

County Council Zoning Meeting

Public Meeting Agenda

Tuesday, March 8, 2016 4:00 P.M.

LOCATION: SALT LAKE COUNTY GOVERNMENT CENTER

2001 SOUTH STATE STREET, ROOM N1-110

NORTH BUILDING, MAIN FLOOR

(385) 468-6700

UPON REQUEST, WITH 5 WORKING DAYS NOTICE, REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS MAY BE PROVIDED. PLEASE CONTACT WENDY GURR AT 385-468-6707. TTY USERS SHOULD CALL 711.

The County Council Public Meeting is a public forum where the Council receives comment and recommendations from applicants, the public, applicable agencies and County staff regarding land use applications and other items on the Council's agenda. In addition, it is where the Council takes action on Zoning related items. Action may be taken by the Council on any item listed on the agenda which may include: approval, approval with conditions, denial, continuance or recommendation to other bodies as applicable.

Street Vacation – To be Heard -

29090 – Seann Miller is requesting approval of a partial street vacation of a portion of Wasatch Lane/Millicent View Lane. **Location:** 8071 South Millicent View Lane. **Zone:** FR-0.5 (Forestry and Recreation). **Community:** Big Cottonwood. **Planner:** Todd A. Draper

Rezone – To be Set (To be Heard 04/05/2016) -

29743 – Shayneh Starks is requesting a rezone from FR-20 (Forestry Recreation) to F-1 (Forestry) to allow for a proposed cemetery use. **Location:** 6301 E I-80 Freeway. **Community Council:** Parleys Canyon. **Planner:** Todd A. Draper

29813 – Robert Jones is requesting approval of a Zone Change from the R-2-10 (Medium Density Residential) zone and the R-M z/c (High Density Residential with zoning conditions) zone to the R-M (High Density Residential) zone in order to allow for the development of multi-family housing. **Location:** 3961-3971 South 300 East. **Community Council:** Millcreek. **Planner:** Todd A. Draper

29338 – David Richardson is requesting a rezone from R-1-8 (Residential Single Family, 8,000 Sq. ft. Lot size) to R-4-8.5 (Medium-Density Residential). **Location:** 3437 South 1300 East. **Community Council:** Millcreek. **Planner:** Jeff Miller

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OFFICE OF TOWNSHIP SERVICES

Planning and Development Services
2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050
Phone: (385) 468-6700 • Fax: (385) 468-6674
www.pwpds.slco.org

File # 29090

Street Vacation Summary and Recommendation

Public Body: Salt Lake County Council

Parcel ID: 24-35-176-035

Property Address: 8071 S Millicentview Ln

Request: Partial Street Vacation

Meeting Date: March 8, 2016 Current

Zone: FR-0.5 / F.C.O.Z.

Community Council: Big Cottonwood

Planner: Todd A. Draper

Planning Staff Recommendation: Approval

Applicant Name: Seann Miller

Unincorporated: Big Cottonwood

PROJECT DESCRIPTION

The applicant is requesting approval of a partial street vacation of a portion of Millicentview Lane (formerly Wasatch Street) in Big Cottonwood Canyon.

SITE & VICINITY DESCRIPTION (see attached map)

The property is located inside the Brighton loop at the top of Big Cottonwood Canyon. Surrounding properties include the Brighton Store, other small cabins, and wetland areas.

GENERAL PLAN CONSIDERATIONS

The 1989 Wasatch Canyons Master Plan recognized that the master plan considerations would largely not affect previously approved lots and subdivisions created prior to the adoption of the plan. The Silver Lake Summer Resort Subdivision was recorded in 1890.

ISSUES OF CONCERN

The primary issue of concern in any street vacation is a determination as to whether or not there is a public need for the street or land area. The proposed vacation will not materially affect the rights of neighboring property owners to access their land. No private parcels would become "landlocked" by this vacation. The platted roadway is 66 feet wide whereas the actual current roadway is approximately 12 feet wide and located principally outside of the area proposed for vacation.

NEIGHBORHOOD RESPONSE

Neighbors have been contacted by the applicant during earlier portions of the process. Responses received are attached. The consent of the adjacent neighbors to the South (Graham) has also been received regarding the portion being vacated to the applicant in front of their property. One neighbor did express opposition to the vacation.

REVIEWING AGENCIES RESPONSE

AGENCY: Salt Lake County Real Estate Division DATE: 1/11/16

RECOMMENDATION: Approval. Land value appraised at \$8250.00

AGENCY: Salt Lake County Surveyors Office DATE: 1/7/16

RECOMMENDATION: The legal descriptions of the areas to be vacated meet county standards.

AGENCY: Salt Lake County Traffic Engineering DATE: 6/15/15

RECOMMENDATION: Approval

AGENCY: Salt Lake County Engineering DATE: 6/15/15

RECOMMENDATION: Approval

PLANNING STAFF ANALYSIS

14.48.030 - Conditions for vacation.

Petitions for vacation of public streets shall be considered on the basis of the following:

- A.** Alleys, Walkways and Trails. Alleys, walkways and trails are not generally within the current planning and maintenance policies of the county. Vacation of an alley, walkway or trail relieves the county from present or future obligations to maintain such alley, walkway or trail. This benefit to the county is declared to be adequate compensation for the county's interest. Where appropriate, the county may require conditions precedent to the vacation of any alley, walkway or trail such as installation of landscaping, fencing or other improvements which must be completed or bonded for prior to the transfer of county property interests.
- B.** Major and Minor Streets. Major and minor streets shall not be vacated or permanently closed unless adequate compensation has been paid for the transfer of the county's interest in the land. The vacation or closure is not final or complete until the document transferring title is signed by the mayor and, in the case of a plat amendment or deed, recorded with the Salt Lake County recorder's office.

14.48.050 - Legal interest of county.

No action shall be taken on any petition to vacate a street until the county real estate section identifies and verifies the specific manner in which the county acquired its interest in the street and the attorney determines the legal interest of the county in the street.

14.48.060 - Evaluation of need for street.

Each petition shall be evaluated in terms of the current use of the street and the need in the foreseeable future for its use as a public street or for any other public purpose. If such need exists or may exist in the foreseeable future, the petition shall be denied.

14.48.070 - Compensation.

Any action providing vacation, sale or other transfer of the county's interest in any street where compensation is required shall be conditioned upon prior payment of such compensation and shall not be completed by an enactment of an ordinance, plat amendment, deed, or executive order until all required compensation is paid to the county together with advertising costs for all public notices. Generally, such compensation shall be the fair market value of the land. In appropriate cases compensation may be provided for in part or in whole, through an exchange of land or relocation of streets within an existing subdivision. Where the county's interest in a street is transferred to another public entity for a public use which benefits the county, the council may determine that the benefit to the county from such use is adequate compensation for the land. Where appropriate, county may require conditions precedent such as the installation of landscaping, fencing or other improvements which must be completed or bonded for prior to the transfer of property rights.

In accordance with State Code 17.27a.609.5, the Salt Lake County Council can approve the proposal for a street vacation if it is substantiated that all requirements for such request have been met. It must also be evaluated that there is good cause for the vacation to be approved and approval of such request and..." will not materially injure any person"...affected by such request. "

The street vacation can be accomplished by adoption of an ordinance and does not require a plat amendment to approve the request. Neither current County Ordinance nor Utah code requires Planning Commission review of a street vacation petition.

Staff has reviewed this request for compliance with the standards set forth in applicable Salt Lake County Ordinances and State Statues, that provide for the regulation of this type of request and recommends approval be granted.

PLANNING STAFF RECOMMENDATION

Staff recommends Approval of the Street Vacation request for the following reasons:

1. The vacation would not leave parcels of land without potential or future access.
2. Development of legally owned parcels will not be impaired nor will the development rights of those owners affected through the vacation.

#29090

Zoning Map



Thu Feb 4 2016 09:19:20 AM.

#29090

Aerial Map



Thu Feb 4 2016 09:24:37 AM.



SALT LAKE COUNTY

BEN McADAMS
Salt Lake County Mayor

Sarah Brenna
Administrative Services
Department Director

FACILITIES MANAGEMENT

Rory Payne
Facilities Management
Division Director
rpayne@slco.org

Salt Lake County
Government Center
2001 South State Street
Suite S3-110
Salt Lake City, UT 84114-4575

385 / 468-0332
385 / 468-0366 fax

January 11, 2016

Mr. Todd Draper
Planning and Development Services
2001 South State Street, Suite N3-600
Salt Lake City, Utah 84190

Re: Planning Application #29090
Seann Miller

Address: Adjacent to 8071-8085 South Millicentview Lane
(12520 East)
Brighton, Utah

AP#: Adjacent to 24-35-176-035 and 013

Dear Mr. Draper:

At your request, I have prepared an appraisal report developing an opinion of market value of the fee simple interest for the above referenced right-of-way vacation. The attached report contains the basis, data, and analysis upon which my opinion of value relies. The intended use of this report is to assist with internal planning matters and the ultimate vacation and sale of the two defined parcels.

The report is intended to comply with the Uniform Standards of Professional Appraisal Practice (USPAP).

The subject right-of-way was last inspected on November 19, 2015 which is the effective valuation date. Available market data has been inspected and carefully considered and analyzed. As supported in this report, I am of the opinion that the market value of the fee simple interest as of the date of valuation is:

EIGHT THOUSAND, TWO HUNDRED AND FIFTY

DOLLARS

\$8,250.00

The value estimate is subject to assumptions and limiting conditions contained in this report. I trust this report is sufficient to accomplish its intended function.

Respectfully,

Gary C. Ladle
Staff Appraiser
Salt Lake County Real Estate Section
License #5450959-CR00
Expires 6/30/17

Report Summary

PROPERTY TYPE: Land – Forestry and Recreational

RECORDED OWNER: Salt Lake County

AP#: Adjacent to 24-35-176-035 and 013

LOCATION: Adjacent to 8071-8085 South Millicentview Lane (12520 East), Brighton, Utah

PURPOSE OF APPRAISAL: Develop an opinion of value for the subject property in order to facilitate a vacation and possible sale.

PROPERTY RIGHTS APPRAISED: Fee Simple

REPORT DATE: October 16, 2015

VALUATION DATE: November 19, 2015

SIZE: Parcel #1 3,381 sf
Parcel #2 361 sf

ZONING: FR-0.5 (Salt Lake County Forestry and Recreational)

HIGHEST AND BEST USE: As Vacant: Residential development in conjunction with the adjacent properties.

As Improved: A right-of-way in conjunction with the adjacent properties.

1890 52

N.E. COR. NW. 1/4, SEC. 35
T. 2 S. R. 3 E.

SILVER LAKE SUMMER RESORT

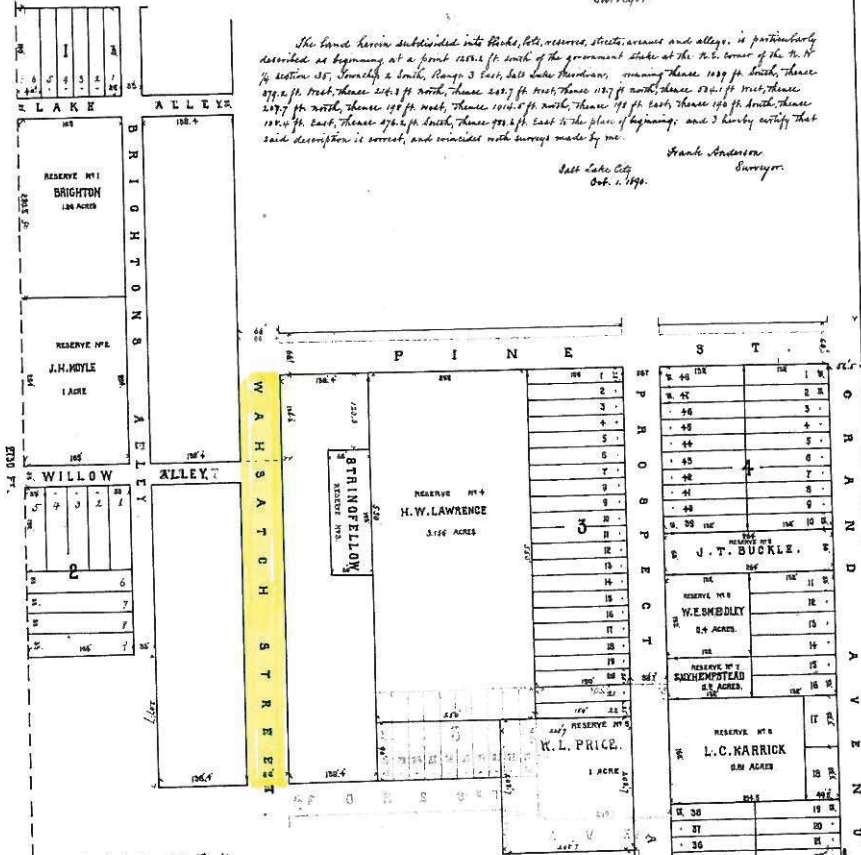
A SUBDIVISION OF A PART OF THE EAST ONE HALF, OF THE NORTH WEST ONE FOURTH, OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 3 EAST, S. L. M.

I hereby certify that this plat correctly represents the blocks, lots, reserves and streets of Silver Lake Summer Resort, a subdivision of a part of the East one half of the N.W. 1/4 of Section 35, T. 2 South, Range 3 East, S. L. M. as surveyed by me, and correctly shows its connections by course and distance with the N.E. Cor. of N.W. 1/4 of said Section 35, and particularly sets forth and describes all the parcels of ground laid out and platted by their boundaries, course and extent, and all the portions dedicated by Streets, Roads, Alleys, and other public uses.

Frank Anderson
Surveyor

The land herein subdivided into blocks, lots, reserves, streets, avenues and alleys, is particularly described as beginning at a point 125.2 ft. south of the government stake at the N.W. corner of the N.W. 1/4 section 35, Township 2 South, Range 3 East, Salt Lake Meridian, running thence 125.2 ft. south, thence 172.2 ft. west, thence 216.3 ft. north, thence 222.7 ft. west, thence 127.7 ft. north, thence 234.9 ft. west, thence 257.2 ft. north, thence 192 ft. west, thence 104.5 ft. north, thence 79 ft. east, thence 192 ft. north, thence 122.4 ft. east, thence 276.2 ft. south, thence 79.2 ft. east to the place of beginning; and I hereby certify that said description is correct, and coincides with surveys made by me.

Frank Anderson
Salt Lake City
Oct. 1, 1890.



Scale, 1 inch = 100 Feet.

Witness my hand and seal this 2nd day of October 1890.
Robert C. Brighton
Surveyor

Witness my hand and seal this 2nd day of October 1890.
Ellen Brighton
Recorder

Witness my hand and seal this 2nd day of October 1890.
Robert C. Brighton
Surveyor

Witness my hand and seal this 2nd day of October 1890.
Ellen Brighton
Recorder

Witness my hand and seal this 2nd day of October 1890.
Robert C. Brighton
Surveyor

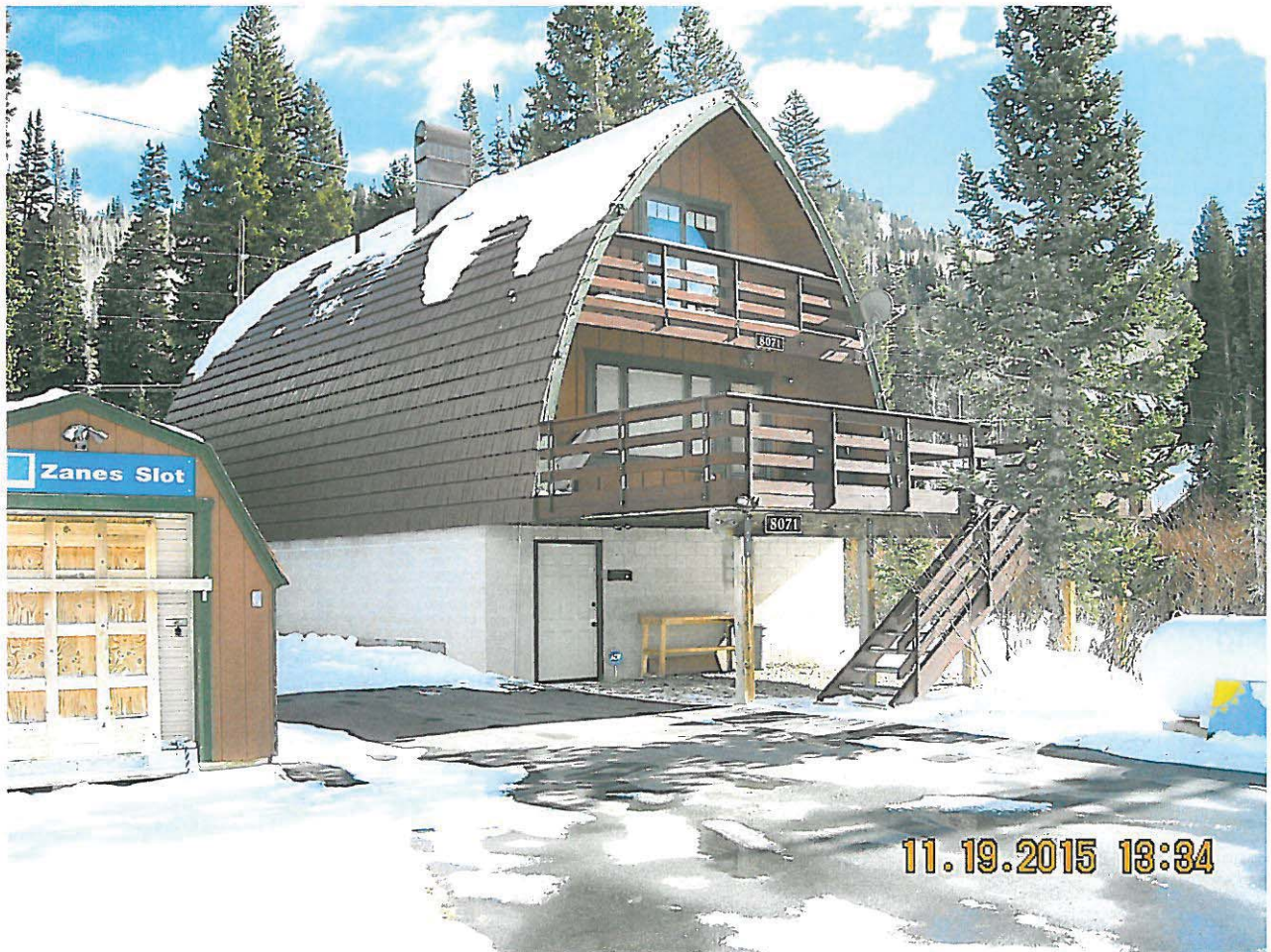
Witness my hand and seal this 2nd day of October 1890.
Ellen Brighton
Recorder

Approved Oct. 2nd 1890.
G. M. Baxter
Probate Judge, H. 240.9
Filed Oct 7th
at 10 PM
John H. Kearney
Recorder Salt Lake
11/27

C-57



Millercentview Lane - Viewed South



Miller Residence
Front yard in Right-of-Way



Area to be vacated - Viewed North



Area to be vacated - Viewed North

Milllicentview Lane - Viewed North
Area to be vacated on the right



Milllicentview Lane - Viewed North







Title/Chapter/Section: _____ [Utah Code](#)[Title 17](#) Counties[Chapter 27a](#) County Land Use, Development, and Management Act**Section 609.5** Vacating a street, right-of-way, or easement.**17-27a-609.5. Vacating a street, right-of-way, or easement.**

(1) A petition to vacate some or all of a public street, right-of-way, or easement shall include:

(a) the name and address of each owner of record of land that is:

(i) adjacent to the public street, right-of-way, or easement; or

(ii) accessed exclusively by or within 300 feet of the public street, right-of-way, or easement; and

(b) the signature of each owner under Subsection (1)(a) who consents to the vacation.

