

**MINUTES OF A REGULAR PLEASANT VIEW CITY
PLANNING COMMISSION MEETING HELD
APRIL 18, 2024 at 6:00 P.M.**

[Planning Commission Meeting \(youtube.com\)](https://www.youtube.com/watch?v=8Wz3t3t3t3t)

MEMBERS PRESENT

Andy Nef
Dean Stokes
Jeff Bolingbroke
Julie Farr
Manya Stolrow
Chad Kotter
David Gossner
Sean Wilkinson

STAFF PRESENT

Brandon Bell, Planning and Zoning Administrator
Tammy Eveson, Planning Technical Assistant

VISITORS

Brent Bateman, Attorney-At-Law, Dentons, and
Former Lead Attorney, Office of the State
Property Rights Ombudsman

EXCUSED

Amy Mabey, City Administrator

MINUTES PREPARED BY:

Brooke Smith, MMC
April 26, 2024

MINUTES APPROVED:

June 8, 2024

1. CALL TO ORDER

- a. Pledge of Allegiance and Opening Prayer, Reading or Expression of Thought. (Commissioner Manya Stolrow)**
- b. Declaration of Conflicts of Interest.**

Call to Order

Commissioner Nef called the meeting to order at 6:05 pm after a brief delay due to technical difficulties.

Pledge of Allegiance and Opening Prayer, Reading or Expression of Thought

Commissioner Stolrow led the attendees in reciting the Pledge of Allegiance, followed by a quote by Albert Schweitzer regarding destiny and happiness.

Declaration of Conflicts of Interest

No declarations of conflicts of interest were made during the meeting.

2. MEETING MINUTES APPROVAL

Consideration for approval of meeting minutes for the March 7, 2024 meeting

A consideration for the approval of meeting minutes from past meeting dated March 7, 2024 was made.

Initial there was some confusion about whether the draft minutes correctly identified a commissioner who had made a recommendation to appoint the Chair during the previous meeting. Commissioner Nef asked staff to double-check the name of the nominee. It was confirmed that the minutes were correct as written.

<u>MOTION</u> A motion was made to accept the minutes for the March 7, 2024 meeting. The motion was seconded and approved by a voice vote.
3. ADMINISTRATIVE ITEMS
a) Site Plan Consideration of Briskey Plumbing Site Plan at 2733 North Rulon White Boulevard (Planning & Zoning Administrator, Brandon Bell)
The meeting began with Brandon Bell, the Pleasant View Planner, presenting the Briskey Plumbing Site Plan at 2733 North Rulon White Boulevard for consideration by the Commission. He provided detailed information about the location, zoning, and purpose of the proposed expansion of the plumbing facility. Brandon Bell highlighted that the site plan was for a new facility on an approved lot within the Rulon White Business Park Subdivision, with a lot size of 1.252 acres. He explained the zoning regulations and the permitted uses for the site, emphasizing that the proposed building coverage was below the maximum permitted limit. The discussion also covered the absence of outdoor storage on the lot, the list of permitted uses for the zone, and the need for any leased space to comply with zoning regulations or obtain conditional use permits. Brandon Bell addressed concerns raised by commissioners regarding ADA parking accessibility and the location of parking relative to the building entrance. He recommended an engineer review for compliance with ADA regulations and potential adjustments to ensure accessibility. A commissioner expressed concern about potential complaints regarding parking and accessibility. The discussion then shifted to the absence of a detention pond on the site, with Brandon Bell explaining that it was located underground beneath the parking area. The applicant, Jay Briskey, was invited to speak. He stated they would initially occupy 60% of the building with the potential to lease other tenant spaces later that may require review for permitted uses. Brandon Bell made clarifications regarding staff recommendations, including minor variations in the building footprint and approval of outstanding civil engineering issues.
<u>MOTION</u> A motion was made to approve the site plan with recommended changes and adjustments, including ADA review and potential parking adjustments. The motion was seconded and unanimously approved by the Commission. Jay Briskey expressed appreciation for the Commission's consideration and participation in the discussion, concluding the deliberations on the Briskey Plumbing Site Plan.
b) Land Use Training by Brent Bateman, Attorney-At-Law, Dentons, and Former Lead Attorney, Office of the State Property Rights Ombudsman
The meeting began with Brandon Bell, the Pleasant View City Planner, introducing Brent Bateman, Attorney-At-Law (Dentons), and Former Lead Attorney, Office of the Property Rights Ombudsman.

Brent Bateman, began by discussing the "Wheel of Democracy" analogy, illustrating the dynamic between citizens wanting affordable housing but disliking increased density, developers seeking to build more affordable units, elected officials caught in the cycle of making promises about limiting growth before having to allow some development, and the state legislature increasingly implementing laws and penalties to override local zoning decisions that restrict housing supply.

Mr. Bateman explained that state laws like permitting internal accessory dwelling units (IADUs) statewide emerged from developers and citizens taking their grievances as "stories" to state legislators. He emphasized the need for planning commissions to "break the cycle" through training, proactively updating zoning codes and plans to manage growth, and avoiding enforcement actions that could become legislative "stories." Specific examples of new laws were provided, such as prohibiting minimum lot sizes, overriding local zoning authority, and permitting punitive damage awards for "blatant disregard" of state land use Acts.

The commissioners engaged in questions and discussion on topics like addressing citizen concerns about diminishing rural character, avoiding reactive decision-making based on stereotypes about housing types/residents, infrastructure costs for increased density, differences between municipality zoning authority and HOA covenants, off-street parking requirements for IADUs, occupancy limits, and making tough but legal decisions in the long-term interest of the community despite vocal opposition. Mr. Bateman encouraged the commission to make legislative code updates a regular agenda item, alongside application reviews.

Mr. Bateman finalized his presentation by sharing three key suggestions: 1) Prioritize ongoing training to fully understand land use principles; 2) Proactively review and update zoning/planning codes and policies rather than reacting to individual applications; and 3) Ensure every decision follows enacted laws and community plans to avoid punitive actions or state intervention arising from ill-advised statements or approvals.

4. REMARKS FROM COMMISSIONERS AND/OR STAFF

At the conclusion of the meeting, Commissioner Nef asked if there was anything else the commissioners needed to discuss before adjourning.

Brandon Bell mentioned that the next regular meeting would be on May 2nd and that they were working on preparing items for that agenda.

Councilmember Sarah provided a few updates from the City Council. She noted that Brandon and city staff were working diligently with the city attorney to review and update sections of the city code and ordinances related to housing needs and requirements from the state, though it is an ongoing process with limited staff resources. Upcoming city events mentioned included Founders Day, for which commissioners need to provide shirt sizes, an RFQ process for new pickleball courts, and an invitation going out for a Veteran's Monument Dedication and Ribbon Cutting Ceremony on May 17th and 3:00 pm.

Councilmember Nef stated that he had attended a recent local training where the issue of updating setback requirements was raised as something the commission may want to look at revising soon.

5. ADJOURNMENT
The meeting was adjourned with no further items discussed.