



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

The Kaysville City Planning Commission will hold a regular meeting on January 23, 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
2. Declaration of Conflict of Interest
3. Conditional Use Permit for a Major B Home Occupation for Grass Masters located at 61 South Preston Street for Michael Mettler
4. Conditional Use Permit for a Major B Home Occupation for Cinnamon Creek Construction located at 676 East Center Street for Kurt Fashimpaur
5. Conditional Use Permit for a Major B Home Occupation for K & R Coatings located at 382 South Wellington Drive for Kyle Curb
6. Approval of the minutes from the December 12, 2024 Planning Commission Meeting
7. Approval of the minutes from the January 9, 2025 Planning Commission Meeting
8. Other matters that properly come before the Planning Commission
 - a. Reports
 - b. Correspondence
 - c. Calendar
9. Adjournment

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

Kaysville City is dedicated to a policy of non-discrimination in admission to, access to, or operations of its programs, services, or activities. If you need special assistance due to a disability, please contact the Kaysville City Offices at (801) 546-1235 at least 24 hours in advance of the meeting to be held.

Mindi Edstrom
Community Development Department

PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission
From: Mindi Edstrom, Business License Officer
Date: January 17, 2025

Agenda Item #3: Conditional Use Permit for a Major B Home Occupation Grass Masters located at 61 South Preston Street for Michael Mettler

Meeting Date	January 23, 2025
Application Type	Conditional Use Permit
Applicant Owner	Michael Mettler Grass Masters Yard Care LLC
Address Parcel ID Number	61 South Preston Street 11-583-0421
Lot Size	0.41 18,295.2 ft ²
Current Use Zone	Single Family Dwelling R-A
Conditional Use	Major B Home Occupation

1. BACKGROUND



Michael Mettler is the owner of Grass Masters Yard Care LLC located at 61 South Preston Street. Grass Masters Yard Care is a landscaping service for residential and commercial buildings and as per [KCC 17-26-4 Major Home Occupation B](#) is required to have a Conditional Use Permit. The property will not serve as a base of operations for employees or equipment storage. Instead, the home will be used as an office for administrative tasks.

The landscaping services are performed exclusively at the properties of residential and commercial clients. There will be no business-related customer visits, employee gatherings or equipment delivered to the property.

This use should not have any negative impacts on the residential character of the neighborhood as the



business will be conducted off site. Mr. Mettler is compliant with the State of Utah and the Department of Commerce as well as the Department of Professional Licensing.

2. PUBLIC NOTICING AND PUBLIC COMMENT

A sign was placed on the property on Friday, January 17, 2025.

3. RECOMMENDATION

Staff is recommending approval of this Conditional Use Permit located at 61 South Preston Street with any conditions Planning Commission feel are necessary based on standards in [KCC 17-30-8](#).

Findings for a recommendation of approval include:

- A. The proposed use is consistent with the [KCC 17-26-4 Major Home Occupation B](#) regulations for Contractors.
- 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 neighborhood as regulated by [KCC 17-26-4 Major Home Occupation B](#) regulations.

PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission
From: Mindi Edstrom, Business License Officer
Date: January 17, 2025

Agenda Item #4: Conditional Use Permit for a Major B Home Occupation Cinnamon Creek Construction located at 676 East Center Street for Kurt Fashimpaur

Meeting Date	January 23, 2025
Application Type	Conditional Use Permit
Applicant Owner	Kurt Fashimpaur Cinnamon Creek Construction
Address Parcel ID Number	676 East Center Street 11-115-0109
Lot Size	0.34 14,810.4 ft ²
Current Use Zone	Single Family Dwelling R-1-8
Conditional Use	Major B Home Occupation

1. BACKGROUND

Kurt Fashimpaur is the owner Cinnamon Creek Construction located at 676 East Center Street. Cinnamon Creek is a small construction company that does City, State, and Federal work. Mr. Fashimpaur came before Planning Commission May 20, 2022 for this same business but has since moved and is seeking a CUP for his new home. The original staff report for 849 East Westbrook Road is attached with the packet.



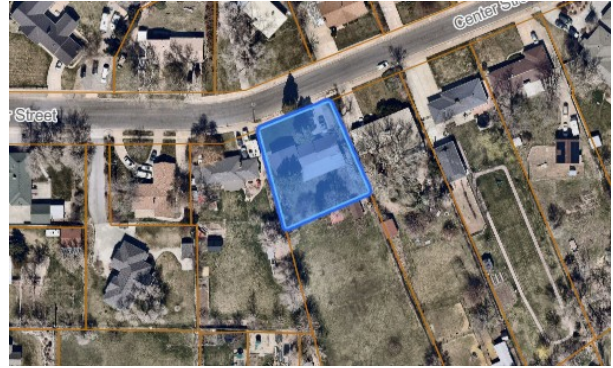
Mr. Fashimpaur stores two trucks and three trailers in his 1-acre backyard. When he is busy there will only be one truck and two flatbed trailers in the backyard. Mr. Fashimpaur has 5 employees and on a rare occasion they will come by the home to pick up tools out of the shed but will come between 7:00-7:30 am. In this year he would like to put up a fence as well as build a shed and has been working with an architect and the City's Building Official. Cinnamon Creek Construction as per [KCC 17-26-4 Major Home Occupation B](#) is required to have a Conditional Use Permit and Mr. Fashimpaur is compliant with the Department of Commerce as well as the Department of Professional Licensing.

PUBLIC NOTICING AND PUBLIC COMMENT

A sign was placed on the property on Friday, January 17, 2025.

2. RECOMMENDATION

Staff is recommending approval of this Conditional Use Permit located at 676 East Center Street with any conditions Planning Commission feel are necessary based on standards in [KCC 17-30-8](#).



Findings for a recommendation of approval include:

- A. The proposed use is consistent with the [KCC 17-26-4 Major Home Occupation B](#) regulations for Contractors.
- 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 neighborhood as regulated by [KCC 17-26-4 Major Home Occupation B](#) regulations.

PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission

From: Mindi Edstrom

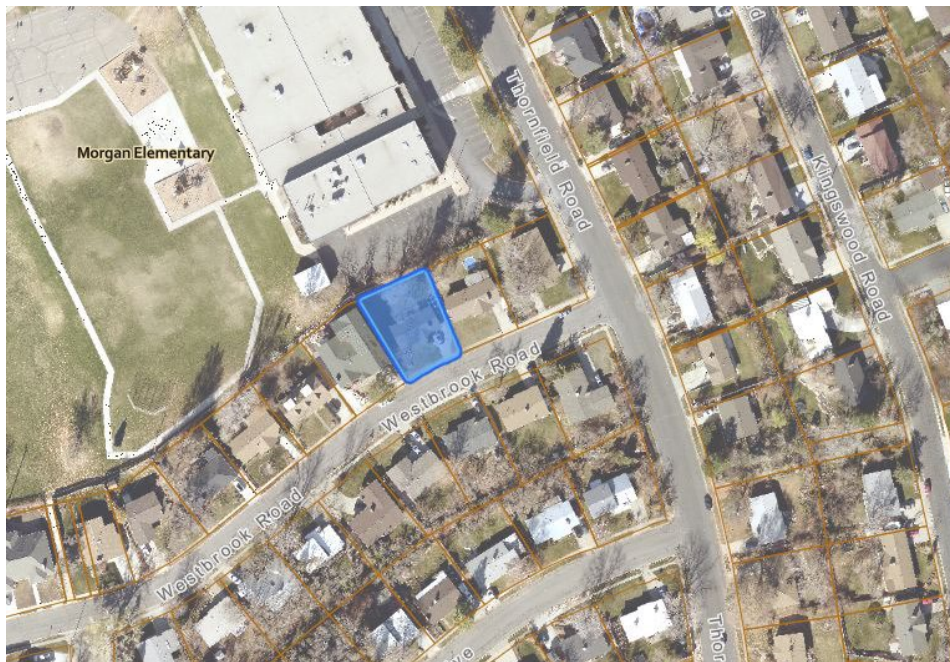
Date: May 26, 2022

Agenda Item 2: Conditional Use Permit for Kurt Fashimpaur for Cinnamon Creek Construction LLC at 849 East Westbrook Road for a Major Home Occupation B

Meeting Date	May 26, 2022
Application Type	Conditional Use Permit
Applicant Owner	Cinnamon Creek Construction Kurt Fashimpaur
Address Parcel ID Number	849 East Westbrook Road 110440326
Lot Size	0.20 acres 8,712 ft ²
Current Use	Single Family Dwelling
Conditional Use	Major B Home Occupation Business

1. BACKGROUND

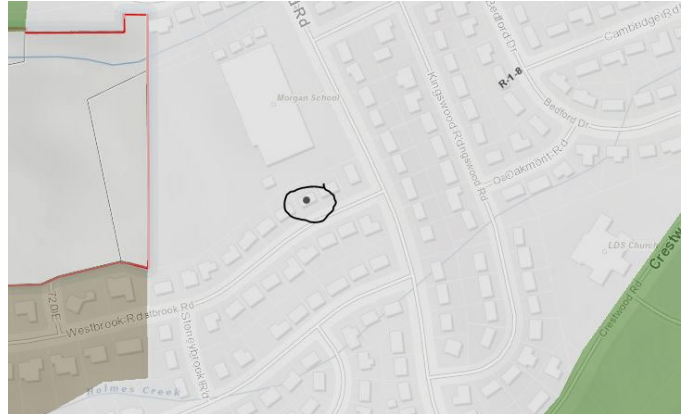
Kurt Fashimpaur is the owner of Cinnamon Creek Construction. Mr. Fashimpaur is wanting to do a Major B Home Occupation at 849 East Westbrook Road. Mr. Fashimpaur is a General Contractor doing State and Federal work. His home would only be used as a home office and no equipment or supplies would be stored at the home.



2. SURROUNDING LAND USE AND ZONING:

The home of Mr. Fashimpaur is in an R-1-8 zone.

- **Adjacent** – R-1-8
- **North** – R-8
- **South** – R-1-8
- **East** – R-1-8
- **West** – R-1-8



3. ZONING

The stated purpose of the R-1-8 zone is: To provide for areas in appropriate locations where quiet, low-density residential neighborhoods may be established, maintained, and protected. The regulations of this district are designed to promote and encourage a suitable environment for families, most of whom will have children.

4. PUBLIC NOTICING AND PUBLIC COMMENT

A sign was placed on the property on May 20, 2022.

