

NORTH SALT LAKE CITY
PLANNING COMMISSION MEETING
NOVEMBER 25, 2014

FINAL

Chairman Robert Drinkall called the meeting to order at 6:40 p.m. and welcomed those present.

PRESENT: Commission Chairman Robert Drinkall
Commissioner Lisa Watts Baskin
Commissioner Ted Knowlton
Commissioner Stephen Garn
Commissioner Kent Kirkham

EXCUSED: Commissioner Kim Jensen
Council Member Ryan Mumford

STAFF PRESENT: Ken Leetham, Assistant City Manager and Community and Economic Development Director; Ali Avery, City Planner; Jim Spung, Administrative Planning Technician; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: David Ingleby, Tim Blackham, Mike Gill, Darin Oberg, Questar Gas; Shannon Zollinger, Clyde Snow & Sessions; Paul Warnock, Matt Newbold, JZW Architects; Kevin Jones, Access RV; Kim Archer, State Brass; Daniel Heugly; Garth Woolsey; Aaron Tibbits, Wes McDougal, resident.

1. PUBLIC COMMENTS

There were no public comments.

2. CONSIDERATION OF A SITE PLAN AND CONDITIONAL USE PERMIT FOR TWO LINE BREAK VALVES ON THE QUESTAR GAS LINE LOCATED ON THE QUESTAR GAS EASEMENT APPROXIMATELY NORTHWEST OF EAGLE PASS AND SOUTHEAST OF PLUM TREE COURT. TIM BLACKHAM-QUESTAR GAS COMPANY, APPLICANT.

Ali Avery reported that Questar Gas is installing two line break valves on the natural gas pipeline due to the landslide that occurred August 5 of this year. Questar would like to be able to quickly close off portions of their gas line in the event of an emergency and because the pipeline can be fed from either the North or South, two line break valves are needed to isolate that section of the

pipeline. The locations for these valves are northwest of Eagle Pass on property owned by Granite Construction and southeast of Plum Tree Court on property that is owned by the City. Both locations would be on the existing pipeline which is located on an easement. The line break valve locations would be within an iron rail fenced area that is approximately 1,040 square feet in size. Questar will have access to these areas along their easement, which provides a legal right-of-way for them to access and repair their lines.

Mrs. Avery said that there has been objection from one of the neighbors who owns lots in Plum Tree Court and has concerns that it will diminish property values in the area. The legal question has also been raised on whether or not the City, as the property owner of the proposed valve facility location, should allow an above ground valve facility. The City attorney has reviewed the right-of-way and easement and has determined that the activities the easement allows do not prohibit the construction of an above ground facility. It states specifically that it allows the grantee to "...lay, maintain, operate, repair, inspect, protect, remove and replace pipe lines, valves, valve boxes and other gas transmission and distribution facilities...through and across.." the easement property. City staff is not providing the Planning Commission with a detailed legal analysis of the easement; but it appears to be related to the applicant's right to protect their facilities. City staff does find that there is an increased safety benefit to the public by being able to shut off the line in the event of an emergency.

Mrs. Avery stated conditional uses can only be denied if approval of use would violate specific criteria. If the Planning Commission denies a conditional use, it must articulate clearly the basis or justification for such a denial. In City code section 10-7-2 the performance standards for conditional uses includes six areas of criteria: conditions relating to safety for persons and property, conditions relating to health and sanitation, environmental concerns, conditions relating to compliance with intent of general plan and characteristics of vicinity, conditions relating to performance and energy conservation concerns. A conditional use permit cannot be denied unless one of the six criteria is violated. City staff has reviewed this application using the six criteria and has not found a conflict. City staff requested a change to the applicant's proposed chain-link fencing to include iron fencing which would be compatible with the surrounding neighborhoods. Staff also discussed the option of putting landscaping around the facility but was told by Questar that there is not an accessible source for irrigation.

Ali Avery then said that as Council Member Mumford could not be in attendance at this meeting he sent some written concerns to be shared with the Planning Commission. He asked if the gas structure would impact the proposed trail near this property. Ali Avery said that it would be on the same property but the trail could easily go around the facility. Council Member Mumford also asked if the applicant could access water through the proposed Granite Ridge Development. Ali Avery replied that without final approval of the Granite Ridge Development, it was hard to

say if there would be water access. Council Member Mumford said the added safety to the line was good as long as it is done correctly and well maintained.

