

**NOTICE AND AGENDA
AMENDED**

Notice is hereby given that the City Council of the City of Santaquin will hold a City Council Meeting on Wednesday, September 3, 2008, in the Council Chambers, 45 West 100 South, at 7:00 pm.

AGENDA

1. **ROLL CALL**
 2. **PLEDGE OF ALLEGIANCE**
 3. **INVOCATION/INSPIRATIONAL THOUGHT**
 4. **CONSENT AGENDA**
 - a. Minutes
 1. August 20, 2008
 - b. Bills
 1. \$108,682.70
 5. **FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS**

Public Forum is held to a 30-minute maximum with each speaker given no more than 5 minutes each. If more than 6 Speakers, time will be adjusted accordingly to meet the 30 minute requirement

 - a. Update from Miss Santaquin
 6. **FORMAL PUBLIC HEARINGS**
 7. **UNFINISHED BUSINESS**
 8. **BUSINESS LICENSES**
 9. **REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES**
 - a. City Manager
 - b. Planning Commission
 10. **NEW BUSINESS**
 - a. Discussion and possible action with regard to Orchards Plat "F" Amendment
 - b. Discussion and possible action with regard to Orchards Plat "M" Amendment
 - c. Discussion and possible action with regard to a Code Amendment addressing Non-Conforming Uses
 - d. Discussion and possible action with regard to a Code Amendment addressing Temporary and Seasonal Uses
 11. **INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS (Roll Call Vote)**
 - a. Resolution 09-01-2008 "A Resolution Authorizing the Appointment of a City Manager and Describing the Terms and Conditions of the Employment of said City Manager" ®
 12. **PETITIONS AND COMMUNICATIONS**
 13. **REPORTS BY MAYOR AND COUNCIL MEMBERS**
 - a. Mayor DeGraffenried
 14. **EXECUTIVE SESSION** (May be called to discuss the character, professional competence, or physical or mental health of an individual)
 15. **EXECUTIVE SESSION** (May be called to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property)
 16. **ADJOURNMENT**
- If you are planning to attend this Public Meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City ten or more hours in advance and we will, within reason, provide what assistance may be required.

CERTIFICATE OF MAILING

The undersigned duly appointed City Recorder for the municipality of Santaquin City hereby certifies that a copy of the foregoing Notice and Agenda was faxed to the Payson Chronicle, Payson, UT, 84651.

BY: S. B. Farnsworth
Susan B. Farnsworth, City Recorder

POSTED:
CITY CENTER
POST OFFICE
ZIONS BANK

**MINUTES OF A COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
SEPTEMBER 3, 2008**

Mayor James E. DeGraffenried called the meeting to order at 7:07 pm. Council Members attending: Filip Askerlund, Martin Green, Connie Hansen, James Linford, and Brent Vincent.

Others attending: City Manager Stefan Chatwin, City Planner Dennis Marker, Director of Public Safety Dennis Howard, Legal Counsel Brett Rich, Miss Santaquin Hannah Goudy, Mackenzie Westover, Amanda Kersh, Lynette Davis, Kevin Kester, John Chatterley, Garrett Seely, Doug Fackrell, Scout Troop 100 Leaders Shane Jasperson and Gavin Ross, Scouts Ryan Lindquist, Spencer Argyle, Jordan Oakeson, Garrett Wayland, Dillon Boulton, Colton Killpack, Nathan Heaps, and Braden Norman, Brooklyn Ross, Dennis Brandon, and other unidentified individuals.

PLEDGE OF ALLEGIANCE

Scout Ryan Lindquist led the Pledge of Allegiance.

INVOCATION/INSPIRATIONAL THOUGHT

Council Member Askerlund offered an Invocation.

CONSENT AGENDA

Minutes

August 20, 2008

Bills

\$108,682.70

Council Member Green moved to approve the Consent Agenda. Council Member Linford seconded the motion. Council Members Askerlund, Green, Hansen, Linford, and Vincent voted in the affirmative.

FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS

Update from Miss Santaquin

Miss Santaquin Hannah Goudy reported she, along with her attendants', have been very busy representing Santaquin. She voiced her thanks for the opportunity to serve as the City Royalty. Miss Goudy indicated they as the royalty represented the City at the Utah County Fair as well as at the Onions Day Parade (it was raining and hailing during the parade).

Miss Kersh reported her favorite experience was attending the movie in the park. Miss Westover reported she has enjoyed visiting the different Cities as a City Representative.

The Royalty received thanks for their participation in the Celebration as well as the service they have rendered to the City.

FORMAL PUBLIC HEARINGS

Nothing

UNFINISHED BUSINESS

Nothing

BUSINESS LICENSES

Council Member Green reviewed a new Business License for Craig Nielsen D.B.A. H & R Block, Todd Peterson D.B.A Medweb Consultants and Katie Blake D.B.A. You are my Sunshine

Preschool. He indicated Mr. Nielsen had received all the City Code requirements as well as inspections.

Council Member Green moved to approve the new Business Licenses as read. Council Member Hansen seconded the motion. Council Members Askerlund, Green, Hansen, Linford, and Vincent voted in the affirmative.

REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES

City Manager

Deferred until later in the meeting.

Planning Commission

Planning Commission Member Chatterley reported the Planning Commission reviewed the new business items of the agenda as well as reviewed the current ordinance pertaining to animal rights. Staff compiled for the Commission review, information from various communities pertaining to the rights. Additional information will be forthcoming.

NEW BUSINESS

Discussion and possible action with regard to Orchards Plat "F" Amendment

City Planner Marker reported Mr. Garrett Seely, representing Double G Investments, LLC, is seeking approval of a modification to Plat "F" of the Orchards Subdivision. The subject development was granted final approvals by the City Council on November 20, 2007. An approved amendment to Plat "F" was also granted on May 21, 2008. Since that time, Mr. Seely has been negotiating with the Church of Jesus Christ of Latter-Day Saints (Church) for the purchase of the church property approved in the plat. Mr. Seely has postponed development of the approved subdivision due to current market conditions. The Church, however, is willing to move forward at this time and asked that the proposed church property be platted rather than wait for the rest of the subdivision. The Orchards Plat "M" is the proposed plat for the Church's property. The remainder of Plat "F" would stay the same and be recorded at a future date. City ordinance, Section 11-5-9 requires that major modifications to final plats must be reviewed by the Planning Commission and City Council prior to recordation.

The Planning Commission has given a positive recommendation for the plat amendments subject to one condition; the developer enter into an agreement with the City to improve 350 West with asphalt, curb and gutter between orchards Plat "I" and the Church property within 6 months of the Church being completed (see attachment "A" for Staff report).

Council Member Askerlund moved to approve Orchards Plat "F" as amended with the recommendations of the Planning Commission. Council Member Hansen seconded the motion. Council Members Askerlund, Green, Hansen, Linford, and Vincent voted in the affirmative.

Discussion and possible action with regard to Orchards Plat "M" Amendment

See above discussion.

Council Member Askerlund moved to approve Orchards Plat "M" as amended with the recommendations of the Planning Commission and the encouragement to shorten the time frame for road improvements. Council Member Green seconded the motion. Council Members Askerlund, Green, Hansen, Linford, and Vincent voted in the affirmative.

Discussion and possible action with regard to a Code Amendment addressing Non-Conforming Uses

City Planner Marker reported Mr. Kevin Kester has petitioned the City to amend the regulations regarding nonconforming uses, Santaquin City Code (SCC), Section 10-9. The applicant would like the City to allow expansion of a nonconforming structure as long as the structure does not encroach any further into required setbacks than it already may. The Planning Commission conducted a public hearing for this proposed amendment during its August 14, 2008 regular meeting. The Planning Commission has since forward the proposed amendment to the City Council with a positive recommendation. The City Council Members may now act on the amendment as they deem appropriate (see attachment "B" for Staff and Planning Commission's recommendation). City Planner Marker indicated this amendment was presented to the Mayor and Council Members for their input before it was presented for adoption as an Ordinance.

Discussion and possible action with regard to a Code Amendment addressing Temporary and Seasonal Uses

City Planner Marker reported that the City Council directed staff to address the standards of seasonal businesses within the City. Concerns were expressed about the parking requirements and safety of patrons to such businesses. To address these concerns, staff has reviewed the Santaquin City Code (SCC), Section 10-6-32: Seasonal Businesses. The Planning Commission held a public hearing during their August 28 meeting and afterward gave to the Mayor and Council a positive recommendation for the proposed text.

