

NORTH SALT LAKE CITY
PLANNING COMMISSION MEETING
APRIL 8, 2014

FINAL

Chairman Bruce Oblad called the meeting to order at 6:32 p.m. and welcomed those present.

PRESENT: Commissioner Chairman Bruce Oblad
Commissioner Kim Jensen
Commissioner Ted Knowlton
Commissioner Robert Drinkall
Commissioner Lisa Watts Baskin
Commissioner Stephen Garn
Council Member Ryan Mumford

STAFF PRESENT: Paul Ottoson, Public Works Director and City Engineer; Ali Avery, City Planner; Jim Spung, Administrative Planning Technician; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Chris Faulhaber, Granite Construction; Wilford Cannon, Sky Properties; Patrick Scott, Brighton Homes.

1. PUBLIC COMMENT

There were no public comments.

2. CONSIDERATION OF A PRELIMINARY DESIGN PLAN FOR GRANITE RIDGE
LOCATED DIRECTLY WEST OF THE EDGEWOOD ESTATES DEVELOPMENT.
PATRICK SCOTT- BRIGHTON HOMES, APPLICANT.

Ali Avery reported that this plat is located directly west of the Edgewood Estates development and north of the property owned by Granite Construction. The re-zoning of the property which included the development agreement with the general development plan and architectural guidelines was approved by the City Council on April 1, 2014. The next phase is the preliminary design plan followed by the final plat approval. The preliminary design plan includes all 3 phases of the project and will vest the developer at 61 single family lots. The first phase will include 20 regular lots and Parcels A-C. Phase 2 will include 20 regular lots and Phase 3 will include 6 regular lots, 15 large lots, and Parcels D-E. It is anticipated that one phase will be completed each calendar year. The lots are divided into districts that were approved with the General Development Plan and include "large" lots with an average lot size of 20,500 square feet

and “regular” lots with an average lot size of 7,818 square feet. The lots will be regulated differently in regards to setbacks and design standards, based on the designation of “large” or “regular” lots. The regular lots will have a 15’ front yard setback to the living area with a 20’ long driveway, the rear yard will be 20’ to the living space and 10’ to a covered patio and the side yards will have a 5’ minimum with 15’ combined between two side yards. The large lots, including lots 305-319, will have front yard setbacks of 15’ to the living space with a 20’ long driveway, rear yard setbacks of 25’ to the living space with 15’ to the covered patio, and side yard setbacks of 5’ with 17’ combined between two side yards. The street system will connect Edge Crest Lane to Parkway Drive and will include one cul-de-sac. Temporary turnarounds will be installed at the end of Phases 1 and 2 for emergency personnel until the next phases are developed. The open space parcels will include native vegetation and a City-owned trail in Parcels A and C. Parcel B will include native vegetation and a detention basin owned by the City. Parcels D and E will consist of native vegetation and will be owned and maintained by Granite Ridge HOA. Granite Ridge is also bound by the development agreement to disclose the mining activities to the south of the subdivision. These required methods include marketing materials and a note on the plat, buyer disclosures, which would include the project and Granite CC&R’s for the development and methods for the buyer to receive blasting notifications.

The City Engineer has approved the grading, drainage and utility plans for this project. The site will be mass graded, as the natural grade was eliminated some time ago. The storm water and the sanitary sewer will connect through the Villas at Bella Vida development. There is currently not an easement through the property for the utility connections so the Development Review Committee (DRC) has placed that as a condition of approval on the preliminary design plan.

As the City will be responsible for the cost, installation and maintenance of the trail, the second condition of approval will be that the developer must receive approval from the utility companies which have easements on Parcels A & C for the installation of the trail prior to final plat approval for Phase 1 of Granite Ridge.

Council Member Mumford commented that the trail system starts on lot 309 and asked if the trail should be installed prior to the lot being sold. Paul Ottoson responded that the City owns a 50’ wide piece of property there and that a temporary dirt trailhead could be installed with Phase 1, but that the curb and gutter won’t be designed until the construction drawings for Phase 3 are submitted.

