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Kenneth Romney

**City Engineer/
Zoning
Administrator**
Ben White

City Recorder
Cathy Brightwell

WEST BOUNTIFUL PLANNING COMMISSION

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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, MARCH 10, 2020 AT THE CITY OFFICES

Prayer/Thought by Invitation

1. Accept Agenda
2. Conditional Use Request from Dominion Energy - 911 W Porter Lane
3. Proposed Code Changes to WBMC 17.52 - Off-street Parking
4. Storage Uses in Residential/Agricultural Zones.
5. Staff report.
6. Consider Approval of Minutes from January 28, 2020 Meeting.
7. Adjourn.

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 March 6, 2020 by Cathy Brightwell, City Recorder.

**West Bountiful City
Planning Commission Meeting**

March 10, 2020

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 March 6, 2020 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, March 10, 2020 at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Vice Chairman Alan Malan, Dee Vest, Laura Charchenko, Mike Cottle, Corey Sweat and Council member Kelly Enquist.

MEMBERS EXCUSED: Chairman Denis Hopkinson, Ben White (City Engineer)

STAFF PRESENT: Cathy Brightwell (Recorder), and Debbie McKean (Secretary)

VISITORS: Gary Jacketta, Gordon and Carol Carter, Todd Cassidy, Glenn Vance, Kevin Heiner, Bill Goldberg.

The Planning Commission meeting was called to order at 7:30 pm by Vice Chairman Alan Malan. Mike Cottle offered a prayer.

1. Accept Agenda

Vice Chairman Malan reviewed the agenda. Corey Sweat moved to accept the agenda. Mike Cottle seconded the motion. Voting was unanimous in favor among all members present.

2. Conditional Use Request from Dominion Energy – 911 W Porter Lane

Commissioner packets included a memorandum from Cathy Brightwell dated March 6, 2020 regarding Dominion Energy Conditional Use Permit at 911 W. Porter Lane with attached application and several diagrams of their plans.

Cathy Brightwell introduced Dominion Energy that operates a natural gas pressure regulating station along the street shoulder at approximately 911 W Porter Lane. The existing station is older and the design causes operation challenges and significant noise during certain operation times that can be minimized with a new design.

In 2016, additional property around the station was purchased to accommodate the replacement of the existing facility with a new, more efficient station. A new 8 ft. high precast concrete wall is proposed that will serve two purposes: 1) mask the noise generated from ongoing natural gas metering and regulating equipment operations, and 2) reduce the disturbances to neighbors during the upcoming planned station replacement activities. This proposal for a new station and wall is like many found throughout the Dominion Energy system and is aesthetically conducive to surrounding neighborhoods.

The wall will be installed around three sides of the property and upon completion of construction, an 8 ft. iron fence and entrance gate will be installed at the front setback parallel to Porter Ln. Included with this memo is a site plan of the proposed facilities and photos of similar buildings in other locations.

Because 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. Additionally, planning commission approval is required for a fence or wall that exceeds six feet in height. (see WBMC sites below)

In considering the proposed application and the health, safety and welfare of the community, staff has identified the following criteria that should be noted.

1. Drainage: Storm drainage should not negatively impact surrounding properties. Mitigation: The rear ditch will be modified to match the existing drain of neighboring properties, and gravel surface will help dissipate storm water.
2. Noise: Noise should be kept to the levels of those emitted from typical residential properties. Mitigation: The newer, more efficient facility will emit less noise than the current facility and the 8 ft. concrete wall will mask the noise generated from ongoing natural gas metering and regulating equipment operations.
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.

The Conditional Use ordinance, Section 17.60.040, requires the planning commission to consider the following:

1. The proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community;
2. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;
3. The proposed use and/or accompanying improvements will not inordinately impact schools, utilities, and streets;
4. The proposed use will provide for appropriate buffering of uses and buildings, proper parking and traffic circulation, the use of building materials and landscaping which are in harmony with the area, and compatibility with adjoining uses;
5. The proposed use will comply with the regulations and conditions specified in the land use ordinance for such use;
6. The proposed use will conform to the intent of the city's general plan; and
7. The conditions to be imposed in the conditional use permit will mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of this subsection.

