

# PLANNING COMMISSION

City of Holladay

November 7, 2023

City Council Chambers – 4580 S. 2300 E. Holladay



City of Holladay

This public meeting will be held in-person and also transmitted via live video stream on the [City of Holladay webpage](#).

Participation in a *public hearing* portion of this meeting can be accomplished in either of the following ways:

- During the meeting: address the Commission when the item is called by the Commission Chair
- Email: comments must be received by 5:00 pm on **11/06/2023** to the Community and Economic Development Department: [cmarsh@cityofholladay.com](mailto:cmarsh@cityofholladay.com). Emailed comments will be read by the Commission Chair.

## MEETING AGENDA

**5:30 PM WORK SESSION** – The Commission may discuss any or all agenda items. No decisions or voting to occur.

**6:00 PM CONVENE REGULAR MEETING** – Public Welcome & Chair Opening Statement

### PUBLIC HEARING

1. **“Wright Mind LLC” – Home Occupation Conditional Use Permit – 2220 E. Murray Holladay #229 (RM)**  
Review and consideration of a request by Applicant David Wright, as Owner, for a Home Occupation providing business consulting services. Item reviewed as an administrative application as per provisions stated in Holladay Ordinance §13.08.040  
*File #23-2-13*
2. **Zone Map Amendment – Rezone from RM to PO – 5200 S Highland Drive (RM)**  
Review and recommendation to City Council on a proposal by applicant Tim Sleeper to amend the Holladay Zone Map at this location from the current, Residential Multi-Family zone (RM) to the Professional Office zone (PO) for approximately 1.13 acres of land in order to more accurately reflect the use of the land. Item reviewed as a legislative action, according to procedures set forth in Holladay Ordinance §13.07.  
*File #23-4-09*
3. **“Holladay Heights” Residential Subdivision – Concept/Preliminary Plat – 4930 Westmoor (R-1-10)**  
Conceptual and Preliminary review and consideration of a residential subdivision proposed by Applicant Benjamin Wheat to subdivide 2.88 acres of land to accommodate 10 lots within the R-1-10 Zone. Item reviewed as an Administrative action for permitted uses in accordance to zone and subdivision standards required by Holladay Ord §13.10  
*File #23-1-11*
4. **“Silver Hawk 2” Subdivision – Conceptual Amendment and Extension– 5560 South Wasatch Blvd (FCOZ)**  
Conceptual review and consideration of an application by Applicants Robert and Connie Jensen, to amend the “Silver Hawk 2” Subdivision and subdivide 2 acres of land. This 2-lot, residential subdivision will be added as an amendment to the abutting, “Silver Hawk 2” subdivision. Item reviewed as an Administrative action for permitted uses in accordance to zone and subdivision standards required by Holladay Ord §13.10  
*File #18-1-04*
5. **“Oly Vista Subdivision- Landscaping Plan Amendment” – 4877 South Murray Holladay Road (R-1-10 Zone)**  
Applicant proposes an amendment to approved landscaping plans approved by the planning commission in accordance with applicable Holladay Ord 13.08.010D(5) 13.08.170.H, 13.10.050B2c(7) and 13.77.D2(c).  
*File #22-1-03-2*

### DISCUSSION ITEMS

6. **Text Amendment – Chp 13.10; SUBDIVISIONS (A STATE REQUIRED AMENDMENT) subdivision process**

Review and discuss proposed amendments to Title 13, of the Holladay City Code, Land Use and Development Regulations as they relate to Subdivisions in accordance with State requirements. **Discussion item only** for future review as a legislative action to make a recommendation to City Council, according to procedures set forth in Holladay Ordinance §13.07.

*File #23-4-05*

7. **Text Amendment – Chp. 13.76.730, 13.08.040, 13.80.020; HOME OCCUPATION; CONDITIONAL USE PERMIT; Sections relating to home occupations including conditional use permits, parking standards, and business licensing.**

Review and discuss proposed amendments to Title 13, of the Holladay City Code, Land Use and Development Regulations as they relate to Home Occupations and Conditional Use Permits. **Discussion item only** for future review as a legislative action to make a recommendation to City Council, according to procedures set forth in Holladay Ordinance §13.07.

*File #23-4-08*

8. **Text Amendment – Chp. 13.14.031; ACCESSORY DWELLING UNITS, external dwelling units**

Review and discuss proposed amendments to Title 13, of the Holladay City Code, Land Use and Development Regulations as they relate to Accessory Dwelling Units. **Discussion item only** for future review as a legislative action to make a recommendation to City Council, according to procedures set forth in Holladay Ordinance §13.07.

*File #23-4-08*

## **ADJOURN**

### **CERTIFICATE OF POSTING**

*I, Stephanie N. Carlson, the City Recorder of the City of Holladay, certify that the above agenda notice was posted on the City of Holladay bulletin board, the City website [www.cityofholladay.com](http://www.cityofholladay.com), the Utah Public Notice website [www.utah.gov/prn](http://www.utah.gov/prn), and was emailed to the Salt Lake Tribune and Desert News and others who have indicated interest.*

**DATE POSTED: [DAY, MONTH DATE, 2022 @ TIME AM/PM]**

*Stephanie N. Carlson MMC, City Recorder  
City of Holladay*

*Reasonable accommodations for individuals with disabilities or those in need of language interpretation service can be provided upon request. For assistance, please call the City Recorder's office at 272-9450 at least three days in advance. TTY/TDD number is (801)270-2425 or call Relay Utah at #7-1-1*



FILE# 23-2-13

## Wright Mind LLC Home Occupation CUP

**ADDRESS:**

2180 E 4500 S

**LEGAL DESCRIPTION:** 22-10-129-213

UNIT 229, BLDG 17, AIX LA CHAPELLE CONDM .507% INT 5279-00835495-2702 5545-1616 6283-2299 8324-3853 8382-4048 8382-5663 8504-3208 10032-4461 10034-3978 10086-3146 10783-5983 11199-4648 11333-6579

**APPLICANT/REPRESENTATIVE:**

David Wright

**PROPERTY OWNER:**

Denia Ollerton; Wright Mind LLC

**ZONING:**

R-M

**GENERAL PLAN DISTRICT:**

Medium Density Residential-Stable (MDR-S)

**CITY COUNCIL DISTRICT:**

District #5

**PUBLIC NOTICE DETAILS:**

Mailed 10/26/2023

**REQUEST:**

Conditional Use Permit

**APPLICABLE REGULATIONS:**

13.08.040 Conditional Uses

**EXHIBITS:**

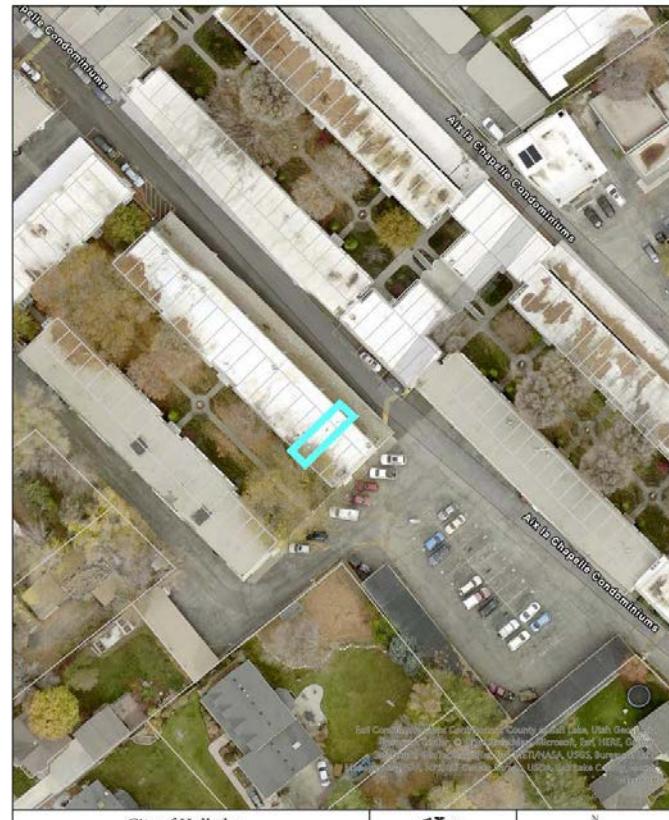
Zone map  
Staff Report  
Applicant Narrative  
Applicant supporting doc.

**DECISION TYPE:**

**Administrative:**

Public hearing required. PC shall make a motion of either, denial, approval or to continue. All motions require findings which support the decision. As directed by ordinance, applications shall be approved if the Land Use Authority finds Substantial Evidence of compliance with applicable requirements. Holladay Ord. 13.06.050.B2 and 13.08

**SITE VICINITY MAP**



**Notes:**

**STAFF:**

Carrie Marsh, City Planner



Request: **CONDITIONAL USE – HOME OCCUPATION**  
Project: David Wright – Business Consulting Services  
Address: 2220 E Murray Holladay Road Unit #229  
Zone: R-M  
Applicant: David Wright  
File No: 23-2-13  
Notice: Mailed to properties within 500' on 10/13/2023.  
Planner: Carrie Marsh

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<b>GOVERNING POLICIES/ORDINANCES:</b>	<a href="#">13.03.020</a>	CONDITIONAL USE SUBMITTAL REQUIREMENTS
	<a href="#">13.08.040</a>	CONDITIONAL USE PERMIT REVIEW/APPROVAL STANDARDS
	<a href="#">13.76.730</a>	HOME OCCUPATION (REGULATIONS)
	<a href="#">13.100</a>	LAND USE TABLE (ALLOWED AS CONDITIONAL)
	<a href="#">5.54.010</a>	HOME OCCUPATION (BUSINESS LICENSE)

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**PLANNING COMMISSION ACTION TYPE: *Administrative***

Public hearing required. PC shall make a motion of either, denial, approval or to continue. All motions require findings which support the decision. As directed by ordinance, Home Occupation applications shall be approved if the Land Use Authority can apply conditions (if any) which mitigate possible adverse effects of the proposed use. Holladay Ord. [13.08.040F](#)

**EXCECUTIVE SUMMARY**

The City of Holladay conditionally allows the use of an individual's dwelling for business purposes when the business use is incidental and secondary to the use of the dwelling for dwelling purposes.

Mr. Wright is seeking a Conditional Use Permit to conduct business which involves business associates coming to the dwelling for business consulting services, all by appointment. Multiple clients may be present at one time and parking is planned accordingly within 7 guest spaces, two of which are ADA spaces. Guest parking is available to all residents in the complex. Generally, parking at residential multi-family properties peaks in the evening when most residents return from work or daily activities with parking being more available during the day. Commissioners are encouraged to visit the site during the applicant's proposed hours to assess the availability of parking. Currently, City of Holladay Code requires two on-site parking spaces based on the accessory use as a business office.

No prior home-occupation Condition Use Permits have been issued at this address, although the applicant has held a business license at the residence. Businesses can operate within a person's residence without requiring a business license (Utah State Code), however, The City of Holladay requires a Conditional Use permit if the business involves having clients come to the property.

Home Occupations are an accessory use and are conditional within the R-M zone. This property is within the Aix La Chapelle Condominium complex, which does have an Owner's Association and CC&Rs. While CC&Rs of a property may state that owners cannot operate businesses, Holladay City Code conditionally allows home occupations. Utah State Code §[57-8a-218\(7\)](#) states that an HOA may not set a rule forbidding an activity within the confines of a dwelling or lot if it is otherwise legal within the confines of a dwelling under local laws and ordinances.

**APPLICANT / PROPERTY SUMMARY**

Applicant David Wright owns property at 2220 E Murray Holladay Rd, Unit #229, in a multi-family residential zone (R-M). Mr. Wright is requesting approval to license their home-based business providing business consulting services. The proposed hours of operation are:

- Monday through Friday within the hours of 11 am and 4 pm,
- Occasional weekends from 12 pm to 3 pm

Client meetings typically involve 1-2 clients, but may involve 3-4. Meetings are usually an hour long, but can go 2-3 hours. A maximum of three meetings would be held in one day, but the applicant anticipates that there will be two meetings held in one week.

The applicant has detailed their meeting space and an area of 7 visitor stalls, 2 of which are ADA stalls.

### **TECHNICAL REVIEW COMMITTEE ASSESSMENT**

The TRC has reviewed the application in accordance with regulating section [13.08.040](#) (Conditional Use Permit Review/Approval Standards) and 13.76.730 (Home Occupation) of the ordinance and found that the application has met the required provisions as follows:

- a. The use is consistent with policies set forth in the city's general plan applicable to the site where the conditional use will be located.
- b. The use is allowed by the zone regulations
- c. The use is compatible with the character of the site, adjacent properties and uses, and existing development within the vicinity of the site
- d. Vehicular access to the site does not materially degrade the existing level of service of the abutting streets.
- e. All driveways are existing and their direction of traffic to streets (Arbor Lane and Murray Holladay Rd) and do not impact the safety, purpose, or character of those streets beyond their current use.
- f. Parking areas have been located, and daytime use will not adversely impact the reasonable use of adjacent properties.
- g. Peak traffic of up to 4 vehicles entering the site can be accommodated without impairing the use and enjoyment of adjacent properties.
- h. Motorized, non-motorized, and pedestrian traffic circulation has been designed to mitigate adverse impacts on adjacent properties (locating parking close to the resident's unit entrance).
- i. Proposed hours are during the day, similar to other nearby uses and designed to occur when many of the residents are not at home. No additional no, light, odor is foreseen to be present or affect the use and enjoyment of adjacent properties.
- j. Existing utility and public services support the proposed use at normal service levels.
- k. No additional light, noise, and visual impact is anticipated from the use and installation of buffering is not likely to be reasonable or appropriate.

### **TRC RECOMMENDATIONS**

The TRC recommends the commission consider the applicant's oral presentation as well as any public comments (written or oral) as part of the required public hearing while considering this conditional use permit request. Staff recommends approval of this item with the following suggested findings and conditions. Additional considerations or conditions, if any, should be applied carefully and reasonably as per 13.08.040.F

Findings:

1. Land use and home occupation requirements as proposed are in compliance with existing city ordinances
2. The conditional use as proposed meets approval standards as outlined in Chapter 13.08.040

Conditions:

1. Off street parking areas shall be maintained as available during business hours – no street parking allowed.
2. Obtain a Holladay business license
3. Hours of operation limited to those detailed by the applicant
4. Conditions or complaints found to be in violation of set standards will require re-review by the planning commission or possible revocation of this permit as determined by the Community Development Director

**SUGGESTED MOTION FORMAT:**

*“I motion the Holladay Planning Commission move to \_\_\_\_\_ (APPROVE, DENY, CONTINUE) the application for a Home Occupation for “**Wrightmind LLD**“, located at **2220 E Murray Holladay Rd, #229** based upon the findings that the application \_\_\_\_\_ (see above for staff suggested findings). This motion is subject to the following conditions\_\_\_\_\_ (see above for staff suggested conditions).”*



## NOTICE OF A PUBLIC HEARING CONDITIONAL USE PERMIT – Home Occupation

Date: Tuesday, November 7<sup>th</sup> 2023  
Time: As close to 6:00 pm as possible  
Location: City Hall – City Council Chambers  
Hearing Body: Planning Commission

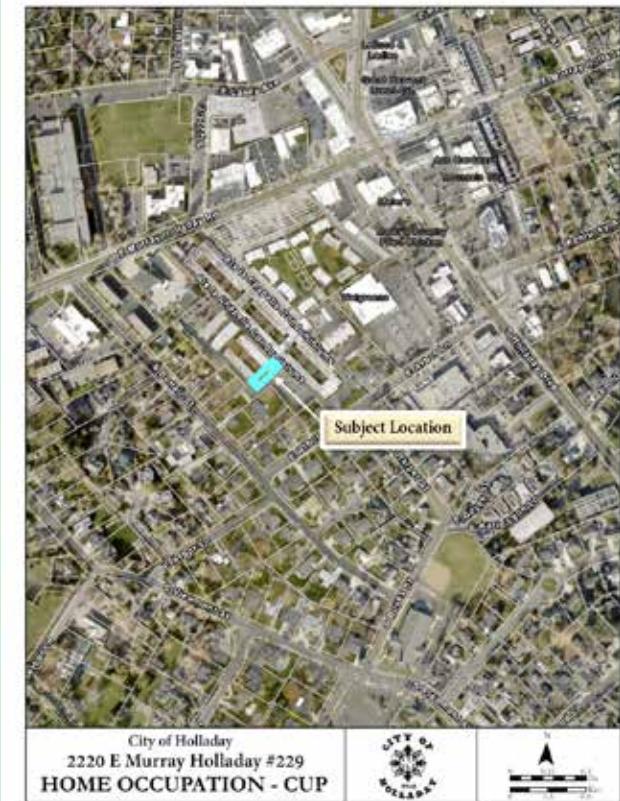
Notice is hereby given that the City of Holladay Planning Commission will review and consider a proposal by David Wright for a Conditional Use Permit allowing a home occupation at their property located at 2220 E Murray Holladay Rd, #229 in the R-M zone. Proposal is in accordance with provisions in Holladay City Code Section 13.76.730.

*\*\*No zone or ordinance change is proposed in conjunction with the/this application. \*\**

Please submit comments via email by 5:00 pm 11/06/2023 to Carrie Marsh, [cmarsh@cityofholladay.com](mailto:cmarsh@cityofholladay.com); City Planner. Emailed comments received by the designated times will be forwarded to the Commission prior to the meeting.

Additional information regarding this item & instructions how to view this meeting remotely can be found on the City's website and on the posted agenda, prior to the meeting. Interested parties are encouraged to watch the video stream of the meeting on the City of Holladay webpage.

ATTENTION: This notice was mailed on 03/23/2023 by order of the Community and Economic Development Director, Jonathan Teerlink, to all residents within 500 feet from the subject property. If you are not the owner of your residence, please notify the owner regarding this matter. Thank you.



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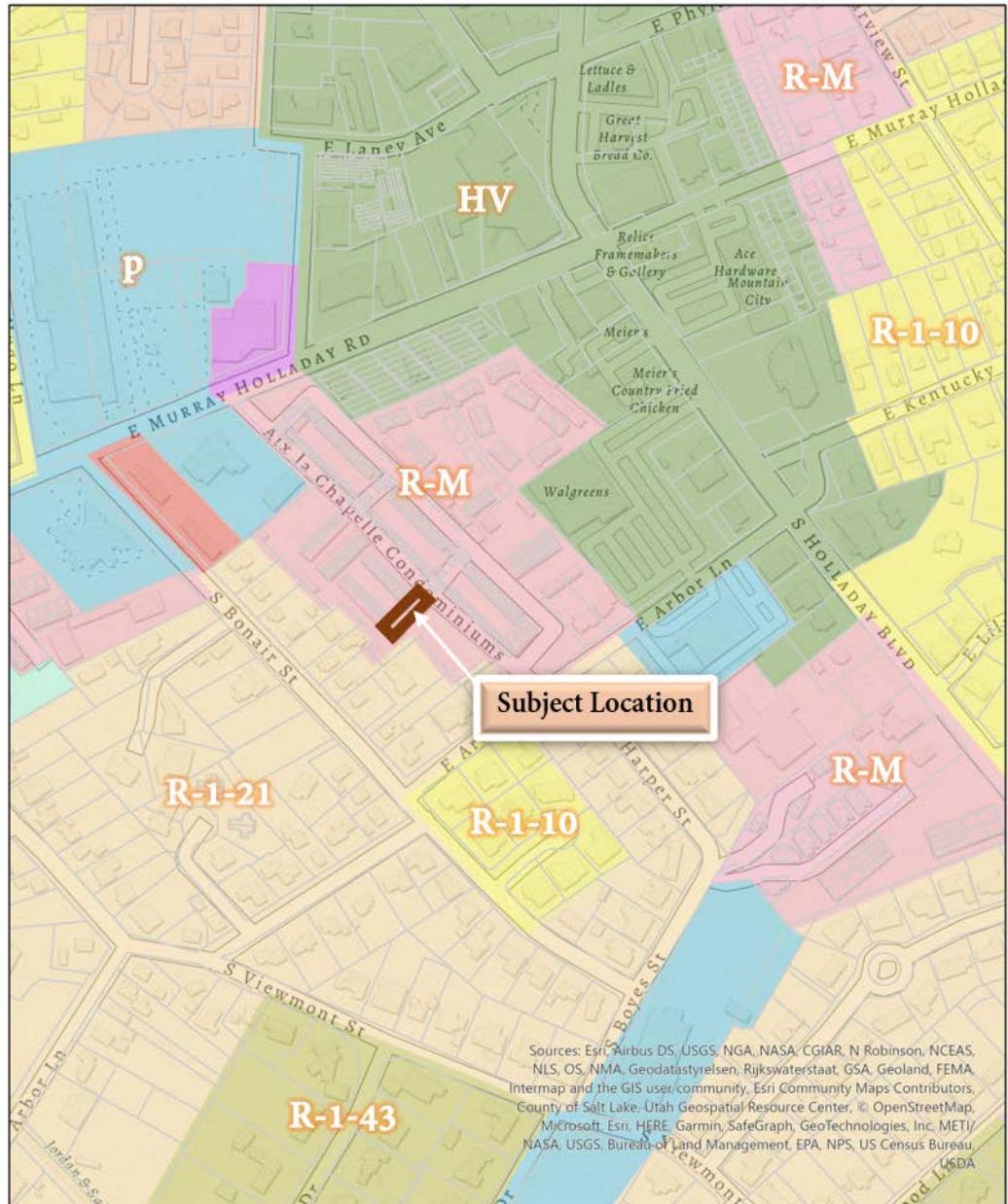
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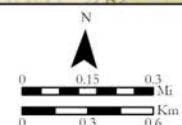
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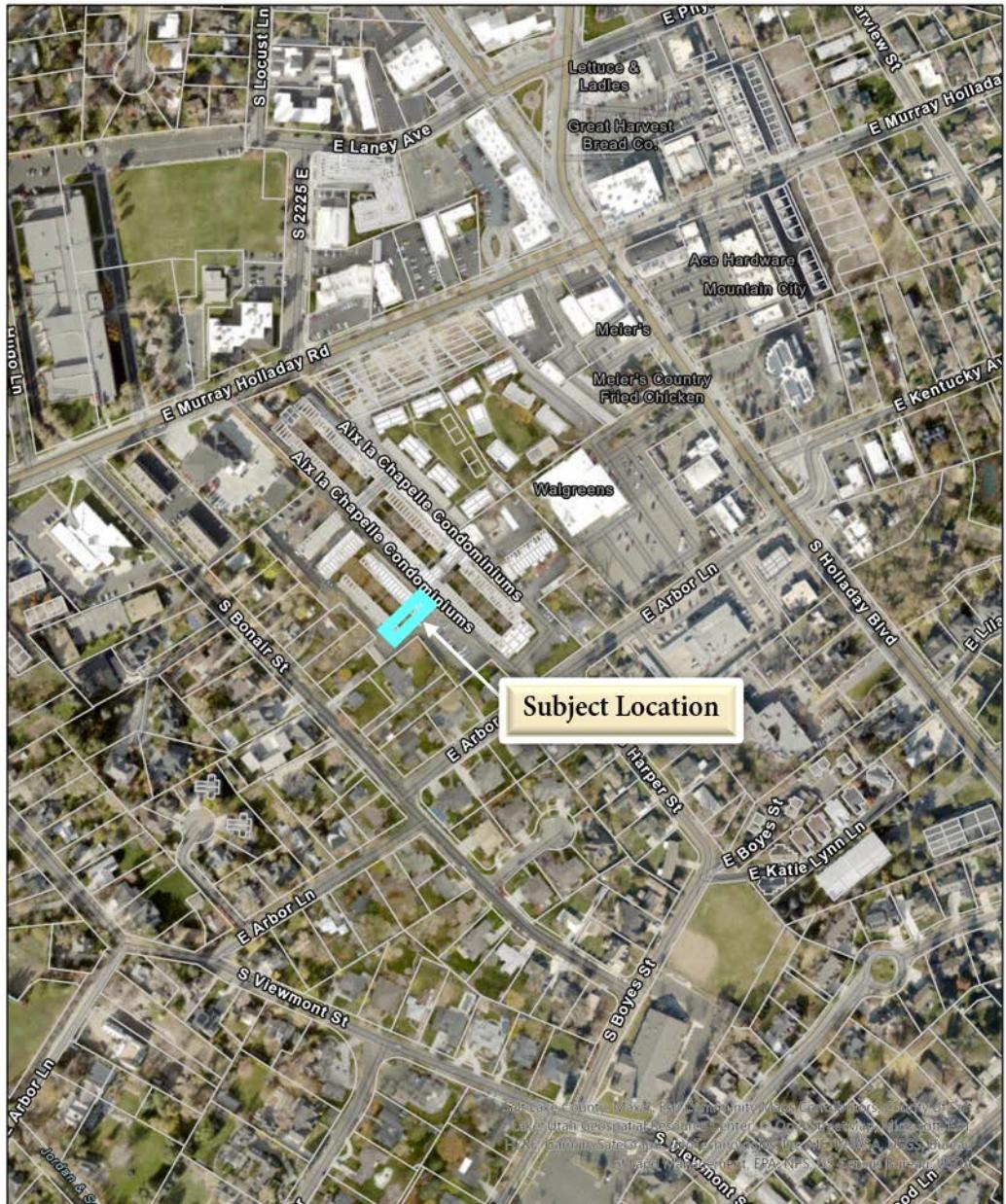
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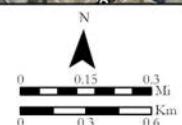


City of Holladay  
2220 E Murray Holladay #229  
**HOME OCCUPATION - CUP**





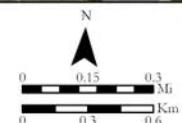
City of Holladay  
2220 E Murray Holladay #229  
**HOME OCCUPATION - CUP**





Ear Community Maps Contributors: County of Salt Lake, Utah Geospatial  
Program Center, OpenStreetMap, Microsoft, Esri, HERE, Garmin,  
Cartographia, TomTom, Esri, MapQuest, USGS, Bureau of Land  
Management, FEMA, NPS, US Census Bureau, USDA, Salt Lake County, Minuteman  
Geospatial, and Esri. © 2023 Esri. All rights reserved.

City of Holladay  
2220 E Murray Holladay #229  
**HOME OCCUPATION - CUP**





November 7th

- see if we have  
former business licenses  
2007, 2008, 2009

City of Holladay

COMMUNITY DEVELOPMENT DEPARTMENT  
4580 S 2300 E, Holladay, Utah 84117  
Phone: 801-527-3890

## GENERAL LAND USE DEVELOPMENT APPLICATION

Name of Proposed Project:

WRIGHT MIND LLC

Address of Project:

2220 E 4800 South, Suite 229, Holladay, UT 84117

## TYPE OF REQUEST: (mark all that apply)

ADMINISTRATIVE PROCEDURES APPLY (ORD. 13.08)		LEGISLATIVE PROCEDURES APPLY (ORD. 13.07)
<input type="checkbox"/>	SITE PLAN <input type="checkbox"/> PERMITTED of <input type="checkbox"/> CONDITIONAL	REZONE of PROPERTY
<input type="checkbox"/>	SUBDIVISION PLAT	GENERAL PLAN AMENDMENT
<input type="checkbox"/>	CONDOMINIUM PLAT	CODE AMENDMENT
<input checked="" type="checkbox"/>	CONDITIONAL USE PERMIT	PUBLIC STREET: NAME CHANGE, VACATION / CLOSURE or DESIGNATION
<input type="checkbox"/>	SPECIAL EXCEPTION	HISTORIC SITE DESIGNATION
<input type="checkbox"/>	LOT LINE ADJUSTMENT or COMBINATION	DEVELOPMENT AGREEMENT AMENDMENT
<input type="checkbox"/>	OTHER:	ANNEXATION

Applicant Name: (Please Print)

David Wright

Property Owners Name: (Please Print) \*\*ATTACH SIGNED "OWNER AFFIDAVIT"

Wright Mind LLC

Applicant's Mailing:

Address: 2220 E 4800 S, Suite 229 City: Holladay State: UT Zip: 84117

Applicant Phone:

801 930 0252

Applicant's Email Address:

wm@theWrightMind.com

Main Contact Person (Please Print):

Name: David Wright

Phone:

801 930 0252 email: [wm@theWrightMind.com](mailto:wm@theWrightMind.com)

Brief summary of proposal / request:

Have maybe 1-3 clients a day, come to the home suite for management &amp; consulting in asset management related meetings.

## FILING FEES: (ORD 3.35)

SITE PLAN REVIEW	\$600.00	REZONE of PROPERTY	\$900.00 + \$85.00/acre
SITE PLAN AMENDMENT	\$250.00	CODE AMENDMENT	\$600.00
SUBDIVISION: Final = 6% of the cost of improvements)	\$2,000.00 + \$100.00/lot	GENERAL PLAN AMENDMENT	\$300.00 + \$50.00/acre
CONDOMINIUM	\$1,000.00 + \$100.00/unit	HISTORIC SITE DESIGNATION	\$600.00
CONDITIONAL USE PERMIT - COMMERCIAL	\$1,000.00 + \$35.00/acre	PUBLIC STREET:	\$300.00 - vacation \$500.00 - dedication \$250.00 - namechange
CONDITIONAL USE PERMIT - RESIDENTIAL	\$900.00 + \$50.00/unit	ANNEXATION	
CONDITIONAL USE PERMIT - HOME BUSINESS	\$100.00	DEVELOPMENT AGREEMENT AMENDMENT	
CONVERSION TO CONDOMINIUM	\$50.00/unit	LOT LINE ADJUSTMENT / COMBINATION:	\$75.00
SPECIAL EXCEPTION	\$600.00	OTHER:	
SUBDIVISION AMENDMENT	\$500.00		

## OFFICE USE ONLY

FILE NUMBER \_\_\_\_\_

PARCEL NUMBER \_\_\_\_\_

GENERAL PLAN \_\_\_\_\_

ZONE: \_\_\_\_\_ ACREAGE: \_\_\_\_\_

PC ACTION: \_\_\_\_\_ DATE: \_\_\_\_\_

CL ACTION: \_\_\_\_\_ DATE: \_\_\_\_\_

FILE DATE: \_\_\_\_\_

FINAL TOTAL DUE: **100.00**

## RECEIPT

DATE 10/11/23

No. 191199

\$ 100.00

RECEIVED FROM

Wright Mind LLC

 FOR RENT FOR

CVP Home Occ.

(s)/submittals or it will not be accepted.

sions and/or meetings dates at that time

Thursday of each month

a representative of the applicant.

ACCOUNT	
PAYMENT	100.00
BAL. DUE	

 CASH  
 CHECK  
 MONEY ORDER  
 CREDIT CARD

FROM \_\_\_\_\_ TO \_\_\_\_\_

BY *Carrie Glass*

CITY OF HOLLADAY  
AFFIDAVIT OF PROPERTY OWNERSHIP  
FOR PROPERTY LOCATED AT

ADDRESS: 2220 E. 4800 South, Suite 229, Holladay, UT 84117

SUBDIVISION \_\_\_\_\_ PLAT \_\_\_\_\_ LOT \_\_\_\_\_

PROPERTY OWNER

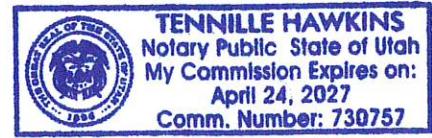
I (WE), Denia-Marie Ollerton / Wright Mind LLC BEING DULY SWEORN, DEPOSE AND SAY THAT I (WE) AM (ARE) THE OWNER(S) OF THE PROPERTY IDENTIFIED IN THE ATTACHED APPLICATION AND THAT THE STATEMENT HEREIN CONTAINED AND THE INFORMATION PROVIDED IN THE ATTACHED PLANS AND OTHER EXHIBITS ARE IN ALL RESPECTS TRUE AND CORRECT TO THE BEST OF MY (OUR) KNOWLEDGE.

Denia-Marie Ollerton DEMO  
PROPERTY OWNER

J. D. Hawkins 00  
PROPERTY OWNER

ACKNOWLEDGMENT

STATE OF UTAH )  
COUNTY OF Salt Lake ) SS.



THE FOREGOING AFFIDAVIT WAS ACKNOWLEDGED BEFORE ME THIS 10th DAY OF October, 2023, WHO DULY  
ACKNOWLEDGED TO ME THAT HE DID EXECUTE THE SAME.

MY COMMISSION EXPIRES: April 24, 2027

Jennillehawkins

NOTARY PUBLIC

PROPERTY OWNER'S  
AGENT AUTHORIZATION

I (WE), \_\_\_\_\_, THE OWNER(S) OF THE REAL PROPERTY DESCRIBED ABOVE, DO AUTHORIZE AS MY AGENT(S)  
TO REPRESENT ME (US) REGARDING THE ATTACHED APPLICATION AND TO APPEAR ON MY  
(OUR) BEHALF BEFORE ANY ADMINISTRATIVE OR LEGISLATIVE BODY IN THE CITY OF HOLLADAY CONSIDERING THIS APPLICATION AND TO ACT  
IN ALL RESPECTS AS OUR AGENT IN MATTERS PERTAINING TO THE ATTACHED APPLICATION.

ACKNOWLEDGMENT

STATE OF UTAH )  
COUNTY OF ) SS.

THE FOREGOING AFFIDAVIT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, WHO DULY  
ACKNOWLEDGED TO ME THAT HE DID EXECUTE THE SAME.

MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC

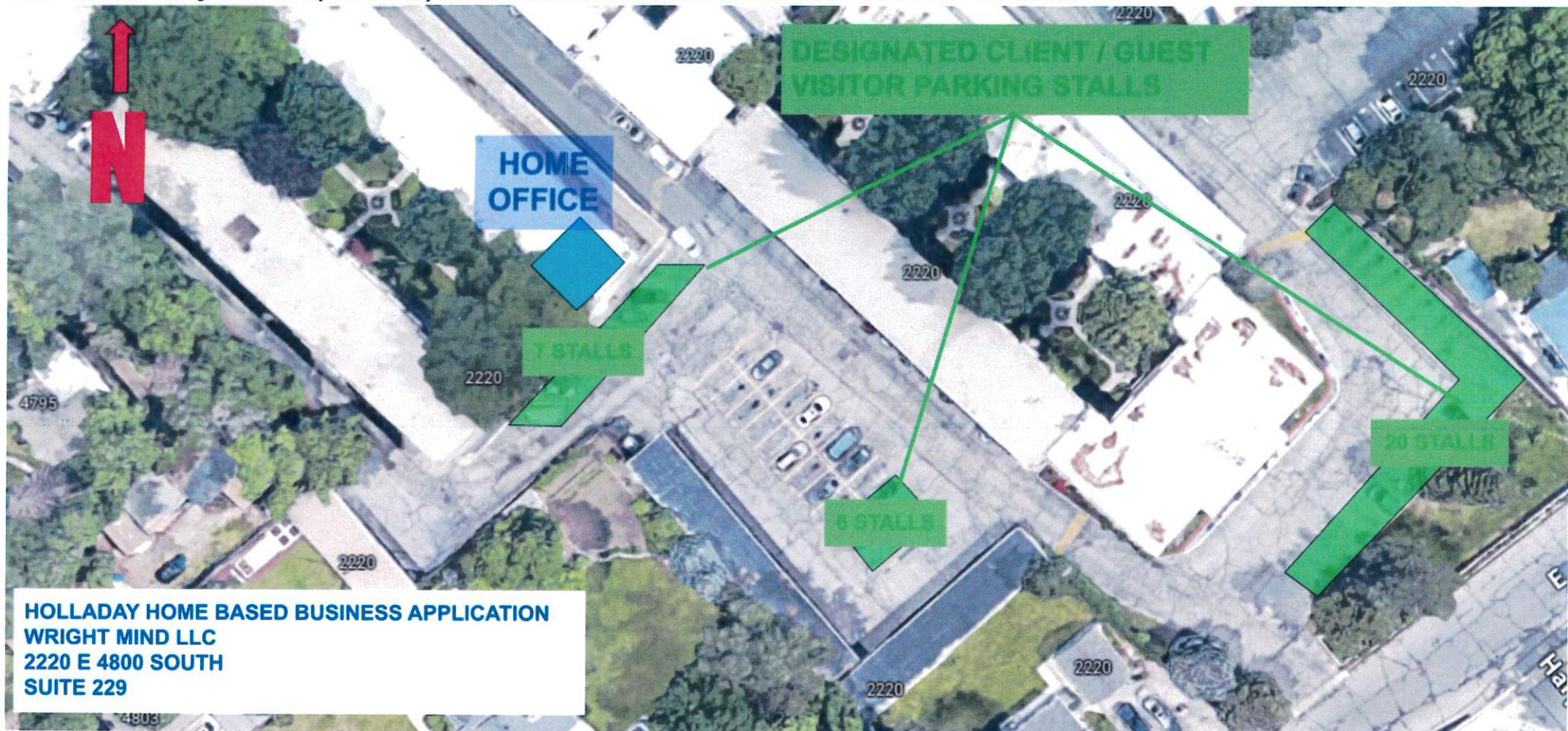
Narrative of Request  
Condition Use: Home Based Business  
For  
Wright Mind LLC at 2220 E 4800 South, Suite 229

We are requesting a Home Based Business license from the city of Holladay for Wright Mind LLC, which is a small business registered as a Limited Liability Company with the Utah Division of Commerce.

