



# CITY OF NORTH SALT LAKE

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## CITY COUNCIL MEETING NOTICE & AGENDA March 19, 2019

**Posted March 14, 2019**

Notice is given that the North Salt Lake City Council will hold a regular meeting on **MARCH 19, 2019** at City Hall, 10 East Center Street, North Salt Lake, Utah. A work session will be held at 6:00 pm in the Council Conference Room followed by the regular session at 7:00 pm in the Council Chambers. Some members may participate electronically. The following items of business will be discussed; the order of business may be changed as time permits.

### **WORK SESSION –6:00 p.m.**

1. Budget 2020 – Water Utility Rates
2. Approve City Council Minutes – March 5, 2019
3. Action Items
4. City Council Reports
5. Adjourn

### **REGULAR SESSION - 7:00 p.m.**

1. Introduction by Mayor Len Arave
2. Invocation and Pledge of Allegiance ~ Council Member James Hood
3. Citizen Comment
4. Public Hearing and Consideration of **Resolution 2019-12R**: A resolution amending the Fiscal Year 2018-2019 Budget for certain engineering and public works items.
5. Consideration of a General Development Plan for Orchard Grove located at 378 East Odell Lane, Brighton Development, applicant.
6. Consideration of **Resolution 2019-14R**: A resolution amending the General Development Plan & Development Agreement related to the multi-family housing approved at Foxboro Marketplace, Lot 7 located at 790 North Cutler Drive, Foxboro Marketplace, Chris Robinson, applicant.
7. Consideration of **Ordinance 2019-02**: An ordinance amending Section 10-1-45 of the City of North Salt Lake City Code pertaining to temporary short term rentals.
8. Consideration of a bid award for Orchard Drive South Street Reconstruction Project from Eagleridge Drive to Center Street and US89 to roundabout.
9. Consideration of a bid award for Orchard Drive North Street Reconstruction Project from Eaglewood Drive to the north City Limit line.
10. Consideration of **Resolution 2019-13R**: A resolution authorizing the submission of a CDBG application to Davis County for the burial of power lines from 200 South to 150 South Highway 89, and including the project on the Capital Facilities Plan for the Fiscal Year 2019-2020 Budget.
11. Mayor's Report

12. City Attorney Report
13. City Manager Report
14. Adjourn

**CLOSED SESSION**

1. Closed Session to discuss pending or reasonably imminent litigation

The public is invited to attend all City Council meetings. If you need special accommodations to participate in the City Council meeting, please call the City office at 801-335-8709. Please provide at least 24 hours' notice for adequate arrangements to be made.

Notice of Posting:

I, the duly appointed City Recorder for the City of North Salt Lake, hereby certify that the foregoing agenda was posted on the Utah Public Notice website, at city hall, and sent to the required newspapers this 14<sup>th</sup> of March, 2019.

Dated this 14<sup>th</sup> of March, 2019.

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1 CITY OF NORTH SALT LAKE  
2 CITY COUNCIL MEETING-WORK SESSION  
3 MARCH 5, 2019  
4

5 **DRAFT**  
6

7 Mayor Pro Tem Mumford called the meeting to order at 6:04 p.m.  
8

9 PRESENT: Council Member Brian Horrocks  
10 Council Member Stan Porter  
11 Council Member Ryan Mumford  
12 Council Member James Hood  
13 Council Member Lisa Watts Baskin  
14

15 EXCUSED: Mayor Len Arave  
16

17 STAFF PRESENT: Ken Leetham, City Manager; Paul Ottoson, City Engineer; David Frandsen,  
18 Public Works Director; Janice Larsen, Finance Director; Troy Johnson, Assistant Police Chief;  
19 David Church, City Attorney; Brent Moyes, Golf Course Director; Linda Horrocks, City  
20 Recorder; Andrea Bradford, Minutes Secretary.  
21

22 1. CITY OF NORTH SALT LAKE BUDGET OVERVIEW FOR FISCAL YEAR 2019-  
23 2020  
24

25 Ken Leetham presented a schedule of the 2020 budget with an overview of the General Fund,  
26 COLA's and health insurance on March 5<sup>th</sup>, water utility rates and conservation efforts on March  
27 19<sup>th</sup>, a potential review of golf course management on March 26<sup>th</sup>, an overview of the capital  
28 facilities projects including roads, water, and parks on April 2<sup>nd</sup>, and a potential meeting on April  
29 30<sup>th</sup> if needed. He said the budget retreat was tentatively scheduled for April 16<sup>th</sup> starting at  
30 5p.m.  
31

32 Mr. Leetham said that the City Council would need to make policy decisions regarding COLA's  
33 and health insurance benefits, water conservation strategies and utility rates, golf course  
34 management, capital facilities projects and plan related to roads, water, parks, new employee  
35 positions, and priorities and projects this year.  
36

37 Council Member Horrocks spoke on water conservation and questioned whether the City could  
38 provide water for the potential Misty River annexation. Ken Leetham replied that water was an  
39 issue and it was good business practice to conserve as it saved money and resources. He said that  
40 the water conservation plan was due in part to potential because of the State's emphasis on  
41 conservation and metering of secondary water by the State, to educate the public, and to review  
42 help the current operating system to have sufficient water for the City's needs at peak times. Mr.

43 Leetham also said that staff planned to present a study on how the annexation would impact the  
44 water system.

45  
46 Janice Larsen reported on the general fund budget overview and said that this was a draft as sales  
47 and property tax for the year had not yet been received. She spoke on property tax from last year  
48 and said it came in below budget as the Redevelopment Area (RDA) revenues reduced the  
49 general fund property tax, along with other reductions such as the increase in property tax for the  
50 Fire District. These revenues include taxes (property, sales and use, franchise), licenses and  
51 permits, intergovernmental revenues, charges for services, fines and forfeitures (courts), interest,  
52 miscellaneous. Ms. Larsen also said that the sales tax increase was generally between 6-8%  
53 every in recent years but would possibly be a closer to a 2% increase in the Fiscal Year 2019-  
54 2020 this year. She said that the legislature was looking to make some changes on how sales tax  
55 was collected and distributed. The 2018 actual total revenues were \$11,504,000. The 2019  
56 budget total revenues would be \$11,605,000 and the 2019 projected ending total revenues would  
57 be \$11,894,000. The preliminary 2020 recommended budget total revenues would be  
58 approximately \$12,072,000.

59  
60 Janice Larsen reviewed the General Fund expenditures included general government (legislative,  
61 administrative, buildings, judicial), public safety (police department, fire department), public  
62 works (streets, engineering), community development (planning and zoning, building  
63 inspection), and parks. She said the proposed fire department increase was considerably this year  
64 but has not yet been approved and was prepared by the fire district.

65  
66 Ken Leetham commented that he served on the administrative board of the fire district and that  
67 the amount may decrease.

68  
69 Council Member Baskin asked how the fire district accounted for the increase. Ken Leetham  
70 replied that it was based on a formula and said it and that this year's formula had generated a  
71 large increase for all the cities. He is hopeful that the formula could more closely reflect but  
72 should be assessed closer to the cost of living adjustments plus new growth.

73  
74 Janice Larsen continued to review the General Fund expenditures and explained the reasons for  
75 decreases and increases due to changes in planned equipment purchases, unfilled seasonal and  
76 fulltime positions, etc. The 2018 actual total expenditures were \$9,720,000. The 2019 budget  
77 total expenditures would be \$10,449,000 and the 2019 projected ending total expenditures would  
78 be \$10,275,000. The preliminary Fiscal Year 2019-2020 recommended budget total expenditures  
79 would be \$10,727,000. The current year budget was setup to move any excess over \$139,000 to  
80 Capital Support and an additional \$200,000 of unrestricted funds from the General Fund balance  
81 to help with projects in the Road Fund.

82

83 ~~Janice Larsen then spoke on the General Fund transfers and fund balance, which showed total~~  
84 ~~revenues were up 1% and total expenditures were up 4%. In 2018, the actual total revenues were~~  
85 ~~11,504,000 and the actual total expenditures were \$9,270,000.~~

86  
87 The 2019 budget total revenues were \$11,605,000 and the budget total expenditures were  
88 \$10,449,000 with projected ending revenues of \$11,894,000 and projected ending expenditures  
89 at \$10,275,000. The preliminary 2020 recommended budget was \$12,072,000 and the  
90 recommended budget total expenditures were \$10,727,000, however these are preliminary  
91 numbers and likely to change before the tentative budget is presented to Council.

92  
93 Ms. Larsen reported on health insurance and said that while there had been no increase for  
94 2018/2019 there may be a potential rate increase for the 2019/2020 year no higher than 4.7%.  
95 The budget showed a potential cost increase of \$46,-065 for health insurance based on the  
96 estimated 4.7% rate. She then said that the health savings account (HSA) contributions would  
97 remain the same. Staff recommended a cost of living increase of 3% based on information from  
98 the Bureau of Labor and Statistics and Zions Bank Consumer Index.

99  
100 Ken Leetham commented that Mayor Arave had asked staff to identify the COLA's from  
101 neighboring communities. He then said the merit increase would be approximately 2% as  
102 previously adopted on our merit increase wage schedule.

103  
104 Ken Leetham commented that the department heads would not be reporting on operations during  
105 the budget retreat unless the Council requested it. He said the budget was very straightforward  
106 this year and the Council could focus on policy needs related to the budget and addressing  
107 overall objectives.

108  
109 Council Member Horrocks asked how changes to the way sales and other taxes were collected  
110 would affect UTA or RAP tax, etc. Ken Leetham replied that boutique taxes would stay the same  
111 but the base would broaden and the rate would be adjusted downward. He said the same amount  
112 of money would be collected.

113  
114 David Church commented that the rates would remain the same but the windfall would be locked  
115 and then analyzed to see which rates should be lowered in certain cities.

116  
117 Ken Leetham said that the proposed formula under consideration would still require that 1% be  
118 collected for local sales tax at the point of sale ~~with a cap and the cap of growth would be at~~  
119 ~~2.8%.~~

120  
121 David Church commented that the sales tax could extend to water and land transfers. Ken  
122 Leetham said this ~~would foreemay have the effect of having the~~ larger ~~entities~~ companies ~~to~~  
123 contracting with out of state vendors, which would harm Utah based companies.

124

125 Council Member Baskin asked why the State would implement this change. Ken Leetham  
126 replied that the State wanted to broaden the tax base to introduce stability into the revenue stream  
127 and protect against a swing fluctuations in the retail market. He also said that rural cities and the  
128 resort communities would-may be at risk if this legislation passed.

129  
130 David Church explained that the concern was the eroding sales tax base and that income tax, per  
131 the constitution, had to go towards education. He said that the State wanted to lower the income  
132 tax rate and then stabilize the sales tax rate by broadening the base. It was then determined that  
133 services like hair stylists, real estate agents, and lawyers should be taxed to help broaden the  
134 base.

135  
136 Mayor Pro Tem asked that staff prepare a report on the debt service for the homes/properties that  
137 the City had purchased around Hatch Park as a part of the upcoming budget presentations.

138

139 2. APPROVE CITY COUNCIL MINUTES

140

141 The City Council minutes of February 19, 2019 were reviewed and approved. **Council Member**  
142 **Baskin moved to approve the City Council minutes of February 19, 2019 as amended.**  
143 **Council Member Horrocks seconded the motion. The motion was approved by Council**  
144 **Members Horrocks, Mumford, Hood, and Baskin. Council Member Porter abstained from**  
145 **voting.**

146

147 Council Member Porter abstained from voting on the approval of the City Council minutes as he  
148 was absent from the February 19<sup>th</sup> meeting.

149

150 3. ACTION ITEMS

151

152 The action items list was reviewed. Completed items were removed from the list.

153

154 Ken Leetham commented that staff would review the house bills per the legislative session  
155 during the regular session of the Council meeting.

156

157 Mayor Pro Tem Mumford asked if there was an update on the Scenic Byways. Council Member  
158 Baskin replied that there was an effort to install billboards along Legacy Highway and to disband  
159 the Scenic Byway Committee.

160

161 Mayor Pro Tem Mumford asked staff to research how this bill could affect Legacy Highway and  
162 if the City already had regulations regarding billboards in place if that would supersede the  
163 legislation. He suggested that the City implement regulations or restrictions if this was the case.

164

165 Sherrie Llewelyn said that the City currently only allowed billboards in the S3 Overlay Zone and  
166 the MD Zone along the freeway.

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Mayor Pro Tem Mumford asked for an update on the Tunnel Springs Park lighting plan. David Frandsen replied that the Parks and Arts Committee recommended that five lights be installed and asked staff to obtain pricing on additional lights at the tennis courts.

Council Member Horrocks asked if there was an update on the damages to Tunnel Springs Park. Ken Leetham replied that the revised cost estimate was less than \$10,000. He said that staff would meet with the perpetrators and their families to discuss a resolution.

Mayor Pro Tem Mumford asked about the legal recourse for the damages at the park. Ken Leetham replied that it was considered a felony but his recommendation was to see if the families would pay to have the park repaired ~~and then the City would not file charges.~~

#### 4. CITY ATTORNEY'S REPORT

David Church had nothing to report.

#### 5. CITY COUNCIL REPORTS

Council Member Horrocks reported that he traded his gas-powered lawnmower for a new electric lawnmower through the State of Utah Lawn Mower Exchange program.

Council Member Baskin reported that the bill to continue the truck ban on Legacy Parkway did not pass. She said the current ban would expire in 2020.

Council Member Baskin said that the NSL Tree City USA Board would be working with a landscape architect to amend the tree ordinances to make them more enforceable. She also said that she would be involved with establishing a committee for the 2020 census.

Mayor Pro Tem asked when and where the Arbor Day Celebration would be held this year. David Frandsen replied that the celebration would be held on April 27<sup>th</sup> at Tunnel Springs Park.

Council Member Baskin asked if there was a Council vote or an administrative decision declining to celebrate the Golden Spike sesquicentennial. Mayor Pro Tem Mumford explained that as there were no other Davis County events scheduled the Parks and Arts Council recommended against holding an event.

The Council directed staff to research the cost ~~benefit of having a Golden Spike sesquicentennial event and~~ to participate in the planned fireworks show on May 10<sup>th</sup> related to the Golden Spike celebrations.

208 Council Member Porter commented that he had several candidates for the upcoming opening on  
209 the Parks and Arts Board.