Todd Cassidy, representative for Dominion, was invited to take the stand. He introduced two other representatives with him this evening. He stated that this station is a critical component to bringing gas to this area and other surrounding areas. He pointed out that the station site is small, and they are trying

to do all they can to mitigate the noise. He is grateful that the Carter's (homeowners next to the station to the west) have been patient and wonderful neighbors. Dominion Energy desires to make the area look nice a cut down on noise. The current regulator equipment is located on the north property line. The new regulator station will be approximately forty-eight feet back and then the existing equipment will be removed when the new station is completed. Piping will be removed and be located underground. The entire property will have a decorative eight-foot wall on three sides with wrought iron fencing/gates at the thirty-foot front setback on Porter Lane. Landscaping will consist of gravel.

There was discussion about a temporary construction wall and if it would pose a problem for traffic coming in and out onto the street. It was noted that there is no curb and gutter to hinder traffic and visibility from the Carter's property will not be blocked.

Alan Malan asked if Dominion had done this type of work before and Mr. Cassidy answered to the affirmative and they would have no problems doing this job.

The Carters were invited to share their thoughts and concerns and they responded that Dominion has been very good to work with and keeps them informed. They are excited for the new station to be built.

ACTION TAKEN:

Corey Sweat moved to approve the Conditional Use Request for Dominion Energy Station at 911 West Porter Lane with the following findings: The proposed use and/or accompanying improvement will not inordinately impact schools, utilities, and streets; will provide for appropriate buffering of uses and buildings, proper parking and traffic circulation; and use of building materials and landscaping which are in harmony with the area and compatibility with adjoining uses; and the conditions imposed in the conditional use permit will mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of this subsection. Conditions: 1) Storm drainage should not negatively impact surrounding properties; 2) Noise should be kept to the levels of those emitted from typical residential properties; 3) Noxious odors should be controlled and not leave the property; 4) Security and site lighting should not negatively impact neighboring properties, will be "down lighting" restricted to the fenced area; and 5) Traffic kept to residential standards. Laura Charchenko seconded the motion and voting was unanimous in favor.

3. Proposed Code Changes to WBMC 17.52 – Off Street Parking

Commissioner packets included a memorandum dated March 6, 2020 from Cathy Brightwell regarding Off Street Parking – WBMC 17.52.

Cathy Brightwell gave updates to the city's off-street parking ordinance have been discussed for the past several months by the planning commission. Proposed changes have been reviewed by legal counsel and a public hearing was held on January 14, 2020 with no public comments offered.

A few clarifications were suggested at the last meeting which have been incorporated in the attached draft and shown in highlights.

Commissioner Comments:

Mike Cottle likes the changes.

Dee Vest, Corey Sweat, Laura Charchenko supports the changes and proposals in the document.

Alan Malan pointed to language stricken in Item K and suggested it be included. Cathy pointed out that language in Item Q covers the stricken language in K. Laura Charchenko suggested the sentence be moved to the top of the subsection and then it will apply to all items listed. Under Residential Lots: #1, he feels the language in blue is not understandable. Some discussion took place and it was decided to change the language to be clearer. Cathy will ask Ben for suggestions. Under 17.52.050 in #2.2, language seems to be in conflict with the language in #1. Cathy pointed out that #1 is residential and #2 applies to "Commercial and all other types of non-residential lots."

Under Maintenance of Parking Lots #2 Screening, Mr. Malan pointed out that in a car dealership you do not want a 4-foot wall. He feels the language is too general. Some discussion took place. It was decided to keep the language as is. Under #3 Landscaping language strike "irrigated and".

Cathy Brightwell reviewed the changes discussed this evening and will make the requested and desired changes.

ACTION TAKEN:

Laura Charchenko moved to approve the proposed Code Changes to WBMC 17.52 – Off-Street Parking with the discussed changes this evening and forward it to the City Council for their review. Corey Sweat seconded the motion and voting was unanimous in favor.

