

**West Point City  
Planning Commission  
3200 West 300 North  
March 27, 2014**

**Present:** Brad Lee, Jeremy Strong, Korey Kap, Brian Vincent, Jeff Macfarlane, Boyd Davis – City Engineer, Kyle Laws – City Manager, Kent Henderson – City Council Representative, Michelle Bailey – Planning Commission Secretary

**Excused:** Curtis Seeds, John Detamore

**Visitors:** Kyle Hamblin

**WORK SESSION**

**1. Discussion regarding the subdivision rule of 80% of lots sold**

Boyd Davis reviewed the current Code regulation regarding 80% of lots sold. When a developer develops some ground, it is usually developed in phases. Before he is allowed to move onto the second phase, he is required to sell 80% of the lots in the first phase. Staff has realized that this is a difficult thing to monitor. What is the definition of a lot being sold? Sometimes the developer will transfer some lots to a friend or someone else within the company; does that really count as a sold lot? The purpose of this regulation is to determine how successful the first phase of the subdivision is before the next phase is allowed to be started. City Council has discussed this rule and asked Staff to come up with some ideas that would make this rule easier to monitor. Staff has discussed this item and thought it might be better to base it on when a building permit is actually issued rather than on when the lot is “sold”. That is very easy to verify because the City issues the building permits. That also is a better indicator of how successful the first phase is. Staff also feels that, if this will be monitored by building permits issued, maybe 80% is too high of a percentage. Staff proposes 50% instead. This will be voted on to make a recommendation to the City Council in the regular meeting.

**2. General Plan revision for the Heslop property**

Last year, Castle Creek Homes requested a rezone on this property. After much discussion, the City Council denied the rezone because it went against the General Plan. They prefer that we follow the General Plan. Castle Creek has now submitted a request to change the General Plan so hopefully they can rezone the property. This has been discussed at length over the past year by Staff, City Council, Mayor Craythorne and the property owners. Originally, Castle Creek submitted a plan to do all single family homes and tie into a road on the south of the property. There was real concern that that proposal would eat up too much of the commercial property. Mike Schultz, owner of Castle Creek Homes, submitted a letter requesting that this be revisited. They are actually requesting a rezone to an R-5 zone, just on the east side. They don't want to connect the existing road into the subdivision anymore. The R-5 zone will allow for townhouses. The reason they

are asking for townhouses, and the reason that Staff and Mayor Craythorne are in favor of that, is because the townhouses would provide a buffer between the existing single family houses and the future commercial. If there weren't going to be townhouses to provide that buffer, the fear is that single family houses would go in there and then when the commercial development comes in the future, those single family residents there would complain about the commercial and they would ask for a buffer to be put in there. That would then shrink the commercial property even more. We look at this as a way to actually preserve the commercial property. Staff and Mayor Craythorne have also discussed the fact that they would like to require some high standards on those townhouses. They had a developer's agreement with Ivory Homes when they built the townhouses in Yalecrest Towns requiring a certain square footage on each townhome and a certain amount of brick on the exterior to keep the quality of them up. We will probably be seeking for something similar to that in this situation. The R-5 will allow for townhouses. They will not tie into the existing road. The rest of the property will be preserved for commercial use in the future.

Korey Kap asked if they would have enough access in and out of the property without connecting to the existing road to the south. Boyd Davis responded that they can do 30 units off from one access. They would be limited to that. Jeff Macfarlane asked if they were considering apartments rather than townhouses. Boyd Davis replied that the R-5 zone allows up to 10.5 units per acre. Most apartments are about 20 units to the acre; thus it isn't enough density for apartments. Usually townhouses are only approximately eight units per acre. Jeremy Strong asked if the City is suggesting the General Plan change, or is the developer suggesting it? Boyd Davis said, "Mike Schultz submitted a letter requesting it be changed. He is the property owner. He is requesting the R-5 zone. But, we have talked about it as Staff, and we agree with the reasoning on it. It makes sense. We do believe that an R-5 zone would provide a buffer and would protect this commercial property. And if we left it all as commercial, right now this entire thing is commercial, we think these residents wouldn't be happy with that commercial right in their back yard so they would like to see a buffer. Townhouses would provide a good buffer between them. Commercial is a lot more accepted next to townhouses than it is next to single family houses." Jeremy Strong said, "I'm worried about the 30 lots. Even if it's not developed, can he stub into that other road?" Boyd Davis said they hadn't thought about that. They could use it as an access road and a road is compatible with commercial, so that's a possibility to consider. Kyle Hamblin said, "The density we have on our other townhomes is about eight to twelve units per acre. That's kinda what we like to shoot for." Kyle continued to say that with only one access, that would be a concern for them.

