



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 September 28, 2021 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, Pledge, and Introduction
- 2) Public comments
- 3) Consideration of site plan approval for HVAC Construction Addition at 624 West 900 North, Hughes General Contractors, Gary Tyler, applicant
- 4) Public Hearing: Consideration of proposed amendments to the City of North Salt Lake Annexation Policy Plan & Expansion Area Map
- 5) Report on City Council actions on items recommended by Planning Commission
- 6) Approval of minutes:
 - a. 9/14/2021

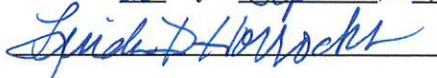
Adjourn

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 recorder for the City of North Salt Lake, hereby certify that the foregoing agenda was posted on the Utah Public Notice website, at city hall, and sent to the required newspapers this 23 day of Sept., 2021.

Dated this 23 day of Sept., 2021.







CITY OF NORTH SALT LAKE COMMUNITY & ECONOMIC DEVELOPMENT

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

TO: Planning Commission
FROM: Mackenzie Bennett, Planner
DATE: September 28, 2021
SUBJECT: Site Plan for HVAC Construction Addition, 624 West 900 North

RECOMMENDATION

The Development Review Committee (DRC) recommends approval of the site plan for the HVAC Construction addition located at 624 West 900 North with the following condition(s):

1. Completion of engineering redlines, if any.

BACKGROUND

Located within the Manufacturing-Distribution (MD) zone at 624 West 900 North, HVAC Construction has applied for a Site Plan to complete a 2,934 sq. ft. addition to the existing 6,247 sq. ft. building. This proposal also includes site improvements related to landscaping, fire access, and parking. The entire property is approximately 3 acres (130,680 sq. ft.) but only 25,339 sq. ft. are being disturbed by the existing building and proposed addition. The remaining land is used for outdoor storage.

REVIEW

The existing building has 13 parking stalls and 1 ADA stall. The proposed addition will increase the parking quantity to 20 parking stalls and 1 ADA stall which is compliant with code (see table below).

	Parking Code (10-6-5)	Floor Space	Required
Contractors Yard	1 stall per 500 sq. ft. of floor area in a building	9,181	19
		Total Required	19

Per City Code 10-11-3, the minimum landscape percentage is 10% in the MD zone. The proposed site plan provides 2,861 sq. ft. of landscaping which equates to 11.3%, exceeding the minimum requirement. This calculation was completed using the total disturbed area square footage and not the entire lot size.

ARCHITECTURAL REVIEW

The City's non-residential building design standards aim to improve the quality of construction and architectural aesthetics in non-residential areas of the City. The standards call for all buildings that are visible from a public right of way to comply with the standards. The proposed building addition meets architectural design guidelines and is compliant with code.

Massing

- Horizontal Articulation every 100 feet-Each facade greater than one hundred feet (100') in length, measured horizontally, shall incorporate architectural features such as wall plane projections, recesses, or other building material treatments, colors and textures that visually interrupt the wall plane. No uninterrupted length of a facade may exceed one hundred (100) horizontal feet. **(Meets Standard)**
- Vertical Articulation every 30 feet in height-max height 45 feet **(Not Applicable)**
- Parapet Variation every 60 linear feet-All facades visible from a public right of way shall include a parapet that varies in height by at least two feet (2') for each sixty (60) linear feet of facade length. **(Not Applicable)**
- Primary Building Entrance: Any primary entrance shall be clearly defined by either recessing the entrance or with a sheltering element such as an awning, arcade, or portico to provide shelter from the sun and inclement weather. **(Meets Standard)**

Materials

- High quality materials-factory finished, integrally colored, or otherwise suitably treated- **(Meets Standard)**
- Metal siding, or materials which appear to be metal siding, prohibited except as accents (20%)- **(Meets Standard)**
- Metal roofs & doors permitted **(Meets Standard)**

POSSIBLE MOTION

I move that the Planning Commission approve the site plan for the HVAC Construction addition located at 624 West 900 North with the following condition(s):

1. Completion of engineering redlines, if any.

Attachments

- 1) Zoning/ Aerial Map
- 2) Site Plan
- 3) Elevations
- 4) Landscape Plan



HVAC Construction Addition – Site Plan

624 West 900 North

Zoning

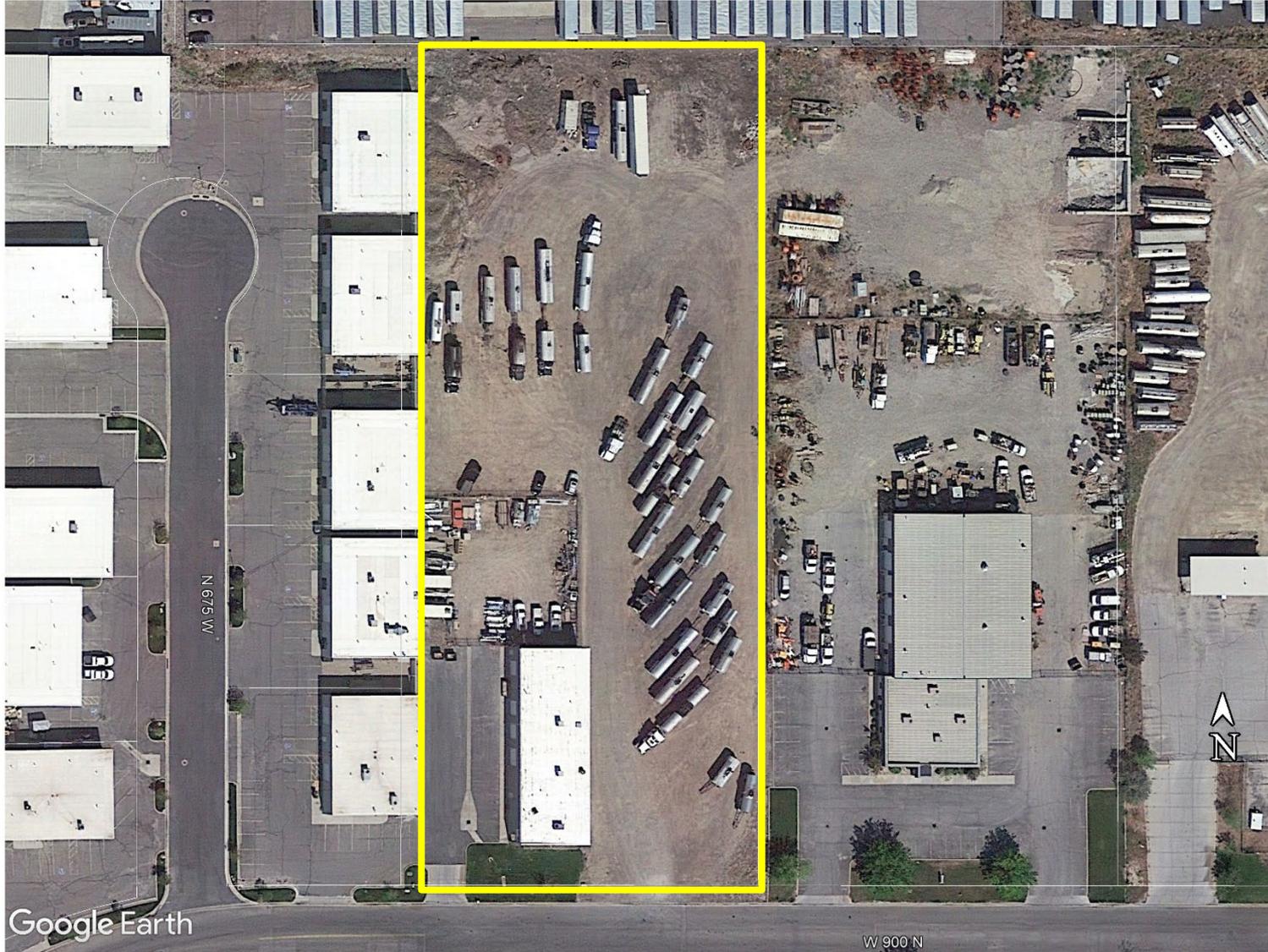




HVAC Construction Addition – Site Plan

624 West 900 North

Aerial



PARCEL NUMBER: 060900022
 PARCEL NAME: CRETE CARRIER CORPORATION
 PARCEL ADDRESS: 695 W 1100 N

PROPERTY BOUNDARY
 PARCEL NAME: TJ MANAGEMENT LLC
 PARCEL NUMBER: 010830075
 3 ACRES

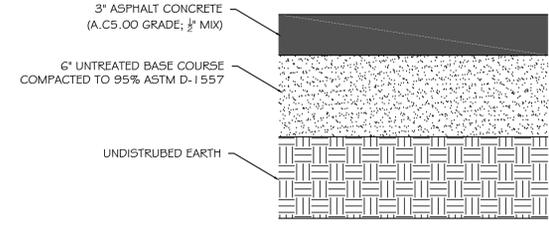
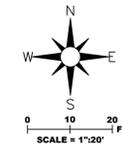
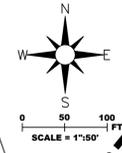
PARCEL NUMBER: 013340006
 PARCEL NAME: HUGHES, RANDY GLENN
 PARCEL ADDRESS: 982 N 675 W

PARCEL NUMBER: 013340007
 PARCEL NAME: HUGHES, RANDY GLENN
 PARCEL ADDRESS: 966 N 675 W

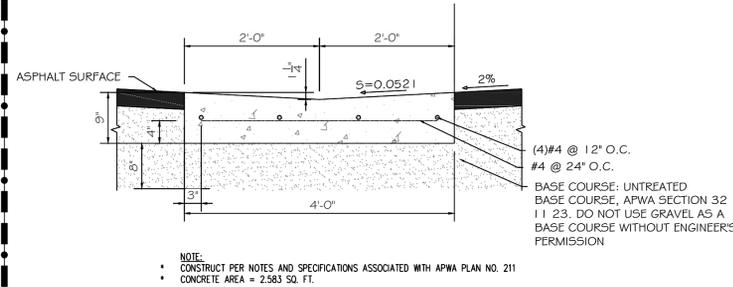
PARCEL NUMBER: 013340008
 PARCEL NAME: HUGHES, RANDY GLENN
 PARCEL ADDRESS: 948 N 675 W

PARCEL NUMBER: 013340009
 PARCEL NAME: HUGHES, RANDY GLENN
 PARCEL ADDRESS: 932 N 675 W

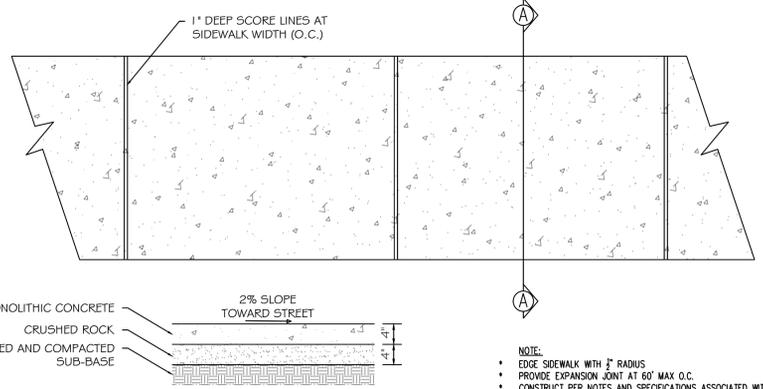
PARCEL NUMBER: 013340010
 PARCEL NAME: HUGHES, RANDY GLENN
 PARCEL ADDRESS: 660 W 900 N



1 PAVEMENT SECTION SCALE: NONE



3 4' WATER WAY SCALE: NONE



2 SIDEWALK SCALE: NONE

PARKING STALL TABLE

PARKING CATEGORY:
CONTRACTORS YARD, BUSINESS SERVICE

CODE REQUIREMENT	1 STALL PER 500 SQ FT
REQUIRED PARKING	19 STALLS
ACTUAL PARKING	20 STALLS
TOTAL ADA PARKING	1 STALL

KEYNOTES:

- 01 4' WATERWAY EXTENSION (SEE DETAIL 3 ON THIS SHEET)
- 02 SIDEWALK (SEE DETAIL 2 ON THIS SHEET)
- 03 ASPHALT (SEE DETAIL 1 ON THIS SHEET)

LAND USE TABLE

PROPERTY ZONE: MANUFACTURING-DISTRIBUTION (MD)

BUILDING	9,181.48 SQ FT (6,247.0 SQ FT EXISTING)	36.2%
LANDSCAPE	2,860.95 SQ FT	11.3%
HARDSCAPE	13,296.4 SQ FT (9,465.9 SQ FT EXISTING)	52.5%
TOTAL DISTURBED ACREAGE	25,338.83 SQ FT	100%

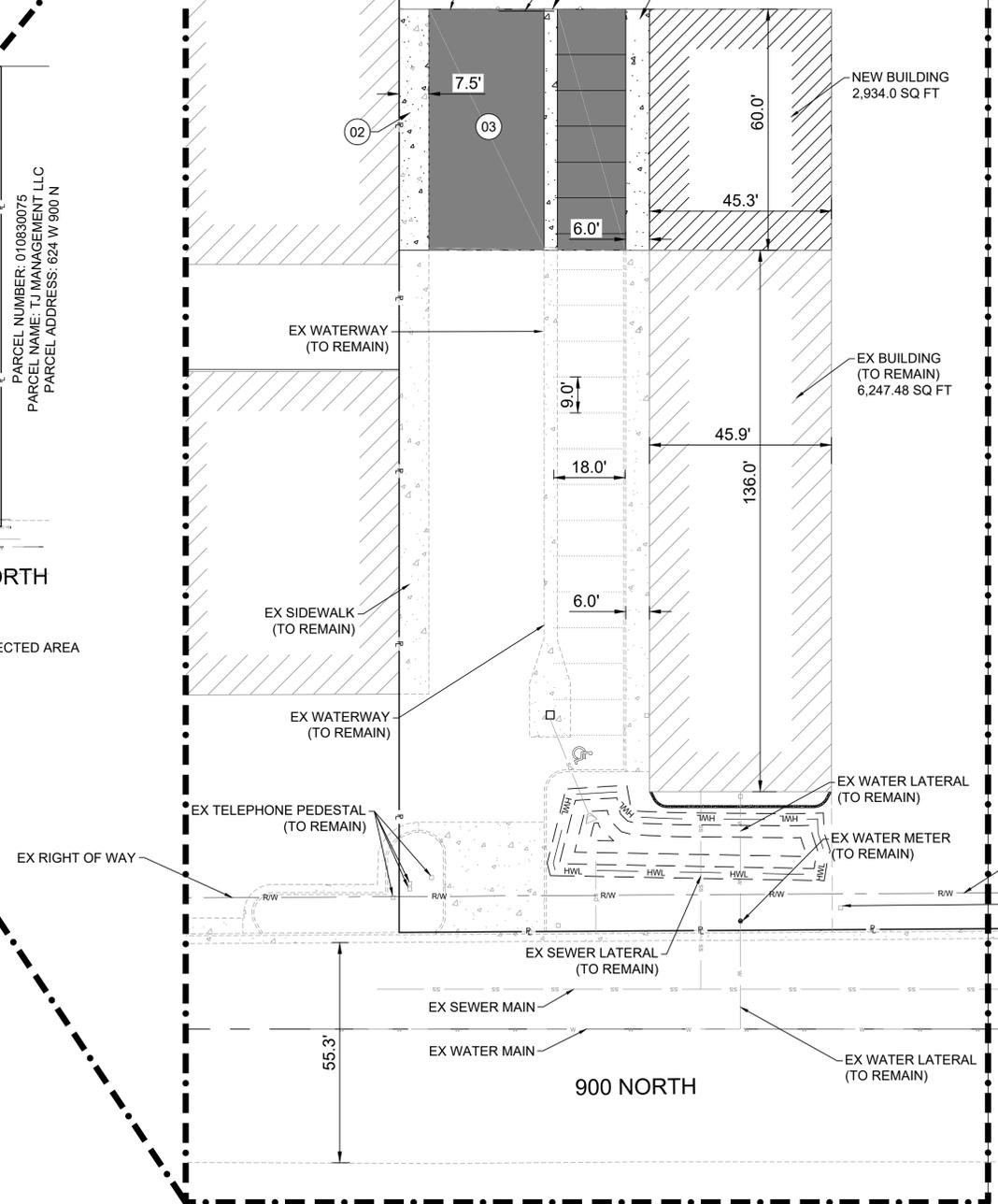
NEW BUILDING ADDITION INFORMATION

HEIGHT: 20'-9.5"
 NUMBER OF FLOORS: 1
 SQUARE FOOTAGE: 2,934

NOTE:
 OWNER, DEVELOPER, AND/OR THE CONTRACTOR ARE RESPONSIBLE FOR ANY DAMAGE TO THE RIGHT-OF-WAY THAT MAY BE DIRECTLY OR INDIRECTLY CAUSED BY THE DEVELOPMENT ACTIVITY.

ALL INFORMATION AND DESIGN WORK IS BASED OFF OF SURVEY PROVIDED TO IRE CIVIL.

CONTRACTOR MUST MEET ALL NORTH SALT LAKE CITY SPECIFICATIONS AND STANDARDS WITHIN THE CITY RIGHT-OF-WAY.



THE CONTRACTOR IS TO CALL BLUE STAKES PRIOR TO ANY CONSTRUCTION.

CAUTION: NOTICE TO CONTRACTOR

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE LOCAL UTILITY LOCATION CENTER AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS. IF A CONFLICT IS IDENTIFIED, THE ENGINEER OF RECORD SHOULD BE CONTACTED IMMEDIATELY, PRIOR TO ANY FURTHER WORK BEING DONE RELATED TO THE ISSUE. CONTRACTOR IS TO BEGIN CONSTRUCTION AT LOW SIDE OF ALL GRAVITY LINES.



1246 E Driggs Ave
 SLC, UT 84106
 isaac@irecivil.com (801) 860-2191



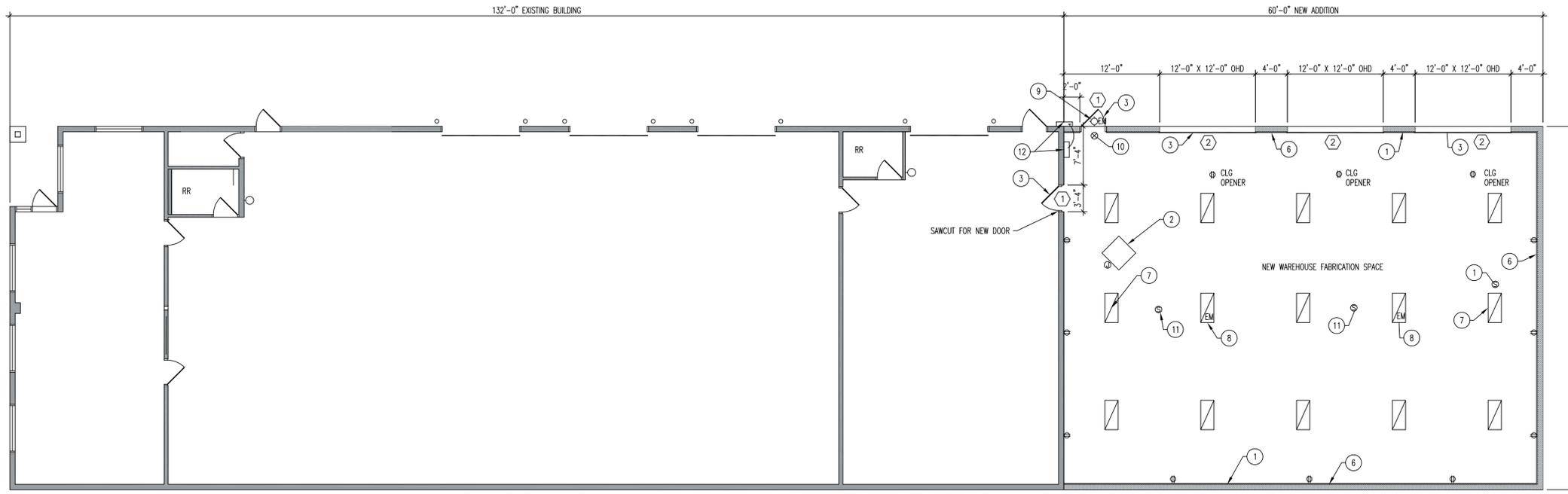
HVAC CONSTRUCTION ADDITION

624 WEST 900 NORTH
 NORTH SALT LAKE, UTAH 84054

CLIENT CONTACT
 NAME: GARY TYLER
 ADDRESS: 900 NORTH REDWOOD ROAD
 NORTH SALT LAKE, UTAH 84054
 PHONE: (801) 292-1411
 EMAIL: GARYT@HUGHESC.COM

REV	COMMENT

SHEET NO.
C200
 SITE/UTILITY PLAN



- KEYED FLOOR PLAN NOTES:**
1. NEW CMU WALLS. FILL EMPTY CORES WITH FOAM BEADS
 2. NEW DOOR
 3. UNIT HEATERS HUNG FROM CEILING - TIE INTO GAS LINES FOR BUILDING. TEMPER ONLY OF SPACE.
 4. NEW CONVENIENCE OUTLETS - TIE BACK TO EXISTING PANEL
 5. 6" CONCRETE FLOOR WITH 6X6/1.9X1.9 W/M
 6. THERMAX WHITE FINISH INSULATION (R-6 MIN. POLYISOCYANURATE) FULL HEIGHT TO ROOF DECK ADHERED DIRECTLY TO CONC. WALL SYSTEM. TYP. AT ALL EXTERIOR WALLS OUTSIDE OF PROPOSED OFFICE AREAS.
 7. HIGH BAY LED LIGHTING TO BE 93W MAX METALUX OR EQ.
 8. EM= EMERGENCY LIGHT TO HAVE BATTERY BACKUP FOR 90MIN
 9. EXTERIOR EMERGENCY LIGHT WITH BATTERY FOR 90 MINUTE RUN TIME
 10. NEW EXIT LIGHT WITH BATTERY BACKUP 5W MAX
 11. SENSOR SWITCHING FOR ENTIRE SPACE
 12. RELOCATE MAIN ELECTRICAL SERVICE TO BUILDING TO NEW POSITION SHOWN AND RECONNECT ALL POWER LINES AND SUPPLIES.

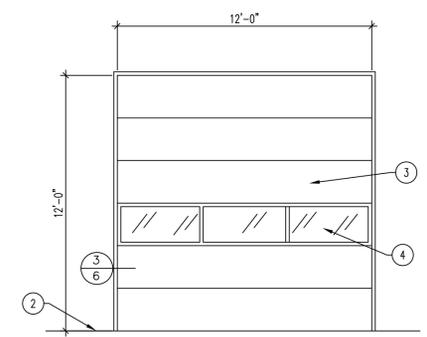
FLOOR PLAN

SCALE: 1/8" = 1'-0"

 NORTH

DOOR SCHEDULE:

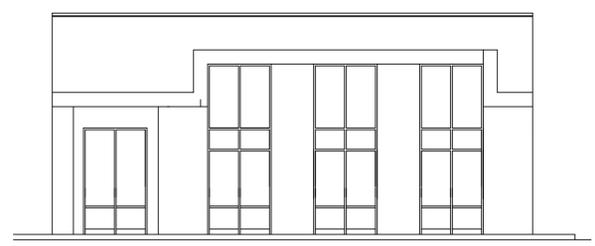
DR#	TYPE	DESCRIPTION
1	B	3'-0"x7'-0"x1 3/4" HOLLOW METAL DOOR AND FRAME. PAINTED, INSULATED DOOR. HARDWARE TO BE CLOSER, STORAGE FUNCTION ADA COMPLIANT LOCKSET, WEATHERSTRIP AND THRESHOLD, DEADBOLT WITH THUMBTURN AND SIGN: "THIS DOOR TO REMAIN UNLOCKED WHEN OCCUPIED"
2	A	12'-0"x12'-0" OVERHEAD DOOR. INSULATED PREFINISHED WITH OPENER AND BOTTOM SENSOR. MATCH EXISTING. TEMPERED GLASS LIGHTS - SEE TYPE



- KEYED NOTES:**
1. PAINTED HOLLOW METAL DOOR AND FRAME
 2. FLOOR LINE
 3. PREFINISHED OVERHEAD DOOR AND FRAME.
 4. TEMPERED GLASS GLAZING <4"x4"x1/4" EACH SIDE OF WALL AND EXTEND 16" BEYOND OPENING. THRU BOLT TOGETHER AT 16" O.C. W/1/2" THRU BOLTS. (NONBEARING EXISTING WALL ONLY)

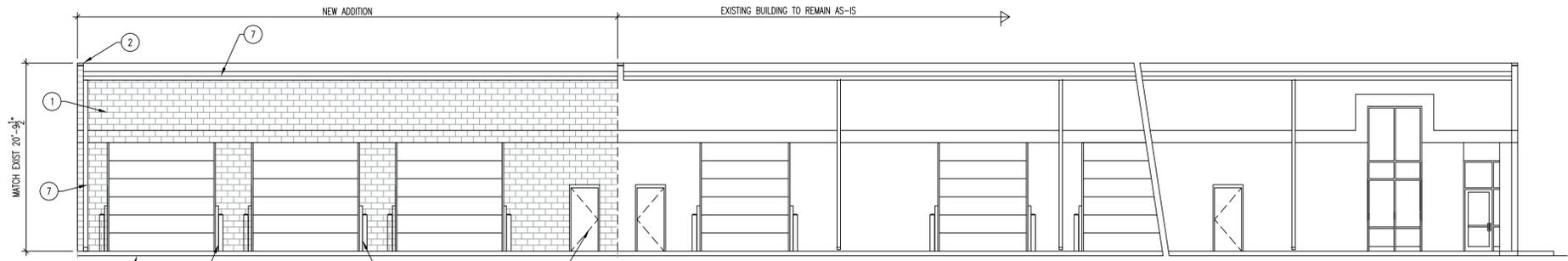
DOOR TYPES

SCALE: 1/4" = 1'-0"



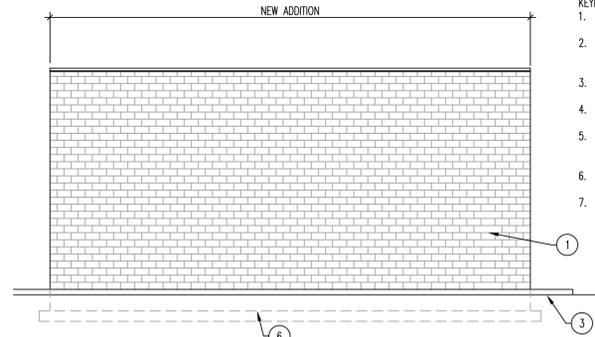
EXISTING SOUTH ELEV.

