



3200 West 300 North
West Point, UT 84015
PH: 801-776-0970
FAX: 801-525-9150
www.westpointcity.org

West Point City Planning Commission Notice of ELECTRONIC MEETING & AGENDA

NO PHYSICAL MEETING LOCATION

May 14, 2020

This public meeting will be held electronically in accordance with the March 18th, 2020 Executive Order 2020-5 issued by Governor Herbert: 2020-5: *Suspending the Enforcement of Provisions of Utah Code § 52-4-202 and § 52-4-207, and Related State Agency Orders, Rules, and Regulations, Due to Infectious Disease COVID-19 Novel Coronavirus*

The public may monitor or listen to the meeting electronically and provide public comment when appropriate by following the instructions below:

- Join Zoom Meeting at: <https://zoom.us/j/92370081661> or
- Connect via Telephone: Dial 1(669) 900-6833 and enter Meeting ID: 92370081661

Members of the public may also participate in the Public Comment item via email prior to the meeting.

Comments must be received prior to the 7 PM Planning Commission Meeting

- Email: mbailey@westpointcity.org
- Subject Line: Must be designated as "Public Comment – May 14, 2020 Planning Commission Meeting"
- Email Body: **Must** include First & Last Name and Address and a succinct statement of your comment.

Work Session (Open to the public) This meeting will begin at 6:00 pm

1. Disclosures from Planning Commissioners
2. Discussion regarding Preliminary and Final Plat Approval for the Brett Kenley Subdivision, located at approximately 868 North 5000 West, Brett Kenley, applicant.
3. Discussion regarding Front Yard Setback requirements in the R-4 Zone.
4. Discussion regarding a Conditional Use Permit for a Residential Support Facility, located at 1864 West Ridge Point Drive, Steven Pritt, applicant.

General Session (Open to the public) This meeting will begin at 7:00 pm

1. Call to Order.
2. Pledge of Allegiance.
3. Prayer (Please contact the Commission Clerk to request meeting participation by offering a prayer or inspirational thought).
4. Disclosures from Planning Commissioners
5. Approval of Minutes from April 9, 2020
6. Public Comments
7. Public Hearing for changes to Title 17 Land Use Ordinance regarding Front Yard Setbacks in the R-4 Zone.
 - a. Public Hearing
 - b. Action
8. Public Hearing for a Conditional Use Permit for a Residential Support Facility located at 1864 West Ridge Point Drive, Steven Pritt, applicant.
 - a. Public Hearing
 - b. Action
9. Planning Commission Comments
10. Staff Update
11. Adjournment

Boyd R. Davis
Community Development Director

If you attend the regularly scheduled meeting and, due to a disability, need assistance in understanding or participating therein, please notify the City at least eight hours prior to the meeting and we will seek to provide assistance.

Planning Commission Staff Report

Subject: Discussion – Prelim & Final Plat Brett Kenley Subdivision
Author: Troy Moyes
Department: Community Development
Date: May 14, 2020



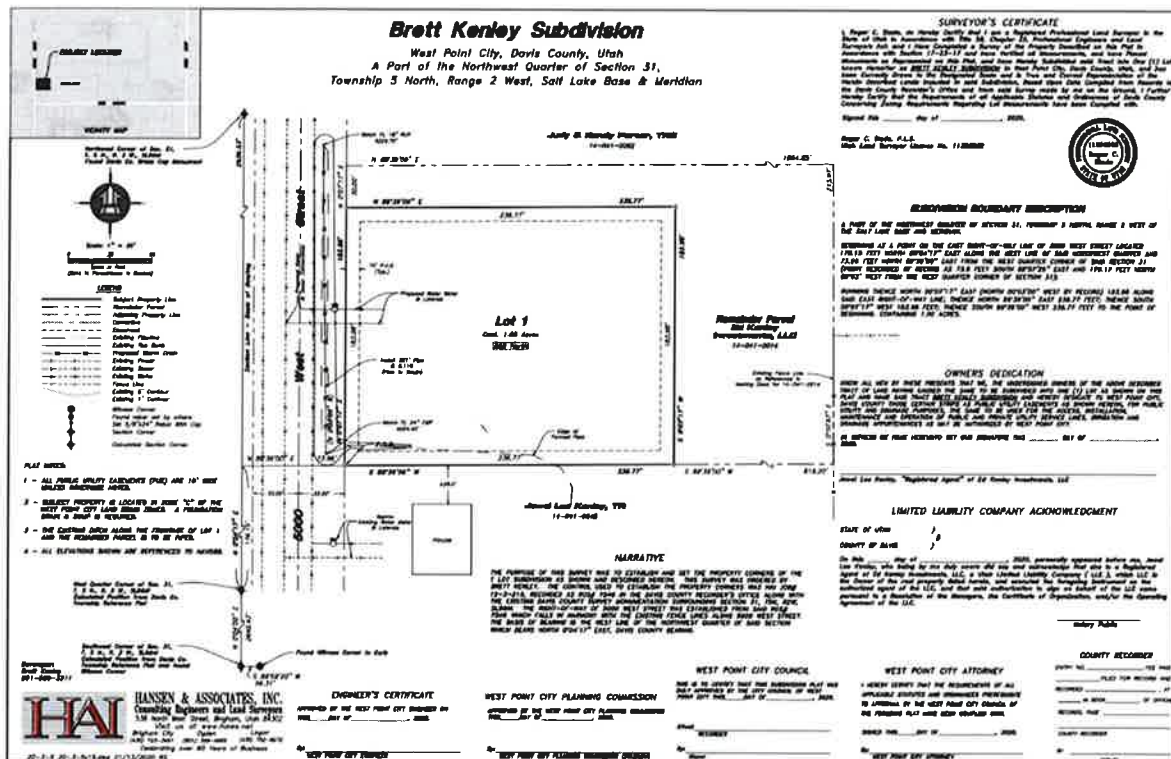
Background

Brett Kenley will be seeking a Preliminary and Final Plat approval for a single lot subdivision located at his property at approximately 868 North 5000 West. This property is being carved out of a larger parcel into a single one-acre parcel that is currently zoned A-40 Agricultural. The applicant would like to keep the current zoning due to the fact that that property is one-acre in size and is the minimum lot size for the A-40 Agricultural zone.

