



# CITY OF NORTH SALT LAKE COMMUNITY & ECONOMIC DEVELOPMENT

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

## NORTH SALT LAKE PLANNING COMMISSION NOTICE & AGENDA August 8, 2023 6:30 p.m.

Notice is given of a public meeting of the North Salt Lake Planning Commission to be held on the above noted date and time in the North Salt Lake City Council Chambers located at 10 East Center Street. The agenda will be as follows:

- 1) Welcome and Introduction
- 2) Public comments
- 3) Consideration of Preliminary Design Plan and Final Plat for a two lot subdivision called Union Court located at 25 and 95 East Union Avenue, Cal Johnson, Legend Engineering, applicant
- 4) Report on City Council actions on items recommended by Planning Commission
- 5) Approval of minutes:
  - a. 7/25/2023

Adjourn

*This meeting has an option to attend electronically via Zoom, with joining information below:  
Time: August 8, 2023, 06:30 PM Mountain Time (US and Canada)*

*Join Zoom Meeting:*

<https://us02web.zoom.us/j/88522083041?pwd=bEV0cWR3cGxQcGpUVR1d25qWWM5dz09>

*Meeting ID: 885 2208 3041*

The public is invited to attend all Planning Commission meetings. If you need special accommodations to participate in the Planning Commission meeting, please call the City offices at (801) 335-8700. Please provide at least 24 hours' notice for adequate arrangements to be made. The agenda items may be heard in a different order as warranted by the Commission.

### Notice of Posting:

I, the duly appointed City Recorder for the City of North Salt Lake, hereby certify that copies the agenda for the Planning Commission meeting to be held August 8, 2023 were posted on the Utah Public Notice website: <https://www.utah.gov/pmn/>, City's website: <https://www.nslcity.org>, and at City Hall: 10 East Center St., North Salt Lake.

Dated this 3rd day of August, 2023.

  
Wendy Page, City Recorder





# CITY OF NORTH SALT LAKE COMMUNITY & ECONOMIC DEVELOPMENT

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## MEMORANDUM

**TO:** Planning Commission  
**FROM:** Mackenzie Johnson, Planner  
**DATE:** August 8, 2023  
**SUBJECT:** Consideration of Preliminary Design Plan and Final Plat for Union Court Subdivision located at 25 and 95 East Union Avenue

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### **RECOMMENDATION**

The Development Review Committee (DRC) recommends approval of the Preliminary Design Plan and Final Plat for a two lot subdivision called Union Court located at 25 and 95 East Union Avenue with the following condition:

1. Correction of all redlines on the plat and construction drawings.

### **BACKGROUND**

The two parcels at 25 and 95 East Union Avenue are zoned Manufacturing-Distribution (MD). The 25 East parcel, Lot 1, is 3.743 acres with approximately 359 feet of frontage. The 95 East parcel, Lot 2, is 2.21 acres with approximately 250 feet of frontage. Each parcel is separately owned. The owners of these parcels have applied for a minor subdivision that will allow Lot 2 to acquire the back 1.41 approximate acres of land from Lot 1. That portion of Lot 1 is presently used for on-site drainage for both Lots 1 and 2. If approved, the owners of Lot 2 plan to grade and install gravel on the newly acquired land for more parking/outdoor storage for their business called Ferrell Gas LP (DBA Warren Energy Group Inc).

As these properties were developed decades ago, they are not compliant with today's stormwater retention and detention requirements and standards. Due to the known future land use, the applicant was required to submit civil drawings to be constructed addressing the drainage concerns concurrently with these subdivision applications. These civil drawings must be approved by the City Engineer prior to the plat being finalized and recorded. Before construction commences, the applicant must first obtain site plan approval from the Planning Commission due to the size and scope of the project.

### **REVIEW**

The minimum lot size in the MD zone is 2 acres. The proposed subdivision makes Lot 1 2.343 acres and Lot 2 3.619 acres. The frontage of each lot will not change and is compliant with code. The drafted plat has several minor redlines relating to plat formatting, notes, and a NAD 83 Datum adjustment.

Before the plat can be recorded, the property owners must first put in place an agreement, easement, plat note, etc. which grants drainage sharing between the lots. The current plan is to create a shared

retention basin on Lot 2 behind the existing building on Lot 1. The applicant also plans to create a new retention basin on the front of Lot 2 adjacent to Union Avenue that will not be shared. The civil drawings have been reviewed by City Engineering Staff for conformity with Construction Standards and there are redlines to be corrected including, but not limited to, clarification with drainage calculations and retention basin volumes.

The drafted plat has been reviewed by the Development Review Committee (DRC) with a favorable recommendation to the Planning Commission.