Wesley McDougal, who owns lots 1045 and 1050 in Plum Tree Court, addressed the Commission and said that he also represents the nine homeowners in the neighborhood Homeowner's Association (HOA). Mr. McDougal said that there has not been an open process in this matter and that the site has already been constructed before the applicant was given approval by the Planning Commission. The first issue is that the HOA does not believe Questar has the right to do what they are doing. The easement says they may lay, maintain, operate, repair, etc valves and valve boxes but nothing about above ground facilities. There is no language about fencing and it says that the grantors of the easement are not allowed to construct structures on the property. It also mentions ingress and egress rights and the applicant will have trucks going across the road for inspection. He asked for a public hearing as it is a property right not specifically specified in the easement and said that the City should deny this conditional use permit as under the circumstances the proposed use would be detrimental to the health, safety or general welfare of the persons residing in the vicinity or injurious to property or improvements in the vicinity and there is no practical means available for the applicant to effectively mitigate said detrimental effects. The HOA would like the valve facility to be hidden from the road or the neighboring cul-de-sac. Mr. McDougal said that it was not right to have a road installed across 3-4 properties in that cul-de-sac for Questar's egress and ingress. The homeowners have asked that a landscaping plan be required rather than letting this become an eyesore. He said there is water access that the homeowners use which could be used for landscaping. He then said that the City should deny the conditional use permit and site plan as Questar had already started construction of the structure before seeking approval.

Commissioner Baskin commented that the language governs the right-of-way and easement grant and asked what "through and across" the easement property means. Mr. McDougal said that the easement was granted in 1961 and to this day it has been an underground easement.

Ken Leetham said that there are no other above ground facilities in this neighborhood but that he could not answer whether it has always been an underground easement. City staff first met with Questar officials and talked about the permit process for approval. Questar asked for permission to construct the facilities but the City said they would need to go through the process first. Mr. Leetham said he spoke with the City's attorney and he indicated that in his opinion Questar had the right to build these facilities, as designated in the easement document.

Commissioner Knowlton asked what the impact to the gas line was at the time of the landslide, and if there had been damage, what the course of action would have been. Mike Gill, Questar, said that nothing directly happened to the line as far as damage. However as the edge of the

upper scarp is about 150' from the line they had to shut down for three months while they finished the design and worked with the City on a mitigation plan to move forward. Mr. Gill said that the way the line is currently designed there must be block valves every 7 miles on the line. Currently, if there were a rupture on the line, the valves would have to be manually shutdown and the gas would have to escape the lines. The push is to avoid the delay in shut down if there was a rupture, as this could lead to more damage.

Commissioner Garn asked if the valves could have been put underground. Mike Gill replied that these are automated valves and the actuator that shuts down the valves is above ground. The valves are underground now but the actuators must be above ground. He explained that this is a new type of valve that the Federal Energy Regulatory Commission (FERC) is requiring to be put in.

Commissioner Baskin questioned Mr. Gill about his previous comments that Questar had worked on the mitigation efforts for the landslide and requested a permit from the City but that it was not granted at the time that Questar built the facilities. Mike Gill replied that he had a conversation with City staff and the City Engineer and told the City that the line needed to be put back in service before the cold weather season began and that the valves would be installed as well. They then applied for a conditional use permit for the facilities.

Commissioner Knowlton commented on the valve location near the homes and asked if Questar had looked at other options before determining that site. Mike Gill replied that they had asked Mr. McDougal if the valves could be placed on his property and were turned down. Mr. Gill said the site was chosen to minimize the amount of pipe used and to protect the lines and the public.

Commissioner Baskin asked Questar if this type of problem had occurred before where time was of the essence. She also asked if Kern River was taking these precautions as well with their gas line. Mike Gill replied that they have responded to emergencies before where pipe was damaged and repairs needed to be made before a city was notified but they have never had a landslide near a line where they felt obligated to do the work. Mr. Gill said that Kern River is concerned about their pipeline but that they already have these line break valves installed. Kern River has a one-way feed where Questar has a two-way feed that requires two valves because gas could be coming through the pipe in any direction.

