



**CITY COUNCIL MEETING  
OF THE CITY OF CEDAR HILLS  
Tuesday, May 17, 2016 7:00 p.m.**

Notice is hereby given that the City Council of the City of Cedar Hills, Utah, will hold a City Council Meeting on Tuesday, May 17, 2016, beginning at 7:00 p.m. at the Community Recreation Center, 10640 N Clubhouse Drive, Cedar Hills, Utah. This is a public meeting and anyone is invited to attend.

**COUNCIL MEETING**

1. Call to Order, Invocation given by C. Crawley and Pledge led by Mayor Gygi
2. Approval of Meeting's Agenda
3. Public Comment: Time has been set aside for the public to express their ideas, concerns and comments (comments limited to 3 minutes per person with a total of 30 minutes for this item)

**REPORTS/PRESENTATIONS/RECOGNITIONS**

4. Waste Management Report on Municipal Solid Waste and Recycling Totals

CONSENT AGENDA (Consent items are only those which require no further discussion or are routine in nature. All items on the Consent Agenda are adopted by a single motion)

5. Minutes from the April 5, 2016, April 19, 2016 and the May 3, 2016 City Council Meetings

**CITY REPORTS AND BUSINESS**

6. City Manager
7. Mayor and Council

**SCHEDULED ITEMS**

8. Review/Action on Amendments to the City Code, Title 10, Chapter 5 Related to Conditional Use Permits
9. Discussion on Amendments to the City Code, Title 9, Chapter 1 Related to Appeal Authority
10. Discussion on Amending the City's Records Access and Management Program by Adoption of an Ordinance that Establishes the Classification, Designation, Retention, Access, Denial, Appeals Process and Records Management Program Specific to the City of Cedar Hills
11. Discussion on Open Fires and Fireworks
12. Motion to go into Closed Session pursuant to Utah State Code 52-4-204 & 52-4-205(1)(c) & (e) to discuss pending or reasonably imminent litigation and to discuss the sale of real property  
\*\*\* CLOSED SESSION \*\*\*
13. Motion to adjourn Closed Session and Reconvene City Council Meeting

**ADJOURNMENT**

14. Adjourn

Posted this 13th day of May, 2016

/s/ Colleen A. Mulvey, City Recorder

- Supporting documentation for this agenda is posted on the city's website at [www.cedarhills.org](http://www.cedarhills.org).
- In accordance with the Americans with Disabilities Act, the City of Cedar Hills will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at 801-785-9668 at least 48 hours in advance of the meeting.
- An Executive Session may be called to order pursuant to Utah State Code 54-4-204 & 54-4-205.
- The order of agenda items may change to accommodate the needs of the City Council, the staff, and the public.
- This meeting may be held electronically via telephone to permit one or more of the council members to participate.



# CITY OF CEDAR HILLS

<b>TO:</b>	Mayor and City Council
<b>FROM:</b>	David Bunker, City Manager
<b>DATE:</b>	5/17/2016

## City Council Agenda Item

<b>SUBJECT:</b>	Review/Action on Amendments to Title 10, Chapter 5, Regarding Conditional Use Permits (CUP)
<b>APPLICANT PRESENTATION:</b>	n/a
<b>STAFF PRESENTATION:</b>	Chandler Goodwin, Assistant City Manager
<b>BACKGROUND AND FINDINGS:</b> Staff has prepared conditional use code to be adopted as part of Title 10, the City's Land Use Code. The proposed code outlines an approval process for granting a CUP, as well as the standards upon which a CUP may be granted. Based on City Council input, staff has included a table in the proposed code, outlining the CUP approval authority in each case and when a public hearing is required.	
<b>PREVIOUS LEGISLATIVE ACTION:</b> Planning Commission made a recommendation to approve on 4/26/2016, City Council tabled the item for revisions on 5/03/2016.	
<b>FISCAL IMPACT:</b> n/a	
<b>SUPPORTING DOCUMENTS:</b> Proposed Code 10-5-37 Conditional Use Permits.	
<b>RECOMMENDATION:</b> Make any changes necessary, staff recommends the code to clarify the CUP process	
<b>MOTION:</b> To approve/not approve ordinance _____, an ordinance adopting Title 10, Chapter 5, Section 37 of the Cedar Hills Municipal Code regarding conditional use permits, subject to the following changes {List any appropriate changes}.	