Boyd Davis reviewed the process. We will spend some time reviewing this request. Then we will advertise a public hearing and send notices to affected property owners. The public hearing will be held with the Planning Commission. The commission will hold the public hearing and then vote on a recommendation. That recommendation will be forwarded on to the City Council. The City Council will have the final vote. This item will be discussed one more time before holding the public hearing.

**3. Discuss Conditional Use Permit application for Farmer Brown's Daycare located at 1383 North 4350 West, Natalie Brown, applicant.**

Boyd Davis stated that this is located at 1383 North 4350 West. The criteria for obtaining a license to operate an in-home daycare is as follows: You must have a State license. She will be limited to having eight children at the daycare at any given time unless she has a second employee. Ms. Brown has said she is not planning to have a second employee. Parking is deemed necessary by the Planning Commission. She must have a completely fenced play area, and she must pass a fire inspection. The fire department has done its inspection. She has given Staff a copy of her State license and her CPR certification. Our Code Enforcement Officer has done an inspection. She has the fenced play area as required. Staff recommends approval of this application.

Jeremy Strong asked if parking needed to be discussed. Staff does not have concerns regarding parking. There is a long area along the street that people may park without disturbing any of the neighbors. There were no further questions.

**4. Discussion of proposed substation by Rocky Mountain Power located at approximately 4250 West 200 South.**

Rocky Mountain Power submitted an application to begin this process a year ago and then backed off from it due to a lack of funding at the time. They purchased a site located at approximately 200 South 4100 West. This is located across the street from Flo Abrams' home and the Davis & Weber secondary water reservoir. Flo Abrams will be the person most affected by this. Rocky Mountain Power purchased this piece of property from First National Bank. US Development owned the property at one time but went bankrupt so it was taken back by the bank. The power lines will come along the Davis County storm drain channel all the way from the main power line corridor up to the east of us. They will come off of that main substation located on 1000 West and will go over to Highway 193 then come west along that road and follow the canal all the way down. They are ready to install all of the power lines and build the substation this fall. A representative from Rocky Mountain Power will be at the regular meeting to answer questions. Boyd showed pictures of a substation located in Riverdale to demonstrate the standard landscaping and wall that they put in now.

The steps with this process will be as follows: there will be a presentation tonight from Rocky Mountain Power. Then they will need to submit the plans for review. A public hearing will be held, and they will need a conditional use permit. This could be a controversial item in upcoming meetings. Kyle Laws said it is important to note that this project is coming at the request of the City. Boyd Davis stated that we are getting close on power capacity out in this area, so without this substation, we would not be able to continue to develop. Kory Kap asked if this location is where the City envisioned it being built. Boyd responded, "No, they came up with the plan by themselves and purchased property. They looked at several properties. Their ideal location is at the intersection of 300 North and 4500 West, but there is no property there that they could buy; nobody would sell to them. So that is why they chose this because the bank was a willing seller.

They did a study and showed where all of the substations need to be. They would like to be within at least a mile of their ideal location. This is close enough; it will work.” Boyd continued to say that the commission needs to think about how best to mitigate the problems that could come with that. Kent Henderson said, “I think also we need to look at all the benefits that this will bring the city. That’s what is going to maybe sway some of the citizens that may not be in favor of it.” Jeff Macfarlane asked if Flo Abrams knows it is coming. Boyd said that she is aware of it. Jeff Macfarlane also asked what kind of access they are going to put into it. Boyd responded that this will technically be considered a subdivision, just like a residential subdivision. They will be required to improve their frontage; probably put in curb and gutter or whatever we require of them. The City also asked them to put a small parking lot in front to be used as a trailhead for our future trail that would come down this way. It isn’t really on the trail, but they are willing to put a parking lot in front of the substation. We want to make sure the property looks as good as it can with the landscaping and such.

## **REGULAR MEETING**

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Prayer:** given by Jeremy Strong
- 4. Approval of Minutes from February 27, 2014**

Jeff Macfarlane suggested a correction be made. On the bottom line of page 1, it says “FEMA has designated 42.17...” it should say 4,217 because it is an elevation. Corey Kap made a motion to approve the minutes from February 27, 2014, as amended. Jeremy Strong seconded the motion. All voted aye.

- 5. Public Comments:** None given
- 6. Consideration of a Conditional Use Permit application for Farmer Brown’s Daycare located at 1383 North 4350 West, Natalie Brown, applicant.**

Natalie Brown was present to answer questions. Boyd Davis briefly reviewed what was discussed in the work session. This is located in the Pheasant Creek Subdivision. She is required to have a State license, which has been submitted. She is limited to having eight children at any given time. Parking can be required by the Planning Commission if deemed necessary. She needs to have a fenced play area and that has been inspected. She also needs to have an inspection by the fire department and that has been done also. Staff recommends approval of the conditional use permit for this daycare.