5. RECOMMENDATION

Staff is recommending approval of Conditional Use Permit for the Major B Home Occupation at 849 East Westbrook Road for Mr. Fashimpaur.

PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission
From: Mindi Edstrom, Business License Officer
Date: January 17, 2025

Agenda Item #5: Conditional Use Permit for a Major B Home Occupation for K&R Coatings located at 382 Wellington Drive for Kyle Curb

Meeting Date	January 23, 2025
Application Type	Conditional Use Permit
Applicant Owner	Kyle Curb K & R Coatings
Address Parcel ID Number	382 South Wellington Drive 08-325-0248
Lot Size	0.3 13,068 ft ²
Current Use Zone	Single Family Dwelling R-A
Conditional Use	Major B Home Occupation

1. BACKGROUND

Mr. Kyle Curb is the owner of K & R Coatings located at 382 South Wellington Drive which is zoned R-A. Mr. Curb is a General Contractor and by our [KCC 17-26-4 Major Home Occupation B](#) is required to have a Conditional Use Permit. The property will not serve as a base of operations for employees or equipment storage. Instead, the home will be used as an office for administrative tasks. The coating services are performed exclusively at the client properties. There will be no business-related customer visits, employee gatherings or equipment delivered to the property.

This use will have no impact on the residential character of the neighborhood as the business will be conducted off site.



2. PUBLIC NOTICING AND PUBLIC COMMENT

A sign was placed on the property on Friday, January 17, 2025.

3. RECOMMENDATION

Staff is recommending approval of this Conditional Use Permit located at 382 South Wellington Drive with any conditions Planning Commission feel are necessary based on standards in [KCC 17-30-8](#).

Findings for a recommendation of approval include:

- A. The proposed use is consistent with the [KCC 17-26-4 Major Home Occupation B](#) regulations for Contractors.
- 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 neighborhood as regulated by [KCC 17-26-4 Major Home Occupation B](#) regulations.

**Kaysville City Planning Commission Meeting Minutes
December 12, 2024**

The Planning Commission meeting was held on Thursday, December 12, 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 Megan Sevy, Paul Allred, Debora Shepard, Erin Young, and Katie Ellis

Planning Commissioners Absent: Commissioner Sommerkorn

Staff Present: Melinda Greenwood, Anne McNamara and Mindi Edstrom

Public Attendees: City Councilmember Abbi Hunt and Jason Largey

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- CONSIDERATION OF AMENDING TITLE 17-2 DEFINITIONS, 17- 19-4 GENERAL COMMERCIAL CONDITIONAL USES, 17-20-4 CENTRAL COMMERCIAL CONDITIONAL USES, 17-21-4 LIGHT INDUSTRIAL CONDITIONAL USES, AND 17-22-4 PUBLIC USES CONDITIONAL USES

Anne McNamara proposed a text amendment aimed at addressing a lack of clarity identified by city staff during the processing of a Conditional Use Application for a local church in the Light Industrial Zone. The amendment seeks to expand the allowable zones for religious uses to include non-residential areas. This change is intended to align the city's zoning code with the Religious Land Use and Institutionalized Persons Act (RLUIPA), ensuring compliance while reducing potential barriers for future applicants.

Melinda Greenwood provided additional context on the proposed text amendment recounting that earlier in the year, a situation arose where a religious use application was initially denied due to zoning restrictions. This led staff to re-examine the applicability of RLUIPA.

Upon review, it was determined that the city's current zoning laws could unintentionally limit religious uses. Ms. Greenwood highlighted that under RLUIPA, if a zone permits congregations for activities like theater performances, it must also allow religious gatherings such as sermons. In Kaysville, the ordinance language is not discriminatory but as the regulation is applied, it limits opportunities for religious uses as they are currently restricted to residential zones. As a result, there was effectively no available land for churches in Kaysville, constituting a form of "default discrimination."

Following discussions with legal counsel, it was decided the most effective solution was to revise the ordinances to allow religious uses in commercial zones. This amendment aims to eliminate potential legal challenges and ensure compliance with RLUIPA moving forward.

Commissioner Ellis expressed her agreement with the overall intent of the proposed text amendment. However, she noted that some of the language in the amendment was confusing. Specifically, she pointed out inconsistencies between the examples listed in the definition of "public or quasi-public use" and those provided in the conditional use sections.

Commissioner Ellis suggested restructuring the definition of "public or quasi-public use" to make it easier to follow. She recommended breaking the definition into distinct categories, such as uses operated exclusively by a public body or by private nonprofit entities. Commissioner Ellis also questioned the necessity of including specific examples in the conditional use sections, as they were already addressed in the definition. She proposed simplifying the language to focus on public or quasi-public buildings of the religious type without additional examples.

Commissioner Allred raised concerns about the inclusion and exclusion of certain uses in the definition, particularly in relation to private schools, recreational facilities, and other uses not explicitly addressed in the definition. He sought clarification on whether these uses were intended to be permitted, excluded, or regulated differently. Ms. Greenwood explained that charter and public schools are governed by state code and cannot be regulated by local zoning, while private schools presented a more complex issue due to limited definitions in the city's code. The Commission discussed whether private schools would fall under quasi-public institutions or require a separate definition.

The discussion shifted to clarify the intended scope of the proposed text amendment. It was noted that the primary goal was to add religious uses as a conditional use specifically in the Light Industrial (LI), Central Commercial (CC), and General Commercial (GC) zones. There was no intention to expand this allowance to other zones, as churches are already permitted as a conditional use in Residential (R) zones.

The Commission reviewed the proposed text amendment further, focusing on refining its language and structure to ensure clarity and consistency. Ms. Greenwood reiterated that the amendment's primary intent is to add religious uses as a conditional use in the LI, CC, GC and Public Use (PU) zones. Ms. Greenwood proposed revising the ordinance to standardize the language across all relevant code sections and ensure that religious uses were explicitly allowed in the targeted zones without overcomplicating the text.

Commissioner Ellis suggested a restructuring of the definition for "public or quasi-public use" to improve readability. She recommended introducing subcategories (e.g., A and B) under a main category of "A use operated," eliminating repetitive language. Commissioner Ellis also pointed out minor formatting issues, such as the use of semicolons, that could streamline the text for easier interpretation.

Chair Packer and other Commissioners expressed agreement with these revisions, noting that the updated wording was cleaner and less prone to misinterpretation. The group agreed that bullet points or subsections might be a helpful approach, even if inconsistent with existing formatting.

The Commissioners concluded the discussion by confirming that the next step would be to finalize the recommended changes and forward the amendment to the City Council for consideration.

Commissioner Shepard made a motion to recommend approval of the proposed text amendment to the City Council. Commissioner Elis seconded the motion and the vote was unanimous in favor of the motion (6-0).

Commissioner Ellis: Yay
Commissioner Young: Yay
Commissioner Sevy: Yay
Commissioner Allred: Yay
Commissioner Shepard: Yay
Commissioner Packer: Yay

4- CONSIDERATION OF A TEXT AMENDMENT FOR TITLE 17-33 SIGN REGULATIONS

Anne McNamara provided an overview of a proposed text amendment with two primary components related to signage regulations. The first part involved a change to Table 17-33-9 of the city code, which defines permissible signs by zone. The amendment would allow electronic message center (EMC) signs in Public Use zones, ensuring compliance for existing EMC signs in those zones and resolving current nonconformities.

The second part of the amendment addressed the inclusion of feather signs in the code. It proposed adding a definition for feather signs to Title 17-33-4 and establishing regulations for their size and placement. Visual examples of feather signs were presented to aid understanding. The motivation for this addition stemmed from frequent inquiries from business owners about the city's regulations for such signs. By codifying these regulations, the amendment aims to provide clarity and streamline guidance for businesses operating within the city.

Commissioner Allred inquired if the feather signs are already allowed in the city on a permanent basis.

Ms. McNamara explained that feather signs are not currently mentioned or classified under the city's sign code, which prompted the need for the proposed amendment. She noted that the issue arose after a specific inquiry about these signs, leading to discussions with staff, including Ms. Greenwood. They determined that trying to classify feather signs under existing categories, such as banner signs, would be a stretch. Instead, they proposed adding a separate definition for these signs to the code.

Ms. McNamara also mentioned that feather signs are referred to by various names, such as flutter flags, depending on regional context. The proposed amendment includes a definition and proposed regulations for feather signs, addressing their size, location, and use to provide clear guidance. This would ensure consistency in handling inquiries and establishing a standard for their use within the city. Commissioner Allred clarified that while the city currently has no policy for these signs, the amendment includes both the definition and proposed usage policy.

Commissioner Allred expressed strong opposition to feather signs, describing them as temporary, potentially unsightly, and prone to overuse. Drawing from his experience in other communities, he shared concerns that these signs, if permitted without strict limitations, could lead to a proliferation that diminishes the city's aesthetic appeal. He suggested allowing feather signs only for limited periods, such as grand openings, to mitigate their impact.

Ms. McNamara acknowledged that many municipalities ban feather signs outright or limit their use to temporary purposes. She noted that while drafting the amendment, she and Ms. Greenwood hesitated to propose a complete ban, opting instead to provide a definition and initial guidelines. Ms. Greenwood agreed that enforcement capacity was a challenge, highlighting the impracticality of dedicating significant resources to regulating signs. She suggested that the commission could propose a ban, temporary allowances, or other solutions.

Returning to electronic message center (EMC) signs, Commissioner Allred supported adding these to the Public Use Zone to address existing nonconformities. However, he cautioned against unintended consequences, such as commercial businesses demanding similar allowances, potentially leading to a proliferation of scrolling, illuminated signage. This, he argued, could compromise the city's charm and aesthetic. He emphasized the importance of balancing public communication needs with maintaining the city's character.

Commissioner Allred recommended allowing feather signs for a 45-day period for grand openings and an additional 30 days annually for other businesses, with flexibility on how those days could be allocated. He emphasized the importance of limiting the duration and condition of such signs to prevent long-term unsightly displays.

Commissioner Young like the idea of allowing the signs but with a time frame to remove them.

