



**Kaysville City Planning Commission
Meeting Notice and Agenda**

The Kaysville City Planning Commission will hold a regular meeting on January 11, 2024, at 7:00 PM in the Council Chambers of 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.

1. Opening
2. Approval of the minutes from the December 14, 2023 Planning Commission Meeting
3. Conditional Use Permit for a Single Family Dwelling in Central Commercial District located at 114 North 100 West
4. Preliminary Plat for Old Library Subdivision at 44 North Main Street for Kaysville City
5. Amendment to Planning Commission Bylaws
6. Call to the Public
7. Other matters that properly come before the Planning Commission
 - a. Reports
 - b. Correspondence
 - c. Calendar
8. Adjournment

On a Notice of Meeting was posted in accordance with Utah State Code Section 52-4-202 (3).

Mindi Edstrom
Community Development Department

Kaysville City Planning Commission Meeting Minutes
December 14, 2023

The Planning Commission meeting was held on Thursday, December 14, 2023 at 7:00 pm in the Kaysville City Hall located at 23 East Center Street.

Planning Commission Members in Attendance: Chair Steve Lyon, Commissioners Wilf Sommerkorn, Rachel Lott, Mike Packer, Krista Keetch and Megan Sevy

Staff Present: Mindi Edstrom, Dan Jessop, and Melinda Greenwood

Public Attendees: City Councilmember Abbi Hunt, James Pearson, Michael Halls, Colton Mooney, Clint Streadbeck, Kelly Siekiera, Kent Fox, Farrin Goran, Judy Goran, Ryan Wilde, Jacalyn Wilde, Brian Alfaro, Gonzalu Calquin, Missy Streadbeck, Kaleb Larsen, and Beau Ogzewalla

1- OPENING

Chair Lyon opened the meeting by welcoming all in attendance to the December 14, 2023 Planning Commission meeting.

2- APPROVAL OF THE MINUTES FROM THE NOVEMBER 9, 2023 PLANNING COMMISSION MEETING.

Commissioner Lott made a motion to approve the minutes from November 9, 2023 Planning Commission meeting and Commissioner Packer seconded the motion and the vote was unanimous in favor of the motion (5-0).

3- OATH OF OFFICE FOR PLANNING COMMISSIONER MEGAN SEVY

Ms. Edstrom swore in Ms. Megan Sevy as a Planning Commissioner and invited her to take the stand.

4- ELECT NEW VICE-CHAIRMAN FOR PLANNING COMMISSION

Commissioner Packer nominated Commissioner Debora Shepard to be the new Vice Chair for Planning Commission. Commissioner Sommerkorn seconded the nomination of Commissioner Debora Shepard. The vote was unanimous in favor of the motion (6-0).

5- CONDITIONAL USE PERMIT FOR J5 CONSTRUCTION, A MAJOR B HOME OCCUPATION LOCATED AT 1731 WEST 75 SOUTH.

The item was introduced by Mindi Edstrom who said Clint Streadbeck is the owner of J5 Construction located at 1731 West 75 South. Mr. Streadbeck had started building an accessory structure in his backyard and a neighbor called the City with questions about the structure. This conversation brought an unlicensed business to the attention of the Community Development Department. In order to be compliant with the city, Mr. Streadbeck applied for a Major Home Occupation B business license. Because of the nature of his business of being a contractor, it is required for Mr. Streadbeck to also apply for a Conditional Use Permit.

Mr. Streadbeck has a skid loader with flatbed trailer, a mini excavator with a flatbed trailer and an enclosed trailer for his business equipment. After the city's noticing sign was placed at the property, Community Development received one email and four phone calls regarding concerns with the amount equipment that is being stored outside, the impact a business will have on the home values, employees coming to the home, the size and scale of the business, the proposed business operations being an incompatible use in the residential zone, stormwater violations and safety.

Staff's recommendations for approval of the Conditional Use Permit were explained to the Commission and include that no more than 5% of the total lot including the dwelling and accessory structure to be used for the business. Ms. Edstrom explained that the number, size, and type of vehicles allowed for the business can be determined by Planning Commission.

The Conditional Use application has been reviewed by staff and the business as proposed will be compliant with City Zoning, Utah State Department of Commerce, and Utah State Department of Public Licensing. The proposed use is consistent with the Kaysville City Code 17-26-4 Major Home Occupation B and the applicant has been made aware of the Major Home Occupation B regulations and has agreed to comply.

Ms. Edstrom stated that staff is recommending approval of this Conditional Use Permit with any other conditions that Planning Commission feels necessary.

Ms. Greenwood shared that there were two Conditional Use Permit agenda items to present to the Planning Commission that evening and one thing that is often misunderstood in these cases is the ability for the Planning Commission to say that the Conditional Use Permit cannot be granted. She explained that Utah State law says that if we have the use in our code we have to approve the use. She explained that a conditional use is permitted but based on the nature of that use there may be additional conditions that the Planning Commission would want to place on the permit to help mitigate any impact on the neighborhood.

Ms. Greenwood shared that Mr. Streadbeck is building an accessory building and the size of the building was a concern that was brought to the city. The building is in compliance with city ordinances however the resident had been running a business from the home for some time and that the property has been used for storage of materials for the business. She suggested that some of the conditions that could be placed on the permit were things like the number and length of vehicles and equipment appropriate for a home occupation.

The applicant, Clint Streadbeck, approached the Commissioners for questions and discussion. He began by explaining that J5 Construction is a part time business for him, so the movement for the business is part time and done within the hours allotted by city code. Mr. Streadbeck said he is in the process of building an accessory building so he can park his personal camp trailer and boat.

Mr. Streadbeck wanted some clarification on the storage of materials outside and what is

deemed storable. He said that his skid loader and excavator are stored on a trailer and the amount of work that would be done at the home would be the loading and offloading of the equipment. He addressed the neighbors concern of equipment going up and down the street by saying that he has done concrete work for over 18 homes in the neighborhood so he would appear to be pretty visible. Mr. Streadbeck said he has some wood that has been stored at a construction site and that he will be bringing to his home so that he can construct his accessory building. He also said that his son is the only employee working for him that comes and goes from the home and does not have customers come to the home.

Commissioner Sommerkorn asked how many vehicles are kept on the property.

Mr. Streadbeck said that he has one skid loader, a mini excavator, two flatbed trailers that manage the equipment and a fully enclosed trailer that is pulled by one of two trucks.

Commissioner Sommerkorn asked how many of them are longer than 22 feet.

Mr. Streadbeck said the goose neck is 20 feet and two flatbed trailers that are 16 or 18 feet. He said that the intention of building the accessory building is so he can store his ATV and camping trailers.

Commissioner Sommerkorn asked if Mr. Streadbeck would be able to fit all of his business equipment into the 5 % of property allowed for storage?

Mr. Streadbeck said that his intention is to fit all equipment and materials into that 5% of the property.

Ms. Greenwood said that she spoke with the City Attorney who said that the 5% allowable space is meant to be cumulative, so no more than 400 square feet of the home can be used for the home occupation and collectively no more than 5% of the lot.

Commissioner Keetch said that there might be overlap with the equipment and materials being for both personal and business and that it would be hard for the city to go out and enforce what is being stored because it would depend on what job the resident would be working on.

Mr. Streadbeck said that he wants to know what is allowed so that there is no confusion.

Commissioner Lott asked if the concrete pad on the side of the home goes all the way to the back yard.

Mr. Streadbeck replied, yes.

Mr. Jessop said he had added up the footage of the trailers coming out to about 540 feet of storage if the trailers were used to store materials and equipment.

Commissioner Sommerkorn made a motion to approve the Conditional Use Permit for a Major B Home Occupation at 1731 West 75 South for J5 Construction with the conditions that no more than 5% of the total lot area including the dwelling and accessory dwelling areas be used for the business, including the parking of vehicles and any other equipment and materials that he may have.

Commissioner Keetch seconded the motion and the vote was unanimous in favor of the motion (6-0).

6- CONDITIONAL USE PERMIT FOR A MAJOR B HOME OCCUPATION FOR MOONEY CONSTRUCTION LOCATED AT 278 EAST SHEPARD LANE FOR COLTON MOONEY

This item was introduced by Mindi Edstrom. She started by saying that this is a different situation than the prior agenda item as the applicant will not be storing any equipment on the property. She said the applicant, Colton Mooney, lives at 278 East Shepard Lane and is in the process of getting his DOPL license with the state. His business, Mooney Construction business will be building homes, remodels, building additions and anything else related to the building process. Mr. Mooney said there will not be any equipment stored at the home and no employees or customers will be coming to the home. He said the trucks and trailers that are at the home are all for personal use. Ms. Edstrom said the city's notification sign was placed on the property December 8, 2023 and there had only been one call from a neighbor inquiring if the property was going to be turned into a duplex.

The findings and conditions for a recommendation of approval are that the proposed use is consistent with the Kaysville City Code 17-26-4 Major Home Occupation B regulations for Contractors that have equipment such as a trailer stored at the home. The application has been reviewed by staff and the proposed business is compliant with City Zoning, Department of Commerce, and once completed, the Department of Public Licensing. This business will not have any adverse effects on the use, enjoyment, or valuation of property in the proposed neighborhood as regulated by KCC 17-26-4 Major Home Occupation B regulations.

Ms. Edstrom said staff is recommending approval of the Conditional Use Permit located at 278 East Shepard Lane for Mooney Construction.

Commissioner Packer made a motion to approve the Conditional Use Permit for a Major B Home Occupation for the business Mooney Construction located at 278 East Shepard Lane.

Commissioner Lott seconded the motion and the vote was unanimous in favor of the motion (6-0).

7- PUBLIC HEARING FOR AN APPLICATION TO REZONE 196 NORTH 200 WEST AND 166 NORTH 200 WEST FROM GENERAL COMMERCIAL TO MIXED USE ZONING DISTRICT OVERLAY

This item was introduced by Ms. Greenwood. She started by saying that on March 23, 2023 the Planning Commission approved the Final Plat Subdivision for the MCW subdivision. The owners now have submitted an application for a Mixed-Use Zone overlay. The City's Mixed Use code,

17-27, requires a Mixed Use rezone application be accompanied by a development agreement and other specific project details which allows the city to consider a complete project with the rezone.

Ms. Greenwood showed an aerial map of the location, the zoning map of the local area, and the Future Land Use Map. She said the Future Land Use Map indicated the property is to be used as a mixed-use development, so the proposed Mixed Use zone change is supported by that element of General Plan. She explained the project is also located within the City Center Preferred Concept which was identified in the 2022 General Plan.

She said there are multiple goals and objectives in the General Plan that speak towards to create a city center. Ms. Greenwood referred to Chapter 1 Land Use and Placemaking Plan, Chapter 3 Housing and Neighborhoods and Chapter 5 Economic Development and Prosperity and briefly explained that those chapters contained substantial principals, goals, objectives and specific implementation measures that support the requested General Commercial Mixed Use rezone and the mixed use project as proposed.

Ms. Greenwood shared project specifics for the commercial space, residential space, parking, amenities, traffic and landscaping. She said Building A is a two-story office building consisting of 10,280 square feet of space and 36 parking stalls. The building is proposed to be 32 feet in height. She explained the office building is 49% of the total square footage of the project, and the MU code requires that be at least 30%. She said the developer is proposing a 6 foot fence and an 8 foot landscape buffer at the south end of the property, as well as a couple of benches for the residents to enjoy.

Ms. Greenwood shared renderings which were submitted with the application. She showed the rendering of the townhomes, which would be two stories tall and include a basement and a two-car garage for each unit. She continued that the three studio units are proposed to be 400 square feet with each having a two-car garage.

Ms. Greenwood shared that Public Hearing notices were sent out to those within the 500' radius and mailed out on December 1, 2023. The notices were sent out to 31 residents and a sign was placed on the property on December 8, 2023. She said residents have shared their comments via email, in person visits to City Hall, and phone calls. The concerns they expressed were the most common concerns such as traffic, density, parking safety, storm water, setbacks, location of parking, and fencing.

Ms. Greenwood said a traffic study was submitted with the application and the City Engineer and Public Work Director have reviewed the traffic study and do not have any concerns. She said the project has met requirements for parking spaces and the storm water pipes will be required to tie into those in 200 North.

Ms. Greenwood recommended that the Planning Commission send a recommendation of approval to the City Council.

Commissioner Lyon opened up the Public Hearing and asked the public to limit comments to three minutes.

James Pearson shared from the Kaysville City General Plan cover page that states “Preserving Kaysville’s small town feel by regulating new development and protecting single family neighborhoods.” He said he feels that there are other areas that moderate income housing can go besides the single family neighborhood where he lives. Mr. Pearson read from the letters that he brought into the Community Development Department on November 17, 2021. (See attached letters at the end of the minutes.) The documents shared his frustration for water drainage getting backed up at his property every time there was a heavy rain. He asked for a traffic study for the project and referred back to the document he gave Commissioners, saying traffic is backed up on his street and many people speed through the neighborhood. He said that six more residents would increase the number of cars and traffic.

Kelly Siekiera spoke about traffic, privacy, and said she opposed the mixed use rezone.

Kent Fox said he is opposed to rezone and is worried about the height of the building and the lack of privacy for his mother, who lives next door to the project. He said he feels the project is too close to the property line.

Judy Goran said she and her husband are the owners of the businesses directly across the street to the west. She relayed concerns with the parking lot drainage and hopes that the drainage will not affect her system. She said the esthetics of the building don’t match the rest of the existing buildings, that there will be traffic congestion with new residents, she didn’t know where the dumpster will be placed, and that the buffer between the residential neighborhood and the project is concerning.

Farrin Goran spoke and said his main concern is the additional traffic the project will bring and he said he would like the Planning Commission to evaluate the additional traffic to the grid.

After seeing no other speakers, Chair Lyon closed the Public Hearing.

Chair Lyon invited the applicant, Gonzalo Calquin, to approach the Commissioners for questions and discussion.

Mr. Calquin spoke to concerns from the public comments. He said the project makes a smooth transition from the commercial area to the residential use. He said that a traffic report was submitted with the application and that there were no concerns with trips generated and that there will be very few cars added to the existing road. Because of the carwash adjacent to this project, the storm drain concerns have been addressed. Mr. Calquin said they will be improving the curb all the way down to the southern border of the property and will do what they can to maintain the large trees on the property.

Commissioner Lott restated several points that Mr. Calquin mentioned in previous comments, stating the storm drain issue will improved between this project and Mr. Carwash, the height of the residential buildings proposed are lower in height than the 35 feet that a commercial building would be allowed, and the soft shoulder will be replaced with curb and gutter.

Commissioner Keetch asked for a little bit more clarification regarding the storm drain issue so that the residents and other business owners can rest assured.

Mr. Calquin said because this is a commercial project, all the water issues will be reviewed by City Engineering so that the water runoff will be contained inside the project.

City Engineer, Dexter Fisher, stated that the applicant will need to provide the storm drain design during the building permit phase. He said the city is updating the code for storm drain retention so that projects will have to detain water for a 100-year storm. The water does not all have to stay on the site but they will have to control the release into the UDOT system on 200 North.

Commissioner Sommerkorn asked the applicant who performed the traffic study.

Mr. Calquin said Hunt Day Engineering performed the study.

Mr. Fisher said he reviewed the traffic study, and it used the ITE Trip Generation data which is industry standard. Mr. Fisher had the applicant's traffic engineer look at the four intersections of 200 North and 200 West, 200 North and 100 West, 300 West and 100 North, and 300 West and 200 North. The level of service did not decrease and at peak hours, the project is projected to only produce 16 trips.

Commissioner Sommerkorn mentioned the residents would like the building design to match the neighborhood and asked the applicant would consider modifying the design.

Mr. Calquin said that the project already has an upgraded architecture with brownstone features and feels like it makes it look a little older in appearance.

Commissioner Sommerkorn said that the Kaysville City General Plan strongly supports this rezone. He continued that if this project were to be strictly commercial and not mixed use there would be much more traffic generated from a commercial business and that this project would reduce traffic from that of a full commercial business.

Chair Lyon said a buffer is provided between the residential and commercial use and if he lived there he would rather look at housing than a fast food restaurant.

Commissioner Packer said that City Council makes the ultimate decision and they would appreciate the comments from the residents in making their decision regarding the rezone. The Planning Commission is tasked at looking at things differently and said that he too would rather

have this type of a project as his neighbor than a fast food restaurant.

