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3 **Bountiful City**
4 **Approved Planning Commission Meeting Minutes**
5 **Council Chambers City Hall**
6 **795 South Main Street, Bountiful UT 84010**
7 **Tuesday November 7, 2023**
8

9 **Commissioners in attendance:** Chair Lynn Jacobs, Alan Bott, James Clark, Krissy
10 Gillmore, Beverly Ward, and Cecilee Price-Huish
11

12 **Commissioners absent:** Sean Monson
13

14 **Ex Officio:** Planning Director Francisco Astorga
15 Senior Planner Amber Corbridge
16 City Engineer Lloyd Cheney
17 City Attorney Clinton Drake
18 Recording Secretary Sam Harris and Francisco Astorga
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20
21 **1. Welcome**
22

23 Chair Lynn Jacobs called the meeting to order and welcomed everyone at approximately 6:33
24 p.m. Chair Jacobs requested to change the order of the agenda by swapping item three (3) and
25 four (4).
26

27 **2. Consideration to Approve the Planning Commission meeting minutes from October 3,**
28 **2023**
29

30 **Motion:** Commissioner Bott motioned to approve the Planning Commission meeting minutes
31 from October 5, 2023. Commission Ward seconded the motion.
32

33 **Vote:** The motion passed unanimously (6-0).
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35 **3. Architectural and Site Plan Review**
36 **2071 Orchard Drive-Arctic Circle**
37

38 *Listed on the agenda as item 4.*

39 Senior Planner Amber Corbridge presented the application as depicted on the published staff
40 report on the packet. She indicated that the planning Staff recommends that the Planning
41 Commission review the item and forward a positive recommendation to the City Council.
42

1 The Planning Commission collective commented that they were excited of the updated building
2 and site compared to the current conditions.

3
4 Chair Jacobs commented on the vehicular circulation of the proposal and how pedestrians might
5 be affected.

6
7 **Motion:** Commissioner Price-Huish motioned to forward a positive recommendation to the City
8 Council contingent on the condition of additional signage for the cut-through going north south.
9 Commissioner Clark seconded the motion.

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11 **Vote:** The motion passed unanimously (6-0).

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13 **4. Land Use Code Text Amendment**
14 **Subdivision; & Administration and Procedures**
15 *Listed on the agenda as item 3.*

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17 Senior Planner Corbridge presented the application as depicted on the published staff report on
18 the packet. She indicated that the planning Staff recommends that the Planning Commission
19 review the item and forward a positive recommendation to the City Council. She identified that
20 the Bountiful City Subdivision Ordinance needs to be amended to be consistent with the recently
21 adopted State Code specifically for one (1), two (2) family dwellings, and townhouse
22 subdivisions. Staff recommended having one process that would comply with State Code for the
23 newly required changes as well other type of subdivisions in order to be simple, consistent, and
24 equal.

25
26 Commissioner Bott requested clarification on the proposed process. Senior Planner Corbridge
27 reviewed the proposed process and further expanded comparing it to the current process.

28
29 Commission Jacobs opened the public hearing.

30
31 Gary Davis, 2814 South 500 West, commented that State Bill 174 was regarding abortions and
32 questions whether proper notification was provided to the public and indicated that sometimes he
33 misses notifications. Mr. Davis wondered why the item started on page five (5) and not on page
34 one (1) and questioned why specificity is being removed from the text. He also asked about the
35 purpose of the public hearing. Chair Jacobs clarified some of his questions. Commissioner
36 Ward clarified that Senate Bill 174 removes City Council as the final authority for these types of
37 subdivisions.

38
39 Ron Mortensen, Val Verda area, commented that the proposal removes elected officials from the
40 process and places non-elected officials. Mr. Mortensen shared an example from the Recreation
41 District Board. He pointed out that the process makes subdivision administrative instead of
42 legislative, therefore referenda would not be an available option. He pointed out that citizens
43 would no longer be able to appeal and expressed that a right is being taken away of existing
44 property owners and being given to new property owners.

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1 Chair Jacobs closed the public hearing.

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3 Commissioner Price-Huish appreciates Mr. Davis's and Mr. Mortensen's comments. She
4 acknowledged the state mandate and recognized that the mandate only applies to one (1), two (2)
5 family dwellings, and townhouse subdivisions; and requested a pause as Staff recommends
6 applying to all subdivisions. She commented on the public hearing option outlined in the Staff
7 report. She focuses on accountability and hearing people out. She commented on the
8 Governor's recent comments regarding housing affordability. She focused on the city's
9 redevelopment status and current general plan update. She would like to take a step back to
10 bifurcate the processes.

11
12 Commissioner Price-Huish recognized the justification to have the one process but indicated that
13 the City can have multiple processes instead while still complying with the State Legislature, and
14 re-analyzing it once again once the general plan is adopted. She indicated that she understands
15 the policy and the want to streamline the process and remove obstacles but indicated that it was
16 not required. She agreed with Mr. Davis and Mr. Mortensen regarding internal accountability
17 and expressed concerns regarding who can petition for a subdivision, and asked how much is a
18 subdivision petition.

