

CITY OF NORTH SALT LAKE
PLANNING COMMISSION MEETING
AUGUST 24, 2021

FINAL

Commission Chair Ted Knowlton called the meeting to order at 6:30 p.m. and BreAnna Larson 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: Steve McCutchan, Dave Tolman, XCEL Development; Patti Jensen, , Caralyn Bingham, Dee Lalliss, Lisa Baskin (City Council), residents; Dane Stone, South Davis Metro Fire Agency; Soren Simonsen, Jordan River Commission; Jack Ray, Utah Waterfowl Association.

1. PUBLIC COMMENTS

There were no public comments.

2. 2021 ANNEXATION POLICY PLAN & EXPANSION AREA MAP (DRAFT AMENDMENT) PUBLIC MEETING TO RECEIVE COMMENTS FROM AFFECTED ENTITIES ON THE PROPOSED AMENDMENTS TO THE PLAN AND EXPANSION AREAS PRIOR TO THE PUBLIC HEARING (TENTATIVELY SCHEDULED 9/14/2021)

Chair Knowlton explained that this would be a multi-week process and that the Planning Commission began their initial deliberation at the August 9th Commission meeting. He said the primary purpose of tonight's meeting was to gather comments from the affected entities and agencies such as sewer, fire, etc. The public hearing was tentatively scheduled for September 14th.

Sherrie Pace reported on the Annexation Policy Plan and showed the version that was adopted in 2003 as well as the corresponding map. She explained that the 2003 version had three areas of

potential expansion, labeled A, B, and C. She said the boundaries of areas B and C were not expected to change. Ms. Pace explained that the Annexation Policy Plan was a guiding document and not an ordinance or law. She said that anything shown in the plan was not a guarantee but just a guide similar to the General Plan and Town Center Master Plan. This plan would identify what items needed further investigation for each individual annexation as well as input from affected entities. The affected entities would be the service districts, county agencies, and city agencies. The State code has specific requirements that will be addressed within the Annexation Policy Plan update. These requirements include statements about the criteria that would guide the City's decision on future annexation petitions, matters relevant to the community: character, need for municipal services, plans for expanding services, an estimate of the tax consequences to the property owners (those in the annexation area and citizens of the city), and the interests of all affected entities. The State code would also require an attempt to avoid gaps or overlap of the expansion area with another city's expansion area. The plan would also need to include the population growth projections for the next 20 years, current and projected costs of infrastructure, services and public facilities for full development of the site, as well as expanded services and infrastructure through the area. Considerations would also need to be made for the City's General Plan and any need established for residential, commercial, and industrial development as well as agricultural, recreational, or wildlife lands. The plan would also need to be guided by five principles: drawing boundaries along local districts, eliminating 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 consisted of Chevron as well as some State owned property. She commented that the State owned property was not accessible via 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. Areas B and C would remain unchanged on the proposed map and Area D would be the new proposed annexation area. Ms. Pace said Area D was part of the drafted plan due to property owners on 2200 West in Salt Lake County who were interested in filing a proposal to annex into the City. She explained that the City could not accept a petition without changing the annexation policy plan to include that area. It was then suggested that the City Council hire a consultant to prepare a study and update the policy plan.

Sherrie Pace said the study and annexation policy plan updates were not a guarantee for approval of an annexation but would allow for consideration of an annexation. When staff received the request and reviewed State code it was found that the existing plan was not up to date so the entire plan would be updated at this time. She said it would be best to separate Areas A, B, and C from Area D as those areas needed to be brought into compliance with State code, while Area D was a completely new and separate consideration.

Area A consisted of Chevron and a State HOV park, Area B was the area between the City and Bountiful and was not proposed to have any changes at this time; however, there was a discussion with the County on the potential future annexation of Area B to provide better services. Area C consisted of property owned by either the Forest Service or Salt Lake City. The majority of the property in Area D was owned by Cross E Ranch or XCEL Development.

Sherrie Pace shared an update to the population projections based upon building permit data and projected growth rates of Davis County 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 6,160 individuals. These projections did not include information from the 2020 census as it would not be released until August of 2022.

Area A was currently serviced by Davis County, South Davis Sewer District, South Davis Metro Fire and currently had a low demand for those services. Area B was fully developed as a residential neighborhood with several commercial parcels and was serviced by South Davis Water, South Davis Sewer and South Davis Metro Fire with moderate demand for services. There are an estimated 300 homes with 924 individuals in Area B. Area C consisted of the forest service property with no demand for services or residential development.