210

211 6. ADJOURN

212

213 Mayor Pro Tem Mumford adjourned the meeting at 7:01 p.m. to begin the regular session.

214 CITY OF NORTH SALT LAKE  
215 CITY COUNCIL MEETING-REGULAR SESSION  
216 MARCH 5, 2019

217  
218 **DRAFT**  
219

220 Mayor Pro Tem Mumford called the meeting to order at 7:11 p.m. Council Member Lisa Watts  
221 Baskin offered the invocation and led those present in the Pledge of Allegiance.  
222

223 PRESENT: Council Member Brian Horrocks  
224 Council Member Stan Porter  
225 Council Member Ryan Mumford  
226 Council Member James Hood  
227 Council Member Lisa Watts Baskin  
228

229 EXCUSED: Mayor Len Arave  
230

231 STAFF PRESENT: Ken Leetham, City Manager; Paul Ottoson, City Engineer; David Frandsen,  
232 Public Works Director; Janice Larsen, Finance Director; Troy Johnson, Assistant Police Chief;  
233 David Church, City Attorney; Brent Moyes, Golf Course Director; Linda Horrocks, City  
234 Recorder; Andrea Bradford, Minutes Secretary.  
235

236 OTHERS PRESENT: Jim Allen, Nicole Green, Dee Lalliss, Kristine Pepin, John Pepin, Miles  
237 Keeton, Angie Keeton, residents; Brian Knowlton, Knowlton General; Leslie Mascaro, Maverik.  
238

239 1. CITIZEN COMMENT  
240

241 Jim Allen, 902 Ramsey Court, asked how the City code was being enforced regarding daycare  
242 centers. He explained that he placed a complaint ten months ago about an individual that had 13  
243 children at their daycare -which was over the allowable number of children. Mr. Allen said that  
244 this was a traffic and pedestrian safety issue.  
245

246 Assistant Chief Johnson replied that the goal for the ordinance officer was voluntary compliance  
247 and that in this situation the officer was working with the State. He said that the State would do  
248 three visits starting with a written warning, followed by a finding, and then potential fines. The  
249 end result was to have the daycare center move to another location with a date for compliance set  
250 for the end of March.  
251

252 Nicole Green, 1023 Adelburg Drive, said she was a member of the Save Legacy Parkway Citizen  
253 Committee. She said the goal of this committee was to push for the extension of the **continued**  
254 truck ban on Legacy. Ms. Green thanked the Council for their support including passing  
255 resolutions, etc. She said that several bills regarding the inland port and the potential for

256 billboards on Legacy could affect the City and asked that the Council adopt an ordinance  
257 banning billboards within City limits. Nicole Green also asked that a council member represent  
258 the City at a meeting to be held on March 20<sup>th</sup>.

259  
260 Council Member Porter clarified that the City did not allow billboards in the zone near Legacy  
261 Highway.

262  
263 2. APPOINTMENT OF KRISTINE PEPIN TO THE PARKS TRAILS ARTS AND  
264 RECREATION ADVISORY BOARD (STAN PORTER)

265  
266 Council Member Porter introduced Kristine Pepin and said that she was also a member of the  
267 NSL Chorus.

268  
269 Kristine Pepin commented that she had been a resident for 20 years. She previously worked for a  
270 non-profit and was now employed by Salt Lake County. Ms. Pepin said that her father instilled in  
271 her the importance of community service.

272  
273 **Council Member Porter moved to appoint Kristine Pepin to the Parks Trails Arts and**  
274 **Recreation Advisory Board. Council Member Baskin seconded the motion. The motion was**  
275 **approved by Council Members Horrocks, Porter, Mumford, Hood and Baskin.**

276  
277 Kristin Pepin also reported that the NSL Chorus had a concert on March 11<sup>th</sup> at the Eaglewood  
278 Golf Course.

279  
280 3. CONSIDERATION OF A GENERAL DEVELOPMENT PLAN FOR HEPWORTH  
281 TOWNHOMES AT 155 NORTH MAIN, KNOWLTON GENERAL, APPLICANT  
282 (CONTINUED FROM 1/15/2019 COUNCIL MEETING)

283  
284 Sherrie Llewelyn reported that the prior proposal for eight townhomes was tabled at the January  
285 15<sup>th</sup> Council meeting. The Council directed the developer to prepare an alternate plan. The  
286 revised plan consisted of three duplexes each with a single car garage and driveway parking that  
287 would accommodate three to four additional parking spaces. The six driveways would access the  
288 lot from 150 North as opposed to the alley access for the previously proposed townhomes. The  
289 duplexes would each have three bedrooms compared to the two bedroom townhomes. Mrs.  
290 Llewelyn showed visual renderings of the architecture and examples of the layout with three  
291 bedrooms on the second story.

292  
293 Other changes from the eight townhome plan to the six duplexes included three bedroom units  
294 for a total of 18 bedrooms for the project, six covered carport parking spaces and 17-18 driveway  
295 parking spaces, a maximum building height of 35 feet, and no standards for architecture or  
296 landscaping per the current Residential-7 (RM-7) zoning.

297

298 Brian Knowlton, Knowlton General, said that sometimes less was more and that even though  
299 they reduced the unit count to six the bedroom count was increased by two. He also said the  
300 aesthetic of the duplexes was ~~superior~~-~~inferior~~ to the previous plan.

301  
302 Council Member Porter commented that after meeting with the neighbors they voiced a concern  
303 with the close proximity of the proposed development to the house on the west. He asked the  
304 developer if they would consider building seven units instead of eight as there appeared to be no  
305 space between the driveway and the property line. Brian Knowlton replied that there would be a  
306 buffer of 20 feet including the 12 foot driveway and a one 2 foot and one 6 foot landscape buffer.

307  
308 Council Member Hood said that he liked the decreased number of units as well as the four spaces  
309 per unit. He said that ideally the developer would respect the current layout of the neighborhood.

310  
311 Council Member Porter and Hood asked if these would be rental units and if they could be  
312 reconfigured as “for sale” units. Brian Knowlton replied that initially these units would be rentals  
313 and could be converted to for sale units. He said that the main goals were sustainability and  
314 affordable housing as well as creating quality place to live.

315  
316 Council Member Porter asked about the neighbor who was concerned about access to their  
317 garage. Brian Knowlton replied that while the gate was no longer used consistently they would  
318 not block it.

319  
320 Mayor Pro Tem Mumford asked what the target rental price for the duplexes versus the  
321 townhomes. He also asked if there were higher costs associated with building a duplex. Brian  
322 Knowlton replied that the townhomes would be approximately \$925 and the duplexes would be  
323 \$1450 to \$1650. He also said that the duplexes were higher square footage, which increased the  
324 cost.

325  
326 Council Member Baskin asked for clarification on how far the setback was from the street.  
327 Sherrie Llewelyn replied that there was a 5 foot park strip, a 4 foot sidewalk and would be a total  
328 of 19 feet from the curb.

329  
330 Mayor Pro Tem Mumford asked about the driveway depth on the duplexes. Sherrie Llewelyn  
331 replied that it was 42 feet from the back of the sidewalk to the front of the porch.

332  
333 Council Member Porter said that the residents he met with preferred the proposed plan with  
334 seven or eight townhomes.

335  
336 **Council Member Porter moved that the City Council approve the proposed general**  
337 **development plan for Hepworth Townhomes located at 155 North Main Street with the**  
338 **following conditions to be incorporated within the final zone change and development**  
339 **agreement approval:**

- 340           **1) Final architecture design, materials, colors;**  
341           **2) A provision for a future cross easement access be provided, with specific terms and**  
342           **conditions to be required of future connecting developments to the west, in the event**  
343           **the city exercises the future shared access;**  
344           **3) Placement of traffic directional signs for the private alley shall be required and**  
345           **clearly visible;**  
346           **4) Parking shall be provided at the rate of 2.75 spaces per unit;**  
347           **5) Submittal of a required development agreement; and**  
348           **6) Final approval of the P-District Rezone.**

349  
350 **Council Member Baskin seconded the motion. The motion was approved by Council**  
351 **Members Horrocks, Porter and Baskin. Council Members Mumford and Hood voted in**  
352 **opposition to the motion.**

353  
354           4. CONSIDERATION OF A PLAT AMENDMENT: NORTH SALT LAKE INDUSTRIAL  
355           PARK-PLAT A. AMENDING LOTS 1 AND 2 (24 NORTH REDWOOD ROAD)

356  
357 Sherrie Llewelyn reported that the proposed plat amendment was to divide existing lot 1 and 2  
358 into three lots in North Salt Lake Industrial Park Subdivision located at 24 North Redwood Road.  
359 These lots consist of two businesses and are functionally divided as lots that run east to west. The  
360 proposed lot 1A would be 6.58 acres and consisted of Mobile Mini. Lot 2A would be the corner  
361 lot at 4.92 acres to be occupied by Maverik. The final lot 3A would be 1.60 acres and contained  
362 the existing truck shop building occupied by Schneider Trucking.

363  
364 Mrs. Llewelyn explained that Maverik would be constructing a second gas station across from  
365 their existing gas station on Redwood. The proposed gas station would have a seven island  
366 canopy structure with two pumps with the ability to fuel 28 vehicles. This location would also  
367 have an outdoor seating area to the south of the store as well as another island canopy structure  
368 for semi-trucks. There would be an entrance off 700 West for semi-truck access with a separate  
369 access off Center Street for passenger vehicles. The site would also contain a sewer dump station  
370 and truck scale.

371  
372 The total landscaping would be 40,627 square feet or 18.9% which exceeded the 10% minimum  
373 requirement. Improvements to the site included a sidewalk on Redwood Road including  
374 landscaping with required street trees, sod and shrub areas. Mrs. Llewelyn explained that due to  
375 an underground storm detention and 65 foot easement, which was owned by Davis County, that  
376 there would be an additional 40 foot wide landscaping on the front and side street which  
377 exceeded the 24 foot requirement. A landscape buffer of between 9 and 22 feet would be added  
378 along the north property line between the site and the mobile mini business.

379  
380 The Planning Commission held a public hearing and recommended approval with the completion  
381 of any engineering redlines.

382 Council Member Porter commented that this development would improve the corner.

383

384 Council Member Horrocks said that it was a strange business model to have two Maverik stores  
385 adjacent to each other.

386

387 Council Member Hood commented that there was a Maverik store on both sides of 9000 South in  
388 Sandy and that both stores seemed to be busy.

389

390 Council Member Porter explained that the new location would have space for semi-trucks.

391

392 Leslie Mascaro, Maverik, expressed gratitude towards staff for providing a quick development  
393 review. She explained that Maverik had been successful in building stores adjacent to each other  
394 and that it generally made it easier on the consumer due to street medians and other barriers. Ms.  
395 Mascaro said that they would keep both stores open at this time while analyzing the performance  
396 of each.

397

398 Mayor Pro Tem Mumford asked about the future use of lot 3A as well as lot 1A. Leslie Mascaro  
399 replied that there was an existing building on lot 3A that they would sublease. She also said that  
400 Mobile Mini would most likely continue to lease lot 1A.

401

402 Mayor Pro Tem Mumford commented that he assumed Flying J would go out of business as  
403 there would no longer be a left turn out after road construction was completed. He asked that  
404 staff review the site plan for possible access routes. Sherrie Llewelyn showed the potential route  
405 that trucks could make to access the property.

406

407 Leslie Mascaro clarified that the site was designed to separate the passenger and semi-trucks as  
408 well as forcing them to enter and exit in certain way.

409

410 Council Member Hood asked if Maverik would be able to obtain an access onto Redwood Road.  
411 Leslie Mascaro replied that they were currently working with UDOT who had been positive in  
412 regards to granting access onto Redwood.

413

414 **Council Member Porter moved that the City Council approve the plat amendment for**  
415 **North Salt Lake Industrial Park Subdivision Plat A at 24 North Redwood Road with the**  
416 **following condition:**

417

418 **1) Completion of Engineering Redlines, if any.**

419

420 **Council Member Baskin seconded the motion. The motion was approved by Council**  
421 **Members Horrocks, Porter, Mumford, Hood and Baskin.**

422

423 5. AWARD BID FOR ORCHARD DRIVE NORTH STREET RECONSTRUCTION  
424 PROJECT (CITY LIMIT LINE TO EAGLEWOOD DR.)  
425

426 Staff asked that this item be continued until the next City Council meeting.  
427

428 6. AWARD BID FOR ORCHARD DRIVE SOUTH STREET RECONSTRUCTION  
429 PROJECT (CENTER STREET TO ROUNDABOUT AND CONTINUING TO HWY  
430 89)  
431

432 Staff asked that this item be continued until the next City Council meeting.  
433

434 **Council Member Baskin moved to continue the Orchard Drive North and South Street**  
435 **reconstruction projects until the next agenda. Council Member Hood seconded the motion.**  
436 **The motion was approved by Council Members Horrocks, Porter, Mumford, Hood and**  
437 **Baskin.**  
438

439 Council Member Baskin asked when the work would commence. Paul Ottoson replied that  
440 construction on the Orchard Drive North project could commence at any time. He said The  
441 Winnie/Winegars redevelopment would occur in the spring and could potentially cause a conflict  
442 on the Orchard Drive South project. He said the City placed a restriction that the Orchard Drive  
443 North project be paved and completed by August 15<sup>th</sup> for the Tour of Utah.  
444

445 Paul Ottoson then reported on the Orchard Drive South project and said that staff was going out  
446 for bid on the second phase soon but a portion of the curb and gutter would be subject to federal  
447 requirements. He said a portion of the Orchard Drive South project would go out for bid in April  
448 and would potentially be done in mid--August.  
449

450 Council Member Horrocks commented that after street work was done and patches were made  
451 on existing roads that the roads were never the same. Paul Ottoson said that The Winnie project  
452 would not have this issue as there were no utilities to tie in as they were already stubbed out.  
453

454 Council Member Horrocks asked if there a better way to restrict street cuts. Paul Ottoson replied  
455 that there was a permit fee required for street cuts. He also said that there was an ordinance that  
456 stated new streets could not be cut for three years.  
457

458 Ken Leetham commented that the City should consider being more restrictive about road cuts  
459 and that three years was not enough time. He suggested that staff could review this issue.  
460

461 Council Member Porter asked if the City had considered concrete roads. Paul Ottoson replied  
462 that based on the cost that he would prefer to do concrete roads in the industrial park area.  
463

464 Council Member Mumford asked about Orchard Drive South and the need for improving  
465 pedestrian safety at the round-about. Ken Leetham replied that this was one of the reasons for  
466 tabling this item.

467

468 7. CITY COUNCIL REPORTS CONT.

469

470 Council Member Hood reported that the Youth City Council (YCC) conference would be held  
471 next week at Utah State. He said only 12 youth qualified as there were stricter requirements this  
472 year. Other changes includes the cancellation of the banquet, increased leadership training, and  
473 the need for two weekends of conferences to accommodate the attendees.

474

475 The YCC have also been spending time filling Easter eggs for the Easter Egg Dash on April 20<sup>th</sup>.  
476 He said they had received a lot of gift cards and coupon donations from local businesses.

477

478 Council Member Horrocks commented that the banquet had some value in that the youth dressed  
479 up and practiced etiquette in a formal setting. He also suggested that the conference be split into  
480 southern and northern Utah. Council Member Hood said that it was based on cost and that the  
481 per person average was down \$30. He also said that the least expensive option was the Utah  
482 State location.

483

484 Council Member Hood then reported that on April 1<sup>st</sup> he would become the President of the Utah  
485 Association of Youth City Councils.

486

487 8. MAYOR'S REPORT

488

489 Mayor Arave was excused.

490

491 9. CITY MANAGER'S REPORT

492

493 Ken Leetham reported that the City received an invitation from the Wasatch Resource Recovery  
494 Plant to tour the facility.