**POSSIBLE MOTION**

I move that the Planning Commission recommend approval to the City Council of the Preliminary Design Plan and Final Plat for a two lot subdivision called Union Court located at 25 and 95 East Union Avenue with the following condition:

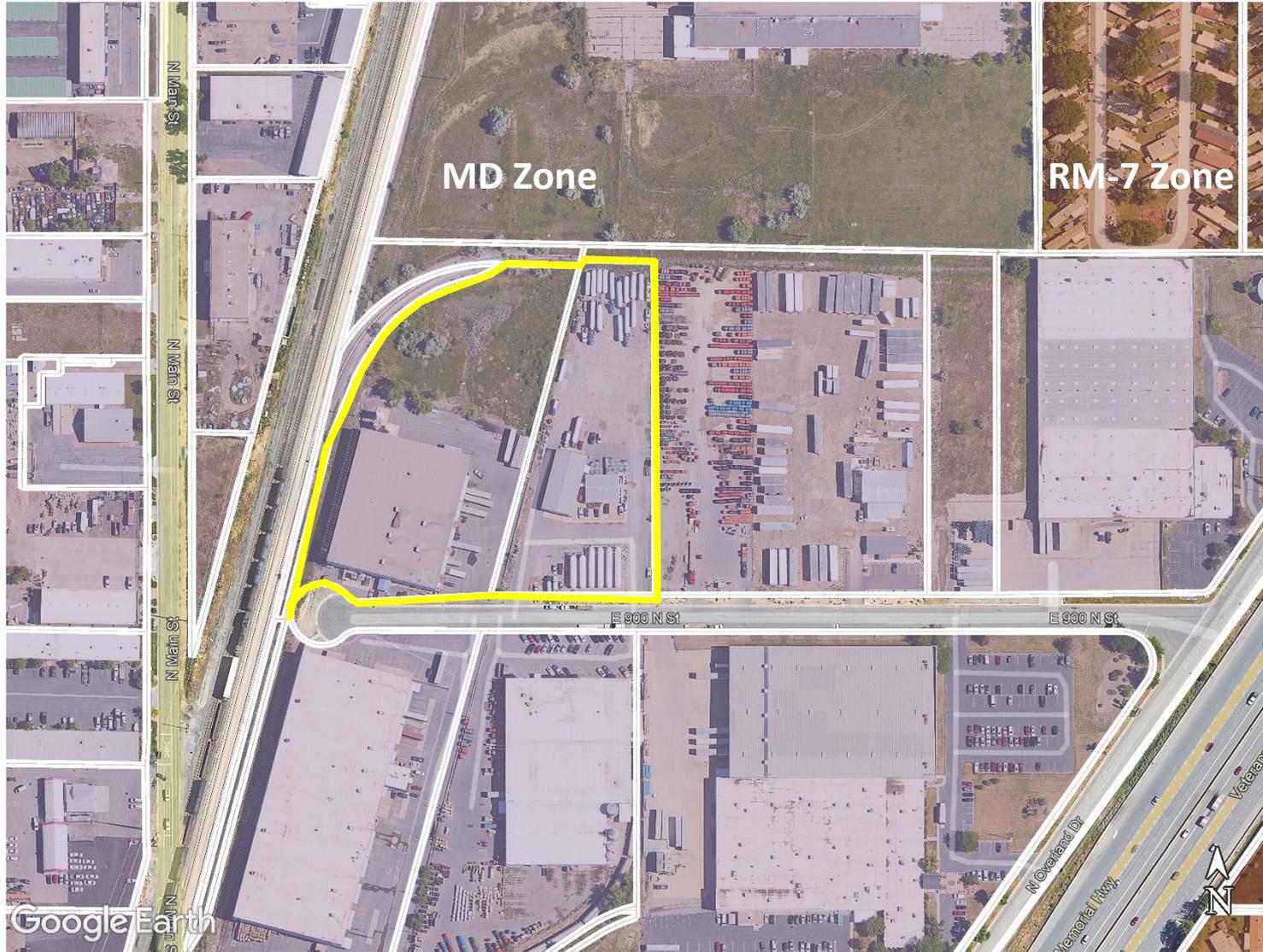
1. Correction of all redlines on the plat and construction drawings.