(2) If a petition is submitted containing a request to vacate some or all of a street, right-of-way, or easement, the legislative body shall hold a public hearing in accordance with [Section 17-27a-208](#) and determine whether:

(a) good cause exists for the vacation; and

(b) the public interest or any person will be materially injured by the proposed vacation.

(3) The legislative body may adopt an ordinance granting a petition to vacate some or all of a public street, right-of-way, or easement if the legislative body finds that:

(a) good cause exists for the vacation; and

(b) neither the public interest nor any person will be materially injured by the vacation.

(4) If the legislative body adopts an ordinance vacating some or all of a public street, right-of-way, or easement, the legislative body shall ensure that one or both of the following is recorded in the office of the recorder of the county in which the land is located:

(a) a plat reflecting the vacation; or

(b) an ordinance described in Subsection (3).

(5) The action of the legislative body vacating some or all of a street, right-of-way, or easement that has been dedicated to public use:

(a) operates to the extent to which it is vacated, upon the effective date of the recorded plat, as a revocation of the acceptance of and the relinquishment of the county's fee in the vacated street, right-of-way, or easement; and

(b) may not be construed to impair:

(i) any right-of-way or easement of any lot owner; or

(ii) the franchise rights of any public utility.

Amended by Chapter 381, 2010 General Session

Download Code Section [Zipped](#) WordPerfect [17_27a060905.ZIP](#) 2,813 Bytes

[<< Previous Section \(17-27a-609\)](#) [Next Section \(17-27a-610\) >>](#)

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17-27a-208. Hearing and notice for proposal to vacate a public street, right-of-way, or easement.

(1) For any proposal to vacate some or all of a public street, right-of-way, or easement, the legislative body shall:

(a) hold a public hearing; and

(b) give notice of the date, place, and time of the hearing, as provided in Subsection (2).

(2) At least 10 days before the public hearing under Subsection (1)(a), the notice required under Subsection (1)(b) shall be:

(a) mailed to the record owner of each parcel that is accessed by the public street, right-of-way, or easement;

(b) mailed to each affected entity;

(c) posted on or near the street, right-of-way, or easement in a manner that is calculated to alert the public; and

(d) (i) published in a newspaper of general circulation in the county in which the land subject to the petition is located; and

(ii) published on the Utah Public Notice Website created in Section 63F-1-701.

Amended by Chapter 90, 2010 General Session

WAIVER OF INTEREST¹

Parcel No. 24-35-176-013

Mark & Catherine Graham, own property located at 8085 S. Millicentview Ln. (Parcel No. 24-35-176-013), which abuts and adjoins Millicentview Lane in Brighton, Utah.

Seann Miller and Tammy Manwaring, owners of a parcel of real property located at 8071 South Millicentview Lane, Brighton, Utah (Parcel No. 24-35-176-035) have filed Application #29090 with Salt Lake County to vacate a portion of Millicentview Lane that is immediately adjacent to the western boundary of their property. Application #29090 also seeks to vacate a portion of Millicentview Lane that is immediately adjacent to the western boundary of 8085 S. Millicentview Lane, described as follows:

See Exhibit A (Text Description of Easement)
See Exhibit B (Visual Description of Easement)

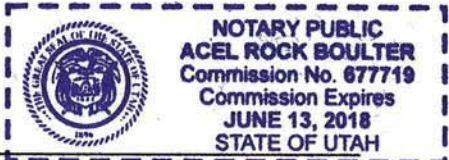
I have been advised and acknowledge that if the Millicentview Property is vacated by Salt Lake County, I may be entitled to obtain title to that portion of the Millicentview Property that abuts 8085 S. Millicentview Lane, up to the middle of Millicentview Lane upon payment of compensation to Salt Lake County. I hereby waive and voluntarily release my right under state law and county ordinance to acquire any interest in this Millicentview Property. I further consent to the acquisition of this Millicentview Property by Seann Miller and Tammy Manwaring if the property is vacated by Salt Lake County.

DATED this 1 day of Sept, 2015

Signature Mark Graham
Signature Catherine Graham

STATE OF UTAH)
 Utah : ss.
County of Salt Lake ARB

On this 1 day of Sept, 2015, personally appeared before me Mark Graham, the signer(s) of the foregoing instrument, who duly acknowledged to me that (s)he executed the same.



A. Paul Boulter
NOTARY PUBLIC
Residing at Drum

¹ This document was prepared without representation as to the legality of its content or form. Any individual or entity utilizing this form should first consult with an attorney.

Seann Miller and Tammy Manwaring
[REDACTED]

February 13, 2015

To the neighbors of 8071 S. Millicentview Lane,

A proposal has been initiated with Salt Lake County, Utah concerning the vacation of county property located directly west of 8071 S. Millicentview Lane, Brighton, Utah 84121 (parcel 24-35-176-035) by the residents of 8071 S. Millicentview Lane, Brighton, Utah 84121. The proposed requested vacation of county property, details enclosed, is the half-width portion of the Salt Lake County property designated as "Millicentview Lane."

The basis of this proposal emanates from the fact that Millicentview Lane is actually 66 feet wide. This width is defined in Salt Lake County records and confirmed with a survey conducted by Diamond Land Surveying. The full 66-foot width of Millicentview Lane is approximately 6 times wider than the existing road that is currently utilized for private property access by the residents of Millicentview Lane. This 66 feet width is wider than portions of Big Cottonwood Highway (SR 190.)

The proposed submission to Salt Lake County is to vacate a portion of county property along the eastern edge of the existing lane extending east to the property boundary of 8071 S. Millicentview Lane (parcel 24-35-176-035) as depicted enclosed survey. A portion of the proposed vacated property is currently being utilized by the residents of 8071 S. Millicentview Lane for personal landscaping, a five hundred gallon propane tank, paved parking, and snow placement. The current and former residents of 8071 S. Millicentview Lane have always utilized this county property as such.

The vacation proposal does include a small portion of the existing lane due to the fact that the proposed parcel is drawn as a rectangle and Millicentview Lane is not a straight lane. This small sliver is being proposed as a permanent easement attached to the parcel numbers of all properties and will not restrict access to private property.

Emergency access of at least 20 feet has been suggested by Salt Lake County of which the non-vacated portion Millicentview Lane will still remain a generous 33 feet in width. It is also a point of mention that current access to all properties along Millicentview Lane have been enhanced due to the upgraded pavement and winter maintenance funded and conducted by the current property owners of 8071 S. Millicentview Lane.

The proposed submission to Salt Lake County includes two separate extension requests that require additional approval from property owners. The first extension is south of the requested vacation to include the county property up to and including half of the shared water meter for parcels 24-35-176-035 (Miller) and 24-35-176-013(Graham.) This extension would also include the small easement previously mentioned.

The second extension is a northern extension of the requested proposal to include county property along the eastern edge of Millicentview Lane west of CNL Income Brighton LLC property, parcel 24-35-176-010. Approval of this extension is requested from CNL Income Brighton LLC property for snow management purposes.

Salt Lake County has requested solicitation of approval of this proposal. It is requested that you please return your approval/disapproval/comments form using the included self-addressed, stamped envelope by **March 15, 2015** for submission to Salt Lake County. No response will be considered an approval to move forward with the vacation process with Salt Lake County.

Thank you,

Seann Miller and Tammy Manwaring

Enclosed in this correspondence: this proposal letter to neighbors of 8071 S. Millicentview Lane, approval/disapproval/comments form, contact information, proposed vacation diagram/survey

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Norma Campbell



2. Article Number

(Transfer from service label)

7013 2250 0001 4546 9281

PS Form 3811, July 2013

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

 Agent
 Addressee

B. Received by (Printed Name)

NORMAN D. CAMPBELL

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Certified Mail® Priority Mail Express™
 Registered Return Receipt for Merchandise
 Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee) Yes**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mark & Catherine Graham



2. Article Number

(Transfer from service label)

7013 2250 0001 4546 9298

PS Form 3811, July 2013

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

 Agent
 Addressee

B. Received by (Printed Name)

C. GRAHAM

C. Date of Delivery

2-14-15
D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Certified Mail® Priority Mail Express™
 Registered Return Receipt for Merchandise
 Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee) Yes**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Brighton Resort (Randy Doyle)



2. Article Number

(Transfer from service label)

7013 2250 0001 4546 9304

PS Form 3811, July 2013

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

 Agent
 Addressee

B. Received by (Printed Name)

Randy Doyle

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Certified Mail® Priority Mail Express™
 Registered Return Receipt for Merchandise
 Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee) Yes

7013 2250 0001 4546 9298

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

SALT LAKE CITY UT 84121

Postage	\$ 5.75
Certified Fee	\$3.30
Return Receipt Fee (Endorsement Required)	\$2.70
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 11.75

0195
06
Postmark Here
FEB 13 2015
02/13/2015
USPS

Sent To
Mark & Catherine Graham

PS Form 3800, August 2006 See Reverse for Instructions

7013 2250 0001 4546 9304

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

SALT LAKE CITY UT 84121

Postage	\$ 5.75
Certified Fee	\$3.30
Return Receipt Fee (Endorsement Required)	\$2.70
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 11.75

0195
06
Postmark Here
FEB 13 2015
02/13/2015
USPS

Sent To
Brighton Resort, c/o Randy Doyle

PS Form 3800, August 2006 See Reverse for Instructions

7013 2250 0001 4546 9281

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

SALT LAKE CITY UT 84108

Postage	\$ 5.75
Certified Fee	\$3.30
Return Receipt Fee (Endorsement Required)	\$2.70
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 11.75

0195
06
Postmark Here
FEB 13 2015
02/13/2015
USPS

Sent To
Norma Campbell

PS Form 3800, August 2006 See Reverse for Instructions

7013 2250 0001 4546 9274

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

SALT LAKE CITY UT 84124

Postage	\$ 5.75
Certified Fee	\$3.30
Return Receipt Fee (Endorsement Required)	\$2.70
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 11.75

0195
06
Postmark Here
FEB 13 2015
02/13/2015
USPS

Sent To
Peter B Coombs et al

PS Form 3800, August 2006 See Reverse for Instructions

Approval/Disapproval/Comments Form
(Please return in self-addressed,
stamped envelope NLT March 15, 2015.)

Brighton Resort



Approve

Signature

A handwritten signature in black ink, appearing to be 'J. P. ...', written over a horizontal line.

Do Not Approve

Signature

Comments:

Approval/Disapproval/Comments Form
*(Please return in self-addressed,
stamped envelope NLT March 15, 2015.)*

Peter B. Coombs, et al



Approve

Signature *Peter Coombs*

Do Not Approve Signature

Comments:

Approval/Disapproval/Comments Form
(Please return in self-addressed,
stamped envelope NLT March 15, 2015.)

Donna Conway



Approve Signature Donna L. Conway

Do Not Approve Signature

Comments:

This is irrelevant but I wish the lane could revert to its original name of Wasatch Alley or Wasatch Lane.

I can understand why Seann and Tammy would like to reclaim part of Millicentview Lane so they would have control of their front yard.

Approval/Disapproval/Comments Form
(Please return in self-addressed,
stamped envelope NLT March 15, 2015.)

Mark and Catherine Graham



Catherine Graham

Approve

Signature *Mark Graham*

Do Not Approve Signature

Comments:

Approval/Disapproval/Comments Form
(Please return in self-addressed,
stamped envelope NLT March 15, 2015.)

Norma Campbell



Approve

Signature *Norma D. Campbell*

Do Not Approve

Signature

Comments:

Approval/Disapproval/Comments Form
(Please return in self-addressed,
stamped envelope NLT May 22, 2015.)

Bonnie E. Jensen
c/o James Cornwall



Approve Signature _____

Do Not Approve Signature James Cornwall

Comments:

Waiting For MOVE info From
County,

James Cornwall



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> <i>Kathryn Vos</i> <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Kathryn Vos</i> C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p><i>Kathryn Vos</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7013 2250 0001 4546 9335</p>
<p>PS Form 3811, July 2013 Domestic Return Receipt</p>	

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
SALT LAKE CITY UT 84124	
Postage	\$ 5.75
Certified Fee	\$3.30
Return Receipt Fee (Endorsement Required)	\$2.70
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 11.75
Sent To <i>Kathryn Vos</i> Street City	
PS Form 3800, August 2006 See Reverse for Instructions	

COTTONWOOD BRANCH
MAY 22 2015
Postmark Here
USPS 84124

Approval/Disapproval/Comments Form
(Please return in self-addressed,
stamped envelope NLT May 29, 2015.)

Rochelle Foster



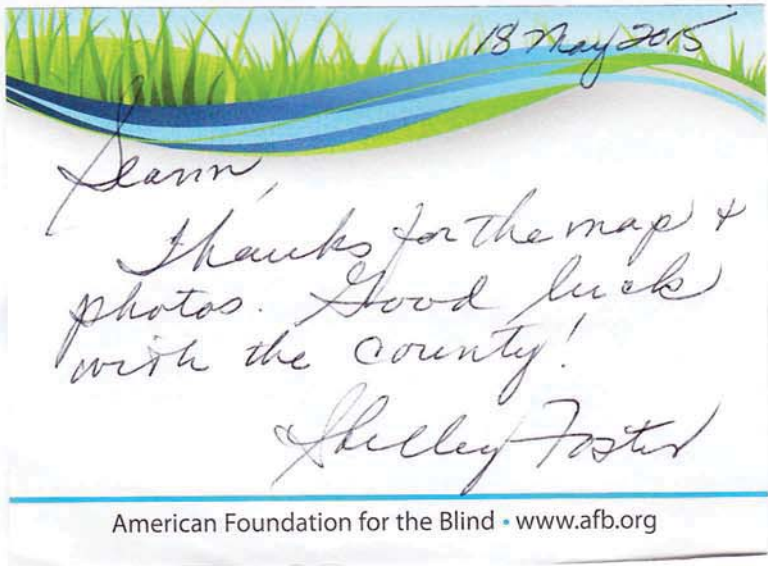
Approve

Signature *Rochelle D. Foster*

Do Not Approve

Signature _____

Comments:



SALT LAKE COUNTY ORDINANCE

ORDINANCE NO: _____

Date: _____

STREET VACATION

AN ORDINANCE VACATING PUBLIC INTEREST IN PORTIONS OF A PLATTED STREET WITHIN THE SILVER LAKE SUMMER RESORT SUBDIVISION LOCATED WITHIN THE UNINCORPORATED COUNTY.

The County Legislative Body of Salt Lake County ordains as follows:

SECTION I. (1) Two portions of the platted Wahsatch Street (currently knows as Millicent View Lane) which is more fully detailed on Exhibits "A" and "B", attached hereto and incorporated herein by reference, are hereby vacated.

(2) The purpose of the vacation is to allow an adjacent property owner, Seann Miller, who owns property located at 8071 Millicentview Lane, also known as Parcel No. 24-35-176-035, to purchase the land and incorporate it into his existing parcel.

(3) Mark and Catherine Graham, owners of property located at 8085 South Millicentview Lane, also known as Parcel No. 24-35-176-013, have submitted a Waiver of Interest as to the portion of the road to be vacated that is identified on Exhibit B, so that Mr. Miller can acquire that portion of the vacated road.

(3) The portion of the road to be vacated has been appraised at \$8,250.00, which amount has been determined to be adequate compensation for the transfer of the County's interest, and Mr. Miller has agreed to pay this amount to the County.

(4) This ordinance is based upon a determination by the County Legislative Body following a public hearing on March 8, 2016, that due and proper notice of the hearing to vacate the platted street segments was duly given according to law; that no objection was made to the proposed vacation; that good cause exists for the vacation; and that neither

the public interest nor any person will be materially injured by the vacation; that fair and adequate consideration shall be provided; and that the County has no present or foreseeable future public need for the portion of the road being vacated, or for any other public purpose.

(5) Upon payment by Mr. Miller of the \$8,250.00, all right, title and interest in and to the specified portions of the street being vacated are to revert or otherwise be conveyed, by operation of state law, county ordinances, and the Waiver of Interest signed by Mark and Catherine Graham, to the abutting property owner, Seann Miller.

