incurred.

The City of Kaysville is utilizing a Youtube channel to stream and archive its Council meetings. According to Kaysville staff, they have setup a system that is very simple to operate. Staff would like to have some additional time to fully investigate this option. Below is a link to their Youtube site.

<https://www.youtube.com/channel/UCtH-iKmjfeXat6K2wOetoZQ>.

**ATTACHMENTS:**

Description

- ☐ Meeting Solutions Summary

- ▣ Novusolutions
- ▣ Granicus
- ▣ SuiteOne

## Meeting Video Steaming

### Streaming Management Service Providers

<b>Novus Agenda</b>	<b>\$ 4,000</b>	<b>p/year</b>
	<b>\$ -</b>	<b>Set up</b>
<b>Granicus</b>	<b>\$ 4,800</b>	<b>p/year (\$400 per month)</b>
	<b>\$ 4,500</b>	<b>Set up, includes encode</b>
<b>Suite One (JCG)</b>	<b>\$ 4,788</b>	<b>p/year (\$399 per month)</b>
	<b>\$ 1,999</b>	<b>Set up, includes encode</b>

### Other cities from informal survey

Riverton -	Audio only. In the process of setting up to stream. Considering Novus and Granicus.
Orem -	Audio only. In the process of setting up streaming. Considering Prime Government Solutions and JCG.
Lehi -	Recently initiated. Uses Granicus.
Cedar City-	Has own "media center". Limited history of meetings due to size.
Washington -	Streams via google and stores on Youtube.
Salt Lake -	Has own TV crew.
Heber -	Audio only. Stores video locally. Needs download to view.
West Valley -	Youtube channel.

### Davis Cities

NSL -	Has audio link
Bountiful -	Appears to have nothing available
Woods Cross -	Appears to have nothing available
West Bountiful -	Appears to have nothing available
Farmington -	Appears to have nothing available
Kaysville -	Live streaming. IT person. Keeps 4 hours on Youtube. In meeting staff with PTZ.
Fruit Heights -	Appears to have nothing available
Layton -	Audio (appears to be Granicus)
Clearfield -	Appears to have nothing available
West Point -	Appears to have nothing available
Sunset -	Post meeting audio.
Clinton -	Audio (appears to be Granicus)
South Weber -	Post meeting audio.



## Meeting Management Solution Video Streaming Services

Prepared For Centerville UT

Date 01-11-16

Valid for 90 Days

  
**Novusolutions**

3820 Northdale Blvd.

Suite 205A

Tampa, FL 33624

John Kercher

[jkercher@novusolutions.com](mailto:jkercher@novusolutions.com)

800-274-5624 Ext 702

## Video Streaming

NovusAGENDA must be in use to leverage the following Video Streaming service.

NovusAGENDA video services use the Amazon Wowza Streaming capabilities as a foundation to deliver video and audio to any devices. Our streaming services supports both Standard and High Definition broadcast and streaming.

Video Services include full integration with NovusAGENDA so the public can enjoy a seamless presentation of your Agenda, Minutes and Video. Video links to items will be presented on both your Agenda and Minutes which means the public will see the links regardless of which publication they view.

The service includes a live stream of your meetings as well as archived delivery of indexed meetings fully integrated with NovusAGENDA. Users access the archived meetings via the NovusAGENDA public search page for meetings.

Video files are stored on our servers in mp4 format (H.265 w/ mp3 audio IIFC). The MOV ATOM is stored at the end of the saved video to support progressive downloads and speed delivery.

## Video Streaming Hardware Considerations

If you have a Tricaster system or similar device in place there is no hardware needed. If not an encoder must be installed to support the live stream. We require a video stream that is using the RTMP or RTSP protocol to carry an encoded H.264 video stream to our system (Wowza). We will provide you with the URL to our server (eg: "RTMP://[publish.Novusolutions.com/liveAgenda](https://publish.Novusolutions.com/liveAgenda)") and the unique name of your stream (eg: "YourCityName").

If you do not have this capability in place we can suggest an encoder for you to purchase that will deliver this stream to our servers. These systems will require a small PC or laptop to run software. They do not require a high end server. A basic laptop is more than adequate to run the encoder software options below.

Free option:

[Adobe Flash Live Media Encoder \(free\)](#)

Low Cost Option:

[Telestream WireCast \(\\$500\)](#)

## Retention

NovusAGENDA video services will retain access to your videos for 5 years at no additional cost. A small annual fee can be added for retention beyond that.

## Video Streaming Annual Service

Video stream of meetings/events with unlimited on demand storage and indexing tools.

\$4,000/Year

- Events are viewed via your agenda and or minutes so any event you stream must be a meeting type in NovusAGENDA with a published agenda.
- You do your own indexing "live" in the meeting.
- Index points can be edited post meeting as needed at any time.
- Up to 150 meetings per year. Contact us for pricing on more meetings.
- Fully integrated with your agenda and minutes.
- Video and Audio Stream delivered from our Amazon Wowza Servers to any modern device.
- If you are streaming High Definition Video add 20% to the annual fee to cover additional storage requirements.



## Granicus Budgetary Quote for Centerville UT

January 11, 2016

Dear Blaine,

Thank you for considering Granicus and discussing your county's interest in improving its transparency and efficiency through an integrated web and agenda solution. This proposal is for budgeting purposes only and will be replaced by a formal proposal when appropriate.

By selecting Granicus, your organization will gain what over 1000 government clients already have: a trusted partner. **And we're the only company with the experience and capabilities to provide an integrated voting solution that fits your existing legislative processes, software, and technical infrastructure.**

Granicus is committed to ensuring your critical applications are installed quickly and run effectively with **24/7 tech support and proactive monitoring. You'll also receive unlimited web-based training and a dedicated account manager who will know your solution inside and out.** Our aim is to help you effectively achieve your goals.

On the following few pages, you will find our proposed solution, investment, product descriptions and some of our key differentiators.

We look forward to establishing a rewarding, long-term relationship with you.

Sincerely,

Joshua Hurni  
Account Executive  
415-967-5573  
Granicus, Inc

## Investment

Your Granicus solution was based on your public meeting efficiency needs. Our pricing reflects our commitment to supply customers with the highest value and quality software and support.

Product Name	Unit Price (Up-Front)	Unit Price (Monthly)
Government Transparency (Webcasting)	\$4,500.00	\$400.00

**Expires February 6, 2016S**

\*\*\* NOTE: The pricing in this preliminary proposal excludes tax and is SUBJECT-TO-CHANGE. While this preliminary proposal will provide you with our best possible estimate of what your solution will look like, it is not considered complete until a network assessment has been completed. Our goal here at Granicus is to make sure that every new client has a successful deployment and to make sure that our products exceed your expectations. We believe that spending the time to accurately conduct an assessment of your network and documents will help us meet our goals and will ensure that you have the best experience possible. \*\*\*

## Proposed Solution

### *Granicus® Open Platform*

The Granicus® Open Platform is the cloud-based foundation for all Granicus applications. It allows government organizations to manage and store an unlimited amount government public meeting data. It is the core of our content management, administration and distribution tools and includes free access to our APIs and SDKs, helping you seamlessly connect your Granicus solution to systems in place. The Granicus Platform includes the ability to upload and publish content including videos and documents. [Click here](#) for more information on the Granicus Open Platform.

- Unlimited content storage and distribution
- Open architecture and SDK
- Archived video editing and indexing
- Citizen web portal
- Live and on-demand streaming to mobile devices
- Create a paperless agenda environment with iLegislate® for the iPad

### *Granicus Encoding Appliance*

The Granicus Encoding Appliance is designed and built for our platform and streaming protocols to provide government organizations with superior live and on-demand webcasting performance. The hardware is pre-configured and delivered ready to stream. Simply connect power, network and an audio/video source. Full appliance control is available through a web browser or locally installed client application.

- Provides live and on-demand streaming – online and via mobile devices
- Remote systems monitoring and Granicus maintenance updates
- 500 GB of local storage (approximately 1,000 hours of archive content)
- Facilitates internal streaming across your local area network (LAN) – up to 50 concurrent viewers
- Supports extraction and display of embedded closed captions to help maintain ADA compliancy
- Faster archive upload times, less video buffering
- H.264 video codec encoding
- HTML5 and Flash compatible streaming delivery

Granicus' hosted infrastructure supports the encoding appliance and offers unlimited bandwidth, storage and the highest security standards through a cloud-based platform. Our remote, proactive system monitoring guarantees faster response time, predicts problems before they arise, and helps reduce the cost of IT support and maintenance. The Granicus team works around-the-clock to ensure your applications are protected and operating smoothly. This ensures long-lasting success with our technologies while maximizing your solution's performance.

### *Government Transparency Suite*

The Government Transparency Suite gives your citizens greater access to public meetings and records online. Take the next step towards transparency and stream meetings and events live, link related documents to your video, and provide advanced searching of archives. The Government Transparency Suite gives you unlimited cloud bandwidth and storage as well as local live and on-demand streaming for up to 50 concurrent viewers. This Suite also allows you to connect agenda data to the iPad to review agendas and supporting documents, take notes, and more through the iLegislate® application. [Click here](#) for more information on the Government Transparency Suite.

- Give citizens convenient access to live and archived streaming through your website
- Reduce public inquiries with searchable, self-service access online
- Import agendas and index video live to eliminate hours of work
- Manage and distribute unlimited meetings and events—all completely automated
- Reach a broader audience - integrate closed captions with video
- Understand and measure public participation with in-depth video analytics

## *Granicus Differentiators*

- World's most experienced provider of government transparency, citizen participation, meeting efficiency, and legislative management solutions with:
  - Over 1,000 clients in all 50 states, at every level of government
  - Over 31 million government webcasts viewed
  - More than 265,350 government meetings online
- First fully integrated legislative workflow management system for local government
- Open API architecture and SDK allow for seamless integrations with systems already in place
- Certified integrations provide flexibility and choice of agenda workflow solutions
- Exclusive provider of the iLegislate iPad application that allows users to review agendas and supporting materials, bookmark and take notes on items, stream archived videos, and review community feedback
- Only government webcasting service to provide encoding, minutes annotation, transcription, and closed captioning services
- Truly unlimited storage and distribution for all meeting bodies and non-meeting content
- Indefinite retention schedules for all archived meeting and non-meeting content
- Only provider of both government webcasting and citizen engagement services
- 24/7/365 customer service and support
- 97% customer satisfaction rating, 98.5% client retention rating
- One of the 100 companies that matter most in online video by Streaming Media magazine
- Ranked 185 on Deloitte 500 fastest growing companies
- Ranked 419 on Inc 500 fastest growing companies
- Client Success stories are available here: <http://www.granicus.com/Clients/Case-Studies.aspx>

# CITIZEN ENGAGEMENT

## GET SUITEVIEW

SuiteView is a complete video/audio on-demand and live streaming platform designed specifically for board, committee, and council meetings.

The public portal is a feature of the SuiteView platform that provides citizens with immediate access to meeting and event content, agendas, and more. The public portal has an intuitive, easy to use interface to ensure citizens can easily search, browse, and view content. Citizens can even personalize the public portal with subscriptions and notifications.

The SuiteView Administration Portal contains all the tools for staff members to manage the publishing, archiving, and reporting process for all meetings and events.

## Great Features, Simple to Use

- Unlimited Meetings
- Unlimited Viewers
- User Based Security
- Linked Agendas and Bookmarks
- Agendas, Minutes and Supporting Files
- Meeting and Event Templates
- Auto-schedule Meetings and Events
- Public and Private Media Library
- Analytics and Reporting
- Custom Portal Design
- Advanced Keyword Searching and Filtering
- Supports High Definition Video
- Personalized Citizen Subscriptions

## KEY BENEFITS

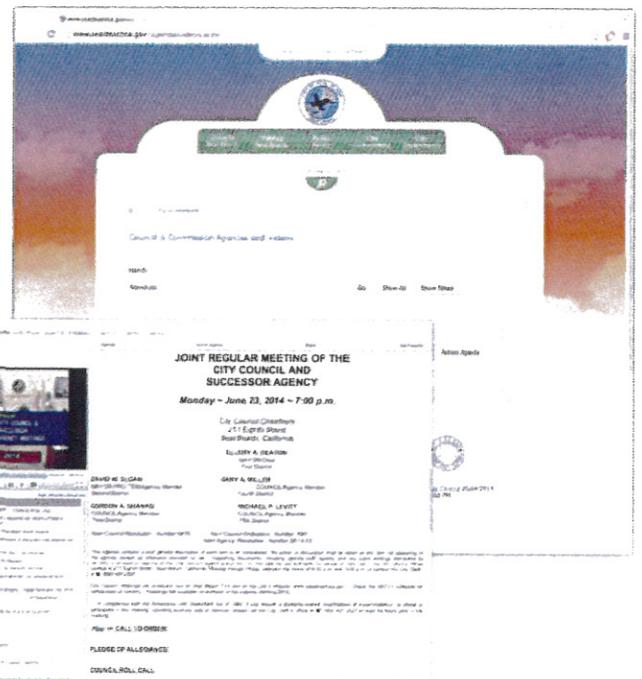
- Full featured and simple to use for staff
- Completely integrated with BoardSync agenda management system
- Transparency with citizen access to media, agendas, minutes, and supporting materials
- Most affordable managed solution available
- Higher viewership rates among citizens

## SUITEVIEW PRICING

\$299 per mo. On-Demand Meeting Webcasting

\$100 per mo. Add Live Meeting Webcasting

\$1,999 One-time Implementation Fee  
Includes site set up, training, video streaming and recording device, and full configuration



**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
1/19/2016**

Item No. 6.

Short Title: Municipal Code Amendments - Title 9 - Water

Initiated By: City Attorney

Scheduled Time: 8:30

**SUBJECT**

Consider Ordinance No. 2016-05 amending and renumbering various provisions of Title 9 of the Centerville Municipal Code regarding Water

**RECOMMENDATION**

Adopt Ordinance No. 2016-05 amending and renumbering various provisions of Title 9 of the Centerville Municipal Code regarding Water.

**BACKGROUND**

As part of the City Council's approval and direction to Staff to transition the Centerville Municipal Code to an online electronic code, the City Attorney has reviewed and recommends various amendments and renumbering of Title 9. Previous Title 9 Chapters 7 and 12 were recently renumbered to Title 17 (regarding Telecommunications Systems) and Title 18 (regarding Cable Systems). This leaves the remainder of Title 9 to address Water. The suggested amendments and renumbering of Title 9 has been reviewed with the Public Works Director and Staff recommend adoption of Ordinance No. 2016-05.

**ATTACHMENTS:**

Description

- Ordinance No. 2016-05-Title 9
- Title 9-Water-Redline

**ORDINANCE NO. 2016-05**

**AN ORDINANCE AMENDING AND RENUMBERING TITLE 9  
OF THE CENTERVILLE MUNICIPAL CODE REGARDING WATER**

**WHEREAS**, the City is in the process of transitioning the Centerville Municipal Code to an online electronic code and the City Council desires to bring existing titles, chapters and provisions of the Centerville Municipal Code up to date to be consistent with State statutory provisions, and to make other formatting, numbering and editing changes as recommended by Staff; and

**WHEREAS**, Staff has evaluated, reviewed and prepared suggested revisions and updates to Title 9 of the Centerville Municipal Code regarding Utilities and recommends amending and renumbering Title 9 as more particularly set forth herein; and

**WHEREAS**, the City Council has reviewed the recommended changes and renumbering of Title 9 of the Centerville Municipal Code and desires to adopt the recommended revisions and updates as more particularly set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF  
CENTERVILLE CITY, STATE OF UTAH:**

**Section 1.** **Repealer.** Title 9, Chapter 2 of the Centerville Municipal Code regarding Sewer is hereby repealed.

**Section 2.** **Amending and Renumbering.** Title 9 of the Centerville Municipal Code regarding Water is hereby amended and renumbered to read in its entirety as set forth in **Exhibit A**, attached hereto and incorporated herein by this reference.

**Section 3.** **General Repealer.** The amendment and recodification of Title 9 of the Centerville Municipal Code shall be a repeal of all ordinances in conflict with the adopted and codified Ordinances, provided however, all ordinances in force prior to the adoption and codification shall continue in force after the adoption and codification for the purpose of all rights acquired, fines, penalties, forfeitures and liabilities incurred and actions therefor.

**Section 4.** **Severability Clause.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all provisions, clauses and words of this Ordinance shall be severable. This Section shall become effective without codification.

**Section 5.** **Penalty Provision.** Unless otherwise specifically provided, any person who violates any provisions of Title 9 may be subject to criminal penalties as set forth in Title 1, Chapter 5, or civil penalties as set forth in Title 1, Chapter 6, as amended.

**Section 6. Effective Date.** This Ordinance shall become effective upon publication or posting, or twenty (20) days after adoption, whichever occurs first.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE, STATE OF UTAH, ON THIS 19<sup>th</sup> DAY OF JANUARY, 2016.**

**ATTEST:**

**CENTERVILLE CITY**

\_\_\_\_\_  
Marsha L. Morrow, City Recorder

By: \_\_\_\_\_  
Mayor Paul A. Cutler

Voting by the City Council:

	“AYE”	“NAY”
Councilmember Fillmore	_____	_____
Councilmember Ince	_____	_____
Councilmember Ivie	_____	_____
Councilmember McEwan	_____	_____
Councilmember Mecham	_____	_____

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB’s Gas Station, on the foregoing referenced dates.

\_\_\_\_\_  
MARSHA L. MORROW, City Recorder

DATE: \_\_\_\_\_

RECORDED this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

PUBLISHED OR POSTED this \_\_\_\_ of \_\_\_\_\_, 20 \_\_\_\_.

**EXHIBIT A**

**Title 9  
Water**

**TITLE 9.**

**WATER UTILITIES.**

**CHAPTER 9-01. WATER DEPARTMENT AND SYSTEMS.**

**CHAPTER 9-02. CULINARY WATER**

**CHAPTER 9-03. DRINKING WATER SOURCE PROTECTION**

**CHAPTER 9-04. BULK WATER STATION AND FIRE HYDRANT PERMITS**

**CHAPTER 9-05. IRRIGATION WATER AND NATURAL WATER COURSES**

**CHAPTER 9-06. SUBSURFACE WATER**

**CHAPTER 9-07. STORM WATER**

**CHAPTER 9-08. FLOOD DAMAGE PREVENTION**

**CHAPTER 9-01. WATER DEPARTMENT AND SYSTEM.**

**9-01-010. Water Department and Systems.**

**9-01-020. Public Works Director.**

**9-01-030. Water Superintendent.**

**9-01-040. Service Fee Appeal for Indigent Persons.**

**9-01-050. Compliance with State and Federal Regulations.**

**9-01-060. Interpretations and Enforcement.**

**9-01-070. Violations and Penalties.**

**9-01-010. Water Department and Systems.**

**PART 9-1-101. WATER DEPARTMENT AND SYSTEM GENERALLY.**

~~**9-1-101-110. WATER DEPARTMENT AND SYSTEM.**~~ The City has created the water division within the Public Works Department of the City, hereinafter referred to as the water department. The water department of the municipality is hereby created. It shall administer the operation and maintenance of the water systems of the municipality.

**9-01-020. Public Works Director.**

~~**9-1-101-111. PUBLIC WORKS DIRECTOR.**~~ The Public Works Director is responsible for maintaining the City water systems and shall oversee the administration and operation of the water department and provide general supervision of the water superintendent. ~~shall be the superintendent of the water department, and responsible for its function.~~

**9-01-030. Water Superintendent.**

~~**9-1-101-112. DUTIES OF SUPERINTENDENT.**~~ The water superintendent, under the direction of the Public Works Director, ~~of the water system~~ shall manage and supervise the municipal water systems pursuant to the provisions of this Title part and pursuant to resolutions, rules and regulations adopted by the City Council governing body from time to time prescribing ~~his~~ powers and duties and directing the manner and frequency with which the water superintendent ~~he~~ shall make reports to the Mayor and Council relating to the water system. ~~All of the functions and activities of the water superintendent shall be carried on under the direction of the City Manager.~~

**9-01-040. Service Fee Appeal for Indigent Persons. [MOVED FROM CHAPTER 9-11]**

Except as otherwise specifically provided in this Title, any person or entity that has paid a utility or municipal service fee under the terms and conditions of this Title- or Title 7 regarding garbage collection fees, may challenge the legality, equitability, or sensitivity to indigent persons of such fee by filing a written appeal with the City Recorder within thirty (30) days from the date such fee is paid. Such appeals shall be reviewed and decided by the Mayor and shall be limited to appeals challenging the legality, equitability, or sensitivity to indigent persons of the fee. Written appeals shall specifically state the grounds therefor. The Mayor shall issue a written decision regarding the appeal within a reasonable time from receipt of the appeal.

**9-01-050. Compliance with State and Federal Regulations.**

All parts, material and facilities of the City's public water systems must meet applicable State and Federal requirements. It is the intent of this Title to comply with such applicable provisions.

**9-01-060. Interpretation and Enforcement.**

Except as otherwise provided herein, the provisions of this Title shall be administered, interpreted and enforced by the Public Works Director. Civil enforcement procedures may be pursued by the Public Works Director or authorized enforcement official for violations of this Title in accordance with Title 1, Chapter 6 of the Centerville Municipal Code. Criminal violations shall be enforced by the Police Department.

**9-01-070. Violations and Penalties.**

Any violation of this Title shall be deemed a class "B" misdemeanor, subject to penalty and fines set forth in *Utah Code Ann. §§ 76-3-204 and 76-3-301*, as amended. Violations may also be subject to civil penalties in accordance with applicable provisions of Title 1, Chapter 6 of the Centerville Municipal Code regarding civil enforcement procedures.

## CHAPTER 9-02. CULINARY WATER

- 9-02-010. Culinary Water System.
- 9-02-020. Application for Culinary Water Connection – Individual.
- 9-02-030. Application for Culinary Water Connection – Subdivider.
- 9-01-040. Application for Culinary Water Service.
- 9-02-050. Non-Owner Applicants – Agreement of Owner Required.
- 9-02-060. Rates and Connection Fees.
- 9-02-070. Special Rates.
- 9-02-080. Water Use Without Payment Prohibited.
- 9-02-090. Delinquency – Discontinuance of Service.
- 9-02-100. Turning on Water After Turned Off Prohibited.
- 9-02-110. Separate Connections.
- 9-02-120. Unauthorized Users.
- 9-02-130. Period of Water Use by Visitors.
- 9-02-140. Service Pipes to be Kept in Good Repair.
- 9-02-150. Quality of Service Pipes.
- 9-02-160. Faulty Equipment.
- 9-02-170. Sprinkling Vehicles.
- 9-02-180. Water Department Access.
- 9-02-190. Nonliability for Damages.
- 9-02-200. Water Not Supplied for Motors, Syphons, Etc.
- 9-02-210. Sprinklers.
- 9-02-220. Scarcity of Water.
- 9-02-230. Waste of Water.
- 9-02-240. Water Meters.
- 9-02-250. Permit for Installation or Connection to Water System.
- 9-02-260. Application for Installation or Connection Permit.
- 9-02-270. Moving or Replacing Waterlines.
- 9-02-280. Plumbing Code Compliance Required.
- 9-02-290. Discontinuance of Service.
- 9-02-300. Fire Hydrant Installations.
- 9-02-310. Extension of Water Mains – Within City Limits.
- 9-02-320. Cost of Extension Determined.
- 9-02-330. Cost of Extension Deposited with City.
- 9-02-340. Ownership of Extension.
- 9-02-350. New, Upgraded, or Modified Water Laterals.
- 9-02-360. Supply of Water Service – Outside City Limits.
- 9-02-370. Extension of Water Mains – Outside City Limits.

### 9-02-010. Culinary Water System.

The City owns, operates and maintains its own culinary water system. The culinary water system is supervised and administered by the water superintendent. The City installs or contracts for the installation of its culinary water system and any extension or connection to the City culinary water system must be paid for upfront by the subdivider or developer in accordance with the provisions of this Title.

### 9-02-020. Application for Culinary Water Connection – Individual.

~~**9-1-101-113. APPLICATION FOR WATER CONNECTION.**~~ Any person, other than a subdivider or developer seeking multiple connections, who desires or is



**9-02-030. Application for Culinary Water Connection – Subdivider.**

**9-1-101-114. APPLICATION FOR WATER CONNECTION BY SUBDIVIDER.**

Whenever a subdivider or developer desires or is required to install culinary water connections and extensions for a subdivision or development, the subdivider or developer shall enter into a written extension agreement which shall constitute an application for permission to make the extensions and connections and an agreement specifying the terms and conditions under which the water extensions and connections shall be made and the payments that shall be required.

**9-01-040. Application for Culinary Water Service.**

**9-1-101-115. APPLICATION FOR WATER SERVICE.** Any person who desires or is required to secure culinary water service when such service is available from the municipal water system, shall file with the water department a written application and agreement for the service on forms provided by the City. which shall be in substantially the following form:

~~APPLICATION FOR CENTERVILLE CITY WATER AND TRASH~~

DATE \_\_\_\_\_ ACCOUNT NO \_\_\_\_\_

I, \_\_\_\_\_ hereby represent that I am the Owner of the property located at No. \_\_\_\_\_ Street, Centerville, Utah and described as follows:

~~\_\_\_\_\_ SINGLE FAMILY \_\_\_\_\_ MULTIPLE DWELLING \_\_\_\_\_ BUSINESS~~

~~I hereby request water service connection, and water supplied from the City Water Mains, for culinary use at the above described premises. I agree to pay the City all connection fees, including meter installation, (if any is made) prior to water being supplied under this application. I will be responsible for, and pay the City for all water used on said premises when the account is due, whether on flat or metered service, whether supplied to himself, tenant, or other occupant. I also agree to be responsible for all water service furnished to said premises while I am the owner thereof.~~

~~I further agree to keep all taps or other fixtures, through which water may be obtained, in proper repair. Inspector of the City shall at all reasonable hours have the right to enter said premises and to make excavations thereon, for the purpose of inspecting pipes or other appliances, or for disconnecting said premises or any part thereof for non-payment of rates, or for violation of any City ordinance, or this agreement.~~

~~MAILING ADDRESS \_\_\_\_\_~~

~~PRIOR OWNER \_\_\_\_\_~~

~~OWNER \_\_\_\_\_~~

~~DATE SERVICE IS TO START \_\_\_\_\_~~

**9-02-050. Non-Owner Applicants – Agreement of Owner Required.**

**~~9-1-101-116. NON-OWNER APPLICANTS – AGREEMENT OF OWNER.~~**

Applicants for culinary water service made by the tenant of an owner must in addition to the above requirements be guaranteed by an agreement signed by the owner of the premises or the owner's ~~his~~ duly authorized agent on forms provided by the City. ~~in substantially the following form:~~

~~"In consideration of the acceptance of the application for water service submitted by \_\_\_\_\_ (tenant) \_\_\_\_\_, I or we will pay for all water services for any such tenant or any other occupant of \_\_\_\_\_ premises in case such tenant or occupant shall fail to pay for the same according to the ordinances, rules, regulations or resolutions enacted by the municipality.~~

~~\_\_\_\_\_ Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.~~

~~\_\_\_\_\_ (Owner)~~

**9-02-060. Rates and Connection Fees.**

**~~9-1-101-117. RATES AND CONNECTION FEES.~~** The rates, penalty fee for delinquency in payment, connection fee, reservoir fee, inspection fee, and other charges incidental to connection and services from the municipal culinary water system shall be fixed from time to time by resolution enacted by the City Council governing body. ~~The City Council governing body~~ may from time to time promulgate rules for levying, billing, guaranteeing and collecting charges for culinary water services and all other rules necessary for the management and control of the culinary water system. Rates for services furnished shall be uniform with respect to each class or classes of service established or that may hereafter be established. ~~(See Appendix 9-1-101-117.)~~

**9-02-070. Special Rates.**

**~~9-1-101-118. RATES AND CONNECTION FEES.~~** The City Council governing body may from time to time fix by agreement or resolution special rates and conditions for users using exceptionally large amounts of culinary water and service or making use of the water system under exceptional circumstances, upon such terms and conditions as they may deem proper.