Ms. Greenwood responded to some of the residents' concerns for the project saying that curb, sidewalk, and gutter would be required. She said a resident asked her before the meeting about needing two drive approaches for ingress and egress and explained that 200 North is a UDOT facility and the city does not have any say in what is allowed on 200 North between Main Street and the Interstate, and UDOT will not allow access onto 200 North. She also shared the height dimensions, parking requirements and setbacks for this project and stated they are compliant with city code.

Commissioner Lott made the motion for recommendation of approval to the City Council for the rezone application for Gonzalo Calquin located at 196 North 200 West and 166 North 200 West from General Commercial to Mixed Use Zoning Overlay.

Commissioner Sommerkorn seconded the motion with the following comments:

- The project complies very specifically with the General Plan recommendations for this area.
- The proposed development will actually result in less traffic than what might have occurred there had it remained General Commercial.
- The project provides some variety in the housing that the city has been looking for as outlined in the Moderate Income Housing Plan and General Plan.
- The project is adjacent to major roadways.

The vote was unanimous in favor of the motion (6-0).

8- PUBLIC HEARING FOR TEXT AMENDMENTS FOR TITLE 17, TITLE 18 AND TITLE 19

Agenda item 8 was introduced by Ms. Greenwood and Mr. Fisher and they each addressed the changes in the code and why the changes have been considered.

Ms. Greenwood said Title 17 changes were mainly housekeeping items.

Chair Lyon suggested that subdivision items are an administrative item and therefore do not require them to come to Planning Commission.

Commissioner Sommerkorn added if items are administrative items and they meet the requirements of the city code, then we are obligated to approve them and residents get frustrated with the public hearing process because there is no point for them to attend and make comments.

Mr. Fisher addressed Title 18 which speaks to storm water and engineering design. He said in section 18-3-3 there was language which would exempt developers from installing sidewalk and that has been removed so the city does not have to do a Deferral Agreement. By removing that option, it makes the process cleaner and avoids future problems.

Previously there was language stating the City Engineer could determine items with the sewer system, however, since the sewer system belongs to Central Davis and North Davis's, the updates remove the City's involvement so that the city is no longer involved.

The detention requirement previously was a 10-year storm requirement and the updates to the ordinance will go up to 100-year storm detention requirement.

Mr. Fisher said that Bowen Collins Engineering is looking through Kaysville City Code for changes to help avoid natural drainage problems in the future. In the meantime, the City will defer to the Davis County Flood Control requirements until Bowen Collins get the update back to the city.

He said another change to Title 18 is that anything east of US 89 may use culinary water for irrigation purposes which gives some flexibility so the city can evaluate development proposals and determine if it is too much of a burden on the city's system.

Mr. Fisher moved on to Title 19, which he said is very much driven by the State Legislature. The current draft has the Planning Commissioners as the Administrative Land Use Authority, but it is suggested to modify that to make city staff the Administrative Land Use Authority so preliminary plat subdivision wouldn't go to Planning Commission. He said the subdivision is a two step administrative process with both preliminary plat and the final plat, however if recommended by the Commissioners, that could be made into a one step process requiring one public meeting for only the preliminary plat but that has a review deadline of 15 days from the complete application submission to the meeting agenda. The final plat would have a 20 business day review period from the time of a complete application. The city would only be allowed four review cycles in total. Once the city has done the first review with comments and red lines, the city is not allowed any additional comments that aren't for safety, changes that the applicant made or for state laws or federal code.

Mr. Fisher said there is now an appeal process added and if the time frame has expired or there hasn't been a consensus after the four review cycles, the city and the developer have to put together an appeal board that would include an engineer that the city would provide, an engineer that the developer would provide and a third engineer that both parties agree upon. The developer and the City would split the cost of the appeal 50/50.

He said retaining walls have not previously been addressed in the subdivision process so new language has been added that says the developer has to provide an engineered design and then that engineer of record has to provide inspections and a report back to the city after installation and report that the wall is safe.

He explained the city is now required to allow developers to bond for infrastructure in order to record their plat. The current code says that everything has to be installed before a plat was recorded and that is a violation of state code.

Ms. Greenwood asked the Commissioners if they had any thoughts on protection strips or grudge strips because they often impede road connections.

Chair Lyon said that he believes that protection strips are illegal.

Commissioner Sommerkorn referred to back in the day when there hadn't been a lot of development and the protection strips were put in so that all the property owners would help pay for the cost when they got around to developing. However there are far better ways to accomplish that now and feels it is a good thing to get rid of them.

Commissioner Sommerkorn asked staff what they would prefer in regards to preliminary plats coming to the Planning Commission or not having them come to the Planning Commission.

Ms. Greenwood said her preference is to not have administrative items come to the Planning Commission and to handle them all administratively with staff. She gave a couple of examples from previous items that have come before the Planning Commission and the residents left more upset due to the fact that their comments could not help influence an outcome for a Preliminary Plat.

Chair Lyon opened up the meeting for the Public Hearing. No comments were made and Chair Lyon closed the Public Hearing.

Commissioner Sommerkorn made the motion to recommend approval of the changes to the subdivision code and the new ordinances as they have been presented to the Commissioners with a recommendation that the Preliminary Plat also be handled administratively by staff.

Commissioner Lott seconded the motion and the vote was unanimous in favor of the motion (6-0).

9- CALL TO THE PUBLIC

No comments were made from the public.

10- OTHER MATTERS THAT PROPERLY COME BEFORE THE PLANNING COMMISSION

Ms. Greenwood said that the next meeting will be January 11, 2024.

Commissioner Sommerkorn said that the Land Use Institute of Utah is doing a zoom workshop December 20, 2023 on moratoriums and is free. Ms. Greenwood said that she will send out information for the meeting.

11- ADJOURNMENT

Commissioner Lott motioned to adjourn the meeting at 9:10 pm

Cover Letter

The following attached pages of comments address the construction of a commercial/residential development located just west of the Golden West Credit Union on 200 North and ending at 200 West. The residents of this area have a vested interest in how this development is allowed to take place. It is certainly assuring that the number one bullet on the Kaysville City General Plan cover page is as follows:

“Preserving Kaysville’s small town feel by regulating new development and protecting single family neighborhoods.”

It is hoped that the city recognizes that the above mentioned development does adjoin an historic single family residential neighborhood. Please take the following comments into very strong consideration before any proposed plans are given approval. It is also hoped that once a plan is approved that the city will hold the developer to any requirements made by the city. Many of the people in the neighborhood have read and agree with all the comments.

Thank You,

Jim Pearson

[REDACTED] Kaysville Utah 84037

[REDACTED]

[REDACTED]

Traffic:

Commercial stores and apartments on the SE corner of 200 North and 200 West will undoubtedly create increased traffic in this area. There is already much traffic on the side streets of the neighborhood caused by vehicles bypassing the red light at Main St. It seems very likely that building a complex development attached to a residential neighborhood will exacerbate the already frustrating amount of people speeding through the side streets to get where they are going. Adding to that, the 200 West intersection is frequently blocked by traffic that backs up all the way from the red light at 300 West.

Auto accidents are already frequent between 400 West and the I-15 North on-ramp. The big apartment complex now being built on 400 West will undoubtedly make that situation worst. Kaysville City General Plan recommends putting in a 2-way multi-use side path along the entire length of 200 North. The purpose for this is to encourage people to walk or ride their bikes instead of driving. That is a very unlikely and expensive solution to reduce traffic. Introducing a bus route is also recommended. How well that will work is to be seen.

Vehicles, bicycles, and pedestrians are dependent on the safety and functionality of our streets and roadways. A comprehensive traffic study, which includes neighboring side streets, should be undertaken by a reputable and independent engineering company. They should identify and document any deficiencies or improvements necessary to accommodate and or mitigate the projected traffic volumes any development will create. Recommendations should be implemented and become criteria by which the design of any development is guided. Please keep our streets safe and uncongested.

Drainage:

The construction of any development at the SE corner of 200 North and 200 West will likely entail covering the area with impermeable blacktop and cement. Much of the storm water from the development will no longer drain into the ground. Instead it must not end up in the old irrigation water ditch on the west side of the street. These ditches are mostly unmaintained and have overflowed in the past due to plugging. Overflow water goes down driveways and into homes and garages during heavy downpours. They would certainly be inadequate to contain any additional runoff that is caused by the inability of the ground to absorb water.

A storm water collection sewer on the east side of 200 West is piped under the street into the old irrigation ditch on the west side of the road. This was installed ~10-15 years ago at the request and expense of Bob Waite (deceased) to eliminate the puddles of water that accumulated near the driveways of the duplex he owned and rented. The water now accumulates in the ditch and becomes a breeding ground for mosquitos. The debris that flushes into the ditch becomes an anaerobic pile of stink and creates a maintenance issue for that homeowner. This drainage system needs to be removed. Runoff from the commercial east side of the street needs to be routed to the main storm water drainage system that empties into the Kaysville ponds, not into the old residential irrigation ditches.

PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission
From: Dan Jessop, Zoning Administrator
Date: January 3, 2024

Agenda Item #3: Conditional Use Permit for a Single Family Dwelling in Central Commercial District located at 114 North 100 West

Meeting Date	January 11, 2024
Application Type	Conditional Use Permit
Applicant Owner	Randy Graham
Address Parcel ID Number	114 North 100 West
Lot Size	.20 acre 8,712 ft ²
Current Use	Vacant Central Commercial Lot
Current Zoning	CC Central Commercial District
Density Entitlement	N/A

1. BACKGROUND

The subject property is an 8,712 ft² parcel on the northeast corner of 100 North and 100 West. The proposed dwelling will face 100 West.

The owners have decided they would like to build a large garage with a small living space which is considered a dwelling, and is allowed by conditional use permit in the Central Commercial zone.

2. SURROUNDING LAND USE AND AREA

The parcel is located on the northeast corner of 100 North and 100 West. The parcel to the east contains an apartment building. Single family zoning (R-T Old Kaysville Townsite Residential District) exists to the south and west of the property. To the north of the property is an auto repair shop.



3. ZONING

The subject property is zoned CC Central Commercial District, which allows for dwellings through a conditional use permit. The City's Conditional Uses Chapter ([KCC 17-30](#)) defines standards which

may be used to apply conditions to the proposed dwelling. For convenience, the conditional use standards are pasted below.

17-30-8 Standards

Conditional uses shall comply with the standards in this Title applicable to the particular conditional use. In addition, all conditional uses shall comply with the following standards:

1. Provide a use at the particular location that is a necessary or desirable service or facility which will contribute to the general well-being of the community and the neighborhood without detrimental effects on the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
2. Provide adequate access to the use without detrimental effects on streets.
3. Provide for safe circulation of vehicles and pedestrians.
4. Provide adequate access for public safety services and water volume and pressure for firefighting.
5. Provide adequate off-street parking on the site.
6. Provide architectural design and exterior finishes that are compatible with the surrounding environment.
7. Provide landscaping that is compatible with the surrounding environment.
8. Provide adequate site lighting without detrimental effects on other properties.
9. Provide adequate utilities for the use without detrimental effects on utility systems.
10. Provide for water runoff without detrimental effects on other properties.
11. Provide adequate waste disposal without detrimental effects on other properties.
12. Accommodate special site conditions without creating any attractive nuisance.

The Central Commercial Zone does not have specified setbacks and height allowances must be at least 10' and no more than 35' in height.

The CC zone has specific architectural requirements for commercial buildings but dwellings are exempted from those regulations.

4. PROPOSED PROJECT

The applicant submitted the attached concept renderings of the proposed building and a site plan. They are now seeking a CUP for a dwelling in Central Commercial zone.

The proposed structure is:

- Two stories
 - 642 ft² of main floor living space
 - 2,725 ft² of main floor garage space
 - 950 ft² of loft space on the second level
- 3,000 ft² footprint (50' x 60')
- 30' 11" in overall height
- 3,950 ft² of building space

Setbacks for the structure are proposed to be:

- 11' for the front (100 West side)
- 11' for the rear yard (adjacent to the apartments)

- 5' side yard on the north side of the dwelling (next to Vera's Auto Repair)
- 42' side yard on the south side of the dwelling (100 North side)

Proposed materials for the dwelling are painted wood or Hardie Board for siding and 4" trim around the windows. The applicant is also proposing a metal roof for the dwelling.

As submitted, this project meets requirements of the CC zoning code.

5. PUBLIC NOTICE AND PUBLIC COMMENT

A noticing sign was placed on the property on January 5, 2024. At the time of this report, one comment has been received.

6. FACT & FINDINGS

Findings for approval of the Conditional Use Permit include:

- a. KCC 17-20-4 allows for a dwelling as conditional use zone.
- b. The proposed dwelling complies with setback requirements, height allowances and other requirements in KCC 17-20 CC Central Commercial District.
- c. The proposed dwelling will not be detrimental to the surrounding properties.

7. RECOMMENDATION

Staff recommends the Planning Commission approve the dwelling conditional use. The planning Commission may implement conditions for the project based on the standards list in Section 3 of this report.

CUTHBERTSON BARN

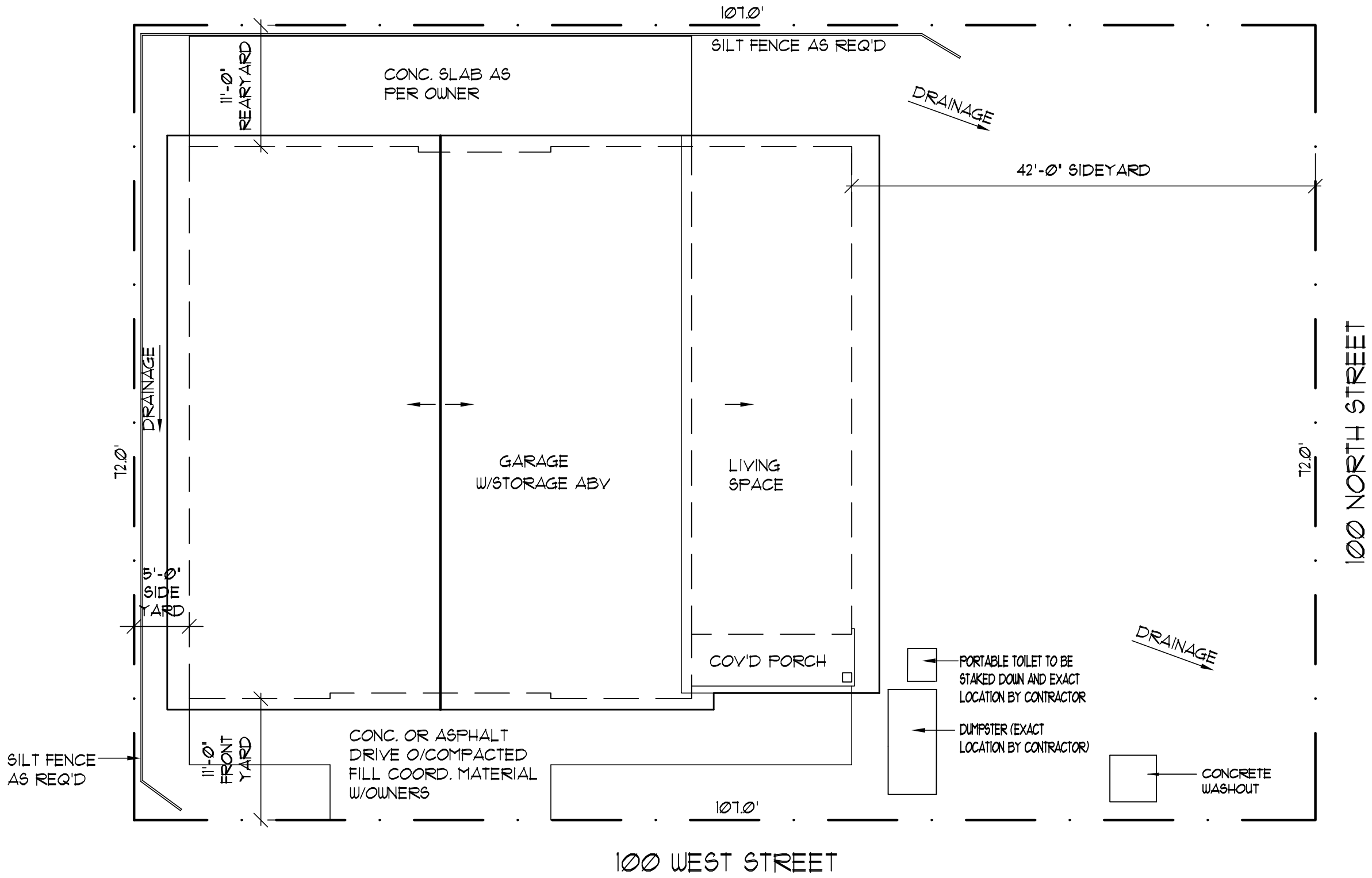
114 NORTH 100 WEST, KAYSVILLE UTAH

DRAWING SCHEDULE

S1	SITE PLAN, DRAWING SCHEDULE AND GENERAL NOTES
F1	FOOTING, FOUNDATION PLAN & NOTES & SCHEDULES
F2	MAIN FLOOR PLAN & DETAILS
F3	UPPER FLOOR PLAN & DETAILS
L4	EXTERIOR ELEVATIONS
S5	FLOOR FRAMING PLANS, BEAM SCHEDULES & NOTES
S6	ROOF FRAMING PLANS, BEAMS & TRUSS TYPES
S7	FRAMING SECTIONS
E8	MAIN FLOOR ELECTRICAL PLANS & NOTES
E9	UPPER ELECTRICAL PLAN & NOTES
S-000	STRUCTURAL NOTES
S-500	STRUCTURAL DETAILS & NOTES

