



KAYSVILLE CITY PLANNING COMMISSION NOTICE AND AGENDA

Notice is hereby given that the Kaysville City Planning Commission will hold their regular meeting on Thursday, September 23rd starting at 7:00 p.m. at the Kaysville City Municipal Building located at 23 East Center Street. The public is encouraged to attend in person or may view the meeting online via www.Kaysvillelive.com.

The agenda shall be as follows:

1. Opening and approval of the minutes from the September 9, 2021 meeting.
2. Public Hearing for the rezone of 0.18 acres of property from HC (Health Care) to the PB (Public Business) zoning district.
3. Public Hearing for consideration of a Water Efficient Landscaping Ordinance.
4. Public Hearing for an Instructional Home Occupation Ordinance.
5. Discussion item: Routine and Uncontested Variance Process.
6. Other matters that properly come before the Planning Commission:
 - a. Reports
 - b. Correspondence
 - c. Calendar

I hereby certify that I posted a copy of the foregoing Notice and Agenda at the Kaysville Municipal Center and mailed copies to the media representatives on Friday September 17, 2021.

A handwritten signature in blue ink, appearing to read "Lyle Gibson", is written over a horizontal line.

Lyle Gibson – Community Development Director



Planning Commission Staff Report

Public Hearing for the rezone of 0.18 acres of property from HC (Health Care) to the PB (Public Business) zoning district.

September 23, 2021

Applicant/Owner: Lush Enterprises, LLC / Sun Yong and Mike Manzolini
Location: 579 South Main Street

Description:

The applicant is requesting to rezone the property at the subject address. It was Re-zoned from PB to HC in 2018 for purpose of running an adult day care business. The property is located just south of the DATC along the east side of Main Street, and has been used as a commercial property for many years. Now the applicant would like to return parcel back to the PB zone and return the building for business office use.

The requested use is primarily for the office space. The uses allowed in the requested zone are below:

17-18-3 Permitted Uses

1. Business and professional offices.
2. Accessory uses and structures considered incidental and customary to a permitted use subject to the provisions of [KCC 17-31-2](#).

17-17-4 Conditional Uses

There are no conditional uses.

17-17-6 Height Regulations

1. No building shall exceed thirty feet (30') in height, except as pursuant to KCC 17-25-2.
2. No building shall be less than ten feet (10') in height.

Recommendation:

As a legislative decision, the Planning Commission is tasked with making a recommendation to the City Council. The Commission has broad discretion in its decision making on a rezone, but should look to see how the requested zone fits at this location based on its surroundings and the general plan.

Attachment 1: Area Map
Attachment 2: Zoning Map
Attachment 3: Request/Petition from Applicant

ORDINANCE NO. 21-_____

AN ORDINANCE REZONING A CERTAIN PORTION OF KAYSVILLE CITY TO THE PB (PROFESSIONAL BUSINESS) ZONING DISTRICT, HEREINAFTER FULLY DESCRIBED; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council of Kaysville City, State of Utah, has determined in an open meeting to rezone the subject property from the HC district to the PB district for the purpose of allowing business and professional office use; and

WHEREAS, said meeting was duly and regularly held and the interested parties were given an opportunity to be heard; and

WHEREAS, the Kaysville City Planning Commission has made a recommendation to the City Council on said zoning action; and

WHEREAS, the City Council after due consideration of said district has concluded that it is in the best interest of the City and the inhabitants thereof that said zone be implemented;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF KAYSVILLE CITY, UTAH:

SECTION I: Repealer. If any provisions of the City's Code previously adopted are inconsistent herewith they are hereby repealed.

SECTION II:

The real property as shown on the attached map at 579 South Main Street, which is made a part hereof, containing approximately 0.18 acres, shall be and the same is hereby rezoned and the Zoning Map amended by removing it from the Kaysville City HC district as currently delineated and rezoning it to the PB zoning district.

SECTION III: Severability. If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION VI:

This Ordinance shall take effect upon approval of a final subdivision plat found to be consistent with the provisions of the approved development agreement for the subject property.

PASSED AND ADOPTED by the City Council of Kaysville City, Utah, this __th day of _____, 2021

Katie Witt
Mayor

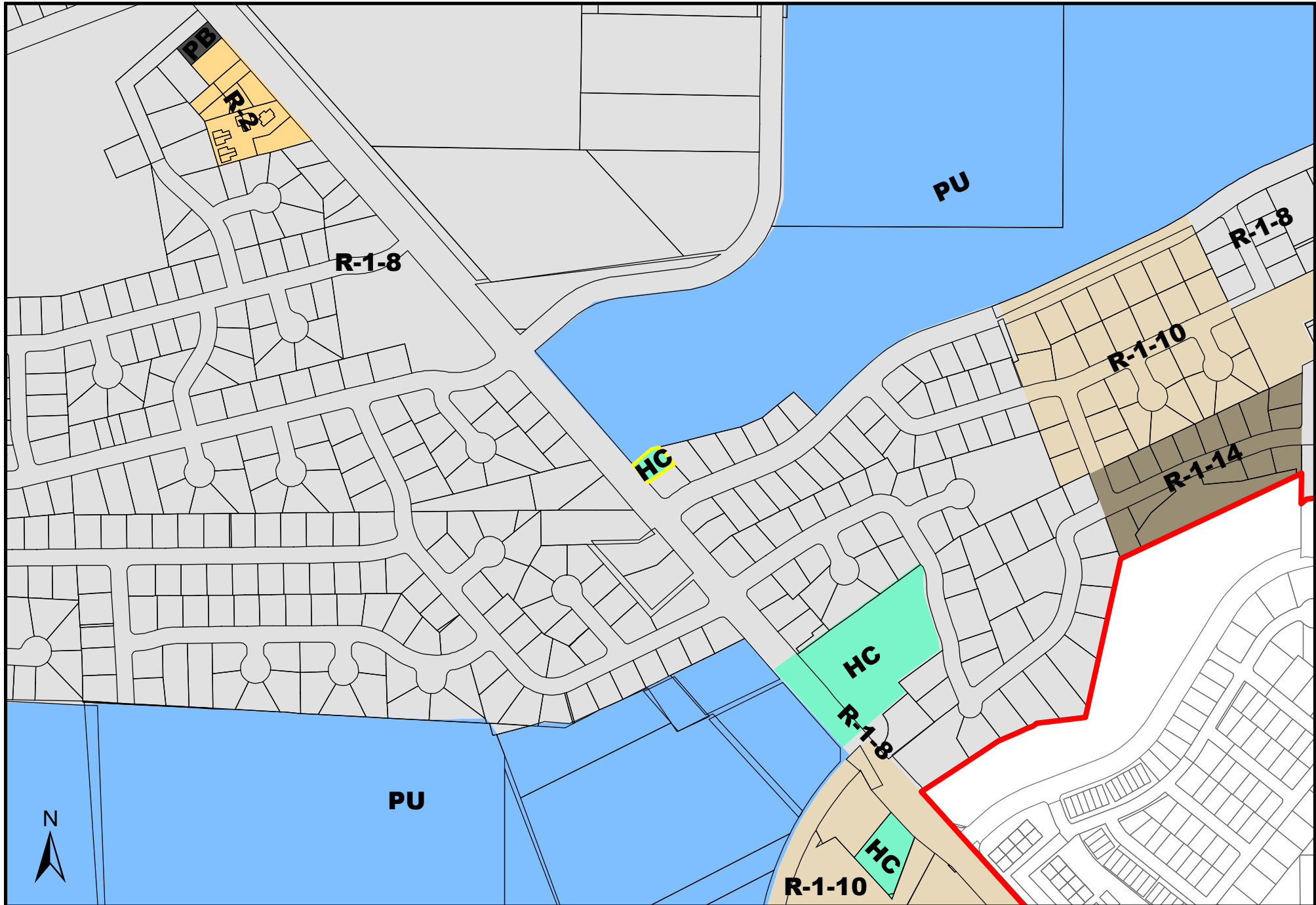
ATTEST:

Annemarie Plaizier
City Recorder

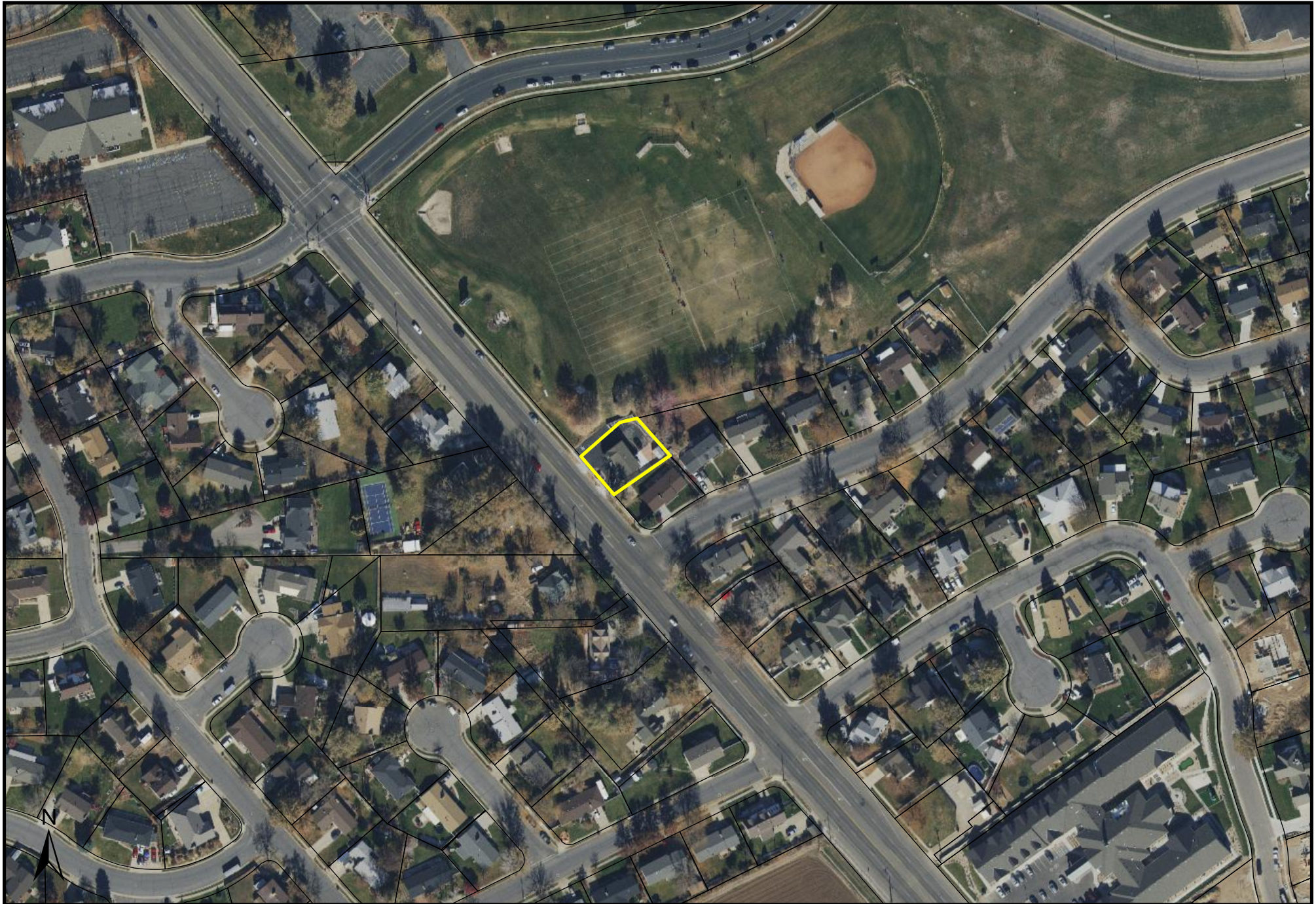
APPROVED AS TO FORM:

