



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

The Kaysville City Planning Commission will hold a regular meeting on January 9, 2025, 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. Welcome and Meeting Order
 - a. Swearing in Planning Commissioner Alternate Paul Toller
2. Declaration of Conflict of Interest
3. Conditional Use Permit for a Major B Home Occupation for Whitney Gun Works located at 244 East 1500 South for John Whitney
4. Conditional Use Permit for a Twin Home for Kourosh Haroni located at 946 East 200 North
5. Conditional Use Permit for Farm Animals at 558 East Center Street for Benjamin Wilson
6. Public Hearing to consider changes to Title 17-24 Farm Animals and 17-2 Definitions
7. Public Hearing for Kaysville City Code Title 17 Chapter 38 Car Wash Standards
8. Approval of the minutes from the November 14, 2024 Planning Commission Meeting
9. Other matters that properly come before the Planning Commission
 - a. Reports
 - b. Correspondence
 - c. Calendar
10. Adjournment

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

Mindi Edstrom
Community Development Department

PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission
From: Mindi Edstrom, Business License Officer
Date: January 3, 2025

Agenda Item #3: Conditional Use Permit for a Major B Home Occupation for Whitney Gun Works located at 244 East 1500 South for John Whitney

Meeting Date	January 9, 2025
Application Type	Conditional Use Permit
Applicant Owner	John Whitney
Address Parcel ID Number	244 East 1500 South 08-275-0101
Lot Size	0.24 acres 10,454 ft ²
Current Use	Single Family Dwelling
Conditional Use	Major B Home Occupation

- 1. BACKGROUND:** John Whitney is the owner of the business Whitney Gun Works. Mr. Whitney will be building custom firearms for customers and will eventually be selling them online once he has a website. Mr. Whitney will not be doing any gun smithing at his home. He is in the process of getting his Federal Firearm License with the ATF (his application was submitted on December 9, 2024) and he is waiting to hear back from them to complete the home inspection. Customers will come to his home to pick up their guns by appointment, so there will be minimal foot traffic.



2. ZONING

The property is zoned R-1-8. [KCC 17-26-4 Major Home Occupations B](#) allows for and regulates business such as this.

3. PUBLIC NOTICING AND PUBLIC COMMENT

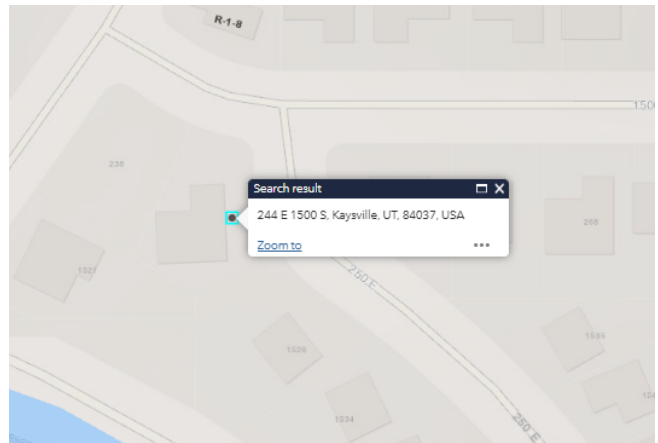
A sign was placed on the property on January 3, 2025.

4. RECOMMENDATION

Staff is recommending approval of this Conditional Use Permit located at 244 East 1500 South with any conditions Planning Commission feel are necessary as allowed by [KCC 13-30-8 Conditional Use Standards](#).

Findings for a recommendation of approval include:

- A. The proposed use is consistent with the [KCC 17-26-4 Major Home Occupation B](#).
- B. The applicant has been made aware of Major B Home Occupation regulations and has agreed to comply.
- C. The application has been reviewed by staff and the business is compliant with City Zoning and the Utah State Department of Commerce.
- D. The business will not have an adverse effect on the use, enjoyment, or valuation of property in the proposed neighborhood as regulated by [KCC 17-26-4 Major Home Occupation B](#) regulations.



PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission
From: Anne McNamara, Senior Planner
Date: January 2, 2025

Agenda Item #4: Conditional Use Permit for a Twin Home for Kourosh Haroni located at 946 East 200 North

Meeting Date	January 9, 2025
Application Type	Conditional Use Permit
Applicant Owner	Kourosh Haroni
Address Parcel ID Number	946 East 200 North 11-857-0202
Lot Size	0.2 acres 8,712 ft ²
Current Use	R-1-8- Undeveloped
Conditional Use	Twin Home

1. BACKGROUND

Kourosh Haroni is requesting a conditional use permit to place a twin home on his property at 946 East 200 North which is zoned R-1-8 Single Family Residential. The zoning code allows for twin homes as conditional use in single family residential zones, subject to the provisions found in KCC 17-28.



While our conditional use code standards do not allow us to require a pull-through driveway for this project, the City Council required one for the subdivision approved in 2020. The applicant is aware of this requirement. Given the conditional use permit application before the Planning Commission, staff wanted to reiterate this condition of the subdivision approval.

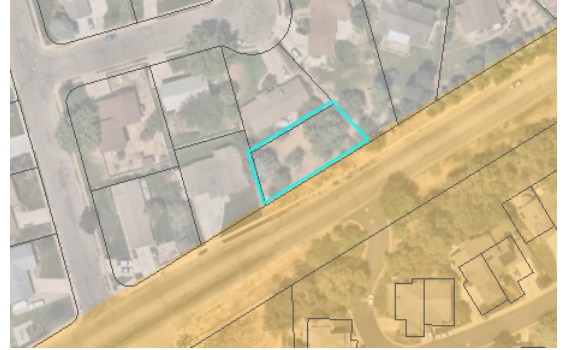


2. ZONING

The property located at 946 East 200 North (Parcel 11-857-0202) is zoned as R-1-8 according to KCC 17-12-6. The minimum lot area for the R-1-8 zone is 8,000 square feet per KCC 17-12-4, with a minimum lot width of 60 feet. The subsection in this chapter of the code also requires a 30-foot front yard, a minimum 15-foot rear yard and a minimum eight-foot side yard on each side of the dwelling.

3. SURROUNDING NEIGHBORHOODS & USES

The property is surrounded by primarily single-family low density residential lots of a similar character, with some agricultural land to the north and pockets of medium density multifamily residential to the south. These uses are consistent with the existing zoning of the project site, and would be compatible with the proposed conditional use.



Adjacent zoning:

- To the north of the property is largely other R-1-8 lots with A-1 zoned lots located closer Crestwood Road
- To the east of the property is other R-1-8 lots and the eastern border of the city abutting the Fruit Heights city boundary
- To the west of the property is a large swath of other R-1-8 lots with a small handful of R-1-6 interspersed just outside the city center.
- To the south of the property is a small cluster of R-2 zoned lots as well as one R-M lot, before reaching the southern boundary of the city just below these properties on the southern side of 200 North towards the northern edge of the city of Fruit Heights.

4. FINDINGS

17-28-6 Required Conditions

1. Twin homes shall provide usable functional open space excluding planting strips, for outdoor leisure, of at least 800 square feet per unit.
2. Twin homes shall provide enclosed storage space of at least twenty (20) cubic feet for each dwelling unit.

5. PUBLIC NOTICING AND PUBLIC COMMENT

A sign was placed on the property on January 3, 2025. As of the date of this report, no comments have been received.

6. RECOMMENDATION

Staff is recommending approval of this application with any conditions the Planning Commission feel are appropriate based on the standards outlined in [KCC 17-30-8 Conditional Use Standards](#).

PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission
From: Anne McNamara, Senior Planner
Date: January 2, 2025

Agenda Item #5: Conditional Use Permit for Farm Animals at 558 East Center Street

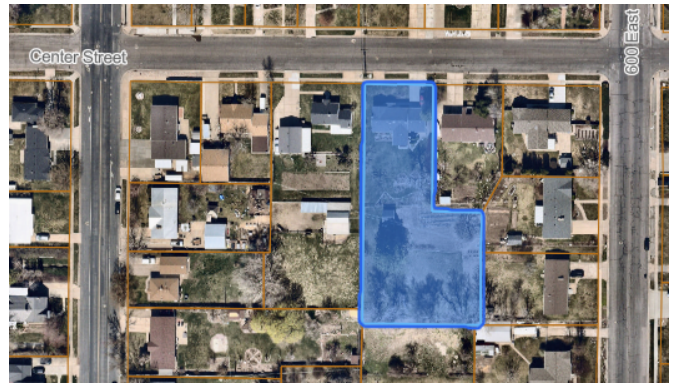
Meeting Date	January 9, 2025
Application Type	Conditional Use Permit
Applicant Owner	Ben Wilson
Address Parcel ID Number	558 E Center Street 11-114-0030
Lot Size	0.705 acres 30,709 ft ²
Current Use	Single Family Dwelling
Conditional Use	Farm Animals

1. BACKGROUND:

Ben Wilson is requesting a Conditional Use permit to place mini horses on their property, and with current zoning regulations the property has adequate square footage to accommodate two mini horses. The zoning code allows farm animals a conditional use in the R-D Diverse Residential zone.