GENERAL NOTES

- A. EXCAVATION, BACK FILL, GRADING & DAMPROOFING
- All excavations for footings shall be to natural undisturbed soil.
 - All back filling shall be done with granular free draining material. Existing site material may be used so long as existing soils are free from clay soils and any construction debris. Compact all back fill material in 10" lifts to 95% of maximum soil density.
 - Finish grading shall be done so as to provide positive drainage away from all building foundations. A minimum slope of 6" per 10'-0" and shall be maintained with a 1% slope thereafter to approved drainage areas.
 - All raingutter downspouts shall be piped away from the home to an approved drainage area. No raingutters shall drain in window wells, or rock light wells.
 - If any ground water is encountered during excavation, a qualified soils Engineer shall be retained to make an on-site assessment of the situation.
 - Footing drains shall be placed around all exterior footings and gravity fed to an approved drainage area.
- B. WINDOWS
- All windows in rooms used for sleeping shall have sills not more than 44" above the floor with an operable opening of not less than 5.7 square feet. The height of the window shall not be less than 24" with a net clear width of not less than 20".
Exception: grade floor openings shall have a min. net clear opening of 5.0 sq. ft.
 - Habitable rooms require 8% of floor area to be glazing with 1/2 of that glazing to be operable.
 - All windows to be double pane insulated glazing of 3/16" double strength "B" grade glass minimum.
- C. VENTILATION
- Natural ventilation shall be provided to every habitable room with equal to 4% of floor area with operable windows which will provide (35) fresh air changes per hour.
 - No gas connections allowed in any rooms used for sleeping or in any corridors leading to or through any sleeping room.
 - Ventilation shall be provided into all crawl spaces by means of screened vents measuring not less than 7" x 14" spaced not more than 25' apart and placed so as to provided cross ventilation.
 - Provide (2) combustion air ducts to furnace rooms (1) placed at 18" above floor and (1) placed at 12" below the ceiling with an area of not less than (1) square inch per 1000 BTUH input.
 - provide attic ventilation equal to 1/150 of the area of the space ventilated.
 - Mechanical ventilation may be provided in habitable rooms, where not required for emergency escape. System will be able to provide (35) fresh air changes per hour.
- D. FIRE PROTECTION & WARNING
- Provide 3/8" type "X" gyp. bd. on all supporting walls and ceilings of the garage adjacent to living areas. Nail all 5/8" type "X" gyp. bd. at 6" o.c. (One hour fire rated)
 - Provide 1/2" type "X" gyp. bd. on walls and under side of stairs under any stairway area used for storage. Fire block walls at all stair stringers.
 - Doors leading from the garage into the house shall be solid core wood or honeycomb metal doors not less than 3/8" thick.
 - Smoke detectors are required in all hallways leading to sleeping rooms, sleeping rooms, unfinished areas, with a minimum of (1) one each story. Wire all smoke detectors to sound simultaneously. Smoke detectors must have battery back-up.
 - A minimum of 30" shall be provided above all ranged, grills, or cook tops to combustibles.
- E. HANDRAILS & GUARDRAILS
- Handrails are required at all stairways having (2) or more risers.
 - Handrails shall be placed not less than 2'-10" above stair nosing and not more than 3'-2" above stair nosing.
 - Handrail gap size shall have a circular cross section of 1 1/4" minimum - 2 3/8" max. Edges shall have a minimum radius of 1/8". Handrails may project 4 1/2" into the stairway on both sides. Continuous handrails shall be permitted to be interrupted by a newel post at a turn and the use of a volute turn or starting easing shall be allowed on lowest tread.
 - Guardrails are required at all landings or decks or floor levels more than 30" apart.
 - Balusters for guardrails shall be spaced such that a 4" diameter sphere shall not pass through.
 - When a guardrail is combined with a handrail on an open side of stairs, guardrail may be built to handrail height.



NOTES:

GRAVEL BAGS TO BE PLACED AND MAINTAINED AROUND ANY STORY DRAIN INLET ADJACENT TO OR IMMEDIATELY DOWNSTREAM FROM SITE DURING CONSTRUCTION

BURRS OR SNALES MAY BE REQUIRED ALONG PROPERTY LINES TO PREVENT STORY WATER FLOW ONTO ADJACENT LOTS. FINAL GRADING SHALL BLEND WITH ADJACENT LOTS

A LINED CONCRETE WASHOUT AREA MUST BE PROVIDED AT THIS SITE FOR CONCRETE WORK. WASHOUT INTO THE FOUNDATION OR GROUND IS PROHIBITED

STREET, CURB AND GUTTER WILL BE INSPECTED AND CLEANED OF DIRT & MUD AT THE END OF EVERY DAY

STORY SEWER INLETS TO BE PROTECTED BY GRAVEL OR STRAW WADDOLE

PROVIDE GRAVEL DRIVE APPROACH TO PREVENT DIRT FROM BEING TRACKED ONTO PUBLIC ROAD

ALL STORY WATER & DIRT WILL BE KEPT ONSITE DURING CONSTRUCTION UNTIL FINAL LANDSCAPING IS DONE

114 NORTH 100 WEST
KAYSVILLE, UTAH

SITE PLAN

SCALE: 1"=20'-0"

FREEDOM
DESIGN

ARCHITECTURAL
PLANNING & DESIGN

SPECIALTIES IN CARTOON AND
NOTED HOME PLANS

986 South 800 West
Woods Cross Utah
Phone (801) 292-6740
Fax (801) 292-6741

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LOT CITY
SUBDIVISION
BUILDER (OPT)
ANY OTHER USE OF THESE PLANS IS
STRICTLY PROHIBITED AND WILL BE
PROSECUTED. PLEASE NOTIFY
FREEDOM DESIGN OF ANY REUSE OF
THESE PLANS OR CHANGES AS THEY
ARE PROPERTY OF FREEDOM DESIGN
BY COPYRIGHT.

SITE PLAN & DRAWING SCHEDULE

CUTHBERTSON BARN

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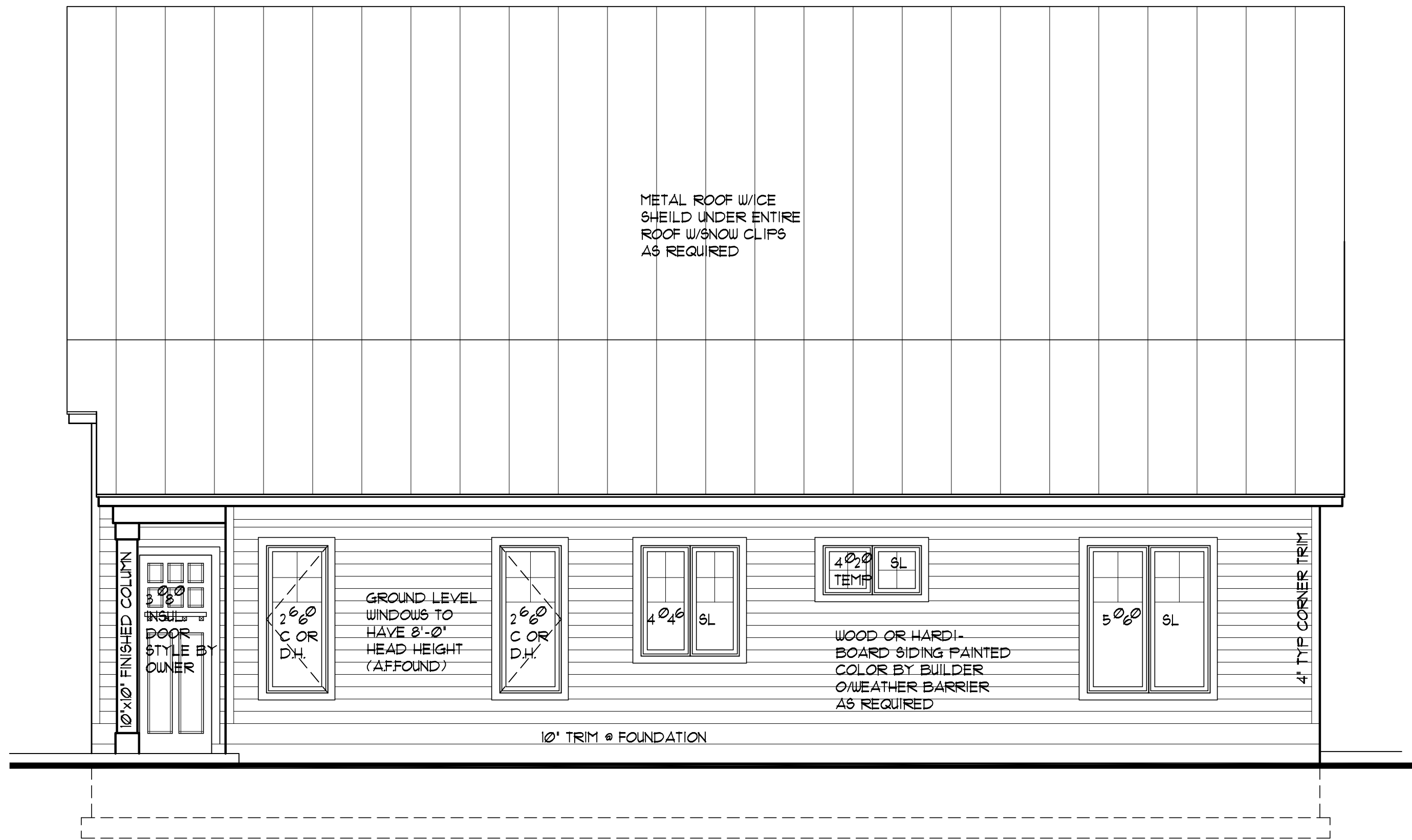
NOTE:
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RELEASE
DATE 11.25.2023

REVISIONS
date: item:

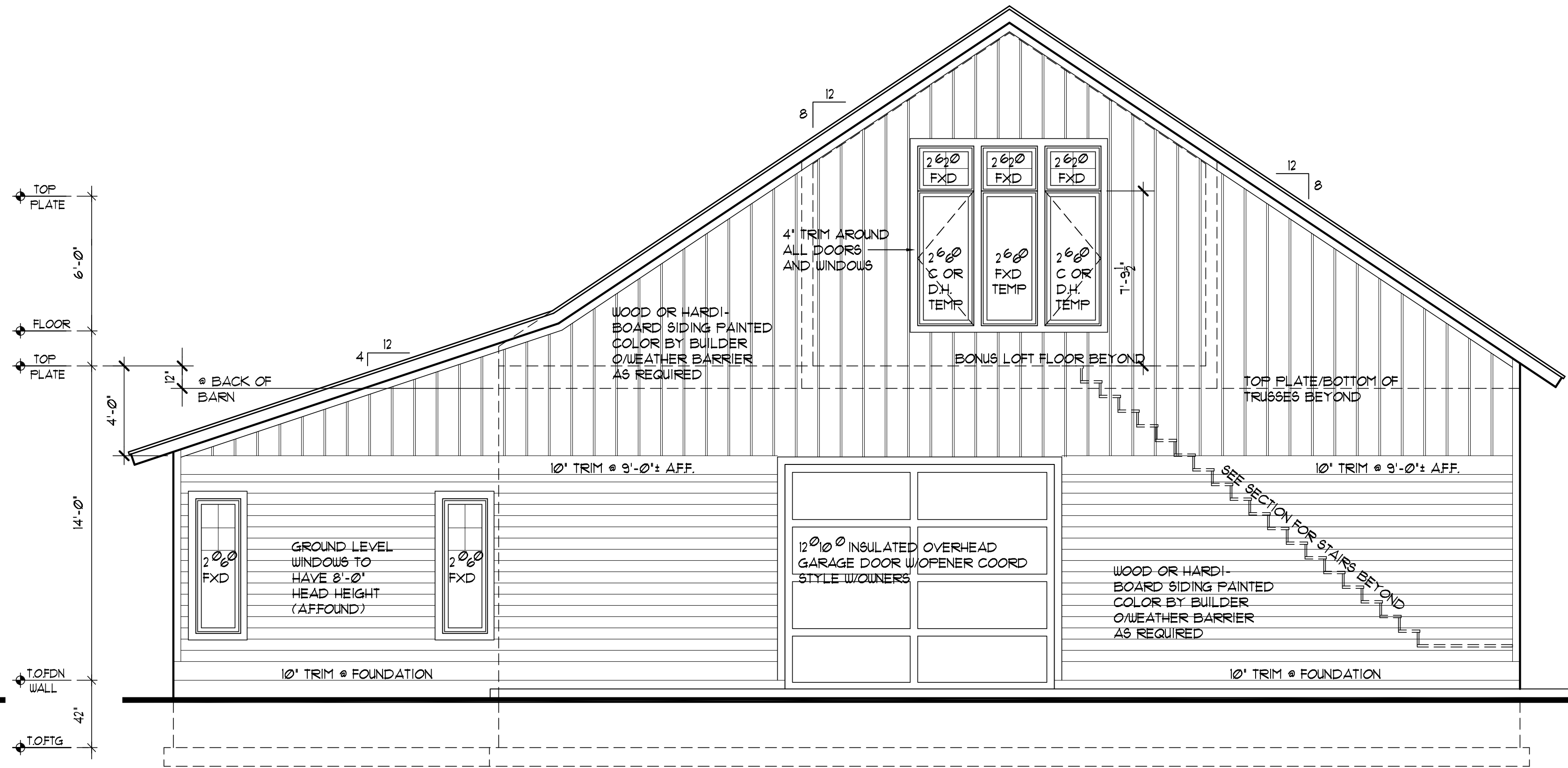
SHEET
NO.