4. Storage Uses in Residential/Agricultural Zones

A memorandum dated March 6, 2020 from Cathy Brightwell regarding Storage uses in residential/agricultural zones was included in the Commissioner packet, along with a redlined copy of the proposed changes.

Cathy Brightwell noted that we have discussed this in prior meetings and pointed out what the goal is but not sure how to get there. As discussed in the last planning commission meeting, the A-1 zone allows both residential and agricultural uses which has become an issue for property owners who use their property for storage and do not have a house on the property.

The goal is to allow the maximum acceptable use of private property while protecting surrounding property values, privacy and agricultural uses, and build or maintain a sense of community. Without some zoning controls, we risk the accumulation of junk and proliferation of illegal businesses.

The following comments and ideas from the last meeting were discussed.

- Require conditional use to store personal property when there is no house.
- Limit personal property storage to inside a building.
- Limit personal property storage to size of property.
- Limit personal property storage to the A-1 Zone.
- Modify the current definition of agriculture: 17.04 "**Agriculture**" means the production of food through the tilling of the soil, the raising of crops, breeding and raising of domestic animals and

fowl, except household pets, and not including any agricultural industry or business designed for the processing of raw food products by packaging, treating and/or intensive feeding.

- Clarify the current definition of storage: 17.04 "Storage" means keeping or retaining tangible personal property in the city for any purpose including the storage of tangible personal property used for non-retail or industrial trade. "Storage" does not include keeping or retaining tangible personal property held for sale in the regular course of business.

A redline version of WBMC 17.16.020 and 030 was reviewed.

There was discussion that the A-1 zone is agriculture so it is implied that an accessory structure will be used for agricultural purposes so is it permitted to use it for non-agricultural purposes in this zone? Can the permitted uses be clarified that any use is ok? What if commercial businesses are operated out of the building?

Corey Sweat feels the simplest thing to do is add accessory structures as a permitted use.

The consensus among commissioners is that it is not spelled out what the building is used for.

Commercial use is prohibited in the zone already. Under 17.16.020 Permitted Uses, it was decided to leave # 6 – Accessory structures associated with residential uses and strike # 7 – Non-residential uses that include other buildings that could normally be associated with a residence on the property. Under 17.16.030 – Conditional Uses, strike #11, Personal Use Storage.

It was determined by the Commission that the discussion bullets listed above not be used at all. Staff will forward the proposed changes to legal counsel for their review.

Bill Goldberg took the stand and commented on safety needing to be of the utmost importance and not what is visually appealing in the way of placement of buildings on property. He is confused about all the changes being made to ordinances and wants to ensure the City is considering safety while making these changes. Commissioners and Staff clarified the current code that has been in place for over 15 years. This seemed to satisfy Mr. Goldberg's concerns.

5. Staff Report

Cathy Brightwell:

- 800 West is closed to all traffic except local from 10th North to Pages Lane. Dust is bad and they have received several complaints about speeding in that area. The detour route is 700 West and is presenting problems as well with people speeding. Projection for project completion is October 2020. Letters have gone out to suggest safer routes for students to take to school.
- The City is working with the school regarding fencing, pickleball courts, parking, etc. The courts will be city owned and maintained.
- The design for the Well House building is in process.
- Ben White has left the City and is working for Taylorsville.
- "Raising Cane" a new eatery will be locating on the corner of 400 North and 500 West where the Chevron Station is currently.
- Cubby's restaurant is still under construction.
- Olive Garden may be open the end of July.

6. Consider Approval of Minutes from January 28, 2020 meeting.

ACTION TAKEN:

Corey Sweat moved to approve of the minutes of the January 28, 2020 meeting as presented. Dee Vest seconded the motion and voting was unanimous in favor.

7. Adjourn:

ACTION TAKEN:

Laura Charchenko moved to adjourn the regular session of the Planning Commission meeting at 8:48 pm. Corey Sweat seconded the motion. Voting was unanimous in favor.

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The foregoing was approved by the West Bountiful City Planning Commission on March 6, 2020, by unanimous vote of all members present.



Cathy Brightwell – City Recorder

