

**MINUTES OF A REGULAR PLEASANT VIEW CITY  
PLANNING COMMISSION MEETING HELD  
January 5, 2023**

[\(3\) Planning Commission Meeting - January 5, 2023 - YouTube](#)

**MEMBERS PRESENT**

Andy Nef  
Dean Stokes  
Jeff Bolingbroke  
Julie Farr  
Manya Stolrow  
Sean Wilkinson  
David Park  
Chad Kotter

**VISITORS:**

Trevor and/or Elle of Pierce Design

**MINUTES PREPARED BY:**

Brooke Smith, MMC

**STAFF PRESENT**

Amy Mabey, City Administrator  
Brandon Bell, Planning and Zoning Administrator  
Dana Shuler, City Engineer

**MINUTES APPROVED:**

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**

The chair welcomed everyone to the Pleasant View Planning Commission meeting held on January 5th, 2023. The audience is acknowledged, and it is mentioned that there are not usually many people in attendance. The chair invites the audience to ask questions if they have any.

The meeting begins with the Pledge of Allegiance and an opening prayer offered by Commissioner Julie Farr. The prayer expresses gratitude for the community, its safety, and the people who contribute to the smooth functioning of the city government. Protection was requested for those who serve and represent the city and the country.

Next, the chair asks if anyone needs to declare any conflicts of interest regarding the meeting agenda. None were reported.

The chair mentioned that there is a full quorum of seven members present at the meeting, allowing everyone to participate and vote.

**ADMINISTRATIVE CONSIDERATIONS:**

**Conditional Use Permit and Site Plan for Pole Patch II Subdivision. Conditional Use and Site Plan for the construction of a single-family home at Waterfall Drive Lot #28 Pole Patch II Subdivision.**

The planning commission meeting discussed the Conditional Use Permit and Site Plan for the construction of a single-family home at Waterfall Drive Lot #28 in the Pole Patch II Subdivision. The meeting highlighted the need for a conditional use permit due to the sensitive land's designation in the area. The city planning commission and city council both needed to approve the permit.

One important consideration was the presence of earthquake faults in the area. A map showing the faults was discussed, and it was mentioned that structures should not be built within 50 feet of the faults unless a professional engineer recommended otherwise. The geotechnical report recommended

a distance of 20.7 feet on the south side of the property, and both the proposed buildings met this requirement.

There were also discussions about slopes in the area. The applicant provided a slope map indicating areas with slopes greater than 25%. However, it was noted that the small areas where the building footprint was located had slopes that extended beyond the recommended limit. The city engineer expressed that these areas were not a safety risk and considered them acceptable.

Other topics discussed included utility lines, grading plans, revegetation requirements, and conditions of approval. The planning commission recommended approval of the conditional use permit, with the understanding that certain conditions still needed to be fulfilled by the applicant.

During the meeting, the petitioner, who was the home designer, clarified that they were aware of the fault line complications when purchasing the lot. They had conducted a geotechnical study to address the requirements set by the city.

Overall, the planning commission found the project well thought out and presented, considering the challenges posed by the sensitive land area and the fault line.

## **MOTON**

A motion was made and seconded to recommend approval, with the remaining conditions to be completed to the satisfaction of the staff. The motion was passed, and the petitioner expressed gratitude for the approval.

### **Staff Recommendations from January 5, 2023 Packet**

*“The applicant has provided a geotechnical report, which indicates that the home should be 20.7 feet from the fault in order to be safe. The proposed building meets that distance requirement. Staff recommends approval with the following conditions, in order to meet the requirements of City Code:*

- The applicant needs to provide the final amount of impervious surfaces (building footprint total, concrete, etc.) in square footage, and also as a percentage of the site. The total amount will need to be less than 10%, with a total square footage of impervious surfaces provided.*
- The applicant needs to provide a slope map demonstrating that the home is only proposed to be constructed on lands that are 25% slope or less. The applicant has been requested to provide a map specifically with the above categories (25% or less, Greater than 25%), and which superimpose the building footprint, demonstrating that the proposed building will only be on soils that are 25% in slope or less.*
- All the above information (the two recommended conditions above) needs to be provided prior to consideration of the Conditional Use Permit by the City Council.*
- The applicant needs to provide a revegetation / landscape plan demonstrating that the less than ¼ acre (10, 890 square feet) or less will be lawn area. The lot is also subject to a maximum irrigated area via the water service agreement that the City has with Pole Patch Water System.*
- The requirement for spark arrestors in every fireplace or other vented combustion apparatus constructed indoors or outdoors may be met by including those in the building*