To have any farm animals the property must be a minimum of 4,000 ft². The subject property has a total square footage of 30,709 ft², which would meet the required conditions.

The proposed square footage utilized by the horses would equal roughly 10,890 per horse, totaling 21,780. This square footage utilized by the animals would therefore comprise approximately 70% of the total lot area.



17-12-4 Conditional Uses

Compliance with standards shall be determined by the Planning Commission by reference to [KCC 17-30](#).

1. Public or quasi-public buildings of the educational, recreational, religious, cultural, or public service type, not including corporation yards, storage or repair yards, warehouses, and similar uses.
2. Major home occupations A and B subject to the provisions of [KCC 17-26](#).
3. Instructional Home Occupation Subject to the provisions of KCC 17-26.
4. Residential child care subject to the provisions of [KCC 17-26](#).
5. Public utility substations subject to the provisions of [KCC 17-31-15](#).
6. Farm animals other than those allowed as a permitted use subject to the provisions of [KCC 17-24](#).

17-24-2 Animal Allowance

Rooster chickens are not permitted in R-T, R-1, R-D, R-2, R-4 and R-M zones. The minimum residential lot size for the keeping of farm animals within any zone district shall be 8,000 square feet. The kind and number of animals that may be kept on a lot in any zone district (not including suckling offspring) is as follows:

Animals	Minimum Lot Size In Square Feet	Lot Area In Square Feet Required For Each Animal
Fowl, rabbits or similar animals	8,000	1,600
	14,000	1,400
	20,000	800
	21,780	435
Sheep, goats, llamas or similar Animals	20,000	10,000
	21,780	5,445
Horses, cattle or similar animals	21,780	10,890

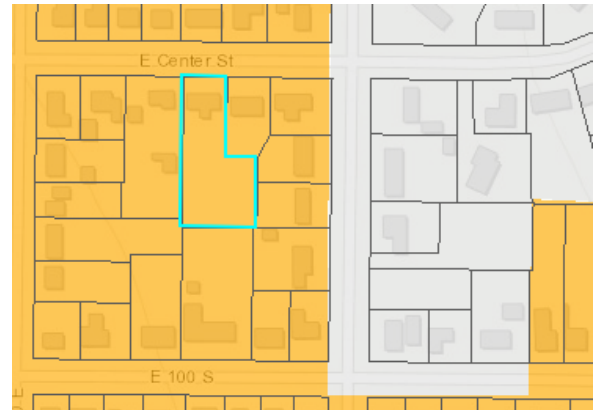
By staff's calculations, the size of the property (30,709 ft²) would allow for up to 2 horses on the property. Other animal regulations from the chapter on farm animals include:

17-24-3 Yard And Structure Regulations

1. Structures for the care and keeping of fowl, rabbits or similar animals may be permitted in all districts where fowl, rabbits or similar animals are permitted, provided that all such structures are located at least fifteen feet (15') from all buildings on adjacent lots predominantly used or occupied by humans. Other structures for the care and keeping of farm animals except swine, may be permitted in all districts where farm animals are permitted, provided that all such structures are located at least fifty feet (50') from all buildings on adjacent lots predominantly used or occupied by humans. Structures for the care and keeping of swine shall be located at least two hundred feet (200') from all buildings on adjacent lots predominantly used or occupied by humans.
2. Applicant shall show that odor, dust, noise, or drainage will be so controlled as to not constitute a nuisance or hazard to adjoining property or uses.
3. Farm animals must be kept within an enclosed area or structure sufficient to contain the animals on site.

2. ZONING

The property located at 558 East Center Street (Parcel 11-114-0030) is zoned as R-D Diverse Residential according to KCC 17-13-6. The minimum lot area for the R-D zone is 8,000 square feet per KCC 17-13-6, with a minimum lot width of 64 feet. The subsection in this chapter of the code also requires a 25-foot front yard, a minimum 15-foot rear yard and a minimum eight-foot side yard on each side of the dwelling totaling no less than 16 feet when combined.



3. SURROUNDING NEIGHBORHOODS & USES

The property is surrounded by a mixture of one and two family homes to the eastern edge of the city limits with the housing primarily being zoned for low density residential.

Adjacent zoning:

- To the north of the property is 200 North and primarily R-1-18 zoned lots extending up to the southern most border with the City of Layton
- To the east of the property is primarily R-1-8 lots with a small section of R-2 zoned lots before reaching the eastern border of the city limits.
- To the west of the property is the majority of the R-D zoned area in the city, extending all the way into the city center where uses become more mixed to include Public Utilities (PU) as well as commercial lots zoned General Commercial (GC) and Central Commercial (CC).
- To the south of the property is a handful of Public Utilities zoned lots where the Davis Technical College is located.

4. FINDINGS

Findings for approval of the Conditional Use Permit include:

a. Lot dimensions

The KCC Chapter 17-24 regulating the keeping of farm animals, provides dimensional requirements for properties planning to accommodate animals according to available square footage. According to KCC 17-24-2, the minimum lot size for any residential lot allowing animals is 4,000 square feet. The minimum lot size for sheep, goats, llamas, or other animals is 20,000 square feet, with a minimum square footage per animal of 10,000 square feet. The size of the subject property would allow for two mini horses.

- ### b. Nuisance abatement:
- According to 17-24-3, the applicant is required to show that odor, dust, noise or drainage will be controlled to allow for avoidance of nuisances being created for adjacent properties and uses. The applicant is responsible for the maintenance of conditions on site that will prevent nuisance conditions by ensuring that the standard for structures under KCC 17-24-3 are met by locating any animal associated structures at least fifty feet from buildings on adjacent lots that are occupied as dwellings.

- C. Screening from adjacent properties: Farm animals are required to be enclosed area or structure onsite to provide containment of the animals to the appropriate areas on site according to the provisions in KCC 17-24-3. The applicant will be responsible for the construction and maintenance of these enclosures.

5. PUBLIC NOTICING AND PUBLIC COMMENT

A sign was placed on the property on January 3, 2025. As of the date of this report, no comments have been received.

6. RECOMMENDATION

Staff is recommending approval of this application with any conditions the Planning Commission feel are appropriate as allowed by [KCC 17-30-8 Conditional Use Standards](#).

December 5, 2024

Dear Kaysville City,

I would like to give further context for my request for conditional use to allow miniature horses on the property at 558 E Center St.

My family just moved to Kaysville from Florida. One of the reasons we lived in Florida is because my wife suffers from fairly significant depression, and the three things that help keep her depression under control, in addition to depression medication, are sunshine, family, and regular interaction with her miniature horses.

Her family has deep roots in Kaysville, and we decided to leave the sunshine of Florida to be close to family again. We knew it would be a challenge to her depression, especially during the winter, to leave the sunshine of Florida, but we felt like as long as she could keep the horses with her, having family close by again would be enough to offset the loss of sunshine.

When we looked at houses, we found a once-in-20-years opportunity—a house just a few blocks from her parents that allowed horses on the property. We double checked with the real estate agent who had listed it as a horse property, and he double checked with someone from the city, and we were given the ok from what we had understood. We also double checked the city website, and it included a table that suggested that animals similar to sheep and llamas could be kept on property in our zone in a way that would allow all four of our miniature horses on the property. So, we bought the house and moved our entire family and animals across the country.

After just over a week of arriving, while we were in the thick of trying to unload boxes and survive the move, we were informed that someone had complained about our miniature horses and that by city code we were, in fact, not allowed to have miniature horses on the property. This information will be so deeply devastating to my wife, and in my opinion genuinely risks her depression spiraling out of control, that I cannot even tell her what's happening.

From my perspective, our miniature horses, which are about the size of large sheep or dogs and smaller than llamas, make almost no noise, and produce about as much waste as a single full-sized horse, have minimal impact on the neighborhood (other than bringing joy to anyone who sees them going on a walk) and fit the space criteria for animals similar to sheep and llamas (which makes much more sense to me than assuming because they are horse species they are more similar to full-sized horses or cattle).

Therefore, we humbly request the city to allow for conditional use and allow us to keep our four miniature horses on our property. These horses are like children to my wife and she would be devastated by the loss of even one. We would literally have to find a new place to live within two weeks of arrival if we can't figure out a solution that allows us to keep them.

Thank you for your consideration.

Sincerely,



Ben Wilson



PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission
From: Anne McNamara, Senior Planner
Date: January 3, 2025

Agenda Item #6: Public Hearing to consider approval of a new text amendment to Kaysville 17-24-2 Farm Animals and 17-2 Definitions

Meeting Date	January 9, 2025
Application Type	Ordinance Text Amendment
Applicant	Ben Wilson
Chapter Title Section	Title 17-24-2 Farm Animals - Animal Allowance; Title 17-2 Definitions

1. BACKGROUND

Ben Wilson submitted a Title 17 Planning and Zoning Text amendment application requesting changes to add mini horses into the table in subsection 17-24-2, specifically the category allotted for “sheep, goats, llamas or similar animals.” In addition to the table modification the applicant proposes adding a formal definition of miniature horses into KCC 17-2 to differentiate this subtype of horses according to measurements published by the National Miniature Horse Registry.