(6) This ordinance shall have no force or effect to impair any other existing easements or rights-of-way for public utilities, public franchises, irrigation, storm drainage, or other such easements, as presently exist under, over, or upon the vacated portions of said street, or as are or may be shown on the official plats and records of the County.

(7) The Salt Lake County Recorder is hereby directed to record this ordinance and accompanying exhibits, and to make the necessary changes on the official plats and records of the County to reflect said ordinance.

SECTION II. This ordinance shall become effective 15 days after its passage and upon at least one publication of the ordinance or a summary of the ordinance in a newspaper published and having general circulation in Salt Lake County.

APPROVED and ADOPTED this __ day of _____, 2016.

SALT LAKE COUNTY

By _____
Max Burdick, Chair

ATTEST:

Salt Lake County Clerk

APPROVED AS TO FORM

By _____
Deputy District Attorney

Date : _____

Vetoed and dated this _____ day of _____, 2016.

Mayor Ben McAdams or Designee

(Complete as Applicable)

Veto override: Yes ___ No ___ Date: _____

Ordinance published in newspaper: Date: _____

Effective date of ordinance: _____

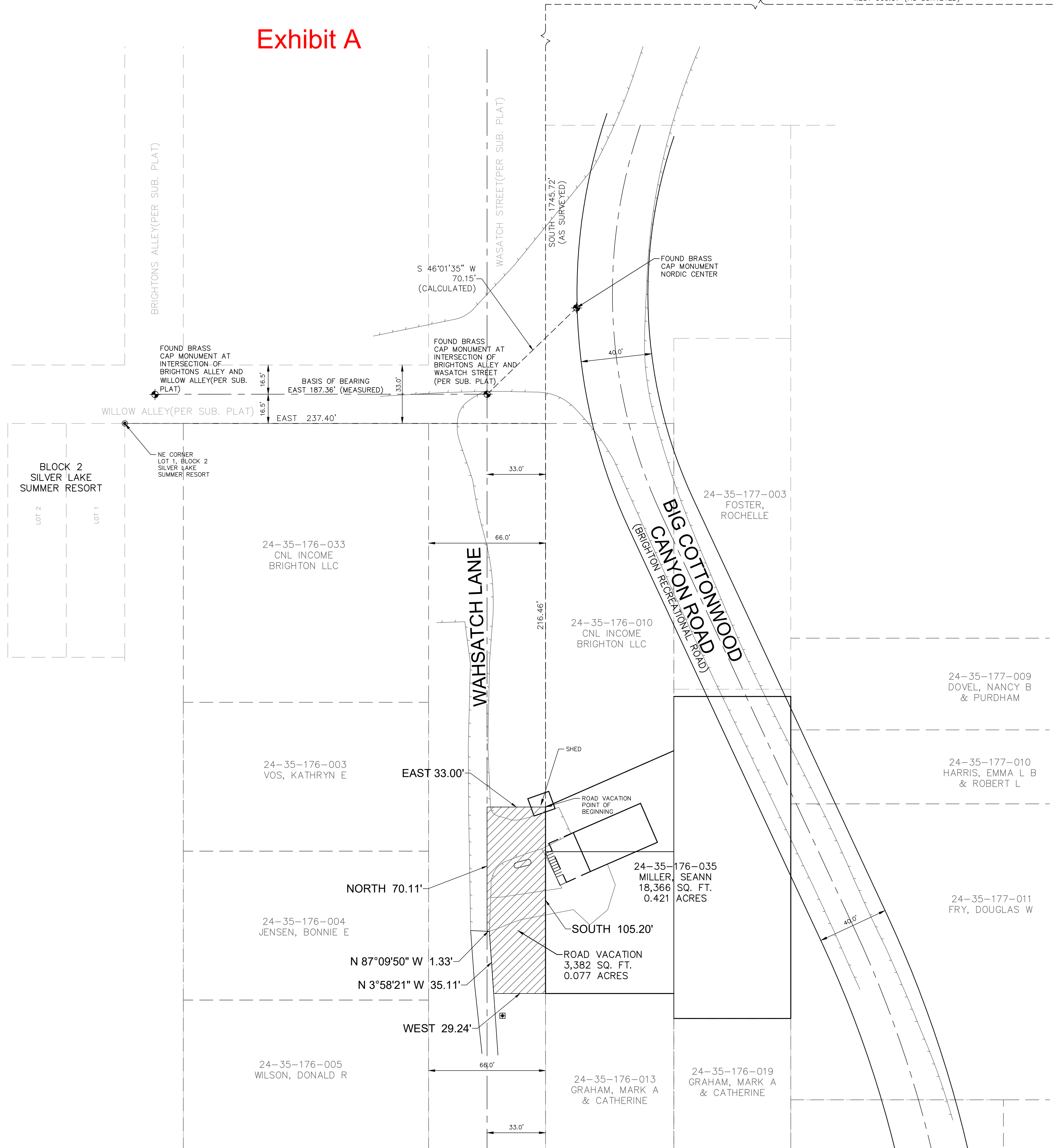
ORDINANCE HISTORY

- Council Member Bradley voting _____
- Council Member Bradshaw voting _____
- Council Member Burdick voting _____
- Council Member DeBry voting _____
- Council Member Granato voting _____
- Council Member Jensen voting _____
- Council Member Newton voting _____
- Council Member Snelgrove voting _____
- Council Member Wilson voting _____

Exhibit A

NORTH QUARTER CORNER SECTION 35, T2S, R3E, SLB&M
 FOUND BRASS CAP MONUMENT GLO 1938
 26/26
 35/35

WEST 909.37 (AS SURVEYED)



Surveyor's Certificate

I, Nathan B. Weber, certify that I am a Professional Land Surveyor as prescribed under the laws of the state of Utah and that I hold license no. 5152762. I further certify that a land survey was made of the property described below, and the findings of that survey are as shown hereon.

Road Vacation Description

A road vacation being a part of Wahsatch Street of the Silver Lake Summer Resort subdivision recorded October 2, 1890 in Book C, at Page 57 in the Office of the Salt Lake County Recorders Office, located in the Northwest Quarter of Section 35, Township 2 South, Range 3 East, Salt Lake Base and Meridian, the boundary of said road vacation is described as follows:

Beginning at a northwesterly corner of that tract of land conveyed to Seann Miller per that Warranty Deed recorded October 15, 2012 as Entry No. 11492235 in Book 10066, at Page 4453, said northwesterly corner being 237.40 feet East and 216.46 feet South from the Northeast corner of Block 2, Silver Lake Summer Resort, northwesterly corner also being West 909.37 feet and South 1683.34 feet from the North Quarter Corner of Section 35;

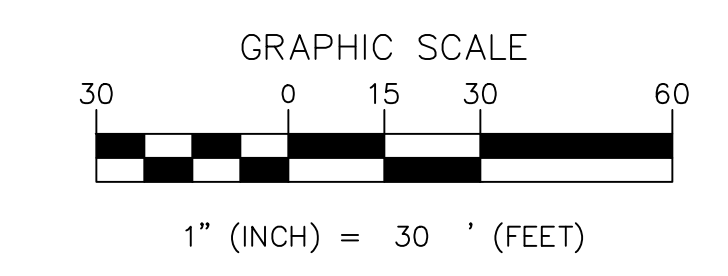
thence South 105.20 feet along the West line of said Sean Miller tract;
 thence West 29.24 feet to the easterly line of an existing paved/dirt road;
 thence along said road the following three(3) courses:

- 1) North 03°58'21" West 35.13 feet;
- 2) North 87°09'50" West 1.33 feet;
- 3) North 70.11 feet;

thence departing said road East 33.00 feet to the west line of said Sean Miller tract to the point of beginning.

Parcel contains 3,381 Sq. Ft. or 0.077 Acres.

Basis of Bearing: East between the found brass cap monument at the intersection of Brightons Alley and Willow Alley and the found brass cap monument at the intersection of Brightons Alley and Wahsatch Street.



LEGEND

- Deed Parcel Line
- Easement Line
- Right-of-Way Line
- Silver Lake Summer Resort Sub. Line
- Adjoiner Line
- Easement Area
- Road Vacation Area
- Quarter Section Corner
- Quarter Section Corner

Narrative:

The basis of bearing is East between found monuments on Willow Alley (per subdivision plat) at the intersections of Brightons Alley (per subdivision plat) and Wahsatch Street (per subdivision plat) located in the Northwest Quarter of Section 35, Township 2 South, Range 3 East, Salt Lake Base and Meridian as shown.

No.	DATE	REVISIONS



DIAMOND
LAND SURVEYING, LLC

5243 South Greepine Drive
Murray, Utah 84123
Phone: 801-266-6092 Fax: 801-266-6093
diamond@diamondsurvey.com www.diamondsurvey.com

Boundary Surveys
Topography Surveys
Subdivisions
Construction Staking
A.L.T.A. & A.C.S.M. Surveys

ROAD VACATION EXHIBIT
8071 SOUTH MILLICENT VIEW LANE
BRIGHTON, UTAH

SEANN MILLER

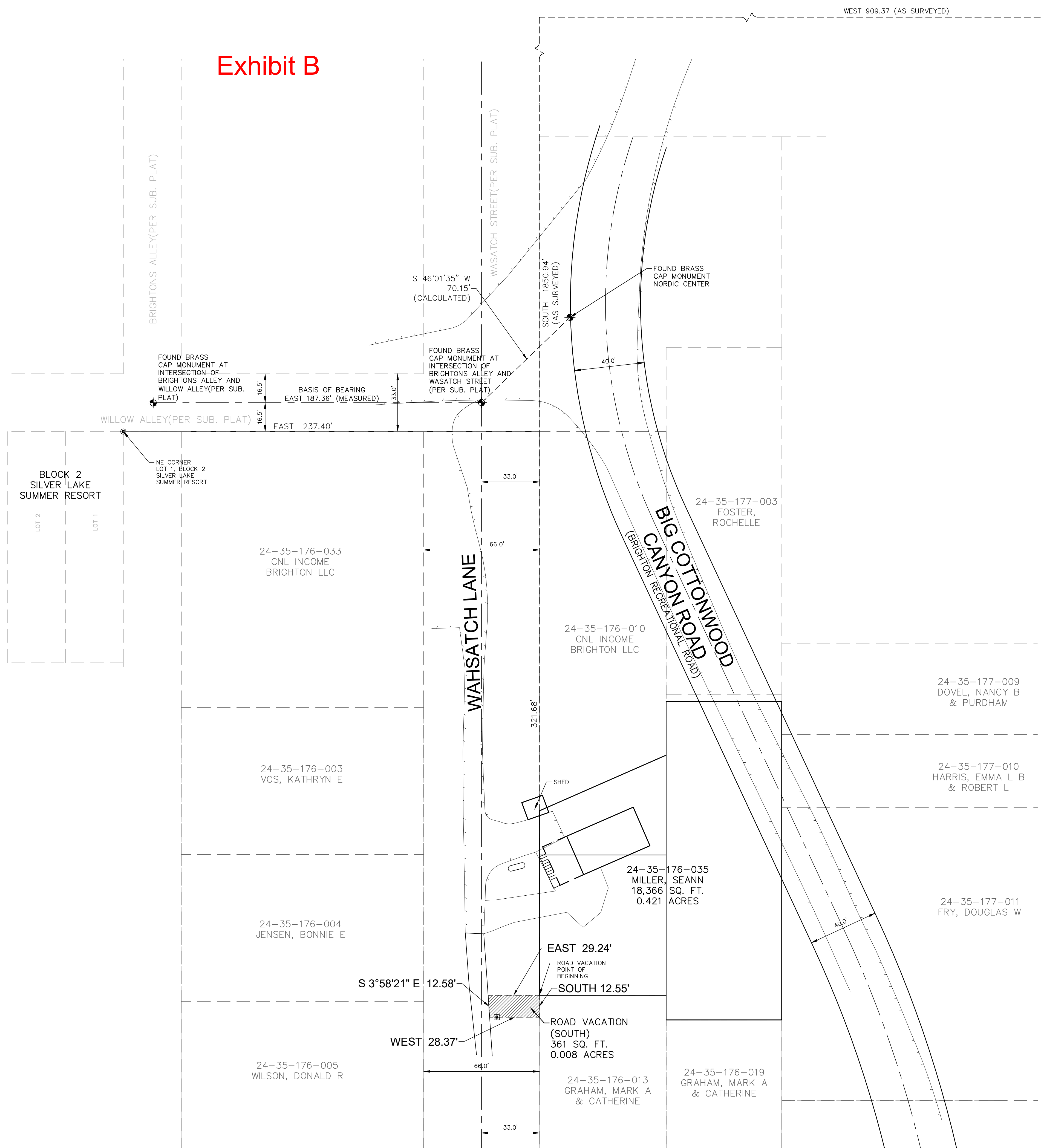
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DATE PLOTTED 12/29/15
 JOB No. 14-087
 SHEET

LOCATED IN THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN

Exhibit B

NORTH QUARTER CORNER SECTION 35, T2S, R3E, SLB&M
 26/26
 35/35
 FOUND BRASS CAP MONUMENT GLO 1938



Surveyor's Certificate

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Road Vacation Description

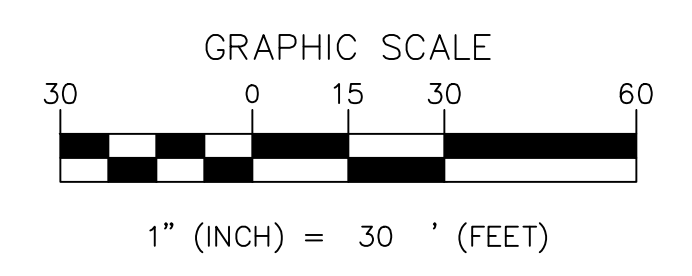
A road vacation being a part of Wahsatch Street of the Silver Lake Summer Resort subdivision recorded October 2, 1890 in Book C, at Page 57 in the Office of the Salt Lake County Recorders Office, located in the Northwest Quarter of Section 35, Township 2 South, Range 3 East, Salt Lake Base and Meridian, the boundary of said road vacation is described as follows:

Beginning at the northwesterly corner of that tract of land conveyed to Mark A. Graham per that Warranty Deed recorded August 16, 1995 as Entry No. 6142936 in Book 7207, at Page 1251, said northwesterly corner being 237.40 feet East and 321.68 feet South from the Northeast corner of Block 2, Silver Lake Summer Resort, northwesterly corner also being West 909.37 feet and South 1850.94 feet from the North Quarter Corner of Section 35;

- thence South 12.55 feet along the west boundary line of said tract;
- thence West 28.37 feet to the easterly line of an existing paved/dirt road;
- thence North 03°58'21" West 12.58 along said road;
- thence East 29.24 feet to the point of beginning.

Parcel contains 361 Sq. Ft. or 0.008 Acres.

Basis of Bearing: East between the found brass cap monument at the intersection of Brightons Alley and Willow Alley and the found brass cap monument at the intersection of Brightons Alley and Wahsatch Street.



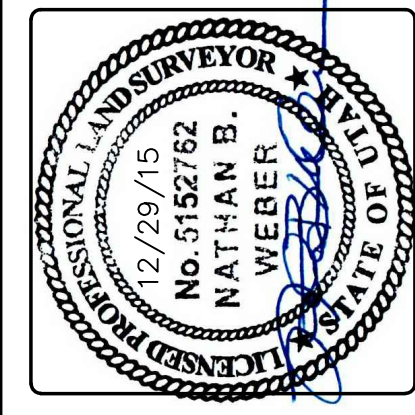
LEGEND

- Deed Parcel Line
- Easement Line
- Right-of-Way Line
- Silver Lake Summer Resort Sub. Line
- Adjoiner Line
- Road Vacation Area
- Quarter Section Corner
- Quarter Section Corner

Narrative:

The basis of bearing is East between found monuments on Willow Alley (per subdivision plat) at the intersections of Brightons Alley (per subdivision plat) and Wahsatch Street (per subdivision plat) located in the Northwest Quarter of Section 35, Township 2 South, Range 3 East, Salt Lake Base and Meridian as shown.

No.	DATE	REVISIONS



DIAMOND
LAND SURVEYING, LLC

5243 South Greepine Drive
Murray, Utah 84123
Phone: 801-266-6099 Fax: 801-266-6092
diamond@diamondsurvey.com www.diamondsurvey.com

Boundary Surveys
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ROAD VACATION EXHIBIT
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SEANN MILLER

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DATE PLOTTED 12/29/15
 JOB No. 14-087
 SHEET

LOCATED IN THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN

**OFFICE OF TOWNSHIP SERVICES**

Planning and Development Services

2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050

Phone: (385) 468-6700 • Fax: (385) 468-6674

www.pwpds.slco.org

File # 29743

Rezone Summary and Recommendation

Public Body: Salt Lake County Council**Parcel ID:** 17-17-400-004**Property Address:** 6301 East I-80 Freeway**Request:** Rezone**Meeting Date:** April 5, 2016**Current Zone:** FR-20**Proposed Zone:** F-1**Community Council:** Parleys Canyon**Planner:** Todd A. Draper**Community Council Recommendation:** None Provided**Planning Commission Recommendation:** Denial**Planning Staff Recommendation:** Denial (See Staff analysis)**Applicant Name:** Shayneh and Jason Starks**Unincorporated:** Parleys Canyon

PROJECT DESCRIPTION

The applicant is requesting the rezone of approximately 63 acres in Parleys Canyon from the FR-20 zone (Forestry and Recreation, 20 acre minimum lot size) to the F-1 (Forestry, 20,000 sq. ft. minimum lot size) zone. The aim of the applicant is to eventually create a green burial cemetery on the site. A cemetery is an allowable use in the F-1 zone where it is currently not permitted in the existing FR-20 zone.

SITE & VICINITY DESCRIPTION (see attached map)

The property is located in Parleys Canyon and is bifurcated by the I-80 Interstate Freeway. Access is from the Mount Aire exit and gate.

