

DATE MONDAY AUGUST 10, 2020

THE KEARNS METRO TOWNSHIP COUNCIL, STATE OF UTAH, MET ON MONDAY, AUGUST 10, 2020, PURSUANT TO ADJOURNMENT ON MONDAY, JULY 21, 2020, AT 6:30 P.M. VIA ZOOM.COM.

COUNCIL MEMBERS PRESENT: TINA SNOW
CRYSTAL BUTTERFIELD
ALAN PETERSON
PATRICK SCHAEFFER
KELLY BUSH, Chair

◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆

Mayor Kelly Bush, Chair, presided.

◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆

Open Public Meeting Act Amendment

Mayor Kelly Bush read the following into the record:

***Electronic Meeting Written Determination
of the
Kearns Metro Township***

Pursuant to House Bill 5002, "Open and Public Meetings Act Amendments," passed during the 2020 Fifth Special Session of the Utah Legislature and codified under Utah Code Ann. § 52-4-207(4), I, Mayor Kelly Bush, hereby make the following written determination warranting the Kearns Metro Township Council to convene and conduct an electronic meeting without an anchor location:

Given the ongoing Coronavirus disease 2019 (COVID-19) pandemic, conducting the meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location.

This written determination shall expire 30 days from today.

Dated this 13th day of July, 2020.

*By /s/ KELLY BUSH
Mayor*

◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆

Council Business

DATE MONDAY AUGUST 10, 2020

Mayor Kelly Bush asked if the Council objected to her starting the meeting with the presentation from the Salt Lake County Engineering Division.

No Council Members objected.

Salt Lake County Engineering

➤ *Kearns Master Transportation Plan*

Thomas McMurtry, Avenue Consultants, delivered a PowerPoint presentation showing what information is included in the Kearns Transportation Master Plan, where they are in the process, where it is going, the sidewalk plan, what the plan is, and funding.

➤ *Kearns General Plan*

Kayla Mauldin, Long Range Planner, Greater Salt Lake Municipal Services District, delivered a PowerPoint presentation on the draft of the General Plan for the Kearns Metro Township. The PowerPoint highlighted what would be in the general plan including transportation, State Code requirements, community and other entities connectivity, housing, and land use to name a few. She asked for feedback from the Council regarding the format of the general plan and any other items the Council felt needed to be included. The earlier feedback is received, the easier it would be to make any changes.

Unified Police Department

Chief Levi Hughes, Unified Police Department, updated the Council on the following:

- A sergeant retired. He is working on finding an acceptable replacement.
- Recovered over 20 firearms off the streets of Kearns.
- Closed five homes down that were involved in drug distribution. Working on process to get homes cleaned up and back on the market.
- Plans are being worked on to be prepared for events (riots and demonstrations) that are happening across the nation and state.
- Officer involved shooting. The officer is on administrative leave.
- Hit and run of a young boy. The boy was injured but is doing well. The person was arrested, and the car impounded.
- Graffiti of a UPD police car. Suspect was identified within seven days.

DATE MONDAY AUGUST 10, 2020

- UPD is short of officers. At the end of August there will be four vacancies within the Kearns Precinct. In addition, an officer is on military leave and one on administrative leave. Other precincts within the UPD are all down as well. Not a lot of people want to be an officer now. Officers are doubling their salary because of the amount of overtime worked.
- Operations are ongoing within the Kearns area that he will report on when he can.
- UPD service project for August is with the Kearns pantries. Donations have been down this year.

Kearns Oquirrh Park Fitness Center (KOPFC)

Patti Hansen, Kearns Oquirrh Parks Fitness Center, (KOPFC), updated the Council on the following:

- Celebration of Kearns event held on Saturday, August 8, 2020, was fun.
- Doggie paddle will be held on September 12, 2020. Additional information will be released later this week.

Evidence for Success

Joshua Nielsen, Evidence for Success, updated the Council on the following:

- Thanked the Council for the masks, which his organization handed out during the Celebration of Kearns event.

Kearns Community Council

Roger Snow, Chair, Kearns Community Council, updated the Council on the following:

- Over 4,400 masks were handled out at the Celebration of Kearns event and 630 meals were provided.
- Another event or two might be held were additional masks could be handed out. After the events the Council Members will be able to take masks home to be handed out to constituents in their districts.

DATE MONDAY AUGUST 10, 2020

Ordinances

Ordinance No. 2020-8-03

Nathan Bracken, Legal Counsel, Kearns Metro Township, stated the fee schedule was adopted by the Greater Salt Lake Municipal Services District. It is being presented to the Council tonight so amendments could be made to the Kearns Code to allow for these fee schedules to take affect and to adopt them for 2020.

Travis Hair, Legal Counsel, Greater Salt Lake County Municipal Services District, stated the goal going forward is that every year the Council will have the opportunity to update the fee schedule for the upcoming year.

Council Member Snow, seconded by Council Member Butterfield, moved to adopt the following ordinance:

ORDINANCE NO. 2020-8-03

DATE: August 10, 2020

AN ORDINANCE ADOPTING A NEW PLANNING AND DEVELOPMENT SERVICES' FEE SCHEDULE; REPEALING CHAPTER 3.52 ("SUBDIVISION AND ZONING FEES") AND REPLACING IT WITH A NEW CHAPTER 3.52 THAT REFERENCES THE NEW FEE SCHEDULE; AND AMENDING SECTIONS 3.48.020; 3.48.005, AND 3.48.030 OF THE ENGINEERING FEES CHAPTER TO LIKEWISE INCORPORATE PLANNING AND DEVELOPMENT SERVICES' FEE SCHEDULE.

WHEREAS, the Kearns Metro Township ("**Kearns**") contracts with the Greater Salt Lake Municipal Services District ("**MSD**") to provide planning and development services;

WHEREAS, in addition to Kearns, the MSD provides planning and development services to the other four metro townships (Copperton, Emigration Canyon, Magna, and White City) and unincorporated portions of Salt Lake County;

WHEREAS, the MSD board approved a new fee schedule for the planning and development services the MSD provides on April 8, 2020; and

WHEREAS, the Kearns Metro Township Council (the "**Council**") desires to adopt the fee schedule the MSD board approved and to make corresponding revisions to the Kearns Metro Township Code to implement the new fee schedule.

NOW, THEREFORE, BE IT RESOLVED BY THE KEARNS METRO TOWNSHIP COUNCIL:

1. The attached fee schedule is adopted pursuant to Section 3.42.040 of the Kearns Metro Township Code.

DATE MONDAY AUGUST 10, 2020

2. Chapter 3.52 of the Kearns Metro Township Code of Ordinances entitled "Subdivision and Zoning Fees," is hereby repealed and replaced as set forth herein, provided that the amendments made herein are designated by underlining the new substituted language and the language being deleted is designated by brackets and interlineations.
3. Section 3.52.010 is hereby amended as follows:

3.52.10 – Fees as set forth in fee schedule.

