

Mayor
Kenneth Romney

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

City Recorder
Remington Whiting

**City Council
Representative**
Dell Butterfield

WEST BOUNTIFUL PLANNING COMMISSION

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Chairman
Alan Malan

Vice Chairman
Corey Sweat

Commissioners
Laura Mitchell
Dennis Vest
Robert Merrick
Tyler Payne

**THE PLANNING COMMISSION WILL HOLD A REGULAR MEETING
AT 7:30 PM ON TUESDAY, JUNE 10TH, 2025 AT THE CITY OFFICES.**

Invocation/Thought – Commissioner Malan

Pledge of Allegiance – Commissioner Sweat

1. Confirm Agenda
2. Discuss Business Use Classifications Process.
3. Open Meeting Training.
4. Approve Meeting Minutes from May 27th, 2025.
5. Staff Reports.
6. Adjourn.

*This agenda was posted on the State Public Notice website (Utah.gov/pmnl), the city website (WBCityut.gov),
and posted at City Hall on June 6th, 2025 by Remington Whiting, City Recorder.*

PENDING – NOT APPROVED

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 June 6, 2025, per state statutory requirement.

Minutes of the Planning Commission of West Bountiful City held on Tuesday, June 10, 2025, at West Bountiful City Hall, Davis County, Utah.

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

MEMBERS/STAFF EXCUSED: Tyler Payne (Alternate).

STAFF ATTENDING: Kris Nilsen (City Engineer), Remington Whiting (Community Development), and Debbie McKean (Secretary).

PUBLIC ATTENDING:

Thought/Invocation by Commissioner Malan
Pledge of Allegiance- Commissioner Sweat

1. 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.

2. Discuss Business Use Classifications Process

Commissioner packets included a memorandum from Staff dated June 6, 2025 regarding Business Use Classifications Process with a copy of Senate bill 179 from 2025 requiring that cities adopt a formal process for addressing proposed businesses that are not currently listed as permitted businesses in the city.

Remington Whiting explained that the intent of the Bill is to provide a consistent method for addressing business activities that do not exactly match the code as new types of businesses and technologies are developed.

He pointed out that the new process must be adopted into the land use code and include the following: -

- How an applicant must submit a classification request. –
- A set of defined criteria on how the city will review the request. –
- Allowing the proposed use to proceed if it “aligns with an existing use”. –
- If the proposed use is determined to be “new”, define how the city council will review the request and provide a timeline. –

- An appeal process is the applicant disagrees with the classification determined by the land use authority.

Since this is new legislation, staff has not been able to find any examples yet.

Corey Sweat asked why our current process cannot be used. Remington felt like they wanted a more formal process that would use a legislative body. Some discussion took place about why we can't codify what is already being done. Mr. Whiting responded that a process needs to be in place to get to know more about the business in question.

The following are things that the planning commission may want to start discussing:

A. Do you have recommendations for what you would want included in an application for a "classification request", or what should the city review to determine a business's classification?

Chairman Malan suggested having a checklist of questions to classify the business into a category. The Sexually Oriented Businesses need to be part of the questioning and what risk they would be as business in our city. It was assumed that Zoning Administrator/Planning Commission would be the body to review the application and approve or deny. City Council would be the legislative body to make the final decision. This would pose a problem as there needs to be an appeal body which would not make the final decision. Staff will investigate how this would work.

Some discussion took place as to who would make the investigative question sheet and decide which questions would ask. Planning Commission/staff will work together to configure a sheet that would match the classification closest to the business. It was suggested that staff could do pre-screening to determine which business category would best fit their type of business and why or why not it would not fall under permitted.

Corey Sweat feels this is all irrelevant since we already have this in place and we could use what we already have and then add upon as needed in the future.

Kris Nilsen noted some questions that could be asked in starting the application process. Staff will prepare a draft for the commission's review.

B. Should all new businesses be required to submit a "classification request" or only new businesses that do not fit very obviously into a permitted or conditional use?

It was decided that only new businesses that do not fit very obviously into a permitted or conditional use.

C. Who should act as the land use authority for classification requests? Examples include the zoning administrator and the planning commission.

Staff will research this further as noted above.

D. What timeframe do you believe is reasonable for the city council to approve or deny new or unlisted business use?

It was recommended to be a 15-day period. Some discussion took place and most commissioners concurred.

D. Now that a new process must be in place, should the city consider removing language such is found in WBMC 17.32.030(M), where a business becomes an entitled conditional use if it is "Other retail businesses which are similar to those listed in this section and Section 17.32.020, as determined by the planning commission."

Commissioners would like to maintain this in our code.

E. Do you have any other recommendations or questions on this topic?

None was mentioned.

3. Open Meeting Training

The Utah Open & Public Meetings Act as found in Utah Code Ann. §52-4-101et seq. UCA §52-4-104 is a required annual training for all city officials. The presentation was directed by Remington Whiting. Those present this evening have fulfilled the requirement and will receive credit toward their annual training requirement.

4. Approve Meeting Minutes from May 27th, 2025.

Action Taken:

Corey Sweat moved to approve the minutes from the April 8, 2025, Planning Commission Meeting as presented. Dennis Vest seconded the motion, and voting was unanimous in favor.

5. Staff Reports

a. Engineering (Kris Nilsen)

- Kris Nilsen will be out of town for the next meeting.
- 1100 West and 500 South needs to be opened when construction is not working on it. Staff will follow up on it.
- Laura Mitchell noted there should be flag men on duty when working on road construction at 1100 West when lanes are being closed. That has not been happening. Staff will investigate that issue.
- Telephone polls will be moved tomorrow.
- Robert Merrick asked about the 1100 West reconstruction and conflicts he is hearing regarding certain situations with property owners. The city is addressing this issue with the ombudsman for mediation. Surveys have all concluded that there is a 66-foot right away in place.

- Dennis Vest pointed out some revenue losses that will impact the city in the near future as the 400 North intersection reconstruction and stated that the City Council should be proactive in looking into this situation.

b. Community Development (Remington Whiting)

- Code Enforcement issues are being resolved
- Building Permits are picking back up. Wholesales Cannabis dispensary wants to make an indoor drive through in the old building to the west of them. The building official is looking into it further.
- The candidate declaration period has ended and there will need to be a primary for city council.
- Remington will be out of town at the next meeting.

6. Adjourn.

Action Taken:

Corey Sweat moved to adjourn the regular session of the Planning Commission meeting at 8:45 pm. Laura Mitchell seconded the motion. Voting was unanimous in favor.

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

A handwritten signature in cursive script, appearing to read "Remington Whiting", is written over a horizontal line.