*plans for the building permit, and as a condition for the issuance of such. Screen openings in such arrestors shall not be in excess of one-quarter inch in diameter.*

- Utility Lines are shown on the plans. The Public Works Department need to verify the proposed location of the utility lines work. Utility line locations may need to be modified, per Public Works Department input.*
- A grading plan is required and has been provided by the applicant. The applicant needs to demonstrate that the grade of the soil in the final grading plan has an angle equal to or less than the angle of repose.*
- A closed sewer system shall be required within a sensitive area zone, per City Code. Septic systems are not permitted. The applicant needs to connect to the sewer line in the area.*
- Spark arrestors shall be installed and maintained in every fireplace or other vented combustion apparatus constructed indoors or outdoors. This should be included or added as part of the building plans, prior to and as a condition of building permit approval.*
- Staff recommends that minor modification may be permitted to final design of concrete and similar surfaces as part of building permit approval, if needed.*
- Approve building footprint / site plan, as it currently is, or with minor adjustments, within the requirements of the ordinance, and any adjustments required to meet the ordinance.”*

#### **PUBLIC HEARINGS – LEGISLATIVE CONSIDERATIONS AND RECOMMENDATIONS TO COMMISSION**

##### **General Plan amendment to Moderate Income Housing Plans in compliance with Utah Code Ann. § 10-9a-403(2)(b)(iii) including specific measures and timelines for implementation strategies.**

The planning commission discussed a general plan amendment regarding moderate-income housing plans in compliance with Utah Code Ann. § 10-9a-403(2)(b)(iii). The purpose of the amendment was to specify measures and timelines for implementation strategies related to affordable housing. The city had received a notification of non-compliance, prompting the need for changes to address housing accessibility and affordability for moderate-income households.

The staff explained that the city already had measures in place but needed to provide further specifications to meet the requirements of the state code. They highlighted that the city currently dedicates 50% of its land to various housing uses and emphasized the availability of different housing options within the city. They also mentioned the importance of maintaining some rural characteristics while addressing moderate-income housing.

To meet the state code requirements, the general plan included specific citations of the state codes being addressed. The plan also outlined a timeline and identified goals and strategies for implementation. The staff presented three strategies that had been developed to address moderate-income housing:

- 1) Implementation of a niche east-west zone: The city had already developed this zone but had yet to apply it anywhere. The strategy involved applying the zone in suitable locations within the city to facilitate the production of moderate-income housing.
- 2) Investment in infrastructure for moderate-income housing: Staff highlighted the recent restoration and expansion of the Wasatch View Estates community, which aimed to provide moderate-income housing through the revitalization of trailer parks. They also mentioned a roadway project in partnership with Far West City that would enhance safety and accessibility for residents.

- 3) Evaluation of regulations for accessory dwelling units (ADUs): The city had previously amended its ordinances to allow attached accessory apartments (AAA) as a permitted use. The staff suggested further evaluation of options related to ADUs to potentially increase the number of units throughout the city.

The staff addressed some minor tweaks in the language, such as incorporating housing quality and maintenance and updating references to the Historical Buildings Preservation Commission. They explained that the city had previously considered a down payment assistance program for city employees but decided against it due to limitations and budget constraints.

During the discussion, the commissioners sought clarification on the definition of moderate-income housing, which was explained as being tied to a percentage of the area's median income. They also questioned the potential impact of changing regulations for accessory dwelling units and inquired about the city's future affordability efforts.

**General Plan Amendment to modify language describing Residential Land Uses to remove an exception within the Rural Residential (1 dwelling unit for every 5 acres) description which describes the portion of the City which lies east of 500 West and to the eastern city limits, and removing the description for Very Low Density Residential (1 to 2 dwelling units for every acre) which describes approximately 500 West to the eastern city limits, extending northward from 4300 North to 4575 North.**

During the planning commission meeting, there was a discussion about the terminology regarding accessory dwelling units (ADUs). The city previously referred to them as Triple A's (AAA) in the code, while the state code used the term ADUs. The commission emphasized that the change in terminology did not necessarily require a shift from attached to detached ADUs. The commitment made was to explore various options and evaluate the existing ordinances to align with state definitions. The aim was to increase the availability of housing units in the city and provide affordable housing options.