Subdivision and zoning fees shall be established in accordance with Section 3.42.020 of these ordinances. These fees shall be set out in the Planning and Development Services Fee Schedule, which shall be approved by the Metro Township Council and shall be on file with the Greater Salt Lake Municipal Service District.

4. Section 3.48.020 is hereby amended as follows:

3.48.020 – Plat filing and engineering checking fees.

Any and all persons filing plats with the County Recorder's Office shall first have paid all fees required in Chapter 3.52. In addition, persons filing plats shall pay to the Greater Salt Lake Municipal Services District ~~{an} the Plat Filing and {e}; Engineering {e} Checking {f} Fee set out in the Planning and Development Services Fee Schedule, which shall be on file with the Greater Salt Lake Municipal Service District ~~{of 6.0 percent of the performance bond amount in accordance with the following schedule:~~~~

~~A.~~

~~Thirty five percent of the total engineering checking fee shall be paid prior to the engineer review, which consists of a technical review of the subdivision plat, a field boundary check in accordance with policies prepared by the planning and development services division and the county surveyor, and construction plan approval. If the total engineering fee cannot be estimated prior to the engineering review, the portion of the total fee paid at such time shall be ninety dollars per lot, with a minimum of one hundred eighty dollars.~~

~~B.~~

~~The remaining portion of the engineering checking fee which, when added to the portion of the fee paid pursuant to subsection A of this section, will total 6.0 percent of the performance bond amount, shall be paid for administration of the performance bond and construction inspection prior to the recording of the plat or the installation of any proposed improvements. Construction inspection shall consist of a survey check of proposed improvement grades, a survey check of monuments, and inspection of improvement construction.]~~

5. Section 3.48.025 is hereby amended as follows:

3.48.025 – Engineering checking fee for subdivisions where no plat must be recorded.

Any person proposing to subdivide a parcel of land where no plat must be recorded (a nonregular subdivision) shall pay to the Greater Salt Lake Municipal Services District the {e} Checking {f} for

DATE MONDAY AUGUST 10, 2020

Subdivision with no plat set out in the Planning and Development Services Fee Schedule, which shall be approved by the [Metro Township] Council and shall be on file with the Greater Salt Lake Municipal Service District. [in the amount of two hundred dollars.]

6. Section 3.48.030 is hereby amended as follows:

3.48.030 – Engineering checking fees for nonsubdivision development.

Any person proposing to develop a parcel of land, either as a permitted use[,] or conditional use but no a[n] Planned Unit Development, other than] or a subdivision shall pay to the Greater Salt Lake Municipal Service District [an] the [e] Engineering [e] Checking [f] Fee for nonsubdivision development set out in the Planning and Development Services Fee Schedule, which shall be on file with the Greater Salt Lake Municipal Services District. [in an amount equal to 4.5 percent of the total performance bond amount for required landscaping, offsite storm drainage and on site storm drainage improvements. The minimum fee shall be one hundred fifty dollars, which must be paid prior to the engineering review. Any remaining portion of the fee shall be paid prior to approval by the planning and development services division of the development or installation of any of the improvements.]

7. This ordinance shall take effect twenty (20) days after its passage and upon at least one publication in a newspaper published in and having general circulation in Salt Lake County, and if not so published within twenty (20) days then it shall take effect immediately upon its first publication pursuant to Utah Code Ann. § 10-3-711(1) and Utah Code Ann. § 10-3-712.

APPROVED and ADOPTED this 10th day of August, 2020.

KEARNS METRO TOWNSHIP COUNCIL

ATTEST:

By /s/ KELLY BUSH
Mayor

/s/ SHERRIE SWENSEN
Clerk/Recorder

The motion passed unanimously.

Ordinance No. 2008-9-02

Nathan Bracken, Legal Counsel, Kearns Metro Township Council, stated this ordinance authorizes accessory dwelling units (ADU) in certain residential zones in Kearns. The Kearns Metro Township Planning Commission held a public hearing on this ordinance and then recommended changes on the parking portion of this ordinance. The amendment would require any ADU to have at least two designated parking spaces.

DATE MONDAY AUGUST 10, 2020

Travis Hair, Legal Counsel, Greater Salt Lake County Municipal Services District, stated this ordinance will help Kearns Metro Township to meet requirements for affordable housing. Existing ADUs must show that the unit meets safety and building requirements. A business license will be required for any ADUs, which will allow the township to track how many units there are.

Council Member Peterson, seconded by Council Member Snow, moved to approve the amendments. The motion passed unanimously.

Council Member Snow, seconded by Council Member Peterson, moved to approve the following ordinance.

ORDINANCE NO. 2020-8-02

DATE: August 10, 2020

AN ORDINANCE OF THE KEARNS METRO TOWNSHIP COUNCIL CREATING CHAPTER 19.15 OF THE KEARNS METRO TOWNSHIP CODE TO AUTHORIZE ACCESSORY DWELLING UNITS IN CERTAIN RESIDENTIAL ZONES AND TO ENACT RELATED REGULATIONS

RECITALS

WHEREAS, Utah Code §10-2a-414(3) provides that a Salt Lake County ordinance will remain in effect as the ordinance of the Kearns Metro Township ("**Kearns**") "until the metro township council amends or repeals the ordinance," and

WHEREAS, Title 19 of the Kearns Metro Township Code (the "**Code**") governs zoning within Kearns; and

WHEREAS, because the Salt Lake County originally adopted Title 19 prior to the incorporation of the Kearns Metro Township, Title 19 as currently constituted is not specific to Kearns and does not account for the metro township form of municipal government; and

WHEREAS, on November 19, 2019, Kearns amended its general plan to include a moderate housing element to comply with the requirements of H.B. 295 and S.B. 34, which collectively enacted various moderate housing requirements for municipalities, including but not limited to requirements that municipalities of a certain size amend their general plans to include a moderate housing element; and

WHEREAS, the Kearns' moderate housing element calls for the development and adoption of an accessory dwelling unit ("**ADU**") ordinance to assist in the certain of more moderate-income housing options in Kearns; and

WHEREAS, of the various moderate housing options presented to the citizens of Kearns during the development of the moderate housing element, the creation of an ADU ordinance and the reduction of regulations limiting the use of ADUs received the most support; and

DATE MONDAY AUGUST 10, 2020

WHEREAS, the Kearns Metro Township Council (“**Council**”) instructed its planning and development staff to develop an ADU ordinance to implement the moderate housing plan’s ADU recommendations; and

WHEREAS, the Kearns planning and development staff prepared a draft ordinance, which Kearns’ attorney has reviewed, that would enact Chapter 19.15 of the Kearns Metro Township Code to authorize and regulate ADUs in certain residential zones within Kearns; and

WHEREAS, after holding a public hearing and taking public comment pursuant to Utah Code Ann. §10-0a-502, the Kearns Planning Commission recommended that the Council adopt the ADU ordinance the planning and development staff developed; and

WHEREAS, the Council has reviewed the ordinance and determined that it furthers the goals of the moderate housing plan and will be in the best interest of Kearns and its citizens.

