

**CITY OF NORTH SALT LAKE
JOINT MEETING
PLANNING COMMISSION & CITY COUNCIL
NOVEMBER 24, 2020**

FINAL

Commission Chair Ted Knowlton called the meeting to order at 7:02 p.m.

PRESENT: Mayor Len Arave
Council Member Lisa Watts Baskin
Council Member Natalie Gordon
Council Member Brian Horrocks
Council Member Ryan Mumford
Council Member Stan Porter

Commission Chair Ted Knowlton
Commissioner Stephen Garn
Commissioner Kent Kirkham
Commissioner William Ward
Commissioner Brandon Tucker
Commissioner BreAnna Larson
Commissioner Alisa Van Langeveld

STAFF PRESENT: Ken Leetham, City Manager; Paul Ottoson, City Engineer; David Frandsen, Public Works Director; Janice Larsen, Finance Director; Craig Black, Police Chief; David Church, City Attorney; Sherrie Llewelyn, Community Development Director; Ali Avery, Long Range Planner, Mackenzie Bennett, Planning Technician; Linda Horrocks, City Recorder; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Dee Lalliss, resident; Stephen Love, Vanessa Love, Love Carpet Cleaning; Charles, Amy Bone, property owner; John Logan, Karen Mills, Golf Course Oversight Committee; Kenny Akers Tammy Burningham Clayton, Dallas Golden, Ron Gordon, Parks and Arts Board

Those present introduced themselves and explained their affiliation with the City.

1. YEARLY TRAINING-OPEN AND PUBLIC MEETINGS ACT

David Church reported that training on the Open and Public Meetings Act was required annually per a section of State law, which applied to all public bodies. A public body was defined as any group created by law, ordinance, or policy that had administrative, advisory, executive or

legislative functions and had a delegation to make recommendations on public business. He explained that all public meetings would need to comply with the Act by ensuring that a meeting would be the convening of a quorum of the public body for the purpose in which it was created. He explained that it was not a meeting if there was not a quorum, if it was not officially convened, if it was purely a social occasion or chance get together.

There were also two requirements for a public meeting in that the meeting would need to be noticed appropriately and records of the meeting be made. There must also be a specific agenda for each meeting, which must be posted on the State website and sent to the news media at least 24 hours prior to the meeting. All meetings are public meetings, but not all meetings are public hearings.

Commissioner Van Langeveld clarified that it was not the requirement of the citizens on the boards or committees to fulfill the requirements for minutes and noticing, etc. She said City staff was maintaining those requirements. David Church said it was the responsibility of the Chair of the board to make sure that these requirements were being taken care of by staff.

Ken Leetham commented that it was important for the citizen committees to notify City staff of proposed meetings so it could be properly noticed. David Church said an agenda was required with the topics for discussion to be reasonably specific. Items not on the agenda can be discussed but no action can be taken. Emergency meetings allow for a shortened notice period for the meeting and to take action on items not on the agenda.

David Church said that all decisions and deliberations made by the Commission must be made in an open meeting. He said there was no law against communicating or participating in social media but that the Commission should avoid deliberating online outside of the public process. Outside of the public hearing process the level of public participation in the meeting would be up to City policies and procedures. The City Council allows the public to speak on matters that are not on the agenda. The other City boards and commissions can allow for public comment or not. All the law requires is to allow the public to attend the meeting while decisions are made in front of the public.

The meeting minutes do not have to be a transcript but must contain the substance of what the public said. The law also requires the substance of what the board/council/committee member said and the vote by name of all items voted on. The minutes do allow that rather than having the substance in the minutes that link with the recording be provided. Written minutes and recordings are required for all meetings and are public documents. The recording for the City Council and Planning Commission meetings must be available within 3 days following the meeting. The draft form of the written minutes must be available to the public within 30 days following the meeting. The written minutes are the official record for the City Council and the recording would not be the official record.