495

496 Sherrie Llewelyn then reported on the house bills including HB315 Land Use and Development  
497 Amendments. This bill was intended to clean up the enabling legislation for subdivisions of  
498 property and to clarify "critical infrastructure" that must be bonded for regardless of its status of  
499 private or public. The following primary changes of the bill would define "infrastructure  
500 improvement" as permanent infrastructure that is essential to public health and safety, is required  
501 for human occupation, is required by published standards, and is public or private to record a  
502 subdivision plat or obtain a building permit. Other changes would be defining the term  
503 "municipal utility easement", defines "public street", vacation or public street process, would  
504 change the language regarding the Planning Commission process to review rather than prepare  
505 amendments to land use regulations and provides that if a planning commission fails to make a

506 timely recommendation on a proposed regulation that the Council may consider it a negative  
507 recommendation, and required a Council submit amendments to the Planning Commission prior  
508 to making changes in the land use regulation.

509  
510 Additional changes included that a city may not withhold a certificate of occupancy (COO)  
511 except for requirements essential for public health, safety, and welfare, established that a city  
512 must have two acceptable forms of completion assurance, that a city cannot require a bond for  
513 improvements that are not essential, removed the requirement for a historic perseveration appeal  
514 authority, that if a decision of an appeal authority is appealed to district court the court must  
515 remand the matter to the land use authority with instruction to issue a decision consistent with  
516 the court ruling, provided a way for the award of attorney fees if a party initiated a challenge in  
517 bad faith, and that a city may not deny a building permit or COO because of incomplete  
518 improvements that are not essential to building or fire code for which a bond was placed.

519  
520 Sherrie Llewelyn then reported on HB343 Development Advertising Amendments and said that  
521 the changes required a city to notice of a public hearing to political subdivisions, owners of  
522 parcels within 500 feet, and other parties with an outdoor advertising permit of proposed unified  
523 commercial development illuminated signs or signs within any planned unit development, and  
524 the city must require property owners to commence construction of commercial or industrial  
525 development associated to the sign within one year of approval of any change in the sign  
526 regulations.

527  
528 Mayor Pro Tem Mumford asked what signage HB343 would apply to. Sherrie Llewelyn replied  
529 that her interpretation was that this applied to signs that were not on the premise. She gave the  
530 example of the sign for Traverse Mountain and that it was not located on the same parcel as the  
531 shopping center.

532  
533 Council Member Baskin asked why there was a one year approval restriction. Sherrie Llewelyn  
534 replied that she assumed this was related to a sign being constructed before the commercial  
535 construction was completed so essentially the sign was competing with billboards.

536  
537 David Church commented that billboards were not allowed in the area and a development  
538 obtained approval and placed a large electronic sign. The sign was then leased and competed  
539 with the billboard companies along the highway prior to the construction of the development.

540  
541 Council Member Baskin spoke on HB119 which would make it more difficult for referendums  
542 and initiative to get onto a ballot on the city and county level. She said she drafted a letter  
543 addressing the issues specifically that it would make it much more difficult for citizens to  
544 legislate which was a guaranteed right in the State constitution.

545

546 Ken Leetham commented that he had cautioned the League of Cities and Towns staff about  
547 raising the requirements for signatures, creating geographical areas that would make it more  
548 difficult for citizens to have input.

549  
550 Council Member Baskin said that other issues with the bill included the requirements for a public  
551 meeting with specific times that the City Council would allow presentations for a referendum,  
552 jurisdictional requirements, land use restrictions, and allowing City communication before a  
553 referendum was approved.

554  
555 Mayor Pro Tem Mumford asked if there were other bills related to the League of Cities and  
556 Towns. Ken Leetham replied that HB320 Container Regulations Act would restrict local  
557 government from placing restrictions on plastic bags. He suggested that the Council reach out to  
558 the Representative Melissa Ballard as this was more about State overreach.

559  
560 David Church commented that Moab and Park City already had ordinances banning plastic bags  
561 and that they would be grandfathered in if the bill passes.

562  
563 David Church then reported that the other bill of interest was related to gravel pits. He said that  
564 when Tooele County started to revise their ordinances that this motivated the gravel industry to  
565 push for this bill. This bill would create special zones for gravel property which would affect a  
566 city's abilities.

567  
568 10. ADJOURN INTO CLOSED SESSION TO DISCUSS PENDING OR REASONABLY  
569 IMMINENT LITIGATION

570  
571 **At 8:44 p.m. Council Member Horrocks moved to go into closed session to discuss strategy**  
572 **on pending or reasonably imminent litigation. Council Member Baskin seconded the**  
573 **motion. The motion was approved by Council Members Horrocks, Porter, Mumford, Hood**  
574 **and Baskin.**

575  
576 11. RECONVENE INTO REGULAR SESSION

577  
578 **At 9:10 p.m. Council Member Hood moved to go out of closed session and into the regular**  
579 **session. Council Member Horrocks seconded the motion. The motion was approved by**  
580 **Council Members Horrocks, Porter, Mumford, Hood and Baskin.**

581  
582 12. ADJOURN

583  
584 Mayor Pro Tem Mumford adjourned the meeting at 9:11 p.m.

585  
586  
587

---

588

Mayor Pro Tem

Recorder

### Action Items (for March 19, 2019)

Item	Staff	Description
<b>New</b>		
1	Sherrie Ken	Staff to review the impact if billboards are allowed on Legacy Highway and determine if additional policies need to be put in place now to prohibit this in the future.
2	Sherrie	Staff to look at cost benefit of having a Golden Spike sesquicentennial event (fireworks) on May 10 <sup>th</sup> . <i>Ask Lisa for contact person.</i>
3	Paul Ken	Staff to review current ordinance regarding road cuts including adding more restrictive provisions to the current three year wait on new roads as well as conditions in franchise agreements.
4	Paul Linda	Staff to arrange a tour of Wasatch Resource Recovery Plant for interested City Council members and staff. Matt Myers
<b>Current</b>		
1	David	Staff to look at adding lighting at Tunnel Springs Park. Staff to prepare a more comprehensive review of the entire park lighting with input from the Parks and Arts Board and residents adjacent to the park. Also look at alternate technology such as solar powered or LED lighting and a cost comparison. Ensure that cameras that are added do not have view of private residences. <i>Parks &amp; Arts Board suggested five lights as well as lighted tennis courts. David getting bids.</i>
2	Ken	Staff to report back on the progress of mining on Monte Thomas parcel. <i>Ken will prepare update.</i>
3	Paul Sherrie	Look at sidewalk on 3800 south and US89 where residents are walking in the street in order to get to a bus stop on US89. <i>Paul will contact Davis County to discuss. Sherrie will inquire as to the available use of Prop 1 funds. (2/27)</i>
4	Sherrie	Staff to review current lighting ordinances/regulations related to light pollution and report back to City Council. <i>Staff has received model lighting ordinances from Utah Dark Skies and is preparing report on current regulations. (1/30)</i>
5	Paul	Mayor recommended that City's safety committee work with Jessica Dunn on the 1100 North and Main Street intersection. <i>Safety Committee met on 2/26 and determined that contact should be made with Woods Cross before expending too many resources to determine whether a light at this location is warranted (Safety Committee does not believe warrants exist today for a lighted intersection).</i>
6	Ken	Staff to follow up with City attorney on Media One issue. <i>City Attorney assisting staff to create next enforcement steps.</i>
7	Craig, Ken David	Staff to look at a variety of monitoring options including DVR system and other technology, police access of camera feeds, motion sensors, public access, etc. <i>Staff is proceeding with enhanced camera system at Tunnel Springs Park.</i>
8	David	Add trees to park strips on Foxhollow and at Foxboro roundabout. <i>Staff reviewing costs.</i>
9	Paul David Sherrie	Staff to prepare several options for repair or replacement of the dock at Eaglewood pond to make it more secure/useable. Staff to also look at potentially placing trees around the Eaglewood Village pond or adding this area to the Arbor Day planting area for the next year. <i>Draft concept plan was presented to Parks and Arts Board. Concept plan was cost prohibitive - will look at a simpler design.</i>
10	David	Council review the parks & trails brochures before printed. <i>Parks &amp; Arts comm. to review draft.</i>



# NORTH SALT LAKE PUBLIC WORKS

10 East Center Street  
North Salt Lake, Utah 84054  
801-335-8700  
[www.nslcity.org](http://www.nslcity.org)

Leonard K. Arave  
Mayor  
David Frandsen  
Public Works Director

**TO:** Honorable Mayor and City Council  
**FROM:** David Frandsen, Public Works Director  
**DATE:** March 13, 2019  
**SUBJECT:** Front End Loader

The City of North Salt Lake currently owns a 2018 John Deere 544K wheel loader. As part of the sales agreement when we purchased the loader, John Deere (Honnen Equipment) has given us a buy back option of \$126,562 if we sell the machine back after one year.

We are under no obligation to sell our loader to them and could exercise the option of just keeping it for another 7-10 years and replace it then. However, the current loader has limitations on how high it can lift a load and successfully dump it. We have issues loading our taller 4 wheel drive snowplow trucks and the large tandem axle truck. The current loader can get salt in the back, but it takes much more finesse than is necessary while loading other trucks, and limits these trucks from carrying a full load of salt which makes return loading trips sooner than needed.

This same loader can be ordered with a "high lift" option that would increase the current loading height over 24" and would be better equipped to load our taller trucks. John Deere would still offer a buy back option on this machine if it were ordered, but the additional cost of the "high lift" option would not be considered in that agreement. As we are looking for the best functionality of our equipment, it would make the most sense to sell our current machine while we can get the most money out of it and purchase a new machine with a "high lift" option. With the new buy back option not giving credit for the additional cost of the equipment it would be best to keep this machine for 7-10 years.

Buy Back Agreement Value	\$126,562
New John Deere Loader	\$137,969
High Lift Kit for Loader	\$2,831
Total	\$140,800
Difference	\$14,238

**RESOLUTION NO. 2019-12R**

**A RESOLUTION ADOPTING AN AMENDMENT TO ADJUST  
THE FISCAL YEAR 2018~2019 ROAD CAPITAL PROJECT FUND AND FLEET INTERNAL  
SERVICE FUND BUDGETS**

WHEREAS, the City of North Salt Lake has considered the adoption of an amendment to increase the 2018~2019 budget for Road Capital Project Fund and Fleet Internal Service Fund, and finds that it is in the best interest of the citizens and the City as a whole to adopt the aforesaid budget; and

WHEREAS, a public hearing was properly noticed and held on Tuesday February 19th, 2019 for public comment concerning the adoption of said budgets; and

WHEREAS, such action is authorized by statute; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF NORTH SALT LAKE AS FOLLOWS:

A change in the Capital Road Project Fund budget is hereby adopted for the 2018~2019 fiscal year in the following amounts:

Increase use of fund balance in the amount of (\$505,000)  
Increase expenditures in the amount of \$505,000

The increase will be used to fund a road reconstruction project from Orchard Drive No. to Eaglewood Drive. The road project will be funded with transportation tax revenues.

A change in the Fleet Fund budget is hereby adopted for the 2018~2019 fiscal year in the following amounts:

Increase revenue in the amount of (\$126,600)  
Increase use of fund balance in the amount of (\$14,200)  
Increase expenditures in the amount of \$140,800

The budget change is to reflect the sale of the current loader under a lease buy-back agreement, purchase of a new loader and the up-fitting cost for the new loader.

Immediately after its adoption, this resolution shall be signed by the appropriate officers of the City of North Salt Lake, shall be recorded in the official records of the City of North Salt Lake and shall take immediate effect.

Passed and approved by the City Council of North Salt Lake this 19th day of March, 2019.

CITY OF NORTH SALT LAKE

By:

\_\_\_\_\_  
Len Arave, Mayor

Attest:

By:

\_\_\_\_\_  
Linda Horrocks, City Recorder

City Council Vote as Recorded

Council Member Baskin \_\_\_\_\_  
Council Member Hood \_\_\_\_\_  
Council Member Horrocks \_\_\_\_\_  
Council Member Mumford \_\_\_\_\_  
Council Member Porter \_\_\_\_\_



# CITY OF NORTH SALT LAKE COMMUNITY & ECONOMIC DEVELOPMENT

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10 East Center Street, North Salt Lake, Utah 84054  
(801) 335-8700  
(801) 335-8719 Fax

## MEMORANDUM

**TO:** Honorable Mayor and City Council  
**FROM:** Sherrie Llewelyn, Community Development Director  
**DATE:** March 19, 2019  
**SUBJECT:** Consideration of a General Development Plan for Orchard located at 378 East Odell Lane

---

### RECOMMENDATION

The Planning Commission recommends to the City Council approval of the General Development Plan for Orchard Grove located at 378 East Odell Lane with the following conditions:

1. The proposed building will be of brick, stucco, and hardie board trim construction with a neutral color palette TBD;
2. The existing wood fencing be upgraded to a composite material;
3. The total density of the project allowed will be 16 units;
4. Parking approved at a ratio of 4.25 spaces/unit; and
5. Final architecture, design, materials, and colors, with the elevations as proposed.

### BACKGROUND

The proposed general development plan is located at 378 East Odell Lane (corner lot with Orchard Drive). The 1.24 acre site contains an existing home built in 1949. Brighton Development had requested a P-District Rezone and General Development Plan for 24 town homes. The site plan has been amended as directed by the Planning Commission on February 26, 2019 to include 16 townhome units, each with a 2 car garage (not in tandem) and each with a driveway capable of parking 2 vehicles. The units will be sold as individual units to single families.

The site abuts 2 single family homes to the west zoned RM-7, one on Odell Lane and one on a flag lot. The property to the south is the Peach tree apartments zoned RM-20. The current zoning on the property is RM-7. The site is 1.24 acres and the requested density calculation would be 13 units per acre. The property is identified on the General Plan, Future Land Use Map as Medium density residential.

This item was tabled by the Planning Commission on February 12, 2019 after the public hearing at the request of the developer in order to address comments provided by the public and the Commission. The item was again tabled on February 26, 2019 with instruction to reduce the density to 16 units. The Planning Commission recommended the revised site plan with 16 units on March 12, 2019.

According to the newly amended Planned (P) District regulations in Chapter 13 of the City's Land Use Ordinance, a general development plan must be accompanied by a P-District Rezone application. The Planning Commission holds a public hearing on the rezone request prior to approval of the General Development Plan, with final approval of the zone change including the successful negotiation of a development agreement and final site plan. No recommendation was made on the zone change, only the General Development Plan at this time.

## **REVIEW**

The proposed site plan for the Orchard Grove will have 1 access points on Odell Lane and none on Orchard drive. Units 101 to 108 within 2 buildings which will have front doors facing Orchard drive and will be 2-1/2 stories tall. The elevation include dormers as suggested by the Planning Commission. The remaining 8 units will be the same plan and architecture as those constructed at Chesham Village. There will be 4 units that face Odell and 4 that will face the south property line. The two buildings will share a private road to the driveways.

The proposed parking for the development has 2 garage spaces per unit, 2 driveway spaces per unit and 4 guest spaces. Brighton homes is proposing a total of an average of 4.25 parking spaces per unit. Standard parking requirement in 2.25 spaces per unit.

