

1 **PLANNING COMMISSION MINUTES OF MEETING**

2 **Wednesday, January 23, 2019**

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

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

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8 **MEMBERS PRESENT**

9 Cheylynn Hayman, Chair

10 Kai Hintze

11 Logan Johnson

12 Becki Wright (left at 7:23 p.m.)

13  
14 **MEMBERS ABSENT**

15 Kevin Daly, Vice Chair

16 Gina Hirst

17  
18 **STAFF PRESENT**

19 Cory Snyder, Community Development Director

20 Lisa Romney, City Attorney

21 Cassie Younger, Assistant Planner

22 Jamie Brooks, Recording Secretary

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24 **VISITORS**

25 Interested citizens

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27 **PLEDGE OF ALLEGIANCE**

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29 **OPENING COMMENT/LEGISLATIVE PRAYER** Chair Hayman

30  
31 **DISCUSSION – SUBDIVISION CHAPTER 3 POSSIBLE REVISIONS**

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33 Lisa Romney, City Attorney, explained that Chapter 3 of the Centerville City Code was quite  
34 lengthy and that it addressed general parameters involving all types of subdivisions. She also wished to  
35 discuss the State’s noticing requirements and determine what, if any, additional noticing the Commission  
36 wished to provide.

37  
38 CMC 15.03.050 listed agricultural exemptions to the subdivision plat process. Ms. Romney  
39 pointed out that small subdivisions had not been included since they were not technically exempt from the  
40 plat but merely had an expedited procedure. She explained that a new requirement had been added, in that  
41 developers were to now submit an electronic copy of everything provided to the City.

42  
43 Commissioner Wright asked in what way the new application process differed from what had  
44 previously been required. Ms. Romney responded that there was not a great deal that had been changed  
45 about the application procedures. There were already helpful graphics on the website to assist applicants  
46 in understanding the process but there was still much work to be done regarding revising forms since  
47 some of the steps in the process were being changed.

48  
49 Cory Snyder pointed out that that the City was currently moving to an on-line application process.  
50 It would require certain actions by the applicant prior to submittal. Although applicants would not be

1 required to use the on-line system, it would be available. Ms. Romney added that the program would also  
2 allow applicants to check the status of their application on line.

3  
4 Chair Hayman suggested various stylistic changes in the drafted code updates. She also  
5 mentioned some inconsistencies in language within 15.03.040 and 15.03.060. Ms. Romney indicated she  
6 would take another look at the language.

7  
8 Chair Hayman asked about use of the word *may* in 15.030.070(g). She wondered under what  
9 circumstances the City might allow a deficient application to move forward. Ms. Romney responded that  
10 at times, the City was more lenient than it was required to be by statute.

11  
12 Commissioner Wright asked that the Commission address the January 9, 2019 minutes now, since  
13 she needed to leave shortly. The Commissioners in attendance agreed to do so.

14  
15 **MINUTES REVIEW AND ACCEPTANCE**

16  
17 The minutes of January 9, 2019 were reviewed and amendments suggested. Commissioner  
18 Johnson made a **motion** to accept the minutes as amended. The motion was seconded by Commissioner  
19 Wright and passed unanimously (4-0). Commissioner Wright then left the meeting.

20  
21 Ms. Romney pointed out because there was no longer a quorum present, the Commission would  
22 take no further formal action during that meeting but only engage in discussion.

23  
24 **DISCUSSION – SUBDIVISION CHAPTER 3 POSSIBLE REVISIONS (continued)**

25  
26 Chair Hayman welcomed members of Boy Scout Troop 1857 who had joined the meeting. The  
27 Commission then continued the review of CMC 15 (Subdivisions).

28  
29 Regarding CMC 15.03.100 and the Utah Open and Public Meetings Act, Chair Hayman asked  
30 what type of circumstance would qualify as an emergency meeting. Ms. Romney responded that there  
31 were very, very few circumstances that would qualify as a valid reason for the Planning Commission to  
32 call an emergency meeting. It was her legal opinion that neither forgetting to place an item on the agenda  
33 nor adding an item simply because the applicant really wished it to be heard, qualified as a valid reason to  
34 hold a meeting with less than 24 hours' notice.

35  
36 Commissioner Johnson asked if all four noticing types listed in CMC 15.03.100(a)(2) were  
37 required by law. Ms. Romney explained that each was required by either the Open and Public Meetings  
38 Act or the Land Use Act.

39  
40 Ms. Romney indicated that CMC 15.03.170 allowed the zoning administrator to make  
41 administrative interpretations of that section and that CMC 15.03.180 was a completely new section that  
42 had been added.

43  
44 Commissioner Johnson asked how new changes would affect those developers that had already  
45 submitted their applications. Ms. Romney responded that generally, applications would move forward  
46 under the code that was in effect when the application was submitted. There was a pending ordinance  
47 doctrine that allowed a project to be put on hold pending the creation of a new ordinance. However, the  
48 law allowed no more than a six-month delay in such cases. She preferred to grant developers their vested  
49 rights once they met the requirements that were currently in place.