A question was raised regarding the possibility of renting out both the main house and a basement apartment in owner-occupied homes. Currently, under the city's ordinance, only the attached ADU can be rented out. The commission acknowledged the issue and stated that the exploration of options aimed to address such concerns. The commitment made during the meeting meant that individuals in similar situations could approach the Planning Commission and Council to seek approval for renting out both portions of their homes.

Concerns were expressed about the long-term affordability of housing, given the potential increase in land prices and construction costs. The commission recognized that meeting the state code requirements was an ongoing process, and future iterations would likely involve even more demanding standards. They highlighted the complexity of the housing market and the city's limited influence on certain market factors. The state's involvement in regulating housing affordability was also mentioned, with specific provisions regarding the inclusion or prohibition of ADUs in homeowners' associations (HOAs).

The commission emphasized that the city had been proactive in addressing affordable housing and had implemented various strategies. They acknowledged the need to retain the community's character while pursuing equitable housing options. A suggestion was made to modify the language in the proposed document, removing the phrase "any and all" and replacing it with a more specific statement about pursuing applicable avenues for equitable housing choices.

Overall, the discussion revolved around the urgency to address non-compliance with state regulations, the exploration of options to increase housing affordability, the terminology regarding ADUs, and the long-term commitment to addressing housing needs while considering market factors and community character.

#### **MOTION**

A motion was made to open separate public hearings for the three different items.

#### **CITIZEN COMMENTS**

A public hearing was opened for the general plan amendment to moderate-income housing plans and compliance.

During the hearing, a community member expressed concerns about rental properties and the importance of owner-occupied properties for neighborhood stability. The discussion also touched upon the subjectivity of affordability and the influence of state legislature on local land use decisions.

#### **MOTION**

The public hearing was then closed with a motion and a second.

#### **DISCUSSION**

The commission discussed the item and agreed with the staff's recommendation.

#### **MOTION**

A motion was made to recommend approval of the item, which involves modifying the language describing residential land uses. The motion was seconded.

#### **DISCUSSION**

There was a discussion about the importance of clarifying the general plan to avoid confusion and ensure consistency.

#### **CITIZEN COMMENTS**

A public hearing was opened for this item, but no members of the audience made comments. The public hearing was then closed.

#### **MOTION**

A motion was made to recommend approval of the item. The motion was seconded, and there was no further discussion. The item was approved.

**Ordinance amendment to consider the use of varying improvement guarantees, in accordance with Utah Code Ann. § 10-9a-604.5(2)(c), which states a municipality shall establish a minimum of two**

**acceptable forms of completion assurance. The proposed ordinance language allows for the use of a surety bond, an escrow cash bond, or a letter of credit.**

During the meeting, the attendees discussed a request to amend the ordinance regarding the use of varying improvement guarantees. The purpose of this amendment is to align with the requirements set by the Utah code, which mandates that municipalities must offer at least two acceptable forms of complete assurance. The proposed ordinance suggests allowing the use of a surety bond, escrow cash bond, or letter of credit as options for developers.

Concerns were raised regarding the difficulties associated with obtaining letters of credit. It was mentioned that some developers had faced challenges in qualifying for this option. In light of this, the idea of implementing a minimum threshold or limit for a letter of credit usage was brought up. An example from Weber County, where a minimum requirement of one million dollars was established, was cited as a potential approach to consider. This limitation aims to ensure the stability and reliability of the financial institutions providing letters of credit.

#### **CITIZEN COMMENTS**

A public hearing was conducted, but no members of the audience expressed any comments or concerns.

#### **MOTION**

A motion was made to recommend the approval of the proposed language to the commission. However, the motion included a stipulation that the staff should investigate the feasibility of establishing a baseline number or threshold for the usage of a letter of credit. The purpose of this investigation is to provide the commission with more information and options to consider. The motion was seconded by another participant, and no further discussion occurred regarding the matter.