GENERAL PLAN CONSIDERATIONS

The Wasatch Canyons Master Plan supports restricting commercial enterprises in canyons other than Big and Little Cottonwood canyons to existing commercially zoned land and areas outside of the canyons. While the desired cemetery use may be commercial in nature, the proposed F-1 zone is not considered to be a commercial zone. Furthermore the language of the Master Plan places a majority of the emphasis concerning commercial enterprises on the activities of retail, lodging, and condominium development.

Parleys Canyon was intended to be protected under the FR zoning which was established to permit the development of the canyon area for forestry recreation and other uses compatible with the protection of the natural and scenic resources of these areas. The F-1 zone is similar in purpose, but with additional emphasis on residential development and utilization of the natural environment and resources of the canyon areas.

Protection of the Canyons environment was foremost in the preparation of the Wasatch Canyons Master Plan. The following issues are considered to be requisite components of the review process to determine the short and long-term effect of a development:

1. Water Quality, with primary attention to municipal watershed management
2. Transportation, with assessments of predominate modes, qualification of impacts, and traffic mitigation strategies;
3. Vegetation, including mountain wetlands;
4. Wildlife;
5. Other users of Canyon resources, including public recreation;
6. Visual impacts including signs;
7. Public health and safety;
8. Public infrastructure;
9. Cultural and historical impacts;
10. Other factors deemed important.

ZONE CONSIDERATIONS

Requirement	Existing Zone	Proposed Zone
Height	30 feet	30 feet on slopes in excess of 15 %, 35 feet on others.
Front Yard Setback	none	15 feet for lots facing a state highway. 5 feet for lots facing a county road.
Side Yard Setback	none	8 feet minimum, combined total of 18 feet.
Rear Yard Setback	none	25 feet
Lot Width	300 feet	75 feet
Lot Area	20 acres min.	20,000 square feet minimum lot size for a dwelling structure. 1 acre minimum lot size for all conditional uses.
Dwelling unit density	1 d.u. per gross acre	(see lot area above)
Slope requirements	All development in the FR zones shall be subject to the slope protection standards set forth in the foothills and canyons overlay zone, Section 19.72.030B, "Slope Protection Standards" and Section 19.72.030D, "Streets and Roads."	No specific prohibitions regarding development on steep slopes. The F-1 zone references, in part, the outdated Hillside protection zone, the predecessor to the current Foothills and Canyons Overlay Zone (FCOZ). The FCOZ overlay would still apply to this area and would continue to regulate development on steep slopes.

ISSUES OF CONCERN/PROPOSED MITIGATION

The main issue of concern identified by staff is the increase in potential residential density. Currently the property acreage is approximately 61.75 acres. The proposed zone would increase the number of potential residential units from 3 units to 134 units. Potential mitigations of this concern could include implementation of a zoning condition limiting residential densities to no more than that of the existing FR-20 zone, or a limit on the amount of area rezoned to include just the area where a cemetery use would be most appropriate (approximately 2 acres just south of the freeway), or a combination of both.

Another issue of concern is the high visibility of the property from the freeway. Allowing uses that could potentially permit large permanent structures or that could include large and/or visible changes to the existing natural vegetation and/or scenic aspects of the property would not be in harmony with the general plan. The imposition of zoning conditions eliminating certain uses may also be a potential mitigating solution to this issue.

NEIGHBORHOOD RESPONSE

One neighbor from the Mount Aire neighborhood has called with questions and concerns about the future development of the property in question. They did not indicate either a favorable or an unfavorable opinion of the rezone petition.

COMMUNITY COUNCIL RESPONSE

The Parleys Community Council has been contacted and a response has been solicited. As this Community Council does not hold regular monthly meetings no formal written response has been received. At the time of the Mountainous District Planning Commission meeting Max Johnson of Planning Staff did indicate that the member of the Community Council had contacted him via e-mail and that another came in looking for more information. Concerns raised by the Chair of the Community Council that were provided after the Planning Commission meeting included potential traffic impacts, access issues, and development on steep slopes.

PLANNING COMMISSIONS' RESPONSE

At their regularly scheduled meeting on February 4, 2016 the Mountainous District Planning Commission made a unanimous recommendation of denial of the request to rezone from FR-20 to F-1 to the County Council based upon the following reasons:

- The 1989 Wasatch Canyons Master Plan specifically recommends that new areas for commercial development in Parleys Canyon not be created.
- The increase in residential densities that would be allowed under the F-1 zone is incompatible with the intent of the current Master Plan to reduce development activity and increase protection of the natural environment.
- The purposed of the existing FR-20 zone is to permit development in general such that it is compatible with the protection of the natural and scenic resources of the area and for the continued benefit of future generations, whereas the purpose of the F-1 zone is to specifically permit residential development as well as utilization and preservation of the natural environment and resources.
- The uses under the Current FR-20 zoning have more restrictions placed on them than those in the proposed F-1 zone.
- The F-1 zone is outdated and no other land area in the unincorporated county currently carries this zoning designation.
- Approval of the F-1 zone would be resurrecting a zone that is destined to be decommissioned.

PLANNING STAFF ANALYSIS

The F-1 zone is no longer utilized and is outdated to some degree with respect to other county ordinances and the 1989 Master Plan. If the rezone to F-1 was approved, the provisions of the Foothills and Canyons Overlay zone would still apply to the property.

The F-1 zone would allow the following new uses for the subject property that are not specifically allowed under the current FR zoning (see attached ordinance exhibits):

- Airport
- Cemetery, mortuary, etc.
- Dude Ranch
- Farm devoted to raising (including slaughtering, dressing and marketing as incident to raising) beaver and nutria
- Forest industry; production of forest products
- Golf Course
- Hydroelectric Dam
- Pigeons, subject to health department regulations
- Private park and recreational grounds; private recreational camp or resort
- Radio and/or television towers
- Water pumping plant and reservoir

In the opinion of staff of all the additional uses allowed under the F-1 zone only the uses of a cemetery and private recreational grounds would be consistent with the stated general plan goal of protection of the natural and scenic resources of these areas. Other uses, including the related uses of mortuaries, private parks and private camps or resorts, have a higher propensity for visual intrusion and increased likelihood for removal of natural vegetation. As the subject property is highly visible from the freeway, minimizing potential visual impacts of development is an important consideration.

The following uses are currently allowed under the current FR zoning, but would no longer be allowed if the zoning was changed to F-1 (see attached ordinance exhibits):

- Household Pets
- Minor Ski Resort Improvements
- Wireless telecommunication facilities
- Bed and breakfast homestay
- Commercial Recreation
- Dwelling Group
- Horses
- Living quarters for persons employed on premises of any main use
- Logging and lumber processing (with approval by any federal and state agencies)
- Mineral Extraction
- Offices incidental to main use
- Ski Resorts

Restricting development of the preceding list of uses from the subject property would not necessarily be detrimental or contrary to the purposes of the General Plan.

Reasons supporting Approval of the Rezone proposal:

- The F-1 zone has similar provisions to the existing FR-20 zone pertaining to the intent to protect the natural environment.
- The 1989 Wasatch Canyons Master Plan does not specifically address aspects related to a proposed commercial cemetery use in Parleys Canyon.
- Due to known issues regarding vehicular access and steep slopes on the subject property, the probability that the maximum allowable increase in residential dwelling units could be realized is minimal. Inclusion of zoning conditions restricting density as allowed under section 19.90.060 of Salt Lake County ordinances could provide further alleviation of concerns relative to dwelling unit density.
- There are fewer allowable uses in the F-1 zone, the result being that the zone is more restrictive on the range of possible uses that could otherwise be developed on the property. Inclusion of zoning conditions restricting uses as allowed under section 19.90.060 of Salt Lake County ordinances could provide further alleviation of concerns relative to allowable uses.

Reasons supporting Denial of the Rezone proposal:

- The 1989 Wasatch Canyons Master Plan specifically recommends that new areas for commercial development in Parleys Canyon not be created.
- The increase in residential densities that would be allowed under the F-1 zone is incompatible with the intent of the current Master Plan to reduce development activity and increase protection of the natural environment.
- The purpose of the existing FR-20 zone is to permit development in general such that it is compatible with the protection of the natural and scenic resources of the area and for the continued benefit of future generations, whereas the purpose of the F-1 zone is to specifically permit residential development as well as utilization and preservation of the natural environment and resources.
- The uses under the Current FR-20 zoning have more restrictions placed on them than those in the proposed F-1 zone.
- The F-1 zone is outdated and no other land area in the unincorporated county currently carries this zoning designation.

PLANNING STAFF RECOMMENDATION TO PLANNING COMMISSION

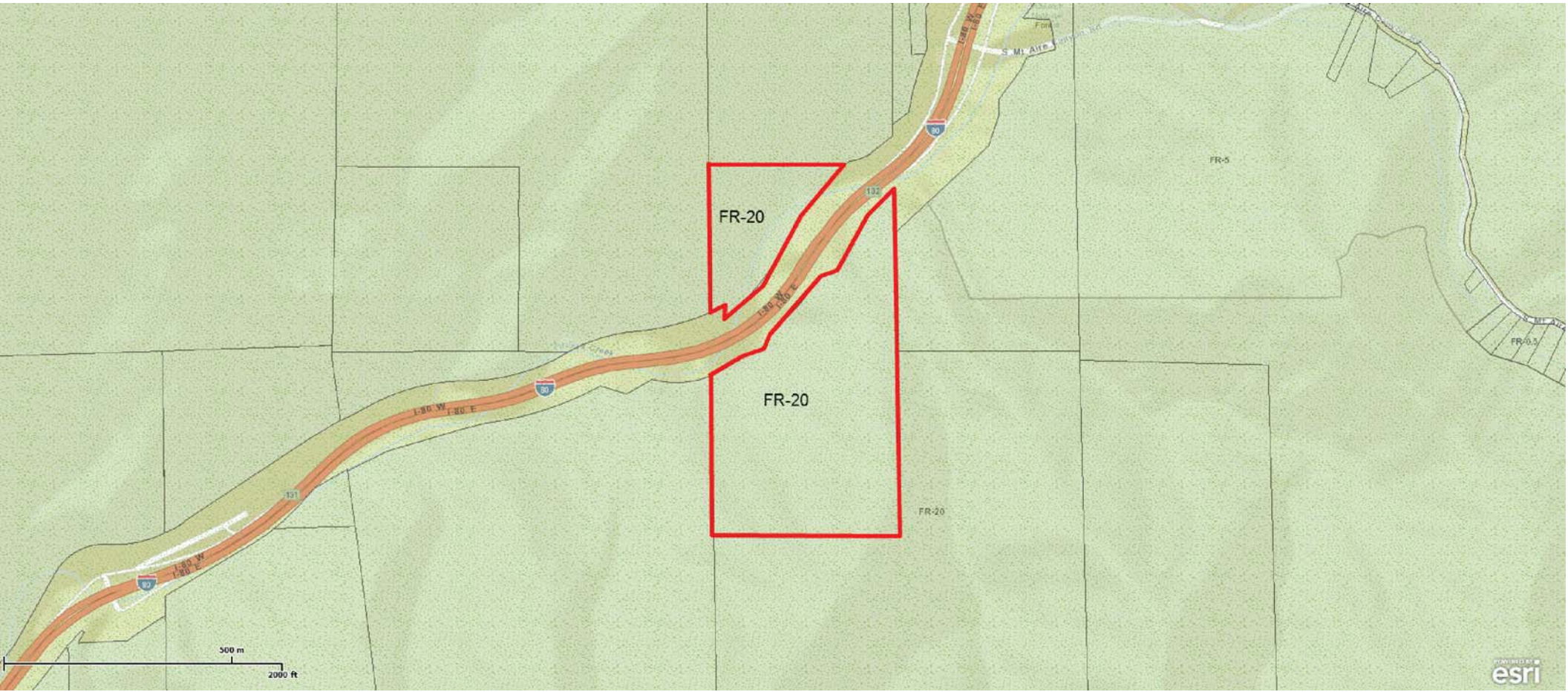
Staff recommended to the Mountainous District Planning Commission that they forward a recommendation of denial to the Salt Lake County Council based upon the analysis provided in the staff report and the reasons for denial listed in the staff analysis.

Alternatively staff provided the Mountainous District Planning Commission with the following recommendations should they have choose to forward a recommendation of approval of The F-1 zone to the Salt Lake County Council. Staff recommended in that situation that the following zoning conditions be included in the recommendation:

- a) Dwelling unit density limited to 1 dwelling unit per 20 acres.
- b) Restriction (elimination) of the following uses from the F-1 zone
 - a. Airport
 - b. Mortuary
 - c. Day care/preschool center
 - d. Dude ranch
 - e. Farm Devoted to the raising of beaver and nutria
 - f. Forest Industry; production of forest products
 - g. Golf Course
 - h. Hydroelectric Dam
 - i. Pigeons, subject to health department regulations
 - j. Private recreational camp or resort
 - k. Radio and/or television tower
 - l. Underground record storage vaults
 - m. Water pumping plant and reservoir

#29743

Zoning Map



Tue Nov 3 2015 08:26:08 AM.

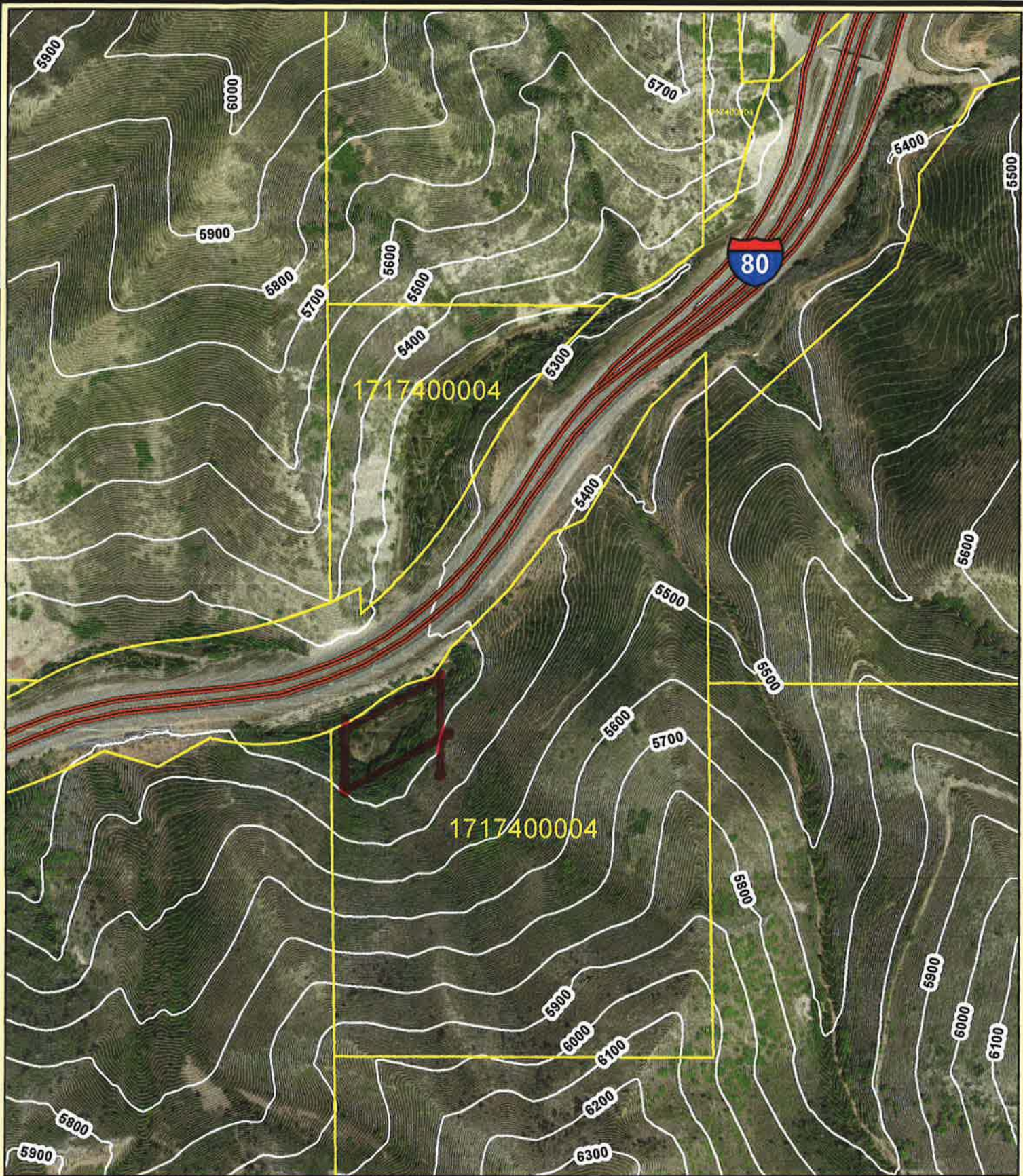
#29743

Aerial Map



Tue Nov 3 2015 08:27:29 AM.

POWERED BY
esri



-  Parcels
-  100 ft Contours
-  5 ft Contours

In Conjunction with the Offices of:
 Salt Lake County Assessor
 Salt Lake County Clerk
 Salt Lake County Mayor
 Salt Lake County Recorder

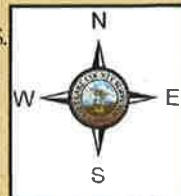
Parcel 17-17-400-004

The information depicted on this map is not field verified and is for general reference only. The information is not intended to be used to determine property ownership, final building and site design, jurisdictional boundaries, or to replace a certified topographical or boundary survey, or any other legal document.

