

CITY OF NORTH SALT LAKE
PLANNING COMMISSION MEETING
ANCHOR LOCATION: CITY HALL
10 EAST CENTER STREET, NORTH SALT LAKE
JANUARY 9, 2024

FINAL

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

PRESENT: Commission Chair BreAnna Larson
Commissioner Ryan Holbrook
Commissioner Ron Jorgensen
Commissioner Katherine Maus via Zoom
Commissioner Irene Stone
Commissioner Brandon Tucker
Commissioner William Ward

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

OTHERS PRESENT: Dee Lalliss, resident.

1. PUBLIC COMMENTS

There were no public comments.

2. APPOINTMENT OF CHAIR AND VICE CHAIR

Commissioner Tucker moved to nominate BreAnna Larson as Chair. Commissioner Holbrook seconded the motion. The motion was approved by Commissioners Holbrook, Jorgensen, Larson, Maus, Stone, Tucker, and Ward.

Commissioner Holbrook moved to nominate William Ward as Vice Chair. Commissioner Tucker seconded the motion. The motion was approved by Commissioners Holbrook, Jorgensen, Larson, Maus, Stone, Tucker, and Ward.

3. PUBLIC HEARING: CONSIDERATION OF CITY CODE AMENDMENTS IN COMPLIANCE WITH STATE LAW REGARDING THE REGULATION OF SUBDIVISIONS. THE PROPOSED AMENDMENTS WILL AFFECT TITLE 10, LAND USE ORDINANCE AND CREATE TITLE 13, SUBDIVISION REGULATIONS

Sherrie Pace reported on the proposed Title 13 Subdivision Regulations and reviewed the chapters including:

Chapter 1 General Provisions, Chapter 2 Administration and Application, Chapter 3 Concept Plan (optional), Chapter 4 Minor Subdivisions (10 or fewer lots with existing infrastructure), Chapter 5 Standard Subdivisions (Preliminary Plan and Final Plat process), Chapter 6 Planned Unit, Condominium, Recreation Vehicle, and Mobile Home Developments, Chapter 7 Plat Amendments and Lot Line Adjustments, Chapter 8 Subdivision Design, and Chapter 9 Essential Improvements.

Chapter 1, General Provisions, defines the general responsibilities of various city staff, Planning Commissioners, and City Council. It establishes an Administrative Land Use Authority as staff for minor subdivisions and the Planning Commission for all other subdivisions. The chapter also provides for an appeal process for subdivision decisions to the designated Appeal Authority (Hearing Officer) and District Court and provides a time limit for appeal. She explained that the City Attorney had suggested the addition of a General Interpretation Section to clarify instances when the code specified city staff or “designee”.

Chapter 2, Administration and Application, provides authority to regulate subdivisions and defines when a subdivision requires plat approval. This section contains existing language from Title 10, Chapter 7 that is being updated to conform to the State Statute. The chapter also contains new language to address other aspects of State Code related to the transfer of land without subdivision approval being voidable. Additionally, the chapter clarifies that building permits may not be issued until all infrastructure, including paving, is completed. She explained that State Code requires that an exception be provided for the issuance of building permits prior to paving, provided all life-safety infrastructure has been installed. This would allow building to begin prior to the asphalt plants opening or when ground temperatures were not suitable for paving with the approval of specific criteria by the City Engineer. Occupancy would not be permitted until the paving was completed.

Chapter 3, Concept Plan, provides a process for a developer to request a concept plan review for single family, two family and townhouse developments. Concept Plan would not be optional for multi-family, commercial, or industrial subdivisions. Concept review was nonbinding and no approval would be granted, its purpose is to inform the developer of the standards and process for subdivision approval. This chapter contains sections from Title 10, Chapter 3 related to the review process which has been updated. The process identifies who would be involved in the review process.

Chapter 4, Minor Subdivisions, creates a streamlined review process for subdivisions which are 10 lots or less, have no required dedication of street (existing street frontage), are adjacent to existing utilities that do not need to be extended to the site, conform to all provisions of the code with respect to lot size, width, etc., and are not defined as Sensitive Lands (geologic hazards, steep slopes, etc.) The chapter designates the Community Development (CD) Director as the Administrative Land Use Authority (ALUA) who would coordinate review by the appropriate staff, departments, or special service areas (South Davis Sewer, South Davis Metro Fire, Private Water Providers). The appeal authority for minor subdivisions would be the Planning Commission. The process specified that the final plat must meet all the requirements contained in the remainder of Title 13 and provides a process for recording the plat.

