

Mayor
Kenneth Romney

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

**Community
Development**
Addison Jenkins

**City Council
Representative**
Dell Butterfield

WEST BOUNTIFUL PLANNING COMMISSION

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Chairman
Alan Malan

Commissioners
Laura Mitchell
Corey Sweat
Dennis Vest
Robert Merrick
Tyler Payne

**THE PLANNING COMMISSION WILL HOLD A REGULAR MEETING
AT 7:30 PM ON TUESDAY, JANUARY 23, AT THE CITY OFFICES.**

1. Prayer/Thought – Commissioner Mitchell;
Pledge of Allegiance – Chairman Malan
2. Confirm Agenda
3. Consider Recommendations to the City Council on Home Occupations Ordinance
4. Approve Meeting Minutes from January 9, 2023
5. Staff Reports (Engineering, Community Development)
6. Adjourn.

*This agenda was posted on the State Public Notice website (Utah.gov/pmn), the city website (WBCity.org),
and provided to the Davis Journal on January 22, 2024, Remington Whiting, City Recorder.*

**West Bountiful City
Planning Commission Meeting**

January 23, 2024

***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 January 22, 2024 per state statutory requirement.*

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, January 23, 2024, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS ATTENDING: Chairman Alan Malan, Commissioners Corey Sweat, Dennis Vest, Laura Mitchell, Robert Merrick (new Commissioner), Tyler Payne (Alternate), and Councilmember Dell Butterfield.

MEMBERS EXCUSED:

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

PUBLIC: Amy Hinojosa, Dan McConkie, Debby Marshall

Chairman Malan welcomed Robert Merrick and Tyler Payne. They will be sworn in at the next scheduled Planning Commission meeting.

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

1. **Prayer by Commissioner Mitchell
Pledge of Allegiance Commissioner Malan**
2. **Confirm Agenda**

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

3. Consider Recommendations to the City Council on Home Occupations Ordinance

Commissioner packets included a memorandum from Addison Jenkins on January 22, 2024, RE: Home Occupations – Land Use Updates with an updated draft of the Home Occupation Ordinance from the January 9, 2024, Planning Commission meeting.

Mr. Jenkins informed the commissioners that all edits and changes from the commission and the city attorney are included in this clean document. Legal Counsel had no major changes. Mr. Jenkins pointed out the changes that legal suggested. The document was reviewed and the following changes were incorporated.

WBMC 5.28 Home Occupations- Eliminate the sections listed that have been deleted and renumber the section consecutively. In addition, Commissioner Butterfield asked to check out if each section's list needs to be all alpha or numerical throughout the document.

5.28.40 Letter G- Daycare produces more traffic and asked if daycare needed to be exempt or included in the language. It was decided that language be added to “include daycare”.

Mr. Jenkins informed the commission that legal counsel stated that unannounced visits are not allowed. After some discussion, it was decided to add language in 5.28.030 Application for License, that applicants are required to sign an agreement that an initial inspection will take place and allowed as needed throughout the term of the home occupation with reasonable notice.

Under 5.28.040- include language to the list as a requirement that the city would be able to inspect the property upon reasonable notice as needed throughout the term of the home occupation. Also include language that the “licensee or applicant” be present at the inspection. Home Owner, if not the applicant does not need to be present.

Some discussion took place on what would be considered reasonable. It was decided that “reasonable” could be defined on a case-by-case basis as to the reason/urgency of the inspection.

Addison will ask legal counsel to draft language for both the application and part of the requirements of the ordinance.

5.28.090- After a brief discussion, it was decided to strike the second paragraph of this section and make one paragraph that would include “The city recorder may suspend the permit temporarily to give the permit holder a specified reasonable period of time to cure deficiencies.” In addition, commissioners decided language should be added to include the appeal process and note that the planning commission is not part of the appeal process.

Commissioner Vest addressed the outdoor storage concerns he has. He noted examples throughout the city and explained his reasoning behind his concerns. He did not think it was fair to expect home occupation business to have to build a storage unit big enough to house vehicles used for their business when our ordinance only allows 25% of the unit to be used for business purposes. He feels the requirement would be detrimental to a business owner. A lengthy discussion to place as to what is acceptable to be part of the business and what is not. Dennis Vest noted that he specifically asked that legal come up with language that prohibits construction companies at the last meeting and that is not included in this document.

Discussion took place regarding welding business and if we should allow them or exclude them. Commissioner Malan stated that the mayor has some concerns in this regard. After a lengthy discussion and debate it was decided that it was not necessary to exclude welding. Some concern was stated regarding the fumes that it gives off. Corey Sweat stated that those fumes are not relevant enough to exclude this type of business. He noted that we should be more concerned with the oil refinery fumes.

Action Taken

Corey Sweat moved to forward the Home Occupation Ordinance to the city council for their review and approval with the following changes:

- ***WBMC 5.28 Home Occupations- Eliminate the sections listed that have been deleted and renumber the section consecutively.***

- **5.28.030 Application for License, that the applicant's signed agreement that an initial inspection will take place and allowed as needed throughout the term of the home occupation with reasonable notice. Define reasonable as being a case-by-case basis.**
- **5.28.40 Letter G - include "daycare"**
- **Under 5.28.040 - Add language that the city will be able to inspect the property upon reasonable notice as needed throughout the term of the home occupation. Also, include language that the "licensee or applicant" be present at the inspection. Home Owner, if not the applicant, does not need to be present.**
- **5.28.090 - Add the following language to the first paragraph, "The city recorder may suspend the permit temporarily to give the permit holder a specified reasonable period of time to cure deficiencies". Striking the remainder of the section. In addition, language should be added to include the appeal process and note that the planning commission is not part of the appeal process.**

Laura Mitchell seconded the motion and voting was unanimous in favor.

4. Meeting Minutes from January 9, 2024

Action Taken:

Laura Mitchell moved to approve the minutes from January 9, 2024 as presented. Dennis Vest seconded the motion and voting was unanimous in favor.

5. Staff Report

a. Engineering (Kris Nilsen)

- Hugoe Subdivision will be on the agenda of our next meeting under the new subdivision ordinance. Staff will prepare and bring it to the planning commission for approval.
- City Council retreat was positive in planning capital projects to prioritize for the city, police, golf course and public works.

b. Community Development (Addison Jenkins)

- City Council retreat had a good initial discussion on land use. He noted that there is a lot of thinking to still be done regarding the bill presented from Representative Ward as a state legislation requirement. The League is monitoring the bills that will affect cities. Corey thinks the City Council and Planning Commission should put together a letter drafted to the legislature regarding Representative Ward's bill for density regulations preferring that we want to retain our density as presently in ordinance.
- Corey Sweat feels like the accomplishments made with the document we passed tonight to the City Council is a job well done, but senses it is not a finished document. He noted the efforts and hard work that has been done to protect the individual personal and property rights. He appreciated everyone's input and work on this document and hopes to have the support of the city council regarding their intense efforts.

6. Adjourn

Action Taken:

Laura Mitchell moved to adjourn the regular session of the Planning Commission meeting at 9:02 pm. Corey Sweat 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 "Jennifer B. White", is written over a horizontal line.