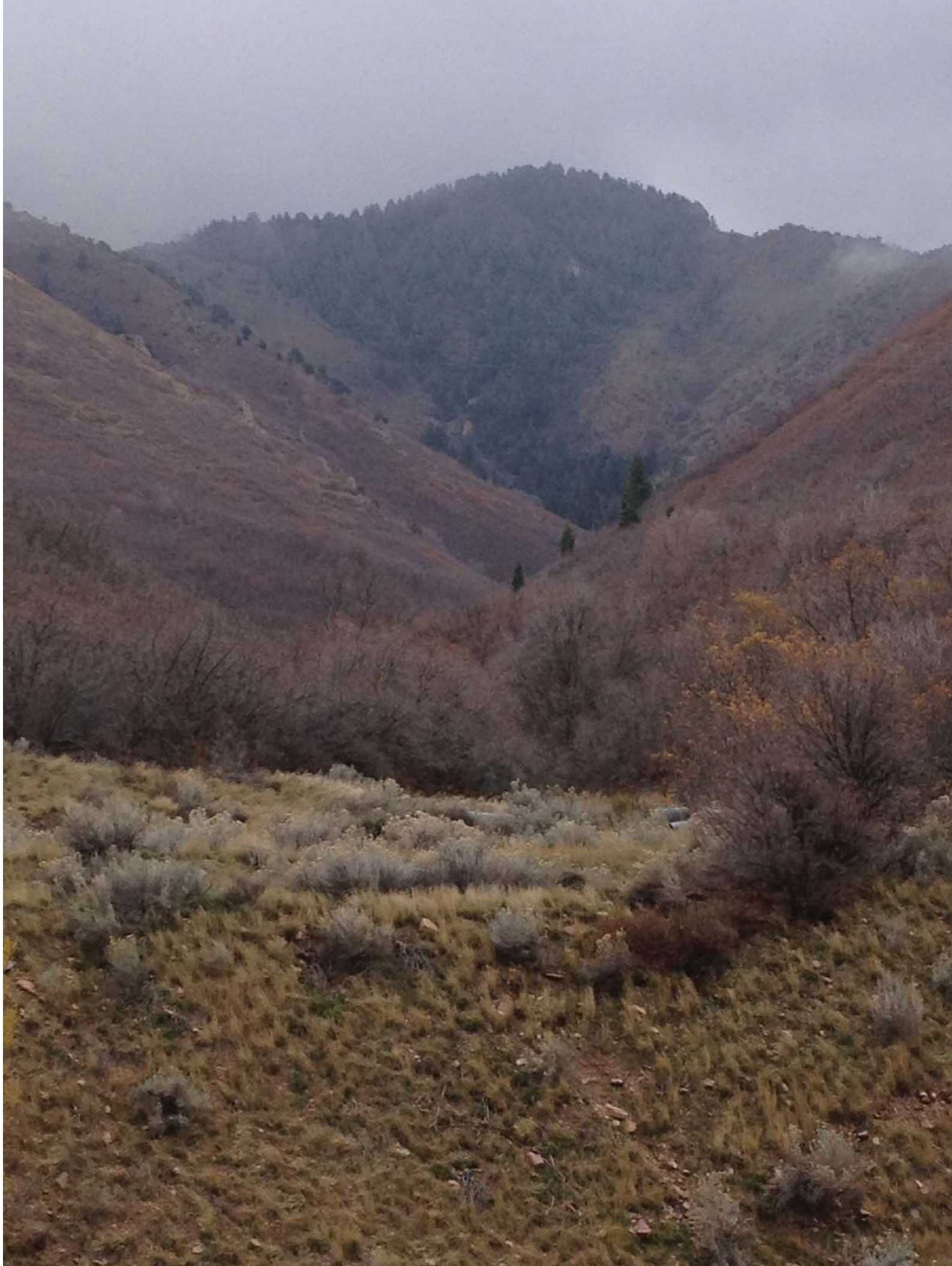
Prepared By The Office Of:
 REID J. DEMMAN P.L.S.
 Salt Lake County Surveyor

2001 S. State N1 400
 S.L.C. UT 84114-4575
 385-488-8240
 www.surveyor.slc.org

SU20150299







Chapter 19.08 - F-1 FORESTRY ZONE

Sections:

19.08.010 - Purpose of provisions.

The purpose of the F-1 zone is to permit limited residential development as well as utilization and preservation of the natural environment and resources of the canyon areas in Salt Lake County.

(Prior code § 22-9-1)

19.08.020 - Permitted uses.

Permitted uses in the F-1 zone include:

- Accessory buildings and uses customarily incidental to the below;
- Home business, subject to Chapter 19.85;
- Home day care/preschool, subject to Section 19.04.293;
- Residential facility for persons with a disability;
- Single-family dwelling.

(Ord. No. 1753, § III, 8-6-2013; Ord. 1535, § 4 (part), 2004; Ord. 1452, § 3, 1999; Ord. 1179, § 5 (part), 1992; § 1(part) of Ord. passed 2-1-1984; prior code § 22-9-2)

19.08.030 - Conditional uses.

Conditional uses in the F-1 zone include:

- Agriculture; the keeping of animals and fowl for family food production; grazing and pasturing of animals;
- Airport;
- Cemetery, mortuary, etc.;
- Day care/preschool center (subject to Section 19.76.260);
- Dude ranch;
- Farm devoted to raising (including slaughtering, dressing and marketing as incident to raising) beaver and nutria;
- Forest industry; production of forest products;
- Golf course;
- Home day care/preschool, subject to Section 19.04.293;
- Hydroelectric dam;

- Pigeons, subject to health department regulations;
- Planned unit development;
- Private park and recreational grounds; private recreational camp or resort;
- Public and quasi-public use;
- Radio and/or television tower;
- Residential facility for elderly persons;
- Temporary buildings for uses incidental to construction work, which buildings must be removed upon completion or abandonment of the construction work. If such buildings are not removed within ninety days upon completion of construction and thirty days after notice, the building will be removed by the county at the expense of the owner;
- Underground record storage vaults;
- Water pumping plant and reservoir.

(Ord. 1473 (part), 2001; Ord. 1200 § 4 (part), 1992; (Part) of Ord. passed 12/15/82; prior code § 22-9-3)

19.08.040 - Lot area.

The minimum area for any dwelling in the F-1 zone shall be not less than twenty thousand square feet. The minimum lot area for any conditional use shall be determined by the planning commission. In no case shall the minimum area for a conditional use be less than one acre.

(Prior code § 22-9-4)

19.08.050 - Lot width.

The minimum width for any dwelling lot in the F-1 zone shall be seventy-five feet.

(Prior Code § 22-9-5)

19.08.060 - Front yard.

In the F-1 zone, the minimum depth of the front yard for main buildings and for private garages which have a minimum side yard of eight feet shall be fifteen feet for lots facing on a state highway and five feet for lots facing on a county road. All accessory buildings other than private garages which have a minimum side yard shall be located at least six feet in the rear of the main building.

(Prior code § 22-9-7)

19.08.070 - Side yard.

In the F-1 zone, the minimum side yard for any dwelling shall be eight feet, and the total width of the two required side yards shall be not less than eighteen feet. Other main buildings shall have a minimum side yard of twenty feet, and the total width of the two side yards shall be not less than forty feet. The minimum side yard for a private garage shall be eight feet, except that private garages and other accessory buildings located in the rear and at least six feet away from the main building may have a minimum side yard of one foot, provided that no private garage or other accessory building

shall be located closer than ten feet to a dwelling on an adjacent lot. On corner lots, the side yard which faces on a street for both main and accessory buildings shall be not less than fifteen feet on state highways or eight feet on other streets.

(Prior code § 22-9-6)

19.08.080 - Rear yard.

In the F-1 zone, the minimum rear yard for a main building shall be twenty-five feet, and for accessory buildings one foot, provided that on corner lots which rear upon the side yard of another lot, accessory buildings shall be located not closer than eight feet to such side yard.

(Prior code § 22-9-8)

19.08.090 - Building height.

- A. Except as otherwise specifically provided in this title, no building or structure shall exceed the following height:
1. Thirty feet on property where the slope of the original ground surface exceeds fifteen percent or the property is located in the hillside protection zone. The slope shall be determined using a line drawn from the highest point of elevation to the lowest point of elevation on the perimeter of a box which encircles the foundation line of the building or structure. The box shall extend for a distance of fifteen feet or to the property line, whichever is less, around the foundation line of the building or structure. The elevation shall be determined using a certified topographic survey with a maximum contour interval of two feet;
 2. Thirty-five feet on other properties;
- B. No dwelling structure shall contain less than one story.

(Ord. 1237 § 3, 1993)

Chapter 19.12 - FR-0.5, FR-1, FR-2.5, FR-5, FR-10, FR-20, FR-50 AND FR-100 FORESTRY AND RECREATION ZONES

Sections:

19.12.010 - Purpose of provisions.

The purpose of the forestry and recreation zones is to permit the development of the foothill and canyon areas of the county for forestry, recreation, and other specified uses to the extent such development is compatible with the protection of the natural and scenic resources of these areas for the continued benefit of future generations.

(Ord. 1417 § 5 (part), 1998)

19.12.020 - Permitted uses.

The following uses are permitted in the FR zones subject to compliance with all applicable requirements set forth in this chapter including those relating to site and lot dimensions, development standards, and other regulations:

- A. Accessory uses and structures customarily incidental to a permitted use;
- B. Agriculture, as defined in Section 19.04.020;
- C. Home business, subject to Chapter 19.85;
- D. Home day care/preschool for six or fewer children subject to the conditions set forth in Section 19.04.293;
- E. Household pets, provided the area proposed for animals is not in a watershed area, primary water supply recharge area, or drinking water source protection area, as determined by the Salt Lake Valley health department or Utah Department of Environmental Quality;
- F. Minor ski resort improvements, provided:
 1. That the privately owned land areas on which such improvements are permitted constitute less than ten percent of the total land area utilized for the ski resort that the improvements support, and
 2. That at least ninety percent of the land area on which the improvements are developed, operated, and maintained is on public lands, and
 3. That the public agency responsible for the management and administration of such lands has previously approved a special use permit or similar regulatory authorization, and has assumed long-term administrative and enforcement responsibilities for such approvals, and
 4. That opportunities for public notice, review, and comment on the proposed improvements have been provided through a finalized National Environmental Policy Act (NEPA) or other comprehensive public review and comment process, and
 5. That such improvements are either:
 - a. Essential to public safety, or
 - b. Required in association with the reasonable repair or maintenance of existing legally established facilities and improvements, or

- c. Essential to the continuation or extension of improvements approved under the terms of a governmental land lease or use permit or by final action of the federal or state governmental agency with jurisdiction over the lands on which the improvements are located;
- G. Residential facility for persons with a disability;
- H. Single-family dwellings;
- I. Wireless telecommunication facilities; provided:
 - 1. The wireless telecommunication facility is a wall-mounted or roof-mounted facility, and
 - 2. The facility is mounted on a nonresidential building, and
 - 3. A computer-generated visual simulation of the proposed structure is submitted as part of the required site plan, and
 - 4. All other applicable requirements set forth in Chapter 19.83, "Wireless Telecommunications Facilities," are satisfied.

(Ord. No. 1753, § III, 8-6-2013; Ord. 1597, § 3, 2006; Ord. 1535, § 4 (part), 2004; Ord. 1473 (part), 2001; Ord. 1454, § 3 (part), 1999; Ord. 1452, § 5, 1999; Ord. 1417, § 5 (part), 1998)

19.12.030 - Conditional uses.

The following conditional uses are subject to the requirements of this chapter, all general and specific conditions, criteria, and approval procedures set forth in Chapter 19.84, "Conditional Uses," and for properties situated within the foothills and canyons overlay zone, the procedures and provisions of Chapter 19.72, "Foothills and Canyons Overlay Zone" and Chapter 19.73, "Foothills and Canyons Site Development and Design Standards."

The development services director may review and approve conditional use permits for ski resort facilities and improvements which satisfy the criteria set forth in subparts (E)(1) through (E)(4) of Section 19.12.020 of this chapter. In granting such approval within a foothills and canyon overlay zone, the development services director may waive and/or modify the regulations of Chapters 19.72 and 19.73 of this title in accordance with the procedures and criteria set forth in Section 19.72.060, "Administration and enforcement."

Ski resort facilities and improvements which do not satisfy the criteria of Section 19.12.020, subparts (E)(1) through (E)(4) of this chapter, as well as those which are referred to the planning commission by the development services director in accordance with Section 19.84.080 provisions of this title, shall be subject to review and approval by the planning commission. In its consideration of ski resort, public use, and mineral extraction and processing development proposals in areas situated within the foothills and canyons overlay zone, the planning commission may waive and/or modify the regulations of Chapters 19.72 and 19.73 of this title in accordance with the procedures and criteria set forth in Section 19.72.060, "Administration and enforcement."

- A. Accessory uses and structures customarily incidental to a conditional use;
- B. Bed and breakfast homestay; provided:
 - 1. The access to the site and the on-site parking are available for use and maintained, including snow removal, throughout the entire year, and
 - 2.

An approved drinking water supply and wastewater disposal system is available that is capable of supporting the use throughout the entire year, and is approved by the health department prior to issuance of a license;

- C. Commercial and private recreation;
- D. Day care/preschool center, subject to the conditions set forth in Section 19.76.260;
- E. Dwelling group, provided:
 - 1. The parcel of ground on which the dwelling group, as defined in Section 19.04.190, is to be erected shall have an area equal to the aggregate of the minimum lot areas otherwise required in the zone for the number of individual dwelling structures in the group,
 - 2. A minimum of two parking spaces shall be provided for each dwelling unit. Parking spaces and vehicular maneuvering areas shall meet county standards,
 - 3. The development or site plan shall provide a landscaped buffer area along the perimeter property lines and decorative adjacent to the buildings in appropriate locations, landscaping as specified in Chapter 19.77 of this title, and
 - 4. An approved drinking water supply and wastewater disposal system is available that is capable of supporting the use throughout the entire year, and is approved by the health department;
- F. Home day care/preschool for no fewer than seven nor more than twelve children, subject to the conditions set forth in Section 19.04.293;
- G. Horses, and animals and fowl for family food production, as defined in Section 19.04.235 of this title, provided that:
 - 1. The area proposed for animals is not a watershed area, as determined by the health department, and
 - 2. The use will not create unreasonable on-site erosion, downstream siltation, bacteriological or biological pollution in subsurface or surface waters, destruction of vegetation, air pollution, including dust and odors or other detrimental environmental effects. In determining the environmental effects of the use, the planning commission shall seek and consider recommendations from the health department and other concerned agencies, and may require the applicant to submit scientific studies including analysis of slope, soils, vegetative cover, availability of water, and other elements necessary to establish environmental effects of the proposed use, and
 - 3. The planning commission may limit the number of animals and fowl, or limit the amount of ground to be devoted to such use, or make other conditions to ensure environmental protection, and
 - 4. After the use is established, if the planning commission determines, based on findings of facts, that unreasonable environmental degradation is occurring, the planning commission may, after notification to the applicant and hearing, establish additional conditions or order the use to be abated;
- H. Living quarters for persons employed on the premises of any main use;
- I. Logging and lumber processing, provided evidence is presented of approval by any federal or state agencies with jurisdiction over such use;
- J. Mineral extraction and processing; provided that:
 - 1.

The applicant shall comply with all applicable regulations of this chapter, including but not limited to site grading and drainage, landscaping, and environmental standards, and all applicable provisions in Chapter 19.72, "Foothills and Canyons Overlay Zone," and Chapter 19.73, "Foothills and Canyons Site Development and Design Standards," and

2. Such use shall not be located within one thousand feet of any residential use or lot, and
 3. The perimeter of the site shall be screened from adjacent properties and roads with a buffer yard of adequate width and opacity as determined by the county, and
 4. The applicant submits a plan, prepared by a qualified professional, that shows the location of existing and proposed watercourses and drainage systems, including lakes, ponds, and detention basins, and
 5. Water accumulating on the site shall be removed to a drainage way and any contaminated water shall be treated before being allowed to enter a drainage way, and
 6. The applicant shall present evidence of all necessary state and/or federal permits and approvals, and
 7. Access shall be provided, either directly or over a private haul road, to an arterial street that is designed for heavy truck traffic, and
 8. A haul road entering the site from a public street or road shall be paved for at least a distance of five hundred feet from the public street or road, and
 9. The property shall be posted with a notice of dangerous conditions and warning trespassers away, and
 10. Operations shall be conducted in compliance with health department regulations and standards regarding noise, odor, vibrations, dust, blowing debris, hazardous materials, and air quality, and
 11. The applicant shall submit a general plan for proposed rehabilitation of the site, including a schedule of rehabilitation measures and proposed ground cover and landscaping to be installed following the completion of the operation or the expiration of the conditional use approval (see Sections 19.72.030H, "Tree and Vegetation Protection," and 19.72.030C, "Grading Standards"), and
 12. If a change in ownership occurs, the new owner shall submit a new application for conditional use approval. Approval of the new application shall not be granted until all new federal and/or state permits are issued to the new owner, and
 13. Any suspension or revocation of required state or federal permits shall constitute a violation of this chapter and will result in automatic suspension or revocation of all county approvals and permits, and
 14. The county may require a bond in favor of the county to be posted by the applicant to cover damages that may occur to county roads as a result of hauling materials excavated from the permitted site. The amount of the bond less any sums needed to correct damages shall be refunded to the excavator within one year after the conclusion of the excavation, and
 15. The county may impose additional conditions addressing access, circulation, operations, noise, hours of operation, and similar impacts it deems necessary to minimize potential significant impacts on adjacent properties and streets;
- K. Offices incidental to main use;

- L. Planned unit development subject to the conditions and requirements set forth in Chapter 19.78, "Planned Unit Developments";
- M. Public and quasi-public uses;
- N. Residential facility for elderly persons;
- O. Short term rentals provided that:
 - 1. The property is located within Big or Little Cottonwood Canyons east of the dividing line between R1E and R2E, and
 - 2. The on-site parking and the access to the site are available for use and maintained, including snow removal, throughout the entire year, and
 - 3. The dwelling unit is served by an approved drinking water supply and public sewer system that are capable of supporting the use throughout the entire year, and are approved by the health department prior to issuance of a license;
- P. Ski resorts;
- Q. Temporary structures;
- R. Underground record storage vaults, provided:
 - 1. The facility complies with the requirements for development set forth in Chapter 19.72, "Foothills and Canyons Overlay Zone" and Chapter 19.73, "Foothills and Canyons Site Development and Design Standards," including but not limited to development standards for grading, wildlife habitat protection, tree and vegetation protection, outdoor lighting, natural hazards, and utilities, and standards for establishing limits of disturbance, and
 - 2. Excavation of the site to construct the underground vaults shall be conducted as follows:
 - a. Access to the site shall be controlled through one point, and
 - b. The excavator shall post the property, noting that a dangerous condition exists and warning trespassers away, and
 - c. The excavator shall take care that trucks leaving the property are not overloaded and that spilled material is removed from adjacent public roads not less frequently than once every twenty-four hours while the excavation is in progress, and
 - d. Water accumulating on the site shall be removed to a drainage way and any contaminated water shall be treated before being allowed to enter a drainage way, and
 - e. When the operation ceases for a period of at least ninety days or moves from one area of the site to another, slope and graded areas remaining shall be left in accordance with the requirements for grading and revegetation set forth in Sections 19.72.030(B) and (C) of the foothills and canyons overlay district, and
 - f. The county may require a bond in favor of the county to be posted by the excavator to cover damages that may occur to county roads as a result of hauling materials excavated from the permitted site. The amount of the bond less any sums needed to correct damages shall be refunded to the excavator within one year after the conclusion of the excavation.
 - 3. The applicant shall submit a general plan for proposed rehabilitation of the excavated site, including a schedule of rehabilitation measures and proposed ground cover and landscaping to be installed following the completion of the excavation;

- S. Wireless telecommunication facilities, as that term and all related terms are defined in Section 19.83.020, provided:
1. The wireless telecommunication facility is either a wall-mounted, roof-mounted, or monopole facility. Facilities located on lattice towers are prohibited, and
 2. Any grading for the facility, including access roads and trenching for utilities, shall comply with the Uniform Building Code, and
 3. The facility complies with the requirements for development set forth in the foothills and canyons overlay zone, Chapter 19.72, including development standards for grading, wildlife habitat protection, tree and vegetation protection, natural hazards, and utilities, and standards for establishing limits of disturbance, and
 4. Site placement and facility color shall be carefully considered to blend in with the natural surroundings, and
 5. Continuous outside lighting is prohibited unless required by the FAA for monopole facilities, and
 6. The maximum height for monopole facilities shall be sixty feet, and
 7. A computer-generated visual simulation of the proposed structure is submitted as part of the required site plan and shall show all structures including but not limited to monopoles, antennas, and equipment buildings; and all other applicable requirements set forth in Chapter 19.83, "Wireless Telecommunications Facilities," are satisfied.