Chapter 5, Standard Subdivisions, regulates subdivisions which are not classified as minor subdivisions. The chapter combines existing language from Title 10, Chapter 3 with regard to preliminary and final plat processes. It has been updated to conform to State Code in relation to the maximum review cycles (two at preliminary and two at final) and the specific review cycle deadlines. The process requires that all corrections be cited with the applicable code section, regulation, or ordinance with a separate index and not solely provided on the draft drawings. The section also provides for expiration deadlines for approvals. The Planning Commission would be the designated ALUA for preliminary plan review and the CD Director would be designated for final plat review. This chapter defines what elements must be included on the final plat and improvement plans. It also provides the mechanisms for bonding related to infrastructure installation and has been updated to conform to State Code in relation to what may be required to be bonded (essential infrastructure only unless subject to development agreement) and provides the minimum of two forms of bonding that would be acceptable to the City.

Sherrie Pace clarified that under State Code only preliminary plan review could be reviewed by the Planning Commission. Preliminary and Final review could not be performed by the City Council.

Chapter 6, PUDs, Condos, RV, and Mobile Home Subdivisions, contains existing language from Title 10, Chapter 7. These types of subdivisions are reviewed the same as standard subdivisions, but allow for specifically identified standards to be modified, such as lot width, size, shape, etc. It also provides a legislative process for additional modifications that may be requested in addition to those specifically permitted in the chapter. The chapter provides new additional minimum standards related to PUDs, such as perimeter setbacks in relation to building height, setbacks, building separation, driveway dimensions, parking based upon bedroom count, building on cross slopes, open spaces, landscaping, garbage and mail provision. The provisions for Condo Subdivisions are essentially the same as currently contained in Title 10 with an update to the documentation required for conversion to condos and eliminates redundant language. The provisions for Mobile Home Parks and RV Subdivisions have been updated to remove yearly inspections of mobile homes, provides a guarantees for permanent maintenance of open spaces, and outlines the design standards required.

Sherrie Pace spoke on some additions per the City Attorney related to Planned Unit Development (PUD) “The City may apply the flexibility of the planned unit development regulations, when the development, through its design and establishment, will provide benefits that may include, but are not necessarily limited to the following...” with the listed seven criteria. As well as the wording “The City and the Developer may enter into a formal Development Agreement when specific PUD performance standards are imposed or deviation in design standards have been approved.” The final addition from the City Attorney includes the verbiage of “The City and the Developer may enter into a formal Development Agreement when specific PUD performance standards are imposed or deviation in design standards have been approved” and is related to mobile home subdivisions.

Chapter 7, Plat Amendments & Lot Line Adjustments, contained existing language from Title 10, Chapter 7, which has been updated to correct the requirement of a public hearing only when a street or public utility easement is proposed to be vacated. The current code requires a public hearing on all plat amendments except those with vacations, which was the opposite of what is required by State Code. Plat amendments with vacations must be approved by the City Council. All other plat amendments would be reviewed by the Planning Commission as the designated ALUA. Lot line adjustments would be approved by staff as currently provided in Title 10.

Chapter 8, Subdivision Design, is a combination of existing language from Title 10, Chapter 7 and new language to conform to State Code. The following was a summary of each section of this chapter:

- Subdivision layout: conformance with the General Plan, must preserve natural features where reasonable, and make connections to existing streets.
- Lots: shape, size, width, perpendicular to street, frontage, slopes, buildable areas, and addressing.
- Flag Lots: The Planning Commission has expressed the desire to eliminate flag lots entirely.

Sherrie Pace commented that the Development Review Committee (DRC) was not in favor of eliminating flag lots and believed that provisions for existing flag lots must be provided. The DRC also believed that flag lots are a valuable tool to allow property owners to better utilize their property when they have large lot sizes or have deep dimensions. The DRC proposed language that would allow non commercial flag lots, allow flag lots of existing subdivision lots, allowance for smaller staff dimensions for adjacent flag lots with shared driveway, and limits driveway slope to 10% maximum.

Ms. Pace then continued the Chapter 8 summary including:

- Blocks: minimum and maximum block length and midblock walkways and standards.
- Streets: minimum pavement widths, private streets built to same width as public streets for single family lots, dead end street standards, two means of street egress for developments with 30 or more dwellings, street names, max. 10% street grade, provision for some developments

with sidewalk on only one side of street, traffic study requirements, and where private streets are allowed.

