

KAYSVILLE CITY PLANNING COMMISSION

November 9, 2017

Members Attending: Vice-Chairperson Stroh DeCaire, Matthew Anderson, Gary Bullock, Lorene Kamalu, Joshua Sundloff, Thomas Wood

Excused: Betty Parker

Staff Present: City Engineer Andy Thompson, Zoning Administrator Lyle Gibson, Secretary Annemarie Plaizier

Others Present: Council Member Larry Page, Tyler Dallas, Jeremy Pope, Mary Ann Thurgood, Rock Schutjer, Barry Vance, Jane Vance, Craig Smith, Susan Smith, Susan Longman, Stuart Adams, Johnathan Kendrick, Jon Pugmire, Rebecca Pugmire, Kara Jeffery, David Gibson, Tanya Gibson, Paul Hansen, Kim Hansen, Allison Hansen, Chase Freebairn, Elizabeth Bodkin, Jason Largey, Susan Harris, Heidi Rich, Nick Mingo, Jay Baughman

OPENING

The Planning Commission meeting was held on Thursday, November 9, 2017 at 7:00 p.m. in the Municipal Center.

Vice-Chairperson Stroh DeCaire opened the meeting by welcoming those present. The minutes of the October 12, 2017 meeting were presented for approval.

Lorene Kamalu made a motion to approve the minutes of the October 12, 2017 meeting. Thomas Wood seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO REZONE 0.64 ACRES OF PROPERTY AT 845 WEST 200 NORTH STREET FROM R-1-20 (SINGLE FAMILY RESIDENTIAL) TO THE HC (HEALTH CARE) ZONING DISTRICT – WELLNESS PROPERTIES

Lyle Gibson explained that Wellness Properties has owned the property at 845 West 200 North for several years, where a residential treatment facility has been operating during that time. This treatment facility creates a supportive living environment for persons working to overcome substance abuse. The current residents have already gone through multiple steps in their recovery before being put into the group living environment. The applicant has submitted a request to rezone the property to the HC zoning district in order to expand upon the current purpose of the facility and allow for additional treatment of its patients, including medical detox. The change would allow individuals to progress through different stages of recovery under one roof. Typically approval of requests to the Health Care zoning district includes the requirement of providing a development agreement which would be tied to the property.

Stroh DeCaire asked about previous approvals for this use and if those included a development

agreement.

Andy Thompson responded that at the time the applicant originally applied, no development agreement was required.

Vice-Chairperson Stroh DeCaire opened the Public Hearing.

A neighbor asked if the conditions that were placed on the conditional use permit for this facility were available to review.

Tyler Dallas commented that he is the owner and operator of the Cold Creek Wellness Center, the residential treatment facility located on the subject property, and is the applicant for this rezone. Mr. Dallas said that there was no conditional use permit approved for their use because at the time they started their business, this type of use was considered a permitted use in this zone. They are proposing a request to change the rezone to allow them to be able to provide better care for their patients through medical detox. The detox treatment world has changed dramatically since they started their business and hospitals no longer detox patients fully. Many times patients are sent through the emergency room and released within twenty-four hours. Most other rehab facilities in Utah are applying for a social detox license through the Utah Department of Human Resources. Cold Creek Wellness has opted to request the zoning change so they don't have to provide social detox. True medical detox for patients provides medical staff to help patients detox. There are life-threatening risks that come with detoxing and they want to be able to have twenty-four hour nursing staff and doctors who can care for the patients. Rehabilitation will continue at this center no matter the decision and they are currently remodeling the home to update the facilities. They will provide a nice home environment for patients to detox, rather than having to detox in a hospital room. There are already great medical staff on their team, and they would add an additional registered nurse. They already have one doctor and an advanced practice registered nurse working with patients.

Elizabeth Bodkin said that she has lived here since before the facility opened, and doesn't want to have a medical facility encroaching on their residential homes. They didn't buy their house with a medical facility in their neighborhood, and this piece of land was originally deemed residential and should continue as such. The neighbors feel as if they haven't been given any information or details about what the applicant is proposing. People will be here detoxing off of drugs and could create an unsafe environment for their children. It seems the owners' only care about making money, and aren't interested in what the neighbors think. Now they are trying to expand their business which will change the feel of the neighborhood. Ms. Bodkin said that she had gone over to the home twice in the last nine years because of some problems. There was also a shooting at this facility and the neighbors are concerned about it happening again. There would be less concerns about the facility if there were more communication between the facility owner and the neighbors.

