

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

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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, DECEMBER 9TH, 2025, AT THE CITY OFFICES.**

Invocation/Thought – Commissioner Payne

Pledge of Allegiance – Commissioner Mitchell

1. Confirm Agenda
2. Conditional Use Permit Application – Thrive Chiropractic.
3. Discussion on Business Use Classification Processes.
4. Approve Meeting Minutes from October 28th, 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 December 4th, 2025 by Remington Whiting, City Recorder.*

MEMORANDUM



TO: Planning Commission

DATE: December 4th, 2025

FROM: Staff

RE: Thrive Chiropractic – Conditional Use Permit

This memo reviews a conditional use permit that was submitted for Thrive Chiropractic.

Background

On December 1st, 2025, Thrive Chiropractic submitted an application for a conditional use permit to operate an chiropractic office at 724 W 500 S Suite 200. The property is located within the C-G zone. The office will be used to provide exams and adjustments with hopes to add some basic shockwave therapy ion the future. According to WMBC 17.32.030, businesses that are located in the C-G zone and are “*Hospitals and medical service facilities*” are listed as a conditional use.

WBMC 17.60.040, requires the planning commission to consider whether:

1. The proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community;
2. The proposed use, under the circumstances of the particular case, will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;
3. The proposed use and/or accompanying improvements will not inordinately impact schools, utilities, and streets;
4. The proposed use will provide for appropriate buffering of uses and buildings, proper parking and traffic circulation, the use of building materials and landscaping which are in harmony with the area, and compatibility with adjoining uses;
5. The proposed use will comply with the regulations and conditions specified in the land use ordinance for such use;
6. The proposed use will conform to the intent of the city’s general plan; and
7. The conditions to be imposed in the conditional use permit will mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of this subsection.

Recommended Conditions, consistent with similar businesses in the area:

1. Fire Inspection approval;
2. All chiropractic activities must occur entirely indoors.
3. Upon issuance of this Permit, Thrive Chiropractic will acquire a West Bountiful City business license.
4. Signage will comply with city regulations.
5. The Conditional Use Permit will only be valid for the current business occupant and shall not transfer automatically to the new tenants.



CONDITIONAL USE PERMIT APPLICATION

West Bountiful City
PLANNING AND ZONING
550 N 800 W, West Bountiful, UT 84087
Phone: (801) 292-4486
www.wbcityut.gov

PROPERTY ADDRESS: 724 W 500 S Suite #200

NAME OF BUSINESS/USE: Thrive Chiropractic

PARCEL NUMBER: _____ **ZONE:** _____ **DATE OF APPLICATION:** 11/26/25

Applicant Name: _____

Applicant E-mail: _____

Property Owner, _____

Describe in detail the conditional use for which this application is being submitted. Attach a site plan which clearly illustrates the proposal and separate sheet with additional information if necessary.

I am looking to open a chiropractic office. It will provide Exam and adjustments with hopes to add some basic shock wave therapy in the future it will be a pretty straight forward business

The Applicant(s) hereby acknowledges that they have read and are familiar with applicable requirements of Title 17.60 of the West Bountiful City Code, pertaining to the issuance of Conditional Use Permits. If the applicant is a corporation, partnership or other entity other than an individual, this application must be in the name of said entity, and the person signing on behalf of the Applicant hereby represents that they are duly authorized to execute this Application on behalf of said entity.

Fee must accompany this application - \$20 for Residential Zone, \$50 for Business Zone

I hereby apply for a Conditional Use Permit from West Bountiful City in accordance with the provisions of Title 17, West Bountiful Municipal Code. I certify that the above information is true and correct to the best of my knowledge. I understand the information on this application may be made available to the public upon request.