(Ord. 1609 § 6, 2007; Ord. 1473 (part), 2001; Ord. 1454 § 3 (part), 1999; Ord. 1417 § 5 (part), 1998)

19.12.040 - Lot area, lot width, density, and slope.

A. Lot Area, Lot Width, and Density Requirements:

District	Minimum Lot Area	Minimum Lot Width	Maximum Residential Density (dwelling units per gross acre)
FR-0.5	½ acre	100 feet	≥ 2 d.u. per gross acre
FR-1	1 acre	200 feet	1 d.u. per gross acre
FR-2.5	≥ 2 ½ acres	250 feet	1 d.u. per 2.5 gross acres

FR-5	5 acres	300 feet	1 d.u. per 5 gross acres
FR-10	10 acres	300 feet	1 d.u. per 10 gross acres
FR-20	20 acres	300 feet	1 d.u. per 20 gross acres
FR-50	50 acres	300 feet	1 d.u. per 50 gross acres
FR-100	100 acres	300 feet	1 d.u. per 100 gross acres

- B. Measurement of Lot Width. The minimum lot width of any lot shall be measured at a distance of fifty feet from the front lot line.
- C. Slope Requirements. All development in the FR zones shall be subject to the slope protection standards set forth in the foothills and canyons overlay zone, Section 19.72.030B, "Slope Protection Standards" and Section 19.72.030D, "Streets and Roads."

(Ord. 1473 (part), 2001; Ord. 1417 § 5 (part), 1998)

19.12.050 - Limits of disturbance/setbacks.

Because of the unique nature of the topography and climatic conditions of the foothill and canyon areas, limits of disturbance and setbacks for permitted uses including single-family dwellings and accessory structures in the FR zones shall be determined on a case-by-case basis by the development services director. Limits of disturbance and setbacks for conditional uses shall be as finally approved by the planning commission, upon the recommendation of the development services director (see [Chapter 19.72](#)). All determinations of limits of disturbance shall be subject to the conditions and criteria set forth in the foothills and canyons overlay zone, [Section 19.72.040](#), "Establishment of limits of disturbance."

(Ord. 1417 § 5 (part), 1998)

19.12.060 - Building height.

- A. Except as otherwise specifically provided in this title, no building or structure shall exceed the following heights:

1. Thirty feet on property where the original slope exceeds fifteen percent or the property is located in the foothills and canyons overlay zone. For purposes of this section, the slope shall be determined using a line drawn from the highest point of elevation to the lowest point of elevation on the perimeter of a box which encircles the foundation line of the building or structure. The box shall extend for a distance of fifteen feet or to the property line, whichever is less, around the foundation line of the building or structure. The elevation shall be determined using a certified topographic survey with a maximum contour interval of two feet.
2. Thirty-five feet on other properties.

B. No single-family dwelling structure shall contain less than one story.

(Ord. 1417 § 5 (part), 1998)

19.12.070 - Natural hazards.

Construction of permanent structures in areas subject to natural hazards, including floods, landslides, and avalanches, shall be subject to the requirements and limitations set forth in Chapter 19.74, "Floodplain Hazard Regulations," and Chapter 19.75, "Natural Hazard Areas."

(Ord. 1417 § 5 (part), 1998)

19.12.080 - Water quality.

- A. Department of Health Approval Required. Prior to issuance of a conditional use permit or site development plan approval for all uses in the FR zones, regardless of size or number of units, the applicant shall receive the written approval of the board of health certifying that all water quality and health requirements have been satisfied and that the proposed construction will not damage the natural watershed.
- B. Developments of More than Nine Lots/Units. Developments of more than nine lots or units shall receive the written approval of the Utah Department of Environmental Quality certifying that the culinary water system and the sewerage system meet all state water quality and health requirements. All approvals shall be in accordance with the regulations of the Utah Department of Environmental Quality relating to culinary water supply and wastewater disposal.
- C. Applicable State Regulations and Standards. The applicable state regulations for individual wastewater disposal systems can be found in the Utah Administrative Code, Sections R317-501 through R317-513, as amended from time to time. The applicable state regulations for culinary water supply can be found in Utah Administrative Code, as amended from time to time.
- D. Subsequent Changes in Site Plan. If after health department or Utah Department of Environmental Quality review and action pursuant to this section, a site development plan is modified such that the original limits of disturbance change, the applicant must submit the modified site plan to the appropriate health agency for retesting and a new determination whether all state wastewater and culinary water standards have been met. Evidence of such retesting must be submitted prior to final approval of the site development plan.

(Ord. 1473 (part), 2001; Ord. 1417 § 5 (part), 1998)

19.12.090 - Grading.

Grading shall be permitted only in conformance with the standards and limitations set forth in the foothills and canyons overlay zone, Section 19.72.030C, "Grading Standards."

(Ord. 1417 § 5 (part), 1998)

19.12.100 - Tree and vegetation protection.

Removal of trees or natural vegetation shall not be permitted except in conformance with the standards and requirements set forth in the foothills and canyons overlay zone, Section 19.72.030H, "Tree and Vegetation Protection."

(Ord. 1417 § 5 (part), 1998)

19.12.110 - Utilities.

All utilities in the FR zones shall be placed underground, except as may be provided for in Chapter 19.79, "Utility and Facility System Placement Regulations."

(Ord. 1417 § 5 (part), 1998)

19.12.120 - Building location, construction, and design.

All buildings and accessory structures in the FR zones, including single-family dwellings, shall be located, constructed, and designed in compliance with the development standards set forth in the foothills and canyons overlay zone, Section 19.72.050, "Development standards," and in Chapter 19.73 of this title, "Foothills and Canyons Site Development and Design Standards."

(Ord. 1417 § 5 (part), 1998)

19.12.130 - Off-street parking.

- A. Permitted Uses. The planning and development services division director shall determine the number of off-street parking spaces required, provided the minimum requirements of Chapter 19.80 are met, except that the planning commission may modify the requirements of Sections 19.80.060 through 19.80.120 if such modification will better preserve views, protect existing trees/vegetation, or reduce the amount of disturbance to steep slopes, wetlands, streams, or other sensitive environmental areas.
- B. Conditional Uses. The planning commission shall determine the number of off-street parking spaces required provided the minimum requirements of Chapter 19.80 are met, except that the planning commission may modify the requirements of Sections 19.80.060 through 19.80.120 if such modification will better preserve views, protect existing trees/vegetation, or reduce the amount of disturbance to steep slopes, wetlands, streams, or other sensitive environmental areas.
- C. Covered parking is encouraged for all developments in the FR zone.

(Ord. 1473 (part), 2001; Ord. 1417 § 5 (part), 1998)

19.12.140 - Site development plan approval.

Site development plans for all development in the FR zone, including single-family dwellings, shall be approved prior to issuance of any building permits pursuant to the site development plan approval requirements set forth in the foothills and canyons overlay zone, Section 19.72.050, "Approval procedures for development in the foothills and canyons overlay zone."

(Ord. 1417 § 5 (part), 1998)

19.12.150 - Applicability to lots of record and waivers from slope requirements.

- A. Applicable to Lots of Record. All standards and requirements for development in the FR zones as set forth in this chapter shall apply to development on lots and in subdivisions that were recorded prior to the enactment date of the ordinance codified in this chapter.

- B. Lots of Record—Waivers from Slope Requirements. For properties in the FR zones also located in the foothills and canyons overlay zone (see Chapter 19.72), the planning commission may waive grade requirements for streets/roads and slope protection requirements for lots of record and lots and plans of subdivisions that were approved prior to the enactment of Chapter 19.72, provided the conditions and criteria set forth in Section 19.72.060A are satisfied.

(Ord. 1417 § 5 (part), 1998)

SALT LAKE COUNTY

NOTICE OF REZONING HEARING

NOTICE IS HEREBY GIVEN OF a public hearing to be held in COUNCIL CHAMBERS, COUNTY GOVERNMENT CENTER, NORTH BUILDING N1-110, 2001 South State Street, Salt Lake City, Utah on **Tuesday, April 5, 2016, at 4:00 pm** o'clock before the Salt Lake County Council on the following application requesting rezoning of the following described area in Salt Lake County, Utah:

To amend the zoning map of Salt Lake County by changing the zone on the following described property located at 6301 East I-80 Freeway, consisting of approximately 61.75 acres. The applicant is requesting approval of a Zone Change from FR-20 (Forestry and Recreation) to the F-1 (Forestry) Zone. This request has been filed under Application #29743 by Shayneh and Jason Starks. The subject property is described as follows:

PARCEL #17-17-400-004,
NW 1/4 OF SE 1/4 & SW 1/4 OF NE 1/4 SEC 17, T1S, R2E, SLM. ALSO THAT PART OF E 1/2 OF NE 1/4 LYING WEST AND NORTH OF ROW OWNED BY UDOT. LESS ROADS AND RR. LESS & EXCEPT BEG S 67° 29'33" W 1138.59 FT FR SW COR OF SEC 9, T1S, R2E, SLM; W 135 FT; N 650 FT; N 42° 36'44" E 920 FT; N 72° 51'52" E 1320 FT; S 00° 00'00" E 650 FT; S 77° 29'36" W 770 FT; S 47° 58'00" W 1343.04 FT TO BEG. LESS & EXCEPT ANY PORTION LYING WITHIN THE ROW OF I-80. 61.75 AC M OR L. 6417-1873 7266-1305

SALT LAKE COUNTY COUNCIL

Chair

ATTESTED:

County Clerk



OFFICE OF TOWNSHIP SERVICES

Planning and Development Services

2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050

Phone: (385) 468-6700 • Fax: (385) 468-6674

www.pwpds.slco.org

File #29813

Rezone Summary and Recommendation

Public Body: Salt Lake County Council

Parcel ID: 16-31-378-011, 16-31-378-010,
16-31-378-009

Property Address: 3961, 3965 & 3971 South 300 East

Request: Rezone

Meeting Date: February 10, 2016

Current Zone: R-2-10 and RM z/c

Proposed Zone: RM

Community Council: Millcreek

Township: Millcreek

Planner: Todd A. Draper

Community Council Recommendation: Approval with conditions

Planning Commission Recommendation: Approval with conditions

Planning Staff Recommendation: Approval

Applicant Name: Bob Jones

PROJECT DESCRIPTION

The applicant, Bob Jones is requesting approval of a zone change from R-2-10 (medium density residential) zone and RM z/c zone (Residential Multi-Family, restrictions on density and height) to the R-M (Residential Multi-Family) zone in order to accommodate a multi-family project on the site.

SITE & VICINITY DESCRIPTION (see attached map)

The property is surrounded by RM zoning on the east, south and across the street. The property directly north is zone R-2-10 and consists of single family residential development. As you go north on 300 E there is increasingly more intense zoning, including C-2 at the intersection of 3900 S and 300 E. This area consist is a mix of medium density and high density zoning. This proposal would not cause a substantive or negative impact on the surrounding character and uses in the area.

GENERAL PLAN CONSIDERATIONS

The subject property for application 29813, (R-2-10 to R-M) at 3961-3971 South 300 East, is located on the eastern edge, but outside of the West Millcreek URA. It is within a **yellow area** on the official map of the Millcreek Township General Plan. The following excerpt from the plan explains this designation:

*A **Yellow area** is one that has modest potential for the absorption of growth, and is likely to experience only moderate changes in overall character over time. The level of stability of **Yellow areas** is defined as follows:*

- 1) *Moderate changes in land uses will occur, and may represent reasonable changes to the typical land uses for the area/corridor. Changes may occur in clusters, while the land uses of the overall area/corridor will remain largely consistent. Growth in these areas will begin to trend upward, allowing for a transition to more intensive land uses.*
- 2) *Improvements are likely to occur which will moderately alter the appearance, economics, or sustainability of the area/corridor. Improvement will be coordinated, and will begin to create identifiable places.*
- 3) *Mobility networks will become more formalized and connectivity will become more critical to the success of the area/corridor. Public transit may have a dedicated right-of-way. Consideration to connectivity and walkability will become increasingly important in these areas/corridors.*

Best Practices

Adopted as part of the general plan in chapter 2 are several best practices such as **Housing, Corridors, and Land Use & Mobility**. These practices talk about clustering intense land uses in activity centers and in close proximity to transit, providing a variety of housing choices for a varied demographic base, and creating pedestrian friendly environments.

Housing - The Housing Best Practice promotes housing development that is safe, makes efficient use of the of infrastructure, promotes a feeling of community, allows of diversity and affordability and enhances quality of life. The type and location of housing available in a community significantly impacts opportunities for jobs and economic development, as well as the amount and cost of infrastructure and municipal services required.

Corridors - The Corridors Best Practice supports some increased residential density along corridors. This is where opportunities for improved transit, buffering, and in-fill development are anticipated to occur. Developments that follow the County Standards and the Best Practices within the General Plan will likely result in more efficient and sustainable development and improved economic growth and sustainability of a community.

Land Use & Mobility - The Land Use & Mobility Best Practice encourages increased density near economic centers and along corridors where transit is available. This helps to provide a land use buffer from more intense uses and traffic areas for the least intense single family uses.

ZONE CONSIDERATIONS

Requirement	Existing Zone	Proposed Zone
Zone	R-2-10 – Medium Density Residential Residential Compatibility Overlay Zone (RCOZ) RM z/c (same requirements as proposed zone with addition of 32 foot height limit to the peak and density not to exceed 22 units per acre)	RM - High Density Residential
Height	(RCOZ Applied) - 30 feet (Ridge)	6 stories or 75 feet (Midpoint)

Front Yard Setback	30 feet	In the R-M zone, the minimum depth of the front yard for main buildings, and for private garages which have a minimum side yard of eight feet, shall be twenty-five feet or the average of the existing buildings where fifty percent or more of the frontage is developed, but in no case less than fifteen feet. Other private garages and all accessory buildings, other than private garages, shall be located at least six feet in the rear of the main building.
Side Yard Setback	<p>RCOZ Applied - Side Yard. The combined side yard setbacks for any main structure shall be at least twenty-five percent of the lot width with no side setback less than eight feet. For purposes of this provision, "lot width" is the diameter of the largest circle that can be inscribed entirely within the lot, not including streams, flood plains, wetlands, areas of thirty percent slope or greater or other natural hazard areas.</p> <p>No extensions, bay windows or similar building elements may encroach into the required setbacks under Option A, except for (a) attached air conditioning units, electrical boxes, utility meters and the like and (b) roof overhangs or eaves that extend no more than two feet into the area of the minimum side setback</p>	In the R-M zone, the minimum side yard for any dwelling shall be eight feet, and the total width of the two required side yards shall be not less than eighteen feet. Other main buildings shall have a minimum side yard of twenty feet, and the total width of the two yards shall be not less than forty feet. The minimum side yard for a private garage shall be eight feet, except that private garages and other accessory buildings located in the rear and at least six feet away from the main building shall have a minimum side yard of not less than one foot, provided that no private garage or other accessory building shall be located closer than ten feet to a dwelling on an adjacent lot. On corner lots, the side yard which faces on a street, for both main and accessory buildings, shall be not less than twenty feet, or the average of existing buildings where fifty percent or more of the frontage is developed, but in no case less than fifteen feet, or be required to be more than twenty feet. Dwelling structures over thirty-five feet in height shall have one foot of additional side yard on each side of the building for each two feet such structure exceeds thirty-five feet in height.
Rear Yard Setback	With garage: 15 feet Without garage: 30 feet	In R-M zones, the minimum depth of the rear yard for any building shall be thirty feet, and for accessory buildings one foot; provided that, on corner lots which rear upon the side yard of another lot, accessory buildings shall be located not closer than ten feet to such side yard.
Lot Width	65 feet at a distance 30 feet from the front lot line	The minimum width of any lot in the R-M zone shall be fifty feet, at a distance twenty-five feet back from the front lot line.

