

CITY OF NORTH SALT LAKE
PLANNING COMMISSION MEETING
OCTOBER 12, 2021

FINAL

Commission Chair Ted Knowlton called the meeting to order at 6:30 p.m. and Alisa Van Langeveld 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: Matt Clerett; Peter Elliott, Bella Vida HOA; Patti Jensen, Salt Lake City resident; Jack Ray, Utah Waterfowl Association; Wilford Cannon, Shandell Smoot, Eaglewood Development; Dave Tolman, XCEL Development; Natalie Gordon (City Council), resident.

1. PUBLIC COMMENTS

There were no public comments.

2. PUBLIC HEARING: CONSIDERATION OF AN AMENDMENT TO CITY CODE 10-7-8 PERTAINING TO FLAG LOTS

Sherrie Pace reported that it was brought to staff's attention that the existing flag lot code contained fire suppression regulations that exceeded standards required within the International Fire Code (IFC). Current City code, section 10-7-8 provided regulations for the approval of flag lots and required flag lots meet multiple fire protection standards including an access road or driveway if the driveway was over 150 feet, an asphalt or concrete driveway that could support fire truck apparatus, installation of a fire hydrant and 6" water line, and a fire suppression system in the home. The IFC required a lot have a specific combination of these fire suppression methods while the City code required every item. The Development Review Committee (DRC) recommended the code be amended to the standards established in the IFC.

Ms. Pace further explained that as part of the amendment the DRC also recommended additional amendments to the language and organization of the code section. The proposed amendments

included: address identification at the street and format, fire lane signage, establishment of the specific fire suppression requirements that may be imposed on a conditional use permit, establishment of specific conditions that may be imposed to address mitigation of impacts from the flag lot, such as fencing, landscaping, grading limitations, building envelopes, dwelling height, etc., an amendment to the requirement that a home be oriented to the street in favor of orientation to the front property line, as orientation to the street may be difficult and may not be feasible given the topography of some flag lots, setting the maximum slope of a flag lot driveway to 10%, and providing that the Fire Marshal could recommend to the Commission a reduction to the driveway maximum grade allowed depending on individual lot characteristics; and establishing the minimum driveway width for shared driveways as well as provisions for cross access easements and maintenance agreements.

Chair Knowlton asked about the substantial costs for the requirements in the current City code. Sherrie Pace replied that under the current code substantial costs would be imposed on the home builder, namely, a paved drive of a higher standard to support fire apparatus, the expense of the fire hydrant and 6 inch waterline, and the fire suppression system in the home. She said that if the home was less than 250 feet from a fire hydrant at the street, the Fire Marshal would not require a fire hydrant at the end of the lane. A turnaround would only be required if the drive was longer than 150 feet in length and was required to support the weight of fire apparatus. Ms. Pace explained that the amendment would allow the property owner to determine the best solution for their home as the current City code was onerous on the owners of flag lots. She also said that staff would like to make the City code compliant with State code for conditional use permits which required the code to specifically list the conditions that may be imposed.

Sherrie Pace commented that other items that would be reviewed when approving flag lots included screening, landscaping requirements, retaining walls, etc. She noted that there would not be very many flag lots left to review. The Planning Commission recently approved three flag lots in the Eaglewood Cove Ph, 13-15 and one in the Rupp subdivision.

Commissioner Jorgensen said that meeting the minimum fire codes was appropriate and clarified that the requirement would be for a paved drive. Sherrie Pace replied affirmatively that they would still need a paved drive but that it did not need to be strong enough to support a fire truck. She said that the Fire Marshal could make recommendations to the Planning Commission as well.

At 6:39 p.m. Chair Knowlton opened the public hearing.

Wilford Cannon, Eaglewood Development, said he was in favor of the amendment as this would allow homeowners the ability to choose which option was best for their situation.

At 6:41 p.m. Chair Knowlton closed the public hearing.

Commissioner Van Langeveld moved that the Planning Commission recommend for approval the proposed code amendments with the following findings:

- 1) The proposed amendment is in accord with the comprehensive general plan, goals and policies of the City.**
- 2) Changed or changing conditions make the proposed amendment reasonably necessary to carry out the “purposes” stated in this title.**

Commissioner Jorgensen seconded the motion. The motion was approved by Commissioners Jorgensen, Knowlton, Larson, Maus, Tucker, Van Langeveld and Ward.