SCALE: 1/8" = 1'-0"



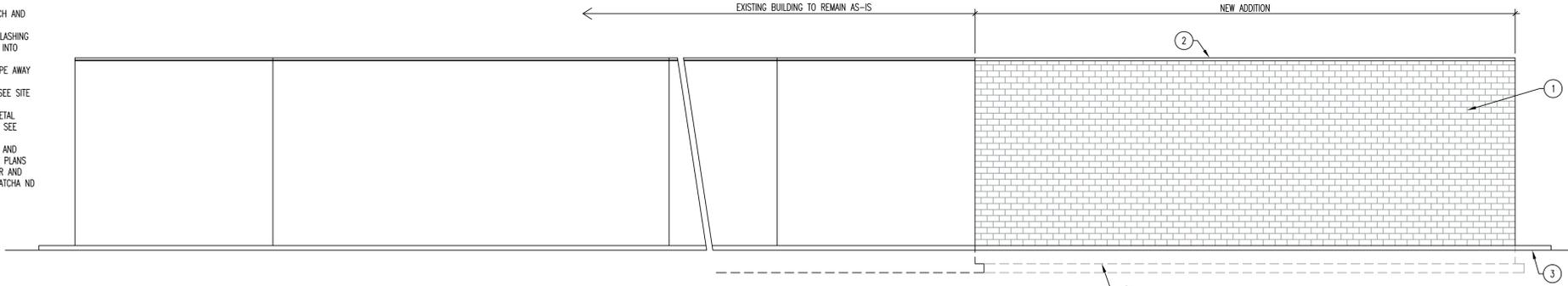
WEST ELEVATION

SCALE: 1/8" = 1'-0"



NORTH ELEVATION

SCALE: 1/8" = 1'-0"



EAST ELEVATION

SCALE: 1/8" = 1'-0"

- KEYED NOTES:**
1. CMU WALL SO MATCH AND TIE INTO EXISTING PREFINISHED CAP FLASHING TO MATCH AND TIE INTO EXISTING
 2. GRADE LINE - SLOPE AWAY FROM BUILDING
 3. NEW BOLLARDS - SEE SITE PLAN
 4. PAINTED HOLLOW METAL DOOR AND FRAME - SEE PLANS
 5. CONCRETE FOOTING AND FOUNDATION - SEE PLANS
 6. PREFINISHED GUTTER AND DOWNSPOUT TO MATCH AND TIE INTO EXISTING
 7. TIE INTO EXISTING

VINCENT DESIGN GROUP, INC.
ARCHITECTS AND PLANNERS

VDG

401 EAST 1700 SOUTH, SALT LAKE CITY, UTAH - (801)-484-2046



HVAC CONSTRUCTION OFFICE

NEW WAREHOUSE ADDITION TO:
HVAC CONSTRUCTION OFFICE

624 W 900 N
 SALT LAKE CITY, UTAH

FLOOR PLAN AND ELEVATIONS

ARCH. PROJECT NO: XX-XXX
 DATE: 2/15/19
 DRAWN BY: BRENT
 CHECKED BY:
 DESIGNED BY:

© COPYRIGHT VDG ARCHITECTS

DATE	REVISION

SHEET TITLE
A-1.00
 ARCHITECTURAL 1 of 1

ALL IDEAS, DESIGNS, ARRANGEMENTS, AND PLANS INDICATED OR REPRESENTED BY THIS DRAWING ARE OWNED BY AND THE PROPERTY OF VINCENT DESIGN GROUP, INC. AND WERE CREATED, EVOLVED, AND DEVELOPED WITH THIS SPECIFIED PROJECT. NONE OF THE IDEAS, DESIGNS, ARRANGEMENTS, OR PLANS SHALL BE USED BY OR DISCLOSED TO ANY PERSON, FIRM, OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT WRITTEN CONSENT OF VINCENT DESIGN GROUP, INC. WARNINGS: REPRODUCTION HEREOF IS A CRIMINAL OFFENSE UNDER 18 U.S.C. SEC. 506. UNAUTHORIZED DISCLOSURE MAY CONSTITUTE TRADE SECRET, MISAPPROPRIATION, IN VIOLATION OF I.C. 24-2-2-31 ET. SEQ. AND OTHER LAWS.

CAUTION: NOTICE TO CONTRACTOR

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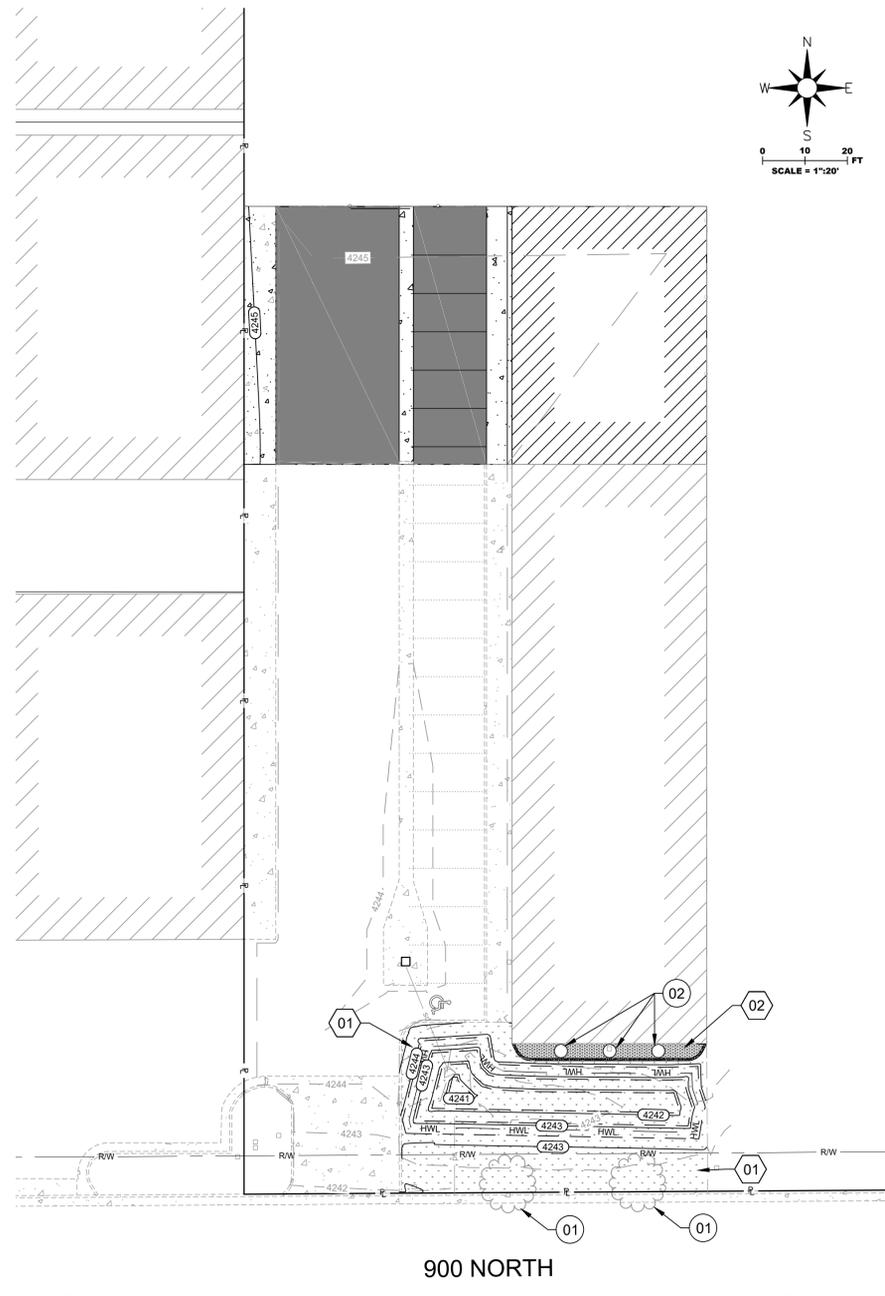
PLANT SCHEDULE:

DECIDUOUS TREES	CODE	QTY	BOTANICAL/COMMON NAME	CONT	CAL
01	AXA	2	ACER X FREEMANII 'JEFFERSRED' AUTUMN BLAZE MAPLE	B & B	2" CAL

DECIDUOUS TREES	CODE	QTY	BOTANICAL/COMMON NAME	CONT
02	POU	3	PHYSOCARPUS OPULIFOLIUS 'UMNHARPELL' PPAF FIRESIDE NINEBARK	5 GAL

KEYNOTES:

- 01 SODDED LAWN AREA
LAWN AREAS SHALL BE SOD. NEW TURF AREAS TO BE SODDED WITH 18% "BLUESTAR KENTUCKY BLUEGRASS, 19% "MARQUIS" KENTUCKY BLUEGRASS, 17% "NEWPORT" KENTUCKY BLUEGRASS, 17% "TOUCHDOWN" KENTUCKY BLUEGRASS, 16% "APM PERENNIAL RYEGRASS, 13% "ACCENT PERENNIAL RYEGRASS OR APPROVED EQUAL AT A RATE OF 220 LBS. PER ACRE. FINE LEVEL ALL AREAS PRIOR TO LAYING SOD.
ALL LAWN AREAS SHALL BE IRRIGATED WITH 100% COVERAGE BY POP-UP SPRAYHEADS AND GEAR-DRIVEN ROTORS. ALL DECIDUOUS AND CONIFER TREES PLANTED WITHIN SOD AREAS SHALL HAVE A FOUR FOOT (4') DIAMETER TREET RING COVERED WITH CHOCOLATE BROWN BARK MULCH. NO SHREDDED FINES. SUBMIT SAMPLES TO BE APPROVED BY LANDSCAPE ARCHITECT AND OWNER BEFORE INSTALLATION.
- 02 3" CHOCOLATE BROWN BARK MULCH.



HVAC CONSTRUCTION ADDITION
 624 WEST 900 NORTH
 NORTH SALT LAKE, UTAH 84054

CLIENT CONTACT
 NAME: GARY TYLER
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 NORTH SALT LAKE, UTAH 84054
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REV	COMMENT

TYPE	SUN	MON	TUES	WED	THURS	FRI	SAT	OPERATING PRESSURE
TURF	15 MIN	30 PSI						
SHRUBS	25 MIN	0	25 MIN	0	25 MIN	0	25 MIN	40 PSI

TYPE	SUN	MON	TUES	WED	THURS	FRI	SAT	OPERATING PRESSURE
TURF	15 MIN	15 MIN		15 MIN		15 MIN		30 PSI
SHRUBS	45 MIN		45 MIN		45 MIN		45 MIN	40 PSI

TYPE	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER
TURF	10 MIN	10 MIN	15 MIN	15 MIN	15 MIN	10 MIN	10 MIN
SHRUBS	30 MIN	30 MIN	45 MIN	45 MIN	45 MIN	30 MIN	30 MIN

NOTE: BEGIN IRRIGATION 4:00 AM, ONLY 1 CYCLE PER DAY

NOTE: BEGIN IRRIGATION 4:00 AM, ONLY 1 CYCLE PER DAY

SHEET NO.
C400
 LANDSCAPE PLAN



CITY OF NORTH SALT LAKE COMMUNITY & ECONOMIC DEVELOPMENT

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

MEMORANDUM

TO: Planning Commission
FROM: Sherrie Pace, Community Development Director
DATE: September 28, 2021
SUBJECT: Affected Entity Public Meeting: Annexation Policy Plan Draft Comments

GENERAL INFO

The Annexation Policy Plan is a guiding document that is used when a Petition for Annexation is filed by property owners outside the current city boundary. The Plan will provide direction to the Planning Commission when making a recommendation to the City Council on approve or deny an annexation and associated development proposal. The current City Annexation Policy Plan was adopted in 2003 is required to be updated to address the current state code requirements.

The Draft Plan attached has been updated to reflect the direction from the Planning Commission Work Session on August 9, 2021. On August 24, 2021 the Planning Commission had a meeting to collect comments from affected public entities. Additional written comments were to be received prior September 3, 2021 and have been included as an attachment to this report along with a two-page summary of the comments.

The purpose of this meeting is to hold a public hearing to receive comments on the plan from the public at large and any additional comments from affected entities. Subsequent to the public hearing the Planning Commission will direct staff to modify the plan and obtain any additional information brought to light at the hearing. The plan will the then be placed on a future agenda for recommendation to the Council.

BACKGROUND

In 2020 the City received a request from property owners along 2200 West in Salt Lake County for consideration of a future annexation petition. The property is located west of the current North Salt Lake boundary along the Jordan River and is not within the adopted 2003 annexation policy plan expansion area. The proposed area, is known as the North Pointe Annexation and proposed development Misty River. For the City to entertain a petition for annexation within this area the annexation policy plan is required to be amended to include the area. The City Council entered into an agreement with the property owner, whereby the owner would pay the proportional cost of hiring a consultant to draft an update to the City's plan. The plan update includes an updated analysis of the existing expansion areas for conformance with state code, that the City included within the plan update scope of work to be completed by the consultant.

The City began a process to update the Annexation Policy Plan and Map in September of 2020. City staff has been working with the hired consultant on the draft and has prepared the initial draft for the

Planning Commission review and input as required by state statute. The proposed draft Annexation Policy Plan addresses and updates all existing expansion areas A, B, & C, and includes the proposed area D, also known as the North Pointe Annexation Area.

Utah State Code Section 10-2-401.5 contains the specific steps for the adoption of an Annexation Policy Plan, as well as the requirements to be contained within the plan. The steps for adoption of the plan and estimated review/key dates are outlined as follows:

August 9, 2021	Planning Commission prepares proposed annexation policy plan
<i>August 17, 2021</i>	<i>City Council Work Session-Update from petition sponsor (not required by state code, requested meeting by applicant)</i>
August 24, 2021	Planning Commission Public Meeting to begin the 10 day public input period
September 3, 2021	Deadline for written comments submitted
September 28, 2021	Planning Commission Public Hearing Modify draft plan, as warranted
October 12, 2021	Recommendation to the City Council
October 19, 2021	Presentation to the City Council
November 16, 2021	City Council Public Hearing Modify draft plan, as warranted Adoption of policy plan

APPLICABLE STATUTES

Utah State Code 10-2-401.5(3) requires that an annexation policy include:

1. A map of the expansion area(s)
2. A statement of criteria to guide the City's decision to grant future annexations, that address the following:
 - a. Character of the community
 - b. Need for municipal services
 - c. City plans for extension of municipal services
 - d. How the services will be financed
 - e. Estimate of tax consequences to current residents and those within expansion areas
 - f. Interests of all affected entities
3. Justification for excluding urban development within ½ mile of city boundary from an expansion area (if applicable)
4. A statement addressing comments made by affected entities at or within 10 days after the required public meeting

Utah State Code 10-2-401.5(4) requires that the plan:

1. Attempt to avoid gaps between or overlaps with the expansion areas of other cities
2. Consider population growth projections for 20 years
3. Consider current and projected cost of infrastructure, urban services, and public facilities necessary:
 - a. To facilitate full development of the area within the municipality
 - b. To expand the infrastructure, services, and facilities into the area being considered for inclusion in the expansion area
4. Consider, in conjunction with General Plan, the need over the next 20 years for additional land suitable for residential, commercial, and industrial development

5. Consider the reasons for including agricultural lands, forests, recreational areas, and wildlife management areas in the municipality
6. Be guided by the principles in Subsection 10-2-103(5)

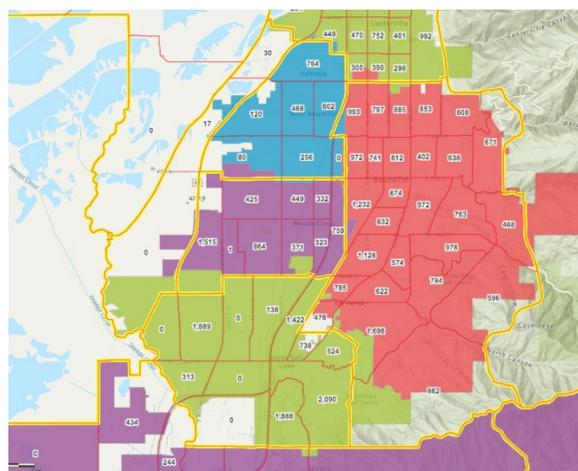
Utah State Code 10-2-403(5) states: If practicable and feasible, the boundaries of an area proposed for annexation shall be drawn:

1. Along boundaries of existing local districts and special service districts for sewer and water, school districts, and taxing entities
2. To eliminate islands and peninsulas of territory that is not receiving municipal-type services
3. To facilitate the consolidation of overlapping functions of local government
4. To promote efficient delivery of services
5. To encourage the equitable distribution of community resources and obligations

FISCAL ANALYSIS

City staff received the background information from Lewis Young Robinson & Burningham (LYRB) which is the fiscal analysis of property within proposed Area D. The River Ranch property owner was provided a copy of the data and had it analyzed by Bonneville Research. A letter from the property owner's consultant and the report from Bonneville Research is attached for the Planning Commission review. The report details several errors Bonneville believes LYRB made in their analysis and are provided in more detail within the report and are summarized herein:

1. The General Revenue and Expense table showed declining revenues and ultimately a negative income, because no change was forecasted in City property tax revenue that would be attributable to the increase of property values over time.
2. The calculations in sales tax revenue was in error due to the incorrect use of population estimates provided by WFRC, based upon TAZ boundaries (see graphic) which are not population estimates of the Cities per se, but are population estimates for "City Areas". While those projections may be useful for WFRC and work well for regional transportation planning, they are not ideal for analysis requiring data on actual city population projections within our city boundary. As you can see by the map a significant portion of the Foxboro and Eaglewood areas are counted in TAZ boundaries within Woods Cross and Bountiful, which greatly affects the population estimates. The colored areas are city boundaries, the red areas are the TAZ areas and the yellow lines represent the "city area" for which the population estimates are created.



3. Existing retail trade and online retail and the ability to collect sales tax on online sales as provide by the Supreme Court in 2018 were not included in the analysis.
4. Bonneville Research also provided an estimate of development impact fees which LYRB did not.

Mr. Springmeyer will be in attendance at the public hearing and can provide additional explanation of his analysis of the LYRB data and report.

Planning Commission Action:

No formal action is required by the Planning Commission at this time. Upon direction from the Planning Commission, staff will prepare a revised draft to include changes discussed at the meeting as well as respond to comments received from the affected entities and the public during the public hearing.

Attachments

- 1) Draft Annexation Expansion Area Map
- 2) Letter-Bonneville Research Report
- 3) Affected Entity Comments
- 4) Written Public Comments Received To Date
- 5) Draft Annexation Plan

DRAFT
CITY OF NORTH SALT LAKE
ANNEXATION POLICY PLAN
EXPANSION AREA MAP
8/10/2021

CITY OF NORTH SALT LAKE

Proposed
D

B

A

C

Recommended
Removal
State OHV Park West of
Jordan River

WOODS CROSS CITY

W 1100 N

W 1100 W

93

W 2600

68

15

N Main St

89

Center Street

215

Veterans' Memorial Hwy

67

Redwood Rd

S Orchard Dr

N Orchard Dr

Bountiful Blvd

Eagleridge Dr.

SALT LAKE CITY

SALT LAKE CITY



Stephen G. McCutchan
Land Developer / Land Planner

September 22, 2021

Members of the Planning Commission
City of North Salt Lake
10 E Center Street
North Salt Lake, UT 84054

Re: Update of Lewis Young Financial Information in Draft Annexation Policy Declaration Update

Members of the Planning Commission:

XCEL Development asked Bonneville Research, a Salt Lake City-based municipal finance consulting firm, to review the financial information in the Lewis Young Draft Annexation Policy Declaration Update. Both City Staff and ourselves found errors in Lewis Young's financial information, and it was out of date with the current River Ranch proposal.

Bonneville Research, led by Bob Springmeyer, is a respected municipal finance firm. Bonneville Research was part of the consultant team that prepared the 2013 North Salt Lake General Plan, and Bob is familiar with North Salt Lake's financial process.

Section 1 is an update of the River Ranch Planned Development proposal. The information used by Lewis Young was more than a year old. We asked Bonneville Research to update the financial information with the current development proposal.

Section 2 is Bonneville Research's analysis of the errors made by Lewis Young and provides corrected financial information. Bonneville Research highlights two areas that Planning Commission expressed concern.

- There was concern expressed that Lewis Young's overall General Revenue and Expenses table showed declining revenues and ultimately negative income. We pointed out that the Lewis Young report was in error because it showed no change to City property tax income over 20 years. Bonneville Research pointed out that Lewis Young's analysis showing no increases to property taxes over 20 years was correct. It was a reflection of the State of Utah's 1975 Truth in Taxation law.
 - We did additional research and found that City's can raise property taxes within the 1975 Truth in Taxation law. This is how our property taxes increase annually with the increase in the value of our properties. For more information, we suggest you review two websites:
 - <https://propertytax.utah.gov/tax-increases/>

- <https://utahtaxpayers.org/demystifying-utahs-property-tax-law-and-why-we-have-the-best-property-tax-laws-in-the-nation/>
 - While academically, it is appropriate for the Lewis Young report to show no increase in property taxes over 20 years – that is what Utah's law strives for --, functionally, we all see our property taxes increase.
- Bonneville Research found a substantial error in Lewis Young's methodology to calculate Sales Tax Revenue, a significant City revenue source. While explained in detail in Bonneville Research's report, they found five errors that generated a massive understatement of River Ranch's sales tax.
 - Lewis Young used outdated North Salt Lake population estimates.
 - Lewis young only projected an estimated portion of the State Population Sales Tax Distribution.
 - The Retailers in the City of North Salt Lake have and are currently engaged in significant Retail Trade.
 - The City of North Salt Lake is currently receiving significant Taxable Retail Sales Tax Distributions from the State of Utah.
 - Lewis Young did not consider the changes the US Supreme Court made in 2018 to allow States to assess sales taxes on online sales.
- Bonneville Research found that the difference between Lewis Young's estimate of Sales Tax Revenue and Bonneville Research's is between \$7,303,069 and \$23,863,961, respectively. These numbers reflect North Salt Lake Sales Tax Revenues over 20 Years.

Section 3 is Bonneville Research's findings. Bonneville Research shows that North Salt Lake's Net Revenues – Gross Revenues Minus Expenses --, are substantially higher than estimated by Lewis Young. The two summary tables are compared on the final page.

We also asked Bonneville Research to estimate the Development Impact Fees that River Ranch is anticipated to pay if approved. Development Impact Fees are collected at Building Permit and are assessed to offset expenses that the City has incurred in improving its master plan facilities to accommodate new growth. Bonneville Research estimated that River Ranch would pay approximately \$9,389,587 in Development Impact Fees.

Bob Springmeyer will attend the September 28 meeting, present and answer your questions about financial matters associated with adding Area D to the Annexation Policy Declaration.

Very truly yours,



Stephen G. McCutchan

TABLE 4: COST/BENEFIT ANALYSIS FOR CITY (THROUGH 20 YEARS)

Revenue	20-Year Total
Property Tax	\$3,902,797
Sales Tax	7,303,069
Electric Franchise Tax	1,125,093
Natural Gas Franchise Tax	444,613
Total Revenue	\$12,775,573
Expenses	
Public Works	\$966,061
General Government	899,341
Parks	528,563
Fire Protection	3,083,615
Law Enforcement	5,177,191
Total Expense	\$10,654,771
Net Operating Revenue	\$2,120,802

Lewis Young

Table 3: General Fund Revenue (20 Year Totals)	
General Fund Revenue	River Ranch Totals BR Analysis
Property Tax (NSL)	4,194,659
Sales & Use	23,863,961
Electric (Franchise)	794,196
Natural Gas (Franchise)	313,850
Total Revenue	\$29,189,386

Table 4: General Fund Expense (20 Year Totals)	
General Fund Expense	River Ranch Totals BR Analysis
General Government	3,167,059
Public Works	3,343,742
Parks & Recreation	1,829,469
Fire Protection	4,268,988
Public Safety	9,912,000
Total Expense	\$22,521,259

Bonneville
Research

Revenues minus Expenditures	\$6,668,127
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River Ranch Development

Review and Update of the Lewis Young Financial Analysis

September 22, 2021



Bonneville Research

1: PROPOSED RIVER RANCH DEVELOPMENT

The City of North Salt Lake contracted with Lewis Young to evaluate the financial impact of the following initially proposed North Pointe Development:

Phase 1 2021

- 7 Estate Lots Single Family Detached Residential Units
- 69 Single Family Detached Residential Units 4500
- 111 Single Family Detached Residential Units 3600
- 49 Single Family Detached Residential Units 2700
- 0 Front Loaded Townhome Residential Units
- 0 Alley Townhome Residential Units
- Total Residential Taxable Value \$46,113,375

Phase 2 2022

- 0 Estate Lots Single Family Detached Residential Units
- 69 Single Family Detached Residential Units 4500
- 111 Single Family Detached Residential Units 3600
- 49 Single Family Detached Residential Units 2700
- 49 Front Loaded Townhome Residential Units
- 0 Alley Townhome Residential Units
- Total Residential Taxable Value \$98,170,875

Phase 3 2023

- 0 Estate Lots Single Family Detached Residential Units
- 0 Single Family Detached Residential Units 4500
- 0 Single Family Detached Residential Units 3600
- 0 Single Family Detached Residential Units 2700
- 49 Front Loaded Townhome Residential Units
- 218 Alley Townhome Residential Units
- Total Residential Taxable Value \$137,813,500

Phase 4 2024

- 0 Estate Lots Single Family Detached Residential Units
- 0 Single Family Detached Residential Units 3600

- 0 Single Family Detached Residential Units 3600
- 0 Single Family Detached Residential Units 2700
- 0 Front Loaded Townhome Residential Units
- 218 Alley Townhome Residential Units
- Total Residential Taxable Value \$169,587,000

TOTAL

- 7 Estate Lots Single Family Detached Residential Units
- 137 Single Family Detached Residential Units 4500
- 222 Single Family Detached Residential Units 3600
- 95 Single Family Detached Residential Units 2700
- 97 Front Loaded Townhome Residential Units
- 436 Alley Townhome Residential Units
- Total Residential Taxable Value \$169,587,000

Lewis Young then provided the following financial impact analysis of the initially proposed North Point Development:

Table 1: General Fund Revenue (20 Year Totals)

General Fund Revenue	Totals
Property Tax (NSL)	3,902,797
Sales & Use	7,303,069
Electric (Franchise)	1,125,093
Natural Gas (Franchise)	444,613
Total Revenue	12,775,573

Table 2: General Fund Expense (20 Year Totals)

General Fund Expense	Totals
Public Works	966,061
General Government (Court, Admin, Government Buildings)	899,341
Parks	528,563
Fire Protection	3,083,615
Law Enforcement	5,177,191
Total Expense	10,654,771
Net Operating Revenue	2,120,802



UPDATED PROPOSED RIVER RANCH DEVELOPMENT

XCEL Development then contracted with Bonneville Research to review and update the Lewis Young Financial Impact analysis and include an analysis of the Updated Proposed River Ranch Development as if it were annexed into the City of North Salt Lake.

Phase 1 2023

- 115 Single Family Detached Residential Units PUD
- 149 Townhomes
- 65 Single Family Detached Residential Units 3600
- 36 Single Family Detached Residential Units 4500
- Total Incremental Residential Taxable Value \$70,030,649

Phase 2 2024

- 114 Single Family Detached Residential Units PUD
- 149 Townhomes
- 64 Single Family Detached Residential Units 3600
- 36 Single Family Detached Residential Units 4500
- Total Cumulative Residential Taxable Value \$127,961,402

Phase 3 2025

- 114 Single Family Detached Residential Units PUD
- 148 Townhomes
- 64 Single Family Detached Residential Units 3600
- Total Cumulative Residential Taxable Value \$178,007,290

TOTAL

- 343 Single Family Detached Residential Units PUD
- 446 Townhomes
- 193 Single Family Detached Residential Units 3600
- 71 Single Family Detached Residential Units 4500
- Total Residential Taxable Value \$178,007,290

2: ANALYSIS

Steve McCutchan and XCEL contracted with Bonneville Research to evaluate the Lewis Young financial impact of the updated proposed River Ranch Development:

ISSUES:

1. **Property Values were held constant in the Lewis Young financial Analysis.**
2. **LY Sales Tax Revenues only included the Statewide Population Distributions.**
3. **New Excell River Ranch Development Proposal**

FINDINGS:

1. **Property Values were held constant in the Lewis Young financial Analysis.**

The Lewis Young Financial analysis that projected property taxes received by the City of North Salt Lake are correct and consistent with current financial practices due to the

The State of Utah enacted Truth-in-Taxation Law in 1975.