As staff reviewed the standards for seasonal businesses it became apparent that modifications were necessary to the City's business license regulations (SCC Title 3, Business License Regulations). The current licensing requirements do not adequately address the licensing of seasonal or temporary business. Exhibit "B" contains proposed licensing provisions for temporary businesses. Exhibit "C" contains proposed licensing provisions for solicitors, which are another type of temporary business, which the City frequently gets calls and concerns about. The new regulations are proposed to be adopted as new sections 3-6 and 3-7 respectively. Since licensing is an administrative function and not a regulation of land use the Planning Commission was not required to provide a recommendation on them (see attachment "C" for Staff report and exhibits). Council Member Vincent questioned what building standards would be in place for temporary and seasonal businesses. He also questioned how parking requirements would be addressed. Council Member Askerlund had a number of questions with regard to the proposed amendment.

INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS

Resolution 09-01-2008 "A Resolution Authorizing the Appointment of a City Manager and Describing the Terms and Conditions of the Employment of said City Manager"

Council Member Vincent indicated he hasn't had a chance to review the proposed contract as it was not included in the original agenda and Council information packet.

Council Member Vincent moved to table the contract. City Manager Chatwin indicated the updated wage in the proposed contract is the only difference from the current contract. Council Member Hansen seconded the motion. Council Members Green, Hansen and Vincent voted in favor of the motion. Council Members Linford and Askerlund voted against the motion.

PETITIONS AND COMMUNICATIONS

Nothing

EXECUTIVE SESSION (May be called to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property)

At 8:25 pm, Council Member Linford moved to enter into an Executive Session with regard to the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property. Council Member Vincent seconded the motion. Council Members Askerlund, Green, Hansen, Linford, and Vincent voted in the affirmative. Those attending the Executive Session: Mayor DeGraffenried, Council Members Askerlund, Green, Hansen, Linford, and Vincent, Legal Counsel Rich, City Manager Chatwin, and City Recorder Farnsworth.

At 9:08 pm the Executive Session ended and the open portion of the Council Meeting continued.

EXECUTIVE SESSION (May be called to discuss the character, professional competence, or physical or mental health of an individual)

At 9:09 pm, Council Member Askerlund moved to enter into an Executive Session with regard to the character, professional competence, or physical or mental health of an individual. Council Member Green seconded the motion. Council Members Askerlund, Green, Hansen, Linford, and Vincent voted in the affirmative. Those attending the session: Mayor DeGraffenried, Council Members Askerlund, Green, Hansen, Linford, and Vincent, Legal Counsel Rich, City Manager Chatwin, Director of Public Safety Dennis Howard and City Recorder Farnsworth.

At 9:29 pm the Executive Session ended and the open portion of the Council Meeting continued.

REPORTS BY MAYOR AND COUNCIL MEMBERS

Mayor DeGraffenried

Mayor DeGraffenried reported he received a letter from the State indicating the Landfill permit needs to be renewed. J-U-B Engineering would charge \$6,684 to survey and complete the application. If the application is not filed, the landfill would need to be closed.

City Council Askerlund questioned at what point the City would move the location of the landfill as well as upgrade the operation to accept additional waste.

Council Members Askerlund, Green, Hansen, Linford and Vincent indicated they were in favor of contracting with J-U-B to complete the permit.

Council Member Hansen voiced her concern that she is required to make numerous trips to the City Office to obtain Council Meeting information. She requested the time frame set forth in the Ordinance pertaining to setting and posting the Council Meeting agenda be adhered to.

Council Member Vincent indicated Dee Brereton has contacted him with regard to the flooding issues. City Manager Chatwin will contact Public Works Supervisor Barnes with regard to trenching along the roadway. Council Member Vincent has a concern with the City's flooding liability if a trench is dug to mitigate Mr. Brereton's flooding issues. Council Member

Council Member Linford requested the Directors of the Santaquin Foundation meet and appoint additional committee members. The following names were submitted: Lynn Meacham, John Killpack, & Ed Bacon.

Council Member Green requested an update of the proposed North East Annexation. Mayor DeGraffenried indicated Mr. Anderson doesn't feel he should have to pay the additional annexation fees associated with the property on the west of the annexation. Mayor DeGraffenried indicated the annexation would be completed after all fees are paid.

Council Member Askerlund was told the property owners involved with and surrounding Mike Carter's development met today to discuss the detention basin and run off area. Additional information will be shared when available.

ADJOURNMENT

At 10:03 pm, Council Member Linford moved to adjourn. Council Member Vincent seconded the motion. Council Members Askerlund, Green, Hansen, Linford, and Vincent voted in the affirmative.

Approved on September 17, 2008.



James E. DeGraffenried, Mayor

Susan B. Farnsworth, City Recorder



CLOSED EXECUTIVE SESSION AFFIDAVIT

I, James E. DeGraffenried, Mayor of Santaquin City, do hereby certify that the Executives Session held on September 3, 2008 was called to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property.


James DeGraffenried, Mayor

9-3-08
Date



CLOSED EXECUTIVE SESSION AFFIDAVIT

I, James E. DeGraffenried, Mayor of Santaquin City, do hereby certify that the Executives Session held on September 3, 2008 was called to discuss the character, professional competence, or physical or mental health of an individual.


James DeGraffenried, Mayor

9-3-08
Date



City Council Meeting
Attachment "A" -1
Sept 03, 2008

A Community Prospering in Country Living

(Agriculture, Equestrian, Recreation)

MEMORANDUM

August 22, 2008

To: Mayor DeGraffenried and City Council via Planning Commission
From: Dennis Marker, City Planner
RE: The Orchards, Plat F (Final Plat Modifications) Zone: R-10 (PUD)
300 West 900 North

The Orchards, Plat M (A Modification of Orchards Plat F, Final Plat)
350 West 900 North

Background:

Mr. Garrett Seely, representing Double G Investments, LLC, is seeking approval of a modification to Plat F of the Orchards Subdivision (**See attached subdivision plans**). The subject development was granted final approvals by the City Council on November 20, 2007. An approved amendment to Plat F was also granted on May 21, 2008. Since that time Mr. Seely has been negotiating with the Church of Jesus Christ of Latter-Day Saints (Church) for the purchase of the church property approved in the plat. Mr. Seely has postponed development of the approved subdivision due to current market conditions. The Church, however, is willing to move forward at this time and asked that the proposed church property be platted rather than wait for the rest of the subdivision. The Orchards Plat M is the proposed plat for the Church's property. The remainder of Plat F would stay the same and be recorded at a future date. City Ordinance, Section 11-5-9 requires that major modifications to final plats must be reviewed by the Planning Commission and City Council prior to recordation.

Analysis:

The proposed development follows the established purposes and development standards allowed in accordance with the R-10 Zone and the North Orchards Annexation and Development agreement. That agreement established that this area would be a single family development with trails, open spaces, parks, and Codes Covenants and Restrictions (CC&R's) that apply architectural and landscape controls to the individual lots. Both subdivision plats still follow those criteria.

Planning Commission Recommendation:

The Planning Commission has given a positive recommendation for the plat amendments subject to one condition; The developer enter into an agreement with the City to improve 350 West with

PLANNING COMMISSION MINUTES

August 28, 2008 – Page 2

Code Amendment regarding temporary uses, continued:

Commissioner Greenhalgh asked if the City would be interested in sponsoring a farmer's market, perhaps in Squashhead or Centennial Park. Mr. Marker said the City had discussed doing so, although there was some hesitation in having commercial sales on City property. A farmer's market could be of benefit to both the City and local farmers, and many cities have started sponsoring them. Commissioner Chatterley closed the public hearing regarding temporary uses.

Commissioner Stringham made a motion to forward the code amendment regarding temporary uses to the City Council, including the changes made at this meeting, with a positive recommendation. Commissioner Greenhalgh seconded the motion. The vote to forward the code amendment regarding temporary uses with a positive recommendation was unanimous.