Pedestrian access through the site is achieved with sidewalks in front of each unit. Units 101-108 will be elevated with front doors above the existing grade of the sidewalk along Orchard Drive. The units have been split into 2 buildings with a walkway to Orchard Drive between the buildings. The existing sidewalk is 6 feet wide and is adjacent to the curb. The proposed plan will remove the existing retaining wall and sidewalk and will add a 4' park strip and new 5' sidewalk on Orchard. The proposed townhomes facing Orchard will be set back from the new sidewalk 10' (19' from the curb). Odell Lane will be widened by approximately 15 feet to accommodate the same cross section required at Odell Crossing P-District on the opposite side of Odell Lane and a sidewalk will be added.

The landscaping proposed is approximately 30% of the site. As part of the plan, a portion of the open space will be fenced off for use by the tenants as a dog park area. This type of space has been highly desirable to town home owners with pets.

The proposed plan would remove the retaining wall and chain link fence along Orchard Drive. The existing wood fence on the south property line wall other fencing will be replaced with composite fencing material. The small dog park area will be fenced with a 4' high semi-private fencing material, not chain link.

## **POSSIBLE MOTION**

I move that the City Council approve the General Development Plan for Orchard Grove located at 378 East Odell Lane with the following conditions:

1. The proposed building will be of brick, stucco, and hardie board trim construction with a neutral

color palette TBD;

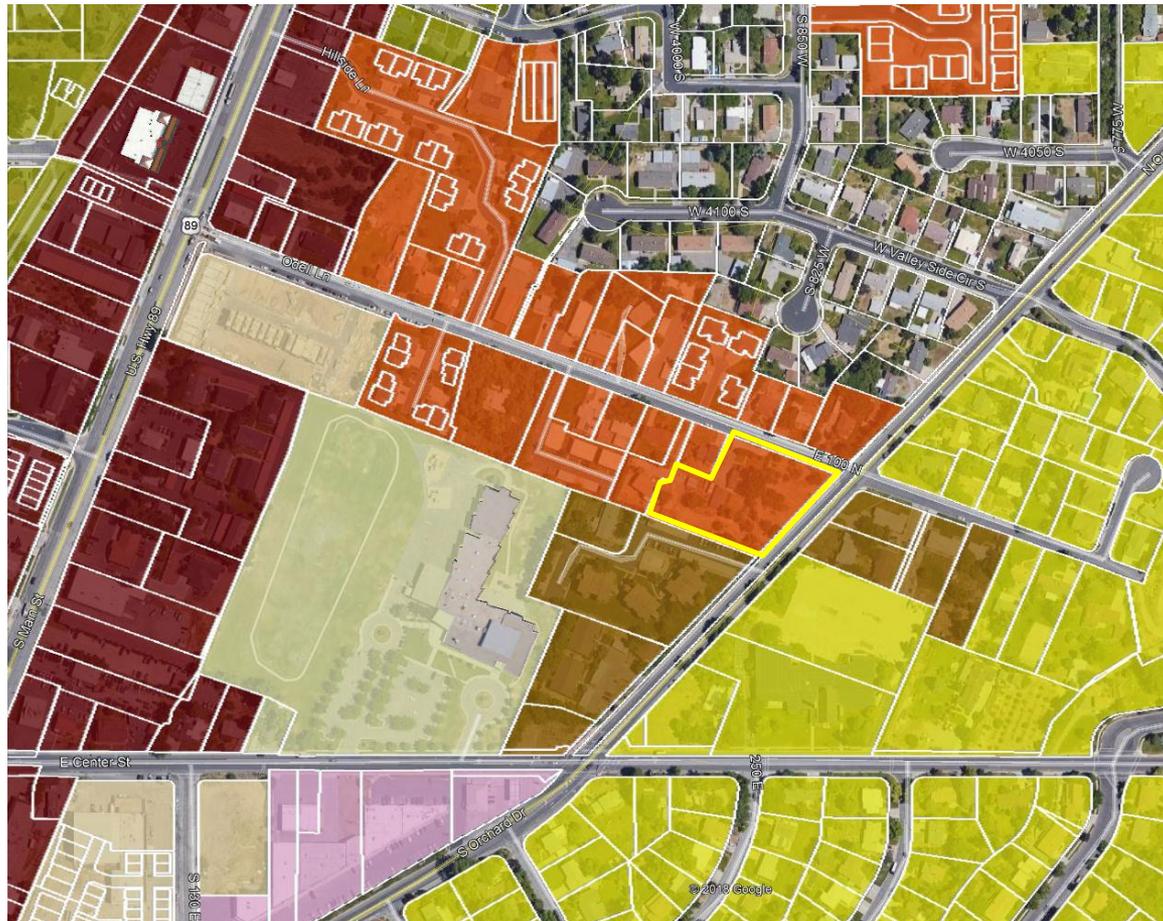
2. The existing wood fencing be upgraded to a composite material;
3. The total density of the project allowed will be 16 units;
4. Parking approved at a ratio of 4.25 spaces/unit; and
5. Final architecture, design, materials, and colors, with the elevations as proposed.

#### Attachments

- 1) Zone Map
- 2) Aerial Map
- 3) Surrounding Densities Map
- 4) General Plan Future Land Use Map
- 5) Site/Landscape Plan
- 6) Proposed Elevations



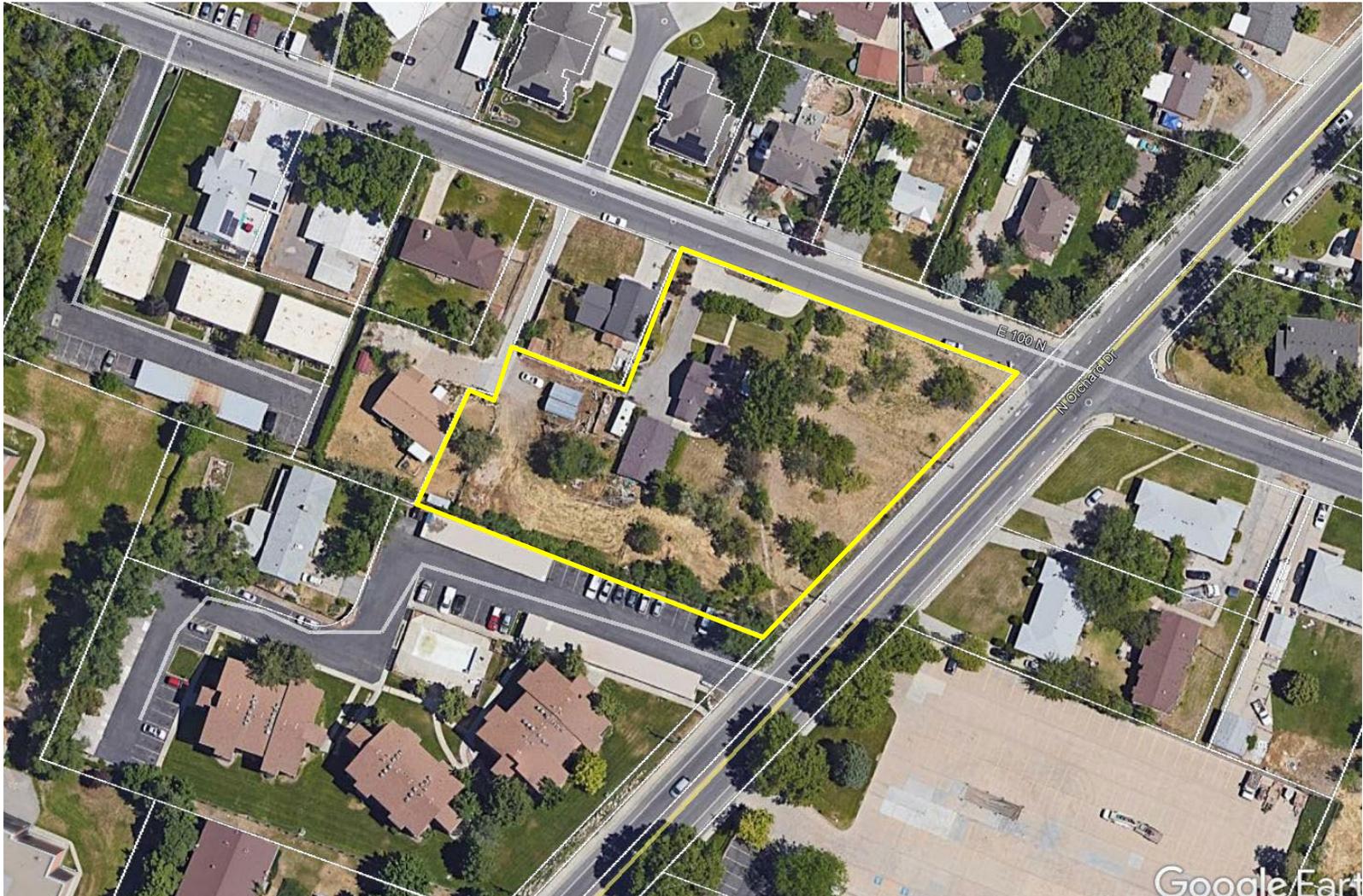
# General Development Plan Orchard Grove Townhomes Zoning



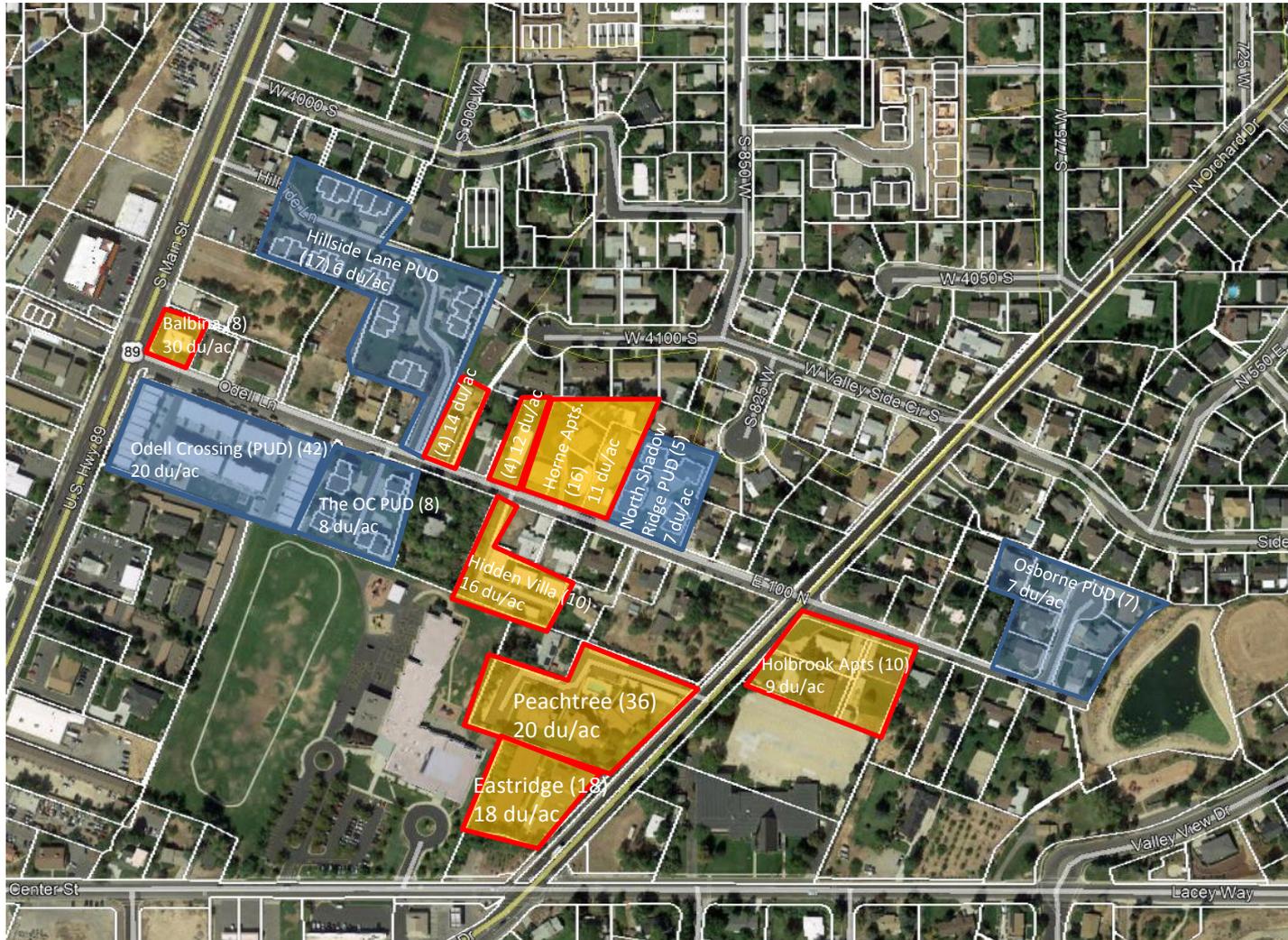
- Special Use Restricted (SR)
- Residential (RM-7)
- Residential (RM-20)
- Residential (R1-7)
- Residential (R1-12)
- Residential (R1-10)
- Natural Open Space (NOS)
- General Industrial (MG)
- Manufacturing-Distribution (MD)
- Existing Uses Overlay (EUO)
- Commercial Shopping (CS)
- Highway Commercial (CH)
- General Commercial (CG)
- Planned District (P)