To provide further context, this code amendment application was submitted in response to an code enforcement investigation into Ben Wilson’s property at 558 E Center Street after the City was alerted to the presence of 4 miniature horses in the backyard on December 2, 2024. The applicant is currently in the process of obtaining a conditional use permit to allow for two horses on his 30,709 square foot property, given the current code requirement that mandates 10,890 square feet per horse. As part of his ongoing efforts to work with the City towards a more long term solution, he has submitted a text amendment to the relevant chapter in the code KCC 17-24 to make mini horses explicitly categorized apart from horses, which is now before the Planning Commission to receive a recommendation. The applicant has coordinated with city staff to provide research (attached) on potential regulations to incorporate into the current code chapter, as well as supplied ordinances that other cities have used to address this issue.

Staff has included some minor changes to the code in KCC 17-24 and KCC 17-2 to further clarify existing regulations, as well as address the needs of the applicant in regards to mini horses. Modifications include adding categorical definitions for different sizes of farm animals,

adjusting the table layout to simplify the square footage requirements, and minor changes to the yard and structure regulations to accommodate the newly proposed definitions.

Title 17-2 Definitions

Miniature Horse: A horse recognized by the American Miniature Horse Registry as 38 inches tall at the last hair of their mane.

Small farm animal: Smaller sized farm animals including fowl (includes ducks, geese, chickens, peacocks, turkeys), rabbits, or others that are similar in size or impact.

Medium farm animal: Medium sized farm animals include sheep, goats, llamas, mini horses, or other similar sized animals

Large farm animal: Larger sized farm animals including horses, cattle, donkeys, mules, or other similar sized animals

Swine: Includes swine, hogs or potbelly pigs.

Title 17-24-2 Animal Allowance

Animals	Minimum Lot Size In Square Feet	Lot Area In Square Feet Required For Each Animal
Fowl, rabbits or similar <u>sized</u> animals	4,000	500
	8,000	500
	14,000	500
	20,000	500
	21,780	500
Sheep, goats, llamas, <u>miniature horses</u> , or similar <u>sized animals</u>	20,000	10,000 5,445
	21,780	5,445
Horses, cattle or similar <u>sized</u> animals	21,780	10,890

Swine, including <u>hogs or</u> pot belly pigs	43,560	43,560
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17-24-3 Yard And Structure Regulations

- 1. Structures for the care and keeping of ~~fowl, rabbits or similar~~ small farm animals may be permitted in all districts where fowl, rabbits or similar animals are permitted, provided that all such structures are located at least fifteen feet (15') from all buildings on adjacent lots predominantly used or occupied by humans. P
- 2. Other structures for the care and keeping of medium and large farm animals ~~except swine~~, may be permitted in all districts where farm animals are permitted, provided that all such structures are located at least fifty feet (50') from all buildings on adjacent lots predominantly used or occupied by humans. P
- 3. Structures for the care and keeping of swine shall be located at least two hundred feet (200') from all buildings on adjacent lots predominantly used or occupied by humans.
- 4. Applicant shall show that odor, dust, noise, or drainage will be so controlled as to not constitute a nuisance or hazard to adjoining property or uses.
- 5. Farm animals must be kept within a fence, corralled or other ~~an~~ enclosed area or structure sufficient to contain the animals on site.

2. PUBLIC NOTICING AND PUBLIC COMMENT

A sign was placed on the property on Friday, January 3, 2025. To date, no comments have been received.

3. GENERAL PLAN

The general plan does not speak in favor or against the proposed regulations of farm animals, and is therefore considered neutral on this matter.

4. RECOMMENDATION

Based on the findings below, staff recommends the Planning Commission send a recommendation of approval to the City Council to the Text amendments to 17-24-2 as provided in the attached draft ordinance.

December 12, 2024

Kaysville City Planning Commission and City Council
23 E Center Street
Kaysville, UT 84037

Benjamin Wilson
558 E Center St
Kaysville, UT 84037

Dear Kaysville City Planning Commission and City Council,

My family and I recently moved our five young children and four miniature horses from Florida to Kaysville to be close to family. We learned that we could only have a maximum of two miniature horses on the property per city code as it currently doesn't differentiate full-sized horses from miniature horses.

We would like to propose a text amendment to Kaysville City Code 17-24-2 to explicitly categorize miniature horses with "Sheep, goats, llamas, or similar animals" as opposed to full-sized "Horses, cattle, or similar animals."

In this submission we provide facts about animal size, waste production, and comparable city codes to support our proposed change to the code. We appreciate your consideration of this change.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Wilson", written in a cursive style.

Benjamin Wilson

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Proposed text amendment to 17-24-2

(Changes are noted in **green text**)

17-24-2 Animal Allowance

Rooster chickens are not permitted in R-T, R-1, R-D, R-2, R-4 and R-M zones. The minimum residential lot size for the keeping of farm animals within any zone district shall be 4,000 square feet. The kind and number of animals that may be kept on a lot in any zone district (not including suckling offspring) is as follows:

Animals	Minimum Lot Size In Square Feet	Lot Area In Square Feet Required For Each Animal
Fowl, rabbits or similar animals	4,000	500
	8,000	500
	14,000	500
	20,000	500
	21,780	500
Sheep, goats, llamas, miniature horses , or similar Animals	20,000	10,000
	21,780	5,445
Horses, cattle or similar animals	21,780	10,890
Swine, including pot belly pigs	43,560	43,560

HISTORY

Amended by Ord. [23-07-02](#) on 7/20/2023

Reasoning, Potential Drawbacks, and Solutions

Why Make the Change?

The City of Kaysville has a proud pioneer heritage and embraces its agricultural roots, which is partly why some farm animals are allowed in residential-zoned areas.

However, in the current wording of Kaysville City Code 17-24-2, on our property we could technically have two large cows or Clydesdale horses, but we could not have four miniature horses.

Rather than typical livestock, miniature horses are often seen as pets or therapy animals and are growing in popularity. Based on size and waste production, miniature horses are far more similar to the medium-sized sheep, goats, and llamas than they are to the larger animals (see the supporting facts below for details).

Therefore, we argue that miniature horses (as defined by the American Miniature Horse Registry as 38 inches tall at the last hair of their mane (1)) should be explicitly categorized with the medium-sized animals in Kaysville City Code.

Potential Drawbacks and Solutions

First, the argument could be made that creating an animal subdivision (for example, separating miniature horses from horses in general) could create a precedent where residents seek more and more subdivisions of animals to allow differing rules for one breed of an animal compared to another (for example, arguing that small bantam chickens should be treated differently than typical chickens in code).

While we recognize this possibility, miniature horses are a distinct, formally defined and recognized subset of horses that are not simply just a breed difference. Furthermore, several cities already categorize miniature horses separately from full-sized horses in their city codes, and those cities have apparently not experienced an opening of the floodgates of code adjustment requests for other animal subsets.

Second, if miniature horses are considered a separate category from full-sized horses, how would the city keep track of which horses in the city are full-sized versus miniature?

The simple solution to this would be to first assume that a resident with miniature horses is compliant with the code unless a complaint is made, as is currently the case with code enforcement. If a complaint is made, the city could simply ask the resident to provide a photograph of the horse with a formal measurement stick (see examples below) to ensure that the horse is 38 inches or less at the last hair of the mane and therefore meets the formal definition of a miniature horse. This is exactly how the

American Miniature Horse Registry confirms that a horse meets formal criteria to be considered miniature.