**Attachments:**

- 1) Zoning Map
- 2) Aerial Map
- 3) Plat



# Preliminary Design Plan & Final Plat Union Court Subdivision Zoning





# Preliminary Design Plan & Final Plat Union Court Subdivision Aerial





1 CITY OF NORTH SALT LAKE  
2 PLANNING COMMISSION MEETING  
3 ANCHOR LOCATION: CITY HALL  
4 10 EAST CENTER STREET, NORTH SALT LAKE  
5 JULY 25, 2023

6  
7 **DRAFT**  
8

9 Commission Chair BreAnna Larson called the meeting to order at 6:30 p.m.

10  
11 PRESENT: Commission Chair BreAnna Larson  
12 Commissioner Ryan Holbrook  
13 Commissioner Ron Jorgensen via Zoom  
14 Commissioner Katherine Maus  
15 Commissioner Irene Stone  
16 Commissioner Brandon Tucker  
17 Commissioner William Ward  
18

19 STAFF PRESENT: Sherrie Pace, Community Development Director; Mackenzie Johnson,  
20 Planner; Meredith Covey, Planning Intern.  
21

22 OTHERS PRESENT: Dee Lalliss, resident.  
23

24 1. PUBLIC COMMENTS  
25

26 There were no public comments.  
27

28 2. WORK SESSION: DRAFT CODE AMENDMENTS

- 29 a. TITLE 10, CHAPTER 3: CODE AMENDMENTS & REZONES  
30 b. TITLE 13, CHAPTERS 1-3: SUBDIVISIONS  
31

32 Sherrie Pace reported on State code changes related to subdivision review which must be  
33 adopted into the City code before February 1, 2024. She provided an outline of what had  
34 changed in the State code for single family, two family, and townhome developments. Changes  
35 for conceptual plan review included that it was optional at the request of the developer and  
36 would be reviewed by staff only. Staff would also be required to review the conceptual plan  
37 within 15 business days of the request, provide copies of all applicable regulations, complete list  
38 of standards, preliminary and final checklists, and give feedback on the concept.  
39

40 Sherrie Pace said changes for preliminary plan review included a designated “Administrative  
41 Land Use Authority” (ALUA) which could be the Planning Commission or staff but not City  
42 Council, may be reviewed in a public meeting or at staff level, the ALUA may receive public  
43 comment, and the ALUA may hold no more than one public hearing. She said staff

44 recommended review by the Planning Commission for preliminary plan review with minor  
45 subdivisions to be reviewed by staff (similar to lot line adjustments).

46  
47 Ms. Pace explained the changes for final plat included that it may permit concurrently with  
48 preliminary plan review and may not require Planning Commission or City Council approval.  
49 She said beyond adoption of the subdivision ordinance the City Council would not review a  
50 subdivision unless it was part of a zone change or legislative decision such as a development  
51 agreement.

52  
53 Sherrie Pace reviewed Title 10 Chapter 3 which contained process steps for code amendments,  
54 rezoning, and subdivisions (concept, preliminary, final) and Chapter 7 containing the process for  
55 conditional use permits and subdivision standards and regulations. Staff had determined that it  
56 would be appropriate to create three new and separate chapters with Chapter 3 to include process  
57 steps for code amendments and rezones only (draft provided), for Chapter 7 to include process  
58 and standards for conditional use permits (not drafted) and for the new Title 13 to include  
59 subdivision processes, standards, and regulations (Chapter 1-3).

60  
61 Ms. Pace provided a summary review of the amendments for Chapter 3. Section 10-3-1 would  
62 include the insertion of language to establish the authority of the City Council to amend the title  
63 and zoning map. As well as Section 10-3-2 to update language and submittal requirements,  
64 notice for code amendments as Class B notice for a public hearing and Class A notice for agenda.  
65 She explained that a Class A notice was posted at City Hall, on the City website, and the Utah  
66 Public Notice Website while a Class B notice was a direct notice for legislative action or as  
67 otherwise specified in State code.

68  
69 Sherrie Pace provided a brief overview of the proposed changes to Title 13 Chapter 1: General  
70 Provisions which was a new section and included 13-1-010: Short Title, 13-1-020: Introduction,  
71 scope of subdivisions, conformance to standards, burden of proof and assumption of validity of  
72 the title, 13-1-030: Purpose and intent behind the ordinance, 13-1-040: Interpretation, conflict,  
73 and severability (standard legal), 13-1-050: Definitions as defined in this title or in Title 10  
74 incorporated, 13-1-060: Saving provision and previous ordinances (standard legal), and 13-1-  
75 070: Considerations in approval, general plan, zoning ordinance, natural landscape, common  
76 facilities. Section 13-1-808: General responsibilities defined, A. developer, B. development  
77 review staff: removal of the term "Development Review Committee" because committees that  
78 are established by ordinance would be subject to the Open and Public Meetings Act including  
79 posting agendas, recording meetings, keeping minutes, etc. C. other agencies (may refer portions  
80 of the review to special districts or utilities as necessary), D. Public Works and Engineer (defined  
81 roles of review), E. Administrative Land Use Authority defined which would be the Planning  
82 Commission for preliminary plan, plat amendments without PUE or street vacation, and plat  
83 amendments with vacations and recommendation of vacation to City Council. As well as the  
84 Community Development Director (with assistance of development review staff) for final plat,  
85 minor subdivisions (less than ten lots with no dedication of streets or parks), and lot line

86 adjustments. Section 13-1-909: Appeal Authority as provided in Section 10-2-2 to hearing officer  
87 and Section 13-1-100: Appeal to district court.