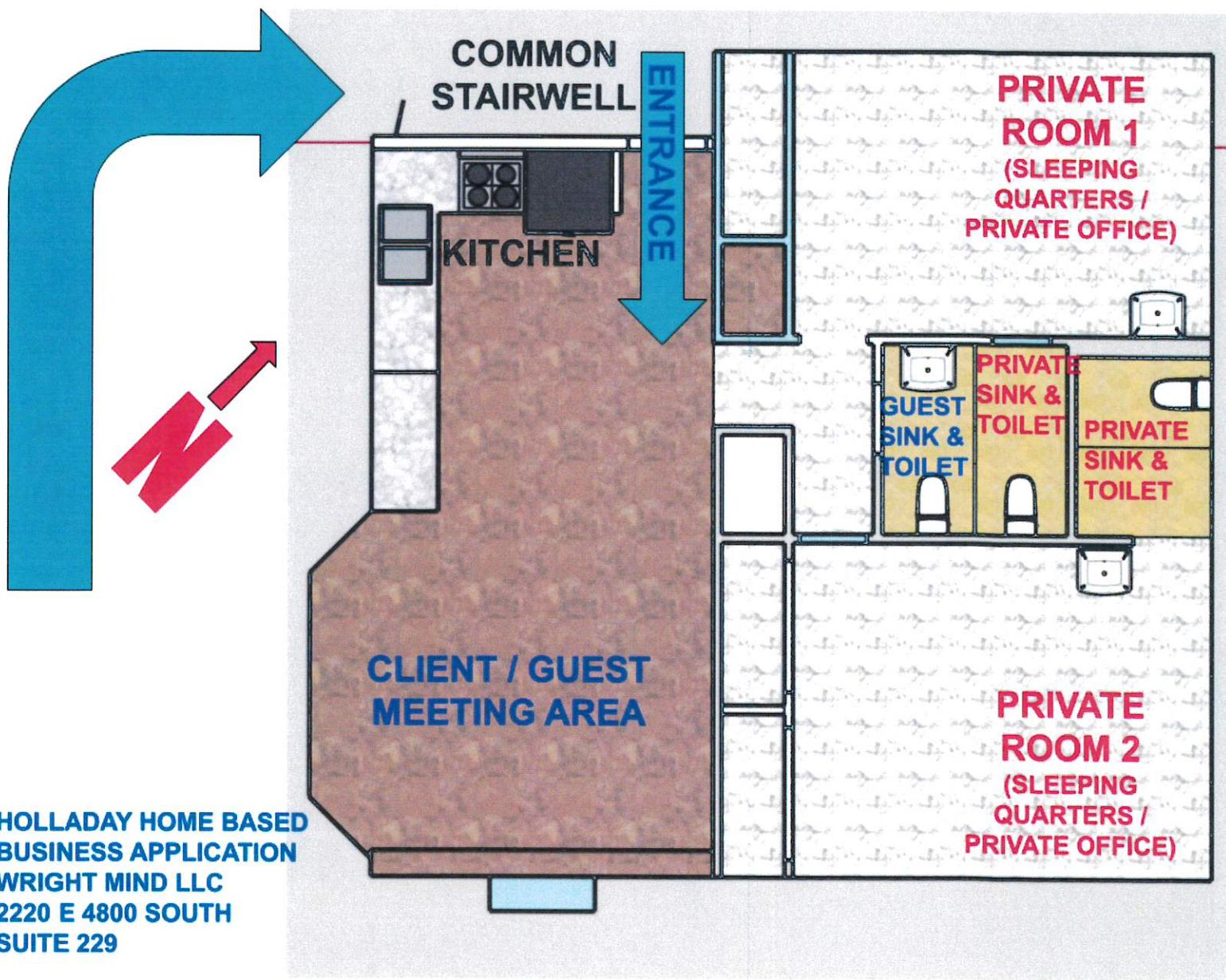
Wright Mind LLC held a home occupation business license at the Aix La Chapelle Condominiums with the City of Holladay in 2007, 2008, and 2009. Since 2010 we have not conducted at Aix La Chapelle Condominiums, but due to the current market, we are starting to do more sole-proprietor consulting projects. The activities of the business have not changed since 2010, and the location is at the same complex. There is nothing in our condominium governing documents that prohibits home based businesses, as long as they are auxiliary activities to residential uses, and not primary uses of the condominium suites.

Wright Mind LLC is a managing and consulting business that helps small business entrepreneurs with business start-up, operations, and consulting. We often will need to meet with new clients, and existing clients that may not have a physical place of business. The activities of the home based business will not significantly impact the current activities of the complex. Currently we will meet clients, who do not have offices, in the Holladay Village center. It sometimes arises that the nature of the business conversations need to be brought to the condominium for privacy and confidentiality purposes. Private and confidential meetings would be the primary use of the condominium for this home based business license.

Home business meeting hours would typically be Monday through Friday from 11am - 4pm. If it arises that we need to meet clients on the weekends, it would be in the 12pm - 3pm time window. Currently, we are meeting clients maybe a few times a week at the condo. Our busiest meetings usually involve 3-4 associates at a time, but more frequently it is 1-2 associates meeting at a time. Meetings usually last an hour, but there are some meetings which may go 2-3 hours. On a busy weekday, there may be a max of 3 meetings in a day, but generally anticipate 2 meetings in a week, often times less.







## Carrie Marsh

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**From:** Anneka Eliason [REDACTED]  
**Sent:** Wednesday, November 1, 2023 12:54 PM  
**To:** Carrie Marsh  
**Subject:** Concerned Resident

**[External Email - Use Caution]**

Good morning,

I'm hoping this email finds you well. I'm reaching out to you in regards to a postcard that was sent to Aix La Chapelle Condominium residents stating one David Wright in unit 229 is requesting to bypass our CC&R's and governing documents. As a resident of Aix La Chapelle of many years, I've been around the community and a long term resident of Holladay, I know this community very well. I respectfully ask you to consider my following concerns in relation to his application for conditional use.

Living in close proximity to the requester, I have reason for concern that this individual will not adhere to any conditions of a business license as he is proven to try to bypass any regulation or rule, as he views himself to be the exception in every matter.

My opposition to allowing the resident in question to move to conditional use is with the overall community in mind. The community being built when it was, in the late 60's, has been grandfathered in for many code regulations that residents understand moving here before purchasing. My initial thought goes to the liability insurance involved with the non residents coming and going if this were to pass. The ADA requirements for a business would fall back on the surrounding residents to effectively assume the risk and cost of a single individual's extracurricular activities.

This is a private community, and opening this community up for potential conditional use turns it into a public/ mixed use space, which in no way do the residents sign up for when moving into this community and paying their HOA fees. The HOA fees cover communal needs and this would invite extra wear and tear on the building, roads, and add complications with the very limited parking we have to offer. The goal of the community is to be as harmonious as possible, and it is my observation that will be greatly compromised inviting business into such close proximity of people's homes in a building that was never designed for such.

I have several examples I'm happy to provide firsthand accounts of the mentioned applicant, and reasons why I believe this to be detrimental for the community if allowed to bypass.

Respectfully,  
Anneka Eliason

## Carrie Marsh

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**From:** Becky Sargent [REDACTED]  
**Sent:** Wednesday, November 1, 2023 12:02 PM  
**To:** Carrie Marsh

**[External Email - Use Caution]**

Hello Carrie,

I have been a homeowner and resident of Aix la Chapelle for 22 years. I strongly request that the city deny the request of David Wright for a business license.

I remember that David lived in and did this in the community 10 or more years ago and the city denied him his request. Homeowners were sent letters about this and we could send in our opinion.

I was unaware he had moved back to the Aix la Chapelle community. He knows that our CC&R's clearly state we are a residential only property. I don't know why he would try to do this again to the community.

I have concerns that no one but David would benefit from this request, but all homeowners would be impacted by increased traffic, our liability insurance would go up, other community service costs would increase, etc. Our HOA fees would then go up to cover these unnecessary expenses.

There are many other business areas that David could run a business in specifically zoned for that purpose.

Thank you for your time and attention to helping our community remain residential only and for all the work you do for the betterment of our city.

Sincere Regards,  
Becky Sargent

## Carrie Marsh

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**From:** Helmuth Naumann <[REDACTED]>  
**Sent:** Wednesday, November 1, 2023 10:44 AM  
**To:** Carrie Marsh  
**Subject:** David Wright Request of Business License

**[External Email - Use Caution]**

Hello,

I am writing as the Aix La Chapelle Condominium Association manager. There are a few concerns regarding Mr. Wright on obtaining a license for his resident in the community. Many owners have come to me with concerns regarding a business operating on the community of unit owners.

The purpose of Aix La Chapelle Condominium is to own property for the mutual benefit of all the members. The members share all expenses and liability of the association. One of my responsibilities as a manager is to minimize liability and create a sense of community. This is a private community managed by the Board of Directors to represent the community as a whole for the betterment for all members of the association.

The concern is that added liability will be placed on to all owners for the benefit of one owner. Business brings in more liability to a community and therefore the responsibility is shared with the rest of the owners. The community has limited parking spaces and parking rules state that all guests must not have more than 2 vehicle guests to accommodate the owners and residents of the association.

Mr. Wright mentioned on an email addressed to you that management has a contractor's license. Management does have a contractor's license but does not operate the business. The contractor license is not used on any business transactions. There are several owners with professional licenses for their jobs but do not have a business operation in the community. All the construction vehicles in the association premises are working on projects for the association or remodeling units for the unit owners. Mr. Wright is aware of this and was not honest with the information he provided.

Please consider the association's request to not provide a license to a unit owner as the purpose of the association units are for residential use only as stated in the governing documents. The main purpose of the association is to create a sense of community for the owners of the association. We have 2 pools, a fitness room, and 2 saunas and they are for the use of the residents. Having a business run on the community may bring more people from the outside to use the private amenities that the owners pay for.

Best Wishes,

**Helmuth Naumann, PCAM**  
Community Association Manager  
Aix La Chapelle Condominium Association

2220 Murray-Holladay Rd. Main Office  
Holladay, UT 84117  
**o:** (801) 278-3113  
**e:** manager@aixlacondo.com

[www.aixlacondo.com](http://www.aixlacondo.com)

## Carrie Marsh

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**From:** Wright Mind LLC [REDACTED]  
**Sent:** Tuesday, October 31, 2023 5:30 PM  
**To:** Carrie Marsh  
**Cc:** Jonathan Teerlink  
**Subject:** Fwd: Concerned Owners Business License in our Community  
**Attachments:** Entity Details\_ ASPEN MEADOWS CONTRACTING - Utah Business Search - Utah.gov.pdf

**[External Email - Use Caution]**

Hi Carrie and Planning Department,

One of the owners forwarded this forwarded email to me today. I would just like to clarify and have the city be advised that there is nothing in the CC&Rs and By-Laws that prohibits a home based business license. I am requesting the city to move forward with my application as my application fee has already been paid.

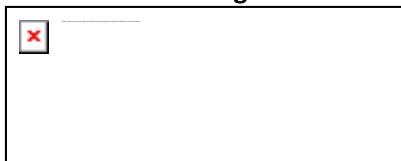
If you need to discuss further, please let me know. The email by Mx. Nauman feels targeted as Mx. Nauman currently has a business, Aspen Meadows Contracting, registered at the complex (probably not licensed with Holladay though), where visitors and contractors come daily and use parking spots. All the points of opposition from Mx. Nauman in the email are things that Aspen Meadows Contracting currently does.

**[Attached is the business entity registered with the Division of Corporation and Commercial Code.]**

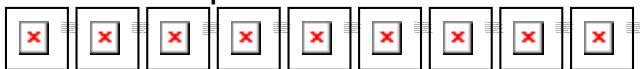
Regards,  
David, 801-930-0252

### **WRIGHT MIND LLC**

**Get Your Mind Wright!**



**123 Main Street | UT 84622-0101**



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

From:  
Date: Tue, Oct 31, 2023 at 12:30 PM  
Subject: Fwd: Concerned Owners Business License in our Community  
To: Wright Mind LLC <[wm@thewrightmind.com](mailto:wm@thewrightmind.com)>

Sent from my iPhone

Begin forwarded message:

**From:** Helmuth Naumann <[manager@aixlacondo.com](mailto:manager@aixlacondo.com)>

**Date:** October 31, 2023 at 11:12:46 MDT

**Subject: Concerned Owners Business License in our Community**

Hello,

A postcard mailer was sent to the Aix La Chapelle condominium residents. This has been a concern to a few owners of the association and they have shared some of their concerns with management. I think it good for owners to review if this is a good idea for the association as a whole.

The important facts are listed below. If you feel you want to add more to the hearing, send an email to:

**Attn: Carrie Marsh-City Planner, City of Holladay:** [cmarsh@cityofholladay.com](mailto:cmarsh@cityofholladay.com)

- The postcard notified owners that David Wright unit 229 has requested a business license so that he may bypass our governing documents to operate a business from his address at Aix La Chapelle Condominiums.
- I respectfully request that his request for a business license be fully denied.
- Our governing documents are in place for a reason, and that is to preserve the value of the community and the investment each family has made by investing in their home in our condominium complex. A business license being granted to one individual for his purposes will in turn, result in additional applications for a similar business license from others, thereby changing the community from family residences, into a mixed use, less desirable investment as a residential property.
- I will mention that cars are towed regularly here due to an absolute lack of space for residents or guests to park, let alone clients for a business who are not paying monthly fees for the parking lot, but will be using it creating an additional hardship to residents.
- The only one who would benefit from operating a business at Aix La Chapelle is the requestor of the license, David Wright unit 229 and that is not in keeping with the governing documents at all, since the governing documents stress that everything is for the full benefit of the community as a whole, not individual gain.
- David Wright knew businesses were not allowed when he purchased his Condominium here and perhaps should have made a different purchase choice rather than purchasing anyway, and hoping he could bully the association into getting his way.
- As a longtime resident of Holladay and living in Aix La Chapelle Condominiums for 7 years, I am against any resident obtaining a business license and operating a business in the community of residents at Aix La Chapelle Condominium Association..
- Aix La Chapelle was incorporated in 1979 as condominium association for the use of single-family residence and for the enjoyment of the association members and the governing documents clearly state that the units shall be used for residential purposes only. The entire purpose of an

Association is to preserve and/or increase the value of each owner's investment in their home. A business will not increase the value of the condominiums, and in fact, hinders the value creating a mixed-use area, with more businesses to follow, since saying yes to one, is saying yes to most other future requests. The proposed business will create a nuisance to the other residents in the association, and set a precedent that our governing documents do not matter.

- Parking is limited to the owners and their guests and operating a business will add more traffic to our private community. The association is governed by the members of the association and share all costs and mutual benefits for all owners. A business license will cause higher costs for the association as one owner is gaining from the community as other members will cover the costs for added liability, garbage, parking, upkeep of common areas, etc. The association has liability insurance coverage for the community and it is paid by the owners of the association. A business may bring in more liability and the costs would have to be covered by the rest of the community members putting an additional hardship on them, from a business that is of no benefit to them from the business being operated.
- Our governing documents do not allow transient hotel purposes, No owner may lease less than the entire unit and no short-term renting and no owners shall operate a business from their personal units or in the property of the association.
- Please leave the businesses in the areas zoned for business, and let the residents enjoy their residential area where they live and enjoy their families and neighbors.

Thank you for your consideration of this matter.

**Best Wishes,**

**Helmuth Naumann, PCAM**

Community Association Manager  
Aix La Chapelle Condominium Association

2220 Murray-Holladay Rd. Main Office  
Holladay, UT 84117  
**o:** (801) 278-3113  
**e:** [manager@aixlacondo.com](mailto:manager@aixlacondo.com)  
[www.aixlacondo.com](http://www.aixlacondo.com)

## Carrie Marsh

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**From:** Chloe' <[REDACTED]>  
**Sent:** Tuesday, October 31, 2023 3:05 PM  
**To:** Carrie Marsh  
**Subject:** Aix La Chapelle - Please Deny Request for Business License

**[External Email - Use Caution]**

Hello,

I am an owner of a condo and live at Aix La Chapelle and was informed that David Wright requested a business license to operate from Aix La Chapelle. This is against our HOA terms and besides that would cause disruption to the community as we have very limited parking and would increase the liability and costs of the owners here. I am fully against granting this man the right to operate his proposed business of selling used cars from Aix La Chapelle.

Best,

Chloe Bleak

## Carrie Marsh

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**From:** Heather April [REDACTED]  
**Sent:** Tuesday, October 31, 2023 10:53 AM  
**To:** Carrie Marsh  
**Subject:** Business license request response

**[External Email - Use Caution]**

Hello,

A postcard mailer was sent to the Aix La Chapelle condominium residents, where I am an owner, resident and former board member of 5 years.

The postcard notified owners that David Wright unit 229 has requested a business license so that he may bypass our governing documents to operate a business from his address at Aix La Chapelle Condominiums.

I respectfully request that his request for a business license be fully denied.

Our governing documents are in place for a reason, and that is to preserve the value of the community and the investment each family has made by investing in their home in our condominium complex. A business license being granted to one individual for his purposes will in turn, result in additional applications for a similar business license from others, thereby changing the community from family residences, into a mixed use, less desirable investment as a residential property.

I will mention that cars are towed regularly here due to an absolute lack of space for residents or guests to park, let alone clients for a business who are not paying monthly fees for the parking lot, but will be using it creating an additional hardship to residents.

The only one who would benefit from operating a business at Aix La Chapelle is the requestor of the license, David Wright unit 229 and that is not in keeping with the governing documents at all, since the governing documents stress that everything is for the full benefit of the community as a whole, not individual gain.

David Wright knew businesses were not allowed when he purchased his Condominium here and perhaps should have made a different purchase choice rather than purchasing anyway, and hoping he could bully the association into getting his way.

Thank you for your consideration of this matter.

Heather Eliason  
Resident and unit owner at Aix La Chapelle Condominiums

## Carrie Marsh

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**From:** Helmuth Naumann [REDACTED]  
**Sent:** Tuesday, October 31, 2023 9:58 AM  
**To:** Carrie Marsh  
**Subject:** Public Hearing Permit for David Wright

**[External Email - Use Caution]**

Att: **Attn: Carrie Marsh-City Planner, City of Holladay**

**Re: Public Hearing David Wright Permit for Home Occupation.**

As a long time resident of Holladay and living in Aix La Chapelle Condominiums for 7 years, I am against any resident obtaining a business license and operating a business in the community of residents at Aix La Chapelle Condominium Association..

Aix La Chapelle was incorporated in 1979 as condominium association for the use of single family residence and for the enjoyment of the association members and the governing documents clearly state that the units shall be used for residential purposes only. The entire purpose of an Association is to preserve and/or increase the value of each owner's investment in their home. A business will not increase the value of the condominiums, and in fact, hinders the value creating a mixed use area, with more businesses to follow, since saying yes to one, is saying yes to most other future requests. The proposed business will create a nuisance to the other residents in the association, and set a precedent that our governing documents do not matter.

Parking is limited to the owners and their guests and operating a business will add more traffic to our private community. The association is governed by the members of the association and share all costs and mutual benefits for all owners. A business license will cause higher costs for the association as one owner is gaining from the community as other members will cover the costs for added liability, garbage, parking, upkeep of common areas, etc. The association has liability insurance coverage for the community and it is paid by the owners of the association. A business may bring in more liability and the costs would have to be covered by the rest of the community members putting an additional hardship on them, from a business that is of no benefit to them from the business being operated.

Our governing documents do not allow transient hotel purposes, No owner may lease less than the entire unit and no short-term renting and no owners shall operate a business from their personal units or in the property of the association.

Please leave the businesses in the areas zoned for business, and let the residents enjoy their residential area where they live and enjoy their families and neighbors.

Best Wishes,

**Helmut D. Naumann**  
801-376-4737

## Carrie Marsh

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**From:** Helmuth Naumann [REDACTED]  
**Sent:** Monday, October 30, 2023 6:07 PM  
**To:** Carrie Marsh  
**Cc:** Eric Elkington; Wendy Bueno; Alex Emery; Chris Robinson; Tyler LaMarr  
**Subject:** Time Sensitive Request For Information Regarding Business Permit Request From David Wright Unit #229  
**Attachments:** ALC CC&Rs.pdf; ALC By-Laws.pdf

**[External Email - Use Caution]**

**Attn: Carrie Marsh-City Planner, City of Holladay**  
**cmarsh@cityofholladay.com**

RE: Business permit request from David Wright Unit #229 (Aix La Chapelle Condominiums)

Dear Carrie Marsh,

Today, Aix La Chapelle Condominium Association Board of Directors and residents received a mailer postcard, informing owners that one specific owner, namely David Wright of unit #229 has applied for a business permit to operate his personal business onsite at the condominium complex for his residential unit #229. I am requesting any information, including what type of business he is applying for, regarding this request from David Wright.

The Aix La Chapelle Association CC&Rs, Bylaws and policies do not allow for any personal business operations within the association. A copy of the governing documents is attached for your convenience and review. Note that all owners are subject to adhering to the governing documents of the association.

The many residents who have been notified of the intentions of David Wright, are understandably upset that an owner is trying to bypass the governing documents for personal gain, at the expense and inconvenience of all other owners.

We look forward to the information, and thank you in advance.

cc: Board of Directors, Attorney Tyler LaMarr

**Best Wishes,**

**Helmuth Naumann, PCAM**  
Community Association Manager  
Aix La Chapelle Condominium Association

2220 Murray-Holladay Rd. Main Office  
Holladay, UT 84117

**o:** (801) 278-3113  
**e:** manager@aixlacondo.com

[www.aixlacondo.com](http://www.aixlacondo.com)





FILE# 23-4-09

## REZONE 5200 S HIGHLAND RM to PO

**ADDRESS:**

5200 S Highland Drive

**LEGAL DESCRIPTION:** 22-09-476-014

BEG N 01°32'20" E 32.81 FT & N 88°27'40" W 40 FT & N 88°43'54" W 30 FT FR MONUMENT AT INTERSECTION OF HIGHLAND DR & SPRING LN, SAID MONUMENT BEING S 34°22'20" W 434.58 FT & N 1°32'20" E 1407.34 FT FR A SANDSTONE MONUMENT DESIGNATED AS BEING N 5.5 FT & E 34.79 E OF SE COR SEC 9, T2S, R1E, SLM; N 88°43'54" W 179.91 FT M OR L; N 5°31'30" E 244.7 FT; S 89°55' E 192.96 FT +

**APPLICANT/REPRESENTATIVE:**

Tim Sleeper

**PROPERTY OWNER:**

HOLD FAST INVESTMENTS, LLC

**ZONING:**

RM

**GENERAL PLAN DISTRICT:**

Highland Drive Master plan - Seg B

**CITY COUNCIL DISTRICT:**

District #3

**PUBLIC NOTICE DETAILS:**

Published 10/27, Mailed 10/27

**REQUEST:**

Zone Map Amendment

**APPLICABLE REGULATIONS:**

13.07.030  
 General Plan - HDMP Seg B

**EXHIBITS:**

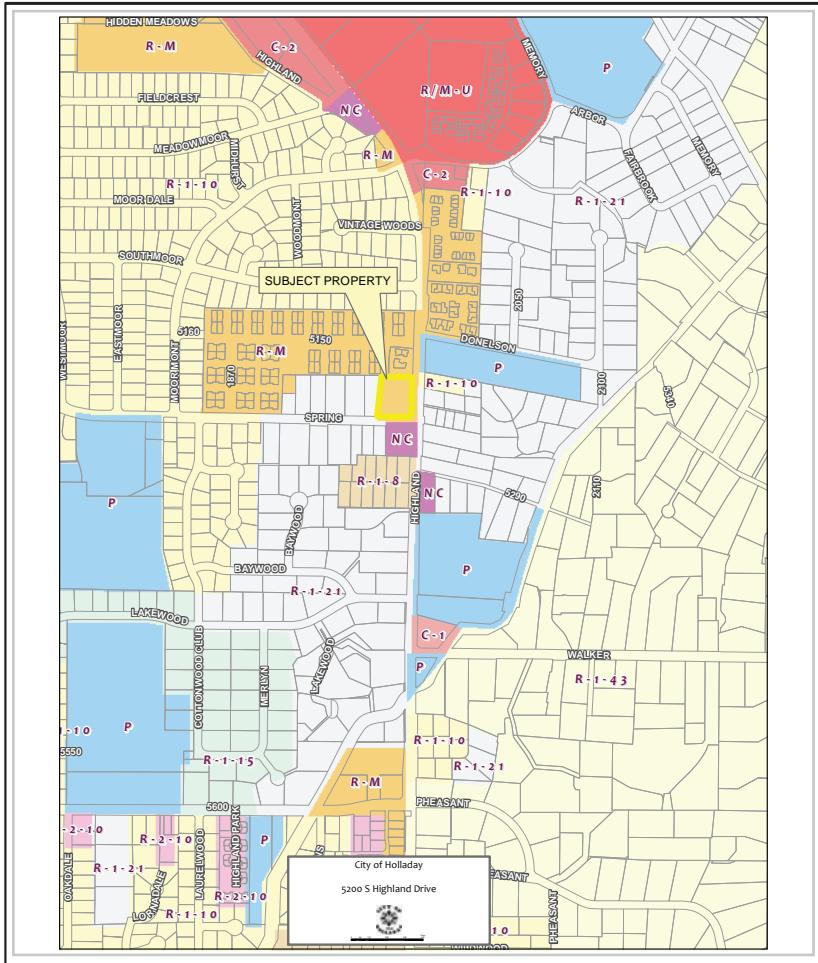
Zone map  
 Staff Report  
 Applicant Narrative  
 Applicant supporting doc.

**DECISION TYPE:**

**Legislative:**

Public Hearing Required. PC shall make a recommendation to City Council to either approve or disapprove the request. All motions require findings which support the recommendation. Holladay Ord. 13.06.050.F2,13.07

**SITE VICINITY MAP**



**Notes:**

**STAFF:**

Jonathan Teerlink, CED DIR



# CITY OF HOLLADAY

## Planning Commission

November 7<sup>th</sup> 2023

Item # 2

Request: **ZONE MAP AMENDMENT: Residential Multi-Family (RM) to Professional Office (PO)**  
Address: 5200 South Highland Drive (herein referred to as, The Property)  
Applicant: Tim Sleeper, Agent for Hold Fast Investments LLC  
Project: Rezone – City of Holladay Zone Map Amendment  
File No: 23-4-09  
Planner: Jonathan Teerlink

---

**GOVERNING ORDINANCES:** 13.07.030  
General Plan

AMENDMENT TO THE ZONE MAP  
HIGHLAND DRIVE MASTER PLAN – SEG B

---

### **REQUIRED PLANNING COMMISSION ACTION - *Legislative***

*Public Hearing Required. PC shall make a recommendation to City Council to either approve or disapprove the request. All motions require findings which support the recommendation. Holladay Ord. 13.06.050.F2,13.07*

### **SUMMARY**

Located on the corner of Highland Drive and 5600 South this 1.13 acres (49,222 sq ft) property in the RM zone is currently improved with a 2 1/2 story office building. The RM zone was originally established by Salt Lake County (later adopted by Holladay) as a mixed-use zone, allowing both multi-family residential and professional office uses. The property is determined legal, non-conforming – no new tenants offering services that did not previously exist in the building. Essentially, upon removing all professional services from the RM zone, the potential uses allowed in the building were frozen. The property owner, having need to market existing office space and accommodate new tenants, would like to take advantage of the newly adopted Professional Office zone at this location.



### **BANCKGROUND**

In 2018 the City Council, seeing the limited number of allowable professional office type uses in the RM zone tasked the Holladay Community and Economic Development Dept and the Planning Commission with creating a new Professional Office Zone. This new zone, *intended for existing office buildings* in the RM zone, expanded the types of allowed uses, i.e. medical, dental, personal services (salon etc.) was enacted with the expectation that rezone applications, submitted by a property owner, would receive expedited review and viewed favorable as an expected and anticipated application. Accordingly, this PO rezone application is expected by the City Council as a land use action intended to continually support the longevity of existing office buildings.

### **GENERAL PLAN APPLICATION/ANAYLSIS (HDMP – Seg B.)**

Implementing zone regulations to accommodate land uses and anticipate the growth needs/goals of the city is a particularly important land use decision. As a legislative action, this decision is guided by the community goals generalized in the City of Holladay General Plan (GP). In this case, as the property is located on Highland Drive, the *Highland Drive Master Plan, Segment B* is interpreted as the applicable General Plan District guiding this application.

This Appendix (K) to the City's General Plan enacts the Highland Drive Master Plan (HDMP). This plan recognizes the continued evolution of the area surrounding Highland Drive as part of the City's lifecycle. While acknowledging the inevitability of growth and change, the HDMP seeks to create policies that achieve balance between the constant pressure for development and the protection of those characteristics that make this area and the City of Holladay a unique and special place.

The HDMP recognizes that the historic development patterns along the Highland Drive corridor includes the full range of uses from large lot single family and medium to higher density residential uses to small and regional commercial nodes. For ease of communication, Highland Drive and its associated properties are considered in three segments. Each segment has unique history, land use development patterns, streetscape characteristics and is controlled by different jurisdictions.

**Segment B**, the section of the HDMP where this property is located, is defined as a mixed-use corridor where existing commercial uses are acknowledged to provide essential services but should remain limited.

**Commercial Uses**

- a) *No new commercial use should be allowed in Segment B; however, the city recognizes the legal right of existing commercial zones and uses to continue in commercial use. If any non-residential use is allowed, only the NC or RO zone should be allowed.*
- b) *When considering non-residential zoning, the depth of the proposed zone and associated buildings should be appropriate to surrounding land uses. It should not generally reach beyond 200 feet deep from Highland Drive.*

**THE PROFESSIONAL OFFICE ZONE (PO):**

Over the past 19 years the RM zone has been a common concern by the this and of Councils past. In 2018 the Council encouraged the city to separate the non-residential uses from residential uses allowed in the RM zone. Doing so would create a new zone designation; the Professional Office Zone (PO) accomplishing the intent of Principle 2 of the General Plan.

The Planning Commission was tasked to work on the draft text with staff. The focus of the study was to;

- 1) Amend the RM zone by removing, all non-residential uses - without altering any other elements of the zone, ie density, height, setbacks etc.
- 2) Creation of a new Professional Office land use zone which will maintain or expand the needs of current office building owners/tenants operate from building in the RM zone
- 3) Create a map of current office buildings located in the RM zone. This map will later be used as a guide to the public indicating which properties could be rezoned, upon adoption of the ordinance

The Commission conducted ongoing work sessions culminating with required public hearings. The City Council approved the commission's recommendation in 2019.

**REZONE PROPOSAL ANALYSIS**

The following measures are intended to guide analysis of this proposal as an existing office building

- Allow updated office zoning allowances that fosters the grouping of compatible businesses at an existing site – as opposed to expanding use other properties along this segment of Highland Drive.
- Allow existing businesses to upgrade building architecture, landscaping and other site related factors to compliment the new vision of Highland Drive and to establish an ambience that is inviting for new businesses to locate within the existing commercial areas;
- Adopt zoning regulations that will invite more commerce and economic activity within current commercial areas;
- Streamline entitlement processes and permitting / fee structures in order to support development where appropriate;

**TECHNICAL REVIEW COMMITTEE RECOMMENDATION**

Staff recommends that the Planning Commission allow the applicant time to present their petition and to also gather input from the public via required Public Hearing. Merits of the proposal should be discussed within the framework of points mentioned above (General Plan guidance). As legislative matters are often complex, this item may be continued to a later date for further discussion and final recommendation. However, if a recommendation to the City Council can be derived from tonight's discussion, a set of findings is required to accompany the motion, as per ordinance 13.07.030.G.2.

Staff is in support this rezone application and recommends forwarding an approval to the city council. The requested zone is quite obviously supported by previous legislation mandate intended to study and implement an expanded land uses scheme that supports Holladay's existing office buildings in order to be competitive in a leasing arrangement. Multiple long-range envisioning documents established by the city via public participation have been established to spur business retention and development along the city's strongest economic corridors and to dramatically retain, attract and improve the viability of the city's professional services.

Staff urges the Commission again to moderate the discussion around the following points and to forward a recommendation to the City Council for final consideration.

- a. *Whether the proposed amendment is consistent with goals, objectives and policies of the General Plan*
- b. *Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity*
- c. *The extent to which the proposed amendment may adversely affect abutting properties; and*
- d. *The adequacy of facilities and services intended to serve the subject property, such as, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, environmental hazard mitigation measures, water supply, and wastewater and refuse collection.*

## **MOTION EXAMPLES**

“I \_\_\_\_\_ Motion to forward a recommendation to the City Council to (**approve, deny**) an application by **Tim Sleeper** to amend the Holladay Zoning Map for **1.13 acres of land, located at 5200 South Highland Drive** from **RM** to **PO**, based upon the following findings”

1. >>
2. >>

Alternatively;

“Motion to **continue** the application by **Tim Sleeper** to amend the Holladay Zoning Map for **1.13 acres of land, located at 5200 South Highland Drive** from **RM** to **PO**, to the next regularly scheduled meeting”

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Holladay Planning Commission will hold a public hearing on Tuesday, the 7<sup>th</sup> day of November as close to 6:00 P.M. as possible. The purpose of the hearing is to consider a proposal by the Property Owner, Tim Sleeper to amend the Holladay Zone Map for approximately 1.13 acres of property located at 5200 South Highland Drive, Holladay Utah. from the current Residential Multi-Family (RM) zone to the Professional Office (PO) zone to accommodate the existing office building.