Analysis

Staff has reviewed the application and plans that were submitted on March 18, 2020. The applicant has addressed all of the comments in the review letter and is working on obtaining letters from the following agencies:

- Davis and Weber Canal Co.
- North Davis Fire District
- Hooper Water Improvement District
- Acknowledgement from North Davis Sewer District



This item is before the Planning Commission as a discussion item only. Staff would like to try and follow the same pattern that is done with City Council and present items a meeting before any action is taken. The purpose, is a way for the Commissioners to familiarize themselves with the project and bring up any concerns so that the applicant and staff can work through them before the next meeting.

Recommendation

Staff recommends that the Planning Commission take no action at this time and table for more discussing during the next meeting.

Significant Impacts

None

Attachments

Application

Review Letter

Plans

MEMORANDUM

To: Hansen & Associates, Inc.

From: Boyd Davis, P.E. *B.D.*

cc: West Point City Planning Commission

RE: Brett Kenley Subdivision – Final Plan Review

Date Plans Received: March 18, 2020

Date Reviewed: March 24, 2020

I have completed a review of the final plan for the subject subdivision and offer the following comments for your review:

1. Plat
 - a. No Comments.
2. Streets
 - a. No comments.
3. Culinary Water
 - a. Approval from the Hooper Water Improvement District is required.
 - b. Approval from the North Davis Fire District is required.
4. Secondary Water
 - a. Approval from the Davis and Weber Counties Canal Co. is required.
 - b. Water shares are required.
 - c. Please show the location of the secondary water service line and meter.
5. Sanitary Sewer
 - a. Approval from the North Davis Sewer District is required.
6. Storm Drainage
 - a. Please indicate the pipe size to be installed along 5000 W. The masterplan calls for a 21" RCP, but 24" is preferred due to the flat slope.
7. Land Drainage
 - a. No Comments.
8. Grading & Drainage

a. No Comments.

9. Irrigation

a. How will the lot be protected from irrigation water from the north and east?

Recommendation:

These items must be addressed prior to final approval.



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Subdivision Plan Application

All applications submitted must be made in accordance with the Title 16 & 17 of the West Point City Code, Governing all Land Use and Subdivision Developments. A new application is required for each application type.

Application Type – what type of application are you seeking?

- Concept Plan Preliminary Plan/Plat Final Plan/Plat Amendment

For Office Use Only		
<i>Received Payment</i>		
\$		
AMOUNT PAID	DATE RECEIVED	INITIAL
Amendment Conceptual Plan Preliminary Plan/Plat Final Plan/Plat	\$300 No Fee \$300 + \$25 per lot \$600 + \$50 per lot	

Subdivision Property Information

Proposed Subdivision Name: BRETT & JENNIFER KENLEY	*Current Zoning:	Total Acreage: 1 ACRE
Approximate Address: 868 N. 5000 W.	Number of Lots 1	**Concept Review Date:
		**Preliminary Approval Date:

Developer/Agent Contact Information

Contact Name: BRETT KENLEY	Company: ED KENLEY INVESTMENTS	Owner of Property? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
Address: 1888 N. MAIN ST	City: LAYTON	State: UT.	Zip: 84041
Contact Office Phone: 801-776-4201	Contact Cell Phone: 801-589-3311	Contact Email: brett@edkenleyford.com	

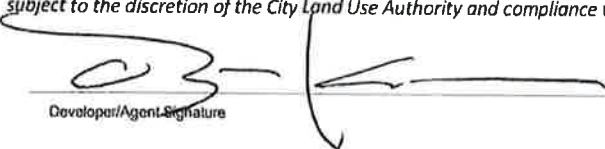
Engineer Contact Information

Name: TIM PFUHL	Company: TIM PFUHL DESIGN		
Address:	City:	State:	Zip:
Contact Office Phone: 801-589-9700	Contact Cell Phone:	Contact Email: pfuhl@timdesign.com	

*IF THE DEVELOPMENT REQUIRES A CHANGE IN ZONING/A REZONE APPLICATION IS REQUIRED
 **IF APPLICABLE

NOTE: If the agent listed above is not the property owner, he/she must be authorized as the assigned "AGENT" by completing the **STATEMENT OF OWNERSHIP/DESIGNATION OF AGENT** section below. This authorization only needs to be completed once, prior to concept approval.

I hereby certify that the requested Subdivision would comply with all required conditions and standards of the West Point City Subdivision and Land Use Ordinance, be harmonious with neighboring uses, fit the goals of the community's General Plan, and impose no insatiable demands for public services. I have read the West Point Subdivision and Land Use Ordinances and understand that submitting this Application does not guarantee approval and is subject to the discretion of the City Land Use Authority and compliance with all requirements of West Point City's Municipal Code.


4.14.2020
 Developer/Agent Signature Date

Statement of Ownership/Designation of Agent

(provide a small plat map showing ownership)

As the undersigned legal owners of the property described on a short plat map, we designate _____ to act as the agent with respect to this application.