Supporting Facts: Animal Size

Average Weight

(See figure 1 for a visual comparison)

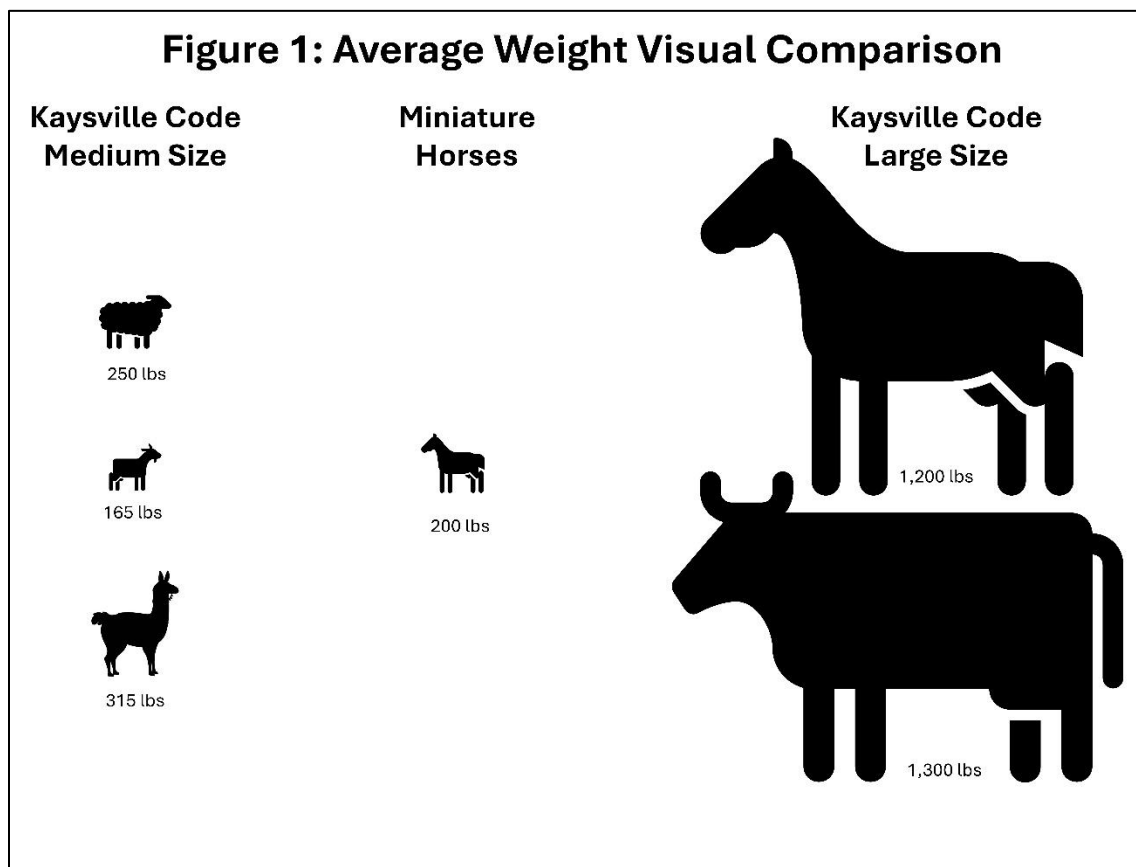
Large Animal Category from Kaysville City Code 17-24-2

- Full-sized horse (2; 3): 900 – 2,200 lbs
- Cattle (4; 5): 1,200 - 1,400 lbs

Medium-Sized Animal Category from Kaysville City Code 17-24-2

- Sheep (6; 7): 80 – 400 lbs
- Goats (8; 9): 20 – 310 lbs
- Llamas (10; 11): 230 – 400 lbs

Miniature Horses (12; 13): 150 – 250 lbs



Average Height at the Withers (Shoulder)

(See figure 2 for a visual comparison)

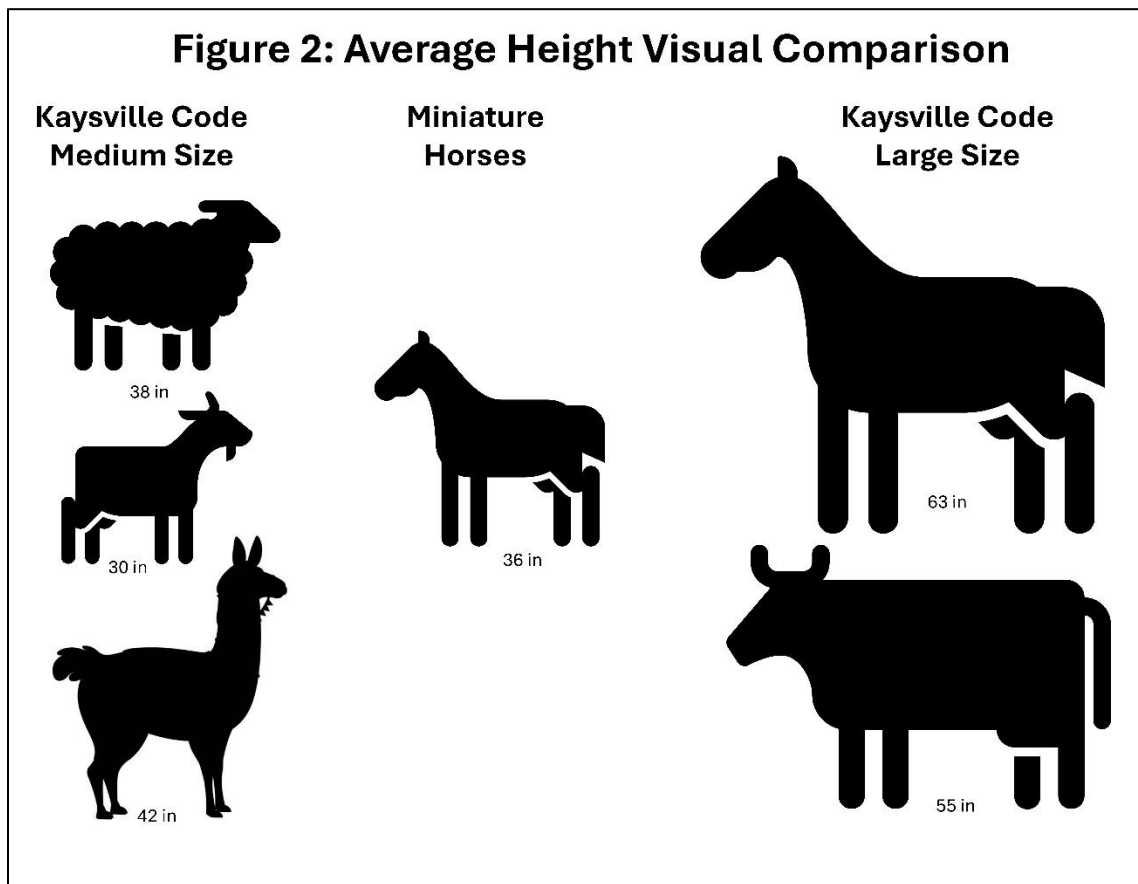
Large Animal Category from Kaysville City Code 17-24-2

- Full-sized horse (14; 15): 55 – 71 in
- Cattle (16; 17): 49 – 60 in

Medium-Sized Animal Category from Kaysville City Code 17-24-2

- Sheep (18; 19): 26 – 50 in
- Goats (9; 20): 18 – 42 in
- Llamas (21; 22): 36 – 48 in

Miniature Horses (23; 1): 34 – 38 in



Supporting Facts: Animal Annual Waste Production

(See figure 3 for a visual comparison)

Large Animal Category from Kaysville City Code 17-24-2

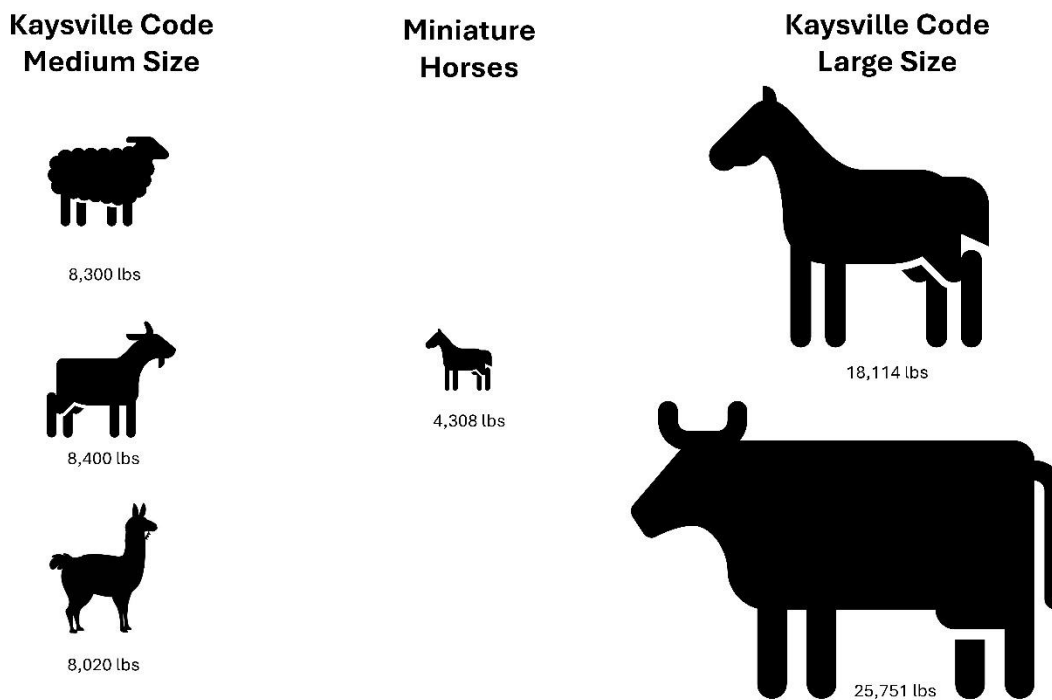
- Full-sized horse (24; 25; 26): 16,425 – 19,842 lbs
- Cattle (27; 26): 21,571 – 29,930 lbs

Medium-Sized Animal Category from Kaysville City Code 17-24-2

- Sheep (26; 28; 29; 30): 2,000 – 14,600 lbs
- Goats (29; 31; 32): 2,200 – 14,600 lbs
- Llamas (29; 33): 1,440 – 14,600 lbs

Miniature Horses (34; 35): 2,738 – 5,877 lbs

Figure 3: Average Annual Waste Production Visual Comparison



Supporting Facts: Comparable City Codes

(See attachments for the full text of each)

Herriman City Code 10-29-7

The keeping of small, medium, and large agricultural animals is allowed in the following zones: A-.25, A-.50, A-1, R-1-21, R-1-43. (To determine what zone you live in, please consult the Interactive Zoning Map found at <https://www.herriman.org/gis/>, or call the Planning and Zoning Department at 801-446-5323).