David Church reported that all of the meetings were open and public but some portion but the City Council or Planning Commission could close a portion of the meeting for items such as pending or imminent litigation, competency of an individual, purchase or sale of real property, or due to an ongoing criminal investigation, etc. He said that an executive or closed meeting required a motion detailing the reason, the meeting must be recorded, and the discussion limited to the topic reason. A City Council or Commission could not adopt an ordinance, approve a contract, or pass final legislation in a closed session. All meetings must start as an open meeting and could then be closed after meeting the above named requirements. A recording or written minutes would not be required for closed meetings if the meeting was to discuss an individual's character or competency or the deployment of a security device. The purpose for this is that the presence of a recording device inhibits free discussion. Recordings of the closed meetings were kept in the event that the meeting was challenged and would then be reviewed by a judge.

Council Member Baskin asked how long the records for a closed meeting were kept. Linda Horrocks stated via meeting chat that audio or video recording were kept for three years after the meeting minutes were approved.

David Church said this Act also applied to the legislature and provided an updated definition of electronic message as "a communication transmitted electronically including electronic mail, instant message, electronic chat, text message as that term is defined or any other method that conveys a method or facilitates communication electronically." There is also a section in the Act that says nothing in the Open and Public Meetings Act can be construed to make it a violation of that Act for members of a public body to exchange electronic message with each other outside of a public meeting. Electronic message is not to be used for deliberating or deciding outside of public purview or to discuss things as a quorum. He said that often citizens will accuse Councils and Commissions of conspiring through electronic messaging so it is important to avoid this.

Council Member Baskin asked about the double standard in that the State legislature could hold closed caucuses. David Church replied that while some people may feel this is a double standard but the reason why they had a closed caucus was that public bodies specifically do not include political parties. When the republicans meet as a caucus at the legislature they are not a public body when meeting. The problem with this is that Utah is effectively a one party State so when they meet to plot strategy they are deliberating and deciding on the end result.

David Church stated that there were penalties for violating the open and public meetings act either civilly or criminally and the action can be voidable within 90 days per a judge's ruling. He suggested that to preserve or renew trust in local government it would up to the City to comply with the Open and Public Meetings Act, have good notices, have clear agendas, go beyond the minimum to invite the public to participate in meetings, and have good written minutes and recordings, and having this information available on the City's website.

2. DISCUSSION: FORM BASED CODE DRAFT

Sherrie Llewelyn reported on the City's latest draft of the Form Based Code and said the last joint work session for the code was held in October 2019. The Planning Commission then reviewed two chapters of the code at each meeting until it was a complete document. She compared form based code with traditional code and said that the form based code implements the Town Center Master Plan versus extensive use of the P District zone. The organizing principle of form based code was physical form versus separation of uses in a traditional code. The focus of the Form Based Code was the relationship between building façade and the public realm versus a focus on setbacks, lot size and segregating land uses in a traditional code. The Form Based Code has clear quality design regulations related to building massing and design versus fewer or no design regulations in a traditional code. The Form Based Code promotes transportation options and pedestrian comfort/safety while a traditional code is auto oriented. Form based code regulates land-use versus compartmentalizing land uses with a traditional code. Form based code also fosters a sense of place. She then reviewed the next steps in the process with the joint work session tonight followed by a review period in December 2020, another joint work session in January, the public review process with a virtual open house, review by the Planning Commission in February to modify based on public feedback, a public hearing at the end of February, and City Council review in March.

Mayor Arave asked if a rezone would need to occur after the process was completed. Sherrie Llewelyn replied that the rezone would occur at the public hearing in February. She said the Town Center code was a zone with subdistricts. This would rezone the properties in that area to the Town Center Zone with the proposed regulations being reviewed.

Mayor Arave questioned what options property owners in that area would have. Sherrie Llewelyn responded that property owners could ask for a rezone to a different zone or challenge the zoning via referendum.

Chair Knowlton stated that property owners could also ask to change to a different subdistrict or the details in the Form Based Code. Sherrie Llewelyn said that this was the reason for the public hearing and review process.