Nicholas C. Mills, City Attorney

579 South Main Street - Rezone from HC to PB



579 South Main Street - Rezone from HC to PB



Planning Commission Staff Report



Public Hearing for consideration of a Water Efficient Landscaping Ordinance. September 23, 2021

Description:

The Planning Commission has previously discussed this item. The ordinance is primarily focused on addressing the desires of Weber Basin Water Conservancy District to conserve water resources. The ordinance as prepared is based on a draft ordinance given by the water district focused on the essential items that if implemented would qualify property owners in the city for incentives from the district to install more water efficient landscapes. The requirements are applicable to new construction.

The draft ordinance highlights the minimum requirements from the district in green. The other language attempts to address previous discussions from the commission to give options to residential development and place more specific requirements on commercial and institutional development types.

The Commission requested that a public hearing be held for this item before moving further along with the discussion and making a recommendation to the city council.

Recommendation:

The ordinance as proposed is still very detailed, staff may prefer to simplify, but with the intent of providing multiple options and addressing the minimums of the water district is ready to have it discussed by the public. Staff is seeking additional direction from the commission if changes are needed or would recommend that the commission forward a recommendation to the council should they feel ready.

Attachment 1: Draft Water Efficient Landscape Ordinance.

ORDINANCE NO. 2021-

AN ORDINANCE ENACTING CHAPTER 17-6, WATER EFFICIENT LANDSCAPING, OF TITLE 17, PLANNING AND ZONING, OF THE REVISED ORDINANCES OF KAYSVILLE CITY PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, water is an increasingly scarce resource, of limited supply, and is subject to ever increasing demands;

WHEREAS, it is the policy of Kaysville City to promote the conservation and efficient use of water and to prevent waste of this valuable resource;

WHEREAS, the city recognizes that landscapes provide areas for active and passive recreation;

WHEREAS; landscape design, installation, maintenance and management can and should be water efficient;

WHEREAS, Kaysville City desires to promote the design, installation and maintenance of landscapes that are both attractive and water efficient;

WHEREAS, Kaysville City can accomplish these goals by adopting this ordinance; and,

WHEREAS, Kaysville has the authority to adopt this ordinance pursuant to Utah Code Annotated (2010) § 10-3-702, and hereby exercises its legislative powers in doing so.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF KAYSVILLE CITY, UTAH:

Section I. **Repealer.** If any provisions of the City's Code previously adopted are inconsistent herewith they are hereby repealed.

Section II. **Enactment.** Section 17-6, WATER EFFICIENT LANDSCAPING , OF TITLE 17, PLANNING AND ZONING, OF THE REVISED ORDINANCES OF KAYSVILLE CITY is amended as follows:

17-6-1 Purpose

It is in the public interest to conserve water resources and to promote water efficient landscaping. The purpose of this ordinance is to protect and enhance the community's environmental, economic, recreational, and aesthetic resources by promoting efficient use of water in the community's landscapes, reduce water waste and establish a structure for designing, installing and maintaining water efficient landscapes throughout the City.

17-6-2 Definitions

The following definitions shall apply to this ordinance:

Applied Water: The portion of water supplied by the irrigation system to the landscape.

Bubbler: An irrigation head that delivers water to the root zone by "flooding" the planted area, usually measured in gallons per minute. Bubblers exhibit a trickle, umbrella or short stream pattern.

Check Valve: A device used in sprinkler heads or pipe to prevent water from draining out of the pipe through gravity flow. Used to prevent pollution or contamination or the water supply due to

the reverse flow of water from the secondary irrigation system.

Drip Emitter: Drip irrigation fittings that deliver water slowly at the root zone of the plant, usually measured in gallons per hour.

Effective Precipitation: The portion of total precipitation which becomes available for plant growth.

Established Landscape: The point at which plants in the landscape have developed significant root growth into the soil.

Establishment Period: the first year after installing the plant in the landscape.

Evapotranspiration (ET): The quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time, expressed in inches per day, month or year.

Grading Plan: The Grading Plan shows all finish grades, spot elevations as necessary and existing and new contours with the developed landscape area.

Ground Cover: Material planted in such a way as to form a continuous cover over the ground that can be maintained at a height not more than twelve (12) inches.

Hardscape: Patios, decks and paths. Does not include driveways and sidewalks.

Institutional Development: public and/or private facilities having a primarily public-serving function, including, but not limited to, government offices, police and fire stations, libraries, activity centers, schools, churches, health care facilities, and educational and religious training centers.

Irrigation System Audit: an in-depth evaluation of the performance of an irrigation system that includes, but is not limited to, inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule.

Irrigation Landscaped Area: All portions of a development site to be improved with plantings and irrigation. Natural open space areas shall not be included in the irrigated landscape area.

Irrigation Efficiency: the measurement of the amount of water beneficially applied, divided by the total amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system hardware characteristics and management practices.

Irrigation Plan: The irrigation plan shows the components of the irrigation system with water meter size, backflow prevention (when outdoor irrigation is supplied with culinary water), precipitation rates, flow rate and operating pressure for each irrigation circuit, and identification of all irrigation equipment.

Landscape Architect: A person who holds a certificate to practice landscape architecture in the state of Utah. Only a Landscape Architect can legally create commercial landscape plans.

Landscape Designer: A person who may or may not hold professional certificates for landscape design/architecture and cannot legally create commercial landscape plans. Landscape Designers generally focus on residential design and horticultural needs of home landscapes.

Landscape Education Package: A package that is intended to inform and educate water users in the

City about water efficient landscapes. This package should include a listing of water conserving plants, certified landscape designers, landscape architects, certified irrigation designers, and certified irrigation contractors. Information regarding the City's water rates, billing format for water use and commitment to water conservation may also be included.

Landscape Plan Documentation Package: The preparation of a graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as plantings, ground and water forms, circulation, walks and other features to comply with the provisions of this ordinance. The Landscape Plan Documentation Package shall include a project data sheet, a Planting Plan, an Irrigation Plan, and a Grading Plan.

Landscape Zone: A portion of the landscaped area having plants with similar water needs, areas with similar microclimate (i.e., slope, exposure, wind, etc.) and soil conditions, and areas that will be similarly irrigated. A landscape zone can be served by one irrigation valve, or a set of valves with the same schedule.

Landscaping: Any combination of living plants, such as trees, shrubs, vines, ground covers, flowers, or grass; natural features such as rock, stone, or bark chips; and structural features, including but not limited to, fountains, reflecting pools, outdoor art work, screen walls, fences or benches.

Localscapes®: A locally adaptable and environmentally sustainable urban landscape style that requires less irrigation than traditional Utah landscapes (see www.Localscapes.com).

Maximum Applied Water Allowance (MAWA): the upper limit of annual applied water for the established landscaped area as specified in Section 8. It is based upon the area's reference evapotranspiration, a plant adjustment factor, and the size of the landscape area. The Estimated Total Water Use shall not exceed the MAWA.

Microclimate: The climate of a very small restricted area that is different from the surrounding area. These areas include shade areas, sun areas, and areas protected by surrounding structures.

Mulch: Any material such as rock, bark, wood chips or other materials left loose and applied to the soil.

Park Strip: A typically narrow landscaped area located between the back-of-curb and sidewalk.

Plant Adjustment Factor: A reference evapotranspiration factor, also referred to as a crop coefficient which is a value to indicate water needs of various plant types for optimum growth or yield. It is a factor to provide acceptable appearance and function of the plant.

Planting Plan: A Planting Plan shall clearly and accurately identify and locate new and existing trees, shrubs, ground covers, turf areas, driveways, sidewalks, hardscape features, and fences.

Pop-up Spray Head: A sprinkler head that sprays water through a nozzle in a fixed pattern with no rotation.

Precipitation Rate: The depth of water applied to a given area, usually measured in inches per hour.

Pressure Compensating: A drip irrigation system that compensates for fluctuating water pressure by only allowing a fixed volume of water through drip emitters.

Rehabilitated Landscaping: Altering, repairing, or adding to a landscape to make possible a compatible use, increase curb appeal, decrease maintenance, etc.

