

CITY OF NORTH SALT LAKE
PLANNING COMMISSION MEETING
ANCHOR LOCATION: CITY HALL
10 EAST CENTER STREET, NORTH SALT LAKE
JULY 25, 2023

FINAL

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

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

STAFF PRESENT: Sherrie Pace, Community Development Director; Mackenzie Johnson, Planner; Meredith Covey, Planning Intern.

OTHERS PRESENT: Dee Lalliss, resident.

1. PUBLIC COMMENTS

There were no public comments.

2. WORK SESSION: DRAFT CODE AMENDMENTS

- a. TITLE 10, CHAPTER 3: CODE AMENDMENTS & REZONES
- b. TITLE 13, CHAPTERS 1-3: SUBDIVISIONS

Sherrie Pace reported on State code changes related to subdivision review which must be adopted into the City code before February 1, 2024. She provided an outline of what had changed in the State code for single family, two family, and townhome developments. Changes for conceptual plan review included that it was optional at the request of the developer and would be reviewed by staff only. Staff would also be required to review the conceptual plan within 15 business days of the request, provide copies of all applicable regulations, complete list of standards, preliminary and final checklists, and give feedback on the concept.

Sherrie Pace said changes for preliminary plan review included a designated “Administrative Land Use Authority” (ALUA) which could be the Planning Commission or staff but not City Council, may be reviewed in a public meeting or at staff level, the ALUA may receive public comment, and the ALUA may hold no more than one public hearing. She said staff

recommended review by the Planning Commission for preliminary plan review with minor subdivisions to be reviewed by staff (similar to lot line adjustments).

Ms. Pace explained the changes for final plat included that it may permit concurrently with preliminary plan review and may not require Planning Commission or City Council approval. She said beyond adoption of the subdivision ordinance the City Council would not review a subdivision unless it was part of a zone change or legislative decision such as a development agreement.

Sherrie Pace reviewed Title 10 Chapter 3 which contained process steps for code amendments, rezoning, and subdivisions (concept, preliminary, final) and Chapter 7 containing the process for conditional use permits and subdivision standards and regulations. Staff had determined that it would be appropriate to create three new and separate chapters with Chapter 3 to include process steps for code amendments and rezones only (draft provided), for Chapter 7 to include process and standards for conditional use permits (not drafted) and for the new Title 13 to include subdivision processes, standards, and regulations (Chapter 1-3).

Ms. Pace provided a summary review of the amendments for Chapter 3. Section 10-3-1 would include the insertion of language to establish the authority of the City Council to amend the title and zoning map. As well as Section 10-3-2 to update language and submittal requirements, notice for code amendments as Class B notice for a public hearing and Class A notice for agenda. She explained that a Class A notice was posted at City Hall, on the City website, and the Utah Public Notice Website while a Class B notice was a direct notice for legislative action or as otherwise specified in State code.

Sherrie Pace provided a brief overview of the proposed changes to Title 13 Chapter 1: General Provisions which was a new section and included 13-1-010: Short Title, 13-1-020: Introduction, scope of subdivisions, conformance to standards, burden of proof and assumption of validity of the title, 13-1-030: Purpose and intent behind the ordinance, 13-1-040: Interpretation, conflict, and severability (standard legal), 13-1-050: Definitions as defined in this title or in Title 10 incorporated, 13-1-060: Saving provision and previous ordinances (standard legal), and 13-1-070: Considerations in approval, general plan, zoning ordinance, natural landscape, common facilities. Section 13-1-808: General responsibilities defined, A. developer, B. development review staff: removal of the term "Development Review Committee" because committees that are established by ordinance would be subject to the Open and Public Meetings Act including posting agendas, recording meetings, keeping minutes, etc. C. other agencies (may refer portions of the review to special districts or utilities as necessary), D. Public Works and Engineer (defined roles of review), E. Administrative Land Use Authority defined which would be the Planning Commission for preliminary plan, plat amendments without PUE or street vacation, and plat amendments with vacations and recommendation of vacation to City Council. As well as the Community Development Director (with assistance of development review staff) for final plat, minor subdivisions (less than ten lots with no dedication of streets or parks), and lot line

adjustments. Section 13-1-909: Appeal Authority as provided in Section 10-2-2 to hearing officer and Section 13-1-100: Appeal to district court.

Commissioner Tucker commented that Section 13-1-020: Introduction, scope of subdivisions, etc. seemed subjective. He suggested referring to the later section 13-1-130 which details what was required for a subdivision. Sherrie Pace replied that not everything in 13-1-020 would be required. She gave the example of a public park or dedicated land for a park which was not a requirement in the subdivision ordinance and said the purpose was to have everything shown in the subdivision but not everything was required.

Sherrie Pace reported on Chapter 2: Administration and Application and the proposed amendments including Section 13-2-010: Subdivision Control with existing language from 10-7-7(A). These changes would reference the Planning Commission as the Administrative Land Use Authority as established by State code. Inclusion of Section 13-2-020: Required Plat Approval with existing language from 10-7-7(C). Section 13-2-030: Transfer of Land which conforms with State code that you must record an approved plat to be legally subdivided. Section 13-2-040: Transfer of Land Voidable and failure to obtain subdivision approval can void the sale of property per State code. Sections 13-2-050 through 13-2-070 would be new with Section 13-2-050: Building Permits specifying when building permits may be issued, Section 13-2-060: Certificates of Occupancy specifies the requirement for occupancy, and Section 13-2-070: Penalties specified that violation may be a civil penalty or Class C misdemeanor.

Chair Larson asked for clarification on the Land Use Authority. Sherrie Pace replied that the Administrative Land Use Authority for preliminary plan would be the Planning Commission and Development Review Staff (to be formally known as the Development Review Committee).

