

CITY OF NORTH SALT LAKE
PLANNING COMMISSION MEETING
AUGUST 9, 2021

FINAL

Commission Chair Ted Knowlton called the meeting to order at 6:30 p.m. and Ron Jorgensen led those present in the Pledge of Allegiance.

PRESENT: Commission Chair Ted Knowlton
Commissioner Ron Jorgensen
Commissioner BreAnna Larson
Commissioner Katherine Maus
Commissioner Alisa Van Langeveld
Commissioner Brandon Tucker
Commissioner William Ward

STAFF PRESENT: Sherrie Pace, Community Development Director; Mackenzie Bennett, Planner.

OTHERS PRESENT: Dave Tolman, Developer of Misty River/River Ranch; Michael Lichfield, Skoubye, Nielson & Johansen, LLC.

1. PUBLIC COMMENTS

There were no public comments.

2. WORK SESSION: INTRODUCTION TO DRAFTED ANNEXATION POLICY UPDATE

Chair Knowlton explained that the Planning Commission had not previously deliberated this item and would be reviewing it publically tonight for the first time.

Sherrie Pace reported that the City received a request in 2020 from the property owners along 2200 West in Salt Lake County for consideration of a future annexation petition. This property, known as the North Pointe Annexation included the proposed development Misty River (renamed River Ranch). The proposed North Pointe Annexation was located west of the current City boundary along the Jordan River and was not within the adopted 2003 Annexation Policy Plan expansion area. In order for the City to entertain a petition for annexation within this area, the Annexation Policy Plan would need to be amended to include the area. She presented a map to those present and explained that the highlighted Area D would include the aforementioned property and needed to be added to the annexation plan.

The City Council entered into an agreement with the property owner, whereby the owner would pay the proportional cost of hiring a consultant to draft an update to the City's Annexation Policy Plan. The plan update included an updated analysis of the existing expansion Areas A, B, and C for conformation with State code, which the City included within the plan update scope of work to be completed by the consultant. Ms. Pace clarified that expansion plan Areas A, B, C were paid for by the City and Area D was paid for by the property owner.

The City began the process to update the Annexation Policy Plan and Map in September of 2020. Staff worked with the hired consultant on the draft and prepared the initial draft for the Planning Commission review with input as required by State statute. The proposed draft Annexation Policy Plan would address and update all existing expansion Areas A, B, C as well as the proposed Area D, also known as the North Pointe Annexation area.

Sherrie Pace reviewed the schedule, which included tonight's work session of the proposed draft of the Annexation Policy Plan by the Planning Commission, work session by the City Council with an update by the petitioner on August 17th, a public meeting during the Planning Commission meeting on August 24th, commencement of the 10 day public input period, a public hearing would be held on September 14th during the Planning Commission meeting. The Planning Commission could then make changes to the draft and recommend approval to the City Council. A public hearing would then be scheduled for October 5th during the City Council meeting. The City Council could then modify the draft plan and adopt the policy plan. She explained the per State code the public input period would require that notices be sent to all affected entities including special service districts to notify them of the public meeting on August 24th.

Per State code the Annexation Policy Plan would need to include a map of the expansion areas, a statement of criteria to guide the City's decision to grant future annexations that address the following: character of the community, need for municipal services, City plans for extension of municipal services, how the services will be financed, estimate of tax consequences to current residents and those within expansion areas, and interests of all affected entities. The plan would also need to include justification for excluding urban development within a half mile of the City boundary from an expansion area if applicable, and a statement addressing comments made by affected entities at or within ten days after the required public meeting. Other State code requirements for the plan included an attempt to avoid gaps between or overlaps with the expansion areas of other cities, consideration of population growth projections for 20 years, consideration of current and projected costs of infrastructure, urban services, and public facilities necessary to facilitate full development of the area within the municipality, to expand the infrastructure, services, and facilities into the area being considered for inclusion in the expansion area, to consider in conjunction with the General Plan, the need over the next 20 years for additional land suitable for residential, commercial, and industrial development, consideration of the reasons for including agricultural lands, forests, recreational areas, and wildlife management areas in the municipality, and to be guided by the principles in State code

subsection 10-2-103(5). The State code also requires that if practicable and feasible the boundaries of the area proposed for annexation shall be drawn along boundaries of existing local districts and special service districts for sewer and water, school districts, and taxing entities, to eliminate islands and peninsulas of territory that was not receiving municipal type services, to facilitate the consolidation of overlapping functions of local government, to promote efficient delivery of services, and to encourage the equitable distribution of community resources and obligations.