Rotor Spray Head: A sprinkler head that distributes water through a nozzle by the rotation of a gear or mechanical rotor.

Runoff: Irrigation water that is not absorbed by the soil or landscape area to which it is applied, and which flows onto other areas.

Smart Automatic Irrigation Controller: An automatic timing device used to remotely control valves in the operation of an irrigation system using the internet to connect to a real time weather source or soil moisture sensor. Smart Automatic Irrigation Controllers schedule irrigation events using either evapotranspiration or soil moisture data to control when and how long sprinklers or drip systems operate and will vary based on time of year and weather/soil moisture conditions.

Special Landscape Area: (SLA) means an area of the landscape dedicated solely to edible plants, areas irrigated with recycled water, water features using recycled water and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.

Spray Sprinkler: An irrigation head that sprays water through a nozzle.

Stream Sprinkler: An irrigation head that projects water through a gear rotor in single or multiple streams.

Turf: A surface layer of earth containing grass species with full root structures that are maintained as mowed grass.

Waste of Water: shall include, but not necessarily limited to:

1. The use of water for any purpose, including outdoor irrigation, that consumes, or for which is applied substantial excess water beyond the reasonable amount required by the use, whether such excess water is lost due to evaporation, percolation, discharges into the sewer system, or is allowed to run into the gutter or street.
2. Washing sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas except to alleviate immediate health or safety hazards.

Water-Conserving Plant: A plant that can generally survive with available rainfall once established although supplemental irrigation may be needed or desirable during spring and summer months.

17-6-3 General Landscape Design Standards

A. Plant Selection.

1. Plants shall be well-suited to the microclimate and soil conditions at the project site. Both native and locally-adapted plants are acceptable. Plants with similar water needs shall be grouped together as much as possible.
2. Areas with slopes greater than 25% shall be landscaped with deep-rooting, water-conserving plants for erosion control and soil stabilization.

Commented [LG1]: Other provision recently adopted. More specific to time of day use.

3. Park strips and other landscaped areas less than eight (8) feet wide shall be landscaped in a manner that does not requiring uniform overhead spray irrigation, no turf or artificial turf is permitted in these areas.
- B. Soil Preparation. Soil preparation will be suitable to provide healthy growing conditions for the plants and to encourage water infiltration and penetration. Soil preparation shall include scarifying the soil to a minimum depth of six (6) inches and amending the soil with organic material as per specific recommendations of the Landscape Designer/Landscape Architect based on the soil conditions.
- C. Tree Selection. Tree species shall be selected from the Kaysville City Plant based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. Trees shall be selected as follows:
1. Broad canopy trees shall be selected where shade or screening of tall objects is desired;
 2. Low-growing trees shall be selected for spaces under utility wires;
 3. Select trees from which lower branches can be trimmed to maintain a healthy growth habit where vision clearance and natural surveillance is a concern;
 4. Narrow or columnar trees shall be selected where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street for natural surveillance;
 5. Trees less than a two-inch caliper shall be double-staked until the trees mature to a two-inch caliper.
- D. WaterSense labeled smart irrigation controller, equipped with rain delay, shall be installed.

17-6-4 Requirements for Landscapes in New Single-family Residential Developments

- 1) Applicability: The following shall be applicable to all properties whereon a new primary dwelling is to be constructed whether part of a subdivision or a lot of record. The following is applicable for single family attached and detached housing.
- 2) New primary dwellings shall have a landscaping plan approved by the City as part of the plan review prior to issuing building permits, for which no variance may be granted from the following requirements.
 - a) Lawn area shall not exceed 35% of the total landscaped area.
 - b) Drip irrigation shall be used outside of lawn areas. Drip irrigation shall be equipped with pressure regulator, filter, etc.
 - c) Minimum of 3 inches of mulch required in planted beds.
 - d) Landscaping of the front yard shall be completed within 18 months from the time of

occupancy and the total lot landscaping shall be completed no more than three years from date of occupancy.

OR

- e) A plan may be provided showing that the landscaping for the new single family dwelling lot complies with the following Maximum Applied Water Allowance (MAWA). This is an option for lots with a secondary irrigation water source. This is required for each new development or rehabilitated landscape that uses primary potable water for landscape irrigation
 - i) A water budget calculation to demonstrate a Maximum Applied Water Allowance (MAWA) for the new landscape or development must be provided to the City. For parcels using secondary water, the MAWA is determined by the secondary water provider based on parcel size and is referred to as an allocation.
 - (1) The Maximum Applied Water Allowance shall be calculated using the following equation:
 - (2) $MAWA = (ET_o)(0.62)(1.15)[(0.8 \times LA) + (0.3 \times SLA)]$
 - (3) MAWA = Maximum Applied Water Allowance (gallons per year)
 - (4) ET_o = Reference Evapotranspiration (inches per year) as calculated from weather data at the closest available weather station.
 - (5) 0.62 = Conversion Factor (to gallons)
 - (6) 1.15 = Delivery Inefficiency Factor (sprinkler system uniformity etc.)
 - (7) 0.8 = ET Adjustment Factor (ETAF), plant factor or crop coefficient (.8 standard for cool season turf)
 - (8) LA = Landscape Area including SLA (square feet)
 - (9) 0.3 = Additional Water Allowance for SLA
 - (10) SLA = Special Landscape Area (square feet)

ET_o values can be obtained directly from the USU Climate Center where a data base of weather data from local stations is collected, analyzed, and stored.

17-6-5 Landscapes in Commercial, Industrial, Multi-Family, and Institutional Developments

Commercial, industrial, multi-family, common open spaces, and institutional landscapes shall meet the following Landscape Design Standards and Irrigation Design Standards of this ordinance, and the turf area shall not exceed 15% of the total landscaped area, outside of active recreation areas. No turf is permitted in parking landscapes and buffer areas.

1. Documentation for Commercial, Industrial, and Institutional Projects

Landscape Plan Documentation Package. A copy of a Landscape Plan Documentation Package shall be submitted to and approved by the City prior to the issue of any permit. A copy of the approved Landscape Plan Documentation Package shall be provided to the property owner or site manager and to the local retail water purveyor. The Landscape Plan Documentation Package shall be prepared by a registered landscape architect and shall consist of the following

items:

- A. Project Data Sheet. The Project Data Sheet shall contain the following:
 - 1. Project name and address;
 - 2. Applicant or applicant agent's name, address, phone number, and email address;
 - 3. Landscape architect's name, address, phone number, and email address; and
 - 4. Landscape contractor's name, address, phone number and email address, if available at this time.
- B. Planting Plan. A detailed planting plan shall be drawn at a scale that clearly identifies the following:
 - 1. Location of all plant materials, a legend with botanical and common names, and size of plant materials;
 - 2. Property lines and street names;
 - 3. Existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements;
 - 4. Existing trees and plant materials to be removed or retained;
 - 5. Scale: graphic and written;
 - 6. Date of Design;
 - 7. Designation of a landscape zone, and
 - 8. Details and specifications for tree staking, soil preparation, and other planting work.
- C. Irrigation Plan. A detailed irrigation plan shall be drawn at the same scale as the planting plan and shall contain the following information:
 - 1. Layout of the irrigation system and a legend summarizing the type and size of all components of the system, including manufacturer name and model numbers;
 - 2. Static water pressure in pounds per square inch (psi) at the point of connection to the public water supply;
 - 3. Flow rate in gallons per minute and design operating pressure in psi for each valve and precipitation rate in inches per hour for each valve with sprinklers, and
 - 4. Installation details for irrigation components.
- D. Grading Plan. A Grading Plan shall be drawn at the same scale as the Planting Plan and shall contain the following information:
 - 1. Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements, and
 - 2. Existing and finished contour lines and spot elevations as necessary for the

proposed site improvements.

2) Irrigation Design Standards

- A. Smart Automatic Irrigation Controller. Landscaped areas shall be provided with a WaterSense labeled smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities and shall be setup to operate in “smart” mode.
 - B. Each valve shall irrigate a landscape with similar site, slope and soil conditions and plant materials with similar watering needs. Turf and non-turf areas shall be irrigated on separate valves. Drip emitters and sprinklers shall be placed on separate valves.
 - C. Drip emitters or a bubbler shall be provided for each tree. Bubblers shall not exceed 1.5 gallons per minute per device. Bubblers for trees shall be placed on a separate valve unless specifically exempted by the City due to the limited number of trees on the project site.
 - D. Drip irrigation or bubblers shall be used to irrigate plants in non-turf areas. Pop-up spray heads shall be at a minimum of four (4) inches in height to avoid blockage from lawn foliage.
 - E. Sprinklers shall have matched precipitation rates with each control valve circuit.
 - F. Sprinkler heads shall be attached to rigid lateral lines with flexible material (swing joints) to reduce potential for breakage.
 - G. Check valves shall be required where elevation differences cause low-head drainage. Pressure compensating valves and sprinklers shall be required where a significant variation in water pressure occurs within the irrigation system due to elevation differences.
 - H. Filters shall be required on all secondary water service connections. Filters shall have as a minimum a 30 mesh screen and shall be cleaned and maintained by the property owner on a regular basis.
 - I. Drip irrigation lines require additional filtration at or after the zone valve at a minimum of 200 mesh and end flush valves are required as necessary for drip irrigation lines.
 - J. Valves with spray or stream sprinklers shall be scheduled to operate in accordance with local water supplier restrictions to reduce water loss from wind, evaporation or other environmental conditions not suitable for irrigation.
 - K. Program valves for multiple repeat cycles where necessary to reduce runoff, particularly on slopes and soils with slow infiltration rates.
 - L. AMR Transmitters: Each meter shall be fitted with an AMR transmitter with integral connector. <DEFINE AMR TRANSMITTER AND INSTALLATION REQUIREMENTS>
3. Each new development or rehabilitated landscape that uses primary potable water for landscape irrigation must provide a water budget calculation to demonstrate a Maximum Applied Water Allowance (MAWA) for the new landscape or development. For parcels using secondary water, the MAWA is determined by the secondary water provider based on parcel size and is

referred to as an allocation.