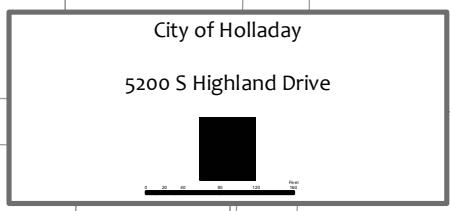
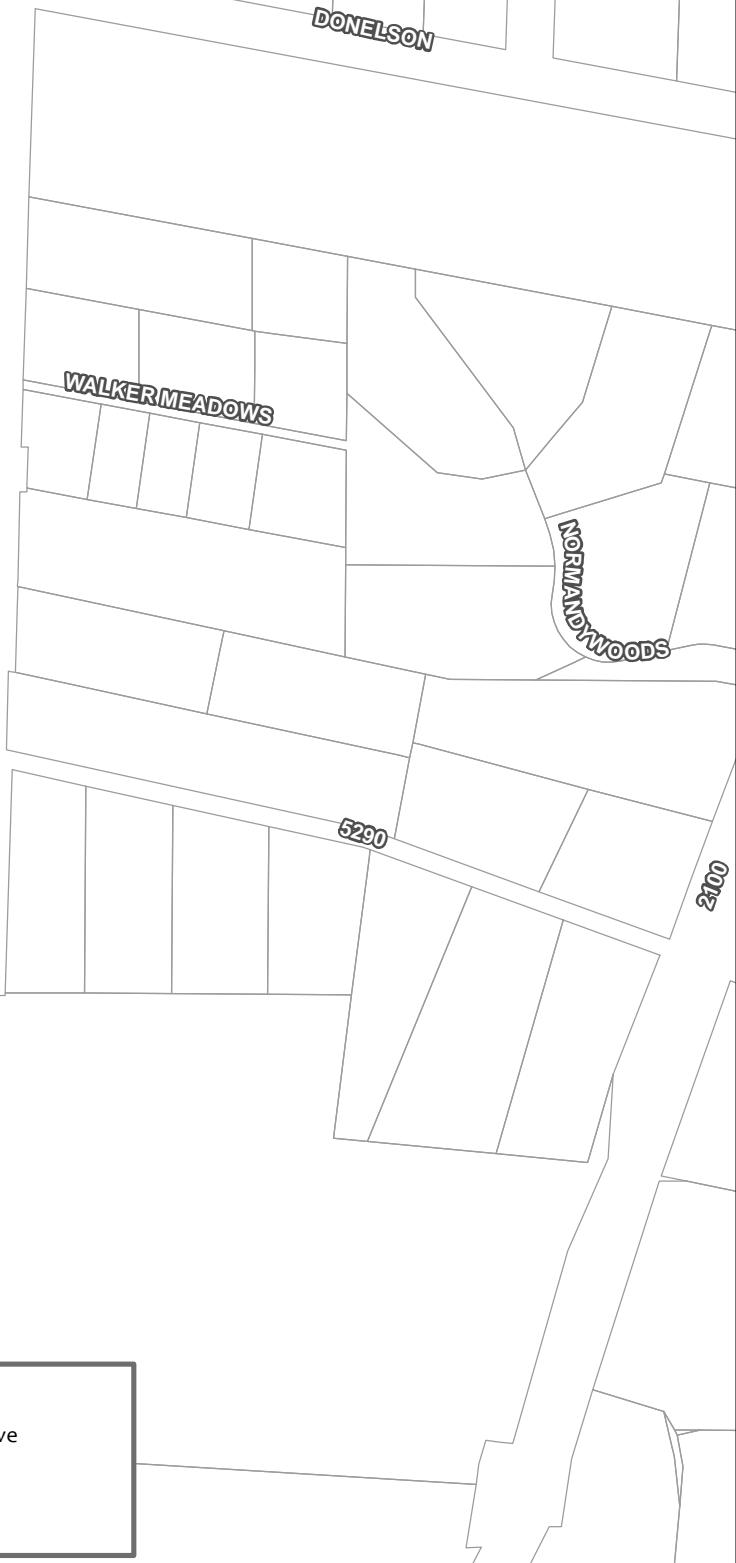
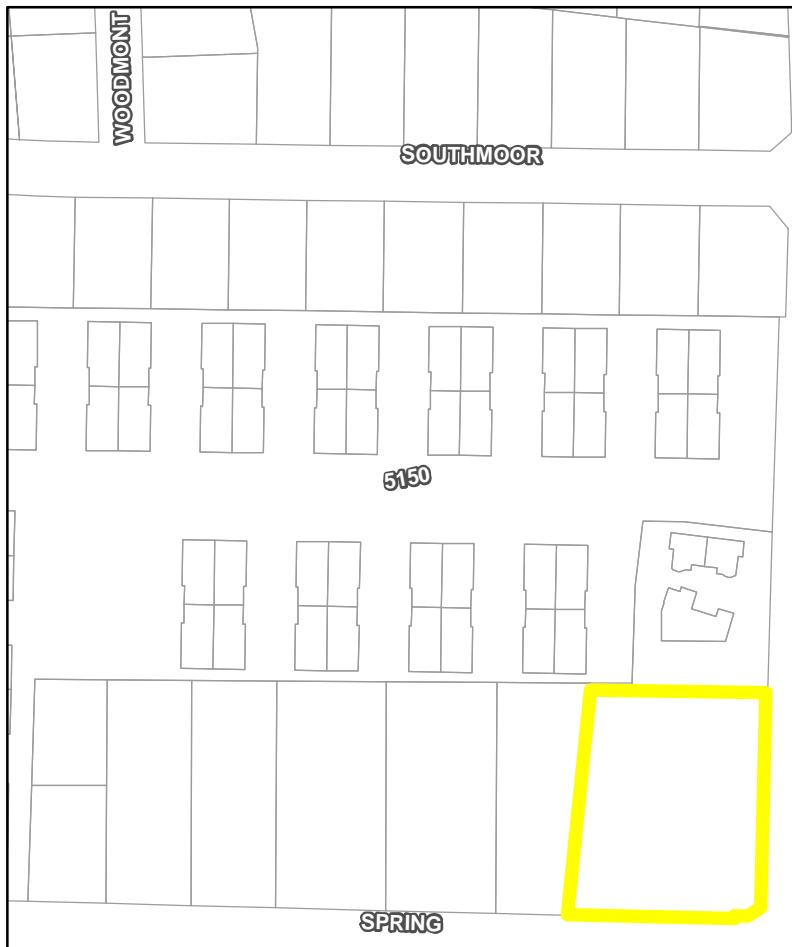
The proposal is available for public inspection on the City's website, [www.cityofholladay.com](http://www.cityofholladay.com) or during regular business hours at the Holladay City offices, 4580 S 2300 E, Holladay, Utah, 84117.

Dated this \* day of \* , 2023

PUBLISHED BY ORDER OF THE HOLLADAY PLANNING COMMISSION

Stephanie Carlson  
Holladay City Recorder









FILE# 23-1-11

## "HOLLADAY HEIGHTS" - SUBDIVISION

**ADDRESS:**

4930 South Westmoor Road

**LEGAL DESCRIPTION:** 22-09-182-011

BEG AT NW COR OF LOT 22, COTTONWOOD MEADOWS PLAT A; N 0°30' E 277.26 FT; N 25 FT; S 89°47' E 414.58 FT; S 300.68 FT; W 417 FT TO BEG 2.88 AC

**APPLICANT/REPRESENTATIVE:**

Silicon Slopes Commercial Construction LLC

**PROPERTY OWNER:**

Richard and Vicki Greenwood

**ZONING:**

R-1-10

**GENERAL PLAN DISTRICT:**

Low Density Residential-Stable (LDR-S)

**CITY COUNCIL DISTRICT:**

District #3

**PUBLIC NOTICE DETAILS:**

Mailed 10/13

**REQUEST:**

Subdivision

**APPLICABLE REGULATIONS:**

13.08

13.10

**EXHIBITS:**

Zone map  
Staff Report  
Applicant Narrative  
Applicant supporting doc.

**STAFF:**

Carrie Marsh, City Planner

**DECISION TYPE:**

***Administrative:***

Public hearing required. PC shall make a motion of either, denial, approval or to continue. All motions require findings which support the decision. As directed by ordinance, applications shall be approved if the Land Use Authority finds Substantial Evidence of compliance with applicable requirements. Holladay Ord. 13.06.050.B2 and 13.08

**SITE VICINITY MAP**



**Notes:**



CITY OF HOLLADAY  
Planning Commission  
November 7<sup>th</sup>, 2023  
Item #3

Request: **RESIDENTIAL SUBDIVISION – CONCEPT PLAN REVIEW**

Project: “Holladay Heights” Subdivision (*name to be changed*)

Address: 4930 S Westmoor, Holladay Utah

Applicant: Benjamin Wheat

File No: 23-1-11

Notice: Mailed – October 13, 2023

Planner: Carrie Marsh

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<b>GOVERNING ORDINANCES:</b>	13.08.10C 13.10.050A 13.10.080	CONCEPTUAL PLAN APPROVAL STANDARDS CONCEPTUAL SUBMISSION REQUIREMENTS SUBDIVISION APPROVAL STANDARDS
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**REQUIRED PLANNING COMMISSION ACTION: *Administrative***

Public hearing required. PC shall make a motion of either, denial, approval or to continue. All motions require findings which support the decision. As directed by ordinance, applications shall be approved if the Land Use Authority finds Substantial Evidence of compliance with applicable requirements. Holladay Ord. [13.06.050.B2](#) and [13.08](#)

Creation of a subdivision plat requires review and approval by the Land Use Authority (Planning Commission) in a three-step process; **Concept, Preliminary and Final plat**. Decisions must be made during public meeting. The notice for the required public hearing of this first step has been mailed to all properties within 500' of the subject parcels.

**SUMMARY**

Applicant, Benjamin Wheat has been working with the TRC on a plan to split an existing 2.88 acre (125,453 sq ft) lot according to R-1-10 zone [lot creation standards regulations](#). The subdivision will facilitate the creation of ten single family lots, extending the public street, Delaware Dr. into the subdivision. All lots meet the minimum required 10,000 square feet in the R-1-10 zone.

This project was noticed for Conceptual and Preliminary review, but a civil set of plans as required for preliminary review was still in progress and had not been submitted for review by the TRC, so the public hearing will be held for the conceptual level only, as permitted by current City of Holladay Code. Interested members of the public can follow the project and attend future meetings where the preliminary plans would be presented for review and approval.

Proposal is for land use entitlements only, no development or construction permitting is requested. Each lot shall submit for individual development permits as per Holladay Ord [§ 13.08.100](#)

**TECHNICAL REVIEW COMMITTEE ANALYSIS**

***CONCEPT LEVEL ANALYSIS:***

In accordance with Holladay Ord 13.08.010, upon receipt of a complete [concept](#) subdivision application, Staff has distributed the application to and has subsequently received recommendation(s) from the Technical Review Committee. Review of submitted elements are compared against the administrative [checklist of required submittals](#) [13.10.050A](#). The following is provided to the Planning Commission as a summary of joint recommendation of conceptual subdivision approval from the TRC:

Zoning, City Planner:

- Min 10,000 square feet
- Min 80-foot lot width, measured at the property line
- Utility connection letters; gas, sewer, and power have been received and the connection request for water has been submitted and is under review.
- The applicant has also submitted a geotechnical report as required for high liquefaction areas, which will be reviewed as part of the preliminary review
- Public street extension of Delaware Dr. requires acceptance by City Council in a public meeting

United Fire Authority (UFA), Area Fire Marshal:

- Public street extension is properly sized for Fire and emergency access

Engineering, City Engineer:

- Street, sidewalk, stormwater management design, and other engineering details to be addressed at preliminary level

Building Code, City Building Official

- Details of individual structures to be submitted with individual building permits.

### **RECOMMENDATION**

The TRC recommends that the commission hold the required public hearing and consider comments presented. The Planning Commission may choose to either close the public hearing after hearing comments on the conceptual plan, or leave the public hearing open through the review of the preliminary plans.

Staff has found that all required concept elements of a conceptual residential subdivision proposal have been reviewed and accepted by the TRC and have been determined to be complete as per the City's submission requirements. As no development is proposed at this time (only entitlements), preliminary construction submittals have been waived as unnecessary – these details will be submitted upon application for a single-family home on each individual lot created. The TRC can therefore recommend the commission approve the **CONCEPTUAL SUBDIVISION PLAN**.

### **STAFF FINDINGS:**

1. The requirements for conceptual subdivision have been substantially completed.
2. Each of the lots comply with the minimum width and area for single-family home development in the R-1-10 zone.
3. The development complies with the General Plan
4. Fire access meets standards required by UFA

### **STAFF REQUIREMENTS**

- Submit the required area and use table per the Concept Plan checklist.
- Obtain and submit all utility connection letters prior to Final plat submittal to the TRC
- Propose a new name for the subdivision as Holladay Heights is already in use

### **SUGGESTED MOTIONS**

*“I \_\_\_\_ Motion to (approve / continue for further discussion) the **CONCEPTUAL PLAN** application by Benjamin Wheat for a 10-unit residential subdivision, located at 4930 S. Westmoor in the R-1-10 zone, based upon the findings... and subject to the following requirements ... “.*



CITY of HOLLADAY

## NOTICE OF A PUBLIC HEARING

Residential Subdivision – “Holladay Heights”  
(subdivision name to change)

Date: **Tuesday, November 7th, 2023**  
Time: As close to 6:00 pm as possible  
Location: City Hall – City Council Chambers  
Hearing Body: Planning Commission

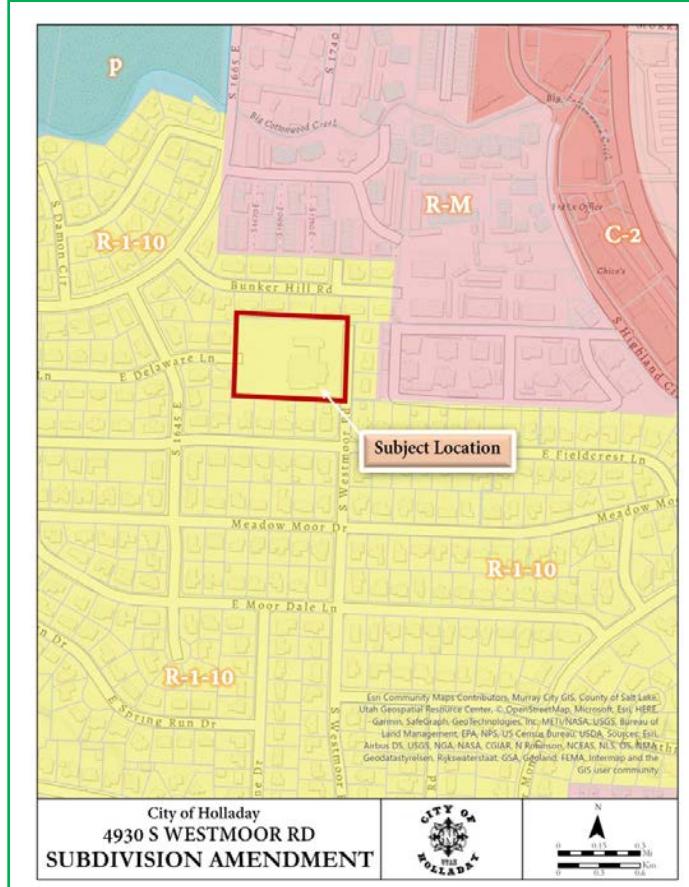
Notice is hereby given that the City of Holladay Planning Commission will conduct a public hearing during review and consideration of a new subdivision plat proposed by the applicant, Benjamin Wheat, to subdivide 2.88 acres of land, located at **4930 S Westmoor Rd**, within the R-1-10 zone, into up to 11 parcels. This application will be reviewed by the Planning Commission for compliance with Holladay Ordinance 13.10

*\*\*No zone or ordinance change is proposed in conjunction with this application. \*\**

Please submit comments via email by 5:00 pm Nov. 6, 2023 to Carrie Marsh, [cmarsh@cityofholladay.com](mailto:cmarsh@cityofholladay.com) Emailed comments received by the designated times will be forwarded to the Commission prior to the meeting.

Additional information regarding this item & instructions how to join this meeting remotely can be found on the City's website and on the posted agenda, prior to the meeting. Interested parties are encouraged to watch the video stream of the meeting on the City of Holladay Website.

ATTENTION: This notice was mailed by order of the Community and Economic Development Director, Jonathan Teerlink, to all residents within 500 feet from the subject property. If you are not the owner of your residence, please notify the owner regarding this matter. Thank you.



CITY of HOLLADAY

## NOTICE OF A PUBLIC HEARING

Residential Subdivision – “Holladay Heights”  
(subdivision name to change)

Date: **Tuesday, October 24th, 2023**  
Time: As close to 6:00 pm as possible  
Location: City Hall – City Council Chambers  
Hearing Body: Planning Commission

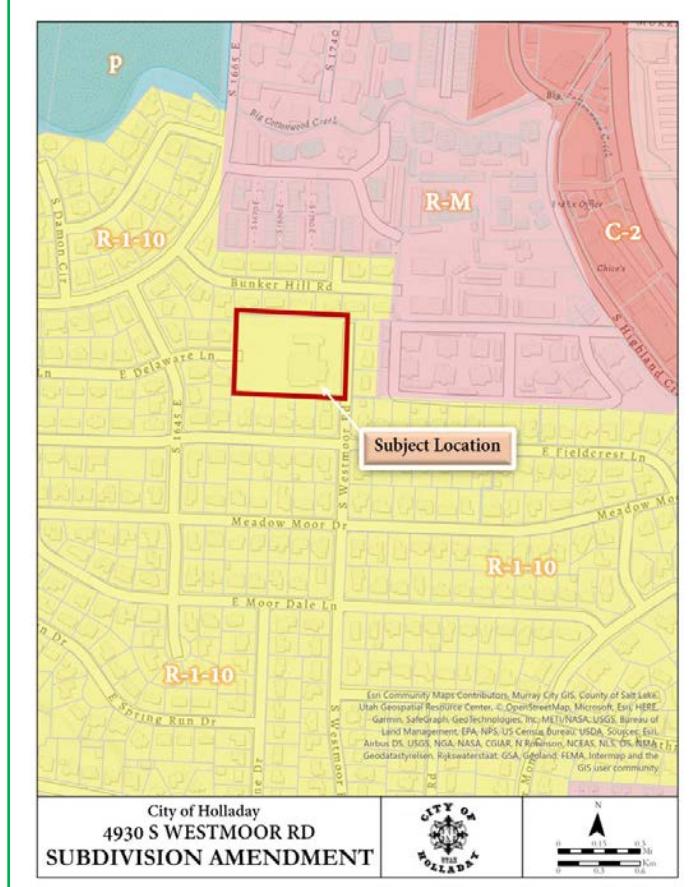
Notice is hereby given that the City of Holladay Planning Commission will conduct a public hearing during review and consideration of a new subdivision plat proposed by the applicant, Benjamin Wheat, to subdivide 2.88 acres of land, located at **4930 S Westmoor Rd**, within the R-1-10 zone, into up to 10 parcels. This application will be reviewed by the Planning Commission for compliance with Holladay Ordinance 13.10

*\*\*No zone or ordinance change is proposed in conjunction with this application. \*\**

Please submit comments via email by 5:00 pm Oct. 23, 2023 to Carrie Marsh, [cmarsh@cityofholladay.com](mailto:cmarsh@cityofholladay.com) Emailed comments received by the designated times will be forwarded to the Commission prior to the meeting.

Additional information regarding this item & instructions how to join this meeting remotely can be found on the City's website and on the posted agenda, prior to the meeting. Interested parties are encouraged to watch the video stream of the meeting on the City of Holladay Website.

ATTENTION: This notice was mailed by order of the Community and Economic Development Director, Jonathan Teerlink, to all residents within 500 feet from the subject property. If you are not the owner of your residence, please notify the owner regarding this matter. Thank you.



**NOTICE  
PUBLIC HEARING  
CORRECTED DATE**

**NOVEMBER 7, 2023**

You may have recently received a notice with a public hearing date of **OCTOBER 24<sup>th</sup>** for the **Holladay Heights (name to be changed)** Subdivision at **4930 Westmoor Rd.**

**The correct date for the public hearing is  
NOVEMBER 7<sup>th</sup>**, as close to 6 pm as possible.

Public comments will be received through 5 pm on November 6<sup>th</sup>, 2023 and can be emailed to [cmarsh@cityofholladay.com](mailto:cmarsh@cityofholladay.com)

**NOTICE  
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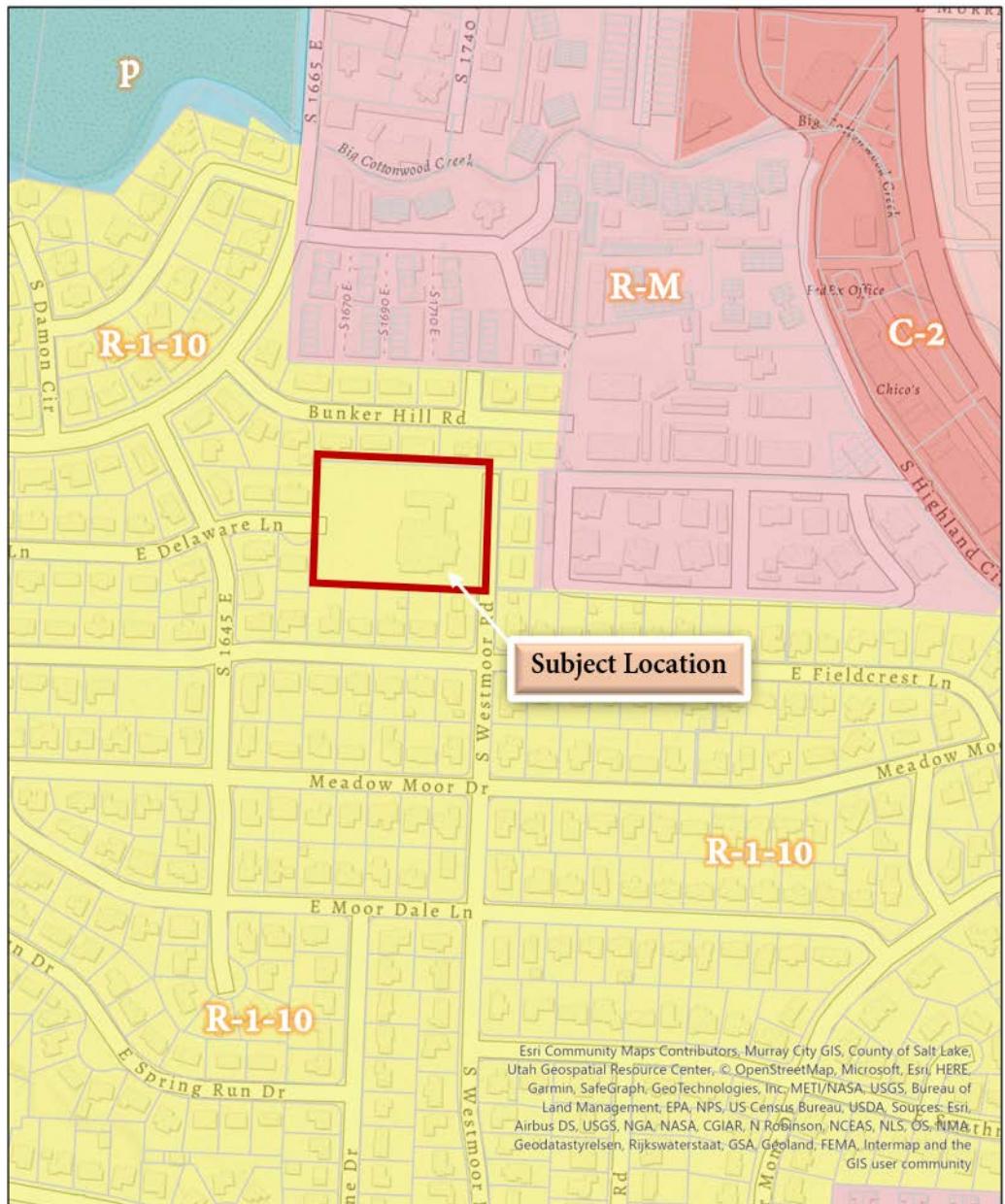
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CORRECTED DATE**

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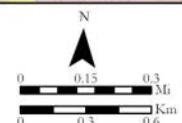
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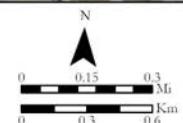


**City of Holladay  
4930 S WESTMOOR RD  
SUBDIVISION AMENDMENT**



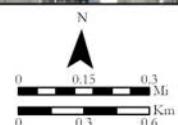


**City of Holladay  
4930 S WESTMOOR RD  
SUBDIVISION AMENDMENT**





**City of Holladay  
4930 S WESTMOOR RD  
SUBDIVISION AMENDMENT**



ESri Community Maps Contributors: University of Utah, City of Salt Lake, Utah Geographic Resource Center, OpenStreetMap Contributors, Esri, HERE, Garmin, TomTom, Mapbox, Esri, USGS, US Department of Land Management, EPA, NPS, USGS, Esri, Bureau of Land Management, USGS, Salt Lake County, Maxar, Microsoft



# NEIGHBORHOOD MEETING

ORGANIZATION	TIME	EVENT DATE	LOCATION
Holladay Heights Subdivision, LLC	6:00 – 7:00 PM	September 22, 2023	Little Cottonwood Room / 4580 South 2300 East

NO	NAME	ADDRESS	PHONE
1	Harold Bateman	1694 Bunker Hill Rd.	801-272-0419
2	Wendy & Bob Bely	4927 South 1645 East	801-870-1792
3	Jane & Jeff McComas	1748 Fieldcrest Lane	801-573-6271
4	Tom Maynard	1736 Franklin Rd	
5	Zain Kengarage	4941 Westmore	
6			
7			
8			
9			
10			
11			
12			
13			

September 13, 2023

Wheat Development  
1214 E Vine ST  
Salt Lake City, UT 84121

Katie Thibodeaux:

*Re: Natural Gas Service Availability Letter*

Natural gas can be made available to serve the development at 4930 Westmoor RD Holladay, UT 84117 when the following requirements are met:

1. Developer provides plat maps, drawings, construction schedules and/or buildings that will be served by natural gas, and all other relevant information regarding commercial and residential uses, including but not limited to, proposed natural gas appliances (number and type of appliances per unit, homes, building).
2. Review by Dominion Energy' Engineering and/or Pre-Construction Department to determine load requirements. System reinforcement requirements and estimated costs to bring natural gas to the development.

Upon completion of Dominion Energy' review of the development's natural gas requirements, agreements will be prepared, as necessary, for high pressure, intermediate high pressure and/or service line extensions required to serve the development. These service extensions must be paid in advance.

To accommodate your construction schedule and provide cost estimates to you, please contact me at your earliest convenience.

Sincerely,

Tyler Meyerhoffer  
Pre-Construction Representative III

## NEIGHBORHOOD MEETING MINUTES

### 9/22/2023

### HOLLADAY HEIGHTS SUBDIVISION

Mr. Wheat: Welcome everyone, I wanted to catch everyone up on our progress so far, last night's meeting was the public hearing for the zone change, in that work session the city Council all gave the indication that they were in favor of the rezoning so it'll more than likely be on the agenda to vote on the October 5<sup>th</sup> agenda, and then if that vote gets passed by the city Council then the parcel will officially be rezoned from the P zone to the R-1-10 zone. We'll officially get started, this is Katie, she is my partner that wasn't here at the last neighborhood meeting. She's joined our team a little over a year ago and been along for the ride. Let me do a quick recap for the people that just came. We went through planning commission on Tuesday and they voted unanimously to send it to city council. City council had a public hearing last night. They also had a work session after city council that we stayed for. The City Council members indicated that they all we're in favor of the zone change, so if anyone's interested we will probably be on the October 5 agenda for city council to vote for the zone change. If they vote yes then Katie and I will be able to go through our subdivision application. Tonight's meeting is to address the subdivision application. I will say I'm really disappointed in everyone, I was hoping for a better turnout of people. The zone change meeting had way more people.

Resident: Is City Council going to be in favor of the zone change?

Mr. Wheat: They indicated at that work session that they would all be in favor of the zone change to the R-1-10 zone change. What we are going to show you tonight, no one in the public has seen. You guys are going be the first people that see this. This will be the subdivision plat Katie and I will submit to the city for the subdivision process. (Ben and Katie display the proposed subdivision). We will be applying for a nine lot subdivision, this is Westmore Drive, it will be cul-de-sac at the end and then Delaware will continue here and then be a cul-de-sac. On Delaware we will create a six lot cul-de-sac and then three lots on the Westmore Rd.

Resident: Will the three lots on Westmore access their lots from Westmore.

Mr. Wheat: Yes Gordy, you are right. That road would remain the same, right now it currently just dead ends, we would create a cul-de-sac at the for fire access. Lots 7,8 and 9 would access off Westmore. Katie and I feel like this will actually create less traffic than we have now because it's a through access right now through the church parking lot. There's no ability for traffic to get from Westmoor to Delaware.

Resident: Will there be a stop sign at the end of Delaware and 1645 East?

Mr. Wheat: That's going to be a city question. If the city requires that would be their call.

Resident: Why did you end up with this many lots?

Mr. Wheat: The city requires a certain minimum frontage of linear feet for each lot and based on the way that Katie and I designed this, we have to maintain minimum footages on the front of these lots so this is kind of where it all shakes out.

Resident: What is the maximum height on the houses that will be built on the lots?

Mr. Wheat: Regardless if it's a 10,000 square foot lot or if it's a 30,000 square foot lot the height restriction is going to be based on the building code within Holladay City, so it doesn't matter if the house is 3,000 square feet or 7,000 ft.<sup>2</sup> the height restriction is going to be the same requirements within that zone

Resident: Could someone buy two lots and combine the two lots?

Mr. Wheat: The minimum requirement, if the zone change goes through, is for any lot to be a minimum of 10,000 SF. So as long as the lot is a minimum of 10,000 SF then it would be a conforming lot. So if you combine lots seven and eight or eight and nine and they build a Mc-Mansion the same height restriction remains. The height restriction is not based on square footage.

Resident: Did the city mention if we could close off the access alleyway?

Mr. Wheat: Based on the minutes from the last neighborhood meeting it was evidently clear that one of the major concerns was the alleyway. We've talked to Carrie with Holladay City and she indicated that the city typically would not get rid of an access that they already have within the city. She indicated that we could not put it on our subdivision or plat as part of abandoning that alleyway. I think there's also some concern that residents still use the access to get to Bonneville junior high. We know it is a big concern for the neighborhood based on the minutes from the zone change neighborhood meeting. But the city gave us the indication that we couldn't include it on our application and that they typically don't vacate an existing right of way like that.

Resident: What are the other zones you could have done?

Mr. Wheat: The other two zones that staff said that they would recommend to the planning commission in City council was an R-1-8 which would've been smaller lots which means we might have been able to fit three or four more lots. The other option we could've done was R-2-10. So, for example, we could've done this exact same layout and done twin homes on every lot so then we would've been adding 18 houses instead of nine.

Resident: Will the trees on Westmore stay?

Mr. Wheat: It will be more than likely that we likely have to put the sidewalk where the trees currently are located. We will not initially demo the trees on the north and west sides. The caveat to that is, there are no promises that they would live or not be cut down by future buyers.

Resident: Do you have any idea on what the price will be for lots?

Mr. Wheat: No, a lot of unknowns still remain, we have the demolition of the church and the asphalt. On top of all of that we have to figure out utilities and then obviously all the asphalt curb gutter and sidewalk and then we have to run all the utilities into here and then stubs for sewer, water meters,

power meters and then a gas stub to each of the nine lots. There will be costs associated with the utilities, the excavation company, the underground utility company, the asphalt company, the concrete company, etc. Once we get a little bit further down the road and we make sure that that Planning commission and staff is in favor of this layout then we will start putting these scopes of work, out to bid.

Resident: What is your timetable?

Mr. Wheat: If everything goes smoothly, on October 5<sup>th</sup> we would be on the agenda for the vote for city council for the zone change and then if that goes in our favor then we would get on the second Tuesday planning commission for the subdivision and then if the planning commission votes in favor of the Subdivision then we will work with staff after that on getting final approvals. After that meeting there's no more public meetings and we're just working with staff to get the subdivision approved. Right now we have a settlement deadline with the church that's mid November. Once we close we have the requirement with the church to demo the church within 180 days of acquisition. So that would probably be the only thing that would happen this year. Then depending on snow and weather and everything else, we would start underground utilities which would probably be the next year. Then we would put in road base for the asphalt, curb and gutters which would all be put in place in spring

Resident: Are we to assume that the construction traffic would be going down Westmore?

Mr. Wheat: We will have to extend the sewer and water lines down Westmoor. Then we will have to install stubs for water and sewer then we have to run the water and sewer lines up the road. Its fair to assume that there will be a lot of traffic during construction. What I can tell you, is the demo company that Katie and I would hire is one that I've had a relationship with for over 10 years and I think they're the best in the business. They're the ones that did the demolition for the Delta Center when they did that big monster renovation.

Resident: What about water, dirt and anything else coming down Delaware during construction?

Mr. Wheat: We will have a stormwater protection plan in place to try to alleviate some of those things. I'm sure we will sand bag this at some point and try to keep our water on site during construction. A SWPP plan will be required and something we have to do along Delaware.

Resident: What about the slope and water that would be coming down Delaware?

Mr. Wheat: I think the water that is currently generated from the parking lot is significantly more than what the future street will generate. The challenge is that there is no storm water in this neck of the woods. If there are concerns during construction, we can address and fix those. Currently the whole parking lot right now slopes down to Delaware, but my overall thought process on this is this; each one of these lots, when the house goes in for a building permit the city makes them do their own little stormwater collection on the lot.

Resident: What will be the addresses of the lots?

Mr. Wheat: The city appoints the addresses.

Resident: So is there anything we can do on closing down the alleyway?

Mr. Wheat: We've talked to the city and they are aware of the concern based on the neighborhood meetings from last time. We asked about putting it on our plat to vacate that but the city would not allow us to do it on our application and they gave us the indication that they don't have any interest in closing it off.

Resident: What about street lighting?

Mr. Wheat: The city has not indicated that they are going to require it on this project.

Resident: Do we know what type of homes will be built on these lots?

Mr. Wheat: What actually gets built is based in the city and their building guidelines.

Resident: Is your plan to sell lots individual lots or sell them all off to a builder?

Mr. Wheat: Right now our plan is to just sell individual lots but we could switch and sell the whole thing off to a home builder. If someone tracks us down and offers us a briefcase of money we will consider all options. We're going to meet with several people about the subdivision.

Resident: When do you think you will start selling lots?

Mr. Wheat: Based on our current timeline probably springtime. We will probably advertise on the MLS this year just to see what the market acceptance might be.

Resident: Have you done any type of CCRs for the subdivision?

Mr. Wheat: Katie has been tasked with that and it is still currently under review.

Resident: We heard Ivory Homes bought this?

Mr. Wheat: I don't believe that is the case. We currently have the parcel under contract.

Resident: Would Ivory be interested in this small of a site?

Mr. Wheat: They buy a lot of different properties. Ivory homes bought an LDS church up in Cottonwood Heights off of Wasatch Boulevard yeah and 3500 S. There they partnered up with Cottonwood Heights to develop about 2 1/2 acres into a park and then they are developing the parcel into two phases and so one phase is going to be four lots and then on the other side of the park is a larger subdivision.

The meeting adjourned at 6:38 PM

# MT. OLYMPUS IMPROVEMENT DISTRICT

CHAIRMAN

**AMI ANDERSON NEFF**

TRUSTEES

**GILES DEMKE**

**C. KIM BLAIR**

3932 SOUTH 500 EAST  
SALT LAKE CITY, UTAH 84107-1895  
PHONE (801) 262-2904  
FAX (801) 265-0551

GENERAL MANAGER

**KERRY S. EPPICH**

COUNSEL

**KIRTON & MCCONKIE**

**September 18, 2023**

Ms. Jessica Antezano, Director  
Bureau of Water Quality  
788 East Woodoak Lane  
Murray, Utah 84107

**PROJECT:** **HOLLADAY HEIGHTS SUBDIVISION**  
**ADDRESS:** **4930 S WESTMOOR RD**  
**DEVELOPER:** **WHEAT DEVELOPMENT**  
**REF. #:** **HOLLADAY CITY**  
**DISTRICT #:** **170**

Dear Ms. Antezano:

This will advise that Mt. Olympus Improvement District agrees to provide sanitary sewer service to this property subject to conformity by the Developer with the District's Code of General Regulations and the District's Rules and Regulations and the following:

All Pretreatment requirements of the District must be met.

Payment of all applicable fees to the District prior to making a connection. Payment of all utility fees after making a connection. Single Family Residential properties are billed four months after a sewer connection is made. Commercial and all other properties are billed at six months after a sewer connection is made.

Development of site so as to provide proper slope of sanitary sewer mains and laterals, in addition to the minimum required cover. It is the developer's responsibility to field verify all elevations and contact the District prior to any outdoor sanitary sewer work being done. The Development must also be designed and constructed to allow the District's maintenance equipment to access and perform maintenance operations. Developments without adequate access shall remain private.

Connection by the developer of sanitary sewer mains to existing mains as recommended by our District Engineer.

Duplexes and Townhomes require two lateral lines. Each individual unit for townhomes, condos, and detached ADU requires a separate lateral.

Granting of easements to the District for sanitary sewer mains on private property. Developer is responsible to provide all addresses and lot numbers prior to obtaining a permit for work in the District.

Because of the growth in the District and this commitment of system capacity for service, this service commitment is good for one year from the above date. If there are any significant changes to the size, scope, or the outdoor sanitary sewer design of the project a new letter should be obtained from the District.

Sincerely,

*Dean D. Ayala*

---

Dean D. Ayala, P.E., District Engineer  
Mt. Olympus Improvement District

Enclosure: One copy of Preliminary Sanitary Sewer layout

cc: Katie Thibodeaux

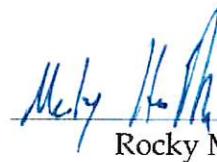


*Jordan Valley Estimating*  
12840 Pony Express RD  
Draper, UT 84020

September 5, 2023

To Whom It May Concern:

This is to advise you of our ability to provide electrical service to the **Holladay Heights Subdivision** project located at **4930 S Westmoor Rd, Holladay** pursuant with the Electric Service Regulations on file with the Utah Public Service Commission and upon completion of necessary contracts and agreements.



---

Melvyn H. Holladay  
Rocky Mountain Power

**REPORT  
GEOTECHNICAL STUDY  
PROPOSED HOLLADAY HEIGHTS SUBDIVISION  
4930 SOUTH WESTMOOR ROAD  
HOLLADAY, UTAH**

Submitted To:

Wheat Development  
1214 East Vine Street  
Salt Lake City, Utah 84121

Submitted By:

GSH Geotechnical, Inc.  
473 West 4800 South  
Salt Lake City, Utah 84123

October 5, 2023

Job No. 3771-001-23

October 5, 2023  
Job No. 3771-001-23

Ms. Katie Thibodeaux  
Wheat Development  
1214 East Vine Street  
Salt Lake City, Utah 84121

Ms. Thibodeaux:

Re: Report  
Geotechnical Study  
Proposed Holladay Heights Subdivision  
4930 South Westmoor Road  
Holladay, Utah

## **1. INTRODUCTION**

### **1.1 GENERAL**

This report presents the results of our geotechnical study performed at the site of the proposed Holladay Heights Subdivision to be located at 4930 South Westmoor Road in Holladay, Utah. The general location of the site with respect to existing roadways, as of 2023, is presented on Figure 1, Vicinity Map. A more detailed layout of the site showing proposed facilities, existing roadways, and the borings drilled in conjunction with this study is presented on Figure 2, Site Plan.

