

MEETING MINUTE SUMMARY
SALT LAKE COUNTY PLANNING COMMISSION MEETING
Wednesday, June 14, 2023 8:30 a.m.

****Meeting minutes approved on September 13, 2023****

Approximate meeting length: 36 minutes
Number of public in attendance: 5
Summary Prepared by: Wendy Gurr
Meeting Conducted by: Commissioner Hiatt

***NOTE:** Staff Reports referenced in this document can be found on the State website, or from Planning & Development Services.

ATTENDANCE

Commissioners	Public Mtg	Business Mtg	Absent
Neil Cohen	x	x	
Ronald Vance	x	x	
Mark Elieson	x	x	
Christopher Collard	x	x	
Sara Hiatt (Chair)	x	x	
Jeff Watkins (Vice Chair)	x	x	

Planning Staff / DA	Public Mtg	Business Mtg
Wendy Gurr	x	x
Morgan Julian	x	x
Curtis Woodward	x	x
Helen Peters		
Zach Shaw (DA)	x	x

BUSINESS MEETING

Meeting began at – 8:30 a.m.

Commissioner Hiatt read the Chairs Opening Statement.

- 1) Approval of the May 10, 2023 Planning Commission Meeting Minutes. (Motion/Voting)
Motion: To approve the May 10, 2023 Planning Commission Meeting Minutes as presented.
Motion by: Commissioner Watkins
2nd by: Commissioner Elieson
Vote: Commissioners voted unanimous in favor

- 2) Other Business Items. (As Needed)
No other business items to discuss.

ADMINISTRATIVE LAND USE APPLICATION(S)

Meeting began at – 8:33 a.m.

SUB2023-000854 – Dale Bennett is requesting preliminary plat approval for a 2-lot Subdivision with a flag lot for Ashley Circle Estates. This subdivision will require an amendment to lot 9 of the existing Willow Creek No. 3 Subdivision. **Location:** 8250 South Ashley Circle. **Zone:** A-1 (Agricultural). **Planner:** Morgan Julian (Motion/Voting)

The Planning Commission, in its discretion, may request public input on these applications prior to acting on the application. If public input is requested, public comment will be limited to three minutes per person.

Greater Salt Lake Municipal Services District Planner Morgan Julian provided an analysis of the staff report.

Commissioner Cohen confirmed this is one lot with one house and if this is going to be one house do they plan to demolish existing buildings. Ms. Julian confirmed they are demolishing a garage.

PUBLIC HEARING OPENED

Speaker # 1: Applicant

Name: Brandon Wixom

Address: 2962 East Robidoux Road, Sandy

Comments: Mr. Wixom said it was approved in the past.

Commissioner Cohen confirmed that the project was approved in 2016 and asked whether it was the same applicant. Ms. Julian confirmed yes, it was approved in 2016, and yes, it was the same applicant. Mr. Bennett is very interested in completing it this time.

Speaker # 2: Citizen

Name: Eric Dewitz

Address: 8251 Ashley Circle

Comments: Mr. Dewitz said he's opposed to the subdivision proposal. Surveying companying as the applicant is a conflict of interest. Statement on the application that there is 20-foot clearance on all sides is not correct. Because part of the property for the proposal is in the middle of the creek, applicant must get an environmental impact study. Seven years ago, the applicant applied, and a lot has changed. There were two school aged children in the cul-de-sac then; now there are 12. Concern for their safety. The zone is A-1; how will residential use affect agricultural area? Concern of aesthetics. 14-foot raise in elevation plus 35-foot home, making 49-foot raise in elevation, and affecting beauty of the neighborhood.

Speaker # 3: Citizen

Name: Annie Crockett

Address: 8263 Ashley Circle

Comments: Ms. Crockett said she agrees with everything Mr. Dewitz said, having the same concerns and feelings with four little kids.

Speaker # 4: Citizen

Name: Elizabeth Dewitz

Address: 8251 Ashley Circle

Comments: Ms. Dewitz said the reason people live there is for lush, beautiful landscape, starting to see homes shoehorned into the lots, changing aesthetics and history, and degrading the area.

Commissioner Cohen asked the Dewitz' for their address and about the banks of the river. Ms. Dewitz said they have lived there six years and the house was built in the 60's.

Speaker # 5: Applicant

Name: Brandon Wixom

Address: 2962 East Robidoux Road

Comments: Mr. Wixom said he lives in the neighborhood with four children and doesn't think it's a safety concern adding one more home. The lots are 1/3 acre. 20-foot setback from the berm, not the creek. Project will enhance the neighborhood. Personally seen the water has not encroached the berms there. If it were to flood this would be the year. In favor of living in the neighborhood and assured everyone they are following all the rules.

Speaker # 6: Applicant

Name: Dale Bennett

Address: 4595 Crest Ridge Road, Lehi

Comments: Mr. Bennett said carefully looked at floodplain and it is contained, monitored this year, and has only reached six to seven feet from the top of the berm. Went through the process and followed everything and will follow all comments and permits.

Commissioner Cohen asked about the home on the property. Mr. Bennett said he did live there, stepson lives there and is moving back east. The garage to the east will be demolished and a new one put in. The house will be sold. Commissioner Watkins said the comment made state the home would be 49 feet high. Mr. Wixom said will not be that high and zone allows 35 feet and doesn't know how neighbor arrived at that comment. Ms. Julian said preliminary approval is for the site plan and hasn't seen the elevations and doesn't see any extreme grading and will be a regular home on the property. Mr. Woodward said to clarify, the height is measured from original grade, they can't raise the grade and calculate height from new grade.