The Planning Commission discussed the regulation of feather signs and electronic message center (EMC) signs, with differing opinions on how to address each issue. For feather signs, Commissioner Allred voiced strong opposition to allowing them permanently, arguing that they could degrade the city's appearance and create enforcement challenges. He suggested they should only be allowed temporarily for events like grand openings, adding that prohibiting them entirely would be the simplest approach. Ms. Greenwood clarified that feather signs are not currently defined or permitted in the city code, making them technically prohibited. She expressed concerns about the city's capacity to enforce the removal of noncompliant signs but proposed adding regulations to ensure such signs are kept in good condition and limiting their use to temporary scenarios.

Commissioner Young supported the idea of allowing feather signs for temporary use, particularly to aid new businesses, but acknowledged that the administrative burden of enforcement could make this unfeasible. Both Ms. Greenwood and Ms. McNamara shared professional insights, noting their general dislike for feather signs but expressing a willingness to explore regulatory options.

For EMC signs, Ms. Greenwood highlighted the need to address their use in public zones to bring existing signs into compliance and allow for new projects, such as the sign for Barns Park. She acknowledged the lack of current standards for brightness and other technical details, suggesting these be addressed in future amendments.

Commissioner Allred supported allowing EMC signs in Public Use Zones for their utility in public communication, such as advertising community events, but cautioned against overuse. He warned that if commercial businesses were permitted similar allowances, the city could face a cluttered and unappealing visual environment.

The Commission discussed potential paths forward, including prohibiting feather signs outright and enforcing their removal, allowing them for temporary uses with strict limitations, or focusing on approving EMC signs in public zones while deferring more detailed regulations.

Ms. Greenwood encouraged commissioners to share further input to determine the best course of action for both sign types.

Commissioner Shepard expressed her perspective as a business owner, emphasizing the challenges of starting a business and the importance of early financial returns. She advocated for allowing temporary signs, such as feather signs, for limited durations—60 to 90 days for new businesses and 30 to 45 days for special promotions. However, she noted the negative impact of poorly maintained signs left up for extended periods, which she felt were not beneficial for businesses or the city's appearance.

Ms. McNamara highlighted an existing provision in the city code, section 17-33-7, requiring all signs to be maintained in safe and presentable conditions, including replacing defective parts and repainting. However, she acknowledged the challenge of enforcing this provision.

Commissioner Ellis supported a temporary sign compromise and suggested looking at Holladay City's code for ideas, particularly their temporary sign definitions and time limits. She also cautioned against including content-based regulations in the code, referencing legal precedents such as *Reed v. Town of Gilbert*.

Commissioner Shepard proposed separating the approval process for electronic message center (EMC) signs from the feather sign issue, suggesting that the EMC regulations move forward while the feather sign provisions are revisited.

Chair Packer agreed, noting the importance of progressing on the EMC signs while allowing more time to refine the feather sign regulations.

Ms. Greenwood summarized the discussion, suggesting the Commission make a motion to recommend adding EMC signs in Public Use Zones to the code and directing staff to rework and bring back feather sign provisions for future consideration. She noted that several Commissioners appeared to support allowing temporary feather signs with clear limitations rather than an outright ban. The Commission appeared to favor additional work on feather sign regulations to create a more balanced and thoughtful proposal.

Chair Packer said that before we have a motion there needs to be a public hearing. Staff then realized the previous agenda item required a public hearing which didn't take place. Ms. Greenwood recommended they finish the current agenda item and then go back to hold a public hearing on the previous item.

Chair Packer opened the public hearing and no comments were received so the public hearing was closed.

Commissioner Allred made the motion to approve section 17-33-9, signs permitted by zone, and recommend approval to the City Council as proposed.

Ms. Greenwood clarified that the motion was just for approval of the EMC sign in the PU zone.

Commissioner Allred said his motion was for the EMC signs and was withholding recommendation on the feather sign portion.

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

Commissioner Packer: Yay

Commissioner Ellis: Yay

Commissioner Young: Yay

Commissioner Sevy: Yay

Commissioner Allred: Yay

Commissioner Shepard: Yay

Commissioner Allred asked if he needed to make a motion on the other portion of the text amendment.

Ms. Greenwood said that the direction from the Commission is clear however, there can be a motion to bring back the other portion of the amendment.

Commissioner Allred made a motion to continue the discussion on 17-33-4 based on the Planning Commissioners discussion regarding time and place restrictions on the feather sign

portion of the proposed change to the ordinance and Commissioner Young seconded the motion

Chair Packer asked for a group vote and the vote was unanimous in favor of the motion.

Commissioner Packer: Yay

Commissioner Ellis: Yay

Commissioner Young: Yay

Commissioner Sevy: Yay

Commissioner Allred: Yay

Commissioner Shepard: Yay

Chair Packer returned to item number three to hold the public hearing that was overlooked and opened the Public Hearing.

Jason Largey expressed concerns about the revised definition and its potential implications. Drawing from his experience in federal government contracts, he questioned the necessity of altering the original definition and pointed out the risks of grouping certain categories—such as nonprofit, educational, recreational, cultural, and charitable organizations—together under a single classification. He argued that separating these categories individually would avoid legal ambiguities and ensure clarity in the code. He also emphasized the importance of clear formatting to prevent misinterpretation, particularly in sections referencing conditional uses.

Mr. Largey further elaborated on his apprehension regarding conditional uses, noting that these have increasingly been treated as permitted uses. He highlighted the challenges in regulating them due to court rulings, which often limit a city's ability to impose conditions unless they are explicitly stated in the code. He suggested revisiting and refining the list of conditional uses to ensure they align with the city's intentions and mitigate potential legal issues.

Commissioner Allred responded by acknowledging the complexities surrounding conditional uses. He explained that courts generally view conditional uses as permitted uses with mitigating conditions, which cities must list explicitly in their codes. Failure to include detailed mitigating conditions often leads to legal vulnerabilities. Commissioner Allred provided examples of conditions, such as hours of operation or noise regulations for auto shops that must be codified to be enforceable. He also noted the difficulty of applying conditions consistently across all users within a zone, as required by law.

Chair Packer closed the public hearing and asked if the Commissioners wanted to revisit agenda item three.

Ms. Greenwood suggested consulting the City Attorney, Nic Mills, to ensure the revised definition for religious uses was clear and legally sound before it reached the City Council agenda. She expressed confidence in the current separation of religious uses within the new language and saw no issue with its zoning determination.

Commissioner Ellis, however, cautioned that courts can interpret conditional uses unpredictably, acknowledging the validity of concerns raised about potential ambiguity.

Commissioner Allred highlighted the need for clarity around the term "quasi-public" in the city's definitions, explaining that religious buildings are often considered quasi-public in other municipal codes. He recommended either striking the term from the text or ensuring it was not conflated with religious uses. He also emphasized that the inconsistent placement of "quasi-public" alongside "public body" and "religious uses" might create confusion unless explicitly defined in the code.

Chair Packer referenced the possibility of a quasi-public agency definition existing elsewhere in the code, but Commissioner Allred cautioned that terms like this could blur distinctions between public, private, and religious entities.

Ms. Greenwood reviewed the current and proposed definitions, noting the changes in red and green text, and acknowledged the challenges in ensuring clarity.

Commissioner Ellis suggested revisiting the previous definition, questioning whether the proposed revisions provided any significant improvement.

Ms. Greenwood proposed collaborating with the City Attorney to refine the wording and ensure legal and functional clarity. Ms. Greenwood also checked the city's bylaws and found no specific guidance, noting that they referred back to *Robert's Rules of Order*, which allows for reconsidering decisions during the same meeting. Ultimately, the group concluded that more time and legal input were needed to finalize the definition, prioritizing clarity and consistency in the zoning code.

The Commissioners discussed the procedural steps necessary to address concerns over the previous decision due to the lack of a public hearing. Ms. Greenwood referenced the Commission's bylaws, which state that decisions are final after a vote and the completion of the relevant agenda item. However, she noted that because the proper procedure (i.e., holding a public hearing) was not followed initially, the item could be revisited. Ms. Greenwood emphasized the importance of correcting the process to avoid potential appeals or legal issues.

Commissioners Ellis and Shepard confirmed that, per *Robert's Rules of Order*, the Commission could reconsider the previous motion if the individual who made the initial motion agreed.

Ms. Greenwood clarified that the initial motion could effectively be treated as null due to the procedural error. To correct the issue, the Commission could make a motion to reconsider the earlier decision, proceed as though the original vote had not occurred, and revote following the proper process.

Commissioners Ellis and Shepard supported this approach, with Commissioner Shepard suggesting the revised motion should recommend revisiting the item once the verbiage had been appropriately revised.

Commissioner Ellis proposed returning to the original definition of terms rather than adopting the revised language.

Ms. Greenwood outlined a two-step process:

1. A motion to reconsider the previous motion, supported by a second and a vote.
2. A new motion, which could replicate the original motion but now reflects the conclusion of the public hearing process.

This approach would ensure procedural compliance and resolve any concerns about the initial decision-making process. The Commissioners expressed agreement on the necessity of this course of action.

The Commissioners discussed the definition of public and quasi-public uses in the zoning code.

Commissioner Ellis confirmed the motion to reconsider the original motion, which Commissioner Shepard made and was seconded, passing unanimously.

The discussion then focused on whether to revert to the original definition. Commissioner Ellis and Commissioner Shepard, and other commissioners expressed support for the original language, believing it was simpler, clearer, and sufficiently inclusive of religious uses, which was the intent of the revision.

Commissioner Allred pointed out inconsistencies in the proposed structure, where public and quasi-public uses were sometimes grouped together and sometimes separated. He recommended clearer delineation by defining public uses (e.g., parks, schools) in one section and quasi-public uses (e.g., churches, private nonprofits) in another.

Chair Packer raised the concern that while quasi-public uses were included, the term "quasi-public entity" lacked a definition, which could cause confusion. Despite this, Commissioner Ellis and Commissioner Shepard emphasized their preference for the original definition, arguing it was straightforward and included religious uses, which they felt captured the intent.

The Commissioners agreed to recommend the original definition to the City Council, with the understanding that legal counsel could further refine the language if necessary. Ultimately, the Commissioners decided that the original definition, which described uses that primarily serve the public, was sufficient for their purposes.

Commissioner Allred made a motion to not send a positive recommendation on the proposed language due to inconsistencies in how the language applied to public versus quasi-public uses

and its overall structure. He stated the language needed further work before being moved forward to the City Council.

Chair Packer, however, disagreed with the motion, arguing that the real issue lay with the definition, and he felt they should continue including the conditional use in other sections while working on refining the definition.

Motion was seconded by Commissioner Ellis.

