

**MINUTES OF A REGULAR PLEASANT VIEW CITY  
PLANNING COMMISSION MEETING HELD**

**December 1, 2022**

[\(3\) Planning Commission Meeting - December 1, 2022 - YouTube](#)

**MEMBERS PRESENT**

Andy Nef  
Dean Stokes  
Jeff Bolingbroke  
Julie Farr  
Manya Stolrow  
Chad Kotter

**EXECUSED**

Sean Wilkinson  
David Park

**STAFF PRESENT**

Amy Mabey, City Administrator  
Brandon Bell, Planning and Zoning Administrator

**VISITORS**

Brent Batman

**MINUTES PREPARED BY:**

Brooke Smith, MMC

**MINUTES APPROVED:**

August 3, 2023

Commission Chair, Andy Neff, called the meeting to order at 6 pm

**OPENING PRAYER**

**PLEDGE OF ALLEGIANCE**

**DECLARATION OF CONFLICT OF INTREST**

Commissioner Bolingbroke lead the attendees in reciting the Pledge of Allegiance, followed by an opening prayer and expression of gratitude.

The prayer acknowledged the opportunity to gather as the planning commission and expressed gratitude for the city and its residents who contribute to making it a wonderful place to live. The request was made for guidance in discussing the agenda items and fulfilling the responsibilities as commissioners.

The first item on the agenda was the declaration of conflicts of interest. After confirming that all attendees had reviewed the agenda, it was stated that no one needed to declare any conflicts.

**ADMINISTRATIVE CONSIDERATIONS:**

**a. Proposed Conditional Use Permit (CUP) and Site Plan for expansion of Wildcat Storage units, located at approximately 600 West 2550 North**

The Planning Commission meeting addressed administrative considerations, specifically the proposed conditional use permit (CUP) and site plan for the expansion of Wildcat Storage units located at 600 West 2550 North. The chair informed the attendees that there was no full staff packet available for this item. It was explained that the current lots where the facilities exist are divided into multiple parcels, including newly purchased ones. Therefore, until there are lot line adjustments to combine these parcels, the expansion is considered a new project. The recommendation was made to table this item until the next Planning Commission meeting to allow time for the necessary adjustments to be made and presented for consideration.

Although it was not a public hearing, the audience was asked if they were present to comment on the item or if they would prefer to provide feedback at the next meeting. Since there were no representatives from Wildcat Storage at the meeting, it was decided to take comments from the community and record them for future consideration. The attendees were informed about the procedure and the decision to table the item until the following meeting on January 5.

## **MOTION**

A motion was made and seconded to table the proposed conditional use permit for the expansion of Wildcat Storage units. The motion was approved unanimously.

## **PUBLIC HEARINGS – LEGISLATIVE CONSIDERATIONS AND RECOMMENDATIONS TO THE CITY COUNCIL**

### **a. Zoning map amendments to consider adjusting the zoning district for the property at approximately 1630 West, between Pleasant View Drive and Highway 89, (Weber County Parcel # 19-014-0078), from RE-15 to RE-20**

The meeting then moved on to the next item, which was a public hearing regarding zoning map amendments for a property located at 1630 West between Pleasant View Drive and Highway 89. The current zoning designation is RE-15, and the proposal is to adjust it to RE-20, which would be considered a downzoning. The staff explained that this adjustment is considered a cleanup item for a small parcel, and it is part of a future subdivision plan. The parcel being rezoned is approximately 570 square feet and will eventually be combined with an adjacent parcel to the north.

The staff presented a draft subdivision map showing a four-lot subdivision, with the rezoned parcel forming a small V-shaped portion. The purpose of rezoning is to make that parcel more desirable and provide better frontage for future purchasers. The staff stated that the majority of zoning decisions have already been made, and the proposed zoning aligns with the general plan's low-density residential land use category. The staff recommended approval, considering it a simple cleanup item consistent with the future land use map designation.

During the discussion, questions were raised about the road connectivity and adequate turnaround for the proposed subdivision. The petitioner clarified that a cul-de-sac had been planned, meeting the city's standards. Concerns were also raised about the rezoning being a spot zone and whether it aligned with the surrounding area's zoning. The staff clarified that spot zoning is not prohibited by state law, and as long as it meets the general plan's aspirations, it can be considered.

## **PUBLIC COMMENT**

The public hearing was opened, and no comments or objections were raised by the audience.

The public hearing was then closed.

## **DISCUSSION**

The commission discussed the compatibility of the proposed zoning with the future land use map. It was confirmed that the zoning aligns with the low-density residential designation on the map.

## **MOTION**

A motion was made and seconded to recommend approval of the zoning map amendments as presented by the staff. The motion passed unanimously, and the recommendation was made to the city council.