Small Animals: rabbits, chickens (excluding roosters), pheasants, ducks, and pigeons

Medium Animals: sheep, goats, turkeys, geese, and **miniature horses**

Large Animals: cows, **horses**, and alpaca

The number of allowed animals depends upon lot size:

Zone	Lot Size		
	0.49 Acre or Less	0.5 Acre to 0.99 Acre	1 Acre or More, *Per Acre*
A-.25 A-.50 A-1 R-1-21 R-1-43	40 Small Animals and 2 Medium Animals	75 Small Animals and 4 Medium Animals and 2 Large Animals	100 Small Animals and 15 Medium Animals and 4 Large Animals

West Valley City Municipal Code Section 7-6-205 (3)

- Large sized** adults over one year of age (over 40 inches in height at the top of the shoulders) – 40 points per Animal. Examples include **horses**, bison, cattle, llamas, ostriches, camels, and similarly sized creatures.
- Medium sized** adults over one year of age (20 to 40 inches in height at the top of the shoulders) – 20 points per Animal. Examples include **miniature cattle and horses**, pigs, sheep, goats, and emus.

Springville City Code Definitions 11-3-401

Animal Unit – For purposes of this Title, one (1) animal unit shall be any of the following:

- Horse/mule/cow/llama: 1 = 1 animal unit
- Miniature horse/sheep/goats/emu: 4 = 1 animal unit
- Small fowl/livestock (i.e., chickens, rabbits, chinchillas, or similar animals): 12 = 1 animal unit.

Eagle Mountain Chapter 6.10 Animal Zoning Regulations

6.10.080 Residential livestock requirements.

A residential property may have a mix of the permitted animals so long as the required fencing area is provided. (Chickens, ducks, and similar fowl are exempted from these regulations and are allowed per EMMC [17.25.030](#), residential land use table.)

Table 6.10.080 – Residential Livestock Requirements*

Animal***	Max. Number Allowed on Lots				Available Fenced Area per Animal	Minimum Lot Size
	1/2 to 0.99 Acre	1 to 1.99 Acres	2 to 2.99 Acres	3 or More Acres		
Horse/Mule	0**	4	8	12	2,500 s.f.	1 Acre**
Buffalo	0	2	4	6	2,500 s.f.	1 Acre
Cattle	2	4	8	12	2,500 s.f.	1/2 Acre
Donkey	2	4	8	12	2,500 s.f.	1/2 Acre
Llama	2	4	8	12	2,500 s.f.	1/2 Acre
Emu/Ostrich	4	8	12	16	500 s.f.	1/2 Acre
Sheep/Goat	4	8	12	16	500 s.f.	1/2 Acre
Pig (all kinds)	2	4	6	8	500 s.f.	1/2 Acre

* Exceptions to these standards must be presented by the property owner through an alternative animal management plan to be heard by the planning commission. Approval of the plan by the commission shall be considered a conditional use and shall be subject to all required conditions. If an approved

plan is violated or causes situations that become a nuisance to adjoining property owners, the conditional use shall be subject to revocation by the code enforcement or animal control officer.

** Two horses/mules allowed on one-half-acre+ properties within the equine overlay zone.

*** Any animal that a reasonable person would define as a half-size (or smaller) of an average adult animal shall count as a half-unit including offspring and miniature animals. Offspring shall not count towards maximum animal numbers until weaned.

Evanston, Wyoming Code Article IV: Supplemental Zoning Regulations

§ 24-27

D. The keeping of horses, ponies, mules, donkeys, llamas and alpacas is permitted within the Rural Residential Zones of the City. The keeping of all types of livestock is permitted within the Agricultural Zones and Open Space Zones of the City. Except as provided herein, the keeping of livestock within the corporate City limits is prohibited.

E. In any zone where the keeping of livestock is permitted, the number of livestock shall be limited to one animal per acre.

§ 24-27.1

Miniature horses are permitted in agricultural zones. The keeping of miniature horses is permitted in all residential zones upon the owner obtaining a conditional use permit in compliance with the City code. In any zone, the number of animals shall be limited to one animal for each five thousand square feet of open area devoted to the animal.

Newton, Utah Animal Rights Regulations Proposal (pending Town Council approval)

1.1 DOMESTIC ANIMALS:

B. The following animals are permitted at a maximum rate of three hundred (300) large animal points per acre.

Large animal points are assigned based on the following table:

Animal	Large Animal Points
Horse, mule, or donkey	100
Cattle: cow, heifer, or steer	100
Pig	100
Ostrich	50
Llama or alpaca	50
Emu	50
Miniature horse	50
Sheep	50
Goat: female or Billy	50

Summary and Conclusion

In summary, miniature horses are a formally-defined animal whose weight, height, and waste production all align far more closely with the animals in the medium-sized category than they do with the animals in the large-sized category in Kaysville City Code 17-24-2.

Furthermore, several cities in Utah and the surrounding region already categorize miniature horses as medium-sized animals in their city codes with regulations similar to sheep and goats rather than full-sized horses or cattle.

Therefore, we humbly request that the Kaysville Planning Commission and City Council support this proposal to amend the text of City Code 17-24-2 to explicitly categorize miniature horses as medium-sized animals comparable to sheep, goats, and llamas.

Thank you for your consideration.

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PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission

From: Melinda Greenwood, Community Development Director

Date: January 3, 2025

Agenda Item #7: Public Hearing for Title 17 Chapter 38 Car Wash Standards

Meeting Date	January 9, 2025
Application Type	Text Amendment
Applicant	Kaysville City
Chapter Title Section	Title 17 Chapter 38 Car Wash Standards

1. BACKGROUND

In early 2024, two new car washes opened for business in the City. Upon opening, both car washes caused issues of varying degrees for residents who lived nearby. Inquiries for additional car wash locations have continued, prompting the City Council to adopt a temporary land use regulation on July 18, 2024. This temporary regulation allows staff time to study best practices for car washes and draft an ordinance for consideration by the Planning Commission and the City Council.

The primary issues from the new car washes were noise and lighting. After careful consideration and research, staff believes that establishing a buffer between new car washes and existing residential developments is the best way to mitigate these negative impacts. While there are other possible approaches, given the city's resources, available land, and existing code deficiencies, we recommend implementing a 300-foot buffer between car washes and residential uses.

Consistent with the rest of our land use code, the proposed ordinance is simple. The distance regulation eliminates the need to create extensive regulations for noise, lighting, screening and hours of operation.

Other recommended regulations include prohibiting new car washes east of I-15 and requiring adequate on-site vehicle stacking.

2. GENERAL PLAN

The general plan does not speak in favor or against the proposed regulations of car washes, and is therefore considered neutral on this matter.

3. PUBLIC NOTICING AND PUBLIC COMMENT

A Public Hearing Notice for this matter was posted on December 30, 2024. As of the time of the drafting of this staff report, no comments have been received.

4. RECOMMENDATION

Staff recommends the Planning Commission send a recommendation of approval to the City Council to enact a new section of code Title 17 Chapter 38 Car Wash Standards.

ATTACHMENTS:

1. Draft Ordinance 17-38 Car Wash Standards

DRAFT

17-39 CAR WASH STANDARDS

17-38-1 Definitions

Car Wash, Automatic: A structure or portion thereof containing facilities for washing passenger automobiles, using automated production line methods such as, but not limited to, chain conveyor, movable or revolving cleaning brushes, blower, or similar mechanical devices. An automatic car wash may or may not include vacuum stations.

Car Wash, Manual: A structure or portion thereof containing facilities for washing passenger automobiles, limited to using only hand operated manual spray cleaning equipment and techniques. A manual car wash may or may not include vacuum stations.

Vacuum Station: A location where individuals can use a commercial vacuum cleaner to clean the inside of their vehicle. A vacuum station is most commonly combined with a commercial car wash.

17-38-2 Prohibited

1. Car washes are prohibited east of I-15.
2. Car Washes are prohibited within 300' of a residential zone or a conforming residential use. The distance shall be measured in a straight line from property boundary to property boundary.