NOW, THEREFORE BE IT RESOLVED BY THE KEARNS METRO TOWNSHIP COUNCIL that the attached ADU ordinance is adopted and will become effective 20 days after publication pursuant to Utah Code Ann. §10-3-71(1) and Utah Code Ann. §10-3-712.

APPROVED and ADOPTED this 10th day of August, 2020.

KEARNS METRO TOWNSHIP COUNCIL

ATTEST:

By /s/ KELLY BUSH
Mayor

/s/ SHERRIE SWENSEN
Clerk/Recorder

The motion passed unanimously.

Ordinance No. 2020-08-01

Nathan Bracken, Legal Counsel, Kearns Metro Township, stated this ordinance will have a two-phase approach. The first, which the Council is considering tonight, is technical, such as changing Salt Lake County to Kearns Metro Township and it addresses how conditional uses are dealt with. The second phase will be proposed once the general plan is finished. This phase will sort out all the conditional uses to either permanent or prohibited based on the general plan. The Kearns Metro Township Planning Commission reviewed this ordinance and recommended approval once some sections are renumbered, and Kearns Metro Township Planning Commission is capitalized to be consistent.

Council Member Butterfield, seconded by Council Member Snow, moved to approve the following ordinance including the changes proposed by the Kearns Metro Township Planning Commission.

DATE MONDAY AUGUST 10, 2020

ORDINANCE NO. 2020-08-01

DATE: August 10, 2020

AN ORDINANCE OF THE KEARNS METRO TOWNSHIP COUNCIL UPDATING
AND REVISING THE CONDITIONAL USE PROVISIONS OF THE KEARNS
METRO TOWNSHIP CODE

RECITALS

WHEREAS, Utah Code § 10-2a-414(3) provides that a Salt Lake County ordinance will remain in effect as the ordinance of the Kearns Metro Township (“**Kearns**”) “until the metro township council amends or repeals the ordinance;” and

WHEREAS, Title 19 of the Kearns Metro Township Code (the “**Code**”) governs conditional use permits filed within Kearns; and

WHEREAS, because the Salt Lake County originally adopted Title 19 prior to the incorporation of the Kearns Metro Township, Title 19 as currently constituted is not specific to Kearns and does not account for the metro township form of municipal government nor does it account for changes the Utah Legislature made to Utah’s Municipal Land Use Development Act (“**LUDMA**”), as found in Chapter 9a of title 10 of the Utah Code regarding conditional use permits; and

WHEREAS, the Kearns Metro Township Council (the “**Council**”) desires to amend Title 19 of the Code to account for the metro township form of government and to comply with LUDMA; and

WHEREAS, pursuant to Utah Code § 10-9a-602, the Kearns Metro Township Planning Commission has reviewed and recommended the below revisions to Title 19 and other applicable portions of the Code after providing notice consistent with Utah Code § 10-9a-205 and holding a public hearing on August 10, 2020; and

WHEREAS, the Council has determined that the attached revisions to Title 19 and other portions of the Code will serve the best interests of the Kearns Metro Township and the general public.

NOW, THEREFORE BE IT RESOLVED BY THE KEARNS METRO TOWNSHIP COUNCIL AS FOLLOWS:

1. **Section 19.02.010** is amended to read:

19.02.010 Title for Citation

This title shall be known as the "Uniform Zoning Ordinance of the Kearns Metro Township, Utah," and may be so cited and pleaded. This title shall also be known as Title 19, the Kearns Metro Township Code of Ordinances.

2. **Section 19.02.020** is amended to read:

19.02.020 Purpose of Provisions

This title is designed and enacted for the purpose of promoting the health, safety, morals, conveniences, order, prosperity and welfare of the present and future inhabitants of the Kearns Metro Township, including, among other things, the lessening of congestion in the streets or roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering the metro township's agricultural and other industries, and the protection of both urban and nonurban development.

3. **Section 19.02.040** is amended to read:

19.02.040 Resolution of Conflicts

If a conflict between this title and provisions of covenants, agreements, other ordinances, or laws, the more restrictive provision(s) shall apply.

4. **Section 19.02.050** is amended to read:

19.02.050 Effect on Previous Ordinances and Maps

The existing ordinances of Salt Lake County that the Kearns Metro Township inherited upon its incorporation that cover the zoning of areas and districts in the Kearns Metro Township, in their entirety and including the maps theretofore adopted and made a part of such ordinances, are hereby superseded and amended to read as set forth in this title; provided, however that this title, including the maps on file with the planning commission and by this reference made a part hereof, shall be deemed a continuation of previous ordinances, and not a new enactment, insofar as the substance of revisions of previous ordinances is included in this title, whether in the same or in different language; and this title shall be so interpreted upon all questions of construction, including but not limited to questions of construction, relating to tenure of officers and boards established by previous ordinances, and to questions of conforming or nonconforming uses, buildings or structures, and to questions as to the dates upon which such uses, buildings or structures became conforming or nonconforming.

5. **Section 19.02.060** is amended to read:

19.02.060 Licensing Requirements

All departments, officials and public employees of the Kearns Metro Township which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this title and shall issue no permits or licenses for use, building or purpose where the

same would be in conflict with the provisions of this title, and any such permit or license, if issued in conflict with the provisions of this title, shall be null and void.

6. **Section 19.02.080** is amended to read:

19.02.080 Site Plans Required--Contents

A detailed site plan, drawn to scale (scale and sheet size to be determined by the director) shall be filed as part of any application prior to consideration or for any building permit. The requirements in this section 19.02.080 shall be considered the minimum standards for an application being considered complete. Notwithstanding the foregoing, compliance with additional requirements imposed by other applicable sections, including Chapter 19.84, shall be required for an application to be considered complete for consideration. The site plan shall show, where pertinent:

- A. Note of scale used;*
- B. Direction of North point;*
- C. Lot lines, together with adjacent streets, roads and rights-of-way;*
- D. Location of all existing structures on subject property and adjoining properties (completely dimensioned, including utility lines, poles, etc.);*
- E. Location of the proposed construction and improvements, including the location of all signs;*
- F. Motor vehicle access, including individual parking stalls, circulation patterns, curb, gutter, and sidewalk location;*
- G. Necessary explanatory notes;*
- H. Name, address and telephone number of builder and owner; and*
- I. All other information that may be required, as determined by the director.*

7. **Section 19.02.090** is amended to read:

19.02.090 Building and Use Permits Required

Construction, alteration, repair or removal of any building or structure, or any part thereof, as provided or as restricted in this title, shall not be commenced or proceeded with except after the issuance of a written permit for the same by the building official. The use of the land shall not be commenced or proceeded with except upon the issuance of a written permit for the same by the development services division director or designee. No use

permit shall be required for land used for agricultural purposes, as defined in this title, and/or for the keeping or raising of animals or fowl.