**~~9-1-101-119. Repealed 6-0-402, Ordinance No. 2002-13~~**

**9-02-080. Water Use Without Payment Prohibited.**

**~~9-1-101-120. USE WITHOUT PAYMENT PROHIBITED.~~** It shall be unlawful for any person ~~by himself, family, servants, or agents~~ to utilize the municipal culinary water ~~or sewer~~ system without paying therefore, as herein provided or, without authority, to open any fire hydrant, stopcock, valve, or other fixtures attached to the system of water supply unless it is done pursuant to proper application, agreement, or resolution of the City. It shall be unlawful to injure, deface, or impair any part or appurtenance of the water ~~or sewer~~ system, or to cast anything into ~~the a~~ reservoir, ~~or tank, or facility~~ belonging to the water system.

**9-02-090. Delinquency - Discontinuance of Service.**

**~~9-1-101-121. DELINQUENCY - DISCONTINUANCE OF SERVICE.~~**

(a) The ~~City Recorder or water supervisor~~ shall furnish to each user, or mail to, or leave at user's his place of residence or usual place of business, a written or printed statement stating ~~thereon~~ the amount of culinary water service charges assessed against him-user once each month or at such other regular interval as the ~~City Council governing body~~ shall direct.

(b) The statement shall specify the amount of the bill for the culinary water service and the place of payment and date due. If any person fails to pay the water charges within (30) days of the date due, the ~~City Recorder or water supervisor~~ shall give the customer notice in writing of intent to discontinue the service to the customer unless the customer pays the bill in full within ~~ten (10) five~~ days from the date of notice.

(c) If the culinary water service is thereafter discontinued for failure to make payment, then before the water service to the premises shall again be provided, all delinquent water charges must ~~have been be~~ paid to the Treasurer or arrangements made for their payment in a manner satisfactory to the municipality. In the event water is turned off for nonpayment of water charges, then before the water service to the premises shall again be provided, the customer shall pay, in addition to all delinquent water charges, such extra charge for turning the water on and off as the ~~City Council governing body~~ may ~~have~~ established ~~ed by resolution~~. Until such a ~~fee resolution~~ has been adopted, there shall be added an extra charge for turning on the culinary water. ~~(See Appendix 9-1-101-121)~~. Furthermore, in addition to such payments and penalties, a delinquent customer may be required to make and file a new application (and deposit) if the previous deposit has ~~theretofore~~ been applied to the payment of delinquent bills. The ~~City Recorder~~ is ~~hereby~~ authorized and empowered to enforce the payment of all delinquent culinary water charges by an action at law in the name of the ~~City municipality~~.

**9-02-100. Turning on Water After Being Turned Off Prohibited.**

**~~9-1-101-122. TURNING ON WATER AFTER BEING TURNED OFF PROIBDITED.~~** It shall be unlawful for any person, after the culinary water has been turned off from the premises for nonpayment of water charges or other violation of the ordinances, rules, regulations, or resolutions pertaining to the water supply, to turn on or allow the culinary water to be turned on or used without authority from the ~~water superintendent or Recorder~~.

**9-02-110. Separate Connections.**

**~~9-1-101-123. SEPARATE CONNECTIONS.~~** It shall be unlawful for two or more families or service users to be supplied from the same service pipe, connection or water meter unless special permission for such combination usage has been granted by the ~~City governing body~~ and the premises served are owned by the same owner. In all such cases, a failure on the part of anyone of the users to comply with this ~~S~~section shall warrant a withholding of a supply of culinary water through the service connections until compliance or payment has been made, and in any event, the property owner shall be primarily liable to the municipality for all culinary water services utilized on all such premises. Nothing herein shall be deemed to preclude the power of the ~~City municipality~~ to require separate pipes, connections, or meters at a subsequent time.

### 9-02-120. Unauthorized Users.

~~9-1-101-124. UNAUTHORIZED USERS.~~ It shall be unlawful for any culinary water service user to permit any person from other premises or any unauthorized person to use or obtain water services regularly from user's his premises or water facilities, either outside or inside user's his premises.

### 9-02-130. Period of Water Use by Visitors.

~~9-1-101-125. PERIOD FOR VISITORS.~~ Individuals visiting the premises of an authorized user in a recreational vehicle not including a mobile home and continuing to live therein during the period of visitation may receive culinary water service from the service pipes or facilities of the host during the visitation period which shall not exceed (1) month. Continued use thereafter shall be deemed unauthorized and a violation -violative of the provisions of this Chapter part relating to separate connections and unauthorized use. All other codes and regulations regarding recreational vehicle use and storage limitations must be met.

### 9-02-140. Service Pipes to be Kept in Good Condition.

~~9-1-101-126. PIPES TO BE KEPT IN GOOD REPAIR.~~ All users of culinary water services shall keep their service pipes and connections and other apparatus in good repair and protected from frost at their own expense. No person ~~except under the direction of the water superintendent~~ shall be allowed to dig into the street for the purpose of laying, removing or repairing any service pipe without appropriate permit and approval by the City. All required permits shall be obtained prior to any excavations within the public rights-of-way in accordance with provisions set forth in Title 11.

### 9-02-150. Quality of Service Pipes.

#### ~~9-1-101-127. QUALITY OF SERVICE PIPE.~~

(a) All service and other pipe used in conjunction with the culinary water services of the City municipality shall be of such material, quality, and specifications as the City governing body may from time to time by resolution provide, and shall be installed at such distances below ground as may be specified by regulations relating to the water department. All work, alterations, or extensions affecting water pipes shall be subject to the acceptance of the water superintendent, and no connections with any culinary water mains shall be made without City approval and oversight. ~~first obtaining a permit therefor from the CityRecorder.~~

(b) No consumer shall be permitted to conduct water pipes across lots or buildings to adjoining premises without permission from the water superintendent and subject to such requirements relating to controls as may be imposed by the Cityhim.

### 9-02-160. Faulty Equipment.

~~9-1-101-128. FAULTY EQUIPMENT.~~ It shall be unlawful for any culinary water user to:

(a) Waste culinary water or to use culinary water for irrigation sprinkling during prohibited hours as more particularly set forth in Section 9-02-210.

(b) Allow culinary water ~~it~~ to be wasted by stops, taps, valves, leaky joints or pipes, or to allow tanks or watering troughs to leak or overflow.

(c) Wastefully run culinary water from hydrants, faucets, or stops or through basins, water closets, urinals, sinks or other apparatus.

(d) Use the culinary water for purposes other than for those which the user ~~he~~ has applied, or to use water in violation of the rules and regulations for controlling the culinary water supply.

#### 9-02-170. Sprinkling Vehicles.

~~9-1-101-129. SPRINKLING VEHICLES.~~ Vehicles for sprinkling shall be regulated and controlled by the water department through the water superintendent ~~of the water department.~~

#### ~~PART 9-1-102. DEPARTMENT TO HAVE FREE ACCESS GENERALLY.~~

#### 9-02-180. Water Department Access.

~~9-1-102-110. DEPARTMENT TO HAVE FREE ACCESS.~~ The water superintendent and authorized ~~his~~ agents shall at all ordinary hours have free access to any place supplied with culinary water services from the City water system for the purpose of examining the apparatus and ascertaining the amount of culinary water service being used and the manner of its use.

#### 9-02-190. Nonliability for Damages.

~~9-1-102-111. NONLIABILITY FOR DAMAGES.~~ The City municipality shall not be liable for any damage to a culinary water service user by reason of stoppage or interruption of ~~his or her~~ water supply service caused by fires, scarcity of water, accidents to the water system or its mains, or which occurs as the result of maintenance and extension operations, ~~or~~ from any other unavoidable cause, or for any reason for which the City is provided immunity under the Utah ~~This section shall not be construed to extend the liability of the municipality beyond that provided in the Governmental Immunity Act, as set forth in Utah Code Ann. §§ 63G-7-101, et seq., as amended.~~

#### 9-02-200. Water Not Supplied for Motors, Syphons, Etc.

~~9-1-102-112. WATER NOT SUPPLIED FOR MOTORS, SYPHONS, ETC.~~ No water shall be supplied from the pipes of the municipal culinary water system for the purpose of driving motor, syphon, turbine, or other wheels, or any hydraulic engines, or elevators, or for driving or propelling machinery of any kind whatsoever, nor shall any license be granted or issued for any such purpose except by special permission of the City Council governing body.

#### 9-02-210. Sprinklers.

##### ~~9-1-102-113. SPRINKLERS.~~

(a) It shall be unlawful for any person to use culinary water to sprinkle lawns or gardens between the hours of 10:00 a.m. and 6:00 p.m.

(ba) It shall be unlawful for any person to use such number of outlets simultaneously or to use such sprinkler or combinations of sprinkler or outlets as will in the opinion of the water superintendent governing body materially affect the pressure or supply of water in the municipal culinary water system or any part thereof. ~~, and the~~ The City Council governing body may from time to time, by resolution, specify combinations or numbers of outlets which may have such effect.

~~(b) — The governing body shall, after determining that such improper use exists, notify the affected water user or the owner of the premises whereon such use occurs of such determination in writing, order such use discontinued and advise that such continued usage constitutes a violation of this part.~~

#### 9-02-220. Scarcity of Water.

~~9-1-102-114. SCARCITY OF WATER.~~ In time of scarcity of water, whenever it shall in the judgment of the Mayor and the City Council governing body be

necessary, the Mayor shall by proclamation limit the use of water to such extent as may be necessary. It shall be unlawful for any person, ~~his family, servants, or agents,~~ to violate any proclamation made by the Mayor in pursuance of this Section~~part~~.

### 9-02-230. Waste of Water.

#### ~~9-1-102-115. WASTE OF WATER.~~

(a) Users of water from the municipal culinary water system shall not permit water to continue to run wastefully and without due efforts to conserve water. If, in the judgment of the water superintendent or of any authorized enforcement of ~~the~~ officers of the City, municipality, a user of municipal water engages in practices which result in the needless waste of water and continues to do so after reasonable notice to discontinue wastefulness has been given, the water superintendent or any authorized enforcement officer may initiate civil or criminal enforcement proceedings in accordance with provisions of Title 1. ~~refer the matter to the governing body.~~

~~(b) — The governing body may thereupon consider terminating the right of the individual to use culinary water. If it elects to consider the matter of termination, it shall give notice to the water user of the intention to terminate his water connection at least five days prior to the meeting of the governing body at which termination of water service is to be considered. The notice shall inform him of the time and place of the meeting and of the charges which lead to the consideration of the termination.~~

~~(c) — A water user whose right to utilize municipal water is being reviewed shall have the opportunity to appear with or without counsel and present his reasons why his water service should not be discontinued.~~

~~(d) — After due hearing, the governing body may arrive at a determination. If the determination is to discontinue the wasteful water user's service connection, it shall notify him of the decision and of the period during which the service will remain discontinued.~~

### 9-02-240. Water Meters.

#### ~~9-1-102-116. WATER METERS.~~<sup>1, 2</sup>

(a) Except as otherwise expressly permitted by this part, all structures, dwelling units, establishments and persons using water from the municipal culinary water system must have such number of water meters connected to their water system as are necessary in the judgment of the water superintendent to adequately measure use and determine water charges to the respective users.

(b) Unless otherwise included in an application for the extension of a culinary water main in accordance with Section 9-02-310 or Section 9-02-370, 9-1-103-113 or an application for a culinary water lateral in accordance with Section 9-02-350, 9-1-103-118, any person, subdivider, or developer who is required or desires to have installed a new water meter or who is required or desires to upgrade, eliminate, modify or relocate an existing water meter, shall submit an application for the same to the City. The Public Works Director shall review and approve or deny all applications for water meters based on the conditions and requirements set forth herein. The Public Works Director shall estimate the cost of the proposed or modified water meter and all related facilities. Upon approval of the application by the Public Works Director, the applicant shall pay all required fees to the City and a sum equal to the cost for installation or modification estimated by the Public Works Director which shall include labor, materials, engineering and design fees, and inspection, disconnection, administrative and contingency fees. After installation is complete, if the deposit is in

<sup>1</sup> ~~Amended Section 9-1-102-116(b) & (c) by Ord. No. 2008-12, August 5, 2008~~

<sup>2</sup> ~~Amended Section 9-1-102-116 by Ord. No. 2008-21, October 7, 2008~~

excess of the actual costs as verified by the Public Works Director, the City shall refund the difference to the applicant. If the actual costs exceed the deposit amount, the applicant shall ~~immediately~~ pay the difference to the City within thirty (30) days of invoice from the City. All water meters and related facilities shall comply with all specifications and requirements of the City and its ordinances, including, but not limited to, the ~~International~~ Plumbing Code, as adopted by the City.

(c) The location of all water meters shall comply with the following standards and requirements unless otherwise approved in writing by the Public Works Director upon a showing of good cause and necessity for exception. Except as otherwise specifically provided, for purposes of calculating the following dimensional standards, all distances shall be measured from the ring of the meter.

(1) All water meters shall be located in such a manner as to provide sufficient and safe access by City officials and employees for reading, inspection and maintenance of the meter, to prevent damage to the water meters, and to prevent injury to persons and property.

(2) In order to provide safe access by City officials and employees for reading, inspection and maintenance of the meter, all water meters shall be located and maintained within in an area providing an unobstructed surface working area of at least six feet (6') by three feet (3'). For purposes of this dimensional standard, the water meter shall be included within the described working area and is not measured from the meter ring. The unobstructed area shall not include any portion of a street, driveway, sidewalk, drive access, or other area where vehicular or pedestrian traffic has access to, across or over.

(3) In order to provide safe access by City officials and employees for reading, inspection and maintenance of the meter, all water meters shall be located outside of and at least twelve inches (12") away from any street, driveway, sidewalk, drive access, or other area where vehicular or pedestrian traffic has access to, across or over.

(3) In order to avoid damage to the water meter from freezing, no water meter shall be located within six inches (6") of any concrete or other hard surfacing.

(4) In order to avoid damage to the water meter from tree roots, no water meter shall be located within six feet (6') of any existing tree and no future trees shall be planted or maintained within six feet (6') of any water meter. Nothing herein shall prevent the City from removing any tree within the public right-of-way as permitted by law.

(5) Standard water meter lids are not designed or manufactured for traffic or other heavy vehicles or equipment. In addition to concerns for worker safety and access to water meters, injury to persons or property may occur when water meters are located within vehicular or pedestrian accesses. As such, no water meter shall be located within any paved or hard surfaced street, driveway, sidewalk, drive access, or any other area where vehicular or pedestrian traffic has access to, across or over the water meter.

(6) All water meters shall be located within the landscaped parkstrip area of the public right-of-way between the curb and sidewalk. In the event the sidewalk is located adjacent to the curb, the water meter location shall be approved by the Public Works Director.

(d) The property owner shall grant to the City a satisfactory and recordable easement and right-of-way to install, construct, maintain and operate all water meters and related facilities where located outside the public right-of-way. All water meters shall be deemed to be and remain the property of the municipality. Whenever

a dispute between ~~[the] Public Works Director superintendent~~ and the property owner arises as to the appropriate number of meters to be installed on any premises, the matter shall be heard and determined by the City Council governing body after due notice in writing to the parties involved.

(e) The water superintendent shall cause meter readings to be taken regularly and shall advise the Finance Department recorder thereof for the purpose of recording the necessary billings for water service.

(f) Meters may be checked, inspected or adjusted at the discretion of the City, municipality, and they shall not be adjusted or tampered with by the customer. Meter boxes shall not be opened for the purpose of turning on or off the water except by an authorized representative of the City, municipality unless special written permission is given by the water superintendent, municipality through its representatives to the customer to do so.

(g) If a customer submits a written request to the water superintendent to test customer's his water meter, the City, municipality may, if under the circumstances it deems it advisable and in its discretion, order a test of the meter measuring the water delivered to such customer. If such request is made within twelve months after the date of the last previous test, the customer may be required to pay the cost of such test. If the meter is found in such test to record from 97% to 103% of accuracy under methods of testing satisfactory to the City Council, governing body, the meter shall be deemed to accurately measure the use of water.

(h) If the City's municipality's meters fail to register at any time, the water delivered during the period of failure shall be estimated on the basis of previous consumption during a period which is not questioned. In the event a meter is found to be recording less than 97% or more than 103% of accuracy, the City, municipality shall make such adjustments in the customer's previous bills as are just and fair under the circumstances.

(i) All damages or injury to the lines, meters or other materials of the municipality on or near the customer's premises caused by an act or neglect of the customer shall in the discretion of the municipality be repaired by and at the expense of the customer, and the customer shall pay all costs and expenses, including ~~a~~ reasonable attorney fees, which may arise or accrue to the City, municipality through its efforts to repair the damage to the lines, meters or to other equipment of the water department or collect such costs from the customer.

(j) In cases where water meters have been previously installed to serve residential property, no driveways shall thereafter be installed to serve said property which are located on or over the installed water meter. Property owners desiring to locate or construct private residential driveways on or over any existing water meter shall be obligated, prior to installation of such driveway, to request the City to relocate the water meter to a new location which is acceptable to the City. All costs of such relocation shall be borne by the property owner requesting the relocation.

### **9-02-250. Permit for Installation or Connection to Water System.**

**9-1-102-117. PERMITS FOR INSTALLATION.** It shall be unlawful for any person to lay, repair, alter or connect any waterline to the municipal culinary water system without first having received a construction permit from the Public Works Department, office of the Recorder or from the water superintendent. A state contractor's license for this specific purpose is required.

**9-02-260. Application for Installation or Connection Permit.**

**9-1-102-118. APPLICATIONS FOR INSTALLATION PERMIT.**

(a) Applications for permits to make water connections or other alteration or for laying or repairing lines connected directly or indirectly to the municipal culinary water system must be made in writing by a licensed plumber, the plumber's ~~his~~ authorized agent, or by the owner of the property premises, and ~~who~~ shall describe the nature or work to be done ~~for which the application is made~~. The application shall be granted if the water superintendent determines that:

(1) The connection, repair, alteration or installation will cause no damage to the street in which the water main is laid, or that it will not be prejudicial to the interests of persons whose property has been or may thereafter be connected to the water main.

(2) The connection conforms to the ordinances, regulations, specifications and standards of materials required by the municipality.

(b) All connections, alterations or installations to the culinary water system shall be to the line and grade designated by the water superintendent

(cb) Fees for permits or for inspection services shall be of such amounts as the City Council governing body shall from time to time determine by resolution.

**9-02-270. Moving or Replacing Waterlines.**

**9-1-102-119. MOVING OR REPLACEMENT OF WATERLINES.**—In the event that the City municipality in its sole discretion determines that any waterline of the City municipality must be moved or replaced, the City municipality shall bear that portion of the cost of such move or replacement which applies to main lines up to the property line of the customer. The cost of reconnecting such new line or lines from the house of the customer to ~~his~~ the customer's property line shall be borne by the customer.

**PART 9-1-103. WHEN PERMITS SHALL NOT BE ISSUED GENERALLY.**<sup>3</sup>

**9-02-280. Plumbing Code Compliance Required.**

**9-1-103-110. WHEN PERMITS SHALL NOT BE ISSUED.**—Permission to connect with the municipal culinary water system shall not be given unless the plumbing in the house or building to be connected meets the provisions ~~provisi~~ 011S of the building and plumbing codes adopted by the City. ~~of the municipality.~~

**9-02-290. Request for Discontinuance of Service.**

**9-1-103-111. DISCONTINUANCE OF SERVICE.**—Any customer desiring to discontinue culinary water service shall notify the City municipality in writing of such fact at least ten (10) days before the date when such service shall be discontinued. On giving such written notice, the customer shall not be responsible for water bills incurred after the ten (10) day notice provided ~~date specified in the notice~~. Any credit balance in favor of the customer as a result of an advance payment of bills or a deposit will be refunded upon discontinuance of service.

<sup>3</sup> Amended Section 9-1-103-113 & 118 by Ord. No. 2008-12, August 5, 2008

**9-02-300. Fire Hydrant Installations.**

~~9-1-103-112. FIRE HYDRANTS OUTSIDE THE PUBLIC WAY.~~ Initial installation of fire hydrants and related facilities shall be at the expense of the property owner or developer and shall be made in accordance with specifications, requirements and under the direction of the City. The property owner or developer shall deposit with the City by cashier's check a sum equal to the cost for installation estimated by the City Engineer which shall include labor, materials, engineering and design fees, inspection, administrative and contingency fees. After installation is complete, if the deposit is in excess of the actual costs as verified by the City Engineer, the City will refund the difference. If the actual costs exceed the deposit amount, the property owner or developer shall ~~immediately~~ pay the difference by cashier's check to the City within thirty (30) days of invoice from the City. The property owner shall grant to the City a satisfactory recordable easement and right-of-way to install, construct, maintain, flush and operate such hydrants and related facilities on their premises. The easement shall provide that the owner will indemnify and hold the City harmless against property damages or personal injury resulting from ownership or maintenance. After installation and acceptance by the City, the fire hydrants shall thereafter be maintained by the City.

**9-02-310. Extension of Water Mains - Within City Limits.**

~~9-1-103-113. EXTENSION OF WATER MAINS WITHIN THE CITY.~~ Any person, subdivider or developer who is required or desires an extension of any culinary water mains within the City, shall first obtain approval of the City for such extensions. Prior to extending any water mains within the City, such person, subdivider, or developer shall make written application to the City governing body of the City. The application shall contain a description of the proposed extension ~~or extensions~~, including all related facilities such as laterals, meters, and valves, and shall be accompanied by a map showing location of the proposed extension ~~(s)~~ and related facilities together with an offer to advance the entire cost and expense thereof, which cost shall be determined by the City Engineer. The extension and related facilities shall be designed and sized by the City Engineer and shall comply with all specifications and requirements of the City and its ordinances. The City Engineer shall estimate the cost of the proposed extension ~~(s)~~ and all related facilities, including, but not limited to laterals, meters, and valves. The City governing body may approve or deny the application upon such conditions as in its discretion seems best for the safety and welfare of persons within the City, existing water users, and the applicant. Upon approval by the City, governing body, the applicant shall pay all required fees to the City by cashier's check and a sum equal to the cost for installation estimated by the City Engineer which shall include labor, materials, engineering and design fees, and inspection, administrative and contingency fees. After installation is complete, if the deposit is in excess of the actual costs as verified by the City Engineer, the City shall refund the difference. If the actual costs exceed the deposit amount, the property owner or developer shall ~~immediately~~ pay the difference to the City by cashier's check within thirty (30) days of invoice from the City. The property owner shall grant to the City a satisfactory and recordable easement and right-of-way to install, construct, maintain and operate such water mains and related facilities where located outside of the public right-of-way.

**9-02-320. Cost of Extension Determined.**

~~9-1-103-114. COST OF EXTENSIONS DETERMINED.~~ Upon the receipt of an application to extend any culinary water main within the City, and before the application such petition and map and before the petition is granted, the governing body shall obtain from the City Engineer shall provide an a certified statement showing the entire estimate of the whole cost of expense of making such an extension.

**9-02-330. Cost of Extension Deposited with City.**

~~9-1-103-115. AMOUNT OF COST TO BE DEPOSITED WITH TREASURER.~~ If the City approves the extension application, governing body grants the petition, the amount of the estimated cost of making the extension, as provided certified by the City Engineer, superintendent shall be deposited with the City Recorder before any work shall be done on such extension. The deposit shall be made within (30) days, or such other time as the City governing body shall indicate, after the granting thereof. The City may also require the applicant to enter into a water main extension agreement prior to commencement of work on the extension.

~~9-1-103-116. RETURN OF ANY MONEY - FORFEITURE.~~

~~\*\*\*[conflicts with Section 9-02-310]\*\*\*~~

- (a) ~~At the time the governing body decides whether or not to grant petition for an extension, it shall also decide whether or not any portion of the costs is to be refunded and the manner and circumstances under which such refund shall be made or credited to the applicant, his successors or representatives. Such determination shall be duly recorded in writing and a copy thereof furnished to the applicant.~~
- (b) ~~In the event any deposit remains unclaimed for a period of five years after the depositor has discontinued water service, the deposit may be forfeited and then transferred to the water utility fund.~~

**9-02-340. Ownership of Extension.**

~~9-1-103-117. OWNERSHIP OF EXTENSION.~~ All extensions located within public rights-of-way or public utility easements accepted by the City shall be deemed to be the property of the City after completion, inspection, and acceptance of such facilities by the City. Unless otherwise directed by the City, the City shall own all water mains, waterlines, and laterals from the main line to the meters six (6") or larger. Waterlines, service lines and laterals from the meter to the property, building or use smaller than six (6") in diameter which are located on private property shall be the property and sole responsibility of the property owner unless located within an a public easement and specifically accepted by the City.

**9-02-350. New, Upgraded, or Modified Water Laterals.**

~~9-1-103-118. NEW, UPGRADED OR MODIFIED WATER LATERALS.~~ Unless otherwise included in an application for the extension of a culinary water main in accordance with Section 9-02-310 or Section 9-02-370, Section 9-1-103-113, any person, subdivider, or developer who is required or desires to install a new water

lateral or upgrade, eliminate, modify or relocate an existing water lateral shall first obtain approval of the City for such new or modified water lateral. The application shall contain a description of the proposed water lateral or modification, including all related facilities such as meters and valves, and shall be accompanied by a map showing location of the proposed or modified water lateral and related facilities together with an offer to advance the entire cost and expense thereof, which cost shall be determined by the Public Works Director. The water lateral and related facilities shall comply with all specifications and requirements of the City and its ordinances, including, but not limited to, the ~~International~~ Plumbing Code, as adopted by the City. The Public Works Director shall estimate the cost of the proposed or modified water lateral and all related facilities, including, but not limited to meters and valves. The Public Works Director may approve or deny the application upon such conditions as in his or her discretion seems best for the safety and welfare of persons within the City, existing water users, and the applicant. Upon approval by the Public Works Director, the applicant shall pay all required fees to the City and a sum equal to the cost for installation or modification estimated by the Public Works Director which shall include labor, materials, engineering and design fees, and inspection, disconnection, administrative and contingency fees. After installation is complete, if the deposit is in excess of the actual costs as verified by the Public Works Director, the City shall refund the difference. If the actual costs exceed the deposit amount, the property owner or developer shall ~~immediately~~ pay the difference to the City within thirty (30) days of invoice from the City. The property owner shall grant to the City a satisfactory and recordable easement and right-of-way to install, construct, maintain and operate such water laterals and related facilities where located outside of the public ~~rights-of~~-way. All water laterals, meters and related facilities located within the public rights-of-way or public utility easements accepted by the City shall be deemed to be the property of the City. All service lines and related facilities located on private property shall be the property and sole responsibility of the property owner.

~~PART 9-1-104. SERVICE OUTSIDE MUNICIPALITY.~~

9-02-360. Supply of Water Service - Outside City Limits.

~~9-1-104-110. SUPPLY OF WATER SERVICES TO PERSON OUTSIDE THE MUNICIPAL LIMITS.~~—The City municipality may furnish water service from its culinary water system to persons outside the City municipality in accordance with the provision of this Chapter~~part~~.

9-02-370. Extension of Water Mains – Outside City Limits.

~~9-1-104-111. PETITION FOR SERVICE.~~ Any person located outside the City municipal limits who desires to be supplied with culinary water services from the municipal culinary water system and is willing to pay in advance the whole expense of extending the water system to the applicant's ~~his~~ property, including the cost of extending the water main beyond its present location, may make application to the City Council. Any such application shall include the following information: governing body by petition containing:-

(a) A description of the proposed water system extension.

(b) A map showing the location of the proposed water system extension~~thereof~~.