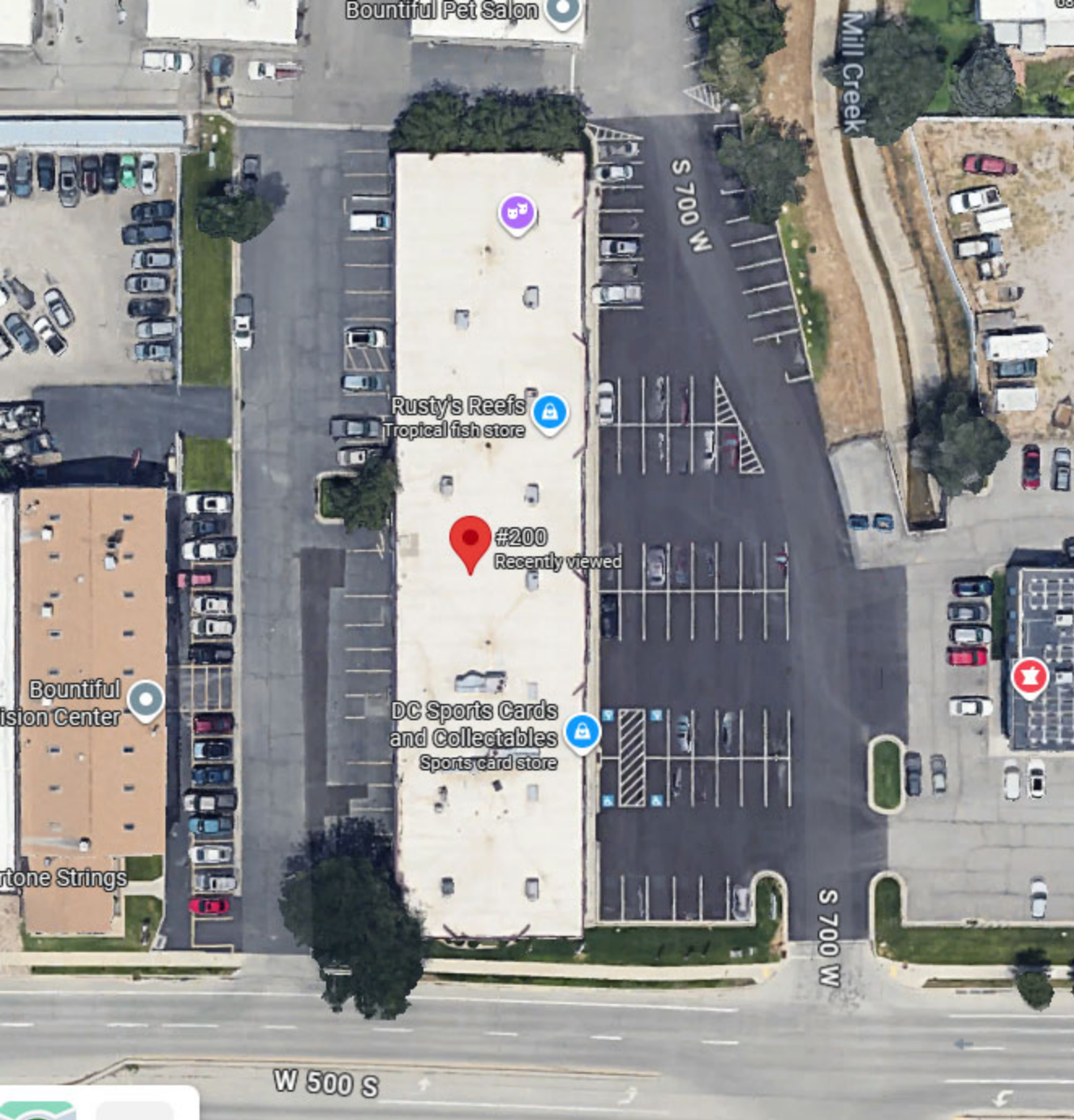
Date: 11/26/25 **Applicant Signature:** [Signature]

Date: _____ **Property Owner (if different):** _____

FOR OFFICIAL USE ONLY

Application Received Date: 12/01/25
Application Fee Received Date: 12/02/25
Permit Approval: _____

Permit Number: _____
Fire Inspection Date: _____
Fire Inspection Approval Date: _____



MEMORANDUM



TO: Planning Commission

DATE: December 4th, 2025

FROM: City Staff

RE: Discussion – Business Use Classifications Process

This memo reintroduces for discussion new state law requirements related to listed permitted and conditional uses.

Background

Senate Bill 179 from 2025 (attached) requires cities to adopt a formal process for addressing proposed businesses that are not currently listed as permitted businesses within the city. The intent 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.