Sherrie Pace said one of the items to be addressed was how to finance municipal services in these areas. She said the first option would be to require the developer to pay for all the infrastructure costs with the City to pay the difference for any upsized offsite improvements. The second would be a payback agreement with the developer paying for the entire infrastructure of the development and the City would reimburse them for shared improvements with other developments for up to ten years. The third option would be special improvement/public infrastructure districts, which were taxing entities that could be formed to help reimburse for the cost of some improvements such as public parks. She said the tax consequences for residential property owners in Area B, based off the mill levy for the 2020 tax year, would result in a 2.77% increase from Davis County rates.

Sherrie Pace shared the list of affected entities for Areas A, B, and C which included Davis County Mosquito Abatement District, South Davis Sewer District, South Davis Metro Fire, Davis County Government, South Davis Recreation District, Davis County Health Department, Davis County Flood Control, Jordan River Commission, Utah State Division of Forestry, Fire and State Lands, Legacy Nature Preserve, Davis County Animal Care, Davis School District, Davis County Library, Salt Lake City Corporation, and the U.S. Forest Service. She said notices

were sent to each entity on the list for tonight's meeting to provide input on the proposed plan. Any resulting comments would become part of the plan along with a response from the City. She said Weber Basin Water Conservancy District had already provided a letter explaining that if a certain area was annexed then their service boundaries would need to be changed. Ms. Pace also spoke on other comments she had received from Weber Basin and Davis County Flood Control.

Chair Knowlton asked for comments from any entities present regarding Areas A, B, and C. Sherrie Pace commented that there were no specific comments regarding Areas A, B, and C. She said the email from Davis County Flood Control consisted of a map of the area showing streams, canals, and facilities but did not contain any comments.

Sherrie Pace then spoke on Area D and said the projected population was approximately 6,360 residents based upon the land use plans that had been submitted from XCEL Development and Cross E Ranch. The total density would be approximately five dwelling units per acre with some lots preserved for agricultural use. The absorption rate would be approximately 300-350 dwelling units per year for the first four years based on information from the developers. The effect on the population would be approximately 8,000 additional residents based on annexing Areas B and D. She said an additional way that infrastructure could be financed in Area D included private roads and private parks maintained through a Homeowners Association (HOA). The tax analysis for Area D was a rough estimate due to a portion of the current property being in another county but was determined to be a decrease of 12.49%.

Ms. Pace reviewed the affected entities for Area D which included: South Davis Sewer District, South Davis Metro Fire, Jordan River Commission, Utah State Division of Forestry, Fire and State Lands, Utah Department of Transportation, Utah Transit Agency, Davis County Government, Salt Lake County, Granite School District, Central Utah Water Conservancy District, Wasatch Waste and Recycling District, Salt Lake County Municipal Type Services, Unified Fire Service, Salt Lake Valley Law Enforcement Service Area, Greater Salt Lake Municipal Services District, Salt Lake County Library, Jordan River Commission, Salt Lake City, and the Salt Lake City Department of Airports.

Commissioner Van Langeveld commented on the affected entities for Area D and said that proposal included the assumption that the future residents in this area would potentially be enrolled in the Salt Lake School District. She suggested that the District be added to the list and contacted. Mackenzie Bennett replied that staff sent out over 50 letters and believed one was sent to the Salt Lake County School District, the entities on the list, and those parties who may have an interest such as local planning commissions, etc.

Steve McCutchan, representing XCEL Development, spoke on the merits of adding Area D to the City's Annexation Policy Plan. He explained that Cross E Ranch would be filing their own application and there would be public hearings for each development. Mr. McCutchan spoke on

the timeline from the initial purchase of the property by XCEL, to the resolution required by the Salt Lake County Council, to the annexation proposal for the City. He said an agreement was signed in early 2021 by Salt Lake City and Salt Lake City International Airport that they would not contest the annexation nor the review of the River Ranch General Development Plan. He explained that municipal services were the reason for most annexations and was definitely a driving factor in this case as well. The example was given that Cross E Ranch did not currently have drinkable water or a sewer system, which restricted their ability to improve or expand. The approval of the annexation would provide water and sewer services for Cross E Ranch.

Steve McCutchan said that the City was mostly built out and many of the current projects were redevelopment. He said there were some downsides to being built out and no longer growing including a plateau of sales and use tax, need to curtail services, certain businesses plateauing, and new businesses choosing to open elsewhere. Mr. McCutchan said Area D would provide opportunities to the City particularly in the area of growth. He said annexation of this area could also help to determine if further annexation west of the Jordan River was appropriate as there were approximately 1,000 developable acres there.

Steve McCutchan commented that Area D was in an ideal location for growth to occur with 1-215, Legacy Highway, and 1-15 nearby. He explained several other potential merits including extending the existing bus line, offering a broad range of housing choices including some affordable housing, providing a range of recreational needs, enhancing relationships with neighboring cities and counties, providing municipal services to the unincorporated areas, expansion of Cross E Ranch and agri-tourism, preserving open space, and a long term positive cash flow opportunity for the City. Mr. McCutchan said the development of Area D would be a budget increase of approximately \$240,000 per year and the new residents would spend about \$8.3 million per year at City businesses (particularly those along Redwood Road).