(c) An offer to pay the whole expense incurred by the City municipality in providing such extension and to advance such expenses as shall be verified to by the City Engineer. water superintendent. The City Council governing body may require the applicant and the person or persons seeking such extension to may enter into an agreement providing in detail the terms under which the extension will be constructed, how the extension may be utilized by others in the future, and the terms under which all or any portion of cost of installing such extension may be refunded. ~~(No such refund agreement will be for a period of more mare than ten (10) years, nor will interest charges accrue.)~~

(d) An acknowledgement that the municipality in granting the application petition need supply only such water to the petitioner which from time to time the City Council governing body deems beyond the requirements of water users within the municipal limits, and that such extension shall be the property of and subject to the control of the Citymunicipality.

#### 9-02-380. Extension May Be Master Metered.

~~9-1-104-112. EXTENSIONS MAY BE MASTER-METERED.~~ When an extension supplying more than one house or user outside the City municipal limits is connected to municipal culinary water mains, the water superintendent may require a master meter to be installed near the point where the connection is to be made to the municipal main. ~~Tills i~~ Installation of the master meter and all costs associated with the master meter will be at the expense of the persons served by such extension according to the regular rates for meter installation. Responsible parties must agree to pay all bills for water served through the meter at the applicable water rates.

#### 9-02-390. Cost of Extension Determined.

~~9-1-104-113. COST OF EXTENSIONS TO BE DETERMINED BY WATER SUPERINTENDENT.~~ Upon receipt of an application for culinary water service outside City limits, such petition and map and before the application petition is granted, the City Council governing body shall determine what portion, if any, of the extension of the municipal culinary water mains to the City municipal limits ~~the municipality~~ shall be constructed, and shall obtain from the City Engineer water superintendent a verified statement showing the whole entire estimated cost and expense of making such extension. Such costs and expenses shall include administrative and supervisory expenditures of the ~~municipal~~ water department, which shall in no event be deemed to be less than ten percent (10%) of the cost of materials and labor. The City maintains the option of charging an up-front cost per foot cost of for the improvements, and contracting work out by competitive bid.

## CHAPTER 9-~~0310~~ DRINKING WATER SOURCE PROTECTION <sup>4</sup>

- 9-~~1003~~-010. Title.
- 9-~~1003~~-020. Purpose.
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- 9-~~1003~~-230. Compliance with Other Applicable Laws.
- 9-~~1003~~-240. Use Matrix for Potential Contamination Sources.
- 9-~~1003~~-250. Generic List of Regulated Substances.

### 9-~~1003~~-010. Title.

This Chapter shall be known as the “Drinking Water Source Protection Ordinance” ~~and may be referred to herein as the “Ordinance”~~.

### 9-~~1003~~-020. Purpose.

The purpose of this Chapter Ordinance is to ensure the provision of a safe and sanitary drinking water supply for the City by the establishment of drinking water source protection zones surrounding drinking water wells and springs that are supply sources for public water systems within the City and by the designation and regulation of property uses and conditions that may be maintained within such zones. It is the intent of this Ordinance Chapter to comply with all applicable federal and state laws, rules and regulations for safe drinking water source protection, including, but not limited to, the Utah Safe Drinking Water Act, as set forth in *Utah Code Ann.* §§ 19-4-101, et seq., as amended, and the source protection rules and regulations as set forth in the *Utah Administrative Code* R309-600, as amended.

### 9-~~1003~~-030. Authority.

This Ordinance Chapter is adopted pursuant to authority set forth in *Utah Code Ann.* § 10-8-15, as amended, the provisions of the *Utah Administrative Code*,

<sup>4</sup>-Amended by Ord. No. 2008-23, Oct. 7, 2008

R309-600, as amended, and other applicable statutory and common laws of the State of Utah.

#### **9-1003-040. Applicability.**

Unless otherwise specified, the provisions of this OrdinanceChapter shall apply to existing uses, new development, the expansion of any existing building or use, new or changed uses, and/or the handling, movement and storage of potentially hazardous materials within the City or without, to the extent allowed by state law or agreement with the appropriate jurisdiction. It shall be the responsibility of any person owning real property and/or operating a business within the jurisdiction of the City, or conducting activities within the City, to conform and comply with the applicable provisions contained in this OrdinanceChapter. Ignorance of this OrdinanceChapter and the provisions set forth herein shall not excuse any violation of this OrdinanceChapter.

#### **9-1003-050. Jurisdiction.**

The provisions of this OrdinanceChapter shall be effective within the corporate boundaries of the City with respect to groundwater sources and to groundwater sources which are under the direct influence of surface water which are used by public water systems to supply drinking water, and to the fullest extent permitted by law, outside the corporate boundaries of the City with respect to such groundwater sources. Specifically, pursuant to authority set forth in *Utah Code Ann.* § 10-8-15, as amended, the City has extraterritorial jurisdiction to enact ordinances to protect a stream or source from which the City or its inhabitants derive their water supply, in whole or in part, for domestic and culinary purposes, for 15 miles above the point from which it is taken and for a distance of 300 feet on each side of any stream.

#### **9-1003-060. Definitions.**

(a) “Best Management Practices” (or “BMP”) means a practice or combination of practices determined to be the most effective practicable means of conducting a land use activity to minimize the potential for becoming a pollution source (including technological, economic and institutional considerations).

(b) “Collection Area” means the area surrounding a groundwater source which is underlain by collection pipes, tile, tunnels, infiltration boxes, or other groundwater collection devices.

(c) “Continuous Transit” means the nonstop movement of a mobile vehicle except for stops required by traffic laws.

(c) "Design Standard" means established state or national standards for the design, construction, placement, or maintenance of a potential contamination source to prevent discharges to the groundwater. Spill protection is an example of a design standard.

(d) \_\_\_ "Discharge" means, but is not limited to, spilling, leaking, seeping, pouring, injecting, emitting, emptying, disposing, releasing, or dumping regulated substances, hazardous waste, or petroleum products to the soils, air, ground\_waters or surface waters of the City. Discharge does not include the use of a regulated

substance in accordance with the appropriate use intended or specified by the manufacturer of the substances; provided that such use is not prohibited by federal, state or local laws or regulations. Discharge also does not include discharges specifically authorized by federal or state permits.

(e) "Drinking Water Source Protection Zone" means the specified surface and subsurface area surrounding a groundwater source of drinking water supplying a public water supply through which contaminants are reasonably likely to move toward and reach such groundwater source. The Drinking Water Source Protection Zones for the protection of drinking water sources within the jurisdiction of this [Ordinance Chapter](#) are more particularly described and defined in Section 9-~~4003~~-070.

(f) "EPA" means the United States Environmental Protection Agency.

(g) "Groundwater" means any water which may be drawn from the ground.

(h) "Groundwater Divide" means that subsurface boundary at which groundwater flow occurs in opposite directions, usually occurring at the high and low points of surface topography. Groundwater flows away from this line at all times.

(i) "Hazardous Waste" means a waste with properties that make it dangerous or potentially harmful to human health or environment and any hazardous waste as defined by the EPA.

(j) "Land Management Strategies" means land use and non-land use controls which include, but are not limited to the following: land use ordinances, site plan reviews, design and operating standards, source prohibitions, purchase of property and development rights, public education programs, groundwater monitoring, household hazardous waste collection programs, water conservation programs, memoranda of understanding, written contracts and agreements, and so forth.

(k) "Person" means an individual, partnership, corporation, association, joint venture, governmental entity or other legal entity, and shall include the plural as well as the singular.

(l) "Petroleum Product" means fuels (gasoline, diesel fuel, kerosene, and mixtures of these products), lubricating oils, motor oils (new and used), hydraulic fluids, and other similar petroleum-based products.

(m) "Pollution Source" means point source discharges of contaminants to groundwater or potential discharge of the liquid forms of "extremely hazardous substances" which are stored in containers in excess of "applicable threshold planning quantities" as specified in SARA Title III. Examples of possible pollution sources include, but are not limited to, the following: storage facilities that store the liquid forms of extremely hazardous substances, septic tanks, drain fields, Class V underground injection wells, landfills, open dumps, land filling, of sludge and septage, manure piles, Salt piles, pit privies, and animal feeding operations with more than ten animal units. The following clarify the definition of pollution source:

(1) "Animal Feeding Operation" means a lot or facility where the following conditions are met: animals have been or will be stabled or confined

and fed or maintained for a total of 45 days or more in any 12 month period, and crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more animal feeding operations under common ownership are considered to be a single feeding operation if they adjoin each other, if they use a common area, or if they use a common system for the disposal of wastes.

(2) "Animal Unit" means a unit of measurement for any animal feeding operation calculated by adding the following numbers; the numbers of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

(3) "Extremely Hazardous Substances" means those substances which are identified in the Section 302(EHS) column of the SARA Title III List of Lists - Consolidated List of Chemicals Subject to the Emergency Planning and Community Right-to-Know Act (EPCRA) and Section 112(r) of the Clean Air Act, as amended.

(n) "Potential Contamination Source" (or "PCS") means any facility or site which employs an activity or procedure which may potentially contaminate groundwater. A pollution source is also a potential contamination source.

(o) "Regulated Substances" means substances (including degradation and interaction products), which because of quantity, concentration, or physical, chemical (including ignitability, corrosivity, reactivity and toxicity), infectious characteristics, radiomutagenicity, carcinogenicity, teratogenicity, bio-accumulative effect, persistence (non-degradability) in nature, or any other characteristics relevant to a particular material that may cause significant harm to human health and/or the environment (including surface and groundwater, plants and animals).

(p) "Regulatory Agency" means any governmental agency (local, state or federal) with jurisdiction over hazardous waste as defined herein.

(q) "Sanitary Landfill" means a disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.

(r) "SARA" means the Superfund Amendment and Reauthorization Act, Title III, 40 CFR 300-302.

(s) "Septic Tank/drain Field System" means a system which is comprised of a septic tank and a drain-field which accepts wastewater from buildings or facilities for surface or subsurface treatment and disposal.

(t) "Well" means any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location, acquisition, development or artificial recharge of groundwater.

(u) "Wellhead" means the physical structure, facility or device at the land surface from or through which groundwater flows or is pumped from subsurface water-bearing formations.

#### **9-1003-070. Designation of Protection Zones.**

The Drinking Water Source Protection Zones ("Protection Zones") for the protection of drinking water sources within the jurisdiction of this ~~Ordinance~~Chapter are hereby designated to be known as Protection Zone 1, Protection Zone 2, Protection Zone 3, and Protection Zone 4 identified and described as follows. The Protection Zones are further delineated in the City's Drinking Water Source Protection Zone Map on file with the City and available for public review during regular business hours at the City Offices.

(a) Protection Zone 1 is the area within a 100-foot radius from the wellhead or margin of the collection area.

(b) Protection Zone 2 is the area within a 250-day groundwater time of travel to the wellhead or margin of the collection area, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer.

(c) Protection Zone 3 is the area within a 3-year groundwater time of travel to the wellhead or margin of the collection area, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer.

(d) Protection Zone 4 is the area within a 15-year groundwater time of travel to the wellhead or the margin of the collection area, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer.

#### **9-1003-080. Determination of Protection Zones.**

(a) Portion of Parcel. If any portion of a parcel lies within a Protection Zone, the entire parcel shall be governed by the restrictions and requirements of that Protection Zone. Parcels located within more than one Protection Zone shall comply with the restrictions and requirements of the most restrictive Protection Zone covering any portion of the parcel.

(b) Boundary Disputes. If the location of any Protection Zone boundary in relation to a particular parcel or property is disputed, resolution of the boundary dispute shall be through an administrative determination application to the Public Works Director. The burden of proof shall be upon the owner(s) of the land to demonstrate where the boundaries of the Protection Zone with respect to their individual parcel or property should be located. If the owner(s) request the City to determine more accurately the boundaries of the Protection Zone with respect to an individual parcel or property, the City may engage a professional engineer, hydrologist, geologist, or soil scientist and charge the owner(s) for the cost of the investigation.

## **9-1003-090. Uses and Restrictions within Protection Zones.**

(a) **Unlawful Discharges.** No person shall discharge, or permit the discharge of any regulated substance, hazardous waste, or petroleum product, whether treated or untreated, to soils, air, groundwater, or surface water in any Protection Zone, that may have a deleterious effect upon groundwater within the City, unless the discharge is in compliance with all applicable federal, state and local laws and regulations.

(b) **Permitted Uses.** The following uses shall be permitted within any Protection Zone:

(1) Any use permitted within existing underlying agricultural, residential, or commercial districts so long as such uses conform to the rules and regulations of any regulatory agency having jurisdiction.

(2) Any other open land use where any building located on the property is incidental and accessory to the primary open land use.

(c) **Prohibited Uses.** The following uses or conditions shall be and are hereby prohibited within Protection Zones, whether or not such use or condition may otherwise be ordinarily included as a part of a use permitted under Subsection (b) above, or as an accessory use thereto.

(1) Protection Zone 1 - The location of any potential contamination source as defined herein, unless controlled with design standards.

(2) Protection Zone 2 - The location of any potential contamination source as defined herein, unless its contaminated discharges can be controlled with design standards.

(3) Protection Zones 3 and 4 – The location of any potential contamination source, unless it is controlled through land management strategies.

(d) **Table of Uses and Regulated Substances.** To further clarify permitted, restricted and prohibited uses in the Protection Zones, refer to Section 9-1003-240 regarding the Use Matrix for Potential Contamination Sources. For a Generic List of Regulated Substances, see Section 9-1003-250.

## **9-1003-100. Exclusions.**

The following substances are not subject to the restrictions and prohibitions set forth in Section 9-1003-090 within Protection Zones 2-4, provided that these substances are handled, stored, and disposed of in a manner that does not result in an unauthorized discharge or cause contamination of the groundwater.

(a) Regulated substances stored in appropriate product tight containers at residences that do not exceed ten (10) pounds (dry) or five (5) gallons (liquid) and used for personal, family or household purposes.

(b) Commercial products limited to use at the commercial site solely for office or janitorial purposes when stored in appropriate product tight containers in

total quantities of less than twenty (20) pounds (dry) or ten (10) gallons (liquid).

(c) Prepackaged consumer products available through retail sale to individuals for personal, family, or household use, that are properly stored in appropriate product tight containers.

(d) Water-based latex paint, or oil-based finishes, in quantities normally available at retail outlets, when stored, handled and applied in accordance with the manufacturer's instructions, label directions, and nationally recognized standards.

(e) Fertilizers, treated seed, pesticide products, erosion control products, soil amendment products, or similar application products, in quantities normally available at retail outlets, when stored, handled and applied in accordance with the manufacturer's instructions, label directions, and nationally recognized standards.

(f) Compressed gases.

(g) Substances or mixtures which may pose a hazard but are labeled pursuant to the Federal Food, Drug and Cosmetic Act.

#### **9-1003-110. Exemptions.**

The following uses and/or activities are exempt from the restrictions and prohibitions set forth in Section 9-1003-090 within Protection Zones 2-4.

(a) Continuous Transit. The transportation of any regulated substance(s) through any Protection Zone shall be allowed provided that the transporting vehicle is in continuous transit and meets applicable federal and state transportation requirements and regulations.

(b) Fuel and Lubricant Use. The use of any petroleum products solely as an operational fuel in a vehicle or lawn or garden tool or device, or as a lubricant in such a vehicle, tool or device, shall be exempt from the provisions of ~~the Ordinance~~ this Chapter. These spent products shall be properly disposed of in compliance with applicable federal, state, and local laws and regulations.

#### **9-1003-120. Review of Permits.**

Any and all development or use permits or approvals for property located within a Protection Zone shall be submitted to the Public Works Director for review, including, but not limited to, conditional use permits, site plans, subdivisions, nonconforming uses, variances, and building permits. The Public Works Director shall review the proposed application for compliance with the terms and conditions of this ~~Ordinance~~ Chapter. If the Public Works Director determines the application meets the terms and conditions of this ~~Ordinance~~ Chapter and that the proposed use or development will not have an adverse impact on groundwater quality, the Public Works Director may approve the application for further processing. The Public Works Director may also impose any necessary design standards, land management strategies, or other conditions and restrictions on the application to the extent necessary to mitigate any potential adverse impacts of the proposed application. If the Public Works Director determines the proposed application may have an adverse effect upon groundwater quality and that the potential adverse effects cannot be adequately mitigated as provided herein, the permit may be denied.

### **9-~~1003~~-130. Best Management Practices.**

Under the provisions of this ~~Ordinance~~Chapter, all potential contamination sources within a Protection Zone shall incorporate and utilize best management practices in their operations. BMPs that reduce the potential for spills and leaks at a site to occur and enter groundwater shall be construed within the context of this ~~Ordinance~~Chapter to include, but not be limited to, structural and nonstructural practices, conservation practices, and operation and maintenance procedures as specified by the Utah Department of Environmental Quality, Division of Drinking Water and the EPA. At a minimum, the BMPs listed in the City's Drinking Water Source Protection Plan, as submitted to the State of Utah, as amended, shall be incorporated and utilized. The City's Drinking Water Source Protection Plan, and the BMPs referred to therein, are on file with the City and may be available for public review during regular business hours at the City Offices.

### **9-~~1003~~-140. Reporting of Spills.**

Any spill of a regulated substance in excess of the nonaggregate quantity thresholds established by the List of Hazardous Waste (40 CFR part 261, Subpart D), 40 CFR Appendix VIII - Hazardous Constituents and EPA Designation Reportable Quantities and Notification Requirements for Hazardous Substances under CERCLA (40 CFR 302, effective July 3, 1986), as amended, shall be reported by telephone to the Public Works Director and the City Manager, or their designees, within one (1) hour of discovery of the spill. Cleanup shall commence immediately upon discovery of the spill. A full written report shall be submitted to the Public Works Director and the City Manager within fifteen (15) days of discovery of the spill.

### **9-~~1003~~-150. Enforcement and Inspections.**

The Public Works Director, or his or her designee, including authorized Code enforcement officer (hereinafter collectively referred to as the "Public Works Director") is hereby granted the right to enforce the provisions of this ~~Ordinance~~Chapter on behalf of the City. The Public Works Director has the right to conduct or cause to be conducted inspections to determine compliance with the provisions of this ~~Ordinance~~Chapter. Noncompliance with the provisions of this ~~Ordinance~~Chapter is a violation of ~~the Ordinance~~this Chapter subject to enforcement action, penalties and liability as more particularly provided herein.

### **9-~~1003~~-160. Water Supplier Right of Enforcement.**

In accordance with *Utah Code Ann.* § 19-4-113, as amended, a retail water supplier or wholesale water supplier may seek enforcement of the drinking water source protection zone provisions of this ~~Ordinance~~Chapter and the use restrictions within such protection zones if: (1) the City notifies the retail or wholesale water supplier within ten (10) days of receiving notice of a violation of ~~the Ordinance~~this Chapter that the City will not seek enforcement of ~~the Ordinance~~this Chapter; or (2) the City does not seek enforcement of this ~~Ordinance~~Chapter within two (2) days of a notice of violation of ~~the Ordinance~~this Chapter when the violation may cause irreparable harm to the groundwater source.

## **9-1003-170. Violations.**

(a) Continuing Violation. Each day that any violation of this OrdinanceChapter is committed, maintained, continued or permitted shall be considered a separate offense for purposes of the penalties and remedies available to the City.

(b) Cumulative Remedies. In addition to any of the remedies provided herein, the City shall have such remedies and powers of enforcement for violations of this OrdinanceChapter as provided by Utah law or City Ordinances. All remedies shall be cumulative and non-exclusive.

(c) Complaints. The Public Works Director, or his or her authorized designee, may investigate any purported violation of this OrdinanceChapter and take such action as is warranted in accordance with the provisions and procedures set forth herein.

(d) Notice of Violation. If the Public Works Director determines that any provision of this OrdinanceChapter is being violated and immediate enforcement action is not necessary under the circumstances, the Public Works Director shall provide a written notice of violation to the property owner or any other person determined to be responsible for the violation. Such written notice of violation shall indicate the nature of the violation, the action necessary to correct the violation, the warning period established before further enforcement action or penalties, and the potential enforcement action and/or penalties to be imposed for failure to cure the violation within the established warning period. Such notice of violation shall serve to start the warning period.

(e) Warning Period. Unless otherwise determined by the Public Works Director, the warning period for correction of violations set forth in the notice of violation shall be ten (10) days from the date of receipt of the notice of violation. If the violation remains uncured after expiration of the warning period, the Public Works Director shall pursue further enforcement action as deemed appropriate in accordance with the provisions provided herein. The Public Works Director is authorized, in his or her discretion, to extend the warning period, not to exceed thirty (30) days, if the Public Works Director determines that good cause exists for such extended warning period and the extension will not create or perpetuate a situation imminently dangerous to life or property. Any such extension shall require written agreement by the property owner or person responsible for the violation to remedy the violations within a set time frame and to comply with any and all conditions of extension as required by the Public Works Director. A request for extension shall be filed in writing by the property owner or person responsible for the violation prior to the expiration of the ten (10) day response period.

(f) Immediate Enforcement. In the case of a violation involving continuing construction, business or development, or an emergency situation, as reasonably determined by the Public Works Director, the City may use the enforcement powers and remedies available to it under this OrdinanceChapter without prior notice or notice of violation. In such case, the Public Works Director shall send the notice to the same parties set forth in subsection (d) simultaneously with the beginning of enforcement action.

(g) Abatement. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained; or any land, building, business or premises used contrary to the provisions of this ~~OrdinanceChapter~~ is hereby declared to be unlawful and a public nuisance. The City Attorney, Prosecutor or other authorized legal counsel may commence action or proceedings for the abatement, removal, and enjoinder thereof in the manner provided by law. The City Attorney, Prosecutor, or other authorized legal counsel may also take such other steps and may apply to such court as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm, or corporation from setting up, erecting, building, maintaining, or using any building, structure, business or property contrary to the provisions of this ~~OrdinanceChapter~~.

(h) Cease and Desist Order. In the event of a discharge of a regulated substance, if the Public Works Director deems the activity to pose a real and present danger of contaminating surface or groundwater which would normally enter the public water supply, the Public Works Director has the authority under this ~~OrdinanceChapter~~ to cause the immediate cessation of said activity or use of such regulated substance, require administrative controls to mitigate said danger and/or initiate other pollution control and abatement activities which he or she deems necessary in his or her discretion. A cease and desist order shall also be issued by the Public Works Director if the violator is found not to employ BMPs and there is an immediate threat to public health and safety or if the violation is not corrected within the time frame specified in a written warning previously issued to the violator. In the event the violator fails to comply with a cease and desist order within the specified time period, the Public Works Director has the authority to initiate proceedings for issuance of penalties and other relief as necessary.

(i) Criminal Penalties. If any violation of this ~~OrdinanceChapter~~ remains uncured after issuance of a notice of violation and expiration of the warning period, a criminal citation may be issued to the property owner or other person determined to be responsible for the violation in accordance with the notice of violation. All criminal citations for ~~OrdinanceChapter~~ violations shall be issued by the City Police Department in accordance with applicable criminal procedures for issuance of a criminal citation. Violations of the provisions of ~~the Ordinance this Chapter~~ constitute a Class B misdemeanor, punishable as provided by law.

#### **9-~~1003~~-180. Appeals.**

Any person may appeal a final determination of the Public Works Director regarding a boundary dispute ~~as set forth in Section 9-04-070(b)~~, the denial of a permit or conditions attached thereto, or any other final determination or action taken under this ~~OrdinanceChapter~~ to the City Manager by filing a written notice of appeal within fourteen (14) days from the date of final action stating the grounds for appeal and providing all supporting documentation and evidence regarding the appeal. The appellant shall bear the burden to establish that there was an error in the Public Works Director's determination or that such determination was illegal.

#### **9-~~1003~~-190. Abrogation and Greater Restrictions.**

This ~~OrdinanceChapter~~ is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this ~~OrdinanceChapter~~ and other restriction, including land use codes or development

regulations conflict or overlap, whichever imposes the most stringent restrictions shall prevail.

**9-1003-200. Review of Provisionsthe Ordinance.**

The City shall review the provisions of this OrdinanceChapter at least once every six (6) years, or more frequently if determined appropriate by the City, to determine its applicability, and may incorporate changes as deemed appropriate. Failure to conduct this review shall not affect the validity of this OrdinanceChapter, its provisions, or the Protection Zones adopted herein.

**9-1003-210. Liability.**

Any person subject to regulation under this OrdinanceChapter shall be liable with respect to regulated substances emanating on or from the person's property for all cost of removal or remedial action incurred by the City and for damages for injury to, destruction of, or loss of natural resources, including the reasonable cost of assessing such injury, destruction, or loss from the release or threatened release or a regulated substance as defined by this OrdinanceChapter. Such removal or remedial action by the City may include, but is not limited to, the prevention of further contamination of groundwater, monitoring, containment, and cleanup or disposal of regulated substances resulting from spilling, leaking, pumping, pouring, emitting, or dumping of any regulated substance or material which creates, or is expected to create, an emergency or hazardous situation.

**9-1003-220. ~~Ordinance~~Protection Afforded.**

The degree of protection afforded by this OrdinanceChapter is considered adequate for regulatory purposes. This OrdinanceChapter does not ensure that public drinking water sources will not be subject to accidental or intentional contamination, nor does it create liability on the part of the City, or any officer or employee thereof, for any damages to the public water supplies arising out of reliance on this OrdinanceChapter or any administrative order lawfully made hereunder.

**9-1003-230. Compliance with Other Applicable Laws.**

Compliance with the terms of this OrdinanceChapter shall not relieve the owner subject to the terms herein of the obligation to comply with any other applicable federal, state, regional or local law or regulations, rules, ordinances, laws or requirements, nor shall compliance with the terms of this OrdinanceChapter relieve any person or owner of any liability for violation of such laws, regulations, rules, ordinances, or requirements.

**9-1003-240. Use Matrix for Potential Contamination Sources.**

The following Use Matrix identifies uses which have varying potentials to contaminate groundwater sources. These uses have been classified according to risk of contamination in each Protection Zone. This Use Matrix and list is for clarification and planning purposes. The Use Matrix is not intended or considered to be all-inclusive. Substances that are not on this Use Matrix may need further clarification. The following definitions shall apply to the designations set forth in the Use Matrix:

Allowed Uses (A) means a use, activity, or practice which does not create a risk of contamination in the specified zone significant enough to require the implementation of regulatory requirements or BMP's and is an allowed use.

Restricted Use (R) means a use, activity, or practice, the nature or some element of which represents a potential contamination source. The use, activity, or practice may be permitted only after review and approval by the Public Works Director. As part of this review, recommendations from any applicable regulatory agencies shall be considered. Restricted uses are subject to BMP's and compliance with other reasonable conditions as may be imposed by the Public Works Director or other applicable regulatory agencies.

Prohibited Use (X) means a use, activity, or practice which creates a substantial risk of contamination in the specified zone and is not permitted.