- Landscaping: required for cuts/fills, preservation of vegetation/trees where possible, geologic hazards study landscaping recommendations must be followed, water efficiency, and Hwy 89 and Redwood Road landscape requirements.
- Utilities and easements: defines and corrects the required width of easement, allows City Engineer to require wider easements for a public purpose, requires underground utilities unless approved for exception.
- Watercourses: requires dedication of right of way for storm drainage, natural water channels, drainage, or floodplains.
- Dedication of streets and trails: existing code requiring public dedication.
- Restrictions on Solar: existing code requiring protection of solar access.

The Commission discussed flag lots and the need for some requirements, especially for those that had previously been approved. Sherrie Pace commented that if the City Council and Planning Commission are in agreement that no new flag lots would be created then staff could revise the language to reflect this and provide regulations for existing flag lots.

Sherrie Pace reported on Chapter 9, Essential Improvements, defines the specific standards for infrastructure and the creation of the standards and specifications manual as approved by the City Council. Requires the developer to install all infrastructure necessary including, curb, gutter, sidewalk, paving, storm drainage, utilities, sewer, water, fencing of hazards, and monuments. It also requires submittal of CAD as-built drawings after installation and provides a mechanism for payback to the developer if the City requested an upsize in infrastructure to service future development outside the boundaries of the proposed subdivision.

Commissioner Jorgensen mentioned some changes including provisions for storm detention. Sherrie Pace replied that storm water practices had changed and the majority of water was now retained on site. She said the City Engineer made changes to the code to ensure sufficient retention on the site.

Sherrie Pace then reviewed Title 10 Land Use including Chapter 1, Section 42, Maintenance, Condition, and Appearance of Properties which includes recreational vehicle parking. Other changes included Chapter 1, Section 47, Definitions and the following amendments for conformance: buildable area-defines the buildable area of a lot, as well as non-buildable area, Conditional Use Development is eliminated, flood control words and phrases will be referenced to Title 11, Flood Control definitions, Lot, Restricted-defines the circumstances that exist for lots to be declared restricted due to geologic hazards or slope, Lot, Unrestricted is eliminated, Permanent Monument eliminates the regulation in a definition, and Subdivider is changed to Developer.

Sherrie Pace mentioned other revisions and changes including replacement of Zoning Administrator with the correct staff such as Community Development Director or Building Official, and change from “subdivider” to “developer”.

Commissioner Jorgensen asked about recreational vehicle parking. Sherrie Pace said that this is existing language in the code that is relocated to the supplemental provision section of Title 10. She clarified that recreational vehicles must be parked on a hard surface such as the driveway.

Sherrie Pace then reported on Chapter 7: Conditional Uses and said the proposed amendment reflected the text that remained after removing subdivisions from the conditional use permit process and the associated subdivision regulations contained in Sections 10-7-3 to 10-7-8. It removes the references to subdivisions as conditional uses and outlines the process for applying for a conditional use. It also removes the City Council as the approval body for conditional uses which was the case for conditional use subdivisions but not for other conditional uses. The chapter provides a process for revocation and for appeals to the hearing officer. The language related to public hearings has been removed as conditional use permits are administrative not legislative in nature and should not have a public hearing.

Sherrie Pace commented that staff was working on obtaining a grant to help establish design standards for the Town Center.

The Commission discussed conditional use permits with standards and certain specifications including car dealerships.

Chair Larson opened the public hearing 7:26 p.m. There were no public comments and she closed the public hearing at 7:27 p.m.

Commissioner Jorgensen moved that the Planning Commission recommend to the City Council the approval the proposed code amendments with the following findings:

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.**
- 3) The proposed amendments are necessary to address the recent changes in State Code in relation to Subdivision Regulations.**

Commissioner Holbrook seconded the motion. The motion was approved by Commissioners Holbrook, Jorgensen, Larson, Maus, Stone, Tucker, and Ward.

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

Sherrie Pace reported that the City Council adopted the City Council and Planning Commission 2024 meeting schedules.

5. APPROVAL OF MINUTES

The Planning Commission meeting minutes of December 12, 2023 were reviewed and approved.

Commissioner Jorgensen moved to approve the meeting minutes for the December 12, 2023 Planning Commission meeting as drafted. Commissioner Ward seconded the motion. The motion was approved by Commissioners Holbrook, Jorgensen, Larson, Maus, Stone, Tucker, and Ward.

6. ADJOURN

Commission Chair Larson adjourned the meeting at 7:30 p.m.

The foregoing was approved by the Planning Commission of the City of North Salt Lake on Tuesday, January 23, 2024 by unanimous vote of all members present.



Wendy Page, City Recorder