As existing property valuations increase due to county assessors' annual adjustments of taxable property values to keep pace with market values, property tax rates decrease. The reduced property tax rate is known as the certified tax rate. The certified tax rate is then applied to all property, including "new growth." This automatic reduction in property tax rates prevents local governments from getting a windfall simply because valuations of existing properties have increased. Local governments may receive increased revenues due to new growth, but Truth-in-Taxation includes no adjustment for inflation.

2. **Sales Tax Revenues only included the Small Statewide Population Distributions.**

The Lewis Young Financial analysis that projected sales taxes received by the City of North Salt Lake **are incorrect**.

Cities in Utah are authorized to impose a 1% Local Option Tax, which is included within the total Sales Tax amount retailers collect on taxable retail sales. The State of Utah collects all Sales Taxes on Taxable Retail Sales and then distributes the City's portions back to each City according to the following formula.

- 50% Point of Sale (The City of Town where the Sale Took Place)
- 50% Population (That City of Town's proportion (%) of the Statewide Utah population.



Lewis Young did not consider the following significant issues:

- Lewis Young used outdated North Salt Lake City population estimates.

Year	LY Est.	Utah State Tax Commission Est. ¹
○ 2021	18,564	20,948
○ 2023	19,148	
○ 2043	22,016	
- Lewis Young only projected an estimated portion of the Statewide Population Sales Tax Distributions
 - Population 2020 \$98.95 per capita
 - Point of Sale 2020 \$00.00
- The Retailers in the City of North Salt Lake have and are currently engaged in significant Retail Trade.
 - January – July 2021
 - Taxable Retail Sales \$260,454,608
 - Taxable Retail Trade \$105,112,821
- The City of North Salt Lake is currently receiving significant Taxable Retail Sales Tax Distributions from the State of Utah.
 - 2020 Sales Tax Distributions Total
 - \$4,591,202
 - 2020 Average Monthly
 - \$382,2459
 - January – July 2021 Sales Tax Distributions Total
 - \$2,794,294
 - 2021 Average Monthly
 - \$399,185

Lewis Young did not consider the changes the US Supreme Court made in 2018 to allow States to assess sales taxes on online sales.

- The U. S. Supreme Court in the SOUTH DAKOTA V. WAYFAIR said that states can force online shoppers to pay sales tax, clearing the way for significant changes in the world of e-commerce. The 5-4 ruling noted that "The Internet's prevalence and power have changed the dynamics of the national economy."

¹ Utah State Tax Commission estimate used for Sales Tax Distributions¹



Further, Lewis Young did not consider the changes Utah made in 2018 that changed the sale tax distribution formula by recognizing the significant growth of the internet, mail order, and other sales to retailers who did not have a physical presence in Utah.

- This change then distributed the Point of Sale 50% from “where the Sale took Place” to “Where the Sale was Delivered.” Therefore, this change had a dramatic positive change for those cities that may not have had major shopping centers and retailers.
- For example, the Non-Store Retail Sales Category for the City of North Salt Lake jumped to \$41,097,244 in 2020 CY, second only to Motor Vehicle & Parts Dealers.
- The COVID-19 restrictions and shopping patterns have impacted this change in how sales taxes are distributed.

Source: [SB0036.pdf \(utah.gov\)](#)

[Monthly Distribution \(utah.gov\)](#)

3. The Updated River Ranch Development Proposal

XCEL Development has prepared an Updated Proposed River Ranch Development to be presented to the City of North Salt Lake.

Phase 1 2023

- 115 Single Family Detached Residential Units PUD
- 149 Townhomes
- 65 Single Family Detached Residential Units 3600
- 36 Single Family Detached Residential Units 4500
- Total Incremental Residential Taxable Value \$70,030,649

Phase 2 2024

- 114 Single Family Detached Residential Units PUD
- 149 Townhomes
- 64 Single Family Detached Residential Units 3600
- 36 Single Family Detached Residential Units 4500
- Total Cumulative Residential Taxable Value \$127,961,402

Phase 3 2025

- 114 Single Family Detached Residential Units PUD
- 148 Townhomes



- 64 Single Family Detached Residential Units 3600
- Total Cumulative Residential Taxable Value \$178,007,290

TOTAL

- 343 Single Family Detached Residential Units PUD
- 446 Townhomes
- 193 Single Family Detached Residential Units 3600
- 71 Single Family Detached Residential Units 4500
- Total Residential Taxable Value \$178,007,290

Table 1: Misty River Development Proposal					
Original Misty River Development Proposal	Phase 1 2021	Phase 2 2022	Phase 3 2023	Phase 4 2024	TOTALS 2024
Estate Lots SFD	7	-	-	-	7
SFD-4500	69	69	-	-	138
SFD-2700	48	48	-	-	96
SFD-3600	111	111	-	-	222
Rear Loaded Townhomes	-	49	49	-	98
Front Loaded Townhomes			218	218	436
TOTALS	234	276	267	218	994

Table 2: River Ranch Development Proposal				
Updated River Ranch Development Proposal	Phase 1 2023	Phase 2 2024	Phase 3 2025	TOTAL 2025
Single Family Detached Residential Units PUD	115	114	114	343
Townhomes	149	149	148	446
Single Family Detached Residential Units 3600	65	64	64	193
Single Family Detached Residential Units 4500	36	35	0	71
TOTALS	365	362	326	1,053



5. Updated General Fund Expenses

Bonneville Research also analyzed the Lewis Young estimates of the General Fund Expenses that the City of North Salt Lake may incur to provide the existing level of services to the proposed XCEL Development. Using updated population estimates and the additional population expected from the River Ranch Development, Bonneville Research updated and corrected the Lewis Young North Salt Lake City General Fund Expense analysis.

It must be noted that existing North Salt Lake City service levels were assumed to be maintained.

Bonneville Research acknowledges that North Salt Lake City officials must review these estimates.

6. Impact and Other Development Fees

Bonneville Research also analyzed the Impact and Other Development Fees anticipated from the River Ranch Development.

IMPACT FEES	TOTALS CITY OF NORTH SALT LAKE		TOTAL CITY OF NORTH SALT LAKE
	SFD	Med or High Density	
Phase			
1	\$2,062,924	\$1,193,951	\$3,256,875
2	\$2,039,887	\$1,263,051	\$3,302,938
3	\$1,771,122	\$1,301,772	\$3,072,894
Total	\$5,550,533	\$3,839,054	\$9,389,587



3: FINDINGS

The following financial tables show the Bonneville Research analysis of Sales Tax Revenues to the City of North Salt Lake and the analysis of the Updated River Ranch Development Proposal.

FINDING:

Revenues received by the City of North Salt Lake from the proposed River Ranch Development, will pay for itself and will make additional significant contributions to future North Salt Lake City Capital Project Financing.

Table 3: General Fund Revenue (20 Year Totals)	
General Fund Revenue	River Ranch Totals BR Analysis
Property Tax (NSL)	4,194,659
Sales & Use	23,863,961
Electric (Franchise)	794,196
Natural Gas (Franchise)	313,850
Total Revenue	\$29,189,386

Table 4: General Fund Expense (20 Year Totals)	
General Fund Expense	River Ranch Totals BR Analysis
General Government	3,167,059
Public Works	3,343,742
Parks & Recreation	1,829,469
Fire Protection	4,268,988
Public Safety	9,912,000
Total Expense	\$22,521,259

Revenues minus Expenditures	\$6,668,127
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Additional Impact Fees	\$9,389,587
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IMPACT FEES	# Units		Culinary Water Service Area #1 (Foxboro)		PARKS		Secondary Water Service Area #1	Storm Water
			\$2,700		\$2,200	\$1,800	\$615	\$0.12
Phase	SFD	Med or High Density	SFD	Med or High Density	SFD	Med or High Density	1,812,000 SF	820,000 SF
1	216	149	\$583,200	\$429,300	\$475,200	\$268,200	\$408,240	\$196,680
2	213	149	\$575,100	\$423,900	\$468,600	\$345,400	\$402,570	\$196,680
3	178	148	\$480,600	\$588,600	\$391,600	\$479,600	\$336,420	\$196,680
Total	607	446	\$1,638,900	\$1,441,800	\$1,012,000	\$1,174,800	\$1,114,380	\$98,400

IMPACT FEES	ROADWAY		Public Safety - Fire		POLICE	
	\$1,890	\$1,320	\$644	\$644	\$245	\$335
Phase	SFD	Med or High Density	SFD	Med or High Density	SFD	Med or High Density
1	\$408,240	\$196,680	\$139,104	\$95,956	\$52,920	\$49,915
2	\$402,570	\$196,680	\$137,172	\$95,956	\$52,185	\$49,915
3	\$336,420	\$196,680	\$114,632	\$95,312	\$43,610	\$49,580
Total	\$1,147,230	\$588,720	\$390,908	\$287,224	\$148,715	\$149,410

IMPACT FEES	TOTALS CITY OF NORTH SALT LAKE		TOTAL CITY OF NORTH SALT LAKE
	\$8,294	\$6,799	\$15,093
Phase	SFD	Med or High Density	
1	\$2,062,924	\$1,193,951	\$3,256,875
2	\$2,039,887	\$1,263,051	\$3,302,938
3	\$1,771,122	\$1,301,772	\$3,072,894
Total	\$5,550,533	\$3,839,054	\$9,389,587

Sincerely,

Bob Springmeyer

Bob Springmeyer, Chairman

1289 4th Avenue

Salt Lake City • Utah • 84103

[801-673-9021](tel:8016739021) Mobile

www.BonnevilleResearch.com



AFFECTED ENTITY COMMENTS

A. Weber Basin Water Conservancy District

1. Any annexation of property outside of the current boundaries of Davis County, into Salt Lake County, will be outside the current Weber Basin Water Conservancy District (WBWCD) defined boundaries.
2. Currently North Salt Lake City (NSL) receives a portion of their drinking water supply from WBWCD, which is co-mingled with their own water supplies and delivered throughout the city.
3. In order for NSL facilitate drinking water service in any annexed area of Salt Lake County, WBWCD would also need to have the same area annexed into their service area.
4. WBWCD would require the assistance of NSL with the annexation of the affected lands into WBWCD's service area.
5. Would like to meet with City Staff to discuss the process more fully.

B. South Davis Sewer District

1. SDSD comment on Area C: if the area is annexed it will need to be added to the district's service area as well.
2. SDSD comment on Area D: The existing treatment plan on Center Street is effectively at capacity, and therefore the developer will be required to finance and construct sanitary sewer treatment facility, collection lines and appurtenant structures to provide services to the area, as well as pay impact and inspection fees. The district is requesting that if the area is annexed that the city require as a condition that the property owners in the annexation petition for inclusion in the district's boundary with at least 75% of the owners of private land signing the petition.

C. Davis County Flood Control

1. Davis County provided a map of the county boundaries and Jordan River Survey

D. Wasatch Front Waste and Recycling District

1. The district contacted staff by phone and asked that if the city annexes any of the area that we contact them so that they can remove residents that were annexed from their service as the City would be then provide the service.

E. Salt Lake City

1. This letter was sent by the Chief Admin Officer for the SLC Mayor's Office
 - a. SLC's preference is that NSL does not amend the annexation area plan to add Area D;
 - b. SLC is concerned about the impacts to SLC roads and infrastructure the development of Area D would have;
 - c. SLC is concerned about placing residences in the SLC Intl Airport flight path and the airports need to protect critical flight path protection zones;
 - d. SLC states that they have not annexed the area as they have not received an annexation petition from the property owners;

- e. SLC believes new residential development will burden SLC residents by requiring improvements to 2200 West, SLC has undertaken a master plan effort for the area to identify needed roadway improvements;
 - f. SLC stated that the city has infrastructure for water, sewer, and storm water services within or near Area D, but that they cannot support development of the size proposed in Area D and would like NSL to address how water, sewer, and storm water services will be provided;
 - g. If the policy is amended SLC request that the land use approved by compatible with surrounding uses and development be subject to an avigation easements and include aircraft noise mitigation efforts.
2. This letter was received from the Office of the Salt Lake City Council and is a duplicate to the letter from the Mayor's Office.
3. This letter is from the SLC Mayor's Office as a follow up and clarification to letter E1, as described above. The letter states the following:
 - a. The SLC Department of Airports is not opposed to the annexation plan as it relates to the airport operation for the River Ranch Development, because an avigation easement has been recorded in favor of SLC;
 - b. SLC requests similar avigation easements be required for any other properties in Area D that are annexed.
4. Letter from Steve McCutchan detailing the meeting between the property owner's of River Ranch and the Mayor's Chief of Staff, Rachel Otto, and City Council Chief Admin Officer, Lisa Shaffer to discuss SLC's concerns and provided additional information that had been provided to NSL on 8.16.2021 (Exhibit E5).
 - a. As to the comments related to 2200 West and the impact the annexation area D would have on the street, the developers noted that the city is currently reviewing a proposed subdivision of 21 Business Park lots, of 434 acres, with as much as 5 million sq. ft. of business space and that the city was requiring that developer to improve 2200 West to a 77 foot right of way width as a commercial collector, thus alleviating the concerns over the impact on the existing road;
 - b. As to the comment related to aircraft noise, the property owner notes the SLC Airport's recent study with the DBA noise contours and demonstrating that all of the North Pointe Annexation Area is outside the 60 DBA contour.
5. Letter containing additional information provide to NSL and SLC in response to the September 7, 2021 letter(s) from Salt Lake City, and contains information on the road right of way widths and the airport noise study.
6. Letter from the Salt Lake City, North Pointe Community Council detailing the public meeting that Community Council held on Sept 30, 2020. Staff will prepare a response to the letter upon direction of the Planning Commission and City Council.

From: [Scott Paxman](#)
To: [Sherrie Pace](#)
Cc: [Derek Johnson](#); [Darren Hess](#); [Brittney Bateman](#)
Subject: Annexation plan
Date: Thursday, August 19, 2021 10:38:19 AM

Sherrie,

We have received North Salt Lake City's Notice of Public Meeting and Comment Period for their Amended Annexation Policy Plan and have some comments regarding it. The comments are as follows:

1. Any annexation of property outside of the current boundaries of Davis County, into Salt Lake County, will be outside the current Weber Basin Water Conservancy District (WBWCD) defined boundaries.
2. Currently North Salt Lake City (NSL) receives a portion of their drinking water supply from WBWCD, which is co-mingled with their own water supplies and delivered throughout the city.
3. In order for NSL facilitate drinking water service in any annexed area of Salt Lake County, WBWCD would also need to have the same area annexed into their service area.
4. WBWCD would require the assistance of NSL with the annexation of the affected lands into WBWCD's service area.

It may be beneficial for our two entities to meet and discuss this process more fully.

Please let me know if you have any questions.

Thanks
Scott

Scott W. Paxman, PE
Assistant General Manager/CTO
Weber Basin Water Conservancy District
2837 East Highway 193
Layton, Utah 84040
(801) 771-1677 tel
(801) 721-4736 cell
(801) 544-0103 fax
spaxman@weberbasin.com



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South Davis Sewer District

Mailing Address:
PO Box 140111 • Salt Lake City, Utah 84114-0111
Phone (801) 295-3469 • Fax (801) 295-3486

Office Location:
1800 West 1200 North • West Bountiful, Utah 84087-2501

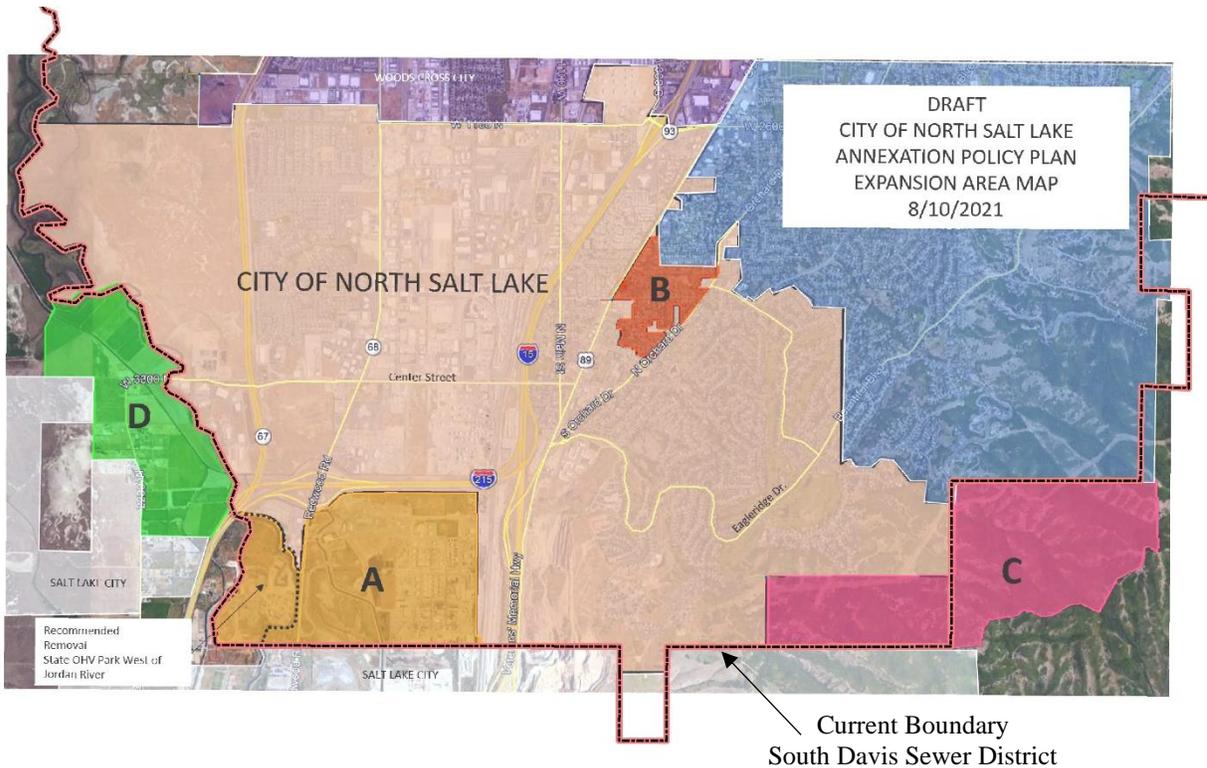
September 2, 2021

City of North Salt Lake Planning Commission
10 E Center St
North Salt Lake, UT 84054

RE: ANNEXATION POLICY PLAN UPDATE (2021)

Dear Planning Commission:

The South Davis Sewer District has reviewed the City of North Salt Lake’s draft Annexation Policy Plan dated August 10, 2021. Below is the map of the proposed annexation areas with an overlay of the District’s current boundary. Area A, including the State OHV Park west of the Jordan River, and Area B are fully contained within the District’s current boundary.



Comments on the two remaining areas can be found on the following page.

Area C

The future land use for Area C is designated Natural Open Space, so the primary impact of annexation for the District is on the organization of its Board of Trustees. Utah Code Section 17B-2a-404 (effective 5/8/2018) governs how the South Davis Sewer District's Board of Trustees is appointed/elected. According to Subsection (5)(a)(i), "...the legislative body of each included municipality shall each appoint one member to the board of trustees of a regular district." As defined in this Section, "included municipality" means, "a municipality whose boundaries are entirely contained within but do not coincide with the boundaries of an improvement district."

The District has identified each of the cities it serves, including North Salt Lake, as an included municipality and set the number of members of its board, based on Subsection (7)(c), as the number of included municipalities plus two. For North Salt Lake to remain an included municipality and for the District's existing Board structure to remain in compliance with Utah Code, the area should be annexed into the District in conjunction with or shortly after annexation into North Salt Lake.

Area D

As described in the draft Annexation Policy Plan, this area lacks municipal services, including sanitary sewer. With the District's existing treatment plant on Center Street in North Salt Lake effectively at capacity, the landowners/developer(s) will be required to finance and construct the sanitary sewer treatment facility, collection lines and appurtenant structures to serve the area as well as pay applicable impact and inspection fees. The District respectfully requests that the City of North Salt Lake require the landowners to submit a petition for annexation into the District by petition of at least seventy-five (75) percent of the owners of the private land, by both area and assessed value, as a condition of annexation into the City.

If you have any questions, please feel free to contact me.

Sincerely,



Lanese B. Hendrickson, PE
Engineer

From: [Carl Hansen](#)
To: [Sherrie Pace](#); [Ali Avery](#); [Mackenzie Bennett](#); [Deena Christensen](#)
Cc: [Adam Wright, P.E.](#); [Jason Fielding](#); [Max Elliott](#); [Bas Bouwmeester](#); [Jeff Oyler](#)
Subject: Re:
Date: Wednesday, August 18, 2021 12:40:06 PM
Attachments: [Permits-ENSIGN \(2\).pdf](#)
[D.C. FLOODMAP.pdf](#)

The attached ' **Permits-ENSIGN** ' map pdf with related legend is the result of our research given to Ensign Engineering for *Permitting Jurisdiction for the various impacted waterways and sewer, water, storm drainage lines/channels in the **area of the original Misty River Annexation/Development***. The date this map was received is **August 28, 2019** and was **compiled and drawn by Ensign Engineering**. This was for approximately **200 acres for the original Misty River development only** as depicted in the map; annexation has been greatly expanded with the other areas proposed by North Salt Lake City in their recent '*Notice of Public Meeting and Comment Period for the Amended Annexation Policy Plan*' dated **August 10, 2021** (attached).

We have not reviewed the other areas for any impact to our storm drainage or road systems or jurisdictional complications; our storm drainage system is technically a City/County system by Ordinance where local drainage discharges into the County's central collection system at the designated channels we identified in 1987, with a few amendments (see attached DC Flood Map (2007) and Flood Control Map (2011)).

The **Davis County Surveyor's Office** is included as they have been copied the recent *Notice of Amended Annexation Policy*. They have created a large map which verifies the existing '*Jordan River Meander Line and Current Jordan River Location*' and explains and delineates the surveys of record for this portion of the southern Davis County Boundary and area dating back through available historical and modern records. You can contact **Bas Bouwmeester** at the above email address at their office should you be interested in using this detailed document.

Carl Hansen, Permits Officer
Davis County Public Works/Flood Control Engineering

 [2011 Flood Control Map.pdf](#)

On Tue, Aug 17, 2021 at 11:40 AM Carl Hansen <carl@co.davis.ut.us> wrote:
FYI.

----- Forwarded message -----

From: **Adam Wright** <awright@co.davis.ut.us>
Date: Tue, Aug 17, 2021 at 10:50 AM
Subject: Fwd:
To: Max Elliott <melliott@co.davis.ut.us>, Carl Hansen <carl@co.davis.ut.us>

Here is the notice is given by NSL to amend the annexation policy.

Thanks,

Adam Wright, P.E.
Director
Davis County Public Works
801 444-2230

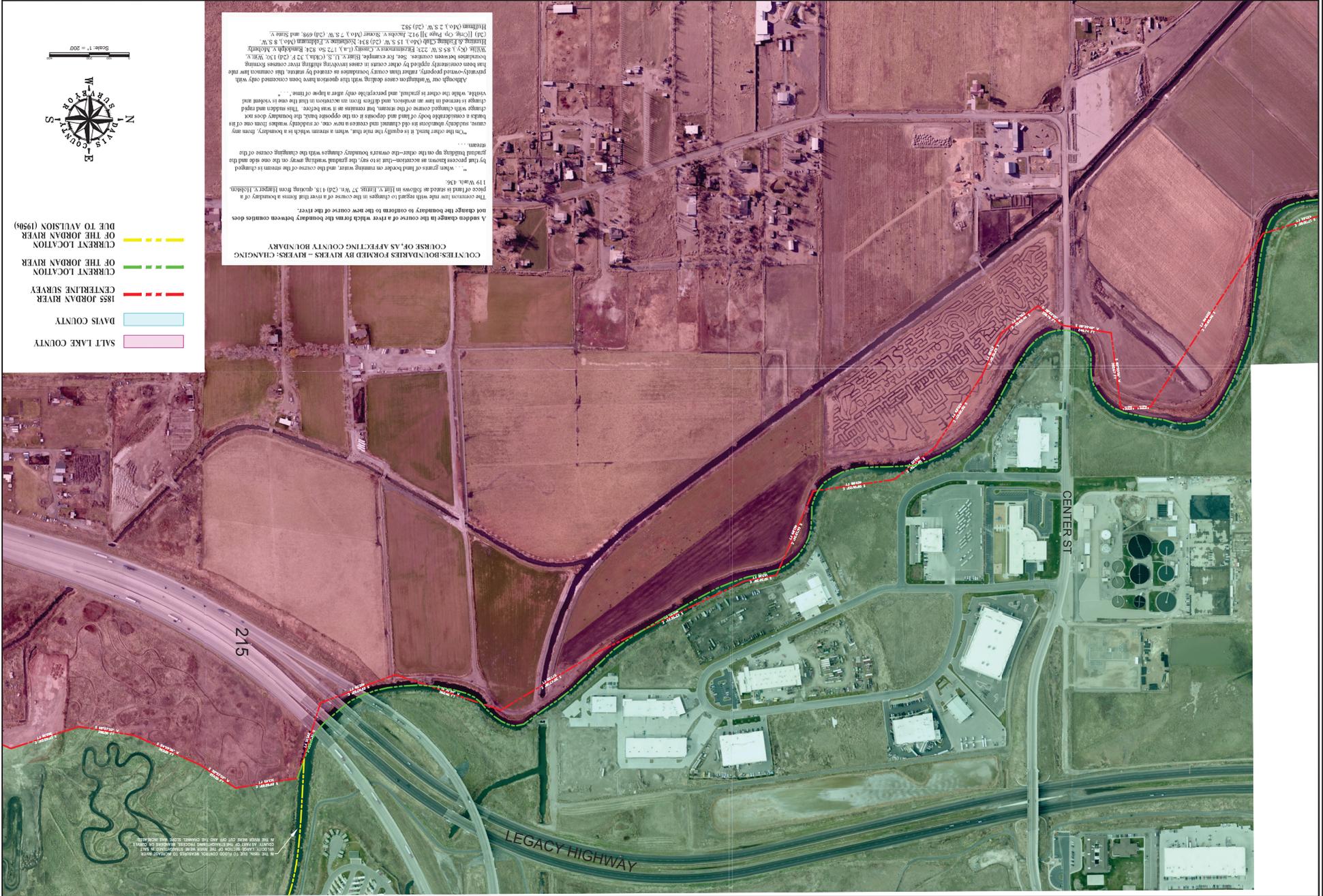
----- Forwarded message -----

From: **Admin** <admin@co.davis.ut.us>

Date: Tue, Aug 17, 2021 at 10:44 AM

Subject:

To: AWRIGHT@CO.DAVIS.UT.US <Awright@co.davis.ut.us>



COLTHERS-BOWMERS FORMER BY RIVERS - RIVERS; CHANGING COURSE OR, AS AFFECTING COUNTY BOUNDARY

A sudden change in the course of a river which forms the boundary between counties does not change the boundary to conform to the new course of the river.

The court in the case of *Smith v. Smith*, 17 W. (2d) 118, quoting from *Illinois v. Johnson*, 119 W. (2d) 362, stated:

"... when a part of a land border on forming water, and the course of the stream is changed by that process known as accretion—that is to say, the gradual washing away on the one side and the gradual building up on the other—the owner's boundary changes with the changing course of the stream. . . .

"The other side of a river is equally the river when a stream which is a boundary, from any cause, including abandonment of old channels and creation of new ones, or washing from one to the other, builds a considerable body of land and deposits it on the opposite bank; the boundary does not change with changed course of the stream, but remains as if water here, this sudden and rapid change in course of the river, and accretion only after a lapse of time. . . ."