Jason Largey said that he lives by this facility and was against this facility when it first moved in. He has done a lot of research about what the HC zone is and laws regulating this type of facility. Residential treatment facilities are protected under the Americans with Disabilities Act and the Fair Housing Act, however there is nothing protecting the neighbors from what could be put here

should this rezone be approved. The property is currently zoned for single family housing. Kaysville City code states that a family is considered as two or more people related by blood or marriage, or up to five persons who are not so related. There have been times when there seems to be up to twelve people in the house at a time, which is not in compliance with current city regulations. Cold Creek Wellness has demonstrated that they cannot abide with the current zoning, but they are looking to be approved for more permissions. Since opening, Cold Creek Wellness seems to be running their business well and helping many patients. However, they should be subject to inspections to ensure they meet the definition of a family of only five people living here at one time. If rezoned there could potentially be more patients living here. There have also been problems with parking here in the past. There is a concern that under the HC zone, the owner could potentially pave the entire lot to create a big parking lot. Once approved for a rezone, anything allowed in the HC zone could be built. There needs to be some kind of assurance that future owners of the property would be held to the same standards. This is a business and the neighbors don't want a business in their neighborhood. The owners need to comply and prove they are in compliance with the current laws before they get approved for anything further.

Rebecca Pugmire stated that while she understands this is a business, it is being run in the middle of a residential zone. The owner has put this business in the wrong location.

Susan Longman said that she works in a hospital and has experienced working with patients who abuse and use drugs. She has seen what their bodies go through as they detox. These patients are good people who are not themselves when they are on drugs. The drugs change the way they behave. There needs to be more answers and a better understanding of how this facility will be run. How will the medical detox work in Cold Creek Wellness? How will medications be administered and stored? How will patients be monitored? What types of medications will be administered? What kind of protocols will be in place if a patient escapes the facility? What kind of HIPPA requirements are there? What percentage of people complete the detox treatments? How many of the patients are self-committed to the program and how many are court ordered? They don't have answers to these questions because Cold Creek Wellness has not been forthcoming, and therefore neighbors will assume the worst. This request could change the dynamic of the neighborhood. This area is where families live and have invested in their properties and that needs to be respected.

Jon Pugmire said that they moved into the home behind this property about four years ago. At one point they had some concerns about the yard and have made several attempts to contact Cold Creek Wellness, but they never returned their calls. Mr. Pugmire said that they have also attempted to knock on the door and nobody ever comes to the door. Nobody at Cold Creek Wellness will respond to the neighbors. People who are on drugs don't act normal and are irrational. If Cold Creek Wellness is allowed more privileges without addressing the current issues, we will continue to get the same response from them.

Thomas Wood asked Mr. Pugmire if they had ever had any of the patients enter their yard.

Jon Pugmire responded that they had not but if the situation were to arise they don't feel as if the owners of Cold Creek Wellness would care or try to resolve the problem.

Susan Harris said that she has been living here since before the facility was built and believes that none of the current Planning Commissioners were on the board when this was first proposed. The Planning Commission makes decisions that affect communities and those communities have to live with those effects for years to come. Once this property is rezoned there is no guarantee that something else won't be built. The city needs to better regulate these intensive uses. The traffic along 200 North Street is already a nightmare. These businesses shouldn't change or interfere with the surrounding area. The long-term use of this property needs to be considered. Ms. Harris said that while she knows this service needs to be provided for people, a rezone isn't necessary to accommodate it.

Heidi Rich said that she also lives in this neighborhood and is opposed to this rezone request. The people who live here bought their homes expecting to live in a residential neighborhood. Ms. Rich said that she has also worked with patients who are in an altered state of mind because of drug use and that's not something they want to invite into their neighborhood. Patients are known to escape from drug rehab centers and that is very concerning to those living here.