DISCUSSION AND POSSIBLE ACTION ITEMS

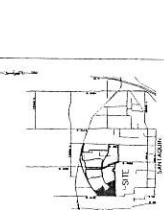
Orchards, Plats F & M – Final Plat Modifications

Garrett Seely was present to discuss issues with the subdivisions. Dennis Marker said originally Plat F had shown a parcel for an LDS chapel. The LDS Church has expressed a desire to begin work on the building, which would require platting the parcel. The developer does not plan to begin work on Plat F at the present time. In order to allow the LDS Church to move forward with their building, a separate plat for the church property has been created, Plat M. Plat F will remain the same except for the breakout of the one lot.

Commissioner Stringham asked if a gap would be left in the road with this modification. Garrett Seely said there would be about a 200 foot gap. 350 West has been completed to half plus ten, according to City standards. The Church will add curb, gutter and sidewalk along their frontage. Commissioner Stringham said he was concerned with pedestrian safety if only one side of the road has curb, gutter and sidewalk. Commissioner Payne said there could be a problem with snow removal if the road is not finished. Mr. Seely said the road will be finished when Plat F is completed. A site plan has not yet been submitted for the church building. The Commission discussed a possible six month time frame for completion of the road.

Commissioner Kurt Stringham made a motion that Orchards Plat F, Final Plat Modification, and Orchards Plat M, Final Plat Modification be forwarded to the City Council with a positive recommendation, with the stipulation that curb, gutter and asphalt on 350 West be completed as far north as the Church building within six months of the time the church building is completed, weather permitting. Commissioner Payne seconded the motion. The vote to forward Orchards Plat F, Final Plat Modification, and Orchards Plat M, Final Plat Modification, with a positive recommendation was unanimous.

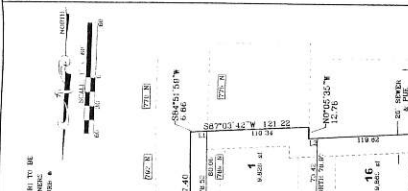
VICINITY MAP



COURSE	HOURS		CREDIT		CURVE TABLE	
	LECTURE	LABORATORY	15	10	5	0
101	3	0	100	90	80	70
102	3	0	100	90	80	70
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LINE	TABLE	DATE	TIME	REMARKS
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2	2	2005-11-25	10:00	2005-11-25
3	3	2005-11-25	10:00	2005-11-25
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5	5	2005-11-25	10:00	2005-11-25
6	6	2005-11-25	10:00	2005-11-25
7	7	2005-11-25	10:00	2005-11-25
8	8	2005-11-25	10:00	2005-11-25
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TO GARAGE DOOR

20' FRONT SETBACK
TO GARAGE DOOR

5'

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 (NON-TANGENT)
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This is a detailed map of the West End area in New York City. The map shows a grid of streets and lots. Key features include:

- Streets:** Labeled streets include 'W 10th St', 'W 11th St', 'W 12th St', 'W 13th St', 'W 14th St', 'W 15th St', 'W 16th St', 'W 17th St', 'W 18th St', 'W 19th St', 'W 20th St', 'W 21st St', 'W 22nd St', 'W 23rd St', 'W 24th St', 'W 25th St', 'W 26th St', 'W 27th St', 'W 28th St', 'W 29th St', 'W 30th St', 'W 31st St', 'W 32nd St', 'W 33rd St', 'W 34th St', 'W 35th St', 'W 36th St', 'W 37th St', 'W 38th St', 'W 39th St', 'W 40th St', 'W 41st St', 'W 42nd St', 'W 43rd St', 'W 44th St', 'W 45th St', 'W 46th St', 'W 47th St', 'W 48th St', 'W 49th St', 'W 50th St', 'W 51st St', 'W 52nd St', 'W 53rd St', 'W 54th St', 'W 55th St', 'W 56th St', 'W 57th St', 'W 58th St', 'W 59th St', 'W 60th St', 'W 61st St', 'W 62nd St', 'W 63rd St', 'W 64th St', 'W 65th St', 'W 66th St', 'W 67th St', 'W 68th St', 'W 69th St', 'W 70th St', 'W 71st St', 'W 72nd St', 'W 73rd St', 'W 74th St', 'W 75th St', 'W 76th St', 'W 77th St', 'W 78th St', 'W 79th St', 'W 80th St', 'W 81st St', 'W 82nd St', 'W 83rd St', 'W 84th St', 'W 85th St', 'W 86th St', 'W 87th St', 'W 88th St', 'W 89th St', 'W 90th St', 'W 91st St', 'W 92nd St', 'W 93rd St', 'W 94th St', 'W 95th St', 'W 96th St', 'W 97th St', 'W 98th St', 'W 99th St', 'W 100th St'.
- Lots:** Labeled lot numbers include 47, 46, 45, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.
- Buildings:** Building footprints are shown as shaded areas, with some labeled with numbers like 47, 46, 45, 49, 50.
- Other Labels:** The map includes the text 'WEST END' and 'NEW YORK CITY'.

STATE OF UTAH **S.S.** **ACKNOWLEDGEMENT**

_____ DAY OF _____
IN THE COUNTY OF UTAH
AT THE SIGNATURE OF THE FOREGOING DEEDHOLDER WHO IS THE SAME.

COMMISSION EXPIRES _____

ACCEPTANCE BY LANDOWNER

_____ IN ADDRESS _____

I, _____ OF UTAH, APPROVES THIS SUBDIVISION AND THE EASEMENT HEREBY GRANTED TO THE STATE OF UTAH FOR THE PURPOSES OF THE PUBLIC TRAIL ACT AND OTHER PARCELS OF LAND IN THE PUBLIC TRAIL SYSTEM OF THE PUBLIC TRAIL ACT.

AGENT

B. TO PERSONALLY APPEAR BEFORE
AGENCY TO AFFIRM THAT THEY ARE
NOTARY PUBLIC COMMISSIONED IN TEXAS.

ACTIVE BODY

ACCEPTS THE OBLIGATION OF ALL
FOR PUBLIC PURPOSES FOR THE
A.T. 20

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APPROVED _____

 BOARD OF HEALTH
 SUBJECT TO THE FOLLOWING CONDITIONS:

PLANNING COMMISSION

APPROVED THE _____ DAY OF _____


 DIRECTOR-SECRETARY

PLAT _____

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 (and serial) _____
 TH _____

 CITY - COUNTY: HEALTH DEPARTMENT
 APPROVAL _____
 _____ A.D. 20 _____ BY THE
 PLANNING COMMISSION _____
 CHAIRMAN: PLANNING COMMISSION _____

190



RAILROAD

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APPLE COVE
PLAT °C

An aerial photograph showing a road intersection. A vertical road on the left is labeled 'WEST' at the bottom. A horizontal road crosses it, with the number '34935' written above it. Several small rectangular labels are placed along the roads: '24' on the vertical road above the intersection, '25' on the vertical road below the intersection, and '26' on the horizontal road to the right of the intersection.

179.75
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 R = 250.00
 Δ = 0° 05' 25"
 CH = N27° 30' 30" E
 0.39
 (NAD 83) - ANGLES - MAGNETIC
 DATE: 2004-04-21
 2 - APPLE CORE "E"

OWNER'S SEAL	NOTARY PUBLIC SEAL	CITY
The total expenditure for this project is:		

COUNTY	UTAH COUNTY, UTAH	
	NOT INCENSED SEAL	COURT - RECORDED SEAL
		BOOKING OFFICER - Martinez



City Council Meeting
9-3-08
Attachment "B"

**A Community Prospering
in Country Living**
(Agriculture, Equestrian, Recreation)

MEMORANDUM

August 4, 2008

To: Mayor DeGraffenried and City Council via Planning Commission
From: Dennis Marker, City Planner
RE: Code Amendment regarding Non-conforming Uses CA#08-07

Background

Mr. Kevin Kester has petitioned the City to amend the regulations regarding nonconforming uses, Santaquin City Code (SCC), Section 10-9. The applicant would like the City to allow expansion of a nonconforming structure as long as the structure does not encroach any further into required setbacks than it already may. The proposed code amendment necessary to allow the proposal is attached hereto as Exhibit A. The Planning Commission conducted a public hearing for this proposed amendment during its August 14, 2008 regular meeting (See attached minutes). The Planning Commission has since forward the proposed amendment to the City Council with a positive recommendation. The City Council may now act on the amendment as they deem appropriate.