The Maximum Applied Water Allowance shall be calculated using the following equation:

$$\text{MAWA} = (\text{ETo}) (0.62)(1.15)[(0.8 \times \text{LA}) + (0.3 \times \text{SLA})]$$

MAWA = Maximum Applied Water Allowance (gallons per year)

ETo = Reference Evapotranspiration (inches per year) as calculated from weather data at the closest available weather station.

0.62 = Conversion Factor (to gallons)

1.15= Delivery Inefficiency Factor (sprinkler system uniformity etc.)

0.8 = ET Adjustment Factor (ETAF), plant factor or crop coefficient (.8 standard for cool season turf)

LA = Landscape Area including SLA (square feet)

0.3 = Additional Water Allowance for SLA

SLA = Special Landscape Area (square feet)

ETo values can be obtained directly from the USU Climate Center where a data base of weather data from local stations is collected, analyzed, and stored. If you cannot find the ET data you need, please contact the City.

Additional details and examples of calculations are found in Appendix A

4. Plan Review, Construction Inspection, and Post-Construction Monitoring for Commercial, Industrial, and Institutional Projects
 - A. As part of the Building Permit approval process, a copy of the Landscape Plan Documentation Package shall be submitted to the City for review and approval before construction begins.
 - B. During construction, site inspection of the landscaping may be performed by the City.
 - C. Following construction and prior to issuing the approval for occupancy or release of assurance deposit when deemed appropriate by the City, an inspection shall be scheduled with the City to verify compliance with the approved landscape plans.
 - D. The City reserves the right to perform site inspections at any time before, during or after the irrigation system and landscape installation, and to require corrective measures if requirements of this ordinance are not satisfied.

17-6-6 Prohibition on Restrictive Covenants Requiring Uniform Plant Material Irrigated with Spray Irrigation

- 3) Any Homeowners Association governing documents, such as bylaws, operating rules, covenants, conditions, and restrictions that govern the operation of a common interest development, are void and unenforceable if they:
 - a) Require the use of any uniform plant material requiring overhead spray irrigation in landscape areas less than 8 feet wide or require any uniform plant material requiring overhead spray irrigation in other areas that exceed 40% of the landscaped area; or
 - b) Prohibit, or include conditions that have the effect of prohibiting, the use of water-conserving plants as a group; or

c) Have the effect of prohibiting or restricting compliance with this ordinance or other water conservation measures.

17-6-7 Prohibited Watering Practices

Regardless of the age of a development (commercial, industrial, office, or residential), water shall be properly used. Waste of water is prohibited.

17-6-8 Enforcement, Penalty for Violations

The Public Utilities Director and other employees of the Public Utilities Department are authorized to enforce all provisions of this Ordinance.

Any consumer who violates any provisions of this Ordinance shall be issued a written notice of violation. This notice shall be affixed to the property where the violation occurred. The notice will describe the violation and order that it be corrected, cured or abated immediately or within times specified by the City. Failure to receive a notice shall not invalidate further actions by the City. If the order is not complied with, the City may terminate water service to the customer and/or issue a citation.

Commented [LG2]: Recent ordinance may address this directly already.

SECTION III: Severability. If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION IV: Effective Date. This Ordinance shall take effect 20 days after being passed and adopted by the City Council.

PASSED AND ADOPTED by the City Council of Kaysville City, Utah, this __th day of _____, 2021.

Katie Witt
Mayor

ATTEST:

Annemarie Plaizier
City Recorder

Appendix A

The Maximum Applied Water Allowance shall be calculated using the equation:

$$\text{MAWA} = (\text{ETo}) (0.62) (1.15) [(0.8 \times \text{LA}) + (0.3 \times \text{SLA})]$$

The example calculations below are hypothetical to demonstrate proper use of the equations and do not represent an existing and/or planned landscape project. The ETo values used in these calculations are examples only but are real ETo values from Weber Basin's weather station and should be substituted for actual ETo values for your specific city. For actual irrigation scheduling, automatic smart irrigation controllers are required and shall use current reference evapotranspiration data (most of which is part of each controller company's supporting weather network) or soil moisture sensor data.

(1) Example MAWA calculation: a hypothetical landscape project in Layton Utah with an irrigated landscape area of 20,000 square feet without any Special Landscape Area (SLA= 0, no edible plants, or recreational areas). To calculate MAWA, the annual reference evapotranspiration value for Layton is 32.8 inches as documented from the Weber Basin weather station data.

$$\text{MAWA} = (\text{ETo}) (0.62) (1.15) [(0.8 \times \text{LA}) + (0.3 \times \text{SLA})]$$

MAWA = Maximum Applied Water Allowance (gallons per year)

ETo = Reference Evapotranspiration (inches per year)

0.62 = Conversion Factor (to gallons)

1.15= Delivery Inefficiency Factor (sprinkler system uniformity etc.)

0.8 = ET Adjustment Factor (ETAF) typical for cool season turf

LA = Landscape Area including SLA (square feet)

0.3 = Additional Water Allowance for SLA

SLA = Special Landscape Area (square feet)

$$\text{MAWA} = (32.8 \text{ inches}) (0.62) (1.15) [(0.8 \times 20,000 \text{ square feet}) + (0.3 \times 0)] = \mathbf{374,182 \text{ gallons per year}}$$

(or 1.15 AF/yr)

(2) In this next hypothetical example, the landscape project in Ogden Utah has the same ETo value of 32.8 inches and a total landscape area of 15,000 square feet. Within the 15,000 square foot project, there is now a 2,000 square foot area planted with edible plants. This 2,000 square foot area is considered to be a Special Landscape Area.

$$\text{MAWA} = (\text{ETo}) (0.62) (1.15) [(0.8 \times \text{LA}) + (0.3 \times \text{SLA})]$$

$$\begin{aligned} \text{MAWA} &= (32.8 \text{ inches}) (0.62) (1.15) [(0.8 \times 15,000 \text{ square feet}) + (0.3 \times 2,000 \text{ square feet})] \\ &= 20.34 \times [12,000 + 600] \text{ gallons per year} = \mathbf{280,696.8 \text{ gallons per year}} \text{ (or .86 AF/year)} \end{aligned}$$

Planning Commission Staff Report



Public Hearing for an Instructional Home Occupation Ordinance

September 23, 2021

Description:

The Planning Commission was given an initial introduction to a new business license type that would address a unique way of conducting business from residential properties within Kaysville.

The examples previously given are below and would not currently be allowed by ordinance, but the proposed Instructional Home Occupation Ordinance would permit them in the future if it were to be adopted.

Fictional Sample Scenarios:

1. A Kaysville City resident is proficient at tennis, but they do not have a tennis court at their home. They would like to teach lessons and a neighbor has agreed to let them use their tennis court. Lessons may be one on one or small group.
 - a. The ordinance requires that a business be owned and operated by the inhabitant of the home where licensed.
2. A Kaysville resident has developed a tutoring program for students that works best offering 1 on 1 instruction. The program is successful enough that this resident can't accept all the students interested in their service. They would like to train or find others capable of teaching at the same home as an employee to reach more students.
 - a. With few exceptions (Major Home Occupation A), no outside employees allowed.

The Planning Commission desired to receive input from the public before moving further in one direction or another on this proposal. With that this item has been noticed for a public hearing.

Recommendation:

After holding the public hearing the Planning Commission should give direction to staff regarding any changes they would like to see made to the ordinance, or the Commission may recommend that the Ordinance be denied or Approved by the city council.

Attached: Instructional Home Occupation Ordinance text

Chapter 26 Home Occupations

17-26-1				Purpose
17-26-2	Minor	Home		Occupations
17-26-3	Major	Home	Occupations	A
17-26-4	Major	Home	Occupations	B
17-26-4a	Major	Home	Occupations	C
17-26-5	Agricultural	Home		Occupations
17-26-6	Residential	Child		Care
17-26-7		General		Standards
17-26-8	Enforcement	And		Revocation
17-26-9				Penalties
17-26-10		Youth		Enterprise

17-26-1 Purpose

The purpose of these provisions is to ensure that home occupations remain incidental and accessory uses within the dwelling or on the dwelling site and that any coincidental nuisance remains within the dwelling or on the dwelling site.

17-26-2 Minor Home Occupations

The following regulations shall apply to all minor home occupations:

1. The use shall be conducted entirely within the dwelling by the inhabitants thereof and no others.
2. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, or vibrations.
3. No more than 300 square feet, or 20 percent of the gross floor area of the dwelling, may be used for the home occupation. (The least restrictive shall apply.)
4. There shall be no advertising, display, or other indications of a home occupation on the premises.
5. There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products on display, provided that orders previously made by telephone or at a sales party may be filled on the premises. That is, direct sales of products off display shelves or racks is not allowed, but a person may pick up an order placed earlier as described above.
6. No storage or display of goods shall be visible from outside the structure.
7. No explosive material shall be used or stored on the premises. No activity shall be allowed that would interfere with radio or television transmission in the area, nor shall there be any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.
8. The home occupation shall not create greater vehicle or pedestrian traffic than normal for the zone district in which it is located.
9. Parties for the purpose of selling merchandise or taking orders shall not be held more than four times each month.
10. The use shall not require additional off-street parking above that amount already required by the provisions of this title.
11. No use of material or equipment not recognized as being part of the normal practices of owning and maintaining a residence shall be allowed.
12. Notwithstanding any provision contained herein to the contrary, garage, basement, yard, or other similar sales shall be permitted not more than twice each year, and each sale shall not last more than two (2) consecutive days.
13. The use shall not require deliveries from commercial suppliers to the minor home occupation nor deliveries from the home occupation.
14. Permitted minor home occupations may include, but are not necessarily limited to, the following:
 1. Artists and sculptors;

2. Authors and composers;
 3. Home crafts for sale off-site;
 4. Office facility of clergy;
 5. Office facility of a salesman, sales representative, or manufacturer's representative;
 6. Professional office facilities;
 7. Individual tutoring;
 8. Preserving and home cooking for sale off-site;
 9. Individual instrument instruction;
 10. Telephone solicitation work.
15. The following uses by the nature of the investment or operation have a pronounced tendency once started to increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residential purposes. Therefore, the uses specified below shall not be permitted as minor home occupations:
1. All uses prohibited as major home occupations A or B;
 2. Minor or major auto repair;
 3. Barber shop;
 4. Woodworking;
 5. Dance instruction;
 6. Dental offices;
 7. Medical offices;
 8. Painting of vehicles, trailers, or boats;
 9. Photo developing, photo studios;
 10. Private schools with organized classes;
 11. Television repair;
 12. Upholstering;
 13. Beauty parlors;
 14. Massage parlors;
 15. Small engine repairs;
 16. Welding shop; and
 17. Other similar uses.