Jeremy Pope stated that he is the manager of Wellness Properties which owns the real estate of this property. While he doesn't operate Cold Creek Wellness Center, he is very aware of how it is operating and there seems to be some misunderstanding of what their plans are. They are regulated by the Americans with Disabilities Act as well as the Federal Housing Administration. Cold Creek Wellness has always had the proper licensing for their facility. Many issues mentioned tonight are being heard by them for the first time. They are not looking to bring in more beds by requesting this rezone. In fact detox beds usually require more space and therefore it is likely they would have fewer beds here. Their facility is one of the highest standards for treatment in the state. Patients being treated here volunteer on their own to be here. Nobody is court-ordered to be at the facility, and that wouldn't change. Cold Creek Wellness could start offering social detoxing without needing to rezone the property. However, it is their intent to be able to offer a medical detox, which offers better and safer care to patients. Medical detox facilities are held to certain regulations, however they need to be better regulated and therefore they are working to petition the State of Utah to better regulate these types of facilities. Client brokering is part of the problem, and needs to be stopped. If patients ever decide to leave the program they will help them make arrangements to go home. Although we have heard a lot of negative comments tonight, they have also received some positive ones from some of the neighbors in this area as well. Their business is about quality first, and not making a profit. This is not a full-profit venture and a lot of sacrifices have been made to run this facility. The property was going into foreclosure and was in terrible condition before they purchased it. Nobody was interested in buying it as a home because nobody wants to live right next to busy 200 North Street. It is likely that the home would have been bought and used for a commercial property had they not purchased it. When they first opened they had an open house and invited the neighbors to come to see what they were doing, but they had very little in attendance.

Susan Smith said that she lives just down the road to the east of this property and has had problems with the residents of this facility coming on their property and smoking cigarettes, despite her asking them to stop. If they want to run a commercial business then Cold Creek Wellness Center needs to be located in a commercial district. After the shooting occurred, the

Police Department sat outside the facility for over a month monitoring the property. The owners should have paid for police force to be in place.

Tanya Gibson said that they live directly east of this facility and have been there about two and a half years now. Addiction is a very widespread problem across Utah and the United States. It's an egregious problem and many patients don't have access to these types of facilities or treatment. When they first moved into their home they knew it wasn't the most ideal place to live, especially along 200 North Street, but felt that it fit well for the needs of their family and it was something they could afford. This facility has been very well maintained, and so far it hasn't been a risk to their family, but that could change if medical detox is offered. This business has the financial resources to relocate to a more appropriate location to fit their needs, whereas those living in the area do not. There are many children living in the immediate area and we shouldn't risk something happening or affecting families by approving this rezone.

Johnathan Kendrick said that he is also a neighbor and many of the fears mentioned tonight could have potentially been alleviated had the neighbors been able to contact the owner so that their fears and concerns could be addressed. If we bring more commercial into our residential areas of Kaysville then we are moving further away from being a city of distinction.

David Gibson commented that their family moved in next to this facility knowing what type of business was there. However they have never met the owners until tonight and feel frustrated because no information about this rezone request has been given to the neighbors. This is the first they've heard about it and are not completely sure what it means or what the risks are if it's approved. What is the different between social and medical detox? What are the long-term effects of approving this rezone? What stipulations could be placed and will those stipulations remain if ownership changes? Is there any way to have this property changed back to residential after they leave? If there is somewhere else these services could be provided then we shouldn't allow it here in a residential neighborhood.

Kara Jeffery said her property also abuts this and while she believes that the business owner's intentions are good, there are still questions that need to be answered. Cold Creek Wellness might have great standards and goals in mind, but there is no assurance to the neighbors of what might happen to the property should the business move or go out of business.

Jason Largey said that Kaysville City ordinance states that the purpose of the single family residential district is to provide areas in appropriate locations where quiet, low-density neighborhoods may be established, maintained and protected. The regulations of this district promote and encourage a suitable environment for families, while also permitting for public and quasi-public facilities with the proper controls, such as schools, libraries, churches, or playgrounds, which serve the needs of families. Regulations are in place to prohibit operations that would be adverse to such a residential environment. Mr. Largey said that he doesn't feel that this business meets the purpose of the single family residential district and therefore shouldn't be allowed.

There were no further comments or questions from the public. Vice-Chairperson Stroh DeCaire closed the Public Hearing.

Stroh DeCaire asked about the difference between social and medical detoxing.

Tyler Dallas responded that in a medical detox facility patients going through withdrawal are monitored by medical staff who can administer pharmaceuticals. Social detox facilities typically do not have the medical staff on hand and provides more cognitive therapy to help patients through withdrawal.

Lorene Kamalu asked how that would differ from what is being offered currently at the facility.