19
20 Planning Director Francisco Astorga and City Engineer Lloyd Cheney answered that a
21 subdivision application fee is \$850.

22
23 Commissioner Price-Huish indicated that the fee was steep and requested more clarity. She
24 expressed that she understands the state mandate, but it does not apply to all subdivisions. She
25 strongly urged the Commission to consider these items before forwarding any recommendation
26 to the City Council.

27
28 Commission Bott commented that he is very pro-development, was appointed to the Planning
29 Commission, is pro elected official, and is pro argument. He has issues with Staff being final
30 authority and thinks that Council should be the final approval.

31
32 Chair Jacobs asked if the bill has any type of timeframe.

33
34 Planning Director Astorga indicated that he and Senior Planner Corbridge would be more than
35 happy to answer any other question as determined by the Commission. Planning Director
36 Astorga explained the differences between administrative items and legislative items. He
37 indicated that he believes that the deadline as dictated by State Code is December 31, 2023,
38 regardless of whether the City makes the change. He indicated that the state has legislated that
39 subdivisions are administrative and provided an example of vacant land within the City and how
40 the zoning of such parcel already dictates the development patters of such land. He explained
41 the amendments that the City is doing regarding the internal nature of subdivision responsibility
42 being shifted from the Engineering office to the Planning office.

43
44 City Engineer Cheney further explained and supported Astorga analysis in assigning
45 subdivisions as responsibility to the Planning office, and further expanded as to the same level of

1 involvement from the various City department including the Engineering office. He commented
2 on the recent fee study conducted by the City where fees were recommended and approved by
3 the City Council.

4
5 Planning Director Astorga commented on former State Code language regarding subdivision
6 approval public hearings as well as Bountiful City Code subdivision public hearings. He also
7 expanded on the appeals of administrative decisions. He asked the City Engineer Cheney how
8 many residential single-family lots have been process in the last five to ten (5-10) years.

9
10 City Engineer Cheney indicated that the City has not seen a large subdivision in quite some time.

11
12 Chair Jacobs summarized the discussion into three (3) discussion points: 1. Do we go further
13 than what state mandates? 2. Internal transition from Engineer office to Planning office. 3. Is
14 approval of a subdivision approval legislative or administrative? Chair Jacobs expanded that at
15 his recent American Planning Association (APA) Utah Chapter training, it was taught that
16 administrative items should have final action by the corresponding administrative body and the
17 same would apply to legislative items and bodies.

18
19 Commission Gilmore commented that she found strange that Bountiful City considered
20 Subdivision legislative items as she considers them to be administrative, specifically when a
21 public hearing is held because administrative items are simply trying to verify if application
22 request comply with the Code and should not be subject to public clamor.

23
24 City Attorney Drake commented on the frustration that people have when a public hearing is
25 held on items that are administrative based on the requirement that the Planning Commission's
26 responsibility acting as an administrative body are to adhere to the adopted Code and not the
27 public comment that is offered. Chair Jacobs agreed with that frustration expressed by the public
28 on these administrative items.

29
30 City Attorney Drake indicated that when the City Council, acting as the legislative body, has to
31 allow public comment and furthermore has to consider the provided input when legislative items
32 are being presented (i.e. zoning changes and land use code text amendments) as density,
33 setbacks, rules, regulations, standards, and policies are being enacted and/or amended further
34 creating a series of vested rights.

35
36 Planning Director Astorga communicated that every time a packet is published the entire City
37 Council receives a copy of the agenda and the meeting minutes.

38
39 Commissioner Bott commented that the City Council needs to be included in these types of
40 decisions.

41
42 Commissioner Price-Huish indicated that it is good to comply, and then to see if the City wants
43 to take that extra step. She indicated that the proposal is solving a problem that may not exist.
44 She indicated that she understands the approach of the Planning Department; however, it makes
45 sense to take the first step and become complaint with the State.

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The Commission collectively indicated that they would support two (2) processes for subdivisions.

Planning Director Astorga clarified the Staff’s attempt to make the process clearer for the public.

Motion: Commissioner Jacobs motioned to forward a positive recommendation to the City Council as required by State Law pertaining to single-family, two-family and townhomes subdivision, and that a public hearing before the Planning Commission is required. All other types of subdivisions would follow the standard process other than being submitted to the Planning Office instead of the City Engineer. Commissioner Bott seconded the motion.

Vote: The motion passed unanimously (6-0).

5. Planning Director’s report, update, and miscellaneous items

Director Astorga introduced Sam Harris as the Planning Department’s new Administrative Assistant/Business License Coordinator that would also act as the Planning Commission’s Recording Secretary.

Planning Director Astorga indicated that this meeting would be City Attorney Drake’s last meeting as he accepted a job for another municipality. Commission Price-Huish indicated gratitude towards City Attorney Drake. City Attorney Drake commented on his experience with the Planning Commission and expanded on the high level of competence that the Bounful City provides.

Planning Director Astorga reminded that the final joint meeting for City Council and Planning Commission will be held on Tuesday November 14, 2023, from 5:00pm-7:00pm.

6. Adjourn

Chair Jacobs adjourned the meeting at 8:04 pm.