Mayor
Kenneth Romney

City Engineer/ Land Use Administrator
Kris Nilsen

Community Development
Addison Jenkins

City Council Representative
Dell Butterfield

WEST BOUNTIFUL PLANNING COMMISSION

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Chairman
Alan Malan

Vice Chairman
Corey Sweat

Commissioners
Laura Mitchell
Dennis Vest
Robert Merrick
Tyler Payne

THE PLANNING COMMISSION WILL HOLD A REGULAR MEETING AT 7:30 PM ON TUESDAY, JULY 23, 2024 AT THE CITY OFFICES.

Invocation/Thought – Commissioner Sweat
Pledge of Allegiance – Commissioner Payne

1. Confirm Agenda
2. Public Hearing – Jeff Harwood Noncomplying Structure Addition Request
3. Conditional Use Permit Application – South Davis Sewer District Expansion
4. Approve Meeting Minutes from June 11, 2024
5. Staff Reports (Engineering, Community Development, City Recorder)
6. Adjourn

This agenda was posted on the State Public Notice website (Utah.gov/pmn), the city website (WBCity.org), and provided to the Davis Journal on July 19, 2024, by Remington Whiting, City Recorder.

West Bountiful City **July 23, 2024**
Planning Commission Meeting

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 July 19, 2024 per state statutory requirement.*

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, July 23, 2024, at West Bountiful City Hall, Davis County, Utah.

MEMBERS ATTENDING: Chairman Alan Malan, Commissioners Corey Sweat, Dennis Vest, Laura Mitchell, Robert Merrick, Tyler Payne (Alternate) and Council member Dell Butterfield.

MEMBERS EXCUSED: *Robert Merrick, Kris Nilsen (city engineer), Dell Butterfield.*

STAFF ATTENDING: Kris Nilsen (City Engineer), Addison Jenkins (Community Development), and Debbie McKean (Secretary).

PUBLIC ATTENDING: Matt Myers, Jeff Harwood, Melanie Vest, Brad Rasmusen

Prayer by Commissioner Sweat
Pledge of Allegiance- Commissioner Payne

The meeting was called to order at 7:30 pm by Chairman Malan.

1. Confirm Agenda

Chairman Malan reviewed the proposed agenda. Corey Sweat moved to approve the agenda adding item 2 a. to the agenda for motion on Request for Noncomplying Structure. Dennis Vest seconded the motion. Voting was unanimous in favor among all members present.

2. Public Hearing – Jeff Harwood Noncomplying Structure Addition Request

Commissioner packets included a memorandum dated July 23, 2024 from Addison Jenkins regarding a noncomplying structure addition request from Jeff Harwood with an attached letter from Mr. Harwood and applicable site plan.

Addison Jenkins explained that Jeff Harwood has submitted a building permit application to enlarge a structure on his property at 1128 Millbridge Lane. Because his property is a corner lot, the structure is "noncomplying as to height regulations." He is requesting that the planning commission permit an expansion as is allowed in WBC 17.56.030.

The house at 1128 Millbridge Lane was constructed in the year 2000 and sits on a 1.00-acre lot on the corner of Millbridge Lane and 1100 W. This corner lot fronts on to Millbridge Lane for roughly 300 feet making it very wide but shallow.

In 2003, a 1,298 square foot barn was constructed in the side yard to the east of the house, which was permitted under West Bountiful City code at the time.

In 2017, the city updated several portions of its zoning code including regulations about accessory structures in corner lot side yards for all residential zones. This code update only permits accessory structures up to 200 square feet in area and up to 9 feet in height in corner-lot side yards, making the existing 18-foot-tall structure noncomplying as to yard and heigh regulations.

Mr. Harwood has applied to expand his barn by building an addition that would extend another 54 feet east, roughly match the existing 36-foot depth, and be 14 feet tall. This is not permitted under the A-1 Yard and Height regulations. However, WBC 17.56.030 states that planning commission, after a public hearing, may issue a permit for the expansion of a structure noncomplying as to height, or yard regulations given that the commission finds the request meets certain criteria. The code also allows the planning commission to attach conditions to mitigate any detrimental effects of the requested change.

Action Taken:
Laura Mitchell Moved to open the public hearing at 7:37 p.m. to hear comments on the Noncomplying Structure Addition Request for Jeff Harwood. Corey Sweat seconded the motion and voting was unanimous in favor.

Public Comment- No Public Comment- Commissioners asked questions regarding the structure.

Action Taken:
Corey Sweat moved to close the public hearing at 7:39 p.m. Dennis Vest seconded the motion and voting was unanimous in favor.

2.a. Jeff Harwood Noncomplying Structure Addition Request

Action Taken:
Corey Sweat moved to approve the Non compliant structure for a permit for the addition to and Expansion of A Structure noncomplying as to Height Area, or Yard Regulations for Jeff Harwood at 1128 Millbridge Lane with the following findings and conditions: the proposed change will not be inconsistent with the purposes of this title or the policies expressed in the city's general plan; 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 of the nonconforming use or noncomplying structure; and in the case of an addition to or enlargement of a building or structure which is noncomplying as to a yard setback, that the addition or enlargement will not encroach into the yard setback farther than the noncomplying structure encroaches into the same yard setback. Laura Mitchell seconded the motion and voting was unanimous in favor.

3. Conditional Use Permit Application-South Davis Sewer District Expansion

Commissioners packet included a memorandum from City Staff dated July 23,2024 regarding Proposed Conditions for the South Davis Sewer District North Plant upgrade, located at 1800 W 1200 North.