# General Development Plan Orchard Grove Townhomes Aerial

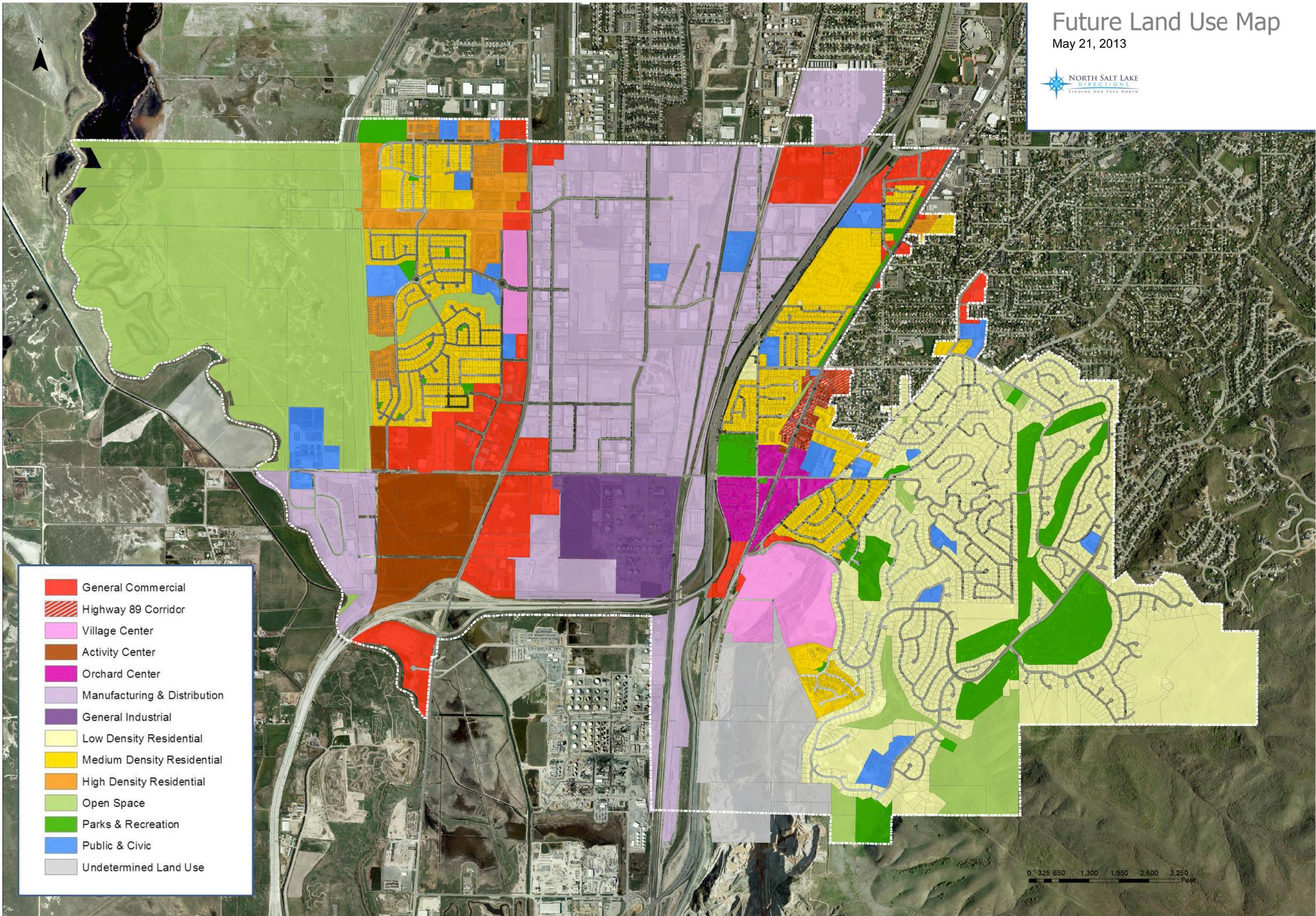


# Multi-Family Housing Developments (Orchard Drive/Odell Lane Area)



# Future Land Use Map

May 21, 2013



- General Commercial
- Highway 89 Corridor
- Village Center
- Activity Center
- Orchard Center
- Manufacturing & Distribution
- General Industrial
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Open Space
- Parks & Recreation
- Public & Civic
- Undetermined Land Use

0 325 650 1,300 1,950 2,600 3,250 Feet



# Clifton Unit Elevation (Orchard Drive)



# Wyndham Unit Elevation (Odell Lane)





# CITY OF NORTH SALT LAKE COMMUNITY & ECONOMIC DEVELOPMENT

---

10 East Center Street, North Salt Lake, Utah 84054  
(801) 335-8700  
(801) 335-8719 Fax

## MEMORANDUM

**TO:** Honorable Mayor and City Council  
**FROM:** Sherrie Llewelyn, Community Development  
**DATE:** Director March 19, 2019  
**SUBJECT:** Consideration of amendment to the General Development Plan for Foxboro Marketplace lot 7, located at approximately 790 North Cutler Drive

---

### RECOMMENDATION

The Planning Commission recommend approval of the amended general development plan for Foxboro Marketplace, lot 7 located at approximately 790 North Cutler Drive with the following conditions:

1. An additional 2 parking spaces be added to the site plan, as well as the required landscaped islands with trees
2. 7 ADA parking spaces be provided with at least 4 surface spaces
3. Landscape buffers surrounding the parking areas be increased to 8' in width
4. The minimum required landscape be increased in the development agreement from 20% to 30%
5. Appropriately sized street trees be provided within the park strip along Cutler Drive
6. Required street trees along Redwood Road be placed within the park strip and the park strip be of sufficient width to support the tree species chosen
7. The proposed landscape berm along the east property line be of adequate height to shield headlights of parked cars from Redwood Road traffic
8. Fencing along the north property line be either composite fencing or masonry
9. Fencing along the west, south, east property line be either composite split rail or wrought iron type decorative fencing, with appropriate pedestrian entries to Cutler Drive, the shopping center, and the Redwood Road trail
10. Subject to approval of an amended development agreement by the City Council

### BACKGROUND

The general development plan and P-district zoning were given final approval on March 16, 2016 by the City Council. As part of the plan, lot 7 was approved for the construction of two 3 story apartment buildings containing 102 dwelling units. Lot 7 is approximately 5 acres in size and is located north of Lee's Market adjacent to Thurgood Trucking. The approved architecture was modern with brick finish, stucco, and Hardie board accents. The site plan had a courtyard between the buildings containing a club house, pool, and other recreational amenities. The main level of the buildings had

tuck under garages, with additional separate garages along the north property line. The garages on the north property line provide the equivalent of a 6' masonry wall to separate the apartments from the adjacent industrial use. Landscaping was approved at 37% of the site.

The new concept plan for the development will increase the number of apartments from 102 to 124 units. Previous density was 20 d.u./acre and the proposed density is 24.2 d.u./acre. The proposed 124 units will be in a total of 6 buildings. The buildings will be 3 story tall, with the exception of 1 building that will be 4 stories. The 4 story building contains units on the top floor that are 3 bedroom lofts, with an interior 2 stories. The site plan retains the clubhouse and swimming pool, as well as a picnic area and tot lot, but does not include the other active recreation space previously approved.

Under the approved development agreement parking requirements were set based upon the bedroom counts of each unit. The total required parking under the agreement was 204 spaces, including 7 ADA spaces. Based upon the proposed bedroom/unit count the base parking requirement would be 264 spaces, including 7 ADA spaces. The proposed plan only provides 262 spaces with only 4 ADA spaces. It is possible that 3 of the garages could be designated as ADA. However as the plan is proposed the existing parking does not meet the standard with a landscape island, including trees when a row exceeds 20 spaces and at the end of each row of parking. Therefore it is probable that by meeting that standard an additional 3 spaces will be lost to the required landscape islands. The increase in parking is a direct effect of the reduction in single bedroom units and the increase in 2-3 bedroom units. Parking and bedroom counts have are detailed in the table below, with fewer 1 bedroom units and more 3 bedroom units.

Unit Count Comparison			Parking Requirement (per dev. agr.)		
	Previous Unit Count	Proposed Unit Count		Approved Plan	Proposed Plan
1 bedroom units	54	30	1.5/unit	82	45
2 bedroom units	44	64	2/unit	88	128
3 bedroom units	4	30	2/unit	8	60
			0.25/unit	26	31
<b>Total</b>	<b>102</b>	<b>124</b>		<b>204</b>	<b>264</b>

	Approved Cimarron Site Plan	Proposed Amendment
	2/unit	Proposed 2.1/unit
Tuck under garages	62	72
Tandem driveway Space	62	72
Detached garages	30	0
Carports	10	60
Surface Spaces	40	58
<b>Total</b>	<b>204</b>	<b>262</b>
ADA	7	4

The proposed architecture is a more traditional walk-up apartment style with high quality materials like brick, hardie board, and stucco. The previously approved architecture was modern with flat roof. The architecture is consistent with the existing apartments in the vicinity. The buildings have tuck under garages. Carport structures will cover spaces on the east property line adjacent to Redwood Road, along the north property line and a portion of the spaces abutting the commercial center to the south. The height of the 3-story buildings are 45 feet and the 4-story building is 55 feet tall.

The landscaped area is estimated at 35%. The required minimum landscaping under the development agreement is 20%. The landscaping along Redwood Road will be required to be improved to a minimum distance of 24' behind the curb with an 8' asphalt trail, landscaping, and street trees. The current proposal includes a park strip, trail, and a landscape berm with trees. The Planning Commission should determine if the street trees should be located in the park strip between the trail and curb or if they will be allowed to be placed as proposed. All of Foxboro Marketplace, north and south, have placed the trees in the park strip, except where a clear view area of a driveway would be impacted. The landscape plan shows no trees along the Cutler Drive side of the property. Appropriately sized trees should be required within the park strip. The parking adjacent to the north property line has a 6' landscaped buffer, the code requires 8' landscape buffer. The buffer on the south property line with the shopping center is only 6' between the parking spaces and the sidewalk that is entirely on the shopping center property. Direction should be given to the applicant as to what the required minimum buffer shall be under the amended development agreement.

At this time the developer is proposing a wrought iron type decorative fence along Redwood Road. There is no internal connection to the trail along Redwood Road. Internal pedestrian connectivity has been provided between the buildings and parking areas. No fencing information has been provided regarding the fencing along Cutler Drive on the west or the between the apartments and the shopping center. Previously the proposed fencing had been split rail on these 2 property lines. The north property line is proposed to be vinyl fencing. The previous plan had detached garages whose back walls and a 6' masonry fence served as the required fencing material between the apartments and the existing industrial use. A recommendation on the fencing type and material should be made by the Planning Commission. The DRC recommends the north property line fence be either of composite material or masonry.

### **POSSIBLE MOTION**

I move that the Council approve Resolution 20019-14R and the proposed 3<sup>rd</sup> amendment to the Foxboro Marketplace Development Agreement with the following conditions:

1. An additional 2 parking spaces be added to the site plan, as well as the required landscaped islands with trees
2. 7 ADA parking spaces be provided with at least 4 surface spaces
3. Landscape buffers surrounding the parking areas be increased to 8' in width
4. The minimum required landscape be increased in the development agreement from 20% to 30%
5. Appropriately sized street trees be provided within the park strip along Cutler Drive
6. Required street trees along Redwood Road be placed within the park strip and the park strip be of sufficient width to support the tree species chosen

7. The proposed landscape berm along the east property line be of adequate height to shield headlights of parked cars from Redwood Road traffic
8. Fencing along the north property line be either composite fencing or masonry
9. Fencing along the west, south, east property line be either composite split rail or wrought iron type decorative fencing, with appropriate pedestrian entries to Cutler Drive, the shopping center, and the Redwood Road trail
10. Subject to approval of an amended development agreement by the City Council

#### Attachments

- 1) RES2019-14R
- 2) Proposed Amended Development Agreement
- 3) Proposed Amended Exhibits C to F

**RESOLUTION NO. 2019-14R**

**A RESOLUTION OF THE CITY OF NORTH SALT LAKE  
CITY COUNCIL APPROVING THE THIRD AMENDMENT TO THE  
DEVELOPMENT AGREEMENT FOR FOXBORO MARKETPLACE**

**BE IT HEREBY RESOLVED** that the City Council of the City of North Salt Lake authorizes the Mayor to execute, in behalf of the City of North Salt Lake, the third amendment to the Development Agreement for Foxboro Marketplace (2019-17A) in relation to the multi-family portion of the project on Lot 7.

APPROVED by the City Council of the City of North Salt Lake, Utah, this 19th day of March, 2019.

BY THE CITY COUNCIL:

\_\_\_\_\_  
Len Arave, Mayor

City Council Vote as Recorded:

<u>Name</u>	<u>vote</u>
Lisa Baskin	-- ____
James Hood	____
Brian Horrocks	-- ____
Ryan Mumford	-- ____
Stan Porter	-- ____

ATTEST:

\_\_\_\_\_  
Linda Horrocks, City Recorder

**THIRD AMENDMENT TO  
DEVELOPMENT AGREEMENT  
FOXBORO MARKETPLACE**

**THIS THIRD AMENDMENT TO THE DEVELOPMENT AGREEMENT FOXBORO MARKETPLACE** (the “Third Amendment”) is made and entered into effective as of the \_\_\_\_\_ day of \_\_\_\_\_, 2019 (the “Effective Date”), by and between **THE CITY OF NORTH SALT LAKE**, a Utah municipal corporation (the “City”), and **FOXBORO MARKETPLACE, L.C.**, a Utah limited liability company (the “Developer”). The Developer and the City are sometimes collectively referred to herein as the “Parties” or singularly as a “Party.” Unless otherwise defined herein, capitalized terms in this Third Amendment are defined as provided for in the Original Agreement (defined below) or the Second Amendment (defined below).

RECITALS

A. WHEREAS, the City and the Developer entered into a certain *Development Agreement Foxboro Marketplace* dated June 30, 2016 (the “Original Agreement”), for which that certain *Memorandum of Agreement* dated June 30, 2016 was recorded on July 5, 2016, as Entry No. 2949744 in Book 6551 on Pages 517 through 519 in the Davis County Recorder’s Office, State of Utah; the Original Agreement relates to the development of certain real property owned by Developer and located in the City of North Salt Lake, which property is commonly referred to as “Foxboro Marketplace” (the “Property”).

B. WHEREAS, effective as of September 27, 2017, the Parties entered into that certain *First Amendment to Development Agreement Foxboro Marketplace* (the “First Amendment”) to modify the Original Agreement relating to signage standards.

C. WHEREAS, effective as of September 18, 2018, the Parties entered into that certain *Second Amendment to Development Agreement Foxboro Marketplace* (the “~~Second~~First Amendment”) to rescind the First Amendment and to modify ~~to~~ the Original Agreement relating to signage standards.

D. WHEREAS, the Property lies within the City’s P Zoning District.

E. WHEREAS, pursuant to Section 10-13-2-D of the City’s development code, exceptions to or modification of the general standards for development within the residential and commercial zoning districts may be granted in the P District Zoning if the City determines that such exceptions are desirable and warranted.

F. WHEREAS, the Original Agreement approved the General Development Plan for the development of the Project upon the Property which included vesting the Developer with the right to construct one hundred two (102) Apartments on the portion of the Property currently

legally described as all of Lot 7, Foxboro Marketplace Subdivision according to the official plat thereof on file with the Davis County Recorder's Office, Davis County Tax Parcel No. 01-483-0007, having a street address of 790 North Cutler Drive, North Salt Lake, Utah ("Lot 7").

G. WHEREAS, Center Street Company, L.C., a Utah limited liability company ("CSC"), an affiliate of Developer is the owner of Lot 7.

H. WHEREAS, on or about February 19, 2019, the Developer applied to the City to amend the General Development Plan to increase the number of Apartments from one hundred two (102) to one hundred twenty-four (124) and to modify the unit mix, site plan, building configuration and elevations, landscaping, and fencing for the Apartments (the "General Development Plan Amendment").

I. WHEREAS, on March 12, 2019, the City's Planning Commission issued a positive recommendation to the City Council for the approval of the General Development Plan Amendment, subject to certain conditions.

J. WHEREAS, on \_\_\_\_\_, 2019, the City Council approved the General Development Plan Amendment, with certain conditions as described herein.

E. \_\_\_\_\_

F.K. WHEREAS, the Parties now desire to amend the Original Agreement, as amended by this Third Amendment, to modify the General Development Plan as provided for herein, including amending the following exhibits that were attached to the Original Agreement: ~~to further modify the development agreement as it pertains to the multi-family housing component of the project, the following exhibits are to be amended:~~ Exhibit "C" General Development Plan; Exhibit "D" Site Plan and Landscape Plan; Exhibit "E" Land Use Standards; and Exhibit "F" Architectural Standards.