88  
89 Commissioner Tucker commented that Section 13-1-020: Introduction, scope of subdivisions,  
90 etc. seemed subjective. He suggested referring to the later section 13-1-130 which details what  
91 was required for a subdivision. Sherrie Pace replied that not everything in 13-1-020 would be  
92 required. She gave the example of a public park or dedicated land for a park which was not a  
93 requirement in the subdivision ordinance and said the purpose was to have everything shown in  
94 the subdivision but not everything was required.

95  
96 Sherrie Pace reported on Chapter 2: Administration and Application and the proposed  
97 amendments including Section 13-2-010: Subdivision Control with existing language from 10-7-  
98 7(A). These changes would reference the Planning Commission as the Administrative Land Use  
99 Authority as established by State code. Inclusion of Section 13-2-020: Required Plat Approval  
100 with existing language from 10-7-7(C). Section 13-2-030: Transfer of Land which conforms with  
101 State code that you must record an approved plat to be legally subdivided. Section 13-2-040:  
102 Transfer of Land Voidable and failure to obtain subdivision approval can void the sale of  
103 property per State code. Sections 13-2-050 through 13-2-070 would be new with Section 13-2-  
104 050: Building Permits specifying when building permits may be issued, Section 13-2-060:  
105 Certificates of Occupancy specifies the requirement for occupancy, and Section 13-2-070:  
106 Penalties specified that violation may be a civil penalty or Class C misdemeanor.

107  
108 Chair Larson asked for clarification on the Land Use Authority. Sherrie Pace replied that the  
109 Administrative Land Use Authority for preliminary plan would be the Planning Commission  
110 and Development Review Staff (to be formally known as the Development Review Committee).

111  
112 Sherrie Pace spoke on Chapter 3 and items to be added to City code including that concept plan  
113 review was not required but recommended. She said it was important to have concept plan  
114 review as it helped developers meet City ordinances. It would also specify that the concept plan  
115 review was not legally binding and the project would not be vested until they filed a complete  
116 preliminary plan application.

117  
118 She then spoke on Chapter 3: Conceptual Development Plan including Section 13-3-010:  
119 Conceptual Plan in conformity with State code as concept plan review was optional for single  
120 family, two family, and townhome developments but would be required for commercial or  
121 industrial development. Section 13-3-020: Concept Plan Nonbinding clarified the purpose of the  
122 review and that it was nonbinding on future review cycles. Section 13-3-030: Vested Rights  
123 clarified that concept review does not vest an applicant to the current code as only a preliminary  
124 plan application could do this. Section 13-3-040: Submission that contained existing language in  
125 10-3-3 with additional clarification of the requirements to be shown on a conceptual plan review.  
126 Section 13-3-050: Notification explained who the conceptual plan was distributed to. Section 10-  
127 3-060: Concept Plan Review explained the scope of the review and would return comments to

128 the applicant. Section 10-3-070: Completion of Concept Review included that preliminary plan  
129 must be within twelve (12) months of concept review or resubmittal of new concept.

130  
131 Sherrie Pace reviewed a checklist of the items to be updated per the revised State code  
132 requirements for subdivision review steps including 1. Conceptual Plan Review which was an  
133 optional request of the developer for single family, two family, or townhome subdivisions.  
134 Conceptual plan review would be performed by staff only and not Planning Commission or City  
135 Council. This review must be done within 15 days of request. Staff must provide copies of all  
136 applicable regulations, a complete list of standards, preliminary and final checklists, and  
137 feedback on the concept. 2. Preliminary Plan review included designation of “Administrative  
138 Land Use Authority” either Planning Commission or staff. Preliminary Plan may be reviewed in  
139 a public meeting or by staff. The ALUA may receive public comment and may hold no more  
140 than one public hearing. 3. Final plat may permit concurrent with preliminary plan and may not  
141 require Planning Commission or City Council approval. 4. Review Cycle restrictions included  
142 that these restrictions did not apply to areas with identified geologic hazard areas. She said this  
143 allowed the City and the applicant to ensure the geologic hazards were addressed properly.