### **1.2 OBJECTIVES AND SCOPE**

The objectives and scope of the study were planned in discussions between Ms. Katie Thibodeaux of Wheat Development and Mr. Alan Spilker and Mr. Robert Gifford of GSH Geotechnical, Inc. (GSH).

In general, the objectives of this study were to:

1. Define and evaluate the subsurface soil and groundwater conditions across the site.
2. Provide appropriate foundation, earthwork, pavement, and geoseismic recommendations to be utilized in the design and construction of the proposed facilities.

In accomplishing these objectives, our scope has included the following:

1. A field program consisting of the exploration, logging, and sampling of 5 borings.
2. A laboratory testing program.
3. An office program consisting of the correlation of available data, engineering analysis, and the preparation of this summary report.

### **1.3 AUTHORIZATION**

Authorization was provided by returning a signed copy of the Professional Services Agreement No. 23-0918 dated September 11, 2023.

### **1.4 PROFESSIONAL STATEMENTS**

Supporting data upon which our recommendations are based are presented in subsequent sections of this report. Recommendations presented herein are governed by the physical properties of the soils encountered in the exploration borings, projected groundwater conditions, and the layout and design data discussed in Section 2, Proposed Construction. If subsurface conditions other than those described in this report are encountered and/or if design and layout changes are implemented, GSH must be informed so that our recommendations can be reviewed and amended, if necessary.

Our professional services have been performed, our findings developed, and our recommendations prepared in accordance with generally accepted engineering principles and practices in this area at this time.

## **2. PROPOSED CONSTRUCTION**

The project is to consist of the demolition of the existing structure followed by the construction of a 9-lot residential subdivision and associated pavements. The structures are anticipated to be 2- to 3-stories above grade with full- or partial-depth basements to be supported upon conventional spread and continuous wall footings.

Maximum real column and wall loads are anticipated to be on the order of up to 60 kips and 2 to 4 kips per lineal foot, respectively. Real loads are defined as the total of all dead plus frequently applied (reduced) live loads.

A paved residential roadway/cul-de-sac is planned to service the subdivision. Projected traffic in these areas is anticipated to consist of a light volume of automobiles and light trucks, occasional medium-weight trucks, and no heavyweight trucks.

Site development will require some earthwork in the form of minor cutting and filling. At this time, we anticipate that maximum site grading cuts and fills, excluding utilities, will be on the order of 1 to 3 feet.

### **3. SITE INVESTIGATIONS**

#### **3.1 GENERAL**

Subsurface conditions in unexplored locations or at other times may vary from those encountered at specific boring locations. If such variations are noted during construction or if project development plans are changed, GSH must review the changes and amend our recommendations, if necessary.

Boring locations were established by estimating distances and angles from site landmarks. If increased accuracy is desired by the client, we recommend that the boring locations and elevations be surveyed.

#### **3.2 FIELD PROGRAM**

To define and evaluate the subsurface soil and groundwater conditions across the site, 5 borings were completed within the accessible areas. These borings were completed to depths ranging from 15.5 to 16.5 feet with a truck-mounted drill rig equipped with hollow-stem augers. The approximate locations of the borings are presented on Figure 2.

The field portion of our study was under the direct control and continual supervision of an experienced member of our geotechnical staff. During the course of the drilling operations, a continuous log of the subsurface conditions encountered was maintained. In addition, samples of the typical soils encountered were obtained for subsequent laboratory testing and examination. The soils were classified in the field based upon visual and textural examination. These classifications were supplemented by subsequent inspection and testing in our laboratory. Graphical representation of the subsurface conditions encountered is presented on Figures 3A through 3E, Boring Logs. Soils were classified in accordance with the nomenclature described on Figure 4, Key to Boring Log (USCS).

A 3.25-inch outside diameter, 2.42-inch inside diameter (Dames & Moore) drive sampler was utilized at select locations and depths. The blow counts recorded on the boring logs were those required to drive the sampler 12 inches with a 140-pound hammer dropping 30 inches.

Following completion of exploration operations, 1.25-inch diameter slotted PVC pipe was installed in each boring to provide a means of monitoring the groundwater fluctuations. The borings were backfilled with auger cuttings.

### **3.3 LABORATORY TESTING**

#### **3.3.1 General**

To provide data necessary for our engineering analysis, a laboratory testing program was performed. This program included moisture, density, consolidation, and chemical tests. The following paragraphs describe the tests and summarize the test data.

#### **3.3.2 Moisture and Density Tests**

To provide index parameters and to correlate other test data, moisture and density tests were performed on selected samples. The results of these tests are presented on the boring logs, Figures 3A through 3E.

#### **3.3.3 Consolidation Tests**

To provide data necessary for our settlement analysis, consolidation testing was performed on 2 representative samples of the natural fine-grained clay soils encountered at the site. The results of these tests indicate that the samples tested were moderately over-consolidated and will exhibit moderate strength and compressibility characteristics under the anticipated loading. Detailed results of the tests are maintained within our files and can be transmitted to you, upon your request.

#### **3.3.4 Chemical Tests**

A representative soil sample was collected and sent for laboratory analysis for pH and sulfate content. As of the date of this report, results are still pending and will be transmitted when available and with corresponding cement recommendations, if applicable.

### **4. SITE CONDITIONS**

#### **4.1 SURFACE**

The site is located at 4930 South Westmoor Road in Holladay, Utah. The site is currently developed with an existing 2-story church structure with associated surrounding pavements. The topography of the site is relatively flat, grading down to the west with a total relief of approximately 10 to 12 feet. Site vegetation consists of various landscaped grass areas around the structure containing mature trees.

The site is bounded to the north by multi- and single-family residential structures along with Bunkerhill Road; to the east by Westmoor Road followed by multi- and single-family residential structures; to the south by single-family residential structures along with Fieldcrest Lane; and to the west by single-family residential structures along with 4945 South Street along with 1645 East Street.

## 4.2 SUBSURFACE SOIL

The following paragraphs provide generalized descriptions of the subsurface profiles and soil conditions encountered within the borings conducted during this study. As previously noted, soil conditions may vary in unexplored locations.

The borings were completed to depths ranging from 15.5 to 16.5 feet. The soil conditions encountered in each of the borings, to the depths completed, were generally similar across the boring locations.

- Borings B-2 and B-4 were performed within existing parking lot areas and encountered up to 2 inches of asphalt.
- Approximately 6 inches of topsoil was encountered in Borings B-1, B-3, and B-5. Topsoil thickness is frequently erratic and thicker zones of topsoil should be anticipated.
- Non-engineered fill soils were encountered in each boring, to depths ranging from 1.5 to 4.0 feet beneath the existing ground surface. The non-engineered fill soils primarily consisted of clay with varying silt, sand, and gravel content as well as sand with varying clay and silt content.
- Natural soils were encountered below the non-engineered fill in each boring. The natural soils consisted primarily of clay with varying silt, sand, and gravel content.

The natural clay soils were soft to very stiff, slightly moist to saturated, gray, red, brown, and dark brown in color, and moderately over-consolidated. The natural clay soils are anticipated to exhibit moderate strength and compressibility characteristics under the anticipated loading.

For a more descriptive interpretation of subsurface conditions, please refer to Figures 3A through 3E, Boring Logs. The lines designating the interface between soil types on the boring logs generally represent approximate boundaries. In situ, the transition between soil types may be gradual.

## 4.3 GROUNDWATER

On October 3, 2023 (18 days following drilling), groundwater was measured within the PVC pipes installed as tabulated on the following page.

<b>Boring No.</b>	<b>Groundwater Depth (feet)</b>
	<b>October 3, 2023</b>
B-1	12.3
B-2	8.6
B-3	13.0
B-4	9.1
B-5	12.9

Groundwater levels vary with changes in season and rainfall, construction activity, irrigation, snow melt, surface water run-off, and other site-specific factors.

## **5. DISCUSSIONS AND RECOMMENDATIONS**

### **5.1 SUMMARY OF FINDINGS**

The proposed structures may be supported upon conventional spread and continuous wall foundations supported upon suitable natural soils and/or structural fill extending to suitable natural soils.

The most significant geotechnical aspects at the site are:

1. The existing structures and utilities on the site that are to be demolished/relocated.
2. The existing non-engineered fills across much of the site.
3. The relatively shallow depth to groundwater.

Prior to proceeding with construction, demolition and removal of the existing structures, slabs, foundations, pavements, surface vegetation, root systems, topsoil, non-engineered fill, and any deleterious materials from beneath an area extending out at least 5 feet from the perimeter of the proposed structure footprints and 3 feet beyond pavements and exterior flatwork areas will be required. All existing utility locations should be reviewed to assess their impact on the proposed construction and abandoned and/or relocated as appropriate.

Due to the developed nature of this site and the surrounding area, additional non-engineered fills may exist in unexplored areas of the site. Based on our experience, non-engineered fills are frequently erratic in composition and consistency. All surficial loose/disturbed soils and non-engineered fills must be removed below all footings, floor slabs, and pavements.

Groundwater was measured as shallow as 8.6 feet below the ground surface. GSH recommends placing floor slabs no closer than 4 feet from the highest groundwater elevation or 1.5 feet if a foundation subdrain system is utilized. Foundation subdrain recommendations are discussed in Section 5.3.1, Subdrains.

Proof rolling of the natural clay subgrade must not be completed if cuts extend to within 1 foot of the groundwater surface. In areas where cuts are to extend to within 1 foot of the groundwater surface, stabilization must be anticipated.

To reduce disturbance of the natural soils during excavation, it is recommended that low-impact, track-mounted equipment with smooth edge buckets/blades be utilized.

Detailed discussions pertaining to earthwork, foundations, pavements, and the geoseismic setting of the site are presented in the following sections.

## **5.2 EARTHWORK**

### **5.2.1 Site Preparation**

Initial site preparation will consist of the demolition and removal of the existing structures, slabs, foundations, pavements, associated debris, non-engineered fills, surface vegetation, root systems, topsoil, and any deleterious materials from beneath an area extending out at least 5 feet from the perimeter of the proposed structure footprint and 3 feet beyond pavements and exterior flatwork areas. All existing utility locations should be reviewed to assess their impact on the proposed construction and abandoned and/or relocated as appropriate.

Subsequent to stripping and prior to the placement of floor slabs, foundations, structural site grading fills, exterior flatwork, and pavements, the exposed subgrade must be proof rolled by passing moderate-weight rubber tire-mounted construction equipment over the surface at least twice. If excessively soft or otherwise unsuitable soils are encountered beneath footings, they must be completely removed. If removal depth required is greater than 2 feet below footings, GSH must be notified to provide further recommendations. In pavement, floor slab, and outside flatwork areas, unsuitable natural soils shall be removed to a maximum depth of 2 feet and replaced with compacted granular structural fill.

Subgrade preparation as described must be completed prior to placing overlying structural site grading fills.

Due to the relatively high groundwater, site grading cuts should be kept to a minimum. Cuts extending to within 1 foot of the groundwater elevation will likely disturb the natural clay soils and proof rolling must not be completed. Stabilization must be anticipated in areas where cuts are to extend to within 1 foot of the groundwater surface.

To reduce disturbance of the natural soils during excavation, it is recommended that low-impact, track-mounted equipment with smooth edge buckets/blades be utilized.

GSH must be notified prior to the placement of structural site grading fills, floor slabs, footings, and pavements to verify that all loose/disturbed soils and non-engineered fills have been completely removed.

### **5.2.2 Temporary Excavations**

Temporary excavations up to 8 feet deep in fine-grained cohesive soils, above or below the water table, may be constructed with sideslopes no steeper than one-half horizontal to one vertical (0.5H:1.0V). Excavations deeper than 8 feet are not anticipated at the site.

For granular (cohesionless) soils, construction excavations above the water table, not exceeding 4 feet, shall be no steeper than one-half horizontal to one vertical (0.5H:1.0V). For excavations up to 8 feet, in granular soils and above the water table, the slopes shall be no steeper than one horizontal to one vertical (1H:1V). Excavations encountering saturated cohesionless soils will be very difficult and will require very flat sideslopes and/or shoring, bracing, and dewatering.

To reduce disturbance of the natural soils during excavation, it is recommended that low-impact, track-mounted equipment with smooth edge buckets/blades be utilized.

The static groundwater table was encountered as shallow as 8.6 feet below the existing surface and may be shallower with seasonal fluctuations. Consideration for dewatering of utility trenches, excavations for the removal of non-engineered fill, and other excavations below this level should be incorporated into the design and bidding process.

All excavations must be inspected periodically by qualified personnel. If any signs of instability or excessive sloughing are noted, immediate remedial action must be initiated.

### **5.2.3 Structural Fill**

Structural fill is defined as all fill which will ultimately be subjected to structural loadings, such as imposed by footings, floor slabs, pavements, etc. Structural fill will be required as backfill over foundations and utilities, as site grading fill, and as replacement fill below footings. All structural fill must be free of surface vegetation, root systems, rubbish, topsoil, frozen soil, and other deleterious materials.

Structural site grading fill is defined as structural fill placed over relatively large open areas to raise the overall grade. For structural site grading fill, the maximum particle size shall not exceed 4 inches; although, occasional larger particles, not exceeding 8 inches in diameter, may be incorporated if placed randomly in a manner such that “honeycombing” does not occur, and the desired degree of compaction can be achieved. The maximum particle size within structural fill placed within confined areas shall be restricted to 2 inches.

On-site soils, including existing non-engineered fills, may be re-utilized as structural site grading fill if they do not contain construction debris or deleterious material and meet the requirements of structural fill. Fine-grained soils will require very close moisture control and may be very difficult, if not impossible, to properly place and compact during wet and cold periods of the year.

Imported structural fill below foundations and floor slabs shall consist of a well graded sand and gravel mixture with less than 30 percent retained on the three-quarter-inch sieve and less than 20 percent passing the No. 200 Sieve (clays and silts).

To stabilize soft subgrade conditions (if encountered) or where structural fill is required to be placed closer than 2.0 feet above the water table at the time of construction, a mixture of coarse angular gravels and cobbles and/or 1.5- to 2.0-inch gravel (stabilizing fill) shall be utilized. It may also help to utilize a stabilization fabric, such as Mirafi 600X or equivalent, placed on the natural ground if 1.5- to 2.0-inch gravel is used as stabilizing fill.

#### 5.2.4 Fill Placement and Compaction

All structural fill shall be placed in lifts not exceeding 8 inches in loose thickness. Structural fills shall be compacted in accordance with the percent of the maximum dry density as determined by the AASHTO<sup>1</sup> T180 (ASTM<sup>2</sup> D1557) compaction criteria in accordance with the following table:

Location	Total Fill Thickness (feet)	Minimum Percentage of Maximum Dry Density
Beneath an area extending at least 5 feet beyond the perimeter of the structure	0 to 5	95
Site grading fills outside area defined above	0 to 5	90
Utility trenches within structural areas	--	96
Road base	--	96

Structural fills greater than 5 feet thick are not anticipated at the site.

Subsequent to stripping and prior to the placement of structural site grading fill, the subgrade shall be prepared as discussed in Section 5.2.1, Site Preparation, of this report. In confined areas, subgrade preparation shall consist of the removal of all loose or disturbed soils.

Coarse angular gravel and cobble mixtures (stabilizing fill), if utilized, shall be end dumped, spread to a maximum loose lift thickness of 15 inches, and compacted by dropping a backhoe bucket onto

<sup>1</sup> American Association of State Highway and Transportation Officials

<sup>2</sup> American Society for Testing and Materials

the surface continuously at least twice. As an alternative, the stabilizing fill may be compacted by passing moderately heavy construction equipment or large self-propelled compaction equipment over the surface at least twice. Subsequent fill material placed over the coarse gravels and cobbles shall be adequately compacted so that the “fines” are “worked into” the voids in the underlying coarser gravels and cobbles. Where soil fill materials are to be placed directly over more than about 18 inches of clean gravel, a separation geofabric, such as Mirafi 140N or equivalent, is recommended to be placed between the gravel and subsequent soil fills.

Non-structural fill may be placed in lifts not exceeding 12 inches in loose thickness and compacted by passing construction, spreading, or hauling equipment over the surface at least twice.

### **5.2.5 Utility Trenches**

All utility trench backfill material below structurally loaded facilities (footings, floor slabs, flatwork, pavements, etc.) shall be placed at the same density requirements established for structural fill. If the surface of the backfill becomes disturbed during the course of construction, the backfill shall be proof rolled and/or properly compacted prior to the construction of any exterior flatwork over a backfilled trench. Proof rolling shall be performed by passing moderately loaded rubber tire-mounted construction equipment uniformly over the surface at least twice. If excessively loose or soft areas are encountered during proof rolling, they shall be removed to a maximum depth of 2 feet below design finish grade and replaced with structural fill.

Many utility companies and City-County governments are now requiring that Type A-1a or A-1b (AASHTO Designation – granular soils with limited fines) soils be used as backfill over utilities. These organizations are also requiring that in public roadways, the backfill over major utilities be compacted over the full depth of fill to at least 96 percent of the maximum dry density as determined by the AASHTO T180 (ASTM D1557) method of compaction. GSH recommends that as the major utilities continue onto the site that these compaction specifications are followed.

Fine-grained soils, such as silts and clays, are not recommended for utility trench backfill in structural areas.

The static groundwater table was encountered as shallow as 8.6 feet below the existing surface and may be shallower with seasonal fluctuations. Dewatering of utility trenches and other excavations below this level should be anticipated.

To reduce disturbance of the natural soils during excavation, it is recommended that low-impact, track-mounted equipment with smooth edge buckets/blades be utilized.

## **5.3 GROUNDWATER**

On October 3, 2023 (18 days following drilling), groundwater was measured within the PVC pipes installed as tabulated on the following page.

<b>Boring No.</b>	<b>Groundwater Depth (feet)</b>
	<b>October 3, 2023</b>
B-1	12.3
B-2	8.6
B-3	13.0
B-4	9.1
B-5	12.9

Based on the anticipated cuts necessary to reach design subgrades, we anticipate temporary and permanent dewatering may be necessary. GSH recommends placing floor slabs no closer than 4 feet from the highest groundwater elevation or 1.5 feet if a foundation subdrain system is utilized. Foundation subdrain recommendations are discussed in Section 5.3.1, Subdrains.

The groundwater measurements presented are conditions at the time of the field exploration and may not be representative of other times or locations. Groundwater levels may vary seasonally and with precipitation, as well as other factors including irrigation. Evaluation of these factors is beyond the scope of this study. Groundwater levels may, therefore, be at shallower or deeper depths than those measured during this study, including during construction and over the life of the structure.

The extent and nature of any dewatering required during construction will be dependent on the actual groundwater conditions prevalent at the time of construction and the effectiveness of construction drainage to prevent run-off into open excavations.

### 5.3.1 Subdrains

A subdrain system, if utilized, shall consist of a perimeter foundation/chimney subdrain and an under-slab subdrain. The perimeter subdrain would consist of a 4-inch diameter slotted or perforated PVC or other durable material pipe installed with an invert at least 18 inches below the top of the lowest adjacent slab. The drain pipe shall slope at least 0.25 percent to a suitable point of gravity discharge, such as an inside or outside sump. The 4-inch diameter slotted PVC pipe shall be encased in a one-half to three-quarter-inch clean gap-graded gravel extending 2 inches below laterally and continuously up at least 12 inches above the top of the lowest adjacent slab. The gravels must be separated from the adjacent soils with a geotextile fabric, such as Mirafi 140N or equivalent. Extending up from the top of the foundation subdrain to within 1 foot of final grade shall be a synthetic drain board or a zone of “free-draining” permeable fill, also separated from all adjacent soils with a geotextile fabric. Prior to the placement of the perimeter foundation subdrain, the outside subgrade walls shall be appropriately waterproofed.

In addition to the perimeter foundation/chimney subdrain, an under-slab drain is recommended. This shall consist of a minimum of 8 inches of “free-draining” one-half to three-quarter-inch minus clean gap-graded gravel placed over properly prepared suitable natural subgrade soils and/or structural fill extending to suitable natural soil. The “free-draining” gravel shall be hydraulically connected to the perimeter drain. In addition, we recommend 4-inch diameter slotted PVC pipes be installed laterally and spaced approximately 50 feet apart beneath the below-grade level slab of the structure with an invert elevation of at least 12 inches below the top of the lowest adjacent slab. This subdrain would be similarly encased in the one-half- to three-quarter-inch clean gap-graded gravel, separated from the natural soils with a geotextile fabric, extending up to the 6-inch layer of gravel underneath the at-grade slab. This subdrain line would discharge to the perimeter subdrain.

GSH also recommends that a minimum of 10.0 inches of free-draining gravel material be placed below the floor slab and that this gravel be hydraulically tied to the perimeter foundation drain. This may be accomplished by placing footings on a minimum of 6.0 inches of similar free-draining gravel material. Lateral drains must also be placed approximately every 50 feet and tied to the subdrain system.

Water collected by the subdrain system would be gravity discharged or pumped to a suitable discharge point such as area subdrains, storm drains, or other suitable down-gradient location (see attached Figure 5, Typical Foundation/Chimney Subdrain Detail 18”). A back-up power and back-up pump would need to be incorporated against failure if a suitable gravity discharge system is unavailable.

## 5.4 SPREAD AND CONTINUOUS WALL FOUNDATIONS

### 5.4.1 Design Data

The results of our analysis indicate that the proposed structures may be supported upon conventional spread and continuous wall foundations established upon suitable natural soils and/or structural fill extending to suitable natural soils. Under no circumstances shall foundations be established over non-engineered fills, loose or disturbed soils, topsoil, surface vegetation, root systems, rubbish, construction debris, other deleterious materials, frozen soils, or within ponded water. For design, the following parameters are provided:

Minimum Recommended Depth of Embedment for Frost Protection	- 30 inches
Minimum Recommended Depth of Embedment for Non-frost Conditions	- 15 inches
Recommended Minimum Width for Continuous Wall Footings	- 18 inches

Minimum Recommended Width for Isolated Spread Footings	- 24 inches
Recommended Net Bearing Capacity for Real Load Conditions	- 1,500 pounds per square foot
Bearing Capacity Increase for Seismic Loading	- 50 percent

The term “net bearing capacity” refers to the allowable pressure imposed by the portion of the structure located above lowest adjacent final grade. Therefore, the weight of the footing and backfill to lowest adjacent final grade need not be considered. Real loads are defined as the total of all dead plus frequently applied live loads. Total load includes all dead and live loads, including seismic and wind.

#### **5.4.2 Installation**

Under no circumstances shall the footings be installed upon non-engineered fills, loose or disturbed soils, topsoil, surface vegetation, root systems, rubbish, construction debris, or other deleterious materials. If unsuitable soils are encountered, they must be removed and replaced with compacted granular fill. If granular soils become loose or disturbed, they must be recompacted prior to pouring the concrete.

The width of structural replacement fill below footings shall be equal to the width of the footing plus one foot for each foot of fill thickness.

#### **5.4.3 Settlements**

Based on column loadings, soil bearing capacities, and the foundation recommendations as discussed above, we expect primary total settlement beneath individual foundations to be less than one inch.

The amount of differential settlement is difficult to predict because the subsurface and foundation loading conditions can vary considerably across the site. However, we anticipate differential settlement between adjacent foundations could vary from 0.5 to 0.75 inch. The final deflected shape of the structure will be dependent on actual foundation locations and loading.

### **5.5 LATERAL RESISTANCE**

Lateral loads imposed upon foundations due to wind or seismic forces may be resisted by the development of passive earth pressures and friction between the base of the footings and the supporting soils. In determining frictional resistance, a coefficient of friction of 0.35 may be utilized for the footing interface with in-situ natural clay soils and 0.40 for footing interface with

granular structural fill. Passive resistance provided by properly placed and compacted granular structural fill above the water table may be considered equivalent to a fluid with a density of 300 pounds per cubic foot. Below the water table, this granular soil shall be considered equivalent to a fluid with a density of 150 pounds per cubic foot.

A combination of passive earth resistance and friction may be utilized provided that the friction component of the total is divided by 1.5.

## 5.6 LATERAL PRESSURES

Parameters, as presented within this section, are for backfills which will consist of drained soil placed and compacted in accordance with the recommendations presented herein.

The lateral pressures imposed upon subgrade facilities will, therefore, be basically dependent upon the relative rigidity and movement of the backfilled structure. For active walls, such as retaining walls which can move outward (away from the backfill), drained backfill may be considered equivalent to a fluid with a density of 40 pounds per cubic foot in computing lateral pressures. For more rigid subgrade walls that are not more than 10 inches thick, granular backfill may be considered equivalent to a fluid with a density of 50 pounds per cubic foot. For very rigid non-yielding walls, granular backfill shall be considered equivalent to a fluid with a density of at least 60 pounds per cubic foot. The above values assume that the surface of the soil's slope behind the wall is horizontal and that the granular fill within 3 feet of the wall will be compacted with hand-operated compacting equipment.

For seismic loading of below-grade walls, the uniform lateral pressures below, in pounds per square foot (psf), shall be added based on wall depth and wall case:

Uniform Lateral Pressures			
Wall Height (Feet)	Active Pressure Case (psf)	Moderately Yielding Case (psf)	At Rest/Non-Yielding Case (psf)
4	44	77	110
6	66	115	165
8	87	154	220
10	109	192	275

## 5.7 FLOOR SLABS

Floor slabs may be established upon suitable natural subgrade soils or structural fill extending to suitable natural soils. Under no circumstances shall floor slabs be established directly over non-engineered fills, loose or disturbed soils, sod, rubbish, construction debris, other deleterious materials, frozen soils, or within ponded water.

Additionally, GSH recommends placing floor slabs no closer than 4 feet from the highest groundwater elevation or 1.5 feet if a foundation subdrain system is utilized. Foundation subdrain recommendations are discussed in Section 5.3.1, Subdrains.

To facilitate curing of the concrete and to provide a capillary moisture break, it is recommended that floor slabs be directly underlain by at least 4 inches of “free-draining” fill, such as “pea” gravel or three-quarters to one inch minus clean gap-graded gravel.

Settlement of lightly loaded floor slabs designed according to previous recommendations (average uniform pressure of 200 pounds per square foot or less) is anticipated to be less than one-quarter of an inch.

## 5.8 PAVEMENTS

The natural clay soils and non-engineered fills will exhibit poor pavement support characteristics when saturated. All pavement areas must be prepared as previously discussed (see Section 5.2.1, Site Preparation). Under no circumstances shall pavements be established over non-engineered fills, loose or disturbed soils, topsoil, surface vegetation, root systems, rubbish, construction debris, other deleterious materials, frozen soils, or within ponded water. With the subgrade soils and the estimated projected traffic as discussed in Section 2, Proposed Construction, the following pavement sections are recommended:

### Paved Areas

(Light Volume of Automobiles and Light Trucks,  
Occasional Medium-Weight Trucks,  
and No Heavyweight Trucks)  
[3 equivalent 18-kip axle loads per day]

#### Flexible Pavements: (Asphalt Concrete)

3.0 inches	Asphalt concrete
8.0 inches	Aggregate base
Over	Properly prepared natural subgrade soils and/or structural site grading fill extending to properly prepared natural subgrade soils

**Rigid Pavements:**  
(Non-reinforced Concrete)

5.0 inches	Portland cement concrete (non-reinforced)
5.0 inches	Aggregate base
Over	Properly prepared natural subgrade soils and/or structural site grading fill extending to properly prepared natural subgrade soils

These rigid pavement sections are for non-reinforced Portland cement concrete. Concrete shall be designed in accordance with the American Concrete Institute (ACI) and joint details shall conform to the Portland Cement Association (PCA) guidelines. The concrete shall have a minimum 28-day unconfined compressive strength of 4,000 pounds per square inch and contain 6 percent  $\pm 1$  percent air-entrainment.

The crushed stone shall conform to applicable sections of the current Utah Department of Transportation (UDOT) Standard Specifications. All asphalt material and paving operations shall meet applicable specifications of the Asphalt Institute and UDOT. A GSH technician shall observe placement and perform density testing of the base course material and asphalt.

Please note that the recommended pavement section is based on estimated post-construction traffic loading. If the pavement is to be constructed and utilized by construction traffic, the above pavement section may prove insufficient for heavy truck traffic, such as concrete trucks or tractor-trailers used for construction delivery. Unexpected distress, reduced pavement life, and/or premature failure of the pavement section could result if subjected to heavy construction traffic and the owner should be made aware of this risk. If the estimated traffic loading stated herein is not correct, GSH must review actual pavement loading conditions to determine if revisions to these recommendations are warranted.

## **5.9 CEMENT TYPES**

A representative soil sample was collected and sent for laboratory analysis for pH and sulfate content. As of the date of this report, results are still pending and will be transmitted when available and with corresponding cement recommendations, if applicable.

## 5.10 GEOSEISMIC SETTING

### 5.10.1 General

Utah municipalities have adopted the International Building Code (IBC) 2021. The IBC 2021 code refers to ASCE 7-16 Minimum Design Loads and Associated Criteria for Buildings and Other Structures (ASCE 7-16) determines the seismic hazard for a site based upon mapping of bedrock accelerations prepared by the United States Geologic Survey (USGS) and the soil site class. The USGS values are presented on maps incorporated into the IBC code and are also available based on latitude and longitude coordinates (grid points).

### 5.10.2 Faulting

Based on our review of available literature, no active faults pass through or immediately adjacent to the site. The nearest active mapped fault consists of the Salt Lake City Section of the Wasatch Fault, located about 0.45 miles to the north of the site.

### 5.10.3 Site Class

For dynamic structural analysis, the Site Class D – Default Soil Profile as defined in Chapter 20 of ASCE 7-16 (per Section 1613.3.2, Site Class Definitions, of IBC 2021) can be utilized. If a measured site class is desired based on the project structural engineer's evaluation and recommendations, additional testing and analysis can be completed by GSH to determine the measured site class. Please contact GSH for additional information.

### 5.10.4 Ground Motions

The IBC 2021 code is based on USGS mapping, which provides values of short and long period accelerations for average bedrock values for the Western United States and must be corrected for local soil conditions. The following table summarizes the peak ground and short and long period accelerations for the MCE event and incorporates the appropriate soil amplification factor for a Site Class D – Default\* Soil Profile. Based on the site latitude and longitude (40.6621 degrees north and 111.8435 degrees west, respectively) and Risk Category I, the values for this site are tabulated on the following page.

<b>Spectral Acceleration Value, T</b>	<b>Bedrock Boundary [mapped values] (% g)</b>	<b>Site Coefficient</b>	<b>Site Class D - Default* [adjusted for site class effects] (% g)</b>	<b>Design Values** (% g)</b>
0.2 Seconds (Short Period Acceleration)	$S_S = 143.1$	$F_a = 1.200$	$S_{MS} = 171.7$	$S_{DS} = 114.5$
1.0 Second (Long Period Acceleration)	$S_1 = 51.9$	$F_v = 1.781$	$S_{M1} = 92.4$	$S_{D1} = 61.6$

\* If a measured site class in accordance with IBC 2021/ASCE 7-16 is beneficial based on the project structural engineer's review, please contact GSH for additional options for obtaining this measured site class.

\*\*IBC 2021/ASCE 7-16 may require a site-specific study based on the project structural engineer's evaluation and recommendations. If needed, GSH can provide additional information and analysis including a complete site-specific study in accordance with chapter 21 of ASCE 7-16.

### 5.10.5 Liquefaction

The site is located in an area that has been identified by the Utah Geological Survey (UGS) as being a "high" liquefaction potential zone. Liquefaction is defined as the condition when saturated, loose, granular soils lose their support capabilities because of excessive pore water pressure, which develops during a seismic event. Clayey soils, even if saturated, will generally not liquefy during a major seismic event.

Due to the clayey nature of the soils, liquefaction is not anticipated to occur within the soils encountered at this site.

### 5.11 SITE VISITS

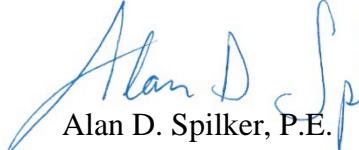
GSH must verify that all topsoil/disturbed soils, non-engineered fills, and any other unsuitable soils have been removed, and that suitable soils have been encountered prior to placing site grading fills, footings, slabs, and pavements. Additionally, GSH must observe fill placement and verify in-place moisture content and density of fill materials placed at the site.

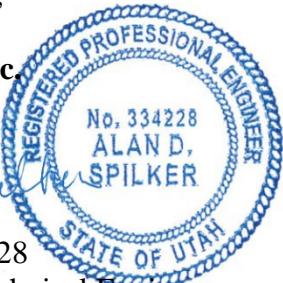
## 6. CLOSURE

If you have any questions or would like to discuss these items further, please feel free to contact us at (801) 685-9190.

Respectfully submitted,

**GSH Geotechnical, Inc.**

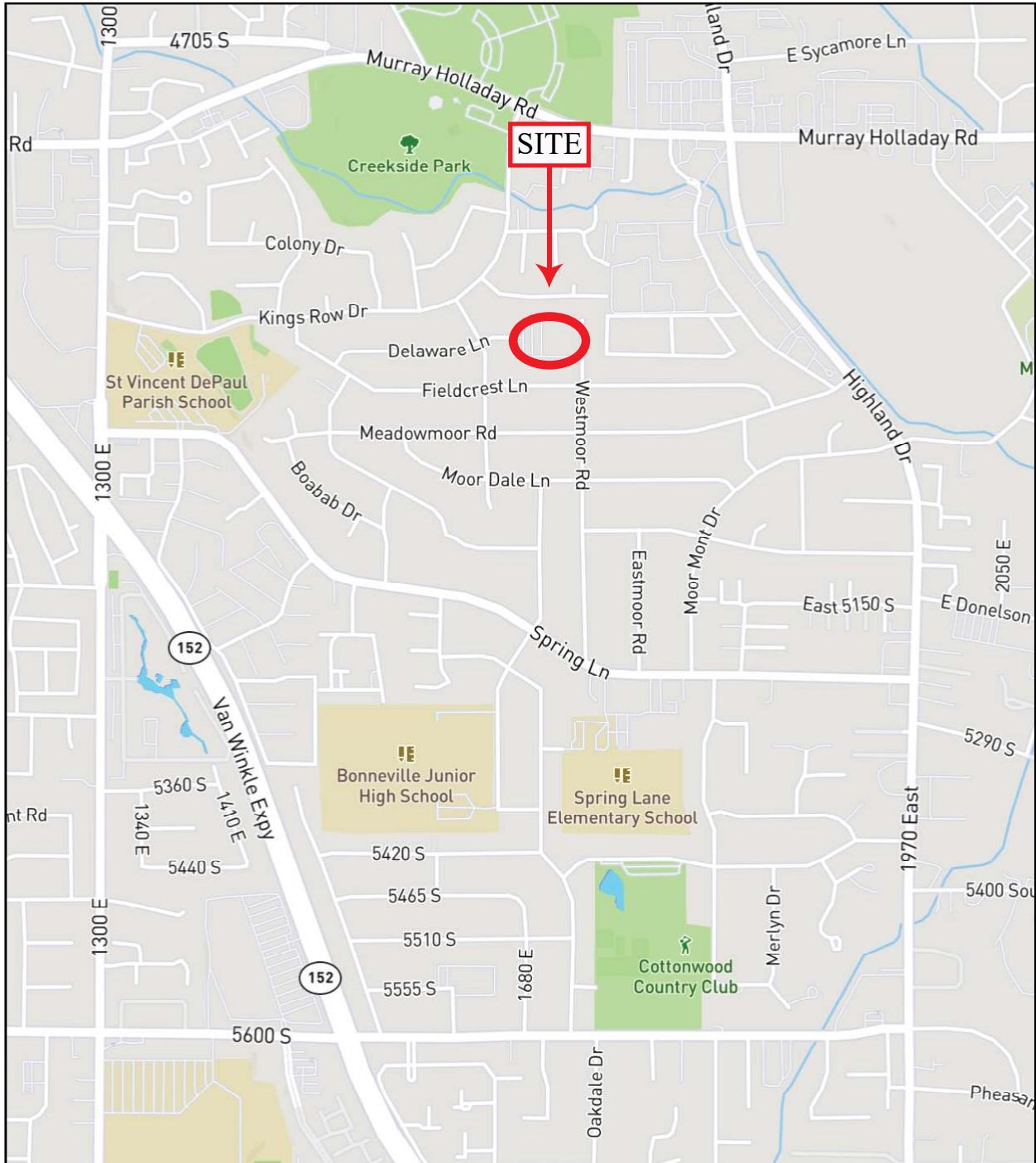
  
Alan D. Spilker, P.E.  
State of Utah No. 334228  
President/Senior Geotechnical Engineer



ADS:jmt

Encl. Figure 1, Vicinity Map  
Figure 2, Site Plan  
Figures 3A through 3E, Boring Logs  
Figure 4, Key to Boring Log (USCS)  
Figure 5, Typical Foundation/Chimney Subdrain Detail 18"

Addressee (email)



A horizontal scale with numerical labels 0.10, 0.1, 0.2, 0.3, MI, and 0.4. The scale is marked with vertical lines and horizontal grid lines. The 'MI' mark is positioned halfway between 0.1 and 0.2. The 0.4 mark is at the far right end of the scale.