Sherrie Pace spoke on annexation Area A, which mainly consisted of Chevron as well as property owned by the State that was not accessible by Redwood Road. She explained that staff had some concerns with including the property owned by the State because of the difficulty with accessing it, particularly in regards to providing emergency services. Area C included properties owned by the Forest Service and Salt Lake City. Ms. Pace said the City may be held financially liable for fire services in the event of a fire in the forest areas if they were to be annexed into the City. She said that having these areas in the annexation area boundary did not mean the City would annex the property but it may allow for some influence with the Forest Service on the use of that property.

Commissioner Ward suggested an addition to the annexation plan related to Area C in the event that the City could be notified of any changes to forest service land. Sherrie Pace replied that it would not be a problem to add this information to the plan. She felt the City may have more standing as a stakeholder if the area was included in the Annexation Policy Plan.

Sherrie Pace commented on Area B, which was a fully developed area of approximately 924 residents, within Unincorporated Davis County and between the City and Bountiful. She explained it was within the City's annexation area and not part of Bountiful. Proposed Area D contained agricultural lands and 22 existing homes. Population projections for Area D included approximately 6,360 residents in 2,000 dwelling units within the 413 acres. Ms. Pace clarified that Area D included more area than the pending petition from River Ranch development and that there were approximately 1,000 homes proposed in the River Ranch development.

The draft plan would provide a narrative on the character of the community and the need for municipal services within each area including law enforcement, justice court, parks, community development and building department services, public works, and the expansion of these services. The plan also included an analysis of the tax consequences to residents related to the annexation. The provided analysis would be subject to verification and input from affected taxing entities during the public comment period. The draft policy plan contains policy recommendations for the Planning Commission to review and make recommendations to the City Council. The areas of note were the inclusion of sensitive lands within the expansion areas, forest service and State lands, including the Jordan River and a recommended buffer, the level of service policy for public safety and public utilities, and the annexation criteria for future petitions.

Sherrie Pace provided examples of a tax analysis and how properties would be taxed if they were annexed into the City and receive services currently provided to residents. She explained that within Area B the estimated impact would be approximately 2.77% equivalent to \$73 per year on a home valued at \$400,000.

Commissioner Van Langeveld asked about the rights of the property owners living in the proposed annexation areas. Sherrie Pace replied that the residents would not be able to vote individually against the annexation. She said they could petition to annex themselves or meet with the City to discuss any concerns.

Concerning Area D, Sherrie Pace explained when property was annexed across a county line that there were certain rules including the petitioner obtaining a resolution, in this case from Salt Lake County, to allow them to request an annexation into North Salt Lake.

Chair Knowlton asked what needed to be accomplished during this meeting. Sherrie Pace responded that she would like direction from the Planning Commission on any items to be clarified and any increases or decreases to the annexation areas.

Sherrie Pace shared an update to the population projections based upon building permit data and projected growth rates from the Kem C. Gardner Policy Institute as well as discussion with developers for the proposed annexation area. The City considered population growth projections for the municipality within the current City boundaries as well as the Annexation Policy Areas A, B, C, and D for the next 20 years. The population projections for the City with Areas A, B, and C were 23,430 in 2020 to 29,918 individuals in 2041. Area B was projected to include a population of 924 and Area D added an additional 6,360 individuals.

Commissioner Van Langeveld said it appeared to be constant growth for 20 years and asked if the developer did not anticipate to complete development for that long. Sherrie Pace clarified that the Misty River/River Ranch development would take four years and encompass the entire population proposed there. She said it was difficult to forecast when the additional property would be developed so she spread it over 20 years.

Sherrie Pace explained that the total acreage in Area D was 413 acres and after speaking with the property owner she estimated that the overall density would be approximately one dwelling unit per every 5 acres. She said the existing Cross E Ranch would continue to provide agro-tourism and would maintain agricultural use of some of the property.

Commissioner Van Langeveld suggested that the table related to the population projections and the estimate of how many homes were projected to be constructed be included in the plan.