Ms. Greenwood sought clarification from Commissioner Allred, asking if the motion meant recommending denial, and Commissioner Allred confirmed it was a motion to deny the language as proposed.

After further discussion, Commissioner Ellis withdrew her second, agreeing with the concerns raised, and suggested that the recommendation be made for staff to work with legal counsel to refine the language before bringing it to the city council.

Commissioner Allred accepted the amendment to his motion to deny, with the added direction for staff to collaborate with legal counsel on the language revision.

Commissioner Ellis suggested that the Commission could rely on the City Attorney and City Council to resolve the issue without bringing the matter back to the Planning Commission.

Chair Packer proposed a motion to include the text amendments for the other sections while keeping the original definition, with the understanding that it could be revised later if necessary.

Ms. Greenwood clarified that there was no second to the previous motion, so a new motion could be made.

Commissioner Shepard agreed with Chair Packer and Commissioner Ellis, suggesting a motion to recommend the City Council approve the text amendments for conditional uses and review the definition with legal counsel.

Ms. Greenwood then confirmed that the motion would involve recommending approval of the changes, with the understanding that the definition would be reviewed and potentially modified by legal counsel before being forwarded to the City Council.

Chair Packer asked for second to the motion but expressed discomfort with the idea of leaving the decision too open-ended, as it could lead to ambiguity. He preferred a more concrete motion, either supporting the new or the original definition.

Commissioner Ellis disagreed, stating that a strong recommendation could still be made to keep the original definition, with legal counsel reviewing it further before submission to the City Council.

Ms. Greenwood added that there was no rush and that staff could work on the language further before bringing it back to the commission if necessary.

Commissioner Allred voiced his preference for a more definitive approach, saying he would rather not send something forward to the City Council with uncertainty. He suggested continuing the item, allowing staff to address concerns and return with a more refined proposal.

The vote was 5-1 not in favor of the motion so the motion failed.

Commissioner Packer: Nay
Commissioner Ellis: Yay
Commissioner Young: Nay
Commissioner Sevy: Nay
Commissioner Allred: Nay
Commissioner Shepard: Nay

Commissioner Allred made a motion to continue the discussion on the item given the complexity of the opinions express and the need for a more definitive decision. Commissioner Shepard seconded the motion.

Chair Packer gave the opportunity for comments and supports the motion, noting that while it might take more time, it would provide an opportunity to refine the issue and get it right.

Commissioner Packer: Yay
Commissioner Ellis: Nay
Commissioner Young: Yay
Commissioner Sevy: Yay
Commissioner Allred: Yay
Commissioner Shepard: Yay

Ms. Greenwood clarified that this item would be re-noticed when ready to be brought back.

Chair Packer expressed satisfaction with the progress made, feeling that the time spent had not been wasted.

5- CONSIDERATION OF ENACTING TITLE 17-37 MODERATE INCOME HOUSING OVERLAY

Ms. Greenwood explained the need for a zoning incentive for moderate-income housing as part of the City's Moderate Income Housing Plan. She emphasized the goal of creating a simple and flexible code that would allow developers to bring forward concepts with moderate-income

housing as part of a rezone or within existing zones. The development agreement would ensure the housing meets requirements for affordability, and the incentives would be flexible to accommodate each project and site-specific needs, including utility availability.

As proposed, the code would apply to residential zones and possibly the mixed-use overlay zone. Ms. Greenwood outlined that the city would not track income qualifications for buyers, but developers would be responsible for ensuring homes meet the affordability criteria. She also discussed mechanisms such as deed restrictions, HOA regulations, and land trusts to maintain affordability over time. Developers would be incentivized to provide at least 10% of the units as moderate-income housing, with flexibility in lot sizes, setbacks, and density in exchange for these zoning incentives. The goal is to have a simple, flexible zoning tool that would not over-regulate, ensuring developers could bring moderate-income housing projects forward while maintaining quality construction standards.

Ms. Greenwood provided an update on a comment from Matt Loveland of Symphony Homes regarding the potential legality of limiting HOA fees for moderate-income housing. Ms. Greenwood mentioned that she had asked the City's legal counsel, Nic Mills, to review the matter, though she didn't foresee any issues with regulating fees, as excessive fees could make housing unaffordable. She pointed out that different groups, like seniors or children, often have different rates for services, which she believes could apply to moderate-income housing as well. Ms. Greenwood assured the Commissioners that the issue would be addressed before it went to the City Council. She then invited Commissioners to ask questions and discuss the matter further before proceeding with the public hearing.

Commissioner Sevy sought clarification on the HOA fee discussion, asking if the proposal would mean limiting fees specifically for the moderate-income homes within the overlay, effectively giving them a discount compared to their neighbors, particularly due to differences in lot size.

Ms. Greenwood responded that limiting HOA fees could be addressed in a variety of ways, such as basing fees on the size of the lot, the home, or specifying in the development agreement that HOA fees for moderate-income units must be restricted to a certain amount. She suggested an alternative approach where fees could be set as a percentage of the value of the home. Ms. Greenwood emphasized that high HOA fees could undermine the affordability of units intended for moderate-income households, making it crucial to address this issue in developments that include HOAs. She acknowledged that developments without HOAs wouldn't have this concern but noted that many developments typically include them.

The discussion shifted to the relationship between development agreements, HOA fees, and land trusts. Commissioner Sevy asked whether HOA fees would depend on the development agreement and what amenities the HOA offered.

Ms. Greenwood clarified that HOAs are required when roads are privately owned within developments. These fees cover maintenance, such as road and asphalt repairs, which can lead to unexpected assessments if underfunded.

Commissioner Sevy expressed concern about potential inequities in HOA fee distribution based on lot sizes or amenities, while Ms. Greenwood pointed out that many developments, such as Daybreak, already feature varying HOA fees depending on home types.

Ms. Greenwood remarked that while some might find these differences unfair, affordability is the primary focus, and potential buyers could choose not to purchase in such communities.

The conversation transitioned to land trusts, with Commissioner Sevy asking for more details.

Ms. Greenwood explained that land trusts involve separating land ownership from home ownership, often with land held by a trust for a specified duration, such as 100 years. This reduces housing costs by removing land costs from the equation. Land trusts could be managed by developers or governments, utilizing unused public land. While Ms. Greenwood noted limited use of land trusts in Utah—citing Moab as an example—she expressed skepticism about developers willingly adopting the model, given the financial implications. However, she acknowledged its potential as an affordability tool, though further education and adaptation would be necessary.

Commissioner Young shared her support for the diversity introduced by these initiatives, stating that while it wasn't a question, she viewed the ability to encourage diversity in housing projects as a positive step forward.

Chair Packer opened up the Public Hearing.

Jason Largey expressed strong opposition to the city's involvement in moderate-income housing initiatives. He argued that regulating housing based on income without subsidies is unrealistic and incompatible with a capitalist economy. He believes housing prices are dictated by market forces, and any attempt to legislate or enforce income qualifications is impractical.

Mr. Largey raised concerns about the feasibility of maintaining income-based housing designations over time, particularly questioning how income levels would be monitored and enforced for future buyers. He viewed such measures as impractical and burdensome, noting that once an individual's income exceeds the threshold, it would be unreasonable to require them to sell or ensure the next buyer meets the income criteria.

He also criticized the broader concept of moderate-income housing, likening it to socialist or communist principles. Mr. Largey suggested that incentivizing developers to build smaller or differently zoned homes could be a better approach, but reiterated his skepticism about maintaining affordability over time due to market fluctuations.

Additionally, he expressed concerns about how such initiatives could impact existing neighborhoods, citing the potential for higher-density housing developments in areas like his neighborhood, which could alter the character and desirability of those neighborhoods. He said his neighbor was recently approached by a developer who wanted to put town homes in and

directly attributed that to the City's efforts to create a Community Reinvestment Area near his property, highlighting worries about developers buying lots and changing the community's structure.

While acknowledging that the city may be required by the State to draft such plans, Mr. Largey underscored his belief that they are flawed and could harm existing residents who have invested in their homes and chosen their locations for specific reasons. He concluded by reiterating his view that without subsidies, moderate-income housing policies are unlikely to achieve their goals or persist in the long term.

Chair Packer closed the public hearing and initiated a discussion among the Planning Commission members. He acknowledged that moderate-income housing is a "moving target" with many changing variables. He expressed uncertainty about finding a perfect or permanent solution but commended the effort and work that had gone into the plan thus far. Chair Packer noted the importance of adhering to state requirements while exploring plans, incentives, and ideas.

Commissioner Young added that the goal seemed to be providing flexibility in housing options, such as varying housing types and lot sizes, to create opportunities for moderate-income housing. She suggested that this approach might help meet the state's objectives without rigidly tying the initiative to specific income levels. However, she expressed some uncertainty about whether the state's requirements necessitate more specificity related to income or if broader flexibility would suffice.

Commissioner Shepard asked if this was specific to new developments.

Ms. Greenwood clarified that the state mandates zoning incentives for moderate-income housing in new developments, though the current code could theoretically apply to existing developments. However, implementing it in existing neighborhoods would be challenging, particularly when dealing with multiple property owners. She noted the possibility of individuals proposing overlay zones for their properties, such as adding homes on a half-acre lot, but emphasized that the city council retains legislative discretion to approve or deny such proposals.

Ms. Greenwood expressed skepticism about the feasibility of creating genuinely affordable housing under these mandates, citing examples such as Weber County's project by Nielsen Homes, which reduces costs by offering small, detached homes with no garages or finished basements. Despite these efforts, achieving affordability at 80% of the area median income remains a significant challenge.

Ms. Greenwood explained that the proposed ordinance is primarily designed to meet state requirements and provide flexibility to evaluate projects as they arise, rather than crafting an overly complex or restrictive regulation. Ms. Greenwood acknowledged the difficulty of

incentivizing developers to pursue moderate-income housing, as developers often leverage the topic for other purposes but rarely express genuine interest in such projects.

While acknowledging the ordinance's imperfections, she described it as a practical first attempt to address state directives without imposing excessive costs or regulations. She also suggested a timeline for moving the proposal forward, with the option to amend the General Plan's timeline if more time is needed.

Chair Packer shared his perspective on the proposed ordinance, highlighting its ability to meet state compliance requirements while providing flexibility and maintaining high standards. He appreciated that the ordinance allows for adjustments within existing zoning without opening the door to significant, potentially disruptive changes. He emphasized the importance of Council oversight, noting that proposals must be well-developed to gain approval, and community voices would remain influential in the process.