17-38-3 Standards

1. Automatic car washes shall have an on-site staff during business hours.
2. All vacuum stations shall have an individual on/off switch, so customers must turn on the vacuum to use the vacuum.
3. Vacuum stations and related equipment shall comply with the distance requirements from residential and setbacks for the principal structure.
4. No outside loudspeakers or radios are permitted. Radio station promotions and/or other activities utilizing loudspeakers or broadcasting equipment are prohibited.

17-38-4 Vehicle stacking

The site shall provide space sufficient to maintain vehicle stacking on site and shall not back onto any public right-of-way.

Kaysville City Planning Commission Meeting Minutes November 14, 2024

The Planning Commission meeting was held on Thursday, November 14, 2024 at 7:00 pm in the Kaysville City Hall located at 23 East Center Street.

Planning Commission Members in Attendance: Chair Mike Packer, Commissioners Katie Ellis, Wilf Sommerkorn, and Rachel Lott

Planning Commissioners Absent: Commissioners Erin Young, Megan Sevy, and Paul Allred

Staff Present: Melinda Greenwood and Mindi Edstrom

Public Attendees: Jennifer Borup, Lauri Cragun, Megan Snell, Laurene Starkey, Tyler Tholen, Cooper Rich, Elle Braun, Tyler Nelson, John Peden, Russ Condie, Brad Gobbs, Cannon Neslen, Damon Day, Brandon Strebel, Braydon Perkins, Kelsey McFarland, Jill Dredge, and Jessica Carlisle

1- WELCOME AND MEETING ORDER

Chair Packer welcomed all in attendance to the Kaysville City Planning Commission meeting.

2- DECLARATION OF CONFLICTS OF INTEREST

There were no declarations of conflicts of interest from the Commissioners.

3- CONDITIONAL USE PERMIT FOR ANIMALS AT 1892 LAKE RIDGE DRIVE

Melinda Greenwood introduced the Conditional Use Permit application for keeping farm animals at a residential property located at 1892 Lake Ridge Drive. Ms. Greenwood explained that under Utah State law, conditional uses are considered permitted uses but may require conditions to mitigate impacts on surrounding neighborhoods. The city's zoning code governs these conditions, with limits on what can be applied. In practice, additional conditions are rarely necessary as most requirements are already outlined in the zoning code.

Ms. Greenwood said that the applicant, Kyle Orison, was unavailable, but his wife, Angie Orison, was in attendance at the meeting to represent the application. The property is a single-family dwelling situated on a lot that is slightly over half an acre in size. The proposal involves keeping farm animals, specifically horses, on the property on an occasional basis. The lot size would permit no more than two horses. The Orisons own a ranch in southern Utah and intend to bring horses to the residence as needed while traveling.

Ms. Greenwood recommended approval of the Conditional Use Permit based on the provisions of the city's zoning code, particularly Chapter 17-24, which governs farm animals. The code includes measures to mitigate potential negative impacts on neighbors, such as requiring that structures for animals be kept at least 50 feet from any neighboring residential building and mandating controls for noise, dust, and odor. A condition of approval was noted: the property

must be fully fenced before any farm animals are allowed. While the property is partially fenced, gates or additional fencing would need to be installed to meet this requirement.

Ms. Greenwood indicated that the applicant had communicated the intent to have horses with their neighbors and had not encountered any objections. Staff confirmed they had not received concerns from the public regarding this application.

Commissioner Sommerkorn asked if the permit is primarily for horses and if there were plans to enclose them.

Ms. Greenwood said that the applicant did submit a drawing that showed an area in the backyard to keep the horses. It was her assumption that is where they plan to keep the horses.

Commissioner Sommerkorn asked if that would be 50 feet away from any adjacent structures and thought by looking at the layout from the houses on the adjacent lots, they look to be 50 feet away making it a pretty small area.

Chair Packer sought clarification on the distinction between "structures" and "enclosed areas" as defined in the city code.

Commissioner Sommerkorn said that the code mandates that structures for the care of animals must be at least 50 feet away from neighboring buildings predominantly used for residential purposes. However, it also allows animals to be kept within an "enclosed area," which is not subject to the same 50-foot requirement.

Ms. Greenwood confirmed that an enclosed area, such as an open-air corral or fenced area, does not qualify as a "structure" under the code's definition. Structures are defined as anything constructed at a fixed location with an impervious material, typically requiring a building permit.

Commissioners debated potential impacts on neighboring properties if animals were housed close to property lines, including concerns about odor, dust, and noise.

Chair Packer invited Angie Orison to approach the Commissioners for any questions they might have.

Ms. Orison said that they intend to keep only one horse on the property, though possibly two on rare occasions. They explained that the horse would primarily stay at a ranch in southern Utah or at a friend's property in Morgan, with the property in Kaysville serving as a temporary location for occasional use rather than year-round housing.

The applicant emphasized that no structure would be built for the horse, and they were already planning to finish fencing the property to comply with city requirements. This clarification

addressed concerns about the potential impacts on neighbors and reinforced that the use of the property would be infrequent and temporary.

Commissioner Sommerkon made a motion to approve the Conditional Use Permit Kyle Orison located at 1892 Lake Ridge Drive subject to the provisions that are noted in the staff report. The motion was seconded by Commissioner Ellis and the vote was unanimous in favor of the motion (4-0).

Commissioner Allred - Yay
Chair Packer - Yay
Commissioner Sommerkorn - Yay
Commissioner Lott - Yay

4- CONDITIONAL USE PERMIT FOR A MAJOR B HOME OCCUPATION FOR ROCKSTAR CONCRETE AND CONSTRUCTION LOCATED AT 245 CHRISTINE WAY FOR CHRISTINE ALLUIS

Mindi Edstrom introduced the Conditional Use Permit noting the business's compliance with state licensing through DOPL and the Department of Commerce for construction, excavation, and demolition. She continued saying that there would be no business equipment or materials stored at the residence, except for a truck. They have an enclosed trailer used for recreational vehicles which will be stored behind a fence on the property. All other equipment, including an excavator, will be stored off-site at storage units in Kaysville and Farmington and that the business complies with the city's home occupation regulations, including ensuring no more than 5% of the lot area is used for the business (approximately 675 square feet).

Ms. Edstrom emphasized that there should be no exterior storage of material or supplies, off-street parking must be provided for any vehicles or trailers associated with the business and only one vehicle or trailer exceeding 22 feet in length is permitted.

Ms. Edstrom said that home occupations are designed to operate without a noticeable impact on the residential appearance of the neighborhood. She said that staff received two calls expressing concerns from neighbors regarding the potential and existing equipment overflow and the use of street parking.

Ms. Edstrom said staff recommended approval of the Conditional Use Permit, subject to compliance with the conditions outlined in city code and invited the Commissioners to suggest additional conditions as necessary and that the applicant was present and available for questions from the Commissioners.

Commissioner Sommerkorn asked if staff if there was equipment at the home already.

Ms. Edstrom said the application for a Conditional Use Permit arose from a code enforcement issue. Initially, the property had equipment and items, including a tractor and an excavator, stored on-site in violation of city code.

City staff have worked with the homeowners to address these code enforcement violations, ensuring the property will be brought into compliance. The effort aimed to resolve the outstanding issues and establish clear guidelines for the operation of the business as a home occupation.

The Conditional Use Permit process provides an avenue to ensure compliance while addressing neighborhood concerns and maintaining the residential character of the area. The applicant has made adjustments to align with city regulations, including relocating equipment off-site.

Commissioner Sommerkorn asked if the property was now compliant.

Ms. Greenwood said that staff is working collaboratively with the applicants to address these concerns and bring the property into compliance. Progress has been made since the initial violations were identified in September, with significant improvements noted after discussions with the applicants in October. Efforts include the rental of a storage unit to relocate business-related items and the commitment to resolve remaining issues.

Ms. Greenwood said the sidewalk adjacent to the property requires replacement. However, given the approaching winter and the time required to secure a contractor and permits, staff recommended deferring this repair until spring, pending confirmation from public works.

Ms. Greenwood said that the Conditional Use Permit is recommended for approval, staff clarified that any future violations, such as unauthorized equipment storage or parking issues, would be addressed through standard code enforcement procedures. Additionally, the Conditional Use Permit could be revoked, if necessary, which would also result in the revocation of the associated business license.

Ms. Greenwood commended the applicants' cooperative approach and noted confidence in their continued progress toward full compliance. The recommendation to approve the Conditional Use Permit aligns with city policy while allowing the applicants to operate their business legally from their property.

Ms. Christine Alluis, the applicant, clarified that items previously on their property, which could be assumed to be related to their business, were connected to personal projects, including the installation of an underground pool and other backyard renovations. This contributed to the presence of materials and equipment on-site. To address these concerns and ensure compliance with city regulations, the applicants have rented three storage units to relocate all business-related items off the property and taken steps to separate personal and business activities, ensuring the property remains in compliance with home occupation standards.