#### **1. SET 2023 PLANNING COMMISSION MEETING SCHEDULE**

Meetings will be held on the first Thursday of each month at 6:00 pm, at 520 West Elberta Drive. This schedule may be modified with Planning Commission approval at a subsequent meeting.

- January 5, 2023
- February 2, 2023
- March 2, 2023
- April 6, 2023
- May 4, 2023
- June 1, 2023
- July 6, 2023
- August 3, 2023
- September 7, 2023
- October 5, 2023
- November 2, 2023
- December 7, 2023

During the meeting, Planning Commission discuss and finalize the 2023 Planning Commission meeting schedule. They propose holding the meetings on the first Thursday of each month at 6 pm. They mention that this schedule may be subject to modification by the Planning Commission in the future.

They mention that in the past year, they rarely utilized the second meeting and would like to keep it to just one meeting per month. However, they also want to maintain flexibility and be accommodating. They address concerns about being perceived as unfriendly and aim to create a clear pathway for applicants to reach the Planning Commission.

They emphasize the importance of setting clear conditions of approval for applicants to meet before going to the Planning Commission, as it encourages them to fulfill the recommended conditions and ensures deliberations take place in a public setting. They consider whether certain matters are mission-critical or require significant design changes that may impact compliance with ordinances.

The staff mentioned they appreciate a comment about involving the Development Review Committee (DRC) and staff earlier in the process to address any frustrations that may arise. They affirm that a meeting with the DRC does not constitute approval to go to the Planning Commission but helps establish criteria for moving forward.

They discuss potential conflicts with holidays or breaks, such as the July 4th holiday and spring break, and consider adjusting meeting dates accordingly. They decide to change the April meeting date to April 13 to avoid conflicts. They also note that they will not have a meeting in October due to the fall break.

- January 5, 2023
- February 2, 2023
- March 2, 2023
- ~~April 6, 2023~~, changed to April 13, 2023
- May 4, 2023
- June 1, 2023
- July 6, 2023
- August 3, 2023
- September 7, 2023
- ~~October 5, 2023~~, Cancelled
- November 2, 2023
- December 7, 2023

## **MOTION**

After the discussion, a motion is made and seconded to approve the 2023 Planning Commission meeting schedule with the changes discussed. The motion is passed, and the schedule is officially set.

## **2. REMARKS FROM COMMISSIONER AND/OR STAFF**

During the meeting, the commissioner provided updates and remarks. The first topic discussed was the scheduling of training with Craig Call from the Utah Land Use Institute. Craig has received a grant to conduct land use training throughout the state. The state has implemented a requirement stating that all commissioners should undergo four hours of training annually. However, if they attend all the meetings, the requirement can be reduced to three hours. The commissioner emphasized the importance of taking this training seriously due to the current oversight and scrutiny faced by cities. The training helps create a positive perception of the Planning Commission and municipalities in general. It was suggested that commissioners can watch the training video at home and send an email confirming the completion of one hour of training to meet the requirement.

Next, the commissioner expressed concerns about the enforceability of the design guidelines within the city codes. The language used in the guidelines is flexible and vague, relying on terms like "may" and allowing the Planning Commission to adjust based on negotiation with applicants. However, the state trend is moving towards more specific and objective guidelines, specifying architectural elements or numerical criteria. Additionally, a statute passed in 2021 requires the city to provide the option for development by right, alongside the use of development agreements. The design guidelines, as they stand, can lead to conditioning approvals on negotiations, which may pose challenges in enforcement. The commissioner recommended focusing on enforcing the specific standards within the zoning code for now, while working on a long-term adjustment of the design guidelines to make them more enforceable and specific to each zone.

Regarding the city's agenda, the commissioner proposed a strategy to address code cleanup in smaller portions rather than tackling it all at once. By identifying critical areas or priorities, they could focus on reviewing and updating specific sections during lighter agenda nights. This approach allows for more manageable progress and ensures that areas expected to undergo development are addressed promptly. The commissioner expressed appreciation for the engagement of staff and the desire to ensure fairness and clarity for those relying on the codes. It was emphasized that being specific and making necessary changes is crucial for effective execution.

Finally, the commissioner mentioned upcoming events such as Founder's Days, which is scheduled for the third weekend and the fourth Saturday.

#### **ADJOURNMENT**

The meeting was adjourned, and thanks were given to everyone for their attendance and participation.