3. CONSIDERATION OF PROPOSED AMENDMENTS TO THE CITY OF NORTH SALT LAKE ANNEXATION POLICY PLAN & EXPANSION AREA MAP

Sherrie Pace reported on the updates made to the annexation policy plan per the previous meeting. She said staff separated out the proposed Area D from the existing areas that were being updated for compliance with State law. The existing areas included A, B, and C. Ms. Pace explained that when the City hired Lewis Young to do the feasibility study that the first draft they prepared was not an annexation policy but a study on a specific annexation, Area D. Staff instructed Lewis Young to revise the submitted document in the format of an Annexation Policy Draft. The draft continued to include specific details about the proposed annexation and lacked the necessary format required by State code. She explained that as staff was reworking the draft, they compared the draft to other policy plans that had been completed recently in Utah and found that the level of financial detail being shown in the draft was not appropriate. Sherrie Pace then removed everything but the basics with what was required per State code and prepared the draft addendum for Area D in the same format, also updating current data.

Sherrie Pace reviewed the draft with the proposed map for Areas A, B, and C. She said that Area A contained Chevron and the State owned OHV Park. She asked for a recommendation from the Commission regarding the OHV Park as to whether it should remain on the map, as the park could only be accessed from Salt Lake County. Annexation Area B was the area between the north City boundary and Bountiful City and had been part of the annexation area since 2003. Ms. Pace said the County Commission had been in communication with the City regarding possible annexation of the area. Annexation Area C encompassed forest service land and Salt Lake City owned property. She explained that she updated the population estimates shown in the plan with the projected estimate of 23,430 residents. Population was expected to grow to 29,918 residents by 2041. Other additions to the plan included the land use analysis which provided the following distribution of zones: 36% residential, 27% industrial, 14% public property (including parks and parcels owned by governmental entities), 15% natural open space (Legacy Preserve and hillside areas), and 7% institutional and commercial. She also prepared a housing analysis showing current households at 7,700 dwelling units: 56% single family, 23% apartments of 5 or more units, 12% town/twin homes, 2% condo, 1% duplex, 5% triplex, and 1% 4-plex.

Chair Knowlton asked if there was information on residential units by land area. He said the value of having both conveyed that not a large amount of the land area of the City was being used for apartments. Sherrie Pace replied that staff could provide this information and add it to the plan.

Sherrie Pace said 75% of existing housing units were platted for individual owner occupancy (single family, town/twin homes) and 25% were designed as rental units. This did not account for any single family homes that were currently being rented.

Commissioner Van Langeveld inquired regarding Area B and the feedback from residents as to whether they would like to be annexed into the City. She asked about the process for annexation of that area. Sherrie Pace replied there were several options for a city to annex without a petition. She said traditionally an annexation would be property owner driven with a petition signed by 51% of the owners who own one third of the assessed value of the land. A city could also annex property without a petition if it met one of the following criteria: the city provided services to the area for over one year; or the County Commission adopted a resolution recommending the City annex after holding a public hearing with notification to all residents and then City Council could consider the annexation after holding their own public hearing. The County Council would have to make a finding that the County was unable to service the area efficiently and that a city was better suited to provide services more efficiently and cost effectively.

Chair Knowlton clarified that the proposal would remove the western portion of Area A. Sherrie Pace replied that this was correct if the Planning Commission made that recommendation.

Chair Knowlton said Areas B and C were already included as part of the Annexation Plan. Sherrie Pace spoke on Area A and the OHV portion. She said there was no access from Davis County but suggested that if the State potentially decided to sell that land to a developer, the City could service that area but it would be difficult to get access across the Jordan River.

Chair Knowlton asked if an area should be included even if the City would probably not want to annex that property. Commissioners Tucker and Jorgensen discussed possible annexations and what would preclude including those properties such as access, wetland areas, etc.

Commissioner Ward said the statutory requirements for an annexation policy was low, so he did not see a negative consequence for including that portion of Area A. He felt the City would be less inclined to annex Area C so he was in favor of including Area A.

Commissioner Maus asked for clarification of the County boundaries. She said she was in favor of including Area A. Sherrie Pace showed the boundary areas.

Chair Knowlton was also in favor of including Area A.

Commissioner Jorgensen said the annexation criteria was important including the protection of existing residents and not increasing the tax base to subsidize the area. He also spoke on municipal services including water rights and trying to service new residents with existing water supplies, which could be problematic.

Chair Knowlton suggested one revision to the Criteria to Guide Annexation Decisions under Character of the Community and suggested the revision of the wording from “zoning” to “general plan” or “general plan and zoning”. He then suggested a change to the water rights and that it would not detract from municipal water supplies.