17-26-3 Major Home Occupations A

The following regulations shall apply to all major home occupations A:

1. The use shall be conducted entirely within the dwelling by the inhabitants thereof and a non-resident employee. Not more than one (1) non-resident employee shall be on the site.
2. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds or vibrations.
3. No more than 400 square feet, or 20 percent of the gross floor area of the dwelling, may be used for the home occupation. (The least restrictive shall apply.)
4. There shall be no advertising, display, or other indications of a home occupation on the premises.
5. There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products on display. No customers, clients, patients, students, patrons or others shall come to the premises to receive goods or services.
6. No storage or display of goods shall be visible from outside the structure.
7. No explosive material shall be used or stored on the premises. No activity shall be allowed that would interfere with radio or television transmission in the area, nor shall there be any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.

8. The home occupation shall not create greater vehicle or pedestrian traffic than normal for the zone district in which it is located.
9. The use shall provide one (1) additional off-street parking space above that amount already required by the provisions of this title.
10. No use of material or equipment not recognized as being part of the normal practices of owning and maintaining a residence shall be allowed.
11. Notwithstanding any provision contained herein to the contrary, garage, basement, yard, or other similar sales shall be permitted not more than twice each year, and each sale shall not last more than two (2) consecutive days.
12. Deliveries from commercial suppliers may not be made more than once each week, and the deliveries shall not restrict traffic circulation.
13. Permitted major home occupations A shall only include:
 1. Office facility of a salesman, sales representative, or manufacturer's representative;
 2. Professional office facilities;
 3. Telephone solicitation work.

17-26-4 Major Home Occupations B

A Major Home Occupation B is a home business which may generally have more materials or larger vehicles than other home businesses and may provide services to groups of a limited size.

The following regulations shall apply to all major home occupations B:

1. The use shall be conducted primarily within the dwelling site and carried on by the inhabitants thereof and no others.
2. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or the emission of sounds, noises, or vibrations.
3. No more than 400 square feet, or 20 percent of the gross floor area of the dwelling, may be used for the home occupation. (The least restrictive shall apply.) Accessory buildings as allowed in the zone district may be used for the home occupation as permitted. The home occupation shall occupy no more than five percent (5%) of the lot area.
4. There shall be no signs present on the property except for one wall sign, not to exceed one square foot, indicating the address and the occupant's name, for example, Joe Doe - Accountant. See Name Plates in KCC 17-33, Sign Regulations.
5. There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products, provided that incidental retail sales may be made in connection with other permitted home occupations; for example, a single-chair beauty parlor would be allowed to sell combs, hair spray, and other miscellaneous items to customers. However, a dressmaker would be required to do only custom work for specific clients and would not be allowed to develop stocks of dresses for sale to the general public on-site.
6. There shall be no exterior storage on the premises of material used in the home occupation nor of any explosive material. No activity shall be allowed which would interfere with radio or television transmission in the area; nor shall there be any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.
7. The home occupation, including studios or rooms for instruction, shall provide additional off-street parking area reasonably adequate to accommodate needs created by the home occupation of not less than one parking space for each 200 square feet of floor area devoted to the home occupation.
8. Deliveries from commercial suppliers may not be made more than once each week, and the deliveries shall not restrict traffic circulation.

9. Parties for the purpose of selling merchandise or taking orders shall not be held more often than four times each month.
10. Notwithstanding any provision contained herein to the contrary, garage, basement, yard, or other similar sales shall be permitted not more than twice a year, and each sale shall not last more than two (2) consecutive days.
11. The allowable number and size of vehicles and equipment used by the home occupation shall be as determined by the Planning Commission. Only one (1) vehicle over twenty-two feet (22') in length shall be used in the home occupation. Vehicles over twenty-two feet (22') in length including trailers shall not be parked on the street nor within a yard abutting a street.
12. Major home occupations B may include, but are not necessarily limited to the following:
 1. Any use allowed as a minor home occupation;
 2. Photo studios and developing;
 3. Organized classes (limits shall be placed on the number of students and/or the number of vehicles transporting students to prevent congestion);
 4. Television and other electrical repairs excluding major appliances such as refrigerators, or storage;
 5. Small engine repairs, excluding automobiles, motorcycles, and snowmobiles;
 6. Upholstering;
 7. Woodworking;
 8. Preschools with no more than 12 students in any class;
 9. Contractors that have equipment such as a trailer stored at the home;
 10. Ceramics (kilns smaller than six (6) cubic feet);
 11. Carpet or upholstery cleaning;
 12. Gun repair;
 13. Plant nurseries; and
 14. Pest or weed control service.
13. The following uses, by the nature of the investment or operation, have a pronounced tendency once started to increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residential purposes. Therefore, the uses specified below shall not be permitted as home occupations B:
 1. Minor or major auto repair, painting of vehicles, trailers, or boats;
 2. Funeral chapel or home;
 3. Gift shops,
 4. Medical or dental clinic; and
 5. Welding or machine shops.

HISTORY

Amended by Ord. [19-05-02](#) on 5/2/2019

17-26-4a Major Home Occupations C

Businesses which qualify as a major home occupation C are those businesses which are run by the resident(s) of a home without outside employees, that may have by appointment no more than one (1) customer at a time unless otherwise stated.

The following regulations shall apply to all major home occupations C:

1. The use shall be conducted primarily within the dwelling site and carried on by the inhabitants thereof and no others.
2. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either

by the use of colors, materials, construction, lighting, or the emission of sounds, noises, or vibrations.

3. Only one customer shall be permitted at any point in time and must be a scheduled appointment, no walk-in business shall be permitted.
4. No more than 400 square feet, or 20 percent of the gross floor area of the dwelling, may be used for the home occupation. (The least restrictive shall apply.) Accessory buildings as allowed in the zone district may be used for the home occupation as permitted. The home occupation shall occupy no more than five percent (5%) of the lot area.
5. There shall be no signs present on the property except for one wall sign, not to exceed one square foot, indicating the address and the occupant's name, for example, Joe Doe - Accountant. See Name Plates in [KCC 17-33](#), Sign Regulations.
6. There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products, provided that incidental retail sales may be made in connection with other permitted home occupations; for example, a single-chair beauty parlor would be allowed to sell combs, hair spray, and other miscellaneous items to customers. However, a dressmaker would be required to do only custom work for specific clients and would not be allowed to develop stocks of dresses for sale to the general public on-site.
7. There shall be no exterior storage on the premises of material used in the home occupation nor of any explosive material. No activity shall be allowed which would interfere with radio or television transmission in the area; nor shall there be any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.
8. The home occupation, including studios or rooms for instruction, shall provide additional off-street parking area reasonably adequate to accommodate needs created by the home occupation of not less than one parking space for each 200 square feet of floor area devoted to the home occupation.
9. Deliveries from commercial suppliers may not be made more than once each week, and the deliveries shall not restrict traffic circulation.
10. Parties for the purpose of selling merchandise or taking orders shall not be held more often than four times each month.
11. Notwithstanding any provision contained herein to the contrary, garage, basement, yard, or other similar sales shall be permitted not more than twice a year, and each sale shall not last more than two (2) consecutive days.
12. Only vehicles less than 22 feet in length that would be commonly identified for use of a residence are permitted in conjunction with a Home Occupation C.
13. Major home occupations C may include, but are not necessarily limited to the following:
 1. Any use allowed as a minor home occupation;
 2. Single-chair estheticians, beauty parlors, and barber shops;
 3. Small group lessons for school tutoring and music lessons not to exceed 4 students at a time.
 4. Dressmaking;
 5. Daycare for 2 or less children; and
 6. Massage therapy.
14. While not all business types are listed under Subsection 13 of this section, those businesses which are specifically identified in another home occupation category must follow the regulations and processes of the category where they are listed.
15. Upon approval of a business license, notice will be mailed to properties within 100 feet of the major home occupation C to inform them of the approved business activity.

HISTORY

Adopted by Ord. [19-05-02](#) on 5/2/2019

17-26-5 Agricultural Home Occupations

The following regulations shall apply to all agricultural home occupations:

1. The use shall be conducted primarily within the site and carried on by the inhabitants thereof and non-resident employees, as determined by the Planning Commission. Not more than three (3) non-resident employees shall be on the site.
2. The site shall have a minimum of 40,000 square feet in the A-1 zone and 210,000 square feet in the A-5 zone;
3. No more than 400 square feet, or 20 percent of the gross floor area of the dwelling, may be used for the home occupation. (The least restrictive shall apply.) Accessory buildings as allowed in the zone district may be used for home occupation as permitted. Home occupation shall occupy no more than five percent (5%) of the total lot area or three thousand (3,000) square feet, whichever is less.
4. Outdoor storage may be allowed. Landscaping shall be required to screen parking areas and outside storage from the view of adjacent landowners and public roadways;
5. Increased setbacks or additional screening may be established by the Planning Commission to ensure that any proposed structure is compatible with the surrounding residential or agricultural area;
6. Required setbacks may be increased subject to the review of the Planning Commission for any activity that could potentially detract from a residential area but that is not deemed incompatible with the neighborhood. Such activities include but are not limited to: Employee parking areas, loading zones, outdoor storage, and outdoor work areas;
7. One name plate or one low profile sign (maximum area 24 square feet) in accordance with [KCC 17-33](#), Sign Regulations is allowed;
8. All merchandise sales shall be an incidental use.
9. The allowable number and size of vehicles and equipment used by the home occupation shall be as determined by the Planning Commission. Not more than two (2) vehicles over twenty-two feet (22') in length and two (2) large pieces of equipment shall be allowed.
10. Permitted agricultural home occupations may include, but are not necessarily limited to the following:
 1. Those listed as major home occupations;
 2. Woodworking that requires no special power source or excessive storage;
 3. Veterinary hospitals and dog kennels;
 4. Riding clubs;
 5. Automobile, boat, and snowmobile minor repair shops (limit 3 vehicles at any one time - not to include body repair and painting);
 6. Contractors (limits shall be placed on the amount and size of equipment to be stored);
 7. Welding or machine shops.
11. The following uses, by the nature of the investment or operation, have a pronounced tendency once started to increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residential purposes. Therefore, the uses specified below shall not be permitted as home occupations:
 1. Major auto repair;
 2. Manufacturing that requires deliveries from vehicles larger than 31,000 GVW;
 3. Any use that requires power, water, sewer, or other utility services in excess of typical residential usage.
 4. Any use that would require on-site disposal of hazardous chemicals or wastes.

