

**MINUTES**  
**REGIONAL GROWTH COMMITTEE**  
**Meeting of March 16, 2006**

A meeting of the Regional Growth Committee was held on Thursday, March 16, 2006, in the offices of the Wasatch Front Regional Council, 295 North Jimmy Doolittle Road, Salt Lake City, Utah.

**1. WELCOME & INTRODUCTIONS:**

**Mayor Peter Corroon**, Chairman, called the meeting to order at 9:30 a.m. Mayor Corroon welcomed committee members and guests. The following were in attendance:

**Members, Representatives & Alternates Present:**

Claudia Anderson	Mayor, City of Bluffdale
Brad Barber	Quality Growth Commission
Elden Bingham	UDOT
Camille Cain	Commissioner, Weber County
Peter Corroon	Mayor, Salt Lake County
Mick Crandall	UTA Planning
Russell Fox	Kennecott Land Company
Jim Gentry	Weber County Planning/COG
Joseph Gertge	Mayor, City of South Weber
Mike Hansen	GOPB
Jim Horrocks	Utah Air Quality Board
Joe L. Johnson	Mayor, City of Bountiful
Kent Money	Mayor, City of South Jordan
Kim Schaneveldt	UDOT
Daniel Snarr	Mayor, City of Murray
Robert Spendlove	GOPB
Rick Sprott	Division of Air Quality, DEQ
Jan C. Wells	Commissioner, Utah Transportation Commission

**Non-Members Present:**

Joe Baird	Salt Lake Tribune
D. J. Baxter	SLC Mayor's Office
Shaunna Burbidge	Envision Utah
Jeff Daugherty	Salt Lake County
Kevin Fayles	Envision Utah
Robert A. Hunter	UTA
Tosh Kano	For Mayor Webb, City of Holladay
Neil Lindberg, Esq.	Land Use Attorney/Provo City Council Counsel
Kelly Lund	Federal Highway Administration
David B. Newton	Mayor, City of West Jordan
Doug Smeath	Deseret Morning News
Loveit Baumgardner	Wasatch Front Regional Council
Wayne Bennion	Wasatch Front Regional Council
Kip Billings	Wasatch Front Regional Council
LaNiece Dustman	Wasatch Front Regional Council

Doug Hattery	Wasatch Front Regional Council
Jory Johner	Wasatch Front Regional Council
Sam Klemm	Wasatch Front Regional Council
Christine Lamentia	Wasatch Front Regional Council
George Ramjouié	Wasatch Front Regional Council
Greg Scott	Wasatch Front Regional Council

**Members/Representatives excused:** Mike Allegra, Byron Anderson, Lane Beattie, Greg Bell, Craig Dearden, Alan Matheson, Joseph Moore, JoAnn B. Seghini, Wilf Sommerkorn and Dennis Webb.

2. **OPPORTUNITY FOR PUBLIC COMMENTS:** There were no comments.
3. **APPROVAL OF MINUTES: Russell Fox** moved that the minutes of the January 19, 2006, Regional Growth Committee meeting be approved as written. **Commissioner Jan Wells** seconded the motion, and the minutes were approved unanimously.
4. **ECONOMIC REPORT TO THE GOVERNOR FOR 2006**

**Robert Spendlove**, Manager, Demographic and Economic Analysis, Governor’s Office of Planning & Budget (GOPB), distributed an “Economic Summary” sheet. This document is an overview of the State’s economy and is an updated version of the summary contained in the 2006 Economic Report to the Governor. Mr. Spendlove began by pointing out significant Utah national rankings in demographic, social indicators, and other economic factors. He then proceeded with a PowerPoint presentation based on the 20<sup>th</sup> annual Economic Report to the Governor. This report serves as the pre-eminent and principal source of information about Utah’s economy. The report provides information to elected officials, business leaders, and citizens regarding economic conditions in the State’s past, its present, and projections for the future. The state and local economies have, once again, performed exceptionally well. Highlights from the report include:

- a. **Population and Employment** – Between 2004 and 2005, Utah’s percentage of population increase was twice the national rate. Utah was the 5<sup>th</sup> fastest growing state in the nation. Growth was largely due in the I-15 Corridor. Fifty percent of the population growth is attributable to a dramatic increase in net migration (the number of people moving into Utah less the number of people leaving), the highest rate seen in Utah since World War II.