Mayor Arave asked if staff was reaching out to the development community for input as well. Sherrie Llewelyn replied that she had shared the draft of the Form Based Code with multiple developers and would follow up to collect feedback.

Commissioner Van Langeveld asked about the process for public comment other than the virtual open house and public hearing. She asked if the public open house could be recorded and available on the City's website. Sherrie Llewelyn responded that citizens could email written comments to the City or comment at the meeting. She agreed that recording the open house and allowing citizens to comment later was an excellent use of the electronic platform.

Sherrie Llewelyn reported that the Form Based Code was divided into eight sections including definitions, street types, subdistricts, uses, building, amenities, parking, signage and lighting. She showed a map of the subdistricts, which included the Core, Arts & Parks, Center & Orchard, Boulevard, North 89, and Edge areas.

Council Member Baskin commented that a boulevard was typically lined by trees and asked if it was anticipated that that trees would be planted along the streets in that district. Sherrie Llewelyn replied that she advocated for wider sidewalks and would like to see nice trees in that area along Highway 89.

Chair Knowlton asked for a brief overview of each district. He said the only district that had different parking requirements was the Core district, the Edge district had the most restrictions, and each district had its own character.

Ken Leetham said one issue in the Edge district was the status of the properties, particularly non-conforming, when the zoning was adopted. Sherrie Llewelyn replied that single family dwellings in the Edge district were a permitted use and would not be non-conforming.

Ken Leetham expressed concern for property owners running afoul of the proposed district regulations. He commented that he had less concerns in other districts as the City had adopted a master plan and these areas were in transition. Mr. Leetham said the City had made it clear on the future intent for certain areas but not as much in the Edge areas. Sherrie Llewelyn replied that the reason for the Edge district was to act as a buffer between the higher intensity uses and the surrounding single family neighborhoods. Further, that this is the rationale for Edge areas having single family houses and rowhouses as the only building type permitted.

Commissioner Larson explained that the Planning Commission had a difficult time deciding how the code should be written for the North 89 district where it transitioned into the Edge district. She commented that she believes that with the current P-District process, residents in and near the Town Center felt insecure not knowing where high density housing would be put and that the decisions could be arbitrary. She said the districts may help to provide less aggression from the public towards the City Council and Commission, as they will understand the limits.

Sherrie Llewelyn replied that the boundaries would reduce the subjectiveness as it defined the Town Center and the activities in each district.

Commissioner Van Langeveld asked what would happen to the residents in the Edge district once the Form Based Code was adopted. She said the two options were that they were either out of compliance or could be grandfathered in and asked what would be the solution. Sherrie Llewelyn replied that the single family homes would not be out of compliance under the new code. She said the only change would be if the property owners wanted to sell to a buyer who wanted to build something other than single family or a townhouse there.

There was a discussion about non-conforming properties and the transition over time. This included things the City could do to aid in conversion including widening roads, installing sidewalks, or planting trees, etc.

Sherrie Llewelyn reviewed the Core subdistrict and the building types that are allowed including stacked flats, limited bay, and row buildings as well as the setbacks, and cross sections. The Edge subdistrict allows single family and row homes. The buildings allowed in the Arts & Parks district included stacked buildings, storefronts with glazing, row homes, and limited bay. Center & Orchard district would be similar to the Arts & Parks district. The Boulevard and North 89 Districts' building types are yard buildings, stacked buildings, storefront buildings, row houses, and the limited bay building.

Council Member Porter commented on the heights of the buildings. Sherrie Llewelyn replied that this was addressed in the code as it provided a step down in the height of the buildings from one subdistrict to the next based, on the proximity to single family dwellings.

Ali Avery clarified that the transition was only for single family homes in the Edge district and outside the Town Center boundary.

Council Member Mumford asked for clarification on how many homes may be affected. Sherrie Llewelyn said that staff would work on mapping out potential non-conforming uses before the next work session and complete an analysis on the step downs from the Edge district.

Council Member Porter suggested determining the gains and losses particularly in the Edge district. He said to look at what was currently allowed and what the advantages would be with the Form Based Code.