Chair Knowlton asked if an area was annexed if the City could determine the type of future land use. Sherrie Pace replied that the City could negotiate an annexation agreement with the property

owner and outline a concept plan or general development plan for the properties in this area. She said a future land use plan would be designated for those areas with zoning, density, and other requirements.

Chair Knowlton asked if Area C could be annexed into the City and designated as a permanent open space. Sherrie Pace responded that the City would not be obligated to allow development but the implications if the property was annexed and a potential forest fire in that area may result in the City being responsible for a portion of those firefighting costs.

Chair Knowlton asked the Planning Commission what information was needed for deliberations.

Commissioner Jorgensen suggested reviewing the Annexation Policy Plan draft as a group. He asked if there were any changes from Areas A, B, C that had changed from the 2003 plan. Sherrie Pace replied that she did not think there were any fundamental changes. She said the emergency service response to Area B had increased since 2003. Ms. Pace also said that the City had annexed a portion of that area, the Sycamore Grove Development, since that time. She explained that Area B were already part of the South Davis Water Special Improvement District, South Davis Metro Fire District, and South Davis Sewer District so there would be no change there. The services that would change included snow plowing and road maintenance but the City would be able to collect funds for those services. Those property owners would also be able to vote for mayor and City Council members.

Sherrie Pace spoke on Area A which was mainly Chevron and said they were previously part of the City and had de-annexed about 30 years prior back to the County.

Commissioner Ward asked if Areas A, B and C could be separated from Area D. He said that Areas A-C had no real changes other than text amendments to meet State requirements. Sherrie Pace replied that separating them would result in two separate documents and that there was general information, which applied to all four areas. She said there were some property owners in Area B that would like to be annexed into the City.

Commissioner Jorgensen commented that there may be new residents in Area B or useful information that may be presented from other stakeholders such as the Forest Service or refinery manager.

Commissioner Larson felt that the areas should not be bundled together as they would each impact the City differently. Commissioner Van Langeveld said this was a long range document but specified a specific development/developer and that this should be removed. She said Area D should be annexed without any obligation or commitment to Misty River/River Ranch.

Chair Knowlton said the focus of the annexation policy plan should be on growth projection and not the proposed development.

Commissioner Jorgensen questioned if a generic plan without a focus on the proposed development would not result in an accurate projection of the costs. He said there had to be some concept of the development density with cost benefits.

Chair Knowlton asked if the tax analysis were formula based and if various scenarios could be reviewed.

Commissioner Jorgensen also suggested clarifying the development assumptions from Exhibit B in the plan.

Sherrie Pace clarified that Area D would contain the 350 acres for the Misty River/River Ranch and Cross E Ranch development plus an additional 60-65 acres that was outside of the annexation in Area D. She spoke on the delay of this plan and said that the consultant only provided a cost benefit analysis of the Misty River development and did not provide a complete annexation plan.

Commissioner Ward commented that this was a general annexation policy but contained a more specific analysis of one petitioner's proposal for annexation. He asked if it should be segregated and potentially called Area E or made clearer. Sherrie Pace explained that the particular analysis is a good exercise in the type of analysis that should be completed for individual annexation petitions. The proposed development in the annexation area D helped to provide current cost data for the extension of municipal services.

Chair Knowlton said if Area D was annexed that the eventual development would be subject to the General Plan and zoning and not just the developer's intent. He said it may be better to view site suitability versus growth projections.

Commissioner Tucker spoke on growth projections and that there must be assumptions on land use to obtain those numbers. He said that it may appear the City was not being transparent if the information being used to make those decisions was not shared. He commented that some assumptions must be made. Sherrie Pace replied that she could ask the consultant what base density assumptions were being made to obtain those numbers.

Commissioner Larson commented on the analysis for water and sewer in relation to adding a large number of households to the City. She spoke on the current drought and building moratoriums in other cities. Sherrie Pace responded that the analysis by the consultant included information from all the affected entities and what infrastructure would need to be constructed.

Commissioner Larson asked if the Commission could review the cost benefit analysis prepared by the consultant. Commissioner Jorgensen was in agreement and said it was important to understand any development issues and to review cost benefits.