Mr. McDougal then summed up the homeowner's concerns including future land value, legal rights as they believe this is beyond the scope of the easement, that homeowners were not informed, and the question of legal access through the residents' property. He also said that there were other locations within the PUD, including land that one of the HOA members Mr. Plum owns, which would have been more suitable.

Mike Gill commented that the valves are automated and that Questar would only need to access them once a year. He said a road to the valve facility would not be necessary and they would use the easement for ingress and egress to the valves.

Commissioner Baskin asked Questar's lawyer for her opinion of the easement. She commented on the section of the easement regarding to "...lay, maintain, operate, repair..." the easement and commented that it seemed broad. Shannon Zollinger replied that from her perspective Questar is within their rights as the facility is necessary for the operation of the pipeline. Ms. Zollinger said that the easement language is broad and that this is maintenance to preserve the pipeline. She said there has not been actual damage due to the landslide but this is a preemptive measure to maintain the pipeline.

Commissioner Drinkall commented that Questar had shut off the gas valves right after the landslide and that it makes sense to have a safety measure in place to protect homeowners. He also said that the Planning Commission welcomes the input from residents.

Commissioner Baskin commented that she would like to view the site to see how unsightly it would be for homeowners. Questar then provided photos of the site and the facility to the Planning Commission (attached).

The Planning Commission requested that City staff set up a public hearing, that the neighbors be notified, specifically the nine property owners in the adjacent HOA on Plum Tree Court, that landscaping around the facility be considered, and that written opinion from the City's attorney be obtained.

Commissioner Baskin moved that the Planning Commission delay approval of the conditional use permit and site plan for two line break valves on the Questar Gas Line located on the Questar Gas easement approximately northwest of Eagle Pass and southeast of Plum Tree Court for two weeks. In that time, the City will present notice for a public hearing on the basis of transparency in government and notification of citizenry. It may be in the public interest that we hear the opinions of others and that they may have more information and that we request a legal opinion from the City Attorney as to the scope of the easement and its applicability in this setting. Commissioner Garn seconded the motion. The motion was approved by Commissioners Knowlton, Baskin and Kirkham. Commissioner Garn voted in opposition to the motion. Commissioner Drinkall abstained from voting. Commissioner Jensen and Council Member Mumford were excused.

Jim Spung asked how large of an area the City should notice. Commissioner Drinkall requested at least 500 feet and to be sure to include the homeowners in the affected HOA.

3. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR AN INCREASE IN DRIVEWAY WIDTH LOCATED AT 834 SOUTH PARKWAY DRIVE. MIKE TAYLOR, APPLICANT.

Jim Spung reported that this request for a conditional use permit is for an increase in driveway width at 834 Parkway Drive. City Code currently states that the maximum driveway width for a residential lot is 30' or as established by a conditional use permit not to exceed 40 feet. A building permit was approved by the City on October 24, 2013 to construct a single family home on the lot. The site plan was reviewed by the Community Development Department and was approved with a 30' wide driveway. On September 19, 2014 the Chief Building Official conducted a final inspection and the inspection failed, as the driveway exceeded the 30' maximum. The applicant is requesting that the driveway be accepted as it is today for safety concerns as there is a drop-off on the side of the driveway which could be a hazard if the homeowners had to turn when backing out of the garage. The Development Review Committee (DRC) recommended approval for the request for a wider driveway based on the conditional use permits standards in the City Code.

Mr. Spung commented that on his review of the driveway and the area, other properties in the area had constructed wider driveways after the building permits had closed. He also said there was no way to legally deny his request.

Commissioner Garn moved that the Planning Commission approve the conditional use permit for a 33.5 foot driveway (as measure at the front property line) at 834 Parkway Drive with no conditions. Commissioner Baskin seconded the motion. The motion was approved by Commissioners Drinkall, Garn, Knowlton, Baskin and Kirkham. Commissioner Jensen and Council Member Mumford were excused.

4. CONSIDERATION OF A SITE PLAN FOR ACCESS RV LOCATED AT 550 SOUTH REDWOOD ROAD. SCOTT JONES-ACCESS RV, APPLICANT.

Jim Spung reported that Access RV is seeking site plan approval for a new building at 550 South Redwood Road in the Outdoor Recreation Outlets subdivision. The dealership sells new and used towable RV's, truck campers, trailers, etc. The applicant will also have a service and parts department and an RV rental fleet. The proposed site plan is four lots and the applicant has submitted a lot line adjustment application with the City to consolidate lots A, B and C. The City is working to approve this application so the DRC recommends that the City Council does not give final approval until the lot line adjustment has been finalized and the easements have been vacated. Access RV is proposing to construct a 22,212 square foot building with 6,586 square feet for office, 7,582 square feet for service and repair and 7,774 square feet for storage space.