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING TITLE 10, CHAPTER 5 SECTION 37 OF THE CITY CODE OF THE CITY OF CEDAR HILLS, UTAH, RELATING TO CONDITIONAL USE PERMITS.

WHEREAS, the City Council of the City of Cedar Hills has determined that it is in the best interest of the City of Cedar Hills and the residents thereof to enact certain amendments to Title 10 of the City Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY CEDAR HILLS, UTAH, UTAH COUNTY, STATE OF UTAH:

PART I  
AMENDMENTS

Chapter 10-5-37  
CONDITIONAL USES AND ZONES

**10-5-37 A: PURPOSE OF CONDITIONAL USE PROVISIONS:**

**10-5-37 B: PERMIT REQUIRED:**

**10-5-37 C: APPLICATION:**

**10-5-37 D: FEE:**

**10-5-37 E: APPROVAL PROCESS:**

**10-5-37 F: PUBLIC HEARING:**

**10-5-37 G: STANDARD FOR GRANTING A CONDITIONAL USE:**

**10-5-37 H: APPEALS OF DECISIONS:**

**10-5-37 I: INSPECTION:**

**10-5-37 J: REVOCATION:**

**10-5-37 K: TIME LIMIT:**

**10-5-37 L: REAPPLICATION AFTER DENIAL:**

**10-5-37 M: CONTINUING EFFECT:**

**10-5-37 N: REPORTING REQUIREMENTS:**

**10-5-37 A: PURPOSE OF CONDITIONAL USE PROVISIONS:**

An application for a conditional use permit may be granted by the ~~Planning Commission~~ Land Use Authority, subject to the provisions of this code. The purpose of a conditional use permit is to allow the proper integration into the City of certain uses which may have a detrimental effect within the City. Certain uses which may be harmonious under special conditions and in specific locations within a zone, but may be improper under general conditions and in other locations, are classed as conditional uses within the various zones and require conditional use permits for approval as authorized by the ~~planning commission~~ Land Use Authority.

**10-5-37 B: PERMIT REQUIRED:**

A conditional use permit shall be required for all uses listed as conditional uses in the zoning regulations or elsewhere in this title. A conditional use permit may be revoked upon failure of the original applicant or any successor, owner, or occupant to comply with conditions precedent to the original approval of the permit.

**10-5-37 C: APPLICATION:**

1. A conditional use permit application shall be made to the Planning Department as provided in this title. The completed application shall be submitted to the Land Use Authority as designated in the Conditional use Table below:

<b>Conditional Use</b>	<b>Land Use Authority</b>	<b>Public Hearing</b>
Accessory Apartment	Admin	No
Assisted Living Facility	Planning Commission	Yes
Bed and Breakfast facility	Planning Commission	Yes
Change in primary use of residential dwelling	Planning Commission	Yes
Conventional Subdivision Projects	PC/City Council	Yes
Fences, walls, and Hedges	Admin	No
Flexible Design Subdivision Projects	PC/City Council	Yes
Home Occupations	Admin	No
Large Animal Units	Admin	No
Minor Utility Transmission Lines	Admin	No
Motor Vehicle roads and rights of way	City Council	No
Planned Residential Developments	PC/City Council	Yes
Premises Occupations	Admin	No
Shopping Center Zone, commercial uses	City Council	No
Single Family Dwellings (H-1)	Admin	No
Small Animal Units	Admin	No
Town site Residential projects	PC/City Council	Yes
Water, Sewer and Utility Transmission lines	Admin	No

\*Add language "When the use is listed as a Conditional Use in the applicable zone"  
Many of these uses are unique to a certain zone, i.e. single family dwellings are listed in the H-1 but not the R-1 11,000 zone.

The specified Land Use Authority, according to the table, shall review the application with the requirements of this title and take final action.

2. Applications for a conditional use permit shall be accompanied by maps, drawings, statements, reports, studies or other documents, as required by the Land Use Authority and planning staff.