## **AGREEMENT**

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Developer hereby agree as follows:

a. The Parties hereby agree that the Exhibits "C", "D", "E", and "F" as attached to the Original Agreement are hereby deleted in their entirety and replaced with Exhibits "C", "D", "E", and "F" amended as attached hereto and by this reference made a part hereof (collectively, the "Amended Exhibits").

b. CSC, as successor-in-interest to the Developer as to Lot 7, is hereby vested with the right to construct one hundred twenty-four (124) Apartments as further described in the Amended Exhibits.

c. By signing below, CSC, as the owner of Lot 7, hereby consents the terms and conditions of the Original Agreement, as modified by this Third Amendment.

b.d. The Original Agreement, as amended by this Third Amendment, is hereby ratified and confirmed, and remains in full force and effect. To the extent that the terms of this Third Amendment conflict with the Original Agreement, the terms of this Third Amendment shall control.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK;  
SIGNATURES FOLLOW ON NEXT PAGE]

**IN WITNESS WHEREOF**, the Parties hereto have executed this Agreement by and through their respective, duly authorized representatives effective as of the day and year first hereinabove written.

**ATTEST:**

**CITY:**

CITY OF NORTH SALT LAKE

\_\_\_\_\_  
City Recorder

\_\_\_\_\_  
By: Len Arave  
Its: Mayor

**DEVELOPER:**

FOXBORO MARKETPLACE, L.C.,  
a Utah Limited Liability Company

By its Manager, FOXBORO MP  
DEVELOPMENT, L.C., a Utah Limited  
Liability Company

By: \_\_\_\_\_  
Christopher F. Robinson, Manager

**CSC:**

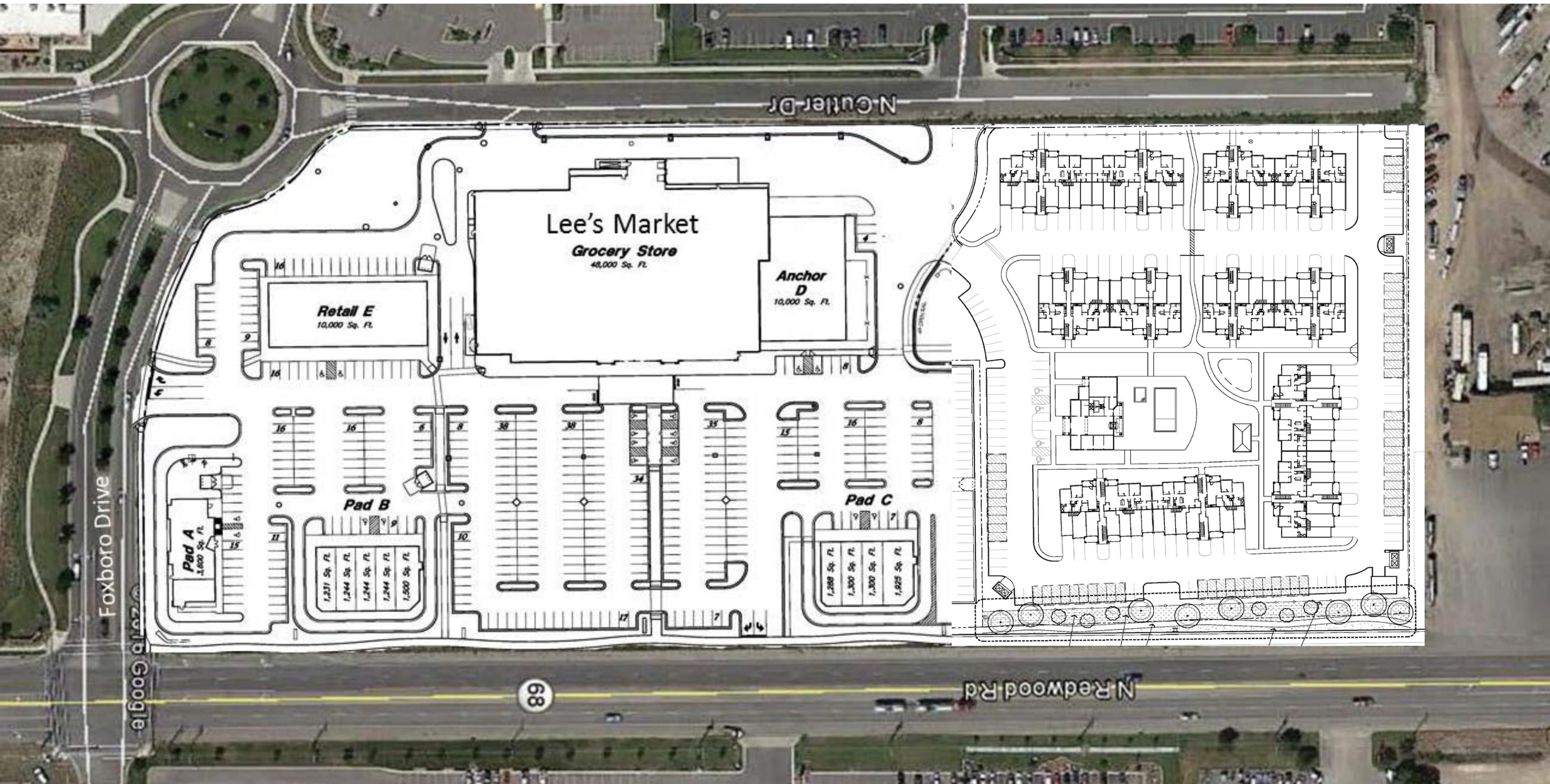
CENTER STREET COMPANY, L.C.,  
a Utah Limited Liability Company

By: \_\_\_\_\_  
Christopher F. Robinson, Manager

**EXHIBIT “C”**

**GENERAL DEVELOPMENT PLAN  
(amended)**

**[See Attached]**



68

Foxboro Drive

© 2016 Google

Lee's Market  
Grocery Store  
48,000 Sq. Ft.

Anchor  
D  
10,000 Sq. Ft.

Retail E  
10,000 Sq. Ft.

Pad A  
1,600 Sq. Ft.

Pad B

1,237 Sq. Ft.  
1,244 Sq. Ft.  
1,244 Sq. Ft.  
1,244 Sq. Ft.  
1,500 Sq. Ft.

Pad C

1,288 Sq. Ft.  
1,300 Sq. Ft.  
1,300 Sq. Ft.  
1,825 Sq. Ft.

N Cutter Dr

N Redwood Rd

## **EXHIBIT “D”**

### **APPROVED LANDSCAPING AND SITE PLANS**

The landscaping and site plan for Grocery Store (Lee’s Marketplace) approved by the City Council on January 5, 2016, a copy of which is shown below.

The landscaping and site plan for the Apartments portion of the Project shall conform to the adopted General Development Plan. The Apartments portion of the Project has not gone through required site plan approval applications at the time of this Agreement, but the following graphic is representative of the approved General Development Plan:

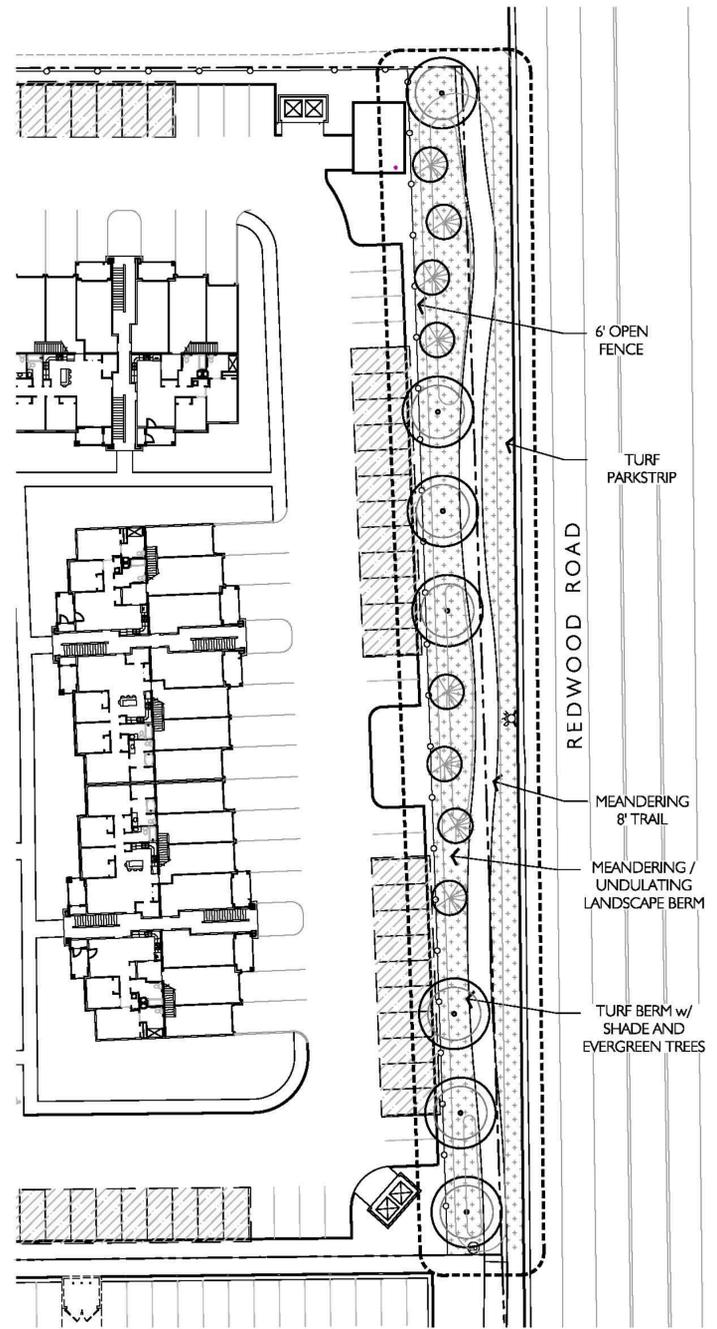
[See Attached]



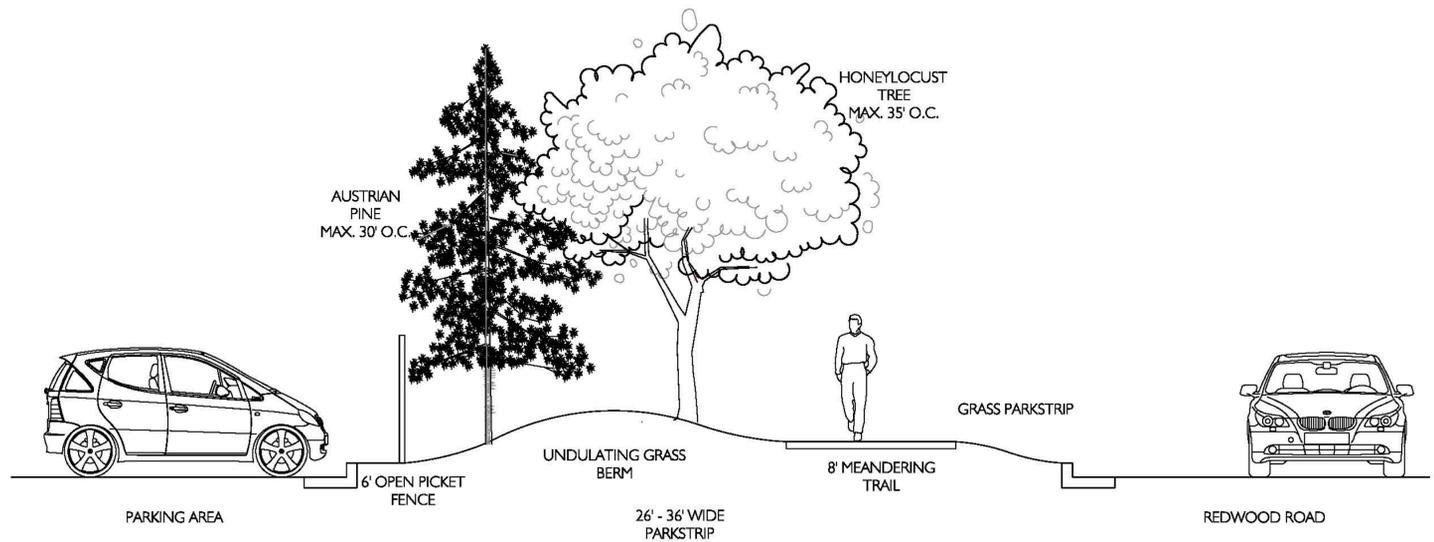
ISSUE DESCRIP.	DATE
	03.06.2019

#	REV. DESCRIPTION	DATE
▲		
▲		
▲		
▲		

This drawing, as an instrument of professional service, and shall not be used, in whole or part, for any other project without the written permission of SCOTT THOMAS BLAKE DESIGN L.L.C. Copyright © 2019



**A** REDWOOD ROAD STREETScape IMPROVEMENTS  
SCALE: 1"=30'-0" NORTH



**B** REDWOOD ROAD PARKSTRIP SECTION  
SCALE: 1/4"=1'-0"

**FOXBORO MARKETPLACE  
APARTMENT COMMUNITY**  
790 N. CUTLER DRIVE  
NORTH SALT LAKE CITY, UT 84054

REDWOOD RD.  
LANDSCAPE  
PLAN

**L101**

## EXHIBIT “E”

### LAND USE STANDARDS

Purpose. This Exhibit outlines the standards pursuant to which the Project’s uses shall be developed within the P District. References herein to the term “Code” shall refer to Title 10 of the North Salt Lake City Code, Land Use and Subdivision Ordinances. Any standards not listed herein shall be bound by the same regulations placed on any development.

#### **NON RESIDENTIAL STANDARDS:**

The following list of general land uses shall serve as a general guide for those high quality commercial uses agreed upon by the City and the Developer in the Foxboro Marketplace P-District. The Developer agrees to seek said high quality commercial uses within the general categories and voluntarily prohibit those uses less desirable or incompatible with the area. This section is not intended to be all inclusive of all possible permitted uses, but to serve as a guide and to list those which shall be specifically prohibited.

- A. Permitted Uses. General categories of permitted uses (list is not intended to be all inclusive of possible uses):
  - Automobile services (car wash, parts, oil change or tire shops)
  - Convenience Store/Gas Station
  - Entertainment or Recreation
  - Financial Services (bank or credit union)
  - General office
  - General retail
  - Hardware Stores
  - Medical Offices
  - Personal services
  - Restaurants
  - Seasonal Temporary Uses (fireworks, food & beverage, Christmas trees)
  
- B. Conditional Uses. The following uses of land shall be conditional in the Foxboro Marketplace P-District:
  - Special events (Carnivals, Craft Fairs, Farmer’s Markets, Festivals, Fundraisers, Mobile Food Truck Fairs)
  
- C. Prohibited Uses: The following uses of land are prohibited in the Foxboro Marketplace P-District:
  - Auto Body shops and auto repair facilities, excluding oil change and lubrication shops
  - Manufacturing
  - Nonstore retailers

Pawnshops, title loan, quick loan or other payday loan or check cashing services  
 Self-serve laundromats  
 Self-Storage  
 Sexually oriented businesses  
 Tobacco Stores  
 Warehousing and storage facilities  
 Wholesale

- D. There shall be no minimum lot sizes required.
- E. Landscaping islands within parking areas which are required in the current land use ordinance to be nine feet (9') wide may be reduced to a width of not less than six feet (6').
- F. Maximum height shall be the same as that for the General Commercial (CG) Zoning District.