Council Member Mumford also asked if a bond or condition needed to be put in place to ensure that the road was completed and continued all the way through, in the event that the developer was unable to complete the project. Paul Ottoson replied that a temporary turnaround will be put at the end of Phase 2, which would be sufficient if the project were not completed.

Commissioner Baskin commented that the previously approved general development plan was accepted with different parcel numbers on the map than the parcel numbers being shown tonight and asked what impact this would have as it was already approved by the City Council. Ali Avery replied that there were several differences between the general development plan and the preliminary design plan and that the general development plan is just a concept plan that doesn't vest the developer to a certain number of lots or configuration and that it is just a basic idea.

Commissioner Baskin asked if the plan had been vetted by the City attorney in regards to the buyer disclosures and notification requirements. Ali Avery responded that the language is in the development agreement but that the official disclosures have not been drafted yet, as the project has not received final plat approval. Patrick Scott mentioned that the buyer disclosure language was already included in, and approved with, the development agreement.

Commissioner Baskin commented that it appears that the buyer disclosure must be signed prior to moving in and asked if that was standard in the industry for the CC&R's and also for the notification of blasting. Patrick Scott, Brighton Homes, replied that there will be multiple layers of disclosure in the formal documents. When someone comes to buy a home they will be given the buyers disclosure along with the contract and this would disclose the mining activities, etc. The potential buyer will also receive a copy of both sets of the CC&R's. One set will govern the architectural standards and the other set, which has been recorded by Granite Construction, will disclose the nearby mining activities. He also said that most documents are signed when the sales contract is signed and that he would be open to adjusting that timeline.

Commissioner Baskin said that it would be important to set up the schedule when the documents are disclosed and signed so that proper notification is given. Ali Avery said that the City Council had already approved an Exhibit F to the development agreement in regards to the disclosure language, methods and requirements.

The Planning Commission discussed if there should be a timeline or number of years on the disclosures of how long the mining activities would or could continue. Mrs. Avery mentioned that it is unknown, even by Granite Construction, exactly how long the mining activities will occur since it is based on the market, but that their estimate is approximately fifty (50) years.

Ali Avery said that there is a perpetual notification recorded on the property so that every new buyer of the property will have the mining disclosure.

Commissioner Baskin asked how the disclosure would be regulated. Patrick Scott replied that it would be disclosed in the title report and that the CC&R's will also have the mining disclosure.

Commissioner Baskin asked who owns Granite Construction and what their relationship is with Lakeview Rock Products. Chris Faulhaber, Granite Construction, responded that Granite is a corporation that is partnering with Lakeview Rock Products/Hughes to use their equipment at the mining site per a reciprocal lease agreement.

Paul Ottoson commented that the reason Granite Construction is partnering with Lakeview Rock Products is to maximize the excavation efforts and so they can start down at the frontage road and work up, otherwise it would create a bathtub-like pit if it were only involving the Granite Construction property.

Commissioner Baskin asked if Sky Properties and the Bella Vida development were going to work together on the storm and sewer lines. Ali Avery responded that Brighton Homes was already working with Sky Properties to get the easements in place and that Sky Properties will come forward with their next phase of the Villas at Bella Vida fairly soon.

Commissioner Baskin commented that the maintenance of the roads would be the responsibility of North Salt Lake and that it would be up to the City to repair any possible damage to the roads due to the nearby shaking and mining.

Commissioner Knowlton asked if the regular lots were defined by the list of regular lots or by size. He also asked about the changes to the open space calculations. Ali Avery replied that the lots are defined by the zoning exhibit submitted by the applicant, but not listed specifically by lot number. The changes to the preliminary design plan from the general development plan include the elimination of a cul-de-sac and subsequent realignment of the streets, moving the detention basin, and the decrease of the number of lots from 64 to 61. She mentioned that the open space calculations have actually increased due to these changes.

Council Member Mumford asked if all the lots in Phase 1 would have fencing installed against the detention basin. Paul Ottoson replied that the City requires that there be fencing around the detention basin, but that the fence may not necessarily be on the property line. The private property owners will be responsible for their own fencing on the property lines.

Patrick Scott commented that they would likely install fences but that there will be retaining walls along the back property lines against the detention basin and they may have a fence on top, as well.