Analysis

Criteria for Amendments

Santaquin City Code (S.C.C.), Section 10-6-3: AMENDMENTS TO ORDINANCE AND MAP, states the following regarding code amendments

This title and/or its provisions, including the official zoning map, may be petitioned for amendment by any citizen of the city of Santaquin as hereinafter provided, or through action initiated by the mayor, city council, planning commission, or the director of community development.

A. Intent With Respect To Amendments: It is hereby declared to be public policy that this title shall not be amended *except to more fully carry out the intent and purpose of the general plan of the city and of this title* (Emphasis added).

The City Council should base its recommendation on the proposed amendment 1) "more fully carrying out the intent and purpose of the general plan", and 2) more fully carrying out the intent and purpose of the City's Land Use and Development Management codes. The following analysis should help the City Council be able to make these determinations.

State Law

- E. Discourage the overcrowding of land and undue concentration of population.
- F. Discourage undue scattering of population and unnecessary expenditure of monies for excessive streets, water and sewer lines, and other public requirements.
- G. Stabilize and improve property values.
- H. Protect the residents from objectionable noise, odor, dust, fumes, and other deleterious substances or conditions.
- I. Promote a more attractive and wholesome environment.

Allowing a property owner to add on to their home does serve the highlighted purposes above. A person able to expand their home and remain in it, reduces the desire to sell the home and build a new one. This encourages home retention and lessens impacts due to new construction. Additions to homes generally improve home values, which positively affects property values in the surrounding area. Additions, if appropriate in scale, design and neighborhood character, also add to the attractive environment of a neighborhood.

City General Plan

The General Plan also addresses property values, neighborhood stability and aesthetics and reuse of existing properties. The following are some of the applicable goals and policies from the General Plan: A Community Prospering in Country Living.

Land Use Guideline #3

Developed areas in the city core should be revitalized by promoting new development on vacant lands and the adaptive reuse of existing community resources.

Land Use Guideline #5

A variety of quality housing types should be provided to accommodate a growing population.

Residential Land Use Goal #1

To provide for residential areas in Santaquin that support and complement the unique rural quality and characteristics of the city.

Policy #3

Require neighborhoods and individual houses that exemplify design excellence and promote aesthetic qualities of a rural community while enhancing the pleasing appearance of existing residential neighborhoods.

Allowing the expansion of nonconforming structures is an “adaptive reuse of community resources” and does serve to “accommodate a growing population” in the City. Many things can be done on properties to enhance the pleasing appearance of neighborhoods. Expanding a home is sometimes an arguable enhancement, but can be a benefit to surrounding properties as discussed above regarding property values.

Recommendation

10-9-1: NONCONFORMING USES AND NONCOMPLYING STRUCTURES
NONCONFORMING BUILDINGS AND USES:

Notwithstanding Utah State law governing Nonconforming uses and Noncomplying structures, the following provisions are established by Santaquin City in view of the fact that no further development or change in use can be undertaken contrary to the provisions of this title. It is the intent of this title that nonconforming uses shall not be increased nor expanded except where a health or safety official, acting in his official capacity, requires such increase or expansion. Such expansion shall be no greater than that which is required to comply with the minimum requirements as set forth by the health or safety official within the provisions of this chapter as outlined below.

A. General Provision. Nevertheless, a nonconforming building, structure, or use of land may be continued by the current and future property owners to the same extent and character as that which legally existed on the effective date of the applicable regulations. Repairs may also be made to a ~~nonconforming building~~ Noncomplying Structure or to a building housing a ~~Nonconforming Use~~.

AB. Damaged Building May Be Restored: A non-abandoned, Noncomplying Structure~~nonconforming building~~, or structure occupied by a non-abandoned, Nonconforming Use, which is involuntarily destroyed in whole or in part due to fire or other calamity ~~damaged or destroyed by fire, flood, wind, earthquake, or other calamity or act of nature~~ may be restored, and the occupancy or use of such buildings, structure, or part thereof which legally existed at the time of such restoration is started within a period of one year from the date of destruction and is diligently ~~prosecuted~~ pursued to completion and provided that such restoration does not increase the floor space devoted to the nonconforming use over that which existed at the time the building became nonconforming and that the restoration is completed within two (2) years from the date it was started.

BC. Discontinuance or Abandonment:

1. A nonconforming building, structure, or portion thereof, or a lot occupied by a nonconforming use, which is or hereafter becomes abandoned or is discontinued for a continuous period of one year or more shall not thereafter be occupied, except by a use which conforms to the use regulations of the zone in which it is located.
2. A Noncomplying structure or nonconforming use will be lost if the structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six months after written notice to the property owner that the structure is uninhabitable.
3. A Noncomplying structure or nonconforming use will not be lost if
 - a. the property owner voluntarily demolishes a noncomplying structure or the building that houses the nonconforming use as long as the restored or rebuilt

- G. Permits Granted Prior To Passage; Amendments: Notwithstanding the issuance of a building permit, no building which becomes nonconforming upon the passage hereof or which becomes nonconforming due to an amendment to this title shall be built unless construction has taken place thereon to the extent of at least one thousand dollars (\$1,000.00) in replaceable value by the date on which this title or said amendment becomes effective. Replaceable value shall be construed to mean the expenditure necessary to duplicate the materials and labor at market prices.

nonconforming use.

(b) Any party claiming that a nonconforming use has been abandoned shall have the burden of establishing the abandonment.

(c) Abandonment may be presumed to have occurred if:

(i) a majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written agreement with the municipality regarding an extension of the nonconforming use;

(ii) the use has been discontinued for a minimum of one year; or

(iii) the primary structure associated with the nonconforming use remains vacant for a period of one year.

(d) The property owner may rebut the presumption of abandonment under Subsection (4)(c), and shall have the burden of establishing that any claimed abandonment under Subsection (4)(c) has not in fact occurred.

(5) A municipality may terminate the nonconforming status of a school district or charter school use or structure when the property associated with the school district or charter school use or structure ceases to be used for school district or charter school purposes for a period established by ordinance.

City Council Meeting
9-3-08
Attachment "B"

PLANNING COMMISSION MINUTES

August 14, 2008 – Page 2

Public Forum, continued:

Mr. Newton said families move in and out of the house frequently, and he has offered to sign a police complaint about the constant loud music. The Commission agreed by consensus to put the issue on a Planning Commission agenda. Commissioner Chatterley closed the Public Forum.

PUBLIC HEARING, DISCUSSION AND POSSIBLE ACTION ITEMS

Code Amendment regarding the expansion of legally non-conforming structures

Commissioner Chatterley opened the public hearing regarding the expansion of legally non-conforming structures. Dennis Marker said applicant Kevin Kester petitioned for this code amendment because he wanted to expand his non-conforming home. Current provisions say expansions can only be done if required for safety reasons, as ordered by a City or Health official. Mr. Marker said many times expansions can be warranted for reasons other than safety.

Mr. Marker clarified that non-complying refers to a structure, and non-conforming to a use. He said the intent of the title is not to increase or expand nonconformance. The changes to the amendment would allow expansion within reason, as long as uses do not become more non-conforming. The changes will also bring the ordinance more into compliance with state regulations. Repairs and maintenance are still allowed, and damaged buildings may be restored. Alternative energy additions may be made. Billboards, although non-complying structures, do not fall under this ordinance.

The owner of an abandoned building currently does not have the right to rebuild a non-conforming structure. The building inspector must give a property owner six months to repair and make habitable an abandoned building. State law says a non-conforming status is lost if a property owner voluntarily demolishes the majority of structure. Mr. Marker said the City can make this less restrictive. Commissioner Openshaw said he preferred to see a less restrictive ordinance.

A present non-conforming use can only be changed to a conforming use, although one retail use could change to another retail use without being considered a change. Mr. Marker said this amendment clarifies the need to upgrade a site with a change in use. Commissioner Stringham said if a business did not have room to expand so they could conform to current standards, it might force the business to close. He said the City needed to protect the rights of businesses.

Kevin Kester addressed the Commission. Mr. Kester said his main objective was to improve and enclose his patio, which had suffered wind damage. He said he felt the amendment would encourage property owners to improve their homes, which would improve the neighborhoods. Commissioner Chatterley closed the public hearing regarding the expansion of legally non-conforming structures.