Chair Packer expressed skepticism about developers' willingness to pursue moderate-income housing projects, as they often prefer straightforward projects with fewer hurdles. However, he felt that this reluctance should not deter the city from adopting the ordinance. He acknowledged that while the ordinance may not solve all issues, it represents a strong initial effort and a step in the right direction.

Ms. Greenwood provided feedback on concerns raised, including suggestions for potential amendments to the proposed ordinance. She acknowledged a suggestion to establish a maximum percentage for density increases, agreeing it could be feasible to include such a provision. Additionally, she addressed the possibility of explicitly listing housing types eligible for moderate-income designation, such as single-family detached homes, duplexes, triplexes, four-plexes, townhomes, apartments, and condos. While noting that housing types are inherently tied to the zoning in which overlays are applied, she expressed support for specifying these options in the ordinance for clarity.

She also discussed the absence of a minimum size requirement for overlay zones, confirming that individual lots could apply for overlays and potentially build structures like four-plexes. She explained that decisions would ultimately rest with the City Council, which would assess whether proposals align with the community's goals and merit approval. Finally, she touched on opportunities for larger lots, noting their potential suitability for moderate-income housing under the proposed framework.

Commissioner Shepard asked if you were doing a four-plex would it have to be in an R-4 zone?

Ms. Greenwood said that the way it was written there is flexibility and reminded the Commissioners that would be an overlay to an existing zone. She explained that rezoning applications would follow standard procedures, including notifying properties within a 500-foot radius at least 10 days before meetings and posting information on multiple platforms. This

ensures that any proposed rezones, such as overlays for moderate-income housing, would not come as a surprise to neighbors.

Addressing concerns about minimum size requirements, Ms. Greenwood noted that while the ordinance allows overlays on single lots, smaller-scale developments might not yield significant benefits. She suggested that these smaller applications would still need to meet all requirements, such as development agreements and deed restrictions, to ensure they align with moderate-income housing goals.

Finally, Ms. Greenwood responded to comments about applying overlays in commercial zones. She clarified that mixed-use overlays can already apply to commercial and light industrial areas, but she recommended not expanding this particular overlay to commercial zones. She highlighted the city's limited commercial space and the importance of preserving it. Ms. Greenwood expressed openness to considering moderate-income housing as part of mixed-use projects in commercial zones, but she cautioned against broadly converting commercial land to residential uses.

Commissioner Shepard inquired about the next steps, and Ms. Greenwood explained that if the Planning Commission provides a recommendation for approval, the proposal will be added to the City Council's agenda for their meeting on the 19th of December, with the goal of meeting the state's moderate-income housing requirements. If the recommendation is not ready, the City would need to amend the timeline outlined in the City's General Plan, which the state requires for compliance.

Chair Packer expressed support for moving the proposal forward, highlighting that further refinement could delay progress due to an ever-changing landscape. He felt the current proposal provides a broad enough framework and that the necessary checks and balances are in place to prevent undesirable outcomes.

Commissioner Sevy asked for clarification on the recommendation, and Ms. Greenwood confirmed that it would be for approval to enact the ordinance, with the intention to begin implementing the framework. She acknowledged that, while writing code is complex and could have flaws that only emerge when processing applications, she believed the ordinance provides sufficient flexibility without introducing major risks.

Commissioner Ellis made the motion to recommend Title 17-37 Moderate Income Housing Overlay to the City Council. Commissioner Allred seconded the motion.

Chair Packer asked if any discussion on the motion was needed.

Commissioner Sevy asked for clarification on the ordinance's flexibility.

Ms. Greenwood explained that the ordinance, as written, does not limit the overlay to new developments, meaning it could apply to existing developments as well. The overlay essentially

acts as a rezone, applying a different set of standards to the existing zone, such as flexibility with lot sizes and setbacks. The public process would remain the same, involving a public hearing, notifications, and negotiation of a development agreement.

Commissioner Sevy expressed that this was a tough decision for her, as she saw both sides of the issue.

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

Commissioner Packer: Yay

Commissioner Ellis: Yay

Commissioner Young: Yay

Commissioner Sevy: Yay

Commissioner Allred: Yay

Commissioner Shepard: Yay

6- PUBLIC HEARING FOR ENACTING TITLE 17-36 MASTER PLANNED COMMUNITY

This item was postponed for another meeting.

7- APPROVAL OF THE MINUTES FROM THE NOVEMBER 14, 2024 PLANNING COMMISSION MEETING

There were not enough Commissioner's in attendance from the last meeting to vote on the minutes so they will be on the next Planning Commission meeting agenda in January.

8- OTHER MATTERS THAT PROPERLY COME BEFORE THE PLANNING COMMISSION

- Ms. Edstrom gave the Commissioners an update on the 2024 Kaysville GIVES event.
- Ms. Greenwood reminded everyone that this was the final meeting of the year and there would be no meeting on December 26.
- Ms. Greenwood said the alternate Planning Commission interviews had concluded. Paul Toller was recommended for appointment as an alternate, and his swearing-in was scheduled for January 9. Paul has prior experience serving on the West Bountiful City Council, bringing valuable knowledge to the commission.
- Ms. Greenwood said that in January, the Planning Commission would review at least one citizen-led text amendment. This included a proposed amendment to differentiate between miniature horses and regular horses, requiring additional research.
- Ms. Greenwood said that the County Commission approved the interlocal agreement for the CRA on November 19. A public hearing is scheduled for January 2, in compliance with the state's 30-day public notice requirement. FAQs addressing public questions about the CRA will be posted soon. If adopted by the council and Redevelopment Agency, the city will approach the school district for approval of another interlocal agreement.
- Ms. Greenwood said the city received five proposals for the small area plan. A meeting is scheduled with Wasatch Front Regional Council to review and score these proposals. Contracts for the selected consultant will be handled through Wasatch Front, not

requiring further action from the Planning Commission or City Council.

- Ms. Greenwood expressed excitement about the opportunities to revitalize key areas of the city, such as the downtown core and 200 North and Main Street, through the CRA and small area planning.

9- ADJOURNMENT

Commissioner Young motioned to adjourn the meeting at 9:55 pm and it was seconded by Commissioner Shepard.

Kaysville City Planning Commission Meeting Minutes

January 9, 2025

The Planning Commission meeting was held on Thursday, January 9, 2025 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, Megan Sevy, Debora Shepard, and Paul Allred

Planning Commissioners Absent: Commissioners Erin Young

Staff Present: Anne McNamara, Melinda Greenwood and Mindi Edstrom

Public Attendees: City Council Member Abbi Hunt, Scott Johnson, Ben Wilson, Jill Dredge, Gary Carlson, John Whitney, Travis Pugmire, Brenda Pugmire, Tammie Hosman, Audrey Toller, Dan Toller, Stephanie Toller, Carol Johnson, Paul Toller, Mike Brough, Frank Kramer, Astrid Kramer, Jim Wypijewski, Jerry Hintze, Charlie Hunsaker, Chase Hunsaker, Kourosh Haroni, Craig Christianson, Brittany Christianson, Macie West, David Van Orman, Alisha Van Orman, Laurene Starkey, Erin Chesley, Bryan Bell

1- WELCOME AND MEETING ORDER

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

A. Swearing in Planning Commissioner Alternate Paul Toller

Ms. Edstrom swore in Paul Toller as the new Kaysville City Planning Commission Alternate

2- DECLARATION OF CONFLICTS OF INTEREST

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

3- CONDITIONAL USE PERMIT FOR A MAJOR B HOME OCCUPATION FOR WHITNEY GUN WORKS LOCATED AT 244 EAST 1500 SOUTH FOR JOHN WHITNEY

Mindi Edstrom presented a Conditional Use Permit request for a Major B Home Occupation at 244 East 1500 South for John Whitney. The applicant is seeking approval to operate "Whitney Gun Works," a business focused on customizing firearms for customers. The business currently operates through word of mouth but plans to expand to online sales in the future.

A public notice sign was placed on the applicant's property Friday January 3, 2025, and Ms. Edstrom reported receiving two phone inquiries and both questioned what the application was for, however once explained there were no further concerns. Ms. Edstrom clarified that the business will not involve gunsmithing or the manufacturing of firearms but rather the customization of existing firearms. Customer visits to the home will be limited to product pickups.

John Whitney is in the process of obtaining a Federal Firearms License (FFL) and has been coordinating with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) for a required

home inspection. Local law enforcement has been notified and has no objections at this time. Staff recommended approval of the Conditional Use Permit, pending compliance with relevant code section KCC 17-30-8 and any conditions deemed necessary by the Planning Commission. The applicant, John Whitney, was present to answer any questions from the commission.

Chair Packer asked the applicant if there was anything that he would like to add.

John Whitney addressed the Planning Commission, stating that if his business, Whitney Gun Works, grows beyond his current projections, he plans to relocate to a retail location. This move would accommodate an expanded customer base and prevent any significant impact on his home property.

Commissioner Allred inquired about security measures for Whitney Gun Works, particularly concerning ATF requirements and potential neighbor concerns.

John Whitney clarified that the ATF mandates that firearms be stored in a locked and secure area. He explained that he has designated a room in his home as a workshop and storage area, which is secured with a combination deadbolt accessible only to him. Additionally, he mentioned having safes for further security. Mr. Whitney also confirmed that no ammunition would be stored on-site, addressing potential concerns about safety and security in the neighborhood.

Commissioner Allred made a motion to approve the Conditional Use Permit for 244 East 1500 South for Whitney Gun Works and John Whitney with the condition if the city receives any comment from neighbors the applicant would need to come back for review and recommended the Conditional Use Permit based on the findings. The motion was seconded by Commissioner Sommerkorn but raised a question about whether noncompliance cases are typically brought back to the Planning Commission.

Commissioner Allred explained that historically, some controversial cases involving home occupations required further Commission involvement, especially if there were legitimate complaints from neighbors. However, he acknowledged that most issues are now handled internally by staff without the need for further Commission review.

Following this discussion, the motion to approve John Whitney's Conditional Use Permit was amended to clarify that approval would follow the conditions outlined in the staff report. With no further discussion, the Commission proceeded to vote on the motion. The vote was unanimous in favor of the motion (6-0).