Mayor Corroon asked where the migration was coming from. Mr. Spendlove replied that it was primarily from California, in large part because of Utah’s lower housing rates and strong job growth in all sectors (the highest rate of growth in employment since 1994, and three times the national average). In conjunction with the increase in employment opportunities, the unemployment rate was decreasing. Mayor Johnson said employment growth was not evident in the Economic Summary rankings. Mr. Spendlove replied that those rankings were for 2004. Mr. Spendlove then categorized employment increases by business sectors. In particular, the construction and professional business services sectors are driving Utah’s economic growth. In response to a comment by George Ramjouié, Mr. Spendlove confirmed that the increase in growth in the natural resources and mining sectors is attributable to the oil development in the Uintah Basin and Central Utah.

- b. **Construction and Housing Price Appreciation** – The value of new construction reached an all-time high in 2005 of approximately \$6.5 billion. Building permit numbers show that residential construction is primarily single-family homes. Utah is now 18<sup>th</sup> in the nation in housing price appreciation (it was 51<sup>st</sup> in 2003). On a “rolling basis,” it has surpassed the national average of

13% (13.3%). There are also several important non-residential projects slated to start or have started. These include the Legacy Highway, Commuter Rail, Jordan Bluffs - Bingham Junction, and LDS Downtown Rejuvenation.

- c. **Other** - Merchandise Exports (going outside the USA) were up a dramatic 28% in 2005. The total value of exports is over \$6 billion, with China becoming one of Utah's top five export markets. There is a resurgence in coal production after a 20-year period of decline. Defense spending continues to increase in Utah. Tourist skiing visits are up 30% since the 2002 Olympics.

Mr. Spendlove then spoke about the challenges Utah will be facing in the future. The population of residents 65 years old and over is projected to grow from 200,000 in 2000 to over 500,000 by 2030. The infrastructure needed (beyond Medicare and Medicaid) to service this cohort of the population will put huge demands on state and local governments. The growth in school age population will also be dramatic. Increasing energy prices, although good for the state's economy, will have a dampening effect on consumer and business spending.

In conclusion, Mr. Spendlove said that economic indicators predict that, in the future, Utah will continue to have strong population and employment growth, relatively low unemployment rates, and increases in average wages, retail sales, and exports.

The entire report can be accessed at [www.governor.utah.gov/dea/erg2006.html](http://www.governor.utah.gov/dea/erg2006.html). Mr. Spendlove may be contacted at 538-1027 or [rspendlove@utah.gov](mailto:rspendlove@utah.gov).

Mayor Corroon thanked Mr. Spendlove for his report and said he was glad to see things were moving in the right direction.

## 5. **EPA'S PM2.5 STANDARD: IMPLICATIONS TO THE WASATCH FRONT REGION**

**Rick Sprott**, Manager, Division of Air Quality, Department of Environmental Quality, used a PowerPoint presentation to explain the EPA's proposed new emission standard for particulate matter (PM2.5) of 40 micrograms per cubic meter (the current standard is 65) and what it means for the Wasatch Front region. This topic was first introduced to the Regional Growth Committee at the January meeting by Kip Billings, WFRC.

Mr. Sprott said that in 1997, the EPA, for the first time, regulated very fine particulate matter defined as "PM2.5." The regulation was challenged before the Supreme Court and came out for implementation in 2000. The new proposed standard is even more contentious in some respects than the one it would replace. He said he is certain something will be implemented, because health findings on the effects of particulate matter are so severe. However, it will be awhile before implementation.

The proposal is divided into two parts – modification of PM2.5 standards and creation of a new standard for particles between PM2.5 and PM10 – and includes detailed monitoring information. There are two main standards involved in PM2.5. The first standard for PM2.5 is "24 hour," which is currently 65 micrograms per cubic meter. The new proposal would reduce this standard to about 35 micrograms per cubic meter. Some environmentalists and health organizations are recommending a modification as low as 20 micrograms per cubic meter. Non-attainment areas would be much more numerous than has been the case in the past.

The second standard for PM2.5 is "annual average," which is currently 15 micrograms per cubic meter. The EPA is recommending that the standard stay at 15 micrograms. However, some groups are

recommending a modification to 12 micrograms. Although that modification to the annual standard would impact Utah, the main problem is with the 24 hour standard.

There are also secondary standards, such as “visibility” and damage to crops and marble structures. It is being recommended that these standards be the same as the primary health standards. However, the EPA is taking comment on urban visibility. One suggestion is that the standard be changed to the lower levels for periods of time, such as four to eight hours during daylight, when visibility is an issue. Mr. Sprott thinks this standard would be far more stringent for Utah in the winter than the actual health standard. This is because it is more difficult to solve visibility problems caused by the way particles interfere with light, than it is to meet the health standards.

Mr. Sprott said the EPA’s final new standards designations are scheduled for 2009, with an effective date of 2010. With the current timeline and no delays, and assuming there will be non-attainment areas, Utah will have to submit its implementation plans (or air quality plans) within three years of the effective date and will then have two years to get into attainment, with possible extensions up to five years.