There are 26 full-time employees with estimated shipping and receiving at an average of 8 deliveries per week. 54 parking stalls are required per City Code with the applicant proposing 61 stalls including 3 ADA stalls to be striped on-site. There will also be 114 display stalls sized for RV's and 45 display stalls for standard vehicles. There will be two driveways for public access from Recreation Way and two access points from private property on the western side of the property. Outdoor storage is not allowed in the C-G zone and a 6' chain-link fence with privacy slats is proposed to be installed to screen inventory not displayed for sale. The vehicles waiting for repair in the service area will also be screened from view. The landscaping meets City standards and the minimum 10 % that is required by City Code.

As the new building design standards limit the use of metal on outdoor construction, the proposed structure will be a split face CMU block with stucco, timber and metal architectural accents and does comply with the new City design standards. The DRC recommends approval with the condition that the easement vacation of Lots 1A, 1B and 1C be approved by the City Council.

Commissioner Garn asked if Access RV has other locations. Kevin Jones, Access RV, responded that they are pleased to be returning to North Salt Lake. They started the business in 1995 in the City and then moved to Salt Lake. They have three seasonal rental locations but the North Salt Lake location will be the main and permanent location.

Commissioner Kirkham moved that the Planning Commission recommend approval of the site plan for Access RV at 550 South Redwood Road subject to the following condition:

- 1) The easement vacations affecting Lots 1A, 1B, and 1C be approved by the City Council (scheduled for December 16).**

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

- 5. CONSIDERATION OF A SITE PLAN FOR STATE BRASS FOUNDRY LOCATED AT 120 SOUTH 1300 WEST. MICHAEL MCHUGH-UTAH COMMERCIAL CONTRACTORS, INC.**

Jim Spung reported that State Brass Foundry is requesting approval to develop Lot 13 of the River Bend Subdivision. Fabricated metal product manufacturing is a conditional use in this zone and the applicant received conditional use approval on October 14, 2014. State Brass Foundry specializes in custom machine work and foundry services, including sand and centrifugal

castings. They are proposing to construct a 21,000 square foot building with office and manufacturing space. They have 20 employees with 2 in the office, 4 in the machine shop and 14 in the foundry. The parking requirements are 27 striped stalls with 2 ADA stalls. The applicant is proposing 28 stalls which is in compliance with City Code. The total landscaped area on the site is 10.1% which is also in compliance and includes landscaping along the Jordan River trail. The applicant is not proposing outdoor storage at this time however any outdoor storage in the future will be required to comply with the storage requirements at that time. The area in the back will be fenced in with a solid architectural fence. The applicant has submitted two different building elevations, the first option has 74% metal embossed paneling on the building and it is in violation of the recently adopted Building Design Standards. This option is favored by the applicant for insulation and ease of install. The DRC recommends approval of the second option which includes smooth face concrete masonry with only 20% of each exterior face to be embossed metal accent panels.

Council Member Mumford also provided his written comments on this project, through City staff, to make sure that there is a clear entrance to the building and to express his approval of the use of materials other than metal for the exterior.

Commissioner Baskin commented that on October 14th she had voted in opposition to the conditional use permit for the State Brass Foundry and that her reasons for doing so included the safety conditions for persons and property and conditions relating to health and sanitation. She noted that the foundry is adjacent to a public school and that this was a concern to her. She also said that the placement of the charter school was something that the City had no control over whatsoever. Kim Archer responded that with new technology they can control the dust.

Commissioner Kirkham mentioned that there is a trucking business located next to the school in this area as well.

Commissioner Drinkall commented that he shares Commissioner Baskin's concern but he is inclined to believe that the school will move out of the industrial area sooner than the businesses there.

Kim Archer, State Brass Foundry, commented that they had been in business on State Street in Salt Lake for 95 years. He said there is currently a Montessori school a block away and that there has never been a problem.