Property Owner Signature Print Name Date

Planning Commission Staff Report

Subject: Public Hearing – Front setback in the R-4 Zone
Author: Troy Moyes
Department: Community Development
Date: May 14, 2020



Background

During the Planning Commission Work Session held on April 23, 2020 this item was presented to the Commission regarding a proposal regarding changes to the R-4 front yard setback. During that meeting the Commission asked that a Public Hearing be set for May 14, 2020 meeting.

Over the past several months the Planning Commission had several discussions regarding the creation of a new “in between” zone, the topic of setbacks was presented for this zone along with possible changes in the R-4 zone. In those discussions it was recommended from staff that the front setbacks in the R-4 Zone be reduced to 20’ from 25’ as indicated on the “Zone Regulations Chart.” While the Planning Commission is currently meeting virtually it was decided that all in-depth code discussions would be postponed until further notice. Just recently Jake Sheppard has been in communication with the Planning Commission Chair expressing his desire for the Planning Commission to continue the discussion as it pertains to the front setback changes in the R-4 Zone. He is proposing that this item be taken out of the “in-between” zone discussion so the Planning Commission can act on just this change.

Analysis

West Point City Code 17.25.080 “Zone Regulations Chart” identifies the minimum front yard setbacks in the R-4 Zone to be 25’.

Zone Regulations Chart

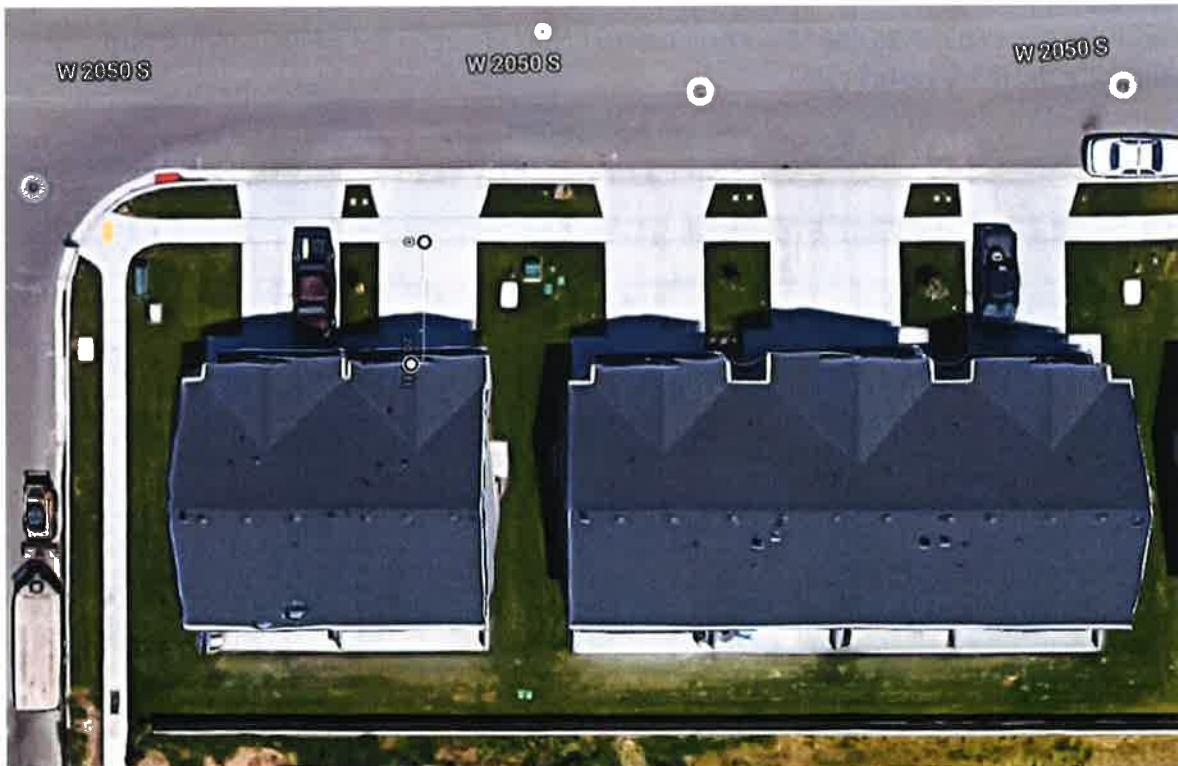
ZONING CLASSIFICATION	A-5	A-40	R-1	R-2	R-3	R-4	R-5	N-C	C-C	R-C	P-O	R/I-P
LOT SIZE												
Min. Lot Area (sq. ft.) First Dwelling Unit	5 acres	40,000	12,000	10,000	9,000	-	-	-				
Min. Lot Area (sq. ft.) Nonresidential								10,000	20,000	20,000	20,000	20,000
Density per Acre			2.2	2.7	3.6	8	20					
Min. Lot Area (sq. ft.) for Each Add. Unit	5 acres	40,000	12,000	10,000	9,000	-	-	-	-	-	-	-
Minimum Frontage	150'	100'	85'	85'	85'	-	-	-	-	-	-	-
Minimum Average Frontage of All Lots (see note 1)	-	-	100'	90'	-	-	-					
Minimum Depth	100'	100'	100'	100'	100'	-	-	-	-	-	-	-
PRINCIPAL STRUCTURES SETBACKS												
Min. Front Yard Setback Residential/Nonresidential	30'	30'	30'	25'/30' ⁴	25'/30' ⁴	25'	20'	20'	20'	20'	20'	20'
Min. Front Yard Setback Arterial Street	40'	40'	40'	40'	40'	40'	20'	20'	20'	20'	20'	20'
Min. Side Yard Setback (Interior) One Side	10'	10'	10'	10'	8'	8'	8'	0'	0'	0'	10'	10'
Total	20'	20'	20'	20'	16'	16'	16'	0'	0'	0'	20'	20'