Chair Packer - Yay
Commissioner Sommerkorn - Yay
Commissioner Sevy - Yay
Commissioner Ellis - Yay
Commissioner Allred - Yay

4- CONDITIONAL USE PERMIT FOR A TWIN HOME FOR KOUROSH HARONI LOCATED AT 946 EAST 200 NORTH

Anne McNamara presented a Conditional Use Permit application for placing a twin home on a lot zoned R-1-8, where twin homes are a permitted conditional use. She highlighted two key considerations for the Planning Commission.

First, during the staff review, it was noted that the parcel was originally subdivided in 2020 with a City Council-imposed requirement for a pull-through driveway. While such a requirement is atypical for conditional use standards, the applicant is aware of it, and the condition remains part of the subdivision approval.

Second, Ms. McNamara addressed a provision in the city code that mandates a minimum 500-foot distance between duplexes. She clarified that this code does not apply to twin homes, which are distinct from duplexes, making the rule irrelevant to this application.

Ms. McNamara further noted that notification signage was placed on the property on January 3, and staff received several inquiries, including four or five phone calls and a visit on the morning of the meeting. Most questions centered on potential conditions that could be imposed on the project. Despite the concerns raised, staff recommended approval of the permit based on existing standards for twin homes, with any additional conditions the Planning Commission deemed necessary.

Chair Packer asked for clarification on the differences between a duplex and a twin home and if there was a standard definition or ownership.

Ms. Greenwood clarified the distinction between twin homes and duplexes for the Planning Commission. She explained that a duplex is a two-family dwelling designed for independent living on a single lot, whereas a twin home is also a two-family residence, but each unit and its corresponding lot can be owned separately. This means that twin homes require a subdivision to establish the zero-lot line separating the two units, a requirement not applicable to duplexes.

Commissioner Sommerkorn sought confirmation on zoning provisions for twin homes, asking whether an 8,000-square-foot lot in an R-1-8 zone could be split to accommodate a twin home under the conditional use provision. This was affirmed, as the ordinance permits such a subdivision for twin homes within the R-1-8 zone, aligning with the conditional use standards.

Ms. McNamara informed the Planning Commission that the applicant for the twin home conditional use permit was present and available to answer any questions. Mike Packer invited the applicant to address the Commission.

Mr. Kourosh Haroni, the applicant, introduced himself and stated that he was open to answering any questions the Commission might have regarding the application.

Commissioner Sommerkorn addressed Mr. Haroni, referencing the provision set by the City Council in 2020 when the lot was subdivided, which required a pull-through driveway. Commissioner Sommerkorn noted that as part of the conditional use review, one consideration is ensuring safe circulation for vehicles and pedestrians. He asked Mr. Haroni if he had any issues complying with the requirement for a pull-through driveway.

Mr. Haroni answered that he is ok with the pull- through.

Ms. Greenwood clarified the city's intent regarding driveway access for the proposed twin home. She referenced a similar condition in a neighboring lot, where a hammerhead or turnaround driveway was required to ensure vehicles do not back out onto 200 North, particularly at that location. Ms. Greenwood suggested that the applicant could either use a circular driveway or a hammerhead design, as long as the site plan shows sufficient space for safe vehicle circulation. The main goal was to ensure a safe exit from the property without the need for vehicles to back out onto the street.

Commissioner Allred raised two follow-up concerns. First, he asked if the city code has any restrictions on the maximum amount of impervious surface allowed in a yard, particularly regarding the front yard of the proposed twin homes. He sought clarification on whether there would be an issue if a significant portion of the front yard were paved, and it was confirmed that there are no such restrictions in the code.

Second, Commissioner Allred expressed concern about ensuring that vehicles would not block the driveway and prevent safe turning movements, particularly in regard to the pull-through or turnaround driveway. He asked whether a condition would be included to prevent such obstructions, though he did not see this addressed in the staff report.

Mr. Haroni explained how the proposed circular driveway would function, noting that each twin home would have a carport on either side, with ample space for vehicle maneuvering. The frontage is 150 feet, providing sufficient room for backing up and turning. Mr. Haroni clarified that vehicles would pull into the carport area and could back out, with a shared easement allowing for smooth circulation.

Commissioner Allred expressed concerns about ensuring no obstruction in the driveway, emphasizing that both units need to cooperate to ensure free movement. He acknowledged that the circular driveway would require coordination between the two homeowners but appreciated the clarification, confirming that the proposed setup would allow for safe circulation.

Commissioner Sevy questioned whether the carport could handle more than one car.

Mr. Haroni said that the carport should accomodate a big car.

The discussion continued with concerns about parking and driveway space. Commissioner Sevy raised the issue of whether there would be enough space if residents owned more than one car, particularly with the narrow driveway and no on-street parking available.

Mr. Haroni responded that additional parking could be accommodated on the driveway itself.

Commissioner Sommerkorn asked if on-street parking is allowed on 200 North and Ms. Greenwood noted that parking is allowed except during the winter snow ordinance. Ms. Greenwood also addressed the city's limited capacity for parking enforcement, explaining that while there have been requests for increased parking regulations, the Police Department lacks the staff to enforce such rules consistently. She further mentioned that 200 North is slated for reconstruction in the next couple of years, but parking will still be allowed on the street once completed.

Ms. Greenwood acknowledged that with 150 feet of frontage and a 25-foot setback, there should be adequate space for the required parking. Mr. Haroni also confirmed that he planned to make the parking area larger than necessary to ensure comfort for residents and visitors. Additionally, he planned to make the carports spacious enough for more than two vehicles per unit. Ms. Greenwood confirmed that the carport dimensions would be approximately 15 feet by 22 feet, and Mr. Haroni clarified that the building envelope would be 24 feet wide.

Commissioner Sevy asked if a subdivision was required for the twin home with the zero lot line, and Ms. Greenwood confirmed that yes, a subdivision is necessary, according to the city's definition, and must be completed within a year of the conditional use permit being approved.

Commissioner Allred clarified the process, noting that the applicant would need to subdivide the property before the year is up. Mr. Haroni asked if the one-year period starts from the beginning of construction or completion, to which Ms. Greenwood explained that it starts from the approval date of the Conditional Use Permit, meaning he would have until January 9, 2026, to complete the subdivision.

Ms. Greenwood also clarified that the applicant had not installed necessary utilities (such as laterals) during the initial subdivision process. She emphasized that the utilities would need to be installed and approved by staff before the subdivision could be recorded. Additionally, due to upcoming improvements on 200 North, if improvements are not completed prior to the road being repaved, there will be a four-year restriction in place and cutting into a newly paved road will not be allowed.

Mr. Haroni confirmed he had been waiting for the approval to begin utility work.

Ms. Greenwood noted that the subdivision process would require civil drawings created by an engineer, which would need approval from the city's Public Works and Engineering Department.

Chair Packer explained the nature of the Conditional Use Permit process for the public, noting that it is an administrative procedure. He clarified that the Planning Commission's role is to ensure that the application meets the required conditions, and if those conditions are met, the Commission is obligated to grant the permit. Unlike rezones, which involve a broader evaluation of various factors, a Conditional Use Permit simply requires verifying compliance with existing standards. Public comments, including emails, are considered, but the focus remains on whether the proposal fits the required criteria. Chair Packer also mentioned that other agenda items, such as code changes, are forwarded to the City Council for further consideration.

Commissioner Sommerkorn echoed Chair Packer's explanation, emphasizing that under state law and court precedents, conditional uses are almost treated as permitted uses. The Planning Commission can only deny a Conditional Use Permit if an impact arises that cannot be mitigated. Commissioner Sommerkorn highlighted that this property meets the minimum zoning requirements for a twin home and that any property in the same zone could apply for a Conditional Use Permit for a twin home. As the proposal meets the necessary requirements, it is essentially obligated to be approved.

Commissioner Sommerkorn made a motion to approve the Conditional Use Permit for 946 East 200 North for twin homes with the provisions that are noted in the staff report particularly the pull through driveway. Commissioner Ellis seconded the motion and the vote was unanimous in favor of the motion (6-0).

Chair Packer - Yay
Commissioner Sommerkorn - Yay
Commissioner Sevy - Yay
Commissioner Ellis - Yay
Commissioner Allred - Yay
Commissioner Shepard - Yay

5-CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 558 EAST CENTER STREET FOR BENJAMIN WILSON

Anne McNamara presented the Conditional Use Application for farm animals, specifically horses, on a property zoned for residential use. The property, totaling 30,709 ft², exceeds the required 4,000 ft² minimum for such applications. The code requires 10,890 ft² per horse, and this property meets that requirement. Yard and structure regulations for the farm animals will be met. A sign notifying the public was placed on the property, and staff received minimal inquiries, including two phone calls for clarification and one email of support. No additional conditions beyond the farm animal chapter are suggested by staff, who are recommending approval. The applicant is present to answer any questions.

Commissioner Sevy clarified that the lot size mentioned includes the entire property, including the house.

Commissioner Sommerkorn asked the applicant about the types of animals they intend to keep.

Benjamin Wilson, the applicant, confirmed that they have a couple of dogs, a cat, and a few chickens, but their main focus is on the miniature horses. They were hoping to get four miniature horses they brought from Florida, with two currently on the property.

Mr. Wilson mentioned that they have purchased a temporary corral and constructed a dome structure over it to provide protection for the horses from the snow.

Mr. Wilson explained that the temporary shelters they currently have for the horses are situated in a location where the structure would be at least 50 feet away from any neighboring backyards. He mentioned that while they are considering building something more permanent in the future, it is not part of their current plans.

Chair Packer discussed the nature of the meeting, explaining that this was not a public hearing but a conditional use request, which is typically permitted if the conditions are met. He expressed hesitation about allowing public comment during the meeting, as it could set a precedent. He also noted that any concerns raised should have been addressed through staff or email, as conditional uses are often difficult to modify once the conditions are met.

Commissioner Allred commented on the two main concerns people typically have about animals near their property—smell and flies. He pointed out that since the property isn't large, any issues with these would affect the property owner directly, which would encourage them to maintain the property well. He acknowledged the nuisance abatement section in the staff report, which requires the applicant to show how they will manage these concerns. He also noted that cities are generally ill-equipped to handle complaints about odor and flies. He suggested it would be beneficial for the applicant to address these concerns.

Mr. Wilson responded to Commissioner Allred's concern by explaining that when they first moved in, they had fallen behind on mucking the horses due to the chaos of unpacking their new house. However, they have since been consistent about cleaning and getting rid of the manure weekly with the garbage, with the help of their children. For vacations, they plan to hire someone to care for the horses and manage waste, rather than boarding the animals elsewhere, as it's more cost-effective and less stressful for the animals.