Commissioner Van Langeveld asked about the overall height of the buildings and these determinations particularly allowing for 5 ½ floors in the Core district. Sherrie Llewelyn replied that this number may have been from the consultant.

Chair Knowlton said part of the rationale for 5 ½ floors may relate to intensity in the core to increase vibrancy and that after five levels it would result in diminishing returns such as cost and resulting in a more urban feel.

Council Member Porter felt it may be due to the fire district with a height limit based on their equipment. Sherrie Llewelyn also thought it could be related to building code restrictions.

Chair Knowlton then said that the Planning Commission was interested in pushing for retail on the main floor in the Core district along Highway 89. Ali Avery commented that this was also a requirement in the Center & Orchard district.

Council Member Baskin commented that the Center & Orchard area did not have street parking but was proposed to have retail on the street level. She asked how this was workable. Ali Avery clarified that there would be angled or parallel street parking on Center Street but the parking for their specific use would not be on the street.

Commissioner Van Langeveld asked about the lack of a bike lane on Highway 89. Ali Avery replied that there would be the separated bike lane on Orchard, Main Street or the Bamberger Trail that will run parallel, more or less, to Highway 89.

Mayor Arave expressed concern that the Town Center would become multiple apartment complexes and nothing else. Sherrie Llewelyn said that is why residential is not allowed on the main level in the Core district. She said staff could do an analysis of what properties were available in the Town Center and what redevelopment might look like.

There was a discussion about the triangular piece of property between Center and Orchard where Chevron was located and if it should be part of the Core district, intensity, building and height.

Council Member Baskin asked about a strip mall in that triangular piece and what was happening there. Sherrie Llewelyn replied that there were four different property owners and no one was interested in selling to her knowledge.

Chair Knowlton spoke on setbacks and the changes made from the suggestions by the consultant. He said there were minimum and maximum setbacks. Sherrie Llewelyn said the numbers in this draft may not have been updated so staff would verify.

Chair Knowlton talked about parking ratios and felt that they were too high. He felt they could be lowered to allow developers to build less parking in the Core district only.

Council Member Horrocks said that bus routes were great for commuting and residents living in that area. He spoke on parking and how the lack of could affect those coming to dine or shop in the Town Center area.

Council Member Porter stated that he did not like tandem parking. Council Member Gordon went on record to say she hated tandem parking.

Ken Leetham said it was a balance to find the right amount of parking. He said the City should plan for shared parking such as at City Hall, Hatch Park, or office building parking lots.

Ali Avery commented on how the parking compares to the current code and said the residential parking would be similar to what was approved at Eaglewood Lofts. She said the current code requires 2.25 parking stalls per unit regardless of the number of bedrooms. Ms. Avery said the numbers in the Form Based Code came from a parking use study performed by the consultant from different areas in the City.

Chair Knowlton said the struggle was creating a great place that would draw people. He commented that there had to be change first to create that type of place and then give consideration to parking.

There was a review on the sections related to access, street types and cross sections, the use by subdistrict table, parking lots and structures, as well as park landscaping and amenities.

Mayor Arave said to expect a lot of citizen feedback. He thanked staff and the Commission for their efforts thus far.

Chair Knowlton suggested an exercise in which one could review a development that was unlikeable and if the Form Based Code could have made that area better. He reiterated that part of the problem was the Planning Commission needed a more comprehensive ordinance framework to ensure better developments and the Form Based Code would help to protect staff, the Commission and the Council.

Commissioner Kirkham thanked Sherrie Llewelyn, Ali Avery and the consultants for their efforts on the Form Based Code. Mayor Arave and Chair Knowlton were in agreement.

Ken Leetham said the December 1st City Council meeting would be cancelled and asked if the City Council could meet on December 15th.

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

Chair Knowlton adjourned the meeting at 9:52 p.m.

The foregoing was approved by the Planning Commission of the City of North Salt Lake on 12/8/2020 by unanimous vote of all members present.



Recorder