### USE MATRIX FOR POTENTIAL CONTAMINATION SOURCES

POTENTIAL CONTAMINATION SOURCES	Protection Zone		
	Zone 1	Zone 2	Zones 3 & 4
Abandoned wells	X	X	X
Agricultural pesticide, herbicide and fertilizer storage, use, filling, and mixing area pursuant to federal regulations	X	R	A
Airport maintenance and fueling sites	X	R	R
Appliance repair	X	R	R
Dealership maintenance departments	X	R	R
Tire	X	R	R
Auto body	X	R	R
Engine Repair	X	R	R
Rust proofing	X	R	R
Oil and lube shops	X	R	R
Vehicle rental with maintenance	X	R	R
Beauty salons	X	R	A
Boat building and refinishing	X	R	R
Car washes	X	A	A
Cemeteries, golf courses, parks and plant nurseries	X	R	R
Chemical reclamation facilities	X	R	R
Chemigation wells	X	X	R
Concrete, asphalt and tar companies	X	R	R
Dairy Farms and animal feed lots (more than 1,000 animal units)	X	X	A
Dry cleaners (with onsite chemicals)	X	X	R
Dry cleaners (without onsite chemicals)	X	A	A
Embalming services	X	R	R

Dump sites	X	R	R
Maintenance garages	X	R	R
Manure piles (per 1,000 animal units)	X	X	A
Food processing, meat packing and slaughter houses	X	X	A
Fuel, oil and heating oil distribution and storage facilities	X	R	R
Furniture stripping, painting and finishing businesses	X	R	R
Gasoline service stations (including underground storage tanks)	X	R	R
Hospitals and medical, dental and veterinary offices	X	R	R
Industrial manufacturers of: chemicals, pesticides, herbicides, paper products, leather products, textiles, rubber, plastic, fiberglass, silicone glass, pharmaceuticals and electrical equipment, etc.	X	R	R
Industrial waste disposal / impoundment areas	X	X	R
Junk and salvage yards	X	R	R
Landfills and transfer stations	X	R	A
Laundromats	X	A	A
Machine shops, metal plating, heat treating, smelting, annealing and descaling facilities	X	R	R
Radiological	X	R	R
Sand and gravel excavation and processing	X	R	R
Municipal wastewater treatment plants	X	X	A
Photo processing and print shops	X	R	R
Railroad loading or unloading areas	X	R	R
Railroad yards	X	R	R
Residential pesticide, herbicide and fertilizer storage, use, filling and mixing areas pursuant to federal regulations	X	A	A
R V waste disposal stations	X	X	A
Salt and salt-sand piles	X	R	R
Septic tank drain field systems	X	X	R
Storm water detention basin and snow storage sites	X	R	A
Oil pipelines	X	X	X
Toxic chemical storage	X	X	X
Wood preservative treatment facilities	X	R	R

### **9-1003-250. Generic List of Regulated Substances.**

The following is a generic list of regulated substances. This list is not intended to be all-inclusive, but is provided for convenience as a sample list.

## GENERIC REGULATED SUBSTANCE LIST

Acid and basic cleaning solutions	Laboratory chemicals
Antifreeze and coolants	Liquid storage batteries
Animal Dips	Medical, pharmaceutical, dental veterinary and hospital solutions
Arsenic and arsenic compounds	Mercury and mercury compounds
Battery acids	Metal finishing solutions
Bleaches and peroxide	Oils
Brake and transmission fluid	Paints, primers, thinners, dyes, stains, wood preservative, varnishing and cleaning compounds
Brine solution	Painting solvents
Casting and foundry chemicals	Pesticides and herbicides
Caulking agents and sealants	Photo development chemicals
Cleaning solvents	Plastic resins, plasticizers and catalysts
Corrosion and rust preventatives	Poisons
Cutting fluids	Polishes
Degreasing solvents	Polychlorinated biphenyls (PCBs)
Disinfectants	Pool chemicals
Dyes	Processed dust and particulate
Electroplating solutions	Radioactive sources
Explosives	Reagents and standards
Fertilizers	Refrigerants
Fire extinguishing chemicals	Roofing chemicals and sealers
Food processing wasters	Sanitizers, disinfectants, bactericides and algacides
Formaldehyde	Soaps, detergents and surfactants
Fuels and additives	Solder and fluxes
Glues, adhesives and resins	Stripping compounds
Greases	Tanning industry chemicals
Hydraulic fluid	Transformer and capacitor oils and fluids
Indicators	Wastewater
Industrial and commercial janitorial supplies	Water and wastewater treatment chemicals
Industrial sludges and stillbottoms	
Inks, printing and photocopying chemicals	

## CHAPTER 9-~~0604~~. BULK WATER STATION AND FIRE HYDRANT PERMITS.

- 9-~~0604~~-010. Findings.
- 9-~~0604~~-020. Bulk Water Station and Fire Hydrant Permits.
- 9-~~0604~~-030. Permit Required.
- 9-~~0604~~-040. Fees.
- 9-~~0604~~-050. Issuance of Permit.
- 9-~~0604~~-060. Water Meters and Keys.
- 9-~~0604~~-070. Payment.
- 9-~~0604~~-080. Inspection.
- 9-~~0604~~-090. Records.
- 9-~~0604~~-100. Rules and Regulations.
- 9-~~0604~~-110. Indemnification.
- 9-~~0604~~-120. Revocation.
- 9-~~0604~~-130. Unauthorized Use.
- 9-~~0604~~-140. Penalty.
- 9-~~0604~~-150. Appeals.

### 9-~~0604~~-010. Findings.

Due to the rapid and continuing growth within Centerville City and in order to protect the efficient and safe use of the City's water system, the City Council hereby finds it to be in the best interest of the public health, safety and welfare to establish a system for drawing and purchasing water from the Public Works Department Bulk Water Station and City fire hydrants for the purpose of filling water trucks for construction, dust control and other private uses. The City Council further finds that the establishment of such a system will help preserve fire hydrants from leaks, improper use, water hammering, and water theft; will help protect the City's water system from backflow contamination; and will provide an easy and efficient procedure for obtaining water at reasonable rates from the City.

### 9-~~0604~~-020. Bulk Water Station and Fire Hydrant.

The purpose of ~~this Chapter these provisions~~ is to provide a uniform set of guidelines for issuing Bulk Water Station and Fire Hydrant Permits. In most instances, water should be obtained from the Public Works Department Bulk Water Station in accordance with the permit procedures set forth herein. If use of the Bulk Water Station for obtaining water is unreasonable in certain circumstances, water may be obtained from City fire hydrants in accordance with the permit procedures set forth herein. Other means of obtaining water for construction purposes, dust control and other private uses should be explored and used whenever possible prior to seeking a Bulk Water Station or Fire Hydrant Permit. In any event, no private use of City fire Hydrants or public facilities as permitted herein, may interfere with the ~~use~~ use of any fire hydrant or public facility by City ~~or fire~~ officials. Fire officials and the Public Works Department shall at all times have free access to all fire hydrants and public facilities.

### 9-~~0604~~-030. Permit Required.

Any person or entity desiring to obtain water from the Bulk Water Station or a City fire hydrant shall submit an application for a Bulk Water Station or Fire Hydrant Permit to the Public Works Department on forms provided by the City. The

application shall be signed by the applicant or applicant's authorized and certified agent, and shall state the purpose for which the water is to be used and the location of the intended fire hydrant to be used, if applicable, and the desired term of the permit ~~as permitted herein~~. Applicants must agree to and abide by all conditions, charges and liabilities of the permit.

#### **96-0604-040. Fees.**

Each application for a Bulk Water Station and Fire Hydrant Permit shall be accompanied by the required permit fees as set forth in the City Fee Schedule. No permit shall be issued until the proper fees have been paid to the City. Unless otherwise provided, the permit and fees required herein shall be in addition to any and all other licenses, permits and fees imposed by any other ordinance, regulation or law.

#### **9-0604-050. Issuance of Permit.**

The Public Works Director or Water Superintendent shall review all applications for Bulk Water Station and Fire Hydrant Permits and may issue or deny such applications based ~~upon~~ consideration of the effect of the proposed use, the location of the hydrant, the availability of water from the system, assurance that the use of the hydrant(s) or Bulk Water Station will not adversely affect delivery of water to existing connections to the City water system, and compliance with all conditions and requirements of this Chapter Ordinance. Bulk Water Station Permits may be renewed on an annual basis. Fire Hydrant Permits shall not exceed thirty (30) days. Permits shall be valid only for the applicant for whom it was issued and only for the location and use for which it was issued and shall not be assignable or transferable.

#### **9-0604-060. Water Meters and Keys.**

Upon issuance of a Bulk Water Station Permit and payment of all required fees and deposits, the permit holder shall be issued an n access number or key necessary to operate the Bulk Water Station at the Public Works Department facilities. A deposit shall be required for the issuance of a key for use of the Bulk Water Station in the amount set forth in the City Fee Schedule in order to insure return of the key. Upon issuance of a Fire Hydrant Permit and payment of all required fees and deposits, the permit holder shall obtain a meter and other required equipment from the Public Works Department necessary to obtain and meter the water drawn from the fire hydrant in accordance with the permit. A deposit shall be required for the use of the fire hydrant meter and other equipment provided by the City in an amount set forth in the City Fee Schedule in order to insure return of the meter and equipment in good condition. The meter number and reading shall be noted on the permit at the time of issuance.

#### **9-0604-070. Payment.**

Applicants obtaining water from the Bulk Water Station shall be billed monthly for the water obtained from the system in accordance with the rates set ~~forth f04th~~ in the City Fee Schedule. In the alternative, alte111ative, the City may require Applicant to pre-pay for the good faith estimate of the amount of water to be used in accordance with the rates set forth in the City Fee Schedule. Applicants obtaining water from a fire hydrant shall be required to pay for the water obtained upon completion of the use of fire hydrant or expiration of the permit, whichever is sooner.

Applicants shall return the meter and other equipment provided by the City and pay the appropriate fee in accordance with the rates set forth in the City Fee Schedule for the amount of water used as indicated on the ~~returned~~ ~~retu111ed~~ meter. In the alternative, the City may require Applicant to pre-pay for the good faith estimate of the amount of water to be used at the appropriate rate set forth in the City Fee Schedule. All fees, deposits and payments shall be submitted to the City Treasurer's Office for receipt and remittance.

**9-~~0604~~-080. Inspection.**

The City reserves the ~~right~~ ~~light~~ to supervise and/or inspect the use of the Bulk Water Station or any City fire hydrant in accordance with any ~~permit~~ ~~pel111it~~ issued ~~by the City~~ ~~hereunder~~. Applicant shall close the hydrant and disconnect the meter from the hydrant when not using the water, thereby leaving the hydrants and public facilities free and clear for use by the ~~fire department and~~ City ~~and fire~~ officials.

**9-~~0604~~-090. Records.**

The Public Works Department shall keep a record of all permits issued hereunder.

**9-~~0604~~-100. Rules and Regulations.**

The Public Works Department may establish and adopt rules and regulations governing the use of the Bulk Water Station and City fire hydrants and ~~permits~~ ~~issued under this Chapter.~~ ~~pel111its for the same.~~

**9-~~0604~~-110. Indemnification.**

Applicant shall be responsible for returning the key, meter and other equipment to the City in good condition when due. A late fee may be charged for any key, meter or equipment which is not returned to the City within twenty-four (24) hours from the expiration of the permit as provided in the City Fee Schedule. Applicant shall be responsible to reimburse the City for the cost to replace any key, meter or equipment not returned and shall be liable for any and all damage to the City fire hydrants ~~(s)~~, Bulk Water Station, public facilities, or equipment in connection with applicant's use of the hydrants and Bulk Water Station. Applicant shall further indemnify and hold harmless the City, its officers, employees, agents and sureties, from liability of any kind or nature which may result from use of the Bulk Water Station, City fire hydrants, meters, equipment, or water as permitted herein.

**9-~~604~~-120. Revocation. \_**

Any Bulk Water Station or Fire Hydrant Permit issued hereunder may be revoked or suspended by the City upon applicant's failure to comply with the rules and regulations of the Public Works Department and the ordinances of the City governing the use of water from the Bulk Water Station and City fire hydrants.

**9-~~604~~-130. Unauthorized Use.**

It is unlawful for any person, other than those duly authorized, to open or operate the Bulk Water Station, any City fire hydrant, or other public water facility or

equipment, or to tamper or interfere with, or attempt to draw water there from, or in any way to obstruct the approach thereto.

**9-604-140. Penalty.**

Any person who violates the provisions of this Chapter may be guilty of a class B misdemeanor subject to fines provided in *Utah Code Ann.* § 76-3-301, as amended. In instances where the violation of this Chapter is a continuing violation, a separate offense shall be deemed committed for each day in which the violation occurs ~~or 04~~continues. This Section shall not limit the authority of any court of competent jurisdiction to impose ~~any~~ other sanctions or order any other relief as may be appropriate and lawful under the laws of the State of Utah.

**9-604-150. Appeals.**

Any person aggrieved by the denial or revocation of a Bulk Water Station or Fire Hydrant Permit may appeal such decision to the City Manager by filing written notice of appeal within fifteen (15) days from the date of the decision.

## CHAPTER 9-~~0305~~. IRRIGATION WATER AND NATURAL WATER COURSES.

### 9-0305-010. Irrigation Water.

### 9-0305-020. Prohibited Use of Irrigation or Nonpotable Water.

### 9-0305-030. Distribution of Irrigation or Nonpotable Water.

### 9-0305-040. Disruption of Drainage or Water Courses Prohibited.

### 9-0305-050. Building Permit – Water Course Review.

### 9-0305-060. Public Works Director Determination.

### 9-0305-070. Backflow Prevention Regulations.

### 9-0305-080. Backflow Prevention Assembly Required.

### 9-0305-090. Building Inspector Duties.

### 9-0305-100. Certified Backflow Assembly Technician.

### 9-0305-110. Backflow Prevention Definitions.

### 9-0305-120. Backflow Prevention Requirements.

### 9-0305-130. User Responsibility for Backflow Prevention Assembly.

### 9-0305-140. Penalty.

## ~~PART 9-3-301. PROHIBITED USES-NONPOTABLE OR IRRIGATION WATER.~~

### 9-0305-010. Irrigation Water.

Centerville City does not operate or provide irrigation (or secondary) water. All irrigation water within the City must be obtained from third parties, including, but not limited to, the Deuel Creek Irrigation Company or the Weber Basin Water Conservancy District.

### 9-0305-020. Prohibited Use of Irrigation or Nonpotable Water.

~~9-3-301-110. PROHIBITED USES OF NONPOTABLE OR IRRIGATION WATER.~~ It shall be unlawful for any person, firm or corporation to:

- (a) Use or cause to be used any untreated or non-potable water from a pressure irrigation system for other than irrigation purposes.
- (b) Interconnect or cause to be interconnected the potable and non-potable portions, distribution systems or service lines of dual water supplies or extension thereof.
- (c) Install or cause to be installed in the same trench or trenches the distribution or service lines of potable and non-potable water.
- (d) Connect or cause to be connected a service line to any distribution system or main line carrying non-potable water without authority of the irrigation ~~D~~istrict, municipality, company or person having jurisdiction of the non-potable water supply.
- (e) Extend or cause to be extended into any building a non-potable water supply system or service line.
- (f) Connect or cause to be connected to any fire hydrant, a non-potable water supply system or service line.

(g) Expose or cause to be exposed any portion of non-potable water supply system or extensions or service lines thereof without identifying the same by distinctive coloring or other suitable means sufficient to distinguish the same from potable water supply systems, extensions or service lines.

(h) Contaminate or cause to be contaminated any source of supply, distribution system, or service line furnishing or carrying non-potable water or potable water.

(i) Use irrigation or nonpotable water to sprinkle lawn or gardens between the hours of 10:00 a.m. and 6:00 p.m.

### 9-0305-030. Distribution of Irrigation or Nonpotable Water.

~~9-3-301-111. DISTRIBUTION OF NONPOTABLE WATER.~~ All hydrants and sprinkling systems control valves for the distribution of irrigation or nonpotable water shall be operated by a removable key in accordance with the Utah Safe Drinking Water Act, as set forth in Utah Code Ann. §§ 19-4-101, et seq. ~~unless such valves are of the quick-coupling type, and all such keys and coupling valves shall be removed when said hydrant or sprinkling system is not in use.~~

### 9-0305-040. Obstruction of Drainage or Water Courses Prohibited.

It is unlawful to obstruct or alter any drainage or water course in the City without the express written authority of the applicable owner or jurisdiction. All major creeks and drainages in the City are under the jurisdiction of Davis County.

~~9-3-301-112. OBSTRUCTING WATER COURSES PROHIBITED.~~ All hydrants and sprinkling system control valves for the distribution of non-potable water shall be operated by a removable key, unless such valves are of the quick-coupling type, and all such keys and coupling valves shall be removed when said hydrant or sprinkling system is not in use.

### 9-0305-050. Building Permit - Water Course Review.

~~9-3-301-113. PERMIT.~~ Any building permit application for construction or development within the City shall be submitted to the Public Works Director for review of any proposed interference or alteration of any irrigation or natural drainage course and for compliance with the terms and conditions of this Chapter. Any development within 100' of jurisdictional creek channels must be approved and permitted by Davis County. ~~Any person desiring a permit for any such purpose shall file an application therefore in writing, as much as practicable to the requirements set forth in the building code.~~

~~Any installation or work done pursuant to the provisions of this ordinance shall be subject to the supervision, control, fee, enforcement and other applicable provisions of the building code.~~

### 9-0305-060. Public Works Director Determination.

~~9-3-301-114. ISSUANCE OF PERMIT.~~ If the Public Works Director Building Inspector is satisfied that the installation, development, or work described in the

building permit application ~~for permit~~ will not result in an interference with the flow of water in a water course or drainage way ~~drainway~~ and/or will not reduce ~~the its-~~ capacity of the water course or drainage way to conduct storm water, waste water, run-off water, flood water, or to otherwise continue its previous functions, and that the applicant has otherwise conformed to the requirements of this ordinance, the Public Works Director shall sign off on issuance of the building permit as it relates to Water Course Review. The Public Works Director may require the applicant to provide additional information or engineering review prior to making a water course determination. ~~he shall issue a permit therefore to the applicant.~~

#### **9-0305-070. Backflow Prevention Regulations.**

**9-3-301-115. PURPOSE.** ~~The purpose of the following backflow prevention regulations of the City is to~~ To protect the City culinary water supply from the possibility of contamination or pollution by isolating within the user's internal distribution system or the user's private water system contaminants or pollutants which could backflow into the public water system; to promote the elimination or control of existing cross connections, actual or potential, between the consumer's in-plant potable water system, and non-potable water system, plumbing fixtures and industrial piping system; and to provide for a continuing program of cross connection control which will systematically and effectively prevent the contamination or pollution of the potable water system of the City.

#### **9-0305-080. Backflow Prevention Assembly Required.**

**9-3-301-116. RESPONSIBILITY.** If, in the judgment of the ~~City~~ Public Works Director, an approved backflow prevention assembly is required at the user's private water system for the protection of the public ~~culinary potable~~ water distribution system from contamination or pollution due to the backflow or contaminants through water service connections, the City, or its designated agent, shall give notice in writing to such user to install an approved backflow prevention assembly at a specific location or locations on ~~the user's his/her~~ premises. The user shall immediately install such approved assembly at the user's own expense, and failure, refusal or inability on the part of the user to install, have tested, and/or maintain said assembly shall constitute grounds for discontinuing culinary water service to the premises until such requirements have been satisfactorily met.

#### **9-0305-090. Building Inspector Duties.**

**9-3-301-117. BUILDING INSPECTOR.** The City Building Inspector shall have the responsibility to review building plans and inspect plumbing as it is installed ~~and~~ to prevent cross connections from being designed and built into ~~the~~ structures within the City. Where the review of building plans suggests or indicates the potential for a cross connection being made an integral part of the plumbing system, the Building Inspector shall require such cross connections to either be eliminated or provided with an approved backflow prevention assembly in accordance with the Plumbing Code, as adopted by the City.

#### **9-0305-100. Certified Backflow Assembly Technician.**

**9-3-301-118. CERTIFIED BACKFLOW ASSEMBLY TECHNICIAN.** When employed by the user or the City to test, repair overhaul and/or maintain backflow

prevention assemblies, a backflow assembly technician shall have the responsibility and obligation:

(a) To ensure that acceptable testing equipment and procedures are used for testing, repairing, or overhauling backflow prevention assemblies.

(b) To make reports of such testing and/or repair to the user and City on forms approved for such use by the City, such reports to include the list of materials or replacement parts used.

(c) To ensure the design, material, or operational characteristics of the assembly during repair or maintenance.

(d) To not change the design, material, or operational characteristics of the assembly during repair or maintenance.

(e) To perform the work and be responsible for the competence and accuracy of all tests and reports.

(f) To ensure that the technician's his license is current, and that the testing equipment being used is acceptable to the State of Utah and the City and is in proper operating condition.

(g) To report a failing assembly to the City within five (5) working days from the date the failure was detected. Failure to do so may be grounds for revocation of the technician's certification.

(h) To be equipped with and be competent in the use of all necessary tools, gauges, and other equipment necessary to properly test, repair, and maintain backflow prevention assemblies.

(i) To tag each double check valve, pressure vacuum breaker, reduced pressure backflow assembly and air gaps, showing the serial number, date tested and by whom. The technician's license number must also be on such tag.

(j) In the case of a user requiring a commercially available technician, any certified technician is authorized to make the test and report the results of the same to the user and the City. If such a commercially tested assembly is in need of repair, the repair same shall be performed by a plumber licensed pursuant to Utah statutes.

### **9-0305-100. Backflow Prevention Definitions.**

**9-3-301-119. DEFINITIONS.** The following words and phrases shall have the meanings set forth as follows for purposes of this Chapter and the backflow prevention regulations.

(a) "Public Works Director." The Public Works Director is invested with the authority and responsibility for the implementation of the City's Cross Connection Control Program and for the enforcement of the provisions of this chapter.

(b) "Approved Backflow Assembly." A backflow assembly accepted by the Utah Department of Health, Division of General Sanitation, as meeting an applicable specification or as suitable for the proposed use.

(c) "Auxiliary Water Supply." Any water supply on or available to the premises other than the City's public water supply will be considered as an auxiliary water supply. These auxiliary waters may include water from another public potable water supply or any natural source, such as a well, spring, river, stream, harbor, irrigation water, or "used waters" or "industrial fluids." These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the City does not have authority for sanitary control.

(d) "Backflow." The reversal of the normal flow of water caused by either back-pressure or back-siphonage.

(e) "Back-Pressure." The flow of water or other liquids, mixtures, or substances under pressure into the distribution pipes of a potable water supply system from any source or sources other than the intended source.

(f) "Back-Siphonage." The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water supply system from any source other than the intended source, caused by the reduction of pressure in the potable water supply system.

(g) "Backflow Prevention Assembly." An assembly or means designed to prevent backflow. Specifications for backflow prevention assemblies are contained within the Utah Plumbing Code, ~~Chapter 10 (Appendix J)~~, and the Cross Connection Control Program of Utah. All backflow prevention assemblies must be approved by the Utah Department of Health, Division of General Sanitation, prior to installation. A listing of these approved backflow prevention assemblies may be found in the Cross Connection Control Program for Utah.

(h) "Contamination." An impairment of the quality of the potable water supply by sewage, industrial fluids or waste liquids, irrigation or other non-potable water, compounds or other materials to a degree which creates an actual or potential hazard to the public health through poisoning or through the spread of disease.

(i) "Cross Connection." Any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems, one of which contains potable water and the other water from a non-City source or non-potable water or industrial fluids of questionable safety, through which, or because of which, backflow may occur into the potable water system. This would include any temporary connections, such as swing connections, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or change-over devices or sliding multi-port tubes.

(j) "Cross Connection-Controlled." A connection between a potable water system and water from a non-City source or a non-potable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

(k) "Cross Connection - Containment." The installation of an approved backflow assembly at the water service connection to any user's premises where it is physically and economically infeasible to find and permanently eliminate or control all actual or potential cross connections within the user's water system, or the

installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a user's water system where there are actual or potential cross connections which cannot be effectively eliminated or controlled at the point of the cross connection (isolation).

## **9-0305-120. Backflow Prevention Requirements.**

### **9-3-301-120. REQUIREMENTS.**

(a) **Policy.**—No water service connection to any premises shall be installed by any user of the City's ~~culinary potable~~ water system or maintained by the user unless the water supply is protected as required by State laws, regulations, and codes, and the provisions of this ~~C~~chapter. Service of water to any premises shall be discontinued by the user if a backflow prevention assembly required for control of backflow and cross connections is not installed, tested, and maintained, or if it is found that a backflow prevention assembly has been removed or bypassed, or if an unprotected cross connection exists on the premises. Service will not be resumed by any user until such conditions or defects are corrected, and the City shall not furnish ~~culinary potable~~ water to the premises of any user known by the City to be lacking suitable backflow prevention assemblies.

(b) The user's system shall be open for inspection at all reasonable times to authorized representatives of the City to determine whether cross connections or other structural or sanitary hazards, including violation of this chapter, exist. When such a condition becomes known, the City shall deny or immediately discontinue service to the premises by providing a physical break in the service line until the customer has corrected the condition in conformance with the State statutes and City ordinances and regulations relating to plumbing, water supplies, and the regulations adopted pursuant thereto.

(c) An approved backflow prevention assembly shall be installed on each service line to a user's water system, at or near the property line, or immediately inside the building being served, but in all cases before the first branch line leading off the service line, whenever the City determines that such is necessary for protection of the water supply or in the best interest of the users of the City's water supply system.

(d) The type of protective assembly required ~~under Subsection (b)~~ shall depend upon such degree of hazard which exists at the point of cross connection, i.e., whether direct or indirect, as defined in the Utah Plumbing Code, ~~Chapter 10 (Appendix J)~~.

(e) All presently installed backflow prevention assemblies which do not meet the requirements of this section but were approved assemblies for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the inspection and maintenance requirements under Section ~~9-0305-1309-3-302-121(a)~~, be excluded from the requirements of these rules so long as the City believes that they will satisfactorily protect the public water system. Whenever the existing assembly is moved from the present location or requires more than minimum maintenance or when the City finds that the maintenance of this assembly constitutes a hazard to health, the unit shall be replaced by the user with an approved backflow prevention assembly meeting the requirements of this chapter.

**9-0305-130. User Responsibility for Backflow Prevention Assembly.**

**~~9-3-301-121. USER RESPONSIBILITY.~~**

(a) It shall be the duty and responsibility of the user at any premises where backflow prevention assemblies are installed to have certified inspections and operational tests made at least once per year at the user's expense. In those instances where the City deems the hazard to be great, it may require certified inspections and tests at more frequent intervals. These inspections and tests shall be performed by a certified backflow assembly technician, licensed through the State Department of Health, and be made in accordance with the standards set forth by the State Department of Health, Division of Public Water Supplies.

(b) Backflow prevention assemblies shall be installed in water supply lines to provide at least the degree of protection provided in the Utah Plumbing Code, ~~Chapter 10 (Appendix J)~~. All backflow prevention assemblies shall be exposed for easy observation and be readily accessible.

(c) All backflow prevention assemblies installed in a potable water supply system for protection against backflow shall be maintained in good working condition by the user or other person or persons having control of such assemblies. The State Department of Health, Division of Public Water Supplies, and the City may inspect such assemblies and if found to be defective or inoperative, shall require the replacement thereof. No assembly shall be removed from use, relocated, or another assembly substituted without the approval of the City.

(d) The user shall cause all backflow prevention assemblies to be tested within ten working days of installation.

(e) No backflow prevention assembly shall be installed so as to create a safety hazard, i.e., installed over an electrical panel, steam pipes, boilers, pits, or above ceiling level.

**9-0305-140. Penalty.**

~~9-3-301-122. PENALTY.~~ Any user of ~~culinary potable~~ water from the City's culinary water system who ~~shall~~ knowingly ~~install~~s or ~~maintain~~s, or ~~permits~~ to be installed or maintained any device not permitted by City ordinances or regulations, State law, or the ~~Uniform Building or Plumbing Codes adopted by the City~~, or who ~~shall~~ ~~fail~~s to repair or remove unacceptable devices within five ~~(5)~~ days after written notice from the City shall be guilty of a class B misdemeanor.

## CHAPTER 9-~~0406~~. SUBSURFACE WATERDRAINS<sup>5</sup>

### 9-~~0406~~-010. Subsurface Water.

### 9-06-020. Subsurface Drain Systems.

### 9-06-030. Drainage Utility Fee.

### 9-~~0406~~-~~0410~~. Subsurface Drains – Limitation.

### 9-~~0406~~-~~0520~~. Request and Documentation to Install Subsurface Drain.

### 9-~~0406~~-~~0630~~. Standards and Requirements for Subsurface Drains.

### 9-~~0406~~-~~0740~~. Construction Restrictions.

### 9-~~0406~~-~~080~~. Videotaping Inspection.

### 9-~~0406~~-010. Subsurface Water.

Centerville City is located at a low spot in the Salt Lake Valley and many areas of the City have a high water table. Subsurface drains are only permitted when specifically authorized by the City in accordance with the provisions of this Chapter. The lowest finished floor elevation of structures and facilities within the City may be limited or restricted as more particularly provided in this Chapter.

