

<b>Mayor</b> Kenneth Romney	<b>Chairman</b> Alan Malan
<b>City Engineer/ Land Use Administrator</b> Kris Nilsen	<b>Vice Chairman</b> Corey Sweat
<b>City Recorder</b> Remington Whiting	<b>Commissioners</b>
<b>City Council Representative</b> Dell Butterfield	Laura Mitchell Dennis Vest Robert Merrick Tyler Payne

## **WEST BOUNTIFUL PLANNING COMMISSION**

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**THE PLANNING COMMISSION WILL HOLD A REGULAR MEETING  
AT 7:30 PM ON TUESDAY, OCTOBER 28<sup>TH</sup>, 2025, AT THE CITY OFFICES.**

*Invocation/Thought – Commissioner Sweat  
Pledge of Allegiance – Commissioner Payne*

1. Confirm Agenda
2. Discussion on Business Use Classification Processes.
3. Approve Meeting Minutes from September 23<sup>rd</sup>, 2025.
4. Staff Reports.
5. Adjourn.

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*This agenda was posted on the State Public Notice website ([Utah.gov/pmn](http://Utah.gov/pmn)), the city website ([WBCityut.gov](http://WBCityut.gov)), and posted at City Hall on October 24<sup>th</sup>, 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 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 25<sup>th</sup> 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 25<sup>th</sup> 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 11<sup>th</sup>- Veteran's Day
- Christmas on Onion Street December 6<sup>th</sup> -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.*

A handwritten signature in black ink, appearing to read "Jennifer T. Tally". The signature is fluid and cursive, with a horizontal line drawn through it.