Commissioner Tucker asked for more information on how the projected revenue for the proposed annexation was calculated. Sherrie Pace replied that she received information from the consultant, Lewis Young, and could provide that to the Commission.

Steve McCutchan commented that this estimate was provided by Bonneville Research and could be provided to the Commission as well.

Chair Knowlton said that representatives from South Davis Metro Fire, the Jordan River Commission, and Utah Water Fowl Association were present.

Dane Stone, Fire Chief for South Davis Metro Fire District, spoke to Areas A, B, and C. He said that the Fire District was already servicing those areas so there were no foreseen issues. He then spoke to Area D. He said Area D was not a big concern but there may be a need for additional personnel. Chief Stone explained that population did not push call volume but demographics

would. He suggested that six personnel may be necessary at the cost of \$524,000 plus an additional vehicle and some building modifications for a total of \$2.5 million.

Sherrie Pace asked if those anticipated costs would be over 20 years. Chief Stone replied that the \$2.5 million would be initial costs and if there was an increase in call volume then it may be more. He said that it was dependent on the demographics including age, economics, and meeting State mandated response times.

Commissioner Van Langeveld spoke on an increase in call volume that would necessitate additional personnel. She asked about the timeframe for hiring that personnel. Chief Stone responded that it would probably take years to see the increase.

Commissioner Ward asked if this was the experience with the Foxboro development areas. Chief Stone replied affirmatively and said that there was a need for a new fire station in that area. He also said that in 2017 there was a truth in taxation hearing, which resulted in increased staffing.

Soren Simonsen, Jordan River Commission, commented that the Jordan River Commission was an interlocal agency that did not collect taxes or fees. He said that they would prepare official written comments for the public hearing but had several key areas of interest as a public agency that he would like to mention tonight. This included preserving and enhancing water quality, enhance and restore wildlife areas, supporting recreation and access, and trail development.

Chair Knowlton asked what the net effect of a change from the current land use to a prospective residential development of approximately 6,000 units including agricultural space. Soren Simonsen replied that there were beneficial uses of agriculture as they may manage the areas around the river more effectively and open space would serve beneficial uses for wildlife as well. He said there had been some development around the Jordan River including some with a buffer and felt there could be some good benefits.

Jack Ray, Utah Waterfowl Association, commented that his association was committed to preserving waterfowl habitats. He said he was also representing Rudi Reclamation, which owned 1,850 acres that was located 1.5 miles from Area D. This property was managed for the benefit of wildlife and was an important part of the Great Salt Lake ecosystem. Mr. Ray explained that they had no interest in annexation and had been committed to preserving the property for over 100 years. He suggested that the City become involved with Salt Lake County and Salt Lake City in their efforts to master plan the shoreline area.

Jack Ray mentioned the Swaner property, which was located in the Salt Lake Incorporated boundaries and was zoned for commercial development. He said the City should consider the implications of this development including infrastructure.

Sherrie Pace reported on the schedule and said the deadline for written comments from the affected entities was ten days, from August 24th, which would be September 3rd. The public hearing was scheduled for September 14th.

Chair Knowlton said that the Commission would provide direction to staff on what they would like to see in the policy plan on September 14th and then provide any modifications on September 28th for review by the City Council in October. He asked if there were other questions or information that needed to be provided by the property owner.

Commissioner Larson commented that her primary concern was the water and that it would be beneficial to address the letter provided by Weber Basin Water Conservancy and the need for them to annex to provide services to that area. Sherrie Pace clarified that the Commission would like staff to further research this. She said that Weber Basin could not legally provide water to that area until the service area boundaries were updated.

Commissioner Larson said that it seemed like Weber Basin would not proceed with annexing the service area boundaries without the City. She felt the statement they sent should be included in the meeting minutes and the annexation policy plan notes.

Commissioner Van Langeveld commented that an area of consideration was the financials and that those provided were inconsistent or incomplete and she asked for better and firmer numbers. She then asked about item number eight in the merits for adding Area D and the statement that the estimation was a 3-4 year build out process. She said this would mean the population estimates were incorrect if all of the 6,000 plus units were to be built in that timeframe. Sherrie Pace clarified that the River Ranch development would be completed in the 3–4-year timeframe.

Commissioner Van Langeveld said in the proposed plan, Exhibit B related to Area D in reference to the cost benefit analysis that she was not confident that the numbers reflected there were accurate. She said the expenses to the City for staffing seemed low as well as the projection over the course of 20 years showed a net loss and asked for clarification that it was a net positive for the City in the long term.

Chair Knowlton commented that he was more interested in how the development would perform in the 100–200-year timeframe and not the short term 10-20 year timeframe. He said the City would run out of land and the long game was the fiscal sustainability of the City at build out.

