

Mayor
Kenneth Romney

**City Engineer/ Land
Use Administrator**
Kris Nilsen

**Community
Development**
Addison Jenkins

WEST BOUNTIFUL PLANNING COMMISSION

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Chairman
Alan Malan

Commissioners
Dell Butterfield
Laura Mitchell
Corey Sweat
Dennis Vest

THE PLANNING COMMISSION WILL HOLD A REGULAR MEETING AT 7:30 PM ON TUESDAY, DECEMBER 12, 2023, AT THE CITY OFFICES.

1. Prayer/Thought – Commissioner Sweat
Pledge of Allegiance – Commissioner Butterfield
2. Confirm Agenda
3. Public Hearing - Subdivision Code Updates
4. Consider Recommendations to the City Council on Subdivision Code Updates
5. Consider Recommendations to the City Council on Home Occupations Ordinance
6. Discuss Process for Researching and Developing Proposal on Detached ADUs
7. Approve Meeting Minutes from November 28, 2023
8. Staff Reports (Engineering, Community Development)
9. Adjourn.

*This agenda was posted on the State Public Notice website (Utah.gov/pmnl), the city website (WBCity.org),
and provided to the Davis Journal on November 9, 2023, by Cathy Brightwell, City Recorder.*

Posting of Agenda - *The agenda for this meeting was posted on the State of Utah Public Notice website, on the West Bountiful City website, and at city hall on December 8, 2023, per state statutory requirement.*

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, December 12, 2023, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS ATTENDING: Chairman Alan Malan, Commissioners Corey Sweat, Dennis Vest, Dell Butterfield, Laura Mitchell, and Council member Kelly Enquist.

MEMBERS EXCUSED:

STAFF ATTENDING: Kris Nilsen (City Engineer), Addison Jenkins (Community Development), Duane Huffman (City Administrator), and Debbie McKean (Secretary).

PUBLIC: Stacey Hair, Dan McConkie, Frank Scofield, Aimee Hinojosa, Jonathon Hair, Richard Paget.

The meeting was called to order at 7:30 pm by Chairman Malan.

1. **Prayer by Commissioner Sweat
Pledge of Allegiance- Commissioner Butterfield**
2. **Confirm Agenda**

Chairman Malan reviewed the proposed agenda. Laura Mitchell moved to approve the agenda as presented. Corey Sweat seconded the motion. Voting was unanimous in favor among all members present.

3. Public Hearing – Subdivision Code Updates

Commissioner packets included a memorandum from Duane Huffman (City Administrator) dated December 8, 2023 regarding Land Use Code Text Amendment to the Subdivision Code (Title 16). Duane Huffman explained that earlier this year Utah Senate Bill 174 (2023) was passed that requires municipalities to update their subdivision ordinances by February 1, 2023, to comply with a new review and approval process. Staff have been working with consultants contracted by the State of Utah to review the existing West Bountiful Municipal Code for Subdivisions for compliance with the new requirements.

Subdivision application review must meet the following requirements:

- A. Subdivision provisions apply only to one (1) and two (2) family dwellings and townhomes /townhouses.
- B. City Council may not approve subdivision plat applications, for the above subdivision types.
- C. Planning Commission may only approve preliminary subdivision applications, for the above subdivision types.

Preliminary Subdivision Application Review.

1. The administrative land use authority (staff or commission) must review the subdivision application within fifteen (15) business days of receiving a complete application.
2. The administrative land use authority may receive public comment and conduct one (1) public hearing.
3. If the application complies with applicable local regulations, it shall be approved and proceed to the next step.

Final Subdivision Plat Application Review.

1. Municipalities shall complete the final review(s) at this stage. Up to four total review cycles are allowed, with each review cycle limited to 20 days or fewer.
2. A review cycle is not complete until the applicant has adequately addressed all the identified redlines made by the municipality.
3. Municipalities may only add new corrections (redlines) after the first review cycle in response to changes made by the applicant or if a correction is necessary to protect public health or safety, or to enforce state or federal law.

Public Hearing

Action Taken:

Corey Sweat moved to open the public hearing at 7:42 p.m for public comment on Land Use Code Text Amendment to the Subdivision Code (Title 16). Laura Mitchell seconded the motion and voting was unanimous in favor.

Action Taken:

Corey Sweat Moved to close the public hearing at 7:43 pm with no public comment. Denis Vest seconded the motion and voting was unanimous in favor.

4. Consider Recommendations to the City Council on Subdivision Code Updates

Duane Huffman explained that as most of the required elements are dictated by the state law, the planning commission's recommendations should focus on the elements that could be considered "options." The draft includes only ideas at this point. It has been reviewed by legal.

Staff requests that the planning commission clarify the following:

1. Land Use Authority for Preliminary Subdivisions. What body or individual should be the land use authority for the preliminary subdivision application? Options include (a) the planning commission, (b) the city engineer, (c) something else. Please keep in mind that the city only has 15 days to review and make a determination on a preliminary subdivision application.
2. Public Hearing. Should a public hearing be held for preliminary subdivision applications? The new law allows for one public hearing. Generally, the city does not hold public hearings for administrative actions (it can give the public the false sense that it can be approved or rejected based on the community's feelings), but hearings may at times be helpful for gathering information/concerns. The city's current subdivision process does not include a public hearing. A public hearing would need to be held within the 15 day window if the planning commission is the designated land use authority.

3. Small subdivisions. Should the preliminary and final plat applications and process be condensed into one for small subdivisions? The new state law allows this for subdivisions of 10 or fewer lots. If they are condensed, the planning commission cannot be the land use authority in this situation.
4. Non-residential subdivisions. Should the new process be applied to all subdivisions in the city, or should it only be applied as required by the new law?