Commissioner Watkins motioned to close the public hearing, Commissioner Cohen seconded that motion.

PUBLIC HEARING CLOSED

Motion: To approve application #SUB2023-000854 Dale Bennett requesting preliminary plat approval for a 2-lot Subdivision with a flag lot for Ashley Circle Estates. This subdivision will require an amendment to lot 9 of the existing Willow Creek No. 3 Subdivision with staff recommendations and written findings issued by the Chair to memorialize the findings.

Motion by: Commissioner Collard

2nd by: Commissioner Vance

Vote: Commissioners voted unanimous in favor

MEETING ADJOURNED

Time Adjourned – 9:06 a.m.



June 15, 2023

Dale Bennett
9138 S. State Street #100
Sandy, Utah 84070
dale@benchmarkcivil.com

RE: Findings of Fact, Conclusions of Law, and Decision on Application for
Subdivision, Application No. SUB2023-000854

Dear Mr. Bennett:

You submitted an application for subdivision approval (“Application”). On June 14, 2023, the Salt Lake County Planning Commission (“planning commission”) announced its approval of Application No. SUB2023-000854 subject to certain conditions, and indicated that the planning commission chairperson would issue a written decision consistent with its motion. The written Findings, Conclusions, and Decision of the planning commission is set forth below.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

Pursuant to the planning commission’s motion, the planning commission chairperson (“Chair”) hereby issues these Findings of Fact, Conclusions of Law, and Decision. The planning commission hereby incorporates into its written Findings of Fact and Conclusions of Law the contents of the staff report for the Application (located at the following link and hereafter referred to as the “Staff Report”):
<https://www.utah.gov/pmn/files/987393.pdf>

The planning commission issues these Findings and Conclusions based on its review of the written evidence, argument, and information contained in the Staff Report and on the testimony that was provided at the June 14, 2023 planning commission meeting. At that meeting, property owners in the vicinity of the subject property shared the following concerns and requests regarding the Application: 1) the surveyor for the subdivision application was the applicant and therefore has a conflict of interest; 2) an environmental impact study should be conducted based on the subject property’s proximity to a stream; 3) there are many school-aged children in the area that would benefit from a sidewalk; 4) after additional grading on the property, the home will be much taller than allowed by County ordinance; and 5) adding a lot will change the character of the neighborhood.

For the following reasons (corresponding with the order of the objections outlined above), none of these objections provide a basis to deny the Application: 1) no legal grounds were given prohibiting a surveyor associated with or synonymous with the applicant/developer from providing services, and the merits of the surveying conclusions were not questioned; 2) no County ordinance or other applicable regulation requires an environmental impact study for this Application, and the planning commission’s requirement for a flood development permit and flood control permit addresses the subject property’s

proximity to the stream in accordance with regulations that do apply to the subject property; 3) the planning commission is only a recommending body on the sidewalk exception request but notes that the County Public Works Engineering recommends an exception because the area is fully developed without sidewalks; 4) Staff explained that the height of a building is measured from the original ground surface, so additional grading has no impact on the height of the structure—Staff also explained that a building permit could not be issued unless the building met height standards in County ordinance; and 5) if a subdivision meets local ordinance and regulations it must be approved—the argument that the extra lot will change the character of the neighborhood is really an argument against the ordinances in place that allow the subdivision, which is beyond the scope of the planning commission’s authority to remedy.

Pursuant to its review of oral testimony at its June 14, 2023 meeting, together with its review of written evidence, argument, and information in the Staff Report, and its Findings of Fact and Conclusions of Law, the planning commission hereby issues its Decision approving Application file SUB2023-000854, with the following conditions:

1. The applicant shall comply with all requirements from other reviewing agencies prior to final approval.
2. The applicant shall obtain a Floodplain Development Permit and a Flood Control Permit.
3. The applicant must receive final approval by the MSD staff.

The planning commission also provides to the County Mayor a positive recommendation on the applicant’s sidewalk exception request.

This decision is final and may be appealed to the Salt Lake County Land Use Hearing Officer within ten (10) days of the date of this written decision by any person adversely affected by this decision as provided in Salt Lake County Ordinance Section 18.08.040.¹ Appeals shall be submitted to the Municipal Services District Planning and Development Services Division, Attn: Wendy Gurr, 2001 S. State St., N3-600, Salt Lake City, UT 84190. Appeals must be accompanied by the \$1,000 application fee (\$900 of which will be refunded if the Land Use Hearing Officer finds in favor of appellant).

Respectfully,

Sara Hiatt

Sara Hiatt, Chair
Salt Lake County Planning Commission

CC to the following neighbors who submitted verbal objections to the Application:

Mr. and Ms. Dewitz, 8251 S. Ashley Circle, Sandy, Utah 84093

Ms. Crockett, 8263 S. Ashley Circle, Sandy, Utah 84093

¹ The planning commission’s recommendation on the applicant’s sidewalk exception request is not a final decision. The final decision on that request will be made by the County Mayor (or designee) and will be appealable once that final decision is made.