Mr. Sprott’s real concern is how the standards are defined and where they will apply. The EPA has stated that particles originating from rural settings are not as dangerous as those originating in urban settings. Urban particles are derived from auto combustion and manufacturing processes. The EPA has also excluded pollution from agriculture and mining (including gravel pits). This makes the standards hard to implement because it is difficult to determine where particles originate. Monitors may be affected by location, shifts in wind pattern, etc.

The EPA is proposing to revoke the current PM10 standard in current non-attainment areas of Utah County and the City of Ogden. However, it would not revoke the standard in Salt Lake County because of the high dust numbers with wind events. Hopefully, that will change and the standard in Salt Lake County will also be revoked. The schedule for the new PM10-2.5 (or PM coarse) standard would be at a later date in the future than the PM2.5, due to the logistics of placing monitors, etc.

Finally, Mr. Sprott said the Department of Environmental Quality is currently working to inform interested planning agencies and organizations about the pros and cons of the proposed standards. At this time, it is impossible to predict what the final outcome will be.

Mayor Corroon asked what citizens and elected officials could do to improve local air quality. Mr. Sprott pointed out that it is “good news” that tougher standards are being evaluated. Research shows that particulate matter has a much graver health impact than previously thought. He said it is hoped that the cleaner automobile and motor fuels expected to be in use over the next decade will eliminate much of the pollution and will help improve the health of Utah residents and guests. He added that when further information is needed regarding air quality standards, he hopes it will be requested from credible sources. His agency is hoping to receive input regarding the Regional Council’s concerns and hopes it will comment extensively. He said the next round of discussion will be the most revealing when the EPA unveils its proposals. That is the point where litigation will start, and it can be determined where the EPA stands. Mayor Corroon inquired if violating standards means the loss of transportation funding. Mr. Sprott said funds are not lost at that point, but it puts strong rules in place that could constrain future growth and development. He added that there is a question as to how accurate the EPA models are regarding new vehicle and fuel standards. The models predict a rapid decline of auto emissions, but whether those projections will be realized and improve air quality as much as the EPA is hoping is questionable. The answer to that question will reveal how big a problem Utah is going to have.

Mayor Corroon thanked Mr. Sprott for his presentation.

**6. SENATE BILL 170: IS IT A SIGN PLANNING IS IN TROUBLE?**

(This topic was addressed under agenda item #7.)

**7. SUMMARY REPORT ON THE 2006 LEGISLATIVE SESSION**

**Neil Lindberg, Esq.**, land use attorney and counsel to the Provo City Council addressed both agenda items 6 and 7 because Wilf Sommerkorn could not be present as scheduled. He began with the report on the 2006 Legislative Session.

Mr. Lindberg distributed a handout that he and Mr. Sommerkorn had prepared, entitled “Summary of Enacted Planning and Land Use Related Bills – 2006 Utah Legislative Session.”

Enacted bills summarized and/or commented on were:

H.B. 132	H.B. 370	H.B. 12	H.B. 16	H.B. 77	H. B. 188
H.B. 172	H.B. 394	H.B. 14	H.B. 28	H.B. 112	H. B. 258
S.B. 117	S.B. 155	S.B. 222	S.B. 267	S.B. 27	
S.B. 127	S.B. 196	S.B. 245	S.B. 268	S.B. 80	

Bills that did not pass included:

H.B. 120	H.B. 147	H.B. 319	H.B. 40	H.B. 456
H.B. 126	H.B. 292	H.B. 378	H.B. 420	S.B. 170

Mr. Lindberg said that the major planning and land use related bills that emerged from the 2006 General Session were **S.B. 267** - Changes to Local Government Provisions, and **S.B. 268** - Property Rights Ombudsman. Both were “sons of **S.B. 170**,” a bill that did not pass. (All three bills were sponsored by Senator Al Mansell.) He said there are three notable requirements of **S.B. 267**: (1) local governments must notify anyone of pending changes in a general plan if they have filed a request to receive such notices, (2) local government staff reports regarding land use applications must be provided to the applicant at least three days prior to the meeting at which it will be presented, and (3) land use applications must be processed and a decision rendered “with reasonable diligence.”

**S.B. 268** creates a new Land Use and Eminent Domain Advisory Board consisting of seven members: one representative from realtors, one representative from home builders, one member jointly selected by the first two groups, one representative from the Utah League of Cities & Towns, one representative from the Utah Association of Counties, one representative from the Special Districts organization, and one person with expertise in land use matters who is not affiliated with any of the other organizations. This board is meant to give the Ombudsman guidance and to set up educational functions. Most significantly, a new procedure is provided for in the bill allowing for those involved in the process of review of a land use application to request an advisory opinion on the process from a qualified mediator or from the Ombudsman.