Commissioner Allred made a motion that Planning Commission approve the Conditional Use Permit for Ben Wilson to keep farm animals at 558 East Center, based on the findings of "A" and "B" in the staff report. He also included that the applicant provided a written plan on how he will handle 17-23-4-2 as well as compliance of structure distances on the property. Commissioner Shepard seconded the motion and the vote was unanimous in favor of the motion (6-0).

Chair Packer - Yay

Commissioner Sommerkorn - Yay

Commissioner Sevy - Yay
Commissioner Ellis - Yay
Commissioner Allred - Yay
Commissioner Shepard - Yay

6-PUBLIC HEARING TO CONSIDER CHANGES TO TITLE 17-24 FARM ANIMALS AND 17-2 DEFINITIONS

Anne McNamara presented a zoning text amendment proposal initiated by Benjamin Wilson, aiming to add "miniature horses" as a specific category in the farm animal chapter, which currently includes sheep, goats, and llamas. The amendment clarifies existing categories and adds definitions for different sizes of farm animals, including small (e.g., fowl and rabbits), medium (e.g., sheep, goats, llamas, miniature horses), large (e.g., horses, cattle), and swine.

The proposed changes simplify the table of square footage requirements, eliminating confusing lot area specifications. Minor adjustments were also made to yard and structure regulations. The proposal was developed in collaboration with the applicant, who provided research from other cities. Staff recommended approval of the amendment based on the findings presented.

Ms. Greenwood emphasized that the proposed text amendment was a unique and beneficial opportunity for the resident, Ben Wilson, to address a specific issue affecting him. She commended the Wilson family for their cooperation and noted that, while this application stemmed from a code enforcement complaint, it had led to a thoughtful and productive collaboration. Ms. Greenwood further explained that the proposed changes to the zoning text might appear significant but were actually simplifying existing regulations, especially regarding square footage requirements for farm animals. She clarified that the earlier confusion stemmed from unnecessary and inconsistently applied numbers related to lot size, and the intent was to make the code easier for residents and staff to understand. The revisions would remove confusing rows in the table and ensure clarity in how animals are categorized based on lot size.

Chair Packer asked the applicant if he had anything he would like to add.

The applicant, Benjamin Wilson reiterated that the primary motivation for the proposed zoning change was the disproportionate classification of miniature horses, which are similar in size, weight, and waste production to smaller animals like sheep, goats, and llamas, yet currently grouped with much larger animals like full-sized horses and cattle. He emphasized that the change would better align the regulations with the characteristics of miniature horses, making them more comparable to smaller farm animals. Mr. Wilson also shared that the change would allow his family to keep the four miniature horses they brought from Florida, a breed his wife especially loves.

Ms. Greenwood explained that one of the common issues in the city's land use code is the lack of a solid definition section. This deficiency leads to confusion, particularly with categorizing animals like miniature horses and mini cows. In collaboration with Ms. McNamara and the applicant, and the City Attorney, they felt that adding clear definitions would help establish

proper categories for animals. This would address the ambiguity in the current code, which only mentioned sheep, goats, llamas, or similar animals without specifying what "similar" meant. Ms. Greenwood also expressed appreciation for the applicant's research and the effort to improve the code, emphasizing that clearer definitions would not only help city staff but also make the code easier for residents to understand, reducing confusion and the need for lengthy explanations.

Chair Packer opened up the meeting for the Public Hearing.

Gary Carlson, an adjacent property owner, identified himself as the person who originally raised the complaint about the mini horses. After listening to the discussions and understanding the proposed plan, he expressed that he has no issues with the proposal. He stated that the concerns regarding the mitigation of farm smells and flies had already been addressed and, therefore, he no longer has any objections.

Bryan Bell, a resident Kaysville, addressed the meeting with a few points of concern. He questioned the specific number "5,445" in the table, noting it seemed odd and wondered why it wasn't rounded to 5,000 or 5,500, suggesting it might have been arbitrarily included.

Mr. Bell said he wished there had been an opportunity for the public to share their thoughts and discuss the Conditional Use Permit on 200 North. He expressed support for the proposal but raised concerns about the busy road at 200 North, mentioning he wasn't sure if it was related to a sewer project or a road widening project, which could impact the previous permit. Mr. Bell also commented on the signage for the meeting, stating that although he saw the sign on January 6th, the link on it did not allow for submitting comments. He had hoped to comment on the issues discussed but acknowledged some concerns had already been addressed. Lastly, he raised a concern about the 25-foot frontage on the property in question, questioning whether the applicant intended to purchase the adjacent city property.

Craig Christianson, a resident of Kaysville, shared a couple of thoughts with the Commissioners. He asked how the inclusion of fowl, rabbits, or similar-sized animals in the proposed changes might relate to existing ordinances regarding dogs. He expressed concern about the minimum lot size and square footage requirements for farm animals, suggesting that instead of the total property size, the available square footage not already constructed on might be a more appropriate measure for farm use animals.

Chair Packer closed the Public Hearing.

Commissioner Sommerkorn clarified the question regarding the 5,445 square feet likely comes from dividing an acre (43,560 square feet) into smaller sections. Regarding dogs, he noted that they are not classified as farm animals and are regulated separately from farm animal ordinances. Ms. Greenwood explained that domesticated animals like dogs and cats are regulated by Davis County animal control, and the land-use ordinances only pertain to farm animals. She added that dogs are not subject to the same regulations.

Commissioner Allred suggested simplifying the language in the code by removing the phrase "predominantly used or occupied by humans" when referring to dwellings on adjacent lots. He also recommended adding a provision addressing pests, such as flies and insects, which can be a significant issue with animal waste. Commissioner Allred explained that pests can be a problem if manure piles up, and he proposed using the term pests to cover a broader range of issues, including rats. He further discussed how nuisance enforcement related to pests is typically handled by the Health Department rather than the city's planning staff, which often lacks the tools to measure such issues directly. He questioned whether the city contracts out nuisance abatement or handles it in-house.

Ms. Greenwood explained that the city handles its own code enforcement but refers noise complaints to the Police Department, as the noise ordinance does not specify decibel levels. The city coordinates with other departments for certain issues, like stormwater violations or illegal sewage discharge, and works with the Health Department on those matters. Ms. Greenwood also mentioned that farm animal complaints are rare, with roosters being the main issue, as they are only allowed in agricultural zones. Regarding the current amendment, she noted that some improvements to the code were made as part of a resident's application, and the aim was to make the process more efficient.

Commissioner Allred suggested clarifying the language in item four, specifically regarding when applicants should show their plans for controlling odor, dust, noise, drainage, and pests. He proposed that applicants submit a plan as part of their Conditional Use Application for review by staff or the Planning Commission. He also recommended more specificity in the language and pointed out that item five, which mentions "fence" and "corralled," could be simplified to just "corral" to avoid confusion. Commissioner Allred noted that the distance from dwellings should be revised to simply say "dwellings" rather than "dwellings on adjacent lots."

Ms. Greenwood said the current code language provides some protection for existing uses, even if new regulations or structures, like ADUs, change the landscape. She emphasized that the city's approach aims to avoid creating widespread non-conforming uses and to handle potential state-mandated ADU allowances pragmatically. Both acknowledged the complexities such scenarios could bring, emphasizing the need for balanced solutions.

The Commissioners discussed refining the language and requirements for applicants seeking Conditional Use Permits for farm animals to ensure clarity and enforceability.

Chair Packer suggested rewording the language in item four to remove unnecessary phrasing, such as "so," making it more concise and precise.

Ms. Greenwood and Commissioner Allred discussed the need for applicants to submit application materials demonstrating their plans to control issues like odor, dust, and noise.

Ms. Greenwood raised the point that while requiring submission of plans adds a layer of accountability, the language should also mandate compliance with those plans. This approach

ensures that applicants not only propose but also implement effective measures to prevent nuisances.

Commissioner Allred emphasized the importance of presenting such plans to the Planning Commission, ensuring transparency for neighbors and the public.

Commissioner Sommerkorn agreed that hearing directly from applicants provided valuable insight.

Benjamin Wilson proposed a revised wording: "Applicant shall control odor, dust, noise, etc., and shall submit a plan for how this will be accomplished." This version balanced simplicity with enforceability.

The group collectively agreed on the need for clear, enforceable language, ensuring both submission of plans and their successful implementation to prevent nuisances in the community.

Ms. Greenwood provided an overview of proposed amendments and their intent, emphasizing the balance between regulatory clarity and practicality. She suggested modifications to item four regarding drainage, ensuring enforceability and simplifying the language for clarity. The group generally agreed with the revisions, which aim to require applicants to submit and comply with plans addressing potential nuisances like odor, dust, and noise.

Chair Packer highlighted the potential inclusion of miniature horses in the medium-sized animal category, noting that their waste production and nuisance impact align with other animals in that group, such as sheep and goats.

Commissioner Sommerkorn supported this alignment, citing consistent definitions in provided materials.

Commissioner Allred raised a question about pot-bellied pigs, noting their codified requirement of a full acre for ownership. The group acknowledged this regulation, with Ms. Greenwood noting that addressing pot-bellied pigs or similar issues could be reserved for future amendments, should an ambitious resident initiate change.

Ms. Greenwood elaborated on the complexity of defining animal categories and their impacts, explaining that definitions aim to limit expansion into unregulated areas, like emus or ostriches, which could raise questions about classification. She shared insights from other communities, such as West Bountiful's point-based system, and emphasized that the current amendment focuses on the resident-driven text change rather than overhauling the broader regulatory framework.

The Planning Commission appeared to agree on moving forward with the proposed language refinements, ensuring they reflect enforceability and thoughtful consideration of animal-related regulations without delving into overly complex systems.

The discussion concluded with a focus on refining the language for clarity and intent.

Commissioner Allred suggested replacing "or" with "including" in the definition of pot-bellied pigs under hogs and swine, ensuring clear inclusion without separating categories.

Commissioner Shepard supported this adjustment, noting the importance of consistent wording to avoid misinterpretation.

Chair Packer highlighted that other definitions currently end with "or" and questioned whether changes should be uniformly applied across all definitions.

Ms. Greenwood agreed, emphasizing the need for precision in language to reflect the intent accurately, particularly in instances where specific animal categories must be explicitly included.