Sherrie Pace spoke on Chapter 3 and items to be added to City code including that concept plan review was not required but recommended. She said it was important to have concept plan review as it helped developers meet City ordinances. It would also specify that the concept plan review was not legally binding and the project would not be vested until they filed a complete preliminary plan application.

She then spoke on Chapter 3: Conceptual Development Plan including Section 13-3-010: Conceptual Plan in conformity with State code as concept plan review was optional for single family, two family, and townhome developments but would be required for commercial or industrial development. Section 13-3-020: Concept Plan Nonbinding clarified the purpose of the review and that it was nonbinding on future review cycles. Section 13-3-030: Vested Rights clarified that concept review does not vest an applicant to the current code as only a preliminary plan application could do this. Section 13-3-040: Submission that contained existing language in 10-3-3 with additional clarification of the requirements to be shown on a conceptual plan review. Section 13-3-050: Notification explained who the conceptual plan was distributed to. Section 10-3-060: Concept Plan Review explained the scope of the review and would return comments to

the applicant. Section 10-3-070: Completion of Concept Review included that preliminary plan must be within twelve (12) months of concept review or resubmittal of new concept.

Sherrie Pace reviewed a checklist of the items to be updated per the revised State code requirements for subdivision review steps including 1. Conceptual Plan Review which was an optional request of the developer for single family, two family, or townhome subdivisions. Conceptual plan review would be performed by staff only and not Planning Commission or City Council. This review must be done within 15 days of request. Staff must provide copies of all applicable regulations, a complete list of standards, preliminary and final checklists, and feedback on the concept. 2. Preliminary Plan review included designation of "Administrative Land Use Authority" either Planning Commission or staff. Preliminary Plan may be reviewed in a public meeting or by staff. The ALUA may receive public comment and may hold no more than one public hearing. 3. Final plat may permit concurrent with preliminary plan and may not require Planning Commission or City Council approval. 4. Review Cycle restrictions included that these restrictions did not apply to areas with identified geologic hazard areas. She said this allowed the City and the applicant to ensure the geologic hazards were addressed properly.

Ms. Pace said that these restrictions were put in place due to some municipalities not being forthright in their requirements and would also ensure that an applicant addressed all redlines with corrective actions specified by city staff. She spoke on other review cycle restrictions including that the initial review of the preliminary plan was required within 15 business days of complete application submittal, final plat review was required within 20 business days of complete application, and the reviews must contain redline corrections or request for additional information shall include specific citations to ordinance, standards, or specifications and shall be logged on a separate index. Other review cycle restrictions included that the City may not require more than four review cycles, if a change/correction that was not addressed or referenced in plan review was waived unless necessary to protect public health/safety or to enforce federal law, if the applicant made a material change to the plan set the City may restart the review process on areas affected by the material change, if the applicant did not submit a revised plan within 20 business days of notification of corrections needed, the City had an additional 20 business days to respond to the plan, and after the first response to the final review cycle and the applicant had complied with each modification requested from the previous review cycle, the City may not require additional revisions. The applicant must provide a written explanation in response to the review comments, identifying and explaining the revisions and reasons for declining to make revisions, if any. Failure to address a review comment, the review cycle was not complete and a subsequent review cycle may not begin until all comments were addressed. On the fourth or final review if the City failed to respond in 20 business days then the City shall provide at the request of the applicant and within 10 business days: for a dispute of subdivision improvement plans, assemble an appeal panel, and for a dispute arising from subdivision ordinance review, advise the applicant in writing of the deficiency and the right to appeal to the designated appeal authority.

Commissioner Tucker mentioned Section 40 paragraph B2 pertaining to an electronic copy of a 24"x36" plan. He asked why there was a requirement for size. Sherrie Pace responded that when staff tried to view electronic documents that it was a different resolution at that size particularly when printed. She said it could be revised to say that when the electronic document was formatted that it fit on a 24"x36" mylar.

Commissioner Holbrook asked about the background behind why the State had made these changes. Sherrie Pace replied that she believed it was due to certain cities not being fair to each developer and not completing things in a timely matter due to things like understaffing or inexperienced staff or developers not returning information quickly either.

Mackenzie Johnson commented that North Salt Lake staff prioritized good relationships and said the City was not the problem. Sherrie Pace mentioned there were planners and cities that were not good at customer service or who were trying to slow growth but said this was not the City's policy. She had incorporated processes for subdivisions, site plans, or conditional use permits and provided timelines for developers.

Sherrie Pace commented that the next chapters for review were not yet completed as she would not be at the August 8th Planning Commission meeting. She said dependent on an applicant there may not be any agenda items and no need for a meeting.

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

Sherrie Pace reported that the plat amendment for Eaglewood Cove Phase 13 Lots 1302 and 1303 was approved by the City Council.

4. APA CONFERENCE ON SEPTEMBER 28 & 29 AT OGDEN ECCLES CONFERENCE CENTER

Mackenzie Johnson reported that the fall APA Conference was September 28th and 29th in Ogden. She said the early bird pricing ended soon and wanted to take advantage of the discount. The second day of the conference had a section for citizen planners including the Land Use 101 training. Commissioners were asked to reply to the registration email as soon as possible.

5. APPROVAL OF MINUTES

The Planning Commission meeting minutes of July 11, 2023 were reviewed and approved.

Commissioner Tucker moved to approve the meeting minutes for the July 11, 2023 meeting as written. Commissioner Maus seconded the motion. The motion was approved by Commissioners Holbrook, Jorgensen, Larson, Maus, Stone, Tucker, and Ward.

6. ADJOURN

Commission Chair Larson adjourned the meeting at 7:05 p.m.

The foregoing was approved by the Planning Commission of the City of North Salt Lake on Tuesday, August 8, 2023 by unanimous vote of all members present.



Wendy Page, City Recorder