

**Mayor**  
Kenneth Romney

**City Engineer/  
Zoning  
Administrator**  
Ben White

**City Recorder**  
Cathy Brightwell

# **WEST BOUNTIFUL PLANNING COMMISSION**

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West Bountiful, Utah 84087

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**Chairman**  
Denis Hopkinson

**Commissioners**  
Laura Charchenko  
Mike Cottle  
Alan Malan  
Corey Sweat  
Dennis Vest, Alternate

## **THE WEST BOUNTIFUL PLANNING COMMISSION WILL HOLD ITS REGULAR MEETING AT 7:30 PM ON TUESDAY, MAY 28, 2019 AT THE CITY OFFICES**

### Prayer/Thought by Invitation

1. Accept Agenda.
2. Cancel Public Hearing for a Zone Change from A-1 to L-I for Property West of Legacy Parkway.
3. Discuss Future Conditional Use for Canyon Pipeline.
4. Consider Conditional Use Application from Dominion Energy to Relocate a High-Pressure Regulator Station at 1140 W 400 N.
5. Discuss Moderate Income Housing Requirements for General Plan.
6. Review Previous Updates to General Plan
  - a. Section II – Land Use
  - b. Section IV - Transportation
  - c. Section VII – Annexation
  - d. Section VIII – Public Utilities
7. Staff report.
8. Consider Approval of Minutes from the May 14, 2019 Meeting.
9. Adjourn.

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*Individuals needing special accommodations including auxiliary communicative aids and services during the meeting should notify Cathy Brightwell at 801-292-4486 twenty-four (24) hours before the meeting.*

*This notice has been sent to the Clipper Publishing Company and was posted on the State Public Notice website and the City's website on May 24, 2019 by Cathy Brightwell, City Recorder.*

**West Bountiful City  
Planning Commission Meeting**

**May 28, 2019**

*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 May 24, 2019 per state statutory requirement.*

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, May 28, 2019 at West Bountiful City Hall, Davis County, Utah.

**Those in Attendance:**

**MEMBERS PRESENT:** Chairman Denis Hopkinson, Alan Malan (Vice Chairman), Laura Charchenko, Mike Cottle, Dee Vest (alternate), Council member Enquist

**MEMBERS EXCUSED:** Corey Sweat

**STAFF PRESENT:** Ben White (City Engineer), Cathy Brightwell (Recorder), and Debbie McKean (Secretary)

**VISITORS:** Gary Jacketta

The Planning Commission Meeting was called to order at 7:30 pm by Chairman Denis Hopkinson. Dee Vest offered a prayer.

**1. Accept Agenda**

Chairman Denis Hopkinson reviewed the agenda. Laura Charchenko moved to accept the agenda as posted. Alan Malan seconded the motion. Voting was unanimous in favor among all members present.

**2. Cancel Public Hearing for a Zone Change for A-1 to L-1 for Property West of Legacy Parkway**

The public hearing for a zone change was canceled.

**3. Discuss Future Conditional Use for Canyon Pipeline**

Commissioner packets included a memorandum dated May 24, 2019 from Ben White regarding South Davis Sewer District Rezone Request. The memorandum included the following information:

- During the May 10th Planning Commission meeting, the request to rezone property South Davis Sewer District owns west of Legacy Highway was discussed. Since that meeting, the City has received additional information regarding Canyon Pipeline who is leasing portions of the Sewer District property on west of Legacy Highway.
- Canyon Pipeline is a general contractor doing work for Dominion Energy replacing gas pipelines throughout Davis County. Canyon Pipeline is owned by Southwest Gas Holdings is a regulated utility who provides gas service to over two million customers in Arizona, California and Nevada. Also, Canyon Pipeline's only client is Dominion Energy.

- Canyon Pipeline is owned by a quasi-public entity and only contracts with a quasi-public entity so they meet the requirements to be considered a “quasi-public” use which requires a Conditional Use permit to operate in the A-1 zone.

Ben White informed the Commissioners that Staff will bring the Conditional Use Permit application to them when it is submitted. Chairman Hopkinson would like to make sure appropriate conditions are included when the request is made.