Commissioner Lott made a motion to approve the Conditional Use Permit located at 245 Christine Way for Rock Star Concrete and Construction for Christine Alluis. Commissioner Sommerkorn seconded the motion and the vote was unanimous in favor of the motion (4-0).

Commissioner Allred - Yay
Chair Packer - Yay
Commissioner Sommerkorn - Yay
Commissioner Lott – Yay

5- CONDITIONAL USE PERMIT FOR A MAJOR B HOME OCCUPATION FOR CRUNCH TIME CONSTRUCTION, LOCATED AT 1398 NORTH MOUNTAIN ROAD FOR JONATHEN PEDEN

Mindi Edstrom introduced the Conditional Use Permit for Johnathen Peden, located at 1398 North Mountain Road. Mr. Peden is the owner of Crunch Time Construction, a new business in Kaysville. Ms. Edstrom said that the only equipment stored at the home will be his truck and 16-foot trailer, all other equipment and supplies will be taken directly to construction sites, there will be no employees or customers at the residence and that Mr. Peden is a licensed General Contractor verified with DOPL. Ms. Edstrom recommended approval of the Conditional Use Permit for Mr. Peden and Crunch Time Construction with any conditions Planning Commission may find necessary.

Chair Packer opened the meeting up to questions from the Commissioners, and there were no questions for the applicant.

Commissioner Ellis made the motion to approve the Conditional Use Permit for the property at 1398 North Mountain Road for Crunch Time Construction based on the findings from staff. Commissioner Lott seconded the motion and the vote was unanimous in favor of the motion (4-0).

Commissioner Allred - Yay
Chair Packer - Yay
Commissioner Sommerkorn - Yay
Commissioner Lott - Yay

6- CONDITIONAL USE PERMIT FOR THE SALE OF BEER AT THE BOONDOCKS FULL- SERVICE RESTAURANT LOCATED AT 525 SOUTH SUNSET DRIVE

Melinda Greenwood introduced the next two items on the agenda which are for Boondocks located at 525 South Sunset Drive in a General Commercial zone. The applicant is requesting two Conditional Use Permits, one for beer consumption on premises and one for liquor consumption. Both uses are allowed as conditional uses under the city's zoning code. She said that while the city issues the Conditional Use Permits, the State regulates the sale and consumption of alcohol. The applicant meets state requirements for these permits, including checking proximity to community locations like schools and churches.

Ms. Greenwood continued saying that the role of the Planning Commission is not to approve or deny the sale of alcohol but to ensure the Conditional Use Permit meets zoning requirements and address any reasonable conditions to mitigate negative impacts.

Ms. Greenwood said staff recommends approval with no additional conditions, as there are no

substantial negative impacts identified.

Commissioner Sommerkorn emphasized that conditional uses in the city's zoning code are generally treated as permitted uses by state law and court rulings. The city does not have much discretion in approving these uses once they are outlined in the code. The only situation in which the city could deny a conditional use permit is if there are significant, detrimental impacts on the community or neighborhood that cannot be mitigated. However, "mitigating" these impacts does not mean eliminating them completely; it means reducing or addressing them as much as possible. Therefore, the Planning Commission's role is limited to reviewing the proposed use against the city's code and ensuring any potential impacts are appropriately addressed, possibly by adding reasonable conditions, but the general approval is expected unless substantial issues arise.

Ms. Greenwood explained that any conditions placed on a conditional use permit must be codified within the city's zoning code. Ms. Greenwood noted that the city already has adequate infrastructure in place, such as access for public safety, services, and water supply, and that these won't change. The traffic flow for vehicles and pedestrians has been in place for the past 11 years, and the site already has established drive approaches. Given this, staff did not feel that there were any additional conditions necessary for this specific use.

Chair Packer clarified that the discussion is about a Conditional Use Permit for the sale of beer, which is a permitted use at this site. He emphasized that this is not a liquor license, which is regulated by the state. The Planning Commission's role is limited to approving or denying the Conditional Use Permit, but they do not have the authority to approve a liquor license. The process for obtaining a liquor license is separate and controlled by state regulations, not by the Planning Commission.

Ms. Greenwood provided further context, explaining the complexities of land use regulations, which involve various layers of law, including federal, state, and local codes. She clarified that the City Council previously approved the sale of on-premise beer and alcohol as a conditional use in certain zones, such as a General Commercial zone.

She also highlighted that the Conditional Use Permit approval process is administrative, meaning that once the use is allowed under zoning, the Commission's role is to apply conditions if necessary, but the decision to approve or deny the use is already established in the zoning code. She stressed that the business license for alcohol consumption is a separate process regulated by the state, which conducts its own checks for proximity to sensitive locations like churches or schools. The state would ensure compliance with its distance requirements, and there are no proximity issues in this case.

Thus, the Planning Commission is only involved in approving the Conditional Use Permit for the site, while the state handles the liquor license.

Damon Day, one of the founders of Boondocks, shared the history and context of the company during his presentation. He explained that Boondocks started as a construction company in 1989, building attractions like go-cart tracks and bumper boat ponds across the country. In 1993, they built their first family entertainment center, incorporating both outdoor and indoor attractions, such as arcade games, miniature golf, go-karts, and bumper boats. By 2008, Boondocks introduced bowling to their facilities, becoming the first family entertainment center in the U.S. to integrate bowling, as recognized by Brunswick Bowling.

Mr. Day discussed the evolution of the family entertainment industry, noting the competitive landscape with businesses like Fat Cats and Top Golf, and even Lagoon, which all offer different types of entertainment experiences. He emphasized that Boondocks focuses on creating social, family-oriented experiences rather than individual thrill rides.

After operating for over 35 years, Mr. Day shared that the business has adapted to meet consumer demands for high-quality experiences, including better food offerings and facility upgrades. He said Boondocks will be doing a \$6 million renovation of their Kaysville location, which will include improvements to the bowling center, an XD Dark Ride Theater, and an elevated food experience.

Mr. Day said the request to add alcohol to the offerings is not to promote excessive drinking but to complement the variety of activities Boondocks already provides. He explained that alcohol sales would help maintain a synergistic offering, similar to other family-friendly restaurants like Applebee's or Red Robin. He reassured the commission that after similar expansions at their Colorado locations, and after implementing alcohol at their Draper location, the concerns about negatively impacting the family-friendly environment had been alleviated. Mr. Day mentioned that their active environment (focused on activities like bowling and arcade games) naturally reduces concerns about intoxication or disruptive behavior.

Mr. Day reiterated that 90% of Boondocks' customers in Kaysville come from outside the city, and the business values its relationship with the local community. He introduced Brandon Struble, the Director of Food and Beverage Operations, to address any specific questions related to the alcohol application.

Commissioner Sommerkorn asked Brandon Struble how big the restaurant would be that they are putting in.

Mr. Struble said that they are renovating and updating currently to have about 140 seats.

Ms. Greenwood pulled up the slides from Boondocks and Mr. Day explained that the slides are from their Draper facility showing what the remodel will look like in Kaysville City.

Chair Packer opened up the meeting for those in attendance to make a comment.

Russell Condi sought clarification about the alcohol license being requested. He asked if the license was for a full-service restaurant, which would require Boondocks to maintain a ratio of 70% food sales to 30% alcohol sales. Mr. Condi wanted to confirm that patrons would not be allowed to consume alcohol without also purchasing food, which is typical for a full-service restaurant license.

Jennifer Borup, a Kaysville resident living near Boondocks, shared concerns regarding unresolved agreements from when Boondocks first opened. She mentioned that during the original petition process, two agreements were made to address neighborhood concerns. The first was that the parking lot was supposed to be gated after hours to prevent late-night disturbances. However, the gates deteriorated and were not replaced, leading to ongoing issues. The second was the lighting on the side of the building facing her neighborhood was supposed to be turned off after 1 AM. However, the lights remain on, shining into bedroom windows.

Ms. Borup highlighted ongoing issues, particularly noise disturbances from parties in the parking lot after hours, especially on weekends. Despite calls to the Police, response times have been inadequate, with County Sheriff often called in due to limited Kaysville Police coverage.

She expressed disappointment that the city had not documented these previous agreements or held Boondocks accountable, and she believes Boondocks has not been a good neighbor, particularly in failing to reinstate the gates. Ms. Borup also voiced opposition to the alcohol proposal, feeling the facility should not be compared to an Applebee's restaurant, due to the nature of activities at Boondocks, such as driving vehicles, boats, and go-karts. She felt that the neighborhood's concerns were being ignored, and wished to have her grievances formally recorded.

Commissioner Sommerkorn asked Ms. Borup if she was able to research meeting minutes and see if anything had been documented.

Ms. Borup clarified that there was misinformation regarding the timeline of Boondocks' construction. She corrected the claim that it was built in 2013, explaining that construction actually started in 2008 and that meetings with the neighborhood took place before Boondocks opened in November 2009. These meetings, she noted, were not part of the public record because they were held privately — at the Boondocks building and in a neighborhood home.

