

City of Taylorsville
Planning commission Meeting Minutes
December 12, 2023
Pre-meeting – 6:00 p.m. / Regular Session – 6:30 p.m.
2600 West Taylorsville Blvd – Council Chambers

Attendance-

Planning Commission

Don Quigley – Chair
Cindy Wilkey – Vice Chair
David Wright
Lynette Wendel
Don Russell (arrived at 6:28 p.m.)
Gordon Willardson
David Young (Alternate)

Staff

Jim Spung - Senior Planner
Jamie Brooks – City Recorder

Excused: Commissioner Marc McElreath

BRIEFING SESSION – 6:00 P.M.

Chair Quigley began the briefing session at 6:05 p.m. He explained that Commissioner Russell was running late, and that Commissioner McElreath had a conflict and was excused.

1. Briefing Session to Review the Agenda.

Senior Planner Jim Spung reviewed the agenda briefly.

Commissioner Wendel pointed out that the Commission rules indicated the Chair and Vice-Chair were to be elected at the first meeting in January. Commissioner Wilkey indicated she might be interested in being Chair. Commissioner Wendel felt that Commissioner McElreath would support Commissioner Wilkey as Chair. Commissioner Wright was interested in serving as Vice Chair.

With Commissioner McElreath being excused and Commissioner Russell expected to arrive late, it was determined that it would be best to adhere to the rules and vote on the matter in January. Mr. Spung pointed out that a motion to table the item until then would be appropriate during the regular meeting.

2. Planning Commissioner Training – Tracy Cowdell

Mr. Cowdell was not present.

Chair Quigley thanked the rest of the commissioners and staff for their support and attendance during 2023.

In case anyone was in need of annual training hours, Commissioner Wendel mentioned that the Wasatch Front Regional Council was hosting a webinar later in the week.

The briefing session ended at 6:22 p.m.

GENERAL MEETING – 6:30 P.M.

Citizens/Guests Present: Councilmember Bob Knudsen

Alternate Commissioner Young would vote in the absence of Commissioner McElreath.

Commissioner Quigley opened the public meeting at 6:29 p.m. and read the welcome statement.

Consent Agenda

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| 3. Review/Approval of the Minutes for the November 14, 2023 Planning commission meeting. |
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MOTION: Commissioner Wright moved to approve the minutes of the November 14, 2023 meeting. The motion was seconded by Commissioner Russell and the motion passed with a unanimous vote.

Special Items

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| 4. Election of New Planning Commission Chair and Vice Chair for 2024. |
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Commissioner Wilkey was interested in serving as Chair and Commissioner Russell was interested in serving as Vice-Chair. Chair Quigley encouraged the commissioners to mull that over before the next meeting.

MOTION: Commissioner Wendel moved to table the election of the 2024 Planning Commission Chair and Vice-Chair until the first meeting in January. The motion was seconded by Commissioner Wilkey. The motion passed with a unanimous vote.

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| 5. Review and Approval of Planning Commission Meeting Schedule for 2024 |
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The Commissioners reviewed the proposed schedule for Planning Commission meetings in 2024. Chair Quigley pointed out that there were a few dates that appeared to have conflicts so meetings would not be held on those dates. Specifically, these were June 25, July 23, November 26, and December 24th. Otherwise, the meetings would continue to be held on the second and fourth Tuesday of each month with briefing sessions beginning at 6:00 p.m. and the regular meetings beginning at 6:30 p.m. As always, the Planning Commission had the authority to change the schedule as needed.

Zoning Text Amendment

6. Public Hearing and Recommendation to the City Council for a Text Amendment Affecting Several Sections of the Taylorsville Municipal Code to Align City Standards With Utah Senate Bill 174, Related to the Subdivision Review Processes (Jim Spung, AICP / Senior Planner)

 Mr. Spung explained that the State legislature had made changes to the Land Development Code when they met earlier in the year which mandated that certain changes be made to the processes city's use in the subdivision review/approval process. Additionally, the legislature had set a deadline of February 1, 2024 for city codes to align with the new laws as outlined in SB174. He pointed out that the new law pertained only to residential development—not commercial or multi-family development.

One change was that a public notice and public hearing were no longer required for a preliminary subdivision approval, although the Planning Commission would still be asked to review and approve the preliminary plat in a public meeting. The reason legislators chose to remove those requirements was that if a subdivision application met city standards, the city was required to approve it. Therefore, it made no sense to encourage public comment on something about which the city had no discretion. Mr. Spung went on to explain several other changes that were being proposed in light of the recent legislative changes.

Commissioner Wendel pointed out that it appeared there was a movement to revoke almost all power previously reserved for planning commissions throughout Utah.

As far as public hearings were concerned, Chair Quigley was of the opinion that allowing the public to express themselves directly to elected officials was important. He felt there was value in the work of planning commissions as well.

Commissioner Wright felt public hearings were important and said it was unfortunate that they seemed to be devalued by the legislature. These changes were clearly a benefit to developers.

