

CITY OF NORTH SALT LAKE
PLANNING COMMISSION MEETING
ANCHOR LOCATION: CITY HALL
10 EAST CENTER STREET, NORTH SALT LAKE
NOVEMBER 12, 2024

FINAL

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

PRESENT: Commission Chair BreAnna Larson
Commissioner Ryan Holbrook
Commissioner Ron Jorgensen
Commissioner Johnathan Marsh
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. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR AMANI
AGRICULTURE AND PRIME 90 AT 190 NORTH CUTLER DRIVE, SUITES B AND
C, BYRON TARBET, APPLICANT

Mackenzie Johnson explained the City received a code enforcement complaint in July 2024 related to a business creating a nuisance odor from inside the building and dust in the parking lot with a cement mixer at Suites B and C at 190 North Cutler Drive. She said staff determined that the tenant, Bryon Tabet, was operating three businesses at the location without licensing. She noted that the first business was Amani Agriculture which manufactured soil amendments designed to restore bacterial balance and reduce water usage. She shared that the product was created with nontoxic species of bacteria and minerals that were mixed into a dry powder and packaged. She mentioned the equipment used for this business included a forklift, small cement mixer, ribbon blender designed for soil, and plastic pails for the finished product.

Mackenzie Johnson reviewed the second business, Prime 90, which manufactured nutritional supplements for dogs, cats, livestock, and humans by mixing trace minerals. She added that the

finished product was liquid or dried on a carrier such as rice bran and the manufacturing of the product included dissolving the minerals into water. She stated that the liquid was then sprayed onto the rice bran and dried by convection in a cement mixer dedicated to making the product. Ms. Johnson continued that the third business, The CBD Doctors, used the location for drop shipping and office work only. She noted that manufacturing and packing of the product was done offsite.

Mackenzie Johnson shared that the property was a four unit building in the General Commercial (CG) zone. She indicated that the tenant in Suite A, Mountain West Lethal Precision and TruTech Laser Corp., was the owner of the building. She noted that Suite D was occupied by Ideal Sciences and Wine Cellars. She added that there were 33 shared parking stalls and the applicant was allotted 10 stalls which met the minimum parking standard. She continued that the City received a complete conditional use permit application prior to the City Council's formal initiation of the code amendment for conditional uses including the update of the land use table on August 15, 2024 and therefore was not subject to the provisions of State Code Section 10-9a-509 regarding pending ordinances and may be processed.

Ms. Johnson shared that the possible source of the reported chlorine odor may be from the manufacturing of a product called SaniMax CL02 (chlorine dioxide) sanitizing liquid. She said the applicant agreed to discontinue the manufacture, sale, or storage of SaniMax at this location and all remaining chemical sodium chlorite and other associated materials associated with the manufacture of the product were removed. She noted that the applicant would be required to submit quantities, storage plans, and Safety Data Sheets (SDS) to the South Davis Metro Fire for all chemicals/materials stored and use on the premises. She explained that per the Fire Marshal if a chemical/material was corrosive or flammable it must be stored in a special storage system/cabinet and may be limited in total quantity permitted on site. She said all other noncorrosive or nonflammable chemicals/material which were under the maximum allowable quantity must be stored using good storage practices as defined by City code.

Mackenzie Johnson noted that the applicant submitted a business license application, conditional use permit application, and has made efforts to seal the walls of Suites B and C in an attempt to reduce potential impact to the neighboring unit from discernable odors created by the manufacturing and storage process. She mentioned the applicant also removed the chemicals/materials that were believed to have caused the chlorine odor and said the City has not received any new complaints related to the odor since that time. She shared that the City Attorney recommended that if the Planning Commission approved the conditional use permit that the following conditions be included:

- 1) the businesses shall not create any discernable odors from or related to the storage, manufacturing, or use of chemicals, materials, or other substances;
- 2) the applicant permits City staff entry to the premises to inspect the unit and warehouse whenever requested to ensure compliance with the conditions of approval.

She stated that the Development Review Committee (DRC) also recommended the following conditions for approval:

- 1) The applicant complies with all applicable regulations related to the storage and quantity limits for associated chemicals, manufacturing materials, or other substances as determined by South Davis Metro Fire;
- 2) The applicant shall inform the City and South Davis Metro Fire Agency prior to any additional chemicals, materials, or other regulated substances are stored, used, or manufactured on site which are not listed in the Safety Data Sheets submitted as part of this application for inclusion or amendment of the conditional use permit, as applicable;
- 3) All manufacturing and storage activities shall be conducted indoors only;
- 4) The businesses shall not create any odors discernable from outside the premises from or related to the storage or use of chemicals, materials, or other substances used in the manufacturing processes.

Commissioner Jorgensen mentioned that this was not the ideal location for the various chemicals as it was not in the industrial zone. He mentioned the need for safety to the employees and neighboring tenants. He suggested that the first recommended condition of approval be amended to include other applicable regulating or jurisdictional agencies for storage and emergency response procedures, etc. He also spoke on limiting access to nonauthorized individuals due to the chemicals used and stored onsite and proposed several additions to the conditions. Mackenzie Johnson replied that to her knowledge, the applicant was not at the building every day and as the sole employee the two suites would be locked when he was not onsite.