17-26-6 Residential Child Care

Residential child care of not more than twelve (12) children may be allowed by conditional use permit in all zones. The following regulations shall apply to all residential child care.

1. The child care shall comply with all regulations of the State of Utah. A child care provider who cares for five (5) to eight (8) children shall obtain a State Residential Child Care Certificate. A child care provider who cares for nine (9) or more children shall obtain a State license.
2. One (1) person not residing in the dwelling may work in the residential child care. There may be more than one non-resident employee, but only one may be on the premises at a time.
3. Off street parking shall be provided for the residents and employees.

17-26-7 General Standards

The following standards shall apply to all home occupations:

1. The total number of home occupations conducted within a dwelling unit is not limited, except that the cumulative impact of all home occupations conducted within the dwelling unit or on the premises thereof shall not be greater than the impact of one home occupation.
2. There shall be no entrance or exit way specifically provided in the dwelling or on the premises for the conduct of the home occupation thereon.
3. The owner of the home occupation business must reside in the dwelling.
4. The use must be in compliance with all applicable State, County and City fire, building, plumbing, electrical and health codes and/or ordinances.
5. The use must be inspected to determine continued compliance with the provisions of all State, County and City laws and/or ordinances.
6. The home occupation must be licensed as a valid business in Kaysville City.
7. Home occupation license fees shall be established from time to time by the City Council by resolution. All annual license fees shall be due and payable before the first day of January of each year. License fees are not rebateable.

17-26-8 Enforcement And Revocation

The following shall be considered as grounds for the revocation of a home occupation license or for the assessment of fines as specified:

1. Any change in use or any change in extent of use, area of the dwelling unit being used, or mechanical or electrical equipment being used that is different from that specified in the granted home occupation license that is not first cleared and approved by the Zoning Administrator for minor home occupations or by the Planning Commission in the case of major or agricultural home occupations shall be grounds for the revocation of a home occupation license.
2. Failure to allow periodic inspections by the building official or representative at any reasonable time when an adult member of the family is present may result in the revocation of the home occupation license as provided for in [KCC 16-1-17](#).

HISTORY

Amended by Ord. [21-07-03](#) on 7/15/2021

17-26-9 Penalties

1. Failure to pay the annual renewal fee shall result in the assessment of an additional processing fee if paid within thirty (30) days after the due date; or revocation of the home occupation license if not paid within thirty (30) days after the due date.
2. Home occupation licenses which have been revoked may not be applied for again for a period of thirty (30) days on a first offense or six (6) months for a second offense.

17-26-10 Youth Enterprise

Uses classified as Youth Enterprises shall be permitted in all zones. The following regulations shall apply to all Youth Enterprises:

1. The Youth Enterprise shall be conducted entirely by youth seventeen (17) years of age or younger.
2. The Youth Enterprise activity shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the premises shall not be significantly altered or changed by the Youth Enterprise.
3. The Youth Enterprise shall have no more than one table or display of goods which shall be located entirely upon the premises.
4. The Youth Enterprise shall have only one sign no larger than sixteen (16) square feet which shall be removed from public view at the end of each business day.
5. Any merchandise sold in connection with the Youth Enterprise shall be only that which the youth conducting the enterprise has made or raised.
6. No explosive materials shall be used or stored on the premises. No activity shall be allowed that would interfere with radio or television reception in the area, nor shall there be any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line of the premises upon which the enterprise is conducted.
7. The Youth Enterprise shall not create greater vehicle or pedestrian traffic than normal for the zone district in which it is located.
8. The Youth Enterprise shall not require additional off-street parking above that required for the zone district.
9. The Youth Enterprise shall not require deliveries from commercial suppliers nor commercial deliveries from the enterprise.
10. The Youth Enterprise shall comply with all other applicable city rules and regulations.
11. Failure to comply with the provisions of this section or any applicable city regulation may result in the Zoning Administrator issuing an order suspending or terminating the Youth Enterprise.

HISTORY

Amended by Ord. [19-05-02](#) on 5/2/2019

New Category

Instructional Home Occupation

An Instructional Home Occupation is a business which may provide services to individuals or groups of a limited size where academics or skills are taught.

The following regulations shall apply to all instructional home occupations:

1. The use shall be conducted on a property occupied by a primary dwelling.
2. The resident of the dwelling on site need not own or work for the business, but the business shall provide proof of consent for use of the home or property from the property owner.
3. No more than 4 instructors or employees may work at any given time. The Planning Commission may place more strict limits on the number of instructors allowed as part of the conditional use review process.
4. No more than 12 students or clients may be on site at any given time. The Planning Commission may in the process of reviewing the conditional use permit further limit the number of students allowed at any given time.
5. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence or dwelling site be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or the emission of sounds, noises, or vibrations.
6. An application for an Instructional Home Occupation must be accompanied by a description of the business including hours of operation, number of instructors, length and number of sessions, number of students per session, and a plan to handle traffic generated by the business.
7. Instructional Home Occupations shall teach a skill or lesson only and may not use the home or on site facility for tournaments or spectator events.
8. No more than 20 percent of the gross floor area of the dwelling may be used for the home occupation or no more than 10% of the lot area if outside the home may be used for the home occupation. Accessory buildings as allowed in the zone district may be used for the home occupation.
9. There shall be no signs present on the property except for one wall sign, not to exceed one square foot, indicating the address and the occupant's name, for example, Joe Doe - Accountant. See Name Plates in KCC 17-33, Sign Regulations.
10. There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products, provided that incidental retail sales may be made in connection with the instructional home occupation; for example, a tennis instructor may sale a tennis racket to a client but would not be allowed to develop stocks of tennis rackets for sale to the general public on-site.
11. There shall be no exterior storage on the premises of material used in the home occupation nor of any explosive material. No activity shall be allowed which would interfere with radio or television transmission in the area; nor shall there be any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.
12. An instructional home occupation shall not require deliveries from commercial suppliers.
13. Notwithstanding any provision contained herein to the contrary, garage, basement, yard, or other similar sales shall be permitted not more than twice a year, and each sale shall not last more than two (2) consecutive days.
14. The Planning Commission shall in consideration of an instructional home occupation place a limit on the number of instructors, vehicles, and/or students involved with the business.
15. No vehicles exceeding 22 feet in length shall be permitted in conjunction with an instructional home occupation business.

16. Instruction sessions shall have a minimum of 10 minutes between scheduled sessions to reduce pick-up and drop-off vehicle congestion. The Planning Commission may in consideration of the conditional use approval require additional time between sessions.

17. Instructional Home Occupations may include, but are not necessarily limited to the following:

- Tutoring (groups larger then 2 students or involving multiple instructors)
- Swimming Lessons
- Tennis / Pickleball / Basketball instruction
- Group Music Lessons

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Planning Commission Staff Report



Discussion Item: Routine and Uncontested Variance Process

September 23, 2021

Description:

There are regularly items that come before staff where a property owner is looking for a bit of wiggle room in order to accommodate an addition or new construction. The Planning Commission has similarly seen similar requests on occasion where someone determines they would like to pursue it enough that they request a variance. On multiple occasions the Planning Commission has looked at a request and expressed something to the effect of, it makes sense, but it doesn't work with the rules or variance process so have been unable to grant the wiggle room requested. In some instances ordinance changes have been pursued to create new rules or adjust old rules that would accommodate the request and similar circumstances. Zoning ordinances apply broadly to many properties and cannot always anticipate or account for every circumstance. The variance process on the books is extremely rigid and difficult to utilize when a property owner desires some flexibility. The Routine and Uncontested Variance discussion is a potential solution to the right circumstances where some wiggle room makes sense and even the neighbors agree.

Included with the report is the ordinance and the application form for the process used by Layton City.

Staff is looking to discuss this example process with the commission to determine if this is something that should be pursued further for Kaysville City.



Routine and Uncontested Variance

Community & Economic Development Dept. • 437 N Wasatch Dr. • Layton, UT 84041
Phone: (801) 336-3780 • Fax: (801) 336-3789 • www.laytoncity.org

Updated 07/28/17

The City is constantly changing and therefore requires guidance for orderly growth. The Layton City Master Plan provides the general guidance as to how various areas of the City should develop. The Zoning Ordinance is the principal tool used to actually control growth, improve the physical environment of the City and protect property values through the regulation of land uses. However, occasionally a particular piece of property presents a situation where strict application of the Zoning Ordinance would cause an "unnecessary hardship". The City allows the Zoning Administrator to grant a "routine and uncontested variance" to alleviate this property hardship.

ZONING ADMINISTRATOR AUTHORITY - The position and authority of the Zoning Administrator is designated by the City Manager.