**10-5-37 D: FEE:**

The application for any conditional use permit shall be accompanied by an applicable fee, and applicants shall pay the cost to post and mail public hearing notices.

**10-5-37 E: APPROVAL PROCESS:**

The approval process for a conditional use permit shall be as follows:

1. Conditional use permit for a use in a new or expanded structure or site, or change in primary use of the structure: Upon receipt of a completed application and subsequent review for application completeness by the Planning Department, the Planning Department shall place the conditional use application and related site plan application on the next available ~~Planning Commission~~ Land Use Authority agenda, if applicable, for a public hearing as required.
  - a. The ~~Planning Commission~~ Land Use Authority shall review each application, approve with conditions, or deny the application, or the ~~Planning Commission~~ Land Use Authority may defer action if an applicant fails to appear at the public hearing or meeting or there is insufficient application information provided.
  - b. When acting as the Land Use Authority, the Planning Commission and/or City Council shall review each application at a public meeting and approve with conditions, or deny the application, or may defer action if an applicant fails to appear at the public meeting or there is insufficient application information provided to determine whether City ordinances and regulations are met.
2. Conditional use permit for a use in an existing structure or site:
  - a. Upon receipt of a completed application and subsequent review for application completeness by the Planning Department, the Planning Director shall review the application for compliance with the standards in this title.
  - b. If the application does not include external changes to the site, the designated Land Use Authority ~~Planning Director~~ shall be the Land Use Authority and shall approve with conditions, or deny the application, or may defer action if there is insufficient application information provided.
  - c. If the application includes external changes to the site, a site plan amendment shall be required, the conditional use permit shall follow the same process as the related site plan, and the Land Use Authority for the site plan shall become the Land Use Authority for the conditional use permit.

**10-5-37 F: PUBLIC HEARING:**

~~No~~ A public hearing ~~need~~ shall be held for conditional uses identified in the Conditional Use Table. However, a public hearing may be held for any conditional use application when the Land Use Authority ~~planning commission~~ shall deem such a hearing to be necessary in the public

interest to gather information on a specific application. The ~~planning commission~~ Land Use Authority shall schedule and hold a hearing at the nearest available ~~planning commission~~ meeting date upon submission of a properly completed and filed application form. At all times, including at a public hearing, the applicant has the burden of proof, by a preponderance of the evidence, to convince the ~~Planning Commission~~ Land Use Authority that the requirements of this chapter have been satisfied with respect to the applicant's proposed conditional use.

**10-5-36 G: STANDARDS FOR GRANTING A CONDITIONAL USE:**

1. The ~~planning commission~~ Land Use Authority may permit a conditional use to be located within any zone in which the particular conditional use is permitted by the use regulations of this title. In authorizing any conditional use, the ~~planning commission~~ Land Use Authority shall impose such requirements and conditions as are necessary for the protection of adjacent properties and the public welfare. The ~~planning commission~~ Land Use Authority shall not authorize a conditional use permit unless the evidence establishes:
  - a. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;
  - b. That the proposed use will stress quality development with emphasis toward adequate buffering, landscaping, proper parking and traffic circulation, use of appropriate gradation of building height away from single-family zones and density to create privacy and compatibility with surrounding uses, use of building materials which are in harmony with the area, to minimize the impact on schools, utilities and streets;
  - c. That the applicant may be required to provide such reports and studies which will provide information relating to adequate utilities, traffic impacts, school impacts, soil and water target studies, engineering reports, financing availability, and any other information which may be needed in order to render a proper decision.
  - d. That the proposed use will promote health and sanitation by controlling outdoor storage, disposing of waste properly, controlling dust, gases, dirt, odors, noxious matter, heat, glare, electromagnetic disturbances, radiation, or other types of air pollution.
  - e. That the use will be compatible with the General Plan of the City of Cedar Hills and permitted zoning. The use will protect the quality of the underlying zone and all lighting, aesthetics, noise, signs, landscaping, general use, and design will comply with the standards of the zone.
  - f. That the applicant has demonstrated that there is sufficient utility capacity and emergency vehicle access.
2. A proposed conditional use shall be considered as detrimental or injurious to the health, safety, or general welfare of persons or properties within the vicinity of the proposed conditional use if:

- a. The proposed conditional use will cause unreasonable risks to the safety of persons or properties because of vehicular traffic, parking, or large gatherings of people;
  - b. The proposed conditional use will unreasonably interfere with the lawful use of properties within the vicinity of the proposed conditional use;
  - c. The proposed conditional use will create an additional need for essential City or public services (e.g., utilities, law enforcement, fire prevention, etc.) which cannot be met without unreasonable efforts or expenditures of City or public resources;
  - d. The proposed conditional use will otherwise present an unreasonable detriment or injury to the health, safety, or general welfare of persons or properties in the vicinity of the proposed conditional use; or
  - e. The proposed conditional use will not be in harmony with the General Plan of the City of Cedar Hills.
3. Conditions. In granting a conditional use permit, the ~~Commission~~ Land Use Authority may impose such requirements and conditions which the ~~Commission~~ Land Use Authority, based on the standards set forth, deems necessary for the protection of persons and properties in the vicinity of the proposed conditional use, as well as the preservation of the integrity of the General Plan. Said requirements and conditions may include (but are not limited to) location, construction, size, maintenance, operation, site planning, traffic control and parking, relocations, dedications, installation and upgrading of public services and roads, hours of operation and time limits for the proposed conditional use.

The ~~Commission~~ Land Use Authority may require guarantees, bonds, or other assurances that such requirements and conditions are being met.

**10-5-36 G H: APPEALS OF DECISIONS:**

Any person for which any application for approval of a conditional use permit has been filed or any person who may be affected by the proposed use shall have the right to appeal the decision of the Land Use Authority to the Appeal Authority. An appeal must be presented in writing within thirty (30) days after the date of the final decision of the Land Use Authority.

**10-5-36 I: INSPECTION:**

Following the issuance of a conditional use permit, the planning office shall approve an application for a building permit upon compliance of construction plans meeting such conditions and requirements as established by the Land Use Authority. Representatives of the code enforcement/Planning Department shall inspect the project to ensure that all required improvements meet the conditions of the conditional use permit and this title before a certificate of occupancy is issued by the building inspection division.

**10-5-36 J: REVOCATION:**

1. Written Complaint: Upon receiving a written complaint alleging a violation or failure to comply with any condition prescribed in a conditional use permit, the Planning Department shall investigate the complaint. If the complaint has merit, and attempts to remedy the complaint fail, the Planning Department may place the complaint on the agenda of the regular meeting of the ~~planning commission~~ Appeal Authority, provided, that the permittee shall have at least fourteen (14) days' notice of the meeting.
2. Hearing Procedure: Permittee shall be given written notice of the exact nature of the complaint and the date and time of the hearing before the Appeal Authority. The hearing shall be held in accordance with customary administrative hearings procedures.
3. Action; Complaint Dismissal: The ~~planning commission~~ Appeal Authority, after hearing the evidence presented regarding the complaint, may continue the hearing from time to time, modify or rescind any condition or requirement of the conditional use permit as it deems necessary, revoke the conditional use permit, or take no action and dismiss the complaint.
4. Notices: All notices required herein shall be provided by personal service or by certified mail.
5. Effective Date and Scope: This section shall apply to all conditional use permits issued after the effective date hereof, regardless of change in ownership or occupancy.
6. Revocation: A conditional use permit may be revoked if the ~~Commission~~ Land Use Authority finds, by a preponderance of the evidence that one or more of the following exist:
  - a. The conditional use permit was obtained in a fraudulent manner.
  - b. The use for which the conditional use permit was granted has now ceased for at least six (6) consecutive calendar months.
  - c. One or more of the conditions of the conditional use permit have not been substantially met.

**10-5-36 K: TIME LIMIT:**

1. A temporary conditional use permit may be issued by the ~~planning commission~~ Land Use Authority for a period of six (6) months. This permit may be renewed by the planning staff for a total of three (3) successive six (6) month time periods, allowing a total of two (2) years for the temporary conditional use permit. Where hardship or unusual circumstances exist, the ~~planning commission~~ Land Use Authority may extend the temporary permit for one additional year. These extensions shall be granted in two (2) separate six (6) month increments. A temporary conditional use permit shall not be issued for a use which is not incidental to or directly related to an intended permanent use on the property.