Corey Kap made a motion to approve the conditional use permit for Farmer Brown’s Daycare located at 1383 North 4350 West, Natalie Brown, applicant. Jeremy Strong seconded the motion. All voted aye.

## **7. Presentation regarding proposed substation by Rocky Mountain Power located at approximately 4250 West 200 South.**

Steve Rush, who is the Community Manager for Rocky Mountain Power, was in attendance to make a presentation. In 2007-2008, Rocky Mountain Power (RMP) was approached by West Point City because of some capacity concerns for some growth that was taking place at the time. RMP looked for a site and purchased the property and then the economy tanked. Plans for the substation were put on the back burner for several years. Growth is starting to pick up once again, and there is a need for this. Their engineers are telling them that they need to have it built and in service by June 2015.

The transmission line that will serve this substation comes from over by the Freeport Center on 1000 West. There is a large substation there. They will tap out of that, crossing the road to the west side, then following Highway 193, they will cross the transmission corridor, then cross from the south side of the road to the north side of the road, turn west and follow that until they cross 2000 West. Then they will be in the canal property. They will take it to the golf course, jog around the golf course, then rejoin the canal and then come into the substation sight.

This substation will be a typical build. There will be a tilt-up block wall, some landscaping, a wrought iron gate and then the typical inside. Normally it is about 2 ½ acres for the footprint. There is about twice the amount of acreage as needed because they were required to purchase the entire piece that was for sale. They are working internally as to what to do with the unused property. There are conversations regarding the parking in the front. They are working with the City regarding that.

Brian Vincent asked if this is their ideal place to build a substation. Steve Rush replied, "When we site these things, we want them to be where the load is. It's got to be in the center of the load. We know where our other substations are. The ideal place is where we can get a transmission line to. We've worked long and hard with the City and the County back in 2008/2009 time frame." He continued to state where the lines would come from then said that, in their view, the answer to that question is "yes". They worked with Staff and local property owners to find something that would not be too intrusive. Brian Vincent asked what their pushback usually is from residents that are around the substation. Steve Rush said, "Surprisingly enough, if we go in before the homes are built, there is about zero pushback. There is a lot of concern that people will view that and say they never want to be near a transmission line or substation. Just drive along the transmission corridor and check out the homes that are built right next to the transmission line. It's the same way with our substations. Where it gets to be a little interesting is if we come in and it's already built up and then we put in a substation. Going in here in advance of the immediate area, I am willing to take a bet that we will not hear anything." Steve continued to say, "The substation is there to serve the customers. One thing to remember is that we actually follow, we don't lead. If there is no load, we don't build a transmission line and substation and spend \$15,000,000 - \$17,000,000. Load is what

drives us to be in the locations we are. The challenge comes when we go into an area that is fully built out.”

Brad Lee commended RMP for the exterior landscaping that is now being done around these substations.

Steve Rush stated that the equipment inside is stock. The transformers are a certain height and what they need for clearances by code to get in there. They will provide whatever the City requires for footprint information. They will make it so it can be accessed 24 hours a day. Once a substation is in and construction is complete, they visit the substation about once a month. A guy in a pickup truck goes in. There is essentially no traffic. The only other time they are in there is if something fails and they need to bring their line trucks in. The footprint needs to be that big for a purpose. They will build it so it has one transformer initially. It will have space for a second transformer. There is also space for an emergency transformer. It would be brought in with a semi-trailer and a lowboy. Over time they have determined, if something does fail in there, we have transformers standing by in Salt Lake and they can pull it in, drive through there, back it in and go. Within hours they are back in service. There were no further questions for Mr. Rush.

#### **8. Recommendation on amendments to the Subdivision Code regarding the 80% rule.**

This was discussed in the work session meeting. Boyd Davis stated that under current code, before you can move on to the second phase of the development, you have to sell 80% of the lots in the first phase. Staff feels that is a little difficult to determine when the lots have been sold. Staff is proposing a new rule that says 50% of the building permits must be issued in the first phase before submitting the next phase. That language is contained in the information given to the Planning Commission. Staff recommends that the commission approve that language and recommend it to the City Council.

Brian Vincent made a motion to accept the suggested changes to the Subdivision Code regarding the 80% rule, as stated by Boyd Davis and forward this on to City Council. Corey Kap seconded the motion. All voted aye.

#### **9. Planning Commission comments.**

Jeff Macfarlane had no comments.

Corey Kap thanked Staff for the fine job they do.

Jeremy Strong had no comments.

Brian Vincent had no comments.

Brad Lee thanked Staff for all that they do to help the Planning Commission.

**10. Adjournment**

Jeff Macfarlane made a motion to adjourn at 7:22 p.m. All voted aye.

  
Chairperson – Brad Lee

  
Secretary – Michelle Bailey