19.18.050 Routine and Uncontested Matters

The Zoning Administrator is hereby authorized to decide certain matters, as designated by the Land Use Hearing Officer, that are consistent with the guidelines established by this Title and state law and the rules adopted by the Land Use Hearing Officer. Pursuant to that authority the Zoning Administrator may decide all cases which are routine in nature, uncontested, that do not impact the character of the neighborhood, are primarily brought about by recent changes in the zoning ordinance, or City initiated development or construction that has resulted in the creation of noncomplying structures. The specific types of decisions the Zoning Administrator is authorized to make shall include:

- a. The determination of a nonconforming use which can be verified by substantial evidence. Substantial evidence, for the purpose of this Section shall mean official documents, including any written correspondence, receipts, permits, or documents issued by a public body or agency thereof, etc., that may establish the truth of the matter asserted by the applicant;
- b. Consider additions or alterations to existing buildings and structures, which are noncomplying as to height, area, or yard regulations, providing that the addition follows the existing wall lines and no additional dwelling units are added to the building or structure;
- c. Change in the status of a nonconforming use to a less intense use than that immediately preceding the proposed use;
- d. Final review and approval on plans where the Land Use Hearing Officer has required that a final plan be submitted for special approval, showing that all requirements imposed by the Land Use Hearing Officer in granting the original approval have been complied with; and
- e. The granting of a variance in the very limited instance wherein the applicant and the City are in complete agreement regarding all issues, and that the spirit and intent of the Layton City zoning ordinance is satisfied and that all criteria required statutorily for variance have also been satisfied.

APPLICATION REQUIREMENTS - Complete the application form for the Routine and Uncontested Variance. In preparing your application be as detailed and specific as possible. Incomplete or inadequate information may result in your case being delayed or possibly denied. The Zoning Administrator cannot grant a routine and uncontested variance simply because an applicant has requested it. The burden of proof rests upon the applicant to show that the criteria is met.

You must submit a site plan drawn to scale on a minimum size paper of 8 1/2" x 11" including the following information:

- Actual lot dimensions
- Size and locations of all existing and proposed structures and improvements, including fences, driveways and storage sheds.
- Distances between all improvements and property lines.
- Building elevations, floor plans and any other pertinent information, if applicable.

Notification of your proposal will be sent to all adjacent property owners. The Zoning Administrator will identify the names and addresses of all property owners of record within 100 feet of the subject property. The information may be obtained from the Davis County Treasurer's Office.

Please remember that the information you submit will be the basis for review by the Zoning Administrator. Be as complete as possible. If you have any questions, please ask for assistance by calling 801-336-3780 and ask for Planning and Zoning.

PUBLIC NOTICE AND HEARING –

The notice requirements established by the ordinance, that are required before a hearing on a variance, must still be satisfied by the Zoning Administrator. However, in lieu of giving notice of a time, date, and place of a hearing, the Zoning Administrator's notice shall provide for a time frame within which all interested parties may submit their input to the Zoning Administrator. All responses received pursuant to the notice shall become a permanent part of the file. All responses should be submitted in writing to the Zoning Administrator at 437 North, Wasatch Drive, Layton City, Utah.

Typically, the Zoning Administrator will make a determination to approve the routine and uncontested variance at the completion of the five (5) business day notice unless responses were received from interested parties. The Zoning Administrator will either approve, approve with conditions, or deny the application.

APPEALING A ROUTINE AND UNCONTESTED VARIANCE DECISION - A decision of the Zoning Administrator may be appealed to the Land Use Hearing Officer as provided for in 19.18.050 Routine and Uncontested Matters.

APPEAL
Routine and Uncontested Variance

APPLICATION TO APPEAR BEFORE THE ZONING ADMINISTRATOR

NAME OF PETITIONER (S) _____

Mailing Address _____

Phone Number _____ Date of Application _____

Address of Subject Property _____

Assessors Parcel Number (Tax I.D.) _____ - _____ - _____

SUBMITTAL MATERIALS

- Site Plan
- Statement of Variance Request

FEE: \$0

The specific types of decisions the Zoning Administrator is authorized to make shall include:

- a. The determination of a nonconforming use which can be verified by substantial evidence. Substantial evidence, for the purpose of this Section shall mean official documents, including any written correspondence, receipts, permits, or documents issued by a public body or agency thereof, etc., that may establish the truth of the matter asserted by the applicant;
- b. Consider additions or alterations to existing buildings and structures, which are noncomplying as to height, area, or yard regulations, providing that the addition follows the existing wall lines and no additional dwelling units are added to the building or structure;
- c. Change in the status of a nonconforming use to a less intense use than that immediately preceding the proposed use;
- d. Final review and approval on plans where the Land Use Hearing Officer has required that a final plan be submitted for special approval, showing that all requirements imposed by the Land Use Hearing Officer in granting the original approval have been complied with; and
- e. The granting of a variance in the very limited instance wherein the applicant and the City are in complete agreement regarding all issues, and that the spirit and intent of the Layton City zoning ordinance is satisfied and that all criteria required statutorily for variance have also been satisfied.

Where the appeal deals with construction of any kind, the petitioner must submit a site plan. The plan must be accurately drawn at a scale that will sufficiently show all existing and proposed structures and significant features on the site. When necessary, structures on adjacent properties may also be required to be placed on the plan as determined by the City.

Petitioner	Date
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♦ **Municipal Offices** • 437 N. Wasatch Dr. • Layton, Utah 84041 • (801) 336-3780 • Fax: (801) 336-3789

Layton City Ordinance:

19.18.050 Routine And Uncontested Matters

1. There is hereby created the office of Zoning Administrator. This position and authority shall be exercised by one appointed by the City Manager.
2. The Zoning Administrator is hereby authorized to decide certain matters, as designated by the Land Use Hearing Officer, that are consistent with the guidelines established by this Title and state law and the rules adopted by the Land Use Hearing Officer. Pursuant to that authority the Zoning Administrator may decide all cases which are routine in nature, uncontested, that do not impact the character of the neighborhood, are primarily brought about by recent changes in the zoning ordinance, or City initiated development or construction that has resulted in the creation of noncomplying structures. The specific types of decisions the Zoning Administrator is authorized to make shall include:
3. The determination of a nonconforming use which can be verified by substantial evidence. Substantial evidence, for the purpose of this Section shall mean official documents, including any written correspondence, receipts, permits, or documents issued by a public body or agency thereof, etc., that may establish the truth of the matter asserted by the applicant;
4. Consider additions or alterations to existing buildings and structures, which are noncomplying as to height, area, or yard regulations, providing that the addition follows the existing wall lines and no additional dwelling units are added to the building or structure;
5. Change in the status of a nonconforming use to a less intense use than that immediately preceding the proposed use;
6. Final review and approval on plans where the Land Use Hearing Officer has required that a final plan be submitted for special approval, showing that all requirements imposed by the Land Use Hearing Officer in granting the original approval have been complied with; and
7. The granting of a variance in the very limited instance wherein the applicant and the City are in complete agreement regarding all issues, and that the spirit and intent of the Layton City zoning ordinance is satisfied and that all criteria required statutorily for variance have also been satisfied.
8. The notice requirements established by the ordinance, that are required before a hearing on a variance, must still be satisfied by the Zoning Administrator. However, in lieu of giving notice of a time, date, and place of a hearing, the Zoning Administrator's notice shall provide for a time frame within which all interested parties may submit their input to the Zoning Administrator. All responses received pursuant to the notice shall become a permanent part of the file.
9. A decision of the Zoning Administrator may be appealed to the Land Use Hearing Officer as provided for in this Chapter.

**KAYSVILLE CITY PLANNING COMMISSION
MEETING MINUTES
September 9, 2021**

Planning Commission Members in Attendance: Chairman Nguyen, Vice-Chair Hunt, Commissioners Barrus, Sommerkorn, Lyon, Doxey, and Sundloff

Staff Present: Lyle Gibson, Dan Jessop, Mindi Edstrom

Public Attendees: Kearsten Bingham, Blake Hadley, Robert Bourne, Sue Bourne, Christian Nielsen, Brent Tole, Judy Ure, Tammy Zundel, and Cindy Vorhees

The Planning Commission meeting was held on Thursday, September 9, 2021 at 7:00 p.m. in the Kaysville City Hall located at 23 East Center Street. Chairperson Quan Nguyen opened the meeting by welcoming those present.

OPENING

Commissioner Nguyen made a motion to approve the minutes from the August 26, 2021 meeting. Commissioner Lyons and Commissioner Hunt seconded the motion and they were unanimously approved.

Conditional Use Permit for Residential Child Care Home Business at 68 E. 1000s.

Introduced by: Mindi Edstrom

Description:

The Applicant is requesting a Conditional Use Permit for Residential Child Care at 68 E. 1000 S. Esperanza will be providing day care for her disabled grand daughter and two other grandchildren. The current expectation is 1-3 children at a time with varying days and hours from her children's work schedules. Ms. Esperanza is working to get her Child Care Provider State License.

Recommendation:

Staff is recommending approval of the proposed Conditional Use Permit for Residential Child Care Home Business

Discussion:

Mindi Edstrom: Applicant is not available to attend the meeting.

Commissioner Lyon: The CUP allows for up to 12 children per home.

Commissioner Hunt: Inquires if the applicant needs to have a business license first.

Mindi Edstrom: The applicant needs to have her DOPL licensure first before the business license can be approved, however in this situation all that is required from the Planning Commission is approval for the business so that Esperanza can show the State Department of Professional Licensing that she will have a license and they can continue their certification process. Once the applicant is certified she will bring her DOPL number back to us and we will then approve her business license.

Commissioner Sundloff: The CUP is addressing the impacts of the surrounding neighborhood and it is up to the commission to limit the number of children allowed in the business

Commissioner Nguyen: The location of the resident is south of the Botanical Gardens.

Motion: Commissioner Doxey to approve the CUP as recommended by staff

Motion to approve: Commissioner Doxey

Motion to second: Commissioner Lyons

Vote on the motion: Vote is unanimous

Conditional Use Permit for Two-Family Dwelling at 3 W. 600 N.