The following are setback requirements from other municipalities regarding “Townhomes:”

1. Layton City – Front yard setbacks in the Condominium/Townhouse District are 12’ along 2-lane collector roads. The first image shows a townhome project off of Gordan in Layton just west of the Family Search Center, called the Legacy Village Condominiums (14’ front setbacks). The second image is taken from a place called Greyhawk Townhomes off of SR-193 by the Davis Landfill (15’ front setbacks). Both of these examples are under 20’



2. Syracuse City – Front yard setbacks in their R-4 zoning district has a minimum of 25’. However, the Stokers Gardens development in Syracuse has 20’ setbacks as shown in the image below.



3. West Point currently has three townhome developments. The first is the Sandy Point Townhomes (low as 20' front setbacks) the second is the Yalcrest Townhomes (low as 8' front setbacks in some places) and the third is Lake Point Village (low as 18' setbacks)





Recommendation

Staff recommends that the Planning Commission approve changes in R-4 zone as it pertains to the front yard setbacks.

Significant Impacts

None

Attachments

17.25.080 Zone Regulation Chart

17.25.080 Zone regulations chart.

Zone Regulations Chart

ZONING CLASSIFICATION	A-5	A-40	R-1	R-2	R-3	R-4	R-5	N-C	C-C	R-C	P-O	R/I-P
LOT SIZE												
Min. Lot Area (sq. ft.) First Dwelling Unit	5 acres	40,000	12,000	10,000	9,000	-	-	-	-	-	-	-
Min. Lot Area (sq. ft.) Nonresidential								10,000	20,000	20,000	20,000	20,000
Density per Acre			2.2	2.7	3.6	8	20					
Min. Lot Area (sq. ft.) for Each Add. Unit	5 acres	40,000	12,000	10,000	9,000	-	-	-	-	-	-	-
Minimum Frontage	150'	100'	85'	85'	85'	-	-	-	-	-	-	-
Minimum Average Frontage of All Lots (see note 1)	-	-	100'	90'	-	-	-	-	-	-	-	-
Minimum Depth	100'	100'	100'	100'	100'	-	-	-	-	-	-	-
PRINCIPAL STRUCTURES SETBACKS												
Min. Front Yard Setback Residential/Nonresidential	30'	30'	30'	25'/30' ⁴	25'/30' ⁴	25' ^{20'}	20'	20'	20'	20'	20'	20'

Zone Regulations Chart

ZONING CLASSIFICATION	A-5	A-40	R-1	R-2	R-3	R-4	R-5	N-C	C-C	R-C	P-O	R/I-P
Min. Front Yard Setback Arterial Street	40'	40'	40'	40'	40'	40'	20'	20'	20'	20'	20'	20'
Min. Side Yard Setback (Interior) One Side	10'	10'	10'	10'	8'	8'	8'	0'	0'	0'	10'	10'
Total	20'	20'	20'	20'	16'	16'	16'	0'	0'	0'	20'	20'
Min. Side Yard (Corner Lot) Street Side	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'
Arterial Road (Corner Lot)	30'	30'	30'	30'	30'	30'	30'	20'				
Min. Side Yard between R-5 and A-5, A-40, R-1, and R-2	-	-	-	-	-	25'	25'	-	-	-	-	-
Min. Rear Yard Setback	30'	30'	30'	25'/30' ⁴	25'/30' ⁴	20'	20'	10'	10'	10'	10'	10'
Distance between Structures on Same Lot (Nonresidential)	-	-	-	-	-	-	10'	10'	10'	10'	10'	10'
Distance between Structures on Adjacent Lot (Nonresidential)	-	-	-	-	-	-	10'	10'	10'	10'	10'	10'
ACCESSORY STRUCTURES/USES³												

Zone Regulations Chart

ZONING CLASSIFICATION	A-5	A-40	R-1	R-2	R-3	R-4	R-5	N-C	C-C	R-C	P-O	R/I-P
Minimum Front Yard ³	-	-	-	-	-	-	-	25'	25'	25'	25'	50'
Minimum Side Yard (Interior) ³	1'	1'	1'	1'	1'	1'	1'	1'	1'	1'	1'	10'
Minimum Side Yard (Street) Corner Lot	20'	20'	20'	20'	20'	20'	20'	0'	0'	0'	0'	0'
Arterial Street Corner Lot ³	20'	20'	20'	20'	20'	20'	20'	0'	0'	0'	0'	0'
Minimum Rear Yard ³	1'	1'	1'	1'	1'	1'	1'	1'	1'	1'	1'	1'
Distance between Accessory and Principal Structures ³												
Same Lot	10'	10'	10'	10'	10'	10'	10'	-	-	-	-	-
Adjacent Lot	15'	15'	15'	15'	15'	15'	15'	-	-	-	-	-
HEIGHT												
Height Principal Structure	40'	40'	40'	40'	40'	40'	40'	40'	40'	60'	40'	60'
Height Accessory Structure ³	30'	30'	30'	30'	30'	30'	40'	40'	40'	40'	40'	20'
Principal Structure Minimum	12'	12'	12'	12'	12'	12'	12'	10'	12'	12'	12'	12'
Accessory Structure, Maximum Stories ³	1	1	1	1	1	1	1	-	-	-	-	-
LOT COVERAGE												

