

Mayor
Kenneth Romney

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

City Recorder
Remington Whiting

**City Council
Representative**
Dell Butterfield

WEST BOUNTIFUL PLANNING COMMISSION

550 North 800 West
West Bountiful, Utah 84087

Phone (801) 292-4486
FAX (801) 292-6355
www.WBCityut.gov

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, SEPTEMBER 23rd, 2025, AT THE CITY OFFICES.**

Invocation/Thought – Commissioner Malan

Pledge of Allegiance – Commissioner Sweat

1. Confirm Agenda
2. Public Hearing – Proposed Construction on Recorded Easements Code Change.
3. Consider Proposed Construction on Recorded Easements Code Change
Recommendation.
4. Discuss Detached Accessory Dwelling Units Updates.
5. Approve Meeting Minutes from September 9th, 2025.
6. Staff Reports.
7. 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 September 19th, 2025 by Remington Whiting, 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 September 19, 2025, per state statutory requirement.*

Minutes of the Planning Commission of West Bountiful City held on Tuesday, September 23, 2025, at West Bountiful City Hall, Davis County, Utah.

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

MEMBERS/STAFF EXCUSED:

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

PUBLIC ATTENDING:

Thought by Commissioner Malan

Pledge of Allegiance- Commissioner Sweat

1. Confirm Agenda

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

2. Public Hearing- Proposed Construction on Recorded Easements- Code Change

Remington Whiting introduced a text change amendment application from Calvin Bergenheier related to the construction of structures on recorded easements.

Mr. Bergenheier desires to construct an accessory structure on an easement owned by Rocky Mountain Power (RMP) that runs through the Jessi's Meadow Subdivision. The easement contains power lines. Based on the height of the lines and the width of the easement, RMP appears open to allowing buildings with certain restrictions to be constructed in this easement.

Mr. Whiting explained that WBMC 17.16.050(C) clearly prevents the city from granting a building permit for any structure within an easement area: "No main structure or permanent accessory structure shall be built on or over any recorded easement".

Some reasons for this restriction might include protecting utilities and infrastructure; safety concerns; legal liability; and preserving access.

Staff suggests that the requirement would be limited to obtaining written approval from the easement holder and executing a recordable document. Staff's draft also removes main structures from the exception.

Action Taken:

Corey Sweat moved to make a positive recommendation on the request from Calvin Bergenheier regarding a change in Robert Merrick seconded the motion and voting was 4-1 with Dennis Vest being the opposing vote.

1. Make a positive recommendation on the request

Remington Whiting presented the draft that was reviewed by legal

Planning Commission Draft (Based on Draper Code 9-27-070) C. No building on recorded easements. No main structure, non-commercial structure, or permanent accessory structure shall be built on or over any recorded easement such as a public utility easement unless the property owner either produces evidence satisfactory to the zoning administrator that the easement has been abandoned, or receives written permission from the easement holder and executes a recordable document, in a form approved by the city attorney, indicating that notwithstanding the written permission or apparent abandonment of the easement, the structure may be subject to the superior interest of the easement holder and may be required to be relocated at the property owner's expense to accommodate such interest. 1. Location: Any structure in an easement area shall be located pursuant to the setbacks and other applicable requirements of this title. 2. No Expansion of Legal Rights: Nothing in this section is intended to expand or restrict the rights or obligations of any party to any recorded easement. Staff Recommendation Draft C. Building on recorded easements. 1. No main structure shall be built on or over any recorded easement such as a public utility easement. 2. No non-commercial structure, or permanent accessory structure shall be built on or over any recorded easement such as a public utility easement unless the property owner receives written permission from the easement holder, and the property owner executes a recordable document, in a form approved by the city attorney, indicating that notwithstanding any permissions granted, the structure may be subject to the superior interest of the easement holder and may be required to be relocated at the property owner's expense to accommodate such interest. i. Location: Any structure in an easement area shall be located pursuant to the setbacks and other applicable requirements of this title. ii. No Expansion of Legal Rights: Nothing in this section is intended to expand or restrict the rights or obligations of any party to any recorded easement.

4. Discuss Detached Accessory Dwelling Unit Updates.

Commissioner packet included a memorandum from Duane Huffman on September 19, 2025 regarding Detached Accessory Dwelling Units Updates.

- Lots of permit requests. One is for the relocation of a billboard. Legislation allows a sign that has been vacated to be moved within one mile of the previous location. Working with the Fire Department on how we are submitting fire inspections.
- Wednesday, October 1st – Meet Your Candidate Night 6:30 – 8:15 pm.
- Working on home occupations that are not licensed.
- Making some informative information for the website about city codes.
- Interviews are taking place for the Police department openings.

7. Adjourn.

Action Taken:

Laura Mitchell moved to adjourn the regular session of the Planning Commission meeting at 8:00 pm. Corey Sweat seconded the motion. Voting was unanimous in favor.

.....

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