Introduced by: Dan Jessop

Description:

The Applicant is requesting a conditional use permit to convert an existing single family dwelling to a two-family dwelling (duplex) at the above listed address. His home is on a 9,968 square foot lot or .23 acres. He is proposing an upper level configuration with 3 beds 1 ¾ baths upper floor configuration. The basement level will contain 2 beds and ¾ baths with a basement walk out in the rear of dwelling. Staff has reviewed the parking. The dwelling has a 2 car garage with a 30 ft. drive which would accommodate

4 stall required off street parking.

Recommendation:

Staff is recommending approval of the proposed two-family dwelling with the following conditions.

-Parking be provided at a minimum of 2 parking stalls per unit in accordance with KDD 17-21-5, Number of Parking Spaces Required.

Commissioner Nguyen invites Mr. Hadley to approach the commission. Mr. Hadley is currently renting out the basement and lives upstairs.

Public Comment:

Mary Ann Clark sent in an email. Quan reads letter with concerns of losing value in the neighborhood.

Discussion:

Lyle Gibson: There has been previous concerns with others having duplexes in the area, however these have not been approved by staff and commission. The applicant is making this a true duplex with separate utilities and building department review and inspection. And this will be owner occupied for the time being, a duplex does not require owner occupancy.

Commissioner Sommerkorn: He will have to comply with building codes. Asks about the internal ADU ordinance status. Lyle shares that it will be effective as of October 1st. The external ADU is still being addressed by City Council. The difference between this and an internal ADU is that this will create more separation and does not require owner occupancy.

Commissioner Sundloff: From a practical stand point it is the same impact to the neighborhood as an IADU and then will be the new norm as of October 1. With a CUP the presumption of approval is if we can impose conditions and the conditions of impact. Is there other impact besides the parking?

Commissioner Sommerkorn: We are required to approve it based on the requirements of the state.

Motion: To approve the duplex and is to have 2 units per parking approved on staff's recommendation.

Motion to approve: Commissioner Lyons

Motion to second: Commissioner Barrus

Vote on the motion: Vote is unanimous

Public Hearing AND Request TO Rezone .51 acres of property at 48 S. Harv's Lane from the R-1-10 (Residential single family 10,000 square feet) to R-A (Single Family Agricultural zoning district).

Introduced by: Lyle Gibson

Description:

A zone change is being requested at the subject address in order to accommodate the keeping larger farm animals, such as horses. While this is viable under the existing zoning, the request would make the use a permitted use without the need for the conditional use process. The property, was recently re-zoned R-1-10 to accommodate Single Family Dwelling subdivision with a minimum 10,000 square feet lot as part of the Potawatome Estates project. The Applicant would like to re-zone that specific lot and combine use with their R-A zoned property at 1662 West 75 South. The properties are adjacent to each other and they would like to use both for their horses and such.

Discussion:

Commissioner Nguyen invites Mr. Bingham to approach.

Mr. Bingham speaks to all the surrounding areas. He would like to have animals and not have to come and do a CUP every time they get a new animal.

There were no public comments.

Motion: To forward a positive recommendation to City Council to approve on meeting on October 7th.

Motion to approve: Commissioner Hunt

Motion to second: Commissioner Wilf

Vote on the motion: Vote is unanimous

Public Hearing for the Rezone of 2.54 acres of property at 1742 W. Phillips Street from the R-1-20 (Single Family Residential) to the R-1-LD (Single Family Residential) zoning district with the PRUD overlay zone.

Introduced by: Lyle Gibson

Description:

The applicants are requesting a rezone of their property in order to accommodate a new Subdivision. The requested zoning district allows a net

density of 2 units per acre thus based on the total property area could permit as many as 5 dwellings. The applicant has provided a concept drawing indicating the general idea of keeping the existing home and adding 4 new lots on a new street private street. The private street is the reason for the PRUD overlay zone request.

Discussion:

Mr. Bourn is approaches the commission. The lots are to be gifted to the children. Wants to follow all the correct procedures.

Mr. Bourne: Addressing the commission states that the lots will be gifts to their children and that some of them will begin development as soon as next spring and as late as 5 years.

Commissioner Sommerkorn and Barrus say that it looks very straight forward. Commissioner Sundloff states that the rezone stays right in line with the general plan.

Motion: Positive recommendation to City Council for rezone of property and PRUD overlay.

Motion to approve: Commissioner Sommerkorn

Motion to second: Commissioner Lyon

Vote on the motion: Vote is unanimous

Consideration of Development Agreement and rezone of approximately 0.4 acres of property at 65 Crestwood Road (shown on the included map) from the R-1-8 (Single Family Residential) to the GC (General Commercial) zoning district.

Presented by: Lyle Gibson

Description:

UPDATE:

After holding a public hearing during the 8/12/21 Planning Commission meeting, the commission tabled this item asking the neighbors the developer to work with staff on a development agreement which addressed concerns expressed by during that hearing.

A development agreement has been prepared which limits uses generally allowed in the GC zoning district, sections 2 and 3 of the agreement describe

the limitations that the applicant is proposing. **Some of the limitations to** uses generally allowed in a GC zone include no RVs parks, no extra height etc. as indicated in the packet. Staff is looking for a decision from the from the Commission to forward to the City Council?

Discussion:

Commissioner Nguyen: Mr. Nielson is willing to work within the development standards and guidelines.

Commissioner Sundloff: Asks for a quick summary of the response was from the previous meeting and what the discussion was. What history is there with the building?

Commissioner Nguyen: Residents complained about general parking and patrons will be parking on the street.

Tom Wood: To make a home a Historical Building, it needs to be applied for by the owner of the home. Tom shares the history of the home from the architecture William Allen.

There are three areas of concerns as to why the public didn't want this rezone.:

1) The residents simply didn't want it.

2) The second is the street on 300 west with the parking perhaps limiting parking to one side hours for parking, crossing the street for children not being safe. He asks the city if there is something that they could with signs to make the street safer.

3) They tried to limit impact to the neighbors, and will not be able to put in a fence to minimize on the east, however willing to put a fence if possible.

Adjacent to dental office so no spot zoning. Commercial creep...what does it lead to? There doesn't seem to be many areas for the creep.

The home would be demolished in another 2 years or so and rebuild it after contract of current tenants contract is up and they just renewed.

Commissioner Barrus: Would the plan be to have parking on the road?

Tom Wood: They would have parking onsite for employees.

Commissioner Sundloff suggested to the council to err on the side of owner it is their right to do what they would like on their property. Perhaps the owner would need to submit some sort of report before it is demolished so that the city can document it so that we can recognize the history in the area.

Commissioner Nguyen: We need to this make a public hearing

States that no one here to speak for the public.

Commissioner Sommerkorn: If if we are willing to send a positive recommendation then we need to include the development agreement as well.

Commissioner Nguyen: If we do make a positive recommendation to city council the way that this was worded, the commission would be ok that it doesn't include any specific plans.

Commissioner Sundloff: We as Planning Commission are guilty of exerting control on development agreements. Development agreements should be the exception not the rule. However, the applicant has expressed willingness to include limits with the agreement.

Commissioner Sommerkorn: Where we have the development agreement let's go ahead with having it be a part of the motion to approve.

Tom Wood: They produced the development agreement to help alleviate some of the concerns of the neighbors so they were ok to provide it.

Commissioner Sundloff: Commends the property owners for their choice to do the development agreement. In theory there is not an agreement necessary to approve a rezone.

Commissioner Barrus: Property is adjacent to a commercial zone and feels that there will not be a huge commercial creep.

Commissioner Hunt: She appreciates the good faith effort of the applicant.

Motion: Motion to recommend approval with the development agreement as proposed and additional recommendation that the council require some documentation of the building before it is torn down.

Motion to approve: Commissioner Josh

Motion to second: Commissioner Doxey

Vote on the motion: Vote is unanimous

REPORTS, CORRESPONDANCE AND CALENDAR

Reports:

Lyle Gibson: The status of the IADU has been accepted. Landscape ordinance will hopefully be back at the next planning commission, the home occupation ordinance will need a public hearing as well

Commissioner Lyon: Comment at City Council for the ADU resident spoke about short term rental and wants the excluded with ADU. ADU's vs. short term rentals families turn short term rentals turn into Airbnb and you see the rental stock decrease.

Lyle Gibson: willing to do some provisions and drafts to address this concern.

Commissioner Nguyen: We should be inclusive and not rule anything out in the ordinance for future use.

Lyle Gibson: The General Plan process was sent out today and we need to discuss time frame. It is 88 pages and the commissioners are encouraged to look it over and come up with a time line to provide input.

Commissioner Lyon: When do we predict to build out Kaysville? 4-5 years with the green fill and 10 years with in fill development.

Lyle Gibson presents the timeline for the General plan to continue moving forward before we have a new Mayor, and City Council members.

Commissioner Lyon: What rules do we need to follow for noticing the public like a rezone with a 10 day notice? Thinks we need more time to get this ready to present to the community.

Commissioner Sommerkorn concerns: Believes that the commission needs to have a chance to look over the plan discuss it. The general plan should be reviewed and recommended by the Planning Commission not staff or consultants. This is the first time for us seeing this. We need to take and review, bring back with suggestions, and then have the consultant add the changes then bring it back to the public.

Lyle Gibson: Will come up with a propose schedule before the 16th of the month. Can we do a working session on the 23rd? What about Tuesday the 28th? He will ask Landscape Design if there is a way we can add comments into the document. The Commission would love to have a way to put comments in. Lyle will check with attorney to see if there is a way to work around Commissioner Nguyen would like to put it out to public comment as well as the commission and then do the public hearing. Use Facebook as way to show our comments. Lyle will amend the dates and send out to the Commission.

Lyle Gibson: He would love to hear about feedback from the APA conference going on today.

ADJOURNMENT

Motion to adjourn by Commissioner Nguyen and seconded by Commissioner Lyon. Meeting was adjourned at 8:48 pm.