S1



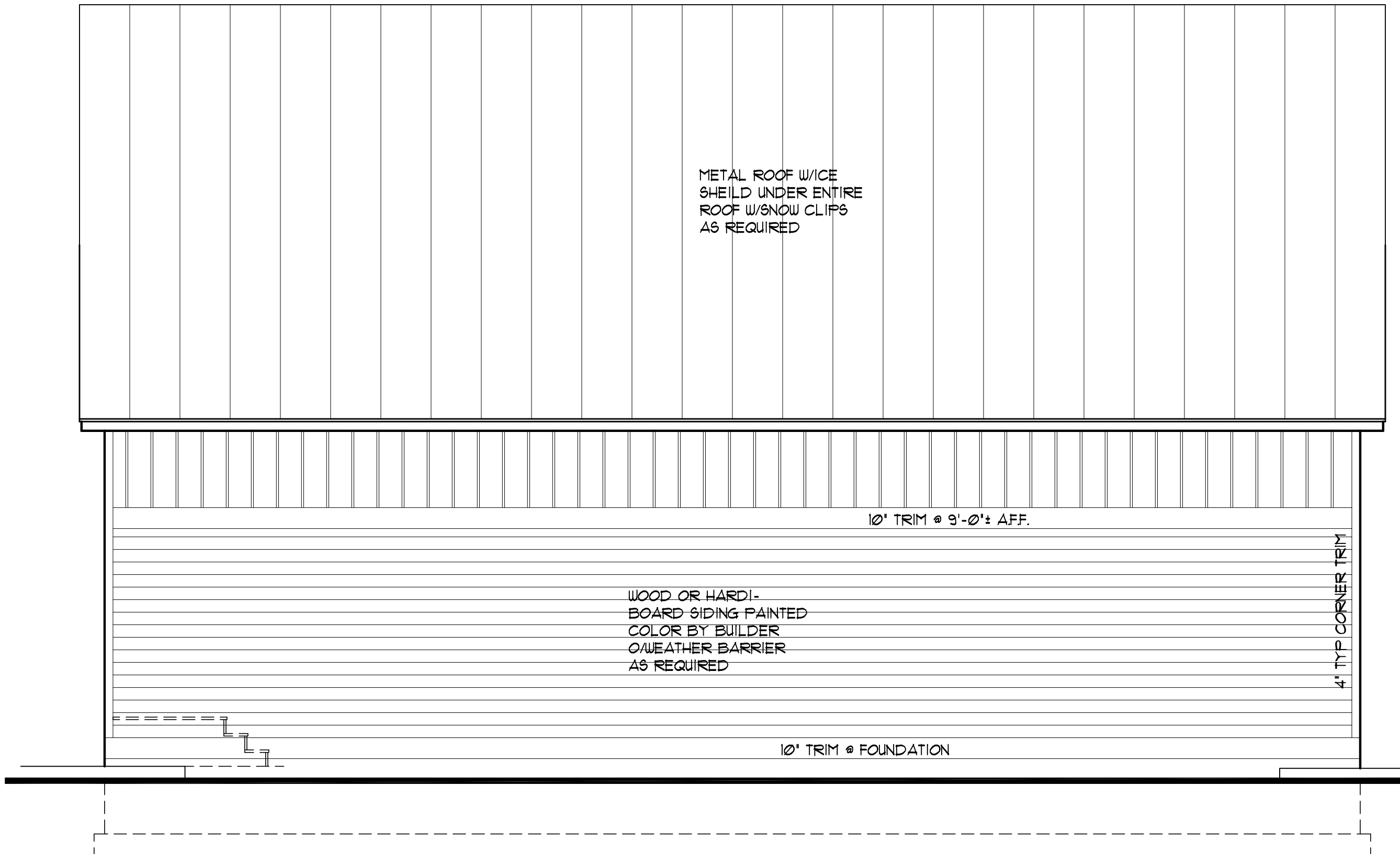
RIGHT SIDE ELEVATION

SCALE: 1/4" = 1'-0"



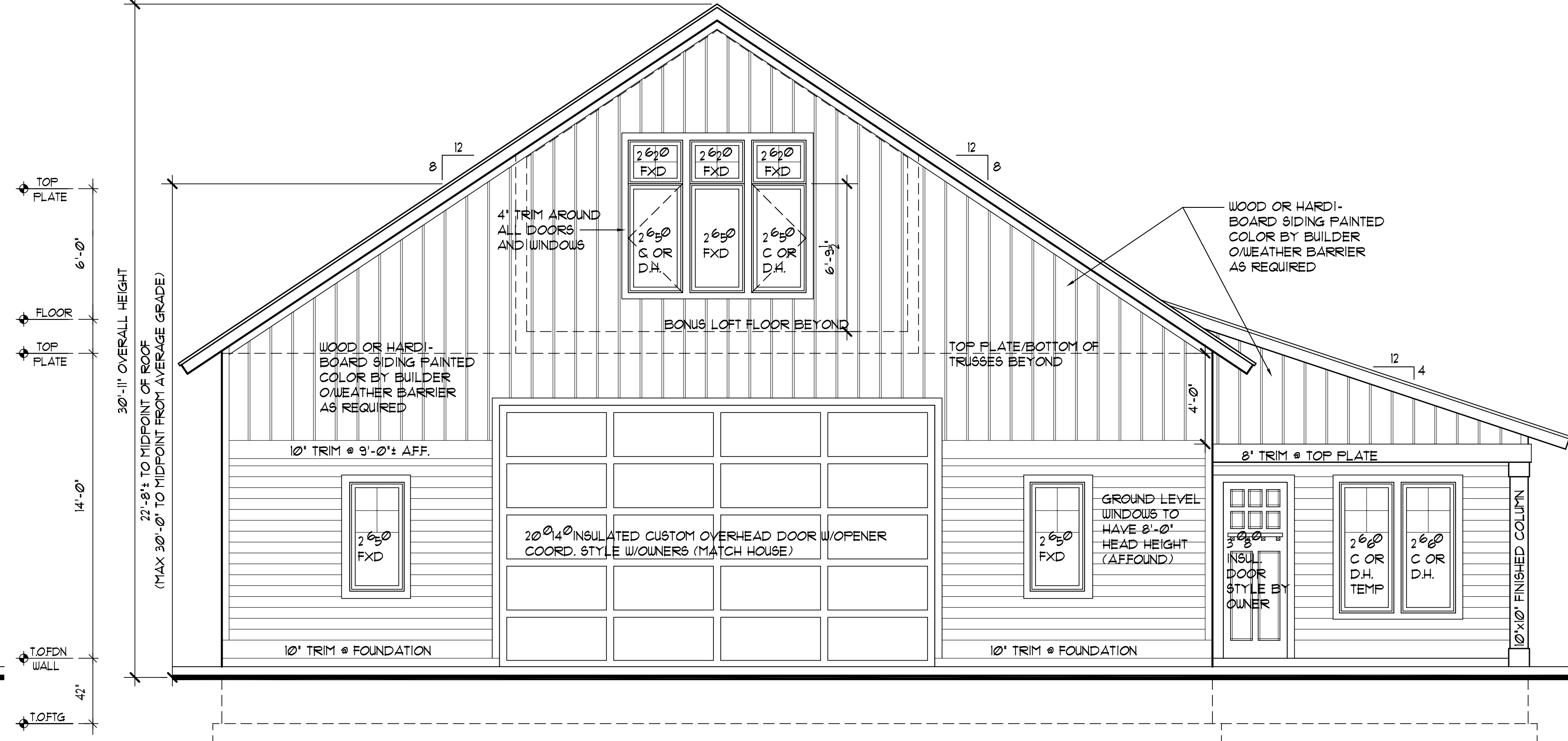
REAR ELEVATION

SCALE: 1/4" = 1'-0"



LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"



FRONT ELEVATION

SCALE: 1/4" = 1'-0"

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MODIFIED HOME PLANS

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LOT _____ CITY _____
SUBDIVISION _____
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THESE PLANS OR DESIGNS AS THEY
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EXTERIOR ELEVATIONS

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RELEASE
DATE 11/25/2023

REVISIONS
date: item:

SHEET
NO. 4

SHEARWALL SCHEDULE									
MARK	SHEATHING STRUCT	NAILING		STAPLES		A.B. SPAC'G	SOLE PLATE TO RIM JOIST	NOTES	
		EDGES	FIELD	SIZE	EDGES				
⚠	1/8" APA RATED SHEATHING	8d @ 6" O.C.	12" O.C.	1 1/2"	4" O.C.	8" O.C.	32" O.C.	16d @ 6" O.C.	2x STUDS @ 16" O.C. MAX
⚠	1/8" APA RATED SHEATHING	8d @ 4" O.C.	12" O.C.	1 1/2"	25" O.C.	8" O.C.	32" O.C.	16d @ 4" O.C.	2x STUDS @ 16" O.C. MAX
⚠	1/8" APA RATED SHEATHING	8d @ 3" O.C.	12" O.C.	1 1/2"	2" O.C.	8" O.C.	32" O.C.	16d @ 4" O.C.	3x STUDS @ PANEL EDGES
⚠	1/8" APA RATED SHEATHING	8d @ 2" O.C.	12" O.C.	DO NOT USE STAPLES			24" O.C.	16d @ 3" O.C.	3x STUDS @ PANEL EDGES
⚠	5/32" APA RATED SHEATHING	10d @ 2" O.C.	12" O.C.				16" O.C.	16d @ 2" O.C.	3x STUDS @ PANEL EDGES
⚠	1/8" APA RATED SHEATHING (BOTH SIDES)	8d @ 2" O.C.	12" O.C.				12" O.C.	16d @ 2" O.C.	3x STUDS @ PANEL EDGES
NOTES: - ALL SHEATHING TO BE APA RATED - (BOTH SIDES) INDICATES SHEATHING IS REQUIRED ON BOTH SIDES OF WALL - ANCHOR BOLTS SHALL BE 3/8" W/1" MIN. EMBED W/3"x3"x1/4" PLATE WASHERS - 3x STUDS MAY BE REPLACED W/DOUBLE 2x STUDS STITCH NAILED									

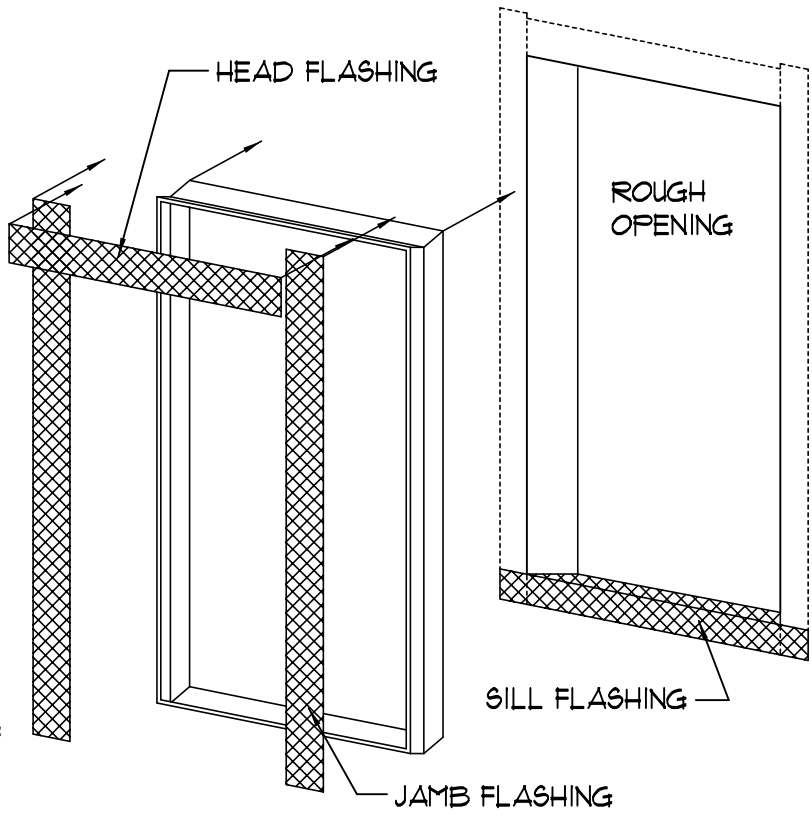
REFERENCE DETAIL ONLY. THIS IS A GENERAL DETAIL AND A FLASHING SYSTEM FOR EACH JOB IS TO BE FIELD VERIFIED BY THE INSTALLER FOR AN APPROPRIATE METHOD OF SEALING AS AN OVERALL WEATHER RESISTIVE BARRIER

FLASHING MATERIAL RECOMMENDED IS TO BE AT LEAST 9" WIDE

ALL FLASHING SHOULD EXTEND AT LEAST 9" BEYOND BOTH SIDES OF ROUGH OPENING AT SILL FLASHING

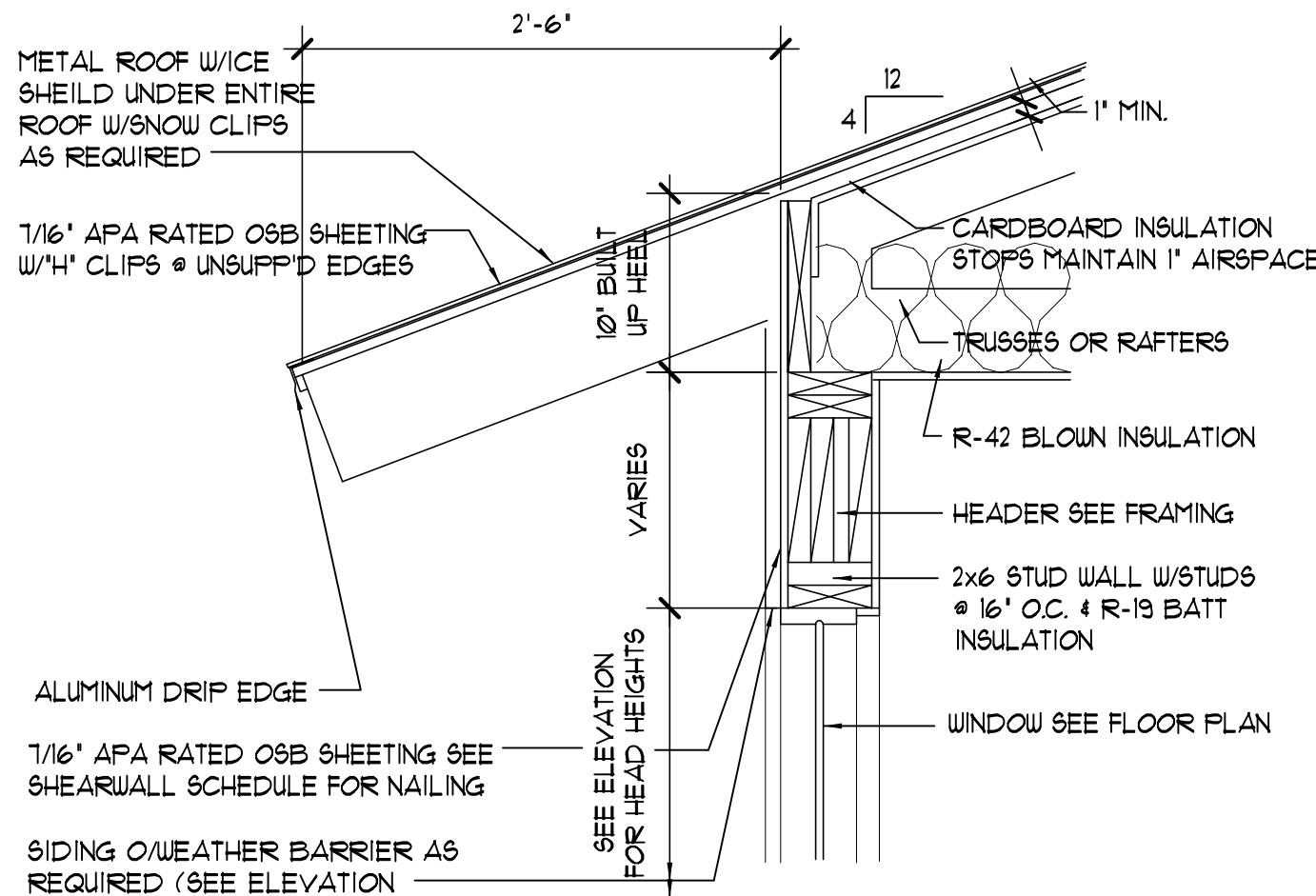
JAMB FLASHING SHOULD EXTEND ONLY 8 1/2" ABOVE TOP EDGE OF WINDOW FRAME AND SHOULD COVER AND OVERLAP THE ENDS OF THE SILL FLASHING