Zone Regulations Chart

ZONING CLASSIFICATION	A-5	A-40	R-1	R-2	R-3	R-4	R-5	N-C	C-C	R-C	P-O	R/I-P
Minimum Open Space ²	-	-	25%	25%	30%	30%	25%	-	-	-	-	-
Minimum Landscaping	-	-	-	-	-	-	-	15%	15%	15%	15%	15%
Accessory Building, Maximum Footage ³	-	-	10%	10%	10%	10%	10%	-	-	-	-	-
FOOTAGE PER DWELLING												
Minimum Size of Dwelling:												
Rambler	1,400	1,400	1,400	1,400	1,400	1,400	-	-	-	-	-	-
Slab on grade/crawl space	1,400	1,400	1,400	1,400	1,400	1,400	-	-	-	-	-	-
Bi-level	2,000	2,000	2,000	2,000	2,000	2,000	-	-	-	-	-	-
Tri-level	1,400	1,400	1,400	1,400	1,400	1,400	-	-	-	-	-	-
Multi-level	1,400	1,400	1,400	1,400	1,400	1,400	-	-	-	-	-	-
Multifamily (townhouses)							1,200	1,200				
Two-story	2,000 sq. ft. minimum, 10% variance between floors. Buildings above 2,200 sq. ft., no minimum variance.											-

The R-4 and R-5 districts require 9,000 square feet for the first two dwelling units.

1 The average frontage shall be the average of all lots within a development, not each phase. No more than three lots in a row shall be the minimum lot width of the zone and the next lot must vary by a minimum of five feet. Lots with greater than 150 feet of frontage will not be included in the calculation of the average. On multifamily projects, the frontage shall be calculated as the frontage of the building, not the individual unit. The frontage shall be measured at the front yard setback and shall be measured along the arc at the setback if the lot frontage is curved.

Corner lots shall meet the minimum lot width requirement on both street frontages.

Residential building lots should not face onto arterial streets whenever possible. In those limited circumstances where the only available frontage is an arterial street, it is important to achieve the greatest setback possible to protect residents from the noise and safety hazards associated with potential high volume of traffic and high speeds. Side yards should also include greater setbacks.

Front yard setbacks along arterial streets, for building purposes, shall be determined from the proposed ultimate width of the arterial street.

Two side-by-side covered parking spaces within a garage shall be required in all single-family and two-family residences.

Special Provisions – A-5, A-40, and R-1. All pens, corrals, barns, coops, stables and other similar structures to keep animals or fowl shall be located not less than 150 feet from a public street and not less than 100 feet from all dwellings on adjacent lots; unless the enclosing structure is on a corner lot, in which case the structure shall be located not less than 150 feet from a public street on one side and 25 feet from the other public street. All pigs shall be kept at least 200 feet from dwellings on adjacent lots.

2 Open space does not include any impervious materials.

Those numbers which include a plus (+) sign after them indicate that for every foot of height above 35 feet on principal use structures and above 20 feet on accessory structures, an additional one foot of setback will be required.

Development in the N-C and P-O shall require 40 percent of the buildings (structures) to have the maximum setback of 20 feet with parking being provided in the rear of the lot.

All projects within all commercial with residential uses shall include at least two-thirds of the gross land or floor area in professional office and/or retail spaces. All required professional offices/retail space must be constructed prior to or simultaneous with the residential development.

Rear yard, front yard, and side yard setbacks in the N-C, C-C, R-C, and P-O zones may be adjusted by 50 percent if no detriment, current or future, can be shown to adjacent properties, with a conditional use permit from the planning commission.

3 Accessory Buildings.

Minimum side yard setbacks for an accessory structure on an interior lot are one foot from drip line of roof if the accessory structure is located at least 10 feet behind the principal structure. Otherwise, side yard setbacks for principal structures would apply to the accessory structure. Minimum rear yard setback on an interior lot is one foot from drip line of roof.

For all accessory buildings above 25 feet, an additional one-foot setback is required.

Accessory buildings with a lot size of 15,000 square feet or less shall have a roof line equal to or less than the principal structure of the lot.

Accessory buildings in the R-1 zone shall not exceed the allowable building maximum without first obtaining a conditional use permit.

No more than eight percent of the 10 percent accessory building maximum footage shall be in one accessory building.

No accessory building shall be built prior to the principal building on lots less than one acre in size.

4 The minimum setback of 25 feet can be used in either the front or the rear yard but not both. If the front setback is 25 feet, then the rear setback must be 30 feet and vice versa.

[Ord. 09-18-2018A § 5; Ord. 01-16-2018A § 1; Ord. 07-18-2017B § 1; Ord. 07-18-2017A § 1; Ord. 12-20-2016A § 1; Ord. 05-03-2011 § 2 (Exh. A)]

This letter is to formally request consideration to obtain a license from West Point City specifically a Licensed Residential Support facility.

- Address of home: 1864 Ridge Point Dr, West Point, Utah 84015
- Owner's names and contact information: Stephen Pritt, 801-991-0628 Stevepritt@yahoo.com
- Type of residence you are planning: Residential Support
- Number of residents intended, including owners or managers: 5, 16-18 year old males supervised by myself or adult supervision, typically 1 -2 adult workers including overnight staff.
- Category of residents: No Category
- Description of the operation: Provide supervision and therapeutic support while integrating in academic, sports, and other social activities in the community.
 -
 - Type of license you are seeking from the State: Residential Support
 - Length of operation: Year Round
 - Description of the home, i.e. number of rooms, kitchens, bathrooms, etc: Home has 7 bedrooms 4 bathrooms, 2 kitchens, 2 family rooms, 6 car garage, 4 car driveway, RV pad.
 - Description of available off-street parking and number of vehicles expected: Parking is available on the curb, driveway, and RV Pad along with the garage parking itself. Number of expected vehicles is 4-6 which should accommodate in the driveway and garage with no need for use of RV pad or curbside parking.