### 9-06-020. Subsurface Drain Systems.

Except for a few limited exceptions, all subsurface drain systems within the public rights-of-way of the City are owned and operated by the City. Unless otherwise specifically provided by the City Council, no new private subsurface drain systems are allowed in the public rights-of-way. The City will not take over ownership or maintenance of any legally existing private subsurface drain systems within the public rights-of-way until and unless such systems comply with City Standards and Specifications for subsurface drains and have been inspected and determined to be in acceptable condition by the City.

### 9-06-030. Drainage Utility Fee.

All subsurface water drain systems of the City are owned and operated by the City's Drainage Utility as created and functioning in accordance with Title 16, Chapter 2 of the Centerville Municipal Code. Any properties that are serviced and/or benefited by a subsurface drain system of the City shall be subject to an additional drainage utility fee as established by the City Council and set forth in the City's Fee Schedule.

### 9-~~0406~~-~~0410~~. Subsurface Drains Approval–Limitation.

No subsurface drain or subsurface drain system shall be permitted within the City without prior written approval from the City. Such approval may be given by the City in conjunction with a building permit, site plan and/or subdivision approval, as applicable, in accordance with the procedures and requirements set forth herein. No building permit, site plan and/or subdivision plat for which a subsurface drain system is required shall be approved until and unless the subsurface drain system has been reviewed and approved by the City in accordance with the procedures and requirements set forth herein. Unless otherwise specifically provided by the City Council, all approved subsurface drain systems shall be dedicated to the City after approval and inspection as more particularly provided in this Chapter.

<sup>5</sup> Amended by Ordinance No. 2001-05, April 17, 2001  
09-01-010-(water)-2016-redline

**9-0406-0520. Request and Documentation to Install Subsurface Drain.**

Any person desiring to construct and/or install a subsurface drain or subsurface drain system within the City shall provide the following information to the City for review and consideration. Such information shall be submitted with the building permit application, conceptual site plan application, or preliminary subdivision plat application, as applicable.

(a) A geotechnical and soils report, prepared by a Utah licensed engineer, delineating the groundwater profile and the estimated discharge from the entire property proposed for development and defining the porosity of the soil and the high and low levels of the water table for the entire property proposed for development. For purposes of the geotechnical and soils report provided herein, the site shall be monitored over a period of at least two (2) months. If deemed necessary or desirable, the City may require an additional monitoring period.

~~(b) A detailed maintenance plan designating how the subsurface drain system will be adequately maintained.~~

~~(c) A detailed financial plan showing how the subsurface drain system maintenance and operating expenses will be funded.~~

~~(d) The by-laws and articles of incorporation of any homeowners' association proposed to maintain and/or operate the subsurface drain system.~~

~~(e) The proposed restrictive covenants and conditions for the subdivision and/or development to be recorded with the property regarding the maintenance and operation of the subsurface drain system.~~

(bf) Construction drawings, prepared by a Utah licensed engineer, for the proposed subsurface drains and/or system in accordance with the standards and specifications set forth in this Chapter and any other applicable City Ordinances, rules, regulations and standards.

~~(g) Written approval from affected entities or property owners to discharge water into other subsurface drains or systems proposed to be utilized by applicant for transfer and discharge of subsurface water to the proposed discharge point.~~

(ch) Any applicable application fees required by the City as ~~adopted by Resolution and~~ set forth in the City Fee Schedule.

(di) Any additional information, documentation, and/or reports deemed necessary and desirable by the City, ~~as required by the City~~ for purposes of determining the appropriateness and compliance of the proposed subsurface drains ~~subdrains~~ or systems with the terms and conditions of this Chapter.

**9-0406-0630. Standards and Requirements.**

The following standards and requirements shall apply to any proposed subsurface drain system within the City. No subsurface drain system shall be approved by the City which does not comply with the standards and requirements set forth herein.

(a) All construction drawings for proposed subsurface drains or systems shall be reviewed and approved by the City Engineer.

(b) All subsurface drains and ~~subsurface drain~~ systems shall be designed and installed in accordance with City Standards and Specifications regarding subsurface drains, the approved construction drawings for the improvements, and all other applicable City Ordinances, rules, regulations and standards.

(c) All subsurface drains and ~~subsurface drain~~ systems shall be subject to inspection by the City in accordance with City inspection procedures and requirements.

(d) The applicant must establish the adequacy and compliance with applicable City Ordinances, rules, regulations and standards, of existing subsurface drains ~~subdrains~~ and systems which are proposed to be utilized by the applicant for transfer and discharge of subsurface water from the site to the proposed discharge point.

(e) All subsurface drain systems, including systems that it will tie into, shall meet the required capacity of all combined flows and applicable City Ordinances, rules, regulations and standards. When deemed necessary and desirable, the City may require applicant to pay for the cost of inspecting existing subsurface drains ~~subdrains~~ and systems which the applicant proposes to utilize for the transfer and discharge of the subsurface water from the site to the proposed discharge point.

~~(f) — A homeowners' association or other acceptable association shall be created for the permanent funding and responsibility of the subsurface drain system required for the development. Bylaws and Articles of Incorporation of such associations shall be reviewed and approved by the City and recorded with the County Recorder's Office by the applicant or developer prior to or in conjunction with final approval for development of the property.~~

~~(g) — Covenants and Restrictions shall be recorded against the property, and each affected lot therein, regarding the responsibility of the homeowners and/or property owners within the property to maintain and fund the maintenance and operation of the subsurface drain system. The Covenants and Restrictions shall be reviewed and approved by the City and recorded with the County Recorder's Office by the applicant or developer prior to or in conjunction with final approval for development of the property.~~

~~(h) — A maintenance agreement shall be entered into with the City providing for maintenance of the subsurface drain system and an annual fee or other adequate funding mechanism assessed against affected properties serviced by the subsurface drain system. The maintenance assessment shall be created as a lien on each lot or parcel within the project with adequate enforcement provisions set forth in the homeowners' association, maintenance agreement and covenants and restrictions recorded against the property.~~

(~~fi~~) The City shall have the right to clean and maintain any private subsurface drain or system deemed to be in disrepair, after thirty (30) days written notice to the responsible party or parties, and to charge the expense of such clean up or repair to the responsible party or parties. Nothing herein shall be deemed to

prevent the City, without notice, from cleaning or maintaining any subsurface drain or system or taking any other action deemed necessary in the event of an emergency, as determined by the City.

(g) The City can require any additional information, documentation and/or reports to be provided by the applicant when deemed necessary and desirable by the City for purposes of determining the appropriateness and compliance of the proposed ~~subsurface drains~~ ~~subdrains~~ or systems with the terms and conditions of this Chapter.

#### **9-0406-0740. Construction Restrictions.**

In areas where soil characteristics, existing site conditions, inadequate infrastructure, and/or high water table levels are found to exist and/or the use of subsurface drain system is not adequate to remedy the conditions, as determined by the City, the City may prohibit the construction of structures, below grade structures, and/or structures with basements, as deemed appropriate for public health and safety. In such locations, structures shall be prohibited and/or built above grade at a point where rising water tables or runoff cannot affect the proposed structure. In no instance shall any structure be built with a lower floor elevation than one foot above the curb at the discharge point of the subsurface drain where it connects to the storm drain system.

#### **9-0406-0850. Videotaping Inspection. <sup>-6</sup>**

Any newly installed subsurface drain or ~~subsurface drain~~ system within the City shall be required to be videotaped to verify acceptable condition and installation of such improvements and facilities. Such videotaping shall be conducted or caused to be conducted by the City and paid for by the developer in accordance with the City Fee Schedule. All sediment and waste material shall be flushed and vacuumed out of the subsurface drain improvements and facilities by the developer prior to any request for videotaping by the City. If a deficiency in the improvements or facilities is revealed by videotaping, the developer is required to make the necessary repairs. Once the repairs are complete, a videotaping re-inspection shall be requested and conducted by the City at the developer's sole cost and expense in accordance with the City Fee Schedule. No final inspection shall be approved until and unless the newly installed subsurface drain improvements and facilities have been videotaped in accordance with the provisions of this Section and such videotaping reveals no deficiencies in the improvements and facilities. Nothing herein is intended to replace or alter developer's warranty obligations for newly installed subsurface drains or ~~subsurface drain~~ systems.

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<sup>6</sup> ~~Enacted by Ord. No. 2008-03, March 18, 2008~~

## **CHAPTER 9-0507. STORM WATER**

### **9-0507-010. Storm Water System.**

### **9-0507-020. Storm Water Regulations.**

### **9-0507-010. Storm Water System.**

Centerville City owns and operates a Municipal Separate Storm Sewer System (MS4) as defined under the National Pollutant Discharge Elimination System (NPDES) as a municipally owned and operated storm water collection system that consists of any or all of the following: curb, gutter, drainage swales, piping, ditches, canals, detention basins, inlet boxes, or any other system used to convey storm water that discharges into canals, ditches, streams, rivers, or lakes not owned and operated by the municipality.

### **9-0507-020. Storm Water Regulations.**

The City has adopted storm water management regulations for the City's MS4 storm drain system in accordance with applicable state and federal law, including, but not limited to the NPDES and the Utah Pollutant Discharge Elimination System (UPDES) programs. The City's storm water regulations are set forth in Title 16.

## CHAPTER 9-~~0508~~. FLOOD DAMAGE PREVENTION

9-~~0508~~-010. Statement of Purpose-~~Generally~~.

9-~~0508~~-020. Definitions.

9-~~0508~~-030. General Provisions.

9-~~0508~~-040. Designation of the Public Works Director.

9-~~0508~~-050. Duties and Responsibilities of the Public Works Director.

9-~~0508~~-060. Permit Procedures.

9-~~0508~~-070. Appeal Procedure.

9-~~0508~~-080. Variance Procedures

9-~~0508~~-090. General Standards.

0-~~0508~~-100. Specific Standards.

9-~~0508~~-110. Floodways.

9-~~0508~~-120. Penalty.

9-~~0508~~-010. Statement of Purpose-~~Generally~~.

(a) Finding of Fact.

(1) The flood hazard areas of Centerville City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by users vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

(b) Statement of Purpose. It is the purpose of this ordinance to promote the public health, safety, and general welfare of the residents of Centerville, Utah, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

(1) To protect human life and health;

(2) To minimize expenditure of public money for costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize prolonged business interruptions;

(5) To minimize damage to the public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in special flood hazard areas;

(6) To help maintain a stable tax base by providing for the second use and development of special flood hazard areas so as to minimize future

flood blight areas;

(7) To ensure that potential buyers are notified that property is in a special flood hazard area; and

(8) To ensure that those who occupy a special flood hazard area assume responsibility for their actions.

(c) **Methods of Reducing Flood Losses.** In order to accomplish its purposes, this ordinance includes methods and provisions for:

(1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(4) Controlling filling, grading, dredging, and other development which may increase flood damage; and

(5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

#### **9-0508-020. Definitions.**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance ~~the its~~ most reasonable application.

(a) “Alluvial Fan Flooding.” Flooding occurring on the surface of an alluvial fan or similar land form which originates at the apex and is characterized by high velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

(b) “Apex.” A point on an alluvial fan or similar land form below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

(c) “Appurtenant structure.” A structure which is located on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure. Appurtenant structures should constitute a minimal investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of appurtenant structures are detached garages, carports, storage sheds, pole barns and hay sheds.

(d) “Area of Shallow Flooding.” A designated AH, AP, or VO zone with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(e) “Base Flood.” The flood having a one percent chance of being equaled or exceeded in any given year.

(f) “Base Flood Elevation.” The computed elevation to which floodwater is anticipated to rise during the base flood. Base Flood Elevations (BFEs) are shown on Flood Insurance Rate Maps (FIRMs) and on the flood profiles.

(g) “Basement.” Any area of the building having its floor sub-grade (below ground level) on all sides.

(h) “Breakaway wall.” A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

(i) “Critical Feature.” An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

(j) “Development.” Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the special flood hazard area.

(k) “Elevated Building.”

(1) A non-basement building which is:

(i) Built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear wall parallel to the floor of the water; and

(ii) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.

(2) In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

(3) In the case of Zones V1-30, VE, or V, “elevated building” also includes a building otherwise meeting the definition of “elevated building,” even though the lower area is enclosed by means of breakaway walls if the

breakaway walls meet the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

(l) Existing Construction. For the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. Existing construction may also be referred to as existing structures.

(m) "Existing Manufactured Home Park or Subdivision." A manufactured home park for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) are completed before the effective date of this ordinance.

(n) "Expansion to Existing Manufactured Home Park or Subdivision." The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(o) "Flood or Flooding." A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters;

(2) The unusual and rapid accumulation of runoff of surface waters from any source; or

(3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(p) "Flood elevation study." An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

(q) "Flood Insurance Rate Map (FIRM)." The official map on which the Federal Emergency Management Agency has delineated both special flood hazard areas and eh risk premium zones applicable to the City.

(r) "Flood Insurance Study." The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

(s) "Flood Protection System." Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those

constructed in conformance with sound engineering standards.

(t) "Floodplain" or "Flood Prone Area." Any land area susceptible to being inundated by water from any source (see definition of "flooding").

(u) "Floodplain Management." The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

(v) "Floodplain Management Regulations." Any state law or city ordinance, including Centerville City zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances such as this Floodplain Ordinance, etc., which provide standards for the purpose of flood damage prevention and reduction.

(w) "Floodproofing." Any combination of structural and non structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(x) "Floodway." The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

(y) "Functionally Dependent Use." A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(z) "Highest Adjacent Grade." The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(aa) "Historic Structure." Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on the State register as promulgated by the Utah Division of State History; or

(4) Individually listed on the Centerville City Historic Sites List and Historic Landmark Register, as promulgated by the Centerville City Historic Sites Committee under Title 12, Chapter 20 of the Centerville City Municipal Code.

(bb) “Hydrodynamic Loads.” Forces imposed on structures by flood waters due to the impact of moving water on the upstream side of the structure, drag along its sides, and eddies or negative pressures on its ~~downstream~~ downstream-side.

(cc) “Hydrostatic Loads.” Loads or pressures resulting from the static mass of water at any point of floodwater contact with a structure. They are equal in all directions and always act perpendicular to the surface on which they are applied.

(dd) “Levee.” A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

(ee) “Levee System.” A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

(ff) “Lowest Floor.” The lowest floor of the lowest enclosed area (including basement) An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this ordinance.

(gg) “Manufactured Home.” A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

(hh) “Manufactured Home Park or Subdivision.” A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(ii) “Mean Sea Level.” For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

(jj) “New Construction.” For purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of the City’s initial FIRM, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of this ordinance, and includes any subsequent improvements to such structures.

(kk) “New Manufactured Home Park or Subdivision.” A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance.

(ll) “Recreational Vehicle.” A vehicle which is: (a) built on a single chassis

(mm) "Regulatory Floodway." The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

(nn) "Special Flood Hazard Area." The land in the floodplain subject to a one percent or greater chance of flooding in any given year.

(oo) "Start of Construction." Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading or filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(pp) "Structure." A walled and roofed building or manufactured home that is principally above ground.

(qq) "Substantial Damage." Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed (50) percent of the market value of the structure before the damage occurred.

(rr) "Substantial Improvement." Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(ss) "Variance." A grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

(tt) "Violation." Failure to comply with any of the terms and conditions of

this ordinance.

(uu) "Water Surface Elevation." The height in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**9-08-030. General Provisions.**

(a) Lands to which this Ordinance Applies. This ordinance shall apply to all special flood hazard areas within the jurisdiction of Centerville City.

(b) Basis for Establishing the Special Flood Hazard Areas. The special flood hazard areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitles "The Flood Insurance Study for the City of Centerville," dated June 18, 2007, with an accompanying Flood Insurance Rate Map (FIRM), is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study and FIRM are available for inspection at the City Offices, 250 North Main Street, Centerville, Utah 84014, or at the City Public Works offices, 655 north 1250 West, Centerville, Utah 84014.

(c) Compliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered unless the modification fully complies with the terms of this ordinance and other applicable regulations.

(d) Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(e) Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit or repeal any other powers granted under State statutes.

(f) Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Centerville City or any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result in reliance on this ordinance or any administrative decision lawfully made thereunder.

**9-0508-040. Designation of the Public Works Director.**

The Public Works Director or his or her designee (hereinafter referred to as the "Public Works Director") is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with these provisions and performing all other duties as provided herein.

**9-08-050. Duties and Responsibilities of the Public Works Director.**

Duties of the Public Works Director shall include, but not be limited to the following:

(a) Permit Review.

(1) Review and approve or deny all applications for Floodplain Development Permits required by the adoption of this ordinance.

(2) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.

(3) Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.

(4) Review all development permits to determine whether proposed building sites, including the placement of manufactured homes, will be reasonably safe from flooding.

(5) Review all development permits to determine if the proposed development is located in the floodway. Except as provided in Section 9-0508-110, no development shall be permitted within a floodway.

(b) Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 9-0508-030(b), "Basis for Establishing the Special Flood Hazard Areas", the Public Works Director shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State, or other source as criteria for requiring that new construction, substantial improvements, or other development in Zone A are administered in accordance with Section 9-0508-100 "Specific Standards."

(c) Information to Be Obtained and Maintained.

(1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement; provided that in any V1-30, VE, and V Zones, the actual elevation to be obtained and recorded is that of the bottom of the lowest structural member of the floor (excluding piling and columns) of all new or substantially improved structures, and whether or not the structure contains a basement.

(2) For all new or substantially improved floodproofed structures

i. Verify and record the actual elevation (in relation to mean

sea level) to which the structure has been floodproofed.

ii. Maintain the floodproofing certifications required in Section 9-~~0508~~-060.

(3) Maintain for public inspection all records pertaining to the provisions of this ordinance.

(d) Alteration of Watercourses.

(1) Notify adjacent communications, the Utah State Division of Water Rights, and the Utah State Division of Water Resources prior to any alteration or relocation of a watercourse, and submit copies of such notification to the Federal Emergency Management Agency.

(2) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(e) Interpretation of FIRM Boundaries. Make interpretations where needed, as to the exact location of the boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 9-~~0508~~-070.

(f) Construction when No Regulatory Floodway has been Designated. When a regulatory floodway has not been designated, the Public Works Director must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zone A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(g) Application for Conditional FIRM Revision. The Public Works Director shall review applications for Conditional Firm Revisions in accordance with Section 9-~~0508~~-110, Floodways.

#### **9-~~0508~~-060. Permit Procedures.**

A Floodplain Development Permit ("Permit"), shall be obtained before construction or development begins within any special flood hazard area established in Section 9-~~0508~~-030(~~b~~). A application for a Permit shall be made on forms furnished by the City and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. The Public Works Direction may require certification of any of ~~the thee~~ requirements by a professional engineer, architect, ~~architect~~, or surveyor as he or she deems necessary.

(a) Specific Requirements. The applicant must provide the following information:

(1) The elevation in relation to the mean sea level, of the lowest floor (including the basement) of all new and substantially improved structures;

(2) The elevation in relation to the mean sea level to which any nonresidential structure has been floodproofed;

(3) Certification by a registered professional engineer or surveyor that the floodproofing methods for any nonresidential structure meet the floodproofing criteria of this ordinance; and

(4) A description of the extent to which any watercourses will be altered or relocated as a result of the proposed development.

(b) Approval or Denial. Approval or denial of a Permit by the Public Works Director shall be based on the provisions and intent of this ordinance and the following relevant factors:

(1) The danger to life and property due to flooding or erosion damage;

(2) The susceptibility of the proposed facility and its contents to flood damage and effect of such damage on the individual owner;

(3) The danger that materials may be swept onto other lands to the injury of others;

(4) The compatibility of the proposed use with existing and anticipated development:

(5) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

(7) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

(8) The necessity to the facility of a waterfront location, where applicable;

(9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(10) The relationship of the proposed use to the comprehensive plan and floodplain management plan for that area; and

(11) The importance of the services provided by the proposed facility to the community.

## **9-0508-070. Appeal Procedure.**

(a) Any person adversely affected by a final decision of the Public Works Director made in the administration or interpretation of this ordinance may, within the time provided herein, appeal that decision to the City Council by alleging that there is error in any such final order requirement, decision, or determination made by the Public Works Director in the administration or interpretation of this ordinance. Appeals filed hereunder shall be in writing and shall be filed with the City Recorder within thirty (30) days of the decision which is appealed. The appeal shall include any required City appeal forms and shall set forth, at a minimum: the name, address and telephone number of the appellant; the decision being appealed; the grounds for appeal; and a description of the alleged error in the decision or determination of the Public Works Director. Only decisions of the Public Works Director applying this Chapter 9-0508 may be appealed to the City Council as provided herein. Appeals may not be used to waive or modify the terms or requirements of this Chapter.

(b) After the appeal application is deemed complete, the City Recorder shall schedule the matter to be heard by the City Council. Prior to the appeal hearing, the City Recorder shall transmit all papers constituting the record of the decision or action being appealed to the City Council and the appellant. The City Council shall review the record of the decision or action of the Public Works Director and provide the appellant an opportunity to be heard regarding the appeal. In reviewing the appeal, the City Council shall consider and review all relevant technical evaluations and the specific factors set forth in Section 9-0508-060~~(b)~~. The City Council shall decide the matter in accordance with the standard of review set forth in Subsection (c).

(c) The City Council may affirm or reverse the decision of the Public Works Director, in whole or in part, or may remand the administrative decision to the Public Works Director. The City Council is also authorized to impose additional conditions as part of its determination of the appeal as necessary to conform with the purposes and intent of this ordinance. The City Council shall review the administrative decision of the Public Works Director for correctness in determining whether there is substantial evidence in the record to support the order, decision, or determination. The appellant shall have the burden of proving that an error has been made. The City Council shall issue a written decision.

(d) A record of all appeals shall be maintained by the City in accordance with the Utah Government Records Access and Management Act, as amended.

## **9-0508-080. Variance Procedure.**

(a) The Centerville City Council is hereby designated to hear and decide whether to grant a variance upon request by an applicant.

(b) The applicant shall have the right to a hearing before the Centerville City Council on the question of whether or not the request for the variance fulfills the variance requirements of this ordinance. Within thirty (30) days following conclusion of said hearing, the City Council shall render a decision denying the variance, granting the variance, or granting the variance with conditions.

(c) Those aggrieved by the decision of the City Council may appeal such decision to the Second District Court, Davis County, Utah, as provided by law.

(d) The City shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Public Works Director. The Public Works Director shall report any variances to the Federal Emergency Management Agency upon request.

(e) In passing upon applications for a variance, the City Council shall consider all technical evaluations, those specific factors established in Section 9-~~0508~~-060~~(b)~~, the intent and purpose of this ordinance, and the following conditions:

(1) Due to the dangers caused by flooding to human life and property and the costs and hardship caused thereby, only under limited circumstances may variances be granted in Centerville City. Variances shall only be issued upon:

(i) A showing of good and sufficient cause;

(ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to human life and public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(2) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

(3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(4) Variances shall only be issued when a determination has been made that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(5) Variances issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use may only be granted provided the structure or other development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

(6) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased risk to life and property and an increase in premium rates for flood insurance, which may be substantial and will be commensurate with the risk of construction below the base flood level. Insurance rates may amount up to as high as \$25 for \$100 of insurance coverage. This notice shall be maintained with a record of all variance actions as required in Section 9-~~0508~~-080~~(e)~~.

(7) All variances shall include a condition that the applicant sign an assumption of risk and waiver of liability agreement, in a form acceptable to the City, absolving Centerville City of any and all liability in the event flood damage occurs to that portion of a structure for which the variance is granted. This agreement shall be recorded in the office of the Davis County Recorder, shall run with the land, and shall be binding upon all future owners thereof.

(f) The Centerville City Council may attach such conditions to the granting of variances as it deems necessary and which fulfill the criteria of the variance provisions of this ordinance.

#### **9-0508-090. General Standards.**

In all special flood hazard areas the following standards are required:

(a) Construction Materials and Methods.

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(b) Anchoring. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads, including the effects of buoyancy.

(c) Utilities.

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

(3) On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(d) Subdivision Proposals.

(1) All subdivision proposals (including proposals for manufactured home parks and subdivisions) shall be consistent with the need to minimize flood damage in accordance with the purposes and intent of this ordinance.

(2) All subdivision proposals (including proposals for manufactured home parks and subdivisions) shall meet the permit requirements of Section

9-~~0508~~-060 and all applicable provisions of Sections 9-~~0508~~-090 and 9-~~0508~~-100.

(3) All subdivision proposals (including proposals ~~from fre-~~ manufactured home parks and subdivisions) shall be consistent with the need to minimize flood damage in accordance with the purposes and intent of this ordinance.

(4) All subdivision proposals (including proposals for manufactured home parks and subdivisions) shall have adequate drainage provided to reduce exposure to flood hazards.

(5) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions) which contain at least fifty (50) lots or five (5) acres (whichever is less), if not otherwise provided by 9-~~0508~~-030(b), "Basis for Establishing the Special Flood Hazard Areas" or 9-~~0508~~-~~0508~~0(b), "Use of Other Base Flood Data."

#### **9-~~508~~-100. Specific Standards.**

In all special flood hazard areas where base flood elevation data has been provided as set forth in Section 09-~~0508~~-030(~~b~~), "Basis for Establishing Special Flood Hazard Areas," or Section 9-~~0508~~050(~~b~~) "Use of Other Base Flood Data," the following provisions are required:

(a) Residential Construction.

(1) New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation with certification provided to the Administrator by a registered professional engineer, architect, or land surveyor.

(2) Require within any AO Zone on the City's FIRM that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the City's FIRM (at least two (2) feet if no depth number is specified).

(3) Require adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures within Zones Ah and AO.

(b) Nonresidential Construction.

(1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(i) Be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;

(ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(iii) Be certified by a registered professional engineer or land surveyor that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. Such certifications shall be provided to the Public Works Director and include the specific elevation (in relation to mean sea level) to which such structures are floodproofed.

(2) Require within any AO Zone on the City's FIRM that all new construction and substantial improvements of nonresidential structures: (a) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the City's FIRM (at least two feet if no depth number is specified) or (b) together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in Subsection (b)(1)(i) and (ii), above.

(3) Require adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures within Zones AH and AO.

(c) Openings in Enclosures Below the Lowest Floor. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(1) A minimum of two (2) openings having a total net area of not less than one(1) square inch for every foot of enclosed area subject to flooding shall be provided;

(2) The bottom of all openings shall be no higher than one (1) foot above grade; and

(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(d) Manufactured Homes.

(1) All manufactured homes to be placed within Zone A must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to use of over the top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Specific requirements may be:

(i) Over the top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one additional tie per side;

(ii) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four additional ties per side;

(iii) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and

(iv) Any additions to the manufactured home be similarly anchored.

(2) All manufactured homes or those to be substantially improved which are proposed to be located on sites (a) outside of a manufactured home park or subdivision, (b) in a new manufactured home park or subdivision, (c) in an expansion to an existing manufactured home park or subdivision, or (d) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, shall meet the following requirements:

(i) Within Zones A1-30, AH, and AE, such manufactured homes must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement;

(ii) Within Zones A1-30, AH and AE, such manufactured homes to be placed or substantially improved on sites in existing manufactured home parks or subdivisions that are not subject to the provisions in Subsection (i), above must be elevated so that either:

(A) The lowest floor of the manufactured home is at or above the base flood elevation; or

(B) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and is securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(iii) Within Zones VI-30, VE, and V, such manufactured homes must meet the requirements of Section 9-0508-100(d)(2)(ii), above, and must meet the standards of Subsection (e), below.