**4. Consider Conditional Use Application from Dominion Energy to Relocate a High-Pressure Regulator Station at 1140 West 400 North**

Commissioner packets included a memorandum dated May 24, 2019 from Ben White regarding a Conditional Use Permit for Dominion Energy at 1140 W 400 North along with the Conditional Use Permit application and a site plan. The memorandum included the following information:

- Dominion Energy operates a natural gas pressure regulating station along the 400 North street shoulder just west of 1100 West. As a follow up project to the recent gas transmission pipeline replacement project, the regulator station also needs to be replaced.
- Dominion Energy has acquired an easement from the adjoining property owner to relocate the regulator station to the rear (north) property line behind the existing house. In return, the existing building in front of the house along 400 North will be completely removed.
- Staff conducted an analysis to determine whether Dominion Energy’s proposal was a “permitted” or a “conditional” use. The determination is that since Dominion is constructing a building above ground in a location other than where they currently operate, it is considered a change in land use which requires a conditional use permit.
- The design proposal includes a six-foot masonry wall with rod iron gate. The proposed building is smaller than the 200 square foot threshold which would require a building permit. Included with this memo is a site plan of the proposed facilities and a photo of a similar building in a different location.
- In considering the proposed application and the health, safety and welfare of the community staff identified a list of criteria to be included in the motion for approval if the Commission should choose to approve it.
  1. Drainage: Storm drainage should not negatively impact surrounding properties. Mitigation: The proposal includes a storm detention as well as a gravel surface to help dissipate storm water.
  2. Noise: Noise should be kept to the levels of those emitted from typical residential properties. Mitigation: No noise is expected from the normal operations of the facility.
  3. Odors: Noxious odors should be controlled and not permitted to leave the property. Mitigation: No odors are expected from the normal operation of the facility.
  4. Light: Security and site lighting should not negatively impact neighboring properties. Mitigation: Any proposed lighting is to be “down lighting” and be restricted to the fenced area.
  5. Traffic: Traffic kept to residential standards. Mitigation: No employees will be stationed at this location. Maintenance staff will periodically visit the site.

Ben White stated he has been working with Dominion for about a year and a half on this. He pointed out the current regulator station on 400 North on an overhead map. They are proposing to move the current facility and deed the property to the abutting neighbor Willy Marshall. Staff deemed that this project merits a Conditional Use Permit.

**Commissioner Comments:**

**Laura Charchenko** asked if the gas lines will impact 400 North. Ben replied they will have to cut into the road for one of the pipe connections.

**Alan Malan** noted the typo in the fence height and asked that it be noted that the fence would be not be 6 inches but rather 6 feet tall.

**ACTION TAKEN:**

***Mike Cottle moved to approve the Dominion Energy Conditional Use Permit at 1140 W 400 North with the following conditions: Storm drainage should not negatively impact surrounding properties; noise should be kept to the levels of those emitted from typical residential properties; noxious odors should be controlled and not permitted to leave the property; security and site lighting should not negatively impact neighboring properties and traffic kept to residential standards. Alan Malan seconded the motion and voting was unanimous in favor.***

**5. Discuss Moderate Income Housing Requirements for General Plan**

Included in the Commissioner packets was a summary of Senate Bill 34 for Affordable Housing. Ben White noted that the new law requires Municipal General Plans to include a recommendation to implement three or more of the following strategies before December 1. Then there will be a yearly progress report required as well. Bill passed, and we need to comply if we want to receive transportation funding which is the funding that has been tied to it. He explained that we need three (3) strategies from the list of items A-W listed in the Bill, or we can also choose to use our own. Staff would like direction on what we should include.

Suggested strategies for Affordable Housing:

- (A) rezone for densities necessary to assure the production of Moderate-Income Housing (MIH)
- (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of MIH
- (C) facilitate the rehabilitation of existing uninhabitable housing stock into MIH
- (D) consider general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the city
- (E) create or allow for, and reduce regulations related to, accessory dwelling units in residential zones
- (F) allow for higher density or moderate-income residential development in commercial and mixed-use zones, commercial centers, or employment centers
- (G) encourage higher density or moderate-income residential development near major transit investment corridors
- (H) eliminate or reduce parking requirements for residential development where a resident is less likely to rely on their own vehicle, e.g. residential development near major transit investment corridors or senior living facilities