Mr. Lindberg then proceeded to discuss the planning and zoning climate he feels resulted in **S.B. 170**. First, legislators generally only hear one side of a story because local governments don’t tell their sides very often or very well. He believes that local governments should report to legislators regularly in some sort of formal manner. Planning is about taking in information and different points of views, trying to synthesis the information, reaching a compromise, if needed, and creating a growth policy for the

community. Elected officials, in particular, haven't done a very good job of articulating the balancing process that is engaged in every day.

Second, elected officials don't understand as well as they need to the differences between legislative and administrative actions. The courts make a distinction in land use law between the two functions. Legislative action is general policy making, involving lobbying, arguing why a particular rule is good or bad, etc. When a rule is proposed by a local governing body, some people contact legislators making their case in various ways. Ironically, their position could be articulated with the local governing body just as well. Once a rule (policy) is adopted, implementation activities become administrative. Administrators have to apply the rule fairly and cannot "make up the rules as they go." Unfortunately, that is sometimes the case with regard to zoning ordinances. There is a failure to foresee in advance a problem that will occur so that it can be addressed in the local ordinances. Then some local governing bodies attempt to address a problem on an ad hoc basis in the absence of a clear cut ordinance. Local elected officials need to foresee problems and improve the decision-making process.

Third, property rights organizations are energized. There are many interests that are attempting to change the line between the legislative and administrative actions of local governments. They want to do this because the standard of review in the judiciary system is much higher on an administrative case. In a legislative case, the standard is simply if the decision made could advance the public welfare. Also, legislative decisions can be made based on public clamor (opinion without apparent basis of fact). In an administrative case, the decision has to be made based on substantial evidence, which tends to show compliance with the standards in the code, made in the record before the body considering the matter.

Finally, Mr. Lindberg stressed that zoning ordinances should be relatively clear as to what is required. It should state on all applications what kind of application is being submitted, what kind of documentation is required to accompany the application, who approves the application, what is the standard for approval, what results from an approved application, how long does it stay in effect, can it be revoked or extended, etc.

There were no questions or comments, and Mayor Corroon thanked Mr. Lindberg for his presentation.

(Note: A copy of the "handout" further summarizing the information provided by Mr. Lindberg can be obtained by calling Christine Lamentia at 363-4250.)

## **8. SYSTEM AND PROJECT RANKING CRITERIA FOR REGIONAL TRANSPORTATION PLAN**

**Greg Scott**, WFRC, stated that the upcoming Regional Transportation Plan process would reassess the desirability of all transportation projects not already in the five-year Transportation Improvement Program. He then explained the process and set of measures proposed for the creation of both the WFRC and MAG Regional Transportation Plans (RTP's). This proposal was developed by WFRC and MAG staffs in a continuing effort to improve the Regional Transportation Plan and applies to system, project and phase selection.

For roadways, this process largely merges and "spells out" the RTP processes previously used by MAG and the WFRC and adds some new measures to reflect the adopted Regional Growth Principles. For transit, this proposal modifies the process and measures adopted in 2003 by the Transit 2030 Committee. The purposes of this proposal are to: (1) incorporate the adopted Regional Growth Principles; (2) coordinate the transit and roadway processes and measures; (3) more clearly define the system, project, and phase selection processes; (4) accommodate a more comprehensive look at transportation needs and

benefits; (5) more specifically address significant environmental and social impacts; and (6) apply SAFETEA-LU and recent changes in FTA guidance practice.

Mr. Scott asked the Regional Growth Committee members to agree to recommend to the Regional Council the adoption of the proposed process and general measures and to give notice to proceed to WFRC staff in testing, potentially modifying, and applying the detailed measures and weightings. He said that the process and general measures have already been approved by the Tech Committees.

In response to questions from Mayor Corroon and Mayor Claudia Anderson regarding the changes in the processes and the checks and balances in the implementation, Mr. Scott elaborated that the details of the processes are now more specific, e.g. values are associated, and there is more methodology than in the past. George Ramjoué explained that as the criteria are tested, the WFRC staff will be reporting back to the Regional Growth Committee, explaining any modifications and requesting endorsement of those modifications. The WFRC staff will make technical recommendations on the kind of systems and projects that should be in the LRTP, but it will then go through a political process. In the end, the priorities may change because of the very valid political process applied to the plan.