Although our Washington case dealing with this question have been concerned only with privately-owned property, rather than county boundaries as created by statute, the common law rule has been consistently applied by other courts in cases involving shifting river courses forming boundaries between counties. See, for example, *State v. U.S. (Ohio)*, 227 (2d) 120, 39 O.K. 516; *White*, 429 S.W. 2d 222; *Perkins v. Cassady* (La.), 175 So. 2d 824; *Randolph v. McKinley*, 100 O.K. 484, 85 S.W. 2d 222; *Perkins v. Cassady* (La.), 175 So. 2d 824; *Randolph v. McKinley*, 100 O.K. 484, 85 S.W. 2d 222; *Perkins v. Cassady* (La.), 175 So. 2d 824; *Randolph v. McKinley*, 100 O.K. 484, 85 S.W. 2d 222; *Perkins v. Cassady* (La.), 175 So. 2d 824; *Randolph v. McKinley*, 100 O.K. 484, 85 S.W. 2d 222.

- - - - - DUE TO AVULSION (1958)
- - - - - CURRENT LOCATION OF THE JORDAN RIVER
- - - - - 1855 JORDAN RIVER CENTERLINE SURVEY
- DAVIS COUNTY
- SALT LAKE COUNTY

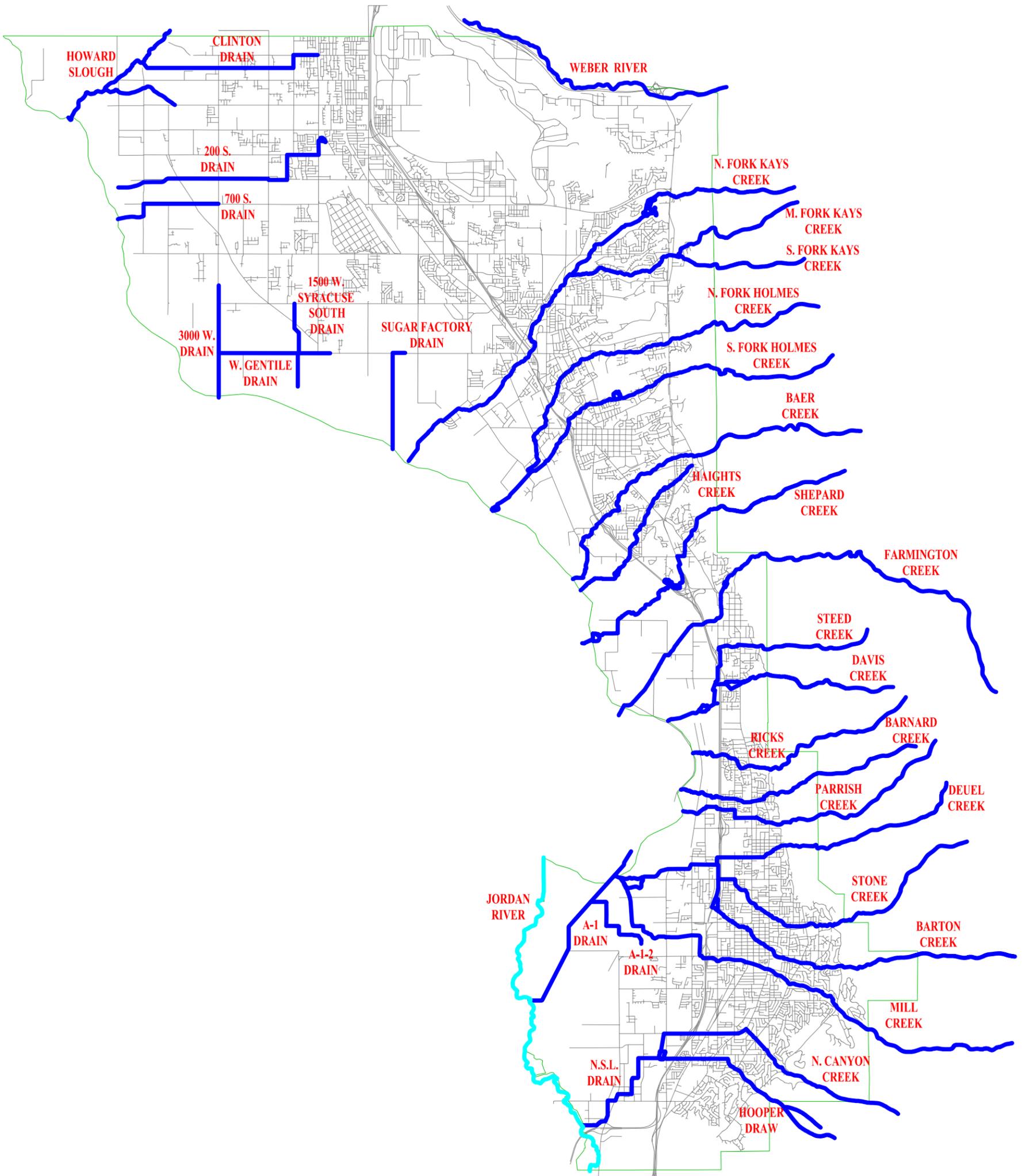


Davis County Surveyor
MAX B. ELLIOTT
 Davis County Surveyor's Office
 Date: 05/22/2019

JORDAN RIVER SURVEY MEANDER LINE AND CURRENT JORDAN RIVER LOCATION
 A PART OF THE NORTH HALF OF SEC. 15, SOUTH HALF OF SEC. 16, & NORTHWEST QUARTER OF SEC. 16, T4N, 36E, S15W, DAVIS COUNTY, UTAH



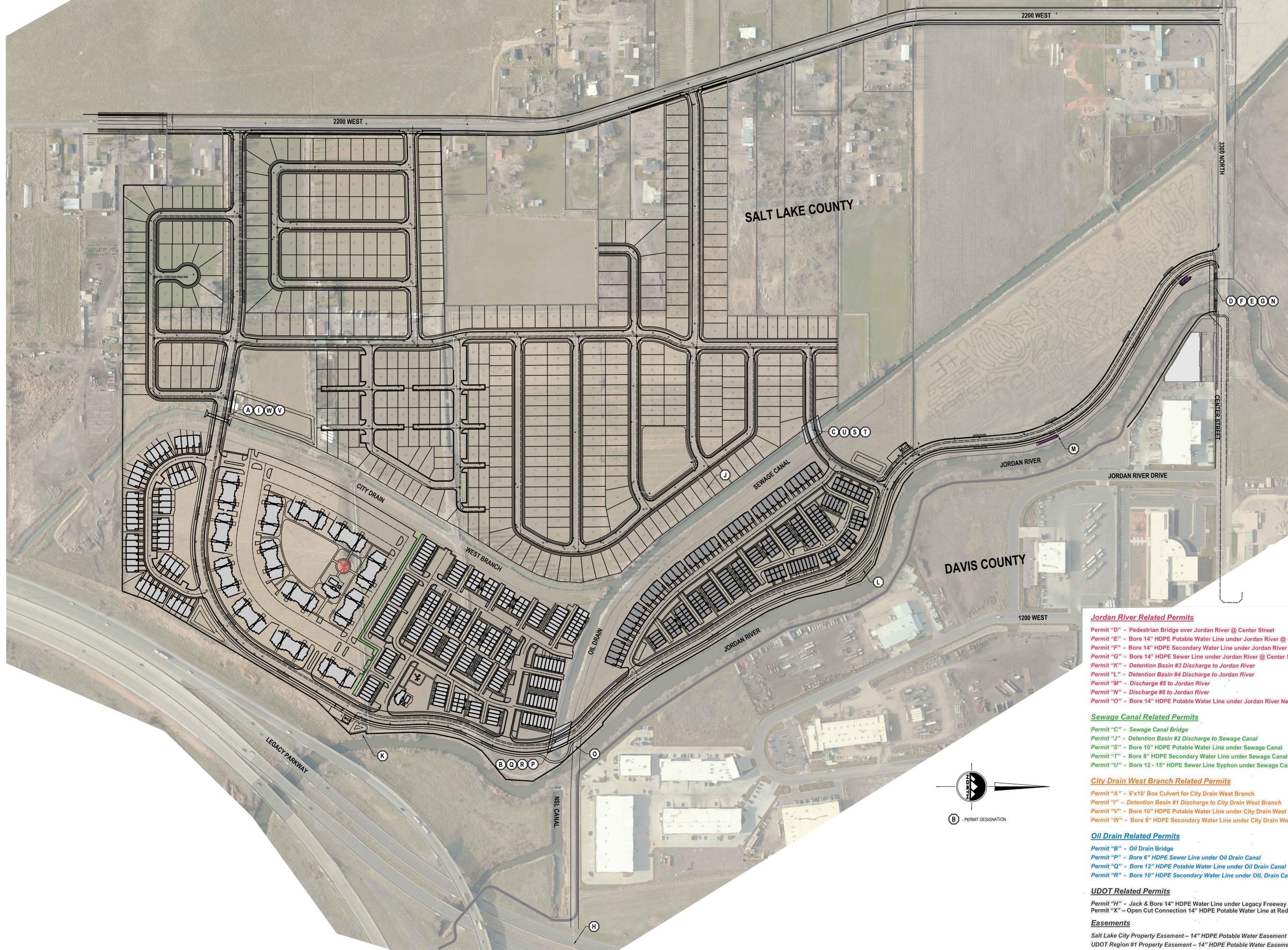
SCALE AS NOTED
 SHEET 1 OF 1



Davis County Flood Control Map

Department of Public Works
Davis County, Utah

January 2007



Jordan River Related Permits

Permit "D" - Pedestrian Bridge over Jordan River @ Center Street
 Permit "E" - Bore 14" HDPE Potable Water Line under Jordan River @ Cent
 Permit "F" - Bore 14" HDPE Secondary Water Line under Jordan River @ C
 Permit "G" - Bore 14" HDPE Sewer Line under Jordan River @ Center Stree
 Permit "K" - Detention Basin #3 Discharge to Jordan River
 Permit "L" - Detention Basin #4 Discharge to Jordan River
 Permit "M" - Discharge #5 to Jordan River
 Permit "N" - Discharge #6 to Jordan River
 Permit "O" - Bore 14" HDPE Potable Water Line under Jordan River Near O

Sewage Canal Related Permits

Permit "C" - Sewage Canal Bridge
 Permit "J" - Detention Basin #2 Discharge to Sewage Canal
 Permit "S" - Bore 10" HDPE Potable Water Line under Sewage Canal
 Permit "T" - Bore 8" HDPE Secondary Water Line under Sewage Canal
 Permit "U" - Bore 12 - 15" HDPE Sewer Line Syphon under Sewage Canal

City Drain West Branch Related Permits

Permit "A" - 6'x10' Box Culvert for City Drain West Branch
 Permit "V" - Detention Basin #1 Discharge to City Drain West Branch
 Permit "W" - Bore 10" HDPE Potable Water Line under City Drain West Bran
 Permit "X" - Bore 8" HDPE Secondary Water Line under City Drain West Br

Oil Drain Related Permits

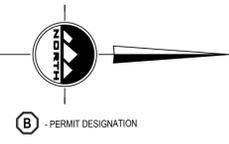
Permit "B" - Oil Drain Bridge
 Permit "P" - Bore 6" HDPE Sewer Line under Oil Drain Canal
 Permit "Q" - Bore 12" HDPE Potable Water Line under Oil Drain Canal
 Permit "R" - Bore 10" HDPE Secondary Water Line under OIL Drain Canal

UDOT Related Permits

Permit "H" - Jack & Bore 14" HDPE Water Line under Legacy Freeway
 Permit "X" - Open Cut Connection 14" HDPE Potable Water Line at Redwoo

Easements

Salt Lake City Property Easement - 14" HDPE Potable Water Easement
 UDOT Region #1 Property Easement - 14" HDPE Potable Water Easement



(B) - PERMIT DESIGNATION

From: [Pam Roberts](#)
To: [Sherrie Pace](#) 
Subject: Wasatch Front Waste and Recycling District Info
Date: Wednesday, August 25, 2021 1:09:22 PM

Hi Sherrie,
It was good to touch base today. Here is all of my contact info. Please feel free to reach out any time.
Thanks,
Pam

Pam Roberts, MPA
General Manager/CEO
Wasatch Front Waste and Recycling District
O: 385-468-6342
C: 801-550-6324
<https://wasatchfrontwaste.org/>

Exhibity E1-SLC Mayor Letter

From: [Shaffer, Lisa](#)
To: [Sherrie Pace](#)
Cc: [Otto, Rachel](#)
Subject: Letter from Salt Lake City for Public Comment
Date: September 7, 2021 4:37:13 PM
Attachments: [NSLC Planning Commission Letterf261.pdf](#)

Hello Sherri,

Please see the attached letter regarding Salt Lake City's concerns over proposed annexation.

Thank you for sharing this letter with the Commission and for your consideration.

Best,

LISA SHAFFER
CHIEF ADMINISTRATIVE OFFICER

OFFICE *of the* MAYOR
SALT LAKE CITY CORPORATION

TEL 801-535-7753

WWW.SLCMAYOR.COM

WWW.SLC.GOV



Ted Knowlton, Chairs
North Salt Lake City Planning Commission
City Hall
10 E. Center Street
North Salt Lake, UT 84054

Dear Chairman Knowlton and members of the North Salt Lake Planning Commission:

Salt Lake City has been notified that the North Salt Lake Planning Commission will consider an amendment to the North Salt Lake annexation policy plan at a public hearing on September 28, 2021. This letter is intended to express our continued concerns about the proposed annexation and potential development. Salt Lake City's preference is that the North Salt Lake annexation policy plan not be amended and that the proposed annexation not proceed because we believe there will be detrimental impacts to the City's infrastructure and roads. Furthermore, the proposed residential use will bring these new residents into the Salt Lake City International Airport's flight path. Should the Planning Commission choose to forward a positive recommendation to the North Salt Lake City Council, we request that certain requirements be imposed on future development.

First, the properties included in the proposed annexation Area D are also included in Salt Lake City's annexation policy plan (titled "A Master Annexation Policy Declaration")¹. Utah Code Section 10-2-401.5 provides that, "[i]n developing, considering, and adopting an annexation policy plan, the planning commission and municipal legislative body shall...attempt to avoid gaps between or overlaps with the expansion areas of other municipalities...." North Salt Lake's current annexation policy plan recognizes that principle where it states that the expansion areas identified in that plan "have been selected *to prevent gaps or overlaps with the annexation plans that are proposed or may be proposed by Woods Cross City, Bountiful City, unincorporated Salt Lake County or Salt Lake City.*" (City of North Salt Lake Annexation Policy Statement, p. 1)(emphasis added). In this case, it might be more appropriate for this property to be annexed into Salt Lake City, because of the infrastructure, streets, and flightpath issues.

It should also be noted that one of the arguments in favor of North Salt Lake annexing the properties identified in the proposed plan as Area D offered by the annexation proponents is that Salt Lake City refuses to annex the properties within that area. However, Utah law does not allow cities to self-initiate annexation of unincorporated areas. Title 10, Chapter 2, Part 4 of the Utah Code only authorizes property owners to file annexation petitions. Salt Lake City has not annexed this area only because the property owners have never requested it. If Salt Lake City were to receive an annexation petition for the properties within Area D, we would be compelled to process that petition as set forth in the law.

¹ Adopted 1979.



If the proposed annexation is allowed, the new residential development will burden Salt Lake City residents by requiring roadway infrastructure upgrades to 2200 West Street to accommodate a significant increase in traffic, without any way for Salt Lake City to recapture the improvement costs through impact fees or other assessments. Salt Lake City is in the midst of master planning efforts for that area that would include identifying future roadway improvement needs. However, without some agreement with or commitment from North Salt Lake for funding for those improvements, it will fall on Salt Lake City residents to pay for development impacts outside of its jurisdiction. We ask that if North Salt Lake does proceed with this annexation, that North Salt Lake leaders work with us to ensure that development pays for development.

One of the primary concerns Salt Lake City has expressed regarding the proposed annexation is that a potential annexation into North Salt Lake would impact the ability of the Salt Lake City International Airport to protect critical flight path protection zones and could potentially interfere with the future growth and operations of the airport. We understand that airport representatives were able to work with one of the property owners in the proposed annexation area to obtain an aviation easement to protect airport operations while allowing the proposed development to move forward. That easement is intended to give potential future residents in part of Area D notice that they have chosen to reside in an area subject to significant aircraft noise, and limits construction of certain hazards that pose a danger to aircraft operations. However, we cannot be certain that potential future residents who lease apartments in that development will have actual notice of the aviation easement prior to entering into their leases. Additional areas proposed for annexation in Area D are not subject to the aviation easement the airport representatives negotiated, and it is necessary for airport operations and safety, as well as for the protection of any potential future residents, that property included in the annexation policy plan that is within the current Salt Lake County Airport Overlay Zone record an aviation easement over the property. The property owner would work with the Salt Lake City Department of Airports to determine a specific easement height and such easement should include other hazard protections.²

Salt Lake City also has infrastructure for water, sewer and storm water services that is located within or near the areas proposed to be annexed, but it cannot support development of that size. Developers of any new development will not be able to connect into the Salt Lake City's

² All residential building design and construction must reduce noise to a decibel level of 65dB or less. No development may be permitted that creates any of the following conditions: (1) Direct of steady light or flashing light of white, red, green, or amber color toward an aircraft engaged in takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport other than an FAA approved navigational signal light or visual approach indicator; (2) Cause sunlight to be reflected toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport; (3) Generates large smoke plumes which could obstruct pilot vision or attract large concentrations of birds or which may otherwise affect safe navigation within this area; (4) Generate electrical interference that may be detrimental to the operation of an aircraft and/or airport instrumentation.



facilities. Thus, it may be helpful for the North Salt Lake Planning Commission to address how water, sewer and storm water services will be provided to the annexed area.

For these reasons, Salt Lake City remains concerned about the impact of the proposed annexation policy plan amendments. In the event that the Planning Commission forwards a positive recommendation, Salt Lake City requests that the draft plan include language that will ensure that future land uses in Area D be compatible with surrounding uses and that development of the area be subject to aviation easements and include aircraft noise mitigation efforts.

Thank you very much for your time and attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Erin Mendenhall".

Exhibit E2-SLC Council Letter

From: [Strong, Elizabeth](#)
To: [Sherrie Pace](#)
Cc: [Mendenhall, Erin](#); [Romney, Gabby](#); [City Council Members](#); [Len Arave](#); [Stan Porter](#); [Natalie Gordon](#); [Ryan Mumford](#); [Brian Horrocks](#); [Lisa Baskin](#); [Ken Leetham](#); [ccFront Office](#); [City Council Liaisons](#); [Tarbet, Nick](#); [Gust-Jenson, Cindy](#)
Subject: Letter Regarding Proposed Annexation
Date: September 7, 2021 3:55:04 PM
Attachments: [NSL Letter Final.pdf](#)

Greetings,

Please see the attached letter from the Salt Lake City Council expressing concerns about the proposed annexation that would facilitate the River Ranch development. Please share this with the Planning Commission and include this letter as part of the public comments submitted for the Annexation Policy Plan and Expansion Area Map.

Thank you,

ELIZABETH STRONG
Salt Lake City Council Staff

OFFICE *of the* CITY COUNCIL
SALT LAKE CITY CORPORATION

TEL 801-535-7600 (ext. 7629)

SLCCOUNCIL.COM

To assure proper attention to your email, please 'Reply to All' or include CCFrontOffice@slcgov.com on the address line of this email.



Ted Knowlton, Chairs
North Salt Lake City Planning Commission
City Hall
10 E. Center Street
North Salt Lake, UT 84054

Dear Chairman Knowlton and members of the North Salt Lake Planning Commission:

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facilities. Thus, it may be helpful for the North Salt Lake Planning Commission to address how water, sewer and storm water services will be provided to the annexed area.

For these reasons, Salt Lake City remains concerned about the impact of the proposed annexation policy plan amendments. In the event that the Planning Commission forwards a positive recommendation, Salt Lake City requests that the draft plan include language that will ensure that future land uses in Area D be compatible with surrounding uses and that development of the area be subject to aviation easements and include aircraft noise mitigation efforts.

Thank you very much for your time and attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Erin Mendenhall".

Exhibit E3-SLC Mayor Clarification Letter

From: [Shaffer, Lisa](#)
To: [Sherrie Pace](#)
Cc: [Otto, Rachel](#); [Lewis, Katherine](#); [Brabson, Catherine](#); [DePaulis, Megan](#)
Subject: SLC Clarification Letter to NSL Planning Commission
Date: September 10, 2021 10:31:25 AM
Attachments: [NSL Clarification Letter 9.10.21.pdf](#)

Hello Sherrie,

Please see attached a follow up letter from Salt Lake City for the North Salt Lake Planning Chairman and Commission members.

Thank you for your attention.

Best,

LISA SHAFFER
CHIEF ADMINISTRATIVE OFFICER

OFFICE *of the* MAYOR
SALT LAKE CITY CORPORATION

TEL 801-535-7753

WWW.SLCMAYOR.COM

WWW.SLC.GOV



September 9, 2021

Ted Knowlton, Chair
North Salt Lake City Planning Commission
City Hall
10 E. Center Street
North Salt Lake, UT 84054

Dear Chairman Knowlton and members of the North Salt Lake Planning Commission:

As a follow up to the letter submitted on September 7, 2021, Salt Lake City offers the following clarifications.

The Salt Lake City Department of Airports (SLCDA) is not opposed to the annexation plan as it relates to airport operations in one portion of the annexation area because that property owner/developer has already executed and recorded an avigation easement in favor of the City that protects airport operations.

Should the proposed annexation plan proceed, SLCDA requests that a similar avigation easement be required to be recorded for any other properties in the annexation area that are currently within the Salt Lake County Airport Overlay Zone. Such an avigation easement is absolutely necessary to protect airport operations and safety. While the SLCDA would be satisfied that airport operations would be protected by an avigation easement, there still will be some negative impacts to residents from any increase in aircraft overflights regardless of whether there is an avigation easement in place or not.

In addition, while Salt Lake City maintains its concerns as outlined in its September 7, 2021 letter, and strongly believes those concerns should be addressed, Salt Lake City's position should not be construed as an absolute objection to annexation of the area already encumbered by an avigation easement.

Sincerely,

A handwritten signature in blue ink, appearing to read "Erin Mendenhall".

**Exhibit E4-Property Owner Letter
addressing SLC Letter E1, E2, E3**



Stephen G. McCutchan
Land Developer / Land Planner

September 21, 2021

Members of the Planning Commission
City of North Salt Lake
10 E Center Street
North Salt Lake, UT 84054

Re: Follow Up to Letter from Salt Lake City Mayor's Office

Members of the Planning Commission:

On September 7, 2021, the Salt Lake City Mayor's Office sent a letter to the Planning Commission regarding the Annexation Policy Declaration Update review. In the letter, there were several concerns expressed.

On September 20, 2021, Dave Tolman and I met with Rachel Otto, Mayor's Chief of Staff, and Lisa Shaffer, City Chief Administrative Officer, to discuss their comments and resolve their concerns. On September 16, 2021, we sent a letter where we believed that Mayor's Office's two principal concerns – 2200 West impacts and aircraft noise impacts --, could or had been resolved.

Regarding 2200 West, we pointed out that Salt Lake City was processing a Preliminary Plat application to subdivide the 434 Acre Swaner Property – located on the west side of 2200 West --, into 21 Business Park Zoning parcels. It has been estimated that the development of the Swaner Property as a Business Park would generate between 4.0 and 5.0 million square feet of building space. We also stated that Daniel Echeverria, Salt Lake City Senior Planner, had stated that the Swaner Property developers would be required to construct 2200 West to a 77-foot right-of-way commercial collector. The widening of 2200 West would alleviate their concerns with River Ranch traffic impacting 2200 West's existing, asphalt paved section.

Regarding aircraft noise, we referred to the Airport's Noise Impact Analysis and Projected Contour Map that illustrated that all the North Pointe Annexation Area, including River Ranch, was outside of the 60 dBA noise contour. The FAA sets the limit for residential development under 65 dBA. In January 2021, Airport representatives contact XCEL Development to suggest the placement of an Avigation Easement over the River Ranch Property. The Avigation Easement would protect the Airport's ability to continue operating and growing as necessary. XCEL Development signed and recorded the Avigation Easement in March 2021. We provided Sherrie Pace a recorded copy of the Avigation Easement to be forwarded to Members of the Planning Commission.

*Members of the Planning Commission
City of North Salt Lake
September 21, 2021
Page 2*

In our meeting with Ms. Otto and Ms. Shaffer, they stated that the Salt Lake City Mayor's Office and Administration were satisfied with the efforts that XCEL Development has made regarding both 2200 West and aircraft noise concerns and that Salt Lake City Administration would not be further objecting to the approval of the Annexation Policy Declaration Update, the North Pointe Annexation or the River Ranch Planned Development.

Further, we expressed that we would continue to meet with Salt Lake City Planning and Engineering Staff to monitor the progress of the Swaner Property Preliminary Plat and coordinate the ultimate construction of 2200 West as it transitions between Salt Lake City, North Salt Lake and Salt Lake County jurisdiction.

The Salt Lake City's Mayor's Office sent a clarification letter to the Planning Commission dated September 9, 2021, where it was expressed that "Salt Lake City's position should not be construed as an absolute objection to the annexation of the area already encumbered by an aviation easement."

We look to discussing this with you in person on September 28, 2021. We hope that the Planning Commission will send the Annexation Policy Declaration Update to the City Council with a recommendation for approval.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Stephen G. McCutchan', with a long horizontal flourish extending to the right.

Stephen G. McCutchan

cc: (Email)

Rachel.Otto@slcgov.com
helen.fenner@slcgov.com
Lisa.Shaffer@slcgov.com
mayor@nslcity.org
stan.porter@nslcity.org
natalie.gordon@nslcity.org
ryan.mumford@nslcity.org
brian.horrocks@nslcity.org
lisa.baskin@nslcity.org
kenl@nslcity.org
sherriep@nslcity.org
dave@aclaimedynamics.com
paxton@yorkhowell.com
Matt@slrealtors.com
marcus@slrealtors.com

**Exhibit E5-Property Owner
Letter to SLC regarding
Letters E1,E2,E3**



September 16, 2021

Rachel Otto
Mayor's Office Chief of Staff
451 South State Street, Room 306
Salt Lake City, UT 84114

Re: Discussion Points for the Monday, September 20, 2021 Meeting on the North Pointe Annexation and the River Ranch Planned Development

Ms. Otto:

To make the best of our meeting time, we have prepared an outline of what we hope to discuss.

From the Mayor's Office letters, we believe there are two primary concerns.

- One, the impact on 2200 West and the City residents who live on 2200 West.
- Two, North Pointe Annexation Area residential development will impact the Airport's ability to protect flight paths, continue to operate and grow the Airport.

We believe that progress has been made in the City's interest on both concerns.

Regarding 2200 West, Salt Lake City is currently considering a Preliminary Plat (PLNSUB2021-00740), subdividing the 434 Acre Swaner Property into 21 Business Zone lots. The Swaner Property is located west of 2200 West between 2700 North and 3300 North.

- If approved – which appears likely --, the subdivision will be required to widen and improve 2200 West to a 77 Foot Right-of-Way commercial collector.
 - o According to Daniel Echeverria, Senior Planner.
- A point of interest to the City, when Ivory Development was proposing a similar development on the Swaner Property two years ago, Salt Lake City was requiring Ivory Development to dedicate and develop the entire 77 foot right-of-way from the existing east right-of-way line. The current proposal would require the dedication and development of 8.5 feet from the front of the residential lots that face on 2200 West. This may be a point of contention with the existing property owners.
- Our traffic engineer, Hales Engineering, has estimated that the Swaner Property development (estimated as 4.0 Million Square Feet of Business Park) will generate roughly 12,500 average daily trips on 2200 West, some of which will be truck traffic.
 - o The River Ranch Planned Development will add 6,500 trips or about half of the Swaner Property development trips.
 - o The majority of future traffic on 2200 West, estimated to be 19,000 Average Daily Trips (ADT), will come from the Swaner Property development.