The new process must be adopted into the land use code and include:

- 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 if the applicant disagrees with the classification determined by the land use authority.

Research

On June 4th and October 28th, 2025, the Planning Commission reviewed Senate Bill 179. An example from a nearby city was presented to the planning commission on October 28th. During that meeting, the commission directed staff to redraft the example with certain suggestions which included:

- Designating the planning commission as the land use authority responsible for reviewing applications.
- Simplifying the reviewing processes between the planning commission and the city council.
- Allowing unlisted businesses that do not align with an existing land use to be added to the land use code.

Proposed Language

Highlights of the example language and staff’s proposal include:

- Establishes a 60-day review timeline for submitted applications.
- Creates a classification request process and a procedure for evaluating new or unlisted business uses.

- Defines a set of review criteria to guide how the City will evaluate each request.

Additional items that the planning commission may want to consider are:

- Now that a new process must be in place, staff recommends the city consider removing language found in various zones that allows conditional uses “which are similar to those listed in this section and Section 17.XXX, as determined by the planning commission.”

Options

Staff recommends that the commission select one of the following directions:

1. Move forward with the proposal and schedule a public hearing
2. Direct staff to bring back other specific proposals or a larger review of options.

New or Unlisted Business Use Process

A. Purpose

The purpose of this section is to establish a clear process for evaluating proposed business uses that are new, unlisted, or not clearly classified in the City's land use code.

B. Application Required

1. Applicants proposing a new or unlisted business use shall submit a New/Unlisted Business Use Application on a form provided by the City.
2. The application shall include:
 - i. A detailed description of the proposed business and its operations;
 - ii. Hours of operation and number of employees;
 - iii. Description of materials, used or stored, including hazardous materials;
 - iv. Site plan or floor plan, if applicable;
 - v. Description of which listed use the proposed use best aligns and why;
 - vi. Any other information required on the form or requested by staff.

C. Staff and Planning Commission Review

1. Once the city determines an application is complete, staff shall review the application. Staff shall present the application to the planning commission at the next available planning commission meeting.
2. The planning commission is the land use authority for determining whether a proposed new or unlisted business use aligns with an existing land use category.
3. The planning commission will make its decision based on the following criteria:
 - i. Similarity of Primary Activities
 - ii. Operational Characteristics
 - iii. Impact of Public Infrastructure
 - iv. Environmental and Nuisance Impacts
 - v. Hazardous Materials and Safety Considerations
 - vi. Compatibility with surrounding land uses
 - vii. Purpose and Intent of the Zoning District

The decision must be made within 60 days after a complete application is submitted.

4. If the planning commission determines that the proposed use aligns with an existing use, it will issue a written decision allowing the proposed use to proceed under the regulations of the existing use.
5. If the planning commission determines that the proposed use is a new or unlisted business use:
 - i. The planning commission shall schedule a public hearing for the next available planning commission meeting.
 - ii. Following the public hearing, the planning commission shall treat the application as an application for a land use code amendment, including any necessary text additions or modifications.

- iii. The planning commission will then forward the application and either a positive or negative recommendation to the city council for a potential new business use.
6. If the planning commission denies an application for a proposed new or unlisted business use, or if an applicant disagrees with planning commission's classification of the proposed use, the planning commission shall notify the applicant in writing of each reason for the classification or denial, and offer the applicant an opportunity to challenge the classification or denial through the appeal process as outlined in Chapter 17.08.120 of City Code.

D. City Council Review

1. The city council shall review recommendations from the planning commission involving new businesses as legislative land use decisions.
2. The city council shall determine whether the new or unlisted business use should be added to the land use code.

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 October 24, 2025, per state statutory requirement.

Minutes of the Planning Commission of West Bountiful City held on Tuesday, October 28, 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: Ben Ostler, Eva Zamura

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

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. Discussion on Business Use Classification Processes

Commissioner packets included a memorandum from Staff dated October 24, 2025, regarding a Discussion-Business Use Classifications Process with an attached Copy of 2025 General Session S.B. 179 Local Regulation of Business Entities Amendments and a document exhibit for Saratoga City code.

Remington Whiting pointed out that the memorandum included in the commissioner packet reintroduces the new state law requirements related to listed permitted and conditional uses.