Ms. Bora also emphasized the difference between Boondock's patrons and churchgoers, citing a recent conversation with the Kaysville City Manager about gating requirements. She pointed out that while churches aren't required to gate their properties, the nature of Boondocks' patrons is different — people staying in the parking lot after hours and partying until 1:00 AM as opposed to the earlier breakups of church activities. She again expressed frustration that these parties persist after employees leave and urged the city to require Boondocks to reinstate the gates as originally agreed. She stated that this was a reasonable request and reiterated how exhausting the situation has become for her neighborhood.

Ms. Greenwood stated that no public meeting ever took place where the discussions about gating and other agreements were documented. After researching records, she confirmed that the Conditional Use Permit for Boondocks was issued before the neighborhood meetings occurred, and notes from those private meetings were not part of any official public record or city regulatory authority.

She also explained that, according to the city's regulations, it would not have been legal for the city to impose a gate condition because such a requirement wasn't part of the standard conditions listed in their code, and there was no provision for that in the 12 conditions associated with the permit. She acknowledged that while the city may have been present during the discussions between Boondocks and the neighbors, the agreement on gates was more of a private agreement between Boondocks and the residents, rather than something officially mandated by the city. Therefore, the city could not force Boondocks to reinstall the gates.

Tyler Thorne expressed concern about Boondocks offering alcohol, suggesting it might change the family-friendly atmosphere that makes the business unique. He questioned whether adding alcohol would attract the intended crowd and suggested that maintaining the focus on activities like go-carts, mini-golf, and arcade games would keep it special. Tyler also voiced worries about the potential consequences of introducing alcohol, particularly the impact on the work environment for younger employees. He urged Boondocks to remain family-oriented and avoid losing what makes the business stand out in the community.

Laurene Starkey raised a concern about a homeless shelter, referred to as a "Code Blue" center, being located near Boondocks. She noted that it was recently voted on by the county and would be in close proximity to the business. Ms. Starkey mentioned the timing of this development alongside Boondocks' proposal to serve alcohol, questioning if the presence of the homeless shelter would create additional challenges.

Commissioner Sommerkorn responded, clarifying that homeless individuals would need to go inside Boondocks to acquire alcohol, and suggested that the issues of alcohol sales and the shelter were separate.

Chair Packer closed the public comments.

Commissioner Sommerkorn raised a question about the Conditional Use Permit standards, specifically referring to section 17-30, which addresses whether a facility or service contributes positively to the community without causing detrimental effects on health, safety, or general welfare. He suggested that, although public hearings are not always required for Conditional Use Permits, they can be valuable because they provide insight into potential concerns, such as the issue of patrons lingering after hours. Commissioner Sommerkorn proposed that requiring a gate to be installed might address the issue of late-night gatherings, questioning whether this could be considered an appropriate condition.

Commissioner Lott acknowledged that while suggesting the installation of gates might show good faith to the neighbors, it's not something the city can enforce. She explained that the gates were originally installed but deteriorated due to frequent impacts, leading to their abandonment. Ms. Lott mentioned that no other businesses were required to have gates, and the issue seemed to stem from maintenance challenges.

Commissioner Sommerkorn also discussed how the parking lot size had been addressed, with the intention of preventing street parking. While the gates' installation would be beneficial for neighborhood safety, Commissioner Lott suggested that it be a recommendation rather than an enforceable condition.

Brad Gibbs expressed his concerns about the noise and dangerous behavior happening near Boondocks every Friday and Saturday night. He lives just 500 steps from the facility, and reported seeing tire screeches and skid marks on Desert Drive, often caused by people doing donuts. He highlighted the risk posed by the area being close to a gymnastics center, dance studio, daycare, and a residential neighborhood, unlike other businesses like Applebee's or Wingers, which are in commercial areas. Gibbs emphasized that even without alcohol being served, the area already has traffic and safety issues that need to be addressed.

Commissioner Ellis expressed hesitation about implementing the suggestion of adding gates or other measures at Boondocks based solely on a few public comments. While she acknowledged the concerns, she was unsure if there was enough evidence to justify such an action, and questioned whether it would be within the city's authority to enforce such a condition. She emphasized the need for more substantial evidence to address the potential impact on the neighborhood.

Ms. Greenwood acknowledged the concerns raised by the neighbors but expressed uncertainty about the city's ability to impose the suggestion of adding gates, citing the lack of clear legal grounds in the current standards. She mentioned that, legally, the city might not have the authority to enforce such a condition, and recommended consulting with legal counsel for further guidance. She also suggested that the issue could be revisited at a future meeting if necessary.

Mary Paul is expressing concerns about Boondocks' changing target market. She pointed out that when Boondocks first came to the community, they marketed themselves as a family-friendly destination, but now, with the proposal to serve alcohol, it seems like they are shifting their focus to attract a much older demographic. She's questioning whether Boondocks has conducted a market analysis to show that this change in their target market is intentional and supported by data. Ms. Paul is concerned that this shift could undermine the family-friendly atmosphere that was initially promised to the neighborhood.

Mr. Damon Day responded to concerns about Boondocks' target market and the potential impact of serving alcohol. He acknowledged that while the addition of alcohol might appeal to an older crowd, it wouldn't fundamentally change the business's character. He explained that

businesses evolve over time to cater to various demographics, and businesses that only target children aren't financially successful. He emphasized that Boondocks strives to create a safe environment for families, children, and adults alike, noting that their alcohol sales would be minimal, far below the percentage typical of bars. He reassured that the focus remains on providing a family-friendly experience, even with the introduction of alcohol.

Ms. Greenwood stepped out to call the City Attorney to inquire the options of requiring Boondocks to have gates at the entrance. Chair Packer suggested moving to agenda item 8 while waiting for a response from the City Attorney. During that time that Commissioner Sommerkorn said that he is in favor of moving ahead without including gates in the motion.

Chair Packer said that he would be uncomfortable applying any condition and that gating and public disturbances are a separate issue.

Ms. Greenwood returned to the meeting and said the City Attorney doesn't believe adding a condition for a gate would be legally defensible.

Commissioner Ellis made a motion to approve the Conditional Use Permit for the sale of beer at Boondocks full-service restaurant located at 535 South Deseret Drive based on the findings of staff. Commissioner Sommerkorn seconded the motion and the vote was unanimous in favor of the motion (4-0).

Commissioner Allred - Yay
Chair Packer - Yay
Commissioner Sommerkorn - Yay
Commissioner Lott – Yay

7- CONDITIONAL USE PERMIT FOR THE SALE OF LIQUOR AT THE BOONDOCKS FULL- SERVICE RESTAURANT LOCATED AT 525 SOUTH SUNSET DRIVE

Chair Packer asked Ms. Greenwood if staff and Commissioners need to go through item 7 separately.

Ms. Greenwood said the previous discussion was adequate, if the Planning Commission feels comfortable, then she is good to have a motion and a vote.

Commissioner Ellis made a motion to approve the Conditional Use Permit for the sale of liquor at Boondocks full-service restaurant located at 535 South Deseret Drive based on the findings of staff. Commissioner Sommerkorn seconded the motion and the vote was unanimous in favor of the motion (4-0).

Commissioner Allred - Yay
Chair Packer - Yay
Commissioner Sommerkorn - Yay
Commissioner Lott - Yay

8- APPROVAL OF THE MINUTES FROM THE OCTOBER 10, 2024 PLANNING COMMISSION MEETING

Commissioner Sommerkorn made a motion to approve the minutes from the October 14, 2024 Planning Commission meeting and Commissioner Ellis seconded the motion. The vote was unanimous in favor of the motion (4-0).

Commissioner Allred - Yay
Chair Packer - Yay
Commissioner Sommerkorn - Yay
Commissioner Lott - Yay

9- OTHER MATTERS THAT PROPERLY COME BEFORE THE PLANNING COMMISSION

Ms. Greenwood provided updates to the Planning Commission on various initiatives.

Wasatch Front RFP for the Small Area Plan is ready to launch, potentially as early as tomorrow. Nine consulting firms, pre-vetted by Wasatch Front and interested in the project, will be invited to submit proposals. The proposals are expected to be received shortly after Thanksgiving, and the selection process will be jointly handled by the city and Wasatch Front.

The Community Reinvestment Area was presented to the county commissioners during a Tuesday work session. A key concern regarding the use of third-quarter transportation funds has been addressed in the draft interlocal agreement. The agreement now stipulates that any transportation funds received will proportionally reduce the project's funding cap. Pending approval at the next county meeting, Ms. Greenwood is optimistic about its progress.

No Planning Commission meeting will be held on Thanksgiving. The next meeting is scheduled for December 12.

The Planning Commissioner Alternate Interviews are in process, with six interviews that have been conducted and three more planned. Ms. Greenwood emphasized the importance of having a diverse representation on the planning commission, noting the broad range of perspectives among applicants. She concluded by expressing enthusiasm for the quality and scope of the applicants and projects underway.

10- ADJOURNMENT

Commissioner Lott motioned to adjourn the meeting at 8:46 pm.