8. **Section 19.02.100** is amended to read:

19.02.100 Compliance Prerequisite to Permit Issuance

- A. *No building permit may be issued without first having been approved by the building official. The building official shall not approve a building permit if any building, structure or use of land would be in violation of any of the provisions of this title, nor shall any other township officer grant any permit or license nor the use of any building or land if use would be in violation of this title.*
- B. *Neither the building official nor any other Kearns Metro Township officer shall grant any permit, license, or land use approval of any building or land in violation of chapter 9.25, entitled "Water Source Protection."*

9. **Section 19.02.130** is amended to read:

19.02.130 Land Use Applications

The director of planning and development services ("the director") or the director's designee shall be the administrator of the Kearns Metro Township zoning ordinance. In order to assure that each proposed land use or proposed amendment to an existing land use is handled consistently and fully complies with the provisions of this title, the director or director's designee shall administer application and review procedures as outlined herein unless specific procedures are otherwise provided in the zoning ordinance. Applications shall be diligently prosecuted to completion by the applicant to ensure that any action taken to approve or deny an application is based on current information. An application shall not be considered complete until all application fees have been paid and all required materials have been submitted. The payment of a partial fee and preliminary plans for a pre-submittal review does not constitute a complete application. The land use application process shall consist of the following:

- A. *An application procedure, which shall include:*
 - 1. *Submission of an application form, as designed by the director or director's designee, which clearly indicates the type and purpose of the application, property address, and applicant information;*
 - 2. *Submission of a legal description of the property plat, a designated number of site plans, building elevations, and mailing labels (if required) for notifications; and*
 - 3. *Payment of fees, as required under Title 3, Revenue and Finance.*
- B. *A review procedure, which may include:*
 - 1. *The creation of a planning file by which the applicant, staff, and the public can refer to the proposed land use;*

19.04.166 Director

"Director" means the director of Kearns Metro Township planning and development services.

13. **Section 19.04.167** is amended to read:

19.04.167 Development Services Division

"Development services division" means the Kearns Metro Township public works, planning and development services division.

14. **Section 19.04.170** is amended to read:

19.04.170 District

"District" means an area coterminous with the boundaries of the Kearns Metro Township.

15. **Section 19.04.277** is amended to read:

19.04.277 Graffiti

"Graffiti" means inscriptions, drawings, paintings or other visual defacing of buildings, structures or natural features, without the consent of the owner thereof, and which is not otherwise authorized and permitted in the Kearns Metro Township ordinances.

16. **Section 19.04.293** is amended to read:

19.04.293 Home Day Care/preschool

"Home day care/preschool" means the keeping for care and/or preschool instruction of twelve or less children including the caregiver's own children under the age of six and not yet in full day school within an occupied dwelling and yard. (State regulations require two caregivers if there are more than six children in a home day care and may further limit the number of children allowed in a home day care.) A home day care/preschool must meet the following standards:

- A. When allowed as a permitted use caregiver and dwelling use must comply with Utah Health Department Regulation R430-50. When allowed as a conditional use caregiver and dwelling use must comply with Utah Health Department Regulation R430-50 et seq.;*
- B. The use shall comply with the health department noise regulations;*
- C. The play yard shall not be located in the front yard and shall only be used between eight a.m. and nine p.m.;*

- D. *The lot shall contain one available on-site parking space not required for use of the dwelling, and an additional available on-site parking space not required for use of the dwelling for any employee not residing in the dwelling. The location of the parking shall be approved by the development services division director to ensure that the parking is functional and does not change the residential character of the lot;*
- E. *No signs shall be allowed on the dwelling or lot except a nameplate sign;*
- F. *The use shall comply with all local, state and federal laws and regulations. (The Life Safety Code includes additional requirements if there are more than six children);*
- G. *Upon complaint that any of the requirements of this section or any other municipal ordinance are being violated by a home day care/preschool caregiver, the municipality shall review the complaint and if substantiated may institute a license revocation proceeding under Section 5.14.020; and*
- H. *The caregiver shall notify in writing, on a form provided by the development services division, all property owners within a three hundred foot radius of the caregiver's property concerning the licensing of a home day care/preschool at such property.*

17. **Section 19.04.421** is amended to read:

19.04.421 Planning Commission

"Planning commission" means the Kearns Metro Township planning commission.

18. **Section 19.04.449** is amended to read:

19.04.449 Reiki Business

"Reiki business" means a business devoted primarily to Reiki healing, or any other system that has elements of the following. The practitioner, trained to access and serve as a channel for a sacred life force, places his or her hands on or just above the client's body in order to activate healing energy within receptive points on the body. The practitioner's hands move progressively with a passive touch through various positions on the body, remaining in each position for a period of time. As a harmonic flow of energy is strengthened, within the client and practitioner, healing occurs through the return of physical, mental and spiritual balance. For purposes of this title, a Reiki business shall not include Reiki healing, or similar system, which are performed in a hospital or medical clinic.

19. **Section 19.05.040** is amended to read:

19.05.040 Powers and Duties

The planning commission shall:

DATE MONDAY AUGUST 10, 2020

- I. *Prepare and recommend a general plan and any amendments to the general plan to the Kearns Metro Township Council;*
- J. *Recommend zoning ordinances and maps and amendments to zoning ordinances and maps to the Kearns Metro Township Council;*
- K. *Recommend subdivision ordinances and amendments to those ordinances to the Kearns Metro Township Council;*
- L. *Approve or deny of subdivision applications to the Kearns Metro Township Council;*
- M. *Approve or deny conditional use permits;*
- N. *Advise the metro township council on matters that the council directs;*
- O. *Hold public hearings as appropriate or required under the Kearns Metro Township Code or other applicable laws; and*
- P. *Provide other functions as specified in this chapter or as directed by the Kearns Metro Township Council, the Municipal Land Use, Development, and Management Act (Utah Code Annotated Title 10, Chapter 9a), and other applicable laws.*

20. **Section 19.06.030** is amended to read:

19.06.030 Filing of This Title and Zoning Maps

This title and the maps shall be filed in the custody of the Kearns Metro Township clerk, and may be examined by the public subject to any reasonable regulations established by the clerk.

21. **Section 19.76.010** is amended to read:

19.76.010 Effect of Chapter Provisions

The regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this title. Notwithstanding the foregoing, nothing in this chapter shall be construed as to reduce the standards, requirements, or obligations imposed elsewhere in the Kearns Metro Township code.