The group acknowledged the importance of these changes in ensuring that definitions are comprehensive and align with the overall intent of the ordinance. As the conversation wrapped up, there was a consensus on the proposed adjustments, with participants indicating readiness to finalize the language and move the amendment forward.

Commissioner Allred made a motion to recommend approval of the proposed language for section 17-24-2 regarding farm animals to the City Council. He specified that the recommendation includes the language as drafted by staff, along with all the changes discussed during the meeting. Commissioner Ellis seconded the motion and the vote was unanimous in favor of the motion (6-0).

Chair Packer - Yay
Commissioner Sommerkorn - Yay
Commissioner Sevy - Yay
Commissioner Ellis - Yay
Commissioner Allred - Yay
Commissioner Shepard - Yay

7- PUBLIC HEARING FOR KAYSVILLE CITY CODE TITLE 17 CHAPTER 38 CAR WASH STANDARDS

Ms. Greenwood presented a proposed ordinance aimed at addressing concerns stemming from new car washes in Kaysville. Recent complaints about noise and lighting from two newly opened car washes led the City Council to request staff develop regulations to mitigate impacts on residents. Ms. Greenwood explained the methodology behind the ordinance, emphasizing simplicity and practicality, while accounting for the city's unique zoning structure. She highlighted that noise, primarily from vacuums and tunnel blowers, and inadequate lighting

standards were the primary issues. Additionally, the city's existing zoning codes lack specific requirements for landscaping, buffering, and lighting to address such problems.

The ordinance proposes prohibiting new car washes east of I-15, where nine already exist, to address oversaturation in that area. A 300-foot buffer between car washes and residential uses was also recommended, based on research and local measurements of the impact zone from noise and lighting. Ms. Greenwood cited examples from other cities, such as Fort Worth, Texas, which implement similar buffer distances, and emphasized that this approach aligns with the needs of Kaysville.

To maintain consistency with zoning regulations, the ordinance excludes nonconforming residential uses from the buffer requirement. Ms. Greenwood provided the example of a general Commercial property on Crestwood Drive that has generated interest from buyers wanting to use it as a residence despite its zoning. The proposed ordinance also includes additional standards to mitigate issues, such as requiring automatic car washes to have staff on-site during business hours, ensuring vacuum stations meet buffer requirements and have on/off switches, prohibiting outdoor loudspeakers and radios, and mandating adequate vehicle stacking space to prevent traffic congestion.

Ms. Greenwood concluded that the proposed ordinance provides a straightforward and effective solution to address car wash-related concerns, balancing the need to protect residents while adapting to the city's zoning context. She noted that a public hearing will be held on the ordinance and invited questions from the Commissioners.

Commissioner Sommerkorn inquired if this would apply to all car washes.

Ms. Greenwood said that it would apply regardless of whether it was a manual or an automatic car wash.

Ms. Greenwood noted that the proposed ordinance would significantly limit options for new car washes due to the zoning structure and proximity to residential areas in Kaysville. However, she emphasized that this limitation aligns with the ordinance's intent to protect existing residents. Ms. Greenwood explained that if a car wash is constructed and a neighboring property is later rezoned for mixed-use or another purpose, the rezoning and project could still be approved. This approach ensures that residents affected by new developments are those who move in after the car wash is established, rather than longstanding residents being negatively impacted by a new car wash.

She highlighted that many of the residential areas impacted by recent car washes have been part of the community for decades, even a century, and the new developments caused substantial disruption. The ordinance aims to prevent similar situations by prioritizing protections for these established neighborhoods. Ms. Greenwood acknowledged that the limited availability of undeveloped commercial properties in Kaysville, combined with the proposed 300-foot buffer requirement, would make it difficult for additional car washes to be

constructed. However, she and the staff believe this restriction is acceptable because the community already has a sufficient number of car washes.

Ms. Greenwood concluded that while the ordinance allows for the continued provision of car wash services, it prioritizes the well-being of existing residents and encourages thoughtful development. If residents on the west side of I-15 need to travel to the east side for car wash services, Ms. Greenwood stated that this is an acceptable tradeoff for the protections afforded to residential areas.

Chair Packer opened up the Public Hearing, there were no comments so the Public Hearing was closed.

Commissioner Allred proposed simplifying the definitions of automatic and manual car washes by striking the phrase "or may not" in the sentences that mention vacuum stations. He suggested using "may include vacuum stations" for clarity and conciseness.

Ms. Greenwood added that, after further consultation with the City Attorney, it was recommended to remove the word "passenger" from the definitions referencing automobiles. This change would prevent potential arguments over whether a vehicle is designed to carry passengers. Ms. Greenwood supported this amendment, pointing out that vehicles like delivery vans, which might not typically carry passengers, could still use car wash facilities.

Commissioner Allred raised the idea of specifying that car washes are intended for non-commercial automobiles, but Commissioner Sommerkorn and Ms. Greenwood highlighted that some smaller commercial vehicles, such as Ram Pro Masters or Ford Transits, might still fit through car washes. Ms. Greenwood emphasized the importance of maintaining inclusivity for these types of vehicles while avoiding overly specific classifications.

Commissioner Allred suggested several changes to the proposed car wash ordinance. First, he recommended simplifying the language in the definitions of automatic and manual car washes by removing the phrase "or may not" and instead stating that vacuum stations "may include" in both sections.

Commissioner Allred proposed revising the language regarding loudspeakers and radios. He suggested replacing the phrase "no outside loudspeakers, radios, permitted and radio stations" with "no amplified audio systems or events shall be allowed." This change would cover all types of amplified audio, such as menu boards or intercom systems at car washes. The intent was to prevent noise from promotional events, like grand openings or radio station broadcasts, from disturbing the surrounding area.

Ms. Greenwood agreed that the revised language would simplify the regulation and better cover all forms of amplified sound, and Commissioner Sommerkorn concurred that it would be more effective to prohibit any amplified audio systems without specifically mentioning events.

Ms. Greenwood explained that the primary goal of the amplified audio system restriction was to prevent loud music from disturbing nearby residents, particularly in areas where new homes have been built near long-established businesses.

Commissioner Allred suggested simplifying the language regarding amplified audio by stating "no amplified audio systems allowed," which was agreed upon by the group.

Commissioner Allred also proposed adjusting the wording in the vehicle stacking section for better clarity and suggested addressing hours of operation for car washes. He emphasized the importance of limiting light pollution, recommending that car washes near residential areas use warm-spectrum lighting and ensure that light poles do not exceed 20 feet in height. He also suggested that lights be controlled by automatic photo sensors, turning on at night and off by midnight.

Ms. Greenwood agreed that lighting standards should be addressed, but suggested it be done on a broader scale for all commercial developments, not just car washes.

Commissioner Allred raised concerns about the potential for a car wash on 200 North, near a school and residential areas. He mentioned that neighbors had previously expressed strong opinions against certain developments in the area.

Ms. Greenwood clarified that the car wash wouldn't be allowed due to the required 300-foot setback from properties, ensuring that no car wash could be built so close to the residential areas and school. She mentioned that car washes, while beneficial in some ways, don't bring much revenue to the city, and the city is more interested in developments that generate sales tax.

Commissioner Allred expressed that the location near West Davis might seem ideal for a car wash, but he agreed that the proximity to residential areas would make it problematic.

Chair Packer raised the question about the possibility of businesses like Paul Davis or Spears Plumbing, which have fleets of vehicles, installing a wash bay on their properties.

Ms. Greenwood responded that while the current ordinance could apply, the setup would likely be more akin to a manual car wash, which tends to be less noisy. She also mentioned the city's own car wash at the Public Works facility, noting that it would be considered a non-conforming use.

Ms. Greenwood concluded by explaining that the Planning Commission is recommending approval of the ordinance to the City Council. She emphasized the urgency, as the Temporary Land Use Regulation (TLUR) governing car washes would soon expire. She also went over the modifications made to the ordinance, such as removing specific terms like "passenger" and simplifying language regarding vacuum stations and amplified audio systems.

Commissioner Sommerkorn made a motion to recommend approval to the City Council for ordinance 17-38 Car Wash Standards as presented by staff with the modification as indicated by staff. The motion was seconded by Commissioner Allred and the vote was unanimous in favor of the motion (6-0).

Chair Packer - Yay
Commissioner Sommerkorn - Yay
Commissioner Sevy - Yay
Commissioner Ellis - Yay
Commissioner Allred - Yay
Commissioner Shepard - Yay

8- APPROVAL OF THE MINUTES FROM THE NOVEMBER 14, 2024 PLANNING COMMISSION MEETING

Commissioner Ellis noticed an error in the minutes that her votes were not recorded for any of the motions.

Commissioner Ellis made a motion to approve the minutes from the November 14, 2024 Planning Commission meeting subject to that change. Commissioner Sommerkorn seconded the motion. The vote was unanimous in favor of the motion (6-0).

Chair Packer - Yay
Commissioner Sommerkorn - Yay
Commissioner Sevy - Yay
Commissioner Ellis - Yay
Commissioner Allred - Yay
Commissioner Shepard - Yay

9- OTHER MATTERS THAT PROPERLY COME BEFORE THE PLANNING COMMISSION

Ms. Greenwood provided updates on upcoming agenda items for the Planning Commission meeting on the 23rd, including a text amendment regarding seasonal farm stands and a Conditional Use Permit for American First Credit Union. She also mentioned a rezone application from Bryan Carling, and discussed the need for further work on a development agreement before the public hearing could take place, likely in February or March.

She noted that there will be a ribbon cutting for Ogden Clinic on January 14 at 5:30 p.m. and that Symphony Homes will be holding a neighborhood meeting the same day from 5:00 to 7:00 p.m. at Snow Horse Elementary. This meeting, not hosted by the city, aims to gather feedback from residents about the development of 70 acres in the Sunset area.

Ms. Greenwood also mentioned a Public Hearing at the City Council meeting regarding the Community Reinvestment Area, with action expected at the next council meeting. Additionally, Commissioner Allred asked about a commercial area near West Davis, which Ms. Greenwood confirmed is about eight acres. This property is undergoing a lot line adjustment, and once

completed, rezone applications for General Commercial and Residential Multifamily (RM) would be submitted.

The discussion wrapped up with Chair Packer acknowledging the updates and a motion to adjourn the meeting.

10- ADJOURNMENT

Commissioner Allred motioned to adjourn the meeting at 8:51 pm.