(e) Regulations for VI-30, VB, and V Zones.

(1) Landward Location. All new construction within Zones VI-30, VE,

and V must be located landward of the reach of mean high tide,

(2) Elevation.

(i) All new construction and substantial improvements in Zones VI-30, VE, and also Zone V, if base flood elevation data is available, must be elevated on pilings and columns so that:

(A) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level; and

(B) the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.

(ii) A registered professional engineer or surveyor shall develop or review the structural design, specifications and plans for the construction requirements of Subsection (i), and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of Subsection (i).

(3) Space Below the Lowest Floor.

(i) All new construction and substantial improvements within Zones VI-30, VE, and V must have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

(ii) For the purposes of this Section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or surveyor certifies that the designs proposed meet the following conditions:

(A) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

(B) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading

values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.

(iii) Such enclosed space shall be useable solely for parking vehicles, building access, or storage.

(4) Fill and Man-Made Alterations Prohibited. The use of fill is prohibited for structural support of buildings within Zones VI-30, VB, and V. Man-made alteration of sand dunes and mangrove stands within Zones VI-30, VB, and V which would increase potential flood damage is prohibited.

(f) Recreational Vehicles.

(1) Recreational vehicles placed on sites within Zones A 1-3 0, AH, and AE must either: (a) be on the site for fewer than 180 consecutive days, (b) be fully licensed and ready for highway use, or (c) meet the permit requirements of Section 9-~~0508~~-060 and the elevation and anchoring requirements for resisting wind forces of Section 9-~~0508~~-100(d)(2)(i).

(2) Recreational vehicles placed on sites within Zones VI-30, V, and VE, must either (1) be on the site for fewer than 180 consecutive days, (2) be fully licensed and ready for highway use, or (3) meet the permit requirements of Section 9-~~0508~~-060 and the requirements of Section 9-~~0508~~-100(e).

(3) A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

#### **9-~~0508~~-110. Floodways.**

Located within special flood hazard areas established in Section 9-~~0508~~-030(~~b~~) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, encroachments, including fill, new construction, substantial improvements and other development are prohibited unless the following requirements are met:

(a) Certification by a registered professional engineer or land surveyor is provided demonstrating through hydrologic and hydraulic analyses, performed in accordance with standard engineering practice, that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(b) All fill, new construction, and substantial improvements, or other development shall comply with all applicable flood hazard reduction provisions of Sections 9-~~0508~~-090 and 9-~~0508~~-100.

(c) The Public Works Director may permit encroachment within the adopted regulatory floodway that would result in an increase in base flood elevations, provided the Public Works Director has applied for and been granted a conditional FIRM and floodway revision through FEMA, under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations.

**9-0508-120. Penalty.**

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of this ordinance shall be guilty of a class B misdemeanor, and upon conviction thereof shall be punishable by a fine, or by imprisonment in the Davis County Jail, or by both as provided by law. Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each day during which any portion of any violation of this ordinance is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided.

\*\*\* [ MOVED TO SECTION 9-01-040 ] \*\*\*

~~CHAPTER 9-11. UTILITY AND MUNICIPAL SERVICE FEES.~~

~~9-11-010. UTILITY AND MUNICIPAL SERVICE FEES APPEAL.~~

~~9-11-010. UTILITY AND MUNICIPAL SERVICE FEES APPEAL.~~

~~Except as otherwise specifically provided herein, any person or entity that has paid a utility or municipal service fee under the terms and conditions of this Title or Title 10 regarding garbage collection fees, may challenge the legality, equitability, or sensitivity to indigent persons of such fee by filing a written appeal with the City Recorder within thirty (30) days from the date such fee is paid. Such appeals shall be reviewed and decided by the Mayor and shall be limited to appeals challenging the legality, equitability, or sensitivity to indigent persons of the fee. Written appeals shall specifically state the grounds therefor. The Mayor shall issue a written decision regarding the appeal within a reasonable time from receipt of the appeal.~~

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
1/19/2016**

Item No. 7.

Short Title: Discuss Proposed Amendments to Section 13-03-062 of the Centerville Municipal Code regarding Discharge of Missiles or Projectiles

Initiated By: City Councilmembers McEwan and Mie

Scheduled Time: 8:40

**SUBJECT**

**RECOMMENDATION**

**BACKGROUND**

City Councilmembers McEwan and Mie have requested this matter be added to the Agenda for discussion of proposed amendments to or repeal of Section 13-03-062 of the Centerville Municipal Code regarding Discharge of Missiles or Projectiles. A copy of Section 13-03-062 is attached.

**ATTACHMENTS:**

Description

- Section 13-03-062

**13-03-062. Discharge of Missiles or Projectiles.**

(a) Prohibition. Except as otherwise expressly provided in Subsection (b), it is unlawful for any person to discharge or use any air gun, BB gun, slingshot, wrist rocket, crossbow, bow and arrow, or any other contrivance of similar nature within the jurisdictional limits of Centerville City.

(b) Exceptions. The prohibitions of this Section regarding the discharge of missiles or projectiles within the City limits shall not apply to the discharge of such weapons or contrivances under the following circumstances:

- (1) When acting in lawful self-defense or the defense of another;
- (2) By any law enforcement officer acting in the lawful exercise of his or her duties;
- (3) At a lawfully approved archery or target range facility; or
- (4) When discharged and used solely on one's own private property or with written permission of the property owner; provided, such air gun, BB gun, slingshot, wrist rocket, crossbow, bow and arrow, or any other contrivance of similar nature is not capable of projecting a missile, arrow or projectile for a horizontal distance greater than fifty (50) feet.

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
1/19/2016**

Item No. 8.

Short Title: Discuss Proposed Amendments to the South Main Street Corridor (SMSC) Overlay Zone regarding Public Space Plan and Maximum Gross Density

Initiated By: Councilmembers McEwan and Mecham

Scheduled Time: 8:55

**SUBJECT**

**RECOMMENDATION**

**BACKGROUND**

City Councilmembers McEwan and Mecham have requested this matter be added to the Agenda for discussion of proposed amendments to the South Main Street Corridor (SMSC) Overlay Zone regarding the Public Space Plan and Maximum Gross Density. This requested discussion is not intended to encompass all of the SMSC Overlay Zone provisions, but is intended to relate specifically to provisions of Section 12-48-180 of the SMSC Overlay Zone regarding the Public Space Plan and Section 12-48-080 of the SMSC Overlay Zone regarding Maximum Gross Density in various SMSC Districts as amended and adopted by the City Council in Ordinance No. 2015-25A. A copy of Ordinance No. 2015-25A as adopted by the City Council on November 17, 2015 is attached.

**ATTACHMENTS:**

Description

- ▣ Ordinance No. 2015-25A-SMSC

**ORDINANCE NO. 2015-25A**

**AN ORDINANCE AMENDING VARIOUS PROVISIONS OF TITLE 12,  
CHAPTER 48 OF THE CENTERVILLE ZONING ORDINANCE  
REGARDING THE SOUTH MAIN STREET CORRIDOR (SMSC)  
OVERLAY ZONE**

**WHEREAS**, the City Council has previously adopted the South Main Street Corridor (SMSC) Overlay Zone as set forth in Chapter 12-48 of the Centerville Zoning Ordinance and the South Main Street Corridor Plan as set forth in Section 12-480-7 of the Centerville General Plan; and

**WHEREAS**, based on identified findings of necessity, the City Council adopted Ordinance No. 2015-05 imposing temporary regulations pertaining to land use, zoning, subdivision and development of real property located within the South Main Street Corridor (SMSC) Overlay Zone to provide the City time to undertake necessary and thorough review and update of the City's South Main Street Corridor Plan and City ordinances relating to land use regulations, traffic and development requirements within the SMSC Overlay Zone as more particularly set forth in Ordinance No. 2015-05; and

**WHEREAS**, after many month of review, study, planning and public hearings, the Planning Commission has reviewed, prepared and recommended various proposed amendments to Chapter 12-48 of the Centerville Zoning Ordinance; and

**WHEREAS**, the City Council has determined that the proposed amendments to Chapter 12-48 of the Centerville Zoning Ordinance regarding development within the South Main Street Corridor (SMSC) Overlay Zone as more particularly set forth herein are in the best interest of the public and will provide greater control and predictability regarding commercial and mixed use development within the SMSC Overlay Zone consistent with existing and adjacent development and will provide greater incentives for the redevelopment and revitalization of the streetscape to reflect the desired relationship between public space and private development; and

**WHEREAS**, the City is authorized to enact and amend provisions of the Centerville Zoning Ordinance pursuant to specific statutory authority, including, but not limited to *Utah Code Ann.* §§ 10-9a-501, *et seq.*, as amended, and *Utah Code Ann.* § 10-8-84, as amended; and

**WHEREAS**, all required notice and public hearings have been held before the Planning Commission and City Council regarding these proposed amendments to the Centerville Zoning Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF  
CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:**

**Section 1. Amendment.** Section 12-48-030 of the Centerville Municipal Code regarding Definitions for words and phrases used in the South Main Street Corridor (SMSC) Overlay Zone is hereby amended to read as follows:

**12-48-030. Definitions.**

Certain words and phrases in this Chapter, including uses, are defined in Chapter 12-12 of this Title. The following will be relocated to Chapter 12-12, but are listed below for reference:

\* \* \*

**MIXED-USE DEVELOPMENT** - Mixed-use refers to the combining of commercial uses (office, retail, service or other permitted or conditional commercial uses) with residential uses in the same building or on the same site in one (1) of the following ways; provided, residential and commercial uses in the same building shall have separate entrances and shall not be combined units (such as live-work units):

- A. Vertical Mixed-Use. A single structure with the above floors used for residential uses and at least 50% of the ground floor fronting Main Street used for commercial uses.
- B. Horizontal Mixed-Use – Attached. A single structure which provides commercial uses in the portion fronting Main Street with attached residential uses behind.
- C. Horizontal Mixed-Use – Detached. Two (2) or more structures on one (1) site which provide commercial uses in the structure(s) fronting Main Street and residential uses in separate structure(s) behind or to the side.

\* \* \*

**Section 2. Amendment.** Subsection 12-48-080(c) of the Centerville Municipal Code regarding Permitted and Conditional Uses in the Traditional Main Street and City Center Main Street Districts in the South Main Street Corridor (SMSC) Overlay Zone is hereby amended to read as follows:

**12-48-080. South Main Street Corridor Zone, Permitted and Conditional Uses by Specified District.**

\* \* \*

(c) Traditional Main Street & City Center Main Street Districts - The following uses, as defined in this Title, shall be the permitted and conditional uses in the Traditional Main Street and City Center Main Street Districts of the SMSC Overlay Zone:

(1) *Permitted Uses:*

- Permitted Uses, as shown in Section 12-36-Table of Uses for the respective underlying zone
- Restaurant - Eatery

- Dwellings - Single Family
- East Side of Street - Dwelling - Town House or Dwelling - Two-Family (Maximum Allowed 3 dwelling units per building), as part of a mixed-use development
- West Side of Street - Dwelling - Town House or Dwelling - Two-Family (Maximum Allowed 4 dwelling units per building), as part of a mixed-use development

(2) *Conditional Uses:*

- Conditional Uses, as shown in Section 12-36-Table of Uses for the respective underlying zone
- Parking Garage - Public, as part of a mixed-use development
- Restaurant - General, as part of a mixed-use development

(3) *Maximum Gross Density:*

- Permitted Use Density – Not more than 4 dwelling units per acre as part of a mixed-use development
- Conditional Use Density – Not more than 6 dwelling units per acre on the East Side of Street as part of a mixed-use development, and not more than 8 dwelling units per acre on the West Side of Street as part of a mixed-use development
- Exception – Any legal lot shall be eligible for at least two (2) dwelling units regardless of size as part of a mixed use development

**Section 3. Amendment.** Subsection 12-48-080(a) of the Centerville Municipal Code regarding Permitted and Conditional Uses in the North Gateway Mixed-Use District in the South Main Street Corridor (SMSC) Overlay Zone is hereby amended to read as follows:

**12-48-080. South Main Street Corridor Zone, Permitted and Conditional Uses by Specified District.**

\* \* \*

- (a) North Gateway Mixed-Use District – The following uses, as defined in this Title, shall be the permitted and conditional uses in the North Gateway Mixed-Use District of the SMSC Overlay Zone:

(1) *Permitted Uses:*

- Permitted Uses, as shown in Section 12-36-Table of Uses for the respective underlying zone
- Dwelling - Town House, Dwelling - Two-Family, or Dwelling - Multiple-Family (Maximum Allowed 4 dwelling units per building), as part of a mixed-use development

(2) *Conditional Uses:*

- Conditional Uses, as Shown in Section 12-36- Table of Uses for the respective underlying zone

(3) *Maximum Gross Density:*

- Permitted Use Density – Not more than 4 dwelling units per acre as part of a mixed-use development
- Conditional Use Density – Not more than 6 dwelling units per acre as part of a mixed-use development
- Exception – Any legal lot shall be eligible for at least two (2) dwelling units regardless of size as part of a mixed use development

**Section 4. Amendment.** Subsection 12-48-080(e) of the Centerville Municipal Code regarding Permitted and Conditional Uses in the Pages Lane Mixed-Use District in the South Main Street Corridor (SMSC) Overlay Zone is hereby amended to read as follows:

**12-48-080. South Main Street Corridor Zone, Permitted and Conditional Uses by Specified District.**

\* \* \*

(e) Pages Lane Mixed-Use District - The following uses, as defined in this Title, shall be the permitted and conditional uses in the Pages Lane Mixed-Use District of the SMSC Overlay Zone:

(1) *Permitted Uses:*

- Permitted Uses, as shown in Section 12-36-Table of Uses for the respective underlying zone

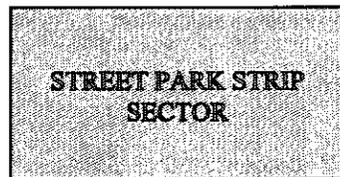
(2) *Conditional Uses:*

- Conditional Uses, as shown in Section 12-36-Table of Uses for the respective underlying zone

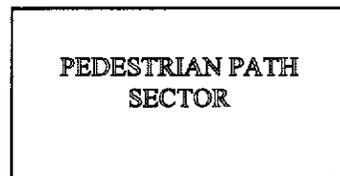
**Section 5. Amendment.** Section 12-48-180 of the Centerville Municipal Code regarding the Public Space Plan for the South Main Street Corridor (SMSC) Overlay Zone is hereby enacted to read as follows:

**12-48-180. Public Space Plan.** The SMSC Overlay Zone is predominately focused and centered on the built and visual environment framing Main Street, between Parrish Lane and Page Lane. Main Street is owned and maintained by the Utah Department of Transportation (UDOT). However, it is the intention of the SMSC Overlay Zone to contextually influence the physical and visual relationship of private verses public space along the corridor with the Public Space Plan.

(a) *Public Space Design Sectors.*



The Street Park Strip Sector is important in creating a consistent form and function for the Main Street Corridor. This sector is a supplement to the Pedestrian Path Zone. This sector provides expanded pedestrian pathway along with utility and other streetscape elements to create a protective environment for the pedestrian from vehicular flow. Together, these two sectors are to unite themselves cohesively with the public spaces of the Building RBR Space/Plaza Sector.



The Pedestrian Path sector is primarily focused on creating a contiguous path for pedestrians to travel along the South Main Street Corridor. The pathway divides the Street Park Strip Sector from the Building RBR Space/ Plaza Sector. However, this sector also serves as the transition from private space to public space to unite the corridor in both function and form or visual appeal.



The Building Required Build-to Range (RBR) Space/Plaza sector is vitally important in creating the desired character or visual appeal of the Main Street Corridor. The Land Use Development Pattern is to include a strong pedestrian-oriented building design, with useable green and/or plaza space around the buildings that create physical interaction or visual places in combination with supportive pedestrian activities.

(b) *Public Space Plan for the South Main Street Corridor.* The South Main Street Corridor is designated as the historical, cultural, and civic heart of Centerville City. This is a great asset for the City and provides the necessary foundation for the future revitalization of the corridor. In addition to the preservation and/or redevelopment of land uses along the corridor, the redevelopment and revitalization of the streetscape is needed to reflect the desired relationship between public space and private development. The Public Space Plan and associated illustrations shall be utilized when reviewing and approving any development project, except for areas that are located within the Civic and Residential Districts of the SMSC Overlay Zone. The Public Space Plan depicts an A/B Design and Layout Pattern that is to be implemented along street frontage of Main Street. The expected public space design and layout for development approvals shall include and are described as follows:

(1) Priority Street Park Strip Sector Design Elements:

(A) Sector Location – The Street Park Strip Sector is to be measured beginning from back of curb to a width or depth of at least four feet (4'). Primarily, the Street Park Strip sector shall be used for widening the sidewalk system along Main Street to provide greater surface area with a focus towards pedestrian use. All improvements within this sector shall be appropriately maintained by the adjacent contiguous land owner fronting along the Main Street, unless otherwise established by the City.

(B) Street Park Strip Sector Design and Layout Pattern – The design and layout pattern shall consist of an alternating A/B layout (see example illustrations in this Chapter). Generally, this A/B Design and Layout Pattern is to be implemented in 50 foot segments. The spacing of the A/B Design and Layout Pattern may be implemented on a block by block basis dependent upon which property is developed and its relation to established entry points of buildings. Nonetheless, if there is no building entry point being installed at a particular location, the desired A/B Pattern shall be installed anyway.

(i) Street Park Strip Uses and Materials – Approved Uses and Materials shall consist of patterned concrete and/or pavers, planting beds and plantings, pedestrian street lighting fixtures, combined traffic and pedestrian lighting fixtures, bike racks, and benches (see example illustrations in this Chapter). All elements within this sector shall satisfy applicable clear zone and/or lateral clearance standards of state or local specifications or regulations. The Street Park Strip sector may also utilize and install necessary traffic signals and related signage, as deemed necessary by authorized agencies of the City and State.

(ii) Decorative Hard Surfacing – When hard surfacing is used in the Street Park Strip Sector, it shall be installed in a manner that meets the desired A/B Pattern of the Public Space Plan (see example illustrations in this Chapter). All hard surfacing shall meet applicable City specifications for material and colorization. Generally within the Street Park Strip sector, all decorative hard surfacing shall be located, using the “A” Pattern element that is associated with the building entry points within the RBR Zone. Typical standardized hard surfacing, meeting City Specifications, may also be installed outside of the A/B Pattern areas or such areas may be planted in lawn or other approved

landscaping material, as approved on any final development plan.

- (iii) Pedestrian Street Lighting – Lighting fixtures shall be located and regularly spaced no less than 50 feet and no greater than 80 feet apart along the streetscape, or as authorized by any final development approval. Lighting fixture design shall meet City Specifications and installed in a manner to allow it to break loose in case of a vehicular accident in accordance with City and/or State Specifications. Lighting fixture illumination shall be of sufficient coverage to light the pedestrian pathway, and where deemed necessary for street traffic lighting. All lighting fixtures used for traffic lighting shall use a double mount light fixture with one placed higher for traffic and other placed lower for pedestrian lighting. Lighting fixtures shall be alternately located and/or offset from the street tree spacing, located in the Building RBR sector, to prevent unnecessary conflicts between these two design elements. Additionally, lighting fixtures shall be designed in a manner to incorporate joint use of community banners, and other community identity needs.
- (iv) Planting Beds – Planting Bed locations within the Street Park Strip Sector shall be installed in a manner that meets the desired A/B Design Pattern of the Public Space Plan. Planting bed improvements are to have a compatible or coherent enhanced design appearance along the Main Street frontage and shall consist of the following:
- At Grade Planters – For an at grade planting bed, a four-inch high by six-inch (4”x6”) wide curb shall be installed along the sidewalk side of the planter area. Plants shall consist of salt tolerant grasses, shrubs, or other perennial plants. Plantings shall consist of a mixture of at least two-types of plantings, with 40% of one type used for in the central portion of bed to present a strong visual element to the planting bed. At Grade Planters are to be primarily used in the “B” Pattern element of the Public Space Plan.
  - Metal Box Planter – A Metal Box Planter is one of the two style choices required to implement the “A” Pattern instance of the Public Space Plan. For the choice of a metal box planting bed, an 18” high by 24” wide plant box shall be located along the

sidewalk side of the planting bed and shall be installed over a compacted and stabilized crush rock paving material that fills the entire planting bed area. The box shall be anchored using an approved “break away” mounting system. Plants, within the planting box, shall consist of salt tolerant grasses, shrubs, or other perennial plants. Tall ornamental grasses shall be included and used to create a strong vertical element to the planting box.

- Bench/Planter Combination – A Bench/Planter Combination is one of the two style choices required to implement the “A” Pattern instance of the Public Space Plan. For the choice of a bench and planter system, a sitting bench flanked by raised plant boxes shall be located along the sidewalk system (see example illustrations in this Chapter). The bench/plant boxes shall be installed over a compacted and stabilized crush rock paving material that fills the entire planting bed underneath. The bench shall be anchored using an approved “break away” mounting system. For the raised boxes, tall ornamental grasses shall be used to create a strong vertical element to the planting box. Other plant materials such as grasses and shrubs, not exceeding 24 inches in height, shall be used in the roadside portion of the planting bed.

(C) Major Utility Infrastructure. The delivery of utility needed and desired services for the City are a major functional element along Main Street. Above ground utility structures are to be minimized or reduced where possible. Structures shall co-locate with other utilities to reduce need for additional structures and minimize utility pole clutter.

(D) Utility Structure Landscaping. Where utility structures are physically located and where feasible, the structure is to be incorporated into the landscaping planting beds of the Street Park Strip sector to provide buffers around the structure and to add visual quality and appeal to the streetscape.

(2) Priority Pedestrian Path Sector Design Elements:

(A) Pedestrian Path Sector Design and Layout Pattern – The design and layout pattern shall consist of an alternating A/B layout (see example illustrations in this Chapter). Generally, this A/B Design and Layout Pattern is to be implemented in 50 foot segments. The spacing of the A/B Design and Layout Pattern may be implemented

on a block by block basis dependent upon which property is developed and its relation to established entry points of buildings. Nonetheless, if there is no building entry point being installed at a particular location, the desired A/B Pattern shall be installed anyway.

(B) Sector Location – The Pedestrian Path Sector is to be measured beginning at least four feet (4') from back of curb and then a width or depth of at least six feet (6'). In some instances along Main Street, it may require a sidewalk easement behind the existing right of way, as part of the required 10 foot public utility easement for land fronting Main Street.

(C) Pedestrian Path Uses and Materials – First and foremost, the Pedestrian Path Sector shall be used as the contiguous pathway of the sidewalk system along Main Street and adjoin the Street Park Strip Sector for facilitating pedestrian movement. The sidewalk system shall be installed in a manner that meets the desired A/B Pattern of the Public Space Plan (see example illustrations in this Chapter). All hard surfacing shall meet applicable City Specifications for material and colorization. Generally within the Pedestrian Path sector, all decorative hard surfacing shall be located, using the A/B Pattern elements that are associated with the building entry points within the RBR Zone. Typical standardized hard surfacing, meeting City Specifications, is to be installed outside of the A/B Pattern areas.

(3) Priority Building RBR Space/Plaza Sector Design Elements

(A) Building RBR Space/Plaza Sector Design and Layout Pattern – The design and layout pattern shall consist of an alternating A/B layout (see example illustrations in this Chapter). Generally, this A/B Design and Layout Pattern is to be implemented in 50 foot segments. The spacing of the A/B Design and Layout Pattern may be implemented on a block by block basis dependent upon which property is developed and its relation to established entry points of buildings.

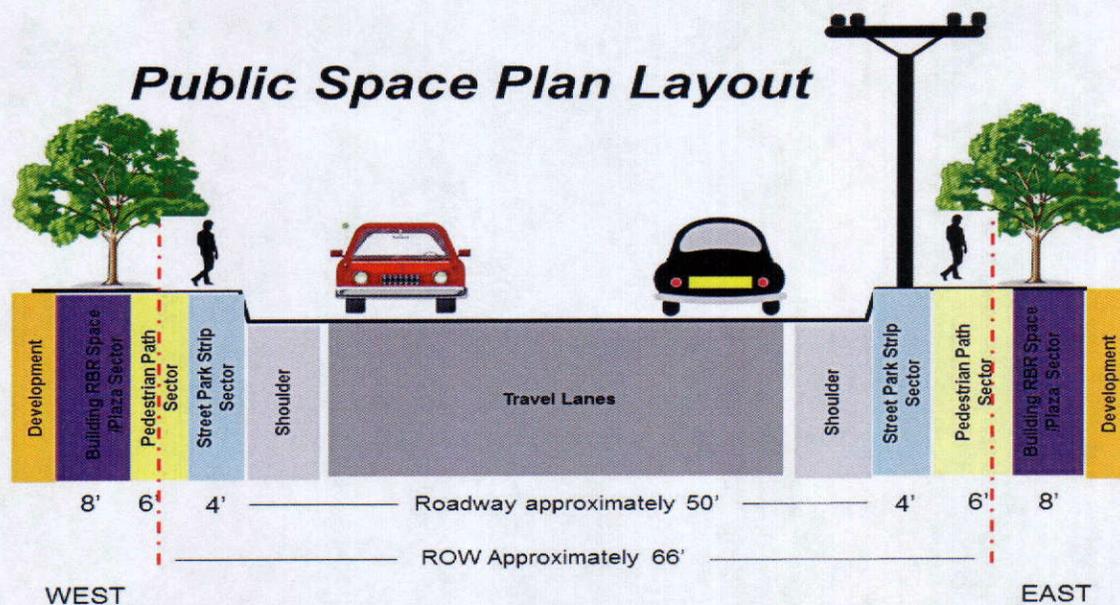
(B) Sector Location – The Building RBR Space/Plaza Sector is to be measured beginning from back of sidewalk and then a width or depth of at least ten feet (10') as part of the Required Build to Range (RBR) of the land being developed.

(C) Building RBR Space/Plaza Sector Uses and Materials – The use of and/or materials within the Building RBR Space/Plaza Sector is to consist of building entry pathways, grasses or lawn, shrubs or flower plantings, and street trees. In addition at least two (2) pedestrian supportive amenities shall be installed in this sector.