Commissioner Baskin asked if there were a system failure at the foundry, if there could be a loss of life or if children could be harmed. Kim Archer replied that there are oil refineries in the area and that the children are far enough away that they shouldn't be harmed. They have never had

complaints from neighbors or any issues related to toxic fumes or deaths. He said the reason they are moving from their current location is due to the criminal element and bad surroundings on State Street.

Commissioner Baskin said that she had been persuaded as to the foundry's safety. She asked if it would be inconsistent to approve the site plan after opposing the conditional use permit. Jim Spung replied that the land use was already approved and that this site plan is in conformance. The applicant is a non-conforming use in their current location and cannot expand their business because of that reason.

Commissioner Knowlton moved that the Planning Commission approve the site plan for State Brass Foundry & Machine at 120 South 1300 West subject to the following condition:

- 1) The applicant submit the alternate building elevation "option 2" when applying for a building permit.**

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

6. DISCUSSION OF PROPOSED ZONING PROVISIONS RELATED TO DESIGN STANDARDS AND GUIDELINES FOR NON-RESIDENTIAL DEVELOPMENT.

Jim Spung reported that an overlay zone would be created for the C-G parcels

Ken Leetham reported that City staff had struggled with how this document would function but that it has great conceptual ideas. He said that as this new code is so large it was difficult to find a way to move from the presented document to an ordinance and he proposes that it be split in two phases.

Jim Spung reported that Phase 1 would be to adopt the overlay zone where any new developments on vacant properties would be subject to all the standards and any significant expansion or redevelopment of developed properties would also be subject to the standards. This would not be mandatory for every single parcel. Phase 2 of the adoption would be that existing developments needing land use flexibility could also adopt the C-G overlay and demonstrate compliance through an application process through the City. Essentially if a building or a site needs to have outdoor storage, which currently is not allowed, they could apply to be included in this overlay zone. An application would be submitted and reviewed for compliance with adopted design standards used to determine flexibility in proposed land use activities. A list of design

standards that needed to be met would then be made to determine the flexibility of the land use. The City Redevelopment Agency (RDA) has adopted a Community Development Area (CDA) area and any properties that are developed or re-developed in that area would produce a tax increment for the City to use and reinvest in that area. The City could use this to incentivize property owners for help with landscaping or other improvements to their site. He said that there will be a draft in the form of a City ordinance available at the next Planning Commission meeting for Phase 1.

Jim Spung commented that there is up to 33% of the area that this would apply to is currently vacant. They would like to have the standards in place so that the site plans and developments are high quality and address pedestrian circulation.

Commissioner Knowlton commented in reference to pedestrian circulation needs and that a sixth purpose include something akin to “improving the attractiveness of the Redwood Road corridor for walking, bicycling and potential transit use.” He also suggested that as a general approach for this overall district that there should not be parking between the building façade and street as this would help to improve the appearance of the street. He also suggested that there be the ability for pedestrian access.

7. APPROVAL OF MINUTES

The Planning Commission meeting minutes of October 28, 2014 were approved.

Commissioner Baskin moved to approve the minutes. Commissioner Garn seconded the motion. The motion was approved by Commissioners Drinkall, Garn, Knowlton, Baskin and Kirkham. Commissioner Jensen and Council Member Mumford were excused.

8. RECONSIDERATION OF THE MOTION FOR CONSIDERATION OF A SITE PLAN AND CONDITIONAL USE PERMIT FOR TWO LINE BREAK VALVES ON THE QUESTAR GAS LINE LOCATED ON THE QUESTAR GAS EASEMENT APPROXIMATELY NORTHWEST OF EAGLE PASS AND SOUTHEAST OF PLUM TREE COURT. TIM BLACKHAM-QUESTAR GAS COMPANY, APPLICANT.

Commissioner Baskin commented that the Planning Commission would be reconsidering the motion she had presented in which the vote was 3 to 1. There will be another vote on the same identical motion by roll call.

Commissioner Drinkall moved to reconsider the original motion. Commissioner Knowlton seconded the motion. The motion was approved by Commissioners Drinkall, Garn,

Knowlton, Baskin and Kirkham. Commissioner Jensen and Council Member Mumford were excused.

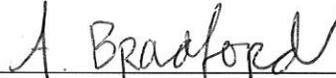
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9. ADJOURN

Chairman Drinkall adjourned the meeting at 8:36 p.m.



Chairman



Secretary



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