Commissioner Knowlton asked if the list of regular lots and the architectural and design standards were formally part of the application. Ali Avery replied that this was approved in the

general development plan but that it could be adopted as part of the preliminary design plan in the motion since the lot numbers and alignment have changed.

Commissioner Knowlton moved that the Planning Commission recommend approval of the proposed preliminary design plan for Granite Ridge to the City Council with the following conditions:

- 1) A utility easement must be recorded against the property to the east owned by Villas Development Incorporated for the storm sewer and sanitary sewer connections to the subdivision prior to final plat approval for Phase 1 of Granite Ridge.**
- 2) The developer must receive approval from the utility companies which have easements on Parcels A & C for the installation of the trail prior to final plat approval for Phase 1 of Granite Ridge.**
- 3) The regular lots including lots 101-120 including all of the lots of Phase 1 all of the lots of Phase 2 and the following lots from Phase 3: 301-303, 304, 321, 320 will be subject to the architectural rules and construction guidelines established by the development agreement as noted in Phasing Exhibit D.**

Council Member Mumford seconded the motion.

Commissioner Baskin moved to amend the language in regards to the buyer disclosures to say that the buyer disclosures shall include signature upon purchase, signature upon each of the CC&Rs that apply to the Granite Ridge and Granite Construction properties. The notifications should include the blasting procedures and projected timelines of ongoing mining operations.

The motion failed due to lack of a second.

Commissioner Baskin commented that that she would like a timeframe for the mining and that it should say indefinite if it will be. Patrick Scott commented that the disclosure itself does not define the time period but that the disclosure will remain on the property indefinitely.

Commissioner Garn commented that the disclosures need to happen as early in the process as possible so that potential homeowners have time to think about the implications of the mining.

Ali Avery stated that Exhibit F contains the language that will be in the disclosures and the CC&Rs. She then clarified the specific disclosures by reading section 4.4 of the development agreement as follows; "the developer hereby agrees to follow the disclosure plan related to

blasting in proximity to gravel extraction operations contained in Exhibit F. This Exhibit shall contain at a minimum: signage at various locations on the subject property, written notification on the recorded subdivision plats, written notification on some marketing materials when potential buyers receive lot information from real estate professionals working to market the subject lot, and a specific disclosure approved by the City which buyers of lots and homes will sign at the time of closing on said lots.” This is a requirement of the development agreement, prior to closing, as per the City Council.

Commissioner Knowlton withdrew his previous motion.

Commissioner Knowlton moved that the Planning Commission recommend approval of the proposed preliminary design plan for Granite Ridge to the City Council with the following conditions:

- 1) A utility easement must be recorded against the property to the east owned by Villas Development Incorporated for the storm sewer and sanitary sewer connections to the subdivision prior to final plat approval for Phase 1 of Granite Ridge.**
- 2) The developer must receive approval from the utility companies which have easements on Parcels A & C for the installation of the trail prior to final plat approval for Phase 1 of Granite Ridge.**
- 3) That the lots subject to the architectural rules, design standards and construction guidelines established by the development agreement will be all the lots in Phase 1, all the lots in Phase 2, and the following lots in Phase 3: 301, 302, 303, 304, 320 and 321.**
- 4) Furthermore the Planning Commission recommends re-wording the language of the buyer’s disclosure to identify the anticipated long-term nature of the nearby mining operations.**

Commissioner Jensen seconded the motion. The motion was approved by Commissioners Baskin, Jensen, Oblad, Drinkall, Knowlton, Garn and Council Member Mumford.

- 3. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR SAND AND GRAVEL QUARRYING FOR GRANITE CONSTRUCTION LOCATED DIRECTLY SOUTH OF THE GRANITE RIDGE DEVELOPMENT. CHRIS FAULHABER-GRANITE CONSTRUCTION, APPLICANT.**

Ali Avery reported that this application is a conditional use permit for sand and gravel quarrying on the Granite Construction property. Granite is requesting to change the boundaries, grading and reclamation from the original 1997 conditional use permit approval. The mining is regulated by City Code and by the State Division of Oil, Gas and Mining (DOG M). The Planning Commission will have the final approval on the conditional use permit and once approved, Granite Construction will then apply for the required permits from the State. These permits include a small mining permit which takes about 45 days for approval and the large mining permit which takes approximately 2 years. Granite would like to start now so they can complete mining near the Granite Ridge subdivision as soon as possible. The State will regulate the noise and vibration impacts, in addition to the air and water quality.