Transportation Commission member Jan Wells commented that many things will be hard to quantify and that phasing will be an important segment. She said if you have a project in your community that you want to go in a certain direction (e.g. a road) and it doesn't tie into something else, it's not likely to have the same degree of importance in the RTP as a project that would be more widely used. Mayor Corroon added that the idea is to have a better process in selecting projects and coming up with more quantifiable measures.

Mr. Scott replied in the affirmative when Jim Horrocks asked if the numbers in brackets were informational cross references to the Growth Principles and that it would not affect the process if someone doesn't agree with the allocations.

Mick Crandall interjected that the Utah Transit Authority (UTA) has reviewed the proposal very carefully and agrees with Mr. Scott that the basic measures proposed make sense. He said there are some concerns with specific measures, especially the project phasing, so UTA would like to ensure that there will be room for negotiation and exchanges and adaptations as the discussion moves forward. Mr. Scott assured him that it would be a collaborative effort.

Commissioner Camille Cain expressed concern because growth in the Ogden Valley west of the urban area has made transportation problems a major issue. Working with two different planning organizations, UDOT and WFRC, makes it difficult to have a comprehensive approach to solving problems, and they need a new way to address this. George Ramjoué suggested that WFRC staff discuss this further with her, and she heartily agreed.

Rick Sprott commented that having participated in the Growth Principles project, he thinks this is a great beginning.

**ACTION: Rick Sprott** moved to recommend the adoption of the proposed process and general measures to the Regional Council as discussed above and to give notice to proceed to WFRC staff in testing, potentially modifying, and applying the detailed measures and weightings. The motion was seconded by **Russell Fox**, and the vote was unanimous.

Mayor Corroon asked Mr. Scott to provide updates at future meetings, as appropriate.

## 9. AMENDMENT TO CURRENT 2030 LONG RANGE TRANSPORTATION PLAN

The Utah Department of Transportation (UDOT) has requested that one project on the adopted Regional Transportation Plan (RTP) be moved into Phase 1 of the Plan. This project is the widening of I-15 from 12<sup>th</sup> Street to 2700 North in Weber County. This project will add a general purpose lane in each direction to I-15 and provide for improvements at the 2700 North interchange. On November 17, 2005, the Regional Council adopted a resolution in support of amending the RTP to include the I-15 project if the Legislature fully funded the project. The 2006 General Session of the Legislature appropriated the funding necessary to complete the project as part of the Centennial Highway Fund.

It was noted that the WFRC will need to complete a regional emissions analysis, find that the proposed amendment will conform to state air quality plans, and then make the amendment available for a 30-day public review and comment period before final approval can be given. The WFRC staff is proposing that they complete the conformity finding in March, make the amendment available for review during April, and ask the Regional Council to approve the amendment at its May 25th meeting.

**Doug Hattery**, WFRC, asked the Regional Growth Committee members to recommend that the Regional Council make this proposed amendment available for public review.

**ACTION:** **Commissioner Camille Cain** made the motion to proceed with the amendment as stated above and expressed her appreciation for the Committee's support in this matter. **Mayor Joe Johnson** seconded the motion, and the vote was unanimous.

## 10. DRAFT FY07 UNIFIED PLANNING WORK PROGRAM AND BUDGET

The draft **FY07 Unified Planning Work Program (UPWP)** describes the transportation planning activities to be undertaken by the Wasatch Front Regional Council, the Utah Transit Authority, and the Utah Department of Transportation during the next fiscal year. The draft UPWP, jointly developed by the WFRC, UTA and UDOT, must be submitted to the Federal Highway Administration and the Federal Transit Administration. A "Summary of Draft 2007 Unified Planning Work Program," including work efforts to update the Regional Transportation Plan, to develop a Transportation Improvement Program, and to provide service to local communities, was distributed to members with the meeting agenda.

**Wayne Bennion and Loveit Baumgardner**, WFRC, distributed a draft of the Wasatch Front Regional Council **FY 2007 Budget**, which included Source of Funds, Expenditure by Function, Expenditure by Program, and Local Contributions and showed the changes between 2006 and 2007.

Mr. Bennion said there was no action required on these drafts at this meeting. He said the draft budget will go out to each of the five Councils of Government in April-May, and the final budget and work program will be submitted to the Regional Council for approval in May after any modifications are made. There were no comments or questions for Mr. Bennion.

11. **OTHER BUSINESS:** No other business was discussed.

12. **NEXT MEETING:** The next meeting is scheduled for **THURSDAY, May 18, at 9:30 a.m. in the offices of the Wasatch Front Regional Council.**

13. **ADJOURNMENT:** There being no further business, the meeting was adjourned at 11:30 a.m.