Commissioner Larson proposed that under the Need for Municipal Services that the wording be changed to “the extension of utilities in this area will enhance and not burden the overall City’s system beyond its capacity.” She also suggested that the potential annexation petition would require an analysis of how this could be managed or mitigated.

Chair Knowlton asked that a new criteria be added which stated, “The property will exhibit long term fiscal sustainability” under the section Estimate of the tax consequences.

Sherrie Pace suggested a fourth item under the Interests of all affected entities section, which would address that the petitioners had entered into agreements with special service districts and would be responsible for that infrastructure.

Commissioner Van Langeveld asked for clarification on item one of the interests of all affected entities section. Sherrie Pace replied that this meant an annexation would not bisect a property/development.

Commissioner Van Langeveld commented on item three of the Municipality’s plan for extension services, which stated the extension of utilities corresponds to the City’s Capital Improvement Plan. She asked if that meant the petitioner would need to have the plan changed prior to annexation. Sherrie Pace responded that it would be part of the annexation to address those issues as well as the financing of those improvements.

Chair Knowlton asked if there was State guidance about how the annexation criteria should be utilized and if it should be included in the City’s annexation policy. Sherrie Pace suggested the following language be added: strict adherence to these criteria was not required but instead shall be used to identify the impacts of a proposed annexation, guide appropriate conditions for annexation, and assist the City Council in making informed policy decisions.

Commissioner Jorgensen asked about the proposed revisions and if staff would make the changes after the motion was made or if the document would return to the Commission for approval.

The Commission discussed whether to approve the amendments to the annexation policy plan with staff to make the recommended revisions or to have the document return for approval.

Commissioner Jorgensen was in favor of having staff make the changes.

Commissioner Ward asked if the amendment could be emailed to the Commission without the need for it to be added to a future agenda. Sherrie Pace suggested that the Commission could make a motion to approve the amendments with the recommended changes to the criteria and reserve the right to accept or reject the final language for the criteria at the next meeting.

Sherrie Pace reported on Area D and showed a map of the proposed area which was in between the Jordan River and Salt Lake City. She spoke on the adjusted population table and the original population estimate of 23,430. This included Area B population projections of 924 residents as it was estimated that this parcel would be annexed in 2022. The proposed Area D was projected to add an additional 6,360 residents. Projected populations showed Areas A, B, and C with current development would grow from 23,430 in 2020 to 29,918 in 2041. The majority of Area D would be best suited for residential with some potential commercial near Cross E Ranch compatible with the existing agricultural use. Ms. Pace then discussed the issue with cross county lines. She said the City Manager spoke with Draper City about how they manage the portions of their City, which are in two different counties. One issue was tax collection, which was administered through an interlocal agreement. She explained that it appeared most issues regarding the two counties could be solved using such agreements.

Chair Knowlton asked about how Draper City dealt with the issue of the school districts in different counties. Sherrie Pace replied that she was unsure.

Commissioner Van Langeveld questioned how the map was drawn for Area D. Sherrie Pace responded that it was drawn to eliminate islands and peninsulas and to avoid overlapping with the Salt Lake City boundary as well as their annexation policy plan. She said the pending petition would not encompass the entire area and would only include properties with the signatures from landowners owning one third the assessed land value. The statute required that certain agricultural property be excluded from annexation petitions at the request of the property owner.

Commissioner Maus asked if the entirety of Area D was in the Salt Lake City annexation plan. Sherrie Pace clarified that Area D was located in Salt Lake County and Salt Lake City claimed the area to be in its annexation plan but that had yet to be confirmed.

Chair Knowlton asked the Commission if Area D should be included in the annexation policy plan.

Commissioner Jorgensen said that the potential for development was significant with a population estimate that was approximately equivalent to 20% of the City's current population.

He said there were challenges and opportunities and felt this area should be included particularly in relation to Cross E Ranch, housing, and for the City to have control of roads/traffic.

Commissioner Jorgensen commented that what was important that careful analysis was used to ensure the City would not be subsidizing the infrastructure and that consideration be given particularly to water infrastructure and supply. He felt Area D should be included in the plan.

Commissioner Maus commented that there was opportunity for river restoration and the asset of agro-tourism of Cross E Ranch but commented on long term impacts if the ranch property was sold. She expressed discomfort with the school district boundaries across a county line, the overlap with the Salt Lake City annexation plan, and the financial justification for annexation based on the proposed development. Commissioner Maus also wondered how the annexation of Area D would benefit current residents.