The draft code changes reflect the concept of the planning commission being the land use authority for preliminary subdivisions, a public hearing being held, and the process only applying to residential single/double family developments.

Discussion took place among the Commission and staff. Duane explained that some things are not included because they already exist in our code.

Action Taken: Corey Sweat moved to forward the following recommendations to the City Council for their review and consideration that the land use authority for preliminary subdivisions applications be the planning commission that no public hearings will be necessary for administrative actions, that small subdivision process remain as is presently administrated, that non-residential subdivisions remain as presently administrated and should only be applied as required by the new state law. Dennis Vest seconded the motion and voting was unanimous in favor.

5. Consider Recommendation to the City Council on Home Occupations Ordinance

Commissioner packet included a memorandum dated December 8, 2023, from Duane Huffman (City Administrator) regarding Home Occupations-Land Uses Update and a redline copy of Ordinance WBMC 17-Zoning and WBMC 5.28 Home Occupations.

Earlier this year the planning commission began the necessary work of considering updates to the city's home occupation regulations. The current regulations are split between sections of the code governing Business Licenses and Regulations (Title 5) and Zoning (Title 17).

Over a series of meetings and a public hearing, the planning commission developed and recommended a set of proposed updates, which are attached to this memo. The city council reviewed the proposal and held a joint meeting with the planning commission to further understand the planning commission's recommendation.

Since that joint meeting, Duane said he has worked with individual members of the city council and staff members to identify general and specific areas within the proposal for potential re-evaluation by the planning commission. The changes are sensitive and these requests for re-evaluation do not represent the unanimous opinions of council and staff, but enough of a consensus to merit an additional thought.

He said that for the most part they would like to keep residential areas as residential as possible and get out of the conditional use business for residential uses. These thoughts are from legal and city council. Public comment was not considered.

He summarized the council's re-evaluation and noted it is at the discretion of the planning commission whether to make changes or confirm their original proposal.

Corey Sweat asked if the Council has been able to review the draft without redlines as prepared by the Planning Commission. Duane felt the redline did not impact their feelings regarding the draft document.

Laura Mitchell stated that she feels it is important to consider public comment. Corey Sweat stated that he feels diplomacy is lost in this effort. Mr. Huffman pointed out that this is about the future of West Bountiful and not the past.

The Home Occupation draft for WBMC 5.28 was reviewed page by page. Corey Sweat lead the discussion pointing out items that need to be changed throughout the document and received support from the commissioners. The following was discussed:

5.28.030 Section E. -strike all language Section D- Should read "The City Recorder may issue the Home occupation Business License when the requirements for this chapter have been satisfied.

5.28.040- Mr. Sweat suggested that this section be eliminated and replaced by a list of requirements that apply to all businesses allowed in West Bountiful.

5.28.050 – Commissioner Sweat noted that added language should be included regarding businesses prohibited by state law.

5.28.060- Corey Sweat suggested that A- D be kept in the language, but blend E and F together and eliminate the second "F" section in the document. G-I are requirements and not conditions and clear language should be used. He suggested striking "M" and "Q" and that the language "including radio and television reception" located in "N" be taken out.

Laura Mitchell requested that Addison Jenkins pull some past conditional use permits so that they can review them in a list of other things that could be considered in the requirements for all businesses.

Action Taken: Corey Sweat moved to table this item until staff can bring forth a new draft that includes the discussion and suggested changes made this evening by the commission. Dennis Vest seconded the motion and voting was unanimous in favor.

6. Discuss Process for Researching and Developing Proposal on Detached ADUs

Council packets included a memorandum dated December 8, 2023, from Addison Jenkins regarding the process for researching and developing a proposal on detached accessory dwelling units (ADUs) with a memorandum dated August 18, 2023, from Cathy Brightwell/Kris Nilsen regarding Detached Accessory Dwelling Units with references to previous discussions of this item. Also included were exhibits from Section 17.210 and 17.82 of the WBMC.

Some discussion took place regarding if we should move forward with reviewing this item at this time since legislature will likely be making changes in the next session. Dennis Vest felt it was important to at least come to some consensus of what we want.

Duane informed the commission that an online survey will be going out this spring that will ask the public their thoughts about various city services. The question regarding attached and detached housing

will be included in the survey. He suggested to wait for city input and direction from the legislature before diving too deep into making decisions. He pointed out that they could continue to research some options.

Laura Mitchell shared some input she has gathered from citizen. The consensus she gathered from over 70% of those she heard from was that the structure needs to blend with the home on the residence and not look like two separate dwellings.

Addison Jenkins asked that the commissioners submit what they are most concerned about regarding ADU's so he can craft a draft to review. Parking was noted as a big concern.

7. Meeting Minutes from November 28, 2023

Action Taken:

Laura Mitchell moved to approve the minutes from November 28, 2023. Corey Sweat seconded the motion and voting was unanimous in favor.

8. Staff Report

a. Engineering (Kris Nilsen)

- Capital project list for next year is currently being prepared.

b. Community Development (Addison Jenkins)

- South Davis Sewer has submitted their application of Intent for Annexation.

9. Adjourn.

Action Taken:

Corey Sweat moved to adjourn the regular session of the Planning Commission meeting at 8:54 pm. Dell Butterfield seconded the motion. Voting was unanimous in favor.

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The foregoing was approved by the West Bountiful City Planning Commission on January 9, 2024, by unanimous vote of all members present.