Addison Jenkins explained that the South Davis Sewer District has applied for a conditional use permit to upgrade, replace, and expand facilities and processes at their wastewater treatment facility that now includes 12.666 acres of land annexed into West Bountiful on April 16, 2024. The plant upgrade will also include a new admin building near the intersection of 1200 North and the frontage road, North Shoreland Drive. Primarily due to changes in the district's discharge permit, the plant is required to upgrade several processes.

In addition, some of the existing facilities have reached the end of their useful life and need to be replaced or upgraded. The SDSD is also proposing to relocate and expand their administrative building to allow better access for public meetings while restricting the public from the functional parts of the facility. There are two (2) single family residences within the site area that are owned by the SDSD and currently rented out to residents. The sewer district is in the process issuing bonds to fund the planned expansion and construction. The North Plant facility property is zoned as A-S, Agricultural Specialty, on which public uses are a Conditional Use.

Action Taken

Corey Sweat moved to approve the Proposed Conditions for the South Savis Sewer District North Plant Upgrade, located at 1800 West 1200 North with the following findings found int WBMC 17.60.040 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; the use will conform to the intent of the city's general plan; and with the following conditions imposed by the commission;

Dust, Sediment, Drainage

a. SDSD and their Contractors must maintain a Storm Water Pollution Prevention Plan (SWPPP) and associated Best Management Practices (BMP's) for the site during construction and post construction that address prevention and cleanup of dust and sediment control.

b. SDSD must confirm in writing and maintain in place plans and protocols that prevent plant operations from negatively impacting surrounding soil and water.

Noise

- ***a. SDSD must demonstrate that their upgraded and expanded facility, once completed, will not create significantly more noise than the existing facility.***

Buffering, Landscaping

- ***a. SDSD must submit a landscaping plan, subject to city approval, for the plant's frontage on Shoreland Drive.***
- ***b. The landscaping must create buffering and reduce the visual impact of the plant on persons residing, working, or recreating in the vicinity of Shoreland Drive.***
- ***c. The landscaping should be substantial enough and in harmony with the wetlands, pond, and undeveloped natural areas that surround the plant so that residents and visitors to the area may enjoy the natural beauty of the area as unencumbered as possible.***
- ***d. The landscaping plan must include plants and trees that will grow large enough to significantly obscure the plant from view, with preference for water-wise native trees and plants.***
- ***e. Landscaping will also assist in reducing light pollution and dispersing odors produced by the plant expansion. This landscaping must mitigate the detrimental effects of the proposed expansion on the health, safety, and general welfare of persons residing, working, and recreating in the vicinity, and injuries to properties in the vicinity, particularly current and future homes in the adjacent A-1 zoned areas.***

Lighting

a. SDSD must submit a lighting plan, subject to city approval. Any new lighting on the property must incorporate "down-lighting," or otherwise produce as minimal light pollution as possible for properties to the east.

b. Because many past and current light pollution complaints have come from Canyon Pipeline's operations on land the sewer district is not currently using, any future tenants on SDSD property must receive a Conditional Use Permit from the Planning Commission prior to commencing operations.

Odors

a. ***SDSD will reimburse the city to execute an Odor Study with Jacobs Engineering to assess baseline and projected future odors at the plant. The study will include an Odor Analysis and an Odor Study Technical Report and is anticipated to be concluded in 120 days.***
b. ***Jacobs Engineering will perform the scope on a time-and-materials basis in accordance with the Professional Services Agreement, subject to the contract between them and the city. Upon completion of the study, SDSD will enter into an agreement with the city that will provide enforcement options in the event of future odor issues. This Odor Study, Technical Report, and subsequent Agreement are intended to ensure that any detrimental effects of the proposed expansion on the health, safety, and general welfare of persons residing, working, or recreating in the vicinity, and injuries to properties in the vicinity, particularly current and future homes in the adjacent A-1 zoned areas, are mitigated.***
c. ***The expansion may not exceed current baseline levels to the point that properties east of Legacy would be affected.***

Complaints

a. ***Must maintain the current complaint platform with a record log of complaints and responses to the complaints available for city review.***

Dennis Vest seconded the motion and voting was unanimous in favor.

4. **Approve Meeting Minutes from June 11, 2024**

Action Taken:

Laura Mitchell moved to approve the minutes from June 11, 2024. Corey Sweat seconded the motion and voting was unanimous in favor.

5. **Staff Report**

a. **Engineering (Kris Nilsen)- excused for illness**
b. **Community Development (Addison Jenkins)**
    - Parade went well and was a success. All events at the park went well with record numbers of attendees.
    - Addison will be leaving and moving to Pennsylvania to teach. Staff is currently in the process of hiring a part-time person to help Remington with city recording duties and other needed duties.
    - Code Enforcement issues began at 63 issues and has been reduced to 37. The city is looking into how some of these issues can be handled. They are exploring the way Salt Lake City handles their process.
    - Ted Bubert will be developing and sell property 3 acres of property in an "L" shape around his current residence on 800 West. He will need approval to make road cuts due to the moratorium on the road until the end of 2025. Preliminary Plat has been received and will be reviewed shortly.
    - Timeline for the small play area to be replaced may consist of it being closed for the rest of the summer into the winter but opened in the spring. Tyler Payne requested from concern citizens that the project begin after school starts.

6. **Adjourn**

Action Taken:

Laura Mitchell moved to adjourn the regular session of the Planning Commission meeting at 8:16 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, by unanimous vote of all members present.