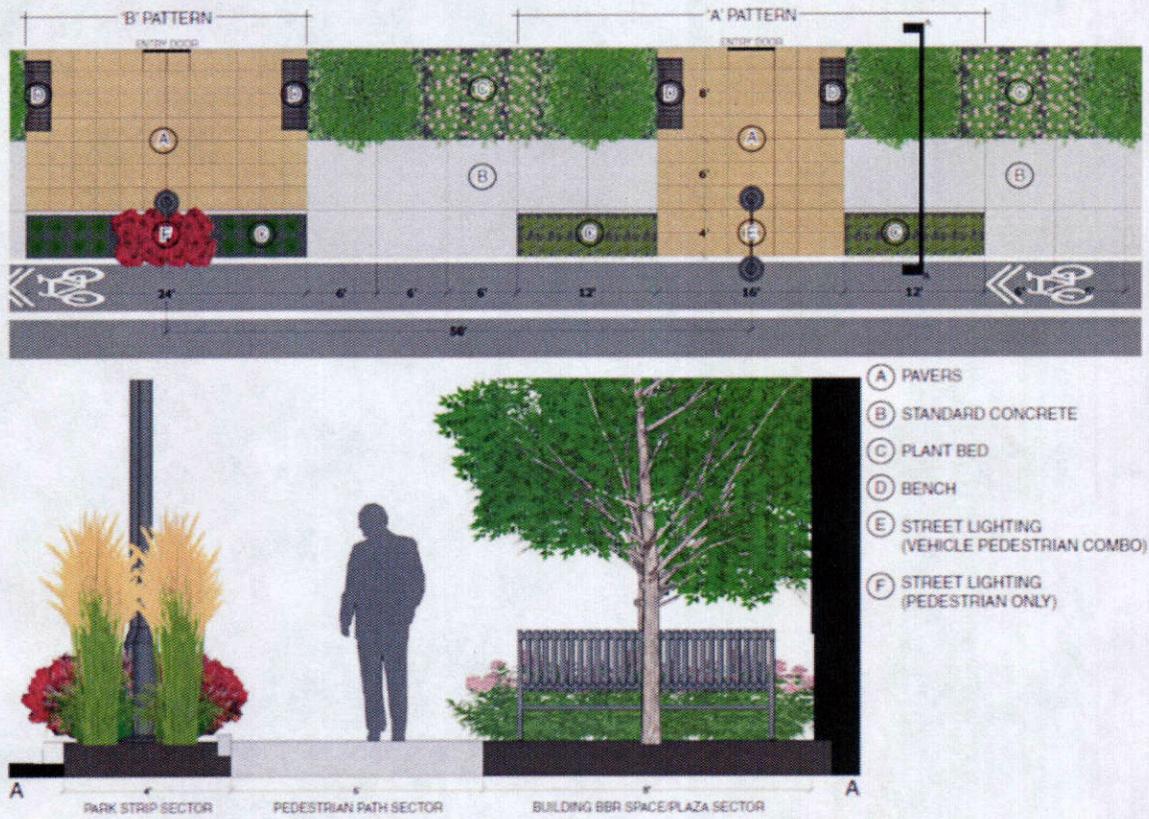
Such amenities shall include courts/plazas, benches, bike racks, and any other related amenities to support pedestrian activities, as authorized by any final development approval. The use of decorative hard surfacing shall be installed at the entry points of all buildings using the A/B Pattern elements that are associated with the Street Park Strip and Pedestrian Path sectors. All hard surfacing shall meet applicable City Specifications for material and colorization.

- (D) Placement of Street Trees. Street trees shall be placed at the mid-point of the planting bed area, between the sidewalk and building, in a manner to frame the entry door points. Also tree placement shall be off-set from the spacing of pedestrian street lighting fixtures of the Street Park Strip sector (see example illustrations in this Chapter) Street trees shall consist of small ornamental or columnar species, so as not to interfere with any overhead utility line and/or pedestrian circulation along the Pedestrian Path Sector. Additionally, the trees shall be regularly spaced along the street frontage in this sector, except where additional plaza or other public space is provided as authorized by any final development approval.

(c) *Main Street Public Space Generalized Cross-Section Illustration.*



(d) Illustrations for City Center and Traditional District Design and Layout Scheme.



(e) Illustrations for City Center and Traditional District Street Park Strip Sector Planter Design Options.





**Section 6. Amendment.** Table 12-48-4 (Lot Size and Dimension Requirements) and the following Lot Type Illustrations are hereby amended to reflect a 10-15' Required Build-To Range (RBR):

- Corner Gateway Lot
- TND/Mixed-Use Lot
- City Center Main Street Lot
- Traditional Main Street Lot
- Brownstone/Live-Work Lot

**Section 7. Amendment.** Table 12-48-4 (Lot Size and Dimension Requirements) and all relevant Lot Type Illustrations are hereby amended to reflect a permitted maximum building height of 30' for buildings on the east side of Main Street in the City Center and Traditional Main Street Districts.

**Section 8. Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

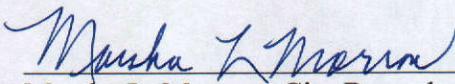
**Section 9. Omission Not a Waiver.** The omission to specify or enumerate in this ordinance those provisions of general law applicable to all cities shall not be construed as a waiver of the benefits of any such provisions.

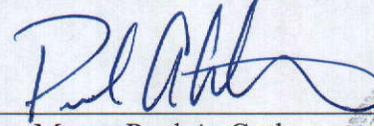
**Section 10. Effective Date.** This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, whichever occurs first.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS 17<sup>th</sup> DAY OF NOVEMBER, 2015.**

**ATTEST:**

**CENTERVILLE CITY**

  
Marsha L. Morrow, City Recorder

By:   
Mayor Paul A. Cutler



Voting by the City Council:

	"AYE"	"NAY"
Councilmember Averett	<u>X</u>	<u>      </u>
Councilmember Fillmore	<u>X</u>	<u>      </u>
Councilmember Higginson	<u>X</u>	<u>      </u>
Councilmember Ivie	<u>      </u>	<u>X</u>
Councilmember Wright	<u>      </u>	<u>X</u>

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB's Gas Station, on the foregoing referenced dates.

Marsha L. Morrow  
 MARSHA L. MORROW, City Recorder

DATE: 11/19/15

RECORDED this 19 day of Nov, 20 15.

PUBLISHED OR POSTED this 19 of Nov, 20 15.

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
1/19/2016**

Item No. 9.

Short Title: Financial Report for period ending December 31, 2015

Initiated By: Blaine Lutz, Finance Director/Assistant City Manager

Scheduled Time: 9:15

**SUBJECT**

**RECOMMENDATION**

Review the attached financial report for the six-month period ending December 31, 2015 prepared by the City Finance Director.

**BACKGROUND**

Since this will be the first financial report received by the new City Council, staff would like to take more time than normal to explain the primary revenue sources for each Fund, restrictions on the use of these revenues, budgetary concerns, etc.

**ATTACHMENTS:**

Description

- ▣ Interim Report 12/2015



<b>Capital Projects</b> <b>Unaudited Summary</b> <b>December 31, 2015</b>
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This Month	Year to Date	FY 16 Budget	<u>50%</u> % Budget
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**Capital Improvement**

**Storm Drain**

Revenues:

Fund Balance				
Impact Fees	\$0	\$34,257	\$25,000	137.03%
Grants	\$0	\$0	\$0	0.00%
Other	\$83	\$457	\$575	79.48%
Total Revenues	<u>\$83</u>	<u>\$34,714</u>	<u>\$25,575</u>	<u>135.73%</u>

Expenditures	\$0	\$0	\$0	0.00%
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Fund Balance at Beginning of Year	\$140,768
Fund Balance estimate 12/31/2015	\$175,482

**Park**

Revenues:

Fund Balance				
Impact Fees	\$12,342	\$234,500	\$125,000	187.60%
Transfer	\$0	\$0	\$0	0.00%
Grants	\$0	\$0	\$0	0.00%
Other	\$0	\$0	\$400	0.00%
Total Revenues	<u>\$12,342</u>	<u>\$234,500</u>	<u>\$125,400</u>	<u>187.00%</u>

Expenditures	\$0	\$65,828	\$0	0.00%
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Fund Balance at Beginning of Year (est.)	-\$151,882
Fund Balance estimate 12/31/2015	\$16,790

**Capital Projects Fund**

Revenues:

Fund Balance			\$323,598	
Transfers - General	\$37,822	\$188,864	\$255,466	73.93%
RDA additional increment	\$0	\$0	\$163,000	0.00%
Other	\$0	\$0	\$0	0.00%
Total Revenues	<u>\$37,822</u>	<u>\$188,864</u>	<u>\$742,064</u>	<u>25.45%</u>

Expenditures

UTOPIA Pledge	\$37,822	\$188,864	\$453,876	41.61%
Street Projects	\$163,056	\$285,662	\$315,400	90.57%
Total Expenditures	<u>\$200,878</u>	<u>\$474,526</u>	<u>\$769,276</u>	<u>61.68%</u>

Balance at Beginning of Year	\$323,598
Fund Balance estimate 12/31/2015	\$37,936



<b>Enterprise Funds</b> <b>Unaudited Summary</b> <b>December 31, 2015</b>
---

	This Month	Year to Date	FY 15 Budget	<u>50%</u> % Budget
<b>Water</b>				
Revenues:				
Impact/construction Fees	\$6,078	\$398,947	\$230,500	173.08%
Water Sales	\$158,246	\$993,231	\$1,945,267	51.06%
Bond Revenue	\$0	\$0	\$0	0.00%
Other	\$2,345	\$32,055	\$66,000	48.57%
Total Revenues	\$166,669	\$1,424,233	\$2,241,767	63.53%
Expenditures				
Operating/Dep/Debt	\$167,511	\$697,380	\$2,033,967	34.29%
Capital Improvement	\$18,606	\$153,149	\$325,000	47.12%
Total Expenditures	\$186,117	\$850,529	\$2,358,967	36.06%

**Sanitation**

Revenues:				
Collection Fees	\$57,884	\$347,608	\$708,000	49.10%
Recycling fees	\$14,660	\$87,871	\$176,000	49.93%
Green Waste fees	\$4,545	\$42,305	\$87,000	48.63%
Other	\$560	\$1,330	\$7,500	17.73%
Total Revenues	\$77,649	\$479,114	\$978,500	48.96%
Expenditures:				
Disposal	\$28,188	\$141,276	\$311,000	45.43%
Collection	\$20,826	\$104,555	\$245,000	42.68%
Recycling	\$14,525	\$72,685	\$164,000	44.32%
Green Waste Disposal	\$3,080	\$15,385	\$33,000	46.62%
Other	\$7,024	\$53,611	\$185,750	28.86%
Total Expenditures	\$73,643	\$387,512	\$938,750	41.28%

**Drainage**

Revenues	\$103,416	\$517,080	\$1,246,940	41.47%
Operating Expenditures	\$29,547	\$172,405	\$722,839	23.85%
Capital Expenditures	\$1,971	\$116,540	\$604,101	19.29%
Total Expenditures	\$31,518	\$288,945	\$1,326,940	21.78%

**Telecommunications**

Revenues:				
Connection Fees	\$19,756	\$116,542	\$270,000	43.16%
Transfers - GF	\$0	\$0	\$0	100.00%
Total Revenues	\$19,756	\$116,542	\$270,000	43.16%
Expenditures:				
Utility Service charges	\$21,861	\$96,782	\$257,000	37.66%
UIA operating assessment	\$0	\$0	\$0	0.00%
Operating service charge	\$1,515	\$6,060	\$13,000	46.62%
Total Expenditures	\$23,376	\$102,842	\$270,000	38.09%

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
1/19/2016**

Item No. 10.

Short Title: Mayor's Report

Initiated By: Mayor Cutler

Scheduled Time: 9:30

**SUBJECT**

- a. Fire Agency
- b. ULCT Legislative Policy Committee appointment
- c. UTOPIA/UIA update

**RECOMMENDATION**

**BACKGROUND**

- a. The latest monthly report for the South Davis Metro Fire Agency is attached.
- b. The Legislative Policy Committee (LPC) of the Utah League of Cities and Towns meets monthly throughout the year--and weekly during the Legislative Session--to discuss and take positions on bills affecting municipalities. Each member city is allowed to appoint to the LPC up to three voting representatives: 1) the Mayor or his representative; 2) someone representing the City Council; and 3) a staff representative. Last year Centerville's three voting reps were Mayor Cutler, Councilman Higginson and the City Manager. All municipal officials are welcome to attend any LPC meeting, but voting is limited to each City's three designated reps. Since John Higginson is no longer on the City Council, a current Council Member could be appointed to provide a third voting rep from Centerville. Meetings are held at noon on Mondays once a month or weekly during the Legislative Session.
- c. The latest monthly reports available for UIA and UTOPIA are attached. Mayor Cutler and Blaine Lutz can explain and answer questions at the meeting.

**ATTACHMENTS:**

Description

- Fire Agency Monthly Report
- UIA Interim Financial report
- Utopia Interim Financial Report

# SOUTH DAVIS METRO FIRE AGENCY

December 31, 2015

## FINANCIAL REPORT

	<u>Contents</u>	<u>Page Number</u>
1.	Cash Position	1
2.	Impact Fees Collected	2
3.	Board of Directors Financial Summary	3
4.	Financial Statements Detail	4

## South Davis Metro Fire Agency

### Cash Position by Fund and in Total

Funds								
			Public	Capital	Debt	Debt		St Treas
Month	General	Grant	Training	Reserve	Service	Reserve	Total	Int. Rate
Dec	1,980,493	53,298	27,471	595,520	42,490	269,000	2,968,272	0.7244%
Nov	1,962,997	43,047	29,680	577,857	34,810	269,000	2,917,392	0.6824%
Oct	2,496,969	43,047	26,858	439,596	(14,891)	269,000	3,260,579	0.6593%
Sep	1,566,375	43,047	27,227	422,130	(33,496)	269,000	2,294,282	0.6369%
August	2,070,076	43,047	30,422	361,317	224,792	269,000	2,998,653	0.6098%
July	2,210,357	43,047	29,732	343,685	219,591	269,000	3,115,411	0.5791%
June	1,575,733	39,879	29,182	559,135	207,903	269,000	2,680,832	0.5610%
May	1,979,523	39,879	28,687	541,609	200,131	269,000	3,058,829	0.5558%
Apr	1,643,529	39,879	26,855	785,828	169,171	269,000	2,934,262	0.5475%
Mar	1,748,266	39,879	26,583	858,664	168,967	269,000	3,115,358	0.5294%
Feb	2,142,251	39,879	30,185	723,979	155,089	269,000	3,360,383	0.5184%
Jan-15	2,323,799	39,879	30,285	706,482	147,584	269,000	3,517,028	0.5073%
Dec	1,913,763	39,879	29,542	688,917	141,605	269,000	3,082,706	0.5078%
Nov	1,783,921	39,879	28,258	721,355	133,377	269,000	2,975,790	0.5071%
Oct	2,097,865	39,879	25,941	704,070	110,116	269,000	3,246,871	0.4850%
Sep	1,305,145	39,879	29,148	707,771	(36,465)	269,000	2,314,478	0.4767%
Aug	1,874,107	39,879	29,691	698,743	232,777	269,000	3,144,197	0.4699%
July	2,108,885	39,879	29,242	684,890	217,357	269,000	3,349,253	0.4693%
June	1,491,903	23,698	29,335	672,178	203,132	269,000	2,689,246	0.4799%
May	1,820,686	30,971	28,565	1,223,223	194,481	269,000	3,566,927	0.4879%
Apr	2,217,866	30,971	28,391	1,205,793	156,309	269,000	3,908,330	0.4992%
Mar	1,451,650	30,971	27,721	1,188,356	149,354	269,000	3,117,052	0.5023%
Feb	1,909,545	11,966	28,628	1,170,809	135,806	269,000	3,525,754	0.5070%
Jan-14	2,288,411	11,966	27,126	1,177,037	135,669	269,000	3,909,209	0.5074%
Dec	1,997,356	19,971	26,470	735,830	127,300	269,000	3,175,928	0.5103%
Nov	1,827,008	19,971	26,444	768,166	109,582	269,000	3,020,171	0.5150%
Oct	1,500,545	34,971	25,328	730,937	47,884	269,000	2,608,665	0.5143%
Sep	1,389,813	34,971	26,826	893,773	38,844	269,000	2,653,227	0.5125%
Aug	1,702,676	34,971	25,776	879,878	294,743	269,000	3,207,045	0.4962%
Jul	2,069,176	34,971	26,643	862,694	257,162	269,000	3,519,646	0.5115%
Jun	1,330,839	34,971	26,025	849,929	229,257	269,000	2,740,021	0.5046%
May	1,720,150	33,521	25,859	845,327	223,139	269,000	3,116,996	0.4902%
Apr	2,155,452	33,521	25,567	1,009,390	215,946	269,000	3,708,876	0.5295%
Mar	1,422,662	24,255	25,482	1,036,059	192,908	269,000	2,970,365	0.5740%
Feb	1,845,411	23,726	25,465	1,145,025	160,789	269,000	3,469,416	0.6120%
Jan-13	2,113,161	23,726	25,112	1,133,500	158,018	269,000	3,722,517	0.6499%
Dec	1,348,824	23,726	25,013	1,115,562	123,097	269,000	2,905,222	0.6908%
Nov	1,340,315	3,726	23,661	790,820	117,303	269,000	2,544,825	0.7235%
Oct	1,871,207	4,506	25,302	769,080	117,082	269,000	3,056,177	0.7484%
Sep	1,293,523	4,506	27,315	751,350	91,014	269,000	2,436,708	0.7784%
Aug	1,440,923	15,189	27,269	909,275	345,477	269,000	3,007,133	0.7791%
Jul	1,897,454	15,189	26,966	891,076	340,430	269,000	3,440,115	0.7877%
Jun	969,247	6,673	26,308	876,826	327,975	269,000	2,476,029	0.7894%
May	1,345,892	2,025	25,727	889,796	341,080	255,526	2,860,046	0.7917%
Apr	1,735,534	5,802	24,900	870,617	300,224	251,608	3,188,685	0.7941%
Mar	1,029,061	1,250	25,036	852,728	285,647	247,697	2,441,419	0.7937%
Feb	1,332,353	(944)	24,304	993,849	286,108	243,783	2,879,453	0.7950%
Jan-12	1,016,551	(944)	24,324	987,347	289,265	239,883	2,556,426	0.7496%
Dec	1,001,809	(7,523)	24,414	969,503	226,971	235,984	2,451,158	0.7190%
Nov	1,025,724	8,794	20,722	740,643	227,857	232,094	2,255,834	0.6790%
Oct	1,375,654	900	21,963	729,100	229,112	228,218	2,584,947	0.6336%
Sep	632,884	6,350	23,518	584,703	183,807	224,344	1,655,606	0.5961%
Aug	1,162,381	8,392	24,875	550,405	456,971	220,493	2,423,517	0.5577%
Jul	1,074,863	4,953	24,367	533,055	454,834	216,643	2,308,715	0.5455%
Jun	665,639	(86)	24,297	516,227	443,850	212,797	1,862,724	0.5463%
May	1,048,915	4,989	23,944	502,121	446,658	208,955	2,235,582	0.5374%
Apr	1,041,509	4,989	24,799	485,282	447,105	205,114	2,208,798	0.5362%
Mar	813,265	(400)	24,334	476,708	445,523	201,277	1,960,707	0.5173%
Feb	1,214,116	(3,896)	24,185	458,659	446,786	197,443	2,337,293	0.4900%
Jan-11	1,561,835	5,314	23,240	291,577	448,447	193,623	2,524,036	0.4878%
Dec	798,668	1,714	23,563	274,694	435,345	189,797	1,723,781	0.4880%
Nov	745,200	10,519	31,010	131,139	435,578	185,973	1,539,419	0.4946%
Oct	1,109,180	10,519	33,516	120,901	433,758	182,152	1,890,026	0.5160%
Sep	567,904	9,519	33,164	102,415	433,707	178,326	1,325,035	0.5622%
Aug	941,612	9,519	32,931	85,586	705,040	174,497	1,949,185	0.5851%
Jul	1,112,263	12,593	32,846	48,023	708,453	170,665	2,084,843	0.5989%
Jun	499,203	12,593	32,410	30,622	702,619	166,832	1,444,279	0.5965%
May	904,648	7,023	32,133	12,289	705,690	163,004	1,824,787	0.5833%
Apr	1,325,601	7,023	31,605	705,265	704,950	159,177	2,933,621	0.5649%
Mar	729,360	11,352	32,112	683,479	695,107	155,358	2,306,788	0.5605%
Feb	1,082,385	11,352	31,862	725,051	752,282	151,538	2,754,470	0.5180%
Jan-10	1,444,384	11,952	33,755	707,707	743,799	147,727	3,089,324	0.5922%

SOUTH DAVIS METRO FIRE AGENCY							
IMPACT FEES COLLECTED							
DATE BELOW							
DATE	CENTERVILLE	DAVIS COUNTY	NORTH SALT LAKE	WEST BOUNTIFUL	WOODS CROSS	TOTAL REVENUE	TOTAL FOR THE YEAR
2004-4 Mos	716.00	-	38,593.68	3,402.00	4,158.00	46,869.68	
2005	44,124.66	-	160,858.93	65,640.10	33,128.24	303,751.93	
2006	67,908.61	-	203,896.39	16,793.12	10,156.80	298,754.92	
2007	39,666.50	263.47	118,685.88	52,937.65	65,296.28	276,849.78	
2008	20,118.60	-	95,684.71	5,275.78	10,142.74	131,221.83	
2009	8,231.81	-	73,623.57	3,507.38	41,737.05	127,099.81	
2010	26,063.64	-	24,968.28	2,337.92	18,292.00	71,661.84	
2011	49,665.03	-	30,643.20	3,896.38	16,894.44	101,099.05	
2012	34,245.82	-	90,356.64	12,653.19	41,196.00	178,451.65	
2013	37,542.04	-	155,267.66	9,633.00	25,231.02	227,673.72	
2014	11,095.04	13,990.00	205,859.07	5,179.00	50,727.58	286,850.69	
1/31/15	-	-	-	-	-	-	
2/28/15	-	-	-	-	-	-	
3/31/15	-	-	13,494.75	-	-	13,494.75	
4/30/15	-	-	-	-	-	-	
5/31/15	942.00	-	26,498.98	1,327.00	1,985.10	30,753.08	
6/30/15	-	-	7,569.38	-	-	7,569.38	
7/31/15	-	-	6,218.65	-	5,253.18	11,471.83	
8/31/15	1,675.65	-	3,297.00	-	-	4,972.65	
9/30/15	-	-	9,820.00	942.00	-	10,762.00	
10/31/15			10,715.95	4,737.00	2,927.10	18,380.05	
11/30/15	49,483.86					49,483.86	
12/31/15			7,422.00			7,422.00	154,309.60
TOTAL	391,479.26	14,253.47	1,283,474.72	188,261.52	327,125.53	2,204,594.50	Down
						2,204,594.50	Across

**South Davis Metro Fire Agency**  
**Board of Directors Financial Summary Year 2015**  
**December 31, 2015**

100% of the year expired

Line No.	Fund	YTD 2015	Annual Budget	Budget	Page No.	Comments
<b>***** General Fund 10*****</b>						
Revenue						
1	Property Taxes-PM Funding	686,046	668,705	103%	7	
2	Intergovernmental Revenue-Cities & Co.	5,500,404	5,500,403	100%	7	
3	Ambulance & PM Fees-Net	2,091,770	1,885,000	111%	7	
4	All Other General Fund Revenue	2,689	8,000	34%	7	
5	Total Revenue	8,280,909	8,062,108	103%		
Expenditures by Division						
6	Operations	6,791,080	6,804,956	100%	8	
7	Logistics	429,742	447,115	96%	9	
8	Communications	377,178	401,037	94%	9	
9	Fire Prevention	6,815	16,250	42%	9	
10	Training	58,735	57,950	101%	10	
11	Emergency Medical Services	129,617	134,800	96%	10	
12	Transfer to Capital Reserve Fund	200,000	200,000	40%	10	
13	Total Expenditures	7,993,166	8,062,108	99%		
14	Revenues Over/(Under) Expndtrs Before	287,742	-			
15	Transfer to Capital Reserve Fund	300,000	300,000	0%	10	
16	Depreciation & Loss on Fixed Assets Sold	328,116	350,000	94%	10	
17	Net Revenues Over/(Under) Expndtrs	(340,374)	(650,000)	52%		
<b>***** Other Funds*****</b>						

Grant Fund 21					
1	Revenues	24,369	-	0%	12
2	Fund Balance Appropriation/(Addition)	-	-	0%	
3	Expenditures	10,950	-	0%	
4	Revenues Over/(Under) Expndtrs	13,419	-	0%	

Public Training Fund 22					
5	Revenues	11,015	5,850	188%	14
6	Fund Balance Appropriation/(Addition)	-	-	0%	14
7	Expenditures	10,549	5,850	180%	14
8	Revenues Over/(Under) Expndtrs	466	-	0%	

Capital Reserve Fund 45					
9	Revenues and Transfers	757,058	208,400	363%	16
10	Fund Balance Appropriation/(Addition)	94,062	646,600	15%	16
11	Expenditures	851,120	855,000	100%	16
12	Revenues Over/(Under) Expndtrs	0	-	0%	

SDFD Equity Fund 70					
13	Revenues	-	-	0%	17
14	Fund Balance Appropriation/(Addition)	126,636	138,000	92%	17
15	Expenditures	126,636	138,000	92%	17
16	Revenues Over/(Under) Expndtrs	0	-	0%	

Debt Service Fund 72 & 73					
17	Revenues	156,884	151,500	104%	20
18	Fund Balance Appropriation/(Addition)	112,396	117,780	95%	20
19	Expenditures	269,280	269,280	100%	20
20	Revenues Over/(Under) Expndtrs	0	0	0%	



# South Davis Metro Fire Agency December 2015

Fire Response Summary by NFIRS Incident Type Codes

Overall Response Time: 5:52  
Fire Response Time: 6:15

Fire Calls	False Calls	Rescue/EMS	Good Intent	Hazard Cond.	Explosion/Overpressure	Service Call	Special Incid.	Weather Inc.	Totals
0	0	2	0	0	0	0	0	0	2
1	3	39	9	6	0	9	0	0	67
2	2	17	1	4	0	1	0	0	27
3	7	37	2	4	0	4	0	0	57
3	10	48	7	9	2	8	0	0	87
0	0	2	0	0	0	0	0	0	2
4	21	250	26	9	0	20	0	0	330
0	0	0	1	0	0	1	0	0	2
<b>Totals:</b>	<b>13</b>	<b>43</b>	<b>46</b>	<b>32</b>	<b>2</b>	<b>43</b>	<b>0</b>	<b>0</b>	<b>574</b>

Davis County  
Centerville  
West Bountiful  
Woods Cross  
North Salt Lake  
Farmington  
Bountiful  
SLC & Other

<b>Responses by Station:</b>	<b>Responses by Unit:</b>	<b>Total Dollar Loss:</b>	<b>Mutual/Auto Aid Report:</b>	<b>574 TOTAL INCIDENTS</b>
ST81: 209 36%	801 10 802 1	\$26,600	Aid Received: 0	509 November 2015
ST82: 60 10%	803 5 808 3	\$0	Aid Given: 2	6071 THIS TIME 2014
ST83: 117 20%	BC81 44	\$2,000	Farmington FD: 2	
ST84: 81 14%	ME81 161 ME82 118	\$0		
ST85: 107 19%	EN83 60 EN84 41	\$18,100		
	TK85 56 T855 0	\$4,500		
	HZ85 1 SQ81 21	\$0		
		\$0		

Average Staff on fires: 7



# South Davis Metro Fire Agency

EMS Summary December 2015 Average EMS Response Time: 5:45

### Ambulance Transports

Transport to Emergency Dept by EMT:	143	Last Month	114
Transport to Emergency Dept by Paramedic:	140	Last Month	134

### No Ambulance Transports

DOA at Scene:	8
Evaluated and Released Against Med Advice:	23
Evaluated and Released With Med Advice:	68
Transported by Air	0
Transported by other EMS agency	0
No Treatment Given	0
Refused Medical Care:	3

**Total Patient Contact: 385                      Last Month: 350                      Patients to Date: 4468**

### Patients Transported by District ALS and BLS

DISTRICT	BLS	ALS	AIR
Davis County:	1	1	0
Centerville:	9	14	0
West Bountiful:	5	3	0
Woods Cross:	11	12	0
North Salt Lake:	10	16	0
Farmington:	1	0	0
Bountiful:	106	94	0
SLC/Other:	0	0	0

### EMS Patients by District

Davis County:	2	100% Transported
Centerville:	40	57% Transported
West Bountiful:	16	50% Transported
Woods Cross:	35	66% Transported
North Salt Lake:	42	62% Transported
Farmington	1	100% Transported
Bountiful:	249	80% Transported
SLC/Other:	0	0% Transported

**Total EMS Calls: 376                      Last Month: 344                      EMS Calls to Date: 4385**  
**Total Patient Transports: 283                      Last Month: 248                      Transports to Date: 3237**

74% of patients in December were transported to the Hospital.

Transport percentage is up 3% since November 2015. 72% of all patients are transported year to date.