<p>Lot Area</p>	<p>5,000 square feet for a lot containing 1 unit of a two-family dwelling 10,000 square feet for any other main building</p>	<p>The minimum lot area in the R-M zone shall be five thousand square feet for each one-family dwelling, with seven hundred fifty additional square feet for each additional dwelling unit in a dwelling structure having more than one dwelling unit. For group dwellings, the minimum lot area shall be not less than five thousand square feet for the first separate dwelling structure, with three thousand square feet for each additional separate dwelling structure, and with seven hundred fifty square feet additional for each additional dwelling unit in excess of one dwelling unit in each separate dwelling structure, not less than five thousand square feet for any other main building.</p>										
<p>Parking</p>	<p>2 Stalls per unit</p>	<p>Use dependent/Residential would still be 2 stall per unit, plus guest parking.</p>										
<p>Lot Coverage</p>	<p>RCOZ Applied – 35%</p>	<p>No building or group of buildings in an R-M zone, with their accessory buildings, shall cover more than sixty percent of the area of the lot.</p>										
<p>Density</p>	<p>Single Family Dwelling – 5 units/ acre Two Family Dwelling – 8 Units/ acre</p>	<table border="0"> <tr> <td>Single-family dwellings</td> <td>7.0 units per acre</td> </tr> <tr> <td>Two-family dwellings</td> <td>12.0 units per acre</td> </tr> <tr> <td>Three-family dwellings</td> <td>15.0 units per acre</td> </tr> <tr> <td>Four-family dwellings</td> <td>18.0 units per acre</td> </tr> <tr> <td>Multi-family dwellings</td> <td>25.0 units per acre*</td> </tr> </table>	Single-family dwellings	7.0 units per acre	Two-family dwellings	12.0 units per acre	Three-family dwellings	15.0 units per acre	Four-family dwellings	18.0 units per acre	Multi-family dwellings	25.0 units per acre*
Single-family dwellings	7.0 units per acre											
Two-family dwellings	12.0 units per acre											
Three-family dwellings	15.0 units per acre											
Four-family dwellings	18.0 units per acre											
Multi-family dwellings	25.0 units per acre*											

<p>Compatibility with existing buildings in terms of size, scale and height.</p>	<p>Use Dependent</p>
<p>Compliance with Landscaping Requirements Verified.</p>	<p>Reviewed in CU review</p>
<p>Compliance with the General Plan.</p>	<p>Yes</p>

ISSUES OF CONCERN/PROPOSED MITIGATION

Currently there are single family homes to the north of the subject property, with multifamily to the south, east and west. The current zoning allows for heights not to exceeding 30/32 feet, measured to the peak or ridgeline of the structure. The RM zone allows for heights up to 6 stories or 75 feet RM would also allow for 25 units acre (or more with planning commission approval), which is not out of character with properties in the surrounding area. If zoning conditions limiting the height are implemented impacts to properties to the north would be mitigated and substantially reduced.

NEIGHBORHOOD RESPONSE

While no formal neighborhood response has been received, there was considerable opposition to the rezone by those in attendance at the Millcreek Community Council meeting. Most were opposed the increase in density that would occur and the accompanying increases to traffic in the neighborhood. (See attached letters)

COMMUNITY COUNCIL RESPONSE

This item was presented the Millcreek Community Council at their meeting on February 2, 2016. By a 5 to 3 vote they recommended approval of rezoning the property at 3961 South 3000 East to the RM z/c zone to match the existing RM z/c zoning of the two other properties.

PLANNING COMMISSIONS' RESPONSE

At their regularly scheduled meeting on February 10, 2016 the Millcreek Township Planning Commission made a unanimous recommendation of approval of the rezone request to the County Council together with the following recommended Zoning Conditions:

- a) Dwelling unit density limited to 24 dwelling units per acre.
- b) Height limited to 32 feet to the peak or ridgeline.

PLANNING STAFF ANALYSIS

In considering a proposed zone change, the question before the governing body relates to whether or not the change is consistent with the General Plan and appropriate for a given location. If a new zoning designation were to be approved, a different plan or use could be proposed for the site among the range of uses allowed by the new zoning designation. The site is located within 500 feet of a major east west corridor in the Salt Lake Valley as well as two bus stops located at the corner of 3900 S and 300 E.

If approved the proposal for the property will be subject to a separate conditional use review process. Specific site and use related issues and mitigation measures are more appropriately addressed during the Site Plan and/or Conditional Use review process that is required to change uses on this site. During that review, ordinance compliance is verified and specific conditions addressing known impacts can be considered and implemented. In this case, and as stated previously, the future use of this site for multi-family would be required to follow the Conditional Use process for approval at which time the Planning Commission could consider mitigation measures to deal with anticipated impacts.

The applicant currently has a related conditional use request in process to develop the property with a total of 29 apartment units, inclusive of recreational amenities, underground parking, solar power generation, and open space. In the Millcreek Community Council meeting the applicant indicated that he would accept inclusion of a zoning condition continuing to limit height to 32 feet to the peak or ridgeline of the structure, but needed the density limit expanded to allow for up to 24 dwelling units per acre. If the recommendation of the Community Council is followed and density for the site is limited to 22 dwelling units per acre the maximum number of units that could be developed would be 27 units.

19.90.060 Conditions to zoning map amendment

A. In order to provide more specific land use designations and land development suitability; to insure that proposed development is compatible with surrounding neighborhoods; and to provide notice to property owners of limitations and requirements for development of property, conditions may be attached to any zoning map amendment which limit or restrict the following:

1. Uses;
2. Dwelling unit density;
3. Building square footage;
4. Height of structures.

PLANNING STAFF RECOMMENDATION TO THE PLANNING COMMISSION

Staff recommends that the Millcreek Township Planning Commission forward a recommendation of approval of the proposed RM zone to the Salt Lake County Council based on the following:

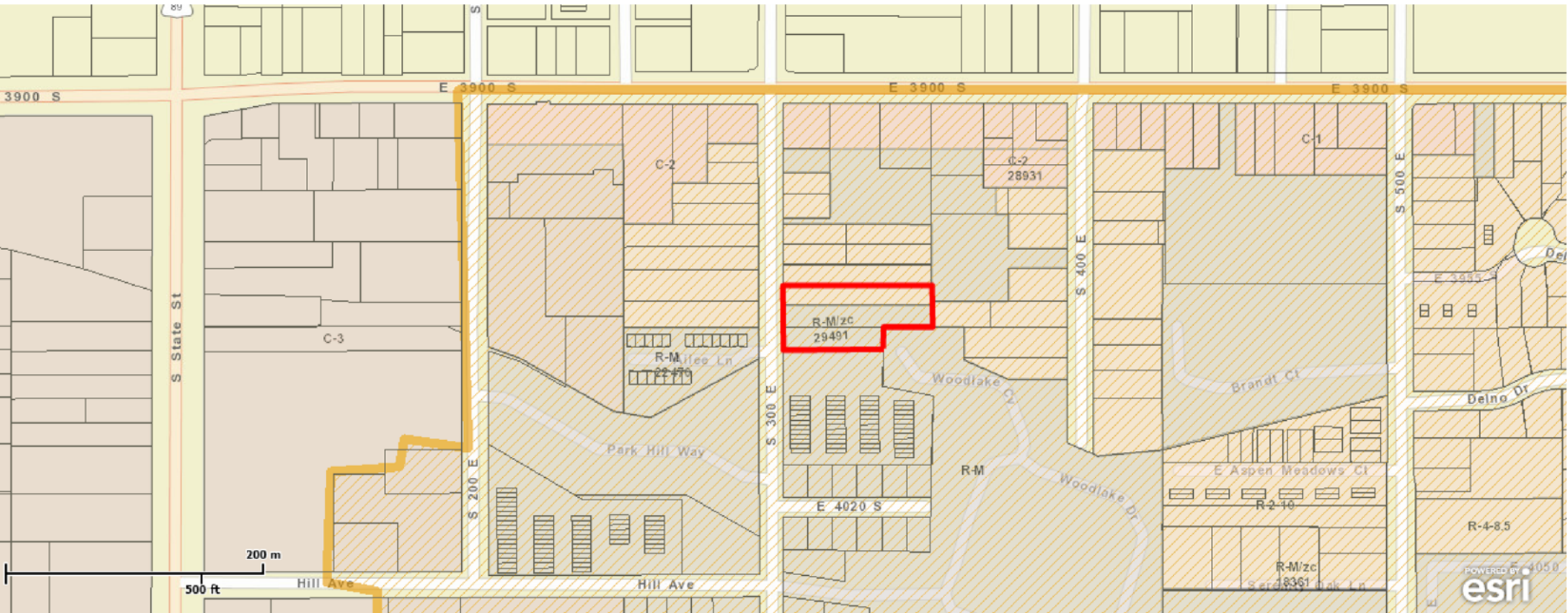
- 1) The proposed zone change is consistent with the Millcreek Township General Plan as outlined in this report.
- 2) Planning commission has the ability to mitigate any potential impacts of the future development for this site as outlined in Title 19 of the Salt Lake County Zoning Ordinance.
- 3) Future development of the site will have to comply with all development standards and regulations.

Alternatively the Millcreek Township Planning Commission may wish to consider forwarding a recommendation of approval of the RM zone with zoning conditions to the Salt Lake County Council. If this occurs staff recommends that the following zoning conditions be included in the recommendation:

- a) Dwelling unit density limited to 24 dwelling units per acre.
- b) Height limited to 32 feet to the peak or ridgeline.

#29813

Zoning Map



Thu Feb 4 2016 12:38:30 PM.

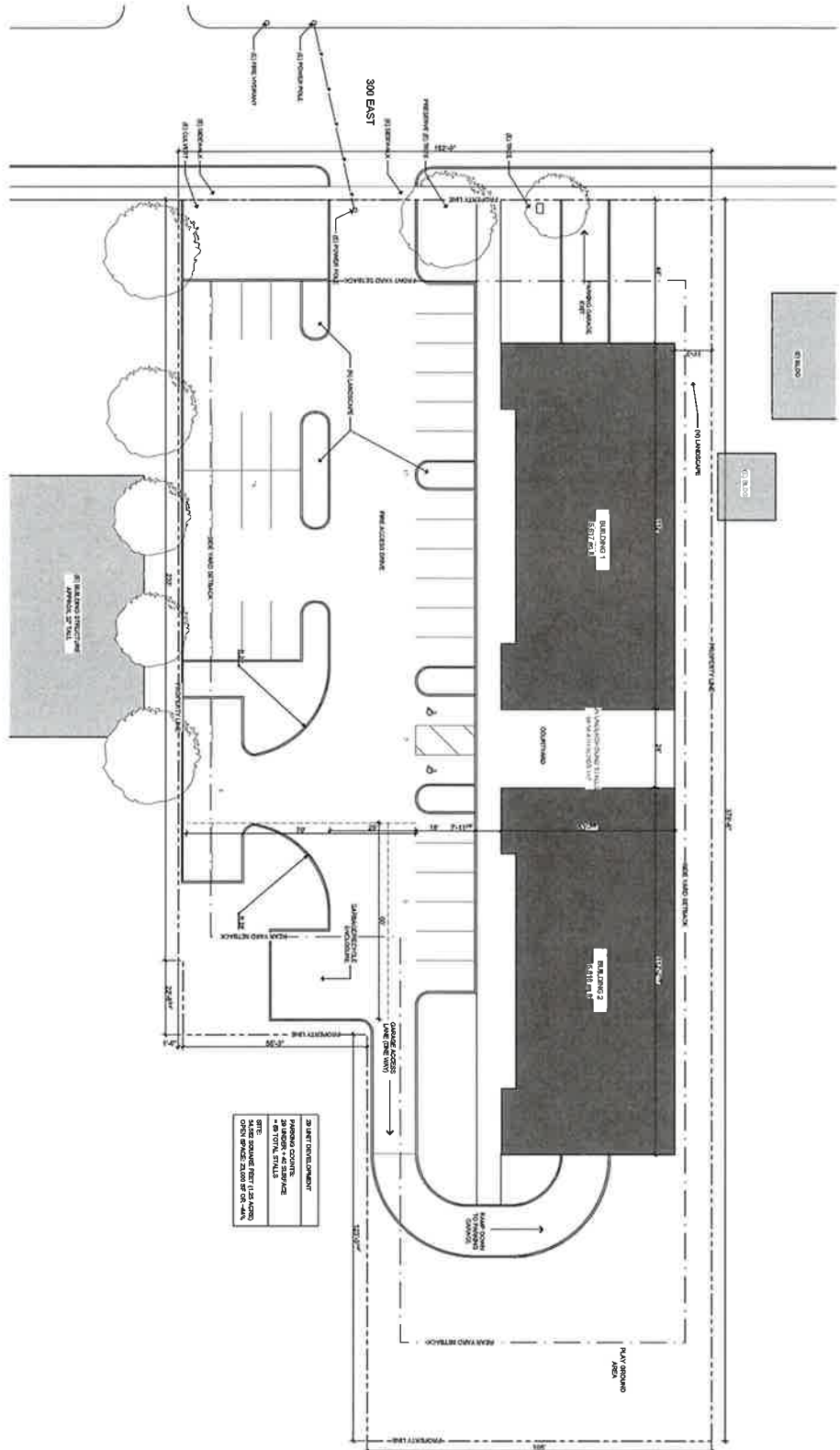
#29813

Aerial Map



Thu Feb 4 2016 12:37:30 PM.

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



20' BERT ENCLOSURE
APPROXIMATE
3' TOTAL STALLS
SEE CONCEPT FOR LAYOUT AND
OPEN SERVICE STALLS ON PLAN

Dear Mr. Draper,

While I have been in community service in the past, it has been a while since being actively involved in issues and I am getting my bearings again. Hopefully, I will express myself well and as diplomatically as possible in this letter.

I attended the Millcreek Council meeting Wednesday, February 2, 2016. I am unable to attend the Salt Lake County Planning Commission Meeting on February 10, 2016. I wish to express concerns here to you, and will also forward to a member of the council.

When Brad Pehrson spoke of the "camel sticking his nose in the tent", I concur. Following, is my experience regarding the requests from Mr. Jones.

Last year when Mr. Jones made his first request. I emailed the planner for more details. I was working two jobs at the time and unable to attend any of the meetings. I was concerned about the zoning change to R-M with regard to the allowance of the height and also density. I received an email response that I no longer have it on file, but I remember clearly because I forwarded the information to others. Even though the zoning would allow for more height and more units, the developer was only indicating three stories and 18 units. Many of the comparisons tonight were made on the basis of the maximum number of units allowed for R-M, rather than the previous information that there would be 18 units. As a resident, I believe this clouded the real issue, which is while the developer is of course allowed to "max out" on height and density, he stated originally that the number of units would be 18.

I was feeling better at the Millcreek Council meeting when Chris Haller proposed the condition for the top of the buildings. I am hopeful that the County Planning Commission will approve his proposal for the condition, should the project be approved as presented by Mr. Jones.

I am opposed to the idea of a clubhouse on the property. While I understand that it will be meant for the use of the residents, I know also that residents reserve clubhouses because their activities will not be accommodated in their units, due to the type of activity, number of people and other factors. This property is a relatively small area. Unlike nearby complexes like Country Lakes and Monoco Apartments, where clubhouses are at the center of the complex, I envision that the clubhouse proposed for this development would be quite near to adjacent properties.

I did not do a very good job at the meeting articulating my concerns regarding traffic and parking. I asked last year in an email also about improvements at the intersection of 3900 S and 300 E and was told none were planned. This evening Mr. Jones responded that the number of accidents would be the only thing that would trigger an upgrade. I would like to respectfully propose that with this zoning change, which is significant regarding the number of car trips (Mr. Jones indicated there would be 70 parking spaces), that a survey be done and calming measures be explored. I would like to follow up with a traffic planner regarding this, if you can direct me. Below are five factors I considered in making this request. Some are facts and some from personal experience living in various neighborhoods.

1. There are no sidewalks and parking occurs on both sides of the street blocking any safe pedestrian access for much of 300 E between 3900 S and 4000 S. It is also poorly lighted at night. Increased traffic will be a danger to pedestrians. I understand that sidewalk, curb and gutter will be required for the proposed complex, but other than that tiny stretch, the rest will be as is, while the amount of traffic increases.
2. Along with the concern about pedestrian safety, the area between about 4100 S and 3900 S has two school bus stops and also children and older youth walking to and from school. The increased traffic, especially in the morning hours merits consideration.
3. The amount of traffic increase generally is a concern. If only one car from each unit in the complex proposed by Mr. Jones makes a trip out and back that is close to 60 additional trips per day. Considering the proposed 70 parking spaces, which of course would not all be occupied by full-time residents, I would estimate that the actual increase in number of trips would be closer to twice that at minimum.
4. Traffic already flows well above the speed limit along 300 E despite speed bumps. I am very concerned that as more development occurs that the ambience of the neighborhood will become less residential and have more a commercial feel. So, despite speed limits and speed bumps, traffic and speeds would be likely to increase.
5. With the construction, there should be a plan providing safe passage for pedestrians, possibly street parking restrictions and reduced, enforced speed limits.

I realize that this process started last year and that some things at this point are beyond control of neighbors. For my part, I did choose to become involved by email last year when I could not attend the meetings. The information presented tonight regarding the third parcel, the increase in number of units proposed, and the clubhouse was new information to me. My goal is to at least have my concerns heard and become involved where and when I can.

I appreciate your attention to my concerns.