**APARTMENTS (MULTI-FAMILY RESIDENTIAL) STANDARDS:**

The Apartments portion of the plan shall be allowed to develop one hundred ~~two~~twenty-four (~~102~~124) apartment units as proposed and approved in the General Development Plan. ~~The only exception to the City's land use standards for this portion of the Project is that the parking ratio is reduced to two (2) spaces per unit. There shall be not less than sixty-two (62) attached garage units provided and thirty (30) detached garage units located on the north boundary of the Apartments parcel (Lot 7 of the Subdivision Plat) as shown on the approved General Development Plan.~~ The required parking shall be required at the following ratio:

	Unit Count	Ratio	Required Parking
1 bedroom units	30	1.5/unit	45
2 bedroom units	64	2/unit	128
3 bedroom units	30	2/unit	60
		0.25/unit	31
Total	124		264
		(ADA Req.)	7

~~The Apartments shall also include the following amenities: not less than twenty~~thirty percent (~~20~~30%) open space, a pool and clubhouse facility, an outdoor plaza and numerous paths and walkways as shown in the amended General Development Plan, including pedestrian access to Cutler Drive, the Shopping Center and the Redwood Road trail as directed by the Planning Commission on March 12, 2019 in its positive recommendation of the General Development Plan.

The following are additional standards for the Apartments:

- a. Lot Area:
  - i. Due to the nature of residential development, there shall be no minimum lot area.
- b. Maximum Coverage Area.
  - i. Due to the nature of residential development and the unusual shape of the property, there shall be no maximum coverage area per lot.
- c. Maximum Height of Buildings.
  - i. The maximum height for all residential structures in the P District shall be ~~forty~~ fifty-five feet (40'55') from finished final grade. (occupied space)
- d. Setbacks:
  - i. Setbacks for all structures shall be as depicted on the approved amended General Development Plan;
    - ~~The detached garages must be setback from the north property line a distance of five feet (5'), unless they have a one (1) hour fire rated rear wall and provide for roof drainage on premise, in which case the setback may be one (1) foot from the property line;~~
  - ~~e. Zero lot line setbacks shall be permitted for the detached garages, conditioned upon: (A) evidence of maintenance easement or other satisfactory document from the adjacent property owner, (B) the rear wall having a one (1) hour fire rating, and (C) provision for roof drainage on premise.~~
- f.e. Minimum Landscape Percentage.
  - i. The minimum landscape percentage shall be thirty (~~20~~30%).
- g.f. Wall/fence:
  - i. The maximum wall or solid fence height within twenty feet (20') of a public street shall be six feet (6').
  - ii. The property boundaries shall be fenced as follows:
    - 1. The north property line shall be a ~~m~~Minimum six foot (6') masonry wall or composite fencing located on the property line. ~~shall be required in the P District on the perimeter of the property, with the following exceptions: (1)~~
    - 2. The ~~the~~ east property line adjacent to the Redwood Road and the public trail access shall be decorative wrought iron fencing or similar
    - 3. The west and south property lines adjacent to the shopping center and Cutler drive shall be a ~~and (2)~~ decorative composite split rail fencing. ~~along the property line abutting the commercial development and Cutler Drive shall be allowed.~~
- h.g. Parking shall be provided as follows:
  - i. Each unit shall include two (2) spaces per unit.
  - ii. ~~Sixty-two~~ Seventy-two (62'72) attached tuck-under garages.
  - iii. ~~Thirty~~ Sixty (30'60) ~~detached garage units~~ carports.
- i.h. Permitted Uses:
  - i. Multi-family attached dwellings.
  - ii. Home occupations as regulated by North Salt Lake Land Use Code, Section 10-10-5, as amended.

**EXHIBIT “F”**  
**ARCHITECTURAL STANDARDS**

The architectural rules, design standards and construction guidelines, as contained herein, are to be used as required standards for the Developer and its assigns in preparing plans and specifications for any proposed construction or improvement in Foxboro Marketplace and for maintaining an orderly construction environment.

**COMMERCIAL DESIGN STANDARDS:**

- A. Lee’s Marketplace: The Grocery Store (Lee’s Marketplace) shall comply with the commercial building requirements of the land use ordinance and will essentially be constructed in the manner shown in the approved General Development Plan. The graphic below is illustrative of the type and style of architecture required by this Agreement:



- B. Other Commercial Structures:
1. General Primary and Street Facades: All primary facades (front) and street sides shall be designed with a consistent architectural style, detail, façade and roof treatments and trim features similar to Lee’s Marketplace as illustrated in Figure F-1 and in conformance with NSL Code Section 10-1-43: Building Design Standards.

**APARTMENT (MULTI-FAMILY RESIDENTIAL) DESIGN STANDARDS:**

- A. The Apartments portion of the Project shall be developed as shown in the approved amended General Development Plan. All exterior residential elevations shall be consistent with general scheme and design as depicted below and as approved in the amended General Development Plan for Foxboro Marketplace. The graphic below is illustrative of the type, materials, and style of architecture required by this Agreement.
- B. All exterior residential elevations shall be consistent with general scheme and design as depicted below and as approved in the General Development Plan.
- C. Materials, Colors, Stone, Stucco and Hardie. The following colors and materials depicted in the graphic shall be used in the construction of the Apartments. Minor variations in color/tone may be approved by the Community Development Director in accordance with this general color palette.
- D. Developer shall include within the Apartments the following interior features, at a minimum: nine foot (9’) tall ceilings; six foot eight inch (6’8”) tall solid wood interior

doors; eight foot (8') exterior doors; granite/quartz countertops in kitchens and bathrooms; window blinds; an accent wall in living room; a minimum of one ceiling fan per unit; and an appliance package to include refrigerator, oven/stove, dishwasher, microwave, and washer and dryer; and hot water heaters which will be accessed from common area hallways for ease of maintenance and minimal disturbance to tenants.

- E. Lamp Posts and Building Lighting. The entire development shall be regularly interspersed by themed lighting/light poles. Developer will install commercial quality lamp posts, or another similar type mutually agreed upon between the City and Developer. Developer will submit as part of the site plan application, the location of the proposed lamp posts. All site/building lighting shall be shielded and directed downward so light spill does not adversely affect adjacent properties or streets.
- F. Mailboxes. Mailbox clusters, with mailboxes and newspaper receptacles shall be provided by the Developer based on the requirements and approval of the U.S. Postal Service. Replacements necessitated by damage from whatever source shall be at the expense of the Developer or its assigns. Mailboxes may be located within or outside the clubhouse at the Developer's discretion.
- G.** Amenities. The Developer shall provide the Apartments with a common amenity package, as detailed in the General Development Plan and associated documents, and shall include at a minimum the following: clubhouse with leasing office(s), community room ~~with full kitchen and entertainment area~~, exercise room, pool, hot tub, restrooms with shower(s); a barbecue gathering area; small tot lot; ~~community gardens~~ and outdoor recreation space(s); and other semi-private spaces located in the courtyard area.



FRONT ELEVATION WITH TUCK-UNDER GARAGES



REAR ELEVATION



SIDE ELEVATION



ELEVATION BUILDING C



ELEVATION BUILDING C

- ROOF: Architectural grade asphalt shingles
- FASCIA: Aluminum fascia and flashing
- CEMENT BOARD SIDING: Board and Batten gable ends
- CEMENT BOARD SIDING: Flat panel with grid battens
- CEMENT BOARD SIDING: Horizontal Lap siding
- MASONRY: Brick veneer
- WINDOW: Vinyl window
- RAILING: Wrought Iron



# CITY OF NORTH SALT LAKE COMMUNITY & ECONOMIC DEVELOPMENT

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10 East Center Street, North Salt Lake, Utah 84054  
(801) 335-8700  
(801) 335-8719 Fax

## MEMORANDUM

**TO:** Honorable Mayor and City Council  
**FROM:** Sherrie Llewelyn, Community Development Director  
**DATE:** March 19, 2019  
**SUBJECT:** Consideration of ORD 2019-XX Amending Section

---

### RECOMMENDATION

The Planning Commission recommends to the City Council the proposed code amendment of City Code 1-1-45, related to short term rentals with the following findings:

1. The proposed amendments are in accord with the comprehensive general plan, goals and policies of the city;
2. Changed or changing conditions make the proposed amendments reasonably necessary to carry out the "purposes" stated in the Land Use Code.

### BACKGROUND

The proposed ordinance addresses issues relating to the increasing popularity of vacation rentals by companies such as Airbnb, Home Away, Vacation Rentals by Owner (VRBO), etc. Currently, short term rentals are not regulated by the City, and therefore can be located anywhere as a right by use. There has been a large focus statewide for cities and counties to provide methods of approving these uses and regulating them to protect the character of residential neighborhoods and the property rights and enjoyment of neighboring residents.

### REVIEW

The proposed STR amendments make the following changes:

1. Establishes the requirement for an STR permit;
2. Requires owner occupancy for a minimum of 183 calendar days per year;
3. Limits the number of people that a unit may be rented to four unrelated individuals and up to 8 family members;
4. Allows only one STR per property;
5. ADUs used as STRs may be rented 365 days per year;
6. Requires a parking plan and off street parking;
7. Provides methods for the city to contact property owners, in the event of an emergency;
8. Notifies owners of requirements for maintenance and snow removal;

9. Requires posting of certain information for the residents regarding their stay, parking, snow removal, quiet hours, emergency contacts, etc.; and
10. Provides penalties for violations of STR regulations and other city ordinances.

**RECOMMENDATION**

I move that the City Council approved ORD2019-XX amending the land use ordinance to regulate short term rentals in single family homes with the following findings:

1. The proposed amendments are in accord with the comprehensive general plan, goals and policies of the city;
2. Changed or changing conditions make the proposed amendments reasonably necessary to carry out the "purposes" stated in the Land Use Code.

Attachments

- 1) ORD2019-XX
- 2) Proposed Code Amendment

**ORDINANCE NO. 2019-02**

**AN ORDINANCE OF THE CITY OF NORTH SALT LAKE AMENDING TITLE 10 OF THE CITY CODE RELATED TO SHORT TERM RENTAL REGULATIONS**

**WHEREAS**, North Salt Lake City is an incorporated city in Davis County Utah; and

**WHEREAS**, the City Council of North Salt Lake City has determined that certain amendments to the Land Use Ordinance and City Code are necessary for the regulation of short term rentals within the City; and

**WHEREAS**, the proposed amendments will allow property owners the opportunity to exercise their property rights to rent their property on a short term basis; and

**WHEREAS**, short term rentals have the potential to negatively impact existing single family neighborhoods, the City Council finds it necessary to regulate and mitigate the potential impacts of short term rentals to ensure the protection of the character of residential neighborhoods and protect neighboring property rights and enjoyment of the neighboring residents; and

**WHEREAS**, the Planning Commission conducted a public hearing on the proposed amendments on February 12, 2018 and on February 26, 2019 made a recommendation to the City Council on the proposed amendments; and,

**WHEREAS**, the City Council finds that it is in the public interest that the North Salt Lake Land Use Ordinance and City Code be amended at this time to improve procedures and regulations within Title 10; and,

**WHEREAS**, the City Council finds further that the proposed amendment is in accord with the comprehensive general plan, goals and policies of the City and that changed or changing conditions make the proposed amendment reasonably necessary to carry out the "purposes" stated in the Land Use Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH SALT LAKE, STATE OF UTAH, AS FOLLOWS:**

**Section 1. Code Amendment.** Title 10, of the City Code is hereby amended as attached in Exhibit A.

**Section 2. Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

**Section 3. Effective Date.** This Ordinance shall become effective upon publication or posting.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH SALT LAKE, STATE OF UTAH, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

**CITY OF NORTH SALT LAKE**

By: \_\_\_\_\_  
Len Arave, Mayor

**ATTEST:**

\_\_\_\_\_  
City Recorder

City Council Vote as Recorded:

[SEAL]

<u>Name</u>	<u>Vote</u>
Council Member Baskin	_____
Council Member Hood	_____
Council Member Horrocks	_____
Council Member Mumford	_____
Council Member Porter	_____

**Certificate of Posting Ordinance:**  
I, the duly appointed recorder for the City of North Salt Lake, hereby certifies that the foregoing Ordinance No. \_\_\_\_\_ was passed by the governing body on the date shown above, and that copies were posted as required by Utah Code 10-3-713 within the municipality.  
Recorded this \_\_\_\_\_ day of \_\_\_\_\_, 2019.  
\_\_\_\_\_  
Linda Horrocks, City Recorder

1 **10-1-45: Residential Short Term Rental (STR)**

2 A. Purpose. This section is established to provide regulations and design standards for residential  
3 short-term rentals (STRs) related to single family and multi-family neighborhoods. These  
4 standards seek to allow for STRs while also protecting the safety and general welfare of North  
5 Salt Lake residents and preserving the residential character of city neighborhoods. In allowing  
6 STRs, it provides existing property homeowners economic relief who might otherwise be forced  
7 to leave a neighborhood, thus promoting and preserving affordable housing in the City of North  
8 Salt Lake. This section also intends to stabilize neighborhoods by promoting home ownership  
9 and preserving long term rental housing in the market.

10  
11 B. Residential Short Term Rental (STR). A STR is prohibited in all residential dwellings, residential  
12 districts, and residential P districts without first obtaining a STR land use permit as regulated in  
13 this section and issued a valid business license. The following are exempt and shall not be  
14 subject to the provisions of this section:

15 1. A residential lease of 30 or more consecutive days.

16 2. Bed and Breakfasts, RV parks, campgrounds, hotels, and motels, as described and  
17 regulated in the North Salt Lake Land Development Code shall not be subject to the  
18 provisions of this section.

19 C. General Standards and Requirements. A STR use may be allowed within any existing legal  
20 residential dwelling by an administrative land use permit from the Community Development  
21 Department, wherein the application demonstrates compliance with requirements found in the  
22 North Salt Lake Land Development Code and all of the following standards and requirements:

23 1. Application. A completed application form as provided by the city.

24 2. Property Description. A detailed written description and/or drawing of the property that  
25 identifies the use of each room of the dwelling and defines the portions of the dwelling to be  
26 used for a STR shall be provided. Only one (1) designated STR area is allowed for a  
27 property.

28 3. Owner Occupancy. The owner of the subject property shall live in the primary dwelling in  
29 which a STR is desired, and must reside therein as their primary residence.

30 a. An individual shall prove ownership of the property as evidenced by a copy of a transfer  
31 deed listing the applicant as the fee title owner. Fee title owner may be an individual or  
32 trustor of a family trust that possesses 50% or more ownership of the proposed STR.  
33 Fee title owner may not be a corporation, partnership, limited liability company, or similar  
34 entity.