Any other pertinent information:

Our students typically have struggled with one or more of the following challenges:

- Low Self-Esteem
- Anxiety
- Executive Function
- Mood Stabilization
- Trauma
- Family Conflicts
- Adoption Issues
- Social Skills
- Depression
- School Truancy
- Academic Underachievement or School Failure
- Learning Difficulties
- Attentional Issues
- Inadequate Relationship Skills
- Computer/Video Compulsion
- Sense of Entitlement
- Impulse Control
- Oppositional Defiance
- Grief from Death or Abandonment

License will follow all Utah rules and regulations pertaining to a Licensed Residential Support Program.

Please let me know if you have any questions. Respectfully, Stephen Pritt

Email received from Felshaw King on March 27, 2020 – West Point City Attorney

Boyd,

The applicant is inquiring as to whether or not the City would approve the application. It is my understanding that this would be a Residential Support Program licensed by the State of Utah. The Utah Administrative Code provides in Section R501-22-7 that "The program shall provide written documentation of compliance with the following:

1. local zoning ordinances,
2. local business license requirements,
3. local building codes.
4. local fire safety regulations,
5. local health codes, and
6. local approval from the appropriate government agency for new program services or increased consumer capacity.

The following discussion pertains only to the zoning issue.

The program house is in an R-3 zone, which allows single family dwellings. the Code has a definition for "Residential facility for persons with a disability," however, I do not see any provisions in the Code which would allow such facility anywhere within the City either as a Permitted Use or as a Conditional Use. The closest use is a "Home for Elderly" as a Conditional Use in an R-3 zone. Under the Fair Housing Act as applied by courts the City cannot "zone out" certain uses covered by the Act to protect certain classes. One of thos classes is persons with a disability. Disability is defined in the Code. This definition is a standard definition under the Act. The applicant has provided a list of conditions which will be treated in the group home. One or more of these conditions would fall within the definition of "Disability."

In my opinion the application should be treated as an application for a Conditional Use Permit. The application cannot be denied on the basis of being a place for treatment of people with a disability. If the applicant can meet all of the requirements usually imposed by the City for a CUP and those stated in UAC R501-22-7 it is my opinion that the CUP should be granted.

There may be additional facts which I have not been provided. If so, I reserve the option to revise this opinion upon presentation of any additional facts.

Let me know if you have any questions or comments.

Felshaw

Planning Commission Staff Report

Subject: Public Hearing – CUP Residential Support Facility
Author: Troy Moyes
Department: Community Development
Date: May 14, 2020



Background

The applicant Steven Pritt located at 1864 West Ridge Point Drive is seeking a Conditional Use Permit from the Planning Commission to operate a Residential Support Facility out of his home. The following description is what was written on the application under the “Detail Description of Conditional Use and Potential Impact on Residential Use” section dated April 27, 2020:

“Residential support facility for teen boys who struggle with anxiety, depression, self-esteem coming out of long-term treatment and will be re-integrating into public schools/employment.”

Analysis

Residential Support Programs are administrated by the State of Utah under the Office of Licensing and must comply with the rules and regulations that are found in UAC R501-22-7. These rules outline requirements for staffing, the type of facility, documentation of compliance of local codes and regulations. West Point City Code 17.70 “Conditional Uses” outlines the requirements for Conditional Use Permits. All of the noticing requirement have been met regarding to this application.

Utah State Code 10-9a-507 give clear standards on how to impose reasonable conditions:

“(2) (a) (i) A land use authority shall approve a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

(ii) The requirement described in Subsection (2)(a)(i) to reasonably mitigate anticipated detrimental effects of the proposed conditional use does not require elimination of the detrimental effects.

(b) If a land use authority proposes reasonable conditions on a proposed conditional use, the land use authority shall ensure that the conditions are stated on the record and reasonably relate to mitigating the anticipated detrimental effects of the proposed use.

(c) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the land use authority may deny the conditional use.

(3) A land use authority's decision to approve or deny conditional use is an administrative land use decision.”

Staff has sought out legal opinion regarding this application. That response has been provided to the Planning Commission for their information.



Recommendation

Staff recommends that the Planning Commission take no action at this time and table for more discussing during the next meeting.

Significant Impacts

None

Attachments

Application

Applicant Formal Letter

Attorney response

Utah Admin Code R501.22.17



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Conditional Use Permit Application

All applications submitted must be made in accordance with the Title 17 of the West Point City Code. A conditional use permit shall be required and approved by the Planning Commission for all uses listed as conditional uses in the code. A conditional use permit may be revoked upon failure to comply with conditions set forth.