A horizontal number line starting at 0 and ending at 600. Tick marks are present at 0, 200, 400, and M. The segment from 0 to 200 is divided into two equal parts by the tick marks at 0 and 200. The segment from 200 to 400 is also divided into two equal parts by the tick marks at 200 and 400. The segment from 400 to 600 is divided into two equal parts by the tick mark at M.

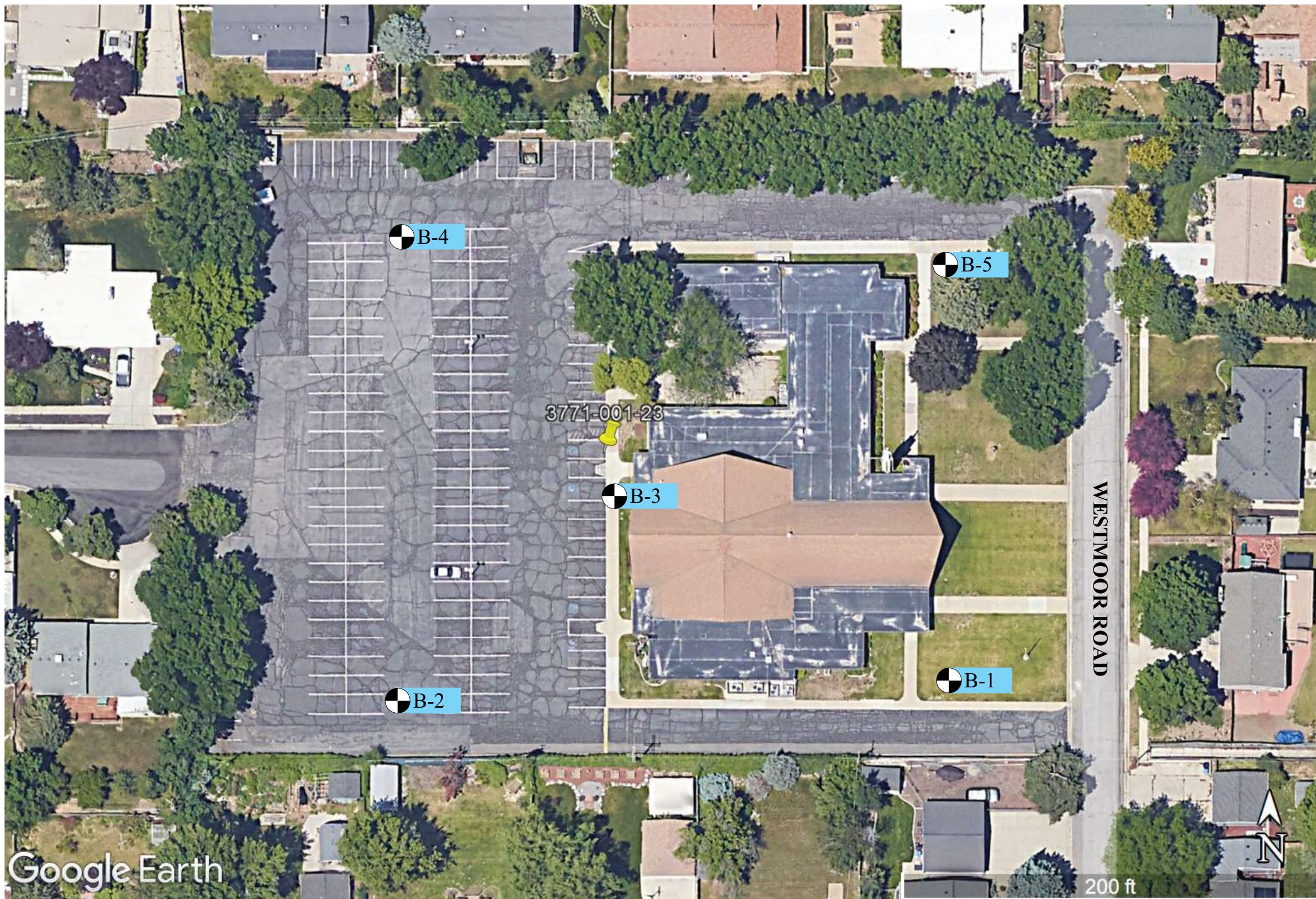
# FIGURE 1

## VICINITY MAP

The logo consists of a red square containing a white circle with a black outline. Inside the circle is a black letter 'G'. To the right of the square is the letters 'GSH' in a large, black, serif font.

REFERENCE:  
ALL TRAILS - NATIONAL GEOGRAPHIC TERRAIN  
DATED 2023

WHEAT DEVELOPMENT  
JOB NO. 3771-001-23



REFERENCE:  
ADAPTED FROM AERIAL PHOTOGRAPH  
DOWNLOADED FROM GOOGLE EARTH  
IMAGERY - NOT DATED

FIGURE 2  
SITE PLAN  




# BORING LOG

Page: 1 of 1

BORING: B-1

CLIENT: Wheat Development	PROJECT NUMBER: 3771-001-23
PROJECT: Proposed Holladay Heights Subdivision	DATE STARTED: 9/15/23 DATE FINISHED: 9/15/23
LOCATION: 4930 South Westmoor Road, Holladay, Utah	GSH FIELD REP.: EC
DRILLING METHOD/EQUIPMENT: 4-1/4" ID Hollow-Stem Auger	HAMMER: Automatic WEIGHT: 140 lbs DROP: 30"
GROUNDWATER DEPTH: 12.3' (10/3/23)	ELEVATION: ---

WATER LEVEL U S C S	DESCRIPTION	DEPTH (FT.)	BLOW COUNT	SAMPLE SYMBOL	MOISTURE (%)	DRY DENSITY (PCF)	% PASSING 200	LIQUID LIMIT (%)	PLASTICITY INDEX	REMARKS
	<b>Ground Surface</b>	0								
CL FILL	FINE TO COARSE SANDY CLAY, FILL with major roots (topsoil) to 6"; brown	0								slightly moist medium stiff
CL	SILTY CLAY with trace fine to coarse sand; dark brown	3	3	XX						moist soft
	grades trace fine to medium sand grades trace fine gravel	5	3	XX						
	grades trace fine sand	10	9	XX						medium stiff
	End of Exploration at 15.5'. Installed 1.25" diameter slotted PVC pipe to 15.5'.	15	4	XX	38.5	77				saturated soft
		20								
		25								

See Subsurface Conditions section in the report for additional information.

FIGURE 3A



# BORING LOG

Page: 1 of 1

BORING: B-2

CLIENT: Wheat Development	PROJECT NUMBER: 3771-001-23
PROJECT: Proposed Holladay Heights Subdivision	DATE STARTED: 9/15/23 DATE FINISHED: 9/15/23
LOCATION: 4930 South Westmoor Road, Holladay, Utah	GSH FIELD REP.: EC
DRILLING METHOD/EQUIPMENT: 4-1/4" ID Hollow-Stem Auger	HAMMER: Automatic WEIGHT: 140 lbs DROP: 30"
GROUNDWATER DEPTH: 8.6' (10/3/23)	ELEVATION: ---

WATER LEVEL U S C S	DESCRIPTION	DEPTH (FT.)	BLOW COUNT	SAMPLE SYMBOL	MOISTURE (%)	DRY DENSITY (PCF)	% PASSING 200	LIQUID LIMIT (%)	PLASTICITY INDEX	REMARKS
	Ground Surface	0								
	1.5" ASPHALT									
	CL FINE TO COARSE SANDY CLAY, FILL FILL with fine gravel; brown/black		8	◆◆						slightly moist medium stiff
	CL SILTY CLAY with trace fine sand; brown	-5								moist very stiff
		10	16							saturated
		15	7							medium stiff
	grades with sand; gray/red	-15	9	◆◆	28.4	97				
	End of Exploration at 15.5'. Installed 1.25" diameter slotted PVC pipe to 15.5'.	-20								
		-25								

See Subsurface Conditions section in the report for additional information.

FIGURE 3B



# BORING LOG

Page: 1 of 1

BORING: B-3

CLIENT: Wheat Development	PROJECT NUMBER: 3771-001-23
PROJECT: Proposed Holladay Heights Subdivision	DATE STARTED: 9/15/23 DATE FINISHED: 9/15/23
LOCATION: 4930 South Westmoor Road, Holladay, Utah	GSH FIELD REP.: EC
DRILLING METHOD/EQUIPMENT: 4-1/4" ID Hollow-Stem Auger	HAMMER: Automatic WEIGHT: 140 lbs DROP: 30"
GROUNDWATER DEPTH: 13.0' (10/3/23)	ELEVATION: ---

WATER LEVEL U S C S	DESCRIPTION	DEPTH (FT.)	BLOW COUNT	SAMPLE SYMBOL	MOISTURE (%)	DRY DENSITY (PCF)	% PASSING 200	LIQUID LIMIT (%)	PLASTICITY INDEX	REMARKS
	Ground Surface	0								
	CL SILTY CLAY, FILL FILL with trace fine to medium sand; major roots (topsoil) to 6"; brown	21	21	XX						dry stiff
	CL SILTY CLAY with trace fine sand; brown	16	16	XX						moist stiff
		10	7	XX	27.9	95				moist medium stiff
		15	4	XX						saturated soft
	End of Exploration at 15.5'. Installed 1.25" diameter slotted PVC pipe to 15.5'.	20								
		25								

See Subsurface Conditions section in the report for additional information.

FIGURE 3C



# BORING LOG

Page: 1 of 1

BORING: B-4

CLIENT: Wheat Development	PROJECT NUMBER: 3771-001-23
PROJECT: Proposed Holladay Heights Subdivision	DATE STARTED: 9/15/23 DATE FINISHED: 9/15/23
LOCATION: 4930 South Westmoor Road, Holladay, Utah	GSH FIELD REP.: EC
DRILLING METHOD/EQUIPMENT: 4-1/4" ID Hollow-Stem Auger	HAMMER: Automatic WEIGHT: 140 lbs DROP: 30"
GROUNDWATER DEPTH: 9.1' (10/3/23)	ELEVATION: ---

WATER LEVEL U S C S	DESCRIPTION	DEPTH (FT.)	BLOW COUNT	SAMPLE SYMBOL	MOISTURE (%)	DRY DENSITY (PCF)	% PASSING 200	LIQUID LIMIT (%)	PLASTICITY INDEX	REMARKS
	Ground Surface	0								
	2" ASPHALT									
CL	SILTY CLAY, FILL FILL with fine to coarse sand and trace fine gravel; brown									slightly moist medium stiff slightly moist stiff
CL	SILTY CLAY with trace fine sand; brown		19	XX	29.4	91				
	grades brown/gray	-5								
	grades with layers of fine to medium sand up to 3" thick	-10	8	XX	34.0	87				medium stiff saturated
	End of Exploration at 16.5'. Installed 1.25" diameter slotted PVC pipe to 16.5'.	-15	8	XX						stiff
		-20	22	XX						
		-25								

See Subsurface Conditions section in the report for additional information.

FIGURE 3D



# BORING LOG

Page: 1 of 1

## BORING: B-5

CLIENT: Wheat Development	PROJECT NUMBER: 3771-001-23
PROJECT: Proposed Holladay Heights Subdivision	DATE STARTED: 9/15/23 DATE FINISHED: 9/15/23
LOCATION: 4930 South Westmoor Road, Holladay, Utah	GSH FIELD REP.: EC
DRILLING METHOD/EQUIPMENT: 4-1/4" ID Hollow-Stem Auger	HAMMER: Automatic WEIGHT: 140 lbs DROP: 30"
GROUNDWATER DEPTH: 12.9' (10/3/23)	ELEVATION: ---

WATER LEVEL U S C S	DESCRIPTION	DEPTH (FT.)	BLOW COUNT	SAMPLE SYMBOL	MOISTURE (%)	DRY DENSITY (PCF)	% PASSING 200	LIQUID LIMIT (%)	PLASTICITY INDEX	REMARKS
▼	Ground Surface	0								slightly moist loose
	SM/ SC FILL	0								
	SILTY/CLAYEY FINE SAND, FILL with major roots (topsoil) to 6"; brown	15	15	XX						
	CL	5	9	XX	24.9	98				
	SILTY CLAY with fine sand; brown	10	9	XX	25.8	104				
		15	5	XX						
	End of Exploration at 15.5'. Installed 1.25" diameter slotted PVC pipe to 15.5'.	20								
		25								

See Subsurface Conditions section in the report for additional information.

FIGURE 3E

WATER LEVEL U S C S	DESCRIPTION	DEPTH (FT.)	BLOW COUNT	SAMPLE SYMBOL	MOISTURE (%)	DRY DENSITY (PCF)	% PASSING 200	LIQUID LIMIT (%)	PLASTICITY INDEX	REMARKS
① ②	③	④	⑤	⑥	⑦	⑧	⑨	⑩	⑪	⑫

**COLUMN DESCRIPTIONS**

① **Water Level:** Depth to measured groundwater table. See symbol below.

② **USCS:** (Unified Soil Classification System) Description of soils encountered; typical symbols are explained below.

③ **Description:** Description of material encountered; may include color, moisture, grain size, density/consistency,

④ **Depth (ft.):** Depth in feet below the ground surface.

⑤ **Blow Count:** Number of blows to advance sampler 12" beyond first 6", using a 140-lb hammer with 30" drop.

⑥ **Sample Symbol:** Type of soil sample collected at depth interval shown; sampler symbols are explained below.

⑦ **Moisture (%):** Water content of soil sample measured in laboratory; expressed as percentage of dryweight of

⑧ **Dry Density (pcf):** The density of a soil measured in laboratory; expressed in pounds per cubic foot.

⑨ **% Passing 200:** Fines content of soils sample passing a No. 200 sieve; expressed as a percentage.

⑩ **Liquid Limit (%):** Water content at which a soil changes from plastic to liquid behavior.

⑪ **Plasticity Index (%):** Range of water content at which a soil exhibits plastic properties.

⑫ **Remarks:** Comments and observations regarding drilling or sampling made by driller or field personnel. May include other field and laboratory test results using the following abbreviations:

CEMENTATION:

**Weakly:** Crumbles or breaks with handling or slight finger pressure.

**Moderately:** Crumbles or breaks with considerable finger pressure.

**Strongly:** Will not crumble or break with finger pressure.

MODIFIERS: MOISTURE CONTENT (FIELD TEST):

**Dry:** Absence of moisture, dusty, dry to the touch.

**Moist:** Damp but no visible water.

**Saturated:** Visible water, usually soil below water table.

Descriptions and stratum lines are interpretive; field descriptions may have been modified to reflect lab test results. Descriptions on the logs apply only at the specific boring locations and at the time the borings were advanced; they are not warranted to be representative of subsurface conditions at other locations or times.

**UNIFIED SOIL CLASSIFICATION SYSTEM (USCS)**

MAJOR DIVISIONS		USCS SYMBOLS	TYPICAL DESCRIPTIONS	
<b>COARSE-GRAINED SOILS</b> More than 50% of material is larger than No. 200 sieve size.	<b>GRAVELS</b> More than 50% of coarse fraction retained on No. 4 sieve.	CLEAN GRAVELS (little or no fines)	<b>GW</b>	Well-Graded Gravels, Gravel-Sand Mixtures, Little or No Fines
		GRAVELS WITH FINES (appreciable amount of fines)	<b>GP</b>	Poorly-Graded Gravels, Gravel-Sand Mixtures, Little or No Fines
		<b>GM</b>	Silty Gravels, Gravel-Sand-Silt Mixtures	
		<b>GC</b>	Clayey Gravels, Gravel-Sand-Clay Mixtures	
		CLEAN SANDS (little or no fines)	<b>SW</b>	Well-Graded Sands, Gravelly Sands, Little or No Fines
	<b>SANDS</b> More than 50% of coarse fraction passing through No. 4 sieve.	SP	Poorly-Graded Sands, Gravelly Sands, Little or No Fines	
		<b>SM</b>	Silty Sands, Sand-Silt Mixtures	
		<b>SC</b>	Clayey Sands, Sand-Clay Mixtures	
		<b>ML</b>	Inorganic Silts and Very Fine Sands, Rock Flour, Silty or Clayey Fine Sands or Clayey Silts with Slight Plasticity	
		<b>CL</b>	Inorganic Clays of Low to Medium Plasticity, Gravelly Clays, Sandy Clays, Silty Clays, Lean Clays	
<b>FINE-GRAINED SOILS</b> More than 50% of material is smaller than No. 200 sieve size.	<b>SILTS AND CLAYS</b> Liquid limit less than 50%	<b>OL</b>	Organic Silts and Organic Silty Clays of Low Plasticity	
		<b>MH</b>	Inorganic Silts, Micaceous or Diatomaceous Fine Sand or Silty Soils	
		<b>CH</b>	Inorganic Clays of High Plasticity, Fat Clays	
		<b>OH</b>	Organic Silts and Organic Clays of Medium to High Plasticity	
		<b>PT</b>	Peat, Humus, Swamp Soils with High Organic Contents	

Note: Dual Symbols are used to indicate borderline soil classifications.

**STRATIFICATION:**

DESCRIPTION	THICKNESS
Seam	up to 1/8"
Layer	1/8" to 12"

**Occasional:**

One or less per 6" of thickness

**Numerous:**  
More than one per 6" of thickness

**TYPICAL SAMPLER GRAPHIC SYMBOLS**

	Bulk/Bag Sample
	Standard Penetration Split Spoon Sampler
	Rock Core
	No Recovery
	3.25" OD, 2.42" ID D&M Sampler
	3.0" OD, 2.42" ID D&M Sampler
	California Sampler
	Thin Wall

**WATER SYMBOL**

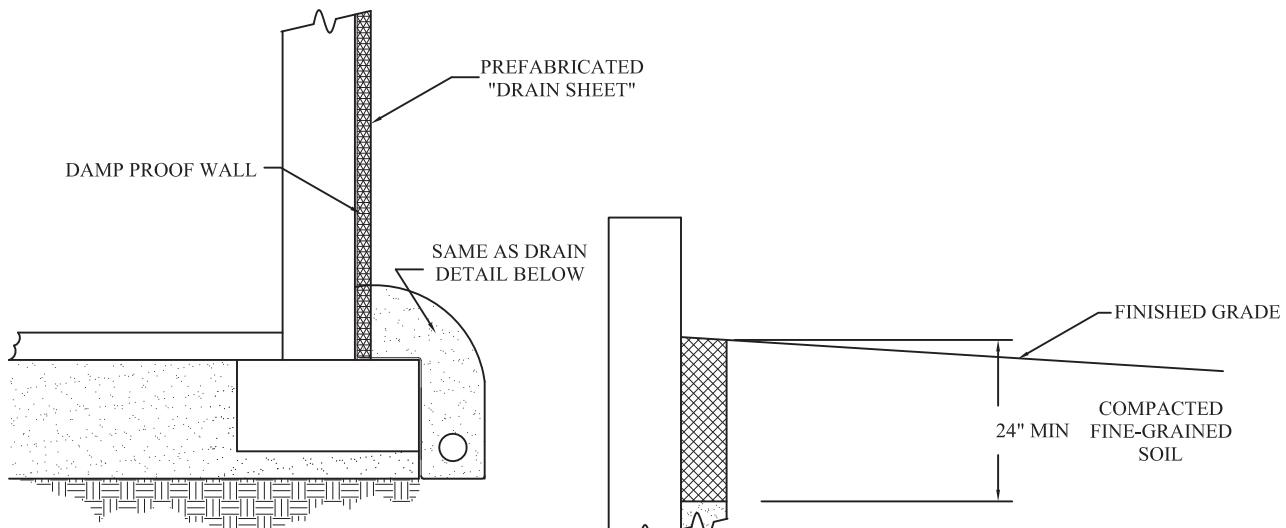
Water Level

**FIGURE 4**



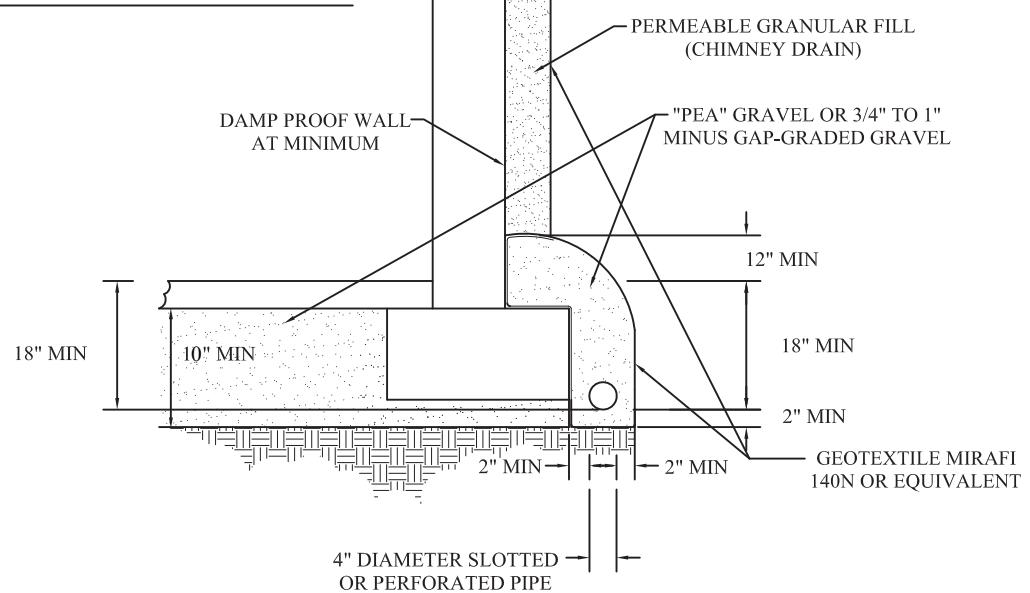
## TYPICAL FOUNDATION/CHIMNEY SUBDRAIN DETAIL

---



### ALTERNATE FOUNDATION DRAIN

---



### TYPICAL FOUNDATION DRAIN

---

(NOT TO SCALE)



FIGURE 5

## Carrie Marsh

---

**From:** Anita Young [REDACTED]  
**Sent:** Sunday, October 22, 2023 9:28 AM  
**To:** Carrie Marsh  
**Subject:** Planning commission meeting to discuss 2.88 acres of land at 4930 s westmoor road  
**Attachments:** 20231011\_120209.jpg

**[External Email - Use Caution]**

Hello, my home shares a fence line on this property and presently the church has 2 very large beautiful trees that border the fence line and one smaller tree. I want to ensure the fence will stay up as we do need our privacy and we need the fence. I am concerned about the two big, Beautiful trees...they aren't on my lot but a part of beautiful holladay. See picture.. I will not be at meeting due to other plans. I know change happens so we understand but we are hopeful that our street will be kept clean, in repair, and clear of debris during construction and contractors will be respectful of our residence in what has been a quiet neighborhood for the most part except on sundays for over 30 years. Thank you..anita and john young, 1666 delaware Ln



## FILE# 18-1-04

## Silver Hawk 2 Concept Subdivision

### ADDRESS:

5560 South Wasatch Blvd

### LEGAL DESCRIPTION:

BEG N 1559.98 FT & W 215.78 FT FR CEN SEC 14, T 2S, R 1E, SLM; S 87°09'36" W 100 FT; S 19° 56'33" W 75.92 FT; S 87°09'36" W 143.9 FT; N 11°52'57" E 727.46 FT; SE'LY ALG CURV TO L641.35 FT TO BEG. 1.90 AC 6598-574, 576 6598-578

### APPLICANT/REPRESENTATIVE:

Robert and Connie Jensen

### PROPERTY OWNER:

Robert and Connie Jensen

### ZONING:

FCOZ

### GENERAL PLAN DISTRICT:

Low Density Residential-Protected (CE-P)

### CITY COUNCIL DISTRICT:

District #5

### PUBLIC NOTICE DETAILS:

Mailed 10/26/2023; Direct mail letter to Lot 15

### REQUEST:

Subdivision

### APPLICABLE REGULATIONS:

13.10

### EXHIBITS:

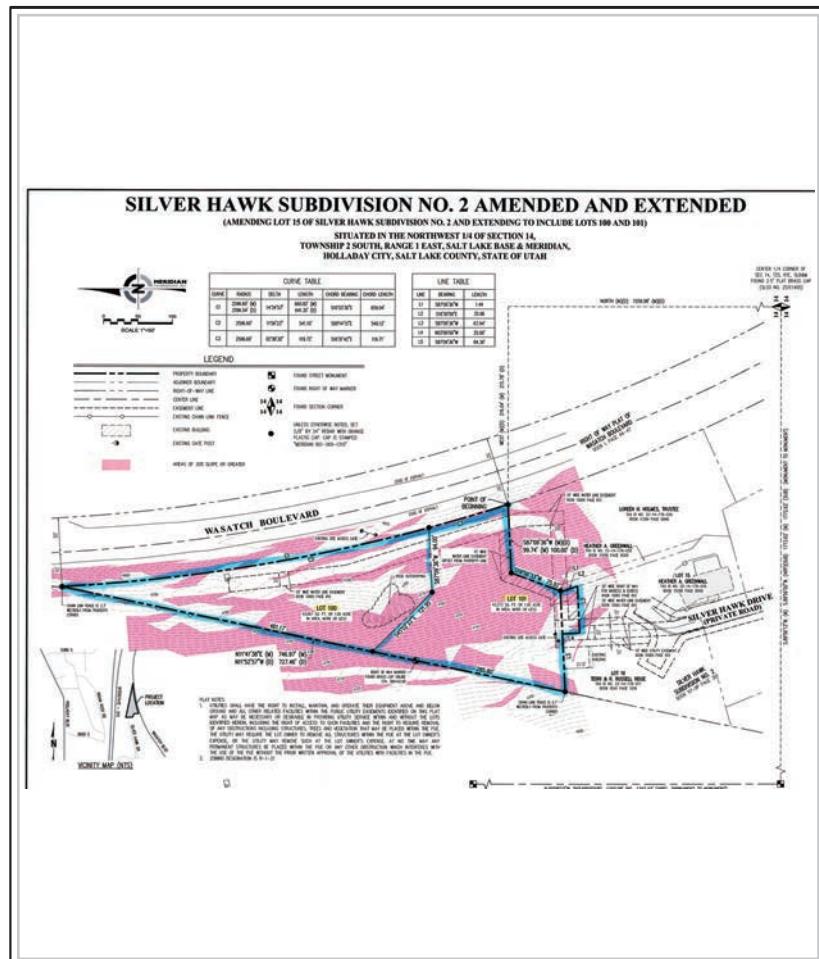
Zone map  
 Staff Report  
 Applicant Narrative  
 Applicant supporting doc.

### DECISION TYPE:

### Administrative:

Public hearing required. PC shall make a motion of either, denial, approval or to continue. All motions require findings which support the decision. As directed by ordinance, applications shall be approved if the Land Use Authority finds Substantial Evidence of compliance with applicable requirements. Holladay Ord. 13.06.050.B2 and 13.08

### SITE VICINITY MAP



### Notes:

### STAFF:

Carrie Marsh, City Planner



## CITY OF HOLLADAY

Planning Commission

November 7<sup>th</sup>, 2023

Item #

Request: **RESIDENTIAL SUBDIVISION – CONCEPT REVIEW**  
Project: "Silver Hawk 2 Subdivision Amendment and Extension"  
Address: 5560 S. Wasatch Blvd.  
Zone: FCOZ (overlay), R-1-21 (underlying)  
Applicant: Robert and Connie Jensen  
File No: 18-1-04  
Notice: Mailed notice on October 26, 2023  
Staff: Carrie Marsh

---

<b>GOVERNING ORDINANCES:</b>	13.14	R-1-21 ZONE
	13.72	FOOTHILLS AND CANYONS OVERLAY ZONE
	13.08.10C	CONCEPTUAL PLAN APPROVAL STANDARDS
	13.10.50	CONCEPTUAL SUBDIVISIONS SUBMISSION REQUIREMENTS

### **REQUIRED PLANNING COMMISSION ACTION: Administrative**

Creation of a subdivision plat requires review and approval by the Land Use Authority (Planning Commission) in a three-step process; Concept, Preliminary and Final plat. Decisions and approval must be during public meeting. The notice for the required public hearing of this first step has been mailed to all properties along Silver Hawk Dr, within the Silver Hawk 2 subdivision, in addition to neighboring parcels on Wasatch Blvd that were within 500' of the area proposed to be amended to the Silver Hawk 2 subdivision. A direct mailing highlighting the change of lot lines on Lot 15 within the Silver Hawk 2 Subdivision was mailed to the owner of Lot 15. The applicant will be holding the required neighborhood meeting on November 6<sup>th</sup>. The minutes from this meeting will be an amendment sent to the Planning Commission when received, prior to the Public Hearing, and will be noted within the meeting so as to be a part of the public record.

### **SUMMARY**

An application from the property owners of 5560 S. Wasatch Blvd. has been submitted for the review of changes to the Silver Hawk 2 Subdivision within the FCOZ zone. The applicant seeks to add 1.90 acres into the existing subdivision and change the property boundaries of Lot 15, to reflect land purchased from the owner of Lot 15. The land being moved from Lot 15 to the new land being added to the subdivision creates a parcel size of 2.00 acres, which is then being subdivided into two parcels, shown as Lot 100/Lot 1 and Lot 101/Lot 2 in the submitted documents. At a Conceptual level review, the subdivision is reviewed for zoning compliance and utility availability.

### **BACKGROUND**

The Silver Hawk 2 subdivision was created in 1996 and did not include the subject parcel at the time of subdivision. Lots 15 and 16 were the end of the subdivision. Salt Lake County also implemented the Foothills and Canyons Overlay Zone (FCOZ) in the 1990s, which was specifically designed to address development within sensitive areas, namely to preserve visual and aesthetic qualities of the foothills, reduce risks associated with natural hazards and provide maximum safety, provide adequate and safe vehicular and pedestrian circulation, encourage development that fits the natural slope of the land to minimize scarring and erosion, protect fragile soils, steep slopes, and water quality, preserve environmentally sensitive areas and open space by encouraging clustering or other design techniques, minimize disturbances to existing trees and vegetation, preserve wildlife habitat, and protect aquifer recharge areas, and reduce flooding by protecting streams, drainage, absorption areas, and floodplains.

FCOZ limits lot sizes to one-acre minimums. Considering this lot size minimum, the applicant has acquired property from Lot 15 that will enable the creation of two new one-acre lots. Lot 15 will remain at the 1-acre minimum size as well. This change to the subdivision involves an amendment to alter the property boundary of Lot 15 and an extension to add the additional land to the Silver Hawk 2 Subdivision and divide the two-acre area into two separate parcels. The

original subdivision identified a water line that continued beyond the road, providing water to the parcels. The applicant has provided utility availability letters with this application.

## **TECHNICAL REVIEW COMMITTEE ANALYSIS**

The total parcel size of two acres contains enough land area to be subdivided into two one-acre parcels.

Utility availability letters are provided as follows:

- Rocky Mountain Power
- Dominion Gas will not provide a letter until we have approved lots. Gas is available from the Silver Hawk Drive easement.
- Mt Olympus Improvement District stated that the property falls under the SL County septic tank systems.
- Phone is not needed but available through Silver Hawk Drive easement
- Salt Lake City Public Utilities watermain is on the property. Salt Lake City will provide service.

Two parking spaces (garage) are required for each lot.

Driveways, access, and building areas will be detailed at the preliminary level submission. The preliminary review will also include a geotechnical report, stormwater management details, and fire access.

## **RECOMMENDATION**

All required conceptual level elements of a residential subdivision proposal have been reviewed by the TRC and have been determined to be complete as per the City's submission requirements. The TRC recommends that the commission approve the **CONCEPTUAL SUBDIVISION PLAN** based upon the following findings:

### **FINDINGS:**

- 1) The proposed amendment and extension to the Silver Hawk 2 Subdivision meets lot minimum standards for the FCOZ zone.
- 2) Utility service letters have been provided

## **MOTION EXAMPLES**

*"I \_\_\_\_\_ move to (approve, Deny, Continue) the CONCEPT PLAT application submitted by Robert and Connie Jenson for "Silver Hawk 2 Amend and Extend" a residential subdivision in the R-1-21 underlying zone and Foothills and Canyons Overlay Zone, upon finding that the subdivision:*

---

## **CONCEPTUAL SUBDIVISIONS, PROCESS, REVIEW STANDARDS, DRAWING ELEMENTS**

### **Process:**

Decisions regarding an administrative land use application shall be based on the "substantial evidence" standard as follows:

- a. Any administrative land use application for which substantial evidence in the record shows compliance with requirements applicable to the application shall be approved.
  - "Substantial evidence" is that quantity and quality of relevant evidence adequate to convince a reasonable mind to support a conclusion.
  - Modifications may be imposed to conform an application with applicable requirements of this title.
- b. A decision under this subsection shall include at least the following elements:

- A statement of approval, approval with requirements, or disapproval, as the case may be; and
- A summary of evidence presented which forms the basis for the decision, including specific references to applicable standards set forth in this title, other provisions of this code, or other applicable law

## **Review and Approval:**

### **Conceptual Review And Approval:**

1. The Community Development Director shall review the application for compliance with applicable regulations. The Community Development Director shall notify the developer of the staff recommendation of approval or denial (for noncompliance) of the application review findings and comments, and the need for other information that may assist the Technical Review Committee to make its recommendation to the Planning Commission.
2. When the Community Development Director determines, after review of the application, that one or more of the application requirements and procedural steps are not applicable to the project under consideration, such requirements may be waived in writing.
3. The applicant shall address identified items and resubmit the information to the Community Development Director.
4. When the Community Development Director determines the application is complete, the application shall be forwarded to the Technical Review Committee for review and recommendation.
5. The Community Development Director shall notify the developer of the recommendation of the Technical Review Committee approval or denial (for noncompliance) of the application and the need for other information that may assist the Technical Review Committee to make its recommendation to the Planning Commission.
6. Upon recommendation from the technical review committee, the community development director shall forward the application to the planning commission. (Ord. 2016-04, 4-14-2016)
7. The planning commission shall hold a public hearing to consider the application. The City shall provide notice of this here as per public noticing provisions provided in Appendix C: "Noticing Requirements" of Title 13..(Ord. 2016-27, 11-3-2016)
8. After review of the application, the planning commission shall:
  - a. Approve the application, with or without additional requirements or conditions;
  - b. Continue review of the application pending further investigation; or
  - c. Deny the application.
9. A conceptual decision by the planning commission does not carry appealable entitlement under the provisions of this title; instead, the planning commission's decision shall provide guidance for compliance with the requirements of this title and direction prior to a submission for preliminary approval.
10. Except as provided in subsection F of this section, the applicant may apply for preliminary approval only after conceptual approval is granted. Conceptual plan approval shall be valid for one year from the date on which the conceptual plan was approved. Resubmission of the conceptual plan may be required by the planning commission prior to filing an application for preliminary approval.

## **Conceptual Plat Elements:**

Conceptual Plat: Unless waived by the Community Development Director as not applicable, the following items shall be submitted for conceptual subdivision review:

1. All information required by section [13.03.040](#) of this title;
2. A scaled drawing of the proposed subdivision. Such drawing shall include:
  - a. Name of development;
  - b. Name, phone number and address of applicant/developer and engineer or land surveyor responsible for the drawing;
  - c. Name, phone number and business address of property owner;
  - d. Date of preparation, scale, north arrow and current zoning designation;
  - e. A vicinity map containing sufficient information to locate accurately the property shown on the plat;
  - f. The number of proposed lots with lot widths and area;
  - g. Names and locations of existing and proposed fronting streets, public or private;
  - h. Existing contours;

- i. Existing location of all significant trees as defined in section [13.04.040](#) of this title.

Prior to approval of an application for subdivision, the planning commission shall hold a public hearing as provided in subsection 13.10.060A of this chapter and shall approve, approve with modifications, continue for further investigation, or deny the conceptual subdivision plat,

- a. When public facilities are required within the boundaries of a proposed development for the benefit of the community as established in the Holladay city general plan, the developer shall reserve a site appropriate in area and location for such public facility.
- b. Unless the planning commission indicates otherwise, denial of a conceptual subdivision plat shall not constitute an absolute disapproval of a proposed development, but rather shall give the developer guidance regarding the requirements and constraints for such development within Holladay.
- c. An applicant may submit an application for preliminary plat approval after conceptual plat approval is granted.
- d. **A conceptual plat approval shall be valid for one year from the date of approval.** Resubmission of a conceptual plat may be required by the planning commission prior to filing an application for preliminary plat approval.