50  
51 Regarding noticing, a new code required additional noticing. She recommended that for the sake  
52 of consistency, the City go to a 10-day notice on-site for everything. She felt that fewer mistakes would  
53 be made that way. She had distributed a noticing matrix which illustrated the noticing guidelines the City

1 had been following thus far, as well as the guidelines required by the State. She wished to make a  
2 correction regarding noticing on the City and State websites. She indicated that there should be an “x”  
3 next to Conceptual Subdivision Plat, Preliminary Subdivision Plat and Small Subdivision Waiver,  
4 indicating that the City currently noticed those items on the websites in addition to those that were already  
5 marked with an “x”. Ms. Younger mentioned that she always posted on-site for ten days rather than the  
6 required three days.  
7

8 In order to simplify the process, Ms. Romney wished to recommend eliminating sending the final  
9 subdivision plat to the City Council. Commissioner Johnson indicated that he would be in support of  
10 making that change.  
11

12 Regarding newspaper noticing, Ms. Romney did not recommend any changes to the City’s  
13 current practice but it was hoped that the legislature would eventually update the rather archaic statute  
14 requiring notices to be placed in a newspaper of general circulation.  
15

16 The Planning Commission and Staff discussed the fact that statutorily, *affected entities* included  
17 property owners. The City had read the statute quite broadly. If interested in receiving such notifications,  
18 a property owner would need to notify the City and do so on an annual basis. City Code currently  
19 required noticing when any subdivision dealt with a multi-family, commercial or industrial development.  
20 Ms. Romney had been unable to find a State statute wherein that was required. She would continue to  
21 look into that, in case such noticing could be eliminated.  
22

23 Ms. Romney pointed out that State code currently required that in the case of a text amendment,  
24 the City mail a notice to “any property owner whose land was directly affected by the land use ordinance  
25 change.” She interpreted that part of the code quite broadly. The Staff and Commission discussed the  
26 fact that although this was a burdensome requirement for municipalities, there was some merit to it. Ms.  
27 Romney expressed an interest in having a more in-depth conversation about that portion of the code with  
28 the planning staff in order to ensure that everyone was on the same page.  
29

30 Finally, Ms. Romney pointed out that the City must notify the applicant of every meeting at  
31 which an application was to be addressed, and also provide a copy of each applicable staff report.  
32 Additionally, she stated that members of the public could sign up through the Utah Public Notice website  
33 to be notified of any notices pertaining to the City—or any other public body in Utah. Chair Hayman  
34 suggested sharing that information with residents.  
35

36 In summary, Ms. Romney stated she had received good information from the Planning  
37 Commission and would revise the matrix so that it showed the current noticing practices as well as the  
38 recommended changes. Chair Hayman expressed appreciation to Ms. Romney for the work and attention  
39 she had put into reviewing the City Code.  
40

#### 41 **DISCUSSION – GOALS 2019**

42 Chair Hayman pointed out that she had intended this only to be a preliminary discussion and  
43 stated that was particularly true now that there was no longer a quorum present. She mentioned that it  
44 appeared there was some tension and lack of communication between the City Council and the Planning  
45 Commission. She pointed out that the Planning Commission’s obligation was to examine issues  
46 independently from the Council. Both she and Commissioner Hintze thought perhaps more joint work  
47 sessions might help increase the level of communication between the two bodies. He felt the tension  
48 seemed to be apparent to a resident who had sat through a recent meeting. Commissioner Johnson was  
49 unsure if increased work sessions would solve the problem. Chair Hayman pointed out that each body had  
50 a different perspective and different goals.  
51

52 Mr. Snyder mentioned that Main Street was quite sensitive and that the Council had not always  
53 provided clear direction. Some tension was natural but it increased when Main Street was addressed. The

1 Council was not yet sure where they wished to go. Chair Hayman suggested making more of an effort to  
 2 provide periodic updates to the Council regarding Planning Commission activities so that they could  
 3 remain in the loop. Mr. Snyder mentioned that the City Council had recently approved adding a Planning  
 4 Commission action report to their future agendas.

5  
 6 Councilmember Johnson reiterated that while he was certainly open to holding further joint  
 7 meetings with the Council, he was not necessarily optimistic. The work session currently scheduled for  
 8 February 13 was for the Planning Commission only.

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 10 **COMMUNITY DEVELOPMENT DIRECTOR REPORT**

11 Mr. Snyder indicated that several applications had arrived earlier that day in anticipation of the  
 12 next meeting-- Barrus Cove, Deuel Creek, the preliminary industrial subdivision for the Smith family, and  
 13 Cottage on the Corner. He would provide a staff report for the Feb 13<sup>th</sup> work session as well.

14  
 15 **CITY COUNCIL REPORT**

16 Mr. Snyder reminded the Commission that they had previously sent edits to the City Council  
 17 regarding the overlay. The Council adopted the side yard edit but had a significant discussion regarding  
 18 the front yard setback. He had cautioned the City Council about moving towards a General Plan  
 19 amendment solely for that edit and then turning right around and doing a General Plan revamp. He  
 20 pointed out that it could lead to confusion. The Council decided not to move forward with the other  
 21 General Plan amendment but would instead move forward with the revamp. Also, they did not wish the  
 22 friction with the Planning Commission to continue. Mr. Snyder was now tasked with providing the City  
 23 Council with an outline for how to accomplish the re-vamp. Part of that task included scheduling a joint  
 24 work session with the Planning Commission which he hoped would be a two-part discussion. First, come  
 25 to an agreement regarding how best to meet the revamp timeline. Second, to have an additional  
 26 discussion regarding Planning Commission goals, once those goals had been identified.

27  
 28 **ADJOURNMENT**

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 30 Chair Hayman moved to adjourn. Commissioner Hintze seconded the motion. The motion passed  
 31 unanimously (3-0) and the meeting adjourned at 8:23 p.m.

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 35 Cheyllynn Hayman, Chair

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

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 40 Jamie Brooks, Recording Secretary