The following changes and additions were made to the code amendment regarding the expansion of legally non-conforming structures:

9-9-1: *'It is the intent of this title that nonconforming uses shall not be maintained, increased nor expanded'* was changed to *'It is the intent of this title that nonconforming uses shall not be increased nor expanded'*



A Community Prospering
in Country Living
(Agriculture, Equestrian, Recreation)

MEMORANDUM

August 29, 2008

To: Mayor DeGraffenried and City Council via Planning Commission
From: Dennis Marker, City Planner
RE: Code Amendment regarding Temporary Uses

Background

The Santaquin City Council directed staff to address the standards of seasonal businesses within the City. Concerns were expressed about the parking requirements and safety of patrons to such businesses. To address these concerns, staff has reviewed the Santaquin City Code (S.C.C.), Section 10-6-32: SEASONAL BUSINESSES. The proposed text in Exhibit A was discussed by the Planning Commission during their August meetings. They also held a public hearing during their August 28 meeting and afterward gave a positive recommendation for the proposed text (See attached Planning Commission minutes). The City Council may now review the text and modify those portions they deem appropriate before acting on it.

Exhibit A also addresses other temporary uses that are commonly requested (e.g. model homes, construction staging areas or buildings, etc). The temporary uses listed in the amendment, though typical and common place would currently require a Conditional Use Permit with associated fees, public hearings, and delays. The proposed standards would allow City staff to administratively permit these uses where necessary.

As staff reviewed the standards for seasonal businesses it became apparent that modifications were necessary to the City's business license regulations (S.C.C. Title 3, Business and License Regulations). The current licensing requirements do not adequately address the licensing of seasonal or temporary business. Exhibit B contains proposed licensing provisions for temporary businesses. Exhibit C contains proposed licensing provisions for solicitors, which are another type of temporary business, which the City frequently gets calls and concerns about. The new regulations are proposed to be adopted as new sections 3-6 and 3-7 respectively. Since licensing is an administrative function and not a regulation of land use the Planning Commission was not required to provide a recommendation on them.

Analysis for Land Use Regulations pertaining to Temporary Uses

The City's Land Use and Development Management Code states that amendments shall only be granted "to more fully carry out the intent and purpose of the general plan of the city and of this title [Title 10]." The following is a discussion of the applicability of the General Plan Goals and Policies as well as language in Title 10.

breakfast inns, farm themed commercial uses similar to the Red Barn, farmers markets, pick your own fruit markets, etc).

Economic Element Goals and Policies

To promote and encourage commercial, industrial and other economic endeavors to strengthen and improve quality of life, business success and the City's tax base.

The proposed temporary use regulations serve to address opportunities for temporary businesses and uses within the City. These include fruit stands, road side retail, farmers markets, and other common temporary uses utilized by the business community and residents. Allowing temporary uses can serve unique demands and economic interests within the community, thus helping establish quality commercial areas and economic vitality within the City.

TITLE 10 REVIEW

The purpose statement of the City's Land Use and Development Management Code states the following:

It is the intent and purpose of the city council of Santaquin City, Utah, to promote the health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of the city.

The following applicable purposes are listed as well:

- C. Promote sanitation and health of the inhabitants.
- D. Promote safety from fires, floods, traffic hazards, and other dangers.
- H. Protect the residents from objectionable noise, odor, dust, fumes, and other deleterious substances or conditions.
- I. Promote a more attractive and wholesome environment.

The proposed amendment establishes standards to protect residents and the general public from common temporary use impacts. Some of these impacts include but are not limited to the interruption of traffic flow, overwhelming of property including noise, dust, fumes, and traffic, auto-pedestrian conflicts, garbage and refuse accumulation, and visual cluttering. City staff feel the proposed standards will address many of these impacts and enable temporary uses to be a integral part of the City's economic base.

Analysis Regarding Business License Regulations

Utah State Code, §10-1-203(2) states, "the governing body of a municipality may license for the purpose of regulation and revenue any business within the limits of the municipality and may regulate that business by ordinance." The proposed amendments would establish the regulation of temporary businesses and solicitors within the City.

Planning Commission Recommendation

The Planning Commission has forwarded a positive recommendation to the City Council for the proposed land use regulations affecting temporary uses (See attached Planning Commission

Exhibit A

Proposed
Code Modifications pertaining to Temporary Uses

Section 10-6-27, TEMPORARY BUILDINGS is repealed

Section 10-6-30 is amended as follows

10-6-30: ~~SEASONAL BUSINESSES~~ TEMPORARY USES:

~~It shall be unlawful for any business of a seasonal nature, such as a fruit and/or vegetable stand, snow cone business, or any other business of a similar nature to erect or occupy a temporary or permanent facility for the purpose of conducting such a business before obtaining a city approved business license. Drink stands, or similar facility, located in front of a residential property, operating for a period of time of seven (7) days or less, and no more often than twice per calendar year, shall be exempt from the terms of this section.~~

A. **Purpose and Intent.** The purpose and intent of this section is to allow within Santaquin City certain uses which are transitory in nature, as either accessory or seasonal uses, in a manner that will assure compatibility with the zone district and adjacent properties. Drink stands, or similar facility, located in front of a residential property, operating for a period of time of seven (7) days or less, and no more often than twice per calendar year, shall be exempt from the terms of this section.

B. **Temporary Use Permit Required.** A temporary use permit shall be required for the following uses. Those uses which are also required to obtain a temporary business license are noted by a (TBL) symbol.

<u>Temporary Use Type</u>	<u>Location Standards</u>	<u>Duration</u>
<u>Produce Stands (TBL):</u> <u>Includes goods grown and prepared by the operator and sold primarily for consumption (e.g. Fruits and Vegetables).</u>	<u>Must be located on property adjacent to an arterial or collector street (e.g. Main Street, 400 East, 200 West, and South Ridge Farm Road.)</u>	<u>Growing season (generally the summer months).</u>
<u>Road Side Stands and Temporary Retail Sales (TBL):</u> <u>Includes Christmas tree lots, firework stands, snow shacks, ice cream vendors, antique, rug, art, or plant sales or other similar retail uses.</u>	<u>Allowed if the use is permitted in the zone and accessory to the principal use or if no principal use exists, would be permitted as a stand alone use on the site.</u>	<u>No more than 150 licensed days per site each calendar year (i.e. Two businesses licensed to operate for 30 days each on a site will amount to 60 days on that site no matter if they are on the premise at the same time or not).</u>
<u>Circus or Carnival and related Accessory Uses (TBL)</u> <u>(e.g. bazaar, fair, etc.)</u>	<u>Permitted on public or quasi-public properties or private properties having over 5 acres.</u>	<u>15 consecutive days in a calendar year per applicant.</u>
<u>Farmer's Market (TBL)</u>	<u>Permitted on public or quasi-public properties or private properties having over 5 acres.</u>	<u>May not begin prior to June 1 and must terminate by November 1. Requires a new permit annually.</u>

- a. Model homes must comply with all standards and conditions of approval for the advertised development including building materials, setbacks, landscaping, etc. and must comply with all applicable residential dwelling standards upon discontinued use as a sales office.
- b. Any other temporary offices, trailers, or structures used for sales, equipment storage, construction materials and any other items related to the model home must be removed from the site upon completion of a model home for the development.
- c. Upon sale of any model home for residential dwelling purposes, a re-final inspection must be conducted by the Community Development Department to assure all applicable building codes are met.

D. Application for Temporary Use Permit. An application for a Temporary Use Permit shall be made to the Community Development Department at least 10 days prior to the date of requested use. The Department may issue a Temporary Use Permit or deny an application for a Temporary Use Permit.

In authorizing a temporary use, the Community Development Department shall impose such requirements and conditions as considered necessary for the protection of adjacent properties and the public safety and welfare in conformance with standards as provided in this Section.

1. Information Required for Application. An application for a Temporary Use Permit shall be accompanied by the following information:
 - a. **Description.** A written description of the proposed use including requested length of permit and hours of operation.
 - b. **Authorization for Use.** If the applicant is not the owner of the property, the ownership shall be identified along with evidence of permission of the owner for such temporary use to take place.
 - c. **Site Review.** A vicinity map and plot plan with sufficient information to determine the yard requirements, sanitary facilities and availability of parking to serve the use.
 - d. **Parking and Circulation Plan.** A plan which illustrates available parking and traffic movements for temporary use customers in relation to available parking on the site and existing traffic movements.
 - e. **Building Details.** Information about any building or structure being used for the business shall be provided (e.g. steps, ramps, power, water, construction, etc.).