CITY of HOLLADAY

## NOTICE OF A PUBLIC HEARING

“Silverhawk 2” – Residential Subdivision Extension

Date: **Tuesday, November 7<sup>th</sup>, 2023**

Time: As close to 6:00 pm as possible

Location: City Hall – City Council Chambers

Hearing Body: Planning Commission

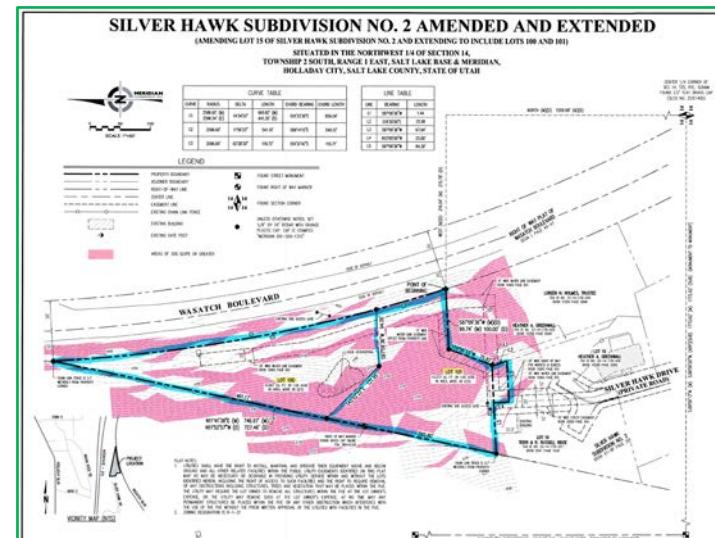
Notice is hereby given that the City of Holladay Planning Commission will conduct a public hearing during review and consideration of an addition to the Silverhawk 2 Subdivision proposed by the applicant, Robert and Connie Jenson, to add and subdivide 2 acres of land located at **5560 S. Wasatch Blvd.**, in the FCOZ zone, to the Silverhawk 2 subdivision. This application will be reviewed by the Planning Commission for compliance with Holladay Ordinance 13.10.

*\*\*No zone or ordinance change is proposed in conjunction with this application. \*\**

Please submit comments via email by 5:00 pm Nov. 6, 2023 to Carrie Marsh, [cmarsh@cityofholladay.com](mailto:cmarsh@cityofholladay.com). Emailed comments received by the designated times will be forwarded to the Commission prior to the meeting.

Additional information regarding this item & instructions how to join this meeting remotely can be found on the City's website and on the posted agenda, prior to the meeting. Interested parties are encouraged to watch the video stream of the meeting on the City of Holladay Website.

ATTENTION: This notice was mailed by order of the Community and Economic Development Director, Jonathan Teerlink to properties within 500 ft of the subject property and on Silverhawk Dr. If you are not the owner of your residence, please notify the owner regarding this matter. Thank you.



CITY of HOLLADAY

## NOTICE OF A PUBLIC HEARING

“Silverhawk 2” - Residential Subdivision Extension

Date: **Tuesday, November 7<sup>th</sup>, 2023**

Time: As close to 6:00 pm as possible

Location: City Hall – City Council Chambers

Hearing Body: Planning Commission

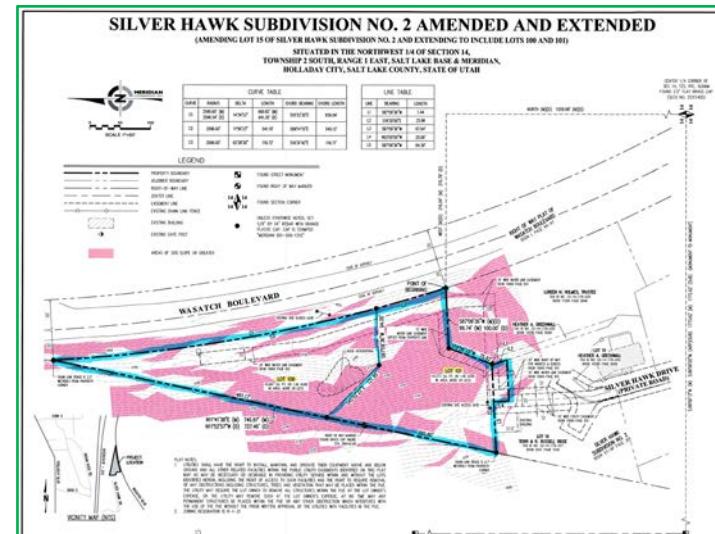
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*\*\*No zone or ordinance change is proposed in conjunction with this application. \*\**

Please submit comments via email by 5:00 pm Nov. 6, 2023 to Carrie Marsh, [cmarsh@cityofholladay.com](mailto:cmarsh@cityofholladay.com). Emailed comments received by the designated times will be forwarded to the Commission prior to the meeting.

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ATTENTION: This notice was mailed by order of the Community and Economic Development Director, Jonathan Teerlink to properties within 500 ft of the subject property and on Silverhawk Dr. If you are not the owner of your residence, please notify the owner regarding this matter. Thank you.



## NOTICE OF A PUBLIC HEARING For a Subdivision Amendment and Extension

**Date:** Tuesday, November 7, 2023  
**Time:** As close to 6:00 pm as possible  
**Location:** *City Council Chambers*  
**Hearing Body:** Planning Commission

Notice is hereby given that the City of Holladay Planning Commission will review and consider a request by Robert and Connie Jensen, to amend and extend the Silverhawk 2 Subdivision, at approximately 5560 S. Wasatch Blvd. Holladay, Utah, to include an additional 1.90 acres of land, subdivided into two new parcels that meet the required one-acre minimum lot area) in the R-1-43 zone.

This public hearing is for the review of the conceptual subdivision plan verifying that the subdivision meets zoning and land use regulations and review the modified area of Lot 15 on the subdivision plat.

If approved by the Planning Commission, preliminary and final reviews will commence requiring approval by Planning and Zoning, Engineering, Fire, and the Planning Commission.

Your property (LOT 15) is directly affected in this subdivision amendment with an adjustment of a lot line between Lot 15 and the Jensen property being added to the subdivision. Please review the new lot line area for Lot 15 on the proposed amended subdivision plat on the next page.

If there are any objections to the new lot lines for Lot 15, you may provide an objection in writing within 10 days of the postage date of this notice.

You may submit a written objection to this subdivision amendment by email to Carrie Marsh,  
[cmarsh@cityofholladay.com](mailto:cmarsh@cityofholladay.com).

Please also mail a written objection to:

City of Holladay  
Community and Economic Development Department  
4580 S. 2300 E.  
Holladay, UT 84117

If you have any questions regarding this matter, please contact Carrie Marsh by email (above) or by phone, 801-527-3890

**ATTENTION:** This notice was mailed 10/30/2021 by order of the Community and Economic Development Director, Jonathan Teerlink to the property owner of Lot 15. If you are not the owner of your residence, please notify the owner regarding this matter. Thank you.

## Carrie Marsh

---

**From:** Connie Jensen [REDACTED]  
**Sent:** Friday, November 3, 2023 10:13 AM  
**To:** Carrie Marsh; Jonathan Teerlink  
**Subject:** Re: Neighborhood meeting requirements

### [External Email - Use Caution]

Yes, we were part of the subdivision. It was part of Silver Hawk 2 before Bob Holmes couldn't pay us for all the construction work we did on Silver Hawk 1. (Our company name was Jensen Excavating, Inc). At that point he agreed to deed that portion to us. We were to have three half acre lots. Part of the work we did, that he couldn't pay for, was excavating trenches for Geo Tech and slope analysis.

Regarding our application, over the years FCOZ has changed and we are now required to have one full acre per lot. We tried to get Holladay to allow two lots on 1.97 acres. We were denied. Holladay suggested that we try to purchase additional ground. Heather Greenwall (lot 15) sold us .037 acre so that we had two full acres of ground and could meet Holladay's requirements without making lot 15 under half acre.

Now that we have two full acres, we have a map proposing how two lots could fit on the property.

Does this satisfy your questions?

Bob and Connie Jensen

Sent from my iPhone

On Nov 3, 2023, at 8:27 AM, Carrie Marsh <cmarsh@cityofholladay.com> wrote:

Thank you Connie.

Was your land included in the geotechnical study for the Silver Hawk subdivision?

Will you also send me a short narrative detailing your application for a subdivision (ie adding your land into the Silver Hawk subdivision and moving land between Lot 15 and your land in order to have enough land area to subdivide into two one acre lots).

Thank you,

<image015.png> **Carrie Marsh**  
City Planner  
Phone: 801-527-3890  
Web: <http://www.cityofholladay.com>  
Email: [cmarsh@cityofholladay.com](mailto:cmarsh@cityofholladay.com)

[<image016.png>](#)

<image017.png>  
<image018.png>

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**From:** Connie Jensen [REDACTED]  
**Sent:** Thursday, November 2, 2023 3:52 PM

**To:** Carrie Marsh <cmarsh@cityofhollanday.com>; Jonathan Teerlink <jteerlink@cityofhollanday.com>  
**Subject:** Neighborhood meeting requirements

[External Email - Use Caution]

Our neighborhood meeting is scheduled for November 6 at 2:00 PM. We mailed out the letters using stamps. I can send you a copy of the mailing list to satisfy proof (we used the list provided to us by you). We will bring the minutes and attendance to you after the meeting.

The utility letters are below:

- Rocky Mountain Power
- Dominion Gas will not provide a letter until we have approved lots. Gas is available to us from the Silverhawk Dr easement.
- Mt Olympus Improvement District said that these two properties fall under the SL County septic tank systems.
- Phone is not needed but available through Silverhawk Drive easement - Watermain is on the property. Salt Lake City will provide service.

Also, the Geotech report should be in your files as our property was part of the Silverhawk subdivision at that time.

Thank you.

Bob and Connie

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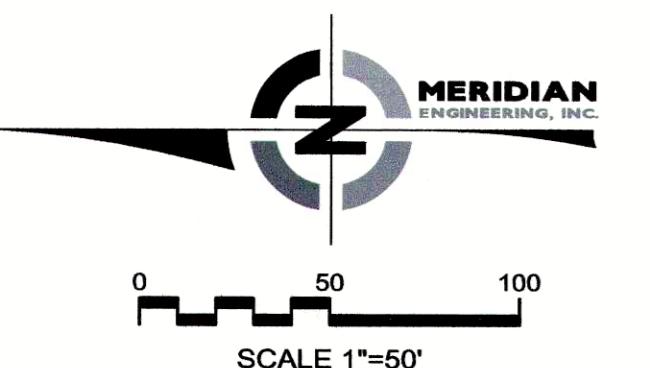
<image009.jpg>

<image010.jpg>

# SILVER HAWK SUBDIVISION NO. 2 AMENDED AND EXTENDED

(AMENDING LOT 15 OF SILVER HAWK SUBDIVISION NO. 2 AND EXTENDING TO INCLUDE LOTS 100 AND 101)

SITUATED IN THE NORTHWEST 1/4 OF SECTION 14,  
TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN,  
HOLLADAY CITY, SALT LAKE COUNTY, STATE OF UTAH

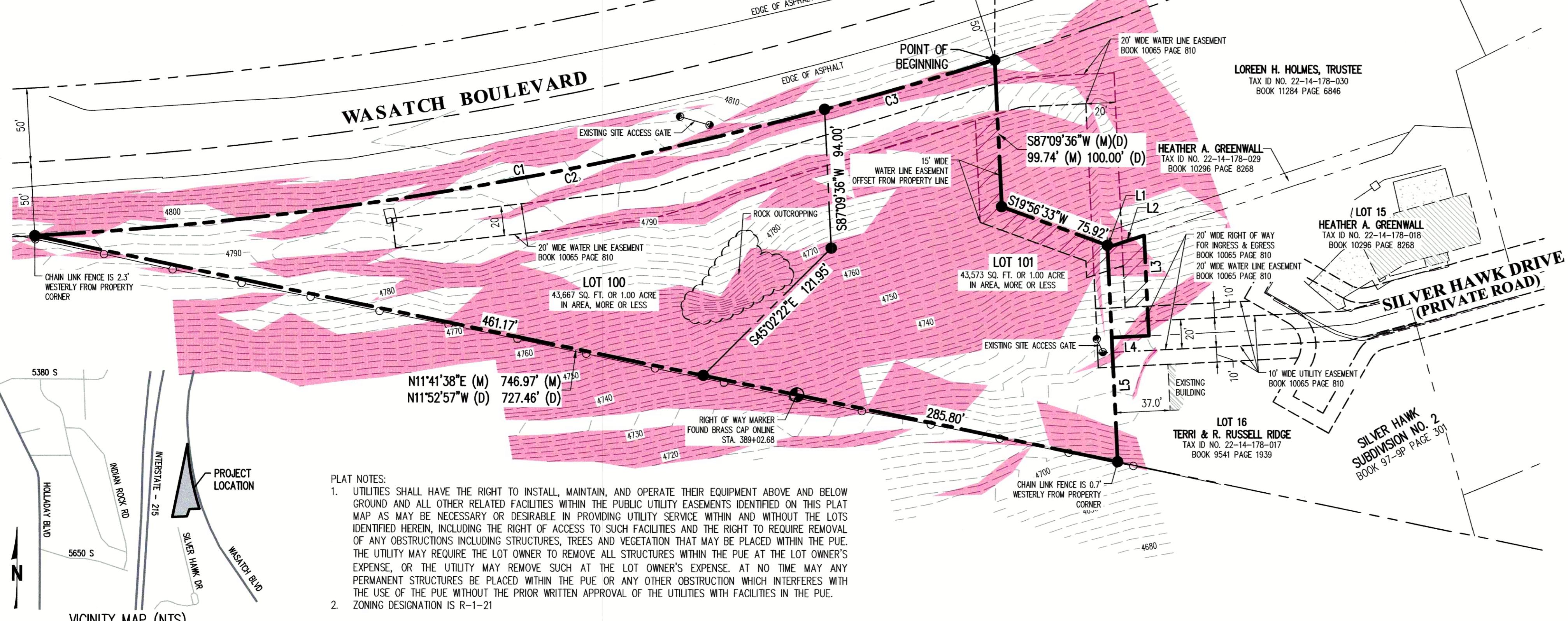


CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING
C1	2596.60' (M) 2596.54' (D)	14°34'53"	660.82' (M) 641.35' (D)	S10°33'30"E 659.04'
C2	2596.60'	11°56'23"	541.10'	S09°14'15"E 540.12'
C3	2596.60'	02°38'30"	119.72'	S16°31'42"E 119.71'

LINE TABLE		
LINE	BEARING	LENGTH
L1	S8709'36"W	1.44
L2	S18°30'00"E	25.96
L3	S8709'36"W	67.94'
L4	N030'00"W	25.00'
L5	S8709'36"W	84.39'

## LEGEND

PROPERTY BOUNDARY	FOUND STREET MONUMENT
ADJOINER BOUNDARY	FOUND RIGHT OF WAY MARKER
RIGHT-OF-WAY LINE	14° 14° 14° 14°
CENTER LINE	FOUND SECTION CORNER
EASEMENT LINE	UNLESS OTHERWISE NOTED, SET 5/8" BY 24" REBAR WITH ORANGE PLASTIC CAP. CAP IS STAMPED "MERIDIAN 801-569-1315"
EXISTING CHAIN LINK FENCE	
EXISTING BUILDING	
EXISTING GATE POST	
AREAS OF 30% SLOPE OR GREATER	







# LAND USE REVIEW & RECOMMENDATION

## TECHNICAL REVIEW COMMITTEE (TRC)

CITY OF HOLLADAY  
Community Development Dept.  
4580 S 2300 E Holladay Utah

801.527.3890

Project name:	Silverhawk 2 Sub. Amend & Extend		PERMIT / PF#:		
Street address:	5560 S. Wasatch Blvd		Zoning: FC02	Total Acres: 2.00	
Contact name:	Bob & Connie Jensen		Natural Hazard: Fault		
Parcel ID:			Waterway:		

PROJECT/SUBMITTAL TYPE (circle one)	SITE PLAN: MAJOR MINOR		SUBDIVISION/ PUD CONCEPT PRELIMINARY FINAL		PLAT AMENDMENT	C.U.P.
APPROVING BODY (circle one)	PC	CC	BOA	DRB	APPEAL OFFICER	STAFF

#### SITE PLAN

- Minor Site plan checklist completed
- Major Site plan checklist completed
- Subdivision Plat Provided
- Zone Worksheet completed
- Utility Service letters - water, sewer, power, gas

#### PLAT AMENDMENT

- Plat checklist items completed
- Existing plat provided
- Final Checklist Completed

#### SUBDIVISION/ PUD

- Concept checklist completed - need utility letters
- Preliminary checklist completed
- Final Checklist Completed

#### CONDITIONAL USE PERMIT

- Site plan
- Narrative
- Final Checklist Complete

#### TRC SUMMARY OF REVIEW / RECOMMENDATION(S)

- Utility letters required for subdivision (will serve)
- Geotechnical Report required for Preliminary, which will be reviewed by the City's geotech consultant.
  - Large areas of 30% slope that cannot be built on
  - Fault area
- Can proceed with conceptual subdivision, but preliminary depends on the geotechnical report.

OFFICE USE ONLY		DATE of FIRST REVIEW	DATE of SECOND REVIEW	DATE of THIRD REVIEW
Results:	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved w/ conditions	<input type="checkbox"/> Revise & resubmit	<input type="checkbox"/> Disapproved
				Date:

Signatures represent Departmental review of the information provided relative to compliance with requirements, regulations, ordinances, facility/master/capital plans and general policies. Additional approvals/permits are still required.

## Carrie Marsh

---

**From:** Connie Jensen [REDACTED]  
**Sent:** Thursday, November 2, 2023 3:52 PM  
**To:** Carrie Marsh; Jonathan Teerlink  
**Subject:** Neighborhood meeting requirements

[External Email - Use Caution]

Our neighborhood meeting is scheduled for November 6 at 2:00 PM. We mailed out the letters using stamps. I can send you a copy of the mailing list to satisfy proof (we used the list provided to us by you). We will bring the minutes and attendance to you after the meeting.

The utility letters are below:

- Rocky Mountain Power
- Dominion Gas will not provide a letter until we have approved lots. Gas is available to us from the Silverhawk Dr easement.
- Mt Olympus Improvement District said that these two properties fall under the SL County septic tank systems.
- Phone is not needed but available through Silverhawk Drive easement - Watermain is on the property. Salt Lake City will provide service.

Also, the Geotech report should be in your files as our property was part of the Silverhawk subdivision at that time.

Thank you.

Bob and Connie



12840 Pony Express Road  
Draper, Utah 84020

August 2, 2022

To Whom It May Concern:

This is to advise you of our ability to provide electrical service to the development of two new lots located at approximately 5560 S Wasatch Blvd., Holladay UT in accordance with the Electric Service Regulations on file with the Utah Public Service Commission and upon completion of necessary contracts and agreements.

Alexander Moturi  
Estimating  
Phone O: 801-576-6250 C: 385-329-6041  
Jordan Valley  
12840 S Pony Express Rd  
Draper, UT 84020  
Email: Alexander.moturi@pacificorp.com

From: Dean Ayala [dean@mtoid.org](mailto:dean@mtoid.org)  
Subject: Re: New Sewer Availability Letter for  
Project: 5560 South Wasatch Blvd  
Date: Jul 27, 2022 at 4:51:23 PM  
To: [bcljbra07@yahoo.com](mailto:bcljbra07@yahoo.com)  
Cc: HealthWater [healthwater@slco.org](mailto:healthwater@slco.org)

---

Hello Connie,

Attached is a letter indicating we cannot provide sewer service for this location. For your reference, we have also cc'd the Salt Lake County Health Department on this email.

Best Regards,

Dean Ayala, P.E., District Engineer  
Mt. Olympus Improvement District  
 [\(801\) 262-2906, ext.105](tel:(801)262-2906)

On Wed, Jul 27, 2022 at 9:04 AM Mt. Olympus Improvement District <[sender@mtoid.org](mailto:sender@mtoid.org)> wrote:

You have a new website form submission:

**Contact Details**

From: Matthias R Neville  
MRNeville@slco.org  
Subject: Septic Systems  
Date: Jul 27, 2022 at 10:36:03 AM  
To: bcljbra07@yahoo.com

Hi Connie,

Here is a link to our website regarding septic system applications if Mt. Olympus says they are not able to connect to your property.

<https://slco.org/health/waste/septic-wastewater-systems/>

Let me know if you have any questions.

Thanks!



Matthias Neville, MPH, LEHS  
*Environmental Health Scientist*  
WATER QUALITY & HAZARDOUS



FILE# 22-1-03-2

## SITE PLAN AMENDMENT - "OLY VISTA" SUB

ADDRESS:

4881 South Highland Drive

LEGAL DESCRIPTION: 22-10-276-023

LOT 1, OLY VISTA SUBDIVISION

APPLICANT/REPRESENTATIVE:

Buck Swaney

PROPERTY OWNER:

FUNDBLU, LLC

ZONING:

R-1-10

GENERAL PLAN DISTRICT:

Low Density Residential-Stable (LDR-S)

CITY COUNCIL DISTRICT:

District #1

PUBLIC NOTICE DETAILS:

Mailed 10/27

REQUEST:

Site Plan Amendment- Landscaping

APPLICABLE REGULATIONS:

13.08.010.D5  
13.08.170.H  
13.10.050.B2.c(7)  
13.77.080.D2(c)

EXHIBITS:

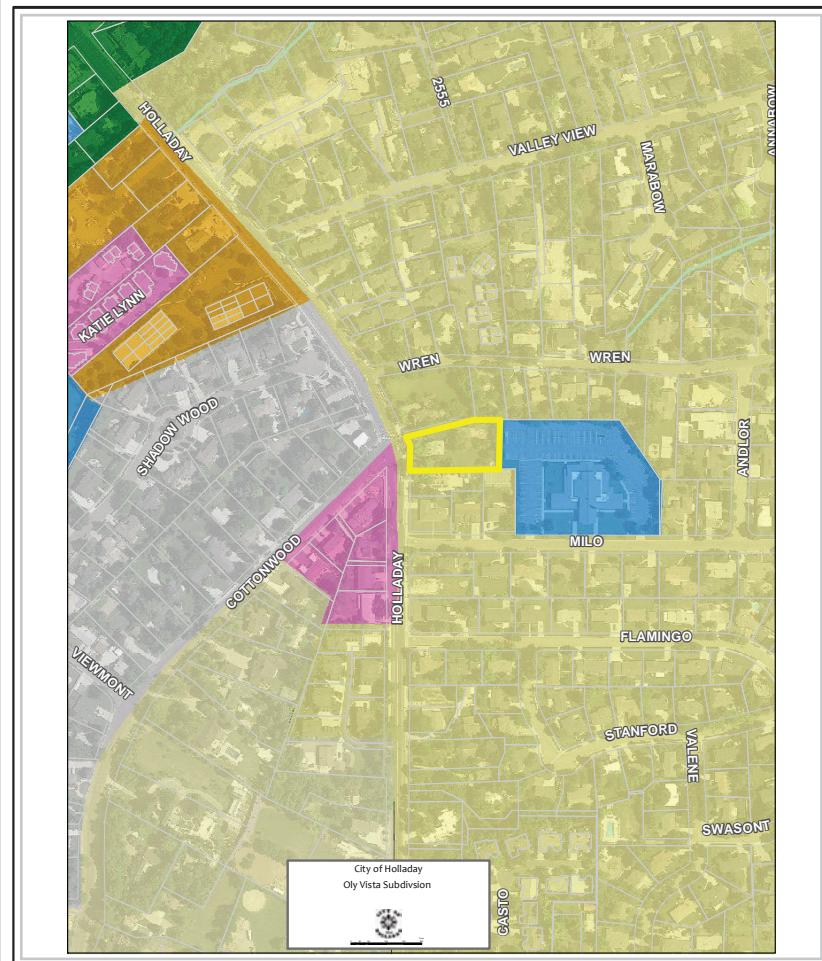
Zone map  
Staff Report  
Applicant Narrative  
Applicant supporting doc.

DECISION TYPE:

**Administrative:**

Public hearing required. PC shall make a motion of either, denial, approval or to continue. All motions require findings which support the decision. As directed by ordinance, applications shall be approved if the Land Use Authority finds Substantial Evidence of compliance with applicable requirements. Holladay Ord. 13.06.050.B2 and 13.08

SITE VICINITY MAP



Notes:

STAFF:

Jonathan Teerlink, CED DIR



CITY OF HOLLADAY  
Planning Commission  
November 7<sup>th</sup> 2023  
Item #5

Request: **SUBDIVISION PLAN AMENDMENT (2<sup>nd</sup>) – LANDSCAPING PLAN**  
Project: "Oly Vista" Subdivision  
Address: 4877 South Holladay Blvd, Holladay Utah 84117  
Applicant: Landblu, LLC, Owner, Buck Swaney, Agent  
File No: 22-1-03-2  
Notice: N/A  
Planner: Jonathan Teerlink

---

<b>GOVERNING ORDINANCES:</b>	13.08.010D(5) 13.08.170.H 13.10.050B2.c(7) 13.77.080D2(c)	PRELIMINARY PLAN APPROVAL STANDARDS AMENDMENT PROCEDURES PRELIMINARY PLAT REQUIRED ELEMENTS; LANDSCAPING PLAN TREE REMOVAL STANDARDS; UTILITY CONFLICTS
------------------------------	--------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------

**REQUIRED PLANNING COMMISSION ACTION:** *Administrative*

Public hearing required. PC shall make a motion of either, denial, approval or to continue. All motions require findings which support the decision. As directed by ordinance, applications shall be approved if the Land Use Authority finds Substantial Evidence of compliance with applicable requirements. Holladay Ord. [13.06.050.B2](#) and [13.08](#)

Considering proposals to amending elements of an approved subdivision are primarily the responsibility of the Planning Commission. The commission *may* delegate consideration in all or in part, proposed amendments to the Community and Economic Development Director.

**SUMMARY**

In April 2022, property owner and applicant, Buck Swaney received subdivision plan approval to split an existing .801 acres (34,891 sq ft) lot according to R-1-10 zone [lot creation standards regulations](#). During the Planning Commission's Preliminary level review and consideration of the subdivision plan, an associated tree protection plan was approved. \*EXHIBIT A

In April of 2023, as Mr. Swaney prepared the site for utility installations, his on-site surveying efforts were made acutely aware of conflict between required utilities and to the root zone of three protected trees. Therefore Mr. Swaney requested additional trees be removed and replaced. During the Planning Commission's April meeting the amended landscaping plan and associated tree protection / planting plan was approved. \*EXHIBIT B

Mr Swaney is now finalizing the home's landscaping features and requests removal of an large Juniper Tree that was both proposed to remain from the April 2023 Tree Canopy Sustainability Plan and as part of the original subdivision approvals 2022. The need to remove is reported that the tree is in the way of patio features.

**TECHNICAL REVIEW COMMITTEE ANALYSIS**

Normally, review authority on applications requesting tree removals fall upon the Community and Economic Development Department §13.77.080D2. However, as this specific project is a subdivision application, the Planning Commission reviews a tree canopy preservation plan. Any amendment to this plan is determined to be heard by the original approving body.

Requirements for proposing removal of Protected Tree(s):

13.77.080.D2. Removal: The Community Development Director or designee shall approve a tree sustainability canopy plan if the submitted plan demonstrates that the removal of an existing tree on the lot is required due to **one or more** of the following:

- a. The tree originates within the net buildable area of a given site as identified on the tree survey and site plan by the applicant;
- b. A tree is located where it interferes with a proposed right- of-way, easement or ingress/egress to the site that cannot be reconfigured;
- c. The tree is located where it interferes with the installation, delivery, or maintenance of proposed or existing utility services to the site;

- d. The tree is located where it creates a safety or health hazard or a nuisance with respect to existing or proposed structures or vehicles or pedestrian routes and there is no reasonable alternative to relocate or reconfigure the improvements;
- e. The trees are determined by the Community Development Director, designee, or by a certified arborist or other licensed tree care professional to be high risk as defined in section [13.04.040](#) of this title; or
- f. The tree unreasonably prevents development of a lot or parcel or the physical use and enjoyment thereof.

### **RECOMMENDATION**

The TRC recommends that the commission consider comments from the applicant be presented. The CED Director has found that all required elements of a tree removal proposal to be complete as per the City's submission requirements. The TRC recommends the commission consider the application based upon the following points;

- The submitted testimony of the applicant focused on Juniper tree proposed to be removed. The tree being originally part of a master tree preservation plan.
- By ordinance when the expansion of building footprint, demolition of a structure, for initial construction or reconstruction, or for grading or clear cutting as required by Subdivision activities (§13.0), approval may be granting upon review of a replacement tree canopy sustainability plan
- Tree canopy area of the Juniper tree is roughly measured to be ~150sqft.
- Proposed 1:1 tree canopy area replacement plan proposes (6) 2" caliper Honey Locust *Gleditsia triacanthos* with sizing estimated to greatly exceed the Juniper Tree's coverage at maturity.
- Property improvement conflicts are a valid reason for removal. On the other hand, the International Society for Arboriculture (ISA) does provide solutions for tree / improvements conflicts.
- Overall, our tree canopy bears the brunt of any construction or re landscaping activity. Liability, when hazards conditions are observed, is an elemental cause for concern. Best practice is to limit all work away from the trunk a distance equal to the canopy's drip zone. In most residential infill redevelopment cases this is not an option.

### **SUGGESTED MOTIONS**

"I        Motion to (approve / deny / continue for further discussion) the **LANDSCAPING AMENDMENT** application by **Landblu, LLC** for **Lot 1 of Oly Vista subdivision, located at 4877 South Holladay Blvd, in the R-1-10 zone** based upon the findings...

1. \_\_\_\_\_
2. \_\_\_\_\_

*subject to the following requirements ... [if any]*



CITY of HOLLADAY

## NOTICE OF A PUBLIC HEARING

### AMENDING LANDSCAPING PLAN – “OLY VISTA ” SUB

**Date:** **Tuesday, November 7<sup>th</sup> 2023**  
**Time:** As close to 6:30 pm as possible  
**Location:** City Hall – City Council Chambers  
**Hearing Body:** Planning Commission

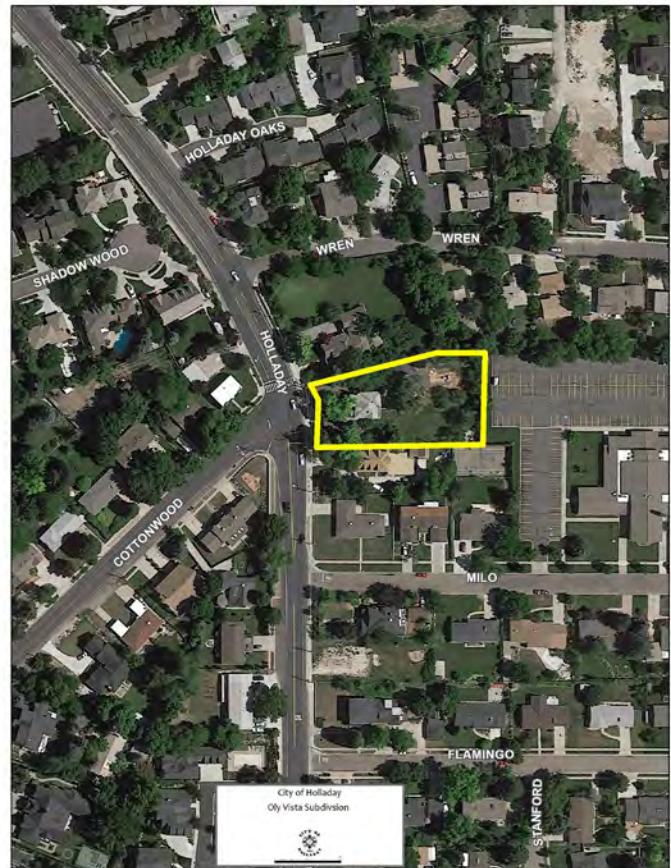
Notice is hereby given that the City of Holladay Planning Commission will conduct a public hearing during review and consideration of an amendment to previously approved landscaping plans proposed by the applicant, Buck Swaney. This application will be reviewed by the Planning Commission for compliance with Holladay Ordinance §13.08.170H, 13.10.050B and 13.77.080(D2)

***\*\*No other amendments, zone or ordinance changes are proposed in conjunction with this application \*\****

Please submit comments via email by 5:00 pm 11/06/2023 2023 to Jonathan Teerlink, [jteerlink@cityofholladay.com](mailto:jteerlink@cityofholladay.com) Emailed comments received by the designated times will be forwarded to the Commission prior to the meeting.

Additional information regarding this item & instructions how to view this meeting remotely can be found on the City's website and on the posted agenda, prior to the meeting. Interested parties are encouraged to watch the video stream of the meeting on the City of Holladay Website.

**ATTENTION:** This notice was mailed by order of the Community and Economic Development Director, Jonathan Teerlink, to all residents within 500 feet from the subject property. If you are not the owner of your residence, please notify the owner regarding this matter. Thank you.



CITY of HOLLADAY

## NOTICE OF A PUBLIC HEARING

### AMENDING LANDSCAPING PLAN – “OLY VISTA ” SUB

**Date:** **Tuesday, November 7<sup>th</sup> 2023**  
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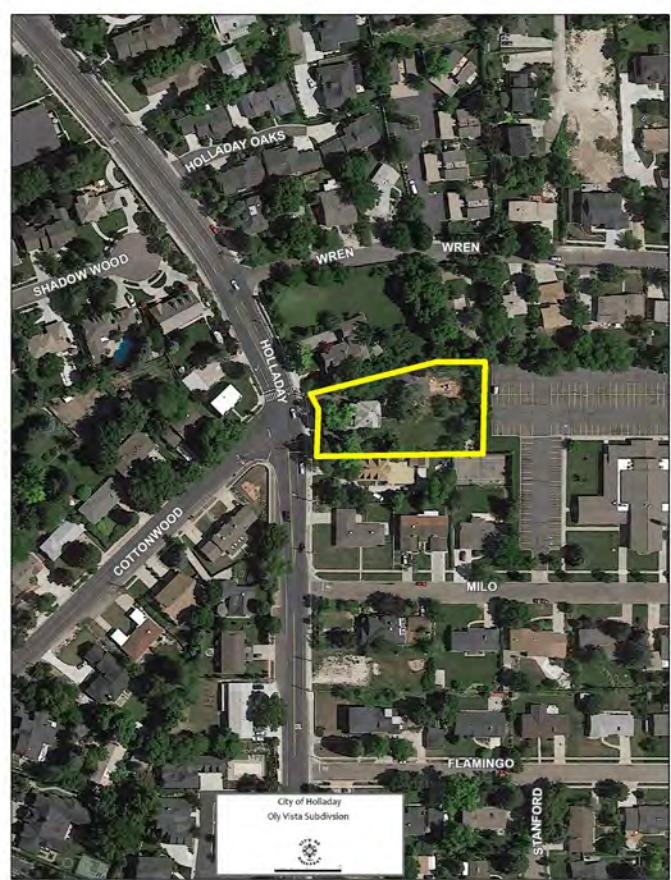
***\*\*No other amendments, zone or ordinance changes are proposed in conjunction with this application \*\****

Please submit comments via email by 5:00 pm \_\_\_\_ 2022 to Jonathan Teerlink, [jteerlink@cityofholladay.com](mailto:jteerlink@cityofholladay.com) Emailed comm

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**ATTENTION:** This notice was mailed by order of the Community and Economic Development Director, Jonathan Teerlink, to all residents within 500 feet from the subject property. If you are not the owner of your residence, please notify the owner regarding this matter. Thank you.







Google Earth





**City of Holladay**  
Community and Economic Development

April 5, 2023

**Fundblu LLC**  
c/o Buck Swaney  
4877 S Holladay Blvd  
Holladay, UT 84117

Dear Mr. Swaney,

THIS LETTER AND THE ATTACHED DOCUMENTS CONSTITUTE APPROVAL BY THE CITY OF HOLLADAY PLANNING COMMISSION TO AMEND PREVIOUSLY APPROVED LANDSCPAING PLANS FOR "OLY VISTA " SUBDVISION. FILE #19-9-19-5

The amendment to the "Oly Vista" Subdivision Landscaping plan was heard by the Planning Commission on April 4, 2023.