22. **Section 19.76.210** is amended to read:

19.76.210 Off-Site Improvements

- A. *Off-Site Improvements Required. The applicant for a building or conditional use permit for all dwellings, commercial or industrial uses, and all other business and public and quasi-public uses shall provide curb, gutter and sidewalk along the entire property line which abuts any public road or street in cases where it does not exist at metro township standards. Vehicular entrances to the property shall be provided as required in Section 14.12.110. Height, location, structural specifications, maximum and minimum cut radii and minimum roadway approach angles to the centerline of the street are subject to the approval of the agency concerned.*

- B. *Fee in Lieu of Improvements.*
 - 1. *Where conditions exist which make it unfeasible or impractical to install such curb, gutter and sidewalk, the planning commission may require the applicant to pay to the metro township a fee equal to the estimated cost of such improvements, as determined by the director of development services. Upon payment of such fee by the developer, the metro township shall assume the responsibility for future installation of such improvements.*
 - 2. *The auditor shall place such fees in the special account established in Section 18.24.190 of this code, and shall credit to such account a proportioned share of interest earned from investment of metro township moneys. Records relating to identification of properties for which fees have been collected, fee amounts collected for such properties, and money transfer requests shall be the responsibility of the development services division.*

- C. *Exceptions.*
 - 1. *The planning commission may grant exception to installation of the sidewalk in industrial areas where the planning commission determines that the sidewalk is not necessary to serve the public need, and the elimination of the sidewalk does not jeopardize the public health, safety or welfare, provided that the respective application includes a request for exception consistent with the provisions of chapter 84 of this title.*
 - 2. *The planning commission may grant exception to installation of curb, gutter and sidewalk in rural or estate areas where topographic or other exceptional conditions exist, provided that the public health, safety and welfare is preserved, provided that the respective application includes a request for exception consistent with the provisions of chapter 84 of this title.*

23. **Section 19.78.020** is amended to read:

19.78.020 Applicability and Area Requirements

A planned unit development is a conditional use that is only allowed for residential uses, except as provided in Section 19.78.040, and in zones that allow residential uses and the provisions in chapter 84 of this title apply to applications for planned unit development. The provisions in this chapter shall govern over the chapters relating to these other zones and other chapters in this title, with the exception of the FCOZ ordinance, Chapters 19.72

and 19.73, and the RCOZ ordinance, Chapter 19.71. A planned unit development in these zones shall have a minimum area of three acres, with the following exceptions:

- A. Existing condominium developments that cannot be sold or refinanced without the common area adjoining the homes in the development being divided up into individual lots that include the adjoining homes, and where these newly created lots would not qualify as traditional subdivision lots under metro township ordinance. In such cases, the newly created lots may qualify as a planned unit development if the development is at least one acre in size. Such a development shall be exempt from the provisions of this chapter, except Sections 19.78.090—19.78.130 relating to review of the development.
- B. Developments abutting or contiguous to a corridor as defined in the general plan shall have a minimum area of one acre. To qualify as a development that is abutting or contiguous to a corridor, said development shall have a minimum frontage of the sum of the required minimum lot width of two lots as determined by the current zoning designation.

24. **Section 19.78.060** is amended to read:

19.78.060 Review Process

- A. *Pre-Submittal Development Review.* To help expedite review of a development proposal, prior to submitting a complete application for development, persons interested in undertaking development shall meet with a member(s) of the planning staff for a planner/applicant meeting, to become acquainted with the substantive and procedural requirements of this chapter.
- B. *Standard Operating Procedure (SOP).* Staff creates, revises, and adheres to a development review standard operating procedure, to assist in the management and processing of applications. Applicants are encouraged to obtain a copy of the current SOP from planning and development services staff, and to seek guidance with respect to the review and understanding of the development review SOP from staff.
- C. *Application.* A complete application for a development must be submitted to planning and development services at least thirty (30) days in advance of consideration of the application by the planning commission, consistent with chapter 84 of this title. As each development application is different and unique, application documents may vary with respect to content and need for specific reports and/or studies. Consultation with staff and examination of the development review SOP will guide the applicant through the review process and identify all submittal documents that will be required to formalize a complete application.
 - 1. Site plan that satisfies the requirements of Section 19.78.030(11), Section 19.02.080, and chapter 84 of this title. Any inconsistencies in the site plan

documents with the requirements on these sections, or requests for exception to such requirements shall be addressed in writing with the application.

2. *Landscaping plan. A landscape plan is to be prepared in accordance with Chapter 19.77 of this title. Staff can ask for justification of elements included in the landscape plan.*
3. *Architectural building elevations. The location and floor area of all existing and proposed buildings, structures, and other improvements including heights, types of dwelling units, non-residential structures including commercial facilities, preliminary elevations and architectural renderings of typical structures and improvements, shall be prepared by a licensed architect or other qualified professional.*
4. *Lighting plan.*
5. *Subdivision plat.*

25. **Section 19.78.070** is amended to read:

19.78.070 Preliminary Review

When a complete application has been accepted by staff, reviews completed by staff and related agencies, and subsequent comments identified by staff and substantially addressed by the applicant, the application is scheduled for a public hearing before the planning commission for its review and decision consistent with the processes identified in chapter 84 of this title. Additional adjustments, revisions, or re-submittals may be required during this process to identify all concerns related to conformance with the intent of this chapter. Failure to submit complete and consistent information will result in written notification to the applicant that the review cannot proceed further until all required, necessary, and requested information is submitted.

26. **Section 19.78.080** is amended to read:

19.78.080 Planning Commission Review

When preliminary review of the application has been determined to be complete and in compliance with all requirements, the plans and preliminary plat together with all supporting information will be forwarded to the planning commission for review. If the property is to be subdivided, all requirements set forth in Title 18, Subdivisions, must be met.

In accordance with Chapter 19.05.040 and Utah Code § 10-9a-507, the planning commission shall review the proposed development plan to hear and receive public input and to determine if all reasonably anticipated detrimental effects have been substantially mitigated. The planning commission may require additional studies or analyses to enable it to determine how impacts should be addressed and may establish reasonable conditions of approval to address those anticipated impacts, as per Chapter 19.84.060.

27. **Section 19.78.090** is amended to read:

19.78.090 Validity of Preliminary Review

- A. Once the planning commission determines that preliminary review is complete, the preliminary plat or approved site plan is valid (twelve months for the preliminary plat and twelve months for the site plan). The division director may grant a one-year extension of the preliminary plat or approved site plan, provided the plat still complies with all applicable ordinances.*
- B. If a PUD subdivision will be recorded in phases, a final plat for the first phase must be recorded within one year of the initial planning commission approval or one-year extension thereof, the validity of the unrecorded portions of the approved preliminary plat will extend for one year from the recording date of the plat for the previous phase. Extensions of time beyond three years from the date of initial approval require review and approval of the planning commission prior to the then current expiration of the preliminary plat.*

28. Section 19.78.100 is amended to read:

19.78.100 Post-Planning Commission Approval

After completing the preliminary review by the departments, agencies, and planning commission, the applicant shall submit a final site plan and preliminary and final subdivision plats together with all supporting documents which comply with all requirements, corrections, additions, etc. required by the departments, agencies, and planning commission to the planning and development services division (hereinafter known as the "development plan").