Tyler Dallas said that medical detox facilities are subject to the Health Department overseeing their operations as a medical facility. They will have twenty-four hour nursing care at all times to monitor the patients and administer prescriptions. While they do currently have prescriptions on site, as a medical facility they would have access to more acute medications to better help with withdrawal symptoms. Rehab centers across the state are applying for a social detox license through the Department of Human Services because there are no pharmaceuticals involved. However, Cold Creek Wellness is trying to avoid having to get a social detox license because it's much more difficult for patients to go through detoxing without pharmaceuticals. Because a medical detox center is considered a medical facility, they are asking for a rezone in order to comply with city code as well as meet the standards for this type of use. If they are denied their rezone request they will still continue doing business here, but they will not be able to provide the medical detox services. Social detox is more risky for patients, as well as the community. Those are the patients that are more likely to try to escape. Social detox is a liability that Cold Creek Wellness doesn't want. As clarification regarding the gunshot incident, the gunshot was self-inflicted and it was not one of their patients. The gunman was someone who came to their facility to try to visit one of the patients and was upset that the patient was there. Cold Creek paid for the police to watch the home for over a month because the gunman got out of jail and they were worried he might try to come back. Also, their patients aren't allowed to smoke at their facility so it's possible the people mentioned did not come from their facility.

Gary Bullock asked if there is currently a nurse on staff.

Tyler Dallas responded that they have a nurse that administers to the patients while they are there, but it's not required and they aren't on site for twenty-four hours. Sometimes patients are on some form of medication to help prevent seizures after having had been detoxed by the hospital, and those medications will be administered by the nurse while they are there.

Josh Sundloff asked how patients are checked into their facility and how long they are there.

Tyler Dallas responded that most patients are sent to a hospital first, and more than half of the time their insurance won't pay for an opiate detox. The patients that come to this facility are not in a critical phase of detox, and they come here on their own accord. All patients have to be assessed by a doctor before being admitted. While living here, they are required to stick to a strict schedule from 7:00 a.m. to 10:00 p.m., and they have things they are required to attend and do while they are there, such as attend classes and counseling, community meetings, meditation walks, etc. Visitation is on the weekends. Patients stay a minimum of thirty days, with more

severe cases staying up to six months. It is based on medical necessity, doctors and therapists recommendations, and insurance coverage. Their facility has the longest program of anyone and patients must commit to the six months on their own. They will reside in this house for a time, and then are moved to apartments that are owned by Cold Creek Wellness for the rest of the time. Cold Creek Wellness recently built a new building on Flint Street where they will hold some of their counseling sessions and meetings. Cold Creek Wellness has invested in Kaysville and would like to remain here.

Josh Sundloff said that it's been mentioned that the city code only allows for five unrelated people to live in one dwelling and asked if the facility is in violation.

Andy Thompson responded that Mr. Dallas was never required to obtain a conditional use permit for this type of use because at the time it was deemed that his type of use was permitted under the Fair Housing Act. That Act indicates that people with disabilities must be provided reasonable accommodation for housing. Mr. Dallas's business is considered a residential facility for people with a disability, which is allowed within residential areas. When approved, his facility was approved to have up to eight patient beds and, as far as the city is aware, Mr. Dallas has been in compliance with that restriction. Staff feels that a rezone is needed for Mr. Dallas's intended use because the property is changing from a residential facility to a medical treatment facility.

Josh Sundloff asked how medications are stored and delivered to the site.

Tyler Dallas responded that they are being stored according to Drug Commission protocol and are stored behind two locked doors, as well as a locked medication cabinet. They already have random State inspections to ensure compliance, and they have never been written up on anything. Medications are ordered through Bowman's Pharmacy.

Josh Sundloff asked if the rezone were to be approved, what changes to their patient program would change?

Tyler Dallas responded that those going through detox would probably not be participating in classes or groups for a time. They would have additional days working with the nutritionist they have on staff. Malnutrition is a problem with people going through detox. They also have a certified chef and their kitchen is regularly inspected by the Health Department as well. The structure of the building and the parking area wouldn't change because they want the facility to remain looking like a residence and not a medical facility. The current parking is sufficient for their needs. No additional traffic would be created.

Josh Sundloff asked about the comments made regarding neighbors attempting to contact Mr. Dallas.

Tyler Dallas responded he was aware of a few occasions where neighbors had come over to the home, but he was not aware of some of the other problems that there had been comments about tonight. His cell phone is available for anyone to call and he had never received a phone call about those issues. Any conversation with the neighbors is welcome.