Applicant / Property Information			
Applicant Name: Stephen Pitt	Phone Number: 801-991-6628	Owner of Property? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
Address: 1864 Ridge Point Dr	City: West Point	State: Ut	Zip: 84015
Email Address: StevePitt@yahoo.com	Current Zone:	Size of Lot:	Size of Dwelling: 4200 SF
Conditional Use Information			
Conditional Use Type (i.e. home occupation, accessory building, signage, landscaping, etc.) Residential Support			Size of Proposed Structure (if applicable):
Business Name (if applicable):	Federal EIN Number (if applicable):	Sq. Ft. of Space Intended for Conditional Use (if applicable):	
Detail Description of Conditional Use and Potential Impact on Residential Use: Residential Support facility for Teen Boys who struggle with anxiety, depression, self-esteem coming out of long term treatment and will be re-integrating into public school / employment.			
Neighbor Acknowledgment			
Please have neighbors that adjoin your property sign below. Those individuals that sign below are only stating that they are aware that you are applying for a Conditional Use Permit and not necessarily that they approve of the application or project.			
Name Dana Johnson	Address 1848 Ridge Point Dr	Signature 	
Name Kevin Hirasuna	Address 1886 Ridge Point Dr	Signature 	

I hereby certify that the information provided for a conditional use permit comply with all requirements and standards of the West Point City Land Use Ordinance. I have read the West Point Subdivision and Land Use Ordinances and understand that submitting this Application does not guarantee approval.

Signature: Date: 4/27/20

For Office Use Only Received Payment		
\$		
AMOUNT PAID	DATE RECEIVED	INITIAL
Conditional Use Permit	\$75	

R501. Human Services, Administration, Administrative Services, Licensing.

R501-22. Residential Support Programs.

R501-22-1. Authority.

Pursuant to Section 62A-2-101 et seq., the Office of Licensing, shall license residential support programs according to the following rules.

R501-22-2. Purpose.

This rule establishes basic health and safety standards for residential support programs.

R501-22-3. Definition.

Residential Support is as defined in section 62A-2-101. Temporary Homeless Youth Shelter is as defined in Section 62A-4a-501.

R501-22-4. Administration.

A. In addition to the following rules, all Residential Support Programs shall comply with R501-2, Core Standards.

B. The program shall ensure that consumers receive direct service from an assigned worker or other appropriate professional.

C. A list of current consumers shall be available and on-site at all times.

R501-22-5. Staffing.

A. The program shall have an employed manager responsible for the day to day resident supervision and operation of the facility. The responsibilities of the manager shall be clearly defined. Whenever the manager is absent there shall be a substitute to assume managerial responsibility. With the exception of Domestic Violence Shelters, adult programs are not required to provide twenty four hour supervision.

B. The program shall make arrangement for medical backup with a medical clinic or physician licensed to practice medicine in the State of Utah.

C. The program shall have at least one person on duty who has completed and remains current in a certified first aid and CPR program.

D. Programs which utilize students and volunteers, shall provide screening, training, and evaluation of volunteers. Volunteers providing care in Domestic Violence Shelters, without paid staff present, shall have direct communication access to designated staff at all times. Volunteers shall be informed verbally and in writing of program objectives and scope of service.

R501-22-6. Direct Service.

This section supersedes core standards, Section R501-2-8.

A. The program consumer records shall contain the following:

1. name, address, telephone number, admission date, and personal information required by the program,
2. emergency information with names, address, and telephone numbers,
3. a statement indicating that the resident meets the admission criteria,
4. description of presenting problems,

5. service plan and services provided, and referral arrangements as required by the program,

6. discharge date,

7. signature of person or persons, or designee providing services, and

8. crisis intervention and incident reports.

B. The program's consumer service plan shall offer and document as many life enhancement opportunities as are appropriate and reasonable.

C. Domestic Violence Shelter action plans shall include the following:

1. a review of danger and lethality with victim and discussion of the level of the victim's risk of safety.

2. a review of safety plan with the victim,

3. a review of the procedure for a protective order and referral to appropriate agency or clerk of the court authorized to issue the protective order, and

4. a review of supportive services to include, but not limited to medical, self-sufficiency, day care, legal, financial, and housing assistance. The program shall facilitate connecting services to those resources as requested. Appropriate referrals shall be made, when indicated, and documented in the consumer record for victim treatment, psychiatric consultation, drug and alcohol treatment, or other allied services.

5. Domestic Violence Shelter staff completing action plans shall have at least a Bachelor's Degree in Behavioral Sciences.

R501-22-7. Physical Environment.

A. The program shall provide written documentation of compliance with the following:

1. local zoning ordinances,

2. local business license requirements,

3. local building codes,

4. local fire safety regulations,

5. local health codes, and

6. local approval from the appropriate government agency for new program services or increased consumer capacity.

B. Building and Grounds

1. The program shall ensure that the appearance and cleanliness of the building and grounds are maintained.

2. The program shall take reasonable measures to ensure a safe physical environment for its consumers and staff.

R501-22-8. Physical Facility.

A. Live-in staff shall have separate living space with a private bathroom.

B. The program shall have space to serve as an administrative office for records, secretarial work and bookkeeping.

C. Space shall be provided for private and group counseling sessions.

D. Bathrooms -- The following bathroom standards shall apply.

1. There shall be separate bathrooms, including a toilet, lavatory, tub or shower, for males and females. These shall be maintained in good operating order and in a clean and safe condition.