Mrs. Avery then outlined the City Code in regards to sand and gravel quarrying. Buffer distances include 100 horizontal feet from any property owner including extraction equipment and stockpiles, the rock crushing operations must be conducted 400' from any property owner, the excavations must be 50' from a public road, areas with serious or hazardous conditions shall be reasonably fenced except where it is the determination of the Planning Commission that other suitable devices may be used. Operations are prohibited by the City noise ordinance between the hours of 10pm – 6am, September – May; and 11pm – 6am, June – August. Other requirements include identification monuments and signs every 200 feet that specify active mining in the area.

After the completion of mining in the area, the reclamation plan will consist of a series of 100' vertical slopes and 30' horizontal benches. Each bench will be covered with topsoil and seeded with at least 25% of the exposed surface to have plant material. The re-vegetation plan will consist of shrubs and grass seed in the areas where re-growth is possible. There will also be buffer zones established 100' from nearby residential property owners. There will be signs posted every 200' to warn of active mining and a 6' chain link safety fence and 6' berm will be installed on the east and northern buffer areas respectively. There will only be 6 benches on the Granite Ridge property in anticipation of Lakeview Rock Products being approved to mine below. The mining will occur in 2 phases with Phase 1 taking approximately 4 years to complete, which will include the re-vegetation of two benches and the planting of the buffer zones. The developer has agreed to plant trees and install a temporary drip irrigation system with Phase 1 to help improve the east buffer zone. Phase 2 may take 50 years to complete depending on the market and will include 7.2 million tons of material.

The City Code requires that a surety bond be filed with the City to ensure that the reclamation requirements are met, including the grading and planting. If the reclamation requirements are not met, the bond funds should be available to the City to complete the project. Granite Construction also has to file the same bond with the State of Utah, and has asked that they aren't required to double bond, so the City Attorney has instructed City Staff to require that the reclamation plan

that is approved by the Planning Commission must be the exact plan that is approved by the State of Utah, and that the surety bond filed with the State of Utah should also be available to North Salt Lake City in the event that the reclamation is not completed.

Mrs. Avery handed out an amended recommendation from the Development Review Committee, which clarifies some of the language in the motion. The DRC is recommending approval with the following conditions:

- 1) The portion of the 4,900 foot elevation bench included in the first phase of the project must be permanently reclaimed and re-vegetated within 4 years. The remainder of the 4,900 foot elevation bench must be permanently reclaimed with the 2nd phase of the project. The 4,800 foot elevation bench may be temporarily reclaimed and re-vegetated and remain that way until it is permanently reclaimed and re-vegetated with the 2nd phase of the project.
- 2) The surety bonds for the reclamation for the property associated with the Small Mining Permit and the Large Mining Permit must be approved by the City Engineer and be written in a way to provide access to the bond funds for both the State of Utah and North Salt Lake City. The applicant must provide proof of satisfying this condition to City Staff prior to the commencement of operation.
- 3) The reclamation plan approved by the State of Utah for both the Small Mining Permit and the Large Mining Permit must be the same reclamation plan approved by the North Salt Lake City Planning Commission. The applicant must provide proof of satisfying this condition to City Staff prior to the commencement of operation.

The DRC recommends approval of a reduction in the requirement in NSL City Code 10-17-7.B2, which requires that a 100' horizontal distance be maintained from any other property owner. The requirement will be reduced to zero (0) feet between adjacent mining operations, but remain one hundred (100) feet from any residential property lines, excluding the roadway for Granite Ridge.

Council Member Mumford asked for clarification on the requested buffer change from 100' to 50' on the roadway. Ali Avery replied that City code specifies a buffer of 50' from a public street and 100' away from a residence. The 50' buffer is due to the curve of the proposed road in phase 3 of the Granite Ridge subdivision, and is in compliance.