Lyle Gibson commented that before the meeting he had spoken with the Police Department who indicated that the only incident that has occurred at this facility was when the self-inflicted gunshot.

Tyler Dallas said that as part of their visitor protocol they must sign in and are made aware that everyone on the premises is subject to a drug test if they are suspected. They are also required to check their belongings at the door.

Gary Bullock asked about what happens if someone tries to leave.

Tyler Dallas responded that there have been a couple of patients in the past who have asked to leave the program, and they have helped them find transportation home. They don't yet have written procedures in place as of yet for when someone might escape, although if it were to happen they are required to file a report to the Department of Human Resources. However, their facility isn't under lockdown because all of their patients are there voluntarily. If they feel a patient is a danger to themselves or someone else they are put into a hospital.

Stroh DeCaire commented that there seems to be a lot of ambiguity and it is important to have more answers as to how the owners will address the concerns mentioned before a decision should be made.

Josh Sundloff added that they already have a good reputation here as they've been here the last nine years and never had any criminal activity caused by the patients of the facility.

Thomas Wood said that he'd like to know more about what procedures would be in place for worst case scenario instances. These patients could potentially have an effect on the families that live here. Criminal activity occurs in every neighborhood, but there needs to be solid procedures in place for this facility.

Matthew Anderson said that it doesn't seem fair to ask the owners for answers to very specific situations when he hasn't been approved to even have a medical detox facility yet.

Lorene Kamalu asked if this facility would become a lockdown facility if it were to start offering medical detox.

Tyler Dallas said that it would not.

Josh Sundloff asked about requiring a development agreement.

Andy Thompson responded that it is recommended under the HC zone district ordinances that a development agreement be included which would help address issues while staying in compliance with the Fair Housing Act. Should a future property owner wish to change the zone or use of the property, the development agreement would have to be revised and reapproved by the City Council.

Jason Largey said that if this facility is working fine just as it is, then why bring more risk to the neighborhood. There is no guarantee to those living here that a development agreement and the stipulations tied to it wouldn't be changed down the road.

Thomas Wood asked about the average number of patients in the program at a time.

Tyler Dallas said that they rarely run at full occupancy, but usually have about six patients at a time.

Andy Thompson said that if the rezone is approved the number allowed in the facility will remain at eight patients, as previously approved.

Lorene Kamalu said that she is not in favor of the rezone request because she doesn't feel that this area is appropriate for the Health Care zoning district, and there are likely better spots to have this medical detox facility.

Josh Sundloff said that he served on the Planning Commission when this item was first brought before them and heard many of the same comments that were made tonight. While he acknowledges the neighbor's concerns and recognizes there are risks moving forward, he doesn't see that this rezone would significantly change the use of the property. This is a residential looking home, but it's not located in the middle of a neighborhood. The home faces one of the busiest streets in Kaysville and is adjacent to commercial uses. The General Plan looks at fostering businesses and placing them along major streets in Kaysville. In general, the business would remain the same and the area would remain the same. Some of the patients might require a little extra care, but the changes to the home will be minor. It won't change the character of the current use of the property. We have had nine years to see what kind of impact this business would have on the area and it's not as significant as it's made to be by the neighbors. This facility is needed in our society. The owners are obviously not in it for the money because otherwise they wouldn't be going to the state to try to create better regulations for these businesses. They are trying to help people who have reached a bottom point in their lives. While we want to keep our families safe, we also need to have the services available for families to get the medical help they need.

Matthew Anderson commented that the Planning Commission only makes a recommendation to the City Council, who will make the ultimate decision. There is a need for this facility, however, at this particular location it seems the HC zone would creep into the residential neighborhood here. Mr. Anderson said that he would like to see a development agreement drawn up to assure that the look of the home would remain the same and that the facility be run as it is being done currently.

Andy Thompson suggested that this item be tabled so that the applicant can work with Staff to come up with a development agreement to address the questions and concerns presented tonight.

Stroh DeCaire said that while there has been a lot of public clamor, there is also a lot of ambiguity creating more fear. It's fair and reasonable to allow the applicant to construct a development agreement and bring it back to the Planning Commission for approval at that point.

Thomas Wood made a motion to table the request to rezone 0.64 acres of property at 845 West 200 North Street from R-1-20 (Single Family Residential) to the HC (Health Care) zoning district for Wellness Properties to give the applicant an opportunity to meet with Staff and the neighbors to try to come up with a development agreement that would help to address some of the concerns and problems mentioned tonight. Josh Sundloff seconded the motion.