Rachel Otto
Mayor's Office Chief of Staff
September 16, 2021
Page 2

We've attached exhibits that the applicant has submitted and we downloaded from the City's website.

As part of its new Master Plan, the Airport has prepared a new, long-range forecast of aircraft noise impacts on surrounding areas, including the North Pointe Annexation Area. We've attached an exhibit from the Airport's Master Plan that shows aircraft noise contours.

- We have also prepared a long-range forecast of aircraft noise impacts on the same area, and it is also attached.
- The studies agree that the North Pointe Annexation Area is outside the 65 dBA noise contour and outside the 60 dBA.
- The FAA sets 65 dBA as the limit for residential development.
- With the Airport's noise impact study and the Avigation Easement on the River Ranch property, we believe that ample legal protection is in place for the Airport to defend its flight paths, operations, and growth.
- We have attached a copy of the Recorded Avigation Easement.

We look forward to our meeting. If additional information is needed before the meeting, don't hesitate to get in touch with me.

Very truly yours,

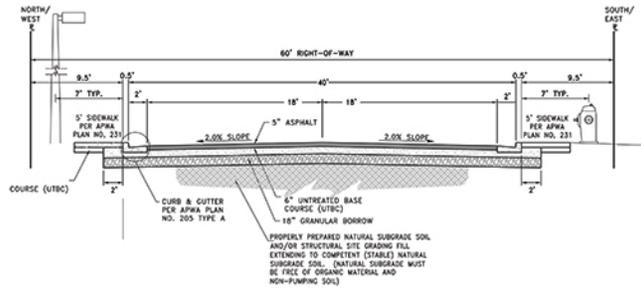
A handwritten signature in black ink, appearing to read 'SGM', with a long horizontal flourish extending to the right.

Stephen G. McCutchan

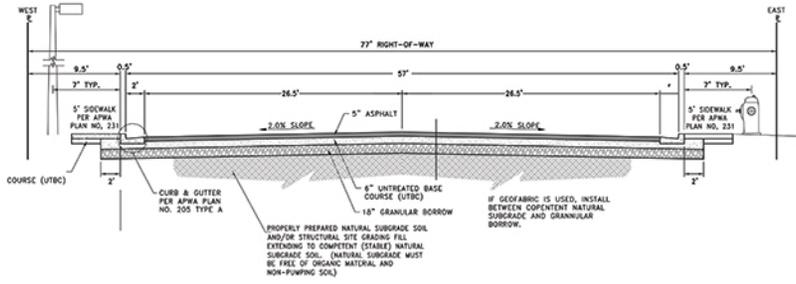
cc:

kenl@nslcity.org
sherriep@nslcity.org
dave@aclaimedynamics.com
Marcus@slrealtors.com
Matt@slrealtors.com

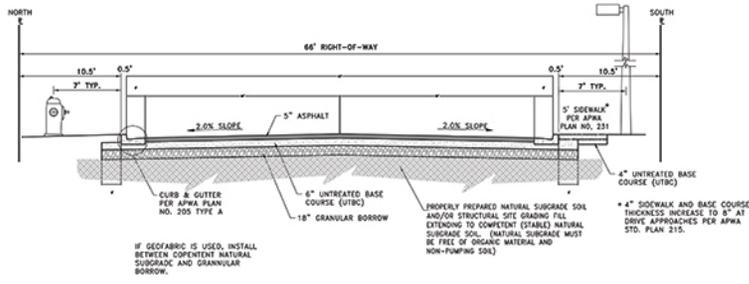
ROADWAY SECTION DETAILS



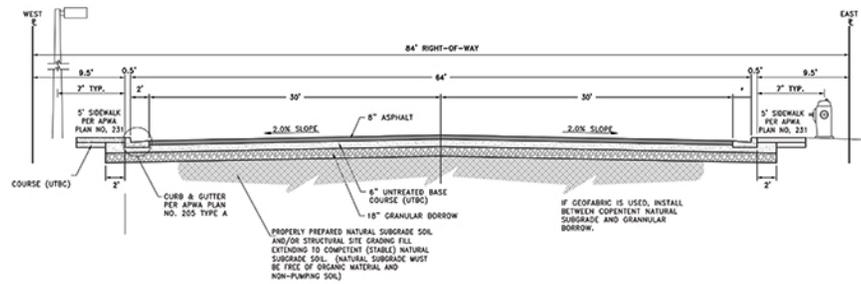
SECTION A-A (MODIFIED BY CITY)
2200 WEST STREET
3200 NORTH STREET
TYPICAL 60' ROW CROSS SECTION



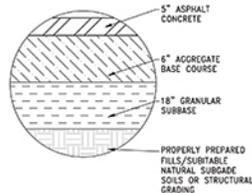
SECTION C-C (MODIFIED BY CITY)
2200 WEST STREET
3200 NORTH STREET
TYPICAL 77' ROW CROSS SECTION



SECTION B-B (MODIFIED BY CITY)
2200 WEST STREET
3200 NORTH STREET
TYPICAL 66' ROW CROSS SECTION



SECTION D-D (MODIFIED BY CITY)
2200 WEST STREET
3200 NORTH STREET
TYPICAL 84' ROW CROSS SECTION



PROPOSED ROAD PAVEMENT SECTION

NO.	REVISIONS	BY	DATE

FOR: **SCANNELL PROPERTIES, LLC**
 LOCATION: **SALT LAKE CITY**
 SALT LAKE COUNTY, UT



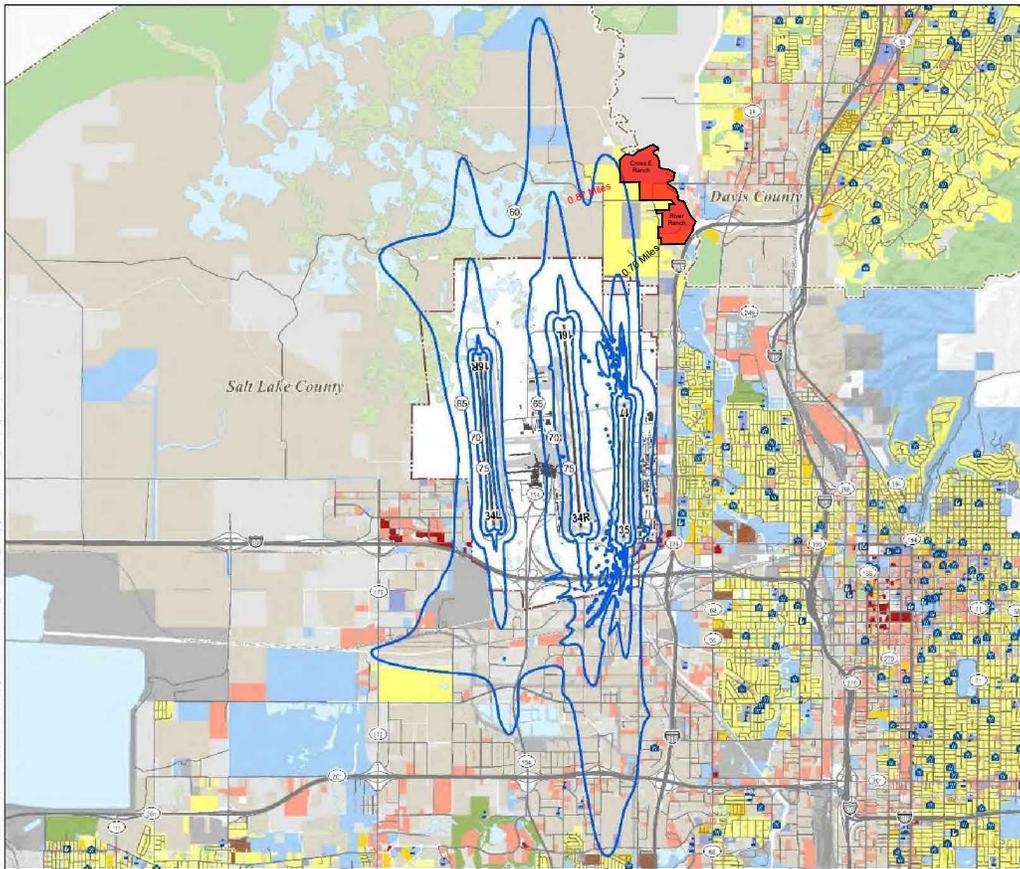
PROJECT: **SWANER SUBDIVISION**
 ROADWAY MASTER PLAN
 CROSS-SECTIONS

PROJECT NO: **3389**
 SHEET: **07/11/21**
 SHEET NO: **EX-RDMP**

PLOT: P:\SCANNELLS\SWANER\RDMP\CROSSSECTIONS\RDMP.DWG | PLOT DATE: July 15, 2021 | PLOTTED BY: delone
 SWANER SUBDIVISION ROADWAY MASTER PLAN SECTION.DWG



Figure 6
2037 Forecast DNL Noise Contours



- 2037 Forecast DNL Contour (60-75 dB)
- Airport Boundary
- Airport Runway / Taxiway
- Airport Buildings
- Single Family Residential
- Multi-Family Residential
- Mobile Homes
- Transient Lodging
- Mixed Use
- Commercial Use
- Manufacturing and Production
- Public Use 1 (Non-Compatible)
- Public Use 2 (Compatible)
- Golf Course
- Open Space / Recreation
- Transportation / Utilities
- Water
- State Boundary
- Municipal Boundary
- Interstate
- Highways
- Railroad
- Schools
- Place of Worship
- Nursing Care
- National Register Historic Place
- Hospital
- Libraries

Data Source: HMMH, Mith Automated Geographic Reference Center (AGRC), Environmental Systems Research Institute (ESRI)

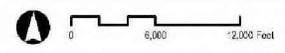
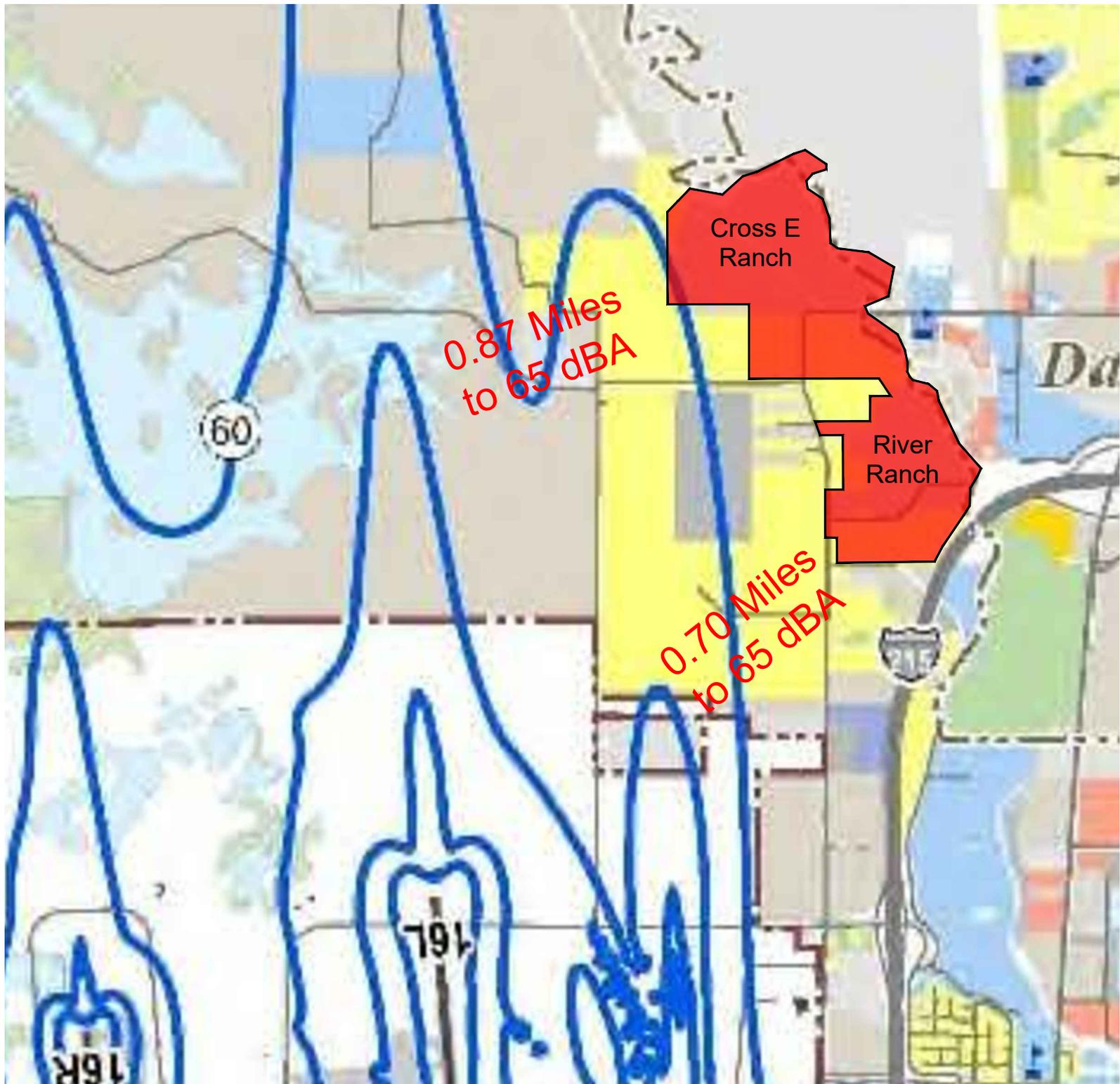


Figure 6. 2037 Forecast DNL Noise Contours



Cross E Ranch

0.87 Miles to 65 dBA

River Ranch

0.70 Miles to 65 dBA

160

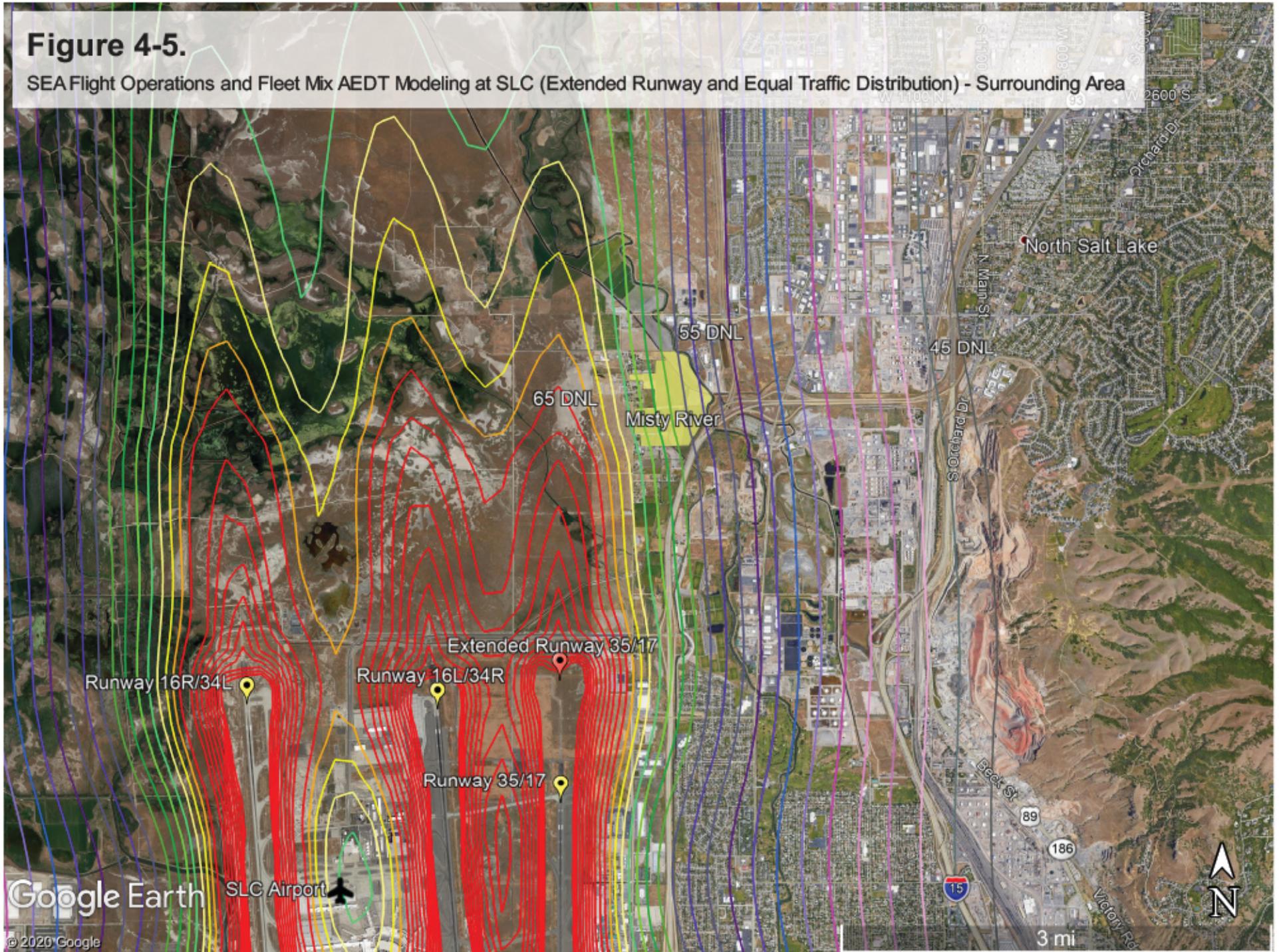
191

16R

Da

Figure 4-5.

SEA Flight Operations and Fleet Mix AEDT Modeling at SLC (Extended Runway and Equal Traffic Distribution) - Surrounding Area



WHEN RECORDED MAIL TO:

Salt Lake City Department of Airports
Planning and Environmental
PO Box 145550
Salt Lake City, UT 84114-5550

13610271
3/25/2021 3:53:00 PM \$40.00
Book - 11143 Pg - 9411-9420
RASHELLE HOBBS
Recorder, Salt Lake County, UT
COTTONWOOD TITLE
BY: eCASH, DEPUTY - EF 10 P.

AVIGATION EASEMENT

In Reference to Tax ID Number(s):

08-09-476-029, 08-09-276-022, 08-09-276-021, 08-09-276-016, 08-10-100-002 and 08-09-276-020

After recording, return to:
Salt Lake City Department of Airports
Planning and Environmental
P.O. Box 145550
Salt Lake City, Utah 84114-5550

AVIGATION EASEMENT

Xcel Development, LLC, a Utah limited liability company, hereinafter referred to as "**Grantor**," hereby grants and conveys to SALT LAKE CITY CORPORATION, hereinafter referred to as "**Grantee**," for good and valuable consideration given by the Grantee to the Grantor, the receipt and sufficiency of which is hereby acknowledged, a perpetual and assignable easement in the airspace above and over the parcel(s) of land owned by Grantor as described in Exhibit "A" attached hereto (the "**Real Property**"), memorializing an existing prescriptive common law avigation easement associated with aircraft activities in and around the Salt Lake City International Airport ("**Airport**"), and the appurtenant rights and benefits described herein for the use and benefit of the Grantee and the public (the "**Easement**"). To the extent the Easement has not been created via historic/prescriptive use, Grantor hereby affirmatively grants the Easement to Grantee, as described herein.

The Easement shall allow the free and unrestricted passage of aircraft of any and all kinds now or hereafter developed regardless of existing or future noise levels for the purpose of transporting persons or property through the air by whoever owned or operated, in, through, across and about the airspace over the Real Property, and all other aeronautical activities therein, including the right of said

aircraft to cause noise, vibrations, fumes, deposits of dust, fuel particles (incidental to the normal operation of aircraft); fear, interference with sleep or communication, and any other effects associated with the normal operation of aircraft taking off, landing or operating in the vicinity of the Airport. The airspace shall mean that space above the Real Property that is more than one hundred (100) feet above 4,225 feet above sea level as determined by U.S.G.S. datum (hereinafter referred to as the "Airspace"). For clarification, the "Airspace" is that space higher than 4,325 feet above sea level.

Grantor agrees that the Easement and rights hereby granted to the Grantee in the Airspace above and over the Real Property are for the purpose of insuring that the Airspace shall remain free and clear for the flight of aircraft landing at or taking off from or otherwise using the Airport described in Exhibit "B" attached hereto, and incorporated herein.

Grantor agrees that it, its heirs, successors and assigns shall not hereafter erect or permit the erection or growth of any object within the Airspace. This Easement grants the right of flight for the passage of aircraft in the Airspace, together with the right to cause or create, or permit or allow to be caused or created in the Airspace, and within, above and adjacent to the Real Property, such annoyances as may be inherent in, or may arise or occur from or during the operation of aircraft.

Grantor further agrees that all residential structures to be constructed on the Real Property described on Exhibit "A" shall have air circulation systems and at least twenty-five (25) dBs of sound attenuation, if the proposed residential structure is found to be within the existing or forecasted 60 DNL as shown on an 2020 airport

noise study commissioned by the Grantee. Grantor agrees to keep the Easement free of the following: structures (permanent or temporary) that might create glare or contain misleading lights; fuel handling and storage facilities and smoke generating activities and creation of any means of electrical interference that could affect the movement of Aircraft over the Real Property through the Easement area.

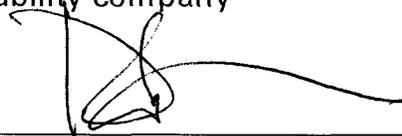
To the extent Grantor fails to comply with any requirement under this Easement, Grantor hereby waives all claims for damages caused or alleged to be caused by the Grantor's failure to comply. Said Easement and the rights appertaining thereto shall be for the benefit of Grantee, its successors, assigns, guests, invitees, including any and all persons, firms or corporations operating aircraft to or from the Airport. In perpetuity, said Easement and the burden thereof, together with all things which may be alleged to be incidental to or to result from the use and enjoyment of said Easement, shall constitute permanent burdens and servient tenements on the Real Property, and the same shall run with the land and be binding upon and enforceable against all successors in right, title or interest to said Real Property and shall be unlimited as to frequency.

WITNESS the hand of the Grantor this 26 day of February, 2021.

GRANTOR(S)

ENTITY:

Excel Development, LLC, a Utah limited Liability company



David S. Tolman, Managing Member

EXHIBIT "A"

The following description is the Grantor's Real Property situated in Salt Lake County, State of Utah, commonly referred to as the "*Misty River Master Plat*" and includes Salt Lake County Tax Parcel number(s): 08-09-476-029; 08-09-276-022; 08-09-276-021; 08-09-276-016; 08-10-100-002; and 08-09-276-020:

A parcel of land situated in the East half of Section 9 and the West half of Section 10, Township 1 North, Range 1 West, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at a point on the Westerly line of Interstate 215, said point being North 0°20'08" East 870.71 feet along the East section line and East 489.39 feet from the Southeast Corner of Section 9, Township 1 North, Range 1 West, Salt Lake Base and Meridian, and running;

thence West 1,583.49 feet;
thence North 00°23'30" East 451.36 feet;
thence South 89°28'53" West 199.09 feet to a point on the Easterly Right-of-Way of 2450 West Street;

thence North 851.14 feet along said Easterly Right-of-Way;
thence North 88°42'43" East 256.69 feet;
thence North 13.45 feet;
thence North 88°25'39" East 416.12 feet;
thence North 0°31'54" West 607.26 feet;
thence West 334.82 feet;
thence North 127.00 feet;
thence West 415.85 feet to a point on the Easterly Right-of-Way 2450 West Street;
thence North 17°31'11" West 397.75 feet along said Easterly Right-of-Way;
thence East 915.29 feet;
thence North 444.70 feet;
thence North 89°59'11" East 377.87 feet;
thence North 36°53'03" West 371.37 feet;
thence North 89°50'36" East 460.37 feet;

thence along the West line of said Jordan River the following (19) nineteen courses: 1) South 48°43'40" East 59.16 feet; 2) South 70°26'19" East 342.08 feet; 3) South 50°03'26" East 84.02 feet; 4) South 20°33'11" East 87.08 feet; 5) South 12°51'50" East 174.97 feet; 6) South 26°39'56" East 264.33 feet; 7) South 31°54'01" East 130.80 feet; 8) South 29°47'30" East 251.13 feet; 9) South 42°13'22" East 510.57 feet; 10) South 31°32'22" East 123.74 feet; 11) South 03°38'50" West 107.46 feet; 12) South 49°54'48" West 148.28 feet; 13) South 31°08'13" West 41.88 feet; 14) South 25°47'36" West 55.13 feet; 15) South 12°01'22" West 101.95 feet; 16) South 03°53'10" West 92.25 feet; 17) South 01°58'47" East 181.01 feet; 18) South 86°38'36" West 9.00 feet; 19) South 10°12'09" East 63.43 feet a point being the intersection of the West line of said Jordan River and the West line of Interstate 215;

thence along the West line of said Interstate 215 the following (3) three courses: 1) South 44°59'20" West 192.17 feet; 2) South 30°35'01" West 764.63 feet; 3) South 20°03'21" West 172.01 feet to the point of beginning. (Contains 5,617,069 square feet or 128.950 acres)

The Grantor's Real Property is depicted as follows:

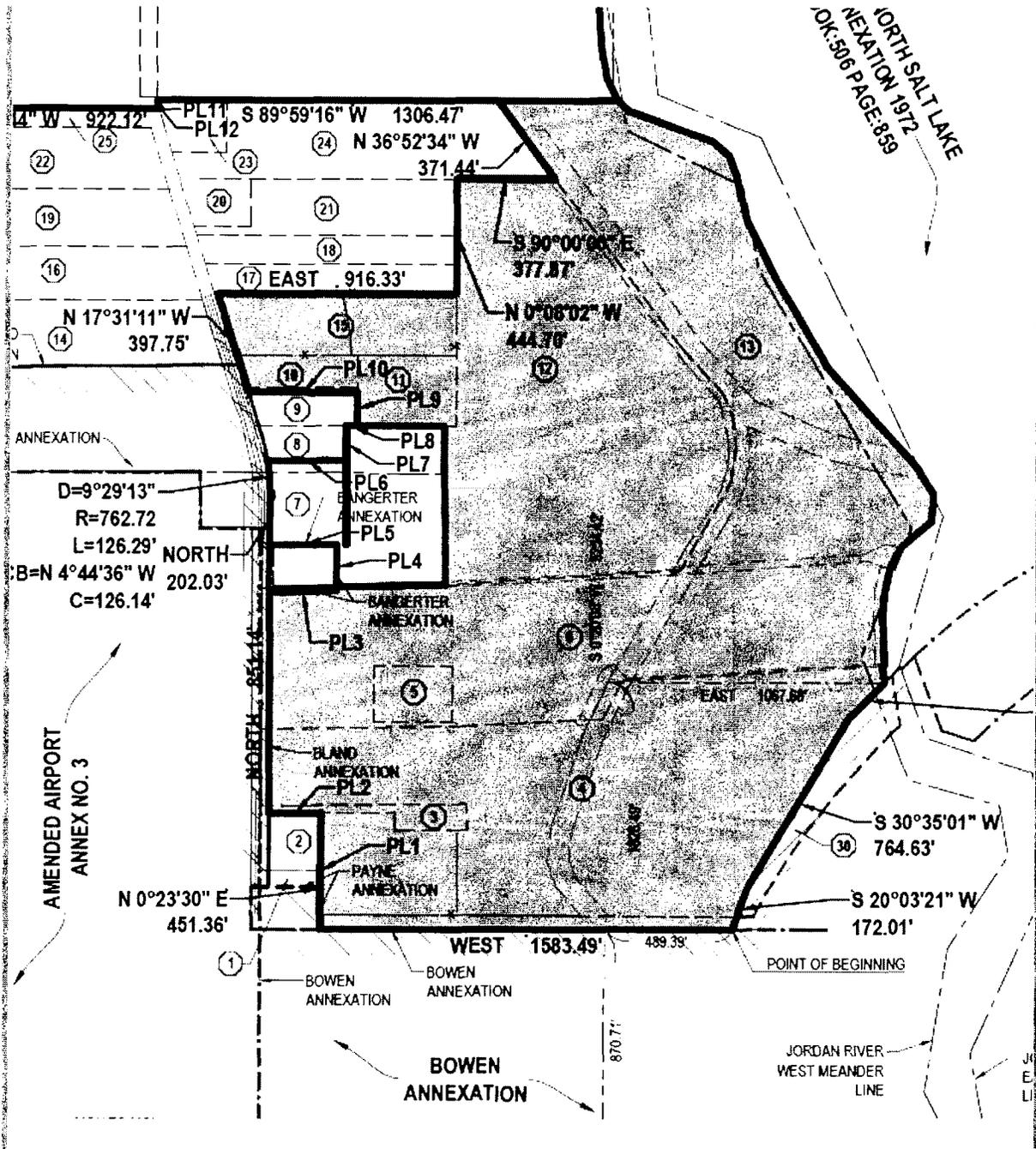


EXHIBIT "B"
Salt Lake City International Airport
Boundary Description

Beginning at a point 806.03 feet N. 0°02'38" E. of the South 1/4 corner of Section 33, Township 1 North, Range 1 West, Salt Lake Base and Meridian, said point being on the northerly right-of-way line of North Temple Street, and running thence S. 89°58'38" W. 340.71 feet along said right-of-way line; thence S. 0°02'38" W. 805.75 feet to the south line of Section 33; thence N. 89°58'33" E. 340.71 feet along said section line to the south 1/4 corner of Section 33 (said 1/4 corner is also the north 1/4 corner of Section 4, T.1 S., R.1 W.); thence S. 0°11'26" E. 2,290.43 feet to the northerly right-of-way of the Western Pacific Railroad main-line siding; thence S. 77°49'01" W. 581.95 feet; thence S. 0°12'04" E. 238 feet, more or less, to the 1/4 section line; thence S. 89°57'09" W. 185 feet, more or less; thence N. 0°12'04" W. 197 feet, more or less, to the northerly right-of-way line of the Western Pacific Railroad main-line siding; thence S. 77°49'01" W. 1,932.50 feet to the west line of said Section 4 (said line is also the east line of Section 5, T.1 S., R.1 W.); thence S. 77°49'01" W. 230.26 feet to a point on a 3,852.83 foot radius curve to the left, said point also being on the northerly right-of-way line of the relocated Salt Lake Garfield & Western Railroad; thence South 77°33' West 397.14 feet along said curve to a point 116 feet perpendicularly distant northwesterly to the Western Pacific Railroad main-line track; thence southwesterly and parallel to said railroad track 3,459 feet, more or less; thence S. 78°00'55" W. 1,343 feet, more or less, to the west line of said Section 5, (said line is also the east line of Section 6, T.1 S., R.1 W.); thence S. 78°00'55" W. 238 feet, more or less, to the westerly highway right-of-way and nonaccess line of U.D.O.T. project No. 1-80-3(5)116; thence N. 1°25'59" W. 622 feet, more or less, along said right-of-way line to a point on a 1,527.89 foot radius curve to the left (note: Tangent to said curve at its point of beginning bears N. 1°50'34" W.); thence northwesterly 769.68 feet along said curve to the North line of the NE 1/4 SE 1/4 of said Section 6; thence northwesterly 971.37 feet along the arc of a 1,672.95 foot radius curve to the left (note: Tangent to said curve at its point of beginning bears N. 34°24'21" W.); thence N. 63°47'38" W. 1,084.09 feet; thence N. 55°55'36" W. 436.08 feet; thence west 83.57 feet to a point on a 2,894.79 foot radius curve to the left (note: Tangent to said curve at its point of beginning bears N. 51°35'12" W.); thence northwesterly 246.45 feet along said curve; thence N. 57°07'49" W. 100.52 feet; thence N. 57°27'53" W. 328.82 feet; thence N. 57°47'59" W. 200.79 feet to a point on a 5,759.58 foot radius curve to the left (note: Tangent to said curve at its point of beginning N. 58°28'02" W.); thence northwesterly 640 feet, more or less, along said curve; thence North 545 feet more or less, to the north section line of said Section 6; thence North 850.50 feet; thence East 46.47 feet; thence N. 4°58'32" W. 4,445.67 feet to the north line of Section 31, T.1 N., R.1 W.; thence West 1,009.82 feet along said line to the northwest corner of said Section 31;

thence North 15,840 feet to the northwest corner of Section 18, T.1 N., R.1 W.; thence East 10,560 feet to the northeast corner of Section 17, T.1 N., R.1 W.; thence South 5,280 feet to the northwest corner of Section 21, T.1 N., R.1 W.; thence East 2,640.0 feet; thence South 660.0 feet; thence East 1,320.0 feet; thence South 14,374.25 feet to the northerly right-of-way line of North Temple Street; thence S. 89°58'38" W. 1,254 feet, more or less, along said right-of-way line to the point of beginning;

And beginning at a point 660 feet West and 792 feet North of the South 1/4 corner of Section 16, T.1 N., R.1 W., Salt Lake Base and Meridian; running thence North 198 feet; thence East 660 feet; thence North 33 feet; thence East 165 feet; thence South 264 feet; thence West 165 feet; thence North 33 feet; thence West 660 feet to the point of beginning;

And beginning at a point 660 feet West and 990 feet North of the South 1/4 corner of Section 16, T.1 N., R.1 W., Salt Lake Base and Meridian; running thence North 519.75 feet; thence East 660 feet; thence South 189.75 feet; thence East 165 feet; thence South 297 feet; thence West 165 feet; thence South 33 feet; thence West 660 feet to the point of beginning;

And beginning at the South Quarter Corner of Section 16; Township 1 North, Range 1 West, Salt Lake Base and Meridian; running thence West 660 feet along the South line of said section; thence North 792 feet; thence East 660 feet; thence South 792 feet to the point of beginning;

And beginning at a point 660 feet West and 792 feet North of the South Quarter Corner Section 16, Township 1 North, Range 1 West, Salt Lake Base and Meridian; running thence North 198 feet; thence East 660 feet; thence North 33 feet; thence East 165 feet; thence South 264 feet; thence West 165 feet; thence North 33 feet; thence West 660 feet to the point of beginning;

And beginning in the South line of the Northeast quarter of Section 6 at a point 470.36 feet West from the East quarter corner of said Section 6; thence West 1205.35 feet along said South line; thence North 25°05'47" West 265.54 feet; and thence N. 25°25'49" West 100.52 feet; thence Northwesterly 1287.85 feet along the arc of a 2894.79 foot radius curve to the left to the North line of the Southwest quarter Northeast quarter of said Section 6 (Note: Tangent to said curve at its point of beginning bears North 26°05'48" West); thence East 83.57 feet along said North line to the Southwesterly right-of-way and no-access line of the freeway known as Project No. 80-3; thence South 55°55'36" East 436.08 feet; thence South 63°47'38" East 1084.09 feet to a point on a 1672.95 foot radius curve to the right; thence Southeasterly 971.37 feet along the arc of said curve to the point of beginning. (Note: Tangent to said curve at its point of beginning bears South 67°40'25" East);

And beginning in the south line of the Northeast quarter of said Section 6 at a point approximately 1741.94 feet West from the East quarter corner of said Section 6; thence West 903.79 feet, more or less, to the West line of the Northeast quarter of said Section 6; thence North 1254.38 feet along said West line to a point on a 2834.79 foot radius curve to the right; thence Southeasterly 1220.69 feet along the arc of said curve (Note: Tangent to said curve at its point of beginning bears South 50°46'08" East); thence South 25°25'43" East 99.48 feet; thence South 25°05'47" East 237.49 feet to the point of beginning;

And beginning at the Northwest corner of the Southeast quarter of Section 16, Township 1 North, Range 1 West, Salt Lake Base and Meridian, said point being the center of Section 16; thence East 165 feet; thence South 1320 feet; thence West 165 feet; thence North 1320 feet to the point of beginning.

Contains 6,822.59 acres, more or less (excluding the highway R.O.W.).

Exhibit E6-North Pointe Community Council

Public Comment received from:

Salt Lake City, Northpointe Area Community Council

(5 pages)

Annexation of Section D on the map

A year ago the residents and the SL Neighborhood Council did an online webinar with NSL "Crossing County Lines." Afterward the SL Neighborhood Council put together the summary of questions and issues to be addressed as part of NSL annexation process. It was their intent that this document would be shared with the consultants as well as NSL elected officials. If shared did they incorporate the issues/questions in to the process? We did not want to bring up these issues for the first time at the public hearing to be held in Sept 2021. We raised these concerns back in Sept 2020. I have attached these questions.

“Crossing County Lines”
A Community Webinar Held September 30, 2020

Summary of Unresolved Questions Raised During the Meeting

STUDY ISSUES:

Is the public health burden included in the annexation cost analysis? Putting houses on a freeway and next to an airport has elevated health risks.

Ken Leetham, North Salt Lake City Manager, confirmed that the City's contract with the Lewis Group does not include an analysis of the health impacts of being near a freeway or airport. Mr. Leetham indicated that these are good items for City of North Salt Lake (NSL) to consider outside of the Lewis Study.

Remaining related questions:

- When/how will a cost analysis of health impacts be done to address concern about placing such large residential developments next to an airport and freeway?
- How many years will it be before the east runway of the SL International Airport will be used? (question related to health impacts of nearby airport)
The East runway is being used now and will be used increasingly in the future. Perhaps the question relates to how long before this runway needs to be realigned. The airport authority is doing a master plan right now. The proposed alignment is actually outside the window of the master plan which is 20 years plus”. (Source: Brady Frederickson)

When & where will the school district issues be discussed in the annexation process?

Sherrie Llewelyn, Community Development Director of the City of North Salt Lake, indicated that both Granite School District and Davis County School District will be affected entities and will be contacted to provide input to be analyzed.

Remaining related questions:

- How will issues related to Salt Lake City School District and State-funded Charter Schools be addressed?

Will the “scope of interests” affected by the annexation include adjacent duck clubs and habitats for Great Salt Lake waterfowl and wildlife?

Sherrie Llewelyn, NSL Community Development Director, indicated that she wanted to identify all of the affected entities and get feedback from anyone in the area that has something that they can offer. NSL is certainly willing to take a look at any information that's made available to us. If you have information to submit, please send it directly to North Salt Lake City:

<https://www.nslcity.org/638/Annexation>.

Isn't the Westpointe Community waiting to embark on its master planning process as well? Isn't that a “neighborhood” consideration that should be addressed (in the study) before moving forward?

The Salt Lake City Council has allocated funds to update the master plan for this area i.e. the Northpointe Small Area Master Plan. It is anticipated that the update will not so much look at

changing land use but rather focus on infrastructure needs and mitigating impacts in the area particularly the impacts to the surrounding natural areas that are to the west of the Swaner property which are outside Salt Lake City's limits. Salt Lake City recognizes that development will impact them and will also consider how such development will impacts the nearby neighborhoods as well. (Source: Nick Norris, SLC Planning Director)

TRAFFIC ISSUES:

How is the traffic going in and out of the development area going to be addressed when two different cities will be involved?

Sherrie Llewelyn indicated that the City cannot respond to this issue at this time and that the Lewis Group study will address this issue.

North Salt Lake City has a history of working with their neighboring cities to develop maintenance agreements. If this annexation proceeds then NSL would entertain those agreements with both Salt Lake County and Salt Lake City. In doing so their aim would be a system that doesn't change from one jurisdiction to another—having the same quality of street as you move from NSL City into the next city.

There is a new main road in SLC master transit plan that bisects the Swaner property. Is this road going to be developed as part of Misty River to mitigate 2200W traffic issues?

Probably Not. This is because that road goes through private property that is not part of the Misty River development. In order to develop the road Salt Lake City would need to go through an eminent domain process. "As far as I know Salt Lake City has no plans to consider this type of action." (Source: Nick Norris)

Remaining issues:

That Swaner property is for sale and Salt Lake City should consider purchasing it to mitigate 2200W traffic concerns.

ENVIRONMENTAL ISSUES:

The Blueprint Jordan River recommends a 300' natural buffer between the river and areas of development in this area, and the use of this buffer to preserve and improve wildlife habitat. North Salt Lake has informally adopted the Blueprint Jordan River through its resolution to participate in the Jordan River Commission. Is it the intent of North Salt Lake to work to implement this improved natural buffer?"

NSL is very open to working with the Jordan River Commission and have already had a couple conversations myself with Soren as well as the developer has met with him to address some of those concerns. The concept plan that the developer is proposing may not look like the final plan because NSL has not yet asked for any changes. All those pieces of the puzzle still have to come together. First the City Council wants to make sure that annexing the area is a good idea. If it makes sense the City will do a lot more work revising plans and analyzing how the developer's proposal fit in with other plans that exist. We're just not at that stage to look at that in depth". (Source: Sherrie Llewelyn)

Were currently developed properties south of Center Street also once part of the Legacy Nature Preserve? Part of the proposed properties north of Center Street are currently part of the Legacy Nature Preserve. Please provide a response in regards to this.

The NSL Community Development Director did not believe currently developed properties were ever part of the preserve. However, she would need to do further research to be sure. The Mayor of the City of North Salt Lake thought the preserve property was protected by contract and that no development can take place there.

- Recommend that questions regarding the Legacy Nature Preserve and how it might be impacted should be address in the annexation study. Please clarify whether any part of the preserve will be developed. .

Other questions/observations:

1. If Legacy Nature Preserve is excluded per contract, why are portions of it included on the map to be developed?
2. Does any of the area of the proposed annexation include wetlands?
3. Salt Lake City and Salt Lake County have received recommendations to develop large scale habitat preservation tools such as Transfer of Development Rights. Why are these tools not being implemented for both this area and for the Inland Port?
4. The wildlife impacts around the Great Salt Lake and its tributaries (both the Jordan River and the Surplus Canal) are enormous. Little has been done to protect upland/grassland areas, which are often considered prime real estate.

How is the inland port authority protecting wildlife habitat?

There's a natural area buffer, several thousand acres, that has been created along the northern edge of the development boundary of the port authority. The Utah Inland Port Authority (UIPA) has been working with Salt Lake City and property owners to secure the area into perpetuity and get compatible uses in that natural area, so that a significant buffer can be created between development activity and those natural areas. UIPA is also creating policies and programs that deal with issues such as lighting, storm water runoff, noise attenuation, and noise abatement because those have direct impacts on habitat areas as well as on the communities that surround the inland port. These things are being done very purposely, very intentionally and some of those practices could well be integrated into this planning as well. (Jack Hedge, Executive Director of Utah Inland Port Authority).

Remaining question:

Do you see the BP or Business Park zone located in Salt Lake City across the street from this area? Do you anticipate this area growing with the development of the inland port?

OVERALL PLANNING ISSUES:

Do you feel a Business Park with warehouse and light manufacturing, as currently allowed across the street from this area, is a better use of this land than clustered housing similar to the Foxboro area?

Jack Ray spoke to this issue as it related to the impact on wildlife rather than the impacts felt by the people who are already residents in that area. From a wildlife perspective planning a light industrial or business park development is probably easier to do in a way that would somewhat mitigate the impacts. High density residential development would be most disruptive to the wildlife in the area. Whereas light industrial is something that could probably be managed a little bit. (Jack Ray)

Denise Payne, a resident in the Westpointe area, indicated that her biggest concern is just protecting the residents and open space that currently exists. The number of units being

planned for this development is going to overwhelm everything in this area, A Business Park would have fewer people. But who knows what's going to happen with the Swaner property. We don't know what's going to happen over there. It's still for sale and that's something that needs to be considered when they're looking into all of this.

Steve Aase a resident of North Salt Lake, was concerned that with a lot of commercial development it will have an even worse impact upon the roads, especially that 90 degree curve connecting 2200 West &/Center Street. If you continue to have commercial development move up to 2200 West as you continue to have commercial development move along Center Street you're going to have a lot more traffic trying to make that curve at Center Street to 2200 west and it's not going to handle large capacity vehicles. I think it'll be a danger especially with the agrifarm that Cross E is and the amount of traffic it gets".

"Richard Holman, President of the Westside Coalition, felt the issue was a trade-off. If development ends up being a 24 hour, seven day week operation with truck traffic, that's one side of the coin. If it's residential that has different impacts. One needs to look at the nature of the resulting pollutants from volume of truck traffic along that road as compared to residential impacts. That's what really has to be weighed here and significant restrictions need to be placed on those operations that are going to be in the area in order to reduce the impact. If it's 24/7 with trucks constantly in and out, that's a problem because it combines with all the other traffic that's 24/7 that's using that road. The various impacts need to be weighed carefully.

A lot of the concerns that are being brought up (related to the proposed annexation development) do not appear to go away if this area is instead developed as allowed by Salt Lake.

The issues and concerns associated with residential uses do go away, particularly the impact on the airport which is one of Salt Lake City's most significant issues. SLC understands that infrastructure upgrades will need to happen along this corridor just like what's happened south of, 2200 North 2100 North. In that area the road's been extended, bike lanes have gone in as well as significant infrastructure improvements. Salt Lake City require developers to pay for development and infrastructure as it goes in. This creates a more linear progression instead of a leapfrog progression thereby helping to eliminate gaps in development infrastructure. This is a challenge when you have multiple jurisdictions that leapfrog each other along the road. The road in question goes through Salt Lake City into Unincorporated Salt Lake County into the proposed NSL annexation area, then back into Salt Lake City and back into Unincorporated Salt Lake County. This situation makes it challenging to get the infrastructure in place over time. (Source: Nick Norris)

Misc. issue:

The map of the annexation plan there's an area that has a question mark on it. Why does it have a question mark and how far does it extend?

The area in question is the motocross park owned by Salt Lake County. The question was raised whether this area should remain in North Salt Lake City's annexation declaration since it is obviously not going to be a development parcel. It's across the river from NSL and there is no direct access to the property from Redwood Road.

Remaining question: Was this parcel removed from consideration for annexation to NSL?



September 23, 2021

To Sherrie Pace, and The North Salt Lake Planning Commission,

As a business owner in North Salt Lake, I greatly appreciate the Planning Commission for your commitment to the businesses of North Salt Lake. We have enjoyed almost 5 years now on Redwood Road and we have been welcomed by the city and surrounding cities. We view the growth of North Salt Lake as a positive way to keep our citizen's hard-earned dollars being spent in their city.

I am writing today to pledge our support for the addition of Area D to the Annexation Policy Declaration and in hopes that the commission will send a positive recommendation to the City Council. As growth in Utah continues to be the fastest in the United States Lee's feels North Salt Lake should want to participate in this growth or see useful sales tax dollars go to surrounding cities. While we have enjoyed our location and relationship with the city, we see the need for more growth for our business and all the businesses on the redwood road corridor. This Annexation and future developments will bolster the commercial businesses, including Lee's Marketplace and Ace Hardware. As North Salt Lake grows in population it will help increase the amount of sales tax, that can help the city with its budget in making an even better place to live for its citizens.

Lee's Marketplace sees a great future with its North Salt Lake store and the recommendation for the addition of Area D will show that North Salt Lake supports the longevity and prosperity of the Redwood Road business community.

Thank you for your consideration and please feel free to contact me if you should have any questions.

Gratefully,

A handwritten signature in blue ink that reads "Jonathan Badger". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jonathan Badger
President, CEO
Lee's Marketplace
jon@leesmarketplace.com

Sherrie Pace

From: Sherrie Pace
Sent: Monday, August 23, 2021 2:33 PM
To: Denise Payne
Subject: RE: Crossing community lines.
Attachments: Sherrie Pace AICP.vcf

Hi Denise,

You were not sent a notice because this is not a public hearing scheduled tomorrow evening. The meeting is a public meeting for the purpose of receiving input from affected entities as required by State Code. At the meeting the affected entities may provide comment or ask questions about the draft annexation policy plan document and map. They then have 10 days to submit any written comments. The city takes those comments and adds them to the plan, adds any additional language to address those comments, and then we hold a Public Hearing.

The Public Hearing has been tentatively scheduled for September 14th, but that is dependent upon the direction of the Planning Commission, if they believe the plan is ready for a public hearing and direct staff to amend the draft to address the input.

You can find the most up to date info about the Annexation Policy Plan Update:
<https://www.nslcity.org/638/Annexation>

If you want to receive notices about the City meetings, outside of public hearings that require notice, you can sign up for notices here: <https://www.nslcity.org/list.aspx>

Here is the tentative schedule for review of the draft annexation policy plan:

August 9, 2021 <i>August 17, 2021</i>	Planning Commission prepares proposed annexation policy plan <i>City Council Work Session-Update from petition sponsor (not required by state code, requested meeting by applicant)</i>
August 24, 2021 2021	Planning Commission Public Meeting to begin the 10 day public input period September 3, Deadline for written comments submitted
September 14, 2021	Planning Commission Public Hearing Modify draft plan, as warranted Recommendation to the City Council
October 5, 2021	City Council Public Hearing Modify draft plan, as warranted Adoption of policy plan

Only after the policy plan is updated, and if it is updated to include the proposed Area D, with the City consider the annexation petition and the specific development proposal.

*Thank you,
Sherrie*



From: Denise Payne <denisemarieannecarey@gmail.com>
Sent: Monday, August 23, 2021 12:35 PM
To: Sherrie Pace <sherriep@nslcity.org>
Subject: Crossing community lines.

I currently live in 2200 West and this project will affect me from the east side I was not notified by mail about this meeting and I already have another meeting to attend tomorrow night why were we not given proper notification of this meeting in advance.

This is not right if we have to we will get attorneys involved in this we all should've been notified it touches our property line!

Denise Payne
2848 N. 2200 West
435-714-1791

--
Have an awesome day.....
Denise Payne



NORTH SALT LAKE, UTAH

ANNEXATION POLICY PLAN



DRAFT: SEPTEMBER, 2021



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EXHIBIT B: FINANCIAL AND ECONOMIC IMPACT ANALYSIS (AREA D) **ERROR! BOOKMARK NOT DEFINED.**



INTRODUCTION

Per the provisions of 10-2-401.5, Utah Code Annotated, all Utah municipalities are required to adopt an Annexation Policy Plan. In this Annexation Policy Plan, cities are required to develop an expansion area map and plan for the future growth of the community for the next 20 years. The Annexation Policy Plan helps the City plan for future expansion of the City's boundary. North Salt Lake City ("the City") adopted its first Annexation Policy Plan in February of 2003. This Annexation Policy Plan update will replace all prior annexation documents and provides opportunity for the elimination of islands and peninsulas of unincorporated county between municipal jurisdictions.

In 2020, property owners in Salt Lake County requested the City consider amending the Expansion Area Map to include their properties. These lands are contiguous to a portion of the City's west boundary along the Jordan River. This is shown as proposed Area D. Additionally, the City desired to update the adopted 2003 Annexation Policy Plan for compliance with State Code as part of the 2021 Update to the Annexation Policy Plan. These areas are generally described herein.

GENERAL INFORMATION

As per Utah Code, Section 10-2-401.5 (4) and 10-2-401.5 (3) (c), the City has considered the following six points in preparing, considering, and adopting this Annexation Policy Plan as follows:

GAPS AND OVERLAPS

North Salt Lake has attempted to avoid gaps or overlaps with the expansion areas of other municipalities. Contiguous unincorporated areas in Davis and Salt Lake counties have historically not been served by other municipalities, nor do plans exist to serve these areas. North Salt Lake has the ability to provide municipal services necessary for these unincorporated areas and provide those services more efficiently.

20 YEAR POPULATION PROJECTIONS

The City has considered population growth projections for the municipality within the current city boundary and additionally for the Annexation Policy Declaration Areas A, B, C and D for the next 20 years. Population projections for the City and annexation area by City Staff (building permit data and projected growth rates from the Kem C. Gardner Policy Institute), show the City and Areas A, B and C with current development will grow from 23,430 in 2020 to 29,918 persons in 2041. Area B is projected to include a population of 924 and Area D is projected to add an addition 6,360. All population dates are as of December 31 of each year.



**Table 1: North Salt Lake Year Population Projections
Existing City Boundary**

Year	NSL Population	Annual Growth Rate
12/31/2020	23,430	4.73%
2021	24,241	3.46%
2022	24,537	1.10%
2023	24,807	1.01%
2024	25,058	0.91%
2025	25,286	0.99%
2026	25,536	1.01%
2027	25,794	1.03%
2028	26,060	1.05%
2029	26,333	1.07%
2030	26,615	1.07%
2031	26,900	1.09%
2032	27,193	1.10%
2033	27,492	1.09%
2034	27,792	1.09%
2035	28,095	1.08%
2036	28,398	1.08%
2037	28,705	1.08%
2038	29,015	1.08%
2039	29,328	1.00%
2040	29,621	1.00%
2041	29,918	1.00%

Sources: Kem C. Gardner Policy Institute 2015-2065 State and County Projections; City of North Salt Lake Permit Tracking



MAP 1: ANNEXATION AREAS depicts four annexation areas. Areas A, B and C are existing expansion areas. Area D is a new proposed expansion area which includes the proposed North Pointe Annexation within Salt Lake County. Per the provisions of 10-2-401.5(3)(a), Utah Code Annotated, all municipalities within the State are required to adopt “a map of the expansion area, and which may include territory located outside the county in which the municipality is located.”

(Area A) All unincorporated Davis County property (including but not limited to that property currently owned or controlled by Chevron/Texaco) west of the Union Pacific right-of-way and south of I-215, extending to the Davis County boundary line west and south. The current Area A, includes the State of Utah’s Jordan River OHV State Recreation Area located west of Redwood Road and the Jordan River, whose only access is from Salt Lake County, and as such is recommended for removal from the plan. There are no residential uses existing in this primarily industrial area and the designated future land use does not include residential zoning. No impact on city population projections is expected for Area A.

(Area B) All unincorporated Davis County property between the current northern boundary of North Salt Lake and the southern boundary of Bountiful City. Generally, this area is north of Odell Lane to the existing Bountiful City boundary line (located between 3400 South and 3500 South in Davis County), which is also the municipal boundary for Bountiful City and east of Highway 89 to Orchard Drive. This area is fully developed with single family homes and existing infrastructure, and is served by South Davis Water, a private water company. Area B is approximately 98 acres in size and contains approximately 300 homes and 6 businesses. The estimated population of Area B is 924 (4% of current population) is not included within the growth projections noted above.

(Area C) All unincorporated Davis County property lying south and east of the current southeast city boundary, from the Bountiful City boundary line south to the Davis County boundary line. This area contains US Forest Service and Salt Lake City Corporation property. There are no residential uses existing in this primarily hillside area and the designated future land use is Natural Open Space (NOS) and does not include residential zoning. No impact on city population projections is expected for Area C.