Steve McCutchan stated that the table in reference was incorrect. He said they would obtain additional information and asked if the Commission wanted to see 100 years out. Chair Knowlton clarified that it was not the phasing in of the initial cost of infrastructure and the fees but the long term view if the development would pay for itself or not. He said it was the determination of whether the development was fiscally sustainable. Steve McCutchan said there

was a limit to the length of time being analyzed in relation to projection accuracy. He said once the reports were corrected it should illustrate to the City that the development would result in equalization.

Commissioner Van Langeveld commented that it seemed like the benefits were more for the future residents of the proposed Area D and not the current residents of the City. She asked how this development would benefit the City and current residents.

Commissioner Ward inquired as to how much consideration should be accounted for unknown future citizens. Commissioner Tucker commented that the consideration right now was additional land for the City and the possible implications and not the approval of River Ranch or the other developments.

Commissioner Van Langeveld stated that if the City wanted to remove the area west of the Jordan River in Area C, it would be countered by the addition of Area D. She said there was not currently access or infrastructure to that area. She said some consideration should be given to the western property in Area C.

Commissioner Tucker asked if any public comments had been received. He asked about the upcoming September 14th public meeting and if it would be focused on Area D. Sherrie Pace replied that she felt the focus would be on Area D.

Chair Knowlton said that the question was what makes sense for the City. He said sometimes there were things that may be worse for a city but better for the metropolitan area. This would be the next level and the applicant made some points for this.

Commissioner Jorgensen spoke on the comments that had already been made and said that if there were issues, they needed to be reflected in the document. He said any issues also needed to take precedence over the timeline and the process needed to be thorough including correct numbers and documents.

Commissioner Van Langeveld requested the airport documents particularly in relation to the County Airport Overlay Zone Amendment. She would also like to see additional information from the South Davis Sewer District and how the development would be serviced. David Tolman, XCEL Development, said he would provide this information to City staff.

Chair Knowlton commented that if Salt Lake City was engaging in a shoreline planning process that staff should be involved. Sherrie Pace replied that she was part of the steering committee for that process.

Mackenzie Bennett reported that Salt Lake County was in the process of updating the West General Plan, which included Area D. She said their general plan specified that Area D was a potential annexation area.

Steve McCutchan said in previous discussions with Salt Lake City and County that they were not interested in developing Area D and suggested approaching the City. He said that there was an agreement with Salt Lake City that they would not contest the annexation and was unsure why their area plan update would even include this area. Sherrie Pace replied that Salt Lake City's plan was larger than just Area D.

Commissioner Larson asked for clarification regarding if Area D was annexed, that there would not be preset zoning. She said the acquisition of the land might be in the best interest of the City but that different zoning may be more appropriate than what the landowner wanted. Sherrie Pace replied that the annexation was an agreement with the City and the property owners. She explained that the property owners involved in the annexation petition were not all part of Area D. When the property owners came in with an annexation petition the City would enter into negotiations and a development review.

Sherrie Pace clarified that the adoption of the annexation policy plan would just provide that Area D could be annexed.

Commissioner Maus commented that her main concern was reviewing the document page by page and would like to continue the discussions.

Commissioner Tucker said that the public meetings on policy were for information gathering and not opinions.

Commissioner Van Langeveld stated that she was interested in annexing Area D but had concerns with the specifics of the proposal. She said this concern did not need to be tied to the proposal for annexation.

Chair Knowlton said annexing property in another county that was across the river did not make a lot of sense.

Commissioner Van Langeveld commented that there were aspects such as the school district and water that would need to be resolved. Commissioner Larson said she would like to see more information on the sewer and water aspects.

Commissioner Ward was in agreement with what had been mentioned and said that there were some details missing such as the transportation and other issues that may have made this process more complicated.

Chair Knowlton said some of the takeaways were if this project was good for the City and to focus on the item at hand which was just approving the Annexation Policy Plan.

Commissioner Jorgensen spoke on whether the annexation was a good idea and that there should be some analysis of the benefits and costs. He said that the property owners did have a plan for the property, which could not be ignored.

Mackenzie Bennett clarified that per the West General Plan for Salt Lake County, Area D would remain agricultural if it was not annexed by the City.

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

Sherrie Pace had nothing to report.

4. APPROVAL OF MINUTES

The Planning Commission meeting minutes of August 9, 2021 were reviewed and approved.

Commissioner Jorgensen moved to approve the August 9, 2021 Planning Commission minutes as modified. Commissioner Van Langeveld 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 8:46 p.m.

The foregoing was approved by the Planning Commission of the City of North Salt Lake on Tuesday September 14, 2021 by unanimous vote of all members present.



Linda Horrocks, City Recorder