Sherrie Pace commented that the developer has been working on a basic infrastructure plan and that this data was available for the City to review.

Commissioner Van Langeveld asked if any of the entities that were contacted for the study had raised any concerns including the school district, South Davis Sewer District, etc. Commissioner Larson was in agreement and said a synopsis of the disadvantages or heavy burdens for the City should be included. She said the report should include the pros and cons.

Commissioner Tucker said there was no discussion about transportation. Sherrie Pace replied that those discussions had occurred but were not in the plan. She said this information could be given to the Commission.

Chair Knowlton commented that there were several questions to be asked including if this was a good place for growth and how much growth. He said he did not have enough information to answer that question. He asked about the scenario if the development was not annexed into the City as well as the financial, environmental, and airport implications. Sherrie Pace replied that the airport implications had been reviewed and there would be less impact on the property in question than originally assumed.

Commissioner Maus asked if there was the opportunity to include Area D in the annexation policy if no growth occurred. Sherrie Pace replied that once Area D was part of the expansion area that the City was not under any obligation to annex. It would just allow the City to consider an annexation or a petition for annexation. She spoke on required infrastructure and said this could be completed in several ways including City funded or developer financed.

Commissioner Jorgensen commented that the ten day public comment period may be too short especially to receive input from the larger stakeholders.

Sherrie Pace said that the data gathered from the affected entities could be added as an appendix to the plan.

Commissioner Maus said that the stakeholder entities were just being asked to comment on the annexation plan but were not commenting on the potential development. Sherrie Pace replied affirmatively. She said the City would try to allow all the affected parties to provide input and would provide them with notice of the public hearing.

Chair Knowlton asked for a summary on what staff would need to obtain. Sherrie Pace responded on the items to be obtained including background to the projected population growth rate estimates from Kem C. Gardner Policy Institute, a summary of the affected entity input made during the initial investigation, an appendix from the consultant showing the background data and assumptions, and comments or concerns from stakeholders, including the impact of the airport.

Commissioner Van Langeveld asked for information on what it would cost to service the proposed annexation areas. She mentioned additional staffing and related costs. Sherrie Pace replied this would be included in the cost benefit analysis.

Sherrie Pace spoke on additional requests made by the Commission in this meeting and said that during the next presentation and reporting, staff would provide a general review of Areas A, B, and C with a focus on Area D separately.

Commissioner Ward clarified that he meant distinguishing exactly what area was being referenced. Whether it was just Area D and to look at this in all areas including labeling, reporting, presenting, etc.

Commissioner Maus said if citizens in Area B were as adamant in annexing as staff had said. She said some conflict may be avoided by separating the areas. Sherrie Pace replied that she was unsure how to separate the areas from the annexation plan. She said the overall plan for all four areas needed to be updated.

Commissioner Jorgensen said there was some ambiguity in the report as it stated “and/or” at the top of the tables and exhibits. He asked if that meant only one of the criteria items had to be met. Sherrie Pace responded that when a petition was received that any or all of the criteria should be considered. She said the plan is a guide for the City to use when considering an annexation petition, not as a check list for guaranteed annexation. As the City evaluates an annexation request, the criteria provided is designed to provide for data driven decisions on a variety of decisions, such as, responsibility for installing utilities, parks, or other public features.

Sherrie Pace commented that the City may want to support an annexation that meets a specific need or supports a policy priority of the City. For example, if the City wanted to encourage job growth, the City may support or encourage annexation by extending services into the area ahead of annexation, or participate with a developer to extend the services. A fiscal analysis of the costs/benefits an annexation may not provide a positive fiscal impact to the City budget, but because the annexation would support the policy of creating jobs within the City, the City may choose to approve an annexation. The goal is for the decision to be made with the best data available, so that policy makers understand fully the impacts, whether they are fiscal, social, or recreational, and understand the trade-off to achieve one policy goal over another policy goal. She reminded the Commission that with annexation law and the processes allowed, the City Council has the sole discretion to approve or deny any annexation petition for any or no reason and to require/negotiate with the petitioners as to the conditions required for approval. Those conditions are not bound by any limits, other than those that both the City and the property owner(s) agree to.

Commissioner Van Langeveld suggested changing the wording in the policy regarding the annexation criteria in Exhibit A to say “The City will consider the following criteria and may

grant an annexation if ...” so that it did not seem as binding or that the City would grant annexation if the requirements listed were met.