Sincerely,

Tammy Metcalf Murillo



Tammera L Metcalf Murillo

██████████
██████████
Mr. Todd Draper
Public Works, Planning and Development Services
Salt Lake County Government Center
2001 South State Street N3600
Salt Lake City, UT 84190-3050

Re: Robert Jones, request #29766

Dear Mr. Draper,

While I have been in community service in the past, it has been a while since being actively involved in issues and I am getting my bearings again. Hopefully, I will express myself well and as diplomatically as possible in this letter.

I attended the Millcreek Council meeting Wednesday, February 2, 2016. I am unable to attend the Salt Lake County Planning Commission Meeting on February 10, 2016. I wish to express concerns here to you, and will also forward to a member of the council.

When Brad Pehrson spoke of the "camel sticking his nose in the tent", I concur. Following, is my experience regarding the requests from Mr. Jones.

Last year when Mr. Jones made his first request. I emailed the planner for more details. I was working two jobs at the time and unable to attend any of the meetings. I was concerned about the zoning change to R-M with regard to the allowance of the height and also density. I received an email response that I no longer have it on file, but I remember clearly because I forwarded the information to others. Even though the zoning would allow for more height and more units, the developer was only indicating three stories and 18 units. Many of the comparisons tonight were made on the basis of the maximum number of units allowed for R-M, rather than the previous information that there would be 18 units. As a resident, I believe this clouded the real issue, which is while the developer is of course allowed to "max out" on height and density, he stated originally that the number of units would be 18.

I was feeling better at the Millcreek Council meeting when Chris Haller proposed the condition for the top of the buildings. I am hopeful that the County Planning Commission will approve his proposal for the condition, should the project be approved as presented by Mr. Jones.

I am opposed to the idea of a clubhouse on the property. While I understand that it will be meant for the use of the residents, I know also that residents reserve clubhouses because their activities will not be accommodated in their units, due to the type of activity, number of people and other factors. This property is a relatively small area. Unlike nearby complexes like Country Lakes and Monoco Apartments, where clubhouses are at the center of the complex, I envision that the clubhouse proposed for this development would be quite near to adjacent properties.

I did not do a very good job at the meeting articulating my concerns regarding traffic and parking. I asked last year in an email also about improvements at the intersection of 3900 S and 300 E and was told none were planned. This evening Mr. Jones responded that the number of accidents would be the only thing that would trigger an upgrade. I would like to respectfully propose that with this zoning change, which is significant regarding the number of car trips (Mr. Jones indicated there would be 70 parking spaces), that a survey be done and calming measures be explored. I would like to follow up with a traffic planner regarding this, if you can direct me. Below are five factors I considered in making this request. Some are facts and some from personal experience living in various neighborhoods.

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2. Along with the concern about pedestrian safety, the area between about 4100 S and 3900 S has two school bus stops and also children and older youth walking to and from school. The increased traffic, especially in the morning hours merits consideration.
3. The amount of traffic increase generally is a concern. If only one car from each unit in the complex proposed by Mr. Jones makes a trip out and back that is close to 60 additional trips per day. Considering the proposed 70 parking spaces, which of course would not all be occupied by full-time residents, I would estimate that the actual increase in number of trips would be closer to twice that at minimum.
4. Traffic already flows well above the speed limit along 300 E despite speed bumps. I am very concerned that as more development occurs that the ambiance of the neighborhood will become less residential and have more a commercial feel. So, despite speed limits and speed bumps, traffic and speeds would be likely to increase.
5. With the construction, there should be a plan providing safe passage for pedestrians, possibly street parking restrictions and reduced, enforced speed limits.

I realize that this process started last year and that some things at this point are beyond control of neighbors. For my part, I did choose to become involved by email last year when I could not attend the meetings. The information presented tonight regarding the third parcel, the increase in number of units proposed, and the clubhouse was new information to me. My goal is to at least have my concerns heard and become involved where and when I can.

I appreciate your attention to my concerns.

Sincerely,

Tammy Metcalf Murillo

██████████

Cc: Chris Haller





SALT LAKE COUNTY

NOTICE OF REZONING HEARING

NOTICE IS HEREBY GIVEN OF a public hearing to be held in COUNCIL CHAMBERS, COUNTY GOVERNMENT CENTER, NORTH BUILDING N1-110, 2001 South State Street, Salt Lake City, Utah on **Tuesday, April 5, 2016, at 4:00 pm** o'clock before the Salt Lake County Council on the following application requesting rezoning of the following described area in Salt Lake County, Utah:

To amend the zoning map of Salt Lake County by changing the zone on the following described properties located at 3961, 3165, and 3971 South 300 East, consisting of approximately 1.26 acres. The applicant is requesting approval of a Zone Change from R-2-10 (Medium Density Residential) and RM z/c Zone (High Density Residential inclusive of zoning conditions) to the RM (High Density Residential) Zone. This request has been filed under Application #29813 by Bob Jones. The subject properties are described as follows:

PARCEL #16-31-378-009-0000,
COM 469.2 FT S FR NW COR LOT 9 BLK 7 10 AC PLAT A BIG FIELD SUR S 50 FT E 23 RDS N 50 FT W 23 RDS TO BEG 0.44 AC 7475-2509 10150-2874

PARCEL # 16-31-378-010-0000,
COM AT SW COR LOT 9 BLK 7 10 AC PLAT A BIG FIELD SUR N 55 FTE 23 RDS S 55 FT W 23 RDS TO BEG 0.48 AC 8598-8710 8612-6820 8612-6823

PARCEL # 16-31-378-011-0000
BEG AT NW COR LOT 8, BLK 7, TEN AC PLAT A, BIG FIELD SUR; S 57.75 FT; S 89°58'59" E 233 FT; N 0°01'01" E 1.5 FT; S 89° 58'59" E 22.73 FT; N 56.25 FT; W 255.75 FT TO BEG. 0.34 AC, M OR L 4883-1117 6481-1039 6485-2163 6655-0040 6680-2116 7829-0164 8969-2597

SALT LAKE COUNTY COUNCIL

Chair

ATTESTED:

County Clerk



OFFICE OF TOWNSHIP SERVICES

Planning and Development Services
2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050
Phone: (385) 468-6700 • Fax: (385) 468-6674
www.pwpds.slco.org

File # 29338

Rezone Summary and Recommendation

Public Body: Salt Lake County Council – To be heard **Meeting Date:** To be Set – April 5, 2016
Parcel ID: 16-29-480-007, 16-29-480-008,
16-29-480-009 & 16-29-480-001 **Current Zone:** R-1-8 **Proposed Zone:** R-4-8.5
Property Address: 3437 South 1300 East
Request: Rezone from R-1-8 to R-4-8.5

Community Council: Millcreek **Township/Unincorporated:** Millcreek
Planner: Jeff Miller
Community Council Recommendation: Denial
Planning Commission Recommendation: Denial
Planning Staff Recommendation: Approval
Applicant Name: David Richardson

PROJECT DESCRIPTION

David Richardson is requesting a rezone from R-1-8 (Single-Family Residential, 8,000 Square Feet lot size) to R-4-8.5 (Medium-Density Residential) to accommodate an increase in density for a future conditional use application for a residential Planned Unit Development (PUD).

SITE & VICINITY DESCRIPTION (see attached map)

The proposed parcels to be rezoned R-4-8.5 are just south of 3300 South and front 1300 East. A majority of the surrounding parcels are zoned R-1-8 (Residential Single Family), with a few parcels to the west zoned R-2-8 (Medium-Density Residential). There are also large areas zoned C-2 (Commercial Zone) to the north along 3300 South, and to the east along Highland Drive. In the southwest corner of the parcels to be rezoned is a historic home built in 1895. The developer has stressed the importance of protecting this home from demolition if/when the future PUD development is constructed.

GENERAL PLAN CONSIDERATIONS

The proposed parcels are located in an area of "Moderate Change" according to the Millcreek Township General Plan. Moderate changes in land uses will occur in this area, and may represent reasonable changes to the typical land uses for the area/corridor. Changes may occur in clusters, while the land uses of the overall area/corridor will remain largely consistent. Growth in these areas will begin to trend upward, allowing for a transition to more intensive land uses.

ZONING CONSIDERATIONS (R-4-8.5)

Requirement	Current R-1-8	Proposed R-4-8.5
Height	35 Feet	35 Feet
Front Yard Setback	25 Feet	25 Feet
Side Yard Setback	20 Feet	8 Feet (no less than 18 Feet both sides)
Rear Yard Setback without Garage	30 Feet	30 Feet
Rear Yard Setback with Garage	15 Feet	15 Feet
Lot Width	65 Feet	60 Feet, 25 Feet from front lot line
Lot Area	8,000 Square Feet	6,000 Square Feet (additional 1,000 Square Feet for each unit in a dwelling structure)
Density (per acre)	4.5 Units	7 units for Single-family dwellings 12 units for Two-family dwellings 15 units for Three-family dwellings 18 units for Four-family dwellings

Compatibility with existing buildings in terms of size, scale and height.	Yes
Compliance with the General Plan.	Yes

ISSUES OF CONCERN/PROPOSED MITIGATION

Planning Staff has not identified any issues of concern with the proposed rezone request.

NEIGHBORHOOD RESPONSE

The original proposal from the applicant was a rezone from R-1-8 (Single-Family Residential) to R-M (High-Density Residential). This proposal was presented to the Millcreek Community Council on November 3, 2015. Prior to this proposal being presented to the Millcreek Community Council, the applicant had organized an informal meeting with the neighbors surrounding the subject property to present preliminary plans for the future PUD development (Planning Staff was not involved in this meeting or in attendance at this meeting). As a result of this meeting, some of the neighbors were concerned about the proposal to rezone the subject property to the R-M zone, and the preliminary plans for the future PUD development. These concerned neighbors were present during the Millcreek Community Council meeting on November 3, 2015. The Millcreek Community Council made a motion to continue the original proposal to rezone to R-M to the December meeting of the Millcreek Community Council, so that the applicant could further work with the concerned neighbors to potentially pursue another zone, and make additional changes to the preliminary plans for the future PUD development. The rezone request was not presented in December to the Millcreek Community Council, and was postponed until the January 5, 2016 meeting of the Millcreek Community Council. Between November and January the applicant mentioned that they have held four meetings with surrounding neighbors, as well as have met individually with some of the neighbors surrounding the property. In an effort to ease the concerns of the neighborhood, the applicant has changed the rezone request from R-M to R-4-8.5. In addition, the applicant has informed me that they have made additional changes to their preliminary plans for the future PUD development (which may or may not change if/when an application for a future PUD development is made). A large group of concerned neighbors were present at the meeting, and were opposed to the property being rezoned, and being potentially allowed to be used as multi-family residential. A petition in opposition to the rezone request was presented to the Millcreek Community Council with 58 signatures from neighbors in the surrounding neighborhood. When this item was

presented to the Millcreek Township Planning Commission on January 13, 2016, a large group of residents were present at the meeting, and were in opposition to the proposed rezone.

COMMUNITY COUNCIL RESPONSE

The current proposal to rezone the subject parcels from R-1-8 (Single-Family Residential) to R-4-8.5 (Medium-Density Residential) was presented to the Millcreek Community Council on January 5, 2016. They made a recommendation of denial for the rezone request.

PLANNING COMMISSION RESPONSE

The current proposal to rezone the subject parcels from R-1-8 (Single-Family Residential) to R-4-8.5 (Medium-Density Residential) was presented to the Millcreek Township Planning Commission on January 13, 2016. They made a recommendation of denial for the rezone request.

REVIEWING AGENCIES RESPONSE

Planning Staff has reviewed the application for compliance, as well as in accordance with best practices and policies included in the General Plan for the Millcreek Township.

PLANNING STAFF ANALYSIS

Planning Staff has analyzed the proposed rezone from R-1-8 (Single-Family Residential) to R-4-8.5, and has found that the request is cohesive with the surrounding uses and zones.

PLANNING STAFF RECOMMENDATION TO THE PLANNING COMMISSION

County Ordinance [19.90.030] “The county council, after review of the recommendation of the planning commission, may approve, deny, alter or remand for further review and consideration any application for zone change referred to the council by the planning commission.”

Staff has reviewed this rezone request for compliance with the Millcreek Township General Plan, standards set forth in the Salt Lake County Zoning Ordinance (Title 19), and for compatibility with existing neighboring land uses, and recommended to the Millcreek Township Planning Commission that they provide a favorable recommendation to the Salt Lake County Council.

293338

Aerial Map



Wed Jan 6 2016 04:07:23 PM



SALT LAKE COUNTY

NOTICE OF REZONING HEARING

NOTICE IS HEREBY GIVEN OF a public hearing to be held in COUNCIL CHAMBERS, COUNTY GOVERNMENT CENTER, NORTH BUILDING N1100, 2001 South State Street, Salt Lake City, Utah on **Tuesday, April 5, 2016 at 4:00 pm** o'clock before the Salt Lake County Council on the following application requesting rezoning of the following described area in Salt Lake County, Utah:

To amend the zoning map of Salt Lake County by changing the zone on the following described property located at approximately 3437 South 1300 East. The applicant is requesting approval of a Zone Change from the R-1-8 Zone to the R-4-8.5 Zone. This request has been filed under Application #29338 by David Richardson. The subject property is described as follows:

PARCELS: 16-29-480-007; 16-29-480-008; 16-29-480-009; 16-29-480-001

LEGAL DESCRIPTON:

Beginning at a point on the East Right-of-Way Line of 1300 East Street, said point also being at the Northwest corner of Lot 1, Luckland Subdivision, on file with The Office of the Salt Lake County Recorder, said point also being North 00°18'43" East 549.14 feet from the Southwest corner of Lot 7, Block 23, Ten Acre Plat "A", Big Field Survey, said point also being South 00°18'43" West 1213.76 feet from the monument at the intersection of 3300 South street and 1300 East street, and running thence North 00°18'43" along said East Right-of-Way a distance of 231.95 feet; thence North 89°48'00" East 240.81 feet to the west line of said Luckland Subdivision; thence along said subdivision the following three (3) course, 1) South 17°05'00" East 113.66 feet, 2) South 04°18'00" East 123.50 feet, 3) South 89°48'00" West 284.72 feet to the point of beginning.

Contains 1.435 Acres, More or Less

SALT LAKE COUNTY COUNCIL

Chair

ATTESTED:

County Clerk

**SALT LAKE COUNTY
ORDINANCE**

_____, 2016

AN ORDINANCE AMENDING TITLE 19, ENTITLED "ZONING", OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001, BY RECLASSIFYING CERTAIN PROPERTY LOCATED IN SALT LAKE COUNTY FROM THE R-1-8 (RESIDENTIAL) ZONE TO R-4-8.5 (RESIDENTIAL) ZONE.

The County legislative body of Salt Lake County, State of Utah, ordains as follows:

Section 1: Section, 19.06.020, Zoning Maps of Salt Lake County Code of Ordinances 2001, is hereby amended, as follows:

The property described in Application #29338 filed by David Richardson, and located at approximately 3437 South 1300 East within Salt Lake County (the "Property"), is hereby reclassified from the R-1-8 (RESIDENTIAL) zone to the R-4-8.5 (RESIDENTIAL) zone.

The Property is more particularly described as follows:

PARCELS: 16-29-480-007; 16-29-480-008; 16-29-480-009; 16-29-480-001

BEGINNING AT A POINT ON THE EAST RIGHT-OF-WAY LINE OF 1300 EAST STREET, SAID POINT ALSO BEING AT THE NORTHWEST CORNER OF LOT 1, LUCKLAND SUBDIVISION, ON FILE WITH THE OFFICE OF THE SALT LAKE COUNTY RECORDER, SAID POINT ALSO BEING NORTH 00°18'43" EAST 549.14 FEET FROM THE SOUTHWEST CORNER OF LOT 7, BLOCK 23, TEN ACRE PLAT "A", BIG FIELD SURVEY, SAID POINT ALSO BEING SOUTH 00°18'43" WEST 1213.76 FEET FROM THE MONUMENT AT THE INTERSECTION OF 3300 SOUTH STREET AND 1300 EAST STREET, AND RUNNING THENCE NORTH 00°18'43" ALONG SAID EAST RIGHT-OF-WAY A DISTANCE OF 231.95 FEET; THENCE NORTH 89°48'00" EAST 240.81 FEET TO THE WEST LINE OF SAID LUCKLAND SUBDIVISION; THENCE ALONG SAID SUBDIVISION THE FOLLOWING THREE (3) COURSE, 1) SOUTH 17°05'00" EAST 113.66 FEET, 2) SOUTH 04°18'00" EAST 123.50 FEET, 3) SOUTH 89°48'00" WEST 284.72 FEET TO THE POINT OF BEGINNING.

CONTAINS 1.435 ACRES, MORE OR LESS

Section 2: The map showing such change shall be filed with the Salt Lake County Planning Commission in accordance with Section 19.06.020 of the Salt Lake County, Code of Ordinances,

2001.

Section 3: This ordinance shall take effect fifteen (15) days after its passage and upon at least one publication in a newspaper published in and having general circulation in Salt Lake County, and if not so published within fifteen (15) days then it shall take effect immediately upon its first publication.

IN WITNESS WHEREOF, the Salt Lake County Council has approved, passed and adopted this ordinance this _____ day of _____, 2016.

SALT LAKE COUNTY COUNCIL

By: _____
Richard Snelgrove, Chair
Salt Lake County Council

ATTESTED:

Sherrie Swensen, County Clerk

Approved as to Form:

R. Christopher Preston
Deputy District Attorney
Date: _____

ORDINANCE HISTORY

Council Member Wilson _____
Council Member Snelgrove _____
Council Member Bradley _____
Council Member Bradshaw _____
Council Member Jensen _____
Council Member Newton _____
Council Member Granato _____
Council Member DeBry _____
Council Member Burdick _____

Vetoed and dated this _____ day of _____, 2016.

By _____
Mayor Ben McAdams or Designee

(Complete As Applicable)

Veto override: Yes__ No__ Date_____

Ordinance published in newspaper: Date_____

Effective date of ordinance:_____