HEAD FLASHING SHOULD EXTEND ONLY 1" BEYOND EACH SIDE FLASHING AND ATTACH TOP EDGE TO WALL



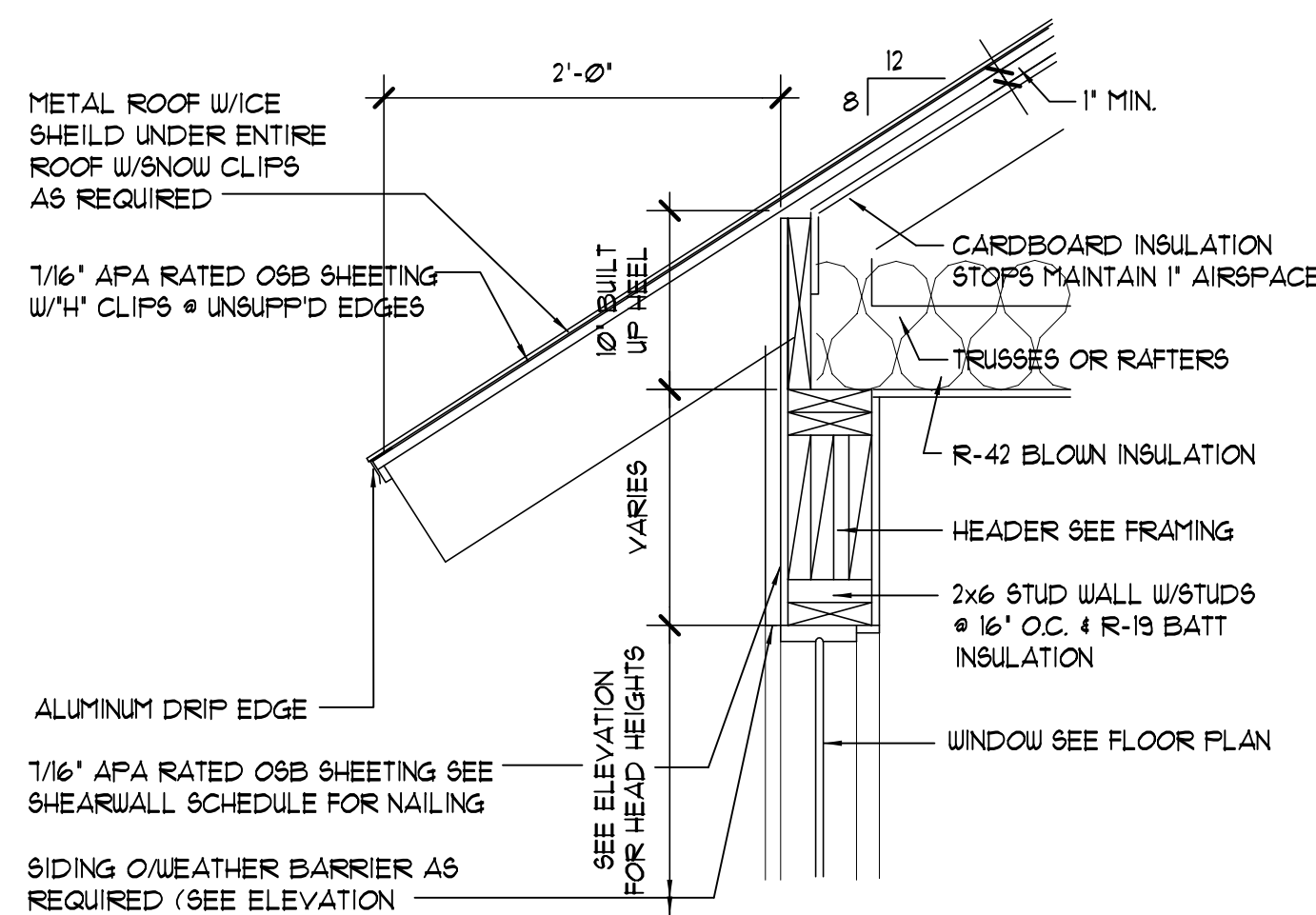
1 FLASHING DETAIL

SCALE: NTS



A EAVE DETAIL

SCALE: 1" = 1'-0"



B EAVE DETAIL

SCALE: 1" = 1'-0"

NOTES:

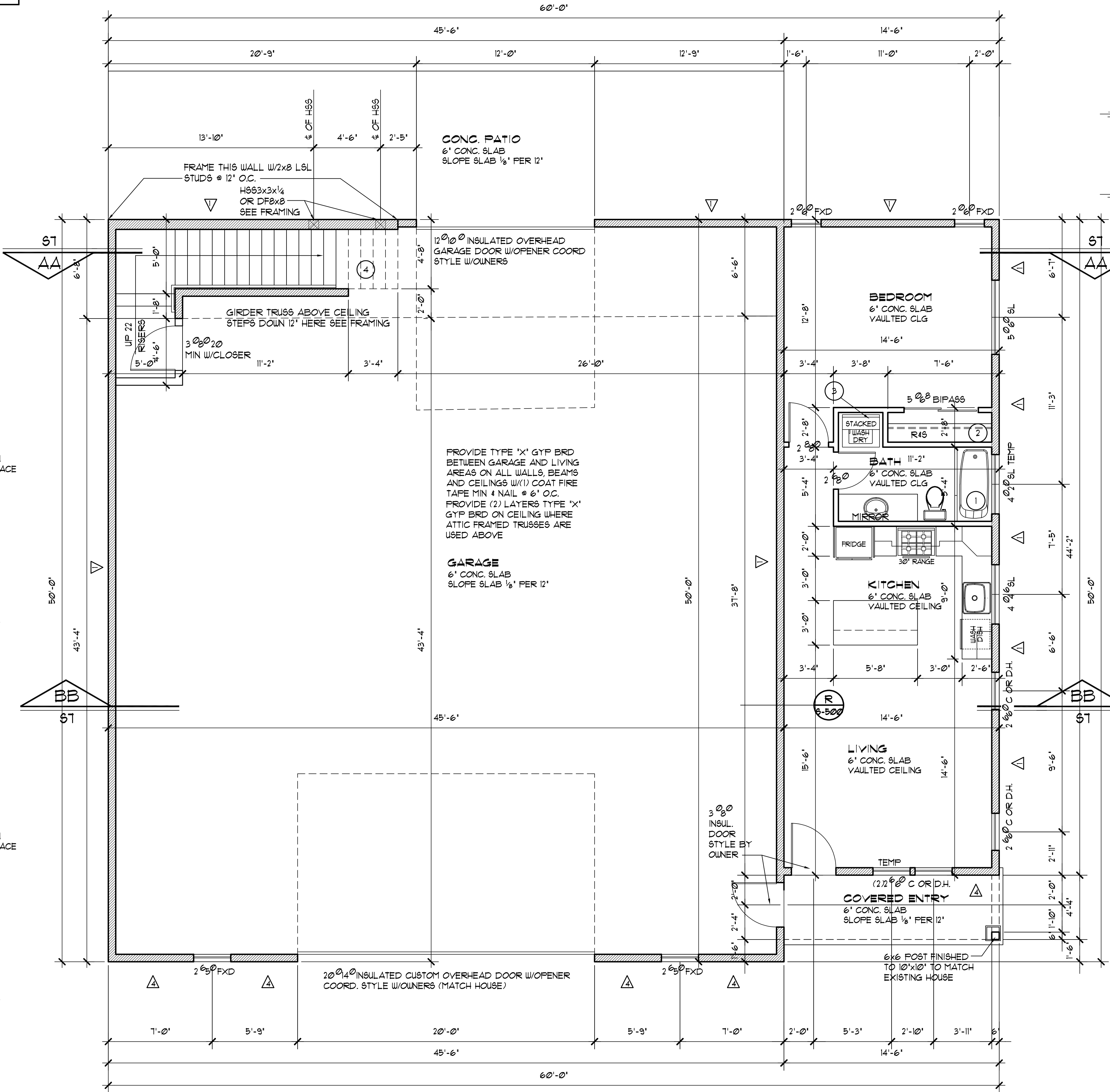
THICKNESS OF BLOWN/SPRAYED INSULATION IN ROOF SHALL BE WRITTEN IN INCHES ON MARKERS AND INSTALLED AT LEAST 1 PER 300 SQ FT IN ATTIC AND AFFIXED TO TRUSSES MARKED WITH MIN. INITIAL THICKNESS. EACH MARKER TO FACE ATTIC ACCESS

NET FREE VENTILATING AREA SHALL NOT BE LESS THAN 1/150TH OF THE SQUARE AREA OF ATTIC SPACE. EXCEPT THAT THE AREA MAY BE 1/300TH PROVIDED THAT AT LEAST 50% OF THE VENTILATED AREA IS LOCATED IN THE UPPER SPACE PORTION OF THE ATTIC AND THE REMAINDER IS PROVIDED BY EAVE OR CORNICE VENTS AS PER IRC R806

A PERMANT CERTIFICATE SHALL BE POSTED ON OR IN THE ELEC. DISTRIBUTION PANEL. THE CERT. SHALL BE COMPLETED BY THE BUILDER OR REGISTERED DESIGN PROFESSIONAL. THE CERT. SHALL LIST THE PREDOMINANT R-VALUES OF INSULATION INSTALLED IN OR ON THE CEILING, ROOF, WALLS, FOUNDATION AND DUCTS IN ANY OUT SIDE SPACES. THE CERT. SHALL ALSO LIST THE TYPE AND EFFICIENCY OF HEATING, COOLING AND SERVICE WATER HEATING EQUIP

STRAP TIE SCHEDULE					
MARK	TIE	TYPE LOC	ALLOWABLE TENSION (LBS)	FASTENERS EACH END	NOTES
⬠ 91	CS16	FLOOR TO FLOOR	1705	(22) 10d	12" END LENGTH
⬠ 91 2	CS14	FLOOR TO FLOOR	2430	(30) 10d	19" END LENGTH
⬠ 91 3	MS160	FLOOR TO FLOOR	5080	(46) 16d	
⬠ 91 4	HT15	FLOOR TO FLOOR	4610	(36) 16d SINKERS	RETROFIT HD
⬠ 91 5	LFTAT	FLOOR TO FLOOR	6210	(6) 1 1/8"	

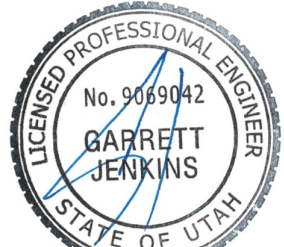
- 1 MUD SET C.T. SHOWER O/WATER RES GYP BRD OR GLASS MAT GYSUM BACKER
- 2 COORD ALL CLOSET BUILT INS W/OWNER
- 3 PROVIDE C.T. PAN W/FLOOR DRAIN & VENT DRYER TO EXTERIOR W/BACKDRAFT DAMPER AS REQUIRED
- 4 PROVIDE TYPE 'X' GYP BRD ON ALL WALLS AND STRINGERS UNDER STAIRS TO BE USED AS STORAGE



MAIN FLOOR PLAN

SCALE: 1/4" = 1'-0"

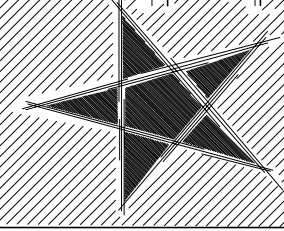
642 SQ FT APARTMENT
2125 SQ FT GARAGE



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LOT _____ CITY _____
SUBDIVISION _____
BUILDER (OPT) _____
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FREEDOM DESIGN OF ANY VIOLATION OF
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MAIN FLOOR PLAN
CUTHBERTSON BARN

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DESIGN, LLC.

RELEASE
DATE 11/25/2023

REVISIONS
date: item:

SHEET
NO.

2

PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission
From: Dan Jessop, Zoning Administrator
Date: January 5, 2024

Agenda Item #4: Preliminary Plat Subdivision for the Old Library Subdivision located at 44 North Main Street.

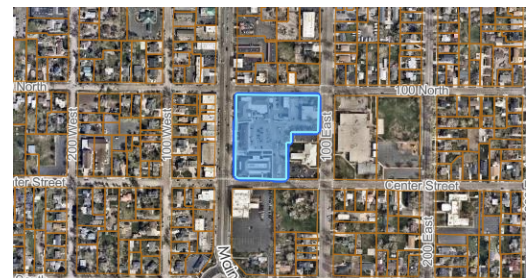
Meeting Date	January 11, 2024
Application Type	Preliminary Plat for Subdivision
Applicant Owner	Kaysville City
Address Parcel ID Number	44 North Main Street 11-104-0117
Zoning	Public Use
Lot Size	4.98 Acres (216,928 square feet)
Current Use	Public Municipal Building
Number of Lots	2
Lot Sizes	15,284 square feet

1. BACKGROUND

Kaysville City has been working with Alchemy Development to convert the old library building into a food hall. In order to do this, the property will need to be subdivided so it can be rezoned from Public Use to Central Commercial.

2. SUMMARY

The proposed subdivision and lots meets both the Public Use and Central Commercial lot requirements.



The City Engineer has reviewed the proposed plat and determined it is in compliance with subdivision requirements.

3. RECOMMENDATION

The proposed subdivision is consistent with the anticipated development of the Central Commercial zone. It is in compliance with applicable zoning districts, and proposes a new desirable commercial lot for the proposed Bamberger Food Hall.

Staff is recommending the Planning Commission forward a favorable recommendation to the City Council for approval of the proposed preliminary plat for Subdivision.

SURVEYOR'S CERTIFICATE

I DAVID D STRONG DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD LICENSE NO. 5331568 IN ACCORDANCE WITH TITLE 58, CHAPTER 22 OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, A SURVEY WAS MADE UNDER MY DIRECTION OF THE TRACT OF LAND SHOWN HEREON IN ACCORDANCE WITH SECTION 17-23-17. I HEREBY STATE THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, BELIEF AND IN MY PROFESSIONAL OPINION.

SIGNED THIS _____ DAY OF _____, 2023.

SIGNATURE

BOUNDARY DESCRIPTION:

A PARCEL OF LAND BEING PART OF LOTS 4 AND 5, BLOCK 19, PLAT A OF THE KAYSVILLE TOWNSITE SURVEY LOCATED IN THE SOUTHEAST QUARTER OF SECTION 34, T.4N., R.1W., S.L.B.&M., DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY RIGHT OF WAY LINE OF MAIN STREET BEING N.01°20'39"E. 169.50 FEET FROM THE SOUTHWEST CORNER OF SAID LOT 4 (SAID SOUTHWEST CORNER OF LOT 4 BEING N.01°20'39"E. 33.48 FEET AND S.88°39'21"E. 49.50 FEET FROM THE MONUMENT AT THE CENTERLINE OF MAIN STREET AND CENTER STREET); THENCE N.01°20'39"E. 137.75 FEET ALONG SAID EASTERLY RIGHT OF WAY LINE; THENCE S.88°39'21"E. 34.82 FEET; THENCE N.01°18'18"E. 23.57 FEET; THENCE NORTHEASTERLY 10.79 FEET ALONG THE ARC OF A 7.50 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 82°27'10", THE CHORD OF WHICH BEARS N.42°31'53"E. 9.89 FEET; THENCE N.83°45'28"E. 26.33 FEET; THENCE NORTHERLY 33.01 FEET ALONG THE ARC OF A 310.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 6°06'01", THE CHORD OF WHICH BEARS N.86°48'29"E. 32.99 FEET; THENCE S.01°18'18"W. 163.85 FEET; THENCE N.88°39'21"W. 70.25 FEET; THENCE S.01°20'39"W. 11.00 FEET; THENCE N.88°39'21"W. 30.15 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 15,284 SQUARE FEET IN AREA, MORE OR LESS.

OWNER'S CERTIFICATE OF DEDICATION

WE, THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO A LOT AS SHOWN ON THIS PLAT, AND NAME SAID TRACT OLD LIBRARY SUBDIVISION.

SIGNED THIS _____ DAY OF _____, 2023. BY:

KAYSVILLE CITY

TITLE

PRINTED NAME

ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF DAVIS JSS
ON THIS _____ DAY OF _____, 2023, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THE SIGNERS OF THE ABOVE OWNERS DEDICATION _____, WHO DULY ACKNOWLEDGED TO ME THAT THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.