- (I) allow for single room occupancy developments
- (J) implement zoning incentives for low to moderate income units in new developments
- (K) utilize strategies that preserve subsidized low to moderate income units on a long-term basis
- (L) preserve existing MIH
- (M) reduce impact fees, as defined in Section 11-36a-102, related to low and MIH
- (N) participate in a community land trust program for low or MIH
- (O) implement a mortgage assistance program for employees of the municipality or of an employer that provides contracted services to the municipality
- (P) apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of MIH
- (Q) apply for or partner with an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity
- (R) apply for or partner with an entity that applies for affordable housing programs administered by the Department of Workforce Services
- (S) apply for or partner with an entity that applies for programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act [not in county list of recommendations]
- (T) apply for or partner with an entity that applies for services provided by a public housing authority to preserve and create MIH
- (U) apply for or partner with an entity that applies for programs administered by a metropolitan planning organization or other transportation agency that provides technical planning assistance
- (V) utilize a MIH set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency
- (W) any other program or strategy implemented by the municipality to address the housing needs of residents of the municipality who earn less than 80% of the area median income

Chairman Hopkinson wanted to know what the definition of “implement” means from a legal standpoint, what the legal ramifications are if we don’t comply, and which committee the bill came from. Mr. White explained that we have five years to come up with a plan and implement it.

Commissioners discussed the list.

Chairman Hopkinson stated that he feels we are pretty evenly distributed on low, moderate, and high income housing. Ben White referenced a report that staff does every year. He pointed out in that report that we score well in moderate income housing but not so well in the low-income housing. He noted that items E, L, and O could be listed in our plan or we can come up with our own.

**Mike Cottle** stated that he is fine with E, F and O but added that things could change next year with legislation even if we come up with a plan now.

**Dee Vest** liked items E, G, L, O, and W. He asked if we could look at implementing an affordable housing plan in the west side and try to annex that area in for that purpose.

**Chairman Hopkinson** tagged item V and noted that last time we put together a redevelopment agency we got the Commons Shopping Center. He suggested we explore the area of the Commons and Gateway and the possibility to create a campus of blended housing and retail using RDA money. He desires this type of plan over a mixed-use piece in our west side development area. He pointed out that the west side could bring some higher density to us but that is not certain at this time. He noted that

Salt Lake has not been so successful with their retail/housing development in their Gateway Development.

**Laura Charchenko** suggested to use the 10-year Commons money for low income housing for #O. She was in favor of items E, F, and M (by zone).

**Alan Malan** pointed out that item O has nothing to do with moderate income housing but merely assists someone to get high income housing.

**Staff** will come up with some possible suggestions to present to the Commission in upcoming meetings.

**6. Review Previous Updates to General Plan**

- a. Section II-Land Use**
- b. Section IV-Transportation**
- c. Section VII-Annexation**
- d. Section VIII-Public Utilities**

Commissioner's reviewed the updated General Plan presented and all were favorable of the changes that were presented. A few suggestions were given from the Commissioners.

- **Alan Malan** suggested changing the verbiage "animal rights" to "right to have animals".
- **Laura Charchenko** referred to Page 4 of Policy 2. She is in favor of keeping the Historic District in place and protected but not expand the district area.
- **Alan Malan** Page 6 second paragraph- would like to strike "likely".
- **Chairman Hopkinson** noted Annexation Area B includes the Smith property and we know that is in play. We currently have an agreement with Woods Cross and asked Ben for an update of that plan. Ben noted that the plan is still as it was being that if there were sales tax generators built they would annex into Woods Cross and if office, residential, or campus-type development were built they would annex into West Bountiful. Ben stated that land use is the dictator of who will get what.

Chairman Hopkinson would like to see a conversation between City Administrators to readdress the past agreement. Staff thought that may be difficult to do at this time.

**7. Staff Report**

**Ben White**

- No report

**Cathy Brightwell**

- City Council Candidate filing is open next week Monday-Friday from 8-5 pm.

**8. Consider Approval of Minutes from May 14, 2019 meeting.**

**ACTION TAKEN:**

*Laura Charchenko moved to approve of the minutes of the May 14, 2019 meeting as corrected. Dee Vest seconded the motion and voting was unanimous in favor.*

7. **Adjournment**

**ACTION TAKEN:**

***Alan Malan moved to adjourn the regular session of the Planning Commission meeting at 8:50 pm. Laura Charchenko seconded the motion. Voting was unanimous in favor.***

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*The foregoing was approved by the West Bountiful City Planning Commission on June 25, 2019 by unanimous vote of all members present.*



Cathy Brightwell – City Recorder