Sherrie Pace said that State code provided guidance that the City should try to avoid gaps or overlays in the annexation plans but that this did not preclude two cities from having the same area on their plans.

Commissioner Van Langeveld commented that she had a concern about overlap as well. She felt that because the area was on the SLC annexation plan, the property owner's argument that North Salt Lake was the only entity that could provide services to the area was moot. She liked the idea of growth and additional residents as proposed by the development, supporting Cross E Ranch, and supporting existing commercial in the City. Commissioner Van Langeveld spoke on the potential drawbacks such as crossing county lines and asked if it was possible to move county lines. Sherrie Pace replied that there was a way through State code, which required the Salt Lake County Council and the Davis County Commission to hold a joint meeting to pass a joint resolution.

Commissioner Van Langeveld asked if in order to cost effectively run infrastructure to this area that a large development would be needed to offset the cost. Sherrie Pace responded that Cross E Ranch could not afford to bring in infrastructure without development to share the cost. She believed annexation of just Cross E Ranch could only be achieved through another property owner/developer covering the costs. She said the City would not pay to extend infrastructure outside of its boundaries.

Commissioner Jorgensen said that with proposals for specific development that the City needed to do its own independent analysis and not to depend on the information provided. He commented that there were proximity issues but felt that including the area on the plan was not a foregone conclusion. Commissioner Jorgensen explained that the developers felt the project made sense and the county issues could be overcome. He said the annexation would bring administrative burden to the City but that many of the problems could be resolved.

Chair Knowlton said the school issue was the biggest stumbling block for him when considering including Area D in the plan. He said the options were a charter school or transportation to the Granite School District.

Commissioner Maus was in agreement and said there were significant differences between a charter school and a public school which needed to be acknowledged. She felt this was an access issue. Commissioner Jorgensen commented that the potential residents would be aware of the school options and some would not have school-aged children.

Chair Knowlton said he did not see a scenario where the school issue made sense. He said hypothetically a development could occur and work but felt this was a significant issue. Commissioner Larson was in agreement and said long range the community would feel truncated from the rest of the City particularly related to high schools/school district, location, etc. She said this was not a logical place for residents long term.

Commissioner Van Langeveld commented that it may be best to pursue a county line change if the area was included in the Annexation Policy Plan.

Commissioner Ward stated that adding an area to the map created a low obligation for the City but said it was a big decision with a proposal on the line. He felt that the City was already a disconnected community and that there should be considerations such as moving the county line or an addition to the Davis County school district.

Commissioner Maus said that her discomfort would be resolved if the county line could be adjusted as part of an annexation petition and that was included in the plan as a criteria.

Chair Knowlton commented that the addition of Area D did not commit the City to annexation. Commissioner Jorgensen said content needed to be added to the document of exhibit D to address the concerns if necessary.

Commissioner Van Langeveld asked if on principal the City should include land outside of the county in the Annexation Policy Plan.

Chair Knowlton questioned if Area D made sense in the City's Annexation Policy Plan regardless of landowners and their intentions or proposals.

Commissioner Jorgensen said the area had rural charm and was somewhat isolated. He asked why, other than the county line issue, why it could not be developed. Chair Knowlton said the county line was a difficult thing to ignore. He commented he could see both sides as it had great proximity to the metropolitan area.

Commissioner Van Langeveld asked how large Foxboro was in comparison to the proposed development. Sherrie Pace replied that she thought there were 2,600 dwelling units with about 7,500 residents in Foxboro.

Commissioner Ward asked about Foxboro and if the correct amount of impact fees were collected to cover the true cost of the development. Sherrie Pace replied that she felt that what was collected worked and that the development of roof tops provided opportunity for commercial growth and jobs.

Commissioner Maus questioned what the Salt Lake City property to the west and north was zoned. Sherrie Pace replied that it was industrial/business park.

Commissioner Maus said that if the area was annexed into Salt Lake as residential and that if it was surrounded by commercial and industrial uses, that this would also result in further community isolation. She said the only way for a more unified feel with residential would be to annex into the City.

Chair Knowlton then asked the Commissioners who wanted to remove or add Area D from the annexation policy. Commissioner Van Langeveld commented that she would support the addition with the criteria to include a recommendation that the county line move.

Commissioners Maus, Van Langeveld, Ward, and Jorgensen were in favor of keeping Area D in the plan with the consideration of the county line move. Commissioners Tucker, Knowlton, and Larson were in favor of removing Area D.

Commissioner Tucker said his decision was based on county and school boundaries. He was also concerned that it would take a lot of work to develop the area including services, infrastructure, and potential isolation of the area from the rest of the City. Commissioner Tucker clarified that he was in favor of additional housing but the boundaries were too much to overcome in his opinion.