2. Consumer to bathroom ratios shall be 10 to one.
3. Bathrooms shall accommodate consumers with physical disabilities, as required.
4. Each bathroom shall be maintained in good operating order and be equipped with toilet paper, towels, and soap.
5. There shall be mirrors secured to the walls at convenient heights.
6. Bathrooms shall be placed as to allow access without disturbing other residents during sleeping hours.
7. Bathrooms shall be ventilated by mechanical means or equipped with a screened window that opens.
8. Domestic Violence Shelters Bathrooms
 - a. family members may share bathrooms, and
 - b. where bathrooms are shared by more than one family or by children over the age of eight, parents or program staff shall ensure that privacy is protected.
9. Temporary Homeless Youth Shelters Bathrooms
 - a. Single occupancy unisex bathrooms are permissible.
- E. Sleeping Accommodations
 1. A minimum of 60 square feet per consumer shall be provided in a multiple occupant bedroom and 80 square feet in a single occupant bedroom. Storage space shall not be counted.
 2. Sleeping areas shall have a source of natural light, and shall be ventilated by mechanical means or equipped with a screened window that opens.
 3. Each bed, none of which shall be portable, shall be solidly constructed and be provided with clean linens after each consumer stay and at least weekly.
 4. Sleeping quarters serving male and female residents shall be structurally separated.
 5. Consumers shall be allowed to decorate and personalize bedrooms with respect for other residents and property.
 6. For Domestic Violence Shelters, Family Support Centers, Temporary Homeless Youth Shelters and children's shelters, the following shall apply:
 - a. A minimum of 40 square feet per consumer shall be provided in a multiple occupant bedroom. Storage space shall not be counted. The use of one crib for children under two years of age shall not be counted in the square foot requirement as long as it does not inhibit access to and from the room.
 - b. Roll away and hide-a-beds may be used as long as the consumer square foot requirement is maintained.
 - c. Family members are allowed to share bedrooms. Where bedrooms are shared by more than one family, parents or program staff shall make appropriate arrangements to ensure privacy is protected.
 7. For Temporary Homeless Youth Shelters, the following shall apply:
 - a. A minimum of 40 square feet per consumer shall be provided in a multiple occupant dormitory style bedroom. Storage space shall not be counted.
 - b. For youth with their own children, a minimum of 40 square feet per person shall be provided in a separately enclosed bedroom that houses only youth that have their own children. Storage space shall not be counted.

F. Equipment

1. Furniture and equipment shall be of sufficient quantity, variety, and quality to meet program and consumer needs.

2. All furniture and equipment shall be maintained in a clean and safe condition.

G. Storage

1. The program shall have locked storage for medications.

2. The program shall have locked storage for hazardous chemicals and materials, according to the direction of the local fire authorities.

3. Any weapons brought into the facility shall be secured in a locked storage area or removed from the premises.

H. Laundry Service

1. Programs which permit consumers to do their own laundry shall provide equipment and supplies for washing, drying, and ironing.

2. Programs which provide for common laundry of linens and clothing, shall provide containers for soiled laundry separate from storage for clean linens and clothing.

3. Laundry appliances shall be maintained in good operating order and in a clean and safe condition.

R501-22-9. Food Service.

A. One staff shall be responsible for food service. If this person is not a professionally qualified dietitian, regularly scheduled consultation with a professionally qualified dietitian shall be obtained. Meals served shall be from dietitian approved menus.

B. The staff responsible for food service shall maintain a current list of consumers with special nutritional needs and record in the consumer's service record information relating to special nutritional needs and provide for nutritional counseling where indicated.

C. The program shall establish and post kitchen rules and privileges according to consumer needs.

D. Consumers present in the facility for four or more consecutive hours shall be provided nutritious food.

E. Meals may be prepared at the facility or catered.

F. Kitchens shall have clean, safe operational equipment for the preparation, storage, serving, and clean-up of all meals.

G. Adequate dining space shall be provided for consumers. The dining space shall be maintained in a clean and safe condition.

H. When meals are prepared by consumers, there shall be a written policy to include the following:

1. rules of kitchen privileges,
2. menu planning and procedures,
3. nutritional and sanitation requirements, and
4. schedule of responsibilities.

R501-22-10. Specialized Services for Substance Abuse.

A. The program shall not admit anyone who is currently experiencing convulsions, in shock, delirium tremens, in a coma or unconscious.

B. Before admission, consumers shall be tested for Tuberculosis. Both consumers and staff shall be tested annually or

as directed by the local health requirements.

R501-22-11. Specialized Services for Programs Serving Children.

A. The program shall provide clean and safe age appropriate toys for children.

B. The program shall provide an outdoor play area enclosed with a five foot safety fence.

C. Only custodial parents, legal guardian, or persons designated in writing, are allowed to remove any child from the program.

D. The program shall provide adequate staff to supervise children at all times.

R501-22-12. Specialized Services for Domestic Violence Shelters.

A. The program shall provide clean and safe age appropriate toys for children.

B. The program shall provide an outdoor play area enclosed with a five foot safety fence.

C. The program shall provide and document the following information both verbally and in writing to the consumer: Shelter rules, reason for termination, and confidentiality issues.

D. Parents are responsible for supervising their children while at the shelter. If parents are required to be away from the shelter or involved in shelter activities without their children, they shall arrange for appropriate child care services.

R501-22-13. Specialized Services for Temporary Homeless Youth Shelters.

A. Temporary Homeless Youth Shelters shall provide a staff ratio of no less than one direct care staff to ten youth.

B. The age of the youth to be admitted shall be between 12 years of age and 17 years of age. Youth may be admitted with their own biological children of any age.

C. Youth shall be assessed by facility staff who meet the qualifications of a mental health therapist as defined in Section 58-60-102, to determine whether they are an imminent risk of harming themselves or others. Youth who are assessed as an imminent risk shall be referred to programs qualified to serve them.

D. Temporary Homeless Youth Shelters shall comply with Section 62A-4a-501 regarding mandatory notifications.

E. Temporary Homeless Youth Shelters shall comply with Section 62A-2-108.1 to coordinate educational requirements for all youth admitted.

KEY: human services, licensing

Date of Enactment or Last Substantive Amendment: October 23, 2014

Notice of Continuation: April 1, 2015

Authorizing, and Implemented or Interpreted Law: 62A-2-101 et seq.