Commissioner Holbrook spoke on the condition permitting City staff entry to the premises to inspect the unit and warehouse whenever requested to ensure compliance with the conditions of approval. He asked about entry for South Davis Fire District and the addition of entry to inspect whenever as well. Sherrie Pace replied that it could be added to the conditions of approval to include South Davis Fire District and clarified that if there was a fear of imminent danger then South Davis Fire District could enter the building.

Commissioner Stone asked about the verification of the Safety Data Sheets. Sherrie Pace responded that the Fire Marshal would be responsible for reviewing these items and could issue violations as needed.

Commissioner Stone also expressed concerns about the lack of prior business licenses. Sherrie Pace said the City would monitor the situation and could only take the applicant on his word that he would be in compliance going forward. She said any future violation could result in the revocation of the business license or conditional use permit.

Commissioner Marsh asked about due process. Sherrie Pace clarified as it was a conditional use permit the Commission had to determine if there were conditions that could be placed to mitigate any negative or harmful effects of the business. She said if there were not conditions to sufficiently address those then it could be denied but if there were conditions which could allow for operation and compliance then approval and issuance of the conditional use permit was required. She noted that staff, including the City Attorney, felt that the conditions would allow the conditional use permit to be approved.

Staff noted that the Planning Commission could table this item until the applicant was present to answer questions.

Commissioner Stone moved that the Planning Commission table the conditional use permit for Amani Agriculture and Prime 90 at 190 North Cutler Drive, Suites B and C pending discussion with the applicant. Commissioner Ward seconded the motion. The motion was approved by Commissioners Holbrook, Jorgensen, Larson, Stone, and Tucker, and Ward. Commissioner Marsh voted in opposition to the motion.

3. WORK SESSION: PENDING CODE AMENDMENT
a. CONDITIONAL USE STANDARDS AND LAND USE TABLE

Sherrie Pace provided the Commission with a revised land use table. She spoke on the conditional use permit ordinance and reorganizing the land uses into categories including: accessory uses, agricultural, automotive, banking, building contracting & construction supplies, education/schools, entertainment, general office, healthcare, hospitality, manufacturing & assembly, mining & support activities, personal services, religious institutions, retail trade, social services, transportation/freight, utilities and public services, and warehousing and wholesale trade. She shared the tables and spoke on which items were permitted, conditional, or prohibited uses. She also highlighted uses that needed to be reviewed. She mentioned discussing car dealerships in the commercial shopping (CS) zone including issues related to vehicle storage, minimum lot sizes, and outdoor vehicle display.

The Commission had a brief discussion and was not in favor of car dealerships in the CS zone.

Sherrie Pace then spoke on the wholesale of motor vehicles in the CG and MD zones and proposed restrictions. She reviewed specific uses in certain zones including check cashing, title loans, pawn shops, outdoor storage for contractor services, defining “educational support services” such as tutoring or occupational therapy, etc., where to allow professional schools such as CDL driving schools, amusement and theme parks, parking requirements for athletic club/fitness/recreational sports, addition of botanical gardens/nature park as permitted use, golf course in commercial zone, museums, racetracks, go carts, drive in movie theater, call centers, hospitals/surgical centers, medical spas, bars, banquet/reception, breweries, heavy or light manufacturing or assembly, repair of commercial or industrial machinery, manufacturing of

nonmetallic mineral product, concrete services and batching plants, mining, mineral extraction, oil/gas refinery and support activities, personal services, pet services, cemetery, and crematorium.

Staff to further review pet services, cemeteries, new cremation techniques (aquamation or those with less environmental impact). Staff then requested the Commission review the categories and uses and note those that should be prohibited, edited, or require standards.

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

Sherrie Pace reported on the October 29th City Council meeting related to the Hatch Park redesign including the monument, pavilions, living room area options. She noted the City Council approved the site plan for Lofts North Salt Lake and the changes to the development agreement during their November 6th meeting. She mentioned the General Plan Steering Committee meeting on Monday as well as the December 3rd joint meeting with the City Council.

5. APPROVAL OF MINUTES

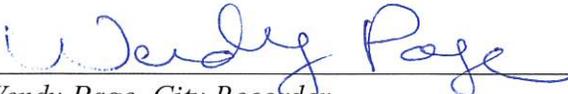
The Planning Commission meeting minutes of October 8, 2024 were reviewed and approved.

Commissioner Jorgensen moved to approve the meeting minutes for the October 8, 2024 Planning Commission meeting as drafted. Commissioner Holbrook seconded the motion. The motion was approved by Commissioners Holbrook, Jorgensen, Larson, Marsh, Stone, and Tucker, and Ward.

6. ADJOURN

Commission Chair Larson adjourned the meeting at 7:41 p.m.

The foregoing was approved by the Planning Commission of the City of North Salt Lake on Tuesday, November 26, 2024 by unanimous vote of all members present.



Wendy Page, City Recorder