Mr. Whiting referred to Senate Bill 179 from 2025 which requires cities to adopt a formal process for addressing proposed businesses that are not currently listed as permitted businesses within the city. The intent 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. The new process must be adopted into the land use code and include: - - - - -

- 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 if the applicant disagrees with the classification determined by the land use authority.

Mr. Whiting explained that on June 4, 2025, the Planning Commission briefly reviewed Senate Bill 179. At that time, staff was unable to locate any examples of an adopted process. Staff have since identified an example from Saratoga Springs in which a copy of their new or unlisted business use was provided for the commission’s review. Except for a timeframe (which is required by state code), staff believe the example provides a good model for West Bountiful City to use in building their code.

Remington pointed out highlights of the example language and staff’s proposal which included the following:

- Establishes a 60-day review timeline for submitted applications.
- Clarifies that approval of an application grants a one-time exception to the permitted uses outlined in Title 17.
- Designates the City Council as the land use authority responsible for reviewing applications.
- Creates a classification request process and a procedure for evaluating new or unlisted business uses.
- Defines a set of review criteria to guide how the city will evaluate each request.

Additional items that the planning commission may want to consider are:

- Now that a new process must be in place, staff recommends the city consider removing language found in various zones that allows conditional uses “which are similar to those listed in this section and Section 17.XXX, as determined by the planning commission.”

Comments:

Corey Sweat feels the document is very redundant. He stated that it is very bad government language. He stated that all the requests and requirements should be done in the first process with the application. Remington will check whether there needs to be two processes or if one would suffice.

Discussion took place regarding what already exists in our current code.

Tyler Payne suggested that we get a clearer understanding of what the process should look like instead of using Saratoga language because it is the only resource we found. He suggested to bring back new language at the November 25th meeting, followed by a public hearing in December.

Corey Sweat pointed out that all businesses must follow a process, and that process it is already included in our code. The application process should not be a burden for the applicant. Chairman Malan noted that the state is asking us to find a place for businesses that do not fit our criteria and find a place for them somewhere in our code.

Further discussion took place. The commission decided not to use the Saratoga language and direct staff to create a specific proposal including the suggestions given by commission this evening. Tyler Payne suggested the process and commission concurred with his suggestions.

Laura Mitchell and Robert Merrick pointed out that if we accept a non-existing business and accept it, we can codify it for future applications. The process should be used to gather information regarding the business type that is unknown and not listed on our permitted business list. It was suggested the process might be for the applicant to submit application to staff. Staff will determine if the application has a place in our existing code. If it does not, the planning commission will review the application and determine where it would fit into the existing code. If they cannot make a determination, then they will be forwarded to the legislative body for an appeal. If at any point the application type is accepted, it would be put into the city code at that time. Applicant can proceed with their business if accepted. Codification can be done later.

3. Approve Meeting Minutes of September 23, 2025, meeting.

Action Taken:

Corey Sweat moved to approve the minutes from September 23, 2025, Planning Commission Meeting as presented. Dennis Vest seconded the motion, and voting was unanimous in favor.

4. Staff Reports

a. Engineering (Kris Nilsen)

- Highgate is moving slowly but should be ready to come to planning commission soon as the product they were waiting for is now in.
- Belmont may be ready to be on the agenda by the 25th of November
- Steve is working on 660 West punch list before final approval is given.
- The work on 1000 North was suspended and will be readdressed in the spring.
- Enbridge met with Duane but Kris is not sure the status of that meeting. He will check it out and report back.
- Staff is busy with the UDOT expansion plan regarding their drainage discharge plan.

b. Community Development (Remington Whiting)

- Elections next Tuesday, No City Council Meeting.
- No commission meeting November 11th- Veteran's Day
- Christmas on Onion Street December 6th -Newsletter is being prepared. Alan Malan asked that information for the Shake Out be included in the Newsletter.
- Have had an influx of building permits. One was a billboard. Another billboard is being reviewed because of an additional request to increase the height 5 feet.

- YCC will be helping with WB City Police Trick or Treat on Friday at the City Building 5:30 pm.
- Still adding information to the website that will be readily available to citizens.

5. Adjourn.

Action Taken:

Laura Mitchell moved to adjourn the regular session of the Planning Commission meeting at 8:33 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.