Mobile offices, homes or trailers which are used for business purposes shall only be allowed for a six (6) month time period as authorized by the ~~planning commission~~ Land Use Authority. The ~~planning commission~~ Land Use Authority may extend the time period for the

temporary structure up to one additional year providing that plans for a permanent structure have received ~~commission~~ Land Use Authority approval.

Temporary structures shall be removed from the property upon occupancy of the permanent structure. Premanufactured structures which meet all building code regulations and construction trailers shall be exempt from this regulation.

2. A temporary conditional use occupancy permit shall not be issued nor shall the building structure or other facility be occupied until all water, sewer, and electrical permits have been issued and all appropriate inspections performed.
3. Unless there is substantial action under a conditional use permit within a maximum period of two (2) years of its issuance, the conditional use permit shall expire. The ~~planning commission~~ Land Use Authority may grant a yearly extension, when deemed in the public interest.

**10-5-36 L: REAPPLICATION AFTER DENIAL:**

Denial of an application for a conditional use permit regarding any parcel of property shall prohibit the filing of another application for a conditional use permit for the same parcel of property or any portion thereof, within one year of the date of the final denial of the previous application unless the ~~planning commission~~ Land Use Authority finds that there has been a substantial change in the circumstances or sufficient new evidence as submitted by the applicant in writing since the denial of the previous application to merit consideration of a second application within the one year time period.

**10-5-36 M: CONTINUING EFFECT:**

A conditional use permit, once approved, affects real property regardless of change in ownership and all subsequent owners are subject to those conditions so long as that conditional use is being conducted on the property. The conditional use may be conducted either intermittently or continuously, provided, however, that if the conditional use becomes a legal nonconforming use due to a later amendment to this title, the provisions of chapter 10-1-8 of this title relating to nonconforming buildings and uses shall apply.

**10-5-36 N: REPORTING REQUIREMENTS:**

~~Before February 1 of every~~ Prior to the annual renewal date each year, the owner or occupant of a property which has been approved for the following land use under a conditional use permit shall provide written evidence to the Planning Department that the property use complies with this title:

~~1200 Group Quarters (e.g. assisted living, congregate care, supervised youth group home)~~

- Accessory Apartment
- Assisted Living Facility
- Bed and Breakfast Facility

- Home Occupations
- Premises Occupations
- Shopping Center Zone, commercial uses

## **PART II**

### **PENALTY AND ADOPTION**

#### **A. CONFLICTING PROVISIONS**

Whenever the provisions of this ordinance conflict with the provisions of any other ordinance, resolution or part thereof, the more stringent shall prevail.

#### **B. PROVISIONS SEVERABLE**

This ordinance and the various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid it is hereby declared that the remainder of the ordinance shall not be affected thereby.

#### **C. AMENDMENT TO BE ADDED TO CITY CODE**

The City Council hereby authorizes and directs that insert pages reflecting the provisions enacted hereby shall be made and placed in the City Code, Title 10.

#### **D. PENALTY**

Hereafter these amendments shall be construed as part of the City Code of the City of Cedar Hills, Utah, to the same effect as if originally a part thereof, and all provisions of said regulations shall be applicable thereto, including, but not limited to, the enforcement, violation and penalty provisions.

#### **E. EFFECTIVE DATE**

This ordinance shall take effect upon its passage and publication as required by law.

**PASSED AND ORDERED POSTED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH, THIS 17TH DAY OF MAY, 2016.**

**APPROVED:**

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Gary R. Gygi, Mayor

ATTEST:

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Colleen A. Mulvey, City Recorder



# CITY OF CEDAR HILLS

<b>TO:</b>	Mayor and City Council
<b>FROM:</b>	David Bunker, City Manager
<b>DATE:</b>	5/17/2016

## City Council Agenda Item

<b>SUBJECT:</b>	Discussion: Amendments to City Code Title 9, Chapter 1 related to Appeal Authority
<b>APPLICANT PRESENTATION:</b>	N/A
<b>STAFF PRESENTATION:</b>	David Bunker