Council Member Mumford questioned if this area would have similar slopes and grades comparable to the east hillside of Eaglewood Village. Chris Faulhaber, Granite Construction, replied that this area will have steeper slopes, and would be similar in configuration to what Hughes (Lakeview Rock Products) is doing on the Monte Thomas Pit mining area directly west of the Granite Ridge subdivision.

Council Member Mumford asked if Phase 1 would have permanent grading and be permanently reclaimed and that Phase 2 would have the 4,900' elevation and that both phases would be recommended for approval now. Ali Avery replied that this is the final approval for this property, including both phases.

Commissioner Knowlton commented that the planting of the benches needs to approximate the condition of a pre-mining state and what the reclamation plan would be. Ali Avery replied that Granite's landscape architect has surveyed the area and only found a few types of plants on the property currently. Chris Faulhaber stated that 6" of topsoil will be added to the benches, along with native seed mix which will help with dust and erosion. The City Code requires only 1" of topsoil.

Commissioner Baskin asked what the bond amount is anticipated to be. Chris Faulhaber replied that through the Small Mining Operation, the estimation will be \$5,000 per acre as a flat fee and only 5 acres are allowed with the Small Mining Permit, so the cost would be around \$25,000 at this time. The surety bond for the Large Mining Permit will likely be \$400,000 to \$450,000.

The Planning Commission then discussed the east buffer, what will happen when the earthen berm buffer is removed, and the issues of safety in regards to the 100' drop off at the edge of the buffer zone. They expressed concern with having just the chain-link fence in regards to stopping an errant car, children or trespassers and the appearance of a chain-link fence in this upscale area. Chris Faulhaber commented that Granite Construction would be willing to install boulders and an earthen berm in the area in addition to a chain-link fence.

Ali Avery said that the berm and fence are to protect and restrict access from the mining area and that the road safety issue would be addressed with the Construction Drawings for Phase 3 of the Granite Ridge Development.

Commissioner Drinkall was excused at 8:30 p.m.

Commissioner Oblad asked the Planning Commission if they would prefer a berm, fence or both in this buffer area and the Commission came to the conclusion that they would like a berm with a fence behind it. Chris Faulhaber replied that they would like to place the fence before the berm, as the topsoil for the berm would be used for reclamation eventually.

Council Member Mumford commented he was hesitant to approve something that would insinuate approval of property that is part of an R1-12 zone (in reference to the property directly west owned by Lakeview Rock Products). The Lakeview Rock Products property was formerly

owned by UDOT, which is a state agency. Council Member Mumford asked if a conditional use for mining would even be allowed to be approved for Granite construction, as the nearby mining done by Lakeview Rock Products property appears to be included in their operations. Ali Avery recommended tabling this item until the Lakeview Rock Products issue could be discussed with the City Attorney.

Council Member Mumford moved to table until the City attorney can review the compatible land issues with this and the R1-12 zone. Commissioner Knowlton seconded the motion. The motion was approved by Commissioners Baskin, Jensen, Oblad, Knowlton, Garn and Council Member Mumford. Commissioner Drinkall was excused.

Chris Faulhaber asked for a speedy resolution, as the Granite Ridge development/Brighton Homes was also waiting on their approval.

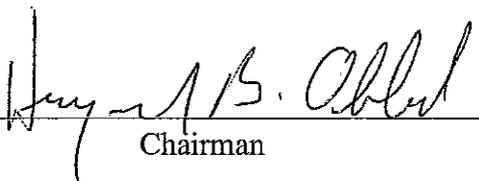
4. APPROVAL OF MINUTES

The Planning Commission meeting minutes of March 25, 2014 were reviewed and approved.

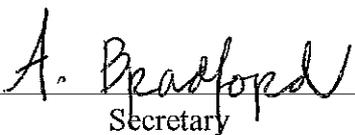
Commissioner Knowlton moved to approve the minutes of March 25, 2014. Council Member Mumford seconded the motion. The motion was approved by Commissioners Oblad, Jensen, Knowlton, Baskin, Garn and Council Member Mumford. Commissioner Drinkall was excused.

5. ADJOURN

Chairman Oblad adjourned the meeting at 9:03 p.m.



Chairman



Secretary