E. Revocation of Temporary Use Permit

1. The City shall, upon reasonable notice, be empowered to suspend or revoke the temporary use permit of any person who violates any of the provisions of this chapter or any of the conditions set forth on their permit.
2. If, at any time, a permit under the provisions of this Chapter is suspended or revoked, it shall thereafter be unlawful for any person to operate, open, maintain, manage or conduct such affected temporary use until a new permit is granted.

- C. The class of license desired, if such licenses are divided into classes.
- D. The place where such business, calling, trade or profession is to be carried on, giving the street number if the business calling, trade or profession is to be carried on in any building or enclosure having such number.
- E. The period of time for which such license is desired to be issued.
- F. An agreement to comply with all local ordinances and State laws.
- G. An agreement to provide to the City copies of valid State occupational/professional or alcoholic beverage licenses, as applicable.
- H. The application shall also provide such additional information as may reasonably be required by the City as needed for the proper guidance of City officials in issuing the permit or license applied for.
- I. Truthfulness, completeness and accuracy of all of said information provided by applicant shall be attested to by an authorized representative of the business.
- J. Failure to provide all required information or providing false or misleading information in the application shall constitute grounds for denial of the application or revocation of an existing permit or license, and shall constitute a misdemeanor, if such is done willfully with the intent to mislead the City.
- K. The city may also require certain categories of business licenses to provide a background security check with an application. Such a requirement shall only be imposed where the nature of the business justifies the background security check.
- L. An approved Temporary Use Permit, if applicable.

Section 3-1-5: ANNUAL LICENSE FEES; is amended to read as follows
(stricken text is removed, underlined text is added):

3-1-5: BUSINESS LICENSE FEES

- A. ~~Schedule: The business, location, trade, calling or profession of every person engaged in a business in the City shall pay an annual license fee, which shall be established by resolution.~~
- B. ~~Penalty For Late Payment: If any license fee is not paid within thirty (30) days of the due date, a penalty of ten percent (10%) of the amount of such license fee shall be added to the original amount thereof. No license shall be issued until all penalties legally assessed have been paid in full. All businesses shall pay licensing fees established by resolution of the City Council under the following standards, except as may be otherwise provided:~~
 - A. New Business: A licensing fee shall be paid at the time of application for a new business

2. A temporary business license applicant may not apply for a similar temporary business license more than once within twelve (12) consecutive months from date of issue.
 3. A refundable cash deposit or letter of credit in the amount of two hundred dollars (\$200.00) for each outdoor sales location shall be posted with the city to ensure prompt removal and cleanup after each sales season, and
- C. Duration. Temporary business licenses may not exceed one-hundred and twenty (120) days or the length of the approved temporary use permit, in any one location, whichever is less.
- D. Special provisions for Fireworks Stands & Tree lots.
1. Proof of personal and property and public liability insurance in force in the amount of one hundred thousand dollars (\$100,000.00) with the City as a named insured shall be provided to the City.
 2. Fireworks stands shall be located at least fifty (50) feet from any building or structure and at least 15 feet from a public road/right-of-way. Only state approved fireworks may be sold.
 3. An approved fire extinguisher, either new or recently serviced by a reputable fire extinguisher service company, shall be onsite at all times, and all personnel shall be trained in the use of such extinguisher.
 4. Christmas tree lot business licenses shall run for a period of 60 days, beginning November 1 of each calendar year.
 5. All tree sales lots shall submit the following additional information with the business license application:
 - a. evidence of tree ownership
 - b. written evidence that the trees were legally harvested
 - c. the location where the trees were cut and procured.
 - d. the name and address of the person from whom the trees were procured.

to have such Solicitors obtain a Certificate, unless otherwise exempt from Registration.

- C. Those Responsible Persons or Entities associated with Registered Solicitors need not apply for, nor obtain, any other license, permit, or registration from the City, provided they do not establish a temporary or fixed place of business in the City.
- D. Nothing herein is intended to interfere with or supplant any other requirement of federal, state, or other local government law regarding any license, permits, or certificate that a Registered Solicitor is otherwise required to have or maintain.

3-7-3 DEFINITIONS

For the purposes of this Chapter, the following definitions shall apply:

Advocating:	Any speech or conduct intended to inform, promote, or support Religious Belief, Political Position, or Charitable Activities.
Appeals Officer:	The City Council or designee of the City responsible for receiving the information from the City and Appellant regarding the denial or suspension of a Certificate and issuing a decision as required by this Chapter.
Appellant:	The person or entity appealing the denial or suspension of a Certificate, either personally as an Applicant or registered Solicitor, or on behalf of the Applicant or Registered Solicitor.
Applicant:	An individual who is at least sixteen (16) years of age and not a corporation, partnership, limited liability company, or other lawful entity who applies for a Certificate Permitting Door-to-Door Solicitation.
Application Form:	A standardized form provided by the City to an Applicant to be completed and submitted as part of Registration.
B.C.I.:	An original or copy, dated no older than 180 days prior to the date of the Application, of either: (1) a Utah Department of Public Safety Bureau of Criminal Identification verified criminal history report personal to the Applicant; or (2) verification by the Utah Department of Public Safety Bureau of Criminal Identification that no criminal history rising to the level of a Disqualifying Status exists for the Applicant.
Business:	A commercial enterprise licensed by the City as a person or Entity under this Title, having a fixed or temporary physical location within the City.
Certificate:	A temporary, annual, or renewal Certificate permitting Door-to-Door

	<p>Registered Solicitor for:</p> <ul style="list-style-type: none"> (i) felony homicide, (ii) physically abusing, sexually abusing, or exploiting a minor, (iii) the sale or distribution of controlled substances, or (iv) sexual assault of any kind. <p>C. The Applicant or Registered Solicitor has been Criminally Convicted of a felony within the last ten (10) years;</p> <p>D. The Applicant or Registered Solicitor has been incarcerated in a federal or state prison within the past five (5) years;</p> <p>E. The Applicant or Registered Solicitor has been Criminally Convicted of a misdemeanor within the past five (5) years involving a crime of:</p> <ul style="list-style-type: none"> (i) moral turpitude, or (ii) violent or aggravated conduct involving persons or property. <p>F. A Final Civil Judgment been entered against the Applicant or Registered Solicitor within the last five (5) years indicating that:</p> <ul style="list-style-type: none"> (i) the Applicant or Registered Solicitor had either engaged in fraud, or intentional misrepresentation, or (ii) that a debt of the Applicant or Registered Solicitor was non-dischargeable in bankruptcy pursuant to 11 U.S.C. § 523(a)(2), (a)(4), (a)(6), or (a)(19); <p>G. The Applicant or Registered Solicitor currently on parole or probation to any court, penal institution, or governmental entity, including being under house arrest or subject to a tracking device;</p> <p>H. The Applicant or Registered Solicitor has an outstanding arrest warrant from any jurisdiction; or</p> <p>I. The Applicant or Registered Solicitor is currently subject to a protective order based on physical or sexual abuse issued by a court of competent jurisdiction.</p>
Door to Door Solicitation:	The practice of engaging in or attempting to engage in conversation with any person at a Residence, whether or not that person is a Competent Individual, while making or seeking to make or facilitate a Home Solicitation Sale, or attempting to further the sale of Goods and or Services.
Entity:	Any corporation, partnership, limited liability company, or other lawful entity, organization, society or association.
Fees:	The cost charged to the Applicant or Registered Solicitor for the issuance of a Certificate and/or Identification Badge, which shall not exceed the reasonable costs of processing the application and issuing the Certificate and/or Identification Badge.