- A. The planning and development services division, along with the other reviewing departments and agencies, shall review the proposed development plan to verify compliance with all requirements, corrections, additions, etc.*
- B. After such review, the item may be scheduled for review by the planning commission upon referral by the division director, for any reason, or at the request of the planning commission. The final development plan shall include all of the information required in the preliminary development plan in its finalized detailed form.*
- C. Notwithstanding the foregoing, only the planning commission may approve a proposed final site plan which includes any changes to the preliminary site plan that involve: (i) increasing the number of units, or structures; (ii) changes to the overall density of the project or any areas within the project; (iii) revisions to structure heights, locations, or purposes; or (iv) plans for required improvements required by this title or title 18 of the Kearns Metro Township Code.*

29. Section 19.78.110 is amended to read:

19.78.110 Amendments to The Development Plan

The division director or designee may authorize minor changes in the location, siting, or character of buildings and structures if required to resolve an engineering or other technical issue, or other circumstances not identified at the time the final development plan was approved. No change authorized under this section may cause any of the following ("major changes"):

- A. A change in the use and/or character of the development.*
- B. An increase in the overall density and/or intensity of use for any portion of the project.*
- C. Any increase in overall coverage of structures.*
- D. A reduction or change in character of approved open space.*
- E. A reduction of required off-street parking.*
- F. Any alteration to the pedestrian, vehicular, bicycle, circulation, or utility networks.*
- G. A reduction in required street pavement widths.*
- H. Any increase in building height.*
- I. Any decrease in building setback.*

Any major changes must be proposed to the planning commission after receipt of a recommendation by planning staff consistent with chapter 84 of this title. Proposals under items A. through I. above require the filing of a new application.

Any major changes must be recorded as amendments in accordance with the procedure established for adopting the final development plan.

30. Section 19.80.090 is amended to read:

19.80.090 Planning Commission Exceptions

Upon a finding by the planning commission that a proposed site plan is in harmony with the general plan of the community in which it is located and that effective tools have been employed in the creation of a transit oriented development, community re-development project, or walkable community project, the planning commission may reduce the number of required parking stalls for any proposed development, provided that a written request for such exception accompanies the application in accordance with the process identified in chapter 84 of this title. In approving any such reduction, the planning commission may use such tools as: recommendations from the planning and development services staff a

site-specific traffic study conducted by a qualified engineering firm, American Planning Association guidelines, Envision Utah guidelines, and/or Urban Land Institute guidelines.

31. **Chapter 19.84 (Conditional Uses)** is repealed in its entirety and replaced as follows:

19.84.010 Purpose

The purpose of this chapter is to provide for a reasonable application, review, and approval process for land uses that are specified as "conditional," such that: (i) proposed new land uses meet Kearns Metro Township standards and are properly integrated into the community; and (ii) that those that appear to violate Kearns Metro Township standards are effectively mitigated or prohibited. Conditional uses shall be approved on a case-by-case basis if the planning commission can impose reasonable conditions to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards in accordance with applicable Utah law.

19.84.020 Conditional Use Permit Required

A conditional use permit shall be required for all uses listed as conditional uses in the Kearns Metro Township Code.

19.84.030 Application Requirements--Fee

Only when the following elements are satisfied is a conditional use application deemed complete:

- A. An application for a conditional use permit has been made by the property owner or certified agent thereof in writing upon the form(s) designated by the director or director's designee;*
- B. All required documents and fully completed forms have been submitted to the director, the director's designee, or staff, including but not limited to detailed site plans and specifications drawn to scale, meeting at least the minimum requirements identified in section 19.02.080 of the Kearns Metro Township Code, unless waived by the director or director's designee; and*
- C. The initial application fee for any conditional use permit, as provided for in the Kearns Metro Township Code has been paid, provided that the payment of a partial application fee, or the submittal of plans for a pre-submittal review, does not constitute a complete application.*

19.84.040 Application Review

- A. After the director or the director's designee has determined that a conditional use application is complete pursuant to Section 19.84.030, the director or director's*

designee shall administer an application review procedure in which the proposed use and the proposed site development plan are evaluated for compliance with all applicable ordinances and codes and for anticipated detrimental effects.

- B. The application review procedure shall contain the following components:
 - 1. Referral of the application to all affected entities;*
 - 2. A review of the proposed site plan for compliance with applicable sections of the zoning ordinance, the general plan, and other applicable provisions of the Kearns Metro Township Code; and*
 - 3. A review of the proposed use and site plan to ascertain potential negative impacts and whether reasonable conditions can be imposed to mitigate those impacts.**

- C. The application review procedure may include the following:
 - 1. Referral of the application to government or regulating entities, including other applicable Kearns Metro Township staff for recommendations;*
 - 2. A pre-application meeting, in which preliminary site plans are reviewed and discussed prior to finished plans being submitted for review;*
 - 3. An on-site review of the proposal by the director, director's designee or staff;*
 - 4. A requirement that the applicant submit impact studies or other technical studies regarding grading, drainage, traffic, geologic hazards, etc.; and**

- D. The director or the director's designee shall present a review, summary and recommendation to the planning commission after having provided the applicant with a copy as required by state law and such recommendation shall remain part of the public record.*

19.84.050 Approval/Denial Authority

The planning commission is the land use authority for conditional uses and has the authority to approve, deny, or approve with conditions conditional use applications. The planning commission shall not consider a conditional use application at a meeting if the application and the information required under this chapter and any other applicable sections of the Kearns Metro Township Code, including without limitation chapters 19.02 and 19.78, were not submitted at least 30 days prior to the date of the public meeting.

- A. Planning Commission Approval.
 - 1. The planning commission shall review and approve or deny each application during a public meeting.*
 - 2. The planning commission's decision shall be based on information presented through the public meeting process, including: the materials**

submitted by the applicant, the recommendation of the director or director's designee, and input from interested parties and affected entities.

3. *If conditions are specified, the director or director's designee shall issue a final approval letter upon satisfaction of the planning commission's conditions of approval.*
4. *If the applicant fails to meet all conditions of approval within twelve months of the planning commission's decision, the application is deemed denied. A twelve-month extension may be granted upon the payment of an additional filing fee equal to the original filing fee.*
5. *The planning commission shall make a decision on a complete conditional use application within a reasonable time frame, not to exceed ninety days of the date the application is deemed complete unless the director or the director's designee issues a written determination to the applicant explaining why additional time is needed to review the application. The planning commission is authorized to review and take action on an application as outlined in Section 19.84.040 after having notified the applicant of the meeting date.*
6. *Failure by the applicant to provide information that has been requested by the planning commission, the director or director's designee to resolve conflicts with the standards in Section 19.84.060 (above) may result in an application being denied.*
7. *The planning commission's authority to approve a conditional use application is limited to the information included in the complete conditional use application that the director, the director's designee, or staff have reviewed pursuant to this chapter. The planning commission shall not approve any modifications, alterations, or deviations that an applicant may propose to a complete conditional use application that the director, the director's designee, or the staff have not reviewed pursuant to this chapter. The director may grant exceptions to this requirement if the director determines in writing that the modification, alteration, or deviation is minor or immaterial, provided that the director may not grant exceptions to this requirement that involve the construction, modification, or relocation of any buildings, site plans, roadways, public thoroughfares, or changes in open space.*