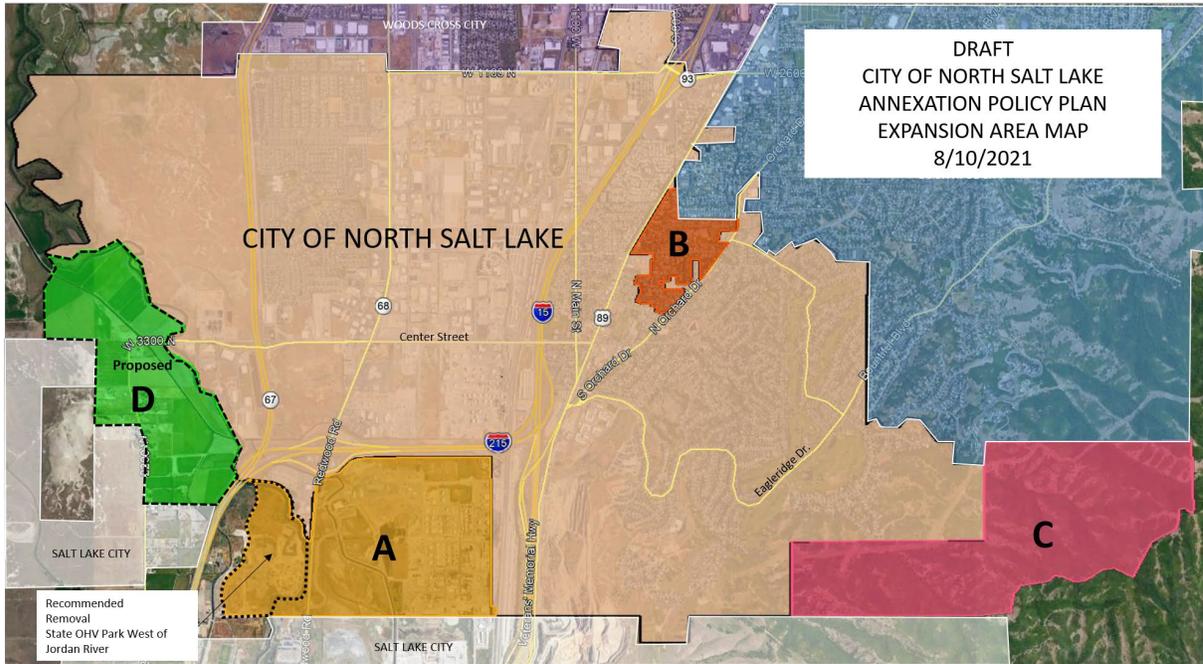
(Area D) The proposed annexation Area D contains about 413 acres which are currently unincorporated Salt Lake County. This area lies on the west side of the Jordan River. The southern border is the current Salt Lake City boundary at approximately 2800 North (Salt Lake County Coordinates) to the northern boundary at approximately 3600 North (Salt Lake County coordinates). The western boundary is Salt Lake City's boundary west of 2200 West. Area D contains the North Pointe Annexation Petition, approximately 350 acres. Future land use for Area D will include residential, commercial, and agricultural uses. There are existing approximately 13 residences with an estimated population of 39 persons. Future land use has not been designated in the City General Plan. For the purposes of this plan, the projected overall density within the 413 acres is 5 dwelling units per acre, for a total projected dwelling units of 2,065 and a projected population of 6,360 residents within Area D. These land use densities are based upon the proposed River Ranch Development and the development plans for Cross E Ranch as an agri-tourism destination with limited residential development and preservation of agricultural uses.

Year	NSL Population	Annual Growth Rate	Total w/annex 924 (Area B)	Area D 6,160*
12/31/2020	23,430	4.73%		
2021	24,241	3.46%		
2022	24,537	1.10%	24,837	150
2023	24,807	1.01%	26,362	350
2024	25,058	0.91%	26,952	350
2025	25,286	0.99%	27,569	350
2026	25,536	1.01%	28,147	300
2027	25,794	1.03%	28,737	300
2028	26,060	1.05%	29,339	300
2029	26,333	1.07%	29,953	300
2030	26,615	1.07%	30,573	300
2031	26,900	1.09%	31,206	300
2032	27,193	1.10%	31,850	300
2033	27,492	1.09%	32,497	300
2034	27,792	1.09%	33,151	300
2035	28,095	1.08%	33,809	300
2036	28,398	1.08%	34,474	300
2037	28,705	1.08%	35,146	300
2038	29,015	1.08%	35,826	300
2039	29,328	1.00%	36,484	300
2040	29,621	1.00%	37,149	300
2041	29,918	1.00%	37,821	300

Sources: Kem C. Gardner Policy Institute 2015-2065 State and County Projections; City of North Salt Lake Permit Tracking; Estimated average absorption for new residential units



MAP 1: ANNEXATION AREAS (A, B, C, PROPOSED AREA D)



GENERAL INFORMATION

All the four areas have things in common. There is repetition in the review of each area. To make this document, simpler to read and understand, certain sections are included herein and apply to all four areas. Individual sections follow for each area. These individual sections include specific needs or actions that are required in individual areas.

CHARACTER OF THE COMMUNITY

The City of North Salt Lake is bordered by Salt Lake City on its southern boundary, the Cities of Woods Cross and Bountiful on its north boundary, Salt Lake County to the west, and unincorporated Davis County to the east. North Salt Lake provides an excellent location for individuals and families interested in living in a strong, stable economy with nearby outdoor activities. North Salt Lake has a variety of activities, businesses, restaurants, parks and trails to explore. The City has diversified housing to meet the needs of all people. Housing development needs to be supported by suitable commercial and industrial development. This will allow the City a revenue base to remain strong, stable and robust.

The City's development patterns are similar to other small, Utah urban communities. The City must take a long-range view, at least 20 years, at its potential for expansion. The City intends for growth to occur in areas where the it can cost efficiently and effectively extend municipal services and to discourage development that negatively increases costs which place a higher tax burden upon existing and future citizens of North Salt Lake.

THE NEED FOR MUNICIPAL SERVICES IN DEVELOPED AND UNDEVELOPED UNINCORPORATED AREAS

For purposes of this plan, Municipal Services may include: infrastructure maintenance (maintain, repair, replace, upgrade) management, observation and oversight of: roads, stormwater/flood control, sewer, water, electric utility, natural gas, fiber, street lights, intersections, walkways, signage, solid waste collection and recycling as well as police and fire protection and integrated land use planning. The City of North Salt Lake General Plan provides an additional resource for the City to guide future development and future service requirements.

Areas A: Municipal services for Area A have generally been provided by Davis County, South Davis Sewer District and South Davis Metro Fire. The area is fully developed with the Chevron refinery and is expected to have little to no demand for new municipal services.

Area B: Municipal services for Area B have been provided by Davis County. The area is a fully developed island of unincorporated county, provision of municipal services is not as efficient nor effective as that which the City would be able to provide due to proximity of resources. The City currently provides police assistance and response to Area B to assist Davis County.

Area C: Designated as future Natural Open Space. No municipal services are provided to Area C and there are none anticipated upon annexation.

Area D: has the greatest need for municipal services, currently provide for by Salt Lake County to the unincorporated island. Emergency response times to Area D have been reported to be an issue with the area being located on the far northern reach of Salt Lake County. Area D also lacks additional municipal services, such as sewer, water, and secondary water systems which support development of the area and to date have been a challenge for property owners that wish to develop their properties.

There are no pending plans to develop within Area A, Area B which is fully developed with approximately 300 homes and 924 residents and Area C, which is designated as future Natural Open Space. Currently the City provides limited police response to these areas to assist Davis County. Further the areas are serviced by Davis Metro Fire District, with no change in service expected upon annexation. Sewer services are provided by South Davis Sewer District, regardless of annexation status. No new water services will be necessary to extend to these areas, as Area B is served by South Davis Water Company and the other areas either will not be developed residentially or have their own water source in the case of Chevron. There are approximately 2.5 miles of existing roadway within Areas A, B, & C The cost of providing municipal services to these areas without new development would be minimal and would have little impact on the existing City infrastructure or organization.

GENERAL INFORMATION

LAW ENFORCEMENT SERVICES

The North Salt Lake Police Department will provide law enforcement for the annexed areas. The Police Department anticipates that new officers will service new developments within annexed areas. Total costs will include new hires, training, office supplies, equipment maintenance, vehicle maintenance, uniforms, etc. The City currently employs 22 full time officers and 5 full time support staff. It is projected that additional full time officers will be increase by ___ officers and ___ support staff by 2041. The need for additional staffing should be considered and analyzed when annexation petitions are accepted by the City. Analysis should include the proposed land uses and population densities expected within the annexation area.

JUSTICE COURT

The City provides a Justice Court that serves the needs for civil cases and non-felony crimes. As part of an annexation application and review, the expense impact on the Justice Court would be review and estimated and provisions for increased revenues, if needed, would be determined. Annexation of Area D, may result in an increase of service costs for criminal cases which will be prosecuted in Salt Lake County as opposed to Davis County. Careful consideration of annexation within Salt Lake County to determine the associated fiscal impacts in administering justice court operations within two counties. Interlocal agreements may provide a solution to offset increases.

PARKS

The City's Parks Department provides maintenance services to City-owned neighborhood parks, trails, City buildings and grounds, entrance features and other open spaces. Access to these facilities is open to the public, including non-City residents. As properties are annexed, the City should analyze the need for neighborhood parks and trails in those areas and determine if the City's Development (Impact) Fee is sufficient to meet estimated park and trail demands and that verify long-term revenue will cover additional operations and maintenance expenses.

COMMUNITY DEVELOPMENT SERVICES

The City provides planning services through the North Salt Lake Community Development Department Staff. The North Salt Lake Building Department provides inspection to ensure compliance of all construction with the adopted International Building Code. In addition, the City Engineer ensures compliance of new development with City Standards and Specifications.

PUBLIC WORKS

The City Public Works has responsibility for flood control, street, water, irrigation, storm drainage, and street plowing. The South Davis Sewer District is responsible for the sewer services within the city and surrounding areas. Annexed and developed areas must be carefully evaluated to determine the impact of new roads, parks, water service, and storm drainage for required staffing increase and projected maintenance costs. Projected fiscal impacts may be mitigated by design or through the use of private roadways and parks to be maintained by individual home owner's associations. The City must weigh the cost benefits (fiscal, environmental, and social) with the trade-off of making these facilities private as opposed to allowing public access to all residents in North Salt Lake. Insert staffing increases projected for public facilities.

PLANS FOR EXTENSION OF MUNICIPAL SERVICES

The City requires developers to construct and dedicate all new public facilities needed for new development. The City collects impact fees that upsize water, irrigation, and street facilities to meet growth needs. The South Davis Sewer District collects impact fees that upsize sewer mains. As a condition of annexation, developments may be required to extend or improve streets, water and sewer, and other vital public facilities consistent with the City's Master Plan and South Davis Sewer District's Master Plan. The

GENERAL INFORMATION

City's policy is to deliver high-quality municipal services throughout the City, including annexation areas. Such services may be provided directly by the City through inter-local cooperative service agreements or by creating such special improvement districts as determined by the City to be in the best public interest of its citizens.

For purposes of this plan, certain development assumption have been utilized and are summarized in Exhibit C. (to be added by LYRB)

ELEMENTARY SCHOOL OR SECONDARY SCHOOLS

Areas A, B and C are within the Davis School District and Area D is within the Granite School District. The Districts are obligated by Utah law to provide elementary and secondary education for school age children who live in the District. As properties apply for annexation, the District should be noticed so they can determine how they will accommodate new students that might be generated by new residential development

URBAN DEVELOPMENT EXCLUSIONS

There is no unincorporated urban development within ½ mile of the Areas A, B, C or Proposed Area D, that has not been included in the expansion areas.

HOW MUNICIPAL SERVICES MAY BE FINANCED

Financing services in the expansion area will be accomplished in the same manner as financing infrastructure and services within the corporate limits. Infrastructure needed to service developed properties is installed at the developer's expense. With dedication and City acceptance, City operation and maintenance is provided by property tax and sales tax revenues, Class B and C Road Funds and utility franchise fees. In addition, the City will impose impact fees to offset the impact of offsite infrastructure systems needed for new growth.

New development is required to install the base-sized service facilities needed for their proposed development, which includes any off-site improvements to deliver the improvement to the property boundary. The City may enter into an agreement with a developer to use impact fees for the purpose of extending and upsizing those facilities to accommodate new growth and development not within the boundary of the specific development proposal.

Upon an annexation petition, the City has the authority to require a developer to install, upsize, or improve said offsite facilities as a condition of annexation. When a developer installs an offsite improvement such as a road, waterline, or sewer line, the City and the developer, may enter into reimbursement agreements where the City agrees to use future impact fees collected in the area to provide reimbursement compensation to the developer for those proportional offsite improvements that will be utilized by other property owners in the area..

When additional new development occurs and utilizes the infrastructure installed by others, these new developments must be required to pay their proportionate share for those extended services. The City has the authority to enter into pay back agreements with the original developer, whereby new development utilizing the improvements are required to remit payment to reimburse the developer for a proportional share of the costs. Any payback agreements must be made in accord with State Statute regarding such agreements which require prorated reimbursements limited to ten (10) yeas after installation.

Another financing mechanism available to the City is creating a Special Improvement District, creating a Community Reinvestment Project Area or using a Public Infrastructure District Bond permitted by Utah Code Part 12 - Public Infrastructure District Act. The City may consider these options when a proposed development furthers the economic development or transportation goals of the City's General Plan, but these mechanisms should be used sparingly.

GENERAL INFORMATION

ESTIMATE OF TAX CONSEQUENCES TO RESIDENTS BOTH CURRENTLY WITHIN THE CITY AND IN THE EXPANSION AREA

Exhibit A identifies criteria on tax consequences, including the objective of not increasing taxes for existing properties within the City as a result of annexation.

AREAS A, B, & C

It is anticipated that if all or portions of Areas A, B, and C, were annexed into the City, the properties within those areas may increase in value providing additional tax base for the City and Service Districts. The estimated tax consequences would be minimal having little impact on the existing North Salt Lake tax burden or benefit. In all cases, the loss to Davis County would likewise be minimal and offset by the decrease in services provided to the area.

Areas A, B, and C all located within Davis County had a tax rate of 0.011986 in 2020, while the City tax rate was 0.012318 a difference of 2.77%. Property in Areas A, B, and C are projected to see a small increase in property tax (2.77%). See the table below for the tax impacts on a typical single family dwelling, valued at \$400,000. Tax consequences should be re-evaluated with any annexation petition to ensure the most accurate and current estimate of the impact is provided to the City to assist the City Council in the decision to approve an annexation request.

Area B

2020 Tax Year	Single Family Valuation	Mil Levy	Taxable Value	2020 Tax	Projected Increase
Davis County	\$ 400,000.00	0.011986	\$ 220,000.00	\$ 2,636.92	
North Salt Lake	\$ 400,000.00	0.012318	\$ 220,000.00	\$ 2,709.96	\$ 73.04

AFFECTED ENTITIES

The following entities are affected by Area A, Area B or Area C.

- Davis County Mosquito Abatement District
- South Davis Sewer District
- South Davis Metro Fire
- Davis County Government
- South Davis Recreation District
- Davis County Health Department
- Davis County Flood Control
- Jordan River Commission
- Utah State Division of Forestry
- Fire and State Lands
- Legacy Nature Preserve
- Davis County Animal Care
- Davis School District
- Davis County Library
- Salt Lake City Corporation
- U.S. Forest Service

STATEMENT ADDRESSING COMMENTS MADE BY AFFECTED ENTITIES

A Statement addressing comments made by affected entities at the public meeting or within ten (10) days after the public meeting be added to this plan below.

GENERAL INFORMATION

AREA D

Property annexed and subsequently developed within the proposed Area D, would generate new tax assessment for the City. Development generates impact fees, development fees, and additional revenue assessments to help support new services. However, the City needs to constantly monitor and advocate for a balanced tax base through economic promotion and development by encouraging and possibly incentivizing new commercial and service industry expansion. Providing opportunities for new residents to work and shop within the City will capture some of the secondary tax increases generated by new growth and can be used to support the services provided.

Proposed Area D located in Salt Lake County and is compared here with the nearby Foxboro neighborhood of North Salt Lake. The tax rate for properties within Area D had a 2020 tax rate of 0.014511 and properties within the Foxboro Area of North Salt Lake a rate of 0.012318. Property within Area D are projected to realize a decrease in property taxes by 12.49%

Area D

2020 Tax Year	Single Family Valuation	Mil Levy	Taxable Value	2020 Tax	Projected Decrease
Salt Lake County	\$ 400,000	0.014511	\$ 220,000.00	\$ 3,192.42	
North Salt Lake	\$ 400,000	0.012699	\$ 220,000.00	\$ 2,793.78	\$ (398.64)

AFFECTED ENTITIES

The following entities are affected by Area D:

- South Davis Sewer District
- South Davis Metro Fire
- Jordan River Commission
- Utah State Division of Forestry
- Fire and State Lands
- Utah Department of Transportation
- Utah Transit Agency
- Davis County Government
- Salt Lake County
- Granite School District
- Central Utah Water Conservancy District
- Wasatch Waste and Recycling District
- Salt Lake County Municipal Type Services
- Unified Fire Service
- Salt Lake Valley Law Enforcement Service Area
- Greater Salt Lake Municipal Services District
- Salt Lake County Library
- Jordan River Commission
- Salt Lake City
- Salt Lake City Department of Airports

STATEMENT ADDRESSING COMMENTS MADE BY AFFECTED ENTITIES

A Statement addressing comments made by affected entities at the public meeting or within ten (10) days after the public meeting be added to this plan below.

AREA SPECIFIC INFORMATION

AREA A

All unincorporated Davis County property (including but not limited to that property currently owned or controlled by Chevron/Texaco) west of the Union Pacific right-of-way and south of I-215, extending to the Davis County boundary line west and south. Area A is the State of Utah's Jordan River OHV State Recreation Area located west of Redwood Road and the Jordan River, whose only access is from Salt Lake County.

CURRENT AND PROJECTED COSTS OF INFRASTRUCTURE, URBAN SERVICES, AND PUBLIC FACILITIES NECESSARY

Area A is existing industrial development and a regional recreation facility owned by State of Utah, Division of Parks and Recreation. The costs of extending infrastructure, urban services, and public facilities are minimal. Area A annexation will not impact the City's infrastructure, urban services, or public facilities. In the event of an emergency at the Chevron facility, South Davis Metro Fire and North Salt Lake Police respond, costs currently borne by the City. When considering annexation within Area A, additional investigation with regard to potential off-site hazard consequences related to existing and future industrial uses may be required to properly determine the potential impacts on land uses and citizens of North Salt Lake.

IN CONJUNCTION WITH THE MUNICIPALITY'S GENERAL PLAN, CONSIDER THE NEED OVER THE NEXT 20 YEARS FOR ADDITIONAL LAND SUITABLE FOR RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL DEVELOPMENT

Area A contains heavy industrial (Chevron refinery) and recreational uses (Division of Parks and Recreation). The Chevron facility is bounded by two highways, I-215 and I-15. Land uses west of the facility and across Redwood Road include retail commercial and office. The recreational use is separated from the commercial and industrial uses within the existing city boundary by the Jordan River and Jordan River Parkway Trail. Therefore, the existing land uses within Area A are consistent and compatible with surrounding land uses.

REASONS FOR INCLUDING SENSITIVE LANDS IN EXPANSION AREA

Area A includes lands designated as flood plain areas and sensitive lands near the Jordan River. Additional structures are not expected to be built within Area A. Prior to annexation, the City should determine the boundaries of the flood plain, establish the base flood elevation for structures, and survey any sensitive lands to ensure that they are inventoried and protected by annexation agreement.

AREA SPECIFIC INFORMATION

AREA B

Area B includes all unincorporated Davis County property between the current northern boundary of North Salt Lake and the southern boundary of Bountiful City. Generally, this area is north of Odell Lane to the existing Bountiful City boundary line (located between 3400 South and 3500 South in Davis County), the annexation boundary for Bountiful City and east of Highway 89 to Orchard Drive. This area is fully developed with single family homes and existing infrastructure. Area B is fully developed with approximately 300 homes and 924 residents.

CURRENT AND PROJECTED COSTS OF INFRASTRUCTURE, URBAN SERVICES, AND PUBLIC FACILITIES NECESSARY

The costs of infrastructure, urban services, and public facilities would be minimal. Infrastructure in Area B is currently in satisfactory condition and requires no repairs, upgrades, or replacements are forecasted for the next five years. Right of way improvements to include the provision of sidewalks may be required in certain areas to facilitate pedestrian safety and convenience. The area is served by South Davis Water Company. Additional maintenance costs will be incurred for street maintenance and police services that are expected to be offset by the additional state funding from the B & C Road Fund, as well as the minimal increase generated by property taxes. Therefore, it is not anticipated that Area B will impact the City's existing infrastructure, urban services, or public facilities.

IN CONJUNCTION WITH THE MUNICIPALITY'S GENERAL PLAN, CONSIDER THE NEED OVER THE NEXT 20 YEARS FOR ADDITIONAL LAND SUITABLE FOR RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL DEVELOPMENT

This area is bordered by land uses that are mainly medium density residential and a lesser amount of general commercial. This is consistent with the land uses existing in Area B. Area B currently contains medium-density residential buildings and commercial lots.

REASONS FOR INCLUDING SENSITIVE LANDS IN EXPANSION AREA

There are no sensitive lands that would be included in Area B.

AREA SPECIFIC INFORMATION

AREA C

Area C includes all unincorporated Davis County property which lies south and east of the current southeast city boundary, from the Bountiful City boundary line south to the Davis County boundary line. In addition, this area contains US Forest Service Property. Area C is designated as a future land use of Natural Open Space. No development would be permitted in the area, due to the terrain and steep slopes.

CURRENT AND PROJECTED COSTS OF INFRASTRUCTURE, URBAN SERVICES, AND PUBLIC FACILITIES NECESSARY

The costs of infrastructure, urban services, and public facilities would be minimal as the area is natural open space owned by the Forest Service. Therefore, it is not anticipated that Area C will impact the City by infrastructure, urban services, or public facilities. The City should refer to the current Forest Plan for the Wasatch-Cache National Forest for current land management objectives and practices within the area. If considered for annexation, the City should consider the adoption of wildland fire hazards management strategies, mitigations, and regulations for both areas annexed and areas adjacent to the area within the hazard area.

IN CONJUNCTION WITH THE MUNICIPALITY'S GENERAL PLAN, CONSIDER THE NEED OVER THE NEXT 20 YEARS FOR ADDITIONAL LAND SUITABLE FOR RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL DEVELOPMENT

Area C is wholly comprised of a US Forest Service area. The City boundary it borders contains land uses of open space and low density residential.

REASONS FOR INCLUDING SENSITIVE LANDS IN EXPANSION AREA

The City's expansion Area C includes US Forest Service area and a parcel owned by Salt Lake City for the purposes of watershed management and protection. This area would be deemed to be within the sensitive lands overlay zone, due to steep slope. The area would be protected from development due to the overlay zone. Annexing Area C would ensure protection of the sensitive lands, slopes, vegetation, and wildlife in the foothills of North Salt Lake

AREA SPECIFIC INFORMATION

AREA D

The proposed annexation Area D contains about 413 acres which is currently unincorporated Salt Lake County. This area lies west of the Jordan River. The southern border is the current Salt Lake City boundary at approximately 2800 North (Salt Lake County Coordinates) to the northern boundary at approximately 3600 North (Salt Lake County coordinates) and the western boundary being Salt Lake City's boundary west of 2200 West. Area D contains the approximately 350 acre North Pointe Annexation Petition.

Area D has the greatest need for municipal services, currently provide for by Salt Lake County to the unincorporated island. Emergency response times to Area D have been reported to be an issue with the area being located on the far northern reach of Salt Lake County. Area D also lacks additional municipal services, such as sewer, water, and secondary water systems which support development of the area and to date have been a challenge for property owners that wish to develop their properties.

GAPS AND OVERLAPS

Area D is within Salt Lake City's 1979 Annexation Policy Declaration area. Salt Lake City has made no attempts to annex Area D since 1979. Salt Lake County and Salt Lake City have been unable to provide adequate municipal services to the North Pointe area, North Salt Lake has the municipal services that are necessary for residential and commercial/industrial development that the unincorporated area to be annexed lacks. North Salt Lake is willing to examine the feasibility, costs, and benefits of the proposed residential development and agri-tourism expansion within Area D's boundary.

CURRENT AND PROJECTED COSTS OF INFRASTRUCTURE, URBAN SERVICES, AND PUBLIC FACILITIES NECESSARY

Substantial infrastructure is required to serve Area D. Extensions of streets, water lines and sewer lines will be required. North Salt Lake and South Davis Sewer District will require that the property developers pay the costs of offsite and onsite infrastructure construction and pay impact fees to repay the costs of City and District construction of existing infrastructure that benefits the new development. After construction and acceptance for maintenance, taxes and fees will assist the City with operations and maintenance costs.

The same is valid for urban services and public facilities. Initial improvements will be made by the developer if deemed necessary. Impact fees will be paid as required by the City ordinance. Taxes and fees will defer the ongoing costs of operation and maintenance.

IN CONJUNCTION WITH THE MUNICIPALITY'S GENERAL PLAN, CONSIDER THE NEED OVER THE NEXT 20 YEARS FOR ADDITIONAL LAND SUITABLE FOR RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL DEVELOPMENT

Area D contains land being used currently for agriculture. The potential residential development would add approximately 2,000 new homes. **(NOTE: THIS IS ALL OF AREA D, NOT JUST PROPOSED MISTY RIVER)** Its current and future land uses in Area D are consistent with the City's General Plan. Exhibit C (provided by LYRB) provides additional details on development assumptions and required infrastructure improvements within Area D.

REASONS FOR INCLUDING SENSITIVE LANDS IN EXPANSION AREA

The City's expansion area includes agricultural lands and the Jordan River runs the length of Area D's eastern boundary. The land proposed for residential development will be removed from agriculture. The agricultural lands in Cross E Ranch Property will be retained until the Ranch owners propose new development. Annexation into North Salt Lake will benefit this agricultural property along with their plans to expand. Cross E Ranch currently operates without municipal water and sewer. In order to grow its agri-tourism business, it needs municipal water and sewer service to make the expansion feasible.

AREA SPECIFIC INFORMATION

Development along the Jordan River must be mitigated for impact on the river and preservation or restoration of the river bank. The City, with advice from the Jordan River Commission, shall ensure that a portion of land shall be reserved along the Jordan River for riverbank restoration and open space. The dimensions, width, and allowed uses within the reserved area shall be determined based upon the type of improvements to the riverbank and landscaped areas, such as native or manicured vegetation, trails, park space, or other recreational open space amenities and habitat preservation. In no case shall the required reserve be less than 50-100 feet in width. Annexation of these sensitive lands will allow the city to protect the sensitive nature of the area, rather than relying upon other jurisdictions to protect the area adjacent to and impacting the City and its residents.

THE NEED FOR MUNICIPAL SERVICES IN DEVELOPED AND UNDEVELOPED UNINCORPORATED AREAS

Area D is devoid of municipal services at this time. This is the reason for annexation to North Salt Lake, the most efficient North Pointe municipal services provider. The River Ranch developer will finance and construct offsite culinary water, secondary water, sewer and street improvements. The developer will also construct the same facilities needed onsite for residential development. River Ranch will also include parks and trails. It has not been determined whether the parks and trails will be dedicated to the City or owned and maintained by a homeowner's association.

The municipal services constructed by the River Ranch developer will also provide Cross E Ranch with the opportunity to connect and construct water and sewer lines to their property. If desired by the property owners, municipal services may also be available to properties that are within Area D, but not part of the North Pointe Annexation. The unincorporated property owners would need to negotiate with the City and the District to use water and sewer lines, respectively.

ELEMENTARY AND SECONDARY SCHOOLS

Area D is within the Granite School District that serves the Salt Lake County cities and communities of Magna, West Valley City, Kearns, Taylorsville, South Salt Lake, Millcreek and Holladay. It is not served by the Davis School District that serves North Salt Lake and there will be no attempt to annex Area D into the Davis School District with city annexation.