	<p>A. maintaining a state sales tax number, a special events sales tax number, computing the sales taxes owing from any Sale of Goods or Services, paying the sales taxes, and filing any required returns or reports;</p> <p>B. facilitating and responding to requests from consumers who desire to cancel the sale pursuant to applicable contractual rights or law; and</p> <p>C. refunding any monies paid or reversing credit card charges to those persons who timely rescind any sale pursuant to applicable contractual rights or law.</p>
Sale of Goods or Services:	The conduct and agreement of a Solicitor and the Competent Individual in a Residence regarding a particular Good(s) or Service(s) that entitles the consumer to rescind the same within three days under any applicable federal, state, or local law.
Services:	Those intangible goods or personal benefits offered, provided, or sold to a Competent Individual of a Residence
Soliciting or Solicit or Solicitation:	<p>Any of the following activities:</p> <p>A. Seeking to obtain Sales or orders for the exchange of goods, wares, merchandise or perishables of any kind, for any kind of remuneration or consideration, regardless of whether advance payment is sought;</p> <p>B. Seeking to obtain prospective customers to apply for or to purchase insurance, subscriptions to publications, or publications;</p> <p>C. Seeking to obtain contributions of money or any other thing of value for the benefit of any person or Entity;</p> <p>D. Seeking to obtain orders or prospective customers for Goods or Services.</p> <p>E. Seeking to engage an individual in conversation at a Residence for the purpose of promoting or facilitating the receipt of information regarding Religious Belief, Political Position, Charitable Conduct, or a Home Solicitation Sale.</p> <p>F. Other activities falling within the commonly accepted definition of Soliciting, such as hawking or peddling.</p>
Solicitor or Solicitors:	A person(s) engaged in Door-to-Door Solicitation.
Submitted in Writing:	The information for an appeal of a denial or suspension of a Certificate, submitted in any type of written statement to the City offices by certified, registered, priority, overnight or delivery confirmation mail, facsimile, or hand delivery.
Substantiated Report:	<p>An oral, written, or electronic report:</p> <p>A. That is submitted to and documented by the City;</p>

- Persons representing a Charitable Organization. The charitable exemption shall apply to students Soliciting contributions to finance extracurricular social, athletic, artistic, scientific or cultural programs, provided that the Solicitation has been approved in writing by the school administration, and that such student Solicitors carry current picture student identification from the educational institution for which they are Soliciting.

Those Persons exempt from Registration are not exempt from the duties and prohibitions outlined in Sections 3-7-17, 3-7-18 and 3-7-19 while Advocating or Soliciting.

3-7-5 Solicitation Prohibited.

Unless otherwise authorized, permitted, or exempted pursuant to the terms and provisions of this Chapter, the practice of being in and upon a private Residence within the City by Solicitors, for the purpose of Home Solicitation Sales or to provide Goods or Services, is prohibited and is punishable as set forth in this Chapter.

3-7-6 Registration of Solicitors.

Unless otherwise exempt under this Chapter, all persons desiring to engage in Door-to-Door Solicitation within the City, prior to doing so, shall submit a Completed Application to the Licensing Officer and obtain a Certificate.

3-7-7 Application Form.

The Licensing Officer shall provide a standard Application Form for use for the Registration of Solicitors. Upon request to the Licensing Officer, or as otherwise provided, any person or Entity may obtain in person, by mail, or facsimile, a copy of this Application Form. Each Application Form shall require disclosure and reporting by the Applicant of the following information, documentation, and fee:

1. **Review of Written Disclosures.** An affirmation that the Applicant has received and reviewed the disclosure information required by this Chapter.
2. **Contact Information.**
 - A. Applicant's true, correct and legal name, including any former names or aliases used during the last ten (10) years;
 - B. Applicant's telephone number, home address and mailing address, if different;
 - C. If different from the Applicant, the name, address, and telephone number of the Responsible Person or Entity; and
 - D. The address by which all notices to the Applicant required under this Chapter are to be sent.
3. **Proof of Identity.** An in-person verification by the Licensing Officer of the Applicant's true identity by use of any of the following which bear a photograph of said Applicant:
 - A. A valid drivers license issued by any State;

- G. Is the Applicant currently on parole or probation to any court, penal institution, or governmental entity, including being under house arrest or subject to a tracking device;
 - H. Does the Applicant have an outstanding arrest warrant from any jurisdiction; or
 - I. Is the Applicant currently subject to a protective order based on physical or sexual abuse issued by a court of competent jurisdiction.
9. **Fee.** The Applicant shall pay such fees as determined applicable by the City, which shall not exceed the reasonable cost of processing the application and issuing the Certificate and/or Identification Badge.
10. **Execution of Application.** The Applicant shall execute the Application Form, stating upon oath or affirmation, under penalty of perjury, that based on the present knowledge and belief of the Applicant, the information provided is complete, truthful and accurate.

3-7-8 Written Disclosures.

The Application Form shall be accompanied by written disclosures notifying the Applicant of the following:

1. The Applicant's submission of the Application authorizes the City to verify information submitted with the Completed Application including:
 - A. the Applicant's address;
 - B. the Applicant's and/or Responsible Person or Entity's state tax identification and special use tax numbers, if any;
 - C. the validity of the Applicant's Proof of Identity;
2. The City may consult any publically available sources for information on the Applicant, including but not limited, to databases for any outstanding warrants, protective orders, or civil judgments.
3. Establishing Proof of Identity is required before Registration is allowed;
4. Identification of the fee amount that must be submitted by Applicant with a Completed Application;
5. The Applicant must submit a BCI background check with a Completed Application;
6. To the extent permitted by State and/or federal law, the Applicant's BCI background check shall remain a confidential, protected, private record not available for public inspection;
7. The City will maintain copies of the Applicant's Application Form, Proof of Identity, and Identification Badge. These copies will become public records available for inspection on demand at the City offices whether or not a Certificate is denied, granted, or renewed.
8. The criteria for Disqualifying Status, denial, or suspension of a Certificate under the provisions of this Chapter.
9. That a request for a temporary Certificate will be granted or denied the same business day that a Completed Application is submitted.

3-7-9 When Registration Begins.

revoked, or expired may be renewed upon the request of the Registered Solicitor and the submission of a new Completed Application and payment of the Fee, unless any of the conditions for the denial, suspension or revocation of a Certificate are present as set forth in Section 3-7-14, or a Disqualifying Status is present.

3-7-11 Form of Certificate and Identification Badge.

- A. **Certificate Form.** Should the Licensing Officer determine that the Applicant is entitled to a Certificate, the Licensing Officer shall issue a Certificate to the Applicant. The Certificate shall list the name of the Registered Solicitor and the Responsible Person or Entity, if any, and the date on which the Certificate expires. The Certificate shall be dated and signed by the License Officer. The Certificate shall be carried by the Registered Solicitor at all times while Soliciting in the City.
- B. **Identification Badge.** With both the temporary and annual Certificates, the City shall issue each Registered Solicitor an Identification Badge that shall be worn prominently on his or her person while Soliciting in the City. The Identification Badge shall bear the name of the City and shall contain: (a) the name of the Registered Solicitor; (b) address and phone number of the Registered Solicitor, or the name, address, and phone number of the Responsible Person or Entity is provided; (c) a recent photograph of the Registered Solicitor; and (d) the date on which the Certificate expires.

3-7-12 Maintenance of Registry.

The Licensing Officer shall maintain and make available for public inspection a copy or record of every Completed Application received and the Certificate or written denial issued by the City. The Applicant's BCI background check shall remain a confidential, protected, private record not available for public inspection. The Licensing Officer may furnish to the head of the City's law enforcement agency a listing of all Applicants, those denied, and those issued a Certificate.

3-7-13 Non-Transferability of Certificates.

Certificates shall be issued only in the name of the Applicant and shall list the Responsible Party or Entity, if any. The Certificate shall be non-transferable. A Registered Solicitor desiring to facilitate or attempt to facilitate Home Solicitation Sales with different: (a) Goods or Services; or (b) Responsible Person or Entity, from those designated in the originally submitted Completed Application, shall submit a written change request to the Licensing Officer. A new Certificate based on the amended information shall issue for the balance of time remaining on the Solicitor's previous Certificate before the amendment was filed. Before the new Certificate is given to the Registered Solicitor, the Registered Solicitor shall obtain a revised Identification Badge from the City, after payment of the Fee for the Identification Badge.

Certificate, the
regarding the past or present

City has received a Substantiated Report
conduct of the Solicitor;

- e. The City or other governmental entity has either Criminally Convicted or subtained a civil injunction against the Applicant for violating this Chapter or similar Federal, State, or municipal laws in a manner rising to the level of a Disqualifying Status; or
- f. Since the submission of the Application, a Final Civil Judgment has been entered against the Applicant indicating that: (a) the Applicant had either engaged in fraud, or intentional misrepresentation, or (b) that a debt of the applicant was nondischargeable in bankruptcy pursuant to 11 U.S.C. § 523(a)(2), (a)(4), (a)(6), or (a)(19).