B. Each conditional use application shall be:

1. *Approved if the proposed use, including the manner and design in which a property is proposed for development, complies with the standards for approval outlined in Section 19.84.060; or*
2. *Approved if the reasonably anticipated detrimental effects of the use, including but not limited to the manner and design in which the property is proposed for development, can be mitigated with the imposition of reasonable conditions to bring about compliance with the standards outlined in Section 19.84.060, provided that the reasonably anticipated detrimental effects need not be eliminated; or*

3. *Denied if the reasonably anticipated detrimental effects of the proposed use cannot be mitigated with the imposition of reasonable conditions of approval to bring about compliance with the standards outlined in Section 19.84.060.*

19.84.060 Standards for Approval

Prior to approval, all conditional uses and accompanying site development plans must be found to conform to the following standards:

- A. *The proposed site development plan shall comply with all applicable provisions of the zoning ordinance, including parking, building setbacks, and building height.*
- B. *The proposed use and site development plan shall comply with all other applicable laws and ordinances, including but not limited to the general plan.*
- C. *The proposed use and site development plan shall not present a serious traffic hazard due to poor site design or to anticipated traffic increases on the nearby road system which exceed the amounts called for under the Kearns Metro Township transportation master plan.*
- D. *The proposed use and site development plan shall not pose a serious threat to the safety of persons who will work on, reside on, or visit the property nor pose a serious threat to the safety of residents or properties in the vicinity by failure to adequately address the following issues: fire safety, geologic hazards, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands.*
- E. *The proposed use and site development plan shall not adversely impact properties in the vicinity of the site through lack of compatibility with nearby buildings in terms of size, scale, height, or noncompliance with community general plan standards.*

19.84.075 Graffiti Preventative Materials or Design

- A. *Whenever the planning commission determines that there is a reasonable likelihood that graffiti will be placed on the surfaces of proposed improvements it shall require, as part of the conditional use approval, that the applicant apply an anti-graffiti material, approved by the development services division, to each of the surfaces to be constructed. The anti-graffiti material shall be used on surfaces from ground level to a height of nine feet. The planning commission may approve dense planting or appropriate design measures in place of anti-graffiti materials.*

- B. Whenever the planning commission becomes aware of graffiti having been placed on any surfaces constructed as part of development approved as a conditional use, it may require that the applicant or his/her successor in interest apply an anti-graffiti material to such surfaces where no such material was previously required.*

19.84.080 Appeals

Any adversely affected person shall have the right to appeal to the land use hearing officer any decision rendered by the planning commission, the director or director's designee by filing in writing, stating the reasons for the appeal with the land use hearing officer, within ten days following the date upon which the decision is made. Appeals to the land use hearing officer shall comply with the following procedures:

- A. Upon scheduling a hearing date, the land use hearing officer shall notify the director or the director's designee at least two weeks prior to the hearing to allow preparation of the record.*
- B. The director or the director's designee shall prepare a copy of the record of the proceedings and decision being appealed for presentation to the land use hearing officer.*
- C. The hearing officer shall review the record, and may not accept or consider any evidence outside the record unless the evidence was offered to and was excluded by the planning commission, the director or director's designee and the hearing officer determines that it was improperly excluded.*
- D. The land use hearing officer shall review the planning commission's or the development services division's actions to determine whether the decision was arbitrary, capricious, or illegal.*
- E. The filing of an appeal does not automatically stay the decision; however, the land use hearing officer has the authority to stay the decision while the appeal is pending.*
- F. After review of the record and written and oral argument on both sides, the hearing officer may affirm, reverse, alter, or remand to the planning commission, the director or director's designee for further review and consideration the action taken by the planning commission, the director or director's designee.*

19.84.095 Preliminary and Final Approval of Conditional Use Applications

- A. Unless otherwise designated, a decision approving a conditional use application shall be a preliminary approval of the application.*

- B. Except as specified in subsection C and D of this section, the director is authorized to grant final approval of conditional use applications after all of the conditions and requirements of the preliminary approval which are necessary for the final approval have been met. Final approval of a conditional use application shall be in the form of a letter to the applicant which, together with the approved site plan if required, shall constitute the conditional use permit. Notwithstanding the foregoing, the director or the director's designee may, for any reason, request that the planning commission review and grant final approval of a conditional use application.*
- C. The planning commission may require as a condition of preliminary approval that a conditional use application be brought before the planning commission for consideration of final approval.*
- D. Notwithstanding the foregoing, the planning commission must approve changes to a conditional use application that has received preliminary approval if the changes: (i) modify the number or size of units or structures; (ii) modify the overall density or intensity of the project or any areas within the project; (iii) revise structure heights, locations, or use or purpose, including open space areas; (iv) modify plans for required improvements required by this title or title 18 of the Kearns Metro Township Code; (v) reduce required off-street parking; or (vi) modify building setbacks.*

19.84.100 Revocation of Conditional Use Permits

A conditional use permit may be revoked by the planning commission upon a finding of failure to comply with the terms and conditions of the original permit or for any violation of this title occurring on the site for which the permit was approved. Prior to taking action concerning revocation of a conditional use permit, a hearing shall be held by the planning commission. Notice of the hearing and the grounds for consideration of revocation shall be mailed to the permittee at least ten days prior to the hearing.

19.84.110 Hearing Officer

The director or the director's designee may make recommendations to the planning commission as to whether cause exists for the planning commission to recommend revoking a conditional use permit. If the planning commission recommends that a conditional use permit should be revoked, the Kearns Metro Township hearing officer shall conduct an evidentiary hearing pursuant to Chapter 1.16 of the Kearns Metro Township Code to consider the planning commission's recommendation and to determine whether the permittee has failed to comply with the terms and conditions of the original permit or has otherwise violated any provision of the zoning ordinance occurring on the site for which the permit was approved. The hearing officer shall notify the planning commission if any violations

have been corrected by the permittee prior to the issuance of the hearing officer's recommendations.

19.84.120 Inspection

Following the issuance of a conditional use permit by the planning commission the building official shall approve an application for a building permit pursuant to Chapter 19.94 of this title and shall ensure that development is undertaken and completed in compliance with the permits.

19.84.130 Temporary Emergency Waivers

The director may grant a thirty-day temporary waiver to a condition in an approved conditional use permit upon receipt of a written request from the permit holder if the director determines in writing that compliance with the condition poses an imminent threat to public safety, public health, or property. The Kearns Metro Township mayor may extend a temporary waiver for an additional thirty days, provided that such extension shall be in writing and the mayor may only extend a temporary waiver twice. Planning commission approval is needed for any temporary waiver to extend beyond ninety days. The director or the director's designee shall ensure that all written determinations made under this subsection are maintained as part of the file of the conditional use.

32. **Section 19.90.010** is amended to read:

19.90.010 Amendment Procedure

The Kearns Metro Township Council may amend the number, shape, boundaries or area of any zone or any regulation within any zone. Any such amendment shall not be made or become effective unless the same shall have been proposed by or be first submitted for the recommendation of the relevant planning commission.