The proposal detailed three additional trees (two pines and one catalpa) on the south property line to be removed due to interference with utility line installation.

The amendment was unanimously approved by the Planning Commission, amending the landscaping plan to include removing the described trees, to be replaced with three new trees with equal or greater canopy on the property.

This addendum will be added to the subdivision file and is to be recorded.

Sincerely,

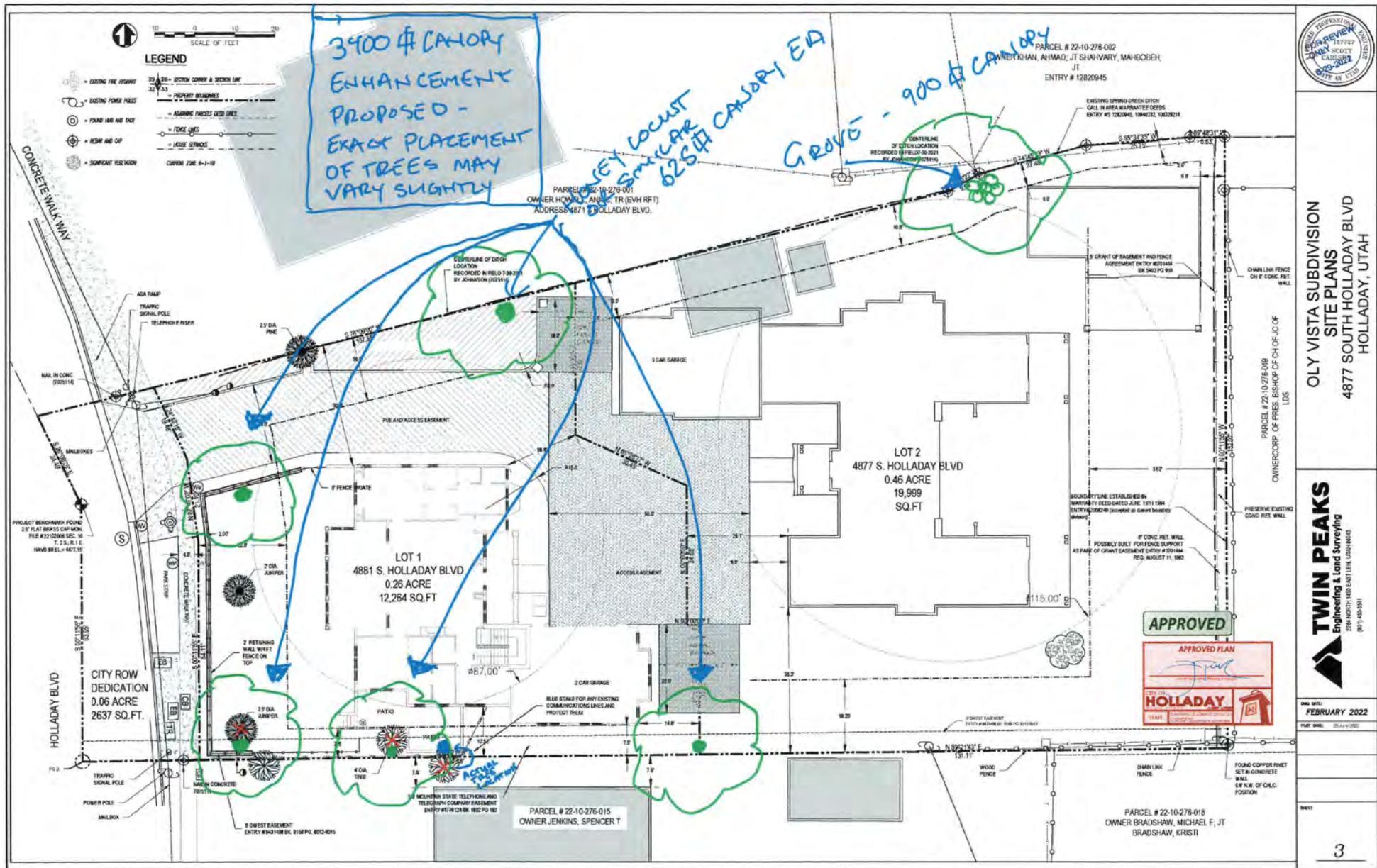


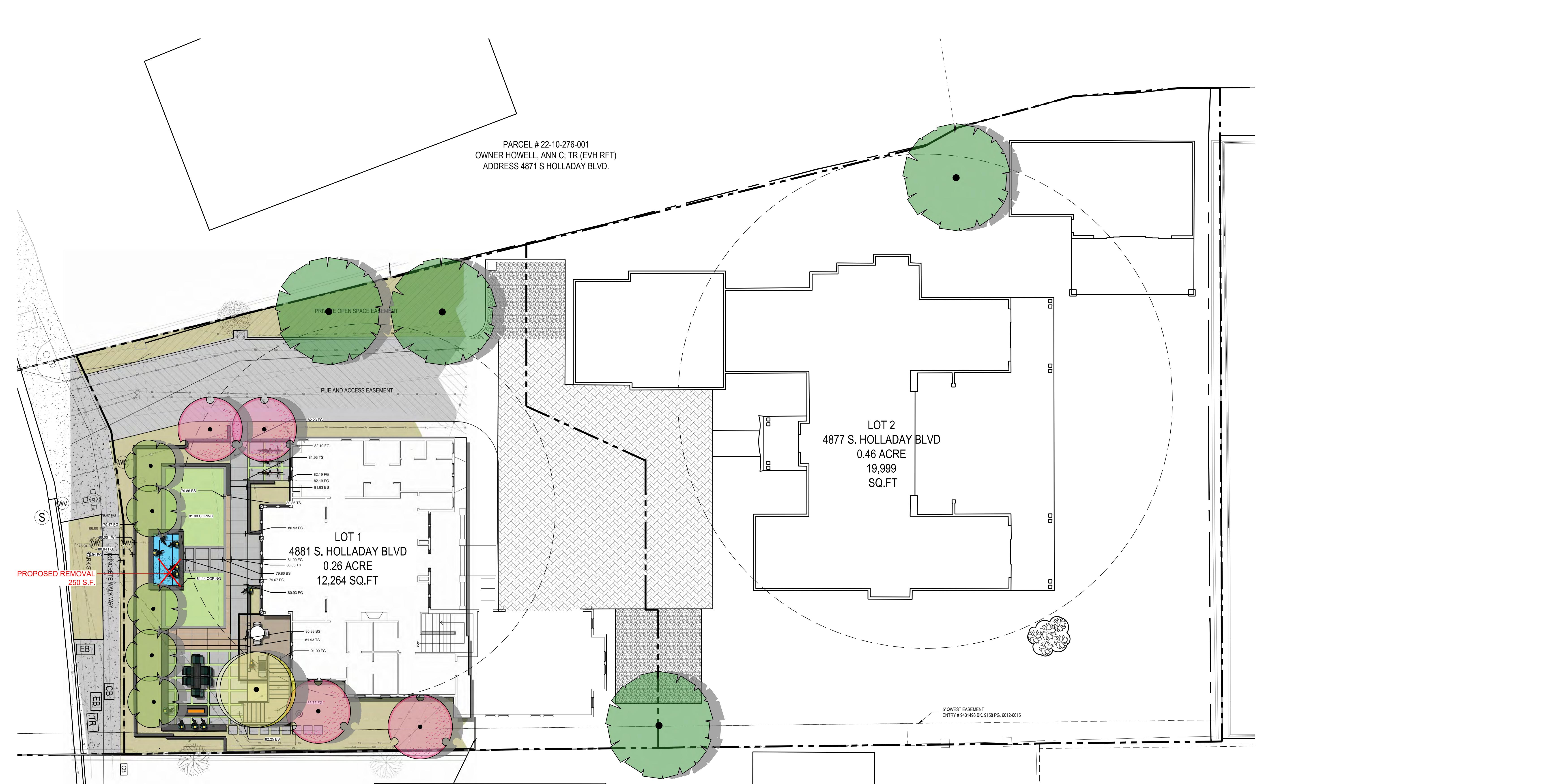
Jonathan Teetlink

Community and Economic Development Director



## EXHIBIT B





# LOT 1 LANDSCAPE PLAN OLY VISTA SUBDIVISION

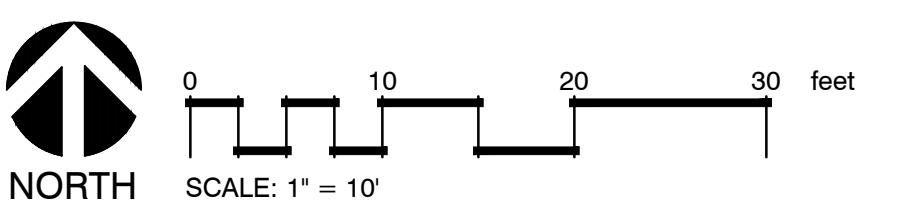
## 4881 SOUTH HOLLADAY BLVD

### HOLLADAY, UTAH

OCTOBER 31, 2023

PLANT SCHEDULE					
TREES	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER
	5	ACER PLATANOIDES 'COLUMNARE'	COLUMNAR NORWAY MAPLE	2" CAL.	B&B 12' DIA
	1	GINKGO BILOBA 'AUTUMN GOLD'	AUTUMN GOLD MAIDENHAIREE TREE	2.5" CAL.	B&B 18' DIA
	4	GLEDTISIA TRIACANTHOS INERMIS	THORNLESS HONEY LOCUST	2" CAL.	B&B 25' DIA
	4	PRUNUS X 'ACCOLADE'	ACCOLADE FLOWERING CHERRY	1.5" CAL.	B&B 15' DIA

3,490 sq. ft OF NEW TREE CANOPY ENHANCEMENT PROPOSED





FILE# 23-4-05

## SUBDIVISION ORD. AMEND. - DISCUSSION

ADDRESS:

N/A

LEGAL DESCRIPTION:

N/A

APPLICANT/REPRESENTATIVE:

City of Holladay, Community and Econ. Dept

PROPERTY OWNER:

City of Holladay

ZONING:

N/A

GENERAL PLAN DISTRICT:

N/A

CITY COUNCIL DISTRICT:

N/A

PUBLIC NOTICE DETAILS:

Published 10/26/2023

REQUEST:

Ordinance Amendment

APPLICABLE REGULATIONS:

13.08  
13.10  
13.78

+

EXHIBITS:

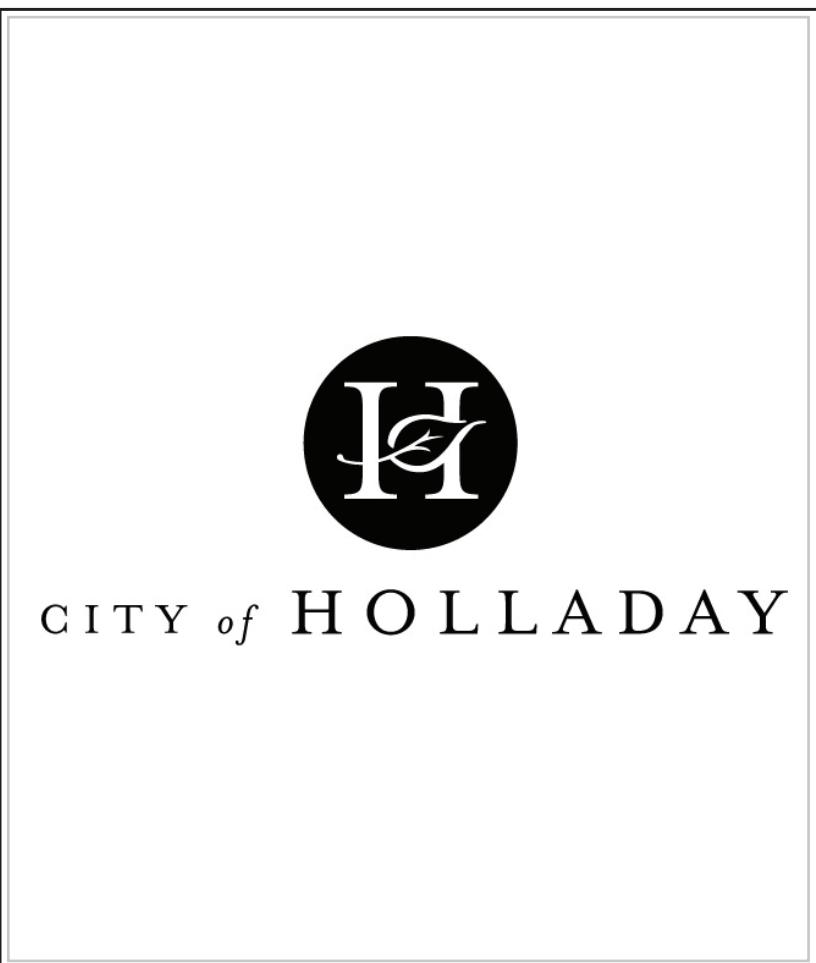
Staff Report  
Outline of amendment sections  
SB 104

DECISION TYPE:

*Legislative:*

NO ACTION - DISCUSSION ONLY

**SITE VICINITY MAP**



Notes:

STAFF:

Jonathan Teerlink, City Planner



# CITY OF HOLLADAY

## Planning Commission

November 7<sup>th</sup>, 2023

Item #6

Request: **SB-174 Subdivision Approval and Appeal Process Amendment Discussion:**  
Subject: Amending LUDMA chapter to adopt state of Utah standardized subdivision approval process  
Applicant: City of Holladay, Community and Economic Development Department  
Planner: Jonathan Teerlink, CED Director

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<b>GOVERNING ORDINANCES:</b>	13.07.030	Text Amendment Procedure / Requirements
	13.04	Definitions

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### **REQUIRED PLANNING COMMISSION ACTION: None; DISCUSSION ONLY**

*Text, or ordinance amendments are proposed changes to the City of Holladay Code. Amendments can be in the form of a new, or an alteration of, existing rules or regulations/standards. Such amendments to the City of Holladay ordinance requires the Planning Commission to hold a public hearing and forward a recommendation, with findings, to the City Council for final decision/action.*

### **REQUEST**

Proposal by City Staff to provide complaint sections of amended ordinances intended to alter select sections of the Holladay Municipal Land Use and Management Act Code regulating the review, approval and appeal processes related to local subdivision regulations.

- Title 13, Chapter 6; GENERAL ADMINISTRATIVE AND DEVELOPMENT REVIEW PROCEDURES
- Title 13, Chapter 8; DEVELOPMENT REVIEW AND APPROVAL FOR ADMINISTRATIVE PROCEDURES
- Title 13, Chapter 8; SUBDIVISIONS
- Title 13, Chapter 78; PLANNED UNIT DEVELOPMENTS

### **REASONING & PURPOSE**

Do we have to update our Subdivision Ordinance? Yes, State Law changes effective May 4, 2023 but, in a sense, not by a lot. The state is reiterating to municipalities (again) that subdivisions are administrative in nature (e.g there is no discretion – if they meet your ordinances, they get approved). Most of the changes simply reinforced the administrative nature of subdivisions. See SB-104 new LUDMA Section 604.1. This new law only applies to subdivisions for 1 or 2 family dwellings and townhomes, but it could be useful to generalize this for all subdivisions. All these changes need to be accomplished by February 1, 2024, for cities over 5,000 in population.

Step 1: Modify or Update the following areas

- Designate an administrative land use authority where applicable – Planning Commission and/or staff
- Final Plat can longer be approved the Planning Commission
- Remove any mandates for a concept plan review.
- Define a Complete Application

Step 2: Review process timing issues. Under the new law, Preliminary and final plats review are the only “steps” allowed within the new subdivision process.

- Initial review of preliminary plat within 15 business days of receiving a Complete Application – once TRC verifies a complete application.
- Review of final plat. To be completed within 20 days of receiving the complete application,
- Capped Review Cycle. There is now a maximum of 4 review cycles permitted for final review only. So in between the Preliminary approval and final approval only four revisions are permitted.
- Agreed upon changes. The Applicant must respond to required changes. If he/she disagrees with those issues, those must be committed in writing.
- Lot line adjustments. Changes were made in HB406 and SB174. The lot line adjustment changes removed the requirement to record an amendment plat.

### Step 3: Review engineering standards

- Codified Engineering standards. As a reminder from prior law, every municipality needs to provide clear engineering standards and these need to be adopted by the City, Town or County with a public hearing at the Planning Commission and final adoption by the legislative body.
- Bonding for Private Landscaping. Compliance with companion bill HB406 *Holladay has completed this step*
- New road standards. In companion bill HB406 Section 10-9a-508. Exactions new residential roadway standards were adopted. Municipalities that require road widths greater than 32' for residential roads (defined as residential use and 25 mph roads) should review those ordinances for compliance with these new standards. Wider can be allowed under certain conditions.

### Step 4: Provide new appeal process: Two district appeal processes are available to the applicant after the four review cycles have been exhausted and 20 days have passed.

- Type A: For disputes relating to public improvement or engineering standards, the municipality shall assemble a three-person panel meeting within 10 days of receiving a request from the applicant.
- Type B: For all other disputes, the municipality shall refer the question to the designated appeal authority at the applicant's request. The panel of experts includes:
  - One licensed engineer designated by the municipality.
  - One licensed engineer designated by the land use applicant.
  - One licensed engineer, agreed upon, and designated by the two designated engineers.
- Members appointed to the panel may not have an interest in the application in question. The applicant must pay 50% of the total cost of the panel and the municipality's published appeal fee. The municipality pays the other 50%. The panel's decision is final, unless the municipality or applicant petition for district court review within 30 days after the final written decision is issued.

### **NON-CONFORMING USES**

This Code Amendment would apply to the processes of newly proposed developments, no non-conforming uses will be created.

### **GENERAL PLAN COMPLIANCE**

The General Plan anticipates statutory compliance with current State Law. This code amendment would further that goal and objective.

## SUMMARY OF CHANGES COMPARISON CHART

Below is a simplified comparison chart of the current (codified) code and the most recent proposal.

Ordinance	Topic	Current Language	Proposed Changes
13.03.030 A thru C	<i>Submissions req. for 3-step subdivision review</i>	List of items needed for each submittal step; concept, preliminary, and final.	Duplicate Location – see 13.10.050. This list this more complete. Update for digital submittals, indicate for optional admin concept review, CED dept. name update, general submittals update
13.05. --	<i>Land Use and Appeal Authorities</i>	Chapter establishes the authority for each responsible body.	Designate an <u>Administrative</u> Land Use Authority (ALUA); PC for “Major” subdivision, staff from “Minor” SB174 requires a 3 person appeal body responsible for hearing disputes re: public improvements and engineering standards <ul style="list-style-type: none"> <li>• 1 engineer, designated by municipality, 1 by the applicant and the 3<sup>rd</sup> mutually agreed upon</li> <li>• Applicant covers 50% of cost of panel and 50% of city appeal fee</li> <li>• Panel decision subject to 3rd district appeal</li> </ul>
13.05.060C	<i>Role of Tech. Review Committee (TRC)</i>	Duties	Ensure, “application completeness” language is included.
13.06.020B	<i>Land use Application Review for Completeness</i>	Review for completion & compliance after application and fee is received	SB174 now requires the ALUA to consider the COMPLETE application within 15 days for approval/ denial
13.06.030A	<i>Scheduling a public meeting</i>	Land use application are scheduled with reasonable timeframe based upon workload staff availability, etc	Subdivisions must be hear within 15 days. All other land use applications remain unchanged.
13.06.040 B thru E	<i>Public notices</i>	Procedure for public notices	Proposed to be struck –Duplicates process of Appendix “C”13.102 – Noticing  <b>**Policy? Statute does not require a public hearing for subdivisions (1 lot duplex or townhomes)??</b>
13.06.060	<i>Applicant Entitled to Approvals</i>	A.1 and 2 are Pending Text of Zoning amendments and land use applications under one heading – confusion?	Consider separating out and clarifying Administrative and legislative approvals entitlements.
13.08.010	<i>Three Step Review</i>	3-step review process for all land use applications.	No longer a “one-size fits all” process. SB 174 singles out 1 lot, duplex and townhome subdivisions as exclusive to a 2-step admin process). New language should explain administrative review procedures according to application: <ul style="list-style-type: none"> <li>• Proposal to relocated steps in section to the appropriate review procedures under each land use application as currently adopted (i.e CUP,</li> </ul>

			<p>Site plan HV Projects etc).</p> <ul style="list-style-type: none"> <li>• Preliminary Step = <b>Public Hearing</b></li> <li>• Replace all references to “Concept” with TRC Consultation. Consultation shall result in a response to application all procedural steps forward – Application, fees, Prelim and Final</li> </ul>
13.10	<i>Subdivisions</i>	Steps for considering and approving subdivisions.	<p>** STRONGLY CONSIDER REWRITING THIS ENTIRE SECTION.</p> <p>Amendments proposed to:</p> <ul style="list-style-type: none"> <li>• Remove all reference to mandated concept review</li> <li>• Clear application review process</li> <li>• Process for major, minor subdivisions</li> <li>• Define complete application</li> <li>• Include all SB174 definitions, - “review cycle”</li> <li>• Process to complete initial Preliminary review of a complete application – 15 days max</li> <li>• Preliminary Review/Approval = PC</li> <li>• Process to complete a Final review of a complete application – 20 days. Max review 4 review cycles.</li> <li>• Process appeal for 20 day lapse on 4<sup>th</sup> cycle. 2 types of appeal, subdivision improvements, zoning</li> <li>• Final Approval = Staff – NO PC INVOLVEMENT</li> </ul>
13.10.120	<i>Design Standards</i>	General subdivision design (blocks Lots etc ) and drainage)	13.10.12.A need to be relocated to 13.10.130 Required Improvements
13.10.130	<i>Required Improvements</i>	Construction specifications (gutter, storm, etc)	<p>Proposed Amendments:</p> <ul style="list-style-type: none"> <li>• Amend Final Plat recordation process to reflect statute: a) install improvements or post bond prior to allowing final plat to record.</li> <li>• Review all Engineering standards – SB174 reiterates that all Engineering standards must be codified.</li> </ul>
13.01.100	<i>Improvement Bonds</i>	Assurance on completion of improvements	SB174 mandates bonds shall only be required for public infrastructure; consideration or improvements that will be taken over by an HOA(?)

## LOCAL LAND USE AND DEVELOPMENT REVISIONS

## 2023 GENERAL SESSION

STATE OF UTAH

## **Chief Sponsor: Lincoln Fillmore**

House Sponsor: Stephen L. Whyte

## LONG TITLE

### **General Description:**

This bill amends provisions related to local land use and development.

## **Highlighted Provisions:**

This bill:

- ▶ amends the penalties for noncompliance with the requirements applicable to a political subdivision's moderate income housing report;
- ▶ defines the circumstances under which a garage may be included in the definition of an internal accessory dwelling unit;
- ▶ amends a political subdivision's authority with respect to restrictions and requirements for internal accessory dwelling units;
- ▶ enacts a new process for subdivision review and approval; and
- ▶ makes technical changes.

### **Money Appropriated in this Bill:**

None

## Other Special Clauses:

None

## Utah Code Sections Affected:

AMENDS:

**10-9a-408**, as last amended by Laws of Utah 2022, Chapter 406

10-9a-530, as enacted by Laws of Utah 2021, Chapter 102

10-9a-608, as last amended by Laws of Utah 2022, Chapter 355

17-27a-408, as last amended by Laws of Utah 2022, Chapter 406

30        **17-27a-526**, as enacted by Laws of Utah 2021, Chapter 102  
31        **17-27a-608**, as last amended by Laws of Utah 2022, Chapter 355  
32        **63I-2-210**, as last amended by Laws of Utah 2022, Chapter 274  
33        **63I-2-217**, as last amended by Laws of Utah 2022, Chapter 123

34 ENACTS:

35        **10-9a-604.1**, Utah Code Annotated 1953  
36        **10-9a-604.2**, Utah Code Annotated 1953  
37        **10-9a-604.9**, Utah Code Annotated 1953  
38        **17-27a-604.1**, Utah Code Annotated 1953  
39        **17-27a-604.2**, Utah Code Annotated 1953  
40        **17-27a-604.9**, Utah Code Annotated 1953

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41  
42 *Be it enacted by the Legislature of the state of Utah:*

43        Section 1. Section **10-9a-408** is amended to read:

44        **10-9a-408. Moderate income housing report -- Contents -- Prioritization for**  
45 **funds or projects -- Ineligibility for funds after noncompliance -- Civil actions.**

46        (1) As used in this section:

47        (a) "Division" means the Housing and Community Development Division within the  
48 Department of Workforce Services.

49        (b) "Implementation plan" means the implementation plan adopted as part of the  
50 moderate income housing element of a specified municipality's general plan as provided in  
51 Subsection **10-9a-403**(2)(c).

52        (c) "Moderate income housing report" or "report" means the report described in  
53 Subsection (2)(a).

54        (d) "Moderate income housing strategy" means a strategy described in Subsection  
55 **10-9a-403**(2)(b)(iii).

56        (e) "Specified municipality" means:

57        (i) a city of the first, second, third, or fourth class;

366 an owner of a primary dwelling to create an internal accessory dwelling unit, may record a  
367 notice in the office of the recorder of the county in which the primary dwelling is located.

368 (b) The notice described in Subsection (6)(a) shall include:

369 (i) a description of the primary dwelling;

370 (ii) a statement that the primary dwelling contains an internal accessory dwelling unit;

371 and

372 (iii) a statement that the internal accessory dwelling unit may only be used in  
373 accordance with the municipality's land use regulations.

374 (c) The municipality shall, upon recording the notice described in Subsection (6)(a),  
375 deliver a copy of the notice to the owner of the internal accessory dwelling unit.

376 Section 3. Section **10-9a-604.1** is enacted to read:

377 **10-9a-604.1. Process for subdivision review and approval.**

378 (1) (a) As used in this section, an "administrative land use authority" means an  
379 individual, board, or commission, appointed or employed by a municipality, including  
380 municipal staff or a municipal planning commission.

381 (b) "Administrative land use authority" does not include a municipal legislative body  
382 or a member of a municipal legislative body.

383 (2) (a) This section applies to land use decisions arising from subdivision applications  
384 for single-family dwellings, two-family dwellings, or townhomes.

385 (b) This section does not apply to land use regulations adopted, approved, or agreed  
386 upon by a legislative body exercising land use authority in the review of land use applications  
387 for zoning or other land use regulation approvals.

388 (3) A municipal ordinance governing the subdivision of land shall:

389 (a) comply with this section, and establish a standard method and form of application  
390 for preliminary subdivision applications and final subdivision applications; and

391 (b) (i) designate a single administrative land use authority for the review of preliminary  
392 applications to subdivide land; or

393 (ii) if the municipality has adopted an ordinance that establishes a separate procedure

394 for the review and approval of subdivisions under Section 10-9a-605, the municipality may  
395 designate a different and separate administrative land use authority for the approval of  
396 subdivisions under Section 10-9a-605.

397 (4) (a) If an applicant requests a pre-application meeting, the municipality shall, within  
398 15 business days after the request, schedule the meeting to review the concept plan and give  
399 initial feedback.

400 (b) At the pre-application meeting, the municipal staff shall provide or have available  
401 on the municipal website the following:

402 (i) copies of applicable land use regulations;  
403 (ii) a complete list of standards required for the project;  
404 (iii) preliminary and final application checklists; and  
405 (iv) feedback on the concept plan.

406 (5) A preliminary subdivision application shall comply with all applicable municipal  
407 ordinances and requirements of this section.

408 (6) An administrative land use authority may complete a preliminary subdivision  
409 application review in a public meeting or at a municipal staff level.

410 (7) With respect to a preliminary application to subdivide land, an administrative land  
411 use authority may:

412 (a) receive public comment; and  
413 (b) hold no more than one public hearing.

414 (8) If a preliminary subdivision application complies with the applicable municipal  
415 ordinances and the requirements of this section, the administrative land use authority shall  
416 approve the preliminary subdivision application.

417 (9) A municipality shall review and approve or deny a final subdivision plat  
418 application in accordance with the provisions of this section and municipal ordinances, which:  
419 (a) may permit concurrent processing of the final subdivision plat application with the  
420 preliminary subdivision plat application; and  
421 (b) may not require planning commission or city council approval.

422        (10) If a final subdivision application complies with the requirements of this section,  
423        the applicable municipal ordinances, and the preliminary subdivision approval granted under  
424        Subsection (9)(a), a municipality shall approve the final subdivision application.

425        Section 4. Section **10-9a-604.2** is enacted to read:

426        **10-9a-604.2. Review of subdivision land use applications and subdivision**  
427        **improvement plans.**

428        (1) As used in this section:

429        (a) "Review cycle" means the occurrence of:

430        (i) the applicant's submittal of a complete subdivision land use application;

431        (ii) the municipality's review of that subdivision land use application;

432        (iii) the municipality's response to that subdivision land use application, in accordance  
433        with this section; and

434        (iv) the applicant's reply to the municipality's response that addresses each of the  
435        municipality's required modifications or requests for additional information.

436        (b) "Subdivision improvement plans" means the civil engineering plans associated with  
437        required infrastructure and municipally controlled utilities required for a subdivision.

438        (c) "Subdivision ordinance review" means review by a municipality to verify that a  
439        subdivision land use application meets the criteria of the municipality's subdivision ordinances.

440        (d) "Subdivision plan review" means a review of the applicant's subdivision  
441        improvement plans and other aspects of the subdivision land use application to verify that the  
442        application complies with municipal ordinances and applicable standards and specifications.

443        (2) The review cycle restrictions and requirements of this section do not apply to the  
444        review of subdivision applications affecting property within identified geological hazard areas.

445        (3) (a) No later than 15 business days after the day on which an applicant submits a  
446        complete preliminary subdivision land use application for a residential subdivision for  
447        single-family dwellings, two-family dwellings, or townhomes, the municipality shall complete  
448        the initial review of the application, including subdivision improvement plans.

449        (b) A municipality shall maintain and publish a list of the items comprising the

450 complete preliminary subdivision land use application, including:

451       (i) the application;

452       (ii) the owner's affidavit;

453       (iii) an electronic copy of all plans in PDF format;

454       (iv) the preliminary subdivision plat drawings; and

455       (v) a breakdown of fees due upon approval of the application.

456       (4) (a) A municipality shall publish a list of the items that comprise a complete final  
457 subdivision land use application.

458       (b) No later than 20 business days after the day on which an applicant submits a plat,  
459 the municipality shall complete a review of the applicant's final subdivision land use  
460 application for a residential subdivision for single-family dwellings, two-family dwellings, or  
461 townhomes, including all subdivision plan reviews.

462       (5) (a) In reviewing a subdivision land use application, a municipality may require:

463       (i) additional information relating to an applicant's plans to ensure compliance with  
464 municipal ordinances and approved standards and specifications for construction of public  
465 improvements; and

466       (ii) modifications to plans that do not meet current ordinances, applicable standards or  
467 specifications, or do not contain complete information.

468       (b) A municipality's request for additional information or modifications to plans under  
469 Subsection (5)(a)(i) or (ii) shall be specific and include citations to ordinances, standards, or  
470 specifications that require the modifications to plans, and shall be logged in an index of  
471 requested modifications or additions.

472       (c) A municipality may not require more than four review cycles.

473       (d) (i) Subject to Subsection (5)(d)(ii), unless the change or correction is necessitated  
474 by the applicant's adjustment to a plan set or an update to a phasing plan that adjusts the  
475 infrastructure needed for the specific development, a change or correction not addressed or  
476 referenced in a municipality's plan review is waived.

477       (ii) A modification or correction necessary to protect public health and safety or to

478 enforce state or federal law may not be waived.

479       (iii) If an applicant makes a material change to a plan set, the municipality has the  
480       discretion to restart the review process at the first review of the final application, but only with  
481       respect to the portion of the plan set that the material change substantively effects.

482       (e) If an applicant does not submit a revised plan within 20 business days after the  
483       municipality requires a modification or correction, the municipality shall have an additional 20  
484       business days to respond to the plans.

485       (6) After the applicant has responded to the final review cycle, and the applicant has  
486       complied with each modification requested in the municipality's previous review cycle, the  
487       municipality may not require additional revisions if the applicant has not materially changed  
488       the plan, other than changes that were in response to requested modifications or corrections.

489       (7) (a) In addition to revised plans, an applicant shall provide a written explanation in  
490       response to the municipality's review comments, identifying and explaining the applicant's  
491       revisions and reasons for declining to make revisions, if any.

492       (b) The applicant's written explanation shall be comprehensive and specific, including  
493       citations to applicable standards and ordinances for the design and an index of requested  
494       revisions or additions for each required correction.

495       (c) If an applicant fails to address a review comment in the response, the review cycle  
496       is not complete and the subsequent review cycle may not begin until all comments are  
497       addressed.

498       (8) (a) If, on the fourth or final review, a municipality fails to respond within 20  
499       business days, the municipality shall, upon request of the property owner, and within 10  
500       business days after the day on which the request is received:

501        (i) for a dispute arising from the subdivision improvement plans, assemble an appeal  
502       panel in accordance with Subsection 10-9a-508(5)(d) to review and approve or deny the final  
503       revised set of plans; or

504        (ii) for a dispute arising from the subdivision ordinance review, advise the applicant, in  
505       writing, of the deficiency in the application and of the right to appeal the determination to a

506 designated appeal authority.

507       Section 5. Section **10-9a-604.9** is enacted to read:

508       **10-9a-604.9. Effective dates of Sections 10-9a-604.1 and 10-9a-604.2.**

509       (1) Except as provided in Subsection (2), Sections 10-9a-604.1 and 10-9a-604.2 do not  
510 apply until December 31, 2024.

511       (2) For a specified municipality, as defined in Section 10-9a-408, Sections 10-9a-604.1  
512 and 10-9a-604.2 do not apply until February 1, 2024.

513       Section 6. Section **10-9a-608** is amended to read:

514       **10-9a-608. Subdivision amendments.**

515       (1) (a) A fee owner of land, as shown on the last county assessment roll, in a  
516 subdivision that has been laid out and platted as provided in this part may file a written petition  
517 with the land use authority to request a subdivision amendment.

518       (b) Upon filing a written petition to request a subdivision amendment under Subsection  
519 (1)(a), the owner shall prepare and, if approved by the land use authority, record a plat in  
520 accordance with Section **10-9a-603** that:

- 521           (i) depicts only the portion of the subdivision that is proposed to be amended;
- 522           (ii) includes a plat name distinguishing the amended plat from the original plat;
- 523           (iii) describes the differences between the amended plat and the original plat; and
- 524           (iv) includes references to the original plat.

525       (c) If a petition is filed under Subsection (1)(a), the land use authority shall provide  
526 notice of the petition by mail, email, or other effective means to each affected entity that  
527 provides a service to an owner of record of the portion of the plat that is being vacated or  
528 amended at least 10 calendar days before the land use authority may approve the petition for a  
529 subdivision amendment.

530       (d) If a petition is filed under Subsection (1)(a), the land use authority shall hold a  
531 public hearing within 45 days after the day on which the petition is filed if:

- 532           (i) any owner within the plat notifies the municipality of the owner's objection in  
533 writing within 10 days of mailed notification; or

534 (ii) a public hearing is required because all of the owners in the subdivision have not  
535 signed the revised plat.

536 (e) A land use authority may not approve a petition for a subdivision amendment under  
537 this section unless the amendment identifies and preserves any easements owned by a culinary  
538 water authority and sanitary sewer authority for existing facilities located within the  
539 subdivision.

540 (2) The public hearing requirement of Subsection (1)(d) does not apply and a land use  
541 authority may consider at a public meeting an owner's petition for a subdivision amendment if:

542 (a) the petition seeks to:

543 (i) join two or more of the petitioner fee owner's contiguous lots;

544 (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not  
545 result in a violation of a land use ordinance or a development condition;

546 (iii) adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the  
547 fee owners of each of the adjoining properties join in the petition, regardless of whether the  
548 properties are located in the same subdivision;

549 (iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction  
550 imposed by the local political subdivision; or

551 (v) alter the plat in a manner that does not change existing boundaries or other  
552 attributes of lots within the subdivision that are not:

553 (A) owned by the petitioner; or

554 (B) designated as a common area; and

555 (b) notice has been given to adjoining property owners in accordance with any  
556 applicable local ordinance.

557 (3) A petition under Subsection (1)(a) that contains a request to amend a public street  
558 or municipal utility easement is also subject to Section 10-9a-609.5.

559 (4) A petition under Subsection (1)(a) that contains a request to amend an entire plat or  
560 a portion of a plat shall include:

561 (a) the name and address of each owner of record of the land contained in the entire

562 plat or on that portion of the plat described in the petition; and

563 (b) the signature of each owner described in Subsection (4)(a) who consents to the  
564 petition.