RESIDING AT: _____
A NOTARY PUBLIC COMMISSIONED IN UTAH

COMMISSION EXPIRES: _____
PRINT NAME

NOTES:

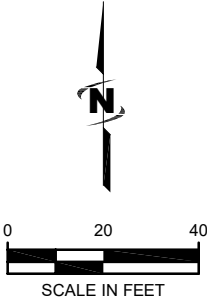
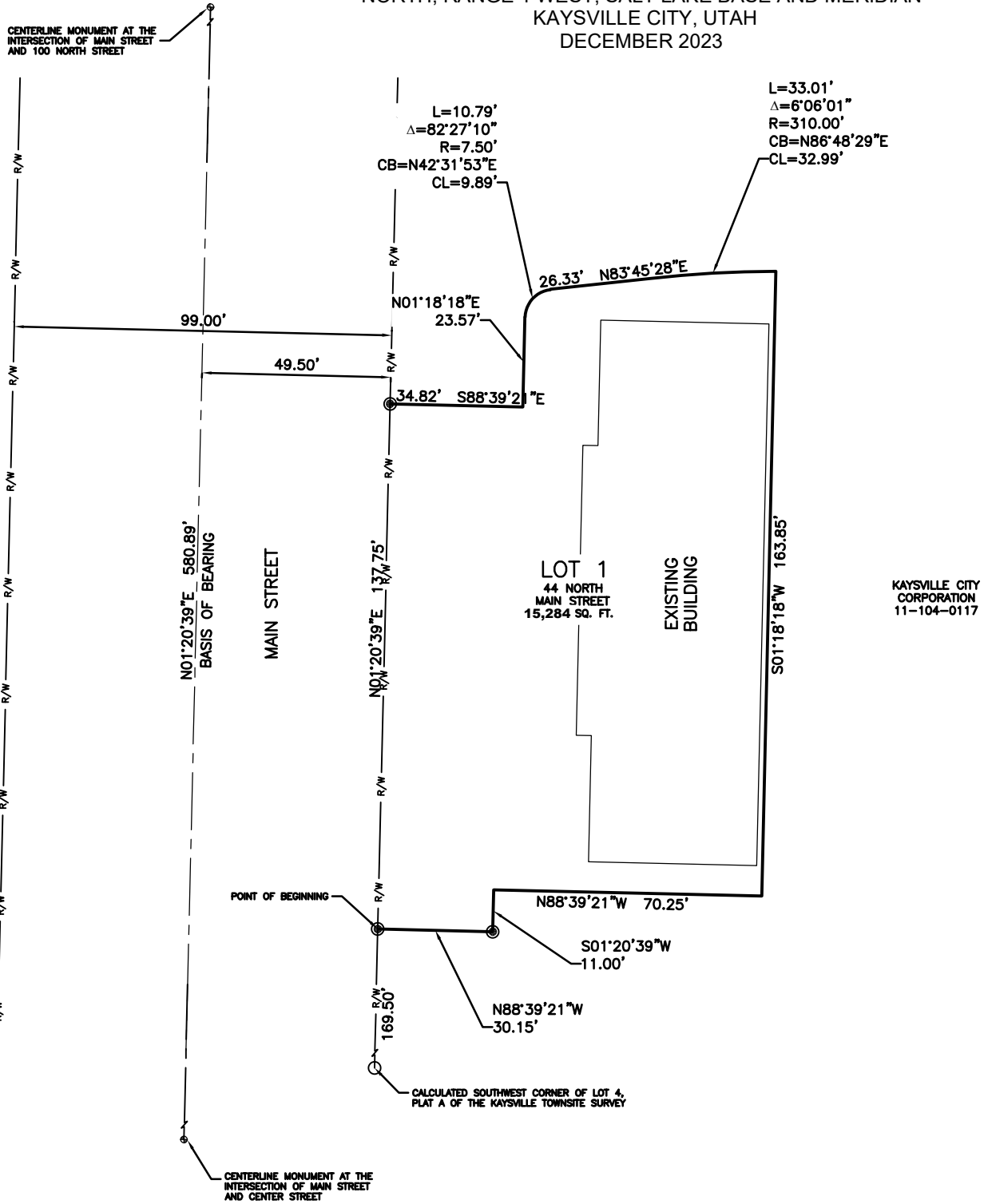
BASIS OF BEARING IS N01°20'39"E FROM THE CENTERLINE MONUMENT AT THE INTERSECTION OF MAIN STREET AND CENTER STREET TO THE CENTERLINE MONUMENT AT THE INTERSECTION OF MAIN STREET AND 100 NORTH STREET

LEGEND:

- R/W — CENTER LINE OF ROAD
— — RIGHT OF WAY
⊙ SET 5/8 X 24" REBAR AND J-U-B ENGINEERS INC CAP
⊕ CENTERLINE MONUMENT

OLD LIBRARY SUBDIVISION

PART OF LOTS 4 AND 5, BLOCK 19, PLAT A OF THE KAYSVILLE TOWNSITE SURVEY LOCATED IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN KAYSVILLE CITY, UTAH
DECEMBER 2023



KAYSVILLE CITY CORPORATION
11-104-0117

PLANNING COMMISSION

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT, THE DEDICATION OF STREETS AND OTHER PUBLIC WAYS AND FINANCIAL GUARANTEE OF PUBLIC IMPROVEMENTS ASSOCIATED WITH THIS SUBDIVISION, THEREON ARE HEREBY APPROVED AND ACCEPTED BY THE COMMISSIONERS OF KAYSVILLE CITY, UTAH

THIS _____ DAY OF _____, 2023.

CHAIRMAN, KAYSVILLE CITY COMMISSION

KAYSVILLE CITY ENGINEER

I HEREBY CERTIFY THAT THE DATA ON THIS PLAT HAS BEEN REVIEWED AND FOUND TO BE IN CONFORMANCE WITH THE INFORMATION ON FILE IN THIS OFFICE.

SIGNED THIS _____ DAY OF _____, 2023.

KAYSVILLE CITY ENGINEER

KAYSVILLE CITY ATTORNEY

I HAVE EXAMINED THE FINANCIAL GUARANTEE AND OTHER DOCUMENTS ASSOCIATED WITH THIS SUBDIVISION PLAT AND IN MY OPINION THEY CONFORM WITH THE CITY ORDINANCE APPLICABLE THERETO AND NOW IN FORCE AND AFFECT.

SIGNED THIS _____ DAY OF _____, 2023.

KAYSVILLE CITY ATTORNEY

CITY COUNCIL APPROVAL

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT WAS DULY APPROVED BY THE KAYSVILLE CITY COUNCIL ON THE _____ DAY OF _____, 2023.

MAYOR

RECORDER

DEVELOPER

KAYSVILLE CITY
23 EAST CENTER STREET
KAYSVILLE, UT 84037

PREPARED BY



J-U-B ENGINEERS, INC.
485 North 900 West
Kaysville, Utah 84037
Phone (801) 347-6393

PROJECT #55-23-010-100
OCTOBER 2023

DAVIS COUNTY RECORDER

ENTRY NO. _____ FEE PAID _____
FILED FOR RECORD AND RECORDED
20____, AT _____ IN BOOK _____
PAGE _____ OF OFFICIAL RECORDS.

RECORDED FOR

COUNTY RECORDER



PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission

From: Melinda Greenwood, Community Development Director

Date: January 5, 2024

Agenda Item: Amendment to Planning Commission Bylaws

Meeting Date	January 11, 2024
Application Type	Bylaw Amendments
Applicant	Kaysville City

1. BACKGROUND

Kaysville City Code 17-4-2 provides the Planning Commission with the opportunity to adopt policies and procedures necessary for the function of the Planning Commission. The Planning Commission adopted bylaws which were last amended in October of 2019.

Chair Steve Lyon has worked with staff to make changes to the bylaws which will be helpful to Commissioners, staff and the public to ensure meetings and business of the Planning Commission are appropriately managed.

Redlines of the bylaws are provided for discussion and consideration of adoption.

2. RECOMMENDATION

Staff recommends the Planning Commission discuss the proposed bylaw amendments and approve suggested changes or ask Staff to make additional changes to bring back to the Commission at a future meeting.

BYLAWS OF THE KAYSVILLE CITY PLANNING COMMISSION

PURPOSE

These policies and procedures, as amended, are designed and adopted for the purpose of providing guidance and direction to the members of the Kaysville City Planning Commission in the performance of their duties.

ARTICLE 1 - GENERAL PROVISIONS

The Kaysville City Planning Commission, hereinafter referred to as "the Commission," shall be governed by the following statutes, ordinances and bylaws:

1.1 Applicable State Statutes and Local Ordinances and Bylaws

To the extent that they remain in force and in effect, as they are amended, or as they are added to, the Commission and its members shall be governed by state statutes and local ordinances and policies including but not limited to the following:

- a. State statutes applying to public boards, members and officials.
- b. State statutes governing the activities of City Planning Commissions.
- c. The Zoning Ordinance/Development Code of Kaysville City as adopted by the City Council.
- d. The bylaws and policies of the Commission as set forth herein.

1.2 Requirements of Familiarity with State Statutes and Local Ordinances and Bylaws Affecting the Commission

Upon taking office, all members of the Commission shall familiarize themselves with the foregoing and, while in office, shall maintain such knowledge, including knowledge of amendments and additions, and shall be strictly governed thereby in the conduct of Commission affairs.

1.3 Mandatory Training as Required by Utah State Code 10-9a-302

Upon appointment to the office of Planning Commission, Planning Commissioners agree to attend a minimum of four hours of training as required by the State of Utah. Training sessions may be provided by City Staff or any qualified or experienced land use expert or group. Recorded training sessions are acceptable for training requirements.

1.4 Bylaws of the Commission to be Available from Kaysville City

A current copy of the bylaws of the Commission shall be available as a public record on the City's website or at the City offices. A copy of the bylaws of the Commission shall be provided to new Commission members upon appointment. Additional copies shall be provided to the Commission and made available to the public upon request.

ARTICLE II – MEMBERS APPOINTMENT, RESIGNATION AND REMOVALS

2.1 Members

Per KCC 17-4-1, the Planning Commission shall consist of seven (7) regular members. Two alternate Planning Commission Members may be appointed to assist in creating the likelihood of having a quorum present for meetings. All Planning Commissioners shall reside in Kaysville City for at least one year prior to their appointment and must remain residents of the City during the entirety of their term.

Members shall be selected from different professional and vocational backgrounds and geographic areas, insofar as possible.

2.2 Appointment

The membership and appointment of the Commission shall be governed by the provisions of Utah State Code and applicable ordinances of Kaysville City.

2.3 Resignations

Members proposing to resign shall give reasonable notice of such intent to the Mayor of the City, and make reasonable effort so the date of resignation allows adequate time for appointment of replacements.

2.4 Removals

Failure to attend three consecutive regular meetings, or three of any seven consecutive meetings shall be construed by the Mayor as grounds for resignation from the Commission by absence. The Mayor would then recommend removal of the Commissioner to the City Council.

ARTICLE III – DUTIES OF OFFICERS, COMMITTEES AND STAFF

3.1 Regular Election of Chair, Vice Chair

Annually, as the first item of business at the first regular meeting of the Commission in the month of July, the Commission shall elect a Chair and Vice Chair. If a quorum is lacking, the Commission will hold an election at the next regularly scheduled meeting at which a quorum is available.

3.2 Succession of Vice Chair to Office of Chair

If the Chair becomes no longer a member of the Commission, the Vice Chair shall succeed to the office for the remainder of the term. If the Vice Chair becomes no longer a member of the Commission or succeeds to the office of Chair, a special vote shall be held to fill the vacancy of the Vice Chair. Said vote shall occur at the next regularly scheduled meeting of the Commission at which a quorum is available.

3.3 Duties of the Chair and Vice Chair

If present and able, the Chair shall preside at all meetings and hearings. If the Chair is absent or unable to preside, the Vice Chair shall preside.

3.4 Appointment of Temporary Chair to Preside at Meetings

If both the Chair and Vice Chair are absent or unable to preside, the members present shall appoint a Temporary Chair to preside for that meeting. The Temporary Chair shall abide by all bylaws and policies set forth herein.

3.5 Chair and Vice Chair Responsibilities

The Chair shall conduct all meetings of the Commission, interface with the Mayor in the conduct and affairs of the Commission, and exercise management of the affairs of the Commission consistent with these bylaws, the ordinances of Kaysville City and State Law. In the absence of the Chair, the Vice Chair will assume the responsibilities outlined in this section and the bylaws.

3.6 Appointment of Committees

The Chair may designate members of the Commission to make personal inspections when necessary for proper consideration of agenda items. The Chair may appoint standing or ad hoc committees as may be found necessary to successfully and efficiently carry out the function of the Committee.

3.7 Community Development Staff Duties

Staff shall attend to all correspondence of the Commission, send out and cause to be published all notices required, create and publish staff reports to include adequate information for the Planning Commission to make a decision on applications before them, attend all meetings of the Commission and all public hearings, present and dissemination information to the Commission during the meetings, compile and maintain all required records, schedules, minutes, files and indexes; and generally perform all clerical work of the Commission.

ARTICLE IV - CONDUCT OF COMMISSION MEMBERS

4.1 Representation of Applicants and Petitioners

No member of the Commission shall represent applicants or petitioners on matters on which the Commission is to make determinations or recommendations.

4.2 Conflict of Interest

Should a Planning Commission Member have a conflict of interest that conflict shall be disclosed either prior to the meeting or during the meeting.

No member of the Commission shall represent applicants or petitioners on matters on which the Commission is to make determinations or recommendations.

Failure to disclose conflict of interest for purposes may be grounds for removal from the Planning Commission when the City Attorney deems to the failure to disclose is in violation of the provisions of Utah Code or Kaysville City Ordinances.

4.3 State Disclosure Laws

No member of the Commission shall participate in, discuss or vote on any application or item if they

- a. Have financial or personal or financial interest in the property or action concerned;
- b. Will be directly affected by the decision of the Commission; or
- c. Believe they have any other conflict of interest.

A member who has a question as to whether a conflict of interest exists should raise the matter with the Community Development Director, City Attorney or the Planning Commission to determine whether the member can participate in the vote.

4.4 Voting

No Commission member shall discuss, opine or vote on any matter deciding an application or petition except during the Planning Commission meeting and after attending the public meeting(s) and/or hearing(s) on the matter and listening to or being informed of testimony presented.

A member who was absent from a meeting where initial discussions and presentations on an application took place may qualify to participate in further discussion and vote on the matter by examining the evidence, being informed of the evidence or reviewing the record of the meeting(s) and/or hearing(s) that the member missed.

4.5 Electronic Participation

When necessary to form a quorum, a member of the planning commission may participate by electronic media such as telephone, video call, or other means wherein they can communicate with the commission and vote on an item. Electronic participation may be allowed due to a public health emergency.

ARTICLE V - MEETINGS, HEARINGS, RECORDS FOR CONSIDERATION

5.1 Regular Meetings

Regular meetings of the Commission will generally be held twice monthly on the second and fourth Thursday of each month at 7:00 p.m. unless the Planning Commission determines another date and time during a regularly scheduled meeting for upcoming meetings. These regularly scheduled meetings may be cancelled pursuant to section 5.9.

5.2 Meeting End Time

All Commission meetings shall be scheduled to end no later than 10:00 p.m. unless a motion to continue is made and approved in order to complete the agenda items of that specific meeting.

5.3 Open to Public

All meetings of the Commission are open to the public in accordance with the Utah State Code 52-4 Open and Public Meetings Act.

5.4 Records for Consideration

In order to allow fair and just time for the Commission to read and review records for consideration on an application or petition before them, a deadline of submitting handouts, materials, studies, data, photos, information etc. by the applicants and others is established as no later than 1 p.m. two days prior to the meeting.

If materials are submitted prior to the deadline and the Commission does not have time to adequately review the material, they may decide to postpone a decision to allow for time to review the material which has been submitted. Staff will make efforts to communicate this requirement to applicants and the general public.

Community and Economic Development Department staff will make efforts to send information to the Commission as soon as it is received. The Commission or staff will summarize the written public input

received during the public hearings for the record.

Public comments, emailed comments or written comments which are heard during the public hearing are not subject to this rule.

5.5 Conduct During Hearings

During all meetings and hearings, persons providing testimony shall proceed without interruption from any party except the Chair. All comments, arguments and pleading shall be addressed to the Chair. There shall not be debate or argument between individuals.

Questions which arise during the public hearing may be addressed by the Chair, Commissioners, Staff or the Applicant after the hearing is closed.

The Chair shall maintain order and decorum, and to that end, may order removal of disorderly or disruptive persons.

A speaker time limit of three minutes is established.

The Community Development Department Staff shall have rules of participation available to the members of the public present of the meeting to assist in creating a safe and orderly meeting. Rules of participation include:

- a. Member of the public shall state their city of residence
- b. No shouting from audience members
- c. No clapping, booing or taunting from audience members
- d. Request to keep comments limited to three minutes
- e. Request to minimize redundant comments

5.6 Administrative Applications

Public comments will not be received on administrative items unless the majority of the Commission votes to receive comments. If comments are allowed by majority vote, comments shall be limited to three minutes.

5.7 Rules of Order

In accordance with these rules, the Chair shall decide all points of procedure and order, unless otherwise directed by a majority vote of the members in attendance. Where necessary in deciding points of order, the Chair may use as a reference the *Robert's Rules of Order, Newly Revised, In Brief*.

5.8 Study Sessions

Study Sessions of the Commission shall be held if found necessary. Notice of the Study Session shall be in accordance with City and State law.

5.9 Special Meetings and Study Sessions

Special Meetings and Study Sessions, for any purpose, may be held at the call of the Chair. Notice of such meeting shall be in accordance with City and State law.

5.10 Field Trips

Field trips, as the Commission may determine to be useful or necessary, shall be scheduled by the Chair during Regular meetings. Commission members shall establish an optimal time through group consensus. Field trips shall be noticed in accordance with City and State law.

5.11 Recess or Adjournment

Any Regular or Special Meeting may be recessed or adjourned to another day, or to the time of any previously announced Regular or Special Meeting, and such recess or adjournment to a certain time and place shall be noticed as required by Utah State Code or Kaysville City Ordinance.

5.12 Cancellation

If no business is scheduled before the Commission, or if it is apparent that a quorum of the Commission will not be available, any meeting may be canceled by the Community Development Department with concurrence of the Chair by giving notice to all members and posting appropriate public notice.