Schools assigned to this area are in Magna, Utah. The distance by automobile from Area D to Magna schools is roughly 17 miles and 20 to 25 minutes along Interstate 215 and the 201 Freeway. These routes are frequently impacted by early morning commute traffic.

Historically, children growing up in North Pointe have attended Salt Lake City schools in Rose Park under the Utah Department of Education's Open Enrollment Program. Open Enrollment allows a student to attend an out-of-area school if space is available.

To address school availability and access, the River Ranch developer proposes to build 1,000 student K-8 Charter School that will be completed in three phases as the River Ranch neighborhood is developed and occupied. It is anticipated that families in North Pointe will have priority to attend the new charter school allowing K-8 students to walk or bike to school if they choose. Children in Grades 9-12 will need to attend either Granite District secondary schools, Davis School District or Salt Lake City District secondary schools where space is available through Open Enrollment or attend Charter Schools.

AFFECTED ENTITIES

The following public entities are affected by Area D:

- South Davis Sewer District
- South Davis Metro Fire
- Jordan River Commission
- Utah State Division of Forestry
- Fire and State Lands
- Utah Department of Transportation

AREA SPECIFIC INFORMATION

- Utah Transit Agency
- Salt Lake County
- Granite School District
- Central Utah Water Conservancy District
- Wasatch Waste and Recycling District
- Salt Lake County Municipal Type Services
- Unified Fire Service
- Salt Lake Valley Law Enforcement Service Area
- Greater Salt Lake Municipal Services District
- Salt Lake County Library
- Jordan River Commission
- Salt Lake City
- Salt Lake City Department of Airports

STATEMENT ADDRESSING COMMENTS MADE BY AFFECTED ENTITIES

A Statement addressing comments made by affected entities at the public meeting or within ten (10) days after the public meeting be added to this plan below.

EXHIBIT A: ANNEXATION CRITERIA

Item	<p>The following criteria considerations shall be used in the evaluation of future annexation petitions reviewed by the City.</p>
Character of the Community	<ol style="list-style-type: none"> 1. The annexation will accommodate development consistent with the zoning and use allowed in the area. 2. Annexation will initiate site improvement, i.e. public utilities and streets, parks or other public features. 3. The annexation does not create or exacerbate an existing peninsula or island, unless the City Council determines that not annexing the entire unincorporated island or peninsula is in North Salt Lake City’s best interest. 4. The area is contiguous to the municipality.
Need for Municipal Services	<ol style="list-style-type: none"> 1. The residents request annexation as a means to gain access to culinary water. 2. The annexation will provide storm sewer improvements to benefit annexed land owners. 3. The extension of utilities in this area will enhance the overall City’s system. 4. The area will be better serviced by the North Salt Lake Police Department rather than the existing police agency. 5. Annexation contributes water rights and facilities required by the users, or does not materially detract from municipal water supplies. Special consideration should be given related to current and future climate conditions (ex. severe drought).
Municipality’s plan for extension of services	<ol style="list-style-type: none"> 1. The area to be annexed will provide an orderly extension of culinary water, storm sewer collection, and street system enhancements. 2. The annexation will allow for orderly extension of utilities by providing easements, right-of-ways or street dedication. 3. The extension of utilities corresponds to the City’s Capital Improvement Plan.
How services will be financed	<ol style="list-style-type: none"> 1. The development will extend all required services. 2. The City will extend service with reimbursement through user fees or impact fees, collected from those developments within the area annexed.

EXHIBIT A: ANNEXATION CRITERIA

<p>Estimate of the tax consequences</p>	<ol style="list-style-type: none"> 1. Any increase in taxes collected, if any, to provide services to the area, above that tax currently collected within the unincorporated county, is recognized by the petitioner. 2. The property certified tax rate for existing parcels within the City limits will not be increased to provide for the annexation of any area.
<p>Interests of all affected entities</p>	<ol style="list-style-type: none"> 1. The annexation will not create boundary alignment problems with elementary or secondary schools. 2. The annexation does not extend beyond the limits of the adopted annexation policy plan. 3. Other services, i.e., sanitary sewer, secondary water, natural gas, electrical power and communications facilities, are available or reasonably available to the site.

EXHIBIT B: FINANCIAL AND ECONOMIC IMPACT ANALYSIS (AREA D)

(SECTION TO BE EXPANDED BY LYRB)

ANNEXATION COST BENEFIT

CITY'S GENERAL FUND COST-BENEFIT SUMMARY

Based on the development assumptions utilized in the analysis of Area D, the North Pointe Annexation is projected to produce a net benefit to the City annually with **\$2,120,802** of cumulative net revenue projected over 20 years, as illustrated in **Table 5.1**. The absorption and timing of the development will impact the current projections. In addition, the development may provide additional benefit to the City through the public infrastructure and amenities considered in this analysis.

TABLE 4: COST/BENEFIT ANALYSIS FOR CITY (THROUGH 20 YEARS)

Revenue	2025	2030	2035	2040	20-Year Total
Property Tax	\$209,101	\$209,101	\$209,101	\$209,101	\$3,902,797
Sales Tax	338,714	379,725	426,818	480,973	7,303,069
Electric Franchise Tax	53,385	58,942	65,077	71,850	1,125,093
Natural Gas Franchise Tax	21,097	23,293	25,717	28,394	444,613
Total Revenue	\$622,297	\$671,060	\$726,712	\$790,317	\$12,775,573
Expenses					
Public Works	\$45,574	\$50,318	\$55,555	\$61,337	\$966,061
General Government	42,427	46,843	51,718	57,101	899,341
Parks	24,935	27,530	30,396	33,560	528,563
Fire Protection	-	201,821	222,827	246,019	3,083,615
Law Enforcement	-	329,846	364,176	402,080	5,177,191
Total Expense	\$112,936	\$656,358	\$724,672	\$800,096	\$10,654,771
Net Operating Revenue	\$509,361	\$14,703	\$2,040	-\$9,779	\$2,120,802

ANNEXATION OF PROPOSED DEVELOPMENT OF BENEFIT TO NORTH SALT LAKE CITY

Based on the proposed Development, including the type of development, densities, amenities, and public infrastructure dedications that are envisioned to occur as part of the annexation, this Economic and Fiscal Impact and Benefit Analysis concludes the City's general fund will be enhanced by **\$2,120,802** over the 20-year planning horizon. Based on these calculations, LYRB believes the proposed Development and its associated annexation (Area D) provide an overall net benefit. LYRB recommends and encourages the City to re-assess the facts, circumstances and calculations presented herein throughout the Annexation process to ensure the City receives the anticipated net benefits of the Development.

Often cities and local governments only evaluate the potential for new revenue derived by development or annexation. In this analysis, special attention to the costs of municipal services, demand on existing services, and personnel costs that are increased due to the Development were carefully analyzed and reviewed. Notwithstanding the additional municipal service costs, the Development does "pay for itself" and adds a "net" benefit to the City.

In addition to the "net" fiscal benefit of the Development, the proposed annexation would provide additional benefits, including public infrastructure elements that enhance overall utilities and services. These rooftops have disposable income to drive demand for goods and services.

EXHIBIT B: FINANCIAL AND ECONOMIC IMPACT ANALYSIS (AREA D)

INSERT EXHIBIT C (LYRB)

INSERT EXHIBIT D (LYRB)

EXHIBIT B: FINANCIAL AND ECONOMIC IMPACT ANALYSIS (AREA D)

1 CITY OF NORTH SALT LAKE
2 PLANNING COMMISSION MEETING
3 SEPTEMBER 14, 2021
4

5 **DRAFT**
6

7 Commission Vice Chair BreAnna Larson called the meeting to order at 6:30 p.m. and Alisa Van
8 Langeveld led those present in the Pledge of Allegiance.
9

10 PRESENT: Commissioner Ron Jorgensen
11 Commissioner BreAnna Larson
12 Commissioner Katherine Maus
13 Commissioner Alisa Van Langeveld
14 Commissioner Brandon Tucker
15 Commissioner William Ward
16

17 EXCUSED: Commission Chair Ted Knowlton
18

19 STAFF PRESENT: Sherrie Pace, Community Development Director; Mackenzie Bennett,
20 Planner.
21

22 OTHERS PRESENT: Geofferey Eidem, Celestial Auto Pros; Duaine Rasmussen, Hayley Pratt,
23 Castlewood Development.
24

25 1. PUBLIC COMMENTS
26

27 There were no public comments.
28

29 2. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR A 32-FOOT
30 DRIVEWAY LOCATED AT 903 WINTER LANE, ZACH LAMANO, APPLICANT
31

32 Mackenzie Bennett reported that 903 Winter Lane, located in The Ridge subdivision, was
33 currently undeveloped. Skyland Investment & Development submitted a building permit
34 application to construct a single-family home on the lot with a 32-foot driveway. City code
35 would permit one driveway up to 30 feet wide or up to 40 feet with a conditional use permit. The
36 applicant did not request a driveway larger than 32 feet due to the proposed driveway's location
37 in relation to the side property line and existing water meter. City code requires that all
38 driveways be a minimum of 3 feet from side property lines. The driveway should also be a
39 minimum of 5 feet from existing utilities. The existing water meter was purposefully located in
40 the center of the undeveloped lot, within the right of way, to allow for a driveway to go on either
41 side of the property. The water meter cannot be relocated due to a City placed moratorium that
42 prohibits cutting into the new road for a minimum of 5 years after installation. The Development

43 Review Committee (DRC) recommended approval of the conditional use permit with no
44 conditions.

45
46 Commission Chair Larson asked for clarification on the requested driveway width as the motion
47 stated 38 feet. Mackenzie Bennett clarified that the requested width for the driveway was 32 feet.
48 Commissioner Van Langeveld asked if this was an individual lot specific conditional use and not
49 for other lots in the development. Mackenzie Bennett replied that the conditional use permit for
50 the 32-foot driveway was only for this lot.

51
52 Commissioner Van Langeveld also asked why the applicant was requesting a width larger than
53 what was allowed in the City code and if the setbacks were being met. Mackenzie Bennett
54 responded that the applicant had strategically placed the proposed home on the lot in an attempt
55 to preserve aesthetic views. The proposed house placement would put the driveway in the center
56 of the lot where the water meter was located, therefore, the driveway was redesigned to allow for
57 safe access while also keeping the house placement as planned. She confirmed that all of the
58 setbacks on the proposed plan were compliant with code.

59
60 Commissioner Tucker questioned the triangular portion of the lot and asked why it was not just
61 squared off. Sherrie Pace explained that this was the property owner's choice and was due to
62 how the home would be situated on the site and to allow for more accessibility to the RV pad.

63
64 **Commissioner Jorgensen moved that the Planning Commission approve the conditional**
65 **use permit for a 32-foot wide driveway at 903 Winter Lane with no conditions.**
66 **Commissioner Ward seconded the motion. The motion was approved by Commissioners**
67 **Jorgensen, Larson, Maus, Tucker, Van Langeveld and Ward. Commissioner Knowlton was**
68 **excused.**

69
70 3. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR BRIDGER TOWING
71 LLC LOCATED AT 735 WEST 200 NORTH, AMBER SNYDER, APPLICANT

72
73 Mackenzie Bennett reported that Bridger Towing has submitted a business license and
74 conditional use permit to operate at 735 West 200 North, located within the manufacturing
75 distribution (MD) zone where motor vehicle towing and impound lots were a conditional use.
76 Bridger Towing was previously located at 68 North 640 West where multiple towing companies
77 operated which allowed for easier circulation with the police rotation. She explained that the 68
78 North 640 West location was consistently out of code compliance in regards to the parking of
79 impounded vehicles and tow trucks that blocked drive aisles, fire access areas, and within the
80 public street. In order to mitigate these issues at the new location, the DRC recommended that
81 the Planning Commission place specific conditions as to the quantity and location of vehicles to
82 be stored on the property.

83

84 The new location has four other active business licenses for tow companies. Bridger Towing
85 would use an outdoor storage area of approximately 3,750 square feet. The applicant stated that
86 this storage area would contain no more than 10 wrecked or impounded vehicles for no longer
87 than 30 days. The other occupants of the tow yard would stow 6-10 vehicles each. They would
88 not occupy the existing building on the property as they have a central office at 620 South Fulton
89 Street in Salt Lake. There would be no employees at this location except for the occasional tow
90 truck driver moving vehicles or meeting vehicle owners. The tow trucks would not be stored at
91 this location as the drivers take them home each night.

92

93 The City does not have a specific parking code for tow yards and impound lots. The applicant
94 has provided four parking stalls for employees and guests which staff has deemed sufficient for
95 the use. These stalls would need to be maintained for employees and guests and could not be
96 used for vehicle storage.

97

98 Mackenzie Bennett explained that this property was not currently in compliance with the City's
99 outdoor storage code. City Code states that "all outdoor storage shall be screened from the view
100 of any adjacent public street or adjacent residential use or zone district by a decorative solid wall
101 constructed of masonry or concrete tilt up panels which are similarly finished to match or
102 complement the main building material on site." The current chain link fencing with vinyl slat
103 inserts would not meet code requirements. City code also required that all outdoor storage shall
104 be set back a minimum of twenty feet from the street right of way and shall be buffered between
105 the screening wall and the adjacent street with improved vegetated landscaping. She said the
106 property currently had chain link fencing with vinyl slat inserts and did not meet the setbacks as
107 it was the storage yard was approximately 25 feet from 200 North and 10 feet from
108 700 West. The buffer zone had no vegetation and was landscaped with small rocks and
109 decorative boulders. City code stated that "outdoor storage lawfully existing or permitted prior to
110 March 6, 2018 shall not be enlarged, extended or replaced, except in strict compliance with all
111 the requirements of this title. Non-conforming property owners shall only be required to comply
112 with provisions contained herein, upon application for site plan amendment, conditional use
113 permit expansion, change of primary use of the property, or subdivision. A noncomplying wall
114 or landscaping element or related site feature shall be considered a noncomplying site element
115 and shall not be reconstructed, except as permitted under the procedures of noncomplying sites
116 as set forth in this title". It would be at the discretion of the Planning Commission to require the
117 applicant to bring the property into compliance concerning fencing, buffer zones, and
118 landscaping for outdoor storage. All four of the other active business licenses for the existing
119 towing companies at this location were approved by City staff after 2019.

120

121 Sherrie Pace explained that a conditional use permit was attached to the property and not the
122 business itself. She stated that the staff experience was that simply transferring the conditional
123 use permit to a new operator on the same site, did not fully convey the process of a conditional
124 use permit, nor the importance of the conditions imposed to mitigate potential negative impacts
125 on surrounding properties. Ms. Pace commented that as this would be a tenant leasing the

126 property the improvements would fall on the owner or this new applicant. She said if the
127 site/outdoor storage improvements were required, time should be given for completion.

128
129 Commissioner Jorgensen asked about the timeline and if staff should set this or if the
130 Commission should require improvements within a set amount of time. Sherrie Pace suggested at
131 least 60-90 days, ideally June 1, 2022, due to supply chain issues and the upcoming winter
132 months.

133
134 Mackenzie Bennett said if the Commission did require that the property be brought into
135 compliance that the conditions be specific to allow for enforcement if necessary. She
136 recommended that the timeline extend into next year.

137
138 Commissioner Van Langeveld asked about the parking stalls and if they would be striped.
139 Mackenzie Bennett replied that the stalls would not be striped. She said this was due to the
140 temporary nature of the uses and not requiring tenants to make improvements to the property.
141 Ms. Bennett explained that temporary signage had been used for similar uses in the past.

142
143 Commissioner Van Langeveld questioned when the business licenses for the other tenants would
144 need to be renewed. She commented that the decision made tonight would affect those tenants.
145 Sherrie Pace replied that it was a yearly renewal.

146
147 Commissioner Van Langeveld spoke on the aerial image of the property including a portion that
148 showed multiple cars and asked if that would be used for storage. Sherrie Pace commented that if
149 those vehicles were currently still on the property that staff would need clarification on the status
150 and if they were junk vehicles, they would need to be removed.

151
152 Mackenzie Bennett reported that State Code required all businesses providing tow truck services
153 be certified as a Utah State Tax Commission Impound Yard must comply with certain standards
154 and rules. Bridger Towing received approval from the State Tax Commission on August 16,
155 2021 to operate as an impound yard.

156
157 The DRC recommended approval with the conditions to maintain and provide 4 parking spaces
158 for employees and customers, limited storage of impounded vehicles to ten (10) with no single
159 vehicle storage over 30 days, tow trucks shall not be stored onsite overnight nor stored/parked on
160 streets, and outdoor storage fence and screening shall be brought into compliance with current
161 standards.

162
163 Commissioner Van Langeveld questioned if the fencing required per City code addressed barbed
164 wire. She asked if the applicant followed the City's requirements if they would no longer be in
165 compliance with State code. Mackenzie Bennett replied that the State requirements included a
166 six-foot chain link fence topped with barbed wire or similar fencing. She said a concrete wall
167 with barbed wire on top should be in compliance with both the City and State.

168

169 Sherrie Pace commented that the Utah State Tax Commission required barbed wire or razor
170 security wire but City code prohibited razor wire.

171

172 Vice Chair Larson asked for thoughts on bringing the outdoor storage into compliance on this
173 property.

174

175 Commissioner Jorgensen commented that it seemed appropriate and that the tenant and property
176 owner would have to determine who would bear the cost.

177

178 Commissioner Maus said that if the deadline of June 2022 was given to bring the property into
179 compliance that all of the invested parties would have to work together. She said it was a good
180 opportunity to include everyone in bringing the property into compliance.

181

182 Mackenzie Bennett asked if this conditional use permit was issued and compliance was not met
183 by June 2022 if the business license could then be revoked. Sherrie Pace replied that a zoning
184 compliance case would be opened if the applicant failed to comply. This would allow the City to
185 revoke their business license

186

187 Commissioner Van Langeveld commented on the conditions listed in the conditional use permit
188 and asked if they were just repeating what was already regulated by City code. Mackenzie
189 Bennett replied that there were conditions specific to this property including the four parking
190 spaces but some items were meant to reiterate what is already required by City code. By
191 specifying code as conditions, it allowed for easier enforcement in the event that a business must
192 go before the administrative law judge.

193

194 Sherrie Pace commented that being flexible and allowing them time to bring the property into
195 compliance, it was more equitable and would not affect just the applicant.

196

197 Commissioner Maus spoke on the setbacks and if bringing this into compliance would affect
198 storage on the property. Sherrie Pace responded that it would not.

199

200 Sherrie Pace said that the landscaping could remain xeriscaped but did require some vegetation
201 and not just rocks. This could be street trees or grasses.

202

203 Commissioner Van Langeveld commented that she felt empathy for the property owner to install
204 the changes including the wall and landscaping but felt that the property did need to come into
205 compliance with City code.

206

207 Commissioner Maus asked if the other entities would need to provide parking on the site.

208 Mackenzie Bennett replied that they had already been issued their business licenses parking was

209 provided through that process. This conditional use permit would not govern parking for the
210 other businesses operating at the subject location.

211
212 Vice Chair Larson asked for thoughts on adding a condition related to proper permitting for the
213 signage.

214
215 Mackenzie Bennett clarified that they installed signage without proper permitting from the City.
216

217 Commissioner Jorgensen commented on xeriscaping and suggested that the City review any
218 changes or best practices that could be made to be more drought conscious.

219
220 **Commissioner Jorgensen moved that the Planning Commission approve the conditional**
221 **use permit for Bridger Towing LLC located at 735 West 200 North, with the following**
222 **conditions:**

- 223
224 **1) Maintain and provide a minimum of 4 parking spaces for employees and customers;**
225 **2) Storage of impounded vehicles by Bridger Towing shall be limited to a maximum of**
226 **10 vehicles, with no single vehicle being stored for greater than 30 days;**
227 **3) Tow trucks shall not be stored on site overnight, nor stored/parked on street;**
228 **4) Outdoor storage fence and screening shall be brought into compliance with current**
229 **standard adopted by June 1, 2022.**
230 **5) The business must obtain a sign permit from the City.**

231
232 **Commissioner Van Langeveld seconded the motion. The motion was approved by**
233 **Commissioners Jorgensen, Larson, Maus, Tucker, Van Langeveld and Ward.**
234 **Commissioner Knowlton was excused.**

235
236 **4. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR CELESTIAL AUTO**
237 **PROS LLC LOCATED AT 847 NORTH POINTE CIRCLE, GEOFFEREY EIDEM,**
238 **APPLICANT**

239
240 Mackenzie Bennett reported Celestial Auto Pros LLC specialized in paint protection films (clear
241 bra), window tinting, and ceramic coatings on vehicles and boats. The site, located at 847 North
242 Pointe Circle, was zoned General Commercial (CG) where automotive body, paint and interior
243 repair and maintenance was a conditional use. All work and storage would take place within the
244 building with no vehicles to be stored outdoors. Business would be conducted between 7 a.m.
245 and 7 p.m. Monday through Sunday. There was currently one employee with plans to gain two
246 additional full time employees by the end of the year. City code 10-6-5 required auto repair,
247 body shop and parts businesses to provide three (3) stalls per service bay plus one (1) additional
248 stall per every 300 square feet of retail floor area. The business would operate with one service
249 bay and no retail floor area. They have provided six (6) parking stalls for employees and guests
250 which was compliant with code.

251
252 The applicant has noted that the business activities would result in little to no wastewater and do
253 not require the use of hazardous chemicals or solvents. The DRC recommended approval of the
254 conditional use permit for Celestial Auto Pros with no conditions.

255
256 Vice Chair Larson asked about the additional uses on the property. Mackenzie Bennett replied
257 that there were two other businesses including Icon Glass and Peak Adventure Rentals.

258
259 **Commissioner Maus moved that the Planning Commission approve the conditional use**
260 **permit for Celestial Auto Pros LLC located at 847 North Pointe Circle with no conditions.**
261 **Commissioner Tucker seconded the motion. The motion was approved by Commissioners**
262 **Jorgensen, Larson, Maus, Tucker, Van Langeveld and Ward. Commissioner Knowlton was**
263 **excused.**

264
265 5. CONSIDERATION OF A PRELIMINARY PLAN, FINAL PLAT, AND SITE PLAN
266 FOR WILLIAMSBURG LUXURY APARTMENTS AT 256 SOUTH HWY 89,
267 CASTLEWOOD DEV., HAYLEY PRATT, APPLICANT

268
269 Sherrie Pace reported that this was the culmination of six years of work with the City and now
270 the third developer. The City Council approved the General Development Plan for Williamsburg
271 Luxury Apartments on October 2, 2018. The plan was amended in January of 2019 with a
272 change of architecture and developer. Since that time the third developer, Castlewood
273 Development, has entered into a purchase agreement with the current owners of the project. The
274 new owners were responsible for the demolition and removal of the dilapidated structures on the
275 property as part of their purchase agreement. On April 6, 2021 the City Council approved the
276 amended General Development Plan which increased the total unit count to 246 with a parking
277 ratio of 1.8 spaces per unit and a requirement that each unit be provided 1 space and the
278 requirement that the units may not be unbundled and rented separately.

279
280 Ms. Pace explained that Castlewood Development was requesting a preliminary plan and final
281 plat approval for a two lot subdivision for the purposes of financing the commercial building
282 separate from the residential portion of the project. Each lot would meet the minimum standards
283 for size and frontage. The plat would provide for a cross access easement for both lots as well as
284 utility easements in favor of the City for the purpose of public storm drain and culinary water
285 meter maintenance. A trail segment and public trail easement is provided along the north
286 property line and will connect to the future Hatch Park trail segment as identified on the City's
287 Town Center Master Plan.

288
289 Sherrie Pace reported that there were several small engineering redlines on the plat that included
290 correction or clarification on the title report of parcel boundary description and a corrected typo
291 in a plat note. The second part of the application would be the final site plan. She said the site
292 plan was in compliance with the General Development plan including the continuation of the

293 sidewalk to Eaglegate Drive. The site plan has been reviewed and has been found to be in
294 conformance with the approved development agreement and city code. The City engineer has
295 found some minor redline corrections related to page numbers and water line installation details
296 which needed clarification. The DRC has determined that one issue remaining is related to the
297 installation of the retaining walls adjacent to the west property line along the I-215 off ramp. The
298 code limits the height of retaining walls to a maximum height of 8 feet measured from finish
299 grade. Walls higher than 8 feet are required to be split into 2 or more walls and be tiered. The
300 tallest portion of the subject retaining wall would be approximately 14 feet. Given the
301 topography of the site and the difficulty in maintaining the area that would be created by the tier
302 the DRC has recommended the developer seek a variance from the Hearing Officer, conditioned
303 upon the engineered block construction as designed, which would provide better aesthetics and
304 maintenance along the west property line. She then showed the aerial map, final site plan, and
305 final landscaping plan to those present.

306

307 Commissioner Van Langeveld asked if the commercial building would be occupied by Chile
308 Amor. Sherrie Pace replied that the developer would like to retain Chile Amor on the site but no
309 agreement had been signed to date. She said there would be room for a restaurant as well as
310 office space.

311

312 **Commissioner Ward moved that the Planning Commission recommends to the City**
313 **Council the approval of the Preliminary Plan and Final Plat for Williamsburg Park**
314 **Subdivision & Final Site Plan for Williamsburg Apartments subject to the following**
315 **conditions:**

316

- 317 1) **Correction or clarification on the title report of parcel boundary description;**
- 318 2) **Corrected typo in plat note and any engineer redlines on construction plans; and**
- 319 3) **A variance is obtained for a retaining wall taller than 9 feet, or the wall be tiered to**
320 **less than 9 feet each.**

321

322 **Commissioner Tucker seconded the motion. The motion was approved by Commissioners**
323 **Jorgensen, Larson, Maus, Tucker, Van Langeveld and Ward. Commissioner Knowlton was**
324 **excused.**

325

326 6. REPORT ON CITY COUNCIL ACTIONS ON ITEMS RECOMMENDED BY
327 PLANNING COMMISSION

328

329 Sherrie Pace reported that she did not have any Planning Commission related items but spoke on
330 several grant applications that the City would be applying for including a FEMA grant for ten
331 generators for wells in addition to grants for trail segments and a sidewalk along Overland Drive.
332

333

334 Commissioner Jorgensen asked about an additional traffic light on Highway 89 at Eaglegate
Drive. Sherrie Pace replied that UDOT required a warrant study and current use did not warrant

335 a light there. Staff had started a traffic circulation study of the Town Center area and this data
336 could be useful in negotiations with UDOT.

337
338 Commissioner Tucker commented that in his experience UDOT would not install a traffic signal
339 based off a warrant study with projected use; however, he said continual badgering would draw
340 attention to the area and may expedite the process for when the volumes were warranted. Sherrie
341 Pace said when Village Station was completed with the addition of 400 residential units that
342 UDOT hopefully would then have to address the intersection.

343 e

344 7. APPROVAL OF MINUTES

345
346 The Planning Commission meeting minutes of August 24, 2021 were reviewed and approved.

347
348 **Commissioner Jorgensen moved to approve the August 24, 2021 meeting minutes as**
349 **amended. Commissioner Ward seconded the motion. The motion was approved by**
350 **Commissioners Jorgensen, Knowlton, Larson, Maus, Tucker, Van Langeveld and Ward.**

351
352 8. ADJOURN

353
354 Vice Chair Larson adjourned the meeting at 7:31 p.m.

355
356 *The foregoing was approved by the Planning Commission of the City of North Salt Lake on*
357 *Tuesday September 28, 2021 by unanimous vote of all members present.*

358
359
360
361

Linda Horrocks, City Recorder