35 b. To establish that the property is the owner's primary residence, the owner shall:

36  
37 (1) Present a government issued identification document listing the address of the  
38 property as the address of the owner; and

39  
40 (2) A signed affidavit sworn before a notary public shall be provided by the owner stating  
41 that the proposed property is the primary residence of the owner, wherein they reside  
42 at least 183 days per calendar year.

43 4. Occupancy During Rental Period. The subject property shall comply with the following  
44 occupancy restrictions:

- 45 a. The applicant shall provide the maximum renter occupancy proposed and  
46 demonstrate that sufficient parking has been provided off street at a rate of one-half  
47 (1/2) space per bedroom or sleeping area.
- 48 b. The property shall not be rented to more than one renter at any given time, and the  
49 owner shall not divide and rent out portions of the dwelling to multiple renters at the  
50 same time.
- 51 c. A property shall not be exclusively rented as a STR for more than 182 nights per  
52 year.
- 53 (1) The owner may reside on the property while it is occupied by a renter.
- 54 (2) The property shall only be rented for a minimum duration of one (1) night and a  
55 maximum of forty-five (45) consecutive nights.
- 56 d. A property with a valid land use permit for an accessory dwelling unit may use the  
57 dwelling unit as a STR and have the accessory dwelling unit be rented for up to 365  
58 nights per year.
- 59 5. Parking Plan. A detailed written description and/or a drawing of an off-street parking plan  
60 must be provided to ensure that all occupants of the home and STR can be  
61 accommodated on-site at all times. Parking shall be limited to the existing garage,  
62 driveway, and dedicated parking spots of the residential unit and may not include any on-  
63 street parking. Shared guest parking as part of a P-District or multi-family dwelling shall  
64 only be permitted upon express written approval of the HOA or property management, as  
65 applicable. Any proposed parking improvements shall also be included in the off-street  
66 parking plan, and must be completed prior to issuance of a STR business license. All  
67 elements of the parking plan must be in compliance with all other requirements of this  
68 title.
- 69 6. Conflict of Private Restrictions. The owner shall provide a signed affidavit sworn before a  
70 notary public that certifies to the City that the subject property has no existing private  
71 covenants, conditions, or restrictions prohibiting STRs.
- 72 7. Urgent Response. The owner, or a designated representative, shall be available to  
73 immediately respond 24 hours/day, 365 days/year by telephone, and when necessary, be  
74 able to physically respond within one hour of any legitimate complaint. If the owner is  
75 unreachable after three (3) attempted contacts by the City of North Salt Lake, a notice of  
76 violation will be issued.
- 77 8. Property Maintenance Requirements. All short-term rentals shall adhere to all City  
78 ordinances, including, but not limited to:
- 79 a. Maintenance. Owners must adhere to the property maintenance regulations in City  
80 Code, Title 4, Health and Sanitation, as amended, including, but not limited to,  
81 requirements for weed abatement, landscaping, garbage removal, structure  
82 maintenance, and fence/wall maintenance.
- 83 b. Snow Removal. Owners shall remove all snow from the sidewalks of the property  
84 within 24 hours after snowfall in accordance with City Code section 7-1-2, as  
85 amended.

- 86 9. Noise and Nuisance Control. Owners shall ensure that renters adhere to the noise control  
 87 in Title 4, Chapter 4 of the City Code, as amended. Should a renter violate the noise  
 88 control chapter more than once in any given 72-hour period they shall be immediately  
 89 evicted from the property by the owner.
- 90 10. Noticing and Posting Requirements. An renter informational packet must be maintained in  
 91 a highly visible place within the dwelling or STR area, and must include all of the  
 92 following:
- 93 a. City issued STR business license.
- 94 b. 24/7 owner, or a designated representative, contact information.
- 95 c. Parking requirements, including site map of approved designated parking areas.
- 96 d. Maximum occupancy.
- 97 e. The noise ordinance of the City of North Salt Lake.
- 98 f. Garbage pick-up dates, and a written description of where garbage receptacles must  
 99 be placed for pick-up.
- 100 g. Contact information for the North Salt Lake City Police and South Davis Metro Fire  
 101 District.
- 102 h. Other contact information or information related to other regulations or conditions of a  
 103 approval through the land use permit process, as required by the Community  
 104 Development Department.
- 105 D. Violations. It shall be a violation for any person to operate a STR:
- 106 1. Without first obtaining a STR land use permit, as regulated in this section, and issued a  
 107 valid STR business license; or
- 108 2. That does not comply with the requirements of this chapter, the Revised Ordinances of  
 109 North Salt Lake, or the North Salt Lake City Land Development Code.
- 110 E. Enforcement and Fines. Upon a determination that a violation exists, the Code Enforcement  
 111 Officer or Community Development Director, or designee, will contact the owner requiring  
 112 such owner to halt, eradicate, destroy, remove, or otherwise cure the violation within 48  
 113 hours, or such later time the Director, or designee, may determine.
- 114 1. Each day that a violation occurs or continues is a separate violation.
- 115 2. For any violation of this section, the issuing officer may issue a written citation or notice of  
 116 violation to the owner, specifying the violation and the penalty to be imposed.
- 117 a. For the first violation within any 12-month period, the penalty shall be \$500.
- 118 b. For a second violation within any 12-month period, the penalty shall be \$750.
- 119 c. For a third violation within any 12-month period the penalty shall be \$1,000 and  
 120 revocation of the STR business license and land use permit. The owner shall be  
 121 ineligible for a STR land use permit and a STR business license for a period of two  
 122 years from the date of the third notice of violation.

123 d. For any violation within any 12-month period following the third violation, the penalty  
124 shall be \$1,000 and the STR owner shall be banned from receiving a STR land use  
125 permit and a STR business license.

126

127 **10-1-4510-1-46: DEFINITIONS:**

128 **BUILDING COVERAGE:** That percentage of the lot covered by principal or accessory buildings or  
129 structures.

130

131 **Renter** - A single person or group of people who provide compensation, in any form, in exchange for  
132 occupancy of a dwelling unit, or portion thereof, under one lease or rental agreement.

133

134 **Residential Short Term Rental (STR)** - Any single-family or individual multi-family dwelling or portion  
135 thereof that is available for use for temporary sojourn or transient visit of guests, for direct or indirect  
136 remuneration, for a period of less than 30 consecutive days.



## NORTH SALT LAKE ENGINEERING

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10 East Center Street  
North Salt Lake, Utah  
84054  
(801) 335-8723  
Paulo@nslcity.org

LEONARD ARAVE  
Mayor

PAUL OTTOSON, PE  
City Engineer

### **MEMORANDUM**

To: Honorable Mayor & City Council

From: Paul Ottoson

Date: March 5, 2019

Subject: Orchard Drive Reconstruction South

### **RECOMMENDATION**

Staff recommends awarding the Orchard Drive Reconstruction South project to Staker & Parson Companies for the price of \$542,609.35.

### **BACKGROUND**

The Orchard Drive Reconstruction South project is the second phase of construction work which will be done in this area. Plans are currently being designed for the first phase which include new curb and gutter and sidewalk on the east side of Orchard Drive from 183 South Orchard to Kingdon Lane. The road will become narrower than it is now (as per City Council approval last year), with the asphalt width changing from approximately 43 feet wide to 36 feet wide. It is anticipated that this concrete work for the first phase will be finished by mid-August of this year. At that time construction on this project will begin with a total reconstruction of the asphalt street. The boundaries of this street reconstruction project are on Eagleridge Drive from US-89 to the Eagleridge Drive round-about, and on Orchard Drive from the round-about to Center Street (see attached map).

Since Orchard Drive will become narrower, it will be impossible to maintain two lanes of traffic during construction. Therefore, Orchard Drive will have a hard closure at the north leg of the Eagleridge Drive round-about and a soft closure at Center Street. The road will remain open to local traffic only during construction. On Eagleridge Drive, the contractor will be allowed to completely shut down the street from the round-about to US-89 during a period of two separate weekends. During one weekend Eagleridge will be reconstructed from US-89 to the west leg of the round-about and the other weekend the full round-about will be completed.

The City received five bids and they are shown below:

<u>Contractor</u>	<u>Price</u>
Staker & Parson Companies	\$542,609.35
Post Asphalt and Construction	\$639,698.75
Geneva Rock Products, Inc.	\$656,149.75
Advanced Paving and Construction, LLC	\$658,424.00
Black Forest Paving, LLC	\$670,614.00

There is currently no budget for this project, but it will be included on a budget adjustment item scheduled for the March 19, 2019 City Council meeting.

**POSSIBLE MOTION**

I recommend City Council award the Orchard Drive Reconstruction South project to Staker & Parson Companies for the price of \$542,609.35.





US 89

CITY OF NORTH SALT LAKE

YIELD

Orchard Dr

Orchard Dr





## NORTH SALT LAKE ENGINEERING

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10 East Center Street  
North Salt Lake, Utah  
84054  
(801) 335-8723  
Paulo@nslcity.org

LEONARD ARAVE  
Mayor

PAUL OTTOSON, PE  
City Engineer

### MEMORANDUM

To: Honorable Mayor & City Council  
From: Paul Ottoson  
Date: March 5, 2019  
Subject: Orchard Drive Reconstruction North

### BACKGROUND

The Orchard Drive Reconstruction North project is a reconstruction of the street to a depth of 14". The project boundaries are from Eaglewood Drive to the north City limit line (3200 South Street in Bountiful).

The project was let out to bid into two bid schedules A & B. Bid Schedule A requires the contractor to keep two lanes of traffic open at all times. This will entail constructing one half of the width of the street while keeping the other half open. When the asphalt is then completed on the first half, the other half would begin. The allowable contract time for Bid Schedule A is 60 days.

Bid Schedule B will allow the contractor to close the road and allow local traffic only. All side streets with the exception of Eaglewood Drive will be closed to Orchard Drive but all driveways along Orchard will remain open. The allowable contract time for Bid Schedule B is 45 days.

The advantage of Bid Schedule A is keeping Orchard Drive open during the construction period. There are several businesses along Orchard Drive that would not suffer if the street were closed to local traffic only. The advantages of Bid Schedule B are a shorter construction period and a savings of approximately \$85,000.

The City received five bids and they are shown below:

<u>Contractor</u>	<u>Bid Schedule A Price</u>	<u>Bid Schedule B Price</u>
Post Asphalt and Construction	\$504,936.50	\$499,536.50
Staker & Parson Companies	\$543,230.50	\$419,955.50
Geneva Rock Products, Inc.	\$571,445.00	\$472,437.50

Advanced Paving and Construction, LLC	\$506,795.00	\$502,795.00
Black Forest Paving, LLC	\$540,090.00	\$550,090.00

There is currently no budget for this project, but it will be included on a budget adjustment item scheduled for the March 19, 2019 City Council meeting.

**POSSIBLE MOTIONS**

I recommend City Council award Bid Schedule A of the Orchard Drive Reconstruction North project to Post Asphalt and Construction for the price of \$504,936.50.

I recommend City Council award Bid Schedule B of the Orchard Drive Reconstruction North project to Staker & Parson Companies for the price of \$419,955.50.







# CITY OF NORTH SALT LAKE COMMUNITY & ECONOMIC DEVELOPMENT

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10 East Center Street, North Salt Lake, Utah 84054  
(801) 335-8700  
(801) 335-8719 Fax

## MEMORANDUM

**TO:** Honorable Mayor and City Council  
**FROM:** Sherrie Llewelyn, Community Development Director  
**DATE:** March 19, 2019  
**SUBJECT:** Resolution No. 2019-13R: A resolution authorizing the City Manager to submit an application for the 2019 Community Development Block Grant program and adding the project on the Capital Facilities Plan for the Fiscal Year 2019-2020 Budget.

---

### RECOMMENDATION

Staff recommends approval of the resolution which authorizes the City's submittal of an application for the 2019 CDBG program and adds the project on the Capital Facilities Plan for the Fiscal Year 2019-2020 Budget.

### BACKGROUND

Staff is proposing to make application with a funding request for \$112,000 from Davis County's Community Development Block Grant program with a \$28,000 (20%) match, for a project total of \$140,000. The application indicates the City's desire to bury the power lines from approximately 200 South Highway 89 to 150 South Highway 89, adjacent to the City's Edge housing development.

The project includes the burial of one power pole and approximately 420 feet of power line immediately adjacent to the City's Edge housing development at 200 South Highway 89 and extending north to the corner of Highway 89 and Main Street. The intent of the project is to offset the cost of development for City's Edge to allow the units to be maintained as affordable housing, particularly within the City's Town Center and along a future Bus Rapid Transit route. The City intends to use housing funds authorized through the Redevelopment Agency towards the match for the project. City Staff have conducted a survey of the area to ensure that the income requirements for CDBG applications have been met.

The County has indicated that the project must be included on the City's Capital Facilities Plan in order to apply, so passing this resolution will do two things: 1) Authorize the City Manager to submit the CDBG application to Davis County, and 2) Add the project onto the Capital Facilities Plan for the Fiscal Year 2019-2020 Budget.

### POSSIBLE MOTION

I move that the City Council approve Resolution 2019-13R authorizing the City Manager to submit an application for the 2019 Community Development Block Grant program and adding the project on the Capital Facilities Plan for the Fiscal Year 2019-2020 Budget.

#### Attachments

- 1) Resolution No. 2019-13R

**RESOLUTION NO. 2019-13R**

**A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SUBMIT AN APPLICATION TO DAVIS COUNTY SOLICITING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR THE BURIAL OF POWER LINES FROM APPROXIMATELY 200 S. HIGHWAY 89 TO 150 S. HIGHWAY 89 AND ADDING THE PROJECT ON THE CAPITAL FACILITIES PLAN FOR THE FISCAL YEAR 2019-2020 BUDGET.**

WHEREAS, the City of North Salt Lake is an incorporated city in Davis County Utah; and,

WHEREAS, the City has agreed to allow Davis County to administer its potential share of Community Development Block Grant (CDBG) funds; and,

WHEREAS, the City has actively participated in the annual application process and has identified a potential project that could be funded using 2019 CDBG revenues; and,

WHEREAS, the Governing Body of the City of North Salt Lake finds that it is in the public interest to participate in the CDBG program.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of North Salt Lake as follows:

1. The City Manager, or his designee, is hereby instructed and authorized to submit an application to Davis County for 2019 CDBG funds for the following project:

The burial of power lines and poles immediately adjacent to the City’s Edge housing development at 200 South Highway 89 and extending approximately 420 feet north to the corner of Highway 89 and Main Street. The request is for \$112,000 of CDBG funds.

2. The City Manager, or his designee, is hereby directed to set aside at least \$28,000 from the City’s General Fund for matching funds.
3. The resolution hereby adopted shall be effective immediately.

PASSED and APPROVED this 19th day of March, 2019.

CITY OF NORTH SALT LAKE:

ATTEST:

\_\_\_\_\_  
Leonard K. Arave, Mayor

\_\_\_\_\_  
Linda D. Horrocks, City Recorder

City Council Vote as Recorded:

<u>Name</u>	<u>vote</u>
James Hood	_____
Brian Horrocks	_____
Lisa Watts Baskin	_____
Ryan Mumford	_____
Stan Porter	_____