Voting was as follows:

Lorene Kamalu	nay
Matthew Anderson	nay
Stroh DeCaire	aye
Josh Sundloff	aye
Thomas Wood	aye
Gary Bullock	aye

The motion passed with a vote of four to two.

**PUBLIC HEARING AND PRELIMINARY AND FINAL PLAT APPROVAL FOR
APPLE BLOSSOM SUBDIVISION AT 64 SOUTH ANGEL STREET – IVORY HOMES**

Andy Thompson explained that recently this property at 64 South Angel Street was rezoned to the R-1-14 zoning district. As part of that rezone approval, a concept plan was submitted which included seven lots. Some of the concerns mentioned during the rezone process was regarding storm water runoff in the area. This property slopes away from the road and towards the existing homes to the west, making it very difficult to get the water off of the property and into the street and existing storm drain system. The proposed plans provide for the storm water from the new cul-de-sac and the front of each lot to be collected in the storm drain in Angel Street. However the back part of each lot will drain to the rear yard and be held on the lot with a berm. While this proposed storm water plan exceeds the minimum design criteria of the City code, it will create temporary ponding in the back of each lot after a rain storm.

Vice-Chairperson Stroh DeCaire opened the Public Hearing.

Paul Hansen said he is the owner of this property and has owned it for many years. The water has pooled on the property but not to the point where it's created a problem. Mr. Hansen said that he feels that the addition of homes to the property would help with storm water runoff on the property.

There were no further comments or questions from the public. Vice-Chairperson Stroh DeCaire closed the Public Hearing.

Andy Thompson said that a certain amount of the water will drain to the road. The builders intend to build the cul-de-sac up so that the homes can have a partial daylight basement. Water on the front portion of the lots would drain out to the cul-de-sac, and the back of the property is designed to pool water. This subdivision meets the requirements for a 100-year storm event.

When the properties directly west of Mr. Hansen's property was developed, an old land drain pipe was found which was capped and rerouted around the property to the west. Because the city is unsure of what exactly the pipe is, it is not a reliable source for drainage.

Josh Sundloff asked if Staff is comfortable with this water drainage plan and the containment areas proposed.

Andy Thompson responded that while Staff is comfortable that Ivory Homes has done their calculations correctly on the storm drainage numbers, there is some concern over the practicality of it, and how future homeowners of these properties might react to it.

Matthew Anderson asked how retention might be changed if people decide to build sheds in their backyard.

Lorene Kamalu commented that there are many problems with water retention and water drainage issues on the west side of the city. Although people are supposed to retain water on their property they don't, and it's hard to enforce. If there is an issue with the water table it will change when additional structures are built. It creates areas of flooding where there wasn't flooding before. New developments will put in more fill, and there doesn't seem to be much protection from new developments coming into an area and affecting existing residences.

Nick Mingo, the engineer working with Ivory Homes, said that he worked on this project and feel comfortable with the storm water system as proposed. There is a retention swell at the back of the properties that will help to contain the water. The swell is larger than what is required and building a shed on the property won't affect water drainage. There might be a little pooling at the low spots of the yards, but it will not be substantial. If people make alterations to their property causing their neighbor's property to flood then it's their responsibility.

Matthew Anderson said that something needs to be on record so that future property owners will know about water runoff plans and won't be surprised by water pooling in their backyards.

Josh Sundloff said that could be put in the title. While there is some risk, it seems that the proposed plans will improve the water runoff situation here. This more than adequately meets the city's regulations.

Lorene Kamalu commented that there have been problems with other developments with similar water retention plans and asked if there are other ways to handle the water runoff, such as installing French drains around the homes. Mrs. Kamalu said that water runoff seems to be a challenge around Kaysville and she would rather not create an opportunity where there will be problems which will have to be resolved between neighbors.

Josh Sundloff made a motion to recommend preliminary and final plat approval for Apple Blossom Subdivision at 64 South Angel Street for Ivory Homes with the condition that the retention swell at the back of the lots be recorded on the plat and on the tile to these lots. Gary Bullock seconded the motion.

Voting was as follows:

Matthew Anderson	aye
Stroh DeCaire	aye
Josh Sundloff	aye
Thomas Wood	aye
Gary Bullock	aye
Lorene Kamalu	nay

The motion passed with a vote of five to one.