33. **Section 19.90.020** is amended to read:

19.90.020 Hearing--Notice

Before finally adopting any such amendment, the Kearns Metro Township Council shall consider the application during a public meeting which has been properly noticed in compliance with the provisions of Title 52, Chapter 4, of the Open and Public Meetings Act.

34. **Section 19.90.030** is amended to read as follows:

19.90.030 Determination of Council

DATE MONDAY AUGUST 10, 2020

The Kearns Metro Township Council, after review of the recommendation of the planning commission, may approve, deny, alter or remand for further review and consideration any application for zone change referred to the council by the planning commission, with the requirements of the standards, rules and regulations adopted by the council.

35. **Section 19.90.050** is amended to read:

19.90.050 Disapproval of Rezone Application

Disapproval of an application to amend the zoning map shall preclude the filing of another application to amend the zoning map to reclassify the same parcel of property, or any portion thereof to the same zone classification or if the application is for a commercial classification to the same or any other commercial classification, within one year of the date of the final disapproval of the application unless the Kearns Metro Township Council finds that there has been a substantial change in the circumstances or sufficient new evidence since the disapproval of the application to merit consideration of a second application within the one- year time period.

36. **Section 19.90.070** is amended to read:

19.60.070 Application to Amend the General Plan

Subject to the restrictions in Sections 19.90.080 and 19.90.090, any property owner or authorized agent thereof may file an application requesting an amendment to the Kearns Metro Township general plan. Such application shall include the reasons or basis upon which the property owner believes the Kearns Metro Township general plan should be amended. Amendments to the Kearns Metro Township general plan shall comply with the procedures set forth in Chapter 9a of Title 10 of the state code.

37. **Section 19.90.080** is amended to read:

19.90.080 Restriction on Applications After Adoption of General Plan

No application may be filed by any property owner or authorized agent thereof to amend any part of the Kearns Metro Township general plan for a period of one year after adoption of such part of the Kearns Metro Township general plan by the Kearns Metro Township Council.

38. **Section 19.90.090** is amended to read:

19.90.090 Disapproval of General Plan Application

Disapproval of an application to amend the Kearns Metro Township general plan shall preclude the filing of another application to amend the general plan text in the same or similar manner or to amend the general plan map for any parcel of property or portion thereof to the same land use designation within two years of the date of the final

DATE MONDAY AUGUST 10, 2020

disapproval of the application unless the planning commission finds that there has been a substantial change in the circumstances or other significant reasons since the disapproval of the application to merit consideration of a second application within the two-year time period. No appeal to the Kearns Metro Township Council may be taken from a planning commission decision rendered pursuant to this section.

ATTEST:

KEARNS METRO TOWNSHIP COUNCIL

By /s/ KELLY BUSH
Mayor

/s/ SHERRIE SWENSEN
Clerk/Recorder

The motion passed unanimously.

Local Government's Authority to Regulate Constitutionally Protected Speech

Emilee Gorham, Associate, Smith Hartvigsen, stated the first amendment to the U.S. Constitution prohibits government from abridging the freedom of speech including political speech and protesting in public places such as sidewalks and streets as long as movement is not impeded. The government can require permits and fees if it chooses.

She then presented a couple of options that other municipalities in Utah are using. Taylorsville City and Murray City codes includes a blanket exemption for activities from special event permit requirements. This includes all permits and fees if the activities involve the use of public streets and sidewalks and as long as the use is for political speech and free exercise of constitutionally protected activities and does not interfere with traffic on public street and the use of the public places by others.

Ogden City code requires any parties that want to hold a political event to request a waiver of fees and permits. It then authorizes a local government official to waive fees, security deposit, or certificates of insurance if the activity is protected by the first amendment, and the requirements would be so financially burdensome that it would preclude the applicant from using public property for the proposed activity.

The current Kearns Metro Township Code requires all persons or groups that want to hold a special event to obtain a special event permit and pay certain fees. It treats all events the same. She recommended that Kearns amends its code to include an exemption similar to Taylorsville City and Murray City or include a waiver process similar to Ogden City.

Nathan Bracken, Legal Counsel, Kearns Metro Township, stated a political speech rally and block parties are not the same type of event and should be treated differently. Activities would still be regulated using other codes or ordinances already in the books. He is asking for guidance from the Council on which way it would like to proceed.

DATE MONDAY AUGUST 10, 2020

Council Member Butterfield stated she likes how the Ogden code is done, which requests a waiver.

Mr. Bracken stated Ogden City requires a person to apply for a permit, then the city attorney looks at it to determine if it is a political event, if so then they are eligible for a waiver. He suggested the person who determines if the event qualifies for a waiver be someone other than the council because it would then become a political not an administrative decision.

All Council Members agreed that this is the way to go, as long as the event did not block traffic or impede with the movement of people.

Chief Levi Hughes, Unified Police Department, stated a waiver process would show the organizers of an event that Kearns is willing to accommodate the event, problems occur when there is an unwillingness to communicate.

Approval of Minutes

Council Member Schaeffer, seconded by Council Member Snow, moved to approve the minutes of the Kearns Metro Township Council meetings held on July 13, 2020, and July 21, 2020. The motion passed unanimously.

Covid-19 Update

Mayor Kelly Bush stated the number of Covid-19 cases are going down. It is important to remind people to keep wearing masks, washing hands, not touching faces, social distancing, and to wash mask regularly because it is really working.

She asked the Council if it would be okay to order more masks, especially medium and small sizes.

All Council Members agreed.

Mayor Bush stated she is looking into purchasing small bottles of hand sanitizers and will let the Council know what she finds.

Salt Lake Animal Services Basket for Fundraiser

Mayor Kelly Bush stated the Council needed to ratify its decision to do a basket for the Salt Lake County Animal Services Division fundraiser. The basket cost \$120.00 and included a picnic backpack, doggy seatbelt harness, and a bunch of doggy toys.

DATE MONDAY AUGUST 10, 2020

Council Member Snow, seconded by Council Member Butterfield, moved to ratify its decision to donate a basket for the Salt Lake County Animal Services fundraiser costing \$120.00. The motion passed unanimously.

Unified Police Department (UPD)

Council Member Peterson updated the Council on the following:

- Taylorsville withdrawal letter was read. A committee was formed to negotiate the departure of Taylorsville from the UPD.
- An outside consultant was hired to do a separation from the County impact study.

Salt Lake Valley Law Enforcement Service Area (SLVLESA)

Council Member Peterson updated the Council on the following:

- Directed UPD lobbyist to look at ability to raise taxes. An increase is not needed at this time but eventually one will be needed.

◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆

THERE BEING NO FURTHER BUSINESS to come before the Council at this time, the meeting was adjourned.

SHERRIE SWENSEN
METRO TOWNSHIP CLERK

By _____
Deputy Clerk

CHAIR, KEARNS METRO TOWNSHIP

◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆
◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆
◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆

DATE MONDAY AUGUST 10, 2020