### Responses by Unit

A811	3	MA81	175	AM82	0
MA83	105	MA84	83	MA85	95
AM855	3	ME81	161	ME82	118
SQ81	21	SQ83	0		

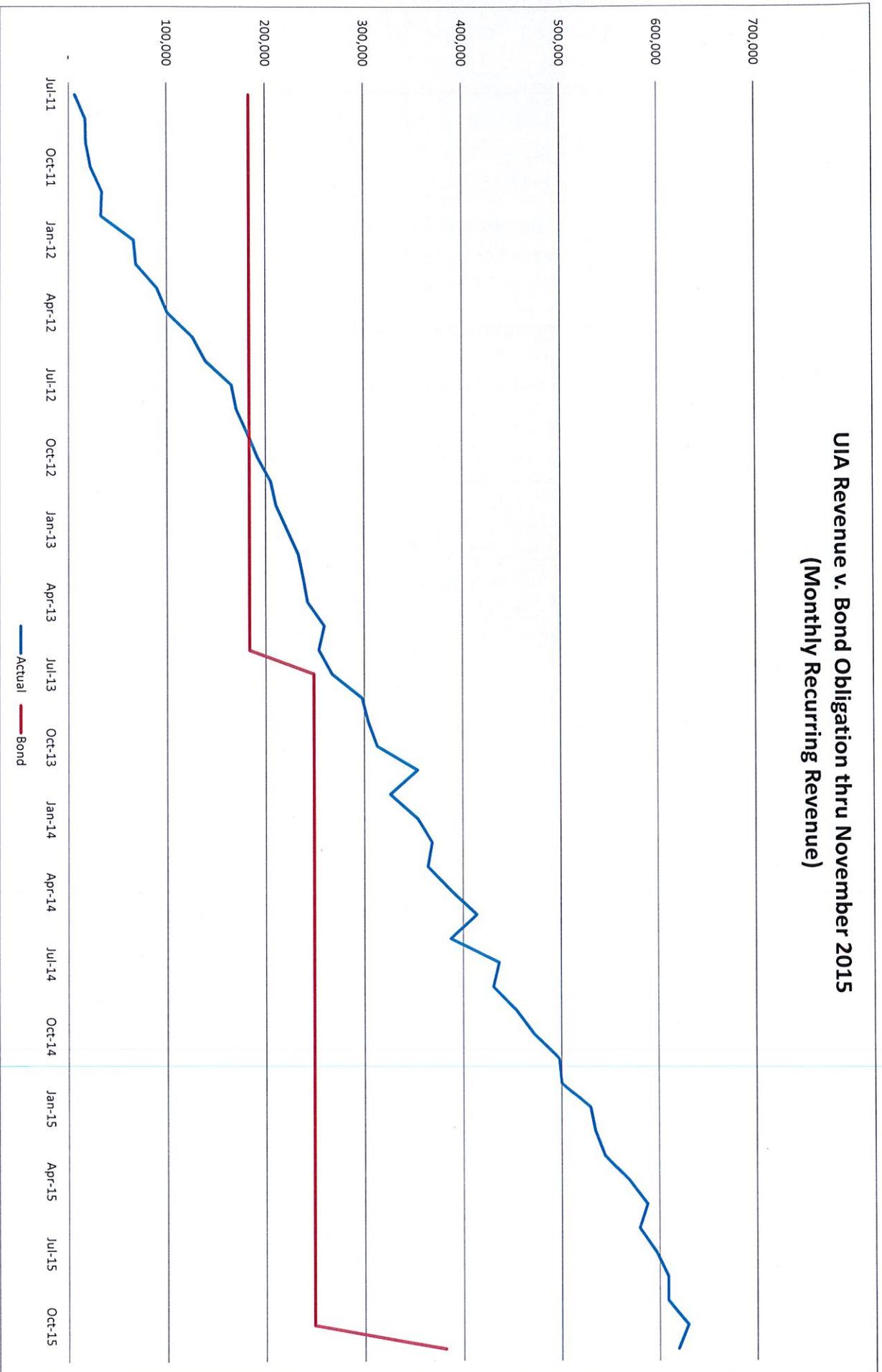
Finance Committee Report (Unaudited)  
 UIA  
 November 2015 (41.67% of Budget)

	<u>Current Month</u>	<u>Year to Date</u>	<u>FY16 Budget</u>	<u>% of Budget</u>	<u>Prior Year YTD</u>	<u>% of Budget</u>
<b>Revenue</b>						
Recurring	\$ 661,665	\$ 3,103,939	\$ 7,450,067	41.66%	\$ 2,289,168	42.26%
Install	39,962	111,733	-		222,187	
Interest Income	1,887	2,250	-		6,561	109.36%
Other Income	-	-	-		-	
<b>Total Revenue</b>	<u>\$ 703,514</u>	<u>\$ 3,217,922</u>	<u>\$ 7,450,067</u>	43.19%	<u>\$ 2,517,917</u>	46.43%
<b>Operating Expenses</b>						
Administrative Expense	25,463	\$ 60,212	\$ 291,000	20.69%	16,373	6.68%
Professional Services	1,884	9,329	24,000	38.87%	9,324	38.85%
Network Management	35,511	169,768	444,000	38.24%	143,811	35.33%
Misc. Expense	-	-	-		-	
<b>Total Operating Expenses</b>	62,857	239,309	759,000	31.53%	169,507	25.08%
<b>Debt Payments</b>						
IRU Capital Lease Interest	6,000	30,000	96,000	31.25%	50,000	52.08%
Interest Expense	237,945	879,586	1,902,000	46.25%	809,460	41.90%
Principal (1)	-	1,005,000	1,005,000	100.00%	980,000	100.00%
<b>Total Bond Payments</b>	<u>243,945</u>	<u>1,914,586</u>	<u>3,003,000</u>	63.76%	<u>1,839,460</u>	61.15%
<b>Total Expenditures</b>	<u>\$ 306,802</u>	<u>\$ 2,153,895</u>	<u>\$ 3,762,000</u>	57.25%	<u>\$ 2,008,967</u>	54.53%
<b>Use/Contribution to Fund Balance (Revenues Over/Under Expenditures)</b>	<b>396,712</b>	<b>1,064,027</b>	<b>3,688,067</b>		<b>508,950</b>	

(1) Annual Principal payment made each October

Note: Total Expenditures does not include depreciation or amortized bond costs (which are not-cash items)

## UIA Revenue v. Bond Obligation thru November 2015 (Monthly Recurring Revenue)

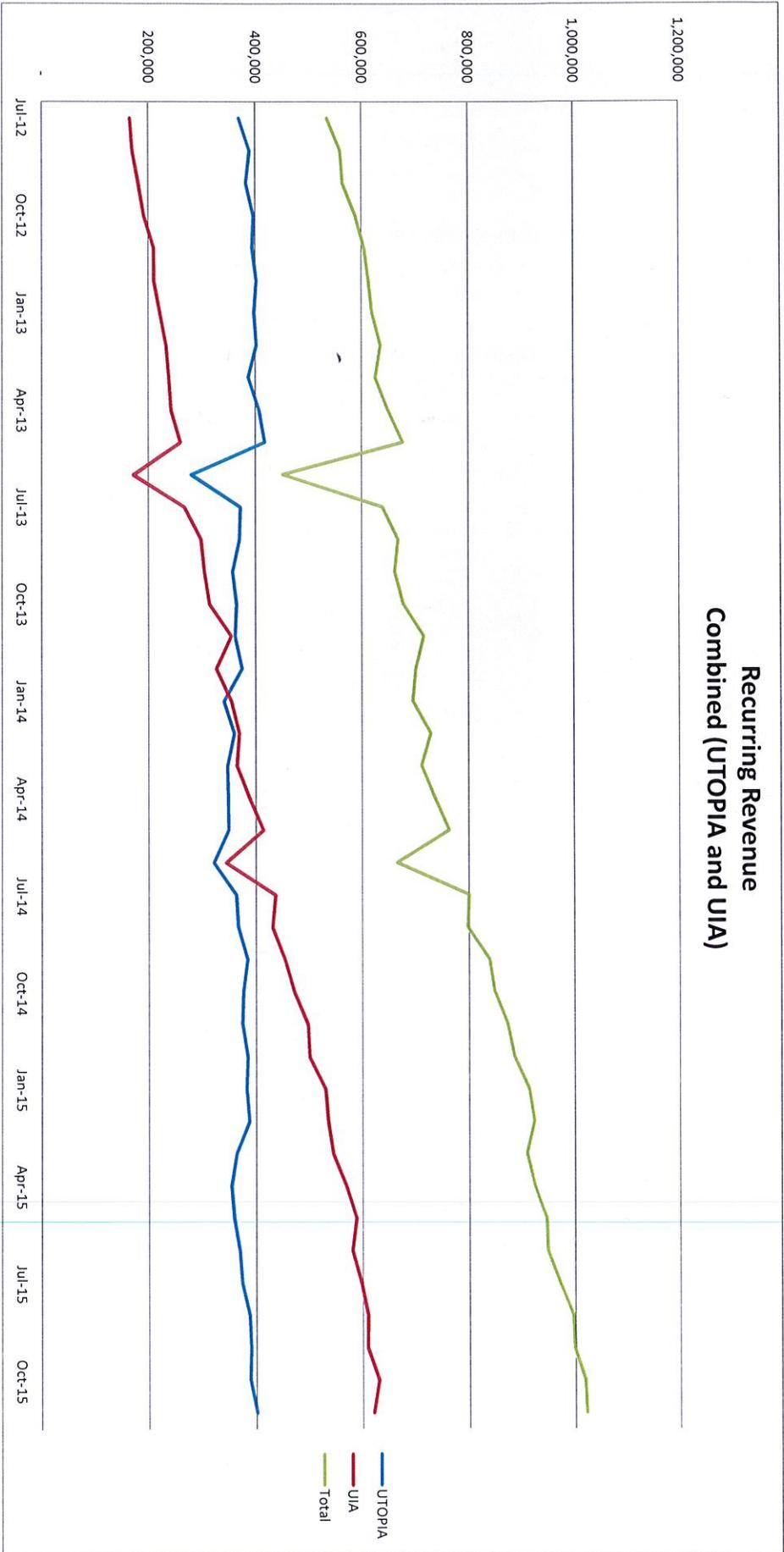


**Finance Committee Report (Unaudited)**  
**UTOPIA**  
**November 2015 (41.67% of Budget)**

	<u>Current Month</u>	<u>Year to Date</u>	<u>FY16 Budget</u>	<u>% of Budget</u>	<u>Prior Year YTD</u>	<u>% of Budget</u>
<b>Revenue</b>						
Recurring	\$ 400,553	\$ 1,936,403	\$ 4,305,903	44.97%	\$ 1,862,979	47.04%
Install	8,260	78,516	-		158,742	
UIA IRU	90,294	447,885	1,099,000	40.75%	423,699	39.90%
Interest Income	-	70	-		90	#DIV/0!
Other Income	-	4,324	-		-	0.00%
<b>Total Revenue</b>	<u>\$ 499,106</u>	<u>\$ 2,467,197</u>	<u>\$ 5,404,903</u>	45.65%	<u>\$ 2,445,510</u>	47.98%
<b>Operating Expenses</b>						
Administrative Expense	\$ 400,570	\$ 2,129,893	\$ 5,635,787	37.79%	\$ 1,803,646	37.48%
Professional Services	31,363	164,950	586,925	28.10%	284,701	29.02%
Network Management	120,251	899,061	2,104,999	42.71%	882,595	39.35%
Misc. Expense	-	-	-		-	
<b>Total Operating Expenses</b>	552,184	3,193,905	8,327,711	38.35%	2,970,942	36.97%
<b>Bond Payments</b>						
Interest Expense	1,033,929	5,493,836	13,643,000	40.27%	5,519,589	41.26%
Principal	100,676	179,189	401,886	44.59%	71,486	42.77%
<b>Total Bond Payments</b>	<u>1,134,605</u>	<u>5,673,025</u>	<u>14,044,886</u>	40.39%	<u>5,591,075</u>	41.28%
<b>Total Expenditures</b>	<u>\$ 1,686,789</u>	<u>\$ 8,866,930</u>	<u>\$ 22,372,597</u>	39.63%	<u>\$ 8,562,017</u>	39.68%
<b>Use/Contribution to Fund Balance (Revenues Over/Under Expenditures)</b>	<b>(1,187,683)</b>	<b>(6,399,733)</b>	<b>(16,967,694)</b>		<b>(6,116,507)</b>	

Note: Total Expenditures does not include depreciation or amortized bond costs (which are not-cash items)

### Recurring Revenue Combined (UTOPIA and UIA)



**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
1/19/2016**

Item No. 11.

Short Title: City Council Liaison Report

Initiated By:

Scheduled Time: 9:35

**SUBJECT**

Councilwoman Tami Fillmore will report on the Recreation District and the Parks & Recreation Committee

**RECOMMENDATION**

**BACKGROUND**

Councilwoman Fillmore serves as Centerville's rep on the South Davis Recreation District Board and as the Council's liaison to the City Parks & Recreation Committee.

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
1/19/2016**

Item No. 12.

Short Title: City Manager's Report

Initiated By: City Manager

Scheduled Time: 9:45

**SUBJECT**

- a. Schedule work sessions
- b. Hiring an intern

**RECOMMENDATION**

- a. The City Manager recommends several work sessions for the City Council in the next two months. See "Background" section below for proposed topics and dates.
- b. The City Manager requests permission to hire an intern for the four-month period May - August 2016 for reasons explained below.

**BACKGROUND**

- a. The City Manager proposes four work sessions in February and March on the following topics and dates:
  - **City and RDA finances, including Auditors Report** – Tuesday, February 2, 5:00 p.m. prior to regular CC meeting
  - **Streets Maintenance Plan & Culinary Water System CIP** – Tuesday, Feb. 16, 5:30 p.m. prior to regular CC meeting
  - **Employee Compensation Plan and Benefits** – Tuesday, March 1, 5:30 p.m. prior to regular CC meeting
  - **City Council Goal-setting** – latter part of March on an evening that does not include a regular CC meeting

The attachment provides more detail on the proposed content/objectives for each work session.

- b. Centerville City is a member of the Utah Risk Management Mutual Association (URMMA), a governmental insurance pool. URMMA has an aggressive risk management program that includes standards which its members are encouraged to meet to reduce claims. One of URMMA's areas of emphasis this year--based on claims and litigation history among its members and recent court decisions--is to correct unsafe sidewalk conditions. The City Manager recommends the City increase its investment to correct unsafe sidewalk conditions throughout the community. This recommendation is based not only on URMMA's risk management standards, but also what is already known about the condition of sidewalks within Centerville and the City's own experience with claims of this nature.

The City's budget has included some funding for sidewalk repair for the past several years, but the funding amount is not sufficient to keep up with the apparent need. The City Manager intends to recommend more funding for sidewalk repairs in the future budgets. However, to provide a basis for those funding

recommendations--and to establish priorities for spending those funds--he recommends a city-wide comprehensive inventory of sidewalk conditions. He recommends an intern be hired to work for a four-month period, May through August 2016, under the direction of the City's GIS Specialist, gathering and analyzing sidewalk data. This intern would also collect data about other features/conditions in the City's public rights-of-way, particularly about trees, which are causing much of the unsafe sidewalk conditions. The City Manager, PWS Director, Parks & Rec Director and GIS Specialist have interviewed a college student with a set of skills well-suited for this project. The student would be paid \$12 per hour. The cost for a 4-month period would be about \$6500. The cost for the first two months (current Fiscal Year) would come from either the Streets Department budget or Contingency funds; the cost for the third and fourth months (next Fiscal Year) would be included in the FY 2017 Budget when adopted in June.

Staff believe the creation of an inventory and analysis of current conditions to guide future sidewalk funding/repair decisions is a prudent action that will have long-term financial benefits in terms of fewer injury claims and a good legal defense when dealing with such claims. The City's insurance premium is also affected somewhat by the City's score in the annual inspection process conducted by URMMA.

**ATTACHMENTS:**

Description

- ▣ Proposed Work Sessions
- ▣ URMMA Inspection Report Excerpt

**Proposed Work Sessions for Centerville City Council**  
(1/15/16 draft)

**City and RDA finances** (proposed date: Tuesday, February 2, 5:00 p.m. prior to regular CC meeting)

- Presentation of Comprehensive Annual Financial Report for FY 2015, including annual audit report; explain audit opinion, findings and any areas of concern and answer questions (presenters—Ed Erickson, audit firm partner, and City staff)
- Review of City debt
- Explain major revenue sources and types of Funds (unless already explained in earlier CC mtg)
- Impact of RAP Tax revenue, HB 354 gasoline tax increase, Proposition One (transportation sales tax) and creation of Fire Service Area
- RDA primer—project areas, tax increment revenue, performing arts center, etc.
- Summary of Parks Capital Improvement Plan (CIP) and funding
- Summary of Drainage CIP and funding

**Streets Maintenance Plan and Culinary Water System CIP** (proposed date: Tuesday, Feb. 16, 5:30 pm, prior to regular CC meeting)

- Updates and coordination of Streets Maintenance Plan and Culinary Water System CIP
- Discussion of how to fund replacement of water mains

**Employee Compensation Plan and Benefits** (proposed date: Tuesday, March 1, 5:30 pm prior to regular CC meeting)

- Current Salary Administration Guidelines, Position Pay Grade Schedule and Pay Range Schedule
- Annual benchmarking process and results
- Overview of employee benefits and comparison with other cities
- Proposal for managing financial liability associated with Long-Term Sick Leave (carried over from prior CC discussion)

**City Council Goal-Setting** (proposed time period: March)

- Work session is culmination of process over several weeks. In recent years this process included the following steps:
  - Council members provided with list of projects/issues already known for coming year and status of CC goals for past year
  - Council members individually submit suggested goals, followed by individual rating of all suggested goals and compilation/ranking of ratings
  - Department Heads submit proposed priorities for the next 3 years
  - Planning Commission submits their recommended work program priorities (CC has met with PC in past to discuss their recommendations)
  - Other City committees/boards invited to submit their proposed priorities
  - CC meets in work session to consider all the information above and agree on priorities/goals for coming year(s)

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
1/19/2016**

Item No. 13.

Short Title: Miscellaneous Business

Initiated By:

Scheduled Time: 9:50

**SUBJECT**

- a. Set dates for July 4th Celebration activities

**RECOMMENDATION**

**BACKGROUND**

Several council members have expressed a preference to hold the activities on Saturday evening and Monday instead on Friday evening/Saturday. The Mayor would like to discuss this further in council meeting before making a decision.

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
1/19/2016**

Item No. 14.

Short Title: Open and Public Meetings Training by City Attorney

Initiated By: City Attorney

Scheduled Time: 9:55

**SUBJECT**

**RECOMMENDATION**

**BACKGROUND**

The City Council 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. Please read and review these handouts. As directed by the City Council, this training session will be in the question and answer form so bring any questions you have regarding the Open Meetings Act.

**ATTACHMENTS:**

Description

- Open Meetings Handout
- Closed Meeting Handout



## 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 takes its actions and conducts its deliberations regarding the public's business openly. By law, the Mayor is required to ensure that the members of the City Council 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 City Council 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 City Council where a quorum of its members is present and the purpose of the meeting is to discuss or take action on matters within the City Council's jurisdiction. A quorum of the City Council is defined by statute as three members, excluding the mayor. A chance meeting of a quorum of the City Council 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 City Council 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 City Council. 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 City Council'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 its City Council meeting agendas and packet information through Novus as found on the City website. Other noticing requirements apply to various applications under Centerville City Ordinances in addition to notice required under 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 City Council. Written minutes are not a verbatim transcript of the meeting but should include the substance in brief of the discussions of the Council and any testimony or public comment. The minutes must also include a record, by individual member, of each vote taken by the City Council. Approval of minutes by City Council shall comply with the City's Minutes Approval Policy. Pending minutes, approved minutes and the recording of an open meeting are public records. Pending minutes of the City Council must be made available to the public within 30 days after holding the meeting. Approved minutes of the City Council must be posted to the Utah Public Notice Website within 3 days after approval. The recording of an open meeting of the City Council must be available to the public within 3 business days after the meeting. Although not required by law, the City also posts audio recordings of City Council meetings on the Utah Public Notice Website. Written minutes from open meetings, once approved by the City Council, are the official record of the meetings and are generally retained permanently by the City Recorder. The Council should make sure the minutes properly reflect the actions taken by the Council.

## Electronic Meetings

The City Council 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 City Council, and so that each member of Council can communicate with all participants and other members. As extra noticing and facility set up is required for electronic meetings, it is requested that Council members provide sufficient advanced notice to staff of the need for an electronic meeting.

## Fun Rules

- A work session or executive session of the City Council that is held on the same day as a regularly scheduled public meeting of the Council 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 City Council must list the proposed agenda topics and items for discussion and action by the Council. Each agenda item must be listed with reasonable specificity to notify the public as to the topics to be considered at the meeting.
- The City Council 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 City Council 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.
- Council members should not send emails or texts to other members of the Council when the Council is convened and Council 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.
- Members of the City Council who knowingly or intentionally violate the Open Meetings Act may be guilty of a class B misdemeanor.



## CENTERVILLE CITY ATTORNEY'S OFFICE

250 North Main Street  
Centerville, Utah 84014  
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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 City Council, Planning Commission, Board of Adjustment, and other boards and committees of the City. Under the Open Meetings Act, all meetings of the City Council shall be open to the public unless lawfully closed for reasons permitted by law.

#### Lawful Reasons to go into a Closed Meeting

Pursuant to *Utah Code Ann.* § 52-4-205, the City Council 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 City Council must be present at an open meeting for which notice has been provided. Two-thirds of the members of the City Council 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 City Council 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 City Council 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 person presiding 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 Council closes a meeting for a lawful reason, does not mean Councilmembers can then talk about anything and everything they want in that closed meeting. The Council’s discussion is limited to the lawful reasons for which the Council voted to go into the closed meeting. No ordinance, resolution, rule, regulation, contract, or appointment may be approved in a closed meeting. The City Council is also prohibited from interviewing a person applying to fill an elected position or discussing the character, professional competence, or physical or mental health of a person whose name has been submitted for consideration to fill a midterm vacancy or temporary absence under Title 20A regarding vacancies in elected offices.

## **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 City Council. 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 City Council, 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 Council 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 Council 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 City Council 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 COUNCIL  
Staff Backup Report  
1/19/2016**

Item No. 15.

Short Title: Closed meeting, if necessary, for reasons allowed by state law, including, but not limited to, the provisions of Section 52-4-205 of the Utah Open and Public Meetings Act, and for attorney-client matters that are privileged pursuant to Utah Code Ann. § 78B-1-137, as amended

Initiated By:

Scheduled Time: 10:10

**SUBJECT**

**RECOMMENDATION**

At this time, staff are not aware of a need for a closed meeting; however, the agenda allows for that possibility.

**BACKGROUND**

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
1/19/2016**

Item No. 16.

Short Title: Possible action following closed meeting, including appointments to boards and committees

Initiated By:

Scheduled Time: 10:10

**SUBJECT**

**RECOMMENDATION**

Mayor Cutler may recommend appointments to City boards/committees.

**BACKGROUND**

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
1/19/2016**

Item No. 17.

Short Title: Adjourn to RDA meeting

Initiated By:

Scheduled Time: 10:10

**SUBJECT**

**RECOMMENDATION**

**BACKGROUND**

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
1/19/2016**

Item No.

Short Title: Items of Interest (i.e., newspaper articles, items not on agenda); Posted in-meeting information

Initiated By:

Scheduled Time:

**SUBJECT**

**RECOMMENDATION**

**BACKGROUND**

**ATTACHMENTS:**

Description

- ☐ Police Chase article
- ☐ Monthly Building Report for December 2015

## Magna teen jailed after 85-mph chase



SUPPLIED/CENTERVILLE POLICE DEPARTMENT

A 17-year-old from Magna was arrested Jan. 6, 2016, after a high-speed chase from Centerville to Farmington.

BY MARK SHENEFELT STANDARD-EXAMINER STAFF

CENTERVILLE — One of his mistakes was waving to a police officer.

A Centerville police officer was patrolling the Walmart parking lot at 11:25 p.m. Wednesday when a young man in a passing car waved at him, Police Lt. Von Steenblik said.

“The kid drove past and waved at him — maybe he was nervous — and the officer decided to check it out,” Steenblik said.

As the officer began the traffic stop, the driver sped away, launching an 85 mph chase north into Farmington that ended with a crash through a gate at the Lagoon amusement park, Steenblik said.

The car sped west on Parrish Lane, running a red light, then turned right on the frontage road by Interstate 15, racing to 200 West in Farmington, Steenblik said. A Utah Highway Patrol trooper put down tire-puncture spikes there, Steenblik said, and the driver drove over a curb to avoid the trooper.

The chase continued through grass and snow past Farmington Junior High School, then through the Lagoon gate, where the car got stuck.

After a foot chase onto the Lagoon trail, officers arrested a 17-year-old male from Magna. The car, a 1997 Ford Taurus, was stolen.

Steenblik said the teen was taken to the Farmington Bay youth detention center on suspicion of evading, a third-degree felony; and possession of a stolen vehicle, a second-degree felony.



Steve Thacker  
City Manager

**Centerville City**  
**Building & Safety Department**

655 North 1250 West, Centerville, Utah 84014

**Monthly Building Report for December 2015**

Construction Type	# of Permits		YTD Structures		Average Home Cost		Construction Valuation	
	Month	YTD	# Units	# Bldgs	Month	YTD	Month	YTD
Single Dwellings	2	27	27	27	-	259,007.00	60,000.00	6,993,189.00
Duplexes / Town Homes	4	4	4	1			838,226.00	838,226.00
Apartments	0	4	90	4			-	12,244,075.00
Addition/Alteration/Repair	2	22					26,340.00	745,303.00
Power/Mech	9	77					-	-
Signage	2	24					15,875.00	110,975.00
Commercial/Tenant Finish	1	27					18,371.00	4,156,101.00
Detached Structure/Gar	1	10					11,134.00	484,386.00
Demolition	0	4					-	2,500.00
Pool	0	1					-	45,000.00
Miscellaneous	7	40					149,660.00	1,265,523.00
<b>Total Permits Issued:</b>	<b>28</b>	<b>240</b>					<b>Total Permitted Valuation:</b>	<b>1,119,606.00 26,885,278.00</b>

Building Permit Related Revenues	Monthly		YTD Comparison	
	December 2015	YTD 2015	December 2014	YTD 2014
BUILDING	11,525.95	199,963.35	6,182.90	136,081.87
PLAN CHECK	2,745.16	89,279.27	2,902.75	65,958.02
ELECTRICAL	396.00	1,914.00	264.00	1,650.00
PLUMBING	66.00	66.00	-	-
MECHANICAL	198.00	3,290.00	264.00	3,168.00
GRADING	-	-	-	188.00
STATE SURCHARGE	119.61	2,049.57	67.11	1,410.96
WATER DEV.	6,078.00	92,723.00	-	28,284.00
WATER CONNECTION	-	16,132.94	-	7,752.81
WATER METER	1,410.00	15,770.00	-	4,725.00
STORM DRAIN	-	-	-	700.00
FIRE IMPACT	2,826.00	58,875.03	-	11,373.77
PARK IMPACT	12,342.00	244,783.00	-	12,342.00
DRIVE APPROACH	210.00	1,150.00	-	310.00
BOND	6,000.00	44,000.00	-	22,000.00
SPECIAL IMP DIST/REC	-	12.00	-	1,316.93
ENGINEERING	-	1,000.00	-	3,500.00
TV INSPECT DRAINS	-	-	-	750.00
LANDSCAPING BOND	-	-	-	2,000.00
<b>Total Permits Related Revenue:</b>	<b>\$43,916.72</b>	<b>\$771,008.16</b>	<b>\$9,680.76</b>	<b>\$303,511.36</b>