INTERPRETATION OF KAYSVILLE CITY ORDINANCES 17-32-2 “OFF-STREET PARKING” AND 17-31-35 “TELECOMMUNICATIONS TOWERS”

Andy Thompson explained that in May of this year, the Planning Commission approved a conditional use permit for a new cell tower at 2097 West 200 North. Since that time, the applicant has been in the process of receiving the appropriate approvals prior to construction. While reviewing their building permit application, Kaysville City Staff had requested that a paved access be provided to the site to ensure that the tower owners and other agencies have adequate access to service the site. Without adequate access, there are concerns that large service vehicles may get stuck in adverse conditions and that mud or dirt will be tracked into the streets from vehicles driving the property. An access road or drive was not a requirement of the conditional use permit process, however Staff has requested a road or drive based on its interpretation of Chapter 17-32 “Off-Street Parking and Loading”. An agreement verifying the right to access the property as proposed has been provided to Staff. The applicant feels that existing conditions are adequate for accessing the site, but has agreed to construct a gravel/road base surface as access to the site in efforts to satisfy the request of city Staff. Staff is looking for an interpretation from the Planning Commission regarding the intent of the ordinance requiring access and surface treatment to a telecommunication facility.

Josh Sundloff commented that because this is not a public parking area, then it doesn’t seem that a public parking area is required. If the main concern for requiring a paved area is because of mud or dirt being tracked onto the road, it seems a well graded and compacted gravel access would adequately address the concern of mud on the roads. The ordinance doesn’t seem to state that the road needs to be asphalted.

Lorene Kamalu said that this road will cause any maintenance trucks to have to cross a commercial property to access their property, which might cause a problem if their trucks are tracking debris onto their property.

Josh Sundloff responded that the adjacent property owner is allowing them an easement on their property and they can place provisions upon their agreement to remedy those types of problems. It seems to be more of a private matter between two entities.

Rock Schutjer said that the commercial property is under development and eventually it’s anticipated that there will be a paved area right up to the tower access point. Therefore the

access road is only being installed temporarily until the property is developed and then the road will be removed. It's unlikely that a technician would be on site more than once a month.

Josh Sundloff made a motion to approve an interpretation of Kaysville City Ordinance 17-32-2 "Off-Street Parking" and 17-31-35 "Telecommunications Towers", that the proposed gravel road meets the requirements of the said ordinances. Matthew Anderson seconded the motion and it passed unanimously.

CALL TO THE PUBLIC

Mary Ann Thurgood stated that she is concerned about the city's height requirements for accessory buildings and would like a moratorium put in place restricting specific building permits from being issued until building codes and height restrictions could be changed. Some structures might look okay on paper but once built it seems to take on a different meaning and could be a burden on adjacent properties. The city ordinances are in place to help to promote the aesthetics of the city and protect property values. These oversized structures don't enhance the community and restricts neighboring properties from where they can plant their gardens or tree on their property. It affects privacy and there needs to be a broader process of filtering and reviewing these permits. They should be required to put in landscaping to make it more compatible with the surrounding environment. There needs to be safe circulation of vehicles and pedestrians, as well as providing off-street parking on their property. Architectural designs and exterior finishes should be comparable to surrounding exteriors. Accessory buildings used for home occupations should be required to have an increased setback from neighboring homes.

Lorene Kamalu commented that accessory buildings used for home occupations are not typically brought before the Planning Commission for approval.

Jay Baughman said that the laws allow for large accessory buildings to be built only five feet away from a property line. Their neighbor recently obtained a building permit to build a large building in their backyard, and now they are looking at a large wall of a building. It's become a problem and similar situations are happening in other areas of the city. There is a lot of growth in Kaysville and there is an intermixing of residential agricultural uses and single family homes. People are being permitted to build large structures without any kind of judgment process to see what would be best for the community. Being able to build large buildings right next to property lines doesn't make sense. The owners building the structures should be required to build it closer to their own home rather than the surrounding homes.

Stroh DeCaire commented that they were grateful to hear the comments made and suggested that Ms. Thurgood and Mr. Baughman meet with Staff to see if they could get on a future agenda so that it could be discussed further.

CALENDAR

The next regularly scheduled Planning Commission meeting will be held on Thursday, November 30, 2017 at 7:00 p.m.

ADJOURNMENT

Thomas Wood made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 10:22 p.m.