#### **STAFF RECOMMENDATIONS FROM DECEMBER 1 PLANNING COMMISSION PACKET**

*"This item is an extremely simple 'clean-up' item, for a very small piece of property, which is anticipated to be combined with adjacent property immediately to the north. The proposed rezoning of the property to RE-20, is consistent with the Future Land Use Map designation for this area of Low-Density Residential, and will zone the property consistent with the property immediately to the North for which there is a concept development plan."*

#### **LAND USE TRAINING**

During the meeting, it was discussed that the land use arena in the state of Utah has been intense in recent years due to changes in state code, which are expected to continue. The Planning Commission members were reminded of their responsibility to stay updated with these changes and their authority as planning commissioners. It was emphasized that training is crucial to ensure decisions are made in accordance with the law and that the public has confidence in the objectivity of those decisions.

A quote by Thomas Jefferson was shared, highlighting the importance of educating the people to exercise their control with discretion and prevent abuses of constitutional power. It was noted that land use decisions involve the exercise of various rights in physical space, making it a critical and complex area. Acting as stewards of people's rights, the Planning Commission is tasked with balancing individual property owners' rights with the broader public interest as defined by city ordinances and state law.

The meeting touched on the need to recognize that land use decisions often involve three parties: the government acting as a steward, individual property owners, and the broader public interest. Crafting thoughtful laws and decisions can help address conflicts and respect the rights of all parties involved.

Three videos were presented by Brent Bateman, during the meeting. These videos provided a summary of land use issues aiming to address contentious topics while maintaining a positive atmosphere. Following the viewing of the first video, a discussion on the presented materials and any questions took place. During the discussion, he spoke about the three important aspects of land use decision-making: legislative decisions, administrative decisions, and quasi-judicial decisions. He emphasized the need to understand the type of decision being made in order to make the best decision.

Legislative decisions involve making laws and are made by the elected legislative body, such as the city council or county commission. The standard of review for legislative decisions is that they should be reasonably debatable and advance the purposes of land use. These decisions focus on policy considerations and changing or amending ordinances.

Administrative decisions, on the other hand, apply existing laws to specific individuals or circumstances. They do not involve policy considerations but rather the application of established laws. Administrative decisions can be made by staff or a designated body like the planning commission, and the standard of review is based on substantial evidence on the record.

Quasi-judicial decisions come into play when there is a dispute and require interpreting the local laws. Local governments appoint a local appeal authority or board of adjustment for this purpose. The standard of review for quasi-judicial decisions is not explicitly mentioned but would involve interpreting the law and resolving disputes.

Bateman highlighted the importance of considering the type of decision being made and following the appropriate rules and standards. Understanding these aspects is crucial for local government officials involved in land use or zoning decisions to protect property rights and make informed choices.

A video titled "What hat do you wear" was presented. The video aims to explain the roles of local government officials and the decision-making processes in land use planning. In part two of the video, Bateman discusses the Planning Commission's role in local government and how it relates to the three types of decisions: legislative, administrative, and quasi-judicial.

Bateman emphasizes the importance of understanding the different decision types and their corresponding responsibilities. He explains that the Planning Commission's primary job is to create and recommend changes to the general plan, which reflects the community's desired land use. This is a legislative role, and the Commission's recommendation is then sent to the city council for consideration.

The Planning Commission also has a legislative role in making recommendations to the city council regarding zoning and land use ordinance changes. These recommendations involve discussing, considering, drafting, and recommending land use regulations and amendments. The city council, as the legislative body, ultimately has the authority to adopt or amend land use regulations based on the Planning Commission's recommendations.

Additionally, the Planning Commission may have an administrative role if delegated by the city council or local code. Administrative decisions involve applying the law to individual land use applications, such as conditional use permits or subdivisions. While not a core role, the Planning Commission's involvement in administrative decisions should be done diligently and in accordance with the law.

Bateman highlights the importance of focusing on the roles of the Planning Commission and how they tie together. A good plan leads to good ordinances, which, in turn, facilitate easy and correctly made administrative decisions. He concludes by stating that understanding the type of decision being made is crucial for making informed and effective decisions.

#### **REMARKS FROM COMMISSIONERS AND/OR STAFF**

During the meeting, the Commissioner expressed appreciation to the staff for their efforts in organizing a successful gathering. They specifically mentioned the positive social interaction that took place, highlighting the engagement among participants. Additionally, the attendees were reminded that there would be no meeting for the remainder of the month unless an emergency order is issued.

The next scheduled meeting is set for January 5, 2023.

In a staff note, it was mentioned that there had been a follow-up regarding a proposed rezone for a property.

The commission was then informed about a significant roadway project through a joint application with Far West City. The location and funding of the project were discussed, emphasizing its importance as a safety mechanism and a catalyst for future developments. It was mentioned that there are pending developments and the project's role in attracting developers, highlighting its potential impact on the overall growth and infrastructure of the area.

#### **ADJOURNMENT**

The meeting was adjourned at 7:35 p.m.