Mr. Spung stated that state law would still allow a single public hearing to be held with respect to a plat, so the City could still require a public hearing in such a case if the Commission felt it would be helpful, but only one.

Commissioner Wright reminded the rest of the Commission about a previous application involving development along 4700 South across from Macey's. It wasn't until the second public hearing that the commission realized that the applicant had not done everything necessary. So to only have one public hearing could cause some problems.

The new law gave more authority to the planning department director, although he/she would retain the option to refer a matter to the Planning Commission if it was unusually complex or controversial.

Commissioner Wendel asked what constituted an "unusually complex" application. Mr. Spung responded that the actual language in the draft went into more detail. He mentioned a flag lot off of 6235 South that he felt was more complex than many other more typical applications. A property within a sensitive area overlay such as a flood plain would also be considered more complex. He offered to review the new language to ensure it was sufficiently clear.

Chair Quigley mentioned that it left a great deal up to the director as far as determining what was and was not complex enough to warrant involvement of the Planning Commission.

Commissioner Wilkey pointed out that the public expected the commissioners to send applications through due process. The new law circumvented that ability which was not what their friends and neighbors expected.

Chair Quigley responded that the Commission was not meant to represent their friends and neighbors. They were a citizen board, but it was not necessarily appropriate for them to poll the residents before making decisions.

Commissioner Wilkey indicated that while she didn't want to poll her neighbors, she felt the Commission should work in their best interests.

Commissioner Wright agreed that the commissioners were not present in order to simply "rubber-stamp" applications but were expected to weigh-in on what would best benefit the community.

Mr. Spung stated it sounded like the primary concern was for flag lot reviews, which he agreed were unique. He indicated those could be removed from this process and wondered if that would alleviate the Commission's concerns.

Commissioner Wright said he would also like to see it limited to creating no more than two lots.

Commissioner Wendell said she preferred that the Planning Commission give the Director authority rather than having the director decide what the Planning Commission would or would not have the opportunity to weigh in on.

Commissioner Wilkey preferred that regarding the reference to unusually complex applications, that they “shall” be referred to the Planning Commission rather than just “may” be referred to them.

Commissioner Wendel pointed out that our government is built upon a system of checks and balances, and she did not like to see the Commission’s role being minimized since there were very good reasons for its existence. Chair Quigley agreed.

To recap, Mr. Spung said he would clarify that flag lots weren’t eligible for the administrative plat process, it would be limited to 2-lot subdivisions, and he would include some clarifying language regarding the director’s referral authority to the Planning Commission.

Commissioner Russell wished to clarify whether SB174 had already been approved by the legislature or if it was expected to be addressed in the next session. Mr. Spung responded that it was already adopted law.

Regarding subdivision plats, Mr. Spung explained that the City must publish a comprehensive list of submittal requirements and fees. It also now had only 15 calendar days in which to review an application once it was deemed complete.

Developers must address in writing every single comment made by the City during a review, which would be very helpful to the city.

Mr. Spung then discussed various timelines and review cycles with the Planning Commission.

Commissioner Wendell wondered how the Planning Commission could be effective in providing feedback based on the limitation on reviews. She hoped the City Council would support the role of the Planning Commission and the important work it did.

Chair Quigley opened the public hearing at 7:32 p.m. However, no comments were offered, so he closed the public hearing before calling for a motion.

Commissioner Wendel indicated she was not comfortable sending a positive recommendation to the Council, although she understood that the Commission was required to follow state statutes. Commissioners Russell and Wilkey felt similarly.

Mr. Spung asked if they would be comfortable making a positive recommendation if the director were removed as the decision-making body for administrative plats, or if the administrative draft procedure was eliminated entirely. Plus, there would be the addition of the preliminary review including a public hearing.

Chair Quigley and Commissioner Wright said they would be comfortable if those changes were made.

MOTION: Commissioner Wright moved to send a positive recommendation to the City Council for File #6Z23 / DCA-000379-2023 to amend the Taylorsville Municipal Code related to subdivision review procedures, as specified in Exhibit A of the staff report with the following revisions: 1) removing the administrative plat requirement from the director; and 2) to require public hearings for preliminary plats. The motion was seconded by Commissioner Young.

Commissioner Willardson: AYE
Commissioner Russell: AYE
Chair Quigley: AYE
Commissioner McElreath: Excused
Commissioner Wright: AYE
Commissioner Wilkey: AYE
Commissioner Wendel: AYE
Commissioner Young: AYE

Motion passed 7-0

City Council Meeting Discussion

Commissioner Russell – November 15, 2023

Commissioner Russell had attended the November 15th meeting electronically. He stated there were no planning matters heard that evening.

Commissioner McElreath - December 6, 2023

Commissioner McElreath was not present to report.

Adjournment

MOTION: Commissioner Wendel moved to adjourn. The motion was seconded by Commissioner Russell and passed unanimously.

Chair Quigley declared the meeting adjourned at 7:52 p.m.

Jamie Brooks, City Recorder