Commissioner Tucker asked about infrastructure and about current water and sewer services in Area B. Sherrie Pace replied that water and sewer were provided by South Davis Water District and South Davis Sewer District.

The Commission discussed the school district options for the proposed annexation including remaining in the Granite School District in Salt Lake, a charter school, and attending schools in the Magna area.

Sherrie Pace also said the other action items from the Commission included removing the name of the specific development from the policy plan.

Mackenzie Bennett commented that other items on the list for staff to prepare. This included adding pros and cons from annexation to the plan and researching how Area D could be developed if not annexed into the City.

Sherrie Pace said that the Commission also asked for a population estimate table with the existing boundaries and a separate table estimating the annexation areas.

Chair Knowlton asked if there were important variations in the characteristics of the land of Area D and if staff could provide those at a later date.

Commissioner Van Langeveld asked for the study from the consulting firm. She asked for data related to population, income, etc. Sherrie Pace replied that this could be part of the appendix of the plan.

Commissioner Maus questioned if the next time the Commission viewed the policy plan would be during the public meeting on August 24th. Sherrie Pace responded that she could provide the revised document to the Commission before the meeting for review.

Commissioner Maus asked if the Planning Commission could hold another meeting to review the information before the public hearing.

Commissioner Jorgensen commented that he would still like to review the draft policy to make any corrections.

Chair Knowlton asked about access west of Redwood to Area A. Sherrie Pace replied that the property was landlocked by the freeway and the Jordan River. She said access from North Salt Lake directly could only be provided by constructing a bridge over the Jordan River. Ms. Pace

clarified that the property was owned by the State and was currently a motocross park, accessed from Rose Park Lane at 2100 North in Salt Lake City.

The Commission directed staff to remove that portion of Area A which contains the motocross park from the annexation policy plan expansion area.

Commissioner Maus was inclined to include Area C for the elevated stakeholder status that potentially came with having it part of the annexation policy. Commissioner Tucker felt the interest for the land did not vary from the current use by the Forest Service and felt it provided more risk for the City. Commissioner Ward requested more information of the benefits of including the area on the annexation plan.

Commissioner Jorgensen asked to see the pros and cons for Area D. Commissioner Ward felt there were too many gaps in the data to make a decision. Commissioner Larson wanted to see the plan written without the proposed use and just spoke to the land. Commissioner Maus and Van Langeveld were in agreement and asked for more information. Commissioner Tucker said the City was almost at build out so new development proposals required more in depth review. He said the potential for land acquisition was an opportunity for the City. Chair Knowlton repeated that he was undecided regarding the annexation of Area D and wanted to have additional information about the fiscal analysis. He spoke on the difficulties associated with annexing Area D, including that the property was in another county and the Misty River/River Ranch development should not influence the annexation policy update plan.

3. REPORT ON CITY COUNCIL ACTIONS ON ITEMS RECOMMENDED BY PLANNING COMMISSION

Sherrie Pace reported that the City Council approved the preliminary plan and final plat for the Altyn Vista subdivision with the note on the plat related to geological hazards, per the Planning Commission recommended condition.

Chair Knowlton asked about the Form Based Code open house. Sherrie Pace replied that the City's Long Range Planner, Ali Avery, was working on the Form Based Code and would provide an updated copy by the August 24th Commission meeting.

4. APPROVAL OF MINUTES

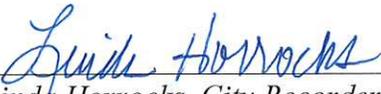
The Planning Commission meeting minutes of July 27, 2021 were reviewed and approved.

Commissioner Van Langeveld moved that the Planning Commission approve the meeting minutes from July 27, 2021 with corrections. Commissioner Jorgensen seconded the motion. The motion was approved by Commissioners Jorgensen, Knowlton, Larson, Maus, Tucker, Van Langeveld and Ward.

5. ADJOURN

Chair Knowlton adjourned the meeting at 8:54 p.m.

The foregoing was approved by the Planning Commission of the City of North Salt Lake on Tuesday August 24, 2021 by unanimous vote of all members present.



Linda Horrocks, City Recorder