- B. **Suspension or Revocation.** The City shall either suspend or revoke a Certificate when any of the reasons warranting the denial of a Certificate occurs.
- C. **Notice of Denial or Suspension.** Upon determination of the Licensing Officer to deny an Applicant's Completed Application or to suspend a Registered Solicitor's Certificate, the City shall cause written notice to be sent to the Applicant or Registered Solicitor by the method indicated in the Completed Application. The Notice shall specify the grounds for the denial or suspension, the documentation or information the City relied on to make the decision, the availability of the documentation for review by Applicant upon one (1) business day notice to the City, and the date upon which the denial or suspension of the Certificate shall take effect. It shall further state that the Applicant or Registered Solicitor shall have ten (10) business days from the receipt of the notice of denial or suspension to appeal the same. The denial or suspension of the Certificate shall be effective no sooner than two (2) calendar days from the date the notice is sent, unless that suspension is because of exigent circumstances outlined in Section 3(34)(C)(4), in which case, the suspension is effective immediately. The denial or suspension shall remain effective unless and until the order is rescinded, overturned on appeal, or determined by a court to be contrary to equity or law. Failure to appeal the suspension of a Certificate automatically results in its revocation.

3-7-15 Appeal.

An Applicant or Registered Solicitor who's Certificate has been denied or suspended shall have the right to appeal to the City Council or its designee. Any appeal must be submitted by either the Applicant, the Responsible Person or Entity, or legal counsel for either who: (a) documents the relationship with the Applicant or Responsible Person or Entity; or (b) is licensed or authorized by the State of Utah to do so, and makes the assertion of an agency relationship. The following procedures and requirements shall apply:

- A. Any appeal must be Submitted in Writing to the City Recorder with a copy to the License Officer within ten (10) business days of the decision from which the

- A. No Solicitor shall intentionally make any materially false or fraudulent statement in the course of Soliciting.
- B. A Solicitor shall immediately disclose to the consumer during face-to-face Solicitation;
 - the name of the Solicitor;
 - the name and address of the entity with whom the Solicitor is associated; and
 - the purpose of the Solicitor's contact with the person and/or Competent individual. This requirement may be satisfied through the use of the Badge and an informational flyer.
- C. No Solicitor shall use a fictitious name, an alias, or any name other than his or her true and correct name.
- D. No Solicitor shall represent directly or by implication that the granting of a Certificate of Registration implies any endorsement by the City of the Solicitor's Goods or Services or of the individual Solicitor.

3-7-17 "No Solicitation" Notice.

- A. Any occupant of a Residence may give notice of a desire to refuse Solicitors by displaying a "No Solicitation" sign which shall be posted on or near the main entrance door or on or near the property line adjacent to the sidewalk leading to the Residence.
- B. The display of such sign or placard shall be deemed to constitute notice to any Solicitor that the inhabitant of the Residence does not desire to receive and/or does not invite Solicitors.
- C. It shall be the responsibility of the Solicitor to check each Residence for the presence of any such Notice.
- D. The provisions of this Section shall apply also to Solicitors who are exempt from Registration pursuant to the provisions of this Chapter.

3-7-18 Duties of Solicitors.

- A. Every person Soliciting or Advocating shall check each Residence for any "No Soliciting" sign or placard or any other notice or sign notifying a solicitor not to solicit on the premises, such as, but not limited to, "No Solicitation" signs. If such sign or placard is posted such Solicitor shall desist from any efforts to solicit at the Residence or dwelling and shall immediately depart from such property. Possession of a Certificate of Registration does not in any way relieve any solicitor of this duty.

PLANNING COMMISSION MINUTES

August 14, 2008 – Page 3

City Council Meeting
9-3-08
Attachment "C"

Code Amendment regarding the expansion of legally non-conforming structures, continued:

10-9-1, C 3: *'A noncomplying structure or nonconforming use will be lost if the property owner voluntarily demolishes a noncomplying structure of the building that houses the nonconforming use'* was changed to *"A noncomplying structure or nonconforming use will not be lost if the property owner voluntarily demolishes a noncomplying structure of the building that houses the nonconforming use as long as the restored or rebuilt portion of the structure is not more noncomplying or nonconforming than the portion demolished"*.

Commissioner Openshaw made a motion that the code amendment regarding the expansion of legally non-conforming structures, including the changes made at this meeting, be forwarded to the City Council with a positive recommendation. Commissioner Kurt Stringham seconded the motion. The vote to forward the code amendment regarding the expansion of legally non-conforming structures with a positive recommendation was unanimous.

DISCUSSION AND POSSIBLE ACTION ITEMS

Oak Summit Plat E – Final Plat Amendment

Darryl Penrod of Ludlow Engineering was present to answer any questions on the subdivision. Dennis Marker said the developer, Mike Carter, had already recorded Oak Summit Plat E, but improvements were made to an extra lot as the subdivision improvements were done, and the developer has asked to include that lot in the plat.

Commissioner Haacke asked why the lot was not included in the original plat. Mr. Marker said it was an oversight on the developer's part. The process to amend a recorded plat requires that all property owners sign the amendment, the Planning Commission make a recommendation, and the City Council make a final determination. If all the property owners are not willing to sign, or there is any opposition, then the City Council must hold a public hearing.

Commissioner Stringham made a motion that Oak Summit Plat E, Final Plat Amendment, be forwarded to the City Council with a positive recommendation. Commissioner Haacke seconded the motion. The motion to forward Oak Summit Plat E, Final Plat Amendment, with a positive recommendation was unanimous.

Code Amendment regarding temporary uses

Dennis Marker said the code amendment regarding temporary uses was a discussion item for this meeting, and would require a public hearing. The City Council has asked staff to address seasonal businesses, which fall under temporary uses. Mr. Marker said the amendment would try to establish definitions and standards for temporary uses and seasonal businesses. The amendment would cover mobile vendors. Ice cream trucks would fall under solicitors, as they do not sell from a fixed location. Neighborhood businesses such as children's lemonade stands would not fall under the amendment. Temporary businesses would be required to locate in larger volume areas due to likely traffic impacts.

Commissioner Chatterley asked about having a carnival on private property. Mr. Marker said the five acre parcels that could be used for a carnival are mostly on the fringe, not in residential areas.



PLANNING COMMISSION MINUTES

Santaquin City Council Chambers, 45 West 100 South
August 28, 2008

City Council Meeting
9-3-08
Attachment
"C"
DRAFT

Present: Commission Members John Chatterley, Kirk Greenhalgh, Layne Haacke, Richard Payne, Kurt Stringham, City Planner Dennis Marker, and Clerk Linda Midgley.

Visitors: Garrett Seely.

Commissioner John Chatterley called the meeting to order at 7: 00 p.m. Commissioner Chatterley welcomed those in attendance.

PLEDGE OF ALLEGIANCE

Commissioner Chatterley led those present in the Pledge of Allegiance.

AGENDA

No changes were made to the agenda timetable.

PUBLIC FORUM

Commissioner Chatterley opened the Public Forum. No items were brought to the attention of the Commission. Commissioner Chatterley closed the public forum.

PUBLIC HEARING, DISCUSSION AND POSSIBLE ACTION ITEMS

Code Amendment regarding temporary uses

Commissioner Chatterley opened the public hearing regarding temporary uses. Dennis Marker said the City Council had asked City staff to address seasonal business and temporary use issues. After some discussion, the following changes were made to the amendment:

Page 2, Grid: Temporary Use: *'Garage Sales'* was changed to *'Garage / Yard Sales'*

Page 2, Grid: Location Standards for Farmer's Market: *"Permitted only on parcels or within developments larger than five acres in size."* was changed to *'Permitted on public or quasi-public properties or private properties having over 5 acres'*.

Page 2, Standards for Temporary Use, 1: *'Acceptable space shall be available'* was changed to *'City approved spaces shall be available'*

Page 2, Standards for Temporary Use, 10B: *'Any other temporary offices, trailers, or structures used for sales must be removed from the site'* was changed to *'Any temporary offices, trailers, structures, equipment storage, construction materials and any other items related to the model home must be removed from the site.'*

Page 3, Revocation of Temporary Use Permit E1: *'The Community Development Department shall, upon reasonable notice, be empowered to suspend or revoke the temporary use permit'* was changed to *'The City shall, upon reasonable notice, be empowered to suspend or revoke the temporary use permit'*.

Unless a change is specified in the amendment, the regular City Appeals Authority would be used for temporary use appeals.