565 (5) (a) The owners of record of adjoining properties where one or more of the  
566 properties is a lot may exchange title to portions of those [parcels] properties if the exchange of  
567 title is approved by the land use authority as a lot line adjustment in accordance with  
568 Subsection (5)(b).

569 (b) The land use authority shall approve [an exchange of title] a lot line adjustment  
570 under Subsection (5)(a) if the exchange of title will not result in a violation of any land use  
571 ordinance.

572 (c) If [an exchange of title] a lot line adjustment is approved under Subsection (5)(b):

573 (i) a notice of lot line adjustment approval shall be recorded in the office of the county  
574 recorder which:

575 (A) is [executed] approved by [each owner included in the exchange and by] the land  
576 use authority; and

577 [ (B) contains an acknowledgment for each party executing the notice in accordance  
578 with the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and ]

579 [ (C) (B) recites the legal descriptions of both the original properties and the properties  
580 resulting from the exchange of title; and ]

581 (ii) a document of conveyance shall be recorded in the office of the county recorder  
582 [with an amended plat].

583 (d) A notice of approval recorded under this Subsection (5) does not act as a  
584 conveyance of title to real property and is not required in order to record a document conveying  
585 title to real property.

586 (6) (a) The name of a recorded subdivision may be changed by recording an amended  
587 plat making that change, as provided in this section and subject to Subsection (6)(c).

588 (b) The surveyor preparing the amended plat shall certify that the surveyor:

589 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and

590 Professional Land Surveyors Licensing Act;

591 (ii) (A) has completed a survey of the property described on the plat in accordance with

592 Section 17-23-17 and has verified all measurements; or

593 (B) has referenced a record of survey map of the existing property boundaries shown

594 on the plat and verified the locations of the boundaries; and

595 (iii) has placed monuments as represented on the plat.

596 (c) An owner of land may not submit for recording an amended plat that gives the

597 subdivision described in the amended plat the same name as a subdivision in a plat already

598 recorded in the county recorder's office.

599 (d) Except as provided in Subsection (6)(a), the recording of a declaration or other

600 document that purports to change the name of a recorded plat is void.

601 Section 7. Section 17-27a-408 is amended to read:

602 **17-27a-408. Moderate income housing report -- Contents -- Prioritization for**

603 **funds or projects -- Ineligibility for funds after noncompliance -- Civil actions.**

604 (1) As used in this section:

605 (a) "Division" means the Housing and Community Development Division within the

606 Department of Workforce Services.

607 (b) "Implementation plan" means the implementation plan adopted as part of the

608 moderate income housing element of a specified county's general plan as provided in

609 Subsection [10-9a-403(2)(e)] 17-27a-401(3)(a).

610 (c) "Moderate income housing report" or "report" means the report described in

611 Subsection (2)(a).

612 (d) "Moderate income housing strategy" means a strategy described in Subsection

613 17-27a-403(2)(b)(ii).

614 (e) "Specified county" means a county of the first, second, or third class, which has a

615 population of more than 5,000 in the county's unincorporated areas.

616 (2) (a) Beginning in 2022, on or before October 1 of each calendar year, the legislative

617 body of a specified county shall annually submit a written moderate income housing report to

618 the division.

619 (b) The moderate income housing report submitted in 2022 shall include:

620 (i) a description of each moderate income housing strategy selected by the specified  
621 county for implementation; and

622 (ii) an implementation plan.

623 (c) The moderate income housing report submitted in each calendar year after 2022  
624 shall include:

625 (i) the information required under Subsection (2)(b);

626 (ii) a description of each action, whether one-time or ongoing, taken by the specified  
627 county during the previous fiscal year to implement the moderate income housing strategies  
628 selected by the specified county for implementation;

629 (iii) a description of each land use regulation or land use decision made by the  
630 specified county during the previous fiscal year to implement the moderate income housing  
631 strategies, including an explanation of how the land use regulation or land use decision  
632 supports the specified county's efforts to implement the moderate income housing strategies;

633 (iv) a description of any barriers encountered by the specified county in the previous  
634 fiscal year in implementing the moderate income housing strategies; and

635 (v) information regarding the number of internal and external or detached accessory  
636 dwelling units located within the specified county for which the specified county:

637 (A) issued a building permit to construct; or

638 (B) issued a business license to rent;

639 (vi) a description of how the market has responded to the selected moderate income  
640 housing strategies, including the number of entitled moderate income housing units or other  
641 relevant data; and

642 (vii) any recommendations on how the state can support the specified county in  
643 implementing the moderate income housing strategies.

644 (d) The moderate income housing report shall be in a form:

645 (i) approved by the division; and

646 (ii) made available by the division on or before July 1 of the year in which the report is  
647 required.

648 (3) Within 90 days after the day on which the division receives a specified county's  
649 moderate income housing report, the division shall:

650 (a) post the report on the division's website;

651 (b) send a copy of the report to the Department of Transportation, the Governor's  
652 Office of Planning and Budget, the association of governments in which the specified county is  
653 located, and, if the unincorporated area of the specified county is located within the boundaries  
654 of a metropolitan planning organization, the appropriate metropolitan planning organization;  
655 and

656 (c) subject to Subsection (4), review the report to determine compliance with  
657 Subsection (2).

658 (4) (a) The report described in Subsection (2)(b) complies with Subsection (2) if the  
659 report:

660 (i) includes the information required under Subsection (2)(b);

661 (ii) demonstrates to the division that the specified county made plans to implement  
662 three or more moderate income housing strategies; and

663 (iii) is in a form approved by the division.

664 (b) The report described in Subsection (2)(c) complies with Subsection (2) if the  
665 report:

666 (i) includes the information required under Subsection (2)(c);

667 (ii) demonstrates to the division that the specified county made plans to implement  
668 three or more moderate income housing strategies;

669 (iii) is in a form approved by the division; and

670 (iv) provides sufficient information for the division to:

671 (A) assess the specified county's progress in implementing the moderate income  
672 housing strategies;

673 (B) monitor compliance with the specified county's implementation plan;

674 (C) identify a clear correlation between the specified county's land use decisions and  
675 efforts to implement the moderate income housing strategies; and

676 (D) identify how the market has responded to the specified county's selected moderate  
677 income housing strategies.

678 (5) (a) A specified county qualifies for priority consideration under this Subsection (5)  
679 if the specified county's moderate income housing report:

680 (i) complies with Subsection (2); and

681 (ii) demonstrates to the division that the specified county made plans to implement five  
682 or more moderate income housing strategies.

683 [b) The following apply to a specified county described in Subsection (5)(a) during the  
684 fiscal year immediately following the fiscal year in which the report is required:]

685 [¶(i) the Transportation Commission may give priority consideration to transportation  
686 projects located within the unincorporated areas of the specified county in accordance with  
687 Subsection 72-1-304(3)(c); and]

688 [ (ii) the Governor's Office of Planning and Budget may give priority consideration for  
689 awarding financial grants to the specified county under the COVID-19 Local Assistance  
690 Matching Grant Program in accordance with Subsection 63J-4.802(6).]

691           (b) The Transportation Commission may give priority consideration to transportation  
692 projects located within the boundaries of a specified county described in Subsection (5)(a)  
693 during the fiscal year immediately following the fiscal year in which the report is required, in  
694 accordance with Subsection 72-1-304(3)(c).

695 (c) Upon determining that a specified county qualifies for priority consideration under  
696 this Subsection (5), the division shall send a notice of prioritization to the legislative body of  
697 the specified county[;] and the Department of Transportation[~~, and the Governor's Office of~~  
698 ~~Planning and Budget~~].

699 (d) The notice described in Subsection (5)(c) shall:

700 (i) name the specified county that qualifies for priority consideration;

701 (ii) describe the funds or projects for which the specified county qualifies to receive

702 priority consideration;

703 (iii) specify the fiscal year during which the specified county qualifies for priority  
704 consideration; and

705 (iv) state the basis for the division's determination that the specified county qualifies  
706 for priority consideration.

707 (6) (a) If the division, after reviewing a specified county's moderate income housing  
708 report, determines that the report does not comply with Subsection (2), the division shall send a  
709 notice of noncompliance to the legislative body of the specified county.

710 (b) The notice described in Subsection (6)(a) shall:

711 (i) describe each deficiency in the report and the actions needed to cure each  
712 deficiency;

713 (ii) state that the specified county has an opportunity to cure the deficiencies within 90  
714 days after the day on which the notice is sent; and

715 (iii) state that failure to cure the deficiencies within 90 days after the day on which the  
716 notice is sent will result in ineligibility for funds and fees owed under Subsection (7).

717 (7) (a) A specified county is ineligible for funds and owes a fee under this Subsection  
718 (7) if the specified county:

719 (i) fails to submit a moderate income housing report to the division; or

720 (ii) fails to cure the deficiencies in the specified county's moderate income housing  
721 report within 90 days after the day on which the division sent to the specified county a notice of  
722 noncompliance under Subsection (6).

723 (b) The following apply to a specified county described in Subsection (7)(a) during the  
724 fiscal year immediately following the fiscal year in which the report is required:

725 (i) the executive director of the Department of Transportation may not program funds  
726 from the Transportation Investment Fund of 2005, including the Transit Transportation  
727 Investment Fund, to projects located within the unincorporated areas of the specified county in  
728 accordance with Subsection 72-2-124(6); and

729 [ (ii) the Governor's Office of Planning and Budget may not award financial grants to

730 the specified county under the COVID-19 Local Assistance Matching Grant Program in  
731 accordance with Subsection 63J-4-802(7)]

732 (ii) beginning with the report submitted in 2024, the specified county shall pay a fee to  
733 the Olene Walker Housing Loan Fund in the amount of \$250 per day that the specified county:  
734 (A) fails to submit the report to the division in accordance with this section, beginning  
735 the day after the day on which the report was due; or

736 (B) fails to cure the deficiencies in the report, beginning the day after the day by which  
737 the cure was required to occur as described in the notice of noncompliance under Subsection  
738 (6)[:]; and

739 (iii) beginning with the report submitted in 2025, the specified county shall pay a fee to  
740 the Olene Walker Housing Loan Fund in the amount of \$500 per day that the specified county,  
741 for a consecutive year:

742 (A) fails to submit the report to the division in accordance with this section, beginning  
743 the day after the day on which the report was due; or

744 (B) fails to cure the deficiencies in the report, beginning the day after the day by which  
745 the cure was required to occur as described in the notice of noncompliance under Subsection  
746 (6).

747 (c) Upon determining that a specified county is ineligible for funds under this  
748 Subsection (7), and is required to pay a fee under Subsection (7)(b), if applicable, the division  
749 shall send a notice of ineligibility to the legislative body of the specified county, the  
750 Department of Transportation, and the Governor's Office of Planning and Budget.

751 (d) The notice described in Subsection (7)(c) shall:

752 (i) name the specified county that is ineligible for funds;

753 (ii) describe the funds for which the specified county is ineligible to receive;

754 (iii) describe the fee the specified county is required to pay under Subsection (7)(b), if  
755 applicable;

756 [(iii)] (iv) specify the fiscal year during which the specified county is ineligible for  
757 funds; and



FILE# 23-4-08

## HOME OCC. ORD. AMEND. - DISCUSSION

ADDRESS:

N/A

LEGAL DESCRIPTION: N/A

N/A

APPLICANT/REPRESENTATIVE:

City of Holladay, Community and Econ Dept

PROPERTY OWNER:

City of Holladay

ZONING:

N/A

GENERAL PLAN DISTRICT:

N/A

CITY COUNCIL DISTRICT:

N/A

PUBLIC NOTICE DETAILS:

Published 10/26/2023

REQUEST:

Ordinance Amendment

APPLICABLE REGULATIONS:

Home Occupation Regulations  
13.07.030

EXHIBITS:

Staff Report  
Applicant supporting doc.

+

DECISION TYPE:

*Legislative:*

NO ACTION - DISCUSSION ONLY

**SITE VICINITY MAP**



Notes:

STAFF:

Carrie Marsh City Planner



Request: **Ordinance Amendment Discussion**  
Subject: Home Occupations: Conditional use permits, business licensing, parking  
Applicant: City of Holladay, Community and Economic Development Department  
Planner: Carrie Marsh

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<b>GOVERNING ORDINANCES:</b>	13.07.030	Text Amendment Procedure / Requirements
	13.04	Definitions

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**REQUIRED PLANNING COMMISSION ACTION: *None; DISCUSSION ONLY***

*Text, or ordinance amendments are proposed changes to the City of Holladay Code. Amendments can be in the form of a new, or an alteration of, existing rules or regulations/standards. Such amendments to the City of Holladay ordinance requires the Planning Commission to hold a public hearing and forward a recommendation, with findings, to the City Council for final decision/action.*

**REQUEST**

Proposal by City Staff to Amend the following sections of the Holladay Municipal Code as related to Home Occupations and Conditional Use Permits, and any other related and needful housekeeping amendments.

The purpose of the Code Amendments is to amend the requirements for Home Occupations and the process for Conditional Use Permits. The proposed amendments would clarify and simplify the existing process and bring the city's codes in line with state requirements regarding the regulation of home occupations.

- Title 13.100 Appendix A – Allowed Uses
- Title 5.54.010; Home Occupations Defined
- Title 13, Chapter 76.730, Home Occupation
- Title 13.08.040; Conditional Use Permit
- Title 13, Chapter 80; Off Street Parking Standards

**REASONING & PURPOSE**

The overall intent of this amendment is to simplify the process and requirements involved with a home owner seeking a conditional permit for home occupation where clients come to the home. Home Occupations are a traditional and customary accessory use of a person's dwelling and have thus been permitted in neighborhoods with conditions to mitigate health and safety impacts to neighboring properties caused by increased traffic and visitors to the home. Currently, the City has rules which place specific requirements on conducting a home occupation (as per Chapter 13.76.760 of the City Code), further regulated by a conditional use permit to mitigate potential impacts associated with the operation of the business from the home (as per Chapter 13.08.040).

Conditional uses are an administrative act and state code requires that conditional uses be approved if reasonable conditions can be applied to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with standards contained in the ordinance. Conditions applied to Home Occupations can be standardized within City Code, specific to Home Occupations, and applicants can either meet those standards, or not. This creates a list of standards that is equally applied, a process that is clear and simple for applicants, and enables the approval of Home Occupation Conditional Use Permits to staff.

**NON-CONFORMING USES**

This Code Amendment to the above sections would create non-conforming use situations as conditional use permits issued prior to any changes would remain in adherence to the conditions specific to their conditions. While these would largely be the same, there may be conditional use permits previously approved that do not have the same extent of conditions out outlined in the proposed changes.

**PROPOSED ORDINANCE CONSIDERATIONS:**

As currently written, The City's current code consists of land use regulations that date to early 1980's. Some elements, i.e. land uses and the zone in which they are allowed, have been left unaltered since the City's 2000 incorporation from Salt Lake County. Traditionally, many of these uses are segregated by intensity and zone (see

Euclidean Zoning)<sup>i</sup>. The purpose of this change is to focus on public engagement and not only on engaging recognized community organizations. The proposed ordinance is structured as follows and includes the following changes:

### **GENERAL PLAN COMPLIANCE**

The General Plan encourages appropriate development standards for all uses and zoning categories within Holladay. This code amendment would further that goal and objective.

### **SUMMARY OF CHANGES COMPARISON CHART**

Below is a simplified comparison chart of the current (codified) code and the most recent proposal.

<b>Ordinance</b>	<b>Topic</b>	<b>Current Language</b>	<b>Proposed Changes</b>
13.100.010	<i>Table of Allowed Uses</i>	Home occupation conditional use refers to section 13.76.730 for all conditional uses	Refer instead to the Home Occupation chapter (13.76.760), where all conditions specific to Home Occupations will be located.
13.76.760	<i>Home Occupation</i>	Approval by the Planning Commission	Approval by staff with conditions
13.76.760 and 5.54.010	<i>Home Occupation defined; impact level</i>	All home occupations fall under one definition	Consideration of defining low-impact and higher impact based on the amount of people coming to the home at one time, number of employees etc.
13.76.760E and 5.54.010C	<i>Home Occupation; accessory buildings and yard</i>	The current language does not allow the use of yard space or accessory buildings	The use of these spaces could be included with specific conditions to offset their impact (ie increased buffering for noise/visual impacts, not eliminate required parking, not use more than 25-50% of the building)
13.76.760F and 5.54.010D	<i>Home Occupation; Parking</i>	Parking standards for home occupations currently require the same parking standards that would be applied for general office space requiring two on-site parking spaces.	Proposed changes include: <ul style="list-style-type: none"> <li>• a parking requirement specific to home occupations which requires all visitors and employees to be legally parked on the lot occupied by the residence or on the street area directly in front of the residence.</li> <li>• Any parking that exceeds the parking available onsite and the street space in front of the</li> </ul>

<sup>i</sup> **Euclidean zoning:** a system of zoning whereby a town or community is divided into areas in which specific uses of land are permitted

			home could not occur more than two times in either one month or within a 30-day period.
13.76.760	<i>Prohibited uses</i>	No current language about prohibited uses besides what is in the land use table	<ul style="list-style-type: none"> <li>• Uses not allowed should be incorporated into the allowed uses table. If there are additional uses that are not in the land use table that, they could be added to this section of code specifically relating to home occupations (ie salons with multiple employees or assistants, kennels, commercial stables, restaurants/commissary, sale/repair of firearms, repair shops or service establishments except for appliance and small electronic repair</li> </ul>
13.76.760	<i>Home Occupations</i>	Specific conditions relating to home occupations to mitigate the effects on neighboring properties	<ul style="list-style-type: none"> <li>• Adding the conditions from the conditional use permit section to this section</li> <li>• Any additional conditions specifically relevant to potential impacts to the neighborhood from a home occupation <ul style="list-style-type: none"> <li>• Staggered class/lesson times with breaks between to mitigate traffic and parking conflicts</li> <li>• Lighting specific mitigation</li> <li>• Noise specific mitigation</li> <li>• Other drop off/pick up conditions</li> <li>• Class sizes for group lessons</li> <li>• Temporary/occasional parking exceedance</li> <li>• Accessory building or yard use specific conditions</li> </ul> </li> </ul>

**RECOMMENDATION:**

Staff recommends that the Planning Commission discuss the above proposed changes with direction to staff as to any specific changes they would like included or not to this proposed change to conditional use permitting for home occupations. Specific language for text amendments associated with the above referenced sections of code would then be brought to the Planning Commission for their review and recommendation for or against for City Council at a future meeting.



FILE# 23-4-08

## ACC. DWELLING ORD. AMEND- DISCUSSION

ADDRESS:

N/A

LEGAL DESCRIPTION: N/A

N/A

DECISION TYPE:

*Legislative:*

NO ACTION - DISCUSSION ONLY

APPLICANT/REPRESENTATIVE:

City of Holladay, Community and Econ Dept

PROPERTY OWNER:

City of Holladay

ZONING:

N/A

GENERAL PLAN DISTRICT:

N/A

CITY COUNCIL DISTRICT:

N/A

PUBLIC NOTICE DETAILS:

Published 10/26/2023

REQUEST:

Ordinance Amendment

APPLICABLE REGULATIONS:

13.14.031

13.14.101

EXHIBITS:

Staff Report

Applicant supporting doc.

SITE VICINITY MAP



STAFF:

Carrie Marsh City Planner

Notes:



Request: **Ordinance amendment Discussion**  
Subject: Accessory Dwelling Units; External Dwelling Units  
Applicant: City of Holladay, Community and Economic Development Department  
Planner: Carrie Marsh

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<b>GOVERNING ORDINANCES:</b>	13.07.030	Text Amendment Procedure / Requirements
	13.04	Definitions

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**REQUIRED PLANNING COMMISSION ACTION:** ***None; DISCUSSION ONLY***

*Text, or ordinance amendments are proposed changes to the City of Holladay Code. Amendments can be in the form of a new, or an alteration of, existing rules or regulations/standards. Such amendments to the City of Holladay ordinance requires the Planning Commission to hold a public hearing and forward a recommendation, with findings, to the City Council for final decision/action.*

**REQUEST**

Proposal by City Staff to discuss a possible Amendment to Title 13, Chapter 14.31, Accessory Dwelling Unit Standards, of the Holladay Municipal Code. The purpose of the Code Amendment is to amend the requirements for external dwelling units, and any other related and needful housekeeping amendments. The proposed amendments would provide additional opportunity and flexibility for land owners to create and use external accessory dwelling units on their property, implementing the moderate income housing strategy adopted by the City of Holladay to "create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones", enabling the opportunity for more home owners to create more of more moderate-income housing within the City, scaled to the structure coverage and accessory building footprint restrictions associated with their individual lot size.

**REASONING & PURPOSE**

On October 5, 2023 City Council directed Staff to look at changes to the code regarding external dwelling units to enable the conversion of existing accessory structures, within their existing footprint (no expansion) on lots less than half an acre. The overall intent of this amendment is to address resident's desires to utilize the ability to **convert** existing accessory buildings to external accessory dwelling units on their property.

Currently, the Table of Allowed Uses ([13.100.010](#)) Permits External Dwelling Units in all single-family residential zones. However, City Code for External Accessory Dwelling Units ([13.14.031C](#)) only allows an external accessory dwelling unit use (either through new construction or conversion of an existing building) on lots that are either a. **one half acre** or larger **OR** b. **twice the minimum lot size** required in the underlying zone. Additionally, external ADUs must comply with the permitted footprint size for Accessory Buildings as shown in [Table 13.14.101](#).

**BACKGROUND**

In 2021 the State of Utah adopted code that mandates internal accessory dwelling units as permitted uses within single-family zones and removed municipalities ability to regulate size, minimum lot frontage, or lot size except on lots smaller than 6,000 square feet. Municipalities were allowed to place additional regulations on external dwelling units. City Council decided to restrict the use of external dwelling units to properties that were half an acre or larger or twice the minimum lot size. With the current housing costs throughout the Wasatch Front, many property owners are seeking to create detached accessory dwelling units that do not reduce the amount of personal area within the primary structure and create more privacy and separation between a primary dwelling unit and an accessory dwelling unit.

On October 5, 2023 City Council directed Staff to look at changes to the code regarding external dwelling units to enable the conversion of existing accessory structures, within their existing footprint (no expansion) on lots less than half an acre.

Based off of requests seen for building permits, there is a wide desire by property owners to build external units and

many are disappointed that they cannot put an EADU on their property at all. While enabling the conversion of existing accessory structures may provide opportunities for some land owners, it may be useful to expand the discussion to enable property owners who are seeking to add an EADU to their property the right to do so with clearly defined regulations to mitigate the potential impacts posed by EADUs.

Staff review of existing external ADU codes found that neighboring cities have approached EADU codes in various ways.

- Millcreek requires an 8,000 sq. foot minimum lot and limits occupancy to 2 adults and any number of children.
- Cottonwood Heights requires EADUs to have a conditional use permit and must conform to primary structure setback standards with the conversion of existing accessory buildings to EDUs only allowed if the structure meets or is modified to meet the standards required.
- Murray limits EDUs to a maximum of 2 bedrooms and conversion of existing accessory buildings may only occur where the existing accessory building meets the setback requirements for a primary residence in the zone.

Included in the proposed changes table is to discuss the option of removing the lot size limitations for EADUs and instead letting structure coverage, allowed footprint size, setbacks for EADUs, and graduated height provide regulation for the creation of EADUs on any property. Additionally, any of these regulations could be increased specifically for EADUs.

An additional barrier that homeowners face is the maximum height of 20' for accessory buildings, which prevents many over the garage units. These are both items that can be addressed through lot coverage, building footprint, and graduated height requirements within the existing code and could be reasonably regulated. Other regulations that could be incorporated to offset the impacts of external accessory units are included in the table and should be discussed so as to give staff direction as to what kinds of changes would be most favorable.

### **NON-CONFORMING USES**

This Code Amendment would not create any non-conforming use situations as it is an expansion of an already permitted land use.

### **PROPOSED ORDINANCE CONSIDERATIONS:**

The City's current code involved accessory dwelling units was modified when State code changed in 2021. Since that point, Staff has been involved in conversations with residents seeking to add accessory dwelling units, often in conjunction with the construction of an accessory building like a detached garage so as to reduce building costs and provide housing either for family or to rent. The purpose of proposed changes is to enable more property owners to utilize their land in useful ways and enable the creation of more housing units. The proposed changes as shown in the table should be discussed with staff as to what changes would be reasonable and how potential impacts could be mitigated within the code, with the intent to support the goals and purposes within the General Plan and Moderate-Income Housing Plan to reduce regulations related to internal or detached accessory dwelling units.

Other changes to include removing any restrictions on internal ADUs to have an internal connection as required by Utah State Code §10-9a-530 (2.b (iv)).

### **GENERAL PLAN COMPLIANCE**

The General Plan encourages appropriate development standards for all uses and zoning categories within Holladay. The Moderate-Income Housing plan identifies the strategy to *“create or allow for, and reduce regulations related to, internal and detached accessory dwelling units in residential zones.”* This code amendment would further goals and objectives within the General Plan and Moderate-Income Housing Plan.

## SUMMARY OF CHANGES COMPARISON CHART

Below is a simplified comparison chart of the current (codified) code and the proposed changes.

Ordinance	Topic	Current Language	Proposed Changes
13.14.031	Accessory Dwelling Units	<p>The current ordinance places the following limitations on external accessory dwelling units</p> <ol style="list-style-type: none"> <li>1. Comply with all provisions set forth in section <a href="#">13.14.031</a> A of this chapter.</li> <li>2. Be located on a lot of record measuring either: a) twice the minimum lot size of the underlying zone; or, b) a minimum of one-half acre (21,780 square feet) or larger.</li> <li>3. Provide a footprint size of a minimum of two hundred (200) square feet and maximum footprint as per <a href="#">Chart 13.14.101</a>.</li> <li>4. Comply with setbacks as per section <a href="#">13.14.110</a>, <a href="#">chart 13.14.101</a>.</li> <li>5. Comply with Maximum Height as per section <a href="#">13.14.110</a>.</li> <li>6. Design standards of any EADU shall include the following. These standards are intended to increase privacy and minimize impact to neighboring residents.             <ol style="list-style-type: none"> <li>a. Security and/or building lighting shall be "dark sky" compliant, to include the following:                     <ol style="list-style-type: none"> <li>b. Only LED, incandescent light sources in the spectrum of white or off white (light yellow tones in the kelvin scale of 5,000k or lower, i.e. warmer).</li> <li>c. Fixtures shall be mounted in such a manner that the cone of light does not cross any property line of the site.</li> <li>d. Lighting installations shall include timers, dimmers and/or sensors to reduce overall energy consumption and eliminate unneeded lighting.</li> <li>e. Primary and</li> </ol> </li> </ol> </li> </ol>	<ul style="list-style-type: none"> <li>• Allowance for the conversion of existing accessory buildings on any size lot to external ADUs.</li> <li>• Remove item 2.             <ul style="list-style-type: none"> <li>○ structure coverage limits and accessory building footprints to regulate external dwelling units according to lot size.</li> </ul> </li> <li>• Create an allowance to increase height to 24' when a dwelling unit is being added over a garage.             <ul style="list-style-type: none"> <li>○ Graduated height requirements would require taller accessory structures to be located further from property lines.</li> </ul> </li> <li>• Any additional design standards to mitigate impacts on neighboring residents.</li> <li>• Parking requirements related to the number of bedrooms within an EADU</li> </ul>

		<p>secondary access points including but not limited to doors, windows, patios, garage doors, etc. shall not open into a required setback.</p> <p>f. Required setbacks shall be maintained with landscaping which provides a buffer to neighboring properties.</p> <p>g. Setback shall be increased by a minimum of twenty five percent (25%) based on the setback requirements, see <a href="#">Chart 13.14.101</a>. (Ord. 2021-24, 9-9-2021)</p>	
13.04.040	<i>Definition of Terms</i>	<p><b>DWELLING, ACCESSORY UNIT (ADU):</b> One habitable living unit added to, created within, or detached from a primary owner-occupied single-family dwelling and contained on one lot. ADUs are subject to the approval of a Building Permit (<a href="#">13.08.100</a>) and the issuance of a Certificate of Occupancy (<a href="#">13.04.050</a> and <a href="#">13.01.060</a>); and if the ADU is being rented, the annual review and approval of a License (<a href="#">5.68.020</a>).</p> <p>A. Internal Accessory Dwelling Unit (IADU): One accessory dwelling unit created within the owner-occupied primary dwelling unit or within the footprint of the primary dwelling unit that is <b><i>connected in a structurally substantial manner by an enclosed conditioned space.</i></b></p> <p>B. External Accessory Dwelling Unit (EADU): One accessory dwelling unit designed as a detached structure located on the same lot as, and subordinate to, a primary dwelling unit. Up to two (2) occupiable units on any lot.</p>	<ul style="list-style-type: none"> <li>• Remove language requiring Internal ADUs to have an internal connection.</li> <li>• Add language that requires that accessory units that do not have an internal connection to the primary dwelling have water and power shut offs for their own unit and a separated HVAC system or a way to control temperature within the unit.</li> <li>• Add an additional definition for an attached ADU (a residence constructed as an addition to an existing home)</li> </ul>
13.100	<i>Table of Allowed Uses</i>	External Dwelling Units permitted	<ul style="list-style-type: none"> <li>• Change reference from item 19. To item 9.</li> </ul>

**RECOMMENDATION:**

Staff recommends that the Planning Commission discuss the above proposed changes with direction to staff as to any specific changes they would like included or not to this proposed change to conditional use permitting for home occupations. Specific language for text amendments associated with the above referenced sections of code would then be brought to the Planning Commission for their review and recommendation for or against for City Council at a future meeting.

**Effective 5/3/2023**

**10-9a-530 Internal accessory dwelling units.**

(1) As used in this section:

- (a) "Internal accessory dwelling unit" means an accessory dwelling unit created:
  - (i) within a primary dwelling;
  - (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the time the internal accessory dwelling unit is created; and
  - (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.
- (b)
  - (i) "Primary dwelling" means a single-family dwelling that:
    - (A) is detached; and
    - (B) is occupied as the primary residence of the owner of record.
  - (ii) "Primary dwelling" includes a garage if the garage:
    - (A) is a habitable space; and
    - (B) is connected to the primary dwelling by a common wall.

(2) In any area zoned primarily for residential use:

- (a) the use of an internal accessory dwelling unit is a permitted use;
- (b) except as provided in Subsections (3) and (4), a municipality may not establish any restrictions or requirements for the construction or use of one internal accessory dwelling unit within a primary dwelling, including a restriction or requirement governing:
  - (i) the size of the internal accessory dwelling unit in relation to the primary dwelling;
  - (ii) total lot size;
  - (iii) street frontage; or
  - (iv) internal connectivity; and
- (c) a municipality's regulation of architectural elements for internal accessory dwelling units shall be consistent with the regulation of single-family units, including single-family units located in historic districts.

(3) An internal accessory dwelling unit shall comply with all applicable building, health, and fire codes.

(4) A municipality may:

- (a) prohibit the installation of a separate utility meter for an internal accessory dwelling unit;
- (b) require that an internal accessory dwelling unit be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling;
- (c) require a primary dwelling:
  - (i) regardless of whether the primary dwelling is existing or new construction, to include one additional on-site parking space for an internal accessory dwelling unit, in addition to the parking spaces required under the municipality's land use regulation, except that if the municipality's land use ordinance requires four off-street parking spaces, the municipality may not require the additional space contemplated under this Subsection (4)(c)(i); and
  - (ii) to replace any parking spaces contained within a garage or carport if an internal accessory dwelling unit is created within the garage or carport and is a habitable space;
- (d) prohibit the creation of an internal accessory dwelling unit within a mobile home as defined in Section 57-16-3;
- (e) require the owner of a primary dwelling to obtain a permit or license for renting an internal accessory dwelling unit;
- (f) prohibit the creation of an internal accessory dwelling unit within a zoning district covering an area that is equivalent to:

- (i) 25% or less of the total area in the municipality that is zoned primarily for residential use, except that the municipality may not prohibit newly constructed internal accessory dwelling units that:
  - (A) have a final plat approval dated on or after October 1, 2021; and
  - (B) comply with applicable land use regulations; or
- (ii) 67% or less of the total area in the municipality that is zoned primarily for residential use, if the main campus of a state or private university with a student population of 10,000 or more is located within the municipality;
- (g) prohibit the creation of an internal accessory dwelling unit if the primary dwelling is served by a failing septic tank;
- (h) prohibit the creation of an internal accessory dwelling unit if the lot containing the primary dwelling is 6,000 square feet or less in size;
- (i) prohibit the rental or offering the rental of an internal accessory dwelling unit for a period of less than 30 consecutive days;
- (j) prohibit the rental of an internal accessory dwelling unit if the internal accessory dwelling unit is located in a dwelling that is not occupied as the owner's primary residence;
- (k) hold a lien against a property that contains an internal accessory dwelling unit in accordance with Subsection (5); and
- (l) record a notice for an internal accessory dwelling unit in accordance with Subsection (6).

(5)

- (a) In addition to any other legal or equitable remedies available to a municipality, a municipality may hold a lien against a property that contains an internal accessory dwelling unit if:
  - (i) the owner of the property violates any of the provisions of this section or any ordinance adopted under Subsection (4);
  - (ii) the municipality provides a written notice of violation in accordance with Subsection (5)(b);
  - (iii) the municipality holds a hearing and determines that the violation has occurred in accordance with Subsection (5)(d), if the owner files a written objection in accordance with Subsection (5)(b)(iv);
  - (iv) the owner fails to cure the violation within the time period prescribed in the written notice of violation under Subsection (5)(b);
  - (v) the municipality provides a written notice of lien in accordance with Subsection (5)(c); and
  - (vi) the municipality records a copy of the written notice of lien described in Subsection (5)(a)(v) with the county recorder of the county in which the property is located.
- (b) The written notice of violation shall:
  - (i) describe the specific violation;
  - (ii) provide the owner of the internal accessory dwelling unit a reasonable opportunity to cure the violation that is:
    - (A) no less than 14 days after the day on which the municipality sends the written notice of violation, if the violation results from the owner renting or offering to rent the internal accessory dwelling unit for a period of less than 30 consecutive days; or
    - (B) no less than 30 days after the day on which the municipality sends the written notice of violation, for any other violation;
  - (iii) state that if the owner of the property fails to cure the violation within the time period described in Subsection (5)(b)(ii), the municipality may hold a lien against the property in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires;
  - (iv) notify the owner of the property:

- (A) that the owner may file a written objection to the violation within 14 days after the day on which the written notice of violation is post-marked or posted on the property; and
- (B) of the name and address of the municipal office where the owner may file the written objection;

- (v) be mailed to:
  - (A) the property's owner of record; and
  - (B) any other individual designated to receive notice in the owner's license or permit records; and
- (vi) be posted on the property.

- (c) The written notice of lien shall:
  - (i) comply with the requirements of Section 38-12-102;
  - (ii) state that the property is subject to a lien;
  - (iii) specify the lien amount, in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires;
- (iv) be mailed to:
  - (A) the property's owner of record; and
  - (B) any other individual designated to receive notice in the owner's license or permit records; and
- (v) be posted on the property.

- (d)
  - (i) If an owner of property files a written objection in accordance with Subsection (5)(b)(iv), the municipality shall:
    - (A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings Act, to conduct a review and determine whether the specific violation described in the written notice of violation under Subsection (5)(b) has occurred; and
    - (B) notify the owner in writing of the date, time, and location of the hearing described in Subsection (5)(d)(i)(A) no less than 14 days before the day on which the hearing is held.
  - (ii) If an owner of property files a written objection under Subsection (5)(b)(iv), a municipality may not record a lien under this Subsection (5) until the municipality holds a hearing and determines that the specific violation has occurred.
  - (iii) If the municipality determines at the hearing that the specific violation has occurred, the municipality may impose a lien in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires, regardless of whether the hearing is held after the day on which the opportunity to cure the violation has expired.
- (e) If an owner cures a violation within the time period prescribed in the written notice of violation under Subsection (5)(b), the municipality may not hold a lien against the property, or impose any penalty or fee on the owner, in relation to the specific violation described in the written notice of violation under Subsection (5)(b).

- (6)
  - (a) A municipality that issues, on or after October 1, 2021, a permit or license to an owner of a primary dwelling to rent an internal accessory dwelling unit, or a building permit to an owner of a primary dwelling to create an internal accessory dwelling unit, may record a notice in the office of the recorder of the county in which the primary dwelling is located.
  - (b) The notice described in Subsection (6)(a) shall include:
    - (i) a description of the primary dwelling;
    - (ii) a statement that the primary dwelling contains an internal accessory dwelling unit; and
    - (iii) a statement that the internal accessory dwelling unit may only be used in accordance with the municipality's land use regulations.

(c) The municipality shall, upon recording the notice described in Subsection (6)(a), deliver a copy of the notice to the owner of the internal accessory dwelling unit.

Amended by Chapter 501, 2023 General Session