5.13 Quorum

A quorum of the Commission shall consist of four (4) members. An affirmative vote of at least three (3) members and no less than a majority of the Commission present at the meeting shall be required for any matter to pass.

5.14 Tie Votes

If a motion before the Commission receives an equal number of votes, and a subsequent motion on the matter is either not made or cannot achieve a majority vote, the matter before the Commission shall be deemed denied.

5.15 Agenda, Order of Business

Community Development Staff shall prepare an agenda for each Commission meeting. The order of business shall be as follows:

- a. Welcome and Meeting Order
- b. Minutes of preceding meetings
- c. Declaration of Conflicts of Interest
- d. Items of business for consideration by the Commission
- e. Other matters (reports, correspondence, calendar)
- f. Adjournment

The order of business for a given agenda may be modified upon a vote of the Commission.

ARTICLE VI – PROCEDURE: ORDER OF BUSINESS

6.1 Representation

Any applicant may appear or be represented by authorized agents. Such agents shall present documented evidence of their authorization.

6.2 Order of Consideration

The following procedure for items of business before the Commission will normally be observed. However, it may be rearranged by the Chair for individual items as may be necessary for the expeditious conduct of business:

- a. The Chair introduces the item.
- b. Staff presentation and recommendation.
- c. Applicant presentation (limited to 10 minutes).
- d. Public Hearing. If the item is required by Utah State Code or Kaysville City Ordinance to have a public hearing, the Chair shall declare the opening of the public hearing portion of the meeting.
- e. Comments from the public will be limited to three minutes. Upon completion of public comment, the Chair shall declare the public hearing closed, without objection from the Commission.
- f. The Chair may allow staff or the applicant to address issues raised by the public comment.
- g. The Chair shall allow members of the Commission to discuss the matter without further comment from the applicant, staff and the public. Commission members may, however, with the permission of the chair, ask questions as desired of the applicant and staff.
- h. Upon completion of the Commission discussion, the Chair may call for a motion and a second by the Commission on the application.
- i. With a valid motion and second on the table, the Chair shall allow for discussion of the motion by the Commission. Other appropriate motions may be made during this time.
- j. Upon completion of discussion, or upon a call for the question by a Commission member, the Chair will call for a roll call vote of the Commission members.

If during the proceedings the Chair rules a motion out of order, the Chair shall explain why it is so and advise the mover of corrections needed to make the motion in order.

ARTICLE VII - FINDINGS AND DECISIONS

7.1 Timing of Decisions

With due consideration to the length of the Agenda, the nature of the case, the complexity of the evidence, and the findings required, the Chair may elect, subject to approval by the Commission, one of the following alternatives:

- a. To take action on the item immediately after the hearing of the case; or
- b. To defer action until the next regularly scheduled meeting of the Commission as specified by the Chair.

7.2 Form and Procedure of Decisions

All decisions shall be made at a public meeting by voice vote after a motion has been made and seconded.

Decisions of the Commission shall be accompanied by a reason for the decision made.

Decisions of the Commission shall be final at the conclusion of the vote and completion of the relevant agenda item.

7.3 Notification

Notice of action taken by the Commission shall be given by the Community Development Department to the applicant, petitioner or any party making a written request for such within ten days following approval or the decision or as per state code.

ARTICLE VIII - REQUEST TO WITHDRAW, CONTINUE OR RE-HEAR APPLICATIONS

8.1 Withdrawal

An application or petition shall be withdrawn from consideration if an applicant makes a written withdrawal request before the meeting in which the application or petition will be considered. The application or petition may be withdrawn during a meeting if the applicant verbally makes that request before the Commission takes action on the application or petition.

8.2 Continuance

The Commission may defer the hearing of cases or continue a hearing to another time. A motion for a continuance must state the cause for the continuance. Unless a time and place are stated in said motion, the continued hearing will require public re-notice.

ARTICLE IX - AMENDING OR WAIVING BY-LAWS

9.1 Amending By-Laws

These by-laws may be amended by a majority vote of the Commission except where such amendment would be contrary to the requirements or limitations set forth by state law or City ordinance. An amendment may be proposed at any meeting of the Commission. Members shall receive a copy of the proposed or amended by-laws not less than two days prior to the meeting at which the proposed changes shall be heard.

9.2 Waiving or Suspending Bylaws

A rule of procedure may be suspended or waived at any meeting by a majority vote of Commission members present, unless such rule is set by state law or City ordinance.

9.3 Temporary Rule

A temporary rule of procedure, in conformity with state law and City ordinance, may be adopted by the Commission for a meeting or agenda item following a unanimous vote of the Commission members present.

BYLAWS OF THE KAYSVILLE CITY PLANNING COMMISSION

PURPOSE

These policies and procedures, as amended, are designed and adopted for the purpose of providing guidance and direction to the members of the Kaysville City Planning Commission in the performance of their duties.

ARTICLE 1 - GENERAL PROVISIONS

The Kaysville City Planning Commission, hereinafter referred to as "the Commission," shall be governed by the following statutes, ordinances and ~~rules~~bylaws:

1.1 Applicable State Statutes and Local Ordinances and RulesBylaws

To the extent that they remain in force and in effect, as they are amended, or as they are added to, the Commission and its members shall be governed by state statutes and local ordinances and policies including but not limited to the following:

- a. State statutes applying to public boards, members and officials.
- b. State statutes governing the activities of City Planning Commissions.
- c. The Zoning Ordinance/Development Code of Kaysville City as adopted by the City Council.
- d. The ~~rules~~bylaws and policies of the Commission as set forth herein.

1.2 Requirements of Familiarity with State Statutes and Local Ordinances and Rules-Bylaws Affecting the Commission

Upon taking office, all members of the Commission shall familiarize themselves with the foregoing and, while in office, shall maintain such knowledge, including knowledge of amendments and additions, and shall be strictly governed thereby in the conduct of Commission affairs.

1.3 Mandatory Training as Required by Utah State Code 10-9a-302

Upon appointment to the office of Planning Commission, Planning Commissioners agree to attend a minimum of four hours of training as required by the State of Utah. Training sessions may be provided by City Staff or any qualified or experienced land use expert or group. Recorded training sessions are acceptable for training requirements.

~~1.3~~1.4 Rules-Bylaws of the Commission to be Available from Kaysville City

A current copy of the ~~rules~~bylaws of the Commission shall be available as a public record on the City's website or at the City offices. ~~in the Kaysville City office.~~ A copy of the ~~rules~~bylaws of the Commission shall be provided to new Commission members upon appointment. Additional copies shall be provided to the Commission and made available to the public upon request.

ARTICLE II -- MEMBERS APPOINTMENT, RESIGNATION AND REMOVALS

2.1 Members

Per KCC 17-4-1, the Planning Commission shall consist of seven (7) regular members. Two alternate Planning Commission Members may be appointed to assist in creating the likelihood of having a quorum present for meetings. All Planning Commissioners shall reside in Kaysville City for at least one year prior to their appointment and must remain residents of the City during the entirety of their term.

Members shall be selected from different professional and vocational backgrounds and geographic areas, insofar as possible.

2.2 Appointment

The membership and appointment of the Commission shall be governed by the provisions of Utah State Code and applicable ordinances of Kaysville City.

2.3 ~~Resignations~~

Members proposing to resign shall give reasonable notice of such intent to the Mayor of the City, and make reasonable effort so the date of resignation allows adequate time for appointment of replacements.

~~2.12.4 and~~ Removals

~~The membership and appointment of the Commission shall be governed by the provisions of the Utah Code and applicable ordinances of Kaysville City.~~

~~Members proposing to resign shall give reasonable notice of such intent to the City Council, Planning Commission and the Mayor of the City, and make the date of resignation effective in such a manner as to allow time for appointment of replacements.~~

Failure to attend three consecutive regular meetings, or three of any seven consecutive meetings, ~~without the recorded consent of the Chair,~~ shall be construed by the Chair-Mayor as grounds for resignation from the Commission by absence. The Chair-Mayor would then recommend removal of the Commissioner to ~~the Mayor to then be approved by~~ the City Council.

ARTICLE III -- DUTIES OF OFFICERS, COMMITTEES AND STAFF, ~~DUTIES~~

3.1 Regular Election of Chair, Vice Chair

Annually, as the first item of business at the first regular meeting of the Commission in the month of July, the Commission shall elect a Chair and Vice Chair. If a quorum is lacking, the Commission will hold an election at the next regularly scheduled meeting at which a quorum is available.

3.2 Succession of Vice Chair to Office of Chair

If the Chair becomes no longer a member of the Commission, the Vice Chair shall succeed to the office for the remainder of the term. If the Vice Chair becomes no longer a member of the Commission or succeeds to the office of Chair, a special vote shall be held to fill the vacancy of the Vice Chair. Said vote shall occur at the next regularly scheduled meeting of the Commission at which a quorum is available.

3.3 Duties of the Chair and Vice Chair; ~~Appointment of Temporary Chair to Preside at Meetings~~

If present and able, the Chair shall preside at all meetings and hearings. If the Chair is absent or unable to preside, the Vice Chair shall preside.

3.4 Appointment of Temporary Chair to Preside at Meetings

If both ~~are the Chair and Vice Chair are~~ absent or unable to preside, the members present shall appoint a Temporary Chair to preside for that meeting. The Temporary Chair shall abide by all ~~rules-bylaws~~ and policies set forth herein.

3.43.5 Managerial Chair and Vice Chair Responsibilities

The Chair shall conduct all meetings of the Commission, interface with the Mayor in the conduct and affairs of the Commission, and exercise management of the affairs of the Commission consistent with these ~~rules-bylaws~~, the ordinances of Kaysville City and State Law. In the absence of the Chair, the Vice Chair will assume the responsibilities outlined in this section and the bylaws.

3.53.6 Appointment of Committees

The Chair may designate members of the Commission to make personal inspections when necessary for proper consideration of agenda items. The Chair may appoint standing or ad hoc committees as may be found necessary to successfully and efficiently carry out the function of the Committee.

3.63.7 Appointment of SecretaryCommunity Development Staff D: Duties

~~The secretary to the Commission shall be appointed by the Mayor. The Secretary Staff~~ shall attend to all correspondence of the Commission, send out and cause to be published all notices required, create and publish staff reports to include adequate information for the Planning Commission to make a decision on applications before them, attend all meetings of the Commission and all public hearings ~~(or arrange for a qualified substitute when unable to attend)~~, present and dissemination information to the Commission during the meetings, compile and maintain all required records, schedules, minutes, files and indexes; and generally perform all clerical work of the Commission. ~~This office need not be filled by an appointed member of the Commission.~~

ARTICLE IV - CONDUCT OF COMMISSION MEMBERS

4.1 Representation of Applicants and Petitioners

No member of the Commission shall represent applicants or petitioners on matters on which the Commission is to make determinations or recommendations.

4.2 Conflict of Interest

Should a Planning Commission Member have a conflict of interest that conflict shall be disclosed either prior to the meeting or during the meeting.

No member of the Commission shall represent applicants or petitioners on matters on which the Commission is to make determinations or recommendations.

Failure to disclose conflict of interest for purposes may be grounds for removal from the Planning

Commission when the City Attorney deems to the failure to disclose is in violation of the provisions of Utah Code or Kaysville City Ordinances.

4.24.3 State Disclosure Laws

No member of the Commission shall participate in ~~or~~ discuss or vote on any ~~case application or item~~ if they

a. ~~1~~ ~~H~~ have financial or personal or financial interest in the property or action concerned;

b. ~~2~~ ~~w~~Will be directly affected by the decision of the Commission; or

c. ~~or 3~~ ~~be~~Believe they have any other conflict of interest.

A member who has a question as to whether a conflict of interest exists should raise the matter with ~~th~~
~~the~~

~~Commission member~~ the Community Development Director, ~~and the~~ City Attorney or the Planning Commission to determine whether the member can participate ~~made~~ in the vote.

4.4 Voting

No Commission member shall discuss, opine or vote on any matter deciding an application or petition except during the Planning Commission meeting and after attending the public meeting(s) and/or hearing(s) on the matter and listening to or being informed of testimony presented.

A member who was absent from a meeting where initial discussions and presentations on an application took place may qualify to participate in further discussion and vote on the matter by examining the evidence, being informed of the evidence or reviewing the record of the meeting(s) and/or hearing(s) that the member missed.

4.5 Electronic Participation

When necessary to form a quorum, a member of the planning commission may participate by electronic media such as telephone, video call, or other means wherein they can communicate with the commission and vote on an item. Electronic participation may be allowed due to a public health emergency.

ARTICLE V - MEETINGS, HEARINGS, RECORDS FOR CONSIDERATION

5.1 Regular Meetings

~~5.2~~ Regular meetings of the Commission will generally be held twice monthly on the second and fourth Thursday of each month at 7:00 p.m. unless the Planning Commission determines another date and time during a regularly scheduled meeting for upcoming meetings. These regularly scheduled meetings may be cancelled pursuant to section 5.9.

5.2 Meeting End Time

All Commission meetings shall be scheduled to end no later than 10:00 p.m. unless a motion to continue is made and approved in order to complete the agenda items of that specific meeting.

5.3 Open to Public

All meetings of the Commission are open to the public in accordance with the Utah State Code 52-4 Public-Open and ~~Open-Public~~ Meetings Act.

5.4 Records for Consideration

In order to allow fair and just time for the Commission to read and review records for consideration on an application or petition before them, a deadline of submitting handouts, materials, studies, data, photos, information etc. by the applicants and others is established as no later than 1 p.m. two days prior to the meeting.

If materials are submitted prior to the deadline and the Commission does not have time to adequately review the material, they may decide to postpone a decision to allow for time to review the material which has been submitted. Staff will make efforts to communicate this requirement to applicants and the general public.

Community and Economic Development Department staff will make efforts to send information to the

Commission as soon as it is received. The Commission or staff will summarize the written public input received during the public hearings for the record.

Public comments, emailed comments or written comments which are heard during the public hearing are not subject to this rule.

5.45.5 Conduct During Hearings

During all meetings and hearings, persons providing testimony shall proceed without interruption from any party except the ~~Commission~~Chair. All comments, arguments and pleading shall be addressed to the Chair. There shall not be debate or argument between individuals. ~~The Chair shall maintain order and decorum, and to that end, may order removal of disorderly or disruptive persons.~~

Questions which arise during the public hearing may be addressed by the Chair, Commissioners, Staff or the Applicant after the hearing is closed.~~The Chair, after consultation with other members, may determine a time limit of speakers at the beginning of any public hearing.~~

The Chair shall maintain order and decorum, and to that end, may order removal of disorderly or disruptive persons.

A speaker time limit of three minutes is established.

The Community Development Department Staff shall have rules of participation available to the members of the public present of the meeting to assist in creating a safe and orderly meeting. Rules of participation include:

- a. Member of the public shall state their city of residence
- b. No shouting from audience members
- c. No clapping, booing or taunting from audience members
- d. Request to keep comments limited to three minutes
- e. Request to minimize redundant comments

5.6 Administrative Applications

Public comments will not be received on administrative items unless the majority of the Commission votes to receive comments. If comments are allowed by majority vote, comments shall be limited to three minutes.

5-55.7 Rules of Order

In accordance with these rules, the Chair shall decide all points of procedure and order, unless otherwise directed by a majority vote of the members in attendance. Where necessary in deciding points of order, the Chair may use as a reference the *Robert's Rules of Order, Newly Revised, In Brief*.

5-65.8 Study Sessions

Study Sessions of the Commission shall be held if found necessary. Notice of the Study Session shall be in accordance with City and State law.

5-75.9 Special Meetings and Study Sessions

Special Meetings and Study Sessions, for any purpose, may be held at the call of the Chair. Notice of such meeting shall be in accordance with City and State law.

5-85.10 Field Trips

Field trips, as the Commission may determine to be useful or necessary, shall be scheduled by the Chair during Regular meetings. Commission members shall establish an optimal time through group consensus. Field trips shall be noticed in accordance with City and State law.

5-95.11 Recess or Adjournment

Any Regular or Special Meeting may be recessed or adjourned to another day, or to the time of any previously announced Regular or Special Meeting, and such recess or adjournment to a certain time and place shall be noticed as required by Utah State Code or Kaysville City Ordinance.

5-105.12 Cancellation

If no business is scheduled before the Commission, or if it is apparent that a quorum of the Commission will not be available, any meeting may be canceled by the Chair-Community Development Department with concurrence of the Chair by giving notice to all members, and posting appropriate public notice.