**BACKGROUND AND FINDINGS:**

Discussion Item: Representatives from Kirton McConkie will present information and a proposal to amend City Code Title 9, chapter 1 related to Appeal Authority. Germaine to the discussion will be the requirement by State Code, Title 10, Chapter 9, that municipalities provide for an administrative appeal authority which has not first acted as the land use authority. The appeal authority may consist of one or more appeal authorities (individual, multi person board, body or panel), and may consist of laymen and/or land use professionals. Subsequent a duty to exhaust administrative remedy via appeal to the appeal authority, any adversely affected person may appeal to the district court.

**PREVIOUS LEGISLATIVE ACTION:**

Ordinance 2-1-2000, 2-1-2000C establishing Title 9 Chapter 1, Article C, Board of Adjustment.

**FISCAL IMPACT:**

N/A.

**SUPPORTING DOCUMENTS:**

N/A

**RECOMMENDATION:**

Staff recommends the city council consider information presented regarding amendments to City Code Title 9, Chapter 1 related to appeal Authority.

**MOTION:**

No motion is necessary at this time. This item is a discussion only.



# CITY OF CEDAR HILLS

<b>TO:</b>	Mayor and City Council
<b>FROM:</b>	David Bunker, City Manger
<b>DATE:</b>	5/17/2016

## City Council Agenda Item

<b>SUBJECT:</b>	Discussion on Amending the City's Records Access Management Program and Retention Schedule
<b>APPLICANT PRESENTATION:</b>	N/A
<b>STAFF PRESENTATION:</b>	David Bunker
<b>BACKGROUND AND FINDINGS:</b> The City of Cedar Hills last updated the city ordinance regarding the city records access management program in 1995. By state statute, UCA 63G-2-701, the city is required to comply with the Governmental Records Access Management Act (GRAMA). Numerous changes have been made to the records management program at the state level. Several of the alterations and several of the sections of the State management program do not apply to municipalities. These would include courts, school districts, special service districts, counties, state departments, etc. Under the state code, a city may adopt an ordinance in compliance with Chapter 63G, which establishes criteria and policies related to GRAMA. Once a municipality adopts an ordinance or policy, a copy shall be sent to the state archives with a summary description.	
<b>PREVIOUS LEGISLATIVE ACTION:</b> Ordinance No. 8-9-95A, an ordinance establishing a records access and management program.	
<b>FISCAL IMPACT:</b> TBD	
<b>SUPPORTING DOCUMENTS:</b> Proposed retention schedule.	
<b>RECOMMENDATION:</b> Staff recommends the City Council review the proposed records access management program and retention schedule.	
<b>MOTION:</b> Discussion item only, no motion is necessary at this time.	



# CITY OF CEDAR HILLS

<b>TO:</b>	Mayor and City Council
<b>FROM:</b>	David Bunker, City Manager
<b>DATE:</b>	5/17/2016

## City Council Agenda Item

<b>SUBJECT:</b>	Discussion: Open Fires & Firework Restrictions
<b>APPLICANT PRESENTATION:</b>	N/A
<b>STAFF PRESENTATION:</b>	David Bunker
<b>BACKGROUND AND FINDINGS:</b> For the past several years, the city has monitored fire conditions and followed the recommendations of the Lone Peak Fire Department regarding regulations of fireworks and open fires. Staff will invite a member of the Lone Peak Fire Department to update the city council on conditions of the hillside interface and fire sensitive areas. The city council may take the opportunity to discuss potential firework restrictions, open fire restrictions, and possible locations for alternate sites for firework discharge if restrictions are foreseen.	
<b>PREVIOUS LEGISLATIVE ACTION:</b> Resolution 07-21-2015 restricted use of aerial fireworks and open fires in certain areas of the city.	
<b>FISCAL IMPACT:</b> N/A.	
<b>SUPPORTING DOCUMENTS:</b> N/A	
<b>RECOMMENDATION:</b> Staff recommends the city council review past resolutions and practices and consider open fire and firework restrictions as deemed appropriate.	
<b>MOTION:</b> No motion is necessary at this time. This item is a discussion only.	