Commissioner Van Langeveld commented that this area would be developed at some point and asked what the City would miss out on if they did not annex the area. Commissioner Jorgensen replied that additional affordable housing stock and controlling the destiny of the property. He said the City would then have the ability to require that the negative impacts such as traffic, were properly mitigated.

Chair Knowlton said he was conflicted about whether it made sense for urban development in this area given the proximity to the lake and airport, as well as the challenges with infrastructure. He felt it was not logical to assume it would be developed as residential if it was not annexed into the City.

Commissioner Ward commented that the decision before the Commission was whether to put Area D on the map for future consideration of an annexation petition and not a specific development proposal. Adding the area to the plan would give the landowners the opportunity to refine their proposal and respond to the issues that had been conceptually identified. He said it was the decision of the City Council and his recommendation was for the Commission to suggest Area D be added to the map, noting the concerns that had been discussed.

Sherrie Pace said the City Council had to make a decision regardless if the Planning Commission made a recommendation to approve or deny the addition of Area D.

Commissioner Jorgensen moved that the Planning Commission recommend to the City Council the proposed draft 2021 Annexation Policy Declaration and Expansion Area Map subject to the following findings and conditions:

Findings:

- 1) The proposed plan is in accord with the comprehensive general plan, goals and policies of the City;**
- 2) The proposed plan is in accordance with State Statute 10-2-401.5 regarding the preparation of an Annexation Policy Plan;**
- 3) The proposed plan establishes guidelines and criteria for consideration of future annexation petitions; and**
- 4) The proposed plan requires detailed fiscal analysis specific to a proposed development to be considered with future petitions.**

Conditions:

- 1) The proposed amendment includes the proposed Addendum-Annexation Area D.**

Commissioner Ward seconded the motion.

Commissioner Jorgensen amended his motion to include condition 2 with the amendments that were discussed during the Planning Commission open session including criteria.

Sherrie Pace clarified that the criteria should be consideration of fiscal sustainability, addition of the word “general plan” and moving the county line.

Commissioner Van Langeveld suggested the added criteria of moving the county line as an evaluation of annexing Area D.

Chair Knowlton recommended the motion be amended to include the criteria that the proposed annexation area was within Davis County.

Commissioner Jorgensen amended his motion to include the criteria that the proposed annexation area was within Davis County. Commissioner Ward seconded the amended motion. The motion failed with 4 opposed and 3 in favor.

Commissioner Larson moved that the Planning Commission recommend to the City Council the proposed draft 2021 Annexation Policy Declaration and Expansion Area Map subject to the following findings and conditions:

Findings:

- 1) **The proposed plan is in accord with the comprehensive general plan, goals and policies of the City;**
- 2) **The proposed plan is in accordance with State Statute 10-2-401.5 regarding the preparation of an Annexation Policy Plan;**
- 3) **The proposed plan establishes guidelines and criteria for consideration of future annexation petitions; and**
- 4) **The proposed plan requires detailed fiscal analysis specific to a proposed development to be considered with future petitions.**

Conditions:

- 1) **The proposed amendment does not includes the proposed Annexation Area D.**

Sherrie Pace asked if the motion included the amendments that were previously discussed.

Commissioner Larson amended her motion to include the amendments to the Annexation Policy as discussed including the addition of the General Plan, long range fiscal sustainability in the estimate of tax consequences, and capacity for services.

Commissioner Tucker seconded the motion. The motion was approved by Commissioners Knowlton, Larson, Tucker, and Van Langeveld. Commissioners Jorgensen, Ward and Maus voted in opposition to the motion.

4. REPORT ON CITY COUNCIL ACTIONS ON ITEMS RECOMMENDED BY PLANNING COMMISSSION

Sherrie Pace had nothing to report.

5. APPROVAL OF MINUTES

The Planning Commission meeting minutes of September 28, 2021 were reviewed and approved.

Commissioner Van Langeveld moved to approve Planning Commission minutes from September 28, 2021 with suggested changes. Commissioner Maus seconded the motion. The motion was approved by Commissioners Jorgensen, Knowlton, Larson, Maus, Tucker, Van Langeveld and Ward.

6. ADJOURN

Chair Knowlton adjourned the meeting at 8:41 p.m.

The foregoing was approved by the Planning Commission of the City of North Salt Lake on Tuesday October 26, 2021 by unanimous vote of all members present.



Linda Horrocks, City Recorder