5-115.13 Quorum

A quorum of the Commission shall consist of four (4) members. An affirmative vote of at least three (3) members and no less than a majority of the Commission present at the meeting shall be required for any matter to pass.

5-125.14 Tie Votes

If a motion before the Commission receives an equal number of votes, and a subsequent motion on the matter is either not made or cannot achieve a majority vote, the matter before the Commission shall be deemed denied.

5-135.15 Agenda, Order of Business

Community Development Staff ~~The Secretary~~ shall prepare an agenda for each Commission meeting.

The order of business shall be as follows:

- a. Welcome and Meeting Order
- b. Minutes of preceding meetings
- c. Declaration of Conflicts of Interest
- ~~a. Minutes of preceding meetings~~
- ~~b-d.~~ Items of business for consideration by the Commission
- ~~c.~~ Call to the public
- ~~d-e.~~ Other matters (reports, correspondence, calendar)
- ~~e-f.~~ Adjournment

The order of business for a given agenda may be modified upon a vote of the Commission.

ARTICLE VI – PROCEDURE: ORDER OF BUSINESS

6.1 Representation

Any applicant may appear or be represented by authorized agents. Such agents shall present documented evidence of their authorization.

6.2 Order of Consideration

The following procedure for items of business before the Commission will normally be observed. However, it may be rearranged by the Chair for individual items as may be necessary for the expeditious conduct of business:

- a. The Chair introduces the item.
- b. Staff presentation and recommendation.
- c. Applicant presentation (limited to 10 minutes). ~~The Chair, after consultation with the Commission, may impose a time limit upon the presentation, as may be expeditious.~~
- d. Public CommentHearing. If the item is required by Utah State Code or Kaysville City Ordinance to have a public hearing, the Chair shall declare the opening of the public hearing portion of the meeting.
- ~~d. Comments from the public will be limited to three minutes. If a public hearing is not required, the Chair may, at his/her discretion, allow for limited public comment. The Chair may, as necessary for expeditious conduct of business and without objection from the Commission, impose a time limit for each speaker presenting public comment.~~

- e. Upon completion of public comment, the Chair shall declare the public hearing closed, without objection from the Commission.
- f. The Chair may allow staff or the applicant to address issues raised by the public comment.
- g. The Chair shall allow members of the Commission to discuss the matter without further comment from the applicant, staff and the public. Commission members may, however, with the permission of the chair, ask questions as desired of the applicant and staff.
- h. Upon completion of the Commission discussion, the Chair may call for a motion and a second by the Commission on the application.
- i. With a valid motion and second on the table, the Chair shall allow for discussion of the motion by the Commission. Other appropriate motions may be made during this time.
- j. Upon completion of discussion, or upon a call for the question by a Commission member, the Chair will call for a roll call vote of the Commission members.

If during the proceedings the Chair rules a motion out of order, the Chair shall explain why it is so and advise the mover of corrections needed to make the motion in order.

ARTICLE VII - FINDINGS AND DECISIONS

7.1 Timing of Decisions

With due consideration to the length of the Agenda, the nature of the case, the complexity of the evidence, and the findings required, the Chair may elect, subject to approval by the Commission, one of the following alternatives:

- a. To take action on the item immediately after the hearing of the case; or
- b. To defer action until the next regularly scheduled a Regular or Special Mmeeting of the Commission as specified by the Chair.

7.2 Form and Procedure of Decisions

All ~~such~~ decisions shall be made at a public meeting by voice vote after a motion has been made and seconded.

Decisions of the Commission shall be accompanied by a reason for the decision made.

Decisions of the Commission shall be final ~~when the minutes of the meeting at which the decision was made are approved~~ at the conclusion of the vote and completion of the relevant agenda item.

7.3 Notification

Notice of action taken by the Commission shall be given by the ~~Commission~~ Community Development Depart to the applicant, petitioner or any party making a written request for such within ten days following approval or the decision or as per state code.

ARTICLE VIII - REQUEST TO WITHDRAW, CONTINUE OR RE-HEAR APPLICATIONS

8.1 Withdrawal

An application or petition shall be withdrawn from consideration if an applicant makes a written withdrawal request before the meeting in which the application or petition will be considered. The application or petition may be withdrawn ~~at~~ during a meeting if the applicant verbally makes that request before the Commission takes action on the application or petition.

8.2 Continuance

The Commission may defer the hearing of cases or continue a hearing to another time. A motion for a continuance must state the cause for the continuance. Unless a time and place are stated in said motion, the continued hearing will require public re-notice.

ARTICLE IX - AMENDING OR WAIVING BY-LAWS

9.1 Amending By-Laws

These by-laws may be amended by a majority vote of the Commission except where such amendment would be contrary to the requirements or limitations set forth by state law or City ordinance. An amendment may be proposed at any meeting of the Commission. Members shall receive a copy of the proposed or amended by-laws not less than two days prior to the meeting at which the proposed changes shall be heard.

9.2 Waiving or Suspending ~~Rules~~Bylaws

A rule of procedure may be suspended or waived at any meeting by a majority vote of Commission members present, unless such rule is set by state law or City ordinance.

9.3 Temporary Rule

A temporary rule of procedure, in conformity with state law and City ordinance, may be adopted by the Commission for a meeting or agenda item following a unanimous vote of the Commission members present.

BYLAWS OF THE KAYSVILLE CITY PLANNING COMMISSION

PURPOSE

These policies and procedures, as amended, are designed and adopted for the purpose of providing guidance and direction to the members of the Kaysville City Planning Commission in the performance of their duties.

ARTICLE 1 - GENERAL PROVISIONS

The Kaysville City Planning Commission, hereinafter referred to as "the Commission", shall be governed by the following statutes, ordinances and rules:

1.1 Applicable State Statutes and Local Ordinances and Rules

To the extent that they remain in force and in effect, as they are amended, or as they are added to, the Commission and its members shall be governed by state statutes and local ordinances and policies including the following:

- a. State statutes applying to public boards, members and officials.
- b. State statutes governing the activities of City Planning Commissions.
- c. The Zoning Ordinance/Development Code of Kaysville City as adopted by the City Council.
- d. The rules and policies of the Commission as set forth herein.

1.2 Requirements of Familiarity with State Statutes and Local Ordinances and Rules Affecting the Commission

Upon taking office, all members of the Commission shall familiarize themselves with the foregoing and, while in office, shall maintain such knowledge, including knowledge of amendments and additions, and shall be strictly governed thereby in the conduct of Commission affairs.

1.3 Rules of the Commission to be Available from Kaysville City

A current copy of the rules of the Commission shall be available as a public record in the Kaysville City office. A copy of the rules of the Commission shall be provided to new Commission members upon appointment. Additional copies shall be provided to the Commission and made available to the public upon request.

ARTICLE II - MEMBERS

2.1 Appointment, Resignations and Removals

The membership and appointment of the Commission shall be governed by the provisions of the Utah Code and applicable ordinances of Kaysville City.

Members proposing to resign shall give reasonable notice of such intent to the City Council, Planning Commission and the Mayor of the City, and make the date of resignation effective in such a manner as to allow time for appointment of replacements.

Failure to attend three consecutive regular meetings, or three of any seven consecutive meetings, without the recorded consent of the Chair, shall be construed by the Chair as grounds for resignation from the Commission by absence. The Chair would then recommend removal of the Commissioner to the Mayor to then be approved by the City Council.

ARTICLE III - OFFICERS, COMMITTEES, STAFF, DUTIES

3.1 Regular Election of Chair, Vice Chair

Annually, as the first item of business at the first regular meeting of the Commission in the month of July, the Commission shall elect a Chair and Vice Chair. If a quorum is lacking, the Commission will hold an election at the next regularly scheduled meeting at which a quorum is available.

3.2 Succession of Vice Chair to Office of Chair

If the Chair becomes no longer a member of the Commission, the Vice Chair shall succeed to the office for the remainder of the term. If the Vice Chair becomes no longer a member of the Commission or succeeds to the office of Chair, a special vote shall be held to fill the vacancy of the Vice Chair. Said vote shall occur at the next regularly scheduled meeting of the Commission at which a quorum is available.

3.3 Duties of the Chair and Vice Chair; Appointment of Temporary Chair to Preside at Meetings

If present and able, the Chair shall preside at all meetings and hearings. If the Chair is absent or unable to preside, the Vice Chair shall preside. If both are absent or unable to preside, the members present shall appoint a Temporary Chair to preside for that meeting. The Temporary Chair shall abide by all rules and policies set forth herein.

3.4 Delegation to Vice Chair

The Chair may delegate duties generally to the Vice Chair, or may authorize the Vice Chair to perform specific duties during his/her absence or in the case of his/her disability to perform necessary Commission functions in a timely manner.

3.5 Managerial Responsibilities

The Chair shall conduct all meetings of the Commission, interface with the Mayor in the conduct and affairs of the Commission, and exercise management of the affairs of the Commission consistent with these rules, the ordinances of Kaysville City and State Law.

3.6 Appointment of Committees

The Chair may designate members of the Commission to make personal inspections when necessary for proper consideration of agenda items. The Chair may appoint standing or ad hoc committees as may be found necessary to successfully and efficiently carry out the function of the Committee.

3.7 Appointment of Secretary: Duties

The secretary to the Commission shall be appointed by the Mayor. The Secretary shall attend to all correspondence of the Commission, send out and cause to be published all notices required, attend all meetings of the Commission and all public hearings (or arrange for a qualified substitute when unable to attend), compile and maintain all required records, schedules, minutes, files and indexes; and generally perform all clerical work of the Commission. This office need not be filled by an appointed member of the Commission.

ARTICLE IV - CONDUCT OF COMMISSION MEMBERS

4.1 Representation of Applicants and Petitioners

No member of the Commission shall represent applicants or petitioners on matters on which the Commission is to make determinations or recommendations.

4.2 Conflict of Interest

No member of the Commission shall participate in or discuss any case if they: 1) have financial or personal interest in the property or action concerned, 2) will be directly affected by the decision of the Commission, or 3) believe they have any other conflict of interest. A member who has a question as to whether a conflict of interest exists should raise the matter with the

Commission members and the City Attorney to determine whether the member can participate made.

4.4 Voting

No Commission member shall discuss or vote on any matter deciding an application or petition except after attending the public meeting(s) and/or hearing(s) on the matter and listening to or being informed of testimony presented. A member may qualify to participate in further discussion and vote on the matter by examining the evidence, being informed of the evidence or reviewing the record of the meeting(s) and/or hearing(s) that the member missed.

4.5 Electronic Participation

When necessary to form a quorum, a member of the planning commission may participate by electronic media such as telephone, video call, or other means wherein they can communicate with the commission and vote on an item.

ARTICLE V - MEETINGS, HEARINGS

5.1 Regular Meetings

Regular meetings of the Commission will be held twice monthly on the second and fourth Thursday of each month at 7:00 p.m. unless the Planning Commission determines another date and time during a regularly scheduled meeting for upcoming meetings. These regularly scheduled meetings may be cancelled pursuant to section 5.9.

5.2 Open to Public

All meetings of the Commission are open to the public in accordance with the Utah Public and Open Meetings Act.

5.3 Conduct During Hearings

During all meetings and hearings, persons providing testimony shall proceed without interruption from any party except the Commission. All comments, arguments and pleading shall be addressed to the Chair. There shall not be debate or argument between individuals. The Chair shall maintain order and decorum, and to that end, may order removal of disorderly or disruptive persons. The Chair, after consultation with other members, may determine a time limit of speakers at the beginning of any public hearing.

5.4 Rules of Order

In accordance with these rules, the Chair shall decide all points of procedure and order, unless otherwise directed by a majority vote of the members in attendance. Where necessary in deciding points of order, the Chair may use as a reference the *Robert's Rules of Order, Newly Revised, In Brief*.

5.5 Study Sessions

Study Sessions of the Commission shall be held if found necessary. Notice of the Study Session shall be in accordance with City and State law.

5.6 Special Meetings and Study Sessions

Special Meetings and Study Sessions, for any purpose, may be held at the call of the Chair. Notice of such meeting shall be in accordance with City and State law.

5.7 Field Trips

Field trips, as the Commission may determine to be useful or necessary, shall be scheduled by the Chair during Regular meetings. Commission members shall establish an optimal time through group consensus. Field trips shall be noticed in accordance with City and State law.

5.8 Recess or Adjournment

Any Regular or Special Meeting may be recessed or adjourned to another day, or to the time of any previously announced Regular or Special Meeting, and such recess or adjournment to a certain time and place shall be noticed as required by Utah State Code or Kaysville City Ordinance.

5.9 Cancellation

If no business is scheduled before the Commission, or if it is apparent that a quorum of the Commission will not be available, any meeting may be canceled by the Chair by giving notice to all members, and posting appropriate public notice.

5.10 Quorum

A quorum of the Commission shall consist of four (4) members. An affirmative vote of at least three (3) members and no less than a majority of the Commission present at the meeting shall be required for any matter to pass.

5.11 Tie Votes

If a motion before the Commission receives an equal number of votes, and a subsequent motion on the matter is either not made or cannot achieve a majority vote, the matter before the Commission shall be deemed denied.

5.12 Agenda, Order of Business

The Secretary shall prepare an agenda for each Commission meeting. The order of business shall be as follows:

- (1) Minutes of preceding meetings
- (2) Items of business for consideration by the Commission
- (3) Call to the public
- (4) Other matters (reports, correspondence, calendar)
- (5) Adjournment

The order of business for a given agenda may be modified upon a vote of the Commission.

ARTICLE VI – PROCEDURE: ORDER OF BUSINESS

6.1 Representation

Any applicant may appear or be represented by authorized agents. Such agents shall present documented evidence of their authorization.

6.2 Order of Consideration

The following procedure for items of business before the Commission will normally be observed. However, it may be rearranged by the Chair for individual items as may be necessary for the expeditious conduct of business:

- a. The Chair introduces the item.
- b. Staff presentation and recommendation.
- c. Applicant presentation. The Chair, after consultation with the Commission, may impose a time limit upon the presentation, as may be expeditious.
- d. Public Comment. If the item is required by Code or Ordinance to have a public hearing, the Chair shall declare the opening of the public hearing portion of the meeting. If a public hearing is not required, the Chair may, at his/her discretion, allow for limited public comment. The Chair may, as necessary for expeditious conduct of business and without objection from the Commission, impose a time limit for each speaker presenting public comment.

- e. Upon completion of public comment, the Chair shall declare the public hearing closed, without objection from the Commission.
- f. The Chair may allow the applicant to address issues raised by the public comment.
- g. The Chair shall allow members of the Commission to discuss the matter without further comment from the applicant, staff and the public. Commission members may, however, with the permission of the chair, ask questions as desired of the applicant and staff.
- h. Upon completion of the Commission discussion, the Chair may call for a motion and a second by the Commission on the application.
- i. With a valid motion and second on the table, the Chair shall allow for discussion of the motion by the Commission. Other appropriate motions may be made during this time.
- j. Upon completion of discussion, or upon a call for the question by a Commission member, the Chair will call for a roll call vote of the Commission members.

If during the proceedings the Chair rules a motion out of order, the Chair shall explain why it is so and advise the mover of corrections needed to make the motion in order.

ARTICLE VII - FINDINGS AND DECISIONS

7.1 Timing of Decisions

With due consideration to the length of the Agenda, the nature of the case, the complexity of the evidence, and the findings required, the Chair may elect, subject to approval by the Commission, one of the following alternatives:

- a. To take action on the item immediately after the hearing of the case; or
- b. To defer action until a Regular or Special Meeting of the Commission as specified by the Chair.

7.2 Form and Procedure of Decisions

All such decisions shall be made at a public meeting by voice vote after a motion has been made and seconded.

Decisions of the Commission shall be accompanied by a reason for the decision made.

Decisions of the Commission shall be final when the minutes of the meeting at which the decision was made are approved.

7.3 Notification

Notice of action taken by the Commission shall be given by the Commission to the applicant, petitioner or any party making a written request for such within ten days following approval or the decision.

ARTICLE VIII - REQUEST TO WITHDRAW, CONTINUE OR RE-HEAR APPLICATIONS

8.1 Withdrawal

An application or petition shall be withdrawn from consideration if an applicant makes a written withdrawal request before the meeting in which the application or petition will be considered. The application or petition may be withdrawn at a meeting if the applicant verbally makes that request before the Commission takes action on the application or petition.

8.2 Continuance

The Commission may defer the hearing of cases or continue a hearing to another time. A motion for a continuance must state the cause for the continuance. Unless a time and place are stated in said motion, the continued hearing will require public re-notice.

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