144  
145 Ms. Pace said that these restrictions were put in place due to some municipalities not being  
146 forthright in their requirements and would also ensure that an applicant addressed all redlines  
147 with corrective actions specified by city staff. She spoke on other review cycle restrictions  
148 including that the initial review of the preliminary plan was required within 15 business days of  
149 complete application submittal, final plat review was required within 20 business days of  
150 complete application, and the reviews must contain redline corrections or request for additional  
151 information shall include specific citations to ordinance, standards, or specifications and shall be  
152 logged on a separate index. Other review cycle restrictions included that the City may not require  
153 more than four review cycles, if a change/correction that was not addressed or referenced in plan  
154 review was waived unless necessary to protect public health/safety or to enforce federal law, if  
155 the applicant made a material change to the plan set the City may restart the review process on  
156 areas affected by the material change, if the applicant did not submit a revised plan within 20  
157 business days of notification of corrections needed, the City had an additional 20 business days  
158 to respond to the plan, and after the first response to the final review cycle and the applicant had  
159 complied with each modification requested from the previous review cycle, the City may not  
160 require additional revisions. The applicant must provide a written explanation in response to the  
161 review comments, identifying and explaining the revisions and reasons for declining to make  
162 revisions, if any. Failure to address a review comment, the review cycle was not complete and a  
163 subsequent review cycle may not begin until all comments were addressed. On the fourth or final  
164 review if the City failed to respond in 20 business days then the City shall provide at the request  
165 of the applicant and within 10 business days: for a dispute of subdivision improvement plans,  
166 assemble an appeal panel, and for a dispute arising from subdivision ordinance review, advise the  
167 applicant in writing of the deficiency and the right to appeal to the designated appeal authority.

168

169 Commissioner Tucker mentioned Section 40 paragraph B2 pertaining to an electronic copy of a  
170 24"x36" plan. He asked why there was a requirement for size. Sherrie Pace responded that when  
171 staff tried to view electronic documents that it was a different resolution at that size particularly  
172 when printed. She said it could be revised to say that when the electronic document was  
173 formatted that it fit on a 24"x36" mylar.

174  
175 Commissioner Holbrook asked about the background behind why the State had made these  
176 changes. Sherrie Pace replied that she believed it was due to certain cities not being fair to each  
177 developer and not completing things in a timely matter due to things like understaffing or  
178 inexperienced staff or developers not returning information quickly either.

179  
180 Mackenzie Johnson commented that North Salt Lake staff prioritized good relationships and said  
181 the City was not the problem. Sherrie Pace mentioned there were planners and cities that were  
182 not good at customer service or who were trying to slow growth but said this was not the City's  
183 policy. She had incorporated processes for subdivisions, site plans, or conditional use permits  
184 and provided timelines for developers.

185  
186 Sherrie Pace commented that the next chapters for review were not yet completed as she would  
187 not be at the August 8<sup>th</sup> Planning Commission meeting. She said dependent on an applicant there  
188 may not be any agenda items and no need for a meeting.

189  
190 3. REPORT ON CITY COUNCIL ACTIONS ON ITEMS RECOMMENDED BY  
191 PLANNING COMMISSION

192  
193 Sherrie Pace reported that the plat amendment for Eaglewood Cove Phase 13 Lots 1302 and  
194 1303 was approved by the City Council.

195  
196 4. APA CONFERENCE ON SEPTEMBER 28 & 29 AT OGDEN ECCLES CONFERENCE  
197 CENTER

198  
199 Mackenzie Johnson reported that the fall APA Conference was September 28<sup>th</sup> and 29<sup>th</sup> in Ogden.  
200 She said the early bird pricing ended soon and wanted to take advantage of the discount. The  
201 second day of the conference had a section for citizen planners including the Land Use 101  
202 training. Commissioners were asked to reply to the registration email as soon as possible.

203  
204 5. APPROVAL OF MINUTES

205  
206 The Planning Commission meeting minutes of July 11, 2023 were reviewed and approved.

207  
208 **Commissioner Tucker moved to approve the meeting minutes for the July 11, 2023 meeting**  
209 **as written. Commissioner Maus seconded the motion. The motion was approved by**  
210 **Commissioners Holbrook, Jorgensen, Larson, Maus, Stone, Tucker, and Ward.**

211           6. ADJOURN

212

213   Commission Chair Larson adjourned the meeting at 7:05 p.m.

214

215   *The foregoing was approved by the Planning Commission of the City of North Salt Lake on*  
216   *Tuesday, August 8, 2023 by unanimous vote of all members present.*

217

218

219

220   \_\_\_\_\_  
*Wendy Page, City Recorder*